

Mr David Gallant  
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SYDNEY NSW 2001

Our ref: IRF22/2962

Dear Mr Gallant

Thank you for participating in the Technical Assurance Panel (TAP) pilot program. The TAP sought to ensure the preparation of a draft proposal to rezone part of the Appin Precinct (the site) which is aligned with strategic land use planning, State and local government policies and infrastructure delivery.

Since the TAP commenced in late 2020, significant progress was made to finalise the Cumberland Plain Conservation Plan including planning for koala corridors, further investigate the regional road network, engage with the local Aboriginal community, and to respond to the proposed listing off the Appin Massacre Cultural Landscape on the State Heritage Register (SHR). The Department supports this body of work as an important step in delivering these important initiatives and to provide for new communities for South West Sydney. Further, the analysis of housing supply in the Western City District undertaken as part of the TAP program found the current planned housing supply across the District, including the Wilton and South West Growth Areas, would not keep up with housing demand for the Western Parkland City. This shortfall was demonstrated prior to 2036 and was projected increase significantly before 2041.

The draft proposal package that was submitted for review is at **Attachment A**. The TAP members have now provided their comments on the draft proposal which are at **Attachment B**. Having considered that feedback, I have provided the following advice below:

- changes required to the draft proposal prior to lodgement and exhibition, and
- matters that can be progressed during or after exhibition of the proposal.

Much of the feedback is focussed on simplifying and clarifying the draft proposal, such as the role of the various plans, terminology and open space calculations. Noting the community will have 28 days to review and comment on the draft proposal, there is an opportunity to reduce the complexity of the planning package by clearly identifying what is proposed and the benefits the proposal will bring.

I appreciate a significant amount of work has gone into the draft proposal and the key intent is to establish the extent of conservation and urban development land for the site and to establish a pathway for development for 'release area 1'. While the package submitted has been prepared in the format of a draft planning proposal (the draft proposal), the recommended statutory pathway is still under consideration and further advice will be provided in the coming weeks.

**Changes required prior to lodgement and exhibition of the proposal:**

- 1) The draft proposal and all supporting material must be updated to amend references to the plans as noted in Table 1 below:

**Table 1 – Title and Purpose of Plans**

<b>Current terms in the draft proposal and supporting documents</b>	<b>Purpose</b>	<b>Updated terms for the revised proposal.</b>
Appin Structure Plan	Broader context and for information only	Appin and North Appin Precincts Indicative Plan
Appin Vale Sub Precinct Plan	The ‘precinct plan’ is the title of the new schedule in the WPC SEPP which will contain the provisions (clauses and maps) which will apply to <b>the site</b> proposed to be rezoned.	Appin (Part) Precinct Plan ( <b>the precinct plan</b> )
Release Area 1 Indicative Layout Plan	The current ILP for release area 1 should not be a standalone plan but for part of a single structure plan for the whole site. This will be published on the Department’s website and guide the preparation of the DCP.	Appin (Part) Precinct Structure Plan ( <b>the structure plan</b> )

Note, the hierarchy of plans is at **Attachment C** and the advice in this letter uses the updated references in the context of their purpose. Please also remove all references to West Appin and use ‘Appin’ only.

- 2) The draft proposal must be updated to:
  - a) clarify ‘the site’ is the land proposed to be rezoned, which is the ‘Appin (Part) Precinct’,
  - b) clarify the purpose of the proposal is to seek a rezoning of the site, with the controls being contained in a new Precinct Plan in the State Environmental Planning Policy (Western Parkland City) 2021 (WPC SEPP).
  - c) include a single structure plan which applies to the site and identifies staging, such as release area 1,
  - d) note that a DCP will be prepared following exhibition to:
    - i) initially apply to release area 1
    - ii) be expanded to the rest of the site in stages, and
    - iii) be generally consistent with the structure plan (see also number 5 below).
  - e) clarify that the Appin and North Appin Precincts Indicative Plan is:
    - i) for information only to provide context for the site,
    - ii) has no statutory weight, and
    - iii) areas outside the site:
      - are not proposed to be rezoned or subject to the proposed precinct plan, and
      - will be subject to future draft proposals guided by the broader Greater Macarthur Growth Area Structure Plan.
- 3) The draft proposal and all supporting documents (including maps and tables etc) must be updated where relevant:
  - a) to be consistent with the most up-to-date version of the curtilage for the Appin Massacre Cultural Landscape State Heritage Register (SHR) listing,
  - b) to be consistent with the now approved Cumberland Plain Conservation Plan (CPCP),
  - c) to be consistent with the strategic transport road network to be advised by TfNSW. This network is informed by the Greater Macarthur Transport Network Plan and anticipated to be published in

an update to the Greater Macarthur 2040 Interim Plan. Walker Corporation will be provided with relevant GIS files for the Outer Sydney Orbital Stage 2 (OSO2). Note, the OSO2 corridor must be included in the relevant map legends.

- d) to provide a minimum of 108.6ha of open space within the site. This 108.6ha cannot be located within in the site’s portion of the Nepean Koala Corridor or Corridor E along Ousedale Creek. This open space is to comprise:
  - i) at least 52.59ha of active open space. This allocation of active open space would provide sufficient flexibility to meet the needs of the future population arising from the proposal. For example, this could accommodate at least three district level facilities, including sports fields, courts, play spaces, etc. The specifics of these uses can be further planned with Council.

These figures for the site have been calculated from information provided in the proposal and supporting studies, shown in the yield Table 2 below.

**Table 2 – Appin Part Precinct Metrics**

Medium Density land allocation	83.5ha
Number of medium density dwellings (@45 dwellings per ha)	3,758 dwellings
Medium density population (@2.6 ppl per dwelling)	9,769 people
Low Density land allocation	369.3ha
Number of low density dwellings (@25 dwellings per ha)	9,233 dwellings
Low density population (@3.1 ppl per dwelling)	28,620 people
<b>Total dwellings</b>	<b>12,991 dwellings</b>
<b>Total population</b>	<b>38,389 people</b>
Minimum open space (@2.83ha per 1000 people)	108.60ha
Total active open space (@1.37ha per 1000 people)	52.59ha

As discussed with the Department in 2021, and as per the final CPCP mapping provided in February 2022, avoided land located along the Nepean River and Ousedale Creek is identified as koala corridors. I appreciate the site’s portion of the Nepean River Koala Corridor and Corridor E along Ousedale Creek will provide a substantial amount of accessible conservation land. This will be an asset and opportunity for both the survival of Sydney’s koalas and the amenity of future residents. However as noted above, open space is still required for playgrounds, BBQ and toilet facilities and active recreation opportunities (such as hardcourts and sport fields), etc. The koala corridors cannot accommodate these uses because it is not consistent with the Office of the Chief Scientist advice.

- e) The apportionment of the above open space requirements identified in d) above, specific to release area 1, is:
  - i) at least 26.97ha of open space, including a minimum of:
  - ii) at least 13ha of active open space.

These figures for release area 1 have been calculated from information provided in the proposal and supporting studies, shown in the yield Table 3 over.

**Table 3 – Release Area 1 Metrics**

Medium Density land allocation	24.49ha
Number of medium density dwellings (@45 dwellings per ha)	1,102 dwellings
Medium density population (@2.6 ppl per dwelling)	2,865 people
Low Density land allocation	86.04ha
Number of low density dwellings (@25 dwellings per ha)	2,151 dwellings
Low density population (@3.1 ppl per dwelling)	6,668 people
<b>Total dwellings</b>	<b>3,258 dwellings</b>
<b>Total population</b>	<b>9,533 people</b>
Minimum open space (@2.83ha per 1000 people)	26.97ha
Total active open space (@1.37ha per 1000 people)	13ha

The draft proposal must:

- f) confirm that the structure plan for the site adequately provides for the future population as noted in d) above,
- g) provide clear commentary on what is being provided in release area 1 against e) above, and
- h) provide metrics and justification for the proposed distribution of open space, road and other infrastructure and land for residential and commercial development across Walker Corporation owned land and non-Walker Corporation owned land.

All documents must be updated (where relevant) in light of the above. This will ensure there is clear communication about what the minimum requirements for the site and release area 1 are, and what is being proposed. These messages are currently unclear in the draft proposal package.

I note that in the draft proposal section 7.1.2 Metrics, Table 20, notes the following open space calculations:

- 124.82ha for the site, and
- 91.8ha for release area 1.

It appears that the ‘urban greening’ and ‘riparian corridor’ figures are currently separated from the open space calculations provided in the proposal. For clarity, they should be included into the overall open space figure. The term ‘urban greening’ is considered more relevant for an urban renewal site rather than the subject greenfield site and it unnecessarily confuses the open space discussion and calculations provided in the proposal. I understand that those calculations in Table 20 in the draft proposal noted above include the current proposed RE1 in the Nepean Koala Corridor, which must be excluded from the overall total calculation. While I appreciate the supporting documents have looked at other jurisdictions in the discussion of open space benchmarks, i.e., the Victorian model (10% of net developable area) which is referred to in the supporting documentation, should not be proposed as the appropriate benchmark for the site.

- 4) The draft proposal is to include in Part 2 (Explanation of Provisions) a provision for the precinct plan which will require the structure plan to be adopted by the Planning Secretary and published on the Department’s website prior to consent being granted.

- 5) The draft proposal is to include in Part 2 (Explanation of Provisions) a provision for the precinct plan to provide flexibility for the future DCP to accommodate minor changes and can be adopted without requiring the structure plan to be re-exhibited and updated. This is to be achieved through proposed aims of the precinct plan which can include:
  - to rezone land to allow for development to occur in the manner envisaged by the Appin (Part) Precinct Structure Plan, and
  - to guide the bulk and scale of future development within the Appin (Part) Precinct generally consistent with the Appin (Part) Precinct structure plan.
- 6) Update the draft proposal and all supporting documents (including maps and tables etc), to align to the cross section for the Greater Macarthur Transport Corridor (45.2m corridor) contained in the Greater Macarthur 2040 Interim Plan.
- 7) Update the draft proposal and all supporting documents (including maps and tables etc) to reflect the CPCP's status as final and provide commentary against the associated legal instrument's e.g., Chapter 13 SEPP (Biodiversity and Conservation) 2021 and the Ministerial Direction's 9.1 – Direction 3.6.
- 8) The proposed Land Use Zone Map must be updated to remove the RE1 Public Recreation zone. The proposed zones must be either:
  - C2 Environmental Conservation
  - UDZ Urban Development Zone or
  - SP2 Infrastructure.

This is to align the statutory zoning framework with the Wilton Growth Area, where the RE1 zone is included in the suite of zones that are accommodated by the UDZ.

In relation to the proposed RE1 areas in the avoided land / koala corridors, a key objective of strategic planning for Appin is to implement the now approved CPCP and be consistent with the advice of the Office of the Chief Scientist and Engineer. While walking trails, seating and wayfinding signs (and the like) are supported in koala corridors, the uses that would be permissible under the proposed RE1 zone (such as a range of active recreational uses and activities including playgrounds and sporting fields) are not. I note that any amendment to the CPCP will be subject to a separate legislative process which cannot be facilitated by the draft proposal.

Further, the UDZ is not considered an appropriate zone for land identified as 'avoided for biodiversity' or land identified for a koala corridor. Ministerial Direction 3.6 identifies zones which a draft proposal must not apply to land identified as avoided land in the State Environmental Planning Policy (Biodiversity and Conservation) 2021. These precluded zones include residential, business, industrial, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE2 Private Recreation, or equivalent zone. The UDZ is considered an equivalent zone to these precluded zones.

- 9) Update the permitted uses in the C2 Environmental Conservation zone to only include:
  - a. Oyster aquaculture (mandatory use in the zone),
  - b. Environmental Facility,
  - c. Environmental Protection works, and
  - d. Flood mitigation works.

- 10) Update Part 2 of the proposal (Explanation of Provisions) to propose a concurrence clause and associated clause application map to apply to the site's portion of the Nepean River Corridor and Koala Corridor E along Ousedale Creek. This clause is proposed to be similar to the clause 7.28 in the Campbelltown Local Environmental Plan 2015 currently applied to Koala Corridor A in Figtree Hill. The concurrence will apply to proposed development in the koala corridors.

In deciding whether to grant concurrence, the Planning Secretary must consider the impact of the proposed development on:

- a. the protection of the Wollondilly Koala population, and
- b. the maintenance and delivery of the Koala Corridor.

The Department is preparing an update to the Greater Macarthur 2040 Interim Plan. This update will provide further guidance on this concurrence clause. For example, proposed development within the koala corridors will need to address matters such as:

- if native vegetation is proposed to be cleared,
- the size of the development and the consequential loss of land in the koala corridor available for revegetation,
- accessibility from the UDZ land for construction and maintenance, given roads aren't permissible in the C2 area,
- any mitigation measures such as revegetation, and
- consistency with the Office of the Chief Scientist and Engineer's advice and recommendations.

I understand Walker is preparing a package of proposed amendments to the CPCP. These include amendments to the mapped avoided areas:

- along the south of Ousedale Creek (which also forms part of Koala Corridor E), and
- along the east of the Nepean River (which also forms part of the Nepean River Koala Corridor).

Should the Department provide in-principle support for the proposed amendments, they can be included in the planning proposal indicating that is the potential intended outcome should the proposed amendments be approved through the separate legislative process. However, the planning proposal will still need to clearly provide mapping and commentary that aligns to the approved CPCP as outlined in this letter.

- 11) Include a proposed SEPP map of conservation land that does not form part of a koala corridor. This C2 Environmental Conservation area that is outside a koala corridor is proposed to have the following additional permitted uses:
- a. Building identification signs;
  - b. Business identification signs;
  - c. Eco-tourist facilities;
  - d. Information and education facilities;
  - e. Roads
  - f. Kiosks
  - g. Recreation areas
  - h. Water supply systems
- 12) Delete the text under the heading 'Required for koala protection' in Table 22, RE1 Public Recreation, explanation of provisions of the draft proposal.

- 13) Include a note in the draft proposal (Section 7.1.7) that the DCP will be prepared and adopted prior to development consent being granted.
- 14) Update the draft proposal to include the maximum height of building controls being proposed. It is noted that the height of building controls can be included as part of the structure plan (as per North Wilton Precinct Structure Plan for example), or via a SEPP Height of Building Map (i.e. the Precinct Plan).
- 15) Update the draft proposal (Section 5 – Site Investigations) to include commentary and a flood map showing the 1%AEP and PMF for the Appin (Part) Precinct Plan.
- 16) Propose an affordable housing target of 5% for medium density development. This is to be delivered either by a new provision similar to the existing provision for the Glenfield Precinct contained in clause 8.4 of the Campbelltown Local Environmental Plan 2015, or potentially through a planning agreement.
- 17) Update terminology used for centres. Currently the range of terms used include:
  - local centre, local neighbourhood centre, neighbourhood centre, mixed use centre, mixed use neighbourhood centre, town centre hub, West Appin Subject centre.

These should be simplified simply to:

- Regional centre (i.e., Macarthur and the future Wilton Town Centre),
- Local centre (i.e., for the centre proposed at corner of Brooks Point Road / Transport Corridor and East-West Connection), and
- Neighbourhood centre.

**Matters that can be progressed during or after exhibition of the draft proposal:**

1. TfNSW has advised that a Transport Management and Accessibility Plan (TMAP) is required. However, the Department understands that this TMAP cannot be undertaken until the modelling from the GMTNP is available. Other requirements have been outlined by TfNSW in its submission. For example, the following TfNSW policies must be addressed:
  - 'Future Transport Strategy' which replaces the 2018 'Future Transport Strategy 2056'
  - Network Planning in Precincts Guide
  - Movement and Place Framework
  - Western Sydney Design Guidelines
2. Negotiations regarding the State Planning Agreement (SPA) for Appin are underway and it is anticipated that exhibition of the draft SPA will occur following exhibition of the draft proposal.
3. The Department understands that there will be a Local Planning Agreement negotiated with Wollondilly Shire Council. This can build on the work of the infrastructure working groups carried out as part of the TAP program and the Infrastructure Delivery Plan (July 2022 by GLN) which was prepared and submitted as part of the draft proposal package. This Planning Agreement should consider any updates to Wollondilly Shire Council's Local Infrastructure Contributions Plan. The Department also draws Walker Corporation's attention to Wollondilly Shire Council's Land Dedication Policy.

- Heritage NSW has noted a range of studies required to assess future development within the proposed State Heritage Register listing of the Appin Massacre Cultural Landscape, which will require approval under the *Heritage Act 1977*. Refer to the advice from HNSW for further information.

I look forward to continuing to work with you to progress this draft proposal. Please note that this advice does not fetter agencies and Wollondilly Shire Council's ability to assess the proposal once it goes on exhibition, or the Minister for Planning's statutory functions under the *Environmental Planning and Assessment Act 1979*. If you have any questions, you are welcome to contact Adrian Hohenzollern, Director Metro West via [Adrian.hohenzollern@planning.nsw.gov.au](mailto:Adrian.hohenzollern@planning.nsw.gov.au) or 9860 1505.

Yours sincerely



21/09/2022

**Catherine Van Laeren**  
**Chair, Technical Assurance Panel**  
**Executive Director, Metro West**  
**Planning and Land Use Strategy**

Encl: TAP member feedback



**ATTACHMENT A – Draft proposal package**

**Attachment B – TAP Submissions**

## Attachment C – Hierarchy of Plans

### **Greater Macarthur Growth Area 2040 Interim Plan (2018) and December 2021 update**

Together, these documents outline strategic planning framework for the Greater Macarthur Growth Area. The Interim Plan is accompanied by a Ministerial Direction.

### **Growth Area Structure Plan**

The Growth Area Structure Plan is comprised of:

- The structure plan contained in the Greater Macarthur 2040 Interim Plan, and
- The Koala Corridor Map published by the Department in December 2021

This plan applies to the land release component of the Growth Area. The Department is currently preparing an updated structure plan for the Growth Area and an update to the Ministerial Direction.

### **Appin and North Appin Precincts Indicative Plan**

This indicative plan for the Appin and North Appin Precincts provides more detail to the Growth Area Structure Plan. It demonstrates how the Appin (Part) Precinct Structure Plan can connect to the broader precinct. This plan will likely change over time as landowners prepare planning proposals for their sites.

### **Appin (Part) Precinct Structure Plan**

The Appin (Part) Precinct Structure Plan applies to the site proposed to be rezoned. Following exhibition, it will be uploaded onto the Department's website. This structure plan is intended to provide a flexible framework for the Development Control Plan, which must be generally consistent with the structure plan.

### **Development Control Plan**

As noted above, the DCP will implement the precinct structure plan but in greater detail and achieve the intended outcomes of the structure plan. The Department intends to provide flexibility so the DCP can be prepared without requiring amendments to the precinct structure plan unless there are substantial or fundamental departures proposed in the DCP. If draft DCP controls comprise a significant departure from the precinct structure plan, consequential amendments to the structure plan will be approved to facilitate the new outcomes envisaged by the DCP.