

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE5 – Post Exhibition Planning Proposal Bulli Appin Road

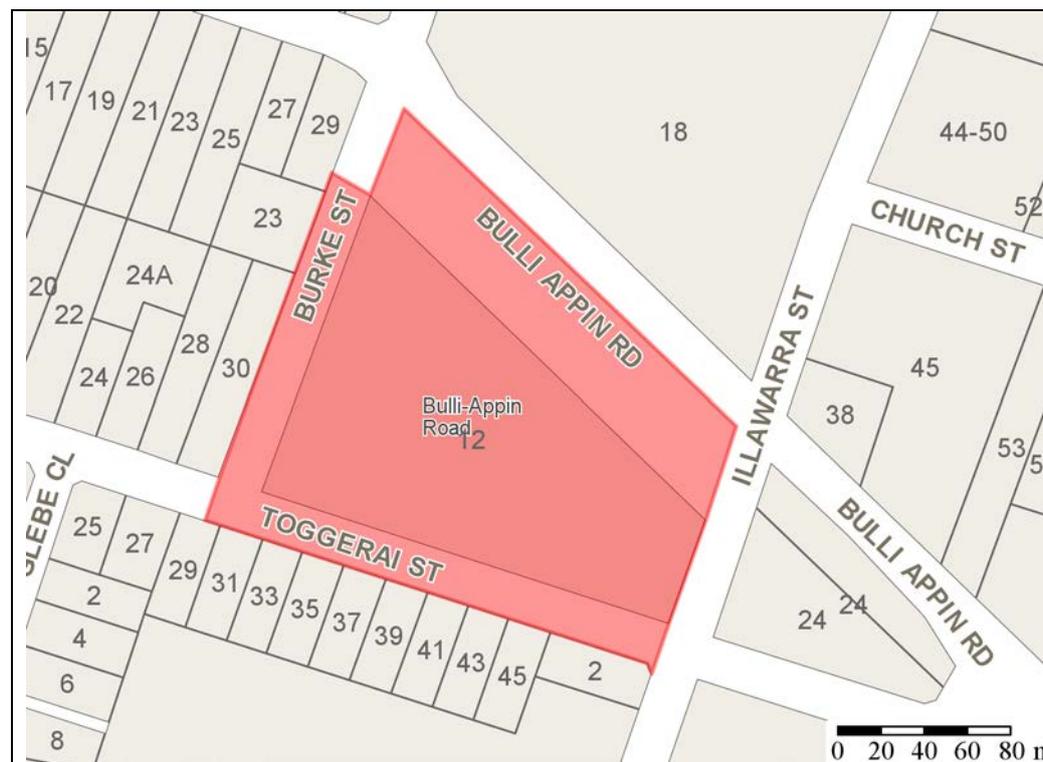
PE5

Post Exhibition Planning Proposal – Bulli Appin Road

265508

TRIM 6585

Applicant: Michael Brown Planning Strategies Pty Ltd
Owner: Mr DW Atcheson



LOCATION MAP ↑
N

Stage	Completed
Preliminary notification	25/01/2012-17/02/2012
Gateway Determination	24/1/2014
Consultation with Public Agencies	08/12/2014 – 22/01/2015
Specialist Studies	March 2016
Public exhibition/community consultation	14/12/2016 – 3/2/2017 (Public) 07/02/2017 – 07/03/2017 (Agencies)
Referred to Minister for Publication	Not yet completed

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EXECUTIVE SUMMARY

- This Planning Proposal has been prepared by Wollondilly Shire Council. It seeks to amend the provisions of Wollondilly Local Environmental Plan, 2011 as they apply to Lot 78 DP 752012 No. 12 Bulli Appin Road Appin and part of the adjoining crown road reserve to:
 - Change the zoning of the land to R2 Low Density Residential.
 - Change the minimum lot size to 975m².
 - Introduce a maximum height of building of 6.8 metres.
- The Planning Proposal includes amendments to the Wollondilly Development Control Plan, 2016 for: Volume 3 Subdivision of Land and Volume 4 Residential Development.
- The Planning Proposal is consistent with the Key Policy Directions and Assessment Criteria to Council's Growth Management Strategy.
- Two submissions were received in response to Community Consultation. Of these submissions one objected and one was in support.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that:
 - Council support the Planning Proposal in the form as described in this report.
 - The Planning Proposal be finalised and forwarded to the Minister for Planning and Environment for publishing.
 - Council include site specific controls detailed in Attachment 6.
 - The applicant and persons who made submissions be notified of Council's decision.

REPORT

1.1 SITE DESCRIPTION

The planning proposal site includes approximately 2.7 hectares of mostly rural land comprising Lot 78 DP 752012 (12 Bulli-Appin Road, Appin) and an adjoining crown road reserve.

No. 12 Bulli Appin Road (1.935 hectares) is zoned RU2 Rural Landscape and the adjoining crown road reserve (0.8 hectares) is zoned SP2 Infrastructure (Road).

The site borders the existing Appin urban area, with residential areas located directly to the east and south of the site.

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The proposal site has four (4) street frontages including Bulli-Appin Road, Illawarra Street, Toggerai Street and Burke Street (partially formed) as depicted in the location map above. The site is relatively clear of vegetation, with much of the vegetation situated along the property boundaries and within the unformed section of Burke Street.

The site contains a dwelling and a number of outbuildings/structures. A dam is located in the southern section of the site with the edge of the dam dominating the Toggerai Street frontage.

1.2 DESCRIPTION OF PROPOSAL

The proposal seeks to apply a low density residential zone (R2) to allow for the residential development of the site. The proposal also seeks to introduce a minimum lot size for subdivision of 975m² and a maximum height of building of 6.8 metres.

1.3 GATEWAY DETERMINATION

A Gateway Determination was issued dated 24 January 2014. The Determination permitted the proposal to proceed. The Gateway Determination granted that the inconsistencies with Section 117 Directions 1.2 Rural Zones are consistent with the Draft South West Subregional Strategy and no further approval on these matters was required for the project to proceed. The conditions of the Gateway Determination are summarised in the following table with comments as to how these have been addressed in the Planning Proposal process.

Gateway Condition	Addressed by
Clarify that low density housing, rather than medium density housing, is proposed for the subject land.	Completed.
Include a consideration of consistency with Greater Metropolitan REP No 2— Georges River Catchment.	An assessment of the proposals has found it to be consistent with the principles outlined in the Greater Metropolitan REP No 2— Georges River Catchment.
Council is to undertake the following studies/assessments (in addition to those already provided by the applicant): i. Drainage Report and Design ii. Traffic Impact Study iii. Stormwater/Flooding Study iv. Bush Fire Hazard Assessment v. Provision of Reticulated Water and Sewer Services	Completed.

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Gateway Condition	Addressed by
vi. Flora and Fauna Assessment, and vii. Preliminary Contamination Report.	
After undertaking the above studies/assessments and any relevant consultation with public authorities required below, Council is to demonstrate consistency with SEPP 55 - Remediation of Land.	Completed. The site is suitable for the proposed land use. Further investigation of potential contamination and remediation is required prior to any future development. This requirement is identified in the corresponding site specific DCP.
Council is to demonstrate consistency with the following s.117 Directions: 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environmental Protection Zones, 4.2 Mine Subsidence and Unstable Land, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection, and 6.2 Reserving Land for Public Purposes.	Completed. See section 2.8 for the consideration of consistency with Section 117 Directions.
The Director General approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the Proposal is generally consistent with the Draft South West Subregional Strategy.	Noted.
Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows: (a) the planning proposal must be made publicly available for a minimum of 28 days; and (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available	Completed.

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Gateway Condition	Addressed by
along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).	
A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).	Noted.
Council is to consult with the following public authorities under section 56(2)(d) of the EP&A Act 1979: i. Department of Trade & Investment - Mineral Resources & Energy (Minerals & Petroleum), ii. Office of Environment & Heritage (Environment Branch), iii. Commissioner of the NSW Rural Fire Service, iv. Sydney Water, v. Mine Subsidence Board, vi. Roads & Maritime Services, and vii. Department of Lands (and obtain its approval to the inclusion of the Crown Road reserve).	Completed. See section 2.1 for a summary of the submissions received and the issues raised. The land owner has informed Council that they have acquired the Crown Road reserve.
The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.	This condition was altered by the Department of Planning and Environment and the current deadline is 30 June, 2017. The proposal is consistent with the condition as altered.
Delegation is to be given for Council to exercise the Minister's plan making powers.	Noted.

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CONSULTATION

2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT

The following comments on the Planning Proposal were received from Council staff:

Infrastructure Planning

Drainage

Drainage is an issue in this location as it is situated upstream of existing un-serviced development.

There is an existing drainage line that runs part way up Church Street but it will not be able to service the property without amplification.

The site is located in the catchment for Kennedy Creek where the adjoining properties are flood affected.

Council Officer Comment

Additional information was sought to demonstrate that the design of any drainage system did not worsen flooding of properties adjoining Kennedy Creek. This information has been assessed as being sufficient.

Lot Size

It is recommended that the lot size be reduced to 700m² to provide for single dwellings on each lot with no potential for Dual Occupancy development. This would be more in keeping with the rezoning objective of low density residential development and would ensure that there is no additional unplanned impact on traffic.

Council Officer Comment

975m² has been identified as the most appropriate lot size by way of Council resolution due to the visual prominence of the site and the desire to copy the existing lot pattern of adjoining residential properties. Additionally, a minimum lot size of 700m² may still permit dual occupancies, as 975m² may still be proposed.

Development Control Plan (DCP)

Additional control for inclusion in 3.12 Road Transport Objectives - All roads and infrastructure to be provided in accordance with Council's Design and Construction Specifications.

Council Officer Comment

Noted.

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Environmental Services

Contamination

The conclusions of the Preliminary Site Investigation report suggest that a further detailed report should be provided at the development application stage.

There were asbestos fragments found on site in the vicinity of the dwelling and shed areas. There were also previous activities recognised on site that suggest that there could be potential for some contamination on the site.

Council Officer Comment

Provisions listed in the proposed development controls require that a Contamination study be included in any application for subdivision.

Flora and Fauna

There is minimal vegetation located on the site and therefore further assessments can occur at subdivision phase. There are no vegetation constraints in the rezoning process.

Council Officer Comment

Noted. Provisions in the proposed development controls require a vegetation buffer using existing trees between Appin Road and the future development.

2.1 CONSULTATION WITH PUBLIC AGENCIES

The Gateway Determination required consultation with the following Public Agencies:

- Department of Trade & Investment - Mineral Resources & Energy (Minerals & Petroleum), (now known as NSW Resources and Energy)
- Office of Environment & Heritage (Environment Branch)
- Commissioner of the NSW Rural Fire Service
- Sydney Water
- Mine Subsidence Board
- Roads & Maritime Services
- Department of Lands (and obtain its approval to the inclusion of the Crown Road reserve).

Consultation with these agencies was carried out prior to public exhibition and again during the public exhibition period.

The following is a summary of the matters raised by public authorities during both consultations and the assessment comments relating to these.

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NSW Resources and Energy

Advice submitted prior to public exhibition noted that the subject area is located less than 500m north from coal mining associated infrastructure.

To reduce potential future land use conflicts it is strongly recommended that any future design parameters associated with the planning proposal consider potential acoustic and dust impacts associated with the afore mentioned mining infrastructure.

No resource issues were raised in regard to the planning proposal and advice was given regarding an existing Consolidated Coal Lease & Coal Authorisation licence that is held by Endeavour Coal Pty Ltd over a broad regional area that includes the subject site and that AGL Upstream Investments Pty Ltd hold a Petroleum Exploration License over this same area.

It was also noted that the subject area is located within the Appin Mine Subsidence District.

Advice received during public exhibition reconfirmed the previous advice provided and further confirmed that there were no specific resource concerns or objections in relation to this planning proposal.

Council Officer Comment

Noted. Design controls to address potential acoustic and dust impacts are included in the development control plan for the site.

Mine Subsidence Board

No objections to the proposed rezoning and accompanying plan.
The applicant should be advised to seek the Boards approval for any proposed subdivision or the erection of improvements at the appropriate time.

Council Officer Comment

Noted

Department of Primary Industries – Agriculture (Agriculture NSW)

Agriculture NSW has no concerns regarding the planning proposal
The opportunity for agriculture development on the site is constrained due to the size and proximity to the existing urban land, nor is the 1.9 hectare site of strategic importance to remain for agriculture.

There may be a need to only release the land for dwellings once the remaining lot to the north of the site is also rezoned to allow for compatible uses.

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Council Officer Comment

There is no current agricultural use of the lot to the north of the site and if in the future an agricultural use is proposed it will need to demonstrate that there would be minimal impact on the residential area, including the existing residential area to the west. Additionally the land to the north of the planning proposal site has also been identified in the Wollondilly Growth Management Strategy for potential residential growth.

Roads and Maritime Services (RMS)

An issue was raised with previous versions of the proposal which showed lots having direct access to Appin Road.

Another issue was raised with the Road Traffic Noise Intrusion Report not considering the future traffic volumes.

The most recent submission received from the RMS during the exhibition period noted that there was no objection to the Planning Proposal on the basis that there is no additional direct access to the classified road and the local road reflect their adjoining zones and classified roads retain the SP2 zone.

Council Officer Comment

These issues have since has been addressed by way of an amendment to the planning proposal and the Subdivision provisions outlined in the Site Specific Development Control Plan.

A requirement has been included in the site specific development control plan to ensure the opening of Burke Street and that there will be no direct access to Bulli Appin Road.

Traffic will be addressed at the Development Application stage.

NSW Rural Fire Service (NSW RFS)

No concerns or issues in relation to bush fire.

Council Officer Comment

Noted

Sydney Water

Drinking Water

The existing 100mm drinking water mains in Toggerai Street and Illawarra Street have sufficient capacity to service the proposed lots.

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Drinking water main extensions will be required from the 100mm mains adjacent to the subject site. Detailed requirements will be provided at the Section 73 Phase.

Wastewater

The nearest Sydney Water wastewater main available for connection is the 125mm sewer main located in Church Street.

The developer will be required to undertake detailed planning investigation, to determine the preferred servicing option for the proposed residential lots.

Further advice was provided during the exhibition phase relating to the development application process.

Council Officer Comment

Noted. A Reticulated Water and Sewer Services Study was undertaken as part of the specialist studies. Sydney Water had the opportunity to review this study during the exhibition phase and no issues were raised.

NSW Government Local Land Services Sydney

The Native Vegetation Act, 2003 (NV Act 2003) applies to the current RU1 (Primary Production) land use zoning. If the proposed rezoning goes ahead, the NV Act would no longer apply to the land zoned R2 (Low Density Residential).

The documents referred to the CS LLS in support of this planning proposal recognise that the native vegetation present on site is Shale Sandstone Transition Forest (SSTF). This vegetation type is listed as Critically Endangered Ecological Community (EEC) under the NSW Threatened Species Conservation Act 1995 and any remnants of the vegetation community should be protected where possible.

The CS LLS supports activities that achieve the objectives of the NV Act, and consider the rezoning proposal and subsequent development of this area should be designed so as to minimise impacts on native vegetation.

Council Officer Comment

Noted. A site specific DCP has been developed for this site and includes controls to ensure the existing vegetation on the site is retained.

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Department of Primary Industries – NSW Office of Water

Surface Water

Inspection of an aerial image indicates that a surface water dam is situated close to the centre of Lot 78. The planning proposal does not indicate what the future intentions are in relation to the dam. If the intention is to retain the dam, future surface water licensing requirements for the dam will need to be determined.

Any licensing of surface water dams or pumps on the site need to be consistent with requirements for water licensing under the Water Management Act 2000.

It is recommended that the proponents consult with the Office of Water in relation to any water licensing requirements for dams or pumps at the site.

Drainage and Stormwater

Study provides baseline modelled data and shows stormwater from two catchments was not adequately disposed of on-site during peak flow events and would require some form of on-site detention to dispose of any excess stormwater.

The Office of Water recommends that design of any on site detention basins or drains proposed for the site should be consistent with current Water Sensitive Urban Design objectives.

Groundwater

The Office of Water recommends some initial assessment of groundwater resources is required.

The proposal should identify geotechnical issues at the site proposed for rezoning as a result of current or future mining activities in the nearby vicinity, and confirm that there are no risks for groundwater resources.

Particular consideration should also be given to:

- Supply of water to the development, and potential reliance on groundwater extraction
- Management of wastewater, and any potential for groundwater contamination through on-site wastewater management
- Works or excavations that are likely to intercept groundwater
- Other potential sources of contamination to groundwater.

Any groundwater issues or potential groundwater issues should be identified and suitable contingency measures identified to remediate, mitigate or manage potential impacts on groundwater resources, groundwater dependent ecosystems, or groundwater.

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Council Officer Comment

A ground water study will be required at the development application for subdivision stage to identify whether works or excavations are likely to intercept groundwater.

The site would be serviced by reticulated water and therefore the extraction of groundwater is unlikely to be required to service the development. The site will also be serviced by reticulated sewer and therefore, groundwater contamination from on- site systems is low risk.

Office of Environment and Heritage (OEH)

The initial submission noted that there was no comment on the planning proposal given the size of the subject site and that it is predominately cleared as a result of the current rural use.

However an additional submission received during the exhibition period identified an error for correction on page 16 of the planning proposal and recommended that the following additional information to be added to the DCP Control 3.11 Subdivision Plan: *retain mid and understory plants which are typical of SSTF high sandstone influence and retention of log and leaf litter to facilitate natural regeneration of the soil seed bank.*

Council Officer Comment

Noted. A DCP addresses the initial design of a development. Management of the vegetation will be addressed at the development application stage.

2.3 COMMUNITY CONSULTATION

The Gateway Determination specified a **28 day** period of community consultation and public exhibition. During this time the Planning Proposal, specialist studies and other documents as required by the Gateway Determination were made available for public viewing on Council's website and at Council's Administration Building, Council's **Library and Appin Post Office**. A public notice was placed in the local newspaper. Letters were sent to **those who made previous submissions and to the relevant agencies**.

The issues raised in submissions that are relevant to the assessment of the Planning Proposal are summarised in the following table along with assessment comments.

Issue Raised	Assessment Comment
<p>Ongoing inadequate drainage problems: <i>During storm conditions, heavy rain down which leads to flooding and pool of water in Kennedy Street</i></p>	<p>Council engineers are aware of the limited pipe drainage in the area and assessed the proposal in consideration of any potential impact the future development of the site may have on this current situation.</p>

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Issue Raised	Assessment Comment
	This included ensuring that it is possible to design (based on their concept) a drainage system with a development application that will not worsen the situation.
<p>Inadequacy of storm water infrastructure to cope with additional housing</p> <p><i>Piping into the existing street storm water flow to an already strained and inadequate drainage system. Immediate upgrade to stormwater drainage / easement needed before commencement of development. Please don't allow this to be piped into existing street drainage. Recommend alternate discharge points</i></p>	<p>The Stormwater report identifies that the developed site stormwater flow rates can be reduced back to existing flow rates (for 5 year and 100 year storms – note that it is in error in that pipe drainage is required to carry a 10 year storm). Measures to ensure the existing system has the capacity to carry the flow rate with regard to the issues identified near the creek at Kennedy St will be resolved at the development application stage and may include a duplication or upgrade of the Toggerai Street pipe.</p>
<p>Adjoining land owner at No. 24 Illawarra Street Appin would like their land to be included in the planning proposal.</p>	<p>Recent advice from the Department of Planning and Environment has been that land cannot be included into a Planning Proposal without it triggering the need for a new planning proposal. Additionally the relevant site has not been identified for future residential growth in the GMS.</p>

Planning & Economy

In summary, the matters raised in submissions have either been addressed by adjustments to the Planning Proposal and DCP or can be dealt with as part of the assessment of future development applications.

2.4 PLANNING PROPOSAL

The Planning Proposal has been prepared in accordance with Section 55 to the EP&A Act, 1979 and the guidelines published by the DP&E. **The Planning Proposal has been revised from the publicly exhibited version in response to matters raised through consultation.**

Council's options are:

1. Resolve to support the Planning Proposal in the form as described in Section **2.12.1** to this report.

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2. Resolve to support the Planning Proposal in another form. With this option a new Gateway Determination, amended specialist studies and a new public exhibition period may be required.
3. Resolve not to support the Planning Proposal. With this option there is no further action to be taken on the Planning Proposal other than to inform the applicant, submitters and the DP&I that the Planning Proposal has been terminated. The applicant could choose to submit a new Planning Proposal. There are no appeal rights through the Land and Environment Court against Council' refusal to support the Planning Proposal at this stage of the process.

Option 1 is the recommendation of this report.

2.5 A PLAN FOR GROWING SYDNEY (DECEMBER 2014) AND DRAFT AMENDMENT: TOWARDS OUR GREATER SYDNEY 2056 (NOVEMBER 2016)

A Plan for Growing Sydney was released on 14 December 2014 and is an action plan which will guide land use planning decisions for the next 20 years for the Sydney Metropolitan Area. It seeks to influence how people move about, where they live, growing the economy and safeguarding the environment.

In responding to growth pressures within the Macarthur region, the Plan identifies as a priority the investigation of the suitability of the Macarthur South Investigation Area for a future Growth Centre. This is currently being undertaken through the Draft Greater Macarthur Preliminary Land Release Strategy.

This planning proposal does not deliver upon the strategic directions contained in the Plan nor is it inconsistent with any of these directions.

The planning proposal is consistent with the amended plan as the site location supports the housing choice and diversity theme as it is within walking distance to the local village shops and is located close to an existing bus stop.

2.6 DRAFT GREATER MACARTHUR PRELIMINARY LAND RELEASE STRATEGY (SEPTEMBER 2015)

The Draft Greater Macarthur Preliminary Land Release Strategy identifies Menangle Park, Mount Gilead and Wilton as Priority Growth Areas with potential to accommodate 35,000 new homes by 2036.

The draft strategy proposes that up to 2036 areas outside these Priority Growth Areas will remain rural in nature, with small scale development that can be supported by the existing infrastructure and transport network. This proposal will not impact on the rural setting of Appin Village as it proposes only a small scale expansion of the residential area.

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Therefore the planning proposal is consistent with this strategic direction as it constitutes small-scale development adjoining the existing Appin village area and was granted gateway approval prior to the release of the draft strategy.

2.7 DRAFT SOUTH WEST DISTRICT PLAN (NOVEMBER 2016)

The South West District Plan was released by the Greater Sydney Commission in November 2016. The plan identifies a vision for south western Sydney over the next 20 years. The planning proposal and subsequent site specific development controls are consistent with the plan and respond to the priority in the plan of creating a 'liveable city'.

The proposal will help to improve housing diversity and affordability through the addition of housing on a relatively small scale to Appin village, in a location that is close to existing shops and services.

The proposed Development Control Plan supports the "creation of great places – not just building houses" action through ensuring that the design of the future residential area enhances the existing rural outlook and creates an aesthetically pleasing eastern gateway into the village.

The controls also seek to support natural surveillance of the street and to ensure a walkway connection is provided at the subdivision stage.

2.8 SECTION 117 MINISTERIAL DIRECTIONS

The Gateway Determination for the proposal requires consistency with the following Ministerial Directions (S.117 Directions):

Direction 1.3 Mining, Petroleum Production and Extractive Industries and 4.2 Mine Subsidence and Unstable Land

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Condition 7 of the Gateway Determination requires Council to consult with the Mine Subsidence Board and the Department of Trade and Investment, Regional Infrastructure and Services – Resources & Energy to clarify the potential future extraction of coal resources from the land, and take into account any comments made as per the requirements of S117 Directions 1.3 Mining, Petroleum and Extractive Industries and 4.2 Mine Subsidence and Unstable Land.

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Correspondence has been provided in relation to this S117 Direction, from both NSW Trade and Investment Resources & Energy and the Mine Subsidence Board. The subject area is located less than 500m north from coal mining associated infrastructure and is located within the Appin Mine Subsidence District. In an attempt to reduce potential future land use conflicts any future design parameters should consider potential acoustic and dust impacts associated with the mining infrastructure, however no resource issues were raised in regard to the planning proposal.

The mine subsidence board did not have any objection to the proposal however the applicant will need to seek the Boards approval for any proposed subdivision or the erection of improvements at the appropriate time.

Direction 2.1 Environmental Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas.

Condition 7 of the Gateway Determination requires Council to consult with The Office of Environment and Heritage (Environment Branch) (OEH) to determine any impact the proposal will have on the environment and to take into account any comments in relation to Direction 2.1 Environmental Protection Zones.

As the site is predominately cleared as a result of the historical use of the site for rural use, OEH determined that no comment was necessary. The flora and fauna survey carried out by Dragonfly Environmental in September 2012 and then updated in July 2014 for the site identified only a small portion of native vegetation along the road reserve portion of the site. It is anticipated that this vegetation will be retained through planning controls listed in the proposed site specific development control plan.

Direction 4.3 Flood Prone Land

The objectives of this direction are:

(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and

(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

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Condition 7 of the Gateway Determination requires Council to consult with The Office of Environment and Heritage (Environment Branch) (OEH) to determine any impact the proposal will have on flooding to take into account any comments in relation to Direction 4.3 Flood Prone Land.

The site has not been identified on Council's mapping as being prone however a dam is located on the site. It is anticipated that approvals to back fill the dam will occur at the subdivision stage and any impact to drainage will be addressed through a drainage basin as per the development application stage.

Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are:

(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and

(b) to encourage sound management of bush fire prone areas.

The site is partially bushfire prone and Condition 7 of the Gateway Determination requires Council to consult with the Commissioner of the NSW Rural Fire Service (RFS) in relation to Direction 4.4 Planning for Bushfire Protection.

In relation to this, correspondence from the RFS has been received and no objection was raised.

A Bushfire Hazard Report (Appendix L) has been prepared for the proposal by Building Code & Bushfire Hazard Solutions Pty Limited on 13 June 2014. This report notes that Asset Protection Zones are adequately provided for and that the bushfire safety measures proposed will provide a reasonable and satisfactory level of bushfire protection to the subject development.

Direction 6.2 Reserving Land for Public Purposes

The objectives of this direction are:

(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and

(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

Condition 7 of the Gateway Determination requires Council to consult with The Department of Lands to obtain approval for the inclusion of the Crown Road reserve in the proposal.

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The Crown Road Reserve land has since been purchased by the land owner and approval to include the land has been provided by the Department of Planning and Environment within the Gateway Determination.

2.9 STATE ENVIRONMENTAL PLANNING POLICIES

A review of State Environmental Planning Policies ('SEPPs') deemed SEPPs and draft SEPPs has been undertaken and the planning proposal is consistent with all of the relevant policies. A number of these policies will be applicable at the development application. Those that are applicable at the strategic planning stage and relevant to this planning proposal are:

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Clause 6 of SEPP 55 (Contamination and remediation to be considered in zoning or rezoning proposal) provides guidance for the consideration of whether the land is contaminated prior to any changes to an environmental planning instrument.

A Preliminary Environmental Site Assessment has been undertaken by SESL Australia in June 2014 in accordance with SEPP 55 and concluded that the site is considered suitable for future low density residential development. However, prior to any proposed construction works onsite, a Tier 1 Detailed Site Investigation must be conducted to assess the areas of environmental concern identified and whether any remediation of contaminated land is required.

The study also concluded that prior to the demolition and removal of the structures on site, a Hazardous Material Survey must be conducted to assess any lead paints and asbestos-containing material within the structure to allow management/removal actions to be implemented appropriately.

The requirement for further investigation and possible remediation has been included within the site-specific provisions in the draft Wollondilly Development Control Plan (DCP) accompanying this proposal.

Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment

The Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment aims to protect the water quality of the Georges River and its tributaries and the environmental quality of the whole catchment. The objectives of the plan are to be achieved through coordinated land use planning and development control. The plan establishes the framework within which local, State and Federal agencies will consult so that there is a consistent approach to planning and development within the catchment.

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An assessment on how this planning proposal is consistent with this policy is provided in Appendix C of the attached Planning Proposal (Attachment 5). This assessment concludes that overall the planning proposal is consistent with the policy however a future groundwater study must be carried out prior to subdivision.

2.10 WOLLONDILLY COMMUNITY STRATEGIC PLAN 2033

The following CSP strategies are relevant to the Planning Proposal as described below:

Strategy CO4 – Engagement and Communication

Implement excellence in our community engagement by listening to and responding to the needs and concerns of our residents.

Council Officer Comment

Formal public exhibition of the planning proposal was undertaken in accordance with the relevant legislation and all submissions received have been considered by Council as part of this report.

Strategy EC3 – Manage Growth

Encourage and manage growth to ensure that it contributes to economic well-being.

Council Officer Comment

This planning proposal will assist in the orderly and efficient use of land within the Appin village area.

2.11 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

The GMS identifies the subject site as “Potential Residential Growth Area”, and accordingly the rezoning of this site for low density residential development is consistent with the strategic direction outlined in the GMS.

2.12 FINAL FORM OF PLANNING PROPOSAL

2.12.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

Based on the specialist studies and consultation and engagement there are no changes to the Planning Proposal as exhibited.

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The Planning Proposal seeks amendments to WLEP 2011 as described below:

- Amend the Land Zoning Map from Zone **RU2** to Zone **R2** as shown in Attachment 2
- Amend the Land Zoning Map from Zone **SP2** to Zone **R2** as shown in Attachment 2
- Amend the Lot Size Map to apply a minimum lot size category of **975m²** as shown in Attachment 3.
- Amend the Height of Buildings Map to apply Maximum Building Height Category of **6.8** metres as shown in Attachment 4

2.12.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDCP 2011)

Amendments are proposed to WDCP 2011 to include site specific controls for this site. These include:

Proposed Control	Description
Subdivision Plan	Requirements to address the gateway position of the site, the rural outlook of the location and to retain the existing vegetation.
Road Transport Infrastructure and Pedestrian Access	Requirements to ensure road and pedestrian infrastructure and access is adequate, does not place additional burden on Bulli Appin Road and is provided in a timely manner.
Noise and contamination	Requirements to address potential noise, dust, vibration and contamination issues at the subdivision stage.
Streetscape and rural outlook	Requirements to retain the existing streetscape and enhance the rural outlook.
Habitability and community connectivity	Requirements to enhance community connectivity and protect future residents from unacceptable levels of noise.

The amended WDCP provisions are included in Attachment 6.

These amendments were placed on public exhibition with the Planning Proposal and two (one agency and one internal staff) submissions raised issues relevant to the proposed amendments to WDCP 2011 and these are detailed in Section 2.1 to this report.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through Council’s adopted Fees and Charges.

PE5 – Post Exhibition Planning Proposal Bulli Appin Road

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. Note that the Wilton Junction project is not a planning proposal but has had significant impact on Strategic Planning resources. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Site Identification Map (SIM)
2. Changes to Land Zoning Map (LZN)
3. Changes to Lot Size Map (LSZ)
4. Changes to Height of Buildings Map (HOB)
5. Bulli Appin Road Planning Proposal
6. Wollondilly DCP Site specific controls – Bulli Appin Road

RECOMMENDATION

1. That Council support the Planning Proposal for land being:

Lot 78 DP 752012 and adjoining road (12 Bulli Appin Road, Appin)
To amend Wollondilly Local Environmental Plan, 2011 as follows:
 - amend the Land Zoning Map to R2 Low Density Residential
 - amend the Lot Size Map to 975m²
 - amend the Height of Building Map to show a maximum building height of 6.8 metres.
2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded to the Director-General with a request to make arrangements for the drafting of the amended Local Environmental Plan and that the Minister make the Plan in the form as detailed in this report and in the Planning Proposal.
3. That the Council support the amendments to WDCP 2011 as publically exhibited and that the amendments be adopted.
4. That in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000 public notice is given of Council's decision in a local newspaper within 28 days.
5. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.