



Section 59 Planning Report

To Amend Wollondilly Local Environmental Plan 2011

Bulli Appin Road Planning Proposal

Applies to land at Lot 78 DP 752012, and Lot 1 DP 1229349 Appin

September 2017

SECTION 59 PLANNING REPORT

Planning proposal details: PP_2013_WOLLY_013_00

To rezone land at 12 Bulli- Appin Road, Appin, and investigate the inclusion of an adjoining Crown Road Reserve, to Zone R2 Low Density Residential and introduce a minimum lot size of 975m².

Planning proposal summary:

To amend to the Wollondilly Local Environmental Plan (LEP) 2011 to rezone land located at 12 Bulli Appin Road (Lot 78 DP 752012) and 10 Bulli Appin Road (Lot 1 DP 1229349) (previously known as the adjoining Crown road reserve) to R2 low density residential and to introduce a minimum lot size of 975m² and a maximum height of building of 6.8 metres.

The proposal also seeks to rezone small portions of Burke Street (formed and unformed), Illawarra Street and Toggerai Street that surround the site to match the new adjoining land zones.

Date of Gateway determination:

The original Gateway Determination was issued	24/01/2014
1 st Revised Gateway Determination was issued	29/01/2015
2 nd Revised Gateway Determination was issued	02/06/2016
3 rd Revised Gateway Determination was issued	29/06/2017

1.0 SUMMARY

Relevant background issues related to council policy/rationale for proceeding with the proposal

The objective of the planning proposal is to enable development of No. 12 Bulli Appin Road and 10 Bulli Appin Road for low density residential development.

The intended outcome of this is to allow a modest increase in housing in the Appin village, which is relatively close to the village centre.

The site has been identified for potential residential growth in the Wollondilly Growth Management Strategy 2011.

Overview of the zones/development standards to be amended

- Amend the Wollondilly LEP 2011 Land Zoning Map (Sheet LZN_011H) from RU2 Rural Landscape and SP2 Infrastructure (Road) to R2 Low Density Residential and RU2 Rural Landscape.
- Amend the Wollondilly LEP 2011 Building Height Map (Sheet HOB_011H) to introduce a building height limit of 6.8 metres.

- Amend the Wollondilly LEP 2011 Lot Size Map (Sheet LSZ_011H) to change the minimum lot size for the subject site from 40 hectares to 975m2.

Summary of key exhibition dates and main points raised in the submissions

- Public Exhibition was held from 14 December 2016 to 3 February 2017 (this extended timeframe was in consideration of Christmas and January school holidays).
- Public Agencies were invited to provide comment on the proposal from 7 February 2017 to 7 March 2017
- Issues raised during public exhibition included the following:
 - Ongoing inadequate drainage problems in the adjoining residential area
 - Concern that the existing storm water infrastructure will not be able to cope with the additional housing.
- The outcome of the consultation and was reported to the Ordinary Meeting of Council on 15 May 2017. The report is included as Attachment H to the planning proposal.
- No amendments have been made to the planning proposal in response to the issues raised during the public exhibition.

2.0 GATEWAY DETERMINATION

- The Gateway determination was issued on 24 January 2014.
- The timeframe for completion of the planning proposal was 12 months from the week following the date of the Gateway determination.
- Two alterations have since been issued to the Gateway determination to allow for more time.
- The Gateway determination has not been subject to a review request.
- The conditions of the Gateway determination have been complied with. A table summarising the requirements of the Gateway determination and how these have been addressed is included in Section 1.3 of a report on this proposal to the Ordinary Meeting of Council held on 15 May 2017. The report is included as Attachment H to the Planning Proposal.

3.0 COMMUNITY CONSULTATION

Dates of exhibition: 14 December 2016 to 3 February 2017

Number of submissions received: One (1)

- The issues raised during the exhibition and a response to these issues are provided in the Planning Proposal and have been addressed in Section 2.3 in the report to Council on 15 May 2017. The report is included at Appendix H to the Planning Proposal.

- The planning proposal was not re-exhibited.
- The consultation requirements included in the Gateway determination were complied with.
- No amendments have been made to the planning proposal to respond to issues raised during the public exhibition.

4.0 VIEWS OF PUBLIC AUTHORITIES

Details of consultation with relevant agencies

Condition 7 of 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)
- 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 undertaken from 8 December 2014 to 22 January 2015 prior to public exhibition.

Further consultation was carried out after the public exhibition period from 7 February 2017 to 7 March 2017.

Agencies that provided a response

The following agencies provided a response to the Planning Proposal:

NSW Resources and Energy
 Mine Subsidence Board
 Department of Primary Industries – Agriculture (Agriculture NSW)
 Roads and Maritime Services (RMS)
 NSW Rural Fire Service (NSW RFS)
 Sydney Water
 NSW Government Local Land Services Sydney
 Department of Primary Industries – NSW Office of Water
 Office of Environment and Heritage (OEH)

A summary of the feedback received during both consultations is provided in section 2.1 of the final report to Council on 15 May 2017 (provided as Appendix H) and in Appendix F of the Planning Proposal.

Amendments made to the planning proposal to respond to the issues raised by agencies

An amendment to the proposal was made to ensure there was no direct access from lots onto Bulli Appin Road. This issue has also been addressed through a control in the site specific development control plan developed for the site.

All other issues raised have been addressed through development control provisions. More detail on this is given in the post exhibition Council report provided in Appendix H.

5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS

Refer to the Planning Proposal for information on how the proposal is consistent, justifiably inconsistent or inconsistent with all relevant s117 Directions (section B 3.6), SEPPs (section B 3.5) and other strategic planning documents (section B 3.3 and B 3.4) in detailed in the Planning Proposal provided in Attachments A and B.

6.0 PARLIAMENTARY COUNSEL OPINION

- Plan making powers have been delegated to Wollondilly Shire Council for this planning proposal.

7.0 OTHER RELEVANT MATTERS

No representations have been received for this proposal from State or Federal members of Parliament.

Council has not met with the Minister in relation to this planning proposal.

8.0 MAPPING

The relevant draft maps were uploaded to the Planning Portal on 24 July 2017 and in response to feedback the revised maps were uploaded on 24 August 2017.

9.0 RECOMMENDATION

It is recommended that the plan shall be made as detailed in this report and supporting documentation.

NOTES:

- The following relevant documents referred to in the summary report are included:

Document Required	Title	Location
Planning Proposal Document	Planning Proposal; To Amend Wollondilly Local	Separately attached (Appendix A)

	Environmental Plan 2011 – Bulli Appin Road	
Original Gateway Determination and Altered Gateway Determinations	Complete Gateway Determination and Alterations including Delegation	In planning proposal separately attached (Appendix I)
Council's Final Report and Resolution		In planning proposal separately attached (Appendix H)