



Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

Rezoning of 12 and 10 Bulli Appin Road, Appin

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

September 2017

Document Register

Version	Date	Details	Prepared By	File Location
1	12/12/16	Planning Proposal for Formal Public Exhibition	NA	TRIM 6585 # 434
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Introduction

This planning proposal explains the proposed changes to the Wollondilly Local Environmental Plan 2011 (WLEP 2011) to rezone rural land and a portion of land previously used as unformed road reserve at Appin Bulli Road, Appin to enable low density residential development.

The proposal relates to land at 12 Bulli Appin Road (Lot 78 in DP 752012) and 10 (Lot 1 DP 1229349) at Appin and small portions of Burke, Illawarra and Toggerai Streets Appin.

This planning proposal has been prepared in accordance with section 55 of the Environmental Planning and Assessment Act 1979 and A Guide to Preparing Planning Proposals (2016).

The original proposal was submitted to Council on the 1 November 2011 by Michael Brown Planning Strategies on behalf of the landowner and has since been amended in response to a resolution of Council at its Ordinary Meeting held on 16 September 2013.

This resolution sought to amend the minimum lot size to 975m² and to provide in principle support for the future residential development of the site.

A copy of the relevant report and minutes are provided in **Appendix H**

A Gateway Determination was issued by the Department of Planning & Infrastructure on 24 January 2014 which determined that the proposal should proceed subject to a number of conditions.

These conditions required that a number of specialist studies/assessments be undertaken, that consistency with a number of Ministerial Directions and State Government Planning Policies be demonstrated and that a number of public agencies be consulted.

A copy of the original Gateway Determination and subsequent Gateway Alterations is provided in Appendix I.

In response to the conditions outlined in the Original Gateway Determination the following studies and assessments were undertaken to inform the Planning Proposal:

Flooding and Drainage Report
Traffic Impact Study
Bushfire Hazard Report
Flora & Fauna Assessment
Preliminary Contamination Report
Noise Assessment

A **Planning Proposal** is a document which explains the changes which are proposed to an environmental planning instrument, in this case the Wollondilly Local Environmental Plan 2011 (WLEP 2011).

This explanation is provided through text and images (usually plans).

The Wollondilly Local Environmental Plan is the key statutory document at a local government level which guides and controls the development of land within the Wollondilly Shire Council area.

In March 2015 Council placed the planning proposal on hold pending the outcome of the Greater Macarthur Land Release Investigation Area. Following the announcement of the draft report, in November 2015 Council resolved to recommence work on the proposal.

The final draft of the planning proposal was placed on formal Public Exhibition from 14 December 2016 to 3 February 2017 and final consultation with public agencies was undertaken from 7 February 2017 to 7 March 2017.

Following public exhibition Council resolved at its Ordinary Meeting held on Monday 15 May 2017, to support the planning proposal and forward to the Director-General for finalisation.

Amendments to the Wollondilly Development Control Plan 2016 (WDCP 2016) to complement the planning proposal were also supported by Council the meeting held on 15 May 2017. These include new site specific controls to the subdivision and residential volumes of the WDCP 2016 and were publically exhibited at the same time as the planning proposal.

Planning Proposal Site

The planning proposal boundary includes approximately 2.7 hectares of mostly rural land comprising Lot 78 DP 752012 (12 Bulli-Appin Road, Appin) and approximately 0.8 hectares of adjoining land that was previously unformed crown road reserve. This land has since been purchased by the land owner of 12 Bulli Appin Road from the Crown and is now identified as 10 Bulli Appin Road, Lot 1 DP 1229349.

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

The proposal also includes the rezoning of a portion of Burke Street (formed and unformed) from SP2 and RU2 to the proposed adjoining land zone (R2), a portion of Toggerai Street from RU2 to R2 to match the adjoining land zones and a small portion of Illawarra Street from SP2 to match the RU2 zoned land to the east. This land has been included at the request of the Roads and Maritime Services (RMS).

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

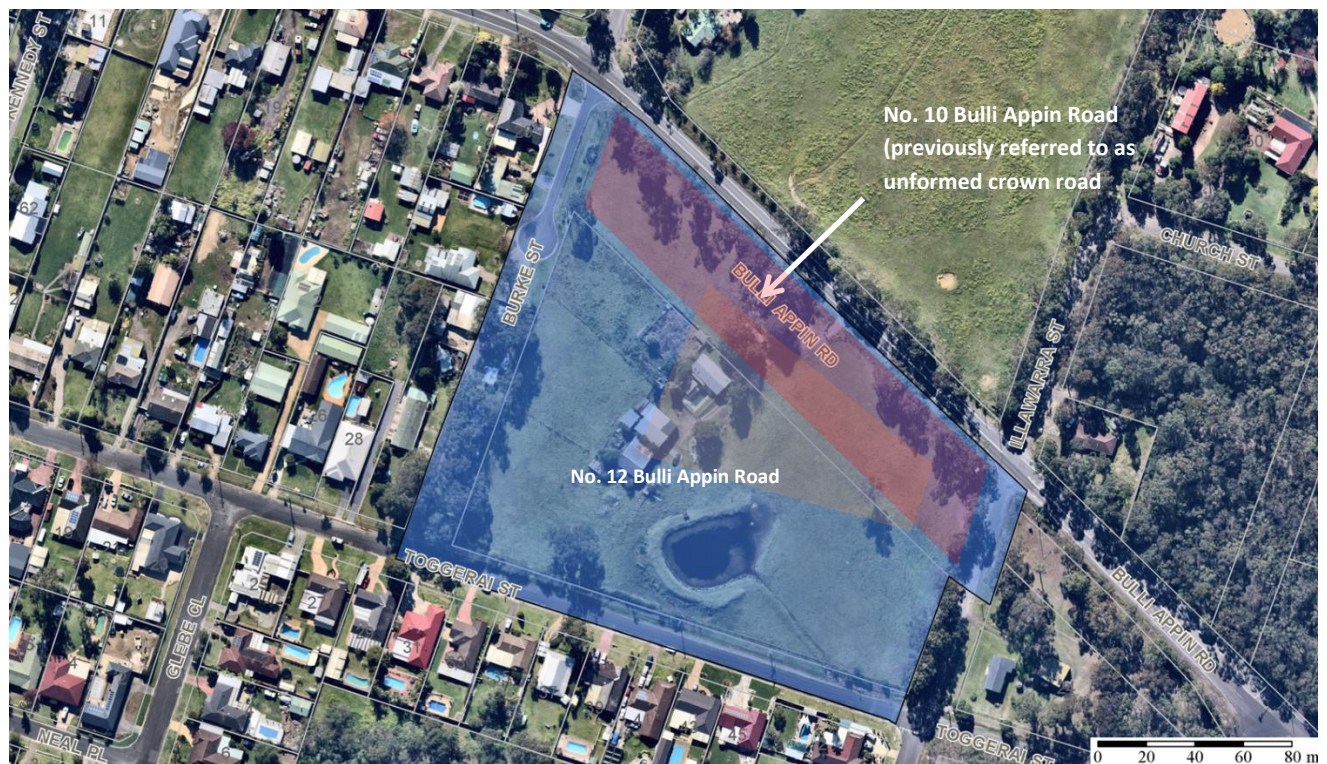


Figure 1: Boundary for planning proposal

The proposal site adjoins Bulli Appin Road to the north and includes a portion of Illawarra Street, Toggerai Street and Burke Street as depicted in Figure 1. The site is relatively clear of vegetation, with only a small amount of the vegetation along the property boundaries. The site contains an existing dwelling, a number of outbuildings/structures and a dam located to the south of the site.

Part 1 – Objectives or Intended Outcomes

The Planning Proposal

The proposal seeks to enable development of No. 12 Bulli Appin Road and 10 Bulli Appin Road for low density residential development.

The intended outcome of the proposal is to allow a modest increase in housing in an area that has been identified for some potential growth in the Wollondilly Growth Management Strategy (GMS), which is relatively close to existing services in the village centre.

Development Control Plan

The objective of the development control plan is to guide the design of the site. The intended outcomes of the controls are to create an attractive gateway into Appin and to respond to the recommendations provided by the specialist studies, community feedback, agency consultation and Councils resolutions.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Wollondilly LEP 2011 **Land Zoning Map (Sheet LZN_011H)** in the manner proposed on the Land Rezoning Map shown in **Part 4 by Map 2** which changes the zone of the subject site from RU2 Rural Landscape and SP2 Infrastructure (Road) to R2 Low Density Residential and SP2 Infrastructure (Road) to RU2 Rural Landscape.
- Amending the Wollondilly LEP 2011 **Building Height Map (Sheet HOB_011H)** in accordance with the Height of Building shown in **Part 4 by Map 3** to introduce a building height limit of 6.8 metres.
- Amending the Wollondilly LEP 2011 **Lot Size Map (Sheet LSZ_011H)** in accordance with the proposed Lot Size Map shown in **Part 4 by Map 4** which changes to the minimum lot size for the subject site from 40 hectares to 975m².

These proposed map amendments are included in Part 4 – Mapping

The amendments to the Wollondilly Development Control Plan, 2016 introduce controls to Volume 3 Subdivision of Land and Volume 4 Residential Development related to:

- The subdivision plan;
- Road, transport infrastructure and pedestrian access;
- Noise and contamination;

- Streetscape and rural outlook;
- Habitability and community connectedness.

Part 3 – Justification

Section A – Need for the planning proposal

A 3.1 Is the planning proposal a result of any strategic study or report?

Growth Management Strategy

The Growth Management Strategy (GMS) was adopted in February 2011. Planning Proposals are required to be assessed against the GMS to determine whether they should or should not proceed. The GMS sets directions for accommodating growth in the Shire for the next 25 years. The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly. The planning proposal seeks to enable housing development in an area identified as a 'potential residential growth area' in the Wollondilly Growth Management Strategy 2011 (GMS 2011).

An assessment of the planning proposal against the GMS 2011 is provided in Appendix G.

A 3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The current provisions within the Wollondilly Local Environmental Plan 2011, as they apply to the site, prohibit subdivision and subsequent development of the site for residential development in the manner proposed.

It is considered that amending the Wollondilly Local Environmental Plan 2011 is the best means of achieving the objectives of the planning proposal.

Section B – Relationship to strategic planning framework

B 3.3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The following regional and sub-regional strategies are relevant to Wollondilly:

- A Plan for Growing Sydney
- Draft Greater Macarthur Preliminary Land Release Strategy
- Draft South West District Plan

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 the investigation of the suitability of the Macarthur South Investigation Area for a future Growth Centre as a priority. 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.

Furthermore, the planning proposal is consistent with the amended plan (*Towards our Greater Sydney 2056*) as the site location supports housing choice and diversity, is within walking distance to the local village shops and is located close to an existing bus stop.

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.

The planning proposal is consistent with this strategic direction as it constitutes small-scale development adjoining the existing Appin village area.

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 “*A Liveable City*” priority.

The proposal will help to improve housing diversity and affordability through the delivery of housing on a relatively small scale 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.

B 3.4 Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

The following Local Strategies are relevant to this Planning Proposal:

- Wollondilly Community Strategic Plan 2033
- Growth Management Strategy 2011

Wollondilly Community Strategic Plan 2033

The Wollondilly Community Strategic Plan 2033 (WCSP), adopted by Council 17 June 2013, is the Council’s overarching long term strategic plan and sets out the aspirations of the community for Wollondilly for the next 20 years.

The WCSP is based on a vision of rural living for Wollondilly Shire and is focused around five (5) themes:

- Looking after the Community
- Accountable and Transparent Governance
- Caring for the Environment
- Building a strong local Economy
- Management and provision of Infrastructure

Each theme is supported by identified outcomes and strategies which express in broad terms what is to be achieved and how. These themes are, in part, delivered through a number of key supporting strategies, plans and policies which have been prepared by the Council. Particularly relevant to Planning Proposals are the Council's Local Environmental Plan and Growth Management Strategy.

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.

Comment:

Formal public exhibition of the planning proposal will be undertaken in accordance with the relevant legislation and all submissions received will be considered by Council.

Strategy EC3 – Manage Growth

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

Comment:

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

Wollondilly Growth Management Strategy 2011 (GMS)

A key land use planning issue for Wollondilly is to manage pressures for growth against the context of a broad community desire to keep the Shire rural. This is a challenging balancing act and an inevitable consequence of being a rural area on the fringe of a major metropolis.

The Growth Management Strategy 2011 (GMS) was prepared to provide a strategic plan led response to this issue, and does so by providing:

- clear policy directions on growth issues;
- a strategic framework against which to consider Planning Proposals;
- a long-term sound and sustainable approach to how the Shire develops and changes into the future;
- a basis to inform Council decisions and priorities regarding service delivery and infrastructure provisions;
- direction and leadership to the community on growth matters;
- advocating for better infrastructure and services;
- a strategy/response for how the Council sees the State Government's Metropolitan and subregional planning strategies being implemented at the local level.

The Growth Management Strategy is available on the Council's website.

The GMS was prepared in consultation with and was partially funded by the Department of Planning and Infrastructure. However the finalised document has not been endorsed by the Director-General. Notwithstanding this, the GMS was adopted by Council on 21 February 2011 and is consistently applied in the assessment of Planning Proposals for new growth across the Shire.

The GMS identifies the subject site as “Potential Residential Growth Area”, as shown in Figure 2 on the following page and accordingly the rezoning of this site for low density residential development is consistent with the strategic direction outlined in the GMS.

B 3.5 Is the planning proposal consistent with applicable 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 (see Appendix A). A number of policies will be applicable at the development application, however those applicable at the strategic planning stage and relevant to this planning proposal are:

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

Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment

An assessment of the Planning Proposal’s consistency with all State Environmental Planning Policies is provided at Appendix A.

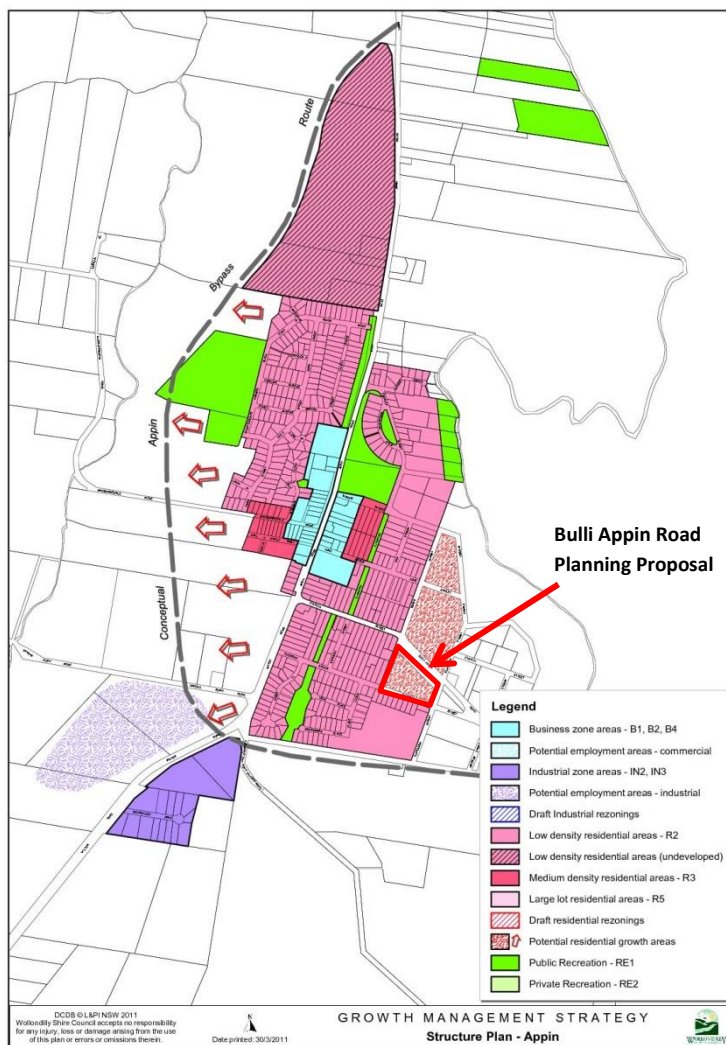


Figure 2: Wollondilly Growth Management Strategy 2011; Structure Plan for Appin

SEPP 55 – Remediation of Land

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 on site, a Tier 1 Detailed Site Investigation must be conducted to assess the areas of environmental concern identified and proposed suitable measures to be implemented during construction.

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 remediation has been included in the site-specific provisions in the Wollondilly Development Control Plan (DCP) supporting 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.

An assessment on how this planning proposal is consistent with this policy is provided in Appendix C. 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.

B 3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Minister for Planning, under section 117(2) of the EP&A Act issues directions that relevant planning authorities, in this case Wollondilly Shire Council, must follow when preparing planning proposals for new Local Environmental plans.

The directions cover the following broad categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- metropolitan planning

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

Direction 2.1 Environmental Protection Zones

Direction 4.2 Mine Subsidence and Unstable Land

Direction 4.3 Flood Prone Land

Direction 4.4 Planning for Bushfire Protection

Direction 6.2 Reserving Land for Public Purposes

Consideration of these directions is provided below and an assessment of the Planning Proposal's consistency against all s.117 directions is provided at Appendix B.

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.

Correspondence has been provided in relation to this S117 Direction from both NSW Trade and Investment Resources & Energy and the Mine Subsidence Board.

This advice identified that the subject area is located less than 500m north from coal mining associated infrastructure and is located with 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 raise any objections to the proposal but did note that 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.

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.

As the site is predominately cleared as a result of the historical use of the site for rural use, OEH initially determined that no comment was necessary, however further advice received during the public consultation identified the need to retain the mid and understory plants and the log and leaf litter in areas of SSTF high sandstone influence as identified in the flora and fauna study.

This vegetation will be retained through planning controls listed in the 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.

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. The submission from OEH did not include comments on flooding, however advice from the Department of Primary Industries – NSW Office of Water recommended that the proponents consult with the Office of Water in relation to any water licensing requirements for dams or pumps at the site and that the design of any on site detention basins or drains proposed for the site should be consistent with current Water Sensitive Urban Design objectives.

It is anticipated that consultation with the Office of water and 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 drainage concept plan 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 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.

The land owner has since purchased the Crown Road Reserve and a new deposited plan has been created for this land. Approval to include this land in the proposal has also been provided by the Department of Planning and Environment within the original Gateway Determination.

Section C – Environmental, social and economic impact

C 3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is located adjacent to an existing urban area at Appin Village. The subject site is partly vegetated along its boundaries and OEH mapping identifies the site as potentially containing Shale Sandstone Transition Forest (SSTF)

which is listed as a Critically Endangered Ecological Community (EEC) under the NSW Threatened Species Conservation Act 1995 (TSC Act) and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999. This is confirmed in the specialist study undertaken by Dragonfly Environmental which identified SSTF with high sandstone influence on the site.

The site specific development controls for the site seek to retain this vegetation along Bulli Appin Road.

C 3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Noise and urban design are environmental considerations for this planning proposal.

Noise

A Noise Assessment has been carried out by Day Design PTY LTD on 23 November 2012 which concludes that acceptable noise levels can be achieved provided acoustic treatments are carried out during the construction and fit out of future housing. This assessment was peer reviewed by Pollution Control Consultancy and Design on 7 May 2013. Issues identified in the peer review have since been addressed by the original consultant, Day Design.

To ensure noise is considered at the subdivision and construction stage the site specific development controls require that a future noise assessment is undertaken at the subdivision stage and that any recommendations are incorporated into building design.

Urban Design

The site is located in a prominent position and will form the eastern Gateway into the village. To ensure this site is compatible with the existing rural outlook of the location and that it models good urban design, development controls have been developed to guide the future design of the site.

No other adverse environmental impacts have been identified in this planning proposal.

C 3.9 Has the planning proposal adequately addressed any social and economic effects?

The planning proposal represents a logical extension of the Appin village urban boundary and will contribute to the supply of land for housing in this locality.

The additional housing will provide will have a positive economic impact upon the development / construction industry, inclusive of the prospects of local employment on many fronts, both in design and construction. The local businesses at Appin are likely to benefit in a modest way reflected in enhanced trade.

No adverse social and/or economic impacts are foreshadowed.

Section D – State and Commonwealth interests

D 3.10 Is there adequate public infrastructure for the planning proposal?

Flooding and Drainage

JMD Development Consultants have prepared a number of drainage reports with the most recent being prepared on 10 March 2016. This report concludes stormwater can be effectively managed by a series of discharge pipes and the construction of two basins.

Electricity

The existing electricity supply network has adequate capacity to service the projected population without any major augmentation of the existing infrastructure.

Telecommunications

The National Broadband Network rollout is currently underway for those areas of Appin adjoining the subject site. The village otherwise is serviced with telephone lines and mobile network coverage.

Traffic & Transport

A Traffic Impact Assessment was undertaken by Transport & Urban Planning Pty Ltd and a report dated May 2014 was submitted in support of the planning proposal.

The report found that if the site was developed for low density residential housing the likely traffic generation would result in minimal additional traffic impacts on the road network. Direct vehicular access from Bulli Appin Road was not considered appropriate and should be restricted.

The Traffic Impact Assessment was referred to the Roads and Maritime Authority who advised that the traffic impacts and arrangements for future development of the site could be dealt with at the development application stage if the land is rezoned.

Community Infrastructure

The planning proposal will only modestly increase demand for local services at it is considered that this can be accommodated through the levying of Section 94 Developer Contributions at the Development Application stage.

Education

Appin has one Public School and has access by bus to Public High Schools in the Campbelltown Local Government Area. It is anticipated that the proposal will only modestly increase the demand for education.

D 3.11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

In accordance with the Gateway Determination, the planning proposal was referred to the following State Agencies for comment: prior to and during public exhibition.

- Greater Sydney Local Land Services
- Roads and Maritime Services
- Mine Subsidence Board
- Sydney Water
- Rural Fire Service
- Office of Environment & Heritage (Environment)
- Mineral Resources and Energy
- Department Primary Industries (Fisheries)
- Department of Primary Industries (Agriculture)
- Crown Lands

A summary of the feedback from these agencies is provided in Appendix F. There are no outstanding objections from these agencies.

Part 4 – Mapping

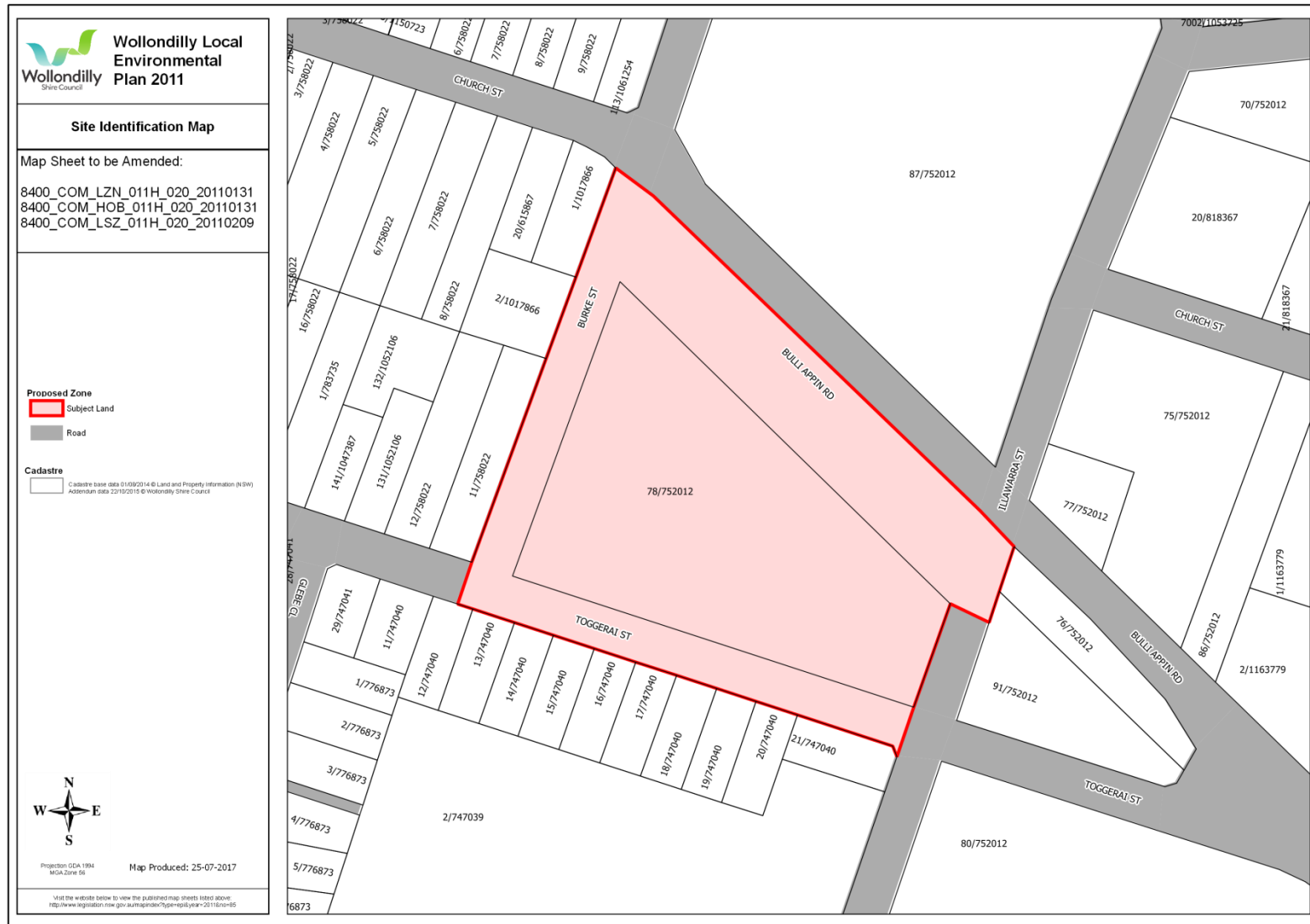
Map 1 – Site Identification Map (SIM)

Map 2 – Changes to Land Zoning Map (LZN)

Map 3 – Changes to Height of Buildings Map (HOB)

Map 4 – Changes to Lot Size Map (LSZ)

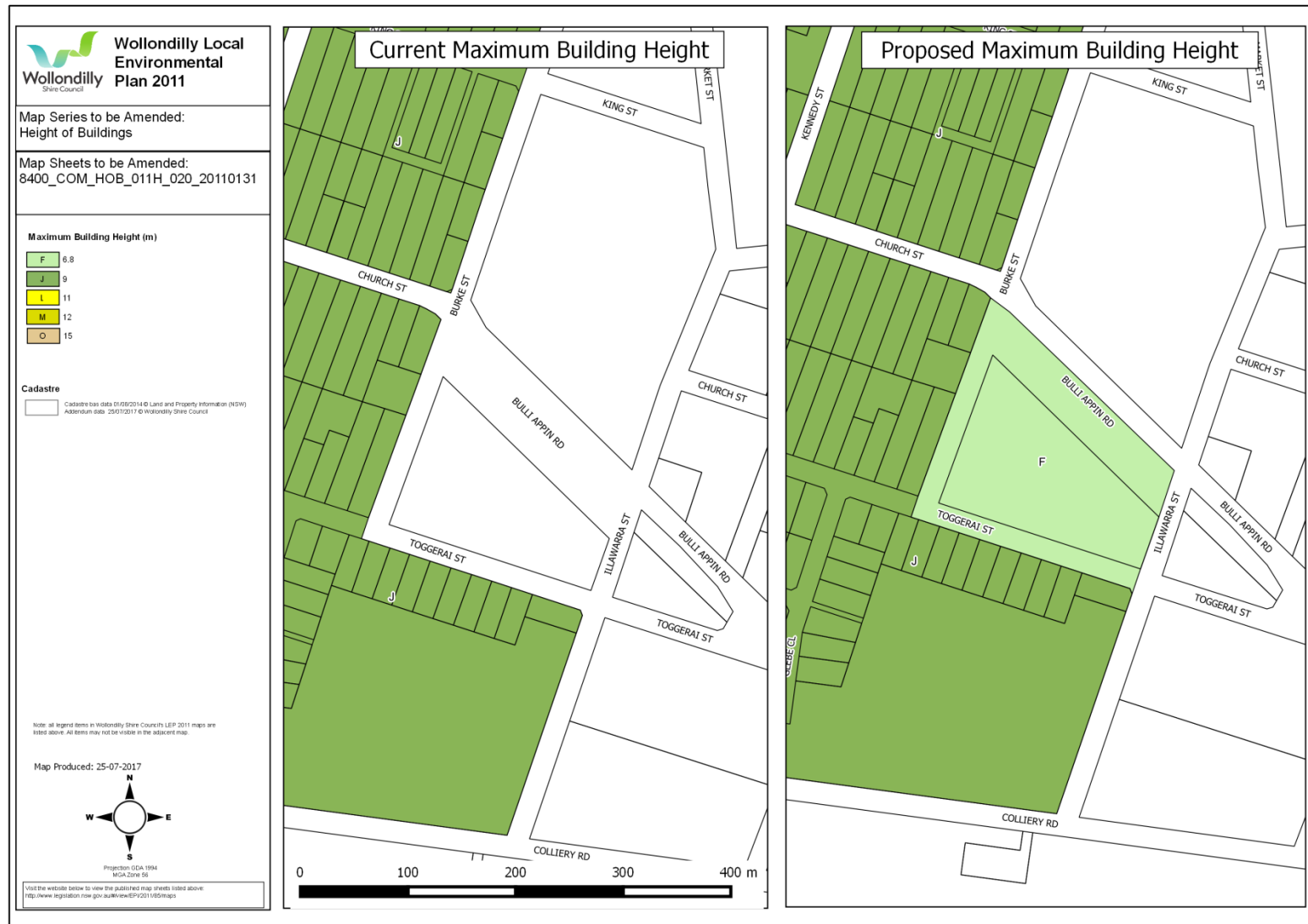
Map 1 – Site Identification



Map 2 – New Land Zoning (LZN)



Map 3 – New Height of Buildings Map (HOB)



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Part 5 – Community Consultation

The table below provides a summary of the community engagement undertaken as part of the consideration of the planning proposal:

What will happen?	When will it happen?	Has it happened yet?	What was the outcome?
Preliminary Consultation (Pre-Gateway) – In accordance with Council's notification policy the draft Planning Proposal will be made available on Council's website and notified to adjoining owners and occupants.	When a draft planning proposal is lodged with Council a period of preliminary community consultation is held prior to Council considering whether to support the planning proposal.	Yes Jan/Feb 2012	A summary of the consultation submissions is provided in Appendix D
Public Exhibition Community Consultation will be undertaken in accordance with sections 56(a)(c) and 57 of the EP&A Act 1979 as follows: - The Planning Proposal will be made publicly available for 14 days; and - The Planning Proposal will be placed on Public Exhibition	After a Gateway Determination has been issued.	Yes 14/12/2016 – 3/2/2017 (Public) 07/02/2017 – 07/03/2017 (Agencies)	A summary of the consultation submissions is provided in Appendix E-

Preliminary Consultation (Pre-Gateway) – 25 January to 17 February 2012

Council requires initial consultation to be undertaken when a draft planning proposal is received by Council. This requirement is in addition to statutory requirements.

An initial period of consultation was undertaken for 24 days from 25 January 2012 until 17 February 2012. The preliminary consultation was on the draft Planning Proposal as submitted to Council by the proponent Michael Brown Planning Strategies.

In response to the feedback received from the community, Council has since amended the original proposal to a larger lot size of 975m² and identified a low maximum height of buildings of 6.8m.

Public Exhibition - 14 December 2016 to 3 February 2017 and 7 February 2017 to 7 March 2017 (Agencies)

Public exhibition of the planning proposal is the formal consultation phase and is required under legislation. This is the opportunity for the community and public agencies to view the specialist studies and all other information that has been prepared in support of the proposal.

The planning proposal was publically exhibited from 14 December 2016 to 3 February 2017 and public agencies were invited to provide comment from 7 February 2017 to 7 March 2017. This timeframe was greater than that required in the Gateway to allow for the Christmas and New Year break and the summer school holidays.

The draft Development Control Plan for the future development of the planning proposal site was exhibited at the same time.

Public exhibition was undertaken in the following manner:

- Notification in local newspapers (Wollondilly Advertiser and The District Reporter)
- Notification on Council's website.
- Statement on Council's Facebook page
- Written correspondence will be sent to affected and adjoining landowners and previous submitters.

Copies of the Planning Proposal and associated documents were available at Council's administration building and library and the Appin Post Office.

Part 6 – Project Timeline

Project Detail	Timeframe	Timeline
Date of submission to the Department to finalise the Draft LEP amendment	N/A	N/A
Anticipated date RPA will make the plan if delegated (including 6 week period for finalisation)	2 months	September 2017
Anticipated date RPA will forward to the Department for notification	1 month	October 2017

Appendices

A. Assessment against SEPPs

Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

B. Assessment against Section 117(2) Directions

Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act (EP&A Act) 1979.

C. Consistency with the Greater Metropolitan REP No 2 -Georges River Catchment

Table indicating compliance with applicable Greater Metropolitan REP no.2 – Georges River Catchment

D. Assessment of Preliminary Community Consultation

Table summarising and assessing feedback from the preliminary community consultation on the proposal

E. Assessment of feedback received during Public Exhibition

Table summarising and assessing feedback received from the community during the public exhibition phase

F. Assessment of agency feedback

Table summarising and assessing agency feedback on the proposal.

G. Assessment against Wollondilly GMS 2011

Table indicating compliance with relevant Key Policy Directions within Wollondilly Growth Management Strategy (GMS) 2011.

H. Council Report and Minutes

Report and minutes from Council meetings held on 15 May 2017

I. Original Gateway Determination and Gateway Alterations

Copy of the original Gateway Determination and subsequent Gateway Alterations including Council's Delegation

J. Wollondilly Development Control Plan 2016 - Bulli Appin Road Site Specific Controls

Site specific development controls to accompany Bulli Appin Road Planning Proposal.

Appendix A

Assessment against SEPPs

The table below indicates compliance, where applicable, with State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

No.	Name of State Environmental Planning Policies (SEPPs)	Is the Planning Proposal consistent with this SEPP?	Comments
1	Development Standards	N/A	WLEP 2011 is a Standard Instrument Local Environmental Plan. It incorporates Clause 4.6 Exceptions to Development Standards, which precludes the need for consistency with SEPP 1.
14	Coastal Wetlands	N/A	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	N/A	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	N/A	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	Yes	The Planning Proposal does not change the current provisions of the LEP in relation to Caravan Parks.
26	Littoral Rainforests	N/A	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	N/A	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	The planning proposal does not contain provisions that will contradict or hinder the application of the SEPP.
33	Hazardous and Offensive Development	N/A	Not applicable to this Planning Proposal.
36	Manufactured Home Estates	N/A	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	N/A	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	Yes	The Planning Proposal will not contain provisions that will contradict or will hinder the application of this SEPP.
47	Moore Park Showground	N/A	Not applicable in the Shire of Wollondilly.

No.	Name of State Environmental Planning Policies (SEPPs)	Is the Planning Proposal consistent with this SEPP?	Comments
50	Canal Estates	N/A	Not applicable to this Planning Proposal.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Shire of Wollondilly.
55	Remediation of Land	Yes	A Phase 1 contamination report dated June 2014 was submitted for consideration. The report found that the site was suitable for the proposed rezoning from RU2 Rural. Landscape to R2 Low-Density Residential.
59	Central Western Sydney Economic and Employment Area	N/A	Not applicable in the Shire of Wollondilly.
62	Sustainable Aquaculture	N/A	Not permitted in the proposed zones.
64	Advertising and Signage	N/A	Not applicable to this Planning Proposal.
65	Design Quality of Residential Flat Development	N/A	Development to which the SEPP applies is not permitted in the proposed zone.
70	Affordable Housing (Revised Schemes)	N/A	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Housing for Seniors or People with a Disability)	Yes	The Planning Proposal does not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Kurnell Peninsula) 1989	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	N/A	Not applicable to this Planning Proposal.
	SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This Planning Proposal does not contain any provisions which would contradict or hinder the application of this SEPP.

No.	Name of State Environmental Planning Policies (SEPPs)	Is the Planning Proposal consistent with this SEPP?	Comments
	SEPP (Infrastructure) 2007	N/A	This Planning Proposal does not contain any provisions which would contradict or hinder the application of this SEPP.
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Rural Lands) 2008	N/A	Does not apply to the planning proposal.
	SEPP (Exempt and Complying Development Codes) 2008	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning.
	SEPP (Western Sydney Parklands) 2009	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Sydney Drinking Water Catchment) 2011	N/A	Not applicable to this Planning Proposal.
	SEPP (Miscellaneous Consent Provisions) 2007	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Penrith Lakes Scheme) 1989	N/A	Not applicable in the Shire of Wollondilly
	SEPP (State & Regional Development) 2011	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Three Ports) 2013	N/A	Not applicable in the Shire of Wollondilly
	SEPP (SEPP 53 Transitional Provisions) 2011	N/A	Not applicable in the Shire of Wollondilly
	SEPP (Urban Renewal) 2010	N/A	Not applicable in the Shire of Wollondilly.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)		Consistency	Comments
9	Extractive Industry (No 2)	N/A	
20	Hawkesbury–Nepean River (No 2 - 1997)	NA	Not applicable to this Planning Proposal.
2	Greater Metropolitan Regional Environmental Plan No 2--Georges River Catchment	Yes	A full assessment of the proposal against this policy is provided in Appendix C.

Appendix B

Assessment against Section 117(2) Directions

The table below assesses the planning proposal against Section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act (EP&A Act) 1979.

Ministerial Direction	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	No	N/A	The planning proposal does not apply to any business or industrial zones
1.2 Rural Zones	Yes	No	The planning proposal seeks to rezone land currently zoned RU2 Rural Landscape to R2 Low Density Residential and is therefore inconsistent with the Section 117 Direction. The inconsistency can be justified as the site has been identified for future residential purposes in the adopted Wollondilly Growth Management Strategy (GMS) and is viewed as being of minor significance due to the relatively small scale of the site (1.935 hectares). This inconsistency has been approved by the Director General.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Yes	The impact of noise from the nearby Appin East colliery has been considered in the specialist acoustic assessment. A site specific DCP for the site will require an updated noise assessment to be carried out at the subdivision stage to guide acoustic treatments for the future construction of homes.
1.4 Oyster Production	N/A	N/A	Direction does not apply.
1.5 Rural Lands	Yes	Yes	The Planning Proposal identifies land adjacent to existing residential land and will not result in the fragmentation of agricultural land.
2. Environment and Heritage			

Ministerial Direction	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
2.1 Environmental Protection Zones	No	N/A	There are no known environmentally sensitive areas located within or affected by this planning proposal.
2.2 Coastal Protection	N/A	N/A	Direction does not apply.
2.3 Heritage Conservation	No	N/A	No known items, areas, objects and places of environmental heritage significance and indigenous heritage significance are known to be at the proposal location.
2.4 Recreation Vehicle Area	No	N/A	The Direction does not apply to this proposal.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Yes	Consultation with the relevant authorities has indicated that the site can be adequately serviced.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	The proposal does not change existing LEP provisions for Caravan Parks and Manufactured Home Estates.
3.3 Home Occupations	Yes	Yes	The proposal does not change existing LEP provisions for Home Occupations.
3.4 Integrating Land Use and Transport	Yes	Yes	The proposal is consistent with this direction as the site is identified for future residential purposes within the adopted Wollondilly Growth Management Strategy (GMS). The rezoning of the site is a logical expansion of the existing urban village of Appin which is serviced by local bus services.
3.5 Development Near Licensed Aerodromes	N/A	N/A	Direction does not apply.
3.6 Shooting Ranges	N/A	N/A	Direction does not apply.

Ministerial Direction	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
4. Hazard and Risk			
4.1 Acid Sulphate Soils	Yes	Yes	A Tier 1 Preliminary Site Investigation carried out as part of the specialist studies identifies that the presence of potential acid sulfate soil (PASS) material was identified in the NSW Natural Resource Atlas Maps for the area. The maps indicated that the site posed no acid sulfate soil risk. Due to the elevation and geological land unit of the area, it is not expected that acid sulfate soils are present.
4.2 Mine Subsidence and Unstable Land	Yes	Yes	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. The subject site is located within a mine subsidence district and the planning proposal will result in urban development on that land therefore this direction applies. The planning proposal was referred to the Mine Subsidence Board (MSB) as required by the direction. The MSB in their correspondence to Council dated 9 December 2014 did not object to the proposal. Given that the site has not been identified as 'unstable' in a study or report and the MSB have not objected to the proposal, the planning proposal is consistent with this direction.
4.3 Flood Prone Land	No	N/A	The land within this planning proposal is not known to be flood prone. A drainage report and diagrams have been prepared for the proposal. Advice provided by the Department of Primary Industries – NSW Office of Water recommended that the proponents consult with the Office of Water in relation to any water licensing requirements for dams or pumps at the site and that the design of any on site detention basins or drains proposed for the site should be consistent with current Water Sensitive Urban Design objectives. It is anticipated that consultation with the Office of water and 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 drainage concept plan stage.

Ministerial Direction	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
4.4 Planning for Bushfire Protection	Yes	Yes	The land within this planning proposal is mapped as being partially bushfire prone land. The planning proposal was also referred to the NSW Rural Fire Service (RFS) as required by the direction. The RFS in their correspondence to Council dated 13 January 2015 and 10 March 2017 did not object to the proposal. The Bushfire Hazard Report (Appendix L) prepared for the proposal found that the location of the subject site is such that the minimum required Asset Protection Zones are exceeded to all aspects and that the bushfire safety measures proposed will provide a reasonable and satisfactory level of bushfire protection to the subject development. Considering the findings of the Bushfire Assessment and that the RFS have not raised objection to the planning proposal it is considered that the planning proposal is consistent with this direction.
5. Regional Planning			
5.1 Implementation of Regional Strategies	No	N/A	Direction does not apply.
5.2 Sydney Drinking Water Catchments	No	N/A	The land within this planning proposal is not located within the Sydney drinking water catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A	Direction does not apply.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A	Direction does not apply.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A	Revoked.

Ministerial Direction	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
5.6 Sydney to Canberra Corridor	N/A	N/A	Revoked.
5.7 Central Coast	N/A	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A	Direction does not apply
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Yes	Potential to be	Recent telephone communication with the Department of Lands on 27 June 2017 has confirmed that the land owner is finalizing the purchase of the public road reserve and new deposited plan has been created. Additionally, approval to include the land in the planning proposal has been provide din the Gateway determination.
6.3 Site Specific Provisions	No	N/A	Direction does not apply.
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	This planning proposal is not inconsistent with <i>A Plan for Growing Sydney</i> .
7.2 Implementation of Greater Macarthur Land Release Investigation	Yes	Yes	The proposal is within the Greater Macarthur Land Release Investigation Area and is consistent with the Preliminary Strategy

Appendix C

Consistency with the Greater Metropolitan Rep No 2 - Georges River Catchment

Georges River REP principles	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
General planning principles			
a) the aims, objectives and planning principles of this plan;	Yes	Yes	As demonstrated in this table, the proposal is consistent with the aims, objectives and planning principles of this policy
b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas;	Yes	Yes	The drainage concept plan prepared for this proposal provides a plan for drainage basins. These basins will operate to limit storm water discharges from the site to less than the pre-developed flows. Therefore existing flows will be reduced and these should be no negative effect on adjacent or downstream local government areas.
c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	Yes	Yes	The proposal will result in a small scale development and with proper management of Stormwater as provided in the drainage concept plan, will not contribute to a cumulative negative impact on the Georges River or its tributaries.
d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective	Potential to be	Yes	A review of the associated plans has not highlighted any inconsistencies with this proposal. To consider potential impacts of future development a ground water study will be required at the subdivision stage.

Georges River REP principles	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
offices of those Departments);			
e) the Georges River Catchment Regional Planning Strategy (prepared by, and available from the offices of, the Department of Urban Affairs and Planning);	Yes	Yes	The proposal seeks to retain existing native vegetation along the unnamed road reserve portion of the site. This is consistent with the proposed outcomes for peri urban areas identified in the Greater Sydney Land Services Transition Action Plan
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	Yes	Yes	A review of the known State Government policies, manuals and guidelines has not highlighted any inconsistencies with this proposal.
g) whether there are any feasible alternatives to the development or other proposal concerned.	No	N/A	
Specific planning principles			
(1) Acid sulfate soils Disturbance of acid sulfate soil areas is to be avoided or minimised and those areas are to be protected in accordance with the requirements set out in the Acid Sulfate Soils Assessment and Management Guidelines prepared by the Acid Sulfate Soils Management Advisory Committee. Measures to minimise disturbance are to take into account the following: (a) verification of the existence, locations and extent of acid sulfate soils, (b) the capacity of land to sustain the proposed land uses, having regard to: (i) potential impacts on surface and ground water quality and quantity, and (ii) potential impacts on ecosystems and on biodiversity,	Yes	Yes	The Tier 1 Preliminary Site Investigation study that has prepared for the proposal (June 2014) found that the presence of potential acid sulfate soil (PASS) material was identified in the NSW Natural Resource Atlas Maps for the area. The maps indicated that the site posed no acid sulfate soil risk. Due to the elevation and geological land unit of the area, it is not expected that acid sulfate soils are present. Therefore it is unlikely that future development of the site will result in the disturbance of acid sulfate soils. A future Phase 1 report at the development application stage will confirm this.

Georges River REP principles	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
and (iii) potential impacts on agricultural, fisheries and aquaculture productivity, and (iv) any likely engineering constraints and impacts on infrastructure, and (v) cumulative environmental impacts.			
(2) Bank disturbance Disturbance of the bank or foreshore along the Georges River and its tributaries is to be avoided and those areas and any adjoining open space or vegetated buffer area must be protected from degradation.	No	N/A	The proposal does not include areas of foreshore
(3) Flooding The following are to be recognised: (a) the benefits of periodic flooding to wetland and other riverine ecosystems, (b) the pollution hazard posed by development on flood liable land in the event of a flood, (c) the cumulative environmental effect of development on the behaviour of flood water and the importance of not filling flood prone land.	No	N/A	The proposal is not located on flood prone land
(4) Industrial discharges The discharging of industrial waste into the Georges River or its tributaries must be avoided and the requirements of the relevant consent authority and licensing authority must be met in those instances where industrial discharges into the river and its tributaries occur.	No	N/A	Principle is not relevant to this proposal
(5) Land degradation Land degradation processes, such	No	N/A	The proposal relates to cleared land that has been used for rural purposes for a

Georges River REP principles	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
as: (a) erosion, (b) sedimentation, (c) deterioration of soil structure, (d) significant loss of native vegetation, (e) pollution of ground or surface water, (f) soil salinity and acidity, and (g) adverse effects on habitats and sensitive natural environments (aquatic and terrestrial) within the Catchment, must be avoided where possible, and minimised where avoidance is not possible.			number of years. Council has developed site specific development controls to retain existing vegetation along the land previously identified for road reserve. No clearing of native vegetation is proposed.
(6) On-site sewage management The potential adverse environmental and health impact associated with effluent disposal is to be recognised and guarded against by meeting the criteria set out in the Environment Health Protection Guidelines: On-site Sewage Management for single households and the provisions of the Local Government (Approvals) Regulation 1993.	Yes	Yes	The provision of reticulated Water and Sewer Services Assessment carried out by Sydney Water indicates that the sewer mains can be connected to from the site by way of an extension pipe and that a sewer main servicing strategy will be required at the development application stage.
(7) River-related uses Uses located on immediate foreshore land on the Georges River and its tributaries must be water-related and public access to the foreshore of the river and its tributaries must be provided in order to enhance the environment of the Catchment.	No	N/A	Principle is not relevant to this proposal
(8) Sewer overflows The adverse impact of sewer overflows, including exfiltration, on the environment within the Catchment, and specifically on the water quality of the river and its tributaries, is to be recognised and that issue is to be addressed through appropriate planning and management of development	Yes	Yes	The Appin village has access to existing sewerage treatment infrastructure and Sydney Water has indicated that future connection to the sewer mains is available for this proposal.

Georges River REP principles	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
within the Catchment.			
(9) Urban/Stormwater runoff The impacts of stormwater runoff, including sewage contaminated runoff into or near streams within the Catchment, is to be minimised and mitigation measures that address urban stormwater runoff are to be implemented in accordance with the local council requirements and the Managing Urban Stormwater series of documents. Development is also to be in accordance with the NSW State Rivers and Estuaries Policy available from offices of the Department of Urban Affairs and Planning. Stormwater management must be integrated so that quality, quantity and land use aspects are all encompassed.	Yes	Yes	Council is satisfied that the drainage concept plan provided for this proposal will provide adequate measure for the management of Stormwater run-off, however further detail will need to be provided and assessed at the development application stage.
(10) Urban development areas The environment within the Catchment is to be protected by ensuring that new or expanding urban development areas are developed in accordance with the Urban Development Program and the Metropolitan Strategy and that the requirements of the NSW Floodplain Development Policy and Manual (prepared by and available from the Department of Land and Water Conservation) are also satisfied. It is important to ensure that the level of nutrients entering the waterways and creeks is not increased by the development.	Yes	Yes	Any applications for the future development of the site will require a ground water study to ensure consistency with this principle.
(11) Vegetated buffer areas Appropriate buffer widths (as identified in item 21 relating to Development in Vegetated Buffer Areas in the Planning Control and	No	N/A	The proposal is not within a vegetated buffer area

Georges River REP principles	Is it applicable to Planning Proposal?	Is the Planning Proposal consistent with this Direction?	Assessment
Consultation Table in Part 3) must be retained as a means of improving surface runoff entering into the Georges River or its tributaries.			
(12) Water quality and river flows Water quality and river flows within the Catchment are to be improved through the implementation of environmental objectives for water quality and river flows agreed between the Minister for Environment and the Minister for Land and Water Conservation and by the application of consistent decisions affecting the use and management of land.	Yes	Yes	Water quality will protected through stormwater and wastewater management as detailed in the specialist studies supporting this proposal.
(13) Wetlands Wetlands must be protected through the application of consistent land use and management decisions that take into account the potential impact of surrounding land uses, incorporate measures to mitigate adverse effects and are in accordance with the NSW Wetlands Management Policy (prepared by and available from the Department of Land and Water Conservation). Wetlands must also be protected by requiring adequate provisions where clearing, construction of a levee, draining or landscaping is to be undertaken.	No	N/A	The planning proposal is not within a wetland area

Appendix D

Assessment of Preliminary Community Consultation

Key Issue	Summary of Comments	Council Assessment
Roads & Traffic	Increased traffic flows on Toggerai Street, which is currently used as a shortcut to avoid Bulli-Appin Road. Negative impact upon and potential conflict with vehicles accessing the Appin East Pit Top. Traffic entering/exiting Bulli-Appin Road would be adversely affected and potentially endangered by traffic generated for future residential development of the site. The current road width for 30 Toggerai Street to Illawarra Street is too narrow to pass another vehicle if there are vehicles parked on the street. Burke Street is unsuitable for increased flows and will create further intersection with Bulli-Appin Road. Increased traffic congestion at the Bulli-Appin Road T-intersection which is heavily congested during peak traffic periods.	The Traffic and Access Assessment prepared for the proposal indicates that future development of the site will generate an additional 21 peak hour trips into the adjoining road system and intersection and is unlikely to result in any significant operational traffic impacts at these locations. In addition to this a requirement of the future development of the site will be to open the unformed portion of Burke Street. This will also help to reduce traffic at the intersection onto Bulli Appin Road and Illawarra Street from existing traffic.
Village Character & Visual impact	450m² lots of the edge of Appin are inconsistent with adjoining lot sizes (generally 1,000m² in size). The rural aspect currently enjoyed by adjoining residences will be negatively impacted upon by future residential development of the site. 1,000m² lots would be more appropriate and consistent with the adjoining subdivision pattern. The current rural entrance to Appin when approaching from the east will be negatively impacted upon by future residential development of the site.	The proposal seeks to apply a minimum lot size of 975m² across the site. Site specific development controls have been prepared to accompany this proposal. These controls seek to enhance the prominence of the site as the Eastern Gateway into the village and to retain the rural outlook of the site.
Infrastructure & Services	The sewerage infrastructure was designed to cater for existing residential area. Is there capacity to service the proposal site? Proposed development will generate and unreasonable demand for public services	Sydney Water has indicated that the site can be connected to the existing sewer. The proposal is for a moderate increase of approximately 20 lots and so demand on

	and facilities, which are already deficient in Appin. Additional residences will impact upon water pressure, which is already a problem experienced in Appin. The shopping centre car park will be unable to cope with additional vehicles associated with future residential development of the site.	existing infrastructure will be minimal. In addition to this developer contributions will be required to offset any increase in demand.
Planning	- Consider inclusion of adjoining property (Lot 76 & 91 in DP 752012) in the planning proposal for residential or light industrial purposes. - Proposed residential use will conflict with the activities associated with operation of the Appin East Pit Top. - Potential for air, noise and traffic impacts on the planning proposal site from the operation of the Appin East Pit Top. - Consider inclusion of adjoining land (Lot 87 in DP 752012) in the planning proposal for residential purposes, consistent with the identified 'potential residential growth area' in the Growth Management Strategy Structure Plan for Appin. - Inclusion of Lot 87 in DP in DP 752012 in the planning proposal is the precinct planning direction of the Growth Management Strategy. - Increasing the scope of the planning proposal to include adjoining land will enhance the local community. - Proposal is contrary to Key Policy Direction No. 1.6 of the Growth Management Strategy. - Figures extrapolated from the Growth Management Strategy have been manipulated to support the proposal. - There is no demand for townhouse style developments in Appin reflect by the poor sales history of townhouses recently constructed in Church Street Appin.	- Any proposal for a change to the WLEP for adjoining properties must be subject to its own planning proposal. - Consultation has been carried out with NSW Trade and Investment and Geological Survey of NSW (GSNSW) has no objection to the proposal in relation to land use conflict. - A noise assessment has been undertaken for the proposal that indicates that noise from mining operations at the site insignificant. - In addition to the proposed site specific DCP will require a noise assessment to be carried out at the subdivision stage and that appropriate treatments be applied to houses to reduce noise. - The retention of vegetation also identified in the proposed DCP will help to address any dust issues from adjoining land uses. - A separate planning proposal will need to be submitted to rezone adjoin land. - The site has been identified for future residential in the GMS. - Low density residential is proposed for the site.

Appendix E

Assessment of feedback received during Public Exhibition

Issue Raised	Assessment Comment
Ongoing inadequate drainage problems: During storm conditions, heavy rain down which leads to flooding and pool of water in Kennedy Street	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. 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.
Inadequacy of storm water infrastructure to cope with additional housing 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	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.
Adjoining land owner at No. 24 Illawarra Street Appin would like their land to be included in the planning proposal.	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.

Appendix F

Government Agency feedback

Agency	Submission	Comment
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.	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.	Noted. 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)	- Analysis provided has considered present day traffic volumes only and 10 years projected traffic growth with and without development have not been considered - Clarification regarding the access arrangements to the proposed subdivision is required. - Previous correspondence regarding the proposal and the current Road Traffic Noise Intrusion Report indicates access to the subdivision is proposed via an access road from Appin Road between Illawarra and Burke Streets and via direct access from Appin Road for one or two lots (titled option 2b and option 1). - This is contrary to the Traffic and Access Report prepared by Transport and Urban Planning dated May 2014 which states "no lots will have vehicle access directly to/from Appin Road". - RMS is unlikely to support a new access road or direct access to Appin Road In email dated 12/06/2015: RMS undertook further review of the Planning Proposal in response to Mr Bridgman's recent email submission of 20 May 2015. A list of comments was provided to the Specialist in this correspondence (#318). These were then responded to in	DCP requirement opening of Burke Street, no direct access to Bulli Appin Road. Traffic to be dealt with at the DA stage.

	#327 and then further responded to by the RMS on 14/09/2015 #327 with the following comments: • The planning proposal would facilitate a relatively small amount of residential development • The planning proposal relates to a single lot which has frontage to local roads and Appin Roads. • I consider that the traffic impacts and arrangements for future development of this land could be dealt post rezoning. Specifically, RMS would be able to control the access arrangements to the land during the development application stage. • In this regard, it most likely RMS would require all access to occur via Toggerai Street.	
NSW Rural Fire Service	• The Service has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire.	Noted
Sydney Water	Water • The existing 100mm drinking water mains in Toggerai Street and Illawarra Street have sufficient capacity to service the proposed lots. • Drinking water main extensions will be required from the 100 mms mains adjacent from 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. • The WSC will be required to organise an inception meeting with Sydney Water to determine the detailed wastewater modelling requirements to prepare a wastewater options report. The meeting will set the scope of the wastewater investigation required. • The options report will identify any system augmentation the developers will be required to deliver at the Section 73 application phase.	Noted
NSW Govt. Local Land Services Sydney	• The NV Act 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).	Noted. A site specific DCP has been developed for this site and contains provisions to ensure the existing vegetation on the site is retained.

	• 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 an 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 proposed rezoning proposal and subsequent development of this area should be designed so as to minimise impacts on native vegetation.	
Department of Primary Industries – NSW Office of Water	Surface Water • Inspection of an aerial image of 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 to 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.	A ground water study will be required at the development application for subdivision stage.

	• 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.	
Office of Environment and Heritage	• 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.	•Noted. Site specific development controls to address the initial design of the development have been developed. Management of the vegetation will be addressed at the development application stage.
NSW Resources and Energy (formally NSW Trade and Investment)	• The subject area is located less than 500m north from coal mining associated infrastructure. • In an attempt to reduce potential future land use conflicts GSNSW strongly recommends that any future design parameters associated with the planning proposal considers potential acoustic and dust impacts associated with the afore mentioned mining infrastructure. • GSNSW raised no resource issues in regard to the planning proposal. • A Consolidated Coal Lease (CCL) 767 & Coal Authorisation (AUTH) 397 (held by Endeavour Coal Pty Ltd) and Petroleum Exploration License (PEL) 2 held by (AGL Upstream Investments Pty Ltd) exist over a broad regional area that includes the subject site. Identification of the title is to make the	Noted. Controls to address potential acoustic and dust impacts are included in the development control plan for the site

	consent authority aware that there are other stakeholders with interests in the region. • The GSNSW has a range of online data available on line through the following website address: http://www.resources.nsw.gov.au/geological/online-services • Advice received during public exhibition reconfirmed the previous advice above and further confirmed that there were no specific resource concerns or objections in relation to this planning proposal	
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Appendix G

Assessment against Wollondilly GMS 2011

Wollondilly Growth Management Strategy (GMS) was adopted by Council in February 2011 and sets directions for accommodating growth in the Shire for the next 25 years. All planning proposals which are submitted to Council are required to be assessed against the Key Policy Directions within the GMS to determine whether they should or should not proceed.

The following table sets out the planning proposal's compliance with relevant Key Policy Directions within the GMS:

Key Policy Direction	Comment
General Policies	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	The GMS identifies the potential for future residential development within the site location. The site adjoins existing residential and is in near proximity to the village centre. On balance, the proposal is considered to be consistent with the key Policy Directions.
P2 All land use proposals need to be compatible with the concept and vision of 'Rural Living' (defined in Chapter 2 of the GMS).	The Planning Proposal is consistent with the concept and vision of 'Rural Living'. It proposes a moderate increase in lots adjoining an existing residential area and will have only a minor impact on the rural setting of the village.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	Preliminary consultation has been carried out for this planning proposal, with (6) written submissions and one form submission signed by thirty two (32) residents being received. The majority of submissions objected to the proposal with a minority of submissions being neutral. Further consultation with the community was carried out during public exhibition with two (2) written submissions being received. A summary of the comments raised in the submissions is provided in Appendix D and E.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	There have been no such representations regarding this Planning Proposal and therefore this Key Policy Direction has been satisfied.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.)	The Planning Proposal seeks a moderate expansion to Appin village directly adjoining the existing urban boundary. The proposal takes into account the existing characteristics of the adjoining residential areas and is supported by development controls that seek to ensure any future development is compatible with the existing area.

Key Policy Direction	Comment
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	Council plans for the adequate housing supply through the Growth Management Strategy (GMS). The GMS has identified the site for potential residential growth and so the proposal is in keeping with Council policy.
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	The planning proposal proposes residential style lots with a minimum lot size of 975m ² , which is slightly larger than the current size of adjoining properties and is in keeping with this direction.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	The planning proposal seeks a moderate expansion to Appin village through the extension to the existing residential area.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The planning proposal proposes growth immediately adjacent to existing residential areas to the east of the village.
Macarthur South Policies	
P11 Council does not support major urban release within the Macarthur South area at this stage.	The proposal is for a moderate expansion of the Appin village and is in keeping with this direction.
P12 Council considers that in order to achieve sound long-term orderly planning for the eventual development of Macarthur South an overall master plan is required.	The proposal is for a moderate expansion of the Appin village and is not in opposition to this direction
P13 Council will not support further significant new housing releases in Macarthur South beyond those which have already been approved. Small scale residential development in and adjacent to the existing towns and villages within Macarthur South will be considered on its merits.	The proposal is for a moderate small scale expansion of the Appin village and is consistent with this direction
P14 Council will consider proposals for employment land developments in Macarthur South provided they: ▪ Are environmentally acceptable; ▪ Can provide significant local and/or subregional employment benefits; ▪ Do not potentially compromise the future orderly master planning of the Macarthur South area; ▪ Provide for the timely delivery of necessary infrastructure; ▪ Are especially suited to the particular attributes of the Macarthur South area AND can be demonstrated as being	Key Policy Direction P14 is not applicable to this proposal.

Key Policy Direction	Comment
unsuitable or unable to be located in alternative locations closer to established urban areas; Do not depend on the approval of any substantial new housing development proposal in order to proceed (Employment land proposals which necessitate some limited ancillary or incidental housing may be considered on their merits).	
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	The Planning Proposal, in its current form does not propose any employment lands.
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	The Planning Proposal, in its current form does not propose any employment lands.
Integrating Growth and Infrastructure	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	The planning proposal seeks a moderate amount of growth and is not anticipated that it will impose a significant burden on Council or the community. Council has reviewed the documentation and specialist studies provided by the proponent and is satisfied that no unsustainable burden will be placed on Council or the future community.
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.	The Planning Proposal is consistent with this key policy direction as the subject site is located in proximity to the existing residential area and is close to the village shops.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The Planning Proposal is consistent with this key policy direction as the subject site adjoins the existing residential area of the Appin village.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/ Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	Appin is not a location which is the focus or population growth. However the GMS does identify some growth in the village and the site has been identified in the Appin Structure Plan for potential future residential growth.

Key Policy Direction	Comment
Rural and Resource Lands	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	A Flora and Fauna Assessment, a Bushfire Hazard Report, A Preliminary Contamination Report and a Noise Assessment have been prepared to accompany this proposal and any outstanding issues can be addressed at the development application stage
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	The Planning Proposal is consistent with this Key Policy Direction as the site it does not propose fragmentation of rural land in a dispersed location.

Appendix H

Council's Report and Minutes

Extract from Agenda & Minutes containing the Final Report to Wollondilly Shire Council and its Planning and Economy Meeting of Council on the Bulli Appin Road Planning Proposal held on 15 May 2017

Council's Reference: TRIM 6585 #545

Appendix I.

Original Gateway Determination and Gateway Alterations

Copy of the original Gateway Determination and subsequent Gateway Alterations including Council's Delegation

Council's Reference Trim 6585 #525

Appendix J.

Wollondilly Development Control Plan 2016 - Bulli Appin Road Site Specific Controls

Site specific development controls to accompany Bulli Appin Road Planning Proposal.

Council's Reference Trim 6585 # 505