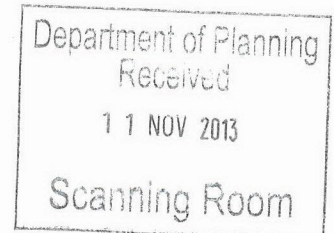


Our Reference: TRIM 6585 AL:AL



Ms. Rachel Cumming
Acting Director – Sydney Region West
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001



7 November 2013

12 Bulli Appin Road, Appin PLANNING ROPOSAL – rezone the subject site identified as No.12 Bulli Appin Road, Appin (Lot 78 DP752012) to R2 Low Density Residential

Dear Ms Cumming,

At its Ordinary Council Meeting held on Wollondilly Shire Council resolved:

1. That the Planning Proposal be supported to facilitate residential development of the site subject to the Planning Proposal being amended to comprise the following:

- i. Investigate the acquisition of the adjacent DoL land subject to a road closing permit, enabling it to be incorporated into the planning proposal*
- ii. Rezoning to R2 Residential with a minimum of 975sqm per lot size.*

2. That the planning proposal be redesigned in accordance with the above amendments prior to being submitted to the Department of Planning and Infrastructure for a Gateway Determination.

3. That subject to the recommendations of the Gateway Determination and Specialist Studies as required by the Gateway Determination and including a Drainage Report and Design, Traffic Impact Study, Acoustic Assessment, Stormwater/Flooding Study, Bushfire Hazard Assessment, provision of Reticulated Water and Sewer Services, Flora and Fauna Assessment, the proposed residential development be redesigned incorporating the following measures:

- i. Further residential dwelling design taking into consideration recommendations of Acoustic report and detailing all necessary built form measures to ensure amenity of residential environs will not be impacted by known potential air, noise and traffic impacts or by the visual impact of any structures required to mitigate road traffic noise*

- ii. No vehicular access points to Bulli Appin Road*
- iii. Minimise the number of access points to the local road network*
- iv Stormwater and Drainage design*
- v. Connection to sewer*
- vi. Pedestrian and Cycleway linkages and timing*
- vii Building Height be restricted to single story development.*

Wollondilly Shire Council requests the Minister for Planning & Infrastructure's Gateway Determination on the Planning Proposal in accordance with section 56 of the Environmental Planning and Assessment Act, 1979.

Please find attached the following three documents:

1. Applicant's Planning Proposal for the subject land.
2. The Report to Council on the proposal.
3. Council's Resolution to forward the proposal to the Department.

For further enquiries in relation to this matter, please contact Alexandra Long (02)4677 8226.

Yours Faithfully,



Grant Rokobauer
Acting Manager Planning

**AMENDED SUBMISSION TO WOLLONDILLY SHIRE
COUNCIL - PLANNING PROPOSAL**

**Land Situated at Lot 78 in DP 752012 No 12 Bulli-Appin Road,
Appin, including Department of Lands property**

Prepared For:
Mr D Atcheson

Prepared By:



October 2013

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Annexures

Annexure A – Section 117 Compliance Checklist
Annexure B – Acoustic Assessment – Day Design Pty Ltd
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Annexure D – Drainage Concept Plan – JMD & Associates
Annexure E – Key Directions Wollondilly Shire Growth Management Strategy – Assessment Criteria
Annexure F – Sustainability Criteria for New Release Areas

1 Executive Summary

1.1 OVERVIEW

This amended Report represents the formative phase in the development of a Planning Proposal (PP) geared toward the rezoning of the land known as Lot 78 in DP 752012 No 12 Bulli-Appin Road, Appin for urban purposes. The rezoning is to be effected through the preparation of a relevant Local Environmental Plan (LEP) amendment, it being proposed to amend Wollondilly Local Environmental Plan, 2011.

1.2 SCOPE OF REPORT

This Report has been prepared in accordance with the NSW Department of Planning & Infrastructure's (DoPI) documents A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals. The latter document requires the Planning Proposal to be provided in four (4) parts, being:

- Part 1 – A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 – The justification for those objectives, outcomes and provisions and the process for their implementation;
- Part 4 – Details of the community consultation that is to be undertaken on the Planning Proposal.

1.3 REPORT STRUCTURE

This report, in preparing an outline Planning Proposal (PP), is structured in the following manner:

Section A - Need for the Planning Proposal.

Section B - Relationship to strategic planning framework.

Section C - Environmental, social and economic impact.

Section D - State and Commonwealth interests.

These Guidelines will be addressed below under the various headings. This report is the initial Planning Proposal report to be submitted to Council to enable Council to formally resolve to proceed with the rezoning of the land in accordance with the requirements of the EP&A Act. It is considered that given the nature of the Planning Proposal request that the preparation of a Local Environmental Study is not required to be prepared, as the land is already 'earmarked' for residential purposes in the Council Growth Management Strategy (GMS).

1.4 BACKGROUND

Council at its meeting of 18 June 2012 upon receipt of Report on the draft proposal resolved:

'That consideration of the draft Planning Proposal for No. 12 Bulli-Appin Road be deferred and the applicant provided with the opportunity to address the matters raised in the report. If no information has been provided by 31 August 2012, the report shall be resubmitted to the October meeting of Council for consideration based on the information currently available.'

Several meetings were held with Council officers and as a result, Council at the meeting of 15 October 2012 resolved to defer consideration of the Planning Proposal (PP) to allow the applicant to submit additional reports. In this regard the following reports accompany the PP:

- Acoustic Assessment – Day Design Pty Ltd (Annexure C);
- Ecological Overview – Dragonfly Environmental (Annexure D); and
- Drainage Concept Plan – JMD & Associates.

The outcomes of these reports will be discussed in this amended PP.

Council at the meeting of 16 September 2013 resolved to support the Planning Proposal as follows:

1. That the Planning Proposal be supported to facilitate residential development of the site subject to the Planning Proposal being amended to comprise the following:
 - i. Investigate the acquisition of the adjacent DoL land subject to a\ road closing permit, enabling it to be incorporated into the Planning Proposal
 - ii. Rezoning to R2 Residential with a minimum of 975sqm per lot size.
2. That the planning proposal be redesigned in accordance with the above amendments prior to being submitted to the Department of Planning and Infrastructure and Infrastructure for a Gateway Determination.
3. That subject to the recommendations of the Gateway Determination and Specialist Studies as required by the Gateway Determination and including a Drainage Report and Design, Traffic Impact Study, Acoustic Assessment, Stormwater/Flooding Study, Bushfire Hazard Assessment, provision of Reticulated Water and Sewer Services, Flora and Fauna Assessment, the proposed residential development be redesigned incorporating the following measures:
 - i. Further residential dwelling design taking into consideration recommendations of Acoustic report and detailing all necessary built form measures to ensure amenity of residential environs will not be impacted by known potential air, noise and traffic impacts or by the visual impact of any structures required to mitigate road traffic noise
 - ii. No vehicular access points to Bulli Appin Road
 - iii. Minimise the number of access points to the local road network
 - iv. Stormwater and Drainage design
 - v. Connection to sewer
 - vi. Pedestrian and Cycleway linkages and timing.

This amended Planning Proposal is amended in accordance with the above recommendation.

2 The Subject Land

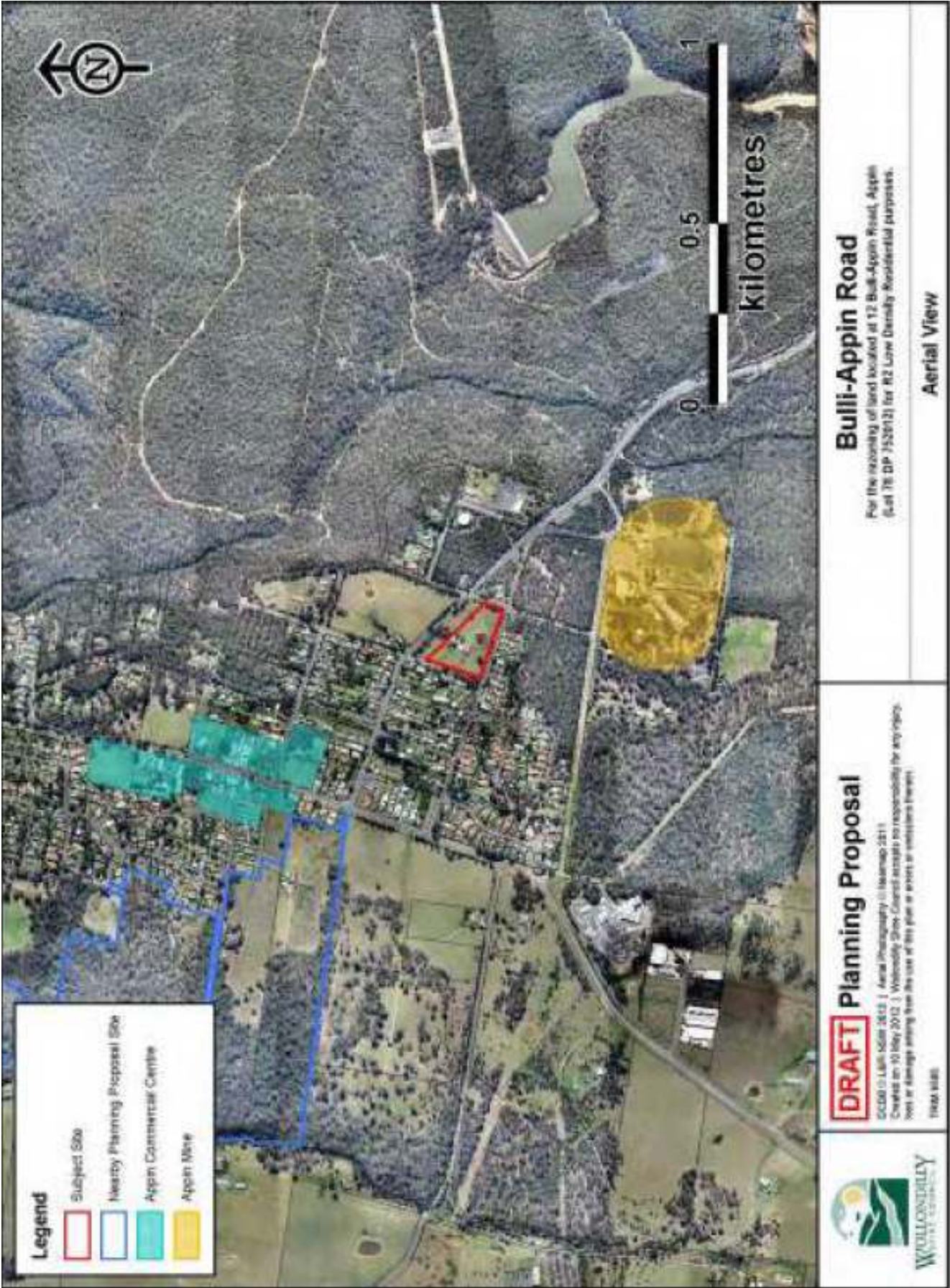
2.1 LAND DESCRIPTION

The site comprises an allotment known as Lot 78 in DP 752012 No 12 Bulli-Appin Road, Appin, located in the Wollondilly Shire Local Government Area and Department of Lands property (road reserve).

2.2 CONTEXT

The subject land is contiguous with the existing urban area of Appin, with an allotment having four street frontages as depicted in the aerial view below. With four street frontages, the site is ideal for development of the nature proposed. The site is relatively clear of vegetation, with much of the vegetation along the property boundaries. The site contains a dwelling and a number of outbuildings/structures. A dam is located in the southern section of the site.

FIGURE 1 – LOCATION OF SUBJECT SITE – AERIAL PHOTO



The current zoning of the land is shown in **Figure 2** below.

FIGURE 2 – LAND ZONING MAP FROM WOLLONDILLY LEP 2011



2.3 TRAFFIC/ACCESSIBILITY

The site currently has vehicle access from Appin Road. The proposed development will have access from Appin Road (restricted), Burke Street, Illawarra Street and Toggerai Street. The subject network has capacity to accommodate likely additional traffic movements, subject to an appropriate intersection treatment and any road upgrades that will be identified in a subsequent traffic study.

2.4 BUSHFIRE HAZARD

The subject site, together with the locality generally, is identified as Bushfire Prone on Council's relevant Bushfire Prone Lands Map.

More accurate hazard mapping will need to be undertaken. Notwithstanding, a strategy can likely be developed to facilitate compliance with the provisions of *Planning for Bushfire Protection, 2006*, without major development or cost impact, as the Planning Proposal is progressed.

2.5 RETICULATED WATER AND SEWER AND SERVICES

Whilst the proposed development is contiguous with existing urban development, the land is not serviced by sewer. However, Sydney Water is currently undertaking works to connect the Appin area to sewer and Sydney Water has made provision for further capacity for this site in terms of sewer. Reticulated town water is connected to the site. Electricity supply runs along Toggerai Street. The property is serviced by local bus service connecting to Campbelltown and other areas.

2.6 ACOUSTIC ASSESSMENT

One of the issues raised by Council was the impact of noise associated with the Appin Colliery (objection received) and in particular the Land & Environment Court proceedings of *Cooper V Wollondilly Shire Council* (2004) NSWLEC 145. These proceedings were in relation to the Council refusal of a caravan park adjoining Appin Colliery, which was eventually refused by the Court. This aspect and that of road traffic noise is addressed in the report prepared by Day Design Pty Ltd (**Annexure B**). Day Design acted for Council in the proceedings.

2.6.1 APPIN COLLIERY

The Appin Colliery is located within 350 m of the proposed development site. Trucks from the Colliery enter and exit the Colliery via Appin Road and George Street. There is potential for noise from the Colliery and trucks to affect the proposed development site.

Day Design previously assessed the noise intrusion into an adjacent site proposed for use as a caravan park in Environmental Noise Impact Report 3092, dated 15 March 2004, being Lot 1 (DP 999948) and Lot 80 (DP 75012). It was found that the noise intrusion due to trucks passing around the bordering roads of the site and 24 hour operation of the Colliery would create an unacceptable acoustic amenity for future occupants of the caravan park.

The caravan park development application was refused by Council and the subject of a Land and Environment Court Hearing 11332 of 2003, which was ultimately refused by the Court.

Appin Colliery is subject to an EPA licence No 2504 dated 12 March 2012 which does not state any specific noise limit requirements. However, in the absence of licence noise limits, the Colliery is subject to the noise criteria in the NSW Industrial Noise Policy (INP).

Provided the noise criteria in the NSW INP conditions are met, the noise intrusion from the operation of the Colliery will be acceptable. Trucks accessing the Colliery pass no less than 125 m from the subject site. This distance is significantly greater than the distance of the closest proposed residences that do not require any specific noise controls to provide an acceptable indoor acoustic amenity, therefore will be acceptable.

2.6.2 RECOMMENDED ACOUSTICAL TREATMENT

We have modelled the proposed subdivision and façade of the proposed buildings on computer and calculated the level of road traffic noise intrusion through the roof, walls, windows and doors using our custom designed software.

An external noise level will be reduced by 10 dB inside buildings with windows open, therefore external noise levels at the building facade that do not exceed the acceptable internal noise limits by more than 10 dB will not require noise controls.

Dwellings that are exposed to external road traffic noise levels below 50 dBA in the daytime and 45 dBA at night will not require noise controls.

The traffic noise levels are the traffic noise exposure for dwellings with direct access to Bulli Appin Road as shown on the attached architectural drawing dated 9 September 2011. Dwellings on the site that are located further back from Bulli Appin Road may meet internal noise limits without the need for noise controls. Dwelling's that require noise controls to reduce road traffic noise levels below 50 and are shown on the architectural drawings.

The necessary noise reduction for habitable rooms can be achieved if the following noise control recommendations are complied with, and there are no gaps at construction joints, around plumbing penetrations in external walls, at window sills, door frames, etc., through which sound may penetrate.

2.6.3 NOISE INTRUSION STATEMENT

Existing levels of road traffic noise have been monitored at the proposed residential subdivision site at Lot 78 Bulli Appin Road, Appin, NSW. We are confident that the noise levels assumed in our assessment are typical of the traffic noise levels at the site.

We suggest that the occupants be advised bedrooms and living rooms should have soft furnishings, heavy drapes and be carpeted to improve the acoustical absorption of these rooms and to diminish the reverberant noise level of any intrusive noises. This can provide a further noise reduction of up to 3 dB.

External noise levels comply with The Environmental Protection Authority's "NSW Road Noise Policy". Providing recommendations made in Section 6 of this report are implemented, internal noise level recommendations set by the Department of Planning, in their *"Development Near Rail Corridors and Busy Roads – Interim Guidelines"* (2008) and the New South Wales Government's *"State Environmental Planning Policy (SEPP)"* can be achieved for this development.

2.7 ECOLOGICAL REVIEW

An ecological review of the site was undertaken by Dragonfly Environmental and a copy of the review is attached as **Annexure C**. The report states that:

Remnant canopy trees are species that are part of a local Endangered Ecological Community (EEC). Canopy trees are present along the margins of the site and a 7-part test could be required at detail design phase. The questions of the 7-part test have been considered as part of the site Ecological Overview and given the currently cleared state of the site and no native understorey the impact on the EEC is likely to be not significant (when assessed with the 7-part test).

Development on the site will have to be consistent with Planning for Bushfire Protection and associated building set-backs and building materials. The site is already mostly cleared.

As such there are no ecological issues that would prevent the development of the site for housing.

2.8 STORMWATER/FLOODING ASPECTS

JMD & Associates undertook an assessment of the potential impacts of the proposal on downstream properties (**Annexure E**). Essentially, the report concluded that the existing system is undersized and that works would need to be undertaken onsite (detention) and works downstream. In this regard the report stated that:

The incorporation of basins into the development site and diversion of all stormwater flows from the proposed development to the basins will result in peak stormwater flows from the site being less than or equal to those experienced under the existing conditions and hence the proposed development of the site incorporating such basins will not result in any negative impact on the downstream drainage system.

Given the current state of piped drainage in the vicinity of the site, it will be necessary to augment the existing piped drainage system to provide an adequate means of stormwater disposal from the proposed detention system.

3 Part 1 – Statement of Objectives or Intended Outcomes

This Planning Proposal has the express purpose of facilitating the development of the land for medium density purposes. The stated objectives or intended outcomes are as follows:

3.1 OBJECTIVES

To facilitate the medium density residential purposes in a manner which sensitively interfaces with surrounding development, leverages off and embellishes existing infrastructure and conserves and enhances the underpinning natural systems framework.

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Permitted with consent

Bed and breakfast accommodation; Boarding houses; Cemeteries; Child care centres; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental

facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Neighbourhood shops; Places of public worship; Recreation areas; Residential accommodation; Roads; Sewerage systems; Signage; Veterinary hospitals; Water supply systems

The proposed development would be defined as ‘Residential Accommodation’ which under the latest definition is defined as:

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers’ dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

3.2 OUTCOMES

In delivering the foregoing objectives, it is intended that the following outcomes be realised:

- A sustainable and coordinated extension to the Appin community will be achieved.
- The natural systems will be conserved and enhanced.
- Existing physical and human infrastructure will be utilised and embellished.
- A framework will be established for a medium density residential development commensurate with development within the Appin area.

3.3 EXPLANATION OF PROVISIONS

The Wollondilly Local Environmental Plan 2001 will be amended in the following way:

- Amendment of Wollondilly LEP 2011 Land Zoning Map – Appin RU1 Primary Production Zone to R2 – Low Density Residential as identified in Appendix “A”.
- Amendment of Wollondilly LEP 2011 Lot Size Map – Appin from 40ha to 975m² (T).
- Amendment of Wollondilly LEP 2011 Heights of Building Map to include land with a maximum height of 6.8m (F).

It is considered that the proposed amendments are consistent with the prevailing LEP 2011, but includes the new definition of residential accommodation under the Standard Template.

4 Part 3 – Justification Overview

4.1 INTRODUCTION

This overview establishes the case for the zoning change proposed in the LEP amendment. It should be noted that the level of justification is commensurate with the impact of the rezoning proposal, broad ranging urban capability investigations and an acknowledgement of the need for future review of the specific studies.

4.1.1 METROPOLITAN PLANNING

The Metropolitan Plan for Sydney 2036 (2010) provides a framework for promoting and managing growth. It documents a vision for Greater Sydney over the ensuing 25 year period, in which

“Sydney will be a more compact, networked city with improved accessibility, capable of supporting more jobs, homes and lifestyle opportunities within the existing urban footprint.”

In pursuit of this vision are a series of strategies focused upon, namely:

- Strengthening the City of Cities
- Growing and Renewing Centres
- Transport for a Connected City
- Housing Sydney’s Population
- Growing Sydney’s Economy
- Balancing Landuses on the City Fringe
- Tackling Climate Change and Protecting Sydney’s Natural Environment
- Achieving Equity, Liveability and Social Inclusion
- Delivering the Plan

The Metropolitan Plan highlights, inter alia, the need for 770,000 additional homes by 2036 and a need to expand Sydney’s employment capacity by 760,000. To accommodate this expanding population, the Strategy projected a need for 231,500 new homes (30%) on the fringe of the City and approximately 540,000 new homes (70%) in existing suburbs.

The South West Sub Region will remain a priority growth area projected to meet an increased dwelling demand of 155,000 by 2036 (of which 83,000 are projected to be provided in new release areas).

Balancing land uses on the City fringe is identified as a clear challenge.

4.1.2 SUB REGIONAL PLANNING

The Department of Planning & Infrastructure (DoPI) has reinforced its expectations of future Shire urban growth over recent years and most recently in the Draft South West Subregional Strategy. The Draft Strategy in promoting a vision to 2031 has established a growth target in Wollondilly Shire of 5,230 additional dwellings comprising some 1,230 additional “infill” dwellings and 4,000 “greenfield” dwellings (i.e. a 24%/76% split)¹.

¹ The Draft Sub Regional Strategy housing targets are in the process of being reviewed in the context of the ‘new’ Metropolitan Plan, but at present remain the same.

Additionally, the DoPI has outlined the need for housing product diversity for any future urban lands, with lot sizes of a variable nature exceeding a minimum of eight dwellings per hectare, but not necessarily attaining 15 dwellings per hectare.

4.2 SECTION A – NEED FOR THE PLANNING PROPOSAL

4.2.1 IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT

The Planning Proposal has its clear origins in the Wollondilly Shire Council’s Growth Management Strategy (GMS) adopted on 21 February 2011.

The GMS identifies the site as “Potential Residential Growth Area” as part of the Strategic Framework for the WLGA, as noted from Figure 1 and in Appendix "I".

The rezoning of the eastern section of the parcel is the best means of achieving the objectives and intended outcomes of the Growth Management Strategy. The GMS is a policy document with associated mapping which contains key directions and principles to guide proposals and Council decisions on growth.

Additionally, the GMS is characterised by the following supplementary aims:

- To outline clear policy directions on growth issues.
- To provide Council and the community with a strategic framework against which to consider planning proposals.
- To achieve a long-term sound and sustainable approach to how the Shire develops and changes into the future.
- To inform Council decisions and priorities regarding service delivery and infrastructure provision.
- To provide direction and leadership to the community on growth matters.
- To assist in advocating for better Infrastructure and services.
- To provide a strategy/response for how the State Government’s Metropolitan and subregional planning strategies are seen to be implemented at the local level.

This Planning Proposal is consistent with relevant aims of the GMS. Importantly, it establishes a platform for a sustainable urban module that dovetails with local and subregional strategic direction.

The GMS also contains Key Policy Directions. Those relevant to this Planning Proposal are:

P1 - All land use proposals need to be consistent with the Key Policy Directions and Assessment Criteria contained in this GMS in order to be supported by Council

P2 - All land use proposals need to be compatible with the concept and vision of “Rural Living”

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)

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”)

P10 - Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages

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.

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

P19 - Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres

P20 - The focus for population growth will be in two key growth centres, being the Picton / Thirlmere / Tahmoor area (PTT) and the Bargo area. Appropriate smaller growth opportunities are identified for other towns

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 and practicable, existing dwelling and subdivision entitlements in rural areas.

This Planning Proposal assists in the achievement of, or is consistent with, the above Key Policy Directions.

The Strategy expressly seeks to take a balanced approach to accommodating natural residential growth that does not compromise environmental amenity and rural living².

This Planning Proposal assists in the achievement of, or is consistent with, the above Key Policy Directions. It would be noted that the subject lands have been identified in the GMS for urban purposes, as shown in **Figure 4** below.

Sewerage Infrastructure is identified as the most significant constraint to future growth. Acknowledging this, the Strategy adopts key assumptions including:

- The Picton, Tahmoor, Thirlmere area will have future capacity to accommodate growth through a combination of:
 - Existing Picton Sewerage Treatment Plant capacity
 - Potential upgrade of the Picton Sewerage Treatment plant capacity
 - Use of private package treatment plant systems.

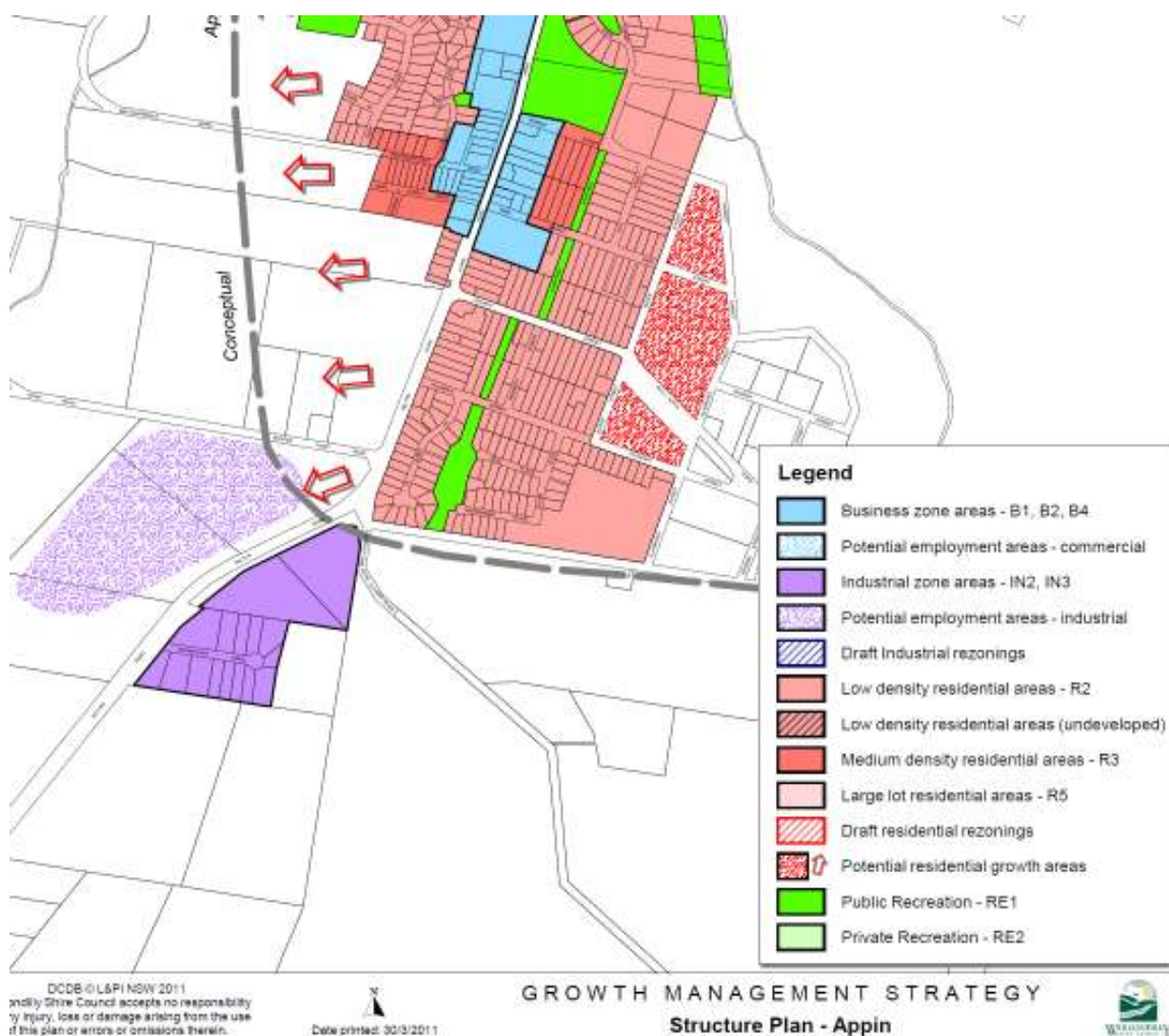
Preliminary fieldwork and desktop analysis informed the Strategy, having regard to established Assessment Criteria and Key Policy Directions. Structure Plans were prepared for each town/village identified as a growth node based on the foregoing.

The Structure Plan for Picton, although acknowledged not to be definitive, identified the subject land as a candidate residential growth area (refer to **Figure 3**). The phenomenon of urban development on the edge of Towns is acknowledged on balance as a preferred development model and is reflected in the previously cited Structure Plan.

² It being projected that 7,500 extra dwellings will be required by 2036 (expanding on the projection of 5,200 noted in the Draft Sub Regional Strategy at 4.1.4 of this PP). It being further noted that Picton, Tahmoor, Thirlmere has an established target of 4,000 dwellings, with a shortfall of 2,070 dwellings identified.

In doing so, the following Key Policy Directions are relevant to the PP. A comprehensive checklist of Assessment Criteria is established for further evaluating candidate areas identified in the GMS. Such criteria and an assessment in respect are produced as **Annexure E**.

FIGURE 3 –WOLLONDILLY GROWTH MANAGEMENT STUDY



Further, it is consistent with the Metropolitan Plan and Draft Sub Regional Strategy objectives of providing increased housing opportunities, particularly as an expansion of existing urban areas.

4.2.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

Yes. The current zoning permits agricultural use, notwithstanding that the site adjoins the Appin Township. The proposed rezoning is importantly stylised as an amendment to Wollondilly Shire LEP 2010, notably adopting relevant zoning, minimum lot size and maximum height of building provisions, etc. It represents the most logical way of achieving the intended objective and outcomes, with there being no readily available and better alternative under the prevailing legislation.

4.2.3 IS THERE A NET COMMUNITY BENEFIT?

The following **Table 1** addresses the evaluation criteria for conducting a “net community benefit test” within the Draft Centres Policy (2009), as required by the guidelines for preparing a planning proposal.

TABLE 1 – COMMUNITY BENEFIT CRITERIA

Evaluation Criteria	Y/N	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Y	The proposed rezoning is compatible with the Metropolitan Plan, the Draft South West Subregional Strategy and the GMS(refer to 4.1 above).
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	N	The subject Site is not identified within a key strategic centre and corridor but is contiguous with the Appin residential area and proximate to the shopping precinct.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landowners?	N	The proposed rezoning is unlikely to create a precedent within the locality or change the expectations in respect of the Site as it has constantly been considered to have future potential.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y	All other spot rezonings before Council in the Wollondilly Shire Local Government Area generally comply with Council's strategic direction.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	N	The proposal will create employment through the construction jobs to install the infrastructure and build the homes therefore delivering an economic benefit to the community. Some modest home business opportunities and tradesman residency opportunities will accrue.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Y	The proposal will have a positive impact on the residential land supply by adding to the amount of available residential land (estimated 34 dwellings). The proposal will increase the housing choice and type of housing and contribute to meeting local residential targets in an area

Evaluation Criteria	Y/N	Comment
		of high demand. Currently, there is a shortage of housing in Appin to service existing demand, including the mining industry. The proposed development of the site for medium density development will provide opportunities for affordable housing and rental accommodation. The latter in short supply.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Y	The existing public infrastructure is adequate to meet the needs of the proposal. The site will be serviced and is on the fringe of an established urban area.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	N/A	N/A
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	N	No. The proposal does not require significant further investment in public infrastructure, it will utilise the existing infrastructure and services. The developer will extend and upgrade Infrastructure to service the development at no cost to government.
Will the proposal impact on land that the Government has identified a need to protect (e.g. and with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	N	The site has not been identified for conservation purposes. The land is not mapped as flood prone, although further modelling of the nearby watercourse has been undertaken as discussed above.
Will the LEP be compatible or complementary with surrounding adjoining land uses? What Is the impact on the amenity in the location and wider community? Will the public domain improve?	Y	The proposal is compatible with adjoining residential land uses and future residential uses adjoining the Appin Township. The site is not an isolated residential development and is well serviced by existing infrastructure.

Evaluation Criteria	Y/N	Comment
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N	The development will, however, contribute in a modest way to the improved trade of nearby facilities/centres.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A	N/A
What are the public interest reasons for preparing the draft plan? What Are the implications of not proceeding at that time?	Y	The proposal will provide additional housing in a variety of forms to assist in the delivery of meeting the housing growth and dwelling mix actions from the Subregional and local strategies. If the rezoning was not supported, the provision of additional housing would not be realised. Further, the holistic urbanisation of the Site would not be realised, as incremental urban development occurs to the west.
Will the public domain improve?	Y	Section 94 Contributions or Voluntary Planning Agreement commitments will be required in respect of open space/community facilities and any road works.

Overall, the proposal will provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of land is and is in keeping with the adjoining residential character and that of development planned for lands immediately adjoining.
- The proposal will contribute to Council's requirement to facilitate new dwelling growth and employment, in accordance with the Subregional Strategy targets.
- The proposal will facilitate a mix of dwelling types that encourage social mix and provide housing choice to meet the needs of the community.
- The proposal will not result in any significant adverse environmental impacts.
- It will create local employment opportunities through the construction jobs associated with the civil and building works to the benefit of the local economy.

This is consistent with a number of Strategies discussed below.

4.3 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4.3.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY?

The Metropolitan and sub-regional planning context have been briefly detailed at 4.1 above.

4.3.2 IS THE PLANNING PROPOSAL CONSISTENT WITH LOCAL COUNCIL’S COMMUNITY STRATEGIC PLAN, OR OTHER LOCAL STRATEGIC PLAN?

The local strategic planning context is summarised at 4.2.1 above and clearly identifies the Growth Management Strategy background to the urbanisation proposal. The subject planning framework has importantly identified limited opportunities for the development of Appin, leveraging off the existing infrastructure and the prevailing sense of community. There is also a demand for alternative housing forms in Appin to service existing demand, including the mining industry.

4.3.3 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The site is subject to the provisions of a raft of State Environmental Planning Policies. The subject policies are noted below in **Table 2** and importantly do not prohibit and/or significantly constrain the Planning Proposal.

TABLE 2 – APPLICABLE STATE POLICIES

SEPP	Comment
State Environmental Planning Policy No 1 – Development Standards	No applicable. (As referenced in Wollondilly Shire LEP, 2010. Clause 4.6 of LEP makes provision for variations to development standards)
State Environmental Planning Policy No 4 – Development without Consent and Miscellaneous Exempt and Complying Development	Not inconsistent (As referenced in Wollondilly Shire LEP, 2011. Clause 6 and Parts 3 and 4 do not apply)
State Environmental Planning Policy No 6 – Number of Storeys in a Building	Not inconsistent (Maximum building height will be subject to maximum height expressed in metres)
State Environmental Planning Policy No 15 – Rural Landsharing Communities	Not applicable (Wollondilly Shire is not included in the land applicable schedule)
State Environmental Planning Policy No 19 – Bushland in Urban Areas	Not applicable (Wollondilly Shire is not included in the land applicable schedule)
State Environmental Planning Policy No 21 – Caravan Parks	Not applicable (Caravan Parks are prohibited under the proposed R1 zone as currently prevailing in Wollondilly Shire LEP, 2010)
State Environmental Planning Policy No 22 – Shops and Commercial Premises	Not inconsistent
State Environmental Planning Policy No 26 – Littoral Rainforests	Not applicable
State Environmental Planning Policy No 29 – Western Sydney Recreational Area	Not applicable
State Environmental Planning Policy No 30 – Intensive Agriculture	Not applicable
State Environmental Planning Policy No 32 – Urban Consolidation (Redevelopment of Urban Land)	Not inconsistent
State Environmental Planning Policy No 33 – Hazardous and Offensive Development	Not applicable

SEPP	Comment
State Environmental Planning Policy No 36 – Manufactured Home Estates	Not applicable (Wollondilly Shire is in the Sydney Region which is excluded from the Policy’s application)
State Environmental Planning Policy No 44 – Koala Habitat Protection	Not inconsistent
State Environmental Planning Policy No 50 – Canal Estate Development	Not applicable
State Environmental Planning Policy No 52 – Farm Dams and Other Works in Land and Water Management Plan areas	Not applicable
State Environmental Planning Policy No 53 – Metropolitan Residential Development	Not applicable
State Environmental Planning Policy No 55 – Remediation of Land	Applicable. A Phase 1 contamination report will be required and potentially a Phase 2, depending on outcomes of Phase 1.
State Environmental Planning Policy No 59 – Central Western Sydney Regional Open Space	Not applicable (Land not located in Central Western Sydney)
State Environmental Planning Policy No 60 – Exempt and Complying Development	Limited application (Will be relevant to residential development and the like)
State Environmental Planning Policy No 62 – Sustainable Aquaculture	Not permitted in the proposed zones
State Environmental Planning Policy No 64 – Advertising and Signage	Not inconsistent
State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development	Not inconsistent
State Environmental Planning Policy No 70 – Affordable Housing (revised schemes)	Not inconsistent
State Environmental Planning Policy No 71 – Coastal Protection	Not applicable
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not inconsistent (The relevant principles will inform subdivision design and subsequent development)
State Environmental Planning Policy (Exempt and Complying Codes) 2008	Not inconsistent
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not inconsistent
State Environmental Planning Policy (Infrastructure) 2007	Not inconsistent
State Environmental Planning Policy (Major Development) 2005	Not inconsistent
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable

SEPP	Comment
State Environmental Planning Policy (Rural Lands) 2008	Not applicable
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable
State Environmental Planning Policy (Temporary Structures) 2007	Not applicable
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable
Sydney Regional Environmental Plan No 20 (SREP 20)	Not inconsistent
Sydney Regional Environmental Plan No. 9 (No.2) (Extractive Industries)	Not applicable

4.3.4 IS THE PLANNING CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S 117 DIRECTIONS)?

Attached as **Annexure A** is a compliance table addressing these Directions.

4.4 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

4.4.1 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 does not have present elements of an endangered ecological community (vegetation) and is not within a bio subregion with known threatened fauna species.

4.4.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

No other adverse environmental impacts are likely to be occasioned by pursuit of a medium density residential development in an environmentally sensitive manner, as promoted in this Planning Proposal.

4.4.3 HOW HAS THE PLANNING ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

The Proposal will address the current land supply limitations and move toward fulfilling the accommodation needs attached to the subregional population and housing projections. In doing so, affordability of housing is likely to be enhanced.

Further, the development process 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. Presently there is a shortage of rental and or affordable accommodation in Appin to service demand, including the mining industry.

Indeed, under the proposed scenario, no adverse social and/or economic impacts are foreshadowed.

4.5 SECTION D – STATE AND COMMONWEALTH INTERESTS

The Gateway determination will identify any consultation required with State or Commonwealth Public Authorities. This will include:

- Consultation required in accordance with a Ministerial Direction under section 117 of the EP&A Act; and
- Consultation that is required because in the opinion of the Minister (or delegate), a State or Commonwealth public authority will or may be adversely affected by the proposed LEP.

4.5.1 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

Additional public infrastructure will be required to accommodate the Planning Proposal. All services can readily be available or can be augmented to the Site.

4.5.2 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

The relevant State and Commonwealth public authorities would be consulted following the outcome of the Gateway determination. Council would be responsible for carrying out this consultation in accordance with Section 57 of the EP&A Act.

5 Part 4 – Community Consultation

Community consultation remains an important element of the Plan making process. The companion document “A Guide to Preparing Local Environmental Plans” outlines community consultation parameters. The subject provisions in respect of notification and the exhibition materials to support the consultation will be observed. Before proceeding to public exhibition, the Director General of Planning (or delegate) must approve the form of the Planning Proposal as being consistent with the “Gateway” determination (EP&A Act 57(2)).

It is envisaged that further community consultation would occur through the public exhibition of detailed documents lodged with the development application for the development proposal. This further consultation will, at a minimum include, advertising in local papers, exhibition material provided at Wollondilly Shire Council administration buildings and libraries and Wollondilly Shire Councils webpage and the required written notifications that would ordinarily be required.

6 Conclusion

The preceding commentary has clearly established a case for the limited review the planning provisions as they pertain to the subject land. Council is accordingly requested to take the necessary steps to commence the process of rezoning the subject lands as detailed in this submission at section 4.1.

SINCERELY YOURS,



M J BROWN
DIRECTOR
MICHAEL BROWN PLANNING STRATEGIES

Annexure “A”
Section 117 Direction – Compliance Checklist

Section 117 Directions – Compliance Checklist

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
1 Employment and Resources			
1.2 Rural Zones	(4) A Planning Proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	(5) A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General) that the provisions of the Planning Proposal that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objectives of this direction, (ii) identifies the land which is the subject of the Planning Proposal (if the Planning Proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning & Infrastructure, or	Direction 1.2 applies to planning proposals which affect land within an existing or proposed rural zone and states that a Planning Proposal must not rezone land from a rural zone to a residential zone. The inconsistency is justified in this instance as the site is identified for future residential purposes within the Wollondilly Growth Management Strategy (GMS) and is not inconsistent with the prevailing Draft Sub-Regional Strategy.

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
		(b) justified by a study prepared in support of the Planning Proposal which gives consideration to the objectives of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning & Infrastructure which gives consideration to the objective of this direction, or (d) is of minor significance.	
1.3 Mining, Petroleum Production and Extractive Industries	(4) In the preparation of a Planning Proposal affected by this direction, the relevant planning authority must: (a) consult the Director-General of the Department of Primary Industries (DPI) to identify any: (i) resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and (ii) existing mines, petroleum production operations or extractive industries occurring in the area subject to the Planning Proposal, and	(6) A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General), that the provisions of the Planning Proposal that are inconsistent are of minor significance.	Yes considered relationship with Appin Colliery in acoustic assessment.

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	(b) seek advice from the Director-General of DPI on the development potential of resources identified under (4)(a)(i), and (c) identify and take into consideration issues likely to lead to land use conflict between other land uses and: (i) development of resources identified under (4)(a)(i), or (ii) existing development identified under (4)(a)(ii). (5) Where a Planning Proposal prohibits or restricts development of resources identified under (4)(a)(i), or proposes land uses that may create land use conflicts identified under (4)(c), the relevant planning authority must: (a) provide the Director-General of DPI with a copy of the Planning Proposal and notification of the relevant provisions, (b) allow the Director-General of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the Planning Proposal, and (c) include a copy of any objection		

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	and supporting information received from the Director-General of DPI with the statement to the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General) before undertaking community consultation in satisfaction of section 57 of the Act.		
1.5 Rural Lands	(4) A Planning Proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>. (5) A Planning Proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>. Note: <i>State Environmental Planning Policy (Rural Lands) 2008</i> does not require a relevant planning authority to review or change its minimum lot size(s) in an existing LEP. A relevant planning authority can transfer the existing minimum lot size(s) into a new LEP. However, where a relevant	(6) A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General) that the provisions of the Planning Proposal that are inconsistent are: (a) justified by a strategy which: i. gives consideration to the objectives of this direction, ii. identifies the land which is the subject of the Planning Proposal (if the Planning Proposal relates	The planning proposal is inconsistent; such inconsistencies are, however, justified as the proposed residential landuses are consistent with the strategic policies adopted by DoPI. The social and environmental benefits associated with rezoning the Site for residential landuses, such as additional housing choice and opportunities.

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	planning authority seeks to vary an existing minimum lot size in an LEP, it must do so in accordance with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands)</i> 2008.	to a particular site or sites, and iii. is approved by the Director-General of the Department of Planning & Infrastructure and is in force, or (b) is of minor significance.	
2 Environment and Heritage			
2.1 Environmental Protection Zones	(4) A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (5) A Planning Proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “<i>Rural Lands</i>”.	(6) A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General) that the provisions of the Planning Proposal that are inconsistent are: b. justified by a strategy which: i. gives consideration to the objectives of this direction, ii. identifies the land which is the subject of the Planning Proposal (if the Planning Proposal relates to a	N/A

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
		particular site or sites), and iii. is approved by the Director-General of the Department of Planning & Infrastructure, or (b) justified by a study prepared in support of the Planning Proposal which gives consideration to the objectives of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning & Infrastructure which gives consideration to the objective of this direction, or (d) is of minor significance.	
3 Housing, Infrastructure and Urban Development			
3.1 Residential Zones	(4) A Planning Proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land	(6) A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General) that the provisions of the Planning	Yes. Housing choice and affordability considered within the R2 zone.

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A Planning Proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	Proposal that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the Planning Proposal (if the Planning Proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning & Infrastructure, or (b) justified by a study prepared in support of the Planning Proposal which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning & Infrastructure which gives consideration to the objective of this direction, or (d) of minor significance.	

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
3.3 Home Occupations	(4) Planning Proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	(5) A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General) that the provisions of the Planning Proposal that are inconsistent with the terms of this direction are of minor significance.	Yes.
3.4 Integrating Land Use and Transport	(4) A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).	(5) A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General) that the provisions of the Planning Proposal that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the Planning Proposal (if the Planning Proposal relates	N/A.

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
		to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning & Infrastructure, or (b) justified by a study prepared in support of the Planning Proposal which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning & Infrastructure which gives consideration to the objective of this direction, or (d) of minor significance.	
4 Hazard and Risk			
4.1 Acid Sulfate Soils	(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning & Infrastructure when preparing a Planning Proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present. (5) When a relevant planning authority is	(8) A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General) that the provisions of the Planning Proposal that are inconsistent are:	The property is not known to be affected by acid sulfate soils according to Council's map, but can be addressed in technical reports.

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	preparing a Planning Proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or (b) such other provisions provided by the Director-General of the Department of Planning & Infrastructure that are consistent with the Acid Sulfate Soils Planning Guidelines. (6) A relevant planning authority must not prepare a Planning Proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of	(a) justified by a study prepared in support of the Planning Proposal which gives consideration to the objective of this direction, or (b) of minor significance.	

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	section 57 of the Act. (7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a Planning Proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the Planning Proposal must contain provisions consistent with paragraph (5).		
4.2 Mines Subsidence and Unstable Land	(4) When preparing a Planning Proposal that would permit development on land that is within a Mines Subsidence District a relevant planning authority must: (a) consult the Mines Subsidence Board to ascertain: (i) if the Mines Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and (ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and (b) incorporate provisions into the draft	(6) A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General) that the provisions of the Planning Proposal that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the Planning Proposal	Yes. The Site is located within Appin Mines Subsidence District. The construction of housing will need approval from MSB.

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and (c) include a copy of any information received from the Mines Subsidence Board with the statement to the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. (5) A Planning Proposal must not permit development on unstable land referred to in paragraph 3(b).	(if the Planning Proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning & Infrastructure, or (b) justified by a study prepared in support of the Planning Proposal which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning & Infrastructure which gives consideration to the objective of this direction, or (d) of minor significance.	
4.4 Planning for Bushfire Protection	(4) In the preparation of a Planning Proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into	(3) A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General) that the council has obtained written	Yes. Addressed in any bushfire assessment report required to be submitted.

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	account any comments so made, (1) A Planning Proposal must: (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. (2) A Planning Proposal must, where development is proposed, comply with the following provisions, as appropriate: (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side	advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the Planning Proposal.	

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the Planning Proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, introduce controls on the placement of combustible materials in the Inner Protection Area.		

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
5 Regional Planning			
5.1 Implementation of Regional Strategies	(4) Planning Proposals must be consistent with a regional strategy released by the Minister for Planning.	(4) A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy: (a) is of minor significance, and (b) the Planning Proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	The Planning Proposal is consistent with regional strategies. Refer to comments above.
5.2 Sydney Drinking Water Catchments	(4) A Planning Proposal must be prepared in accordance with the general principle that water quality within the hydrological catchment must be protected, and in accordance with the following specific principles: (c) new development within the hydrological catchment must have a neutral or beneficial effect on	(5) A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General) that the provisions of the Planning	N/A.

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	water quality, and (d) new development within the hydrological catchment must not compromise the achievement of the water quality objectives set out in the Drinking Water Catchments Regional Environmental Plan No.1, and (e) future land use in the hydrological catchment should be matched to land and water capability, and (f) the ecological values of land within a Special Area that is: (i) reserved as national park, nature reserve or state recreation area under the <i>National Parks and Wildlife Act 1974</i>, or (ii) declared as a wilderness area under the <i>Wilderness Act 1987</i>, or (iii) owned or under the care control and management of the Sydney Catchment Authority, should be maintained. (5) When preparing a Planning Proposal that applies to land within the hydrological catchment, the relevant planning authority must: (g) include provisions which will achieve or give effect to the	Proposal that are inconsistent are of minor significance.	

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	principles in paragraph (4), and (h) give consideration to the outcomes of any strategic land and water capability assessment prepared by the SCA, or if such an assessment has not yet been prepared may give consideration to: (i) the outcomes of an assessment, prepared in consultation with the Sydney Catchment Authority, which is equivalent to a strategic land and water capability assessment, or (ii) a Site-specific assessment prepared in consultation with the Sydney Catchment Authority which takes into account the likely impact of rezoning on water quality, or (iii) a current settlement strategy or rural residential strategy that has been approved by the Director-General of the Department of Planning & Infrastructure, and zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following: and		

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	(i) consult with the Sydney Catchment Authority, describing the means by which the Planning Proposal gives effect to the water quality protection principles set out in paragraph 4 of this direction, and (j) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process, in its Planning Proposal prior to the issuing of a gateway determination under section 56 of the Act.		
6 Local Plan Making			
6.1 Approval and Referral Requirements	(4) A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General). When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a Planning Proposal and the land would be	(5) A Planning Proposal must be substantially consistent with the terms of this direction. Note: In this direction “public authority” has the same meaning as section 4 of the Environmental Planning and Assessment Act 1979.	The subject land is zoned mainly rural under LEP 2011 and it is proposed to be rezoned for medium density purposes.

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	required to be acquired under Division 3 of Part 2 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>, the relevant planning authority must: (a) reserve the land in accordance with the request, and (b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General), and (c) identify the relevant acquiring authority for the land. (5) When a Minister or public authority requests a relevant planning authority to include provisions in a Planning Proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must: (a) include the requested provisions, or (b) take such other action as advised by the Director-General of the Department of Planning		

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	& Infrastructure (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired. (4) When a Minister or public authority requests a relevant planning authority to include provisions in a Planning Proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.		
6.3 Site Specific Provisions	(4) A Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the Site to an existing zone already applying in the environmental planning instrument that allows that land	(5) A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General) that the provisions of the Planning Proposal that are inconsistent are of minor significance.	The Planning Proposal will not introduce new standards other than that which currently apply in Council documents, including DCP 2011.

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. (5) A Planning Proposal must not contain or refer to drawings that show details of the development proposal.		
7 Metropolitan Planning			
7.1 Implementation of the Metropolitan Strategy	(4) Planning Proposals shall be consistent with: (a) the NSW Government's Metropolitan Strategy: <i>City of Cities, A Plan for Sydney's Future</i>, published in December 2005 ('the Metropolitan Strategy').	(5) A Planning Proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Strategy: (a) is of minor significance, and	The subject land is not identified in the Metropolitan Strategy.

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
		(b) the Planning Proposal achieves the overall intent of the Strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	

Annexure “B” Acoustic Assessment

Annexure “C” Ecological Overview

Annexure “D” Drainage Concept Assessment

Annexure “E”

Key Directions of Wollondilly Shire Growth Management Strategy – Assessment Criteria

This Growth Management Strategy (GMS) provides the framework for the future development of land to achieve sustainable and socially responsible housing and employment. This appendix provides Assessment criteria which aim to achieve the Key Policy Directions of the GMS.

The Assessment Criteria will apply to any planning proposal which seeks to develop land for residential and employment uses as outlined in the GMS. All planning proposals will need to address and be consistent with these criteria.

Proponents of planning proposals are required to follow the ‘Gateway’ planning process as legislated in the EP&A Act 1979 and details of this can be found at the Department of Planning web site.

Part 1: Generic Assessment Criteria

The assessment criteria in Part 1 are to be met by all planning proposals.

State and Regional Strategies and Policies	
Document/Policy/Concept	Criteria
NSW State Plan, Metropolitan Strategy Sub-Regional Strategy	Meets objectives, sustainability criteria and directions within these documents. <i>(Refer to Annexure "E")</i>
State Planning Policies	Consistent with relevant State Environmental Planning Policies (SEPPs). <i>(Refer to Section 5.3 Planning Proposal)</i>
Ministerial Directions	Consistent with relevant Ministerial Directions (s.117 Directions). <i>(Refer to Section 5.3 and Annexure "D" of Planning Proposal)</i>
LEP Framework	Zones and objectives in accordance with the Standard Planning Instrument LEP 2011 <i>(Refer to Section 3 of Planning Proposal)</i>
Local Strategies and Policies	
Document/Policy/Concept	Criteria
Key Policy Directions in the GMS	Planning proposals must demonstrate that they are consistent with all relevant Key Policy Directions of the GMS.

State and Regional Strategies and Policies	
	<i>(Refer to this Annexure)</i>
Precinct Planning	Planning proposals should be based on precincts containing a number of allotments which when considered as a whole will achieve the efficient and cost effective provision of infrastructure while creating minimal environmental impacts. Potential proponents of planning proposals are advised to discuss options for precinct planning with the Strategic Planning Section of Council prior to formulating their proposals. <i>(Precinct is self-contained.)</i>
Wollondilly Community Strategic Plan	Wollondilly Community Strategic Plan 2030 – Growing Your Future details a range of criteria considered important for ensuring future growth and development in the Shire. This plan relates directly to the particular social, environmental and economic characteristics of the Shire and aims to ensure development is undertaken in a sustainable manner. Planning Proposals should meet the relevant objectives outlined in this plan. <i>(The PP is consistent with such plan)</i>
Project Objectives and Justification	
Overall Objective The planning proposal needs to include statements explaining: - what is planned to be achieved by the Proposal; and - why a Planning Proposal is the mechanism necessary to achieve the objectives <i>(Refer to Sections 3 and 4 of the Planning Proposal.)</i>	
Strategic Context Is the Proposal the result of a strategic study or report endorsed by the Department of Planning and Infrastructure and / or Wollondilly Council? If so, identify the study / strategy and explain how the Planning Proposal is in accordance with that study / strategy. <i>(Refer to Section 4 of the Planning Proposal)</i>	
Net Community Benefit? Demonstrate the potential for net community benefit (see Department of Planning Guidelines for a Net Community Benefit Test in the Draft Centres Policy)	

State and Regional Strategies and Policies
<i>(Refer to Section 5.2 of the Planning Proposal.)</i>
Summary of Likely Impacts What are the likely impacts to: - the environment; - the community (both the existing community and the potential new community members resulting from the proposal); - the economy How are these impacts proposed to be avoided, mitigated managed and / or rehabilitated? <i>(Refer to Section 5 of the Planning Proposal.)</i>
Infrastructure and Services Identify the type, capacity and quality / reliability of infrastructure and services: (i) currently available (ii) scheduled to be available (must be confirmed in writing from service providers) (iii) needed to be available to support the proposal when operational. <i>(Refer to Section 5 of the Planning Proposal)</i>
Supply and Demand Analysis A proposal shall be accompanied by an analysis of land supply and demand at both local and regional scales. The analysis must be prepared by a suitably qualified and experienced analyst and shall include independently verifiable references and sources of data used to prepare the report. The report shall include short and long term market analysis, rental availability, vacancy rates, turnover rates, duration of sale periods and population changes. <i>(The Proposal will contribute to the established State and Local Government housing targets).</i>
Site suitability / attributes A proposal shall demonstrate using independently verifiable evidence that the site selected is the best available site to accommodate the proposed use in a local and regional context. Reasons may include, but not be limited to; consolidated site area, access advantages, utilities and other infrastructure available, fewer constraints, potential for linkages and integration with other land uses to a mutually beneficial outcome. <i>(The subject site is contiguous with the Douglas Park township, can be readily serviced and subject to environmentally sensitive design and is capable of producing a sustainable development module).</i>
Preserving Rural Land and Character
Character and Setting A proposal must demonstrate how it will contribute to maintaining rural character, including how it will be consistent with the definition of Rural Living contained in this GMS. <i>(The development will introduce a rural character similar to that existing in the immediate area).</i>
Visual attributes A proposal must create or maintain visual catchment boundaries which define the rural-urban interface. A proposal must maintain rural landscape character.

State and Regional Strategies and Policies
A proposal must ensure future development is located and able to be designed so as to not impact on visually sensitive ridgelines or areas of topographical or visual significance or significant view corridors. A proposal must ensure that it will have a minimal impact on riverine scenic quality. <i>(Refer to preceding comment).</i>
Rural and Resource Lands Where relevant proposals should include an assessment of the potential viability of agricultural use of the land in accordance with recognised guidelines (such as Department of Agriculture Site Suitability Assessments). This assessment needs to demonstrate that the site cannot reasonably be considered suitable as a viable agricultural holding (neither presently nor in the future). Proposals need to demonstrate that the future use of the land as proposed will not eliminate or restrict opportunities for continued or new agricultural uses on adjoining and nearby land. <i>(The subject land is of marginal agricultural value. Further, it is not known to provide a significant resource stock).</i>
Environmental Sustainability
Protection and conservation Proposals should demonstrate how future development shall allow for the protection of threatened species, populations or ecological communities and their habitats. Proposals should not require the removal of significant tracts of remnant vegetation and should enable the retention and conservation of environmentally significant land and riparian lands. The protection, rehabilitation and management of environmentally significant lands and riparian lands should not negatively impact on the ownership, care, control and management responsibilities of Council in the short or long term. <i>(Further detailed ecological investigation will likely reinforce the Ecological view summarised at 2.6 of this PP. Vegetation removal will be minimised and invasive weeds removed from the land).</i>
Water Quality and Quantity Proposals should provide buffer zones to protect watercourses and provide riparian lands setbacks. Proposals should ensure that any future development in the drinking water catchment can meet the neutral or beneficial effect on water quality (NorBE) test, consistent with the <i>Drinking Water Catchments State Environmental Planning Policy</i>. Proposals must give consideration to Sydney Catchment Authority’s Strategic Land and Water Capability Assessments (SLWCA) to avoid risk to water quality. Proposals must demonstrate future development will protect groundwater resources and groundwater dependent ecosystems. Proposals should include statements outlining:

State and Regional Strategies and Policies
- Demand for water to the site - commitments to collect water on site - commitments to reuse water on site - Production of wastewater and its treatment and disposal methods. Proposals must not lead to proliferation of basic Landholder Rights along the frontage of waterways or over any vulnerable aquifers. <i>(The principles of BASIX will be observed in respect of each dwelling opportunity. Stormwater management will involve the application of Water Sensitive Urban Design practices. Waste water will be directed to onsite wastewater treatment systems. Finally, no adverse groundwater impacts are projected).</i>
Flood Hazard Proposals must demonstrate that the land to be developed is located outside of an area potentially affected by flooding in the event of a 1% AEP event or is on land where flood hazard can be managed and mitigated to acceptable standards. <i>(Any flood impact on part of the site can be adequately managed in accordance with Council's prevailing policy).</i>
Geotechnical/Resources/Subsidence Land to be developed must not be located in an area of low or medium risk of slope instability. Planning proposals should not sterilise access to coal resources or access to existing infrastructure associated with approved mining uses and this must be verified in writing from the appropriate government authority. Planning proposals should indicate whether the land is located outside of a Mine Subsidence area or whether coal resources have been extracted and the impacts of subsidence completed. <i>(Mine subsidence is addressed in this PP).</i>
Buffers and Spatial Separation Adequate buffers shall be provided within the site to achieve separation between the proposed uses and any adjacent incompatible development as required. Proposals should provide buffer zones to protect watercourses and provide riparian lands setbacks as required. <i>(Buffers can be provided, if necessary).</i>
Bushfire Hazard Where the site is identified as Bushfire Prone land in Council's records the planning proposal should be able to provide appropriate protection and evacuation measures, including Asset Protection Zones and perimeter roads to avoid risk to human life. All bush fire hazard reduction measures and Asset Protection Zones shall be contained within the site. Asset Protection Zones and other measures for bushfire hazard management must be located outside areas identified as environmentally sensitive land including habitat and riparian areas to mitigate impact on ecological functioning.

State and Regional Strategies and Policies
<i>(Refer to Section 2.5 of this PP.)</i>
Heritage Proposals must demonstrate no detrimental impacts to any item or place of Aboriginal or archaeological significance or on any heritage item or heritage conservation area. <i>(Refer to Section 2.4 of this PP.)</i>
Resource Sustainability Proposals should demonstrate commitment to maximising opportunities for energy efficiency, water recycling and reuse and waste minimisation. <i>(Such principles are central to the subject proposal).</i>
Infrastructure
Efficient Use of Provision of Infrastructure Proposals for urban land uses (industrial, commercial, residential) shall demonstrate a commitment to the minimum provisions (where appropriate) of: - electricity - reticulated water - reticulated sewer - telephone services - optic fibre - public roads integrated with the existing public road network - kerb and gutter and stormwater management infrastructure - footpaths suitable for pedestrian use - shared pathways compatible with an adopted Council strategy - street lighting to Australian Standards - public open space in accordance with best practice design guidelines and adopted strategies - bus stops - street trees - contributions towards community services and facilities as may be required by an adopted strategy and works schedules <i>(Such provisions will underpin the development scheme as it is advanced).</i>
Transport, Roads and Access Proposals must demonstrate (where possible) a commitment to improving access and movement opportunities to and through the site by means other than private cars. Proposals must demonstrate a commitment to ensuring the local road network is capable of catering for future development in terms of road capacity, traffic management and safety. Proposals shall allow for the acquisition, dedication and/or construction of future local or regional road links as identified in state or local environmental planning instruments. Proposals should minimise new vehicle access points directly to a major regional or arterial road.

State and Regional Strategies and Policies
<i>(The subject proposal is consistent with the underlying/espoused principles).</i>
Open Space Proposals should identify opportunities within the site for creating a variety of types of public open space and / or improving the quality of public open space in the locality. Provision and design standards for public open space shall be demonstrated to be consistent with best practice guidelines and adopted strategies and plans. Proposals should include provision of access connections to existing or planned shared pathways. <i>(There is no provision of open space by this subdivision)</i>

Annexure “F”

Sustainability Criteria for New Land Releases (Metropolitan Strategy 2005 – Overview)

1 INFRASTRUCTURE PROVISION

Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient manner.

A) Development is consistent with any relevant residential development strategy, regional infrastructure plan and Metropolitan Strategy.

The proposal is not inconsistent with Metropolitan and subregional planning and infrastructure strategies. Further, it is consistent with local strategic planning objectives in respect of the development of Douglas Park, in a broader context, as detailed in Council's recently adopted Growth Management Strategy (GMS).

B) The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on Government methodology for determining infrastructure contribution.

The proposed development will require enhanced utility services. The scale of augmentation and reticulation is likely to be eminently affordable.

C) Preparedness to enter into development agreement.

The owners are prepared to enter into development agreements to pay reasonable infrastructure contributions and the like.

2 ACCESS

Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provide.

A) Accessibility of the area by public transport and appropriate road access.

i. Location/Landuse; to existing networks and related activity centres.

The land is proximate to existing networks and activity centres and close to the recently announced Wilton Interchange development, which will provide employment opportunities.

ii. Networks; the areas potential to be serviced by economically efficient public transport systems.

The development prospects, even coupled with other development, are at best likely to lead to increased patronage of bus services in the area over time.

iii. Catchment; the areas ability to contain or form part of the larger urban area which contains adequate transport services. Capacity for landuse/transport patterns to make a positive contribution to achievement of travel and vehicle use goals.

The proposal is likely, together with other development, to contribute to the base for enhanced bus service provision.

B) No net negative impact on performance of existing sub-regional road, bus rail, ferry and freight network.

The proposed development will have negligible impact upon the local and subregional road network.

3 HOUSING DIVERSITY

Provide a wide range of housing choices to ensure a broad population can be housed.

A) Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.

The proposal will contribute to the level and diversity of housing supply with prospects of varied occupancy and lifestyle choice.

4 EMPLOYMENT LANDS

Provide regional/local employment opportunities to support Sydney's role in the global economy.

A) Maintain or improve the existing level of subregional employment self-containment.

Some home based business opportunities may emerge and/or local tradesman take up residence.

B) Meets subregional employment category targets

The development only contributes in the manner described above.

i. Employment related land is provided in appropriately zoned areas.

The scale of the proposal does not facilitate the creation of employment land which can be provided more strategically at a subregional level.

5 AVOIDANCE OF RISK

Landuse conflicts and risk to human health and life avoided.

A) Available safe evacuation (Flood and Bushfire)

Flooding does not have significant adverse impact upon the proposed development. Further, the principles contained in "Planning for Bushfire Protection 2006" can be met.

B) No residential development within 1:100 floodplain

The land is not identified to be partly affected by the 1% AEP.

C) Avoidance of physically constrained land: high slope, highly erodible

The site does not include geotechnically sensitive land.

D) Avoidance of landuse conflicts with adjacent, existing or future landuse and rural activities as planned under regional strategy

The proposal will be consistent with existing rural residential development and will in effect reduce the prospects of landuse conflict between urban and rural/rural-residential uses.

6 NATURAL RESOURCES

Natural resource limits not exceeded/environmental footprint minimised.

A) Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and environmental flows.

Infrastructure will need to be amplified in response to the development, with such cost being met by developers. A total water cycle management strategy will be developed and include a Water Sensitive Urban Design focused stormwater management strategy.

B) Demonstrates most effective/suitable use of land.

i. Avoids significant agricultural land

The land does not have a classification as prime agricultural land. Further, to achieve viability would require intensive operations and major capital investment. Such investment is not likely to be forthcoming given the inherent value of the land, typical rural/urban conflicts.

ii. Avoids impacts on productive resource lands; extractive industries, coal, gas and other mining and quarrying.

No adverse impacts on such resources are occasioned by the proposed development. Sub surface mining can occur, subject to surface development observing relevant mine subsidence parameters.

iii. Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy; requires demonstration of efficient and sustainable supply solution.

Augmentation of local energy supply will be required. Developer funding will meet such costs and produce a sustainable supply solution.

7 ENVIRONMENTAL PROTECTION

Protect and enhance biodiversity, air quality, heritage and waterway health.

A) Consistent with Government approved Regional Conservation Plan (if available).

No strategy exists or is proposed. The retained vegetation will be better managed and invasive weed species, including woody weeds, removed.

B) Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC and DPI). This includes regionally significant vegetation communities; critical habitat; threatened species populations; ecological communities and their habitats.

There is no Conservation Management Zones identified in the Ecological Australia map of 2001 (also refer to A above).

C) Maintain or improve existing environmental condition for air quality.

Any impact associated with the proposed development is likely to be minimal.

D) Maintain or improve existing environmental condition for water quality and quantity.

i. Consistent with community water quality objectives for recreational water use and river health (DEC and CMA).

Application of Water Sensitive Urban Design (WSUD) principles to proposed development will improve the current situation in pursuit of the subject objectives.

ii. Consistent with catchment and stormwater management planning (CMA and local Council).

Achievable through application of principles of WSUD.

A) Protects areas of Aboriginal cultural heritage value (as agreed by DEC).

None known to exist. If identified in further investigations as the PP is progressed, appropriate management strategies will be developed.

8 QUALITY AND EQUITY IN SERVICES

Quality health, education, legal, recreational, cultural and community development and other government services accessible.

A) Available and accessible services.

i. Do adequate services exist?

ii. Are they at capacity or is some available?

iii. Has Government planned and budgeted for service provision?

Capacity thresholds may be approached in respect of some services. It is clear in such context that the proposed development will impact upon social infrastructure provision beyond the site. Appropriate and reasonable developer contributions are critical to the required enhancement.

B) Developer funding for required upgrade/access is available.

Commitment to reasonable developer funding is central to the development proposal.

PE2 - Planning Proposal - Bulli-Appin Road, Appin.

PE2

Draft Planning Proposal – ‘No. 12 Bulli-Appin Road, Appin’

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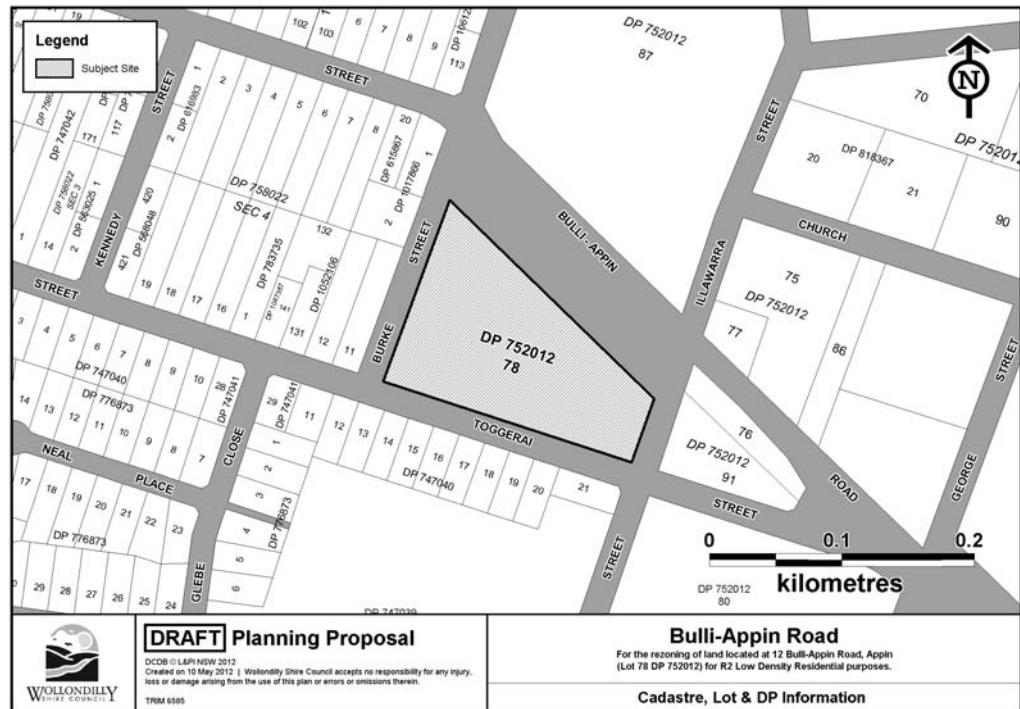
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APPLICANT:

Michael Brown Planning Strategies

OWNER:

Mr D Atcheson



Planning & Economy

REPORT

EXECUTIVE SUMMARY

- Council has received a Planning Proposal to rezone No. 12 Bulli-Appin Road, Appin (Lot 78 in DP 752012) to R2 Low Density Residential.
- There have not been any disclosures of political donations made in regard to this application.
- The subject land is identified as a 'potential residential growth area' in the Structure Plan for Appin within the Wollondilly Growth Management Strategy (GMS) 2011.

PE2 - Planning Proposal - Bulli-Appin Road, Appin.

- A preliminary assessment of the Planning Proposal against the GMS indicates that it is generally consistent with the aims and key policy directions of the strategy.
- Council at its meeting of 18 June 2012 upon receipt of Report on the proposal resolved *'That consideration of the draft Planning Proposal for No. 12 Bulli-Appin Road be deferred and the applicant provided with the opportunity to address the matters raised in the report. If no information has been provided by 31 August 2012, the report shall be resubmitted to the October meeting of Council for consideration based on the information currently available (Resolution No. 113/2012).'*
- No additional information had been received by 31 August 2012.
- An on-site meeting was held with the applicant, the owner, Council's Deputy General Manager and Strategic Planning staff. It was noted that the applicant was engaging consultants to prepare additional information. It was agreed that a decision on the application could be deferred until the additional information was provided and assessed.
- Council at its meeting of 15 October 2012 resolved the following:
"That a decision on the application be deferred to allow the applicant to submit additional information for assessment."
- The applicant subsequently provided an amended submission including specialist consultant's reports for drainage, flora and fauna and an acoustic report.
- Accordingly, this report recommends that support be given to the Planning Proposal for land in Bulli-Appin Road, Appin being Lot 78 in DP 752012, to amend Wollondilly Local Environmental Plan, 2011 to:
 - Change the zoning to R2 Low Density Residential
 - Change the Height of Buildings map to limit future development to single storey
 - Change the Lot Size Map to a minimum 975sqm lot size.

PE2 - Planning Proposal - Bulli-Appin Road, Appin.

BACKGROUND

Site Description

The site is located approximately 600 metres south-east of the Appin commercial centre, on Bulli-Appin Road. (Attachment 1). It is bound by a Crown Road Reserve to the north fronting Bulli-Appin Road, Illawarra Street to the east, Toggerai Street to the south, and partially formed Bourke Street to the west which adjoins the existing residential area of Appin.

The site is currently zoned RU2 Rural Landscape under Wollondilly Local Environmental Plan 2011 (LEP 2011). The total land area of the site is 1.935 hectares and it comprises one parcel of land (Lot 78 in DP 752012).

The site currently contains one dwelling and associated outbuildings. Some minor grazing of livestock also occurs on the property. The site is predominantly cleared with some remnant vegetation located along the property boundaries and in the crown road reserve that adjoins the property to the north.

The existing principle access to the property is from Bulli-Appin Road. The crown road reserve which extends along the northern boundary of the site is approximately 8,300m² in area.

Description of Draft Proposal

The intended outcome of the Planning Proposal is to rezone the site to allow residential uses on the site, in accordance with section 55(2) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. To achieve this outcome, it is proposed to rezone the land to R2 – Low Density Residential with a minimum allotment size of 450m².

The development concept plan submitted with the proposal conceptually identifies thirty two allotments ranging in size from 450m² to 910m², the majority of proposed lots being less than 550m² in size (Attachment 2). Furthermore the elevation plan submitted with the proposal conceptually identifies a mixture of one and two storey dwellings.

Should the planning proposal proceed and the subject land be rezoned for residential purposes, allotment size and configuration would be subject to detailed assessment at the development application stage when a plan for subdivision is lodged with Council. Similarly, dwellings on each of the lots would be assessed at the development application stage or through the Complying Development process.

PE2 - Planning Proposal - Bulli-Appin Road, Appin.**CONSULTATION****Community Consultation**

In accordance with Council's notification policy, initial community consultation has been undertaken. The Planning Proposal was published on Council's website in January – February 2012 and a letter was sent to residents on 25 January with a written submission period of three weeks ending on 17 February 2012.

A total of six (6) written submissions were received during the initial community consultation period. Three (3) submissions objected to the proposal and three (3) were neutral. In addition a form submission was received objecting to the proposal signed by thirty two (32) residents.

A summary of the key themes resulting from this preliminary community consultation is outlined in the table below:

Table 1 – Summary of Submissions arising from Preliminary Community Consultation

Key Issue	Summary of Comments
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 traffic follows 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.
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.

PE2 - Planning Proposal - Bulli-Appin Road, Appin.

Key Issue	Summary of Comments
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 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.
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.

Consultation with Council Staff

Initial advice from Council staff was sought on the draft planning proposal. A summary of the comments received is outlined in the table below:

PE2 - Planning Proposal - Bulli-Appin Road, Appin.

Table 2 – Summary of initial advice received from Council Staff

Key Issue	Summary of Comments
Roads & Traffic	▪ The Crown Road reserve that adjoins the property to the north affording frontage to Bulli-Appin Road should be incorporated into the planning proposal. Not incorporating this parcel results in a poorer planning outcome for this precinct, or potential sterilisation of the residue road reserve. Consultation with NSW Roads & Maritime and Department of Lands is required in this regard. ▪ The proposal incorporates partial access to Bulli-Appin Road, which may not be supported by NSW RMS. ▪ It is likely that access would be afforded through the existing road network, not direct frontage to Bulli-Appin Road. ▪ A traffic study needs to assess the impact of the development on the road network.
Drainage and flooding	▪ Drainage will be an issue in this location as it is situated upstream of existing un-serviced development. ▪ The existing drainage line that runs part way up Church Street but it will not be able to service the property without amplification. ▪ The site is located in the catchment for Kennedy Creek where the adjoining properties are flood affected. ▪ The design of any drainage system will need to ensure that the current flooding of properties adjoining Kennedy Creek is not worsened.
Planning	▪ Consideration should be given to including the parcels located on the northern side of Appin Road within the draft planning proposal. These parcels are identified as a 'potential residential growth area' Structure Plan for Appin in the Growth Management Strategy. Their inclusion is consistent with the precinct planning direction of the Strategy. ▪ Planning proposal incorrectly refers to Sydney Regional Environmental Plan No.20 which does not apply to the site. ▪ The site is located within the Greater Metropolitan Regional Environmental Plan No.2 – Georges River. The Planning Proposal has not addressed the requirements of this plan. ▪ The planning proposal incorrectly states that Section 117 Direction No. 1.3 – Mining, Petroleum Production and Extractive Industries is not applicable. This direction requires consultation with the NSW Department of Primary Industries on potential conflict issues with the coal mine. ▪ The planning proposal incorrectly states that Section 117 Direction No. 4.2 – Mine Subsidence and Unstable Land does not apply. The land is located within a mine subsidence district. Consultation with the Mine Subsidence is required in this regard. ▪ There is shale sandstone transition forest on adjoining land. The absence of trees on the subject land does not automatically equate to the absence of shale sandstone transition forest - a flora and fauna study should be required.

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Key Issue	Summary of Comments
Potential land use conflict with Appin East Pit Top	▪ Serious concerns regarding the proposed residential use and conflict with the operation of the Appin East Pit Top, which is located approximately 250 metres from the planning proposal site. ▪ The planning proposal does not address potential for conflict with the Appin East Pit Top. ▪ There is no evidence to show that noise, dust, odour, vibration, traffic (and traffic noise) from the operations of Appin East Pit Top have been considered, nor has the 24 hour operation of the mine and associated truck movements. ▪ The issue of land use conflict relating to the coal mine has even been considered in the Land and Environment Court (Cooper v Wollondilly Shire Council [2004] NSW LEC 145) wherein an application for a caravan park on land to the south east of this site was refused. The court held that the introduction of the caravan park would have the effect of introducing an inherently conflicting residential land use that would have the inevitable effect of leading to confrontation, complaint and possible attempts to constrain the use of the colliery site beyond the controls imposed by existing approval conditions. The subject proposal is only a little further away from the Appin East Pit Top than the proposed caravan park site. ▪ It is acknowledged that there is existing residential development in Toggerai Street - however the addition of further residential development at this location is questionable given the courts previous position.
Infrastructure & Services	▪ Public infrastructure will be provided through s94 contribution. ▪ Proposal incorporates provision of a park. ▪ Council needs to determine whether a park is required in this location.

A meeting was held on site with the owner, the applicant, Council's Deputy General Manager and Strategic Planning staff. At this meeting the applicant noted that consultants were being engaged to investigate noise and amenity and flora and fauna. Stormwater management also needs preliminary investigation.

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The additional information received concluded as follows:

Acoustic Assessment – Day Design Pty Ltd

“We believe that the site is suitable for development for the following reasons:

- *The subject site is further from the Appin Colliery and its truck ingress and egress routes, therefore less affected by noise from the Colliery and associated vehicles.*
- *The Appin Colliery is required to meet the noise criteria in the NSW Industrial Noise Policy at all existing residential premises. Note the subject site includes two existing residential premises.*
- *There are existing residential premises significantly closer to the Appin Colliery where the NSW INP is required to be met.*
- *Assuming the Appin Colliery meets the noise criteria at these existing closer residential premises, then the noise criteria will also be met at any future residential premises on the subject site.*

The noise levels measured on the subject site and presented in our initial report clearly show the measured noise levels are traffic noise and not industrial noise. This is represented by the increases in noise level during peak traffic flow and lowest at night. There are no extended periods of constant noise level which may represent steady industrial noise and therefore it is reasonable to assume that industrial noise does not significantly impact the subject site.

There are no noise controls required, to reduce industrial noise, to any of the proposed residential Lots on the subject site. The only noise controls recommended are to reduce traffic noise from Appin Road.

In summary the LEC judgement (11332 of 2003) does not preclude the residential subdivision of the subject site (with respect to acoustic amenity) and there is no requirement for additional noise controls other than standard construction, to any future building on the subject site.”

The above report is noted.

Ecological Overview – Dragonfly Environmental

An Ecological review was undertaken by Dragonfly Environmental. The report concluded as follows:

“Remnant canopy trees are species that are part of a local Endangered Ecological Community (EEC). Canopy trees are present along the margins of the site and a 7 part test could be required at detail design phase.

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The questions of the 7 part test have been considered as part of the site ecological overview and given the currently cleared state of the site and no native understorey the impact on the EEC is likely to be not significant.

Development on the site will have to be consistent with Planning for Bushfire Protection and associated building setbacks and building materials. The site is already mostly cleared. As such there are no ecological issues that would prevent the development of the site for housing."

Council's Environment Officer reviewed the report and noted as follows:

"The site has very little remnant vegetation and has been historically cleared and grazed....Vegetation is not seen as a constraint to this rezoning proposal and the recommendation would be to see native plants utilised in the landscaping to enhance the site. Another recommendation would be to see the retention of street trees where possible."

Drainage Concept Plan – JMD & Associates

JMD & Associates undertook an assessment of the potential impacts of the proposal on downstream properties. Essentially, the report concluded that the existing system is undersized and that works would need to be undertaken onsite (detention) and works downstream. In this regard the report stated:

"The incorporation of basins into the development site and diversion of all stormwater flows from the proposed development to the basins will result in peak stormwater flows from the site being less than or equal to those experienced under the existing conditions and hence the proposed development of the site incorporating such basins will not result in any negative impact on the downstream drainage system.

Given the current state of piped drainage in the vicinity of the site, it will be necessary to augment the existing piped drainage system to provide an adequate means of stormwater disposal from the proposed detention system."

Council's Drainage Engineer reviewed the amended report and advised as follows:

"I note the Drainage Report provided in support of this proposal prepared by JMD Development Consultants dated 31 October 2012 and accompanying Drainage Plan.

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The drainage plan highlights the limited drainage system available for connection of the site, however, the report does not identify a strategy to address the situation other than to state that it will be necessary to augment the existing piped drainage system.

An OSD calculation is provided in the report that provides for the reduction of site discharge to existing flow rate. Provided a discharge point is established, this is one criterion for flood mitigation. It is also necessary to consider the additional contribution as part of the larger catchment. To this end it will be necessary to confirm that flow rates are not worsened at additional downstream locations.

If the proposal is to receive further consideration, it will be necessary to:

- *Identify a drainage discharge point and analyse/design the capacity of the existing downstream drainage system to accommodate design flow rates (even if they are reduced to existing flow rates)*
- *Consider the impact of the impervious area on flow rates generated downstream:*
 - (a) *at the point of connection to Kennedy Creek,*
 - (b) *in Kennedy Creek at Church Street and*
 - (c) *in Kennedy Creek at King Street.'*

Council's Officers comments are noted and should Council support the Planning Proposal further detailed drainage investigation work will have to be carried out.

Traffic/Accessibility

The site currently has vehicle access from Bulli-Appin Road. The proposed development seeks to maintain access from Bulli-Appin Road. The proposed development will have access from Appin Road, Burke Street, Illawarra Street and Toggerai Street. The subject network has capacity to accommodate likely additional traffic movements, subject to an appropriate intersection treatment and any road upgrades that will be identified in a subsequent traffic study.

Council's Development Engineer provided the following comments regarding the proposal:

- *There is no road widening fronting the site, ownership needs clarification.*
- *No direct access from Appin Road would be permitted.*
- *Council should seek to minimise the number of access points to the local road network.*

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Should the Planning Proposal be supported it is recommended the Development Engineers and RMS's comments are to be incorporated within re-design requirements for the subject site.

Consultation with Government Agencies

Council sought RMS comments with respect to the additional information provided. Their comments are noted as follows:

"RMS has reviewed the submitted information and objects to the rezoning in its current form. In this regard the following comments are provided for your consideration:

- *Annexure F of the Planning Proposal, Key Directions of Wollondilly Shire Growth Management Strategy – Assessment Criteria, notes that proposals should minimise new vehicle access points directly to a major regional or arterial road. Appin Road is a State Classified Road and is a major east west freight route and RMS considers that the subject proposal is inconsistent with this key objective. RMS has a vital interest to minimise the number of vehicle access points to the classified road network. This is required to reduce the potential impact of increased development on the road network, from both a road safety and traffic efficiency perspective. This is supported by Clause 101 of the Infrastructure SEPP 2007.*
- *In this regard no direct access to the subject site from Appin Road would be permitted. All access to the site would need to be provided via the local road network. It should be noted that RMS would not provide the approvals required under the Section 138 of the Roads Act, 1993 to the development in its current form.*
- *Council should seek to minimise the number of access points from the subject development to the local road network as research shows that increased access density correlates highly with increased accident rates.*
- *The design of the subdivision should encourage the use of alternative modes of transport including walking and cycling. In this regard, shared paths should be provided with an aim to link the subject development to existing paths and the town centre."*

The RMS comments are noted and should the Planning Proposal be supported their comments be incorporated within design recommendations for the subject site.

Furthermore, should the proposal be supported by Council and forwarded to the Department of Planning and Infrastructure (DoPI), the Gateway Determination will outline further consultation requirements with government agencies.

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Further community consultation

Should this Planning Proposal progress, further community consultation opportunities will occur as part of the preparation and exhibition of a draft local environmental plan in accordance with the Gateway process. Council has the opportunity to recommend the engagement process and other consultation appropriate for this Planning Proposal.

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

All Planning Proposals are assessed against the key themes and directions of Council's Community Strategic Plan. It is considered that this proposal is generally in accordance with the CSP, particularly as the proposal seeks to achieve the following:

Apply best practise environmental principles to the management of future growth (EN2).

Apply best practise environmental principles to the assessment of development and planning proposal. (EN3)

Educate, promote and support low consumption, sustainable lifestyles and lowering of the Shire's carbon footprint. (EN7)

Encourage and manage growth to ensure that it contributes to economic well being. (EC3)

Manage and regulate land use and development in order to achieve a high quality built environment which contributes to economic well being. (EC4)

POLICIES & LEGISLATION

Planning Proposals

The Planning Proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and relevant Department of Planning & Infrastructure guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. The Planning Proposal addresses the matters required by the Director-General to be addressed in all Planning Proposals.

The Planning Proposal that has been submitted is requesting the rezoning of the subject land. If Council wishes to proceed with the proposal to rezone the land, Council must resolve to support the Planning Proposal and to forward it to the Minister for Planning & Infrastructure for a Gateway Determination.

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Council's Options/Role

In deciding whether to forward the Planning Proposal on to the Minister for Planning & Infrastructure for a Gateway Determination, Council is effectively endorsing the Planning Proposal in principle and from that point on the Planning Proposal is deemed to be Council's Planning Proposal - no longer the applicant's Planning Proposal. Despite the Planning Proposal becoming Council's at that point, the costs of any required studies are to be borne by the applicant.

Council's options are:

1. Resolve to support the Planning Proposal as submitted. This option means that the existing Planning Proposal from then on becomes Council's Planning Proposal. Council then sends it to the Minister for a Gateway Determination. Unresolved matters are assumed to be capable of resolution through future studies as determined by the Gateway process.
2. Resolve that the Planning Proposal needs to be amended before it can receive Council support and be forwarded to the Minister for a Gateway Determination. As is the case with option 1 above, the Planning Proposal becomes *Council's* and unresolved matters are assumed to be capable of resolution through future studies as determined by the Gateway process.
3. Resolve not to support the Planning Proposal. The applicant could choose to revise/amend their proposal and submit a new application. (Note that there are no appeal rights through the Land and Environment Court against Council's refusal to support a Planning Proposal).

Option Two (2) is the recommendation of this report.

Gateway Determination

Should the Planning Proposal be endorsed by Council, it would then be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination. The Gateway Determination is a checkpoint for Planning Proposals before significant resources are committed to carrying out technical studies and investigations. It enables Planning Proposals that are not credible or well founded or not in the public interest to be stopped early in the process before resources are committed to detailed studies and investigations, and before government agencies are asked to commit their own resources to carrying out assessments.

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At the Gateway Determination, the Minister will decide:

- Whether the proposal is justified on planning grounds
- Whether the Planning Proposal should proceed (with or without variation)
- Whether the Planning Proposal should be resubmitted for any reason (including for further studies or other information, or for the revision of the Planning Proposal).

The community consultation required:

- Any consultation required with State or Commonwealth agencies
- Whether a public hearing by the Panel Assessment Commission or other specified person or body is required
- The timeframes for the various stages of the procedure to make the draft amendment
- Whether the function of making the LEP is to be exercised by the Minister for Planning & Infrastructure or delegated to Council.

Under the Plan making procedures, the Planning Proposal and supporting studies are placed on public exhibition. The written draft local environmental plan amendment (the draft LEP) is prepared by Parliamentary Counsel when the Planning Proposal is finalised, immediately before it is made by the Minister or delegate. The LEP takes effect when it is published on the NSW legislation website.

Wollondilly Local Environmental Plan 2011

The site is currently zoned RU2 Rural Landscape with a minimum lot size of 40 hectares. (Attachment 3).

The planning proposal seeks to rezone the site to R2 Low Density Residential with a minimum allotment size of 450m² (Attachment 4).

After further investigation of the subject site and the existing locale it is considered that the appropriate minimum allotment size is 975sqm.

Development Control Plan (DCP)

Should the planning proposal be supported, the controls contained within Wollondilly Development Control Plan 2010, Volume 3 – Residential and Tourist Uses would apply to future development of the site. Any additional provisions resultant of specialist studies supporting the proposal would be incorporated into the DCP.

PE2 - Planning Proposal - Bulli-Appin Road, Appin.**RELEVANT CONSIDERATIONS****Wollondilly Growth Management Strategy (GMS)**

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 following table sets out the relevant Key Policy Directions within the GMS along with comments relating to the draft proposal:

Table 3 – Assessment of No. 12 Bulli-Appin Road, Appin Planning Proposal against GMS Key Policy Directions

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 proposal is partially consistent with the GMS Key Policy Directions, as noted in this table.
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 generally consistent with the concept and vision of 'Rural Living'.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	Council undertook preliminary community consultation on the proposal, (6) written submissions and one form submission signed by thirty two (32) residents. The majority of submissions objected to the proposal with a minority of submissions being neutral. A summary of the comments raised in the submissions can be found above in Table 1 .
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	The planning proposal seeks rezoning of the subject

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Key Policy Direction	Comment
<i>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.).</i>	site for residential purposes. Although located immediately adjoining the eastern periphery of the Appin residential area, the site is constrained for residential use due to its close proximity to the Appin East Pit Top and location upon Bulli Appin Road.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The GMS outlines a 2000 total dwelling target for the Macarthur South area, which includes Appin. Significant growth in Appin is already proposed through the provision of an additional an approximate 700 dwellings (Macquariedale Road Planning Proposal and North Appin subdivision).
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.	Consistent. The development concept plan submitted with the proposal demonstrates a mix of dwelling types. However it is considered that the further investigation is required to determine the minimum lot size and dwelling design requirements.
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").	Inconsistent. Proposes 450m ² minimum sized lots on the eastern periphery of Appin. The existing subdivision pattern in Appin traditionally has lot sizes in the vicinity of 1,000m ² . It may be considered more appropriate to zone the site to R2 large lot residential with a minimum lot size of 1,000sqm.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	Consistent. The proposal seeks to rezone land immediately adjoining the eastern edge of Appin village for residential purposes.
Macarthur South Policies	
P11 Council does not support major urban release within the Macarthur South area at this stage.	It is considered that the planning proposal does not constitute a major urban release within the Macarthur South area.

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Key Policy Direction	Comment
<i>P12 Council considers that in order to achieve sound long-term planning for the eventual development of Macarthur South an overall master plan is required.</i>	It is considered that the Planning proposal could proceed in absence of a master plan for the orderly development of Macarthur South.
<i>P13 Council will not support further significant new housing releases in Macarthur South beyond those which have already been approved. Small scale residential in an adjacent to the existing towns and villages within Macarthur South will be considered on its merits</i>	The Planning proposal represents residential development adjacent to Appin Village. Therefore, Council can consider the Planning proposal on its merits.
Employment Policies	
<i>P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes</i>	Although it does not provide for the creation of employment lands, the proposal would create short-term employment associated with construction, civil and building works, and will provide stimulus to the local economy by boosting the population, if it is supported. However the sites proximity to the Appin East Pit Top has the potential to negatively impact on existing employment at this site if future residential development results in complaints about the mine's activities.
<i>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.</i>	The submitted planning proposal is not for employment lands.
Integrating Growth and Infrastructure	

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Key Policy Direction	Comment
<i>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.</i>	It is considered that the additional residential allotments proposed in the locality are not likely to adversely burden Council. Developer contributions payable at the development application stage will partially fund the necessary local infrastructure required to support any future development. Any likely state and regional infrastructure demands will be assessed by relevant agencies post Gateway Determination.
<i>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.</i>	Public infrastructure will be provided through s94 contribution. Should upgrades to the local road network be required, these upgrades would be undertaken by the developer. The site would also require connection to the reticulated sewerage scheme. The infrastructure for the scheme is currently under construction in Appin.
<i>P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</i>	The Planning proposal does not contribute toward dispersed population growth; it proposes urban growth adjacent to the Appin residential area.
<i>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.</i>	This is an area identified as a being a 'potential residential growth area' on the Appin Structure Plan in the GMS. The Planning proposal contributes toward Council's dwelling target for the Macarthur South area as identified in the GMS.
Rural and Resource Lands	
<i>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</i>	The site is located within the Georges River catchment. Although predominantly cleared, the site does contain remnant tress and adjoining land is known to contain Shale Sandstone Transitional Forest.

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Key Policy Direction	Comment
<i>lands, aboriginal heritage and European rural landscapes.</i>	
P22 <i>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.</i>	Key Policy Direction P22 is not applicable to the draft proposal.

Appin East Pit Top

The operations at the Appin East Pit Top have bearing on whether the subject site is suited for residential uses. The Appin East Pit Top site and related surface infrastructure is located approximately 240 metres south of the planning proposal site. Of particular relevance is the potential impact for noise, odour, dust, vibration and traffic impacts associated with the 24 hour mining operations that occur at the Appin East Pit Top on the proposed residential use. The Planning Proposal has considered the impact of such operations on the proposed residential use of the site. The submitted Acoustic Assessment concluded *"that the noise levels clearly show the measured noise levels are traffic noise and not industrial noise."*

Council has received an objection to the planning proposal from Illawarra Coal, who manage the operations at Appin East Pit Top noting *'there is potential for air, noise and traffic impacts to residents in the proposed rezoning/subdivision area'*.

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The issue of land use conflict relating to the coal mine has even been considered in the Land and Environment Court (Cooper v Wollondilly Shire Council [2004] NSW LEC 145) wherein an application for a caravan park on land to the south east of this site was refused. The court held that the introduction of the caravan park would have the effect of introducing an inherently conflicting residential land use that would have the inevitable effect of leading to confrontation, complaint and possible attempts to constrain the use of the colliery site beyond the controls imposed by existing approval conditions.

It is acknowledged that there is existing residential development in Toggerai Street. Taking into consideration the conclusion of the above mentioned court case and the submitted Acoustic Assessment, on balance, the subject site is deemed potentially suitable for residential development. However, further detailed investigation with respect to lot layout and residential dwelling design is required to minimise any potential air, noise and traffic impacts to ensure best practice development design is implored.

Village Character / Suitability of the site for Residential purposes

A number of the submissions received during the preliminary community consultation questioned the visual impact of the proposed rezoning. Currently, as Appin is approached from the east, the subject land and that on the northern side of Bulli-Appin Road provides a semi rural entrance to the village. This would irrevocably change should the land be rezoned and subsequent residential subdivision and development occur thereafter.

Of particular relevance is the proposed 450m² lot sizes, which contrast to the established 1000m² allotment pattern of Appin village. It is considered that the proposed lot size (450sqm) would negatively impact upon the visual character of Appin village as such it is recommended that further design development investigation be carried out and a more appropriate lot size be determined that not only encapsulates Appin Village but also ensures a form of residential development which provides suitable amenity and residential/rural environs.

As such R2 Residential with a minimum of 975sqm per lot size is deemed more suitable and appropriate for this transitional rural/residential area.

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Stormwater Drainage

Stormwater drainage from the subject site would be problematic as the site is situated upstream from existing un-serviced residential development. Stormwater infrastructure only partially extends up Church Street towards the development site. The subject site drains into the Kennedy Creek catchment, which then flows into the Georges River. The current infrastructure is constrained during peak storm events which cause flooding of residential properties adjoining Kennedy Creek. This is reflected in the submissions received from the preliminary community consultation on the Planning Proposal.

Any future residential development would have to be designed to ensure that the current flooding of properties adjoining Kennedy Creek is not worsened/impacted and, if possible, reduced. The Planning Proposal has not adequately addressed the impact of additional residential allotments on the existing stormwater drainage system. This has also been reiterated by Council's Drainage Engineer (refer above for comments).

Traffic and Access

The development concept plan demonstrates access to the subject site is proposed through the provision of a new road linking Bulli-Appin Road to Toggerai Street. Further access is proposed through formalisation of Burke Street and direct property access to Illawarra Street. Ultimately this would result in two more T-intersections on the Bulli-Appin Road.

Currently, Toggerai Street is utilised as a short cut to avoid the T-intersection where Appin Road and Church Street meet during peak traffic periods. This problem would be exacerbated through the provision of an additional two T-intersections on Bulli-Appin Road.

RMS comments and Council's Development Engineer comments are noted above. A traffic study needs to assess the impact of future development on the road network.

Crown Road Reserve

Council has consulted with the NSW Department of Lands (DoL) and Roads and Maritime Service (RMS) in relation to the adjoining crown road reserve fronting Bulli-Appin Road. The NSW RMS has no future intention of widening Bulli-Appin Road in this location. The NSW DoL advised that the land could be acquired by the adjoining owner subject to a road closing permit, enabling it to be incorporated into the planning proposal.

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This matter is required to be progressed and incorporated within the Planning Proposal site prior to the matter being forwarded for Gateway Determination.

FINANCIAL IMPLICATIONS

As noted previously in this report, the Planning Proposal is deemed to be Council's Planning Proposal once endorsed by Council and forwarded to the Minister. Despite the Planning Proposal becoming Council's at that point, the costs of any required studies are to be borne by the applicant.

Should the Planning Proposal be supported, further investigations into contributions towards infrastructure provision through planning agreements and section 94 contributions will need to occur.

CONCLUSION

A Planning Proposal has been submitted to Council for the rezoning of No. 12 Bulli-Appin Road, Appin (Lot 78 in DP 752012) to R2 Low Density Residential, to facilitate residential development of the site.

Based on the information currently available for assessment, it can be concluded that the subject site is potentially suitable for residential development, however, a number of matters are required to be determined and further design development is required with respect to the proposed rezoning and residential subdivision prior to its submission for a Gateway Determination.

ATTACHMENTS

1. Aerial Location Map
2. Development Concept Plan
3. Existing Zoning Map
4. Proposed Zoning Map.

RECOMMENDATION

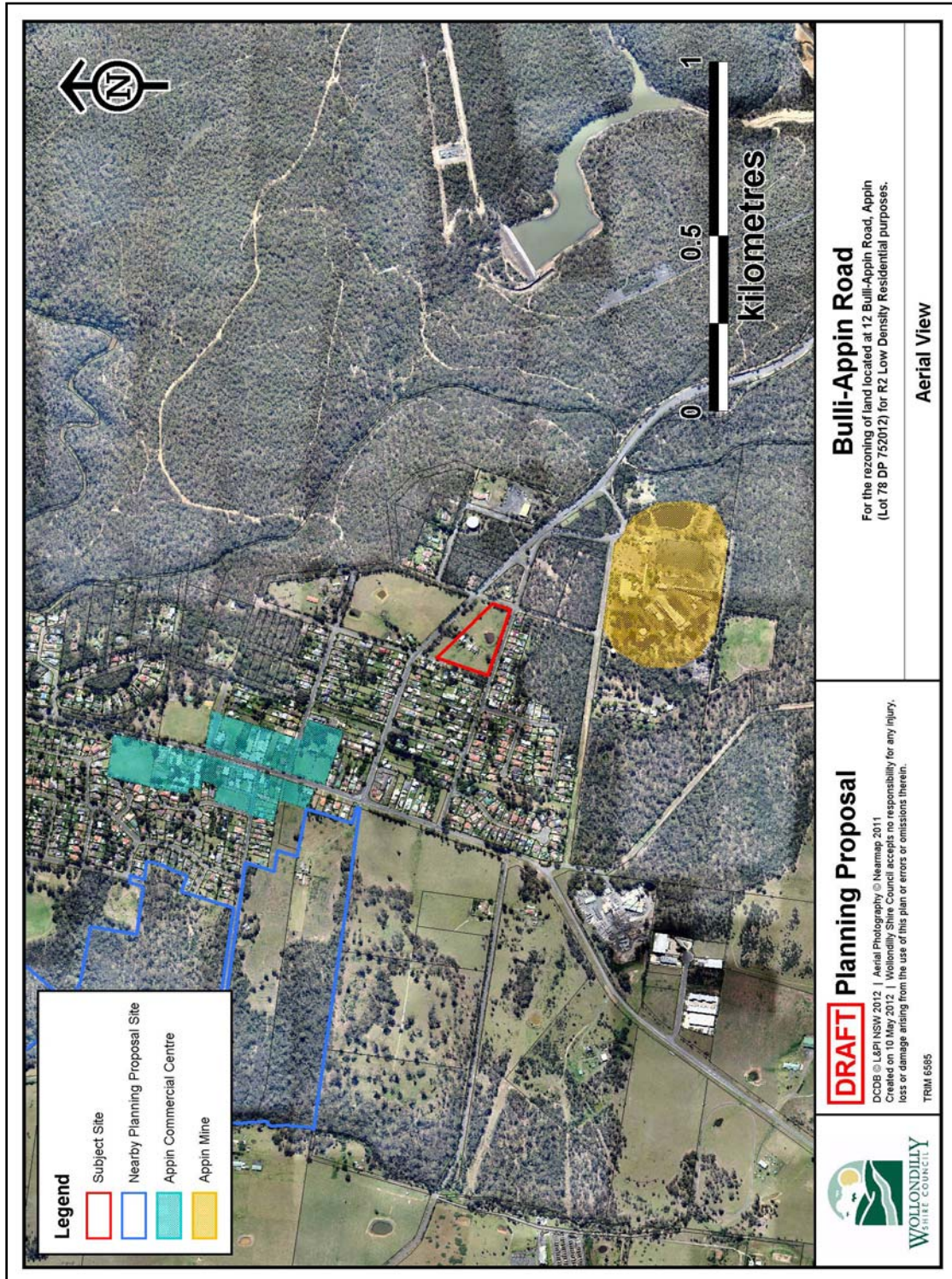
1. That the Planning Proposal be supported to facilitate residential development of the site subject to the Planning Proposal being amended to comprise the following:
 - i. Investigate the acquisition of the adjacent DoL land subject to a road closing permit, enabling it to be incorporated into the planning proposal
 - ii. Rezoning to R2 Residential with a minimum of 975sqm per lot size.

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2. That the planning proposal be redesigned in accordance with the above amendments prior to being submitted to the Department of Planning and Infrastructure for a Gateway Determination.
3. That subject to the recommendations of the Gateway Determination and Specialist Studies as required by the Gateway Determination and including a Drainage Report and Design, Traffic Impact Study, Acoustic Assessment, Stormwater/Flooding Study, Bushfire Hazard Assessment, provision of Reticulated Water and Sewer Services, Flora and Fauna Assessment, the proposed residential development be redesigned incorporating the following measures:
 - i. Further residential dwelling design taking into consideration recommendations of Acoustic report and detailing all necessary built form measures to ensure amenity of residential environs will not be impacted by known potential air, noise and traffic impacts or by the visual impact of any structures required to mitigate road traffic noise
 - ii. No vehicular access points to Bulli Appin Road
 - iii. Minimise the number of access points to the local road network
 - iv. Stormwater and Drainage design
 - v. Connection to sewer
 - vi. Pedestrian and Cycleway linkages and timing.

PE2 - Planning Proposal - Bulli-Appin Road, Appin.

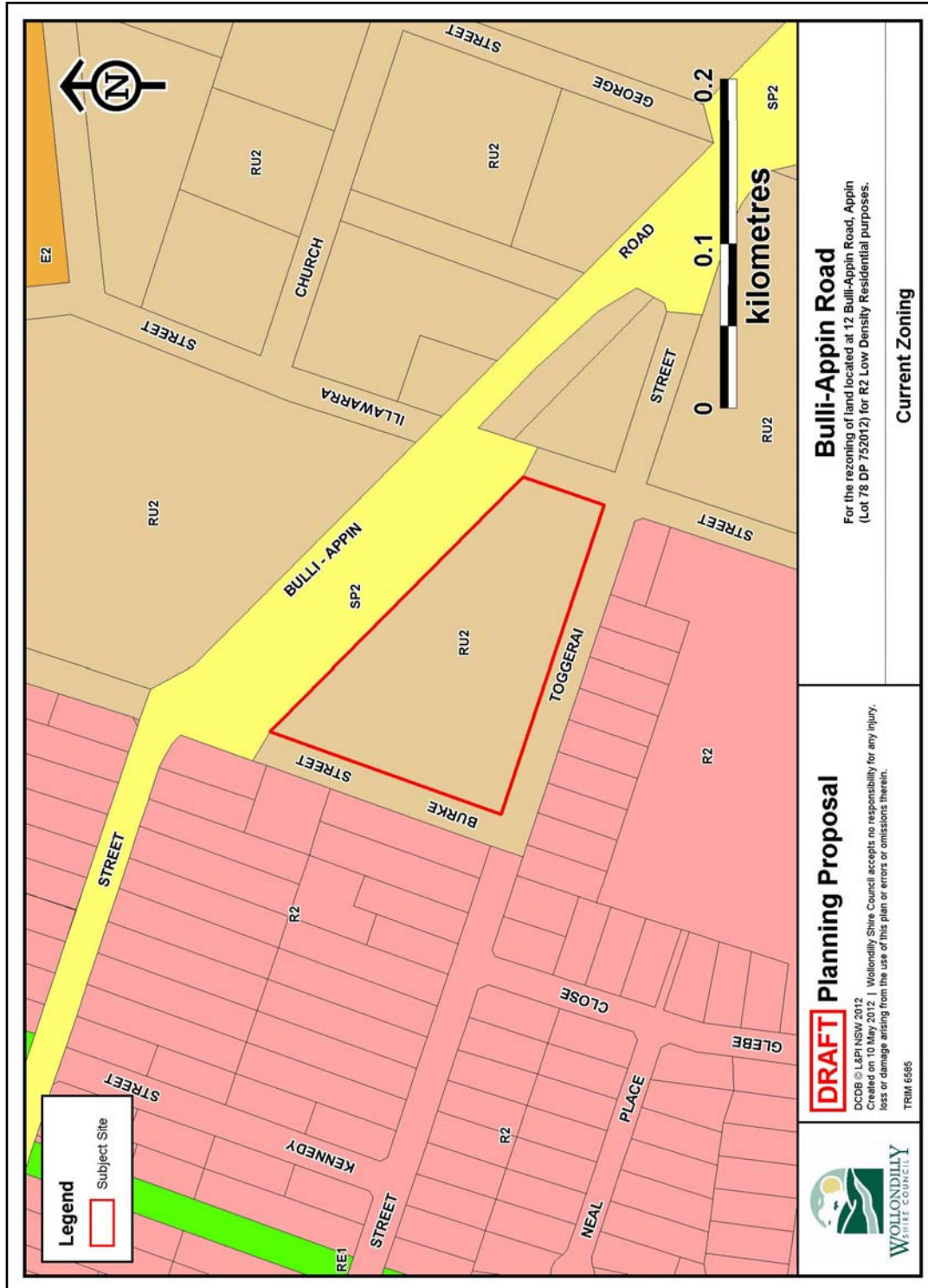
ATTACHMENT 1 - 6585 – 16 SEPTEMBER 2013



Planning & Economy

PE2 - Planning Proposal - Bulli-Appin Road, Appin.

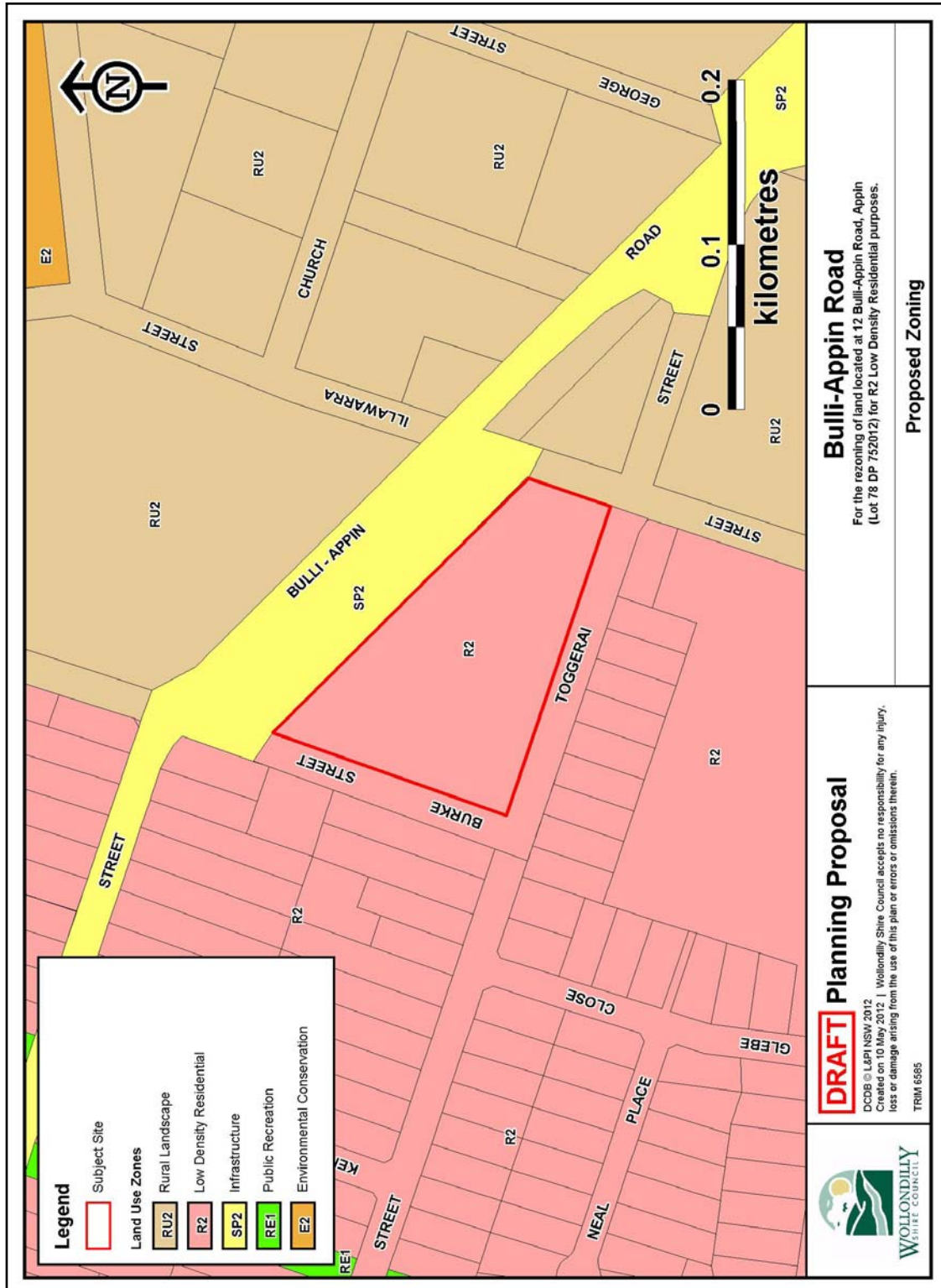
ATTACHMENT 3 - 6585 – 16 SEPTEMBER 2013



Planning & Economy

PE2 - Planning Proposal - Bulli-Appin Road, Appin.

ATTACHMENT 4 - 6585 – 16 SEPTEMBER 2013



Planning & Economy

PE2 Draft Planning Proposal – ‘No. 12 Bulli-Appin Road, Appin’
235929AL ON

184/2013 Resolved on the motion of Crs Mitchell and Landow:

- 1. That the Planning Proposal be supported to facilitate residential development of the site subject to the Planning Proposal being amended to comprise the following:**
 - i. Investigate the acquisition of the adjacent DoL land subject to a road closing permit, enabling it to be incorporated into the planning proposal**
 - ii. Rezoning to R2 Residential with a minimum of 975sqm per lot size.**
- 2. That the planning proposal be redesigned in accordance with the above amendments prior to being submitted to the Department of Planning and Infrastructure for a Gateway Determination.**
- 3. That subject to the recommendations of the Gateway Determination and Specialist Studies as required by the Gateway Determination and including a Drainage Report and Design, Traffic Impact Study, Acoustic Assessment, Stormwater/Flooding Study, Bushfire Hazard Assessment, provision of Reticulated Water and Sewer Services, Flora and Fauna Assessment, the proposed residential development be redesigned incorporating the following measures:**
 - i. Further residential dwelling design taking into consideration recommendations of Acoustic report and detailing all necessary built form measures to ensure amenity of residential environs will not be impacted by known potential air, noise and traffic impacts or by the visual impact of any structures required to mitigate road traffic noise**
 - ii. No vehicular access points to Bulli Appin Road**
 - iii. Minimise the number of access points to the local road network**
 - iv. Stormwater and Drainage design**
 - v. Connection to sewer**
 - vi. Pedestrian and Cycleway linkages and timing**
 - vii. *Building Height be restricted to single story development.***

On being put to the meeting the motion was declared CARRIED.

Vote: Crs M Banasik, Amato, Mitchell, B Banasik, Terry, Law, Landow, Hannan and Gibbs