

Planning Proposal for Woollamia Rural Residential Lots

Proposal Title : **Planning Proposal for Woollamia Rural Residential Lots**

Proposal Summary : **The planning proposal seeks to resolve uncertainty in relation to the development potential of small lot subdivisions in the Woollamia Farmlets area. The land is currently zoned Rural 1(d) (General Rural) under the Shoalhaven LEP 1985. Under the draft Shoalhaven LEP 2009 (currently with Shoalhaven Council for consideration of submissions made during public exhibition), the land is proposed to be zoned RU2 Rural Landscape and E2 Environmental Conservation.**

The proposal seeks an amendment to either the Shoalhaven LEP 1985 or the draft Shoalhaven LEP 2009, whichever is notified at the time, to enable the permissibility of a single dwelling house on six discrete lots, which currently have no dwelling entitlement and which are located within an established rural residential area.

PP Number : **PP_2011_SHOAL_007_00**

Dop File No : **10/03080**

Proposal Details

Date Planning : **09-Nov-2011**

Proposal Received :

LGA covered : **Shoalhaven**

Region : **Southern**

RPA : **Shoalhaven City Council**

State Electorate : **SOUTH COAST**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **1 Pritchard Avenue**

Suburb : **Woollamia**

City : **Woollamia**

Postcode : **2540**

Land Parcel : **Lot 92A DP15266**

Street : **Lot 79 Willowford Road**

Suburb : **Woollamia**

City : **Woollamia**

Postcode : **2540**

Land Parcel : **Lot 79 DP9289**

Street : **87 Willowford Road**

Suburb : **Woollamia**

City : **Woollamia**

Postcode : **2540**

Land Parcel : **Lot 78 DP15266**

Street : **Lot 78A Willowford Road**

Suburb : **Woollamia**

City : **Woollamia**

Postcode : **2540**

Land Parcel : **Lot 78A DP15266**

Street : **84 Willowford Road**

Suburb : **Woollamia**

City : **Woollamia**

Postcode : **2540**

Land Parcel : **Lot 82A DP15266**

Planning Proposal for Woollamia Rural Residential Lots

Street : **Lot 72 Woollamia Road**
Suburb : **Woollamia** City : **Woollamia** Postcode : **2540**
Land Parcel : **Part Lot 72 DP15266**

DoP Planning Officer Contact Details

Contact Name : **Lisa Kennedy**
Contact Number : **0242249457**
Contact Email : **lisa.kennedy@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Jessica Rippon**
Contact Number : **0244293111**
Contact Email :

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	South Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	6
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government **Yes**
Lobbyists Code of
Conduct has been
complied with :
If No, comment :

Have there been **No**
meetings or
communications with
registered lobbyists? :
If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes : **The Woollamia Farmlets Investigation area is made up of 183 lots ranging in size from 695m2 to 22ha. The area is located 4km north west of Huskisson and is bounded by Currumbene Creek to the north, Woollamia Nature Reserve to the south and is dissected east-west by Woollamia Road.**

The area contains a mix of rural residential lots and smaller residential sized lots. The majority of the area is currently zoned Rural 1(d) under the Shoalhaven LEP 1985 and a development standard of 40ha is required to construct a dwelling on land within this zone.

The area was initially subdivided in 1917 with further rural residential lot subdivision along Willowford and Pritchard Roads in 1927. In 1964 the land was given a non-urban zoning under the Interim Development Order No. 1 with a minimum lot size of 40ha being required to erect a dwelling. Each ownership holding of lots at 1964 were given entitlement to one dwelling (existing holdings) and in certain circumstances the creation of additional lots with dwelling entitlements (concessional lots). This has resulted in some lots maintaining and acting upon dwelling entitlements established through holding ownership in 1964, whilst many lots which were held in the one ownership in 1964 have changed ownership and currently have no dwelling entitlement under the current zoning provisions despite the fact that they have similar physical characteristics.

In addition some lots have established dwelling approvals through the use of State Environmental Planning Policy (SEPP) 1 and through subsequent subdivision relying on concessional allotment entitlements.

The Jervis Bay Settlement Strategy, 2003 has identified the need to resolve the small lot rural subdivisions and their development potential for the Woollamia Farmlets area.

The historic subdivision and landholding patterns along with the development of the land has resulted in three distinct development areas emerging. This planning proposal covers the rural residential land largely south of Woollamia Road where there is a distinct and established rural residential development pattern. There are ten discrete rural residential lots without a dwelling entitlement of which four are wholly within the 1% AEP year flood level.

On the 16th November 2010 Shoalhaven Council resolved to remove the four lots wholly within the 1% AEP year flood level from any planning proposal seeking a dwelling entitlement. These four lots will retain the existing minimum 40ha lot size for the erection of a dwelling.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The intended outcome of the planning proposal is to make one dwelling permissible on each of the six subject lots which currently do not have a dwelling entitlement.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The intended outcome will be achieved via an amendment to either the Shoalhaven LEP 1985, Schedule 9 - Development for additional purposes or the Draft Shoalhaven LEP 2009 Clause 1.7 Lot Size Map. Which instrument is amended is dependant upon the finalisation of the draft Shoalhaven LEP 2009.

Shoalhaven Council has identified that an amendment to the draft Shoalhaven LEP 2009 would also include a local Clause 7.19 which will set out additional matters for consideration prior to the granting of development consent for the purposes of a dwelling. The Department does not consider that this clause is necessary.

The lots have land which is identified on the draft Natural Resource Sensitivity Biodiversity Map and Water Map. Thus the local Clauses 7.5 Biodiversity and 7.6 Water would apply to any development application lodged for a dwelling on each of the six lots. Any additional local clause would therefore not be necessary.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

2.1 Environment Protection Zones

2.2 Coastal Protection

2.3 Heritage Conservation

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 14—Coastal Wetlands

SEPP No 71—Coastal Protection

SEPP (Rural Lands) 2008

Jervis Bay REP 1996

e) List any other matters that need to be considered :

N/A

Have inconsistencies with items a), b) and d) being adequately justified?

If No, explain :

The planning proposal is consistent with the Jervis Bay Settlement Strategy, 2003 in that "the development potential of the Woollamia Farmlets will be investigated through a review of lot sizes and configuration in order to accommodate on site effluent management and meet the guiding principles and policy actions of the Strategy. Lots larger than 2ha may be able to provide for one dwelling to be built on each lot provided the guiding principles and policy actions of the Strategy can be achieved".

The South Coast Regional Strategy allows the rezoning of urban areas which are identified in endorsed settlement strategies including the Jervis Bay Settlement Strategy. The Strategy also requires that local environment plans zone all SEPP14 coastal wetlands to achieve environmental protection and that future development in these catchments will need to demonstrate no net impact on the hydrology, water quality or ecology of these wetlands. The SEPP14 wetlands are proposed to be rezoned E2 Environment Conservation in the draft Shoalhaven LEP 2009. To date, no water quality investigations have been undertaken for the planning proposal so it is unknown whether the planning proposal is consistent or otherwise with this action of the Strategy.

The planning proposal is consistent with the S117 directions 1.5 Rural Lands, 2.2 Coastal Protection, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection Zones and 5.1 Implementation of Regional Strategies. In accordance with S117 direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to proceeding to public exhibition.

The planning proposal is inconsistent with the S117 direction 1.2 Rural Zones in that it is increasing the permissible density of land within a rural zone. This inconsistency is of minor significance due to the small number of lots and land area affected, limited cropping and grazing capacity of the land, and the adjoining rural residential properties on blocks of a similar size and characteristics. The inconsistency is also justified by the Jervis Bay Settlement Strategy which seeks the investigation of a dwelling on lots greater than 2ha.

The planning proposal is inconsistent with the S117 direction 2.1 Environment Protection Zones in that it is reducing the minimum lot size for the erection of a dwelling on lots

mapped in the Shoalhaven LEP 1985 as land of ecological sensitivity and mapped in the Jervis Bay SEPP as Habitat Corridor. Shoalhaven Council considers that the six lots contain identified threatened flora and fauna which is not prohibitive to potential development but will need to be addressed in a local clause and through the development application process. Council also considers that issues associated with the SEPP 14 wetland can be addressed in a local clause and through the development application process.

It is unknown whether the planning proposal is consistent with the S117 direction 2.3 Heritage Conservation. Shoalhaven Council's preliminary desktop assessment acknowledged that no known Aboriginal archaeological investigations have been carried out within the study area and detailed investigations may need to be undertaken as part of any planning proposal. The planning proposal however proposes to assess this issue at the development application stage.

It is unknown whether the planning proposal is consistent with the S117 direction 4.1 Acid Sulfate Soils. The planning proposal identifies that part of the subject land is identified as having a low probability within 1 metre of the ground surface, of acid sulfate soils. Council considers that there are areas on the lots for potential development but the management of acid sulphate soils will need to be addressed as part of the development application process.

The planning proposal is inconsistent with the S117 direction 6.3 Site Specific Provisions in that it is proposing development standards and requirements for the erection of a dwelling (including the provision of asset protection zones) on each lot. The Department does not consider that a clause with site specific provisions is necessary. The existing Clause 21 in the Shoalhaven LEP 1985 and proposed Clauses 7.5 and 7.6 in the draft Shoalhaven LEP 2009 provide additional heads of consideration when assessing a development proposal on the land.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : Only a locality map identifying the affected lots was provided in the planning proposal. Should the planning proposal proceed as an amendment to the Shoalhaven LEP 1985 then no maps will be produced. However, should the planning proposal proceed as an amendment to the draft Shoalhaven LEP 2009, then there will be an amendment to the minimum lot size map. As the existing lot sizes are 1.95ha, 2.65ha, 2.78ha, 3.12ha, 3.24ha and 9.73ha, then the lot size map would need to be changed to 2ha for the first five lots and 9ha for the largest lot. A map clearly showing these changes will be required for exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Shoalhaven Council proposes to exhibit the planning proposal in accordance with the requirements of section 57 of the EP&A Act and the Gateway Determination. Council proposes to place the proposal on public exhibition for 14 days. Public notification will include a notice in local newspapers, notice on Council's website, written notice to adjoining landowners and hard copies available at Council's Administrative buildings.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : The planning proposal addresses the Department's "Guide for preparing a planning proposal" and is considered adequate for a Gateway Determination with conditions.

Shoalhaven Council is proposing to undertake further investigations at the development application stage rather than prior to rezoning the land. Council hence runs the risk of giving development potential to lots which may not be considered appropriate for development through the development assessment process.

Proposal Assessment

Principal LEP:

Due Date : **June 2012**

Comments in relation to Principal LEP : The draft Shoalhaven LEP 2009 was placed on public exhibition from 18th July to 14th October 2011. Shoalhaven Council is proposing to submit a S68 report to the Department in March 2012. The LEP is not expected to be made until July 2012.

The planning proposal proposes an amendment to the draft Shoalhaven LEP 2009 via changes to the lot size map and insertion of a local Clause 7.19. If the planning proposal is processed before the draft Shoalhaven LEP 2009 is finalised then the planning proposal will require an amendment to the existing Shoalhaven LEP 1985.

The planning proposal should be placed on public exhibition with both scenarios so that the community can view both amendment formats.

Assessment Criteria

Need for planning proposal : The current zoning and development standards for the Woollamia Farmlets area need to be amended to resolve uncertainty in relation to small lot rural subdivisions and the land's development potential. Resolution of the rezoning and development potential of the lands would provide social and economic benefits including the provision of certainty for the landholders and the broader community on the future use of the land.

Consistency with strategic planning framework : As previously identified, the planning proposal is consistent with the Jervis Bay Settlement Strategy and the South Coast Regional Strategy.

The proposal is consistent with Council's Community Strategic Plan in that it meets Objective 2.2 - Population and urban settlement growth that is ecologically sustainable carefully planned and managed to meet the needs of the community, and the Strategy 2.2.1 - Develop and implement land use zones and related strategies for future growth of the City, based on principles of connectivity, ecological sustainability, flexibility and accessibility.

The proposal is also consistent with Council's Delivery Program which aims to resolve the future small lot rural subdivisions located in the Jervis Bay Region consistent with the Jervis Bay Settlement Strategy.

Environmental social economic impacts : No environmental studies or reports have been undertaken as part of the planning proposal. Shoalhaven Council has prepared The Woollamia Farmlets Small Lot Investigation Area Preliminary Desktop Assessment, October 2010. The Assessment covers the land identified in the Jervis Bay Settlement Strategy as the Woollamia Farmlets Investigation Area and includes the six lots. It does not provide specific detail on the six lots.

It is noted from Council's mapping that there is a SEPP14 coastal wetland located on Lots 78, 78A & 79 and significant vegetation and habitat corridor on these lots and Lot 72. All of the six lots contained identified threatened flora and fauna. Council considers that these

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110926 Woollamia Rural Residential Lots Planning Proposal letter SCC to DoPI lodgement of proposal.pdf	Proposal Covering Letter	Yes
111109 Woollamia Rural Residential Lots Planning Proposal Version 2.pdf	Proposal	Yes
101102 Woollamia Rural Residential Lots Planning Proposal SCC Report.pdf	Proposal	Yes
101001 Woollamia Rural Residential Lots Planning Proposal Preliminary Desktop Assessment draft.pdf	Proposal	Yes
Report Woollamia Rural Residential Lots Planning Proposal Jervis Bay Settlement Strategy.pdf	Study	Yes
Report Woollamia Rural Residential Lots Planning Proposal zoning existing Shoalhaven LEP 1985.pdf	Map	Yes
Report Woollamia Rural Residential Lots Planning Proposal zoning proposed draft Shoalhaven LEP 2009.pdf	Map	Yes
111123 Woollamia Rural Residential Lots Planning Proposal Google Map.doc	Photograph	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions

Additional Information :

It is recommended that:

1. The planning proposal proceed as a low impact planning proposal with an exhibition period of 14 days.
2. The planning proposal is to be placed on public exhibition with both a proposed amendment to the Shoalhaven LEP 1985 and a proposed amendment to the draft Shoalhaven LEP 2009. A map clearly identifying the proposed changes to minimum lot sizes is to be exhibited with the planning proposal.
3. The planning proposal is to be completed within 6 months.
4. The RPA consult with the Jervis Bay Marine Park Authority, NSW Rural Fire Service, Office of Environment and Heritage and Southern Rivers Catchment Management Authority.
5. The Gateway note that the planning proposal is consistent with the S117 directions 1.5 Rural Lands, 2.2 Coastal Protection, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection Zones and 5.1 Implementation of Regional Strategies.
6. In accordance with S117 direction 4.4 Planning for Bushfire Protection, the RPA is to consult with the Commissioner of the NSW Rural Fire Service prior to proceeding to public exhibition.
7. The planning proposal is inconsistent with the S117 directions 1.2 Rural Zones and 2.1 Environment Protection Zones. The Director General can be satisfied that the inconsistencies have been justified by the need to achieve some form of development potential for the lots in line with the Jervis Bay Settlement Strategy whilst at the same time protecting the environmental values of the land.

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issues are not prohibitive to potential development on the lots rather that they will need to be addressed through the development application process and will require a threatened species report. Council does not want to incur the expense of carrying out these studies at this time.

The land is mapped as bushfire prone with some of the land having vegetation category 1 (the most hazardous vegetation category). This would require special bushfire protection measures. Council will be consulting with the NSW Rural Fire Services prior to placing the planning proposal on public exhibition.

The resolution of the development potential of the lots would provide social and economic benefits including the resolution of the status of the land for landowners to provide them with certainty for the value and use of the land in the future and certainty for the broader community about the future uses of the land.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 Month	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Southern Rivers Catchment Management Authority Office of Environment and Heritage NSW Rural Fire Service Other		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :	Public Authority Consultation 56(2) should also include the Jervis Bay Marine Park Authority.		
Resubmission - s56(2)(b) :	No		
If Yes, reasons :			
Identify any additional studies, if required. :			
If Other, provide reasons :			
Identify any internal consultations, if required :	No internal consultation required		
Is the provision and funding of state infrastructure relevant to this plan?	No		
If Yes, reasons :	Each lot has access to a formed Council maintained road. Development of the lots would involve on-site effluent disposal which would be assessed at the development application stage.		
	Council has indicated that additional servicing and infrastructure requirements will be established as the planning proposal progresses through the Gateway Determination process. Any costs associated with the rezoning and development of the land will be borne by the benefitting landholders.		

Documents

Document File Name	DocumentType Name	Is Public
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8. The planning proposal is inconsistent with the S117 direction 6.3 Site Specific Provisions in that it is proposing development standards and requirements for the erection of the dwelling on each lot. The Department does not consider that a clause with site specific provisions is necessary and the inclusion of such a provision is not supported. The existing Clause 21 in the Shoalhaven LEP 1985 and proposed Clauses 7.5 and 7.6 in the draft Shoalhaven LEP 2009 provide additional heads of consideration when assessing a development proposal on the land.

9. It is unknown whether the planning proposal is consistent with the S117 direction 2.3 Heritage Conservation and 4.1 Acid Sulfate Soils. The RPA should clarify the consistency of the planning proposal to these S117 directions and provide justification for any inconsistencies.

10. The RPA be advised that reliance on the development assessment process to identify the exact nature of development constraints of the land may result in the planning proposal giving development potential to lots which may not be able to accommodate development.

Supporting Reasons : The conditions are necessary to ensure that the recommended changes to the planning proposal are made prior to public exhibition.

Signature:

 (A/Local Planning Manager)

Printed Name:

Graham Towers

Date:

25/11/11

