



Planning Proposal- Woollamia Rural Residential Lots

Shoalhaven Draft Local Environmental Plan 2009 (Amendment No. PP001)

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Shoalhaven City Council

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2 Introduction

This planning proposal seeks to implement the actions set out in the endorsed Jervis Bay Settlement Strategy that supports the South Coast Regional Strategy. These actions aim to resolve the development potential of small lot subdivisions in the Woollamia Farmlets area. Through this planning proposal, Council is seeking an amendment to the minimum lot size overlay 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.

2.1 Subject Land

The Woollamia Farmlets “small lot rural subdivision” is located south of Nowra in the Jervis Bay region. The farmlets are dissected east-west by Woollamia Road, a main road providing access from the Princes Highway to Woollamia and Huskisson. The northern boundary of the study area is Currambene Creek (which forms part of the Jervis Bay National Park). To the south is the Woollamia Nature Reserve which is managed by NSW National Parks & Wildlife Service (NPWS).

The Woollamia Farmlets were identified within the JBRS for further investigation and this investigation area is shown in Figure 1 below.

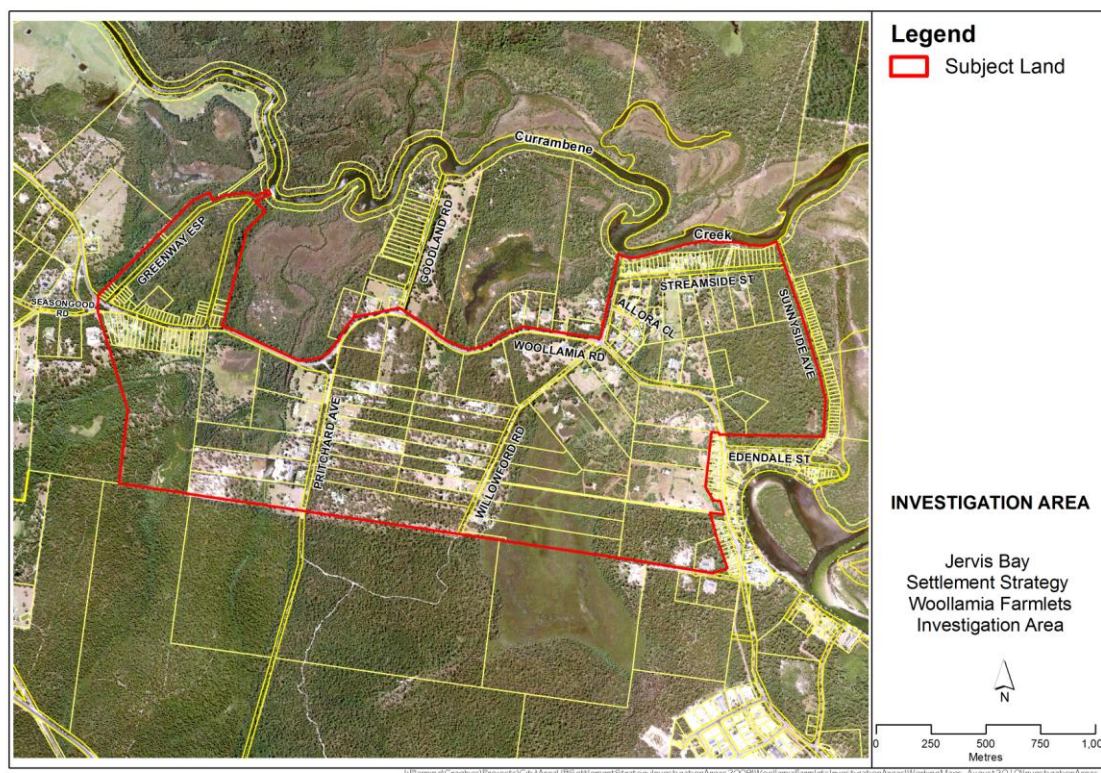


Figure 1: JBRS Investigation Area

The investigation area can be separated into three distinct precincts, based on existing land development characteristics related to lot size and configuration. These precincts can be broadly described as small residential lot area, rural residential area and residual and or development land

which are made up of a mix of residential sized lots and rural residential lots that are flood prone and/or largely developed. Land use in the investigation is predominately rural residential with some other related activities. The precincts are shown in Figure 2 below.

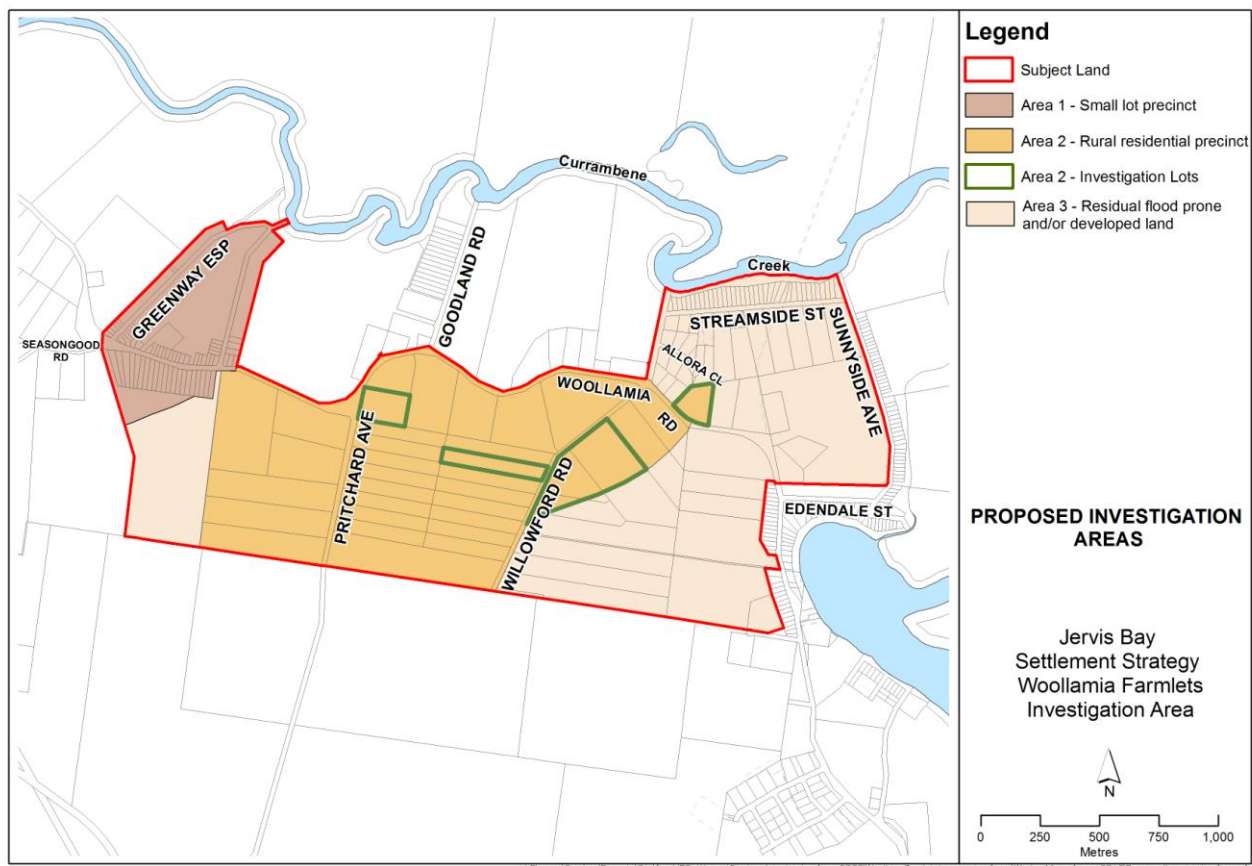


Figure 2- Woollamia Farmlets Precincts

This planning proposal relates to only part of the investigation area and is identified as the “Woollamia Farmlets Rural Residential Lots Precinct” (shown as Investigation Lots in Fig 2). The land which is the subject of this planning proposal comprises of the following lots and is shown in figure 3 below:

- Lot 92A DP 15266
- Lot 79 DP 9289
- Lot 78 DP15266
- Lot 78A DP 15266
- Lot 82A DP 15266
- Lot 72 DP 15266

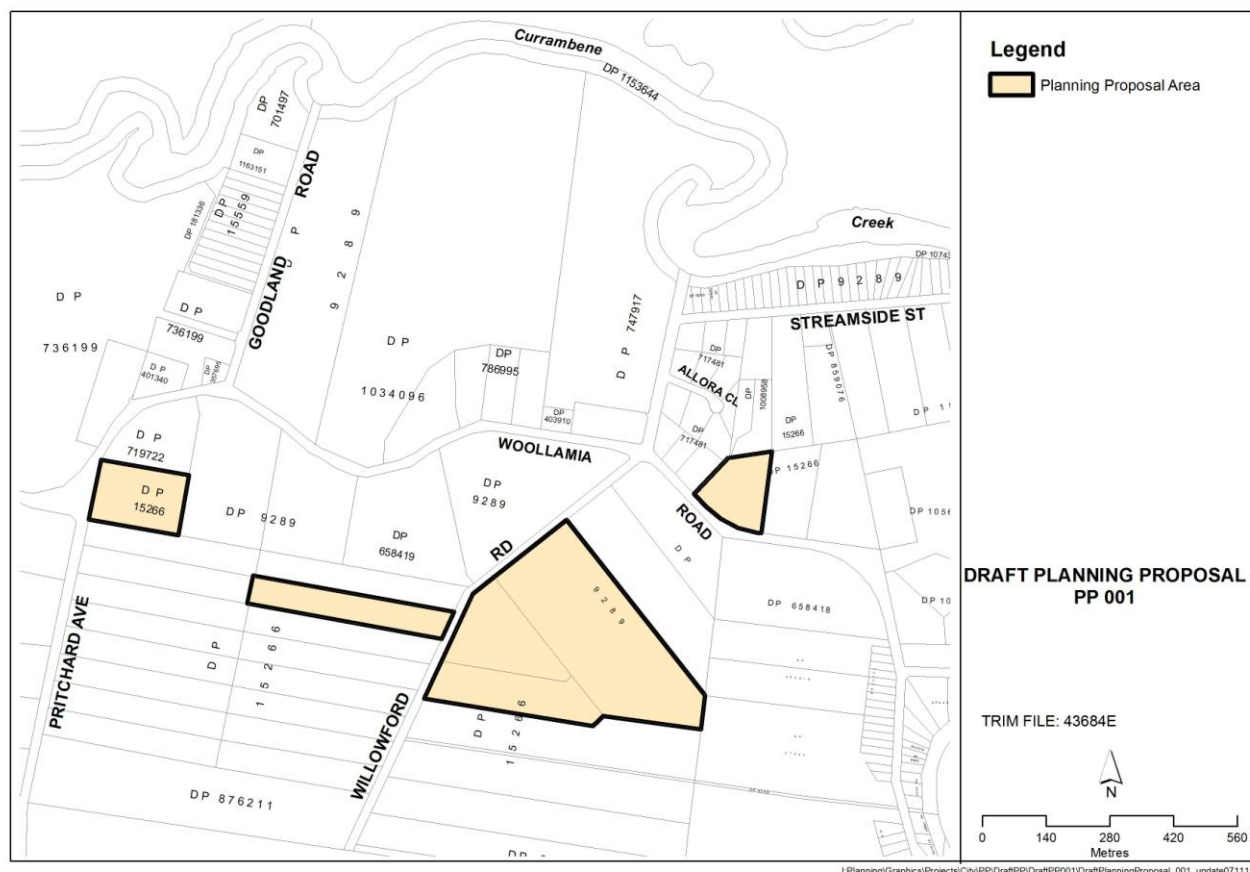


Figure 3- Planning Proposal Area

2.2 Background

The Woollamia Farmlets Investigation Area is made up of 183 lots ranging in size from 695² m through to 22ha. The area is located approximately 4km north west of Huskisson and is bounded by Currambene Creek to the north, Woollamia Nature Reserve to the south and is dissected east west by Woollamia Road. The area currently contains a mix of rural residential lots and smaller residential sized lots. The majority of the investigation area is currently zoned Rural 1(d) and a development standard of 40ha is generally required to construct a dwelling on land within this zone.

The area was initially subdivided in 1917 as part of the “*Woollamia Estate*” (DP9289), with further small lot subdivision taking place to create small lots along Streamside Avenue and rural residential lots along Willowford Road and Pritchard Road in 1927 (DP15266). Further small lots were created in 1957 on either side of Woollamia Road - between Fairfax Road and Greenway Esplanade. The legal paper subdivision of the land created separate land titles. In 1964 the land was given a “non-urban” zoning under the Interim Development Order No. 1 (IDO No.1) with a minimum lot size of 40ha being required to erect a dwelling.

Some of the lots created as part of these earlier subdivisions were sold prior to the introduction of the IDO No.1 and held in separate ownership, whilst other owners held multiple titles. Each ownership holding of lots at 1964 were given entitlement to one dwelling (existing holding), and in

certain circumstances, the creation of additional lots with dwelling entitlements (concessional lots). This has resulted in the situation where some lots have maintained and acted 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 to this, some lots have established dwelling approvals through the use of the provisions set out under State Environmental Planning Policy No.1 – Development Standards, (SEPP 1) and through subsequent subdivision relying on “concessional allotment” entitlements.

The historical subdivision and land holding patterns along with the development of land in the area has resulted in 3 distinct development areas emerging these are:

- 1. The Greenway Esplanade/Woollamia Road (“Woollamia Farmlets Small Lot Rural Subdivision Precinct”)** - 34 vacant lots generally, all with a lot size less than 1,000m² on which a dwelling is not permissible and, on the southern side of Woollamia Road, 13 lots currently containing approved dwellings and a further 9 vacant lots between 1,000 and 3,999m² on which a dwelling is not permissible - **this is the subject of Planning Proposal PP002 Small Lot Rural Subdivisions**
- 2. The Streamside/Allora Close** - 12 undeveloped lots ranging in size from 1,000-3,999² located along the eastern end of Streamside Street, whilst the remainder of the area has been developed for residential/rural residential purposes. The 12 undeveloped lots are located wholly within the 1% AEP year flood area and **as such cannot be considered for rezoning.**
- 3. Woollamia Farmlets Rural Residential Lots**-The rural residential residue located largely south of Woollamia Road in which ten discrete rural/residential lots are without a ‘dwelling entitlement’ are located within a larger area which has a distinct and established rural residential development pattern. Four of these lots are wholly within the 1% AEP year flood area- **The remaining six lots are the subject of this Planning Proposal.**

A report on the Woollamia Farmlets rezoning investigations was submitted to Council on the 16th November 2010. The report provided three options. One being to prepare a single planning proposal dealing with the whole Woollamia Farmlets investigation area, two do nothing or three separate the Woollamia Farmlets Small Lot Rural Subdivision Investigation Area into two (2) investigation areas, with separate planning proposals for each, excluding lots already developed or wholly within the 1% AEP as follows:

- **Proposal 1- Small Lots Greenway Esplanade/ Woollamia Road Sector (Subject of PP002)**
- Planning Proposal:
Investigate potential lot size and configuration to allow for residential development
- Planning Proposal Process:
Full Planning Proposal with required environmental studies to be carried out.

- **Proposal 2-Discrete Rural Residential Lots within existing rural residential area(Subject of this Planning Proposal-PP001)**
- Planning Proposal:
Investigate enabling a single dwelling per lot on lots larger than 2 hectares which currently do not have the ability to seek development approval for one dwelling per lot, through the development application process.
- Proposed Planning Process:
Limited studies to be carried on a site by site basis through the development application process rather than over the entire rural residential area.

Council resolved that:

- a) Pursuant to Section 55 of the Environmental Planning and Assessment Act(1979), Council commence the Gateway Process and prepare two Planning Proposals for the Woollamia Farmlets Small Lot Rural Subdivision Area identified in the Jervis Bay Settlement Strategy as follows:*
 - i) **Proposal 1** - To investigate the capacity for residential development (including lot size and configuration) of the Small Lot Rural Subdivisions located within the Greenway Esplanade/Woollamia Road sector (Area 1).*
 - ii) **Proposal 2** - To permit one (1) dwelling per lot on those discrete undeveloped rural residential lots located outside of the 1% AEP floodline within the Woollamia Road/Willowford Road sector (Area 2) that do not currently have a dwelling entitlement as follows: Lot 92 DP15266 (1 Pritchard Avenue), Lot 79 DP 9289 (Willowford Road), Lot 78 DP 15266 (87 Willowford Road), Lot 78A DP15266 (Willowford Road), Lot 82A DP 15266 (84 Willowford Road) and Lot 72 DP 15266 (Woollamia Road).*
- b) Exclude those lots wholly identified within the Flood Planning Area (1% AEP) from either Planning Proposal.*
- c) Consider the financial arrangements for cost recovery following consideration of the Planning Proposal at the Gateway stage.*

This Planning Proposal relates to part a) ii) of Councils resolution which is identified as Proposal 2 above. The preparation of a separate planning proposal for these six allotments was to allow for land with development potential and for which no studies or further investigations are required to precede in a timelier manner. Council is concerned that a matter which is relatively straightforward and for which no studies are required would be held up by the investigations and studies that will need to be undertaken for the remainder of the study area and believes that by preparing two planning proposals for the area this problem would be alleviated.

Therefore this Planning Proposal only relates to Lot 92A DP15266 (1 Pritchard Avenue), Lot 79 DP 9289 (Willowford Road), Lot 78 DP 15266 (87 Willowford Road), Lot

78A DP15266 (Willowford Road), Lot 82A DP 15266 (84 Willowford Road) and Lot 72 DP 15266 (Woollamia Road).

3 Part 1 –Intended Outcome

The intended outcome of this planning proposal is to make one (1) dwelling permissible on each lot as described in subject land above and which do not currently have a dwelling entitlement. It is intended that this dwelling is to be sited on land within each allotment that is located outside of the 1% AEP floodline. This will be achieved via an amendment to the Lot Size Map of the Draft SLEP 2009.

4 Part 2 – Explanation of Provisions

The amendment proposes the following changes to Draft Shoalhaven Local Environmental Plan 2009 (Council's Standard Instrument LEP):

Amendment Applies to:

Lot Size Map
(clause 1.7 Draft SLEP 2009)

Explanation of Provision

Amendment to the *Lot Size Map* under clause 1.7 of Draft SLEP 2009.

The minimum lot sizes would correspond to the size of the lots that are proposed to be rezoned. This will result in an additional 6 dwelling entitlements.

Written Instrument
Draft SLEP 2009

Amend the LEP instrument to include a local Clause 7.19 which will set out additional matter for consideration prior to the granting of Development Consent for the purposes of a dwelling. Council is aware that these matters can be considered during the development process however it is viewed as important for a provision to be in place that flags the necessity for additional investigations and consideration of constraints to be undertaken for each lot prior to the submission of a development application. Given the constraints that exist on the allotments in particular SEPP 14 wetlands it is essential that owners/purchasers can be made aware before embarking on the DA process that there is limited area within the site where development can occur and that certain matters must be considered during the development application process.

Should this amendment proceed before the finalisation of the Draft SLEP 2009 then an amendment to SLEP 1985 will ensue. This amendment will be as follows:

Amend the SLEP 1985 to include within Schedule 9- Development for additional purposes;

Lot 92 DP15266 (1 Pritchard Avenue), Lot 79 DP 9289 (Willowford Road), Lot 78 DP 15266 (87 Willowford Road), Lot 78A DP15266 (Willowford Road), Lot 82A DP 15266 (84 Willowford Road) and Lot 72 DP 15266 (Woollamia Road), as shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. ..) a maximum of one dwelling house on each allotment and also include additional matters that must be considered prior to the granting of development consent for the purposes of a dwelling.

5 Part 3 – Justification

5.1 Need for the planning proposal (Section A)

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

The planning proposal is a direct action of the *Jervis Bay Settlement Strategy (2003) (JBSS)* which identifies the need to resolve small lot rural subdivisions and their development potential in the Woollamia area.

The *JBSS* is a non-statutory plan adopted by Council and endorsed by the State Government that supports the *South Coast Regional Strategy (2007)*. It forms a strategic framework that provides guidance in terms of the conservation and development of the Jervis Bay region.

A *Preliminary Desktop Assessment* (Attachment E) was prepared by Council in October 2010. The information and analysis contained within this report forms the basis for justifying the proposal once the Gateway Process commences.

The key findings of this report are as follows:

- There are a number of biophysical constraints including vegetation, fauna, bushfire and flooding significantly affects the area.
- The area is environmentally significant in terms of vegetation conservation and water quality within the Currumbene Creek catchment
- Large sections of the area are significantly constrained by flooding and SEPP 14 Wetlands to the extent that further investigation into rezoning on land identified as flood prone should not be pursued as part of any planning proposal.
- Additional separate consideration should be given to the resolution of these "residual" flood prone sites which are unlikely to support residential development.
- Large sections of the area have been developed for rural residential purposes. There is neither the demand nor the need to pursue intensification of these sites. There are six (6) discrete lots within the rural residential precinct(Pritchard Ave, Woollamia Road and

Willowford Road) outside the 1% AEP flood area and which do not currently have dwelling entitlements. These sites should be considered for further investigation to enable one dwelling on each allotment.

- The small lots located on the northern and southern side of Woollamia Road should be investigated further for potential rezoning for residential purposes having regard to identified constraints.
- A clear process for investigating and resolving the small lot rural subdivisions should be established.
- The method for funding potential studies and investigations should be considered and agreed with owners prior to the commencement of any environmental studies.

As part of the desktop assessment an analysis of the constraints affecting the subject land was undertaken. The following provides a summary of the assessment undertaken for the six discrete lots:

Flooding- Council is part way through the process of preparing a Floodplain Risk Management plan for the Currumbene Creek floodplain. In November 2006, Council adopted the *Currumbene Creek and Moona Moona Creek Flood Studies (Lyll & Associates Consulting Engineers)* which defined flood levels in the Woollamia area. Council is about to commence the preparation of a Risk Management Study and Plan, however, these are lengthy processes and will take up to two years to finalise.

Flooding extents are currently based on the 2006 *Currumbene Creek and Moona Moona Creek Flood Studies* which used contours derived from surveyed cross sections of the creek and floodplain and available limited contour data, however these are only approximate. The extent of inundation on individual study areas near the flood fringe need to be determined by more specific and accurate levels and survey data. The extent of flooding is shown in Figure 4 below:

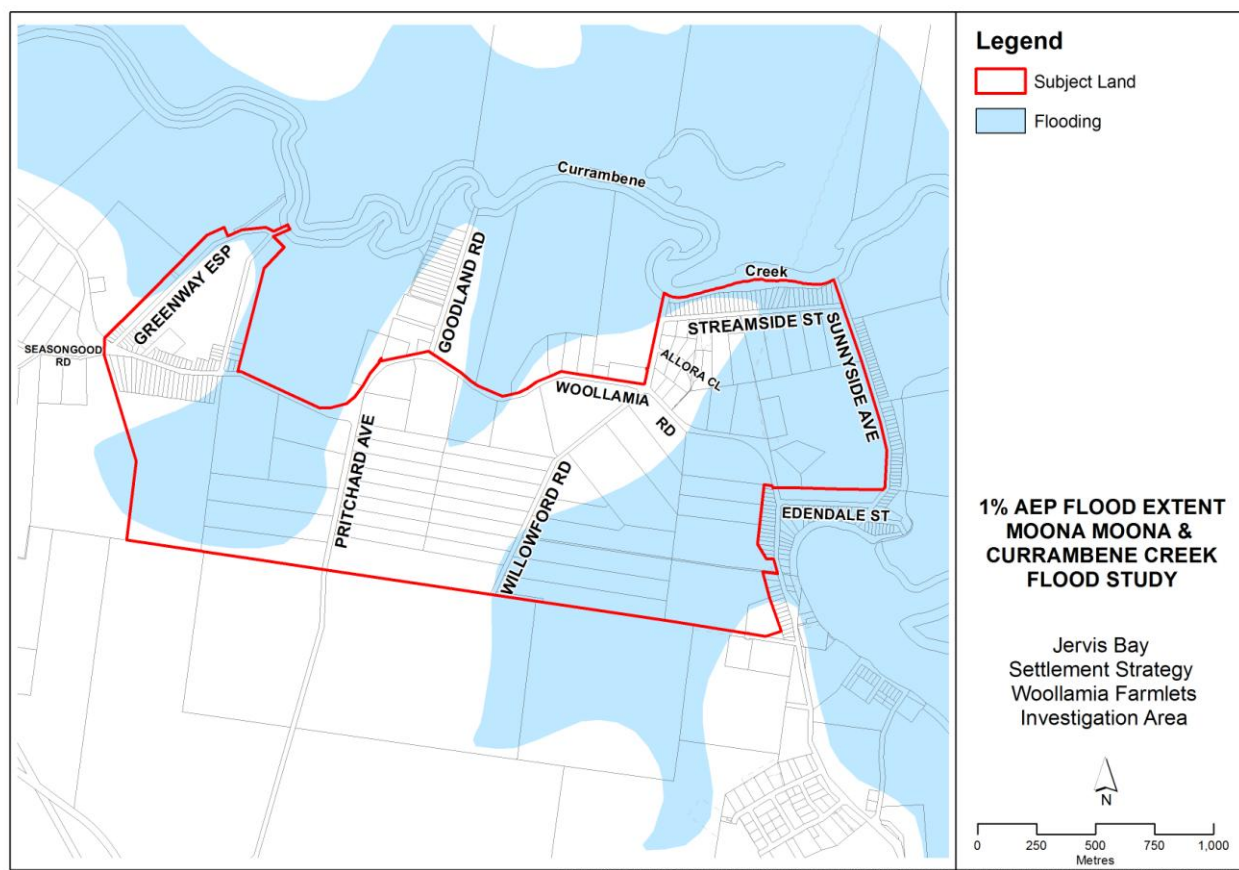


Figure 4: 1% AEP Flood Extent

The Section 117 direction issued by the NSW Minister for Planning reinforces that Council shall not rezone land within the flood planning level from Rural to Residential, however, a planning proposal may be inconsistent with this direction, but only if Council can demonstrate that the rezoning is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines for the Floodplain Development Manual 2005 or, the provisions of the planning proposal that are inconsistent are of minor significance.

Land located within the 1% flood level would appear to be significantly constrained by both the Jervis Bay Settlement Strategy objectives and the Section 117 Directions that, in circumstances where the whole of a lot falls within this area, the land will be excluded from any planning proposal for the investigation area.

Part of Lot 72 DP15266, Lot 79 DP9289, Lot 78 DP15266 and Lot 78A DP15266 are identified as being within the 1% AEP. The siting of any dwelling on these allotments will need to consider the impacts of flooding and the location of the 1% AEP.

Bushfire- The Section 117 Directions issued under the provisions of the *EP&A Act* stipulate that the relevant planning authority must consider Planning for Bushfire Protection when preparing a Planning Proposal. Council has mapped bushfire prone land across the LGA according to the Rural Fire Service (RFS) *Guidelines for Bushfire Prone Land Mapping*. The Bushfire Prone Lands map indicates that the vegetation category for the subject allotments as shown in Figure 5 below:

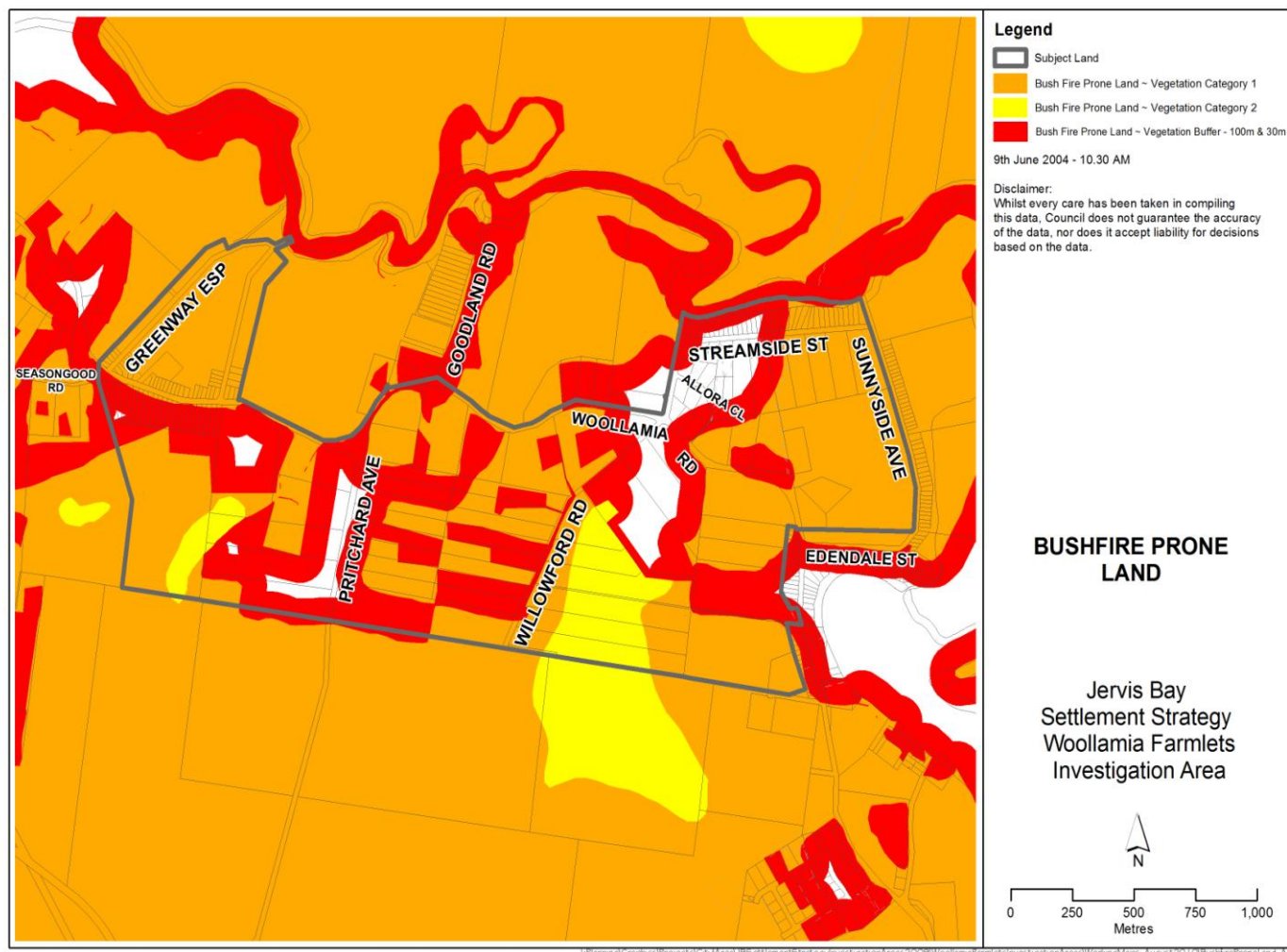


Figure 5: Bushfire Prone Land

Given that some of the land has a vegetation category of 1 and this is the most hazardous vegetation category, special building setbacks, landscaping and construction requirements would apply to development in the investigation area. It is therefore intended that Council will consult with the Bushfire Commissioner prior to undertaking community consultation.

Land Based Biodiversity- The investigation area supports significant tracts of native bushland, which sustain a diverse range of flora and fauna species. The six discrete lots identified for potential dwelling entitlements contain identified threatened flora and a fauna. This is not prohibitive to potential development rather will need to be addressed through the development application process and will require the submission of a threatened species report with any application for a dwelling. This is a matter that can be addressed in the local clause

Marine Based Biodiversity- The Jervis Bay Marine Park was established in 1998. The park covers the whole of Jervis Bay, including Currumbene Creek to its upstream tidal limit. The study area is adjacent to the part of Currumbene Creek designated as a Sanctuary Zone to the west of Goodland Road and a Habitat Zone to the east of Goodland Road.

Preliminary discussions with the Jervis Bay Marine Park Authority indicate that the potential impacts of rezoning on aquatic biodiversity, including impacts on water quality, vegetation management, erosion and sedimentation as a result of clearing, water, storm water and effluent management, protection of riparian vegetation and increase in demand for access to Currumbene Creek all need to be considered. It is expected that for these six discrete lots that this consideration can be undertaken during the development assessment process and conditions of consent applied which ensure appropriate erosion and sediment control measures are put in place.

Acid Sulfate Soils- Part of the subject land is identified as having a low probability within 1 metre of ground surface of Acid Sulfate soils. There remains area on this land for potential development but the management of acid sulphate soils will need to be addressed as part of the development application process.

Wetlands and Riparian Corridors- A SEPP 14 (No. 329) is identified as being located on part of Lot 79 DP 9289, 78 DP15266 and 78A DP 15266. This is a matter that can be addressed in the inclusion of a local clause for matters for additional consideration

Infrastructure considerations were also addressed within the Preliminary Desktop Assessment. The following provides a summary of the Infrastructure availability and expected additions for the six (6) discrete lots.

Sewerage- it is expected that there is suitable (unconstrained) land available within each of the six allotments to allow for the management of effluent disposal. This can be further addressed in the local clause to ensure that any effluent disposal area is located outside of the SEPP 14 wetland and other constrained land which exists on the allotments.

Water- A 150mm reticulated water main runs along Woollamia Road, whilst the northern end of Pritchard Avenue, the western end of Streamside Street, the northern end of Willowford Road and Allora Close are serviced by a 100mm reticulated water pipe.

Electricity- Whilst there is an existing reticulation system, advice has not yet been sought from Integral Energy in regard to the capacity of the existing infrastructure or any upgrades required to cater for additional loads. This can be addressed prior to the lodgement of any development application for a dwelling.

Telecommunications- Telecommunications are available via the existing systems advice has not yet been sought from Telstra in regard to the capacity of the existing infrastructure any upgrades required to cater for additional loads. This can be undertaken prior to the lodgement of any development application for a dwelling

Other Services- reticulated gas is not available in the area and is unlikely to be provided. Bottled LPG is available from local suppliers.

Transport and Roads- The six discrete lots are serviced by Woollamia Road (sealed), Pritchard Ave (formed gravel) and Willowford Rd (part sealed, part gravel)

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

A change to the lot size map applying to this site is the only appropriate means to facilitate the development of a residential dwelling on each of the lots identified, whilst retaining the general objectives and characteristics of the proposed RU2 – Rural Landscape Zone.

5.1.3 Is there a net community benefit?

The Woollamia Farmlets Rural Residential Lots, in their current unresolved form, represent a net community loss in terms negative social and economic impacts on property owners, as well as the economic impact on the community as a whole which currently subsidises costs associated with resourcing Council and State Government Departments when dealing with enquires and requests from landowners frustrated at being unable to develop their land for residential purposes, because of historical circumstances.

Council has previously engaged Judith Stubbs and Associates (JSA) to research and document potential social and related economic impacts on the owners of land within the Heritage Estate paper subdivision and the findings of this work bears some relevance to the Woollamia Farmlets Rural Residential Lots.

On this basis, there is the potential that there may be a significant adverse social and economic impact for land owners if the rezoning does not proceed or remains unresolved. Many land owners have invested emotionally and financially and have continued paying rates annually in anticipation of eventually building a home on their land.

Community benefit is therefore gained through the resolution of a range of potential social and economic impacts on land owners. The resolution of the development capacity of these lots will also represent a net gain in terms of the reduction of time and costs associated with resourcing through Council and State Government Departments, and ultimately, the broader community.

The net community benefit for proceeding with the rezoning outweighs the implications for not proceeding with the rezoning.

5.2 Relationship to strategic planning framework (Section B)

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

The *Jervis Bay Settlement Strategy (2003)* (JBSS) identifies the need to resolve small lot rural subdivisions and their development potential. It forms a strategic framework that provides guidance in terms of the conservation and development of the Jervis Bay region. The JBSS (2003) was endorsed by the NSW State Government and supports the *South Coast Regional Strategy (2007)*

The *JBSS (2003)* identifies areas to be investigated in detail and possibly rezoned. It specifically addresses the question of the small lot rural subdivisions in the Jervis Bay Region, in which the Woollamia Farmlets are located. The proposal is consistent with the second broad option identified in the *JBSS (2003)* to address small lot rural subdivisions, as follows;

“Investigate rezoning in accordance with the Strategy and where appropriate allow each lot to have a dwelling built on it.”

In particular, the proposal functions with the framework set out within the *JBSS (2003)* for resolving the small lot rural subdivisions located in the Woollamia Farmlets area as follows;

“The investigation of the possible rezoning of the 2 hectares or larger lots located on the southern side of Woollamia Rd to enable a dwelling to be built on each.”

5.2.2 Is the planning proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

Council’s *Community Strategic Plan, Shoalhaven 2020* provides the long-term direction for the overall development of the City and is a tool for managing private and public development in Shoalhaven. This proposal is consistent with the objectives, strategies and delivery programs for *Shoalhaven 2020* as follows:

Objective 2.2: Population and urban settlement growth that is ecologically sustainable carefully planned and managed to meet the needs of the community.

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.

Delivery Program

Activity 1.5.3.2: Implement appropriate land use zones and planning controls that reflect endorsed strategic plans/policies and are responsive to the community’s needs.

Activity 2.1.1.16: Recognise environmental constraints identified in small lot rural subdivision rezoning investigations and facilitate outcomes that balance environmental, social and economic outcomes.

Activity 2.2.1.11: Resolve the future of Small Lot Rural Subdivisions located in the Jervis Bay and St Georges Basin area consistent with the Jervis Bay Settlement Strategy.

5.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal has been assessed for consistency with the applicable State Environmental Planning Policies (SEPP’s) as detailed in Attachment “B”.

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

The proposal is consistent with the following Ministerial Directions, with the exception of Direction 1.2 Rural Zones. The nature of these inconsistencies and the justification are provided in Attachment “C” Ministerial Directions.

5.3 Environmental, Social and Economic Impact (Section C)

5.3.1 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?

Vegetation within the Planning Proposal area has been modified. Despite the disturbed state of the area, it is likely to provide habitat for a range of flora and fauna, however, given the lack of connectivity in terms of habitat corridors, it is appropriate to consider more detailed flora and fauna work at Development Application stage in terms of determining suitable siting of potential dwellings and associated site works.

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

The subject land has been disturbed to varying degrees. In some cases bushland will need to be cleared to accommodate residential development, infrastructure and provision of bushfire asset protection zones. Broader environmental impacts, including water quality and catchment planning and amelioration of any such impacts will be considered as the planning process continues.

5.3.3 How has the planning proposal adequately addressed any social and economic effects?

Resolution of the development potential of the small lot subdivision would provide social and economic benefits including but not limited to, the resolution of the status of the land for landowners to provide them certainty for the value and use of the land in the future. The resolution will also provide certainty for the broader community about the future use of that land, in the planning proposal area.

5.4 State and Commonwealth Interests (Section D)

5.4.1 Is there adequate public infrastructure for the planning proposal?

The land is located within approximately 5.32km from Huskisson. The land can be accessed via Seasongood and Woollamia Road. Huskisson provides a number of essential services including but not limited to a supermarket, primary school, preschool, banks and other shops and services.

Sewerage servicing of Woollamia is not planned in the near future and it is expected that any development on this land will need to be serviced through an onsite effluent disposal system which will be appropriately assessed at the development application stage.

Additional servicing and infrastructure requirements will be established as the planning proposal progresses through the gateway determination process. In accordance with Council policy, any costs associated with the rezoning and development of land will be borne by the benefitting landowners

6 Part 4 – Details of Community Consultation

Council proposed to exhibit the Planning Proposal in accordance with the requirements of section 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and/or any other requirements as determined by the Gateway process.

It is submitted that the Proposal fits the definition of a “low impact planning proposal” requiring an exhibition period of 14 days. Public notification of the exhibition will include a notice newspapers circulating in the local area and a notice on Council’s website and hard copies will be available at Council’s Administrative Buildings. Council will write to all owners adjoining the subject land.

Attachment A – Council report and resolution to prepare a Planning Proposal

Council Resolution ‘

ADOPTED AT COUNCIL MEETING HELD ON TUESDAY 16 NOVEMBER 2010

1293. Woollamia Farmlets Rezoning Investigations.

Note: Clrs Ward and Guile returned to the meeting.

Clr Watson made a statement that he would not be declaring an interest in this matter as staff have assured him his property is not affected.

RESOLVED on a MOTION of Clr Miller, seconded Clr Ward, that:

- a) Pursuant to Section 55 of the *Environmental Planning and Assessment Act (1979)*, Council commence the Gateway Process and prepare two Planning Proposals for the Woollamia Farmlets Small Lot Rural Subdivision Area identified in the Jervis Bay Settlement Strategy as follows:
 - i) Proposal 1 - To investigate the capacity for residential development (including lot size and configuration) of the Small Lot Rural Subdivisions located within the Greenway Esplanade/Woollamia Road sector (Area 1).
 - ii) Proposal 2 - To permit one (1) dwelling per lot on those discrete undeveloped rural residential lots located outside of the 1% AEP floodline within the Woollamia Road/Willowford Road sector (Area 2) that do not currently have a dwelling entitlement as follows: Lot 92 DP15266 (1 Pritchard Avenue), Lot 79 DP 9289 (Willowford Road), Lot 78 DP 15266 (87 Willowford Road), Lot 78A DP15266 (Willowford Road), Lot 82A DP 15266 (84 Willowford Road) and Part Lot 72 DP 15266 (Woollamia Road).
- b) Exclude those lots wholly identified within the Flood Planning Area (1% AEP) from either Planning Proposal.
- c) Consider the financial arrangements for cost recovery following consideration of the Planning Proposal at the Gateway stage.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Soames, Fergusson, Bennett, Guile, Miller, Brumerskyj, Ward, Watson, Proudfoot, Young, Findley, Green.

The following Councillors voted “No”;

Nil ____

Attachment B - Relevant State Environmental Planning Policies

Title: SEPP (Affordable Rental Housing) 2009

Comment: N/A

Policy: Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

Title: SEPP (Exempt and Complying Development Codes) 2008

Comment: N/A

Policy: Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*.

Title: SEPP (Rural Lands) 2008

Comment: Complies- The planning proposal will result in the orderly use and development of rural residential land

Policy: The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. The policy applies to local government areas that are not listed in clause 4

Title: SEPP (Infrastructure) 2007

Comment: N/A

Policy: Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available [here](#).

Title: SEPP (Temporary Structures) 2007

Comment: N/A

Policy: Provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity. Note the name of this policy was changed from SEPP (Temporary Structures and Places of Public Entertainment) 2007 to SEPP (Temporary Structures) 2007 effective 26.10.09.

Title: SEPP (Mining, Petroleum Production and Extractive Industries) 2007

Comment: N/A

Policy: This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establish appropriate planning controls to encourage ecologically sustainable development.

Title: SEPP (Major Development) 2005

Comment: N/A

Policy: Defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by joint regional planning panels (JRPPs) and classes of regional development to be determined by JRPPs. Note: This SEPP was formerly known as State Environmental Planning Policy (Major Projects) 2005.

Planning Proposal – Woollamia Farmlets Rural Residential Lots

Title: SEPP (Housing for Seniors or People with a Disability) 2004

Comment: N/A

Policy: Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood. Note the name of this policy was changed from SEPP (Seniors Living) 2004 to SEPP (Housing for Seniors or People with a Disability) 2004 effective 12.10.07

Title: SEPP No. 71 - Coastal Protection

Comment: Complies- Some of the lots within the planning proposal area fall within a sensitive coastal location and this will need to be considered in determining a suitable location for proposed dwellings at the development application stage.

Policy: The policy has been made under the Environmental Planning and Assessment Act 1979 to ensure that development in the NSW coastal zone is appropriate and suitably located, to ensure that there is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone.

Title: SEPP No. 65 - Design Quality of Residential Flat Development

Comment: N/A

Policy: Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages

Title: SEPP No. 62 - Sustainable Aquaculture

Comment: N/A

Policy: Encourages the sustainable expansion of the industry in NSW. The policy implements the regional strategies already developed by creating a simple approach to identify and categorise aquaculture development on the basis of its potential environmental impact. The SEPP also identifies aquaculture development as a designated development only where there are potential environmental risks

Title: SEPP No. 60 - Exempt and Complying Development

Comment: N/A

Policy: Provides a more efficient and effective approval process for certain classes of development. The policy is an essential part of the reforms introduced to the development assessment system in July 1998. It applies to areas of the State where there are no such provisions in the council's local plans

Title: SEPP No. 55 - Remediation of Land

Comment: Complies- No land within the planning proposal area is identified as being potentially contaminated land.

Policy: Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared [Managing Land Contamination: Planning Guidelines](#) .

Title: SEPP No. 15 - Rural Land-Sharing Communities

Comment: N/A

Policy: Makes multiple occupancy permissible, with council consent, in rural and non-urban zones, subject to a list of criteria in clause 9(1) of the policy. Multiple occupancy is defined as the collective management and sharing of unsubdivided land, facilities and resources. The policy encourages a community-based environmentally-sensitive approach to rural settlement, and enables the pooling of resources to develop opportunities for communal rural living. SEPP 15 Guide provides guidance to intending applicants.

Title: SEPP No. 44 - Koala Habitat Protection

Comment: N/A

Policy: Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. The policy applies to 107 local government areas. Local councils cannot approve development in an area affected by the policy without an investigation of core koala habitat. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat

Title: SEPP No. 36 - Manufactured Home Estates

Comment: N/A

Policy: Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy

Title: SEPP No. 26 - Littoral Rainforests

Comment: N/A

Policy: Protects littoral rainforests, a distinct type of rainforest well suited to harsh salt-laden and drying coastal winds. The policy requires that the likely effects of proposed development be thoroughly considered in an environmental impact statement. The policy applies to 'core' areas of littoral rainforest as well as a 100 metre wide 'buffer' area surrounding these core areas, except for residential land and areas to which SEPP No. 14 - Coastal Wetlands applies. Eighteen local government areas with direct frontage to the Pacific Ocean are affected, from Tweed in the north to Eurobodalla in the south.

Title: SEPP No. 14 - Coastal Wetlands

Comment: Complies- The impacts of the development in particular effluent disposal methods will need to be considered in light of SEPP 14 when determining the development application for a dwelling.

Policy: Ensures coastal wetlands are preserved and protected for environmental and economic reasons. The policy applies to local government areas outside the Sydney metropolitan area that front the Pacific Ocean. The policy identifies over 1300 wetlands of high natural value from Tweed Heads to Broken Bay and from Wollongong to Cape Howe. Land clearing, levee construction, drainage work or filling may only be carried out within these wetlands with the consent of the local council and the agreement of the Director General of the Department and Planning. Such development also requires an environmental impact statement to be lodged with a development application. The policy is continually reviewed. It has, for example, been amended to omit or include areas, clarify the definition of the land to which the policy applies and to allow minimal clearing along boundaries for fencing and surveying

Title: SEPP No. 4 - Development without Consent and Miscellaneous Complying Development

Comment: N/A

Policy: Previously titled SEPP No. 4 - Development without Consent. This policy allows relatively simple or minor changes of land or building use and certain types of development without the need for formal development applications. The types of development covered in the policy are outlined in the policy.

Title: SEPP No. 1 - Development Standards

Comment: N/A

Policy: Makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.

Attachment C –Ministerial Directions

Direction No:	Subject	Applies?	Relevant?	Consistent?	Comment
1	Employment and Resources				
1.1	Business and Industrial Zones	N	N		
1.2	Rural Zones	Y	Y	N	The objective of the direction is to protect the agricultural production value of rural land. Clause 4(b) states: A Planning Proposal must: <i>Not contain provisions that will increase the permissible density of land within a rural zoned (other than land within an existing town or village).</i> Clause 5 states that a planning proposal may be inconsistent with the terms of this direction if the provisions of the planning proposal that are inconsistent are justified by a strategy which identifies the land which gives consideration to the objectives of the direction, identifies the land which is the subject of the planning proposal and is approved by the DG of the Department of Planning. In this case the inconsistency is of a minor nature. It is considered that although the land is zoned rural it is surrounded by a number of other rural The land is not prime crop and pasture land and has limited cropping or grazing capacity. The land is located within the village of Woollamia in which there exists many rural residential properties on blocks of a similar size and characteristic. The land is identified within the Jervis Bay Settlement Strategy as having additional residential density potential and has been identified for further investigation.
1.3	Mining, Petroleum Production and Extractive Industries	N	N		
1.4	Oyster Aquaculture	Y	Y	Y	Subject land within the Currumbene Creek catchment.
1.5	Rural lands	Y	Y	Y	
2	Environment and Heritage				
2.1	Environmental Protection Zones	Y	N		The land is zoned rural 1(d). Part of the land is identified as land of ecological sensitivity.
2.2	Coastal Protection	Y	Y	Y	The site is located within the Coastal Zone
2.3	Heritage Conservation	Y	Y	Y	Aboriginal heritage items /objects/landscapes maybe be located within the subject land and this will need to be assessed at the development application stage.

2.4	Recreation Vehicle Areas	Y	N		No proposal for recreational vehicle area to form part of planning proposal.
3	Housing, Infrastructure and Urban Development				
3.1	Residential Zones	N			
3.2	Caravan Parks and Manufactured Home Estates	Y	N		
3.3	Home Occupations	Y			
3.4	Integrating Land Use and Transport	N			
3.5	Development Near Licensed Aerodromes	N			
4	Hazard and Risk				
4.1	Acid Sulfate Soils	Y	Y	Y	Low probability acid sulphate soils located part of the lots identified for development potential. Council proposes to address the impact of any development on these soils as part of the development application process
4.2	Mine Subsidence and Unstable Land	N			
4.3	Flood Prone Land	Y	Y	Y	Flood prone land has been excluded from the planning proposal area
4.4	Planning for Bushfire Protection	Y	Y	Y	Consistent with the direction, Council proposes to consult with the Bush Fire Commissioner prior to undertaking community consultation.
5	Regional Planning				
5.1	Implementation of Regional Strategies	Y	Y	Y	Refer to sections on the South Coast Regional Strategy and the Jervis Bay Settlement Strategy.
5.2	Sydney Drinking Water Catchments	N			
6	Local Plan Making				
6.1	Approval and Referral Requirements	Y	N		
6.2	Reserving Land for Public Purposes	Y	N		
6.3	Site Specific Provisions	Y	Y	Y	Council proposes to consult with the Bush Fire Commissioner prior to undertaking community consultation to address bushfire risk associated with the addition of dwelling entitlements on this land.

Attachment D-Council Report (See Pdf Attachment)

Attachment E- Preliminary Desktop Assessment