

Minimum lot size amendment for 60 Smiths Lane and 40 Wongawilli Road, Wongawilli

Proposal Title : **Minimum lot size amendment for 60 Smiths Lane and 40 Wongawilli Road, Wongawilli**

Proposal Summary : **It is proposed to reduce the minimum lot size for the above land zoned E2 Environmental Conservation and E3 Environmental Management in order to facilitate a subdivision and to provide for the ongoing management of the floodplain, riparian corridor and environmentally sensitive land.**

PP Number : **PP_2012_WOLLG_003_00** Dop File No : **12/03415**

Proposal Details

Date Planning Proposal Received : **20-Feb-2012** LGA covered : **Wollongong City**

Region : **Southern** RPA : **Wollongong City Council**

State Electorate : **WOLLONGONG** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **60 Smiths Lane**

Suburb : **Wongawilli** City : **Wollongong** Postcode : **2500**

Land Parcel : **lot 202 DP 1017684**

Street : **40 Wongawilli Road**

Suburb : **Wongawilli** City : **Wollongong** Postcode :

Land Parcel : **lot 203 DP 1017684**

DoP Planning Officer Contact Details

Contact Name : **Graham Towers**

Contact Number : **0242249467**

Contact Email : **graham.towers@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Daniel Hodge**

Contact Number : **0242277310**

Contact Email : **dhodge@wollongong.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

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

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes :	This land is within the West Dapto Urban Release Area and was zoned under the Wollongong LEP (West Dapto) 2010. A 'Neighbourhood Plan' for this area has been included in the Wollongong DCP. The proposed changes to minimum lot size will help to facilitate the neighbourhood plan and a preferred subdivision layout that will assist in managing E3 and E2 zoned land, both by council and private landholders.
External Supporting Notes :	The change to minimum lot size is proposed in order to facilitate a subdivision and to provide for the long term management of environmentally sensitive lands by Council and private land owners.

Adequacy Assessment

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

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

Comment : **The statement clearly identifies the objective of the proposal which is to amend the Lot Size Map.**

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

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

Comment : **The proposed amendments to the Lot Size Map have been explained.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.1 Environment Protection Zones

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

Minimum lot size amendment for 60 Smiths Lane and 40 Wongawilli Road, Wongawilli

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered : **There are no SEPP's directly applicable to the change in lot size.**

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

If No, explain : **The proposal is inconsistent with section 117 Direction 2.1 Environment Protection Zones as it will technically reduce the environmental protection standards that apply to the land through reducing the minimum lot size. Council has argued that this inconsistency should be supported by the Director General as it is of minor significance and as the zoning of the land is not being changed.**

Under s117 Direction 4.4 Planning for Bushfire Protection Council must consult with the NSW Rural Fire Service prior to exhibition and take any comments into account.

S117 4.3 Flood Prone Land is considered to apply, however, the nature of the Planning Proposal is considered to be consistent with this Direction.

The proposal is considered to be consistent with s117 Direction 5.1 Implementation of Regional Strategies as it will assist in implementing a subdivision in the West Dapto Release Area which is identified as the priority release area under the Illawarra Regional Strategy.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided adequately describes the proposed amendments to the Minimum Lot Size Map.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to exhibit the proposal for a 28 day period.**

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Wollongong LEP 2009 and Wollongong LEP (West Dapto) 2010 cover the LGA.**

Assessment Criteria

Need for planning proposal :	A Planning Proposal is necessary in order to change the minimum lot size to facilitate the subdivision. It is not possible to deal with a variation of this extent under clause 4.6 Exceptions to Development Standards.
Consistency with strategic planning framework :	The proposal is consistent with the planning framework. It is consistent with the Illawarra Regional Strategy in that it facilitates development within the West Dapto Release Area which is identified as the priority release area for the Illawarra. It is consistent with the West Dapto LEP and the Wollongong DCP (Chapter 16 - West Dapto) in that it will facilitate development in accordance with the zoning pattern and in line with the neighbourhood plan.
Environmental social economic impacts :	The proposal will facilitate development that will have economic benefits and will create investment and employment during construction. The proposal will facilitate housing opportunities and diversity in housing product by providing a large lot residential subdivision. By varying the lot sizes there will be more flexibility in subdivision arrangements and this will allow for more appropriate management of environmental assets.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
Timeframe to make LEP :	6 Month	Delegation :	DDG
Public Authority Consultation - s56(2)(d) :	Office of Environment and Heritage Department of Trade and Investment NSW Rural Fire Service		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :	The proposal will facilitate development intended under the West Dapto LEP and will allow for the management of land with environmental attributes. Council has identified Department of Trade and Investment - Office of Water as an agency to be consulted.		
Resubmission - s56(2)(b) :	No		
If Yes, reasons :			
Identify any additional studies, if required. :			
If Other, provide reasons :	No additional studies are required. Sufficient documentation has been prepared for the subdivision application.		
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 :	Arrangements are in place in relation to state infrastructure through the West Dapto Release Area process. West Dapto is identified as an urban release area in the LEP and in the Illawarra Regional Strategy.		

Documents

Document File Name	DocumentType Name	Is Public
Covering_letter.pdf	Proposal Covering Letter	Yes
Council_report&minutes.pdf	Proposal Covering Letter	Yes
Planning_proposal.pdf	Proposal	Yes
Lot_Size_Map.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions: **2.1 Environment Protection Zones**
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies

Additional Information : **That the delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act, that an amendment to the Wollongong Local Environmental Plan (West Dapto) 2010 to amend the Minimum Lot Size Map should proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the Planning Proposal must be made publicly available for 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of Planning Proposals and the specifications for material that must be made publicly available along with Planning Proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- * NSW Rural Fire Service
- * Office of Environment and Heritage
- * Department of Trade and Investment - Office of Water

Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the Planning Proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.

4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway Determination.

s117 Directions

It is recommended that the DG can be satisfied that:

5. s117 2.1 Environmental Zones - The inconsistency with this s117 is justified on the basis that the variation is of minor significance. The variation will enable flexibility for more appropriate management arrangements to be put into place for lands with environmental attributes. The variation will allow the land to be subdivided in accordance with the approved neighbourhood plan.

6. s117 4.4 Planning for Bushfire Protection - The Council has identified that consultation

Minimum lot size amendment for 60 Smiths Lane and 40 Wongawilli Road, Wongawilli

is required with the NSW Rural Fire Service and provided this is undertaken prior to public consultation and comments received taken into account the proposal is consistent.

7. The Planning Proposal is consistent with all other s117 Directions or any inconsistencies are only of minor significance. No further referral in relation to s117 Directions is required for the proposal in its current form.

Supporting Reasons : The proposal will facilitate a subdivision in accordance with the zoning under the West Dapto LEP and the neighbourhood plan in the DCP. It will allow for the management of environmental assets and will have economic benefits.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

8th March 2012