

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**

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

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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 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.

Panel Recommendation

Recommendation Date : 15-Mar-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

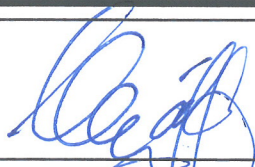
Recommendation :

1. Council is to amend the 'explanation of provisions' section of the planning proposal to ensure there is a clear statement as to how the intended outcomes are to be achieved through amendments to the minimum lot size map.
2. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 14 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).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Department of Trade and Investment
 - NSW Rural Fire Service

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 they 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.
4. Further to Condition 3 above, Council is to consult with the Commissioner of the Rural Fire Service, and if necessary amend the planning proposal to reflect the outcomes of this consultation prior to public exhibition as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

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Signature:



Printed Name:

Nest McGaffin

Date:

16.3.12