

Planning Proposal

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: Wollongong Local Environmental Plan (West Dapto) 2010 – Minimum Subdivision Lot Size Amendment

ADDRESS OF LAND: 60 Smiths Lane, WONGAWILLI 2530 (Lot 202 DP 1017684); and 40 Wongawilli Road, WONGAWILLI 2530 (Lot 203 DP 1017684).

MAPS:

Location Map



Figure 1: Location Map



Figure 2: Aerial photograph

Current Planning Controls

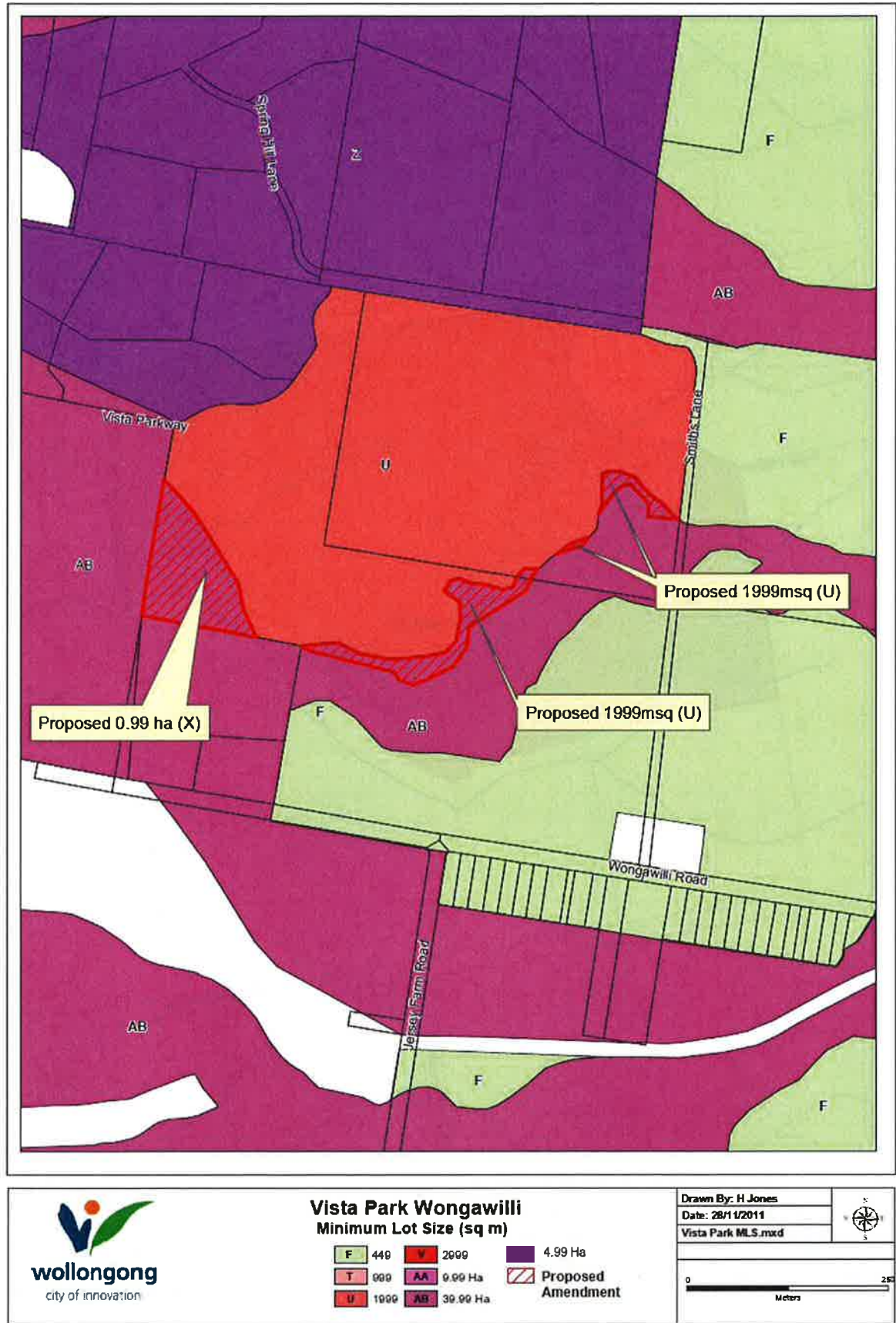


Figure 3: Comparative Existing Minimum Lot Size Map

Proposed Planning Controls

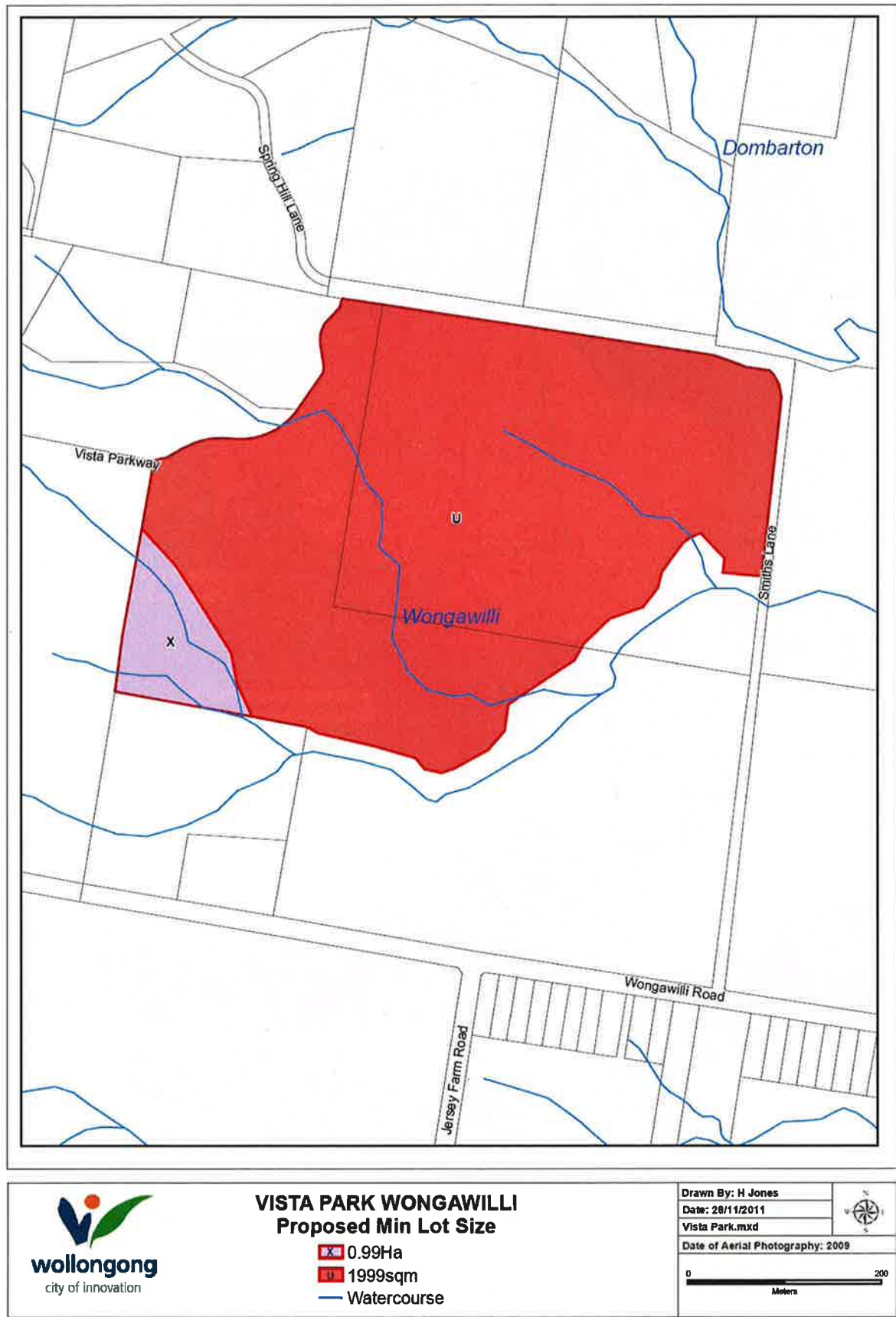


Figure 4: Proposed Minimum Lot Size Map

BACKGROUND:

The site comprises two (2) allotments and are legally described as Lots 202 and 203 DP 1017684 being 60 Smiths Lane, Wongawilli and 40 Wongawilli Road, Wongawilli, respectively. The site forms part of the West Dapto Urban Release Area and is located to the north of Wongawilli Road, Wongawilli (shown at figure 2).

The majority of the site is zoned R5 Large Lot Residential under the Wollongong Local Environmental Plan (West Dapto) 2010. The rest of the site is zoned B1 Neighbourhood Centre, R2 Low Density Residential, RU2 Rural Landscape, E3 Environmental Management and E2 Environmental Conservation. The immediate area subject to this draft Planning Proposal is zoned E2 Environmental Conservation and E3 Environmental Management. The minimum subdivision lot size for the R5 Large Lot Residential and RU2 Rural Landscape zoned land is 1,999m², while the E2 Environmental Conservation and E3 Environmental Management zoned land is 39.99ha. Existing development on the site comprises two (2) farm dams, fences, farming related structures and the former Coral Vale Kitchen building which is an item of Local heritage significance in accordance with Schedule 5 of Wollongong Local Environmental Plan (West Dapto) 2010. The rest of the site and its surrounding areas are primarily cleared for grazing activities. The majority of vegetation is located at the western portion of the site and encompasses environmentally sensitive bushland including Moist Box-Red Gum Foothills Forest (within the E2 Environmental Conservation zone). A category 1 – environmental riparian corridor also traverses the site (within the E3 Environmental Management zone).

Part 1: OBJECTIVES OR INTENDED OUTCOMES OF PROPOSED LEP:

Concise statement setting out objectives or intended outcomes of the planning proposal.

To facilitate the allocation of ongoing long term management responsibility of the floodplain/riparian corridor and environmentally sensitive areas to Council and private land owners.

Part 2: EXPLANATION OF THE PROVISIONS OF PROPOSED LEP:

Statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

The amending the Wollongong Local Environmental Plan (West Dapto) Minimum Lot Size map (shown at figure 4) on part of land described as Lots 202 and 203 in DP 1017684 to allow the riparian area to be subdivided into adjoining R5 lots.

Part 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROVISIONS AND PROCESSES FOR THEIR IMPLEMENTATION:

Section A – Need for the planning proposal

1. Is the Planning Proposal a result of any strategic study or report?	The Planning Proposal is not a direct result of a strategic study or report, however, follows on from several issues and recommendations raised in relevant studies and reports. It is considered to be generally consistent with the following: - Illawarra Regional Strategy 2007; - West Dapto Vision 2007; - West Dapto Local Environmental Study 2007; - NSW Growth Centres Commission - West Dapto Release Area Review Planning Report 2008; - Wollongong Local Environmental Plan (West Dapto) 2010; - Wollongong Development Control Plan 2009 – Chapter D16: West Dapto Release Area; and - Wollongong Development Control Plan 2009 –
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	Chapter E23: Riparian Land Management.
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Council does not wish to own all the floodplain, so it will remain in private ownership. To assist ongoing management it is proposed to be divided into a number of ownerships. The existing minimum subdivision lot size control is contained in Wollongong Local Environmental Plan (West Dapto) 2010. There are no other alternatives to achieve the objective of the Planning Proposal other than to amend the minimum subdivision lot size control.
3. Is there a net community benefit?	The proposed amendment is consistent with the NSW Growth Centres Commission Report (2008) recommendation. An amendment of the minimum subdivision lot size control will facilitate the allocation of management responsibility of the riparian corridor and environmentally sensitive areas to private land owners and Council which is a cost effective solution to minimise Council's maintenance responsibility.

Section B – Relationship to strategic planning framework

4. 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)?	Yes, the Planning Proposal will simultaneously achieve the environmental, riparian corridor management, and urban development outcomes stipulated in the Illawarra Regional Strategy (2007) for the West Dapto Release Area.
5. Is the Planning Proposal consistent with the local council's Community Strategic Plan or other local strategic plan?	Council has not yet exhibited a Community Strategic Plan but the Planning Proposal is considered to be generally consistent with other relevant Strategies, Policies and Reports as it will facilitate development in the West Dapto Release Area.
6. Is the Planning Proposal consistent with applicable state environmental planning policies?	There are no State Environmental Planning Policies that restrict the subdivision of E2 Environmental Conservation and E3 Environmental Management zoned land. Refer to Table A – Checklist of State Environmental Planning Policies.
7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	The Planning Proposal is consistent with Ministerial Directions 4.4 (Planning for Bushfire Protection), and 5.1 (Implementation of Regional Strategies). The Planning Proposal is inconsistent with Ministerial Direction 2.1 (Environment Protection Zones) as it proposes a change to a current development standard being the minimum lot size, however it is considered that this should be supported by the Director General as it is of minor significance (under 6d). No change to the existing E3 - Environmental Management zoning or zone boundary is proposed. Refer to Table B – Checklist of Ministerial Directions.

Section C – Environmental, social and economic impact

8. 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 Planning Proposal will not adversely affect the ecology of the site, but rather, allow for ongoing long term management responsibility of the riparian corridor and environmentally sensitive land. The Planning Proposal is for an amendment to the minimum subdivision lot size amendment only and will not compromise existing environmental protection standards that apply to the land. It does not involve any modification in Land Use Zones and therefore no modification in development permissibility.
9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?	A Vegetation Management Plan ("VMP") has been prepared as part of DA-2011/478 to provide the basis for ongoing long term management of vegetation within the riparian corridor (part of the E3 zoned land). It is proposed that part of the E3 zoned land will be revegetated and dedicated to Council for drainage management purposes and as public reserve (Council is currently in receipt of a draft Voluntary Planning Agreement ("VPA") which is being considered by Council's Section 94 Officer and General Counsel).
10. How has the Planning Proposal adequately addressed any social and economic effects?	The Planning Proposal is generally consistent with relevant Strategies, Policies and Reports. It will facilitate the allocation of ongoing long term management responsibility of the riparian corridor and environmentally sensitive areas to private land owners and Council. This is also a cost effective solution to minimise Council's maintenance responsibility.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the Planning Proposal?	Yes, Council is currently assessing DA-2011/478 for a large lot Torrens title subdivision, associated infrastructure and creek rehabilitation works. It is considered that the range of infrastructure works proposed in DA-2011/478 is adequate to service any future lots to be incorporated into the area affected by this Planning Proposal (subject to development consent).
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	It is proposed that the following State Authorities would be consulted following the Gateway Determination. • NSW Office of Environment & Heritage; • NSW Rural Fire Service; and • NSW Department of Primary Industries Office of Water.

Part 4: DETAILS OF COMMUNITY CONSULTATION TO BE UNDERTAKEN ON THE PLANNING PROPOSAL:

Any Gateway Determination will confirm community consultation requirements. If the Planning Proposal is supported, the Proposal will be exhibited for a minimum period of twenty-eight (28) days, and include:

- Hard copies at Council's Administration building and relevant Libraries;
- Electronic copy on Council's website;
- Notification letters to surrounding and nearby property owners; and
- Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning and Infrastructure.

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
State policies			
SEPP No. 1	Development Standard	Yes	May be applicable to future Development Applications
SEPP No. 4	Development Without Consent and miscellaneous Exempt and Complying Development	N/A	Clause 6 and parts 3 and 4 of SEPP were repealed by Wollongong LEP 2009
SEPP No. 6	Number of Storeys in a Building	Yes	May be applicable to future Development Applications
SEPP No. 14	Coastal Wetlands	N/A	
SEPP No. 15	Rural Land Sharing Communities	Does not apply to Wollongong	
SEPP No. 19	Bushland in Urban Areas	Does not apply to Wollongong	
SEPP No. 21	Caravan Parks	N/A	
SEPP No. 22	Shops and Commercial Premises	N/A	
SEPP No. 26	Littoral Rainforests	N/A	No littoral rainforests identified by the policy in the Wollongong LGA
SEPP No. 29	Western Sydney Recreational Area	Does not apply to Wollongong	
SEPP No. 30	Intensive Agriculture	N/A	
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)	N/A	
SEPP No. 33	Hazardous and Offensive Development	N/A	
SEPP No. 36	Manufactured Home Estates	N/A	
SEPP No. 39	Spit Island Bird Habitat	Does not apply to Wollongong	
SEPP No. 41	Casino/Entertainment Complex	Does not apply to Wollongong	
SEPP No. 44	Koala Habitat Protection	Yes	May be applicable to future Development Applications
SEPP No. 47	Moore Park Showground	Does not apply to Wollongong	
SEPP No. 50	Canal Estate Development	N/A	
SEPP No. 52	Farm Dams, Drought Relief and Other Works	Does not apply to Wollongong	
SEPP No. 55	Remediation of Land	Yes	May be applicable to future Development Applications
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	Does not apply to Wollongong	
SEPP No. 59	Central Western Sydney Economic	Does not apply	

State Environmental Planning Policy		Compliance	Comment
SEPP No. 60	and Employment Area Exempt and Complying Development	to Wollongong Yes	May be applicable to future Development Applications
SEPP No. 62	Sustainable Aquaculture	N/A	
SEPP No. 64	Advertising and Signage	Yes	May be applicable to future Development Applications
SEPP No. 65	Design quality of residential flat development	N/A	
SEPP No. 70	Affordable Housing (revised schemes)	Does not apply to Wollongong	
SEPP No. 71	Coastal Protection	N/A	
SEPP	Housing for Seniors or People with a Disability 2004	Yes	May be applicable to future Development Applications
SEPP	Building Sustainability Index: BASIX 2004	Yes	May be applicable to future Development Applications
SEPP	Major Projects 2005	N/A	
SEPP	Development on Kurnell Peninsular 2005	Does not apply to Wollongong	
SEPP	Sydney Region Growth Centres 2006	Does not apply to Wollongong	
SEPP	Mining, Petroleum Production and Extractive Industries 2007	N/A	
SEPP	Infrastructure 2007	Yes	May be applicable to future Development Applications
SEPP	Temporary Structures 2007	Yes	May be applicable to future Development Applications
SEPP	Kosciusko National Park – Alpine Resorts 2007	Does not apply to Wollongong	
SEPP	Rural Lands 2008	Does not apply to Wollongong	
SEPP	Affordable Rental Housing 2009	N/A	
SEPP	Western Sydney Employment Lands 2009	Does not apply to Wollongong	
SEPP	Exempt and Complying Development Codes 2008	Yes	May be applicable to future Development Applications
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	
Deemed SEPPS(former Regional Plans)			
Illawarra REP 1	Illawarra	Repealed within Wollongong	
Illawarra REP 2	Jamberoo	Does not apply to Wollongong	
Greater Metropolitan REP No.2	Georges River catchment	N/A	

Table B - Checklist of Section 117 Ministerial Directions

Ministerial Direction			Comment
1. Employment and Resources			
1.1	Business and Industrial Zones		Not applicable
1.2	Rural Zones		Not applicable
1.3	Mining, Petroleum Production and Extractive Industries		Not applicable
1.4	Oyster Aquaculture		Not applicable
1.5	Rural Lands		Not applicable
2. Environment and Heritage			
Zone	2.1	Environment Protection	The Planning Proposal is inconsistent as it proposes a change to a current development standard being the minimum lot size; however it is considered that this should be supported by the Director General as it is of minor significance (under 6d). The proposed amendment does not intend to amend the current E3 - Environmental Management zoning or any zone boundary and does not provide the ability for any additional development of the subject land. It is considered that private ownership of the subject land by a small number of private owners, as it is planned to be located within Large residential Lots proposed on the adjoining R5 - Large Lot Residential zoned land, is the best outcome for the appropriate management of the land without reducing the environmental protection standards that apply to the land. Council does not wish to take on management of all E3 zoned land in West Dapto management by Council will be necessary where the land is part of public open space and drainage systems, however where an adjoining private land owner is in a better position to provide for the long term management of the land and provide the opportunity for better environmental outcomes. This proposed management arrangement is represented by the Neighbourhood Plan for the precinct which was adopted by Council in Wollongong DCP 2009 Chapter D16 - West Dapto Release Area, page 14, Figure 5.3 Wongawilli north Neighbourhood Plan.
	2.2	Coastal Protection	Not applicable
	2.3	Heritage Conservation	Not applicable
	2.4	Recreation Vehicle Areas	Not applicable
	3. Housing, Infrastructure and Urban Development		

3.1	Residential Zones	Not applicable. The amendment does not propose any change to the existing R5 - Large Lot Residential zone.
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Not applicable
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
4. Hazard and Risk		
4.1	Acid Sulfate Soils	Not applicable
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	The Planning Proposal is consistent. Part of the subject property is flood affected. However the proposed amendment does not suggest any development of the affected area.
4.4	Planning for Bushfire Protection	The Planning Proposal is consistent. Part of the subject site is mapped as bushfire affected. However the proposed amendment does not put forward any additional development in hazardous areas.
5. Regional Planning		
5.1	Implementation of Regional Strategies	The Planning Proposal is consistent. The subject site is within the West Dapto Urban Release Area. the Subject land adjoins both R5 - Large Lot Residential and R2 - Low Density Residential zoned land.
5.2	Sydney Drinking Water Catchments	Not applicable. The subject site is not within or impact upon the Sydney drinking water catchment.
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Wollongong
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to Wollongong
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable to Wollongong
5.8	Second Sydney Airport: Badgerys Creek	Not applicable to Wollongong
6. Local Plan Making		
6.1	Approval and Referral Requirements	Not applicable.
6.2	Reserving Land for Public Purposes	Not applicable. The proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.

6.3 Site Specific Provisions Not applicable.

7. Metropolitan Planning

7.1 Implementation of the
Metropolitan Plan for
Sydney 2036 Not applicable