

EXTRACT FROM MINUTES 12 DECEMBER 2011

ITEM 8 - PLANNING PROPOSAL FOR LOT 202 DP 1017684 (60 SMITHS LANE, WONGAWILLI) AND LOT 203 DP 1017684 (40 WONGAWILLI ROAD, WONGAWILLI)

279

RESOLVED UNANIMOUSLY on the motion of Councillor Martin seconded Councillor Curran that –

- 1 A draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for Lot 202 DP 1017684 (60 Smiths Lane, Wongawilli) and Lot 203 DP 1017684 (40 Wongawilli Road, Wongawilli), to amend the Wollongong Local Environmental Plan (West Dapto) 2010 by amending the Minimum Subdivision Lot Size Map from 39.99ha to:
 - i 0.99ha on land zoned E2 Environmental Conservation and part of E3 Environmental Management; and
 - ii 1,999m² on part of the land zoned E3 Environmental Management (shown at attachment 4 of the report).
- 2 If endorsed, the draft Planning Proposal be exhibited in accordance with the NSW Department of Planning and Infrastructure's guidelines for a minimum period of twenty-eight (28) days.

ITEM 8

PLANNING PROPOSAL FOR LOT 202 DP 1017684 (60 SMITHS LANE, WONGAWILLI) AND LOT 203 DP 1017684 (40 WONGAWILLI ROAD, WONGAWILLI)

Council has received a request to prepare a Planning Proposal for a minimum subdivision lot size amendment at Lots 202 and 203 in DP 1017684 being 60 Smiths Lane, Wongawilli and 40 Wongawilli Road, Wongawilli respectively. It is recommended that Council support the preparation of a draft Planning Proposal and that it be submitted to the NSW Department of Planning and Infrastructure.

Recommendation

- 1 A draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for Lot 202 DP 1017684 (60 Smiths Lane, Wongawilli) and Lot 203 DP 1017684 (40 Wongawilli Road, Wongawilli), to amend the Wollongong Local Environmental Plan (West Dapto) 2010 by amending the Minimum Subdivision Lot Size Map from 39.99ha to:
 - i 0.99ha on land zoned E2 Environmental Conservation and part of E3 Environmental Management; and
 - ii 1,999m² on part of the land zoned E3 Environmental Management (shown at attachment 4).
- 2 If endorsed, the draft Planning Proposal be exhibited in accordance with the NSW Department of Planning and Infrastructure's guidelines for a minimum period of twenty-eight (28) days.

Attachments

- 1 Location Map (Lots 202 and 203 DP 1017684).
- 2 Zoning Map.
- 3 Proposed Subdivision Concept Map.
- 4 Existing Minimum Subdivision Lot Size Map.
- 5 Relevant Strategies and Policies.

Report Authorisations

Report of: Renee Campbell, Manager Environmental Strategy & Planning
Authorised by: Andrew Carfield, Director Planning & Environment

Background

The site comprises two (2) allotments and is 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 attachment 1).

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).

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 (shown at attachment 2). The immediate area subject to this draft Planning Proposal is zoned E2 Environmental Conservation (1.34 hectares) and E3 Environmental Management (3.4 hectares approximately) and RU2 Rural Landscape (1.48 hectares). 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 (shown on attachment 3).

On 5 May 2011, Cardno (NSW/ACT) Pty Ltd (“Cardno”) lodged Development Application DA-2011/478 on behalf of R.W. Sheargold Pty Ltd (“Sheargold”) for a seventy-three (73) lot Torrens Title subdivision, associated infrastructure and creek rehabilitation works. The original proposed subdivision design of DA-2011/478 integrated R5 Large Lot Residential, RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management zoned land. Fourteen (14) of the original proposed R5 Large Lot Residential lots contained small portions of E2 Environmental Conservation and E3 Environmental Management zoned land and did not satisfy the minimum subdivision lot size of 39.99ha. Council requested that these lots be removed from the original proposed plan of subdivision by means of a revised lot layout. Cardno subsequently lodged an amended proposed subdivision plan consolidating the original fourteen (14) lots that were affected by the E2 Environmental Conservation and E3 Environmental Management zoned land into nine (9) lots.

On 11 May 2011, Cardno lodged a request seeking an amendment to the minimum subdivision lot size on land zoned E2 Environmental Conservation and part of the land

zoned E3 Environmental Management to allow the subdivision of the lots to proceed (shown at attachment 4).

Current Planning Controls

Clause 4.1 Minimum Subdivision Lot Size of the Wollongong Local Environmental Plan (West Dapto) 2010 requires subdivision proposals to comply with the Minimum Lot Size map. The provision does not take into account properties with split zones and split minimum lot sizes. Under the Wollongong Local Environmental Plan 1990, lots could be subdivided along the zone and lot size boundary, or contain residue land provided the lot complied with one of the standards. The Standard Instrument Local Environmental Plans does not take into account lots with split zones or split minimum lot sizes.

This issue is particularly important in new urban land release areas such as West Dapto where residential land needs to be separated from creek corridors or conservation areas. Additionally, Council's riparian lands strategy allows for the floodplain (beyond the core creek corridor) to be either transferred to Council or be retained in private ownership.

Council has exhibited draft Planning Proposals seeking amendments to both the Wollongong Local Environmental Plan 2009 and Wollongong Local Environmental Plan (West Dapto) 2010 to allow for the creation of lots containing residual areas which do not meet the minimum subdivision lot size.

This draft Planning Proposal request seeks a further amendment to allow the E2 Environmental Conservation and E3 Environmental Management zoned lands to be shared between a number of lots. Those lots would be zoned part R5 Large Lot Residential (under 1,999m²) plus part E2 Environmental Conservation or E3 Environmental Management. Any future dwelling house would be located in the R5 Large Lot Residential part of the future lot.

Cardno requested that the land zoned E2 Environmental Conservation and part of E3 Environmental Management be amended from 39.99ha to 1,999m², however, Council proposes a minimum subdivision lot size of 0.99ha in these areas to prevent any future subdivision into smaller lots (shown at attachment 4). This draft Planning Proposal does not involve any modification in Land Use Zones and therefore, no modification in development permissibility.

Other relevant strategies and policies are outlined in attachment 5.

Proposal

The proposal seeks to amend the Wollongong Local Environmental Plan (West Dapto) 2010 by amending the Minimum Subdivision Lot Size Map from 39.99ha to:

- i) 0.99ha on land zoned E2 Environmental Conservation and part of E3 Environmental Management; and
- ii) 1,999m² on part of the land zoned E3 Environmental Management (as shown in attachment 4).

The request is to facilitate the allocation of ongoing long term management responsibility of the riparian corridor and environmentally sensitive areas to Council and private land owners. This is considered to be a cost effective solution by minimising Council's maintenance responsibility. Further, it is proposed that part of the E3 Environmental Management zoned land will be revegetated and dedicated to Council for drainage management purposes and as public reserve. Council officers are currently assessing a draft Voluntary Planning Agreement ("VPA") for upgrades of Smiths Lane (Wongawilli), provision of water quality pond and stormwater management facilities, and provision of riparian corridor and public reserve.

Part of the E2 Environmental Conservation and E3 Environmental Management zoned land are proposed to be located in the backyards of the proposed lots (subject to a future development application) and the amended subdivision design of DA-2011/478 ensures that there is sufficient space within the R5 Large Lot Residential zoned land to accommodate a 20m x 20m building envelope. The proposed minimum lot size amendment to 1,999m² is consistent with the adjoining R5 Large Lot Residential and RU2 Rural Landscape zoned land and also with the Wongawilli north Neighbourhood Plan adopted by Council on 14 December 2010.

Consultation and Communication

Council officers from the Environment, Drainage, Subdivision and Landscape divisions have provided preliminary comments and have not raised any concerns at this stage.

If Council endorses the Planning Proposal it will be forwarded to the NSW Department of Planning and Infrastructure for review. If endorsed by the Department, the Planning Proposal will be exhibited for community input in accordance with the Gateway determination for a minimum period of twenty-eight (28) days. This will include community consultation, advice from stakeholder groups, government agency consultation and internal Council referrals.

Conclusion

In summary, this draft Planning Proposal is for an amendment of the minimum subdivision lot size control of the Wollongong Local Environmental Plan (West Dapto) 2010 from 39.99ha to 0.99ha on land zoned E2 Environmental Conservation and part of E3 Environmental Management, and 1,999m² on part of the land zoned E3 Environmental Management (shown at attachment 4). This will facilitate the allocation of ongoing long term management responsibility of the riparian corridor and

environmentally sensitive areas to Council and private land owners. This is considered to be a cost effective solution by minimising Council's future maintenance responsibilities. The draft Planning Proposal does not involve any modification in Land Use Zones or permissible development

This report therefore recommends that Council support the preparation of a draft Planning Proposal and that it be forwarded to the NSW Department of Planning and Infrastructure to seek a Gateway determination.

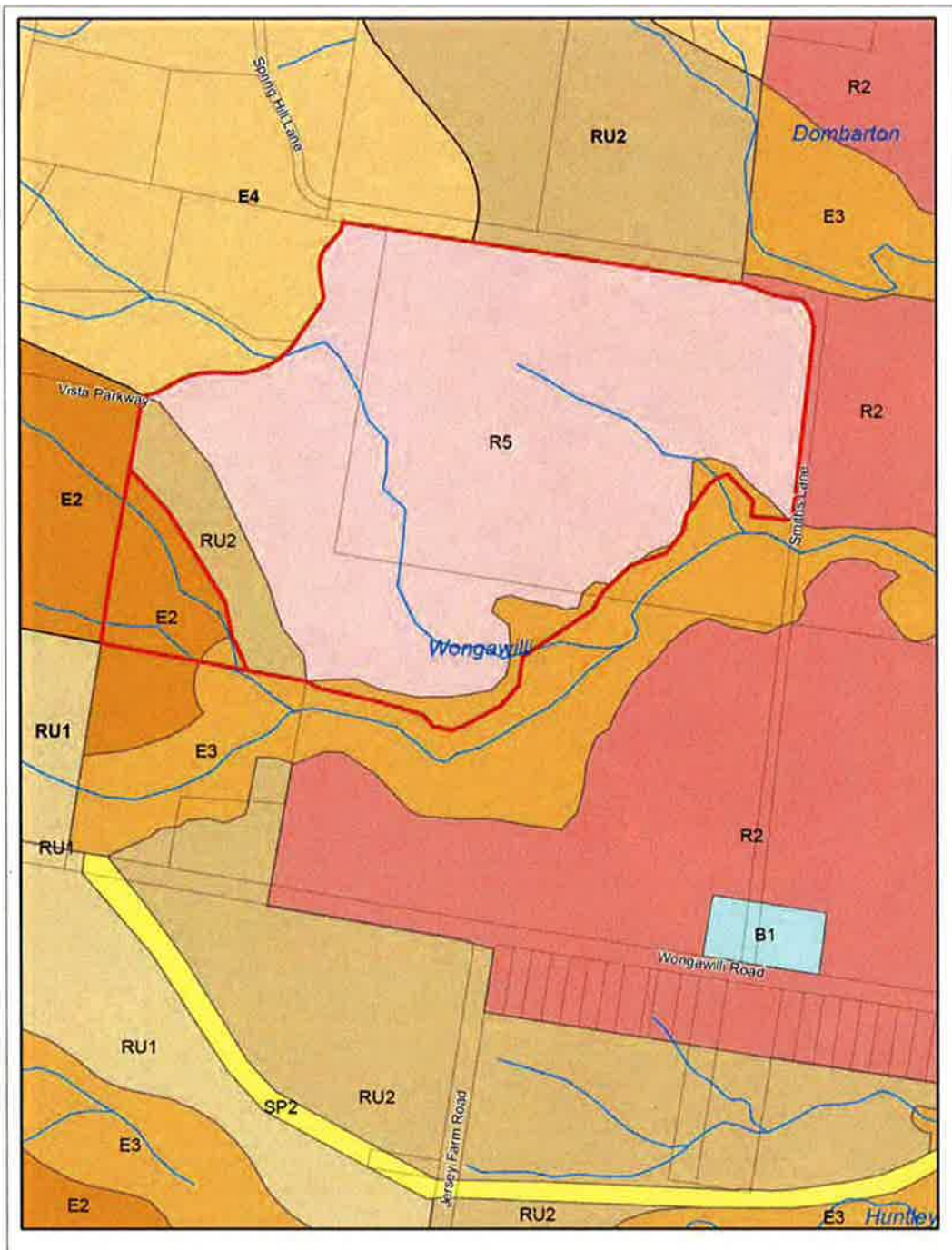


VISTA PARK WONGAWILLI Location Map

Legend
 Subject Land
 Subject Land
 Watercourse

Drawn By: H Jones
 Date: 28/11/2011
 Vista Park Location Map.mxd
 Date of Aerial Photography: 2009





VISTA PARK WONGAWILLI WOLLONGONG LEP (WEST DAPTO) 2010

- Neighbourhood Centre - Environmental Conservation - Environmental Management	- E4 Environmental Living - R2 Low Density Residential - R5 Large Lot Residential	- RU1 Primary Production - RU2 Rural Landscape - SP2 Infrastructure	- Water course - Subject Land
--	---	---	--

Drawn By: H Jones
Date: 28/11/2011
Vista Park LEP2010.mxd
Date of Aerial Photography: 2009



0 200
Meters



Subdivision Layout and Minimum Lot Size

VISTA PARK LARGE LOT RESIDENTIAL DEVELOPMENT, WONGAWILLI

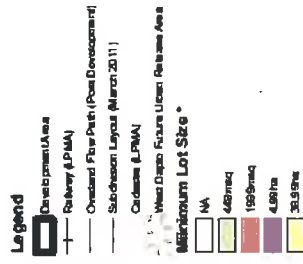


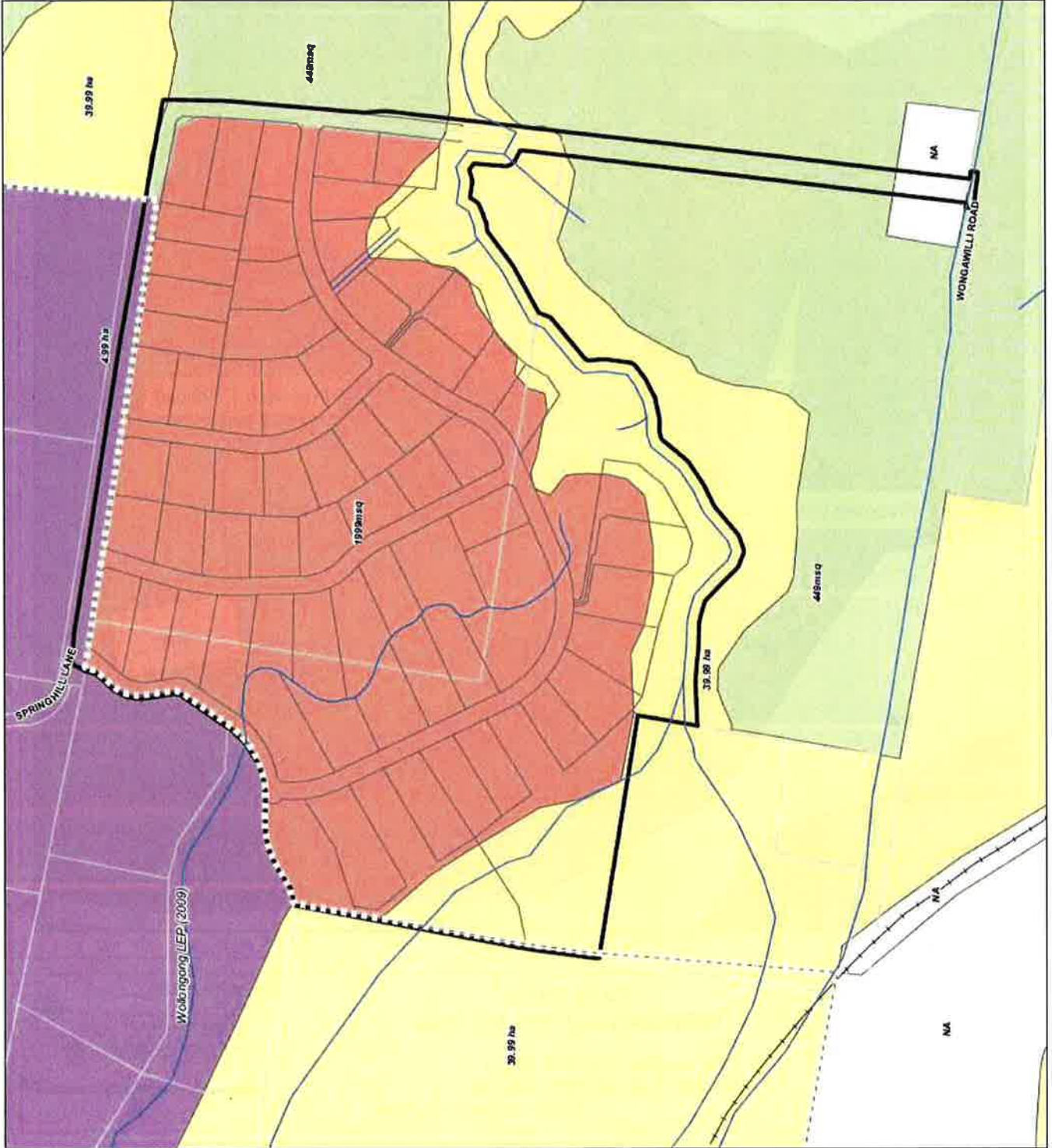
FIGURE 11

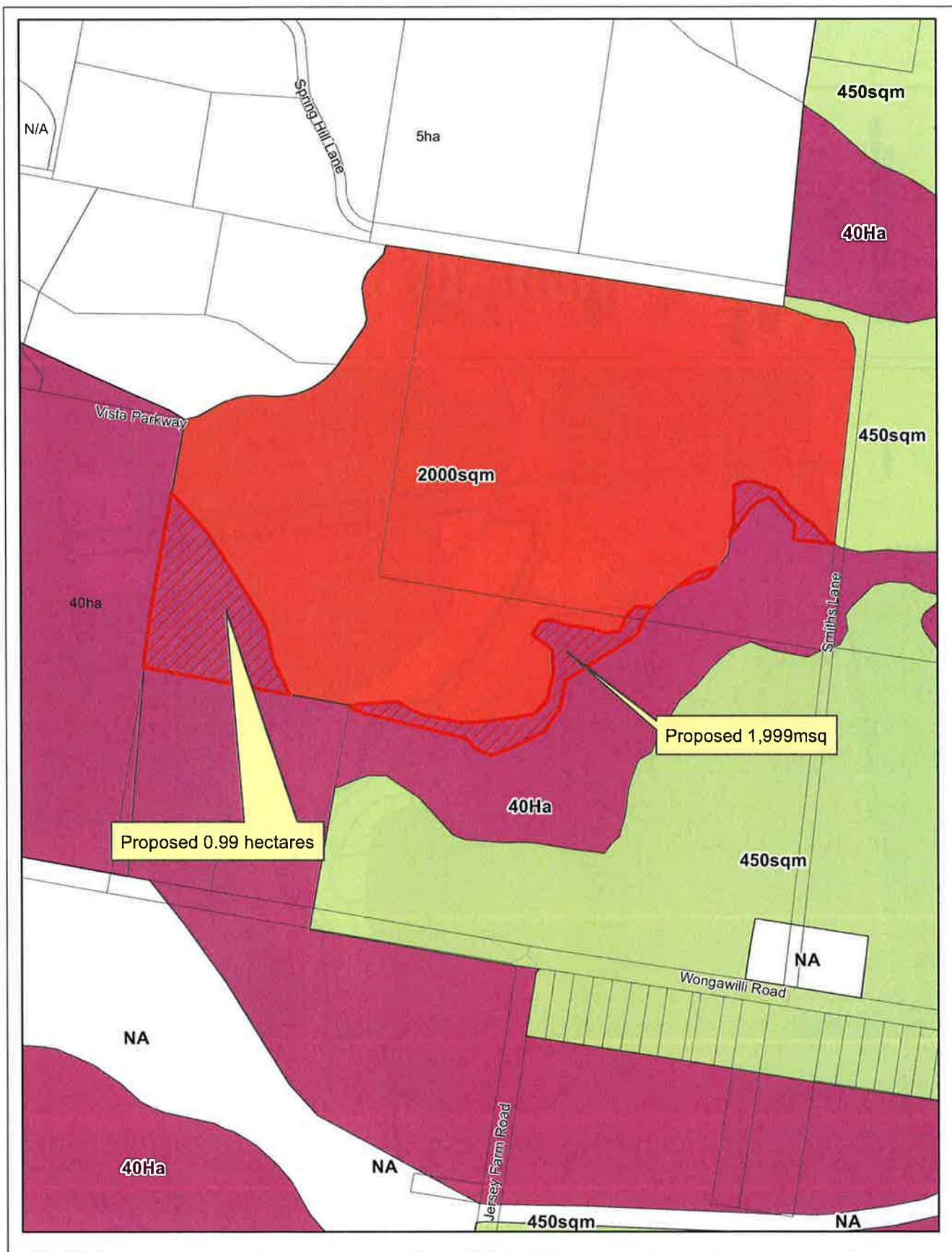


Scale 1:3,000 (A4 A3)



Map Produced by Cardno Wollongong
Date: 24/02/2011
Coordinate System: GDA 1984 MGA Zone 56
Units: Metres
Map 2415, Subdivision Layout 05
* Wollongong LEP 2008 and West Dapto LEP 2010





VISTA PARK WONGAWILLI Min Lot Size

Legend

449	1999	9.99 Ha
999	2999	39.99 Ha
 Proposed Amendment		

Drawn By: H Jones

Date: 28/11/2011

Vista Park MLS.mxd

Date of Aerial Photography: 2009



0 200
Meters

Relevant Strategies and Policies

Table 1: Relevant Strategies and Policies

Strategy or Policy	Strategy or Policy Comment	Comment
Illawarra Regional Strategy 2007	- There are opportunities to better protect and reinstate natural riparian areas and functions in developing existing and new urban areas, including the West Dapto new release area (2007, p. 28). - Impacts of development will be offset by protecting and enhancing the long term viability of priority vegetation and habitat corridors as well as rehabilitating riparian corridors (2007, p. 29). - Development proposals affecting riparian lands will be required to suitably protect the values of riparian lands by methods such as maximising the retention of native vegetation, especially in riparian corridors (2007, p. 30).	This draft Planning Proposal will provide the opportunity for appropriate management of the riparian corridor and environmentally sensitive land. The draft VPA proposes part of the E3 zoned land to be revegetated and dedicated to Council for drainage management purposes and as public reserve. A Vegetation Management Plan was submitted with DA-2011/478 which (if approved) will guide the management and restoration of the riparian land intended to be transferred to Council ownership via dedication.
Wollongong Development Control Plan 2009 – Chapter D16: West Dapto Release Area	5.4 Adopted Neighbourhood Plans. Wongawilli north Neighbourhood Plan (excluding the village area). Village subject to further consideration as part of the Wongawilli Village Plan.	This draft Planning Proposal is consistent with the adopted Neighbourhood Plan for Wongawilli north.
Wollongong Development Control Plan 2009 – Chapter E23: Riparian Land Management	Category 1 – Environmental Corridor aims to provide extensive habitats for terrestrial and aquatic fauna and to maintain and restore the viability of riparian vegetation as well as protect water quality and provide bank stability. A Vegetation Management Plan ("VMP") is to be prepared for all riparian lands that are intended to be transferred to Council ownership via dedication. (2009, p. 3 and 13).	A Vegetation Management Plan was submitted with DA-2011/478 which (if approved) will guide the management and restoration of the riparian land intended to be transferred to Council ownership via dedication.
West Dapto Release Area Section 94 Contributions Plan (2010)	4.4 Drainage management. c. Waterway / drainage management. To enable Council to manage the drainage function of the watercourses the NSW Growth Centres Commission recommended that Council acquire the watercourse. This will provide for the long term management of the watercourse, including drainage works and weed management. It will overcome problems in other parts of the City, where the watercourses are on private land, and Council can only manage them in public reserves and road reserves. In these areas, the community still expects Council to "clean out" the watercourse even though it is in their ownership. (2010, p. 78).	This draft Planning Proposal is consistent with this plan by facilitating the allocation of ongoing long term management responsibility of the riparian corridor and environmentally sensitive areas. The draft VPA proposes part of the E3 zoned land will be revegetated and dedicated to Council for drainage management purposes and as public reserve.

