

Planning Proposal for lands at Helensburgh, Otford and Stanwell Tops

Proposal Title : **Planning Proposal for lands at Helensburgh, Otford and Stanwell Tops**

Proposal Summary : **To introduce new planning controls for land at Helensburgh, Otford and Stanwell Tops currently zoned predominately E3 Environmental Management. Most of the land will be zoned E2 Environmental Conservation with other areas variously zoned E3 Environmental Management; E4 Environmental Living around Otford; RU2 Rural Landscape; B6 Enterprise Corridor; IN2 Light Industry; SP3 Tourist; RE1 Public Recreation; RE2 Private Recreation; and a small parcel R2 Low Density Residential.**

PP Number : **PP_2012_WOLLG_004_00** Dop File No : **11/12893**

Proposal Details

Date Planning Proposal Received : **02-Mar-2012** LGA covered : **Wollongong City**

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

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

LEP Type : **Precinct**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **Land in the vicinity of Helensburgh, Stanwell Tops and Otford identified on the maps accompanying the proposal.**

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **David Green**

Contact Number : **0242277465**

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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) :	10
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 :

The area surrounding Helensburgh, Stanwell Tops and Otford has been the subject of many planning studies and a Commission of Inquiry in 1994. This area is of regional planning significance as it provides linkages between the Royal National Park, the Illawarra Escarpment State Conservation Area and the Dharawal State Conservation Area and is within the catchment of the Hacking River which flows through the Royal National Park.

The former 7(d) Hacking River Environmental Protection Zone was proposed to be largely converted to E2 Environmental Conservation Zone in the exhibited draft Wollongong LEP 2009. However, the Department supported Council's request to change this to the E3 Environmental Management Zone following exhibition on the grounds that the E3 Zone better reflected a conversion of the development allowed under the 7(d) Zone (including permitting dwelling houses provided minimum lot sizes were satisfied).

Council undertook to review the zoning of this area after LEP 2009 came into force in February 2010 and has exhibited 2 draft options for the planning future of the area. The second option attracted over 19,000 submissions. Public opinion is divided between those that want more development in the area and those that generally want the area to be zoned E2 Environmental Conservation to recognise its environmental attributes.

A gateway determination (PP_2011_WOLLG_008_00) was issued for this area on 30 September 2011. The newly elected Council decided not to proceed with this planning proposal. Council has lodged a new planning proposal which proposes many zone changes similar to the previous proposal, but differs in that it also proposes to zone large areas from E3 Environmental Management to E2 Environmental Conservation Zone.

Council has also decided not to proceed with a voluntary planning agreement for the Lady Carrington Estate/Ensile and Landpooling sites which proposed some urban development and the dedication of lands to the public for environmental purposes. These sites are now proposed to be zoned E2.

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External Supporting
Notes :

Council proposes to introduce new planning controls for 1667 hectares of land currently zoned E3 Environmental Management at Helensburgh, Otford and Stanwell Tops to reflect land capability and existing land use, to protect sensitive environments and to allow some development.

It is proposed to rezone approximately 1,468.5 hectares of land from E3 Environmental Management to the following zoning arrangement:

- 33.32 hectares of E1 National Parks zone
- 1256.55 hectares of E2 Environmental Conservation
- 14.75 hectares of E4 Environmental Living zone
- 34 hectares of RU1 Primary Production
- 76 hectares of RU2 Rural Landscape
- 0.46 hectares of R2 Low Density Residential zone
- 6.31 hectares of B6 Enterprise Corridor zone
- 8.44 hectares of IN2 Light Industrial zone
- 1.62 hectares of RE1 Public Recreation zone
- 9.44 hectares of RE2 Private Recreation zone
- 21 hectares of SP2 Infrastructure zone
- 6.63 hectares of SP3 Tourist zone

An area of land at Garrawarra Precinct owned by the Sutherland Shire Sports Flying Association is to be rezoned from E2 Environmental Conservation to E3 Environmental Management to enable the area to be continued to be used for flying model aircraft.

Adequacy Assessment

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

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

Comment : **The statement summarises the intent of the proposal.**

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

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

Comment : **It is proposed to amend the zoning, floor space ratio, lot size and height of buildings maps.**

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

1.1 Business and Industrial Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

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 relevant to the proposal. SEPPs (BASIX); (Housing for Seniors etc); (Infrastructure); and (Major Projects) - These SEPPs also only have relevance to the development application process and only raise issues that need to be considered at that time.

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

If No, explain :

S117 DIRECTIONS

The proposal is considered to be consistent (or any inconsistencies are only of minor

significance) with the following relevant S.117 Directions:

s117 1.1 Business and Industrial Zones - It is consistent with this s117 as it will facilitate development and encourage employment growth by providing more land zoned B6 Enterprise Corridor and IN2 Light Industrial. The proposal also rezones land to an appropriate zone in recognition of existing uses such as the Symbio Wildlife Park and a golf driving range.

s117 1.3 Mining, Petroleum Production and Extractive Industries - this is relevant as the area contains coal reserves and the Metropolitan Colliery. Council will consult with the Department of Primary Industries on the proposal.

s117 2.2 Coastal Protection - Although not identified by the Council this s117 applies to land east of the railway line at Otford. However, the Director General can be satisfied that any inconsistency is only of minor significance as the land is physically and visually isolated from the coast.

s117 4.4 Planning for Bushfire Protection - the area is subject to high bushfire risk and preliminary consultation has occurred with the NSW Rural Fire Service. The Direction requires the Council to consult with NSW Rural Fire Service under section 56 of the Act and take into account any issues it raises prior to exhibition of the proposal.

s117 5.1 Implementation of Regional Strategies - Council has argued that the proposal is consistent with the Illawarra Regional Strategy (IRS) as it conserves sensitive environments. It is noted that part of the area proposed to be rezoned to E2 Environmental Conservation is identified as 'indicative Regional Habitat Corridor' (Illawarra Escarpment Moist Forest Corridor) on the Biodiversity Map (Map 2) within the IRS. An action for the 'Natural Environment' under the IRS is for Council to maximise protection of the corridor in local environmental plans.

s117 5.2 Sydney Drinking Water Catchments - the planning proposal is consistent with the Direction. Council has consulted with the Sydney Catchment Authority and proposes to zone land owned by the Authority E2 Environmental Conservation in accordance with its request.

s117 6.2 Reserving Land for Public Purposes - Although not identified by the Council this s117 applies to land to be zoned RE1 Public Recreation. The Director General's agreement is required under clause (4) of the Direction to rezone land to RE1. The Director General will need to agree to the rezoning when the planning proposal is submitted for final approval.

RECOMMENDATION: It is recommended that the Director General agree that the planning proposal can be exhibited showing this land as RE1, however, he will reserve final agreement to the rezoning once the planning proposal is submitted for final approval.

The proposal is inconsistent with the following s.117 Directions, however, Council has argued that the Director General should be satisfied that the inconsistencies are of minor significance or have been justified:

s117 1.5 Rural Lands - the proposal seeks to reduce the minimum lot size on 4 sites (in the Frew Avenue and Otford South precincts) to allow a dwelling to be erected on each lot. The sites were identified by studies as being suitable for dwellings and the inconsistency is considered to be minor in the context of the overall proposal. It is recommended that the Director General is satisfied that the inconsistency has been justified by Council's studies.

s117 2.1 Environmental Protection Zones - the proposal is consistent with this direction in that it is proposed to afford greater environmental protection to large areas by changing the zone from E3 Environmental Management to E2 Environmental Conservation. One site would be zoned E1 National Parks as part of the Garrawarra SCA.

The proposal is inconsistent with Direction 2.1 in that some areas that are currently zoned E3 are proposed to be zoned B6, IN2, E4, R2, RE2, SP3 or RU2. The proposed zonings are a result of studies carried out by Council and they better reflect land capability and existing land use.

RECOMMENDATION: It is recommended that the Director General is satisfied that the inconsistency is justified by Council's studies that support the planning proposal or are of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The mapping provided reflects the changes proposed by Council.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : This area has a long and contentious planning history. In recognition of this Council has proposed a 2 month exhibition 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 : The Department on 13/02/12 requested advice from Council on the rationale behind Council's proposed expansion of the E2 Environmental Conservation Zone beyond the areas identified in the previous planning proposal.

Council on 2/03/12 advised that the proposal now covers areas that were previously subject to a draft voluntary planning agreement to be dedicated to public ownership. As it has been decided not to pursue the planning agreement the proposal now covers an additional 555.7 hectares.

Council has also advised that the additional lands proposed to be zoned E2 include land identified as being within the Illawarra Escarpment Moist Forest Corridor and land containing the Southern Sydney Sheltered Forest Endangered Ecological Community.

The information provided adequately justifies Council's changes to the original proposal.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Wollongong LEP 2009 is in place.

Assessment Criteria

Need for planning proposal :

A Planning Proposal is the appropriate mechanism to reconsider the zonings within the area. Wollongong LEP 2009 generally applied the E3 Environmental Management zone to the former 7(d) zone and did not take into account the existing development in some areas. Council has since reviewed the appropriateness of the E3 zone and has put forward

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Consistency with strategic planning framework :

this planning proposal to change zonings in some areas.

The proposal is generally consistent with the Illawarra Regional Strategy, particularly in relation to the actions to protect 'Significant Native Vegetation'. It is also generally consistent with the s.117 Directions or any inconsistencies have been justified or are of minor significance.

The 1994 Commission of Inquiry (COI) recognised that some lands surrounding Helensburgh have potential urban landuse capability. However, the COI recommended that rezoning of these areas should not occur until sufficient studies had been carried out to identify existing and potential impacts of various land uses and to assist in setting appropriate environmental objectives. In particular, studies were identified as being required in relation to impacts on water quality in the catchment of the Hacking River and in relation to flora and fauna.

While various studies have been carried out for the subject area, it is fair to say that studies to the extent identified in the COI have not been carried out. Nor has a Hacking River Catchment Management Committee been established as recommended by the COI to oversee the preparation of the studies.

The current proposal does not conflict with the COI recommendations to the extent that it does not propose new urban development of any significance. Rather it recognises existing land uses and proposes to zone land to reflect these.

Environmental social economic impacts :

The proposal will provide increased environmental protection by zoning 1256.5 hectares of land E2 Environmental Protection from E3 Environmental Management.

The proposal recognises existing commercial, recreational and industrial land uses and rezones these appropriately. This will provide more certainty in relation to these land uses and could potentially see the expansion of employment opportunities and investment in the area.

The proposal provides potential for an additional 10 dwellings.

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **40 Days**

Timeframe to make LEP : **12 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Southern Rivers Catchment Management Authority
Sydney Metropolitan Catchment Management Authority
Office of Environment and Heritage
NSW Department of Primary Industries - Minerals and Petroleum
NSW Rural Fire Service
Origin Energy
Transport for NSW - Roads and Maritime Services
Sydney Water
Adjoining LGAs**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

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Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are considered necessary to allow the proposal to proceed to exhibition.

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 : **The proposal does not create the need for additional State infrastructure**

Documents

Document File Name	DocumentType Name	Is Public
Covering_letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal.pdf	Proposal	Yes
maps.pdf	Map	Yes
DoP&I_letter_120213.pdf	Proposal Covering Letter	Yes
Council_Letter_280212.pdf	Proposal Covering Letter	Yes
Council_Minutes_281111.pdf	Proposal Covering Letter	Yes
Council_report.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 5.2 Sydney Drinking Water Catchments**

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 2009 to amend the Zoning, Minimum Lot Size, Height of Buildings and Floor Space Ratio Maps 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 a minimum of 40 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:

Southern Rivers Catchment Management Authority
Sydney Metropolitan Catchment Management Authority
Office of Environment and Heritage
NSW Department of Primary Industries - Minerals and Petroleum
NSW Rural Fire Service
Origin Energy
Transport for NSW - Roads and Maritime Services
Sydney Water

Sydney Catchment Authority
Sutherland Shire Council

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 12 months from the week following the date of the Gateway Determination.

S117 DIRECTIONS

It is recommended that the Director General can be satisfied that:

5. The Planning Proposal is consistent with the following s.117 Directions:

s117 1.1 Business and Industrial Zones - as it will facilitate development and encourage employment growth by providing more land zoned B6 Enterprise Corridor and IN2 Light Industrial.

s117 1.3 Mining, Petroleum Production and Extractive Industries - this is relevant as the area contains coal reserves and the Metropolitan Colliery. Council will consult with the Department of Primary Industries on the proposal as required by the Direction.

s117 4.4 Planning for Bushfire Protection - the proposal is consistent with this s117 as Council has consulted with the NSW Rural Fire Service and comments received have been taken into account.

s117 5.1 Implementation of Regional Strategies - the proposal is consistent with the Illawarra Regional Strategy (IRS) as it conserves sensitive environments identified in the Strategy as being 'Significant Native Vegetation' and 'Regional Habitat Corridor'.

s117 5.2 Sydney Drinking Water Catchments - the proposal is consistent with this s117 as Council has consulted with the Sydney Catchment Authority and proposes to zone land owned by the Authority E2 Environmental Conservation in accordance with its request.

6. s117 1.5 Rural Lands - The proposal is inconsistent with this Direction as the proposal seeks to reduce the minimum lot size on 4 sites (in the Frew Avenue and Otford South precincts) to allow a dwelling to be erected on each lot. The sites were identified by studies as being suitable for dwellings and it is recommended that the Director General is satisfied that the inconsistency is justified by the studies prepared and/or of minor significance.

7. s117 2.1 Environmental Protection Zones - The proposal is consistent with this Direction in that it is proposed to afford greater environmental protection to large areas by changing the zone from E3 Environmental Management to E2 environmental Conservation. One site would also be zoned E1 National Parks as an addition to the Garrawarra SCA.

However, the proposal is inconsistent with the Direction in that some areas that are currently zoned E3 are proposed to be zoned B6, IN2, E4, R2, RE2, SP3 or RU2. It is recommended that the Director General is satisfied that the inconsistencies are justified as the proposed zonings result from studies carried out by Council and better reflect land capability and existing land use and/or are of minor significance.

8. s117 6.2 Reserving Land for Public Purposes - This Direction requires the Director General's approval to the rezoning of an area of land RE1 Public Recreation. The Director General can be satisfied that the planning proposal is suitable for public exhibition.

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However, formal approval of the rezoning will be considered when the planning proposal is submitted for finalisation.

9. The Director General can be satisfied that the proposal is consistent with all other s117 Directions applying to the land or any inconsistencies are only of minor significance. No further consultation is required in relation to s117 Directions 1.1; 1.3; 1.5; 2.1; 4.4; 5.1; and 5.2 while the Planning Proposal remains in its current form.

Supporting Reasons :

The proposal is generally consistent with the s.117 directions and will provide additional environmental protection while recognising existing land uses and providing additional opportunities for employment.

It is considered that the community should be provided the opportunity to comment on the rezoning proposal.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

16th March 2012