

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**

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. 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.

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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.

Panel Recommendation

Recommendation Date : 22-Mar-2012

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The Planning Proposal 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 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
- Adjoining LGAs

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.

3. Further to Condition 2 above, Council is to consult with the NSW Department of Primary Industries – Minerals and Petroleum prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.

4. Further to Condition 2 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made 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 18 months from the week following the date of the Gateway determination.

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Signature:

C. G. R. I. L. I. O

Printed Name:

G. C. R. I. L. I. O Date: 29.03.12