

COUNCIL RESOLUTION EXTRACT FROM MINUTES 25 JULY 2016

CALL OF THE AGENDA

- 85** **COUNCIL'S RESOLUTION** - RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the staff recommendations for Items 3, and 5 to 12 inclusive, be adopted as a block.

DISCLOSURES OF INTERESTS

Councillor Martin declared a non-pecuniary, non-significant disclosure of interest in Items 1 and 3, insofar as they both involve her employer, the Department of Planning and Environment. However, Councillor Martin advised that she does not work on any Wollongong based projects.

ITEM 3 - DRAFT PLANNING PROPOSAL - BOUNDARY ADJUSTMENT 63 BUTTENSHAW DRIVE, COLEDALE AND 65 BUTTENSHAW DRIVE, AUSTINMER

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 84).

COUNCIL'S RESOLUTION –

- 1 A draft Planning Proposal be prepared for 65 Buttenshaw Drive (Lot 31 DP 270554), Austinmer and submitted to NSW Planning and Environment for a Gateway determination, proposing to:
 - Rezone part of the site from E3 Environmental Management to E4 Environmental Living, with a Floor Space Ratio of 0.3:1 and a minimum lot size of 999m².
 - Reduce the minimum lot size of the remainder of the site from 39.99ha to 2,999m² to facilitate the proposed boundary adjustment.
- 2 Should the Gateway determination result in progression of the Planning Proposal, consultation be undertaken with NSW Rural Fire

Minute No.

Service.

- 3 The draft Planning Proposal be exhibited for 28 days, should the Gateway determination result in progression of the Planning Proposal.
- 4 The NSW Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.

ITEM 3

**DRAFT PLANNING PROPOSAL - BOUNDARY ADJUSTMENT
63 BUTTENSHAW DRIVE, COLEDALE AND 65 BUTTENSHAW DRIVE,
AUSTINMER**

This report considers a submission requesting the preparation of a draft Planning Proposal to facilitate a boundary adjustment between 63 Buttenshaw Drive, Coledale (Lot 30 DP 7498) and 65 Buttenshaw Drive, Austinmer (Lot 31 DP 270554). The proposal seeks to facilitate the transfer of 720m² from 65 Buttenshaw Drive to 63 Buttenshaw Drive, to create a more regular shaped lot and to rectify boundary encroachments.

The request proposes that part of 65 Buttenshaw Drive be rezoned from E3 Environmental Management to E4 Environmental Living and the minimum lot size be reduced to 999m², to enable the subdivision (boundary adjustment) to occur. It is proposed to reduce the minimum lot size for the remainder of 65 Buttenshaw Drive to 2,999m² to facilitate the boundary adjustment without allowing for an additional dwelling entitlement. No additional lots or dwelling entitlements are proposed to be created.

The nature of the draft Planning Proposal request is minor and is considered to be a housekeeping amendment. It is recommended that a draft Planning Proposal be prepared and exhibited.

RECOMMENDATION

- 1 A draft Planning Proposal be prepared for 65 Buttenshaw Drive (Lot 31 DP 270554), Austinmer and submitted to NSW Planning and Environment for a Gateway determination, proposing to:
 - Rezone part of the site from E3 Environmental Management to E4 Environmental Living, with a Floor Space Ratio of 0.3:1 and a minimum lot size of 999m².
 - Reduce the minimum lot size of the remainder of the site from 39.99ha to 2,999m² to facilitate the proposed boundary adjustment.
- 2 Should the Gateway determination result in progression of the Planning Proposal, consultation be undertaken with NSW Rural Fire Service.
- 3 The draft Planning Proposal be exhibited for 28 days, should the Gateway determination result in progression of the Planning Proposal.
- 4 The NSW Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.

ATTACHMENTS

- 1 Location Map
- 2 Current Zoning Map
- 3 Proposed Zoning, Minimum Lot Size and Floor Space Ratio Maps

REPORT AUTHORISATIONS

Report of: Renee Campbell, Manager Environmental Strategy and Planning
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines - *Council Decision Making During Merger Proposal Periods*.

BACKGROUND

A draft Planning Proposal request has been submitted by TCG Planning on behalf of the owners of 63 Buttenshaw Drive, Coledale (Lot 30 DP 7498) and 65 Buttenshaw Drive, Austinmer (Lot 31 DP 270554) (Attachment 1).

63 Buttenshaw Drive, Coledale (Lot 30 DP 7498) has an area of 411m², and is the southernmost lot created in the subdivision of Portion 33 in 1914. The lot has no identified easements or restrictions of title. The lot is irregular in shape and follows the suburb boundary between Coledale and Austinmer on its northern edge. The lot is zoned E4 Environmental Living with a minimum lot size of 999m² and floor space ratio of 0.3:1.

63 Buttenshaw Drive, Coledale has a dwelling house (BA-1959/2525) and a number of outbuildings. The dwelling and a more recent added rear shed partially encroach onto the adjacent Lot 31 DP270554. (Table 1 lists the applications lodged for 63 Buttenshaw Drive, Coledale). To rectify the building encroachments and facilitate a future boundary adjustment, TCG Planning has submitted a draft Planning Proposal request on behalf of the two property owners. This is the result of legal consultation with Planning Law Solutions who advised an amendment to the Wollongong LEP 2009 would be required to allow for a future boundary adjustment.

Applications Lodged for 63 Buttenshaw Drive, Coledale

Date	Number	Description	Status
05/11/1959	BA-1959/2525	Dwelling	Approved
11/04/1988	DA-1988/182	Extensions to Dwelling	Approved
09/05/1988	BA-1988/420	Additions	Approved
18/08/1992	BA-1992/1636	Proposed New Garage and Carport	Approved
23/12/1998	CC-1998/847	Timber Decking	Approved
23/12/1998	DA-1998/5768	Timber Decking	Approved
07/11/2001	BC-2001/1097	Dwelling	Lapsed Approval

Table 1: Application Data for 63 Buttenshaw Drive, Coledale

The adjoining 65 Buttenshaw Drive, Austinmer (Lot 31 DP 270554) is located on the southern side of the boundary between Austinmer and Coledale and has an area of 4324m² and is resultant from the subdivision of Lot 1 DP 578840. The lot was formerly part of the Middle Heights Estate Community Title subdivision, formed under SC-2007/43. The community title was affected by a positive covenant. The lot has since been relinquished from the community title under SC-2013/80 and is now under Torrens title. The lot is benefitted by a 12m wide easement for landscaping at the rear eastern edge of the lot, created by DP 1144887. The lot is zoned E3 Environmental Management with a minimum lot size of 39.99ha and no floor space ratio (Attachment 2).

The intent of the draft Planning Proposal request is to rezone a portion of 65 Buttenshaw Drive, Austinmer to allow for a future subdivision (boundary adjustment), subject to DA approval, between Nos. 63 and 65 Buttenshaw Drive. A minor watercourse exists on 65 Buttenshaw Drive, which forms a logical future boundary between the 2 lots.

It is proposed that 720m² of 65 Buttenshaw Drive will be transferred to 63 Buttenshaw Drive through a future subdivision (boundary adjustment) application, reducing the size of 65 Buttenshaw Drive to 3604m² and increasing the size of 63 Buttenshaw Drive to 1131m². This will address the existing building encroachment and access issues. Consequential amendments to reduce the Minimum Lot Size and introduce a Floor Space Ratio are also proposed.

There are no additional works proposed as part of this Planning Proposal. The rezoning and proposed subdivision will not result in an extra dwelling entitlement to either lot.

PROPOSAL

The submitted Planning Proposal for 65 Buttenshaw Drive, Austinmer (Lot 31 DP 270554) seeks the following amendments to Wollongong LEP 2009:

- Rezone part of the site (720m²) from E3 Environmental Management to E4 Environmental Living, with a Minimum Lot Size of 999m² and a Floor Space Ratio of 0.3:1; and
- Reduce the Minimum Lot Size for the remainder of the site from 39.99ha to 2,999m², to facilitate a future boundary adjustment (Attachment 3).

CONSULTATION AND COMMUNICATION

On 11 January 2016 the owners and their consultant met with Council officers, prior to lodgement of the draft Planning Proposal request.

Council's internal pre-assessment of the application has raised no objection to the rezoning in terms of environmental, geotechnical or stormwater issues.

Should the draft Planning Proposal proceed, public consultation will be undertaken in accordance with the requirements of a Gateway determination.

The draft Planning Proposal site is mapped as being located within bushfire affected land. Although the Planning Proposal will not result in intensification of use of the site, it is recommended that consultation occur with the NSW Rural Fire Service, should the Planning Proposal proceed to Gateway.

PLANNING AND POLICY IMPACT

The Illawarra Shoalhaven Regional Plan identifies the sites as being within a biodiversity corridor within the Illawarra Escarpment. The Plan aims to maintain and improve corridors to protect and enhance the ecology of the region and the movement of plants and animals.

Wollongong LEP 2009 identifies the site as being located within the Illawarra Escarpment area. Council prepared the Illawarra Escarpment Land Use Review Strategy in 2007 to guide the long term planning and management of escarpment lands. The Strategy recommends that development be carefully located to limit the views of urban areas on escarpment benches from Lawrence Hargrave Drive and beaches. The intent of the Planning Proposal is to facilitate a boundary adjustment and not to intensify uses upon the land.

The Illawarra Escarpment Strategic Management Plan 2015 recommends that environmental improvements be undertaken as part of any rezoning proposal in the Illawarra Escarpment. This recommendation is not considered applicable to the draft Planning Proposal due to the minor nature of the proposal (boundary adjustment with no increased development potential).

This report contributes to the delivery of Wollongong 2022 goal “The natural environment is protected and enhanced”, under the Community Goal “We value and protect our environment.

Community Strategic Plan		Delivery Program 2012-2017	Annual Plan 2016-17
Strategy		5 Year Action	Annual Deliverables
1.6.1	Our urban environment minimises impacts on habitat and biodiversity and areas of high conservation values are protected.	1.6.1.1 Review planning controls for environmentally sensitive locations.	Continue to assess Planning Proposals against environmental strategies, including the Illawarra Biodiversity Strategy and the Illawarra Escarpment Strategic Management Plan.

CONCLUSION

The draft Planning Proposal request seeks to facilitate a subdivision (boundary adjustment) between 63 Buttenshaw Drive, Coledale (Lot 30 DP 7498) and 65 Buttenshaw Drive, Austinmer (Lot 31 DP 270554), to resolve building encroachment and access issues. The rezoning and future subdivision will not result in an extra dwelling entitlement to either lot, or result in an intensification of land use. The nature of the draft Planning Proposal request is minor and is considered to be a housekeeping amendment.

It is recommended that a draft Planning Proposal be prepared and submitted to NSW Planning and Environment for a Gateway Determination.



WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

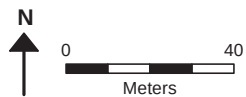
Draft Planning Proposal
Locational Map
65 Buttenshaw Drive, Austinmer
(Lot 31 DP 270554)

Legend

 Proposed Rezoning

Cadastral

 Cadastral 17.16.2016 © Wollongong City Council



Projection: GDA 1994
MGA Zone 56

Scale 1:1000 @ A3

Map Identification number:
63-65 Buttenshaw Drv 2014Air PP.mxd





WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

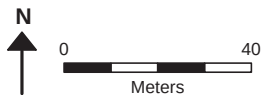
Draft Planning Proposal
Current Land Zoning Map
65 Buttenshaw Drive, Austinmer
(Lot 31 DP 270554)

Legend

- Proposed Rezoning
- Subject Site's
- National Parks & Nature Reserves
- Environmental Conservation
- Environmental Management
- Environmental Living
- General Residential
- Private Recreation
- Primary Production
- Rural Landscape
- Primary Production Small Lots

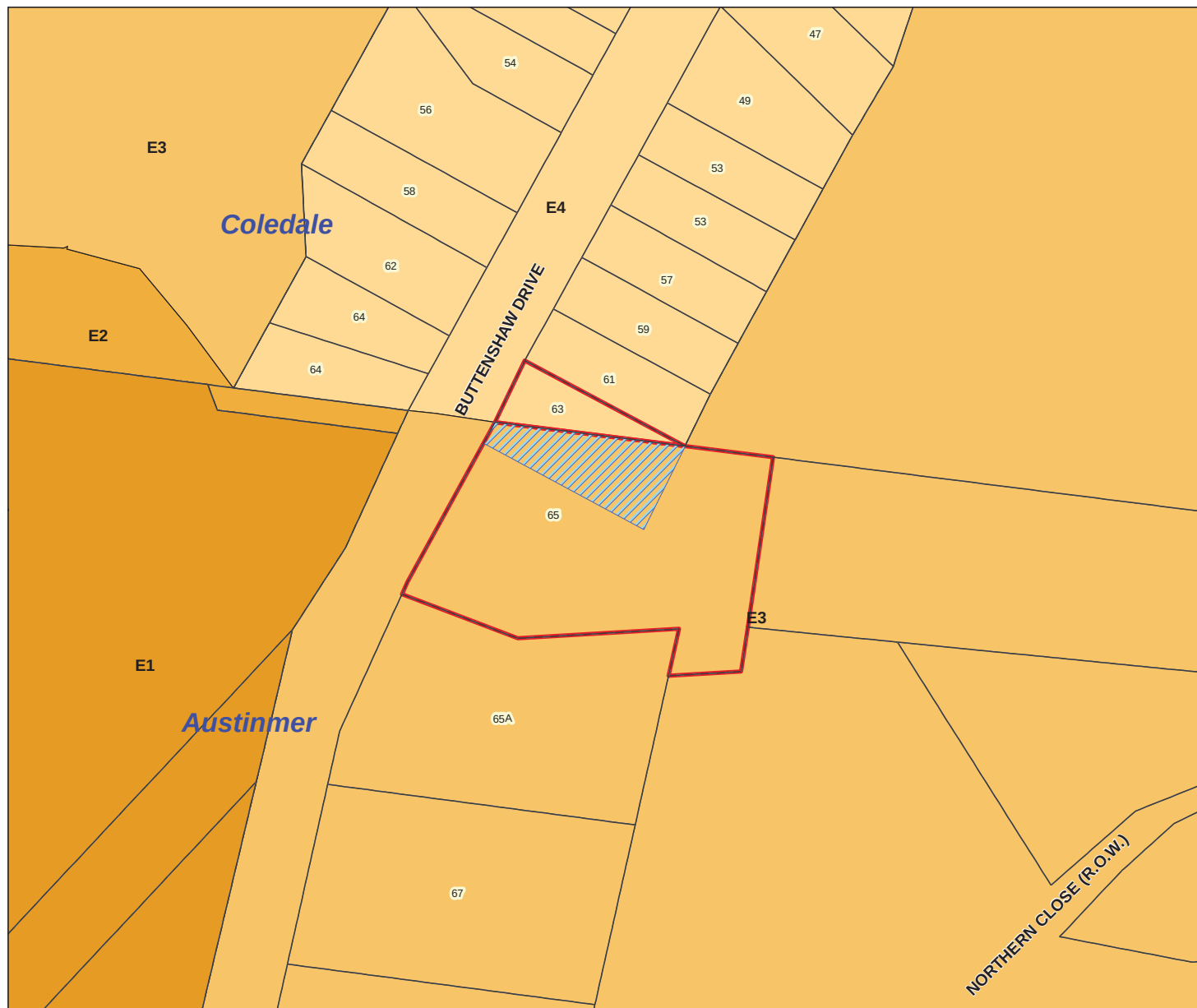
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Projection: GDA 1994
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WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

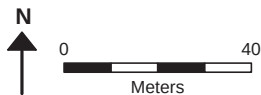
Draft Planning Proposal
Proposed Land Zoning Map
65 Buttenshaw Drive, Austinmer
(Lot 31 DP 270554)

Legend

- Proposed Rezoning
- National Parks & Nature Reserves
- Environmental Conservation
- Environmental Management
- Environmental Living
- General Residential
- Private Recreation
- Primary Production
- Rural Landscape
- Primary Production Small Lots

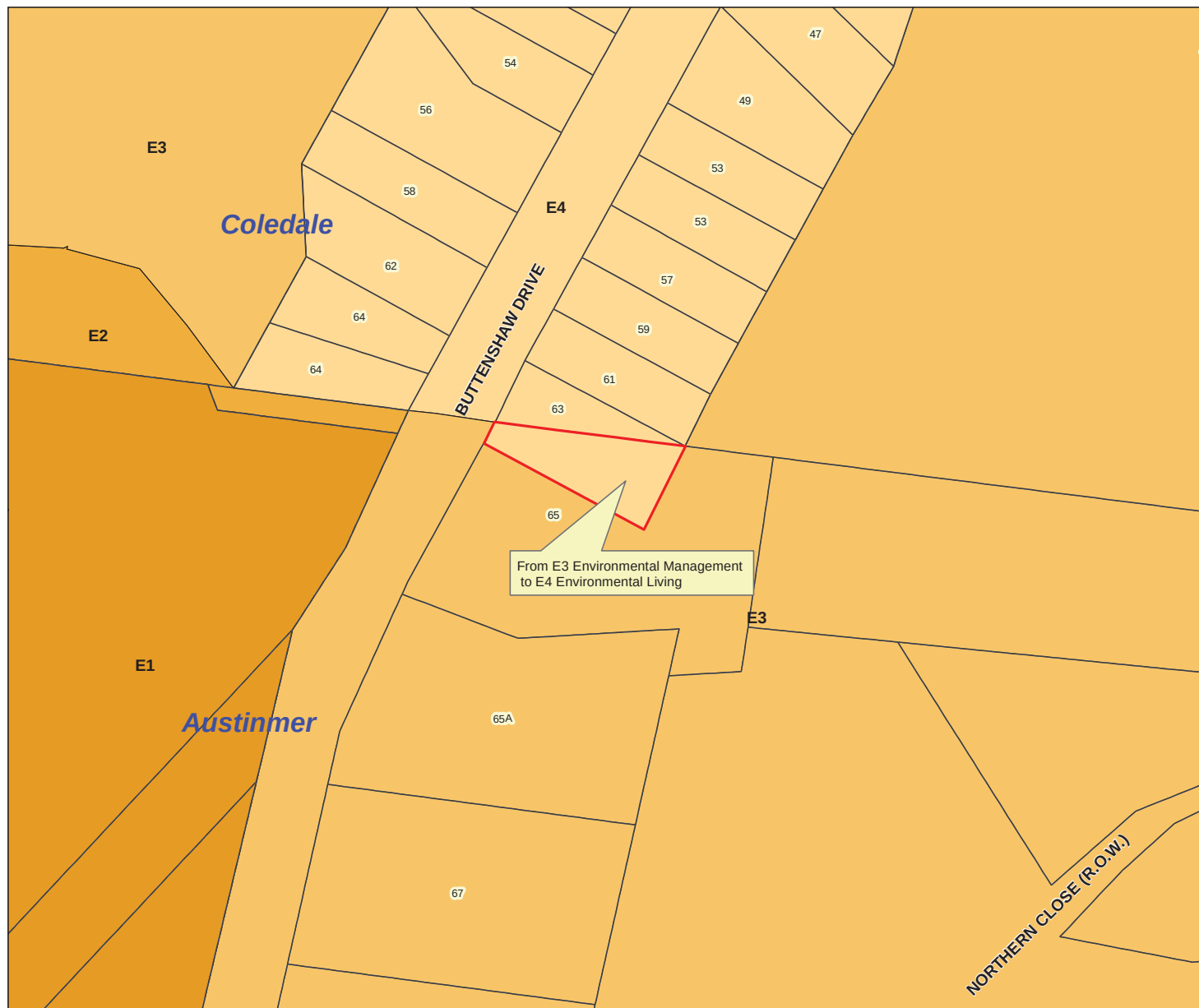
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Projection: GDA 1994
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WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

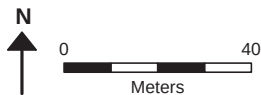
Draft Planning Proposal
Proposed Minimum Lot Size Map
65 Buttenshaw Drive, Austinmer
(Lot 31 DP 270554)

Legend

- Proposed 999sqm Minimum Lot Size
- Proposed 2999sqm Minimum Lot Size
- 999
- 39.99ha

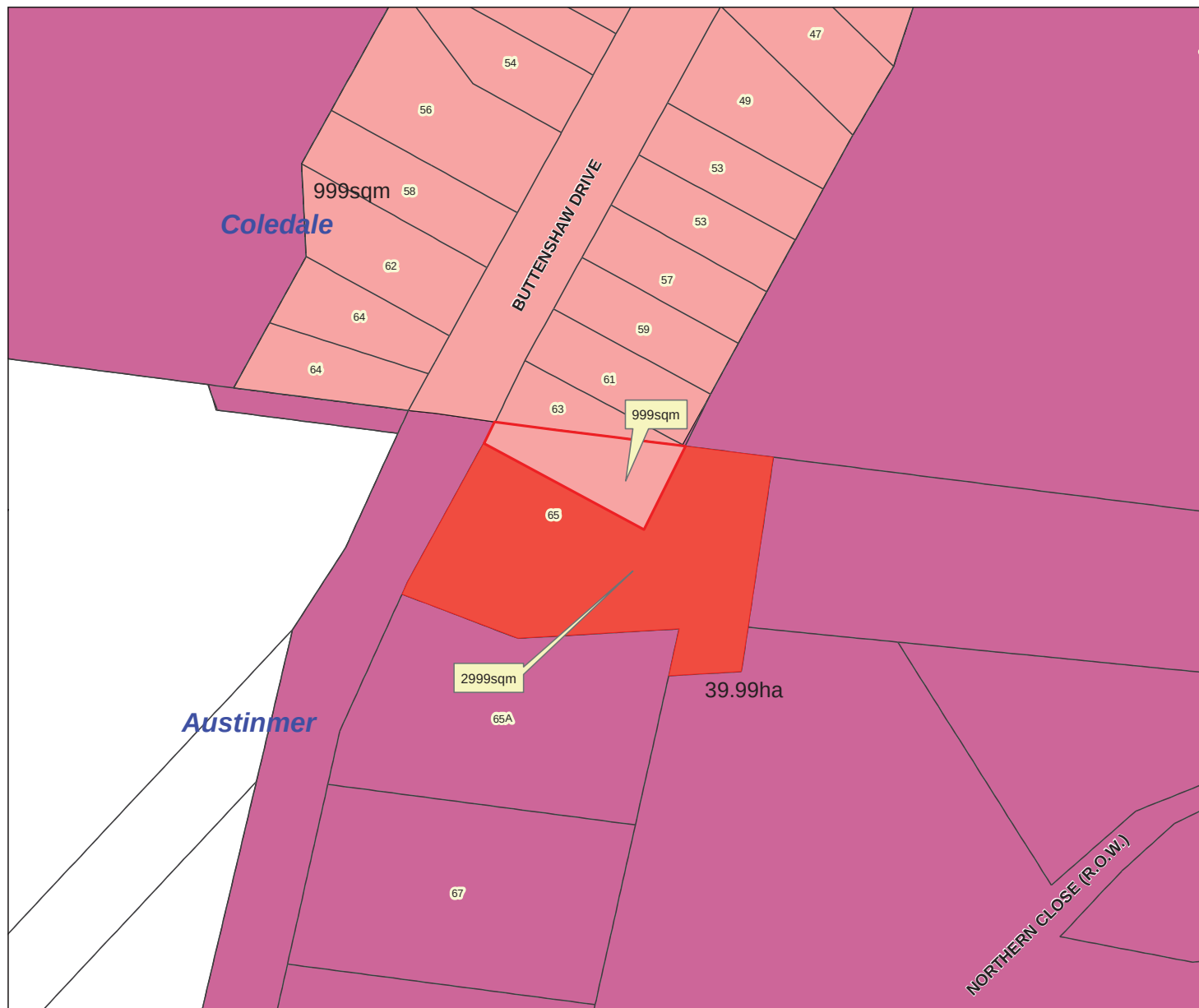
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Projection: GDA 1994
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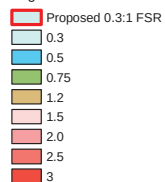




WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

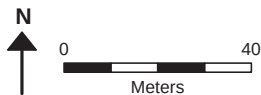
Draft Planning Proposal
Proposed Floor Space Ratio Map
65 Buttenshaw Drive, Austinmer
(Lot 31 DP 270554)

Legend



Cadastral

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Projection: GDA 1994
MGA Zone 56
Scale 1:1000 @ A3

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63-65 Buttenshaw Drv PP FSR.mxd

