

LOCAL GOVERNMENT AREA: Wollongong City Council

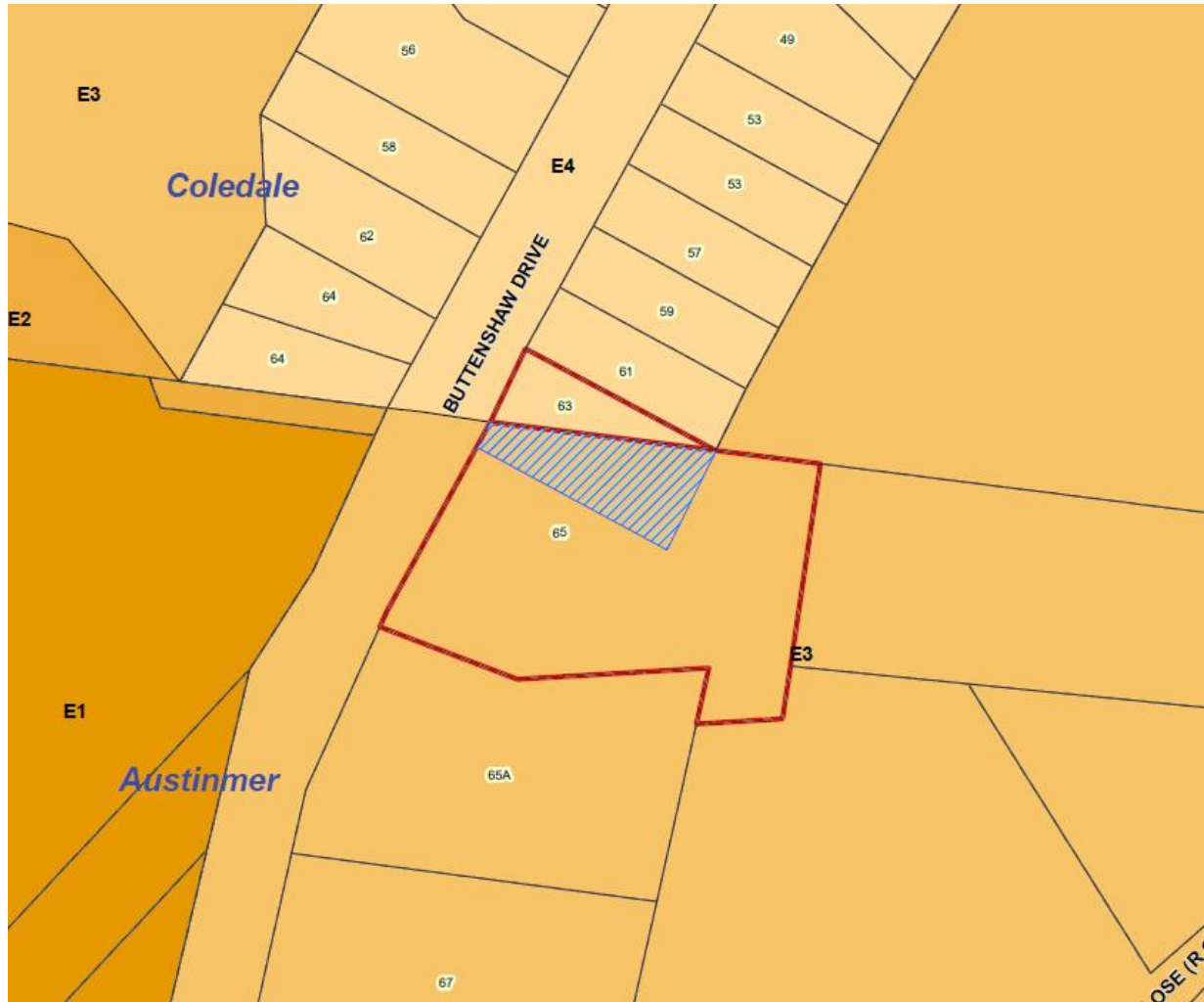
NAME OF DRAFT LEP: Boundary Adjustment 65 Buttenshaw Drive, Austinmer

ADDRESS OF LAND: 65 Buttenshaw Drive, Austinmer (Lot 31 DP 270554)

DATE: September 2016

MAPS: Location Map (below) and Current Zoning (next page)





Current zoning: 65 Buttenshaw Drive, Austinmer

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Executive Summary

On 25 July 2016 Council resolved to prepare a draft Planning Proposal for 65 Buttenshaw Drive, Austinmer (Lot 31 DP 270554) to rezone part of the site from E3 Environmental Management to E4 Environmental Living, and amend the Minimum Lot Size and Floor Space Ratio mapping to facilitate a future boundary adjustment between the subject site and 63 Buttenshaw Drive, Coledale (Lot 30 DP 7498).

The draft Planning Proposal seeks to facilitate transfer of 720m² from 65 Buttenshaw Drive to 63 Buttenshaw Drive, to create a more regular shaped lot and to rectify boundary encroachments. No additional Lots or dwelling entitlements are proposed to be created.

Part 1 – Statement of objectives or intended outcomes

The objective of this draft Planning Proposal is to facilitate a future boundary adjustment, transferring 720m² from 65 Buttenshaw Drive (subject site) to 63 Buttenshaw Drive, to create a more regular shaped lot and to rectify historical boundary encroachments.

Part 2 – Explanation of provisions

The proposed objectives will be achieved by.

- Amendment of the Wollongong LEP 2009 Zoning Map in accordance with the proposed zoning map shown as Attachment 1 in Part 4. Attachment 1 indicates E4 Environmental Living zoning for part of the site adjacent to 63 Buttenshaw Drive, Coledale.
- Amendment of the Wollongong LEP 2009 Minimum Lot Size Map in accordance with the proposed minimum lot size map shown as Attachment 2 in Part 4. Attachment 2 indicates 999m² minimum lot size for the area proposed to be zoned E4 Environmental Living and 2999m² for the remainder of the site.
- Amendment of the Wollongong LEP 2009 Floor Space Ratio Map in accordance with the proposed floor space ratio map shown as Attachment 3 in Part 4. Attachment 3 indicates a maximum permissible floor space ratio of 0.3:1 for the area proposed to be zoned E4 Environmental Living.

Part 3 – Justification

Section A – Need for the Planning Proposal

Q1: Is the planning proposal a result of strategic study or report?

The draft Planning Proposal is result of a Council report dated 25 July 2016. The report to Council included the recommendation from legal consultation with Planning Law Solutions who advised that an amendment to the Wollongong LEP 2009 would be required to allow a future boundary adjustment.

Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The draft Planning Proposal is the only means of achieving the objectives and intended outcomes.

A change of zoning, minimum lot size and flood space ratio is required in order to facilitate a future boundary adjustment. A reduction to the minimum lot size upon the remainder of the site will ensure no further subdivision.

Section B – Relationship to strategic planning framework

Q3: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The Illawarra Shoalhaven Regional Plan 2015 and the Illawarra Escarpment Strategic Management Plan 2015 are the applicable strategies relating to the draft Planning Proposal.

The draft Planning Proposal is not considered inconsistent with these strategies due to the minor nature of the proposal (future boundary adjustment with no increased development potential). The rezoning and future subdivision (boundary adjustment) will not result in an extra dwelling entitlement to either lot, or result in intensification of land use.

Q4: Is the Planning Proposal consistent with a council's local strategy or other local strategic document (e.g. Wollongong Community Strategic Plan)?

The draft Planning Proposal is consistent with the delivery of Wollongong 2022 Community Strategic Plan objective *“Our urban environment minimises impacts on habitat and biodiversity and areas of high conservation values are protected”*.

It specifically addresses the Annual Plan 2016-2017 Key Deliverables *“Continue to assess Planning Proposals against environmental strategies, including the Illawarra Biodiversity Strategy, the Illawarra Escarpment Strategic Management Plan and the Farmborough Heights to Mt Kembla Strategic Plan”*.

Q5: Is the planning proposal consistent with applicable State Environmental Planning Policies?

The draft Planning Proposal is consistent with the relevant State Environmental Planning Policies. Refer to Table A – Checklist of State Environmental Planning Policies.

Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The draft Planning Proposal is consistent with the relevant Ministerial Directions. Refer to Table B – Checklist of Ministerial Directions.

Section C – Environmental, social and economic impact

Q7: 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?

A portion to the south and east of 65 Buttenshaw Drive, Austinmer, is mapped on the Wollongong LEP 2009 Natural Resource Sensitivity – Biodiversity map layer. This does include the portion of land identified in this draft Planning Proposal subject to the proposed mapping amendment.

This draft Planning Proposal is considered minor in nature and will not result in any further dwelling entitlement on the site or adjacent property, 63 Buttenshaw Drive, Coledale.

Q8: Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The site is mapped as being located within bushfire affected land. No intensification of development on the site is proposed. Should the draft Planning Proposal proceed past the Gateway Determination, the consultation with the NSW Rural Fire Service is recommended.

The site is mapped as flood affected (uncategorised flood risk) in accordance with Council's mapping system. No flood studies have been conducted as part of the draft Planning Proposal. Both the site and adjacent property 63 Buttenshaw Drive, Coledale, have an existing dwelling and outbuildings/s onsite. Any proposed change of use / redevelopment would be subject to a flood study at the development application stage.

Council's Stormwater Officer has provided comment and has raised no objection to the draft Planning Proposal.

The site is identified as being affected by slope instability. Any change of use/ redevelopment of the site this would require geotechnical investigation at the development application stage.

Q9: Has the planning proposal adequately addressed any social and economic effects?

The purpose of the draft Planning Proposal is to facilitate a future boundary adjustment, to allow the transfer of 720m² from 65 Buttenshaw Drive to 63 Buttenshaw Drive, without allowing for any additional dwelling entitlement. Due to the minor nature of the proposal there will be no adverse impacts upon traffic or infrastructure.

This site has not been identified as containing places of Aboriginal or European heritage. Consultation with Council's Strategic Project Officer – Heritage has raised no objections to the draft Planning Proposal.

Section D – State and Commonwealth interests

Q10: Is there adequate public infrastructure for the planning proposal?

The subject site and adjacent 63 Buttenshaw Drive Coledale, are both within private ownership and no further intensification of use is proposed. Reticulated sewer and water is not available at either site. Sewerage at both locations is via onsite sewer management systems.

This draft Planning Proposal and any resultant boundary adjustment is not likely to impact existing public infrastructure.

Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway determination will stipulate the required consultation with Public Authorities. However, it is proposed following the Gateway determination consultation occurs with the:

- NSW Rural Fire Service.

Part 4 – Mapping

Proposed Planning Controls: changes are proposed to the following Zoning Map, Minimum Lot Size Map and Floor Space Ratio Map, pertaining to Wollongong LEP 2009:

Land Zoning Map sheet LZN 020

1. Amend the Land Zoning Map - Sheet LZN_020 applying to the subject site as per Attachment 1.

Lot Size Map sheet LSZ 020

1. Amend the Lot Size Map - Sheet LSZ_020 applying to the subject site as per Attachment 2.

Floor Space Ratio Map – Sheet FSR 020

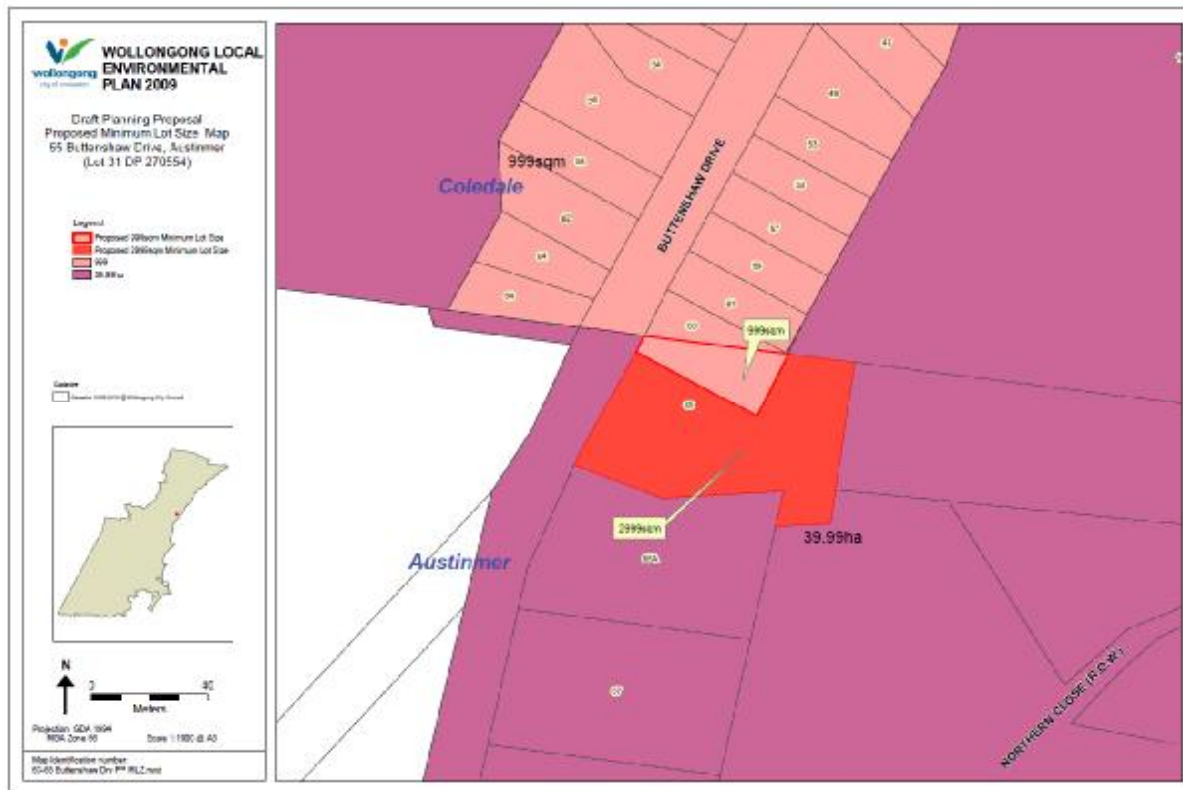
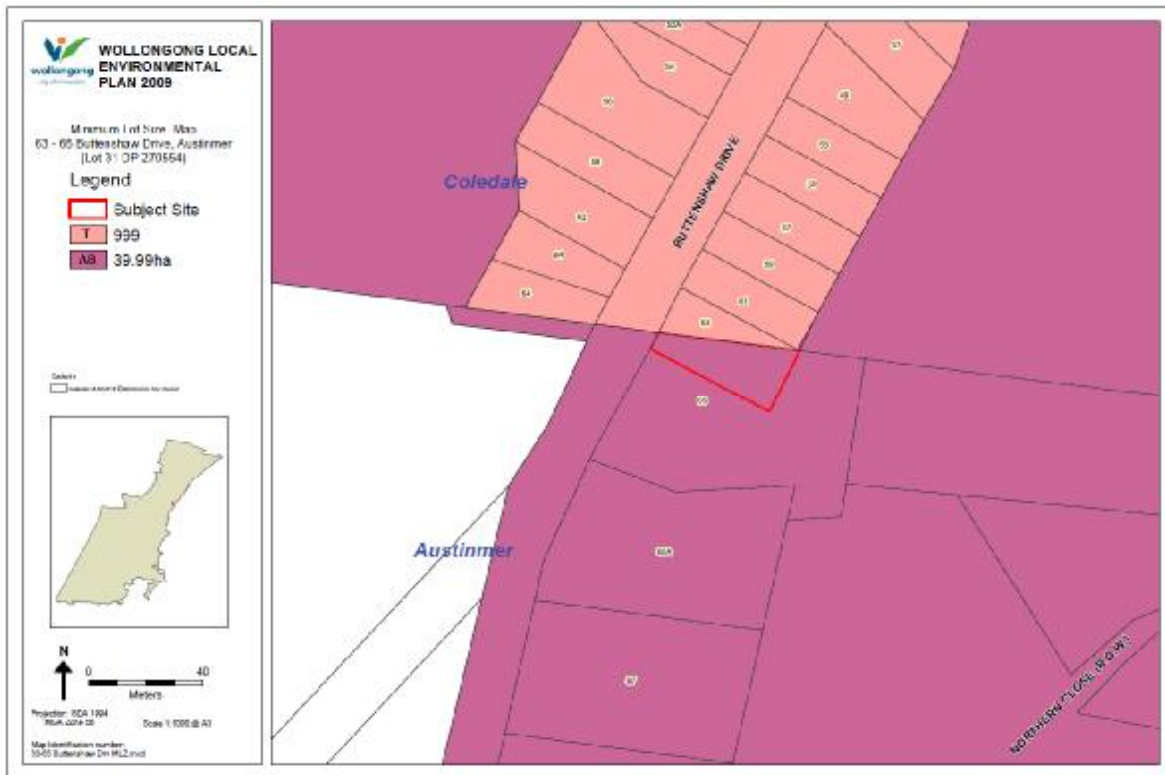
1. Amend Floor Space Ratio Map - Sheet FSR_020 applying to the subject site as per Attachment 3.

Land Zoning Maps - current (top) and proposed (bottom)



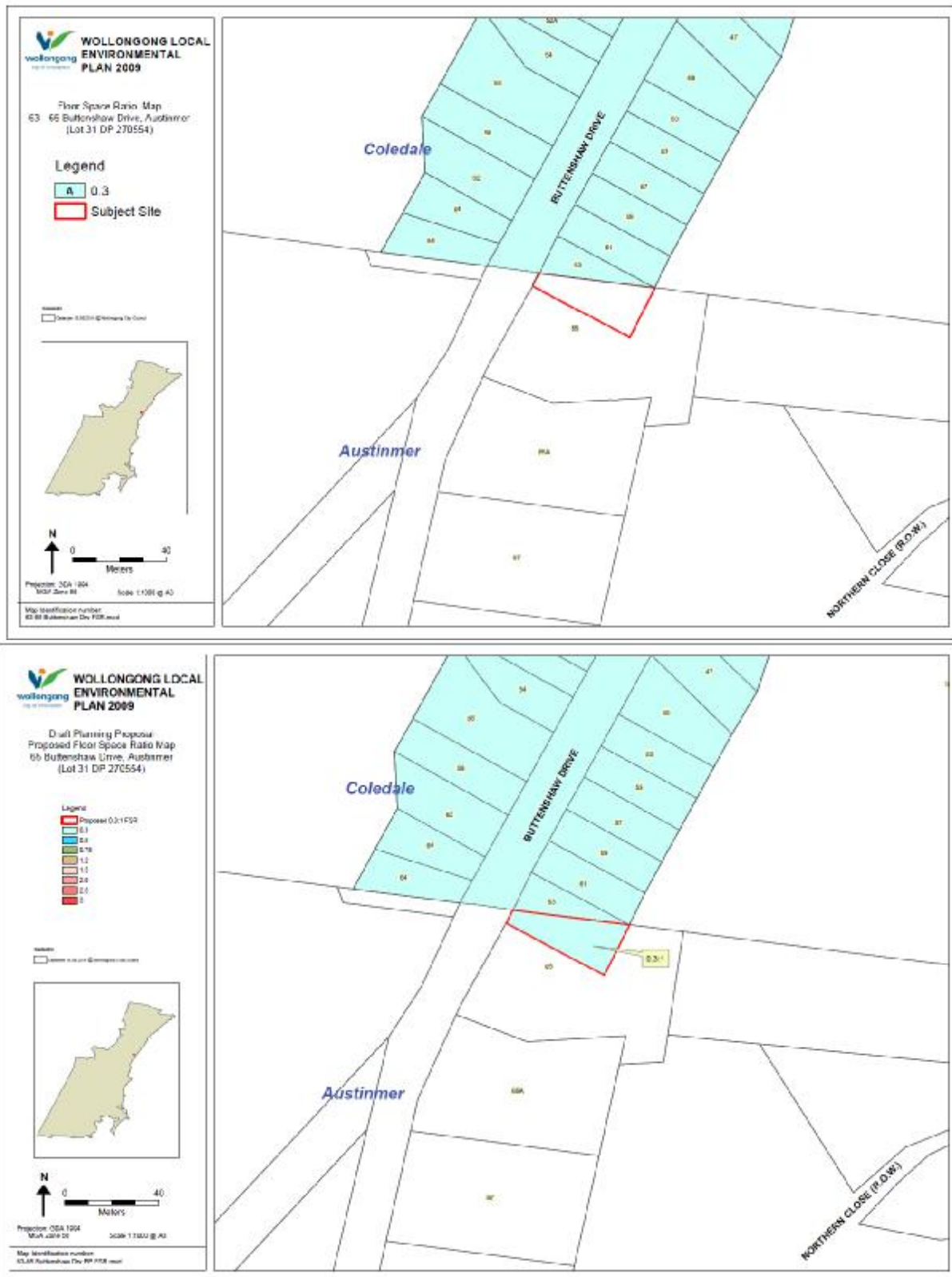
ATTACHMENT 2

Minimum lot size maps – current (top) and proposed zoning (bottom)



ATTACHMENT 3

Floor Space Ratio maps - current (top) and proposed (bottom)



Part 5 – Community Consultation

If the Planning proposal is supported, Council requests that the planning proposal be exhibited for a 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 Environment.*

Part 6 – Projected Timeline

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. This timeline tentatively sets out expected timelines for major steps in the process. These timeframes are subject to change and are to be used as a guide only. The Minister may consider taking action to finalise the LEP if timeframes approved for the completion of the Planning Proposal are significantly or unreasonably delayed.

#	Action	Estimated Timeframe	Responsibility
1	Anticipated date of Gateway Determination	October 2016	Department of Planning and Infrastructure
2	Anticipated completion of required technical studies	N/A	Consultants
3	Government agency consultation	November 2016	Agencies
4	Public exhibition period	November 2016	Council
5	Date of Public Hearing (<i>if applicable</i>)	N/A	Council
6	Consideration of submissions	November 2016	Council
7	Assessment of proposal post-exhibition	December 2016	Council
8	Report to Council	February 2017	Council
9	Final maps and Planning Proposal prepared	March 2017	Council
10	Submission to Department for finalisation of LEP	April 2017	Council
11	<i>Anticipated date RPA will make the LEP</i>	<i>April 2017</i>	Council (if under delegation)
12	Anticipated date Council will forward final Planning Proposal to DOP&I for notification	April 2017	Council
13	Anticipated date LEP will be notified	April 2017	<i>Parliamentary Counsel and DOP&I</i>

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
SEPP No. 1	Development Standard	N/A	
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. 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. 44	Koala Habitat Protection	N/A	
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	N/A	
SEPP No. 59	Central Western Sydney Economic and Employment Area	Does not apply to Wollongong	
SEPP No. 62	Sustainable Aquaculture	N/A	
SEPP No. 64	Advertising and Signage	N/A	
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	Affordable Rental Housing	N/A	

State Environmental Planning Policy		Compliance	Comment
SEPP	Building Sustainability Index: BASIX 2004	N/A	
SEPP	Exempt and Complying Development Codes 2008	N/A	
SEPP	Housing for Seniors or People with a Disability 2004	N/A	
SEPP	Infrastructure 2007	Consistent	
SEPP	Integration and Repeals 2016	N/A	
SEPP	Kosciuszko National Park –Alpine Resorts 2007	Does not apply to Wollongong	
SEPP	Kurnell Peninsula 1989	Does not apply to Wollongong	
SEPP	Mining, Petroleum Production and Extractive Industries 2007	N/A	
SEPP	Miscellaneous Consent Provisions 2007	N/A	
SEPP	Penrith Lakes Scheme 1989	Does not apply to Wollongong	
SEPP	Rural Lands 2008	Does not apply to Wollongong	
SEPP	SEPP 53 Transitional Provisions 2011	N/A	
SEPP	State and Regional Development 2011	N/A	
SEPP	State Significant Precincts 2005	N/A	
SEPP	Sydney Drinking Water Catchment 2011	N/A	
SEPP	Sydney Region Growth Centres 2006	Does not apply to Wollongong	
SEPP	Three Ports 2013	N/A	
SEPP	Urban Renewal 2010	N/A	
SEPP	Western Sydney Employment Area 2009	Does not apply to Wollongong	
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	
Deemed SEPPS(former Regional Plans)			
Illawarra REP 1	Illawarra	Repealed within Wollongong	
Illawarra	Jamberoo	Does not apply to	

State Environmental Planning Policy		Compliance	Comment
REP 2		Wollongong	
Greater Metropolitan REP No.2	Georges River catchment	Does not apply to Wollongong	

Table B - Checklist of Section 117 Ministerial Directions

Ministerial Direction		Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	N/A
1.2	Rural Zones	N/A
1.3	Mining, Petroleum Production and Extractive Industries	N/A
1.4	Oyster Aquaculture	N/A
1.5	Rural Lands	N/A
2. Environment and Heritage		
2.1	Environment Protection Zone	The draft Planning Proposal is to facilitate the transfer of land to provide a more regular shaped lot and amend existing dwelling encroachments. This will result in approximately 720m ² being rezoned from E3 Environmental Management to E4 Environmental Living. Additionally, to facilitate the transfer of land amendment of the minimum lots size is required. This draft Planning Proposal will not result in any extra dwelling entitlement and is considered minor in nature.
2.2	Coastal Protection	N/A
2.3	Heritage Conservation	The site is not identified as containing places of Aboriginal or European heritage.
2.4	Recreation Vehicle Areas	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable to Wollongong.
3. Housing, Infrastructure and Urban Development		
3.1	Residential Zones	N/A
3.2	Caravan Parks and Manufactured Home Estates	N/A
3.3	Home Occupations	N/A

3.4	Integrating Land Use and Transport	The proposal is considered consistent with this direction and objectives, given the existing road and public transport network.
3.5	Development Near Licensed Aerodromes	N/A
3.6	Shooting Ranges	N/A
4. Hazard and Risk		
4.1	Acid Sulfate Soils	N/A
4.2	Mine Subsidence and Unstable Land	The site is identified as being affected by unstable land. However, the draft Planning Proposal is to amend minor dwelling encroachments through the transfer of land. The proposal will not result in extra dwelling entitlements and is considered minor in nature. Additionally, Council's Geotechnical Officer has raised no objection to the proposal.
4.3	Flood Prone Land	The site is identified as being flood affected however the draft Planning Proposal aims to facilitate the transfer of land and rectify boundary encroachments. The proposal will not result in any extra dwelling entitlement and is considered minor in nature.
4.4	Planning for Bushfire Protection	The site has been identified as being bush fire prone. However, the draft Planning Proposal will not result in further dwelling entitlements. Should the Planning Proposal proceed, consultation with the NSW Rural Fire Service is recommended.
5. Regional Planning		
5.1	Implementation of Regional Strategies	Not applicable to Wollongong
5.2	Sydney Drinking Water Catchments	N/A
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
5.9	North West Rail Link Corridor Strategy	Not applicable to Wollongong
5.10	Implementation of Regional Plans	Consistent
6. Local Plan Making		
6.1	Approval and Referral Requirements	N/A
6.2	Reserving Land for Public Purposes	N/A
6.3	Site Specific Provisions	N/A
7. Metropolitan Planning		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	N/A