

COUNCIL REFERENCE: 49462E  
CONTACT PERSON: Grant Rokobauer

5 September 2017

NSW Department of Planning and Environment  
Wollongong Regional Office  
PO Box 5475  
Wollongong NSW 2520

Attention: Lisa Kennedy

**Planning Proposal PP 2016 SHOAL 002 – Warrah Road Bangalee  
Request for Amendment of Gateway Determination**

Dear Ms Kennedy

I write to request the Department's consideration of an amendment to the Gateway Determination for PP 2016 SHOAL 002 – Warrah Road Bangalee. This request follows a resolution of Council's Development Committee (as delegates of the elected Council) at its meeting of 8 August 2017.

The proposed modifications are detailed in the attached revised planning proposal document and below:

The original gateway determination was provided at a time when there was less certainty for the layout of the proposal. It is proposed to update the preamble of the Gateway Determination to reflect the more advanced state that the proposal is now in. The proposed amendments are highlighted below in red.

*Planning proposal (Department Ref: PP\_2016\_SHOAL\_002\_00): to enable residential development and environmental protection on Lots 21 to 24 DP714096, Warrah Road, Bangalee to:*

- rezone land from Rural 1 (d) (General Rural) to part E2 Environmental Conservation, **R2 Low Density Residential** and RU2 Rural Landscape;
- update the Minimum Lot Size Map (LSZ) to establish a minimum lot size of 40 ha for land zoned E2 Environmental Conservation and RU2 Rural Landscape **and lot sizes of between 500 m<sup>2</sup> and 2000 m<sup>2</sup> for the R2 Low Density Residential Zone;**
- update the Riparian Lands and Watercourses Map (WCL) to identify Category 1 Watercourses;
- update the Acid Sulphate Soils Map (ASS) to identify the lands as class 5 Acid Sulfate Soils;
- update the Clauses Map (CLS) to apply Clause 7.21 Development on land in the Vicinity of the Western Bypass Corridor; and

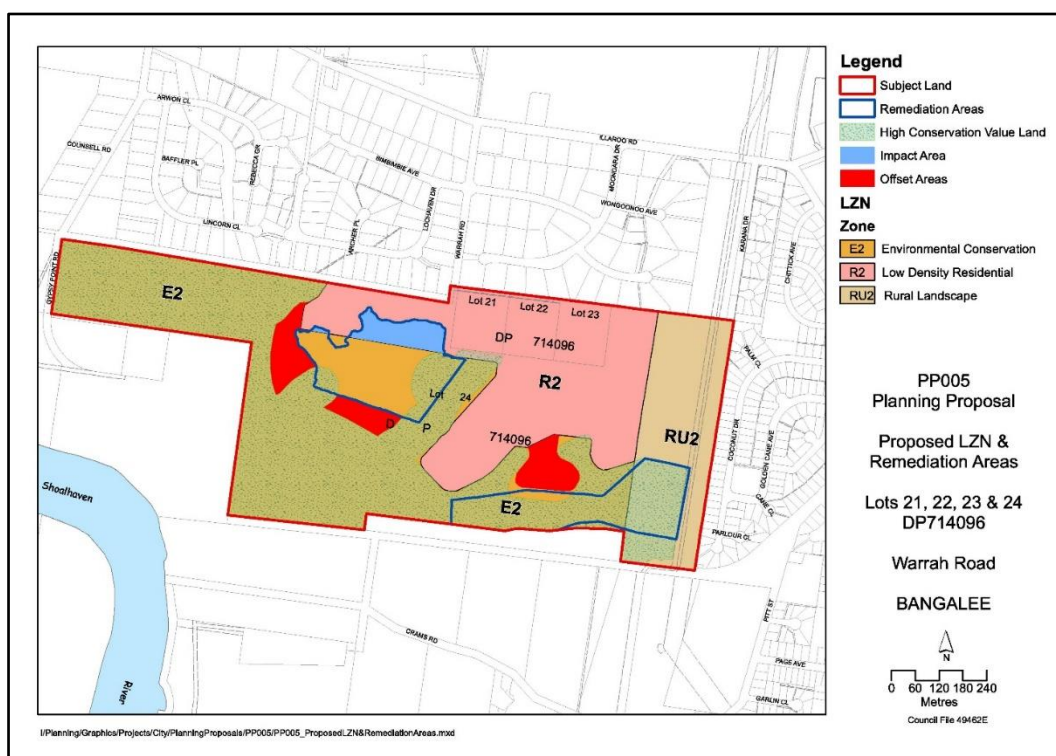
- update the Urban Release Area Map to include **the parts of the subject land to be zoned R2 Low Density Residential as an Urban Release Area.**

### Condition 1 – zoning of Sub-remediation Area B

Condition 1 of the Gateway Determination requires that Sub-remediation Area B be given an appropriate environmental zoning, as opposed to a residential zoning. Sub Remediation Area B is proposed to be zoned E2 in accordance with Condition 1.

Condition 1 did not refer to Sub-remediation Area A because an E2 zone was already proposed. That is, even though Sub-remediation Area A was not referred to, the intent of Condition 1 was to prevent development on the land that had been unlawfully cleared.

The map below shows the remediation areas, HCV land (NGH 2017) and the proposed zoning.



Some encroachment into the northern fringe of Sub Remediation Area A would facilitate better planning and environmental outcomes, namely:

- The proposal minimises the length of interface between residential and environmental zones, which will reduce potential edge effects.
- The additional land being zoned E2 is closer to habitat for threatened species (refer to Figure 11 above). Securing this land in an E2 zone is more likely to benefit these species, specifically:
  - the eastern offset area - Glossy Black Cockatoo habitat
  - central offset area – Little Lorikeet
  - western offset area – Eastern Pygmy Possum
- The resulting E2 zone will have a more consistent width and will be more effective as a wildlife corridor.

- The encroachment area is 1.5 hectares and would be 'offset' by rezoning approximately 3.8 hectares of otherwise potentially developable land to E2. This represents an 'offset ratio' of 1:2.5 and shows that the proponents will not receive a nett benefit from the unauthorised clearing.

### **Condition 2(c) - biodiversity investigations of Lots 21-23**

Condition 2(c) of the Gateway Determination requires additional biodiversity investigations to be undertaken for lots 21-23. Council considers that the zoning of this land has already been assessed through the 2014 comprehensive LEP process. This land was proposed to be zoned R1 as part of the comprehensive LEP process and was publically exhibited on that basis (refer to Figure 6 above). Consequently, Council seeks the deletion of this condition.

### **Condition 2(d) – infrastructure requirements (water, sewerage and electricity)**

Condition 2(d) of the Gateway Determination requires the demand and supply of infrastructure to be confirmed as part of the planning proposal process. Council proposes to identify the land on the Urban Release Area map overlay, to which Part 6 of the LEP applies. This will require servicing and master planning to be undertaken before a DCP chapter is prepared for the site and the land subsequently released.

Consequently, Council seeks the deletion of this condition.

### **Lot sizes**

While further changes to the development footprint are not anticipated at this stage, the proposed lot sizes will potentially need to be modified depending on the outcomes of the traffic and bushfire assessments. To facilitate flexibility in the development of the lot size map, Council requests a gateway condition requiring the lot size for the R2 zone to be determined following traffic and bushfire investigations with the lot sizes to be between 500 and 2000 m<sup>2</sup>.

Thank you for your consideration of this request. If you need further information about this matter, please contact Grant Rokobauer, Planning, Environment and Development Services Group on (02) 4429 3522. Please quote Council's reference number 49462E.

Yours faithfully



Grant Rokobauer  
Strategic Planner