

Review of former 7(d) zone at Helensburgh, Otford and Stanwell Tops

Proposal Title : Review of former 7(d) zone at Helensburgh, Otford and Stanwell Tops

Proposal Summary : To introduce planning controls at Helensburgh, Otford and Stanwell Tops that reflect land capability, existing land uses, protect sensitive environments and allow additional development on certain sites.

PP Number : PP_2011_WOLLG_008_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
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.2 Sydney Drinking Water Catchments
- 6.3 Site Specific Provisions

Additional Information : It is recommended that the proposal proceeds through the Gateway subject to the following conditions:

- 1) The Planning Proposal is to be exhibited for a minimum of 40 days.
- 2) Council will consult with:
 - Catchment Management Authority - Southern Rivers
 - Office of Environment and Heritage
 - Department of Trade and Investment, Regional Infrastructure and Services (Mineral Resources and Energy)- prior to exhibition
 - NSW Rural Fire Service - prior to exhibition
 - Origin Energy
 - Transport for NSW (Roads and Maritime Services)
 - Sydney Water
 - Adjoining LGAs, particularly Sutherland Shire Council
- 3) Before exhibition of the Planning Proposal Council is to amend the Lot Size Map to identify those 8 vacant lots in the Wilsons Creek and Frew Avenue precincts on which it wishes to allow a dwelling to be erected rather than using Schedule 1 - Additional permitted uses.
- 4) The Time frame to complete the LEP is 12 months
- 5) The proposal is considered to be consistent with the following section 117 Directions:
 - a) 1.1 Business and Industrial Zones - the proposal rezones some IN2 land to B2, but increases the amount of employment land overall.
 - b) 2.2 Coastal Protection - while part of the land is within the Coastal Zone the Direction is of little relevance as it is physically separated from the coast, and the proposal is not inconsistent
 - c) 2.3 Heritage Conservation - heritage items are already protected by the provisions of

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Wollongong LEP 2009 and are not affected by the proposal.

d) 5.1 Implementation of Regional Strategies - the proposal would see additional protection for environmentally sensitive land satisfying the natural environment objectives of the strategy and it is not inconsistent with other aspects of the regional strategy.

e) 5.2 Sydney Drinking Water Catchments - Council has consulted with the SCA and its land is being zoned E2, consistent with the advice of the SCA.

6) The Director General be satisfied that inconsistencies with the following s117 Directions have been justified by the Council's Review of the 7(d) lands or are of minor significance:

a) 1.5 Rural Lands - it is proposed to reduce the minimum lot size for some land zoned E3. These changes are proposed to either reflect the presence of existing dwellings or to allow the erection of dwellings within cleared areas on some lots in order to encourage better management of the environmental attributes of the lots. The inconsistency has been justified by Council's comprehensive review of the lands and the proposal is generally consistent with both the Rural Planning Principles and the Rural Subdivision Principles listed in the SEPP (Rural Lands) 2008. It is also considered to be of minor significance.

b) 2.1 Environment Protection Zones - The overall impact of the proposal is considered to be consistent with this Direction by rezoning 672 hectares of land from E3 to E2 to better protect the environmental attributes of the land. However, some E3 land will be rezoned B6, E4, R2, RE2, SP3 or RU2. This inconsistency is justified by Council's Review of the 7(d) lands and considered to be worthy of support as it mainly reflects the existing uses of land or reflects instances where the land is more appropriate for another land use. In these instances the E3 zone probably should not have been applied in the first instance in the Principal LEP, however, Council, at the time, considered this to be the most appropriate translation zone and always intended to review this zoning.

7) That, in order to satisfy the following Section 117 Directions, the Council undertake further consultation with:

a) To satisfy 1.3 Mining, Petroleum Production and Extractive Industries - Council will need to consult with Department of Trade and Investment, Regional Infrastructure and Services (Mineral Resources and Energy), prior to exhibition.

b) To satisfy 4.4 Planning for Bushfire Protection - Council will need to consult with the NSW Rural Fire Service and take into account any comments prior to exhibiting the Planning Proposal.

8) Prior to proceeding to public exhibition, an updated Planning Proposal is required to reflect additional information, including revised Lot Size Map and agency submissions and outcomes. This updated Planning Proposal is to be submitted to the Regional Director, Southern Region, for consideration prior to community consultation under section 56(2)(c) and section 57 of the EP&A Act.

Supporting Reasons :

The Planning Proposal will result in additional environmental protection for 672 hectares of land through rezoning from E3 to E2. It also acknowledges land previously transferred to the Garrawarra State Conservation Area by zoning it E1 National Parks and Nature Reserves.

Other proposed changes to the Wollongong Local Environmental Plan 2009 will better reflect land capability and existing land use by allowing additional development on certain sites as identified in Council's Land Use Review.

Panel Recommendation

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Recommendation Date : **22-Sep-2011**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. An amendment to Schedule 1 Additional permitted uses of Wollongong City LEP 2009 to permit the development of Dwelling houses on vacant land is not supported in this instance.

2. Council is to proceed with the planning proposal by establishing an appropriate minimum lot size for the 8 vacant lots, and reflecting this on the Minimum Lot Size Map.

3. Council is to rezone the portion of land at 227-231 Lawrence Hargrave Drive, Helensburgh from E3 Environmental Management to SP3 Tourism for the purposes of a restaurant/café. Council is to update the maps included with the planning proposal to reflect the proposed rezoning of part of the subject land for exhibition purposes.

4. 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).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Catchment Management Authority – Southern Rivers
- Office of Environment and Heritage
- Department of Trade and Investment, Regional Infrastructure and Services (Mineral Resources and Energy)
- NSW Rural Fire Service
- Origin Energy
- Transport for NSW (Roads and Maritime Authority)
- 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.

6. 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).

7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____

Date: _____