

Planning Proposal for Woollamia Farmlets Small Lot Rural Subdivisions

Proposal Title : **Planning Proposal for Woollamia Farmlets Small Lot Rural Subdivisions**

Proposal Summary : **The planning proposal seeks to resolve uncertainty in relation to the development potential of small lot rural subdivisions in the Woollamia Farmlets area. The land is currently zoned Rural 1(d) (General Rural) under the Shoalhaven LEP 1985. Under the draft Shoalhaven LEP 2009 (currently with Shoalhaven Council for consideration of submissions made during public exhibition), the land is proposed to be zoned RU2 Rural Landscape.**

The proposal aims to investigate and resolve the development potential of small lot rural subdivisions. It seeks an amendment to either the Shoalhaven LEP 1985 or the draft Shoalhaven LEP 2009, whichever is notified at the time, to enable a maximum of one dwelling house on each of 56 allotments, where 13 have an approved dwelling and 43 have no dwelling entitlement.

PP Number : **PP_2011_SHOAL_008_00** Dop File No : **11/20928**

Proposal Details

Date Planning Proposal Received :	30-Nov-2011	LGA covered :	Shoalhaven
Region :	Southern	RPA :	Shoalhaven City Council
State Electorate :	SOUTH COAST	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	Woollamia Road		
Suburb :	Woollamia	City :	Woollamia
Land Parcel :	Refer to Planning Proposal for a complete list of lots		
Street :	Greenway Esplanade		
Suburb :	Woollamia	City :	Woollamia
Land Parcel :	Refer to Planning Proposal for a complete list of lots		

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Jessica Rippon**
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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	South Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	56	No. of Dwellings (where relevant) :	43
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :			

Have there been
meetings or
communications with
registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes : **The Woollamia Farmlets Investigation area is made up of 183 lots ranging in size from 695m2 to 22ha. The area is located 4km north west of Huskisson and is bounded by Currumbene Creek to the north, Woollamia Nature Reserve to the south and is dissected east-west by Woollamia Road.**

The area contains a mix of rural residential lots and smaller residential sized lots. The majority of the area is currently zoned Rural 1(d) under the Shoalhaven LEP 1985 and a development standard of 40ha is required to construct a dwelling on land within this zone.

The area was initially subdivided in 1917 with further rural residential lot subdivision along Willowford and Pritchard Roads in 1927. In 1964 the land was given a non-urban zoning under the Interim Development Order No. 1 with a minimum lot size of 40ha being required to erect a dwelling. Each ownership holding of lots at 1964 were given entitlement to one dwelling (existing holdings) and in certain circumstances the creation of additional lots with dwelling entitlements (concessional lots). This has resulted in some lots maintaining and acting upon dwelling entitlements established through holding ownership in 1964, whilst many lots which were held in the one ownership in 1964 have changed ownership and currently have no dwelling entitlement under the current zoning provisions despite the fact that they have similar physical characteristics.

In addition some lots have established dwelling approvals through the use of State Environmental Planning Policy (SEPP) 1 and through subsequent subdivision relying on concessional allotment entitlements.

The Jervis Bay Settlement Strategy, 2003 has identified the need to resolve the small lot rural subdivisions and their development potential for the Woollamia Farmlets area.

The historic subdivision and landholding patterns along with the development of the land has resulted in three distinct development areas emerging. This planning proposal covers the land in the vicinity of Greenway Esplanade and Woollamia Road. There are 34 vacant lots on the northern side of Woollamia Road on which a dwelling is not permissible. Twenty nine lots range in area between 687m² and 1486m² with an average area of 750m². The remaining five larger lots have areas of 1ha, 1.3ha, 1.33ha, 2.9ha and 13.3ha.

On the southern side of Woollamia Road there are 22 lots with an area between 2049m² and 3535m² of which 13 contain an approved dwelling and 8 are vacant with no dwelling entitlement. There is also one lot of 22.59ha (Lot 249 DP 27575) which also does not contain a dwelling entitlement.

On the 16th November 2010 Shoalhaven Council resolved to remove lots wholly within the 1% AEP year flood level from any planning proposal seeking a dwelling entitlement. The existing 1% AEP year flood level map for the planning proposal area is unverified data. An updated flood study is to be undertaken to confirm the extent of flooding. It is expected that the lots which are flood affected will be removed from the planning proposal when the flood study is completed.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The intended outcome of the planning proposal is to enable a maximum of one dwelling house on 56 allotments, where 13 have an approved dwelling and 43 have no dwelling entitlement.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : Shoalhaven Council has identified that the intended outcome will be achieved via an amendment to either the Shoalhaven LEP 1985, Schedule 9 - Development for additional purposes or the Draft Shoalhaven LEP 2009 Clause 1.7 Lot Size Map. Which instrument is amended is dependent upon the finalisation of the draft Shoalhaven LEP 2009.

The Department recommends that the intended outcome be achieved via an amendment to both the zoning map and lot size map of the draft Shoalhaven LEP 2009. The Department considers that due to 50 lots out of a total of 56 lots having an area of less than 3500m², that a more appropriate zone for these lots is R5 Large Lot Residential. The remaining 6 lots greater than 1ha would maintain the RU2 zone but have a reduced minimum lot size to enable a dwelling.

Should the environmental studies reveal lands with significant environmental values and development constraints then these lands should be given an appropriate zoning.

Shoalhaven Council has identified that an amendment to the draft Shoalhaven LEP 2009 would also include a local Clause 7.19 which will set out additional matters for consideration prior to the granting of development consent for the purposes of a dwelling. The Department does not consider that this clause is necessary as the lots have land which is identified on the draft Natural Resource Sensitivity Biodiversity Map and Water Map. Thus the local Clauses 7.5 Biodiversity and 7.6 Water would apply to any development application lodged for a dwelling on each of the six lots. An additional local clause would therefore not be necessary.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

2.1 Environment Protection Zones

2.2 Coastal Protection

2.3 Heritage Conservation

3.1 Residential Zones

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

SEPP No 14—Coastal Wetlands

SEPP No 71—Coastal Protection

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

N/A

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

The planning proposal is consistent with the Jervis Bay Settlement Strategy, 2003 in that "the development potential of the Woollamia Farmlets will be investigated through a review of lot sizes and configuration in order to accommodate on site effluent management and meet the guiding principles and policy actions of the Strategy. Lots larger than 2ha may be able to provide for one dwelling to be built on each lot provided the guiding principles and policy actions of the Strategy can be achieved. Detailed environmental studies will be undertaken to determine the actual development potential of the smaller lots. Some of the smaller lots may need to be consolidated to an appropriate size to accomodate on site effluent disposal."

The South Coast Regional Strategy allows the rezoning of urban areas which are identified in endorsed settlement strategies including the Jervis Bay Settlement Strategy. The Strategy also requires that future development in the catchments of SEPP14 coastal wetlands will need to demonstrate no net impact on the hydrology, water quality or ecology of these wetlands. Water quality investigations are proposed to be undertaken for the planning proposal so it is unknown whether the planning proposal is consistent or otherwise with this action of the Strategy.

The planning proposal is consistent with the S117 directions 1.5 Rural Lands, 2.2 Coastal Protection, 4.4 Planning for Bushfire Protection Zones and 5.1 Implementation of Regional Strategies. In accordance with S117 direction 4.4 Planning for Bushfire

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Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to proceeding to public exhibition.

The planning proposal is inconsistent with the S117 direction 1.2 Rural Zones in that it is increasing the permissible density of land within a rural zone. This inconsistency is of minor significance due to the limited cropping and grazing capacity of the land and the adjoining small lot rural subdivisions on blocks of a similar size and characteristics and is justified by the Jervis Bay Settlement Strategy seeking an investigation of the development potential of the lands.

It is unknown whether the planning proposal is consistent or inconsistent with the S117 directions 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 4.1 Acid Sulfate Soils, and 4.3 Flood Prone Land. These directions are to be addressed once the environmental studies have been completed and the development potential of the lands is identified.

The Department has recommended that a more appropriate zoning for the small lots could be R5 Large Lot Residential. Should this zoning be proposed then Council will need to consider the S117 direction 3.1 Residential Zones. It is unknown at this stage whether the planning proposal is consistent or inconsistent with this direction.

The planning proposal is inconsistent with the S117 direction 6.3 Site Specific Provisions in that it is proposing development standards and requirements for the erection of a dwelling (including the provision of asset protection zones) on suitable lots. The Department does not consider that a clause with site specific provisions is necessary. The existing Clause 21 in the Shoalhaven LEP 1985 and proposed Clauses 7.5 and 7.6 in the draft Shoalhaven LEP 2009 provide additional heads of consideration when assessing a development proposal on the land.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Only a locality map identifying the affected lots was provided in the planning proposal. Should the planning proposal proceed as an amendment to the Shoalhaven LEP 1985 then no maps will be produced. However, should the planning proposal proceed as an amendment to the draft Shoalhaven LEP 2009, then there will need to be an amendment to the zoning and minimum lot size maps. Maps clearly showing these changes will be required for exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Shoalhaven Council proposes to exhibit the planning proposal in accordance with the requirements of section 57 of the EP&A Act and the Gateway Determination. Council proposes to place the proposal on public exhibition for 28 days. Public notification will include a notice in local newspapers, notice on Council's website, written notice to adjoining landowners and hard copies available at Council's Administrative buildings.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : The planning proposal addresses the Department's "Guide for preparing a planning proposal" and is considered adequate for a Gateway Determination with conditions.

Proposal Assessment

Principal LEP:

Due Date : **June 2012**

Comments in relation
to Principal LEP :

The draft Shoalhaven LEP 2009 was placed on public exhibition from 18th July to 14th October 2011. Shoalhaven Council is proposing to submit a S68 report to the Department in March 2012. The LEP is not expected to be made until July 2012.

The planning proposal proposes an amendment to the draft Shoalhaven LEP 2009 via changes to the lot size map and insertion of a local Clause 7.19. If the planning proposal is processed before the draft Shoalhaven LEP 2009 is finalised then the planning proposal will require an amendment to the existing Shoalhaven LEP 1985.

The planning proposal should be placed on public exhibition with both scenarios so that the community can view both amendment formats.

Assessment Criteria

Need for planning
proposal :

The current zoning and development standards for the Woollamia Farmlets area need to be amended to resolve uncertainty in relation to small lot rural subdivisions and the land's development potential. Resolution of the rezoning and development potential of the lands would provide social and economic benefits including the provision of certainty for the landholders and the broader community on the future use of the land.

Consistency with
strategic planning
framework :

As previously identified, the planning proposal is consistent with the Jervis Bay Settlement Strategy and the South Coast Regional Strategy.

The proposal is consistent with Council's Community Strategic Plan in that it meets Objective 2.2 - Population and urban settlement growth that is ecologically sustainable carefully planned and managed to meet the needs of the community, and the Strategy 2.2.1 - Develop and implement land use zones and related strategies for future growth of the City, based on principles of connectivity, ecological sustainability, flexibility and accessibility.

The proposal is also consistent with Council's Delivery Program which aims to resolve the future small lot rural subdivisions located in the Jervis Bay Region consistent with the Jervis Bay Settlement Strategy.

Environmental social
economic impacts :

No environmental studies or reports have been undertaken as part of the planning proposal. Shoalhaven Council has prepared the draft Woollamia Farmlets Small Lot Investigation Area Preliminary Desktop Assessment, October 2010. The Assessment covers land identified in the Jervis Bay Settlement Strategy as the Woollamia Farmlets Investigation Area including the area of this planning proposal. No site specific details are included in the Assessment. The Assessment recommends that further studies be completed as part of a planning proposal.

It is noted from Council's mapping that there is significant vegetation and habitat corridor on a large number of lots. These issues are to be investigated as part of the environmental studies.

The resolution of the development potential of the lots would provide social and economic benefits including the resolution of the status of the land for landowners to provide them with certainty for the value and use of the land in the future and certainty for the broader community about the future uses of the land.

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Assessment Process

Proposal type : Precinct Community Consultation Period : **28 Days**

Timeframe to make LEP : **24 Month** Delegation : **DDG**

Public Authority : **Southern Rivers Catchment Management Authority**
Consultation - 56(2)(d) : **Office of Environment and Heritage**
: **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Public Authority Consultation 56(2) should also include the Jervis Bay Marine Park Authority.**
An extended timeframe is recommended to allow sufficient time for Council to complete the required studies

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Heritage

Bushfire

Flooding

Other - provide details below

If Other, provide reasons :

On-site effluent disposal issues and options are to be investigated and consideration given to whether reticulated sewage should be provided to each lot.

Council is also proposing to complete a study on Acid Sulphate Soils.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **Council has indicated that additional servicing and infrastructure requirements will be established as the planning proposal progresses through the Gateway Determination process. Any costs associated with the rezoning and development of the land will be borne by the benefitting landholders.**

It is noted that the eastern section of Greenway Esplanade is not constructed and hence eight lots have no formed vehicular access. The remaining lots have access to a formed Council maintained road.

Development of the lots would involve on-site effluent disposal which would be assessed in the environmental studies.

Documents

Document File Name	DocumentType Name	Is Public
110927 Woollamia Farmlets Small Lot Rural Planning Proposal letter SCC to DoPI.pdf	Proposal Covering Letter	Yes

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111130 Woollamia Farmlets Small Lot Rural Planning Proposal version2.pdf	Proposal	Yes
101001 Woollamia Farmlets Small Lot Rural Planning Proposal Preliminary Desktop Assessment draft.pdf	Proposal	Yes
101102 Woollamia Farmlets Small Lot Rural Planning Proposal SCC Report.pdf	Proposal	Yes
Report Woollamia Farmlets Small Lot Rural Planning Proposal Jervis Bay Settlement Strategy.pdf	Study	Yes
Report Woollamia Farmlets Small Lot Rural Planning Proposal zoning existing Shoalhaven LEP 1985.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions

Additional Information :

It is recommended that:

1. The planning proposal proceed as a precinct planning proposal with an exhibition period of 28 days.
2. The RPA is to complete environmental studies on flora and fauna, flooding, water cycle management, bushfire, heritage, onsite effluent management and acid sulfate soils. These studies are to be included as part of the public exhibition material.
3. Following the completion of a flooding study, the RPA is to amend the planning proposal to exclude all lots wholly within the 1% AEP Flood Planning Area.
4. Following completion of the environmental studies, the RPA is to consider amending the planning proposal to reflect appropriate zones for areas identified for Environmental Protection and whether the R5 Large Lot Residential zone is more preferable to the RU2 zone for some areas.
5. The RPA is not to commence community consultation until the environmental studies have been completed and copies have been provided to the Department's regional team for review.
6. The planning proposal is to be placed on public exhibition with both a proposed amendment to the Shoalhaven LEP 1985 and a proposed amendment to the draft Shoalhaven LEP 2009. Maps clearly identifying the proposed changes to the zoning and minimum lot sizes in LEP 2009 are to be exhibited with the planning proposal.
7. The planning proposal is to be completed within 18 months.
8. The RPA is to consult with the Jervis Bay Marine Park Authority, NSW Rural Fire Service, Office of Environment and Heritage and Southern Rivers Catchment Management Authority.
9. The Gateway note that the planning proposal is consistent with the S117 directions 1.5 Rural Lands, 2.2 Coastal Protection, 4.4 Planning for Bushfire Protection Zones and 5.1 Implementation of Regional Strategies.

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10. In accordance with S117 direction 4.4 Planning for Bushfire Protection, the RPA is to consult with the Commissioner of the NSW Rural Fire Service prior to proceeding to public exhibition.

11. The planning proposal is inconsistent with the S117 direction 1.2 Rural Zones. The Director General can be satisfied that the inconsistency has been justified by the need to achieve some form of development potential for the lots in line with the Jervis Bay Settlement Strategy whilst at the same time protecting the environmental values of the land.

12. The planning proposal is inconsistent with the S117 direction 6.3 Site Specific Provisions in that it is proposing development standards and requirements for the erection of a dwelling on each lot. The Department does not consider that a clause with site specific provisions is necessary and the inclusion of such a provision is not supported. The existing Clause 21 in the Shoalhaven LEP 1985 and proposed Clauses 7.5 and 7.6 in the draft Shoalhaven LEP 2009 provide additional heads of consideration when assessing a development proposal on the land.

13. It is unknown whether the planning proposal is consistent with the S117 directions 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.1 Residential zones, 4.1 Acid Sulfate Soils, and 4.3 Flood Prone Land. The RPA should clarify the consistency of the planning proposal to these S117 directions and provide justification for any inconsistencies.

14. That approval to exhibit the planning proposal not be given under section 57(2) and that the RPA is required to resubmit the planning proposal to the Department's Southern Regional Office for review of the revisions made prior to exhibition.

Supporting Reasons :

The conditions are necessary to ensure that the recommended changes to the planning proposal are made prior to public exhibition.

Signature:

Graham Towers A/Local Planning Manager

Printed Name:

Graham Towers

Date:

9/12/11