
REPORT OF GENERAL MANAGER

DEVELOPMENT COMMITTEE

TUESDAY, 2 NOVEMBER 2010

STRATEGIC PLANNING AND INFRASTRUCTURE

1. Woollamia Farmlets Rezoning Investigations.

File 38278E PDR

Purpose of the Report:

This report provides information to support Council in considering the rezoning investigations into the *Woollamia Farmlets Small Lot Rural Subdivisions* identified in the Jervis Bay Settlement Strategy (JBSS). The information provided is as follows:

- Draft preliminary desktop assessment;
- Summary of site issues in relation to the rezoning investigations; and
- Options for moving the investigations forward.

Direction is now sought from Council in terms of future investigations and the formal preparation and submission of a Planning Proposal under the Gateway Process to commence the process.

RECOMMENDATION:

Recommended that:

- a) Pursuant to Section 55 of the *Environmental Planning and Assessment Act (1979)*, Council commence the Gateway Process and prepare two Planning Proposals for the Woollamia Farmlets Small Lot Rural Subdivision Area identified in the Jervis Bay Settlement Strategy as follows:
 - i) Proposal 1 - To investigate the capacity for residential development (including lot size and configuration) of the Small Lot Rural Subdivisions located within the Greenway Esplanade/Woollamia Road sector (Area 1).
 - ii) Proposal 2 - To permit one (1) dwelling per lot on those discrete undeveloped rural residential lots located outside of the 1% AEP floodline within the Woollamia Road/Willowford Road sector (Area 2) that do not currently have a dwelling entitlement as follows: Lot 92 DP15266 (1 Pritchard Avenue), Lot 79 DP 9289 (Willowford Road), Lot 78 DP 15266 (87 Willowford Road), Lot 78A DP15266 (Willowford Road), Lot 82A DP 15266 (84 Willowford Road) and Part Lot 72 DP 15266 (Woollamia Road).
- b) Exclude those lots wholly identified within the Flood Planning Area (1% AEP) from either Planning Proposal.
- c) Consider the financial arrangements for cost recovery following consideration of the Planning Proposal at the Gateway stage.

Community Strategic Plan:

- Objective 2.2 Population and Urban settlement growth that is ecologically sustainable, carefully planned and managed to meet the needs of the community.
- Strategy 2.2.1 Develop and implement land use and related strategies for future growth of the City, based on the principles of connectivity, ecological sustainability, flexibility and accessibility.

Delivery Program:

- Activity 1.5.3.2 Implement appropriate land use zones and planning controls that reflect endorsed strategic plans/policies and are responsive to the community's needs.

Options and Implications:

Option 1:

Separate the Woollamia Farmlets Small Lot Rural Subdivision Investigation Area into two (2) investigation areas, with separate planning proposals for each, excluding lots already developed or wholly within the 1% AEP as follows:

- ***Proposal 1 - Small Lots Greenway Esplanade/Woollamia Road sector***

Planning Proposal:

Investigate potential lot size and configuration to allow for residential development.

Proposed Planning Process:

Full Planning Proposal with required environmental studies to be carried out.

- ***Proposal 2 - Discrete Rural Residential Lots within existing rural residential area***

Planning Proposal:

Investigate - enabling a single dwelling per lot on lots larger than 2 hectares which currently do not have the ability to seek development approval for one dwelling per lot, through the development application process.

Proposed Planning Process:

Limited studies to be carried on a site by site basis through the development application process rather than over the entire rural residential area.

Discussion:

This option is capable of achieving the strategic direction and objectives of the Jervis Bay Settlement Strategy, however, further investigations will be required into methods of costs recovery once the required environmental studies have been specified.

Option 2:

Undertake the preparation of a single planning proposal dealing with the whole investigation area.

Discussion:

This option has the potential to complicate the advancement of the planning proposal. As a variation in the level of environmental study required is anticipated for different parts of the investigation area, the pursuit of a single planning proposal has the potential to result in unnecessary work being carried out across the entire investigation area.

Option 3:

Take no action and do not proceed with the preparation of a planning proposal/s for this area.

Discussion:

The JBSS specifically outlines the need to resolve the issue of small lot subdivisions within the Woollamia Farmlets area, with a resulting action. There is an expectation from land owners and government agencies that the capacity of this area to accommodate additional residential development will be considered and resolved. This is the last remaining small lot rural subdivision that remains to be considered for resolution.

Report Details:**Introduction:**

The Woollamia Farmlets are discussed within the “Small Lot Rural Subdivision” component of the Jervis Bay Settlement Strategy (JBSS). The Strategy identifies the timeframe for investigation into the development potential and the resolution of small lot paper subdivisions as “short term”.

The Settlement Strategy identifies the *Woollamia Farmlets* Small Lot Rural Subdivision for further investigation to:

- Ascertain development potential through a review of lot sizes and configuration in order to accommodate on site effluent management.
- Consider the potential for lots larger than 2 hectares to provide for one dwelling to be built on each lot.

Council were given a Briefing on the background to this investigation area on 3 June 2010. More detailed information in relation to the investigation area is provided in the preliminary desktop assessment - see the Councillors’ Information Folder.

Background:

The Woollamia Farmlets Investigation Area is made up of 183 lots ranging in size from 695²m through to 22ha. The area is located approximately 4km north west of Huskisson and is bounded by Currambene Creek to the north, Woollamia Nature Reserve to the south and is dissected east west by Woollamia Road. The area currently contains a mix of rural residential lots and smaller residential sized lots. The majority of the investigation area is currently zoned Rural 1(d) and a development standard of 40ha is generally required to construct a dwelling on land within this zone.

The area was initially subdivided in 1917 as part of the “*Woollamia Estate*” (DP9289), with further small lot subdivision taking place to create small lots along Streamside Avenue and rural residential lots along Willowford Road and Pritchard Road in 1927 (DP15266). Further small lots were created in 1957 on either side of Woollamia Road

between Fairfax Road and Greenway Esplanade. The legal paper subdivision of the land created separate land titles. In 1964 the land was given a “non-urban” zoning under the Interim Development Order No. 1 (IDO No.1) with a minimum lot size of 40ha being required to erect a dwelling.

Some of the lots created as part of these earlier subdivisions were sold prior to the introduction of the IDO No.1 and held in separate ownership, whilst other owners held multiple titles. Each ownership holding of lots at 1964 were given entitlement to one dwelling (existing holding), and in certain circumstances, the creation of additional lots with dwelling entitlements (concessional lots). This has resulted in the situation where some lots have maintained and acted 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 to this, some lots have established dwelling approvals through the use of the provisions set out under State Environmental Planning Policy No.1 – Development Standards, (SEPP 1) and through subsequent subdivision relying on “concessional allotment” entitlements.

The historical subdivision and land holding patterns along with the development of land in the area has resulted in 3 distinct development areas emerging, which is illustrated in Figure 1 - Lot Size Analysis (see **Attachment ‘A’**).

1. The Greenway Esplanade/Woollamia Road - 34 vacant lots generally, all with a lot size less than 1,000m² on which a dwelling is not permissible and, on the southern side of Woollamia Road, 13 lots currently containing approved dwellings and a further 9 vacant lots between 1,000 and 3,999m² on which a dwelling is not permissible.
2. The Streamside/Allora Close - 12 undeveloped lots ranging in size from 1,000-3,999m² located along the eastern end of Streamside Street, whilst the remainder of the area has been developed for residential/rural residential purposes. The 12 undeveloped lots are located wholly within the 1% AEP year flood area and as such cannot be considered for rezoning.
3. The rural residential residue located largely south of Woollamia Road in which ten discrete rural/residential lots are without a ‘dwelling entitlement’ are located within a larger area which has a distinct and established rural residential development pattern. Four of these lots are wholly within the 1% AEP year flood area.

Key Issues:

The preliminary desktop assessment of the investigation area has identified various issues associated with the investigation area which require more detail. Preliminary scoping discussions have been held with representatives from DECCW, Jervis Bay Marine Park Authority, NSW Rural Fire Service, Southern Rivers Catchment Management Authority and the NSW Department of Planning in order to identify additional matters needing greater investigation. These issues, along with those identified through the preliminary desktop assessment document review can be summarised as follows:

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- *Flooding*: JBSS states that flood liable land will generally not be considered for development. The impacts of climate change on flooding need additional consideration (see more detailed comments below);
 - Detailed environmental studies will be required to determine development potential of land under 2ha in area;
 - *Effluent Management*: Investigations should include consideration and implications of on-site systems, the potential for the consolidation of small lots to accommodate on-site effluent disposal and the feasibility of the extension of the sewerage system north from Woollamia industrial area. The management of effluent disposal will have a major influence on potential lot configuration and/or consolidation for small lot areas, and the resolution of this area.
 - *Water quality impacts*: Impact of potential development and land clearing on water quality to nearby SEPP 14 Wetland and Currumbene Creek Catchment;
 - *Setbacks from wetlands*: SEPP 14 Wetlands are located both within and adjacent to the study area;
 - *Setbacks from watercourses*: Parts of the site are located adjacent to Currumbene Creek and its tributaries;
 - *Land based biodiversity issues*: Impacts of land clearing for development, bushfire protection and infrastructure provisions need to be considered on both a study and catchment area basis;
 - *Aquatic based biodiversity*: Impacts on biodiversity of Currumbene Creek and Jervis Bay Marine Park require consideration;
 - *Archaeological issues*: Consideration to be given to Aboriginal archaeology and heritage.
 - *Infrastructure demand*: Further investigation into water supply, sewerage services, electricity and road network is required.
 - Consideration aims and objectives of the various existing Local, State and Federal policies and plans including Currumbene Creek Crown Land Assessment, Currumbene Creek Catchment Management Plan; and
 - Legislative requirements under *Rural Fires Act 1997*, *Threatened Species Conservation Act*, *Environment Protection & Biodiversity Conservation Act 1999*, *Native Vegetation Conservation Act 1997*, *State Environmental Planning Policy No 71 (Coastal)* and *State Environmental Policy No 14 (Wetlands)*.

These issues will require consideration as the planning proposals advance.

Flooding

Large sections of the subject land are impacted by flooding. The JBSS states that “*Land within the Flood Planning Area (1% AEP) will not be rezoned to provide for residential development. The zoning of existing urban areas will be reviewed in accordance with relevant Floodplain Management Studies....*”.

The Section 117 direction issued by the Minister for Planning reinforces that Council shall not rezone land within the flood planning area to enable residential development if it is not currently permissible except where Council can demonstrate that:

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1. the rezoning is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines for the Flood Planning Development Manual 2005; or
 2. the provisions of the planning proposal that are inconsistent are of minor significance. For land wholly located within the 1% AEP year flood extent, it is unlikely from experience that Council could demonstrate that rezoning of these areas to permit residential development will be of minor significance.

Unauthorised Structures

It is noted that there are some potentially unauthorised structures and works within the subject area, which are the subject of separate investigations by Council. Five lots contain caravans and/or minor associated structures, two lots contain structures which are potentially being used for habitation and one lot contains an unauthorised dwelling.

Resourcing Implications - Financial, Assets, Workforce:

The preparation of a Planning Proposal is the first step in the creation of a new LEP. The Planning Proposal explains the intended effect of the proposed LEP and the justification for making it. The preparation of the Planning Proposal itself is likely only to utilise staff time and existing budget funding of \$60,000 is currently available for this preliminary work. The early stages of preparing a planning proposal will involve the identification of issues that will require more detailed investigation if the planning proposal is to proceed and to acknowledge that those detailed specialist studies will be carried out following the initial gateway determination. The gateway determination will ultimately confirm which studies are to be undertaken. Further details and discussion regarding resourcing implications and cost recovery will be presented to Council if the draft Planning Proposal proceeds.

Community, Environment (ESD), Economic and Governance Impact:

There are a range of potential impacts associated with the proposal. These will continue to be investigated and managed or protected through the rezoning. It should be noted that the proposal is consistent with an existing endorsed Settlement Strategy.

Conclusion:

The commencement of the preparation of a Planning Proposal for land located within the Woollamia Investigations area is consistent with the actions identified in the Jervis Bay Settlement Strategy and the South Coast Regional Strategy. Land located within the 1% flood level is significantly constrained by both the Jervis Bay Settlement Strategy objectives and the Section 117 Directions and where the whole of a lot is affected the land will be excluded from the planning proposal for the investigation area.

There are strong arguments for separating the residual investigation area into two separate planning proposals with the first dealing with the small lots located in and around the Greenway Esplanade/Woollamia Road precinct and the second dealing with those discrete lots dispersed through the rural residential areas off Woollamia Road, Pritchard Avenue and Woollamia Road. This will enable the two areas to be separately dealt with as their planning characteristics are different. Investigations should address in detail those issues identified in the JBSS and the preliminary desktop assessment.

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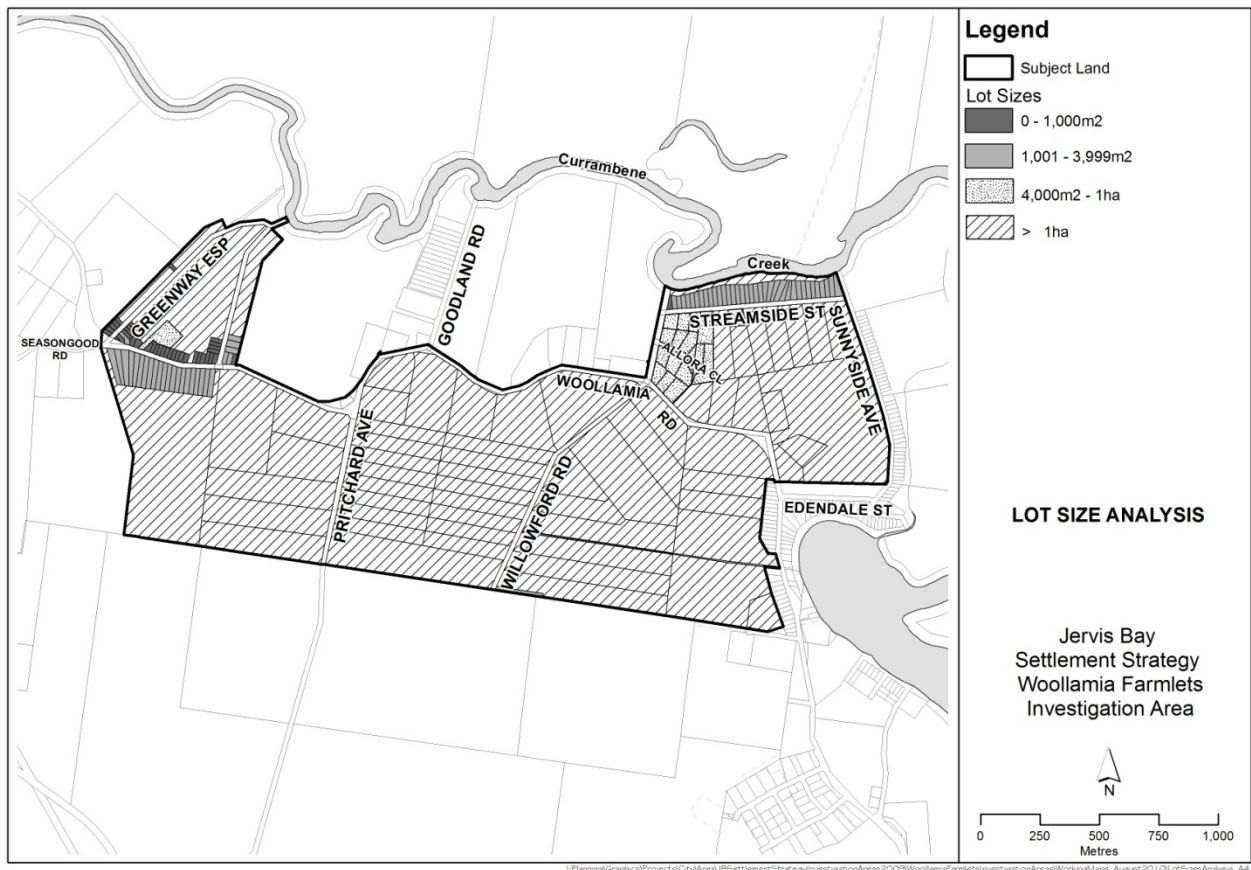


Figure 1 – Lot Size Analysis Map – Woollamia Farmlets Investigation Area

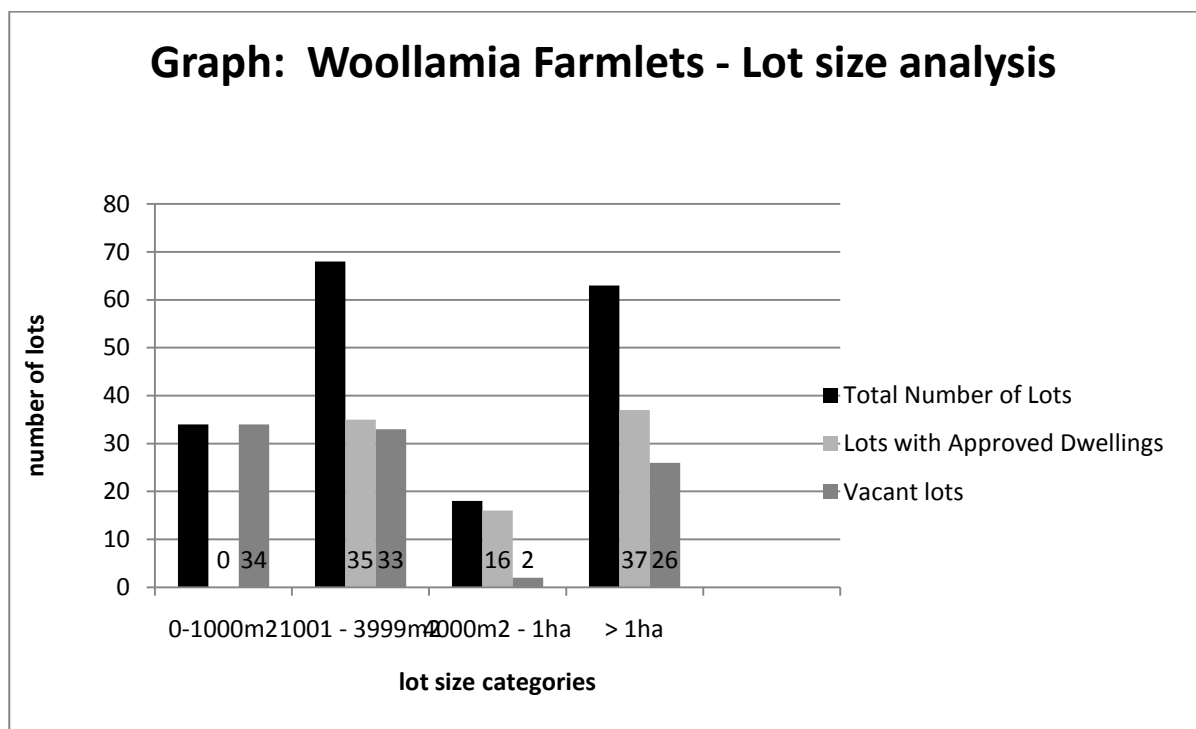


Figure 2 – Lot Size Analysis Graph - Woollamia Farmlets Investigation Area