

Planning Proposal

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: Calderwood conversion from SEPP to Wollongong LEP 2009

ADDRESS OF LAND: Marshall Mount Road, Marshall Mount – various lots (See location map)

MAPS:

- **Location Map** - Attached.
- **Current Planning Controls** - Attached.
- **Proposed Planning Controls** - Attached.

BACKGROUND:

Part 1: OBJECTIVES OR INTENDED OUTCOMES OF THE PLANNING PROPOSAL:

Concise statement setting out objectives or intended outcomes of the planning proposal.

This planning proposal seeks to reinstate appropriate local planning controls for part of the Calderwood Release Area within the Wollongong City Council area, which were previously outlined in the Wollongong Local Environmental Plan (1990) and controls which were investigated as part of the draft West Dapto Local Environmental Plan (2007), by:

1. Amending State Environmental Planning Policy (Major Developments) 2005 by removing the affectation of “Part 28 Calderwood site” from applying to the Wollongong City Council area, and,
2. Amending Wollongong Local Environmental Plan 2009 to reinstate local planning controls for Calderwood by zoning the land E3 Environmental Management, to ensure the agricultural and scenic importance of the land is retained, while providing suitable controls for significant flood constraints.

Note – the majority of “Calderwood” is in the Shellharbour City Council area.

Part 2: EXPLANATION OF THE PROVISIONS OF THE PLANNING PROPOSAL:

Statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

Reinstate local planning controls to the site known as “Part 28 Calderwood site” through:

1. Amending State Environmental Planning Policy (Major Developments) 2005 through the removal of “Part 28 Calderwood site” from the Wollongong Local Government Area – this will require an amendment to the SEPP maps.
2. Amending the Wollongong LEP 2009 to reintroduce planning controls for the Calderwood area at Marshall Mount by:
 - a. Inclusion of the area in Land Application Map.
 - b. Zoning the land E3 Environmental Management;
 - c. Minimum lot size 40 hectares;
 - d. Maximum height of buildings 9 metres; and
 - e. Marshall Mount Homestead and Barn be listed in Schedule 5 Heritage as an item of Local significance and identified on the Heritage Map;

Part 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROVISIONS AND PROCESSES FOR THEIR IMPLEMENTATION:

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?	<i>Explain the nature of the study briefly. Include a copy of the study/report</i> The draft West Dapto Local Environmental Study (2007) found that the majority of the “Calderwood” area was not suitable for urban development due to its flood and topographical constraints, and agricultural and scenic values. The draft Wollongong LEP (West Dapto) 2010 proposed that the land be zoned E3 Environmental Management. Part 28 Calderwood of SEPP (Major Developments) 2005 zoned the precinct to permit urban development, as a State Significant Site. Wollongong City Council does not support the development of Calderwood, as it is contrary to the Illawarra Regional Strategy (2007), will impact on the development of the West Dapto Release Area and is contrary to the land capability. The recent refusal of the stage 1 Project Plan by the PAC confirms the inappropriateness of the development [note – stage 1 is in the Shellharbour City Council area]. The proposed planning controls outlined in this planning proposal are also consistent with the former controls for the area within the Wollongong Local Environmental Plan 1990. Under this legislation the land was zoned 1 Non-Urban with a 40 hectare minimum lot size. Marshall Mount Homestead (then ‘house’) and Marshall Mount Barn were listed as heritage items of Regional significance.
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The planning proposal is the best means of achieving the objective and intended outcomes set out above in Part 1.
3. Is there a net community benefit?	• Preservation of existing agricultural lands and associated employment opportunities. • Adequate controls measures for flood constrained land. • Reduce future demand on water and electricity and associated infrastructure for the area. • Protect threatened species, critical habitats and significant vegetation in the area. • Maintain air and water quality. • No significant Government investments required thereby encouraging future residential development to occur within existing town centres and/or the planned West Dapto Urban Release Area. • Protect the scenic values of the area • Still retain the option to develop the area in the future as part of the West Dapto Urban Release Area if population predictions underestimate the

	future housing need.
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Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)? Illawarra Regional Strategy (2007)	<i>Illawarra Regional Strategy –</i> Describe the outcomes or actions - The rezoning of Calderwood through the SEPP was inconsistent with the Illawarra Regional Strategy. The planning proposal seeks to reverse this inconsistency. - The Illawarra Regional Strategy seeks to ensure that local and state governments concentrate growth in the West Dapto Release Area. Wollongong Council is working in collaboration with State departments to develop the West Dapto urban release area. This development has a major role in regional housing supply over the next 30 to 40 years, to deliver up to 19,350 dwellings. - The Regional Strategy also supports economic, food production and community values of existing agricultural lands and their protection from inappropriate urban expansion, rural residential development and further fragmentation. (p36). The strategy supports this outcome through the action whereby limitations of non-compatible uses in core productive agricultural areas should be made to allow farming on agricultural land as appropriate (p37). - The subject site identified within the Calderwood Urban Release Area is in a precinct that has significant flood constraints. Future development in such an area could be negligent and result in damage to properties and/or loss of life. The Illawarra Regional Strategy specifically notes as one of the actions that local environmental plans ensure that areas subject to high hazard are zoned to reflect the limitations of the land (p32). Thus the proposal of zoning the land to E3 Environmental Management is suggested to be a suitable control for the subject site. - As part of the draft West Dapto Local Environmental Plan (2007) investigations, potential development of Calderwood was noted as impacting on infrastructure provisions and servicing of West Dapto, Tullimbah and other release areas. - Development in the area of Calderwood would also impact on the transport access in the localities of Marshall Mount and Yallah, especially Marshall Mount Road. One action specified in the Illawarra Regional Strategy states that land use planning decisions must consider transport access implications to minimise the need to travel, and encourage
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	energy and resource efficiency (p19). • <i>Explain the consistency or otherwise of the proposal</i> • This planning proposal is consistent with the aims and objectives outlined in the Illawarra Regional Strategy. It aims to zone the subject site at Marshall Mount to reflect and preserve its current use as agricultural land; it ensures limited development in an area subject to environmental hazards such as flooding; and reduces the impact on infrastructure provision and servicing of neighbouring urban release areas. • Calderwood was identified in the Illawarra Regional Strategy and the Illawarra Urban Development Program as able to provide an additional new release area if demand for housing supply outstripped the projected estimates for the region. The subject site known as "Part 28 Calderwood site" of the proposed Calderwood Urban Release Area was not however identified for development as part of the draft West Dapto Local Environmental Plan (2007) investigations due to its constraints and scenic values. • <i>Address the sustainability criteria included in the regional strategy.</i> • Sustainability criteria include: – Infrastructure provision – The net benefit to the proposed zone of E3 Environmental Management will be ensuring infrastructure provision to the West Dapto urban release area and other potential residential areas in the future. – Access– N/A. – Housing Diversity – the proposed zone of E3 Environmental Management will ensure large lot sizes of a minimum of 40 hectares thus providing land for rural properties and agricultural purposes. – Employment lands – N/A - allows farming to continue. – Avoidance of Risk – this planning proposal seeks to avoid conflicts in land use and risk to human health or life through limiting development on this land which has been identified as having flood constraints. no residential development within 1:100 floodplain? The proposed land use for the subject site is also in keeping with adjacent existing and future land use of the area – West Dapto Urban Release Area. – Natural Resources – N/A. The proposed zone for the subject site will not place unacceptable pressure on water resources or energy and associated infrastructure. Furthermore, this proposal seeks to protect and enhance identified significant agricultural land. – Environmental Protection – this proposal seeks
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	to maintain and protect identified existing vegetation, critical habitat, threatened species, populations, ecological communities and their habitats. This proposal also seeks to maintain existing air and water quality and protect areas of Aboriginal cultural heritage value. – Quality and Equity in Services – allows Council and the State Government to continue to provide for the development of the West Dapto Release Area.
5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?	The planning proposal is consistent with Councils Strategic Plan.
6. Is the planning proposal consistent with applicable state environmental planning policies?	<i>A statement as to consistency, identify and justify any inconsistency.</i> Refer to Table A – Checklist of State Environmental Planning Policies. The proposal is inconsistent with: • the proposal is inconsistent with – SEPP Major Developments (2005) as it seeks to remove Part 28 Calderwood from applying to the Wollongong Council area.
7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	<i>Indicate the relevant Directions, identify departures, justify departures, confirm that the direction does not have its own consultation requirements.</i> Refer to Table B – Checklist of Ministerial Directions. The proposal is inconsistent with: • 3.1 Residential development – as it seeks to replace the R1 and R2 zones to E3 Environmental Management to better reflect land capability and constraints, the Illawarra Regional Strategy, and West Dapto LES. • 3.4 Integrating Land Use and Transport – as it seeks to replace the R1 and R2 zones to E3 Environmental Management to better reflect land capability and constraints, the Illawarra Regional Strategy, and West Dapto LES.

Section C – Environmental, social and economic impact

8. 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?	No. The proposed zone of E3 Environmental Management and associated controls will encourage the protection of threatened species, ecological communities or populations and their associated habitats through the reduction of development and housing density in the affected area.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	Studies undertaken for the draft West Dapto Local Environmental Plan (2007) identified the majority of the “Calderwood” area as being unsuitable for urban development due to its flood and topographical constraints. The proposed zone and minimum lot size controls will assist in the management of these
This might include natural hazards such	

as flooding, land slip, bushfire hazard etc. If it is necessary to undertake technical studies or investigations to address an identified matter, these should be undertaken following the initial gateway determination.	environmental hazards and prevent damage to potential development in the area. This planning proposal ensures adequate management of bushfire, flood and land slip risk through zone and minimum lot size controls, while protecting significant or endangered flora and fauna.
10. How has the planning proposal adequately addressed any social and economic effects?	The rezoning of land from residential to E3 Environmental Management will result in a reduction in development potential and land value. The urban zoning was not appropriate. The Marshall Mount Homestead and Barn are proposed to be listed on Schedule 5 of the Wollongong Local Environmental Plan 2009 as an item of Local significance, as per the direction from the NSW Department of Planning and Infrastructure. Furthermore, the planning proposal ensures the economic viability of farming and other agricultural activities which occur currently at Marshall Mount.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	N/A – proposal seeks to reduce demand for infrastructure and remove the conflict with the West Dapto Release Area
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	Consultation will occur during the exhibition

Part 4: DETAILS OF COMMUNITY CONSULTATION TO BE UNDERTAKEN ON THE PLANNING PROPOSAL:

Any Gateway Determination will confirm community consultation requirements. If the Planning Proposal is supported, the Proposal will be exhibited for a minimum 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 landowners, surrounding and nearby property owners, and relevant community groups; and • Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning and Infrastructure including: - o Roads and Maritime Services - o Office of Environment and Heritage - o Department of Primary Industries - o Southern Rivers Catchment Management Authority - o Lake Illawarra Authority

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
State policies			
SEPP No. 1	Development Standard	NA	
SEPP No. 4	Development Without Consent and miscellaneous Exempt and Complying Development	NA	Clause 6 and parts 3 and 4 of SEPP were repealed by Wollongong LEP 2009
SEPP No. 6	Number of Storeys in a Building	NA	Will continue to apply
SEPP No. 14	Coastal Wetlands	NA	
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	NA	
SEPP No. 22	Shops and Commercial Premises	NA	
SEPP No. 26	Littoral Rainforests	NA	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	NA	
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)	NA	
SEPP No. 33	Hazardous and Offensive Development	NA	
SEPP No. 36	Manufactured Home Estates	NA	
SEPP No. 39	Spit Island Bird Habitat	Does not apply to Wollongong	
SEPP No. 41	Casino/Entertainment Complex	Does not apply to Wollongong	
SEPP No. 44	Koala Habitat Protection	NA	
SEPP No. 47	Moore Park Showground	Does not apply to Wollongong	
SEPP No. 50	Canal Estate Development	NA	
SEPP No. 52	Farm Dams, Drought Relief and Other Works	Does not apply to Wollongong	
SEPP No. 55	Remediation of Land	NA	
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	Does not apply to Wollongong	
SEPP No. 59	Central Western Sydney Economic and Employment Area	Does not apply to Wollongong	
SEPP No. 60	Exempt and Complying Development	NA	Will continue to apply
SEPP No. 62	Sustainable Aquaculture	NA	
SEPP No. 64	Advertising and Signage	NA	Will continue to apply
SEPP No. 65	Design quality of residential flat development	NA	
SEPP No. 70	Affordable Housing (revised schemes)	Does not apply to Wollongong	
SEPP No. 71	Coastal Protection	NA	
SEPP	Housing for Seniors or People with a Disability 2004	NA	Will no longer apply due to rezoning to E3
SEPP	Building Sustainability Index: BASIX 2004	NA	Will continue to apply
SEPP	Major Projects 2005	Inconsistent	Seeks to remove Part 28 Calderwood
SEPP	Development on Kurnell Peninsular 2005	Does not apply to Wollongong	

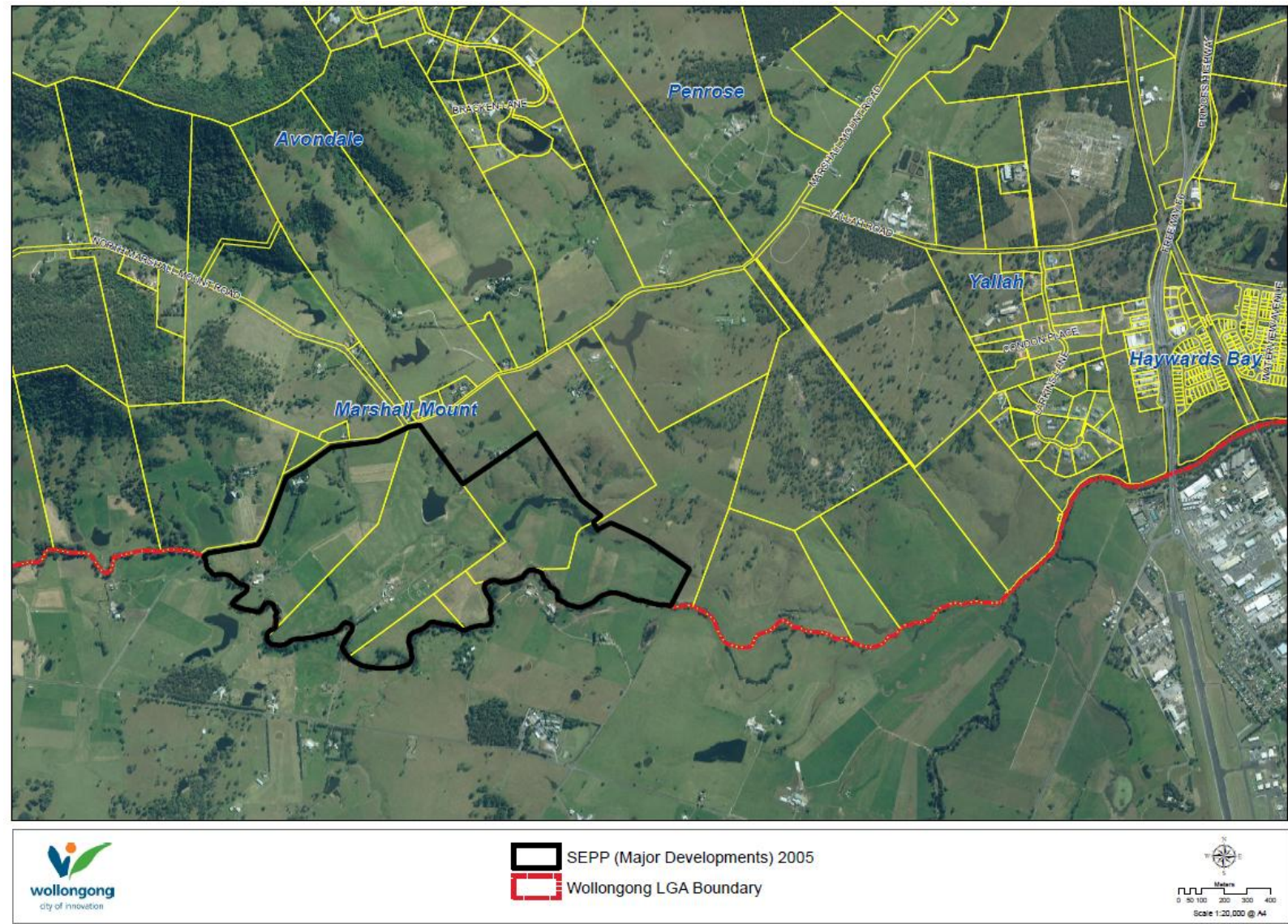
State Environmental Planning Policy		Compliance	Comment
SEPP	Sydney Region Growth Centres 2006	Does not apply to Wollongong	
SEPP	Mining, Petroleum Production and Extractive Industries 2007	NA	
SEPP	Infrastructure 2007	NA	Will continue to apply
SEPP	Temporary Structures 2007	NA	
SEPP	Kosciuszko National Park – Alpine Resorts 2007	Does not apply to Wollongong	
SEPP	Rural Lands 2008	Does not apply to Wollongong	
SEPP	Affordable Rental Housing 2009	NA	
SEPP	Western Sydney Employment Lands 2009	Does not apply to Wollongong	
SEPP	Exempt and Complying Development Codes 2008	NA	Will continue to apply
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	
Deemed SEPPS(former Regional Plans)			
Illawarra REP 1	Illawarra	Repealed within Wollongong	
Illawarra REP 2	Jamberoo	Does not apply to Wollongong	
Greater Metropolitan REP No.2	Georges River catchment	NA	

Table B - Checklist of Section 117 Ministerial Directions

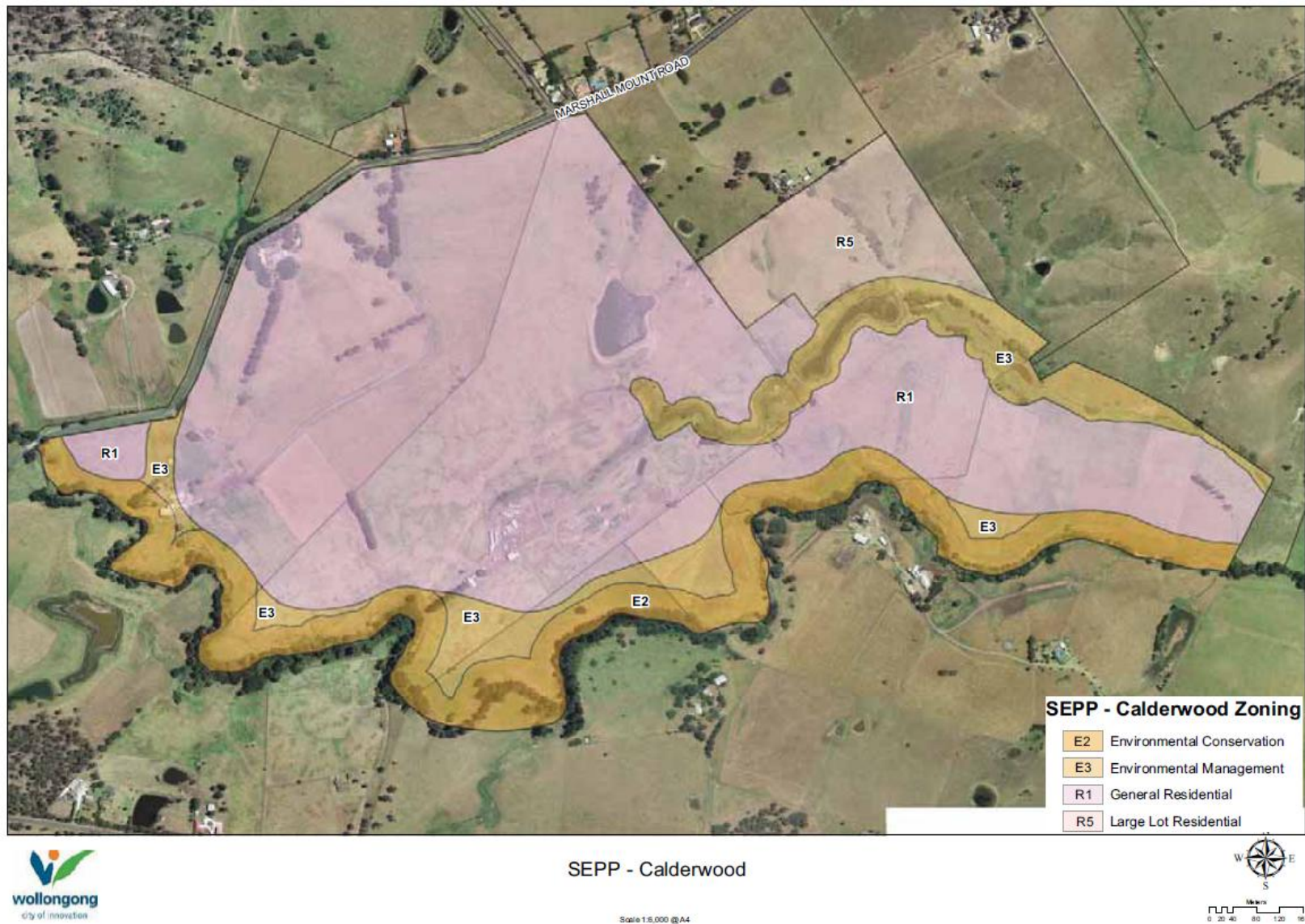
Ministerial Direction		Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	Not applicable
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Consistent – the planning proposal seeks to introduce a E3 zone
2. Environment and Heritage		
2.1	Environment Protection Zone	Consistent – the planning proposal seeks to introduce a E3 zone
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent – the planning proposal seeks to translate the heritage listing of Marshall Mount House and barn from the SEPP to the LEP
2.4	Recreation Vehicle Areas	Not applicable
3. Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Inconsistent – the planning proposal seeks to replace the R1 and R2 zones with an E3 zone to better reflect land capability and constraints, the Illawarra Regional Strategy, and West Dapto LES
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Inconsistent – the planning proposal seeks to replace the R1 and R2 zones with an E3 zone to better reflect land capability and constraints, the Illawarra Regional Strategy, and West Dapto LES
3.5	Development Near Licensed Aerodromes	NA – Marshall Mount is near the Illawarra Regional Airport but not affected by the height or noise limitations.
3.6	Shooting Ranges	Not applicable
4. Hazard and Risk		
4.1	Acid Sulfate Soils	Not applicable
4.2	Mine Subsidence and Unstable Land	Not applicable

4.3	Flood Prone Land	Consistent – the planning proposal seeks to rezone the flood plain to E3
4.4	Planning for Bushfire Protection	Not inconsistent
5. Regional Planning		
5.1	Implementation of Regional Strategies	Consistent – the planning proposal is consistent with the Illawarra Regional Strategy which supports the development of the West Dapto Release Area, and not Calderwood
5.2	Sydney Drinking Water Catchments	Not applicable
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
6. Local Plan Making		
6.1	Approval and Referral Requirements	Not applicable
6.2	Reserving Land for Public Purposes	Not applicable
6.3	Site Specific Provisions	Not applicable
7. Metropolitan Planning		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Not applicable

Location (proposal only includes the part of Calderwood Release Area within the Wollongong LGA)



Current zoning – SEPP Major Developments (2005)



Proposed zoning – Planning proposal to amend the Wollongong LEP 2009

