

47 - 49 Boronia Avenue, Windang

Proposal Title : **47 - 49 Boronia Avenue, Windang**

Proposal Summary : **It is proposed to rezone the site from RE2 Private Recreation and part R2 Low Density Residential to E4 Environmental Living. It is proposed to apply a Floor Space Ratio of 0.5:1 and a Minimum Lot Size of 1,000 sqm to the site**

PP Number : **PP_2013_WOLLG_001_00** Dop File No : **13/05987**

Planning Team Recommendation

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

S.117 directions : **3.1 Residential Zones
4.3 Flood Prone Land**

Additional Information : **It is recommended that the delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act, that an amendment to the Wollongong Local Environmental Plan 2009 to amend the Zoning, Minimum Lot Size and Floor Space Ratio Maps for the relevant site should proceed subject to the following conditions:**

1. 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 a minimum of 28 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 2012).**

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

**Office of Environment and Heritage
Lake Illawarra Authority**

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 it 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.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation or in response to a submission.

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination.

5. For exhibition purposes Council should provide Maps consistent with the Department's Mapping Guidelines that clearly indicate the proposed zoning, Floor Space Ratio and Minimum Lot Size.

6. Council be offered the Minister's plan making delegation under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

S117 DIRECTIONS

7. The proposal is considered to be consistent with, or any inconsistencies are only of minor significance, the following relevant S.117 Directions:

s117 2.2 Coastal Protection;
s117 3.1 Residential Zones;
s117 4.1 Acid Sulfate Soils; and
s117 4.3 Flood Prone Land.

8. The Director General can be satisfied that the proposal is consistent with all other relevant s117 Directions applying to the land or any inconsistencies are only of minor significance.

9. No further consultation is required in relation to any s117 Directions while the Planning Proposal remains in its current form.

Supporting Reasons :

The future of the site is unclear as it is unlikely that the commenced Seniors' Housing development will proceed. The proposal represents a way forward allowing development of the site and also has the benefit of providing housing.

Panel Recommendation

Recommendation Date : 11-Apr-2013

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

The planning proposal should proceed subject to the following conditions:

1. Council should ensure the maps which accompany the planning proposal are at an appropriate scale and clearly identify the subject site, for public exhibition purposes. Council is to place on public exhibition existing and proposed land zoning, floor space ratio and lot size maps.
2. 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 a minimum of 28 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Lake Illawarra AuthorityEach public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. 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).
5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

47 - 49 Boronia Avenue, Windang

Signature:

M. Selman

Printed Name:

M. Selman

Date:

12/4/13