

Draft Planning Proposal

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: Land Reservation Acquisition - Lloyd Place / Otford Road, Otford and 3 Undola Road, Helensburgh

ADDRESS OF LAND:

Lots 1 – 6 and 8 DP 242135 Lloyd Place, Otford,
Lot 2 DP 33693 Otford Road, Otford,
Lot 104 DP 226579 Otford Road, Otford,
Lot 100 DP 226580 Otford Road, Otford,
Lots 11-15 and 17-21 DP 241582 Otford Road, Otford, and
Lot 38 Section G DP2644 (No.3) Undola Road, Helensburgh

See attached location plan

BACKGROUND:

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

What is the purpose of the Planning Proposal?

To identify the lots for reservation / acquisition as Local Open Space

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

How are the objectives of the Planning Proposal to be achieved? How will the LEP be changed?

To identify the lots on the Land Reservation Acquisition Map as Local Open Space.

Part 3: JUSTIFICATION FOR THE PLANNING PROPOSAL:

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Yes – as part of the finalisation of the review of the former 7(d) lands at Helensburgh, Otford and Stanwell Tops, Council resolved to identify the 21 lots for potential acquisition through the Land Reservation Acquisition Map.

All lots are currently zoned E3 Environmental Management and are proposed to be zoned E2 Environmental Conservation (by a separate Planning Proposal which is being finalised). None of the lots contain a dwelling house.

The Lloyd Place lots were subdivided in 1970 under the 2ha lot size standard. In 1971 the standard increased to 20ha which has precluded dwelling houses on the approved lots. The lots contain significant steep bushland which is part of a regional corridor and should not be developed. The identification of the lots on the Land Reservation Acquisition Map provides an exit strategy for the owners.

	3 Undola Road was sold by Council at auction in 1965. The lot has not had a dwelling entitlement in the subsequent period. The identification of the lots on the Land Reservation Acquisition Map provides an exit strategy for the owner.
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	In terms of the Lloyd Place lots, Council has considered a number of alternate options: • Permitting 1 dwelling per lot – which would result in large scale clearing for the dwelling and Asset Protection zone • Allowing a cluster of dwellings in one part, and the retention of bushland on the remainder. A consultant review found their was not suitable land available. • Land exchange for a dwelling entitlement in another precinct. However, Council did not support development in those precincts. • No change – does not resolve the private ownership issue. • Identification of the lots on the Land Reservation Acquisition Map provides an exit strategy for the owners (recommended / endorsed approach) In terms of 3 Undola Road, Council considered: • No change – does not resolve the private ownership issue. • Identification of the lot on the Land Reservation Acquisition Map provides an exit strategy for the owners (recommended / endorsed approach)

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?	The Illawarra Regional Strategy does not contain any specific actions relevant to the proposal, apart from general conservation of the environment statements.
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 goal 1 of Wollongong 2022 "We value and protect our environment". This Planning Proposal arose from a specify action in the 2012-13 Annual Plan to "Exhibit and finalise a planning proposal for the former 7(d) lands at Helensburgh, Otford and Stanwell Tops".
6. Is the planning proposal consistent with applicable State Environmental Planning Policies?	Refer to Table A – Checklist of State Environmental Planning Policies. The proposal is not inconsistent with any SEPP.
7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	Refer to Table B – Checklist of Ministerial Directions. The proposal is not inconsistent with any section 117

	Direction. Direction 6.2 Reserving Land for Public Purposes is relevant. Council is the nominated acquisition authority.
--	---

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?	The Lloyd Place/Otford Road lots are steep and covered in bushland which forms a regional corridor. The previous Planning Proposal proposed to rezone the lots E2 Environmental Conservation has been exhibited and adopted by Council, and is with the Department for review and preparation of an amending LEP. This Planning Proposal seeks to identify the lots on the Land Reservation Acquisition Map provides an exit strategy for the owners
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	No studies are required. The Planning Proposal will not result in any development. The Planning Proposal will allow the lots to be brought into public ownership, thereby providing additional conservation.
10. How has the planning proposal adequately addressed any social and economic effects?	This Planning Proposal seeks to identify the lots on the Land Reservation Acquisition Map to provide an exit strategy for the owners

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	The Planning Proposal and future acquisition will not increase the demands on infrastructure.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	The previous Planning Proposal which proposed to rezone the lots E2 Environmental Conservation has been exhibited and adopted by Council, and is with the Department for review and preparation of an amending LEP. The rezoning of the land to E2 was generally supported by the community, except for the land owners who want to build dwellings. This draft Planning Proposal will be referred to OEH as part of the exhibition.

PART 4: MAPS, WHERE RELEVANT, TO IDENTIFY THE INTENT OF THE PLANNING PROPOSAL AND THE AREA TO WHICH IT APPLIES

Proposed Planning Controls – Maps for draft PP must be clear and follow Department guidelines. Existing LEP maps showing current situation should be used to indicate proposed changes e.g. outline subject land in red, use labels on the map/legend to indicate changes. Final maps not required prior to s59 stage.

For final PP only maps showing proposed changes are required (as opposed to including a map showing the current situation as well as the proposed change).

Part 5: 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 surrounding and nearby property owners; and
- Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning and Infrastructure including:
 - OEH

Part 6: PROJECT TIMELINE

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. This timeline tentatively sets out expected timelines for major steps in the process. These timeframes are subject to change and are to be used as a guide only. The Minister may consider taking action to finalise the LEP if timeframes approved for the completion of the Planning Proposal are significantly or unreasonably delayed.

#	Action	Estimated Timeframe	Responsibility
1	Anticipated date of Gateway Determination	10/11/13	Department of Planning and Infrastructure
2	Anticipated completion of required technical studies	NA	Consultants
3	Government agency consultation	17/11/13-31/1/14	Agencies
4	Public exhibition period	17/11/13-31/1/14	Council
5	Date of Public Hearing (<i>if applicable</i>)	NA	Council
6	Consideration of submissions	Feb 2014	Council
7	Assessment of proposal post-exhibition	Mar 2014	Council
8	Report to Council	April 2014	Council
9	Final maps and Planning Proposal prepared	May 2014	Council
10	Submission to Department for finalisation of LEP	June 2014	Council
11	Anticipated date RPA will make the LEP	July 2014	Council (if under delegation)
12	Anticipated date Council will forward final Planning Proposal to Department for notification	July 2014	Council
13	Anticipated date LEP will be notified	August 2014	Parliamentary Counsel and DOP&I

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	
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	
SEPP No. 62	Sustainable Aquaculture	NA	
SEPP No. 64	Advertising and Signage	NA	
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	
SEPP	Building Sustainability Index: BASIX 2004	NA	
SEPP	Major Projects 2005	NA	
SEPP	Development on Kurnell Peninsular 2005	Does not apply to Wollongong	
SEPP	Sydney Region Growth Centres 2006	Does not apply	

State Environmental Planning Policy		Compliance	Comment
SEPP	Mining, Petroleum Production and Extractive Industries 2007	to Wollongong NA	
SEPP	Infrastructure 2007	NA	
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	
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	
SEPP	Port Botany and Port Kembla 2013	NA	
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	Does not apply to Wollongong	

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	Not applicable
2. Environment and Heritage		
2.1	Environment Protection Zone	Not applicable. The land is zoned E3 and is proposed to be zoned E2 by a separate Planning Proposal. This draft Planning Proposal does not propose to change the zone.
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Not applicable
2.4	Recreation Vehicle Areas	Not applicable
3. Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Not applicable
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Not applicable
3.5	Development Near Licensed Aerodromes	Not applicable
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	Not applicable
4.4	Planning for Bushfire Protection	Not applicable. The land is Bush fire Prone, but no development is proposed.
5. Regional Planning		
5.1	Implementation of Regional Strategies	Not applicable. The Illawarra Regional Strategy does not contain any specific actions relevant to the proposal, apart from general conservation of the environment statements.
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	The land is proposed to be reserved for Local Open Space with Council as the nominated acquisition authority.
6.3	Site Specific Provisions	Not applicable
7. Metropolitan Planning		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Not applicable