

Proposed Lot 1528 Hayes Lane West Precinct

Proposal Title : **Proposed Lot 1528 Hayes Lane West Precinct**

Proposal Summary : **It is proposed to rezone a small area of land (approximately 600m2) in the Hayes Lane West Precinct from E3 Environmental Management to R2 Low Density Residential, with associated changes to floor space ratio, flood planning, and lot size maps.**

The subject land was zoned E3 due to potential flood risk, however a proposed road to the north of the site will form the future boundary of the flood extent, rendering the land suitable for residential development.

PP Number : **PP_2015_WOLLG_006_00** Dop File No : **15/02628**

Proposal Details

Date Planning Proposal Received :	02-Feb-2015	LGA covered :	Wollongong City
Region :	Southern	RPA :	Wollongong City Council
State Electorate :	SHELLHARBOUR	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Bong Bong Road (and Hayes Lane)		
Suburb :	Huntley	City :	Postcode : 2530
Land Parcel :	Part of Lot 1 DP 549692 (434) Bong Bong Road		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Graham Towers**
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Proposed Lot 1528 Hayes Lane West Precinct

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

The West Dapto Master Plan includes proposed Road No.5 - located immediately to the north of the subject land - which will form the new boundary of flood affected land in this area.

The subject land will be severed from the other E3 land by the new road. It makes sense to rezone this land consistent with the adjoining R2 zoned land to provide an efficient and logical subdivision layout in this area.

External Supporting
Notes :

Rezoning this land consistent with the adjoining R2 zoned land will provide an efficient and logical subdivision layout in this area.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The statement of objectives clearly expresses the intended outcomes of the proposal to rezone the land to enable efficient residential development.

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

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions clearly outlines the changes to the Wollongong Local Environmental 2009 that will result from the proposal.

This includes changes to the following maps:

- Land Zoning;
- Flood planning;
- Floor Space Ratio; and
- Minimum Lot Size.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

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

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

d) Which SEPPs have the RPA identified? **N/A**

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **Section 117 Directions**

Council has identified applicable Section 117 Directions and has noted that there are minor or justified inconsistencies with some s117 Directions:

2.1 Environment Protection Zones

This Direction states that a planning proposal must not reduce the environmental protection standards that apply to land in an environmental protection zone.

This proposal is inconsistent with this Direction as it will rezone a small area - approximately 600m2 - from an environmental zone to a residential zone.

This parcel was zoned E3 Environmental Management as it was identified as potentially flood affected. Proposed changes to the road network, whereby this lot will be separated from the remaining E3 zoned land by the future road, will remove the flood risk from this site, making it suitable for residential development.

The Secretary's delegate may be satisfied that any inconsistency is of minor significance.

4.3 Flood Prone Land

This land was previously identified as flood affected however a proposed road to the north of the site will be elevated and will form the boundary of the flood extent. This proposal removes flood affectation from the subject land.

The subject lot adjoins land zoned R2 Low Density Residential and will, in future, be isolated from the remaining flood affected area.

The Secretary's delegate may be satisfied that any inconsistency is of minor significance.

4.4 Planning for Bushfire Protection

This Direction requires consultation with the Commissioner of the NSW Rural Fire Service (RFS) prior to undertaking community consultation, and must take any

comments made by the Commissioner into account.

The Secretary's delegate may be satisfied that the Gateway Determination requirement for consultation with the RFS prior to exhibition will ensure consistency with this Direction.

The proposal is considered to be consistent with the following relevant s117 Directions:

1.3 Mining, Petroleum Production and Extractive Industries
3.1 Residential Zones
3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements

The Secretary's approval is not required in relation to these Directions.

RECOMMENDATION

It is recommended that the Secretary's delegate can be satisfied that any inconsistencies with s117 Directions 2.1 Environmental Protection Zones, and 4.3 Flood Prone Land are of minor significance.

The Secretary's delegate can be satisfied that the proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection once the RFS has been consulted.

The Secretary's delegate can be satisfied that the proposal is consistent with other relevant s117 Directions and/or any inconsistencies are justified by a study or are of minor significance.

State Environmental Planning Policies (SEPPs)
The Planning Proposal is not inconsistent with SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping is adequate.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a 14 day exhibition period. This is considered adequate for this minor proposal.**

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Wollongong LEP 2009 is in operation.

Assessment Criteria

Need for planning
proposal :

This is a minor proposal to facilitate a Neighbourhood Plan in the West Dapto Urban Release Area.

The proposed subdivision in this area - including the construction of Road No. 5 (located immediately to the north of the subject land) - will remove the flood risk from this property, rendering it suitable for residential development.

This proposal will allow for a logical and efficient subdivision pattern in this area. If left, this lot would become a small isolated E3 zoned lot within an R2 residential subdivision.

Consistency with
strategic planning
framework :

This proposal applies to a small parcel of land in the West Dapto Urban Release Area and will facilitate the subdivision as proposed in the Neighbourhood Plan.

The West Dapto Urban Release Area covers an area of approximately 4,700ha and is proposed to provide an additional 17,000 dwellings when fully developed.

This minor proposal is consistent with the Illawarra Regional Strategy.

Council has identified that the proposal is consistent with Wollongong 2022, Council's Community Strategic Plan. West Dapto is one of 5 key aspirations identified in this Plan which states, "Council will work in collaboration with key agencies to provide the infrastructure needed to support growth within the West Dapto Urban Release Area."

The Proposal is consistent with relevant State Environmental Planning Policies.

See previous section for consideration of the Proposal's consistency with relevant s117 Directions.

Environmental social
economic impacts :

The subject land is relatively cleared and the use of this small parcel for residential development is unlikely to have any significant environmental impacts.

While the land is currently potentially flood affected, the construction of future Road No.5 will modify flood behaviour in this area. After construction of the road, this lot will be separated from the remaining E3 zoned land.

Assessment Process

Proposal type :

Routine

Community Consultation
Period :

14 Days

Timeframe to make
LEP :

9 months

Delegation :

RPA

Public Authority
Consultation - 56(2)
(d) :

Proposed Lot 1528 Hayes Lane West Precinct

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No further studies are required.

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 :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - Hayes Lane West Precinct.pdf	Proposal	Yes
Subdivision layout Hayes Lane West.pdf	Drawing	Yes
Hayes Lane West - Covering letter & resolution.pdf	Proposal Covering Letter	Yes
Hayes Lane PlanningProposal - Flood map.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**

Additional Information : It is **RECOMMENDED** that the General Manager, Southern Region as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Wollongong Local Environmental Plan 2009 to rezone part of Lot 1 DP 549642 from E3 Environmental Management to R2 Low Density Residential, with associated changes to floor space ratio and lot size maps, 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 is to be made publicly available for 14 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 local environmental plans (Department of Planning and Infrastructure 2013).**

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

* NSW Rural Fire Service

This 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, or to indicate that it will require additional time to comment on the proposal. This consultation is required prior to undertaking community consultation in order to satisfy the requirements of s117 Direction 4.4 Planning for Bushfire Protection.

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 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).

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

SECTION 117 DIRECTIONS

5. The Secretary's delegate can be satisfied that inconsistencies with the following s117 Directions are of minor significance and/or are justified:

2.1 Environmental Protection Zones

4.3 Flood Prone Land

6. The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection following consultation with the NSW Rural Fire Service.

7. The Secretary's delegate can be satisfied that the planning proposal is consistent with other relevant s117 Directions, or that any inconsistencies are of minor significance.

Supporting Reasons :

The West Dapto Master Plan includes proposed Road No.5 - located immediately to the north of the subject land - which will form the new boundary of flood affected land in this area.

The subject land will be severed from the other E3 land by the new road. It makes sense to rezone this land consistent with the adjoining R2 zoned land to provide an efficient and logical subdivision layout in this area.

Signature:



Printed Name:

Graham Towers

Date:

18/2/15