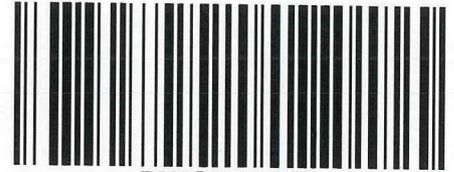


Department of Planning
& Environment
RECEIVED

21 JAN 2015

Southern Region-Wollongong



PWG002179

013



Mr Brett Whitworth
General Manager, Southern Region
NSW Department of Planning and Environment
PO Box 5475
WOLLONGONG NSW 2520

Our Ref:
File:
Date:

Z15/11945
PP-2013/7
20 January 2015

Dear Mr Whitworth

DRAFT PLANNING PROPOSAL FOR PANORAMA ESTATE, LAKE HEIGHTS

Council has resolved to prepare an amendment to the Wollongong LEP 2009 to support a rezoning request sought for land within Panorama Estate, Lake Heights.

Council at its meeting dated 13 October 2014 resolved under Section 54 of the Act to prepare a draft Planning Proposal to amend the Wollongong Local Environment Plan 2009 for various allotments within the Panorama Estate, being Lot 520 DP 1108716, Lot 325 DP 1106412, Lot 314 DP 1106412, Lot 313 DP 1106412, Lot 312 DP 1106412, Lot 526 DP 1108716 and Lot 527 DP 1108716 Shearwater Drive, Lake Heights as follows:

- a) *Rezone 136 Shearwater Drive (Lot 520 DP 1108716), 148 Shearwater Drive, (Lot 325 DP 1106412), 172 Shearwater Drive, (Lot 314 DP 1106412), 176 Shearwater Drive, (Lot 313 DP 1106412), and 178 Shearwater Drive, Lake Heights (Lot 312 DP 1106412) from RE1 Public Recreation to R2 Low Density Residential and apply a Floor Space Ratio of 0.5:1, and a Minimum Lot Size of 450m²;*
- b) *Rezone Lots 526 and 527 DP 1108716 Shearwater Drive, Lake Heights from R2 Low Density Residential to RE1 Public Recreation to reflect their public reserve status and remove the minimum Floor Space Ratio and the Minimum Lot Size requirement;*
- c) *Update the Natural Resource Sensitivity Map (Attachment 3 of the report) to accurately represent the current distribution of vegetation within the subdivision;*
- d) *Update the Riparian Land Map (Attachment 4 of the report) to accurately represent the current position of riparian lands within the subdivision.*

As required the following information has been provided:

- A copy of the report to Council in addition to minutes from the Council meeting regarding the rezoning request;
- A copy of the draft Planning Proposal report prepared by Council.

It would be appreciated if you could review and seek a Gateway determination.

Council has resolved to seek delegation to finalise the Planning Proposal. Please note that Lots 526 and 527 DP 1108716 are owned by Council as public reserve and are proposed to be rezoned from R2 Low Density Residential to RE1 Public Recreation.

Please contact James Chappell on 4227 8128 should you require further information.

This letter is authorised by

Edith Barnes
Strategic Project Officer
Wollongong City Council
Direct Line (02) 4227 7111

Encl/2

Draft Planning Proposal – Panorama Estate Amendments

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: Panorama Estate Amendments

ADDRESS OF LAND:

Panorama Estate (Figure 1.0): 136 Shearwater Drive (Lot 520 DP 1108716), 148 Shearwater Drive (Lot 325 DP 1106412), 172 Shearwater Drive (Lot 314 DP 1106412), 176 Shearwater Drive (Lot 313 DP 1106412), 178 Shearwater Drive (Lot 312 DP 1106412), Lot 526 DP 1108716 Shearwater Drive and Lot 527 DP 1108716 Shearwater Drive, Lake Heights.

DESCRIPTION OF LAND:

Panorama Estate is a residential subdivision located on Whimbrel Avenue and Shearwater Drive in Lake Heights. The estate is located in between Flagstaff Road and Cringilla Park. Land within the estate is zoned R2 Low Density Residential and RE1 Public Recreation.

BACKGROUND:

The subdivision application for Panorama Estate as approved created 112 lots, the majority of which are now developed with dwellings.

In 2012 Council received an enquiry regarding the permissibility of a dwelling house on a lot on Shearwater Drive, which was zoned RE1 Public Recreation. They were advised that dwelling houses were not permissible in the RE1 zone.

The customer's enquiry led to a review of the zoning/development history of the subdivision, which found that the subdivision certificates issued were inconsistent with both the zoning map of the Wollongong Local Environmental Plan 2009 and the approved development consent.

A draft Planning Proposal request was received for Panorama Estate in August 2013 seeking to correct irregularities between the approved subdivision layout of the estate and the zoning map of Wollongong Local Environmental Plan 2009. This involves the rezoning of various allotments within the subdivision, either from RE1 Public Recreation to R2 Low Density Residential or R2 Low Density Residential to RE1 Public Recreation, with associated changes to the Minimum Lot Size Map and Floor Space Ratio Map.

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

What is the purpose of the Planning Proposal?

To amend the Wollongong Local Environment Plan 2009, to facilitate improved development outcomes, consistent with the approved Panorama Estate subdivision, including changes to zoning, minimum lot size and floor space ratio

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?

The following amendments to the Wollongong LEP 2009 are proposed:

- a) Amend the Zoning Map by:
 - i. Rezoning 136 Shearwater Drive (Lot 520 DP 1108716), 148 Shearwater Drive (Lot 325 DP 1106412), 172 Shearwater Drive (Lot 314 DP 1106412), 176 Shearwater Drive (Lot 313 DP 1106412) and 178 Shearwater Drive, Lake Heights (Lot 312 DP 1106412) from part RE1 Public Recreation and R2 Low Density Residential to R2 Low Density Residential;
 - ii. Rezoning Lots 526 and 527 DP 1108716 Shearwater Drive, Lake Heights from R2 Low Density Residential to RE1 Public Recreation;

- b) Amend the Minimum Lot Size Map by:
 - i. Making corresponding changes to introduce a minimum lot size on the land proposed to be zoned R2 Low Density Residential of 450m²;
 - ii. Make corresponding changes to remove any minimum lot size requirement on the land proposed to be zoned RE1 Public Recreation;
- c) Amend the Floor Space Ratio Map by:
 - i. Making corresponding changes to allow for a floor space ratio of 0.5:1 on the land proposed to be zoned R2 Low Density Residential;
 - ii. Making corresponding changes to remove the minimum floor space ratio requirement on the land proposed to be zoned RE1 Public Recreation;
- d) Amend the Natural Resource Sensitivity Map to accurately represent the current distribution of vegetation within the subdivision;
- e) Amend the Riparian Land Map to accurately represent the current position of riparian lands within the subdivision.

Refer to figures 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0 and 8.0

Part 3: JUSTIFICATION FOR THE PLANNING PROPOSAL:

Section A – Need for the planning proposal

<p>1. Is the planning proposal a result of any strategic study or report?</p>	<p>The Planning Proposal is not the result of any strategic study. The proponent has approached Council requesting the rezonings due to inconsistencies between the Zoning Map in the Wollongong Local Environmental Plan 2009 and the approved subdivision layout in the Panorama Estate.</p> <p>Council at its meeting on 13 October 2014 resolved to endorse the rezoning request and authorised the preparation of a draft Planning Proposal</p>
<p>2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</p>	<p>The planning proposal is necessary to facilitate changes to the Wollongong Local Environmental Plan 2009 necessary as a result of the endorsement of the rezoning request by Council at their meeting on 13 October 2014. The amendment will allow the development of 4 additional lots for residential dwelling houses by removing the RE1 zone.</p>

Section B – Relationship to strategic planning framework

<p>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)?</p>	<p>Yes – the proposal is consistent with the urban development outcomes stipulated in the Illawarra Regional Strategy (2007).</p> <p>The primary purpose of the Strategy is to ensure adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the region’s population over the next 25 years.</p> <p>Should the Planning Proposal proceed the proposal would be consistent with the Strategy to utilise existing infrastructure to cater for growth and future household needs.</p>
<p>5. Is the planning proposal consistent with the local council’s Community Strategic Plan or other local strategic</p>	<p>The planning proposal is consistent with the overall vision contained in the Wollongong Community Strategic Plan 2022.</p>

plan?	The rezoning proposal contributes to the Wollongong 2022 objective 5.2 <i>Residents have improved access to a range of affordable housing options under the Community Goal 5 We are a healthy community in a liveable city.</i> The planning proposal will provide for an increased variety of housing choice, which is consistent with the plan.
6. Is the planning proposal consistent with applicable State Environmental Planning Policies?	Refer to Table A – Checklist of State Environmental Planning Policies.
7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	Refer to Table B – Checklist of Ministerial Directions.

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 proposal will not affect significant habitat and it is not likely that any impacts on fauna will result from the rezoning as the subject lots are located in an existing greenfield subdivision that is already substantially developed and complete. Any likely habitat impact was addressed when the land was originally rezoned and subdivided for residential use. The Planning Proposal also seeks to re-align the natural resource sensitivity map to accurately represent the distribution of vegetation within the subdivision.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	Parts of the Panorama Estate have been identified by Wollongong City Council as being subject to flood affectation during major storm events; however, flood affectation on the allotments subject to this rezoning request are not significantly impacted. The topography of each affected site ensures that the majority of the land will remain unaffected by any flood affectation.
10. How has the planning proposal adequately addressed any social and economic effects?	The proposal has the social benefit of providing additional, affordable residential land within an established residential subdivision. The economic impacts of the proposal include the provision of a small number of construction jobs once the sites are developed for residential use.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	There is adequate public infrastructure to enable the proposed rezonings as they are located within an existing residential subdivision.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	The Gateway Determination will stipulate the required consultation with public authorities. No external authorities have been consulted with regard to the proposal due to the relatively minor nature of the rezonings.

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



Figure 1.0 Subject Site Map

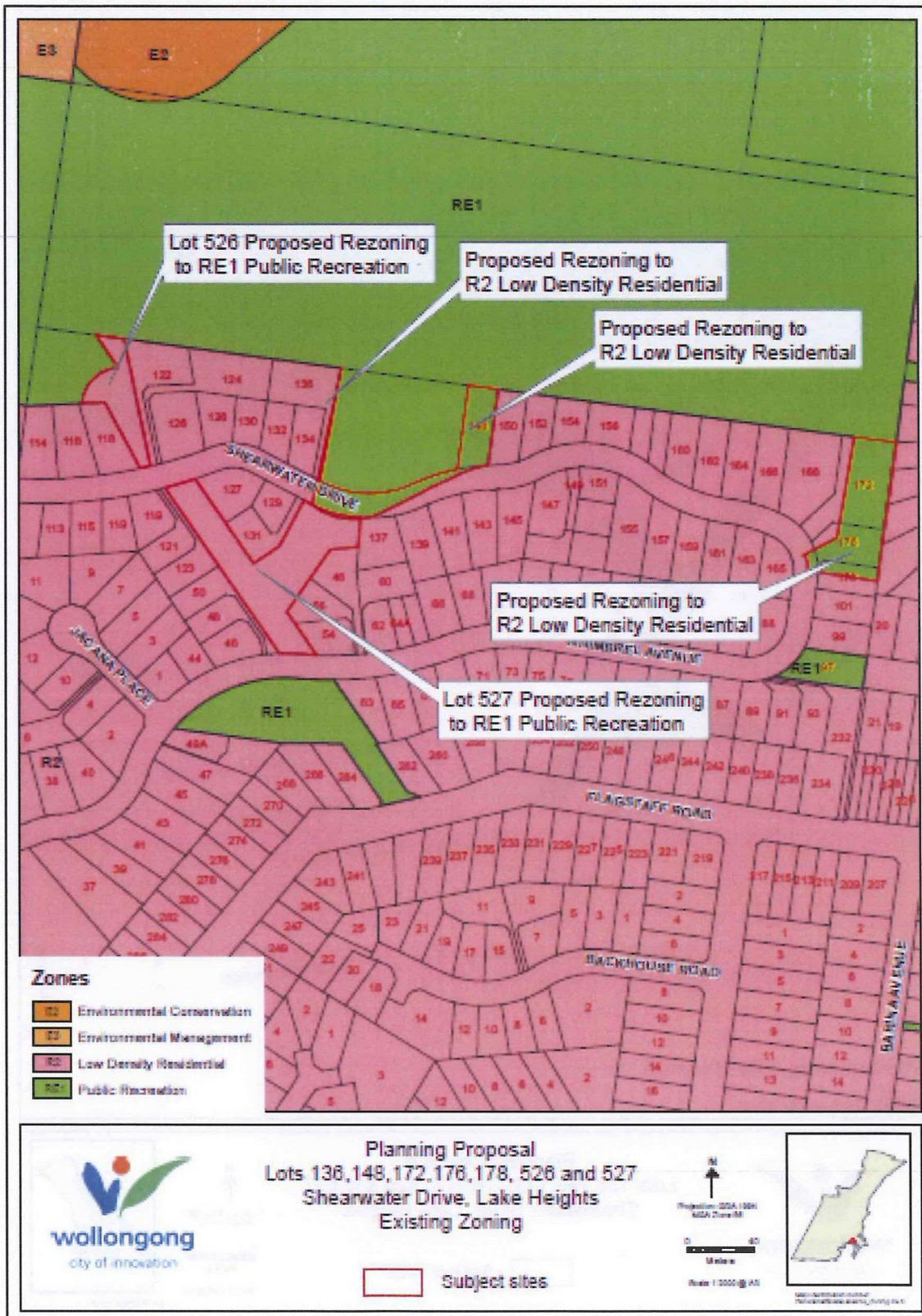


Figure 2.0 Existing Zoning

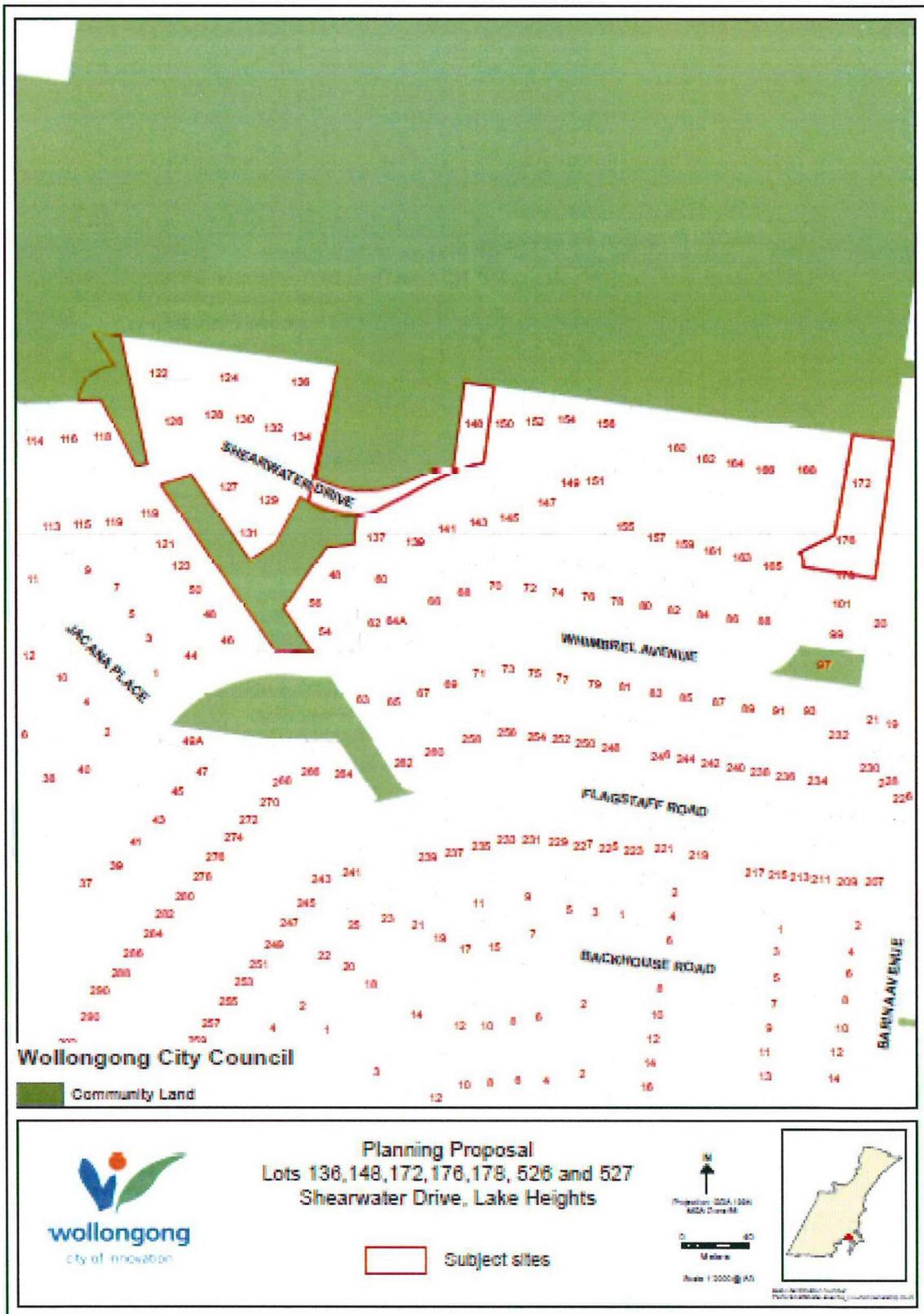


Figure 3.0 Council Reserve Ownership Map

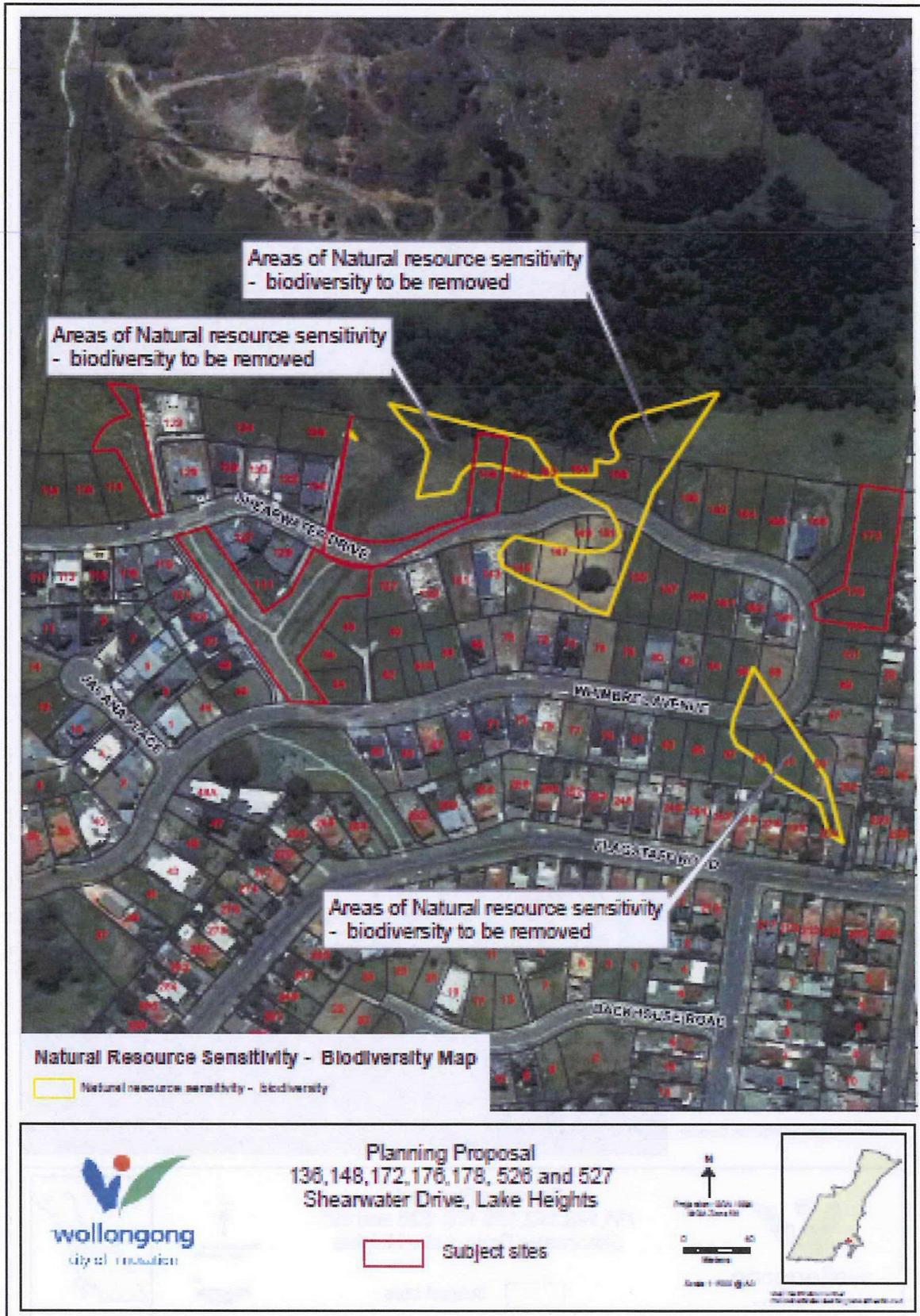


Figure 6.0 Proposed Natural Resource Sensitivity – Biodiversity Map

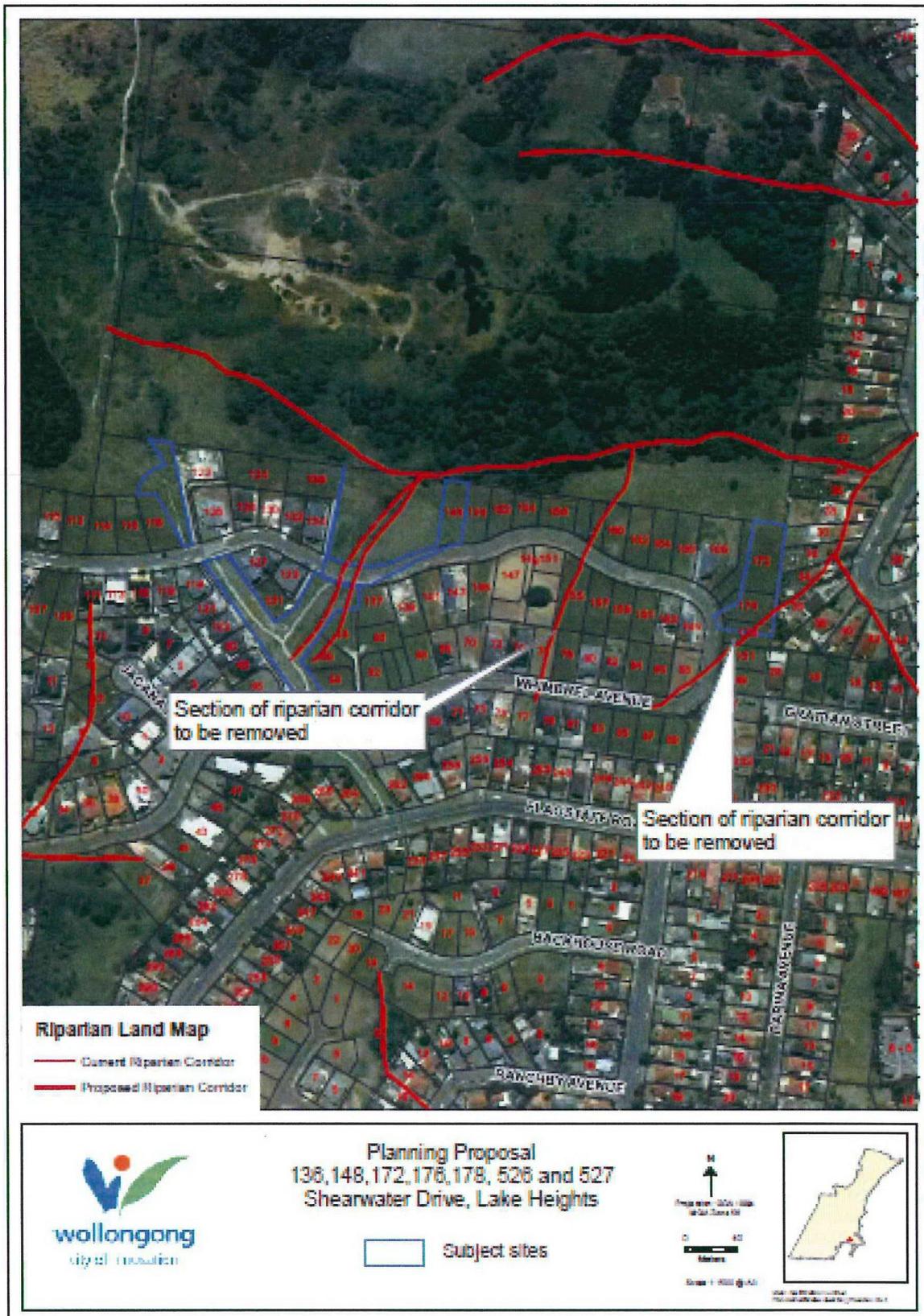


Figure 7.0 Proposed Riparian Land Map

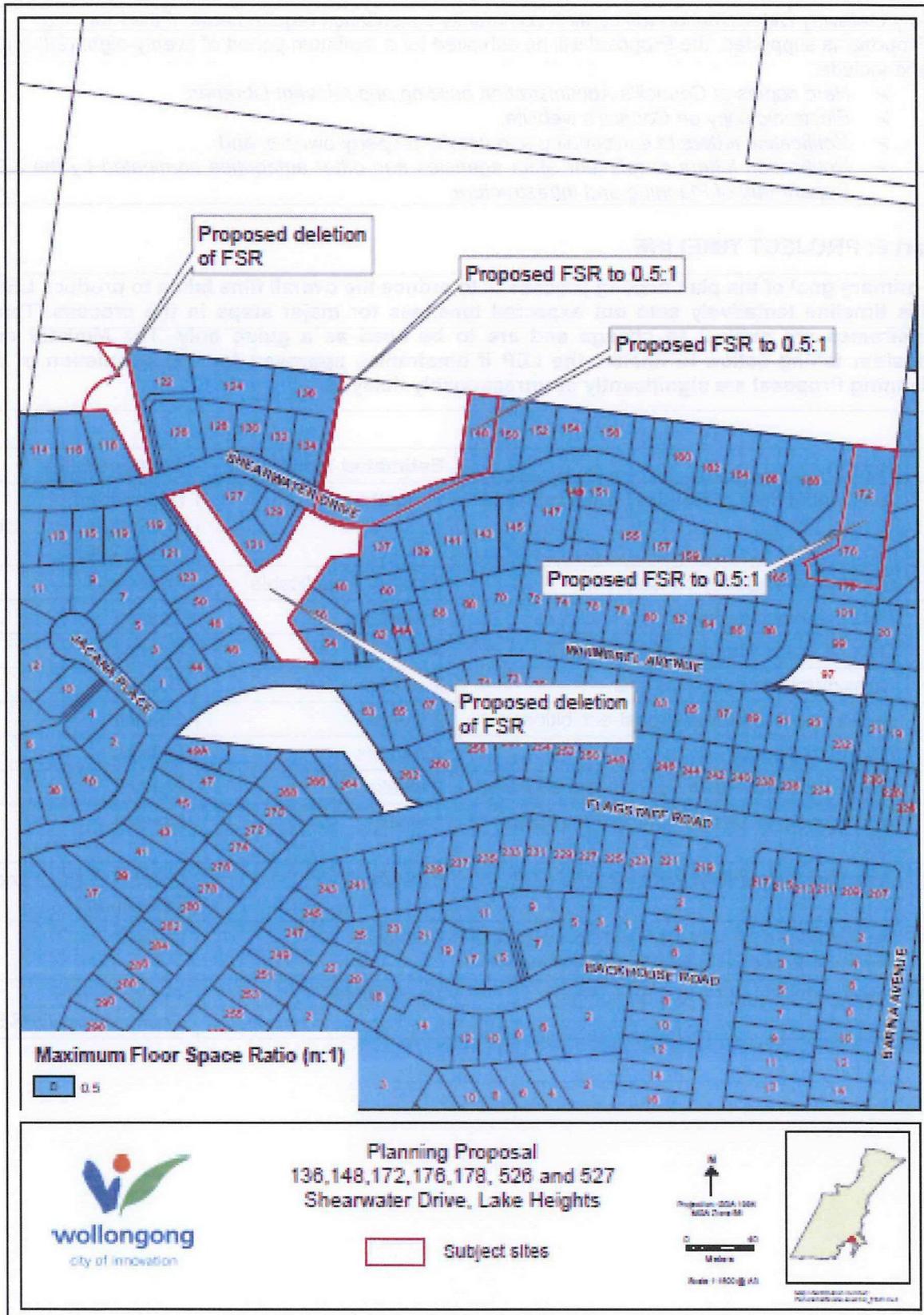


Figure 8.0 Proposed Floor Space Ratio Map

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.*

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	2 months	Department of Planning and Environment
2	Government agency consultation	21 days if applicable	Agencies
3	Public exhibition period	4 weeks	Council
4	Date of Public Hearing (<i>if applicable</i>)	N/A	Council
5	Consideration of submissions	2 weeks	Council
6	Assessment of proposal post-exhibition	2 weeks	Council
7	Report to Council	2 months	Council
8	Final maps and Planning Proposal prepared	2 weeks	Council
9	Submission to Department for finalisation of LEP	1 week	Council
10	<i>Anticipated date RPA will make the LEP</i>	<i>Unknown</i>	Council (if under delegation)
11	Anticipated date Council will forward final Planning Proposal to DOP&I for notification	Unknown	Council
12	Anticipated date LEP will be notified	March 2016	<i>Parliamentary Counsel and DP&E</i>

Table A - Checklist of State Environmental Planning Policies

State policies	State Environmental Planning Policy	Compliance	Comment
SEPP No. 1	Development Standard	N/A	N/A
SEPP No. 4	Development Without Consent and miscellaneous Exempt and Complying Development	N/A	Clause 6 and parts 3 and 4 of SEPP were repealed by Wollongong LEP 2009.
SEPP No. 6	Number of Storeys in a Building		N/A
SEPP No. 14	Coastal Wetlands		N/A
SEPP No. 15	Rural Land Sharing Communities	Does not apply to Wollongong	N/A
SEPP No. 19	Bushland in Urban Areas	Does not apply to Wollongong	N/A
SEPP No. 21	Caravan Parks		N/A
SEPP No. 22	Shops and Commercial Premises		N/A
SEPP No. 26	Littoral Rainforests		No littoral rainforests identified by the policy in the Wollongong LGA.
SEPP No. 29	Western Sydney Recreational Area	Does not apply to Wollongong	N/A
SEPP No. 30	Intensive Agriculture	N/A	N/A
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)	N/A	Not applicable to non-urban land pursuant to Schedule 1 – Land to which this policy does not apply. The sites are greenfield land releases.
SEPP No. 33	Hazardous and Offensive Development	N/A	N/A
SEPP No. 36	Manufactured Home Estates	N/A	N/A
SEPP No. 39	Spit Island Bird Habitat	Does not apply to Wollongong	N/A
SEPP No. 41	Casino/Entertainment Complex	Does not apply to Wollongong	N/A
SEPP No. 44	Koala Habitat Protection	Yes	The land does not constitute 'potential koala habitat' as defined in SEPP 44. No formal plan of management is required.
SEPP No. 47	Moore Park Showground	Does not apply to Wollongong	N/A

State Environmental Planning Policy		Compliance	Comment
SEPP No. 50	Canal Estate Development	N/A	N/A
SEPP No. 52	Farm Dams, Drought Relief and Other Works	Does not apply to Wollongong	N/A
SEPP No. 55	Remediation of Land	Yes	SEPP 55 – Remediation of Land applies to sites which are suspected of contamination. Further assessment will be undertaken at development application stage by Council's Environmental Scientists.
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	Does not apply to Wollongong	N/A
SEPP No. 59	Central Western Sydney Economic and Employment Area	Does not apply to Wollongong	N/A
SEPP No. 60	Exempt and Complying Development	N/A	N/A
SEPP No. 62	Sustainable Aquaculture	N/A	N/A
SEPP No. 64	Advertising and Signage	N/A	N/A
SEPP No. 65	Design quality of residential flat development	N/A	N/A
SEPP No. 70	Affordable Housing (revised schemes)	Does not apply to Wollongong	N/A
SEPP No. 71	Coastal Protection	N/A	N/A
SEPP	Housing for Seniors or People with a Disability 2004	N/A	N/A
SEPP	Building Sustainability Index: BASIX 2004	N/A	N/A
SEPP	Major Projects 2005	N/A	N/A
SEPP	Development on Kurnell Peninsular 2005	Does not apply to Wollongong	N/A
SEPP	Sydney Region Growth Centres 2006	Does not apply to Wollongong	N/A
SEPP	Mining, Petroleum Production and Extractive Industries 2007	N/A	N/A
SEPP	Infrastructure 2007	N/A	N/A
SEPP	Temporary Structures 2007	N/A	N/A
SEPP	Kosciuszko National Park – Alpine Resorts 2007	Does not apply to Wollongong	N/A
SEPP	Rural Lands 2008	Does not apply to Wollongong	N/A
SEPP	Affordable Rental Housing 2009	N/A	N/A
SEPP	Western Sydney Employment Lands 2009	Does not apply to Wollongong	N/A
SEPP	Exempt and Complying Development Codes 2008	N/A	N/A

State Environmental Planning Policy		Compliance	Comment
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	N/A
Deemed SEPPS(former Regional Plans)			
Illawarra REP 1	Illawarra	Repealed within Wollongong	N/A
Illawarra REP 2	Jamberoo	Does not apply to Wollongong	N/A
Greater Metropolitan REP No.2	Georges River catchment	Does not apply to Wollongong	N/A

Table B - Checklist of Section 117 Ministerial Directions

Ministerial Direction		Comment
Employment and Resources		
1.1	Business and Industrial Zones	N/A
1.2	Rural Zones	N/A – no rural zoned land is to be affected by the planning proposal.
1.3	Mining, Petroleum Production and Extractive Industries	N/A
1.4	Oyster Aquaculture	N/A
1.5	Rural Lands	N/A
Environment and Heritage		
2.1	Environment Protection Zone	N/A
2.2	Coastal Protection	N/A
2.3	Heritage Conservation	N/A
2.4	Recreation Vehicle Areas	N/A
Housing, Infrastructure and Urban Development		
3.1	Residential Zones	The planning proposal would amend Wollongong Local Environment Plan 2009, which already contains clauses requiring infrastructure provision prior to development occurring; however, infrastructure is already available due to the subject sites being located within an existing, recent subdivision.
3.2	Caravan Parks and Manufactured Home Estates	N/A
3.3	Home Occupations	The planning proposal will comply.
3.4	Integrating Land Use and Transport	The existing road network within the subdivision is to remain unchanged.
3.5	Development Near Licensed Aerodromes	N/A
3.6	Shooting Ranges	N/A
Hazard and Risk		
4.1	Acid Sulfate Soils	N/A
4.2	Mine Subsidence and Unstable Land	N/A

4.3	Flood Prone Land	<p>The estate has minor watercourses, as identified on the Riparians Land Map. Small portions of some of the subject lots (typically the RE1 zoned public reserves) are affected by flood prone land.</p> <p>Flooding impacts were considered as part of the original subdivision and will be considered as part of the assessment of applications for dwelling houses.</p> <p>The planning proposal is considered to be consistent with the NSW Government's Flood Prone Land Policy and also the principles contained in the Floodplain Development Manual 2005.</p> <p>The draft zonings have considered the flood risk. Clause 7.3 of the Wollongong Local Environmental Plan 2009 provides suitable controls on flood liable land.</p>
4.4	Planning for Bushfire Protection	N/A
Regional Planning		
5.1	Implementation of Regional Strategies	<p>The planning proposal is consistent with the Illawarra Regional Strategy.</p> <p>Should the Planning Proposal proceed the proposal would be consistent with the Strategy to utilise existing infrastructure to cater for growth and future household needs.</p>
5.2	Sydney Drinking Water Catchments	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A
5.8	Second Sydney Airport: Badgerys Creek	N/A
Local Plan Making		
6.1	Approval and Referral Requirements	The planning proposal does not contain additional approval or referral requirements.
6.2	Reserving Land for Public Purposes	The land proposed to be zoned RE1 Public Recreation has already been transferred to Council. No additional reservations are proposed.
6.3	Site Specific Provisions	The planning proposal does not contain unnecessary site specific provisions.
Metropolitan Planning		

7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A
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