

Lot 101 DP 825516 Farmborough Road Farmborough Heights

Proposal Title : **Lot 101 DP 825516 Farmborough Road Farmborough Heights**

Proposal Summary : **The proposal, as it relates to Lot 101 DP 825516 Farmborough Road Farmborough Heights, will:**

- rezone 5.3ha from RU2 Rural Landscape to E4 Environmental Living - with a minimum lot size of 2000m2 and a floor space ratio of 0.3:1;
- rezone 5.4ha from RU2 Rural Landscape to E4 Environmental Living - with a minimum lot size of 5000m2 and a floor space ratio of 0.3:1;
- rezone 7.8ha from RU2 Rural Landscape to E2 Environmental Conservation - with a minimum lot size of 39.99ha; and
- update the Natural Resource Sensitivity Biodiversity Map to reflect updated environmental studies.

The proposal, as it relates to Lot 1 DP 720058 and Lot 1 DP 821495 Farmborough Road Farmborough Heights, will:

- rezone the land from RU2 Rural Landscape to E3 Environmental Management and apply a minimum lot size of 39.99ha.

PP Number : **PP_2016_WOLLG_004_00**

Dop File No : **16/08984**

Proposal Details

Date Planning
Proposal Received : **01-Jul-2016**

LGA covered : **Wollongong City**

Region : **Southern**

RPA : **Wollongong City Council**

State Electorate : **WOLLONGONG**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Farmborough Road**

Suburb : **Farmborough Heights**

City :

Postcode :

Land Parcel : **Lot 101 DP 825516; Lot 1 DP 720058; and Lot 1 DP 821495**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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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 (where relevant) : 0
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 :

External Supporting Notes : **The proposal amends the zoning, minimum lot size and floor space ratio applying to the site to facilitate residential development and environmental management. It is consistent with the Farmborough Heights to Mount Kembla Concept Plan.**

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives clearly identifies the intended outcome of the proposal.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The proposal will result in changes to the relevant Land Zoning Map; Minimum Lot Size Map; Floor Space Ratio Map; and Natural Resource Sensitivity - Biodiversity Map in the Wollongong LEP 2009.
There are no changes to the written LEP as a result of the proposal.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

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

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

d) Which SEPPs have the RPA identified?

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 considers that the proposal is consistent with relevant Directions.

Council did not identify 1.2 Rural Zones and 1.5 Rural Land as applicable however these Directions do apply as the proposal affects land within an existing rural zone.

1.2 Rural Zones

This Direction identifies that a proposal must not contain provisions that increase the density of development of land within a rural zone.

The subject land currently has a minimum lot size of 39.99ha and the proposal will rezone approximately 10.7ha to an Environmental Living with a reduction in the applicable minimum lot size. The proposal therefore will increase the density of development permissible on this land. The proposal is consistent with the Farmborough Heights to Mt Kembla Concept Plan which was endorsed by the Department.

The Secretary's delegate can be satisfied that any potential inconsistency is justified by a study and is of minor significance.

1.5 Rural Land

This Direction applies when a proposal will affect land within an existing or proposal rural or environmental protection zone or will reduce the minimum lot size on land within a rural or environmental protection zone.

The proposal is considered to be consistent with the Rural Planning Principles and Rural Subdivision Principles in State Environmental Planning Policy (Rural Lands) 2008 and is therefore considered consistent with this Direction.

No approval is required in relation to this Direction.

4.4 Planning for Bushfire Protection

This Direction requires consultation with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and any comments made by the Commissioner must be taken 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 other applicable s117 Directions:

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrated Land Use and Transport

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

RECOMMENDATION

It is recommended that the Secretary's delegate be satisfied that any inconsistency with s117 Direction 1.2 Rural Zones is justified by a study and is of minor significance.

It is recommended that the Secretary's delegate be satisfied that the proposal will be consistent with 4.4 Planning for Bushfire Protection following consultation with the NSW Rural Fire Service.

State Environmental Planning Policies (SEPPs)

The Planning Proposal is not inconsistent with relevant SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Mapping clearly identifies the proposed zones, lot sizes and floor space ratios for the subject land.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a 28 day exhibition period. This is considered appropriate.**

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 Local Environmental Plan 2009 is in operation.**

Assessment Criteria

Need for planning proposal : **A planning proposal to amend zone, lot size maps, floor space ratio, and biodiversity mapping is necessary to achieve the desired outcome.**

Consistency with strategic planning framework : **The planning proposal aims to implement the Farmborough Heights to Mt Kembla Concept Plan (endorsed by Council and the Department of Planning and Environment) which was prepared to guide the future development of this area.**

Council has advised that the proposal is consistent with the Illawarra Escarpment Strategic Management Plan (2015) and the Illawarra Escarpment Land Use Review Strategy (2007).

The proposal is also consistent with the Illawarra Shoalhaven Regional Plan as it will permit housing in appropriate locations while protecting the environmental values of the Escarpment.

It is agreed that the proposal is generally consistent with these strategies.

Council has also advised that the proposal is consistent with the Wollongong 2022 - Community Strategic Plan.

Environmental social economic impacts : **The proposal will allow limited development on lands that have been identified through environmental and strategic planning to have little ecological value. The proposal will rezone environmentally significant lands to E2 Environmental Protection.**

The proposal will support an important biodiversity and riparian corridor by encouraging the revegetation and rehabilitation of the E2 zoned lands.

The site is identified as bush fire prone. The proponent has undertaken a Bushfire Protection Assessment (EcoLogical) that provides bushfire protection recommendations to enable the low density development of part of the site. The NSW Rural Fire Service will be consulted as a condition of the Gateway determination.

The site has not been identified as containing Aboriginal heritage items - however cultural heritage investigations will be required prior to the subdivision and development of the land through the development application process.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Sydney Water**

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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 :

Relevant studies have occurred to date including ecological, geotechnical, bushfire and Aboriginal cultural heritage studies.

Council may require further information prior to making a decision on the proposal.

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
Council letter - Lot 101 DP 825516 Farmborough Road Farmborough Heights.pdf	Proposal Covering Letter	Yes
Planning proposal - Lot 101 DP825516 Farmborough Road Farmborough Heights.pdf	Proposal	Yes
Council report - Lot 101 DP 825516 Farmborough Road Farmborough Heights.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**

Additional Information : **It is RECOMMENDED that the Acting Director Regions - Southern, 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 Lot 101 DP 825516 from RU2 Rural Landscape to a mix of E2 Environmental Protection and E4 Environmental Living zones, with corresponding changes to minimum lot sizes, floor space ratios and Natural Resource Sensitivity mapping; and to rezone Lot 1 DP 720058 and Lot 1 821495 from RU2 Rural Landscape to E3 Environmental Management and amend the minimum lot size, 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 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 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:

*Office of Environment and Heritage
*NSW Rural Fire Service
*Environmental Protection 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.

Consultation is required with the NSW Rural Fire Service 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 12 months from the date of the Gateway determination.

SECTION 117 DIRECTIONS

5. The Secretary's delegate can be satisfied that inconsistencies with the following s117 Direction is of minor significance and/or justified by a strategy:

1.2 Rural Zones

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 proposal provides opportunity for limited residential development while protecting those parts of the site with environmental values.

Signature:

 Team Leader

Printed Name:

Graham Towers

Date:

8/7/16

