

Staff Road Cordeaux Heights - rezoning Lot 1 DP 534849 from E3 to a mix of E4, E3 and E2

Proposal Title : **Staff Road Cordeaux Heights - rezoning Lot 1 DP 534849 from E3 to a mix of E4, E3 and E2**

Proposal Summary : **The proposal relates to Lot 1 DP 534849 Staff Road Cordeaux Heights and will:**

- rezone 7.3ha of the site from E3 Environmental Management to E4 Environmental Living with a minimum lot size of 1000m2 and a floor space ratio of 0.3:1;
- retain the E3 zoning over 30.4ha but introduce a minimum lot size of 5000m2;
- rezone 17.3ha of the site from E3 Environmental Management to E2 Environmental Conservation with a minimum lot size of 39.99ha; and
- update the Riparian Land and Natural Resource Sensitivity - Biodiversity maps.

PP Number : **PP_2016_WOLLG_003_00**

Dop File No : **16/06953**

Proposal Details

Date Planning : **13-May-2016**

Proposal Received :

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 : **Staff Road**

Suburb : **Cordeaux Heights**

City :

Postcode : **2526**

Land Parcel : **Lot 1 DP 534849**

DoP Planning Officer Contact Details

Contact Name : **Louise Myler**

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RPA Contact Details

Contact Name : **Kathryn Adams**

Contact Number : **0242277107**

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DoP Project Manager Contact Details

Contact Name : **Graham Towers**

Contact Number : **0242249467**

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

:

Residential /

Employment land) :

No. of Lots :

890

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 :

External Supporting

Notes :

A BioBanking Scheme is proposed to be implemented over the proposed E2

Environmental Conservation Zoned riparian area in the south of the site separate to the planning proposal process.

Adequacy Assessment

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

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

Comment :

The statement of objectives identifies the intended outcome of the proposal which is to facilitate large lot residential development while conserving environmental values.

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 Riparian Land and Natural Resources Sensitivity - Biodiversity Maps 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? **No**

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

* May need the Director General's agreement

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

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 does not consider that the proposal is inconsistent with relevant Directions:

2.1 Environment Protection Zones

This Direction states that a proposal must not reduce environmental protection standards for land within an environmental zone.

Council has stated that the proposal is consistent with this direction as the proposed E2 Environmental Protection zoning will provide greater protection than the current E3 Environmental Management zone. While this is true, the proposal will also reduce minimum lot sizes on part of the site and zone part of the site E4 to facilitate dwellings. This potential increase in density on land with an environmental zoning means that the proposal could be considered to be technically inconsistent with this Direction so the Secretary's agreement is required.

The proposed lot sizes are generally consistent with the Farmborough Heights to Mt Kembla Concept Plan, which was endorsed by the Department.

The Secretary's delegate can be satisfied that the inconsistency is justified by a study and is of minor significance. Zoning the most significant environmental attributes E2 will be an improvement. It is proposed to use biobanking to ensure long term management of these attributes.

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.

Council has undertaken preliminary consultation with the RFS which has not raised any objection to the rezoning proposal. The RFS did raise some concern with the subdivision design which have been addressed by redesigning the road and lot layout. Official consultation on the proposal will be required as part of the Gateway determination.

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.

1.5 Rural Lands

This Direction was not identified by Council but is applicable as it affects land within an environmental zone and will alter the minimum lot size for land zoned E3 Environmental Management.

The Secretary's delegate may be satisfied that any inconsistency with this Direction is

justified by a strategy and is of minor significance.

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 inconsistencies with s117 Directions 2.1 Environmental Protection Zones and 1.5 Rural Lands 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 changes to 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 suggested 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 LEP 2009 is in force.**

Assessment Criteria

Need for planning proposal :	A planning proposal to amend 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) and the Farmborough Heights to Mt Kembla Concept Plan. The proposal is considered to be consistent with the Illawarra Regional Strategy and Illawarra Shoalhaven Regional Plan as it will provide increased protection of environmentally significant land - while allowing low scale residential development on less constrained areas. 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. Council has advised that the proposal is consistent with the Wollongong 2022 - Community Strategic Plan.
Environmental social economic impacts :	The proposal will allow low density residential 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. These lands are proposed to be subject to a BioBanking agreement to revegetate and protect the riparian corridor - to be dedicated to Council. The proposal will support an important biodiversity and riparian corridor by encouraging the revegetation and rehabilitation of the E2 zoned lands.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - s56(2)(d) :	Office of Environment and Heritage Transport for NSW NSW Rural Fire Service Sydney Water		
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, :			

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If Other, provide reasons :

Council has identified that a range of studies have been prepared and some will need augmenting.

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
Staff Road Cordeaux Heights Planning Proposal - Council resolution - report - and maps.pdf	Map	Yes
Staff Road Cordeaux Heights Planning Proposal - s56 letter from Council.pdf	Proposal Covering Letter	Yes
Staff Rd Cordeaux Heights - planning proposal.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, 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 parts of Lot 1 DP 534849 Staff Road Cordeaux Heights from E3 Environmental Management to a mix of E2 Environmental Protection and E4 Environmental Living zones, with corresponding changes to minimum lot sizes and floor space ratios, and to amend minimum lot size and floor space ratio controls for the land that retains an E3 Environmental Management zoning 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**
- *Transport for NSW - RMS**
- *NSW Rural Fire Service**
- *Sydney Water**

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 any potential inconsistencies with the following s117 Directions is of minor significance and/or justified by a strategy:

1.5 Rural Lands

2.1 Environmental Protection 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 is the result of a strategic and environmental assessment and will provide for a positive environmental outcome while allowing low scale residential development on less constrained land.

Signature:

 Team Leader

Printed Name:

Graham Towers Date: 24/5/16