



PWG002085

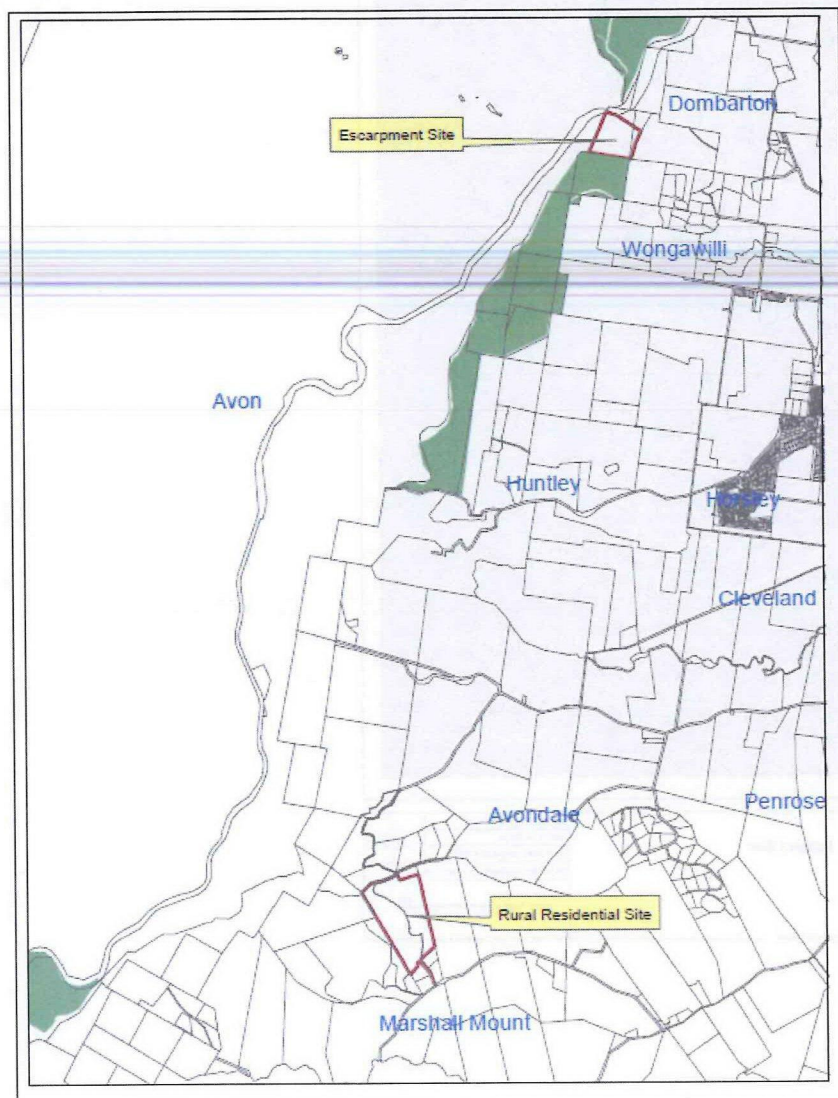
Planning Proposal

LOCAL GOVERNMENT AREA: Wollongong

ADDRESS OF LAND (if applicable): Lot 5 DP 1132746, North Marshall Mount Road, Marshall Mount

MAPS (if applicable):

Locality Map:



Locality Plan Legend

NP_Estate Subject Sites

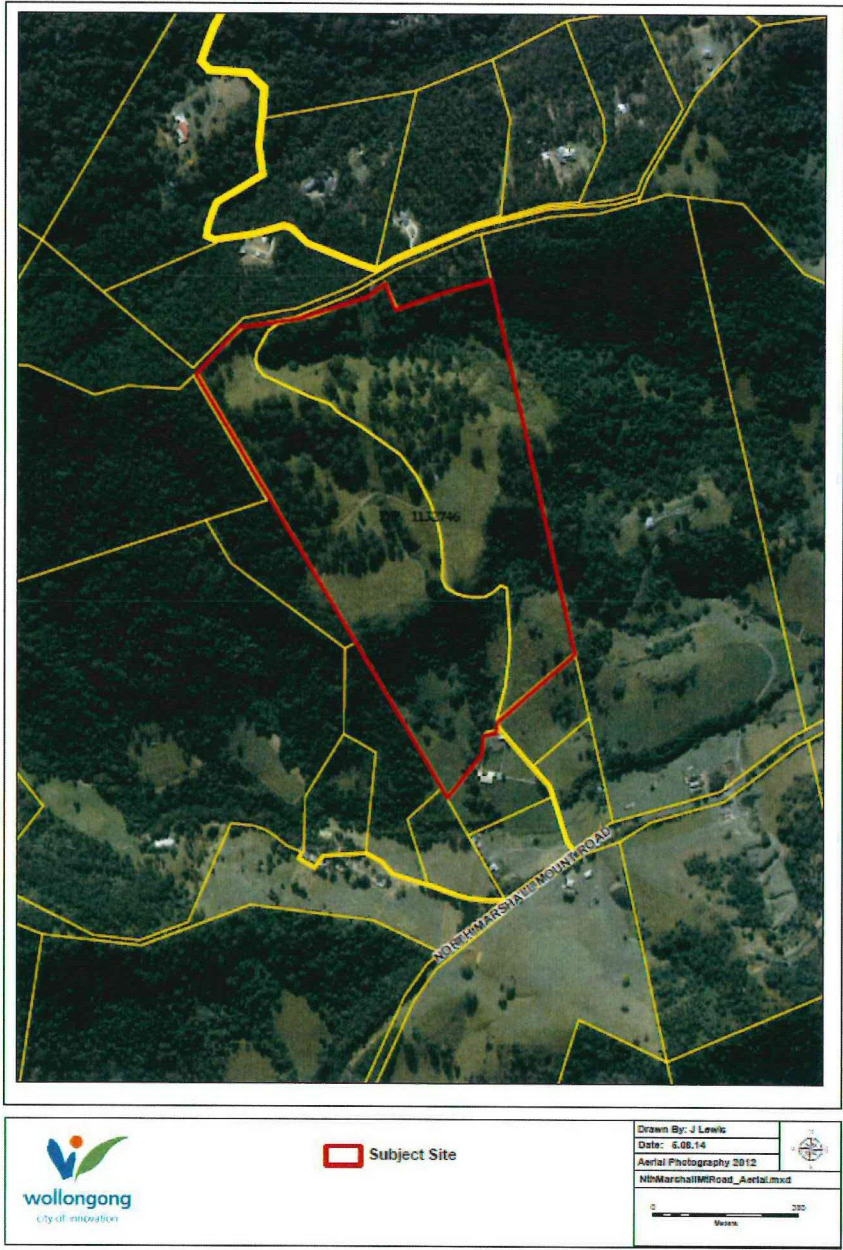
Drawn By: H Jones	
Date: 25/11/2014	
Johns Map.mxd	
Date of Aerial Photography: 2012	

Department of Planning
& Environment
RECEIVED

- 5 NOV 2014

Southern Region-Wollongong

Location map: Subject site



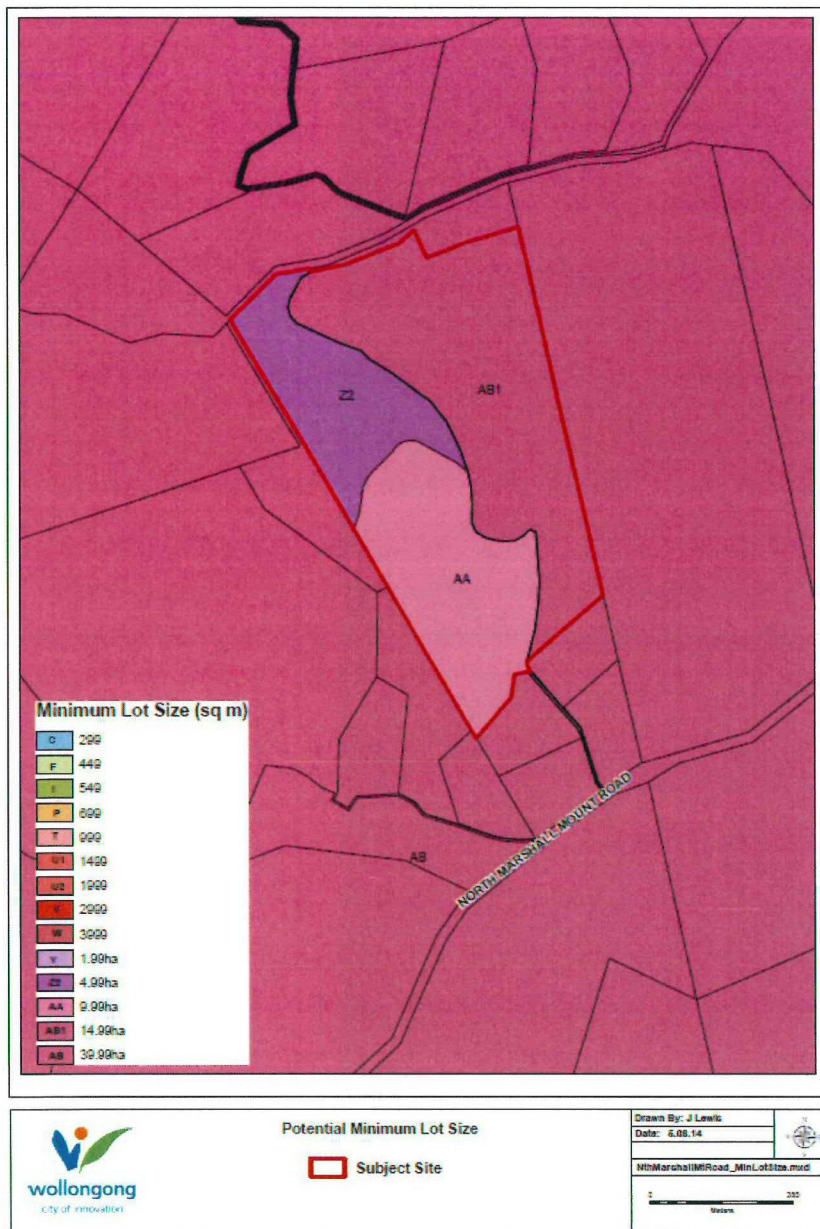
Location map: Escarpment dedication site



 Escarpment Site

Drawn By: J Lewis	
Date: 5.08.14	
Aerial Photography 2012	
NthMarshallMRoad_Esc_Aerial.mxd	
	

Minimum Lot Size map:



DESCRIPTION OF LAND: The site is situated on the slopes of the Illawarra Escarpment and has a total area of 40 hectares. There the site has been used for grazing. The site is made up of cleared grasslands and remnant trees with a mostly cleared understory. Portions of the site are vegetated and Endangered Ecological Communities are located on the site according to Council's records. A number of smaller riparian corridors run across the site.

Surrounding development consists of rural properties. Access to the area is currently off North Marshall Mount Road to the southeast. The site is currently zoned E3 Environmental Management and RU2 Rural Landscape under the provisions of Wollongong Local Environmental Plan 2009. (see attached map)

The land to be dedicated has a total area of 14.8 hectares and is located on the Illawarra Escarpment, south of the Moss Vale – Unanderra Railway line at Wongawilli. This site is currently zoned E2 Environmental Conservation under the provisions of Wollongong Local Environmental Plan 2009. (See attached map)

Part 1: OBJECTIVES OR INTENDED OUTCOMES OF PROPOSED LEP:

Concise statement setting out objectives or intended outcomes of the planning proposal.
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To allow development of the property for rural residential development.

The planning proposal also involves the dedication of land to the Illawarra Escarpment, via a planning agreement.

Part 2: EXPLANATION OF THE PROVISIONS OF PROPOSED LEP:

Statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

1. The amendment of the following maps in the Wollongong LEP 2009.
 - a. Lot Size Map LSZ_005 to change minimum lot sizes on the site from AB – 39.99ha to AB1 – 14.99ha, AA – 9.99ha and introduce a new lot size Z2 – 4.99ha.

Part 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROVISIONS AND PROCESSES FOR THEIR IMPLEMENTATION:

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?	No, the planning proposal is an application related to a previous in-principle agreement relating to a purchase of land to be dedicated for the Illawarra Escarpment. The planning proposal is in an area related to strategic planning studies for the Illawarra Escarpment – the Illawarra Escarpment Strategic Management Plan (2005) and the Illawarra Escarpment Strategic Land Use Review Strategy. The management plan considers that limited development could be considered within existing cleared areas subject to the development contributing to improved management of conservation areas, and no clearing of native vegetation for the erection of a dwelling site, services/infrastructure or bushfire controls. The proposal is minor development, within existing cleared areas and would result in 14.8 hectares of land being added to the Illawarra Escarpment and is consistent with these documents.
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The planning proposal is the most appropriate way of achieving the outcomes.
3. Is there a net community benefit?	The proposal would result in the dedication of land for the Illawarra escarpment in accordance with a 1997 agreement.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?	Yes, the proposal is consistent with the Illawarra Regional Strategy. The proposal would add 14.8 hectares of land to the Illawarra Escarpment at Dombarton/Wongawilli in line with an indicative DEC regional corridor identified in the strategy. The strategy indicates that development should be offset by protecting and enhancing the long term viability of priority vegetation and habitat corridors
5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?	Council currently has Community Strategic Plan 2022. The planning proposal is consistent with this overall vision under the community objective "the sustainability of our urban environment is improved." And the

	community goal "We value and protect our environment." The planning proposal does not seek to remove native vegetation and would result in additional land being dedicated to the Illawarra Escarpment.
6. Is the planning proposal consistent with applicable state environmental planning policies?	SEPP (Rural Lands) 2008 - Although not applying to the planning proposal, the principles of this SEPP have been considered during the development of the plan.
7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	The proposal has been considered in accordance with the following Ministerial directions: 1.1 Business and Industrial Zones – NA. 1.2 Rural Zones – The planning proposal applies to areas covered by rural zones; however the planning proposal is minor and retains potential for rural uses to occur. 1.3 Mining, Petroleum Production & Extractive Industries – NA. 1.4 Oyster Aquaculture – NA. 1.5 Rural Lands - NA. 2.1 Environment Protection Zones - The planning proposal applies to areas covered by environmental zones; however the planning proposal is consistent with the Illawarra Regional Strategy, The work undertaken on the planning proposal has considered the objective of this direction and devised an appropriate conservation outcome, in accordance with the Illawarra Regional Strategy. Consultation with NSW Environment and Heritage will need to be undertaken with regard to the dedication and future management of the land intended to be dedicated to the Illawarra Escarpment. 2.2 Coastal Protection – NA. 2.3 Heritage Conservation – The subject area. 2.4 Recreation Vehicle Areas – NA. 3.1 Residential Zones – NA. 3.2 Caravan Parks and Manufactured Homes – NA 3.3 Home Occupations – The planning proposal will comply. 3.4 Integrating Land Use and Transport – The proposal would result in minor rural-residential development in an area away from local centre and transport routes. 3.5 Development Near Licensed Aerodromes – The area covered by the planning proposal is outside the 20 ANEF contour. 3.6 Shooting Ranges – NA. 4.1 Acid Sulphate Soils – NA. 4.2 Mine Subsidence and Unstable Land – NA. 4.3 Flood Prone Land – NA.

	4.4 Planning For Bushfire Protection – Bushfire affectation in the area is minor and a bushfire study has been completed as part of the development of the planning proposal. Rural and rural-residential lots are proposed to be large to enable flexibility in selecting building sites, whilst maintaining suitable asset protection zones. Consultation will need to be undertaken with the NSW Rural Fire Service during the development of the Planning Proposal. 5.1 Implementation of Regional Strategies – NA. 5.2 Sydney Drinking Water Catchments – NA. 5.3 Farmland of State and Regional Significance on the NSW Far North Coast – NA. 5.4 Commercial and Retail Development along the Pacific Highway, North Coast – NA. 5.5 – Revoked. 5.6 – Revoked. 5.7 – Revoked. 5.8 Second Sydney Airport: Badgerys Creek – NA. 5.9 North West Rail Link Corridor Strategy – NA 6.1 Approval and Referral Requirements – The planning proposal complies with the direction and does not envisage additional approval or referral requirements. 6.2 Reserving Land for Public Purposes – NA 6.3 Site Specific Provisions - The planning proposal does not contain unnecessary site specific provisions. The planning proposal aims to enable minor rural residential development on the site. 7.1 Implementation of The Metropolitan Plan for Sydney 2036 – NA.
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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 planning proposal and concept subdivision plan have the potential to impact on ecological communities. There are a variety of design and control measures which could be implemented. The Planning Proposal seeks to allow low impact development as a practical use of the land.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	The draft structure plan seeks to allow minor rural residential development in the vicinity of conservation areas.
10 How has the planning proposal adequately addressed any social and economic effects?	The planning proposal seeks to allow a small number of additional dwellings on rural residential allotments. The social and economic effects are minimal.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	Appropriate public infrastructure can be provided to the site. The proposed development is minor and would not create significant additional demand. Satisfactory arrangements with relevant agencies will need to be made prior to development of the precinct.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	At present state government agencies have still to provide comments on the proposal. Should the proposal proceed, the Office of Environment and Heritage and NSW Rural Fire Service would need to be included in consultation prior to public exhibition of the Planning Proposal.

Part 4: DETAILS OF COMMUNITY CONSULTATION TO BE UNDERTAKEN ON THE PLANNING PROPOSAL:

It is expected that the proposal would be publicly exhibited for a minimum of three weeks with a public notice in the local paper and copies of the planning proposal on display at Council's offices and Wollongong and Dapto libraries.

Council seeks to publicly exhibit this planning proposal, draft zoning maps and associated provisions for a period of three weeks for public comment. A draft Planning Agreement and vegetation management plan for future management of the dedication site would need to be developed prior to public exhibition.

Part 5: PROJECT TIMELINE:

It is expected that the proposal would undergo a "gateway determination" at the end of 2014.

The proponent would need to update the Bushfire report to address access requirements of "Planning for Bushfire Protection" 2006, develop a vegetation management plan and develop a Voluntary Planning Agreement for the dedication of the escarpment site. Consultation would occur with NSW Rural Fire Service and NSW Office of Environment and Heritage during the development of these documents. It is estimated that this process could take until June 2015.

Council seeks to publicly exhibit this planning proposal, draft minimum lot size map and associated provisions for a period of three weeks for public comment (estimated during July 2015).

A post exhibition report would be estimated to be considered by Council in September 2015. If adopted by Council, the Planning Proposal would be submitted to NSW Planning and Environment for finalisation by October 2015.

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:Wollongong City Council

Name of draft LEP: Wollongong Local Environmental Plan 2009

Address of Land (if applicable): Lot 5 DP 1132746 North Marshall Mount Road, Marshall Mount

Intent of draft LEP: Amend minimum lot size to allow two additional dwelling lots

Additional Supporting Points/Information: Planning proposal also involves a VPA to dedicate 14.8 hectares of land to the Illawarra Escarpment in accordance with a 1997 in-principle agreement.

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N	X		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N	X		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		X		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	N	X		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		X		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		X		
Is the planning proposal proposed to rectify an anomaly in a classification?		X		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		X		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		X		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		X		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		X		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		X		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		X		

Does the planning proposal create an exception to a mapped development standard?	Y			
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).	Y - C			

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.