

Planning Services

Gateway Determination Report

LGA	Wollongong
RPA	Wollongong City Council
NAME	227 Cordeaux Road Mount Kembla – rezone land from E3 to mix of E2 and E4 (two dwellings, 0 jobs)
NUMBER	PP_2018_WOLLG_004_00
LEP TO BE AMENDED	Wollongong LEP 2009
ADDRESS	Cordeaux Road Mt Kembla
DESCRIPTION	Lot 100 DP 1123517
RECEIVED	20 March 2018
FILE NO.	IRF/1541
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this

INTRODUCTION

Description of Planning Proposal

The proposal amends zoning, lot size and floor space ratio controls to allow large lot residential development on the northern part of the subject site, while protecting environmentally significant areas to the south through appropriate environmental zoning. This would permit (subject to development approval) two additional residential lots on the subject land.

Site Description

The subject land is approximately 5.8 ha in area. The northern portion of the site is predominantly cleared with one existing dwelling, a shed, exotic vegetation and open areas used for grazing livestock. Access to the site is provided via a driveway extending from Cordeaux Road alongside residential lots to the north.

A riparian corridor traverses the southern portion of the site with dense mature and regenerating native vegetation fronting American Creek (Figure 1).

Figure 1 – Site Location

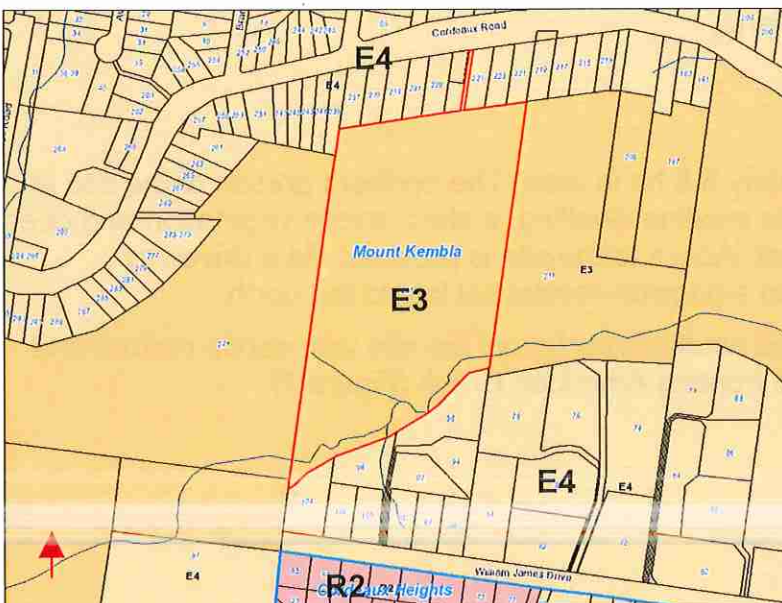


(Source: Nearmap)

Surrounding Area

The subject land is zoned E3 Environmental Management. The subject land adjoins residential areas of Mount Kembla, which is zoned E4 Environmental Living, to the north, further E3 zoned land with a small number of existing dwellings to the east, E4 developed residential areas and the suburb of Cordeaux Heights to the south, and further E3 zoned land with a small number of existing dwellings to the west (Figure 2).

Figure 2 – Current Zoning – Wollongong LEP 2009



(Source: Wollongong City Council)

Summary of Recommendation

It is recommended that the planning proposal proceed as submitted.

PROPOSAL

Objectives or Intended Outcomes

The planning proposal seeks to implement the recommendations of the Farmborough Heights to Mount Kembla Structure Plan. The proposal will permit large lot residential development on the northern part of the site, while protecting environmentally significant areas to the south through appropriate environmental zoning.

Explanation of Provisions

The proposal will amend the Wollongong LEP 2009 as follows:

- Amend the Land Zoning Map to rezone the site from E3 Environmental management to a mix of E4 Environmental Living and E2 Environmental Conservation.
- Amend the Lot Size Map to introduce a 5000 m² minimum lot size for the E4 zone, and apply a 39.99ha lot size for the E2 zoned area.
- Amend the Floor Space Ratio Map to apply a maximum FSR of 0.3:1 for the proposed E4 zoned area.

There are no changes to the written instrument as a result of the proposal.

Mapping

The proposal will require the amendment of 3 LEP maps, being the zoning, lot size and floor space ratio maps applying to the subject land. Council has included mapping of the proposed planning controls within the proposal that is appropriate for exhibition purposes.

NEED FOR THE PLANNING PROPOSAL

The proposal implements the recommendations in the Farmborough Heights to Mount Kembla Concept Plan, endorsed by both Council (2013) and the Department of Planning and Environment (2014). The Concept Plan provides development opportunities in appropriate locations and identifies mechanisms to conserve and manage environmental attributes at the foothills of the Illawarra Escarpment.

The proposal seeks to facilitate large lot residential development on the northern part of the site – to permit two residential lots, while protecting environmentally sensitive areas to the south through an E2 zoning.

Council has prepared a Vegetation Management Plan for the retention and rehabilitation of the riparian corridor on the southern portion of the site which will be formalised by an 'in perpetuity' Conservation Agreement registered on title.

The Southern Region supports the proposal, and notes the development outcomes afforded by the E4 Environmental Living zone on existing cleared land, and the enhanced conservation of important environmental areas with the proposed application of the E2 Environmental Conservation zone. It is considered that a planning proposal is the only way to achieve these outcomes.

STRATEGIC ASSESSMENT

Illawarra Shoalhaven Regional Plan

Council has assessed the proposal against the Illawarra Shoalhaven Regional Plan. Council states that it is consistent with the plan, specifically:

Goal 2 – provide sufficient housing to suit the changing demands of the region and identify and conserve biodiversity values when planning new communities.

Goal 5 – protect the region's environmental values by focusing development in locations with the capacity to absorb development.

The Southern Region agrees with Council's assessment that the proposed outcomes will be consistent with the above Goals of the Regional Plan, in providing residential development opportunities on existing cleared land that can be readily serviced, and by applying an environmental zoning to environmentally important areas.

The proposal also notes consistency with the principles of policies including Australia's Biodiversity Conservation Strategy (2009), the Southern Rivers Catchment Action Plan (2013-2023) and the former Illawarra Regional Strategy (2006).

Local strategies

Council notes the proposal's consistency with its Illawarra Biodiversity Strategy (2011) which highlights the degradation of, and subsequent need to protect and restore riparian areas and biodiversity in the Illawarra.

Council notes that the proposal is consistent with the Wollongong 2022 Community Strategic Plan objective "The natural environment is protected and enhanced" under the Community Goal "We value and protect our environment".

Council has stated that the proposal specifically addresses its 2017-18 Annual Plan Key Deliverable of continuing to assess planning proposals against environmental strategies.

As noted previously, the proposal is consistent with the Farmborough Heights to Mount Kembla Concept Plan which has been endorsed by both Council and the Department.

Section 9.1 Ministerial Directions

The planning proposal has identified applicable section 9.1 Directions and does not consider that the proposal is inconsistent with relevant Directions.

Directions of particular relevance are discussed below:

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 apply an E4 Environmental Living zone to facilitate additional dwellings. This potential increase in development density on land with an environmental zoning means that the proposal could be considered to be inconsistent with this Direction so the Secretary's agreement is required.

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

The proposal will provide a higher level of protection through the application of the E2 Environmental Conservation zone.

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

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 sizes for environmental land.

The Secretary's delegate may be satisfied that any inconsistency with this Direction is justified by a study and is of minor significance.

4.4 Planning for Bushfire

This Direction requires consultation with the Commissioner of the NSW Rural Fire Service (RFS) prior to undertaking community consultation, and any comments from 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 other applicable Directions:

2.3 Heritage Conservation

2.4 Recreational Vehicle Areas

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Homes Estates

3.3 Home Occupations

3.4 Integrated Land Use and Transport

5.10 Implementation of Regional Plans

6.1 Approval and Referral Requirement

RECOMMENDATION

It is recommended that the Secretary's delegate be satisfied that any inconsistencies with Directions 2.1 Environmental Protection Zones and 1.5 Rural Lands is justified by a study and is of minor significance; and that the proposal will be consistent with 4.4 Planning for Bushfire Protection following consultation with the RFS.

State Environmental Planning Policies

The proposal identified key State Environmental Planning Policies (SEPPs) applying to the site, including:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007; and
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

The planning proposal is not inconsistent with relevant State Environmental Planning Policies.

SITE-SPECIFIC ASSESSMENT

Social

Council notes that both an Aboriginal Heritage Information System (AHIMS) search and a due diligence assessment have been completed and have identified that the site has low archaeological potential.

Environmental

The proposal will allow low density residential development (up to 2 lots) on land that has been identified through environmental and strategic planning to have little ecological value. The proposal will rezone environmentally significant lands to E2 Environmental Conservation to provide greater protection than currently achieved under the E3 Environmental Management zone.

Economic

Given the scale of the planning proposal and resulting potential development outcomes, the proposal will not result in negative economic impacts.

Infrastructure

Council advise the full urban reticulation services (power, sewer, water and telecommunications) are able to be provided to the site.

The provision of state infrastructure is not considered relevant to this proposal.

CONSULTATION

Community

Council has proposed a 28-day community consultation period. This is considered adequate.

Agencies

Council has proposed consultation with:

- Roads and Maritime Services
- NSW Rural Fire Service
- Department of Industries (Water)
- NSW Office of Environment and Heritage
- Sydney Water

TIME FRAME

Council anticipates a 5-month time frame to finalise the LEP. It is recommended that a 12-month period be provided to provide a buffer in case issues arise during consultation.

DELEGATION

Council has asked for plan making authority in relation to this proposal. This is considered appropriate, as the proposal is minor in nature and consistent with the endorsed Farmborough Heights to Mount Kembla Concept Plan.

CONCLUSION

This proposal implements the recommendations in the Farmborough Heights to Mount Kembla Concept Plan and will result in the development of low density residential development on lands identified as having little ecological value. The proposal will rezone environmentally significant lands for environmental protection.

It is recommended that the proposal be supported.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree any inconsistencies with Section 9.1 Directions 2.1 Environmental Protection Zones and 1.5 Rural Lands are minor or justified; and that the proposal will be consistent with Direction 4.4 Planning for Bushfire Protection following consultation with the Rural Fire Service.

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Roads and Maritime Services
 - NSW Rural Fire Service
 - Department of Industries (Water)
 - NSW Office of Environment and Heritage
 - Sydney Water.
3. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan



Louise Myler
Acting Team Leader, Southern



Sarah Lees 02/05/2018
Director Regions, Southern
Planning Services

Andrew Hartcher, Senior Planning Officer
02 4224 9473

