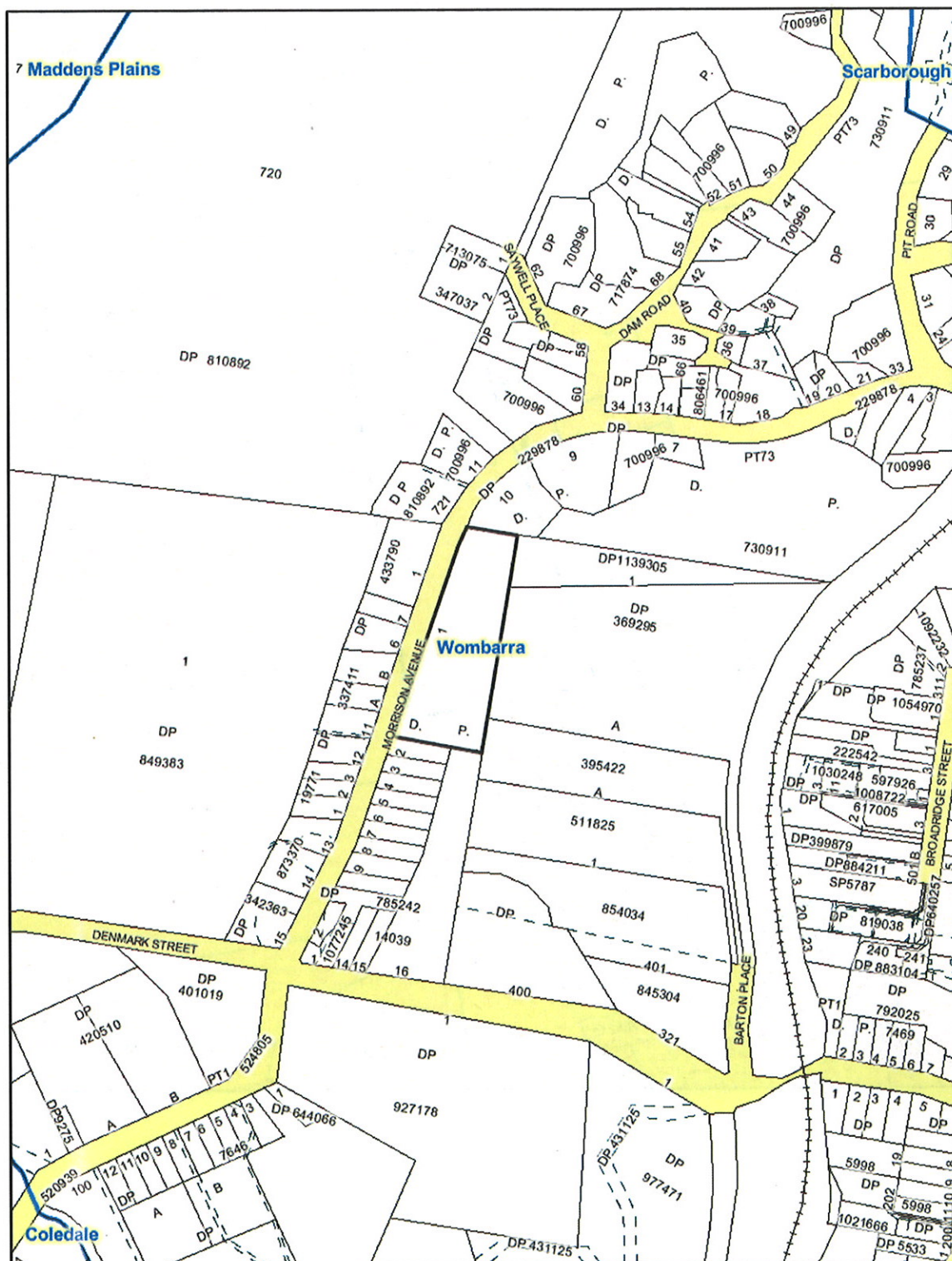


**Location map:**





## PHOTOGRAPHS:

Aerial photograph:





**Cleared portion of site - southern end**



**Morrison Avenue looking south, substation opposite**

## Part 1: OBJECTIVES OR INTENDED OUTCOMES OF PROPOSED LEP:

### Concise statement setting out objectives or intended outcomes of the planning proposal.

To enable the land to be subdivided into a maximum of 3 lots and to allow the erection of 2 dwellings upon the vacant lots.

## 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.

Amendment to Schedule 1 of Wollongong LEP 2009 to include reference to 95 Morrison Avenue, Wombarra, being Lot 1 DP 14039, and permit with consent subdivision of the land into 3 lots and the erection of 1 dwelling house on each lot.

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

### Section A – Need for the planning proposal

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| <b>1. Is the planning proposal a result of any strategic study or report?</b>                                                 | <p>The planning proposal is the result of a Council resolution dated 28 July 2009 (copy of relevant extracts are attached, noting that the report totals 200 pages and is not all relevant to the proposal).</p> <p>The resolution identified certain LEP amendments which arose from exhibition of <i>Draft Wollongong LEP 2009</i>, as requiring the preparation of separate planning proposals. This LEP amendment was identified as having sufficient merit to warrant the preparation of a planning proposal.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</b> | <p>The planning proposal is the most effective means of achieving the intended outcome.</p> <p>The proposed draft LEP provisions provide certainty about the maximum lot yield for a subdivision of the land and provide flexibility in relation to configuration of the subdivision in order respond effectively to site constraints, market demands and the surrounding subdivision pattern. It is likely that future lot sizes would be in the vicinity of 3,000m<sup>2</sup> to 5,000m<sup>2</sup> as a result of bushfire and riparian constraints.</p> <p>Other alternatives that were considered include:</p> <p>a) <u>Amend the land use zone from E3 - Environmental Management to E4 – Environmental Living.</u><br/>A rezoning would not in isolation enable the intended outcome to be achieved. Further, the rezoning to an E4 zone would be less appropriate than the existing E3 zone in terms of land use objectives and permissible land uses.</p> |

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|                                                    | <p>b) <u>Amend the Lot Size Map to require a minimum lot size of 3,999m<sup>2</sup>.</u><br/>This would also result in a maximum lot yield of 3 lots but would result in an overly prescriptive subdivision layout with no flexibility for a design to respond to site constraints, market demands and the surrounding subdivision pattern.</p> <p>c) <u>Amend the Lot Size Map to require a minimum lot size of 2,999m<sup>2</sup>.</u><br/>This would result in a potential lot yield of 4 lots given the site is 12,140m<sup>2</sup> in area. This is not consistent with the intended outcome of the planning proposal.</p> <p>d) <u>Amend the Lot Size Map to require a minimum lot size of 1,000m<sup>2</sup> for a portion of the site less than 3,000m<sup>2</sup> located at the southern extremity of the site.</u><br/>This would effectively enable 2 additional lots to be created and a continuation of the residential subdivision pattern that currently exists to the south and west of the land. This provides for less flexibility in the design of a 3 lot subdivision and may create difficulties complying with bushfire planning controls due to the presence of vegetation in the south east corner of the site. An accompanying rezoning of the same portion to the E4 zone would be appropriate if this option was pursued.</p> <p>e) <u>Amend the Floor Space Ratio Map from unrestricted to 0.3:1.</u><br/>Given the high likelihood of large lot sizes a floor space ratio standard is superfluous. It does however provide some equity in standards with the residential strip to the south and would be important for streetscape purposes if option 4 was pursued instead of the proposed LEP amendment.</p> |
| <p><b>3. Is there a net community benefit?</b></p> | <p>The potential benefits of the proposal include:</p> <ul style="list-style-type: none"> <li>• additional housing on land with high amenity value</li> <li>• enhancement of the riparian corridor at the northern edge of the site</li> <li>• revegetation of grasslands outside of bushfire asset protection zones with associated weed management</li> <li>• improved bushfire protection outcomes as a result of the demolition of the existing dwelling house and rebuilding to comply with current bushfire controls</li> </ul> <p>Potential costs to the community would be associated with a development that is unresponsive to the constraints of the site, however these can be minimised through the application of existing planning controls.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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## Section B – Relationship to strategic planning framework

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| <p><b>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)?</b></p> | <p>The planning proposal is not inconsistent with the outcomes and actions included in the <i>Illawarra Regional Strategy</i>.</p> <p>The Strategy requires implementation of the <i>Illawarra Escarpment Strategic Management Plan</i> (IESMP)(2006) into local environmental plans. The existing land use zoning (i.e. E3 Environmental Management) confers a level of environmental protection that is compatible with the known ecological values of the land and the recommendations of the IESMP (refer to further discussion in Section B5).</p> <p>The site appears to be situated within the “Indicative DEC Regional Habitat Corridor” and within lands identified as containing “Significant Native Vegetation” as shown on Map 2 of the Strategy. Any development proposal would require further assessment of the ecological values of the land and the impacts of the development. According to the <i>Native Vegetation of the Illawarra Escarpment and Coastal Plain</i> study (NPWS 2002), Escarpment Blackbutt Forest surrounds most of the site with grasslands and scattered remnants of the forest community existing on the site.</p> <p>The land has also been identified as containing riparian land in <i>Wollongong LEP 2009</i> and accordingly the protection of riparian vegetation along the northern and southern edges of the site should be maximised and disturbed portions should be rehabilitated in order to achieve consistency with relevant Strategy actions.</p> <p>The flooding potential of the site requires further investigation at the development stage in order to define restricted building areas. This would implement relevant natural hazard actions as identified in the Strategy.</p> <p>The “Sustainability Criteria” contained in the Strategy have been considered and the proposal is not inconsistent with the criteria subject to ecological values being protected and flooding constraints being addressed during development.</p> |
| <p><b>5. Is the planning proposal consistent with the local council’s Community Strategic Plan or other local strategic plan?</b></p>                                                                                               | <p>As mentioned above the IESMP applies to the land. The planning proposal achieves consistency with this plan in the following ways:</p> <ul style="list-style-type: none"> <li>• provides sufficient flexibility in the sizing of lots to enable adequate riparian buffers to be incorporated to the watercourses situated along the northern and southern edges of the site,</li> <li>• provides a housing density that is equal or less than the surrounding neighbourhood,</li> <li>• there are substantially cleared portions of the site which should enable the establishment of 3</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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|                                                                                                          | <p>building envelopes and asset protection zones without the need for vegetation clearing or at worst a "no net loss" situation,</p> <ul style="list-style-type: none"> <li>adequate space should be available for on-site effluent disposal,</li> <li>there is potential for the enhancement of vegetation along the northern, eastern and southern boundaries of the land to reduce existing edge effects and improve management of the adjoining high conservation land, and</li> <li>access is already provided along the western frontage of the site.</li> </ul> <p>Other development related recommendations of the IESMP have been implemented via <i>Wollongong LEP 2009</i> and <i>Wollongong Development Control Plan 2009</i>.</p> <p>The <i>Illawarra Escarpment Land Use Review Strategy</i> (2007) includes the subject land within the "Cliff Coast" precinct and identifies the possibility of development on sites situated on escarpment benches that are indistinct in the landscape. The site has a relatively mild slope and is part of the escarpment bench defined by the alignment of Morrison Avenue. The site is surrounded by vegetation and it should be possible for future dwelling houses to be concealed from important distant views of the escarpment. Appropriate "environmental envelopes" should be achievable for up to 3 dwelling houses on the land.</p> |
| <b>6. Is the planning proposal consistent with applicable state environmental planning policies?</b>     | <p>Relevant State Environmental Planning policies (SEPPs) are reviewed below:</p> <ul style="list-style-type: none"> <li><u>SEPP No. 44 - Koala Habitat Protection</u> - The proposal is not inconsistent with this SEPP as the environmental management zone is to remain. As site is &gt;1ha some assessment will be required with a development application.</li> <li><u>SEPP No. 55 - Remediation of Land</u> - No change of zoning is proposed. Further information on the historical use of the land will be required with a development application. Proposal is not inconsistent with this SEPP.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?</b> | <p>Relevant s.117 directions include:</p> <p>2.1 <u>Environment Protection Zones</u> - Consistent. The planning proposal "must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land)". The proposal does not alter standards that apply to the E3 Environmental Management zone but does allow a subdivision with lot sizes that are less than the minimum permitted under <i>Wollongong LEP 2009</i>.</p> <p>3.4 <u>Integrating Land Use and Transport</u> - Consistent. Higher density housing is proposed in close proximity to Wombarra Railway station.</p> <p>4.2 <u>Mine Subsidence and Unstable Land</u><br/>Part of the land is identified by a history of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|  | <p>landslip. The proposal will enable development on potentially unstable land and accordingly may be inconsistent with the direction. Therefore a detailed site specific land stability assessment is required for this proposal in order to demonstrate consistency.</p> <p>4.3 <u>Flood Prone Land</u><br/>This proposal will enable development to be carried out in an area identified as affected by flood hazard. Further studies are required to demonstrate consistency with this direction.</p> <p>4.4 <u>Planning for Bushfire Protection</u><br/>The entire site is mapped as bushfire hazard affected and a bushfire hazard risk assessment would be required for future developments to ensure their compatibility with <i>Planning for Bushfire Protection 2006</i>. The site contains portions of land which are cleared so it is possible that clearing of vegetation for asset protection purposes would not be required or would be minimal.</p> <p>Further consultation with the NSW Rural Fire Service is required by this direction.</p> <p>5.1 <u>Implementation of Regional Strategies</u><br/>The proposal is consistent with the <i>Illawarra Regional Strategy</i>. This matter has been addressed in Section B4 of this proposal.</p> <p>6.3 <u>Site Specific Provisions</u><br/>This direction requires that</p> |
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## Section C – Environmental, social and economic impact

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| <b>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?</b> | There is adequate cleared area for the siting of building envelopes however if vegetation removal is necessary then an assessment of significance would be undertaken at the development stage.                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</b>                                                         | <p>Site specific investigation is required to identify bushfire mitigation measures that would be necessary to meet the requirements for "Special Fire Protection Purposes" under <i>Planning for Bushfire Protection 2006</i>. This information would inform and reflect an assessment of the ecological impact of any vegetation clearing / maintenance.</p> <p>A site specific land stability assessment is required, as part of the site is known to have a history of land slip and the land is generally within an area suspected of land slip.</p> <p>A flood study is required to determine the extent of the</p> |

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|                                                                                                | <p>site affected by flooding.</p> <p>Appropriate controls are currently in place to facilitate the preparation of these investigations as part of a development proposal.</p>           |
| <b>10. How has the planning proposal adequately addressed any social and economic effects?</b> | There are negligible social and economic impacts of the proposal. There are no known items or sites of European or Aboriginal cultural heritage that would be affected by the proposal. |

#### **Section D – State and Commonwealth interests**

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| <b>11. Is there adequate public infrastructure for the planning proposal?</b>                                                      | The proposal facilitates the addition of 2 additional dwellings and accordingly the additional demands on public infrastructure will be negligible. A developer contribution will be applicable to a future development proposal. |
| <b>12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?</b> | To be completed post consultation.                                                                                                                                                                                                |

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

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 Wollongong and Thirroul Libraries
- Electronic copy on Council's website
- Notice placed in the Illawarra Mercury and The Advertiser (Wollongong Edition)
- Notification letters to surrounding and nearby property owners
- Notification letter to DECCW and any other authorities nominated by the Department.