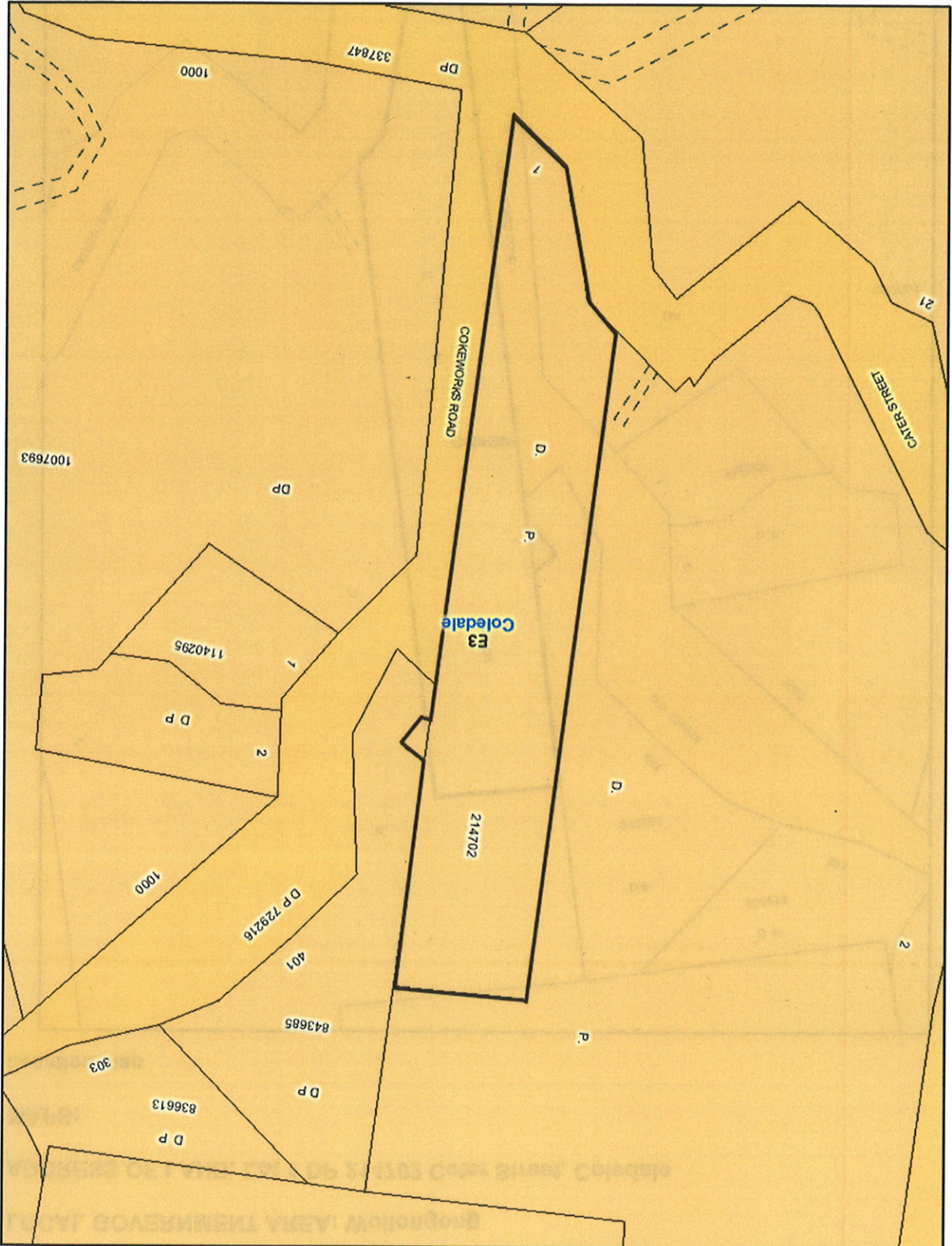
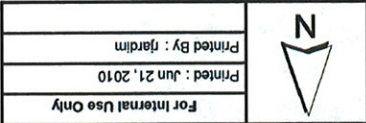


Existing zoning map







Existing southern-most dwelling upon site



Existing dwelling, northern side



'Middle dwelling' site

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 3 lots and a dwelling to be erected on the proposed vacant lot.

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 of Schedule 1 of Wollongong LEP 2009 to include reference to Lot 1 DP 214702 Cater Street, Coledale and permit development for the purposes of the subdivision of the land into 3 lots and the erection of 1 dwelling house on the proposed vacant lot.

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? 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). 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.	2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way? Other alternatives that were considered include: (1) Amend the Lot Size Map for the subject site. This option is inappropriate as the intended subdivision configuration includes lots with variable sizes based on existing and proposed dwelling house footprints and permitting a minimum that reflects the smallest intended lot would provide the potential for the land to be subdivided into more than 3 lots. (2) Amend Schedule 1 to permit the subdivision of the land into 2 lots to reflect the 2 dwelling houses that currently exist on the land. This option would be contrary to the submission made by owners of the land and not achieve the intended outcomes of the planning proposal. The owners of the vacant lot wish to replace a dwelling which is believed to have burnt down in a fire in 1968.
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3. Is there a net community benefit?	The delivery of a net community benefit from the proposal depends upon the extent of environmental impacts associated with the proposal and the degree to which these can be mitigated. The most significant potential impact is the ecological impact associated with the establishment of bushfire protection measures. There is potentially a minor social equity benefit from the proposal as a result of resolving a long standing matter in a manner that reflects previous planning decisions in the locality. Given that there is only a minor potential benefit of the proposal the costs of the proposal will have to be proven to be negligible or additional benefits that may be shown to deliver community benefits, subject to further investigation and assessment, include comprehensive weed eradication and rehabilitation of the land, upgrading of effluent disposal if currently disposed on site, and/or improved bushfire safety outcomes for existing building assets.
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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)? • Describe regional or sub-regional strategy outcomes or actions directly relevant to the planning proposal. • Where this is the case, include reasons why the proposal is either explicitly consistent with, or explicitly inconsistent with the outcomes or actions contained in the regional or sub-regional strategy. • Where the planning proposal is inconsistent consider whether circumstances have changed, or whether a matter relevant to the planning proposal was not considered in the preparation of the strategy. • Sustainability criteria included in regional strategies should be addressed in the planning proposal.	The planning proposal is not inconsistent with the outcomes and actions included in the <i>Illawarra Regional Strategy</i>. The existing land use zoning (i.e. E3 Environmental Management) confers a level of protection that is compatible with the known ecological values of the land. 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 would require further assessment of the ecological values of the land and the impacts of development. According to the <i>Native Vegetation of the Illawarra Escarpment and Coastal Plain</i> study (NPWS 2002), Escarpment Blackbutt Forest vegetation community occurs over much of the site. There are also disturbed portions of the site in the vicinity of existing dwellings and the previous dwelling location. Rehabilitation of degraded areas on the land would implement relevant Strategy actions. The land has also been identified as containing riparian land in <i>Wollongong LEP 2009</i> and accordingly the protection of riparian vegetation should be maximised and disturbed areas should be rehabilitated in order to achieve consistency with relevant Strategy actions. The "Sustainability Criteria" contained in the Strategy
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have been considered and the proposal is not inconsistent with the criteria subject to ecological values being protected and steeply sloping parts of the site being avoided when siting the additional dwelling.					
The Illawarra Escarpment Strategic Management Plan (Wollongong City Council 2006). The plan recommends that no clearing of native vegetation be permitted for the location of a dwelling site, provision of services/infrastructure or for the implementation of bushfire controls. While there are cleared portions of the land it is likely that some clearing will be required to facilitate an additional dwelling site and the continuation of vegetation management for APZ requirements.	The Illawarra Escarpment Land Use Review Strategy (HLA 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 more disturbed portions of the land have mild to moderate slopes and accordingly low rise dwellings would most likely be screened by surrounding vegetation.	The proposal is not inconsistent with applicable SEPPs.			
5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?			6. Is the planning proposal consistent with applicable state environmental planning policies?		
7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	• Each planning proposal must identify which, if any, section 117 Directions are relevant to the proposal. • Where the planning proposal is inconsistent, those inconsistencies must be specifically justified • Certain directions require consultation with government agencies – if such a direction is relevant, this should be identified however should not take place until the gateway determination is issued, confirming the public authorities to be consulted on the planning proposal.	• 2.1 - Environmental Protection Zones: 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 would be less than the minimum permitted under <i>Wollongong LEP 2009</i>. • 2.3 - Heritage Conservation: Not inconsistent. • 2.4 - Recreation Vehicle Areas: Not inconsistent. • 3.2 - Caravan Parks and Manufactured Home Estates: Not inconsistent. • 3.3 - Home Occupations: Not inconsistent. • 4.2 - Mine Subsidence and Unstable Land: The land is identified as being affected by a history of 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. • 4.4 - Planning for Bushfire Protection: The land is identified as containing bushfire prone land. As the proposal will facilitate development categorised as "Special Fire Protection Purposes" the APZ provisions of <i>Planning for Bushfire Protection 2006</i> must be complied with. The Bushfire Planning Investigation report compiled by Ecological Australia, dated 23 June 2010 state APZs will be required for a new dwelling to be situated on a new lot located between the two existing dwellings. The			

Section C – Environmental, social and economic impact

APZ assessment on page 9 of the Bushfire Planning Investigation report sets out specific APZs which currently exist and consist of either Cokeworks Road and surrounding residences, or slopes of the subject land. This preliminary investigation states that subdivision for a third building entitlement which will comply with 'Planning for Bushfire Protection 2006' is achievable. A site specific detailed bushfire management plan is required and the approval of the NSW Rural Fire Service will be necessary. • 5.1 – Implementation of Regional Strategies: The proposal must be consistent with the <i>Illawarra Regional Strategy</i>. This matter has been addressed in Section B4 of this proposal. • 6.1 – Approval and Referral Requirements: Not inconsistent. • 6.2 – Reserving Land for Public Purposes: Not inconsistent. • 6.3 – Site Specific Provisions: A planning proposal must not impose "any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended". The proposal would permit a 3 lot subdivision without inclusion of any additional requirements and is therefore consistent.	
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Some clearing will be necessary to establish bushfire asset protection zones. An Arborist Assessment Report conducted by Moore Trees Consulting Arborist, dated 21 June 2010 assessed the health and condition of the existing six trees located on the subject site. This report recommended the retention of two trees (a mature native Turpentine located central to the site and a mature native Murrugun located at the northern end of the site) and the remaining four trees are proposed to be removed to allow for a building envelope for the site. Moore Trees Consulting Arborist recommended the retention of the mature native Turpentine and a survey accurate plan be drawn. This survey plan should locate the existing trees and accurately show canopy spreads. It is likely for bushfire prevention, that no canopy overhang from any tree be present within 5 metres of the roof line.	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? IF YES: it will be necessary to carry out an assessment of significance in accordance with section 5A of the EP&A Act and the "Threatened Species Assessment Guidelines" issued by the Department of Environment and Climate Change. Any adverse impact will trigger the requirement under section 34A to consult with the Director General of the Department of Climate Change – such consultation if required does not take place until after the issuing of the initial gateway determination. 9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? Bushfire mitigation measures identified by the site specific investigation conducted by Ecological Australia "Special Fire Protection Purposes" under <i>Planning for Bushfire Protection 2006</i> include the implementation of
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12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination? This is completed following consultation with the State and Commonwealth Public Authorities identified in the gateway determination and must summarise and address issues raised not already dealt with in the planning proposal.	
11. Is there adequate public infrastructure for the planning proposal? This applies to planning proposal that may result in residential subdivision in excess of 150 lots, substantial urban renewal, or infill development.	The proposal facilitates the addition of one dwelling and accordingly the demands on public infrastructure are minor. The existing road network is considered to be adequate to cater for the additional demand generated by the proposal.

Section D – State and Commonwealth interests

10. How has the planning proposal adequately addressed any social and economic effects? This includes effects on items or places of European or aboriginal cultural heritage.	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.
This might include natural hazards such as flooding, land slip, bushfire hazard etc. If it is necessary to undertake technical studies or investigations to address an identified matter, these should be undertaken following the initial gateway determination.	proposed APZs specified within the report, the continued management of vegetation within the APZ recommended measurements on the lower slopes of the subject land and construction standards as specified within 'Construction of buildings in bushfire-prone areas' (Standards Australia, 2009). This information would inform an investigation into the potential ecological impacts of a 3 lot subdivision and additional dwelling. As the site is known to have experience land slip, a site specific land stability assessment is required for the building envelope associated with the proposed additional dwelling.

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

Outline the community consultation that is to be undertaken in respect of the proposal, having regard to the requirements set out in the guide (refer to the document "**A guide to preparing local environmental plans**" which outlines the consultation required for different types of planning proposals).

- Public exhibition period of 28 days.
- Hard copy of documents 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 owners
- Notification letter to DECCW and any other authorities nominated by the Department.