

ITEM 2

PLANNING PROPOSAL PP-2018/7 PROPOSED AMENDMENT TO MINIMUM LOT SIZE MAP - LOTS 202 AND 203 DP 1175709, FAIRWATER DRIVE, CLEVELAND

Planning Proposal PP-2018/7 was lodged on 15 June 2018 to amend the minimum lot size. The Planning Proposal was referred to the Wollongong Local Planning Panel on 26 September 2018, for consideration. This report discusses the strategic merits of the Planning Proposal, and includes the Wollongong Local Planning Panel's advice to Council. Based on technical assessment by Council and recommendations of the Wollongong Local Planning Panel, the Planning Proposal is considered to lack strategic merit and that it is premature to amend the minimum lot sizes without considering the broader context within the West Dapto Urban Release Area.

RECOMMENDATION

- 1 Planning Proposal PP-2018/7 for Lots 202 and 203 DP 1175709 – Fairwater Drive, Cleveland not be supported and not be referred to the NSW Department of Planning and Environment for a Gateway Determination, as the proposal lacks strategic planning merit and does not consider the broader context within the West Dapto Urban Release Area.
- 2 The applicant be advised of Council's decision.

REPORT AUTHORISATIONS

Report of: David Green, Manager Environmental Strategy and Planning (Acting)
Authorised by: Andrew Carfield, Director Planning and Environment - Future City and Neighbourhoods

ATTACHMENTS

- 1 Site Locality Plan
- 2 Current Zoning
- 3 Proposed Concept Plan
- 4 Recommendation of the Wollongong Local Planning Panel

BACKGROUND

The Site

The site is located at Lot 202 and Lot 203 DP 1175709 Fairwater Drive, Cleveland (Attachment 1). Lot 202 is divided into 2 parts located on either side of Fairwater Drive which were created when Lot 202 was bisected by the Fairwater Drive extension. Both lots are irregular in shape with the two portions of Lot 202 having a combined site area of 24.88ha (248800m²) and Lot 203 having an overall site area of 9.95ha (99500m²). Lot 202 slopes gently towards the East with Lot 203 falling toward the North.

The site is currently vacant. The site is characterised by natural features including open grassland, mature forest vegetation and a riparian corridor. Lot 202 has direct frontage to Fairwater Drive. Lot 203 has frontage to Reed Park Place. Neither lot has formalised vehicular access to the street.

The street scene in the immediate vicinity is characterised by a mixture of land uses including rural land, low density residential development of single and double storey construction and an educational establishment. Adjoining development consists of low density residential dwellings to the north of Lot 202 and west of Lot 203, rural land to the south and east and Reed Park to the north of Lot 203.

The site is part of the West Dapto Urban Release Area, which is currently being developed. The site is in Stage 3 of the Urban Release Area, which is the next stage to be considered for rezoning.

On 15 June 2018, a draft Planning Proposal request was lodged for Lots 202 and 203 DP 1175709, Fairwater Drive, Cleveland to amend the minimum lot size to enable a boundary adjustment. The Planning Proposal was lodged with an associated Development Application DA-2018/711 which was rejected on 19 June 2018. A subsequent Development Application DA-2018/802 was lodged for the same development on 4 July 2018. The applicant was provided with a request to withdraw the draft Planning Proposal on 16 August 2018. The request to withdraw indicated that Council could not progress the application as the Planning Proposal did not satisfy Council's Planning Proposal Policy and lacks strategic justification to proceed. The applicant has advised that they do not wish to withdraw, and also requested that the Planning Proposal be exempt from being considered by the Local Planning Panel

The subject site is zoned part RU2 Rural Landscape and part E2 Environmental Conservation under the Wollongong Local Environmental Plan (WLEP) 2009 (Attachment 2). Subdivision is permissible with consent in the zone subject to complying with the minimum lot size. The minimum lot size under the Wollongong Local Environmental Plan 2009 is 39.99ha. The current proposal for a boundary adjustment would therefore require an amendment to the Wollongong Local Environmental Plan 2009 in order to proceed.

PROPOSAL

The submitted draft Planning Proposal request proposed to amend Wollongong Local Environmental Plan 2009 to include a clause in Schedule 1 (Additional Permitted Uses) to enable a subdivision that would permit a boundary adjustment between Lot 202 and Lot 203 Fairwater Drive, Cleveland. The proposal would enable the consolidation of Lot 203 with a portion of Lot 202 situated on the North eastern side of Fairwater Drive, this separated portion of Lot 202 was created through the extension of Fairwater Drive which bisected Lot 202.

The Planning Proposal would permit a development application to be considered that would result in a decrease in area to Lot 202 from 24.882 ha to 20.94ha and an increase in area for Lot 203 from 9.95ha to 13.892ha (Attachment 3).

The site is located within Stage 3 of the West Dapto Urban Release Area. While Stages 3 and 4 of the release area were deferred when Wollongong Local Environmental Plan (West Dapto) 2010 was made, the area remains part of the Urban Release Area under the Illawarra Shoalhaven Regional Plan. The area is identified under the West Dapto Structure Plan (2008) and also the revised draft Structure Plan (2018) and is still intended to be rezoned to enable urban development.

The draft Planning Proposal request considers one site in isolation and does not consider the future desired directions of the precinct as part of the West Dapto Urban Release Area. Planning Proposals in this significant urban release area should consider the site constraints and desired future land uses as part of a holistic consideration of the wider precinct.

There is a current Planning Proposal (PP-2014/1) for rezoning in the western portion of Stage 3, a recently lodged Planning Proposal PP-2018/9 in the south-eastern portion of Stage 3 and Council has had multiple enquiries from developers intending to lodge Planning Proposals for rezoning near the subject site. Consideration of appropriate minimum lot sizes is best undertaken as part of a Planning Proposal considering the wider precinct in the context of the urban release area.

CONSULTATION AND COMMUNICATION

Development Application DA-2018/802 was publicly exhibited with from 19 July – 8 August 2018. No submissions were received following the notification. As the development application and the draft Planning Proposal request are related and intended to achieve the same outcome, this exhibition of the DA is considered sufficient to inform the process for pre-gateway consideration.

The draft Planning Proposal request lacks strategic justification to proceed. There is no benefit in requesting environmental studies for the current Planning Proposal. Any studies on environmental impacts and suitable minimum lot sizes are best done as part of a holistic study into the future land uses and layout of this precinct as part of a wider study into Stage 3 of the West Dapto Urban Release Area.

Consideration By The Wollongong Local Planning Panel

The proposal was referred to the Wollongong Local Planning Panel (formerly IHAP) for advice pursuant to the Local Planning Panels Direction – Planning Proposals issued under the Environmental Planning and Assessment Act 1979. The panel considered the proposal at its meeting on 26 September 2018. The Panel's unanimous advice to Council is that the Planning Proposal lacks strategic merit, that it is premature to amend the minimum lot sizes without considering the broader context within the West Dapto Urban Release Area and the Planning Proposal should not proceed. A copy of the Panel's decision is at Attachment 4.

At the same meeting, the Panel also considered DA-2018/802 and determined that the application should be refused. The development application has subsequently been determined by refusal.

The applicant submitted additional information on 16 October 2018 after the Wollongong Local Planning Panel consideration to address some of the issues raised. Whilst the applicant has addressed some concerns, the proposal still lacks strategic merit and does not justify progression of the Planning Proposal in a standalone context.

PLANNING AND POLICY IMPACT

The main issues arising from the preliminary assessment process are:

- Compliance with Council's adopted Planning Proposal Policy (2018).
- Low strategic merit and justification.
- Inconsistent with West Dapto Structure Plan and strategic outcomes.
- Relationship with the concurrently lodged Development Application PP-2018/7.

The following planning policies apply to the proposal:

- Local Planning Directions (section 9.1 of EP&A Act 1979).
- Illawarra Shoalhaven Regional Plan (NSW Department of Planning & Environment 2015).
- Planning Proposals – A Guide to Preparing Planning Proposals (NSW Department of Planning & Environment 2016).
- Planning Proposal Policy (Wollongong City Council, 2018).
- West Dapto Structure Plan [and revised draft Structure Plan 2018].

Local Planning Directions (Section 9.1 of EP&A Act 1979)

The proposal is minor and does not contradict the Local Planning Directions (formerly known as Section 117 Directions). One direction requires consistency with the Illawarra Shoalhaven Plan which is discussed below.

Illawarra Shoalhaven Regional Plan (NSW Department Of Planning & Environment 2015)

The site is identified as part of a Regionally Significant Release Area on Figure 3 of the plan. The site is part of a wider release area, which needs to be considered in a coordinated manner to enable proper servicing and land use considerations. Whilst the individual proposal is minor, in the circumstances of this case it is best considered holistically as part of the significant future changes proposed for the area.

Planning Proposals – A Guide To Preparing Planning Proposals (NSW Department Of Planning & Environment 2016)

The guide is intended to inform the consideration of Planning Proposals and their merits.

Section 1.3 of the guide states “A Planning Proposal must demonstrate the strategic merit of the proposed LEP amendment.” The current proposal does not respond to any strategic study, report or strategy. The proposal does not achieve a strategic purpose as it is proposing a boundary adjustment.

Section 2.3 of the guide outlines the justification for a Planning Proposal, including the need for the proposal and its relationship to a wider strategic purpose. The current Planning Proposal is not responding to, or supported by, a strategic report, study, strategy or plan. The proposal is not responding to any new technology or changes in demographic trends. The current Planning Proposal is of limited public benefit to the community and is consequently of low priority.

Whilst the boundary adjustment sought requires a change to the provisions of the Wollongong Local Environmental Plan 2009, the minimum lot size matters the applicant seeks to be addressed could be incorporated into a future Planning Proposal for development of this portion of the West Dapto Urban Release Area. It is noted that there are landholders/developers considering lodgement of a Planning Proposal for rezoning in this vicinity and the issue of minimum lot sizes and future uses of the land are better considered holistically as part of a wider consideration of this stage of the Urban Release Area. The intent of the guide and the “gateway” process is to test Planning Proposals for strategic merit, and discourage or eliminate those proposals that do not meet such criteria.

Planning Proposal Policy (Wollongong City Council, 2018)

On 7 May 2018, Council adopted a Planning Proposal Policy which seeks to assist in determining the priority for Planning Proposals and also identify the circumstances in which Council would not support progression of a proposal.

Council's policy advises that minor Planning Proposal requests, such as this, which are not part of a wider strategy, plan or policy, will generally not be supported by Council. Council's policy also advises that Planning Proposal requests will be prioritised to ensure that those with the greatest public benefit are given propriety over those with an individual interest. The Planning Proposal under consideration is for a minor boundary adjustment and does not provide a wider benefit to the community. It does not contribute to economic growth, provide for employment generation, or provide housing, community facilities, infrastructure or services. The proposal submitted does not provide for environmental conservation and does not implement an endorsed strategy or plan.

Planning Proposal PP-2018/7 is not supported by a strategy, plan or policy. It is of limited or no public benefit to the community and is therefore of low priority.

As previously discussed, the minimum lot size matters to be addressed could also be incorporated into a future Planning Proposal for development of Stage 3 of the West Dapto Urban Release Area. A wider, holistic Planning Proposal will better consider broader issues of land use, including minimum lot sizes with greater strategic merit. There are landholders and developers currently considering lodgement of a Planning Proposal for rezoning in this vicinity.

The issue of minimum lot sizes raised by the applicant are better considered in this context, holistically as part of a wider consideration of this stage of the Urban Release Area.

FINANCIAL IMPLICATIONS

There are no significant financial implications resulting from this report.

CONCLUSION

An assessment indicates that the Planning Proposal does not comply with Council's Planning Proposal Policy, as it is not supported by a strategy, plan or policy and is of limited public benefit to the greater Wollongong community.

The current Planning Proposal does not meet with the policy and is consequently of low priority. The minimum lot size matters to be addressed could be incorporated into a future Planning Proposal for development of this portion of the West Dapto Urban Release Area. It is noted that there are parties considering lodgement of a Planning Proposal for rezoning in this vicinity, and the issue of minimum lot sizes and also future uses of the land are better considered holistically as part of a wider consideration of this stage of the Urban Release Area.

The intent of Council's Planning Proposal policy, the Departments Planning Proposal guidelines and the "gateway" process is to test Planning Proposals for strategic merit. These policies and guides seek to discourage or eliminate proposals that do not meet strategic criteria. This Planning Proposal does not meet with the criteria.


The Wollongong Local Planning Panel has considered the Planning Proposal and its unanimous advice is that the proposal is premature, lacks strategic merit and should not proceed.

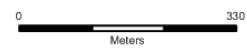
It is recommended Council not support the Planning Proposal request and that it does not progress to a "Gateway" determination.

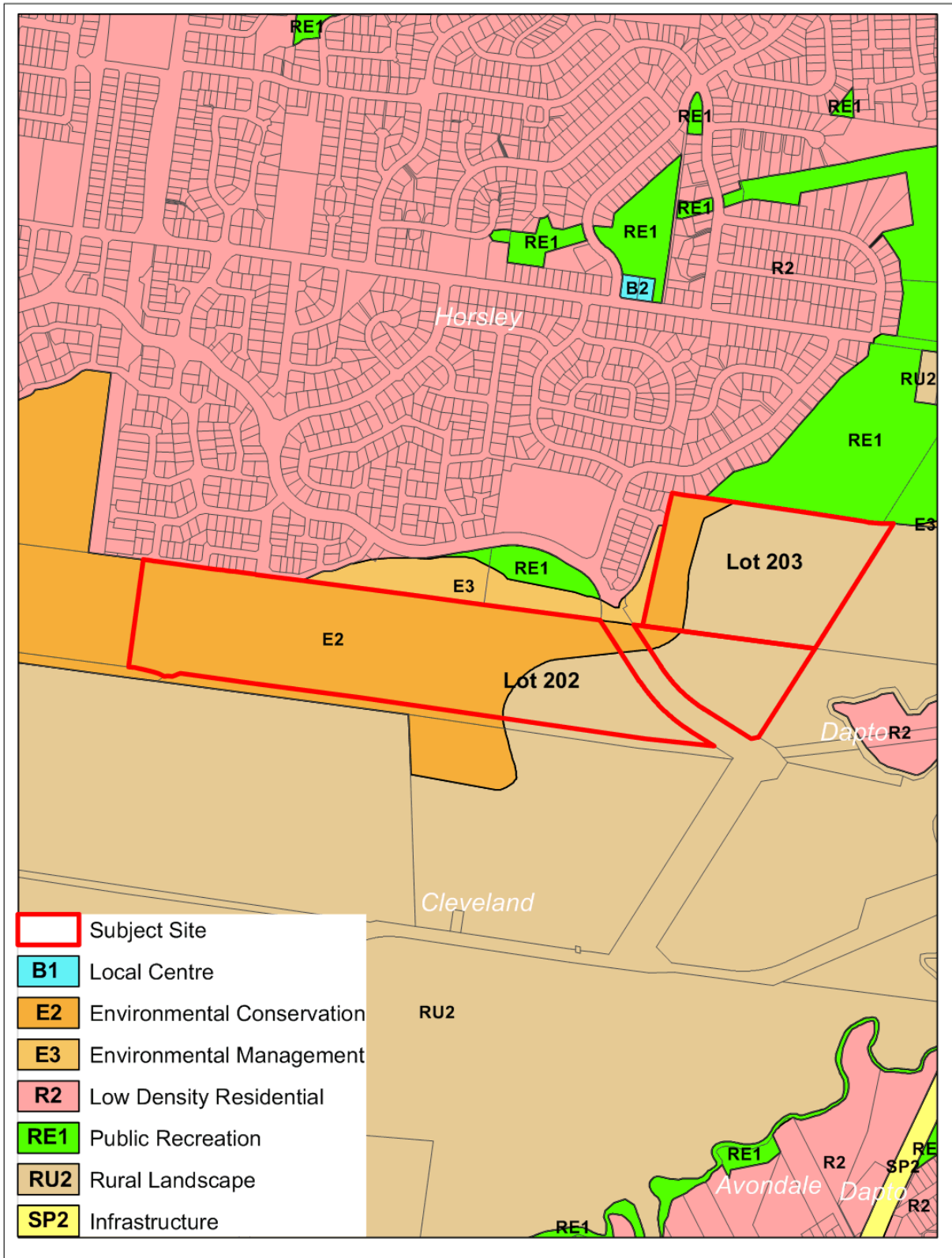


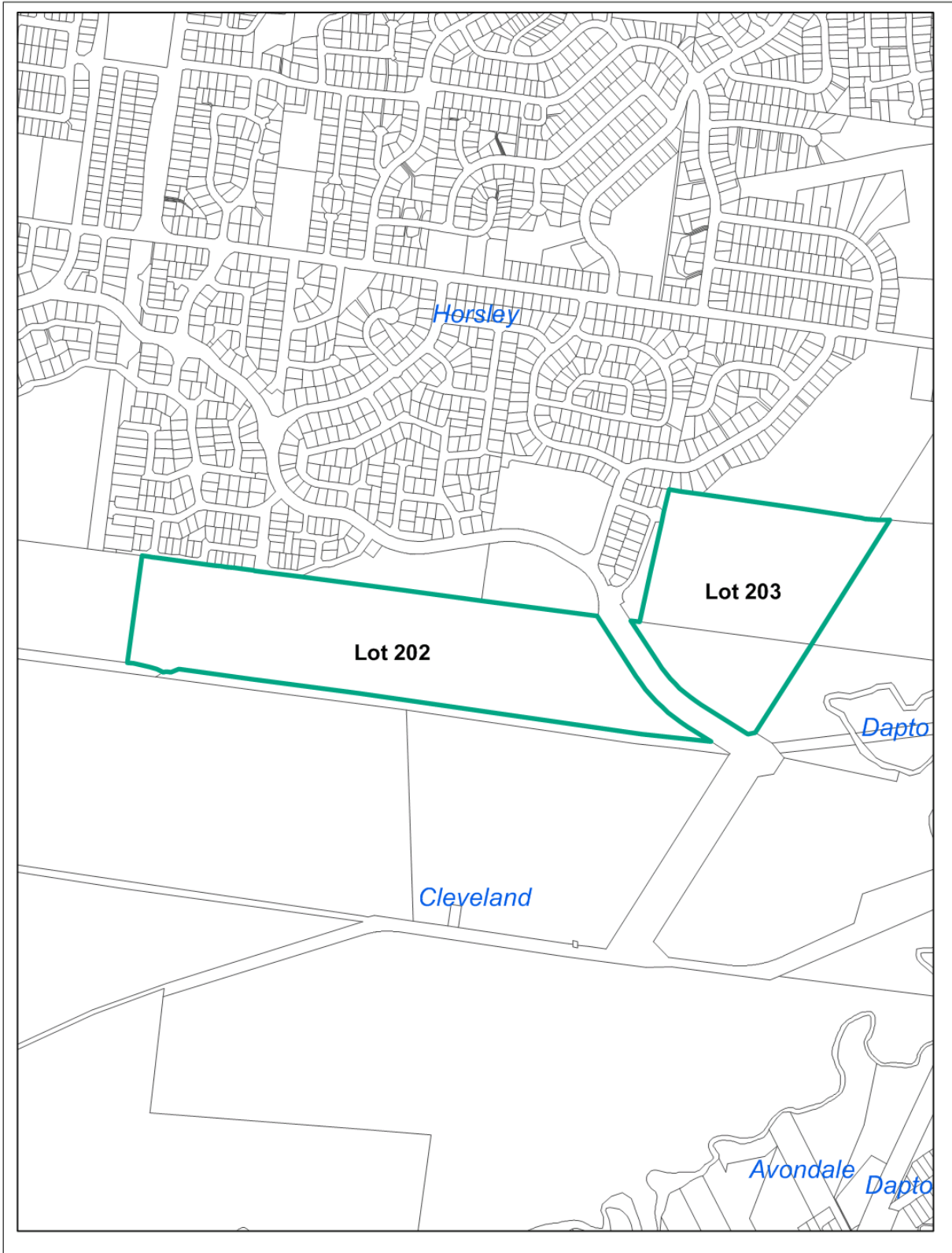
Locality Plan
Lots 202 and 203 DP 1175709 Fairwater Drive
Cleveland

 Subject Site

Drawn By: J Lewis	
Date: November 2018	
Locality Plan.mxd	




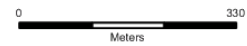




Concept Plan
Lots 202 and 203 DP 1175709 Fairwater Drive
Cleveland

 Concept Plan

Drawn By: J Lewis	
Date: November 2018	
Locality Plan.mxd	



ADVICE AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF HEARING	26 September 2018
PANEL MEMBERS	Robert Montgomery (Chair), Susan Hobley, Brendan Randles, Patricia McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 26 September 2018 opened at 5:00pm and closed at 6.28pm.

MATTER CONSIDERED

PP-2018/7, Lot 202 and Lot 203 DP 1175709, Lot 202 and Lot 203 Fairwater Drive, Cleveland NSW 2530.

PUBLIC SUBMISSIONS

No submitters addressed the Panel.

The Panel heard from the applicant and owner, who provided background information in relation to the creation of Fairwater Drive and the resultant severance of Lot 202 by the road acquisition. Currently Lot 203 has no physical road access and relies on access through Lot 202.

PANEL CONSIDERATION AND DECISION

The Panel considered the Officer's report which provided detailed information about the site and its strategic context, particularly in relation to Stage 3 of the West Dapto Urban Release Area. While the planning proposal may appear to be relatively minor, the Panel agrees that the planning proposal is premature given the release area context. Accordingly the Panel considers that this site specific planning proposal does not exhibit strategic merit.

The Panel agrees that the planning proposal should not proceed.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The planning proposal lacks strategic merit
- It is premature to amend the minimum lot size provisions applying to this site without consideration for the broader context within the West Dapto Urban Release Area.