

ITEM 2

PLANNING PROPOSAL - BOUNDARY ADJUSTMENT 65 BUTTENSCHAW DRIVE  
AUSTINMER - POST EXHIBITION

On 25 July 2016 Council resolved to prepare a draft Planning Proposal for 65 Buttenshaw Drive Austinmer (Lot 31 DP 270554). The purpose of the draft Planning Proposal was to facilitate a boundary adjustment by rezoning part of the site from E3 Environmental Management to E4 Environmental Living, with a Floor Space Ratio of 0.3:1 and a minimum lot size of 999m<sup>2</sup>. This also included a reduction in the minimum lot size for the remainder of the site from 39.99ha to 2,999m<sup>2</sup>. The draft Planning Proposal was exhibited from 9 November to 9 December 2016. Three submissions were received.

The purpose of this report is to provide feedback relating to public exhibition. This report recommends the draft Planning Proposal be finalised under delegation issued by the NSW Department of Planning and Environment.

### RECOMMENDATION

The draft Planning Proposal for 65 Buttenshaw Drive Austinmer (Lot 31 DP 270554) be progressed by:

- 1 Finalising the Planning Proposal that seeks to amend the Land Zoning Map by rezoning a portion of the site from E3 Environmental Management to E4 Environment Living, with a Floor Space Ratio of 0.3:1 and a minimum lot size of 999m<sup>2</sup>, and by reducing the minimum lot size for the remainder of the site to 2,999m<sup>2</sup>;
- 2 The final Planning Proposal being referred to the NSW Department of Planning and Environment for the making of arrangements for drafting to give effect to the final proposal; and
- 3 Noting that the General Manager will thereafter proceed to exercise his delegation issued by the NSW Department of Planning and Environment under Section 59 in relation to the final proposal.

### REPORT AUTHORISATIONS

Report of: Renee Campbell, Manager Environmental Strategy and Planning

Authorised by: Andrew Carfield, Director Planning and Environment - Future City and Neighbourhoods

### ATTACHMENTS

- 1 Location Map
- 2 Land Zoning Maps
- 3 Minimum Lot Size Maps
- 4 Floor Space Ratio Maps

### COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines - *Council Decision Making During Merger Proposal Periods*.

### BACKGROUND

A draft Planning Proposal request was submitted by TCG Planning on behalf of the owners of 63 Buttenshaw Drive, Coledale (Lot 30 DP 7498) and 65 Buttenshaw Drive, Austinmer (Lot 31 DP 270554) (Attachment 1) in April 2016.

63 Buttenshaw Drive Coledale (Lot 30 DP 7498) is an irregular shaped 411m<sup>2</sup> lot, and is the southernmost lot created in the subdivision of Portion 33 in 1914. The lot is zoned E4 Environmental Living with a minimum lot size of 999m<sup>2</sup> and floor space ratio of 0.3:1. This lot has a dwelling house and a number of outbuildings. The dwelling and a more recently added rear shed partially encroach onto the adjacent Lot 31 DP 270554.

The adjacent 65 Buttenshaw Drive, Austinmer (Lot 31 DP 270554) is located on the southern side of the boundary between Austinmer and Coledale and has an area of 4324m<sup>2</sup> and is resultant from the subdivision of Lot 1 DP 578840. The lot was formerly part of the Middle Heights Estate Community Title subdivision, formed under SC-2007/43. The Community Title was affected by a positive covenant. The lot has since been relinquished from the community title under SC-2013/80 and is now under Torrens Title. The lot is benefitted by a 12m wide easement for landscaping at the rear eastern edge of the lot, created by DP 1144887. The lot is zoned E3 Environmental Management with a minimum lot size of 39.99ha and no floor space ratio.

To rectify the building encroachments pertaining to 63 Buttenshaw Drive, Coledale and facilitate a future boundary adjustment, TCG Planning submitted a draft Planning Proposal request on behalf of the two property owners. This was the result of legal consultation with Planning Law Solutions who advised an amendment to the Wollongong LEP 2009 would be required to allow for a future boundary adjustment. The intent of the draft Planning Proposal was to rezone a portion of 65 Buttenshaw Drive, Austinmer to allow for a future subdivision (boundary adjustment), subject to DA approval, between Nos. 63 and 65 Buttenshaw Drive.

On 25 July 2016 Council considered the draft Planning Proposal request and resolved to prepare a draft Planning Proposal for 65 Buttenshaw Drive Austinmer to amend the Land Zoning Map, Minimum Lot Size and Floor Space Ratio planning controls, and facilitate a future boundary adjustment.

Council resolved:

- 1 *A draft Planning Proposal be prepared for 65 Buttenshaw Drive (Lot 31 DP 270554), Austinmer and submitted to NSW Planning and Environment for a Gateway determination, proposing to:*
  - *Rezone part of the site from E3 Environmental Management to E4 Environmental Living, with a Floor Space Ratio of 0.3:1 and a minimum lot size of 999m<sup>2</sup>.*
  - *Reduce the minimum lot size of the remainder of the site from 39.99ha to 2,999m<sup>2</sup> to facilitate the proposed boundary adjustment.*
- 2 *Should the Gateway determination result in progression of the Planning Proposal, consultation be undertaken with NSW Rural Fire Service.*
- 3 *The draft Planning Proposal be exhibited for 28 days, should the Gateway determination result in progression of the Planning Proposal.*
- 4 *The NSW Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.*

A draft Planning Proposal was submitted to the NSW Department of Planning and Environment and Gateway determination was issued on 26 September 2016. The Gateway determination required consultation with the NSW Rural Fire Service prior to exhibition.

Consultation with the NSW Rural Fire Service occurred and raised no objections to the draft Planning Proposal subject to a requirement that any future subdivision of the land or boundary adjustments comply with *Planning for Bush Fire Protection 2006*.

The draft Planning Proposal was exhibited from 9 November to 9 December 2016.

## PROPOSAL

This report seeks resolution to finalise the draft Planning Proposal 65 Buttenshaw Drive Austinmer, and amendments to the Wollongong LEP 2009 by:

- Rezoning part of the site from E3 Environmental Management to E4 Environmental Living, with a Minimum Lot Size of 999m<sup>2</sup> and a Floor Space Ratio of 0.3:1 in accordance with Attachments 2, 3, and 4.

- Reducing the Minimum Lot Size for the remainder of the site from 39.99ha to 2,999m<sup>2</sup>, in accordance with Attachment 3.

### CONSULTATION AND COMMUNICATION

The draft Planning Proposal was exhibited from 9 November to 9 December 2016. The exhibition was advertised via public notice in the Illawarra Mercury and Advertiser, as well as through Council’s website.

Copies of the suite of documents were available for viewing at Council’s Customer service desk, Wollongong, Thirroul and Helensburgh libraries, and on Council’s website.

Landowners immediately adjacent to the site were informed in writing of the exhibition period.

Correspondence was forwarded to Council’s Escarpment Planning Reference Group, as well as Neighbourhood Forum 3.

During the exhibition period Council’s website page received 112 views and the draft Planning Proposal exhibition material was downloaded 67 times.

As a consequence of the exhibition three submissions were received. These have been summarised below.

Issues raised in submission	Comment
Resident Support for Planning Proposal provided	Noted
Sydney Water No objections to the Planning Proposal	Noted
Office of Environment and Heritage Response indicated no comment in relation the Planning Proposal	Noted

### PLANNING AND POLICY IMPACT

The Illawarra Shoalhaven Regional Plan identifies the site as being within a biodiversity corridor within the Illawarra Escarpment. The Plan aims to maintain and improve corridors to protect and enhance the ecology of the region and the movement of plants and animals.

Wollongong LEP 2009 identifies the site as being located within the Illawarra Escarpment area. Council prepared the Illawarra Escarpment Land Use Review Strategy in 2007 to guide the long term planning and management of escarpment lands. The Strategy recommends that development be carefully located to limit the views of urban areas on escarpment benches from Lawrence Hargrave Drive and beaches. The intent of the Planning Proposal is to facilitate a boundary adjustment and not to intensify uses upon the land.

The Illawarra Escarpment Strategic Management Plan 2015 recommends that environmental improvements be undertaken as part of any rezoning proposal in the Illawarra Escarpment. This recommendation is not considered applicable to the draft Planning Proposal due to the minor nature of the proposal (boundary adjustment with no increased development potential).

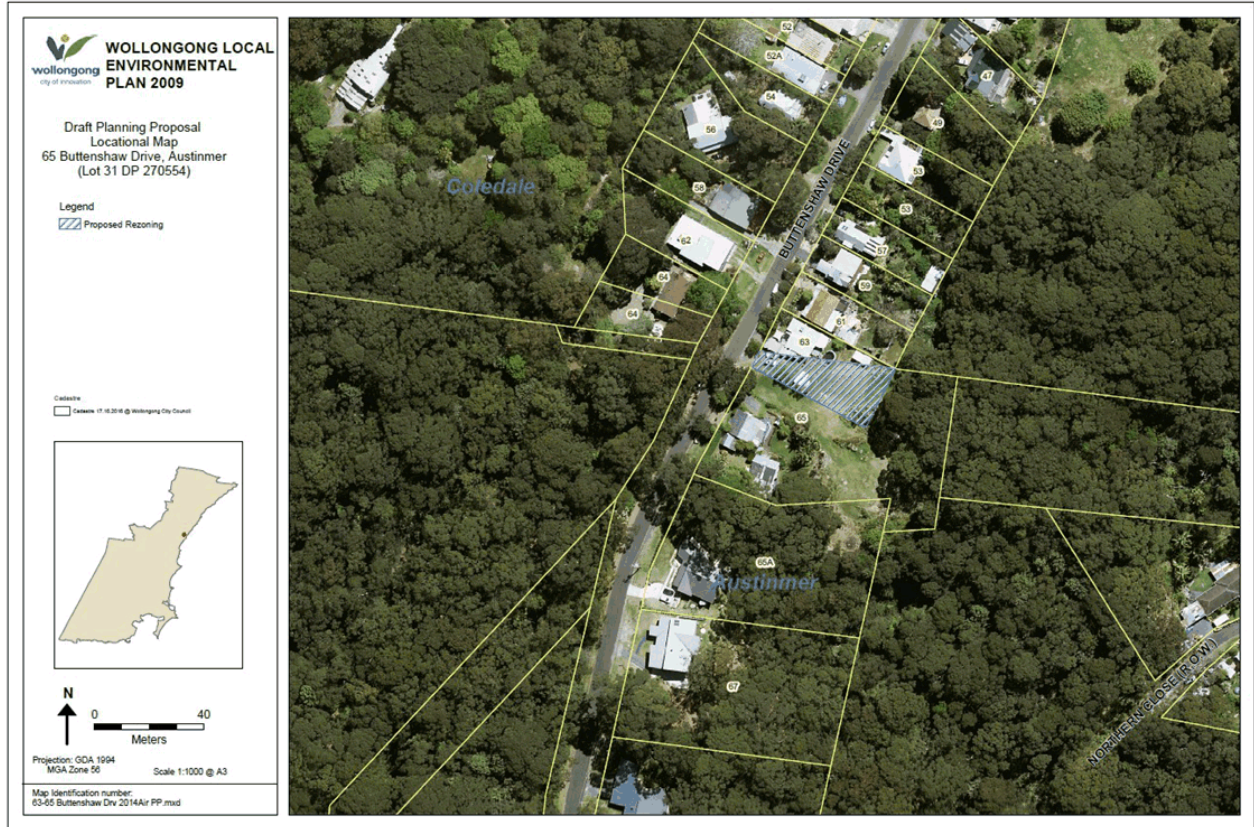
This report contributes to the delivery of Wollongong 2022 goal “We value and protect our Environment”. It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-2017	Annual Plan 2016-17
Strategy	5 Year Action	Annual Deliverables
1.6.1 Our urban environment minimizes impacts on habitat and biodiversity and areas of high conservation values are protected.	1.6.1.1 Review planning controls for environmentally sensitive locations	Continue to assess Planning Proposals against environmental strategies, including the Illawarra Biodiversity Strategy, the Illawarra escarpment Strategic Management Plan, and the Farnborough Heights to Mt Kembla Strategic Plan

## CONCLUSION

This report documents submissions resulting from exhibition of the draft Planning Proposal 65 Buttenshaw Drive (Lot 31 DP 270554), and recommends the draft Planning Proposal be progressed to finalisation, to amend the Wollongong LEP 2009.

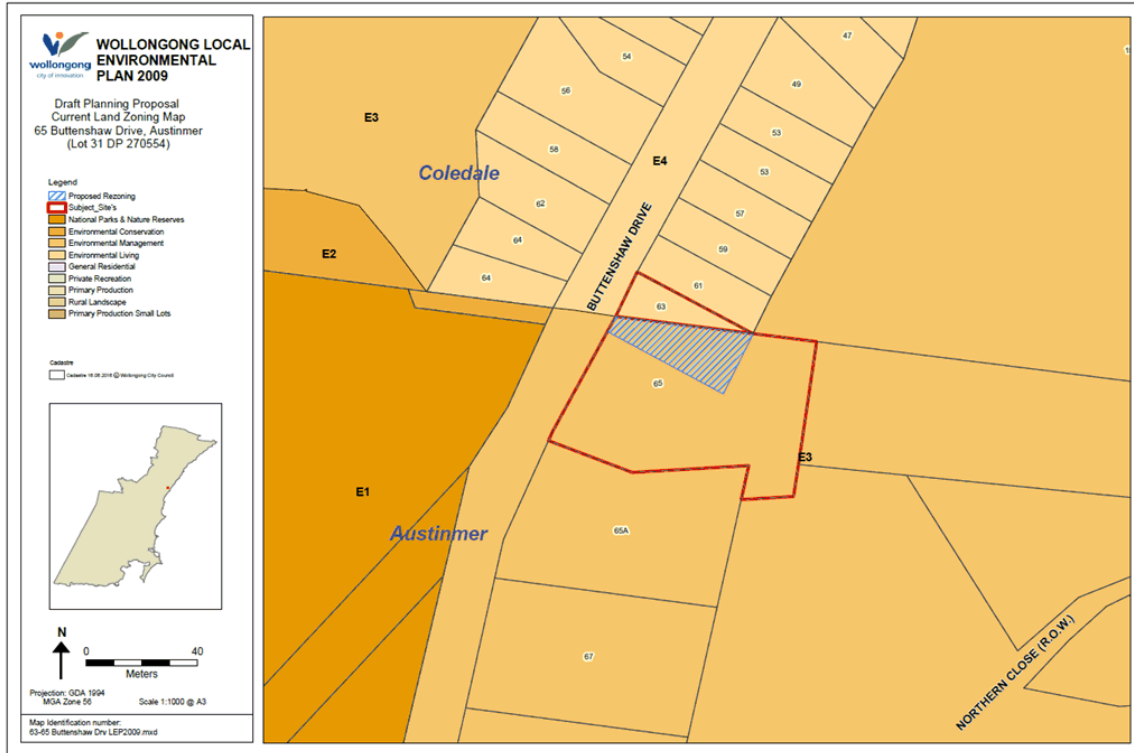
### ATTACHMENT 1 – Location Map





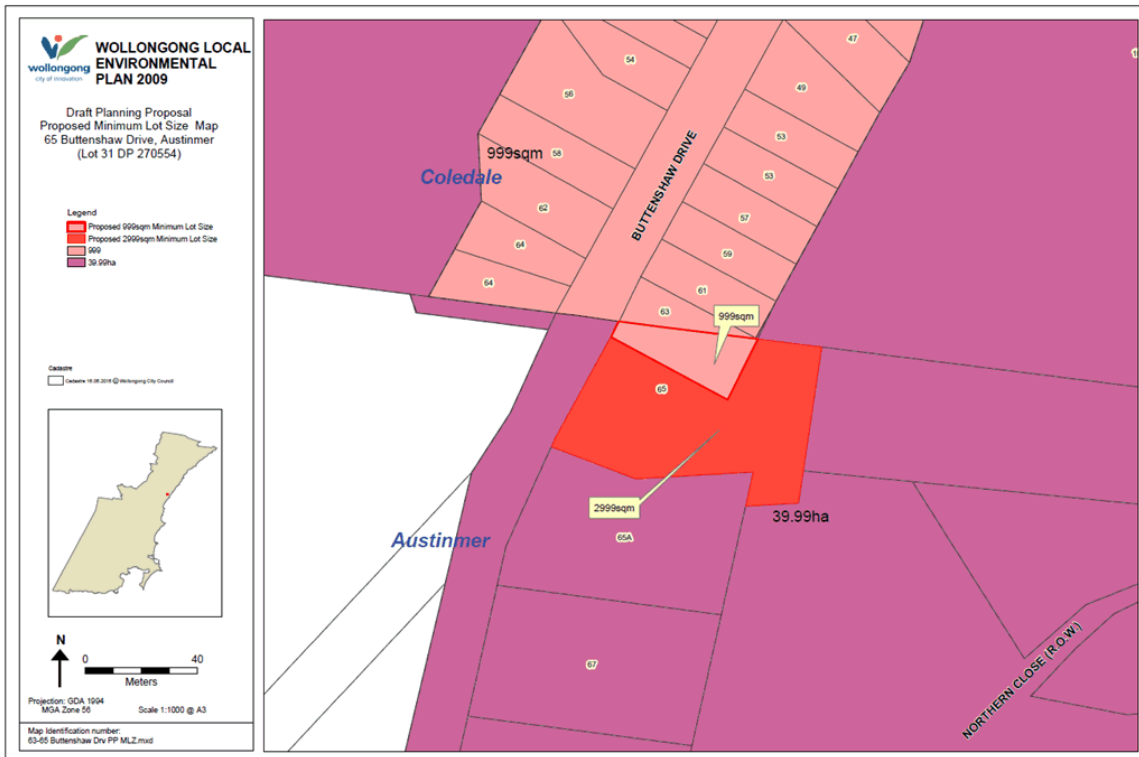
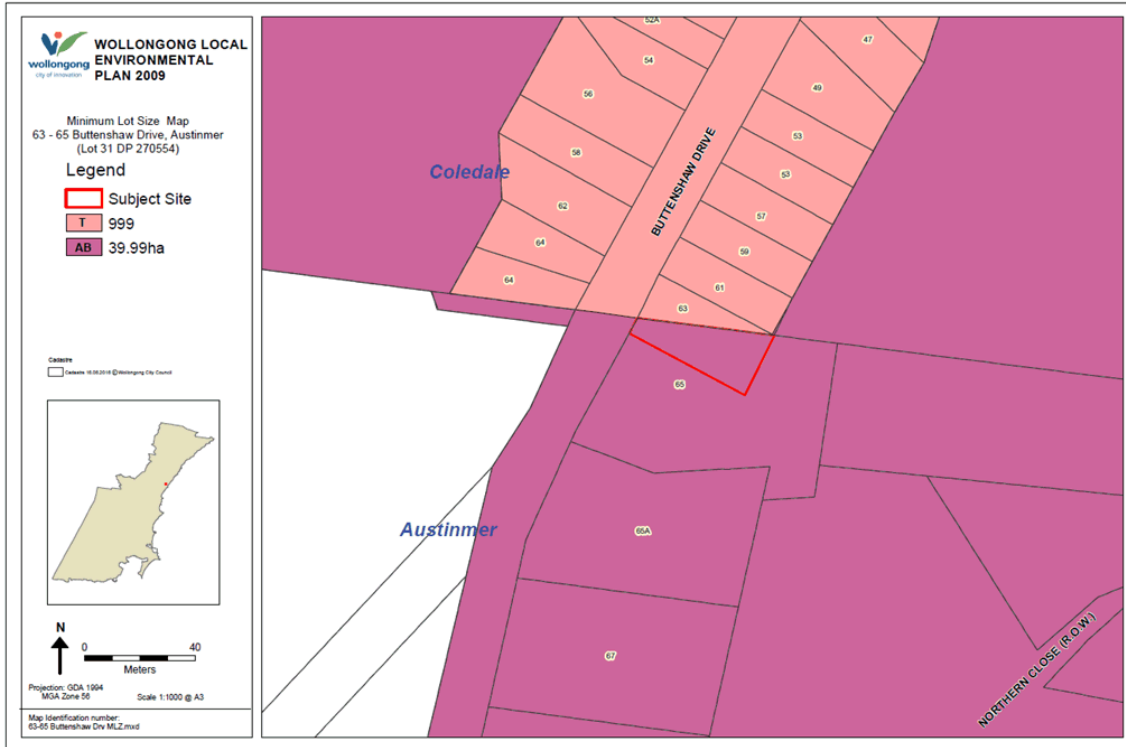
### ATTACHMENT 2 - Land Zoning Maps

Current land zoning (top) and proposed land zoning (bottom)



**ATTACHMENT 3 - Minimum Lot Size maps**

**Current minimum lot size (top) and proposed minimum lot size (bottom)**



**ATTACHMENT 4 – Floor Space Ratio maps**  
**Current floor space ratio (top) and proposed floor space ratio (bottom)**

