

Minute No.

RESOLUTION OF COUNCIL MEETING

HELD ON 23 JULY 2008

EXTRACT FROM MINUTES

**ITEM 16 - ADMINISTRATORS' MINUTE - LOT 21 DP 838638 GLENLEA STREET,
CORRIMAL**

I 48 RESOLVED UNANIMOUSLY that -

- 1 Draft LEP 2009 be amended by retaining the existing zone boundary for Lot 21 DP 838638 Glenlea Street, Corrimal as contained within Wollongong LEP 1990.**
- 2 Notice of this change be given to the Department of Planning to enable the Draft Plan to be exhibited reflecting this minor amendment.**

REF: CMI28/08

**LATE BUSINESS - ADMINISTRATORS' MINUTE - LOT 21 DP838638
GLENLEA STREET, CORRIMAL SU23594**

ITEM 16

Council is currently reviewing the circumstances of the approval of two dwelling houses west of Coxs Avenue and Glenlea Street, Corrimal. This site was rezoned in 1993 to permit the erection of two dwelling houses. At that time the western portion of the site comprising 70 hectares (or 75% of the total site area) was dedicated to form part of the Illawarra Escarpment Park.

Council issued development and building application approvals in 1993 and 1994 for the construction of two dwellings, vehicular access and associated works. Construction of the dwellings and access driveway was physically commenced, but has not been completed and the dwellings have not been occupied.

Council's recently completed *Illawarra Escarpment Land Use Review Strategy* (June 2007) highlighted that the location of the dwellings did not align with zoning boundaries and recommended that Council adjust the zoning boundary to reflect the actual location of the dwellings without creating any additional development entitlement. This recommendation was incorporated in the draft city-wide Local Environmental Plan 2009 which was endorsed by Council on 24 June 2008 and forwarded to the Department of Planning for certification prior to public exhibition.

However, after further reviewing the circumstances, at this time, the Administrators consider that it is appropriate to retain the existing LEP 1990 zoning boundary with respect to this land in the Draft LEP 2009. Council will consider any submissions made with respect to the zoning boundary when the Draft Plan is placed on exhibition.

IT IS THEREFORE RECOMMENDED -

- 1 **Draft LEP 2009 be amended by retaining the existing zone boundary for Lot 21 DP 838638 Glenlea Street, Corrimal as contained within Wollongong LEP 1990.**
- 2 **Notice of this change be given to the Department of Planning to enable the Draft Plan to be exhibited reflecting this minor amendment.**

Chronology of Events

Date	Action / event
12/5/1989	DA-1989/340 for "two dwellings" refused The reason for Council's refusal of the application was that the proposal was prohibited by virtue of Clause 14 of Wollongong LEP No. 38
13/9/1990	DA-1990/658 to erect a "principal dwelling and manager's residence" lodged.
28/12/1990	Wollongong LEP 1990 gazetted Property zoned 7(b) Environmental Protection Conservation
22/4/1991	DA-1990/658 was refused by Council at its meeting of 22 April 1991 The reasons for refusal related to bushfire risk, environmental impacts and the environmental, scenic and landscape values of the site.
18/2/1992	Class 1 Appeal lodged in the Land & Environment Court (10071 of 1992) The appeal was lodged against Council's refusal of DA-1990/658. During the proceedings Council and the Applicant agreed to adjourn the hearing and consider alternatives that may be acceptable to both parties which eventually led to the withdrawal of the appeal.

Date	Action / event
28/9/1992	<p>Council resolved to amend LEP 1990 to permit two-dwelling houses at the eastern edge of the land</p> <p>The preparation of the draft plan was subject to: the applicant dedicating the western 70ha portion of the land; and making an application to the Land and Environment court to adjourn the hearing and upon the making of the draft LEP, withdrawing the application.</p>
1/10/1993	<p>Wollongong LEP 1990 (Amendment No. 38) gazetted</p> <p>This LEP updated the planning controls for the whole Illawarra Escarpment. The LEP rezoned the majority of the property from 7(b) to 7(a) Special Environmental Conservation. Two semi-circle areas on the property retained the 7(b) zone.</p>
29/10/1993	<p>Wollongong LEP 1990 (Amendment No. 53) gazetted</p> <p>This LEP specifically applied to the property and enabled two dwelling-houses to be constructed in the 7(b) land in exchange for 70ha of the western part of the site being transferred to Council for incorporation into the Illawarra Escarpment reserve. The draft LEP was prepared under the Fair Trading Policy.</p>
4/11/1993	<p>DA-1992/772 for “two dwellings” approved</p> <p>[Note: Copies of the approved plans cannot be located within Council’s records]</p>
15/6/1994	<p>Subdivision of Lot 2 DP 59080 registered creating:</p> <ul style="list-style-type: none"> • Lot 21 DP 838638 – 20.3ha eastern part of property • Lot 22 DP 838638 – 71.02 ha western part of property. <p>Lot 22 DP 838638 was subsequently transferred to Council and then to the National Parks and Wildlife Service</p>
23/8/1994	<p>BA-1994/797 for two dwellings approved</p> <p>[Note: The location of the dwellings on the approved plans is clearly west of the 7(b) zoning boundary and generally in the location that the dwellings were constructed.]</p>
May 1999	<p>Illawarra Escarpment Commission of Inquiry published</p> <p>The Commissioner’s report considered the Fair Trading sites, including the land west of Cox’s Avenue & Cresting Avenue (the subject property) and recommended that no further residential development be approved west of existing or approved development between Bulli and Mount Pleasant, and any intensification be rejected</p>
7/2/2005	<p>Council endorsed the Illawarra Escarpment Strategic Management Plan (WCC 2005) following its exhibition. The Plan noted the majority of the property as “core escarpment” (including the two semi-circles), except the cleared area containing the dwelling houses which was “Landscape support for Core”.</p>
7/4/06	<p>The Minister for Planning approved the Illawarra Escarpment Strategic Management Plan and lifted the moratorium on rezonings. The Minister noted that Council was preparing a draft LEP for the Escarpment.</p>
6/8/07	<p>Council endorsed the recommendations of the Illawarra Escarpment Land Use Review (prepared by consultants HLA 2007) for incorporation in the draft Wollongong LEP 2008.</p> <p>In terms of the subject property, the study recommended that the majority of the property including the 7(b) semi-circles be zoned E2 Environmental Conservation and the cleared land containing the dwelling-houses be zoned E3 Environmental Management. No additional dwelling entitlements were proposed.</p>
2/10/2007	<p>Council endorsed the draft Wollongong LEP 2008, incorporating the recommendations of the Illawarra Escarpment Land Use Review.</p>
3/3/2008	<p>Council endorsed the revised draft Wollongong LEP 2009 and the draft LEP was submitted to the Department of Planning for review and certification.</p>

Date	Action / event
9/4/2008	The draft Wollongong LEP 2009 was withdrawn from the Department of Planning to enable submitted rezoning proposals to be reviewed by the Administrators.
24/6/2008	Council endorsed the revised draft Wollongong LEP 2009 and the draft LEP was submitted to the Department of Planning for review and certification.

ATTACHMENTS

There are no attachments for this report.