

# DRAFT PLANNING PROPOSAL – STOCKLANDS WEST DAPTO STAGE 3

To amend Wollongong LEP 2009

**LOCAL GOVERNMENT AREA:** Wollongong City Council

**NAME OF DRAFT LEP:** Part of Stage 3 West Dapto - Stocklands

**ADDRESS OF LAND:** Lots 1, 2 and 3 DP 810104, located between Bong Bong Road and Cleveland Road, Horsley, Cleveland and Huntley within the West Dapto Urban Release Area.



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## Background

A draft Planning Proposal request was originally submitted by consultants on behalf of Stockland Residential Development (Stockland) for the rezoning of the northern part Stage 3 (between Brooks Reach and Cleveland Road) in December 2011. Council requested additional information to support the request.

The draft planning Proposal request was resubmitted again in January 2014, with some of the required additional information.

On 13 October 2014, Council considered a report on the proposal and resolved to prepare a Draft Planning Proposal to rezone the Stockland Development lands being Lots 1, 2 and 3 DP810104 located to the south west of Brooks Reach between Bong Bong Road and Cleveland Road ('the subject site'), West Dapto, subject to a number of conditions and the submission of additional information.

A Gateway Determination was issued 3 February 2015 in support of the Planning Proposal. The issued Determination required a number of conditions to be satisfied in order for the proposal to proceed.

In July 2017, December 2017 and February 2018, Don Fox Planning on behalf of the owner, Stocklands, submitted 'Supplementary Information', to support the progress of the draft Planning Proposal. This information resulted in amendments to the draft Planning Proposal as originally submitted.

On 12 March 2018, Council considered a report on the proposal and resolved to prepare a revised draft Planning Proposal for Lots 1, 2 & 3 DP 810104 between Bong Bong Road Horsley and Cleveland Road Huntley, and submit to the NSW Department of Planning and Environment requesting a revised Gateway Determination.

## Part 1 – Statement of objectives or intended outcomes

The primary objective of the submitted Planning Proposal is for the rezoning of Lots 1, 2 and 3 DP810104 from RU2 Rural Landscape to a mix of R2 Low Density Residential, R3 Medium Density Residential, E4 Environmental Living, E3 Environmental Management, E2 Environmental Conservation and RE1 Public Recreation with associated changes to the Floor Space Ratios, Minimum Lot Size and Building Height restrictions to enable residential development within what has been identified as Part 3 of Stage 3 West Dapto, adjoining the Bong Bong Town Centre.

## Part 2 – Explanation of provisions

The provisions will apply to Lots 1, 2 and 3 DP 810104, located between Bong Bong Road (Brooks Reach) and Cleveland Road, West Dapto (the subject site). The subject site is currently zoned RU2 Rural Lands under Wollongong LEP 2009 which is the catalyst of the Planning Proposal and why the current zoning needs to be amended.

The objective of the Planning Proposal can be achieved through the inclusion of the following amendments to Wollongong LEP 2009:

- ✓ 1. Rezone Lot 1 DP810104 from RU2 Rural Landscape to:
  - a. E3 Environmental Management with a 39.99ha minimum lot size, and No mapped FSR.
  - b. E2 Environmental Conservation with a 39.99ha minimum lot size, and No mapped FSR.
  - c. E4 Environmental Living with a 2000sqm minimum lot size and a FSR of 0.3:1.
  - d. R2 Low Density Residential with a 250sqm minimum lot size and a FSR of 05:1.
  - e. R3 Medium Density with a mix of 300sqm to 150sqm minimum lot size and a FSR of 0.7:1.
  - f. RE1 Public Open Space.
- J 2. Rezone Lot 2 DP810104 from RU2 Rural Landscape to:
  - a. E3 Environmental Management with a minimum lot size of 39.99ha and No mapped FSR.
  - b. R2 Low Density Residential with a minimum lot size of 250sqm and an FSR of 05:1.
  - c. RE1 Pubic Open Space.
- ✓ 3. Rezone Lot 3 DP810104 from RU2 Rural Landscape to:
  - a. E3 Environmental Management with a 39.99ha minimum lot size, and No mapped FSR.
  - b. E2 Environmental Conservation with a 39.99ha minimum lot size, and No mapped FSR.
  - c. E4 Environmental Living with a 2000sqm minimum lot size and a FSR of 0.3:1.
  - d. R2 Low Density Residential with a 250sqm minimum lot size and a FSR of 05:1.
  - e. R3 Medium Density Residential with a 300sqm minimum lot size.
  - f. RE1 Public Open Space.
- ✓ 4. Include model provision Clause 4.1C Minimum Lot Size (Integrated Housing) – to apply to Wollongong LGA.
- ⑤ 5. Amend the Urban Release Area map to include the subject site.
- ⑥ 6. Amend the Riparian Map to remove the non-excitant water course.
- ⑦ 7. Amend the Flood Map to more accurately reflect the 1:100 flood planning area.
- ⑧ 8. Amend the Heritage Map to include curtilage of 'Waples Butchery' and 'Sunnyside'.
- ✓ 9. Amend the Land Reservation Acquisition Map to show the proposed acquisition of the 2 parks and the widening of Cleveland Road.
- ⑩ 10. Amend the Natural Resource Sensitivity Map to more accurately reflect the sensitive vegetation on the site.

Part 4 of this draft Planning Proposal illustrates the proposed map amendments to Wollongong LEP 2009.

⑩ = different from original 2015 PP.



## Part 3 – Justification

### Section A – Need for the Planning Proposal

#### **Q1: Is the planning proposal a result of strategic study or report?**

The Planning Proposal has been facilitated by a number of studies. West Dapto is an urban release area in planning for over 20 years, there is a Vision and Masterplan that encompasses the subject site and surrounds identifying the land for residential urban development.

This Planning Proposal is generally consistent with the West Dapto Master Plan and Vision. It is also noted that West Dapto Urban Release Area is a key area of growth as nominated in the Illawarra Regional Strategy.

#### **Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The Planning Proposal is the only means of achieving the intended outcome..

### Section B – Relationship to strategic planning framework

#### **Q3: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?**

##### **Illawarra Shoalhaven Regional Strategy 2015**

The Planning Proposal is a vital stage of the West Dapto Urban Release Area and is consistent with the Illawarra Shoalhaven Regional Strategy 2015, as it facilitates the development of West Dapto by rezoning land that has a willing and capable developer within proximity to a town centre viable through population growth.

To achieve this Vision the Department has set four goals for the region:

- *a region with a variety of housing choices, with homes that meet needs and lifestyles;*
- *a region with communities that are strong, healthy and well-connected;*
- *a region that makes appropriate use of agricultural and resource lands; and*
- *a region that protects and enhances the natural environment.*

The proposal is generally in accordance with the above nominated goals and in particular is consistent with the following principles:

- *Identify and protect land with high environmental value and recognise cultural heritage values;*
- *Support the sustainable use of land and water resources and build resilience to natural hazards and climate change;*
- *Support a strong, resilient and diversified economy that will enable the community to respond to environmental, economic and social challenges.*

*Goal 2: A region with a variety of housing choices, with homes that meet needs and lifestyles*

The goal lists a number of relevant actions including:

- *Action 2.3 Deliver housing in new release areas best suited to build new communities, provide housing choice and avoid environmental impact.*

The subject site is located within a mapped regionally significant biodiversity corridor and lies adjacent to the boundary of the Illawarra Escarpment. The proposed zoning layout has taken into consideration these aspects in particular ensuring the preservation and protection of the two endangered ecological communities as listed under the Biodiversity Conservation Act 2016.

*Goal 5: A region that protects and enhances the natural environment is relevant to the proposal.*

The goal lists a number of relevant actions including:

- *Action 5.1.1 Avoid, minimise and mitigate the impact of development on significant environmental assets; and*
- *Action 5.1.3 Protect the region's biodiversity corridors in local planning controls.*

The proposed E2 Environmental Conservation zoning in Wollongong LEP 2009 would be consistent with the need to protect the integrity of this biodiversity corridor and the Illawarra Escarpment. The potential for the proposed uses to impact upon the functioning of the corridor primarily relates to the clearance of vegetation. Because a cleared managed area already surrounds the identified EEC area, the need for further vegetation clearance is predicted to be minimal.

**Q4: Is the Planning Proposal consistent with Council's local strategy or other local strategic document (eg. Wollongong Community Strategic Plan)?**

#### **West Dapto MasterPlan**

Council's Vision for West Dapto is to grow and develop a series of integrated communities within the spectacular natural landscape of riparian valleys and escarpment backdrop. It seeks to ensure that these communities are to be highly accessible, be linked with public transport as well as encouraging walking and cycling. Local places and centres will provide for shopping services and jobs and significant new areas will be developed for employment generation for new residents.

The natural and cultural heritage of the area is to be integrated with new urban development and a long term strategy to oversee the timely implementation of infrastructure will deliver sustainable and high quality suburbs.

The West Dapto Urban Release Area will provide around 19,500 dwellings over a predicted 40 year time frame, along with local employment opportunities, community and recreational facilities and the conservation of sensitive areas.



The subject site is included in the West Dapto Urban Release Area being a vital release area to meet the housing needs of the Illawarra Region. The area has been identified by the NSW Department of Planning and Environment as a priority urban release area which will contribute housing supply for the expected population growth.

The proposal is in support of the Department's and Council's Vision for West Dapto.

#### **Council's Community Strategic Plan - Wollongong 2022**

West Dapto is one of five key aspirations for Wollongong Council in its housing delivery program. This is reflected in the goals and objectives of the Community Strategic Plan.

#### *Aspiration*

*Council will work in collaboration with key agencies to provide the infrastructure needed to support growth within the West Dapto Urban Release Area. This will include improving access infrastructure and local services which are needed to support the additional 19,500 future housing lots within the release area.*

The proposal is consistent with the following nominated objectives:

- *Community Goal 1: We value and protect our environment*
  - *The natural environment is protected and enhanced.*
  - *Wollongong's ecological footprint is reduced.*
  - *Community awareness and appreciation of heritage is increased.*
  - *The sustainability of our urban environment is improved.*
- *Community Goal 5: We are a healthy community in a liveable city*
  - *Residents have improved access to a range of affordable housing options.*
  - *The public domain is maintained to a high standard.*
  - *Community safety is improved.*
  - *Residents have a high level of life satisfaction and personal happiness.*
- *Community Goal 6 : We have sustainable, affordable and accessible transport*
  - *Walking, cycling and public transport is an accessible and well resourced means of transport, and the use of private cars is reduced.*
  - *Wollongong is supported by an integrated transport system.*
  - *Transport disadvantaged communities have increased access to services.*

The proposal supports the above nominated community goals and objectives.

#### **Q5: Is the planning proposal consistent with applicable State Environmental Planning Policies?**

An assessment against all applicable State Environmental Planning Policies is provided at Table A. Specific consideration is given to the following SEPP which is relevant to this Planning Proposal:

#### **SEPP 55 – Remediation of Land**

SEPP 55 provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is

contaminated. Subsequently, SEPP 55 requires consideration of contamination issues as part of the preparation or making of an environmental planning instrument (rezoning) land.

A Contamination Land Study has been prepared on behalf of the proponent by JBS Environmental (October 2012) and Cardno (12 December 2017) to support the Planning Proposal. Historically the land has been used for activities which have the potential to have contaminated parts of the site. The study identified a number of Areas of Environmental Concern (AEC) which are the result of activities associated with current and past activities.

The study concluded that contamination occurred and that such contamination remains to the present day. The study identified the likely sources of contamination to be:

- The application of pesticides, herbicides and fertilizers used to increase the agricultural productivity of land;
- Construction and application of infrastructure and other like activities in support of agricultural enterprises.
- Lead and PAH contamination from lead shot and clay target
- Heavy metals, OCPs, asbestos and other COPC in fill material
- Combustible material in the coal was emplacement
- Heavy metals, OCPs, PAHs, BTEXT, TPH in storage tanks and drums across the site.

The implication of these findings is that further detailed investigation (in the form of a Stage 2 Contamination Assessment, a Site Audit Statement) is sought. This further assessment will determine the extent of contamination, if any, that may potentially present a risk to human health and/or the environment. Furthermore, a Remedial Action Plan will be required to be prepared to identify the measures required to remediate the affected areas of the site.

**Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The Minister for Planning, under section 9.1 of the EP&A Act issues directions that relevant planning authorities, must follow when preparing planning proposals for new Local Environmental Plans. The directions cover the following broad categories:

- employment and resources;
- environment and heritage;
- housing, infrastructure and urban development;
- hazard and risk;
- regional planning;
- local planning making; and
- Metropolitan Planning.

A complete assessment of the Planning Proposal's consistency against all s.9.1 Directions is provided at Table B. The Planning Proposal is either consistent with Ministerial Directions or any inconsistency is of minor significance. Further discussion is provided below, where necessary, of the Planning Proposal's consistency with relevant Ministerial Direction's.

The following Ministerial Directions (s.9.1 Directions) are relevant to the Planning Proposal:



- Direction 1.2 Rural Zones
- Direction 2.1 Environment Protection Zone
- Direction 2.3 Heritage Conservation
- Direction 3.1 Residential Zones
- Direction 3.4 Integrating Land Use and Transport
- Direction 4.3 Flood Prone Land
- Direction 4.4 Planning for Bushfire Protection

### **Direction 1.2 Rural Zones**

The objective of Direction 1.2 is *to protect the agricultural production value of rural land*. This Directive applies as the Planning Proposal affects land within an existing rural zone. However, the site has been included in the West Dapto Urban Release Area being a vital release area to meet the housing needs of the Illawarra region. The area has been identified by the NSW Department of Planning and Environment as a priority urban release area which will contribute housing supply for the expected population growth.

### **Direction 2.3 Heritage Conservation**

The objective of Direction 2.3 is to *'conserve items, areas, objects and places of environmental heritage significance and indigenous significance'*.

The Direction indicates that a planning proposal must contain provisions that facilitate the conservation of items of historical significance to an area.

In terms of heritage, the Planning Proposal seeks to do three (3) things;

1. Amend the site boundary or curtilage for the existing 'Sunnyside Farm'; the proposed curtilage being designated within the community open space area.
2. Heritage list historically significant items associated with the 'Waples Butchery' by including them within Schedule 5 Environmental Heritage of the WLEP 2009 and encourage their adaptive reuse.
3. Heritage list 'Sunnyside Farm' by including it within Schedule 5 Environmental Heritage of the WLEP 2009 to encourage its adaptive reuse.

### **Direction 3.1 Residential Zones**

The objectives of Direction 3.1 are:

- (a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) *to minimise the impact of residential development on the environment and resource lands.*

The Planning Proposal seeks to provide a diverse housing choice including low scale residential flat buildings, a mix of townhouses, semi-detached and semi attached dwellings on smaller lot holdings. Furthermore, the proponent is seeking to deliver housing that is affordable highlighting the integration of the proposed R3 Medium density zone.

The proposal is conducive with the nominated objectives.

#### **Direction 3.4 Integrating Land Use and Transport**

The objectives of this Direction in relation to the Planning Proposal are to ensure that land use locations achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

The Urban structure of West Dapto has been designed around the idea of 'walkable' villages, with a series of town centres, village centres and local sites providing bus stops, local shops, community facilities and schools, dense types of housing and mixed use job opportunities. The aim being to locate facilities close to where people live to cut down on the need to drive short distances and to increase journeys on foot and bicycle. Riparian corridors designed to promote walking and cycling through extensive pathway systems with clear links to destinations eg: schools and town centres.

The Planning Proposal is capable of complying with the nominated objectives.

#### **Direction 4.3 Flood Prone Land**

The objectives of Direction 4.3 are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005,*
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with the flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

Direction 4.3 applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land.

The subject site is identified as flood prone with Reed Creek, a tributary of Mullet Creek, crossing the site. The Mullet Creek Floodplain Risk Management Study and Plan (2010), Mullet Creek West Dapto Extension of Flood Model (2011) and the draft Mullet Creek Flood Model Update



(2017) identify flooding along Reed Creek. The creek and floodplain are proposed to be zoned E3 Environmental Management. Some minor modification to the floodplain extent is proposed.

To the north of Reed Creek, the emplacement area has diverted the natural watercourse south to Reed Creek. In the southern part of the site, two minor watercourses flow south under Cleveland Road to Mullet Creek.

As part of the development, stormwater drainage and runoff will need to be managed to reflect existing conditions to maintain downstream flows. The Concept Plan shows a number of detention basins that will assist in stormwater management.

The Planning Proposal is capable of addressing Council's concerns and complying with the nominated objectives.

#### **Direction 4.4 Planning for Bushfire Protection**

The objectives of Direction 4.4 are:

- a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- b) to encourage sound management of bush fire prime areas.*

Direction 4.4 applies when a planning proposal affects or is in proximity to land mapped as bushfire prone. The subject site is partially bush fire prone as identified on the bush fire prone land map. A request for a Bushfire Assessment report is recommended to confirm compliance with the Direction.

Refer to Table B – Checklist of Ministerial Directions.

### **Section C – Environmental, social and economic impact**

**Q7: 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?**

The western portion of the subject site is mapped within the 'Environmental Values' including supporting 'High Environmental Values' and the 'Biodiversity Corridor' of the Illawarra Shoalhaven Regional Plan (2015). Biodiversity corridor mapping of the Illawarra Biodiversity Strategy (2011), and significant native vegetation mapping in the Illawarra Regional Strategy 2006-31 (2007) are both captured in the area of the Illawarra Shoalhaven Regional Plan (2015) 'Biodiversity Corridor' on the subject site. The regionally and locally significant biodiversity corridor of the western portion of subject site is also acknowledged by inclusion in the Illawarra Escarpment Map and subject to the provisions of Wollongong LEP 2009 Clause 7.8 Illawarra Escarpment Area Conservation, conservation and planning outcomes of the Illawarra Escarpment Strategic Management Plan (IESMP 2015) and the Illawarra Escarpment Land Use Review Strategy (IELURS 2007). In addition to the landscape scale priority vegetation and important habitat corridors recognised in the Illawarra Shoalhaven Regional Plan (2015), Illawarra Biodiversity Strategy (2011), Illawarra Regional Strategy 2006-31 (2007) and IESMP



2015, the conservation significance of the vegetation and other habitats on the subject site have been validated by the applicants ecological consultants in further site investigations.

In summary, two endangered ecological communities listed under the Biodiversity Conservation Act 2016 (BC Act) with one of these also listed as a critically endangered ecological community under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), have been documented and mapped. The endangered ecological communities primarily occur in the proposed E2 and E4 zones of the western and northern portions of the subject site. In addition, five threatened bat species and one threatened plant species are known to be present on the subject site and there is potential habitat present for several other threatened fauna and flora species known from the locality.

The draft Planning Proposal seeks to ensure an elevated level of protection of the identified endangered ecological communities whilst ensuring the preservation of the Illawarra Escarpment.

**Q8: Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

A number of technical studies were submitted in support of the amended Planning Proposal.

A summary of the major findings is noted below:

***Land Use Zones***

The Planning Proposal retains an E2 Environmental Conservation zoning over the north western portion of the subject site reflecting its significant environmental values. An E3 Environmental Management zone is applied to the riparian corridor within the centre of the site which is surrounded by R2 Low density residential zone and an R3 Medium density zone adjacent to Bong Bong Town Centre.

The intent of the E4 zone is to permit a larger lot size whilst ensuring the preservation of the identified 'Waples Butchery' structure and the identified critically endangered vegetation community an isolated stand of Illawarra Lowlands Grassy Woodlands community. The E2 Environmental Conservation Zone will be retained over Endangered Ecological Communities (EECs) and other ecologically sensitive vegetation to ensure the highest level of protection for lands considered to contribute and encompass the Illawarra Escarpment boundary.

Two Open Space Community areas have been integrated within the neighbourhood capturing the sites heritage 'Sunnyside' property (south) and the existing dam (to the north). They are of a minimum 1 hectare in area and will contribute to the liveability of the community.

***Flood Study – prepared by Cardno***

Council's Stormwater and Flooding Division reviewed the submitted information and raised concerns with regard to the detail presented and conflict with Council's DCP controls.

Further detailed information addressing flooding concerns has been requested and is recommended to be submitted prior to the finalisation of the Proposal should Gateway Determination be obtained.



**Stage 1 - Contamination Assessment – prepared by Cardno**

It is recommended that further contamination assessment is required and as such the following is to be submitted prior to the finalisation of the of the Planning:

- A Stage 2 – Detailed Site Investigation to determine the degree and extent of contamination [within the soil strata, fill material, surface water and groundwater] and a Remediation Action Plan. The Reports are to be prepared as per the Guidelines for Consultants Reporting on Contaminated Sites (OEHL, 2011) and be prepared by a suitably qualified and experienced consultant who is certified under one of the following schemes:
  - the Site Contamination Practitioners Australia (SCPA) scheme;
  - the Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP) scheme; or
  - the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.
- A Site Audit Statement from an independent NSW Environment Protection Authority accredited site auditor pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 to determine the nature and extent of contamination and to determine the appropriateness of the Stage 1 and Stage 2 investigations and the Remediation Action Plan and to determine if the land can be made suitable for a particular use or uses by implementation of the remediation action plan.

**Flora and Fauna Assessment Report - prepared by Eco Logical Australia**

Two endangered ecological communities listed under the *Biodiversity Conservation Act 2016* (BC Act) with one of these also listed as a critically endangered ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), have been documented and mapped. The threatened ecological communities primarily occur in the proposed E2 and E4 zones of the western and northern portions of the subject site. In addition, five threatened bat species and one threatened plant species are known to be present on the subject site and there is potential habitat present for several other threatened fauna and flora species known from the locality.

A Biodiversity Conservation Strategy detailing the in perpetuity conservation covenant and funding for restoration and enhancement of biodiversity values will need to be submitted prior to the finalisation of the Planning Proposal.

**Heritage Assessment Report – prepared by GML Heritage**

The amended Planning Proposal was accompanied by 'Historical Heritage Assessment' prepared by GML Heritage and dated July 2017. The historical heritage assessment has identified several heritage elements as being of local significance within the study area:

- The original 'Sunnyside House';
- Remains of a homestead established between 1840 and 1890 by the Swan family;
- Waples Butchery complex;
- History of land use and local families, rural cultural landscape
- Views across the study area

The proposed development area has the potential to impact areas of Aboriginal Heritage Significance and European Heritage Significance. Discussions have been held with the



applicant regarding heritage matters and the intention to ensure that due respect is given to the identified items during the refinement and development of the Neighbourhood Plan.

#### **High Voltage Transmission Easement**

A high voltage electricity transmission line diagonally crosses the site. The amended Planning Proposal has identified an R2 zone within the high voltage electrical transmission line easement. The R2 zone will encourage the allotments to capture the area into large lots within the future subdivision. The R2 zone also enables recreational opportunities, should Council determine that part of the easement could be used for a park.

#### **Q9: Has the planning proposal adequately addressed any social and economic effects?**

No adverse social and/or economic effects are anticipated. Additional housing opportunities will be provided in a location convenient to existing community services and facilities including public transport.

#### **Is there a net community benefit?**

The proposal is considered to provide a net community benefit for the following reasons;

- It constitutes a balanced and appropriate use of land and is in keeping with the adjoining residential zoning and future character.
- It will provide additional housing supply in a convenient location and by utilising existing facilities and services the economic and social cost of future development would be minimised.
- It would facilitate a mix of dwelling types that encourage social mix and provide housing choice to meet the needs of the community.
- It would create local employment opportunities in construction and home maintenance.

It is noted that the site is currently vacant rural land earmarked as a component of the West Dapto Urban Release Area. As such the proposal will have a positive economic effect with increased construction and home maintenance business opportunities.

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

#### **Q10: Is there adequate public infrastructure for the planning proposal?**

The applicant has provided details of the ability to obtain servicing on site. This has included the following information:

*"Feasibility applications have been lodged with Sydney Water to confirm the water and sewerage strategies for the site. Based on the advice from Sydney Water, the proponent advised as follows:*

- *The existing Brooks Reach sewer lead in will need to be extended to the site to service the northern portion of the site. For the southern portion of the site, Sydney Water has proposed a temporary connection to Brooks Reach lead in sewer which will operate until the future proposed Dapto carrier is constructed. Further detail will be provided upon lodgement of a Section 73 application.*
- *The existing lead in water main along Bong Bong Road has sufficient capacity to service the proposed development. Extensions of lead in infrastructure through the subdivision will be required as the subdivision progresses. It is also likely that water boosting will also be required to parts of the site*



*above RL50 to maintain the minimum pressure requirements. Details of water boosting to be confirmed upon lodgement of a Section 73 application.*

- *For natural gas, Jemena has indicated that there is sufficient capacity in the existing infrastructure to service the proposed development.*
- *For telecommunications, NBN Co. has confirmed that there is existing 11kV network available in Bong Bong Road that has sufficient capacity to service the proposed subdivision."*

No servicing constraints have been identified at this point in time.

**Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Pre Gateway consultation

*Sydney Water*

Preliminary consultation has been carried out with Sydney Water. Their preliminary advice is noted as follows:

*"Sydney Water will support rezoning. Sydney Water is likely to deliver required trunk works, and the Developer to carry out local retic/lead in works at development stage.*

*Our delivery timing will be determined based on actual development demand, timing and staging of development (eg: forecast, DA approval)."*

Post Gateway consultation

It is proposed that the following State authorities would be consulted following the amended Gateway determination.

- Department of Education and Communities
- NSW Rural Fire Service
- NSW Office of Water
- NSW Office of Environment and Heritage
- Endeavour Energy
- Transport for NSW – Roads and Maritime Service
- State Emergency Service
- Sydney Water

Council requests that Gateway nominates any other State or Commonwealth authorities required for consultation. All identified authorities/stakeholders will be notified during the exhibition period.

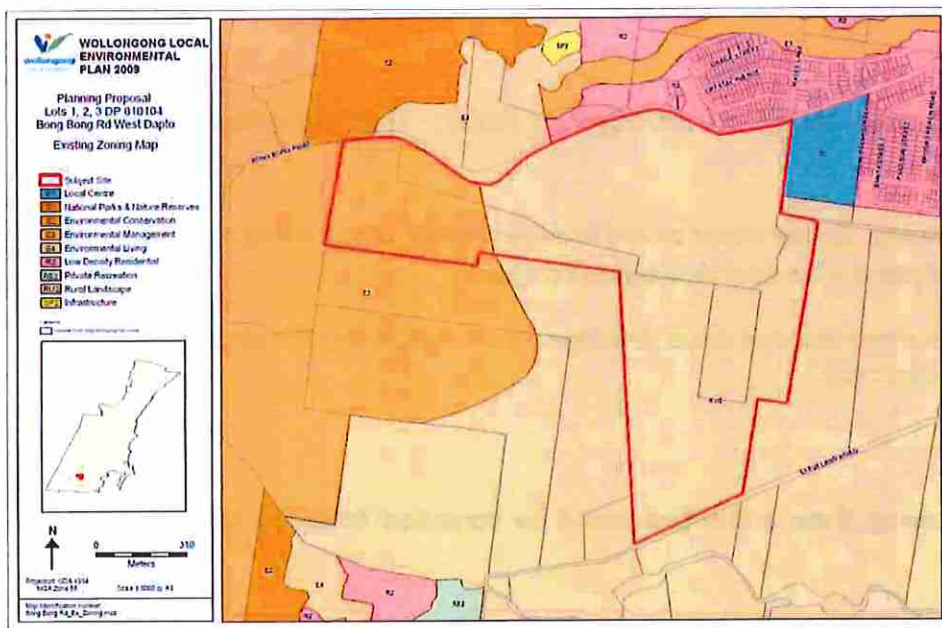
Part 4 – Mapping

**MAPS, WHERE RELEVANT, TO IDENTIFY THE INTENT OF THE PLANNING PROPOSAL  
AND THE AREA TO WHICH IT APPLIES**

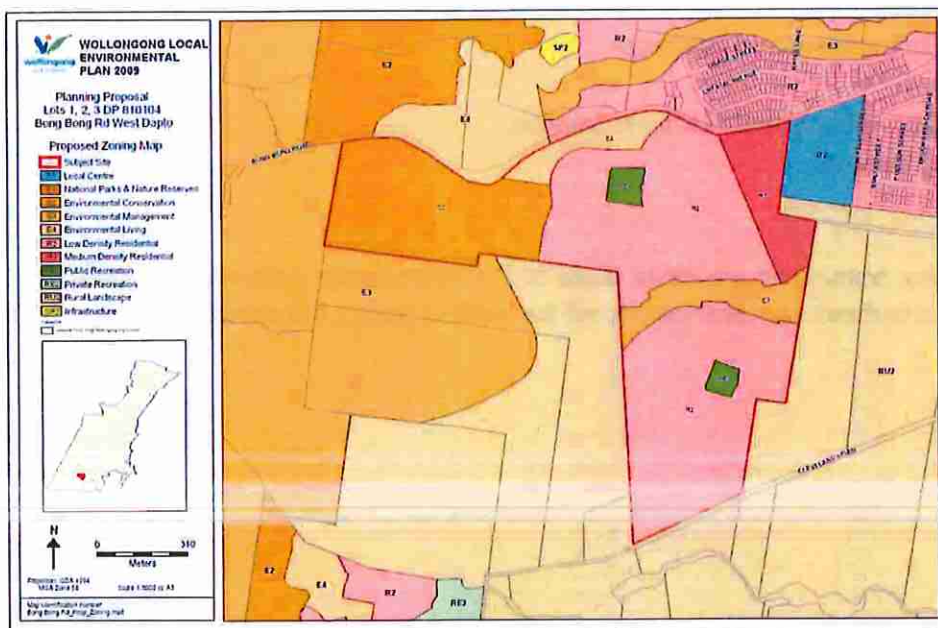
Following are the current Zoning, Minimum Lot Size and Floor Space Ratio Maps for the site, and the proposed map amendments to Wollongong LEP 2009.

**Land Zoning Map Sheets LZN \_004 & \_013**

**Existing Land Zoning Map**



**Proposed Land Zoning Map**



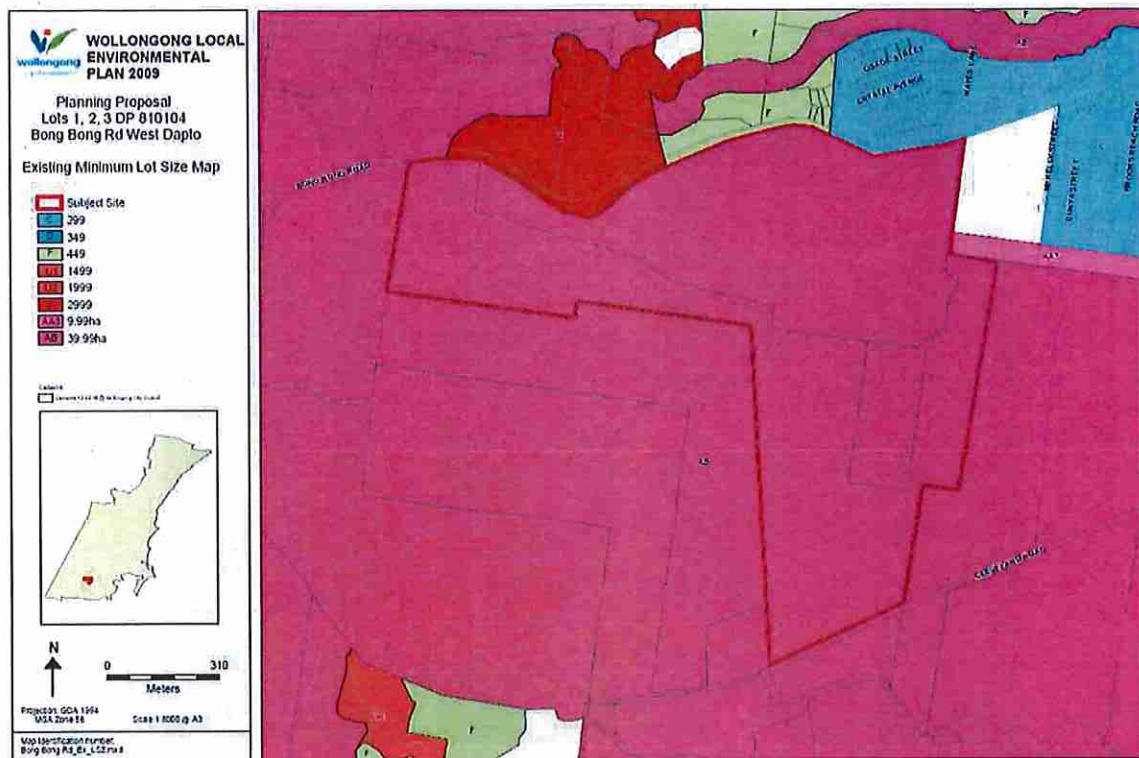


LOTS 1, 2 & 3 DP 810104  
STAGE 3, BONG BONG ROAD WEST DAPTO

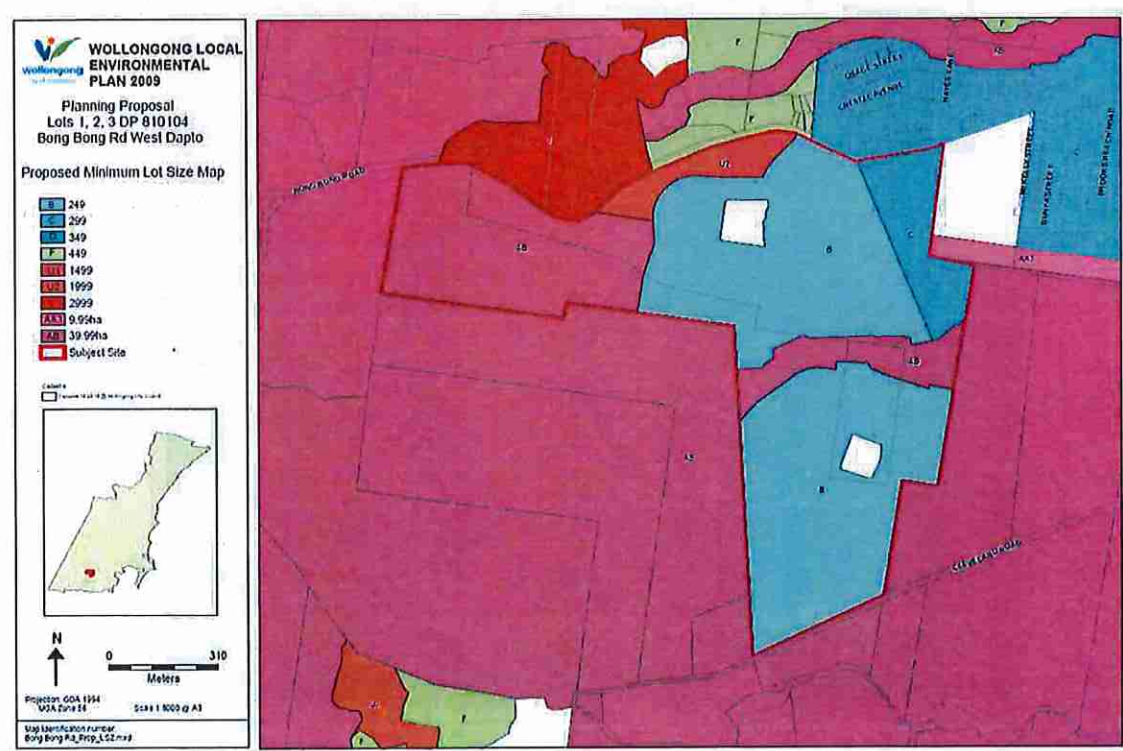
Draft Planning  
Proposal Stocklands  
Stage 3 West Dapto

Lot Size Map Sheets LSZ\_004 & \_013

Existing Minimum Lot Size

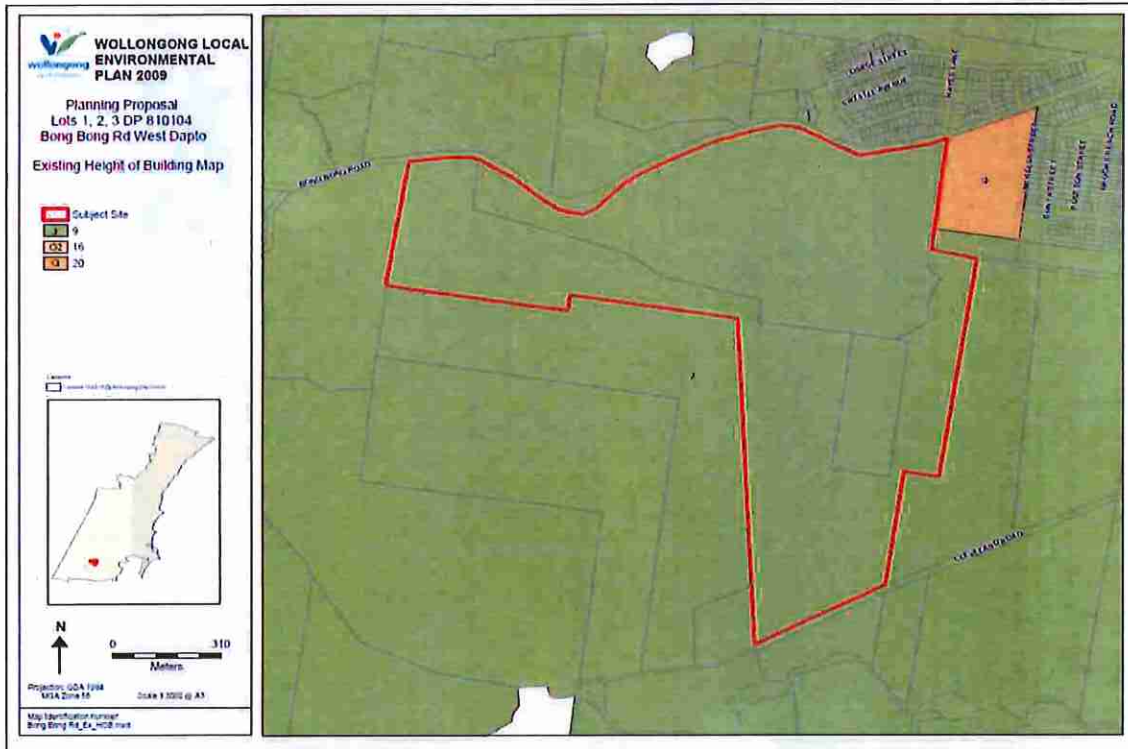


Proposed Minimum Lot Size



**Proposed Height of Buildings Map Sheets HOB\_004 & \_013**

**Existing Height of Buildings Map**



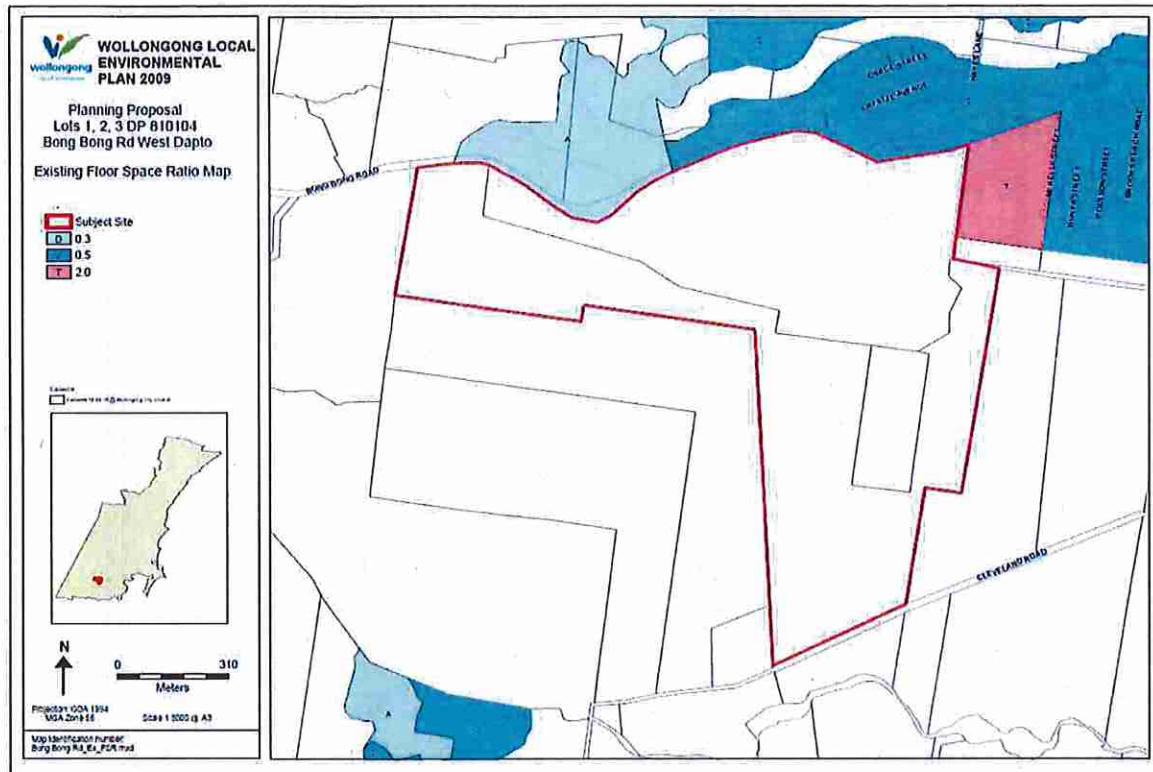
**Proposed Height of Buildings Map**



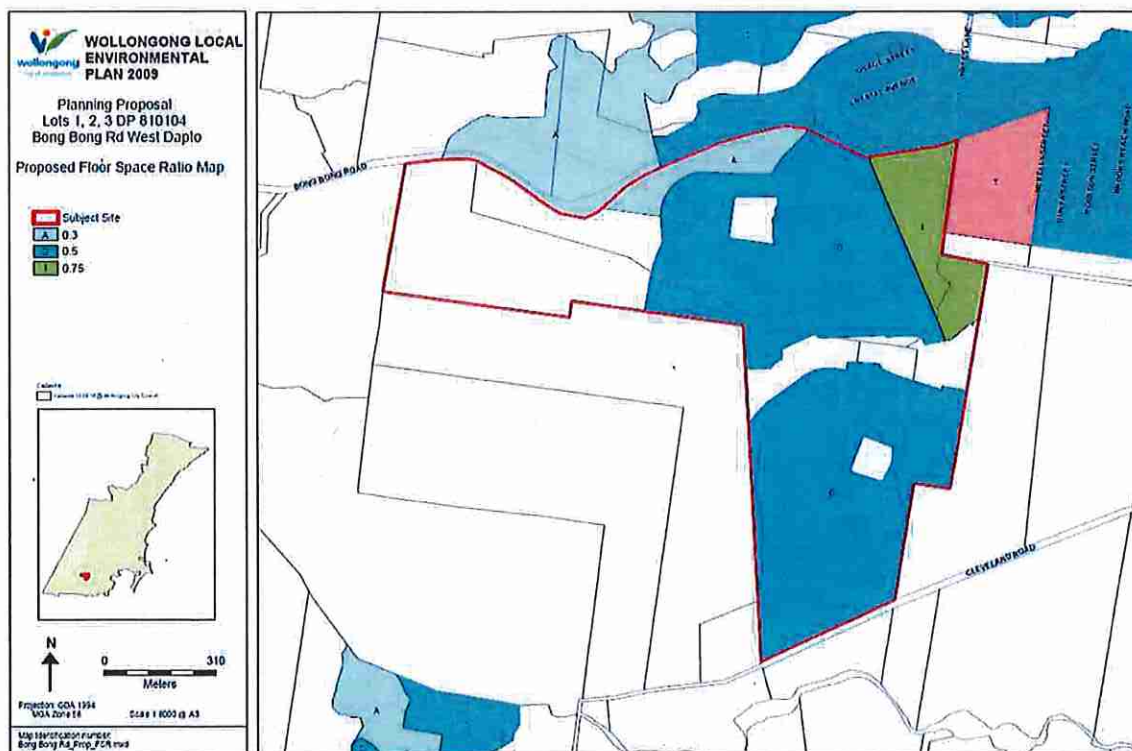


**Proposed Floor Space Ratio Map – Sheets FSR\_004 & \_013**

**Existing Floor Space Ratio Map**



**Proposed Floor Space Ratio Map**

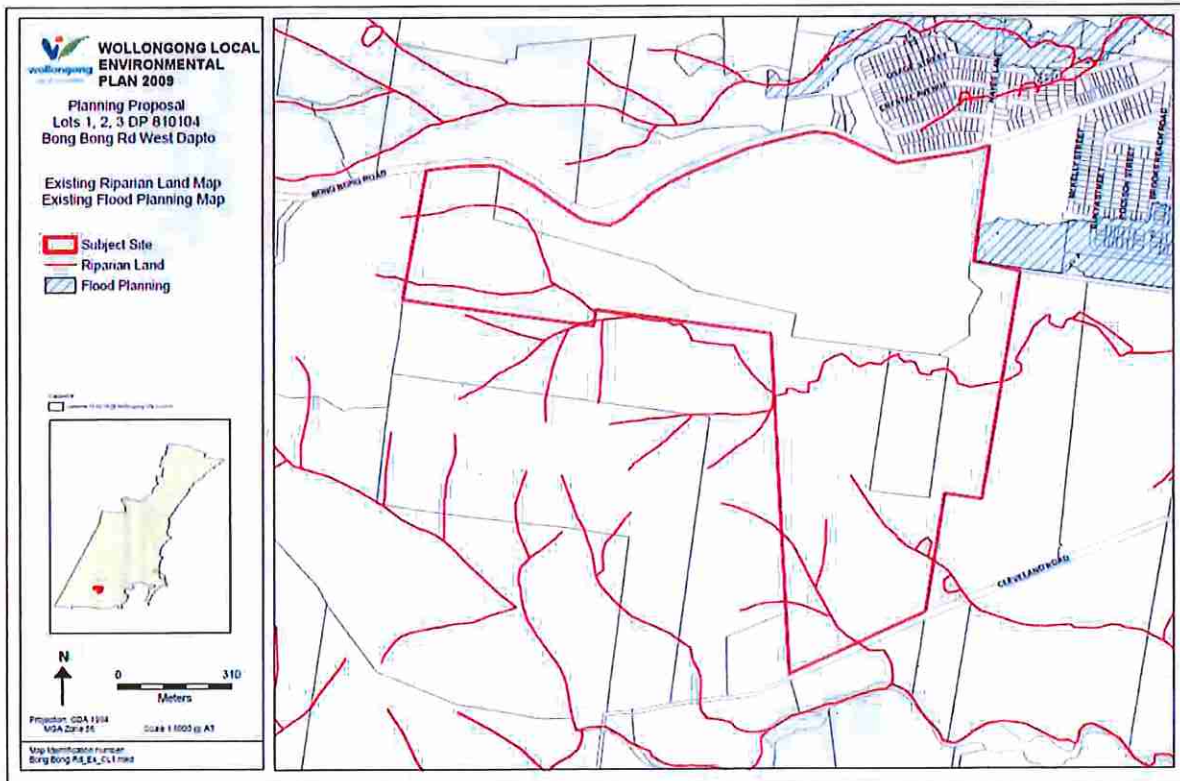


LOTS 1, 2 & 3 DP 810104  
STAGE 3, BONG BONG ROAD WEST DAPTO

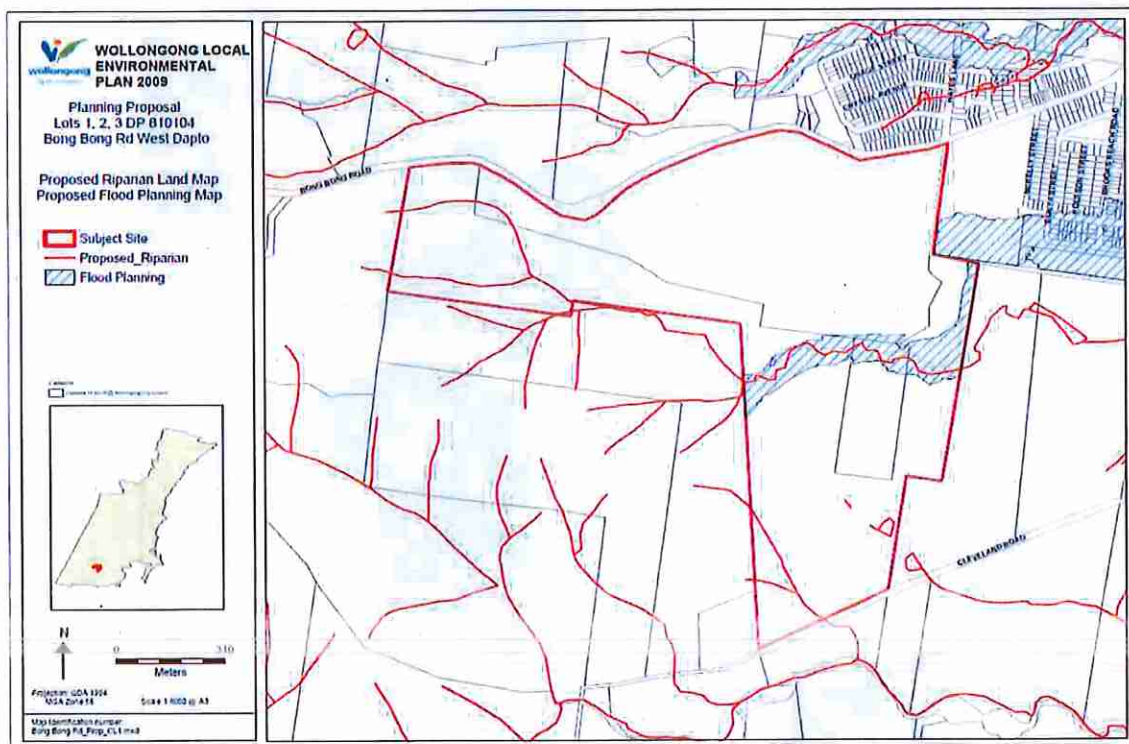
Draft Planning  
Proposal Stocklands  
Stage 3 West Dapto

**Proposed Flood Planning & Riparian Corridor Map Sheets - CL1\_004 & \_013**

Existing



Proposed



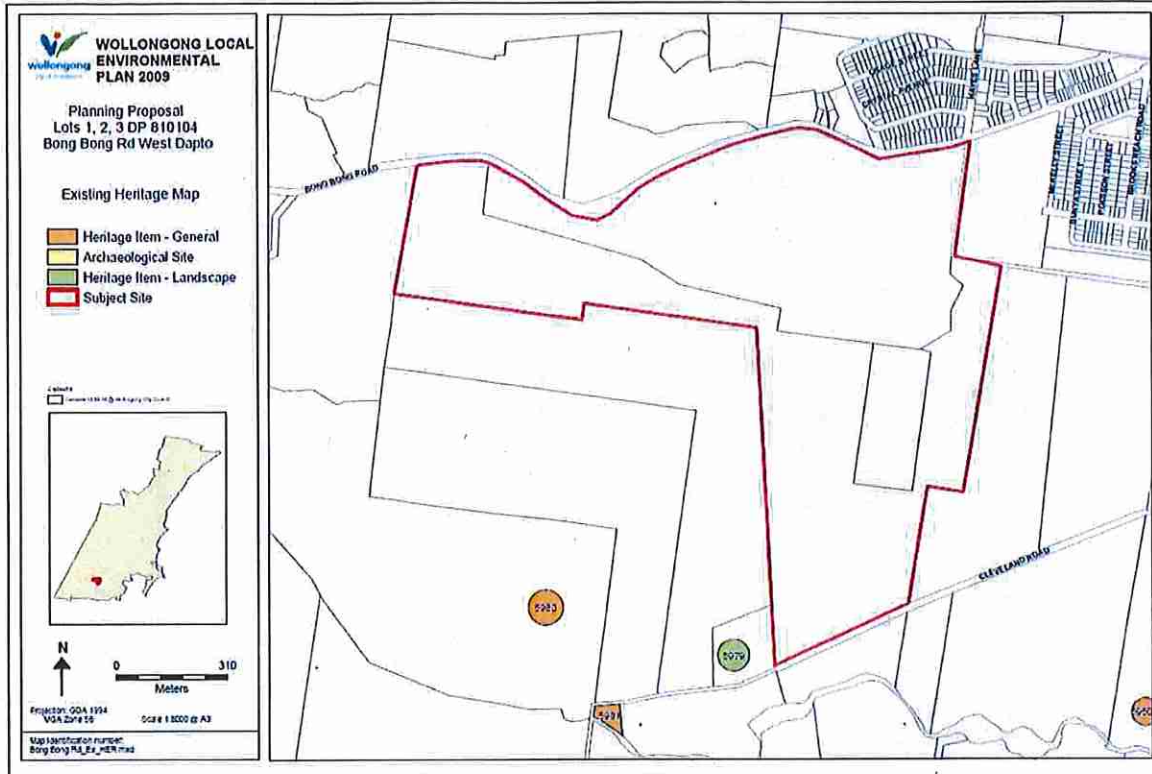


LOTS 1, 2 & 3 DP 810104  
STAGE 3, BONG BONG ROAD WEST DAPTO

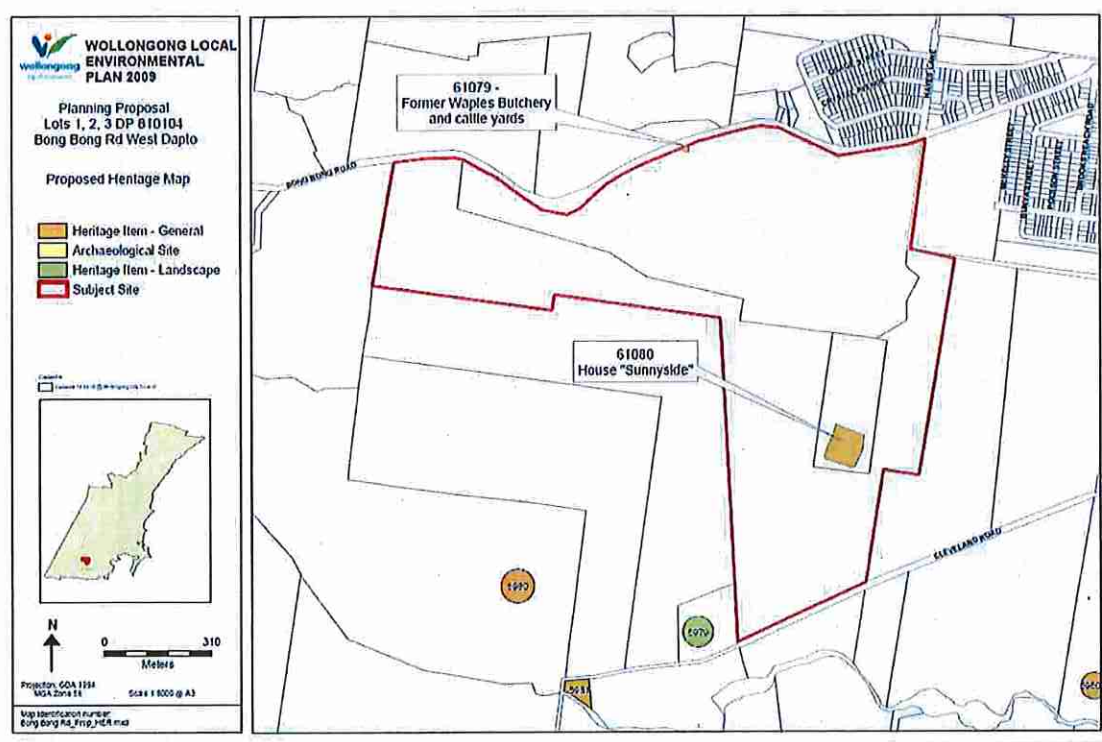
Draft Planning  
Proposal Stocklands  
Stage 3 West Dapto

**Proposed Heritage Map – HER \_004 & HER \_013**

Existing Heritage Map

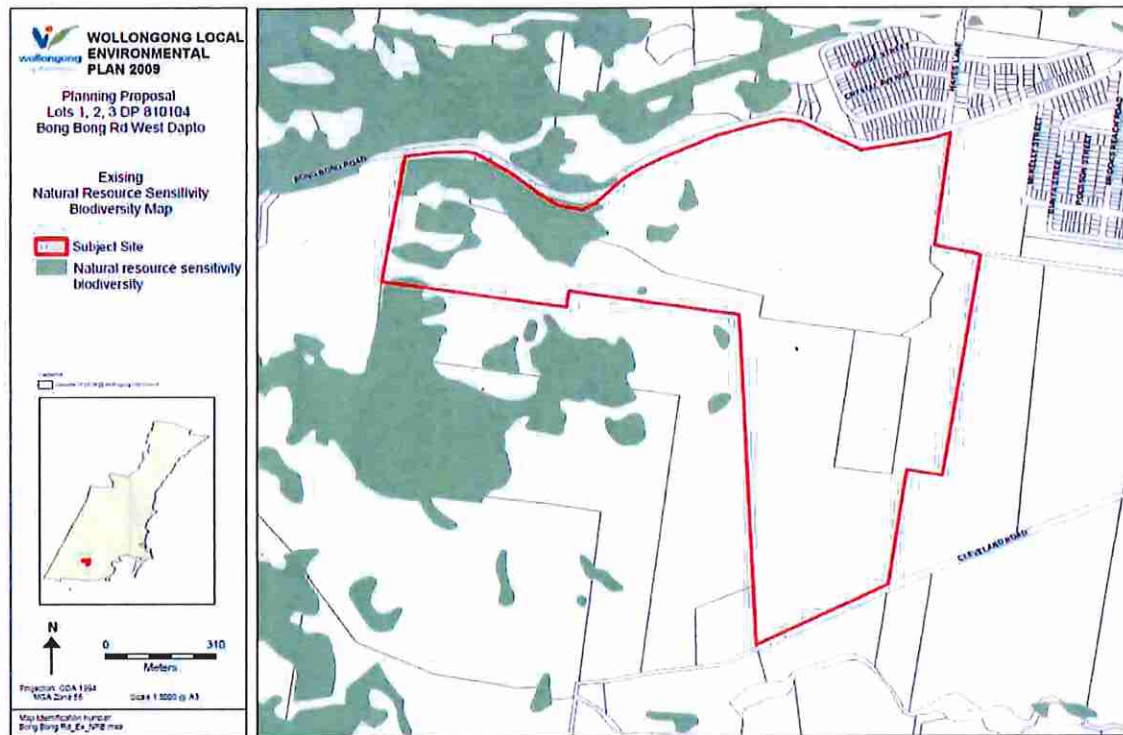


Proposed Heritage Map

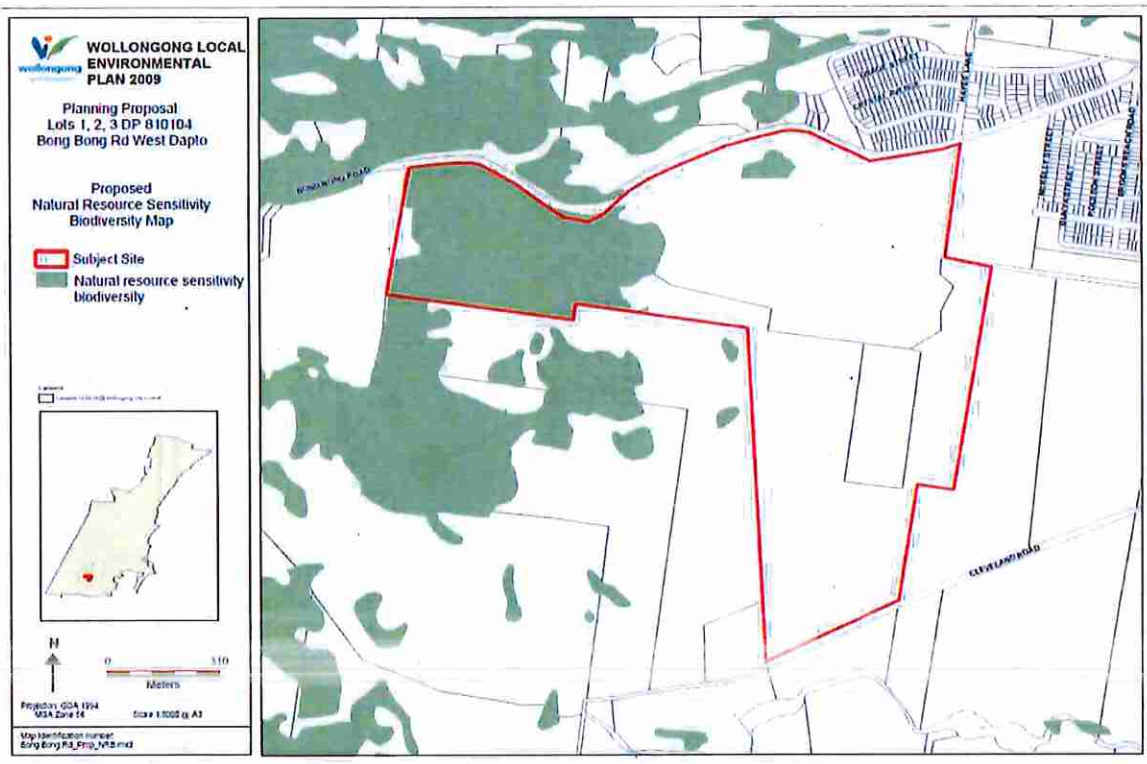


**Proposed Natural Resource Sensitivity Map- Sheet NRB \_003**

**Existing Natural Resource Biodiversity**



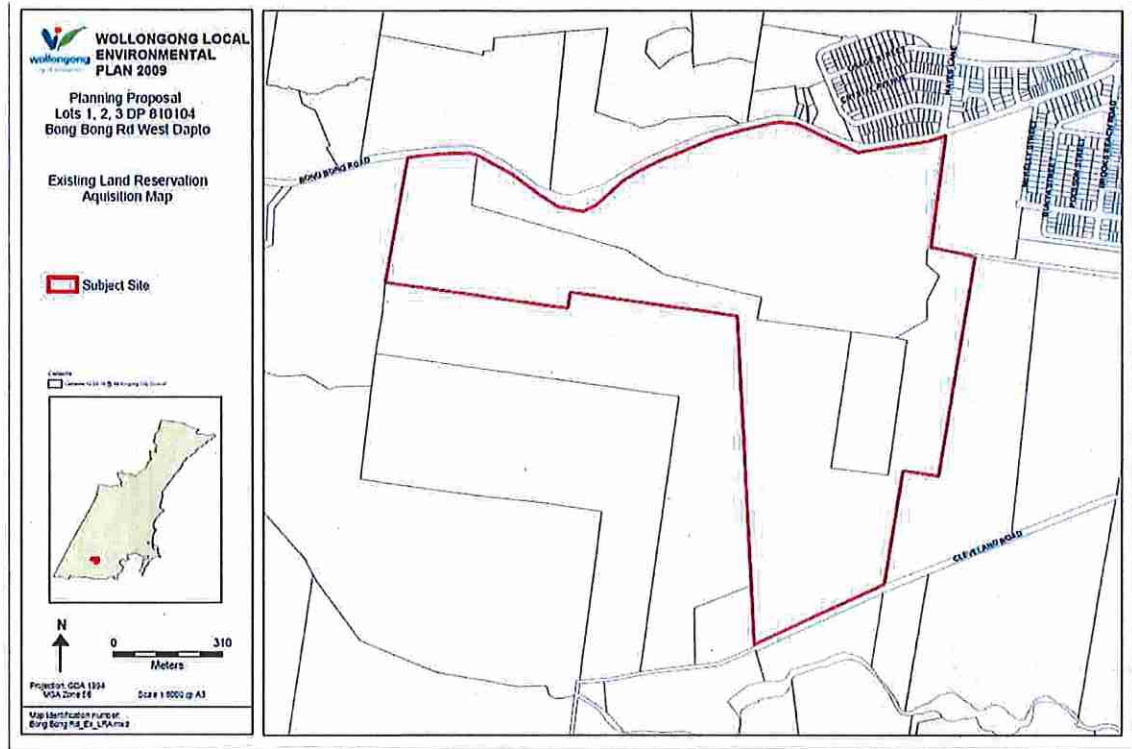
**Proposed Natural Resource Biodiversity Map**



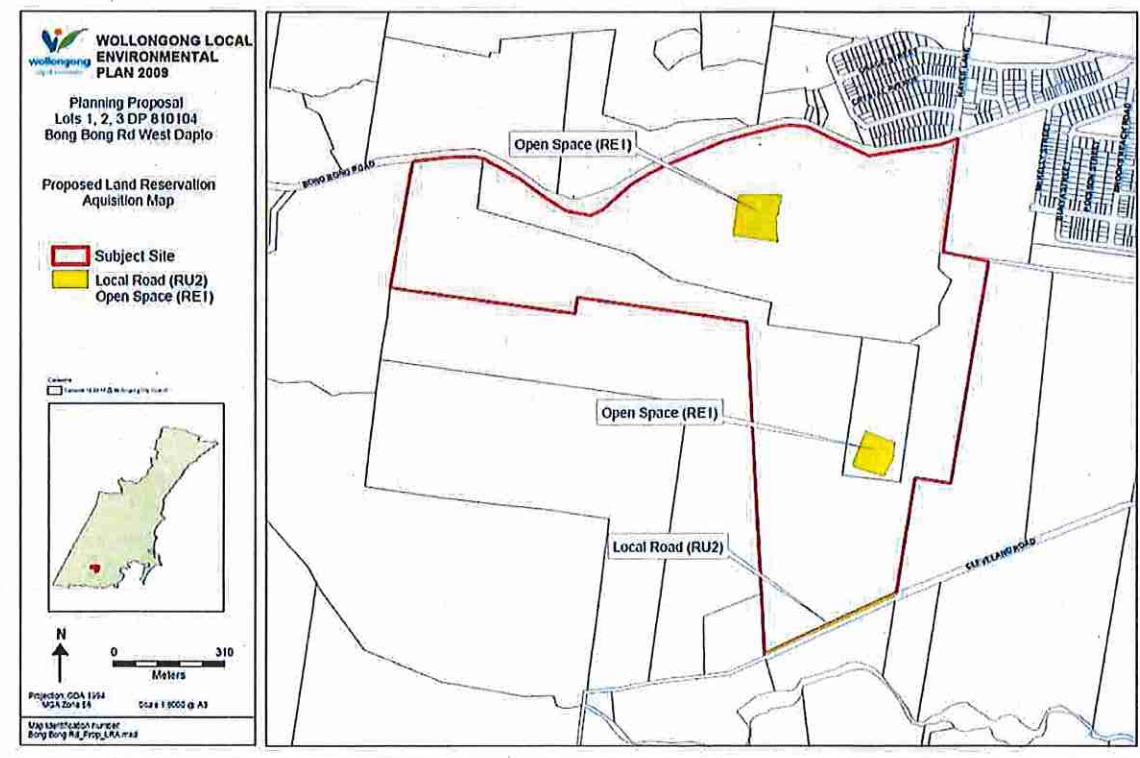


**Proposed Land Acquisition Map – Sheets LRA\_004C \_004D \_013A \_013B**

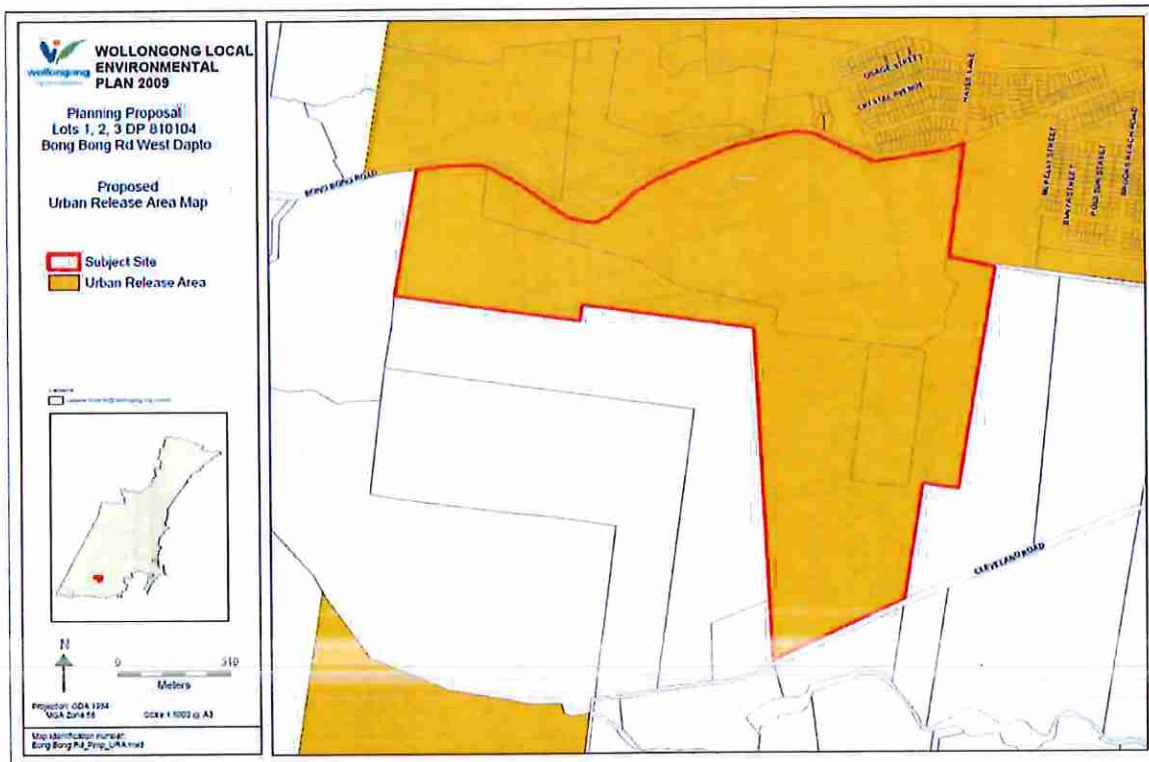
**Existing**



**Proposed**



### Existing Urban Release Area Map





## Part 5 – Community Consultation

Should the Planning proposal is supported, Council requests that the planning proposal be exhibited for a period of 28 days and include:

- *Hard copies at Council's Administration building and relevant Libraries;*
- *Electronic copy on Council's website;*
- *Notification letters to surrounding and nearby property owners; and*
- *Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning and Infrastructure including:*

## Part 6 – Projected Timeline

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. This timeline tentatively sets out expected timelines for major steps in the process. These timeframes are subject to change and are to be used as a guide only. The Minister may consider taking action to finalise the LEP if timeframes approved for the completion of the Planning Proposal are significantly or unreasonably delayed.

| #  | Action  | Estimated Timeframe                        | Responsibility                         |
|----|---|--|--|
| 1  | Anticipated date of Gateway Determination   | May 2018                                   | Department of Planning and Environment |
| 2  | Anticipated completion of required technical studies                                    | 2 month period after Gateway Determination | Consultants                            |
| 3  | Government agency consultation  | 3 month period                             | Agencies                               |
| 4  | Public exhibition period  | 1 month period                             | Council                                |
| 5  | Date of Public Hearing <i>(if applicable)</i>   | Unlikely to be required                    | Council                                |
| 6  | Consideration of submissions  | 1 month                                    | Council                                |
| 7  | Assessment of proposal post-exhibition  | 2 months                                   | Council                                |
| 8  | Report to Council   | 1 month                                    | Council                                |
| 9  | Final maps and Planning Proposal prepared   | 1 month                                    | Council                                |
| 10 | Submission to Department for finalisation of LEP  | 1 month                                    | Council                                |
| 11 | <i>Anticipated date RPA will make the LEP</i>   | <i>Delete if Council is not the RPA</i>    | Council (if under delegation)          |
| 12 | Anticipated date Council will forward final Planning Proposal to DOP&I for notification | 1 month                                    | Council                                |
| 13 | Anticipated date LEP will be notified   | 1 month                                    | Parliamentary Counsel and DPE          |

**Table A - Checklist of State Environmental Planning Policies**

| State Environmental Planning Policy |  | Compliance  | Comment  |
|-------------------------------------|--|---|--|
| SEPP No. 1                          | Development Standard                           | No longer applies to land under the Wollongong LEP 2009                         | N/A  |
| SEPP No. 14                         | Coastal Wetlands                               | Site not identified on mapping  | N/A  |
| SEPP No. 15                         | Rural Land Sharing Communities                 | Does not apply to Wollongong  | N/A  |
| SEPP No. 19                         | Bushland in Urban Areas                        | Does not apply to Wollongong  | N/A  |
| SEPP No. 21                         | Caravan Parks                                  | N/A   | N/A  |
| SEPP No. 26                         | Littoral Rainforests                           | N/A   | No littoral rainforests are identified by the policy in the Wollongong LGA   |
| SEPP No. 30                         | Intensive Agriculture                          | N/A   | N/A  |
| SEPP No. 33                         | Hazardous and Offensive Development            | N/A   | N/A  |
| SEPP No. 36                         | Manufactured Home Estates                      | N/A   | N/A  |
| SEPP No. 44                         | Koala Habitat Protection                       | N/A   | N/A  |
| SEPP No. 47                         | Moore Park Showground                          | Does not apply to Wollongong  | N/A  |
| SEPP No. 50                         | Canal Estate Development                       | N/A   | N/A  |
| SEPP No. 52                         | Farm Dams, Drought Relief and Other Works      | Does not apply to Wollongong  | N/A  |
| SEPP No. 55                         | Remediation of Land                            | Applicable  | A Phase 1 Site Assessment has been prepared. Additional investigation is sought to ensure that the site is capable of complying with the requirements of the SEPP. |
| SEPP No. 62                         | Sustainable Aquaculture                        | N/A   | Not applicable with respect to this Planning Proposal.   |
| SEPP No. 64                         | Advertising and Signage                        | Consistent  | The Planning Proposal will not contain provisions that will contradict or hinder the application of the SEPP.  |
| SEPP No. 65                         | Design quality of residential flat development | SEPP 65 provides minimum design guidelines for residential flat buildings, shop | Capable of complying   |



| State Environmental Planning Policy |   | Compliance   | Comment   |
|-------------------------------------|---|--|---|
|                                     |   | top housing and mixed use development with residential accommodation |   |
| SEPP No. 70                         | Affordable Housing (revised schemes)                        | Does not apply to Wollongong   | N/A   |
| SEPP No. 71                         | Coastal Protection  | N/A  | N/A   |
| SEPP                                | Kurnell Peninsula 1989                                      | Does not apply to Wollongong   | N/A   |
| SEPP                                | Penrith Lakes Scheme 1989                                   | Does not apply to Wollongong   | N/A   |
| SEPP                                | Housing for Seniors or People with a Disability 2004        | Consistent   | The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. |
| SEPP                                | Building Sustainability Index: BASIX 2004                   | Consistent   | The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. |
| SEPP                                | State Significant Precincts 2005                            | N/A  | Not applicable to this Planning Proposal  |
| SEPP                                | Sydney Region Growth Centres 2006                           | Does not apply to Wollongong   | N/A   |
| SEPP                                | Mining, Petroleum Production and Extractive Industries 2007 | N/A  | N/A   |
| SEPP                                | Infrastructure 2007   | Capable of Complying   | The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. |
| SEPP                                | Miscellaneous Consent Provisions                            | N/A  | Not applicable to this Planning Proposal.   |
| SEPP                                | Kosciuszko National Park – Alpine Resorts 2007              | Does not apply to Wollongong   | N/A   |
| SEPP                                | Rural Lands 2008  | Does not apply to Wollongong   | N/A   |
| SEPP                                | Affordable Rental Housing 2009                              | Consistent   | The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. |
| SEPP                                | Western Sydney Employment Lands 2009                        | Does not apply to Wollongong   | N/A   |

| State Environmental Planning Policy         |   | Compliance                   | Comment   |
|---|---|------------------------------|---|
| SEPP  | Exempt and Complying Development Codes 2008               | Consistent                   | The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. |
| SEPP  | Western Sydney Parklands 2009                             | Does not apply to Wollongong | N/A   |
| SEPP  | Urban Renewal 2010  | Does not apply to Wollongong | N/A   |
| SEPP  | State and Regional Development 2011                       | Applies to the State         | The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. |
| SEPP  | Sydney Drinking Water Catchment 2011                      | N/A                          | Not applicable to this Planning proposal  |
| SEPP  | Three Ports 2013  | N/A                          | Not applicable to this Planning proposal  |
| SEPP  | Integration and Repeals 2016                              | N/A                          | Not applicable to this Planning proposal  |
| SEPP  | Educational Establishments and Child Care Facilities 2017 | Consistent                   | Schools and Child Care centres are permissible within residential zones.  |
| SEPP  | Vegetation in Non Rural areas 2017                        | Consistent                   | The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. |
| <b>Deemed SEPPS( former Regional Plans)</b> |   |                              |   |
| Illawarra REP 1                             | Illawarra   | Repealed within Wollongong   | N/A   |
| Illawarra REP 2                             | Jamberoo  | Does not apply to Wollongong | N/A   |
| Greater Metropolitan REP No.2               | Georges River catchment                                   | Does not apply to Wollongong | N/A   |



**Table B - Checklist of Section 9.1 Ministerial Directions**

| Ministerial Direction                                   |  | Comment   |
|---|--|---|
| <b>1. Employment and Resources</b>                      |  |   |
| 1.1   | Business and Industrial Zones  | N/A   |
| 1.2   | Rural Zones  | The subject site is identified as a future urban release area in the Illawarra Regional Strategy & West Dapto Masterplan.<br><br>The Planning Proposal is capable of consistency.   |
| 1.3   | Mining, Petroleum Production and Extractive Industries                             | Not applicable.   |
| 1.4   | Oyster Aquaculture   | Not applicable.   |
| 1.5   | Rural Lands  | Not applicable.   |
| <b>2. Environment and Heritage</b>                      |  |   |
| 2.1   | Environment Protection Zone  | The subject site comprises areas of remnant native vegetation which is aimed to be conserved, whilst also protecting the land through the E2 zoned land within the Illawarra Escarpment boundary.   |
| 2.2   | Coastal Protection   | N/A   |
| 2.3   | Heritage Conservation  | The subject site contains no listed heritage items of local, state or national significance however, two items have been identified that are considered worthy of retention/adaptive reuse and listing. Further assessment and study recommended. |
| 2.4   | Recreation Vehicle Areas   | Direction does not apply  |
| 2.5   | Application of E2 and E3 zones and Environmental overlays in far North Coast LEP's | Not applicable to Wollongong  |
| <b>3. Housing, Infrastructure and Urban Development</b> |  |   |
| 3.1   | Residential Zones  | Applies – capable of consistency given the land is identified for future urban release area in the Illawarra Regional Strategy & West Dapto Masterplan.   |
| 3.2   | Caravan Parks and Manufactured Home Estates  | Direction does not apply  |
| 3.3   | Home Occupations   | Applies – capable of consistency.   |

|                             |  |  |
|-----------------------------|--|--|
| 3.4                         | Integrating Land Use and Transport   | Applies - capable of consistency   |
| 3.5                         | Development Near Licensed Aerodromes   | N/A  |
| 3.6                         | Shooting Ranges  | The site adjoins the former Illawarra Clay Target Club however, the site has been zoned for a future town centre and the Club has relocated removing the land conflict.  |
| <b>4. Hazard and Risk</b>   |  |  |
| 4.1                         | Acid Sulfate Soils   | The subject site is not mapped in Wollongong LEP 2009 as comprising Acid Sulfate Soils.  |
| 4.2                         | Mine Subsidence and Unstable Land  | The subject site is mapped as suspected unstable land. Further geotechnical work and studies would be required to demonstrate the ability to comply.   |
| 4.3                         | Flood Prone Land   | The subject site is mapped as flood prone. Generally the areas of the site affected by 1 in 100 event have been zoned E3. Further studies are sought to ensure the Proposals capability of complying with the Direction. |
| 4.4                         | Planning for Bushfire Protection   | Capable of complying with the Direction.   |
| <b>5. Regional Planning</b> |  |  |
| 5.1                         | Implementation of Regional Strategies  | Planning Proposal is considered to be consistent with the Illawarra Regional Strategy 2007.  |
| 5.2                         | Sydney Drinking Water Catchments   | Direction does not apply   |
| 5.3                         | Farmland of State and Regional Significance on the NSW Far North Coast       | Not applicable to Wollongong   |
| 5.4                         | Commercial and Retail Development along the Pacific Highway, North Coast     | Not applicable to Wollongong   |
| 5.5                         | Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) | Not applicable to Wollongong   |
| 5.8                         | Second Sydney Airport: Badgerys Creek  | Not applicable to Wollongong   |
| 5.9                         | North West Rail Link Corridor Strategy                                       | Not applicable to Wollongong   |
| 5.10                        | Implementation of Regional Plan  | Planning Proposal is considered to be consistent with the Illawarra Shoalhaven Regional Plan 2015.   |
| <b>6. Local Plan Making</b> |  |  |



|                                 |   |   |
|---------------------------------|---|---|
| 6.1                             | Approval and Referral Requirements  | The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.   |
| 6.2                             | Reserving Land for Public Purposes  | The Planning Proposal seeks to incorporate two public open space areas (community parks) within the proposed neighbourhood whilst also protecting the land (zoned E2) within the Illawarra Escarpment boundary. |
| 6.3                             | Site Specific Provisions  | A site specific DCP will be required to be developed in conjunction with the Neighbourhood Plan and is to be concurrently notified.   |
| <b>7. Metropolitan Planning</b> |   |   |
| 7.1                             | Implementation of the Metropolitan Plan for Sydney 2036   | Not applicable to Wollongong  |
| 7.2                             | Implementation of Greater Macarthur Land Release Investigation  | Not applicable to Wollongong  |
| 7.3                             | Parramatta Road Corridor Urban Transformation Strategy  | Not applicable to Wollongong  |
| 7.4                             | Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan                 | Not applicable to Wollongong  |
| 7.5                             | Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not applicable to Wollongong  |
| 7.6                             | Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan             | Not applicable to Wollongong  |





## DEPARTURE OF COUNCILLORS

Due to prior disclosure of interest, Councillor Figliomeni departed the meeting and was not present for the debate and voting on Item 2.

During debate and prior to voting on Item 2, Councillor Colacino departed and returned to the meeting, the time being from 6.40 pm to 6.42 pm.

## ITEM 2 - DRAFT PLANNING PROPOSAL OF LOTS 1, 2 AND 3 DP 810104 LOCATED BETWEEN BONG BONG ROAD AND CLEVELAND ROAD WITHIN STAGE 3 OF THE WEST DAPTO URBAN RELEASE AREA

**26 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Connor seconded Councillor King that –

- 1 A revised draft Planning Proposal be prepared for Lot 1, 2 and 3 DP 810104 between Bong Bong Road Horsley and Cleveland Road Huntley, and submitted to the NSW Department of Planning and Environment requesting a revised Gateway Determination be issued to amend the Wollongong Local Environmental Plan in the following manner:
  - a Rezone from RU2 Rural Landscape to a mix of E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, R2 Low Density Residential, R3 Medium Density Residential, and RE1 Public Recreation (Attachment 4 of the report).
  - b Amending the Maximum Height of Buildings Map to show 9m for the R2 Low Density Residential zone and 16m for the R3 Medium Density Residential zone (Attachment 4 of the report).
  - c Amending the Minimum Lot Size Map to show 250m<sup>2</sup> for the R2 Low Density Residential zone, 300m<sup>2</sup> for the R3 Medium Density zone, 2000m<sup>2</sup> for the E4 Environmental Living zone and 39.99ha for the E2 Environmental Conservation and E3 Environmental Management zones (Attachment 4 of the report).
  - d Amending the Floor Space Ratio map to show 0.5:1 for the R2 Low Density Residential zone, and 0.75:1 for R3 Medium Density Residential zone (Attachment 4 of the report).
  - e Amending the Natural Resource Sensitivity Map to more accurately reflect the sensitive vegetation on the site (Attachment 4 of the report).
  - f Amending the Land Reservation Acquisition Map to show the proposed acquisition of the 2 parks and the widening of Cleveland Road (Attachment 4 of the report).
  - g Amending the Heritage Map to include curtilage of 'Waples Butchery' and 'Sunnyside' (Attachment 4 of the report).
  - h Amending the Flood Map to more accurately reflect the 1:100 flood planning area (Attachment 4 of the report).
  - i Amending the Riparian Map to remove the non-exitant watercourse (Attachment 4 of the report).
  - j Amending the Urban Release Area map to include the site.
  - k Including LEP model provision Clause 4.1C Minimum Lot size (Integrated Housing) – to apply to the Wollongong LGA.
- 2 Should a Gateway Determination be issued, consultation be undertaken with the following agencies:
  - a Water NSW
  - b NSW Office of Environment and Heritage
  - c NSW Rural Fire Service



- d Department of Education and Communities
  - e Endeavour Energy
  - f Transport for NSW – Roads and Maritime Services
  - g State Emergency Services
  - h Sydney Water
  - i Heritage Council
- 3 The Draft Planning Proposal be exhibited for a minimum period of 28 days.
- 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.
- 5 The draft Neighbourhood Plan for the precinct (Attachment 3 of the report) form an amendment to Chapter D16 West Dapto Release Area and be exhibited with the draft Planning Proposal.
- 6 The proposed dedication of the western E2 zoned land to Council with in perpetuity funding under a conservation covenant such as a Biodiversity Stewardship site, be supported in principle, subject to further consultation with Council Officers and the Office of Environment and Heritage.
- 7 The legal agreement for the transfer of E2 zoned land with in perpetuity funding to Council be finalised prior to development consent for subdivision.
- 8 The proponent be requested to undertake the following additional investigations and submit prior to the finalisation of the Planning Proposal:
- a Stage 2 – Detailed Site Investigation Contamination Report.
  - b Remediation Action Plan.
  - c Site Audit Statement reviewing the Stage 1 and Stage 2 Investigations and the Remediation Action Plan.
  - d Amended Flood Study and Stormwater assessment.
  - e Biodiversity Conservation Strategy detailing the in perpetuity conservation covenant and funding for restoration and enhancement of biodiversity values within the regional biodiversity corridor.
  - f Escarpment Management Plan in accordance with Illawarra Escarpment Management Strategy 2015, addressing Clauses 5.52 Conservation Benefit, Clauses 5.53 Environmental Envelope and Clause 5.54 Assessment Criteria.
  - g Bushfire Risk Assessment.
  - h Aboriginal Heritage Cultural Assessment.
  - i Traffic Impact Assessment to be prepared in accordance with Table 2.1 of the RTA Guide to Traffic Generating Development.
  - j A revegetation and vegetation management plan for the rehabilitation of the riparian zone.
  - k A Conservation Management Plan for the appropriate management and retention of the Waples Butchery and archaeological site at Sunnyside. In particular it is to take into consideration the extent to which the proposal affects the heritage significance of the item/streetscape/subdivision pattern.