

Minute No.

**CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON
TUESDAY, 25 MAY 2010**

- 64 **RESOLVED UNANIMOUSLY** that the Minutes of the Ordinary Meeting of Council held on Tuesday, 25 May 2010 (a copy having been circulated to Administrators) be taken as read and confirmed.

PUBLIC ACCESS FORUM

**MR J PENDLEBURY - PROPOSED INCREASE IN FEES AND CHARGES FOR
WINDANG BEACH TOURIST PARK**

Mr Pendlebury raised various questions relating to the proposed increase in fees and charges for the Windang Beach Tourist Park. He also asked whether Council was proposing to put the park up for tender.

Administrator Gellatly provided details on all queries raised and outlined works undertaken at the park. He said that comparatively speaking, the proposed fee of \$4,526 (which was inclusive of water, electricity, waste and security) was far less than other South Coast tourist parks which are proposing fees of up to \$5,800, plus water and electricity. Administrator Gellatly also stated that Council had no proposal to put the park up for tender.

PLANNING AND ENVIRONMENT DEPARTMENT

**ITEM 1 - DRAFT PLANNING PROPOSAL TO AMEND THE WEST DAPTO LOCAL
ENVIRONMENTAL PLAN (ESP-100.01.017) - REPORT OF MANAGER
ENVIRONMENTAL STRATEGY AND PLANNING (JB) 24/05/10**

- 65 **RESOLVED UNANIMOUSLY** that -

- I A planning proposal be submitted to the NSW Department of Planning requesting that the Wollongong Local Environmental Plan (West Dapto) 2010 be amended in the following manner -
 - a The Land Acquisition Reservation Map be amended to indicate Council's proposed acquisition of the following sites -
 - i Part Lot 562 DP 82327 between Wylie Road and Reddalls Road for a local road;
 - ii Darkes Road for local road widening;
 - iii West Dapto Road for local road widening; and
 - iv Part Lot 1 DP 1118463 for local open space.
 - b The Land Zoning Map be amended by -
 - i Rezoning Part Lot 1 DP 657171 and Part Lot 1 DP 1118463 to RE1 Public Recreation to reflect the proposed Darkes Road recreation area; and
 - ii Part of Lot 11 DP 229044 Hamilton Street be zoned IN2 Light Industry and consequential amendments be made to the Floor Space Ratio Map and the Minimum Lot Size Map to show 0.5:1 and 4 hectares, respectively.

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- c The additional use of a dwelling house be permitted on the RU2 Rural Landscape part of Lots 1 and 2 DP 747729 Wongawilli Road, Wongawilli.
 - d Clause 4.1 Minimum Subdivision Size be amended to enable residual land resulting from the subdivision of lots with a split zone to be excluded from the lot size calculations.
- 2 If approved by the NSW Department of Planning, the planning proposal be exhibited for a minimum period of twenty eight (28) days. The exhibition include notification to affected land owners.
- 3 The resolutions for road reservations and road widening be included in Section 149 Planning Certificates.

**ITEM 2 - TOWN AND VILLAGE PLANS PRIORITY LIST (ESP-100.03.005) -
REPORT OF MANAGER ENVIRONMENTAL STRATEGY AND PLANNING (KA)
26/05/10**

66 RESOLVED UNANIMOUSLY that -

- I The priority list for the preparation of Town and Village Plans be endorsed as -
 - i Warrawong Regional Centre Review
 - ii Draft Port Kembla Main Street Study
 - iii Review of Figtree and Unanderra Major Towns
 - iv Wongawilli Centre Masterplan
 - v Gwynneville Precinct Plan
 - vi Woonona and East Woonona Precinct Plan
 - vii Helensburgh Town Plan
 - viii Review of Fairy Meadow Major Town
 - ix Berkeley Town Centre Study
 - x Mt Kembla Site Specific DCP Review
 - xi Bulli Town Centre Plan
 - xii Windang Town Centre Plan
- 2 The priority list be reviewed annually as part of the preparation of Council's Draft Management Plan.
- 3 Letters be sent to persons who made submissions thanking them for their submissions and advising of the Town and Village Plans Priority List.

REF: CM60/10

DRAFT PLANNING PROPOSAL TO AMEND THE WEST DAPTO LOCAL ENVIRONMENTAL PLAN

Report of Manager Environmental Strategy and Planning (JB) 24/05/10

ESP-100.01.017

PRECIS

The Wollongong Local Environmental Plan (West Dapto) 2010 was approved by the Minister for Planning on 5 May 2010. Subsequent to Council's endorsement of the draft Plan in December 2008 some amendments have been identified which require the preparation of a draft planning proposal to amend the Plan.

This report recommends that Council resolve to prepare a draft planning proposal to make a number of minor amendments to the Wollongong Local Environmental Plan (West Dapto) 2010. The planning proposal will need to be forwarded to the NSW Department of Planning for approval, prior to public exhibition.

RECOMMENDATION

- 1 A planning proposal be submitted to the NSW Department of Planning requesting that the Wollongong Local Environmental Plan (West Dapto) 2010 be amended in the following manner:**
 - a The Land Acquisition Reservation Map be amended to indicate Council's proposed acquisition of the following sites:**
 - i Part Lot 562 DP 82327 between Wylie Road and Reddalls Road for a local road;**
 - ii Darkes Road for local road widening;**
 - iii West Dapto Road for local road widening; and**
 - iv Part Lot 1 DP 1118463 for Local Open Space.**
 - b The Land Zoning Map be amended by:**
 - i Rezoning Part Lot 1 DP 657171 and Part Lot 1 DP 1118463 to RE1 Public Recreation to reflect the proposed Darkes Road recreation area; and**
 - ii Part of Lot 11 DP 229044 Hamilton Street be zoned IN2 Light Industry and consequential amendments be made to the Floor Space Ratio Map and the Minimum Lot Size Map to show 0.5:1 and 4 hectares, respectively.**
 - c The additional use of a dwelling house be permitted on the RU2 Rural Landscape part of Lots 1 and 2 DP 747729 Wongawilli Road, Wongawilli.**
 - d Clause 4.1 Minimum Subdivision Size be amended to enable residual land resulting from the subdivision of lots with a split zone to be excluded from the lot size calculations.**
- 2 If approved by the NSW Department of Planning, the planning proposal be exhibited for a minimum period of twenty eight (28) days. The exhibition include notification to affected land owners.**
- 3 The resolutions for road reservations and road widening be included in Section 149 Planning Certificates.**

BACKGROUND

The planning for the West Dapto Release Area has been underway for many years. In March 2006, Council endorsed a Vision, Local Environmental Study, draft Local Environmental Plan and draft Development Control Plan for exhibition.

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The draft West Dapto Local Environmental Plan and other documents were exhibited from 27 September 2007 to 30 May 2008. Council received one hundred and forty eight (148) submissions commenting on the draft Plan and other documents. In May 2008, Council requested that the Minister for Planning make available the (then) NSW Growth Centres Commission to review key aspects of the release area.

Council at its meeting on 16 December 2008, considered a report on submissions and the Growth Centres Commission report. Council endorsed the Commission's recommendations and resolved to refer the draft Local Environmental Plan for stages 1 and 2, Dapto Town Centre and Horsley to the NSW Department of Planning for approval. The instrument was renamed to Wollongong Local Environmental Plan (West Dapto) 2010 and was approved by the Minister for Planning on 5 May 2010.

Council at its meeting on 27 October 2009 endorsed the Initial Access Strategy for the West Dapto Release Area. The strategy proposes the expenditure of \$77 million to address initial access requirements and some legacy issues. On 25 January 2010, the Minister for Planning announced that Council was successful in its application for a \$26 million interest free loan under the Local Infrastructure Fund. The loan will enable Council to bring forward the timing of projects in the Initial Access Strategy. Council will be required to repay the loan over a ten (10) year period.

Following on from Council's endorsement of recommendations of the Growth Centres Commission and development of the Initial Access Strategy, additional work has occurred on the access and open space strategies. The revisions require the preparation of a planning proposal to amend the Local Environmental Plan, including a public consultation process. Two (2) other site specific amendments and one (1) clause amendment have also been identified.

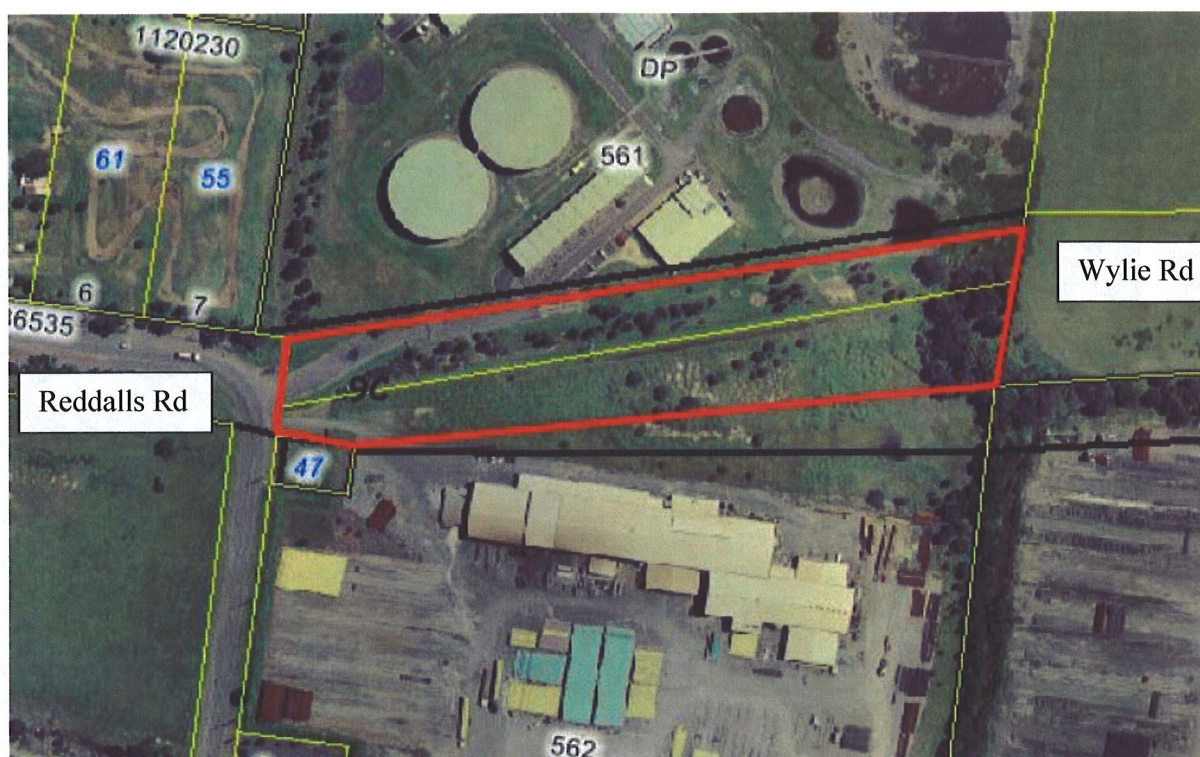
This report recommends that Council resolve to prepare a planning proposal to facilitate the amendments.

PROPOSAL

1 Access Strategy and Road Reservations:

- a Northern Access – The exhibited draft Local Environmental Plan proposed that the main northern access to the release area be via West Dapto Road from its intersection with the Princes Highway. Council at its meeting on 16 December 2008 endorsed the relocation of the main northern access to the Princes Highway/Northcliffe Drive intersection with the route then following Wylie Road and Reddalls Road.

The draft Local Environmental Plan could not be amended to include the new reservation without the preparation and exhibition of a planning proposal. While Council already owns the majority of the alignment, the acquisition of part of Lot 562 DP 823270 to link Wylie Road and Reddalls Road is required. A road reservation exists in this location under Wollongong Local Environmental Plan 1990 (identified in the following figure in black and labelled "9C") but was removed from the draft West Dapto Local Environmental Plan as the northern access strategy was based on West Dapto Road. This reservation needs to be reinstated (as outlined in red in the following figure).



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- b Road Widening – It has been identified that a number of existing road reservations require widening to accommodate two (2) or four (4) trafficable lanes to accommodate future development:
- i Darkes Road – the existing road reservation varies between 7 metres and 22 metres in width. A minimum road reservation width of 23 metres is required to accommodate the proposed four (4) lane road. The proposed widening is shown on the following two (2) figures.

The funding for the acquisition is estimated to be \$202,700 and is included in the draft West Dapto Section 94 Development Contribution Plan.

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- ii West Dapto Road – the existing road reservation is generally 19 metres in width but does vary from 16 metres to 42 metres. A minimum road reservation width of 23 metres is required to accommodate the proposed four (4) land road between No 261 West Dapto Road (near the Catholic Cemetery) extension and Shone Avenue, as shown in the following figures.

The funding for the acquisition is estimated to be \$177,261 and is included in the draft West Dapto Section 94 Development Contribution Plan.



West Dapto Road – eastern part



West Dapto Road – western part

Additional road widening will be required for Cleveland Road and Avondale Road, which are in stages 3 and 4 of the West Dapto Release Area, and will be identified in future planning proposals. Some road widening along Avondale Road was approved by Council on 30 March 2010 as part of the draft planning proposal to translate the planning controls for Stages 3 and 4 into the Wollongong Local Environmental Plan 2009.

Recommendation:

It is recommended that a planning proposal be submitted to the NSW Department of Planning requesting the Wollongong Local Environmental Plan (West Dapto) 2010 Land Acquisition Zoning Map be amended to show:

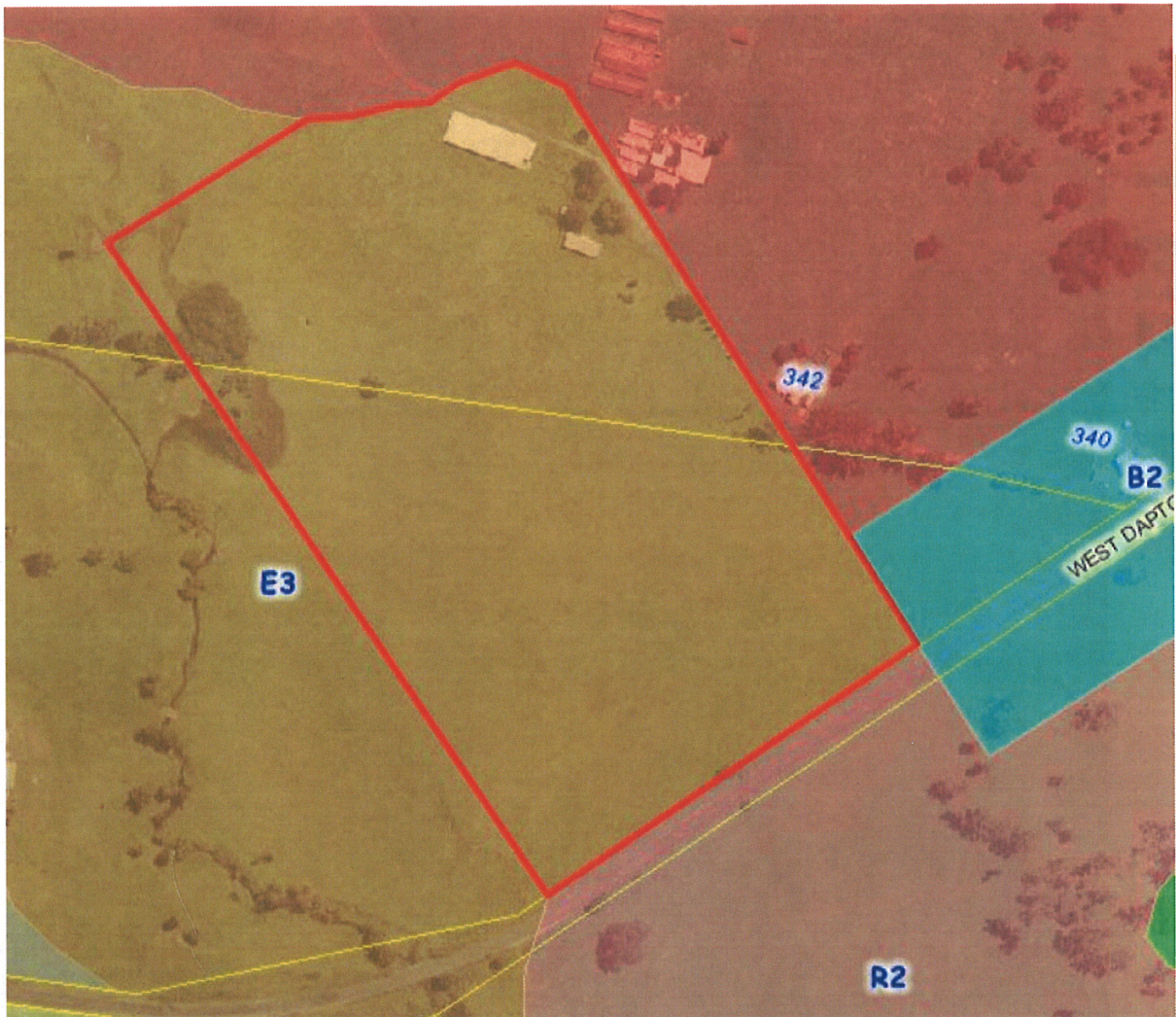
- 1 The proposed reservation and acquisition of part of Lot 562 DP 823270 to reinstate the road reservation between Wylie Road and Reddalls Road, with Council identified as the responsible acquisition authority.
- 2 The proposed reservation and acquisition of along Darkes Road and West Dapto Road for road widening, with Council identified as the responsible acquisition authority.

2 Open Space Reservation:

Council at its meeting on 16 December 2008 endorsed the reduction of the Darkes Road Town Centre to 7,500m² in floor space. This necessitated the redesign of the town centre and surrounding lands, including the adjoining open space/recreation precinct.

The redesigned centre features an adjoining recreation area immediately to the south on West Dapto Road. This area has retained an E3 Environmental Management zone due to its flood constraints. It is proposed that the land be zoned RE1 Public Recreation and reserved for open space acquisition to reflect its future use. This change could not be incorporated into the West Dapto Local Environmental Plan, except through a subsequent planning proposal and exhibition process. The nominated site has an area of 8 hectares and would be suitable for four (4) rectangular playing fields or two (2) oval cricket/AFL fields, as well as associated parking and amenities buildings. The proposed Darkes Road Community Centre could also be co-located on the site.

The site occupies part of two (2) lots, the northern lot (Lot 1 DP 657171, No. 340-342 West Dapto Road) is owned by Council, the southern lot (Lot 1 DP 1118463, No. 414 West Dapto Road) is privately owned.



Recommendation:

It is recommended that a planning proposal be submitted to the NSW Department of Planning requesting the Wollongong Local Environmental Plan (West Dapto) 2010 be amended by:

- 1 Amending the Land Zoning Map to zone the proposed Darkes Road recreation area RE1 Public Recreation.
- 2 Amending the Land Acquisition Reservation Map to identify Council as the authority responsible for the acquisition of part of Lot 1 DP 1118463, No. 414 West Dapto Road, for the development of the proposed Darkes Road recreation area.
- 3 **Lot 11 DP 229044 Hamilton Street, Dapto:**

Lot 11 DP 229044 Hamilton Street is a 20.6 hectare property located at the northern end of Hamilton Street between the railway and Mullet Creek. Part of the site (4.7 hectares) is currently being used as a scrap metal and recycling facility.

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Under the Wollongong Local Environmental Plan 1990 the site was zoned part 4(a) Light Industry and part 1 Non-Urban, the 1 Non-Urban zone applying generally to the flood liable land adjacent to Mullet Creek. As part of the draft West Dapto Local Environmental Plan, part of Hamilton Street was proposed to be rezoned from Light Industry to the R4 High Density Residential zone, to provide residential development adjacent to Dapto Railway Station and the site was proposed to be zoned RU2 Rural Landscape. Following the review of submissions, the proposal to rezone the land to R4 High Density Residential did not proceed and the precinct retained the IN2 Light Industrial zone. Inadvertently, the IN2 Light Industrial zone was not reinstated on part Lot 11 DP 229044.

Accordingly, the site is now zoned RU2 Rural Landscapes and E3 Environmental Management under the Wollongong Local Environmental Plan (West Dapto) 2010.

In 2006, Development Application DA-2006/440 for a scrap metal and collection service was approved on the site for a two (2) year period. Council is currently assessing DA-2010/306 for the continued operation of stage 1 and for the construction of a recycling building (stage 2).

It is proposed that the light industrial zone be reinstated on part of the site. The extent of the IN2 Light Industrial zone is proposed to be slightly modified from the current 4(a) Light Industry zone to reflect the developed area. In addition, consequential amendments will need to be made to the Floor Space Ratio map: 0.5:1 and Minimum Lot Size Map of 4 hectares for that part proposed to be zoned IN2. No amendment to the Height of Buildings Map is required.

Recommendation:

It is recommended that a planning proposal be submitted to the NSW Department of Planning requesting the Wollongong Local Environmental Plan (West Dapto) 2010 be amended for part of Lot 11 DP 229044 by rezoning the land to IN2 Light Industry with a floor space ratio of 0.5:1 and a minimum lot size of 4 hectares.

4 Lots 1 and 2 DP 747729 Wongawilli Road, Wongawilli:

Lots 1 and 2 DP 747729 Wongawilli Road were zoned 7(c) Environmental Protection Residential under the Wollongong Local Environmental Plan 1990. They are now zoned part R2 Low Density Residential and part RU2 Rural Landscapes under the Wollongong Local Environmental Plan (West Dapto) 2010. They have an area of 5,530m² and 1.065 hectares, respectively. These two (2) lots have a depth of 200 metres extending from Wongawilli Road to the coal mine railway. Both lots contain a dwelling house. The adjoining Wongawilli Road properties have a depth of 67 metres. The draft West Dapto Local Environmental Plan proposed that the properties and the land to the railway line be zoned R2 Low Density Residential.



On 15 December 2009 Council considered the recommendations of the Wongawilli Mine Railway Noise Study and noted the action undertaken by the NSW Department of Planning to amend the proposed zoning of the land between the Wongawilli Road properties and the railway to RU2 Rural Landscapes, due to the ongoing operation and noise impacts of the use of the coal mine railway. This decision has resulted in the northern part of Lots 1 and 2 DP 747729 being zoned R2 Low Density Residential and the southern part zoned RU2 Rural Landscape.

During the exhibition of the draft West Dapto Development Control Plan chapter, the owners and their consultant objected to the rezoning and requested that the land be either retained as 7(c) Environmental Protection Residential, or zoned R2 Low Density Residential.

Discussions have been held with the owners, their representatives and Gujarat NRE. Gujarat NRE have advised that they would not object to a change of zoning provided that the same noise criteria that applies to properties adjacent to the rail line, is also applied to these sites. These noise criteria are contained in section 5.3.19 of the draft West Dapto Release Area chapter of the Wollongong Development Control Plan 2009, and the Infrastructure State Environmental Planning Policy (2007).

Council officers have reviewed the request for rezoning and consider the proposed R2 Low Density Residential zone is not appropriate for land adjacent to the rail line, and would be inconsistent with State Planning guidelines. The additional use of a dwelling house on the RU2 Rural Landscape portion of the land however would enable some development opportunity on the land.

Recommendation:

It is recommended that a planning proposal be submitted to the NSW Department of Planning requesting the Wollongong Local Environmental Plan (West Dapto) 2010 be amended for Lots 1 and 2 DP 747729 Wongawilli Road by amending Schedule 1 of the West Dapto Local Environmental Plan 2010, enabling a dwelling house on the RU2 Rural Landscape portion of the land.

5 Minimum Lot Size:

The draft Wollongong Local Environmental Plan (West Dapto) 2010 includes Lot Size Maps which specify the minimum size of lots that can be created. For example in the R2 Low Density Residential zone, the maps indicate a minimum size of 450m².

Many properties in West Dapto also include flood plains which are zoned E3 Environmental Management. A larger subdivision/minimum lot size of 40 hectares is proposed to prevent subdivision dwellings being constructed and to encourage amalgamation of these lands. These lands typically form a residual lot when the residential portion is subdivided.

A problem has been identified in the working of clause 4.1 of the Standard Instrument which has been used for both the Wollongong Local Environmental Plan 2009 and draft Wollongong Local Environmental Plan (West Dapto) 2010. Sub-clause (3) states:

"The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land."

Thus the clause requires the residual lot to comply with the larger 40 hectare standard, which is not always achievable. To overcome the problem of a residual lot and to prevent delays to development, two (2) land owners have lodged development applications under the existing Wollongong Local Environmental Plan 1990 to subdivide off the residual E3 Environmental Management from the R2 Low Density Residential land.

The options available to Council are either to amend the Lot Size Maps or request the NSW Department of Planning to amend the clause. The second option is preferable as it is a problem with the wording in the Standard Instrument and affects all Council's with a new Local Environmental Plan. A search of the Lot Size Maps for other Council areas identified the same issue.

The standard clause does not account for lots that contain multiple zones and multiple lot sizes, which are common in new release areas. The clause could be reworded to indicate one of the following:

- where a lot contains two (2) or more lot sizes, compliance with any one (1) standard is required; or
- the clause could be reworded to exclude any residual land in the calculations; or
- an indication that subdivision along a minimum lot size boundary is permissible.

To amend the Lot Size Map would require a site by site review of the likely residual area and would be contrary to the strategy of encouraging the amalgamation of the riparian and residual areas. The

removal of a minimum lot size could result in uncontrolled subdivision and poor environmental outcomes. The removal of a minimum lot size for subdivision would need to be accompanied with the introduction of a minimum lot size standard for the construction of a dwelling house. The NSW Department of Planning is currently working on a suitable clause to assist in addressing this issue, so it is timely to make this request.

Recommendation:

It is proposed that Council request the NSW Department of Planning to amend clause 4.1 in the Wollongong Local Environmental Plan (West Dapto) 2010 to allow lots containing split zones to be subdivided along the minimum lot size boundary, or that any residual land can be excluded from minimum lot size requirements.

CONSULTATION AND COMMUNICATION

If the preparation of a draft planning proposal is supported by Council and the NSW Department of Planning, it will be exhibited for community comment for a minimum period of twenty eight (28) days.

CONCLUSION

The Wollongong Local Environmental Plan (West Dapto) 2010 was approved by the Minister for Planning on 5 May 2010. To rectify a number of minor issues associated with the Local Environmental Plan it is recommended that Council resolve to prepare a planning proposal and seek the NSW Department of Planning's approval to exhibit the planning proposal.

Name	Position Title
Author:	
Jon Bridge	Land Use Planning Acting Manager
Authorised by:	
Renee Campbell	Manager Environmental Strategy and Planning
Andrew Carfield	Director Planning and Environment
David Farmer	General Manager

ATTACHMENTS

There are no attachments for this report.

