

LOCAL GOVERNMENT AREA: Wollongong

SUMMARY OF PLANNING PROPOSAL:

This Planning Proposal relates to a number of minor amendments to the recently adopted Wollongong Local Environmental Plan West Dapto 2010. These amendments are briefly summarised below:

- Land Acquisition Reservation maps be amended to indicate Council's proposed acquisition of a number of sites in West Dapto for road widening and the acquisition of a site in Kembla Grange (Part Lot 1 DP 1118463 - the future Darkes Road recreation area) to provide for public open space.
- Land forming part of the proposed Darkes Roads recreation area (part Lot 1 DP 657171 and Part Lot 1 DP 1118463) be rezoned from E3 Environmental Management to RE1 Public Recreation to facilitate the creation of a recreation area, i.e. to provide playing fields and other public amenities upon the land.
- Part of Lot 11 DP 229044 (site in Hamilton Street Dapto) be rezoned from RU2 Rural Landscape to IN2 Light Industrial to reflect an existing light industrial use. This rezoning will include amendments to the floor space ratio and minimum lot size for subdivision controls applying to the site. The floor space ratio for the site shall be 0.5:1 and the minimum lot size shall be 4 hectares.
- The additional use of a dwelling house be permitted (subject to development consent) on the RU2 Rural Landscape-zoned portion of Lots 1 and 2 DP 747729 (behind the old school) Wongawilli Road, Wongawilli.
- 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. This will make subdivision of sites with a split zone easier and encourage the amalgamation of environmentally-sensitive lands.
- The minimum lot size for subdivision be reduced from 450m² to 300m² within 300 metres of the Darkes Road and Bong Bong town centres and within 100m of the village centres. Smaller lot sizes will provide increased affordability and housing choice close to services and public transport links.
- The minimum lot size applying to Part Lot 14 DP 255284 (part of Gujarat NRE land holdings at Wongawilli) be increased from 450m² to 40 hectares.
- A number of amendments be made to Schedule 5 Environmental Heritage and the Heritage Maps. These changes include:
 - Removing redundant heritage listings for 10 and 13 Marshall Street (they were demolished several years ago and no longer exist) and removing the references to these items on the Heritage Maps.
 - Removing the heritage listing for 'Glen Avon' House and Dairy in Huntley as it is located in a deferred area - the items are listed and protected under another environmental planning instrument.
 - Deleting the heritage listing and removing from the Heritage maps the Wongawilli Mine railway as it was incorrectly listed.
 - Amending the significance of the Dapto Railway Station and Station Masters Residence from State to Local significance.
 - Correcting reference numbers of several heritage items (Mine Manager's Cottage Wongawilli, Wongawilli Community Hall & Coral Vale Kitchen Wongawilli).
 - Correcting a misspelling of 'Moreton Bay' Fig.

ADDRESS OF LAND (if applicable):

Various sites within West Dapto as listed below:

- Part Lot 562 DP 823270, 17 Reddalls Road, Kembla Grange
- Land along Darkes Road, Kembla Grange
- Land along West Dapto Road, from 206 West Dapto Road to Shone Avenue.
- Part Lot 1 DP 657171, 340-342 West Dapto Road & Part Lot 1 DP 1118463, 414 West Dapto Road, Kembla Grange
- Part Lot 11 DP 229044, Hamilton Street, Dapto
- Lots 1 & 2 DP 747729, Wongawilli Road, Wongawilli
- Darkes Road Town Centre, Bong Bong Town Centre and village centres
- Part Lot 14 DP 255284, 30 Shone Avenue, Wongawilli
- Lot 101 DP 1006766, Lots 1-4 SP 61281, 10 Marshall Street, Dapto
- Lot 2 DP 37621, 11-13 Marshall Street, Dapto
- Lot 18 DP 3083, 456 Cleveland Road, Huntley
- Lot 1 & 2 DP 856667, 1 Station Street, Dapto
- Pt Lot 14 DP 255284, 30 Shone Avenue, Mine Managers Cottage, Wongawilli
- Lot 202 DP 1017684, 60 Smiths Lane, Coral Vale Kitchen, Wongawilli
- Lot 421 DP 1108957, Wongawilli Community Hall, Wongawilli
- Moreton Bay Figs, various locations across West Dapto

MAPS:

Location maps / aerial photographs:



- Part Lot 562 DP 823270 (land, formerly road reservation, between Wylie Road and Reddalls Road, Kembla Grange). - proposed for future road widening



- Land along Darkes Road, Kembla Grange - proposed for future road widening



- Land along West Dapto Road, east - proposed for future road widening



- Land along West Dapto Road, west - proposed for future road widening



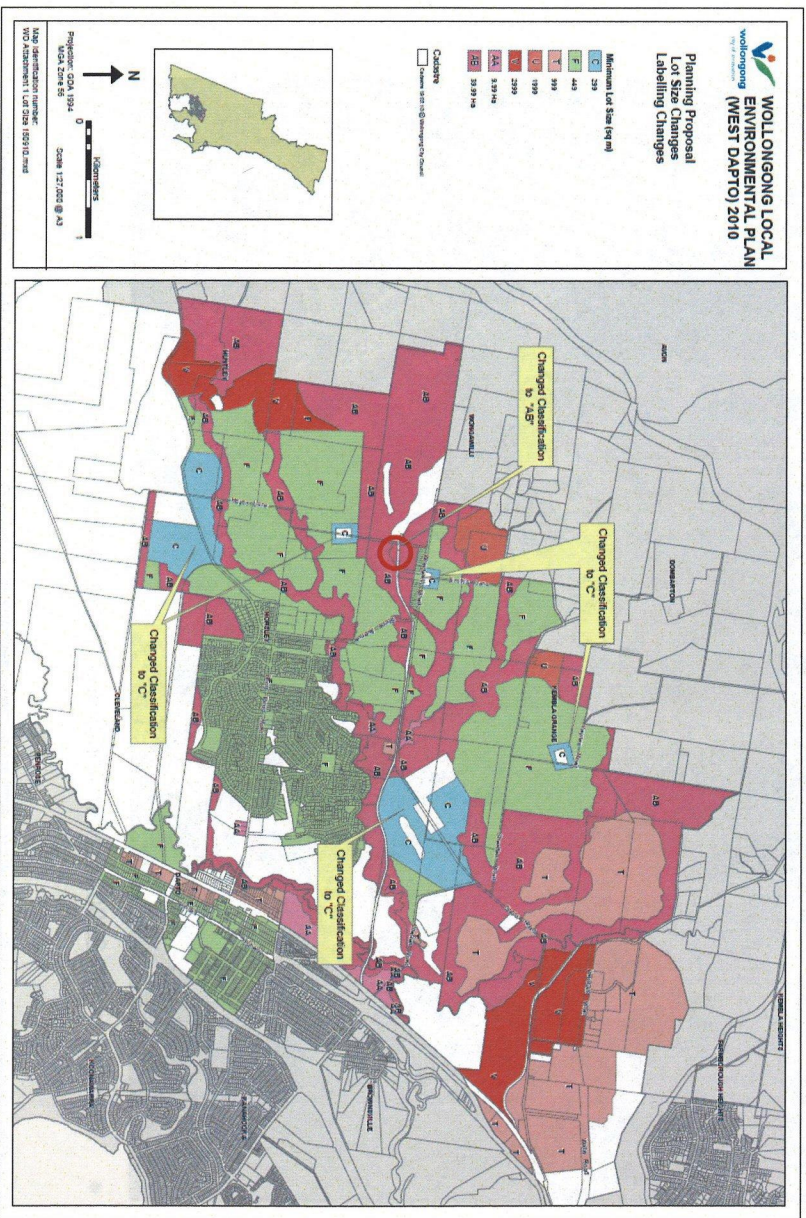
- Part Lot 1 DP 657171 (340-342 West Dapto Road) & Part Lot 1 DP 1118463 (414 West Dapto Road) Kembla Grange - proposed to be future Darkes Road recreation area



- Part Lot 11 DP 229044, Hamilton Street Dapto - proposed to rezone to IN2 Light Industrial



- Lots 1 & 2 DP 747729, Wongawilli Road, Wongawilli - proposed to allow additional permitted use of a dwelling house upon the site (subject to development approval).





- Part Lot 14 DP 255284, 30 Shone Avenue Wongawilli - proposed to increase minimum lot size for subdivision from 450m² to 40 hectares and to remove heritage listing of Wongawilli railway line.



- Lot 101 DP 1006766, Lots 1-4 SP 61281, 10 Marshall Street Dapto - proposed to remove heritage listing as site has been redeveloped and house no longer exists.



- Lot 2 DP 37621, 11-13 Marshall Street Dapto - proposed to remove heritage listing as item has been demolished.



- Lot 18 DP 3083, 456 Cleveland Road Huntley - proposed to remove 'Glen Avon' House and Dairy from heritage schedule and maps in WLEP (WD) 2010 - item is located in a deferred area and is protected by WLEP 1990.



- Lots 1-2 DP 856667, 1 Station Street, Dapto Railway Station and Station Masters Residence Dapto - proposed to amend heritage significance of items from State significance to Local significance.



- Part Lot 14 DP 255284, Mine Managers Cottage Wongawilli - proposed to correct reference number.



- Lot 202 DP 1017684, Coral Vale Kitchen, Wongawilli - proposed to correct reference number



- Lot 421 DP 1108957, Wongawilli Community Hall, Wongawilli - proposed to correct reference number.

Part 1: OBJECTIVES OR INTENDED OUTCOMES OF PROPOSED LEP:

Concise statement setting out objectives or intended outcomes of the planning proposal.

To make minor amendments to the *Wollongong Local Environmental Plan (West Dapto) 2010* to resolve a number of issues identified subsequent to the draft Plan being endorsed by Council in 2008.

The objectives/intended outcomes of these minor amendments include:

1. Reserving land for future acquisition by Council to facilitate the future creation, or upgrading, of a number of roadways to provide improved access to the suburb of Horsley and the West Dapto Urban Release Area; and
2. Enabling the achievement of the proposed Darkes Road recreation area by rezoning 8 hectares of land to RE1 Public Recreation and reserving part of the land for open space acquisition.
3. The reinstatement of a light industrial zoning for Part Lot 11 DP 229044 (Hamilton Street, Dapto) to reflect the existing light industrial use and developed area.
4. Enabling the additional use of a dwelling house (subject to gaining development approval), on land zoned RU2 Rural Landscape, upon Lots 1 & 2 DP 747729 (Wongawilli Road, Wongawilli).
5. Enabling residual land (resulting from the subdivision of lots with a split zone) to be excluded from lot size calculations via an amendment to the Standard Instrument - Clause 4.1 Minimum Subdivision Size. This will allow for greater efficiency in the subdivision of the West Dapto release area and reduce issues pertaining to residual lots.
6. To support a greater diversity of housing choice and encouraging sustainable urban design in West Dapto by providing for smaller lot sizes near town and village centres which have good linkages to public transport and services.
7. To correct a number of minor anomalies within Schedule 5 of the WLEP (WD) 2010 relating to items of environmental heritage.

Part 2: EXPLANATION OF THE PROVISIONS OF PROPOSED LEP:

Statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

The *Wollongong Local Environmental Plan (West Dapto) 2010* is proposed to 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 823270 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.
 - iv. Part Lot 1 DP 1118463 for public 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 Rezoning part of Lot 11 DP 229044, Hamilton Street, to IN2 Light Industry.

- c) The Floor Space Ratio Map be amended for Lot 11 DP 229044, Hamilton Street, to show a maximum permissible floor space ratio of 0.5:1.
- d) The Minimum Lot Size Map be amended by:
 - i. Imposing a minimum lot size control upon Lot 11 DP 229044, Hamilton Street, to show a minimum lot size of 4 hectares.
 - ii. Reducing the minimum lot size for the R2 Low Density Residential zone and R3 Medium density Residential zone from 450m² to 300m² within 300 metres of the Darkes Road and Bong Bong Town Centres, and 100 metres of the village centres.
 - iii. Increasing the minimum lot size for Part lot 14 DP 255284 from 450m² to 40 hectares.
- e) The amendment of Schedule 1 to allow the additional permitted use of a dwelling house on the portion of Lots 1 & 2 DP 747729 (Wongawilli Road) which is zoned RU2 Rural Landscape.
- f) Standard Clause 4.1 Minimum Subdivision Size be amended to exclude residual land, resulting from the subdivision of lots with a split zone, from being included within lot size calculations. The clause could be amended in either of the following ways:
 - i. [addition of] *where a lot contains two (2) or more lot sizes, compliance with any one (1) standard is required; or*
 - ii. the clause could be reworded to exclude any residual land in lot size calculations; or
 - iii. an indication that subdivision along a minimum lot size boundary is permissible could be included within the clause.
- g) Schedule 5 Environmental Heritage be amended by:
 - i. Deleting the listing for houses at 10 and 13 Marshall Street, Dapto (Lot 101 DP 1006766, Lot 2 DP 37621 respectively);
 - ii. Deleting the listing for 'Glen Avon' House and Dairy, Huntley (Lot 18 DP 3083);
 - iii. Deleting the listing for Wongawilli Mine Railway behind Wongawilli Village on Lot 14 DP 255284;
 - iv. Amending the significance of Dapto Railway Station and Dapto Station Masters Residence from State to Local;
 - v. Correcting the wording of 'Morton bay' Fig to 'Moreton Bay' Fig for heritage items 6326, 6329 and 61020; and
 - vi. Correcting the reference number for Wongawilli Community Hall. The reference number should be 61062.
- h) The Heritage Maps be amended by:
 - i. Deleting the reference to 10 and 13 Marshall Street Dapto (Lot 101 DP 1006766, Lot 2 DP 37621 respectively).
 - ii. Deleting the reference to 'Glen Avon' House and Dairy (Lot 18 DP 3083).
 - iii. Including the Dapto Station Masters Residence and Dapto Railway Station.
 - iv. Correcting the reference number for the Wongawilli Mine Manager's Cottage - the correct number is 61067.
 - v. Correcting the reference number for the Coral Vale Kitchen in Wongawilli. The correct number is 61017.
 - vi. Correcting the reference number for Wongawilli Community Hall. The correct number is 61062.

Part 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROVISIONS AND PROCESSES FOR THEIR IMPLEMENTATION:

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?	The planning proposal is the result of two Council resolutions dated 22 June 2010 and 28 September 2010 (copy of reports and minutes are attached). The resolution identified a number of minor amendments to <i>Wollongong Local Environmental Plan (WLEP) (West Dapto) 2010</i> requiring the preparation of a planning proposal.
2. 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 best means of achieving the intended outcomes. The draft West Dapto Local Environmental Plan was exhibited from 27 September 2007 to May 2008. Post-exhibition, the (then) NSW Growth Centres Commission reviewed plans for the West Dapto release area. Council endorsed the recommendations of this review and the draft LEP (encompassing stages 1 & 2, Dapto Town Centre and Horsley) was referred to the NSW Department of Planning for approval. The <i>WLEP (West Dapto) 2010</i> was notified on 5 May 2010. Since the preparation and exhibition of the <i>WLEP (West Dapto) 2010</i> several years ago, changes to access strategies; plans for town centres; local conditions; and other planning instruments have occurred. This planning proposal seeks to amend the <i>WLEP (West Dapto) 2010</i> to reflect more recent planning decisions in the West Dapto area and to correct some minor anomalies.
3. Is there a net community benefit?	There will be a net community benefit resulting from the proposed amendments to <i>WLEP (WD) 2010</i>. The community benefits which result from the proposed amendments are discussed below. The proposed land acquisitions will facilitate road widening and construction and will improve access to and from West Dapto in accordance with Council's <i>Initial Access Strategy for West Dapto</i>. The acquisition and rezoning of land near the future Darkes Road town centre will provide for public open space and recreation/community facilities. The rezoning of approximately 4.7 ha of land at Hamilton Street, Dapto, will ensure that land currently utilised for light industrial purposes is retained, providing for future job opportunities and light industrial uses in the area. Allowing the additional use of a dwelling house on land zoned RU2 - Rural Landscapes upon Lots 1 & 2 DP 747729, Wongawilli, will enable some opportunity for development on the land, which is sensitive to the site's constraints. This limited development is considered to have minimal impact on the surrounding area and environment. The amendment of the standard clause 4.1 Minimum

	Subdivision Size in <i>WLEP (West Dapto) 2010</i> will allow for a greater number, and timely release, of subdivisions in West Dapto. This proposal will also encourage the amalgamation of riparian and residual environmental protection areas. Reducing the minimum lot size around town and village centres will provide for a greater diversity of housing types in accessible areas. Correcting minor anomalies within Schedule 5 Environmental Heritage will ensure the most-up-to-date and correct information is presented within the LEP and will increase the useability of the document.
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Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?	The planning proposal is consistent with the objectives and actions contained within the <i>Illawarra Regional Strategy 2006</i> in that it will facilitate the provision of infrastructure and enable residential development in the West Dapto release area; the priority release area in the region. The amendments proposed will assist in achieving orderly development of West Dapto. The proposed industrial zoning at Hamilton Street, Dapto, will reinstate an industrial zoning for a relatively large parcel of land, which is consistent with Chapter 4 of the strategy which states the need to retain employment lands in regional centres such as Dapto (emerging centre).
5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?	Council has not yet prepared a Community Strategic Plan. The progression of the West Dapto Land Release is an important facet of Council's <i>Strategic Directions and Management Plan 2010-2013</i>.
6. Is the planning proposal consistent with applicable state environmental planning policies?	The proposal is consistent with applicable State Environmental Planning Policies as detailed below: • <u>State Environmental Planning Policy No 55 - Remediation of Land</u> SEPP 55 requires that the potential for contamination be considered with respect to rezoning applications. This SEPP applies with regards to Part Lot 11 DP 229044, Hamilton Street Dapto, as the existing land use is a scrap metal yard; a use which may cause contamination. The rezoning of part of this allotment to a light industrial zoning is not considered to increase risks to human or environmental health and is consistent with this SEPP. Part Lot 1 DP 657171, proposed to be rezoned to RE1 Public Recreation to supplement the Darkes Road Centre, was historically utilised as a piggery and cattle yard. The site is mapped as contaminated according to Council's records. Future development of the site will include remediation to a satisfactory standard. Land surrounding Lots 1 and 2 DP 747729 Wongawilli

	Road, is utilised for activities associated with mining. The subject site, formerly a school, is not mapped as contaminated according to Council's records. • <u>State Environmental Planning Policy (Infrastructure) 2007</u> This SEPP assists local councils in providing infrastructure, including roads. This planning proposal is not inconsistent with this SEPP and will facilitate the provision of additional roads to service Horsley and West Dapto. • <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u> The State Government has released a discussion paper proposing to amend this SEPP to include provisions relating to lot sizes which are smaller than 450m² (including lot sizes which are 300m²). This illustrates that smaller lot sizes are acceptable in some circumstances particularly in relation to greenfield development.
7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	The planning proposal is evaluated in the context of the applicable s.117 Ministerial directions as detailed below: • <u>1.1 Business and Industrial Zones</u> The proposal meets the objectives of this direction as it seeks to protect industrial land at Hamilton Street, Dapto. This direction is not applicable to other aspects of this planning proposal. • <u>1.2 Rural Zones</u> Clause 4 (a) of this direction states that rural zones cannot be rezoned to industrial land as proposed for land at Hamilton Street Dapto. Clause 5 of this direction allows for inconsistencies where they can be justified by relevant studies/strategies and endorsed by the Director-General of the Department of Planning. In this case the proposed rezoning is considered justified as: the proposed rezoning will simply reinstate a previous light industrial zoning; the light industrial use is existing upon the land; only part of the lot will be rezoned; the subject land is considered to have very limited potential for agriculture; and the preservation of industrial and employment lands is an important action contained with the <i>Illawarra Regional Strategy 2006</i>. All other aspects of the planning proposal are unaffected by this direction. • <u>1.3 Mining, Petroleum Production and Extractive Industries</u> The proposal is consistent with this direction in that the proposed additional land use (one dwelling house) on land described as Lots 1 & 2 DP 747729, Wongawilli Road, will not conflict with the operations of the neighbouring Wongawilli Colliery.

This direction is not applicable to other aspects of this planning proposal.

- 2.1 Environmental Protection Zones

This direction states that a planning proposal must not reduce the environmental protection standards applying to the land. With respect to land described as part Lot 1 DP 657171 and part Lot 1 DP 1118463 (Proposed Darkes Road recreation area) the rezoning from E3 - Environmental Management to RE1 - Public Recreation would appear inconsistent with this direction.

Clause 6 of this direction allows for inconsistencies where they are of minor significance. The proposed rezoning is justified as the E3 - Environmental Management zone resulted largely from the site's flood constraints. The site is significantly cleared, however an endangered ecological community (wetland) is mapped in the north-west of the site. This EEC is unlikely to be affected by the rezoning of the land to RE1 - Public Recreation and will be protected as part of the Mullet Creek riparian corridor. The environmental quality of the area will not be adversely impacted by the proposed recreation zoning. It is predicted that vegetation rehabilitation and landscaping associated with the proposed open space/recreation area will enhance the environmental quality of the area.

This direction is not applicable to other aspects of this planning proposal.

- 2.3 Heritage Conservation

A number of heritage items are located adjacent to the subject land areas. These items include:

- Settlers' Cemetery and WWII cemetery, Reddalls Road Kembla Grange: this item lies outside the area proposed to be reserved for acquisition.
- Morton Bay Fig, eastern side West Dapto Road: This item will be unaffected as proposed acquisition and road widening in this area will occur on the western side of West Dapto Road.
- St John's Catholic Cemetery, West Dapto Road: This item will not be disturbed as proposed acquisition and road widening in this area will occur on the western side of West Dapto Road.
- Barlyn Homestead and Gardens, Darkes Road:

This item may potentially be affected by the proposed road widening and this matter requires further investigation and consideration.

The correction of a number of anomalies within Schedule 5 of the WLEP (WD) 2010 is seen as a positive outcome for heritage conservation.

- 3.1 Residential Zones

The objectives of this direction include encouraging a variety of housing types and this will be achieved via the reduction in minimum lot size close to town and

village centres. Smaller lots can provide greater affordability and smaller home designs catering for people who wish to own their own home in a convenient location but do not wish to maintain a large lot or a large home.

- 3.4 Integrating Land Use and Transport

The planning proposal meets the objectives of this direction as it will help facilitate access to Horsley and the future urban land area in West Dapto and help reduce traffic congestion in these areas.

Smaller lot sizes near town centres will provide for higher densities (given that more lots can be accommodated for) near town centres. This will reduce reliance on car trips to access services and will provide for greater walkability and good access to public transport.

- 4.1 Acid Sulfate Soils

The Kembla Grange area is identified on Council's records as being potentially affected by acid sulfate soils. Having regard to the *Acid Sulfate Soils Planning Guidelines*, the planning proposal is not inconsistent with this direction as future development resulting from proposed amendments is not considered to be of an intensity which would necessitate an acid sulfate soils study at this stage. Risks associated with acid sulfate soils, should these soils be present, can be managed at later stages of development.

- 4.3 Flood Prone Land

Flooding is a significant constraint in the West Dapto region and portions of the land to which this planning proposal applies are categorised as flood prone. In preparing planning instruments and access strategies for West Dapto, flood impacts were considered and flood risks will continue to be assessed and managed at all stages of development.

Development associated with this planning proposal is not considered to elevate flood risks (subject to further technical studies in later design phases).

- 4.4 Bushfire Protection

Portions of the subject land are affected by bushfire risk. Future development would have to address these risks by way of bushfire assessments.

- 5.1 Regional Strategies

The proposal is not inconsistent with the *Illawarra Regional Strategy*.

- 6.2 Reserving Land for Public Purposes

Land proposed to be reserved for public open space at part Lot 1 DP 657171 & Part Lot 1 DP 1118463 meets the objectives of this direction.

- 6.3 Site Specific Provisions

The proposal is not inconsistent with this direction.

Section C – Environmental, social and economic impact

8. 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?	An Endangered Ecological Community of Illawarra Coastal Grassy Woodlands is located surrounding a portion of West Dapto Road. Scattered trees from this community are also located along Darkes Road. This community is not anticipated to be adversely affected as road widening will not occur on the side of the most densely vegetated portion of road - along the eastern edge of West Dapto Road between the Catholic Cemetery and intersection with Darkes Road. A very small EEC (Freshwater Wetlands on Coastal Floodplains) is located in the western corner of the proposed Darkes Road recreation area, proposed to be rezoned RE1 Public Recreation. This EEC will not be detrimentally affected by the rezoning and will benefit from the future embellishment and rehabilitation of the area, given the amount of disturbance the site has undergone associated with previous clearing and agricultural activities. No other impacts on EECs or threatened species are envisaged at this stage in relation to the other facets of this Planning Proposal.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	The Planning Proposal is not considered to result in any adverse environmental impacts.
10. How has the planning proposal adequately addressed any social and economic effects?	The Planning Proposal addresses access issues relating to West Dapto, by proposing to reserve land for future road widening projects. The proposal also facilitates the retention of an important light industrial site, providing employment opportunities. In addition the Planning Proposal addresses the provision of public open space by proposing to rezone a portion of land for public recreation purposes. Lastly, the Planning proposal addresses housing affordability and choice by providing the means to create smaller, more affordable lots in accessible locations.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	Part of the Planning proposal relates to the provision of public infrastructure (e.g. road widening). The West Dapto Release area is considered a greenfields site and infrastructure will be developed as areas are subdivided.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the	To be determined post-consultation.

gateway determination?	
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Part 4: DETAILS OF COMMUNITY CONSULTATION TO BE UNDERTAKEN ON THE PLANNING PROPOSAL:

Outline the community consultation that is to be undertaken in respect of the proposal, having regard to the requirements set out in the guide (refer to the document “**A guide to preparing local environmental plans**” which outlines the consultation required for different types of planning proposals).

28 day public exhibition period.

Notices placed:

- in The Advertiser (Local Wollongong newspaper);
- on Wollongong Council website
- in writing to adjoining landowners