

Planning Services

Gateway Alteration Report

LGA	Wollongong
PPA	Wollongong City Council
NAME	Alteration of Gateway Determination, Stage 3 of West Dapto Urban Release Area
NUMBER	PP_2015_WOLLG_002_00
LEP TO BE AMENDED	Wollongong Local Environment Plan 2009
ADDRESS	Land located between Bong Bong Road and Cleveland Road, Horsley and Cleveland and Huntley within the West Dapto Urban Release Area
DESCRIPTION	Lot 1, 2 and 3 DP 810104
RECEIVED	20/03/2018
FILE NO.	IRF18/1787
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Background and description of planning proposal

A Gateway determination was issued 3 February 2015 for PP_2015_WOLLG_002_00 with an extension of time granted 24 May 2016 to enable the rezoning of the land known as Stage 3 of West Dapto Urban Release Area.

The original planning proposal sought:

- Rezoning of land between Bong Bong Road (Brooks Reach) and Cleveland Road from RU2 Rural Landscape to a mix of R2 Low Density Residential, E4 Environmental Living, E3 Environmental Management and E2 Environmental Conservation (with associated changes to floor space ratios and minimum lots sizes) and required;
- Amendment of flood mapping for Stages 1-4 of the West Dapto Urban Release Area to include updated information;
- Update of the Land Reservation Acquisition Map to reflect future plans to widen Cleveland Road; and
- Addition of a Clause to the LEP that will assist in the efficient delivery of integrated housing.

The Gateway Determination included a number of conditions to be met, prior to public exhibition, including the preparation and submission of additional plans and studies to the satisfaction of Wollongong City Council.

A Flood Study, Contamination Assessment, Flora and Fauna Assessment Report, and Heritage Assessment Report have been prepared and submitted to Wollongong City Council in response to the conditions outlined in the Gateway Determination.

As a result of the above mentioned studies and the preparation of a draft Neighbourhood Plan for the precinct, Council voted unanimously at its meeting on 12 March 2018 to submit an Alteration of Gateway, that seeks to make the following amendments to the existing determination:

1. Rezone Lot 1 DP 810104 from RU2 Rural Landscape to:
 - a) E2 Environmental Conservation with a 39.99ha minimum lot size, and no mapped FSR
 - b) E3 Environmental Management with a 39.99ha minimum lot size, and no mapped FSR
 - c) E4 Environmental Living with a 2000sqm minimum lot size and FSR of 0.3:1
 - d) R2 Low Density Residential with a 250sqm minimum lot size and a FSR of 0.5:1
 - e) R3 Medium Density Residential with a mix of 300sqm to 150sqm minimum lot size and a FSR of 0.7:1
 - f) RE1 Public Recreation.
2. Rezone Lot 2 DP 810104 from RU2 Rural Landscape to:
 - a) E3 Environmental Management with a 39.99ha minimum lot size, and no mapped FSR
 - b) R2 Low Density Residential with a 250sqm minimum lot size and a FSR of 0.5:1
 - c) RE1 Public Recreation.
3. Rezone Lot 3 DP 810104 from RU2 Rural Landscape to:
 - a) E2 Environmental Conservation with a 39.99ha minimum lot size, and no mapped FSR
 - b) E3 Environmental Management with a 39.99ha minimum lot size, and no mapped FSR
 - c) E4 Environmental Living with a 2000sqm minimum lot size and FSR of 0.3:1
 - d) R2 Low Density Residential with a 250sqm minimum lot size and a FSR of 0.5:1
 - e) R3 Medium Density Residential with a mix of 300sqm to 150sqm minimum lot size and a FSR of 0.7:1
 - f) RE1 Public Recreation.
4. In addition, include the following amendments to Wollongong LEP 2009:
 - a) Amend 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

- b) Amend the Minimum Lot Size Map to show 250m² for the R2 Low Density Residential Zone, 300m² for the R3 Medium Density Residential zone, 2000m² for the Environmental Living zone and 39.99ha for the E2 Environmental Conservation and E3 Environmental Management zones
- c) Amend 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
- d) Amend Land Reservation Acquisition Map to show the proposed acquisition of the 2 parks and widening of Cleveland Road
- e) Amend the Natural Resources Sensitivity Map to more accurately reflect the sensitive vegetation on the site
- f) Amend the Heritage Map to include curtilage of 'Waples Butchery' and 'Sunnyside'
- g) Amend the Flood Map to more accurately reflect the 1:100 flood planning area
- h) Amend the Riparian Map to remove the non-excitant watercourse
- i) Amend the Urban Release Area map to include the site
- j) Include LEP model provision Clause 4.1C Minimum Lot size (Integrated Housing) to apply to the Wollongong LGA

Summary of recommendation

It is recommended that the delegate for the Minister approve the revised planning proposal and agree to extend the time frame for completing the plan by 18 months, to be finalised by 5 February 2019.

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REVISED PLANNING PROPOSAL

Objectives or intended outcomes

The objectives of the revised planning proposal remain as stated in the original planning proposal, in that proposed rezoning of lots 1, 2 and 3 DP 810104 from RU2 Rural Landscape to a mix of residential and environmental zones with associated changes to development controls to enable residential development within Stage 3 of West Dapto Urban Release Area.

The revised planning proposal seeks to include R3 Medium Density Residential and RE1 Public Recreation zoning. This is considered to be in keeping with the objectives of the Gateway Determination approved 3 February 2015.

	2015 Proposal	2018 Proposal	Comment
Subject Land	Lots 1, 2 & 3 DP 810104	Lots 1, 2 & 3 DP 810104	No change

Mapping

Updated maps have been provided that reflect the revised proposal. The amended maps are considered sufficient for the purposes of public consultation.

NEED FOR THE PLANNING PROPOSAL

The original planning proposal for Stage 3 of the West Dapto Urban Release Area was facilitated by a number of studies such as the West Dapto Masterplan and Vision and the Illawarra Regional Strategy 2015. The need for the proposal has not changed and continues to have merit on the basis that the planning proposal will generate a variety of housing choices within an urban release context.

The proposed alteration to the planning proposal is the only means of achieving the required amendments to Wollongong LEP 2009, that have arisen out of the completion of various studies required for the site, as required in the original Gateway determination.

STRATEGIC ASSESSMENT

Regional

The original planning proposal demonstrated consistency with the Illawarra Regional Strategy 2015. The current alteration of the planning proposal remains consistent with the overall regional strategy and in particular, meets the following goals:

- Goal 2 - A variety of housing choices, with homes that meet needs and lifestyles
- Goal 3 - A region with communities that are strong, healthy and well-connected
- Goal 4 - A region that makes appropriate use of agricultural and resource lands
- Goal 5 - A region that protects and enhances the natural environment

The proposed provision of additional housing choices through the inclusion of the R3 Medium Density Residential zone and additional public open space through the inclusion of RE1 Public Recreation provides further consistency with the Illawarra Regional Strategy.

Local

West Dapto Masterplan

The West Dapto Master Plan has been prepared to guide the development of the release area over the next 30 to 40 years. The vision for the urban release area as included in the Master Plan is 'West Dapto will grow and develop as 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 accessible, and linked to employment opportunities and commercial centres.

The subject site is identified as Stage 3 within the West Dapto Master Plan map, and remains to be consistent with the vision and aims of the broader West Dapto Masterplan.

Wollongong City Council Community Strategic Plan 2022

Council's Community Strategic Plan 2022 identifies the West Dapto Urban Release Area as a significant and key project within Council's housing delivery program. Council has committed through the Community Strategic Plan 2022 to work in collaboration with key agencies to provide the infrastructure needed to support growth within the West Dapto Urban Release Area.

The planning proposal is consistent with the Wollongong Community Strategic Plan 2022 and supports its community goals in protecting the environment and providing a healthy and liveable city with improved access to affordable housing.

Section 9.1 Ministerial Directions

The original planning proposal was considered to be consistent with Ministerial Directions 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environment Protection Zones, 3.1 Residential Zones and 4.3 Flood Prone Land. Consultation with the Rural Fire Service was conditioned prior to public exhibition to ensure consistency with Ministerial Direction 4.4 Planning for Bushfire Protection. It is noted that the original proposal identified inconsistencies with Ministerial Directions 1.2 Rural Zones and 4.2 Mine Subsidence and Unstable Land, however both inconsistencies were justified, due to minor significance.

The proposed alteration to the planning proposal continues to achieve the same consistencies (and justified inconsistencies) with Ministerial Directions as the original planning proposal as discussed in further detail below.

Ministerial Direction 1.2 Rural Zones

The objective of this direction is to protect the agricultural production of rural land. The original planning proposal gained approval to rezone 111ha of rural zoned land to a mix of R2 Low Density Residential and Environmental zones. In doing so the inconsistency of rezoning rural land to residential land was considered justified as the land is within the West Dapto Urban Release area. The West Dapto Urban Release area is identified as being a vital release area to meet the housing needs for the Illawarra Region.

The proposed alteration to the planning proposal provides for R3 Medium Density Residential and RE1 Public Recreation zones, in addition to the mix of R2 Low Density Residential and Environmental zones. Whilst the addition of R3 Medium Density Residential and RE1 Public Recreation zones is inconsistent with Ministerial Direction 1.2, the addition of land zoned for medium density residential and public recreation is considered to have merit, in contributing in providing for housing supply for expected population growth.

Recommendation

The proposed alteration remains inconsistent with the objective of Ministerial Direction 1.2 Rural Lands, however this inconsistency is considered to be justified, as the planning proposal will provide an increased range of housing type and choice, within the West Dapto Urban Release area.

The Secretary's delegate has previously agreed that the inconsistency with this direction is justified.

Ministerial Direction 2.1 Environment Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas. The original planning proposal is consistent with the Ministerial Direction 2.1 Environment Protection Zones, as it provides for E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living zones to adequately conserve and manage environmentally sensitive areas within the site.

Recommendation

The proposed alteration does not propose any changes to the approved environmental zones, and remains consistent with Ministerial Direction 2.1 Environmental Protection Zones.

Ministerial 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 original planning proposal was considered consistent with Ministerial Direction 2.3, however an Aboriginal Heritage Assessment and a Non-Indigenous Heritage Assessment were conditioned, to be prepared to the satisfaction of Council.

A Historical Heritage Assessment was prepared by GML Heritage July 2017 and identified the following items of local significance within the study area:

- The original Sunnyside House;
- Remains of a homestead established between 1840 and 1890 by the Swan Family; and
- Waples Butchery complex.

In response to this, the current alteration to the planning proposal seeks to:

1. Amend the site boundary and curtilage for the existing 'Sunnyside Farm'; the proposed curtilage being within the community open space area;
2. Heritage list historically significant items associated with the 'Waples Butchery' through inclusion within Schedule 5 Environmental Heritage of the WLEP 2009 and encourage their adaptive reuse; and
3. Heritage list 'Sunnyside Farm' through inclusion within Schedule 5 Environmental Heritage of Wollongong Local Environment Plan 2009 to encourage its adaptive reuse.

Recommendation

The proposed alteration to the planning proposal is considered to sufficiently provide for the conservation of items of local significance identified in the Historical Heritage Assessment 2017 and remains consistent with Ministerial Direction 2.3 Heritage Conservation.

Ministerial Direction 3.1 Residential Zones

The original planning proposal was considered consistent with this direction. The proposed alteration continues to provide for a variety and choice of housing types for existing and future housing needs, particularly through the addition of the R3 Medium

Density Residential Zone and is considered to be consistent with Ministerial Direction 3.1 Residential Zones.

Recommendation

The proposed alteration is considered to be consistent with the objective of Ministerial Direction 3.1 Residential Zones.

Ministerial Direction 4.2 Mine Subsidence and Unstable Land

The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. The subject site is mapped as suspected unstable land. Council have indicated in the proposed alteration that further geotechnical work and studies are required prior to the finalisation of the planning proposal to demonstrate the ability to comply with this direction.

Recommendation

It is considered that the proposed alteration does not pose any additional inconsistencies with Ministerial Direction 4.2 Mine Subsidence and Unstable Land that have not already arisen in the original planning proposal. Council has indicated that it will require additional geotechnical investigations.

Ministerial Direction 4.3 Flood Prone Land

This direction applies as part of the land to be rezoned is flood affected; with Reed Creek, a tributary of Mullet Creek crossing the site. The original planning proposal was considered to be consistent with Ministerial Direction 4.3 due to flood affected land being proposed to be zoned E3 Environmental Management, and subject to a Flood Study being prepared to the satisfaction of Council.

A Flood Study has since been prepared by Cardno and submitted to Council. Council have raised concerns with the Flood Study with regard to conflict with Council's DCP. Council has stated that it is possible for the planning proposal to achieve compliance with Council's concerns with regard to flooding and the DCP, subject to additional reports / studies being submitted to Council.

Recommendation

The proposed alteration is considered to be consistent with the objective of Ministerial Direction 4.3 Flood Prone Land.

Ministerial Direction 4.4 Planning for Bushfire Protection

The site is partially identified as bushfire prone land. The original planning proposal was considered to be consistent with this direction, subject to consultation taking place with the Commissioner of the Rural Fire Service prior to public exhibition.

The proposed alteration does not seek to change the current requirements or conditions with regard to Ministerial Direction 4.4 Planning for Bushfire Protection.

Recommendation

The proposed alteration remains consistent with Ministerial Direction 4.4 Planning for Bushfire Protection, subject to consultation with the NSW Rural Fire Service prior to public exhibition, as required under condition 5 of the existing Gateway Determination.

State environmental planning policies

SEPP 55 – Remediation of Land

SEPP 55 provides state-wide planning controls for the remediation of contaminated land. A Contamination Land Study was prepared on behalf of the proponent by JBS Environmental (October 2012) and Cardno (12 December 2017) to support the planning proposal and identify a number of Areas of Environmental Concern which are the result of activities associated with current and past activities.

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

- The application of pesticides, herbicides and fertilizers used to increase the agricultural productivity of the 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 infill material
- Combustible material in the coal emplacement
- Heavy metals, OCPs, PAHs, BTEXT, TPH in storage tanks and drums across the site.

Council has advised that it will require a Stage 2 Contamination Assessment – Site Audit Statement, and its recommendations will determine the extent of the contamination and guide the preparation of a Remediation Action Plan. Council have stated the need for additional investigations to be submitted to and reviewed by Council prior to the finalisation of the plan to ensure compliance with SEPP 55.

SITE-SPECIFIC ASSESSMENT

Social

The proposed alteration continues to provide opportunity for a socially diverse community, particularly through the addition of the R3 Medium Density zone. Stage 3 of the West Dapto Urban Release Area is anticipated to deliver a well planned, accessible and connected community, that is considered to be of considerable benefit to the Illawarra Region, as it will offer a mix of housing choice and affordability.

Environmental

Two endangered ecological communities listed under the Biodiversity Conservation Act 2016 exist on the western and northern portions of the site, and primarily occur within proposed E2 Environmental Conservation and E4 Environmental Management zones. One of the endangered ecological communities is also listed as critically endangered ecological community under the Environmental Protection and Biodiversity Act 1999. In addition, 5 threatened bat species and one threatened plant species are known to be present on the site.

The proposed alteration seeks to increase the level of environmental protection of the identified endangered ecological communities and is considered to be of merit. It is

noted that the Office of Environment and Heritage will be consulted, as stated in existing Condition 5 of the original Gateway Determination.

Economic

The proposed alteration continues to provide for local and regional economic benefits through the creation of increased local employment opportunities within construction and home maintenance fields.

Infrastructure

Feasibility applications have been lodged with Sydney Water to confirm the water and sewerage strategies for the site, and both Jemena has indicated that sufficient capacity exists for natural gas supply and NBN Co. have confirmed existing network is available with regard to telecommunications.

The proposed alteration does not seek to change / have implications on servicing the site. Further consultations will take place with both Endeavour Energy and Sydney Water as per Condition 5 of the original Gateway Determination.

CONSULTATION

Community

Condition 4 of the original Gateway Determination dated 3 February 2015 required a minimum of 28 days community consultation. This is considered appropriate, and it is anticipated that community consultation will take place following the issue of the Gateway alteration for the revised planning proposal.

Agencies

Whilst some initial consultations have taken place with various agencies over the past two years, a full formal consultation with the following agencies will occur as per Condition 5 of the original 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

TIME FRAME

A Gateway extension for completing the planning proposal was issued on 24 May 2016 to require the completion of the plan by 3 August 2017. Delays in the completion of the draft plan are attributed to delays in completing additional studies.

The proposed alteration seeks an extension of 12 months. This would expire 3 August 2018. Given that the proposed alteration may not gain approval until April 2018, 4

months is a relatively short period of time for Council to undertake community and agency consultation, review submissions and assess the final planning proposal. It is proposed that 18 months (expiration date of 3 February 2019) should provide sufficient time to complete the full process of community consultation.

Recommendation

It is recommended that the finalisation of the draft plan be extended by 18 months, to 3 February 2019.


LOCAL PLAN-MAKING AUTHORITY

Existing delegation stated under the Gateway Determination issued in 2015 remains, with Wollongong City Council authorised to exercise delegation to make this plan.

CONCLUSION

The changes proposed by the revised planning proposal reflect detailed assessment of the environmental values and constraints of the site, and further opportunities to provide for an increased mix of housing types through the addition of Medium Density zoning.

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