

Sheaffes Road South - Kembla Grange

Proposal Title : **Sheaffes Road South - Kembla Grange**

Proposal Summary : **The proposal will amend the Wollongong LEP to reflect changes to the Sheaffes Road and West Dapto Road Neighbourhood Plan (covering land between Sheaffes Road and West Dapto Road).
Specifically, the proposal:
- amends the zone boundary between the E3 Environmental Management and R3 Medium Density Residential zone to reflect updated flood and environmental information; and
- extends the B2 Local Centre zone within this precinct so that the entire Local Centre is located north of West Dapto Road (currently the B2 zone straddles West Dapto Road) through rezoning land currently zoned R3.**

PP Number : **PP_2016_WOLLG_002_00**

Dop File No : **15/02629**

Proposal Details

Date Planning
Proposal Received : **01-Feb-2016**

LGA covered : **Wollongong City**

Region : **Southern**

RPA : **Wollongong City Council**

State Electorate : **SHELLHARBOUR**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **Sheaffes Road and West Dapto Road**

Suburb : **Kembla Grange**

City :

Postcode : **2526**

Land Parcel : **Land located south of Sheaffes Road and north of West Dapto Road.**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Graham Towers**

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Sheaffes Road South - Kembla Grange

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting Notes : **The proposal implements Council's Neighbourhood Plan for the Sheaffes Road South precinct.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The information identifies the intended outcome of the proposal, which is to reflect the Sheaffes Road and West Dapto Road Neighbourhood Plan. Specifically, the proposal will relocate the town centre to the north side of West Dapto Road, and adjust zone boundaries and development controls to reflect Council's detailed planning for the precinct since the zones were put in place.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposal identifies the changes to mapping that will result from the proposal. The proposal does not involve changes to the written LEP.**

However, the proposal incorrectly identifies that it applies to land that is already the subject of a separate proposal and this will need to be corrected prior to exhibition.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.2 Reserving Land for Public Purposes**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

- SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development**
- SEPP No 6—Number of Storeys in a Building**
- SEPP No 22—Shops and Commercial Premises**
- SEPP No 55—Remediation of Land**
- SEPP No 60—Exempt and Complying Development**
- SEPP No 64—Advertising and Signage**
- SEPP No 65—Design Quality of Residential Flat Development**
- SEPP (Building Sustainability Index: BASIX) 2004**
- SEPP (Exempt and Complying Development Codes) 2008**
- SEPP (Housing for Seniors or People with a Disability) 2004**
- SEPP (Infrastructure) 2007**
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Council has identified applicable Section 117 Directions and does not consider that the proposal is inconsistent with relevant Directions:

1.1 Business and Industrial Zones

This direction aims to encourage and support employment in appropriate locations - and to retain existing areas identified for employment uses.

This proposal reconfigures the area of a B2 Local Centre by shifting the B2 zoned land to the north/west side of West Dapto Road. Currently the B2 land straddles the road and a better urban outcome results from shifting to one side of the road. The proposal does not reduce the area of land zoned for employment purposes.

The proposal is considered to be consistent with this direction and no further approval is required.

2.1 Environment Protection Zones

This Direction states that a proposal must not reduce environmental protection standards for land within an environmental zone.

Council has stated that the proposal is consistent with this direction as it does not reduce the amount of land zoned E3 Environmental Management. While some areas currently zoned E3 will be rezoned R3 Medium Density Residential, this loss is more than offset by current R3 zoned areas being rezoned E3.

This refinement of the E3/R3 zone boundary has been identified through more detailed planning and studies including ecological and flood studies and will provide enhanced protection for EECs and constrained areas.

The proposal is considered to be consistent with this direction and no further approval is required.

4.3 Flood Prone Land

This Direction requires development in flood prone areas to be consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual. It states that a planning proposal must not rezone land in a flood planning area from an environmental zone to a residential zone.

Updated flood information has been provided that supports the refinement of the E3/R3 zone boundary. The expanded E3 zoned area will provide for additional opportunities for flood management.

The Secretary's delegate can be satisfied that the proposal is generally consistent with the intent of this Direction and that any inconsistency is justified by a study and of minor significance.

4.4 Planning for Bushfire Protection

This Direction requires consultation with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and any comments made by the Commissioner must be taken into account.

The Secretary's delegate may be satisfied that the Gateway Determination requirement for consultation with the RFS prior to exhibition will ensure consistency with this Direction.

The proposal is considered to be consistent with the other applicable s117 Directions:

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrated Land Use and Transport

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.2 Reserving land for a public purpose

RECOMMENDATION

It is recommended that the Secretary's delegate be satisfied that any inconsistencies with s117 Direction 4.3 Flood Prone Land is justified by a study and is of minor significance.

It is recommended that the Secretary's delegate be satisfied that the proposal will be consistent with 4.4 Planning for Bushfire Protection following consultation with the NSW Rural Fire Service.

State Environmental Planning Policies (SEPPs)

The Planning Proposal is not inconsistent with relevant SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The proposal involves changes to the following maps:**

Sheaffes Road South - Kembla Grange

- Land Zoning
- Lot Size
- Floor Space Ratio
- Height of Buildings

The maps provided clearly indicate the changes to zones/heights/lot sizes/fsr and are appropriate for exhibition purposes.

HOWEVER, the maps provided identify changes to zones/controls for the land currently zoned B2 Local Centre south/east of West Dapto Road - that area is outside of the scope of this proposal.

The rezoning of that B2 land is subject to a separate planning proposal and it may be confusing to have it identified on the maps for this proposal.

Prior to exhibition, the maps should be amended to remove hatching from areas that are not being rezoned as part of this proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has recommended a 28 day exhibition period. This is considered appropriate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Wollongong LEP 2009 is in operation.**

Assessment Criteria

Need for planning proposal :

The proposal will adjust zone boundaries and associated development standards to reflect a Neighbourhood Plan in the West Dapto Release Area.

This will enable the relocation of the B2 Local Centre consistent with the Neighbourhood Plan - and will refine the E3/R3 zone boundary to better reflect current environmental information.

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Consistency with strategic planning framework :

West Dapto is recognised in the strategic planning framework as the priority release area for the Illawarra in the Illawarra Regional Strategy and Illawarra Shoalhaven Regional Plan.

This is a minor LEP amendment and is considered consistent with the strategic framework. It is implementing a Neighbourhood Plan, and will facilitate development in accordance with the strategic planning framework for the wider development area of West Dapto.

Council has advised that the proposal is consistent with the Wollongong 2022 - Community Strategic Plan.

Environmental social economic impacts :

The proposal will provide environmental benefits by extending the E3 zoned area to include EECs along the riparian corridor.

This precinct is partly affected by flooding but the revised E3/R3 zone boundary is considered to provide for adequate flood management outcomes.

There will be social and economic benefits associated with the provision of housing as part of the wider West Dapto Release Area.

The relocation of the town centre to the north/west of West Dapto Road is likely to result in better retail outcomes and to reduce potential traffic/pedestrian conflict.

Assessment Process

Proposal type :

Minor

Community Consultation Period :

28 Days

Timeframe to make LEP :

12 months

Delegation :

DDG

Public Authority Consultation - 56(2)(d)

Is Public Hearing by the PAC required?

No

(2)(a) Should the matter proceed ?

Yes

If no, provide reasons : **Council has requested that delegations not be issued for the proposal as Council is the land owner.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Sheaffes Road South - Kembla Grange

Document File Name	DocumentType Name	Is Public
Planning Proposal - Sheaffes Rd and West Dapto Road.pdf	Proposal	Yes
Planning Proposal cover letter - Sheaffes Road and West Dapto Road Kembla Grange_.pdf	Proposal Covering Letter	Yes
Sheaffes Road and West Dapto Road Kembla Grange - Council report and resolution.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.2 Reserving Land for Public Purposes**

Additional Information :

It is **RECOMMENDED** that the Acting Director Regions, Southern, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Wollongong LEP 2009 to amend zones and controls for land between Sheaffes Road and West Dapto Road, Kembla Grange to reflect the Sheaffes Road and West Dapto Road Neighbourhood Plan, proceed subject to the following conditions:

1. Prior to exhibition:

- * Mapping should be amended to remove hatching and labelling from the parcel of land situated south/east of West Dapto Road (i.e. land currently zoned B2 Local Centre) - and therefore outside the scope of this proposal.
- * The explanation of provisions in relation to the Town Centre should be amended to remove references to land on the southern side of West Dapto Road that is subject to a separate planning proposal.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- * Office of Environment and Heritage
- * NSW Rural Fire Service
- * Transport for NSW - Roads and Maritime Services
- * Sydney Water
- * Department of Education and Communities

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

Consultation is required with the NSW Rural Fire Service prior to undertaking community consultation in order to satisfy the requirements of s117 Direction 4.4 Planning for Bushfire Protection.

4. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months following the date of the Gateway determination.

6. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that inconsistencies with the s117 Direction 4.3 Flood Prone Land is of minor significance and/or is justified

(b) The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection following consultation with the NSW Rural Fire Service.

(c) The Secretary's delegate can be satisfied that the planning proposal is consistent with other relevant s117 Directions, or that any inconsistencies are of minor significance.

(d) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

7. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

This is a minor proposal that is consistent with strategic planning for this precinct.

Signature:

 Team Leader, Southern Region

Printed Name:

GRAHAM TOWERS

Date:

4/2/16