

**Wollongong LEP Amendment - Darkes Road South West and Sheaffes Road North
Precincts, West Dapto**

Proposal Title :	Wollongong LEP Amendment - Darkes Road South West and Sheaffes Road North Precincts, West Dapto		
Proposal Summary :	It is proposed to amend Wollongong LEP 2009 to reflect the results of neighbourhood planning at Darkes Road South West and Sheaffes Road North Precincts, West Dapto.		
PP Number :	PP_2014_WOLLG_001_00	Dop File No :	14/11627

Proposal Details

Date Planning Proposal Received :	11-Jul-2014	LGA covered :	Wollongong City
Region :	Southern	RPA :	Wollongong City Council
State Electorate :	WOLLONGONG	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Darkes Road & West Dapto Road		
Suburb :	Kembla Grange	City :	Wollongong
		Postcode :	2500
Land Parcel :	Lot 202 DP1192033, Lot 1 DP795839, Lot 3 DP 1008723, Lot 1 DP 770451, Lot 111 DP 718106, Lot 4 DP 1008723, Lot 201 DP 1192033, Lot 3 DP 1008723		
Street :	Sheaffes Road and Paynes Road		
Suburb :	Kembla Grange	City :	Wollongong
		Postcode :	2500
Land Parcel :	Lot 401 DP 1110562, Lot 189 DP 751278, Lot 1 DP 612600, Lot 1 DP 1010559, Lot 1 DP 795173		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

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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 (where relevant) :	0
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 :

It is proposed to amend the zoning, minimum lot size, floor space ratio, and height of building maps in relation to 2 precincts at West Dapto so that these controls are consistent with adopted neighbourhood plans which are to be included in Council's Development Control Plan.

Additionally, it is proposed to amend clause 4.1 which relates to the minimum lot size for subdivision to allow subdivision consistent with a Council endorsed neighbourhood plan.

It is also proposed to amend the area identified as the "Stan Dyke" heritage item on the heritage map.

Adequacy Assessment

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

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

Comment : **To amend the Wollongong Local Environmental Plan (LEP) 2009 to facilitate improved development outcomes consistent with the approved Neighbourhood Plans. These include changes to zoning, an existing heritage item's curtilage, minimum lot sizes, building heights and floor space ratios to allow development of the two precincts as urban release areas (residential, commercial, open space, environmental and employment land uses).**

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

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

Comment : **The following amendments to the Wollongong LEP 2009 are proposed by Council;**

DARKES ROAD SOUTH WEST PRECINCT

- a) Amend the Zoning Map by;
- Rezone the proposed 'Ridge Park' passive open space recreation area within Lots 201 & 202 DP1192033, Lot 4 DP1008723, Lot 1 DP795839 and Lot 3 DP1008723 from part R2 Low Density Residential and part RE1 Public Recreation to E2 Environmental Conservation;
 - Realign the R3 Medium Density Residential and R2 Low Density Residential zone boundary within Lot 1 DP795839 to follow the proposed road network.
- b) Amend the Lot Size Map by;
- Apply a 10ha lot size to land proposed to be zoned E2 Environmental Conservation
 - Apply a 300m2 lot size to involved R2 and R3 zoned land
 - Apply a 2000m2 lot size at the eastern end of the subject land, and shift the boundary between the 300m3 and 450m2 so that all R3 Medium density Residential is subject to a 300m2 lot size.
- c) Amend the Floor Space Ratio Map to;
- apply a 0.5:1 ratio to land proposed to be zoned R2 Low Density Residential
 - apply a 0.75:1 ratio to land proposed to be zoned R3 Medium Density Residential
 - apply no ratio to the proposed E2 Environmental Conservation zoned land
- d) Amend the Height of Buildings Map to;
- apply a 9m height limit to land proposed to be zoned R2 Low Density Residential
 - apply a 13m height limit to land proposed to be zoned R3 Medium Density Residential
 - apply a 9m height limit to the proposed E2 Environmental Conservation zoned land
- e) Amend Clause 4.1 Minimum Subdivision Lot Size to include subclause 4(D) to read 'Despite subclause 3, Council may consent to a development application for subdivision in an Urban Release Area which results in an inconsistency with the Lot Size Map where it has endorsed a Neighbourhood Plan under Clause 6.2, and the subdivision is consistent with the endorsed Neighbourhood Plan'.

SHEAFFES ROAD NORTH PRECINCT

- f) Amend the Zoning Map by;
- Rezoning the proposed local parks 3a and 4 within Lot 401 DP1110562 (Landholding 1) from R2 Low Density Residential to RE1 Public Recreation
 - Rezoning the proposed local park 3b Lot 401 DP1110562 (Landholding 1) from R2 Low Density Residential to E3 Environmental Management.
- g) Amend the Lot Size Map to;
- remove the lot size applying to the involved RE1 Public Recreation zoned land
 - Apply a 39.99 lot size to involved E3 Environmental Management zoned land.
- h) Amend the Floor Space Ratio Map to;
- remove any restriction on involved land zoned RE1 Public Recreation and E3 Environmental Management zoned land
- j) Amend the Height of Buildings Map to;
- remove the 9m standard applied to the involved RE1 Public Recreation zoned land
- k) Amend the Heritage Map to;
- amend the curtilage surrounding item N. 5976 ('Stan Dyke' homestead and outbuildings)

Justification - s55 (2)(c)

- a) Has Council's strategy been agreed to by the Director General? **Yes**
- b) S.117 directions identified by RPA :
- | | |
|---|---|
| | 2.1 Environment Protection Zones |
| | 2.3 Heritage Conservation |
| * May need the Director General's agreement | 3.1 Residential Zones |

- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

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 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP (Infrastructure) 2007
SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

e) List any other matters that need to be considered : **This Planning proposal will allow for continued implementation of the strategic planning associated with the West Dapto Release area and is subsequently considered to be consistent with the Illawarra Regional Strategy and the Master Plan and Local Environmental Strategy for the West Dapto LEP.**

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

If No, explain : **S117 Directions**

The planning proposal identifies a number of s117 Directions that apply, and has noted that there are minor inconsistencies with the following directions;

2.1 Environmental Zones

The planning proposal involves rezoning of land to/from E2 and E3. The changes result from refining the location of habitat and vegetation boundaries through detailed site specific studies prepared as part of the preparation of Neighbourhood plans. The planning proposal results in the protection of large stands of the existing significant vegetation and maximise development on already cleared land.

The Acting Secretary can be satisfied that any inconsistency is justified and or of minor significance.

2.3 Heritage Conservation

The planning proposal involves areas containing a number of heritage items. Studies have been undertaken prior to the preparation of this proposal in consultation with the Office of Environment and Heritage (OEH). A more accurate curtilage for a listed heritage item is proposed. Further investigation of un-mapped sensitive aboriginal heritage items will be required at the Development assessment stage where Aboriginal Heritage Impact Permits (AHIP) may need to be sought.

The Acting Secretary can be satisfied that any inconsistency is justified and or of minor significance.

4.1 Acid Sulphate Soils

The planning proposal involves land that has some minor acid sulphate soil affectation. Council considers this to be minor and that further assessment of acid sulphate soils at development assessment stage will ensure the development within these areas will avoid significant adverse environmental impacts.

The Acting Secretary can be satisfied that any inconsistency is justified and or of minor significance.

4.3 Flood Prone Land

Council has identified that a small number of lots within the Sheaffes Road North Precinct will be subject to minor flood affectation. Council considers the proposal to be

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consistent with the NSW Government's Flood Prone Land Policy and the Floodplain Development Manual 2005. The Precinct Plans used to inform this proposal have considered the flood risk and the Wollongong LEP 2009 provides suitable controls on flood liable land as well as prescriptive controls applied through development assessment stages.

The Acting Secretary can be satisfied that any inconsistency is justified and or of minor significance.

4.4 Planning for Bushfire Protection

The subject land includes areas of bushfire prone land and residential lots will be burdened by certain construction requirements where applicable, Asset Protection Zones will be maintained within road reserves and front setbacks and bushfire hazard reduction will be permitted within setbacks. The planning proposal has considered the requirements of Planning for Bushfire Protection 2006.

The Acting Secretary can be satisfied that any inconsistency is justified and or of minor significance.

The planning proposal is considered to be consistent with other applicable s117 directions including 3.1 Residential Zones, 3.4 Integrated Land Use and Transport, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes and 6.3 Site Specific Provisions.

State Environmental Planning Policies (SEPP)

The planning proposal is not considered to be inconsistent with any applicable State Environmental Planning Policies (SEPP). The planning proposal identifies that SEPP44 (Koala Habitat Protection), SEPP 55 (Remediation of Land) and the Infrastructure SEPP (2007) apply. The proposal identifies that further studies will be undertaken as part of the development assessment stage to address any potential concerns regarding site contamination (SEPP 55) and potential acoustic impacts from the adjoining railway line (ISEPP 2007).

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided by Council is considered adequate for the purpose of exhibition.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **It is recommended that the planning proposal being exhibited for a minimum of 28 days to allow thorough community/agency consideration.**

Additional Director General's requirements

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

If Yes, reasons : **No further DG requirements.**

Overall adequacy of the proposal

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

If No, comment : **The planning proposal is considered adequate.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Wollongong LEP 2009 was notified in February 2010.
Wollongong LEP (West Dapto) LEP 2010 was incorporated into the Wollongong LEP 2009 in
June 2014 and subsequently repealed.

Assessment Criteria

Need for planning
proposal :

A planning proposal is required to amend the zoning and other related maps and
provisions within the Wollongong LEP 2009.

Consistency with
strategic planning
framework :

The planning proposal is considered to be consistent with the urban development
outcomes of the Illawarra Regional Strategy (2007) for the West Dapto Urban Release Area
which is identified as the priority release area for the Illawarra.

The proposal is considered to be consistent with the overall vision of the Wollongong
Community Strategic Plan 2022.

The Proposal seeks to implement outcomes from the Darkes Road South West and
Sheaffes Road North Neighbourhood Plans which have been endorsed by Council as
amendments to the Wollongong Development Control Plan 2009 Chapter D16.

Environmental social
economic impacts :

The planning proposal involves areas containing Endangered Ecological Communities
(EEC). The proposed rezonings aim at better reflecting the boundaries of these vegetation
communities and to a large extent, secure these communities within Environmental zones
where greater protection is afforded (eg. larger portions to reduce edge effects). Council is
also proposing to install nest boxes within preserved areas to offset any loss of hollow
bearing trees.

The subject lands include areas prone to bushfire. Appropriate Asset Protection Zones
(APZ) will be built in to future subdivision layouts as well as use of appropriate
construction methods to be mandated in affected areas.

There are also areas included in the planning proposal that are subject to flood affection.
Zonings have been used to ensure minimal built form in affected areas and lot sizes used
to ensure appropriate building envelopes can be provided to avoid flood affected areas.
Further drainage measures are also proposed to ensure flood risk is minimised.

Aboriginal Archaeological reports have noted the presence of sites within the area covered
by the planning proposal. Future development assessment process will be required to
consider any possible impacts in consultation with Office of Environment and Heritage
(OEH). Further controls have also been included in the applicable Development Control
Plan (DCP) to require additional site investigations and consultations with local Aboriginal
community.

Further detailed assessments of all heritage items in the involved area at the development
assessment stage for any resulting future development.

The proposal will have positive social and economic impacts as it will assist in
development within the release area providing job opportunities and a new source of
housing.

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Assessment Process

Proposal type : **Precinct** Community Consultation **28 Days**
Period :

Timeframe to make **12 months** Delegation : **RPA**
LEP :

Public Authority **Office of Environment and Heritage**
Consultation - 56(2) **NSW Rural Fire Service**
(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The matter should proceed. The proposal is as a result of Council strategic Planning and will assist in facilitation of the development of the West Dapto Urban Release Area identified in the South Coast Regional Strategy.**

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

If Yes, reasons : **Re-submission not required.**

Identify any additional studies, if required. :

If Other, provide reasons :

No further studies are required.
Extensive studies have already been undertaken to inform this planning proposal including flooding, bushfire, heritage, biodiversity etc. Further specific and detail studies will be required for site specific areas as part of the development assessment stages post finalisation of this planning proposal.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **Public utility infrastructure can be provided, however the precincts involved are not sufficiently serviced at present by water, sewerage, electricity and communication infrastructure. Satisfactory arrangements with relevant agencies and providers will need to be made prior to the development of the areas.**
As the Illawarra's major land release area as identified in the Illawarra Regional Strategy, there is minimal risk that servicing will be an issue unable to be resolved. Council has a s.94 contribution plan in place.

Documents

Document File Name	DocumentType Name	Is Public
Council Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Resolution 24 March 2014.pdf	Proposal	Yes
Council Resolution 27 May 2013.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **2.1 Environment Protection Zones**
 2.3 Heritage Conservation

- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : It is **RECOMMENDED** that the Acting General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Wollongong Local Environmental Plan 2009 to amend the Wollongong Local Environmental Plan (LEP) 2009 to facilitate improved development outcomes consistent with approved Neighbourhood Plans, including changes to zoning, the curtilage of an existing heritage item, minimum lot sizes and clause 4.1, building heights and floor space ratios to allow development of the two precincts should proceed subject to the following conditions:

1. 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 is to 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 (Department of Planning and Infrastructure 2013).

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

- * NSW Rural Fire Service (RFS)
- * Office of Environment and Heritage (OEH)

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.

3. 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).

4. The time frame for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

SECTION 117 DIRECTIONS

6. The Secretary's delegate can be satisfied that any inconsistencies with the following s117 Directions are either justified or of minor significance:

- 2.1 Environmental Zones
- 2.3 Heritage Conservation
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection

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7. The Acting Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions, including 3.1 Residential Zones, 3.4 Integrated Land Use and Transport, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes and 6.3 Site Specific Provisions, or that any inconsistencies are only of minor significance.

10. Further referral under these Directions is not required for the Plan while it remains in its current form.

Supporting Reasons : The planning proposal is supported to proceed.

The proposal is a result of extensive precinct planning undertaken by Council and the proposed amendments to the Wollongong LEP 2009 will help facilitate the timely release of land within the West Dapto Release Area. West Dapto is identified in the South Coast Regional Strategy as the Illawarra's major land release for the next 25 years.

Signature:



Printed Name:

Graham Towers

Date:

1/8/14