

COUNCIL RESOLUTION EXTRACT FROM MINUTES 24 MARCH 2014

DISCLOSURE OF INTEREST

Councillor Martin declared a non-significant, non-financial interest in Item 5 insofar as the report makes a recommendation which would result in the matter being referred to the Department of Planning and Infrastructure, and she is employed by the Department.

ITEM 5 - WEST DAPTO RELEASE AREA - DARKES ROAD SOUTH WEST NEIGHBOURHOOD PLAN - POST EXHIBITION REPORT

MOVED Councillor Crasnich seconded Councillor Connor that -

- 1 The revised Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area (Attachment 10 of the report) be adopted, which includes -
 - a The Darkes Road South West Neighbourhood Plan prepared for land fronting Darkes and West Dapto Roads, Kembla Grange with associated specific development controls and amendments; and,
 - b The revised master plan and road network diagrams which incorporate the Fowlers Road to Fairwater Drive link.
- 2 The adoption of the revised Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area be notified in the local newspapers in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 Letters be sent to those persons who made submissions advising them of the outcome and thanking them for their input.
- 4 A draft Planning Proposal be prepared to amend the Wollongong Local Environmental Plan 2009 as follows:
 - a The proposed 'Ridge Park' passive open space recreation area within Lot 2 DP 1118463, Lot 4 DP 1008723, Lot 1 DP 795839 and Lot 3 DP 1008723 (land holdings 1 and 2) be rezoned from part R2 Low Density Residential and RE1 Public Recreation to E3 Environmental Management with no minimum lot size or floor space ratio and a building height limit of 9m;

- b The R3 Medium Density Residential and R2 Low Density Residential Zone boundary within Lot 1 DP 795839 be realigned to follow the proposed road network as shown on Attachment 8 of the report with the R3 Medium Density Residential zoned land having a floor space ratio of 0.75:1, minimum lot size of 300m² and building height limit of 13m and the R2 Low Density Residential land having a floor space ratio of 0.5:1, minimum lot size of 450m² and building height limit of 9m;
 - c The Minimum Lot Size Map be amended for the eastern end of the site to allow for a minimum lot size of 2,000m² and the boundary between the 300m² and 450m² minimum lot size be amended to contain all R3 Medium Density Residential zoned land in the precinct and follow the indicative road layout as shown on Attachment 8 of the report; and,
 - d Clause 4.1 Minimum Subdivision Lot Size be amended to include subclause (4D) 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'.
- 5 The draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for a Gateway determination and requesting authority for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.
- 6 The draft Planning Proposal be placed on exhibition for a minimum period of twenty eight (28) days.
- 7 The next update of the West Dapto Release Area Section 94 Development Contributions Plan include 'Ridge Park' as shown on Attachments 2 and 8 of the report.

48 COUNCIL'S RESOLUTION - An AMENDMENT was MOVED by Councillor Merrin seconded Councillor Takacs that –

- 1 The revised Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area (Attachment 10 of the report) be adopted, which includes -
 - a The Darkes Road South West Neighbourhood Plan prepared for land fronting Darkes and West Dapto Roads, Kembla Grange with associated specific development controls and amendments; and,
 - b The revised master plan and road network diagrams which

Minute No.

incorporate the Fowlers Road to Fairwater Drive link.

- 2 The adoption of the revised Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area be notified in the local newspapers in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 Letters be sent to those persons who made submissions advising them of the outcome and thanking them for their input.
- 4 A draft Planning Proposal be prepared to amend the Wollongong Local Environmental Plan 2009 as follows:
 - a The proposed 'Ridge Park' passive open space recreation area within Lot 2 DP 1118463, Lot 4 DP 1008723, Lot 1 DP 795839 and Lot 3 DP 1008723 (land holdings 1 and 2) be rezoned from part R2 Low Density Residential and RE1 Public Recreation to E2 Environmental Conservation, with no minimum lot size or floor space ratio and a building height limit of 9m;
 - b The R3 Medium Density Residential and R2 Low Density Residential Zone boundary within Lot 1 DP 795839 be realigned to follow the proposed road network as shown on Attachment 8 of the report with the R3 Medium Density Residential zoned land having a floor space ratio of 0.75:1, minimum lot size of 300m² and building height limit of 13m and the R2 Low Density Residential land having a floor space ratio of 0.5:1, minimum lot size of 450m² and building height limit of 9m;
 - c The Minimum Lot Size Map be amended for the eastern end of the site to allow for a minimum lot size of 2,000m² and the boundary between the 300m² and 450m² minimum lot size be amended to contain all R3 Medium Density Residential zoned land in the precinct and follow the indicative road layout as shown on Attachment 8 of the report; and,
 - d Clause 4.1 Minimum Subdivision Lot Size be amended to include subclause (4D) 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'.
- 5 The draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for a Gateway determination and requesting authority for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.

Minute No.

- 6 The draft Planning Proposal be placed on exhibition for a minimum period of twenty eight (28) days.
- 7 The next update of the West Dapto Release Area Section 94 Development Contributions Plan include 'Ridge Park' as shown on Attachments 2 and 8 of the report.

Councillor Merrin's AMENDMENT on being PUT to the VOTE was CARRIED.

In favour Councillors Kershaw, Connor, Brown, Martin, Takacs, Merrin, Curran, Petty and Bradbery

Against Councillors Dorahy, Colacino and Crasnich

Councillor Merrin's AMENDMENT then BECAME the MOTION.

The MOTION on being PUT to the VOTE was CARRIED UNANIMOUSLY.

ITEM 5

**WEST DAPTO RELEASE AREA - DARKES ROAD SOUTH WEST
NEIGHBOURHOOD PLAN - POST EXHIBITION REPORT**

Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area contains specific development controls to guide future urban development in the West Dapto Release Area and supplements the standard provisions contained in the Development Control Plan. Chapter D16 requires that prior to subdivision, a Neighbourhood Plan be prepared and adopted by Council to guide development within the specified neighbourhood/precinct.

Council at its meeting on 25 November 2013 endorsed the draft Neighbourhood Plan for land fronting Darkes and West Dapto Roads, Kembla Grange for exhibition. The draft Neighbourhood Plan was exhibited from 30 November 2013 to 31 January 2014 and three (3) submissions were received.

It is recommended that Council adopt the Neighbourhood Plan as an amendment to the Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area with the additional specific development controls and associated amendments outlined in this report. It is also recommended that the draft Planning Proposal be progressed to make amendments to the Wollongong Local Environmental Plan 2009 to reflect the Neighbourhood Plan.

RECOMMENDATION

- 1 The revised Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area (Attachment 10) be adopted, which includes:
 - a the Darkes Road South West Neighbourhood Plan prepared for land fronting Darkes and West Dapto Roads, Kembla Grange with associated specific development controls and amendments; and
 - b the revised master plan and road network diagrams which incorporate the Fowlers Road to Fairwater Drive link.
- 2 The adoption of the revised Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area be notified in the local newspapers in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 Letters be sent to those persons who made submissions advising them of the outcome and thanking them for their input.
- 4 A draft Planning Proposal be prepared to amend the Wollongong Local Environmental Plan 2009 as follows:
 - a The proposed 'Ridge Park' passive open space recreation area within Lot 2 DP 1118463, Lot 4 DP 1008723, Lot 1 DP 795839 and Lot 3 DP 1008723 (land holdings 1 and 2) be rezoned from part R2 Low Density Residential and

RE1 Public Recreation to E3 Environmental Management with no Minimum Lot Size or FSR and a Building Height Limit of 9m;

- b The R3 Medium Density Residential and R2 Low Density Residential Zone boundary within Lot 1 DP 795839 be realigned to follow the proposed road network as shown on Attachment 8 with the R3 Medium Density Residential zoned land having an FSR of 0.75:1, Minimum Lot Size of 300m² and Building Height Limit of 13m and the R2 Low Density Residential land having an FSR of 0.5:1, Minimum Lot Size of 450m² and Building Height Limit of 9m;
 - c The Minimum Lot Size map be amended for the eastern end of the site to allow for a minimum lot size of 2,000m² and the boundary between the 300m² and 450m² minimum lot size be amended to contain all R3 Medium Density Residential zoned land in the precinct and follow the indicative road layout as shown on Attachment 8; and
 - d Clause 4.1 Minimum subdivision lot size: be amended to include subclause (4D) 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'.
- 5 The draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for a Gateway determination and requesting authority for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.
 - 6 The draft Planning Proposal be placed on exhibition for a minimum period of twenty eight days.
 - 7 The next update of the West Dapto Release Area Section 94 Development Contributions Plan include 'Ridge Park' as shown on Attachments 2 and 8.

ATTACHMENTS

- 1 Location and Existing Zoning map
- 2 Draft Neighbourhood Plan
- 3 Neighbourhood Plan Covering report
- 4 European Heritage map
- 5 West Dapto Proposed Road Network Amended
- 6 Existing Flood Extents
- 7 Proposed Open Space Amendments and Vegetation
- 8 Proposed Minimum Lot Size Amendment and Revised Neighbourhood Plan Precinct Zoning
- 9 Summary of Submissions
- 10 Wollongong Development Control Plan 2009 Revised Chapter D16 – West Dapto Release Area

REPORT AUTHORISATIONS

Report of: David Green – Land Use Planning Manager
Authorised by: Andrew Carfield, Director Planning and Environment – Future City and Neighbourhoods

BACKGROUND

West Dapto Neighbourhood Plans:

The West Dapto Release Area covers an area of approximately 4,700 hectares and is proposed to provide an additional 19,000 dwellings and 183 hectares of employment land when fully developed.

On 5 May 2012, the Wollongong Local Environmental Plan (West Dapto) 2010 (LEP) was approved and notified by the NSW Minister for Planning. This LEP permits urban development in stages 1 and 2 allowing the development of some 6,676 dwellings. Wollongong Local Environmental Plan (West Dapto) 2010 Part 6 - Urban Release Areas, Clause 6.2 - Development Control Plan states:

- (1) *The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.*
- (2) *Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in sub clause (3) has been prepared for the land.*

Clause 6.2(3) outlines the matters that must be addressed in the site specific Development Control Plan, including transport movement hierarchy, stormwater and water quality management controls.

Clause 6.2(4) provides for limited circumstances whereby sub-clause (2) above does not apply, such as minor boundary realignments and development of a minor nature.

On 14 December 2010, Council endorsed the adoption of Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area. The Plan came into force on 23 December 2010. More recently Council at its meeting on 9 December 2013 endorsed the adoption of an amended Chapter D16 which was amended as a result of updating the Neighbourhood Plan for the Reddalls Road Industrial Precinct area. This amended chapter came into force on 14 December 2013.

Chapter D16 contains specific development controls to guide future urban development in the West Dapto Release Area, and supplements the standard provisions contained in the Development Control Plan. Chapter D16 requires that a Neighbourhood Plan be prepared and adopted by Council to guide development within the specified neighbourhood/precinct. The Neighbourhood Plan also addresses the requirement of clause 6.2(3) of the LEP.

The adoption of a Neighbourhood Plan enables future development applications submitted in accordance with the Plan to comply with clause 6.2 of the Wollongong Local Environment Plan (West Dapto) 2010. Without a Neighbourhood Plan Council is unable to issue any development consent relating to the subject properties other than provided for under clause 6.2(4).

A Neighbourhood Plan/Masterplan is essential in urban release areas to ensure development occurs in an efficient cohesive manner that encourages integration of development sites, development sequencing and economies of scale. It can ensure appropriate connectivity between developments and other neighbourhood precincts in terms of road and cycle way layouts, stormwater and drainage management, access to public transport routes and appropriately located open space and recreation opportunities for residents. It can also assist to resolve any potential future conflicts between separate developments undertaken with differing timeframes.

The Neighbourhood Plan process outlined in Development Control Plan Chapter D16 clause 5.1 - Requirement for a Neighbourhood Plan, requires the draft Neighbourhood Plan to be reported to Council as an amendment to Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area. If endorsed by Council, it is then publicly exhibited and subject to the outcomes of the exhibition, the revised Neighbourhood Plan is to be reported to Council for adoption and inclusion in the Development Control Plan.

Darkes Road South West Neighbourhood Plan:

On 17 April 2013 a draft Neighbourhood Plan was lodged for the Darkes Road South West neighbourhood precinct. Following numerous revisions a final revised draft Plan was lodged on 16 October 2013.

The Darkes Road South West Neighbourhood precinct consists of three (3) separate land holdings as indicated in the table and figure 1 below. The total area of the precinct is approximately 50.1 ha of which approximately 38.7 ha is available to be considered for development. A map showing the location of the neighbourhood precinct and existing zoning is attached (Attachment 1):

	Property Details	Total Area	Owner	Zoning
1	Lot 2 DP1118463 and Lot 4 DP 1008723 – 105 Darkes Road, Kembla Grange	34.57 ha	Private Resident (and Blueprint Developments)	R2 Low Density Residential, B2 Neighbourhood Centre, RE1 Public Recreation and E3 Environmental Management
2	Lot 1 DP795839 and Lot 3 DP 1008723 - 109 Darkes Road, Kembla Grange	14.08 ha	Private Resident	R2 Low Density Residential, B2 Neighbourhood Centre and R3 Medium Density Residential
3	Lot 1 DP770451 - 141 Darkes Road, Kembla Grange	1.45 ha	Private Resident	R3 Medium Density Residential



Figure 1 Land Holdings Plan

Land holding 1 is the largest lot and could provide an estimated 234 lots. It also includes the 'Ridge Park' proposed open space along with the remnants of the heritage listed 'Barlyn Homestead, Gardens and Dairy' (discussed later).

The consultants for land holding 1 have provided signed letters from the owners of land holdings 2 and 3 that state they have been provided with copies of the Neighbourhood Plan and support the lodgement of the Plan to Council for assessment. All landowners within the precinct and those surrounding properties were formally notified during the exhibition period; however no submissions were received from these parties.

The Neighbourhood Plan is a strategic level document that can be amended in future, if necessary, and minor departures from the Plan, which are evidence based, through development applications due to further detailed investigations are possible.

The neighbourhood is surrounded by a number of existing rural properties, public open space and the existing residential development in Horsley. The properties to the northwest are zoned R3 Medium Density Residential and E3 Environmental Management. The properties to the northeast are primarily zoned RE1 Public Recreation and E3 Environmental Management being Council's 'Integral Energy Park'. Council also owns land on the opposite side of West Dapto Road zoned RE1 Public Recreation, B2 Neighbourhood Centre and R3 Medium Density Residential. To the south is the rail line which services the Wongawilli Coal Mine, Robins Creek and the existing residential area of Horsley separated from the neighbourhood by the rail and creek line.

The total potential developable site area, excluding the draft E3 Environmental Management zoned Ridge Park (approximately 10.3ha), and E3 riparian/flood affected land is approximately 38.7 ha as indicated in the following table. The table also indicates the current development standards:

Zone	Estimated developable area	Floor Space Ratio	Minimum Lot Size	Maximum Building Height
R2 Low Density Residential	31.47 ha	0.5:1	300m ² for majority, 450m ² for eastern portion	9 metres
R3 Medium Density Residential	5.78 ha	0.75:1	300m ²	9 metres
B2 Neighbourhood Centre	1.45 ha	2:1	No Minimum Lot Size	20 metres
E3 Environmental Management	Nil	No Floor Space Ratio	40 ha	9 metres
Total	38.7 ha			

As a result of the Neighbourhood Plan road network it is proposed to amend the R2 Low Density Residential and R3 Medium Density Residential zone boundary to provide a more appropriate boundary between two different development types as shown at Attachment 8.

Development Application DA-2013/737 was conditionally approved in November 2013 to allow a two-lot subdivision on land holding 1 in order to facilitate future staged development of the site. The application was conditionally approved on the basis it was a paper subdivision only with no physical works proposed. The subdivision certificate for this proposal has also been approved (SC-2014/11). The subdivision was not considered to prejudice the Neighbourhood Planning process and was assessed without a Neighbourhood Plan being in place via LEP Clause 6.2(4).

A pre-lodgement meeting was held on 27 November 2013 to discuss an 82-lot subdivision to form Stage 1 (as shown at Attachment 2) of the development for land holding 1. Issues discussed at the meeting included considerations for the Neighbourhood Plan and the documentation required for the submission of a development application. Development Application No 2014/184 for an 84 lot subdivision has recently been lodged, but cannot be determined until the Neighbourhood Plan has been adopted.

The draft Neighbourhood Plan and accompanying report have been assessed by Council officers and revised by the applicant. The draft Plan proposed is considered consistent with the relevant provisions of the Wollongong Development Control Plan 2009, Illawarra Regional Strategy and relevant State Policies. The proposal is consistent with the Wollongong Local Environmental Plan (West Dapto) 2010 with the exception of the proposed amendments to the minimum lot size of a small area of E3 Environmental Management land adjacent to Robins Creek and the R2 Low Density Residential and R3 Medium Density Residential zone boundary as discussed below.

Input from other Council Divisions has been provided and incorporated into the draft Neighbourhood Plan. Council's Infrastructure Division has provided input on aspects of traffic access, road design, drainage design principles, open space, recreation and landscaping. Comments from Council's Environment team on treatment of riparian corridors and Endangered Ecological Communities (EECs) have also been incorporated. Consultation has also occurred with the Office of Environment and Heritage.

The draft Neighbourhood Plan provides a design that enables land holdings 1, 2 and 3 to be developed with the appropriate level of integration, both internally, as well as with the wider release area. This integration relates to the road network; the pedestrian pathway and cycleway networks; drainage management including flood affectation, water quality and onsite detention requirements, as well as appropriate interaction between the uses of residential and environmental zoned land. This integrated approach enables the efficient development of the residential zoned land generating new housing opportunities in West Dapto whilst minimising any environmental impact.

As a Neighbourhood Plan is in most respects a high-level Master Plan, further assessment and refinement of specific aspects will occur during assessment of future development applications relating to the subject properties.

Council, at its meeting on 25 November 2013, considered the draft Darkes Road South West Neighbourhood Plan. Council resolved that:

The following documents be exhibited for a minimum period of 28 days for community input:

- 1 *The draft Neighbourhood Plan prepared for land fronting Darkes and West Dapto Roads, Kembla Grange along with covering report (Attachments 3 and 4 of the report).*
- 2 *Draft revised Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area (Attachment 11 of the report).*

Council at its meeting on 11 February 2013, resolved to repeal the Wollongong Local Environmental Plan (West Dapto) 2010 and transfer its provisions into the Wollongong Local Environmental Plan 2009. This amendment is still being finalised by the NSW Department of Planning and Infrastructure.

Key Issues:

The key issues associated with the development of the Darkes Road South West Neighbourhood Plan are discussed below:

1 Biodiversity

The majority of the neighbourhood precinct is primarily mapped as 'Disturbed Landscapes: Weeds and Exotics (MU56(d) Bioregional Assessment NPWS 2002)' in line with the past and existing agricultural use of the area. However, the precinct also contains 10.4 hectares of remnant Illawarra Lowlands Grassy Woodland (ILGW) Endangered Ecological Community (EEC) mapped as 'Coastal Grassy Red Gum Forest (MU23 Bioregional Assessment NPWS 2002)' and shown in the attached constraints map (Attachment 7).

As a result of negotiations between the proponent and Council officers, the Neighbourhood Plan was revised so that approximately 7.45 ha (72%) of the EEC will be conserved in the proposed realigned 'Ridge Park' passive open space recreation reserve (Attachment 7). The original draft Neighbourhood Plan sought to retain only 3.63 ha (35%) of the EEC area.

This land is proposed to be rezoned to E3 Environmental Management as part of the preparation of a draft Planning Proposal and ultimately transferred to Council.

The NSW Office of Environment and Heritage (OEH) advised that "OEH supports in-principle the Neighbourhood Plan in regard to the negotiated outcome with landowners reached at this point in time. OEH welcomes the expansion of the proposed 'Ridge Park' (from 3.63 ha to 10.32 ha) to accommodate the retention of approximately 7.45 ha (72%) of the total 10.4 ha of Lowland Grassy Woodland which is listed under the Threatened Species Conservation Act as an Endangered Ecological Community (EEC)".

OEH also recommended that Council undertake detailed assessment of possible enhancement of the EEC within the park area beyond the extent currently mapped. They have also requested that Council consider adopting a revised zoning approach whereby the EEC lands be zoned E2 Environmental Conservation and

the passive/active recreation lands be zoned E3 Environmental Management or RE1 Public Recreation.

The majority of the proposed park area is currently zoned R2 Low Density Residential (Attachment 1) and the increased protection proposed by the E3 Environmental Management zoning whilst allowing sufficient opportunity to achieve the other uses of the area is considered appropriate. Under Wollongong LEP (West Dapto) 2010 the objectives of the E3 Environmental Management Zone are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values; and*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

Recreation areas are permitted in the E3 Environmental Management zone and align with the zone objectives.

The split zoning matter has been discussed with officers from Council's Land Use Planning, Environment Planning, Environment and Conservation Services, Property and Recreation teams. Given the footprint of the EEC vegetation to be retained within the park there is no simple clear delineation between the EEC and passive recreation areas that would form the basis for the application of split zoning. It is considered that the preparation of a master plan and vegetation management plan for the park would be necessary to determine any proposal for split zoning. This detailed planning is not regarded as necessary for the Neighbourhood Planning process and is more appropriately undertaken in conjunction with the future development application for subdivision. It was also considered that split zoning of the park area is generally not preferred and that a blanket E3 Environmental Management zoning along with the future classification of land, under the Local Government Act 1993, of a combination of 'Natural Area Bushland' or 'Park' once transferred to Council would provide for reasonable protection of the EEC vegetation whilst providing sufficient accessibility, useability and maintenance for its designated passive recreation use.

At the conclusion of the future detailed planning and establishment works for the park should Council then determine that certain areas should be zoned E2 Environmental Conservation then adjustment of zoning could occur.

Council Officers have inspected the site and assessed the reports submitted by the applicant which detail the review of Ecological Constraints assessment undertaken for the precinct. The following summarises the final proposed outcomes for the key aspects:

1.1 Endangered Ecological Communities

The Illawarra Lowlands Grassy Woodland (ILGW) is present as a number of scattered remnants and two larger more contiguous patches located primarily within the south-eastern portion of the site. Whilst the preferred outcome from a conservation perspective would be for the retention of all remnants of ILGW

located on the site, the competing objectives of development and environmental conservation restrict the opportunity to retain all stands. The retention, restoration and regeneration of the larger, higher quality remnant patches of ILGW within the proposed park as shown below in figure 1.2 (Attachment 7) together with the removal of the other outlying remnants and edge trimming of the larger patches, is unlikely to result in a significant impact upon ILGW when considered in accordance with Section 5A (Environmental Planning and Assessment Act 1979) Assessment of Significance. A formal detailed Assessment of Significance will be required for any future development application on the site. The reports and assessment submitted by the applicant to date in conjunction with Council's assessment would be considered to constitute an informal Section 5A assessment. On this basis it is reasonably expected that the future formal assessment would also conclude that the proposed removal of part of the existing ILGW would not be considered a significant impact assuming the impacts are not greater than that identified in this proposal, and Asset Protection Zones are contained outside of the vegetated areas to be retained.

As part of the future development of the site, vegetation management works within the retained ILGW stand will be required so as to improve its quality and ensure a functioning remnant of ILGW comprising characteristic floristic and structural integrity will remain and that the area is in a condition acceptable to be dedicated to Council in the future. This will ensure that impacts to ILGW associated with the development of the site are minimised.



Legend

- Existing_Ridge_Park
- Proposed
- Neighbourhood Precincts
- Other Vegetation or Low Condition EEC
- EEC Vegetation < 4ha
- EEC Vegetation > 4ha
- Habitat Trees

Figure 1.2 Extract from Attachment 7 Proposed Open Space Amendments and Vegetation

1.2 Habitat Trees (within EEC)

The high density of hollow-bearing trees located on the site provides potential important habitat components for a wide array of fauna species, including a number listed as threatened in NSW. The proposed subdivision layout indicates that the majority, approximately 62 (91%) of the medium and large-sized hollow-bearing trees, along with a similar proportion of small tree-hollows, on the site are proposed to be retained within the proposed public reserve (Attachment 7). Nest boxes are proposed to be installed within the proposed open space area to provide offsetting for the tree hollows proposed for removal.

1.3 Fig Trees (separate from EEC)

There is a mature isolated Fig tree located in the south west portion of the site, and a row of mature Pine and Fig trees, located to the west of the remains of the heritage 'Barlyn' homestead. These trees do not form part of the ILGW EEC but are considered significant trees that can provide habitat value and visual amenity, and foraging habitat to the threatened species Grey Headed Flying Fox. They are required to be assessed by an arborist at the development application stage to enable Council to determine if they should be retained.

The proposed lot layout does not accommodate retention of these trees. The applicant has formed the view that it is not practical to retain these trees and have advised that:

"The trees are in a part of the site that is very steep and the size of the trees does not allow a typical residential lot to be designed to accommodate the trees within the proposed lots. If retained, the trees (particularly the fig trees) are likely to cause issues for house construction, maintenance and possibly structural issues. Due to the slope of the land, they will also cause significant shading of the lots and future dwelling houses."

As the Neighbourhood Plan process does not propose any physical works such as roads or drainage facilities in the area occupied by the trees, it is considered that adjustment of proposed lot boundaries could be possible to allow retention of these trees should it be determined that some or all be worthy of retention. On this basis it is considered that the matter can be resolved as part of any future development application.

1.4 Riparian Corridors

As noted previously, the precinct adjoins Robins Creek. This watercourse is categorised in Wollongong Development Control Plan 2009 (DCP) Chapter E23 Riparian Land Management as a Category 1 – Environmental Corridor. The riparian corridor including vegetated buffers has been defined by the extent of the existing E3 Environmental Management zone boundary.

Under DCP Chapter D16 section 6.3.5 the extent of riparian corridors and management activities is limited to the width of the 1 in 100 ARI flood level, which has been typically mapped as the boundary of the E3 Environmental Management and R2 Low Density Residential zone. This control aims to ensure that revegetation and width of riparian corridors is consistent with the Flooding Strategy.

Further detailed assessments on flora and fauna and proposals for suitable vegetation treatments would need to be undertaken at development application stage including preparation of a vegetation management plan.

2 Flooding and Drainage

The neighbourhood adjoins existing Robins Creek. The southern and eastern portions of the site that are zoned E3 Environmental Management equate to the approximate limit of the 1 in 100 year ARI flood event affectation. Existing flood extents are shown in Attachment 6. The land zoned for residential uses is not subject to flooding. Robins Creek is not directly impacted by the proposed development, with the exception of proposed stormwater discharge.

The applicant has prepared a preliminary stormwater drainage strategy as illustrated on the Neighbourhood Plan (Attachment 2) which divides the precinct into five major catchments. The strategy considers the requirement for four future on-site detention basins to address the increased runoff due to increased impervious area of future development as well as water quality controls including gross pollutant traps at the head of each basin. The basins are located outside of the 1 in 100 ARI flood affected area.

The basin locations and proposed strategy is considered acceptable in principle. The final detailed arrangements for on-site detention of stormwater and water quality treatment will need to be further considered as part of future development applications and the applicant has been provided advice from Council's Infrastructure division on the specific matters that will need to be considered.

In accordance with Council's West Dapto Section 94 Development Contributions Plan, Figure 4.4.1, the area of Robins Creek located within the precinct that is mapped for drainage management is proposed to be acquired by Council in the future to assist with drainage management in the release area.

3 Heritage

3.1 *Aboriginal Heritage*

The applicant has undertaken investigations and provided an Aboriginal Archaeological Survey Report which has considered three (3) previously recorded archaeological sites and also identified three (3) potential archaeological deposits (PADs). The first recorded site is located on the hillcrest. The site is partially within the proposed open space and partly within the residential development area and may be impacted by the proposed subdivision layout. The second site is located near the hillcrest, wholly within the residential development area, so impact is likely to occur. The third site is located nearby to an existing creek line and may be partly impacted by drainage and/or road works but not any direct housing.

The applicant has advised that *"The Aboriginal Archaeological Survey Report as a matter of course recommends that impacts be avoided, but provides an alternative to recognise that where impacts cannot be avoided an Aboriginal Heritage Impact Permit (AHIP) be obtained which will contain conditions regarding mitigation measures. If this approach was not taken, then development proposals would need to avoid impacts to all recorded sites of*

high, moderate and potentially low archaeological significance, in which case there would be no need for the AHIP process which exists to allow an assessment of sites where there is an impact. The AHIP process will be undertaken as part of the DA process."

The NSW Office of Environment and Heritage (OEH) advised that "Given the known and predicted presence of Aboriginal objects within the proposed development area and the prevailing visibility conditions, further subsurface investigation is likely to be required for the development to proceed, whether this is by strategy of avoidance of Aboriginal objects or the AHIP process. Characterising the boundaries of the three (3) known sites and the archaeological deposit and boundaries of the three (3) PADs at the outset may represent the most efficient means by which Aboriginal cultural heritage values can be addressed and the concept plan for subdivision finalised."

OEH also recommended that "Further detailed assessment of the spatial extent and significance be undertaken for the 3 recorded Aboriginal sites and the 3 potential archaeological deposits in order to ascertain any implications for subdivision and road development on the Darkes Road lands. OEH supports the Neighbourhood Plan being able to be adopted by Council with confidence via the strategic assessment of Aboriginal cultural heritage. Confronting Aboriginal Heritage Impact Permit issues once development consent has been issued by Council can diminish the efficient delivery of urban development in West Dapto."

The applicant has provided advice that the Illawarra Local Aboriginal Land Council (ILALC) was contacted during the Aboriginal heritage assessment process and a representative participated in the survey work. As part of the exhibition process letters were sent to the local Aboriginal Elder Groups advising them of the proposal and seeking any comments or feedback. No formal submissions were received during the exhibition period. Council's Aboriginal Community Liaison Officer has since made follow up enquiries with these groups and relevant Council staff met with representatives of two groups.

At this meeting, the site was identified as having cultural significance to the local Aboriginal community due to the proximity of the hillcrest to the adjacent creek (Robins Creek). The site is likely to have formed part of a travel route from Port Kembla to Robertson and it is likely that the area would have been used as a camp site. It was also indicated that the stand of trees (EEC area) would have been used as a form of shelter for this purpose and contributes to the cultural significance of the site. This area forms part of the proposed E3 Environmental Management zone area that will form 'Ridge Park'. This feedback on the cultural significance of the site is consistent with the archaeological findings on the site, which found a heavier concentration of artefacts on the hillcrest with more sites located near the creek.

The crest of the hill was therefore identified as being of high significance and likely to contain a significant number of artefacts. It was therefore suggested that the extent of the park be extended slightly in this area to include the area identified within the submitted Aboriginal Archaeological Survey Report, prepared by Artefact Heritage, to cover the entire hillcrest. This has been discussed with Council's Land Use Planning and Heritage officers. It is considered that prior to changing the proposed lot layout, further investigations to define the extent of the archaeological deposits at the site is required. On this basis it is considered that it would be more appropriate that the matter be resolved as part of any future development application following additional archaeological research. The significant stand of trees will be mostly retained within the 'Ridge Park' area and land surrounding Robins Creek is proposed to be zoned as E3 Environmental Management, a portion of which would be acquired by Council as part of Council's Drainage Management Acquisition map.

The investigations already undertaken by the applicant are sufficient for the adoption of the Neighbourhood Plan. A more detailed Aboriginal Heritage Assessment, including additional community consultation and subsurface investigations will be required as part of any future development application and to support an Aboriginal Heritage Impact Permit (AHIP) Application under the National Parks and Wildlife Act 1974, should it be determined that future development will generate any impact.

To address OEH's concerns additional development controls have been included within Section 5.4 of the Neighbourhood Plan with Chapter D16 – West Dapto Release Area, to require additional site investigations and consultation with the local Aboriginal community. The investigations around sites 2 and 3 may result in changes to the likely subdivision layout.

3.2 *European Heritage*

The Neighbourhood Precinct includes one item identified in Wollongong Local Environmental Plan (West Dapto) 2010 under Schedule 5 Environmental Heritage. The listing details are as follows:

Suburb	Item name	Address	Property description	Significance	Item No
Kembla Grange	'Barlyn' homestead, gardens and dairy	Darkes Road	Lot B, DP 161785	Local	6325

The Neighbourhood Plan and accompanying draft Planning Proposal lodged sought to remove the heritage listing and therefore allow future removal of all structures. Since lodgement of the original draft Neighbourhood Plan the homestead (Figure 1.3 item H) has been destroyed by fire. Council's adopted road network also impacts on the heritage curtilage and some of the outbuildings.

The applicant has proposed an archival recording of the heritage item and the incorporation of interpretive material into the future subdivision as well as the retention of the Silo (Figure 1.3 item J and Figure 1.3) and the front garden of the former homestead. These items are proposed to be retained within larger residential lots.

The row of mature Pine and Fig trees, to the west of the remains of the heritage 'Barlyn' homestead, are located within the existing heritage curtilage and are subject to further investigations as to their ability to be retained. This is discussed further within the Biodiversity section of this report.

No submissions were received during the exhibition period in relation to the heritage item, surrounding outbuildings, structures and plantings.

This matter has been discussed with Council's Heritage officer who has indicated that it is considered premature to reduce the exiting curtilage of the item at the Neighbourhood Plan stage of the development. In order to fully understand the heritage value of the site, further investigation into the row of Pine and Fig trees via an Arborists Report and the potential for archaeological material to be present on the site is required to be undertaken prior to the consideration of a reduction in the area of the curtilage area or an amendment to the description of the item.

As such, the current curtilage of the site is considered to remain relevant until such a time when the context of the area changes. Given the location of the item and the proposed staging of the development (Attachments 2 and 4), the retention of the item and its curtilage will not preclude the commencement of development on the site or result in significant delays to the progression of the first stages of development.

All impacts on significant features related to the listing of 'Barlyn' and incorporated in the curtilage of the site, will be subject to further detailed assessment as part of a later stage of development. Additional requirements and justification for the proposal, in relation to the proposed Heritage impacts will be required as part of any future DA stage of the proposed development. This will include (but not be limited to):

- a consideration of the impacts of the proposal on identified Non-Indigenous Archaeological Deposits located on the site during the preparation of the Heritage reports and which are subject to Section 140 of the NSW Heritage Act 1977;
- b conservation planning related to any retained structures or features on the site (eg The Silo and gardens); and
- c interpretation planning relating to the history and heritage significance of the development area.

These requirements have been incorporated in the Neighbourhood Plan section of the DCP chapter.

Figure 20: Structures within 'Barlyn' farmstead with allocated letters

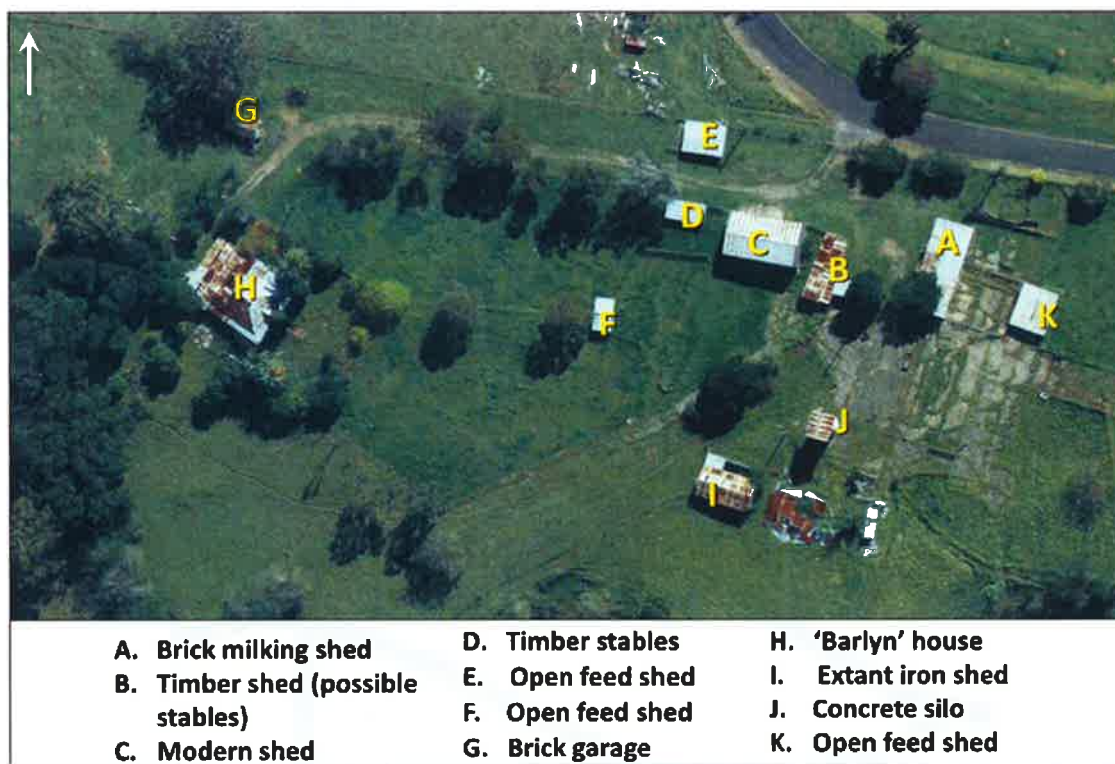


Figure 1.3 Extract from Non-Indigenous Heritage and Archaeological Assessment

Figure 22: Concrete silo (structure J)



Figure 1.4 Extract from Non-Indigenous Heritage and Archaeological Assessment

4 Road Network

Part of the adopted long term road network for West Dapto (Figure 1.5 below) is the proposed future minor collector road connecting Darkes and West Dapto Roads. Due to the detailed consideration of the layout for future development the route for this proposed road has been amended within the precinct and the future road network will need to be updated (Figure 1.6 below from Attachment 5) should the Neighbourhood Plan be adopted.

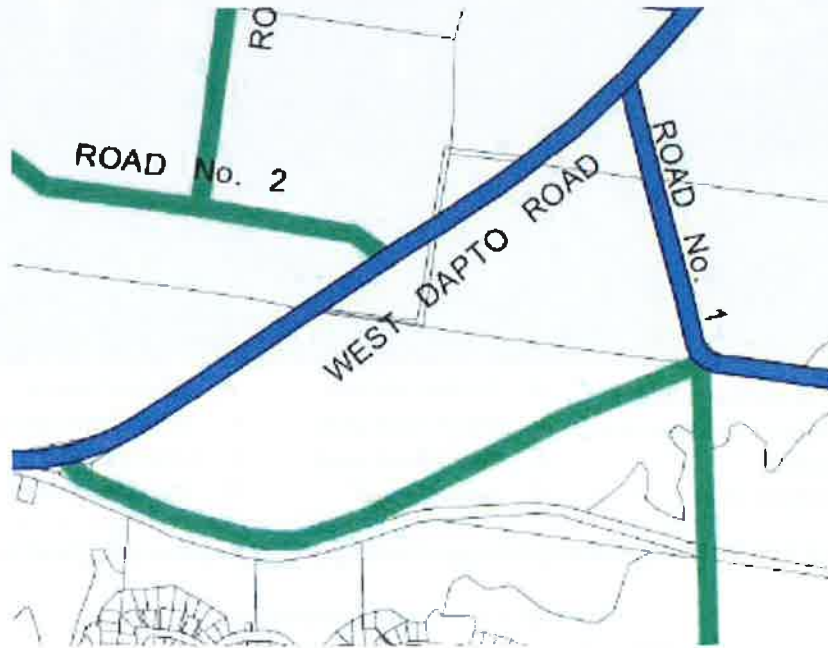


Figure 1.5 Current adopted Road Network

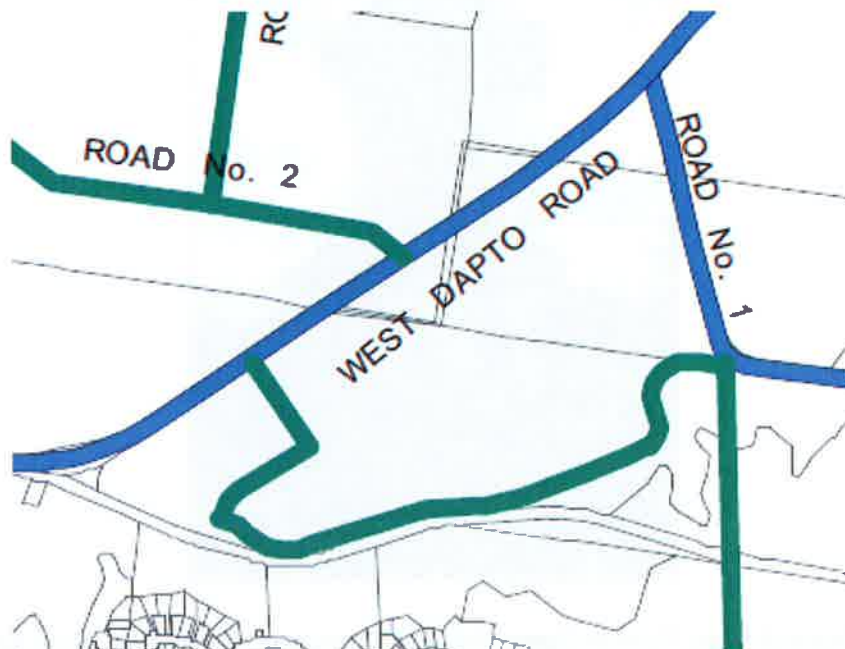


Figure 1.6 Extract from Attachment 5 - Amended Draft Road Network

The future collector road does not form a Section 94 funded road under the adopted West Dapto Section 94 Plan and would be a development cost of the neighbourhood area it serves.

The relevant sections of West Dapto Road adjoining the neighbourhood precinct form part of Council's adopted Proposed Flood Access network. At present none of these sections are included within the West Dapto Initial Access Strategy current projects. As such there is no confirmed timing for the construction. Appropriate Flood Access provisions will need to be resolved as part of any future development application. This timing issue is not considered to affect the current neighbourhood planning process.

The cycleway route has been retained largely adjacent to the rail corridor to provide a flat direct route, rather than following the eastern and western ends of the revised collector road.

4.1 Internal Roads

The internal road network layout has been revised by the applicant in accordance with advice from Council officers. Consideration has been given to the overall connectivity within the site and to adjoining networks for all modes of transport including private car, public transport, pedestrian and cycle. This will ensure that the future development of the neighbourhood is accessible and integrated within the release area.

5 Infrastructure

The precinct is not sufficiently serviced by water, sewerage, electricity and communication services. All of these services will be required to be provided as part of the development. The current strategies of the relevant state service providers as well as local infrastructure items have been considered for future residential development in this precinct.

5.1 Electricity

Endeavour Energy has secured a site for a new electricity zone substation adjacent to West Dapto Road and this provides a confirmed connection point for new developments. Due to the lead-time in constructing a new substation Endeavour has been working in conjunction with Council and active developers in the area to ensure electricity supply will be available to new dwellings as they are constructed. Council officers and representatives from other agencies have suggested an alternate substation site which would be better located and not impact on dwelling yields. Further negotiations are required to occur.

5.2 Water and Sewer

Sydney Water has developed a Growth Servicing Plan to provide water and wastewater (sewer) services in stages over the next 40 years to West Dapto and adjoining release areas as rezoning and development occurs. Sydney

Water has worked closely with the NSW Department of Planning and Infrastructure (DoPI), local councils, relevant state agencies, the Illawarra Urban Development Committee and other stakeholders as the plans for land use in this area were being developed and while developing the Growth Servicing Plan.

A proposal for the delivery of services to the zoned areas of West Dapto has also been developed by Sydney Water which avoids environmentally sensitive areas and commits to a range of measures to minimise environmental impacts.

The proposal was lodged with DoPI in the form of an application under Part 3A of the *Environmental Planning and Assessment Act 1979*. The Part 3A approval was issued on 14 June 2013 and Sydney Water is currently undertaking further design work to progress implementation of works.

5.3 Open Space and Recreation

Council on 12 December 2011 adopted the West Dapto Section 94 Development Contributions Plan which includes \$565 million in local infrastructure divided between roads; public transport; stormwater drainage; community facilities; open space and recreation facilities.

Within the proposed list of new open space for Stages 1 and 2 of the release area there is a new park planned for within the precinct referred to as 'Ridge Park' currently proposed as 2.75 ha in size and designated for passive recreation.

The final boundaries of 'Ridge Park' are primarily dictated by the treatment of the EEC areas. However consideration is also required to it being a relatively regular shape with good interfaces with adjoining development, providing passive surveillance, as well as resolution of appropriate Bushfire Asset Protection Zones (APZs) that do not impact on EEC vegetation or generate additional burden on Council. It appears that all APZs will be accommodated within the public road reserve and front setbacks for adjoining residential dwellings. The APZs are not expected to have an additional impact on the adjoining EEC vegetation and do not require the removal of any additional trees or vegetation. The anticipated APZ areas have been indicated on the draft Neighbourhood Plan at Attachment 2. Additional controls relating to required APZs and construction standards for development in bush fire prone areas, as well as a map clearly indicating the applicable Bushfire Attack Levels have been included within Section 5.4 of Councils Wollongong Development Control Plan 2009 Chapter D16 – West Dapto Release Area, to be considered at each stage of development in the precinct.

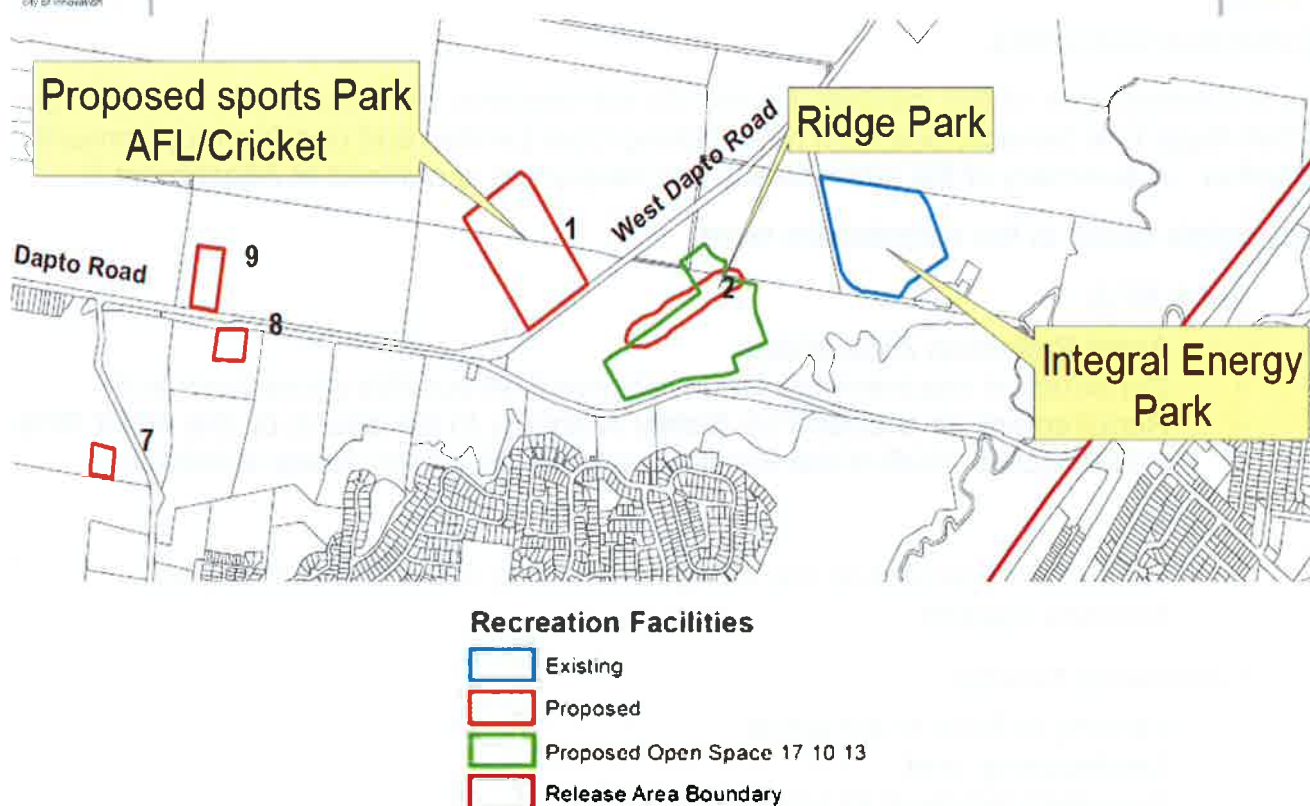


Figure 1.7 Current and Proposed Open Space Locations (Attachment 7)

During the preparation of the Neighbourhood Plan it became apparent due to the constraints on the site that the boundaries for 'Ridge Park' should be revised to enable the objectives relating to environment and recreation to be achieved (Attachment 7).

Revised 'Ridge Park' is approximately 10.32 ha in size and is designated to contain the EEC vegetation discussed above as well as providing passive and informal active recreation opportunities.

The proposed open space areas, designated uses, ongoing constraints and overall layout has been prepared with input from relevant Council officers and are supported in principle subject to refinement and detailed assessment as part of future development applications. If the Neighbourhood Plan and Development Application proceed, and the land is transferred to Council, a master plan for the Park will be prepared to designate the different active / passive / conservation use areas.

PROPOSAL

The draft Neighbourhood Plan was exhibited from 30 November 2013 to 31 January 2014 and three submissions were received. This report provides an overview of submissions received from the exhibition of the Neighbourhood Plan and outlines the amendments made to the draft Chapter D16.

Exhibition Outcomes

As a consequence of the exhibition three (3) submissions were received, one from the NSW Rural Fire Service, one from NRE Coking Coal Limited and one from a community member. A summary of the submissions and responses is outlined at Attachment 9.

Key points raised in the submissions were:

- NSW RFS:
 - Asset Protection Zone widths;
 - Construction requirements for development on bushfire prone land; and
 - Requirement for a Bush Fire Safety Authority to be issued by the NSW RFS under section 100B of the Rural Fires Act 1997 for any future subdivision.
- NRE:
 - Maintenance access to the Wongawilli railway line and creek line; and
 - Acoustic impacts.
- Community Member:
 - Fencing in flood prone areas;
 - Landscaping; and
 - Proposed minimum lot size amendments.

All affected landowners within the precinct and adjoining properties were formally notified, however no submissions were received from these parties.

As a result of the submissions received, additional controls relating to further Aboriginal Archaeological and Heritage Assessments, provision of maintenance access to the detention basin A1 and the Wongawilli Rail Spur Line, construction standards for bush fire prone land and future Integrated Development Application requirements are proposed to be included within section 5.4 of Chapter D16 – West Dapto Release Area to ensure that these matters are further considered at each stage of development in the precinct.

The applicant has addressed the relevant physical constraints in the proposed neighbourhood layout and associated report (Attachments 2 and 3). These constraints include bushfire, landform, geotechnical, noise, community and recreation, flooding and drainage, biodiversity, heritage, sustainable transport and the road network.

Neighbourhood Plan Amendments

A number of amendments were made to the Neighbourhood Plan between the initial submission and the exhibited plan. The amendments made were a result of discussions between the applicant, NSW Office of Environment and Heritage and Council which have resulted in the increased retention of the remnant Illawarra Lowlands Grassy Woodland (ILGW) Endangered Ecological Community (EEC) and the size of Ridge Park (to 10.32 ha).

Attachment 2 shows the revised Neighbourhood Plan submitted on 19 February 2014. The amendments on the Plan are not significantly different to the exhibited Plan, however minor zoning amendments to allow for the R2 Low Density Residential and the R3 Medium Density Residential Zone boundary to correspond with the proposed road layout and to amend the indicative size of the Stage 5 lots to allow for sufficient maintenance access to the creek line. The Asset Protection Zones recommended by the Bush Fire Consultant Report and the NSW Rural Fire Service have also been included on the plan.

Development Control Plan Chapter D16 Amendments

As a result of the draft Neighbourhood Plan and amendments to the LEP, which have occurred since the current DCP version was adopted on 14 December 2013, a number of figures within the DCP Chapter are required to be updated to accommodate the revised road layout and amended "Ridge Park" open space extents. In addition, specific development controls relating to small lots, active frontages and lot orientation, are proposed to apply in the same manner as other adopted Neighbourhood Plans.

Additional specific controls relating to requirements for further archaeological investigations and in principle agreements to be obtained from the OEH with regard to intended mitigation or Aboriginal Heritage Impact Permits (AHIPs) are proposed to apply in response to correspondence with OEH in the same manner as other adopted Neighbourhood Plans.

Additional controls relating to the provision of maintenance access to the detention basin A1 and the Wongawilli Rail Spur Line, construction standards for bush fire prone land and future Integrated Development Application requirements are also proposed in response to submissions received within the public exhibition period (summary of submissions at Attachment 9).

A number of other minor changes including amending numbering, correcting the contents page and removal of maps are also required. These changes are unrelated to the Neighbourhood Plan and will allow for more accurate navigation of the document.

West Dapto Access

Council at its meeting on 25 March 2013 resolved (in part) that:

- 1 *Council adopt the route from the intersection of the Princes Highway and Fowlers Road to the now roundabout on Fairwater Drive, to be known as the "West Dapto Access – Princes Highway to Fairwater Drive" as the optimum transport access route over the South Coast Railway Line.*

The current West Dapto Masterplan and road network diagrams do not include the proposed road as Council in 2008, following the Growth Centres Commission Review, determined that it was not required.

As Council has publically resolved to progress the delivery of the road and sought tender, it is proposed that it be identified in the West Dapto Masterplan and road

network diagrams. These diagrams in the DCP chapter have been updated accordingly.

Minimum Lot Size Amendment

A small area of E3 Environmental Management zone land adjoining the R2 Low Density Residential land adjacent to Darkes Road at the eastern end of Land holding 1 (shown at Attachment 8 below at Figure 1.8), is proposed to have the minimum lot size amended from 40 ha to 2,000m² to facilitate subdivision of the area and maintenance by approximately four adjoining private owners. This proposal is similar to the amendment for Smiths Lane, Wongawilli which was adopted by Council on 26 November 2012 and came into effect as part of Amendment 2 to Wollongong LEP (West Dapto) 2010 on 21 June 2013.

Any future dwelling house would be located in the R2 Low Density Residential part of the future lot. The proposed amendment would facilitate the allocation of ongoing long term management responsibility of the flood plain between the creek (to be owned by Council) and the land zoned for residential use to the private land owners. This is considered to be a cost effective solution by minimising Council's future maintenance responsibility.

The proposed Neighbourhood Plan layout ensures that there is sufficient space within the R2 Low Density Residential zoned land to accommodate a building envelope of 15 metres (depth) x 10 metres (width) in accordance with Wollongong DCP Chapter B2 Residential Subdivisions.

The 300m² Lot Size map is also proposed to be amended to include land surrounding the E3 Environmental Management land and all R3 Medium Density Residential zoned land. This amendment is also proposed to allow the minimum Lot Size map to follow more logical boundaries of the Neighbourhood Plan. See Attachment 8 for further detail.

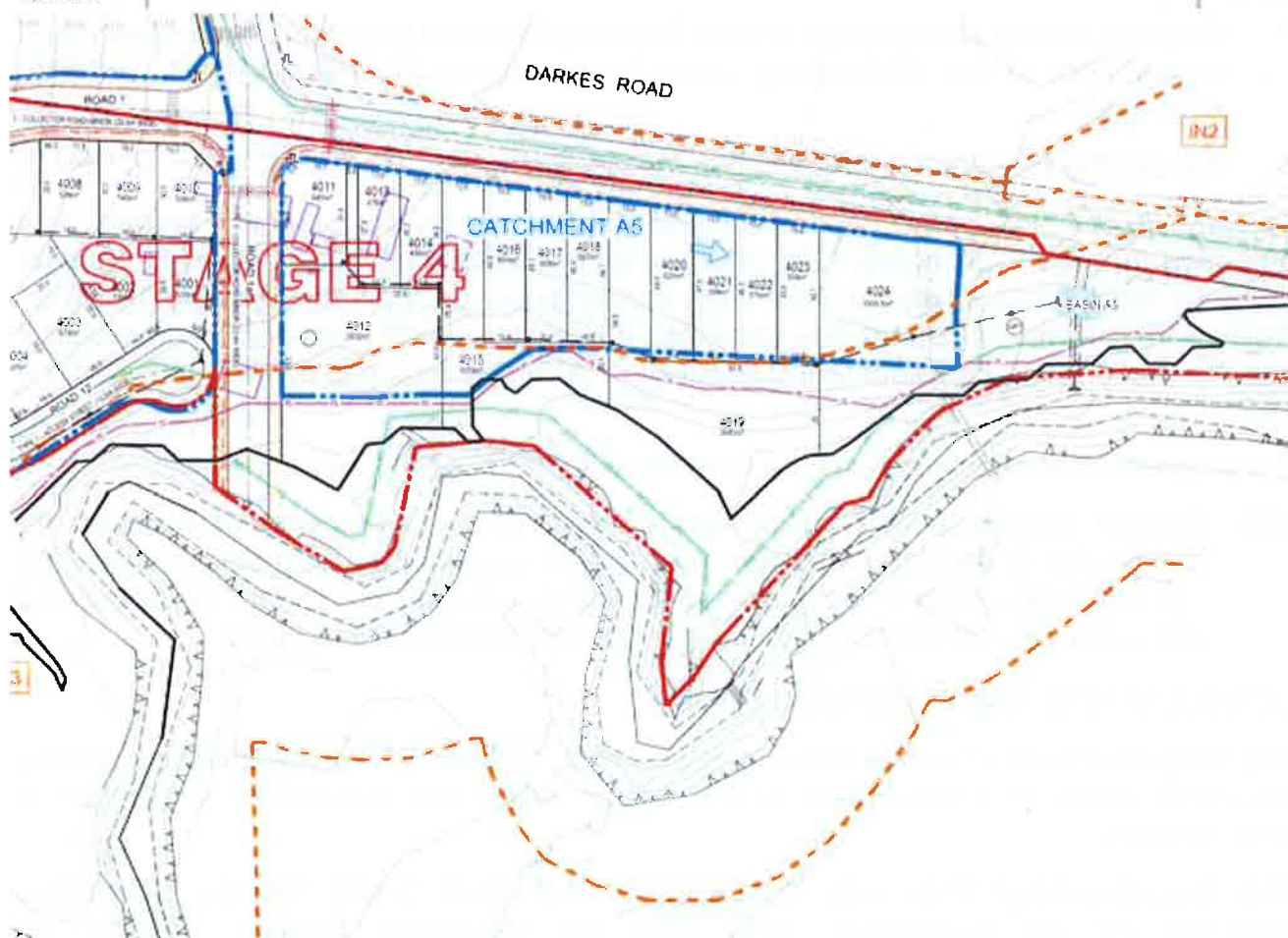


Figure 1.8 – Extract from Attachment 2 –Neighbourhood Plan

Subdivision – Minimum Lot Size Map (Clause 4.1) Amendments

If the Darkes Road South West precinct is endorsed, Council will have endorsed six Neighbourhood Plans in West Dapto with 2,288 potential residential lots, 76 ha of industrial land and 10.3 ha of business land.

A number of the Neighbourhood Plans (including the Darkes Road South West) have sought minor amendments to the Minimum Lot Size map in the Wollongong Local Environmental Plan (West Dapto) 2010 to achieve improved outcomes including:

- Reducing the Minimum Lot Size from 450m² to 300m² to facilitate smaller residential lots in strategic locations; and
- Reducing the Minimum Lot Size in E3 Environmental Management zoned areas to enable the E3 lands to form a part of a residential lot to reduce Council's maintenance liability.

Currently a three (3) step process is required:

- 1 Prepare, exhibit and endorse the Neighbourhood Plan as an amendment to the Wollongong Development Control Plan (DCP);

- 2 Prepare, exhibit and endorse a draft Planning Proposal to make the corresponding amendment to the Wollongong Local Environmental Plan 2009 (LEP) Lot Size map; and
- 3 Assess the Development Application for subdivision.

To remove complexity and duplication and reduce time in the planning system, it is proposed that the Wollongong LEP 2009 be amended to enable development consent to be issued for lots smaller in size than those shown on the Lot Size map in Urban Release Areas where Council has approved a Neighbourhood Plan and incorporated it into the Wollongong Development Control Plan 2009, as required by Clause 6.2 of the LEP.

It is proposed that subclause (4D) be included within Clause 4.1 along the lines of:

(4D) 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.'

CONSULTATION AND COMMUNICATION

The Neighbourhood Plan has been reviewed by a number of Council Divisions and by the NSW Office of Environment and Heritage which has resulted in a number of amendments.

The Neighbourhood Plan was discussed at the West Dapto Review Committee meetings on 26 September 2013 and the Councillor Briefing Session on 4 November 2013.

The draft Neighbourhood Plan forms an amendment to the Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area. Council at its meeting on 25 November 2013 endorsed the draft Neighbourhood Plan for the land fronting Darkes and West Dapto Roads, Kembla Grange for exhibition. The draft Neighbourhood Plan was exhibited from 30 November 2013 to 31 January 2014 and three (3) submissions were received. A summary of the submissions and responses is outlined at Attachment 9.

Internal Consultation

Consultation with Council officers from the Environment, Drainage, Property and Recreation, Subdivision, Landscape, Traffic, Infrastructure, Heritage and Works have occurred as part of the assessment of the Neighbourhood Plan and their comments have been incorporated into the final Plan submitted by the applicant. Additional refinement of details regarding the maintenance of the park and detailed drainage design will occur and be assessed as part of any future development applications submitted.

PLANNING AND POLICY IMPACT

Illawarra Regional Strategy

The draft Neighbourhood Plan is consistent with the urban development outcomes stipulated in the Illawarra Regional Strategy (2007) for the West Dapto Release Area.

Wollongong Community Strategic Plan 2022

This report contributes to the Wollongong 2022 Objective - *the sustainability of our urban environment is improved* under the Community Goal *we value and protect our environment*.

It specifically delivers on 1.6.2 Review and Access Neighbourhood Plans.

FINANCIAL IMPLICATIONS

The current 'Ridge Park' passive open space recreation reserve at 2.75 ha (Attachment 1) is included in the West Dapto Section 94 Plan as an item of local infrastructure to be funded by future Section 94 contributions. The total estimated cost for this park is \$2.35 million, with the acquisition cost of the land being \$1.375 million. The acquisition was allowed for based on an urban land valuation rate of \$500,000 per hectare.

The proposed realigned 'Ridge Park' is 10.32 ha (Attachment 2) and it is proposed that the West Dapto Section 94 Plan be revised in line with this adjustment. If valued at the urban rate the acquisition cost would be in the order of \$5.16 million.

Due to the existing EEC located on the proposed park land, it is not considered that this area should be valued as urban land given the vegetation restricts development of this land. The only other land valuation rate available under the Section 94 Plan is for riparian/flood affected lands of \$40,000 per hectare. This may also not be appropriate as the land is not flood affected. However utilising this rate the acquisition cost is estimated at \$412,800. The future embellishment costs would only be determined once the Masterplan for the park is prepared. The final value of the land to be acquired would be subject to valuation in accordance with the provisions of the Section 94 Plan. The revised acquisition and embellishment costs of this area are likely to be subject to negotiation of a future Voluntary Planning Agreement (VPA) to accompany a future development application for subdivision.

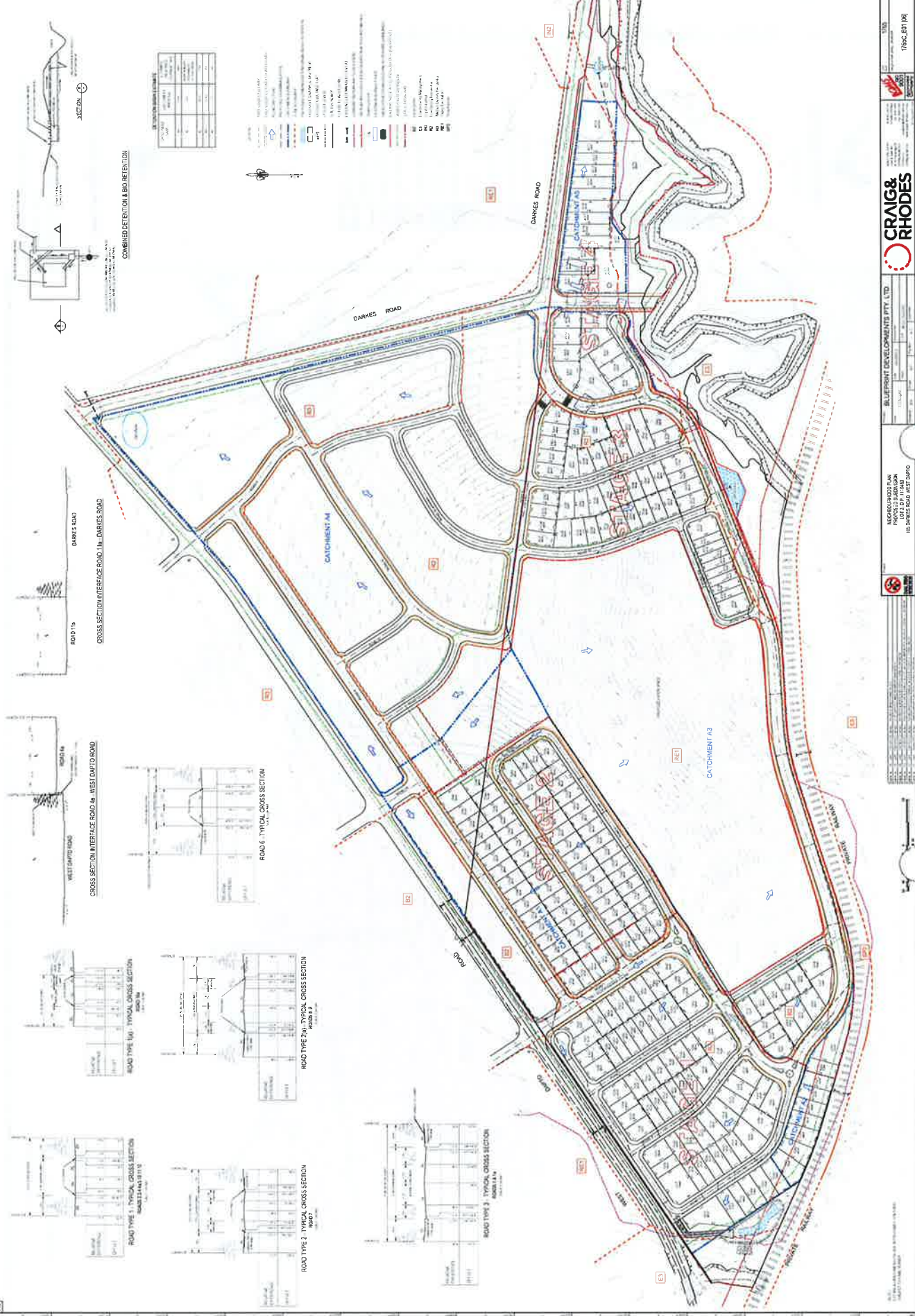
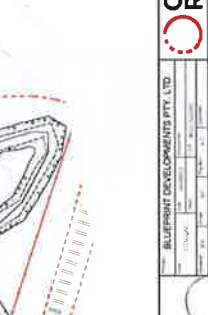
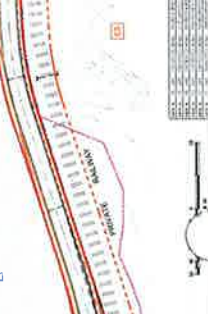
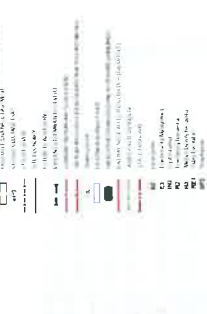
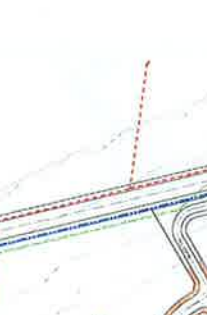
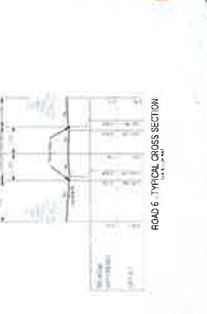
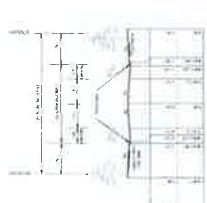
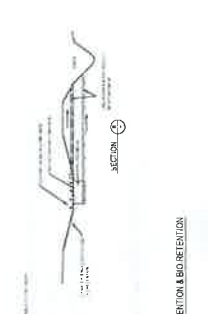
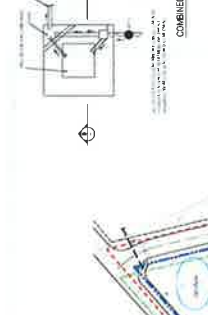
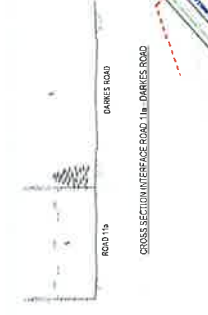
Based on the current Section 94 contribution of \$30,000 per residential lot/dwelling it is forecast that the total future income potential from the neighbourhood precinct could be in the order of \$13.71 million.

CONCLUSION

The Neighbourhood Plan (Attachment 2) prepared for land on Darkes Road and West Dapto Road, Kembla Grange is essential to guide the future development of the Darkes Road South West precinct. The draft Neighbourhood Plan has been exhibited and three (3) submissions were received. It is recommended that the Neighbourhood Plan be

amended and incorporated into Chapter D16 of the Wollongong Development Control Plan 2009 (Attachment 10). It is recommended that the draft Planning Proposal be progressed and submitted to the NSW Department of Planning and Infrastructure to rezone the enlarged Ridge Park, amend the minimum lot size as shown at Attachments 8 and realign the R2 Low Density Residential and R3 Medium Density zone boundary (Attachment 8) and seek an amendment to clause 4.1 Minimum Subdivision Lot Size.

740



BLUEPRINT DEVELOPMENTS PTY LTD

1790C 011 PM

NEIGHBOURHOOD PLAN
PROPOSED DEVELOPMENT
101 D 15 ROAD
101 D 15 ROAD WEST DPTD

1790C 011 PM