

# DRAFT PLANNING PROPOSAL – CLEVELAND ROAD, WEST DAPTO URBAN RELEASE AREA

To amend Wollongong LEP 2009

**LOCAL GOVERNMENT AREA:** Wollongong City Council

**NAME OF DRAFT LEP:** Cleveland Road – West Dapto Urban Release Area

**ADDRESS OF LAND:** Various lots along Cleveland Road, Stage 3 of the West Dapto Urban Release Area

This Planning Proposal applies to the land identified in the table below.

Lot Description	Property Address	Owner (Developer Option)	Area (ha)
Lot 401 DP 1254873	Lot 401 Fairwater Drive CLEVELAND	DAA Developments Pty Ltd	13.85
Lot 402 DP 1254873	Lot 402 Fairwater Drive CLEVELAND	DAA Development Corporation Pty Ltd	20.94
Lot 1 DP 741423	Lot 1 Cleveland Road HUNTLEY	Private	24.98
Lot 201 DP 803810	138 Cleveland Road CLEVELAND	Private	0.873
Lot 200 DP 803810	144 Cleveland Road CLEVELAND	Cavi Properties Pty Ltd (NewQuest)	20.12
Lot 1 DP 532391	148 Cleveland Road CLEVELAND	Gentle Art Pty Ltd and Makisti Holdings Pty Ltd and Stackwood Holdings Pty Ltd (Axia Pty Ltd)	40.56
Lot 100 DP 1086479 (Tramway corridor)	Lot 100 Bong Bong Road HORSLEY	Gentle Art Pty Ltd and Makisti Holdings Pty Ltd and Stackwood Holdings Pty Ltd (Axia Pty Ltd)	1.02
Lot 1 DP 156208	196 Cleveland Road CLEVELAND	Cleveland A Pty Limited (Axia Pty Ltd)	18.1
Lot 59 DP 1125379	Lot 59 Cleveland Road CLEVELAND	Private (Axia Pty Ltd)	16.3
Lot 2 DP 730326	290 Cleveland Road CLEVELAND	Private (Axia Pty Ltd)	21.18
Lot 1 DP 730326	334 Cleveland Road HUNTLEY	Private (Axia Pty Ltd)	20.75
Lot 1 DP 999485	Lot 1 Cleveland Road CLEVELAND	NSW Electricity Networks Operations Pty Ltd	0.111
Lot A DP 156446	Lot A Cleveland Road CLEVELAND	Cleveland Group Holdings Pty Ltd (Newquest)	40.62
Lot 1 DP 194419	273 Cleveland Road CLEVELAND	Australasian Conference Association Limited	36.94
Lot 1 DP 1126171	353 Cleveland Road HUNTLEY	Private	3.24
Lot 310 DP 1188000 (Tramway corridor)	Lot 310 Fairwater Drive CLEVELAND	Wollongong City Council	2.18
Lot 312 DP 1188000	Lot 312 Cleveland Road CLEVELAND	Wollongong City Council	16.75

Lot 313 DP 1188000	Lot 313 Cleveland Road CLEVELAND	Wollongong City Council	53.79
Lot 200 DP 1175709	Lot 200 Fairwater Drive CLEVELAND	Wollongong City Council	11.5
Lot 309 DP 1188000	Lot 309 Fairwater Drive CLEVELAND	Wollongong City Council	3.49
Lot 311 DP 1188000	Lot 311 Fairwater Drive CLEVELAND	Wollongong City Council	0.68

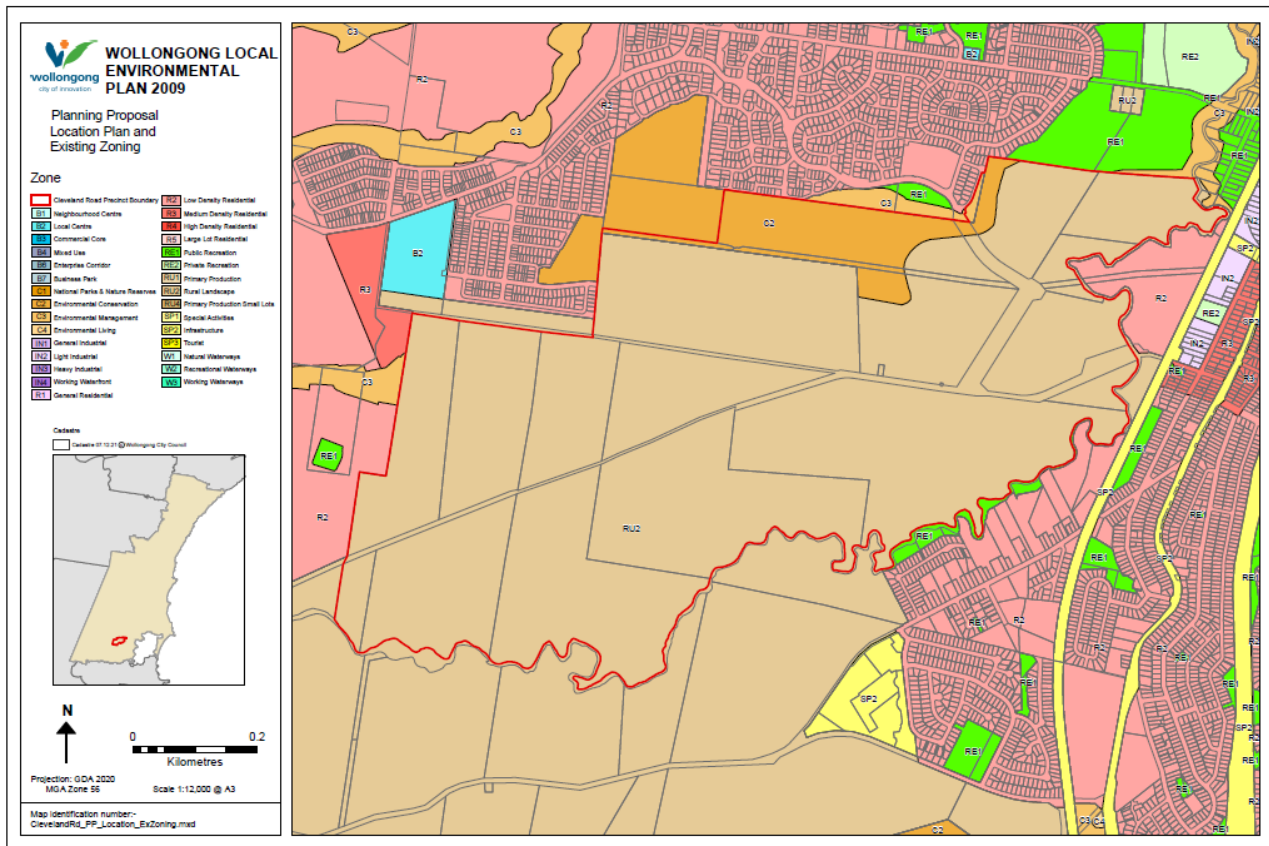
The draft Planning Proposal covers a large portion of Stage 3 of the West Dapto Urban Release Area along Cleveland Road, Cleveland. The site is bounded by Dapto High School to the east, Horsley to the north, the Stockland Stage 3 development to the west, and Mullet Creek to the south (Attachment 1).

The submitted draft Planning Proposal consists of 18 individual lots and has a site area of 352 hectares. The area is used as for rural purposes, mainly grazing and agistment. The property ownership details, site areas and current zoning are provided in Attachment 2. The submitted draft Planning Proposal includes three Council owned lots, the former Tramway corridor (Lot 310 DP 1188000) and two lots located at the eastern end of Cleveland Road (Lots 312 and 313 DP 1188000).

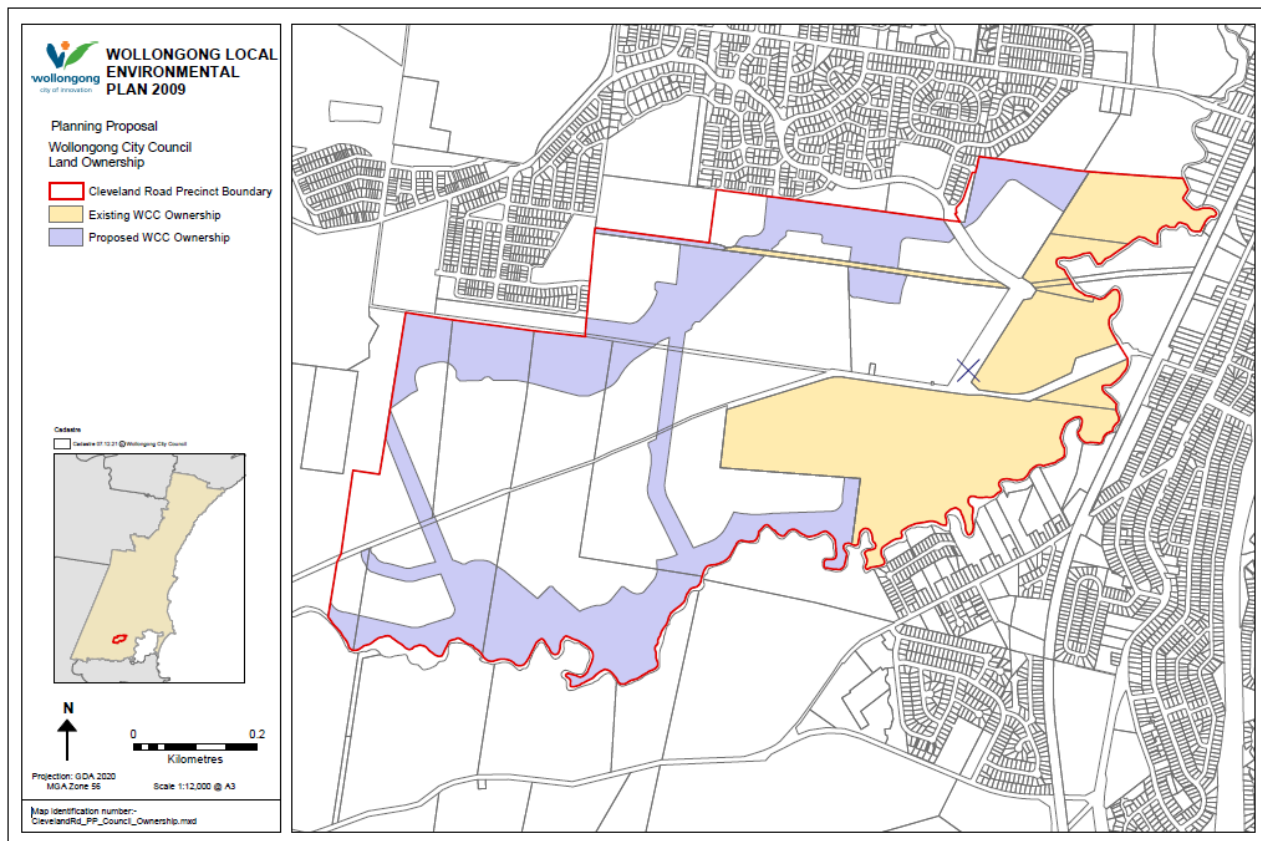
To complete the review of the eastern end of Stage 3, three additional Council owned lots, located between Reed Park and Fowlers Road, have been incorporated into the draft Planning Proposal request, representing an additional area of 15.67 hectares. In total, Council's ownership consists of -

- Four (4) lots on the north side of Cleveland Road (extending to Reed Park) (Lots 200 DP 1175709, 309, 311 and part 312 DP 1188000) which are identified for recreational purposes and are proposed to be zoned RE1 Public Recreation and E3 Environmental Management [C3 Environmental Management from December 2021]
- Parts of the former Mt Kembla – Kanahooka Tramway corridor (20m wide) which is proposed to be a cycleway (Lot 310 DP 1188000)
- Lot 313 DP 1188000, and part Lot 312 DP 1188000, located on the south side of Cleveland Road which are identified as a development site (classified as Operational land) and is proposed to be zoned RE1 Public Recreation, B1 Local Centre and R2 Low Density Residential.

## Location and current zoning



## Council existing and potential ownership



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## Background

The West Dapto Urban Release Area (WDURA) is divided into 5 stages. The intent behind the staging was to control development timing and demand for services. Stages 1 and 2 were rezoned for urban development in 2010. Stages 3, 4 and 5 were zoned for rural purposes to defer urban release until the Stages 1 and 2 were sufficiently progressed.

The Cleveland Road precinct is a large part of Stage 3 and is the next logical step in the release of land within WDURA. The Cleveland Road precinct also links to the recently completed Karrara Bridge. Sydney Water has advised that upgrades to the trunk drinking water and trunk wastewater networks are required to service Stage 3 of WDURA and are currently scheduled to be provided in 2024-25.

The proposed rezoning precinct is bisected by Cleveland Road and is largely proposed to be zoned R2 Low Density Residential over much of the developable area. The proposal includes a B1 Local Centre zoned area south of Cleveland Road, near the intersection with Fowlers Road, and a B6 Enterprise Corridor zone for a site to the north of Fairwater Drive and Fowlers Road. R3 Medium Density Residential zoning is proposed in proximity to the B1 and B6 land.

The Planning Proposal request seeks to rezone the area to enable urban development as part of Stage 3 of the WDURA. The current zones across the site are RU2 Rural Landscape with some C2 Environmental Conservation. The proposal seeks to rezone the precinct to -

The final draft Planning Proposal, incorporating the suggestions of landowners, the Wollongong Local Planning Panel and amendments made by Council officers proposes:

- A R2 Low Density Residential zone over the majority of the precinct with a 299sqm minimum lot size, 0.5:1 and 0.75:1 FSR, and 9m, and 12m height limits
- A B1 Neighbourhood Centre zone on Cleveland Road with a 0.75:1 FSR, 9m height limit (no min lot size)
- A R3 Medium Density Residential precinct around the B1 Neighbourhood Centre, 249sqm minimum lot size, 0.75:1 FSR and 12m height limit
- A B6 Enterprise Corridor precinct on the northern side of Fairwater Drive with a 2:1 FSR, 20m height limit (some 699sqm lot sizes)
- Areas of RE1 Public Recreation – comprising Council land on Fowlers Road Drive/ Cleveland Road (16m height limit), the proposed Fairwater Drive park, the former tramway corridor, electricity easements and the proposed recreation area near Cleveland House
- The retention of an C2 Environmental Conservation [E2 Environmental Conservation prior to December 2021] over the woodland on the northern side of the precinct, with a 8.99ha minimum lot size to allow separation from the developable land.
- A C3 Environmental Management [E3 Environmental Management prior to December 2021] along the riparian corridors with a 39.99ha minimum lot size.
- The Heritage listing of the former tramway corridor, the majority of which is in Council ownership and is identified as a future pedestrian / cycle link.
- Identifying the western part of the former tramway corridor on the Land Reservation Acquisition Map, consistent with the West Dapto Development Contribution Plan

## Updating the Riparian Lands and Acid Sulfate Soils Map

The draft Neighbourhood Plan provided with the Planning Proposal suggests a development comprising of approximately 2,888 lots (including 22 commercial lots).

The draft Planning Proposal request is supported by the following studies -

- Urban Design Report (DFP 2020)
- Traffic Impact Assessment (Bitzios Consulting 2020)
- Bushfire Strategic Study (Ecological 2020)
- Riparian Assessment (Ecological 2020)
- NRAR Advice letter on riparian corridors (NRAR 2020)
- Flora and Fauna Assessment (Ecological 2020)
- Overarching VMP (Ecological 2020)
- Floodplain Risk and Water Cycle Management Plan (Rienco Consulting 2020)
- Interim Heritage Report (Biosis 2020)
- Cleveland Road North Archaeological Report (Biosis 2020)
- Draft Aboriginal Cultural Heritage Assessment for the North Cleveland Road Precinct (Biosis 2020b)
- Draft Cleveland House Conservation Management Strategy (Austral 2021)
- Cleveland House Historical Archaeological Assessment (Austral 2021)
- Aboriginal Cultural Heritage and Archaeological Survey Report – South Cleveland Road, West Dapto (Biosis 2018)
- Phase 1 Preliminary Site Investigations (Ade Consulting Group 2020)
- Draft concept / subdivision layout (revised May 2021).

The original submitted draft Planning Proposal was referred to other landowners within the precinct for comment. A submission was received from Urbanco Pty Ltd on behalf of a landholder of Lots 401 and 402 DP 1254873, Fairwater Drive. The submission was accompanied by -

- Fairwater Drive Business Park and Residential Neighbourhood Urban Design and Vision (UrbanCo 2021)
- Concept Plan (UrbanCo 2021)
- Preliminary Detention Basin sizing (Maker Engineering 2020)
- Flood advice letter (Indesco 2020)
- Draft LEP amendment maps.

On 21 May 2021, the draft Planning Proposal request was reported to the Wollongong Local Planning Panel (WLPP) for their advice in accordance with the Ministerial Direction.

Revised plans were submitted by NewQuest on 25 June 2021 and 1 July 2021, incorporating changes in response to comments made by the WLPP and to incorporate the zoning amendments requested by Urbanco. Updated flood advice was also submitted (Aixa Pty Ltd July 2021).



## Part 1 – Statement of objectives or intended outcomes

The primary objective of the Planning Proposal is to enable urban development of the precinct. This will be achieved by rezoning the site from predominantly rural uses to;

- A R2 Low Density Residential zone over the majority of the precinct with a 299sqm minimum lot size, 0.5:1 and 0.75:1 FSR, and 9m, and 12m height limits
- A B1 Neighbourhood Centre zone on Cleveland Road with a 0.75:1 FSR, 9m height limit (no min lot size)
- A R3 Medium Density Residential precinct around the B1 Neighbourhood Centre, 249sqm minimum lot size, 0.75:1 FSR and 12m height limit
- A B6 Enterprise Corridor precinct on the northern side of Fairwater Drive with a 2:1 FSR, 20m height limit (some 699sqm lot sizes)
- Areas of RE1 Public Recreation – comprising Council land on Fowlers Road Drive/ Cleveland Road (16m height limit), the proposed Fairwater Drive park, the former tramway corridor, electricity easements and the proposed recreation area near Cleveland House
- The retention of an C2 Environmental Conservation zone over the woodland on the northern side of the precinct, with a 8.99ha minimum lot size to allow separation from the developable land.
- A C3 Environmental Management zone along the riparian corridors with a 39.99ha minimum lot size.

In addition to the rezoning, the proposal also seeks to

- Heritage listing of the former tramway corridor,
- Identify the western part of the former tramway corridor on the Land Reservation Acquisition Map, consistent with the West Dapto Development Contribution Plan
- Update the Riparian Lands and Acid Sulfate Soils Map

## Part 2 – Explanation of provisions

The objective of the Planning Proposal can be achieved through the inclusion of the following amendments to Wollongong LEP 2009:

- Amend the Land Zoning Maps for the precinct to a mixture of R2 Low Density Residential, R3 Medium Density Residential, B1 Neighbourhood Centre, B6 Enterprise Corridor, C2 Environmental Conservation, C3 Environmental Management and RE1 Public Recreation.
- Amend the Height of Building Maps for the precinct (Building height(s) to 9m, 12m, 16m, and 20m.
- Amend the Minimum Lot Size Maps for the precinct to 299sqm, 249sqm, 349sqm, 699sqm, 8.99ha, and 39.99ha.
- Amend the Floor Space Ratio maps for the precinct to 0.5:1, 0.75:1, and 2:1.
- Amend the Land Reservation Acquisition Maps
- Amend the Heritage Map and Heritage Schedule to refer to the “Site of former tramway” and update “Cleveland House” listing and curtilage.

- Amend the Riparian Lands and Acid Sulfate Soils.

Part 4 of this draft Planning Proposal illustrates the proposed map amendments to Wollongong LEP 2009.

## Part 3 – Justification

### Section A – Need for the Planning Proposal

#### **Q1: Is the planning proposal a result of strategic study or report?**

The submitted Planning Proposal is within the West Dapto Urban Release Area. Population growth will bring more people to the Illawarra and increase demand for services and housing.

Council has exhibited and adopted the West Dapto Vision (2018) and Structure Plan for West Dapto and identified the precinct as being suitable for urban development as part of Stage 3 of the Release Area.

The Planning Proposal is consistent with Council's Local Strategic Planning Statement and the Illawarra Shoalhaven Regional Plan 2041.

#### **Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The Planning Proposal is the only means of achieving the intended outcome and enabling residential development on the site. The site is within the West Dapto Urban Release Area and is intended for urban development. The proposal outlines the best possible outcome for the site.

### Section B – Relationship to strategic planning framework

#### **Q3: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?**

The draft Planning Proposal request is broadly consistent with the following strategic documents and policies -

- Illawarra Shoalhaven Regional Plan 2041 was released on 1 June 2021 and sets a vision and guiding framework for the next 20 years. The WDURA is recognised within the Plan, which aims to deliver diverse and affordable housing, in the right locations and to celebrate, conserve and reuse cultural heritage
- Council's Planning Proposal Policy (2018) seeks to discourage spot rezoning and requires that proposals must have strategic merit. The site is within a recognised urban release area and the proponent has included surrounding parcels of land in a holistic manner
- Council's West Dapto Vision 2018. The Vision estimates that the urban release area would potentially provide 19,500 dwellings (and a population of over 56,000 people). The Vision seeks to concentrate higher densities around centres and public transport nodes and co-locate



compatible land uses to reduce reliance on private vehicles. The Vision indicates that the precinct is intended to have a village centre and neighbourhood park (2-5ha) located next to an identified district park. The Vision also recognises that community facilities, schools and childcare are an important component of a strong, healthy and well-connected community.

The submitted draft Planning Proposal is also broadly similar to the proposed zonings prepared in 2006 and exhibited in 2007-8 as part of the previous work on Stage 3.

Council is required to plan for a diverse mix of housing that suits the projected growth, changing demographics and market demand particular to their area. This means that in some cases, zonings and planning controls can increase capacity for housing to promote development opportunities. The proposed amendments to *Wollongong Local Environmental Plan 2009* seek to facilitate a diverse housing choice within a medium density zoning from single dwelling, semi-detached dwellings, townhouses, attached dwellings and residential flat buildings.

**Q4: Is the Planning Proposal consistent with a Council's local strategy or other local strategic document (eg: Wollongong Community Strategic Plan)?**

**Community Strategic Plan Wollongong 2028**

The Wollongong 2028 Community Strategic Plan outlines the communities priorities and aspirations, providing directions for the provision of key projects and services. The relevant objectives and goals are noted as follows:

The proposal seeks to promote the nominated objectives and goals of Council's Community Strategic Plan.

**5. We are a healthy community in a liveable space**

- 5.1 There is an increase in the physical fitness, mental health and emotional wellbeing of all our residents.*
- 5.2 Residents have improved access to a range of affordable housing options.*
- 5.3 The public domain is maintained to a high standard.*
- 5.4 Community safety is improved.*
- 5.5 Participation in recreational and lifestyle activities is increased.*
- 5.6 Residents have a high level of life satisfaction and personal happiness.*

Comment

The proposal seeks to promote the nominated objectives and goals of Council's Community Strategic Plan.

**6. We have sustainable affordable and accessible transport.**

- 6.1 Walking, cycling and public transport is an accessible and well-resourced means of transport, and the use of private cars is reduced.*
- 6.2 Wollongong is supported by an integrated transport system.*
- 6.3 Transport disadvantaged communities have increased access to services.*

Comment

The subject site has the potential to provide connectivity and direct linkages to public transport, public facilities, the commercial/business hub of Dapto and the wider area.

The proposal promotes the nominated objectives and goals of Council's Community Strategic Plan.

### **Wollongong Local Strategic Planning Statement**

Wollongong Local Strategic Planning Statement (LSPS) 2020 acknowledges that WDURA is intended to be a significant source of housing supply and will also provide for protection of environmental assets. The LSPS also acknowledges the role of infrastructure and services to cater for the needs of the growth area including transport, educational, community and recreational facilities

### **Urban Greening Strategy 2017 - 2037**

The *Urban Greening Strategy 2017-2037* aims to strategically increase the quality and quantity of all vegetation in an urban setting. The Strategy identifies opportunities for our City to harness the benefits of trees and vegetation, contributing towards creating a world class urban landscape.

The **Vision** is that:

*Wollongong will grow and nurture a healthy, diverse and well-managed urban forest to deliver a renewed and resilient place for people, enterprise and the ecosystems that support us.*

The following Principles will inspire and inform Council's approach to urban greening in Wollongong:

- more strategic and targeted urban greening;
- evidence-based decision making and programming;
- enhanced amenity of public spaces;
- maximisation of ecosystem services and biodiversity connections;
- stronger leadership and partnerships with the community; and
- greater diversity of urban greening.

The Planning Proposal is conducive to the Strategy as it seeks to enhance connectivity and linkage throughout the site with the locality and proposed town centre to existing 'green areas'. Furthermore, the proposal will contribute to increasing the canopy cover of the City.

### **Q5: Is the planning proposal consistent with applicable State Environmental Planning Policies?**

An assessment against all applicable State Environmental Planning Policies is provided at Table A.

Refer to Table A – Checklist of State Environmental Planning Policies.

### **Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The Minister for Planning, under section 9.1 of the EP&A Act issues directions that relevant planning authorities, in this case Wollongong Council, must follow when preparing planning proposals for new Local Environmental plans. The directions cover the following broad categories:

- employment and resources;
- environment and heritage;
- housing, infrastructure and urban development;
- hazard and risk;
- regional planning;
- local planning making.

A complete assessment of the Planning Proposals consistency against all s.9.1 Directions is provided at Table B. The following Ministerial Directions (s.9.1 Directions) are highlighted with respect to the Planning Proposal:

- Direction 2.3 Heritage Conservation
- Direction 3.1 Residential Housing
- Direction 4.2 Mine Subsidence and Unstable Land
- Direction 4.3 Flood Prone Land

### **Direction 2.3 Heritage Conservation**

The objective of Direction 2.3 is to *'conserve items, areas, objects and places of environmental heritage significance and indigenous significance'*.

The Direction indicates that a planning proposal must contain provisions that facilitate the conservation of items of historical significance to an area.

In terms of heritage, the Planning Proposal seeks to ensure that the cultural significance of the precinct is retained.

The interim heritage report indicates that the proposed rezoning would impact on some recorded Aboriginal sites and that an AHIP would be required for future development works. Some of the sites are within or close to riparian or E2 Environmental Conservation zoned areas and could be potentially avoided with minor zone boundary changes. Other sites and potential archaeological deposits are recorded within areas where they would inevitably be subject to disturbance to enable development should the draft Planning Proposal progress. The proponent has been requested to provide an Aboriginal Cultural Heritage Assessment Report and Aboriginal Test Excavation Report, some items of which remain outstanding.

The curtilage and description for "Cleveland House" was recently updated as part of Phase 1 of the Heritage Review (Wollongong Local Environmental Plan 2009 Amendment No. 45). It is currently unclear how the future management of the building (which has partially collapsed) and outbuildings would be undertaken. The site area is proposed to be RE1 Public Recreation under the proposal.

The proposal is accompanied by the following studies;

- Cleveland Precinct Planning Proposal Interim Heritage Report (Biosis 2020c)
- Draft Cleveland House Historical Archaeological Assessment (Austral Archaeology 2021)
- Draft Cleveland House Conservation Management Strategy (Austral Archaeology 2021)
- Draft Cleveland Homestead: Historical Heritage Assessment and Statement of Heritage Impact [prepared for ILIALC] (Biosis 2018b)
- Draft Cleveland Road North precinct: Aboriginal Cultural Heritage Assessment (Biosis 2020a)

- Draft Cleveland Road North precinct Archaeological Report (Biosis 2020b)
- Draft Cleveland Road, Cleveland: Aboriginal Cultural Heritage Archaeological Survey Report (Biosis 2018a)

In order to meet the Ministerial Direction the following information needs to be updated:

1. The Biosis 2020b Draft Aboriginal Cultural Heritage Assessment for the North Cleveland Road Precinct should be finalised. This should include Aboriginal Community Consultation undertaken in accordance with the NSW Heritage Consultation Guidelines.
2. Archaeological Testing of CR PAD 3 and CR PAD 4 is required to understand the nature and extent of any archaeological deposit and to inform consultation in relation to the cultural significance attached to the site. This testing and the results should be incorporated into the final Cleveland Road North Precinct ACHAR report and accompanying Archaeological Report.
3. An Aboriginal Cultural Heritage Assessment Report (ACHAR) should be prepared for the Southern Precinct landholdings. This will require consultation with the Aboriginal Community in accordance with the Consultation Guidelines issued by Heritage NSW. The current Biosis 2018 report provides a preliminary assessment only, and has identified that the proposed development will impact on recorded Aboriginal Sites. Further, the proposal will impact substantially on 3 areas of Potential Archaeological Deposit (PADs) that require further assessment.
4. Archaeological Testing of the three untested identified PAD sites in the Cleveland Road South Precinct (CRS PAD 2, CRS PAD 3 and CRS PAD 4) will be required in order to establish the nature, extent and significance of any archaeological deposit. This testing should inform and be incorporated into the consultation procedures for the South Precinct ACHAR and should guide the proposed development.
5. No Aboriginal Cultural Heritage Assessment has been undertaken to inform the Planning Proposal in relation to Lot 1 DP 741423 and Lot 1 DP 1126171 (the Ainsworth property). An Aboriginal Cultural Heritage Assessment, including community consultation, and any necessary and recommended Archaeological testing will be required to be prepared for these two properties in order to inform Council on the likely/potential impacts of the development in this area on Aboriginal Cultural Heritage. This work should ideally be incorporated into the Cleveland Road South Precinct ACHAR.
6. The Austral 2021 Draft Cleveland House Conservation Management Strategy should be updated and amended to provide further clarity about the future management, conservation, use and ownership of the heritage site. The final report should include practical strategies and recommendations to inform the draft Planning Proposal and Neighbourhood Plan, and must provide a practical path to achieve conservation, re-use and sustainable management of the site's heritage significance as part of future redevelopment. The report should explain the best means for conservation to be achieved through the draft Planning Proposal, and consider appropriate zoning, planning controls and a heritage curtilage boundary that considers the potential archaeological significance map identified within the report.
7. Issues related to the current proposed zoning of the Cleveland Heritage site (E3 and RE1) need to be clarified and resolved and recommendations relating to plans for future potential subdivision of the heritage item and future ownership need to be addressed. It is currently unclear how the proposed zoning matrix applies to the Heritage Item and its surrounding landscape, archaeology and outbuildings. This needs clarity through the addition of the Heritage features of the site onto the draft Neighbourhood Plan.
8. It is recommended that strong consideration should be given to the potential for Cleveland House and its surrounds to be conserved in some form as part of an "Urban Farm" type experience, including the retention of an agricultural presence and the potential to act as a

neighbourhood attraction with possible café/restaurant and a child-oriented farm visit experience. The practicalities of this proposal should be explored.

The proposal has been granted a revised “gateway” determination, this work needs to be completed, submitted, assessed and Aboriginal consultation undertaken prior to the post-exhibition Council report.

Some additional work has been undertaken, with additional reports submitted for “Cleveland House” – Conservation Management Strategy, Historical Archaeological Assessment and Opportunities and Constraints Advice. Further work needs to be undertaken in relation to Aboriginal heritage, however wet ground conditions have hampered site testing.

The draft Planning Proposal is currently inconsistent with the Heritage direction and additional information has been requested from the proponent. The information may necessitate changes to the planning proposal. Depending on the significance of the changes, it may require further exhibition.

It is envisaged that the final Planning Proposal will be consistent with the Direction.

### **Direction 3.1 Residential Zones**

The objectives of Direction 3.1 are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.*

The Planning Proposal seeks to provide a diverse housing product including residential flat buildings, a mix of townhouses, semi-detached and detached dwellings on smaller lot holdings.

The proposal is conducive to the nominated objectives and complies with the nominated objectives.

### **Direction 4.2 Mine Subsidence and Unstable Land**

The objectives of Direction 4.2 are:

- (1) The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.*

The proposal is not within a mine subsidence area. There is land within the precinct, to the north of Cleveland Road land and below the 18m contour which is subject to geotechnical constraints. This area has a thin crust over soft saturated sediments of highly variable depth known to range from 5m to 18m over very short distances. It is also variably sandy, silty or clayey. To overcome this constraint Fairwater Drive from Reed Creek to Daisy Bank Drive (now renamed Fowlers Road) as well as Daisy Bank Drive to Cleveland Road were innovatively constructed as floating roads with substantial strategically located drainage and subsurface drainage installed to maintain equilibrium soil moisture and hence uniform support for these roads. That is why the

surface levels are as they are. Any development which alters the groundwater conditions could lead to rapid deterioration of these roads. Intricate drainage in the development area will be required to ensure ground moisture conditions are maintained while earthworks should be minimised. Additional development standards may be required in this area – e.g. structures in this area other than for the R2 zoning may have to be piled. The inconsistency with the direction is considered minor.

### **Direction 4.3 Flood Prone Land**

The objectives of Direction 4.3 are:

- (a) *to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005,*
- (b) *to ensure that the provisions of an LEP on flood prone land is commensurate with the flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

Direction 4.3 applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land.

The subject site is identified as flood prone land, being located within the Mullet Creek catchment. Mullet Creek is to the south, and a tributary of Mullet Creek to the north. Several smaller drainage lines feed into the two larger creeks. Currently there are several farm dams along these watercourses, attesting to the combined volume of water in the sub catchment. The proponent has been liaising with Council's flood engineers to ensure the proposed zoning boundaries are clear of floodway areas and high hazard areas, with only small encroachments into flood fringe areas. Flood impacts have a significant influence on the development patterns within the precinct

The current Mullet Creek Flood Study was completed and adopted in 2019. This replaces the 2010 Mullet & Brookes Creeks Flood Study which formed the basis of the 2010 Mullet & Brookes Creek Floodplain Risk Management Study and Plan, which remains current. A new draft Mullet Creek Floodplain Risk Management Study and Plan is in preparation and is anticipated to be completed in 2021-22.

The 2010 Floodplain Risk Management Study and Plan tested a cut and fill scenario to increase the developable area within the WDURA. The cut/fill scenario relied on cooperation between adjoining landowners, or the development of larger precincts, and has not been successfully implemented to date, due to the fragmented development that has occurred. The draft Planning Proposal for Cleveland Road proposes a similar cut/fill scenario and will require the cooperation of adjoining landowners/developers.

The low lying areas are prone to flooding and the proposal would need to demonstrate compliance with Ministerial Direction 4.3 – Flood Prone Land, a new version of which has commenced on 14 July 2021. Ministerial Direction 4.3 - Flood Prone Land indicates that a Planning Proposal must not rezone land within a flood planning area from rural to permit residential development, or permit development in floodways, unless -

- it is in accordance with a Floodplain Risk Management Plan, or is consistent with a flood study adopted by Council in accordance with the principles of the Floodplain Development Manual 2005, or



- is supported by a flood and risk impact assessment prepared in accordance with the Floodplain Development Manual 2005 accepted by the relevant planning authority, or
- is of minor significance.

It is considered that the submitted proposal is generally consistent with the maximum development scenario presented in Council's 2010 Floodplain Risk Management Study and Plan, although further modelling work is required to refine the extent of filling and the assessment of impacts. Additional information in this regard was provided by the proponent in July 2021. Updated flood advice was provided by Aixa Pty Ltd (July 2021).

An earthworks concept Development Application may be required for the northern Mullet Creek tributary to ensure all owners agree to the cut/fill scenario proposed, and to ensure overall flood management. A similar concept Development Application for the southern tributary may be more difficult to achieve as it would rely on landowners on the southern side of the creek outside the rezoning area (in Stage 4).

### Section C – Environmental, social and economic impact

#### **Q7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The precinct has tributaries of Mullet Creek in both the section north of Cleveland Road and along the southern boundary of the precinct. There is established bushland in the northern portions of the site, along the main tributary. The current proposal seeks to rezone a portion of this land from E2 Environmental Conservation to R2 Low Density Residential. The C2 area on the site originates from a rezoning made in 1992 (Amendment No. 22 to Wollongong Local Environmental Plan 1990) to preserve an area of mature remnant woodland for a proposed regional park and to ensure sensitive urban development in an area of regenerating woodland. This C2 area was also proposed to be retained under the exhibited 2006 draft zoning proposal. This E2 area also has some geotechnical constraints and is generally low lying. The portion of the C2 land proposed to be zoned for residential use does not contain any woodland.

It is unclear as to how Council proposed to create the regional park as the land has not been acquired or identified for acquisition. Western sections of the proposed park (which contain woodland) have been transferred to Council.

The southern arm of Mullet Creek is within an area currently zoned RU2 Rural Landscape and is more disturbed than the northern tributary.

Wollongong Local Environmental Plan 2009 already has Natural Resources Biodiversity – Sensitivity mapping for the precinct, which is not proposed to be changed

The Planning proposal will not have a detrimental impact on critical habitat or threatened species populations or ecological communities or their habitats.

**Q8: Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

As previously mentioned, there are a number of creeks and drainage lines throughout the precinct, in addition to flooding issues, some of these watercourses also have riparian values and the overall system contributes to water quality in the Mullet Creek catchment, which drains into Lake Illawarra.

Wollongong Local Environmental Plan 2009 already has Natural Resources Biodiversity – Sensitivity mapping for the precinct, which is not proposed to be changed

The Planning proposal will not have a detrimental impact on critical habitat or threatened species populations or ecological communities or their habitats.

**Q9: Has the planning proposal adequately addressed any social and economic effects?**

Council's West Dapto DCP chapter identifies the need to provide a primary school site and high school in the Stage 3 precinct. The Department of Education has not nominated the location of future school sites anywhere in the WDURA. The draft Neighbourhood Plan does not show a school site. Council officers have contacted the Department of Education to seek their advice on the need for a school site within the precinct. The exhibition of the draft Planning Proposal will enable Council to seek a formal response from the Department. It is important that school sites are located in areas that can cater for the traffic demands, are close to other facilities, and possibly share recreational areas.

Local parks will need to be provided in each sub-precinct.

Town centre facilities and employment areas are proposed as part of the rezoning. Housing opportunities will be provided in a location convenient to existing community services and facilities including public transport.

**Is there a net community benefit?**

The proposal is considered to provide a net community benefit for the following reasons;

- It constitutes a balanced and appropriate use of land and is in keeping with the vision for the West Dapto Urban Release Area.
- It will provide additional housing supply in a identified growth area and the economic and social cost of future development would be minimised.
- It would facilitate a mix of dwelling types that encourage social mix and provide housing choice to meet the needs of the community.
- It would not result in any significant adverse environmental impacts.
- It would create local employment opportunities in construction and home maintenance.

It is considered that the proposal adequately addresses the social and economic effects.

**Section D – State and Commonwealth interests**

**Q10: Is there adequate public infrastructure for the planning proposal?**

## Utilities

The site has the potential to be serviced by all utilities.

- Sydney Water has recently advised that there is currently no capacity to service Stage 3. Upgrades to the trunk drinking water network are forecasted for 2024-25 and trunk wastewater beyond 2024-25. NewQuest Property have reached a commercial agreement with Sydney Water for interim servicing arrangements for 144 Cleveland Road (Lot 200 in DP 803810). Council is not aware of any other arrangements.
- Council has prepared concept plans for the upgrading of Cleveland Road and has received State Government funding (HAF) to prepare a Business Case for reconstruction of the road. Council officers have been working with NewQuest to determine appropriate intersection locations.
- Transmission easements – the precinct is crossed by four electricity transmission easements (two Transgrid, two Endeavour Energy). The concept plan proposes the undergrounding of the two eastern Endeavour Energy transmission line (33kV located adjacent to the Eastern Gas Pipeline and 132kV), and no change to the Transgrid lines (330kV) located in the west of the precinct.
- The Eastern Gas pipeline is located in an easement on the western side of Fowlers Road and through the Council land on the south side of Cleveland Road.
- School sites: Council's West Dapto DCP chapter identifies the need to provide a primary school site and high school in the Stage 3 precinct. The exhibition of the draft Planning Proposal will enable Council to seek a formal response from the Department of Education.
- Local parks will need to be provided in each sub-precinct.

## Development Contributions

The approval and subsequent construction of any future residential development of the site will involve a contribution towards the provision of facilities in accordance with the West Dapto Development Contributions Plan.

### **Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Subject to a positive Gateway determination and based on the identified issues and constraints, consultation is required with the following agencies and departments:

- NSW Heritage
- NSW DoPIE – EES
- NSW DoPIE – NRR
- NSW Health
- Department of Education
- Endeavour Energy
- Transport for NSW
- Roads and Maritime Services
- NSW Ports
- Sydney Water
- Transgrid
- Illawarra Local Aboriginal Lands Council
- Rural Fire Service

- State Emergency Service
- Jemina

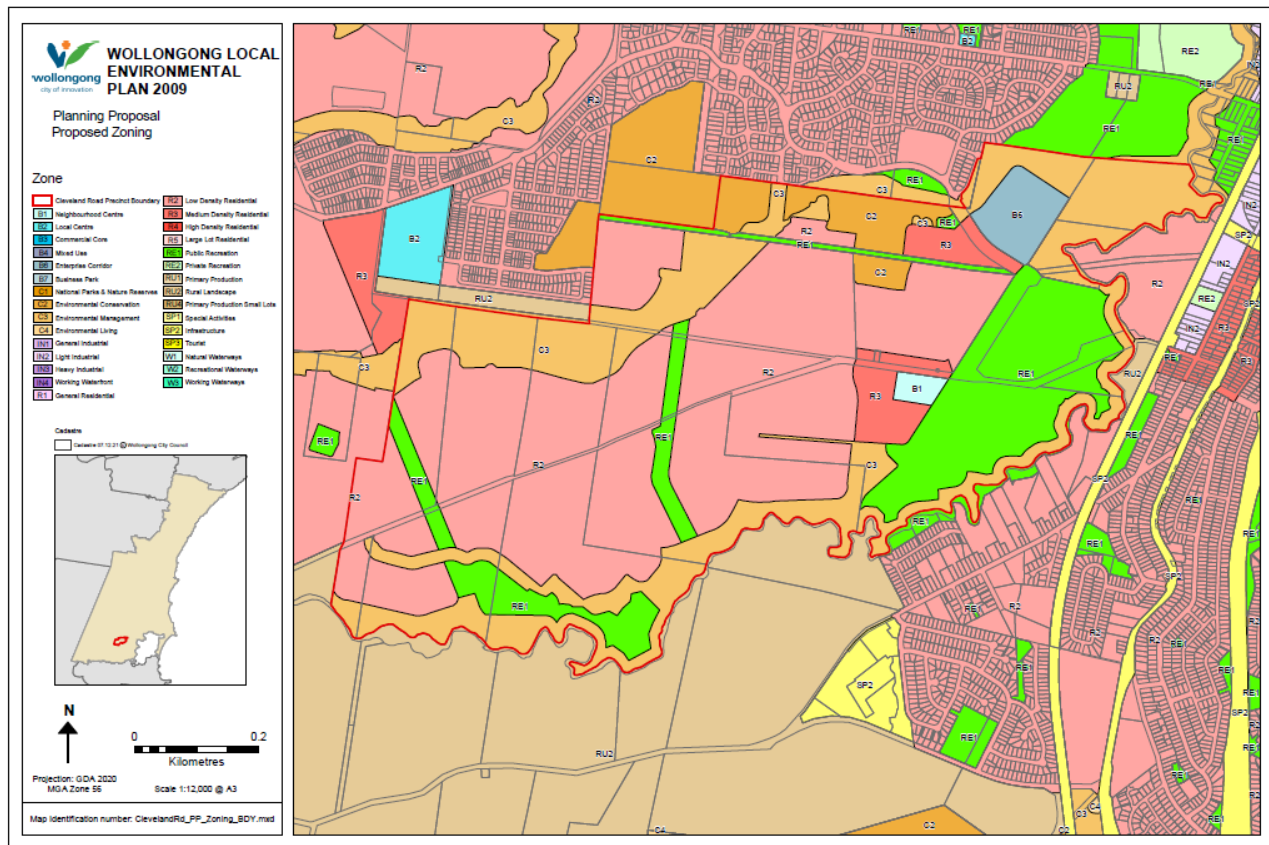
Council requests that Gateway nominates any additional State or Commonwealth authorities required for consultation. All identified authorities/stakeholders will be notified during the exhibition period.

## Part 4 – Mapping

### MAPS, WHERE RELEVANT, TO IDENTIFY THE INTENT OF THE PLANNING PROPOSAL AND THE AREA TO WHICH IT APPLIES

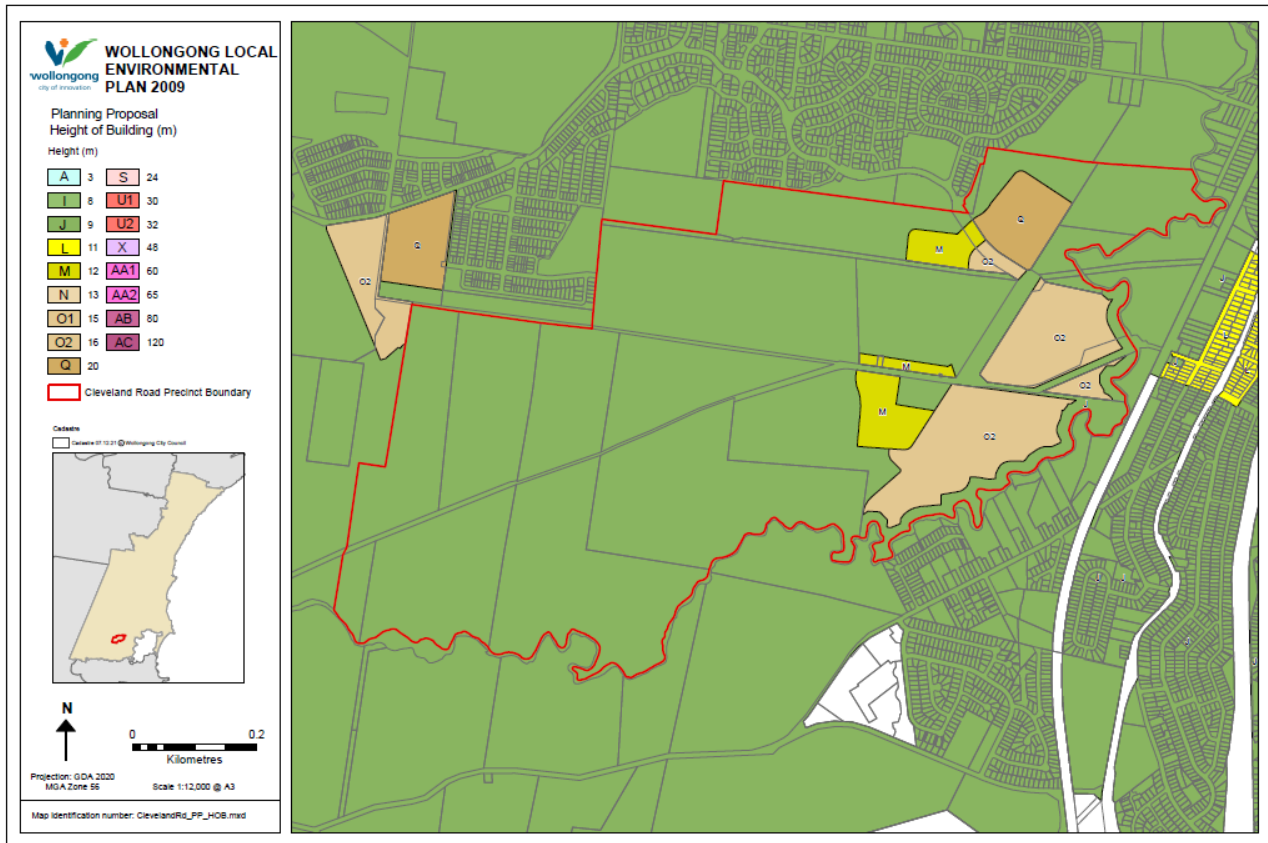
The proposed map amendments to Wollongong LEP 2009 include the following:

#### Proposed Zoning

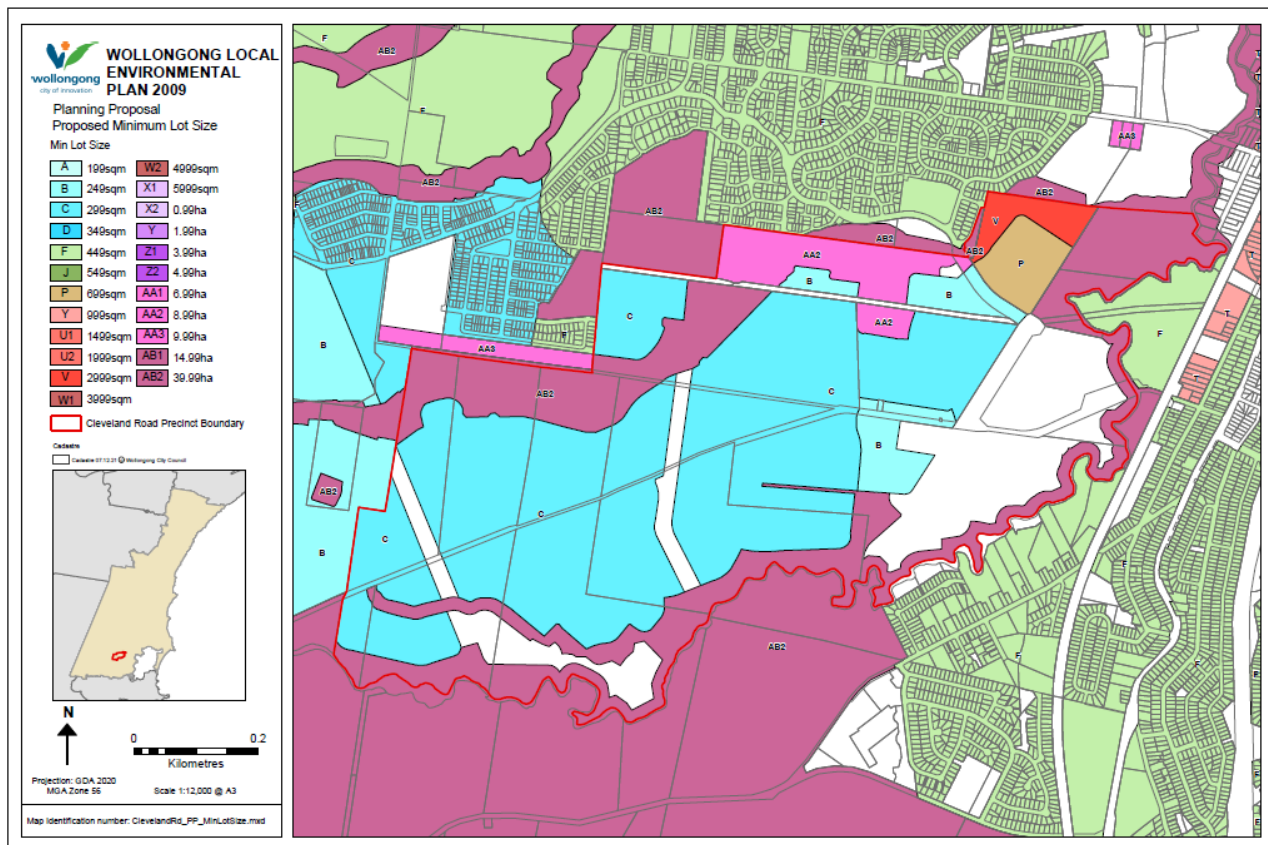


#### Proposed Maximum Building Heights

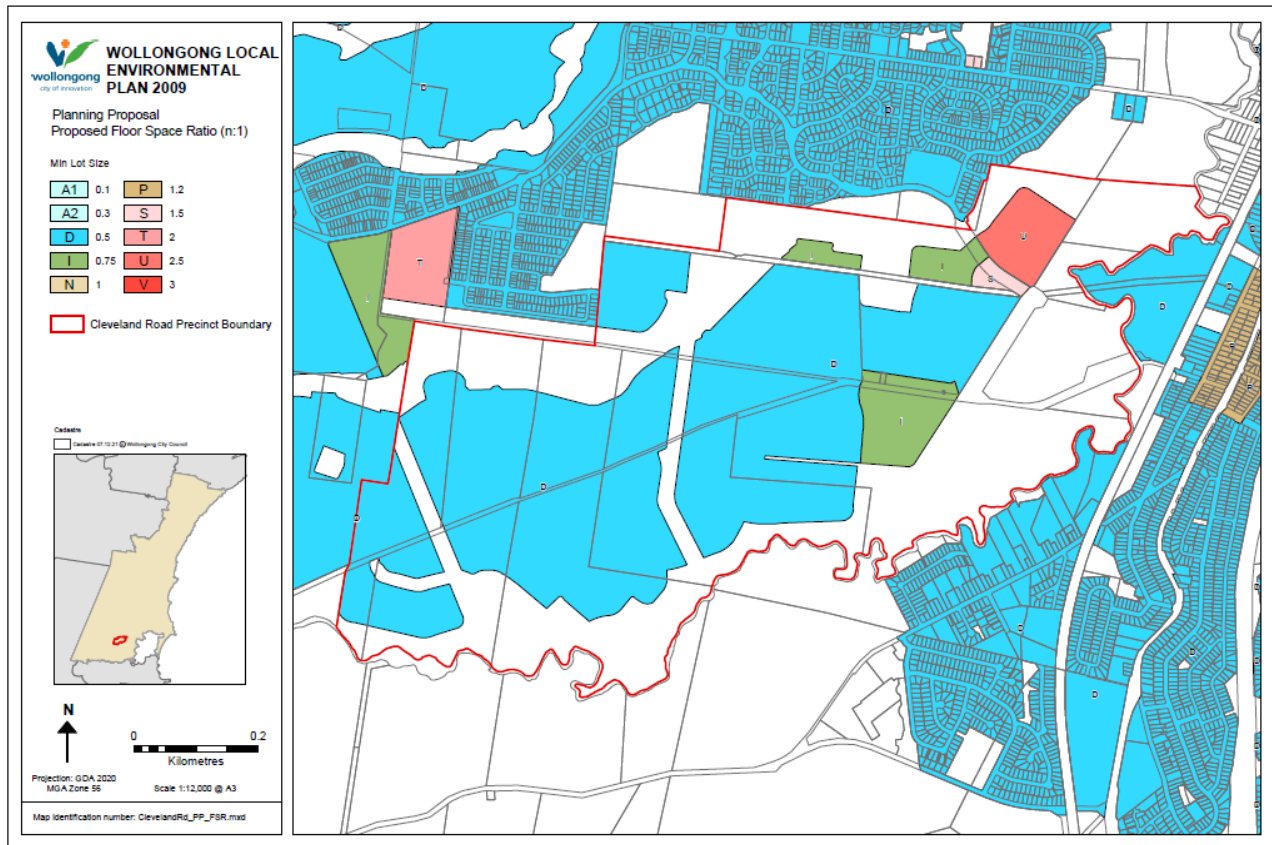




## Proposed Minimum Lot Sizes

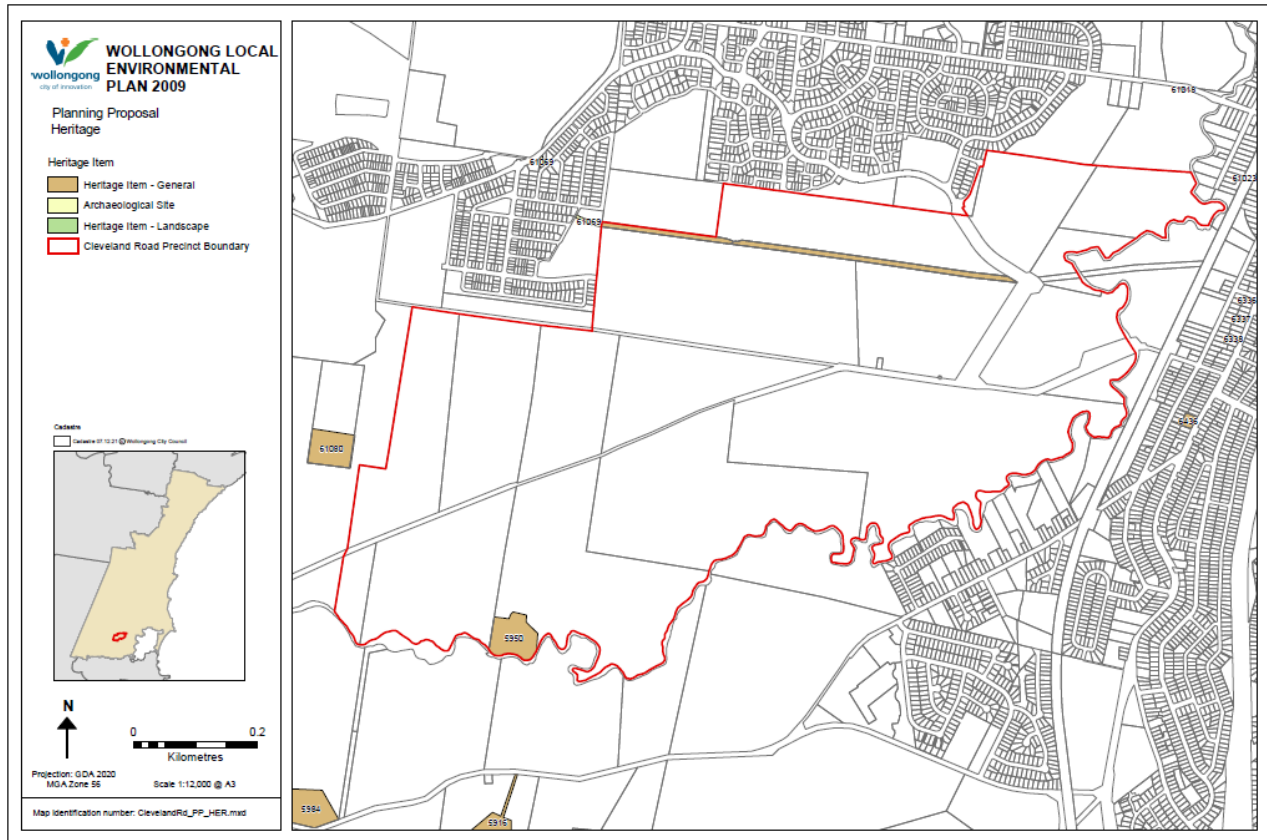


## Proposed Floor Space Ratios

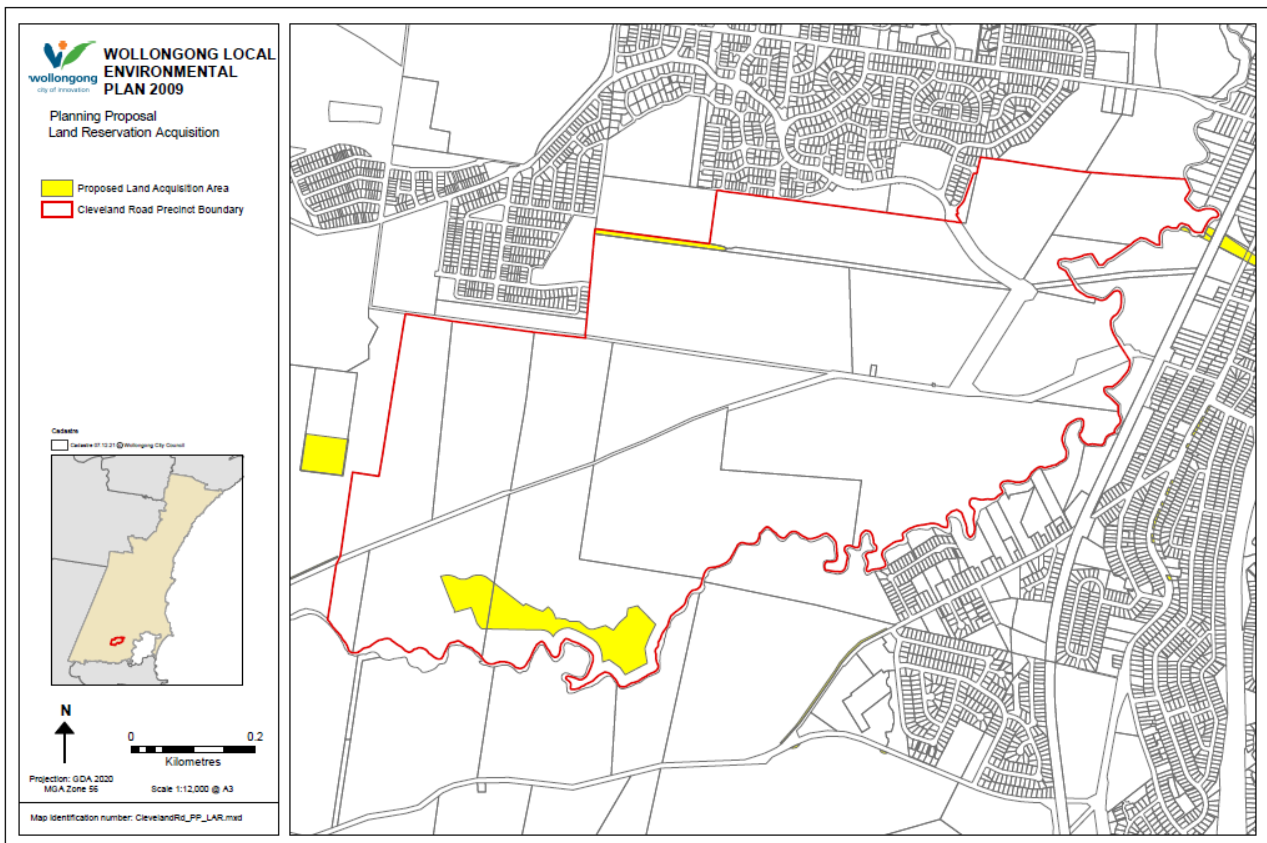


## Proposed Heritage Listings

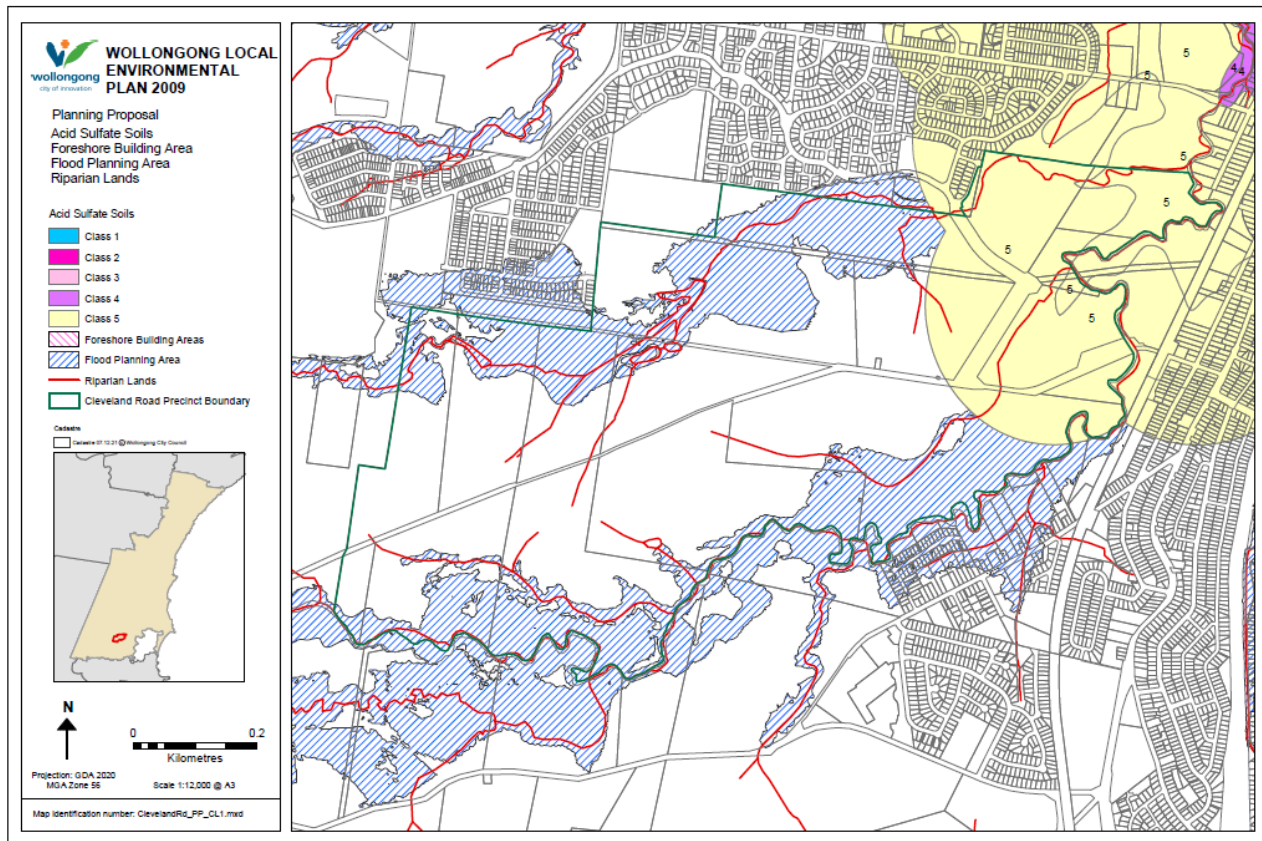




## Proposed Land Acquisition



## Proposed Flooding, Riparian and Acid Sulfate Soils



## Part 5 – Community Consultation

### Public Exhibition

A Gateway Determination has been issued. Community consultation in the form of public exhibition will be held between 14 September and 28 October 2022.

The requirement for this consultation is determined by the EP&A Act and the minimum requirements for this consultation are identified in section 4.5 of *A Guide to Preparing Local Environmental Plans* (Department of Planning 2009 & Infrastructure 2013). The requirements set out in section 4.5 relate to the notification requirements and what material is to be made available for inspection.

The planning proposal will be exhibited for a period of 28 days and include:

- *Hard copies at Council's Administration building and relevant Libraries;*
- *Electronic copy on Council's website;*
- *Notification letters to surrounding and nearby property owners; and*
- *Notification via the Portal to relevant State agencies and other authorities nominated by the NSW Department of Planning and Infrastructure.*

## Part 6 – Projected Timeline

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. This timeline tentatively sets out expected timelines for major steps in the process. These timeframes are subject to change and are to be used as a guide only. The Minister may consider taking action to finalise the LEP if timeframes approved for the completion of the Planning Proposal are significantly or unreasonably delayed. It is anticipated that due to the need for further studies, eighteen (18) months would be required for the proposal to be completed

#	Action	Estimated Timeframe	Responsibility
1	Anticipated date of Gateway Determination	January 2022	Department of Planning, Industry and Environment
2	Anticipated completion of required technical studies	Prior to consultation and exhibition – 6 months	Proponent/Consultants
3	Government agency consultation	3 month period	Agencies
4	Public exhibition period	2 months period	Council
5	Date of Public Hearing <i>(if applicable)</i>	N/A	Council
6	Consideration of submissions	1 month	Council
7	Assessment of proposal post-exhibition	2 months	Council
8	Report to Council	1 month	Council
9	Final maps and Planning Proposal prepared	1 month	Council
10	Submission to Department for finalisation of LEP	1 month	Council

11	<i>Anticipated date RPA will make the LEP</i>	<i>Delete if Council is not the RPA</i>	Council (if under delegation)
12	Anticipated date Council will forward final Planning Proposal to DP&E for notification	1 month	Council
13	Anticipated date LEP will be notified	1 month	<i>Parliamentary Counsel and DOP&amp;I</i>

**Table A - Checklist of State Environmental Planning Policies**

State Environmental Planning Policy		Compliance	Comment
SEPP	Biodiversity and Conservation 2021	Consistent	The site does not represent 'potential koala habitat' or 'core koala habitat', Nor is it within the Sydney drinking water catchment.
SEPP	Planning Systems 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Industry and Employment 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Precincts Central River City 2021	N/A	Not applicable to this Planning Proposal
SEPP	Precincts Eastern Harbour City 2021	N/A	Not applicable to this Planning Proposal
SEPP	Precincts Regional 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Precincts Western Parklands 2021	N/A	Not applicable to this Planning Proposal
SEPP	Resilience and Hazards 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.  A Preliminary Site Investigation (Abe Consulting Group 2021) has been prepared for the site.
SEPP	Resources and Energy 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Sustainable Buildings 2022	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Transport and Infrastructure 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

State Environmental Planning Policy		Compliance	Comment
SEPP No. 65	Design quality of residential flat development	SEPP 65 provides minimum design guidelines for residential flat buildings, shop top housing, and mixed use development with residential accommodation.	The proposal is capable of complying.
SEPP	Building Sustainability Index: BASIX 2004	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Primary Production 2021	N/A	N/A
SEPP	Housing 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Exempt and Complying Development Codes 2008	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.



**Table B - Checklist of Section 9.1 Ministerial Directions**

Ministerial Direction	Comment
<b>Focus Area 1: Planning Systems</b>	
1.1 Implementation of Regional Plans	The Planning Proposal is generally in accordance with this Direction.
1.2 Development of Aboriginal Land Council Land	Direction does not apply.
1.3 Approval and Referral Requirements	The proposal is consistent with this Direction because it does not alter the provisions relating to approval and referral requirements.
1.4 Site Specific provisions	Direction does not apply.
1.5 – 1.17 Place Based Provisions	Directions do not apply.
<b>Focus Area 2: Design and Place</b>	Directions do not apply.
<b>Focus Area 3: Biodiversity and Conservation</b>	
3.1 Conservation Zones	The proposal is consistent
3.2 Heritage Conservation	<p>The draft PP is currently inconsistent with the Heritage direction</p> <p>Additional information has been requested from the proponent</p> <p>The requested information will be submitted, assessed, Aboriginal consultation occurred, prior to the post-exhibition Council report</p> <p>The information may necessitate changes to the draft PP.</p> <p>Council is seeking a longer Gateway timeframe (18 months) to cover any delays.</p> <p>It is envisaged that the final PP will be consistent with the Direction.</p>
3.3 Sydney Drinking Water Catchments	<p>The subject site does not fall within the identified Drinking Water Catchment area.</p> <p>As such, the Direction does not apply.</p>
3.4 Application of E2 and E3 zones and Environmental overlays in Far North Coast LEPs	Not applicable to Wollongong
3.5 Recreation Vehicle Areas	Direction does not apply.
3.6 Strategic Conservation Planning	The proposal is consistent
<b>Focus Area 4: Resilience and Hazards</b>	
4.1 Flood Prone Land	The subject site has been identified as comprising flood prone land. The

Ministerial Direction	Comment
	proposal is capable of complying with the Direction.
4.2 Coastal Management	Direction does not apply.
4.3 Planning for Bushfire Protection	The subject site has areas identified as Bush Fire Prone Land.  The proposal is capable of complying with the Direction.
4.4 Remediation of Contaminated Land	The proposal is consistent
4.5 Acid Sulphate Soils	The subject site is classified as 'no known occurrence of Acid Sulphate Soils – Class 5' at its eastern end. The geotechnical constraints are manageable, and the proposal is considered to be of minor significance
4.6 Mine Subsidence and Unstable Land	Some parts of the site are anticipated to have geotechnical challenges but are not impossible to develop with appropriate development. The inconsistency with the Direction is considered of minor significance.
<b>Focus Area 5: Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	The site is within the West Dapto urban release area.  The site has potential to be accessible to public bus services also well serviced within the proposed road infrastructure network.  The Planning Proposal is capable of consistency.
5.2 Reserving Land for Public Purposes	The Planning Proposal seeks to identify land to be acquired and maintained for public open space.  The proposal is considered to be generally in accordance with this Direction.
5.3 Development Near Regulated Airports and Defence Airfields	Direction does not apply
5.4 Shooting Ranges	Direction does not apply
<b>Focus Area 6: Housing</b>	
6.1 Residential Zones	The proposal seeks to contribute to additional residential lands that may

Ministerial Direction	Comment
	<p>assist Wollongong Council in reaching its housing targets.</p> <p>It is located within a designated urban release area.</p> <p>The rezoning will permit a range of dwelling types.</p> <p>As such, the Planning Proposal is consistent with Direction 3.1.</p>
6.2 Caravan Parks and Manufactured Home Estates	Direction does not apply
<b>Focus Area 7: Industry and Employment</b>	
7.1 Business and Industrial Zones	The proposal is consistent.
7.2 Reduction in non-hosted short term rental accommodation period	The proposal does not reduce short term accommodation.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to Wollongong
<b>Focus Area 8: Resources and Energy</b>	
8.1 Mining, Petroleum Production and Extractive Industries	Direction does not apply.
<b>Focus Area 9: Primary Production</b>	
9.1 Rural Zones	Direction does not apply.
9.2 Rural Lands	Direction does not apply.
9.3 Oyster Aquaculture	Direction does not apply.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Wollongong