

ITEM 1

PUBLIC EXHIBITION - DRAFT PLANNING PROPOSAL AND DRAFT NEIGHBOURHOOD PLAN - BLUESCOPE LANDS HOLDINGS, KEMBLA GRANGE

A Draft Planning Proposal request has been submitted for a BlueScope lands site in Kemplla Grange. The request seeks to make a number of amendments to the Wollongong Local Environmental Plan 2009, including the rezoning of land and associated changes to floor space ratios, minimum lot sizes and maximum height of buildings, to facilitate medium density residential development and light and heavy industrial uses. The draft Planning Proposal also proposes the establishment of a Biodiversity Stewardship site.

A draft Neighbourhood Plan has also been submitted for the site outlining a proposed development concept for the residential and industrial zoned lands.

This report presents the preliminary assessment of the proposal and recommends that Council resolve to prepare a draft Planning Proposal and submit it to the NSW Department of Planning, Industry and Environment seeking Gateway determination to place it on public exhibition. It is also recommended that the draft Neighbourhood Plan be updated to reflect the draft Planning Proposal and be exhibited with the draft Planning Proposal.

RECOMMENDATION

- 1 A draft Planning Proposal be prepared to amend the Wollongong Local Environmental Plan 2009 for Lot 1 DP 588139; Lot 2 DP 230137; Lot 1 DP 588140; Lot 1002 DP 1192327 Kembla Grange (BlueScope lands), to enable the following -
 - a Rezone the southern part of Lot 1 DP 588139, adjacent to Sheaffes Road, from R2 Low Density Residential to R3 Medium Density Residential with a minimum lot size of 300 m², an FSR of 0.75:1 and maximum building height of 13m.
 - b Rezone land along West Dapto Road, within Lot 1 DP 588140 (Area 3), from E3 Environmental Management to E2 Environmental Conservation.
 - c Rezone land within Lot 1002 DP 1192327, Lot 1 DP 588140 and Lot 1 DP 588139 (Areas 5(a) to 5(e)) from E3 Environmental Management to IN2 Light Industrial with a minimum lot size of 999 m², and a Floor Space Ratio of 0.5:1.
 - d Rezone land within Lot 1 DP 588140 from E2 Environmental Conservation to IN2 Light Industrial with a minimum lot size of 999 m² and an FSR of 0.5:1.
 - e Rezone land within Lot 1 DP 588139 (Area 8(a)) from IN2 Light Industry to E3 Environmental Management with a minimum lot size of 999 m² and an FSR of Nil FSR.
 - f Rezone land within Lot 1 DP 588139, from E2 Environmental Conservation to E3 Environmental Management to allow for the Northcliffe Drive Extension corridor.
 - g Rezone land within Lot 2 DP 230137 and Lot 1002 DP 1192327, from SP2 Infrastructure (Road and Rail) to IN3 Heavy Industrial with a minimum lot size of 2999 m².
 - h Rezone land within Lot 2 DP 230137 and Lot 402 DP 1148505 adjacent to Dapto Creek from SP2 (Road and Rail) to E3 Environmental Management.
 - i Rezone 83m² within Lot 402 DP 1148505 adjacent to Dapto Creek from IN3 Heavy Industry to E3 Environmental Management.
 - j Amend the Minimum Lot Size for the land zoned and proposed to be zoned E2 Environmental Conservation and E3 Environmental Management, to enable the future separation of development and conservation areas and the proposed Biodiversity Stewardship site, to a variety of minimum lot sizes, as follows and shown on Attachment 5:
 - i Lot 1 DP 588139 - 40 hectares, 9.3 hectares, 1.8 hectares
 - ii Lot 2 DP 230137 - 2.1 hectares
 - iii Lot 1002 DP 1192327 – 9.1 hectares
 - iv Lot 1 DP 588140 - 5.8 hectares, 20 hectares
- 2 The draft Planning Proposal not include the following matters -
 - a The rezoning of land within Lot 1 DP 588140, at the corner of West Dapto Road and Darkes Road from E3 Environmental Management to R3 Medium Density Residential and amending the minimum lot size from 39.99 ha to 300 m² and FSR from No FSR to 0.75:1.
- 3 The draft Planning Proposal not be referred to the NSW Department of Planning, Industry and Environment for a Gateway Determination, until the following additional studies are submitted to Council within three (3) month period -
 - a Amended Flood Study and Stormwater Assessment.
 - b Studies or information to justify the inconsistencies with Ministerial Directions.
 - c Archaeological Testing of areas of moderate – high Aboriginal Archaeological Potential as recommended in the Biosis Archaeological Report.
 - d Archaeological Research and Design Report for Testing of Areas of high Archaeological

Potential (non-Aboriginal) as recommended in the Biosis Archaeological Report.

- e Tree Testing of Heritage Item No. 6326 to be carried out as recommended by the Arborist Report prepared by Moore Trees, dated June 2020.
- 4 The proposed 48.51 ha Biodiversity Stewardship site across Lot 1 DP 588139 and Lot 1 DP 588140 be supported in principle, subject to further consultation with Council Officers, the Biodiversity Conservation Trust and the NSW Department of Planning, Industry and Environment and the following be addressed prior to a Gateway Determination -
 - a The applicant address the proposed dedication of E2 and E3 lands including the current western Biobank site and proposed Biodiversity Stewardship site, including details of in-perpetuity funding for the restoration and enhancement of the site.
 - b The applicant discuss the potential for Biodiversity Certification of the Planning Proposal/Neighbourhood Plan area with the NSW Department of Planning, Industry and Environment to streamline and provide certainty in planning outcomes, future development and biodiversity impact assessment and offsetting.
- 5 Following the submission and review of the additional studies, the General Manager be delegated authority to refer the draft Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination.
- 6 Should the Gateway Determination be issued, consultation be undertaken with the following agencies -
 - a NSW Department of Planning, Industry and Environment – Environment, Energy and Science
 - b NSW Department of Planning, Industry and Environment - Natural Resources Regulator
 - c NSW Rural Fire Service
 - d Department of Education
 - e Endeavour Energy
 - f Transport for NSW
 - g State Emergency Services
 - h Sydney Water
 - i Heritage NSW
 - j Jemena
 - k Illawarra Local Aboriginal Lands Council.
- 7 Should the NSW Department of Planning, Industry and Environment issue a Gateway Determination the draft Planning Proposal be exhibited for a minimum period of twenty eight (28) days.
- 8 The NSW Department of Planning, Industry and the Environment be requested to issue authority to the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012.
- 9 The draft Neighbourhood Plan (Attachment 6) be updated to reflect the draft Planning Proposal and be exhibited with the draft Planning Proposal.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

- 1 Location Map
- 2 Biobanking Site
- 3 Proposed Amendments Map

- 4 Wollongong Local Planning Panel Meeting Minutes 29 April 2021
- 5 Proposed Planning Proposal Maps
- 6 Draft Neighbourhood Plan

BACKGROUND

BlueScope owns five lots at Kembla Grange, four of which are subject to a draft Planning Proposal request (Attachment 1). The lots have a combined area of 215.694 hectares. The site is made up of the following allotments -

Lot Number	Address	Area	Current zonings
Lot 1 DP 588139	206 West Dapto Road, Kembla Grange	107.9 ha	<ul style="list-style-type: none"> • R2 Low Density Residential • E2 Environmental Conservation • E3 Environmental Management • IN2 Light Industrial
Lot 1 DP 588140	261 West Dapto Road, Kembla Grange	52.25 ha	<ul style="list-style-type: none"> • E2 Environmental Conservation • E3 Environmental Management • IN2 Light Industrial
Lot 2 DP 230137	178 West Dapto Road, Kembla Grange	48.32 ha	<ul style="list-style-type: none"> • E3 Environmental Management • IN2 Light Industrial • IN3 Heavy Industrial • SP2 Infrastructure (Rail)
Lot 1002 DP 1192327	Lot 1002 West Dapto Road, Kembla Grange	7.678 ha	<ul style="list-style-type: none"> • IN3 Heavy Industrial • SP2 Infrastructure (Rail)

The proposed rezoning of the SP2 Rail Corridor also affects Lot 402 DP 1148505 132 West Dapto Road, Kembla Grange, which is separately owned.

Approximately 115.578 ha of the site is located on the western side of West Dapto Road. The remaining 100.57 ha is on the eastern side and is bounded by the South Coast Rail Line. The site is also bounded by Paynes Road and Sheaffes Road, Integral Energy Recreational Park and Kembla Grange Golf Course. The proposed future Northcliffe Drive Extension (NDE) goes through Lot 1 DP 588139.

The site is located within Stage 1 of the West Dapto Urban Release Area and Lot 1 DP 588139 and Lot 1 DP 588140 were rezoned in 2010 as part of the Wollongong (West Dapto) LEP 2010. The land is currently zoned R2 Low Density Residential in the west, IN2 Light Industrial through the centre of the site and IN3 Heavy Industrial in the east. There are also sections zoned E2 Environmental Conservation and E3 Environmental Management. A portion of land adjoining West Dapto Road and another along the northern boundary are zoned SP2 Infrastructure (Rail and Road) (Attachment 1).

The site contains an existing Biobanking Site (Attachment 2), endangered ecological communities, threatened flora and fauna, riparian lands, coastal environment and the Illawarra Escarpment. Additionally, the eastern allotments are largely mapped as being flood and bushfire prone.

The Biobanking site within Lot 1 DP 588139 (west of West Dapto Road) was established in 2019 and applies to one of the largest stands of remnant bushland in West Dapto. Throughout the site, predominantly in proximity to West Dapto Road and within the Biobanking site, is the vegetation community Lowland Woollybutt Melaleuca Forests which contains an Endangered Ecological Community, known as the Illawarra Lowlands Grassy Woodland. Within the site, a number of threatened

flora and fauna occur. The east of the site is mapped as being within the Coastal Environmental Area buffer under the State Environmental Planning Policy (Coastal Management) 2018.

The site contains 2 natural and built heritage items listed as Local Items of Significance in Wollongong LEP 2009, and potentially sites of Aboriginal cultural significance.

The entirety of the site has been in the ownership of BlueScope since the early 1960s. Originally, land east of West Dapto Road was intended to be utilised for industrial purposes by the owner to develop a steel mill, which did not proceed. Prior to the 1960s the site was split across a number of allotments in multiple ownerships, which have since been amalgamated into the current lot arrangements.

BlueScope applied to enter into a voluntary Biobanking Agreement with the Minister for the Environment, for the central portion of Lot 1 DP 588139 under the *Threatened Species Conservation Act 1995*. The Biobanking Agreement was requested under clause 14 of the Biobanking Regulation for the purpose of designating a biobank site on the land. In 2019 a Biobanking Agreement was executed covering approximately 39 ha of vegetation. By entering into the Biobanking Agreement, BlueScope agreed to undertake specified management actions and in return, after the sale of their biodiversity credits, receive an annual payment from the Biodiversity Conservation Trust to cover the cost of these management actions.

In 2018 the industrial lands within the site were identified by the State Government as a potential location for a prison. However, the State Government did not proceed with the proposal.

The Wollongong Local Planning Panel (WLPP) considered the draft Planning Proposal request at its meeting held 29 April 2021. The WLPP provided recommendations to Council, which have been considered in this report.

PROPOSAL

On 12 October 2020, a draft Planning Proposal request and draft Neighbourhood Plan were submitted for a BlueScope Lands site in Kemble Grange (Lot 1 DP 588139; Lot 2 DP 230137; Lot 1 DP 588140; Lot 1002 DP 1192327). The draft Neighbourhood Plan will be the subject of a separate report to Council, pending Council's decision on the draft Planning Proposal request.

The objective of the draft Planning Proposal request is to rezone the site to facilitate increased urban and industrial development, while ensuring perpetuity protection of environmental values on site, including EECs, through the establishment of a 48.51 ha Biodiversity Stewardship site in association with the Biodiversity Conservation Trust and the NSW Department of Planning, Industry and Environment.

The draft Planning Proposal request seeks to amend the Wollongong Local Environmental Plan 2009 zoning and associated floor space ratios, minimum lot sizes and maximum height of buildings, as follows –

- 1 Rezone parts of Lot 1 DP 588139 adjoining Paynes Road, from R2 Low Density Residential to R3 Medium Density Residential, with a Minimum Lot Size changed from 449 m² to 300 m² and an amended Floor Space Ratio of 0.75:1 from 0.5:1.
- 2 Rezone land on the corner of West Dapto Road and Darkes Road within Lot 1 DP 588140 from E3 Environmental Management to R3 Medium Density Residential with a Minimum Lot Size changed from 39.99 ha to 300 m² and an amended Floor Space Ratio of 0.75:1 from No FSR.
- 3 Rezone land along West Dapto Road within Lot 1 DP 588140 from E3 Environmental Management to E2 Environmental Conservation, with a minimum lot size of 8.9 ha from 39.99 ha.
- 4 Rezone land within Lot 1 DP 588139 from E2 Environmental Conservation to IN2 Light Industrial to with a Minimum Lot Size changed from 39.99 ha to 999 m² and an amended Floor Space Ratio of 0.5:1 from No FSR.
- 5 Rezone land within Lot 1002 DP 1192327, Lot 1 DP 588140 and Lot 1 DP 588139 from E3 Environmental Conservation to IN2 Light Industrial with a variety changes to minimum lot sizes, and an amended Floor Space Ratio of 0.5:1 from Nil.

- 6 Rezone part of the private railway from SP2 Infrastructure (Rail) to IN3 Heavy Industrial with a minimum lot size of 2999 m² from Nil.
- 7 Various minimum lot size changes within Lot 1 DP 588139, Lot 1 DP 588140, Lot 1192327 and Lot 230137.
- 8 Establish a 48.51 ha Biodiversity Stewardship site across Lot 1 DP 588139 and Lot 1 DP 588140 in consultation with the Biodiversity Conservation Trust and the NSW Department of Planning, Industry and Environment.

The draft Planning Proposal and draft Neighbourhood Plan (Attachment 6) request estimates that with the proposed changes, the site will be able to accommodate approximately 577 dwellings within the R3 Medium Density Residential and R2 Low Density Residential zoned land, 40.3 ha of IN2 Light Industrial and 40.5 ha IN3 Heavy Industrial zoned land. Land zoned as E2 Environmental Conservation is proposed to expand slightly, while land zoned E3 Environmental Management is proposed to be reduced as a consequence of the other changes.

The following studies have been submitted in support of the draft Planning Proposal request -

- Water Cycle Management Study (Cardno, June 2020)
- Ecological Constraints Assessment (EcoPlanning, June 2020)
- Traffic Impact Assessment (Cardno, June 2020)
- Bushfire Assessment (Peterson Bushfire, June 2020)
- West Dapto Lands, Kembla Grange: Aboriginal Cultural Heritage Assessment Report (Biosis, March 2020)
- West Dapto Lands, Kembla Grange: Archaeological Report (Biosis, March 2020)
- Arboricultural Development Assessment Report 84 Sheaffes Road (Moore Trees, June 2020)
- Preliminary Site Investigation: 84 Sheaffes Road (Cardno, May 2019)
- Preliminary Site Investigation: 178 and 261 West Dapto Road (Cardno, May 2019)
- West Dapto Road, Kembla Grange: Historical Heritage Assessment and Statement of Heritage Impact (Biosis, April 2020).

Attachment 3 identifies the separate areas proposed to be rezoned under the draft Planning Proposal request discussed below.

Area 1: R2 Low Density Residential to R3 Medium Density Residential

The draft Planning Proposal request seeks to rezone approximately 14.685 ha of land, within Lot 1 DP 588139, from R2 Low Density Residential to R3 Medium Density Residential. Land to be rezoned to R3 is proposed to have an amended Minimum Lot Size of 300 m² from 449 m² and an amended Floor Space Ratio of 0.75:1 from 0.5:1.

The proposed R3 zoned lands are intersected by the proposed Northcliffe Drive Extension (NDE), and adjacent to an existing Biobanking site, zoned E2 Environmental Conservation to the east, and Sheaffes Road to the south. A small section of R2 land surrounding a proposed pocket park is also proposed to be rezoned to R3.

Amendment Proposed	Current	Proposed
Zone	R2	R3
Minimum Lot Size	499 m ²	300 m ²
Floor Space Ratio	0.5:1	0.75:1

Council officers consider insufficient strategic merit has been provided to justify rezoning land from R2 Low Density Residential to R3 Medium Density Residential, as proposed in the draft Planning Proposal

request. The West Dapto Vision seeks to reduce the scale of development as the Illawarra Escarpment is approached. The proposed R3 area in the northern reaches of the draft Planning Proposal are generally not in proximity of planned town centres accessible by pedestrians. Additionally, the proposed interface between the proposed R3 zone and the existing E2 zoned land would need be addressed to limit potential impacts of bushfire upon residential areas and the environmental values within the Biobank site.

The Wollongong Local Planning Panel (WLPP) advised it supports the recommendations of the officer's report not to rezone the northern and eastern parts of Paynes Road precinct to R3. The WLPP noted the planning controls should align with the adjoining land to the west of Paynes Road (R2) and the southern side of Sheaffes Road (R3).

It is recommended that the southern part of the residential precinct, adjacent to Sheaffes Road, be rezoned from R2 to R3, with an amended minimum lot size of 300 m² and a FSR of 0.75:1 and maximum building height of 13m, consistent with the southern side of Sheaffes Road.

Area 2: E3 Environmental management to R3 Medium Density Residential

The draft Planning Proposal request seeks to rezone approximately 1.2 ha on the corner of West Dapto Road and Darkes Road (Lot 1 DP 588140) is proposed to be rezoned from E3 Environmental Management land to R3 Medium Density Residential with a FSR of 0.75:1 and Minimum Lot size of 300 m².

Amendment Proposed	Current	Proposed
Zone	E3	R3
Minimum Lot Size	39.99 ha	300 m ²
Floor Space Ratio	No FSR	0.75:1

Council officers consider insufficient strategic merit has been provided to justify rezoning land from E3 to R3 adjacent to West Dapto Road and Darkes Road. The site is mapped as containing Endangered Ecological Community (EEC) vegetation, which is likely to be removed if the rezoning is supported by Council. It was identified that site access and Asset Protection Zones required to comply with Planning for Bushfire Protection 2019 would result in additional land management within the adjacent E3 zoned land.

The WLPP advised it supports the recommendations of the officer's report not to rezone the land to R3 and noted that the applicant accepted the recommendation at the meeting.

It is recommended that Council not support the rezoning of this land adjacent to Darkes Road from E3 to R3.

Area 3: E3 Environmental Management to E2 Environmental Conservation

Approximately 2.4ha of land adjacent to West Dapto Road within Lot 1 DP 588140 is proposed to be rezoned from E3 Environmental Management to E2 Environmental Conservation. This area contains woodland vegetation. The draft Planning Proposal request seeks to amend the minimum lot size from 39.99 ha to 8.9 ha to allow separation from the IN2 zoned area.

Amendment Proposed	Current	Proposed
Zone	E3	E2
Minimum Lot Size	39.99 ha	8.9 ha
Floor Space Ratio	No amendment	No amendment

Rezoning land from E3 Environmental Management to E2 Environmental Conservation will contribute to the environmental conservation outcomes upon the site which include EECs. The proposed E2 land is to be included within the Biodiversity Stewardship site to be established on site. Discussion regarding the

proposed reduced minimum lot sizes within riparian corridors is provided within the Discussion of Key Considerations within this report.

The WLPP advised it supports the recommendations of the officer's report in terms of the rezoning from E3 to E2 as proposed by the applicant.

It is recommended that the land proposed to be rezoned to E2 Environmental Conservation be supported and the minimum lot size be amended from 39.99 to 8.9 ha.

Area 4: E2 Environmental Conservation to IN2 Light Industrial

Approximately 7,170 m² of land zoned E2 Environmental Conservation within Lot 1 DP 588140 is proposed to be rezoned to IN2 Light Industrial, with an FSR of 0.5:1 and minimum lot size of 999 m² and maximum building height of 9m. The site would be integrated into the existing IN2 Light Industrial zoned land, allowing greater consistency for development.

The proposed rezoning requires the removal of native vegetation and is expected to be utilised as part of the perimeter road for the IN2 land.

The site is approximately 35 metres from the West Dapto Catholic Cemetery located on Lot 1 DP 1037747. The proposal has the potential to impact upon the amenity of the cemetery site due to the proposed removal of vegetation and the intended land use.

Amendment Proposed	Current	Proposed
Zone	E2	IN2
Minimum Lot Size	39.99 ha	999 m ²
Floor Space Ratio	No FSR	0.5:1

The WLPP advised it did not support the rezoning from E2 to IN2 as the ecological mapping shows the area as EEC and contiguous with the E2 to the west.

However, Council officers consider the proposed zoning amendment from E2 Environmental Conservation to IN2 Light Industrial contributes to the existing IN2 zoned land within Lot 1 DP 588140. Council Environment Division raised no objection to the rezoning and noted the loss of E2 zoned land can be offset by credits from the BioBanking Agreement. Council Heritage Officer raised concern on the potential impacts on the Local Heritage Item St John's Catholic Cemetery – 5974. Upon a site inspection, it was identified that there was sufficient E2 vegetated land between the cemetery and the proposed IN2 land could be utilised as a buffer to the heritage item.

It is recommended that the identified E2 land be rezoned to IN2 and the minimum lot size be amended from 39.99 ha to 999 m². The loss of the vegetation in the E2 zone can be offset by credits from the BioBanking Agreement.

Area 5: E3 Environmental Management to IN2 Light Industrial

Amendment 5 consists of a number of similar rezoning proposals. In total four (4) areas of E3 Environmental Management are proposed to be rezoned as IN2 Light Industrial. The proposal seeks to amend the minimum lot size to 999 m² from 39.99 ha and change the Floor Space Ratio from no mapped FSR to 0.5:1 in the areas rezoned for IN2. The locations for each rezoning are described as follows –

- 5a Approximately 4600 m² of land to the north east of the existing IN2 zoned land on Lot 1 DP 588140 and Lot 1002 DP 1192327. The proposed rezoning will likely result in the removal of woody weed vegetation, which is discussed in the key considerations section of this report.
- 5b Approximately 3.69 ha of land between the proposed NDE and West Dapto Road, located on Lot 1 DP 588139. The site is currently utilised for rural purposes and contains a dwelling house and farm dam. The proposed IN2 is in proximity to Local Heritage Item 6329 Moreton Bay Fig located on the

opposing side of West Dapto Road. An intersection to access the site is proposed between the Moreton Bay Fig and Local Heritage Item 5974 St John's Catholic Cemetery.

- 5c Approximately 1000 m² of land between the proposed NDE and the existing IN2 land located on Lot 1 DP 588139 and a section of 488 m² of land on the eastern boundary on the same portion of IN2 zoned land. The site is largely used for rural land uses associated with grazing livestock. Both portions of land to be rezoned IN2 are in proximity to a mapped watercourse.
- 5d Approximately 7320 m² of land adjacent to West Dapto Road on Lot 1 DP 588139. The site is currently utilised for rural land use purposes and generally associated with the grazing of livestock. The proposed IN2 land to be rezoned is approximately 19 m west of the Local Heritage Item 5974 St John's Catholic Cemetery and is separated by West Dapto Road.
- 5e Approximately 1.13 ha of land on the southern side of the existing IN2 Light Industrial zoned land on Lot 1 DP 588140, currently zoned E3 Environmental Management is proposed to be zoned IN2 to enable the construction of a perimeter access road to service the industrial uses. The area is largely cleared of vegetation and was zoned E3 due to being medium flood hazard. The updated Mullet Creek Flood Study (2019) and the information submitted with the application shows that it is not within the 1% flood planning level.

Amendment Proposed	Current	Proposed
Zone	E3	IN2
Minimum Lot Size	39.99 ha	999 m ²
Floor Space Ratio	No FSR	0.5:1

The ecological value of the E3 lands proposed to be rezoned as IN2 is considered to be of low significance. Council's Environmental Division raised no objection to rezoning the land to IN2. Some of the E3 land is mapped as being flood prone. Council's Stormwater and Development Engineers raised concern with rezoning E3 within the floodplain to IN2, which may limit future developable land.

The WLPP advised it supported the following -

- Area 5(a) - The Panel supports the recommendations of the officer's report to rezone land from E3 to IN2, because the vegetation has been ground truth as woody weeds.
- Area 5(b), 5(c) and 5(d) – The panel supports the recommendation of the officer's report, to rezone the land from E3 to IN2 because it is cleared land. The Panel did not consider area 5(e).

It is recommended that Areas 5(a) through to 5(e) be rezoned to IN2 from E3 with a minimum lot size be of 999 m² from 39.99ha and amend the minimum lot size from No FSR to 0.5:1.

Area 6a: SP2 Infrastructure to IN3 Heavy Industrial

The existing SP2 Infrastructure (Rail) zoned land traverses the northern boundary of Lot 1002 DP 1192327 and is generally aligned with West Dapto Road. The SP2 zoned land crosses West Dapto Road at Lot 2 DP 230137 and heads in a north-westerly direction. After entering into Lot 2 DP 230137 the SP2 zoned land continues in a north-westerly direction. The SP2 zone is located on the adjoining Lot 402 DP 1148505, 132 West Dapto Road. The zone boundary and the lot boundary are mis-aligned by a width of 6m. Lot 402 is discussed below.

The proposal seeks to rezone the SP2 zoned land, approximately 2.03 ha located on Lot 1002 DP 1192327 and 5033 m² on Lot 2 DP 230137 to IN3 Heavy Industrial. The proposal includes amending the minimum lot size to 2999 m² from no mapped minimum lot size for both allotments.

The land is currently is being utilised for grazing of livestock. The rail corridor is not formally mapped as an easement on either lot. Within the BlueScope site the rail infrastructure is overgrown by trees, weeds and grazing grasses.

Amendment Proposed	Current	Proposed
Zone	SP2 (Rail)	IN3
Minimum Lot Size	No Minimum Lot Size	2999 m ²
Floor Space Ratio	No FSR	No FSR

Council officers consider the SP2 zoning has the potential to support the functioning of the adjacent IN3 zone by allocating land for rail infrastructure. The draft Neighbourhood Plan indicates the rail line could be extended into a loop within the IN3 land.

The existing spur line is largely in private ownership, with the exception of the West Dapto Road crossing, and is not gazetted by an easement. Council has undertaken a review of the Section 9.1 Direction 6.2 and concluded, based upon the rail spur being in private ownership, that the existing spur line in the SP2 zoned land is not for public purposes and has not been designated for acquisition. Based upon this information, Council Officers do not object to the land being rezoned to IN3 from SP2 despite the potential loss of the existing rail spur.

The WLPP advised it supports the removal of the SP2 Infrastructure – Railway Corridor and rezoning to IN3 Heavy Industry.

It is recommended that the SP2 Infrastructure (rail) zoning be rezoned to IN3 Heavy Industry and minimum lot size be amended to 2999 m² from no mapped minimum lot size.

Area 6b and 6c: Lot 402 DP 1148505 Minor Rearrangement between SP2 Infrastructure, IN3 Heavy Industry and E3 Environmental Management

The SP2 Infrastructure rail corridor extends into Lot 402 DP 1148505, 132 West Dapto Road. Lot 402 DP 1148505 is not in the ownership of BlueScope. Part of the corridor has been covered with bitumen and is being used for car storage. For consistency, this section of the rail corridor is also proposed to be rezoned from SP2 Infrastructure to the adjoining zones of IN3 Heavy Industry and E3 Environmental Management (adjacent Dapto Creek). Further consultation is required with the landowner of Lot 402 on this proposed change.

Amendment Proposed	Current	Proposed
Zone	SP2	E3 and IN3
Minimum Lot Size	Nil	E3 39.99ha IN3 2999m ²
Floor Space Ratio	No FSR	No FSR

Council officers support rezoning the land from SP2 to E3 to allow for a more appropriate interface between the existing E3 zoned land and the proposed IN3 land which is in proximity to Dapto Creek. Further consultation is to occur with landowners.

It is recommended the land be rezoned from SP2 to IN3 and E3, and a minimum lot size of 2999 m² and 39.99ha, respectively.

Area 7: Minimum Lot size amendments

Generally, E2 Environmental Conservation zoned land, east of West Dapto Road, and E3 Environmental Management zoned land is associated with Dapto Creek, Sheaffes Creek and Robins Creek and have a minimum lot size of 39.99 ha. The draft Planning Proposal seeks to amend the minimum lot sizes from 39.99 ha to a variety of minimum lot sizes, to enable the developable land (IN2, IN3, R2 and R3) to be separated from the conservation land (E2 and E3) along the zone boundaries. Clause 4.1A of the LEP permits the residue land to be included in one undersized lot, not multiple undersized lots. To enable the efficient and economic development of the lots, the minimum lots standards need to be varied.

Lot and DP	Amendment Proposed	Current	Proposed
Lot 1 DP 588139	E2, E3 Minimum Lot Size	39.99 ha	40.1 ha, 9.3 ha, 1.8 ha
Lot 2 DP 230137	E2, E3 Minimum Lot Size	39.99 ha	2.1 ha
Lot 1002 DP 1192327	E3 Minimum Lot Size	39.99 ha	9.1 ha
Lot 1 DP 588140	E3 Minimum Lot Size	39.99 ha	5.8 ha (this area may be able to be merged with the 9.1ha in Lot 1002), 12.9 ha, 8.9 ha (these areas may be able to be merged to form one 20ha lot)

The consolidation of the E2 and E3 land is supported while reduction in the minimum lot size that could fragment the E2 and E3 land, and could impact upon the ability to establish a Biodiversity Stewardship site. The establishment of the Biodiversity Stewardship site will be further discussed with Council officers, Government agencies and departments and Biodiversity Conservation Trust should the draft Planning Proposal Progress.

The WLPP advised it supports the recommendations of the officer's report to retain the existing minimum lot size, but there should be further investigations as to whether clause 4.1A of the Wollongong LEP 2009 achieves the desired and appropriate development and conservation outcomes. An amendment to this clause, if it does not currently achieve the desired outcomes, may be a more appropriate approach.

It is recommended that Council support the proposed amended minimum lot sizes with E3 zoned land within Lot 1 DP 588139, Lot 1 DP 588140, Lot 2 DP 230137 and Lot 1002 DP 1192327 to allow the separation of the IN2 and IN3 land from the E2 and E3 land, and minimising the number of E2/E3 lots.

Area 8: IN2 Light Industrial to E3 Environmental Management

Within Lot 1 DP 588139 are two small isolated portions of land currently zoned IN2 Light Industrial. The locations for each rezoning are described as follows –

Area 8 (a) – The area is approximately 75 m² and is adjacent to the Prixcar car storage site on Lot 1 DP 1232422. The small area has been cleared of vegetation. Even though it has been cleared, it forms part of the existing Biobank site. Under the IN2 zone, the land has a minimum lot size of 999 m² and a floor space ratio of 0.5:1.

Area 8 (b) – The area is approximately 3500 m² and is generally managed land, cleared of vegetation. The land is on the northern boundary of Lot 1 DP 588139 and adjacent to the Prixcar site. The land has a minimum lot size of 999 m² and a floor space ratio of 0.5:1.

These two areas were not part of the original draft Planning Proposal request. During the assessment and consultation with BlueScope, it was agreed that area 8(a) (75 m²) should be rezoned to E3 Environmental Management. No amendment was proposed for the larger area 8(b) located on the northern boundary.

It is recommended Area 8(a) be rezoned E3 from IN2, with an amended minimum lot size of Nil from 999 m² and the FSR be changed from 0.5:1 to No FSR.

It is recommended Area 8(b) be retained as IN2 with a minimum lot size of 999 m² with an FSR of 0.5:1.

Area 9: E2 Environmental to E3 Environmental Management

The proposed NDE is proposed to cross Lot 1 DP 588139 through a gap in the BioBanking Area that is a paddock. Part of the corridor is zoned E2 Environmental Conservation where roads are not a permitted use. Although not part of the original draft Planning Proposal request, during the assessment and

consultation with Bluescope, it was agreed that this area should be rezoned to a zone that permits roads. It is proposed the E2 land be rezoned E3 with no change to the minimum lot size of FSR to enable the proposed NDE.

Amendment Proposed	Current	Proposed
Zone	E2	E3
Minimum Lot Size	Nil	Nil
Floor Space Ratio	No FSR	No FSR

It is recommended the land be rezoned from E2 to E3 with no amendments to the minimum lot size or FSR, to facilitate the future NDE.

Discussion of Key Considerations

Environmental Constraints

The site is generally utilised for rural land uses and contains large areas of cleared vegetation and utilised for grazing of livestock. The draft Planning Proposal request has the potential for some future environmental impacts. Areas where the draft Planning Proposal is likely to have potential environmental impacts are where land zoned for environmental purposes is to be rezoned to IN2 and R3, contain identified Endangered Ecological Communities (EECs). The Ecological Constraints Assessment (ECA) by Ecoplaning (2020) *highlights the following* -

- Preliminary site surveys did not locate any threatened flora species, and it was considered there is a low likelihood for these to be present in the highly disturbed areas that would be subject to future development.
- The presence of a seasonal roost camp of the threatened fauna species Grey-headed Flying Fox (GHFF) along West Dapto Creek.
- Other than the known seasonal GHFF, preliminary habitat based fauna surveys did not locate any other threatened fauna species, however it is considered that there is a moderate to high likelihood of other threatened fauna occurring within the site.
- There is an existing Biobank site on BlueScope land west of West Dapto Road, within Lot 1 DP 588140 with a further 48.51 of native vegetation on E2 and E3 lands, including EEC's, proposed to be under a future Biodiversity Stewardship Site.
- Ecological constraints categorised into High, Moderate and Low constraint classes mapped across the subject site.
- The *Biodiversity Conservation Act 2016*, Serious and Irreversible Impact (SII) entity Illawarra Lowlands Grassy Woodland (ILGW) EEC, is present in the Planning Proposal area. The ECA notes there will be a need to demonstrate sufficient avoidance and minimisation measures to reduce the potential for a SII to occur to the ILGW EEC for future DA's.
- Areas of riparian corridors associated with Sheaffes and Dapto Creek are included on the NSW Government Biodiversity Values Map (BVM).
- Preliminary ecosystem and species offset credit calculations for future biodiversity impacts.

In conclusion the ECA identifies -

- Future development in the Planning Proposal/Neighbourhood Plan area would impact on an estimated 22.98 ha of native vegetation and potential habitat for threatened species
- Future development applications are likely to trigger one or more of the thresholds for entry into the NSW Biodiversity Offset Scheme and this will require -

- Survey and assessment according to the Biodiversity Assessment Method (BAM) inclusive of targeted surveys for threatened flora and fauna species
- Preparation of Biodiversity Development Assessment Reports (BDARs) to accompany these development applications, determining the need for and quantifying offset obligations.
- A controlled activity approval will be required at the development assessment phase for development within 40 m of the top of bank of a watercourse, as required under the NSW Water Management Act 2000
- The proposed Biodiversity Stewardship Site (BSS) will require a Biodiversity Stewardship Site Assessment Report (BSSAR) in support of the establishment of the BSS and Biodiversity Stewardship Agreement.

Council's Environmental Planning Team has reviewed the application and provided in principle support for the draft Planning Proposal request, subject to the following being carried out prior to a Gateway Determination -

- The applicant discuss the proposal to establish a Biodiversity Stewardship site with the Biodiversity Conservation Trust, the NSW Department of Planning, Industry and Environment regarding, and Council officers.
- The applicant address the proposed dedication of E2 and E3 lands including the current western Biobank site and proposed Biodiversity Stewardship site, including details of an in-perpetuity funding agreement for the restoration and enhancement of the site
- The applicant discuss the potential for Biodiversity Certification of the Planning Proposal/Neighbourhood Plan area with the NSW Department of Planning, Industry and Environment to streamline and provide certainty in planning outcomes, future development and biodiversity impact assessment and offsetting.

Coastal Wetlands

The State Environmental Planning Policy (Coastal Management) 2018 (SEPP CM) is applicable to land adjacent to the M1 Motorway and southern rail line within Lot 1002 DP 1192327. The land identified under the SEPP CM mapping is currently zoned IN3 Heavy Industrial, however is currently being utilised for the grazing of livestock. The Ecological Constraints Assessment (ECA) identified and mapped the plant community type (PCT) as being Coastal freshwater lagoons of the Sydney Basin Bioregion and South East Corner Bioregion (PCT 781) in the eastern portion of the subject site. This PCT equates to the *Biodiversity Conservation Act 2016* Freshwater wetlands on coastal floodplains Endangered Ecological Community and potentially the SEPP Coastal Management Coastal Wetlands.

The area has been inspected by Council officers, DPIE-EES, Bluescope and their consultants. It appears that the vegetation community PCT 781 has established around a channel cut in the 1970s. It was agreed that the vegetation community type is present, however whether it qualifies to be mapped under the SEPP requires further assessment by DPIE-EES.

Existing Biobank Site

Lot 1 DP 588139 has an existing Biobank site. The Biobank site is separated in two by land designated for the NDE. BlueScope Limited applied to establish a Biobanking site for the central and northern portions of Lot 1 DP 588139 under the *Threatened Species Conservation Act 1995*. The ecological significance of the site was identified by BlueScope and EcoPlanning prior to the current methods of offsetting the removal of EEC. Due to the highly constrained nature of the site, BlueScope sought to enter into a voluntary Biobank Agreement with the understanding that the credits generated could later be utilised to offset the impacts of removing EECs on site listed as red flag vegetation. As a result, in 2019 a Biobanking Agreement was executed covering approximately 39 ha of vegetation.

Proposed Biodiversity Stewardship Site

In addition to the Biobanking site, the draft Planning Proposal request proposes the establishment of a Biodiversity Stewardship site. The Biodiversity Stewardship site generally consists of land in proximity to

vegetated riparian corridors that traverse the site currently zoned E2 and E3. The proposed Biodiversity Stewardship site is approximately 48.51 ha and is expected to extend from the northern reaches of Lot 1 DP 588139 into Lot 1 DP 588140 and Lot 1002 DP 1192327.

The establishment of a Biodiversity Stewardship site is supported by Council officers. However, there are concerns that the various minimum lot sizes proposed will limit the ability to establish the Biodiversity Stewardship site, which is proposed as the primary conservation method of vegetation outside of the existing Biobanking site. Section 5.9 of the BC Act 2016 (NSW) states the requirements relating to entering into a biodiversity stewardship agreement. Section 5.9(1) states the Minister must not enter into a biodiversity stewardship agreement relating to land unless all the owners of the land are parties to the agreement.

The Biodiversity Conservation Trust (2020) have advised that a site subject to a conservation agreement (such as a Biodiversity Stewardship Agreement) should have 'a common, responsible party across all lots involved' and 'configuration is relatively contiguous and is likely to remain as the one property entity for the foreseeable future.

To ensure the security of the biodiversity stewardship site, the applicant will be required to discuss the draft proposal with the Department of Planning, Industry and Environment and the Biodiversity Conservation Trust, in consultation with Council Staff prior to a Gateway determination and be exhibited as part of the draft Planning Proposal. In addition to these discussions it is recommended the proponent engage Council's Property Division regarding the dedication of land.

Flooding

The site is within the Mullet Creek catchment and includes the sub-catchments of Dapto Creek and Sheaffes Creek catchments. The Water Cycle Management Study conducted by Cardno (2020) proposes a number of land modifications to mitigate flooding impacts to the proposed Industrial lands and the R3 zoned land adjacent to West Dapto Road should the draft Planning Proposal request proceed. The earthworks discussed in the draft Neighbourhood Plan include the fill of a farm dam and unclassified watercourse.

Generally filling of a watercourse contradicts the Section 9.1 Local Planning Direction 4.3, clause 7.3 of the Wollongong LEP, and Chapters E13 and D16 of the Wollongong Development Control Plan 2009.

During the assessment of the draft Planning Proposal request, a new Local Planning Direction No 4.3 – Flood Prone Land, commenced on 14 July 2021. As the draft Planning Proposal request was submitted previous to the commencement of the local planning direction, both the previous Direction and newly commenced Direction have been considered as part of the assessment.

The majority of Lot 1002 DP 1192327 and Lot 2 DP 230137 are mapped as a flood planning area, and is already zoned IN3 Heavy Industry. The draft Planning Proposal does not propose to change the IN3 zoning. How the sites can be developed with the existing flood constraints will need to be considered as part of the draft Neighbourhood Plan and any future Development Application.

Geotechnical

The draft Planning Proposal request was not supported by a geotechnical report, but provided a summary of geology, topography, Acid Sulfate Soils and site Contamination. A desktop analysis of aerial photography was undertaken by the proponent to detect the likelihood of previous filling of the site. The draft Planning Proposal suggests minimal filling has occurred across the site but may have occurred in the location of the racehorse training track.

The report by Cardno indicates a desktop analysis of Acid Sulfate Soils (ASS) was undertaken as part of the draft Planning Proposal request. The report indicates across the site it is expected Class 3, 4 and 5 ASS exists and that an Acid Sulfate Soils Management Plan will be required to be submitted.

The report by Cardno describes two separate Preliminary Site Investigations (PSI) that have been undertaken to determine site contamination. The PSIs were undertaken between 2018 and 2019.

Council's Geotechnical Division reviewed the proposal and provided comments. Council's geotechnical engineers identified some inconsistencies between existing studies applicable to the site and the report

by Cardno. It was recommended that further investigation occur during the neighbourhood planning and subdivision stages should the draft Planning Proposal request proceed.

Traffic

A Traffic Impact Assessment (Cardno 2020) was submitted in support of the draft Planning Proposal request. The desktop traffic impacts assessment studied the existing and proposed infrastructure by utilising Council's TRACKS 2036+ modelling. The primary zones to generate traffic resulting from the proposal are; Medium Density Residential, Residential, IN2 Light Industrial and IN3 Heavy Industrial.

Vehicle access is provided by West Dapto Road, Sheaffes Road and Paynes Road. In addition to existing infrastructure access to the site is to be provided through connections to the future NDE.

The Traffic Impact Assessment did not provide a comparison of traffic flows under the current and proposed zoning, but rather an assessment of the traffic flows if the rezoning progressed.

An additional 419 AM vehicle movements are expected and 471 in the PM peak hour from 577 residential dwellings. This includes land proposed to be rezoned R3, adjacent to Darkes Road. Council is not supportive of the rezoning from E2 to R3 in this location and the proponent has indicated it will be removed from an amended draft Planning Proposal. This is expected to result in 115 fewer dwellings and reduce vehicle movement from 419 to 335 in the AM and 376 in the PM peak hour.

The Industrial Land traffic movements are based upon 19.63 jobs per hectare in IN2 Light Industrial zoned land and 4.51 jobs per ha for land zoned IN3 Heavy Industrial. The Traffic Impact Assessment identifies an expected 223 AM and 182 PM vehicle movements in peak hour associated with IN2 land and 52 AM and 42 PM peak hour vehicles movements associated with IN3 zoned land.

The draft Planning Proposal request included preliminary SIDRA Modelling. The modelling applies to the design of intersections. The design of the proposed intersections is generally a matter considered at the Neighbourhood Planning and Development Application stages; yet, are considered under Council's West Dapto Development Contribution Plan. Some inconsistencies between the intersection treatments proposed in the draft Planning Proposal request and Council's West Dapto Development Contributions Plan have been identified. The inconsistencies will generally not impact upon the draft Planning Proposal request, however, will need to be considered as part of the draft Neighbourhood Plan.

Council officers are generally supportive of the concept road network within residential areas, however some areas will require further design consideration as part of the revision of the draft Neighbourhood Plan. Council's Traffic Division provided comment that the internal road network, servicing residential development, required further design consideration at the neighbourhood planning stage and promote residential development that addresses the NDE and complies with Planning for Bush Fire Protection 2019.

The final road layout will be required to be revised as part of the revision of the draft Neighbourhood Plan. This will require the applicant to provide further information on batters and road designs in E3 Environmental Management and IN2 Light Industrial zoned land in proximity to riparian corridors. Furthermore, the revised road design should include additional connections to and between the industrial zones to comply with Planning for Bushfire Protection 2019 and the West Dapto Vision.

Northcliffe Drive Extension (NDE)

The proposed NDE goes through Lot 1 DP 588139 as part of the link from Reddalls Road to Paynes Road.

The Traffic Impact Statement submitted in support of the proposal discusses the expected traffic volumes to result from the rezoned.

A 50% concept design has been provided to the proponent to assist in the design of the residential portion of the site. Council will make an 80% draft available to the proponent, as the design progresses. This will assist with designing connections into the existing residential area to west and achieving dwellings that address the NDE. It is expected the design of the neighbourhood plan will be amended as the design of the NDE is made available to the proponent.

Transmission Easements

An existing easement for transmission lines crosses the site from the south eastern portion of Lot 1 DP 588140 and travels in north-easterly direction across Lot 1002 DP 1192327. The transmission lines split in the adjacent allotment not within the study area. As a result, a branch of the transmission lines is gazetted along the eastern boundary of Lot 1002 DP 1192327 in proximity to the South Coast Rail Corridor. Further design detail will be required at the neighbourhood planning stage and consultation with Endeavour Energy.

Heritage

Aboriginal Heritage

The site contains locations recorded under the Aboriginal Heritage Information Management System (AHIMS) and Council's mapping system, demonstrating a historic use of the land within West Dapto and the site, by the local Aboriginal people. Sites of Aboriginal significance identified under AHIMS are generally located in proximity to Dapto Creek, Sheaffes Creek and Robins Creek. The archaeological sites are mapped as having moderate to high significance. Additionally, there are several locations, which include fig trees, that are AHIMS pending and require further investigation. The significance of the fig trees to Aboriginal culture is acknowledged in the Archaeological Report. The Archaeological Report prepared by Biosis, dated 26 March 2020 recommends further testing of areas with a moderate – high Aboriginal archaeological potential. The Archaeological Report acknowledges local heritage item No. 6326 Group of Bunya Pines, Moreton Bay Figs and Hills Figs within Lot 1 DP 588139. The Arboricultural Development Assessment Report prepared by Moore Tree, dated June 2020 identifies the trees as 1-20 and recommends further testing for tree health be undertaken.

Council's Heritage Officer has recommended further information be provided as part of the Planning Proposal regarding archaeological survey. It is requested the proponent undertake the following studies pertaining to Aboriginal heritage and archaeology -

- Archaeological testing of areas with a moderate – high Aboriginal archaeological potential, as per recommendation in the Biosis Archaeological Report
- Testing Report for Tree Health on Local Heritage No. 6326, as per the recommendations of Moore Trees dated June 2020.

Natural Heritage

Lot 1 DP 588139 contains heritage item number 6326 - Bunya Pines, Moreton Bay Figs and Hill Figs. Located in land zoned R2 Low Density Residential, the land is proposed to be utilised as a pocket park. The pines appear before 1949 aerial photography and are considered early examples of ornamental plantings and windbreaks utilised in the West Dapto area. The pines are likely associated with Clarke's historical hut and stockyards, which are no longer present upon the site.

The proposal includes land to be rezoned from R2 to R3 surrounding the pocket park, which is consistent with the discussion in the Statement of Heritage Impact (SoHI). While the rezoning is unlikely to result in a negative impact upon the local heritage item, a danger exists from falling Bunya pinecones due to their size.

The Moreton bay Fig, Local heritage item 6329, is located on the east side of Dapto Creek and is within land zoned E3 Environmental Management. It is not expected the Planning Proposal will have an impact upon the heritage item. However, any development in the vicinity of the tree would result in a minor noise and visual impact that would not affect the significance of the item.

Heritage (European)

The SoHI identifies the local heritage item No. 5974, St John's Catholic Cemetery located on Lot 1 DP 1037747. The lot is not included in lands applicable to the draft Planning Proposal request. However, due to the proximity of the allotment to land to be rezoned to IN2 Light Industrial there is potential for the visual amenity of the site to be impacted upon. The SoHI concluded the visual impacts would be indirect and could be mitigated by establishing a visual barrier, through plantings to the east and a landscaped

strip within the setback to West Dapto Road implemented through the introduction of site specific DCP controls.

Council's Heritage officer has noted the draft Planning Proposal request has the potential to impact upon a number of local heritage items and their buffers. Further design considerations limiting the potential visual impact on heritage items will be required at the neighbourhood planning stage.

As part of the exhibition, the draft Planning Proposal request will be referred to Local Aboriginal Community groups, Heritage NSW for comment on both the Aboriginal Heritage under the *NSW National Parks and Wildlife Act 1974* and Historical Archaeology under the *NSW Heritage Act 1977*.

Non heritage listed items of importance

The submitted SoHI identifies the former Dapto radio telescope site and associated infrastructure, built in 1952, upon Lot 1 DP 588139. The site is not an identified heritage item, however it is recognised for its importance to Australia's contribution to early 20th century radio telescope research. The SoHI found the only features left of the observatory are concrete footings which are of low archaeological potential. The footings have been inspected by Council officers. The SoHI recommends at the neighbourhood planning stage, heritage interpretation be investigated and implemented. Signage should be provided nearby to recognise the role the site played in the development of radio telescope technology.

The site previously contained a number of farms, and some commercial buildings. The majority of the structures have been demolished, however sites may have archaeological values. The buildings were largely associated with veteran land grants throughout West Dapto and were examples of early European farming practices in the area. The structures, many of which have fallen into disrepair or been demolished, are not recognised as formal heritage items. As a result of the draft Planning Proposal, many of the former sites are to be redeveloped. The SoHI identifies the archaeological significance of the sites can range from high to low.

Council's Heritage officer has reviewed the SoHI regarding the observatory site and noted the archaeological provisions of the *NSW Heritage Act 1977* would need to be addressed in relation to the site in any future development proposals for the site. Council's Heritage officer concurred with the SoHI, that at the Neighbourhood Planning stage there was the potential for interpretation opportunities to recognise the importance of the site.

Council's Heritage Office has recommended an Archaeological research and design report for testing of areas of high archaeological potential be carried out for non-aboriginal sites.

Bushfire

A Bushfire Assessment was undertaken by Peterson Bushfire (2020) in accordance with Planning for Bushfire Protection 2019 (PBP 2019). The assessment of the site identified multiple areas of vegetation which pose a bushfire hazard and will influence future development and subdivision of the site. Vegetation which poses a threat to the existing R2 zoned land is generally associated with the existing Biobanking site to the north, north east and east. Vegetation which poses a threat to IN2 zoned land is from various directions which encircle the industrial land. Vegetation which poses a threat to the proposed R3 zoned land to the east of West Dapto Road is to the east and south.

The bushfire assessment provided the following recommended mitigation measures to ensure suitability of part of the subject lands for residential and industrial development -

- Asset Protection Zones to the residential zones ranging from 12 m to 36 m
- Provisions of defendable space to the light industrial zones consisting of public roads and minimum 6 m wide fire access roads
- Vegetation management across all developable zones to achieve Inner Protection Area (IPA) standards
- Adequate access for emergency response and evacuation consisting of alternate access to the existing road network for the residential zones

- Compliant road widths and design for all zones
- Adequate water supply for all developable zones to allow fire-fighting operations by fire authorities.

Council's Bushfire Officer reviewed the application and provided comments on the draft Planning Proposal request. It appears the draft Planning Proposal request and the accompanying draft Neighbourhood Plan displayed some minor inconsistencies with PBP 2019. It was found the proposed Asset Protection Zones (APZs) opposite the riparian corridors were reliant upon the treatment of riparian corridors, which may be altered during revegetation works. Therefore, APZ should be calculated based upon the final outcome of revegetation works. Furthermore, it appears dead-end roads, exceeding 200m in length, service the IN2 Light Industrial zones. In accordance with PBP 2019 grouped industrial sites require a secondary access.

The southern IN2 Light Industrial zone land appears to have a fire trail exiting the site to the south. Council officers have identified that fire trails are not suitable substitute for a road under Section 3.4.4 of PBP 2019 and that currently there is no connection into the existing road network as the trail terminates at the property boundary. The Proponent has not indicated to Council discussions have occurred with neighbouring property owners regarding easements for access.

Access to the proposed R3 Medium Density Residential zoned land in proximity to West Dapto Road and Darkes Road is not protected by a perimeter road. Furthermore, the R3 zoned land would require a 29m APZ in what is an EEC. It is recommended that the E3 Environmental Management zoned land not be considered for rezoning to R3 Medium Density Residential.

During the exhibition period, the draft Planning Proposal will be referred to the NSW Rural Fire Service (NSW RFS).

CONSULTATION AND COMMUNICATION

Community consultation

Property owners in proximity to the BlueScope lands were notified of the draft Planning Proposal request between 18 November and 16 December 2020 as part of a non-statutory consultation process. In response Council received 10 submissions. From the submissions received, nine (9) were from the public and one was from a government agency. The submissions received raised a number of concerns regarding the draft Planning Proposal request; yet, were generally not opposed to the proposal, subject to amendments. A summary of submissions received are included in the following table.

Issue raised	Council Officer Response
Seven submissions were concerned about increased traffic would impact upon existing and proposed infrastructure	<p>The site is already zoned to permit residential and industrial development. The draft Planning Proposal request is seeking to modify some of the zone boundaries and planning controls.</p> <p>The Draft Planning Proposal request was accompanied by a traffic impact assessment. The Traffic Impact Assessment projects changes to traffic volumes resulting from the draft Planning Proposal request and the impacts upon the existing and proposed road infrastructure.</p> <p>Council's Traffic Division are generally supported the findings of the Traffic Impact Assessment.</p> <p>The impacts generated by traffic are likely to be less than proposed as a reduction in land proposed to be zoned R3 as recommended within this report.</p>
Six submissions were concerned about the visual and amenity impacts associated with zoning land from R2 to R3	Council officers and the WLPP have not supported the rezoning of land from R2 to R3, except adjacent to Sheaffs Rd, to align with the zoning on the southern side of Sheaffs Rd.

Issue raised	Council Officer Response
<p>Six submissions were concerned about insufficient recreational space being provided</p>	<p>The draft Planning Proposal request seeks to establish a pocket park, within the existing R2 zoned land within Lot 1 DP 588139.</p> <p>Council is not supportive of rezoning the land specifically for recreations use as the existing Bunya Pines, local heritage item 6326, located within the site are dangerous due to safety concerns. The trees are likely to be fenced off should the heritage item be retained.</p> <p>A broader analysis of recreational activities was undertaken as part of the assessment of the draft Planning Proposal request. A number of opportunities for recreation exist within proximity to the proposed site and include land within Kembla Grange Estate, the proposed sporting fields adjacent to Darkes Road Town Centre and Integral Energy Park.</p>
<p>One submission was concerned about the impacts of traffic, including bus stops and bike lanes along Sheaffes Road</p>	<p>Sheaffes Road is identified in Council's Contributions Plan. However, due to existing Sydney Water infrastructure and the Biobanking site there is limited potential to improve Sheaffes Road.</p> <p>A review of Council's mapping indicated the residential portions of BlueScope lands will be serviced by bus routes and cycleways.</p> <p>The full extent of bus routes and cycleways will continue to evolve as further neighbourhood plans are submitted to Council.</p>
<p>One Submission was concerned about development impacting upon the existing running tracks on Council owned land</p>	<p>The draft Planning Proposal request is restricted to the Bluescope land and does not extend into Integral Energy Park.</p>
<p>One proposal is concerned with the fire trail proposed to service IN2 zoned land on the southern boundary of Lot 1 DP 588140 adjacent to land owned by Dapto Leagues Club</p>	<p>Council does not support the current use of a fire trail to service the IN2 zoned land.</p> <p>While this could be considered as part of the draft Neighbourhood Plan, Dapto Leagues Club would need to agree to any access road entering the property.</p>
<p>Transport for NSW</p> <p>Transport for NSW provided a satisfactory referral subject to requesting consulting occur should a Gateway Approval be received.</p> <p>Transport for NSW noted further studies/information was required regarding the rail corridor access via West Dapto Road, Freight movements, noise from industrial sites, traffic signals associated with the Northcliff Drive Extension, State and local road funding, Section 87 Of the Roads Act 1993, Active and Public transport</p>	<p>Noted.</p> <p>It is noted that some of the studies will be relevant to the draft Neighbourhood Plan and future DAs.</p>

Wollongong Local Planning Panel Consideration

On 29 April 2021, the item was considered by the WLPP who acknowledged the land is a key site within Stage 1 of the West Dapto Urban Release Area and has been largely zoned for urban, industrial and environmental conservation outcomes. The WLPP noted the distance from existing and proposed town centres and site constraints, which include, flooding and native vegetation were of concern. However, due to the size of the site, the constraints would not prohibit the progression of the draft Planning Proposal request.

The Panel's comments on the specific amendments sought have been detailed in this report as part of the discussion on each amendment. Attachment 4 is a copy of the Panel's meeting minutes and recommendations.

PLANNING AND POLICY IMPACT

Strategic context

The draft Planning Proposal request relates to land zoned for urban release and employment uses in 2010 as part of Stage 1 of the West Dapto urban release.

The draft Planning Proposal is the result of more detail examination of the site as part of the draft Neighbourhood Plan process, which forms an amendment to the Wollongong DCP 2009 – Chapter D16 West Dapto Release Area. The draft Neighbourhood Plan process endeavours to provide more detailed planning for adjoining properties so that issues like connecting roads, drainage management, recreation facilities are addressed in an integrated manner.

Illawarra-Shoalhaven Regional Plan 2041

The Illawarra-Shoalhaven Regional Plan 2041 (released 1 June 2021) is the NSW Government's strategy for guiding land use planning decisions for the region for the next 20 years. The ISRP 2041 sets the strategic framework of the region aiming to protect and enhance the region's assets and plan for a sustainable future. Under the vision, the theme "*A region that values its people and places*" sets out to provide greater housing diversity which is more affordable and sustainable. The draft Planning Proposal request is generally consistent with the following objective and strategies within the ISRP 2041:

Objective 18 Provide housing supply in the right locations.

The ISRP 2041 identifies West Lake Illawarra as being the focus for housing supply and designed to be healthy, vibrant and sustainable with active and passive open space.

Objective 19 Deliver housing that is more diverse and affordable

The proposal generally aligns with Strategy 19.1 *provide a mix of housing types and lot sizes including small lots in urban release areas*. The draft Planning Proposal request is applicable to land within the West Dapto Urban Release Area. It is likely that the proposal will result in greater housing diversity through the proposed reductions to the minimum lot size and floor space ratio within the existing R2 Low Density Residential zoned land. However, resulting from the distance to existing and proposed and proposed town centres medium density housing is generally not supported.

Objective 23 Celebrate, conserve and reuse cultural heritage

The proposal generally aligns with Strategy 23.1 – *Undertake heritage studies early to inform conservation and value add opportunities and Apply adaptive reuse and heritage interpretation to create distinctive local places*. The SoHI and Archaeology Report recommended interpretation be utilised for items not recognised as being heritage items but that represent past European development within the West Dapto area which has generally been supported by Council's Heritage Officers.

Council's Heritage officer has recommended additional archaeological studies be provided on known and potential sites of Aboriginal Significance and early European settlement prior to a Gateway determination. Further recommendations regarding heritage sites will be provided as part of the Neighbourhood Planning process, should the draft Planning Proposal request progress.

Wollongong 2028 Community Strategic Plan

This report contributes to the delivery of Our Wollongong 2028 goal “We value and protect our environment” under the objective “The sustainability of our environment is improved”. It specifically delivers on the following -

Community Strategic Plan	Delivery Program 2018-2022	Operational Plan 2021-22
Strategy	4 Year Action	Operational Plan Actions
1.3.1 Manage land uses to strengthen urban areas and improve connectivity to train stations and key transport routes	1.3.1.1 Impacts from development on the environment are assessed, monitored and mitigated	Assess new developments and planning proposals for environmental impacts

West Dapto Vision

The draft Planning Proposal is generally consistent with the West Dapto Vision and aims at planning for suitable transport links, water management, environmental conservation, open space, housing and employment. The draft Planning Proposal is generally consistent with the West Dapto Vision by contributing to residential housing and employment within Stage 1 and 2 of the West Dapto Urban Release Area and Employment Lands. The draft Planning Proposal request also seeks to preserve environmental lands within an identified urban release area. The site will be connected into the future NDE providing transportation routes, which will service the residential and employment lands

Council officers have made recommendation within this report to limit the impact upon the Illawarra Escarpment, native vegetation, riparian corridors and potential coastal wetlands upon the site.

FINANCIAL IMPLICATIONS

The financial implications of the West Dapto Urban Release Area are significant and are subject to regular monitoring and modelling. As part of the West Dapto Review Project, Council considered and adopted an updated West Dapto Section 7.11 Development Contributions Plan for the West Dapto Urban Release Area, which includes the subject site.

The cost associated with the upgrades to West Dapto Road, and Sheaffes Road and the establishment of the NDE are included in the West Dapto Development Contributions Plan 2020. Developer contributions have been considered as part of the draft Planning Proposal request, however, will be calculated at the subdivision stage.

On 4 June 2021 the Special Infrastructure Contributions (SIC) program for the West Lake Illawarra commenced. The SICs program seeks to recover some of the cost of State and regional infrastructure through developer contributions.

There are no significant financial implications resulting from this report.


CONCLUSION

This report considers the draft Planning Proposal request for BlueScope lands, being Lot 1 DP 588139, Lot 1 DP 588140, Lot 2 DP 230137 and Lot 1002 DP 1192327 West Dapto Road Kembla Grange. The proposal seeks to facilitate additional residential and industrial development together with improved environmental outcomes.

Should the draft Planning Proposal request be supported, there is the potential to add to the residential housing supply and to support local economic and employment opportunities through increasing industrial lands identified by the State Government and Council under the ISRP 2041 and the West Dapto Vision. The potential urban outcomes have been carefully considered in the context of the site's constraints and characteristics.

Council has the option to adopt the draft Planning Proposal as recommended in this report, either in part or in full, or to not progress a draft Planning Proposal.


It is recommended that Council resolve to prepare a draft Planning Proposal for the site as recommended and, following the satisfactory receipt of additional information, submit it to the NSW Department of Planning, Industry and the Environment seeking a Gateway Determination to allow exhibition. It is also recommended that the draft Neighbourhood Plan be updated to reflect the draft Planning Proposal and be exhibited with the draft Planning Proposal.

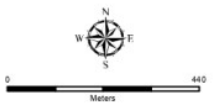


wollongong
city of innovation

Subject Site
Kembla Grange
Blue Scope Land

Subject_Site





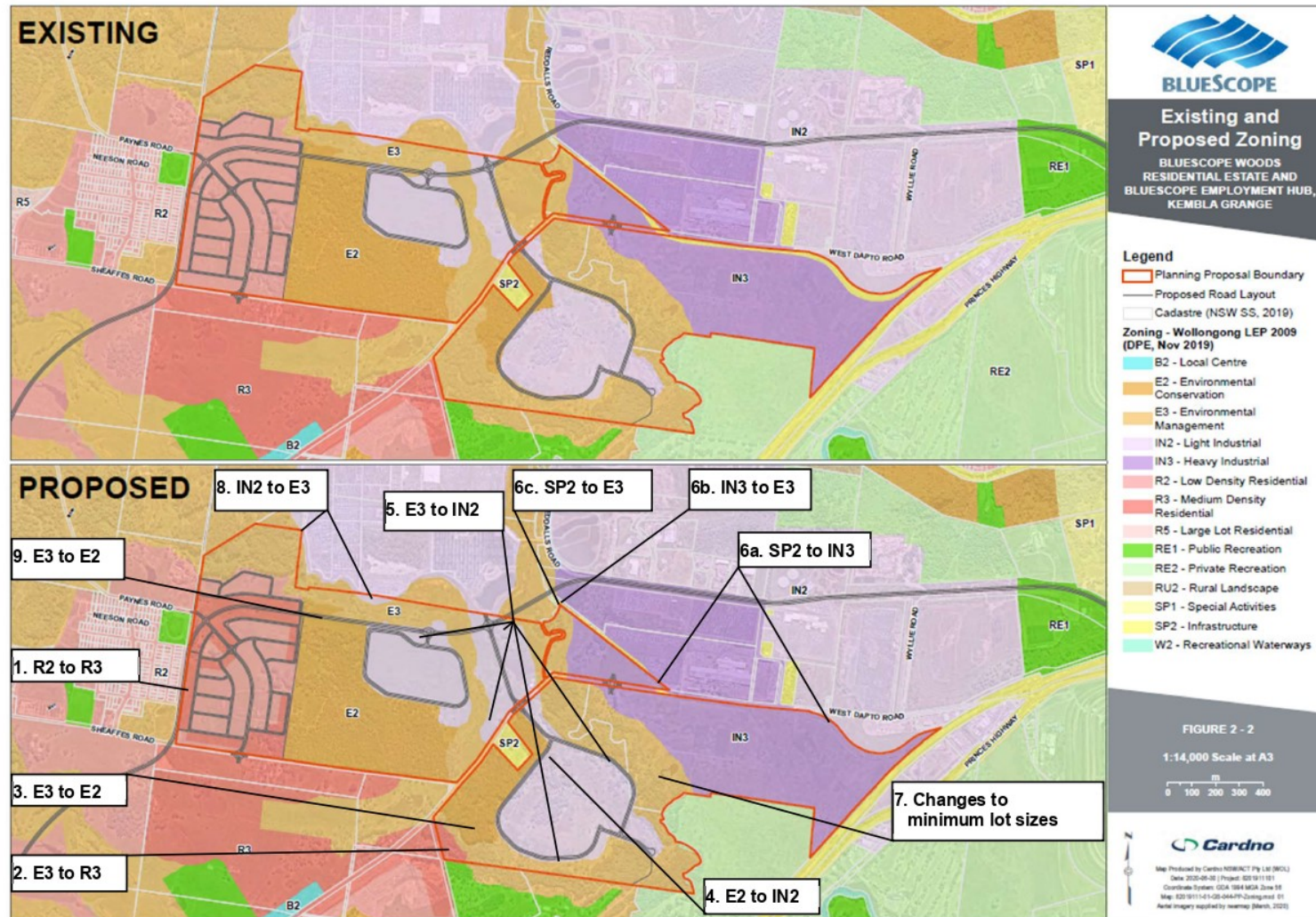
Date of Aerial Photography: 2018
Drawn by : H.Jones
Date: 15-06-2021

LUP ref:KG Location Map.mxd



Biobanking Agreement area and proposed Stewardship site





ADVICE AND STATEMENT OF REASONS**WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)**

DATE OF MEETING	29/4/21
PANEL MEMBERS	Sue Francis, Alison McCabe, Scott Lee

Meeting held on-line hosted by Wollongong City Council, 41 Burelli Street, Wollongong on 29/4/21 opened at 1:00pm and closed at 4:00pm.

MATTER DETERMINED

Item 3 - Planning Proposal PP-2020/4 – Bluescope Holdings, Kembla Grange

PUBLIC SUBMISSIONS

The Panel heard from Brian Moran (Bluescope), Sophie Perry (Cardno), Justine Wallis (Cardno), David Laing (Cardno)

PANEL CONSIDERATION




The Panel considered the Council officer's report, draft Planning Proposal request and supporting documents, and the material presented at the meeting.

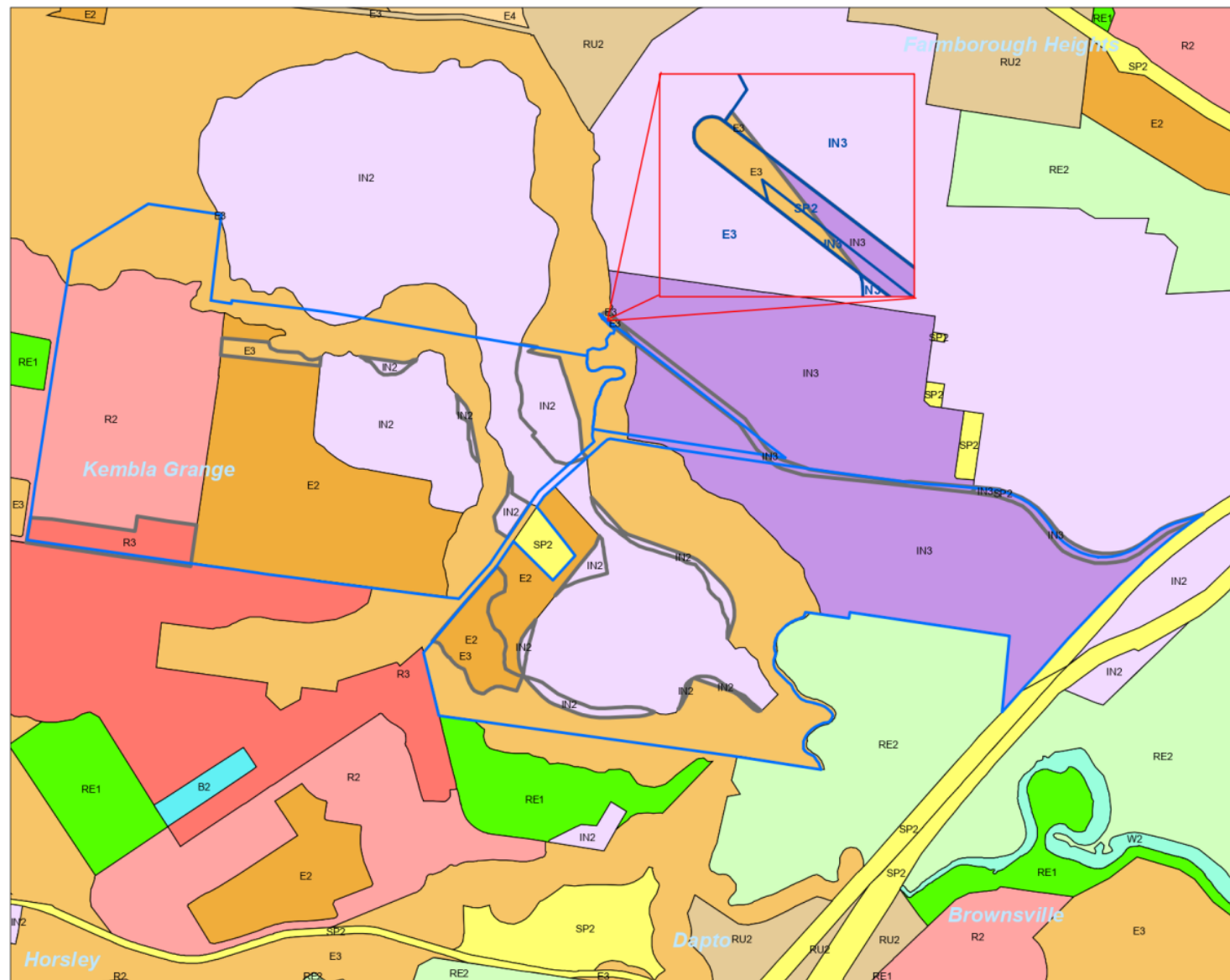
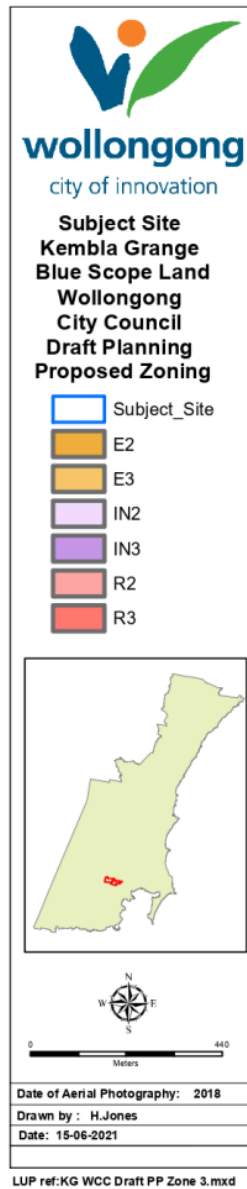
PANEL DECISION

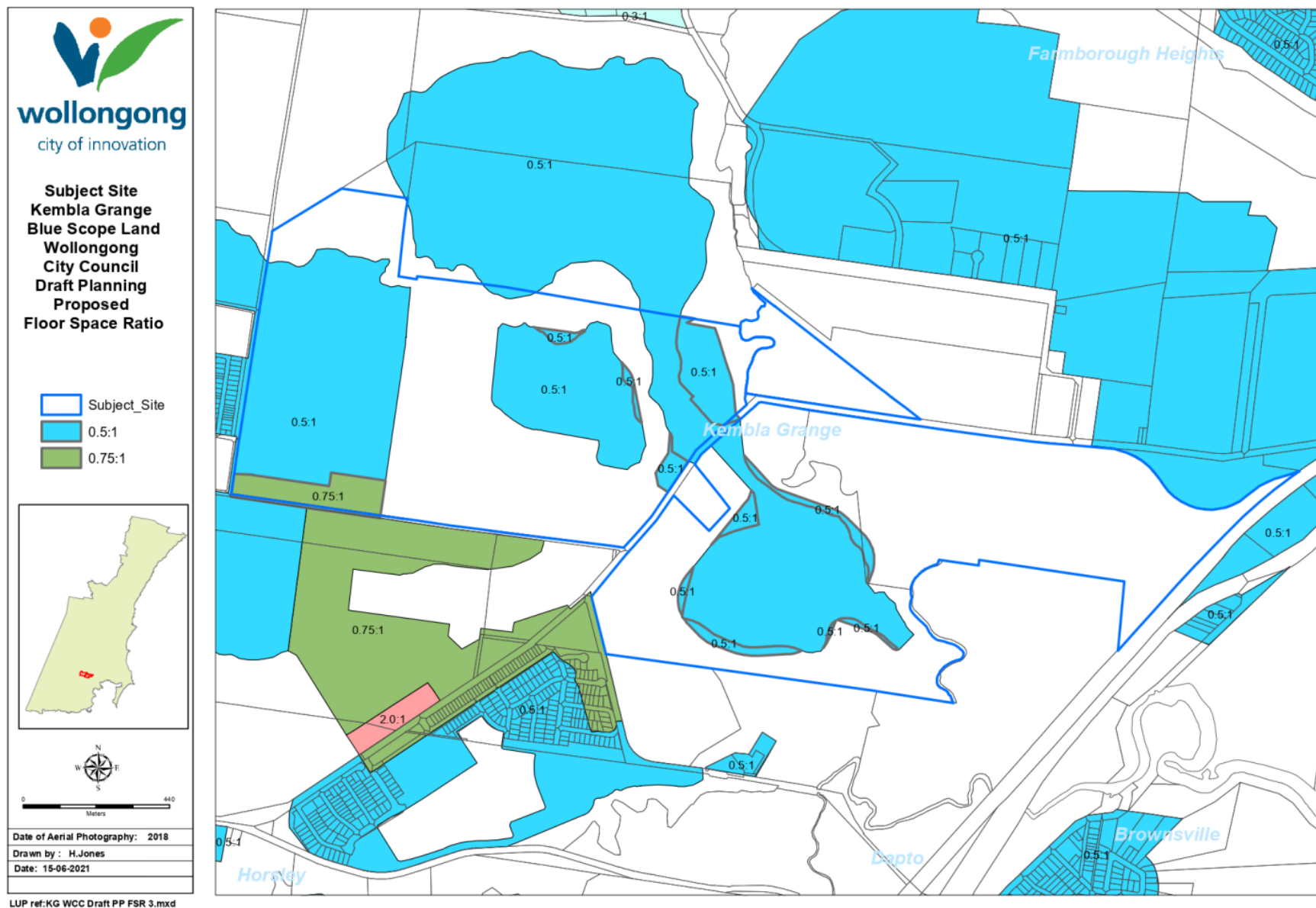
The Panel notes that the land is within stage 1 of the West Dapto Urban Release Area and has been zoned for urban development and conservation outcomes. Based on the proposed amendments to the existing zoning outlined in the Council officers report, the Panel advises:

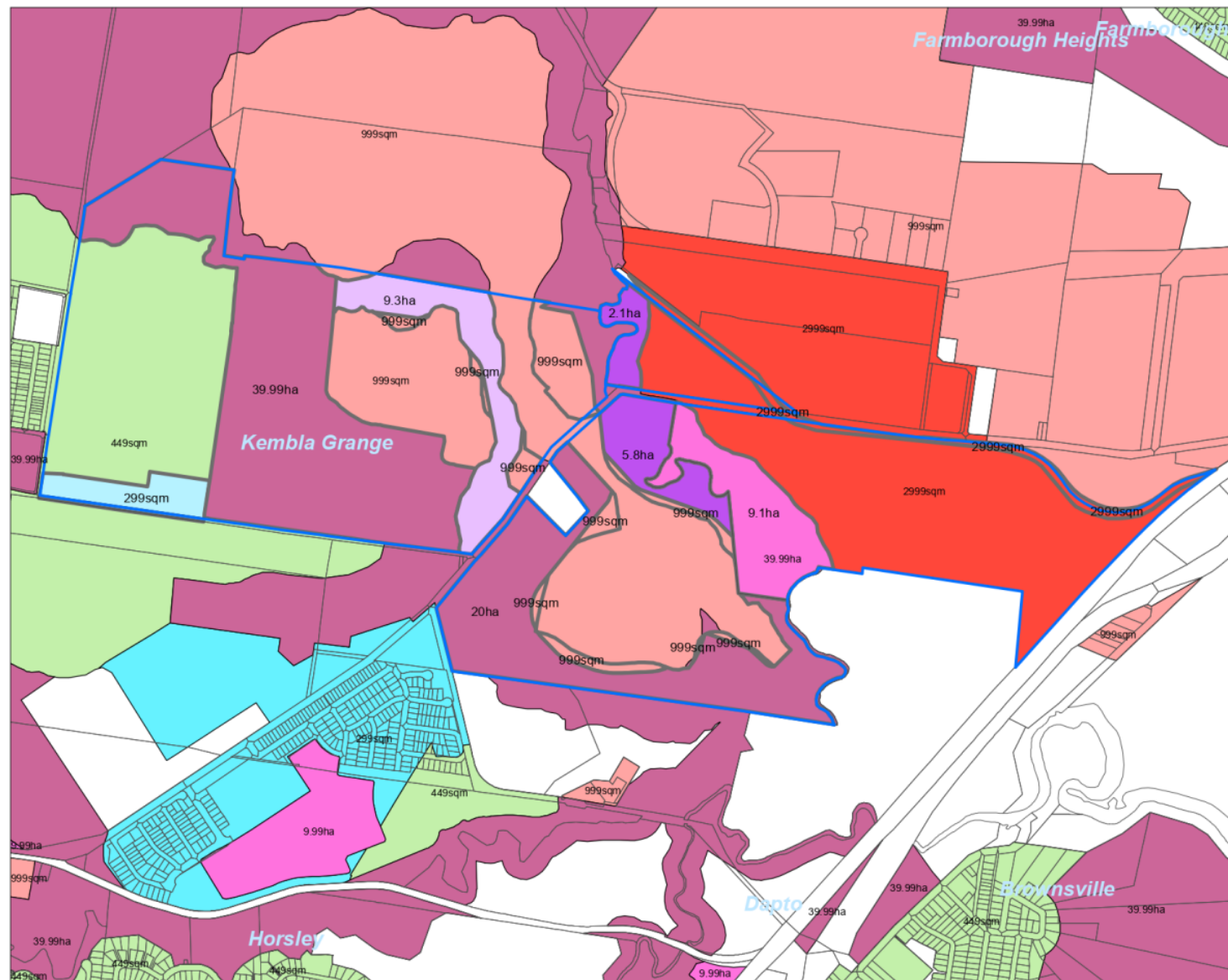
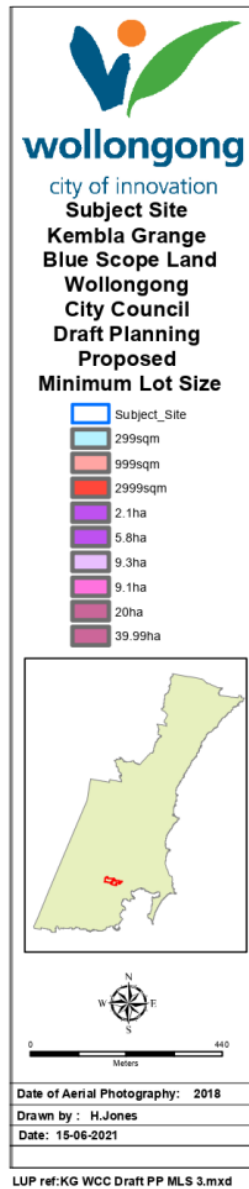
- Amendment 1 - The Panel supports the recommendations of the officers report not to rezone parts of the Paynes Rd precinct to R3. The planning controls should align with the land to the west of Paynes Road and the southern side of Sheaffes Rd
- Amendment 2 – The Panel supports the recommendations of the officers report not to rezone the land to R3, and notes that the applicant accepts the recommendation
- Amendments 3 - The Panel supports the recommendations of the officers report in terms of the rezoning from E3 to E2 as proposed by the applicant. Refer to amendment 7 re proposed lot size changes
- Amendment 4 - The Panel did not support the rezoning from E2 to IN2 – as the ecological mapping shows the area as EEC and is contiguous with the E2 to the west.
- Amendment 5(a) - The Panel supports the recommendations of the officers report to rezone the land from E3 to IN2, because the vegetation has been ground truth as woody weeds
- Amendment 5(b), 5(c) and 5(d) - The Panel supports the recommendations of the officers report, to rezone the land from E3 to IN2, because it is cleared land
- Amendment 6 – The Panel supports the removal of the SP2 Infrastructure – Railway corridor.
- Amendment 7 - The Panel supports the recommendations of the officers report to retain the existing Minimum Lot Sizes, but there should be further investigations as to whether clause 4.1A of the WLEP would achieve the desired and appropriate development and conservation outcomes. An amendment to this clause, if it does not currently achieve the desired outcomes, may be a more appropriate approach.
- Amendment to Coastal Management SEPP – The Panel notes that the SEPP mapping submitted by the applicant is proposed to be reviewed.

The decision was unanimous

PANEL MEMBERS	
 Sue Francis (Chair)	 Alison McCabe
 Scott Lee	







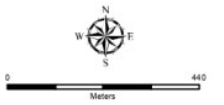




wollongong
city of innovation

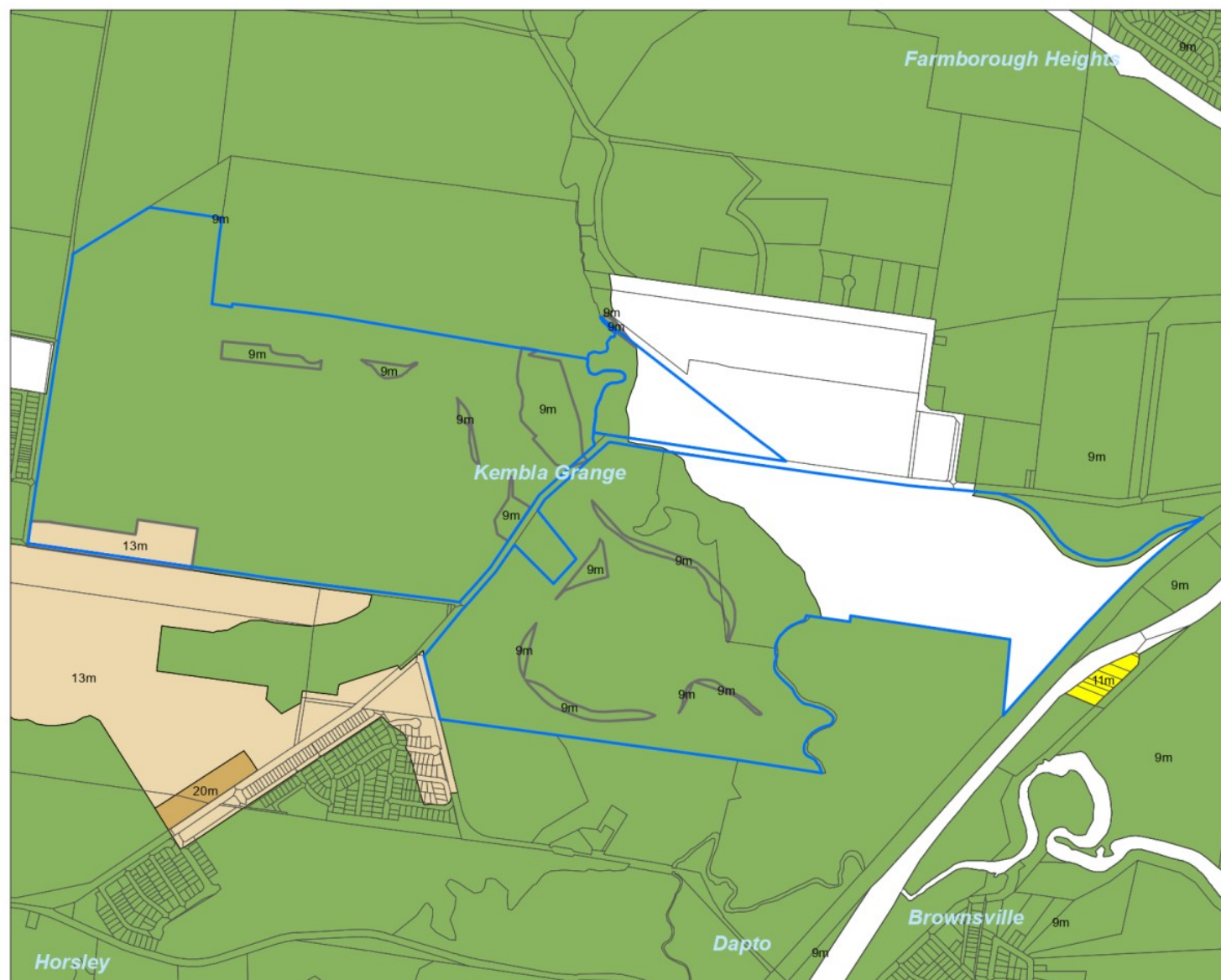
Subject Site
Kembla Grange
Blue Scope Land
Wollongong
City Council
Draft Planning
Proposed
Height Of Building

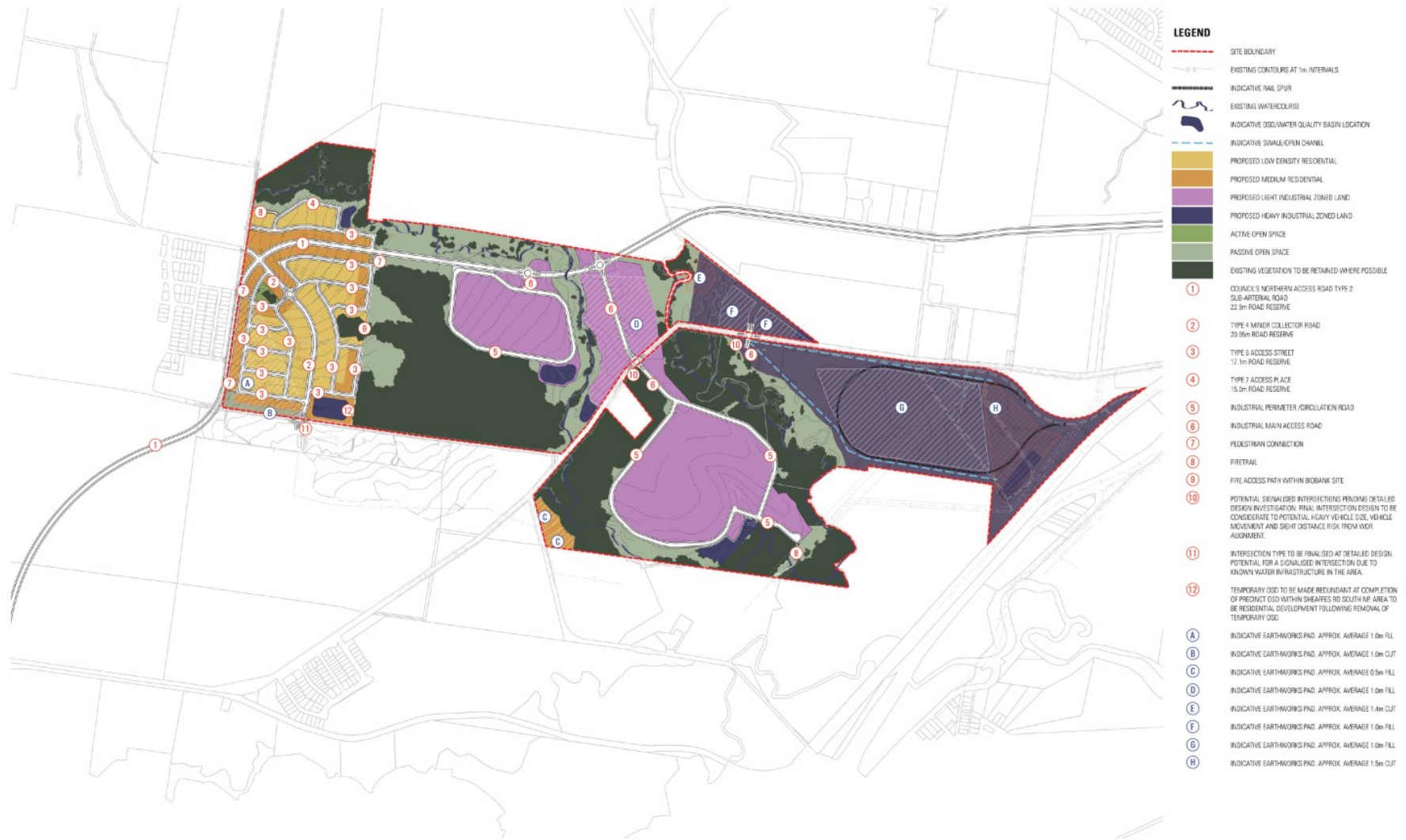
 Subject_Site
 9m
 13m

Date of Aerial Photography: 2018
Drawn by : H.Jones
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LUP ref:KG WCC Draft PP Zone 3.mxd





NEIGHBOURHOOD PLAN (VERSION 2)



landscape architecture
urban design
environmental management



0 100 200 300 600m
SCALE 1:6000 @ A1, 1:12000 (A3)



BLUESCOPE STEEL BSL KEMBLA GRANGE DA & NP

DATE 30.06.2020 PROJECT NO. 82019111-01 DRAWING NO. L1001 ISSUE 1