Draft Planning Proposal

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: Sheaffes Road south, Kembla Grange

ADDRESS OF LAND: Part of Lots 201 and 202 DP 1192033, part of Lot 1 DP 795839 and part of Lots 3 and 4 DP 1008723; Part of Lot 1 DP 657171 and part of Lot 1 DP 1118463; Lot 1 DP657171, West Dapto Road and Sheaffes Road, Kembla Grange



BACKGROUND:

As part of the development of the West Dapto Release Area, a draft Neighbourhood Plan has been prepared for the Sheaffes Road South precinct, located between Sheaffes Road and West Dapto Road, Kembla Grange. Council on 15 December 2014 resolved to exhibit the draft Neighbourhood Plan. Council also resolved to prepare a draft Planning Proposal to make minor amendments to the LEP, to facilitate improved urban outcomes (Figure 2).

To implement the Neighbourhood Plan amendments are required to the Wollongong LEP 2009 (Figure 3). These changes facilitate the relocation of the town centre from both sides of West Dapto Road to the northern side of West Dapto Road. This would see the southern side of the road rezoned to support medium density residential development.

The Neighbourhood Plan also accommodates a primary school site which is identified as being required in the West Dapto Master Plan. This land is intended to retain its R3 Medium Density Residential zone, and will not be nominated on the Land Reservation Acquisition maps.

Adjustments to the residential and environmental boundary

The proposal also identified the need to adjust the boundary between E3 Environmental Conservation and R3 Medium Density zones along the northern watercourse to reflect the updated flood information. Corresponding amendments to the floor space ratio, height of building, minimum lot size and flood maps. This change would also facilitate the efficient subdivision of the land.

Please note that Council is the owner of Lot 1 DP 657171, the largest lot in the precinct, and lead the Neighbourhood Planning process.

Town Centre

The original draft Neighbourhood Plan had the town centre was divided by West Dapto Road. The total area of the land zoned for the town centre within the neighbourhood precinct is 19,800m² to the north of West Dapto Road and 15,350m2 on the south of West Dapto Road, the southern portion being outside of the neighbourhood precinct.

As part of the development of the Darkes Road South West Neighbourhood Plan on the south eastern side of West Dapto Road, discussions were held as to whether the town centre should be to one side of West Dapto Road or divided by the road. Council subsequently engaged Urbacity as part of a wider review of West Dapto town centres. The Urbacity report was presented to Council as part of the Stage 3 rezoning proposal on 13 October 2014. It recommended the Darkes Road Town Centre be fully located on the northwestern side of West Dapto Road, rather than be divided by the road. This would result in better urban form if designed appropriately and would allow better interface with the public recreation land that would now adjoin the town centre to the west.

The total area now proposed for the town centre which will sit within this neighbourhood is 35,100m². The relocation of the town centre requires a planning proposal that rezones the B2 Local Centre land on the south of West Dapto Road to R3 Medium Density Residential with subsequent changes to the minimum lot size, floor space ratio and height. The planning proposal would also require the land to the north of the current B2 Local Centre to be rezoned from R3 Medium Density Residential to B2 Local Centre (Figure 2). Figure 3 shows the overall Neighbourhood Plan layout as adopted for exhibition.

School Site

As part of the development of the West Dapto master plan (2004-2008), the Department of Education and Communities nominated 2 secondary schools (6ha) and 8 primary schools (2ha) as being required for the release area. To date, the Department of Education and Communities has not secured any sites for schools in West Dapto. One of the primary school sites was nominated to be in the vicinity of Darkes Road.

The consultant that prepared the original draft Neighbourhood Plan proposed a primary school and high school site. The Department of Education and Communities did not support either of the nominated sites. Consequently Council decided to focus on securing at least one primary school site. Following discussions with the Department of Education and Communities, the consultant that was engaged to review the draft Neighbourhood Plan proposed an alternate primary school site (the current location). However, the Department of Education and Communities has not agreed that the school site is suitable and will be

acquired. This Planning Proposal retains the site as R3 Medium Density Residential, though the potential for a school site is still retained in the Neighbourhood Plan for the precinct.

School sites have a large land take and generate significant traffic, therefore their location needs to be identified early in the planning process. Otherwise, the prime residential land will be subdivided for residential lots, and schools will be located in less than desirable locations.

It is noted that Council is currently the land owner of the school site, but that there is no certainty that Council will be the land owner into the future. If the land cannot be secured for a school site, the land will retain its R3 Medium Density Residential zone and likely be developed for housing.



Figure 2



Part 1: OBJECTIVES OR INTENDED OUTCOMES OF THE PLANNING PROPOSAL:

What is the purpose of the Planning Proposal?

The draft Planning Proposal would facilitate the implementation of a Neighbourhood Plan for Sheaffes Road and West Dapto Road for the relocation of the town centre from both sides of West Dapto Road to the northern side.

Make boundary adjustment along the riparian corridor to reflect updated information and facilitate efficient subdivision of the land upon the receipt of the subdivision application.

Part 2: EXPLANATION OF THE PROVISIONS OF THE PLANNING PROPOSAL:

<u>How</u> are the objectives of the Planning Proposal to be achieved? How will the LEP be changed?

Map amendments:

- 1. Town Centre: Rezoning of parts the following lots:
 - a. Part of Lots 201 and 202 DP 1192033, part of Lot 1 DP 795839 and part of Lots 3 and 4 DP 1008723 (located on the eastern side of West Dapto Road) from B2 Local Centre to R3 Medium Density Residential, with a floor space ratio of 0.75:1 and minimum lot size of 299m² and building height of 13m (as part of PP-2014/5); and
 - b. Part of Lot 1 DP 657171 and part of Lot 1 DP 1118463 (located on the western side of West Dapto Road) from R3 Medium Density Residential to B2 Local Centre, with a floor space ratio of 2:1, no minimum lot size and a building height of 20m.
- Adjust the boundary between E3 Environmental Conservation and R3 Medium Density zones along the northern watercourse. Corresponding amendments to the floor space ratio, height of building, minimum lot size and flood maps.
- 3. Amend the minimum lot size map for the R3 zone to be 299sqm

Part 3: JUSTIFICATION FOR THE PLANNING PROPOSAL:

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?	West Dapto is an urban release area in planning for over 10 years, there is a vision and master plan that encompasses the subject site and surrounds that identifies the land for residential development. This planning proposal is consistent with the master plan and vision. It is also noted that West Dapto Urban Release Area is a key area of growth in the Illawarra Regional Strategy. This planning proposal is consider necessary to facilitate a Neighbourhood Plan within the West Dapto Urban Release Area. The relocation of the town centre has been subject to a revised study by Urbacity that identifies the suitability of the town centre relocation. The study was undertaken as part of a review of all the centres proposed throughout the West Dapto Release Area.
2. 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.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy	Illawarra Regional Strategy – West Dapto is an urban release area in planning for over 10 years and nominated in the Illawarra Regional Strategy as key area of growth for Wollongong and the Illawarra, the planning proposal is consistent with the vision and master plan that encompasses the subject site and identifies the land for residential development. Rezoning additional land in accordance with the land constraints and optimising the efficiency of development in West Dapto Urban Release Area is consistent with the Illawarra Regional Strategy. The planning proposal has considered constraints and sensitivities of the site as per the sustainability criteria such as biodiversity and flooding and is endeavouring to ensure that where possible vegetation is preserved, development is outside of the 1 in 100 year event.
5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?	Wollongong 2022 - West Dapto is one of five key aspirations for Wollongong Council in its Delivery Program, this is reflected in the goals and objectives of the Community Strategic Plan. <u>Aspiration:</u> Council will work in collaboration with key agencies to provide the infrastructure needed to support growth within the West Dapto Urban Release Area. This will include improving access infrastructure and local services which are needed to support the additional 17,000 future housing lots within the release area.
6. Is the planning proposal consistent with applicable State Environmental Planning Policies?	Refer to Table A – Checklist of State Environmental Planning Policies.
7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	Refer to Table B – Checklist of Ministerial Directions.

Section C – Environmental, social and economic impact

8. 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?	proposal expands the E3 Environmental Management zone to cover a greater area of the EECs in some	
environmental effects as a result of the	The precinct is partially affected by flooding. The boundary between the residential and E3 Environmental Management zone would encroach within the 1 in 100 ARI based on the Mullet Creek Flood	

	Extension study (Bewsher 2010).
10, How has the planning proposal adequately addressed any social and economic effects?	This planning proposal is considered a housekeeping matter because the land is already rezoned as part of the West Dapto Urban Release Area.
	It is considered that the impacts of the proposal are minimal on a social and economic basis other than it would permit efficient development of the land.
	The relocation of the town centre to be fully on the western side of West Dapto Road will have better retail outcomes, and reduced traffic / pedestrian conflict issues.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	The land is within Stage 1 and 2 of West Dapto Urban Release Area and there are services being rolled out for the area in addition to substantial private works for infrastructure.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	Consultation with Agencies will need to take place as part of the Gateway determination. The Department of Education and Communities has not endorsed the school site, which was subsequently removed from the Planning Proposal. The exhibition of the draft planning proposal will enable formal consultation to occur with agencies.

PART 4: MAPS, WHERE RELEVANT, TO IDENTIFY THE INTENT OF THE PLANNING PROPOSAL AND THE AREA TO WHICH IT APPLIES Proposed Planning Controls –











Part 5: DETAILS OF COMMUNITY CONSULTATION TO BE UNDERTAKEN ON THE PLANNING PROPOSAL:

Any Gateway Determination will confirm community consultation requirements. If the Planning Proposal is supported, the Proposal will be exhibited for a minimum period of *twenty eight (28) days*, and include:

- Hard copies at Council's Administration building and relevant Libraries;
- Electronic copy on Council's website;
- Notification letters to affected; surrounding property owners and
- Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning and Infrastructure including but not limited to:
 - o Office of Environment and Heritage
 - o Office of Water
 - RMS
 - o **RFS**
 - o Sydney Water
 - o Department of Education and Communities

Part 6: PROJECT 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.

#	Action	Estimated Timeframe	Responsibility
1	Anticipated date of Gateway Determination	March 2015	Department of Planning and Environment
2	Anticipated completion of required technical studies	NA	Consultants
3	Government agency consultation	April 2015	Agencies
4	Public exhibition period	April 2015	Council
5	Date of Public Hearing (if applicable)	NA	Council
6	Consideration of submissions	April 2015	Council
7	Assessment of proposal post-exhibition	May 2015	Council
8	Report to Council	June 2015	Council
9	Final maps and Planning Proposal prepared	July 2015	Council
10	Submission to Department for finalisation of LEP	July 2015	Council
11	Anticipated date RPA will make the LEP	Delete if Council is not the RPA	Council (if under delegation)
12	Anticipated date Council will forward final Planning Proposal to DOP&E for notification	August 2015	Council
13	Anticipated date LEP will be notified	November 2015	Parliamentary Counsel and DOP&I

Table A - Checklist of State Environmental Planning Policies

	nvironmental Planning Policy	Compliance	Comment
State policies			7
SEPP No. 1	Development Standard	Does not apply to Wollongong	
SEPP No. 4	Development Without Consent and miscellaneous Exempt and Complying Development	Consistent	Clause 6 and parts 3 and 4 of SEPP were repealed by Wollongong LEP 2009
SEPP No. 6	Number of Storeys in a Building	Consistent	Planning Proposal does not propose controls for the number of storeys.
SEPP No. 14	Coastal Wetlands	NA	
SEPP No. 15	Rural Land Sharing Communities	Does not apply to Wollongong	
SEPP No. 19	Bushland in Urban Areas	Does not apply to Wollongong	
SEPP No. 21	Caravan Parks	NA	
SEPP No. 22	Shops and Commercial Premises	Consistent	
SEPP No. 26	Littoral Rainforests		No littoral rainforests identified by the policy in the Wollongong LGA
SEPP No. 29	Western Sydney Recreational Area	Does not apply to Wollongong	
SEPP No. 30	Intensive Agriculture	NA	
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)	NA	
SEPP No. 33	Hazardous and Offensive Development	NA	
SEPP No. 36	Manufactured Home Estates	NA	
SEPP No. 39	Spit Island Bird Habitat	Does not apply to Wollongong	
SEPP No. 41	Casino/Entertainment Complex	Does not apply to Wollongong	
SEPP No. 44	Koala Habitat Protection	NA	
SEPP No. 47	Moore Park Showground	Does not apply to Wollongong	
SEPP No. 50	Canal Estate Development	NA	
SEPP No. 52	Farm Dams, Drought Relief and Other Works	Does not apply to Wollongong	
SEPP No. 55	Remediation of Land	Consistent	Contamination issues have been considered as part of the original rezoning of West Dapto, and will be further considered as part of Development Applications.
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	Does not apply to Wollongong	
SEPP No. 59	Central Western Sydney Economic	Does not apply to	

State E	nvironmental Planning Policy	Compliance	Comment
	and Employment Area	Wollongong	
SEPP No. 60	Exempt and Complying Development	Consistent	NA
SEPP No. 62	Sustainable Aquaculture	NA	
SEPP No. 64	Advertising and Signage	Consistent	NA
SEPP No. 65	Design quality of residential flat	Consistent	NA
	development		
SEPP No. 70	Affordable Housing (revised	Does not apply to	
	schemes)	Wollongong	
SEPP No. 71	Coastal Protection	NA	
SEPP	Housing for Seniors or People with a Disability 2004	Consistent	
SEPP	Building Sustainability Index: BASIX 2004	Consistent	
SEPP	Major Projects 2005	NA	
SEPP	Development on Kurnell Peninsular	Does not apply to	
	2005	Wollongong	
SEPP	Sydney Region Growth Centres 2006	Does not apply to	
		Wollongong	
SEPP	Mining, Petroleum Production and Extractive Industries 2007	Consistent	NA
SEPP	Infrastructure 2007	Consistent	NA
SEPP	Temporary Structures 2007	Consistent	NA
SEPP	Kosciuszko National Park – Alpine	Does not apply to	
	Resorts 2007	Wollongong	
SEPP	Rural Lands 2008	Does not apply to	
		Wollongong	
SEPP	Affordable Rental Housing 2009	Consistent	
SEPP	Western Sydney Employment Lands	Does not apply to	
0500	2009	Wollongong	
SEPP	Exempt and Complying Development Codes 2008	Consistent	
SEPP	Western Sydney Parklands 2009	Does not apply to	
		Wollongong	
Deemed SEPPS(former Regional			
Plans)			
Illawarra REP 1	Illawarra	Repealed within Wollongong	
Illawarra REP 2	Jamberoo	Does not apply to Wollongong	
Greater Metropolitan REP No.2	Georges River catchment	Does not apply to Wollongong	

Ministerial Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	Applies The land subject to rezoning contains (in part) zoned B2 Local Centre. The centre is proposed to be relocated to the western side of West Dapto Road.
2.4)	The proposed amendments do not reduce the overall area zoned for business uses and is therefore consistent with the direction and its objectives.
1.2 Rural Zones	Not applicable No rural zones are affected.
1.3 Mining, Petroleum Production Extractive Industries	and Applies The land is identified for future urban release area in the Illawarra Regional Strategy and is zoned as such. This amendment only affects the zone boundaries and does not fundamentally alter the land uses that are currently permitted.
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable This proposal does not affect rural lands or land for agricultural production.
2. Environment and Heritage	

Table B - Checklist of Section 117 Ministerial Directions

2.1	Environment Protection Zone	Applies Adjustments to the E3 zone boundaries are proposed under this amendment. The boundary adjustment involves land that is E3 being rezoned to R3 and conversely land that is R3 being rezoned to E3.
		This is considered to better reflect the landowner aspirations, constraints and facilitates better outcomes in the Neighbourhood Plan. It is considered that the changes are consistent with the objectives of the direction as E3 zone is expanding conserve Ecologically Endangered Communities (EECs) and retracting where there are no EECs and flood constraints.
		The changes have been justified through a Neighbourhood Plan and supporting documentation which has been independently assessed and which Council has endorsed for exhibition.
		Given the above information it is considered that the proposal is consistent the direction and its objectives. Should the Planning Proposal proceed past the Gateway determination, consultation will occur with the NSW Office of Environment and Heritage.
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Not applicable No known sites are being impacted upon as a result of the planning proposal.
2.4	Recreation Vehicle Areas	Not applicable
3. Housing,	3. Housing, Infrastructure and Urban Development	

3.1 Residential Zones	Applies
	Minor adjustments to the R3 zone boundaries are proposed under this amendment. The boundary adjustment involves land that is E3 being rezoned to R3 and conversely land that is R3 being rezoned to E3. This is considered to better reflect the land constraints and facilitates better outcomes in the Neighbourhood Plan.
	These adjustments reflect the proposed road layout identified in the Neighbourhood Plan, the vegetation communities on the site and the flooding constraints.
	Given the above information the proposal is considered consistent with this direction and its objectives because the land will, as specified in the direction be adequately serviced, provide flexibility in the type of housing that can be delivered and enable better design through the minimisation of impacts on the environment.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable The amendment does not seek to alter the provisions for caravan parks or manufactured home estates.
3.3 Home Occupations	Consistent Home business, industry and occupation are permitted under the SEPP Exempt and Complying and is unaffected by the amendment.
3.4 Integrating Land Use and Transport	Consistent The site is identified as part of the West Dapto Urban Release Area. The area has been subject to extensive work, designed with consideration for and supporting studies that look at supporting and improving access to housing, jobs, and services by walking (networks of paths) and cycling (cycleway paths) and public transport (designed in road networks). The Neighbourhood Plan that this proposal facilities contains provisions for all three transport methods. The proposal is therefore consistent with direction and its objectives.
3.5 Development Near Licensed Aerodromes	Not applicable Area not near a licensed aerodrome.
3.6 Shooting Ranges	Not applicable Area not near a shooting range.
4. Hazard and Risk	

4.1	Acid Sulfate Soils	Not applicable
		The area is not mapped in the LEP as containing Acid Sulfate Soils.
4.2	Mine Subsidence and Unstable Land	Not applicable
		The area is not mapped in the LEP as unstable land.
4.3	Flood Prone Land	Applies
		The site includes flood prone land which is proposed to be zoned E3
		Environmental Management and R3
		Medium Density Residential
	X	The boundary being identified through
		the Mullet Creek Flood Extension study (Bewsher 2010).
		These adjustments to the R2/R3 and
		E3 zone better reflect the flooding
		which is generally considered to be shallow and capable of being dealt with
		as part of the subdivision of the land.
		Noting that the land is E3 is also being
		extended and this would enable the
		potential better management of flood on site.
		Generally development will be outside
		the 1 in 100 year flood extent and it is
		therefore considered that proposal is consistent with the direction and its
		objectives.
4.4	Planning for Bushfire Protection	Applies The northern part of the precinct is
		bush fire prone, from the bushland on
		the northern side of Sheaffes Road. A Bushfire Protection Assessment has
		been carried out that identified Sheaffes
		Road will form part of an APZ which will also need to be considered for
		proposed lots on Sheaffes Road.
		The Rural Fire Service will be consulted
		as part of the process and however it is considered that the proposal is
		consistent with the direction and its
		objectives subject to appropriate APZs.
5. Regional	Planning	
o. Regional		

	5.1	Implementation of Regional Strategies	AppliesPlanningproposalconsideredconsistent with the Illawarra RegionalStrategy 2007 in that the proposal isconsistent with the vision and land usestrategy for West Dapto as a key urbangrowth area.ThisproposalfacilitatesaNeighbourhoodPlanwhichis aprerequisiteto the lodgement of adevelopmentapplicationfordevelopment in West Dapto.
	5.2	Sydney Drinking Water Catchments	Not applicable
	5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Wollongong
	5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to Wollongong
	5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable to Wollongong
Creek	5.8	Second Sydney Airport: Badgerys	Not applicable to Wollongong
6. Local Plan Making			
	6.1	Approval and Referral Requirements	No referral provisions are being introduced
	6.2	Reserving Land for Public Purposes	Applies The proposal identified land for a primary school and identified that land for reserves acquisition in the LEP maps with a SP2 Educational Establishment zone and the Minister for Education as the responsible acquisition authority. It is noted that the Department did not support the acquisition as it conflicts with clause 10 of the EP & A
			Regulations. The proposed zoning and acquisition has been removed from the amended Planning Proposal.
	6.3	Site Specific Provisions	Not applicable
7. Metropolitan Planning			
	7.1 for Syd	Implementation of the Metropolitan Plan ney 2036	Not applicable