



IRF23/2466

Gateway determination report – PP-2023/1971

Reclassification – 340 West Dapto Road, Stream Hill

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Site description and surrounding area.....	2
1.5	Mapping.....	2
1.6	Background	3
2	Need for the planning proposal	3
3	Strategic assessment	3
3.1	Regional Plan	3
3.2	Local.....	4
3.3	Local Planning Panel (LPP) recommendation	5
3.4	Section 9.1 Ministerial Directions	5
3.5	State Environmental Planning Policies (SEPPs)	6
4	Site-specific assessment	6
4.1	Environmental, Social and Economic.....	6
4.2	Infrastructure	6
5	Consultation.....	7
5.1	Community	7
5.2	Agencies.....	7
6	Timeframe	7
7	Local plan-making authority	7
8	Assessment summary	7
9	Recommendation.....	7

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal (September)
Council Minutes (July 2023)
WLPP Statement of Reasons (July 2023)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	LGA name
PPA	Wollongong City Council
NAME	Reclassification – 340 West Dapto Road, Stream Hill
NUMBER	PP-2023/1971
LEP TO BE AMENDED	Wollongong Local Environmental Plan 2009
ADDRESS	340 West Dapto Road, Stream Hill
DESCRIPTION	Lot 1 DP 657171
RECEIVED	8/09/2023
FILE NO.	IRF23/2466
POLITICAL DONATIONS	There are no donations or gifts to disclose, and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to reclassify the site at 340 West Dapto Road, Stream Hill (Lot 1 DP 657171) from Community Land to Operational Land.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Wollongong Local Environmental Plan 2009 (Wollongong LEP 2009) to list the subject site under Schedule 4, Part 1 'Land classified, or reclassified, as operational land — no interests changed'.

This will have the effect of giving the land operational status.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

Council is not seeking to change/discharge any interests or trusts from the subject land and has not identified it as a Public Reserve.

1.4 Site description and surrounding area

The site is located at 340 West Dapto Road, Stream Hill in the Wollongong local government area (Figure 1).

The site is legally described as Lot 1 DP 657171 and is approximately 43.03ha in size.

The site is located to the north of Horsley town centre, east of Brownsville town centre and south of the zoned, future residential and light industrial land. The site is otherwise surrounded by conservation land and residential development. The subject site is located in the West Dapto Urban Release Area, as identified in the Illawarra Shoalhaven Regional Plan 2041.

The site's current land use comprises a rural dwelling and is also used for agricultural purposes. A four-bedroom residential dwelling with a detached garage is located on the site, the property is under a residential tenancy lease, which will expire 1 July 2024.

The site is predominantly zoned R3 Medium Density Residential, and is partly zoned E1 Local Centre, RE1 Public Recreation and C3 Environmental Management and has varying development controls (minimum lot size, floor space ratio, height of buildings etc.) depending on the specified zone.



Figure 1 Site Location (source: Planning Proposal)

1.5 Mapping

The planning proposal includes mapping to identify the subject land which is considered adequate for public exhibition purposes.

No LEP mapping changes are proposed as part of the planning proposal.

1.6 Background

In 1998, Council sought to authorise the acquisition of the site for the purpose of development and resale. Council recently undertook a review of the 1998 resolution and found that the resolution did not classify the land as operational land, and thus determined the property is classified as community land, even though the site has been identified as Operational land on councils mapping system for the last 20 years.

2 Need for the planning proposal

Council has identified the need to reclassify the subject site from Community Land to Operational Land to ensure it is being operated in accordance with the *Local Government Act 1993*.

Council considers the status of the site as Community Land is not appropriate as it restricts commercial dealings and development proposals. Council notes that the site has been strategically identified as a housing release area and is intended to be used for the purpose of assisting with the development of adjoining land.

The site has been identified as a location to sustain and contribute to urban development outcomes in various adopted strategic documents including the West Dapto Vision 2018, Wollongong DCP (chapter D16 West Dapto Release Area), the Illawarra Shoalhaven regional Plan 2041, Wollongong Local Strategic Planning Statement 2020 and the Wollongong Housing strategy 2023.

The reclassification to Operation Land will enable the site to achieve the intended outcomes by enabling Council to consider future commercial and development opportunities and objectives which are in line with adopted strategic plans.

The site is proposed to be used for a range of uses including the development of a town centre, community centre, primary school, 350 dwellings, and environmental management areas.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Illawarra Shoalhaven Regional Plan 2041 (Regional Plan).

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 11: Protect important environmental assets	The proposal does not seek to alter existing conservation controls applying to the site and the protection of biodiversity values will be maintained through existing LEP provisions.
Objective 12: Build resilient places and communities	The proposal aims to reclassify the land from community land to operational land, this will allow council to sell the land, which will enable development potential of the site within an identified urban release area. In addition, any future development on the site will be assessed in accordance with bushfire, flood and other risks which will reduce the regions exposure to natural hazards.

Objective 18: Provide housing supply in the right locations	Objective 18 identifies the West Dapto suburb as a housing release area and future local centre. The reclassification of the site has the potential to facilitate housing opportunities within an identified strategic centre, which will be adequately serviced by utilities and infrastructure.
Objective 19: Deliver housing that is more diverse and affordable	The reclassification of the site has the potential to facilitate affordable housing opportunities within an identified strategic centre (as above).
Objective 21: Respond to the changing needs of local neighbourhoods	The proposal is located within a diverse range of land use zones, Council have noted the land is proposed to be used for a range of uses, including a town centre, community centre, primary school, environmental management and for additional housing. The reclassification of the site will support development opportunities which will encourage a mix of land uses (as identified above).
Objective 22: Embrace and respect the region's local character	The reclassification of the site will allow for development potential and any future development will be assessed in accordance with chapter D16 of Wollongong DCP, which sets out site-specific controls for West Dapto, which will ensure development supports the local character of the area.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local Strategic Planning Assessment

Local Strategies	Justification
Local Strategic Planning Statement	The planning proposal is consistent with key planning priorities identified in the LSPS relating to the West Dapto Urban Release Area (priority 3.1.3) which determines the release area will be a key housing supply area for many years. The reclassification will enable development potential, which is not considered inconsistent with Council's LSPS.
Wollongong Community Strategic Plan 2032	The planning proposal is consistent with goal 1.6 (<i>West Dapto urban growth is effectively managed with facilities and spaces to support the future community</i>). The reclassification will enable development and urban growth potential in West Dapto, which is not considered inconsistent with Council's Community Strategic Plan.
Wollongong Housing Strategy 2023	The proposal seeks to reclassify the land to operational land, which will provide the potential for increased housing supply in the area. The strategy identifies the Urban Release Area of West Dapto ' <i>will deliver the largest proportion of new housing supply</i> ' (pg 12.). The proposal is consistent with the Wollongong Housing Strategy 2023.

West Dapto Vision
2018

The proposal is consistent with the planning principles outlined in the West Dapto Vision. It is considered that the proposal will provide an opportunity for additional housing (priority 7), community facilities (priority 5), employment (priority 8), and conservation management (priority 3).

3.3 Local Planning Panel (LPP) recommendation

The planning proposal was referred to the Wollongong Local Planning Panel, which supported the proposal unanimously as it considered the proposal had strategic and site-specific merit.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 3.1 – Conservation Zones	Yes	The planning proposal applies to land which is zoned C3 Environmental Conservation. The proposal does not seek to alter existing controls of this zone and thus will ensure the continued protection and conservation of environmentally sensitive areas. The planning proposal is consistent with this ministerial direction.
Direction 4.1 Flooding	Yes	The planning proposal applies to land which is flood-affected. The proposal is not inconsistent with the ministerial direction as the proposal only seeks to reclassify land. No changes are proposed to flooding provisions, nor is any development proposed which would enhance flood risk. In addition, any future development would be subject to a flood risk assessment.
Direction 4.3 Planning for Bushfire Protection	No	<p>The land is partly mapped as bushfire-prone land. As consultation has not occurred with the NSW Rural Fire Service (NSW RFS), the proposal is currently inconsistent with this Direction.</p> <p>A condition is recommended requiring Council to consult with the NSW RFS prior to public exhibition.</p>

Direction 4.4 Remediation of Contaminated Land	Yes	<p>The land is mapped as being potentially contaminated. A development application lodged in 2019 for the site, which included a contamination report, determined that the land would be made suitable for development after remediation. As the proposal is for a reclassification, any future development and the satisfaction of remediation will be determined by the appropriate authority.</p> <p>It is therefore considered that the planning proposal is not inconsistent with the ministerial direction as the site is able to be remediated.</p>
Direction 5.2 Reserving Land for Public Purposes	No	<p>The proposal is inconsistent with this Direction as it reduces land available for public purposes.</p> <p>However, this inconsistency is considered of minor significance and justified under the terms of the Direction.</p> <p>This is because the proposed reclassification will promote development, in accordance with strategic plans and strategies.</p> <p>It is recommended Section B of the planning proposal be updated to provide a detailed assessment of the proposal against this Direction</p>

3.5 State Environmental Planning Policies (SEPPs)

Given the nature of the proposal, it is not inconsistent with relevant SEPPs (refer to Section B of the planning proposal).

4 Site-specific assessment

4.1 Environmental, Social and Economic

The reclassification would not result in any physical works and there is unlikely to be any environmental impacts. Any potential future development applications would be subject to a detailed environmental assessment process.

Council considers reclassification will improve the social and economic effect of the land by allowing the land to be operated/developed as intended by its strategic purpose.

4.2 Infrastructure

No additional public infrastructure requirements or impacts would result from reclassification. A detailed assessment of the infrastructure and servicing requirements of the site would be appropriately undertaken by Council at the development application stage.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days, in addition, a public hearing is also proposed to be undertaken.

The exhibition period proposed is considered appropriate.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal:

- NSW Rural Fire Service

6 Timeframe

Council proposes a 7 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of 9 months in case any unforeseen issues arise. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the planning proposal does not seek to discharge/change any interests or impact a public reserve, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It would result in a land classification for the site that more accurately reflects the strategic intent and proposed uses of the site;
- It would not result in the loss of public open space;
- The proposal is consistent with regional, state, and local strategic plans; and,
- The proposal, subject to conditions complies with relevant ministerial directions.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions are minor or justified; and
- Note that the inconsistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to public exhibition, Section B of the planning proposal is to be updated to provide a more detailed assessment of the proposal against Section 9.1, Direction 5.2 – Reserving Land for Public Purposes
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority



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