

## To amend Wollongong LEP 2009

**LOCAL GOVERNMENT AREA:** Wollongong City Council

**NAME OF LEP:** Wollongong Local Environmental Plan 2009

Reclassification of 340 West Dapto Road, Stream Hill

PP-2023/4

**ADDRESS OF LAND:** Lot 1 DP 657171, 340 West Dapto Road, Stream Hill

Lot Description	Property Address	Owner	Area (HA)
Lot 1 DP 657171	340 West Dapto Road, Stream Hill	Council	43.03



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## Part 1 – Statement of objectives or intended outcomes

### Objective

The objective of the Planning Proposal is to reclassify Council owned land at 340 West Dapto Road, Stream Hill from Community Land to Operational Land, reflecting the established strategic intent of the site and as originally intended when Council purchased the land in 1998.

### Intended Outcomes

- Contribute to the site's role as a strategically important town centre for the West Dapto Urban Release Area in terms of future housing supply, town centre activities and public recreation spaces.
- Permit the reclassification of the site to operational land to enable Council to consider future commercial and development opportunities for the property in line with the adopted strategic plans for the urban release area.

## Part 2 – Explanation of provisions

### Statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP:

Wollongong LEP 2009 Clause 5.2—Classification and reclassification of public land enables councils to classify or reclassify public land as operational land or community land in accordance with the *Local Government Act 1993*.

This Planning Proposal seeks to amend the Wollongong Local Environmental Plan 2009 Schedule 4 – Classification and reclassification of public land for 340 West Dapto Road Stream Hill from Community Land to Operational Land. The proposed outcomes will be achieved by:

- Amending the Wollongong Local Environmental Plan 2009 Schedule 4, Part 1 (Classification and reclassification of public land).

## Part 3 – Justification

### Section A – Need for the Planning Proposal

#### Q1: Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The proposed land reclassification as operational land, whilst not a result of an endorsed strategy, study or report, will enable Council to achieve the desired future outcomes for the West Dapto Urban Release Area envisaged within a range of adopted strategic documents such as the Illawarra Shoalhaven Regional Plan 2041 (2021), Wollongong Local Strategic Planning Statement 2020, West Dapto Vision 2018 and the Wollongong Housing Strategy 2023.

On 17 August 1998 Council resolved to authorise the acquisition of 340 West Dapto Road, Kembla Grange (now Stream Hill) for the purpose of development and resale. The land was formally transferred into Council's ownership on 5 February 1999. There are no restrictions or covenants applying to the land.

Under the Local Government Act 1993, all Council owned land is required to be classified as either Community Land or Operational Land. Under the Act, as part of the acquisition resolution Council can resolve that the land be classified as Operational Land, or following acquisition Council has three months to resolve that an acquired property can be classified as Operational Land. In the absence of a resolution, the land is deemed to be Community Land.

For at least 20 years, Council's mapping system has shown the property as being classified as Operational Land.

A recent review of the 1998 resolution has revealed that the resolution did not resolve that the property be classified as operational land, under the requirements of the Local Government Act 1993. Council officers also searched meeting minutes for the three months after 5 February 1999, and did not find a subsequent resolution to classify the land as Operational Land.

As a consequence, Council officers now consider that the property is classified as Community Land. The Community Land classification restricts commercial dealings and development proposals and prevents the sale or long-term lease of the land.

The site is key for the development of West Dapto, as it is the proposed location of -

- The majority of the Darkes Road Town Centre (7500m<sup>2</sup> of retail floor space).
- Part of the Darkes Road Recreation Area, which will include a community centre.

- A nominated Primary School site.
- An estimated 350 future dwellings.
- Environmental Management areas (floodplain).

The property can be serviced and will also assist with the development of adjoining land.

In 2015 Council adopted the Sheaffes Road South Neighbourhood Plan, which includes the site, as an amendment to the Wollongong DCP 2009 – Chapter D16 West Dapto Urban Release Area, to guide the future development of the site.

In 2018 consultants for Council lodged a Development Application No. 2018/783 for the subdivision of the site into 307 residential lots, nine (9) super lots, one town centre lot and one school lot. The application was later withdrawn in 2018. At that time, it was assumed that the property was classified as Operational Land.

The property has been shown as the location of urban development in various documents for the last 16 years, including -

- The 2007 draft West Dapto Vision, draft Local Environmental Study, draft LEP and draft DCP.
- The Wollongong LEP (West Dapto) 2010.
- The Wollongong DCP 2009 – Chapter D16 West Dapto Release Area, including the site-specific Neighbourhood Plan adopted in 2018.
- The West Dapto Development Contribution Plans 2010, 2011, 2015, 2017, 2020.
- The West Dapto Vision 2018.

West Dapto has been an urban release area since the mid 1980's when Horsley was rezoned and urban development commenced. The importance of West Dapto for housing supply is reflected in the following documents: -

- Illawarra Shoalhaven Regional Plan 2041 (2021) and the previous 2006 and 2011 versions.
- Wollongong Local Strategic Planning Statement 2020.
- West Dapto Vision 2018.
- Wollongong Housing Strategy 2023.
- The Illawarra Shoalhaven Urban Development Committee.

This Planning Proposal is the result of Council resolution dated 31 July 2023.

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

Yes. The preparation of the planning proposal to reclassify the subject site is the appropriate mechanism to achieve the objectives and intended outcomes. The proposed reclassification to Operational Land will enable Council to consider future commercial and development opportunities for the property which are in line with the adopted strategic plans and would be otherwise prohibited under a community land classification.

## Section B – Relationship to strategic planning framework

**Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

### The Illawarra-Shoalhaven Regional Plan 2041

The Planning Proposal is consistent with the following objectives within the Illawarra Shoalhaven Regional Plan 2041 –

Objective 11: Protect important environmental assets.

Objective 12: Build resilient places and communities.

Objective 18: Provide housing supply in the right locations.

Objective 19: Deliver housing that is more diverse and affordable.

Objective 21: Respond to the changing needs of local neighbourhood.

Objective 22: Embrace and respect the region's local character.

The Planning Proposal will allow for the future delivery of local community infrastructure whilst also providing for greater housing supply, and environmental management.

The Regional Plan also identifies the need to prioritise opportunities for new housing in strategic centres, given they are well serviced by utilities, public transport, walking and cycling, education, health, community infrastructure, shopping, community, and commercial services. The reclassification of 340 West Dapto Road will allow for the future development of this location consistent with these identified opportunities.

**Q4: Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?**

West Dapto has been identified as an urban release area since the 1980s when the suburb of Horsley was rezoned, and urban development commenced. The importance of West Dapto for housing supply is indicated in a range of Council's strategic documents as outlined below:

### Our Wollongong Our Future 2032 Community Strategic Plan

This Planning Proposal is consistent with the delivery of Wollongong 2032 and Goal 1: We value and protect our environment. It specifically delivers on the following –

Community Strategic Plan		Delivery Program 2022-2026	
Strategy		Service	
1.6	West Dapto urban growth is effectively managed with facilities and spaces to support the future community.	Land Use Planning	

The Planning Proposal will allow the progression of future urban growth in an appropriately managed way to support future community outcomes as envisaged in Council's adopted Community Strategic Plan.

### Wollongong Housing Strategy 2023

The Wollongong Housing Strategy has been prepared to guide the future housing directions within the Wollongong Local Government Area for the next 10-20 years. The Strategy builds on the



previous work, including the Housing Our Community discussion paper, the Housing and Affordable Housing Options Paper and community input.

The Housing Strategy addresses overall housing supply and demand, as well as examining various housing sectors that are in need of support, including the homeless, social housing, affordable housing and accessible or supportive housing.

The Housing Strategy acknowledges that the adopted visions for housing within the LGA includes 'Urban Release Areas such as West Dapto, will deliver the largest proportion of new housing supply and will be adequately serviced with essential infrastructure' and that Council will continue to progress existing initiatives that support housing such as the West Dapto Urban Release Area.

The Planning Proposal seeks to reclassify the land from community to operational land to enable future development options for 340 West Dapto Road in the form of increased housing supply, commercial development and recreational lands consistent with the established strategic intent of the site and as originally intended when Council purchased the land in 1998. This is consistent with the Wollongong Housing Strategy 2023.

#### West Dapto Vision 2018

The West Dapto Vision outlined in the document is as follows:

*West Dapto will grow and develop as a series of integrated and connected communities. Set against the spectacular Illawarra Escarpment and a landscape of riparian valleys, these communities will integrate the natural and cultural heritage of the area with the new urban form.*

*The communities will be healthy, sustainable and resilient with active and passive open space accessible by walkways, cycleways and public transport. To support these new communities, local centres will provide shopping services, community services and jobs while employment lands will facilitate further opportunities for the region.*

*West Dapto will be supported by a long-term strategy to oversee the timely implementation of infrastructure to deliver sustainable and high-quality suburbs with diverse housing choices.*

The Planning Proposal will enable future development options for 340 West Dapto Road in the form of town centre development, increased housing supply, and recreational lands consistent with the established strategic intent of the site and as originally intended when Council purchased the land in 1998.

The Planning Proposal is consistent with the West Dapto Vision 2018.

#### Local Strategic Planning Statement

In 2020 Council adopted the Wollongong Local Strategic Planning Statement (LSPS) 2020 to provide a 20 year land use planning vision for the City. It has drawn on the many existing strategies and plans developed, exhibited and adopted by Council.

In relation to the West Dapto Urban Release Area the LSPS acknowledges importantly that: -

- *The West Dapto Urban Release Area is the largest urban release area outside Sydney, and is forecast to produce some 19,500 dwellings over a 40-50 year period.*
- *The release area will remain a key housing supply area for many years.*
- *The West Dapto Vision was adopted in 2018 and remains an important strategic document guiding the development of this release area into the future as outlined above.*

The Planning Proposal seeks to enable the development of 340 West Dapto Rd in line with the strategic outcomes for West Dapto, as identified in the LSPS.

**Q5: Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

The site is located in the West Dapto Urban Release Area which is identified as a release area in the Illawarra Shoalhaven Regional Plan 2041 (2021). The site is zoned for urban development.

**Q6: Is the planning proposal consistent with applicable SEPPs?**

A detailed review of the Planning proposal against all State Environmental Planning Policies (SEPPs) is provided at Table A.

**Q7: Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?**

The Minister for Planning, under section 9.1 of the EP&A Act issues Directions that relevant planning authorities, in this case Wollongong City Council, must follow when preparing Planning Proposal's for new Local Environmental Plans and associated amendments.

A complete assessment of the Planning Proposal's consistency against all s.9.1 directions is provided at Table B.

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

**Q8: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

The Planning Proposal is for the reclassification of land from community to operational and is administrative in nature. As such, it is not likely to result in negative environmental impacts and is not inconsistent with the Ministerial Direction.

**Q9: Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?**

The Planning Proposal is for the reclassification of land from community to operational and is administrative in nature. As such, it is not likely to result in adverse environmental effects requiring specific management requirements. Consequently, the proposal is not inconsistent with the Ministerial Direction.

**Q10: Has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal is for the reclassification of land from community to operational and is administrative in nature. As such, it is considered that the proposal is not likely to create any social or economic impacts. Consequently, the proposal is not inconsistent with the Ministerial Direction.

**Section D – Infrastructure (Local, State and Commonwealth)**

**Q11: Is there adequate public infrastructure for the Planning Proposal?**

The Planning Proposal will not create additional demand for public infrastructure which is not already envisaged in the adopted West Dapto Vision 2018, West Dapto Contributions Plan, or the Illawarra Shoalhaven Regional Plan 2041.

Additionally, the Planning Proposal does not seek to alter any existing easements required for utilities, increase demand on public infrastructure, or seek changes to the West Dapto Contributions Plan.

### Section E – State and Commonwealth interests

#### **Q12: What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

A Gateway determination has not yet been issued for the Planning Proposal. Relevant authorities will be consulted in accordance with the requirements of any Gateway Determination.

The views of consulted public authorities will be summarised and addressed as appropriate in the final Planning Proposal.

### Part 4 – Mapping

This planning proposal does not affect existing LEP mapping or require any new mapping.

### Part 5 – Community Consultation

The Planning Proposal was reported to Council on 31 July 2023 seeking endorsement for Gateway. At the meeting Council resolved the following:

- 1 *A Planning Proposal be prepared to reclassify 340 West Dapto Road, Stream Hill as Operational Land.*
- 2 *The Planning Proposal be referred to the NSW Department of Planning and Environment for Gateway Determination.*
- 3 *Following the issuing of a Gateway Determination, the Planning Proposal be exhibited for a minimum period of 28 days. A public hearing be held as part of the consultation process.*
- 4 *The NSW Department of Planning and Environment be advised that Council as the landowner, does not seek to use its delegation to progress the finalisation of the Planning Proposal, following exhibition.*

The Business papers for the Planning Proposal remain publicly available on Council's website and have been loaded onto the Planning Portal.

The requirements for consultation are outlined in the EP&A Act and the minimum requirements for this consultation are identified in Section 1, Stage 5 of the Local Environmental Plan Making Guideline (Department of Planning and Environment August 2023). The requirements set out in Stage 5 relate to the notification requirements and what material is to be made available for inspection. The Planning Proposal is to be exhibited for a minimum period of 28 days.

#### **Public Exhibition**

The Public Exhibition of the Planning Proposal for a minimum period of 28 days will include:

- *Hard copies at Council's Administration building and relevant Libraries;*
- *An electronic copy on Council's website;*
- *Planning Portal;*
- *Notification letters to surrounding and nearby property owners;*



- *Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning and Environment (but not limited to).*

### Public Hearings

As the Planning Proposal seeks to reclassify public land from community to operational land a public hearing must be held in accordance with (EP&A Act s.57 & LG Act s.29). After the 28 day exhibition period has ended a further period of at least 21 days public notice is to be given before the hearing. Specific requirements for independence of the chairperson and preparation of the public hearing and public availability of the report must be in accordance with LG Act s.47G.

## Part 6 – Projected Timeline

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. This timeline tentatively sets out expected timelines for major steps in the process. These timeframes are subject to change and are to be used as a guide only. The Minister may consider taking action to finalise the LEP if timeframes approved for the completion of the Planning Proposal are significantly or unreasonably delayed.

#	Action	Estimated Timeframe	Responsibility
	Consideration and decision by Council	July 2023	Council
1	Anticipated date of Gateway Determination	October 2023	Department of Planning and Environment
2	Government agency consultation	October/November 2023	Agencies
3	Public exhibition period - 28 days	October/November 2023	Council
4	Notice of Public Hearing – 21 days prior to hearing.	November/January 23/24	Council
5	Public Hearing	January 2023	Independent
6	Consideration of submissions and assessment of proposal post exhibition	January/February 2023	Council
7	Post Exhibition report to Council	February/March 2024	Council
8	Final Planning Proposal prepared	March/April 2024	Council
9	Submission to Department for finalisation and notification of LEP	April 2024	Council
10	Minister approval and notification of LEP amendment	May 2024	Department of Planning and Environment

**Table A - Checklist of State Environmental Planning Policies – applicable at the time of the issued Gateway Determination**

State Environmental Planning Policy		Compliance	Comment
SEPP	(Biodiversity and Conservation) 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	(Building Sustainability Index: BASIX) 2004	Not Applicable	
SEPP	(Exempt and Complying Development Codes) 2008	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	(Housing) 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	(Industry and Employment) 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	No 65—Design Quality of Residential Apartment Development	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	(Planning Systems) 2021	Not Applicable	
SEPP	(Precincts—Central River City) 2021	Not Applicable	
SEPP	(Precincts—Eastern Harbour City) 2021	Not Applicable	
SEPP	(Precincts—Regional) 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	(Precincts—Western Parkland City) 2021	Not Applicable	
SEPP	(Primary Production) 2021	Not Applicable	
SEPP	(Resilience and Hazards) 2021	Capable of being consistent	<p><b>Chapter 2 Coastal management</b></p> <p>Chapter 2 Coastal Management of the SEPP seeks to promote an integrated and coordinated approach to land use planning in the coastal zone through managing development in the coastal zone and protecting the environmental assets of the coast.</p> <p>Chapter 2 is applicable to the Planning Proposal as the subject lot is identified as being within the Proximity Area for identified coastal wetlands. This proximity area located onsite is contained within land zoned RE1 – Public Recreation which is set aside for future open space in the form of playing fields in the approved neighbourhood plan outlined in Section 14.5.11 Chapter D16 of WDCP 2009.</p> <p>This Planning Proposal does not seek to change this existing zoning or associated development standards. As such, this will maintain appropriate management of this proximity area and is therefore considered consistent with the provisions of the SEPP.</p>

State Environmental Planning Policy	Compliance	Comment
		<p><b>Chapter 3 Hazardous and offensive development</b></p> <p>The subject site is identified as potentially being contaminated due to previous uses related to former agricultural activities, namely a piggery, being operated from the site in the past. The proposal does not include any rezoning as it only seeks to reclassify land from community to operational.</p> <p>Consideration of previous or existing hazardous and offensive development onsite will be considered at the development application stage consistent with the provisions of Chapter 4 of this SEPP. The proposal does not include rezoning land to or from areas with hazardous and offensive development.</p> <p>The Planning Proposal is consistent with Chapter 3 of the SEPP.</p> <p><b>Chapter 4 Remediation of Land</b></p> <p>SEPP (Resilience and Hazards) 2021 provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. Subsequently, the SEPP requires consideration of contamination issues as part of the preparation or making of an environmental planning instrument (rezoning) land.</p> <p>Lot 1 DP 657171, 340 West Dapto Road is mapped as being potentially contaminated land due to previous uses onsite.</p> <p>On 23 October 2019, Development Application DA-2018/783 was lodged for a Torrens title subdivision including demolition of existing structures, tree removals and site remediation works, two (2) stage subdivision release comprising 307 residential lots, nine (9) super lots, one (1) town centre lot, one (1) future school lot, three (3) open space/drainage lots, riparian land works and associated road network and utilities infrastructure. Following preliminary assessment, the Development Application was withdrawn by the applicant on 11 September 2019. However, as part of this application contamination matters were assessed, consistent with the provisions of the SEPP, and proposed site remediation supported subject to conditions relating to a remedial action plan and receipt of appropriate Interim Audit Advice and Site Auditors Statement. Whilst the Development Application was withdrawn it is identified that contamination matters relating to the subject site are capable of being satisfactorily addressed in the future. It is also noted that this Planning Proposal</p>

State Environmental Planning Policy		Compliance	Comment
			<p>relates only to the reclassification of the land and does not propose any rezoning.</p> <p>The Planning Proposal does not seek to adjust the existing contaminated land mapping or the requirement for contamination matters to be addressed when submitting a Development Application.</p> <p>It is considered the Planning Proposal is not inconsistent with the SEPP (Resilience and Hazards) 2021.</p>
SEPP	(Resources and Energy) 2021	Not Applicable	
SEPP	(Sustainable Buildings) 2022	Not Applicable	
SEPP	(Transport and Infrastructure) 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

Deemed SEPPS (former Regional Plans)			
Illawarra REP 1	Illawarra	Repealed within Wollongong	Not Applicable
Illawarra REP 2	Jamberoo	Does not apply to Wollongong	Not Applicable
Greater Metropolitan REP No.2	Georges River Catchment	Not Applicable	Not Applicable

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

	Comment
<b>Focus Area 1: Planning Systems</b>	
1.1 Implementation of Regional Plans	Consistent - The direction indicates that a Planning Proposal must be consistent with a Regional Plan released by the Minister for Planning.  The proposal is consistent with the objectives of the Illawarra Shoalhaven Plan 2041 as outlined within the Planning Proposal report at Section B – Q4.
1.2 Development of Aboriginal Land Council land	Not Applicable
1.3 Approval and Referral Requirements	The proposal is consistent with this Direction.
1.4 Site Specific Provisions	The proposal will not introduce site-specific provisions.
<b>Focus area 1: Planning Systems – Place based</b>	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not Applicable to Wollongong
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable to Wollongong
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable to Wollongong
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable to Wollongong
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable to Wollongong
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not Applicable to Wollongong
1.11 Implementation of Bayside West Precincts 2036 Plan	Not Applicable to Wollongong
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not Applicable to Wollongong
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not Applicable to Wollongong
1.14 Implementation of Greater Macarthur 2040	Not Applicable to Wollongong
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable to Wollongong
1.16 North West Rail Link Corridor Strategy	Not applicable to Wollongong
1.17 Implementation of the Bays	Not applicable to Wollongong



West Place Strategy	
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable to Wollongong
1.19 Implementation of the Westmead Place Strategy	Not applicable to Wollongong
1.20 Implementation of the Camellia-Rosehill Place Strategy	Not applicable to Wollongong
1.21 Implementation of South West Growth Area Structure Plan	Not applicable to Wollongong
1.22 Implementation of the Cherrybrook Station Place Strategy	Not applicable to Wollongong
<b>Focus area 2: Design and Place</b>	
<b>Focus area 3: Biodiversity and Conservation</b>	
3.1 Conservation Zones	<p>The direction indicates that a Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas and must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). Under Wollongong Local Environmental Plan 2009 the property is zoned E1 Local Centre, R3 Medium Density Residential, RE1 Public Recreation and C3 Environmental Management. Portions of the land are identified as endangered ecological communities (EEC). The Planning Proposal does not propose to rezone any of the site and only relates to administrative changes to the classification of the land from community to operational.</p> <p>The Planning Proposal will also maintain the current set of provisions established to protect and conserve environmentally sensitive areas and will not reduce the conservation standards currently applying to the site.</p> <p>It is considered the Planning Proposal is consistent with the Ministerial Direction.</p>
3.2 Heritage Conservation	<p>The objective of Direction 3.2 is to '<i>conserve items, areas, objects and places of environmental heritage significance and indigenous significance</i>'.</p> <p>The Direction indicates that a Planning Proposal must contain provisions that facilitate the conservation of items of historical significance to an area.</p> <p>A review of WLEP 2009 indicates that the land does not include a heritage item and is not within a Heritage Conservation Area.</p> <p>As the Planning Proposal relates only to an administrative change to the classification of the land from community to operational it is considered that it will not hinder the achievement of the objectives of this direction as no further physical works are proposed or enabled as part of this proposal. Any future development application must address all relevant heritage requirements for the site.</p> <p>It is considered the Planning Proposal is consistent with the Ministerial Direction.</p>
3.3 Sydney Drinking Water Catchments	Not Applicable

3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable
3.5 Recreation Vehicle Areas	Not Applicable
3.6 Strategic Conservation Planning	<p>The objective of Direction 3.6 is to <i>'protect, conserve or enhance areas with high biodiversity value'</i>.</p> <p>The Direction indicates that a planning proposal authority must be satisfied that a planning proposal applying to avoided land and strategic conservation areas identified in the SEPP (Biodiversity and Conservation) 2021 demonstrates it protects, minimises and enhances these areas. A planning proposal must also not rezone certain lands within the avoided and strategic conservation areas.</p> <p>As the Planning Proposal relates only to an administrative change to the classification of the land from community to operational it is considered consistent with the provisions of the direction. The proposed reclassification of the land is not considered a rezoning and does not seek to amend any development standards currently applying to the land. As such, it is considered that the Planning Proposal is consistent with the Ministerial Direction.</p>
3.7 Public Bushland	Not applicable to Wollongong
3.8 Willandra Lakes Region	Not applicable to Wollongong
3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable to Wollongong
3.10 Water Catchment Protection	<p>The Planning Proposal does not include land within the prescribed regulated catchments.</p> <p>Not applicable.</p>
<b>Focus area 4: Resilience and Hazards</b>	
4.1 Flooding	<p>Direction 4.1 applies when a Planning Proposal creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>The subject land is mapped as being flood affected, however, as the Planning Proposal relates only to an administrative change to the classification of the land from community to operational it is considered consistent with the provisions of the direction. No rezoning of the subject land is proposed nor changes to any provisions applying to the flood planning area.</p> <p>It is considered the Planning Proposal is not inconsistent with the Ministerial Direction.</p>
4.2 Coastal Management	<p>As the Planning Proposal relates only to an administrative change to the classification of the land from community to operational it is considered consistent with the provisions of the direction. No rezoning is proposed nor changes to the existing provisions relating to the land. No changes are proposed to amend any maps identified in Chapter 2 of the SEPP (Resilience and Hazards) 2021.</p> <p>It is considered the Planning Proposal is not inconsistent with the Ministerial Direction.</p>
4.3 Planning for Bushfire Protection	<p>A western portion of the land identified within the Planning Proposal is mapped as bushfire prone. It is considered the Planning Proposal is generally consistent with the aims and objectives of Planning for Bushfire Protection 2019, as the Planning Proposal relates only to an administrative change to the classification of the land from community to operational it is considered consistent with the provisions of the</p>

	<p>direction. No further development is enabled as part of this planning proposal beyond what is current provided for onsite.</p> <p>It is expected should the Planning Proposal progress that the NSW RFS will be referred the proposal prior to public exhibition, as required under the Environmental Planning and Assessment Act (1979) NSW.</p> <p>It is considered the Planning Proposal is not inconsistent with the Ministerial Direction.</p>
4.4 Remediation of Contaminated Land	<p>Lot 1 DP 657171, 340 West Dapto Road is mapped as being potentially contaminated land due to previous uses onsite.</p> <p>On 23 October 2019, Development Application DA-2018/783 was lodged for a Torrens title subdivision including demolition of existing structures, tree removals and site remediation works, two (2) stage subdivision release comprising 307 residential lots, nine (9) super lots, one (1) town centre lot, one (1) future school lot, three (3) open space/drainage lots, riparian land works and associated road network and utilities infrastructure. Following preliminary assessment, the Development Application was withdrawn by the applicant on 11 September 2019. However, as part of this application contamination matters were assessed, consistent with the provisions of the SEPP, and proposed site remediation supported subject to conditions relating to a remedial action plan and receipt of appropriate Interim Audit Advice, and Site Auditors Statement. Whilst the Development Application was withdrawn it is identified that contamination matters relating to the subject site are capable of being satisfactorily addressed in the future. It is also noted that this Planning Proposal relates only to the reclassification of the land and does not propose any rezoning.</p> <p>The Planning Proposal does not seek to rezone the subject land, adjust the existing contaminated land mapping or the requirement for contamination matters to be addressed when submitting any future Development Application. As the Planning Proposal relates only to an administrative change to the classification of the land from community to operational it is considered consistent with the provisions of the direction.</p>
4.5 Acid Sulfate Soils	<p>The proposal does not seek to impact upon areas mapped as being impacted by Acid Sulfate Soils and does not seek to intensify the development potential for areas as being impacted by Acid Sulfate Soils.</p> <p>The Planning Proposal is capable of consistency.</p>
4.6 Mine Subsidence and Unstable Land	<p>The Planning Proposal appears not to be located in areas mapped as being impacted by mines subsidence.</p> <p>Not Applicable</p>
<b>Focus area 5 Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	<p>The objectives of this Direction in relation to the Planning Proposal are to ensure that land use locations achieve the following planning objectives:</p> <ul style="list-style-type: none"> <li>(a) <i>improving access to housing, jobs and services by walking, cycling and public transport, and</i></li> <li>(b) <i>increasing the choice of available transport and reducing dependence on cars, and</i></li> </ul>

	<p>(c) <i>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p>(d) <i>supporting the efficient and viable operation of public transport services, and</i></p> <p>(e) <i>providing for the efficient movement of freight.</i></p> <p>The Planning Proposal does not seek to rezone, create, alter or remove a zone relating to any lands. As the Planning Proposal relates only to an administrative change to the classification of the land from community to operational it is considered consistent with the provisions of the direction.</p>
5.2 Reserving Land for Public Purposes	<p>The Planning Proposal relates only to an administrative change to the classification of the land from community to operational and is considered generally consistent with the objectives of the direction as it will continue to allow for the provision of identified areas for public services and facilities for public purposes.</p> <p>The reclassification is also consistent with adopted strategic plans and strategies for the West Dapto Urban Release Area.</p> <p>The proposal also does not seek to change any currently identified public recreation areas.</p>
5.3 Development Near Regulated Airports and Defence Airfields	<p>The proposal will not result in development within areas associated with regulated airports and defence airfields.</p> <p>The Planning Proposal is consistent with the direction.</p>
5.4 Shooting Ranges	Not Applicable
<b>Focus area 6: Housing</b>	
6.1 Residential Zones	<p>The objectives of Direction 6.1 are:</p> <p>(a) <i>to encourage a variety and choice of housing types to provide for existing and future housing needs,</i></p> <p>(b) <i>to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i></p> <p>(c) <i>to minimise the impact of residential development on the environment and resource lands.</i></p> <p>The subject land contains existing areas zoned R3 – medium density residential. However, as the Planning Proposal relates only to an administrative change to the classification of the land from community to operational it is considered consistent with the provisions of the direction in its current form. No rezoning of the subject land is proposed nor changes to any provisions applying to the residential portions of the land. As such, it is considered the Planning Proposal is not inconsistent with the objectives and provisions of the Ministerial Direction.</p>
6.2 Caravan Parks and Manufactured Home Estates	Not Applicable
<b>Focus area 7: Industry and Employment</b>	
7.1 Employment Zones	<p>The proposal will not result in impacts upon existing employment lands or zones.</p> <p>The proposal is consistent the Ministerial Direction.</p>

7.2 Reduction in non-hosted short-term rental accommodation period	Not Applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to Wollongong
<b>Focus area 8: Resources and Energy</b>	
8.1 Mining, Petroleum Production and Extractive Industries	<p>The proposal will not impact upon any future mining, petroleum production and extractive industries.</p> <p>The proposal is consistent the Ministerial Direction.</p>
<b>Focus area 9: Primary Production</b>	
9.1 Rural Zones	<p>The proposal does not include or apply to land with a rural zone.</p> <p>The proposal is not inconsistent with the Ministerial Direction.</p>
9.2 Rural Lands	All land within the proposal is within the Wollongong Local Government Area and therefore the Direction does not apply.
9.3 Oyster Aquaculture	Not Applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Wollongong



## ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP - PN 16-001

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 3.33 of the EP&A Act (and further explained in A guide to preparing planning proposals and A guide to preparing local environmental plans).

**Note:** - This review has been prepared in accordance with PN 16-001 is also consistent with the requirements set out on Page 65 (Classification and re-classification of public land) in the Local Environmental Plan Making Guideline – August 2023.

Property Information	
Address of property	340 West Dapto Road, Stream Hill
Lot No./DP No.	Lot 1 DP 657171
Current classification	Community Land
Proposed classification	Operational Land
Current land use	Rural Dwelling and Agriculture
Proposed land use	Future Urban Release Lands
Current Zone – WLEP 2009	E1 Local Centre, R3 Medium Density Residential, RE1 Public Recreation and C3 Environmental Management

### Location Map



Matters for Gateway consideration	Response
1. the current and proposed classification of the land;	The land is currently classified as Community land, and it is now proposed to be reclassified to Operational land.
2. whether the land is a 'public reserve' (defined in the LG Act);	The land is not defined as a public reserve within the meaning of the LG Act.

<p>3. <i>the strategic and site specific merits of the reclassification and evidence to support this;</i></p>	<p>On 17 August 1998 Council resolved to authorise the acquisition of 340 West Dapto Road, Kembla Grange (now Stream Hill) for the purposes of development and resale. At the time the property was zoned 1 Non-urban.</p> <p>The land was formally transferred into Council's ownership on 5 February 1999. There are no restrictions or covenants applying to the land.</p> <p>A recent review of the 1998 resolution has revealed that the resolution did resolve that the property be classified as operational land, under the requirements of the Local Government Act 1993. Council officers also searched meeting minutes for the 3 months after 5 February 1999, and did not find a subsequent resolution to classify the land as Operational Land.</p> <p>As a consequence, Council officers now consider that the property is classified as Community Land. The Community Land classification restricts commercial dealings and development proposals and prevents the sale or long-term lease of the land.</p> <p>The subject lot is a key development site for the development of West Dapto, as it is the proposed location of:</p> <ul style="list-style-type: none"> <li>• The majority of the Darkes Road Town Centre;</li> <li>• Part of the Darkes Road Recreation Area, which will include a community centre;</li> <li>• A nominated Primary School site;</li> <li>• An estimated 350 future dwellings; and</li> <li>• Environmental Management areas (floodplain).</li> </ul> <p>Additionally, in 2015 Council adopted the Sheaffes Road South Neighbourhood Plan, which includes the site, as an amendment to the Wollongong DCP 2009 – Chapter D16 West Dapto Urban Release Area, to guide the future development of the site.</p> <p>Reclassification of the site from Community Land to Operational Land will enable the site to be developed and/or sold in order to facilitate its site specific purpose under the West Dapto Vision, DCP Chapter D16 and the Sheaffes Road South Neighbourhood Plan.</p>
<p>4. <i>whether the planning proposal is the result of a strategic study or report;</i></p>	<p>The proposed land reclassification as operational land, whilst not a result of an endorsed strategy, study or report, will enable Council to achieve the desired future outcomes for the West Dapto Urban Release Area envisaged within a range of adopted strategic documents such as the Illawarra</p>

	<p>Shoalhaven Regional Plan 2041 (2021), Wollongong Local Strategic Planning Statement 2020, West Dapto Vision 2018 and the Wollongong Housing Strategy 2023.</p>
<p>5. whether the planning proposal is consistent with council's community plan or other local strategic plan;</p>	<p>Yes, see Part 3, Q3 of the Planning Proposal.</p>
<p>6. a summary of council's interests in the land, including:</p> <ul style="list-style-type: none"> <li>- how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)</li> <li>- if council does not own the land, the land owner's consent;</li> <li>- the nature of any trusts, dedications etc;</li> </ul>	<p>On 17 August 1998 Council resolved to authorise the acquisition of 340 West Dapto Road, Kembla Grange (now Stream Hill) for the purposes of development and resale. At the time the property was zoned 1 Non-urban.</p> <p>The land was formally transferred into Council's ownership on 5 February 1999. There are no restrictions or covenants applying to the land.</p> <p>There are no trusts or dedications on the subject lot.</p> <p>Council are not seeking to discharge any interests or trusts for a public purpose.</p>
<p>7. whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;</p>	<p>Council are not seeking to discharge any interests or trusts for a public purpose.</p>
<p>8. the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);</p>	<p>There will be no adverse effect resulting from the reclassification of the land. This proposed reclassification will enable the provision of future public open space and recreation facilities for future communities within the West Dapto Release Area.</p> <p>No interests apart from Council's ownership of the land.</p>
<p>9. evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);</p>	<p>The land is not defined as a public reserve within the meaning of the Local Government Act 1993.</p>
<p>10. current use(s) of the land, and whether uses are authorised or unauthorised;</p>	<p>The subject site contains a dwelling house and farm buildings. Prior to Council's ownership the property was also used as a piggery.</p>
<p>11. current or proposed lease or agreements applying to the land, together with their duration, terms and controls;</p>	<p>A four-bedroom residential dwelling and detached garage is located on the subject Property and is currently under Residential Tenancy Lease commencing 4 July 2023 and expiring 1 July 2024.</p>
<p>12. current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after</p>	<p>As above, a residential dwelling located on the subject Property, is currently under Residential Tenancy Lease. The Lease commenced 4 July 2023 and expires on 1 July 2024.</p> <p>Council has also entered into a Construction Deed for Access and Works to allow the adjoining</p>



<i>rezoning/reclassification or at a later time);</i>	<p><i>Property owner (79 Sheaffes Road Stream Hill) to undertake drainage and retaining wall construction works, and establish associated easements, on the Property as part of a Development Consent approved (DA-2018/1433/A) on the adjoining land.</i></p> <p><i>Preliminary discussions have also taken place with the Department of Education to deliver a school site on the subject Property, to service the West Dapto Urban Release Area and the Department's timeframe for delivery of the school is anticipated in 2027.</i></p>
<i>13. any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);</i>	<i>There is no rezoning of the subject site proposed.</i>
<i>14. how council may or will benefit financially, and how these funds will be used;</i>	<p><i>If reclassified to Operational Land it will enable Council to realise those commercial and development opportunities for the property via lodgement of a Development Application for the subdivision of the land, develop/sell the land for a town centre and housing supply and/or sell/transfer a portion of the site to NSW School Infrastructure for a primary school.</i></p> <p><i>Any funds realised from the land will be managed in accordance with Council's endorsed Property Investment Fund Governance Framework which provides direction and context in decision making in the allocation management and use of Council's financial resources.</i></p>
<i>15. how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;</i>	<p><i>As above, Council has endorsed a Property Investment Fund Governance Framework, which provides direction and context in decision making in the allocation management and use of Council's financial resources.</i></p> <p><i>Additionally, the West Dapto Development Contributions Plan (2020) applies to all of the West Dapto Urban Release Area, which includes the subject land. This contributions plan establishes the local infrastructure needed to support this development and ensures it is strategically planned and delivered, as well as providing an equitable funding source.</i></p>
<i>16. a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and</i>	<i>The proposed land reclassification relates to the whole lot.</i>

<i>17. preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.</i>	<i>No preliminary comments have been sought or received. Land was not originally dedicated to Council by a government agency.</i>
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## **ATTACHMENT 2 – Title Searches**