

**ITEM 5 DRAFT NEIGHBOURHOOD PLAN FOR PART OF 464 BONG BONG ROAD, HUNTLEY**

On 24 June 2019, Council considered a report on a draft Neighbourhood Plan for approximately 85 residential dwellings at Lot 1 DP 1228329 (No.464) Bong Bong Road, Huntley.

Council resolved to place the draft Neighbourhood Plan on public exhibition, which was undertaken from 10 August to 9 September 2019. Submission were received from an adjoining property owner and State Government Agencies which raised several concerns.

Council staff have provided the proponent with sufficient opportunity to address the concerns, however the small scale of the proposed Neighbourhood Plan has prevented the resolution of a number of broader precinct matters. These include matters relating to Aboriginal heritage, design issues associated with the proposed road access through adjoining land to the south, and impacts on R2 Low Density Residential zoned land along Bong Bong Road.

It is recommended that Council does not progress the draft Neighbourhood Plan at this time and that the proponent be invited to submit a new Neighbourhood Plan in conjunction with the owners of surrounding parcels of land to the south and west.

The recommended approach is consistent with neighbourhood planning principles in Chapter D16 of Wollongong Development Control Plan which seek to resolve connectivity and cross boundary issues on a precinct scale. Through this separate process it is envisaged that the unresolved issues would be better able to be addressed.

#### RECOMMENDATION

- 1 The draft Neighbourhood Plan for 464 Bong Bong Road, Huntley not be progressed for the following reasons -
  - a uncertainty over Aboriginal heritage impacts
  - b uncertainty over bulk earthworks impacts and riparian crossing
  - c uncertainty over the interface with the rest of the neighbourhood precinct.
- 2 The proponent be advised of Council's decision and invited to submit a new draft Neighbourhood Plan in conjunction with the owners of surrounding parcels of land to the south and west.

#### REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

#### ATTACHMENTS

- 1 Location Plan
- 2 Draft Neighbourhood Plan (as exhibited)
- 3 Revised Draft Neighbourhood Plan (Current)

## BACKGROUND

The West Dapto Urban Release Area covers approximately 4,700 hectares. It is estimated to provide approximately 19,000 dwellings, plus employment lands, commercial centres and open space.

Chapter D16 - West Dapto Release Area of the Wollongong Development Control Plan 2009 (DCP) contains area-specific development controls which guide development within the neighbourhood precincts. The adoption of a Neighbourhood Plan ensures development occurs in a cohesive manner that integrates development sites and sequencing of infrastructure. Neighbourhood Plans can facilitate appropriate connectivity between adjoining development in terms of road and cycleway layouts, public transport routes, open space, drainage and pedestrian linkages. They can also help resolve potential conflict between development sites undertaken at different timeframes. Council has approved 11 Neighbourhood Plans across the West Dapto Urban Release Area.

The draft Neighbourhood Plan (draft Plan) for 464 Bong Bong Road, Huntley was lodged in August 2017. In October 2017, Council requested additional information, to address identified issues relating to design, contamination, traffic, bushfire, flora and fauna, flooding, stormwater, Aboriginal heritage, riparian corridors and integration with the surrounding area. Further discussion on these issues resulted in an amended draft Plan being submitted in July 2018, and additional information, including an amended Aboriginal Heritage study was submitted later.

On 24 June 2019, the draft Plan providing for approximately 85 residential dwellings (Attachment 2) was reported to Council seeking exhibition. The plan was exhibited between 10 August and 9 September 2020, with submissions being received on behalf of an adjoining landholder, and from State Government Agencies.

In April 2020, following a review the issues raised during the exhibition process, the proponent submitted a revised draft Neighbourhood Plan for approximately 91 residential dwellings. In subsequent discussions the proponent was advised that they needed to submit a full package of supporting studies addressing the issues raised during exhibition. Updated supporting documentation was provided to Council during September and October 2020. In October 2020, the revised draft Neighbourhood Plan (Attachment 3) and additional information/studies was referred to Council divisions and Government agencies for comment in response to the issues raised in 2019.

## PROPOSAL

The part of the precinct to which his Neighbourhood Plan applies has an area of nine (9) hectares and is zoned R2 Low Density Residential (Attachment 1). The remainder of the precinct (not subject to this Neighbourhood Plan) is zoned R2 Low Density Residential, E4 Environmental Living, SP2 Infrastructure and E2 Environmental Conservation.

The draft Neighbourhood Plan site is located off Bong Bong Road, approximately 600m west of the Hayes Lane intersection and to the north of the Stockland Stage 3 site (Attachment 1). The site is located to the west of the draft Hayes Lane West Neighbourhood Plan and would connect to this adjoining site via two road links.

The site has been used for predominantly rural uses and is undulating cleared land, with a prominent ridgeline traversing the site, roughly west to east. There are riparian areas to the north and south of the site.

The draft Neighbourhood Plan generally follows a predominantly north-south road orientation layout. The neighbourhood is on the periphery of the urban release area, adjacent to the Illawarra Escarpment. The draft Neighbourhood Plan only applies to the one lot and does not identify how the E4 zoned land to the west, or the R2 zoned land to the south (along Bong Bong Road) will be developed. Since 2017, Council staff have encouraged the developers to lodge Neighbourhood Plans that address the whole of a precinct, rather than site by site.

### Road Layout and Access

The revised draft Neighbourhood Plan proposes to incorporate a minor collector road (22.9m wide road reserve) for the main north-south spine. Council officers suggest that a Type 5 road (18.8m wide road

reserve) would be more suitable in this location. The perimeter roads are proposed to be Type 7 (access place) with a 7m carriageway. A minimum eight (8) metre wide carriageway would be required for these roads under Planning for Bushfire Protection 2019.

The draft Neighbourhood Plan adjoins the Hayes Lane West draft Neighbourhood Plan and will link into the roads and shared cycle/walking paths connecting the site to adjoining neighbourhoods, nearby centres, and recreation areas. As part of the initial assessment of the draft Neighbourhood Plan the proponent was requested to include an additional road link into the adjoining draft Neighbourhood Plan and to include perimeter roads. The latest version of the draft Neighbourhood Plan includes a road link to the south, connecting to Bong Bong Road. This additional link would reduce dependence on the development of the adjoining land to the east for road access and is supported by the NSW Rural Fire Service, as it provides for additional access/egress. From a maintenance viewpoint, the proposed road crosses a riparian area at the confluence of two watercourses, which is likely to result in a longer bridge design, increased earthworks and increased infrastructure costs. The applicant has suggested a culvert design which potentially creates access / interface issues to the riparian area and potentially impacts on the development of R2 Low Density Residential zoned land along Bong Bong Road.

### **Flooding and Drainage**

The draft Neighbourhood Plan includes riparian corridors on both the northern and southern side, the majority of flood affected land is within these riparian corridors. The residential development would be above the 1% AEP flood event planning level. The revised plan now has a road crossing the southern category 1 riparian corridor to connect to Bong Bong Road. The road, culvert/bridge and associated earthworks potentially has interface issues with the riparian corridor.

### **Planning Controls**

The draft Neighbourhood Plan will not introduce additional site-specific development controls within Chapter D16 of the Wollongong Development Control Plan 2009. The proposed development is intended to comply with Council's Development Control Plan as it currently stands.

### **Geotechnical and Contamination Issues**

The site has previously been used for rural purposes. The investigation reports indicate that the site is suitable for residential land uses. There are no geotechnical constraints that preclude development within the precinct.

### **Biodiversity**

The majority of the precinct has been cleared and previously used for grazing. There are areas of native vegetation along the E3 Environmental Management zoned riparian corridors and stands of remnant vegetation. The ecological reports submitted are considered adequate for the purposes of the draft Neighbourhood Plan.

### **Water Quality**

The site contains riparian areas and drains to Lake Illawarra. Further water quality assessment was requested following public exhibition. NSW Department of Planning, Industry and Environment – Biodiversity and Conservation [former Office of Environment and Heritage] have reviewed the additional information provided post-exhibition. The conceptual water quality treatment approach has considered the DCP water quality requirements and the Risk-based framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions as detailed within the Lake Illawarra Coastal Management Program.

### **Bushfire**

Parts of the site are bushfire prone land. The draft Neighbourhood Plan can satisfy the objectives of Planning for Bushfire Protection 2019 and the proposed lots would be protected by perimeter roads. NSW RFS has indicated that it does not object to the revised draft Neighbourhood Plan, subject to the additional road links.

## Heritage

The site is not identified as containing any heritage items. The Aboriginal Cultural Heritage Assessments have noted some areas of potential to contain Aboriginal objects or sites. The draft Neighbourhood Plan has aimed to avoid the areas of high likelihood. A more detailed Aboriginal Cultural Heritage Assessment and Archaeological Assessment would be undertaken at Development Assessment stage.

The draft Neighbourhood Plan has been designed to enable a mature fig tree to be retained as part of a larger lot on the ridgeline. This fig tree is associated with a previous dwelling on the site. The heritage report noted that this building had recently been demolished and the site had been heavily disturbed. The report noted that archaeological remnants may remain and a more detailed archaeological assessment would be undertaken during the Development Assessment stage. As part of the public exhibition of the draft Neighbourhood Plan consultation occurred with the NSW Office of Environment and Heritage and NSW Heritage Office on these matters.

Heritage NSW has reviewed the documents provided and is concerned that the Aboriginal Cultural Heritage Assessment undertaken by Austral (2020) does not currently provide enough information to determine whether an adequate survey, community consultation and consideration of cultural values was undertaken. In the present form they would not support an Aboriginal Heritage Impact Permit (AHIP) application for the proposed works.

## CONSULTATION AND COMMUNICATION

Following a Council resolution, the draft Neighbourhood Plan was exhibited from 10 August to 9 September 2019, being exhibited on Council's website, in the local newspaper and copies provided at Council's Customer Service Centre and Libraries.

The following responses were received, as a consequence of the exhibition process:

### NSW Planning Industry & Environment (former Office of Environment and Heritage)

This site is in an area previously identified as high likelihood of containing Aboriginal cultural heritage. DPIE recommended that a full Aboriginal Cultural Heritage Assessment is undertaken, including Aboriginal community consultation and test excavations. The report provided did not adequately assess the impacts on Aboriginal Cultural Heritage, as -

- Consultation has not occurred with the Aboriginal community.
- The nature and extent of the identified Potential Archaeological Deposits (PADS) and recorded site have not been established.
- The Aboriginal Cultural Heritage values of the fig tree should be ascertained.
- The potential impacts of recreational uses and vegetation management in the riparian corridors on Aboriginal Heritage needs to be addressed.

Also:

- The water quality assessment does not adequately characterise the potential water quality and estuary health impacts to Lake Illawarra.
- Note that future development will need to address the requirements of the NSW Biodiversity Conservation Act 2016.

### Environmental Protection Authority

- The water quality assessment does not adequately characterise the potential water quality and estuary health impacts to Lake Illawarra.
- Sewage management impacts on water quality need to be considered.
- The contamination preliminary assessment report does not adequately confirm the preliminary assessment and should be backed up with intrusive investigation works.

### Rural Fire Service

- Raised no objection, subject to future subdivision complying with "Planning for Bush Fire Protection".

- Provision of Asset Protection Zones within the proposed lots.
- Proposed roads are provided in accordance with “acceptable solutions” of “Planning for Bush Fire Protection”, including the provision of two access roads as depicted on the draft Neighbourhood Plan.
- Services to be provided in accordance with “Planning for Bush Fire Protection”.

### Sydney Water

#### Water servicing

- The proposed development could be serviced from the 200mm main in Bong Bong Road.
- Based on the estimated number of lots [95], a 150mm extension is likely to be required.
- Further extensions from the Cleveland Rd North precinct would be required to provide all lots with frontage to a watermain.

#### Wastewater servicing

- At the time Sydney Water indicated that the proposed lots could be serviced by the existing wastewater system through appropriately sized extensions to the pipe at the end of Stockyard Crescent.
- The developer should engage an appropriately qualified hydraulic consultant to develop a design and associated flow schedule, ensuring that the extension can include Bong Bong Rd North.
- It is recommended that the developer lodge a feasibility application and staging plan with Sydney water via the Water Servicing Coordinator, prior to applying for a Section 73 Certificate.

Sydney Water has recently advised of serving issues associated with existing infrastructure and the need for service augmentation to facilitate further development within West Dapto.

One submission was lodged on behalf of an adjoining owner. They questioned the suitability of the proposed interim access, as they submit that it is unreasonable for their landowner to provide public road access ahead of their land being developed. They also sought more detail on the southern road connection and questioned the detail and discrepancies between the background reports and the amended draft Neighbourhood Plan.

Following exhibition, the issues raised were forwarded to the proponent. After the receipt of an amended draft Neighbourhood Plan and supporting documentation in October 2020, the documents were referred to Council teams and to State agencies for comment on whether the revised documentation addressed the issues raised in their submissions.

The Environmental Protection Authority have not made a further response.

The Rural Fire Service advised that they have no issue, subject to -

- The revised access arrangement incorporates a public road access/egress point to the south onto Bong Bong Road, and a secondary access/egress point to the east of the development site.
- Should development of the subject site occur prior to the development of eastern land (lot 303 DP 1235322), the access/egress road marked as ‘temporary’ on the draft Neighbourhood Plan shall provide unobstructed, sealed, 2-way access and egress through to Hayes Lane and
- Council should be satisfied that the pavement width and construction of the unnamed lane and Hayes Lane is adequate for the increased traffic level including use by emergency service vehicles.

The NSW Planning Industry & Environment – Environment, Energy & Science advise no further issue as information relating to water quality has been provided.

NSW Heritage Office (Department of Premier and Cabinet) have commented on the revised draft Neighbourhood Plan and supporting studies. They have reviewed the additional documents provided and is concerned that the Aboriginal Cultural Heritage Assessment does not currently provide enough information to determine whether an adequate survey, community consultation and consideration of cultural values was undertaken. In the present form they would not support an Aboriginal Heritage Impact Permit (AHIP) application for the proposed works.

## PLANNING AND POLICY IMPACT

The site is within the West Dapto Urban Release Area and the proposed Neighbourhood Plan is in keeping with the Illawarra Shoalhaven Regional Plan.

This report contributes to the delivery of Our Wollongong 2028 goal “The sustainability of our urban environment is improved”. It specifically delivers on the following:

Delivery program 1.3.1.2 Develop planning controls and Town Centre and Neighbourhood Plans with regard to the economic, social and environmental impacts. Operational Plan/s Action 2 – “Continue the review of the West Dapto Land Release Area including the Vision, Structure Plans and Local Infrastructure Plans”.

## FINANCIAL IMPLICATIONS

This report does not contain any immediate financial impact to Council in the short term. In the long term, the West Dapto Urban Release Area is a significant project for Council with long term infrastructure and maintenance implications resulting from demand for services and facilities by an increasing population. Expensive infrastructure such as bridges and roads with extensive earthworks have the potential to impact on future maintenance/replacement costs to the community.

## CONCLUSION

The progression of a Neighbourhood Plan for the site, enables consideration of development applications for subdivision of the land.

However, in its current form, and with the information submitted there is still uncertainty regarding Aboriginal heritage, the impacts of likely bulk earthworks and riparian crossing and how the draft Neighbourhood Plan integrates with the rest of the precinct.

It is recommended that Council not progress the current draft Neighbourhood Plan and invite the proponent to lodge a new Neighbourhood Plan with supporting documentation. The new Neighbourhood Plan should cover the remainder of the precinct and address the unresolved concerns raised by NSW Heritage Office and the infrastructure / engineering concerns expressed by staff.









