In 2014 Council considered a draft Planning Proposal request for rezoning of land between Bong Bong Road and Cleveland Road, West Dapto. Council resolved to progress the draft planning proposal to the NSW Department of Planning and Environment for a Gateway Determination and require additional information to be submitted prior to public exhibition. The draft Planning Proposal sought to rezone land to permit a mix of residential development within the West Dapto Urban Release Area.

Additional information and amendments have been received by Council and are considered in this report. The draft amended Planning Proposal remains generally consistent with that submitted in 2014, with additional refinement zoning and heritage matters.

This report presents an assessment of the submitted additional information and recommends that Council support the preparation of an amended draft Planning Proposal and forward the request to the NSW Department of Planning and Environment for a revised Gateway Determination to enable public exhibition. The draft Neighbourhood Plan be exhibited with the draft Planning Proposal.

RECOMMENDATION
1. A revised draft Planning Proposal be prepared for Lot 1, 2 & 3 DP 810104 between Bong Bong Road Horsley and Cleveland Road Huntley, and submitted to the NSW Department of Planning and Environment requesting a revised Gateway Determination be issued to amend the Wollongong Local Environmental Plan in the following manner:
   a. Rezone from RU2 Rural Landscape to a mix of E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, R2 Low Density Residential, R3 Medium Density Residential, and RE1 Public Recreation (Attachment 4).
   b. Amending the Maximum Height of Buildings Map to show 9m for the R2 Low Density Residential zone and 16m for the R3 Medium Density Residential zone (Attachment 4).
   c. Amending the Minimum Lot Size Map to show 250m² for the R2 Low Density Residential zone, 300m² for the R3 Medium Density zone, 2000m² for the E4 Environmental Living zone and 39.99ha for the E2 Environmental Conservation and E3 Environmental Management zones (Attachment 4).
   d. Amending the Floor Space Ratio map to show 0.5:1 for the R2 Low Density Residential zone, and 0.75:1 for R3 Medium Density Residential zone (Attachment 4).
   e. Amending the Natural Resource Sensitivity Map to more accurately reflect the sensitive vegetation on the site (Attachment 4).
   f. Amending the Land Reservation Acquisition Map to show the proposed acquisition of the 2 parks and the widening of Cleveland Road (Attachment 4).
   g. Amending the Heritage Map to include curtilage of ‘Waples Butchery’ and ‘Sunnyside’ (Attachment 4).
   h. Amending the Flood Map to more accurately reflect the 1:100 flood planning area (Attachment 4).
   i. Amending the Riparian Map to remove the non-excitant watercourse (Attachment 4).
   j. Amending the Urban Release Area map to include the site.
   k. Including LEP model provision Clause 4.1C Minimum Lot size (Integrated Housing) – to apply to the Wollongong LGA.
2. Should a Gateway Determination be issued, consultation be undertaken with the following agencies:
   a. Water NSW
   b. NSW Office of Environment and Heritage
   c. NSW Rural Fire Service
   d. Department of Education and Communities
   e. Endeavour Energy
   f. Transport for NSW – Roads and Maritime Services
   g. State Emergency Services
   h. Sydney Water
   i. Heritage Council

3. The Draft Planning Proposal be exhibited for a minimum period of 28 days.

4. The NSW Department of Planning and Environment be requested to issue authority to the General Manager to exercise plan making delegations in accordance with Council’s resolution of 26 November 2012.

5. The draft Neighbourhood Plan for the precinct (Attachment 3) form an amendment to Chapter D16 West Dapto Release Area and be exhibited with the draft Planning Proposal.

6. The proposed dedication of the western E2 zoned land to Council with in perpetuity funding under a conservation covenant such as a Biodiversity Stewardship site, be supported in principle, subject to further consultation with Council Officers and the Office of Environment and Heritage.

7. The legal agreement for the transfer of E2 zoned land with in perpetuity funding to Council be finalised prior to development consent for subdivision.

8. The proponent be requested to undertake the following additional investigations and submit prior to the finalisation of the Planning Proposal:
   a. Stage 2 – Detailed Site Investigation Contamination Report
   b. Remediation Action Plan
   c. Site Audit Statement reviewing the Stage 1 and Stage 2 Investigations and the Remediation Action Plan
   d. Amended Flood Study and Stormwater assessment
   e. Biodiversity Conservation Strategy detailing the in perpetuity conservation covenant and funding for restoration and enhancement of biodiversity values within the regional biodiversity corridor.
   g. Bushfire Risk Assessment
   h. Aboriginal Heritage Cultural Assessment
   i. Traffic Impact Assessment to be prepared in accordance with Table 2.1 of the RTA Guide to Traffic Generating Development.
   j. A revegetation and vegetation management plan for the rehabilitation of the riparian zone.
   k. A Conservation Management Plan for the appropriate management and retention of the Waples Butchery and archaeological site at Sunnyside. In particular it is to take into consideration the extent to which the proposal affects the heritage significance of the item/streetscape/subdivision pattern.

REPORT AUTHORISATIONS

Report of: David Green, Manager Environmental Strategy and Planning (Acting)
Authorised by: Andrew Carfield, Director Planning and Environment - Future City and Neighbourhoods
BACKGROUND

West Dapto Release Area

In 2006, Council endorsed the West Dapto Vision, Local Environmental Study, draft Local Environmental Plan and draft Development Control Plan for exhibition. The documents were exhibited from December 2007 to April 2008. After the exhibition period, Council requested that the Minister for Planning make available the (then) NSW Growth Centres Commission (GCC) to review key aspects of the release area.

On 16 December 2008, Council considered a report on submissions and the Growth Centres Commission report which highlighted concerns relating to the viability and affordability of the release area, cost and timing of infrastructure development, access, flooding, riparian corridors and staging. Council endorsed the GCC’s recommendations and resolved to refer the draft Local Environmental Plan for Stages 1 and 2, Dapto Town Centre and Horsley to the NSW Department of Planning for approval. The instrument was renamed to Wollongong Local Environmental Plan (West Dapto) 2010 and was approved by the Minister for Planning on 5 May 2010. The remaining lands (including the subject site) were deferred to coincide with the recommendation of the GCC to promote effective development through the use of staging. This land is currently zoned under the Wollongong Local Environmental Plan 2009.

The West Dapto Urban Release Area covers an area of approximately 4,700 hectares and is currently proposed to provide an additional 19,500 dwellings and 183 hectares of employment land when fully developed. West Dapto is the last remaining area for large scale urban development in the Wollongong Local Government Area. The area has been identified by the NSW Department of Planning and Environment as a priority urban release area which will contribute housing supply for the expected population growth. The development of West Dapto draws upon principles of economic, social and environmental sustainability.

Subject Site

The draft Planning Proposal applies to the land known as part of Stage 3 West Dapto Urban Land Release Area, being Lots 1, 2 and 3 DP810104 located between Bong Bong Road Horsely and Cleveland Road, Huntley, within the West Dapto Urban Release Area (Attachments 1 and 2). The subject site is approximately 110 hectares in size.

<table>
<thead>
<tr>
<th>Property Details</th>
<th>Area (ha)</th>
<th>Owner</th>
<th>Current Zone(s)</th>
</tr>
</thead>
</table>
| Lot 1 DP 810104  | 45.9     | Stockland | RU2 Rural Landscape  
|                  |          |        | E3 Environmental Management |
| Lot 2 DP 810104  | 6.3      | Stockland | RU2 Rural Landscape  |
| Lot 3 DP 810104  | 58.6     | Stockland | RU2 Rural Landscape  
|                  |          |        | E3 Environmental Management |

The topography of the site varies from flat through undulating in the central parts with the western and northern parts of the site being steep and extending into the foothills of the Illawarra Escarpment. The site is bisected by Reed Creek a number of smaller watercourses flowing in easterly and southerly directions from the escarpment. There are a number of structures throughout the site together with
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associated farm buildings, access roads, fences and other farm related infrastructure. There is a high voltage (330kV) overhead power lines traversing the site generally in a north south direction. In addition there is a large volume of coal washery reject situated immediately to the west of the proposed Bong Bong town centre which adjoins the subject site. The site is overlooked by the Illawarra Escarpment to the west and from the higher western parts of the site there are extensive views to the east and south east over Lake Illawarra extending to the Pacific Ocean.

Concept Plan

The draft Planning Proposal request is supported by a draft Concept Plan (Attachment 3) which forms the basis of a draft Neighbourhood Plan. The draft Concept Plan shows:

- A mix of low density and medium density housing, with the medium density adjacent to the Bong Bong Town Centre. An estimated 1,020 dwellings are proposed.
- The conservation of the western well vegetated steeper area, proposed to be zoned E2 Environmental Conservation.
- A north south collector road extending from Bong Bong Road to Cleveland Road, which will improve accessibility and form a future bus route.
- A riparian/flood plain corridor along Reed Creek.
- A 1ha park at Sunnyside which will include the Archaeologic remains of the original homestead.
- A park on the emplacement area on the western side of the dam.
- Footpaths and cycleways along the collector road and riparian corridors.

Planning Proposal Request

A draft Planning Proposal request was originally submitted by consultants on behalf of Stockland Residential Development (Stockland) for the rezoning of the northern part Stage 3 (between Brooks Reach and Cleveland Road) in December 2011. The proponent was requested to provide the following additional information:

- Preliminary Flora and Fauna assessment;
- Current flooding constraints on future residential land;
- Phase 1 Contamination Study;
- Aboriginal Archaeological and Cultural Heritage Assessment;
- Draft Zoning Plan;
- Draft Neighbourhood Plan; and
- An interim Access Strategy (noting that at that stage Council had not resolved to progress the Fowlers Road – Fairwater Drive link).

The draft Planning Proposal request was re-submitted again in January 2014. The request was almost identical to the 2012 request, but was accompanied by the following studies:

- Preliminary Flora and Fauna Assessment prepared by Hayes Environmental;
- Flood and Riparian Corridor Study prepared by Cardno; and
- Stage 1 Environmental Site Assessment prepared by JBS Environmental.

The proponent advised that the proposal should be assessed based on previous work undertaken in the Council’s West Dapto Local Environmental Study (2006), and the additional information can be deferred until a Gateway determination is sought. The proponent did not provide a concept plan or a draft neighbourhood plan, advising that these will be developed later in the planning process.
On 13 October 2014, Council considered a report on the proposal and resolved to prepare a Draft Planning Proposal to rezone the Stockland Development lands being lots 1, 2 and 3 DP 810104, located to the south west of Brooks Reach between Bong Bong Road and Cleveland Road ('the subject site'), West Dapto, subject to a number of conditions and the submission of additional information.

In principle, the proposal involved rezoning the subject site from RU2 Rural Landscape to a mix of R2 Low density Residential, E4 Environmental Living, E3 Environmental Management and E2 Environmental Conservation with associated changes to the Floor Space Ratios and Minimum Lot Sizes. Subsequently, a Gateway Determination was issued 3 February 2015 in support of the Planning Proposal. The issued Determination required a number of conditions to be satisfied in order for the proposal to proceed, including:

1. Council is to update the planning proposal to identify that the subject site will be added to the Urban Release Area Map enabling satisfactory arrangements for State Infrastructure provision.
2. Council is to specify the controls it wishes to apply in relation to Clause 4.1C and is to include these details in the exhibition of the proposal.
3. Additional information is to be provided to support the proposal -
   a. Draft Neighbourhood Plan;
   b. Aboriginal Heritage Assessment;
   c. Non-Indigenous Heritage Assessment
   d. Flora and Fauna Assessment;
   e. Water and sewerage servicing strategy;
   f. Stormwater Assessment Management and Infrastructure Plan;
4. Community Consultation is required as per Departments requirements.
5. Consultation is required with the following agencies-
   a. Department of Education and Communities;
   b. Office of Environment and Heritage;
   c. Endeavour Energy;
   d. NSW Rural Fire Service;
   e. Transport for NSW – Roads and Maritime services;
   f. State Emergency Services;
   g. Sydney Water.

In July 2017, and December 2017, Don Fox Planning on behalf of the owner, Stocklands, submitted ‘Supplementary Information’, to support the progress of the draft Planning Proposal. This information resulted in amendments to the draft Planning Proposal as originally submitted.

The submitted additional information included amended zoning details and a draft Neighbourhood Plan (Attachment 3). Subsequent meetings and discussions have been held with the owner and development design team in order to progress the draft Planning Proposal and address outstanding concerns. Further information was submitted in February 2018 seeking to address Council’s concerns with respect to SEPP 55 compliance, Endangered Ecological Community matters, flooding concerns, zoning and the submitted Neighbourhood Plan. Based on the extent of variations proposed, it is necessary to resubmit the draft Planning Proposal to the Department of Planning & Environment for a revised Gateway Determination prior to public exhibition.

The amended Planning Proposal (February 2018) seeks to rezone the subject site to a mix of E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, RE1 Public Open Space, R2 Low Density Residential and R3 Medium Density Residential including amendments proposed to the minimum lot size, floor space ratio and building height maps.
How the amended planning proposal relates to the proposal that obtained Gateway approval

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>1 Rezone Lot 1 DP810104 from RU2 Rural Landscape to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) E2 not proposed</td>
<td>E2 Environmental Conservation with a 5.9 ha minimum lot size to enable subdivision and private ownership</td>
<td>E2 Conservation area to be restricted to a minimum lot size of 39.99ha, to reflect proposed public ownership.</td>
</tr>
<tr>
<td>b) E3 Environmental Management with a 39.99 ha minimum lot size.</td>
<td>Restricted to Riparian Corridor with no mapped minimum lot size, building height, FSR.</td>
<td>Supported</td>
</tr>
<tr>
<td>c) E4 Environmental Living with a 1499m² minimum lot size, and a FSR of 0.3:1.</td>
<td>Proposed 2000 m² minimum lot size</td>
<td>Support a minimum lot size of 2000sqm.</td>
</tr>
<tr>
<td>d) R2 Low Density Residential with a mix of 299m² and 449m² minimum lot size, and a FSR of 0.5:1.</td>
<td>249 m² minimum lot size HOB: 9.0m FSR: 0.5:1</td>
<td>A mix of lot sizes and housing products is supported. Lot size should increase from the town centre towards the Escarpment. Areas of smaller lots should be identified and be located in areas of high amenity. The Neighbourhood Plan should also identify a mix of block sizes that reflect the different product.</td>
</tr>
<tr>
<td></td>
<td>R3 Medium density residential with a 250m² minimum lot size. HOB: 16m FSR: 0.75:1</td>
<td>Support a medium density zone around the Bong Bong Town Centre with a preferred minimum lot size of 300sqm and permit Clause 4.1C to apply, allowing smaller lots (150sqm) for attached integrated housing.</td>
</tr>
<tr>
<td></td>
<td>RE1 – Public Open Space, surrounding Dam</td>
<td>Supported</td>
</tr>
</tbody>
</table>

2 Rezone Lot 2 DP810104 from RU2 Rural Landscape to:

| | | |
| a) E3 Environmental Management with a minimum lot size of 39.99ha. | Restricted to riparian corridor with no minimum lot size. | Supported |
| b) R2 Low Density Residential with a minimum lot size of 449m² and a FSR of 0.5:1. | 250 m² minimum lot size HOB: 9.0m FSR: 0.5:1 | Supported |
| | RE1 Public Open Space – surrounding “Sunnyside” creating park/fig trees/ heritage preservation/interpretation. Site increased to 1 ha. | Supported |
--- | --- | ---
3 **Rezone Lot 3 DP810104 from RU2 Rural Landscape to:**

**a) E3 Environmental Management** with a 39.99 ha minimum lot size, and No mapped FSR.

- Restricted to riparian corridor no minimum lot size mapped.

- **Supported**

**b) E2 Environmental Conservation** with a 39.99 ha minimum lot size, and No mapped FSR.

- E2 Environmental Conservation with a 5.9 ha minimum lot size to enable subdivision and private ownership.

- The E2 Escarpment conservation area is preferred to be restricted to a minimum lot size of 39.99ha to reflect proposed public ownership.

**c) E4 Environmental Living** with a 1499m² minimum lot size, and a FSR of 0.3:1.

- Does not apply

- Does not apply

**d) R2 Low Density Residential** with a 449m² minimum lot size, and a FSR of 0.5:1.

- 250 m² minimum lot size
- HOB: 9.0m
- FSR: 0.5:1

- **Supported**

- **Proposed to use this clause to allow lots less than 249m².**

**R3 Medium Density Residential** surrounding Bong Bong Town Centre a minimum of 250sqm

- Support a medium density zone around the Bong Bong Town Centre to which a minim lot size of 300sqm is to apply and incorporating Clause 4.1C to allow smaller lots (150sqm) for attached integrated housing.

4 **Update the flood map information on the Flood Planning Maps for Stage 1 to 4 in the West Dapto Urban Release Area.**

- Completed

5 **Update the Land Reservation Acquisition Map to show Cleveland Road widening to reflect the future Type 3, two lane Collector Road of a width of 20.4m.**

- **Supported**

6 **Introduce model Clause 4.1C to assist in delivery of integrated housing.**

- Proposed to use this clause to allow lots less than 249m².

- Support use of Clause to enable integrated housing delivery.
CONSIDERATION OF ISSUES

Contamination

Part of Lots 1 and 3 DP 810104 was used for the emplacement of industrial waste from the Port Kembla Steelworks (development consent dated 9 May 1996) and the site adjoins the former Gun Club.

The original submitted draft Planning Proposal was supported by 'Stage 1 Environmental Assessment' prepared by JBS Environmental dated October 2012. Council’s report to its Council meeting 13 October 2014 noted as follows:

Contamination

“The proponent has submitted a Stage 1 Environmental Assessment prepared by JBS Environmental which found that there is the potential for some contamination to be present in limited areas of the site.”

Concluding “However, the potential contamination is unlikely to be of such a scale or occurrence that common remediation and/or management techniques could not render the site suitable for the proposed uses. As such, the potential for contamination to occur at the site is considered not to represent a significant barrier to the future development of the site.”

On submission of the amended draft Planning Proposal request Council Officers reviewed the Stage 1 Environmental Assessment prepared by JBS Environmental which notes the following actual or potential sources contamination:

“Lead and PAH contamination from lead shot and clay target - Area within lot 1 DP 810104 adjoining the western boundary of the Illawarra Gun club;
Heavy metals, OCPs, asbestos and other COPC in Fill material – various areas of site;
Combustible material in the coal wash emplacement;
Heavy metals, OCPs, PAHs, BTEXT, TPH in storage tanks and drums across the site.”

In addition it also noted that there was potential for groundwater at the site to be a potentially contaminated medium and that the potential for off-site migration was beyond the scope of the assessment (p.28).

The review found that additional information was required to address the requirements of the Contaminated Land Planning Guidelines (and therefore SEPP 55) and Guidelines for consultants reporting on contaminated sites: 2011 State of NSW and Office of Environment and Heritage.

Subsequently the applicant submitted an addendum to the Preliminary Contamination Assessment prepared by Cardno and dated 12 December 2017.

The report concluded:

“Potential contaminates of concern were detected in the residual soil at the site and were reported in excess of the adopted human health and ecological assessment criteria for heavy metals (lead) in soil at one location adjoining the gun club. Potential asbestos containing material as observed within stockpiles in the northern portion of the coal wash emplacement and are considered to potentially pose a risk to human health if dermal or respiratory exposure where to occur…”

It is Cardno’s opinion that the Site can be made suitable for a low density residential land use subject to the implementation of the recommendations outlined in Section 8.2…..”

Council’s Environment Division reviewed the supporting information and noted;

“the Cardno Assessment builds on a 2012 Stage 1 Environmental Site Assessment prepared by JBS Environmental for a broad area of the WDURA including the subject site. The Cardno Preliminary Contamination Assessment did not include sampling in the southern portion of the site (Sunnyside Farm Complex) due to lack of access. The assessment identified lead and asbestos contamination
and recommends a Stage 2 – Detailed Site Investigation. Don Fox Planning propose to defer this work to the Subdivision DA stage.”

The additional sampling of the Sunnyside property has now been completed and the report recently submitted to Council.

It is recommended that further contamination assessment is required in this area and as such the following is to be submitted as part of the Planning Proposal process prior to the finalisation of the Planning Proposal:

- A Stage 2 – Detailed Site Investigation to determine the degree and extent of contamination [within the soil strata, fill material, surface water and groundwater] and a Remediation Action Plan. The Reports are to be prepared as per the Guidelines for Consultants Reporting on Contaminated Sites (OEH, 2011) and be prepared by a suitably qualified and experienced consultant who is certified under one of the following schemes:
  - the Site Contamination Practitioners Australia (SCPA) scheme;
  - the Environment Institute of Australia and New Zealand’s (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP) scheme; or
  - the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

- A Site Audit Statement from an independent NSW Environment Protection Authority accredited site auditor pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 to determine the nature and extent of contamination and to determine the appropriateness of the Stage 1 and Stage 2 investigations and the Remediation Action Plan and to determine if the land can be made suitable for a particular use or uses by implementation of the remediation action plan.

Biodiversity

The western portion of the subject site is mapped within the ‘Environmental Values’ including supporting ‘High Environmental Values’ and the ‘Biodiversity Corridor’ of the Illawarra Shoalhaven Regional Plan (2015). Biodiversity corridor mapping of the Illawarra Biodiversity Strategy (2011), and significant native vegetation mapping in the Illawarra Regional Strategy 2006-31 (2007) are both captured in the area of the Illawarra Shoalhaven Regional Plan (2015) ‘Biodiversity Corridor’ on the subject site. The regionally and locally significant biodiversity corridor of the western portion of subject site is also acknowledged by inclusion in the Illawarra Escarpment Map and subject to the provisions of Wollongong LEP 2009 Clause 7.8 Illawarra Escarpment Area Conservation, conservation and planning outcomes of the Illawarra Escarpment Strategic Management Plan (IESMP 2015) and the Illawarra Escarpment Land Use Review Strategy (IELURS 2007). In addition to the landscape scale priority vegetation and important habitat corridors recognised in the Illawarra Shoalhaven Regional Plan (2015), Illawarra Biodiversity Strategy (2011), Illawarra Regional Strategy 2006-31 (2007) and IESMP 2015, the conservation significance of the vegetation and other habitats on the subject site have been validated by the applicants ecological consultants in further site investigations.

In summary, two endangered ecological communities listed under the Biodiversity Conservation Act 2016 (BC Act) with one of these also listed as a critically endangered ecological community under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), have been documented and mapped. The endangered ecological communities primarily occur in the proposed E2 and E4 zones of the western and northern portions of the subject site. In addition, five threatened bat species and one threatened plant species are known to be present on the subject site and there is potential habitat present for several other threatened fauna and flora species known from the locality.

The applicant’s ecological consultants have agreed a subdivision development application is highly likely to require offsetting under the NSW Biodiversity Offsets Scheme. The dedication to Council of the
proposed E2 zoned land (26.2 ha) with in perpetuity funding may provide a measure to avoid, minimise and mitigate the future impact of development on significant environmental assets and biodiversity values whilst concurrently:

- Providing an alternative to entering the NSW Biodiversity Offset Scheme for a future subdivision development application.

Should the draft revised Planning Proposal be endorsed to proceed to Gateway a Biodiversity Conservation Strategy detailing the in perpetuity conservation covenant and funding for restoration and enhancement of biodiversity values (within the ISRP biodiversity corridor and IESMP affected area) will need to be submitted prior to finalisation. The Biodiversity Conservation Strategy will need to commit to finalising the legal agreement for the transfer of E2 zoned land with in perpetuity funding to Council prior to development consent for subdivision.

It is noted that the subject site is within the proposed West Dapto Urban Release Area Biodiversity Certification Assessment Area and may need to be excised depending on the timing for approval and conferral of the proposed Biodiversity Certification.

**Flooding**

Reed Creek, a tributary of Mullet Creek, crosses the site. The Mullet Creek Floodplain Risk Management Study and Plan (2010), Mullet Creek West Dapto Extension of Flood Model (2011) and the draft Mullet Creek Flood Model Update (2017) show flooding along Reed Creek. The creek and floodplain are proposed to be zoned E3 Environmental Management. Some minor modification to the floodplain extent is proposed.

The Concept Plan shows edge roads adjacent to the riparian corridor which will provide a public edge and enable passive surveillance and informal recreational opportunities. The road and footpath also forms part of the bushfire Asset Protection zone.

To the north of Reed Creek, the emplacement area has diverted the natural watercourse south to Reed Creek.

In the southern part of the site, two minor watercourses flow south under Cleveland Road to Mullet Creek.

As part of the development, stormwater drainage and runoff will need to be managed to reflect existing conditions to maintain downstream flows. The Concept Plan shows a number of detention basins that will assist in stormwater management.

**Heritage**

The amended Planning Proposal was accompanied by ‘Historical Heritage Assessment’ prepared by GML Heritage and dated July 2017. The historical heritage assessment has identified several heritage elements as being of local significance within the study area;

- The original Sunnyside House on Cleveland Road;
- Remains of a homestead established between 1840 and 1890 by the Swan family;
- Waples Butchery complex on Bond Bong Road;
- History of land use and local families, rural cultural landscape
- Views across the study area

The proposed development area has the potential to impact areas of Aboriginal Heritage Significance and non-indigenous Heritage Significance. Discussions have been held with the applicant regarding
heritage matters and the intention to ensure that due respect is given during the refinement and development of the Neighbourhood Plan.

“The Waples Butchery Complex”

The remnants of Waples Abattoir has been identified by numerous studies as being an unlisted heritage item which, according to GML Heritage Pty Ltd, meets the heritage significance criteria at a local level for historic, scientific and representative values. GML Heritage, 2017 identify the ruin as having possible scientific, social and historical value and note that it is a unique aspect of the farming industries documented within the region and that the upstanding ruins are considered to be rare at the local level (p.89). In addition, the former Waples Butchery Complex has Aboriginal heritage associations, with oral history providing that a shed associated with the former Butchery complex was occupied by a group of Aboriginal people who worked on a nearby farm to assist in the harvest of peas in the 1950s (p.24; p.51).

The demolition of this item is not justified. Buildings with less structural integrity have been successfully restored. The contribution of the Waples Butchery remnants to the socially significant cultural landscape of the West Dapto Area, its association with the historically significant Bong Bong Pass, and its testimony to the historic use of the subject land all combine to warrant its retention.

It is considered appropriate that Council progress a heritage listing for the ‘Butchery Complex, ‘Sunnyside’ and the surrounding archaeological sites as part of the planning proposal. These unlisted heritage items should be retained as a component of the Neighbourhood Plan. In this regard, the revised Neighbourhood Plan is to indicate the residential lot layout within the proposed E4 zone (reflecting a minimum lot size of 5ha) affecting the ‘Butchery Complex’ including access points to these lots, and that ‘Sunnyside’ is appropriately managed and preserved within the grounds of the identified RE1 Public Open Space park.

It is recommended that a Conservation Management Plan be developed to ensure the preservation of the sites rich history in conjunction with the inclusion of ‘Waples Butchery’ and ‘Sunnyside’, Heritage Map amendment.

Electricity Easement

A high voltage electricity transmission line diagonally crosses the site. Stockland proposed that this land be transferred to Council. Council officers were not supportive of its transfer as it would be a maintenance liability and not provide active recreational opportunities. The corridor is proposed to be zoned R2 Low Density Residential which would allow it to be incorporated into residential lots (i.e. large back yards) or be used for recreational areas, if a suitable use can be determined.

CONSULTATION AND COMMUNICATION

Consultation with Council Staff

<table>
<thead>
<tr>
<th>Comment</th>
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<tbody>
<tr>
<td>Traffic</td>
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<tr>
<td>Recreation</td>
</tr>
<tr>
<td>West Dapto Master Plan Team</td>
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</table>
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#### Comment

- Supportive of the minimum lot sizes proposed, consider that this provides more opportunity to provide housing and diverse mix of types with lots better suited to their sizes.

**The Neighbourhood Plan Layout**

- The North South collector road – in the Section 94 Plan – is an integral component to the West Dapto Release Area Road network.
- Interface with the Town Centre will be an important consideration moving from Neighbourhood Plan to DA.
- Drainage basins – concern raised with regard to the number of basins indicated in the Neighbourhood Plan for Stockland’s Stage 3 Site, and will require further review.

**Environment**

The dedication of the western Illawarra Escapement foothills E2 land to Council with in perpetuity funding for restoration and secure conservation covenant is supported.

**Developer Contributions**

S94 Plan is to be reviewed prior to finalisation of Planning Proposal. The West Dapto Development Contributions Plan (2017) applies to the site.

**Bushfire Advice**

The proposal could satisfy the specific objectives for subdivisions as outlined in Planning for Bushfire Protection 2006 with regards to Asset Protection Zones (APZ’s), Water Supply and Gas and Electrical Supplies and Access.

**Property Services**

No objection to the proposed development.

**Pedestrian and Bicycle riparian corridors**

- Bicycle crossing facilities will need to be provided on the N/S collector road in the absence of underpasses.

- It is understood that the current neighbourhood plan proposal includes roundabouts at the road intersections either side of the riparian corridor. If a 4 lane configuration is used for the road the resulting two lane roundabouts at these road intersections will result in a poor safety outcome. Should a 4 lane configuration be used, traffic signalised intersections would be preferable to provide safe crossings for pedestrians and cyclists.

- If a two lane road configuration is adopted, refuge island crossings can be an option for pedestrians and cyclists.

**Heritage**

The proposal has not, at this stage, been referred to Office of Environment and Heritage or NSW Heritage Council. Council will seek advice from these agencies in relation to the archaeological considerations and Aboriginal cultural heritage impacts post Gateway.

### Consultation with Public Agencies

Consultation will be undertaken with public agencies in accordance with the Gateway Determination requirements as part of the exhibition.

With respect to the additional information Sydney Water was contacted and their comments are noted below:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Comment</th>
</tr>
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<tbody>
<tr>
<td>Sydney Water</td>
<td>Supportive of the proposal as it is noted to be generally in line with Sydney Water's feasibility advice.</td>
</tr>
</tbody>
</table>
Community Consultation

Preliminary Consultation was carried out from 10th – 21st February 2014 and three (3) submissions were received which were considered as part of the 13 October 2014 Council report. No additional community consultation has been carried out specifically in relation to the additional information. If the revised draft Planning Proposal is supported by Council and a revised Gateway determination issued, a formal exhibition process will occur.

PLANNING AND POLICY IMPACT

Illawarra Shoalhaven Regional Plan 2036

The Illawarra Shoalhaven Regional Plan was released in 2015 by Department of Planning & Environment. The plan sets out to guide strategic planning within the region for the next 20 years.

The Plan has set down goals to provide “a region with a variety of housing choices, with homes that meet needs and lifestyles” and also “a region with communities that are strong, healthy and well-connected”, which are relevant to this Planning Proposal.

In particular, the draft Planning Proposal is supportive of the following directions:

DIRECTION 2.1 Provide sufficient housing supply to suit the changing demands of the region
DIRECTION 2.2 Support housing opportunities close to existing services, jobs and infrastructure in the region’s centres

Council is required to plan for a diverse mix of housing that suits the projected growth, changing demographics and market demand particular to their area. This means that in some cases,zonings and planning controls can increase capacity for housing to promote development opportunities. The proposed amendments to Wollongong LEP 2009 seek to facilitate a diverse housing choice within a low and medium density zoning providing for single dwelling, semi-detached dwellings, townhouses, attached dwellings and potential for residential flat buildings. West Dapto has been identified as a location for increasing housing opportunity.

The intent of the concept Neighbourhood Plan supports the increase in housing opportunities.

DIRECTION 2.4 Identify and conserve biodiversity values when planning new communities

This direction provides Council with impetus to integrate biodiversity conservation with proposed development outcomes at the strategic planning stage. The proposal has identified two threatened ecological communities (Illawarra Lowlands Grassy Woodland and Illawarra Subtropical Rainforest) within the study area.

The dedication with in perpetuity funding of the well vegetated western Illawarra Escarpment foothills mapped within and adjacent to the ‘Biodiversity Corridor’ of the I-SRP Biodiversity Values map, and supporting the largest areas of the two threatened ecological communities will provide a measure to conserve biodiversity values.

DIRECTION 3.2 Enhance community access to jobs, goods and services by improving connections between centres and growth areas
DIRECTION 3.3 Build socially inclusive, safe and healthy communities

The draft Planning Proposal has the potential to provide a mix of housing providing connectivity and direct linkage to public transport, public facilities, pedestrian and cycle network and open space areas.

DIRECTION 3.4 Protect the region’s cultural heritage

A statement of Heritage Impact has been submitted in support of the Planning Proposal. Stage 3 is set within a rural landscape noted for its agricultural and natural character and has been historically linked with farming practises over the past 200 years. Stockland’s land is subject to rezoning and consequently
a change of use from agricultural to residential. The change to residential use includes measures for environmental conservation, which will be formally recognised through land rezoning. As such, the environmental conservation zoning and recreational zoning represents an opportunity to retain certain historic sites within the context of the new land use namely ‘Waples Butchery’ and ‘Sunnyside’.

**DIRECTION 5.1 Protect the region’s environmental values by focusing development in locations with the capacity to absorb development**

The proposed zoning pattern seeks to respect most sites values and capabilities. The proposed E2 area with a minimum Lot size 39.99 hectares will provide the foundation to avoid, minimise and mitigate the impact of development on significant environmental assets and the addition ISRP Action to ‘Protect the region’s biodiversity corridors in local planning controls.

Further, the dedication with in perpetuity funding of the well vegetated western Illawarra Escarpment foothills mapped within and adjacent to the ‘Biodiversity Corridor’ of the ISRP Biodiversity Values map, will be an appropriate land use within the corridor that maintains and will enhance landscape scale ecological connectivity as envisaged by the nominated Direction.

**West Dapto Masterplan**

Council’s Vision for West Dapto is to grow and develop a series of integrated communities within the spectacular natural landscape of riparian valleys and escarpment backdrop. It seeks to ensure that these communities are to be highly accessible, be linked with public transport as well as encouraging walking and cycling. Local places and centres will provide for shopping services and jobs and significant new areas will be developed for employment generation for new residents.

The natural and cultural heritage of the area is to be integrated with new urban development and a long term strategy to oversee the timely implementation of infrastructure will deliver sustainable and high quality suburbs.

The West Dapto release area will provide around 19,500 dwellings over a predicted 40 year time frame, along with local employment opportunities, community and recreational facilities and the conservation of sensitive areas.

The subject site is included in the West Dapto Urban Release Area being a vital release area to meet the housing needs of the Illawarra Region. The area has been identified by the NSW Department of Planning and Environment as a priority urban release area which will contribute housing supply for the expected population growth. The proposal generally supports The Department’s and Council’s vision for West Dapto.

**Developer Contributions Plan**

Section 94 of the Environmental Planning and Assessment (EP& A) Act is the principal method which enables Council to levy contributions for those public amenities and services required directly as a consequence of development. The main types of infrastructure generally associated with a major land release area include water, sewer, electricity and telecommunications infrastructure, roads, public transport, water cycle management facilities, community facilities, recreational facilities, open space and environmental protection.

Council on 11 December 2017 approved the adoption and finalisation of the updated West Dapto Section 94 Plan 2017. The updated Plan incorporates changes following advice from the NSW Department of Planning and Environment (DPE) regarding their review of the draft Plan and Independent Pricing and Regulatory Tribunal's (IPART) Assessment of the Plan, along with some minor document improvements.

DPE has advised that Council, with this Contributions Plan, will be able to claim Local Infrastructure Growth Scheme (LIGS) funding for Development Approvals granted from 17 September 2017 onwards.
This approval in relation to LIGS funding also gives Council permission to apply the contributions rates as outlined in the Department's Circular PS 17-002 for 27 July 2017.

The Development Contributions Plan includes a number of items which Stockland will be able to deliver during the development and be able to claim as an offset to their development contribution, including:

- The north-south collector road, and Reed Creek bridge, linking Bong Bong Road and Cleveland Road;
- The proposed two Neighbourhood Parks (shown on the Land Acquisition Reservation Map);
- The widening of Cleveland Road (shown on the Land Acquisition Reservation Map);
- Footpaths along the Reed Creek Riparian Corridor.

The current Development Contributions Plan does not allow for the acquisition of the Reed Creek drainage channel. It is anticipated that the channel and adjacent riparian corridor/floodplain will be transferred to Council.

The western steeper vegetated lands are also proposed to be transferred to Council, with a Biodiversity Conservation Agreement providing ongoing funding.

The proposed stormwater detention basins appear to be providing detention for the development, rather than a subcatchment and will not be offset.

**Illawarra Escarpment Strategic Management Plan 2015**

The management plan is founded on the following vision for the Escarpment:

“The **Illawarra Escarpment is an outstanding feature of the Illawarra region providing a natural backdrop to the city as well as encompassing areas of high conservation value and rich cultural heritage. The long term vision for this area is for these values to be preserved and enhanced through public reserve or private stewardship.”

The nominated objectives of the IESMP 2015 are noted as follows:

1. identify the environmental, cultural and economic values of the escarpment and foothills requiring conservation;
2. define the principles and strategic direction for protecting and enhancing escarpment values.
3. outline an action plan for Council to improve escarpment management.”

**Comment**

The Plan recognises that ongoing management of areas of high ecological value will be required in order to maintain or improve biodiversity values of the Illawarra Escarpment, and stipulates that any development is linked to the protection and enhancement of key identified environmental attributes.

The land holdings includes land both in the West Dapto Release Area and the Illawarra Escarpment. The proposed western steep vegetated part (some 26.2ha) is proposed to be zoned E2 Environmental Conservation and transferred to Council, with in perpetuity funding (through a Bioconservation agreement).

**Illawarra Biodiversity Strategy**

The Illawarra Councils of Kiama Municipal Council, Shellharbour City Council and Wollongong City Council have partnered together with support from the NSW Environmental Trust Urban Sustainability Program to develop a regional Illawarra Biodiversity Strategy. This Strategy consolidates the Illawarra Councils' commitments to a range of higher order biodiversity targets set at the national, state and regional level.
The Strategy aims to address the following objectives:

1. A co-ordinated and regional approach to biodiversity conservation so as to maximise knowledge sharing and efficient use of resources between the Illawarra Councils;
2. Identify biodiversity priorities to guide the Illawarra Council’s and other land managers in future decisions and planning;
3. Encourage and promote the conservation of biodiversity across the Illawarra;
4. Identify and manage threats to biodiversity across the Illawarra;
5. Improve understanding of biodiversity values of the Illawarra;
6. Identify anticipated threats to biodiversity from climate change;
7. Improve community awareness, and encourage and support community participation in biodiversity conservation; and

It is proposed that the well vegetated western Illawarra Escarpment foothills mapped within and adjacent to the ‘Escarpment Moist Forest Corridor’ of the Illawarra Regional Biodiversity Corridors map be dedicated to Council with in perpetuity funding. The proposed dedication with in perpetuity funding will be consistent with the actions and strategies for land use planning in the Strategy and provide increased certainty that landscape scale ecological connectivity is preserved and enhanced.

Urban Greening Strategy 2017 - 2037
The Urban Greening Strategy 2017-2037 was adopted on 11 December 2017 and aims to strategically increase the quality and quantity of all vegetation in an urban setting. The Strategy identifies opportunities for our City to harness the benefits of trees and vegetation, contributing towards creating a world class urban landscape.

The Vision is that:

Wollongong will grow and nurture a healthy, diverse and well-managed urban forest to deliver a renewed and resilient place for people, enterprise and the ecosystems that support us.

The following Principles will inspire and inform Council’s approach to urban greening in Wollongong:

- more strategic and targeted urban greening;
- evidence-based decision making and programming;
- enhanced amenity of public spaces;
- maximisation of ecosystem services and biodiversity connections;
- stronger leadership and partnerships with the community; and
- greater diversity of urban greening.

The draft Planning Proposal was lodged before the adoption of the Strategy, but is generally consistent with the Strategy. It not only seeks to enhance and maintain connectivity and site linkage to an existing riparian corridor ‘green link’ comprising a waterway, pedestrian and bicycle path. It also seeks the enhancement of open space areas, riparian corridor and green link paths throughout the site. The proposal has the potential to foster a ‘green’ environment in accordance with Council’s Vision, providing 2.5 hectares of Public open space, a riparian corridor of approximately 6.91 hectares and the dedication of 26.2 hectares of bushland.

Community Strategic Plan – Wollongong 2022
The Wollongong 2022 Community Strategic Plan outlines the communities priorities and aspirations, providing directions for the provision of key projects and services. This report contributes to the delivery of Wollongong 2022, specifically delivering on core business activities as detailed in the Service Plan 2017-18.
1. **We value and protect our environment**

   1.1 The natural environment is protected and enhanced.
   1.2 Our coastal areas and waterways are protected and enhanced.
   1.3 Wollongong’s ecological footprint is reduced.
   1.4 Community awareness and appreciation of heritage is increased.
   1.5 Local food production and community food initiatives are supported.
   1.6 The sustainability of our urban environment is improved.

This proposal contributes to the delivery of Wollongong 2022 objective “The natural environment is protected and enhanced” under the Community Goal “We value and protect our environment”, as it seeks to protect the existing riparian corridor and Escarpment vegetation correlating to the E3 Environmental zone. It also seeks to provide a transitional buffer by denoting a proposed road layout which will act as an asset protection zone to the residential development.

The proposal seeks to promote the nominated objectives and goals of Council’s Community Strategic Plan.

5. **We are a healthy community in a liveable space**

   5.1 There is an increase in the physical fitness, mental health and emotional wellbeing of all our residents.
   5.2 Residents have improved access to a range of affordable housing options.
   5.3 The public domain is maintained to a high standard.
   5.4 Community safety is improved.
   5.5 Participation in recreational and lifestyle activities is increased.
   5.6 Residents have a high level of life satisfaction and personal happiness.

The Planning Proposal seeks to provide a diverse housing choice including low scale residential flat buildings, a mix of townhouses, semi-detached and semi attached dwellings on smaller lot holdings. The proponent is seeking to deliver housing that is affordable highlighting the push for the proposed R3 medium density zone.

The proposal seeks to promote the nominated objectives and goals of Council’s Community Strategic Plan.

6. **We have sustainable affordable and accessible transport.**

   6.1 Walking, cycling and public transport is an accessible and well-resourced means of transport, and the use of private cars is reduced.
   6.2 Wollongong is supported by an integrated transport system.
   6.3 Transport disadvantaged communities have increased access to services.

The proposal seeks to develop a pedestrian and cycle network throughout the site seeking to harness the opportunity to extend the existing green corridors providing connectivity to Bong Bong Town Centre and open space network throughout the site.

The proposal intends to promote the nominated objectives and goals of Council’s Community Strategic Plan.

**OPTIONS**

1. Not proceed with amended planning proposal for part of Stage 3 West Dapto Urban Release Area.

2. Proceed with the amended Planning Proposal as amended and described within this report seek a revised Gateway Determination and then exhibit. RECOMMENDED.
CONCLUSION

In 2014 Council considered and supported the preparation of a draft Planning Proposal request for Stockland land holdings in Stage 3 of the West Dapto Release Area. In 2017, Stockland submitted the requested additional information to enable the draft Planning Proposal to be progressed. The additional information has resulted in changes to the draft Planning Proposal which will require a revised Gateway Determination prior to exhibition.

It is recommended that Council support the progression of the draft Planning Proposal and draft Neighbourhood Plan.
Planning Proposal
Lots 1, 2, 3 DP 810104 and Lot 1 DP 549692
Bong Bong Rd West Dapto
Location Map

Subject Site

10m Contours

Drawn By: J Lewis
Date: 06.02.18

WD_BongBongRd_Location_041937.mxd
Ordinary Meeting of Council
Item 2 - Attachment 4 - Proposed LEP Map Amendments

12 March 2018

Height of Buildings (m2)

- J: 9
- O2: 16
- Q: 20

Planning Proposal
Lots 1, 2, 3 DP 810104 and Lot 1 DP 549692
Bong Bong Rd West Dapto
Proposed Height of Buildings Map

Subject Site
Ordinary Meeting of Council
Item 2 - Attachment 4 - Proposed LEP Map Amendments

12 March 2018

Former Waples Butchery and cattle yards

House "Sunnyside"

Heritage
Heritage Item - General

Planning Proposal
Lots 1, 2, 3 DP 810104 and Lot 1 DP 549692
Bong Bong Rd West Dapto
Proposed Heritage Map

Subject Site

Drawn By: J Lewis
Date: 06.02.18