

ITEM 2 PUBLIC EXHIBITION - DRAFT PLANNING PROPOSAL - CLEVELAND ROAD PRECINCT

A draft Planning Proposal request has been lodged by NewQuest Properties Pty Ltd, on behalf of a number of property owners, to rezone various sites along Cleveland Road in the West Dapto Urban Release Area. The draft Planning Proposal request includes Council owned land. Council officers have carried out a preliminary assessment and also referred the request to the Wollongong Local Planning Panel for advice relating to strategic merit.

This report considers the proposal and recommends that the draft Planning Proposal be progressed, subject to the completion of additional studies. It is recommended that a draft Neighbourhood Plan be prepared and reported separately to Council for endorsement prior to exhibition.

RECOMMENDATION

- 1 A draft Planning Proposal be prepared for the Cleveland Road precinct within Stage 3 of the West Dapto Urban Release Area to rezone the precinct to permit urban development (Attachment 3).
- 2 The proponent and landholders submit the additional information relating to heritage within six (6) months of the date of the Council resolution.
- 3 Following receipt of the additional information, the draft Planning Proposal be referred to the NSW Department of Planning, Industry and Environment for a Gateway determination.
- 4 Should the Gateway Determination be issued, consultation be undertaken with the following agencies -
 - a NSW Department of Planning, Industry and Environment – Environment, Energy and Science
 - b NSW Department of Planning, Industry and Environment - Natural Resources Regulator
 - c NSW Rural Fire Service
 - d Department of Education
 - e Endeavour Energy
 - f Transgrid
 - g Transport for NSW
 - h State Emergency Services
 - i Sydney Water
 - j Heritage NSW
 - k Jemena
 - l Illawarra Local Aboriginal Lands Council.
- 5 Should the NSW Department of Planning, Industry and Environment issue a Gateway determination the draft Planning Proposal be exhibited for a minimum period of twenty eight (28) days.
- 6 The NSW Department of Planning, Industry 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.
- 7 The proponent and landholders be encouraged to submit a revised draft Neighbourhood Plan within six (6) months of the date of the Council resolution to enable exhibition with the draft Planning Proposal.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Location Plan and Current Zoning
- 2 Land Ownership/Interests Map
- 3 Revised Proposed LEP Amendment Maps and Concept Plans
- 4 Wollongong Local Planning Panel Advice and Statement of Reasons

BACKGROUND

The proposal covers various sites along Cleveland Road, Cleveland. The site is bounded by Dapto High School to the east, Horsley to the north, the Stockland Stage 3 development to the west, and Mullet Creek to the south (Attachment 1).

The submitted draft Planning Proposal consists of 18 individual lots and has a site area of 352 hectares. The area is used as for rural purposes, mainly grazing and agistment. The property ownership details, site areas and current zoning are provided in Attachment 2. The submitted draft Planning Proposal includes three Council owned lots, the former Tramway corridor (Lot 310 DP 1188000) and two lots located at the eastern end of Cleveland Road (Lots 312 and 313 DP 1188000).

To complete the review of the eastern end of Stage 3, three additional Council owned lots, located between Reed Park and Fowlers Road, have been incorporated into the draft Planning Proposal request, representing an additional area of 15.67 hectares. In total, Council's ownership consists of -

- Four (4) lots on the north side of Cleveland Road (extending to Reed Park) (Lots 200 DP 1175709, 309, 311 and part 312 DP 1188000) which are identified for recreational purposes and are proposed to be zoned RE1 Public Recreation and E3 Environmental Management
- Parts of the former Mt Kembla – Kanahooka Tramway corridor (20m wide) which is proposed to be a cycleway (Lot 310 DP 1188000)
- Lot 313 DP 1188000, and part Lot 312 DP 1188000, located on the south side of Cleveland Road which are identified as a development site (classified as Operational land) and is proposed to be zoned RE1 Public Recreation, B1 Local Centre and R2 Low Density Residential.

Council's representation for future development of the Cleveland Road land holdings is being provided by the Property & Recreation Division. A Probity Plan has been prepared to ensure proper process is followed and separation is maintained between Council's land interest and land use assessment role.

The West Dapto Urban Release Area (WDURA) is divided into 5 stages. The intent behind the staging was to control development timing and demand for services. Stages 1 and 2 were rezoned for urban development in 2010. Stages 3, 4 and 5 were zoned for rural purposes to defer urban release until the Stages 1 and 2 were sufficiently progressed.

The Cleveland Road precinct is a large part of Stage 3 and is the next logical step in the release of land within WDURA. The Cleveland Road precinct also links to the recently completed Karrara Bridge. Sydney Water has advised that upgrades to the trunk drinking water and trunk wastewater networks are required to service Stage 3 of WDURA and are currently scheduled to be provided in 2024-25.

The draft Planning Proposal request is supported by the following studies -

- Urban Design Report (DFP 2020)
- Traffic Impact Assessment (Bitzios Consulting 2020)
- Bushfire Strategic Study (Ecological 2020)
- Riparian Assessment (Ecological 2020)
- NRAR Advice letter on riparian corridors (NRAR 2020)
- Flora and Fauna Assessment (Ecological 2020)
- Overarching VMP (Ecological 2020)

- Floodplain Risk and Water Cycle Management Plan (Rienco Consulting 2020)
- Interim Heritage Report (Biosis 2020)
- Phase 1 Preliminary Site Investigations (Ade Consulting Group 2020)
- Draft LEP amendment maps (revised May 2021)
- Draft concept / subdivision layout (revised May 2021).

The original submitted draft Planning Proposal was referred to other landowners within the precinct for comment. A submission was received from Urbanco Pty Ltd on behalf of a landholder of Lots 401 and 402 DP 1254873, Fairwater Drive. The submission was accompanied by -

- Fairwater Drive Business Park and Residential Neighbourhood Urban Design and Vision (UrbanCo 2021)
- Concept Plan (UrbanCo 2021)
- Preliminary Detention Basin sizing (Maker Engineering 2020)
- Flood advice letter (Indesco 2020)
- Draft LEP amendment maps.

On 21 May 2021, the draft Planning Proposal request was reported to the Wollongong Local Planning Panel (WLPP) for their advice in accordance with the Ministerial Direction.

Revised plans were submitted by NewQuest on 25 June 2021 and 1 July 2021, incorporating changes in response to comments made by the WLPP and to incorporate the zoning amendments requested by Urbanco. Updated flood advice was also submitted (Aixa Pty Ltd July 2021).

PROPOSAL

The original submitted Planning Proposal request sought to rezone the area to enable urban development as part of Stage 3 of the WDURA. The current zones across the site are RU2 Rural Landscape with some E2 Environmental Conservation. The proposal sought to rezone the precinct to -

- R2 Low Density Residential, 349sqm minimum lot size, 0.5:1 FSR, and 9m height limit
- R3 Medium Density Residential, 249sqm minimum lot size, 0.75:1 FSR and 12m height limit
- B1 Neighbourhood Centre, 0.75:1 FSR, 9m height limit (no min lot size)
- B6 Enterprise Corridor, 2:1 FSR, 20m height limit (some 699sqm lot sizes)
- RE1 Public Recreation
- E2 Environmental Conservation, 39.99ha minimum lot size
- E3 Environmental Management, 39.99ha minimum lot size.

The draft Neighbourhood Plan provided with the Planning Proposal suggests a development comprising of approximately 2,888 lots (including 22 commercial lots).

The proposed rezoning precinct is bisected by Cleveland Road and is largely proposed to be zoned R2 Low Density Residential over much of the developable area. The proposal includes a B1 Local Centre zoned area south of Cleveland Road, near the intersection with Fowlers Road, and a B6 Enterprise Corridor zone for a site to the north of Fairwater Drive and Fowlers Road. R3 Medium Density Residential zoning is proposed in close proximity to the B1 and B6 land.

The submission lodged by Urbanco Pty Ltd on behalf of the landholder for Lots 401 and 402 DP 1254873, Fairwater Drive proposed the following amendments to the submitted draft Planning Proposal -

- To revise the boundaries of the proposed R3 Medium Density zone and also the proposed R2 Low Density Residential zone (within the current E2 zoning)

- Proposed residential height limits of 12m.
- To create a small parcel of RE1 Public Recreation
- To have the Floor Space Ratio within their proposed R2 zoned area increased to 0.75:1, and the Floor Space Ratio for part of the proposed R3 zoned area increased to 1:1
- To rezone the residual E2 Environmental Conservation land to E3 Environmental Management
- To have specific minimum lot sizes within the residual E2 zoned land, proposed to be E3 land
- The proposed R2 section on the current E2 land is seeking a density similar to that proposed for R3 land.

NewQuest updated the proposed zoning, minimum lot size, height and FSR maps to incorporate the range of matters identified through the evolution of the proposal.

The final draft Planning Proposal, incorporating the suggestions of landowners, the Wollongong Local Planning Panel and amendments made by Council officers proposes:

- A R2 Low Density Residential zone over the majority of the precinct with a 349sqm minimum lot size, 0.5:1 and 0.75:1 FSR, and 9m, 12m and 20m height limits
- A B1 Neighbourhood Centre zone on Cleveland Road with a 0.75:1 FSR, 9m height limit (no min lot size)
- A R3 Medium Density Residential precinct around the B1 Neighbourhood Centre, 249sqm minimum lot size, 0.75:1 FSR and 12m height limit
- A B6 Enterprise Corridor precinct on the northern side of Fairwater Drive with a 2:1 FSR, 20m height limit (some 699sqm lot sizes)
- Areas of RE1 Public Recreation – comprising Council land on Fowlers Road Drive/ Cleveland Road (16m height limit), the proposed Fairwater Drive park, the former tramway corridor, electricity easements and the proposed recreation area near Cleveland House
- The retention of an E2 Environmental Conservation over the woodland on the northern side of the precinct, with a 8.99ha minimum lot size to allow separation from the developable land.
- A E3 Environmental Management along the riparian corridors with a 39.99ha minimum lot size.
- The Heritage listing of the former tramway corridor, the majority of which is in Council ownership and is identified as a future pedestrian / cycle link.
- Identifying the western part of the former tramway corridor on the Land Reservation Acquisition Map, consistent with the West Dapto Development Contribution Plan
- Updating the Riparian Lands and Acid Sulfate Soils Map

Strategic Context

The draft Planning Proposal request is broadly consistent with the following strategic documents and policies -

- Illawarra Shoalhaven Regional Plan (2015) which applied when this request was lodged. The Plan aims to provide diverse housing opportunities, close to public transport and services and recognises the role of WDURA to deliver these outcomes. It is noted that a rezoning of the size proposed would also make consideration of a school site(s) important as part of this Planning Proposal
- Illawarra Shoalhaven Regional Plan 2041 was released on 1 June 2021 and sets a vision and guiding framework for the next 20 years. The WDURA is recognised within the Plan, which aims to deliver diverse and affordable housing, in the right locations and to celebrate, conserve and reuse cultural heritage

- Wollongong Local Strategic Planning Statement (LSPS) 2020 acknowledges that WDURA is intended to be a significant source of housing supply and will also provide for protection of environmental assets. The LSPS also acknowledges the role of infrastructure and services to cater for the needs of the growth area including transport, educational, community and recreational facilities
- Council's Planning Proposal Policy (2018) seeks to discourage spot rezoning and requires that proposals must have strategic merit. The site is within a recognised urban release area and the proponent has included surrounding parcels of land in a holistic manner
- Council's West Dapto Vision 2018. The Vision estimates that the urban release area would potentially provide 19,500 dwellings (and a population of over 56,000 people). The Vision seeks to concentrate higher densities around centres and public transport nodes and co-locate compatible land uses to reduce reliance on private vehicles. The Vision indicates that the precinct is intended to have a village centre and neighbourhood park (2-5ha) located next to an identified district park. The Vision also recognises that community facilities, schools and childcare are an important component of a strong, healthy and well-connected community.

The submitted draft Planning Proposal is also broadly similar to the proposed zonings prepared in 2006 and exhibited in 2007-8 as part of the previous work on Stage 3.

Site Constraints

Flooding

The precinct contains several drainage lines, with Mullet Creek to the south, and a tributary of Mullet Creek to the north. Several smaller drainage lines feed into the two larger creeks. Currently there are several farm dams along these watercourses, attesting to the combined volume of water in the sub catchment. The proponent has been liaising with Council's flood engineers to ensure the proposed zoning boundaries are clear of floodway areas and high hazard areas, with only small encroachments into flood fringe areas. Flood impacts have a significant influence on the development patterns within the precinct

The current Mullet Creek Flood Study was completed and adopted in 2019. This replaces the 2010 Mullet & Brookes Creeks Flood Study which formed the basis of the 2010 Mullet & Brookes Creek Floodplain Risk Management Study and Plan, which remains current. A new draft Mullet Creek Floodplain Risk Management Study and Plan is in preparation and is anticipated to be completed in 2021-22.

The 2010 Floodplain Risk Management Study and Plan tested a cut and fill scenario to increase the developable area within the WDURA. The cut/fill scenario relied on cooperation between adjoining landowners, or the development of larger precincts, and has not been successfully implemented to date, due to the fragmented development that has occurred. The draft Planning Proposal for Cleveland Road proposes a similar cut/fill scenario and will require the cooperation of adjoining landowners/developers.

The low lying areas are prone to flooding and the proposal would need to demonstrate compliance with Ministerial Direction 4.3 – Flood Prone Land, a new version of which has commenced on 14 July 2021. Ministerial Direction 4.3 - Flood Prone Land indicates that a Planning Proposal must not rezone land within a flood planning area from rural to permit residential development, or permit development in floodways, unless -

- it is in accordance with a Floodplain Risk Management Plan, or is consistent with a flood study adopted by Council in accordance with the principles of the Floodplain Development Manual 2005, or
- is supported by a flood and risk impact assessment prepared in accordance with the Floodplain Development Manual 2005 accepted by the relevant planning authority, or
- is of minor significance.

It is considered that the submitted proposal is generally consistent with the maximum development scenario presented in Council's 2010 Floodplain Risk Management Study and Plan, although further modelling work is required to refine the extent of filling and the assessment of impacts. Additional information in this regard was provided by the proponent in July 2021. The updated flood advice provided by Aixa Pty Ltd (July 2021) is currently being assessed.

An earthworks concept Development Application may be required for the northern Mullet Creek tributary to ensure all owners agree to the cut/fill scenario proposed, and to ensure overall flood management. A similar concept Development Application for the southern tributary may be more difficult to achieve as it would rely on landowners on the southern side of the creek outside the rezoning area (in Stage 4).

Environmental

The precinct has tributaries of Mullet Creek in both the section north of Cleveland Road and along the southern boundary of the precinct. There is established bushland in the northern portions of the site, along the main tributary. The current proposal seeks to rezone a portion of this land from E2 Environmental Conservation to R2 Low Density Residential. The E2 area on the site originates from a rezoning made in 1992 (Amendment No. 22 to Wollongong Local Environmental Plan 1990) to preserve an area of mature remnant woodland for a proposed regional park and to ensure sensitive urban development in an area of regenerating woodland. This E2 area was also proposed to be retained under the exhibited 2006 draft zoning proposal. This E2 area also has some geotechnical constraints and is generally low lying. The portion of the E2 land proposed to be zoned for residential use does not contain any woodland.

It is unclear as to how Council proposed to create the regional park as the land has not been acquired or identified for acquisition. Western sections of the proposed park (which contain woodland) have been transferred to Council as part of the DA process. The E2 area is a significant parcel of woodland and Council officers do not support the rezoning of the woodland portion from E2 Environmental Conservation to E3 Environmental Management as suggested by the Urbanco submission.

The southern arm of Mullet Creek is within an area currently zoned RU2 Rural Landscape and is more disturbed than the northern tributary.

As previously mentioned, there are a number of creeks and drainage lines throughout the precinct, in addition to flooding issues, some of these watercourses also have riparian values and the overall system contributes to water quality in the Mullet Creek catchment, which drains into Lake Illawarra.

Wollongong Local Environmental Plan 2009 already has Natural Resources Biodiversity – Sensitivity mapping for the precinct, which is not proposed to be changed by the proponent.

Topography

Much of the precinct is undulating farmland and capable of accommodating development. Some of the flat low-lying areas appear to be prone to being waterlogged. There are some steep sections of land in the southern section of the precinct, facing south overlooking Mullet Creek. Geotechnical studies suggest the ground below the 18m AHD contour has a soft crust over soft saturated sediments, particularly in the area around Fairwater Drive. Additional development standards may be required within the affected area.

Aboriginal heritage

The interim heritage report indicates that the proposed rezoning would impact on some recorded Aboriginal sites and that an AHIP would be required for future development works. Some of the sites are within or close to riparian or E2 Environmental Conservation zoned areas and could be potentially avoided with minor zone boundary changes. Other sites and potential archaeological deposits are recorded within areas where they would inevitably be subject to disturbance to enable development should the draft Planning Proposal progress. The proponent has been requested to provide an Aboriginal Cultural Heritage Assessment Report and Aboriginal Test Excavation Report, which has yet to be submitted.

Non-Aboriginal Heritage

The curtilage and description for “Cleveland House” was recently updated as part of Phase 1 of the Heritage Review (Wollongong Local Environmental Plan 2009 Amendment No. 45). It is currently unclear how the future management of the building (which has partially collapsed) and outbuildings would be undertaken. The site area is proposed to be RE1 Public Recreation under the proposal. The proponent has been asked to provide a Heritage Impact Assessment for “Cleveland House” and a Cultural Heritage Management Plan. If zoned to RE1 Public Recreation, the item would eventually be the responsibility of Council to maintain.

A planning proposal may be inconsistent with the terms of Ministerial Direction 2.3 - Heritage Conservation only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that -

- a The environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or
- b The provisions of the planning proposal that are inconsistent are of minor significance.

Once the additional information is submitted, the proposal could be referred to State Government Agencies, such as NSW Heritage for review and comment. It is recommended that the additional information be submitted prior to Council forwarding the Planning Proposal for Gateway determination.

The Tramway Corridor (20m) traverses the northern part of the site. The 10.6km Tramway linked a coal mine on the southern side of Mt Kembla with Lake Illawarra at Kanahooka. The harbour was not established on Lake Illawarra and reports suggest that the line never transported coal when the mine operated between 1895 and 1902.

The tramway links the Brookes Reach Estate to the Fowlers Rd / Fairwater Drive intersection. Parts of the tramway corridor within the Brookes Reach Estate are heritage listed. It is proposed to extend the heritage listing for the whole length of the corridor within the draft Planning Proposal area. The majority of the corridor is owned by Council. The western section is privately owned and is identified for acquisition. The West Dapto Vision, DCP Chapter and Development Contribution Plan 2020, all identify the tramway corridor as a future pedestrian / cycleway link.

Bushfire

A Bushfire Strategic Study report has been submitted with the proposal. Should the proposal progress past a Gateway determination, formal consultation with NSW Rural Fire Service will be undertaken to assess the proposal in relation to Ministerial Direction 4.4 – Planning for Bushfire Protection.

Employment opportunities

The proposed B6 Enterprise Corridor precinct, located on the northern side of Fairwater Drive, will provide additional local employment opportunities in West Dapto.

The proposed B1 Local Centre, located on the southern side of Cleveland Road will provide local retail employment opportunities.

Infrastructure servicing

- Sydney Water has recently advised that there is currently no capacity to service Stage 3. Upgrades to the trunk drinking water network are forecasted for 2024-25 and trunk wastewater beyond 2024-25. NewQuest Property have reached a commercial agreement with Sydney Water for interim servicing arrangements for 144 Cleveland Road (Lot 200 in DP 803810). Council is not aware of any other arrangements.
- Council has prepared concept plans for the upgrading of Cleveland Road and has received State Government funding (HAF) to prepare a Business Case for reconstruction of the road. Council officers have been working with NewQuest to determine appropriate intersection locations.

- Transmission easements – the precinct is crossed by four electricity transmission easements (two Transgrid, two Endeavour Energy). The concept plan proposes the undergrounding of the two eastern Endeavour Energy transmission line (33kV located adjacent to the Eastern Gas Pipeline and 132kV), and no change to the Transgrid lines (330kV) located in the west of the precinct.
- The Eastern Gas pipeline is located in an easement on the western side of Fowlers Road and through the Council land on the south side of Cleveland Road.
- School sites: Council's West Dapto DCP chapter identifies the need to provide a primary school site and high school in the Stage 3 precinct. The Department of Education has not nominated the location of future school sites anywhere in the WDURA. The draft Neighbourhood Plan does not show a school site. Council officers have contacted the Department of Education to seek their advice on the need for a school site within the precinct. The exhibition of the draft Planning Proposal will enable Council to seek a formal response from the Department. It is important that school sites can be located in areas that can cater for the traffic demands, are close to other facilities, and possibly share recreational areas.
- Local parks will need to be provided in each sub-precinct.

Consideration by Wollongong Local Planning Panel

On 21 May 2021, the draft Planning Proposal request was reported to the Wollongong Local Planning Panel for their advice in accordance with the Ministerial Direction.

The Panel considered the Council officer's report, draft Planning Proposal request by NewQuest and supporting documents, the submission by Urbanco and supporting documents, and representations from other landowners.

The Panel acknowledged that overall, the proposal has strategic merit however were concerned about -

- The homogenous nature of the zoning, height, lot size and density proposed
- A lack of local retail/services B1 zoning
- A lack of open space within walking distance of the proposed residential areas
- The suggestion of leaving these issues to the Neighbourhood Plan stage to resolve.

The Panel recommended that Council -

- Zone transmission easements RE1 Public Open Space (with reduced/removed height limits)
- A variety of lot sizes/densities be provided within the proposed R2 Low Density Residential zones (e.g. 900sqm to 300sqm) with larger lots located near riparian areas to achieve a transition in density
- Smaller lot sizes have a reduced height limit
- Council continue to liaise with the NSW Department of Education to identify a future school site
- Additional Local Parks to be incorporated in the R2 zoned land and to be consistent with WDCP chapter D16, Section 9.1 provisions and to be provided and shown on the zoning map prior to moving to Gateway
- The proposed plan reflects more closely the 2006 draft LEP in respect to providing additional B1 Neighbourhood Centres that are centrally located in the R2 zone. These areas could be small scale (e.g. 500m²) and be suitable for café, corner shop type uses, that would provide future amenity and services for resident
- The proposed structure of subdivision layout be reviewed by Council's urban designer in respect to road design and layout and lots size design and positioning
- The land identified for the location of the proposed indoor recreation centre must have a height limit that reflects the proposed centre

- The proposed zoned area of the B1 Neighbourhood Centre be reviewed to ensure sufficient planning and development outcomes for this area can be achieved and will accommodate future demand
- Consideration be given to including a R3 Medium Density zone around the B1 Neighbourhood Centre
- Canopy street trees be required as part of any Neighbourhood Plan and emphasis on the retention of any significant existing trees within the precinct to be redeveloped
- The three (3) small residential blocks presented in the Addendum are not to be rezoned to R2, and should be removed, as per the original Council officers report. These spaces should be retained as open space and part of the riparian zone
- The proposed height limit of 12m in the R3 Medium Density Residential zone is considered generally acceptable unless Council’s more detailed analysis and modelling suggests otherwise.

A copy of the Panel’s advice is attached (Attachment 4).

Revised plans were submitted by NewQuest incorporating changes to respond to the Panel’s comments and incorporating the agreed amendments requested by Urbanco.

Draft Neighbourhood Plan

A revised overall concept plan has been submitted with the draft Planning Proposal, outlining indicative 2,888 lots and a possible road layout.

No further documentation has been submitted regarding the revised layout from NewQuest or in response to Council’s request for additional information. An Urban Design Report was submitted by DFP in 2020 with regard to the similar previous layout. Urbanco have provided an Urban Design and Vision document with their submission for the Fairwater Drive site.

The Wollongong Local Planning Panel were concerned about the homogenous nature of the zoning, height, lot size and density proposed in the draft layout and recommended that it be reviewed by an Urban Designer. Council officers have raised similar concerns. The Neighbourhood Plan is able to address the concerns relating to the mix of housing types throughout the precinct.

If a revised draft neighbourhood Plan and supporting documentation is submitted, this could be exhibited with the draft Planning Proposal, should this progress to a Gateway determination.

CONSULTATION AND COMMUNICATION

The original submitted draft Planning Proposal was circulated to landowners within the precinct for comments. A submission was made by Urbanco Pty Ltd on behalf of a landholder.

Not all landholders have agreed with the suggested acquisition layer, which would need to be subject to further consultation with landholders and relevant Council staff should the proposal proceed.

Should the proposal progress to a Gateway determination, Council would undertake formal consultation with government agencies and the Planning Proposal would be publicly exhibited for a minimum period of 28 days.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal “We value and protect our environment” under the objective “The sustainability of our environment is improved”. It specifically delivers on the following –

Community Strategic Plan	Delivery Program 2018-2022	Operational Plan 2021-22
Strategy	4 Year Action	Operational Plan Actions
1.3.1 Manage land uses to strengthen urban areas and improve connectivity to train stations and key transport routes	1.3.1.1 Impacts from development on the environment are assessed, monitored and mitigated	Assess new developments and planning proposals for environmental impacts

The draft Planning Proposal as recommended is broadly consistent with -

- Illawarra Shoalhaven Regional Plan 2041 (2021) – in broad terms, as it supports urban development within the West Dapto Urban Release Area
- Wollongong Local Strategic Planning Statement 2020, as it supports urban development within the West Dapto Urban Release Area
- Council’s Planning Proposal Policy (2018), as Council has adopted the West Dapto Vision for development within the urban release area
- Council’s West Dapto Vision 2018.

FINANCIAL IMPLICATIONS

The financial implications of the WDURA are significant and are subject to regular monitoring and modelling. As part of the West Dapto Review Project, Council considered and adopted an updated Section 7.11 Contributions Plan for the West Dapto Urban Release Area.

In addition to the Contributions Plan, the NSW Government recently introduced the Special Infrastructure Contributions (SIC) program for the West Lake Illawarra (effective from 4 June 2021). The SIC seeks to recover some of the cost of infrastructure through developer contributions, calculated at development application stage.

The costs associated with the proposed upgrades to Cleveland Road and some identified main roads connecting to other stages within the release area are included in infrastructure planning for the WDURA, SIC and the West Dapto Development Contributions Plan 2020. Council has received HAF funding for Cleveland Road to prepare a business case for further funding.

Areas identified for Council acquisition, including the “Cleveland House” site would need to be managed by Council in the future, which would entail Council outlining any acquisition requirements/conditions prior to dedication/acquisition. Not all landowners have agreed to having land within the acquisition layer which will be an area of negotiation through the draft Planning Proposal process.

The acquisition of the western part of the Tramway corridor (currently privately owned) is identified for acquisition by the West Dapto Development Contribution Plan 2020.

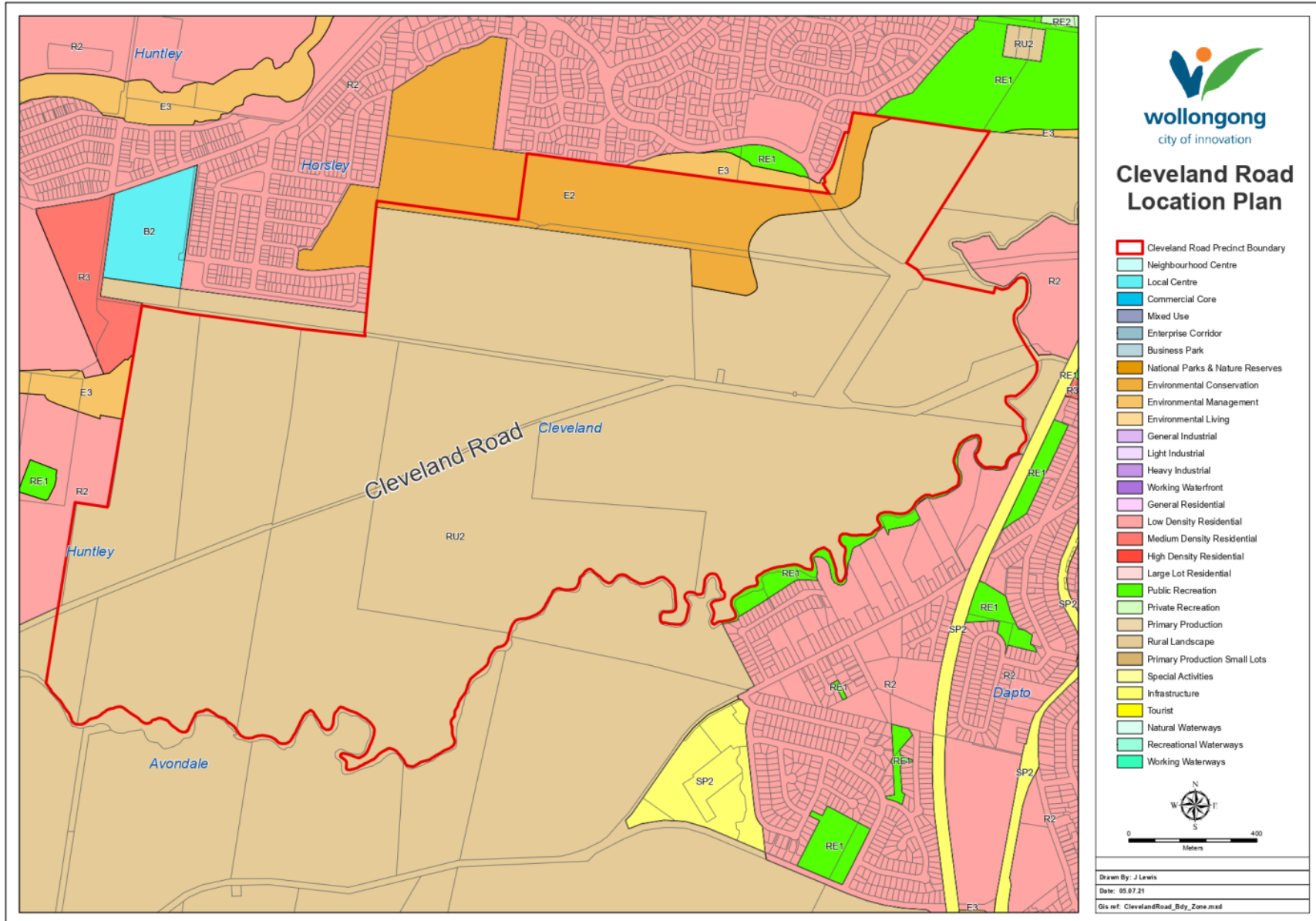
CONCLUSION

The draft Planning Proposal for the Cleveland Road, Cleveland precinct has strategic and site merit and should be endorsed to progress for a Gateway determination and then exhibition.

Prior to seeking a Gateway determination, some additional information is required from the applicant to satisfy Ministerial Directions 2.1 Environment Protection Zones, 2.2 Coastal Management, 2.3 - Heritage Conservation, 4.3 – Flood Prone Land. It is recommended that the additional information be submitted within six (6) months of the resolution. Once received, the information will be assessed and if satisfactory a Gateway determination will be sought.

Following the Gateway determination, the exhibition of the draft Planning Proposal will enable referrals to statutory authorities and the further testing and refinement of the draft Planning Proposal. The exhibition will also enable the community to provide input into the draft Planning Proposal.

Some issues identified in the report will be addressed through the preparation of a draft Neighbourhood Plan. The draft Neighbourhood Plan will be reported to Council for endorsement prior to exhibition.

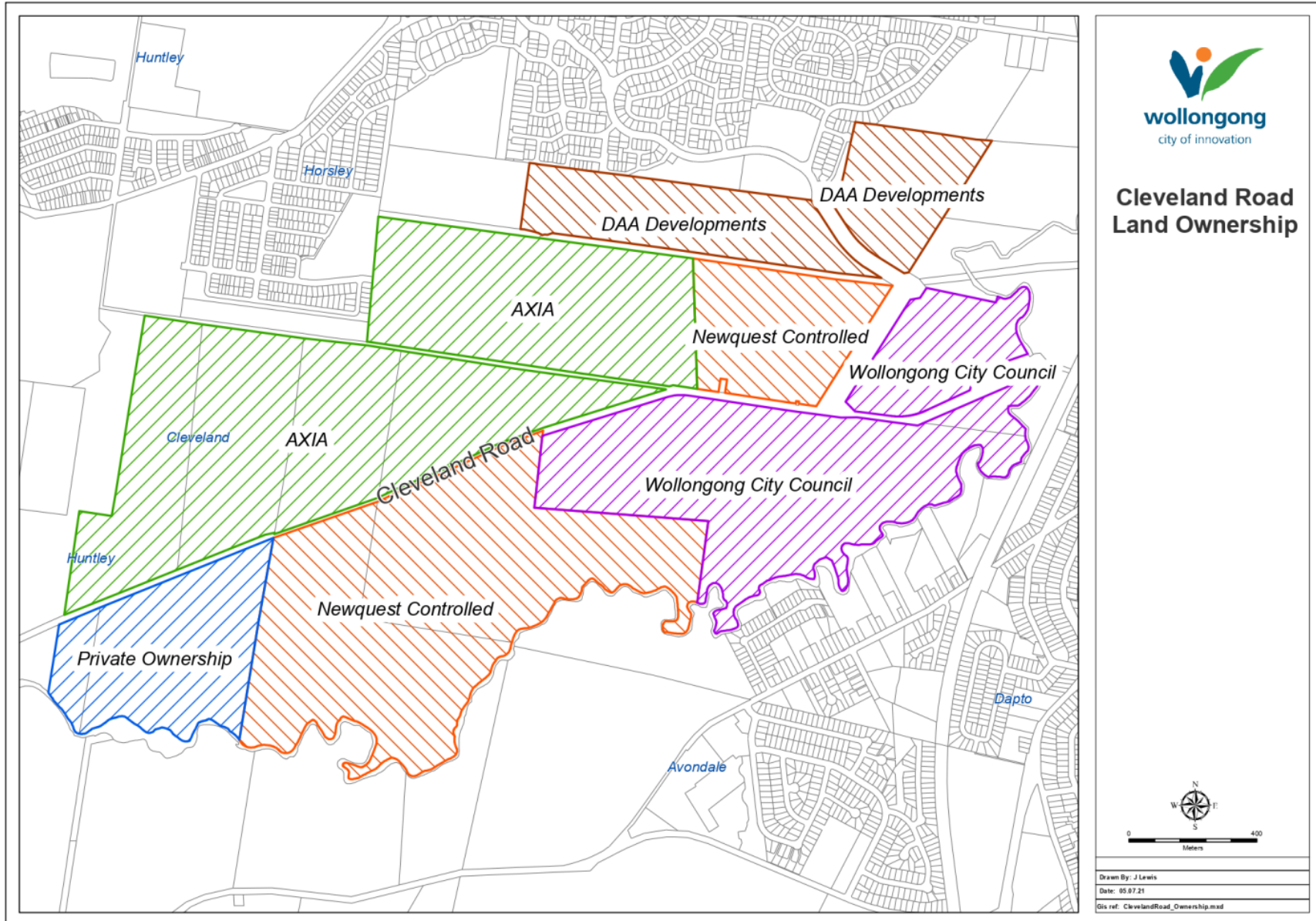


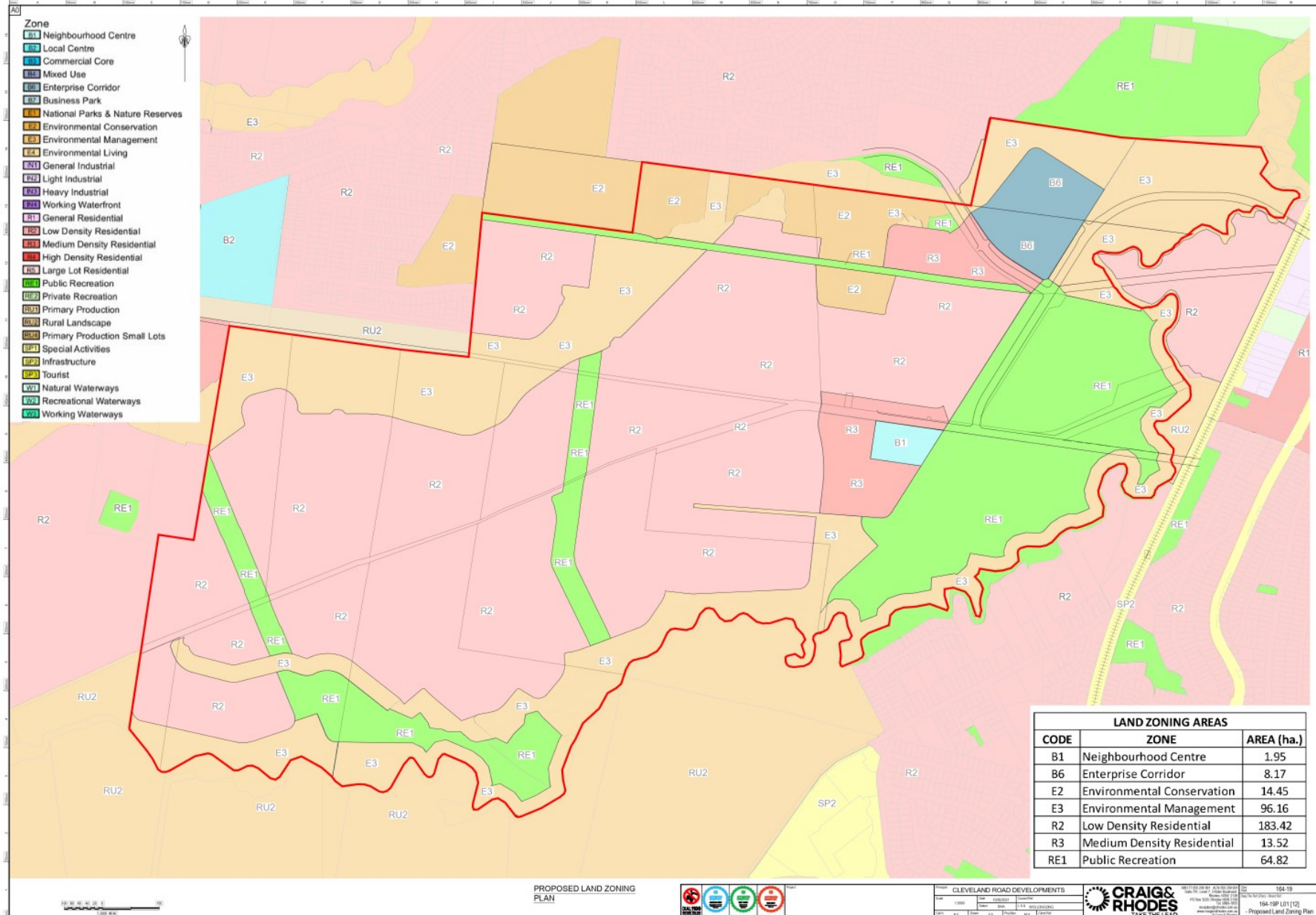
Land Ownership Table

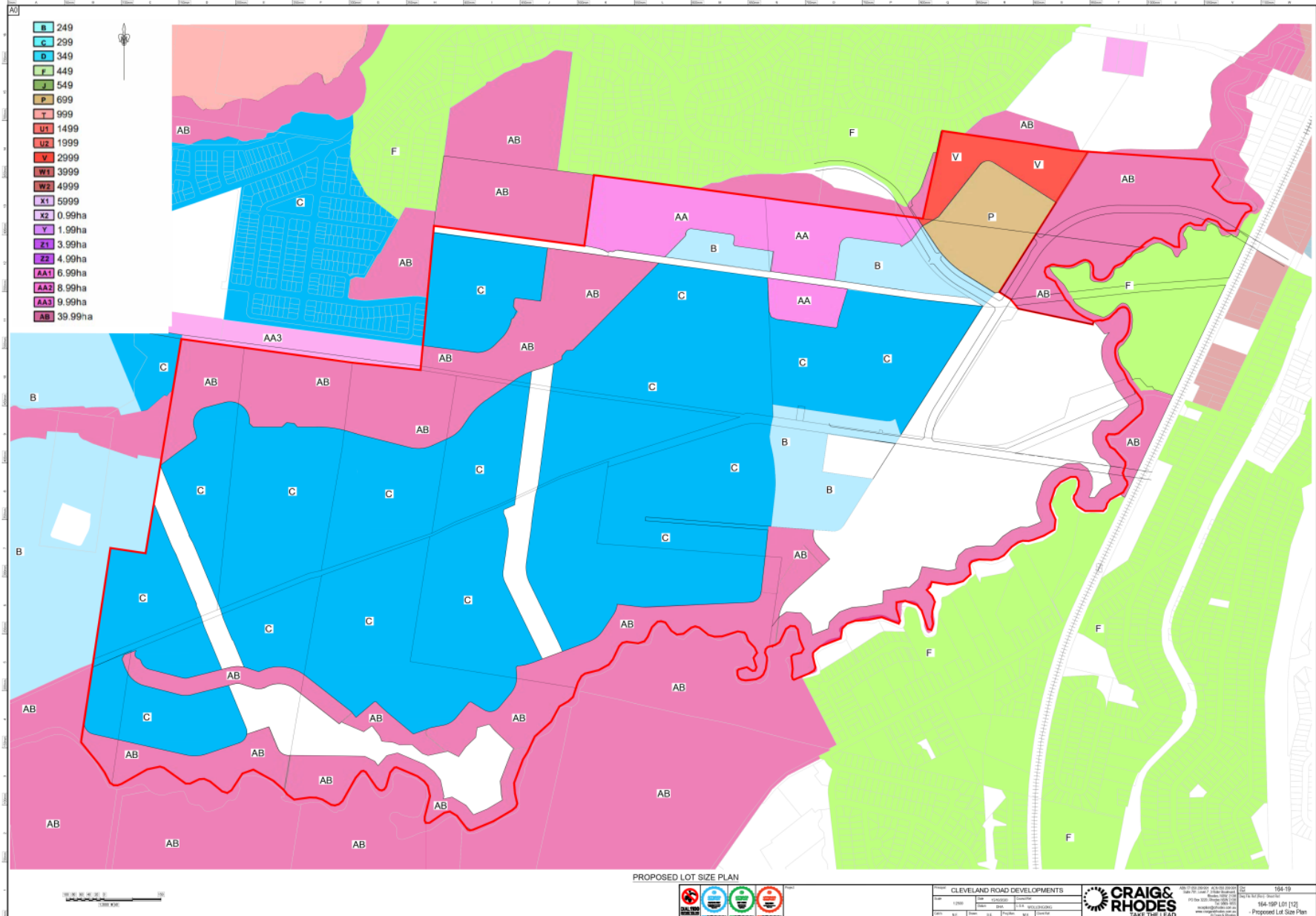
Lot Description	Property Address	Owner (Developer Option)	Area (ha)	Current zonings
Lot 401 DP 1254873	Lot 401 Fairwater Drive CLEVELAND	DAA Developments Pty Ltd	13.85	RU2 E2 E3
Lot 402 DP 1254873	Lot 402 Fairwater Drive CLEVELAND	DAA Development Corporation Pty Ltd	20.94	RU2 E2
Lot 1 DP 741423	Lot 1 Cleveland Road HUNTLEY	Private	24.98	RU2
Lot 201 DP 803810	138 Cleveland Road CLEVELAND	Private	0.873	RU2
Lot 200 DP 803810	144 Cleveland Road CLEVELAND	Cavi Properties Pty Ltd (NewQuest)	20.12	RU2 E2
Lot 1 DP 532391	148 Cleveland Road CLEVELAND	Gentle Art Pty Ltd and Makisti Holdings Pty Ltd and Stackwood Holdings Pty Ltd (Axia Pty Ltd)	40.56	RU2
Lot 100 DP 1086479 (Tramway corridor)	Lot 100 Bong Bong Road HORSLEY	Gentle Art Pty Ltd and Makisti Holdings Pty Ltd and Stackwood Holdings Pty Ltd (Axia Pty Ltd)	1.02	E2
Lot 1 DP 156208	196 Cleveland Road CLEVELAND	Cleveland A Pty Limited (Axia Pty Ltd)	18.1	RU2
Lot 59 DP 1125379	Lot 59 Cleveland Road CLEVELAND	Private (Axia Pty Ltd)	16.3	RU2
Lot 2 DP 730326	290 Cleveland Road CLEVELAND	Private (Axia Pty Ltd)	21.18	RU2
Lot 1 DP 730326	334 Cleveland Road HUNTLEY	Private (Axia Pty Ltd)	20.75	RU2
Lot 1 DP 999485	Lot 1 Cleveland Road CLEVELAND	NSW Electricity Networks Operations Pty Ltd	0.111	RU2
Lot A DP 156446	Lot A Cleveland Road CLEVELAND	Cleveland Group Holdings Pty Ltd (Newquest)	40.62	RU2
Lot 1 DP 194419	273 Cleveland Road CLEVELAND	Australasian Conference Association Limited	36.94	RU2
Lot 1 DP 1126171	353 Cleveland Road HUNTLEY	Private	3.24	RU2
Lot 310 DP 1188000 (Tramway corridor)	Lot 310 Fairwater Drive CLEVELAND	Wollongong City Council	2.18	RU2 E2
Lot 312 DP 1188000	Lot 312 Cleveland Road CLEVELAND	Wollongong City Council	16.75	RU2
Lot 313 DP 1188000	Lot 313 Cleveland Road CLEVELAND	Wollongong City Council	53.79	RU2

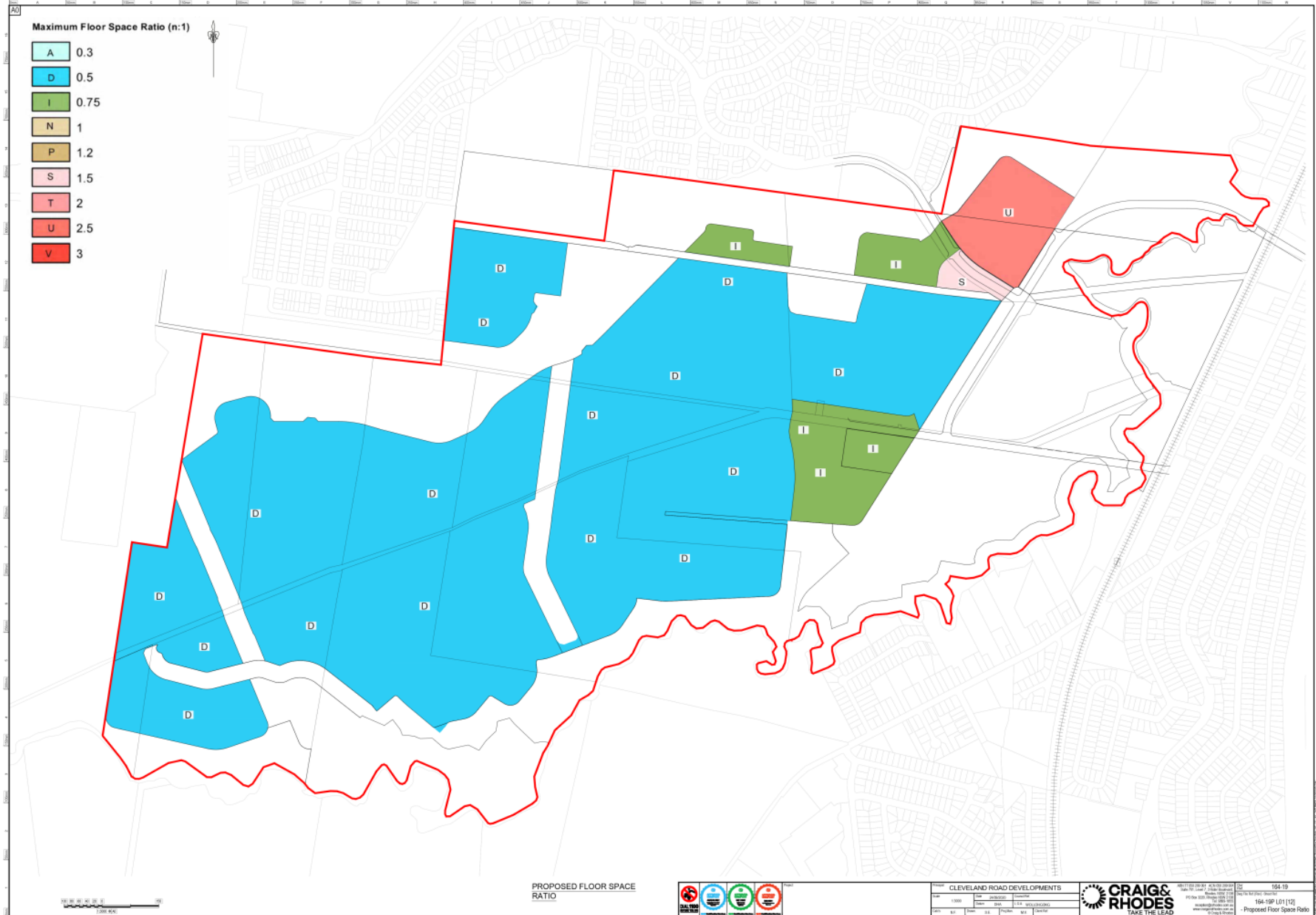
In addition, the following 3 Council owned lots, located between Reed Park and Fowlers Road, have also been incorporated into the draft Planning Proposal request, contributing an additional 15.67 hectares –

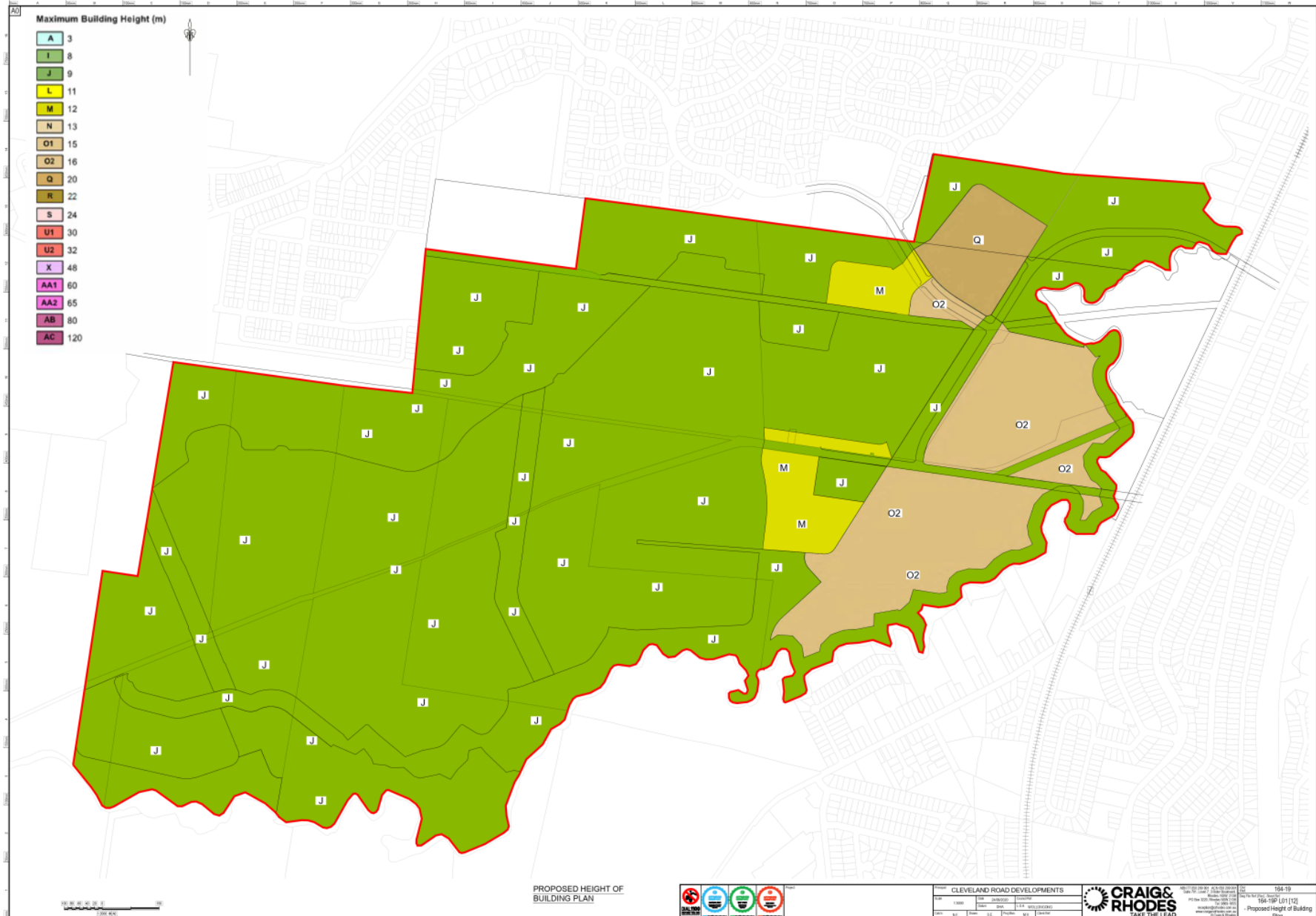
Lot Description	Property Address	Owner (Developer Option)	Area (ha)	Current zonings
Lot 200 DP 1175709	Lot 200 Fairwater Drive CLEVELAND	Wollongong City Council	11.5	RU2
Lot 309 DP 1188000	Lot 309 Fairwater Drive CLEVELAND	Wollongong City Council	3.49	RU2
Lot 311 DP 1188000	Lot 311 Fairwater Drive CLEVELAND	Wollongong City Council	0.68	RU2

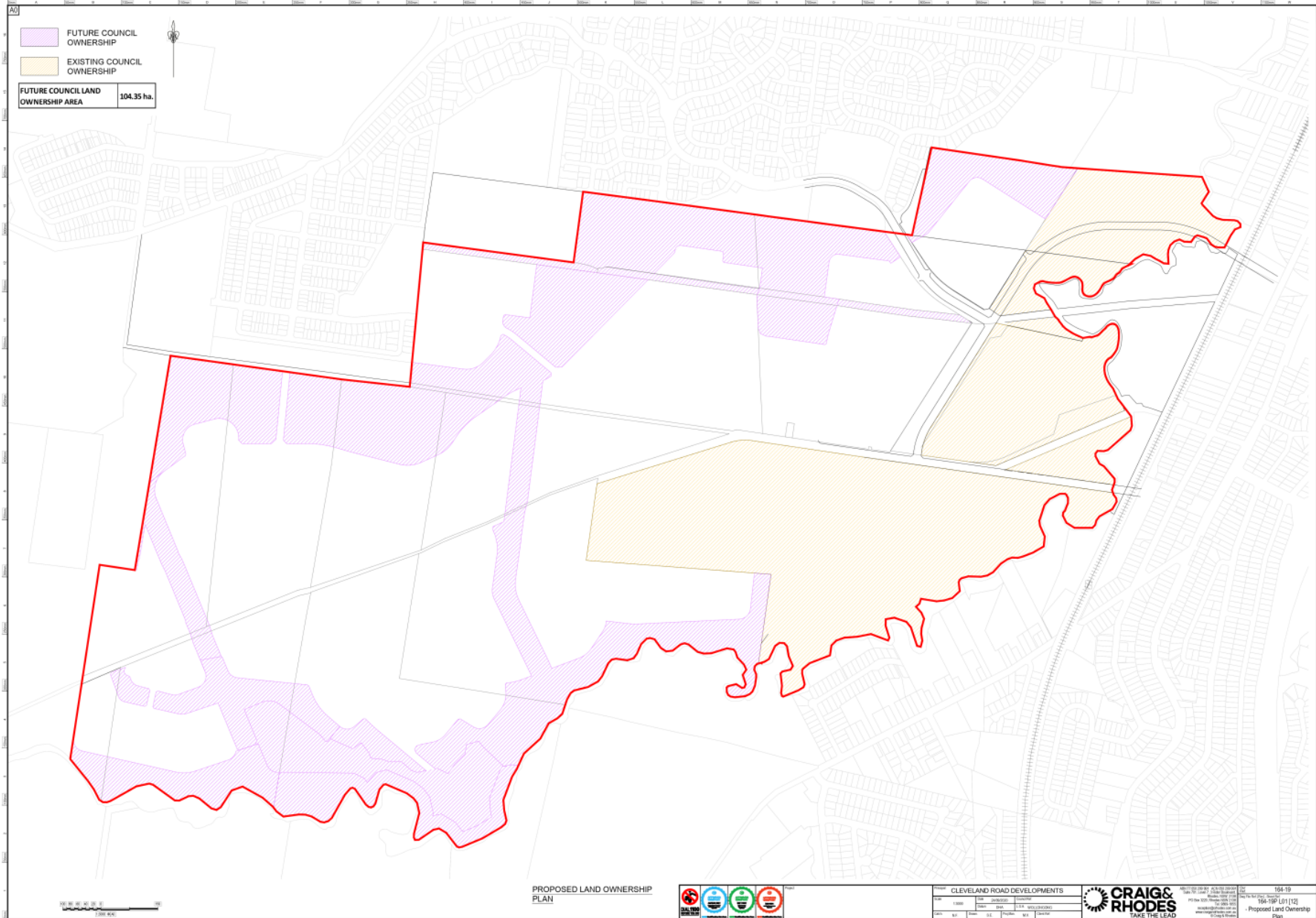


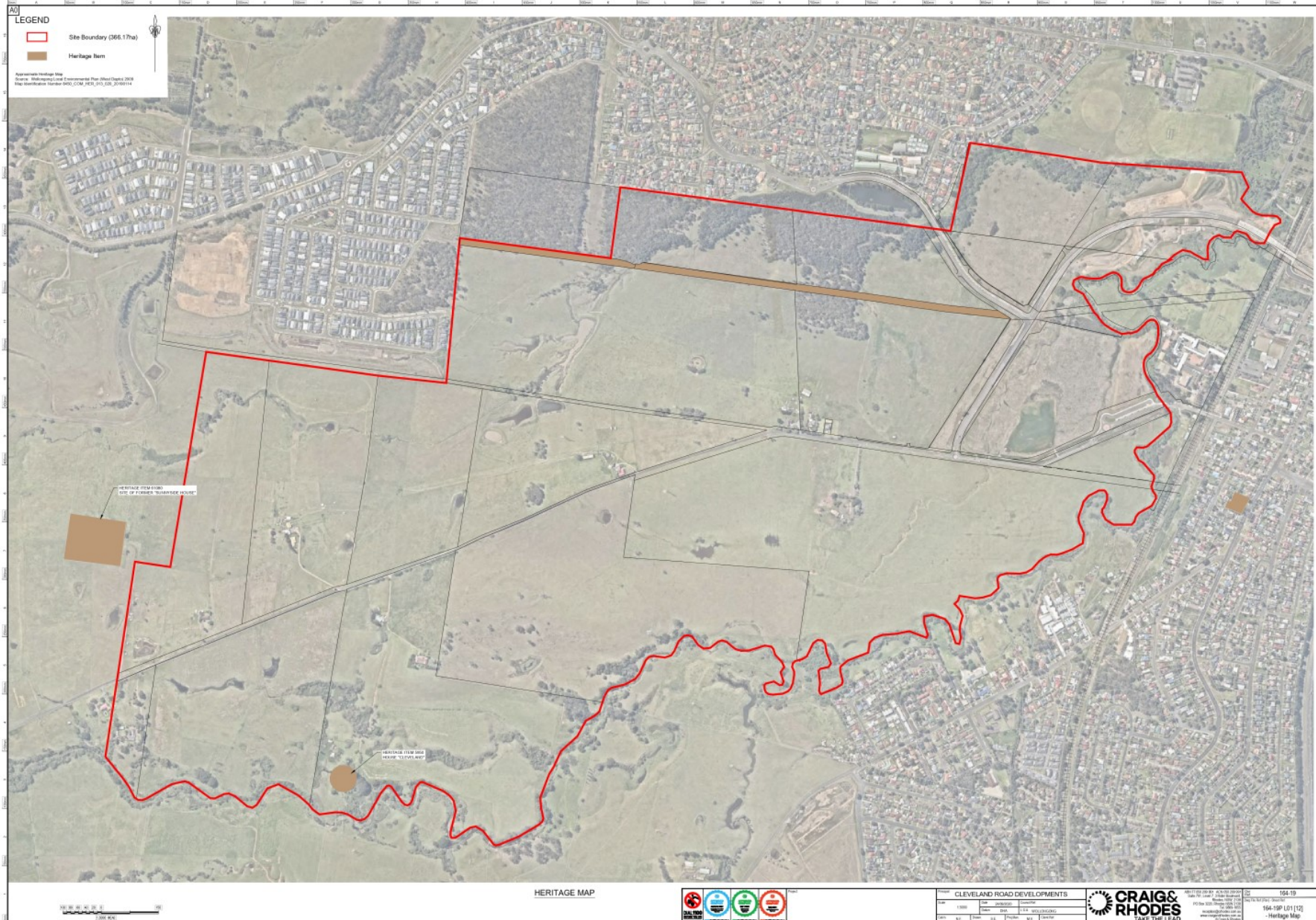


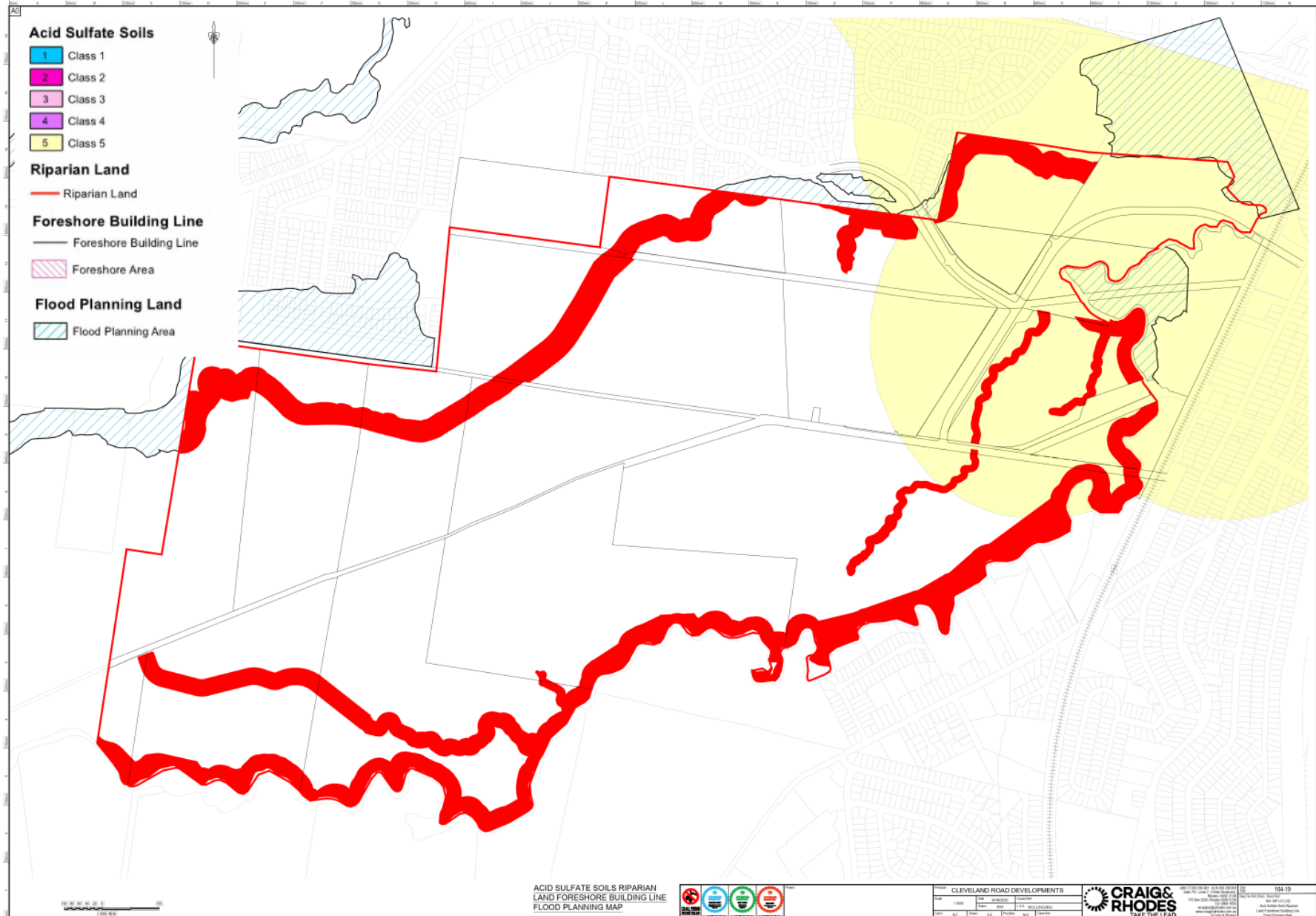












ADVICE AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF MEETING	21/5/21
PANEL MEMBERS	Sue Francis (Chair), Scott Lee (Expert Panel Member), Larissa Ozog (Expert Panel Member)

Meeting held on-line hosted by Wollongong City Council, 41 Burelli Street, Wollongong on 29/4/21 opened at 11:00am and closed at 1:00pm.

MATTER DETERMINED

Item 1 - Planning Proposal PP-2020/6 – Cleveland Road, West Dapto

PUBLIC SUBMISSIONS

The Panel heard from:

- Michael Braithwaite (NewQuest – applicant, owner/developer)
- Matt Brown (Aixa – owner/developer)
- Richard Phillips (Aixa – owner/developer)
- Rhyan Thomson (Maker Engineering)
- David & Catherine Arapali (owner)
- Michael Rodger (UrbanCo) – representing the Arapali’s
- Blake Lampert (Property Services Manager WCC – landowner)
- Lisa Burke (Statutory Property Officer WCC – landowner)

PANEL CONSIDERATION

The Panel considered the Council officer’s report, addendum, the draft Planning Proposal request and the applicant’s & UrbanCo’s studies, and the material presented at the meeting.

PANEL DECISION

1. The Panel accepts that with the completion of Fowlers Rd bridge and the demand for housing that the proposed rezoning has strategic merit.
2. As to site specific merit however, whilst the proposed land uses have merit, the Panel is concerned with the following:
 - a. the homogenous zoning, lot size, density and height proposed;
 - b. the lack of local retail / services B1 zoning;
 - c. the lack of local open space within walking distance within the proposed R2 zoned area;
 - d. the suggestion of leaving these matters to be resolved by the Neighbourhood Plan(s).
3. The Panel therefore recommends that:
 - a. The transmission easements are not to be zoned residential, but instead be zoned RE1, and the nominated development standard be removed or reduced (e.g. 1m height).
 - b. A variety of density / lot sizes be provided in the R2 zone, for example 900m2 down to 300m2, with larger lots located adjacent to the riparian zoned land to provide a buffer and encourage a transition in density.
 - c. The smallest lot sizes have reduced maximum height limit (i.e. 8m).
 - d. Council continues to liaise with Department of Education to identify a site for a future school in accordance with the principles and objectives of D16 (West Dapto Release Area) of the WDCP which identified that a Primary School should be provided as part of the Stage 3 redevelopment. The potential land be identified prior to gazettal to ensure future residents have certainty of the facilities to be provided.

- e. Additional Local Parks to be incorporated in the R2 zoned land and to be consistent with WDCP chapter D16, Section 9.1 provisions and to be provided and shown on the zoning map prior to moving to Gateway.
- f. The proposed plan reflects more closely the 2006 draft LEP in respect to providing additional B1 Neighbourhood Centres that are centrally located in the R2 zone. These areas could be small scale (e.g. 500m²) and be suitable for café, corner shop type uses, that would provide future amenity and services for residents.
- g. The proposed structure of subdivision layout be reviewed by Council’s urban designer in respect to road design and layout and lots size design and positioning.
- h. The land identified for the location of the proposed indoor recreation centre must have a height limit that reflects the proposed centre.
- i. The proposed zoned area of the B1 Neighbourhood Centre be reviewed to ensure sufficient planning and development outcomes for this area can be achieved and will accommodate future demand.
- j. Consideration be given to including a R3 Medium Density zone around the B1 Neighbourhood Centre.
- k. Canopy street trees be required as part of any Neighbourhood Plan and emphasis on the retention of any significant existing trees within the precinct to be redeveloped.
- l. The three (3) small residential lots presented in the Addendum are not to be rezoned to R2, and should be removed, as per the original Council officers report. These spaces should be retained as open space and part of the riparian zone.
- m. The proposed height limit of 12m in the R3 Medium Density Residential zone is considered generally acceptable unless Council’s more detailed analysis and modelling suggests otherwise.

The decision was unanimous

PANEL MEMBERS	
 Sue Francis (Chair)	 Larissa Ozog
 Scott Lee	