

ITEM 4

POST EXHIBITION - DRAFT PLANNING PROPOSAL - YALLAH-MARSHALL MOUNT  
MINOR AMENDMENTS - PP-2018/5

On 8 June 2018, Stage 5 Yallah Marshall Mount of the West Dapto Urban Release Area was rezoned to permit urban development and conservation outcomes.

On 28 May 2018, Council considered a report on proposed minor amendments to implement the Yallah-Marshall Mount Precinct and resolved to prepare a draft Planning Proposal, identify road reservations and correct some mapping errors. The draft Planning Proposal was exhibited from 16 October to 16 November 2018. The draft Planning Proposal was not progressed at that time due to issues associated with the proposed alignment and design of road reservations. It is recommended that the draft Planning Proposal, excluding the road reservations, be finalised.

### RECOMMENDATION

- 1 The draft Planning Proposal for the Yallah-Marshall Mount precinct be amended by removing the Land Reservation Acquisition maps showing the proposed road reservations, pending the completion of further design work.
- 2 The following items in the draft Planning Proposal for the Yallah-Marshall Mount precinct be progressed to finalisation, through an amendment to the Wollongong Local Environmental Plan 2009 to -
  - a Amend the Land Zoning Map to rezone the right of way within Lot 5 DP 24143 from E2 Environmental Conservation to E3 Environmental Management to enable access to Lot 1 DP 372848 (Attachment 1).
  - b Amend the Minimum Lot Size maps to correct lot size in an E4 Environmental Living zoned area along North Marshall Mount to 4999m<sup>2</sup> (Attachment 2).
  - c Amend the Floor Space Ratio Map to correct missing 0.5:1 FSR for a R2 Low Density Residential zoned area along North Marshall Mount Road (Attachment 3).
- 3 The revised draft Planning Proposal be referred to the NSW Department of Planning, Industry and Environment for the making of arrangements for drafting to give effect to the proposal, noting that authority has been given to the General Manager to exercise Plan making delegations, in accordance with Council's resolution of 26 November 2012.

### REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

### ATTACHMENTS

- 1 Proposed amended zoning
- 2 Proposed amended minimum lot size
- 3 Proposed amended floor space ratio

### BACKGROUND

Stage 5 Yallah Marshall Mount of the West Dapto Urban Release Area covers an area of approximately 1000 hectares and includes 42 lots. Amendment 36 to Wollongong Local Environmental Plan 2009 was made on 8 June 2018 which rezoned Stage 5 to allow urban development and conservation outcomes.

During and subsequent to the finalisation of Amendment 36, a number of issues were identified that required the preparation of a new draft Planning Proposal to resolve.

On 28 May 2018, Council resolved to prepare and exhibit a new draft Planning Proposal to address the outstanding matters associated with the planning controls for Stage 5 – Yallah-Marshall Mount.

The issues intended to be resolved through the new draft Planning Proposal included -

### **Yallah Road, Marshall Mount Road, Road 8 and Local Bypass Road**

Yallah Road and Marshall Mount Road are existing rural roads with a variable road reservation width of 10-20 metres and a rural road pavement surface. Marshall Mount Road includes two one-lane bridges over Duck Creek.

As part of the future development of Yallah-Marshall Mount these roads will be required to be widened and reconstructed into urban roads. In March 2015, when Council adopted the Yallah-Marshall Mount Structure Plan the future function and design of these roads had not been determined.

In addition, the Yallah-Marshall Mount Structure Plan included Road 8 (now known as NR 1-3) linking Marshall Mount Road (from Yallah Road intersection) to Avondale Road, and a Yallah village bypass road. Concept plans were prepared by consultants for Council in 2017. These roads also form part of the West Dapto Development Contributions Plan 2020.

The road widening and two new road corridors were proposed to be identified in the Wollongong LEP 2009 Land Reservation Acquisition Map to ensure current and future land owners were aware of the road infrastructure requirements, to enable the corridors to be acquired before/or as part of the development process, and to enable the orderly delivery of the road network.

At the time, the alignment of the eastern end of Yallah Road and its relationship with the M1 Albion Park Rail Bypass and the Princes Highway had not been resolved and was still being discussed with the Roads and Maritime Service (RMS – now Transport for NSW). Subsequently, Yallah Road has been realigned to go under the M1 Albion Park Rail Bypass.

The proposed Land Reservation Acquisition Map amendments were made using the best concept design information available (2015). The designs have not been reviewed or progressed since 2015. The draft reservations have been discussed with developers as part of the assessment of draft Neighbourhood Plans and issues with the current concept designs identified. The draft Infrastructure Delivery Program 2021-22 identifies that further design work will be undertaken in 2022-23.

### **Proposed Road No. 8 and adjacent minimum lot sizes**

As part of the principles behind the Yallah-Marshall Mount proposed urban layout, it is intended that higher densities would be encouraged along main transport routes, to take advantage of public transport opportunities. It is intended to apply a minimum lot size of 300 m<sup>2</sup> on land fronting proposed Road No 8, however this outcome cannot be mapped and progressed as part of the Planning Proposal until the alignment of the road is confirmed.

### **Alternate Road Access to Lot 1 DP 372848, Yallah**

Subsequent to Council adopting the Yallah-Marshall Mount Planning Proposal, Transport for NSW undertook planning of land acquisition as part of the Albion Park Rail Bypass. As part of this process, Transport for NSW proposes to acquire land and a home on Lot 1 DP 372848 within the Shellharbour Local Government Area. As the property also included land with the Wollongong LGA, the location for the replacement dwelling required access through a right of way off Marshall Mount Road through Lot 5 DP 24143. The Yallah-Marshall Mount Planning Proposal made provision for dwellings to be located on the north-western boundary of the site, however, the right-of-way for the proposed driveway crosses land (Lot 5 DP 24143) identified to be zoned E2 Environmental Conservation under the Yallah-Marshall Mount Amendment No 36. A small section of land zoned E2 Environmental Conservation was proposed to be rezoned to E3 Environmental Management to enable the new access arrangements.

On 28 June 2018 the NSW Department of Planning, Industry and Environment issued a Gateway Determination enabling exhibition.

## Amendment 36 housekeeping amendments

Amendment 36 to Wollongong Local Environmental Plan 2009 was made on 8 June 2018. Council officers identified that the Amendment contained two errors from the Planning Proposal endorsed by Council. Following discussions with the NSW Department of Planning, Industry and Environment it was agreed that the errors could only be rectified through a further draft Planning Proposal. These housekeeping corrections were incorporated into the draft Planning Proposal -

- The Minimum Lot Size Map incorrectly showed a minimum lot size of 3999m<sup>2</sup> along a section of E4 Environmental Living land along North Marshall Mount Road, instead of the endorsed 4999m<sup>2</sup>.
- The Floor Space Ratio Map was missing a FSR of 0.5:1 for a section of land zoned R<sup>2</sup> Low Density Residential along North Marshall Mount Rd.

On 28 September 2018, the NSW Department of Planning, Industry and Environment issued a revised Gateway Determination that incorporated the housekeeping amendments.

The draft Planning Proposal was exhibited from 16 October to 16 November 2018.

## PROPOSAL

The need to resolve the detailed alignment and design of future roads within Stage 5 has resulted in the finalisation of this draft Planning Proposal being delayed.

The NSW Department of Planning, Industry and Environment has advised Council that long-standing draft Planning Proposals need to be finalised as a priority. This report therefore recommends the progression of the draft Planning Proposal for those issues that have been resolved and the deferral of the outstanding infrastructure design matters to a future draft Planning Proposal if required.

It is recommended that the following matters be progressed through the draft Planning Proposal:

- Amend the Land Zoning Map to rezone the right of way within Lot 5 DP 24143 from E2 Environmental Conservation to E3 Environmental Management to enable access to Lot 1 DP 372848 (Attachment 1).
- Amend the Minimum Lot Size maps to correct lot size in an E4 zoned area along North Marshall Mount to 4999m<sup>2</sup> (Attachment 2).
- Amend the Floor Space Ratio Map to correct missing 0.5:1 FSR for a R2 zoned area along North Marshall Mount Road (Attachment 3).

The two (2) remaining issues relating to road design are proposed to be deferred until the further design work has been completed.

## CONSULTATION AND COMMUNICATION

The draft Planning Proposal was exhibited between 16 October and 16 November 2018, with the documents being available on Council's website, at Council's Customer Service Centre, at the Central Library and Dapto Library.

Six submissions were received by/on behalf of landholders/developers and issues were raised concerning the location of road/road widening corridors.

Five of the submissions raised issues with a proposed bypass road to the southeast of Marshall Mount Road. The submissions raise issues over the cost of the road, the difficult terrain and objecting to the bypass road going through developable land (i.e. land zoned for R2 Low Density Residential or R3 Medium Density Residential). The submissions suggest that the proposed bypass road either be made shorter (starting closer to the proposed town centre), moved east onto land zoned for environmental purposes, or be deleted.

One submission raises concerns with the proposed extension of Yallah Road, between Marshall Mount Road and Avondale Road (Road 8 / NR1-3), which would cut through agricultural land, suggesting that the proposed road should be along the property boundary.

A review of these corridors has determined that Council is not yet able to accurately identify the road reservation corridors, as more design work is required. The proposed road reservations are also being reviewed as part of the assessment of draft Neighbourhood Plans. As the road reservation issues require more work, it is proposed that the matter be deferred from the draft Planning Proposal. The deferral will enable the other minor issues to be progressed.

In addition to the landholder submissions, the following government agencies/service providers have made submissions -

- Transgrid – make no objection and note that development and structures should be kept clear of easements. Encourage further consultation with Transgrid during the development stage where development is near Transgrid easements.
- NSW Roads and Maritime Services (now Transport for NSW) – raise no objection.
- NSW Rural Fire Service – raise no objection.
- NSW Office of Environment and Heritage (now DPIE – Environment, Energy and Science) – recommend that Council quantify and assess potential impacts of the amendments on threatened species and draft biocertification calculations, as the amendments to permit roads in current E2 areas would result in the loss of some areas. EES also note that before development within the precinct proceeds, more work on Aboriginal heritage would be required, including the proposed road corridors, and the development area overall. The Department notes that for the purposes of an Aboriginal Heritage Impact Permit (AHIP), additional reporting and Aboriginal community consultation would be required prior to any ground disturbance works.

## PLANNING AND POLICY IMPACT

This report relates to Wollongong 2028 Community Strategic Plan Objective 1.3 “The sustainability of our urban environment is improved” under Community Goal 1 “We value and protect our environment” and Delivery Program 1.3.1.2 “Develop planning controls and Town Centre and Neighbourhood Plans with regard to the economic, social, and environmental impacts”. The report also relates to Strategy 5.3.1 “Housing choice in the Wollongong Local Government Area is improved, taking into account population growth, community needs and affordability” under Community Goal 5 “We have a healthy community in a liveable city” in Council’s 2018-2022 Delivery Program and Operational Plan.

The draft Planning Proposal is consistent with -

- Illawarra Shoalhaven Regional Plan (2015).
- Wollongong Local Strategic Planning Statement 2020.
- Council’s Planning Proposal Policy (2018).
- Council’s West Dapto Vision 2018.
- Yallah-Marshall Mount Vision 2015.

## FINANCIAL IMPLICATIONS

The financial implications of the West Dapto Urban Release Area 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.

There are no significant financial implications resulting from this report.

## CONCLUSION

Council has expended significant time and funds to develop a vision and planning for the West Dapto Urban Release Area and the Yallah-Marshall Mount Precinct. As part of the on-going review of the West Dapto Urban Release Area, the minor amendments in this draft Planning Proposal are necessary to enable orderly development of the precinct. More work is required to accurately identify road reservation

corridors, and as this work is likely to take considerable time, these amendments are best removed for the planning proposal.

It is recommended that Council progress an amended Planning Proposal, removing the items dependent on the further road design work, and refer it to the NSW Department of Planning, Industry and Environment for finalisation.







