

Planning Services

Gateway Determination Report

LGA	Wollongong
RPA	Wollongong City Council
NAME	Beaton Park – Schedule 1 uses (0 dwellings, 0 jobs)
NUMBER	PP_2017_WOLLG_004_00
LEP TO BE AMENDED	Wollongong LEP 2009
ADDRESS	Foleys Road Gwynneville – Beaton Park precinct
RECEIVED	18/08/2017
FILE NO.	17/10603
QA NUMBER	qA417636
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of Planning Proposal

The proposal makes two existing facilities at Beaton Park – being the Wollongong Tennis Club and Illawarra Sports Medicine Clinic – permissible on the land. These facilities are currently not permitted in the RE1 zone and operate under existing use rights. This proposal will amend the Wollongong LEP to reflect the current and intended use of the site.

Wollongong LEP 2009 contains Schedule 1 – Additional Permitted Uses which can permit a certain use on a specific parcel of land, despite that use not being permitted in the relevant zone. This provides flexibility in circumstances where it may not be appropriate to include a definition in the land use table, thereby permitting it across all similarly zoned land.

For example, in this case, Council considers that it would not be appropriate to permit registered clubs on all land zoned RE1 Public Recreation so Schedule 1 provides a mechanism to limit the use to a specific site.

The proposal will add land at Beaton Park to Schedule 1 of the Wollongong LEP 2009 to permit 'medical centres', 'community health services facilities', and 'registered clubs' with development consent.

The registered club will be restricted to the area containing the existing Tennis Club.

Site Description

The Beaton Park precinct is a regional sporting complex located in Gwynneville approximately 2km west of the Wollongong CBD.

The site comprises six lots with a total area of 13.8ha and contains:

- Beaton Park Leisure Centre – incorporating the Illawarra Sports Medicine Clinic;
- Wollongong Tennis Club;
- Illawarra Basketball Stadium (the Snakepit);
- Beaton Park Sportsground; and
- Kerry McCann Athletics Track.

This land is zoned RE1 Public Recreation under the Wollongong LEP 2009.

See context and zoning maps on pages 5 and 6 of the planning proposal.

Surrounding Area

There is residential development to the north and south of the subject land; Wisemans Park Bowling Club, cricket field and tennis courts to the west; and the Illawarra Railway Corridor to the east.

Summary of Recommendation

It is recommended that the proposal proceed, subject to standard conditions for consultation.

PROPOSAL

Objectives or Intended Outcomes

The proposal clearly identifies the intended outcomes to permit health/medical services and a registered club on the site.

Explanation of Provisions

The proposal clearly identifies proposed changes to the Wollongong LEP 2009.

The proposal involves changes to Schedule 1 – Additional Permitted Uses to permit a medical centre, community health services facility, and registered club on certain land within the Beaton Park precinct.

The proposal does not amend zones or other development controls.

The explanation of provisions inadvertently refers to community health services facilities twice when only one reference is required. It is not necessary to require the removal of the second reference in the Gateway determination (as it doesn't change or confuse the intent of the proposal) but it is appropriate to mention in the letter to Council and suggest it be changed prior to exhibition.

Mapping

The proposal will result in an amendment to the written instrument only – no mapping changes are proposed.

NEED FOR THE PLANNING PROPOSAL

Wollongong Council has undertaken a 'Beaton Park Precinct Needs Assessment' and the project report has recommended the expansion of health and wellness facilities. The report also acknowledges that the Wollongong Tennis Club may wish to upgrade/expand in the future. Currently both uses are operating under existing use rights which constrains the future development options for these facilities.

It is appropriate for the Wollongong LEP to accurately reflect the existing and intended uses of this area.

STRATEGIC ASSESSMENT

State

The proposal is consistent with relevant state policies.

Regional Plan

The proposal is consistent with the Illawarra Shoalhaven Regional Plan. The redevelopment of the club may provide social and health benefits through upgraded facilities and an improved place for the community to meet and socialise.

Local

Council has advised that the proposal is consistent with the Wollongong Community Strategic Plan 2022.

Section 117(2) Ministerial Directions

- **4.3 Flood Prone Land**

This Direction applies as the proposal includes provisions that will apply to flood prone land. This proposal reflects the existing use of the site and does not propose additional development beyond that currently operating on the site. The proposal does potentially allow an expansion of facilities however flood impacts would need to be considered through any future development application.

The Secretary's delegate may be satisfied that any inconsistency is of minor significance.

- **4.4 Planning for Bushfire Protection**

This Direction requires consultation with the Commissioner of the NSW Rural Fire Service (RFS) prior to undertaking community consultation, and must take any comments made by the Commissioner into account.

The Secretary's delegate may be satisfied that the Gateway Determination requirement for consultation with the RFS prior to exhibition will ensure consistency with this Direction.

- **6.3 Site specific provisions**

This Direction aims to discourage unnecessarily restrictive site specific planning controls. This proposal is consistent with this Direction as it permits specific uses without imposing additional development standards or requirements.

The Secretary's delegate may be satisfied that the proposal is consistent with this Direction and that no further approval is required.

The proposal is consistent with the other applicable s117 Directions:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrated Land Use and Transport
- 5.10 Implementation of Regional Plans
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

RECOMMENDATION

It is recommended that the Secretary's delegate be satisfied that any inconsistency with s117 Direction 4.3 Flood Prone Land is of minor significance.

It is recommended that the Secretary's delegate be satisfied that the proposal will be consistent with 4.4 Planning for Bushfire Protection following consultation with the NSW Rural Fire Service.

State Environmental Planning Policies

The proposal is consistent with relevant State Environmental Planning Policies.

SITE SPECIFIC ASSESSMENT

Social

The proposal may provide social benefits through improved sports, health and club facilities that may be accessed by the community.

Environmental

The proposal is unlikely to have negative environmental impacts. The proposal reflects the existing development on the site. There are no ecologically endangered communities or habitats on the land however there are areas of vegetation within the precinct. Any future development would require appropriate flora/fauna studies. The site is partially flood affected and contains acid sulfate soils. Any future development will be subject to a thorough development assessment process to address any potential impacts.

Economic

The proposal may facilitate employment opportunities through the future redevelopment of the health and club facilities. The proposal will not have a negative economic impact.

CONSULTATION

Community

Council has recommended a 28 day exhibition period. This is considered appropriate.

Agencies

Council will be required to consult with the NSW Rural Fire Service to comply with s117 Direction 4.4 Planning for Bushfire Protection.

TIMEFRAME

Council has indicated that 9 months is an adequate timeframe. This is a minor proposal so this time period is appropriate.

DELEGATION

Council has not requested authority to use its plan making delegations under s59 of the *Environmental Planning and Assessment Act 1979* on the basis that Council is the landowner. This is a local and is unlikely to be a controversial proposal so it is appropriate for delegations to be issued. However, if complications arise during exhibition, Council may choose not to use its delegation.

CONCLUSION

This planning proposal is consistent with relevant state and regional policies and will ensure that the Wollongong LEP 2009 reflects the current and future use of this site.

It is recommended that a Gateway determination be issued supporting the proposal.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree any inconsistency with Section 117 Directions 4.3 Flood Prone Land is of minor significance.

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with NSW Rural Fire Service
3. The timeframe for completing the LEP is to be nine months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.

 5/9/17.

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