

Final Planning Proposal

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: Brickyard Point – Headlands Hotel Site Austinmer

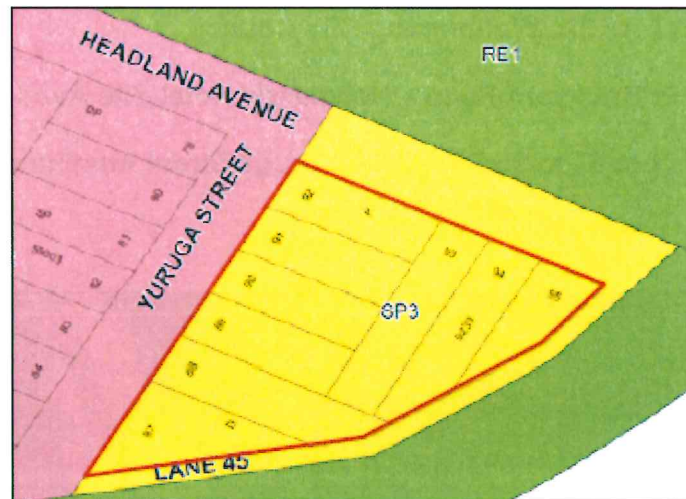
ADDRESS OF LAND: Lot 87 to 95 DP 9233 – Yuruga Street Austinmer NSW 2515

MAPS:

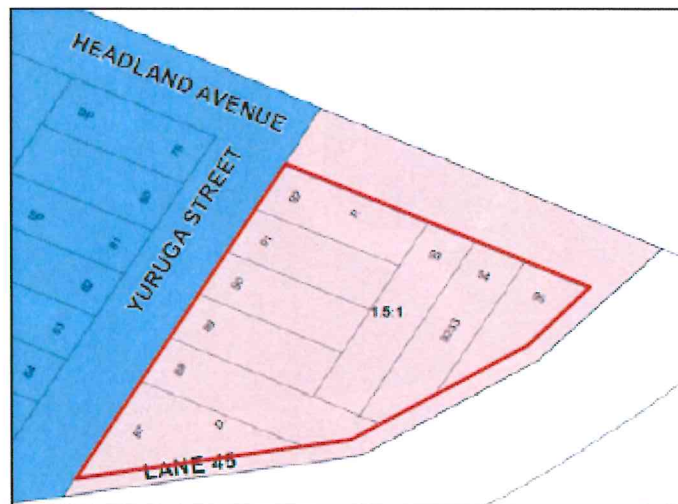
Location Map



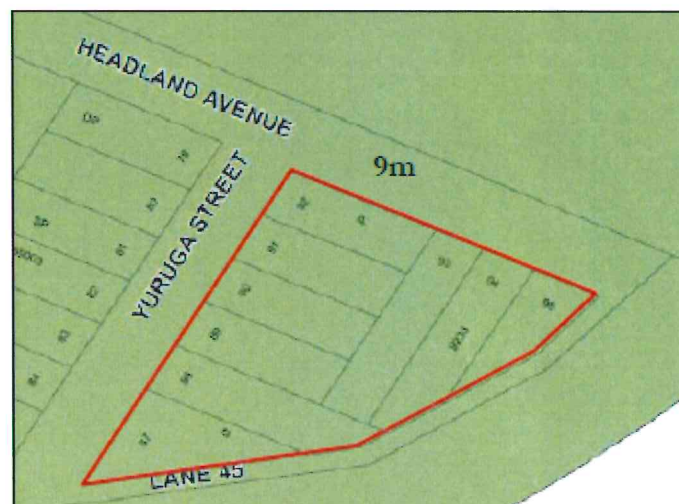
Current Planning Controls



Extract from Zoning Map (Wollongong LEP 2009)



Extract from FSR Map (Wollongong LEP 2009)



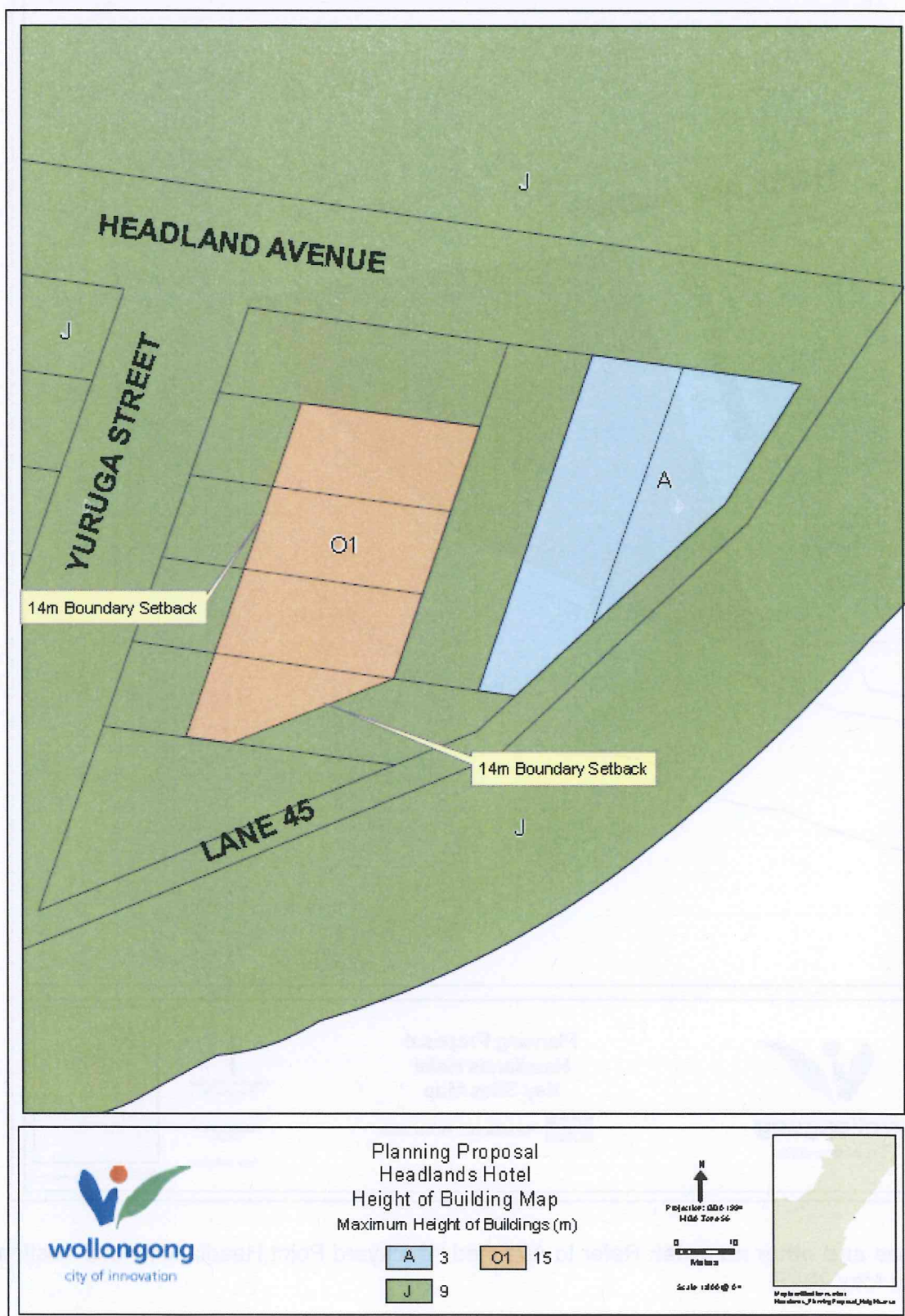
Extract from Height Map (Wollongong LEP 2009)

Proposed Planning Controls

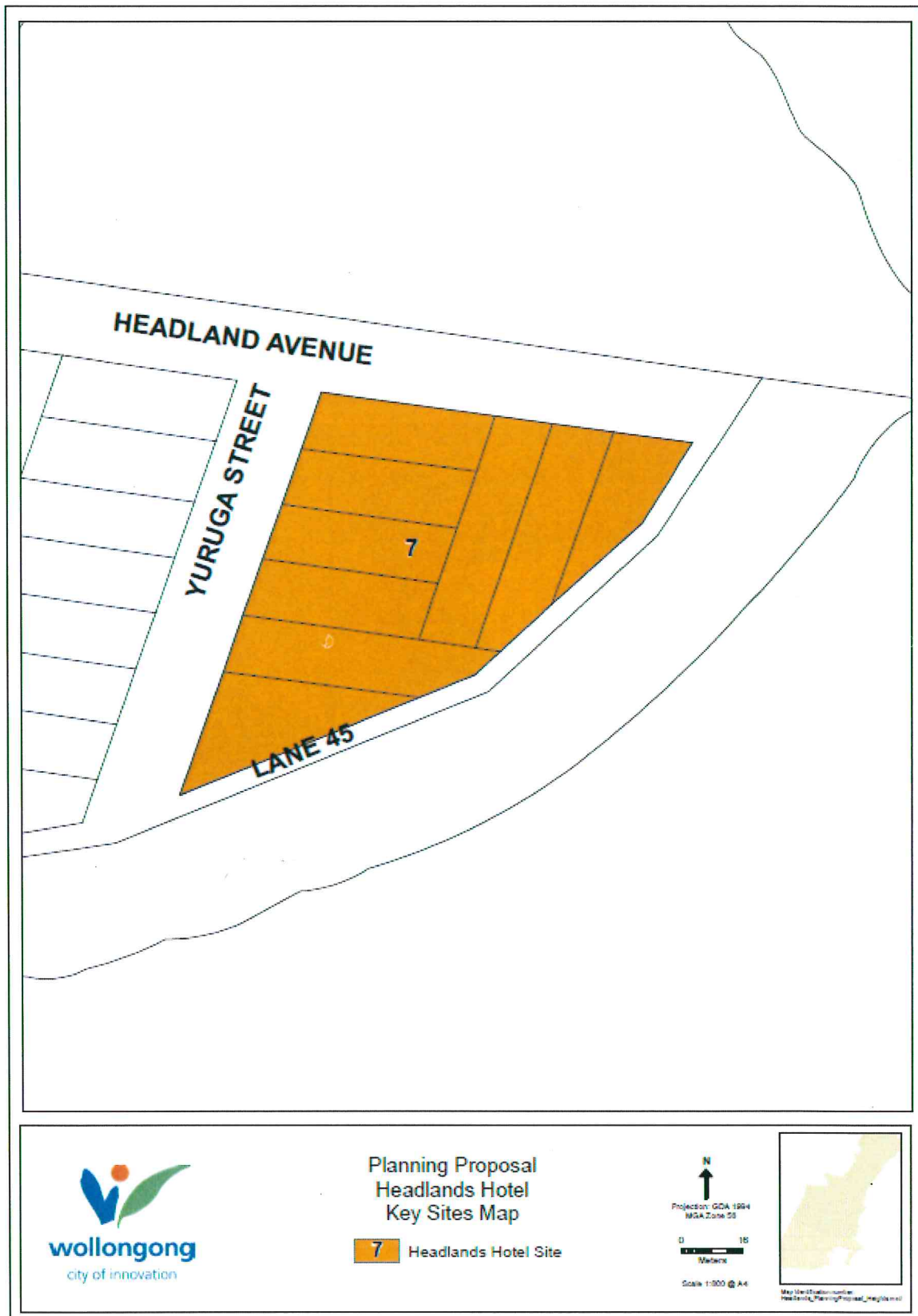
Land Zoning Map – to remain unchanged.

Floor Space Ratio Map – to remain unchanged.

Height of Buildings Map – Requires amendment to reflect Option 4 in the vision and modifications as a result of public exhibition – where “A” changes from 2m to 3m.



Key Sites Map – Requires amendment to include the Headland Hotel Site



Photos and other material: Refer to Attached “Brickyard Point Headlands Hotel Austinmer Vision May 2012”

BACKGROUND:

Part 1: OBJECTIVES OR INTENDED OUTCOMES OF THE PLANNING PROPOSAL:

Concise statement setting out objectives or intended outcomes of the planning proposal.

Provide updated controls in the LEP that reflect the sites unique opportunities and encourage development that is sympathetic to the area.

Part 2: EXPLANATION OF THE PROVISIONS OF THE PLANNING PROPOSAL:

Statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

Amend the Height of Buildings Map for part of lots 88 to 91 from 9m to 15m; and amend lots 95 and 94 from 9m to 3m.

Move Clause 8.5 Design Excellence from Part 8 to Part 7 and colouring the site on the Key Sites Map so that the clause may apply outside of the city centre and specifically to the Headlands site.

Part 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROVISIONS AND PROCESSES FOR THEIR IMPLEMENTATION:

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?	The recommended changes to the LEP come as a result of visioning process that is detailed in the <i>Brickyard Point Headlands Hotel Austinmer Vision 2012</i> . The vision presents key urban design principles and four built form options that were discussed and commented on by the community and subsequently endorsed by Council as above to guide future policy changes.
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Yes. To implement the vision, the Height of Buildings Map needs amendment and any future development subject to the design excellence criteria.
3. Is there a net community benefit?	○ The site is an iconic privately owned headland suitable for tourist development. ○ The new controls will provide clear guidelines on appropriate scaled development on site. The site has been subject to numerous development proposal and Land and Environment Court hearings. ○ The new controls would help revitalise the site and increase tourism opportunities in the Illawarra. ○ It is not expected that it would set a precedent as the study is initiated by Council. ○ It is likely to facilitate permanent employment in tourism. ○ It will not impact on the supply of residential land, supply and affordability ○ The site has existing access to public infrastructure (roads, rail, and utilities) that are

	capable of servicing the site. ○ There is greater potential for the amenity of the area and wider community to be improved as will the public domain.
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Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)? •	Yes - Illawarra Regional Strategy – • Economic Challenges – ○ <i>“Strengthen the Region’s links to Sydney and other other regional markets to ensure capacity and corridors for passengers, tourists and freight transport networks.”</i> • A Vision for the future – ○ <i>“The regional economy continues to diversify and strengthen in a range of sectors. Including agriculture and tourism.</i> • Economic development and employment growth – ○ <i>“...as well as a tourism industry that has further capacity for expansion.”</i> ○ <i>“The tourism sector continues to use the natural and cultural assets of the Region to increase visitor numbers and drive employment growth. Natural assets include...coastal foreshore...”</i> ○ <i>Continued growth in the conference, events and accommodation sector would better utilise these assets and strengthen growth in the tourism industry.”</i> ○ <i>The Region’s towns and villages...and those in the northern suburbs of Wollongong provide important speciality tourism and retail functions. The existing character and unique qualities of these areas need to be protected and enhanced.”</i> ○ <i>“Wollongong will continue being developed as an internationally competitive regional city by providing:...lifestyle, entertainment and tourism facilities”</i> ○ <i>Local Environmental Plans will identify appropriate sites for major tourism development (e.g. accommodation, reception venues, leisure and recreation facilities), and specific tourism precincts (e.g. ...Wollongong northern suburbs). Development of such sites should focus on enhancing leisure and recreation, culture and nature-based tourism, and visitor assets of the Region to cater for tourists.</i>
5. Is the planning proposal consistent with the local council’s Community Strategic Plan or other local strategic plan?	Wollongong City Council has adopted “Wollongong 2022...Our Community Strategic Plan” Objective 2.2: The region’s industry base is diversified Strategy 2.2.2 Efforts are coordinated to secure tourism infrastructure in the region and to attract new industries. Objective 2.3: The profile of Wollongong as the regional city of the Illawarra is expanded and improved. Strategy 2.3.2 Wollongong is promoted as the preferred conference and events destination, and the place to live, learn, work and visit.

	Wollongong 2022 contributes to the Illawarra Regional Plan priorities: Tourism - The profile of Wollongong as the regional city of the Illawarra is expanded and improved.
6. Is the planning proposal consistent with applicable state environmental planning policies?	SEPP 71 The draft Vision remains in keeping with the aims of SEPP Coastal Protection. There is a clear direction to better manage the future relationship between development of the site and its natural setting. There is a strong commitment to protecting and enhancing the aesthetic, natural, cultural and visual qualities of the site and to strengthen the link between the site and the adjacent public access along the coast line. In progressing the development of Urban Design Principles and design controls, the clear goal is to ensure that Council provides clear guidance with regard to the desired bulk, scale and size of any future development, the way it is designed and how it responds to the scenic qualities of its context. This is directly consistent with the aims of SEPP Coastal Protection. Refer to Table A – Checklist of State Environmental Planning Policies.
7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	2.2 Coastal Protection 1. The objective is to implement the principles in the NSW Coastal Policy. A Planning Proposal must include provisions that give effect to and are consistent with: a) the NSW Coastal Policy 2007, and b) the Coastal Design Guidelines 2003, and c) the manual relating to the management of the coastline for the purpose of section 733 of the Local Government Act 1993. With regard to the above direction, the Vision document gives regard to the NSW Coastal Policy 1997, in which a court ruling found that the underlying objectives of the Coastal Policy principles were relevant to this site, even though the principles need not be strictly applied (Wollongong was exempt from the provisions of the coastal policy). It is considered that the themes presented in each of the goals area reflected and captured in the overarching draft Urban Design Principles presented for the site. (Refer to Vision). It is noted that due to the current tourism zoning of the site, and the extent to which the site has been built upon and modified, a range of the Strategic Actions are not applicable (Refer to Vision for the Actions which are discussed in detail). This policy is considered in greater detail in the attached final planning proposal report. Refer to Table B – Checklist of Ministerial Directions.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	The zone already permits development. The planning proposal only seeks to alter the heights any impacts on the site as a result of development would occur as part of a Development Application proposal which is currently able to be lodged under existing zone and height controls.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	Given that the site already permits development it is unlikely that the effects of the planning proposal will be to exacerbate these. The planning proposal seeks to better define appropriate development on the site which will minimise visual impacts. It is noted that final design detail of any DA would look at any specific impacts and how they might be best managed.
10. How has the planning proposal adequately addressed any social and economic effects?	The planning proposal is seeking to ensure that any development on this site is able to be designed in a manner that minimises the overall footprint and is economically viable so that the site can finally be developed, used and valued by the community. This is achieved by redistributing the current permissible height over the site taking height from the underdeveloped headland and locating it closer to the built form on Yuruga Street.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	Yes the site is well serviced by all utilities.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	Council has consulted with the relevant authorities and received two responses: NSW Trade and Investment- • The proposal is separated from the two Crown reserves by a roadway and laneway. • The primary issue would be the amenity impacts on the beaches however they state that there is no objection raised to the building heights in draft planning proposal. RMS • Do not object in principle. • Note that future development applications will need to consider traffic generated and intersection treatments at Lawrence Hargrave Drive and Headlands Avenue.

Part 4: DETAILS OF COMMUNITY CONSULTATION TO BE UNDERTAKEN ON THE PLANNING PROPOSAL:

The draft Planning proposal was exhibited between 24 June and 2 August 2013. The exhibition material was available at the following venues in the listed forms.

- Hard copies at Council's Administration building and Wollongong Central and Thirroul Libraries;
- Electronic copy on Council's website;
- Notification letters to all property owners in Thirroul and Austinmer; and
- Notification letters to relevant State agencies as follows:
 - Office of Environment and Heritage
 - NSW Fire and Rescue
 - NSW Department of Trade and Investment, Regional Infrastructure and Services.
 - Roads and Maritime Services

Twenty seven (27) submissions were received – two were from state agencies and raised no objections, of the twenty five (25) community submissions four (4) supported the proposal and nineteen (19) objected to the proposal.

A copy of all submissions have been attached and a summary of the submissions is also located in the final Council report.

Page 20 of the report addresses the community consultation undertaken and page 21 tables the main issues raised in support and objection with Council officer commentary against each.

Council received some requests for a public hearing however this request was not supported.

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
State policies			
SEPP No. 1	Development Standard	NA	Clause 6 and parts 3 and 4 of SEPP were repealed by Wollongong LEP 2009
SEPP No. 4	Development Without Consent and miscellaneous Exempt and Complying Development		
SEPP No. 6	Number of Storeys in a Building	NA	
SEPP No. 14	Coastal Wetlands	NA	No littoral rainforests identified by the policy in the Wollongong LGA
SEPP No. 15	Rural Land Sharing Communities	Does not apply to Wollongong	
SEPP No. 19	Bushland in Urban Areas	Does not apply to Wollongong	
SEPP No. 21	Caravan Parks	NA	
SEPP No. 22	Shops and Commercial Premises	NA	
SEPP No. 26	Littoral Rainforests		
SEPP No. 29	Western Sydney Recreational Area	Does not apply to Wollongong	
SEPP No. 30	Intensive Agriculture	NA	
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)	NA	
SEPP No. 33	Hazardous and Offensive Development	NA	
SEPP No. 36	Manufactured Home Estates	NA	Refer to attached Planning Proposal and the Vision document.
SEPP No. 39	Spit Island Bird Habitat	Does not apply to Wollongong	
SEPP No. 41	Casino/Entertainment Complex	Does not apply to Wollongong	
SEPP No. 44	Koala Habitat Protection	NA	
SEPP No. 47	Moore Park Showground	Does not apply to Wollongong	
SEPP No. 50	Canal Estate Development	NA	
SEPP No. 52	Farm Dams, Drought Relief and Other Works	Does not apply to Wollongong	
SEPP No. 55	Remediation of Land	NA	
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	Does not apply to Wollongong	
SEPP No. 59	Central Western Sydney Economic and Employment Area	Does not apply to Wollongong	
SEPP No. 60	Exempt and Complying Development	NA	
SEPP No. 62	Sustainable Aquaculture	NA	
SEPP No. 64	Advertising and Signage	NA	
SEPP No. 65	Design quality of residential flat development	NA	
SEPP No. 70	Affordable Housing (revised schemes)	Does not apply to Wollongong	
SEPP No. 71	Coastal Protection	Not inconsistent	
SEPP	Housing for Seniors or People with a Disability 2004	NA	
SEPP	Building Sustainability Index: BASIX 2004	NA	
SEPP	Major Projects 2005	NA	
SEPP	Development on Kurnell Peninsular	Does not apply	

State Environmental Planning Policy		Compliance	Comment
SEPP	2005 Sydney Region Growth Centres 2006	to Wollongong Does not apply to Wollongong	
SEPP	Mining, Petroleum Production and Extractive Industries 2007	NA	
SEPP	Infrastructure 2007	NA	
SEPP	Temporary Structures 2007	NA	
SEPP	Kosciuszko National Park – Alpine Resorts 2007	Does not apply to Wollongong	
SEPP	Rural Lands 2008	Does not apply to Wollongong	
SEPP	Affordable Rental Housing 2009	NA	
SEPP	Western Sydney Employment Lands 2009	Does not apply to Wollongong	
SEPP	Exempt and Complying Development Codes 2008	NA	
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	
Deemed SEPPS(former Regional Plans)			
Illawarra REP 1	Illawarra	Repealed within Wollongong	
Illawarra REP 2	Jamberoo	Does not apply to Wollongong	
Greater Metropolitan REP No.2	Georges River catchment	NA	

Table B - Checklist of Section 117 Ministerial Directions

Ministerial Direction		Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	NA
1.2	Rural Zones	NA
1.3	Mining, Petroleum Production and Extractive Industries	NA
1.4	Oyster Aquaculture	NA
1.5	Rural Lands	NA
2. Environment and Heritage		
2.1	Environment Protection Zone	NA
2.2	Coastal Protection	Not inconsistent (refer to supporting information in the planning proposal.
2.3	Heritage Conservation	NA
2.4	Recreation Vehicle Areas	NA
3. Housing, Infrastructure and Urban Development		
3.1	Residential Zones	NA
3.2	Caravan Parks and Manufactured Home Estates	NA
3.3	Home Occupations	NA
3.4	Integrating Land Use and Transport	NA
3.5	Development Near Licensed Aerodromes	NA
3.6	Shooting Ranges	NA
4. Hazard and Risk		
4.1	Acid Sulfate Soils	Not inconsistent
4.2	Mine Subsidence and Unstable Land	NA
4.3	Flood Prone Land	NA
4.4	Planning for Bushfire Protection	NA
5. Regional Planning		
5.1	Implementation of Regional Strategies	Not inconsistent
5.2	Sydney Drinking Water Catchments	NA
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Wollongong
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to Wollongong
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable to Wollongong
5.8	Second Sydney Airport: Badgerys Creek	Not applicable to Wollongong
6. Local Plan Making		
6.1	Approval and Referral Requirements	Not applicable
6.2	Reserving Land for Public Purposes	Not applicable
6.3	Site Specific Provisions	Not applicable
7. Metropolitan Planning		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Not applicable