

Brickyard Point - Headlands Hotel Site Austinmer

Proposal Title :	Brickyard Point - Headlands Hotel Site Austinmer		
Proposal Summary :	It is proposed to amend the height controls for the Headlands Hotel site (Lots 87 - 95 DP 9233 Yuruga Street, Austinmer) to implement the preferred outcomes of the "Brickyard Point - Headlands Hotel Austinmer Vision 2012"; and to nominate the headland as a "Key Site" in the Wollongong LEP 2009 and therefore subject to Design Excellence criteria.		
PP Number :	PP_2012_WOLLG_009_00	Dop File No :	12/14968

Proposal Details

Date Planning Proposal Received :	17-Sep-2012	LGA covered :	Wollongong City
Region :	Southern	RPA :	Wollongong City Council
State Electorate :	HEATHCOTE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Yuruga Street		
Suburb :	Austinmer	City :	Austinmer
Land Parcel :	Lots 87 - 95 DP 9233 Yuruga Street Austinmer		Postcode : 2515

DoP Planning Officer Contact Details

Contact Name :	Louise Wells
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RPA Contact Details

Contact Name :	Edith Barnes
Contact Number :	0242277616
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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Illawarra Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : In March 2011 the Land and Environment Court approved the demolition of the existing hotel and the construction of a spa resort and serviced apartments. The Court refused consent for 7 bed & breakfast establishments and for the further subdivision of the site. This Planning Proposal aims to facilitate a better design outcome for this important coastal headland by pulling development back from the coastline and allowing greater heights on the western part of the site. The current 9m maximum height across the entire site does not provide the best outcome for the site.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The information provided adequately expresses the aim of the Planning Proposal which is to amend the height controls and make it subject to design excellence criteria.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The information provided adequately describes the amendments to the Wollongong LEP 2009 that will be required.
The amendments are:
* amend the Height of Buildings Map for the area to allow a range of heights across the site; and
* move the Design Excellence clause (currently clause 8.5 in Part 8 - Local Provisions - Wollongong City Centre) to Part 7 Local Provisions - General, so that it can be applied to Key Sites outside of the Wollongong City Centre; and
* identify the subject land as a Key Site on the Key Sites Map in order to apply the Design Excellence clause and criteria to future development applications for the site.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **2.2 Coastal Protection**

* May need the Director General's agreement **4.1 Acid Sulfate Soils**

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 71—Coastal Protection**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **As identified by Wollongong Council, section 117 Direction 2.2 Coastal Protection is relevant to the Planning Proposal. This Direction requires Planning Proposals to be consistent with the NSW Coastal Policy and Coastal Design Guidelines.**

This Planning Proposal results from a comprehensive visioning exercise undertaken by Wollongong Council to inform the future development and protection of this significant headland. The Vision considered the NSW Coastal Policy and identified Urban Design Principles consistent with the Coastal Policy.

The site is already zoned SP3 Tourist and the Planning Proposal does not change the types of development that are permissible. Instead, it rationalises the heights across the site to achieve a more appropriate development outcome.

The Planning Proposal is considered to be consistent with s117 Direction 2.2 Coastal Protection; as well as with SEPP71 Coastal Protection.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council has provided mapping to indicate the new proposed maximum heights across the site; and to identify that the property will be included on the Key Sites Map and therefore subject to the design excellence criteria of the Key Sites clause.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a minimum 28 day public exhibition period and this is considered appropriate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment**Principal LEP:**

Due Date :

Comments in relation to Principal LEP : **The Wollongong LEP 2009 is in force.**

Assessment Criteria

Need for planning proposal :

The subject land is recognised as one of the most significant privately owned headlands on the NSW South Coast. The site is zoned SP3 Tourist and there is a need to ensure that any future development of this important site is sympathetic to the scenic, natural and heritage features of the site and area.
The current height controls - being a blanket 9m across the site - do not assist in achieving this objective.

In order to achieve quality architecture, the site will be nominated as a "Key Site" in the Wollongong LEP 2009 and will be subject to the Design Excellence Clause.

Council also intends to prepare a site specific Development Control Plan for the property.

Consistency with strategic planning framework :

The Planning Proposal is consistent with the Illawarra Regional Strategy, particularly in relation to economic development and tourism.
Council undertook a strategic visioning exercise for the site and the Planning Proposal will assist in implementing the outcomes of that exercise.

Environmental social economic impacts :

The Planning Proposal does not alter the type of development that is currently permitted on the site. Instead, it rationalises the heights over the site to facilitate a better design outcome. The Planning Proposal does not introduce additional environmental impacts.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **24 Month** Delegation : **DG**

Public Authority Consultation - s56(2)(d) : **Office of Environment and Heritage
Department of Trade and Investment
Fire and Rescue NSW
Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Council has requested 18 months to complete the LEP to allow time to prepare and exhibit a site specific Development Control Plan for the subject land.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
20120917 - Planning Proposal.pdf	Proposal	Yes
Wollongong City Council_17-09-2012 00_00_00_Final Planning Proposal - Headlands Hotel - Brickyard Point Austinmer_.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.2 Coastal Protection**
 4.1 Acid Sulfate Soils

Additional Information : **That the Director General, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Wollongong Local Environmental Plan 2009 to amend building heights and apply design excellence criteria proceeds through the Gateway subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act.

**Transport for NSW - Roads and Maritime Services
Office of Environment and Heritage
Department of Trade and Investment
Fire and Rescue NSW**

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway Determination.

SECTION 117 DIRECTIONS

5. The Director General can be satisfied that the planning proposal is consistent with relevant s117 Directions or that any inconsistencies are only of minor significance.

Further referral under these Directions is not required for the Plan while it remains in its current form.

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Supporting Reasons : **The planning proposal does not introduce development to the headland. It seeks to achieve a better, more sympathetic, high quality design outcome for this important site.**

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

28th September 2012