

LOCAL GOVERNMENT AREA: Wollongong City Council
NAME OF DRAFT LEP: Heritage Schedule Review – stage 1
ADDRESS OF LAND: Various

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Appendix – Supporting Documents submitted with the Planning Proposal Request:

1. Council Report and minutes dated 25 May 2020
2. Schedule of proposed LEP Amendments
3. Mapbook of proposed Heritage Map amendments

Part 1 – Statement of objectives or intended outcomes

The primary objective of this Planning Proposal is to progress a range of housekeeping amendments and updates to correct the local heritage listings on Schedule 5 of the Wollongong LEP 2009 and the accompanying Heritage Map.

Part 2 – Explanation of provisions

As an outcome of a detailed review of Schedule 5 of the Wollongong Local Environmental Plan 2009, the Planning Proposal will make the following amendments to the Wollongong Local Environmental Plan 2009 to address various administrative issues in the listings including the following:

- Amending spelling errors in item names;
- Amending errors in addresses and listed suburbs;
- Adding Lot and Deposited Plan (DP) numbers to capture the full extent of an items curtilage due to shifting property boundaries or incorrect descriptions from 2009;
- Updating Lot and DP's to reflect changes in property descriptions such as subdivisions that have reduced the curtilage of an item since 2009; and
- Changing the level of significance of items from local to State to reflect the state listing of items under the NSW Heritage Act 1977;
- Removal of nine items that have been demolished or are now covered by other heritage legislation (listed below);
- Re-listing two items that are mapped as heritage items in the Wollongong Local Environmental Plan 2009 Heritage Maps but do not appear on Schedule 5 due to administrative errors in 2009.

Numerous changes to the LEP Heritage Maps are also required to reflect the above administrative changes and address historic inaccuracies or deficiencies in the mapping.

Removal of Items

The draft Planning Proposal includes the proposed removal of seven items from Schedule 5 of the Wollongong Local Environmental Plan 2009 due to demolition or reassessment of their heritage significance. These items include:

1. *Former Guest House* 300-302 Princes Highway, Bulli (#6187) - Building Demolished by RMS;
2. *Stand of Norfolk Island Pines* Lawrence Hargrave Drive, Clifton (#6136) - Trees were removed by RMS during construction of the Sea Cliff Bridge;
3. *Site of former cottage* 12 Robertson Street, Helensburgh (#6101) - Building was destroyed by fire & subsequently demolished;
4. *House 1* Taronga Avenue, Mangerton (#6279) - Assessment of Heritage Significance completed by Zoran Popovic October 2014 recommends item should be removed from LEP Heritage Schedule. In 2019, development application DA-2018/1355 was approved by the Wollongong Local Planning Panel for demolition of the building and construction of a dual occupancy. The heritage assessment was considered as part of the development application assessment. The building has recently been demolished;
5. *Mural* 189-191 Wentworth Street, Port Kembla (#6309) - Mural has been assessed as not meeting the criteria for listing. Is intended to be replaced due to poor condition in consultation with the local Community; and
6. *Avenue of plantings* Keerong Street, Russell Vale (#6203) - Assessment of Heritage Significance completed by Zoran Popovic in 2014 recommends removal from LEP Heritage Schedule. Aerial photos indicate that the trees were planted between 1961 and 1977, and

while the trees are a landscape feature they don't have heritage significance. It is noted that no trees are intended to be removed by Council at the present time; and

7. *Norfolk Island Pines* Mitchell Road, Woonona (#6516) – The Norfolk Island Pines were located between Gray Street and Kialoa Road and were removed by the RMS in 2006-8 for the Northern Distributor / Memorial Drive extension.

Two items are also proposed to be removed from the Heritage Schedule of the Wollongong Local Environmental Plan 2009 as they are located on land which is no longer covered by this Environmental Planning Instrument. Both items are now covered by State Environmental Planning Policies. These items are:

1. *Historical military museum* including break water battery and concrete tank barriers (#6302) – Listed under the State Environmental Planning Policy (Three Ports) 2013; and
2. *Marshall Mount Homestead and barn* (#5914) - Listed under the State Environmental Planning Policy (Major Projects) 2009 - Calderwood.

Re-Introduction of Items

Two items are proposed to be re-introduced to Schedule 5 that were previously left off the list due to an administrative error in the implementation of the Wollongong Local Environmental Plan 2009. These items were both listed in the Wollongong Local Environmental Plan 1990 and are both currently mapped as heritage items within the Wollongong Local Environmental Plan Heritage Maps but were inadvertently left off the schedule during the previous review. These items are:

1. *Hillside Farm*, 295 Sheaffes Road, Dombarton (#61045); and
2. *Wollongong Trade School (TAFE)* 38-46 Gladstone Avenue, Wollongong (#6467).

A full list of the required LEP amendments and proposed mapping changes is included as an attachment to the Council Report provided with this Planning Proposal.

Part 3 – Justification

Section A – Need for the Planning Proposal

Q1: Is the planning proposal a result of strategic study or report?

On 28 July 2010 Council resolved to undertake a major review of the Heritage Schedule in the Wollongong Local Environmental Plan 2009. The preparation of a new Thematic History of Wollongong was the first step of this Review. The Thematic History was adopted by Council on 11 February 2011 and historic themes were identified as a basis for the review of the Heritage Schedule.

Since this time, Council officers and Council's consultant Heritage Advisor have been reviewing and compiling detailed inventory forms and information in relation to all existing heritage items. This inventory information has been uploaded onto the State Heritage Inventory database on the Heritage NSW Website so that the history and significance of heritage items is clearly defined and readily available.

On 17 September 2018 Councillors were briefed on the progression of the Wollongong Heritage Schedule Review Project. The Heritage Schedule Review project will be reported in 2 Stages with two separate draft Planning Proposals.

- Stage 1 (the subject of this planning proposal), deals with more minor housekeeping amendments to existing heritage items.
- Stage 2 (subject to a future planning proposal), will seek to progress a number of potential new heritage items that have been identified.

On 28 October 2019 Council resolved to endorse the Wollongong Heritage Strategy and Implementation Plan 2019-2022. Strategy 2 Maintain an up to date list of heritage items and Action 2.1 in the Implementation Plan “Finalise the review of the Wollongong Heritage Schedule and update the State Heritage Inventory accordingly” specifically relates to the progression of this planning proposal

Wollongong Local Planning Panel

Stage 1 of the Heritage Schedule Review Project was reported to the Local Planning Panel on the 2 April 2020 to obtain their advice on the Strategic Merit of the project, as required under the Environment Planning and Assessment Act 1979 prior to being reported to Council. The Local Planning Panel made the following recommendation:

The draft Planning Proposal for Stage 1 of the Wollongong Heritage Schedule Review Project has strategic merit as a Housekeeping amendment and should be progressed.

The full Panel advice is included as an attachment to this Planning proposal.

Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the only means available to Council of achieving the intended outcome of updating and correcting the Heritage Schedule of the Wollongong LEP 2009.

Section B – Relationship to strategic planning framework

Q3: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The Planning Proposal is consistent with the Illawarra *Shoalhaven Regional Plan* Direction 3.4 as it allows for the long-term protection of the region’s cultural heritage.

DIRECTION 3.4 Protect the region’s cultural heritage

These amendments are essential to ensure that Council has accurate heritage information to assist with customer enquiries, development applications, planning proposals and various Council projects to ensure the LGA’s heritage is protected.

Q4: Is the Planning Proposal consistent with a Council’s local strategy or other local strategic document (e.g.: Wollongong Community Strategic Plan)?

Community Strategic Plan Wollongong 2022

The Planning Proposal is consistent with the overall vision contained in the Wollongong Community Strategic Plan 2028. The Planning Proposal will meet the objective “Community awareness and appreciation of heritage is increased” under the Community goal “we value and protect our environment”.

Q5: Is the planning proposal consistent with applicable State Environmental Planning Policies?

Refer to Table A – Checklist of State Environmental Planning Policies.

Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Refer to Table B – Checklist of Ministerial Directions.

Section C – Environmental, social and economic impact

Q7: 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 Planning proposal will not cause any impacts, as the objective is to protect heritage sites and places.

Q8: Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning proposal will ensure appropriate management of the City's Environmental Heritage. It is not anticipated that it will result in any negative environmental effects.

Q9: Has the planning proposal adequately addressed any social and economic effects?

The proposed heritage listing will allow for the protection of items of heritage significance to the local community. The changes proposed are generally minor amendments only and are not anticipated to create any negative social or economic impacts. The exhibition process will however ensure that affected landowners have the opportunity to comment on any concerns they may have.

Section D – State and Commonwealth interests

Q10: Is there adequate public infrastructure for the planning proposal?

Not applicable.

Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The owners of affected properties, which includes some State Authorities such as the National Parks and Wildlife Service and Sydney Trains, will be notified of the proposed changes and amendments to the Wollongong Local Environmental Plan Heritage Schedule and of any associated mapping amendments during the public exhibition period.

Part 4 – Mapping**MAPS, WHERE RELEVANT, TO IDENTIFY THE INTENT OF THE PLANNING PROPOSAL AND THE AREA TO WHICH IT APPLIES**

A mapbook showing the proposed mapping changes to the LEP Heritage Maps has been included as an attachment to this draft Planning Proposal.

Part 5 – Community Consultation

Should a Gateway Determination be issued, the Planning proposal will be exhibited for a minimum period of 28 days and include:

- *Hard copies at Council's Administration building and relevant Libraries;*
- *Electronic copy on Council's website;*

- *Notification letters to affected property owners;*
- *Notification letters to relevant State agencies and other authorities.*

Part 6 – Projected Timeline

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. This timeline tentatively sets out expected timelines for major steps in the process. These timeframes are subject to change and are to be used as a guide only. The Minister may consider taking action to finalise the LEP if timeframes approved for the completion of the Planning Proposal are significantly or unreasonably delayed.

#	Action	Estimated Timeframe	Responsibility
1	Anticipated date of Gateway determination	July 2020	Department of Planning, Industry and Environment
2	Government agency consultation	21 days	Council
3	Public exhibition period	August 2020	Council
4	Date of Public Hearing (<i>if applicable</i>)	NA	NA
5	Consideration of submissions	2 weeks	Council
6	Assessment of proposal post-exhibition	4 weeks	Council
7	Report to Council	November 2020	Council
8	Final maps and Planning Proposal prepared	November 2020	Council
9	Submission to Department for finalisation of LEP	November 2020	Council
10	<i>Anticipated date RPA will make the LEP</i>	<i>Delete if Council is not the RPA</i>	Council (if under delegation)
11	Anticipated date LEP will be notified	February 2021	Department of Planning, Industry and Environment

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
SEPP No. 1	Development Standard	N/A	
SEPP No. 19	Bushland in Urban Areas	Does not apply to Wollongong	
SEPP No. 21	Caravan Parks	N/A	
SEPP No. 33	Hazardous and Offensive Development	N/A	
SEPP No. 36	Manufactured Home Estates	N/A	
SEPP No. 44	Koala Habitat Protection	N/A	
SEPP No. 47	Moore Park Showground	Does not apply to Wollongong	
SEPP No. 50	Canal Estate Development	N/A	
SEPP No. 55	Remediation of Land	N/A	
SEPP No. 64	Advertising and Signage	N/A	
SEPP No. 65	Design quality of residential flat development	N/A	
SEPP No. 70	Affordable Housing (revised schemes)	Does not apply to Wollongong	
SEPP	Aboriginal Land 2019	N/A	
SEPP	Affordable Rental Housing 2009	N/A	
SEPP	Building Sustainability Index: BASIX 2004	N/A	
SEPP	Coastal Management 2018	N/A	
SEPP	Concurrences 2018	N/A	
SEPP	Educational Establishments and Child Care Facilities 2017	N/A	
SEPP	Exempt and Complying Development Codes 2008	N/A	
SEPP	Gosford City Centre 2018	N/A	
SEPP	Housing for Seniors or People with a Disability 2004	N/A	
SEPP	Infrastructure 2007	N/A	
SEPP	Koala Habitat Protection 2019	N/A	
SEPP	Kosciuszko National Park – Alpine	Does not apply to	

SCHEDULE 5 OF THE WOLLONGONG LEP 2009

State Environmental Planning Policy		Compliance	Comment
	Resorts 2007	Wollongong	
SEPP	Kurnell Peninsula 1989	Does not apply to Wollongong	
SEPP	Mining, Petroleum Production and Extractive Industries 2007	N/A	
SEPP	Miscellaneous Consent Provisions 2007	N/A	
SEPP	Penrith Lakes Scheme 1989	Does not apply to Wollongong	
SEPP	Primary Production and Rural Development 2019	N/A	
SEPP	State and Regional Development 2011	N/A	
SEPP	State Significant Precincts 2005	N/A	1 item listed in the SEPP – Calderwood precinct is proposed to be removed from the LEP
SEPP	Sydney Drinking Water Catchment 2011	N/A	
SEPP	Sydney Region Growth Centres 2006	Does not apply to Wollongong	
SEPP	Three Ports 2013	Consistent	1 item listed in the SEPP is proposed to be removed from the LEP
SEPP	Urban Renewal 2010	N/A	
SEPP	Vegetation in Non-Rural Areas 2017	N/A	
SEPP	Western Sydney Employment Area 2009	Does not apply to Wollongong	
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	

Table B - Checklist of Section 9.1 Ministerial Directions

Ministerial Direction	Comment
1. Employment and Resources	
1.1. Business and Industrial Zones	Consistent
1.2. Rural Zones	N/A
1.3. Mining, Petroleum Production and Extractive Industries	N/A
1.4. Oyster Aquaculture	N/A
1.5. Rural Lands	N/A
2. Environment and Heritage	
2.1. Environment Protection Zone	N/A
2.2. Coastal Protection	N/A
2.3. Heritage Conservation	Consistent – changes to Schedule 5 to ensure heritage is protected
2.4. Recreation Vehicle Areas	N/A
2.5. Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP	Not applicable to Wollongong
3. Housing, Infrastructure and Urban Development	
3.1. Residential Zones	N/A
3.2. Caravan Parks and Manufactured Home Estates	N/A
3.3. Home Occupations	N/A
3.4. Integrating Land Use and Transport	N/A
3.5. Development Near Licensed Aerodromes	N/A
3.6. Shooting Ranges	N/A
3.7. Reduction in non-hosted short-term rental accommodation period	N/A
4. Hazard and Risks	
4.1. Acid Sulfate Soils	N/A
4.2. Mine Subsidence and Unstable Land	N/A
4.3. Flood Prone Land	N/A
4.4. Planning for Bushfire Protection	N/A
5. Regional Planning	
5.1. Implementation of Regional Strategies	N/A replaced by Direction 5.6
5.2. Sydney Drinking Water Catchments	N/A
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,	Not applicable to Wollongong

SCHEDULE 5 OF THE WOLLONGONG LEP 2009

Ministerial Direction	Comment
North Coast	
5.5. North West Rail Link Corridor Strategy	Not applicable to Wollongong
5.6. Implementation of Regional Plans	Consistent – will enable protection of region’s cultural heritage in accordance with the Illawarra Shoalhaven Regional Plan
5.7. Development of Aboriginal Land Council land	N/A
6. Local Plan Making	
6.1. Approval and Referral Requirements	N/A
6.2. Reserving Land for Public Purposes	N/A
6.3. Site Specific Provisions	N/A
7. Metropolitan Planning	
7.1. Implementation of the Metropolitan Plan for Sydney 2036	Not applicable to Wollongong
7.2. Implementation of the Greater Macarthur Land Release Investigation	Not applicable to Wollongong
7.3. Parramatta Road Corridor urban Transformation Strategy	Not applicable to Wollongong
7.4. Implementation of the North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable to Wollongong
7.5. Implementation of the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable to Wollongong
7.6. Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable to Wollongong
7.7. Implementation of the Glenfield to Macarthur Urban Renewal Corridor	Not applicable to Wollongong
7.8. Implementation of Western Sydney aerotropolis Interim Land use and infrastructure Implementation Plan	Not applicable to Wollongong
7.9. Implementation of Bayside West Precincts 2036 Plan	Not applicable to Wollongong
7.10. Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable to Wollongong