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Department of Planning and Infrastructure
PO Box 5475
WOLLONGONG NSW 2520
Attention: Graham Towers

Your Ref:
Our Ref:
File:
Date:

W09/00026
SU26464
10 October 2011

Dear Mr Towers,

PLANNING PROPOSAL FOR LOT 102 DP1005245 AND LOT 1 DP610406 LAKE ILLAWARRA FORESHORE WINDANG ROAD WINDANG

Reference is made to our conversation 26 September 2011 requesting that Council submit Planning Proposal documentation for Lot 102 DP1005245 and Lot 1 DP610406, Lake Illawarra Foreshore, Windang Road, Windang, which was inadvertently omitted by the Department of Planning from the Wollongong LEP 2009 (Amendment 2).

By way of background, Council on 27 April 2010 resolved to reclassify and rezone various parcels of land with the Wollongong LGA. The draft LEP included Lot 102 DP1005245 and Lot 1 DP610406, Lake Illawarra Foreshore, Windang Road, Windang. These lots were proposed to be reclassified from community land to operational land to enable the lease of the land to the adjoining caravan park which contained dwellings that encroached onto the above mentioned lot. A lease was proposed to enable the dwellings to remain and be appropriately managed until such time as the dwellings and associated encroachments could be removed from Council land.

The draft plan was submitted to the Department, delegation was issued for Section 65 Certificate, the draft LEP was exhibited from 15 September 2009 to 27 November 2009 and subsequent public hearings held and report to Council was prepared.

Council on 27 April 2010 resolved to forward the draft LEP to the Department for processing and notification. A Section 68 report was furnished to the Department of Planning requesting that a Local Environmental Plan be prepared to reclassify the lands. The plan has since been notified as Wollongong LEP 2009 (Amendment 2) however the Windang site was unintentionally omitted from the notified version of the LEP.

As noted, you requested that planning proposal documentation be submitted to finalise the reclassification of the site given that the exhibition, public hearing and appropriate reports have all been prepared and submitted to the Department of Planning and Infrastructure.

Accordingly, please find attached the following documents:

1. Planning Proposal

2. Letter to Neil McGaffin dated 21 January 2009 – Furnishing a report for Department of Planning advising under Section 54(4) that Council resolved to prepare an LEP to reclassify land.
3. Department of Planning letter to General Manager Wollongong City Council date 14 April 2009 – Section 54(4) Notification.
4. Section 65 Certificated dated 24 August 2009.
5. Copy of the Advert place in the Mercury and Advertiser newspapers.
6. Report on Five Public Hearing for the Reclassification of various lots from Community to Operation Land – Draft Plan SU26464 and SU26465 – November 2009.
7. Letter to Graham Towers dated 6 May 2010 – Section 68(4) report.
8. Copy of the Council report and minutes from 27 April 2010 resolving to proceed with draft LEP (which includes the reclassification of Lot 102 DP1005245 and Lot 1 DP610406, Lake Illawarra Foreshore, Windang Road, Windang). Plus Attachments 1 & 2 Background Papers; Attachment 3 Public Hearing Report; Attachment 4 & 5 Draft LEPs.
9. Copy of original exhibition material.

Please contact me should you require further information.

This letter is authorised by

Edith Barnes
Strategic Project Officer
Wollongong City Council
Direct Line (02) 4227 7616

Planning Proposal

LOCAL GOVERNMENT AREA: WOLLONGONG

NAME OF DRAFT LEP: Reclassification of Council Land from Community to Operational Land - Windang

ADDRESS OF LAND (if applicable): Lot 102 DP1005245 and Lot 1 DP610406, Lake Illawarra Foreshore, Windang Road, Windang.

MAPS (if applicable):

- Location map showing the land affected by the proposed draft plan in the context of the LGA (tagged 'location map')

PHOTOS and other visual material (if applicable):

- Aerial photos of land affected
- Photos of site

Part 1: OBJECTIVES OR INTENDED OUTCOMES OF PROPOSED LEP:

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

To enable the appropriate management of the encroachment upon the land by dwellings on the adjacent caravan park. The land will be leased to the adjoining caravan park for rental income.

Part 2: EXPLANATION OF THE PROVISIONS OF PROPOSED LEP:

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

The identified property will be listed in Schedule 4 as operational land.

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?

IF YES:

- Briefly explain the nature of the study or report and its key findings in terms of explaining the rationale for the proposal.
- Submit a copy of the study or report with the planning proposal.

The proposal is as a result of a series of Council reports that sought to rationalise all Council land. The report considered 14 externally initiated requests for reclassification to enable land to be leased or sold.

On the 28 October 2008 Council resolved to publicly exhibit the LEP and hold a public hearing.

The plan was exhibited from 15 September 2009 to 27 November 2009, a public hearing was held on 5 November 2009. Council endorsed the LEP to be sent to the Department of Planning on 27 April 2010. A Section 68 Report was furnished to the Department of Planning requesting that they prepare a Local Environmental Plan reclassifying the sites including the Windang Lake Illawarra Foreshore land.

The Windang site was included in the request but was unintentionally omitted from the final LEP when notified.

	A copy of the original exhibition material and the public hearing report has been attached.
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The proposal is the only way to achieve a lease arrangement until the encroachments can be removed.
3. Is there a net community benefit?	The land may be managed until the encroachment is rectified allowing residents to continue residing in area until such as time as the dwellings are ready to be replaced.

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)?	Appropriate management of community land is an essential service of Council. It is not inconsistent with any sub-regional strategy draft or otherwise.
5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?	Council does not yet have a Community Strategic Plan.
6. Is the planning proposal consistent with applicable state environmental planning policies?	The planning proposal is consistent with applicable SEPPs.
7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	The planning proposal is consistent with the Section 117 directions and will enable the land to be managed until such a time as that the encroachments can be removed and the land restored to public space.

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?	No issues identified with critical or threatened habitat. Nor is the lease arrangement likely to create risk for any such habitats.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	Being a reclassification of community land to operational land it is unlikely that there will be any environmental effects. The reclassification is to facilitate a lease arrangement.
10. How has the planning proposal adequately addressed any social and economic effects?	Five public hearings were held outlining all public comments. A copy of the report is attached. The lease will generate some income for Council but otherwise there will be no major economic impacts.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	Not Applicable
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	No issues were raised as part of the most recent exhibition in relation to this site. As part of the original exhibition and an email from David Green on 5 March 2007, Lake Illawarra Authority provided support for the proposal including the rezoning from Private Recreation to Public Recreation which has since been notified.

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

Outline the community consultation that is to be undertaken in respect of the proposal, having regard to the requirements set out in the guide (refer to the document **"A guide to preparing local environmental plans"** which outlines the consultation required for different types of planning proposals).

The reclassification was supported by Council and the Department of Planning and the exhibition material was available from 15 September 2009 to 27 November 2009 for viewing at -

- Council's Administration building and Wollongong, Thirroul, Bulli, Dapto and Warrawong Libraries;
- Council's website - electronic copy;
- Five public hearings were held during the exhibition period.(27/10/09; 29/10/09; 3/11/09; 5/11/09; 10/11/09 at Council's Administration Building) – Facilitated by Stuart Waters of Twyford Consulting. – Report attached
- Notification letters to surrounding and nearby property owners; and
- 109 submissions were received - 2 objecting to the reclassification of the Windang Foreshore land and one supporting.

Schedule of Attachments

1. Letter to Neil McGaffin dated 21 January 2009 – Furnishing a report for Department of Planning advising under Section 54(4) that Council resolved to prepare an LEP to reclassify land.
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