

Consolidation of Wollongong (West Dapto) LEP 2010 with Wollongong LEP 2009

Proposal Title : Consolidation of Wollongong (West Dapto) LEP 2010 with Wollongong LEP 2009

Proposal Summary : It is proposed to transfer all land currently under the Wollongong (West Dapto) LEP 2010 to the Wollongong LEP 2009 so that there will be a single Principal LEP covering the Wollongong LGA. It is proposed that Wollongong (West Dapto) LEP 2010 will be repealed.

PP Number : PP_2012_WOLLG_005_00 Dop File No : 12/08853

Proposal Details

Date Planning Proposal Received : 23-May-2012 LGA covered : Wollongong City

Region : Southern RPA : Wollongong City Council

State Electorate : SHELLHARBOUR Section of the Act : 55 - Planning Proposal

LEP Type : Precinct

Location Details

Street : Bong Bong Road

Suburb : Dapto City : Wollongong Postcode : 2500

Land Parcel : Localities affected include Kembla Grange, Dapto, Horsley, Wongawilli and Dombarton. Refer to maps.

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : Martin Jameson

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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 :

Regional / Sub Regional Strategy : Illawarra Regional Strategy Consistent with Strategy : Yes

Consolidation of Wollongong (West Dapto) LEP 2010 with Wollongong LEP 2009

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

:

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

The West Dapto Release Area was deferred from the Wollongong Principal Plan (Wollongong LEP 2009) and was subject to the Wollongong LEP (West Dapto) 2010.

It was always the intention that the LGA would be covered by a single Principal LEP and for this reason the drafting of both instruments is very similar. A number of amendments have already transferred areas from the West Dapto LEP to the Wollongong LEP 2009.

It is proposed to translate the existing controls from the West Dapto LEP to the Wollongong LEP 2009. There are no significant changes proposed to land zonings, land use tables, local clauses or to development standards.

The proposal is worthy of support as it simplifies the planning regime for the Wollongong LGA.

External Supporting
Notes :

It is proposed to incorporate the West Dapto LEP 2010 into the Wollongong LEP 2009 and to repeal the West Dapto LEP so that a single Principal LEP applies to the Wollongong Local Government Area (LGA). This will reduce complexity in the planning instruments applying to the LGA.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

The statement clearly identifies the purpose of the proposal to transfer all lands under the West Dapto LEP to the Wollongong LEP 2009.

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

Is an explanation of provisions provided? Yes

Comment :

The explanation of provisions identifies in detail the changes required to the Wollongong LEP 2009.

Council has advised that there are a few minor differences between the zone objectives and the land use tables of the West Dapto LEP 2010 and the Wollongong LEP 2009. For example, the West Dapto LEP permits 'home business', 'home based child care' and

'educational establishments' in certain zones, while these are not included in the Wollongong LEP land use tables as they are permitted through the SEPP Infrastructure or SEPP Exempt & Complying Development Codes.

Another example is that 'car parks' are permitted in the Wollongong LEP within residential and recreational zones, but are not permitted in the West Dapto LEP (the view at the time of drafting was that car parks are ancillary to other permitted development in these zones and therefore did not need to be listed).

Council does not propose to amend the Wollongong LEP 2009 land use tables at this time, but will consider any necessary amendments to the Land Use Tables when preparing a housekeeping amendment later this year. As these land uses are permitted under the SEPPs or could be considered to be ancillary to a permitted use it is considered that it is not necessary to change the Wollongong LEP 2009 through this amendment.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified? **N/A**

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

The S.117 Directions and the SEPPs are of little relevance to the proposal which does not propose to change the planning controls applying to the land to any significant extent. It is proposed to transfer controls from one LEP to another.

The proposal is administrative in nature and seeks to symplify the planning regime applying to the LGA by removing one LEP.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping clearly identifies the affected land, the transfer of zones and other controls and the resulting Wollongong LEP 2009 Land Application Map.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to exhibit the proposal for 28 days which is considered to be reasonable with respect to the nature of the proposal.**

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 : **Both the Wollongong LEP 2009 and Wollongong (West Dapto) LEP 2010 are in place. This proposal will see one less LEP covering the LGA.**

Assessment Criteria

Need for planning proposal : **A planning proposal is the appropriate process to manage this change.**

Consistency with strategic planning framework : **The proposal transfers existing provisions with only minor adjustments and is therefore consistent with the strategic planning framework.**

The planning controls to facilitate the West Dapto Release Area consistent with the Illawarra Regional Strategy will be transferred to the Wollongong LEP 2009.

Environmental social economic impacts : **The proposal will have minimal impacts, transferring existing controls only. There will be a benefit in that the planning controls applying to the Wollongong LGA will be less complex.**

Assessment Process

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

Timeframe to make LEP : **9 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Southern Rivers Catchment Management Authority
Office of Environment and Heritage
NSW Rural Fire Service
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 : **The proposal is worthy of support as it will simplify the planning controls for the LGA.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No studies are required as the proposal is to transfer the planning controls from the West Dapto LEP 2010 to the Wollongong LEP 2009.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **The existing provisions for the funding of State infrastructure under the West Dapto LEP will be carried over to the Wollongong LEP.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal.pdf	Proposal	Yes
Council letter.pdf	Proposal Covering Letter	Yes
Proposed Wollongong LEP land application map.pdf	Map	Yes
Maps.pdf	Map	Yes
Report to Council and Council Minutes.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions:

Additional Information : **That the 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 include those areas currently under the Wollongong LEP (West Dapto) 2010, which will be repealed, should proceed 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 a minimum of 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:

**Southern Rivers Catchment Management Authority
Office of Environment and Heritage
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Sydney Water
NSW Office of Water
Lake Illawarra Authority**

Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the Planning Proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination.

S117 DIRECTIONS

It is recommended that the Director General can be satisfied that:

5. The Planning Proposal is consistent with the s.117 Directions or any inconsistencies are only of minor significance. No further consultation is required in relation to s117 Directions while the Planning Proposal remains in its current form.

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Supporting Reasons : **The proposal will simplify the planning regime for the Wollongong LGA through the removal of the West Dapto LEP.**

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

13th June 2012