

COUNCIL RESOLUTION EXTRACT FROM MINUTES 12 MARCH 2012

CALL OF THE AGENDA

62

RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Takacs that the staff recommendations for Items 7, 9 and 10 be adopted as a block.

ITEM 7 - CONSOLIDATION OF THE WOLLONGONG LOCAL ENVIRONMENTAL PLAN (WEST DAPTO) 2010 AND WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 62).

COUNCIL'S RESOLUTION

- 1 A draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure to repeal the Wollongong Local Environmental Plan (West Dapto) 2010 and merge its provisions and maps into the Wollongong Local Environmental Plan 2009.
- 2 If the draft Planning Proposal is approved by the NSW Department of Planning and Infrastructure, the draft Planning Proposal be exhibited for a minimum period of two (2) months, in accordance with the Department's Guidelines "LEPs and Council Land".
- 3 The Mullet Creek Flood Extension report be exhibited concurrently.

ITEM 7

CONSOLIDATION OF THE WOLLONGONG LOCAL ENVIRONMENTAL PLAN (WEST DAPTO) 2010 AND WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

The Wollongong Local Environmental Plan 2009 and Wollongong Local Environmental Plan (West Dapto) 2010 have been in force for almost two (2) years. It was intended that the two (2) instruments be merged to form a single Local Environmental Plan for the City following a review of their operation. A review of the Local Environmental Plans has now been undertaken and the necessary amendments required to integrate the two (2) documents have been identified.

It is recommended that Council support the preparation of a draft Planning Proposal to repeal the Wollongong Local Environmental Plan (West Dapto) 2010 and incorporate its provisions and maps into the Wollongong Local Environmental Plan 2009 and that the draft Planning Proposal be forwarded to the NSW Department of Planning and Infrastructure for review prior to exhibition.

Recommendation

- 1 A draft Planning Proposal be submitted to the NSW Department of Planning and Infrastructure to repeal the Wollongong Local Environmental Plan (West Dapto) 2010 and merge its provisions and maps into the Wollongong Local Environmental Plan 2009.
- 2 If the draft Planning Proposal is approved by the NSW Department of Planning and Infrastructure, the draft Planning Proposal be exhibited for a minimum period of two (2) months, in accordance with the Department's Guidelines "LEPs and Council Land".
- 3 The Mullet Creek Flood Extension report be exhibited concurrently.

Attachments

Draft Planning Proposal Maps

Report Authorisations

Report of: Renee Campbell, Manager Environmental Strategy and Planning
Authorised by: Andrew Carfield, Director Planning and Environment

Background

The NSW Department of Planning and Infrastructure's guidelines promote one (1) Local Environmental Plan (LEP) for each Local Government Area. Currently, the following four Local Environmental Plans apply to parts of the Wollongong LGA (Attachment 1):

- Wollongong Local Environmental Plan 2009 – was approved by the Minister for Planning on 26 February 2010 and applies to 93% of the City and replaced the Wollongong Local Environmental Plan 1990 and Wollongong City Centre Local Environmental Plan 2007. The Local Environmental Plan has been amended ten (10) times and a number of other Planning Proposals are in various stages of preparation.
- Wollongong Local Environmental Plan (West Dapto) 2010 – was approved by the Minister for Planning on 5 May 2010 and applies to stages 1 and 2 of the West Dapto Release Area and the Dapto Town Centre. The Local Environmental Plan has not yet been amended, although two (2) amendments are with the Department for finalisation and a further draft Planning Proposal has been endorsed for exhibition.
- Wollongong Local Environmental Plan 1990 – applies to stage 5 (Yallah-Marshall Mount) of the West Dapto Release Area and part of the Huntley mine site, which were deferred from the West Dapto Local Environmental Plan. Council has resolved to prepare a draft Planning Proposal to incorporate Stage 5 (Yallah-Marshall Mount) into the Wollongong Local Environmental Plan 2009 and has adopted a Planning Proposal for the Huntley site for incorporation into the Wollongong Local Environmental Plan 2009.
- Wollongong Local Environmental Plan No.38 (1984) – applies to a small area at Yallah (part of stage 5 of the West Dapto Release Area), which was deferred from the Wollongong Local Environmental Plan 1990 and the West Dapto Local Environmental Plan. As noted above, Council has resolved to prepare a draft Planning Proposal to incorporate this area into the Wollongong Local Environmental Plan 2009.

In addition, State Environmental Planning Policy (Major Developments) 2005 applies to three (3) State Significant Sites at Sandon Point, Port of Port Kembla and Calderwood. The planning controls for these sites are regulated under the State Environmental Planning Policy and are not subject to Council's Local Environmental Plans.

The Wollongong Local Environmental Plan 2009 has been in force for two (2) years and the Wollongong Local Environmental Plan (West Dapto) 2010 has been in force for twenty two (22) months. Both Local Environmental Plans are in the NSW Standard Instrument format.

After almost two (2) years of operation, it is now opportune to review and merge the two (2) Local Environmental Plans into a single instrument to remove inconsistencies and reduce the complexity of the local planning system.

Proposal

It is proposed that the Wollongong Local Environmental Plan (West Dapto) 2010 be repealed and its provisions incorporated into the Wollongong Local Environmental Plan 2009. This will reduce the complexity of the local planning system by reducing the number of Local Environmental Plans and minor inconsistencies. The two (2) Local Environmental Plans are Standard Instruments and are similar in nature however there are some minor inconsistencies between the land use tables and some provisions, as they were prepared separately and the West Dapto Local Environmental Plan was prepared to focus on a new release area. As such they require review to remove these inconsistencies and simplify the controls for Wollongong.

To incorporate the Wollongong Local Environmental Plan (West Dapto) 2010 into the Wollongong Local Environmental Plan 2009, the following amendments are required to the Wollongong Local Environmental Plan 2009:

1 Mapping amendments:

- a Land Application Map – extend the application of the Wollongong Local Environmental Plan 2009 to apply to stages 1 and 2 of West Dapto and the Dapto Town Centre;
- b Land Zoning Map – incorporate the zoning information from the West Dapto Local Environmental Plan;
- c Floor Space Ratio – incorporate the floor space information from the West Dapto Local Environmental Plan;
- d Minimum Lot Size Map – incorporate the minimum lot size information from the West Dapto Local Environmental Plan;
- e Maximum Building Height Map – incorporate the building information from the West Dapto Local Environmental Plan;
- f Heritage Map - incorporate the heritage information from the West Dapto Local Environmental Plan;
- g Land Acquisition Reservation Map – incorporate the land acquisition reservation information from the West Dapto Local Environmental Plan;
- h Urban Release Area Map – incorporate the urban release area information from the West Dapto Local Environmental Plan;
- i Riparian Lands and Acid Sulfate Soils – incorporate the riparian and acid sulphate soil information from the West Dapto Local Environmental Plan. In addition, stages 3 and 4 of the West Dapto Release Area are now part of the Wollongong Local Environmental Plan 2009, but do not contain these layers. The mapping data has been extended to include these additional stages;
- j Flood Planning Map – the Wollongong Local Environmental Plan 2009 does not contain a Flood Planning Map, so this will be a new map. Flood mapping is shown in the Wollongong Development Control Plan 2009, which provides more flexibility in developed areas. However, in the West Dapto Release

Area, it is important that the flood planning map is included in the Local Environmental Plan as flood planning levels limits the extent of development. Further to this, Council recently engaged Bewsher Consulting to extend the previous Flood Model for Mullet Creek, located within West Dapto, as the previous model and mapping did not extend fully to the release area boundary in some precincts. The additional mapped areas subject to flood affectation in a 100 year ARI flood event have been incorporated into the proposed flood mapping. At this stage no amendment has been made to the zoning, floor space ratio and minimum lot size map as a consequence of the revised flood planning area. It is proposed to exhibit the Mullet Creek Flood Extension report and then consider any possible amendment as part of a separate draft Planning Proposal;

- k Natural Resource Sensitivity – Biodiversity Map – the current West Dapto Local Environmental Plan does not contain this map. The layer in the Wollongong Local Environmental Plan 2009 has been extended to apply to the West Dapto area;
- i Illawarra Escarpment Map – the current West Dapto Local Environmental Plan does not contain this map. It is proposed to extend the mapping of the Illawarra Escarpment into the West Dapto Release Area, consistent with the Illawarra Escarpment Strategic Management Plan, bordering but excluding land zoned Residential, Business or Industrial, which is consistent with the rest of the City.

2 Clause amendments;

- a Clause 5.1 Relevant acquisition authority – transfer the following listing into the table:

Zone E3 Environmental Management “Drainage Management”	Council
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- b Clause 5.1A Development on land intended to be acquired for a public purpose – transfer the following listings into the table:

Zone E3 Environmental Management and marked “Drainage Management”	Earthworks; Public utility undertaking; Roads
Zone RE1 Public Recreation and marked “Regional Open Space”	Earthworks; Public utility undertaking; Roads

- c Schedule 5 – Heritage – transfer the 36 listed items into the Wollongong Local Environmental Plan 2009 Heritage Schedule.
- d Dictionary: transfer the following definitions:
 - Flood planning area means the land shown as “flood planning area” on the Flood Planning Map.
 - Flood Planning Map means the Wollongong Local Environmental Plan 2009 Flood Planning Map.
 - Public utility infrastructure includes infrastructure for any of the following:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.

Land Use Table – the zone objectives and Land Use Tables do contain some minor differences that reflect the West Dapto Local Environmental Plan being prepared for a new release area and changing views in the Department of Planning and Infrastructure during the preparation of the two (2) Local Environmental Plans. The West Dapto Local Environmental Plan contains a number of land uses (e.g. home business, home-based child care and education establishment) which were not allowed to be included in the Wollongong Local Environmental Plan 2009 as they were permissible through State Environmental Planning Policies.

The Department also did not allow other uses, such as “car parks”, to be included in the residential and recreation zones in the Wollongong Local Environmental Plan 2009, but did allow the use to be listed in the West Dapto Local Environmental Plan. The Department believed that car parks were ancillary to other uses, rather than being able to be provided as stand alone uses, whereas, there are many examples of car parks being provided in public reserves or in town centres not associated with other development. Rather than amending the land use table for the whole City as part of this Planning Proposal, it is proposed to include this and other minor changes in the 2012 Housekeeping Planning Proposal, which will apply city-wide.

Schedule 4 Classification and Reclassification of Council land, of the West Dapto Local Environmental Plan lists three (3) sites which were reclassified to Operational Land with the introduction of the Local Environmental Plan. The listing of these sites are not required to be transferred to the Wollongong Local Environmental Plan 2009 as the reclassification has occurred.

Consultation and Communication

If the draft Planning Proposal is approved by the NSW Department of Planning and Infrastructure, it is proposed to exhibit the draft Planning Proposal for a minimum period of two (2) months. The Mullet Creek Flood Extension report will also be exhibited.

As Council owns land within the release area, it is necessary to exhibit the draft Planning Proposal in accordance with the Department's Guidelines "LEPs and Council Lands". There are no specific changes proposed for Council's land holdings. Following the exhibition, a report on submissions will be prepared and submitted to Council for consideration.

Planning and Policy Impact

The NSW Department of Planning and Infrastructure's guidelines promote one (1) Local Environmental Plan for each Local Government Area. The consolidation of the Wollongong Local Environmental Plan (West Dapto) 2010 and Wollongong Local Environmental Plan 2009 is consistent with this objective. Both instruments are in the standard format and are similar in content. Consolidation will remove minor inconsistencies between the two and simplify the local planning system.

Conclusion

It is recommended that Council support the preparation of a draft Planning Proposal for the repeal of the Wollongong Local Environmental Plan (West Dapto) 2010 and the transfer of relevant provisions into the Wollongong Local Environmental Plan 2009 and that it be forwarded to the NSW Department of Planning and Infrastructure for review prior to exhibition.



WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal Land Zoning Map

Zones

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B6 Enterprise Corridor
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN2 Light Industrial
- IN3 Heavy Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- SP2 Infrastructure
- Deferred Matter

Cadastre

Cadastre 01.02.12 © Wollongong City Council

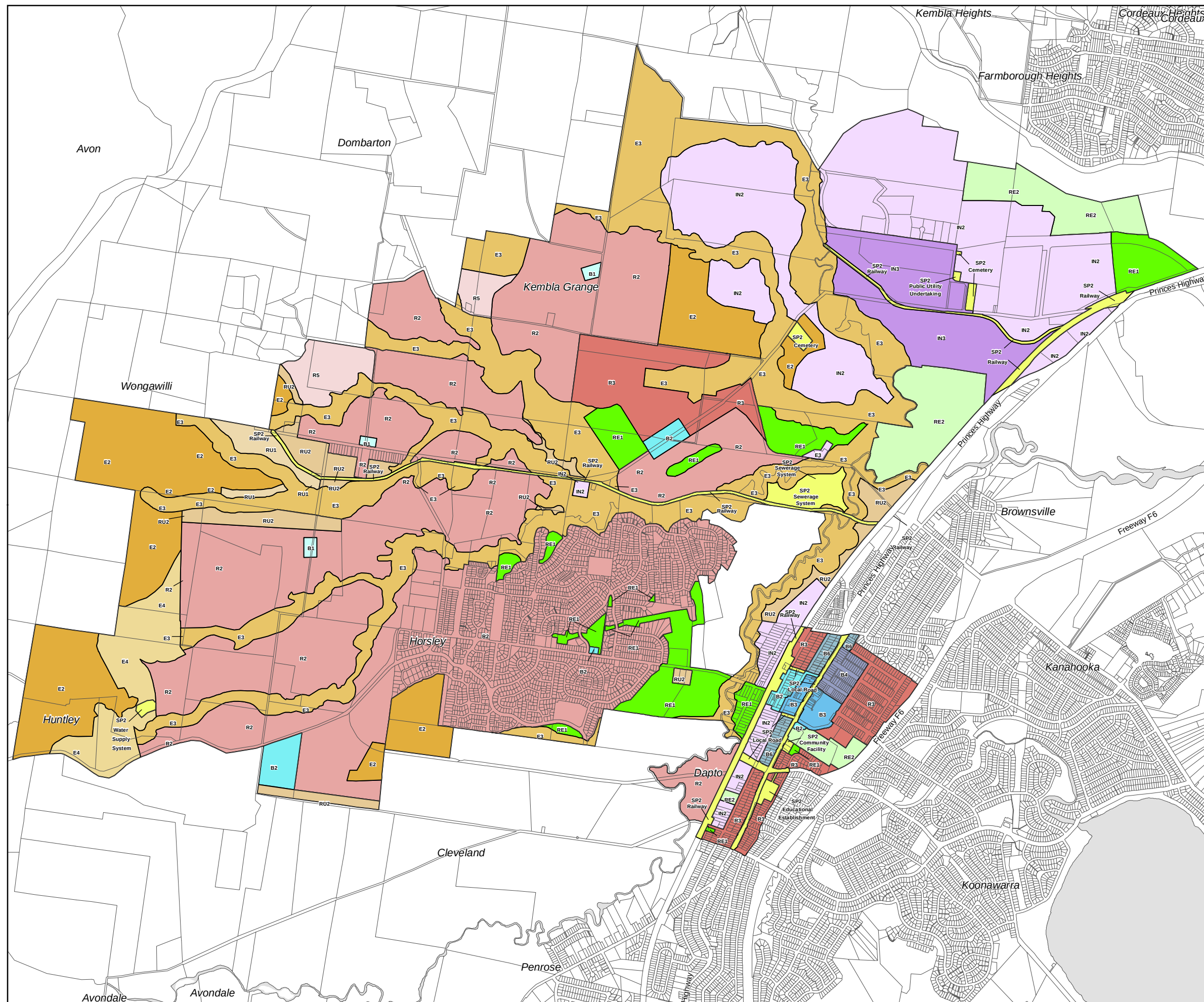


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Projection: GDA 1994
MGA Zone 56

Scale 1:26,000 @ A3

Map Identification number:
West Dapto_Merge_Zoning.mxd





WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal Floor Space Ratio Map

Maximum Floor Space Ratio (n:1)

A	0.3
D	0.5
I	0.75
P	1.2
S	1.5
T	2.0
U	2.5

Cadastral

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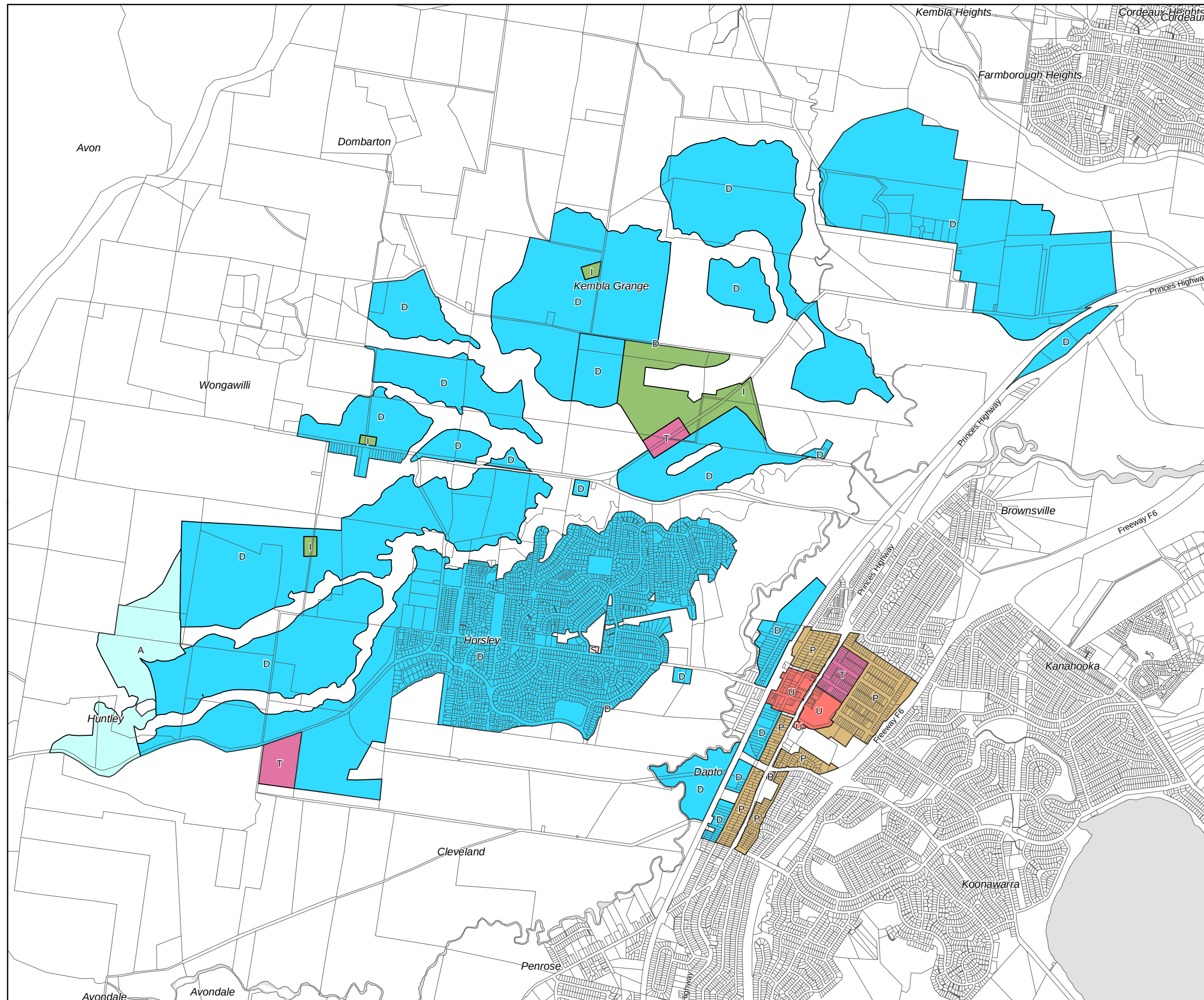


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WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal Lot Size Map

Maximum Lot Size (sq m)

C	300sqm
F	449
T	999
U	1999
V	2999
X	3.99Ha
AA	9.99 Ha
AB	39.99 Ha

Cadastral

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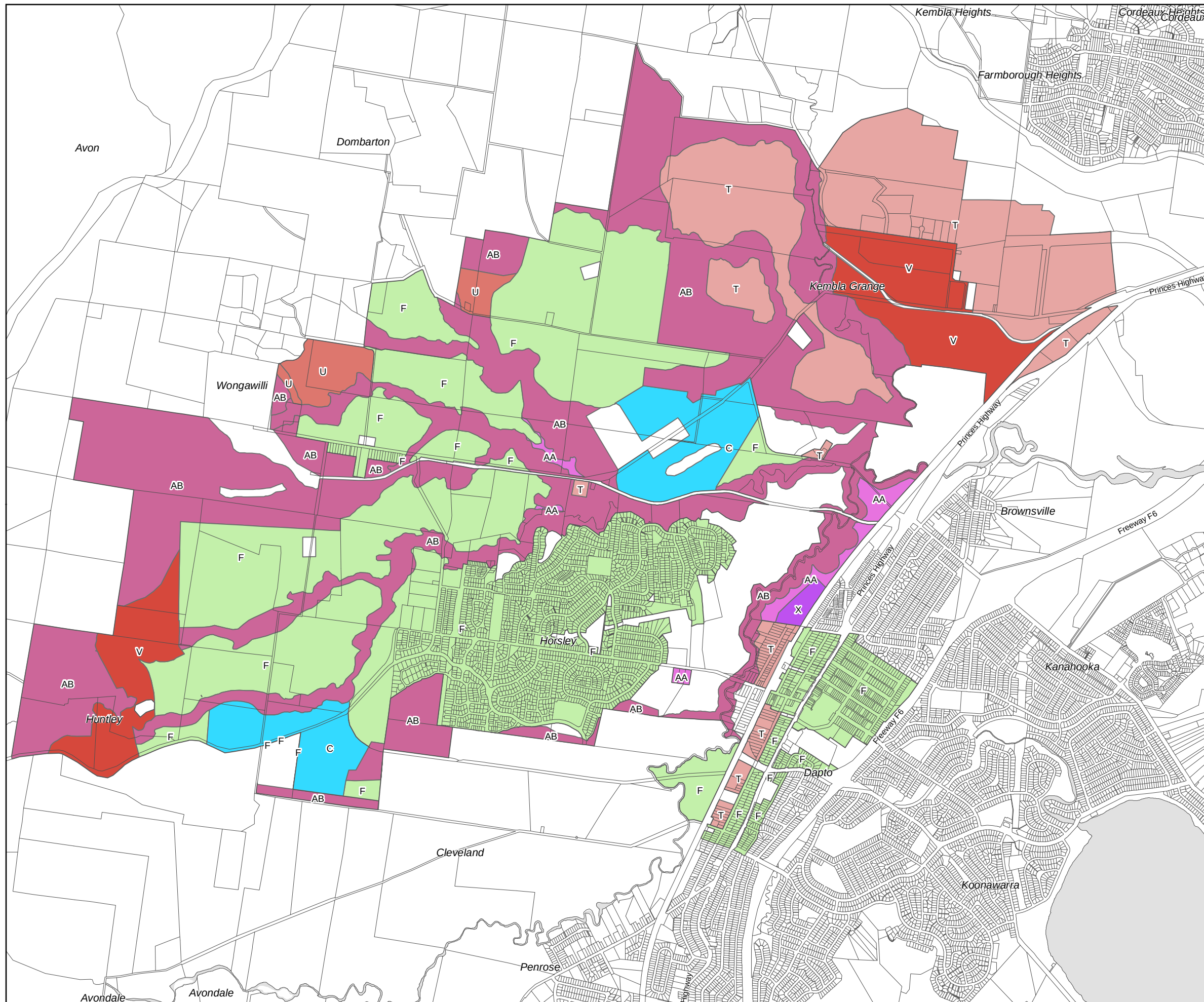


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MGA Zone 56

Scale 1:26,000 @ A3

Map Identification number:
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WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal Height of Buildings Map

Maximum Building Height (m)

J	9
L	11
N	13
Q	20
U	30

Cadastral

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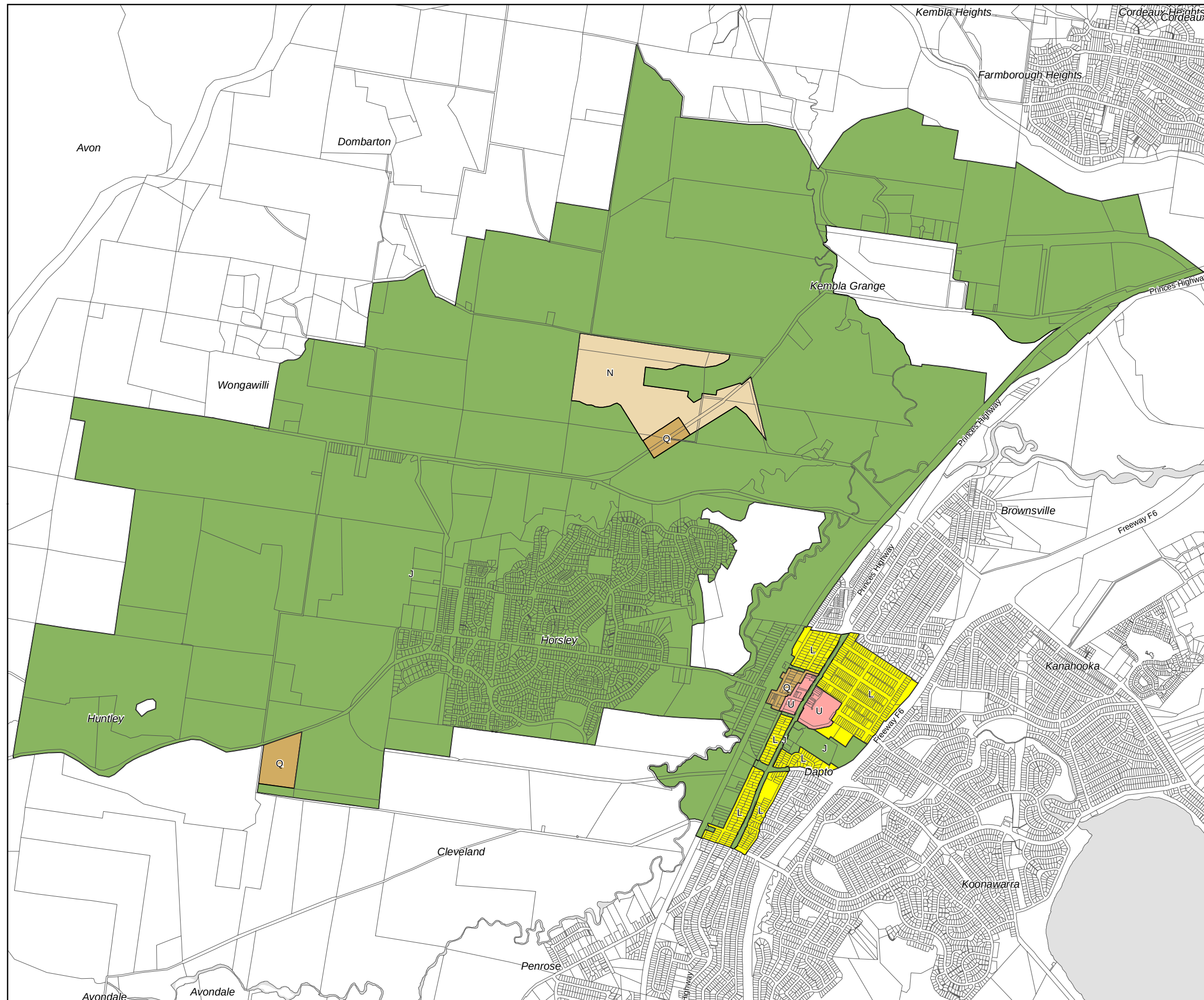


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WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal
Acid Sulfate Soils Map
Riparian Land Map
Flood Planning Map

Acid Sulfate Soils

- Class 1
- Class 3
- Class 4
- Class 5

Riparian Land

- Riparian Land

Flood Planning Area

- Flood Planning Area

Cadastral

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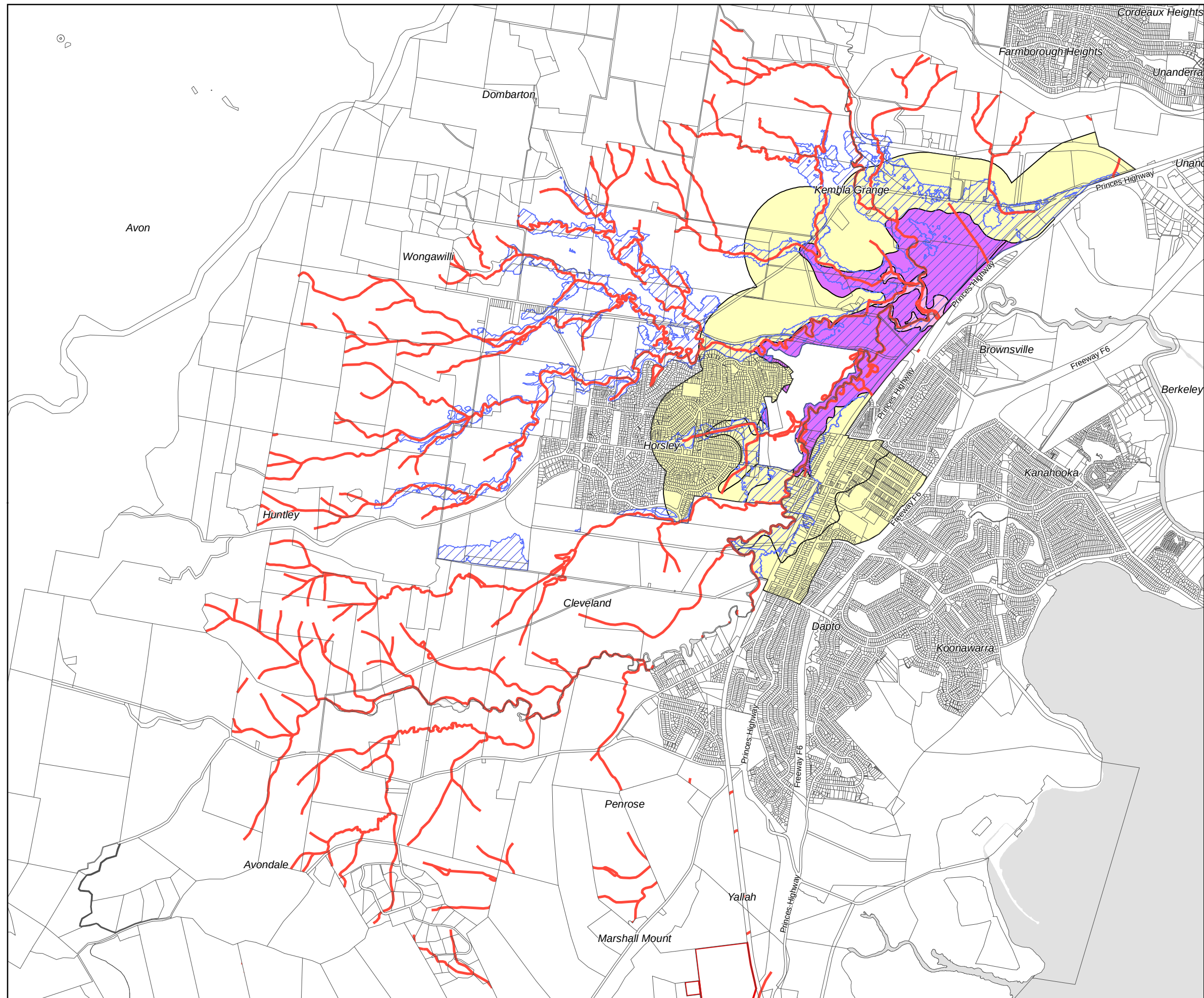


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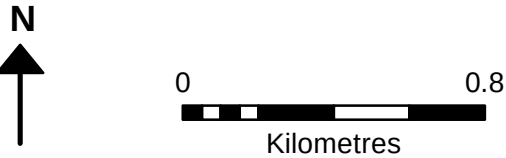


WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

**Planning Proposal
Heritage Map**

- Heritage**
- Heritage Item - General
 - Archaeological Site
 - Heritage Item - Landscape

Cadastral
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Projection: GDA 1994
MGA Zone 56
Scale 1:26,000 @ A3

Map Identification number:
West Dapto_Merge_Heritage.mxd





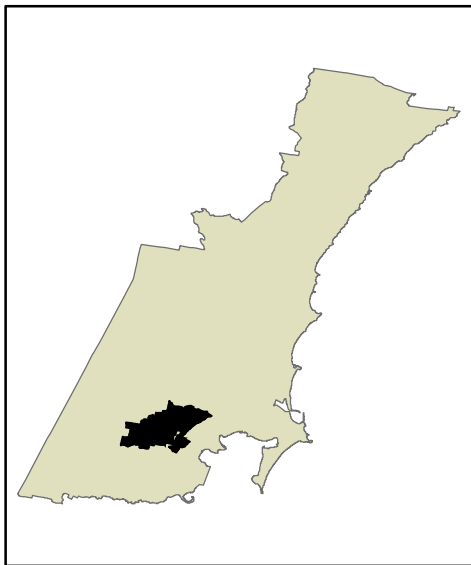
WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal Land Reservation Acquisition Map

- Local Road (IN2)
- Local Road (R2)
- Local Road (R3)
- Local Road (RE1)
- Local Road (E3)
- Local Road (SP2)
- Local Road (B2)

Cadastral

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Kilometres

Projection: GDA 1994
MGA Zone 56

Scale 1:26,000 @ A3

Map Identification number:
West Dapto_Merge_LandRes.mxd





WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal Illawarra Escarpment

Legend

-  planningdata.PLANNING.WD_ReleaseArea
-  Illawarra Escarpment

Cadastral

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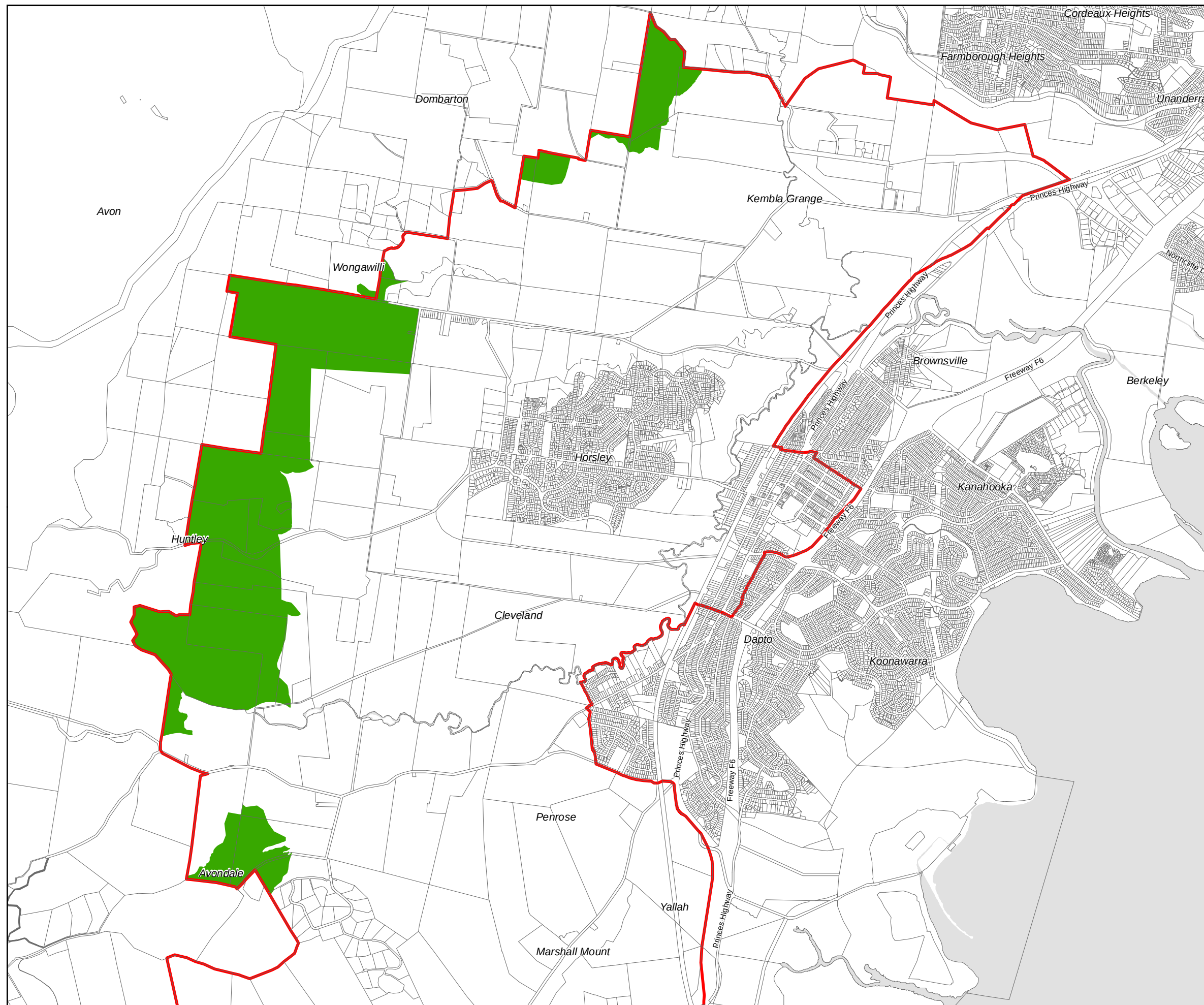


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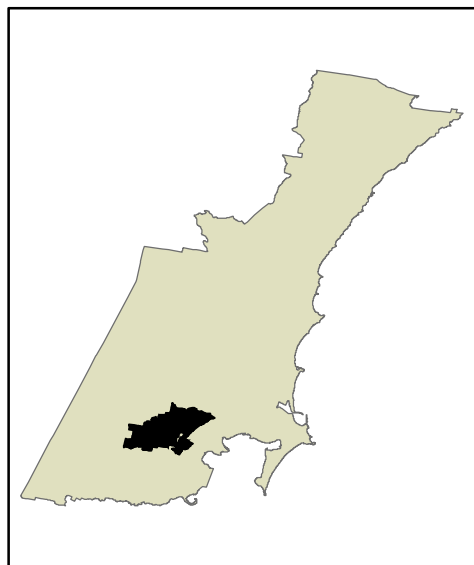
WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Planning Proposal Natural Resource Sensitivity - Biodiversity Map -

 Natural resource sensitivity - biodiversity

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Kilometres

Projection: GDA 1994
MGA Zone 56

Scale 1:35,000 @ A3

Map Identification number:
West Dapto_Merge_Biodiversity.mxd

