

Planning Proposal

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: "Merger LEP" – merging the Wollongong LEP (West Dapto) 2010 into the Wollongong LEP 2009

ADDRESS OF LAND: All lands currently subject to Wollongong LEP (West Dapto) 2010 including land within the suburbs of Kembla Grange, Dapto, Horsley, Wongawilli and Dombarton.

MAPS (if applicable): *See attached – Relevant LEP Maps*

Location Map *See attached*

Current Planning Controls *Various zones under Wollongong LEP (West Dapto) 2010*

Proposed Planning Controls *No change/ minor adjustments – as current zoning and controls are proposed to be translated into Wollongong LEP 2009*

BACKGROUND:

Currently, the following four Local Environmental Plans apply to parts of the Wollongong LGA:

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.
2. 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.
3. 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.
4. 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.

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

After 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.

Council at its meeting on 12 March 2012 resolved to prepare a draft Planning Proposal to merge the West Dapto LEP into the Wollongong LEP 2009 (copy of report attached)

Part 1: OBJECTIVES OR INTENDED OUTCOMES OF THE PLANNING PROPOSAL:

To repeal the Wollongong Local Environmental Plan (West Dapto) 2010 and incorporate its provisions 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 between these plans.

Part 2: EXPLANATION OF THE PROVISIONS OF THE PLANNING PROPOSAL:

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 LEP;
- c) Floor Space Ratio – incorporate the floor space information from the West Dapto LEP;
- d) Minimum Lot Size Map – incorporate the minimum lot size information from the West Dapto LEP;
- e) Maximum Building Height Map – incorporate the building information from the West Dapto LEP;
- f) Heritage Map - incorporate the heritage information from the West Dapto LEP;
- g) Land Acquisition Reservation Map – incorporate the land acquisition reservation information from the West Dapto LEP;
- h) Urban Release Area Map – incorporate the urban release area information from the West Dapto LEP;
- i) Riparian Lands and Acid Sulfate Soils – incorporate the riparian and acid sulphate soil information from the West Dapto LEP. 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. ;
- k) Natural Resource Sensitivity – Biodiversity Map – the current West Dapto LEP 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 LEP 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 and marked "Drainage Management"	Earthworks; Public utility undertaking; Roads
Zone RE1 Public Recreation and marked "Regional Open Space"	Earthworks; Public utility undertaking; Roads

- 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.

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?	The planning proposal is not the result of a strategic study or report. The West Dapto Urban Release Area is of regional significance, as identified in the Illawarra Regional Strategy. The rezoning of the release area was a result of a Local Environmental Study, and review by the NSW Growth Centres Commission. The current Planning Proposal seeks to simplify the local planning system by reducing the number of LEPs and therefore removing duplication and the opportunity for inconsistency.
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better	The intended outcome of the proposal is to reduce the number and complexity of local environment plans applicable to the Wollongong LGA. The consolidation of

way?	the two (2) primary local environmental plans is considered to be the best means of achieving this outcome.
3. Is there a net community benefit?	o <i>Compatibility State and Regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?</i> The proposal will reduce the complexity of the local planning system and provide greater certainty of the application of planning controls. The West Dapto Urban Release Area is of regional significance, as identified in the Illawarra Regional Strategy. o <i>Is it located in a global/regional city, strategic centre or corridor nominated within regional/subregional strategy?</i> The West Dapto Urban Release Area is of regional significance, as identified in the Illawarra Regional Strategy. o <i>Will it set a precedent or change expectations of landowner.</i> No legal or planning precedent will be set by the proposal. No significant change to the expectations of landowners in Wollongong is anticipated. o <i>Cumulative effects of other spot rezoning proposals in the locality?</i> No the proposal involves translating the controls from one LEP to another. o <i>Will it facilitate permanent employment generating activity or result in loss of employment land</i> No impact on the supply of employment land will result due to the proposal. o <i>Will it impact on the supply of residential land, supply and affordability</i> No impact on the supply of residential land will result due to the proposal. o <i>Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site?</i> The proposal does not apply specifically to the development of a site and the supply of public infrastructure is therefore not applicable. o <i>Is there good pedestrian and cycling access?</i> N/A

	o <i>Is public transport currently available or is there infrastructure capacity to support future public transport?</i> N/A o <i>Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</i> N/A o <i>Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact</i> No impact on government investment will result due to the proposal. o <i>Will the proposal impact on land that needs to be protect?</i> The existing provisions regarding environmental protection will be retained in the consolidated local environmental plan. o <i>Is the land constrained by environmental factors such as flooding?</i> West Dapto is subject to flooding. The existing provisions regarding environmental constrains will be retained in the consolidated local environmental plan. o <i>Will it be compatible or complementary with surrounding land uses?</i> N/A – The proposal does not apply to a particular site or land use o <i>What is the impact on amenity in the location and wider community?</i> N/A o <i>Will the public domain improve?</i> N/A o <i>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</i> N/A
--	--

	o <i>If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?</i> N/A o <i>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</i> The intended outcome of the plan is to reduce the complexity of the local planning system. The planning proposal is in the public interest as the land in the Wollongong Local Government area will be subject to a reduced number of inconsistent local environmental plans. This will provide greater certainty to those undertaking development in the area.
--	--

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)?	The Illawarra Regional Strategy which is the applicable regional strategy for Wollongong identified the West Dapto Release Area as being of regional significance. The Planning Proposal will not change that significance.
5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?	- Strategic Directions and Management Plan 2011-14 The strategic directions and management plan make broad references to "simplifying policies and procedures" and "reviewing processes relating to development applications" The proposed consolidation of the local environment plans will simplify the local planning system and aid in the assessment of development applications. The proposal is therefore consistent with the strategic directions and management plan. - WOLLONGONG 2022 - DRAFT COMMUNITY STRATEGIC PLAN This plan makes brief mention of balancing development, social, and environmental factors but otherwise does not contain any references to planning instruments or development assessment. West Dapto is a Council priority.
6. Is the planning proposal consistent with applicable state environmental planning policies?	<i>A statement as to consistency, identify and justify any inconsistency.</i> A number of State Environmental Planning Policies apply to the area, however none are directly applicable to the proposal. Refer to Table A – Checklist of State Environmental

	Planning Policies.
7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	No Ministerial Directions are applicable to the proposal.. The planning controls are being translated from one LEP to another. Refer to Table B – Checklist of Ministerial Directions.

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?	West Dapto does contain EECs. The existing provisions regarding threatened species and endangered ecological communities will be retained in the consolidated local environmental plan.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	The existing provisions regarding environmental constraints and impacts will be retained in the consolidated local environmental plan.
10. How has the planning proposal adequately addressed any social and economic effects?	The planning proposal is not anticipated to result in any adverse social or economic effects. A less complex planning system may generate some positive social and economic flow on effects through a more efficient hierarchy of local planning instruments, resulting in a further streamlined development assessment process. The existing heritage provisions heritage conservation will be retained in the consolidated local environmental plan.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	As the proposal does not pertain to a particular site or development, the adequacy of public infrastructure is not applicable. The existing provisions regarding public infrastructure will be retained in the consolidated local environment plan.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	No consultation has been undertaken at this stage Relevant state agencies would be consulted following a positive gateway determination

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

Any Gateway Determination will confirm community consultation requirements. If the Planning Proposal is supported, the Proposal will be exhibited for a minimum period of twenty-eight (28) days, and include:

- Hard copies at Council's Administration building and relevant Libraries;
- Electronic copy on Council's website;
- Notification letters to affected and nearby property owners; and
- Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning and Infrastructure including:
 - o Sydney Water
 - o Office of Environment and Heritage
 - o NSW Office of Water
 - o Roads and Maritime Service
 - o Rural Fire Service
 - o Lake Illawarra Authority
 - o Southern Rivers Catchment Management Authority

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
State policies			
SEPP No. 1	Development Standard	N/A	
SEPP No. 4	Development Without Consent and miscellaneous Exempt and Complying Development	N/A	Clause 6 and parts 3 and 4 of SEPP were repealed by Wollongong LEP 2009
SEPP No. 6	Number of Storeys in a Building	N/A	
SEPP No. 14	Coastal Wetlands	N/A	
SEPP No. 15	Rural Land Sharing Communities	Does not apply to Wollongong	
SEPP No. 19	Bushland in Urban Areas	Does not apply to Wollongong	
SEPP No. 21	Caravan Parks	N/A	
SEPP No. 22	Shops and Commercial Premises	N/A	
SEPP No. 26	Littoral Rainforests	N/A	No littoral rainforests identified by the policy in the Wollongong LGA
SEPP No. 29	Western Sydney Recreational Area	Does not apply to Wollongong	
SEPP No. 30	Intensive Agriculture	N/A	
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)	N/A	
SEPP No. 33	Hazardous and Offensive Development	N/A	
SEPP No. 36	Manufactured Home Estates	N/A	
SEPP No. 39	Spit Island Bird Habitat	Does not apply to Wollongong	
SEPP No. 41	Casino/Entertainment Complex	Does not apply to Wollongong	
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. 52	Farm Dams, Drought Relief and Other Works	Does not apply to Wollongong	
SEPP No. 55	Remediation of Land	N/A	
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	Does not apply to Wollongong	
SEPP No. 59	Central Western Sydney Economic and Employment Area	Does not apply to Wollongong	
SEPP No. 60	Exempt and Complying Development	N/A	
SEPP No. 62	Sustainable Aquaculture	N/A	
SEPP No. 64	Advertising and Signage	Applicable	No change
SEPP No. 65	Design quality of residential flat development	Applicable	No change
SEPP No. 70	Affordable Housing (revised schemes)	Does not apply to Wollongong	
SEPP No. 71	Coastal Protection	N/A	
SEPP	Housing for Seniors or People with a Disability 2004	Applicable	No change
SEPP	Building Sustainability Index: BASIX 2004	Applicable	No change
SEPP	Major Projects 2005	N/A	
SEPP	Development on Kurnell Peninsular 2005	Does not apply to Wollongong	
SEPP	Sydney Region Growth Centres 2006	Does not apply	

State Environmental Planning Policy		Compliance	Comment
SEPP	Mining, Petroleum Production and Extractive Industries 2007	to Wollongong Applicable	No change
SEPP	Infrastructure 2007	Applicable	No change
SEPP	Temporary Structures 2007	N/A	
SEPP	Kosciuszko National Park – Alpine Resorts 2007	Does not apply to Wollongong	
SEPP	Rural Lands 2008	Does not apply to Wollongong	
SEPP	Affordable Rental Housing 2009	Applicable	No change
SEPP	Western Sydney Employment Lands 2009	Does not apply to Wollongong	
SEPP	Exempt and Complying Development Codes 2008	Applicable	No change
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	
Deemed SEPPS(former Regional Plans)			
Illawarra REP 1	Illawarra	Repealed within Wollongong	
Illawarra REP 2	Jamberoo	Does not apply to Wollongong	
Greater Metropolitan REP No.2	Georges River catchment	N/A	

Table B - Checklist of Section 117 Ministerial Directions

Ministerial Direction		Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	Translation of current controls into another LEP
1.2	Rural Zones	Translation of current controls into another LEP
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	Translation of current controls into another LEP
2.2	Coastal Protection	N/A
2.3	Heritage Conservation	Translation of current controls into another LEP
2.4	Recreation Vehicle Areas	N/A
3. Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Translation of current controls into another LEP
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
4. Hazard and Risk		
4.1	Acid Sulfate Soils	Translation of current controls into another LEP
4.2	Mine Subsidence and Unstable Land	N/A
4.3	Flood Prone Land	Translation of current controls into another LEP
4.4	Planning for Bushfire Protection	Bush fire risk considered as part of the rezoning of West Dapto and is managed through the Wollongong DCP 2009.
5. Regional Planning		
5.1	Implementation of Regional Strategies	West Dapto is identified in the Illawarra Regional Strategy as being of regional significance
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, North Coast	Not applicable to Wollongong
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable to Wollongong
5.8	Second Sydney Airport: Badgerys Creek	Not applicable to Wollongong
6. Local Plan Making		
6.1	Approval and Referral Requirements	Not applicable
6.2	Reserving Land for Public Purposes	Translation of current controls into another LEP. No additional acquisition responsibilities.
6.3	Site Specific Provisions	Not applicable
7. Metropolitan Planning		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Not applicable