

Storage Premises in IN3 Zone

Proposal Title : **Storage Premises in IN3 Zone**

Proposal Summary : **It is proposed to permit 'Storage premises' with consent in IN3 Heavy Industrial Zones under Wollongong Local Environmental Plan 2009 and Wollongong Local Environmental Plan (West Dapto) 2010.**

PP Number : **PP_2012_WOLLG_010_00**

Dop File No : **12/16183**

Proposal Details

Date Planning : **10-Oct-2012**

Proposal Received :

LGA covered :

Wollongong City

Region : **Southern**

RPA :

Wollongong City Council

State Electorate : **WOLLONGONG**

Section of the Act :

55 - Planning Proposal

LEP Type : **Policy**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **The Planning Proposal will apply to all IN3 Heavy Industrial Zones under Wollongong LEP 2009 and Wollongong LEP (West Dapto) 2010.**

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Rebecca Jardim**

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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 : **Illawarra Regional Strategy**

Consistent with Strategy : **Yes**

Regional Strategy :

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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 meetings or
communications with
registered lobbyists? : No

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

Council received a request to allow 'Storage premises' as a permitted use on a single parcel of IN3 zoned land at Port Kembla. The proponent is intending to operate 'Self storage units' on the site.

Council considers that 'Storage premises', which includes 'Self storage units', is an appropriate land use for heavy industrial areas and compatible with the other uses permitted in the IN3 Zone.

External Supporting
Notes :

Wollongong City Council proposes to permit 'Storage premises' with consent in the IN3 Heavy Industrial Zone under Wollongong Local Environmental Plan 2009 and Wollongong Local Environmental Plan (West Dapto) 2010. 'Storage premises' is considered by Council to be an appropriate use for heavy industrial areas and to be compatible with the other uses permitted in the IN3 zone.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The statement of objectives is adequate and describes the intent of the proposal.

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

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions clearly states that it is proposed to amend the land use table of the IN3 Zone for the Wollongong LEP 2009 and the Wollongong LEP (West Dapto) 2010 by including 'Storage premises' as a use permitted with consent.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : 1.1 Business and Industrial Zones

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified?

**SEPP No 55—Remediation of Land
SEPP No 71—Coastal Protection
SEPP (Major Projects) 2005**

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

Nil

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Section 117 Direction 1.1 - Business and Industrial Zones requires planning proposals to retain the areas and locations of industrial and business zones and not reduce the total potential floor space area for industrial uses in industrial zones.

Council has stated that there is an inconsistency with the s117 Direction as allowing 'Self storage units' (which are included in the definition of 'Storage premises') could reduce the total potential floor space for industrial uses. Council argues that the inconsistency is minor as 'Self storage units' are unlikely to significantly impact on the availability of industrial land (in 2007 there was 1,986 ha of heavy industrial land in the LGA). The use is permitted in other zones (B2, B3, B4, B6 and IN2 Zones). The proposed new use is compatible with the range of uses already permitted in the zone. Additionally, 'Self storage units' were permissible in the Heavy Industrial Zone under Wollongong LEP 1990 which previously applied to the lands as a form of warehouse.

The planning proposal is to introduce 'Storage premises' (which could be considered to be an industrial type use similar in nature to warehousing) into the IN3 Zone. As such, it could be argued that the proposal is not inconsistent with the s.117 Direction. Any inconsistency, if it exists is considered to be minor as the proposed use is unlikely to use a large amount of land.

The SEPPs identified above are relevant only to the extent that land zoned IN3 in the Wollongong LGA may be affected by these SEPP's. For example, some IN3 zoned land in the LGA would be contaminated and some is located within the coastal zone. The proposal is not inconsistent with the SEPPs which must be addressed in the assessment of any relevant DA.

The SEPP (Major Projects) 2005 applies to land surrounding the Port of Port Kembla which is listed as a State Significant site and uses the IN3 Zone. "Storage premises" are not permitted in the IN3 Zone applying to the site under the SEPP. However this area is excluded from Wollongong LEP 2009 and therefore no inconsistency with the SEPP exists.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has provided mapping showing the location of all IN3 Zones in the Local Government Area. This is not necessary for the Planning Proposal (as no maps are proposed to be varied - only land use tables) but it will be useful for exhibition purposes to identify affected lands.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes to place the proposal on exhibition for a period of 28 days. This is considered to be acceptable.

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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 : **Wollongong LEP 2009 and Wollongong LEP (West Dapto) 2010 are both Standard Instrument LEPs.**

Assessment Criteria

Need for planning proposal : **Council considered permitting 'Storage premises' on a single site zoned IN3 at Port Kembla, but decided that the use was suitable for all IN3 land.**

Consistency with strategic planning framework : **The Planning Proposal is not inconsistent with the Illawarra Regional Strategy as it does not reduce the supply of employment lands and will provide additional opportunities for employment in the IN3 Zone.**

The proposal is also not inconsistent with the Department's and Council's employment lands strategies and is consistent with the aims of the Council's Community Strategic Plan through increasing employment opportunities.

Environmental social economic impacts : **The proposal will have positive economic and social impacts through allowing additional opportunities for employment. While 'Storage premises' do not involve large numbers of employees, they can support the operation of other businesses.**

Environmental impacts will need to be addressed in the assessment of development applications.

Assessment Process

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

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

Public Authority Consultation - 56(2)(d) : **Department of Trade and Investment
Port Kembla Port Corporation
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 will provide some additional flexibility in the IN3 Zone for a use that is not incompatible with the zone. The market has shown that there is a demand for land in the LGA for this use.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No studies are required.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal.pdf	Proposal	Yes
Cover Letter.pdf	Proposal Covering Letter	Yes
Attachment B - Council Report and Minutes.pdf	Proposal Covering Letter	Yes
IN3 location maps.pdf	Map	Yes
Applicants submission to council.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**

Additional Information : **That the Director General, as 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 and Wollongong Local Environmental Plan (West Dapto) 2010 to permit 'Storage premises' with consent in the IN3 Heavy Industrial Zone proceeds through the Gateway 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 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. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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

SECTION 117 DIRECTIONS

4. s117 1.1 Business and Industrial Zones - Council has stated that the proposal is inconsistent with this Direction as allowing 'Self storage units' (which are included in the definition of 'Storage premises') could reduce the total potential floor space for industrial uses.

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The Director General can be satisfied that the inconsistency is of minor significance in relation to the overall size of the IN3 Zone within the Wollongong Local Government Area, particularly as 'Self storage units' are also permitted in other zones.

5. The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance.

Further referral under these Directions is not required for the Plan while it remains in its current form.

Supporting Reasons :

The introduction of 'Storage premises' as permissible with consent in the IN3 Zone will create additional opportunities for employment. The proposed new use is compatible with the range of uses already permitted in the zone.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

25th October 2012