

Planning Proposal

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: Inclusion of storage premises (including self-storage units) as a permissible use in land zoned IN3 Heavy Industrial

ADDRESS OF LAND: All land zoned IN3 Heavy Industrial in the Wollongong Local Government Area

MAPS (if applicable):

Location Maps: Refer to Attachment A

BACKGROUND:

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

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

To introduce some flexibility in the IN3 Heavy Industrial zone by permitting (with consent) storage premises (including self storage units) in heavy industrial zones, given storage premises and self storage units are generally not considered an incompatible use in Wollongong's heavy industrial areas.

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

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

Amend the Land Use Table for the IN3 Heavy Industrial Zone in Wollongong Local Environmental Plan 2009 and Wollongong Local Environmental Plan (West Dapto) 2010 to include storage premises as a permissible use with consent.

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 has emerged from a request to allow self storage premises as a site-specific additional permitted use at 249 Shellharbour Road, Port Kembla. Self storage premises are not permitted at this property, which is zoned IN3 Heavy Industrial, as self storage premises are a prohibited use within this zone under current planning controls.

Including storage premises as a permissible use in the IN3 Heavy Industrial zone would allow the proposed self storage premises at 249 Shellharbour Rd Port Kembla (subject to development consent) as well as permit storage premises and self storage premises in all heavy industrial zoned land across the LGA (subject to development consent).

	Strategic documents such as the Illawarra Regional Strategy 2006, Employment Land Guidelines for the Illawarra 2008, and the Wollongong LGA Employment Lands Strategy 2006 were considered as part of this planning proposal and the option to allow storage premises in all heavy industrial zones city-wide is not inconsistent with the recommendations of these strategies. Council at their meeting of 24 September 2012 recommended to proceed with a planning proposal to permit storage premises in the IN3 Heavy Industrial zone (refer to Attachment B).
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	A number of options were considered in response to Kennards Self Storage Pty Ltd's request to allow self-storage premises at 249 Shellharbour Road, Port Kembla. This request was considered holistically, and the proposed inclusion of storage premises (including self-storage premises) as a permissible use in the heavy industrial zone was seen as the best way to protect heavy industrial zoned land, to respond to changes in the labour market by allowing some flexibility in the uses permitted within this zone, and to provide greater consistency between historic and current planning controls (self storage premises were previously permitted in heavy industrial areas under Wollongong LEP 1990 under the definition of a 'warehouse').
3. Is there a net community benefit?	The following community benefits will likely result from the proposal: - o Self storage is a growing industry providing services to local residents, small businesses and other industries. - o Self storage units have limited environmental impacts as they generally have low visitation rates and do not attract large amounts of visitors all at once (no readily identifiable peaks), they have innocuous built form consistent with warehouses or industries, and are non-polluting. They are (in many cases) open 24 hours a day, 7 days a week so are best located outside residential areas. - o Self storage premises are considered compatible in industrial areas, and tend to locate on their outskirts, in areas where their customers have high accessibility and visibility. - o Self storage premises can be a good buffer use, protecting heavy industrial lands from land use conflicts with nearby residential or environmentally sensitive land. - o Several self storage premises already operate in heavy industrial zones in the Wollongong Local Government Area. This proposal would allow them to expand in the future (subject to development consent) without relying on existing use rights. - o Self storage premises were previously permitted in heavy industrial zones under Wollongong LEP 1990 under the definition of 'warehouse' and allowing them as a permitted use in heavy

	industrial zones under Wollongong LEP 2009 would create consistency between past and present planning instruments without significant detrimental effects. - o Self storage units assist in supporting small business and start-ups before they commit to (or can afford) permanent premises; in this way they can be viewed as small business incubators. - o Important employment lands zoned IN3 Heavy Industrial will not be rezoned and will be retained for the long term, although self storage units are not heavy industrial land uses. - o Self storage provides residential support services which can assist homeowners and buyers in storing their possessions. - o Providing for some flexibility in the heavy industrial zone is responsive to Wollongong's diversifying economy.
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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 advocates strongly for the retention and protection of employment lands, which are defined as commercial and industrial zoned land. There is a noted scarcity of heavy industrial land in Wollongong, given most of the heavy industrial zoned land lies within the steelworks and Port area which is a declared State Significant Site. This area is controlled by State Environmental Planning Policy Major Projects 2005. This policy applies to land which is not covered by Council's Local Environmental Plan. Under this policy self storage premises are prohibited in the heavy industrial areas covered by this SEPP (refer to Attachment A). Heavy industries are traditionally significant employment generators and self storage units are not heavy industrial in nature, nor do they provide large numbers of direct employment. However, the proposal does not seek to reduce the amount of heavy industrial zoned land in Wollongong and self storage premises are not considered an incompatible use within the heavy industrial zone. Allowing self storage premises in heavy industrial areas (where they are most likely to locate on the fringes) is not expected to fragment these precincts and the proposal is therefore not inconsistent with the Illawarra Regional Strategy.
5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?	The planning proposal is consistent with Council's Strategic Plan – Wollongong 2022. This plan recognises the need to <i>'increase local employment opportunities within a strong local economy'</i> under the goal <i>'We have an innovative and sustainable economy'</i> and the protection of traditional employment generating uses such as heavy industry is important. However, the focus of the objectives under this goal centre on diversifying the local economy and encouraging <i>'new industries and green technologies'</i>, moving away from

	Wollongong's traditional heavy industrial image. Greater flexibility in heavy industrial areas (without adversely impacting on existing industries) as advocated by this planning proposal will help deliver this goal and accompanying objectives.
6. Is the planning proposal consistent with applicable state environmental planning policies?	SEPP 55 – Remediation of Land Heavy industrial land uses can cause contamination of land and many past (and present) uses in heavy industrial zones have contributed to contamination of land. Any future development application for heavy industrial; land would need to consider the requirements of this SEPP and whether the land is suitable (in its contaminated or remediated) state for the proposed land use. This proposal does not involve the rezoning of sites to allow sensitive land uses. Self storage premises are not considered sensitive uses such as residential, educational, recreational or health-related (e.g. hospital) uses, therefore it is considered that contamination issues should they arise can be investigated at development application stage as required by this policy. SEPP 71 – Coastal Protection This policy applies to land within the coastal zone. Some heavy industrial land in Wollongong is located within the coastal zone and this policy therefore applies. This planning proposal is not inconsistent with the matters for consideration within this policy which relate to the protection of the environmental, heritage, scenic and recreational value of the NSW coastline. Future development applications within the coastal zone would need to consider this SEPP. Refer to Table A – Checklist of State Environmental Planning Policies for more information. SEPP Major Projects The area surrounding the Port of Port Kembla and including the BlueScope steelworks contains a significant portion of heavy industrial zoned land. This area is deemed a State Significant Site therefore planning controls within the SEPP apply to this area. Storage premises and self storage units are not permitted uses in the heavy industrial zones surrounding the Port. This proposal does not apply to the area affected by this SEPP and planning controls applying to the Port and surrounds will therefore not change.
7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	1.1 Business and Industrial Zones This direction states that a planning proposal must <i>'retain the areas and locations of existing business and industrial zones'</i> and must <i>'not reduce the total potential floor space area for industrial uses in industrial zones.'</i> Allowing self storage premises in heavy industrial zones could reduce the total potential floor space area available for heavy industrial purposes through competition. This inconsistency is considered minor as

	self storage units are not seen as a use that would significantly impact upon the viability of heavy industrial land uses or take up unreasonable portions of heavy industrial zoned land in Wollongong, given they are permitted in other land use zones and the market would dictate a saturation point for these facilities in the area. It can be argued that self storage premises are not an incompatible use in a heavy industrial precinct as they operate similar to warehouses; however, they are visited sporadically by members of the public (customers) but not as frequently as a retail premises or bulky goods premises would be visited. 2.2 Coastal Protection Allowing self storage premises in heavy industrial zones will not impact on the planning controls relating to these zones in terms of coastal protection and the proposal is not inconsistent with this direction. Some heavy industrial areas are located within the coastal zone and any development application applying to these lands would have to consider the impact of development on the coast. 5.1 Implementation of Regional Strategies This direction requires planning proposals to be consistent with the Illawarra Regional Strategy. The proposal is not inconsistent with the Illawarra Regional Strategy because no heavy industrial land will be rezoned or fragmented and self storage premises are considered a compatible use in the buffer areas of heavy industrial zones. Refer to Table B – Checklist of Ministerial Directions for more information
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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?	It is considered unlikely that critical habitat, or endangered ecological communities will be adversely affected by the proposal. Self storage premises have limited environmental impacts, and all potential impacts on endangered ecological communities, threatened species and habitat would be assessed as part of future development applications.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	Some heavy industrial land is affected by constraints such as flooding, bushfire prone land and acid sulphate soils. These constraints would be assessed site by site and addressed and managed at development application stage.
10. How has the planning proposal adequately addressed any social and economic effects?	The social impacts of self storage premises in heavy industrial areas could include increased visitation to these areas, leading to complaints about heavy

	industrial operators due to pollution, heavy vehicle traffic, low amenity and noise. This risk would be lessened by self storage customers expectations (self storage premises are often located in industrial areas) relatively low visitation rates (compared to retail uses) and the fact that it is expected that most self storage premises would locate close to main roads, their market (residents, commercial services) and in a visible location, therefore are more likely to locate on the fringes of heavy industrial zones providing a buffer between heavy industry and other land uses. Another risk is that an additional permitted land use in the heavy industrial zone could raise land values and make it hard for heavy industrial uses to compete or afford expansion or relocation in the area. Theoretically, the probability of self storage premises taking up significant portions of heavy industrial land and substantially raising land values is low given the city can only support a certain number of self storage premises, they are permissible in other land use zones and are best located close to their markets in visible locations (whereas many heavy industries are located in clusters and are isolated from residential or commercial areas). Self storage premises also do not generate high numbers of direct employment (similar to warehousing), particularly in comparison to other heavy industrial uses such as manufacturing. However, self storage premises may assist small businesses and start up companies with low cost storage before these businesses commit to permanent premises and may contribute to indirect employment and local economic benefits.
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Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	The proposed inclusion of self storage premises in the IN3 Heavy Industrial zone land use table is not envisaged to place additional demand on public infrastructure.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	To be completed post-consultation.

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;
- Newspaper advertisement
- Notification letters to landowners in heavy industrial zones
- Notification letters to surrounding and nearby property owners at 249 Shellharbour Road Port Kembla; and
- Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning and Infrastructure including:
 - o Transport for NSW - Roads and Maritime Services
 - o NSW Department of Trade and Investment – Industry, Innovation and Investment Division
 - o NSW Department of Trade and Investment – Strategic Policy and Chief Economics
 - o Department of Trade and Investment – Resources and Energy Division
 - o Department of Trade and Investment – Department of Primary Industries
 - o Port Kembla Port Corporation

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	Not inconsistent.	The proposal does not involve the rezoning of land to a sensitive land use type such as Any future development application on heavy industrial land would need to consider this SEPP and whether the land is suitable (in its contaminated or remediated state) for the proposed land use.
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	N/A	

State Environmental Planning Policy		Compliance	Comment
SEPP No. 65	Design quality of residential flat development	N/A	
SEPP No. 70	Affordable Housing (revised schemes)	Does not apply to Wollongong	
SEPP No. 71	Coastal Protection	Not inconsistent	Future development applications within the coastal zone would need to consider this SEPP.
SEPP	Housing for Seniors or People with a Disability 2004	N/A	
SEPP	Building Sustainability Index: BASIX 2004	N/A	
SEPP	Major Projects 2005	Applies – Port of Port Kembla is a State Significant Site	
SEPP	Development on Kurnell Peninsular 2005	Does not apply to Wollongong	Proposal will not impact on land covered by the Major Project SEPP and the planning controls within this SEPP will prevail.
SEPP	Sydney Region Growth Centres 2006	Does not apply to Wollongong	
SEPP	Mining, Petroleum Production and Extractive Industries 2007	N/A	
SEPP	Infrastructure 2007	N/A	
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	N/A	
SEPP	Western Sydney Employment Lands 2009	Does not apply to Wollongong	
SEPP	Exempt and Complying Development Codes 2008	N/A	
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	Minor inconsistency – addressed within planning proposal and accompanying information
1.2	Rural Zones	N/A
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	N/A
2.2	Coastal Protection	Not inconsistent
2.3	Heritage Conservation	N/A
2.4	Recreation Vehicle Areas	N/A
3. Housing, Infrastructure and Urban Development		
3.1	Residential Zones	N/A
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	N/A
4.2	Mine Subsidence and Unstable Land	N/A
4.3	Flood Prone Land	N/A
4.4	Planning for Bushfire Protection	N/A
5. Regional Planning		
5.1	Implementation of Regional Strategies	Not inconsistent
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	Not applicable

6.3 Site Specific Provisions

Not applicable

7. Metropolitan Planning

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Not applicable

Attachment A: Location Maps - IN3 Heavy Industrial Zoned Land in Wollongong LGA

Attachment B: Council Report and Extract from Minutes 24 September 2012

Attachment C: Proponents submission for additional permitted use (self storage premises) at 249 Shellharbour Road, Port Kembla