

## To amend Wollongong LEP 2009

**LOCAL GOVERNMENT AREA:** Wollongong City Council

**NAME OF DRAFT LEP:** Home Occupation, Home Business, Home Industry  
Housekeeping Amendment

**ADDRESS OF LAND:** LGA Wide

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Appendix – Supporting Documents submitted with the Planning Proposal Request:

## Part 1 – Statement of objectives or intended outcomes

The primary objective of this draft Planning Proposal is to resolve anomalies in the permissibility of home employment uses between the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP) and the Wollongong Local Environmental Plan (LEP) 2009.

The permissibility of land uses relating to home occupations, home businesses and home industries requires clarification as follows:

- Home occupation is currently only permitted without consent in a limited number of zones in the Wollongong Local Environmental Plan 2009 (WLEP);
- Home business, involving food production, is enabled as Complying Development under the SEPP if a home business is permitted in the WLEP. Home businesses are not permitted in any zone in the WLEP.
- Home business, involving skin penetration, is not enabled under either Exempt or Complying Development under the SEPP. The only provision for approval is via development consent however home businesses are not permitted in any zone.
- Home industry is enabled as Exempt Development under the SEPP. Home industry is only otherwise permitted in zones as a form of light industry, namely in the B6, B7 and industrial zones.
- The LEP currently does not limit the size of home occupations, however home business and home industry are limited to 30sqm and 50sqm respectively. As the SEPP does not limit the size of home occupations the size limit would only apply to a home occupation that is permitted under the WLEP.

The planning proposal has the following intended outcomes:

- To broaden the permissibility of home occupations.
- To permit home business with consent in certain zones in the WLEP to enable Complying Development (for home business involving food production) or development consent (for home business involving skin penetration).
- To permit home industry with consent in certain zones in the WLEP to enable development consent to be issued.
- To limit home occupations under the WLEP to 30m<sup>2</sup> (the same as home businesses).

## Part 2 – Explanation of provisions

The Planning Proposal will make the following amendments to the Wollongong Local Environmental Plan 2009:

- Include home occupations as permitted without consent in the land use tables for the R3, R4, B2, B3, B4 and B6 zones.
- Include home businesses as permitted with consent in the land use tables for the RU2, RU4, R1, R2, R3, R4, R5, E3, E4, B2, B3, B4 and B6 zones.
- Include home industries as permitted with consent in the land use tables for the RU2, RU4, R1, R2, R3, R4, R5, E3 and E4 zones.
- Amend Clause 5.4 Controls relating to miscellaneous permissible uses, to include a subclause that specifies that home occupation has a maximum floor area of 30m<sup>2</sup>.

## Part 3 – Justification

### Section A – Need for the Planning Proposal

**Q1: Is the planning proposal a result of strategic study or report?**

No. The Planning Proposal is required as a consequence of inconsistencies between the Wollongong LEP 2009 and the Exempt and Complying Development SEPP, created by amendments to the SEPP.

On 25 May 2020, Council resolved to prepare a draft Planning Proposal to remove an anomaly to clarify the permissibility of Home Occupations, Home Businesses and Home Industry in certain zones (Attachment 1).

On 2 April 2020, the Wollongong Local Planning Panel supported the preparation of a draft Planning Proposal (Attachment 2).

**Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The Planning Proposal is the only means available to Council of achieving the amendment to the Wollongong Local Environmental Plan 2009.

### Section B – Relationship to strategic planning framework

**Q3: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?**

The planning proposal is consistent with the Illawarra-Shoalhaven Regional Strategy vision for a sustainable future and a resilient community, capable of adapting to changing economic, social and environmental circumstances. The planning proposal is consistent with the goal to achieve this vision for a prosperous Illawarra-Shoalhaven.

**Q4: Is the Planning Proposal consistent with a Council's local strategy or other local strategic document (e.g.: Wollongong Community Strategic Plan)?**

**Community Strategic Plan Wollongong 2028**

The Planning Proposal is consistent with the overall vision contained in the Wollongong Community Strategic Plan 2028. The Planning Proposal will meet the objective "Local employment opportunities are increased with a strong local economy" under the Community goal "We have an innovative and sustainable economy".

**Q5: Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Refer to Table A – Checklist of State Environmental Planning Policies.

**Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

Refer to Table B – Checklist of Ministerial Directions.

### Section C – Environmental, social and economic impact

**Q7: 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?**

Not likely.

**Q8: Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

Not likely.

**Q9: Has the planning proposal adequately addressed any social and economic effects?**

Not likely.

#### Section D – State and Commonwealth interests

**Q10: Is there adequate public infrastructure for the planning proposal?**

Not applicable.

**Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

The Gateway determination will stipulate the required consultation with Public Authorities.

#### Part 4 – Mapping

**MAPS, WHERE RELEVANT, TO IDENTIFY THE INTENT OF THE PLANNING PROPOSAL AND THE AREA TO WHICH IT APPLIES**

Not applicable.

#### Part 5 – Community Consultation

Should a Gateway Determination be issued, the Planning proposal will be exhibited for a minimum period of 28 days and include:

- *Hard copies at Council's Administration building and relevant Libraries;*
- *Electronic copy on Council's website; and*
- *Notification letters to relevant State agencies and other authorities.*

Part 6 – Projected Timeline

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. This timeline tentatively sets out expected timelines for major steps in the process. These timeframes are subject to change and are to be used as a guide only. The Minister may consider taking action to finalise the LEP if timeframes approved for the completion of the Planning Proposal are significantly or unreasonably delayed.

#	Action	Estimated Timeframe	Responsibility
1	Anticipated date of Gateway determination	December 2020	Department of Planning
2	Anticipated completion of required technical documents	N/A	Consultants
3	Government agency consultation	Jan/Feb 2021	Agencies
4	Public exhibition period	February 2021	Council
5	Date of Public Hearing <i>(if applicable)</i>	N/A	Council
6	Consideration of submissions	March 2021	Council
7	Assessment of proposal post-exhibition	March 2021	Council
8	Report to Council	May 2021	Council
9	Final Planning Proposal prepared	May 2021	Council
10	Submission to Department for finalisation of LEP	May 2021	Council
11	Anticipated date RPA will make the LEP	June 2021	Council (if under delegation)
12	Anticipated date LEP will be notified	July 2021	Council

**Table A - Checklist of State Environmental Planning Policies**

State Environmental Planning Policy		Compliance	Comment
SEPP No. 1	Development Standard	N/A	
SEPP No. 19	Bushland in Urban Areas	Does not apply to Wollongong	
SEPP No. 21	Caravan Parks	N/A	
SEPP No. 33	Hazardous and Offensive Development	N/A	
SEPP No. 36	Manufactured Home Estates	N/A	
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. 55	Remediation of Land	N/A	
SEPP No. 64	Advertising and Signage	N/A	
SEPP No. 65	Design quality of residential flat development	N/A	
SEPP No. 70	Affordable Housing (revised schemes)	Does not apply to Wollongong	
SEPP	Aboriginal Land 2019	N/A	
SEPP	Affordable Rental Housing 2009	N/A	
SEPP	Building Sustainability Index: BASIX 2004	N/A	
SEPP	Coastal Management 2018	N/A	
SEPP	Concurrences 2018	N/A	
SEPP	Educational Establishments and Child Care Facilities 2017	N/A	
SEPP	Exempt and Complying Development Codes 2008	The planning proposal will enable consistency with the SEPP	
SEPP	Gosford City Centre 2018	N/A	
SEPP	Housing for Seniors or People with a Disability 2004	N/A	
SEPP	Infrastructure 2007	N/A	

State Environmental Planning Policy		Compliance	Comment
SEPP	Koala Habitat Protection 2019	N/A	
SEPP	Kosciuszko National Park – Alpine Resorts 2007	Does not apply to Wollongong	
SEPP	Kurnell Peninsula 1989	Does not apply to Wollongong	
SEPP	Mining, Petroleum Production and Extractive Industries 2007	N/A	
SEPP	Miscellaneous Consent Provisions 2007	N/A	
SEPP	Penrith Lakes Scheme 1989	Does not apply to Wollongong	
SEPP	Primary Production and Rural Development 2019	N/A	
SEPP	State and Regional Development 2011	N/A	
SEPP	State Significant Precincts 2005	N/A	
SEPP	Sydney Drinking Water Catchment 2011	N/A	
SEPP	Sydney Region Growth Centres 2006	Does not apply to Wollongong	
SEPP	Three Ports 2013	Does not apply to this site	
SEPP	Urban Renewal 2010	N/A	
SEPP	Vegetation in Non-Rural Areas 2017	N/A	
SEPP	Western Sydney Employment Area 2009	Does not apply to Wollongong	
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	

**Table B - Checklist of Section 9.1 Ministerial Directions**

<b>Ministerial Direction</b>	<b>Comment</b>
<b>1. Employment and Resources</b>	
1.1. Business and Industrial Zones	Consistent
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
<b>2. Environment and Heritage</b>	
2.1. Environment Protection Zone	N/A
2.2. Coastal Protection	N/A
2.3. Heritage Conservation	N/A
2.4. Recreation Vehicle Areas	N/A
2.5. Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP	Not applicable to Wollongong
<b>3. Housing, Infrastructure and Urban Development</b>	
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
3.7. Reduction in non-hosted short-term rental accommodation period	N/A
<b>4. Hazard and Risks</b>	
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
<b>5. Regional Planning</b>	
5.1. Implementation of Regional Strategies	N/A
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

<b>Ministerial Direction</b>	<b>Comment</b>
5.5. North West Rail Link Corridor Strategy	Not applicable to Wollongong
5.6. Implementation of Regional Plans	N/A
5.7. Development of Aboriginal Land Council land	N/A
<b>6. Local Plan Making</b>	
6.1. Approval and Referral Requirements	N/A
6.2. Reserving Land for Public Purposes	N/A
6.3. Site Specific Provisions	N/A
<b>7. Metropolitan Planning</b>	
7.1. Implementation of the Metropolitan Plan for Sydney 2036	Not applicable to Wollongong
7.2. Implementation of the Greater Macarthur Land Release Investigation	Not applicable to Wollongong
7.3. Parramatta Road Corridor urban Transformation Strategy	Not applicable to Wollongong
7.4. Implementation of the North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable to Wollongong
7.5. Implementation of the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable to Wollongong
7.6. Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable to Wollongong
7.7. Implementation of the Glenfield to Macarthur Urban Renewal Corridor	Not applicable to Wollongong
7.8. Implementation of Western Sydney aerotropolis Interim Land use and infrastructure Implementation Plan	Not applicable to Wollongong
7.9. Implementation of Bayside West Precincts 2036 Plan	Not applicable to Wollongong
7.10. Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable to Wollongong