

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: Gleniffer Brae – amendment to permit ‘function centre’ use

ADDRESS OF LAND: LOT 3 DP 252694 Murphys Ave, Keiraville

DATE: November 2015



Gleniffer Brae Manor House

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Executive Summary

On 24 August 2015 Council resolved to prepare a Planning Proposal for the Gleniffer Brae site to permit an additional permitted use of 'function centre'. Gleniffer Brae is a State heritage listed manor house located within the Wollongong Botanic Garden. Gleniffer Brae is currently leased in part to the Conservatorium of Music; however, most of the building is not utilised, limiting community use and appreciation of an important cultural asset.

The draft Planning Proposal seeks to allow an additional permitted use of 'function centre' on the Gleniffer Brae property. This would be achieved by an amendment to Schedule 1 of the Wollongong Local Environmental Plan (LEP) 2009, including 'function centre' as a permissible use on the Gleniffer Brae property (Lot 3 DP252694). A Planning Proposal is required because the property is zoned RE1 Public Recreation and 'function centre' is not a permitted use in the RE1 Public Recreation Zone.

A function centre use would allow adaptive reuse of part of the heritage-listed Gleniffer Brae manor, which would provide the following benefits:

- Allow for increased use of the property, and increase visitation to Gleniffer Brae (and by association the Botanic Garden);
- Allow for wider community appreciation and enjoyment of the building and grounds;
- Provide a niche function centre use with a distinct character in a unique location;
- Increase the tourism potential of the property and Botanic Garden; and
- Provide a source of income, which can be used for future upkeep of the asset and grounds.

The extent to which these benefits are realised depends on the nature of the function centre use, and the level of community/public access to the site, which will require further assessment at a tender and development application stage.

A number of other plans require amending to facilitate a function centre use on the Gleniffer Brae property. The Gleniffer Brae Conservation Management Plan is required to be updated to consider any potential heritage or cultural impacts resulting from a function centre use and to establish parameters to protect the cultural and heritage values of the property. In addition, the land is classified as Community Land under the Local Government Act 1993 and a site-specific Plan of Management applies. Amendments to the Botanic Garden Plan of Management (that includes Gleniffer Brae and surrounds) are required to allow a function centre (a commercial use).

Community feedback on allowing Gleniffer Brae to be used (in part) as a function centre will be sought with the draft Planning Proposal, draft Conservation Management Plan and draft Plan of Management to be exhibited together.

Should the draft Planning Proposal be approved and the function centre use made permissible, future plans for a function centre would need to follow a tender process (for commercial operations) and require approval via a development application process. Any future development would also need the approval of the NSW Heritage Council as Gleniffer Brae is a heritage item of State significance.

Part 1 – Statement of objectives or intended outcomes

The draft Planning Proposal relates to Gleniffer Brae, a State heritage listed building within the Wollongong Botanic Gardens. Built in 1939, Gleniffer Brae is a tudor-style manor house, originally the residence of Arthur Sidney Hoskins, one of the founders of the Port Kembla steelworks. Gleniffer Brae is owned by Council. Gleniffer Brae is located on Murphy's Avenue, Keiraville (Lot 3 DP 252694) on a hill in the south-west corner of the Wollongong Botanic Gardens.

The objectives of this draft Planning Proposal are:

- To allow for greater use of the Gleniffer Brae Manor by allowing a function centre use (subject to development approval), resulting in higher visitation numbers and enhanced access to the property;
- To allow for a use that provides a better financial return on the asset, assisting with future maintenance and viability.

Part 2 – Explanation of provisions

The proposal will amend Wollongong Local Environmental Plan (LEP) 2009 in the following manner:

Insert the following clause into Schedule 1 Additional Permitted Uses of the Wollongong Local Environmental Plan 2009:

24 Use of certain land at Murphys Avenue Keiraville

- (1) *This clause applies to land at Murphys Avenue, Keiraville, being Lot 3, DP 252694.*
(2) *Development for the purposes of a function centre is permitted with development consent.*

There are no proposed map amendments to Wollongong Local Environmental Plan 2009 as a result of this draft Planning Proposal.

The provisions are proposed to apply to Lot 3 DP 252694, the parcel of land containing Gleniffer Brae Manor, outbuildings and surrounding landscaped grounds, a car park and a series of 1950's buildings formerly part of the Sydney Girls Grammar School. The site is located in an elevated position within the Wollongong Botanic Garden on the corner of Murphys Avenue and Robsons Road, Keiraville. The subject property was resumed by Council in 1978 after the Sydney Girls Grammar School left the site and Gleniffer Brae was added to the Botanic Garden.

The subject site is currently zoned RE1 Public Recreation under Wollongong Local Environmental Plan (LEP) 2009. Prior to the introduction of Wollongong LEP 2009, the site had previously been used for weddings and functions (managed by Wollongong City Council) as a short-term casual use. The introduction of Wollongong LEP 2009, introduced a separate definition for 'function centres' and the use ceased to be permissible in the public recreation zone.

Function Centre is defined in Wollongong LEP 2009 as:

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

It is noted that there is a difference between holding functions in a building or place, as an ancillary use, and a function centre, where only functions are held. For example, someone may use an approved restaurant to hold a function, but the primary, defined use of the building is as a restaurant. Similarly, functions such as weddings held on the grounds of the Botanic Garden are ancillary (supplementary) to the primary purpose of the Garden as a public park and environmental attraction.

Therefore, this draft Planning Proposal would permit (subject to development consent) Gleniffer Brae be used primarily as a function centre. This would not necessarily preclude other ancillary uses such as the Conservatorium of Music classes or public tours/open days.

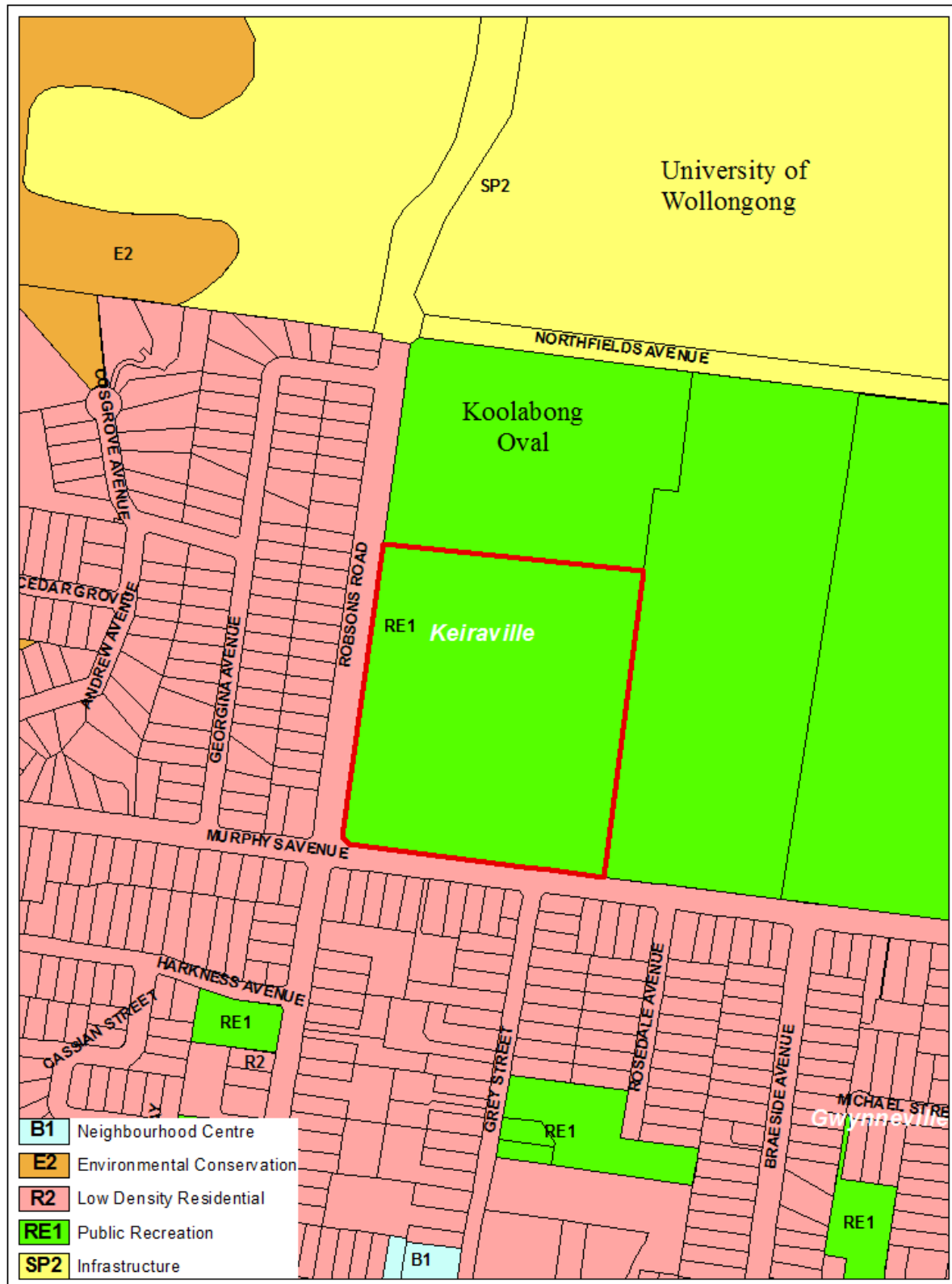
The inclusion of 'function centre' in Schedule 1 of Wollongong Local Environmental Plan 2009 will establish permissibility for a function centre, which is currently a prohibited land use. No other planning controls within the Wollongong Local Environmental Plan 2009 are proposed to change (e.g. zoning or height restrictions). The draft Planning Proposal does not specify what a function centre would look like on the site or how it would operate (e.g. profit/non-profit). The draft Planning Proposal is one mechanism to facilitate a function centre use for the Gleniffer Brae site and relies on other mechanisms and processes (updated Plan of Management, Conservation Management Plan, tender process, lease provisions, development application etc.) to guide and deliver an outcome for the site.

The following maps show the location, context and planning controls in relation to the Gleniffer Brae site.

Location and Context Plan



Wollongong LEP 2009 Zoning Map Sheet (Current Zoning)

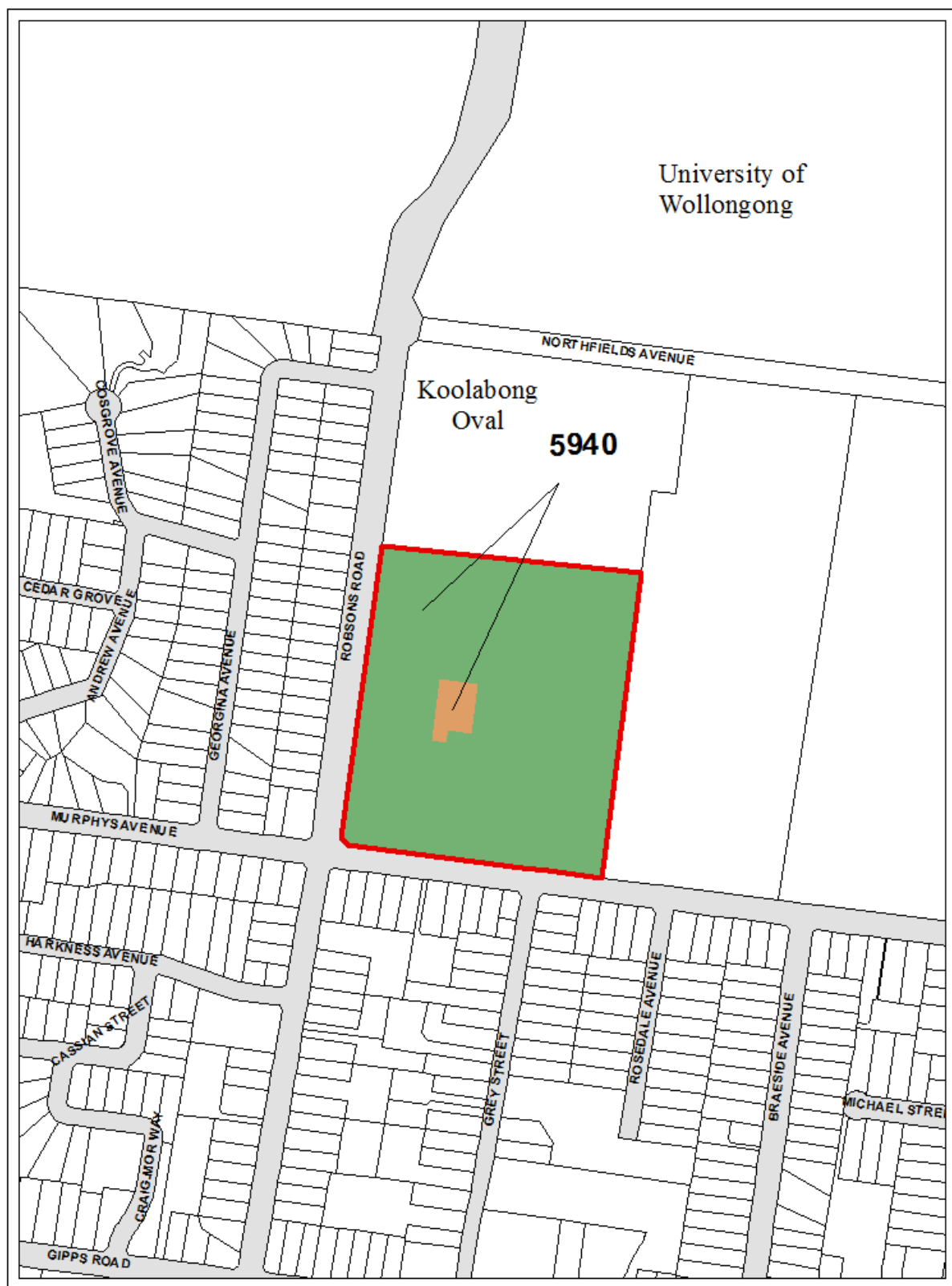


Zoning Map
Wollongong LEP 2009

 Gleniffer Brae Property Lot 3 DP 252694

Drawn by: J. Lantz	
Date Drawn: 15.11.15	
99 Ref: 99 - Zoning Map/mid	

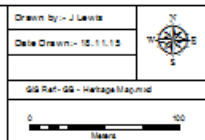
Heritage Map



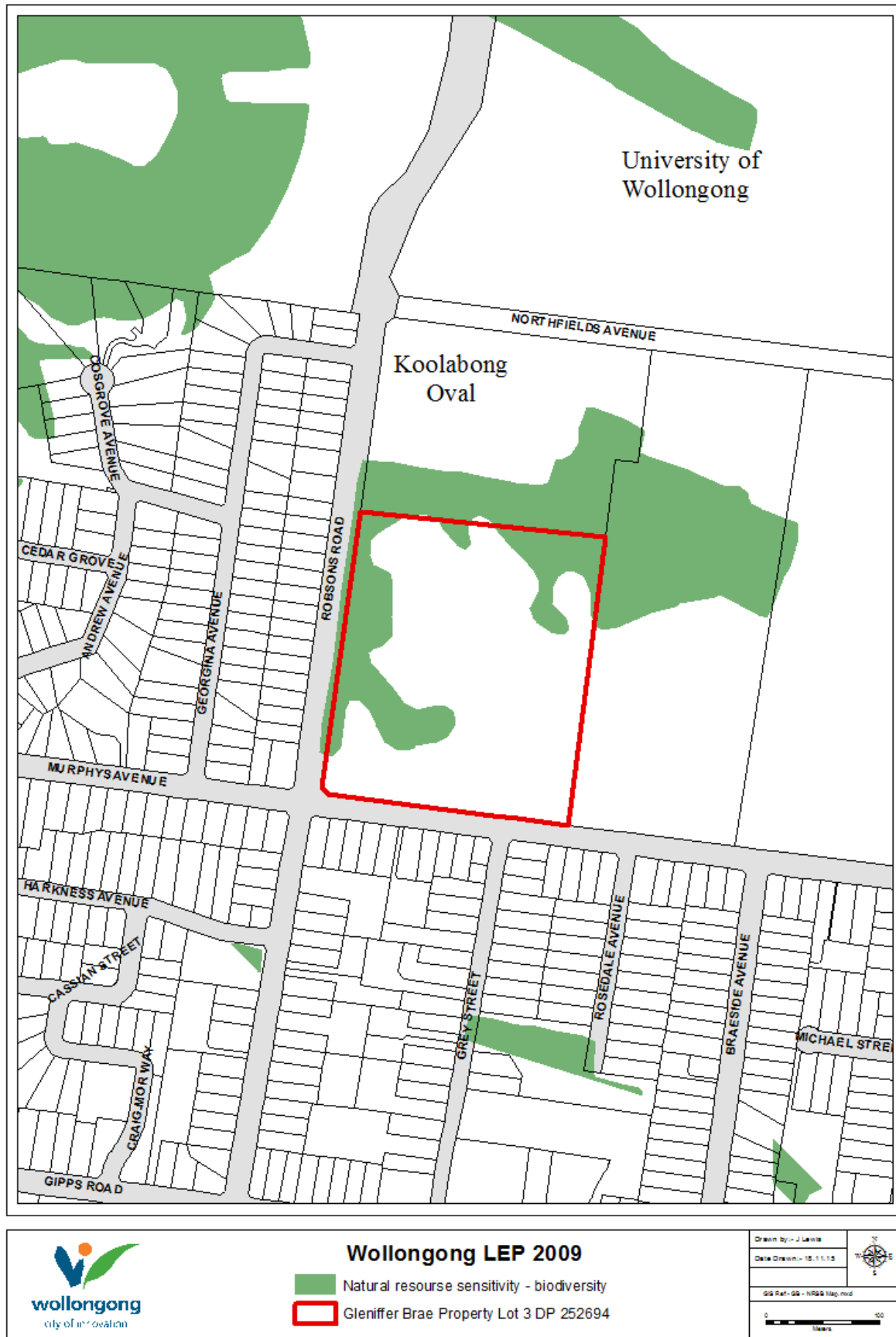
Heritage Map Wollongong LEP 2009

5940 - "Gleniffer Brae and Surrounding Gardens"

Gleniffer Brae Property Lot 3 DP 252694



Natural Resource Sensitivity Biodiversity map



Part 3 – Justification

Section A – Need for the Planning Proposal

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

The draft Planning Proposal is part of an ongoing strategic project to increase usage and improve financial viability of the heritage-listed Gleniffer Brae site.

In 2012, a draft Planning Proposal was considered by Council for the rezoning and reclassification of the site associated with a proposal by the University of Wollongong to develop part of the site for a creative arts centre and to lease and use the manor as a function centre. The Planning Proposal was not progressed, and Council resolved on 29 January 2013 to work with stakeholders to consider options for the future use of the site.

A stakeholder engagement process and workshop was undertaken in 2014 to ascertain common community values of the site. On 28 May 2015, a stakeholder workshop (attended by 11 stakeholders) discussed and ranked the following key community values (listed by ranking of importance):

1. Heritage conservation
2. Community access
3. Compatibility/soft impact
4. Security and links to the Botanic Garden
5. Financial viability/sustainability
6. Tourism

These values were used (and will continue to be used) to assist in determining a future use for Gleniffer Brae.

On 8 September 2014, Council resolved to undertake a Call for Proposals process to receive submissions from interested parties for the future use of the area at Gleniffer Brae not under lease by the Conservatorium of Music, with the parties required to illustrate how their proposal was consistent with the community values for the site. Three (3) proposals were submitted and each included a function centre use. These proposals were considered at the Council meeting of 24 August 2015 and Council resolved the following (emphasis added):

- 1 *The outcomes of the Call for Proposals process be noted.*
- 2 *A review of the Botanic Garden Plan of Management and Gleniffer Brae Conservation Management Plan commence as a matter of priority.*
- 3 *Council receive an update report before the end of the 2015 calendar year.*
- 4 *The draft Plan of Management and Conservation Management Plan be reported to Council for endorsement prior to exhibition.*
- 5 ***A draft Planning Proposal be prepared to add 'Function Centre' as a permissible use in the RE1 Public Recreation zone for the Gleniffer Brae site through a Schedule 1 amendment and referred to the NSW Department of Planning and Environment for Gateway determination prior. The exhibition of the draft Planning Proposal occur concurrently with the draft Botanic Garden Plan of Management.***
- 6 *Letters be sent to the Call for Proposals submitters advising them that a Tender process will be required and will be undertaken following the review of the Plan of Management and finalisation of the Planning Proposal.*

- 7 *In the interim period, the part of Gleniffer Brae not under lease by the Conservatorium of Music be authorised to be used for uses consistent with the current Plan of Management and planning controls.*

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

To achieve the desired objectives of encouraging greater visitation and appreciation of Gleniffer Brae and improving its viability, the addition of a function centre use on the site has been recommended. The following options are available to facilitate this additional use.

Option A - Establish permissibility via a Planning Proposal to amend Wollongong LEP 2009

If Council wishes to encourage the use of Gleniffer Brae for functions, noting this was a previous use until 2009 and that this use has been identified as appropriate in the Call for Proposals process, a draft Planning Proposal could be prepared to allow "Function Centre" as a permissible use in the RE1 Public Recreation zone for this site, through a Schedule 1 amendment. This would add an additional use for this site only, and not amend the land use table for the RE1 Public Recreation zone across the City.

Comment

Council are the owners of the property and the addition of a function centre use may create opportunities for financial returns to Council in the future. As stated within the Council report of 24 August 2015 (p.6), Council officers consider the most transparent and appropriate way to facilitate the use of the site as a function centre is to allow this use through a Schedule 1 amendment and to follow a Planning Proposal process. Recognising the importance of Gleniffer Brae to the wider community, community feedback would be sought during the public exhibition of a draft Planning Proposal to understand the interests of the wider community. Community feedback will be considered before any planning amendments are finalised. Any finalisation of a Planning Proposal would require Council endorsement.

Option B – Establish permissibility via the Heritage Conservation Incentive Clause 5.10 (10) of Wollongong LEP 2009

An alternative approach to facilitating a function centre on this site, is to utilise the Heritage Conservation Incentive Clause 5.10 (10) in the Wollongong LEP 2009, as part of the assessment of a Development Application. The incentive provisions enable the property to be used for any purpose (regardless of the zoning of the site) if the consent authority is satisfied that:

- a the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- b the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- c the consent to the proposed development would require that all the necessary conservation work identified in the heritage management document is carried out; and*
- d the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- e the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

Comment

Option B may allow for a quicker outcome as the Planning Proposal process would not be necessary. Changes to the Conservation Management Plan, Plan of Management, a tender for a commercial long-term lease and a development application (and NSW Heritage Council approval) would still be required to facilitate the function centre use. Community engagement would still occur for changes to the Conservation Management Plan and Plan of Management, regardless of the decision to progress a Planning Proposal; however, the requirements to engage with the community on a development application are not as extensive or lengthy as for a Planning Proposal.

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 proposal is consistent with the Illawarra Regional Strategy (IRS) 2006-2031. The IRS supports the protection of the historical and cultural values of heritage items and recognises the need to diversify the region's economic base through tourism.

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

The Planning Proposal is consistent with Wollongong 2022: Our Community Strategic Plan and delivers on the following objectives:

- *'Community awareness and appreciation of heritage is increased.'* (Community Goal 'We value and protect our environment') and
- *'Residents are able to have their say through increased engagement opportunities and take an active role in decisions that affect our city'* (Community Goal 'We are a connected and engaged community')

The Planning Proposal specifically delivers on core business activities as detailed in the Botanic Garden and Annexes Service Plan 2015-16 ('Facilitate the future uses of Gleniffer Brae').

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

There are approximately 66 State policies and that outline the NSW Government's approach to dealing with planning issues specific to the State and people of NSW.

SEPP 55 – Remediation of Land applies to the Planning Proposal. This SEPP requires planning proposals to consider whether the land is contaminated. The Gleniffer Brae site is not known to be contaminated and its site history (being a residence from the 1930s and then a school) is not linked to any hazardous land uses that would preclude this proposal.

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

Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Ministerial Directions are issued by the Minister for Planning to relevant planning authorities under section 117(2) of the Environmental Planning and Assessment Act 1979. The following Ministerial Directions are relevant to the proposal:

2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This direction requires that:

A planning proposal must contain provisions that facilitate the conservation of:

(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,

(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and

(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

Gleniffer Brae and surrounding gardens are State Heritage listed (Item 5940). Wollongong Local Environmental Plan 2009 currently contains provisions relating to heritage conservation within Clause 5.10. The Planning Proposal for the Gleniffer Brae site does not seek to alter the heritage listing of the property under WLEP 2009. The draft Planning Proposal is consistent with this direction as the additional function centre use can be accommodated without unreasonable impacts on the heritage and cultural values of the site.

Management and future development of Gleniffer Brae is guided by the Conservation Management Plan (Tropman and Tropman, 2001) for Gleniffer Brae, which is appended to the Wollongong Botanic Garden Plan of Management. Both the Plan of Management (PoM) and Conservation Management Plan (CMP) are due for review. At the time these documents were written, Council was managing weddings and functions at Gleniffer Brae as a short term casual use. This service ceased in 2009 and in order to facilitate longer leasehold for a function centre use, changes to the POM and CMP are required. A review of the Gleniffer Brae Conservation Management Plan will provide updated strategies relating to conserving the heritage values of the site. The CMP will also consider the implications of a function centre use and provide guidance for protection of heritage values in this context.

It is intended to exhibit the draft Planning Proposal and updated CMP and PoM together.

Aboriginal areas, objects, places or landscapes of heritage significance have not been formally identified for the site.

5.1 Implementation of Regional Strategies

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. This direction requires that planning proposals must be consistent with a regional strategy released by the Minister for Planning. The draft Planning Proposal for Gleniffer Brae is consistent with the Illawarra Regional Strategy (IRS) 2006-2031. The IRS supports the protection of the historical and cultural values of heritage items and recognises the need to diversify the region's economic base through tourism.

6.2 Reserving Land for Public Purposes

The objectives of this direction are:

(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and

(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition

This direction requires:

A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) (extract).

The draft Planning Proposal will not result in a rezoning, and the property will retain the RE1 Public Recreation zone. Council has confirmed its commitment to retaining the land in public ownership and the site is classified as community land, which cannot be sold. The property will therefore remain for public purposes and the draft proposal is consistent with this direction.

Community land can however be leased for up to 30 years and the draft Planning Proposal could facilitate the ability to lease part of the Gleniffer Brae Manor or surrounds for a commercial function centre operator, which can be perceived as limiting or reducing public access to the site. Part of the Manor and other buildings are already leased to the Wollongong Conservatorium of Music and the remaining areas within the Manor are very rarely open to members of the public. Community access to Gleniffer Brae has emerged as a key value through the stakeholder engagement process, and balancing commercial function centre operations (providing financial viability) with community access will form a key consideration of the Plan of Management and Conservation Management Plan review, as well as any future development application, lease agreement or tender process.

6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. This direction states:

A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

(a) allow that land use to be carried out in the zone the land is situated on, or

(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or

(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

The draft Planning Proposal will introduce a site specific planning control by including 'function centre' as a permitted use (with development consent) in Schedule 1 Additional Permitted Uses of Wollongong LEP 2009. The draft Planning Proposal is consistent with this direction because it will allow the function centre land use on the relevant land (Gleniffer Brae site) without imposing any additional development standards or requirements in Wollongong LEP 2009.

The inclusion of a site specific additional permitted use is considered the most appropriate option because including 'function centres' as a permissible use in the RE1 Public Recreation Zone could have far-reaching implications for public recreation land across the Local Government Area

and rezoning the Gleniffer Brae property to an alternate zone would be inconsistent with a number of Council's strategies and plans and the community's values for the site.

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?

The Gleniffer Brae property (Lot 3 DP 252694) contains an area mapped as Natural Resource Sensitivity-Biodiversity which follows the vegetation stand extending along the western and northern boundaries of the site. Clause 7.2 of Wollongong LEP 2009 contains controls (specifically applying to development applications) relating to the protection of native vegetation and habitat on land mapped as Natural Resource Sensitivity-Biodiversity. According to Council's mapping system, no endangered ecological communities or threatened species are located on the subject property. However, the Botanic Garden contains a great diversity of flora and provides habitat for native fauna and any potential impacts on biodiversity would need to be considered at development application stage.

The landscaped garden surrounding Gleniffer Brae Manor is included in the heritage listing as the Sorenson gardens and, although containing many exotic species, is protected by the listing. Impacts on biodiversity as a result of allowing a function centre use on the property are expected to be negligible. The function centre use could be contained within the existing building and grounds, or any future extension or structure would require specialist flora and fauna reports at development application stage.

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

According to Council's records the property is not prone to flooding, landslip or bushfire.

Contamination

The land is not identified as contaminated. Investigations into internal contaminants such as asbestos and lead paint would form part of a development application and lease process.

Waste Management

A function centre use would generate waste (including wastewater) leading up to and following functions, with the type and volume of waste dependent on the nature of the function centre. Plans to manage such waste would be detailed in any future development application. A waste-sensitive outcome could be encouraged in any future tender process or lease agreement.

Stormwater Management

Any future building works proposed to facilitate a function centre would need to consider stormwater management as part of a development application.

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

Social impacts

The draft Planning Proposal to allow Gleniffer Brae to be used as a function centre will benefit the public by providing a use for an under-utilised heritage asset, generating an income to offset some of the maintenance costs of the asset and providing a unique function centre in a picturesque location. Greater use and appreciation of Gleniffer Brae could increase community awareness of its history, strengthen community pride and increase tourism and Botanic Garden visitation.

In addition, the following potential social impacts have been identified.

Heritage Impacts

As noted, Gleniffer Brae is a heritage item of state significance, and is a rare example of a 'grand house' in Wollongong with links to a prominent industrialist family. Gleniffer Brae's history and aesthetic provides a beautiful backdrop for a function. However, the potential impacts on the heritage values and significance of the site are required to be considered.

The ICOMOS Burra Charter 2013 acknowledges that significant items should have a compatible use and supports adaptation of a heritage item if the cultural significance of the place is retained and minimal change is made to the fabric of the item.

The cultural significance of Gleniffer Brae and grounds is detailed within the Conservation Management Plan (CMP) (Tropman and Tropman, 2001). This CMP will be updated to consider future uses for Gleniffer Brae and to establish mechanisms to protect the cultural significance of the place.

Minor changes to the built form would be expected to facilitate a function centre, for examples the kitchen would require upgrading as well as minor upgrades to facilitate accessibility for people with a disability. Any future building works would need to be consistent with the updated CMP and require a Heritage Impact Assessment, development consent and approval from the NSW Heritage Council.

Therefore, there are many mechanisms and processes in place to consider the adaptive reuse of Gleniffer Brae as a function centre whilst preserving its cultural significance.

Aboriginal areas, objects, places or landscapes of heritage significance have not been formally identified for the site; however Aboriginal Groups should be notified of the draft Planning Proposal.

Traffic, Transport and Parking Impacts

A function centre use will increase patronage to Gleniffer Brae which will increase traffic in the area. The property is located on a number of bus routes and within 800m of a free Wollongong shuttle bus stop, outside Wollongong University. The University is a major attraction and traffic generator.

It is noted that functions are usually held outside normal business hours (on weekends and in the evenings) and outside peak traffic times, reducing traffic impacts and also reducing the likelihood of public transport patronage. A parking lot is located south of the Manor House accessed via Murphys Ave and provides parking for 37 vehicles (4 accessible spaces). The site was previously used for functions prior to 2009 (and the Botanic Garden continues to hold functions), therefore traffic impacts associated with a function centre use are not expected to be unreasonable. Traffic impacts will be considered as part of a future development application.

Noise Impacts

Gleniffer Brae sits in an elevated position in the south-west corner of the Botanic Garden approximately 90 metres east of residential dwellings on Robsons Road and 130 metres north of residential dwellings on Murphys Avenue. Future function centre uses will generate noise and will be subject to legislative noise restrictions. Impacts will depend on the nature of the function centre, the frequency of events and hours of operation. An acoustic report will be required for any function centre use as part of a development application.

Light Pollution

Light pollution impacts are envisaged to be minimal given the small scale of Gleniffer Brae and its location in a built-up area. Any future lighting associated with a function centre use would need to be sensitive to surrounding land uses and impacts on fauna would need to be considered as part of any future development application.

Economic Impacts

The portion of Gleniffer Brae not leased to the Conservatorium of Music is currently not utilised, representing lost opportunities to generate income. Enabling a commercial function centre use would provide a financial return to assist with the ongoing maintenance costs of Gleniffer Brae and grounds.

The Council report dated 24 August 2015 stated that:

'having a viable and professional business underpin the future uses at Gleniffer Brae is the best way to maximise all community values to the greatest extent, and still incorporate various community/volunteer uses such as tours and information talks into these operations.' (pg.7).

A function centre use was identified during a Call for Proposals process in March 2015 as a suitable use to provide a financial return whilst upholding community values for the site. A function centre use would also generate a small number of jobs.

Section D – State and Commonwealth interests

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

The site has access to all essential services.

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

It is proposed that the following State authorities would be consulted following Gateway determination.

- NSW Heritage Branch (Office of Environment and Heritage)

Council requests that Gateway nominates any other State or Commonwealth authorities required for consultation. All identified authorities/stakeholders will be notified during the exhibition period.

Part 4 – Mapping

The draft Planning Proposal does not propose any mapping changes.

Part 5 – Community Consultation

If the draft Planning Proposal is supported, Council requests that it 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;
- Notification letters to surrounding and nearby property owners and identified stakeholders; and
- Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning and Infrastructure

The draft Planning Proposal will be exhibited concurrently with a reviewed Conservation Management Plan and Botanic Garden Plan of Management.

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	Jan 2016	Department of Planning and Environment
2	Anticipated completion of required technical studies (Conservation Management Plan and Plan of Management)	May 2016	Council & Consultants
3	Government agency consultation	June 2016	Agencies
4	Public exhibition period	June-July 2016 (42 days)	Council
5	Date of Public Hearing (<i>if applicable</i>)	N/A	Council
6	Consideration of submissions	July-August 2016	Council
7	Assessment of proposal post-exhibition	August 2016	Council
8	Report to Council	September 2016	Council
9	Final Planning Proposal prepared	October 2016	Council
10	Submission to Department for finalisation of LEP	October 2016	Council
11	Anticipated date RPA will make the LEP	N/A – delegation not requested	DoPE
12	Anticipated date DoPE will forward final Planning Proposal to for notification	October 2016	DoPE
13	Anticipated date LEP will be notified	November 2016	Parliamentary Counsel and DOPE

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
SEPP No. 1	Development Standard	N/A	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	N/A
SEPP No. 14	Coastal Wetlands	N/A	N/A
SEPP No. 15	Rural Land Sharing Communities	Does not apply to Wollongong	N/A
SEPP No. 19	Bushland in Urban Areas	Does not apply to Wollongong	N/A
SEPP No. 21	Caravan Parks	N/A	N/A
SEPP No. 22	Shops and Commercial Premises	N/A	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	N/A
SEPP No. 30	Intensive Agriculture	N/A	N/A
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)	N/A	N/A
SEPP No. 33	Hazardous and Offensive Development	N/A	Proposal will not involve hazardous or offensive development.
SEPP No. 36	Manufactured Home Estates	N/A	N/A
SEPP No. 39	Spit Island Bird Habitat	Does not apply to Wollongong	N/A
SEPP No. 41	Casino/Entertainment Complex	Does not apply to Wollongong	N/A
SEPP No. 44	Koala Habitat Protection	N/A	The site is not Koala habitat.
SEPP No. 47	Moore Park Showground	Does not apply to Wollongong	N/A
SEPP No. 50	Canal Estate Development	N/A	N/A
SEPP No. 52	Farm Dams, Drought Relief and Other Works	Does not apply to Wollongong	N/A
SEPP No. 55	Remediation of Land	Consistent	The land is not identified as contaminated.
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	Does not apply to Wollongong	N/A
SEPP No. 59	Central Western Sydney Economic and Employment Area	Does not apply to Wollongong	N/A
SEPP No. 60	Exempt and Complying Development	N/A	N/A

State Environmental Planning Policy		Compliance	Comment
SEPP No. 62	Sustainable Aquaculture	N/A	N/A
SEPP No. 64	Advertising and Signage	N/A	N/A
SEPP No. 65	Design quality of residential flat development	N/A	N/A
SEPP No. 70	Affordable Housing (revised schemes)	Does not apply to Wollongong	N/A
SEPP No. 71	Coastal Protection	N/A	Site is not located within the coastal zone
SEPP	Housing for Seniors or People with a Disability 2004	N/A	N/A
SEPP	Building Sustainability Index: BASIX 2004	N/A	N/A
SEPP	Major Projects 2005	N/A	N/A
SEPP	Development on Kurnell Peninsular 2005	Does not apply to Wollongong	N/A
SEPP	Sydney Region Growth Centres 2006	Does not apply to Wollongong	N/A
SEPP	Mining, Petroleum Production and Extractive Industries 2007	N/A	N/A
SEPP	Infrastructure 2007	N/A	N/A
SEPP	Temporary Structures 2007	N/A	N/A
SEPP	Kosciuszko National Park – Alpine Resorts 2007	Does not apply to Wollongong	N/A
SEPP	Rural Lands 2008	Does not apply to Wollongong	N/A
SEPP	Affordable Rental Housing 2009	N/A	N/A
SEPP	Western Sydney Employment Lands 2009	Does not apply to Wollongong	N/A
SEPP	Exempt and Complying Development Codes 2008	N/A	N/A
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	N/A
Deemed SEPPS(former Regional Plans)			
Illawarra REP 1	Illawarra	Repealed within Wollongong	N/A
Illawarra REP 2	Jamberoo	Does not apply to Wollongong	N/A
Greater Metropolitan REP No.2	Georges River catchment	Does not apply to Wollongong	N/A

Table B - Checklist of Section 117 Ministerial Directions

Ministerial Direction		Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	N/A
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	N/A
2.3	Heritage Conservation	Consistent – a revised heritage Conservation Management Plan will be exhibited with the draft Planning Proposal
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 – the requirements of this direction relate to zoning of land for urban purposes – the proposal will utilise an existing building and will not facilitate urban development.
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 – according to Council's site not affected by Acid Sulfate soils
4.2	Mine Subsidence and Unstable Land	N/A – according to Council's records the site not affected by subsidence or unstable land

4.3	Flood Prone Land	N/A – according to Council's records the Gleniffer Brae property is not affected by flooding, although the lower elevations of the Wollongong Botanic Garden are affected by flood. This affectation does not impact access to and from Gleniffer Brae (from Murphys Ave)
4.4	Planning for Bushfire Protection	N/A – according to Council's records the site is not mapped as bushfire prone land
5. Regional Planning		
5.1	Implementation of Regional Strategies	Consistent – the draft Planning Proposal is consistent with the objectives of the Illawarra Regional Strategy
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	N/A – the draft Planning Proposal does not introduce new concurrence or designated development provisions
6.2	Reserving Land for Public Purposes	Consistent – the land will remain zoned RE1 Public Recreation and in public ownership.
6.3	Site Specific Provisions	The proposal will introduce a site specific provision. No other amendments are proposed and the proposal will not result in any unnecessarily restrictive planning standards.
7. Metropolitan Planning		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Not applicable