

Planning Proposal

LOCAL GOVERNMENT AREA: Wollongong

NAME OF DRAFT LEP: Draft Wollongong LEP 2009 (Correct Minor Anomalies and Errors)

ADDRESS OF LAND (if applicable): various sites within the Local Government Area for changes in land use and lot size amendments. The planning proposal seeks to rezone the following sites:

- Portion of 5-9 Molloy Street, Bulli and part of Molloy Street
- Lot 107 DP 751299 Cliff Road Wollongong

MAPS (if applicable):

- **Location map** showing the land affected by the proposed draft plan in the context of the LGA (tagged 'location map')
- **Existing zoning map** showing the existing zoning of the site and surrounding land and **proposed zoning** change for the site/s (tagged 'comparative existing/proposed zoning')



Figure 1: Location of portion of 7-9 Molloy Street Bulli and a portion of Molloy Street

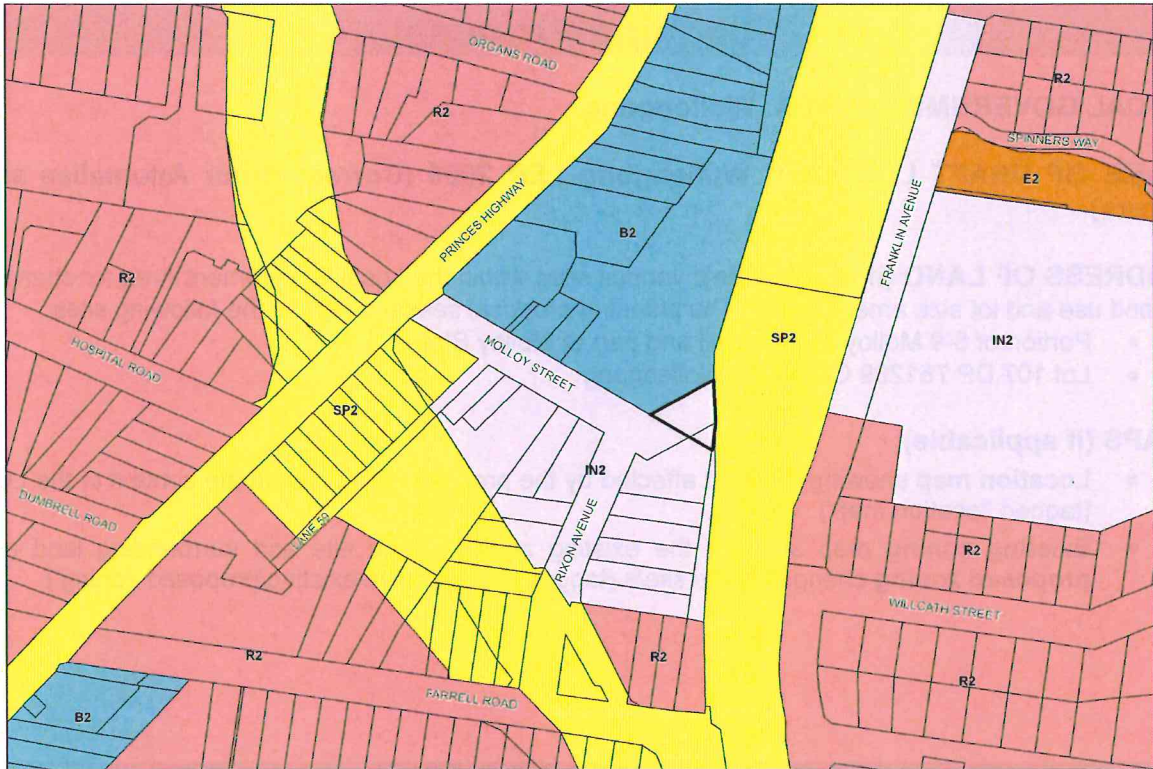


Figure 2: Portion of 7-9 Molloy Street Bulli proposed rezoning from IN2 to B2



Figure 3: Location of Lot 107 DP 751299 Cliff Road, Wollongong



Figure 4: Lot 107 DP 751299 Cliff Road, Wollongong proposed rezoning from R1 to RE1

PHOTOS and other visual material (if applicable):

- Draft LEP maps
- Council report

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

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

To make minor amendments and update certain provisions to the Wollongong Local Environmental Plan 2009. These minor amendments include correction to street address, spelling, definition of terminology updated, and minor rezoning and amendment to the land use tables.

The objectives/intended outcomes of these minor amendments include:

1. Enable the development of a supermarket and specialty retail store at Bulli by rezoning a parcel of land which was inadvertently not included in the draft Wollongong Local Environmental Plan 2009.
2. Reinstate public recreation zone for a portion of Lang Park to reflect property boundaries by rezoning Part 107 DP 751299 back to RE1.
3. To correct a number of address descriptions within Schedule 1 'Additional Permitted Use – Item 1' and Schedule 5 'Environmental Heritage' of the Wollongong Local Environmental Plan 2009
4. Allow lots containing split zones to be subdivided along the minimum lot size boundary and any residual land be excluded from minimum lot size requirements.
5. Enable Home-based Child Care as permissible with development consent in a number of zones including RU2, RU4, R1, R2, R3, R4, R5, B1, E3 and E4 in order to avoid Home-based Child Care in high risk bush fire prone areas.
6. Reflect the current Airspace Operations Model clause used by the NSW Department of Planning by amending clause 7.9 of the Wollongong Local Environmental Plan 2009.
7. Re-introduce subclause (2) of clause 8.6 to avoid non-compliance regarding street frontage height of adjoining buildings.

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.

The Wollongong Local Environmental Plan 2009 is proposed to be amended in the following manner:

- a) The Land Zoning Map be amended to indicate Council's proposal for the following sites:
 - I. Rezoning the southern part of 5-9 Molloy Street Bulli and part of Molloy Street to B2 for retail/commercial use
 - II. Rezoning Lot 107, DP 751299 Cliff Road, Wollongong to RE1 to reflect property boundaries
- b) The Floor Space Ratio Map be amended for the following sites:
 - I. Southern part of 5-9 Molloy Street Bulli and part of Molloy Street to a floor space ratio of 1.5:1
 - II. Remove the floor space ratio for Lot 107, DP 751299 Cliff Road, Wollongong
- c) The Minimum Lot Size Map be amended by:
 - I. Removing the minimum lot size for the southern part of 5-9 Molloy Street Bulli
 - II. Removing the minimum lot size for Lot 107, DP 751299 Cliff Road, Wollongong
- d) Amend the Land Use table by inserting home-based childcare as being permissible with development consent in the RU2, RU4, R1, R2, R3, R4, R5, B1, E3 and E4 zones.
- e) Remove building height controls for Lot 107, DP 751299 Cliff Road Wollongong.
- f) Clause 4.1 Minimum Lot Size be amended to allow lots containing split zones to be subdivided along the minimum lot size boundary, or that any residual land be excluded from the minimum lot size requirements
- g) Clause 7.9 Development in Flight Paths be amended to reflect the Department of Planning current model clause "Airspace Operations"
- h) Clause 8.6 Building Separation be amended by inserting the following subclause:-

"Despite subclause (1) (c), if a building contains a dwelling that is located within the street frontage height the building may be separated from any other building at the street frontage height."
- i) Schedule 1 Additional Use, item I to be amended by correcting the spelling of "Buttershaw" Drive to "Buttenshaw" Drive.
- j) Schedule 5 Environmental Heritage be amended for the following sites:
 - I. Commonwealth Bank building address be corrected to 31-33 Wentworth Street, Port Kembla
 - II. Delete "(adjacent to Tourist Information Bureau)" for the listing of the Norfolk Island Pine 93 Crown Street, Wollongong.

Part 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROVISIONS AND PROCESSES FOR THEIR IMPLEMENTATION:

Section A – Need for the planning proposal

<p>1. Is the planning proposal a result of any strategic study or report?</p>	<p>The planning proposal is the result of a Council resolution dated 26 October 2010 (copy of reports and minutes attached).</p>
<p>IF YES:</p>	<p>The resolution identified a number of minor</p>

<ul style="list-style-type: none"> Briefly explain the nature of the study or report and its key findings in terms of explaining the rationale for the proposal. Submit a copy of the study or report with the planning proposal. 	amendments to Wollongong Local Environmental Plan 2009 requiring the preparation of a planning proposal.
<p>2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way? (alternatives to changing the controls on development might include community education and new administrative processes such as pre-application meetings)</p>	The planning proposal is the best means of achieving the intended outcomes.
<p>3. Is there a net community benefit? The Net Community Benefit Test: an assessment should be prepared by the proponent to be submitted to council for endorsement prior to submitting to DoP as part of the Gateway test. The level of detail and analysis should be proportionate to the size and likely impact of the rezoning.</p>	<p>The net community benefit resulting from the proposed amendments to the Wollongong Local Environmental Plan 2009 are discussed below:</p> <p>The rezoning of a portion of Lang Park will correctly reflect its use as a public open space.</p> <p>The rezoning of land at Molloy Street Bulli from IN2 to B2 will enable future retail/commercial use of the land and job opportunities</p> <p>The amendment of the standard clause 4.1 Minimum Subdivision Lot Size can achieve improved environmental outcomes in Environmental Protection zones.</p> <p>Correcting minor anomalies within Schedule 1 Additional Use and 5 Environmental Heritage will ensure the most up-to-date and correct information is presented within the LEP and will increase the useability of the document.</p>

Section B – Relationship to strategic planning framework

<p>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)?</p> <ul style="list-style-type: none"> Describe regional or sub-regional strategy outcomes or actions directly relevant to the planning proposal. Where this is the case, include reasons why the proposal is either explicitly consistent with, or explicitly inconsistent with the outcomes or actions contained in the regional or sub-regional strategy Where the planning proposal is 	<p>The planning proposal is consistent with the Illawarra Regional Strategy such as encouraging the protection of high value environments through the amendment to clause 4.1 Minimum Subdivision Lot Size.</p> <p>This planning proposal also is consistent with the Illawarra Regional Strategy as it ensuring adequate supply of land strategically located to support economic growth and new jobs through the rezoning of Molloy Street Bulli from IN2 to B2.</p>
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<p>inconsistent consider whether circumstances have changed, or whether a matter relevant to the planning proposal was not considered in the preparation of the strategy.</p> <ul style="list-style-type: none"> • Sustainability criteria included in regional strategies should be addressed in the planning proposal. 	
<p>5. Is the planning proposal consistent with the local council’s Community Strategic Plan or other local strategic plan?</p>	<p>The planning proposal is consistent with Councils Strategic Plan.</p>
<p>6. Is the planning proposal consistent with applicable state environmental planning policies?</p>	<p>The planning proposal is consistent with State Environmental Planning Policies, Including SEPP (Exempt & Complying Development Codes) 2008, SEPP (Infrastructure) 2007, SEPP 19 - Bushland in Urban Areas and SEPP 55 – Remediation of Land</p>
<p>7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?</p> <ul style="list-style-type: none"> • Each planning proposal must identify which, if any, section 117 Directions are relevant to the proposal. • Where the planning proposal is inconsistent, those inconsistencies must be specifically justified • Certain directions require consultation with government agencies – if such a direction is relevant, this should be identified however should not take place until the gateway determination is issued, confirming the public authorities to be consulted on the planning proposal. 	<p>The planning proposal has been considered against the following s.117 Directions</p> <ul style="list-style-type: none"> • 1.1 – Business and Industrial Zones: consistent – impacts on industrial land are of minor significance • 1.2 – Rural Zones: consistent • 2.1 Environmental Protection Zones: consistent • 2.3 Heritage Conservation: consistent • 3.1 Residential Zones: consistent • 3.3 Home Occupations: consistent – the planning proposal seeks to correct an anomaly which currently prevents home based child care in certain zones • 3.5 Development near Licensed Aerodromes: consistent • 5.1 Implementation of Regional Strategies: consistent

Section C – Environmental, social and economic impact

<p>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?</p> <p>IF YES: it will be necessary to carry out an assessment of significance in accordance with section 5A of the EP&A Act and the “Threatened Species Assessment Guidelines” issued by the Department of Environment and Climate</p>	<p>No. The planning proposal is not considered to result in any adverse impacts on critical habitat, threatened species, populations or ecological communities or their habitats.</p>
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<p>Change. Any adverse impact will trigger the requirement under section 34A to consult with the Director General of the Department of Climate Change – such consultation if required does not take place until after the issuing of the initial gateway determination.</p>	
<p>9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</p> <p>This might include natural hazards such as flooding, land slip, bushfire hazard etc. If it is necessary to undertake technical studies or investigations to address an identified matter, these should be undertaken following the initial gateway determination.</p>	<p>The Planning Proposal is not considered to result in any adverse environmental impacts.</p>
<p>10, How has the planning proposal adequately addressed any social and economic effects?</p> <p>This includes effects on items or places of European or aboriginal cultural heritage.</p>	<p>The planning proposal will not make major changes to the potential development of the area. The social impacts from the planning proposal would be limited to increased job opportunities for the proposed supermarket in Molloy Street Bulli. The economic impacts include a small increase in employment lands for the area, and the benefit of having updated planning controls, in line with the bulk of the Wollongong LGA.</p>

Section D – State and Commonwealth interests

<p>11. Is there adequate public infrastructure for the planning proposal?</p> <p>This applies to planning proposal that may result in residential subdivision in excess of 150 lots, substantial urban renewal, or infill development.</p>	<p>The planning proposal is not likely to lead to an increase in subdivision, or substantial urban development. There is adequate public infrastructure for the limited development potential under the planning proposal.</p>
<p>12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?</p> <p>This is completed following consultation with the State and Commonwealth Public Authorities identified in the gateway determination and must summarise and address issues raised not already dealt with in the planning proposal.</p>	<p>This will be determined following the Gateway determination</p>

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

Outline the community consultation that is to be undertaken in respect of the proposal, having regard to the requirements set out in the guide (refer to the document “**A guide to preparing local environmental plans**” which outlines the consultation required for different types of planning proposals).

A 28 day public exhibition period is proposed. Notes are proposed to be placed:

- In the Illawarra Mercury and the Advertiser (local Wollongong newspapers)
- On the Wollongong City Council website

Minute No.

COUNCIL RESOLUTION EXTRACT FROM MINUTES 26 OCTOBER 2010

ITEM 5 - PLANNING PROPOSAL - CORRECT MINOR ANOMALIES AND ERRORS IN THE WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009 (ESP-100.01.026) - REPORT OF ACTING MANAGER ENVIRONMENTAL STRATEGY AND PLANNING (DG) 8/10/10

- 134 **RESOLVED UNANIMOUSLY** that a draft Planning Proposal be submitted to the NSW Department of Planning to amend the Wollongong Local Environmental Plan 2009 in the following manner:
- 1 Rezoning the southern part of 5-9 Molloy Street, Bulli, and part of Molloy Street from IN2 Local Industry to B2 Local Centre, and amending the floor space ratio to 1.5:1 and removing the minimum lot size.
 - 2 Rezoning Lot 107, DP 751299, Cliff Road, Wollongong from RI General Residential to RE1 Public Recreation and removing the minimum lot size, floor space ratio and height of building controls.
 - 3 Land Use tables - inserting home-based childcare as being permissible with development consent in the RU2, RU4, R1, R2, R3, R4, R5, B1, E3 and E4 zones.
 - 4 Clause 4.1 Minimum Lot Size be amended to allow lots containing split zones to be subdivided along the minimum lot size boundary, or that any residual land be excluded from the minimum lot size requirements.
 - 5 Clause 7.9 Development in Flight Paths be amended to reflect the Department of Planning current model clause "Airspace Operations".
 - 6 Clause 8.6 Building Separation be amended by inserting the following subclause:

 "Despite subclause (1) (c), if a building contains a dwelling that is located within the street frontage height, the building may be separated from any other building at the street frontage height".
 - 7 Schedule 1 Additional Use, item 1 to be amended by correcting the spelling of "Buttershaw" Drive to "Buttenshaw" Drive.
 - 8 Schedule 5 - Environmental Heritage be amended by replacing the listing of the Commonwealth Bank building at "31-40" Wentworth Street, Port Kembla, to "31-33" Wentworth Street, Port Kembla.
 - 9 Schedule 5 - Environmental Heritage be amended by deleting "(adjacent to Tourist Information Bureau)" from the listing of the Norfolk Island Pine 93, Crown Street, Wollongong.

REF: CM126/10

PLANNING PROPOSAL - CORRECT MINOR ANOMALIES AND ERRORS IN THE WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009
Report of Acting Manager Environmental Strategy & Planning (DG) 8/10/10 ESP-100.01.026

PRECIS

The Wollongong Local Environmental Plan 2009 came into force on the 26 February 2010. This report proposes the correction of some minor anomalies and updating of certain provisions.

It is recommended that the draft Planning Proposal be forwarded to the NSW Department of Planning for review and Gateway approval prior to exhibition.

RECOMMENDATION

A draft Planning Proposal be submitted to the NSW Department of Planning to amend the Wollongong Local Environmental Plan 2009 in the following manner:-

- 1 Rezoning the southern part of 5-9 Molloy Street, Bulli, and part of Molloy Street from IN2 Local Industry to B2 Local Centre, and amending the floor space ratio to 1.5:1 and removing the minimum lot size.
- 2 Rezoning Lot 107, DP 751299, Cliff Road, Wollongong from RI General Residential to RE1 Public Recreation and removing the minimum lot size, floor space ratio and height of buildings controls.
- 3 Land Use tables – inserting home-based childcare as being permissible with development consent in the RU2, RU4, R1, R2, R3, R4, R5, B1, E3 and E4 zones.
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- 9 Schedule 5 – Environmental Heritage be amended by deleting “(adjacent to Tourist Information Bureau)” from the listing of the Norfolk Island pine 93 Crown Street, Wollongong.

ITEM 5

BACKGROUND

The Wollongong Local Environmental Plan 2009 was exhibited from 10 December 2008 to 17 April 2009. Council received, 1,423 submissions. The issues raised in submissions were considered in a series of reports from 26 May 2009 to 4 August 2009.

The Wollongong Local Environmental Plan 2009 was approved on 26 February 2010 and has been in operation for eight months. A number of minor errors and anomalies have been identified. It is proposed that a draft Planning Report be prepared to correct these minor errors and anomalies within the Plan.

PROPOSAL**1 5-9 Molloy Street, Bulli – zone boundary adjustment**

Council on 5 June 2006 resolved to support a rezoning proposal for the rezoning of 5-9 Molloy Street and adjoining properties at Bulli to allow the development of a supermarket and speciality retail store. The site was formerly occupied by the Cavion's Scrap Yard. The Department of Planning's LEP Review Panel requested that the rezoning be expanded to incorporate the whole street block (Molloy Street to Station Street). Council resolved on 2 April 2007 to support the expanded rezoning proposal. The proposed rezoning was incorporated into the draft Wollongong Local Environmental Plan 2009.

The submitted proposal and Council resolutions included a small portion of 5-9 Molloy Street (Lot 1 DP 1087305 – 90 m²) located on the southern side of Molloy Street (Attachment 1).

This small portion of 5-9 Molloy Street, was inadvertently not included in the draft Wollongong Local Environmental Plan 2009. The draft Local Environmental Plan was exhibited from 10 December 2008 to 17 April 2009. Council on 23 June 2009 resolved to proceed with the rezoning of the Cavion's Precinct as part of the Wollongong Local Environmental Plan 2009. The error in the zone boundary was noted in a submission from the proponent but was not amended.

Development Application No. 2009/757 for a supermarket and speciality retail store on the site is under assessment. The small southern part of 5-9 Molloy Street is nominated to be used for 3 staff parking spaces next to the loading dock/service vehicle entry.

Council on 16 April 2007 resolved to close the adjoining portion of Molloy Street. The road closure proposal has been exhibited and is with the Lands Titles Office for finalisation.

It is proposed that the southern part of lot 5-9 Molloy Street (90m²) and the adjoining road reserve (532m²) be rezoned from IN2 Light Industry to B2 Local Centre (Attachment 1). This change is consistent with Council's resolutions in 2006 and 2007 to facilitate the rezoning of the Cavion's site.

Recommendation: That the southern part of 5-9 Molloy Street, Bulli, and the adjoining road reserve be rezoned from IN2 Light Industry to B2 Local Centre and the floor space ratio be amended to 1.5:1, and minimum lot size standard be removed.

2 Lang Park, Wollongong – Zone Amendment

Lot 107 DP 751299 Cliff Road, Wollongong, is the northern lot in Lang Park (Attachment 2). This lot was zoned 6(a) Public Recreation under Wollongong Local Environmental Plan 1990. It was incorrectly zoned R1 General Residential under Wollongong City Centre Local Environmental Plan 2007. This error was corrected by Wollongong Centre Local Environmental Plan 2007 (Amendment No. 2), approved 3 July 2009, which reinstated the zoning as RE1 Public Recreation.

The correction was not translated into the Wollongong Local Environmental Plan 2009, and the lot is currently zoned R1 General Residential. It is proposed that the RE1 Public Recreation zone be reinstated.

Recommendation: That Lot 107 DP 751299 Cliff Road, Wollongong, be rezoned from R1 General Residential to RE1 Public Recreation and the floor space ratio, minimum lot size and height of building controls be removed.

3 Incorrect address descriptions

Recommendation: That the following location description be corrected:-

	Current Description	Proposed Description
Schedule 1 Additional Permitted Use – Item 1	“Buttershaw” Drive (2 occurrences)	“Buttenshaw” Drive (both occurrences)
Schedule 5 – Environmental Heritage	Commonwealth Bank “31-40” Wentworth Street, Port Kembla	Commonwealth Bank “31-33” Wentworth Street, Port Kembla
Schedule 5 – Environmental Heritage	Norfolk Island pine 93 Crown Street, Wollongong (adjacent to Tourist Information Bureau)	Norfolk Island pine 93 Crown Street, Wollongong

4 Clause 4.1 Minimum Subdivision Lot Size

The Wollongong Local Environmental Plan 2009 includes Lot Size Maps which specify the minimum size of lots that can be created. For example in the R2 Low Density Residential zone, the maps indicate a minimum size of 450m².

Some properties have multiple zonings and multiple minimum lot sizes, for example, land in West Dapto or Tallawarra.

A problem has been identified in the wording of clause 4.1 of the Standard Instrument which has been used for both the Wollongong Local Environmental Plan 2009 and Wollongong Local Environmental Plan (West Dapto) 2010. Sub-clause (3) states:

“The size of any lot resulting from a subdivision of land to which this clause applies not to be less than the minimum size shown on the Lot Size Map in relation to that land”.

The clause requires all lots to comply with the Minimum Lot Size standard, which is not always achievable, or desirable. For example, riparian corridors may be zoned E3 Environmental Management with a Minimum Lot Size of 40 hectares, yet may only be 1 hectare in size. Consolidation of these smaller land portions can achieve improved environmental outcomes, but this is currently not permitted within the Local Environmental Plan.

The options available to Council are either amending the Lot Size Maps or requesting the NSW Department of Planning to amend the clause. The second option is preferable as it is a problem with the wording in the Standard Instrument and affects all Council’s with a new Local Environmental Plan. A search of the Lot Size Maps for other Council areas revealed the same issue.

The standard clause does not account for lots that contain multiple zones and multiple lot sizes, which are common in new release areas. The clause could be reworded to indicate one of the following:

ITEM 5

- where a lot contains two (2) or more lot sizes, compliance with any one (1) standard is required; or
- any residual land is excluded in the calculations; or
- an indication that subdivision along a minimum lot size boundary is permissible.

To amend the Lot Size Map would require a site by site review of properties throughout the City.

Removal of minimum lot size could result in uncontrolled subdivision and poor environmental outcomes. The removal of a minimum lot size for subdivision would need to be accompanied with the introduction of a minimum lot size standard for the construction of a dwelling house.

Council on 22 June 2010, resolved to seek a similar amendment to the Wollongong Local Environmental Plan (West Dapto) 2010.

Recommendation: That clause 4.1 be amended to allow lots containing split zones to be subdivided along the minimum lot size boundary, or that any residual land can be excluded from minimum lot size requirements.

5 Land Use Tables – Home-based Child Care

The draft Wollongong Local Environmental Plan 2009 proposal that Home-based Child Care be permitted in all zones where dwelling houses were permitted. State Environmental Planning Policy – Exempt and Complying Development Codes 2008, permits Home-based Child Care State-wide as Exempt Development, provided the land is not bush fire prone.

Following the submission of the draft Wollongong Local Environmental Plan 2009, the Parliamentary Counsel Office removed Home-based Child Care from the land use tables under the belief that it was adequately covered by the State policy.

The removal of Home-based Child Care from the land use table has the effect of prohibiting the use in bush fire prone areas throughout the City. While high risk bush fire prone areas may not be appropriate for Home-based Child Care, a merit assessment of the proposal should be permitted to determine the suitability of the site and proposal.

Recommendation: That Home-based Child Care be listed as permissible with development consent in the RU2, RU4, R1, R2, R3, R4, R5, B1, E3 and E4 zones.

6 Clause 7.9 – Development in Flight Paths

Clause 7.9 Development in Flight Paths is a standard template clause requiring Council to refer all applications for building in the flight path of Illawarra Regional Airport to the Commonwealth.

Subsequent to the approval of the Wollongong Local Environmental Plan 2009, the Department of Planning updated the standard wording of the model clause to require only buildings that exceed the height limit to be referred to the Commonwealth. It is proposed that the clause be amended to reflect the updated model clause used by the Department of Planning.

Recommendation: That clause 7.9 Development in Flight Paths be amended to reflect the current Airspace Operations Model clause used by the NSW Department of Planning.

7 Clause 8.6 – Building Separation with the B3 and B4 Commercial Zones in Wollongong City Centre

Clause 8.6 requires buildings in the Wollongong City Centre B3 and B4 zones, to be separated to provide for solar access, privacy and visual appearance. The clause was amended by the Parliamentary Counsel Office from the version contained in the Wollongong City Centre Local Environmental Plan 2007 (Amendment No. 1) by excluding subclause (2). Subclause (2) allowed dwellings in adjoining buildings to not be separated up to the street frontage height.

The effect of the current wording is that applications which include dwellings in the street frontage height cannot comply because there is an adjacent development which also contains dwellings, and the application needs to be referred to the Department of Planning under clause 4.6 variation to Development Standards.

The reintroduction of subclause (2) would resolve the situation.

Recommendation: That clause 8.6 Building Separation be amended by inserting the following subclause:

“Despite subclause (1) (c), if a building contains a dwelling that is located within the street frontage height, the building may be separated from any other building at the street frontage height”.

CONSULTATION AND COMMUNICATION

If endorsed by Council, the draft Planning Proposal will be referred to the NSW Department of Planning for review and Gateway Determination. If approved by the Department, the draft planning proposal will be exhibited for community input. A further report will be provided to Council detailing any issues raised in submissions following the public exhibition.

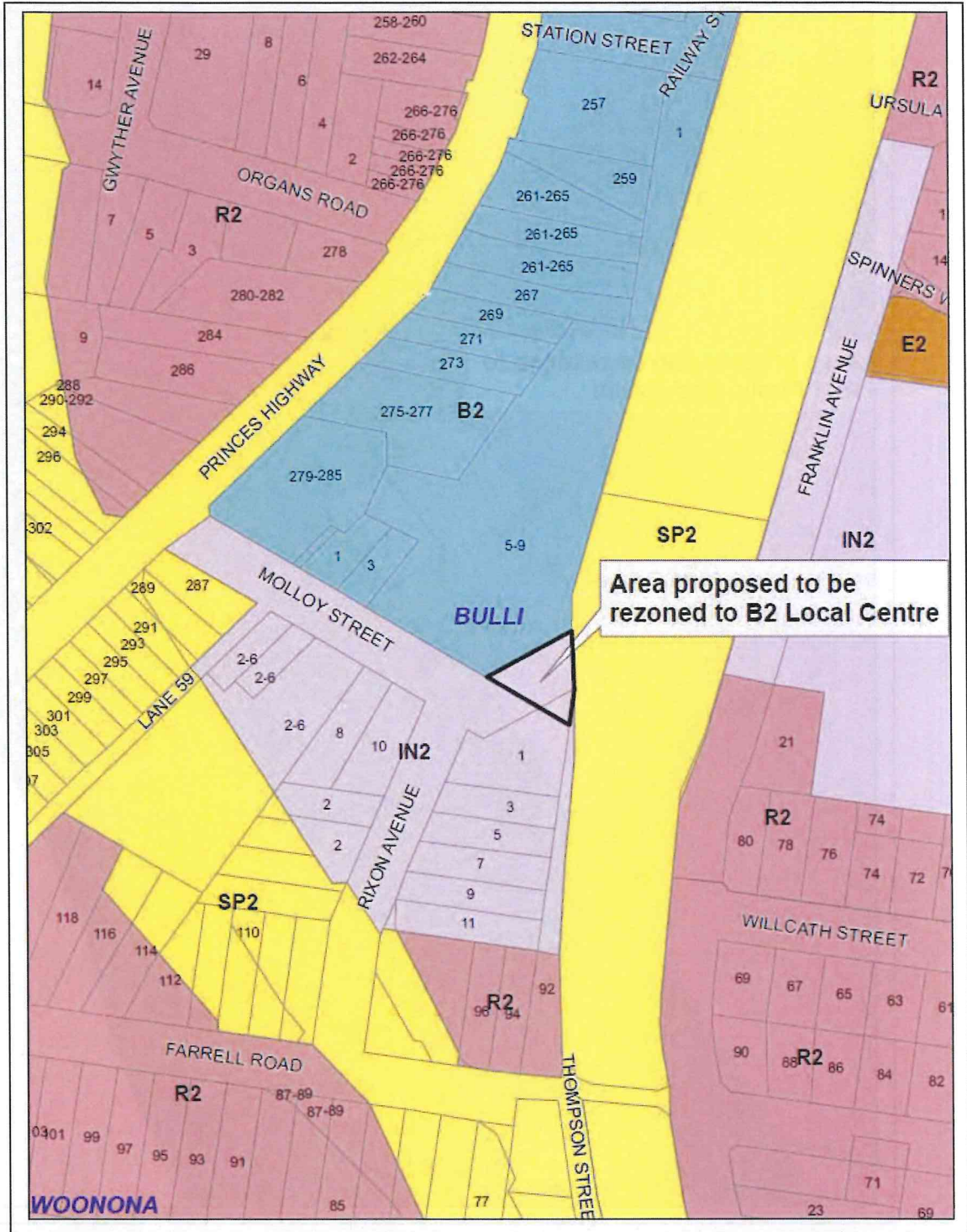
CONCLUSION

The Wollongong Local Environmental Plan 2009 has been in place for 8 months. A small number of anomalies and errors have been identified which require correction. It is recommended that a draft Planning Proposal be prepared to amend the instrument.




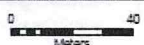
Name	Position Title
Author:	
David Green	Acting Manager Environmental Strategy & Planning
Authorised by:	
Andrew Carfield	Director Environment and Planning
David Farmer	General Manager

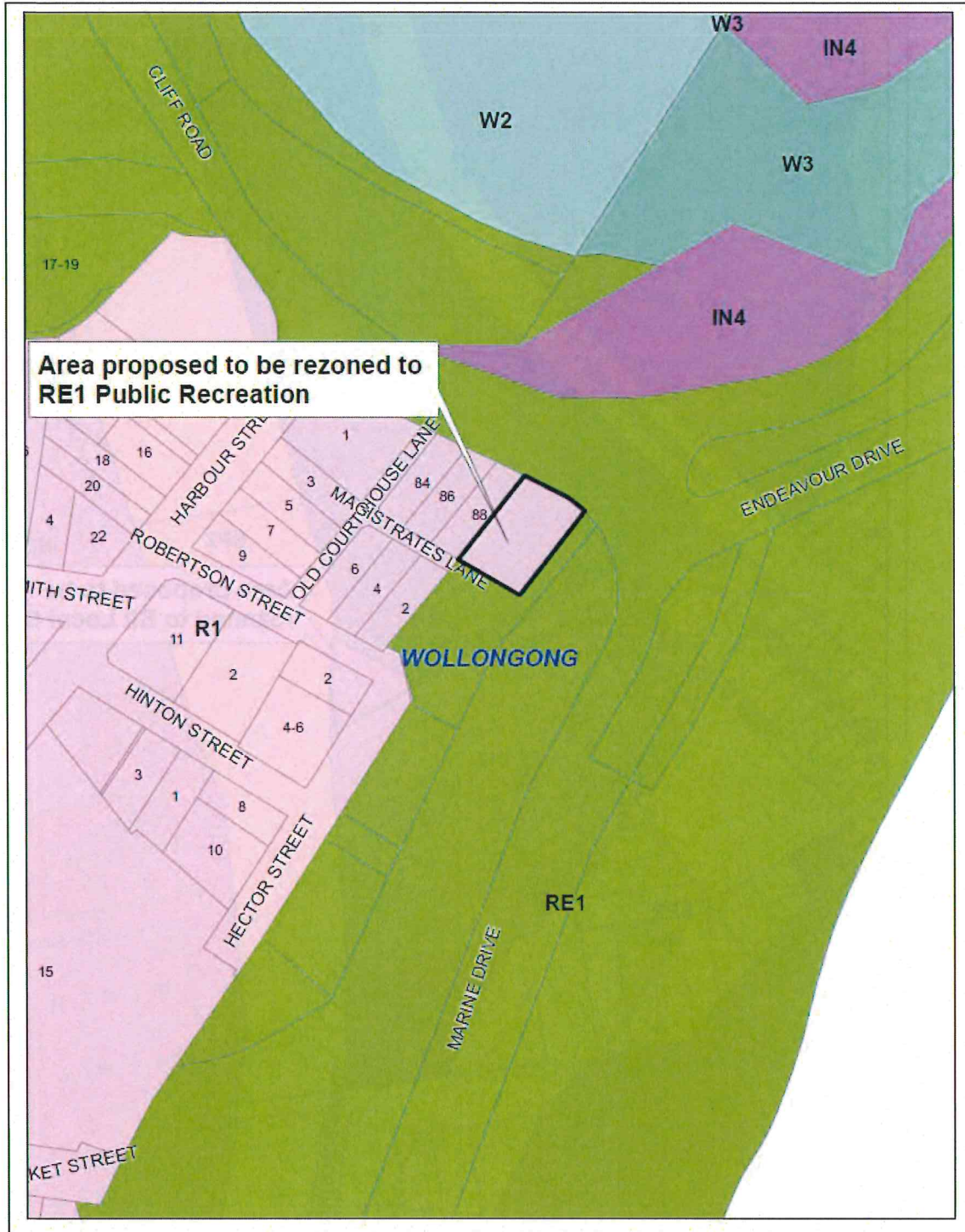
ATTACHMENTS

1. Site Plan, 5-9 Molloy Street, Bulli
2. Site Plan, Lot 107, DP 751299 Cliff Road, Wollongong



Location: Molloy Street Bulli

	Wollongong Local Environmental Plan 2009		
	 Subject Land		
			



Location: Cliff Road Wollongong

	<p>Wollongong Local Environmental Plan 2009</p>	<p>Drawn By: J Lewis</p>	
		<p>Date: 06-10-2010</p>	
<p>  Subject Land </p>		<p>Council File No.</p>	<p>Gis ref: Marine Dr Wollongong LEP.mxd</p>
		<p>0 40 Meters</p> 	