

ITEM 5

SUBMISSION - DEPARTMENT OF PLANNING AND ENVIRONMENT - EXHIBITION OF EMPLOYMENT ZONE REFORM IMPLEMENTATION - EXPLANATION OF INTENDED EFFECT

The NSW Department of Planning and Environment (DPE) is exhibiting the *Employment Zones Reform Implementation - Explanation of Intended Effect* between 31 May and 12 July 2022. The Reforms propose to replace the existing eight *Business* and four *Industrial* zones with eight new zones made up of five (5) new *Employment* zones and three supporting zones.

On 21 February 2022, Council considered a report on the proposed return translation detail and resolved to make a formal submission to DPE during the exhibition period of the Explanation of Intended Effect.

Council officers have undertaken to make the community aware of DPE's exhibition via the *Our Wollongong* engagement page, and through notifying all landowners in our Business (B) and Industrial (IN) zoned land.

It is recommended that Council endorse the draft submission for finalisation by the General Manager.

RECOMMENDATION

The General Manager be authorised to finalise the draft submission to the NSW Department of Planning and Environment on the *Employment Zones Reform Implementation - Explanation of Intended Effect* (Attachment 2).

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

- 1 Difference between Council's proposed amendments and DPE's exhibited EIE and translation detail
- 2 Draft Submission - Employment Zone Reform Explanation of Effect

BACKGROUND

In November 2020, the NSW Government announced reforms to employment lands (both business and industrial zoned lands). These reforms followed the reviews by the Australian and NSW Productivity Commissions to support economic growth and productivity. The NSW Productivity Commission recommended the rationalisation of the number of employment zones in NSW and to increase flexibility within the new zones to expand the land uses that are permitted.

In May 2020, the DPE exhibited a position paper outlining the proposed employment zones framework. Council officers reviewed and commented on the paper. Council officers objected to the proposed reduction in the number of Business zones, as it removes the hierarchy or delineation between small village centres and much larger town centres.

On 1 December 2021, the DPE amended the *Standard Instrument (Local Environmental Plans) Order 2006* by introducing five new employment zones and three supporting zones. The new zones include -

Employment Zones:

New Zone	Existing zones
E1 Local Centre	B1 Neighbourhood Centre B2 Local Centre
E2 Commercial Centre	B3 Commercial Core

E3 Productivity Support	B5 Business Development (not currently included in the Wollongong LEP 2009) B6 Enterprise Corridor B7 Business Park
E4 General Industrial	IN1 General Industrial IN2 Light Industrial
E5 Heavy Industrial	IN3 Heavy Industrial

Supporting Zones:

New Zone	Existing zones
MU1 Mixed Use	B4 Mixed Use
W4 Working Waterfront	IN4 Working Waterfront
SP4 Enterprise	B8 Metropolitan Centre (not currently included in the Wollongong LEP 2009)

Also on 1 December 2021 to facilitate the change of Business Zones ('B' zones) to Employment Zones ('E' zones), the existing Environmental Conservation Zones were renamed to Conservation Zones ('C' zones).

The legislative changes made by the DPE to the Standard Instrument LEP Order to replace Business (B) and Industrial (IN) zones with Employment zones means that each standard Instrument (SI) Local Environmental Plan (LEP) in NSW needs to be amended in line with the Order.

During the December 2021 - January 2022 period, Council officers were required to review the preliminary translation of Wollongong LEP 2009 and provided a Return Translation Detail package to the DPE by the required date of 28 January 2022. As part of the Return Translation Detail package, Council officers proposed changes to the preliminary translation of Wollongong LEP 2009, to address the issues identified, update references to zoning descriptions in local provisions, as well as some minor housekeeping amendments.

On 21 February 2022, Council considered a report on the submitted Return Translation Detail and resolved to make a formal submission to DPE during the exhibition period of the Explanation of Intended Effect (EIE).

This report outlines -

- The current proposed changes to the Wollongong LEP 2009 as presented in DPE's *Employment Zones Reform Implementation - Explanation of Intended Effect* and the accompanying translation detail.
- Where these proposed changes differ to those proposed by Council officers through the Return Translation Detail document.
- Council's draft submission to the DPE.

PROPOSAL

This land use zone transition is now being implemented across all NSW Standard Instrument (SI) LEPs with business and/or industrial zones, including the Wollongong LEP 2009. The transition will not apply to the areas within the Three Ports State Environmental Planning Policy (SEPP) which applies to industrial land at Port Kembla. This area will retain their Industrial (IN) zoning.

An EIE and the proposed LEP translation detail is currently being exhibited by the NSW Department of Planning and Environment (DPE) for a period of six weeks from 31 May to 12 July 2022. The material on

exhibition explains how each LEP will be amended ahead of the planned introduction of the self-repealing SEPP on 1 December 2022.

The proposed translation of Wollongong LEP 2009 has been prepared by the DPE by combining the mandated components of the land use table from the SI LEP Order with the current land use table of the in-force Business or Industrial zone being translated. Council officers were given the opportunity to review the preliminary translation (prior to the exhibition). Council officers provided specific feedback and requested modifications to the land use tables (including objectives and land use permissibility) as well as to the Local Provisions. Council's proposed modifications were checked by DPE for alignment with the intent of the reform as well as consistency with drafting conventions for Local Environmental Plans to ensure what is exhibited reflects as closely as possible what will likely come into effect in December 2022.

The difference between what Council proposed in the Return Translation Detail and what has been exhibited as part of the EIE and proposed land use tables for Wollongong LEP 2009 is laid out in the table in Attachment 1.

The majority of Council staff recommendations have been accepted by the DPE. Council officers remain concerned over the collapsing of the number of existing zones. The merger of the B1 Neighbourhood Centre and B2 Local Centre zones into the E1 Local Centre zone will impact on the hierarchy of centres. However, as the Standard Instrument Order has already been amended (1 February 2021) and the DPE is implementing the changes, there appears to be little opportunity to object to the changes.

Council staff remain concerned about the following issues that have not been addressed in the EIE or the translation detail, and have made these the subject of our draft submission (Attachment 2) -

- **Local Distribution Premises:** Council staff are concerned that the land use definition does not clearly imply that local distribution centres relate to small scale development, such as parcel lockers and click and collect bays, and instead could encompass larger distribution centre development. The draft submission recommends that if Local Distribution Centres are to be permitted in E1 Local Centres, E2 Commercial Centres and MU Mixed Use Zones, there should be an accompanying control under Clause 5.4 to control the scale and impact of this use.
- **Drive through Food and Drink Premises:** Land uses which prioritise vehicle access cause pedestrian conflicts in town and village centres, as well as making it difficult to achieve active frontages and continuous built form alignment due to the presence of driveways and drive-through elements. The draft submission recommends that food and drink premises in Village and Small Village Centres should not be permitted to have a drive through component.
- **Active Frontages to the Street:** Active frontages that engage with the street are critical components of well-functioning employment zones. Mandating for non-residential uses at ground (through permissible uses such as shop-top housing) is not sufficient to achieve activation. Ground floors are often dominated by vehicle entries, blank facades and services. The Wollongong LEP 2009 already includes two Local Provisions to facilitate the delivery of active frontages – 7.13 and 7.19. To support the aims of the reform to maximise productivity and deliver on Council's strategic goals for our centres, the draft submission recommends the augmentation of these existing provisions.
- **Centre Hierarchy:** Council staff have queried how the Centres Hierarchy Provision (Part 7) will be worded to support the character of the centre, the amenity of neighbouring residences and to have regard to the role of the centre within the centres hierarchy. Council proposed including the full Retail and Business Hierarchy (including small villages) in the LEP Local Provision. The draft submission reiterates this recommendation.

CONSULTATION AND COMMUNICATION

The DPE issued the Employment Zone Reform package on 8 November 2021 and required feedback from Councils by 28 January 2022. This timeframe conflicted with the caretaker period prior to the 2021 Council election.

The proposed Employment Zones Reforms were reviewed by Council officers from the City Strategy Division, Development Assessment and Certification Division and Legal Services. The preliminary translation of Wollongong LEP 2009 was considered and the Return Translation Detail provided to the DPE by the required date.

Prior to the exhibition of the EIE the DPE provided feedback to Council regarding the extent to which Council's proposed amendments would be incorporated into the translation.

Council has consulted informally with neighbouring Councils throughout the process to discuss approaches and share proposed actions.

The DPE's centralised State-wide public exhibition of proposed amendments to all LEPs including Wollongong LEP 2009 is currently on exhibition until the 12 July 2022. As per the DPE's Community Participation Plan, the exhibition will occur for period of six weeks. The exhibition is digital only, available through the DPE's planning portal. The exhibition material includes the EIE document, a searchable web tool which allows users to search by a particular address and see what translation is proposed for the land, comparing current zoning controls with those proposed.

DPE is not individually notifying landowners of affected land.

In line with Council's Community Participation Plan, which outlines that the community will receive written advice when a new policy is being proposed that will affect their land, Council staff have -

- Sent letters to all 2,661 landowners in Business (B) and Industrial (IN) zoned land to highlight the DPE's exhibition. Given the short exhibition timeframe, the owners were requested to send any submissions direct to the NSW DPE.
- Prepared a webpage on the *Our Wollongong* website advising of the DPE's exhibition and providing links.
- The *Our Wollongong* engagement page also includes general and background information, Frequently Asked Questions, previous reports and submissions and a timeline of next steps.

The exhibition timeframe has meant that this report cannot include feedback from our community and the effected landowners. The DPE advised that the exhibition period would not be extended to cater for late submissions.

The DPE has advised that it will share submissions made during the exhibition with Council following public exhibition.

The finalisation of the LEP amendment is expected to occur on 1 December 2022 through a self-repealing SEPP.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 objective "*The Sustainability of our urban environment is improved*" under the Community Goal "*We value and protect our environment*". It specifically delivers on the following -

Community Strategic Plan Strategy	Delivery Program 2018-2022 4 Year Action	Operational Plan 2021-22 Operational Plan Actions
Manage land uses to strengthen urban areas	1.3.1 Impacts from development on the environment are assessed, monitored and mitigated	1.3.1.2.3 Prepare for the introduction and implementation of the New South Wales State Government Planning Reforms

FINANCIAL IMPLICATIONS

The cost of notifying landowners of the DPE's proposed Employment Zone Reform changes was \$3,971 in printing, plus \$2,600 in postage. Additionally, staff time has been used to prepare a local exhibition webpage and Frequently Asked Question pages.

CONCLUSION

The NSW Department of Planning and Environment is exhibiting the proposed translation of Business and Industrial land use zones in the Wollongong LEP 2009 to new Employment Zones.

The Department is inviting stakeholders from 31 May 2022 until 12 July 2022 to have their say on the proposed amendments. Council staff have reviewed the exhibition material and prepared a draft submission for endorsement by Council.

It is recommended that Council endorse the draft submission at Attachment 2 for finalisation by the General Manager and submission to the NSW Department of Planning and Environment.

Comparison Table – The Department of Planning & Environment's support for Council's Proposed Amendments to the Department's translation of the Wollongong LEP 2009

	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
1	Insert a new land use objective in the E1 Local Centre, E2 Commercial Centre and MU1 Mixed Use zone: <i>'To encourage development that is compatible with the centres position on the centres hierarchy'</i>	To give effect to the LGAs centres hierarchy.	Land Use Table Zone E1 Local Centre 1 Objectives of zone • <i>'To encourage development that is compatible with the centre's position on the centres hierarchy'</i>	Supported by DPE and included in updated Land Use Table as follows: To encourage development that is compatible with the centre's position on the centres hierarchy
2	Insert a new land use objective in the E1 Local Centre zone: <i>'To encourage development that has a high level of accessibility and amenity, and prioritises pedestrians'</i>	To encourage accessibility and pedestrian amenity in the E1 zone.	Land Use Table Zone E1 Local Centre 1 Objectives of zone • <i>'To encourage development that has a high level of accessibility and amenity, and prioritises pedestrians'</i>	Supported by DPE and included in updated Land Use Table as follows: To encourage development that has a high level of accessibility and amenity, particularly for and prioritises pedestrians
3	Insert a new land use objective in the E1 Local Centre zone: <i>'To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces'</i>	To enhance street activation in the E1 zone. Note. This land use objective is already mandated in the E2 zone	Land Use Table Zone E1 Local Centre 1 Objectives of zone • <i>'To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces'</i>	Supported by DPE and included in updated Land Use Table as follows: To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
4	Delete the following land use objectives in the current B1 Neighbourhood Centre zone (i.e. not carry it into E1 Local Centre zone): <i>'To allow for residential accommodation and other uses while maintaining active retail, business or other non-residential uses at the street level.'</i>	Recommended for deletion by DPE. Council support the deletion of this objective, as the purpose of the objective will be covered by new mandated Local Centre objectives as per below: <i>'To enable residential development that contributes to a vibrant and active Local Centre and is consistent with the Council's strategic planning for residential development in the area.'</i> AND <i>'To encourage business, retail,</i>	Land Use Table Zone E1 Local Centre 1 Objectives of zone • <i>'To allow for residential accommodation and other uses while maintaining active retail, business or other non-residential uses at the street level.'</i>	Deletion of objective, as agreed by both Council and DPE

	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
		<i>community and other non- residential land uses on the ground floor of buildings.'</i>		
5	<p>Delete the following land use objectives in the current B3 Commercial core zone (i.e. not carry it into E2 Commercial Centre zone):</p> <p><i>'To provide for high density residential development within a mixed use development if it—</i></p> <p>(a) <i>is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and</i></p> <p><i>contributes to the vitality of the Wollongong city centre.'</i></p>	<p>Recommended for deletion by DPE. Council also supports deletion, as this control is recommended to be deleted as part of the Wollongong City Centre Planning Proposal.</p>	<p>Land Use Table Zone E2 Commercial Centre <u>1 Objectives of zone</u></p> <ul style="list-style-type: none"> 'To provide for high density residential development within a mixed use development if it— -(a) is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and (b) contributes to the vitality of the Wollongong city centre.' 	Deletion of objective, as agreed by both Council and DPE
6	<p>Delete the following land use objectives in the E3 Productivity Support zone:</p> <p><i>'To encourage activities which will contribute to the economic and employment growth of Wollongong.'</i></p>	<p>Recommended for deletion by DPE.</p>	<p>Land Use Table Zone E3 Productivity Support <u>1 Objectives of zone</u></p> <p>'To encourage activities which will contribute to the economic and employment growth of Wollongong.'</p>	Deletion of objective, as agreed by both Council and DPE
7	<p>Delete the following land use objectives in the E4 General Industrial zone:</p> <p><i>'To facilitate and encourage appropriate forms of industrial development which will contribute to the economic and employment growth of Wollongong.'</i></p> <p>AND</p> <p><i>To encourage appropriate forms of industrial development which will contribute to the economic and employment growth of Wollongong.'</i></p>	<p>Recommended for deletion by DPE.</p>	<p>Land Use Table Zone E4 General Industrial <u>1 Objectives of zone</u></p> <ul style="list-style-type: none"> 'To facilitate and encourage appropriate forms of industrial development which will contribute to the economic and employment growth of Wollongong.' 'To encourage appropriate forms of industrial development which will contribute to the economic and employment growth of Wollongong.' 	Deletion of objective, as agreed by both Council and DPE


	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
8	Insert a new land use objective in the E5 Heavy Industrial zone. <i>'To support and protect industrial land for heavy industrial uses'.</i>	To introduce a new objective that seeks to support and protect heavy industrial land.	Land Use Table Zone E5 Heavy Industrial <u>1 Objective of zone</u> <i>'To support and protect industrial land for heavy industrial uses'</i>	Supported by DPE and included in updated Land Use Table as follows: To support and protect industrial land for heavy industrial uses.
9	Delete the following land use objective in the E5 zone: <i>'To facilitate the ongoing sustainability of steel making and steel product manufacturing that will contribute to the economic and employment growth of Wollongong.'</i>	Bluescope Steelmaking site is located within Three Ports SEPP area and no longer covered by the WLEP 2009.	Land Use Table Zone E5 Heavy Industrial <u>1 Objectives of zone</u> <i>'To facilitate the ongoing sustainability of steel making and steel product manufacturing that will contribute to the economic and employment growth of Wollongong.'</i>	Supported by DPE and deleted in updated Land Use Table
10	Remove <i>residential flat buildings</i> as a permissible use with consent in the new E1 Local Centre zone.	Residential flat buildings are inconsistent with land use objectives which seek "to encourage business, retail, community and other non- residential land uses on the ground floor of buildings". Residential flat buildings are also effectively prohibited via Clause 7.13, which requires the ground floor of buildings to not be used for the purpose of residential accommodation in the B1 Neighbourhood Centre and B2 Local Centre zones. Note. Shop top housing is a mandated permissible use in the E1 Local Centre zone.	Land Use Table Zone E1 Local Centre <u>3 Permitted with consent</u> <i>Advertising structures; Amusement centres; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Home businesses; Home industries; Home-based child care; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; Sex services premises; Shop top housing; Tank-based aquaculture; Veterinary hospitals, Wholesale supplies</i>	Supported by DPE and deleted in updated Land Use Table

	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
11	Remove <i>tourist and visitor accommodation</i> as the permissible group term but include all sub terms including <i>backpackers' accommodation; bed and breakfast accommodation; hotel and motel accommodation and serviced apartments</i> , but not <i>farm stay accommodation</i> in the new E1 Local Centre zone.	To allow backpackers' accommodation; bed and breakfast accommodation; and serviced apartments, but not farm stay accommodation in the new E1 Local Centre zone.	<p>Land Use Table Zone E1 Local Centre <u>3 Permitted with consent</u></p> <p>Advertising structures; Amusement centres; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Home businesses; Home industries; Home-based child care; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Serviced apartments; Service stations; Sex services premises; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Wholesale supplies</p>	Supported by DPE and amended in updated Land Use Table
12	Remove <i>serviced apartments</i> as a permissible use with consent in the new E3 Productivity Support zone.	<p>Serviced apartments are more appropriate to occur in residential and business centre locations.</p> <p>Removal of land use will also reduce land use conflict in this zone.</p>	<p>Land Use Table Zone E3 Productivity Support <u>3 Permitted with consent</u></p> <p>Advertising structures; Animal boarding or training establishments; Boat building and repair facilities; Business premises; Car parks; Centre-based child care facilities; Community facilities; Depots; Entertainment facilities; Environmental facilities; Function centres; Garden centres; Hardware and building supplies; Heavy industrial</p>	Supported by DPE and removed in updated Land Use Table

	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
			<p>storage establishments; Helipads; Home businesses; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Roads; Rural supplies; Service stations; Service apartments; Sex services premises; Shop top housing; Specialised retail premises; Storage premises; Take away food and drink premises; Tank based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies</p>	
13	Remove <i>shop top housing</i> as a permissible use with consent in the new E3 Productivity Support zone.	<p>The current permissibility of shop top housing in the B6 zone is not compatible with the objectives of the new E3 zone.</p> <p>Removal of shop top housing from the new E3 zone is further supported by the Illawarra Shoalhaven Regional Plan 2041 which classifies existing B6 and B7 zoned land as 'Regionally Significant Employment Lands', in order to protect employment land from residential encroachment.</p>	<p>Land Use Table Zone E3 Productivity Support <u>3 Permitted with consent</u></p> <p>Advertising structures; Animal boarding or training establishments; Boat building and repair facilities; Business premises; Car parks; Centre-based child care facilities; Community facilities; Depots; Entertainment facilities; Environmental facilities; Function centres; Garden centres; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Home businesses; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping, material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of</p>	Supported by DPE and removed in updated Land Use Table

	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
			<p>public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Roads; Rural supplies; Service stations; Service apartments; Sex services premises; Shop-top housing; Specialised retail premises; Storage premises; Take away food and drink premises; Tank based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies</p>	
14	Remove heavy industries as a permissible use with consent in the new E4 General Industrial zone.	It is recommended to remove heavy industries as more appropriate for E5 Heavy Industrial zone and inconsistent with zone objectives.	<p>Land Use Table Zone E4 General Industrial <u>3 Permitted with consent</u></p> <p>Advertising structures; Agricultural produce industries; Animal boarding or training establishments; Boat building and repair facilities; Community facilities; Crematoria; Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Heavy industries; Helipads; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Local distribution premises; Mortuaries; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Recreation areas; Recreation facilities (indoor); Roads; Self-storage units; Service stations; Sex services premises; Take away food and drink premises; Tank-based aquaculture; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities</p>	Supported by DPE and removed in updated Land Use Table
15	Remove recreation facilities (indoor) as a permissible use with consent in the new E5 Heavy Industrial zone.	It is recommended to remove recreation facilities (indoor) as it is inconsistent with zone objectives.	<p>Land Use Table Zone E5 Heavy Industrial <u>3 Permitted with consent</u></p> <p>Advertising structures; Boat building and repair facilities; Data</p>	Supported by DPE and removed in updated Land Use Table

	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
			centres; Depots; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industrial storage establishments; Heavy industries; Helipads; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Offensive storage establishments; Oyster aquaculture; Recreation areas; Recreation facilities (indoor); Roads; Rural industries; Service stations; Storage premises; Take away food and drink premises; Tank-based aquaculture; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water supply systems	
16	Remove <i>takeaway food and drink premises</i> as a permissible use with consent in the new E5 Heavy Industrial zone.	It is recommended to remove take away food and drink premises as it is a conflicting land use. Note. Kiosks and Artisan food and drink industry currently permissible in zone.	Land Use Table Zone E5 Heavy Industrial <u>3 Permitted with consent</u> Advertising structures; Boat building and repair facilities; Data centres; Depots; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industrial storage establishments; Heavy industries; Helipads; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Offensive storage establishments; Oyster aquaculture; Recreation areas; Recreation facilities (indoor); Roads; Rural industries; Service stations; Storage premises; Take away food and drink premises; Tank-based aquaculture; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water supply systems	Supported by DPE and removed in updated Land Use Table
17	Prohibit <i>local distribution premises</i> in the new E5 Heavy Industrial zone.	Warehouses and distribution centres more appropriate and are permitted in IN3/E5 Heavy Industrial zone. Note. The land use term local distribution premises has been decoupled from the group term 'Warehouse or distribution centres' to support last mile delivery uses; for example click and	No change as the land use term <i>local distribution premises</i> has been decoupled from the group term 'warehouse or distribution centres'.	Supported by DPE The use is prohibited as it is not specified in items 2 or 3 of the Land Use Table

	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
		collect bays and parcel lockers. There is no size restriction on local distribution premises.		
18	Insert a new Additional Permitted Use under Schedule 1 to allow <i>shop top housing and serviced apartments</i> on certain land zoned E3 Productivity zone in the Flinders St Precinct, North Wollongong.	<p>Historically the Flinders Street Precinct was used for car yards, hardware stores (Bunnings), self storage, and service industries on the edge of the City. The planning controls were amended as part of the Wollongong City Centre LEP 2007, one of the 6 cities LEPs prepared by the Department of Planning.</p> <p>They were not amended as a result of a strategic study. The controls were translated into the Wollongong LEP 2009.</p> <p>The B6 Enterprise Corridor zone allows shop top housing and serviced apartments as a permissible use (with consent), with maximum height controls ranging between 24 and 32 metres, and maximum FSR controls of at least 1.5:1 and upward (dependent on land use).</p> <p>Due to the generous FSR and height, the precinct is now functioning more like a mixed-use zone, with recent development made up of mostly shop top housing development (ranging between 6 and 9 storeys).</p> <p>It is recommended to remove shop top housing and serviced apartments from the E3 zone, but still allow shop top housing and serviced apartments as an additional permitted use for the Flinders St area (refer to area zoned B6 in adjacent map). Then, look at rezoning Flinders St area from E3 to MU1 at a later stage subject to further review /</p>	<p>Schedule 1 – Additional Permitted Uses</p> <p><u>29 Use of certain land at Flinders Street, North Wollongong</u></p> <p>(1) <i>This clause applies to land at [INSERT ADDRESS], being [INSERT LOT and DPs]</i></p> <p>(2) <i>Development for the purposes of shop top housing and serviced apartments is permitted with development consent.</i></p> <p>Note. Instead of inserting all lot and DPs, this area could be mapped. Refer to B6 zoned area in image below.</p> 	<p>Supported by DPE</p> <p>New Schedule 1 clause 29 Use of Land at Flinders St, North Wollongong</p> <p>New clause to permit shop top housing and serviced apartments with development consent on certain land in the Flinders St Precinct proposed to be zoned E3</p>

	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
		separate Planning Proposal process. Note. Based on a review of other E3 zoned areas in the LGA, we are not proposing to introduce additional permitted uses for shop top housing and/or serviced apartments in other E3 zoned areas in the LGA, in order to protect land from residential encroachment, as per the direction in the Illawarra Shoalhaven Regional Plan 2041.		
19	Amend Clause 5.4 Controls relating to miscellaneous permissible uses.	To ensure local distribution centres do not adversely impact development on any adjoining land or the amenity of the neighbourhood as a result of poor urban design, traffic or noise.	<u>5.4 Controls relating to miscellaneous permissible uses</u> (11) Local distribution centres <i>If development for the purposes of a local distribution centre is permitted under this Plan, the consent authority must be satisfied that the local distribution facility will not adversely impact existing or future development on any adjoining land or the amenity of the neighbourhood as a result of poor urban design, traffic or noise.</i>	Not supported by DPE No changes made to 5.4 Controls relating to miscellaneous permissible uses
20	Amend Clause 5.4 Controls relating to miscellaneous permissible uses.	To ensure food and drink premises do not have a drive through component in Village and Small Village centres.	<u>5.4 Controls relating to miscellaneous permissible uses</u> (12) Food and drink premises <i>If development for the purposes of a food and drink premises is permitted in a Village or Small Village Centre under this Plan, the food and drink premises must not have a drive- through component.</i>	Not supported by DPE No changes made to 5.4 Controls relating to miscellaneous permissible uses
21	Amend Clause 7.11 Location of sex service premises.	To include restricted premises.	<u>7.11 Location of sex services premises and/or restricted premises</u> <i>(1) Despite any other provision of this Plan, development consent must not be granted for development for the purposes of sex services premises and/or restricted premises if the premises will be located on land that adjoins, or is separated by a road only from, land – (a) in Zone R1 General</i>	Supported by DPE Part 7 7.11 Location of sex service premises Amend provision to also cover restricted premises

	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
			<p><i>Residential, Zone R2 Low Density</i> <i>Residential, Zone R3 Medium Density</i> <i>Residential or Zone RE1 Public Recreation, or</i> <i>(b) used for the purposes of a centre-based child care facility, a community facility, an educational establishment or a place of public worship.</i></p> <p><i>(2) In deciding whether to grant development consent for the purpose of sex services premises, the consent authority must consider the impact the proposed development would have on children likely to regularly frequent land that adjoins, or is in view of, the proposed development.</i></p>	
22	Amend Clause 7.13 Certain land within business zones.	To ensure non-residential uses are appropriately located and achieve its objective by expressly requiring a high level of pedestrian interest and interaction at street level and a direct connection between the ground floor of buildings and the street, as well as to reflect re-naming of new employment zones.	<p><u>7.13 Certain land within business zones</u> <i>(1) The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people pedestrians.</i> <i>(2) This clause applies to land in</i> Zone B1-Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core or Zone B4 Mixed Use, Zone E1 Local Centre, Zone E2 Commercial Centre or Zone MU1 Mixed Use but does not apply to land to which clause 7.19 applies. <i>(3) Development consent must not be granted for development for the purpose of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building facing the street and/or a public place -</i> <i>(a) will be used for the purposes of</i></p>	<p>Not supported by DPE</p> <p>Note that all references to zone names will be amended to reflect new zones (as in (2))</p>

	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
			<p><i>business premises or retail premises,</i></p> <p><i>(b) {a} will not be used for the purpose of residential accommodation,</i></p> <p><i>(c) {b} will have at least one entrance and at least one other door or window on the front elevation of the building facing the street other than a service lane, and</i></p> <p><i>(d) will enable direct visual and physical contact and interaction between the street and the interior of the building.</i></p> <p><i>In this clause, reference to a street does not include a service lane</i></p>	
23	Amend Clause 7.19 Active street frontages	Removal of subclause 7.19(4)(c) as it is contrary to the objective of an active street frontage. Changes also to reflect re-naming of new employment zones.	<p><u>7.19 Active street frontages</u></p> <p>(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in the following zones -</p> <p>a. Zone B1-Neighbourhood Centre,</p> <p>b. Zone B2 Local Centre,</p> <p>c. Zone B3 Commercial Core,</p> <p>d. Zone B4 Mixed Use.</p> <p>a) <i>Zone E1 Local Centre,</i></p> <p>b) <i>Zone E2 Commercial Centre,</i></p> <p>c) <i>Zone MU1 Mixed Use</i></p> <p>(2) This clause applies to land identified as "Active street frontages" on the Active Street Frontages Map.</p> <p>(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.</p> <p>(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—</p>	<p>Not supported by DPE</p> <p>Note that all references to zone names will be amended to reflect new zones (as in (1))</p>

	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
			<p>a. entrances and lobbies (including as part of mixed use development),</p> <p>b. access for fire services,</p> <p>c. vehicular access.</p> <p>(5) For the purposes of this clause, a building has an active street frontage if –</p> <p>(6) all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises, and</p> <p>(7) its street frontage enables direct visual and physical contact between the street and the interior of the building.</p> <p>Note - Clearly defined entrances, windows and shop fronts are elements of a building facade that contribute to an active street frontage.</p>	
24	Amend Clause 8.4 Minimum building street frontage	To reflect minor wording update and re-naming of new employment zones.	<p><u>8.4 Minimum building street frontage width</u></p> <p>(1) The objective of this clause is to ensure that buildings sites have a minimum street frontage width to provide for the efficient development of land and design of buildings.</p> <p>(2) Development consent must not be granted to the erection of a building that does not have at least one street frontage width of 20 metres or more, on land within Zone B3-Commercial Core, B4-Mixed Use or B6-Enterprise Corridor. Zone E2 Commercial Centre, MU1 Mixed Use or E3 Productivity Support.</p> <p>(3) Despite subclause (2), the consent authority may grant consent to the erection of a building on land referred to in that subclause if it is of the opinion that -</p> <p>ii) it is not physically possible for the building to be erected with at least one street</p>	<p>Not supported by DPE</p> <p>Note that all references to zone names will be amended to reflect new zones (as in (2))</p>

	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
			frontage of 20 metres or more; and iii) the scale and height of proposed buildings is compatible with the character of the locality; and there will be no significant adverse impact on the amenity of any existing nearby development.	
25	Amend Clause 8.6 Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use.	It is recommended to: - delete Subclause 8.6(3) as the controls do not align and are over-ridden by the requirements of SEPP No 65—Design Quality of Residential Apartment Development and the NSW Apartment Design Guide; - Insert 'excluding pedestrian through site links' at the end of Subclause 8.6(2)(a) to allow for laneways and improved amenity outcomes, particularly for shop top housing and residential uses in the podium of a building; and - Insert new definition of 'any other building'. Amendments also required to reflect re-naming of new employment zones.	<u>8.6 Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use Zone E2 Commercial Centre or Zone MU1 Mixed Use</u> (1) The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access. (2) Buildings on land within Zone B3 Commercial Core or B4 Mixed Use <u>Zone E2 Commercial Centre or Zone MU1 Mixed Use</u> must be erected so that— (a) there is no separation between neighbouring buildings up to the street frontage height of the relevant building or up to 24 metres above ground level whichever is the lesser (excluding pedestrian through-site links), and (b) there is a distance of at least 12 metres from any other building above the street frontage height and less than 45 metres above ground level, and (c) there is a distance of at least 28 metres from any other building at 45 metres or higher above ground level. (3) Despite subclause (2), if a building contains a dwelling, all habitable parts of the dwelling	Not supported by DPE Note that all references to zone names will be amended to reflect new zones

	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
			<p>including any balcony must not be less than—</p> <p>(a) 20 metres from any habitable part of a dwelling contained in any other building, and</p> <p>(b) 16 metres from any other part of any other building.</p> <p>(4) For the purposes of this clause, a separate tower or other raised part of the same building is taken to be a separate building.</p> <p>(5) In this clause - street frontage height means the height of that part of a building that is built to the street alignment.</p> <p>Any other building means any building on any surrounding site, including sites not adjoining the subject site, and including sites located across a road reserve from the subject site.</p>	
26	Amend Clause 8.7 Shops in B5 Mixed Use	To reflect re-naming of new employment zones.	<p>8.7 Shops in Zone B4 Mixed Use MU1 Mixed Use</p> <p>(1) The objective of this clause is to limit the size of shops in Zone B4 Mixed Use MU1 Mixed Use to ensure that land within Zone B3 Commercial Core E2 Commercial Centre remains the principal retail area.</p> <p>Development consent must not be granted for development for the purpose of a shop on land in Zone B4 Mixed Use MU1 Mixed Use if the gross floor area of the shop is to be more than 400 square metres.</p>	Supported by DPE All references to existing B and IN zones will be updated to reflect the Standard Instrument LEP Order
27	Insert a new local provision under Part 7 Local Provisions – Centres hierarchy.	To ensure development is compatible with the centre's role and position on the centres hierarchy.	<p><u>Part 7 Local Provisions - Centres hierarchy</u></p> <p>(1) <i>The objective of this clause is to ensure development is compatible with the centre's role and position on the centres hierarchy.</i></p> <p>(2) <i>The centres hierarchy below applies to existing and future centres on land to which this plan applies</i></p> <p>–</p>	Supported by DPE Part 7 7.XX Centres Hierarchy New provision to support the character of the centre, the amenity of neighbouring residences and to have regard to the role of the centre within the centres

	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
			<p><i>Regional City Centre</i></p> <ul style="list-style-type: none"> - <i>Wollongong</i> <p><i>Major Regional Centre</i></p> <ul style="list-style-type: none"> - <i>Warrawong</i> - <i>Dapto</i> <p><i>Major Town Centre</i></p> <ul style="list-style-type: none"> - <i>Corrimal</i> - <i>Fairy Meadow</i> - <i>Figtree</i> - <i>Unanderra</i> <p><i>Town Centre</i></p> <ul style="list-style-type: none"> - <i>Helensburgh</i> - <i>Thirroul</i> - <i>Bulli</i> - <i>Woonona</i> - <i>Balgownie</i> - <i>Cringila</i> - <i>Berkeley</i> - <i>Port Kembla</i> - <i>Windang</i> - <i>Darkes Road - Kembla Grange</i> - <i>Bong Bong - Horsley</i> - <i>Marshall Mount Rd, Marshall Mount</i> <p><i>Village</i></p> <ul style="list-style-type: none"> - <i>Stanwell Park</i> - <i>Coledale</i> - <i>Moore St Austinmer</i> - <i>Lawrence Hargrave Drive Austinmer</i> - <i>The Circle, Woonona</i> - <i>East Corrimal</i> - <i>Tarrawanna</i> - <i>Towradgi</i> - <i>Gwynneville</i> - <i>Keiraville</i> - <i>Coniston</i> - <i>Farmborough Heights</i> - <i>Brownsville</i> - <i>Wongawilli</i> - <i>Horsley</i> - <i>Koonawarra</i> - <i>Kanahooka</i> - <i>Primbee</i> <p><i>Fowlers [Future Town Centre]</i></p> <ul style="list-style-type: none"> - <i>Huntley [Future Town Centre]</i> - <i>Avondale Yallah Bay Rd, Yallah [Future Town Centre]</i> 	<p>hierarchy</p> <p>Note: the wording and detail of this clause is not confirmed</p>

	Council's proposed amendment to the Department's translation of the Wollongong LEP 2009	Reason for Amendment	Suggested draft wording (Note. New text highlighted in red and text to be deleted marked as strikethrough text.)	Supported or not supported by DPE in updated Land Use Table (EIE)
			<p><i>Small Village</i></p> <ul style="list-style-type: none"> - <i>Farrell Road, Bulli</i> - <i>Rothery St, Bellambi</i> - <i>Bellambi Lane, Bellambi</i> - <i>Cabbage Tree Lane, Fairy Meadow</i> - <i>Thames St, West Wollongong</i> - <i>Princes Hwy, West Wollongong</i> - <i>Crown St, Wollongong</i> - <i>St Johns Ave, Mangerton</i> - <i>Farmborough Rd, Unanderra</i> - <i>Kelly St, Berkeley</i> - <i>Buena Vista Ave, Lake Heights</i> - <i>Weringa Ave, Lake Heights</i> - <i>Lakelands Drive, Dapto</i> - <i>Kent Road, Dapto</i> <p><i>(3) This clause applies to land identified on the Centres Hierarchy Map</i> <i>In deciding whether or not to grant development consent for development on land identified in Subclause 2 and on the Centres Hierarchy Map, the consent authority must consider the impact of the proposed development on the relevant centre to ensure that development is compatible with the centre and not inconsistent with the centre's position on the centres hierarchy.</i></p>	



WOLLONGONG CITY COUNCIL

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NSW Department of Planning and Environment

OurRef:
Date:

ID 22131096
30 June 2022

Dear Sir/Madam

EMPLOYMENT ZONE REFORM IMPLEMENTATION EXPLANATION OF INTENDED EFFECT

Reference is made to the current exhibition of the Employment Zone Reform Implementation EIE and proposed translation detail.

Council acknowledges that the Department has accepted the majority of the proposed amendments to the translation detail put forward by Council through the early consultation process.

Council has made its objection to the collapsing of the B1 and B2 zones into the new E1 Local Centre Zone clear in previous submissions. Many of Council's proposed amendments to the Department's proposed translation detail have been written to mitigate negative consequences of this consolidation. Council acknowledges the Department's support of the majority of the proposed amendments, as evidenced in the translation detail now on exhibition.

Council take this opportunity to reiterate the importance of the following amendments, which have not been addressed in the translation detail on exhibition:

1. Local Distribution Premise

Council acknowledges the importance of last mile logistics in the current economy, and the need to consider this in the planning framework. However, we strongly suggest that if Local Distribution Centres are to be permitted in E1 Local Centres, E2 Commercial Centres and MU Mixed Use Zones, there must be an accompanying control under Clause 5.4 to control the scale of this use – in the same way as is done for Neighbourhood Supermarkets and Neighbourhood shops.

In addition to this, we note that the advice given in PS-21-028 in relation to Local Distribution centres is contrary to what appears on the Department's website 'Amendments to retail land use definitions'

Planning circular (PS-21-028) notes that the definition for **Local Distribution Centres** has not been amended since 2018, it has simply been decoupled from its parent term – 'warehouse and distribution centres' (as per the text below).

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.

local distribution premises means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

Note — Local distribution premises are a type of warehouse or distribution centre—see the definition of that term in this Dictionary.

There exists conflicting advice on the scale and typology intended by the local distribution centre definition.

The Department's website on the 'Amendments to retail land use definitions' page notes;

'the new land use term is **not** intended to encompass the pick up of goods by customers such as click and collect, but to cater for delivery by couriers and other delivery agents' (Source: <https://www.planning.nsw.gov.au/policy-and-legislation/retail-planning/retail/amendments-to-retail-land-use-definitions>) - The web page was last updated on 07/04/2022.

PS-21-028 (updated December 2021) is then contrary to the above when it states;

'the new term **is** intended to encompass places for the pick up of goods by customers, such as parcel lockers and to cater to last-mile delivery by couriers and other delivery agents.'

PS-21-028 goes on to say that;

'the land use term allows councils to plan for **smaller scale distribution centres** which may be located in a wider range of zones, including centres'.

We are concerned that the land use definition does not clearly imply that **local distribution centres** relate to small scale development, such as parcel lockers and click and collect bays, and instead could encompass larger distribution centre development. The contrary advice between the Planning Circular and the Department's website is unhelpful in giving clear direction in this area. We are also very concerned about the potential traffic and public domain outcomes of these uses being permitted in smaller centres, given their vehicle access requirements.

In order to give clear direction regarding scale and public domain outcomes, Council strongly recommends the inclusion of the following amendments to the existing provisions. This will allow the planning framework to manage the potential impacts (i.e. traffic, noise, operation, built form impact etc.) of this land use type, in which under the proposed reforms could start to occur in even our smallest centres.

Amend Clause 5.4 Controls relating to miscellaneous permissible uses.

5.4 Controls relating to miscellaneous permissible uses

(11) Local distribution centres *If development for the purposes of a local distribution centre is permitted under this Plan:*

- a. *The gross floor area must not exceed 150 square metres*
- b. *The consent authority must be satisfied that the local distribution facility will not adversely impact existing or future development on any adjoining land or the amenity of the neighbourhood as a result of poor urban design, traffic or noise.*

2. Drive through food and drink premises

The Department has supported the inclusion of the objective 'To encourage development that has a high level of accessibility and amenity, particularly for and prioritises *(sic)* pedestrians' in the E1 Local Centre Zone. Pedestrian priority in our towns and villages is critical to achieving vibrant and healthy places for our communities.

Uses which prioritise vehicle access cause pedestrian conflicts in town and village centres, as well as making it difficult to achieve active frontages and continuous built form alignment due to the presence of driveways and drive-through elements.

Food and drink premises with drive through elements are not defined as an individual term under the Standard Instrument LEP, meaning they cannot be excluded from locations where they would be considered inappropriate, without excluding all other food and drink premises. We note also that the parent term retail premises is a mandated use under the Standard Instrument LEP Order.

Although DCP controls requiring active frontages, built form alignment, pedestrian priority etc are currently in place in the Wollongong DCP 2009, without a control in the LEP, it is very challenging to uphold these controls in an assessment or court setting.

Council recommends the following clause be included in the LEP to mitigate the potential impacts of vehicle priority uses – specifically drive through food and drink premises – in Village and Small Village Centres.

Amend Clause 5.4 Controls relating to miscellaneous permissible uses.

5.4 Controls relating to miscellaneous permissible uses

(12) Food and drink premises *If development for the purposes of a food and drink premises is permitted in a Village or Small Village Centre under this Plan, the food and drink premises must not have a drive- through component.*

3. Active frontages to the street

Active frontages that engage with the street are critical components of well-functioning employment zones. Mandating for non-residential uses at ground (through permissible uses such as shop-top housing) is not sufficient to achieve activation. Ground floors are often dominated by vehicle entries, blank facades and services.

Wollongong LEP already includes two Local Provisions to facilitate the delivery of active frontages – 7.13 and 7.19.

Active frontage controls ensure: non-residential uses are appropriately located; facilitate a high level of pedestrian interest and interaction at street level; and a direct connection between the ground floor of buildings and the street.

In order to support the aims of the reform to maximise productivity and deliver on Council's strategic goals for our centres, Council recommends the following augmentation of these existing provisions:

Amend Clause 7.13 Certain land within business zones.

7.13 Certain land within business zones

- (1) *The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of **people pedestrians**.*
- (2) *This clause applies to land in ~~Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core or Zone B4 Mixed Use~~, **Zone E1 Local Centre, Zone E2 Commercial Centre or Zone MU1 Mixed Use** but does not apply to land to which clause 7.19 applies.*
- (3) *Development consent must not be granted for development for the purpose of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building **facing the street and/or a public place** –*
 - (a) **will be used for the purposes of business premises or retail premises,***
 - (b) ~~a~~ will not be used for the purpose of residential accommodation,*
 - (c) ~~b~~ will have at least one entrance and at least one other door or window on the front **elevation** of the building facing the street other than a service lane, and*
 - (d) **will enable direct visual and physical contact and interaction between the street and the interior of the building.***

In this clause, reference to a street does not include a service lane

Amend Clause 7.19 Active street frontages

7.19 Active street frontages

1. *The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in the following zones -*
 - a. ~~Zone B1 Neighbourhood Centre,~~
 - b. ~~Zone B2 Local Centre,~~
 - c. ~~Zone B3 Commercial Core,~~
 - d. ~~Zone B4 Mixed Use.~~
 - a) **Zone E1 Local Centre,**
 - b) **Zone E2 Commercial Centre,**
 - c) **Zone MU1 Mixed Use**

2. *This clause applies to land identified as “Active street frontages” on the Active Street Frontages Map.*
3. *Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.*
4. *Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—*
 - a. *entrances and lobbies (including as part of mixed use development),*
 - b. *access for fire services,*
 - c. ***vehicular access.***
5. *For the purposes of this clause, a building has an active street frontage if –*
 - a) *all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises, and*
 - b) *its street frontage enables direct visual and physical contact between the street and the interior of the building.*

Note - Clearly defined entrances, windows and shop fronts are elements of a building facade that contribute to an active street frontage.

4. Centre Hierarchy

Decreasing the number of zones will restrict the ability of Council to facilitate development across the LGA in a way that is reflective of the scale and character of centres, as identified within the current retail and business centres hierarchy within Wollongong Development Control Plan (DCP) Chapter B4. This is particularly relevant to the merger of the B1 and B2 zones into a single E1 Local Centre zone.

The Department has supported the inclusion of objectives and a new local Provision to support the character of centres, the amenity of neighbouring residences and to have regard to the role of the centre within the centres hierarchy. The translation detail on exhibition does not currently include the detailed wording on the new local provision.

Council recommends that the local provision includes the full list of centres under their centre hierarchy classification, and the clauses detailed below. The LEP clauses will be supported by the more detailed descriptors and controls included in the Wollongong Development Control Plan 2009.

Insert a new local provision under Part 7 Local Provisions – Centres hierarchy.

Part 7 Local Provisions -

Centres hierarchy

- (1) *The objective of this clause is to ensure development is compatible with the centre’s role and position on the centres hierarchy.*
- (2) *The centres hierarchy below applies to existing and future centres on land to which this plan applies –*

Regional City Centre

- *Wollongong*

Major Regional Centre

- *Warrawong*
- *Dapto*

Major Town Centre

- *Corrimal*
- *Fairy Meadow*
- *Figtree*
- *Unanderra*

Town Centre

- *Helensburgh*
- *Thirroul*
- *Bulli*
- *Woonona*
- *Balgownie*
- *Cringila*
- *Berkeley*
- *Port Kembla*
- *Windang*
- *Darkes Road - Kembla Grange*
- *Bong Bong - Horsley*
- *Marshall Mount Rd, Marshall Mount*

Village

- *Stanwell Park*
- *Coledale*
- *Moore St Austinmer*
- *Lawrence Hargrave Drive Austinmer*
- *The Circle, Woonona*
- *East Corrimal*
- *Tarrawanna*
- *Towradgi*
- *Gwynneville*
- *Keiraville*
- *Coniston*
- *Farmborough Heights*
- *Brownsville*
- *Wongawilli*
- *Horsley*
- *Koonawarra*
- *Kanahooka*
- *Primbee*
- *Fowlers [Future Town Centre]*
- *Huntley [Future Town Centre]*
- *Avondale Yallah Bay Rd,*
- *Yallah [Future Town Centre]*

Small Village

- *Farrell Road, Bulli*
- *Rothery St, Bellambi*
- *Bellambi Lane, Bellambi*
- *Cabbage Tree Lane, Fairy Meadow*
- *Thames St, West Wollongong*
- *Princes Hwy, West Wollongong*
- *Crown St, Wollongong*
- *St Johns Ave, Mangerton*
- *Farmborough Rd, Unanderra*
- *Kelly St, Berkeley*
- *Buena Vista Ave, Lake Heights*
- *Weringa Ave, Lake Heights*
- *Lakelands Drive, Dapto*
- *Kent Road, Dapto*

(3) *This clause applies to land identified on the Centres Hierarchy Map*

In deciding whether or not to grant development consent for development on land identified in Subclause 2 and on the Centres Hierarchy Map, the consent authority must consider the impact of the proposed development on the relevant centre to ensure that development is compatible with the centre and not inconsistent with the centre's position on the centres hierarchy.

5. E1 Local Centre Zone objective – Pedestrian Priority

Council notes a minor error in the objective proposed for the E1 local centre zone. The objective is proposed in the exhibition detail as follows:

To encourage development that has a high level of accessibility and amenity, particularly for and prioritises pedestrians

Council proposed the wording to be corrected as follows:

To encourage development that has a high level of accessibility and amenity, ~~particularly for and~~ prioritises pedestrians

Thank you for the opportunity to make a submission.

If you wish to discuss or clarify Council's position please contact Ms Linda Davis, Director Planning + Environment on telephone 4227 7111.

Yours faithfully

Greg Doyle
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