

ITEM 6

POST EXHIBITION - DRAFT PLANNING PROPOSAL - 4 YENDA AVENUE, BULLI - PP-2018/8

On 23 September 2019, Council resolved to exhibit a draft Planning Proposal to enable a centre-based child care facility at 4 Yenda Avenue, Bulli. The Planning Proposal seeks to make centre-based child care facility a permissible at this site through an amendment to Schedule 1 – Additional Permitted Uses of the Wollongong Local Environmental Plan 2009 (WLEP).

The draft Planning Proposal was exhibited from 28 November 2020 to 1 February 2021 in accordance with Council's Community Participation Plan 2019. As a result of the exhibition, 19 submissions were received. This report discusses the issues raised in the submissions. It is recommended that Council progress the draft Planning Proposal to finalisation.

RECOMMENDATION

- 1 The Planning Proposal for 4 Yenda Avenue, Bulli (Lot 105 DP 264639) that seeks to amend Schedule 1: Additional Permitted Uses of the Wollongong Local Environmental Plan 2009 by including the centre-based child care facility as a permissible use upon the site be progressed to finalisation.
- 2 The final Planning Proposal be referred to the NSW Department of Planning, Industry and Environment for the making of arrangements for drafting to give-effect to the final proposal.
- 3 Noting that the General Manager will thereafter proceed to exercise his delegation issued by the NSW Department of Planning, Industry and Environment under Section 3.36 of the Environmental Planning & Assessment Act 1979 (NSW), in relation to the final proposal.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

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

ATTACHMENTS

- 1 Location Map

BACKGROUND

This report considers the proposed amendment to Schedule 1: Additional Permitted Uses of Wollongong Local Environmental Plan (LEP) 2009. The amendment will allow for a centre-based child care facility to be a permitted use upon the subject site. The draft Planning Proposal request was submitted to Council on the 4 July 2018.

The site is identified as Lot 105 DP 264639, 4 Yenda Avenue, Bulli. The lot is approximately 2.36 hectares in size and is currently zoned E3 Environmental Management. The site is bound by properties zoned E3 Environmental Management to the north, east and west and R2 Low Density Residential to the south (Attachment 1).

The need for additional child care in the Illawarra Region was identified by the former NSW Department of Planning and Environment as a result of Wollongong's growing population. Additionally, the supporting analysis within the planning proposal, carried out by the proponent, identified a lack of child care in the northern suburbs in proximity to the site.

The site contains a dwelling house, farm shed and a swim school facility with car parking. The swim school was approved in 2004 (DA-2004/224).

The Planning Proposal identifies the swim school building as the likely location for the additional permitted use of a centre-based child care facility to occur, accommodating for approximately 40 children (refer Figure 1). The flooding, geotechnical and bushfire constraints affecting the land suggest that locating the child care facility elsewhere onsite is unlikely to gain approved.



Figure 1: Proposed existing building to be modified for centre-based child care facility (Industry Planning Solutions, 2018)

In addition to the swim school facility, the allotment is used for rural and residential purposes.

The allotment is mapped as being within the Illawarra Escarpment. Environmental areas of the site are generally located on the periphery of the property. No threatened flora species are recorded on the site.

On the 23 September 2019 Council considered the draft Planning Proposal request and resolved that -

- 1 *A draft Planning Proposal be submitted to the NSW Department of Planning, Industry and Environment for 4 Yenda Avenue (Lot 105 DP 264639) Bulli seeking a Gateway determination to amend Schedule 1 of Wollongong Local Environmental Plan 2009 to permit a Centre-based Child Care Facility.*
- 2 *A detailed Flood Management Plan and Bushfire Management Plan be submitted by the applicant if the proposal obtains a "Gateway" approval and prior to public exhibition.*
- 3 *The draft Planning Proposal, including the Flood Management Plan and Bushfire Management Plan be exhibited for 28 days.*
- 4 *The Department of Planning, Industry and Environment be requested to issue authority to the General Manager to exercise plan making delegation in accordance with Council's resolution of 26 November 2012.*

The Department of Planning, Industry and Environment issued a Gateway Determination on 7 January 2020, which required consultation with the NSW Rural Fire Service (RFS) prior to public exhibition.

In September 2020, the applicant submitted a Flood Management Plan and Bushfire Management Plan. The Bushfire Management Plan was referred to the RFS who raised no objection to the draft Planning Proposal subject to further studies being carried out at Development Application stage.

Following receipt of the additional information and response from RFS the draft Planning Proposal was publicly exhibited.

PROPOSAL

The draft Planning Proposal seeks to insert the following clause into Schedule 1 Additional Permitted Uses of the LEP -

Use of certain land at 4 Yenda Avenue, Bulli

- 1 *This clause applies to land at Yenda Avenue, Bulli, being Lot 5, DP 264639.*
- 2 *Development for the purposes of a centre-based child care facility is permitted with development consent.*

There are no proposed map amendments to the LEP.

Should the Planning Proposal progress to finalisation, the land owner intends seek Development Consent to utilise the swim school building to stablish a centre-based child care facility accommodating approximately 40 children.

CONSULTATION AND COMMUNICATION

The draft Planning Proposal was exhibited from 28 November 2020 and 1 February 2021. The exhibition was advertised by -

- Notice in the Illawarra Mercury on 28 November 2020.
- Council's 'Join the conversation' web page.
- letters were mailed to 109 property owners surrounding the site.
- Letters were mailed to four Statutory Authorities, including those nominated in the Gateway Determination.

Copies of the Draft Planning Proposal and exhibition material were made available for inspection at -

- Corrimal, Thirroul and Wollongong libraries.
- Council Customer Service Centre.

The 'Join the Conversation' page on Council's website was viewed by 68 people and 29 downloaded a document. The Council report that was downloaded nine times and the draft Planning Proposal 12 times.

As a result of the exhibition process, Council received 18 submissions. Of these submissions, three were received from State Government Authorities and 15 from community members. A summary of the submission is provided below:

Issues Raised	Council Officer Response
<p>NSW Rural Fire Service (RFS): No objection to the draft Planning Proposal. Future development will be required to provide an assessment against Planning for Bushfire Protection 2019 and the specifications and requirements for Special Fire Protection Purpose development on bush fire prone land.</p>	<p>Noted.</p>
<p>Transport for NSW: No objection to the draft Planning Proposal. A detailed traffic and parking impact assessment is required at the Development Application Stage.</p>	<p>Noted.</p>
<p>Water NSW: Raised no objection to the proposal.</p>	<p>Noted.</p>

A referral letter was sent to NSW Environment, Energy and Science (EES) (formerly the Office of Environment and Heritage (OEH)) on 3 December 2020 inviting EES to provide comment on the draft

Planning Proposal. Council did not receive a response from EES regarding the draft Planning Proposal. Previously, OEH raised no objection to the draft Planning Proposal during at the preliminary notification stage.

Concern	Council Comment
<p>Fifteen submissions were concerned about potential traffic, parking and pedestrian impacts associated with a centre-based child care facility</p>	<p>The site is accessed from Yenda Avenue which joins George Avenue. George Avenue is a no through road which services a residential area west of Lawrence Hargrave Drive into the escarpment foothills. George Avenue has a left only turn onto Lawrence Hargrave Drive. Vehicles traveling south must utilise Chilby Lane, William Street, Haig Road and Hobart Street to perform a right hand turn onto Princes Highway.</p> <p>Currently the site supports an approximate maximum of 346 traffic movements associated with the swim school facility and residents on an average weekday. The proposed child care facility is projected, based upon expected staff and client's numbers, an approximate maximum of 160 vehicle movements on an average weekday. It is therefore expected that the existing road network will support the reduce traffic movements.</p> <p>Currently parents and staff utilise a private driveway and onsite car park to access the swim school facility. The draft planning proposal identifies the existing car park as the primary location for parking for the centre-based child care facility, which can be upgraded to provide additional parking spaces as required.</p> <p>Pedestrian safety is not expected to be adversely affected by the development. It is also likely pedestrian safety in proximity to Bulli Public School will remain similar due to the existing speed zone that operates during peak drop off and pick up times.</p>
<p>Eight submissions were concerned with the impacts on Bulli Public school vehicle and pedestrian traffic</p>	<p>The draft Planning Proposal provided a summary of the likely traffic movements generated by the draft additional use. Transport for NSW did not object to the proposal noting that further traffic studies will be required at the Development Application stage.</p>
<p>Five submissions were concerned with bushfire access and evacuation of staff and children</p>	<p>The draft Planning Proposal was referred to the NSW RFS as part of preliminary notification. At the time of referral Planning for Bushfire Protection 2009 was applicable. The response from the NSW RFS detailed previous approvals upon the site indicated the site was capable of providing compliant and safe access in the event of a bushfire.</p> <p>The draft Planning Proposal was again referred to NSW RFS as part of the Gateway Determination issued by the former Department of Environment and Planning. The NSW RFS response raised no objection to the draft Planning Proposal. However, did indicate should the additional use be permitted on site, any Development Application associated with a centre-based child care facility would require an Bushfire Assessment Report due to changes to Planning for Bushfire Protection and would need to comply with Planning for Bushfire Protection 2019, which could impact up asset protection zones. NSW RFS did not indicate that this was unachievable.</p>
<p>Five submission were concerned with the driveway access location</p>	<p>The driveway access to the swim school from Yenda Avenue is a combination of concrete and asphalt finish and terminates at an all weather car park. The driveway currently services the dwelling house on site and the swim school facility.</p> <p>The driveway in places is in proximity to the riparian corridor and bushfire</p>

Concern	Council Comment
	<p>prone vegetation. Sufficient land is available to upgrade the driveway should this be required at the Development Application stage. The Planning for Bushfire Protection 2019 and the Wollongong Development Control Plan stipulate standards for driveways.</p>
<p>Four submissions were concerned with over development of site</p>	<p>The applicant has proposed the centre-based child care facility be located within the existing swim school building and would require only minor additions for a children’s external playground.</p> <p>Further consideration to existing site conditions and development on the site in relation to further construction is appropriately considered during the Development Application stage.</p>
<p>Three submissions were concerned with health and safety of children in care in proximity to adjacent bushland and exposure to dangerous flora and fauna.</p>	<p>The applicant was required to submit, as part of the Gateway Determination, made by the former Department of Planning and Environment, a Flood Management Plan and Bushfire Management Plan. The NSW RFS has indicated the site is capable of providing safe access and egress in the event of bushfire. WaterNSW raised no objection to the proposal.</p>
<p>Three submissions were concerned with noise impacts on surrounding residential area</p>	<p>Noise generated on the site, as part of the existing use, is generally contained within the swim school facility building. Noise is also generated by multiple vehicle movements throughout the day as people attend scheduled classes. The swim school currently operates classes Monday to Friday 7:00am – 12:00pm and 3:30pm – 6:30pm and Saturday 7:00am to 12:00pm.</p> <p>The direction of noise generated by the proposed use would generally project away from the residential areas to the south, as the building primarily has a northern aspect. Additionally, the proposal provided an indicative location for the playground, which is located north of the swim school facility building.</p> <p>A more detailed assessment regarding noise impacts may be required as part of the Development Application process.</p>
<p>Two submissions were concerned with previous land zones under LEP 1990 as 2A and the current zone objectives</p>	<p>Previously the allotment was zoned 7(b) Environmental Management under Wollongong LEP 1990, 7(e) Environmental Protection Escarpment under Wollongong LEP 38 (1984) and Residential A under Illawarra Planning Scheme Ordinance (1968).</p> <p>The historic use of the land as 7(b) is not applicable to this draft Planning Proposal. 7(b) is a historic land use under LEP 1990, which has been succeeded by the Wollongong Local Environmental Plan 2009.</p> <p>The draft Planning Proposal is not to amend the mapped attributes applicable to the site. The Draft Planning Proposal is to amend the Schedule 1: Additional Permitted Uses to facilitate the use of a centre-based child care facility upon the site and will be subject to development application, if adopted.</p>
<p>Two submissions were concerned with the aesthetic impacts and the value of adjoining land</p>	<p>The proposal is to utilise the existing buildings on the site with alterations for an external children’s playground. The proposed playground is proposed to be on the northern aspect, which mostly screened from adjoining properties.</p>
<p>One submission was concerned with previous</p>	<p>The existing swim school facility, building and associated persons employed were approved through a number of assessed Development</p>

Concern	Council Comment
approved development on site and staff numbers	<p>Applications.</p> <p>The draft planning proposal seeks to add the additional use of a centre-based child care facility upon the site within the existing swim school facility building. Matters concerning members of staff will be considered at the development application stage.</p>
One submission was concerned with the number of children in care.	<p>The number of children likely to be in care at the facility will be assessed at the Development Application stage against all applicable legislation, standards and planning instruments.</p>
One submission was concerned with existing child care facilities in proximity to the site	<p>A desktop analysis identified a number of centre-based child care facilities within the suburbs of Bulli and Thirroul but not in the immediate vicinity.</p> <p>While other centres do operate in the surrounding suburbs; it is expected that the centre-based child care facility will service residents within the location and provide greater options for care through providing greater availability for placements.</p>
One submission was concerned with geotechnical instability relating to Chilby Lane	<p>As the draft Planning Proposal does not require significant additional works on site, it is not anticipated the additional permitted use for centre-based child care facility will significantly impact upon the geotechnical integrity of the existing road infrastructure.</p>
One submission supported a draft Planning Proposal	<p>Noted</p>
One submission was concerned with the draft planning proposal is inconsistent with the Wollongong 2028 Community Strategic Plan objective “Our natural environment, waterways and terrestrial areas are protected, managed and improved” under the Community Goal “We value and protect the environment”.	<p>The draft Planning Proposal is generally consistent with the objective and strategic direction of the Wollongong 2028 Community Strategic Plan.</p> <p>The centre-based child care facility is proposed to be located within the existing swim school building and with minor alterations and additions proposed on the northern side of the building to allow for a children’s playground. A car park is located north of the existing swim building. The child care facility is not expected to impact upon the native vegetation or riparian area north of the car park.</p> <p>The proponent has indicated the natural environment will be promoted and become a subject of learning.</p>
One submission was concerned the draft Planning Proposal is inconsistent with the Wollongong 2028 Community Strategic Plan objective “The sustainability of our environment is improved”, and the “Manage land uses to strengthen urban areas and improve connectivity to train	<p>The draft Planning Proposal is generally consistent with the objective.</p> <p>The additional permitted use will allow development for the purposes of a child care facility. The provision of this service will strengthen the urban area and meet an increasing demand. Consultation with State Agencies suggest that the site is suitable for such a use. The allotment size, proposed use of existing structures and provision of onsite car parking add to the suitability of this land for the requested use.</p>

Concern	Council Comment
stations and key transport routes” under the Community Goal “We value and protect the environment”.	

PLANNING AND POLICY IMPACT

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

This report is consistent with the aims and objectives of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. The NSW Department of Planning, Industry and Environment has projected the demand for 2,700 additional child care facilities across NSW; and, with Wollongong’s population increase projections, the demand for child care facilities will continue to rise across the LGA.

Illawarra-Shoalhaven Regional Plan 2015 (Department of Planning & Environment 2015)

The Illawarra-Shoalhaven Regional Plan 2015 identifies the site as being within a biodiversity corridor within the Illawarra Escarpment. The Plan aims to maintain and improve corridors to protect and enhance the ecology of the region and the movement of plants and animals.

The draft Planning Proposal is unlikely to have a negative impact upon the Illawarra Escarpment, the regional ecology or the movement of plant and animals due the minor nature of the proposal. The site is largely managed land adjacent to existing residential development. The proposal does not seek to impact upon the riparian corridor on site.

Illawarra Escarpment Strategic Management Plan 2015

The Planning Proposal request is generally consistent with the Planning Principles contained within the Illawarra Escarpment Strategic Management Plan (2015) and Illawarra Escarpment Lands Urban Review Strategy (2007). The former Office of Environment and Heritage (OEH) did not object to the preliminary Planning Proposal and requested OEH be given the opportunity to review the final Planning Proposal, as required under s3.25 of the *Environmental Planning & Assessment Act 1979*. The Department of Environment, Industry and Planning - Environment Energy and Science (formerly OEH) was invited to comment on the draft Planning Proposal, as part of the public exhibition. Council did not receive a response.

No additional or negative visual impacts are likely to occur from the additional permitted use upon the site as the proposed additional use it likely to occur within the existing swim school building. However, potential visual impact on the site will be assessed at the Development Application stage.

Wollongong Local Environmental Plan 2009

Wollongong LEP 2009 identifies the site as being located within the Illawarra Escarpment area. Council prepared the Illawarra Escarpment Land Use Review Strategy in 2007 to guide the long-term planning and management of escarpment lands. The Strategy recommends that development be carefully located to limit the impact on escarpment views from Lawrence Hargrave Drive and beaches. The intent of the Planning Proposal is to facilitate a centre-based child care facility upon the site within the existing swim school facility building. The proposal is not expected to significantly intensify development within the site. It has been demonstrated the site is better positioned to accommodate the facility and allows space for play and off-street parking when compared to the surrounding R2 zoned sites.

Wollongong 2028 Community Strategic Plan

The report contributes to the delivery of Wollongong 2028 objective “The sustainability of our urban environment is improved”, under the Community Goal “We value and protect our environment.

Community Strategic Plan	Delivery Program 2018-2022	Operational Plan 2020-21
Strategy	4 Year Action	Operational Plan Actions
1.3.1 Manage land uses to strengthen urban areas and improve connectivity close to train stations and key transport routes.	1.3.1.1 Impacts from development on the environment are assessed, monitored and mitigated	1.3.1.1.1 Assess new developments and planning proposals for environmental impacts
		1.3.1.1.2 Engage with other tiers of government, the development/building industry and the broader community to achieve improved development outcomes.

CONCLUSION

The draft Planning Proposal seeking to amend Schedule 1 of the Wollongong Local Environmental Plan 2009 to include the provision for a centre-based child care facility as an additional use upon the site at 4 Yenda Avenue Bulli has been assessed in relation to the surrounding land uses, environmental constraints and the need for child care facilities in the immediate area. The proposal has demonstrated that the site is well suited to accommodate the facility and allows space for play and off street parking when compared to the surrounding R2 zoned sites.

This report documents submissions resulting from the exhibition of the draft Planning Proposal and recommends the draft Planning Proposal be progressed to finalisation, to amend the Wollongong LEP 2009.



4 Yenda Avenue Bulli
Lot 105 DP 264369
PP2018/8

Subject Site

Drawn By: J Lewis

Date: 24 Feb 2021



Date of Aerial Photography: 2018

