

The Planning Proposal

Local Government Area: Shellharbour City Council

Property Details: Various properties within the LGA. See Maps in Attachments 1 - 3

Part 1 Objectives or intended outcomes.

To update the mineral resource and buffer mapping in Shellharbour Local Environmental Plan (LEP) 2013 in accordance with the information provided by the NSW Department of Trade and Investment (Resources and Energy).

It is intended to remove or add properties in accordance with the mapping provided by the Department of Trade and Investment.

Parts of the Shellharbour LGA have been deferred from Shellharbour LEP 2013. As Planning Proposals for the deferred lands are prepared, relevant details relating to mineral resources will be included. Officers of the Departments of Planning and Infrastructure and Trade and Investment agreed to this approach.

Part 2 An explanation of the Provisions that are to be included in the proposed local environmental plan.

The proposed outcome will be achieved by:

- Amending Shellharbour LEP 2013 Significant Extractive Resources and Quarry Buffer Map by introducing the updated mapping from the Department of Trade and Investment. See Attachment 3.
- Amending Shellharbour LEP 2013 clause 5.10 Significant Extractive Resources and clause 5.11 Restrictions on development within the Quarry Buffer.

These clauses will remain but need to be updated to reflect current Department of Planning and Infrastructure and Department of Trade and Investment terminology and names used in the current mapping guidelines. For example, the Quarry Buffer is described as a Transition Area in the updated Department of Trade and Investment mapping. See Attachment 4 for suggested clause.

Part 3 Justification for the objectives, outcomes, provisions and the process for their implementation.

A. *Need for the planning proposal.*

1. Is the planning proposal a result of any strategic study or report?

The NSW Department of Trade and Investment has undertaken an audit of mineral resources across NSW. This audit has resulted in updated mapping for the Shellharbour LGA. A copy of the information provided by the Department of Trade and Investment is shown at Attachment 5.

Council resolved to amend Shellharbour LEP 2013 at its meeting of 26 February 2013, see Attachment 6.

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

Updating the mapping and clause details can only be achieved by amending Shellharbour LEP 2013. A Planning Proposal is the only means to achieve the intended outcomes.

B. Relationship to strategic planning framework.

1. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The proposal is consistent with the Illawarra Regional Strategy. The following specific actions are relevant:

- Economic development and growth. Resist the fragmentation of agricultural and employment lands.

This proposal updates information on the location of the resource and relevant transition areas.
- Natural environment. Through the planning review of the Shellharbour/Kiama hard rock resource review, opportunities for the long term survival of the Melaleuca armillaris (Tall Shrubland) endangered ecological communities will be considered.

This proposal identifies the mineral resource and the resource will conflict with the location of the vegetation. This means there is a conflict between the community need for the resource and the management of the Endangered Ecological Communities. In 2006/7 the Department of Planning co-ordinated studies on visual impacts, flora and fauna and groundwater issues for these lands.

Consultation with the NSW Office of Environment and Heritage is recommended.
- Water, energy and waste. Through the planning review of the Shellharbour/Kiama hard rock resource review, opportunities for the long term protection of high quality groundwater resources in the Dunmore area will be considered.

This proposal identifies the mineral resource. The groundwater study didn't preclude the extraction of the resource.

2. Is the planning proposal consistent with a councils' local strategy, or other local strategic plan?

No local strategies or strategic plans have been prepared for the relevant hard rock or construction sand resources.

The proposal supports the following Objective and Strategy of the Shellharbour Community Strategic Plan 2011 - 2021.

Objective: 2.1 - a city that plans and maintains a sustainable, safe and healthy built environment

Strategy: 2.1.1 - strategic and land use planning that guides the growth and development of the city to provide a positive balance of economic, social and environmental outcomes

3. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes, see Attachment 7. SEPP (Mining, Petroleum Production and Extractive Industries) 2007 applies and the proposal is consistent with the SEPP.

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

Yes, see Attachment 7. Consistent with the following relevant Local Planning Directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environmental Protection Zones
- 5.1 Implementation of Regional Strategies

Further consultation is needed with Department of Trade and Investment as required by Local Planning Direction 1.3 Mining, Petroleum Production and Extractive Industries. This consultation will be undertaken subject to gateway determination.

C. Environmental, social and economic impact.

1. 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?

Yes but the impact on Endangered Ecological Communities will be no greater than under the existing planning controls.

There is a conflict between the community need for the resource and the management of the Endangered Ecological Communities. In 2006/7 the Department of Planning co-ordinated studies on visual impacts, flora and fauna and groundwater issues for these lands.

Consultation with the NSW Office of Environment and Heritage is recommended.

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

No. There will be no greater impact than current situation.

3. How has the planning proposal adequately addressed any social and economic effects?

The proposal will update information on the location of mineral resources (construction sand and hard rock aggregate). This will assist in identifying appropriate land uses within the known resource areas.

The provision of the Transition Area is to assist in identifying land that may be subject to significant impacts from mining or quarry operations. This may have an adverse impact on "non-quarry" landowners that won't benefit from the economic gain achieved by extracting the resource.

D. State and Commonwealth interests.

1. Is there adequate public infrastructure for the planning proposal?

Not applicable at this stage.

2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

Preliminary advice from the Department of Planning and Infrastructure and Department of Trade and Investment confirmed this approach to the introduction of the updated mapping into Shellharbour LEP 2013.

Consultation is recommended with the NSW Office of Environment and Heritage, Department of Primary Industries (Fisheries and Aquaculture), Southern Rivers Catchment Authority and the Department of Trade and Investment (Resources and Energy).

Part 4 Maps, where relevant to identify the intent of the planning proposal and the area to which it applies.

The Maps included in the Planning Proposal are:

- Current zoning - Attachment 1
- Shellharbour LEP 2013 State Significant Resources and Quarry Buffer Map - Attachment 2
- Proposed Draft Shellharbour LEP 2013 - Mineral Resources and Transition Area Map - Attachment 3

Part 5 Details of the community consultation that is to be undertaken on the planning proposal.

Subject to gateway determination, a 28 day public exhibition including an advertisement in local paper and letters to landowners in the identified Mineral Resource and Transition Area is appropriate.

Part 6 Project timeline.

- Anticipated gateway determination - August 2013
- Anticipated timeframe for completion of required technical information - Not applicable
- Timeframe for government agency consultation - September/October 2013
- Commencement and completion of public exhibition - Commence September and complete October/November 2013
- Dates for public hearing - Not applicable
- Timeframe for consideration of submissions - November 2013
- Timeframe for consideration of proposal post exhibition - Report to Council December/February 2013 (Council meeting - 3 week cycle and no meeting in January 2014)
- Date of submission to the Department to finalise LEP - January/February 2014

- Anticipated date RPA will make the plan (if delegated) - Not applicable, no delegation
- Anticipated date RPA will forward to the department for notification - Not applicable, no delegation

ATTACHMENTS

Note: All Attachments are on CD only

Attachment 1	Current Zoning
Attachment 2	Current Shellharbour LEP 2013 State Significant Resources and Quarry Buffer Map
Attachment 3	Proposed Draft Shellharbour LEP 2013 - Mineral Resources and Transition Area Map
Attachment 4	Suggested clauses Draft Shellharbour LEP 2013
Attachment 5	Department of Trade and Investment mineral resources audit submission to Shellharbour City Council
Attachment 6	Council minutes and report 26 February 2013
Attachment 7	Summary of planning issues checklist