

Shellharbour - Part 1 Deferred Lands - 105 properties in Albion Park, Croom, Dunmore, Shell Cove, and Yellow Rock

Proposal Title :	Shellharbour - Part 1 Deferred Lands - 105 properties in Albion Park, Croom, Dunmore, Shell Cove, and Yellow Rock		
Proposal Summary :	This Planning Proposal will rezone 105 properties deferred from Shellharbour LEP 2013 (LEP). These properties comprise 227.3ha - approximately 1/5th of the urban fringe area that was deferred to allow additional consideration of appropriate zones and controls when the LEP was notified. The 105 properties subject to this Planning Proposal have been identified as having little or no additional development potential so the proposed controls will generally be a conversion of the current zones and minimum lot sizes. The remaining deferred lands will be subject to future Planning Proposals to resolve their development potential. The Planning Proposal will also introduce Mineral Resource Transition Areas - i.e. quarry buffers - into the LEP for 23 of these properties, to reflect mapping prepared by NSW Trade & Investment - Resources and Energy Division as part of a state wide mineral resources audit. The Proposal also identifies 2 items of local heritage significance.		
PP Number :	PP_2013_SHELL_001_00	Dop File No :	13/09480

Proposal Details

Date Planning Proposal Received :	05-Jun-2013	LGA covered :	Shellharbour
Region :	Southern	RPA :	Shellharbour City Council
State Electorate :	SHELLHARBOUR	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	Princes Highway		
Suburb :	Croom	City :	Shellharbour
Land Parcel :		Postcode :	2527
Street :	Dunmore Road		
Suburb :	Dunmore	City :	Shellharbour
Land Parcel :		Postcode :	2529
Street :	Buckleys Road		
Suburb :	Shell Cove	City :	Shellharbour
Land Parcel :		Postcode :	2529
Street :	Johnstons Close		
Suburb :	Yellow Rock	City :	Shellharbour
Land Parcel :		Postcode :	2527

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Street :	Cooby Road			
Suburb :	Yellow Rock	City :	Shellharbour	Postcode : 2527
Land Parcel :				
Street :	Bimbadeen Place			
Suburb :	Yellow Rock	City :	Shellharbour	Postcode : 2527
Land Parcel :				
Street :	Yeramba Close			
Suburb :	Yellow Rock	City :	Shellharbour	Postcode : 2527
Land Parcel :				
Street :	Crest Road			
Suburb :	Yellow Rock	City :	Shellharbour	Postcode : 2527
Land Parcel :				
Street :	Crest Road			
Suburb :	Albion Park	City :	Shellharbour	Postcode : 2527
Land Parcel :				
Street :				
Suburb :	Albion Park	City :	Shellharbour	Postcode : 2527
Land Parcel :	Burnett Place, Murray Close, Nepean Place, Daintree Drive, Jamberoo Road, Chaplin Place, Danjera Drive, Shannon Drive, Tongarra Road, The Expressway, Calderwood Road, Tripoli Way, Hamilton Rd, Terry Street			

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Illawarra Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The exhibited Shellharbour LEP 2013 introduced zones and planning controls for land that was subject to the Urban Fringe Local Environmental Study (LES). Council received many submissions from landowners in the urban fringe area arguing that the proposed development yields were too low. Following exhibition, Council resolved to defer all Urban Fringe land that was covered by the LEP, not just those properties for which objections had been received.**

The 105 properties subject to this Planning Proposal are considered to have little or no additional development potential so will generally undertake a 'like-for-like' conversion from the current controls in the Shellharbour LEP 2000 and Shellharbour Rural LEP 2004.

NSW Trade & Investment - Resources & Energy - Mineral Resources Division has provided updated mapping to Shellharbour Council identifying resource and transition (buffer) areas. This mapping covers 23 of the properties that are subject to this Planning Proposal.

The Planning Proposal zones 2 parcels of Sydney Water land SP2 Infrastructure Water Supply. These 2 properties are within areas of deferred land that are not covered by this Planning Proposal. Sydney Water has asked that these properties be zoned E3 Environmental Management, which is what the adjoining lands were proposed to be zoned in the exhibition of the Shellharbour LEP 2013. Council has indicated that it would like to zone these parcels SP2 and then potentially reconsider the zoning once the zoning of the surrounding land is resolved.

It is preferable to leave these 2 parcels as deferred matters and to deal with them as part of a future Planning Proposal that deals with the surrounding properties.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives, as it relates to introducing zones and controls for the 105**

deferred properties, is adequate.

However, the statement does not refer to the inclusion of Mineral Resource mapping. It is recommended that, if the Planning Proposal is supported, the Gateway Determination include a requirement for Part 1 of the Planning Proposal to be amended to include this aspect of the proposal.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions is considered adequate.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

- SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)**
- SEPP No 55—Remediation of Land**
- SEPP No 65—Design Quality of Residential Flat Development**
- SEPP No 71—Coastal Protection**
- SEPP (Exempt and Complying Development Codes) 2008**
- SEPP (Infrastructure) 2007**
- SEPP (Rural Lands) 2008**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **Section 117 Directions**

Council has identified each applicable Section 117 Direction and has noted that there are minor inconsistencies with the following directions:

1.2 Rural Zones

The Planning Proposal does rezone a small amount of rural zoned land to residential.

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These parcels are on the fringe of existing residential areas and are justified through the Urban Fringe Local Environmental Study (LES).

The Director General may be satisfied that the inconsistency is justified by a study and is of minor significance.

1.5 Rural Lands

This proposal will change the existing minimum lot size for approximately 7ha of land currently zoned rural or environmental protection. This land adjoins existing residential areas and the proposed lot sizes are justified through the LES.

The Director General may be satisfied that the inconsistency is of minor significance.

3.1 Residential Zones

The Proposal will rezone 1.5ha of land from residential to E4 Environmental Living to reflect the existing land use. Council notes that overall, the Planning Proposal provides a net increase in residential land of 2.9ha.

The Director General may be satisfied that the inconsistency is of minor significance.

3.4 Integrating Land Use and Transport

Council has identified that the Planning Proposal is inconsistent with this Direction as it rezones a 1.5ha property from residential to E4 Environmental Living.

To be consistent with this Direction, a Planning Proposal must include provisions that give effect to and are consistent with the aims, objectives and principles of "Improving Transport Choice - Guidelines for Planning and Development", and "The Right Place for Business and Services - Planning Policy".

It is not considered that this Planning Proposal is inconsistent with the Direction as it is not inconsistent with the aims etc of the above guidelines.

The Director General's approval is not required in relation to this Direction.

In summary, it is recommended that the Director General forms the opinion that inconsistencies with the following s117 Directions are of minor significance:

1.2 Rural Zones

1.5 Rural Lands

3.1 Residential Zones

State Environmental Planning Policies (SEPPs)

The Planning Proposal is not inconsistent with relevant SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided maps that adequately identify the zones and controls that will apply to the subject properties.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has proposed an exhibition period of 28 days. This is considered appropriate given the history and previous level of consultation in preparation of the LES and for the Principal LEP.

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Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

As noted previously, Part 1 of the Planning Proposal should be amended to refer to the introduction of a Mineral Resources and Transition Area Map to reflect the outcomes of Mineral Resources audit undertaken by NSW Trade & Investment - Resources & Energy Division.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Shellharbour LEP 2013 was notified in April 2013.**

Assessment Criteria

Need for planning proposal : **A Planning Proposal is necessary to bring the deferred lands into the Shellharbour LEP 2013.**

Consistency with strategic planning framework : **The Planning Proposal implements the outcomes and recommendations of the Urban Fringe Local Environmental Study (2010) for these properties.**

The Proposal is not inconsistent with the Illawarra Regional Strategy (IRS). Council notes that the Proposal is consistent with the IRS as it does not fragment agricultural land; does not increase demand for services; retains environmental protection provisions; and does not jeopardise road corridors or mineral resources.

Environmental social economic impacts : **The Planning Proposal does not significantly increase development potential or introduce additional uses and therefore does not adversely impact the environment. The Proposal will provide certainty for landowners in the Urban Fringe by settling zones and controls for their land.**

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
Department of Trade and Investment
Transport for NSW - Roads and Maritime Services
Sydney Water**

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
6900_COM_ASS_025_010_20130131.pdf	Map	Yes
6900_COM_BIO_014_010_20130131.pdf	Map	Yes
6900_COM_ASS_014_010_20130131.pdf	Map	Yes
6900_COM_BIO_015_010_20130131.pdf	Map	Yes
6900_COM_BIO_019_010_20130131.pdf	Map	Yes
6900_COM_FSR_010_010_20130131.pdf	Map	Yes
6900_COM_FSR_014_010_20130131.pdf	Map	Yes
6900_COM_FSR_019_010_20130131.pdf	Map	Yes
6900_COM_FSR_025_010_20130131.pdf	Map	Yes
6900_COM_HER_014_010_20130131.pdf	Map	Yes
6900_COM_HER_025_010_20130131.pdf	Map	Yes
6900_COM_HOB_010_010_20130131.pdf	Map	Yes
6900_COM_HOB_011_010_20130131.pdf	Map	Yes
6900_COM_HOB_014_010_20130131.pdf	Map	Yes
6900_COM_HOB_015_010_20130131.pdf	Map	Yes
6900_COM_HOB_019_010_20130131.pdf	Map	Yes
6900_COM_HOB_025_010_20130131.pdf	Map	Yes
6900_COM_LAP_001_080_20130531.pdf	Map	Yes
6900_COM_LRA_014_010_20130131.pdf	Map	Yes
6900_COM_LSZ_010_010_20130131.pdf	Map	Yes
6900_COM_LSZ_011_010_20130131.pdf	Map	Yes
6900_COM_LSZ_014_010_20130131.pdf	Map	Yes
6900_COM_LSZ_015_010_20130131.pdf	Map	Yes
6900_COM_LSZ_019_010_20130131.pdf	Map	Yes
6900_COM_LSZ_025_010_20130131.pdf	Map	Yes
6900_COM_LZN_010_010_20130131.pdf	Map	Yes
6900_COM_LZN_011_010_20130131.pdf	Map	Yes
6900_COM_LZN_014_010_20130131.pdf	Map	Yes
6900_COM_LZN_015_010_20130131.pdf	Map	Yes
6900_COM_LZN_019_010_20130131.pdf	Map	Yes
6900_COM_LZN_024_010_20130131.pdf	Map	Yes
6900_COM_LZN_025_010_20130131.pdf	Map	Yes
6900_COM_SER_019_010_20130131.pdf	Map	Yes
6900_COM_SER_025_010_20130131.pdf	Map	Yes

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6900_COM_SIM_010_010_20130131.pdf	Map	Yes
6900_COM_SIM_011_010_20130131.pdf	Map	Yes
6900_COM_SIM_014_010_20130131.pdf	Map	Yes
6900_COM_SIM_015_010_20130131.pdf	Map	Yes
6900_COM_SIM_019_010_20130131.pdf	Map	Yes
6900_COM_SIM_024_010_20130131.pdf	Map	Yes
6900_COM_SIM_025_010_20130131.pdf	Map	Yes
Planning Proposal Cover Letter.pdf	Proposal Covering Letter	No
Table of Properties - Attachment 1.pdf	Proposal	Yes
The Planning Proposal.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 2.3 Heritage Conservation
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 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes
 - 6.3 Site Specific Provisions

Additional Information : The Executive Director, Rural and Regional Planning, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Shellharbour Local Environmental Plan 2013 to rezone 105 properties deferred from Shellharbour LEP 2013 (LEP); introduce Mineral Resource Transition Areas and identify 2 items of local heritage should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal is to be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure 2012).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- *Office of Environment and Heritage
- *NSW Department of Primary Industries - Agriculture
- *NSW Trade & Investment - Resources and Energy Division
- *Transport for NSW - Roads and Maritime Services
- *Sydney Water

Each public authority is to be provided with a copy of the planning proposal and any

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relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

5. Part 1 - Objectives or intended outcomes of the Planning Proposal should be amended to note that the PP will implement resource and transition area mapping based upon information provided by NSW Trade & Investment - Resources and Energy Division and will identify a transition area on 23 properties;

6. That the 2 Sydney Water Properties be deferred from this Planning Proposal and that the zoning for these properties be addressed through a Planning Proposal which considers the adjoining deferred lands;

7. A copy of the revised planning proposal should be forwarded to the Regional Director of the Southern Region for uploading on the LEP Tracking System;

SECTION 117 DIRECTIONS

8. The Director General can be satisfied that inconsistencies with the following s117 Directions:

1.2 Rural Zones

1.5 Rural Lands

3.1 Residential Zones

are justified by Council's local environmental study and/or are of minor significance.

9. The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance.

10. Further referral under these Directions is not required for the Plan while it remains in its current form.

Supporting Reasons :

This Planning Proposal will consider and apply appropriate zones and controls for this land that was deferred from the Shellharbour LEP 2013.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

14th June 2013