

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

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 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
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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
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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 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.

Panel Recommendation

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Recommendation Date : 20-Jun-2013

Gateway Recommendation : Passed with Conditions

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to update the planning proposal to include additional information to justify the proposed SP2 Infrastructure (Water Supply) zoning for Lot 2 DP 590432 and Lot 1 DP 1031825, including consideration of the current and futures uses of the sites and the proposed zoning of adjoining land. Alternatively, Council may wish to defer the sites from this planning proposal to allow time to consider the appropriate zone for the sites and include the sites in the planning proposal which addresses the zoning of adjoining land. Council is to amend the planning proposal accordingly and provide a copy of the revised planning proposal to the department's regional office.

2. Prior to undertaking public exhibition, Council is to update the 'objectives or intended outcomes' within the planning proposal to advise that:

- the proposal will implement mineral resource and transition area mapping, which reflects the outcomes of work undertaken by NSW Trade and Investment – Mineral Resources and Energy, and
- the proposal identifies transition areas on 23 properties and advise what the transition areas do.

3. 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 must be made publicly available for a minimum of 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 LEPs (Department of Planning & Infrastructure 2013).

4. 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 and Investment – Mineral Resources and Energy
- 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 relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body 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).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Sabrina Miller

Date:

27/06/2013