

The Planning Proposal

Local Government Area: Shellharbour City Council

Property Details: Rural Lands in Albion Park, Croom, Dunmore, Shell Cove and Yellow Rock. The subject site is about 227.3 ha. Attachment 1 includes a list of the properties in this Planning Proposal.

Part 1 Objectives or intended outcomes.

To introduce Standard Instrument zoning and provisions for some of the deferred lands in Shellharbour LEP 2013.

The Standard Instrument provisions maintain the general effect of existing Shellharbour LEP 2000 & Shellharbour Rural LEP 2004 and are supported by the Urban Fringe Local Environmental Study.

It is intended that the planning controls will appropriately reflect the current property sizes and land uses.

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 as outlined in the table in Attachment 1 and maps shown in Attachments 3-13. Maps to be included are Site Identification, Zoning, Heights of Buildings, Floor Space Ratio, Minimum Lot Size, Land Reservation Acquisition, Terrestrial Biodiversity, Heritage, Acid Sulfate Soils, Mineral Resources & Transition Area and Land Application Map.

Schedule 5 in the written instrument will be amended to include:

- i) Albion Park, Tulkeroo & Albion Park Butter Factory, 23 Calderwood, Lot 1 DP 910045, Local Significance, Item number 001
- ii) Shell Cove, Killarney Complex, 21 Buckleys Road, Lot 10 DP 882238, Local Significance, Item Number 021

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?

Yes, the subject land forms part of the Urban Fringe Local Environmental Study undertaken in 2010.

The purpose of this Local Environmental Study (LES) was to investigate specific land located on the urban fringe of existing residential areas to determine if there was potential for additional development. It also investigated what the appropriate land zoning should be and if the current land uses were still appropriate.

This Planning Proposal includes only properties which the LES recommended none or minimal additional development potential.

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

A Planning Proposal is the best means to achieve the objectives.

Shellharbour Council resolved on 3 July 2012 to defer properties located within the 'Urban Fringe' from the exhibited Draft LEP to allow further consideration. The Council Report forms Attachment 15. To include 105 of these properties in Shellharbour LEP 2013 will require a Planning Proposal.

A Planning Proposal is the only means to achieve the objectives and 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 Illawarra Regional Strategy 2006 - 2031 applies to the Shellharbour LGA. The Planning Proposal is consistent with the Illawarra Regional Strategy 2006-2031 as outlined in the Summary of Planning Issues Checklist in Attachment 14.

The Planning Proposal will generally implement equivalent planning controls and land uses to those currently applying to the land under SLEP 2000 & SRLEP 2004.

The Planning Proposal is not inconsistent with Illawarra Regional Strategy in that:

- There is no fragmentation of agricultural lands.
- There is no additional demand placed on existing infrastructure or networks.
- The protection of the proposed road corridors and realignments are not jeopardised.
- The Environmental zones and significant vegetation are maintained.
- The subject lands are not identified as being a hard rock resource site. Some properties fall in the Transition Area however, no intensification of land use is proposed.
- The majority of the subject area maintains the 40 ha policy. Lots less than 40ha in area have minimum lot sizes proposed which inhibit the subdivision of the land.
- A European heritage and a preliminary Aboriginal heritage study have been undertaken for the subject land and as a result two heritage items are proposed.

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

The Planning Proposal is consistent with Council's Community Strategic Plan.

- a. 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.

The Planning Proposal will guide the growth of the urban area. An objective of the LES was to review the existing land uses, and this proposal recommends minimal further development potential for the subject land.

- b. Strategy 2.2.2 Identify and protect environmentally significant lands.

The Planning Proposal will maintain and protect environmentally significant lands. The zoning and planning controls will protect the biodiversity, scenic and agricultural significance of these lands.

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

Yes, this Planning Proposal is consistent with applicable State Environmental Planning Policies. See Attachment 14 for details of how the Planning Proposal complies.

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

The Planning Proposal is not consistent with all applicable Ministerial Directions as described in Attachment 14.

The Ministerial Directions that apply to this Planning Proposal are:

- 1.2 Rural Zones

Consistent.

- 1.3 Mining, Petroleum Production and Extractive Industries

Consistent

- 1.5 Rural Lands

The Planning Proposal is inconsistent with this direction as it proposes to change the existing minimum lot sizes. These changes have been justified by the Urban Fringe LES. The reduced amount of rural and environmental protection zoned land is minor at 7.04ha (2.7ha in the Dunmore area & 4.34ha in the Albion Park Area), of the 227.3ha included in the Planning Proposal. The 7.04ha is made up of a number of minor parcels of land on the fringe of existing residential areas as well as approximately 2.5ha of land now under Roads and Maritime Service and Sydney Water ownership for Road and Water Infrastructure. The sizes of these lots are well below 40 ha and therefore there is minimal impact.

- 2.1 Environmental Protection Zones

Consistent

- 2.2 Coastal Protection

Consistent

- 2.3 Heritage Conservation

Consistent

- 2.4 Recreation Vehicle Areas

Consistent

- 3.1 Residential Zones

The Planning Proposal is inconsistent as it removes a minor area of residential zoned land and therefore won't be consistent with this Direction. The inconsistency is justified by the fact that the reduction of residential zoned land is minor as it is 1.5ha and proposed to be zoned E4 Environmental Living which better reflects the existing land use of an existing farm house and dam and a small watercourse on the fringe of the existing urban area. Also the Planning Proposal will provide a net increase in residential zoned land by 2.9ha through this Planning Proposal.

- 3.2 Caravan Parks and Manufactured Home Estates

The Planning Proposal is inconsistent with this Direction. The Planning Proposal is to review the existing planning controls and to incorporate them into Shellharbour LEP 2013. The Urban Fringe LES has justified the appropriate zone and land uses. The Planning Proposal will be based on the Standard Instrument. As the Standard Instrument does not contain a standard provision to satisfy this Direction, the Planning Proposal will therefore be inconsistent with this Direction. This is considered to be of minor significance as there has been no urban development potential recognised on these lands as supported by the LES.

- 3.3 Home Occupations

Consistent

- 3.4 Integrating Land Use and Transport

The Planning Proposal will be inconsistent as it will remove a minor area of residential zoned land. The inconsistency is justified in that the reduction of residential zoned land is minor in that it is 1.5ha and proposed to be zoned E4 Environmental living which better reflects the existing land use of an existing farm house and dam and a small watercourse on the fringe of the existing urban area.

- 3.5 Development near Licensed Aerodromes

Consistent

- 4.1 Acid Sulfate Soils

The Planning Proposal is inconsistent as it has four properties in Albion Park and four properties in Dunmore which have class 3 and class 4 Acid Sulfate

Soils imposed. The LES does not recommend any intensification or land use change on these parcels of land and therefore this inconsistency is justified. The Shellharbour LEP 2013 contains clause 6.1 (Acid Sulfate Soils) which provides controls on these lands.

- 4.2 Mine Subsidence and Unstable Land

Consistent

- 4.3 Flood Prone Land

Consistent

- 4.4 Planning for Bushfire Protection

Specialist bush fire reports form part of the LES which have been used to indicate where there were areas suitable and unsuitable for development potential. The Planning Proposal does not propose any development within the land mapped bush fire prone land in the LES. The Rural Fire Service will be consulted if required.

- 5.1 Implementation of Regional Strategies

Consistent

- 6.1 Approval and Referral Requirements

Consistent

- 6.2 Reserving Land for Public Purposes

Consistent

- 6.3 Site Specific Provisions

Consistent

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?

No. The existing rural and agricultural zones from Shellharbour LEP 2000 and Shellharbour Rural LEP 2004 are to be introduced as equivalent standard zones being primarily rural and environmental zones. The intent is for minimal increase in development potential and changes to land use. The Planning Proposal will therefore result in no likelihood of increased environmental degradation.

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

The intent is for minimal increase in development potential and changes to land use, the Planning Proposal is not likely to have any further environmental effects. The Planning Proposal will include Terrestrial Biodiversity Mapping.

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

The Planning Proposal will create more economic certainty for the land owners of the subject land in terms of what the Council and the community see as being appropriate land uses for these areas. The LES shows there will be minimal adverse social and economic effects.

D. State and Commonwealth interests.

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

There is minimal increase in development potential with the intent to retain existing land uses and therefore the current public infrastructure is adequate.

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

To be decided as part of the gateway determination.

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 Planning Controls - Attachment 2
- Site Identification Map - Attachment 3
- Proposed Planning Controls - Attachments 4-13

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

To be decided as part of the gateway determination. It is anticipated that there will be a 28 day exhibition period.

Part 6 Project timeline.

- Anticipated gateway determination - June/July
- Anticipated timeframe for completion of required technical information - Not applicable
- Timeframe for government agency consultation - July/August
- Commencement and completion of public exhibition - Commence August and complete September/October

- Dates for public hearing - Not applicable
- Timeframe for consideration of submissions - October/November
- Timeframe for consideration of proposal post exhibition - Report to Council November/December (Council meeting - 3 week cycle)
- Date of submission to the Department to finalise LEP - December/January
- 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

Attachment 1 - Table of properties

Attachment 2 - Current Planning Controls

Attachment 3 - Site Identification Map

Attachment 4 - Land Zoning Map

Attachment 5 - Lot Size Map

Attachment 6 - Floor Space Ratio Map

Attachment 7 - Height of Buildings Map

Attachment 8 - Heritage Map

Attachment 9 - Land Reservation Acquisition Map

Attachment 10 - Mineral Resource and Transition Areas Map

Attachment 11 - Terrestrial Biodiversity Map

Attachment 12 - Acid Sulfate Soils Map

Attachment 13 - Land Application Map

Attachment 14 - Summary of Planning Issues Checklist

Attachment 15 - Council Report