

### Shellharbour - Part 2 Deferred lands - 12 properties in Albion Park, Croom, and Dunmore

Proposal Title : **Shellharbour - Part 2 Deferred lands - 12 properties in Albion Park, Croom, and Dunmore**

Proposal Summary : **This proposal:**

- identifies zones and controls for 12 properties that were deferred from the Shellharbour LEP 2013;
- introduces a clause that specifies the maximum number of lots, and location of dwellings, on certain lots in Albion Park containing both E4 Environmental Living and E3 Environmental Management zoned land;
- adds 2 local heritage items to Schedule 5;
- identifies 2 properties as Mineral Resource Transition Area; and
- removes Mineral Resource Transition Area (formerly referred to as Quarry Buffer) hatching from 4 properties.

PP Number : **PP\_2013\_SHELL\_003\_00**      Dop File No : **13/10750**

### 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**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**

Additional Information : **The Deputy Director General, Planning Operations and Regional Delivery, 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 introduce zones and controls for 12 properties deferred from Shellharbour LEP 2013 (LEP); introduce Mineral Resource Transition Areas and identify 2 items of local heritage significance 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 2013).**

**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**

**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 12 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 advise that the proposal will add 2 local items to the Heritage schedule, and will update Mineral Resource mapping for 6 properties (2 additions and 4 deletions) to implement work undertaken by NSW Trade and Investment - Mineral Resources and Energy;

6. That an FSR of 0.5:1 and a maximum height of buildings of 6 metres be applied to Lot 102 DP 566417 (21) Dunmore Road, Dunmore consistent with the FSR and height controls of adjoining properties;

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;

8. The outcome sought by the proposed 'Maximum number of allotments and dwelling houses for certain split zoned land' clause is supported and it is therefore considered appropriate to exhibit the planning proposal. However, Council is encouraged to consider alternate mechanisms for achieving this desired outcome including use of the Lot Size Map or application of a lot averaging clause.

#### **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
- 2.1 Environmental Protection Zones
- 3.1 Residential Zones
- 6.3 Site Specific Provisions

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 : The Planning Proposal will apply Standard Instrument zones and controls to land deferred from the Shellharbour LEP 2013.

#### **Panel Recommendation**

Recommendation Date : **15-Aug-2013**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
  - apply a maximum floor space ratio of 0.5:1 and a maximum building height of 6m for Lot 102 DP 566417 at 21 Dunmore Road, Dunmore, consistent with the floor space ratio and height controls of adjoining land. The floor space ratio and height of buildings maps are to be updated to reflect the above position;
  - advise that 2 local heritage items at 2 and 35 James Road, Croom will be added to Schedule 5 - Environmental Heritage and the Heritage Map of Shellharbour LEP 2013, within Part 1 - 'objectives or intended outcomes' of the planning proposal; and

- advise that mineral resource mapping will be updated for 6 properties (2 additions and 4 removals) to reflect work undertaken by NSW Trade and Investment - Mineral Resources and Energy within Part 1 - 'objectives or intended outcomes' of the planning proposal.

A copy of the revised planning proposal is to be provided to the department's regional office.

2. 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).

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

- Office of Environment and Heritage
- Department of Primary Industries - Agriculture
- NSW Trade and Investment - Mineral Resources and Energy

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.

4. 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).

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

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has not formally accepted plan making delegation.

Signature:

M. Selman

Printed Name:

Nigel Selman

Date:

21/8/13