

REGIONAL AND STATE PLANS, POLICIES AND DIRECTIONS

State Environmental Planning Policies

**Deemed State Environmental Planning Policies (Regional Environmental Plans)
Directions under section 117 of the *Environmental Planning and Assessment Act 1979***

This folder contains copies of all relevant documents as identified in this checklist as being a plan, policy or direction which substantially governs the content and operation of the following draft local environmental plan:

Shellharbour Local Environmental Plan 2013

Planning Proposal No 12 – Lot 2 DP 1191252, 120 Yellow Rock Road, Tullimbar

Any submission made during the public exhibition period should be made having regard to these documents.

Please refer to the checklist for other plans, policies or directions which may apply to the land, but that which, in Council's opinion, do not substantially govern the content and operation of the above draft local environmental plan.

SHELLHARBOUR LOCAL ENVIRONMENTAL PLAN 2013

PLANNING PROPOSAL No 12

Summary of Planning Issues Checklist

Location: Lot 2 DP 1191252, 120 Yellow Rock Road, Tullimbar

Proposal: Rezone the land from 1a Rural 'A' Shellharbour Local Environmental Plan (LEP) 2000 to part R2 Low Density Residential, part R5 Large Lot Residential, and part E3 Environmental Conservation.

Compliance with SEPPs:	Part
Compliance with Deemed SEPPS (REPs):	Yes
Compliance with Section 117 Directions:	Part
Compliance with Illawarra Regional Strategy:	Part
Heritage Studies required:	Yes
Illawarra Urban Development Program	Yes
Coastal Policy	Land not in Coastal Zone
LES Necessary:	No, but additional studies required to support proposal if there is merit in progressing proposal

Draft Planning Proposal Assessment

The following planning instruments, S117 Directions and Regional Strategy items apply to the Shellharbour LGA:

Draft SEPPs	Consistency Yes/No/NA	Comments
Application of Development Standards 2004	NA	
SEPP 66 Integration of Transport and Land Use	NA	
SEPP (Competition) 2010	NA	

SEPPs	Consistency Yes/No/NA	Comments
SEPP 1 Development Standards	NA	
SEPP 4 Development Without Consent and Miscellaneous Complying Development	NA	
SEPP 6 Number of Storeys in a Building	NA	
SEPP 14 Coastal Wetlands	NA	
SEPP 21 Caravan Parks	NA	
SEPP 22 Shops and Commercial Premises	NA	

SEPPs	Consistency Yes/No/NA	Comments
SEPP 26 Littoral Rainforests	NA	
SEPP 30 Intensive Agriculture	NA	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	Yes	
SEPP 33 Hazardous and Offensive Development	NA	
SEPP 36 Manufactured Home Estates	NA	
SEPP 50 Canal Estates	NA	
SEPP 55 Remediation of Land	YES	
SEPP 62 Sustainable Aquaculture	NA	
SEPP 64 Advertising and Signage	NA	
SEPP 65 Design Quality of Residential Flat Development	NA	Any future planning instrument to be prepared in accordance with Standard Instrument.
SEPP 70 Affordable Housing (Revised Schemes)	NA	
SEPP 71 Coastal Protection	NA	Land not in Coastal Zone
SEPP (Housing for Seniors or People with a Disability) 2004	NA	
SEPP (BASIX) 2004	NA	
SEPP (Major Development) 2005	NA	
SEPP (Mining, Petroleum Production and	NA	

SEPPs	Consistency Yes/No/NA	Comments
Extractive Industries) 2007		
SEPP (Temporary Structures) 2007	NA	
SEPP (Infrastructure) 2007	NA	
SEPP (Rural Lands) 2008	YES	
SEPP (Exempt and Complying Development Codes) 2008	NA	
SEPP (Affordable Rental Housing) 2009	NA	
SEPP (Urban Renewal) 2010	NA	
SEPP (State and Regional Development) 2011	NA	

Deemed SEPPs (IREP1)	Consistency Yes/No/NA	Comments
(IREP1)	NA	Shellharbour LEP 2013 clause 1.8B states that Shellharbour LGA has been omitted from IREP 1

Deemed SEPPs (IREP2)	Consistency Yes/No/NA	Comments
Preparation of LEPs (Clause 9)	NA	

Section 117 Directions	Consistency Yes/No/NA	Comments
1. Employment and Industrial Zones		
1.1 Business and Industrial zones	NA	
1.2 Rural Zones	NO	This proposal is inconsistent with this Direction as it is proposing to rezone Rural land to Residential. The proposal is not consistent with clause 5(a) of this Direction. No strategy has been approved by the Department of Planning to justify the zone or inconsistency. The proposal is not justified by a study which gives consideration to the objectives of this Direction and so is not consistent with clause 5(b). The proposal is not in accordance with the Illawarra Regional Strategy as outlined in clause 5(c) of this Direction. The IRS identifies that the land is being investigated by Council to determine appropriate land uses and zonings. This investigation was the Urban Fringe LES. This planning proposal has been lodged and requires further assessment of the property in the context of the Illawarra Regional Strategy Whilst this planning proposal is not in accordance with the IRS, the Strategy (page 22) identifies that these lands are being investigated to determine appropriate land uses. That investigation was the Urban Fringe LES and this planning proposal is a further investigation of the lands. The classification of the land, predominantly Class 3 and 2 identifies the land as having some rural use significance. NSW Agriculture as part of the S62 consultations for the Urban Fringe noted that generally within the study area, land was amongst other things, most likely Class 3 or 4 agricultural lands and not suited to cropping.

Section 117 Directions	Consistency Yes/No/NA	Comments
		Being located near urban lands will restrict some forms of agriculture, particularly traditional chemical based types. Whilst there are no State Government adopted policies for the urban development of this land, the continued viability of this land for traditional forms of agriculture may be limited. This planning proposal is inconsistent with this Direction but the inconsistency may be justified by the information in the Housing and settlement section of the IRS.
1.3 Mining, Petroleum Production and Extractive Industries	NA	
1.4 Oyster Aquaculture	NA	
1.5 Rural Lands	YES	This Direction applies as the planning proposal will affect land within an existing rural zone (including the alteration of any existing rural zone boundary). The proposal is consistent with the Rural Planning Principles of the SEPP (Rural Lands) 2008 as required by clause 4 of this Direction. The classification of the land, predominantly Class 3 and 2 identifies the land as having some rural use significance. NSW Agriculture as part of the S62 consultations for the Urban Fringe noted that generally within the study area, land was amongst other things, most likely Class 3, 4 or 5 agricultural lands and not suited to cropping. Being located near urban lands will restrict some forms of agriculture, particularly traditional chemical based types. Whilst there are no State Government adopted policies for the urban development of this land, the continued viability of this land for traditional forms of agriculture may be limited. Whilst the planning proposal is not consistent with this Direction, it is consistent

Section 117 Directions	Consistency Yes/No/NA	Comments
		with clause 4 of the Direction.
2. Environment and Heritage		
2.1 Environmental Protection Zones	NA	
2.2 Coastal Protection	NA	
2.3 Heritage Conservation	NO	The planning proposal is inconsistent with this Direction as a thorough study to assess the presence or not of Aboriginal areas, places, landscapes or objects has not been carried out. An Aboriginal heritage assessment is required to be carried out in accordance with the Cultural heritage assessment undertaken as part of the Urban Fringe LES and the LES recommendations. This assessment can be carried out prior to exhibition of the Planning Proposal, if the proposal is supported and if required as part of the Gateway determination.
2.4 Recreation Vehicle Areas	NA	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	NO	The planning proposal is inconsistent as it proposes urban development on the urban fringe. The Planning Proposal includes concepts that if introduced into Shellharbour LEP 2013 would comply with the requirements of clause 4 of this Direction. The proposal is not consistent with Clause 6(a) of this Direction. No strategy has been approved by the Department of Planning to justify the zone or inconsistency. The proposal is not justified by a study which gives consideration to the objectives of this Direction as outlined in Clause 6(b) of this Direction.

Section 117 Directions	Consistency Yes/No/NA	Comments
		The proposal is not in accordance with the Illawarra Regional Strategy as outlined by Clause 6(c) of this Direction. The IRS identifies that the land is being investigated by Council to determine appropriate land uses and zonings. This investigation was the Urban Fringe LES. This planning proposal has been lodged and requires further assessment of the property in the context of the Illawarra Regional Strategy Whilst this planning proposal is not in accordance with the IRS, the Strategy (page 22) identifies that these lands are being investigated to determine appropriate land uses. That investigation was the Urban Fringe LES and this planning proposal is a further investigation of the lands. This planning proposal is inconsistent with this Direction but the inconsistency may be justified by the information in the Housing and settlement section of the IRS. The Illawarra Urban Development Program 2012 Update states that Shellharbour LGA has a sufficient supply of strategy identified greenfield land (10,706 lots). This is well above the required 3,135 lots needed according to the 15 year benchmark. There are 7,806 lots zoned which means Shellharbour LGA also meets the 8 year benchmark of 1,672 lots zoned. Based on the 7.3 year benchmark for zoned and service ready lots, Shellharbour LGA would require 1,526 lots. There are 4,151 lots zoned and service ready. There is no shortage of zoned and serviced ready land in the Shellharbour LGA. This land is not required to meet a shortage of supply in the Shellharbour LGA.
3.2 Caravan Parks and Manufactured Home Estates	NA	

Section 117 Directions	Consistency Yes/No/NA	Comments
3.3 Home Occupations	YES	
3.4 Integrating Land Use and Transport	YES	
3.5 Development near Licensed Aerodromes	NA	
3.6 Shooting Ranges	NA	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	NA	
4.2 Mine Subsidence and Unstable Land	NA	
4.3 Flood Prone Land	NO	This Direction does apply and the proposal is inconsistent with it. The Urban Fringe LES didn't undertake any studies to determine flood planning areas or to determine consistency with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>. Should the proposal be supported by Council and the LEP Review Panel at the gateway, a study is required to be carried out prior to exhibition
4.4 Planning for Bushfire Protection	No	The Planning proposal includes land potentially affected by bushfire. Should the proposal be supported by Council and the LEP Review Panel at the gateway, a study is required to be carried out prior to exhibition
5. Regional Planning		
5.1 Implementation of Regional Strategies	YES	The land is not identified in the Illawarra Regional Strategy for urban development. The Illawarra Regional Strategy identifies these lands as being investigated by Council to determine appropriate land uses and zonings taking into account it's

Section 117 Directions	Consistency Yes/No/NA	Comments
		urban, biodiversity and natural resource values (page 22). This investigation was the Urban Fringe Local Environmental Study and that recommended minimal development on the land. This planning proposal has been lodged and requires further assessment of the property in the context of the Illawarra Regional Strategy Whilst this planning proposal is not in accordance with the IRS, the Strategy (page 22) identifies that these lands are being investigated to determine appropriate land uses. That investigation was the Urban Fringe LES and this planning proposal is a further investigation of the lands. This planning proposal is inconsistent with this Direction but the inconsistency may be justified by the information in the Housing and settlement section of the IRS. The Illawarra Urban Development Program 2012 Update states that Shellharbour LGA has a sufficient supply of strategy identified greenfield land (10,706 lots). This is well above the required 3,135 lots needed according to the 15 year benchmark. There are 7,806 lots zoned which means Shellharbour LGA also meets the 8 year benchmark of 1,672 lots zoned. Based on the 7.3 year benchmark for zoned and service ready lots, Shellharbour LGA would require 1,526 lots. There are 4,151 lots zoned and service ready. There is no shortage of zoned and serviced ready land in the Shellharbour LGA. This land is not required to meet a shortage of supply in the Shellharbour LGA.
5.2 Sydney Drinking Water Catchment	NA	
5.3 Farmland of State and Regional	NA	

Section 117 Directions		Consistency Yes/No/NA	Comments
Significance on the NSW Far North Coast			
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NA	
5.5	Revoked	NA	
5.6	Revoked	NA	
5.7	Revoked	NA	
5.8	Second Sydney Airport: Badgerys Creek	NA	
6. Local Plan Making			
6.1	Approval and Referral Requirements	NA	
6.2	Reserving Land for Public Purposes	NA	
6.3	Site Specific Provisions	NA	

Illawarra Regional Strategy		Consistency Yes/No/NA	Comments
Economic development and employment growth			
Implement principles in the Employment Lands Guidelines		NA	
Maintain the supply and protect regionally significant employment lands (Airport, Shell		NA	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
Cove and Shellharbour town centre)		
Additional employment lands identified	NA	
Hierarchy of commercial centres for the region identified	NA	
Existing centres revitalised	NA	
Resist fragmentation of agricultural and employment lands	NO	The proposal will fragment existing agricultural land. As noted above, use of the land for traditional forms of agriculture would be limited.
Encourage clustering of synergistic businesses	NA	
Efficient use of existing infrastructure and networks including Airport	YES	
Long term strategy for the Airport and surrounding employment lands prepared	NA	
Shell Cove marina identified as a major tourism development site.	NA	
Regional Transport		
Protect Princes and Illawarra Highway corridors and proposed realignments	NA	
Minimise need to travel and encourage energy and resource efficiency	NA	The change in zone and use of the land as residential won't minimise the need to travel as the site will be used predominantly for residential purposes.
Identify and manage strategic transport	NA	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
corridors		
Include Rail Corp requirements	NA	
Protect Illawarra Regional Airport	NA	
Housing and Settlement		
Higher densities around Shellharbour City Centre, Albion Park, Oak Flats, Warilla subject to densities and character	NA	
Provide for an additional future urban expansion area at Calderwood if demand arises	NA	
Proposal outside Regional strategy but complies with sustainability criteria	YES	
Appropriate housing mix provided	YES	
Housing types capable of adapting to ageing populations	NA	Specific design issue
LEP includes appropriate urban design and land use objectives including: ► sustainability principles ► revitalisation of centres ► promoting community	NA	
Affordable housing options	NA	
Consultation Department of Housing	NA	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
State Infrastructure considered	NA	
Natural Environments		
Hard rock resource and endangered ecological communities considered	NA	
Protect significant native vegetation and regional habitat	YES	The Biodiversity Map considers riparian corridors and habitat linkages
Consultation DPI (Fisheries) - habitats and riparian buffers	NA	
Manage impact of land use change and development in the catchments of high value coastal lakes, estuaries, wetlands	NA	
Use strategic assessments of riparian corridors methodology when planning new urban areas	YES	The Biodiversity Map considers riparian corridors and habitat linkages
Incorporate controls to protect the values of riparian lands	YES	The Biodiversity Map considers riparian corridors and habitat linkages
SEPP 14 and 26 lands zoned E2 or W1	NA	
Consult with Southern Rivers Catchment Management Authority.	NA	Undertake with exhibition if approved
Natural Hazards		
Manage risk associated with climate change	NA	
Adequate setbacks in areas of coastal erosion	NA	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
risk and ocean based inundations		
Until above completed no land zoned in potential hazard areas	NA	
Zone areas subject to high hazard to reflect the limitations of the land.	NO	Cannot be determined until a flood study is prepared in accordance with the Floodplain Development Manual 2005
Water, Energy and Waste		
Land required for wastewater treatment/recycling, energy, waste avoidance and resource recovery identified and zoned appropriately in consultation with Departments and utilities	NA	
Local power generation supported in suitable locations.	NA	
Rural Landscape and Rural Communities		
New residential or rural residential zones only supported where meet sustainability criteria	NO	Doesn't meet all the sustainability criteria. Of prime importance is that there is no requirement to provide additional zoned and serviced Greenfield land in the Shellharbour LGA. The LGA already exceeds the benchmark criteria.
Non-compatible uses in core productive agricultural and mineral resource areas limited	NA	
Minimum subdivision standards for rural and environmental protection zones	NA	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
Limit dwellings in rural and environmental protection zones.	NO	The Planning Proposal proposes dwellings in an existing rural zone. No visual analysis has been undertaken. This can be done prior to exhibition.
Cultural Heritage		
Aboriginal cultural and community values considered. Aboriginal heritage studies and DEC study 'Murii, Dhungang, Jirrar - living in the Illawarra 2005 considered	NO	Aboriginal heritage assessment required as outlined in the Urban Fringe LES. This can be carried out prior to exhibition.
Heritage items reviewed	NA	
Cultural heritage values of Shellharbour City Centre, Warilla and Albion Park reviewed and protected	NA	
Cultural landscapes	NO	The Urban Fringe LES identified the need for additional Aboriginal heritage assessment to be carried out to determine if the land has any cultural significance. Undertaking this study will ensure the relevant actions of this chapter of the IRS is completed
Aboriginal cultural values associated with Lake Illawarra and Shell Cove (DEC 2005) are protected.	NA	