

Land between Princes Hwy and East West Link at Albion Park - rezoning and removal of road reservation classification

Proposal Title :	Land between Princes Hwy and East West Link at Albion Park - rezoning and removal of road reservation classification		
Proposal Summary :	This proposal will rezone land that is no longer required by RMS from SP2 - Classified Road to IN2 Light Industrial - and introduce appropriate development controls. The proposal also removes the land from the land acquisition reservation map.		
PP Number :	PP_2015_SHELL_002_00	Dop File No :	15/12132

Proposal Details

Date Planning Proposal Received :	07-Aug-2015	LGA covered :	Shellharbour
Region :	Southern	RPA :	Shellharbour City Council
State Electorate :	KIAMA	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :			
Suburb :	Albion Park Rail	City :	Postcode : 2527
Land Parcel :	Lot 1 DP 1039969; Part of Lot 23 DP 1039967; Lot 10 DP 1040306; and parts of road reserve on Colden Drive, Shandan Circuit, and Durgadin Drive		

DoP Planning Officer Contact Details

Contact Name :	Louise Myler
Contact Number :	0242249463
Contact Email :	louise.myler@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Michael Tuffy
Contact Number :	0142216111
Contact Email :	michael.tuffy@shellharbour.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	Graham Towers
Contact Number :	0242249467
Contact Email :	graham.towers@planning.nsw.gov.au

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :

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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 : 0
(where relevant) :

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 :

External Supporting Notes : **The land is surplus to RMS requirements and is located within an industrial estate.**

Adequacy Assessment

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

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

Comment : **Council has clearly identified the intended outcome of the planning proposal.**

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

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

Comment : **The explanation of provisions identifies the changes to Shellharbour LEP 2013 maps that will result from the proposal.**

The proposal will involve changes to the following series of maps:

- Land Zoning - from SP2 to IN2
- Lot Size - a 2.7ha lot size will be introduced to the land currently zoned SP2
- Height of Buildings a height of 11m will be introduced to the land currently zoned SP2
- Floor Space Ratio - an FSR of 1:1 will be introduced to the land currently zoned SP2
- Land Reservation Acquisition - will be removed

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

1.1 Business and Industrial Zones

2.4 Recreation Vehicle Areas

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

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 (Exempt and Complying Development Codes) 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 applicable Section 117 Directions and has noted that there is a minor inconsistencies with the following direction:

1.1 Business and Industrial zones

The proposal will alter the boundary of the industrial zone. The proposal is consistent with this Direction.

4.3 Flood Prone Land

This Direction requires development in flood prone areas to be consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual. It states that a planning proposal must not permit development in floodway areas or permit a significant increase in the development of that land.

This proposal will allow additional development within an area of land that is identified as flood prone however, given that the land is no longer required as a Classified Road it is appropriate to zone the land an alternate zone. The surrounding land is zoned IN2 Light Industrial and Council has advised that consideration of any future development will ensure that there is no significant flood impacts. Industrial uses can be appropriate on flood prone land.

The Secretary's delegate can be satisfied that any inconsistency is of minor significance.

6.2 Reserving Land for Public Purposes

It is noted that this Direction requires a relevant planning authority to rezone and remove a reservation classification from any land that is reserved for public purposes when the land is no longer designated by the identified public authority for acquisition.

In this case, the RMS is the identified acquisition authority and it is the RMS that has requested the removal of the reservation classification as the proposed route is no longer required. The RMS has recently developed the route of the future Albion Park Bypass and the subject land is no longer required.

The proposal is therefore consistent with this direction.

The proposal is considered to be consistent with the following relevant s117 Directions:

1.1 Business and Industrial Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

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3.4 Integrating Land Use and Transport
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements

The Secretary's approval is not required in relation to these Directions.

RECOMMENDATION

It is recommended that the Secretary's delegate can be satisfied that any inconsistency with section 117 Direction 4.3 Flood Prone Land is of minor significance.

The Secretary's delegate may be satisfied that the proposal is consistent with all other relevant Directions, or that any inconsistencies are of minor significance.

The Secretary's delegate can be satisfied that the proposal is consistent with relevant State Environmental Planning Policies (SEPPs)

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The mapping provided clearly identifies proposed changes to zones and controls on the subject land.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : The RMS has requested the rezoning and removal of the reservation classification.

Council has contacted the three affected private landowners who have no objection to the proposal.

It is considered that the proposal will not have broader public impact as it is located within an industrial estate and that no community consultation is required. Subsequent development applications would be required prior to development of the land.

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Shellharbour Local Environmental Plan 2013 was notified in August 2013.

Assessment Criteria

Need for planning proposal :

The land was previously identified to provide access to two existing quarries to the south following construction of the Albion Park Bypass. RMS has now firmed up its proposed route and connections and identified that the reserved land is no longer required.

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It is appropriate therefore to rezone this land and remove any acquisition requirements from the land.

Consistency with strategic planning framework :

The proposal is not inconsistent with the Illawarra Regional Strategy.

Council has advised that the proposal is consistent with Council's Community Strategic Plan.

Environmental social economic impacts :

The proposal will not impinge upon critical habitats or affect endangered ecological communities or threatened species and is considered unlikely to have a negative environmental impact.

It is not appropriate to retain an SP2 Classified Road zoning and acquisition classification to the land now that it is not required for a road. The IN2 zone corresponds to the surrounding zone and permissible uses and will allow for additional employment opportunities.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	Nil
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :			

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
Cover letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council report.pdf	Proposal	Yes
Maps.pdf	Proposal	Yes

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Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 2.4 Recreation Vehicle Areas
 3.2 Caravan Parks and Manufactured Home Estates
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
 4.3 Flood Prone Land
 5.1 Implementation of Regional Strategies
 6.1 Approval and Referral Requirements
 6.2 Reserving Land for Public Purposes

Additional Information : It is **RECOMMENDED** that the General Manager, Southern Region, as delegate of the Minister for Planning, determine under section 56(2) of the Environmental Planning & Assessment Act (EP&A Act) that an amendment to Shellharbour Local Environmental Plan 2013 to: rezone and apply corresponding development controls to land between the Princes Highway and the East West Link; and to remove the land acquisition classification from the land should proceed subject to the following conditions:

1. Community consultation is not required under sections 56(2)(c) and 57 of the EP&A Act.
2. Consultation is not required with public authorities under section 56(2)(d) of the EP&A Act.
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 6 months from the week following the date of the Gateway determination.

SECTION 117 DIRECTIONS

5. The Secretary's delegate can be satisfied that inconsistencies with the following s117 Directions are of minor significance and/or are justified:

4.3 Flood Prone Land

6. The Secretary's delegate can be satisfied that the planning proposal is consistent with other relevant s117 Directions, or that any inconsistencies are of minor significance.

Supporting Reasons : The RMS has asked Council to rezone the land and to remove the acquisition designation from the land as it is no longer required.

It is appropriate to apply a zoning that corresponds to the adjoining zone and uses to enable the economic use of the land and employment opportunities.

Signature:

 Team Leader, Southern Region

Printed Name:

Graham Towers

Date:

11/08/15