

240-242 Croome Road Croom - bringing deferred land into Shellharbour LEP 2013

Proposal Title : **240-242 Croome Road Croom - bringing deferred land into Shellharbour LEP 2013**

Proposal Summary : **The proposal will bring Lot 9 DP 1038941 (240-242) Croome Road, Croom into the Shellharbour LEP 2013 (SLEP 2013). This land was deferred when SLEP 2013 was made.**

The site is primarily zoned 1(rl) Rural Landscape under the Shellharbour Rural LEP 2004, with a small area of 2e Residential zoned under the Shellharbour LEP 2000. The proposal is generally a conversion from the current zones to equivalent SLEP 2013 zones. The majority of the site will be zoned RU2 Rural Landscape, a small area containing EECs will be zoned E3 Environmental Management, and a small area will be zoned R2 Low Density Residential.

PP Number : **PP_2016_SHELL_003_00**

Dop File No : **16/10994**

Proposal Details

Date Planning : **17-Aug-2016**

Proposal Received :

LGA covered :

Shellharbour

Region : **Southern**

RPA :

Shellharbour City Council

State Electorate : **KIAMA**

Section of the Act :

55 - Planning Proposal

LEP Type : **Housekeeping**

Location Details

Street : **240-242**

Suburb : **Croome Road**

City : **Croom**

Postcode :

Land Parcel : **Lot 9 DP 1038941**

DoP Planning Officer Contact Details

Contact Name : **Louise Myler**

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RPA Contact Details

Contact Name : **Ian Rankine**

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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 :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
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 : **The proposal generally converts existing zones under the Shellharbour Rural LEP 2004 and Shellharbour LEP 2000 into Standard Instrument zones. This land was deferred when the SLEP 2013 was made to allow further investigations into the residential capacity of the land. Council has not supported additional residential development on the site at this stage and has resolved to retain the existing development controls.**

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **Statement of objectives notes that the proposal will bring land into the Shellharbour LEP 2013.**
The proposal is a conversion of the existing zones and will not allow additional development.

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

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

Comment : **The proposal introduces standard instrument controls to land deferred when Shellharbour LEP 2013 was notified. The proposal involves mapping changes only. There are no changes to the written Local Environmental Plan.**

The following maps will be introduced for the subject land:

- Land zoning map (RU2 Rural Landscape, R2 Low Density Residential, and E3

Environmental Management);
 - height of building map (9m maximum height);
 - floor space ratio map (0.5:1 for R2 zoned land);
 - lot size map (450m² for R2 land & 16ha for E3/RU2 land);
 - Terrestrial biodiversity map; and
 - Mineral Resources Transition Area map.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

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

3.3 Home Occupations

3.5 Development Near Licensed Aerodromes

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Section 117 Directions

Council has identified applicable Section 117 Directions and has noted that (possibly with the exception of 4.4 Planning for Bushfire Protection) the proposal is consistent with relevant s117 Directions. Directions of particular relevance are discussed below:

1.2 Rural Zones

The Planning Proposal rezones rural land to a mix of rural and environmental zones.

The Secretary's delegate may be satisfied the proposal is consistent with this Direction and no approval is required in relation to this Direction.

1.3 Mining, Petroleum Productions and Extractive Industries

This proposal aims to ensure that future extraction of resources is not compromised by inappropriate development.

This proposal does not increase the development potential of the subject land. The proposal retains the 'quarry buffer' that currently applies to the land.

The Secretary's delegate may be satisfied the proposal is consistent with this Direction and no approval is required in relation to this Direction.

1.5 Rural Land

This Direction applies when a proposal will affect land within an existing or proposal rural or environmental protection zone.

The proposal is considered to be consistent with the Rural Planning Principles and Rural Subdivision Principles in State Environmental Planning Policy (Rural Lands) 2008

and is therefore considered to be consistent with this Direction.

The Secretary's delegate may be satisfied the proposal is consistent with this Direction and no approval is required in relation to this Direction.

2.1 Environment Protection Zones

This Direction requires planning proposals to include provisions that facilitate the protection and conservation of environmentally sensitive areas.

This proposal will apply a biodiversity mapping overlay to land containing EECs within the subject area.

The Secretary's delegate may be satisfied the proposal is consistent with this Direction and no approval is required in relation to this Direction.

4.4 Planning for Bushfire Protection

This Direction requires consultation with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and must take any comments made by the Commissioner into account.

The Secretary's delegate may be satisfied that the Gateway Determination requirement for consultation with the RFS prior to exhibition will ensure consistency with this Direction.

5.10 Implementation of Regional Plans

This Direction requires a planning proposal to be consistent with the relevant Regional Plan. The Illawarra Shoalhaven Regional Plan covers this area.

The proposal is a conversion of existing zones into standard instrument zones. The proposal is not inconsistent with the vision, goals, actions etc in the Illawarra Shoalhaven Regional Plan.

The Secretary's delegate may be satisfied the proposal is consistent with this Direction and no approval is required in relation to this Direction.

The proposal is considered to be consistent with the other applicable s117 Directions:

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 Integrated Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

RECOMMENDATION

It is recommended that the Secretary's delegate be satisfied that the proposal is consistent with relevant s117 Directions and no further approval is required.

It is recommended that the Secretary's delegate be satisfied that the proposal will be consistent with 4.4 Planning for Bushfire Protection following consultation with the NSW Rural Fire Service.

State Environmental Planning Policies (SEPPs)

The Planning Proposal is not inconsistent with relevant SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Mapping clearly identifies the site and the intended zones and planning controls.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a 28 day exhibition period. This is considered appropriate.**

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 proposal will bring land currently deferred from the Shellharbour LEP 2013 into the LEP. A planning proposal is required to achieve this outcome. The proposal applies the equivalent standard instrument zone and does not allow additional development. The current 2(e) Residential area will be converted to the R2 Low Density Residential zone. The majority of the site is zoned 1(rl) Rural and will convert to the RU2 Rural Landscape zone. The exception to the 'conversion' is the application of the E3 Environmental Management zone to a small area of land in the south/west corner of the site that has been identified as containing EECs. This land is currently zoned 1(a) Rural.
Consistency with strategic planning framework :	The proposal is consistent with relevant strategic planning framework, including the Illawarra Shoalhaven Regional Plan and s117 Directions.
Environmental social economic impacts :	The proposal will provide for a positive environmental outcome as it applies an environmental zone and biodiversity overlay mapping to land identified as having environmental value. The proposal retains the existing area of residential land. The proposal will also retain a 'buffer' to a nearby quarry by applying a Mineral Resource Transition Area map to the area identified as 'buffer' by NSW Department of Industry (Resources and Energy).

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The subject land is located close to the Illawarra Regional Airport. Council has consulted with the Civil Aviation Authority who has no objection to the proposal.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority **Office of Environment and Heritage**
Consultation - s56(2)(d) **NSW Department of Primary Industries - Minerals and Petroleum**

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 :

Further studies are not required as the proposal essentially translates existing controls.

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
PP_2016_SHELL_003 - Croome Rd - BIO map.pdf	Map	Yes
PP_2016_SHELL_003 - Croome Rd - Council report.pdf	Proposal	Yes
PP_2016_SHELL_003 - Croome Rd - Council resolution.pdf	Proposal	Yes
PP_2016_SHELL_003 - Croome Rd - current zone map.pdf	Map	Yes
PP_2016_SHELL_003 - Croome Rd - FSR map.pdf	Map	Yes
PP_2016_SHELL_003 - Croome Rd - HOB map.pdf	Map	Yes
PP_2016_SHELL_003 - Croome Rd - LSZ map.pdf	Map	Yes
PP_2016_SHELL_003 - Croome Rd - LZN map.pdf	Map	Yes
PP_2016_SHELL_003 - Croome Rd - MRT map.pdf	Map	Yes
PP_2016_SHELL_003 - Croome Rd - planning proposal.docx	Proposal	Yes

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**
- 3.3 Home Occupations**
- 3.5 Development Near Licensed Aerodromes**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**

Additional Information :

It is **RECOMMENDED** that the Acting Director Regions, Southern, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Shellharbour Local Environmental Plan 2013 to bring deferred land - being Lot 9 DP 1038941 (240 - 242) Croome Road, Croom - into the Plan and apply the following zones - RU2 Rural Landscape, R2 Low Density Residential and E3 Environmental Management (with appropriate development controls and overlays) to the site 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
- *Department of Industry - Resources and Energy
- *NSW Rural Fire Service

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.

Consultation is required with the NSW Rural Fire Service prior to undertaking community consultation in order to satisfy the requirements of s117 Direction 4.4 Planning for Bushfire Protection.

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.

SECTION 117 DIRECTIONS

5. The Secretary's delegate can be satisfied that the proposal is consistent with relevant s117 Directions or that any inconsistencies are minor.

6. The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection following consultation with the NSW Rural Fire Service.

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Supporting Reasons : **The proposal will bring this site into the 2013 LEP.**

Signature:

Graham Towers, Team Leader

Printed Name:

GRAHAM TOWERS

Date:

30/8/16