

PP8 - Roads & Maritime Services land and miscellaneous lands - Albion Park, Albion Park Rail, Croom, Tongarra, & Warilla

Proposal Title :	PP8 - Roads & Maritime Services land and miscellaneous lands - Albion Park, Albion Park Rail, Croom, Tongarra, & Warilla		
Proposal Summary :	This proposal: - rezones land at Albion Park from B2 Local Business to SP2 Classified Road, as these lands have been acquired or are in the process of being acquired by Roads & Maritime Services (RMS) for road widening (as a result of this change, it will be necessary to amend the Land Zoning Map, Active Street Frontage Map & Land Reservation Acquisition Map); - removes land at Albion Park Rail that has recently been acquired by the RMS from the Land Acquisition Map; - rezones land at Tongarra from RU1 Primary Production to SP2 Classified Road and adds this land to the Land Reservation Acquisition Map to facilitate traffic management and road safety measures; - introduces a 450m2 minimum lot size for land zoned R2 Low Density Residential at Albion Park to ensure consistency with adjoining and other R2 zoned land; - permits Food and drink premises on certain SP2 zoned land adjacent to a centre by adding this land to Schedule 1 - Additional Permitted Uses in the Shellharbour LEP 2013; and - introduces zones and controls for 4 properties at Croom deferred from Shellharbour LEP 2013 (including the removal of quarry buffer affectation from these lands). These lands are proposed to be zoned SP2 Infrastructure Water Reticulation or SP2 Infrastructure Classified Road.		
PP Number :	PP_2014_SHELL_002_00	Dop File No :	14/11525

Proposal Details

Date Planning Proposal Received :	10-Jul-2014	LGA covered :	Shellharbour
Region :	Southern	RPA :	Shellharbour City Council
State Electorate :	KIAMA SHELLHARBOUR	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Tongarra Road		
Suburb :	Albion Park	City :	Postcode : 2527
Land Parcel :	Land on the south side of Tongarra Road, east and west of Terry Street		
Street :	Princes Highway		
Suburb :	Albion Park	City :	Postcode : 2527
Land Parcel :	Lot 6 DP 1187067		
Street :	Illawarra Highway		
Suburb :	Tongarra	City :	Postcode : 2527
Land Parcel :	Part Lot 1 DP 881927; and Part Lot 2 DP 999770		

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Street : **Princes Highway**
Suburb : **Croom** City : Postcode : **2527**
Land Parcel : **Lot 9 DP 1133804; Lot 11 DP 1133804; Lot 15 DP 1133804; Lot 302 DP 1092270**
Street : **O'Gorman Street**
Suburb : **Albion Park** City : Postcode : **2527**
Land Parcel : **Part of No.23, Lot 101, DP 565495**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Graham Towers**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Illawarra Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
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 :

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Supporting notes

Internal Supporting Notes :

This proposal reflects the current or future status of land as road infrastructure; corrects an anomaly for R2 Low Density Residential zoned land whereby land was inadvertently omitted from the Minimum Lot Size Map; and permits Food & drink premises on land zoned SP2 Classified Road where it adjoins land zoned B2 Local Centre. It will also introduce standard instrument zones and controls for 4 properties deferred from the Shellharbour LEP 2013.

External Supporting Notes :

The proposed changes reflect the current or future status of land as road infrastructure; correct an anomaly for R2 Low Density Residential zoned land whereby land was inadvertently omitted from the Minimum Lot Size Map; and permits Food & drink premises on land zoned SP2 Classified Road where it adjoins land zoned B2 Local Centre. It will also introduce standard instrument zones and controls for 4 properties deferred from the Shellharbour LEP 2013.

Adequacy Assessment

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

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

Comment : **Council has provided a detailed statement identifying the objectives and intended outcomes of the planning proposal.**

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

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

Comment : **The explanation of provisions - along with the Table of Properties & proposed Maps - adequately identify the LEP changes that will result from the planning proposal.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.3 Site Specific Provisions

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

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

d) Which SEPPs have the RPA identified? **N/A**

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 are minor inconsistencies with the following directions:

1.1 Business and Industrial Zones

This Direction aims to encourage employment growth in suitable locations, protect employment land, and support the viability of identified strategic centres.

This Planning Proposal rezones a strip of land adjoining the existing Tongarra Road from B2 Local Business to SP2 Classified Road and is therefore inconsistent with the

Direction. This land has been acquired (or is in the process of being acquired) by Roads & Maritime Services (RMS) and the SP2 Classified Road zone will accurately reflect its use. Also, Council has proposed to allow the use of the land as food and drink premises, allowing a commercial use.

The Acting Secretary can be satisfied that any inconsistency is of minor significance.

3.5 Development near Licensed Aerodromes

The objectives of this Direction are to ensure the effective and safe operation of aerodromes, to ensure that their operation is not compromised by development that obstructs or causes a hazard to aircraft, and to ensure residential development incorporates appropriate noise mitigation measures.

The Direction requires consultation with the relevant Commonwealth Department.

- Council has indicated that the proposal may be inconsistent with this Direction as it introduces food and drink premises as a permissible use on land in the vicinity of the Illawarra Regional Airport - while not proposing consultation with the Commonwealth Department.

This Proposal is not inconsistent with the objectives of the Direction. There is no benefit in consulting with the Department of the Commonwealth in this case due to the minor nature of the proposal.

The Acting Secretary can be satisfied that if there is any inconsistency, it is of minor significance.

4.1 Acid Sulfate Soils

This Direction aims to avoid significant adverse environmental impacts from the use of land containing acid sulfate soils. It requires the consideration of the Acid Sulfate Soils Planning Guidelines and, in certain situations, the preparation of an acid sulfate soils study.

This proposal has the potential to intensify land use on land containing acid sulfate soils by introducing food and drinks premises as a permissible use.

Any future food and drinks premises is expected to occur on foot paths in the road reserve, particularly as outdoor seating and will be unlikely to involve any excavation or earthworks. In any case, any future development will need to satisfy clause 6.1 of the Shellharbour LEP 2013 relating to acid sulfate soils.

The Acting Secretary can be satisfied that any inconsistency is of minor significance.

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 rezone land in a flood planning area from a rural zone to a special use zone.

This proposal does rezone land in flood planning areas at Tongarra & Croom from RU1 Primary Production to SP2 Classified Road. However, the SP2 zone reflects the current status and use of these lands as road infrastructure. In addition, roads are permitted in the RU1 zone so no additional uses are permitted through the rezoning.

The Acting Secretary can be satisfied that any inconsistency is of minor significance.

6.3 Site Specific Provisions

This Direction applies when a proposal will allow a particular development to be carried

out.

Under this Direction, a planning proposal to allow a particular use must either add the relevant use to the land use table, rezone the site to allow the use, OR allow the use on the land without imposing additional development standards or requirements.

Council has indicated that this proposal may be inconsistent with this Direction as it will allow a specific use (i.e. food and drink premises) on land zoned SP2 that adjoins a B2 Local Centre zone. However, it is considered that, as the proposal does not impose additional development standards or requirements, the proposal is not inconsistent with this Direction.

As a result, the Acting Secretary's approval is not required in relation to this Direction.

RECOMMENDATION

It is recommended that the Acting Secretary can be satisfied that any inconsistencies with the following s117 Directions are of minor significance:

- 1.1 Business and Industrial Zones
- 3.5 Development near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land

The Acting Secretary can be further satisfied that the proposal is consistent with other relevant Section 117 Directions, including 6.3 Site Specific Provisions.

State Environmental Planning Policies (SEPPs)
The Planning Proposal is not inconsistent with relevant SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Maps clearly identify the proposed changes and are adequate for exhibition.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed an exhibition period of 28 days. 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 LEP 2013 was notified in April 2013.**

Assessment Criteria

Need for planning proposal :	A planning proposal is necessary to amend the zones and provisions relating to the subject lands.
Consistency with strategic planning framework :	This planning proposal originated from an RMS request to rezone land to accommodate future road widening or traffic management, and/or to reflect the current use of the land as road infrastructure. The proposal is not inconsistent with the Illawarra Regional Strategy (IRS). The proposal supports the IRS in that it protects the Princes and Illawarra Highway corridors and proposed realignments, and assists in the management of strategic transport corridors. The proposal is consistent with Council's Community Strategic Plan.
Environmental social economic impacts :	The planning proposal will not impact any critical habitats, endangered ecological communities, or threatened species. The proposal will result in the some properties being identified for future acquisition. Any future acquisition - and resulting financial impact on the landowner - will be subject to the Land Acquisition (Just Terms Compensation) Act 1991. The proposal will result in social and economic benefits to the wider community through the provision of more efficient and safer roads and employment during road construction.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	NSW Department of Primary Industries - Minerals and Petroleum Transport for NSW - Roads and Maritime Services		

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 :

No additional studies are required

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
PP8 The Planning Proposal.pdf	Proposal	Yes
Att 1 to PP8 Summary of planning issues checklist.pdf	Proposal	Yes
Att 2 to PP8 Table of Properties.pdf	Proposal	Yes
Att 4 to PP8 Council report 1-7-14.pdf	Proposal	Yes
Att 3 to PP8 - Maps.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 3.5 Development Near Licensed Aerodromes**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 6.3 Site Specific Provisions**

Additional Information : It is **RECOMMENDED** that the Acting General Manager, 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: reflect the current or future status of certain lands as road or water reticulation infrastructure; update the Land Acquisition Maps; introduce a minimum lot size for certain land at Albion Park; introduce zones and controls for 4 properties deferred from the Shellharbour LEP 2013 (including the removal of quarry buffer from these lands); and permit food and drink premises on certain land by adding this land to Schedule 1 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:

***Transport for NSW - Roads & Maritime**

***NSW Trade and 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. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

SECTION 117 DIRECTIONS

6. The Acting Secretary's delegate can be satisfied that inconsistencies with the following s117 Directions are of minor significance:

- 1.1 Business and Industrial Zones
- 3.5 Development near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land

7. The Acting Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions, including 6.3 Site Specific Provisions, 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 : This proposal will rezone land to reflect its status as current or future road infrastructure. The proposal will also introduce standard instrument zones and controls for land deferred from the Shellharbour LEP 2013.

The proposal is not inconsistent with the Illawarra Regional Strategy, and will not have negative environmental impacts.

Signature:



Printed Name:

Graham Towers

Date:

22/7/14.