

**Subject 11.2.3 Shellharbour Local Environmental Plan 2013
Planning Proposal No. 8 - Roads & Maritime Services
Lands and Miscellaneous Lands - Albion Park, Albion
Park Rail, Croom, Tongarra & Warilla (10188829)**

To the General Manager

Directorate: **City Outcomes**

Department: **City Strategy**

Manager: Geoff Hoynes - Group Manager City Strategy

Author: Michael Tuffy - Senior Strategic Planner

Summary

The purpose of this report is to seek Council's resolution to prepare a Planning Proposal to amend Local Environmental Plan 2013:

1. to reflect the current or future status of certain lands as road or water reticulation infrastructure
2. to introduce a minimum lot size to certain R2 Low Density Residential zoned land at Albion Park
3. to permit food and drink premises within certain road zonings adjoining certain town centres.

This report recommends that the Planning Proposal be submitted to the NSW Department of Planning and Environment for their gateway determination and that Council apply to the Department of Planning and Environment to use its plan making related delegations, after any public exhibition of the draft plan.

The report also recommends if there are no submissions received as a result of public exhibition of Proposal 8, or no substantial post public exhibition changes proposed for other reasons(s), Council delegate authority to the General Manager the authority to finalise Planning Proposal 8 and amend Local Environmental Plan 2013.

Background

Planning Proposal

A Planning Proposal is a document that explains the intended effect of a proposed amendment(s) to a Local Environmental Plan (LEP), in this case to Shellharbour LEP 2013, and sets out the justification for making the amendment.

A Planning Proposal has the following five key steps:

1. *Planning proposal* - Council is responsible for the preparation of a Planning Proposal, which explains the effect of and justification for the plan.
2. *Gateway* - The Minister (or delegate) determines whether the Planning Proposal is to proceed. This gateway acts as a checkpoint to ensure that the proposal is justified before further resources are allocated to the preparation of a plan. A community

consultation process is also determined at this time. Consultations occur with relevant public authorities and, if necessary, the proposal is varied.

3. *Community consultation* - the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days). A person making a submission may also request a public hearing.
4. *Assessment* - Council will consider public submissions and the proposal may be varied as necessary prior to adoption. Parliamentary Counsel then prepares a draft local environmental plan — the legal instrument.
5. *Decision* - with the Minister's (or delegate's) approval the plan becomes law and is published on the NSW legislation website.

Council is at step 1.

This report recommends that a Planning Proposal be prepared and submitted to the NSW Department of Planning and Environment for their gateway determination.

About this Planning Proposal

The proposed changes to LEP 2013 are grouped into six categories as described below.

Proposed changes at Albion Park Town Centre resulting from land that has been acquired or is being acquired for road widening

These proposed changes have been instigated by Council officers and are necessary to reflect that the lots are in public ownership or soon intended to be in public ownership.

A number of properties on the south side of Tongarra Road between Terry Street and Russell Street have been or are in the process of being acquired by Council for the purpose of widening the road reservation. To reflect that these properties are or are soon intended to be in public ownership, they are proposed to be rezoned from B2 Local Centre to SP2 Infrastructure Classified Road. Correspondingly LEP 2013's Active Street Frontage Map line is proposed to be moved off the proposed SP2 Infrastructure Classified Road zoned land and onto the newly defined existing property frontages of the B2 Local Centre zoned land. This proposal also involves a corresponding area increase of the SP2 Infrastructure Classified Road zoning at the intersection of Russell Street and Tongarra Road.

One of these properties (Lot 71 in DP 1165432) is yet to be acquired by Council. Council's Property and Recreation Department is negotiating purchase of the property but no contract has been entered into. Property and Recreation prefer that the property be identified on the Land Reservation Acquisition Map as this will ensure that Council is following normal practice for acquiring land for a public purpose.

Another property has been included in this group that has an indefinite ownership. This means its ownership status is unknown. It is currently being investigated by Council's Property Department and is a thin sliver with a maximum width of 4 metres sitting between the above properties acquired or being acquired for road widening.

See **Attachment 1**: Table of Properties and **Attachment 2**: Planning Proposal Maps

Proposed introduction of a minimum lot size for R2 Low Density Residential zoned land at Albion Park

A number of properties on Tongarra Road Albion Park zoned R2 Low Density Residential were omitted from the minimum lot size map when LEP 2013 was implemented. Other R2 Low Density Residential zoned land in the Council area has a minimum lot size of 450m² on the minimum lot size map. The proposed inclusion of these lots on the minimum lot size map is considered necessary by Council officers to bring them into line with other R2 Low Density Residential zoned land in the Council area.

Under LEP 2013, creating lots less than 450m² can only be considered if it is either subdividing existing development, current approved development or there are building development plans submitted with the development application for subdivision.

See **Attachment 1**: Table of Properties and **Attachment 2**: Planning Proposal Maps

Proposed removal of lot from the land reservation acquisition map at Albion Park Rail

This lot is effectively an area of privately owned footpath in front of 106 Princes Highway Albion Park Rail located on the highway's west side, just south of Airport Road. Roads and Maritime Services are in the process of acquiring this lot for the purpose of widening the existing road reservation, hence the RMS has requested the removal of the lot from the land reservation acquisition map. The RMS will need to finalise the acquisition before the lot is removed from the land reservation acquisition map.

See **Attachment 1**: Table of Properties and **Attachment 2**: Planning Proposal Maps

Proposed rezoning of land adjoining the Illawarra Highway, Tongarra and adding it to the land reservation acquisition map

This involves two lots straddling the Illawarra Highway at Tongarra that Roads and Maritime Services has advised are required by them for any future safety improvements which may involve intersection treatments and minor widening or realignment works along this route. The RMS has hence requested that these lots be added to the land reservation acquisition map and rezoned from RU1 Primary Production to SP2 Infrastructure Classified Road. The RMS will be the acquisition authority for this land.

See **Attachment 1**: Table of Properties and **Attachment 2**: Planning Proposal Maps

Proposed permitting of food and drink premises in the SP2 Infrastructure Classified Road zone where it adjoins a B2 Local Centre zone and in the SP2 Infrastructure Local Road zone at the south east corner of Tongarra Road and Terry Street, Albion Park

Food and drink premises are currently prohibited in these zones under LEP 2013.

The intent of allowing food and drink premises in the SP2 Infrastructure Classified Road zone where it adjoins a B2 Local Centre zone and in the SP2 Infrastructure Local Road zone at the south east corner of Tongarra Road and Terry Street, Albion Park, is to allow uses like restaurants, cafes, bars to be on footpaths in the town centres of Albion Park, Albion Park Rail, Warilla, Warilla Grove.

Under LEP 2013, food and drink premises are defined as follows:

***food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:*

- (a) a restaurant or cafe,

- (b) *take away food and drink premises,*
- (c) *a pub,*
- (d) *a small bar.*

Note *Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.*

Other town centres such as Oak Flats, Shellharbour Village and Shellharbour City Centre allow food and drink premises on footpaths as the centres' principal road reservations have a business zoning.

Council officers consider it necessary to allow food and drink premises in the areas nominated to bring them into line with other centres in the Council area.

Food and drink premises may not be currently desirable or appropriate in all of the locations proposed. By making them permissible, the market can respond to for instance any design or traffic changes in a town centre which may make food and drink premises more economically feasible.

See **Attachment 1:** Table of Properties and **Attachment 2:** Planning Proposal Maps

Proposed rezoning of 4 lots at Croom from rural to SP2 Infrastructure Classified Road or SP2 Infrastructure Water Reticulation System and removal of buffer for extractive industry from these 4 lots

These 4 lots are zoned 1(rl) Rural Landscape with a buffer for extractive industry affectation under Shellharbour Rural Local Environmental Plan 2004.

Council officers propose to bring these 4 lots into LEP 2013 by zoning them either SP2 Infrastructure Classified Road or SP2 Water Reticulation System to reflect the classified road or water reticulation infrastructure they contain.

Council officers also propose that the existing quarry buffer affectation for these 4 lots under RLEP 2004 be removed in accordance with the 2012 Mineral Resource Audit Map by the NSW Department of Trade and Investment - Resources and Energy.

See **Attachment 1:** Table of Properties and **Attachment 2:** Planning Proposal Maps

Financial Implications

Preparation of this Planning Proposal will utilise staff time and resources.

As indicated under the heading, About this Planning Proposal, Council's Property and Recreation Department is negotiating the purchase of Lot 71 in DP 1165432, Tongarra Road, Albion Park. Property and Recreation prefer that the property be identified on the Land Reservation Acquisition Map as this will ensure that Council is following normal practice for acquiring land for a public purpose. Including this property on the Land Reservation Acquisition Map will make Council the relevant authority to acquire the land under the owner initiated acquisition provisions under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Legal and Policy Implications

The Planning Proposal is required to be assessed in accordance with the requirements of the *Environmental Planning & Assessment Act* and *Regulations*, the Guide to Preparing Planning Proposals and the Guide to Preparing Local Environmental Plans prepared by the former NSW Department of Planning & Infrastructure.

The relevant *Environmental Planning & Assessment Act* issues are outlined in the following sections of this report.

Draft State Environmental Planning Policies, State Environmental Planning Policies, Deemed State Environmental Planning Policies

Council officers' assessment is that these are not applicable to the Planning Proposal. The Department of Planning and Environment will review Council's assessment as part of its gateway determination.

Local Planning Directions (S117(2) Environmental Planning & Assessment Act)

Council officers have made an assessment of the Planning Proposal against the directions in consultation with the Department of Planning and Environment. Under the Gateway system these assessments can occur at different stages in the process. Based on Council's assessment there are inconsistencies with the following directions:

- o 1.1- Business and Industrial zones
- o 3.5 - Development near Licensed Aerodromes
- o 4.1 - Acid Sulfate Soils
- o 4.3 - Flood Prone Land
- o 6.3 - Site Specific Provisions

These inconsistencies are considered to be of minor significance.

It will be the Department of Planning and Environment that decides as part of its gateway determination, firstly whether the Planning Proposal is inconsistent with any direction and if so whether an inconsistency can be justified or is of minor significance.

Illawarra Regional Strategy (IRS)

Council officers' assessment is that the provisions of the IRS are either consistent with or not applicable to the Planning Proposal.

The Department of Planning and Environment will review Council's assessment as part of its gateway determination.

Public/Social Impacts

The Planning Proposal identifies lands at Illawarra Highway, Tongarra and Tongarra Road, Albion Park, to be acquired on the Land Reservation Acquisition Map by the RMS and by Council, respectively.

The economic impacts of placing a reservation on private land are mitigated by the requirements of clause 5.1 of LEP 2013 which outlines the relevant acquisition authority and the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.

In the case of Illawarra Highway, Tongarra, there are economic benefits in reserving land for future classified roads for the broader community such as increased road safety, traffic efficiency and traffic management.

In the case of Tongarra Road, Albion Park, inclusion on the land reservation acquisition map is a way to formally identify for Council purchase, privately owned property currently used as public footpath.

By providing business and socialising opportunities, there are potential economic and social benefits in facilitating the development of food and drink premises in the classified road reserve in local centres and in the SP2 Infrastructure Local Road zone at the south east corner of Tongarra Road and Terry Street, Albion Park. Any potential adverse social impacts would need to be addressed through the development application process.

The introduction of a minimum lot size to land zoned R2 Low Density Residential at Tongarra Road, Albion Park will provide legal clarity about subdivision potential and bring these properties into line with other R2 Low Density zoned properties in the Council area. Currently with no mapped minimum lot size, development applications to create lots less than 450m² without associated building designs could be considered under LEP 2013 but would be unlikely to be supported as they would be unlikely to meet LEP 2013's subdivision objectives which include:

1. to achieve an orderly subdivision pattern
2. to protect the amenity and the character of neighbourhoods
3. to enable urban lands to be developed to achieve a density suitable to the neighbourhood.

Given the matters in this Planning Proposal are considered to be of local significance, it is intended that as part of its gateway submission, Council apply to the Department of Planning and Environment to use its plan making delegations, including to make or not make the plan under Section 59 of the Environmental Planning and Assessment Act, after any public exhibition of the draft plan.

Link to Community Strategic Plan

This Planning Proposal supports the following objectives and strategies of the Community Strategic Plan:

Objective: 2.3 - A liveable City that is connected through places and spaces.

Strategy: 2.3.2 - Undertake all land use planning addressing social, economic and environmental principles whilst reflecting the current and future community's needs.

Strategy: 2.3.4 - Facilitate the provision of development that meets the changing needs and expectations of the community.

Consultations

Internal

Manager Property & Recreation
Team Leader Water Engineering & Design

External

Roads & Maritime Services
Department of Planning & Environment

If the Council resolves to endorse the preparation of this Planning Proposal it will be referred to the NSW Department of Planning and Environment for review and gateway determination. If endorsed, the Planning Proposal will be put on public exhibition. To coincide with the public exhibition, Council will write to landowners, adjoining land owners and also place an advertisement in the Lake Times.

The gateway process will identify any further consultation that will need to be undertaken. Following the exhibition period, submissions will be reviewed and reported back to Council.

Political Donations Disclosure

Under Section 147(4) of the *Environmental Planning and Assessment Act 1979* (the Act) a person who makes a relevant planning application to Council is required to disclose any reportable political donations and gifts made by any person with a financial interest in the application within the period commencing two years before the application is made and ending when the application is determined, including:

- a) all reportable political donations made to any Councillor of this Council
- b) all gifts made to any Councillor or employee of this Council.

Under Section 147(5) of the Act, these disclosure requirements also apply to a person, or any associate of a person, who makes a relevant public submission to Council in relation to a relevant planning application.

Note: Section 147(1) of the Act states: 'political donations or gifts are not relevant to the determination of any such planning application, and the making of political donations or gifts does not provide grounds for challenging the determination on any such planning application'.

This Planning Proposal report has been instigated by Council, partly at the request of the Roads and Maritime Services. As such, no reporting applies at this stage of the application. Should the Planning Proposal be placed on public exhibition, then political donations disclosure requirements will apply.

Recommendation

1. **Council prepare a Planning Proposal (No. 8) to amend Shellharbour Local Environmental Plan 2013 to incorporate the proposed zoning and planning controls in the attachments.**
2. **The Council authorise the General Manager to submit the Planning Proposal (Draft Shellharbour Local Environmental Plan 2013 Planning Proposal No 8) to the NSW Department of Planning & Environment in accordance with section 56 of the *Environmental Planning & Assessment Act 1979* for review and gateway determination.**
3. **The Council delegate to the General Manager authority to make minor mapping and Local Environmental Plan instrument changes to Draft Shellharbour Local Environmental Plan 2013 Planning Proposal No. 8 if and as required by the NSW Department of Planning & Environment's LEP Review Panel and gateway determination.**
4. **That Council as part of its gateway submission apply to the Department of Planning and Environment to use its plan making related delegations including**

to make or not make the plan under section 59 of the *Environmental Planning and Assessment Act*, after any public exhibition of the draft plan.

5. The Draft Shellharbour Local Environmental Plan 2013 Planning Proposal No 8 be publically exhibited in accordance with the gateway determination.
6. If submission(s) result from public exhibition of Planning Proposal 8 or there are substantial post public exhibition changes proposed for other reason(s), a report be submitted to Council detailing public exhibition outcomes for final consideration and with further recommendations regarding adoption.

If there are no submissions received as a result of public exhibition of Planning Proposal 8, or no substantial post public exhibition changes proposed for other reason(s), Council delegate authority to the General Manager the authority to finalise Planning Proposal 8 and amend Local Environmental Plan 2013.



Approved for Council's consideration: _____

Attachments

1. Table of Properties showing existing and proposed planning controls.
2. Planning Proposal Maps (under separate cover)

Attachment 1 - Table of Properties showing existing and proposed planning controls

Planning Proposal 8 – Table of Properties showing existing and proposed planning controls

No.	Property	Existing Planning Controls						Proposed Planning Controls					
		Zone/other (buffer for extractive industry)	Min Lot Sizes	Height (m)	FSR	Reservation	Active Street Frontage	Zone/other (additional permitted use)	Min Lot Size	Height	FSR	Reservation	Active Street Frontage
1	Lot 62 DP 1165432, Tongarra Rd Albion Park	B2 Local Centre	None	12	1.5:1	None	Yes	SP2 infrastructure Road	None	None	None	None	None
2	Lot 63 DP 1165432, Tongarra Rd Albion Park	B2 Local Centre	None	12	1.5:1	None	Yes	SP2 infrastructure Road	None	None	None	None	None
3	Lot 64 DP 1165432, Tongarra Rd Albion Park	B2 Local Centre	None	12	1.5:1	None	Yes	SP2 infrastructure Road	None	None	None	None	None
4	Lot 65 DP 1165432, Tongarra Rd Albion Park	B2 Local Centre	None	12	1.5:1	None	Yes	SP2 infrastructure Road	None	None	None	None	None
5	Lot 66 DP 1165432, Tongarra Rd Albion Park	B2 Local Centre	None	12	1.5:1	None	Yes	SP2 infrastructure Road	None	None	None	None	None
6	Lot 67 DP 1165432, Tongarra Rd Albion Park	B2 Local Centre	None	12	1.5:1	None	Yes	SP2 infrastructure Road	None	None	None	None	None
7	Lot 68 DP 1165432, Tongarra Rd Albion Park	B2 Local Centre	None	12	1.5:1	None	Yes	SP2 infrastructure Road	None	None	None	None	None
8	Lot 69 DP 1165432, Tongarra Rd Albion Park	B2 Local Centre	None	12	1.5:1	None	Yes	SP2 infrastructure Road	None	None	None	None	None
9	Lot 71 DP 1165432, Tongarra Rd Albion Park	B2 Local Centre & SP2 Infrastructure Classified Road	None	12 (for B2 only)	1.5:1 (for B2 only)	None	Yes	SP2 infrastructure Road	None	None	Classified Road (SP2 Infrastructure)	None	None
10	Lot 72 DP 1165432, Tongarra Rd Albion Park	B2 Local Centre	None	12	1.5:1	None	Yes	SP2 infrastructure Road	None	None	None	None	None
11	Part of lot in indefinite ownership located between 155 Tongarra Rd and the laneway, Albion Park	B2 Local Centre	None	12	1.5:1	None	Yes	SP2 infrastructure Road	None	None	None	None	Yes – proposed to be relocated south on the lot to the proposed new northern edge of B2 Local Centre zone
12	Part of road reserve on Tongarra Road and Russell Street intersection	B2 Local Centre	None	12	1.5:1	None	None	SP2 infrastructure Road	None	None	None	None	None
13	Lot 51 DP 1165432, No. 171-173 Tongarra Rd, Albion Park	B2 Local Centre	None	12	1.5:1	None	None	B2 Local Centre	None	12	1.5:1	None	Yes
14	Lot 52 DP 1165432, No. 167-169 Tongarra Rd, Albion Park	B2 Local Centre	None	12	1.5:1	None	None	B2 Local Centre	None	12	1.5:1	None	Yes
15	Lot 53 DP 1165432, 163-165 Tongarra Rd, Albion Park	B2 Local Centre	None	12	1.5:1	None	None	B2 Local Centre	None	12	1.5:1	None	Yes
16	Lot 54 DP 1165432, No. 161 Tongarra Rd, Albion Park	B2 Local Centre	None	12	1.5:1	None	None	B2 Local Centre	None	12	1.5:1	None	Yes
17	Lot 55 DP 1165432, Tongarra Rd Albion Park	B2 Local Centre	None	12	1.5:1	None	None	B2 Local Centre	None	12	1.5:1	None	Yes
18	Lot 56 DP 1165432, No. 159 Tongarra Rd, Albion Park	B2 Local Centre	None	12	1.5:1	None	None	B2 Local Centre	None	12	1.5:1	None	Yes
19	Lot 57 DP 1165432, No. 167 Tongarra Rd, Albion Park	B2 Local Centre	None	12	1.5:1	None	None	B2 Local Centre	None	12	1.5:1	None	Yes
20	Lot 58 DP 1165432, No. 155 Tongarra Rd, Albion Park	B2 Local Centre	None	12	1.5:1	None	None	B2 Local Centre	None	12	1.5:1	None	Yes

Planning Proposal 8 – Table of Properties showing existing and proposed planning controls

No.	Property	Existing Planning Controls					Proposed Planning Controls						
		Zone/other (buffer for extractive industry)	Min Lot Sizes	Height (m)	FSR	Reservation	Active Street Frontage	Zone/other (additional permitted use)	Min Lot Size	Height	FSR	Reservation	Active Street Frontage
21	Lot 60 DP 1165432, No. 149 Tongarra Rd, Albion Park	B2 Local Centre, SP2 Infrastructure Local Road	None	12 for B2, None for SP2	1:5.1	None	None	B2 Local Centre, SP2 Infrastructure Local Road	None	12	1:5.1	None	Yes
22	Lot 61 DP 1165432, No. 147 Tongarra Rd, Albion Park	B2 Local Centre, SP2 Infrastructure Local Road	None	12m for B2, None for SP2	1:5.1	None	None	B2 Local Centre, SP2 Infrastructure Local Road	None	12	1:5.1	None	Yes
23	Part of Part Lot 1 DP 881927, Illawarra Hwy, Tongarra	RU1 Primary Production	40*a	9	None	None	NA	SP2 Infrastructure Classified Road	None	None	None	Classified Road (SP2 Infrastructure)	NA
24	Part of Lot 2 DP 559770, Illawarra Hwy, Tongarra	RU1 Primary Production	40*a	9	None	None	NA	SP2 Infrastructure Classified Road	None	None	None	Classified Road (SP2 Infrastructure)	NA
25	Lot 6 DP 1187067, Princes Hwy, Albion Park Rail (in front of 105 Princes Hwy, Albion Park Rail)	SP2 Infrastructure Classified Road	None	None	None	Land Reservation Acquisition - SP2 Classified Road	NA	SP2 Infrastructure Classified Road	None	None	None	None	NA
26	Lot 9 DP 1133604 Princes Hwy, Croom	1(n) Rural Landscape SRLEP 2004 with buffer for extractive industry	None	None	None	None	NA	SP2 Infrastructure Water Retention System and removal of buffer for extractive industry	None	None	None	None	NA
27	Lot 11 DP 1133604, Princes Hwy, Croom	1(n) Rural Landscape SRLEP 2004 with buffer for extractive industry	None	None	None	None	NA	SP2 Infrastructure Water Retention System and removal of buffer for extractive industry	None	None	None	None	NA
28	Lot 15 DP 1133604, Princes Hwy, Croom	1(n) Rural Landscape SRLEP 2004 with buffer for extractive industry	None	None	None	None	NA	SP2 Infrastructure Classified Road and removal of buffer for extractive industry	None	None	None	None	NA
29	Lot 302 DP 1052270 Princes Hwy, Croom	1(n) Rural Landscape SRLEP 2004 with buffer for extractive industry	None	None	None	None	NA	SP2 Infrastructure Classified Road and removal of buffer for extractive industry	None	None	None	None	NA
30	No 137, Lot 3 DP 37801, Tongarra Rd, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
31	No 135, Lot 4 DP 37801, Tongarra Rd, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
32	No 133, Lot 5 DP 37801, Tongarra Rd, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
33	No 131, Lot 3 DP 37801, Tongarra Rd, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
34	No 135, Lot 1 DP 1042806, Tongarra Road, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
35	No 123, Lot 1 DP 606799, Tongarra Rd, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
36	No 121, SP 61931, Tongarra Rd, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
37	No 121A, SP 55331, Tongarra Rd, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
38	Unnamed road reserve between No. 119 & 117/ Tongarra Rd, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
39	No 117, Lot 100 DP 565495, Tongarra Rd, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
40	Part of No 23, Lot 101, DP 565465 O'Gorman St, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA

Planning Proposal 8 – Table of Properties showing existing and proposed planning controls

No.	Property	Existing Planning Controls					Proposed Planning Controls						
		Zone/other (buffer for extractive industry)	Min Lot Sizes	Height (m)	FSR	Reservation	Active Street Frontage	Zone/other (additional permitted use)	Min Lot Size	Height	FSR	Reservation	Active Street Frontage
41	No. 115, Lot 11, DP 1109092 Tongarra Rd, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
42	No. 113, Lot 10, DP 1109092 Tongarra Rd, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
43	Part of Lot 1000 DP 813443 Tongarra Rd, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
44	No. 110, Lot 302, DP 500157 Tongarra Rd, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
45	No. 112, Lot 202 DP 215502 Tongarra Rd, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
46	No. 114, Lot 102, DP 207804 Tongarra Rd, Albion Park	R2 Low Density Residential	None	9	0.5:1	None	NA	R2 Low Density Residential	450m ²	9	0.5:1	None	NA
47	All land zoned SP2 Classified Road in the Shellharbour Council area which adjoins a B2 Local Centre zoning	SP2 Infrastructure Classified Road	None	None	None	None	NA	SP2 Infrastructure Classified Road with an additional permissible use under Schedule 1, being Food and Drink Premises	None	None	None	None	NA
48	No. 139, Lot 2, DP 37801 Tongarra Rd, Albion Park	B2 Local Centre SP2 Infrastructure Local Road	None	12m for B2, none for SP2	1.5:1 for B2, none for SP2	Land Reservation - Acquisition - SP2 Local Road applies to SP2 zoned land only	NA	B2 Local Centre, SP2 Infrastructure Local Road - for the SP2 zoned land only, an additional permissible use under Schedule 1, being Food and Drink Premises	None	12m for B2, none for SP2	1.5:1 for B2, none for SP2	Land Reservation - Acquisition - SP2 Local Road applies to SP2 zoned land only	NA
49	No. 141, Lot 4, DP 800617 Tongarra Rd, Albion Park	B2 Local Centre SP2 Infrastructure Local Road	None	12m for B2, none for SP2	1.5:1 for B2, none for SP2	Land Reservation - Acquisition - SP2 Local Road applies to SP2 zoned land only	NA	B2 Local Centre, SP2 Infrastructure Local Road - for the SP2 zoned land only, an additional permissible use under Schedule 1, being Food and Drink Premises	None	12m for B2, none for SP2	1.5:1 for B2, none for SP2	Land Reservation - Acquisition - SP2 Local Road applies to SP2 zoned land only	NA