

Summary of Planning Issues Checklist

DRAFT SHELLHARBOUR LOCAL ENVIRONMENTAL PLAN 2013

**AMENDMENT No. 8: Roads and Maritime Services lands and miscellaneous lands –
Albion Park, Albion Park Rail, Croom, Tongarra, Warilla**

Compliance with SEPPs:	Yes
Compliance with Deemed SEPPS (REPs):	Yes
Compliance with Section 117 Directions:	Part
Compliance with Illawarra Regional Strategy:	Yes
Heritage Studies required:	No
Illawarra Urban Development Program:	Land not in IUDP
Coastal Policy:	No
LES Necessary:	No

Draft Planning Proposal Assessment

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

Draft State Environmental Planning Policies (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	

State Environmental Planning Policies (SEPPs)	Consistency Yes/No/NA	Comments
SEPP 1 Development Standards	NA	Does not apply as per clause 1.9 (2) Application of SEPPs in the Standard Instrument.
SEPP 14 Coastal Wetlands	NA	
SEPP 21 Caravan Parks	NA	
SEPP 26 Littoral Rainforests	NA	
SEPP 30 Intensive Agriculture	NA	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	NA	

State Environmental Planning Policies (SEPPs)	Consistency Yes/No/NA	Comments
SEPP 33 Hazardous and Offensive Development	NA	
SEPP 36 Manufactured Home Estates	NA	
SEPP 50 Canal Estates	NA	
SEPP 55 Remediation of Land	NA	
SEPP 64 Advertising and Signage	NA	
SEPP 65 Design Quality of Residential Flat Development	NA	
SEPP 70 Affordable Housing (Revised Schemes)	NA	
SEPP 71 Coastal Protection	NA	
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 Extractive Industries) 2007	NA	
SEPP (Temporary Structures) 2007	NA	
SEPP (Infrastructure) 2007	NA	
SEPP (Rural Lands) 2008	NA	

State Environmental Planning Policies (SEPPs)	Consistency Yes/No/NA	Comments
SEPP (Exempt and Complying Development Codes) 2008	NA	
SEPP (Affordable Rental Housing) 2009	NA	
SEPP (State and Regional Development) 2011	NA	

Deemed SEPPs (Illawarra Regional Environmental Plan 1 - IREP1)	Consistency Yes/No/NA	Comments
Part 2 Rural Lands		
Deemed SEPPs	NA	Shellharbour Local Environmental Plan 2013 clause 1.8B states that Shellharbour Local Government Area has been omitted from IREP1.

Deemed SEPPs (Illawarra Regional Environmental Plan 2 - 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	NO	This Planning Proposal is inconsistent with this direction as it reduces the B2 Local Centre Zone on Tongarra Road in Albion Park. As this section of B2

Section 117 Directions	Consistency Yes/No/NA	Comments
		Local Centre Zone has been or is in the process of being acquired for the purpose of classified road, the B2 Local Centre zoning no longer reflects the land use. Note, one of the properties in this group has unknown ownership. This is being investigated by Council. The inconsistency is therefore considered to be of minor significance.
1.2 Rural Zones	YES	The Planning Proposal is not rezoning land from a rural zone to a residential, business, industrial, village or tourist zone or increasing densities in rural zones and is therefore consistent with this direction.
1.3 Mining, Petroleum Production and Extractive Industries	YES	The 2012 Mineral Resource Audit Map has been incorporated in this Planning Proposal.
1.4 Oyster Aquaculture	NA	
1.5 Rural Lands	YES	The Planning Proposal will rezone 2 lots at Tongarra from RU1 Primary Production to SP2 Infrastructure Classified Road and add them to the Land Reservation for Acquisition Map, for any future safety improvements which may involve intersection treatments and minor widening or realignment works along this route at Illawarra Highway, Tongarra. This zone change, together with land reservation map inclusion for the land, has been requested by the Roads and Maritime Service (RMS). The Planning Proposal will rezone 4 lots from 1(rl) Rural Landscape to SP2 Infrastructure Classified Road or SP2 Infrastructure Water Reticulation. The land has either existing road/water reticulation infrastructure or is needed for future road safety improvements. By balancing the social, economic and environmental interests of the community, the Planning Proposal is not considered inconsistent with this direction.

Section 117 Directions		Consistency Yes/No/NA	Comments
2. Environment and Heritage			
2.1	Environmental Protection Zones	NA	
2.2	Coastal Protection	NA	
2.3	Heritage Conservation	YES	The RU1 Primary Production zoned properties at Tongarra subject of the proposed SP2 Infrastructure Classified Road zoning/reservation are affected by a heritage item under LEP 2013 (I304 Lothlorien Farmhouse). The Planning Proposal does not affect this status.
2.4	Recreation Vehicle Areas	YES	
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	YES	This planning proposal is introducing a minimum lot size of 450m ² to R2 Low Density zoned lots at Albion Park on the south side of Tongarra Road, east of Terry Street. Currently there is no minimum lot size for these lots. The introduction of a minimum lot size is not inconsistent with the objectives/provisions of this direction.
3.2	Caravan Parks and Manufactured Home Estates	YES	
3.3	Home Occupations	YES	
3.4	Integrating Land Use and Transport	YES	
3.5	Development near Licensed Aerodromes	NO	This Planning Proposal introduces food and drink premises as a permissible use in SP2 Classified Road zonings which adjoin B2 Local Centre zonings, including at Albion Park Rail. This is unlikely to affect the obstacle limitation surface (OLS) and is unlikely to be relevant to interior noise levels as the food

Section 117 Directions	Consistency Yes/No/NA	Comments
		and drink premises would likely be outdoors, hence consultation with commonwealth department responsible for aerodromes is not considered necessary. Not consulting the commonwealth department responsible for aerodromes is inconsistent with the direction. The inconsistency is considered to be of minor significance.
3.6 Shooting Ranges	NA	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	NO	The Planning Proposal proposes an intensification of land uses on land on the acid sulfate soils map, i.e. the introduction of food and drink premises as a permissible use in SP2 Classified Road zoning adjoining the B2 Local Centre zonings at Warilla, Albion Park Rail. No acid sulfate soil study has been prepared, hence the planning proposal is inconsistent with this direction. Food and drink premises in the SP2 Classified Road zone adjoining these B2 Local Centre zonings is envisaged to involve use of the footpath and therefore is unlikely to involve earthworks to disturb any acid sulfate soils. If it does Shellharbour LEP 2013 clause 6.1 which provides for acid sulfate soil controls will need to be addressed. The inconsistency is therefore considered to be of minor significance.
4.2 Mine Subsidence and Unstable Land	NA	The Planning Proposal isn't recommending any development potential; therefore consideration of unstable land is not relevant.
4.3 Flood Prone Land	NO	The Planning Proposal is inconsistent with this direction as it proposes to rezone land in flood planning areas at Croom and Tongarra from rural to SP2 Classified Road. The Croom properties are being rezoned to reflect their status as existing classified road infrastructure. The Tongarra properties' existing RU1 Primary Production zoning permit roads, so rezoning to SP2 Classified Road is

Section 117 Directions	Consistency Yes/No/NA	Comments
		not permitting an additional use. The Planning Proposal is inconsistent with this direction as it proposes to permit food and drink premises in floodway areas along the classified road reservations adjoining the B2 Local Centre zone at Warilla, Albion Park Rail and Albion Park and in the SP2 Infrastructure Local Road zone on the south east corner of Tongarra Road and Terry Street, Albion Park. Not all the subject SP2 Infrastructure Classified Road and SP2 Infrastructure Local Road zonings are in floodway areas. It would not be reasonable to restrict all development in these areas because some of these areas may be in a floodway. Food and drink premises would need relevant approvals before establishing. These inconsistencies are therefore considered to be of minor significance.
4.4 Planning for Bushfire Protection	YES	The Planning Proposal includes land mapped as bushfire prone at Tongarra, and at Albion Park Rail's SP2 Classified Road zone adjoining the B2 Local Centre zone. The Tongarra properties' existing RU1 Primary Production zoning permits roads, so rezoning to SP2 Classified Road is not potentially placing new development in a hazardous area. Permitting food and drink premises in Albion Park Rail's SP2 Classified Road zone adjoining the B2 Local Centre zone is envisaged to involve use of the footpath and therefore is not considered to be placing inappropriate development in a hazardous area. The NSW Rural Fire Service can be consulted if required following receipt of a gateway determination.
5. Regional Planning		

Section 117 Directions		Consistency Yes/No/NA	Comments
5.1	Implementation of Regional Strategies	YES	The Illawarra Regional Strategy 2006 - 2031 applies to the Shellharbour LGA. The Planning Proposal is considered to be generally consistent with this direction.
5.2	Sydney Drinking Water Catchment	NA	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NA	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NA	
5.5	Revoked		
5.6	Revoked		
5.7	Revoked		
5.8	Second Sydney Airport: Badgerys Creek	NA	
6. Local Plan Making			
6.1	Approval and Referral Requirements	YES	
6.2	Reserving Land for Public Purposes	YES	The Planning Proposal contains numerous proposals to create zonings/reservations for public purposes: Tongarra Road Albion Park, land acquired for road reserve widening (B2 Local Centre to SP2 Infrastructure Classified Road - RMS supports this) and a corresponding area increase of the SP2 Infrastructure Classified Road zoning at the intersection of Russell Street and Tongarra Road - RMS to be consulted

Section 117 Directions	Consistency Yes/No/NA	Comments
		as part of the Planning Proposal. Tongarra Road Albion Park, land (1 lot) being acquired for road reserve widening (B2 Local Centre to SP2 Infrastructure Classified Road) and inclusion on Land reservation acquisition map - RMS to be consulted as part of the Planning Proposal. Croom (Rural to SP2 Classified Road or SP2 Water Reticulation System – RMS and Sydney Water to be consulted as part of the Planning Proposal); Tongarra (RU1 Primary Production to SP2 Infrastructure Classified Road and introducing a reservation for acquisition – RMS requested this). The Planning Proposal contains a proposal to alter an existing zoning of land for public purposes: this is to introduce as a permissible use, food and drink premises in the SP2 Infrastructure Classified Road zone adjoining B2 Local Centre zones. RMS has no objection to this, subject to their concurrence requirements with individual applications. It is also proposed to introduce as a permissible use, food and drink premises in the SP2 Infrastructure Local Road zone, at the south east corner of Tongarra Road and Terry Street, Albion Park – RMS to be consulted as part of the Planning Proposal. The Planning Proposal contains 1 proposal to remove a reservation for acquisition. This is Lot 6 DP 1187067 Princes Highway Albion Park Rail, which RMS is in the process of acquiring. RMS will need to confirm settlement prior to reservation being removed.
6.3 Site Specific Provisions	NO	The Planning Proposal is inconsistent because it proposes to permit food and drink premises in that part of the SP2 Infrastructure Classified Road zone that adjoins B2 Local Centre zonings, i.e. not all of the SP2 Infrastructure Classified Road zone. The Planning Proposal also proposes to permit food and drink

Section 117 Directions	Consistency Yes/No/NA	Comments
		premises in only part of the SP2 Infrastructure Local Road zone (i.e. only at the south east corner of Tongarra Road and Terry Street, Albion Park). It is considered any current or future demand for food and drink premises in these road zonings would be limited to these locations, hence justifying limiting its permissibility to these locations. The inconsistency is therefore considered to be of minor significance.

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 Cove and Shellharbour town centre)	YES	No significant additional development proposed in vicinity of the Illawarra Regional Airport.
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	YES	
Encourage clustering of synergistic businesses	NA	
Efficient use of existing infrastructure and	YES	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
networks including Airport		
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	YES	This Planning Proposal includes additional classified road zoning/reservation along the Illawarra Highway at Tongarra, M1 Croom (zoning only) and removal of acquisition reservation for land acquired at Princes Highway Albion Park Rail.
Minimise need to travel and encourage energy and resource efficiency	NA	
Identify and manage strategic transport corridors	YES	This Planning Proposal includes additional classified road zoning/reservation along the Illawarra Highway at Tongarra, Tongarra Road Albion Park, M1 Croom (zoning only) and removal of acquisition reservation for land acquired at Princes Highway Albion Park Rail.
Include Rail Corp requirements	NA	
Protect Illawarra Regional Airport	YES	
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	YES	Contributes to this by providing for potential safety improvements of Illawarra

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
expansion area at Calderwood if demand arises		Highway Tongarra.
Proposal outside Regional strategy but complies with sustainability criteria	NA	
Appropriate housing mix provided	NA	
Housing types capable of adapting to ageing populations	NA	
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	
State Infrastructure considered	YES	Road and water reticulation matters considered.
Natural Environments		
Hard rock resource and endangered ecological communities considered	YES	The 2012 Mineral Resource Audit Map has been incorporated in this Planning Proposal.
Protect significant native vegetation and regional habitat	NA	
Consultation DPI (Fisheries) - habitats and riparian buffers	NA	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
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	NA	
Incorporate controls to protect the values of riparian lands	NA	
SEPP 14 and 26 lands zoned E2 or W1	NA	
Consult with Southern Rivers Catchment Management Authority.	YES	Consultation will occur as part of the exhibition process if required by the Gateway Determination.
Natural Hazards		
Manage risk associated with climate change	NA	
Adequate setbacks in areas of coastal erosion risk and ocean based inundations	NA	
Until above completed no land zoned in potential hazard areas	NA	
Zone areas subject to high hazard to reflect the limitations of the land.	NA	
Water, Energy and Waste		
Land required for wastewater treatment/recycling, energy, waste avoidance and resource recovery identified and zoned	NA	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
appropriately in consultation with Departments and utilities		
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	NA	
Non-compatible uses in core productive agricultural and mineral resource areas limited	NA	
Minimum subdivision standards for rural and environmental protection zones	NA	
Limit dwellings in rural and environmental protection zones.	NA	
Cultural Heritage		
Aboriginal cultural and community values considered. Aboriginal heritage studies and DEC study 'Murii, Dhungang, Jirrar - living in the Illawarra 2005 considered	NA	
Heritage items reviewed	NA	
Cultural heritage values of Shellharbour City Centre, Warilla and Albion Park reviewed and protected	NA	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
Character of Shellharbour Village and adjoining cultural and natural landscapes protected	NA	
Aboriginal cultural values associated with Lake Illawarra and Shell Cove (DEC 2005) are protected.	NA	