

The Planning Proposal (No.8)

Local Government Area: Shellharbour

Property Details:

- a) Albion Park properties: south side of Tongarra Road, west of Terry Street
- b) Albion Park properties: south side of Tongarra Road, east of Terry Street
- c) Albion Park Rail property: west side of Princes Highway, just south of Airport Road, being Lot 6 in DP 1187067
- d) Tongarra properties: Illawarra Highway
- e) Land zoned SP2 Infrastructure Classified Road which adjoins a B2 Local Centre zone, throughout the Shellharbour Council area and land zoned SP2 Infrastructure Local Road on the south east corner of Tongarra Road and Terry Street, Albion Park
- f) Croom: 4 properties on or in vicinity of the M1 Motorway

Attachment 2: Table of Properties includes a list of properties in this Planning Proposal.

Part 1 Objectives or intended outcomes

- a) To rezone land in Albion Park that has been acquired or is in the process of being acquired for road widening on the south side of Tongarra Road, west of Terry Street, from B2 Local Business 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 land and onto the newly defined existing property frontages of the B2 Local Centre zoned land. One of these properties is in the process of being acquired and is proposed to be added to the Land reservation for acquisition map. Another property in this group has indefinite ownership (ownership status unknown and is being investigated by Council). This proposal also involves a corresponding area increase of the SP2 Infrastructure Classified Road zoning at the intersection of Russell Street and Tongarra Road.
- b) To introduce a minimum lot size of 450m² for R2 Low Density Residential zoned land at Albion Park on Tongarra Road, east of Terry Street, so that it is consistent with other residential zoned land, by including it on the Minimum Lot Size Map.
- c) To remove from the Land reservation for acquisition map, Lot 6 in DP 1187067 on the west side of Princes Highway, Albion Park Rail, just south of Airport Road, as this lot is being acquired by the Roads and Maritime Service (RMS).
- d) To rezone land adjoining the Illawarra Highway, Tongarra, from RU1 Primary Production to SP2 infrastructure Classified Road and add it 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.
- e) To permit with development consent Food and drink premises on land zoned SP2 Infrastructure Classified Road which adjoins a B2 Local Centre zone, throughout the Shellharbour Council area and on land zoned SP2 Infrastructure Local Road on the south east corner of Tongarra Road and Terry Street, Albion Park, by including Food and drink

premises as an additional permissible use under Schedule 1 of Local Environmental Plan 2013, for these lands.

- f) To bring four deferred lots at Croom (zoned 1(rl) Rural Landscape under Shellharbour Rural LEP 2004 into Shellharbour LEP 2013, by zoning two of these SP2 Infrastructure Water Reticulation and the other two to SP2 Infrastructure Classified Roads. These 4 lots are also proposed to have the existing buffer for extractive industry affectation under Shellharbour Rural Local Environmental Plan 2004 (RLEP 2004), removed.

Part 2 An explanation of the provisions that are to be included in the proposed local environmental plan

The proposed outcome will be achieved by amending Shellharbour LEP 2013 as outlined in Attachment 2: Table of Properties. This includes bringing the 4 properties at Croom into LEP 2013 from RLEP 2004.

The Shellharbour LEP 2013 maps included in this Planning Proposal are the Additional Permitted Uses Map (APU), Active Street Frontage Map (ASF), Land Reservation Acquisition Map (LRA), Lot Size Map (LSZ), Land Zoning Map (LZN).

The written instrument's Schedule 1 Additional permitted uses, will be amended by adding Food and drink premises, as a use permissible with development consent on land zoned SP2 Infrastructure Classified Road which adjoins a B2 Local Centre zone and on land zoned SP2 Infrastructure Local Road on the south east corner of Tongarra Road and Terry Street, Albion Park.

Part 3 Justification for the objectives, outcomes, provisions and the process for their implementation

A. Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

No, the planning proposal is not a result of a strategic study or report.

It results partly from 2 Roads and Maritime Services requests. One is to remove the land reservation for acquisition provision from a lot RMS is in the process of acquiring at Princes Highway Albion Park Rail to widen the existing road reservation.

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).

Land on the south side of Tongarra Road, Albion Park in the B2 Local Centre zone has been or is in the process of being acquired by Council for road reservation widening. To accurately reflect the widening of the road reservation, the Planning Proposal proposes to rezone this land from B2 Local Centre to SP2 Infrastructure Classified Road and move LEP 2013's active street frontage line to reflect the location of the new front property boundaries. One of these properties is in the process of being acquired and is proposed to be added to the Land reservation for acquisition map.

Another property in this group has indefinite ownership (ownership status unknown and being investigated by Council).

The R2 Low Density Residential zoned lots on Tongarra Road, east of Terry Street, where the Planning Proposal proposes a 450m² minimum lot size is an update of a mapping anomaly. Generally a 450m² minimum lot size applies to all R2 Low Density Residential zoned land in the Shellharbour Council area. This change is required to make these lots consistent with the rest of the Council area.

Food and drink premises are proposed in this Planning Proposal to become a use permissible with consent in the SP2 Infrastructure Classified Road zone, adjoining B2 Local Centre zones and on land zoned SP2 Infrastructure Local Road on the south east corner of Tongarra Road and Terry Street, Albion Park. This additional use would be reflected in LEP 2013's Schedule 1 Additional permitted uses and associated LEP mapping. This would allow with development consent on these lands (generally on footpaths) where appropriate, outdoor dining, take away food and drink facilities and for the sale and consumption of liquor.

The Planning Proposal proposes to rezone 4 lots from 1(rl) Rural Landscape under Shellharbour Rural LEP 2004 to SP2 Infrastructure Classified Road or SP2 Infrastructure Water Reticulation under LEP 2013. The land has either existing road or water reticulation infrastructure, hence the SP2 Infrastructure zoning will accurately reflect their status. These 4 lots will also have an existing quarry buffer affectation under RLEP 2004 removed in accordance with the 2012 Mineral Resource Audit Map.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal, that is, amending Shellharbour LEP 2013, is the only means to achieve the objectives and intended outcomes.

B. Relationship to strategic planning framework.

1. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Illawarra Regional Strategy 2006 - 2031 applies to the Shellharbour LGA.

The Planning Proposal is consistent with the Illawarra Regional Strategy 2006-2031 as outlined in the Summary of Planning Issues Checklist. See Attachment 1: Summary of Planning Issues Checklist.

2. Is the planning proposal consistent with a councils' local strategy, or other local strategic plan?

The Planning Proposal is consistent with Council's Community Strategic Plan.

The Planning Proposal is consistent with the following objectives and strategies of Council's Community Strategic Plan 2013 - 2023:

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.

3. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes, this Planning Proposal is consistent with applicable State Environmental Planning Policies. See Attachment 1: Summary of Planning Issues Checklist, for assessment.

4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is consistent or not applicable to all but the following Ministerial 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

The inconsistencies with the above 5 Ministerial Directions are considered to be of minor significance.

Refer to Attachment 1: Summary of Planning Issues Checklist for the assessment of the Section 117 Ministerial Directions.

C. Environmental, social and economic impact.

1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No, there the planning proposal will not impinge on any critical habitats or directly affect any endangered ecological communities or threatened species.

2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No, the planning proposal is likely to have minimal effect on the environment.

3. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal identifies lands to be acquired on the Land Reservation Acquisition Map. 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.

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 for local road acquisition map is a way to formally identify for Council purchase, privately owned property currently used as public footpath.

There are potential economic and social benefits by facilitating the development of food and drink premises in the Planning Proposal within certain road reserve zonings, by providing business and socialising opportunities. Any adverse social impact 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:

- *to achieve an orderly subdivision pattern,*
- *to protect the amenity and the character of neighbourhoods,*
- *to enable urban lands to be developed to achieve a density suitable to the neighbourhood.*

Although introducing a minimum lot size may be seen as introducing a constraint to development, economic and social benefit would be gained by removing the uncertainty about subdivision potential. There is no proposed change to LEP 2013's provisions enabling minimum lot sizes to be substantially less than 450m² provided it is either subdividing existing development, current approved development or there are building development plans submitted with the development application for subdivision.

D. State and Commonwealth interests.

1. Is there adequate public infrastructure for the planning proposal?

An intent of the planning proposal is to ensure that there is accurate identification and provision of public infrastructure in LEP 2013.

2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

This is addressed in Attachment 1: Summary of Planning Issues Checklist and will also be decided as part of the gateway determination.

Part 4 Maps, where relevant to identify the intent of the planning proposal and the area to which it applies

The maps included in the Planning Proposal are:

- Additional Permitted Uses Map (APU)
- Active Street Frontage Map (ASF)
- Land Reservation Acquisition Map (LRA)
- Lot Size Map (LSZ)
- Land Zoning Map (LZN)

Part 5 Details of the community consultation that is to be undertaken on the planning proposal

To be decided as part of the gateway determination. It is anticipated that there will be a 28 day exhibition period.

Part 6 Project timeline

- Anticipated gateway determination – unknown
- Anticipated timeframe for completion of required technical information - not applicable
- Commencement and completion of public exhibition – month 3 and 4 after gateway determination
- Timeframe for government agency consultation – during and after public exhibition – month 3, 4, 5, 6
- Dates for public hearing - Not applicable
- Timeframe for consideration of submissions – if no public hearing - month 7 and 8 after gateway determination
- Timeframe for consideration of proposal post exhibition - report to Council month 9 and 10 after gateway determination (Council meeting - 3 week cycle)
- Date of submission to the Department or Council (if delegated) to finalise LEP – month 11 after gateway determination
- Anticipated date Relevant Planning Authority (RPA) will make the plan – month 12 and 13 after gateway determination
- If delegated, anticipated date RPA will forward to the department for notification - month 14 after gateway determination

Attachments

1. Summary of Planning Issues Checklist
2. Table of Properties
3. Planning Proposal 8 Maps
4. Council report and resolution of 1 July 2014