

22 Queen Street Lake Illawarra - to permit a Residential Flat Building

Proposal Title : **22 Queen Street Lake Illawarra - to permit a Residential Flat Building**

Proposal Summary : **This proposal will permit, with development consent, a residential flat building with a floor space ratio of .9:1 at 22 Queen Street Lake Illawarra.**

PP Number : **PP_2015_SHELL_004_00**

Dop File No : **15/16094**

Proposal Details

Date Planning : **02-Nov-2015**

Proposal Received :

LGA covered : **Shellharbour**

Region : **Southern**

RPA : **Shellharbour City Council**

State Electorate : **SHELLHARBOUR**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **22 Queen Street**

Suburb : **Lake Illawarra**

City :

Postcode : **2528**

Land Parcel : **Lot 398 DP 225930**

DoP Planning Officer Contact Details

Contact Name : **Louise Myler**

Contact Number : **0242249463**

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RPA Contact Details

Contact Name : **Ian Rankine**

Contact Number : **0242246136**

Contact Email : **ian.rankine@shellharbour.nsw.gov.au**

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 :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

22 Queen Street Lake Illawarra - to permit a Residential Flat Building

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

:

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings : 0

(where relevant) :

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 :

External Supporting Notes : **The proposal is to permit (subject to development consent) a residential flat building with a floor space ratio of 0.9:1 at 22 Queen Street Lake Illawarra.**

Adequacy Assessment

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

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

Comment : **The proposal clearly identifies the intended outcome, which is to permit (subject to development consent) a residential flat building with a floor space ratio of 0.9:1 at 22 Queen Street Lake Illawarra.**

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

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

Comment : **The proposal involves an amendment to Schedule 1, the Additional Permitted Uses map, and the Floor Space Ratio map of the Shellharbour LEP 2013.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.2 Coastal Protection

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

6.3 Site Specific Provisions

22 Queen Street Lake Illawarra - to permit a Residential Flat Building

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 55—Remediation of Land
SEPP No 65—Design Quality of Residential Flat Development
SEPP No 71—Coastal Protection

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 protect existing employment lands.

This proposal retains the existing B1 Neighbourhood Centre zone for this site, however, permitting the residential use of the subject land will effectively remove the likelihood of that land being used for a commercial/employment operation.

The site is a disused and dilapidated service station that has been vacant for 13 years without any indication that it will be redeveloped for a business use. The site is within 700m of a large shopping centre precinct and is not required for employment. The site has an area of 1618m² and the loss of this employment land is considered to be of minor significance.

The Secretary's delegate can be satisfied that any inconsistency is of minor significance as the proposal only relates to a small site.

6.3 Site Specific Provisions

This Direction aims to discourage unnecessarily prescriptive site specific planning controls.

This proposal aims to permit a residential flat building with a specific floor space ratio on the site without allowing that use more broadly in the B1 zone or rezoning the site. Council has taken that approach to prevent the site being used for other forms of residential development that would not provide the same housing supply and social advantages eg. single dwellings. Council considers that it is not appropriate to allow residential flat buildings on all B1 zoned land.

The Secretary's delegate can be satisfied that any inconsistency is of minor significance.

The proposal is considered to be consistent with the following relevant s117 Directions:

2.1 Environment Protection Zones

2.2 Coastal Protection

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 Integrating Land Use and Transport

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

The Secretary's approval is not required in relation to these Directions.

RECOMMENDATION

It is recommended that the Secretary's delegate can be satisfied that any inconsistency with section 117 Directions 1.1 Business and Industrial Zones, and 6.3 Site Specific Provisions are of minor significance.

The Secretary's delegate may be satisfied that the proposal is consistent with all other relevant Directions, or that any inconsistencies are of minor significance.

SEPP's

SEPP 55 Remediation of Land requires consideration of the potential for contamination of land before it is rezoned.

While this proposal does not rezone land, it does introduce a more intensive residential use of the site. The proponent has submitted a preliminary assessment report and Council will require additional information prior to exhibition of the proposal.

The Secretary's delegate can be satisfied that the proposal is consistent with relevant State Environmental Planning Policies (SEPPs)

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

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 site contains dilapidated service station that has been disused for 13 years. The land is within a small B1 Neighbourhood Centre located 700m from the Warilla Shopping Centre. There has been no proposal to use the site for employment purposes in the past 13 years. The site is regularly subject to graffiti, vandalism and other anti-social behaviour. Council considers that allowing the residential use of the site will provide much needed affordable housing in the area and may assist in supporting use of the remaining B1 zoned properties. Council considered rezoning to property to an R3 Medium density residential zone but that would permit other forms of residential housing that would not provide the same affordable housing/housing choice benefits. Council did not consider it appropriate to permit residential flat buildings in all B1 zoned land. Therefore, the use of Schedule 1 to permit this specific use was the best option for achieving the desired outcome.
Consistency with strategic planning framework :	This is a minor proposal that will facilitate the use of a long disused site. The proposal is not considered to be inconsistent with the relevant strategic planning framework. The proposal is generally consistent with relevant s117 Directions and State Environmental Planning Policies, and any inconsistencies are considered to be of minor significance.
Environmental social economic impacts :	The proposal will not impinge upon critical habitats or affect endangered ecological communities or threatened species and is considered unlikely to have a negative environmental impact. Decontamination of the site will have a positive environmental impact. The issue of potential contamination (being a disused service station) will be addressed as part of the proposal and subsequent development application. The proposal will provide much needed affordable housing in an area of high unemployment and low income households. The use of the site will address the problems of graffiti and vandalism of the site. As noted above, additional residential development may also support the use of adjoining commercial businesses in the precinct.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :			
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. :			

22 Queen Street Lake Illawarra - to permit a Residential Flat Building

If Other, provide reasons :

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
DETERMINATION DOCUMENT PP 2015 SHELL 004 QUEEN STREET LAKE ILLAWARRA 6 NOVEMBER 2015.pdf	Determination Document	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**
- 2.2 Coastal Protection**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 5.1 Implementation of Regional Strategies**
- 6.3 Site Specific Provisions**

Additional Information : **It is RECOMMENDED that the Acting General Manager, Southern Region, as delegate of the Minister for Planning, determine under section 56(2) of the Environmental Planning & Assessment Act (EP&A Act) that an amendment to Shellharbour Local Environmental Plan 2013 to: amend Schedule 1 to permit, with consent, a residential flat building with a floor space ratio of 0.9:1 at 22 Queen Street Lake Illawarra 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 must 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 (Planning and Infrastructure, 2013)'.**

2. Consultation is not required with public authorities under section 56(2)(d) of the EP&A Act.

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 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.

6. SECTION 117 DIRECTIONS - It is recommended that:

22 Queen Street Lake Illawarra - to permit a Residential Flat Building

(a) The Secretary's delegate can be satisfied that inconsistencies with the following s117 Directions are of minor significance:

1.1 Business and Industrial Zones; and
6.3 Site Specific Provisions

(b) The Secretary's delegate can be satisfied that the planning proposal is consistent with other relevant s117 Directions, or that any inconsistencies are of minor significance.

(c) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

7. The planning proposal is considered to be generally consistent with all relevant SEPPs.

Supporting Reasons :

This proposal will provide affordable housing in an area of high unemployment and low household incomes in close proximity to transport, shops and other services. It will encourage the redevelopment of a site that has been vacant for over 13 years and is subject to ongoing vandalism and anti-social behaviour.

Signature:

 Team Leader, Southern Region

Printed Name:

Graham Towers

Date:

6/11/15

