

The Planning Proposal

Local Government Area: Shellharbour City Council

Property Details: Calderwood Site (State Environmental Planning Policy (Major Development) 2005 - Part 28). The site has an area of about 593 hectares in the Shellharbour LGA and about another 110 hectares in the Wollongong LGA.

The individual properties are:

Lot 42, DP 878122;

Lots 1 - 6, DP 259137;

Lot 8, DP 259137;

Lot 1, DP 558196;

Lot 1, DP 996926;

Lot 1, DP 194903;

Lot 1, DP 195342;

Lots 1 - 2, DP 608238;

Lot 1, DP 998349;

Lot Pt 2, DP 2534;

Lot 10, DP 619547;

Lots 21 - 22, DP 809156;

Lot 112, DP 851153; and

Lot 1, DP 1044038.

Maps:

- Locality, see Attachment 1
- Draft Shellharbour LEP 2011 Zoning, see Attachment 2
- Draft Shellharbour LEP 2011 Minimum Lot Size, see Attachment 3
- Draft Shellharbour LEP 2011 Building Height, see Attachment 4
- Draft Shellharbour LEP 2011 Natural Resource Sensitivity - Biodiversity, see Attachment 5
- Draft Shellharbour LEP 2011 Acid Sulfate Soils, see Attachment 6
- Draft Shellharbour LEP 2011 Land Acquisition Reservation Map, see Attachment 7
- Draft Shellharbour LEP 2011 Heritage, see Attachment 8
- Draft Shellharbour LEP 2000 Zoning, see Attachment 9
- Draft Shellharbour Rural LEP 2004 Zoning, see Attachment 10
- Draft Shellharbour Rural LEP 2004 High Conservation Value, see Attachment 11
- Draft Shellharbour Rural LEP 2004 Heritage Items, see Attachment 12
- Existing Zoning SEPP (Major Development) 2005 - Part 28, see Attachment 13.

Part 1 Objectives or intended outcomes

To remove the Calderwood Site from the State Environmental Planning Policy (Major Development) 2005 and to reinstate the local planning controls.

Council has exhibited and adopted a Draft LEP under the Standard Instrument, but this Draft LEP hasn't been gazetted. The planning proposal may include equivalent zones under the Standard Instrument or planning controls under Shellharbour Local Environmental Plan 2000 and Shellharbour Rural Local Environmental Plan 2004.

The local planning controls will change the predominately urban zoning in the SEPP to rural, environmental and minor road reservation zoning. Other controls will include land having high conservation or biodiversity values and will include heritage items as identified in the Shellharbour Community Based Heritage Study 2006.

Part 2 Provisions that are to be included in the proposed local environmental plan

- A. Amend State Environmental Planning Policy (Major Development) 2005 through the removal of "Part 28 Calderwood site" from the Shellharbour Local Government Area.
- B. Draft Shellharbour LEP 2011 was adopted by Council on 3 July 2012 and has been sent to the Department of Planning and Infrastructure for consideration and assessment. This is a draft city-wide LEP prepared in accordance with the Standard Instrument LEP.

There are two options to consider either amend Draft Shellharbour LEP 2011 or amend Shellharbour LEP 2000 and Shellharbour Rural LEP 2004.

- 1. Amendment to Draft Shellharbour LEP 2011 by introducing:
 - a. Zone RU1 Primary Production, Zone E3 Environmental Management, Zone SP2 Infrastructure Classified Road and Zone SP2 Infrastructure Local Road as proposed on the zoning map in Attachment 2;
 - b. Minimum Lot Size - 40 hectares as proposed on the minimum lot size map in Attachment 3;
 - c. Building Height - 9.0 metres as proposed on the building height map in Attachment 4;
 - d. Natural Resource Sensitivity - Biodiversity as proposed in Attachment 5;
 - e. Acid Sulfate Soils as proposed in Attachment 6;
 - f. Land Acquisition Reservation - Classified and Local Roads as proposed in Attachment 7;
 - g. Schedule 5 Heritage Items as proposed in Attachment 8:
 - i. Marshall Mount Methodist Cemetery, 283 Calderwood Road, Calderwood;
 - ii. Oakvale, Lot 2, DP 608238, 317 Calderwood Road, Calderwood;
 - iii. Rural Property, Lot 5, DP 259137, 337 Calderwood Road, Calderwood;
 - iv. Parkview, Lot 1, DP 194903, 340 Calderwood Road, Calderwood;
 - v. 'Brushgrove' and trees, Lot 6, DP 259137, 248/268 North Macquarie Road, Calderwood.
 - 2. Amendment to the Shellharbour Local Environmental Plan 2000 by introducing:
 - a. Zone 9(b) Arterial Roads Reservation as proposed on the zoning map in Attachment 9.
- Amendment to Shellharbour Rural Local Environmental Plan 2004 by introducing:
- a. Zone 1(a) Agriculture;
 - b. Zone 7(n) Nature Conservation;

- c. Zone 9(b) Arterial Roads Reservation;
- d. Zone 9(c) Local Roads Reservation;
- e. Areas of High Conservation Value

as proposed on the map in Attachments 10 and 11.

Amendment to Shellharbour Rural Local Environmental Plan 2004 by introducing Schedule 4 Heritage Items:

- i. Marshall Mount Methodist Cemetery, 283 Calderwood Road, Calderwood;
- ii. Oakvale, Lot 2, DP 608238, 317 Calderwood Road, Calderwood;
- iii. Rural Property, Lot 5, DP 259137, 337 Calderwood Road, Calderwood;
- iv. Parkview, Lot 1, DP 194903, 340 Calderwood Road, Calderwood;
- v. 'Brushgrove' and trees, Lot 6, DP 259137, 248 - 268 North Macquarie Road, Calderwood

as proposed on the map in Attachment 12.

Part 3 Justification for the objectives, outcomes and 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?

Yes.

The Shellharbour Local Government Area Small Area Household and Demographic Projections Study 2008 does not identify a need for additional residential or commercial zoned land, see

<http://www.shellharbour.nsw.gov.au/FileData/pdf/9.1%20Attachment%20%2016%20Dec%2008.pdf>.

Further, population projections by id profile in 2011 further confirm that there is no demand for additional residential zoned land and would have no major impact on overall population growth in the LGA, see

<http://www.shellharbour.nsw.gov.au/filedata/pdf/Shellharbour%20forecasts%20background%20paper.pdf>.

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

A planning proposal is the best means to achieve the objectives. The current planning controls were introduced through the then Part 3A of the *Environmental Planning & Assessment Act*. The controls are found in State Environmental Planning Policy (Major Development) 2005 - Part 28 Calderwood site.

The Minister will need to consider the removal of the controls from the SEPP and a planning proposal used to introduce planning controls into the local environmental plans.

3. Is there a net community benefit?

The current zoning under the SEPP permits a range of residential and commercial uses. The Concept Plan approval for the site identifies about 4,800 houses and about 50 hectares of mixed use/employment land to be used for a range of retail, commercial, business and light industrial uses.

Such uses will provide a boost to local employment and provide housing options for the community. On the other hand, the SEPP zoning:

- triggers the need for major unfunded road upgrades in the City;
- places an unsustainable maintenance burden on Council;
- creates an unacceptable flood impacts on surrounding land as well as within the development area;
- prematurely and unjustifiably considers the sterilisation of prime agricultural land for urban development;
- provides for excessive amounts of retail floor space and will undermine the retail hierarchy for the remainder of the City and the wider region by shifting floor space demand to a previously not identified location;
- "borrows" water supply capacity from an existing greenfield release area;
- does not adequately address potential social impacts; and
- will not necessarily meet the specific housing needs of the region.

Further, the proponents proposed Voluntary Planning Agreement Outline has insufficient information and disadvantages Council.

Council's preliminary analysis for the Concept Plan development, estimates that Council will incur costs of about \$5.8 million per year as a result of an increased population of about 10,600 people. This cost is in addition to the \$1.5 million that Council has calculated as direct costs of maintaining the assets proposed to be handed over to the City from the project. Rates have been estimated to raise an income of about \$5.0 million leaving a loss of about \$2.3 million to be funded by the Shellharbour community.

This planning proposal results in a net community benefit. Introducing the planning controls as contained in this planning proposal, will enable the region to continue to develop but with a significantly less financial impact on the Shellharbour community and in accordance with the outcomes, actions and intent of the Illawarra Regional Strategy.

B. Relationship to strategic planning framework.

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The Illawarra Regional Strategy 2006 - 2031 applies to the Shellharbour LGA, see Attachment 14.

The Illawarra Regional Strategy does not identify this area as an urban release area. The Strategy identifies Calderwood as providing an opportunity for an additional new release area if demand for additional supply arises because population growth in the Region is beyond projections and the ability of identified development areas such as West Dapto to satisfy housing demand.

Population projections from the NSW Department of Planning & Infrastructure and Shellharbour Council indicate that the land as zoned in the SEPP is not required to meet population growth or housing demand.

The NSW Department of Planning & Infrastructure's Illawarra Urban Development Program Update 2011 (July 2012) includes, amongst other matters, that:

Shellharbour LGA has a sufficient supply of greenfield land (12,097 lots) that is identified within the Illawarra Regional Strategy, which is well above

the required 3,135 lots needed according to the 15 year benchmark. There are 4,397 lots zoned which means Shellharbour LGA also meets the 8 year benchmark of having 1,672 lots zoned. Based on the 7.3 year benchmark for zoned and service ready lots, Shellharbour LGA would require 1,526 lots. There are 4,397 lots zoned and service ready (page 26).

Shellharbour LGA has a sufficient supply of land identified for greenfield development, zoned and zoned and service ready if all benchmarks were applied. Short to medium term supply is supported by the concept plan approval for land around the proposed marina at Shell Cove, ongoing development at Tullimbar and multi unit dwellings planned at Shellharbour City Centre (page 27).

The subject lands are in an area that has significant flood constraints. One of the actions in the natural hazards chapter of the Illawarra Regional Strategy is to ensure that areas subject to high hazard are zoned to reflect the limitations of the land. This planning proposal will be consistent with this part of the Strategy.

This planning proposal allows Council and the State Government to continue to provide relevant infrastructure to the Shellharbour LGA without placing unfunded and unplanned costs on the community. It will also allow Wollongong Council and the State Government to provide relevant services to the West Dapto Release Area in the Wollongong LGA as outlined in the Illawarra Regional Strategy.

As such, this planning proposal to change the planning controls to generally rural and environmental is consistent with the Illawarra Regional Strategy.

The Stage 1 Project Application for development on this site was referred to the Planning Assessment Commission (the PAC) for determination. As part of their determination the PAC found, amongst other matters, that:

"It is not in the public interest to approve the proposed development because:

(a) It is inconsistent with the provisions of the Illawarra Regional Strategy and will adversely impact on the orderly development of land in the Illawarra Region; and

(b) it will adversely impact on the planned provision of key social and physical infrastructures to service the area."

2. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

This planning proposal is consistent with Council's Community Strategic Plan.

- a. Strategy 2.1.1 Strategic and land use planning that guides the growth and development of the City to provide a positive balance of economic, social and environmental outcomes.

This planning proposal will enable the existing and planned residential zoned land to be developed in a timely and economic manner. It will also allow the nominated urban release area of West Dapto in the adjoining Wollongong LGA to be developed in accordance with the Illawarra Regional Strategy.

- b. Strategy 2.2.2 Identify and protect environmentally significant lands.

This planning proposal will revert the zoning of the land to that which will protect the biodiversity, scenic and agricultural significance of

these lands. Such zoning will be in accordance with the Rural Lands Study undertaken to support the Shellharbour Rural LEP 2004.

3. Is the planning proposal consistent with applicable state environmental planning policies?

No, see Attachment 14.

The proposal is inconsistent with SEPP (Major Development) 2005 - Part 28 Calderwood site as the purpose of the planning proposal is to remove the development site from the SEPP and reinstate local planning controls.

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

The Ministerial Directions that apply to this proposal, see Attachment 14, are:

- 1.1 Business and Industrial zones

The planning proposal is to remove the business zones from the land and won't be consistent with this Direction.

The Shellharbour Employment Lands Study (2009) and Retail and Commercial Centres Studies (2008) indicate that there is generally sufficient business and industrial zoned land in our City to meet the requirements of our current and the forecast growth of our community without the need for the business zones identified in the SEPP.

The proponent estimates 31,500m² of retail floor space will be required within the development site. To put this in perspective, the major regional centre of Shellharbour City Centre had about 45,000m² of retail floor space prior to the recent extension of the Stockland shopping complex. Following the extension, it now has about 67,000m². The development of the site as zoned would place excessive pressure on the ability of the Shellharbour City Centre and the emerging Dapto Centre to develop into major regional centres as outlined in the Illawarra Regional Strategy (page 16).

As this planning proposal removes business zones, it will mean that the commercial centres and hierarchy identified in the Illawarra Regional Strategy will be complied with and not potentially weakened by the introduction of these lands that are out of sequence with the economic development and growth outcomes and actions outlined in the Illawarra Regional Strategy.

As such, the planning proposal is considered to be justifiably inconsistent with this Direction.

- 1.2 Rural zones

Consistent.

- 1.3 Mining, Petroleum Production and Extractive Industries

Consistent.

- 1.5 Rural Lands

Consistent.

- 2.1 Environmental Protection zones

Consistent.

2.3 Heritage Conservation

Consistent.

- 2.4 Recreation Vehicle Areas

Consistent.

- 3.1 Residential zones

The planning proposal is to remove the residential zones from the land and won't be consistent with this Direction.

The Shellharbour LGA Small Area Household and Demographic Projections Study, 2008 doesn't indicate a need for additional residential zoned land.

Projections by id profile in 2011(Shellharbour Council website) further confirm that there is no demand for additional residential zoned land in the LGA.

Based on population projections and the Department's Illawarra Urban Development Program Update 2011, this planning proposal is considered to be consistent with the Illawarra Regional Strategy. The Update concludes that focusing on encouraging development within centres is important for the medium and long term dwelling supply (page 27). As such, this planning proposal is considered to be justifiably inconsistent with this Direction and will assist Shellharbour Council in addressing dwelling supply in planned and identified areas as required under the Illawarra Regional Strategy.

- 3.2 Caravan Parks

The planning proposal is to remove the residential zones from the land and won't be consistent with this Direction.

This is considered to be of minor significance as there has been no urban development approved or constructed on this land at this time. This planning proposal is to consider changing the zone of the land back to generally rural and environmental.

- 3.3 Home Occupations

Consistent.

- 3.4 Integrating Land Use and Transport

The planning proposal is to remove the residential and business zones from the land and won't be consistent with this Direction.

This is considered to be of minor significance as there has been no urban development approved or constructed on this land at this time. This planning proposal is to consider changing the zone of the land back to generally rural and environmental.

- 3.5 Development near Licensed Aerodromes

The planning proposal will minimise potential impacts on the licensed aerodrome and will be consistent with this Direction.

- 4.1 Acid Sulfate Soils

Consistent as this planning proposal seeks to introduce acid sulfate soils mapping into Draft Shellharbour LEP 2011.

- 4.2 Mine Subsidence and Unstable Land

Consistent.

- 4.3 Flood Prone Land

Consistent as the planning proposal is to remove the residential and business zones from the land.

- 4.4 Planning for Bushfire Protection

Consistent as the planning proposal is to remove the residential and business zones from the land.

- 5.1 Implementation of Regional Strategies

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

The Strategy does not identify this area as an urban release area. The Strategy identifies Calderwood as providing an opportunity for an additional new release area if demand for additional supply arises because population growth in the Region is beyond projections and the ability of identified development areas such as West Dapto to satisfy housing demand.

Population projections from the NSW Department of Planning & Infrastructure and Shellharbour Council indicate that the land as zoned in the SEPP is not required to meet population growth or housing demand. Further, as outlined in **Part 3 B 1** above, the Department's Illawarra Urban Development Program Update 2011 confirms that there is sufficient zoned land in the Shellharbour LGA for the short to medium term.

As such, this planning proposal to change the planning controls to generally rural and environmental is consistent with the Illawarra Regional Strategy.

- 6.1 Approval and Referral Requirements

Consistent.

- 6.2 Reserving Land for Public Purposes

The planning proposal reinstates Reservations shown in LEPs prior to the SEPP approval. Consultation will be required with the Roads and Maritime Services to confirm the arterial road reservation is still required.

- 6.3 Site Specific Provisions

Consistent.

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.

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

No.

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

This proposal is considered to reduce potential social and economic effects by reinstating local planning controls that are predominately rural and environmental. This will reduce the potential adverse impacts on existing and planned residential and commercial zoned land by allowing those sites to develop in accordance with established and planned residential development sites and commercial hierarchies.

This proposal will also reduce the significant financial impact on the community within the Shellharbour LGA by reducing the need to provide infrastructure and support services to the development as zoned through the SEPP.

D. State and Commonwealth interests.

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

Yes. This planning proposal seeks to reduce the requirement for public infrastructure.

2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

To be decided as part of the gateway determination.

Part 4 Details of the community consultation

To be decided as part of the gateway determination.

Attachment 1 Locality Map

Attachment 2 Draft Shellharbour LEP 2011 Zoning

Attachment 3 Draft Shellharbour LEP 2011 Minimum Lot Size

Attachment 4 Draft Shellharbour LEP 2011 Building Height

Attachment 5 Draft Shellharbour LEP 2011 Natural Resource Sensitivity - Biodiversity

Attachment 6 Draft Shellharbour LEP 2011 Acid Sulfate Soils

Attachment 7 Draft Shellharbour LEP 2011 Land Reservation Acquisition

Attachment 8 Draft Shellharbour LEP 2011 Heritage

Attachment 9 Shellharbour LEP 2000 Zoning

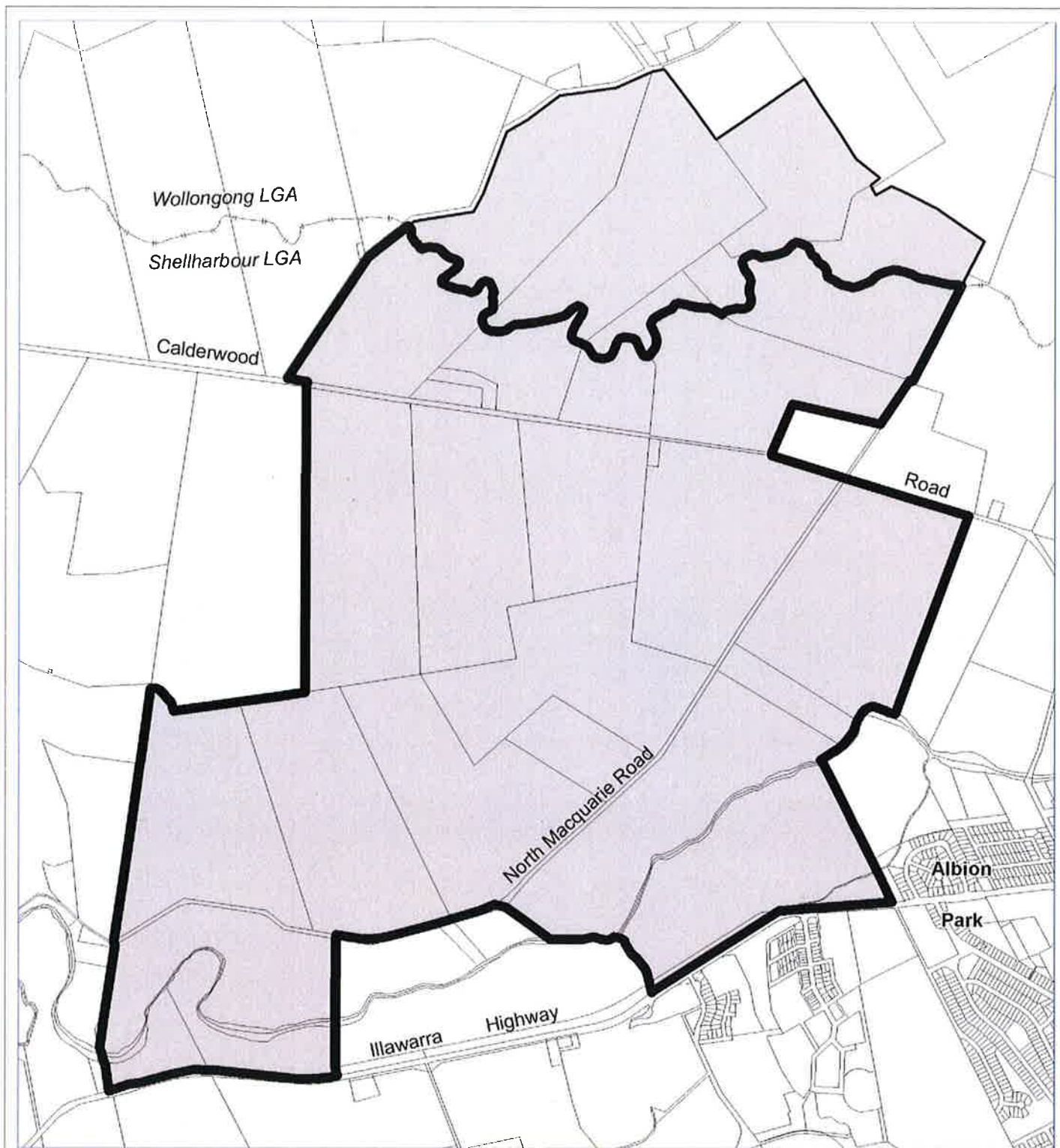
Attachment 10 Shellharbour Rural LEP 2004 Zoning

Attachment 11 Shellharbour Rural LEP 2004 High Conservation Value

Attachment 12 Shellharbour Rural LEP 2004 Schedule 4 Heritage Items

Attachment 13 Existing Zoning SEPP (Major Development) 2005 Part 28 Calderwood site

Attachment 14 Summary of Planning Issues Checklist



Attachment 1
Locality
SEPP (Major Development) 2005 - Calderwood

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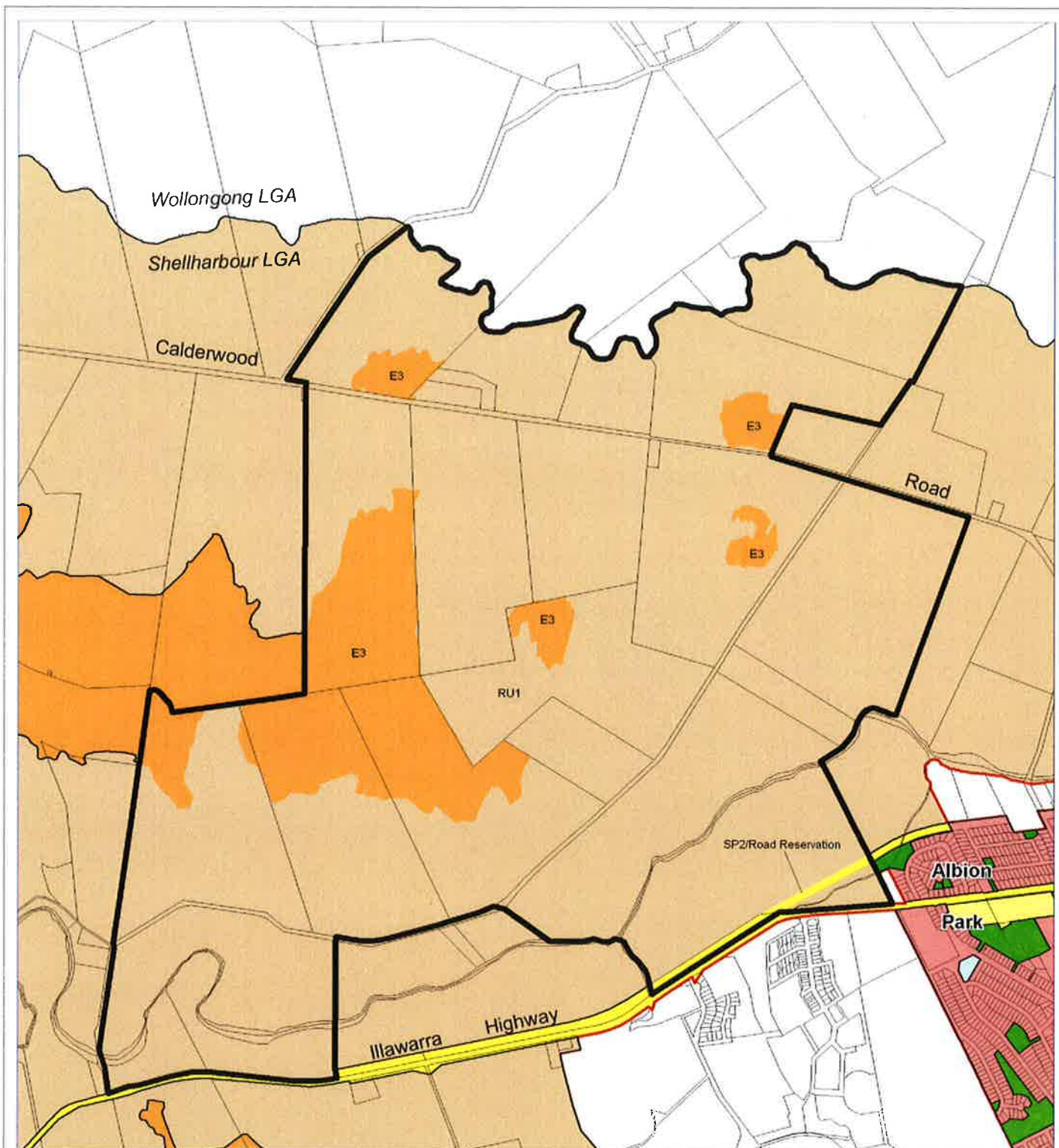


Legend

-  Subject Land
-  SEPP boundary



Scale 1:20,000 @ A4



Attachment 2 Draft Shellharbour LEP 2011 Zoning

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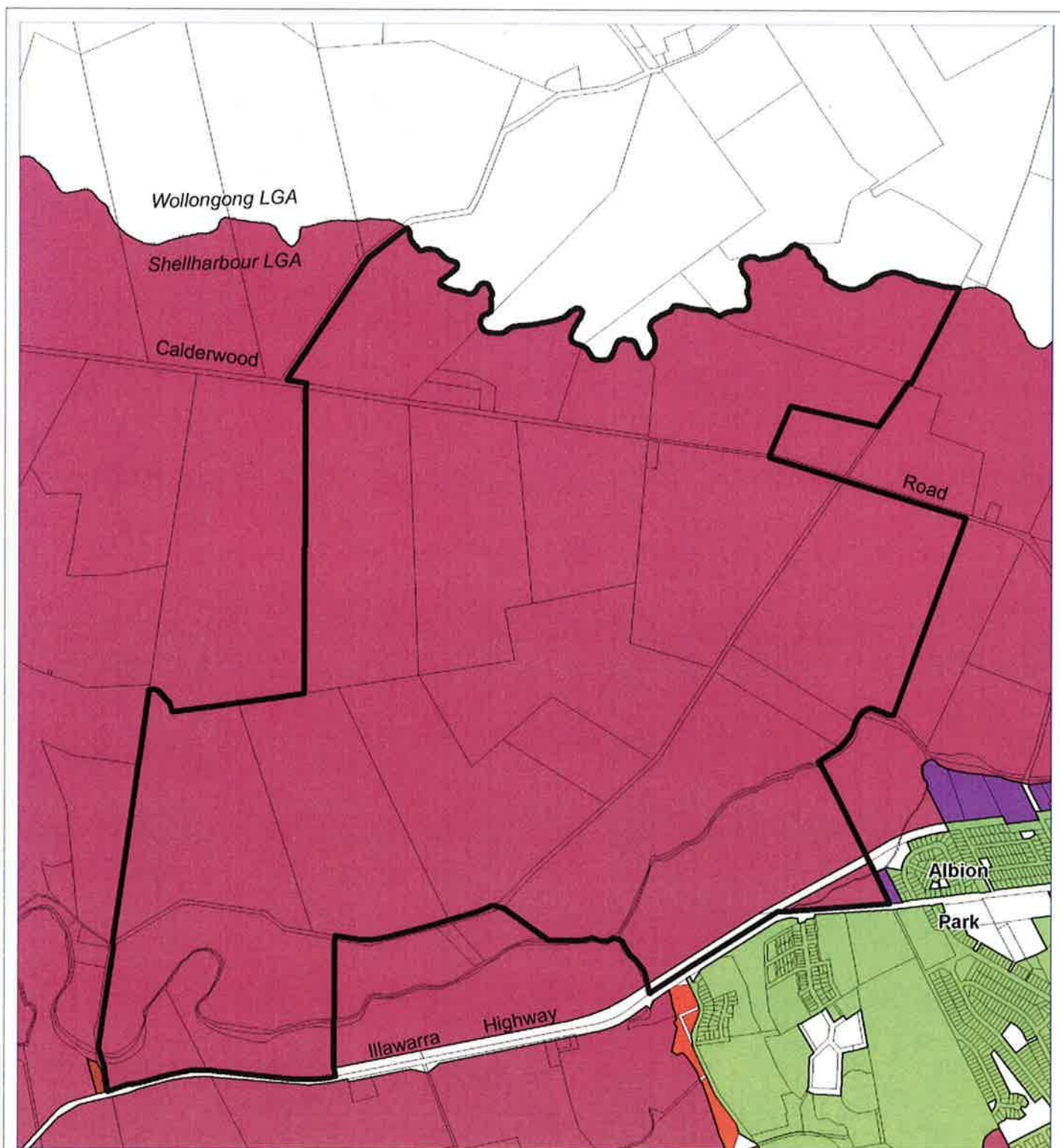
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A scale bar showing a distance of 500 meters, with a black line and white segments.

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Legend

- Subject Land
- RU1 Primary Production
- E3 Environmental Management
- SP2 Classified and Local Road



Attachment 3 Draft Shellharbour LEP 2011 Minimum Lot Size

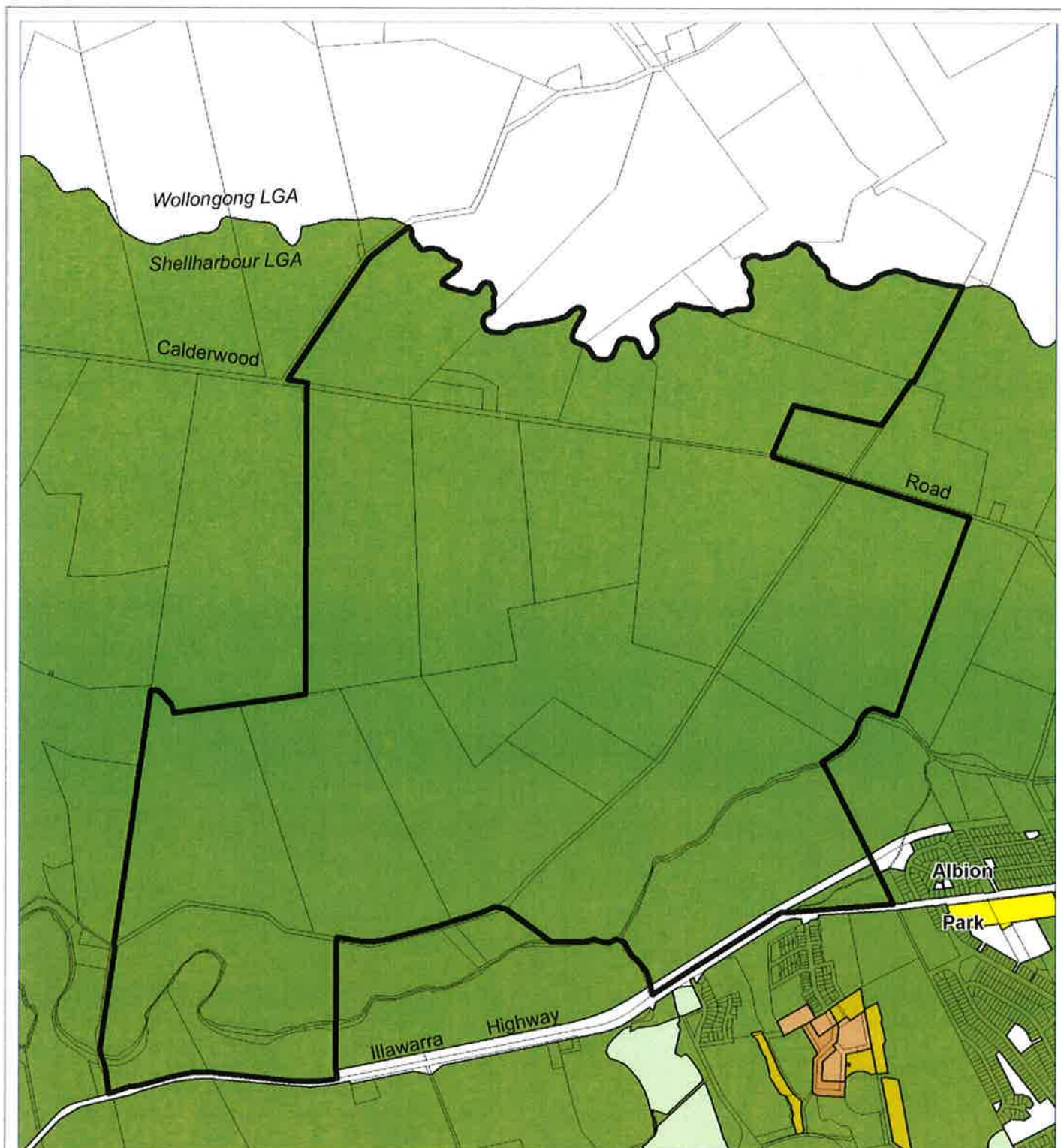
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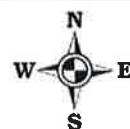
Legend

-  Subject Land
-  40 hectares



Attachment 4 Draft Shellharbour LEP 2011 Building Height

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Legend

-  Subject Land
-  9 metres



Attachment 5
Draft Shellharbour LEP 2011
Natural Resource Sensitivity - Biodiversity

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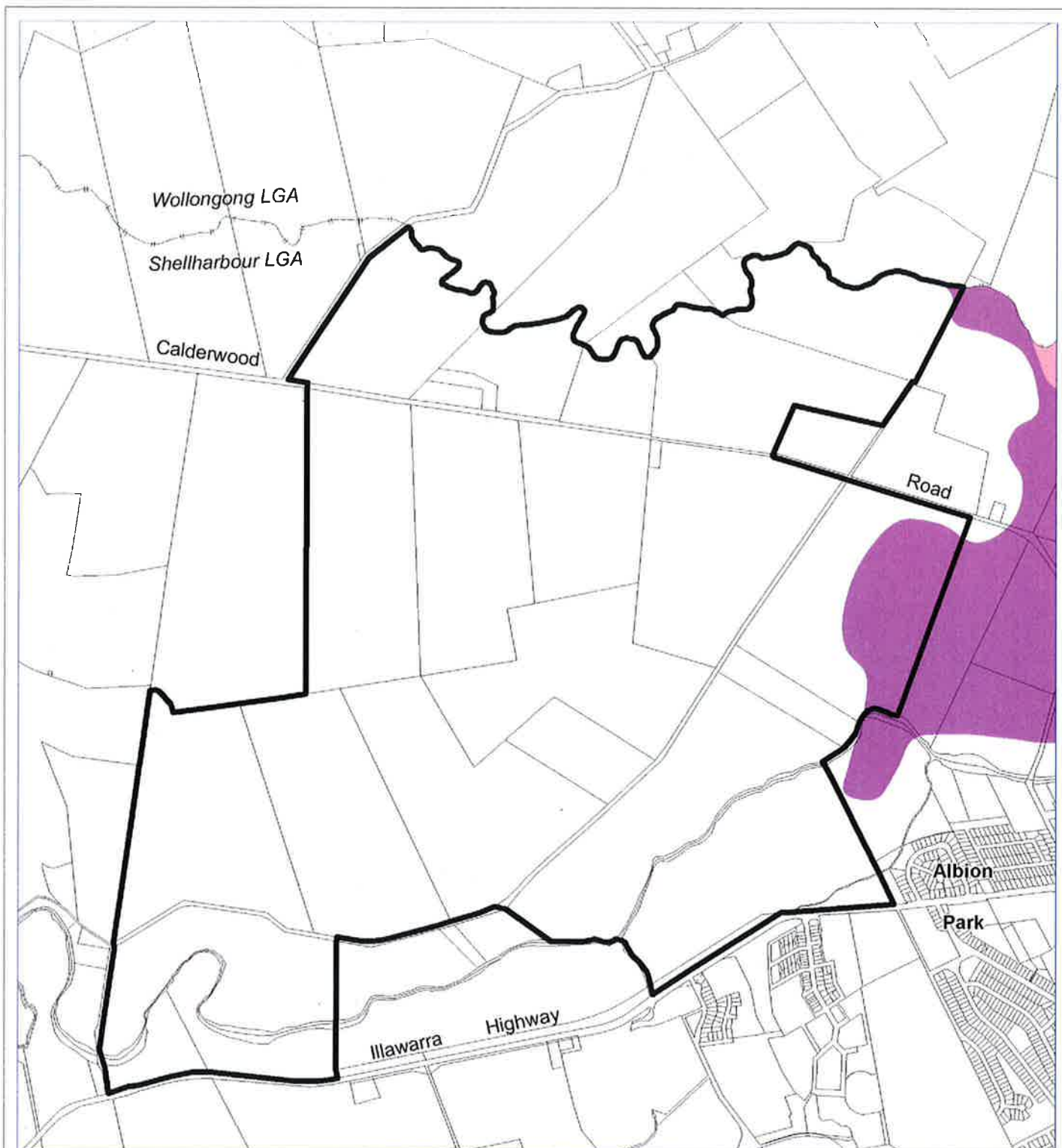
Legend

-  Subject Land
-  Biodiversity Land

0 500m



Scale 1:20,000 @ A4



Attachment 6 **Draft Shellharbour LEP 2011** **Acid Sulfate Soils**

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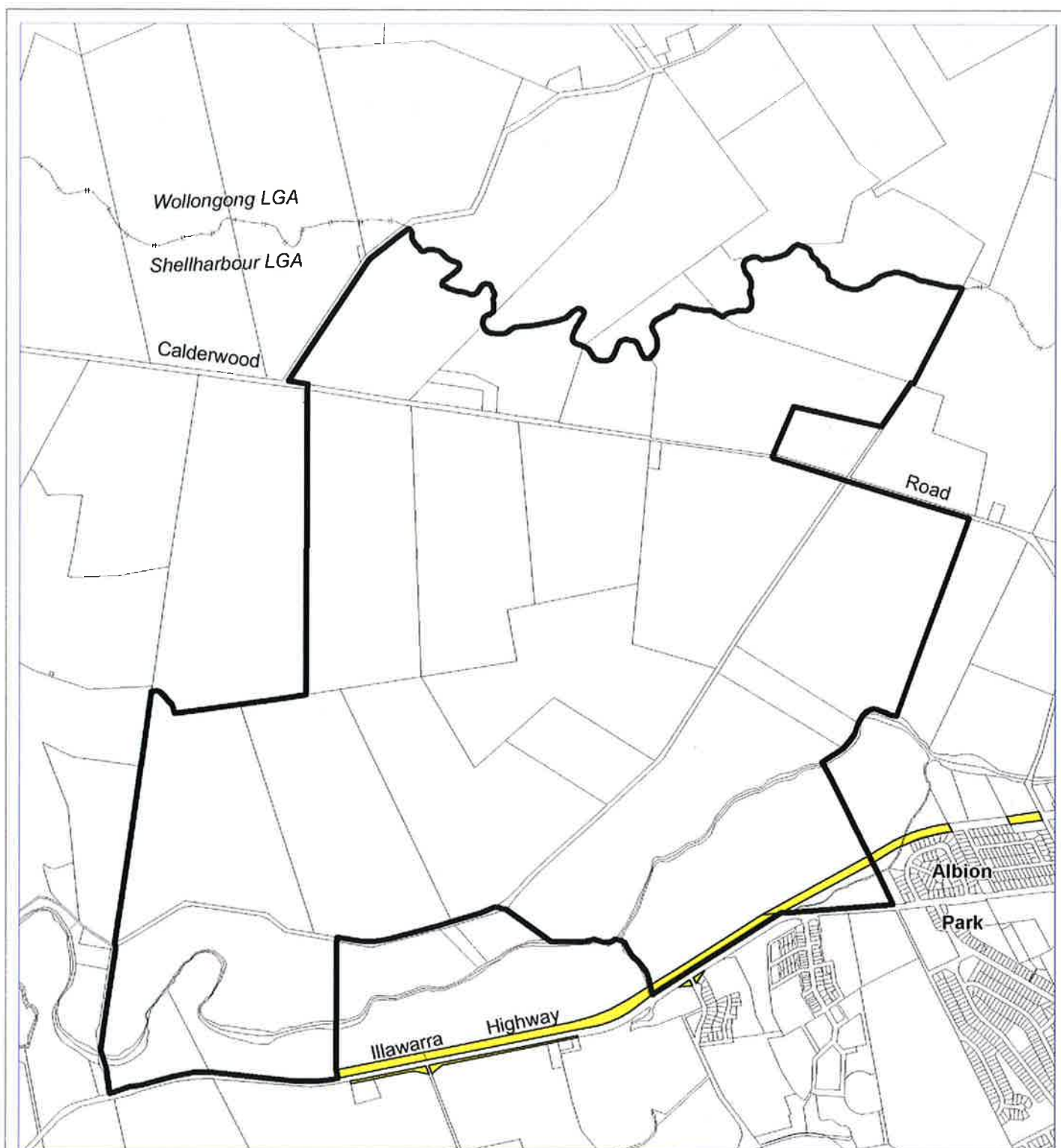


Legend

-  Subject Land
-  Class 4



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Attachment 7 **Draft Shellharbour LEP 2011** **Land Acquisition Reservation**

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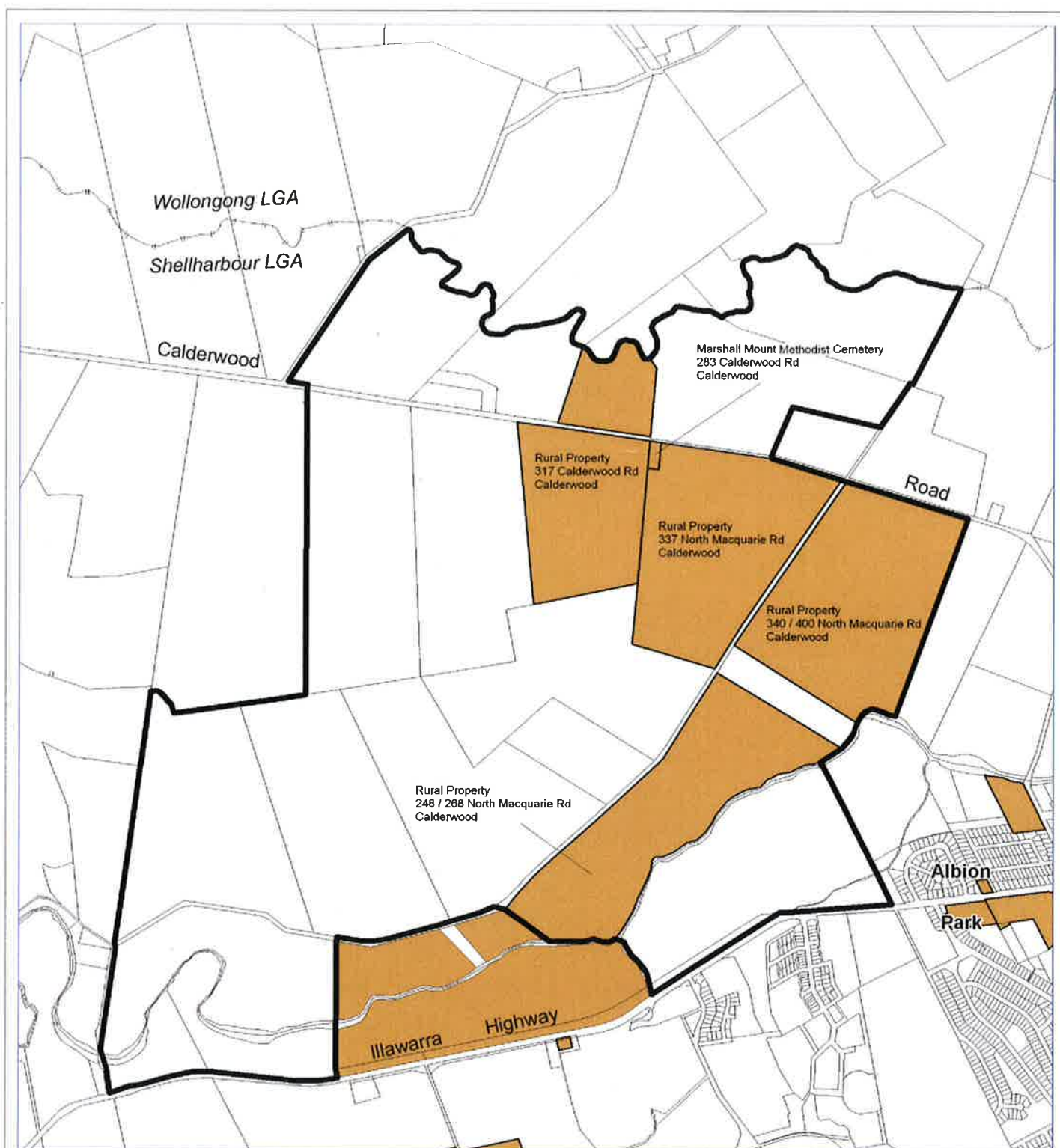
Legend

-  Subject Land
-  Classified Road and Local Road

0 500m



Scale 1:20,000 @ A4



Attachment 8 Draft Shellharbour LEP 2011 Schedule 5 Heritage Items

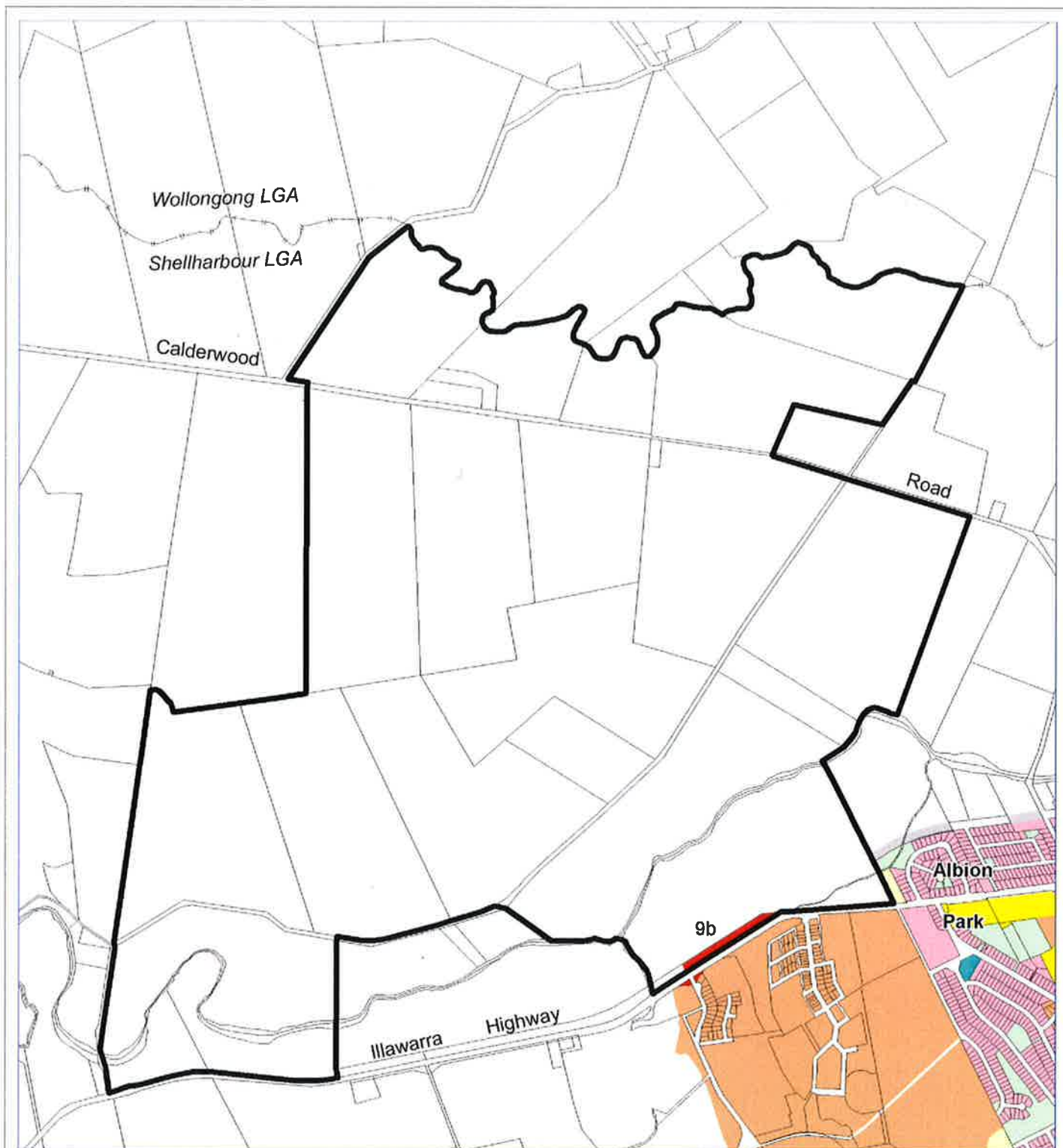
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Scale 1:20,000 @ A4

Legend

-  Subject Land
-  Heritage Item



Attachment 9 Draft Shellharbour LEP 2000 Zoning

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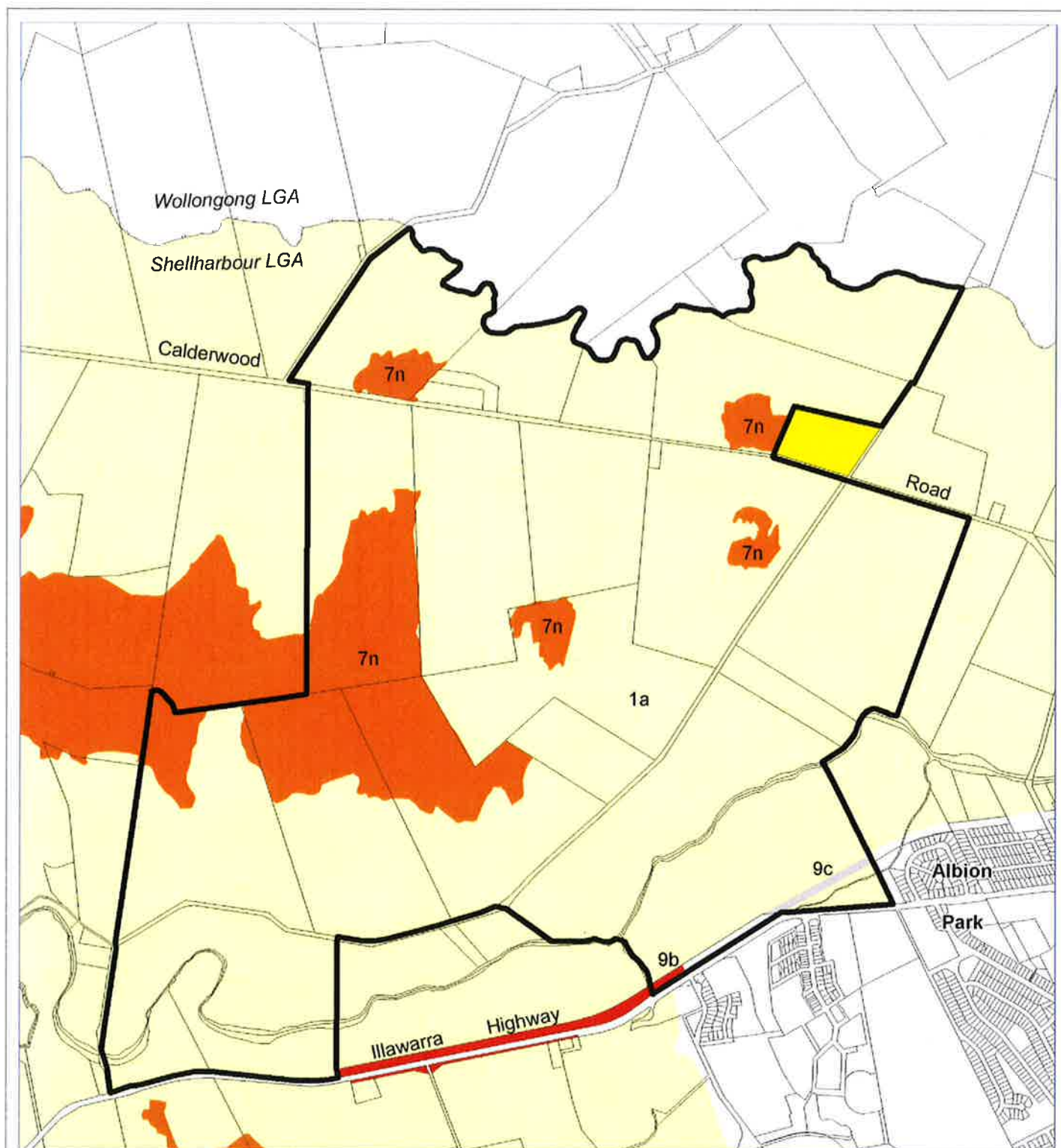


Legend

-  Subject Land
-  9b Arterial Road Reservation



Scale 1:20,000 @ A4



Attachment 10 Draft Shellharbour Rural LEP 2004 Zoning

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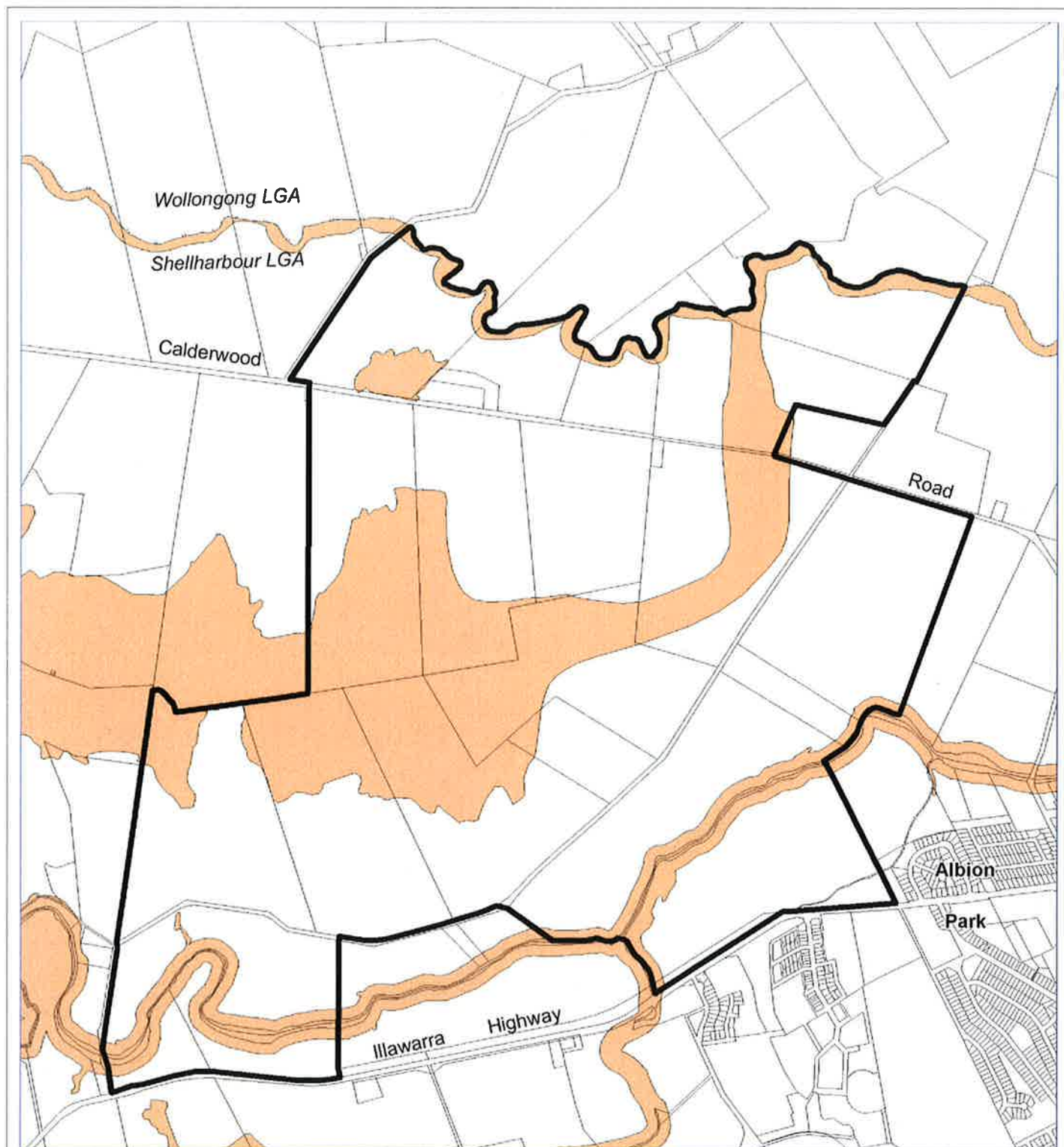


0 500m

Scale 1:20,000 @ A4

Legend

- Subject Land
- 1a Agriculture
- Nature Conservation
- 9b Arterial Roads Reservation
- 9c Local Roads Reservation



Attachment 11 **Draft Shellharbour Rural LEP 2004** **Areas of High Conservation Value**

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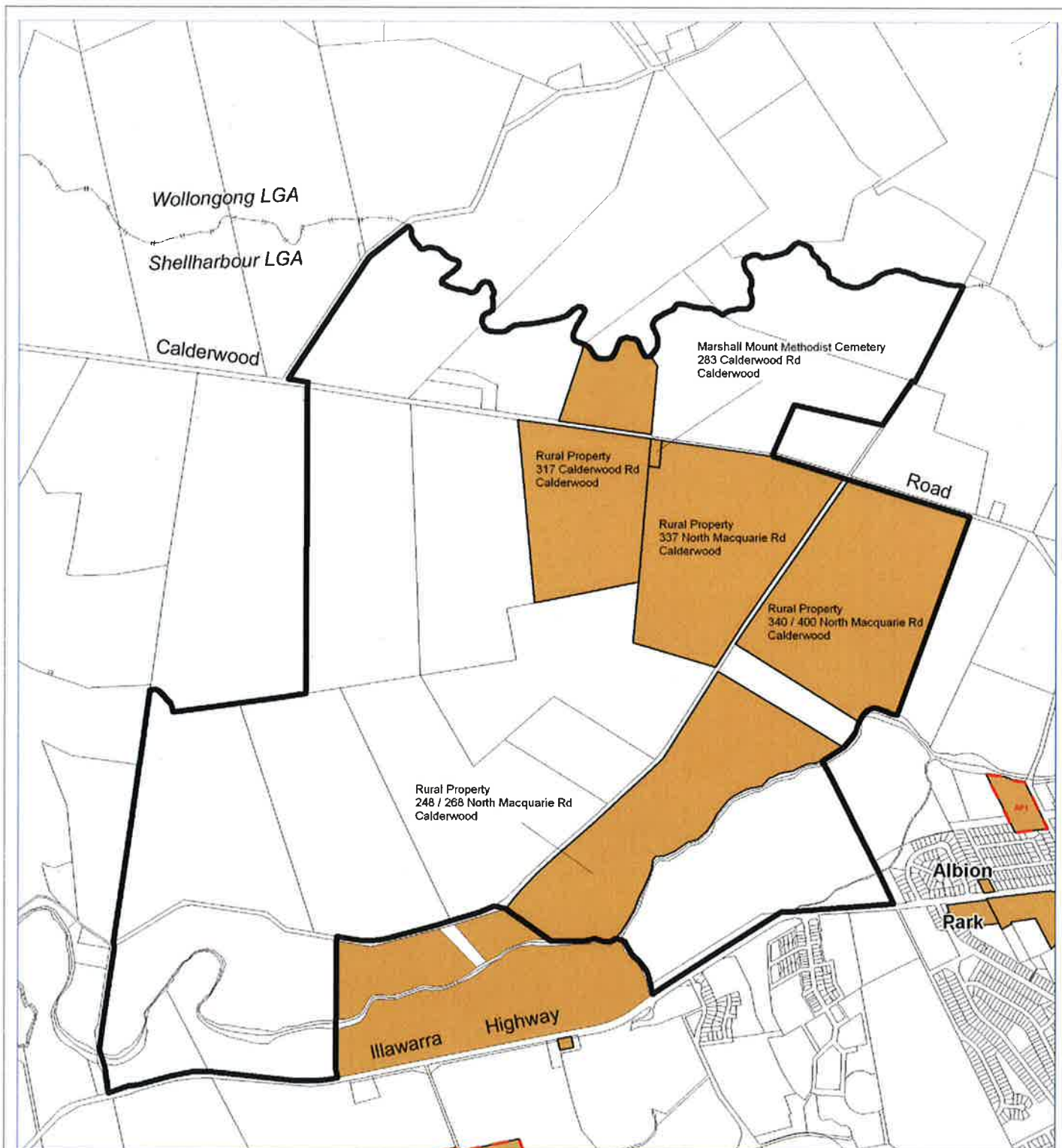
Legend

-  Subject Land
-  Areas of High Conservation Value

0 500m



Scale 1:20,000 @ A4



Attachment 12

Draft Shellharbour Rural LEP 2004

Heritage Items

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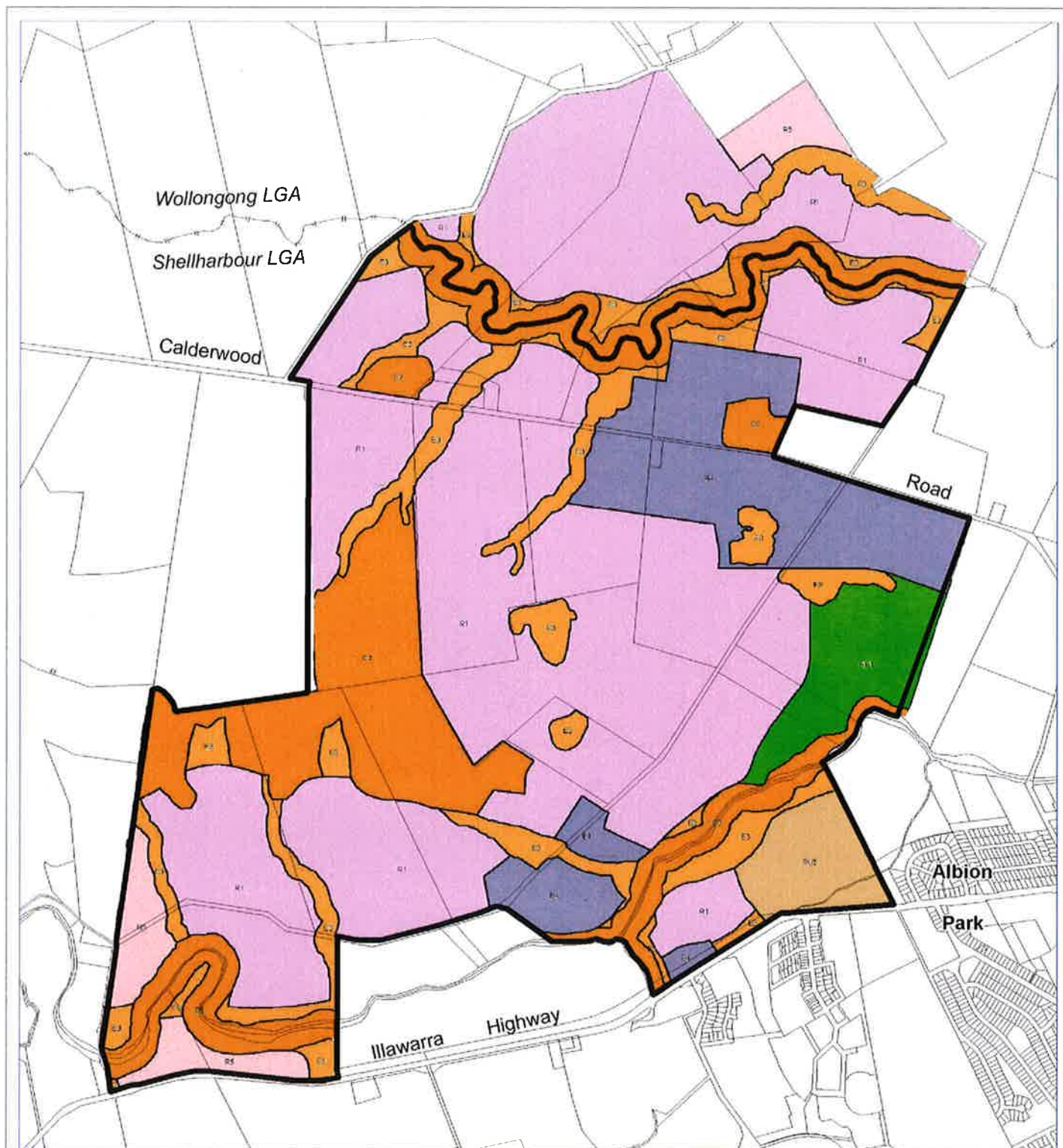


Legend

- Subject Land
- Heritage Item

0 500m

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Attachment 13 **Existing Zoning SEPP (Major Development) 2005** **Part 28**

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Scale 1:20,000 @ A4

	Subject Land
	R1 General Residential
	R5 Large Lot Residential
	RU2 Rural Landscape
	Mixed Use
	E2 Environmental Conservation
	E3 Environmental Management
	RE1 Public Recreation

Attachment 14

Summary of Planning Issues Checklist

Location: Calderwood Urban Development Site

Proposal: Remove from SEPP (Major Development) 2005 - Part 28 Calderwood site and reinstate local planning controls

Compliance with SEPPs: Part

Compliance with Deemed SEPPs (REPs): Yes

Compliance with Section 117 Directions: Part

Compliance with Illawarra Regional Strategy: Yes

Heritage Studies required: No. Community based heritage study completed in 2006 identifies proposed items

Draft Planning Proposal Assessment

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

Draft SEPPs	Consistency Yes/No/NA	Comments
Application of Development Standards 2004	NA	
SEPP 66 Integration of Transport and Land Use	NA	

SEPPs	Consistency Yes/No/NA	Comments
SEPP 1 Development Standards	NA	
SEPP 4 Development Without Consent and Miscellaneous Complying Development	NA	
SEPP 6 Number of Storeys in a Building	NA	
SEPP 14 Coastal Wetlands	NA	
SEPP 21 Caravan Parks	NA	
SEPP 22 Shops and Commercial Premises	NA	
SEPP 26 Littoral Rainforests	NA	
SEPP 30 Intensive Agriculture	NA	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	NA	
SEPP 33 Hazardous and Offensive Development	NA	
SEPP 36 Manufactured Home Estates	NA	
SEPP 50 Canal Estates	NA	
SEPP 55 Remediation of	NA	

SEPPs	Consistency Yes/No/NA	Comments
Land		
SEPP 62 Sustainable Aquaculture	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	No	The purpose of the Planning Proposal is to remove lands from the SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NA	
SEPP (Temporary Structures) 2007	NA	
SEPP (Infrastructure) 2007	NA	
SEPP (Rural Lands) 2008	NA	
SEPP (Exempt and Complying Development Codes) 2008	NA	
SEPP (Affordable Rental Housing) 2009	NA	
SEPP (Urban Renewal) 2010	NA	
SEPP (State and Regional Development) 2011	NA	

Deemed SEPPs (IREP1)	Consistency Yes/No/NA	Comments
Part 2 Rural Lands		
Wildlife Corridors (Clause 17)	NA	
Valuable Natural	Yes	The Planning Proposal is to remove the residential and business zones from the land

Deemed SEPPs (IREP1)	Consistency Yes/No/NA	Comments
Environments (Clause 18)		and re-instate mainly rural and environmental zones. This will be consistent with the recommendations for the land - zoning to protect the visual amenity of the foothills to protect the scenic amenity and visual relationship to the escarpment. Emphasis on continued pastoral use.
Small Rural Holdings (Clause 21)	NA	
Multiple occupancy of farms (Clause 27)	NA	
Flood prone lands (Clause 28)	NA	
Part 7 Living Areas		
Extension of villages and small settlements (Clause 61)	NA	

Deemed SEPPs (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	The Planning Proposal is to remove the business zones from the land. Employment Lands Study (2009) and Retail and Commercial Centres Studies (2008) don't indicate that land zoned by the SEPP is required to meet the requirements of our current or the forecast growth of our community. Further, as this planning proposal removes business zones, it will mean that the commercial centres and hierarchy identified in the Illawarra Regional Strategy will be complied with and not potentially weakened by the introduction of these lands that are out of sequence with the economic development and growth outcomes and actions outlined in the Illawarra Regional Strategy. As such, the planning proposal is considered

Section 117 Directions	Consistency Yes/No/NA	Comments
		to be justifiably inconsistent with this Direction.
1.2 Rural Zones	Yes	Proposal is to zone land mainly rural and or environmental
1.3 Mining, Petroleum Production and Extractive Industries	NA	
1.4 Oyster Aquaculture	NA	
1.5 Rural Lands	NA	
2. Environment and Heritage		
2.1 Environmental Protection Zones	Yes	
2.2 Coastal Protection	NA	
2.3 Heritage Conservation	Yes	
2.4 Recreation Vehicle Areas	NA	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	No	The Planning Proposal is to remove the residential zones from the land and won't be consistent with this Direction. The Shellharbour LGA Small Area Household and Demographic Projections Study, 2008 doesn't indicate a need for additional residential zoned land. Projections by id profile in 2011(Shellharbour Council website) further confirm that there is no demand for additional residential zoned land in the LGA. Based on population projections, this planning proposal is considered to be consistent with the Illawarra Regional Strategy. As such, this planning proposal is considered to be justifiably inconsistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	No	The Planning Proposal is to remove the residential zones from the land and won't be consistent with this Direction. This is considered to be of minor significance as there has been no urban development approved or constructed on this land at this time. This planning proposal is to consider changing the zone of the land back to generally rural and environmental.
3.3 Home Occupations	Yes	

Section 117 Directions	Consistency Yes/No/NA	Comments
3.4 Integrating Land Use and Transport	No	The Planning Proposal is to remove the residential and business zones from the land and won't be consistent with this Direction. This is considered to be of minor significance as there has been no urban development approved or constructed on this land at this time. This planning proposal is to consider changing the zone of the land back to generally rural and environmental.
3.5 Development near Licensed Aerodromes	Yes	The Planning Proposal will minimise potential impacts on the licensed aerodrome.
3.6 Shooting Ranges	NA	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	The Planning Proposal is to remove the residential and business zones from the land.
4.2 Mine Subsidence and Unstable Land	Yes	The Planning Proposal is to remove the residential and business zones from the land.
4.3 Flood Prone Land	Yes	The Planning Proposal is to remove the residential and business zones from the land.
4.4 Planning for Bushfire Protection	Yes	The Planning Proposal is to remove the residential and business zones from the land.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	The Illawarra Regional Strategy 2006 - 2031 applies to the Shellharbour LGA. The Strategy does not identify this area as an urban release area. The Strategy identifies Calderwood as providing an opportunity for an additional new release area if demand for additional supply arises because population growth in the Region is beyond projections and the ability of identified development areas such as West Dapto to satisfy housing demand. Population projections from the NSW Department of Planning & Infrastructure and Shellharbour Council indicate that the land as zoned in the SEPP is not required to meet population growth or housing demand. As such, this planning proposal to change the planning controls to generally rural and environmental is consistent with the Illawarra

Section 117 Directions	Consistency Yes/No/NA	Comments
		Regional Strategy.
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 reinstates Reservations shown in LEPs prior to the SEPP approval.
6.3 Site Specific Provisions	Yes	

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	The Planning Proposal is to remove the business zones from the land. This will protect the regionally significant employment lands in the Shellharbour town centre.
Additional employment lands identified	NA	
Hierarchy of commercial centres for the region identified	Yes	The Planning Proposal is to remove the business zones from the land. This will reinstate the commercial centre hierarchy outlined in the Strategy and the Council's Retail and Commercial Studies (2008) and will be a "Council-based mechanism".
Existing centres revitalised	NA	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
Resist fragmentation of agricultural and employment lands	Yes	The Planning Proposal is to remove the residential and business zones from the land. This will re-introduce agricultural lands into our LGA.
Encourage clustering of synergistic businesses	NA	
Efficient use of existing infrastructure and networks including Airport	Yes	The Planning Proposal is to remove the residential and business zones from the land. This will make a more cost effective use of infrastructure for our community and reduce the cost to the local community for infrastructure improvements required as part of the SEPP controls.
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	The Planning Proposal is to remove the residential and business zones from the land. Re-introducing mainly rural and environmental will allow the Highway corridors to be planned and developed in accordance with State Government priorities and funded accordingly with minimal direct financial cost to the Shellharbour LGA community.
Minimise need to travel and encourage energy and resource efficiency	NA	
Identify and manage strategic transport corridors	NA	
Include Rail Corp requirements	NA	
Protect Illawarra Regional Airport	NA	
Housing and Settlement		
Higher densities around Shellharbour City Centre, Albion Park, Oak Flats, Warilla	Yes	The Planning Proposal is to remove the residential zones from the land.

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
subject to densities and character		This will assist in allowing the planned development options in these centres to progress in a timely and efficient manner.
Provide for an additional future urban expansion area at Calderwood if demand arises	Yes	Population projections and forecasts don't indicate that Calderwood is required at this point in time.
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	NA	
Natural Environments		
Hard rock resource and endangered ecological communities considered	NA	
Protect significant native vegetation and regional habitat	Yes	Planning Proposal will include a map identifying land having high conservation value/biodiversity.
Consultation DPI (Fisheries) - habitats and riparian buffers	NA	
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	Yes	Planning Proposal will include a map identifying land having high conservation

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
		value that will include riparian corridors.
SEPP 14 and 26 lands zoned E2 or W1	NA	
Consult with Southern Rivers Catchment Management Authority.	NA	
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 appropriately in consultation with Departments and utilities	NA	
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	Yes	The Planning Proposal is to remove the residential and business zones from the land. Re-introducing rural zones will enable productive agricultural activities to take place.
Minimum subdivision standards for rural and environmental protection zones	Yes	
Limit dwellings in rural and environmental protection	Yes	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
zones.		
Cultural Heritage		
Aboriginal cultural and community values considered. Aboriginal heritage studies and DEC study 'Murii, Dhungang, Jirrar - living in the Illawarra 2005 considered	Yes	
Heritage items reviewed	Yes	Planning Proposal will include items identified in the Shellharbour Community Heritage Study.
Cultural heritage values of Shellharbour City Centre, Warilla and Albion Park reviewed and protected	NA	
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	