

The Planning Proposal

Local Government Area: Shellharbour City Council

Property Details: Lot 11, DP 1128847, Crest Road, Albion Park

Part 1 Objectives or intended outcomes.

To introduce the Standard Instrument LEP zoning and provisions for a lot that is currently deferred in Shellharbour LEP 2013.

It is intended to introduce a Lot Size Map that will permit the subdivision of the land to create six lots and the construction of a dwelling house on each of the subdivided lots.

Terrestrial biodiversity, Zoning and Height of buildings maps are also proposed. The existing clauses in Shellharbour LEP 2013 do not need to be amended.

The Urban Fringe Local Environmental Study supports the development of the land and Council at its meeting of 23 July 2013 resolved to support the subdivision of the land into six lots on this parcel. See **Attachment 1** for the Council resolution and report and **Attachment 2** for the zoning and planning controls.

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 by introducing Standard Instrument zoning and provisions for lands that are currently deferred matters in Shellharbour LEP 2013.
- The zoning and planning controls outlined in **Attachments 5 - 8**. The maps to be included are Zoning, Height of buildings, Lot size and Terrestrial biodiversity.

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?

Yes. This property is in the Urban Fringe Local Environmental Study. This LES identifies the development opportunities for the land.

The LES and draft LEP was originally placed on public exhibition as part of the City-wide Principal LEP exhibition. Council at its meetings on 29 May and 3 July 2012 resolved to defer zoning and planning controls for this land. As such, it was deferred from Shellharbour LEP 2013 notified on 5 April 2013.

Council resolved to defer this property again when recommendations for this land were reported to Council on 30 April 2013.

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

Yes. Introducing deferred land can only be achieved by amending Shellharbour LEP 2013. A Planning Proposal is the only means to achieve the 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 in **Attachment 9**.

The following specific actions are relevant:

- Economic development and growth. Resist the fragmentation of agricultural and employment lands.

The land identified for subdivision has limited agricultural potential and this has been addressed in the Urban Fringe LES.

- Housing and settlement. Urban development program - Shellharbour Council is investigating fringe lands at Dunmore and Albion Park to determine appropriate land uses and zonings taking into account its urban, biodiversity and natural resource values (page 22).

The Urban Fringe LES has investigated these lands and made recommendations for development potential. This Planning Proposal and recommendations of Council build on the LES recommendations.

- Natural environment.

The Urban Fringe LES has investigated relevant potential impacts on the natural environment. This Planning Proposal identifies land that may be appropriate for subdivision and dwelling construction and the land that has significant environmental qualities would be protected with an appropriate environmental zone and Clause 6.5 Terrestrial biodiversity.

- Rural landscape and rural communities.

This Planning Proposal will be introducing the mechanism to create allotments less than 40 hectares. The Urban Fringe LES has considered the relevant issues and recommended development opportunities on specific properties. It is proposed that parts of land having environmental attributes such as Endangered Ecological Communities, be zoned an Environmental zone.

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

The proposal is consistent with the following Objectives and Strategies of Council's Community Strategic Plan 2013 - 2023:

Objective: 2.1 - Protects and promotes its natural environment.

Strategy: 2.1.1 - Manage catchments effectively to improve the cleanliness, health, and biodiversity of creeks, waterways and oceans.

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, see **Attachment 9**.

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

This Planning Proposal is consistent with most Directions, see **Attachment 9**. The areas of inconsistency are outlined below:

Rural Lands (1.5)

This Direction applies as this Planning Proposal affects land in an existing rural and environmental zone and proposes to change the existing minimum lot sizes.

These changes have been justified by the Urban Fringe LES. Also, the land included in this Planning Proposal has been identified in the Illawarra Regional Strategy to be investigated to determine appropriate land uses and zonings. The proposal is considered to be consistent with the Rural Planning and Subdivision Principles of State Environmental Planning Policy (Rural Lands) 2008 on the basis of the location of the land, current intended planning controls and area available for agricultural purposes.

This should be considered by the Department of Planning and the decision outlined in the Gateway determination.

Residential Zones (3.1)

This Proposal contains provisions that reduces the permissible residential density by removing some residential zoning and therefore won't be consistent with this Direction.

There are two areas, about 730m² (about 8 - 13 metres wide) and 900m² (about 15 metres wide) respectively, that are irregular in shape, narrow in width and are residues from previous subdivisions that are currently zoned Residential 2(e) and proposed to be zoned E3 Environmental Management.

There is one other area that is about 18,000m² that is currently zoned Residential 2(e) and is located under a 90 metre wide electricity easement. This proposal recommends that this land be zoned SP2 infrastructure - Electricity Transmission and Distribution.

The inconsistency that this proposal has with this Local Planning Direction is required to be assessed by the Department of Planning and the decision outlined in the Gateway determination.

Caravan Parks and Manufactured Home Estates (3.2)

This Planning Direction states that Planning Proposals will be inconsistent where they prohibit development for the purposes of a caravan park to be carried out.

The Planning Proposal is inconsistent in that some land prohibits caravan parks. The Urban Fringe LES has justified the appropriate zone and land uses. The Planning Proposal will be based on the Standard Instrument. The Standard Instrument doesn't contain a standard provision to satisfy this Direction (in not prohibiting caravan parks) and so the Planning Proposal is inconsistent with this Direction.

This is considered to be of minor significance as there has been minimal urban development potential recognised on these lands as supported by the LES.

The inconsistency that this proposal has with this Local Planning Direction is required to be assessed by the Department of Planning and the decision outlined in the Gateway determination.

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. The Urban Fringe Local Environmental Study reviewed the flora and fauna on this site. The proposed lots contain adequate area, for the purpose of considering planning controls, to not cause an adverse impact on endangered ecological communities. Should the proposal be supported, additional assessment will be required at development application stage.

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

Bushfire was considered as part of the Urban Fringe Local Environmental Study. Further assessment would be required as part of any future development application.

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

The Urban Fringe LES included an assessment of the potential public and social impacts. This assessment is considered adequate.

D. State and Commonwealth interests.

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

Yes. Any additional development will need to provide infrastructure such utilities and vehicle access.

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

To be determined after the Gateway determination and consultation. Consultation with the Office of Environment & Heritage (flora and fauna) and the Southern Rivers Catchment Management Authority is considered necessary.

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

Site identification map - see **Attachment 3**

Current zoning map - see **Attachment 4**

Proposed zoning and planning control maps - see **Attachments 5 - 8**

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

It is anticipated that a 28 day consultation period is appropriate. To be finalised as part of the gateway determination.

Part 6 Project timeline.

- Anticipated gateway determination - September/October 2013
- Anticipated timeframe for completion of required technical information - Not applicable

- Timeframe for government agency consultation October/November 2013
- Commencement and completion of public exhibition - Commence October and complete November 2013
- Dates for public hearing - Not applicable
- Timeframe for consideration of submissions - December 2013
- Timeframe for consideration of proposal post exhibition - Report to Council February 2014 (Council meeting - 3 week cycle and no meeting in January 2014)
- Date of submission to the Department to finalise LEP - April 2014
- Anticipated date RPA will make the plan (if delegated) - Not applicable, no delegation
- Anticipated date RPA will forward to the department for notification - Not applicable, no delegation

ATTACHMENTS

- Attachment 1 - Council resolution and report 23 July 2013
- Attachment 2 - Table of proposed zoning and planning controls
- Attachment 3 - Site Identification Map
- Attachment 4 - Current Zoning Map
- Attachment 5 - Zoning Map
- Attachment 6 - Height Map
- Attachment 7 - Lot Size Map
- Attachment 8 - Terrestrial Biodiversity Map
- Attachment 9 - Summary of Planning Issues Checklist