

Ulan Place & Jamberoo Road Albion Park

Proposal Title : **Ulan Place & Jamberoo Road Albion Park**

Proposal Summary : **To zone land at Ulan Place, Albion Park and Jamberoo Road, Albion Park a mix of R2 Low Density Residential and E3 Environmental Management to enable the low density residential development of the land, while preserving the environmental and visual values of the area.**

PP Number : **PP_2014_SHELL_005_00** Dop File No : **14/15658**

Proposal Details

Date Planning
Proposal Received : **24-Oct-2014**

LGA covered : **Shellharbour**

Region : **Southern**

RPA : **Southern Joint Regional Plannin**

State Electorate : **KIAMA**

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

LEP Type : **Spot Rezoning**

Location Details

Street : **Ulan Place**

Suburb : **Albion Park**

City :

Postcode : **2527**

Land Parcel : **Lot 4300 DP 1058963**

Street : **Jamberoo Road**

Suburb : **Albion Park**

City :

Postcode : **2527**

Land Parcel : **Lot 4250 DP 1057886**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Graham Towers**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Illawarra Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	29
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 : **The proposal has been prepared consistent with Southern Joint Regional Planning Panel (JRPP) recommendations. The JRPP has recommended that the proposal be submitted for a gateway determination.**

External Supporting Notes : **The proposal has been prepared consistent with Southern Joint Regional Planning Panel (JRPP) recommendations.**

Adequacy Assessment

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

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

Comment : **The statement of objectives adequately describes the aims of the proposal.**

**The proposal will enable the residential use of the two properties while preserving the visual and environmental values of the area.
It achieves this by zoning all land below a specified contour as R2 Low density residential and zoning higher land as E3 Environmental management and by specifying where dwellings can be erected.**

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

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

Comment : **The explanation of provisions clearly identifies the changes to the Shellharbour Local Environmental Plan 2013 that will be required as a result of the proposal.**

The proposal will require amendments to the following maps in the Shellharbour LEP 2013:
- land zoning map;
- floor space ratio map;
- height of buildings map; and

- lot size maps.

The proposal also introduces a development area map and associated clause to identify where dwellings are to be located and, conversely, which land must not contain dwellings.

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

1.2 Rural Zones

1.5 Rural Lands

2.1 Environment Protection Zones

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

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 6—Number of Storeys in a Building

SEPP No 14—Coastal Wetlands

SEPP No 19—Bushland in Urban Areas

SEPP No 55—Remediation of Land

SEPP No 60—Exempt and Complying Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

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

The proponent has identified applicable Section 117 Directions and has noted that there are minor inconsistencies with the following directions:

1.2 Rural Zones

The Planning Proposal rezones rural zoned land to a mix of R2 Low Density Residential and E3 Environmental Management.

The Urban Fringe Local Environmental Study (LES) and Shellharbour City Council identified that some residential development was appropriate on the two sites - but did not propose traditional low density residential housing it proposed large lot residential development. The proposal is a more intense form of development than proposed under the LES.

The subject land adjoins existing residential development. The proximity of the land to urban development provides a constraint on the agricultural use of the land. The rezoning for residential purposes is considered reasonable.

The Secretary's delegate can be satisfied that the inconsistency is justified by a study and/or is of minor significance.

5.1 Implementation of Regional Strategies

The Illawarra Regional Strategy (IRS) applies to the subject land and this Direction

requires that planning proposal must be consistent with the IRS.

The IRS identifies that land in the Urban Fringe (which includes the subject land) is being investigated to determine appropriate zones and controls.

The Urban Fringe LES identified that the subject land was suitable for some form of residential development and, while this proposal includes a more intense form of residential development than recommended in the study, the urban use of the site is considered to be justified through the LES.

The Secretary's delegate may be satisfied that any inconsistency with this Direction is justified and/or is of minor significance as the proposal does not undermine the overall principles and outcomes in the IRS

The proponent has identified that the proposal is consistent with the following s117 directions:

1.5 Rural lands

This proposal will change the existing minimum lot size for some rural zoned land - i.e. rural land with an existing 40ha minimum lot size will be zoned for residential and environmental uses with a range of minimum lot sizes. The land adjoins existing residential development and the proposed lot sizes are consistent with adjoining residential zoned land.

The Secretary's delegate may be satisfied that any potential inconsistency with this direction is of minor significance and is justified by a study as Council's LES identified the lands as having potential for urban development.

3.1 Residential Zones

This Direction aims to provide housing choice, make efficient use of infrastructure and to minimise the impact of residential development on environmental and resource lands.

The proposal is considered consistent with the objectives of this Direction.

4.3 Flood Prone Land

This Direction requires development in flood prone areas to be consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual. It states that a planning proposal must not rezone land in a flood planning area from a rural zone to a residential zone.

While there has not been a flood study prepared for the subject land, the sites are situated on land that is above existing residential land and are unlikely to be flood affected.

4.4 Planning for Bushfire Protection

This Direction requires consultation with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and must take any comments made by the Commissioner into account.

The Secretary's delegate may be satisfied that the Gateway Determination requirement for consultation with the RFS prior to exhibition will ensure consistency with this Direction.

RECOMMENDATION

It is recommended that the Secretary's delegate be satisfied that any inconsistencies

with the following s117 Directions are justified by a study and/or are of minor significance:

1.2 Rural Zones

5.1 Implementation of Regional Strategies

It is recommended that the Secretary's delegate be satisfied that the proposal will be consistent with 4.4 Planning for Bushfire Protection following consultation with the NSW Rural Fire Service.

It is recommended that the Secretary's delegate be satisfied that the proposal is consistent with other relevant s117 Directions, or that any potential inconsistency is of minor significance.

State Environmental Planning Policies (SEPPs)

The Planning Proposal is not inconsistent with relevant SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Mapping is adequate for exhibition purposes and clearly identifies the intended zones and controls for the subject land.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The landowner considers that a 14 day exhibition period is adequate however, given that the community has not had an opportunity to comment on this proposal, it is considered that a 28 day exhibition period is 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 has been notified.

Assessment Criteria

Need for planning proposal :

A planning proposal is the only way to introduce standard instrument zones and controls for the subject land.

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Consistency with strategic planning framework :

The Illawarra Regional Strategy (IRS), at page 22, notes that Council is investigating urban fringe lands to determine appropriate land uses and zonings, taking into account its urban, biodiversity and natural resource values. This Planning Proposal forms part of those investigations.

The Proposal is consistent with relevant State Environmental Planning Policies.

See previous section for consideration of the Proposal's consistency with relevant s117 Directions.

Environmental social economic impacts :

The proposal is not likely to adversely affect critical habitats, threatened species, populations or ecological communities or their habitats.

The proposed residential development is restricted to the lower portions of the site with visually significant and environmental lands protected through the application of the E3 Environmental Management zone.

The proposal will provide additional housing supply and employment opportunities associated with construction of dwellings.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **DDG**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The Southern Joint Regional Planning Panel (JRPP) is the relevant planning authority for this proposal.**

It is appropriate to consult with Shellharbour Council on this matter.

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

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
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Ulan Place & Jamberoo Road Albion Park

Planning Proposal - Ulan Place & Jamberoo Rd Albion Park.pdf	Proposal	Yes
Existing zone plan.pdf	Map	Yes
20141024 Panel (as RPA) - proceed to gateway det.pdf	Determination Document	Yes
Locality plan.pdf	Map	Yes
Jamberoo Road - proposed Land Zone Map.pdf	Map	Yes
Ulan Place - proposed Zone Map.pdf	Map	Yes
Pre-gateway review - JRPP report.pdf	Proposal	Yes
Jamberoo Rd - proposed Height of Building Map.pdf	Map	Yes
Ulan Place - proposed Height of Building Map.pdf	Map	Yes
Ulan Place - proposed Floor Space Ratio Map.pdf	Map	Yes
Jamberoo Rd 16 lots - indicative layout.pdf	Map	Yes
Ulan Place - proposed Lot Size Map.pdf	Map	Yes
Ulan Place 13 lots - indicative layout.pdf	Map	Yes
Jamberoo Rd - proposed Lot Size Map.pdf	Map	Yes
Jamberoo Rd - proposed Floor Space Ratio Map.pdf	Map	Yes
Jamberoo Road - proposed Development Area Map.pdf	Map	Yes
Ulan Place - proposed Development Area Map.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.2 Rural Zones
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 3.1 Residential Zones
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes
 - 6.3 Site Specific Provisions

Additional Information : It is recommended that the Executive Director, Regions, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Shellharbour Local Environmental Plan 2013 to introduce standard instrument zones (R2 Low Density Residential and E3 Environmental Management) and development controls for Lot 4300 DP 1058963 Ulan Place and Lot 4250 DP 1057886 Jamberoo Road, Albion Park 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 is to 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 (Department of Planning and Infrastructure 2013).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- *Office of Environment and Heritage
- *Shellharbour City Council
- *NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters

to be addressed in the planning proposal.

Consultation is required with the NSW Rural Fire Service prior to undertaking community consultation in order to satisfy the requirements of s117 Direction 4.4 Planning for Bushfire Protection.

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 from the week following the date of the Gateway determination.

SECTION 117 DIRECTIONS

5. The Secretary's delegate can be satisfied that inconsistencies with the following s117 Directions are of minor significance and/or are justified:

1.2 Rural Zones

5.1 Implementation of Regional Strategies

6. The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection following consultation with the NSW Rural Fire Service.

7. 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.

Supporting Reasons :

The JRPP considered this proposal as a Pre-gateway review and made recommendations that a planning proposal be prepared and submitted for a Gateway determination. The JRPP recommendations included a recommendation that the boundary between residential and environmental zones should correspond to a contour (74m for Ulan Place and 75m for Jamberoo Road) to restrict development to the lower slopes to protect the visual amenity of the area.

Both sites adjoin existing residential development.

Signature:



Printed Name:

Graham Towers

Date:

30/10/14.

ENDORSED

4/11/14
GM, SOUTHERN