



The Planning Proposal

Local Government Area : Shellharbour City Council

Property Details : Lot 4300 DP1058963 Ulan Place and Lot 4250 DP1057886
Jamberoo Road, Albion Park

Part 1 Objectives or intended outcomes

To enable the use of the land for a mix of low density residential lots and environmental living lots generally in accordance with the attached planning control maps.

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

- (i) amending on lot 4250 DP1057886 and lot 4300 DP1058963
 - The Shellharbour LEP 2013 Land Zoning Map in accordance with the proposed zoning maps shown in **Attachments 4 & 5**
 - The Shellharbour LEP 2013 Floor Space Ratio Map in accordance with the proposed floor space ratio maps shown in **Attachments 6 & 7**
 - The Shellharbour LEP 2013 Height of Building Map in accordance with the proposed height of building maps shown in **Attachments 8 & 9**
 - The Shellharbour LEP 2013 Lot Size Map in accordance with the proposed lot size maps shown in **Attachments 10 & 11**
- (ii) Inserting a Development Area Map into Shellharbour LEP 2013 in accordance with the development area maps shown in **Attachments 12 & 13, and**
- (iii) Inserting an development area clause in to the LEP

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

A. Need for a planning proposal

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

No

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

Yes. A Planning Proposal is the only way 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)?

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The Hawarra Regional Strategy (IRS) applies to the Shellharbour Local Government Area.

The IRS identifies these lands as being investigated to determine appropriate land uses. The investigation was the Urban Fringe Local Environmental Study and the Joint Regional Planning Panel Pre Gateway review of the matter (PGR-2013_SHELL_001_00).

2. Is the planning proposal consistent with Council's local strategy or other local strategies?

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

Objective	2.1 – Protects and promotes it's 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 while reflecting the current and future community 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 14.

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

No. See Attachment 14. The Planning Proposal is inconsistent with the following Directions.

1. Rural Zones (1.2)

The direction restricts the zoning of rural land for urban purposes

This proposal is inconsistent with this direction as it is proposing to rezone an area of rural land to residential and this is not in accordance with a strategy approved by the Department of Planning & Infrastructure or justified by a specific study in accordance with this direction.

The proposal is also not strictly in accordance with the Illawarra Regional Strategy (IRS). However the IRS identifies that these lands are being investigated to determine appropriate land uses. That investigation was the Urban Fringe LES. The inconsistency maybe further justified by the information in the Housing and Settlement section of the IRS identifying this land for investigation to determine appropriate land uses. This inconsistency is required to be assessed by the Department of Planning & Infrastructure and the decision will be outlined in the Gateway Determination.

Lots 4250 & 4300 are Class 4 agricultural land. Class 4 agriculture land is classified as "Land suitable for grazing, but not for cultivation. Pasture

improvement relies on minimum tillage techniques. Productivity may be seasonally high but overall productivity is low as a result of major environmental constraints."

Both lots are also directly adjacent to existing residential development and are small making them unsuitable for farming. Generally it is widely accepted that an area of at least 40ha is needed for long-term sustainable agricultural use. The subject land is not suitable for agricultural purposes.

It is considered that any inconsistency is of minor significance.

2. Implementation of Regional Strategies (5.1)

This direction requires that planning proposals be consistent with regional strategies. The land is not specifically identified in the Illawarra regional Strategy for urban development.

However the IRS identifies the subject lands as being investigated by Council to determine appropriate land uses and zonings taking into account it's urban, biodiversity and natural resources. This investigation was the Urban Fringe Local Environmental Study that recommended potential development on the land.

The inconsistency that this proposal has with the local planning direction is required to be assessed by the Department of Planning & Infrastructure and the decision will be 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.

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

No.

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

The proposed residential development on the lower portions of the site will assist in providing additional housing supply while no development on the higher portions of the sites will result in positive environmental outcomes and help to maintain the visual aspects of the area.

D. State and Commonwealth interests.

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

Development of the land will require the extension of utility services, roads and drainage works which are all available to the development sites.

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

No objections or concerns have been raised.

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

- Site identification map – **Attachment 2**
- Current Zoning Map – **Attachment 3**
- Proposed Zoning and planning control maps – **Attachments 4 to 13**

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 confirmed as part of the gateway determination.

Part 6 Project timeline

- Anticipated Gateway determination – August 2014
- Anticipated timeframe for completion of technical information – Not applicable
- Timeframe for government agency consultation – October 2014
- Commencement and completion of public exhibition – 1st to 29th September, 2014
- Dates for public hearing – Not applicable
- Timeframe for consideration of submissions – October 2014
- Timeframe for consideration of proposal post exhibition – October 2014
- Date of submission to the department to finalise LEP – 3rd November 2014
- Anticipated date RPA will make the plan – December 2014
- Anticipated date RPA will forward to the department for notification – 24th December 2014

ATTACHMENTS

Attachment 1	JRRP Prep gateway Review Recommendation
Attachment 2	Site Identification Map
Attachment 3	Current Zoning Map
Attachments 4 & 5	Proposed Zoning Maps
Attachments 6 & 7	Proposed Floor Space Ratio Maps
Attachments 8 & 9	Proposed Building Height Maps
Attachments 10 & 11	Proposed Lot Size Maps
Attachments 12 & 13	Proposed Development Area Map
Attachment 14	Summary of Planning Issues Checklist