

PLANNING PROPOSAL – PP025

Shoalhaven Local Environmental Plan 2014
St Vincent and Deering Streets, Ulladulla

Prepared by
Planning, Environment and Development Group
Shoalhaven City Council

File: *54702E*
Version: *Pre-gateway*
Date: *July 2017*

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- Attachment D – SEPP Checklist
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1 Introduction

This Planning Proposal (PP) seeks to rezone land at the intersection of St Vincent and Deering Streets, Ulladulla from B5 Business Development to B4 Mixed Use under Shoalhaven Local Environmental Plan (LEP) 2014. The PP also seeks a corresponding amendment to the Height of Buildings Map to increase the current maximum building height of 7.5m to a maximum building height of up to 14m, subject to the outcome of detailed assessments.

The PP aims to provide the opportunity for higher density residential development on the site, most likely in the form of residential flat buildings/shop top housing.

It is requested that Council be given delegation for plan making functions for this PP. The evaluation criteria for delegation is located at **Attachment A**.

This PP has been prepared in line with ‘A Guide to preparing Local Environmental Plans’ and ‘A Guide to preparing planning proposals’.

1.1 Subject Land

The subject land is located within the Ulladulla CBD in the Shoalhaven Local Government Area (Figure 1).

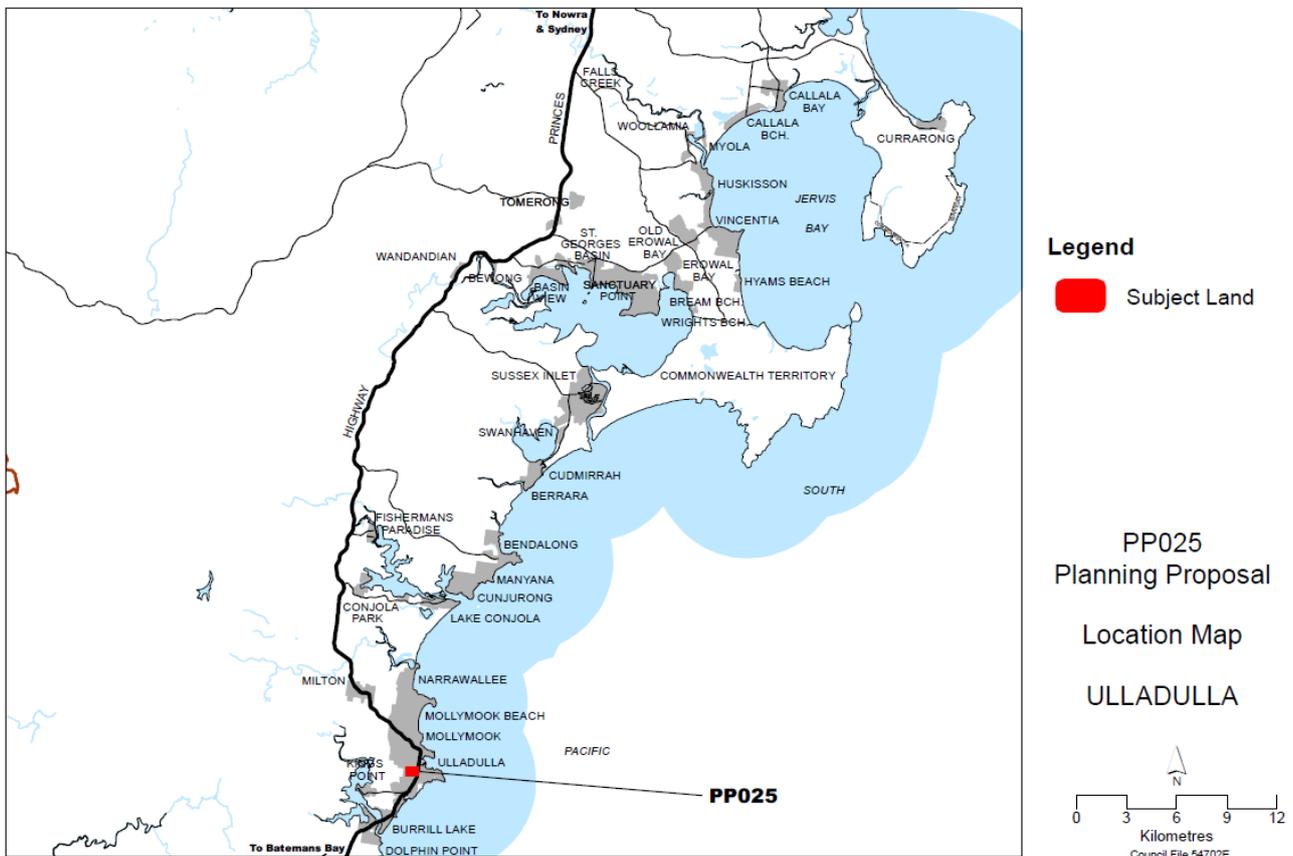


Figure 1: Location Map

The subject land has an approximate area of 10,200m² and comprises 9 lots in separate ownerships:

- Lot 1 DP 21597 - 116 St Vincent, Street Ulladulla
- Lot 2 DP 21597 - 118 St Vincent, Street Ulladulla
- Lot 3 DP 21597 - 120 St Vincent, Street Ulladulla
- Lot 4 DP 21597 - 122 St Vincent, Street Ulladulla
- Lot 5 DP 21597 - 124 St Vincent, Street Ulladulla
- Lot 6 DP 21597 - 126 St Vincent, Street Ulladulla
- Lot 7 DP 21597 - 37 Deering, Street Ulladulla
- Lot 9 DP 21597 - 41 Deering, Street Ulladulla
- Lot CP SP 42583 - 39 Deering, Street Ulladulla

The existing development on the subject land includes a combination of commercial and industrial land uses including steel fabrication, office premises, vehicle mechanic, retail premises (shops, equipment hire), sign manufacturer and a physiotherapist. Currently the site is surrounded by:

- Low, medium and higher density residential development to the west (zoned R2 Low Density Residential), south west (zoned R3 Medium Density Residential) and north (zoned B4 Mixed Use).
- One and two storey retail and commercial premises to the east and south (zoned B4 Mixed Use and B5 Business Development, respectively).

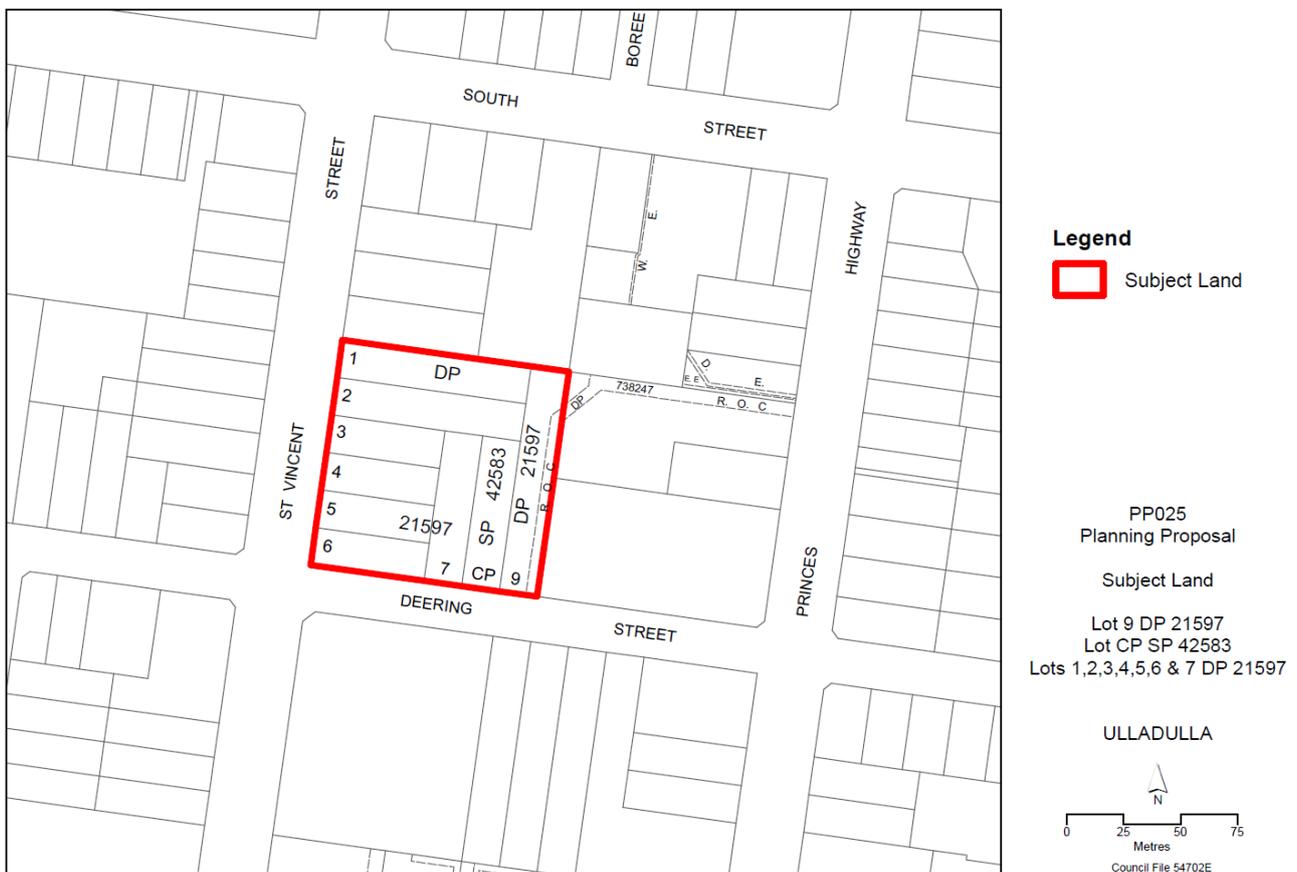


Figure 2: Subject Land



Figure 3: Aerial Photo

1.2 Background

In March 2017, Council received a PP from Your Urban Designer (the proponent) on behalf of a landowner within the PP subject land (Mr J Babington of Techmah Pty Ltd), to rezone the subject land at St Vincent and Deering Streets, Ulladulla. The proponent’s original PP documentation can be found at **Attachment B**.

Prior to receiving the PP, preliminary discussions were held with the proponent on a proposal to rezone Lot 1 and 2 DP 21597 St Vincent Street, Ulladulla (the Babington site) from B5 Business Development to B4 Mixed Use. It was advised that the proposed rezoning could be considered subject to the lodgement of a formal PP that considered the:

- Nine lots within the B5 zoned area of the block, not just Lot 1 and 2 DP 21597 St Vincent Street, Ulladulla; and
- Potential contamination of the subject land.

The change in height subject to this PP was not proposed or discussed during the preliminary discussions.

Building height is one of the predominant drivers of urban form massing that shapes the Ulladulla CBD built environment. The original intent of the current height controls for the site

was to ensure that any development along the ridge of Deering Street would not have an adverse impact on the appearance of the town centre from the civic centre/harbour area.

The existing building height controls within the Ulladulla CBD were mapped in Shoalhaven LEP 2014 as part of the Standard Instrument Local Environmental Plan process. Prior to this, height provisions were incorporated in the previous Development Control Plan (DCP) for the subject land; DCP No. 56: Ulladulla CBD Strategy. Amendment 4 to this DCP in 2006 set a 7.5m (two storey) height limit for the subject land, a provision which has remained since this time. Significant community consultation was undertaken as part of this process.

On 28 March 2017, Council considered a development application (DA16/2412) for a three (3) storey office building comprising ground floor car parking and two levels of office space at Parson Street, Ulladulla. The application sought a 46% (3.5m) variation to the 7.5m height limit. As part of the resolution to not support the proposed variation, Council also resolved (part MIN17.218(2)) to:

Undertake a review of the 7.5m building heights in this part of the Ulladulla Town Centre in the next 6 months which is limited to the area south of Deering Street and the B5 and R3 zones.

Council has recently engaged consultants to prepare a Review of Building Heights Study related to this resolution and have expanded the study area to strategically encompass the two adjacent 7.5m blocks immediately north of Deering Street, one of which includes the subject land.

Ultimately, proceeding with the proposed PP was supported by Council's Development Committee under delegation on 5 June 2017, subject to requesting the following as conditions of the Gateway determination:

- Economic feasibility analysis to consider the proposed heights following completion of the Review of Building Heights Study (part of Ulladulla CBD).
- Additional visual impact assessment and/or modelling for the planning proposal site, following completion of the Review of Building Heights Study (part of Ulladulla CBD) and Economic Feasibility Analysis, as required by Council.
- Stage 1 Contamination Assessment for Lots 3-7, 9 DP 21597 and Lot CP SP 42583.

Council's Development Committee report and minutes can be found at **Attachment C**.

2 Part 1 – Intended Outcome

The intended outcome of this PP is to rezone the site from B5 Business Development to B4 Mixed Use under Shoalhaven LEP 2014 to provide an opportunity for higher density residential development on the subject land, most likely in the form of residential flat buildings/shop top housing. While the current B5 zoning of the site permits mixed use development as 'shop top housing', it would also essentially require the entire ground floor to be commercial in nature. The B4 Mixed Use zone would enable an element of flexibility resulting in a better design outcome that would better compliment the adjoining residential development along the western side of St Vincent Street.

The PP also seeks an amendment to the Height of Buildings Map to possibly increase the current maximum building height of up to 14m, subject to the outcome of detailed assessment. The proponent believes that a height of 14m will facilitate an economically feasible four storey development that is consistent in height with adjacent land.

3 Part 2 – Explanation of Provisions

It is proposed to rezone the subject land to B4 Mixed Use with a corresponding increase in building height.

Council is supportive of an increase in height subject to the outcomes of an economic feasibility analysis and visual impact assessment/modelling (as required by Council) following the completion of Council's Review of Building Heights Study. A maximum height of 14m will be considered.

The existing and proposed zones are shown in Figure 5 in (Section 5) Part 4 - Mapping.

The proposed outcome of this PP will be achieved by amending the Land Zoning and the Height of Buildings maps as follows:

1. *Land Zoning Map* – Sheet LZN_016D – amend zoning of subject land from B5 Business Development to B4 Mixed Use.
2. *Height of Buildings Map* – Sheet HOB_016D – amend height of building from 7.5m to a maximum height of 14m determined by the:
 - Outcome of Council's Review of Building Heights Study; and
 - Requested Gateway conditions: Economic feasibility analysis and visual impact assessment/modelling as required by Council.

4 Part 3 – Justification

4.1 Need for the Planning Proposal (Section A)

4.1.1 Is the Planning Proposal a result of any strategic study or report?

The PP is not the result of a strategic study or report. The PP arose from the proponent seeking flexibility to construct a residential flat building without the limitations required by shop top housing. The proponent also believes an increase in height is also required to make it feasible.

The specific height of building controls in this location, originally from historic DCP No. 56, were incorporated into Shoalhaven LEP 2014 as part of the Standard Instrument Local Environmental Plan process. Council has recently engaged consultants to undertake a Review of Building Heights Study that includes the subject land. The outcomes of this study will inform an appropriate height/s for the subject land.

4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Changing the zoning and increasing the building height will enable higher density residential development on the subject land, without compromising the existing mixed use development opportunity or the functioning of the CBD. The increase in height may enable a more feasible development.

4.2 Relationship to strategic planning framework (Section B)

4.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Illawarra Shoalhaven Regional Plan (Plan) provides for a variety of housing choice and homes to meet the Regions changing housing demands over the next 20 years. It incorporates a series of directions and actions promoting sustainable housing development. Direction 2.2 of the Plan seeks to 'support housing opportunities close to existing services, jobs and infrastructure in the region's centres' and the PP is consistent with this direction. Ulladulla is one centres identified where increased housing activity should be focussed.

The PP is not inconsistent with the Regional Plan.

4.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The following strategies are relevant to this PP:

- Milton-Ulladulla Structure Plan (1996).
- Shoalhaven City Council's Community Strategic Plan, Shoalhaven 2023.

Milton-Ulladulla Structure Plan (MUSP)

MUSP applies to the Milton-Ulladulla area, underpins the current zonings in the area and establishes a set of principles to manage appropriate growth. It identifies the Ulladulla CBD as the sub regional retail core and commercial hub of southern Shoalhaven.

The subject site has been identified in the MUSP as 'tourist orientated retail' with 'preferred off-street parking' (Figure 4). It is noted that the land to the south and east of the subject site, also earmarked for tourist orientated retail, have not been developed for this purpose. Development mostly consists of general/service retail (including bulky goods) and commercial land uses.

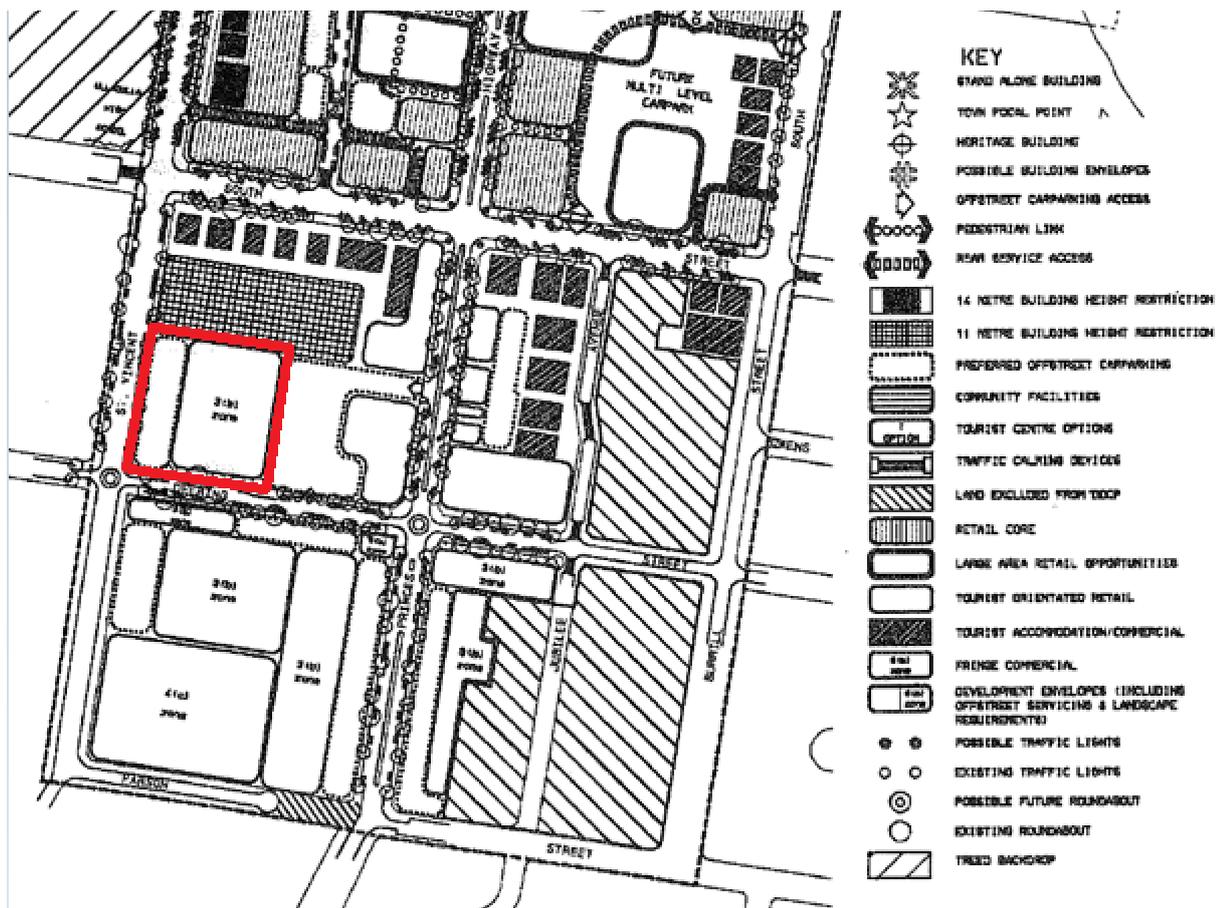


Figure 4: Excerpt of Milton-Ulladulla Structure Plan (Ulladulla CBD)

The MUSP outlines the demand for appropriate housing within the Milton-Ulladulla area to respond to population growth and future demographics (e.g. aged population).

The PP will enable the provision of retail and commercial floor space within the Ulladulla CBD and will not diminish the opportunity for tourism orientated retail should the demand be present. Further, the provision of supplementary residential development in this location does not hinder this opportunity, but seeks to cater for the growing demand of higher density residential development close to centres.

The PP is thus considered to be broadly consistent with the MUSP and enables an appropriate level of flexibility.

Shoalhaven City Council’s Community Strategic Plan, Shoalhaven 2023

Council’s Community Strategic Plan (CSP) identifies objectives and strategies for prosperity in Shoalhaven and creating opportunities for growth to existing services. The following objectives and strategy are directly relevant to this PP:

- Objective 1.5 - Major town centres that are attractive, vibrant and popular destinations.
- Objective 2.2 - Population and urban settlement growth that is ecologically sustainable and carefully planned and managed.
- Strategy 2.2.1 - Develop land use and related plans for the sustainable growth of the City which use the core principles of the Growth Management Strategy and ESD

principles, also carefully considering community concerns and the character of unique historic townships.

- Strategy 2.2.2 - Facilitate the provision of housing that meets the changing needs and expectations of the community.

The PP is not inconsistent with the CSP.

4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The PP is consistent with the applicable state environmental planning policies (SEPP). A full list of SEPPs is provided at **Attachment D**, the most relevant of which are discussed below.

SEPP 55 Remediation of land

Requires that contamination and remediation of land be considered in a PP. Specifically, it requires that a relevant planning authority not rezone land for the purpose of residential development unless it has considered whether the land is contaminated and whether the land is suitable (or will be after remediation) for a residential use. The PP proposes to intensify the use of the site for the purpose of higher density residential development and therefore SEPP 55 applies.

Part of the subject area, 116-118 St Vincent Street, has historically been used for industrial/manufacturing purposes. The PP includes statements constituting a Stage 1 Contamination Assessment (relating to 116-118 St Vincent Street only) which has been considered to be acceptable at this stage.

A Stage 1 Contamination Assessment has not been provided for the remaining lots subject to the planning proposal (Lots 3-7, 9 DP 21597 and Lot CP SP 42583). For consistency, it is requested that a Stage 1 Contamination Assessment be a condition of the Gateway determination for these lots to determine whether the purpose of the PP can be achieved.

Further assessment will also be undertaken during the Development Application stage.

SEPP 65 Design quality of residential apartment development

Sets out development controls relevant to the assessment of a development application for this form of development. The Proponent's PP at **Attachment B** aims to enable higher density residential development on the site, most likely in the form of residential flat buildings/shop top housing and thus SEPP 65 would apply.

The PP is unlikely to contradict or obstruct the application of SEPP 65. Further detailed assessment against this SEPP will be undertaken during the Development Application stage.

SEPP 71 Coastal protection

Applies to the subject site as it is located within the coastal zone. The PP is considered broadly consistent with the SEPP as the ultimate height control for the site and the existing

development control plan provisions will ensure the type, bulk and scale of the resulting development is appropriate for the location.

The Review of Building Heights Study is currently considering a number of factors including appropriate heights based on the location and opportunities to improve the natural scenic quality of the surrounding area. The requirement of a visual impact assessment and/or modelling as a condition of the Gateway determination will enable additional consideration of height and visual impact following the Review of Building Heights Study and economic feasibility analysis.

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Ministerial Directions are considered at **Attachment E** and those specifically relevant to the site and the proposal are discussed in greater detail below.

1.1 Business and Industrial Zones

This direction applies as the PP affects land within an existing business zone. The PP is consistent with this direction as it encourages growth in a suitable location within the Ulladulla CBD and supports the viability of that centre. The proposal to rezone the site from B5 Business Development to B4 Mixed Use will allow for a more suitable mix of residential and commercial development on the site.

2.2 Coastal Protection

The direction applies as the PP affects land within the coastal zone. The PP not inconsistent with the NSW Coastal Policy: A sustainable future for the New South Wales Coast or the NSW Coastline Management Manual 1990.

The PP is not inconsistent with the Coastal Design Guidelines 2003. The Review of Building Heights Study will consider principles relating to visual connections and views, appropriate scaled buildings and future desired character.

The PP is therefore is not inconsistent with this direction.

3.1 Residential Zones

The PP proposes to rezone land from one business zone to another business zone. The proposal will however provide for a greater variety of housing types within the Ulladulla CBD and aims to make use of existing infrastructure and services.

Following the finalisation of the Review of Building Heights Study and additional visual impact assessment and/or modelling as required by Council (requested as a condition of the Gateway determination), it is considered that the PP will be sympathetic to the existing development and respond to the future desired character of the area.

3.4 Integrating Land Use and Transport

The PP is consistent with this direction as the site is located in an area which is serviced by pedestrian infrastructure and public transport which should reduce car dependency and increase the viability of public transport services.

The PP supports the principles and objectives of *Improving Transport Choice — Guidelines for planning and development* and *The Right Place for Business and Services — Planning Policy*.

Traffic impacts would be considered as part of the Development Assessment process.

4.1 Acid Sulfate Soils

The site is mapped as Class 5 acid sulfate soils and is located over 500m from any land with a higher acid sulfate soil classification.

The PP seeks to rezone the land from one business zone to another (with similar permissible land uses) so the potential for intensification resulting in significant adverse environmental impact is limited.

The PP is not inconsistent with the *Acid Sulfate Soils Planning Guidelines*.

5.10 Implementation of Regional Plans

The Illawarra-Shoalhaven Regional Plan applies to Shoalhaven and addresses the provision of suitable land for employment and housing needs. The PP is considered consistent with the Illawarra-Shoalhaven Regional Plan as discussed in Section 4.2.1. The PP is therefore consistent with this direction.

6.3 Site Specific Provisions

To enable the proposal to proceed, this PP seeks to rezone the site to a B4 zone, a zone which already applies in the SLEP 2014 instrument. This approach is consistent with Section (4)(b) of Direction 6.3.

4.3 Environmental, Social and Economic Impact (Section C)

4.3.1 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?

The subject land is developed and is located in an urban area. As such, there is no anticipated impact on critical habitat or threatened species, populations or ecological communities, or their habitats.

4.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Height - Amenity Impact

It is acknowledged that the change in one business zone to another to enable residential flat development would be more complementary to the surrounding residential area than the current manufacturing/boat building business on the site. However, the requested increase in height is the issue that requires closer scrutiny as it could impact on the streetscape and character of the surrounding residential area, and will potentially have a significant impact on adjacent low density residential properties that have a maximum building height of 7.5m or 8.5m. Further, the prominence of the site, being located on a ridgeline, could result in future development being visible from beyond the immediate vicinity. The original intent of the current height controls for the site were to ensure that any development along the ridge of Deering Street would not have an adverse impact on the appearance of the town centre from the civic centre/harbour area.

The proponents PP does not discuss the possible visual impacts, the broader visibility of future development, or the impact of the increase in height on the streetscape and character of the adjoining area. It also does not attempt to justify the increase in height with the provision of any supporting documentation. The justification for the proposed 14m height is that “the proposed development would have the height in-line with existing maximum height with the adjoining lots on the northeast of the subject land” and that a 14m height limit would enable an economically feasible 4 storey mixed use development that will allow at grade parking. The proponent considers basement car parking to be cost prohibitive.

The subject land for this PP is included in the broader study area of the Review of Building Heights Study currently under preparation. It is expected that the Review of Building Heights Study will inform any change to heights within the study area and will consider the PP subject land as part of the wider precinct rather than in isolation, thus resulting in a better strategic outcome.

As economic viability is one of the proponent’s key justifications for an increase in height, it is recommended that the feasibility of the proposed heights also be considered through an economic analysis following the Review of Building Heights Study.

Further visual impact assessment and/or modelling may be required in addition to the Review of Building Heights Study and economic feasibility assessment. It is requested that this additional work be a condition of the Gateway determination.

4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

The PP seeks to facilitate development of a site to allow for a greater diversity of housing choice in the Ulladulla CBD which will have broader social and economic benefits.

Historically, the Ulladulla Community have been actively involved in changes to planning provisions in the CBD and were particularly active in the height review process undertaken as part of Amendment 4 to DCP No. 56: Ulladulla CBD Strategy in 2006. The current Review of Building Heights Study will enable rigorous consideration of the implications resulting from a possible height increase and provide an opportunity for the community to be involved in the wider precinct height review process. The request for further visual impact assessment and/or modelling as a Gateway condition will provide additional rigor to ensure the final height is appropriate, economically feasible and in the best interest of the community. This approach is considered suitable to mitigate against any adverse social impacts resulting from inappropriate height.

Tourist and visitor, commercial and retail opportunities will remain available to the subject land which will enhance the viability of the Ulladulla Town Centre.

The proponent argues that a height of 14m will facilitate an economically feasible four storey development. The request for an economic feasibility assessment as a Gateway condition will provide additional rigor in the process to ensure the final height is in fact feasible.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The PP is for a site which is located in an area well serviced by existing infrastructure and does not trigger the need for additional infrastructure. Shoalhaven Water have advised that available water supply is adequate for domestic purposes and that the sewage system is adequate to support such a PP. Any future development may need to consider pressurisation of these services.

4.4.2 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council will consult with relevant State and Commonwealth authorities in accordance with the conditions of the Gateway determination. The PP will be updated prior to public exhibition, if required, to incorporate the view of any public authority.

5 Part 4 – Mapping

The proposed outcome of this PP will be achieved by amending the Land Zoning and the Height of Buildings maps as follows:

1. *Land Zoning Map* – Sheet LZN_016D – amend zoning of subject land from B5 Business Development to B4 Mixed Use (Figure 5).
2. *Height of Buildings Map* – Sheet HOB_016D – amend height of building from 7.5m to a maximum height of 14 m determined by the:
 - Outcome of Council’s Review of Building Heights Study; and
 - Requested Gateway conditions: Economic feasibility analysis and visual impact assessment/modelling as required by Council.

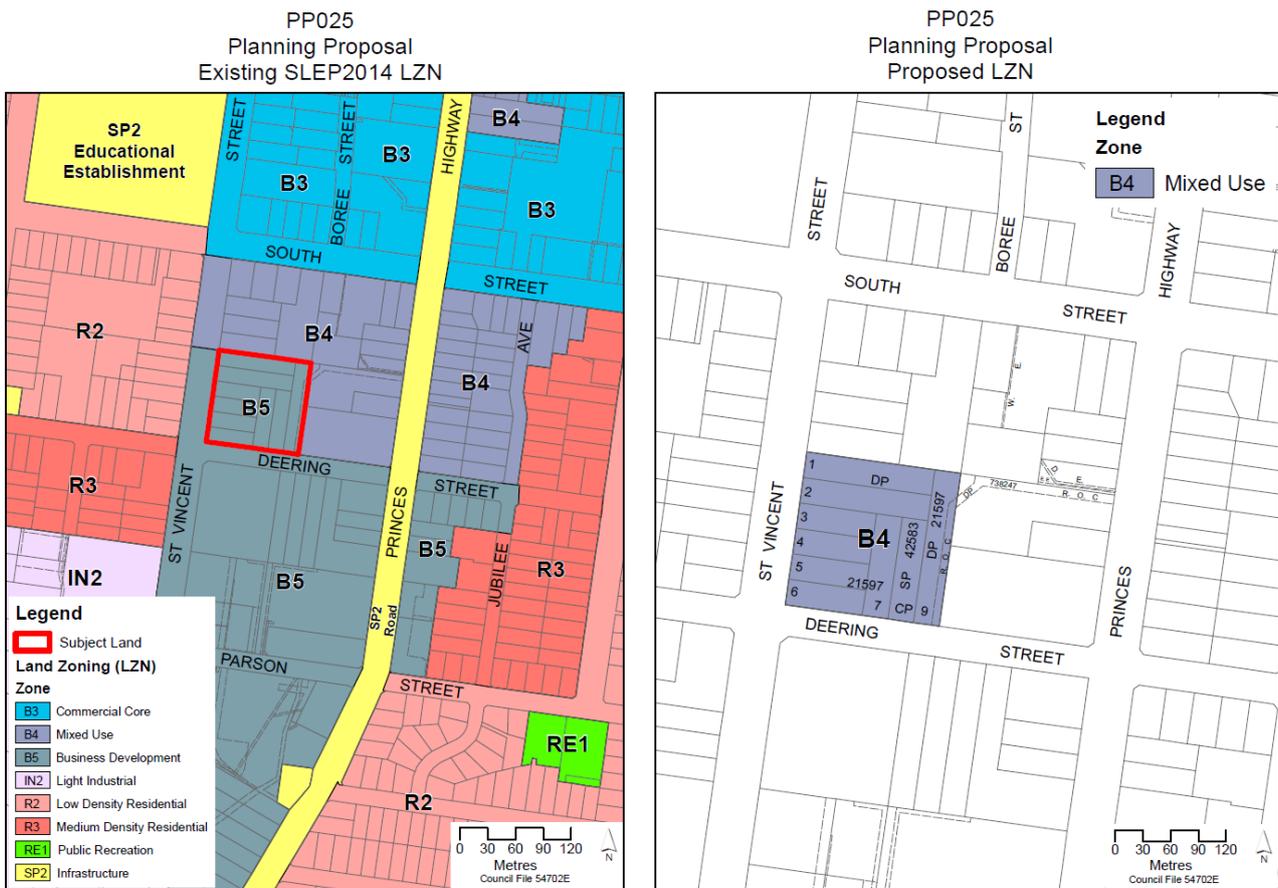


Figure 5: Existing and proposed zoning

6 Part 5 - Community Consultation

Council proposes to exhibit the planning proposal in accordance with the requirements of Section 57 of the *Environmental Planning and Assessment Act 1979* and any other requirements as determined by the Gateway process. It is intended that an exhibition period of 28 days apply.

Public notification of the exhibition would include notification in the local newspapers, and a notice on Council’s website. Hard copies of the planning proposal would be made available at Council’s Administrative Buildings in Nowra and Ulladulla.

Targeted consultation with the Ulladulla & Districts Community Forum and wider community is being undertaken as part of the Review of Building Heights Study.

7 Part 6 – Project Timeline

The anticipated timeline for the Planning Proposal is outlined in the table below.

Table 1: Project timeline

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	August 2017
Completion of Gateway determination requirements	January 2018*
Public exhibition	February 2018
Consideration of submissions	March 2018
Post exhibition consideration of PP	May 2018
Finalisation and notification of Plan	July 2018

** Note: Council's Review of Building Heights Study is expected to be finalised by October 2017.*

ATTACHMENTS

Attachment A – Evaluation Criteria for the Delegation of Plan Making Functions

Checklist for the review of a request for delegation of plan making functions to Councils

Local Government Area:

Shoalhaven City Council

Name of draft LEP:

Shoalhaven Local Environmental Plan 2014
PP025

Address of Land (if applicable):

The subject land is located at the intersection of St Vincent and Deering Streets, Ulladulla and is legally described as:

- Lot 1 DP 21597 - 116 St Vincent, Street Ulladulla
- Lot 2 DP 21597 - 118 St Vincent, Street Ulladulla
- Lot 3 DP 21597 - 120 St Vincent, Street Ulladulla
- Lot 4 DP 21597 - 122 St Vincent, Street Ulladulla
- Lot 5 DP 21597 - 124 St Vincent, Street Ulladulla
- Lot 6 DP 21597 - 126 St Vincent, Street Ulladulla
- Lot 7 DP 21597 - 37 Deering, Street Ulladulla
- Lot 9 DP 21597 - 41 Deering, Street Ulladulla
- Lot CP SP 42583 - 39 Deering, Street Ulladulla

Intent of draft LEP:

The PP seeks to:

- Rezone the subject land from B5 Business Development to B4 Mixed Use.
- Amend the Height of Buildings Map for the subject land from 7.5m to a maximum building height of up to 14m.

Additional Supporting Points/Information:

The proposal is minor in nature and is considered to be justifiable as it is a rezoning from one business zone to another business zone. The PP includes an increase in Height of Buildings from 7.5m to up to 14m.

The PP is the best means of achieving the intended outcome of the proposal.

Evaluation criteria for the issuing of an Authorisation <i>(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)</i>	Council Response		Department Assessment	
	Y/N	Not relevant	Agree	Not agree
Is the Planning Proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the Planning Proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the Planning Proposal contain details related to proposed consultation?	Y			
Is the Planning Proposal compatible with an endorsed regional or sub-regional strategy or local strategy endorsed by the Director-General?	Y			
Does the Planning Proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the Planning Proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments				
Does the Planning Proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		NR		
Heritage LEPs				
Does the Planning Proposal seek to add or remove a local heritage item and is it supported by a strategy / study endorsed by the Heritage Officer?		NR		
Does the Planning Proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		NR		
Does the Planning Proposal potentially impact on item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		NR		
Reclassifications				
Is there an associated spot rezoning with the reclassification?		NR		
If yes to the above, is the rezoning consistent with an endorsed Plan Of Management (POM) or strategy?		NR		
Is the Planning Proposal proposed to rectify an anomaly in a classification?		NR		
Will the Planning Proposal be consistent with an adopted POM or other strategy related to the site?		NR		
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act, 1993?		NR		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the Planning Proposal?		NR		

Has the council identified that it will exhibit the Planning Proposal in accordance with the Department’s Practice Note (PN09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guidelines for LEPs and Council Land?		NR		
Has council acknowledged in its Planning Proposal that a Public Hearing will be required and agree to hold one as part of its documentation?		NR		
Spot Rezonings				
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the Planning Proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the Planning Proposal contain sufficient documented justification to enable the matter to proceed?		NR		
Does the Planning Proposal create an exception to a mapped development standard?	N			
Section 73A matters				
<p>Does the proposed instrument:</p> <ul style="list-style-type: none"> a. Correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary works or a formatting error?; b. Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; c. Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? <p>(NOTE – the Minister (or delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</p>		NR		

Attachment B - Proponent's PP document

Attachment C - Council report and minute, 5 June 2017

Attachment D - SEPP Checklist

SEPP	Name	Applicable	Not inconsistent
1	Development Standards	x	n/a
14	Coastal wetlands	x	n/a
19	Bushland in Urban Areas	x	n/a
21	Caravan parks	x	n/a
26	Littoral rainforests	x	n/a
30	Intensive agriculture	x	n/a
33	Hazardous and Offensive development	x	n/a
36	Manufactured home estates	x	n/a
44	Koala habitat protection	x	n/a
50	Canal estate development	x	n/a
52	Farm Dams and Other Works in Land and Water Management Plan Areas	x	n/a
55	Remediation of land	✓	✓
62	Sustainable aquaculture	x	n/a
64	Advertising and signage	x	n/a
65	Design quality of residential apartment development	✓	✓
70	Affordable Housing (Revised Schemes)	x	n/a
71	Coastal protection	✓	✓
--	Affordable Rental Housing 2009	x	n/a
--	BASIX : 2004	x	n/a
--	Exempt and Complying Development Codes 2008	x	n/a
--	Housing for Seniors or People with a Disability 2004	x	n/a
--	Infrastructure 2007	x	n/a
--	Integration and Repeals 2016	x	n/a
--	Kosciuszko National Park—Alpine Resorts 2007	x	n/a
--	Kurnell Peninsula 1989	x	n/a
--	Mining, Petroleum Production and Extractive Industries 2007	x	n/a
--	Miscellaneous Consent Provisions 2007	x	n/a
--	Penrith Lakes Scheme 1989	x	n/a
--	Rural Lands 2008	x	n/a
--	State and Regional Development 2011	x	n/a
--	State Significant Precincts 2005	x	n/a
--	Sydney Drinking Water Catchment 2011	x	n/a
--	Sydney Region Growth Centres 2006	x	n/a
--	Three Ports 2013	x	n/a
--	Urban Renewal 2010	x	n/a
--	Western Sydney Employment Area 2009	x	n/a
--	Western Sydney Parklands 2009	x	n/a

Attachment E - S117 Checklist

Direction		Applicable	Relevant	Not inconsistent
1 Employment and Resources				
1.1	Business and Industrial Zones	✓	✓	Refer to Section 4.2.4
1.2	Rural Zones	✗	✗	n/a
1.3	Mining, Petroleum Production and Extractive Industries	✗	✗	n/a
1.4	Oyster Aquaculture	✗	✗	n/a
1.5	Rural lands	✗	✗	n/a
2 Environment and Heritage				
2.1	Environmental Protection Zones	✓	✗	n/a
2.2	Coastal Protection	✓	✓	Refer to Section 4.2.4
2.3	Heritage Conservation	✓	✗	n/a
2.4	Recreation Vehicle Area	✓	✗	n/a
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	✗	✗	n/a
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	✓	✓	Refer to Section 4.2.4
3.2	Caravan Parks and Manufactured Home Estates	✓	✗	n/a
3.3	Home Occupations	✓	✗	n/a
3.4	Integrating Land Use and Transport	✓	✓	Refer to Section 4.2.4
3.5	Development Near Licensed Aerodromes	✗	✗	n/a
3.6	Shooting Ranges	✗	✗	n/a
4 Hazard and Risk				
4.1	Acid Sulphate Soils	✓	✓	Refer to Section 4.2.4
4.2	Mine Subsidence and Unstable Land	✗	✗	n/a
4.3	Flood Prone Land	✗	✗	n/a
4.4	Planning for Bushfire Protection	✗	✗	n/a
5 Regional Planning				
5.1	Implementation of Regional Strategies	✗	✗	n/a
5.2	Sydney Drinking Water Catchments	✓	✗	n/a
5.3	Farmland of State & Regional Significance Far North Coast	✗	✗	n/a
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	✗	✗	n/a
5.8	Second Sydney Airport: Badgerys Creek	✗	✗	n/a
5.9	North West Rail Link Corridor Strategy	✗	✗	n/a
5.10	Implementation of Regional Plans	✓	✓	Refer to Section 4.2.4

6 Local Plan Making				
6.1	Approval and Referral Requirements	✓	✘	n/a
6.2	Reserving Land for Public Purposes	✓	✘	n/a
6.3	Site Specific Provisions	✓	✓	Refer to Section 4.2.4