

Planning proposal for rezoning of 149 and 151 Larmer Avenue, Sanctuary Point

Proposal Title :	Planning proposal for rezoning of 149 and 151 Larmer Avenue, Sanctuary Point		
Proposal Summary :	The planning proposal seeks to rezone Lots 1519 and 1520 DP236518, 149 and 151 Larmer Avenue, Sanctuary Point from R2 Low Density Residential to B5 Business Development and adjust the planning controls accordingly to ensure consistency with the adjoining service station development and the existing business zone provisions under the Shoalhaven LEP 2014.		
PP Number :	PP_2015_SHOAL_006_00	Dop File No :	15/12057

Proposal Details

Date Planning Proposal Received :	21-Aug-2015	LGA covered :	Shoalhaven
Region :	Southern	RPA :	Shoalhaven City Council
State Electorate :	SOUTH COAST	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	149 Larmer Avenue		
Suburb :	Sanctuary Point	City :	Sanctuary Point
Land Parcel :	Lot 1519 DP236518	Postcode :	2540
Street :	151 Larmer Avenue		
Suburb :	Sanctuary Point	City :	Sanctuary Point
Land Parcel :	Lot 1520 DP236518	Postcode :	2540

DoP Planning Officer Contact Details

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RPA Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	South Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.10	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
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 :

External Supporting Notes : **The site is 1,114m2 in area and is located on the northern boundary of Sanctuary Point. A residential dwelling has been built over the two lots. To the north of the site is the existing service station, with vacant SP3 zoned blocks to the west. To the south is the residential area of Sanctuary Point and to the west is the St Georges Basin Country Club golf course land.**

The planning proposal has been initiated by the landowner to enable future extension and better traffic management of the existing service station. This is proposed to be achieved through a development application after the commencement of the proposed amendment to Shoalhaven LEP 2014.

Adequacy Assessment

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

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

Comment : **The objective of the planning proposal is to rezone the subject site from R2 Low Density Residential to B5 Business Development to enable for a future extension and better traffic management of the existing service station.**

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

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

Comment : **The explanations of provisions in the planning proposal are to amend the Shoalhaven LEP 2014:
* Land Zoning Map – Sheet LZN_020D applying to the site from R2 Low Density Residential to B5 Business Development.**

* Lot Size Map – Sheet LSZ_020D applying to the site to remove the minimum lot size of 1 (500 m2) and reference to Clause 4.1A to no minimum lot size and no reference to Clause 4.1A.

* Height of Buildings Map - Sheet HOB_020D applying to the site to apply a 8.5m height to no maximum building height.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.2 Coastal Protection

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

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 71—Coastal Protection

e) List any other matters that need to be considered :

None

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The planning proposal is not a result of any strategic study or report.

The proposal is consistent with the South Coast Regional Strategy and draft Illawarra Regional Growth and Infrastructure Plan in that it is addressing employment and economic development opportunities in the area.

It is also consistent with the Jervis Bay Settlement Strategy, maintaining the range of local services and variety of employment opportunities in the Sanctuary Point town centre.

The planning proposal has identified that S117 Direction 4.4 Planning for Bushfire Protection applies as the land is bushfire prone and that Council will consult with the Commissioner of the NSW Rural Fire Service as part of the consultation process.

Recommendation: In accordance with the S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and to confirm that notwithstanding any non-compliance with the provisions for Planning for Bushfire Protection, the Rural Fire Service does not object to the progression of the Planning Proposal.

The planning proposal is consistent with the s117 Directions 1.1 Business and Industrial Zones, 2.2 Coastal Protection, 3.4 Integrating Land Use and Transport and 5.1 Implementation of Regional Strategies. The proposal is increasing the area of an existing B5 Business Development zone area in Sanctuary Point to allow for potential expansion of the existing service station. Although the land is located in the coastal zone, the proposal is not impacting upon sensitive coastal lands or their values. The LEP contains provisions to ensure that any development proposal must consider coastal issues.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with the s117 Directions 1.1 Business and Industrial Zones, 2.2 Coastal Protection, 3.4 Integrating Land Use and Transport and 5.1 Implementation of Regional Strategies.

The planning proposal is inconsistent with the S117 Direction 3.1 Residential Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land. The land use of the two residential lots is being intensified via its rezoning from residential to business. The area to be rezoned is 1,114m² and will have minimal impact on the total amount of housing stock in Sanctuary Point.

The Shoalhaven LEP 2014 includes provisions to mitigate any potential effects as a result of acid sulfate soils.

The site is mapped as flood prone - mainly low hazard flood fringe. It is zoned residential and contains a dwelling. Fill has already been placed on the land as part of the development of the lots for residential purposes. The LEP contains provisions in relation to development on flood prone land. Inconsistencies with the Direction are considered to be of minor significance.

Recommendation: The Secretary's delegate can be satisfied that the proposal's inconsistency with the S117 Directions 3.1 Residential Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance.

SEPPs

The planning proposal is consistent with SEPP71 Coastal Protection. Although the land is located in the coastal zone, the proposal is not impacting upon coastal lands or their values.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal includes maps of the proposed changes to Shoalhaven LEP that clearly demonstrate what is proposed. However these maps need to be prepared in accordance with the Department's 'Standard technical requirements for LEP maps'. The amended maps are to be incorporated into the planning proposal for public exhibition.

Recommendation: Council is to finalise draft maps in accordance with the Department's 'Standard technical requirements for LEP maps' prior to exhibition of the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council requests that the planning proposal be publicly exhibited for a minimum of 14 days. Public notification of the exhibition will include local newspaper notifications, notice on Council's website, hard copies will be available at Council's administration buildings.

Council and the proponent/landowner have already consulted with the adjoining neighbour at 153 Larmer Avenue Sanctuary Point, however neither Council nor the proponent has received a response.

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 : The planning proposal addresses the Department's "A guide to preparing planning proposals" and is considered adequate for a Gateway Determination with conditions.

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Council has a project timeframe of four months to complete the rezoning process.

The planning proposal identifies that Council is seeking Council Officer Delegation to prepare the draft LEP under Section 59 of the EP&A Act. Appendix 4 – Evaluation Criteria for the Delegation of Plan making Functions was submitted.

It is considered appropriate that the delegation of plan making functions be given to Council due to the matter being a spot rezoning extending an area already zoned for business development and is of local significance.

Recommendation: The timeframe for completing the LEP is to be six months from the week following the date of the Gateway determination to enable sufficient time for Council to finalise the proposal.

Recommendation: Delegation to be provided to Council.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The planning proposal is an amendment to Shoalhaven LEP 2014 and has been prepared in accordance with the guidelines for preparing Standard Instruments eg zones, lot size maps and clauses.

Assessment Criteria

Need for planning proposal :

A planning proposal is the only means of achieving the business development zone on the site. Rezoning the land is Council's preferred option.

An alternate option of retaining the current R2 Low Density Residential zoning and amending Schedule 1 Additional permitted uses to allow for a service station was considered. This option was not seen by Council as being appropriate as it is preferable to have zones reflect the intended land use.

Consistency with strategic planning framework :

As previously identified, the planning proposal is consistent with the South Coast Regional Strategy, draft Illawarra Regional Growth and Infrastructure Plan and Jervis Bay Settlement Strategy in that it is addressing employment and economic development opportunities in the area.

The proposal is consistent with Council's Community Strategic Plan in that it meets Objective 3.2 – An economy that supports and is supported by growing, diverse and changing communities, and Strategy 3.2.4 – Advocate for infrastructure improvements to support economic activity and investment.

Environmental social economic impacts :

The land has already been developed for residential purposes. Any potential environmental effects will need to be considered as part of the assessment of a development application. The planning proposal does not consider that there are any adverse effects on existing social infrastructure.

The planning proposal identifies that the extension of the service station will meet the demands of future population growth as it is the only service station in the Sanctuary Point area. Should the potential extension not go ahead, other permitted uses of the proposed B5 zone will provide other economic development and employment growth opportunities.

Rezoning the land to B5 Business Development rather than B2 Local Centre will restrict any potential economic competition with the existing shopping centre at Sanctuary Point.

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Assessment Process

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

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **NSW Rural Fire Service**

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

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

If no, provide reasons : **Council is proposing to consult with the NSW Rural Fire Services.**

Recommendation: Council is to consult with the NSW Rural Fire Services.

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

The planning proposal includes as attachments the proponent/landowner's planning proposal and Council's Development Committee Report and Minutes. It recommends that a traffic assessment be completed to investigate the management of traffic into the site as well as its effect on through traffic along Larmer Avenue. This study is required in response to a local issue and may be more appropriate at the development assessment stage should a development be proposed on the land.

Recommendation: No further studies are required.

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 : **The planning proposal does not require the provision of additional public infrastructure.**

Documents

Document File Name	DocumentType Name	Is Public
150806 149 & 151 Larmer Avenue Sanctuary Point letter SCC to DoPE gateway determination request.pdf	Proposal Covering Letter	Yes
150806 149 & 151 Larmer Avenue Sanctuary Point Planning Proposal.pdf	Proposal	Yes
150806 149 & 151 Larmer Avenue Sanctuary Point Planning Proposal Attachment A - Proponent's Planning proposal.pdf	Proposal	Yes
150806 149 & 151 Larmer Avenue Sanctuary Point Planning Proposal Attachment B - Council Report and Minutes 150602.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.2 Coastal Protection**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**

Additional Information : **The General Manager, Southern Region, as delegate of the Minister for Planning, determines under section 56(2) of the EP&A Act that an amendment to the Shoalhaven Local Environmental Plan 2014 to zone Lots 1519 and 1520 DP236518, Larmer Avenue, Sanctuary Point B5 Business Development and change relevant planning controls should proceed subject to the following conditions:**

- 1. No further technical studies or reports are required.**
 - 2. 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 2012).**
 - 3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act to address the s117 Direction 4.4 Planning for Bushfire Protection.**
 - 4. 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).**
 - 5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.**
 - 6. Council be authorised to use its delegation of the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.**
 - 7. The Secretary's delegate can be satisfied that the planning proposal is consistent with the s117 Directions 1.1 Business and Industrial Zones, 2.2 Coastal Protection, 3.4 Integrating Land Use and Transport and 5.1 Implementation of Regional Strategies.**
 - 8. The Secretary's delegate can be satisfied that the proposal's inconsistency with the S117 Directions 3.1 Residential Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land is minor in nature.**
 - 9. The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance.**
- Supporting Reasons : **The proposal will allow additional economic and employment opportunities. The conditions are necessary to ensure that a minor spot rezoning does not become complicated by unnecessary consultation and studies.**

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Signature:

Graham Towers

Printed Name:

Graham Towers

Date:

27/8/15

ENDORSED

Brett Whitworth

31/8/15

Brett Whitworth
General Manager
SOUTHERN REGION