

The Planning Proposal

Local Government Area: Shellharbour City Council

Property Details: Local Government Area

Part 1 Objectives or intended outcomes.

Include a new clause in Shellharbour LEP 2013 to enable the consideration of the subdivision of certain split zoned land that is currently prohibited due to the provisions of clause 4.1 and the Minimum Lot Size Map requirements.

Part 2 An explanation of the Provisions that are to be included in the proposed local environmental plan.

The clause is to include provisions similar to the following:

(1) The objectives of this clause are as follows:

- (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
- (b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.

(2) This clause applies to each lot (an **original lot**) that contains:

- (a) land in a residential, business, industrial zone or in Zone E4 Environmental Living, and
- (b) land in a rural zone or Zone E2 Environmental Conservation or Zone E3 Environmental Management.

(3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if:

(a) one of the resulting lots will contain:

- (i) land in a residential, business, industrial zone or in Zone E4 Environmental Living that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and

- (ii) all of the land in a rural zone, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and

(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

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?

No. Assessment of development applications has identified that the intended subdivision of land is not permissible and a clause to enable subdivision of split zoned land is required

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

Yes. The current provisions of Shellharbour LEP, in particular the Lot Size Map and clause 4.1 prevents the orderly and planned subdivision of land as intended.

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)?

Yes, see **Attachment 1**

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

Yes

3. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes, see **Attachment 1**

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

Yes, see **Attachment 1**

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?

Minimal, the proposed clause is intended to implement the intent of the existing Shellharbour LEP 2013 by facilitating the planned subdivision of land and address the unintended consequences of provisions in the Lot Size Map

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

Minimal, the proposed clause is intended to implement the intent of the existing Shellharbour LEP 2013 by facilitating the planned subdivision of land and address the unintended consequences of provisions in the Lot Size Map

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

It is proposed to enable the planned subdivision of land in an orderly and economic manner

D. State and Commonwealth interests.

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

Not applicable

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

To be determined following Gateway determination

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

NA

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

The report to Council at its meeting on 4 August 2015 indicated that it was not proposed to publically exhibit the Planning Proposal as the clause does not change the objectives or desired planning outcomes of LEP 2013. The report further indicated that the gateway process will formally identify consultation required to be undertaken.

The Council resolution of the 4 August stated that "*The Planning Proposal be subject to consultation in accordance with the gateway determination.*"

Following discussions with the Department, Council understands exhibition of the Proposal should be undertaken as it will be changing the minimum lot size clause, will result in different development outcomes from that in the current LEP and is a policy change.

Council acknowledges that public exhibition of the Proposal is required. Details of the community consultation is to be outlined in the Gateway determination

Part 6 Project timeline.

To be finalised after the Gateway determination is issued.

ATTACHMENTS

Attachment 1 – Summary of Planning Issues

Attachment 2 – Council report and minutes 4 August 2015

