

Shellharbour Anglican College - Piper Road Dunmore - deferred land

Proposal Title : **Shellharbour Anglican College - Piper Road Dunmore - deferred land**

Proposal Summary : **The proposal will bring Lot 2 DP 1144885 (1) Piper Road Dunmore - being the site of the Shellharbour Anglican College - into the Shellharbour LEP 2013 (SLEP 2013). This land was deferred when SLEP 2013 was made.**

The site is zoned 1(rl) Rural Landscape under the Shellharbour Rural LEP 2004. The proposal will apply an R2 Low Density Residential zone to the site, consistent with State Government policy to apply the predominant surrounding zone to school sites. It will also apply minimum lot size, height of building and floor space ratio controls.

PP Number : **PP_2016_SHELL_005_00**

Dop File No : **16/13311**

Proposal Details

Date Planning : **07-Oct-2016**

LGA covered : **Shellharbour**

Proposal Received :

Region : **Southern**

RPA : **Shellharbour City Council**

State Electorate : **SHELLHARBOUR**

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

LEP Type : **Spot Rezoning**

Location Details

Street : **1 Piper Road**

Suburb : **Dunmore**

City :

Postcode :

Land Parcel : **Lot 2 DP 1144885**

DoP Planning Officer Contact Details

Contact Name : **Louise Myler**

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RPA Contact Details

Contact Name : **Cheryl Lappin**

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DoP Project Manager Contact Details

Contact Name : **Graham Towers**

Contact Number : **0242249467**

Contact Email : **graham.towers@planning.nsw.gov.au**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
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 :

Adequacy Assessment

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

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

Comment : **Statement of objectives notes that the proposal will bring land into the Shellharbour LEP 2013.**

The proposal will apply an R2 Low Density Residential zone to the site - consistent with the adjoining and other surrounding land.

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

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

Comment : **The information provided clearly identifies the changes to the LEP that would result from the Planning Proposal.**

Proposal amends the Land Zoning, Floor Space Ratio, Height of Buildings and Lot Size Maps. There are no changes to the written instrument arising from the proposal.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

4.3 Flood Prone Land

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 (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

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

Council has identified applicable Section 117 Directions and has noted that there are minor or potential inconsistencies with some s117 Directions. Directions of particular relevance are discussed below:

1.2 Rural Zones

The proposal rezones approximately 8 hectares of rural land to an R2 Low Density Residential zone.

The Shellharbour Anglican College is located on the site and, despite its rural zoning, the land is not and will not be used for agricultural purposes.

The land adjoins residential zoned land and is in close proximity to the Shellharbour Junction Railway Station.

The potential use of this land for agriculture is limited (even if the school were closed) as the site is surrounded by housing.

Given the residential zoning of the surrounding land, the current and future use of the site as a school, and the limited agricultural value of the land, it is considered that the loss of rural land is acceptable in this case.

The Secretary's delegate may be satisfied any inconsistency with this Direction is of minor significance.

1.3 Mining, Petroleum Productions and Extractive Industries

This proposal aims to ensure that future extraction of resources is not compromised by inappropriate development.

The current Shellharbour Rural LEP identifies a large area of the subject land as 'Mineral Planning Buffer'.

The Shellharbour LEP 2013 has identified a significantly reduced buffer area (known as a 'Transition Area') that would not include the subject land. A recent LEP amendment that applied an R2 zone to land adjoining the subject land (including land that is closer to the resource) did not apply a 'Transition Area' designation to that land.

Council has held initial discussions with the Department of Industry who have not raised any concerns with the proposal. Additional consultation with Department of Industry will

be required as a condition of the Gateway determination if the proposal is supported.

The Secretary's delegate may be satisfied the proposal will be consistent with this Direction following consultation with the Department of Industry.

4.3 Flood Prone Land

This Direction states, among other things, that a proposal must not rezone land from a rural zone to a residential zone.

This proposal does rezone rural land to a residential zone that is identified as being flood prone so is inconsistent with this direction.

The landowner is currently preparing a flood study to consider this issue. The results of the study can be incorporated into future planning decisions on the site, including the final zoning map.

It is noted that the land is currently used for a school and this will continue to be the case into the future.

The proposal is considered to be consistent with the other applicable s117 Directions:

2.1 Environment Protection Zones

2.2 Coastal Protection

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrated Land Use and Transport

5.10 Implementation of Regional Plans

6.1 Approval and Referral Requirements

RECOMMENDATION

It is recommended that the Secretary's delegate be satisfied that any inconsistency with the following directions is of minor significance no further approval is required in relation to these Directions:

1.2 Rural Zones

1.5 Rural Land

It is recommended that the Secretary's delegate be satisfied that the proposal will be consistent with 1.3 Mining, Petroleum Production and Extractive Industries following consultation with the Department of Industry; and 4.3 Flood Prone land following completion and subject to consideration of a flood study that is currently being prepared.

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 clearly identifies the site and the intended zones and planning controls.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **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 was notified in August 2013.**

Assessment Criteria

Need for planning proposal : **The proposal will bring land currently deferred from the Shellharbour LEP 2013 into the LEP.**

A planning proposal is required to achieve this outcome.

Consistency with strategic planning framework : **The proposal is consistent with the relevant strategic planning framework including Council's Community Strategic Plan 2013-2023; and the Illawarra Shoalhaven Regional Plan.**

Council has noted that the proposal may be inconsistent with the Illawarra Shoalhaven Regional Plan as the Plan identifies a sequence for the development of release areas near mineral resources. This land is not part of a release area and is not inconsistent with the Plan in this respect.

It is Department policy - outlined in Practice Note 10-001 to zone educational establishments the predominant surrounding zone. This proposal is consistent with that policy.

Environmental social economic impacts : **The proposal will not have negative environmental impacts. The land is currently cleared and contains the Shellharbour Anglican College. There will be no impacts on endangered species or habitats arising from the proposal.**

Assessment Process

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

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

Public Authority Consultation - 56(2)(d) : **NSW Department of Primary Industries - Minerals and Petroleum**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

A flood study is being prepared.

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
SAC - Council report and resolution.pdf	Proposal	Yes
SAC - Covering letter.pdf	Proposal Covering Letter	Yes
SAC - Maps.pdf	Map	Yes
SAC - The Planning Proposal.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
 1.3 Mining, Petroleum Production and Extractive Industries
 1.5 Rural Lands
 4.3 Flood Prone Land
 5.1 Implementation of Regional Strategies

Additional Information : **It is RECOMMENDED that the Acting Director Regions, Southern, 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 bring deferred land - being Lot 2 DP 1144885 Piper Road Dunmore (Shellharbour Anglican College) - into the Plan and apply an R2 Low Density Residential zone to the site 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:

***Department of Industry - Resources and Energy**

The authority is to be provided with a copy of the planning proposal and any relevant supporting material and 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.

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 the proposal is consistent with relevant s117 Directions (other than the two mentioned below) or that any inconsistencies are minor.

6. The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Directions 1.3 Mining, Petroleum Production and Extractive Industries following consultation with the Department of Industry.

7. The Secretary's delegate can be satisfied that the proposal will be consistent with s117 Direction 4.3 Flood Prone Land subject to the finalisation of flood study that is currently being prepared.

Supporting Reasons :

The proposal will bring this site into the 2013 LEP.
It is consistent with State Government policy to zone schools consistent with the adjoining zone.

Signature:



Team Leader, Southern.

Printed Name:

Graham Towers

Date:

20/10/16

