

The Planning Proposal

Local Government Area: Shellharbour City Council

Property Details: Lot 2 DP 1144885, 1 Piper Road Dunmore (Shellharbour Anglican College site)

Part 1 Objectives or intended outcomes.

To bring Lot 2 DP 1144885 Piper Road Dunmore into Shellharbour LEP 2013 and rezone the subject land to R2 Low Density Residential.

The proposed rezoning is in accordance with Department of Planning and Environment Practice Note 10-001 *Zoning for Infrastructure in LEPs*.

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:

- Amending the Shellharbour LEP 2013 Land Zoning Map on Lot 2 DP 1144885, 1 Piper Road Dunmore in accordance with the proposed zoning map shown as **attachment 4**; and
- Amending the Shellharbour LEP 2013 Lot Size Map on Lot 2 DP 1144885, 1 Piper Road Dunmore in accordance with the proposed Lot Size map shown as **attachment 5** which indicates a Lot Size of 450m²; and
- Amending the Shellharbour LEP 2013 Height of Buildings Map on Lot 2 DP 1144885, 1 Piper Road Dunmore in accordance with the proposed Height of Buildings map shown as **attachment 6** which indicates a maximum permissible height of 9 metres onsite; and
- Amending the Shellharbour LEP 2013 Floor Space Ratio Map on Lot 2 DP 1144885, 1 Piper Road Dunmore in accordance with the Floor Space Ratio Map shown as **attachment 7** which indicates a floor space ratio of 0:5.

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?

Yes. This subject land is identified in the Urban Fringe Local Environmental Study. The Urban Fringe LES has investigated these lands.

The LES and draft Standard Instrument LEP was originally placed on public exhibition as part of the City-wide Principal LEP exhibition. Council at its meetings on 29 May resolved to defer zoning and planning controls for this land. As such, it was deferred from Shellharbour LEP 2013 notified on 5 April 2013.

Council resolved to defer this property again when recommendations for this land were reported to Council on 30 April 2013.

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

Yes, to resolve the deferred matter, the Planning Proposal is the only means of achieving this. Further, Practice Note 10-001 provides guidance on zoning infrastructure sites such as educational establishments to the adjoining zone instead of a special use zone to allow future land use flexibility.

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)?

Partly consistent. Action 4.2.1 in the Illawarra Shoalhaven Regional Plan identifies the sequence of release areas, in the vicinity of mineral resources, to allow the continuation of working extraction activities. This action is the result of Shellharbour Council's Urban Fringe Local Environmental Study where land in the urban fringe was investigated, for appropriate future uses, taking into account the importance of the Dunmore Hills extractive resource and the potential impact on the continued extraction of resources.

While not identified in any strategy, the main purpose of this planning proposal is to rezone the land appropriately to resolve the current deferred matter from the Shellharbour Standard Instrument LEP 2013 and consistent with the NSW Governments position on zoning special use zones to adjoining zones to allow flexibility with future uses.

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

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

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 whilst reflecting the current and future community's 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?

SEPP (Infrastructure) 2007

Educational Establishments are a permissible use within the proposed zone in accordance with the Infrastructure SEPP.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007.

To be determined. The subject land is currently identified as being within the Shellharbour Rural LEP 2004 Mineral Resources Area due to its proximity to local sand and hard rock aggregate resource operations. However, recent correspondence with the NSW Department of Industry – Geological Survey of New South Wales, has advised that; due to recent rezonings in the area where the transition area has been removed, the site now being located outside the most recent mineral resources audit in 2015 and with the site already developed, they have no comments in relation to the transition area being removed through the planning proposal.

This issue will be addressed formally through the gateway requirement to consult with relevant state agencies to determine if the Planning Proposal is consistent with the SEPP.

SEPP (Rural Lands) 2008

While the site is currently zoned 1(rl) Rural Landscape under Shellharbour LEP 2004. The site has been developed and is currently used for the purposes of a school and therefore agricultural potential is nil.

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

Possible inconsistencies have been found in relation to some S117 Directions (see attachment 9 a Summary of Planning Issues). Specifically:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 3.1 Residential Zones
- 4.3 Flood Prone Land
- 5.10 Implementation of Regional Plans

Considering the subject land is currently developed and utilised as an educational establishment and the intent of the Planning Proposal is to zone the site under the Standard Instrument LEP in accordance with PN10-001, the S117 inconsistencies except for 1.3 and 4.3 which is yet to be determined.

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. The subject land is cleared and has been developed and utilised as an educational establishment since 2004.

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

No. While the zoning of the land will be changed, the subject land is cleared and has been developed and utilised as an educational establishment since 2004.

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

By resolving the current deferred status of the subject land and also rezoning in accordance with guidance provided by the NSW Department of Planning and Environment, the planning proposal reaffirms the intent of the land use while providing flexibility and economic benefits for any future potential on the site.

D. State and Commonwealth interests.

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

As development has occurred on a majority of the subject land, adequate public infrastructure has been considered and provided in terms of transport, access, water and utilities.

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

If required, will 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

Attachment 2 – Land subject to the planning proposal

Attachment 3 – Current land use zone and Mineral Lands Map Shellharbour Rural LEP 2004

Attachment 4 – Proposed SLEP 2013 Zone Map

Attachment 5 – Proposed Lot Size Map

Attachment 6 – Proposed Height of Buildings Map

Attachment 7 – Proposed Floor Space Ratio

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

To be specified as part of the gateway determination.

Part 6 Project timeline.

To be provided following gateway determination.

ATTACHMENTS

Attachment 1 - Information Checklist

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Attachment 8 – Council resolution and report

Attachment 9 – Summary of Planning Issues