

The Planning Proposal

Local Government Area: Shellharbour City Council

Property Details: Lot 16 DP 1206346, 71 Yellow Rock Road, Tullimbar

Part 1 Objectives or intended outcomes.

to enable the use of the land for low density residential development.

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 on Lot 16 DP 1206346:

- The Shellharbour LEP 2013 Land Zoning Map in accordance with the proposed zoning map shown in **Attachment 4**;
- The Shellharbour LEP 2013 Floor Space Ratio Map in accordance with the proposed floor space ratio map in **Attachment 5**;
- The Shellharbour LEP 2013 Height of Building Map in accordance with the proposed height map shown in **Attachment 6**; and
- The Shellharbour LEP 2013 Lot Size Map in accordance with the proposed lot size map shown in **Attachment 7**; and
- The Shellharbour LEP 2013 Land Application Map in accordance with the proposed Land Applications map shown in **Attachment 8**.

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

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

Yes. A Planning Proposal is the only means to achieve the intended outcomes.

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)?

The Illawarra Regional Strategy (IRS) applies to the Shellharbour Local Government Area.

The IRS identifies these lands as being investigated to determine appropriate land uses (page 22). This investigation was the Urban Fringe Local Environmental Study and this Planning Proposal is a further investigation of the lands.

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

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

Objective: 2.1 - Protects and promotes its natural environment.

Strategy: 2.1.1 - Manage catchments effectively to improve the cleanliness, health, and biodiversity of creeks, waterways and oceans.

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?

Yes, see **Attachment 9**.

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

No, see **Attachment 9**. The Planning Proposal is inconsistent with the following Directions:

1. Rural Zones (1.2)

This direction restricts the zoning of rural land for urban purposes.

This proposal is inconsistent with this direction as it is proposing to rezone an area of rural land to residential and this is not in accordance with a strategy approved by the Department of Planning & Infrastructure or justified by a specific study in accordance with this direction.

The proposal is also not strictly in accordance with the *Illawarra Regional Strategy* (IRS). However, the IRS, identifies that these lands are being investigated to determine appropriate land uses (page 22). That investigation was the Urban Fringe LES and this planning proposal is a further investigation of the lands. The inconsistency may be further justified by the information in the Housing and Settlement section of the IRS identifying this land for investigation to determine appropriate land uses. This inconsistency is required to be assessed by the Department of Planning & Infrastructure and the decision will be outlined in the gateway determination.

The agricultural classification of the land is predominantly Class 3 and 5. This identifies the land as having some rural use significance. However, being located near urban lands will restrict some forms of agriculture, particularly traditional forms of agriculture that rely on the use of chemical based products and

spraying. The land is currently used for grazing cattle and has a total area of 2.8ha. The continued viability of this land for traditional forms of agriculture may be limited.

3. *Residential zones (3.1)*

This direction promotes greater choice in housing types and efficient utilisation of existing infrastructure.

The planning proposal is not consistent with this direction as it proposes urban development on the urban fringe and is not in accordance with a strategy approved by the Department of Planning & Infrastructure or justified by a specific study in accordance with this direction.

Whilst this planning proposal is not specifically in accordance with the IRS, it does identify that these lands are being investigated to determine appropriate land uses (page 22). That investigation was the Urban Fringe LES and this planning proposal is a further investigation of the lands. The inconsistency may be further justified by the information in the Housing and Settlement section of the IRS identifying this land for investigation to determine appropriate land uses.

The inconsistency that this proposal has with this local planning direction is required to be assessed by the Department of Planning & Infrastructure and the decision will be outlined in the gateway determination.

5. *Implementation of Regional Strategies (5.1)*

The land is not specifically identified in the Illawarra Regional Strategy for urban development.

However, the Illawarra Regional Strategy identifies the subject land as being investigated by Council to determine appropriate land uses and zonings taking into account its urban, biodiversity and natural resource values (page 22). This investigation was the *Urban Fringe Local Environmental Study* that recommended potential development on the land and this planning proposal is a further investigation of the lands.

Further, the inconsistency may be justified by the information in the Housing and Settlement section of the IRS identifying this land for investigation to determine appropriate land uses.

The inconsistency that this proposal has with this local planning direction is required to be assessed by the Department of Planning & Infrastructure and the decision will be outlined in the gateway determination.

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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

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

- A bushfire report is required to be undertaken to determine adequate controls.
- A Visual Impact Assessment is required to determine any visual impact and how any visual impact can be mitigated.

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

The proposed residential zoning for this land will assist in providing additional housing supply and positive environmental outcomes for our LGA.

D. State and Commonwealth interests.

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

Development of the land for the uses proposed will require the provision of utility, road and service infrastructure to the site.

An infrastructure strategy can be carried out by the proponent prior to exhibition of the Planning Proposal if the proposal is supported by the LEP Review Panel. The Gateway determination from the Department of Planning will include whether the strategy is required or not.

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

To be decided after the Gateway determination and consultation.

Consultation should occur with:

- Sydney Water (Water and Sewer infrastructure)
- Integral Energy (Electricity infrastructure)
- Rural Fire Service (Bushfire)

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

- Site Identification Map - **Attachment 2**
- Current Zoning Map - **Attachment 3**
- Proposed Zoning and planning control maps - **Attachments 4-8**

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

It is anticipated that a 28day consultation period is appropriate. To be finalised as part of the gateway determination.

Part 6 Project timeline.

As this Planning Proposal may require additional information to be prepared and provided by the proponent, it is not possible to be able to provide an anticipated timeline. The additional information is dependent on the Gateway determination and if required, the proponent undertaking the work. For this reason, the project timeline can't be completed by Council at this time.

ATTACHMENTS

Attachment 1	Council resolution and report 15 December 2015
Attachment 2	Site Identification Map
Attachment 3	Current Zoning Map
Attachment 4	Zoning Map
Attachment 5	Floor Space Ratio Map
Attachment 6	Height Map
Attachment 7	Lot Size Map
Attachment 8	Land Application Map
Attachment 9	Summary of Planning Issues Checklist