

PP13 - Places of public worship in the IN2 Light Industrial Zone

Proposal Title :	PP13 - Places of public worship in the IN2 Light Industrial Zone		
Proposal Summary :	This proposal will make Places of public worship a permissible use, with consent, in the IN2 Light Industrial Zone.		
PP Number :	PP_2014_SHELL_003_00	Dop File No :	14/11973

Proposal Details

Date Planning Proposal Received :	17-Jul-2014	LGA covered :	Shellharbour
Region :	Southern	RPA :	Shellharbour City Council
State Electorate :	KIAMA SHELLHARBOUR	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	All land zoned IN2 Light Industrial in the Shellharbour LGA		

DoP Planning Officer Contact Details

Contact Name :	Louise Wells
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RPA Contact Details

Contact Name :	Michael Tuffy
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DoP Project Manager Contact Details

Contact Name :	Graham Towers
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Illawarra Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :

Date of Release :

Area of Release
(Ha) :Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notesInternal Supporting
Notes :

External Supporting Notes : It is proposed to allow Places of public worship in the IN2 Light Industrial zone subject to development consent being granted.

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? Yes

Comment : Council has clearly identified the intended outcome of the planning proposal.

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

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions clearly identifies the changes to Shellharbour LEP 2013 that will result 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 :

* May need the Director General's agreement

1.1 Business and Industrial Zones**2.1 Environment Protection Zones****2.2 Coastal Protection****3.2 Caravan Parks and Manufactured Home Estates****3.4 Integrating Land Use and Transport****3.5 Development Near Licensed Aerodromes****4.1 Acid Sulfate Soils****4.3 Flood Prone Land****5.1 Implementation of Regional Strategies****6.1 Approval and Referral Requirements**

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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 :

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 inconsistencies with the following directions:

1.1 Business and Industrial Zones

This Direction aims to encourage employment growth in suitable locations, protect employment land, and support the viability of identified strategic centres.

This Planning Proposal will allow a non industrial use in the IN2 Light Industrial zone. However, the use does not necessarily reduce the potential for employment in the zone as Places of public worship can include counselling services, social events, and religious education.

Based upon the level of vacant land and vacant buildings in the IN2 Light Industrial zones in the LGA, the potential reduction in the amount of land used for industrial purposes is considered minor.

The Acting Secretary can be satisfied that any inconsistency with Direction 1.1 Business and Industrial Zones is of minor significance.

3.5 Development near Licensed Aerodromes

The objectives of this Direction are to ensure the effective and safe operation of aerodromes, to ensure that their operation is not compromised by development that obstructs or causes a hazard to aircraft, and to ensure residential development incorporates appropriate noise mitigation measures.

The Direction requires consultation with the relevant Commonwealth Department.

Council has indicated that the proposal may be inconsistent with this Direction as there are two small parcels of land zoned IN2 Light Industrial in the vicinity of the Illawarra Regional Airport. Clause 6.8 of the Shellharbour LEP 2013 requires consideration of noise levels on any development proposed in these locations. Additionally, should a development application for a place of public worship be proposed in the vicinity of the airport, Council could consult with the Commonwealth.

This Proposal applies to all land zoned IN2 Light Industrial in the LGA and is not inconsistent with the objectives of the Direction. There is no benefit in consulting with the Department of the Commonwealth in this case.

The Acting Secretary can be satisfied that any inconsistency with Direction 3.5 Development near Licensed Aerodromes is of minor significance.

4.3 Flood Prone Land

This Direction requires development in flood prone areas to be consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual. It states that a planning proposal must not permit development in floodway areas or permit a significant increase in the development of that land.

This proposal does allow an additional permitted use on land zoned IN2 Light Industrial

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that, in some cases, covers flood affected areas. It does not however allow development where previously none was permitted, nor does it represent an intensification of permissible development in these areas.

The Acting Secretary can be satisfied that any inconsistency is of minor significance.

RECOMMENDATION

It is recommended that the Acting Secretary can be satisfied that any inconsistencies with the following s117 Directions are of minor significance:

1.1 Business and Industrial Zones

3.5 Development near Licensed Aerodromes

4.3 Flood Prone Land

The Acting Secretary can be further satisfied that the proposal is consistent with other relevant Section 117 Directions and State Environmental Planning Policies (SEPPs)

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **This planning proposal amends the land use table for the IN2 Light Industrial zone. There are no mapping changes resulting from this proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a 28 day public exhibition period. This is considered 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 LEP 2013 was notified in August 2013.

Assessment Criteria

Need for planning proposal :

Shellharbour Council has resolved - following consideration of a report on the suitability of permitting places of public worship in industrial zones - to permit 'Places of public worship', with consent, in the IN2 Light Industrial zone.

A planning proposal to amend the Shellharbour LEP 2013 is necessary to achieve this outcome.

Consistency with strategic planning framework :

This proposal relates to a local matter and is not inconsistent with the Illawarra Regional Strategy or Council's Community Strategic Plan.

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Environmental social
economic impacts :

The planning proposal will not impact any critical habitats, endangered ecological communities, or threatened species.

The proposal is unlikely to have negative environmental impacts.

The potential for the proposal to have negative social and economic impacts is considered to be low. There are currently several non industrial land uses permitted in the IN2 Light Industrial zone so adding an extra use does not create conflict. Any future application for this use will need to undergo a comprehensive assessment including consideration of economic and social impacts.

Many Councils, including Wollongong City Council, permit this use in their IN2 Light Industrial zone so the State does not have a general policy objection to permitting Places of public worship in industrial areas. There is an increasing trend for churches to be located in industrial areas.

Assessment Process

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

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority
Consultation - 56(2)
(d) :

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 :

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
PP13 The Planning Proposal PoPW.pdf	Proposal	Yes
PP13 Summary of planning issues checklist PoPW.pdf	Proposal	Yes
Cncl resolution 1-7-14 Investigation of appropriateness of permitting places of public worship in industrial zones.pdf	Proposal	Yes

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PP13 - Covering letter.pdf	Proposal Covering Letter	Yes
Report - Appropriateness of permitting places of public worship in industrial zones.pdf	Proposal	Yes

Planning Team Recommendation

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

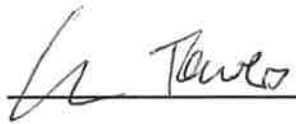
- S.117 directions:
- 1.1 Business and Industrial Zones
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 3.2 Caravan Parks and Manufactured Home Estates
 - 3.4 Integrating Land Use and Transport
 - 3.5 Development Near Licensed Aerodromes
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements

- Additional Information :
- It is **RECOMMENDED** that the Acting General Manager, 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 permit Places of public worship, with consent, in the IN2 Light Industrial zone 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. No consultation with public authorities is required under section 56(2)(d) of the EP&A Act.
 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 9 months from the week following the date of the Gateway determination.
 5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.
- SECTION 117 DIRECTIONS**
6. The Acting Secretary's delegate can be satisfied that inconsistencies with the following s117 Directions are of minor significance:
 - 1.1 Business and Industrial Zones
 - 3.5 Development near Licensed Aerodromes
 - 4.3 Flood Prone Land
 7. The Acting 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.
 10. Further referral under these Directions is not required for the Plan while it remains in its current form.

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Supporting Reasons :

Signature:



Printed Name:

Graham Towers

Date:

24/7/14.

