

Summary of Planning Issues Checklist

DRAFT SHELLHARBOUR LOCAL ENVIRONMENTAL PLAN 2013

**AMENDMENT No. 13: Proposed permitting of Places of Public Worship in the IN2
Light Industrial Zone**

Compliance with SEPPs:	Yes
Compliance with Deemed SEPPS (REPs):	Yes
Compliance with Section 117 Directions:	Part
Compliance with Illawarra Regional Strategy:	Yes
Heritage Studies required:	No
Illawarra Urban Development Program:	Land not in IUDP
Coastal Policy:	Small part in Coastal Zone
LES Necessary:	No

Draft Planning Proposal Assessment

The following planning instruments, S117 Directions and Regional Strategy items apply to the Shellharbour LGA:

Draft State Environmental Planning Policies (Draft SEPPs)	Consistency Yes/No/NA	Comments
Application of Development Standards 2004	NA	
SEPP 66 Integration of Transport and Land Use	NA	
SEPP (Competition) 2010	NA	

State Environmental Planning Policies (SEPPs)	Consistency Yes/No/NA	Comments
SEPP 1 Development Standards	NA	Does not apply as per clause 1.9 (2) Application of SEPPs in the Standard Instrument.
SEPP 14 Coastal Wetlands	NA	
SEPP 21 Caravan Parks	NA	
SEPP 26 Littoral Rainforests	NA	
SEPP 30 Intensive Agriculture	NA	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	NA	

State Environmental Planning Policies (SEPPs)	Consistency Yes/No/NA	Comments
SEPP 33 Hazardous and Offensive Development	NA	
SEPP 36 Manufactured Home Estates	NA	
SEPP 50 Canal Estates	NA	
SEPP 55 Remediation of Land	NA	
SEPP 64 Advertising and Signage	NA	
SEPP 65 Design Quality of Residential Flat Development	NA	
SEPP 70 Affordable Housing (Revised Schemes)	NA	
SEPP 71 Coastal Protection	YES	
SEPP (Housing for Seniors or People with a Disability) 2004	NA	
SEPP (BASIX) 2004	NA	
SEPP (Major Development) 2005	NA	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NA	
SEPP (Temporary Structures) 2007	NA	
SEPP (Infrastructure) 2007	NA	
SEPP (Rural Lands) 2008	NA	

State Environmental Planning Policies (SEPPs)	Consistency Yes/No/NA	Comments
SEPP (Exempt and Complying Development Codes) 2008	NA	
SEPP (Affordable Rental Housing) 2009	NA	
SEPP (State and Regional Development) 2011	NA	

Deemed SEPPs (Illawarra Regional Environmental Plan 1 - IREP1)	Consistency Yes/No/NA	Comments
Part 2 Rural Lands		
Deemed SEPPs	NA	Shellharbour Local Environmental Plan 2013 clause 1.8B states that Shellharbour Local Government Area has been omitted from IREP1.

Deemed SEPPs (Illawarra Regional Environmental Plan 2 - IREP2)	Consistency Yes/No/NA	Comments
Preparation of LEPs (Clause 9)	NA	

Section 117 Directions	Consistency Yes/No/NA	Comments
1. Employment and Industrial Zones		
1.1 Business and Industrial zones	NO	The Planning Proposal is inconsistent with this Direction in that the use

Section 117 Directions	Consistency Yes/No/NA	Comments
		proposed to be introduced is one that is employment generating as the place of public worship definition not only includes a building or place used for the purpose of religious worship by a congregation or religious group, but includes counselling, social events, instruction or religious training. The Planning Proposal is inconsistent with this direction as it reduces the total potential floor space area for industrial uses in the IN2 Light Industrial Zone. Based on the level of vacant land and vacant buildings in the IN2 Light Industrial zone, this is not considered an issue. The inconsistency is therefore considered to be of minor significance.
1.2 Rural Zones	NA	
1.3 Mining, Petroleum Production and Extractive Industries	NA	
1.4 Oyster Aquaculture	NA	
1.5 Rural Lands	NA	
2. Environment and Heritage		
2.1 Environmental Protection Zones	YES	LEP 2013 biodiversity mapping provisions apply to very small rear area of 2 properties at Industrial Rd. Casuarina St. Environmental protection standards are not reduced.
2.2 Coastal Protection	YES	Parts of the 2 northern Albion Park Rail IN2 zones and the Barrack Height IN2

Section 117 Directions		Consistency Yes/No/NA	Comments
			zone are in the coastal zone. Proposal is consistent.
2.3	Heritage Conservation	NA	
2.4	Recreation Vehicle Areas	NA	
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	NA	
3.2	Caravan Parks and Manufactured Home Estates	YES	Does not change provisions for caravan parks or manufactured home estates.
3.3	Home Occupations	NA	
3.4	Integrating Land Use and Transport	YES	
3.5	Development near Licensed Aerodromes	NO	The Planning Proposal proposes to change the IN2 Light Industrial zone to permit places of public worship in 2 small areas at Princes Highway Albion Park Rail where the ANEF exceeds 20. It would not be reasonable to restrict all development in these areas because some of these areas are where the ANEF exceeds 20. Clause 6.8 of LEP 2013 applies to this land meaning noise levels need to be considered for development proposed in an ANEF contour of 20 or greater and relevant Australian noise standards applied if necessary. The inconsistency is therefore considered to be of minor significance.
3.6	Shooting Ranges	NA	
4. Hazard and Risk			
4.1	Acid Sulfate Soils	YES	The Planning Proposal is proposing the inclusion of an additional use in the IN2 Light Industrial (a lot of which is on land on the acid sulphate soils map). It

Section 117 Directions		Consistency Yes/No/NA	Comments
			is not proposing an intensification of land uses on land on the acid sulfate soils map. Shellharbour LEP 2013 clause 6.1 provides for acid sulfate soil controls with relevant development.
4.2	Mine Subsidence and Unstable Land	NA	
4.3	Flood Prone Land	NO	The Planning Proposal is inconsistent with this direction as it proposes to permit development, being place of public worship in floodway areas. These areas adjoin creeks traversing parts of the IN2 Light Industrial Zone. The permitting of an additional use in the IN2 zone, does not propose an intensification of land use in floodways. Not all the subject IN2 Light Industrial Zone is in a floodway area. It would not be reasonable to restrict all development in these areas because some of these areas may be in a floodway. Place of public worship development would need relevant approvals before establishing. The inconsistency is therefore considered to be of minor significance.
4.4	Planning for Bushfire Protection	NA	
5. Regional Planning			
5.1	Implementation of Regional Strategies	YES	The Illawarra Regional Strategy 2006 - 2031 applies to the Shellharbour LGA. The Planning Proposal is considered to be generally consistent with this direction.
5.2	Sydney Drinking Water Catchment	NA	
5.3	Farmland of State and Regional Significance on the NSW Far North	NA	

Section 117 Directions		Consistency Yes/No/NA	Comments
Coast			
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NA	
5.5	Revoked		
5.6	Revoked		
5.7	Revoked		
5.8	Second Sydney Airport: Badgerys Creek	NA	
6. Local Plan Making			
6.1	Approval and Referral Requirements	YES	
6.2	Reserving Land for Public Purposes	NA	
6.3	Site Specific Provisions	NA	

Illawarra Regional Strategy		Consistency Yes/No/NA	Comments
Economic development and employment growth			
Implement principles in the Employment Lands Guidelines		YES	
Maintain the supply and protect regionally significant employment lands (Airport, Shell Cove and Shellharbour City Centre)		YES	No significant additional development proposed in vicinity of the Illawarra Regional Airport.

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
Additional employment lands identified	NA	
Hierarchy of commercial centres for the region identified	NA	
Existing centres revitalised	NA	
Resist fragmentation of agricultural and employment lands	NA	
Encourage clustering of synergistic businesses	NA	
Efficient use of existing infrastructure and networks including Airport	YES	
Long term strategy for the Airport and surrounding employment lands prepared	NA	
Shell Cove marina identified as a major tourism development site.	NA	
Regional Transport		
Protect Princes and Illawarra Highway corridors and proposed realignments	NA	
Minimise need to travel and encourage energy and resource efficiency	NA	
Identify and manage strategic transport corridors	NA	
Include Rail Corp requirements	NA	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
Protect Illawarra Regional Airport	YES	
Housing and Settlement		
Higher densities around Shellharbour City Centre, Albion Park, Oak Flats, Warilla subject to densities and character	NA	
Provide for an additional future urban expansion area at Calderwood if demand arises	NA	
Proposal outside Regional strategy but complies with sustainability criteria	NA	
Appropriate housing mix provided	NA	
Housing types capable of adapting to ageing populations	NA	
LEP includes appropriate urban design and land use objectives including: ► sustainability principles ► revitalisation of centres ► promoting community	NA	
Affordable housing options	NA	
Consultation Department of Housing	NA	
State Infrastructure considered	NA	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
Natural Environments		
Hard rock resource and endangered ecological communities considered	NA	
Protect significant native vegetation and regional habitat	NA	
Consultation DPI (Fisheries) - habitats and riparian buffers	NA	
Manage impact of land use change and development in the catchments of high value coastal lakes, estuaries, wetlands	NA	
Use strategic assessments of riparian corridors methodology when planning new urban areas	NA	
Incorporate controls to protect the values of riparian lands	NA	
SEPP 14 and 26 lands zoned E2 or W1	NA	
Consult with Southern Rivers Catchment Management Authority.	NA	
Natural Hazards		
Manage risk associated with climate change	NA	
Adequate setbacks in areas of coastal erosion risk and ocean based inundations	NA	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
Until above completed no land zoned in potential hazard areas	NA	
Zone areas subject to high hazard to reflect the limitations of the land.	NA	
Water, Energy and Waste		
Land required for wastewater treatment/recycling, energy, waste avoidance and resource recovery identified and zoned appropriately in consultation with Departments and utilities	NA	
Local power generation supported in suitable locations.	NA	
Rural Landscape and Rural Communities		
New residential or rural residential zones only supported where meet sustainability criteria	NA	
Non-compatible uses in core productive agricultural and mineral resource areas limited	NA	
Minimum subdivision standards for rural and environmental protection zones	NA	
Limit dwellings in rural and environmental protection zones.	NA	
Cultural Heritage		

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
Aboriginal cultural and community values considered. Aboriginal heritage studies and DEC study 'Murii, Dhungang, Jirrar - living in the Illawarra 2005 considered	NA	
Heritage items reviewed	NA	
Cultural heritage values of Shellharbour City Centre, Warilla and Albion Park reviewed and protected	NA	
Character of Shellharbour Village and adjoining cultural and natural landscapes protected	NA	
Aboriginal cultural values associated with Lake Illawarra and Shell Cove (DEC 2005) are protected.	NA	