

Boundary anomalies at Bonville Parkway, Fairway Drive, and Rangoon Avenue Shell Cove - PP16

Proposal Title :	Boundary anomalies at Bonville Parkway, Fairway Drive, and Rangoon Avenue Shell Cove - PP16		
Proposal Summary :	The proposal rectifies anomalies in zone and development control mapping whereby small areas of either RE1 Public Recreation or E3 Environmental Management apply to lots primarily zoned R2 Low Density Residential and subdivided for residential development. Bonville Parkway/Fairways Drive: - Rezone a small strip (1-2m) of land across the front of 4 residential lots (as well as the adjoining road reserve) from E3 Environmental Management to R2 Low Density Residential to ensure that residential development is permissible on the entirety of the lots; - Apply corresponding development controls for floor space ratio and lot size to the rezoned land; and - Introduce floor space ratio controls for 3 properties that are zoned R2 but were inadvertently omitted from the floor space ratio mapping. Rangoon Avenue - Rezone a strip (approx. 11m) of land across the front of 5 residential lots to R2 Low Density Residential. Parts of these lots are erroneously zoned RE1 Public Recreation, despite being in private ownership and falling within an approved residential subdivision; - Apply corresponding development controls for floor space ratio, height, and minimum lot size to the rezoned land; and - Remove Mineral Resource Transition Area mapping from the land currently zoned RE1.		
PP Number :	PP_2015_SHELL_001_00	Dop File No :	15/10106

Proposal Details

Date Planning Proposal Received :	27-Jun-2015	LGA covered :	Shellharbour
Region :	Southern	RPA :	Shellharbour City Council
State Electorate :	SHELLHARBOUR	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Bonville Parkway		
Suburb :	Shell Cove	City :	Postcode : 2529
Land Parcel :	Lot 6772 DP 1194372; Lot 6773 DP 1194372; Lot 6788 DP 1194372; Lot 6702 DP 1155375; Lot 6718 DP 1171495; Lot 6717 DP 1171495; Road reserve		
Street :	Fairways Drive		
Suburb :	Shell Cove	City :	Postcode : 2529
Land Parcel :	Lot 6728 DP 1171495		
Street :	Rangoon Avenue		
Suburb :	Shell Cove	City :	Postcode : 2529
Land Parcel :	Lot 1255 DP 1175512; Lot 1256 DP 1175512; Lot 1257 DP 1175512; Lot 1258 DP 1175512; Lot 1264 DP 1175512; Part road reserve		

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Street : **Bass Point Quarry Haul Road**
Suburb : **Shell Cove** City : Postcode : **2529**
Land Parcel : **Part of Lot 1279 DP 1175512**
Street :
Suburb : City : Postcode :
Land Parcel : **Bonville Parkway road reserve; part of Rangoon Avenue road reserve;**

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
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 :

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Supporting notes

Internal Supporting
Notes :

External Supporting
Notes : **It is proposed to correct anomalies between zoning and subdivision boundaries to allow dwellings to be erected on lots created for this purpose.**

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 identifies the changes to Shellharbour LEP 2013 maps that will result from the proposal.**

The proposal will involve changes to the following series of maps:

- Land Zoning
- Lot Size
- Height of Buildings
- Floor Space Ratio
- Mineral Resource and Transition Areas

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

* May need the Director General's agreement

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

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:

2.1 Environment Protection Zones

This Direction states that a planning proposal must not reduce the environmental protection standards that apply to land in an environmental protection zone.

This proposal is inconsistent with this Direction as it will rezone a small strip of land (1-2m wide) across the front of 4 residential lots, as well as a road reserve - from an environmental zone to a residential zone.

The very small area of E3 land is cleared and within an approved residential subdivision.

The Secretary's delegate may be satisfied that any inconsistency 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 applies to a small area of land (20m²) on Rangoon Avenue that is within a flood planning area and is proposed to be rezoned from RE1 to R2 Residential. This area is road reserve and a road has been constructed on this land as part of a registered subdivision.

The Secretary's delegate can be satisfied that any inconsistency is of minor significance.

4.4 Planning for Bushfire Protection

This Direction requires consultation with the Commissioner of the NSW Rural Fire Service (RFS). This consultation is meant to occur following Gateway determination and prior to public exhibition. In this case, Council has already consulted with the RFS. The timing of this consultation technically renders the proposal inconsistent with this Direction.

A planning proposal may be inconsistent with this Direction if the Council can demonstrate that it has written advice from the RFS that it does not object to the proposal.

The RFS has advised by letter dated 25 June 2015 that it has no objection to the proposal.

The Secretary's delegate may be satisfied that the proposal is justifiably inconsistent with the terms of this Direction.

The proposal is considered to be consistent with the following relevant s117 Directions:

- 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 Integrating Land Use and Transport**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**

The Secretary's approval is not required in relation to these Directions.

RECOMMENDATION

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

- 2.1 Environment Protection Zones**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**

The Secretary's delegate can be satisfied that the proposal is consistent with relevant State Environmental Planning Policies (SEPPs)

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided clearly identifies proposed changes to zones and controls on the subject land.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **This proposal corrects minor mapping anomalies. The affected lots are clearly part of a an approved subdivision and intended for residential use. Affected land owners have been advised of the proposal by Council.**

Council has consulted with neighbouring quarry operator Hanson and it does not object to the removal of the Transition Area mapping from the lots.

It is considered that there is no need for public exhibition of the proposal or consultation with Agencies as the minor changes will only facilitate the erection of dwellings on lots created for this purpose and does not allow additional development.

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 current split zoning of the lots has created problems for owners lodging development applications for a dwelling on their properties.**

This proposal is necessary to rectify mapping anomalies and align the zone and development control boundaries with the approved subdivision.

Consistency with strategic planning framework : **This minor proposal - which will enable each affected property owner to construct a dwelling on their lot as intended when the subdivision was created and the lots sold - is not inconsistent with the Illawarra Regional Strategy.**

Council has advised that the proposal is consistent with Council's Community Strategic Plan.

Environmental social economic impacts : **The areas proposed to be zoned R2 Residential are within an approved and registered residential subdivision. The land is cleared and the proposal will have no impact on critical habitats or threatened species.**

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The proposal does not have a negative environmental impact.

The proposal will have a positive social and economic benefit as it will enable property owners to build on their land.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **Nil**

Timeframe to make LEP : **6 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 :

A noise and vibration study was prepared in relation to the proposal. No further studies are necessary.

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
Shell Cove planning proposal (PP16) - The Planning Proposal .pdf	Proposal	Yes
Shell Cove planning proposal (PP 16) - Summary of planning issues checklist.pdf	Proposal	Yes
Shell Cove planning proposal (PP16) - Table of Properties.doc	Proposal	Yes
Shell Cove planning proposal (PP16) - Planning Proposal Report.pdf	Proposal	Yes
Shell Cove planning proposal (PP16) Council resolution.pdf	Proposal	Yes
Shell Cove planning proposal (PP16) - RFS letter.pdf	Proposal	Yes
Shell Cove planning proposal (PP16) - HANSON letter.pdf	Proposal	Yes
Shell Cove planning proposal (PP16) - Covering letter.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **2.1 Environment Protection Zones**
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection

Additional Information : **It is RECOMMENDED that the General Manager, Southern Region, as delegate of the Minister for Planning, determine under section 56(2) of the Environmental Planning & Assessment Act (EP&A Act) that an amendment to Shellharbour Local Environmental Plan 2013 to: rezone and apply corresponding development controls to land at Bonville Parkway, Fairway Drive and Rangoon Avenue Shell Cove; and to remove Mineral Resource Transition Area mapping from land at Rangoon Avenue should proceed subject to the following conditions:**

- 1. Community consultation is not required under sections 56(2)(c) and 57 of the EP&A Act.**
- 2. Consultation is not required with public authorities 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 6 months from the week following the date of the Gateway determination.**

SECTION 117 DIRECTIONS

5. The Secretary's delegate can be satisfied that inconsistencies with the following s117 Directions are of minor significance and/or are justified:

2.1 Environmental Protection Zones
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection

6. The Secretary's delegate can be satisfied that the planning proposal is consistent with other relevant s117 Directions, or that any inconsistencies are of minor significance.

Supporting Reasons : **This is a minor proposal to correct mapping anomalies that are hindering landowners from building a dwelling on land they purchased for that purpose and that is within an approved and registered residential subdivision.**

The proposal will not have any negative environmental impacts and is consistent with relevant strategic planning.

Signature:

 Team Leader, Southern Region

Printed Name:

Graham Towers

Date:

3/7/15