

SHELLHARBOUR LOCAL ENVIRONMENTAL PLAN 2013 PLANNING PROPOSAL 16

Summary of Planning Issues Checklist

Location: **Bonville Parkway, Fairways Drive & Rangoon Avenue,
Shell Cove**

Proposal: **To address LEP 2013 and Subdivision Boundary Anomalies**

Date: 24 June 2015

Compliance with SEPPs:	Yes
Compliance with Section 117 Directions:	Part
Compliance with Illawarra Regional Strategy:	Yes
Heritage Studies required:	No
Illawarra Urban Development Program	No
Coastal Policy	Yes
LES Necessary	No

Planning Proposal Assessment

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

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	

SEPPs	Consistency Yes/No/NA	Comments
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	
SEPP 33 Hazardous and Offensive Development	NA	

SEPPs	Consistency Yes/No/NA	Comments
SEPP 36 Manufactured Home Estates	NA	
SEPP 50 Canal Estates	NA	
SEPP 55 Remediation of Land	NA	
SEPP 62 Sustainable Aquaculture	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	NA	
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 (Miscellaneous Consent Provisions) 2007	NA	
SEPP (Infrastructure) 2007	NA	
SEPP (Rural Lands) 2008	NA	
SEPP (Exempt and Complying Development	YES	Certain complying development cannot be carried out on land affected by

SEPPs	Consistency Yes/No/NA	Comments
Codes) 2008		Mineral Resource Transition Area. This restriction criterion is removed by this planning proposal.
SEPP (Affordable Rental Housing) 2009	NA	
SEPP (State and Regional Development) 2011	NA	

Section 117 Directions	Consistency Yes/No/NA	Comments
1. Employment and Industrial Zones		
1.1 Business and Industrial zones	NA	
1.2 Rural Zones	NA	
1.3 Mining, Petroleum Production and Extractive Industries	NA	Neighbouring quarry operator Hanson has acknowledged the implication of Clause 6.11 of LEP 2013 and indicated no objection to the proposed removal of the Mineral Resource and Transition Area (MRTA). This enables the removal of the MRTA and indicates the planning proposal will not restrict the quarry operator in potential development of extractive materials by permitting a land use that is likely to be incompatible with that development. This also indicates this Section 117 Direction is not applicable. Had this been established at the outset of the planning proposal, the consultation that occurred with the Department of Trade and Investment would not have been necessary.

Section 117 Directions		Consistency Yes/No/NA	Comments
1.4	Oyster Aquaculture	NA	
1.5	Rural Lands	NA	
2. Environment and Heritage			
2.1	Environmental Protection Zones	NO	By proposing to rezone environmental protection zoned and public recreation zoned land to residential, the planning proposal is reducing environmental protection standards for the land and is hence inconsistent with this direction. However the land is not environmentally sensitive. The land is cleared and part of subdivisions intended for residential use. The inconsistency is considered to be of minor significance.
2.2	Coastal Protection	YES	
2.3	Heritage Conservation	YES	
2.4	Recreation Vehicle Areas	YES	
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	YES	
3.2	Caravan Parks and Manufactured Home Estates	YES	
3.3	Home Occupations	YES	
3.4	Integrating Land Use and Transport	YES	
3.5	Development near Licensed Aerodromes	NA	
3.6	Shooting Ranges	NA	

Section 117 Directions		Consistency Yes/No/NA	Comments
4. Hazard and Risk			
4.1	Acid Sulfate Soils	NA	
4.2	Mine Subsidence and Unstable Land	NA	
4.3	Flood Prone Land	NO	An area of land measuring around 20m² in the north east corner of the Rangoon Avenue Road reserve is potentially affected by a flood planning area/floodway and is proposed to be rezoned from recreation to residential, making it potentially inconsistent with this direction. The 20m² of land potentially affected is on a southern edge of an identified flood planning area/floodway including the use of road reserves for the adjoining Shell Cove Boat Harbour Precinct Concept Plan approval area. It is potentially affected as the final location of flood planning area/floodway depends on the final layout of the Shell Cove Boat Harbour Precinct Concept Plan approval area. The 20m² of land potentially affected is road reserve with a constructed road over it, as part of a registered and constructed subdivision. The potential inconsistency is therefore considered to be of minor significance.
4.4	Planning for Bushfire Protection	NO	The Bonville Parkway/Fairways Drive land is mapped as bushfire prone on Council's Bushfire Prone Land Map. Council has consulted with the NSW Rural Fire Service by referring to them details of the planning proposal, prior to receipt of a gateway determination, rather than following the gateway determination as required by the direction. The NSW RFS has responded indicating no objection. The timing of the consultation makes the planning proposal inconsistent with this direction. The inconsistency is considered to be of minor significance and justified by the need for expediency.

Section 117 Directions		Consistency Yes/No/NA	Comments
			This early consultation is intended to take the place of the post gateway consultation under the Section 117 Direction, meaning it is not intended to provide the RFS with another opportunity to comment on the planning proposal post any gateway determination.
5. Regional Planning			
5.1	Implementation of Regional Strategies	YES	.
5.2	Sydney Drinking Water Catchment	NA	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NA	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NA	
5.5	Revoked		
5.6	Revoked		
5.7	Revoked		

Section 117 Directions		Consistency Yes/No/NA	Comments
5.8	Second Sydney Airport: Badgerys Creek	NA	
5.9	North West Rail Link Corridor Strategy	NA	
6. Local Plan Making			
6.1	Approval and Referral Requirements	YES	
6.2	Reserving Land for Public Purposes	YES	The planning proposal reduces the RE1 Public Recreation zone at Rangoon Avenue. This deducted area of RE1 forms front parts of lots created for the intended purpose of residential and is hence not befitting RE1 zone objectives. Council is the relevant public authority. Council's Property Department has no objection to the reduction in RE1 Public Recreation zoning.
6.3	Site Specific Provisions	NA	
7. Metropolitan Planning			
7.1	Implementation of the Metropolitan Plan for 2036	NA	

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

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 transport networks including Airport	NA	
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	NA	
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	YES	
Protect significant native vegetation and regional habitat - corridors	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 in accordance with coastal zone management	NA	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
plan		
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	
Liaise with water and energy providers to make provision for infrastructure corridors.	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	YES	
Minimum subdivision standards for rural and environmental protection zones	NA	

Illawarra Regional Strategy	Consistency Yes/No/NA	Comments
Limit dwellings in rural and environmental protection zones.	NA	
Cultural Heritage		
Aboriginal cultural and community values considered. Aboriginal heritage studies and DEC study 'Murri, 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	