

The Planning Proposal (No.16)

Local Government Area: Shellharbour

Property Details: properties at Bonville Parkway, Fairways Drive and Rangoon Avenue, Shell Cove (refer to Attachment 2: Table of Properties)

Part 1 Objectives or intended outcomes

- a) To rezone E3 Environmental Management zoned parts of lots to R2 Low Density Residential to remove the prohibition on residential on land at Bonville Parkway/Fairways Drive
- b) To rezone RE1 Public Recreation zoned parts of lots to R2 Low Density Residential to remove the prohibition on residential on land at Rangoon Avenue
- c) To introduce R2 Low Density related planning controls to the land being zoned R2 Low Density Residential
- d) To rationalize the floor space ratio map for Bonville Parkway/Fairways Drive land
- e) To remove the Mineral Resource and Transition Area affectation from land at Rangoon Avenue

Part 2 An explanation of the provisions that are to be included in the proposed local environmental plan

The proposed outcomes will be achieved by amending Shellharbour LEP 2013 as outlined in Attachment 2: Table of Properties.

Shellharbour LEP 2013 maps included in this planning proposal are the Floor Space Ratio Map (FSR), Height of Building Map (HOB), Lot Size Map (LSZ), Land Zoning Map (LZN), Mineral Resource and Transition Areas Map (MRT).

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, the planning proposal is not a result of a strategic study or report.

Planning Proposal 16 proposes to correct existing zoning boundary and subdivision boundary anomalies. The lots in question have been created for intended residential use and should be zoned solely R2 Low Density Residential. The lots created however have split zonings.

At the time development consent was being sought for the creation of these lots, information on zoning was required and assessed.

It was not until the lots were formerly created gaining separate title, and integrated into Council's GIS mapping system that the zoning and subdivision boundary anomalies became evident.

The current split zoning of eight of the lots means residential/ancillary residential on the non-residential lot parts is prohibited. The planning proposal proposes to remove this impasse by rezoning the non-residential lot parts to residential and introducing corresponding residential controls to the proposed R2 Low Density Residential land.

The planning proposal proposes to rationalize the floor space ratio map for properties on Bonville Parkway and Fairways Drive. Additionally the planning proposal proposes to remove LEP 2013's Mineral Resource Transition Areas affectation from the Rangoon Avenue lots, associated road reserve and adjoining quarry haul road.

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

A Planning Proposal, that is, amending Shellharbour LEP 2013, is the only means to achieve the objectives or 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 2006 - 2031 applies to the Shellharbour LGA.

The Planning Proposal is consistent with the Illawarra Regional Strategy 2006-2031 as outlined in the Summary of Planning Issues Checklist. See Attachment 1: Summary of Planning Issues Checklist.

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

The Planning Proposal is consistent with Council's Community Strategic Plan.

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

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, this Planning Proposal is consistent with or not applicable to State Environmental Planning Policies. See Attachment 1: Summary of Planning Issues Checklist, for assessment.

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

The Planning Proposal is consistent or not applicable to all but the following Ministerial Directions:

2.1 Environmental Protection Zones

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

The inconsistency with the above Ministerial Directions is considered to be of minor significance.

Refer to Attachment 1: Summary of Planning Issues Checklist for the assessment of the Section 117 Ministerial Directions.

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, there the planning proposal will not impinge on any critical habitats or directly affect any endangered ecological communities or threatened species.

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

No, the planning proposal is likely to have minimal effect on the environment.

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

Yes, the current split zoning on eight of the lots means residential/ancillary residential on the non-residential lot part is prohibited. The planning proposal seeks to remove this impasse. This will be of significant social and economic benefit to the individual lot owners seeking to develop now or in the future on what are essentially standard residential lots.

D. State and Commonwealth interests.

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

Yes, the lots are part of a constructed and registered residential subdivision.

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

This is addressed in Attachment 1: Summary of Planning Issues Checklist, Attachment 4: Council report of 23 June 2015 and Attachment 5: Letter of 25 June 2015 from the Rural Fire Service. It is requested that any gateway determination separate any public exhibition/community/public agency consultation, so that it is separately specified for each locality; i.e. one set for Bonville Parkway/Fairways Drive and one set for Rangoon Avenue.

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

The maps included in the Planning Proposal are:

- Floor Space Ratio (FSR)
- Height of Building (HOB)

- Lot Size Map (LSZ)
- Land Zoning Map (LZN)
- Mineral Resource and Transition Areas (MRT)

Part 5 Details of the community consultation that is to be or has been undertaken on the planning proposal

Owners of lots affected by the zoning anomaly have been advised in writing about the planning proposal being reported to Council 23 June 2015.

Given the planning proposal only affects the subject land, no public exhibition is proposed.

Neighbouring hard rock quarry operator Hanson has been consulted and does not object to the removal of the Mineral Resource and Transition Areas affectation from land at Rangoon Avenue.

It is requested that any gateway determination separate any public exhibition/community/public agency consultation, so that it is separately specified for each locality; i.e. one set for Bonville Parkway/Fairways Drive and one set for Rangoon Avenue.

In any case, no post gateway community/agency consultation is proposed.

Part 6 Project timeline

- Anticipated gateway determination – expediency is requested.
- Anticipated timeframe for completion of required technical information – completed.
- Commencement and completion of public exhibition – NA.
- Timeframe for government agency consultation – consultation has concluded with NSW Trade and Investment – Geological Survey of NSW (GSNWS) and the NSW Rural Fire Service.
- Dates for public hearing – NA.
- Timeframe for consideration of any submissions/objections will depend on what issues if any, are raised and whether for instance the proponent needs to respond.
- Timeframe for consideration of proposal post resolution of any issue – to be determined – 3 week Council reporting cycle if needed to report back to Council.
- Date of submission to the Department (if not delegated) to finalise the LEP – within 2 days of Council officer or Council endorsement.
- Date of submission to DPE (for maps/MCS check) and Parliamentary Counsel by Council (if delegated) – within 2 days of Council officer or Council endorsement.
- If delegated, anticipated date Relevant Planning Authority (RPA) will make the plan – within 2 days of mapping being checked off by regional Department of Planning and Environment and Parliamentary Counsel Opinion being resolved.
- If delegated, anticipated date RPA will forward to the department for notification - within 2 days of plan being made.

Attachments

1. Summary of Planning Issues Checklist
2. Table of Properties
3. Planning Proposal 16 Maps
4. Council report and resolution of 23 June 2015
5. Letter of 25 June from NSW Rural Fire Service