

PP0006/2018

Council reference: PP0006/2018

11 July 2019

Mr Michael Rodger
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Email: michael.rodger@urbanco.com.au

**Planning Proposal 6/2018
Lot 7 DP 259137, 2514 Illawarra Highway, Tullimbar
Your reference – 190528 LSCC**

Dear Michael

Council is currently in receipt of the above mentioned Planning Proposal Application and additional information received 28 May 2019. I apologise for the delay in responding to your correspondence and would now like to offer the following comments on your application. This letter provides the Council staff position based on all the submitted information.

Key Issues

Calderwood Concept Approval and State Significant Precincts SEPP 2005 (Part 28 Calderwood).

The current application relies heavily on the assumption that the land formed part of the Calderwood Urban Investigation Area nominated in the Illawarra Urban Development Program (IUDP) during the investigations and assessment of the Calderwood Major Project Application in 2010 to justify strategically the suitability of the site for additional residential and commercial purposes.

Council has considered this approach and does not believe that it adequately demonstrates that there is a need or justification for the Planning Proposal as a result of any strategic studies or reports.

The land is not currently identified in the Illawarra Shoalhaven Urban Development Program (ISUDP). In addition, the land was not included in the Calderwood Major Project Concept Application or identified as suitable for urban development in any strategic studies or reports.

The application seeks to adopt the development standards and controls that are currently enforce on the adjoining lands. These adjoining lands are currently excluded from Shellharbour Local Environmental Plan 2013 and rely on the State Significant Precincts SEPP 2005 (Part 28 Calderwood) and the Calderwood Concept Approval MP 09-0082 (MOD 2). The development controls, permissible land uses and zones within the Calderwood Urban Development Project Approval were not determined by Council and are not consistent with Shellharbour LEP 2013.

If the Planning Proposal were to proceed the application will need to be amended to adopt the existing development controls, permissible land uses and zones contained within Shellharbour LEP 2013. Council would also like to advise that the following nominated components of the Planning

Proposals are currently considered inappropriate and if the Planning Proposal does proceed these will be required to be further justified or amended:

- No Min Lot size, height of buildings on E3 Land
- 0 m2 Min Lot Size of land on proposed R1 (or R2) land where it adjoins the B4 land in the Calderwood Concept Approved land (Calderwood Village Centre).
- 18m height of building on B4 Land
- No FSR Layer
- Removal of the SP2 Infrastructure zone
- Removal of the Classified Road SP2 land from the Land Acquisition Map.

Crown Waterway, Crown Land (Travelling Stock Reserve) and current Native Title Claim

As discussed and subsequently addressed in your correspondence dated 28 May 2019, the land is transected by an area of Crown Waterway as well as an area of Crown Land (Travelling Stock Reserve). Both of these areas are under the ownership of the NSW Department of Industry – Crown Land. Both of these areas are also currently affected by a current Claim under the Native Title Act 1993 by the South Coast Peoples.

It is acknowledged that these areas have now been excised from the Planning Proposal as presented in your application which compromises the orderly consideration and assessment of the suitability of the area for the development types proposed. Council is also concerned that the area of Crown Waterway is likely to be impacted by the Planning Proposal with respect to drainage functions, Riparian management and augmentation of service utilities. Council does not consider it appropriate to exclude these areas from the Planning Proposal and the assessments required as part of its preparation. Under the Native Title Act 1993 Council must consider any impacts that the Planning Proposal may have on the land which is subject to the Claim.

Council has made enquiries with NSW Department of Industry – Crown Land regarding this matter and is yet to receive a response.

Village Centre.

Insufficient information has been provided in the application to justify the provision of the proposed Village Centre. In this regard the suitability of the proposed location has not been adequately assessed and a retail study/ assessment will be required if the Planning Proposal proceeds. Therefore, the proposed provision of a Village Centre as part of the Planning Proposal is currently not supported.

Ownership of E2, E3 Land and Riparian Corridors.

Council is unlikely to accept ownership of these lands unless they meet the requirements outlined in Council's Open Space, Recreation and Community Facilities Needs Study Report, Council's S94 Contributions Plan or are negotiated as required during any Voluntary Planning Agreement negotiations. Suitable ownership and land management arrangements will need to be provided if the Planning Proposal proceeds.

The potential effects on and proposed interface treatments with the Crown Waterway will also be required to be addressed if the Planning Proposal does proceed.

Lack of Strategic Justification

The development of the land in this Planning Proposal application is considered premature at this point in time based on the existing supply of zoned and serviced land in our LGA.

The property in the application is not in the current Illawarra Shoalhaven Urban Development Program.

There is no strategic planning justification to support this Planning Proposal application at this point in time.

Council's approach to-date is considered to be a measured approach taking into account relevant State planning requirements and balancing the need for housing in its various forms, maintaining a supply of agricultural lands, environmental issues such as flora and fauna and the rural landscape.

This Proposal covers approximately 45.5 hectares of land which is currently zoned RU1 Primary Production under Shellharbour Local Environmental Plan 2013 (SLEP 2013).

Illawarra Shoalhaven Regional Plan

The regional plan does not identify this form of development as required in our Local Government Area (LGA) or the region.

The regional plan includes Goal 2 – *A variety of housing choices, with homes that meet needs and lifestyles* and Direction 2.1 – *Provide sufficient housing supply to suit the changing demands of the region.*

The regional plan specifically states that

“Evidence from the Urban Feasibility Model, Illawarra Urban Development Program and Shoalhaven Growth Management Strategy show there is enough potential for the market to supply housing across a range of locations and housing types for the long term. Therefore, no new release areas are required for Wollongong, Shellharbour and Shoalhaven beyond those already identified under the Illawarra Urban Development Program and Shoalhaven Growth Management Strategy.

The combined demands from tourism and the nature of the housing market, particularly in coastal towns, may require new housing development. These opportunities will be considered as part of the strategic assessment about where future development should be located.”

Illawarra Shoalhaven Urban Development Program (ISUDP)

The Illawarra Shoalhaven Urban Development Program update 2016 identified a benchmark for zoned and service ready land of 7,366 lots. As of July 2015, there were 9,925 lots across the region. Shellharbour has 3,240 zoned and service ready lots. This is considered a reasonable number of lots for our LGA and our contribution to the region.

The land is not in the ISUDP and is not being considered for urban use under the Department of Planning & Environment's urban release program.

Shellharbour Housing Strategy

Council has recently endorsed for exhibition purposes a Housing Strategy. Two of the outcomes of the Strategy will be to identify if we need additional housing supply and to help guide the location and type/form of housing in our LGA.

The final adopted Housing Strategy will provide a clear direction on our communities housing needs. This will then be a significant input into future Council decision making on whether it needs to amend Shellharbour LEP 2013 to permit additional housing, the form, type and the location of that housing, which may include additional greenfield housing.

Two relevant key findings and recommendations of the draft Local Housing Strategy which is currently on exhibition are as follows:

1. The population of the Shellharbour LGA is expected to grow by 24,385 people over the next 25 years and there is demand for approximately 10,625 dwellings in Shellharbour to 2041, which can be met by the existing supply in both greenfield and infill residential areas. With more than half of this growth being greenfield development, there may be a requirement for a diversity of dwelling types within greenfield areas.
2. The potential amount and type of development that Council's existing land use controls would deliver if it were developed to its full current capacity should more than adequately provide for the housing demand projected for Shellharbour to 2041 (i.e. 10,625 dwellings to 2041). Overall, housing supply to adequately meet housing demand is not considered to be an issue in the delivery of total numbers of housing for Shellharbour in the future. Rather, it is whether the current controls sufficiently facilitate the provision of a diversity of housing products within the LGA, to provide the choice in dwelling types that is projected to be needed, based on the analysis undertaken.

Therefore, the Planning Proposal is not supported by the Draft Shellharbour Housing Strategy.

Shellharbour Community Strategic Plan (CSP)

Resident surveys undertaken in 2017 as part of the CSP review identified that *Ensuring rural land is not lost to housing development* ranked 4th out of the 9 issues and was higher than *Encouraging property development opportunities in the area* (area being the LGA not specifically the site of these Planning Proposals).

The results of the community survey indicate that our community generally don't support the loss of rural lands such as the subject lands for housing development.

Loss of Agricultural Land

The land is currently zoned RU1 Primary Production.

The land contains predominantly class 2 & 3, with some 4 as described by the NSW DPI Agricultural Land Classification mapping.

Class 2 – 4 lands are capable of being used for agricultural activities but may not include cropping or regular cultivation of the land.

The Planning Proposal application relies on the area not being identified as an area of Biophysical Strategic Agricultural Land or Strategic Resource Land in the Illawarra Shoalhaven Regional Plan to justify the loss of Agricultural Land.

The size of the existing lot may mean that it is not of sufficient size to undertake traditional forms of agriculture such as animal grazing and generate adequate income to be self-sufficient.

Not every lot in our LGA needs to be able to carry out an agricultural activity sufficient to be the sole source of income. Australian Bureau of Statistics 2017 data revealed that off farm employment/business activities accounted for 12% of farm income in NSW.

Identifying and maintaining land for agricultural use is important in our LGA as those lands can make a contribution to our economy and future agricultural uses may be able to generate sufficient income to be viable. Maintaining these lands is also important because once it is taken for housing, it is lost for agricultural use. The land is also an important asset for the rural character that it provides. The

land currently has one dwelling located on it. This provides options for lifestyle use that could be combined with small agricultural activities without sterilising the land from future agricultural activities or residential uses.

Infrastructure/Development Contribution Plan Impacts

There has been new utility infrastructure provided to the nearby Calderwood development front based on the densities approved under the Calderwood Concept Approval.

The application currently only addresses the provision of utility services, no assessment has been made as to capacity, timing and other likely infrastructure needs of the proposed development.

If the application proceeds, the full range of infrastructure to service the development would need to be addressed. A detailed report would be required identifying the works required to service the development and the proposed method of funding/provision.

The main areas are likely to be:

- The impact on the social infrastructure required – library facilities, community centre, open space (both active and passive)
- The need for additional/upgraded traffic management facilities, especially at, but not limited to, the intersection of Tullimbar Lane and the Illawarra Highway
- The impact on required drainage works within the catchments and how this is to be addressed.

Any variation to the development contributions plan or proposed Draft Voluntary Planning Agreement will need to be finalised prior to the completion of the rezoning.

Local Planning Directions and State Environmental Planning Policies

The Proposal doesn't comply with all the relevant local planning directions and State Environmental Planning Policies however additional information that would need to be provided should the Proposals receive Gateway determination for community consultation may address some of these issues. Planning policy that would not be complied with relate to the Illawarra Shoalhaven Regional Plan, Illawarra Shoalhaven Urban Development Program and a Department of Planning & Environment and Council endorsed strategy to support this Proposal.

Traffic and Flooding:

Council notes that the Flood Impact Assessment prepared by Northrop and dated 28/11/2018 requires work within the Crown Waterway and the realignment of a number of creeks and waterways. This assessment will be required to address the proposed exclusion of the Crown Waterway if the Planning Proposal proceeds.

Council also has concerns regarding the Traffic arrangements proposed. These include the proposed access to the Illawarra High which will be required to be referred to RMS as well as the access arrangements on North Macquarie Road which will also be required to be modelled to assess any impacts on the internal road networks within the Calderwood Concept Area.

Conclusion

Shellharbour Council does not support the Proposal as it does not demonstrate that it satisfies the strategic merit test as follows:

- The land is not part of the Calderwood Concept Approval or State Significant Precincts SEPP 2005 Part 28 Calderwood.
- The Proposal is are not consistent with the Illawarra Shoalhaven Regional Plan;
- There is no relevant local strategy endorsed by the Department to support the development proposed;

- Circumstances have not changed in the locality of the subject land sufficient to warrant support of the Proposal as lodged.

Should you require more information or have any queries please contact Cheryl Lappin on 4221 6127.

Yours sincerely

Cheryl Lappin
Senior Strategic Planner