
10.2.2 Shellharbour Local Environmental Plan 2013 Planning Proposal No. 19 - Proposal to Rezone Part of the Land Currently Occupied by Albion Park Bowling Club 32-52 Taylor Road, Albion Park to enable Residential Development (10633985)

To the General Manager

Directorate: City Outcomes

Department: City Strategy

Manager: Cheryl Lappin – Acting Group Manager, City Strategy

Author: Cheryl Lappin – Acting Group Manager, City Strategy

Summary

The purpose of this report is to seek Council's resolution to prepare a Planning Proposal to amend *Shellharbour Local Environmental Plan (LEP) 2013* to rezone part of Lot 243, DP 1056253, 32 - 52 Taylor Road, Albion Park from RE2 Private Recreation to R2 Low Density Residential with a floor space ratio of 0.5:1 and a minimum lot size of 450m². The building height will remain at 9m.

The site is currently occupied by Albion Park Bowling Club. The intention is to rezone and subdivide off the western portion of the Club site, which currently incorporates one bowling green and car parking area (immediately west of the club building) as this area has now become surplus to the club's long term requirements.

The report also recommends that the Planning Proposal be submitted to the NSW Planning & Environment (DPE) seeking a Gateway determination to enable the public exhibition of the Proposal. A copy of this report will form part of Council's submission to the NSW Department of Planning & Environment.

Background

The Albion Park Bowling Club located at 32 - 52 Taylor Road, Albion Park was established in the 1950's. The relatively large landholding (1.401 hectares) incorporates the club building (and associated out buildings), three bowling greens, and car parking.

It has been determined by the Club that part of their existing landholding has now become surplus to their long term requirements and it is their intention to dispose of part of this land.

In this regard, it is proposed to rezone and subdivide off the western portion of the club site, which currently incorporates one bowling green and a car parking area (immediately west of the club building).

The land proposed to be rezoned and subdivided is intended to be sold to the open market for future residential development opportunities (approx. 3835m²), whilst the

bulk of the club's facilities will be retained within the residual parcel (approx. 1.02 hectares).

Of the 3835m² to be subdivided off, approximately 1686m² of land is already zoned R2-Low Density Residential whilst the remaining approximately 2149m² of land is zoned RE2-Private Recreation. The purpose of this Planning Proposal is to rezone the remaining 2149m² of land to R2-Low Density Residential.

A Development Application (DA) has been prepared for the land subdivision component and has been submitted in conjunction with the Planning Proposal application.

What is a Planning Proposal?

A Planning Proposal is a document that explains the intended effect of a proposed LEP, in this case an amendment to Shellharbour LEP 2013, and sets out the justification for making the amendment. This is known as the Gateway Process.

The Gateway Process has the following five key steps:

1. *Planning Proposal* - Council is responsible for the preparation of a Planning Proposal, which explains the effect of and justification for the plan.
2. *Gateway* - The Minister (or delegate) determines whether the Planning Proposal is to proceed. This gateway acts as a checkpoint to ensure that the proposal is justified before further studies are done and resources are allocated to the preparation of a plan. A community consultation process is also determined at this time. Consultations occur with relevant public authorities and, if necessary, the proposal is varied.
3. *Community consultation* - the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days). A person making a submission may also request a public hearing be held.
4. *Assessment* - Council will consider public submissions and the proposal is varied as necessary prior to adoption. Parliamentary Counsel then prepares a draft local environmental plan — the legal instrument.
5. *Decision* - With the Minister's (or delegate's) approval the plan becomes law and is published on the NSW legislation website.

The final decision on whether the plan becomes law and in what form it becomes law rests with the Minister for Planning.

This Planning Proposal is currently at step 1.

Options

Council has a number of options in considering whether to rezone the site to residential and these include the following:

1. Not support the planning proposal and the zoning and planning controls remain the same as they are now.
2. Support the proposal as recommended. That is to prepare a planning proposal to rezone part of Lot 243, DP 1056253, 32 - 52 Taylor Road, Albion Park from RE2 Private Recreation to R2 Low Density Residential with a floor space ratio of 0.5:1 and a minimum lot size of 450m².

Financial/resources implications

There relevant stage 1 fees have been paid.

Legal & Policy implications

The land, the subject of this planning proposal, is also subject to a Development Application for a two lot subdivision which is currently permitted under Shellharbour LEP 2013. The proposed residential use of one the proposed lots is currently prohibited in the existing zone and this is the reason for this planning proposal. The assessment of the development application includes examining a reduction in the car parking and proposed changes to the car parking layout and manoeuvring on site. The suitability of these changes will be a determining factor for the progression of this planning proposal. While this development application is yet to be determined, the assessment of car parking requirements indicates the parking reduction can be supported subject to conditions of consent.

Delegations

It is not recommended that Council use any of its Planning Proposal delegations for this proposal.

Public/social impact

The Proposal will provide the opportunity to provide a small increase in residential accommodation in the area. Placing the planning proposal on public exhibition will provide an opportunity for interested parties to provide their views for Council's consideration.

Link to Community Strategic Plan

The proposed rezoning supports the following objectives and strategies of the Community Strategic Plan:

Objective: 1.1 Vibrant, safe and inclusive City

- Strategy: 1.1.3 Make Shellharbour a friendly environment where people feel safe
- 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
- 2.3.4 Facilitate the provision of development that meets the changing needs and expectations of the community
- Objective: 3.3 Welcomes, engages and attracts visitors
- Strategy: 3.3.2 Support a dynamic, responsive and sustainable local tourism industry

Consultations

Internal

Team Leader City Development – Planning
Team Leader Traffic and Subdivision

External

If the Council resolves to endorse the preparation of this Planning Proposal it will be referred to the NSW Department of Planning & Infrastructure for review and Gateway determination. If endorsed, the Planning Proposal will be put on public exhibition. To coincide with the public exhibition, Council will write to the adjoining land owners and also place an advertisement in the Lake Times.

The Gateway process will identify any further consultation that will need to be undertaken. Following the exhibition period, submissions will be reviewed and reported back to Council.

Political Donations Disclosure

Under Section 147(4) of the *Environmental Planning and Assessment Act 1979* (the Act) a person who makes a relevant planning application to Council is required to disclose any reportable political donations and gifts made by any person with a financial interest in the application within the period commencing two years before the application is made and ending when the application is determined, including:

- a. all reportable political donations made to any Councillor of this Council
- b. all gifts made to any Councillor or employee of this Council.

Under Section 147(5) of the *Act*, these disclosure requirements also apply to a person, or any associate of a person, who makes a relevant public submission to Council in relation to a relevant planning application.

Note: Section 147(1) of the *Act* states: 'political donations or gifts are not relevant to the determination of any such planning application, and the making of political donations or gifts does not provide grounds for challenging the determination on any such planning application'.

The Disclosure Statements received by Council indicate that no reportable donations or gifts have been made.

Conclusion

The land subject to this report has been identified as surplus to the Albion Park Bowling Club's future long term requirements and is currently zoned RE2 Private Recreation which prohibits the preferred residential use of this surplus land. To facilitate the future residential use of the land it is recommended that the land be rezoned to R2 Low Density Residential.

Recommendation

1. **Council prepare a Planning Proposal to amend *Shellharbour Local Environmental Plan* in the following manner:**
 - a. **Amend Shellharbour LEP 2013 Land Zoning Map in accordance with Attachment 3**
 - b. **Amend Shellharbour LEP 2013 Minimum Lot Size Map in accordance with Attachment 4**
 - c. **Amend Shellharbour LEP 2013 Floor Space Ratio Map in accordance with Attachment 5**
2. **Council authorise the General Manager to submit *Shellharbour Local Environmental Planning Proposal No. 19* to NSW Planning & Infrastructure in accordance with section 56 of the *Environmental Planning & Assessment Act 1979* for review and gateway determination.**
3. **Council delegate to the General Manager authority to make minor mapping and Local Environmental Plan instrument changes to *Shellharbour Local Environmental Plan 2013 Planning Proposal No. 19* if and as required by the Department of Planning & Environment's LEP Review Panel and gateway determination.**
4. ***Shellharbour Local Environmental Plan 2013 Planning Proposal No. 19* be publically exhibited in accordance with the gateway determination.**

5. A report be submitted to the Council on the public exhibition of the planning proposal detailing the outcomes of the community and government agency engagement.
6. The planning proposal be reported back to the Council for final consideration and with further recommendations regarding adoption.

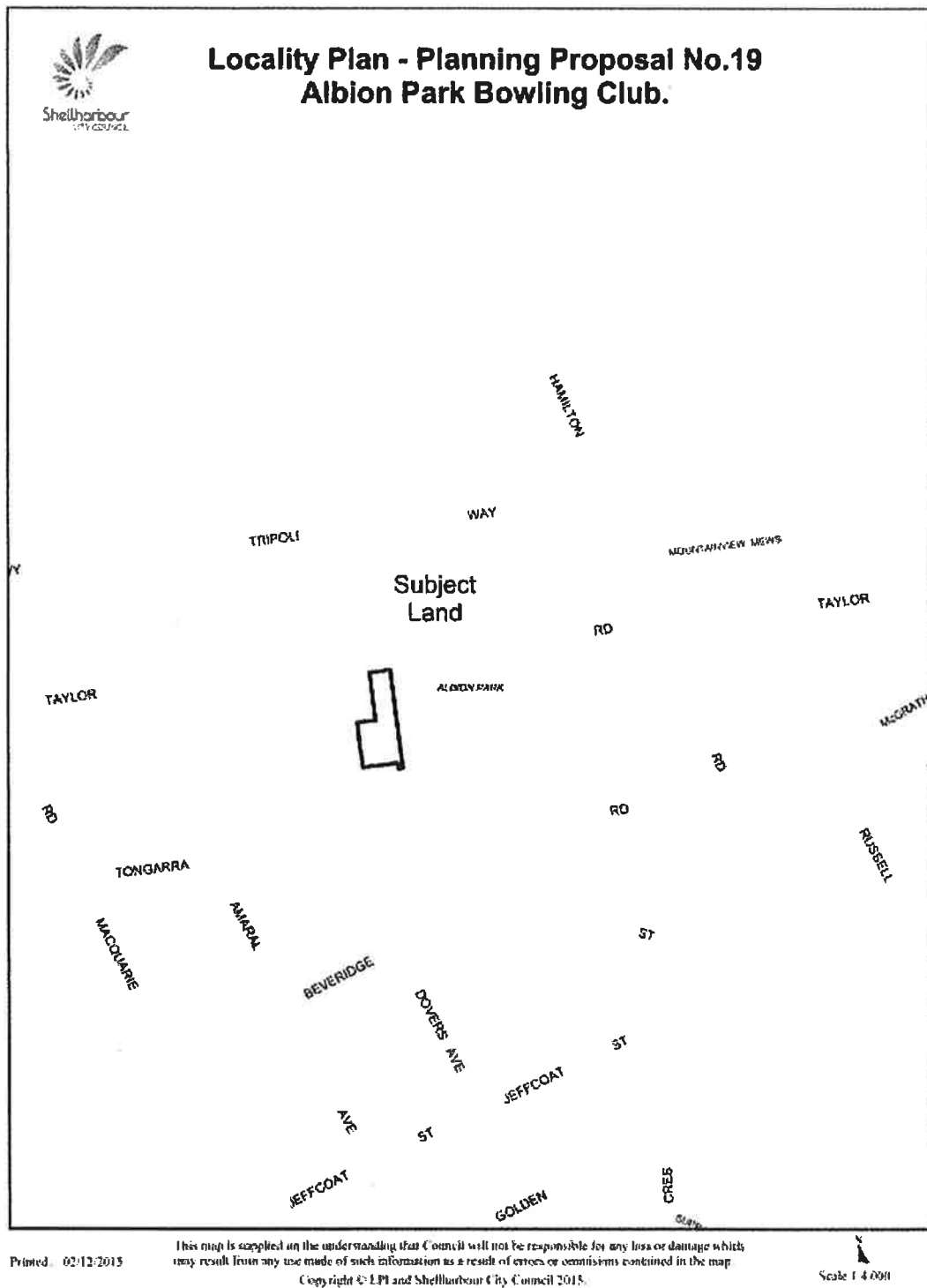
Approved for Council's consideration: _____

Date of Meeting: 15 December 2015

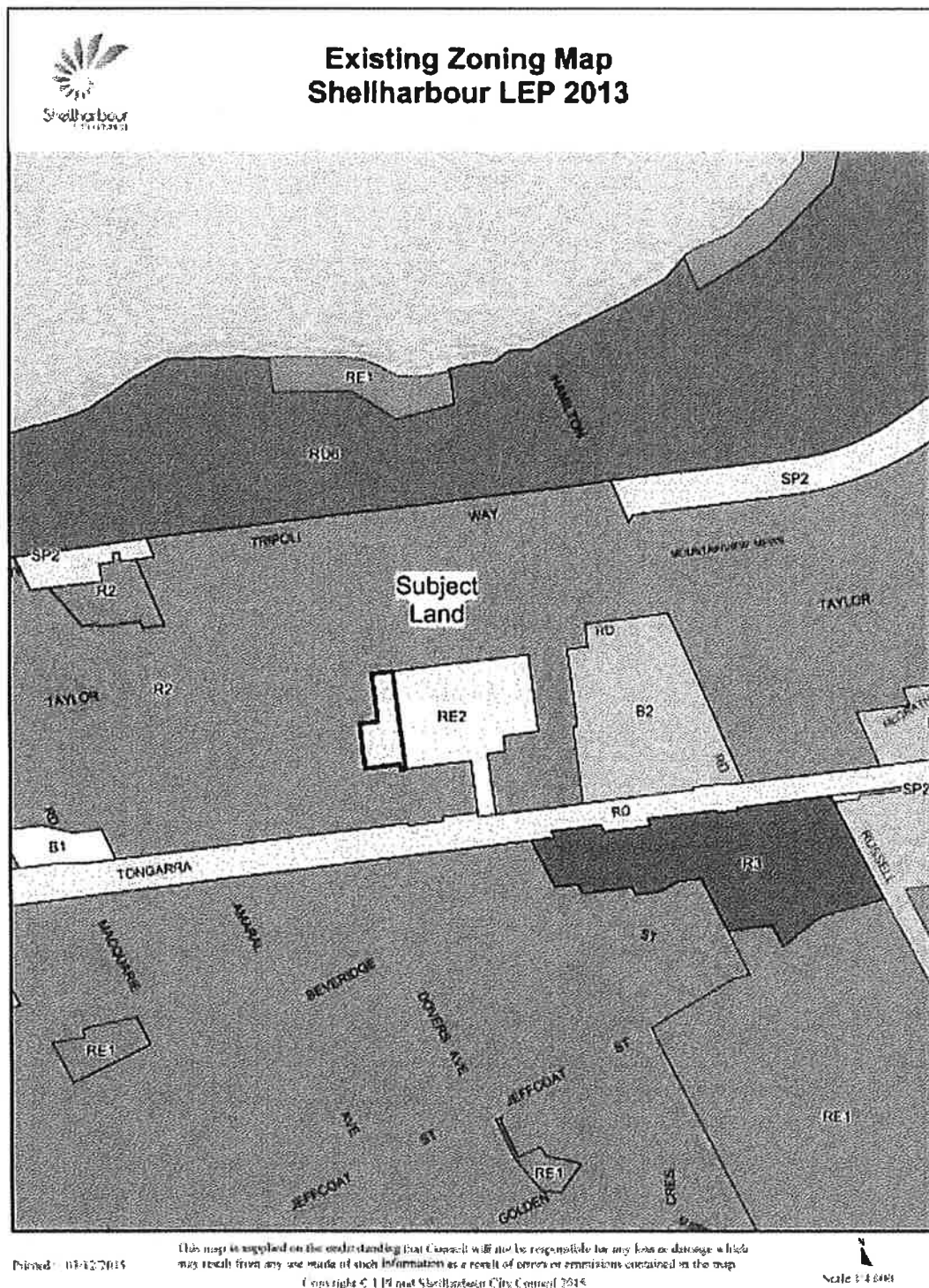
Attachments

1. Locality Plan
2. Existing Zones
3. Proposed Zones Map
4. Proposed Minimum Lot Size Map
5. Proposed Floor Space Ratio Map

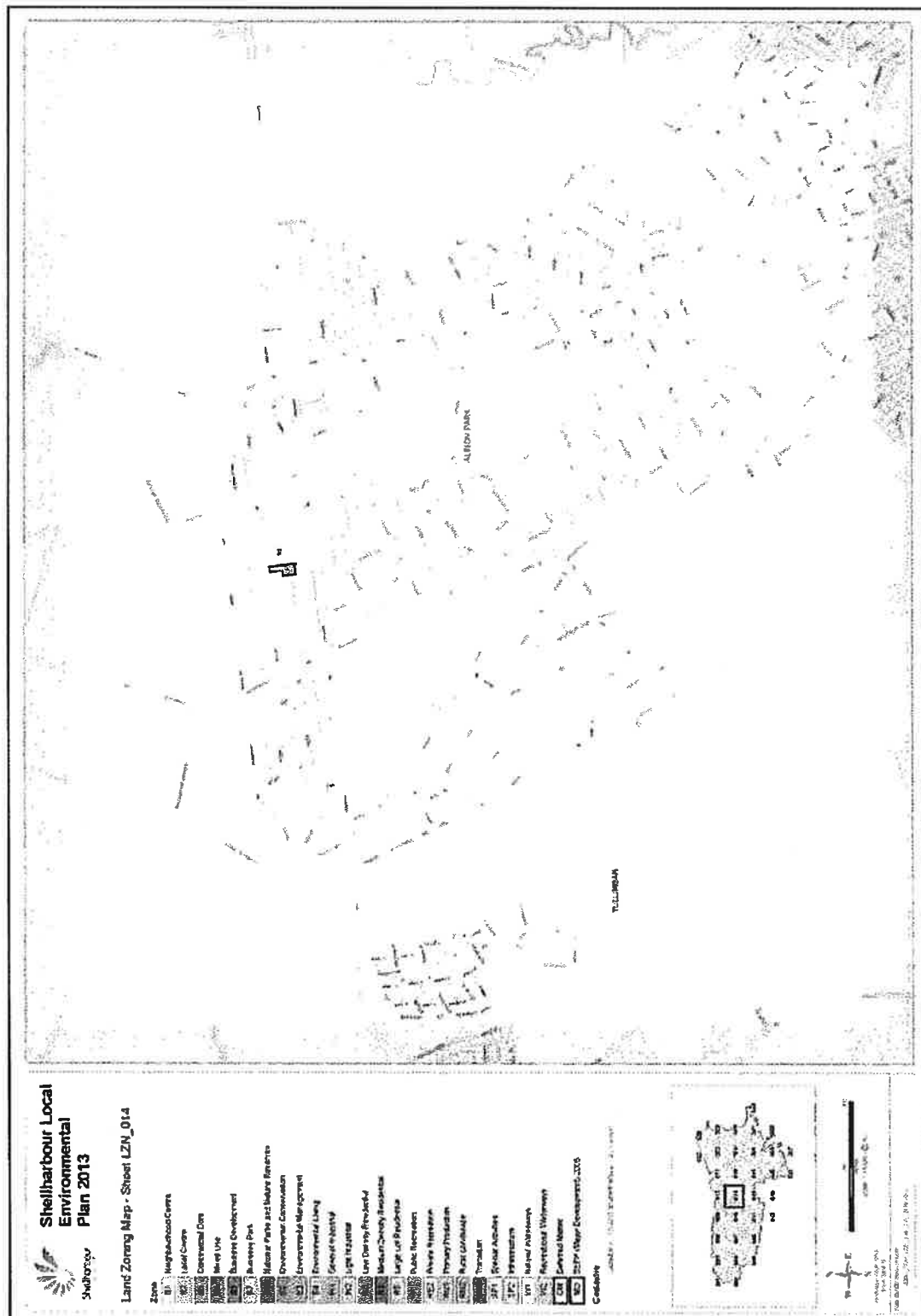
Attachment 1 – Locality Plan



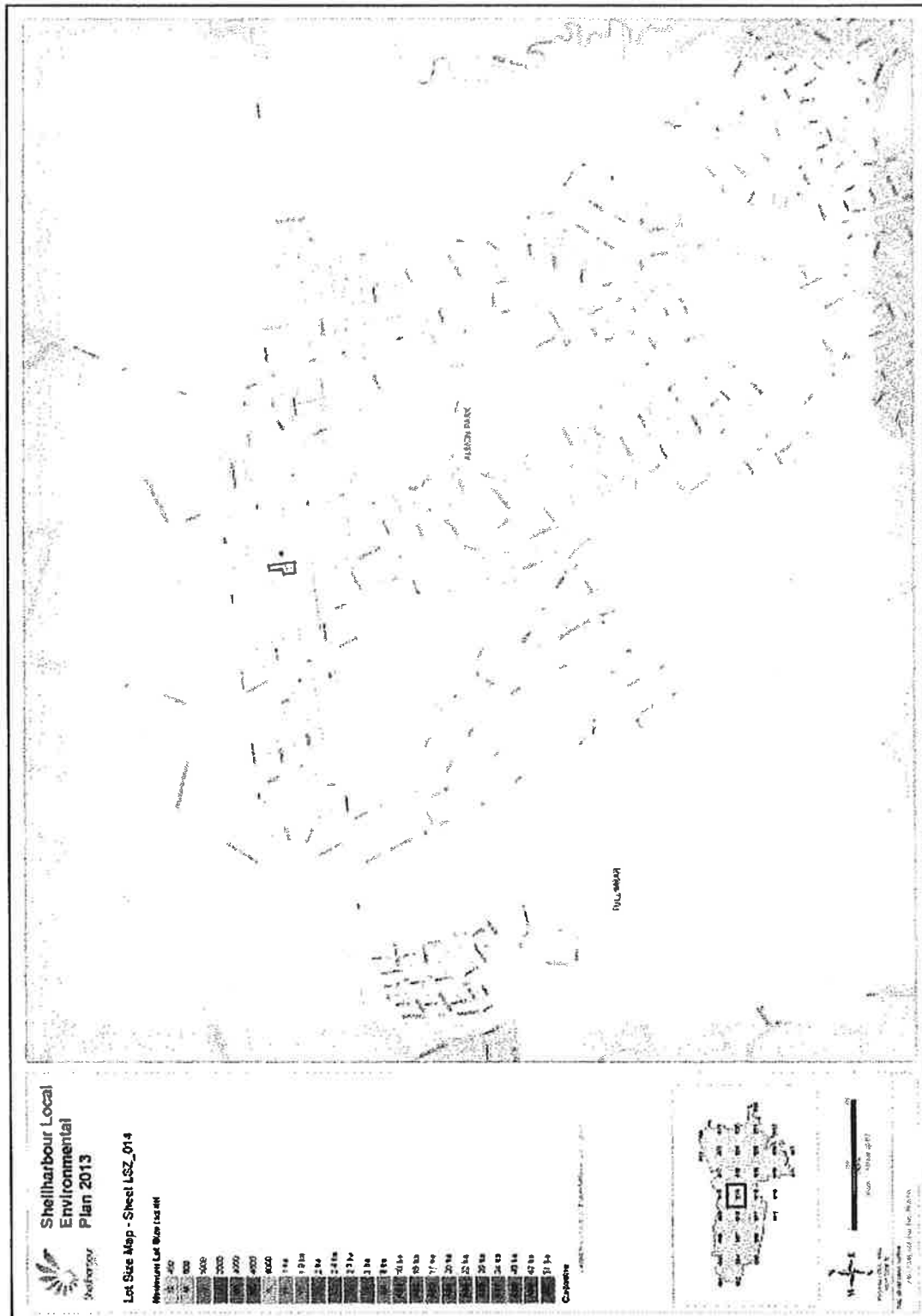
Attachment 2 – Existing Zones



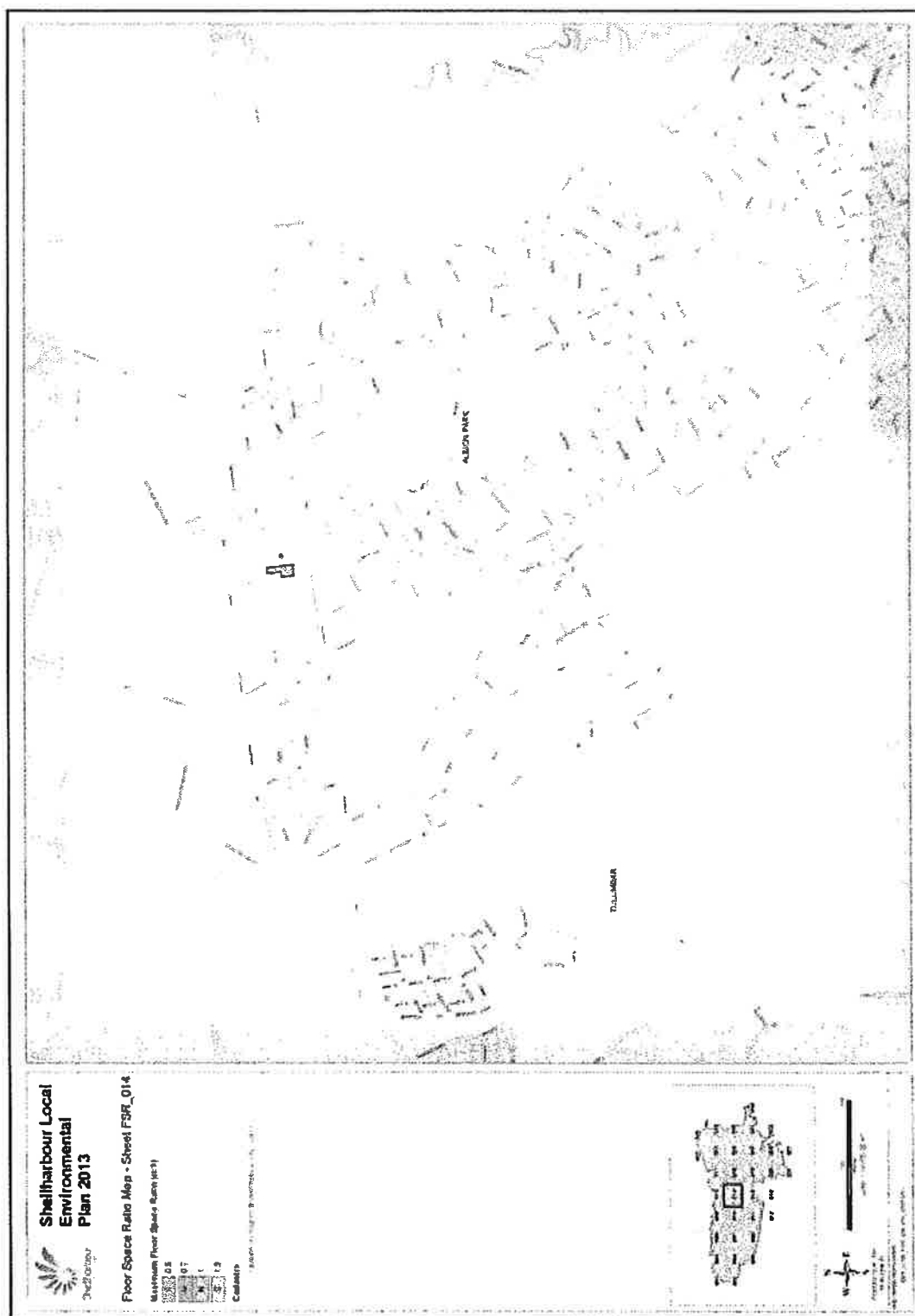
Attachment 3 – Proposed Zones Map



Attachment 4 – Proposed Minimum Size Map



Attachment 5 – Proposed Floor Space Ratio Map



**10.2.3 Planning Proposal No. 0502/2015 - Lot 16, DP 1206346, 71
Yellow Rock Road, Tullimbar (10634056)**

To the General Manager

Directorate: **City Outcomes**
Department: **City Strategy**

Manager: Cheryl Lappin – Acting Group Manager, City Strategy
Author: Cheryl Lappin – Acting Group Manager, City Strategy

Summary

The purpose of this report is to recommend that Council prepare a planning proposal for Lot 16, DP11206346, 71 Yellow Rock Road, Tullimbar to facilitate the development of up to 40 residential lots. The report recommends that Council prepare a planning proposal to:

1. amend the zoning of the land from Part 1A Agriculture and Part 2e Mixed Residential 'E' under *Shellharbour Rural Local Environmental Plan (LEP) 2004* to R2 Low Density Residential; and
2. develop the following mapping layers for the site:
 - a. Lot size map
 - b. Building height map
 - c. Floor space ratio map

This report also recommends that the planning proposal be submitted to the NSW Department of Planning & Infrastructure for their consideration and enable the planning proposal to go on exhibition.

Background

Council at its Extraordinary Meetings of 29 May, 6 June and 3 July 2012 resolved:

That the land identified in Map 1.4 in the Urban Fringe Local Environmental Study be deferred from the *Draft Shellharbour Local Environmental Plan 2011* so that potential increases in residential densities can be studied/assessed.

The location of this land is shown in **Attachment 1**.

Since that time Council has processed a number of planning proposals that has reduced the amount of deferred lands in Shellharbour LEP 2013 by approximately 330 hectares. There are currently approximately 670 hectares that remain deferred.

**Subject 10.2.2 Shellharbour Local Environmental Plan 2013
Planning Proposal No. 19 - Proposal to Rezone Part of
the Land Currently Occupied by Albion Park Bowling
Club 32-52 Taylor Road, Albion Park to enable
Residential Development (10633985)**

1 RESOLVED: Murray/Marsh

1. Council prepare a Planning Proposal to amend *Shellharbour Local Environmental Plan* in the following manner:
 - a. Amend Shellharbour LEP 2013 Land Zoning Map in accordance with Attachment 3
 - b. Amend Shellharbour LEP 2013 Minimum Lot Size Map in accordance with Attachment 4
 - c. Amend Shellharbour LEP 2013 Floor Space Ratio Map in accordance with Attachment 5
2. Council authorise the General Manager to submit *Shellharbour Local Environmental Planning Proposal No. 19* to NSW Planning & Infrastructure in accordance with section 56 of the *Environmental Planning & Assessment Act 1979* for review and gateway determination.
3. Council delegate to the General Manager authority to make minor mapping and Local Environmental Plan instrument changes to *Shellharbour Local Environmental Plan 2013 Planning Proposal No. 19* if and as required by the Department of Planning & Environment's LEP Review Panel and gateway determination.
4. *Shellharbour Local Environmental Plan 2013 Planning Proposal No. 19* be publically exhibited in accordance with the gateway determination.
5. A report be submitted to the Council on the public exhibition of the planning proposal detailing the outcomes of the community and government agency engagement.
6. The planning proposal be reported back to the Council for final consideration and with further recommendations regarding adoption.

CARRIED UNANIMOUSLY

