

# SHELLHARBOUR LOCAL ENVIRONMENTAL PLAN 2013 PLANNING PROPOSAL 0005/2018

## Summary of Planning Issues Checklist

### Locations:

#### Crest Road properties:

- Lot 1 DP 1238120, Crest Road, Albion Park
- Lot 87 DP 1229526, 115 Crest Road, Albion Park

#### Yellow Rock Road / Tullimbar Lane Properties:

- Lot 201 DP 1230191, 120 Yellow Rock Road, Tullimbar
- Lot 202 DP 1230191, Yellow Rock Road, Tullimbar
- Lot 1 DP 724362, 58 Tullimbar Lane, Tullimbar
- Lot 81 DP 634605, 7 Tullimbar Lane, Tullimbar

#### Whistlers Run properties:

- Lot 112 DP 1170763, Red Gum Road, Albion Park
- Lot 13 DP 1205920, 33 Whistlers Run, Albion Park
- Lot 113 DP 1170763, Whistlers Run, Albion Park
- Lots 101 to 109 DP 1170763, 13 Valley View Crescent, 13, 15, 17, 19, 21, 23, 25 & 27 Whistlers Run, Albion Park
- Red Gum Road Reserve adjoining Lot 112 DP 1170763

#### Various:

- Chaffey Way road reserve
- Ulan Place road reserve

**Proposal:** PP0005/2018 Rezone land to address miscellaneous mapping anomalies

**Date:** 10/01/2019

<b>Compliance with Draft SEPPs/EIE:</b>	<b>Yes/No/Part</b>
Compliance with SEPPs:	Yes
Compliance with Section 9.1 Directions:	Part
Compliance with Illawarra – Shoalhaven Regional Plan:	Yes
Heritage Studies required:	No
Illawarra Urban Development Program:	Yes
Coastal Zone:	Yes
LES Necessary:	No
Crown Lands – Aboriginal Land Claim. Referral Required Doc No 10826833	No

## Planning Proposal Assessment

The following planning instruments, S9.1 Directions and Regional Plan items apply to the Shellharbour LGA:

Draft SEPPs/EIE	Consistency Yes/No/NA	Comments
Coastal Management Environment Koala Habitat	NA	

SEPPs	Consistency Yes/No/NA	Comments
SEPP 21 Caravan Parks	NA	
SEPP 30 Intensive Agriculture	NA	
SEPP 33 Hazardous and Offensive Development	NA	
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 (Housing for Seniors or People with a Disability) 2004	NA	
SEPP (BASIX) 2004	NA	
SEPP (State Significant Precincts) 2005	NA	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NA	Not identified as biophysical strategic agricultural land under this SEPP.
SEPP (Miscellaneous Consent Provisions) 2007	NA	
SEPP (Infrastructure) 2007	NA	

SEPPs	Consistency Yes/No/NA	Comments
SEPP (Rural Lands) 2008	NA	The properties are not identified as State Significant Agricultural Land under this SEPP. Rural Planning Principles are assessed under section 9.1 Local Planning Direction 1.5
SEPP (Exempt and Complying Development Codes) 2008	NA	
SEPP (Affordable Rental Housing) 2009	NA	
SEPP (State and Regional Development) 2011	NA	
SEPP (Educational Establishments and Child Care Facilities) 2017	NA	
SEPP (Vegetation in Non – Rural Areas) 2017	NA	
SEPP (Coastal Management) 2018	NA	

Section 9.1 Directions	Consistency Yes/No/NA	Comments
<b>1. Employment and Industrial Zones</b>		
1.1 Business and Industrial Zones	NA	
1.2 Rural Zones	Yes	The Planning Proposal seeks to rezone a small portion of RU1 land to E3 to align with the updated cadastre as part of the Yellow Rock Road / Tullimbar Lane properties, which is consistent with this Direction.
1.3 Mining, Petroleum Production and Extractive Industries	NA	
1.4 Oyster Aquaculture	NA	
1.5 Rural Lands	Yes	Consistent The Planning Proposal seeks to address various mapping anomalies that have occurred through updated cadastral surveys, where LEP planning control boundaries do not align with the cadastre. The Planning Proposal will ensure that the underlying planning intent of the property is maintained and will result in a realignment of boundaries between Environmental

Section 9.1 Directions	Consistency Yes/No/NA	Comments
		<p>Protection Zones, Rural Zones and Residential Zones.</p> <p>The Planning Proposal is considered to be minor in nature and not determined to be inconsistent with the Rural Planning Principles contained within the Rural Lands SEPP.</p>
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	No	<p>Minor inconsistency</p> <p>The Planning Proposal seeks to rezone areas of E3 Environmental Management and E4 Environmental Living land to R2 Low Density Residential and RU1 Primary Production. This Local Planning Direction states that a planning proposal must not reduce the environmental protection standards that apply to the land. The two road reserves included in the Planning Proposal are currently zoned E4, however they are located in existing roadways and it is not considered that rezoning this land will result in any adverse outcomes. The other sites included as part of the Planning Proposal are minor adjustments of the planning control boundaries that seek to align the LEP controls with the underlying planning intent and the cadastre. Given the minor nature of the planning proposal and the small portions of land involved, the inconsistency is considered to be of minor significance.</p>
2.2 Coastal Management	NA	
2.3 Heritage Conservation	Yes	<p>The lands included in this Planning Proposal do not contain any heritage items under LEP 2013.</p>
2.4 Recreation Vehicle Areas	NA	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	NA	
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	Yes	<p>The planning proposal will broaden the choice of building types and locations available in the housing market as it will reduce split zoning issues for residential development occurring due to the mapping anomalies. This will assist in</p>

Section 9.1 Directions		Consistency Yes/No/NA	Comments
			permitting the subdivision of the land which will create a broader choice of housing options for the affected properties. Housing will still be permissible on the residential zoned land.
3.2	Caravan Parks and Manufactured Home Estates	NA	
3.3	Home Occupations	NA	
3.4	Integrating Land Use and Transport	Yes	The planning proposal seeks to alter the existing residential zone of several properties within the LGA. The realignment of the planning control boundaries is minor in nature to address mapping anomalies and will not affect any access to transport or business and services or require any additional services.
3.5	Development near Licensed Aerodromes	NA	
3.6	Shooting Ranges	NA	
<b>4. Hazard and Risk</b>			
4.1	Acid Sulfate Soils	NA	
4.2	Mine Subsidence and Unstable Land	NA	
4.3	Flood Prone Land	No	<p>Minor Inconsistency</p> <p>One of the properties included within the Planning Proposal is identified as Flood Prone Land (Lot 13 DP 1205920, 33 Whistlers Run, Albion Park). The Planning Proposal seeks to rezone a small portion of the property from E4 Environmental Living to R2 Low Density Residential Development. The Planning Proposal will seek to alter the zone boundary to the cadastre and rezone the block as entirely R2. The portion of E4 zoned land on the property is a small portion along the southern boundary of the property. The 9.1 Directions state that land that is flood prone must not be rezoned to residential, and therefore the PP is inconsistent with this direction. Given that the majority of the site is currently zoned R2, including the majority of the flood affected area of the site, the inconsistency is considered to be of minor significance. Additionally, the</p>

Section 9.1 Directions		Consistency Yes/No/NA	Comments
			property has already been developed for residential purposes.
4.4	Planning for Bushfire Protection	No	Several of the properties included within the PP are identified as being bushfire prone land. In accordance with the Directions, the Planning Proposal will be referred to the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination prior to the Planning Proposal being placed on public exhibition.
<b>5. Housing, Infrastructure and Urban Development</b>			
5.1	Implementation of Regional Strategies	Revoked	
5.2	Sydney Drinking Water Catchments	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		
5.8	Second Sydney Airport: Badgerys Creek	Revoked	
5.9	North West Rail Link Corridor Strategy	NA	
5.10	Implementation of Regional Plans	Yes	The Planning proposal is considered to be consistent with the Illawarra Shoalhaven Regional Plan.
<b>6. Local Plan Making</b>			
6.1	Approval and Referral Requirements	NA	
6.2	Reserving Land for Public Purposes	NA	
6.3	Site Specific Provisions	NA	
<b>7. Metropolitan Planning</b>			
7.1	Implementation of a Plan for Growing Sydney	NA	
7.2	Implementation of Greater Macarthur Land Release Investigation	NA	

Section 9.1 Directions		Consistency Yes/No/NA	Comments
7.3	Parramatta Road Corridor Urban Transformation Strategy	NA	
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	NA	
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NA	
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NA	
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	NA	

Illawarra - Shoalhaven Regional Plan		Consistency Yes/No/NA	Comments
<b>Note: Directions and Actions that do not relate to the Shellharbour LGA have not been included in this checklist</b>			
<b>Goal 1 – Prosperous Illawarra - Shoalhaven</b>			
<b>Direction 1.3 Grow regional strategic assets to support economic growth across the region</b>			
<b>Action 1.3.2</b> Diversify and grow local employment opportunities in the Shellharbour Centre by attracting complementary health and education activities <b>The NSW Government will work with Shellharbour City Council to deliver a Shellharbour Centre Investment Plan that will:</b> <ul style="list-style-type: none"> <li>Identify and prioritise actions that remove barriers to investment and enhance the public realm</li> <li>Put in place planning controls that facilitate the</li> </ul>		NA	

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<p>growth of health and education uses</p> <ul style="list-style-type: none"> <li>Identify and prioritise improved public transport connections</li> </ul>		
<p><b>Action 1.3.4</b> Grow the tourism and light aeronautics industries, and the emergency services roles of the Illawarra Regional Airport</p> <p><b>The NSW Government will work with Shellharbour City Council to:</b></p> <ul style="list-style-type: none"> <li>Prepare and implement and Illawarra Regional Airport Strategic Business Plan; and</li> <li>Grow the tourism and light aeronautics industries, and emergency services roles of the Illawarra Regional Airport to generate further economic growth through the Strategic Business Plan</li> </ul>	NA	
<p><b>Action 1.3.5</b> Develop a stronger marine-based tourism industry, capitalising on the region's numerous small ports and building on The Waterfront, Shell Cove marine facility</p> <p><b>The NSW Government will:</b></p> <ul style="list-style-type: none"> <li>Develop a strategy to encourage marine-based tourism activities</li> </ul>	NA	
<b>Direction 1.4 Support new and expanded industrial activity by providing well-located and serviced supplies of industrial land</b>		
<p><b>Action 1.4.2</b> Support the development of new industrial land through ongoing collaboration between State and Local Government and servicing authorities, to coordinate infrastructure delivery</p>	NA	



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<b>Note: Directions and Actions that do not relate to the Shellharbour LGA have not been included in this checklist</b>		
<b>The NSW Government will:</b> <ul style="list-style-type: none"> <li>Monitor the take-up and availability of industrial land through the Employment Lands Development Program; and</li> <li>Work with Councils and servicing agencies to coordinate infrastructure planning and delivery for regionally important industrial-zoned land</li> </ul>		
<b>Action 1.4.3</b> Support growth in the priority growth sectors through flexible employment lands guidelines for the Illawarra-Shoalhaven <b>The NSW Government will:</b> <ul style="list-style-type: none"> <li>Review and update the <i>Employment Lands Guidelines</i> for the Illawarra and Shoalhaven</li> </ul>	NA	
<b>Direction 1.5 Strengthen the economic self-determination of Aboriginal communities</b>		
<b>Action 1.5.1</b> Conduct a strategic assessment of land held by the region's Local Aboriginal Land Councils to identify priority sites for further investigation of their economic opportunities <b>The NSW Government will:</b> <ul style="list-style-type: none"> <li>Work with the LALCs to identify priority sites so that each Local Aboriginal Land Council can create a pipeline of potential projects</li> </ul>	NA	
<b>Goal 2 – A variety of housing choices, with homes that meet needs and lifestyles</b>		
<b>Direction 2.2 Support housing opportunities close to existing services, jobs and infrastructure in the region's centres</b>		
<b>Action 2.2.1</b> Investigate the policies, plans and investments that would support greater housing diversity in centres	NA	

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<b>Note: Directions and Actions that do not relate to the Shellharbour LGA have not been included in this checklist</b>		
<p><b>The NSW Government will:</b></p> <p>Investigate any barriers that may be preventing development by:</p> <ul style="list-style-type: none"> <li>• Exploring the types of infrastructure and public domain investments that would increase the capacity for growth;</li> <li>• Identifying policies and more detailed planning that would improve certainty and streamline development processes;</li> <li>• Identifying urban design outcomes that support active and vital communities once development occurs; and</li> <li>• Work with Councils to review planning controls in existing urban areas to identify opportunities to increase the range of housing types.</li> </ul>		
<b>Direction 2.3 Deliver housing in new release areas best suited to build new communities, provide housing choice and avoid environmental impact</b>		
<p><b>Action 2.3.1</b> Coordinate infrastructure delivery to support West Lake Illawarra and Nowra-Bomaderry release areas</p> <p><b>The NSW Government will:</b></p> <ul style="list-style-type: none"> <li>• Coordinate delivery of infrastructure required to support West Lake Illawarra and Nowra-Bomaderry release areas</li> </ul>	NA	
<b>Direction 2.5 Monitor the delivery of housing to match supply with demand</b>		
<p><b>Action 2.5.1</b> Monitor land and housing supply through the Illawarra Urban Development Program and incorporate the Shoalhaven Local Government Area</p>	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
<b>Note: Directions and Actions that do not relate to the Shellharbour LGA have not been included in this checklist</b>		
<b>The NSW Government will:</b> <ul style="list-style-type: none"> <li>• Continue to monitor and coordinate the development of regional land releases through the Illawarra Urban Development Program; and</li> <li>• Extend the Illawarra Urban Development Program to include urban areas in the Shoalhaven</li> </ul>		
<b>Goal 3 – A region with communities that are strong, healthy and well-connected</b>		
<b>Direction 3.1 Grow the opportunities for investment and activity in the region's network of centres</b>		
<b>The NSW Government's preference is to put retail activity into centres. Proposals for new retail centres (including retail proposals) will be assessed against the region's network of centres. These proposals should demonstrate how they:</b> <ul style="list-style-type: none"> <li>• Respond to retail supply and demand;</li> <li>• Respond to innovations in the retail sector;</li> <li>• Maximise the use of existing infrastructure (including public transport and community facilities) commensurate with the scale of the proposal; and</li> <li>• Enhance the value of the public realm</li> <li>• The net community benefit should be a factor when assessing these proposals</li> </ul>	NA	
<b>Direction 3.2 Enhance community access to jobs, goods and services by improving connections between centres and growth areas</b>		

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<b>Note: Directions and Actions that do not relate to the Shellharbour LGA have not been included in this checklist</b>		
<b>Action 3.2.1</b> Investigate options to improve public transport service levels which better link centres, corridors and growth areas to Metro Wollongong	NA	
<b>Action 3.2.2</b> Improve access to centres, particularly in the northern corridor, to encourage development	NA	
<b>Direction 3.3 Build socially inclusive, safe and healthy communities</b>		
<b><i>The NSW Government will encourage Councils to use the Neighbourhood Planning Principles:</i></b> <ul style="list-style-type: none"> <li><i>When preparing their local environmental plans and development control plans for new release areas; and</i></li> <li><i>In strategic planning to revitalise town centres, where appropriate, to use an urban design approach to restore ecological function, particularly along waterways and creeks</i></li> </ul>	NA	
<b>Action 3.3.1</b> Review and update the Neighbourhood Planning Principles <b>The NSW Government will:</b> <ul style="list-style-type: none"> <li>Consult with Councils, agencies and industry representatives on a review and update of the Neighbourhood Planning Principles</li> </ul>	NA	
<b>Action 3.3.2</b> Support Council-led revitalisation of centres <b>The NSW Government will:</b> <ul style="list-style-type: none"> <li>Improve coordination between State agencies, Councils and the private sector to support council-led revitalisation projects</li> </ul>	NA	

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<b>Note: Directions and Actions that do not relate to the Shellharbour LGA have not been included in this checklist</b>		
<p><b>Action 3.3.3</b> Develop and implement strategies to invest in sporting and recreational infrastructure</p> <p><b>The NSW Government will:</b></p> <ul style="list-style-type: none"> <li>• Work with stakeholders such as the Illawarra Pilot Joint Organisation and sports industries to review current and potential future sporting and recreational infrastructure; and</li> <li>• Coordinate strategies for joint resourcing of new and redeveloped sporting and recreational infrastructure</li> </ul>	NA	
<b>Direction 3.4 Protect the region's cultural heritage</b>		
<p><b>Action 3.4.1</b> Conserve heritage sites when preparing local planning controls</p> <p><b>The NSW Government will require that:</b></p> <ul style="list-style-type: none"> <li>• Councils conserve heritage assets when undertaking local strategic planning and development</li> </ul>	NA	There is no heritage items identified over the subject lands.
<b>Goal 4 – A region that makes appropriate use of agricultural and resources lands</b>		
<b>Direction 4.1 Protect regionally important agricultural lands as an asset to food and fibre production</b>		
<p><b>Action 4.1.1</b> Identify regionally important agricultural lands and reflect the outcomes in local planning controls</p> <p><b>The NSW Government will:</b></p> <ul style="list-style-type: none"> <li>• map land that is highly suitable for agriculture and industries to better inform strategic and local planning processes; and</li> <li>• develop profiles of the leading agricultural industries to guide future investment decisions</li> </ul>	NA	Minimal agricultural potential due to size of land included in readjustment of boundaries.

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
<b>Note: Directions and Actions that do not relate to the Shellharbour LGA have not been included in this checklist</b>		
<b>Direction 4.2 Secure the productivity and capacity of resource lands</b>		
<p><b>Action 4.2.1</b> Sequence release areas, in the vicinity of mineral resources, to allow the continuation of working extraction activities</p> <p><b>The NSW Government will:</b></p> <ul style="list-style-type: none"> <li>• work with Shellharbour and Kiama Councils to coordinate new development with the continued extraction of hard rock resources; and</li> <li>• consider the need to protect the ongoing operation of existing collieries and future development of known resources in assessing rezoning proposals</li> </ul>	NA	
<p><b>Action 4.2.2</b> Investigate opportunities for biodiversity certification and/or bio-banking agreements in the Dunmore-Shellharbour Hills area to allow ongoing extraction of hard rock</p> <p><b>The NSW Government will:</b></p> <ul style="list-style-type: none"> <li>• investigate opportunities for either biodiversity certificate and/or bio-banking agreements in the Dunmore – Shellharbour Hills area to allow ongoing extraction of hard rock and the long term protection of threatened ecological communities</li> </ul>	NA	
<b>Direction 4.3 Manage and protect the Sydney Drinking Water Catchment</b>		
<b>Goal 5 – A region that protects and enhances the natural environment</b>		
<b>Direction 5.1 Protect the region’s environmental values by focusing development in locations with the capacity to absorb development</b>		
<p><b>Action 5.1.1</b> Avoid, minimise and mitigate the impact of development on significant environmental assets</p>	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
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<b>The NSW Government will:</b> <ul style="list-style-type: none"> <li>require Councils and development proponents to apply high environmental value mapping and criteria to rezoning decisions</li> </ul>		
<b>Action 5.1.3</b> Protect the region's biodiversity corridors in local planning controls <b>The NSW Government will:</b> <ul style="list-style-type: none"> <li>look for opportunities to improve the functioning and resilience of corridors in strategic planning</li> </ul>	NA	
<b>Action 5.1.4</b> Create a consistent approach to protect important riparian areas in planning and development controls <b>The NSW Government will:</b> <ul style="list-style-type: none"> <li>review riparian management outcomes to deliver greater consistency and certainty in the way they are applied in development controls</li> </ul>	NA	
<b>Direction 5.2 Build the Illawarra-Shoalhaven's resilience to natural hazards and climate change</b>		
<b>Action 5.2.1</b> Apply contemporary risk management to coastal and other hazards <b>The NSW Government will:</b> <ul style="list-style-type: none"> <li>work with Councils so that planning controls incorporate the best available hazard information to build resilience to natural hazards; and</li> <li>require that Councils review and update their floodplain risk and coastal management plans, particularly where</li> </ul>	NA	

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<b>Note: Directions and Actions that do not relate to the Shellharbour LGA have not been included in this checklist</b>		
new growth opportunities are being considered that may be affected by natural hazards		
<b>Direction 5.3 Improve the environmental outcomes for waste management and air quality</b>		
<b>Action 5.3.1</b> Develop long term waste-management capacity as the population and development of the region increases <b>The NSW Government will:</b> <ul style="list-style-type: none"> <li>work with Councils and the Illawarra Pilot Joint Organisation to develop a long term capacity to manage waste as the population and development of the region grows.</li> </ul>	NA	
<b>Action 5.3.2</b> Finalise and implement the Illawarra Air Quality Action Plan	NA	
<b>Direction 5.4 Secure the health of coastal landscapes by managing land used and water quality</b>		
<b>Action 5.4.1</b> Protect sensitive estuaries and coastal lakes (Lake Illawarra & Elliot Lake) <b>The NSW Government will:</b> <ul style="list-style-type: none"> <li>protect these sensitive estuaries from inappropriate development that affects water quality or ecological function</li> </ul>	NA	
<b>Action 5.4.2</b> Implement a risk-based decision-making framework to manage water quality and waterway health outcomes for Lake Illawarra <b>The NSW Government will:</b> <ul style="list-style-type: none"> <li>apply the framework through planning and infrastructure programming of development sites within Lake Illawarra catchment; and</li> </ul>	NA	



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<ul style="list-style-type: none"> <li>work with Councils on implementation with support from the Office of Environment and Heritage and other stakeholders</li> </ul>		
<p><b>Action 5.4.3</b> Implement a risk-based decision-making framework to manage water quality and waterway health for coastal lakes and estuaries in the region where development is planned, with priority given to listed sensitive lakes and estuaries</p> <p><b>The NSW Government will:</b></p> <ul style="list-style-type: none"> <li>apply a risk-based decision-making framework for all coastal lakes and estuaries. In the medium term, priority will be given to sensitive estuaries, which are susceptible to the impacts of land use developments (see Table 2 of the Regional Plan)</li> </ul>	NA	