

Planning Services

Gateway Determination Report

LGA	Shoalhaven
PPA	Shoalhaven City Council
NAME	SP3 Tourist Zone Review (16 homes, 0 jobs)
NUMBER	PP_2018_SHOAL_009_00
LEP TO BE AMENDED	Shoalhaven LEP 2014
ADDRESS	Multiple locations: <ul style="list-style-type: none"> - 60-72 McIntosh Rd Shoalhaven Heads - Greenwell Point Rd, South St and Jervis St Greenwell Point - 150-164 Lamer Av Sanctuary Point - 81 Island Point Rd St Georges Basin - Iverison Rd, Glanville Rd and Lakehaven Dr Sussex Inlet - Princes Highway Mollymook/Ulladulla - 3-7 Princes Highway Burrill Lake
DESCRIPTION	Multiple lots – most fully developed for residential / tourist purposes, some vacant land
RECEIVED	4 September 2018
FILE NO.	IRF18/4939
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

The planning proposal seeks to rezone SP3 (Tourist) zoned land at 7 locations across the Shoalhaven LGA to either R1 (General residential), R2 (Low density residential) or SP2 (Infrastructure). The proposed rezonings are consistent with surrounding land use zones and the predominant existing land uses of the subject sites. The planning proposal also proposes to adjust the minimum lot size and height of building provisions that apply.

It is further proposed to insert a new local clause to provide criteria for the consideration of dwelling houses in the SP3 zone, and to remove the third existing objective of the SP3 zone.

Site description

The Planning proposal involves 7 specific sites, being;

- 60-72 McIntosh Rd, Shoalhaven Heads
- Greenwell Point Rd, South St and Jervis St, Greenwell Point
- 150-164 Lamer Av, Sanctuary Point
- 81 Island Point Rd, St Georges Basin
- Iverison Rd, Glanville Rd and Lakehaven Dr, Sussex Inlet
- Princes Highway, Mollymook/Ulladulla
- 3-7 Princes Highway, Burrill Lake

Part 4 of the Planning proposal provides aerial photography and various maps which identify the subject lots, and the development controls that apply at present, and that are proposed by this planning proposal.

The subject sites are largely developed as existing tourist facilities and/or residential land uses and are located within in existing urban areas. Sixteen vacant land parcels are however included.

Existing planning controls

The planning proposal seeks to rezone land currently zoned SP3 (Tourist) to implement the outcomes of a citywide review that considered all 55 locations where the SP3 Tourist zone applies. The objectives of the SP3 zone seek to facilitate tourism accommodation and related activities, compatible residential and recreation land uses including permitting dwelling houses that are associated with tourist activities. The lands use table for the SP3 zone is as follows;

Zone SP3 Tourist

1 Objectives of zone

- *To provide for a variety of tourist-oriented development and related uses.*
- *To enable compatible residential and recreational uses.*
- *To provide for dwelling houses that form an integral part of tourist-oriented development.*

2 Permitted without consent

Nil

3 Permitted with consent

*Building identification signs; Business identification signs; Camping grounds; Caravan parks; Charter and tourism boating facilities; **Dwelling houses**; Environmental facilities; Environmental protection works; Food and drink premises; Function centres; Helipads; Heliports; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Roads; Sewerage systems; Shop top housing; Tourist and visitor accommodation; Water recreation structures; Water supply systems*

4 Prohibited

Any development not specified in item 2 or 3

Land zoned SP3 under the Shoalhaven LEP 2014, including the land subject to this planning proposal, has no specified minimum lot size, nor a maximum building height mapped in the LEP. It is however noted that, where an area does not have a mapped building height, clause 4.2 (Building heights) of the LEP limits building heights across the LGA to 11m.

Surrounding area

The planning proposal includes seven specific sites, as identified in Appendix 1.

These sites are all located in areas characterised by existing developed urban areas compatible with both the current and proposed land use zones and other planning controls proposed by Council in this planning proposal.

It is further proposed to change the objectives of the SP3 Tourist zone, and to include a new clause relating to the consideration of dwelling houses which affects all land zoned SP3 throughout the LGA under the Shoalhaven LEP 2014.

Summary of recommendation

Proceed as per submitted – The proposal seeks to implement outcomes of a strategic review, seeks to protect important tourist zoned land, rezone some land to reflect the predominant existing and desirable future land use and development outcomes.

PROPOSAL

Objectives or intended outcomes

Council's intended outcome of the proposal is to rezone certain SP3 Tourist zoned sites, as identified in a Council review of all SP3 zoned land, to an appropriate residential, recreation or special infrastructure zone. The rationale for each of the 7 sites has been identified by Council in table 2 of its planning proposal and in summary includes;

- Reducing the likelihood of development of 'Special Fire Protection Purposes' in bushfire prone land;
- Reducing permissible densities in flood risk areas;
- Rezoning land that is not located in high profile tourist areas;
- Aligning land zone with existing and anticipate future land use and;
- Aligning zones with surrounding land use and zones

It is considered that the planning proposal is adequate for community consultation in this regard.

Explanation of provisions

The planning proposal (Pages 17-20) details all the proposed amendments to the Shoalhaven LEP 2014, including the proposed amendment of the zoning, lot size and building height maps of each of the 7 subject sites, as well as the proposed amendment of the SP3 zone objectives, and a proposed new clause for the future consideration of dwellings in the SP3 zone. Council's explanation of these provisions is clear and adequate for the purposes of consultation.

Mapping

The proposal includes amendments that involve amendment of land zoning, height of building, lot size maps across 7 locations. Council has included mapping that identifies the current and proposed zones, lot sizes and building heights for each of these sites. (See appendix 1 to this report). The mapping provided within the proposal is considered appropriate for the purpose of consultation.

It is noted that Standard Instrument LEP format maps will need to be produced by Council prior to the finalisation of the plan should it proceed.

NEED FOR THE PLANNING PROPOSAL

The planning proposal seeks to implement the outcomes of a citywide review that considered all 55 locations where the SP3 Tourist zone applies. The review aimed to both protect and retain land with high ongoing tourism value, and rezone areas to better reflect the current and desired future development of the land. The planning proposal is seen as the best and only way of achieving the intended outcomes.

Council's review of the SP3 zone land identified that the large majority of the sites considered in this proposal involve existing residential development rather than tourist based accommodation and are surrounded by residential zones consistent and compatible with the new zones proposed by Council.

The proposed rezonings, subsequent changes to lot size and building heights, changes to the objectives of the SP3 zone, and a new clause to consider future new dwellings in SP3 zoned areas all seek to rationalise the focus and protect tourism development in important areas. These outcomes can only be achieved through the mechanisms proposed in Council's planning proposal.

The Department understands Council has previously undertaken some land owner consultation, and that further consultation following any Gateway determination will allow any further concerns of the community to be raised.

STRATEGIC ASSESSMENT

State

The nature and scale of this planning proposal has little relevance to NSW State strategic planning. However, the provision of additional residential development is consistent with the need to provide additional housing supply that is a key priority across NSW.

Regional / District

The Illawarra Shoalhaven Regional Plan covers the Shoalhaven LGA. The Plan identifies tourism as a priority growth sector, and also has directions that include the provision of sufficient housing supply to suit the changing demands of the region.

Council's review of the SP3 zone within the LEP has concluded that 7 of the 55 sites are suitable for rezoning. The review retains the important tourism areas ensuring that a strong tourism focus exists, whilst providing for future residential development opportunities in a limited number of appropriate locations currently zoned SP3.

The Regional office is satisfied that the planning proposal is generally consistent with the Illawarra Shoalhaven Regional Plan.

Local

Council has identified a number of local strategic planning documents, being various area specific settlement strategies, structure plans as well as the overall Shoalhaven Growth Management Plan, Tourism Masterplan and Community Strategic Plan that are relevant to the planning proposal.

The Regional office considers the proposal to be generally consistent with Councils local strategic planning listed above. Council proposes only to rezone tourist zoned land that it has identified as not being located in prime tourist locations, where the demand for new tourist facilities has not resulted in any significant recent tourism-based development investment, and where the provision of potential new residential infill or redevelopment opportunities is supported to supply additional housing for the growing demand in the Shoalhaven.

Section 9.1 Ministerial Directions

Council has identified the following applicable Ministerial Directions; 1.1 Business and Industrial Zones, 2.2 Coastal Protection, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulphate Soils, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection, 5.10 Implementation of Regional Plans and 6.3 Site Specific Provisions.

The Regional Office has assessed the proposal against all directions and makes the following comments where the planning proposal may be inconsistent;

4.1 Acid Sulphate Soils – The proposed change from SP3 to a residential zone will not result in the potential for greater intensification of land use/development than what is already permitted, nor the potential for impacts acid sulphate affected lands and surrounding environments. It is therefore considered that the any inconsistency with this Direction is of minor significance.

4.3 Flood Prone Land - The proposed change from SP3 to a residential zone will not result in the potential for greater intensification of land use/development than what is already permitted and therefore any potential impacts on flood prone land remain unchanged. In fact, Council argues that the proposal will reduce the future intensity of land use in flood prone areas through the introduction of low density residential areas. It is therefore considered that any inconsistency with this Direction is of minor significance.

4.4 Planning for Bushfire Protection – The Regional Office agrees that post gateway consultation with the NSW RFS prior to community consultation will ensure consistency with this Direction.

State environmental planning policies

Council has identified the Coastal Management SEPP (2018) as applicable. The Regional Office agrees that the proposed change in land zoning from SP3 Tourist to a residential zone will not lead to any significant increase in the potential development density or impacts on coastal lands and any proposed future development will be assessed against the SEPP at the development assessment stage.

The Regional Office notes that the proposed change from an SP3 Tourist zone to a residential zone will see provisions of the Exempt and Complying SEPP (2008) apply.

SITE-SPECIFIC ASSESSMENT

Social

The Regional Office agrees with Council's assessment that the social implications of the proposal are minimal as, in the majority of cases, the proposed zoning is characteristic of the existing residential land use. There is some potential for new dwellings on vacant land. The scale of the sites is small and will not detract from existing surrounding residential land use. A small increase in housing supply will also contribute to housing choice and affordability which has positive social outcomes.

Environmental

Noting that most of the sites covered by the proposal are fully developed and/or involve cleared land, the proposed change of land zoning and other development controls is not anticipated to have any significant impact on the environment.

Council has indicated that any potential future environmental impacts will be assessed and managed through the development assessment process for any new development that may result from the proposed zoning and land use changes. The Regional office agrees that the minimal potential environmental impacts can effectively be managed by Council during the development assessment process.

Economic

The Regional Office agrees with Council's assessment that the proposal is unlikely to have adverse economic impacts as the sites proposed to be rezoned have limited tourism potential as identified in Council's review.

Redevelopment of tourism facilities in the subject locations is unlikely and existing use rights will ensure that the operation and improvement of existing tourism facilities can continue under new zoning provisions. The proposed residential zonings will potentially add value and stimulate renewed interest in development of the site. Noting the relative small scale and the compatibility with the surrounding zones, the proposed residential zones are not foreseen to detract from the economic value or viability of surrounding areas.

Infrastructure

The provision and funding of state infrastructure is not considered relevant to the planning proposal.

CONSULTATION

Community

Council has proposed a 28 day consultation period. The Regional Office considers the timeframe to be appropriate considering the scale of the proposal, the number of involved landowners and adjoining land owners, and acknowledging Council's previous consultation with involved land owners to inform the development of the planning proposal.

Agencies

Council has noted that consultation with the NSW Rural Fire Service is required as a number of the sites are mapped as bushfire prone land.

Further to the RFS, the Regional Office also recommends consultation with the NSW Roads and Maritime Service (RMS) noting that the site at Ulladulla/Mollymook straddles the Princes Highway, a State Road, as well as consultation with the Office of Environment and Heritage (OEH) having regard to a number of involved sites being identified as being subject to flooding and acid sulphate soils.

TIME FRAME

Council has proposed a 6 month timeframe for completion. Acknowledging that Council has already consulted with involved land owners, this timeframe may be achievable, however a 9 month period is recommended to allow for any delays which may arise through the process noting that this will occur during the christmas season.

LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority. The planning proposal seeks largely to rezone various land to align it with its predominant existing use. Council has previously consulted all land owners prior to submitting the planning proposal. It is considered appropriate that Council be able to finalise the plan as the local plan-making authority.

CONCLUSION

The planning proposal is supported to proceed.

Council has undertaken a strategic review to identify and retain the high quality tourist sites within the LGA, and has identified the seven areas subject to this planning proposal as sites better suited to future residential land uses and redevelopment.

The Southern Region supports the planning proposal proceeding to consultation.

RECOMMENDATION

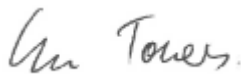
It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 4.1 Acid Sulphate Soils, 4.3 Flood prone land are minor or justified;
2. note that the consistency with section 9.1 Directions 4.4 Planning for Bushfire Protection is unresolved. Consistency with this direction will however be achieved when consultation with the NSW Rural Fire Service is undertaken in accordance with the Gateway determination.

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:

- NSW Rural Fire Service.
 - NSW Roads and Maritime Service
 - Office of Environment and Heritage
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
 4. Given the nature of the planning proposal, Council should be the local plan-making authority to be the local plan-making authority to make this plan.



19/09/18

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21/09/18

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