

PUBLIC NOTICE

EXHIBITION OF SHELLHARBOUR LOCAL ENVIRONMENTAL PLAN 2013 PLANNING PROPOSAL No. 1/2022 (DPE 2022-1772)

What is a Local Environmental Plan (LEP)

A LEP is a legal document that sets out how land can be used and developed in the Shellharbour City Local Government Area. It does this by providing 'zones' for different types of land uses and applies various planning controls to these zones.

What area does the Planning Proposal apply to?

This planning proposal applies to the following lands:

Lot 419 DP 1252087, No. 10 Colden Drive, Albion Park Rail
Lot 418 DP 1252087, No. 418 Princes Highway, Albion Park Rail

What are the proposed changes?

This planning proposal seeks to amend the planning controls as stated below, to ensure consistent planning controls apply across the subject lands to enable practical development of the lands:

- rezone land from RE1 Public Recreation to IN2 Light Industrial
- introduce Height of Buildings (HOB) provision of 11m (no HOB currently)
- introduce Floor Space Ratio (FSR) provision of 1:1 (no FSR currently)
- introduce Minimum Lot Size (LSZ) of 2.7 hectares (no LSZ currently)

Exhibition

The planning proposal and associated documents are attached.

Public Submissions

Submissions are invited and will be received until 28 April 2023.

Submissions must be received in writing and addressed to:

Chief Executive Officer
Locked Bag 155
Shellharbour City Centre, NSW, 2529

Or sent by email to council@shellharbour.nsw.gov.au

The Planning Proposal

Local Government Area: Shellharbour City Council

Property Details: Lot 418 DP 1252087, No. 418 Princes Highway, Albion Park Rail, Lot 419 DP 1252087, No. 10 Colden Drive, Albion Park Rail

Part 1 Objectives and intended outcomes.

The intended outcome of this planning proposal is to amend the planning controls in Shellharbour LEP 2013 to ensure consistent planning controls apply across the subject land to enable practical development of the land.

Part 2 Explanation of Provisions.

- rezone land from RE1 Public Recreation to IN2 Light Industrial
- introduce height of building (HOB) provision of 11m (no HOB currently)
- introduce floor space (FSR) ratio of 1:1 (no FSR currently)
- introduce a minimum lot size (LSZ) of 2.7 hectares (no LSZ currently)

Part 3 Justification of strategic and site-specific merit.

A. *Need for the planning proposal.*

1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The LSPS does not have a specific Action that affects this Planning Proposal.

Action P3.1 Implement recommendations of the Shellharbour City Open Space and Recreation Needs Strategy does not apply to this Proposal as the RE1 zoned land was not included in the strategy as it is privately owned land.

Action P18.4 Review the LEP and DCP to facilitate business investment and growth indirectly relates to this Proposal. The submission of this application requires the LEP to be reviewed and will add a small amount of Industrial zoned land to that currently available. This will facilitate business investment and growth in the Local Government Area.

The planning proposal is consistent with the outcomes of the Shellharbour Employment Lands Study (2021) that was adopted by Council on 5 May 2021 and with the Shellharbour City Open Space and Recreation Needs Strategy (2020) adopted by Council on 7 April 2020. The RE1 Public Recreation land on these two sites was not included in that project as the land is privately owned and had not been identified in LEP 2013 for acquisition.

The Shellharbour City Open Space and Recreation Needs Strategy (2020) does not identify the need for this land to remain zoned RE1.

The planning proposal is considered to involve minor amendments to the Shellharbour LEP (2013) and is supported by sound justification. **Attachments 11 & 12** include the report to Council on 13 December 2022 and the minutes of that meeting.

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

Amending the LEP 2013 provisions for this strip of RE1 Public Recreation zoned land located on the western boundary of the two lots is considered to be the most appropriate means of achieving the intended outcome. This will ensure consistent planning controls apply across the subject land to enable practical development of the sites.

B. Relationship to strategic planning framework.

1. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is consistent with the Illawarra Shoalhaven Regional Plan. See Summary of Planning Issues Checklist, **Attachment 1**.

The planning proposal has sufficient site specific merit because it is:

- compatible with existing development approval reference DA0280/2020 which uses part of Lot 419 for vehicular access;
- the land area involved is minor and should not necessitate additional public infrastructure provision; and
- the land zoned RE1 Public Recreation is not required for recreation purposes.

2. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy, or strategic plan?

The planning proposal is consistent with Council's Local Strategic Planning Statement (LSPS) Vision Statement as it supports a thriving economy and the provision of diverse business and employment opportunities. The Planning Proposal is not inconsistent with any of the LSPS Planning Priorities or Actions.

Action P3.1 Implement recommendations of the Shellharbour City Open Space and Recreation Needs Strategy does not apply to this Proposal as the RE1 zoned land was not included in the strategy as it is privately owned land.

Action P18.4 Review the LEP and DCP to facilitate business investment and growth indirectly relates to this Proposal. The submission of this application requires the LEP to be reviewed and if supported by Council, will add a small amount of Industrial zoned land to that currently available. This will facilitate business investment and growth in the Local Government Area.

The planning proposal is consistent with the outcomes of the Shellharbour Employment Lands Study (2021) that was adopted by Council on 5 May 2021 and with the Shellharbour City Open Space and Recreation Needs Strategy (2020) adopted by Council on 7 April 2020. The RE1 Public Recreation land on these two sites was not included in that project as the land is privately owned and had not been identified in LEP 2013 for acquisition.

The Shellharbour City Open Space and Recreation Needs Strategy does not identify the need for this land to remain zoned RE1.

3. Is the planning proposal consistent with any other applicable and regional studies or strategies?

Not applicable.

4. Is the planning proposal consistent with applicable SEPPs?

The planning proposal is consistent with applicable State Environmental Planning Policies.

See Summary of Planning Issues Checklist, **Attachment 1**.

4. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The planning proposal is consistent with all but one applicable s 9.1 Direction. See Summary of Planning Issues Checklist, **Attachment 1**.

The Planning Proposal is inconsistent with Direction 5.2 Reserving Land for Public Purposes. This Direction states that a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).

This Planning Proposal reduces the width of the RE1 zoned land by about 8m and about 4200m² in area.

Shellharbour Council is the relevant public authority and has supported the submitting of the Planning Proposal to the DPE for gateway determination.

The reduction in RE1 zoned land is considered to be a minor inconsistency with the terms of the Direction as the land zoned RE1 is in private ownership and is not part of the public open space network. The proposal will therefore not impact on the overall supply of public open space for the City now and into the future.

Further the land in its current state does not provide any recreational value.

The adjoining Public Reserve 56, will continue to provide connectivity, and Council's Recreation Planner advises that Public Reserve 56 provides an adequate buffer between the industrial and residential areas.

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?

The Environmental assessment for DA0280/2020 considered vegetation issues and recommended conditional approval. Council's biodiversity mapping does not identify

any vegetation on the site. The planning proposal will increase development potential for the western portion of the site. Much of Lot 419 is already cleared with any vegetation removal approved by DA0280/ 2020.

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

Flooding has been considered by Council's Flood Management Department and there are no objections to the Planning Proposal.

Traffic has been considered by Council's Traffic Management Department and there are no objections to the Planning Proposal.

Noise was considered by Council's Environment Department as part of DA0280/2020 and subject to development consent conditions was considered acceptable. Future development of the majority of Lot 418 will need to consider noise impacts as part of a future development application.

The Planning Proposal will reduce the width of the RE1 zoned land from 16m to 8m. The land proposed to be rezoned is privately owned and not owned by Council. The remaining 8m is owned by Council which is zoned RE1 and part of Public Reserve 56 and this Planning Proposal does not impact on that land.

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

The Planning Proposal will have minimal adverse impact on social and economic issues.

D. Infrastructure (Local, State and Commonwealth)

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

The Planning Proposal creates a relatively small amount of additional industrial zoned land. Any additional services/infrastructure will be assessed and determined as part of any future development application/s.

E. State and Commonwealth interests.

1. What are the views of State and federal Public Authorities and government agencies consulted in order to inform the gateway determination?

No consultation undertaken at this stage. Relevant agencies will be contacted as part of the consultation for this Planning Proposal.

Part 4 Maps.

Locality Plan, see **Attachment 2**

Zoning Map, see **Attachments 3 & 4**

Height Map, see **Attachments 5 & 6**

Lot Size Map, see **Attachments 7 & 8**

Floor Space Ratio Map, see **Attachments 9 & 10**

Part 5 Community consultation.

In accordance with a standard Planning Proposal category in the LEP Making Guidelines 2021, a 20 day exhibition period. This should include a notice in the local newspaper, Council website and letters to nearby property owners.

Part 6 Project timeline.

- Anticipated commencement date (Gateway determination): April 2023
- Anticipated timeframe for the completion of required technical information: Existing information adequate, subject to Gateway determination and government agency consultation, April 2023
- Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination): May 2023
- Commencement and completion dates for public exhibition period: 20 day exhibition. May 2023
- Dates for public hearing (if required): If necessary, to be determined post exhibition
- Timeframe for consideration of submissions: July 2023
- Timeframe for the consideration of a proposal post exhibition: July 2023
- Date of submission to the Department to finalise the LEP: September 2023

ATTACHMENTS

Attachment 1 – Summary of Planning Issues Checklist

Attachment 2 – Locality Plan

Attachment 3 – Existing Zoning

Attachment 4 – Proposed Zoning

Attachment 5 – Existing Height

Attachment 6 – Proposed Height

Attachment 7 – Existing Lot Size

Attachment 8 – Proposed Lot Size

Attachment 9 – Existing Floor Space Ratio

Attachment 10 – Proposed Floor Space Ratio

Attachment 11 – Council report meeting 13 December 2022

Attachment 12 – Extract of Minutes Council meeting 13 December 2022

Attachment 13 - Gateway Determination

ATTACHMENT 1 - Summary of Planning Issues Checklist

SHELLHARBOUR LOCAL ENVIRONMENTAL PLAN 2013 PLANNING PROPOSAL 1/2022 PLANNING PORTAL No. PP - 2022 - 1772

Summary of Planning Issues Checklist

Location: Lot 418 DP 1252087 No. 418 Princes Hwy Albion Park Rail & Lot 419 DP 1252087 No. 10 Colden Drive, Albion Park Rail

Proposal: Rezone land from RE1 Public Recreation to IN2 Light Industrial (about 8.0m wide strip of land)
Introduce Height of 11.0m
Introduce Floor Space Ratio of 1:1
Introduce a Lot Size of 2.7ha

Date: 22 December 2022

Compliance with Draft SEPPs/EIE: NA

Note: DoPE have advised that draft SEPPs not made within 3 years of exhibition don't need to be considered & an Explanation of Intended Effects to a SEPP is a Draft SEPP

Compliance with SEPPs: Yes

Compliance with Section 9.1 Directions: Part – Not 5.2 Reserving land for public purposes

Compliance with Illawarra – Shoalhaven Regional Plan: Yes

Heritage Studies required: No

Illawarra Urban Development Program: No

Coastal Zone: No

LES Necessary: No

Crown Lands – Aboriginal Land Claim. Referral Required No
Doc No 10826833

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
Major Infrastructure Corridors Environment	NA NA	
SEPPs	Consistency Yes/No/NA	Comments
SEPP 65 Design Quality of Residential Flat Development	NA	
SEPP (BASIX) 2004	NA	
SEPP (Exempt and Complying Development Codes) 2008	NA	
Biodiversity & Conversation 2021		
Chapter 1 Preliminary	NA	
Chapter 2 Vegetation in non-rural areas	NA	
Chapter 3 Koala habitat protection 2020	NA	
Chapter 4 Koala habitat protection 2021	NA	
Chapter 5 River Murray lands	NA	
Chapter 6 Water catchments	NA	
Chapters 7 – 12	Repealed 21/11/2022	
Chapter 13 Strategic conservation planning		
Housing 2021		
Chapter 1 Preliminary	NA	

Updated: 22/12/2022

Chapter 2 Affordable housing	NA	
Chapter 3 Diverse housing	NA	
Industry & Employment 2021		
Chapter 1 Preliminary	NA	
Chapter 2 Western Sydney Employment Area	NA	
Chapter 3 Advertising and signage	NA	
Planning Systems 2021		
Chapter 1 Preliminary	NA	
Chapter 2 State and regional development	NA	
Chapter 3 Aboriginal Land	NA	
Precincts – Central River City 2021		
Chapter 1 Preliminary	NA	
Chapter 2 State Significant Precincts	NA	
Chapter 3 Sydney Region growth centre	NA	
Chapter 4 Homebush Bay	NA	
Chapter 5 Kurnell Peninsula	NA	
Chapter 6 Urban renewal precincts	NA	
Precincts – Eastern Harbour City 2021		
Chapter 1 Preliminary	NA	
Chapter 2 State significant precincts	NA	
Chapter 3 Darling Harbour	NA	
Chapter 4 City West	NA	
Chapter 5 Walsh Bay	NA	

Chapter 6 Cooks Cove	NA	
Chapter 7 Moore Park Showground	NA	
Precincts – Regional 2021		
Chapter 1 Preliminary	NA	
Chapter 2 State significant precincts (includes Calderwood)	NA	
Chapter 3 Activation precincts	NA	
Chapter 4 Kosciuszko National Park and alpine resorts	NA	
Chapter 5 Gosford City Centre	NA	
Precincts – Western Parkland City 2021		
Chapter 1 Preliminary	NA	
Chapter 2 State significant precincts	NA	
Chapter 3 Sydney region growth centres	NA	
Chapter 4 Western Sydney Aerotropolis	NA	
Chapter 5 Penrith Lakes Scheme	NA	
Chapter 6 St Marys	NA	
Chapter 7 Western Sydney Parklands	NA	
Primary Production 2021		
Chapter 1 Preliminary	NA	
Chapter 2 Primary production and development	NA	
Chapter 3 Central Coast plateau areas	NA	
Resilience and Hazards 2021		
Chapter 1 Preliminary	NA	
Chapter 2	NA	

Coastal Management		
Chapter 3 Hazardous and offensive development	NA	
Chapter 4 Remediation of land	NA	
Resources & Energy 2021		
Chapter 1 Preliminary	NA	
Chapter 2 Mining, petroleum production and extractive industries	NA	
Chapter 3 Extractive industries in Sydney area	NA	
Sustainable Buildings 2022		
Chapter 1 Preliminary	NA	
Chapter 2 Standards for residential development - BASIX	NA	
Chapter 3 Standards for non-residential development	NA	
Transport and Infrastructure 2021		
Chapter 1 Preliminary	NA	
Chapter 2 Infrastructure	NA	
Chapter 3 Educational establishments and child care facilities	NA	
Chapter 4 Major infrastructure corridors	NA	
Chapter 5 Three parts – Port Botany, Port Kembla and Newcastle	NA	
Chapter 6 Moorebank freight intermodal precinct	NA	
Section 9.1 Directions	Consistency Yes/No/NA	Comments
1. Planning Systems		
1.1 Implementation of Regional Plans	NA	There are no Actions or requirements in the Regional Plan that affects this Planning Proposal

1.2	Development of Aboriginal Land Council land	NA	
1.3	Approval and Referral Requirements	NA	
1.4	Site Specific Provisions	NA	
1.Planning Systems – Place-based			
1.5	Parramatta Road Corridor Urban Transformation Strategy	NA	
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	NA	
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NA	
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NA	
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	NA	
1.10	Implementation of the Western Sydney Aerotropolis Plan	NA	
1.11	Implementation of Bayside West Precincts 2036 Plan	NA	
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	NA	
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	NA	
1.14	Implementation of Greater Macarthur 2040	NA	
1.15	Implementation of the Pyrmont Peninsula Place Strategy	NA	
1.16	North West Rail Link Corridor Strategy	NA	
1.17	Implementation of Bays West Place Strategy	NA	

1.18	Implementation of the Macquarie Park Innovation Precinct	NA	
1.19	Implementation of the Westmead Place Strategy	NA	
1.20	Implementation of the Camellia-Rosehill Place Strategy	NA	
1.21	Implementation of South West Growth Area Structure Plan	NA	
1.22	Implementation of the Cherrybrook Station Place Strategy	NA	
2. Design and Place			
		NA	
3. Biodiversity and Conservation			
3.1	Conservation Zones	NA	
3.2	Heritage Conservation	NA	
3.3	Sydney Drinking Water Catchments	NA	
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs 26	NA	
3.5	Recreation Vehicle Areas	NA	
3.6	Strategic Conservation Planning	NA	
3.7	Public Bushland	NA	
3.8	Willandra Lakes Region	NA	
3.9	Sydney Harbour Foreshores and Waterways Area	NA	
3.10	Water Catchment Protection	NA	
4. Resilience and Hazards			
4.1	Flooding	Yes	Flood referral indicates compliance with relevant requirements
4.2	Coastal Management	NA	
4.3	Planning for Bushfire Protection	NA	Not Bushfire Prone land
4.4	Remediation of Contaminated Land	NA	
4.5	Acid Sulfate Soils	NA	Not mapped as Acid Sulfate Soils

4.6	Mine Subsidence and Unstable Land	NA	
5. Transport and Infrastructure			
5.1	Integrating Land Use and Transport	NA	
5.2	Reserving Land for Public Purposes	No	<p>This Direction states that a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p> <p>This Planning Proposal reduces the amount of RE1 zoned land by about 4200m².</p> <p>Shellharbour Council is the relevant public authority and has supported the submitting of the Planning Proposal to the DPE for gateway determination.</p> <p>The reduction in RE1 zoned land is considered to be a minor inconsistency with the terms of the direction as the land zoned RE1, is in private ownership and is not part of the public open space network. Council has no current plans to acquire the land and the land is not identified in SLEP 2013 as Land Reservation Acquisition.</p> <p>Council's Open Space Recreation Needs Study 2021 did not identify the need for this land for recreation purposes. The Study also did not include this zoned land when assessing open space needs for our community.</p> <p>The proposal will therefore not impact on the overall supply of public open space for the City now and into the future.</p> <p>Further the land in its current state does not provide any recreational value as it forms part of two privately owned lots.</p> <p>The adjoining Public Reserve 56, will continue to provide connectivity, and Council's Recreation Planner advises that Public Reserve 56 provides an adequate buffer between the industrial and residential areas.</p>

5.3	Development Near Regulated Airports and Defence Airfields	NA	Horizontal surface 52 applies. This Proposal will have no more impact than the existing Light Industrial zoned land immediately adjoining.
5.4	Shooting Ranges	NA	
6. Housing			
6.1	Residential Zones	NA	
6.2	Caravan Parks and Manufactured Home Estates	NA	
7. Industry and Employment			
7.1	Business and Industrial Zones	Yes	The Planning Proposal adds to the adjoining Industrial zones
7.2	Reduction in non-hosted short-term rental accommodation period	NA	
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	NA	
8. Resources and Energy			
8.1	Mining, Petroleum Production and Extractive Industries	NA	
9. Primary Production			
9.1	Rural Zones	NA	
9.2	Rural Lands	NA	
9.3	Oyster Aquaculture	NA	
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
Note: Objectives and Strategies that do not relate to the Shellharbour LGA have not been included in this checklist		
Theme 1 – A productive and innovative region		
Objective 2: Grow the region's Regional Cities		
Strategy 2.2 Enhance the diversity and strength of Shellharbour City Centre. Strategic planning and local plans should consider opportunities to: <ul style="list-style-type: none"> • Facilitate higher density mixed use development with quality connected open space and increased tree canopy • Explore opportunities to support a night-time economy and smart work hubs • Improve access and movement between the centre's functions and destinations • Improve connectivity into Shellharbour City Centre from surrounding suburbs through better pedestrian, cycle and public transport connections including from Oak Flats Train Station • Leverage future investment in health and education services • Facilitate diversification and growth in employment opportunities 	NA	
Objective 4: Activate regionally significant employment precincts to support new and innovative economic enterprises		
Strategy 4.1 Support new and innovative economic enterprises. Strategic planning and local plans should consider opportunities to: <ul style="list-style-type: none"> • Retain and manage regionally significant employment lands and safeguard them from competing pressures • Provide flexibility in local planning controls • Align infrastructure to support the rollout of employment land in the region 	Yes	Small amount of additional industrial zoned land to be added to the local supply
Strategy 4.2	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
Note: Objectives and Strategies that do not relate to the Shellharbour LGA have not been included in this checklist		
Monitor the take up and availability of employment land through the Employment Lands Development Monitor		
Strategy 4.4 Continue to support the growth of Shellharbour Airport through Shellharbour City Council's <i>Airport Strategic Business Plan</i> . Strategic and local plans should consider opportunities to: <ul style="list-style-type: none"> • Appropriately manage and protect Shellharbour Airport's land-use and airspace to support aviation operations (including regular public transport) and related business • Activate employment lands surrounding the airport with flexible planning controls 	NA	
Objective 5 – Create a diverse visitor economy		
Strategy 5.1 Create an environment for a diverse visitor economy. Strategic planning and local plans should consider opportunities to: <ul style="list-style-type: none"> • Enhance the amenity, vibrancy and safety of centres and township precincts • Create green and open spaces that are accessible and well connected and enhance existing green infrastructure in tourist and recreation facilities • Support the development of places for artistic and cultural activities • Protect heritage, biodiversity and agriculture to enhance cultural tourism, agri-tourism and eco-tourism • Support appropriate growth of a night-time economy • Provide flexibility in planning controls to allow sustainable agri-tourism and eco-tourism • Improve public access and connection to heritage through innovative interpretation 	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
Note: Objectives and Strategies that do not relate to the Shellharbour LGA have not been included in this checklist		
<ul style="list-style-type: none"> • Incorporate transport planning with a focus on active transport modes to connect visitors to key destinations • Provide water services to meet the needs of visitors. 		
Strategy 5.2 Support a diverse visitor economy in national parks through collaboration between National Parks and Wildlife Services, Destination NSW, Destination Networks, councils and local tourism organisations to encourage and welcome visitors.	NA	
Objective 6 – Activate the region’s harbours to promote the blue highway		
Strategy 6.1 Activate the region’s harbour and ports as well as their related commercial areas in strategic planning and local plans.	NA	
Objective 7 – Respond to the changing nature of retail		
Strategy 7.1 Respond to the changing nature of retail. Strategic planning and local plans should consider opportunities to: <ul style="list-style-type: none"> • Provide flexibility and facilitate a broad range of commercial, business and retail uses within centres • Focus future commercial and retail activity in existing commercial centres, unless there is no other suitable site within existing centres, there is a demonstrated need, or there is positive social and economic benefit to locate activity elsewhere. 	NA	
Objective 8 – Strengthen the economic self-determination of Aboriginal communities		
Strategy 8.1 Support and partner with Aboriginal communities to identify opportunities to activate land including biodiversity offset market to drive economic prosperity,	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
Note: Objectives and Strategies that do not relate to the Shellharbour LGA have not been included in this checklist		
training and employment for Aboriginal communities.		
Strategy 8.3 Prioritise the processing of unresolved Aboriginal Land Claims on Crown land.	NA	
Strategy 8.4 Provide opportunities for the region's LALCs to interact with and utilise the NSW planning system and the planning pathways available to achieve development aspirations.	NA	
Objective 9 – Promote agricultural innovation, sustainability and value-add opportunities		
Strategy 9.1 Promote agriculture and aquaculture innovation, sustainability and value-add opportunities such as agri-tourism. Strategic planning and local plans should consider opportunities to: <ul style="list-style-type: none"> • Protect identified important agricultural land and industries from other land uses, land use conflict and fragmentation • Protect assets and infrastructure such as freight and logistics facilities from land use conflict and the encroachment of incompatible land use to facilitate investment in the agricultural supply chain • Minimise the impacts of development on aquatic habitats in aquacultural estuaries • Manage water availability and protect water sources. 	NA	
Strategy 9.2 Enable new rural residential development only where it has been identified in a local strategic plan, prepared by council and endorsed by the Department of Planning, Industry and Environment.	NA	
Objective 10 – Sustainably maximise the productivity of resource lands		
Strategy 10.1 Consider the ongoing operation of existing mining and resource	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
Note: Objectives and Strategies that do not relate to the Shellharbour LGA have not been included in this checklist		
<p>extraction and future development of known resources.</p> <p>Strategic planning and local plans should consider opportunities to:</p> <ul style="list-style-type: none"> • Protect areas of mineral and energy resources potential • Protect infrastructure that facilities mining industries, such as road and rail freight routes, from development that could affect current or future extraction • Address water resource constraints and impacts 		
<p>Strategy 10.2</p> <p>Consider opportunities for strategic biodiversity conservation measures around known hard work resource lands to protect environmental values and provide certainty for extraction activities.</p>	NA	
Theme 2 – A sustainable and resilient region		
Objective 11 – Protect important environmental assets		
<p>Strategy 11.1</p> <p>Protect, maintain or restore important environmental assets.</p> <p>Strategic planning and local plans should consider opportunities to:</p> <ul style="list-style-type: none"> • Recognise the validated high environmental value lands in local environmental plans • Minimise potential impacts arising from development on areas of high environmental value and implement the ‘avoid, minimise and offset’ hierarchy • Consistently manage riparian corridors through strategic planning initiatives that accommodate natural physical processes and integrate water sensitive urban design principles. 	NA	
<p>Strategy 11.2</p> <p>Protect and enhance the function and resilience of biodiversity corridors in strategic planning and local environmental plans.</p>	NA	
<p>Strategy 11.3</p>	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
Note: Objectives and Strategies that do not relate to the Shellharbour LGA have not been included in this checklist		
Consider the needs of climate refugia for threatened and dominant species in strategic planning including biodiversity and conservation planning.		
Strategy 11.4 Protect biodiversity values in urban release areas. Strategic planning and local plans should consider opportunities to: <ul style="list-style-type: none"> • Incorporate validated and up-to-date environmental data • Investigate strategic biodiversity conservation opportunities 	NA	
Strategy 11.5 Protect coastal lakes and estuaries by implementing the NSW Government's Risk-Based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions, with sensitive coastal lakes and estuaries prioritised. Strategic planning and local plans should support improved water quality and ecological function.	NA	
Strategy 11.6 Align local plans with any certified Coastal Zone Management Plan or certified Coastal Management Program.	NA	
Objective 12 – Build resilient places and communities		
Strategy 12.1 Resilience and adaptation plans should consider opportunities to: <ul style="list-style-type: none"> • Encourage sustainable and resilient building design and materials including the use of renewable energy • Promote economic diversity and prosperity, improving liveability, and strengthening the health, wellbeing and social cohesion of a place • Integrate emergency management and recovery needs into new and existing urban areas including 	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
Note: Objectives and Strategies that do not relate to the Shellharbour LGA have not been included in this checklist		
<p>evacuation planning, safe access and egress for emergency services personnel, buffer areas, building back better, whole-of-life cycle maintenance and operation costs for critical infrastructure for emergency management</p> <ul style="list-style-type: none"> • Recognise the benefits of social connectivity and social cohesion to community resilience. 		
<p>Strategy 12.2 Reduce exposure to bushfire and natural hazards. Strategic planning and local plans should consider:</p> <ul style="list-style-type: none"> • The proximity of new development, including urban release areas, in relation to areas of high bushfire risk, flooding hazards or coastal erosion/inundation to protect the community from natural hazards • Preparing, reviewing and implementing floodplain risk management plans in existing and new growth areas to improve community resilience to the impacts of flooding and to enable flood constraints to be incorporated into planning processes early for new development. 	NA	
<p>Strategy 12.3 Reduce the region's exposure to natural coastal hazards through implementing the NSW Government's Coastal Management Framework. Strategic planning and local plans should consider opportunities to:</p> <ul style="list-style-type: none"> • Transition existing certified coastal zone management plans to coastal management programs • Implement and review certified coastal management programs to enable the sustainable use of coastal land for infrastructure and development and to improve 	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
Note: Objectives and Strategies that do not relate to the Shellharbour LGA have not been included in this checklist		
<p>the resilience of the region's coastal settlements to existing and future coastal hazards</p> <ul style="list-style-type: none"> • Ensure areas identified for development are consistent with limitations and agreed long-term management strategies in any certified coastal zone management plan or certified coastal management program • Enable effective consideration of coastal hazards including consideration of climate change, with any certified coastal zone management plan or certified coastal management program. 		
Objective 13 – Increase urban tree canopy cover		
<p>Strategy 13.1</p> <p>Foster opportunities to increase urban tree canopy coverage in urban areas.</p> <p>Strategic planning and local plans should consider opportunities to develop long-term urban tree canopy targets accounting for local characteristics and community expectations.</p>	NA	
Objective 14 – Enhance and connect parks, open spaces and bushland with walking and cycling paths		
<p>Strategy 14.1</p> <p>Enhance and increase access to public spaces. Strategic planning and local plans should consider opportunities to:</p> <ul style="list-style-type: none"> • Plan for urban release areas to supply a sufficient quantity and quality of new accessible open space • Explore new public space in accordance with the Government Architect NSW's <i>Greener Places and Better Places</i> guidance, and with consideration of the <i>Designing with Country</i> discussion paper, <i>Streets as Shared Spaces</i> program, and <i>Everyone Can Play</i> • Require large urban renewal initiatives to demonstrate how 	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
Note: Objectives and Strategies that do not relate to the Shellharbour LGA have not been included in this checklist		
the quantity of, or access to, high quality and diverse local public space is maintained or improved.		
Objective 15 – Plan for a Net Zero region by 2050		
Strategy 15.1 Strategic planning and local plans should consider opportunities to encourage initiatives that reduce emissions.	NA	
Strategy 15.2 Strategic planning and local plans should consider opportunities to encourage energy efficient building design for residential, commercial and industrial areas.	NA	
Strategy 15.3 Promote opportunities for clean energy in the region including pumped hydro, hydrogen and biogenic gas.	NA	
Strategy 15.4 Explore opportunities where carbon sequestration using estuarine ecosystems could be used for estuary riverbank restoration and/or be included in coastal management programs.	NA	
Strategy 15.5 Explore opportunities for using agricultural land to sequester carbon in vegetation and soils, and to grow biomass for bioenergy.	NA	
Objective 16 – Support the development of a circular economy		
Strategy 16.1 Strategic planning and waste management strategies should consider supporting development of a circular economy and opportunities for industrial symbiosis.	NA	
Objective 17 – Secure water resources		
Strategy 17.1 Encourage the sustainable use of water resources.	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
Note: Objectives and Strategies that do not relate to the Shellharbour LGA have not been included in this checklist		
<p>Strategic planning and local plans should consider opportunities to:</p> <ul style="list-style-type: none"> • Locate, design, construct and manage new developments to minimise impacts on water catchments, including downstream impacts and groundwater sources • Incorporate water sensitive urban design particularly where development is likely to impact water catchments, water quality and flows • Encourage the reuse of water in new development, for urban greening and for irrigation purposes • Improve provision of stormwater management and water sensitive urban design. 		
Theme 3 – A region that values its people and places		
Objective 18 – Provide housing supply in the right locations		
<p>Strategy 18.1</p> <p>Identify urban growth boundaries and facilitate opportunities to support ongoing supply of housing in appropriate locations.</p>	NA	
<p>Strategy 18.2</p> <p>Facilitate housing opportunities in existing urban areas, particularly within strategic centres.</p> <p>Strategic planning and local plans should consider opportunities to:</p> <ul style="list-style-type: none"> • Review planning controls so that they are creating flexible and feasible conditions for housing supply • Align infrastructure and service delivery to match housing supply needs • Explore public domain improvements that would increase capacity for growth • Identify policies and processes that could be reviewed to improve certainty and streamline development processes 	NA	

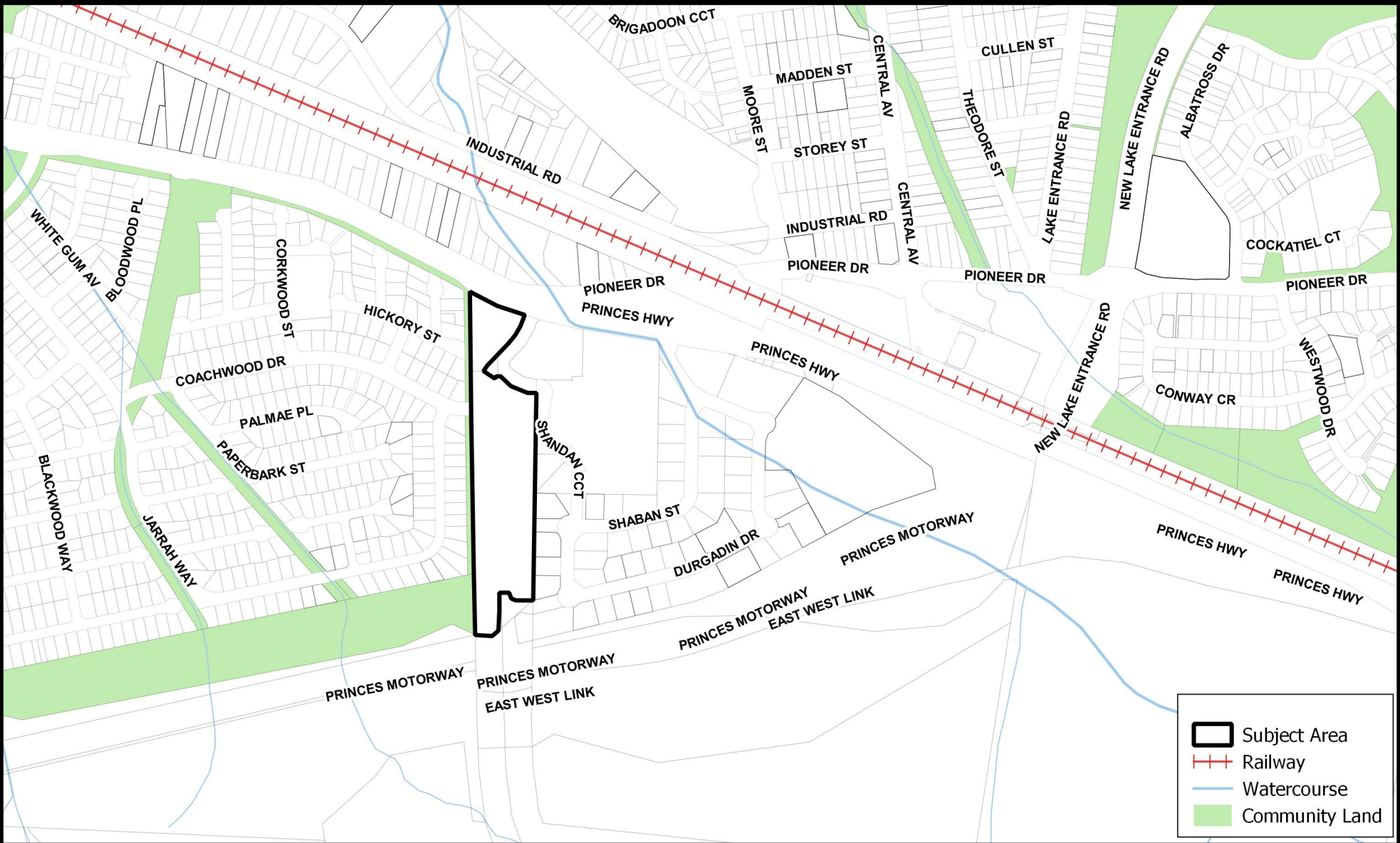
Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
Note: Objectives and Strategies that do not relate to the Shellharbour LGA have not been included in this checklist		
<ul style="list-style-type: none"> Promote urban design outcomes to support healthy and vibrant communities. 		
Strategy 18.3 Identify, prioritise and coordinate infrastructure needed to support vibrant and healthy communities in the region's urban release areas through the Illawarra Shoalhaven Urban Development Program	NA	
Strategy 18.4 Monitor land and housing supply through the Illawarra Shoalhaven Urban Development Program.	NA	
Objective 19 – Deliver housing that is more diverse and affordable		
Strategy 19.1 Continue to provide for and encourage a range of housing choices. Strategic planning and local plans should consider opportunities to: <ul style="list-style-type: none"> Provide a mix of housing types and lot sizes including small lots in urban release areas Provide a mix of housing sizes including studios and one-bedroom dwellings Consider incentives to increase the supply of housing that is appropriate for seniors, including low-care accommodation Consider whether development standards, including minimum lot sizes, minimum frontage and floor space ratio are inadvertently inhibiting opportunities for diverse housing options Explore innovative solutions in housing to cater for a range of community needs, including those of older people, multi-generation families, people living in group housing, people with special needs or people from different cultural backgrounds. 	NA	
Strategy 19.2 Investigate affordable housing targets in consultation with the	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
Note: Objectives and Strategies that do not relate to the Shellharbour LGA have not been included in this checklist		
Illawarra Shoalhaven Affordable Housing Roundtable.		
Strategy 19.3 Assess the potential to renew social housing sites to deliver an increase in social housing stock and greater vibrancy in local communities.	NA	
Objective 21 – Respond to the changing needs of local neighbourhoods		
Strategy 21.1 Consider the changing needs of local neighbourhood centres. Strategic planning and local plans should consider opportunities to: <ul style="list-style-type: none"> • Explore flexibility and supporting a mix of land uses so that local streets and spaces can be adapted to new uses and user needs over time • Improve public space, in consultation with the community, to foster and support connectivity and great places to live for changing populations. 	NA	
Objective 22 – Embrace and respect the region's local character		
Strategy 22.1 Support the development of local character statements in accordance with the NSW Government's <i>Local Character and Place Guideline</i> .	NA	
Objective 23 – Celebrate, conserve and reuse cultural heritage		
Strategy 23.1 Identify, conserve and enhance cultural heritage values. Strategic planning and local plans should consider opportunities to: <ul style="list-style-type: none"> • Engage Traditional Owners and the community early in the planning process to understand heritage values • Undertake heritage studies early to inform conservation and value add opportunities • Apply adaptive reuse and heritage interpretation to create distinctive local places • Manage and monitor the cumulative impact of 	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
Note: Objectives and Strategies that do not relate to the Shellharbour LGA have not been included in this checklist		
development on the heritage values and character of places.		
Objective 24 – Support major events, public art and cultural activities		
Strategy 24.1 Support public art, major events and cultural activities. Strategic planning and local plans should consider opportunities to: <ul style="list-style-type: none"> • Enhance and protect creative work and performance spaces, and related facilities • Support the temporary use of vacant buildings for performance and creative work • Support the night-time economy • Facilitate opportunities for creative and artistic expression and participation with a minimum regulatory burden • Encourage the diversification of uses, or activation of underutilised facilities • Facilitate street art to enhance urban areas and contribute to the attractiveness of neighbourhoods. 	NA	
Theme 4 – A smart, connected and accessible region		
Objective 25 – Collaborate to leverage opportunities from Western Sydney's growth		
Strategy 25.1 Engage and collaborate on opportunities for mutual and sustainable, social, economic and employment benefits across the Illawarra Shoalhaven and Western Sydney.	NA	
Objective 27 – Protect major freight networks		
Strategy 27.1 Optimise the efficiency and effectiveness of freight handling and logistics network. Strategic planning and local plans should consider opportunities to:	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
Note: Objectives and Strategies that do not relate to the Shellharbour LGA have not been included in this checklist		
<ul style="list-style-type: none"> • Protect, maintain and improve the existing and emerging freight transport networks • Balance the need to minimise negative impacts of freight movements on urban amenity with the need to support efficient freight movements and deliveries • Limit incompatible uses in areas expected to have intense freight activity. 		
Objective 28 – Create connected and accessible walking and cycling networks		
Strategy 28.1 Improve and/or create connected and accessible walking and cycling networks. Strategic planning and local plans should consider opportunities to: <ul style="list-style-type: none"> • connect existing coastal walkways to enhance the user experience and link coastal towns and villages • Integrate walking and cycling networks into the design of new communities • Prioritise walking and cycling in areas around schools, health services, aged care facilities, sporting, cultural and recreational facilities • Explore ideas from the <i>Streets as Shared Spaces</i> program. 	NA	
Objective 29 – Utilise smart infrastructure to drive resilience, prosperity and vibrant places		
Strategy 29.1 Integrate smart technology and the Internet of Things into local strategic planning, including consideration of how it can improve community engagement and information sharing in the planning process.	NA	
Objective 30 – Prepare for mobility changes that improve connectivity and sustainability		
Strategy 30.1 Foster a regional approach to the rollout of electric vehicle charging infrastructure that considers potential sites for charging stations, including council-owned land, and	NA	

Illawarra - Shoalhaven Regional Plan	Consistency Yes/No/NA	Comments
Note: Objectives and Strategies that do not relate to the Shellharbour LGA have not been included in this checklist		
how these locations can be activated as places.		
<p>Strategy 30.2</p> <p>Support technology-enhanced mobility changes by providing flexibility in the way centres are planned.</p> <p>Strategic planning and local plans should consider opportunities to:</p> <ul style="list-style-type: none"> • Foster the take up of automated and electric vehicles for public transport, active transport and personal use • Incorporate facilities to encourage the use of car sharing, and electric and hybrid vehicles, including charging stations. 	NA	



Location Plan

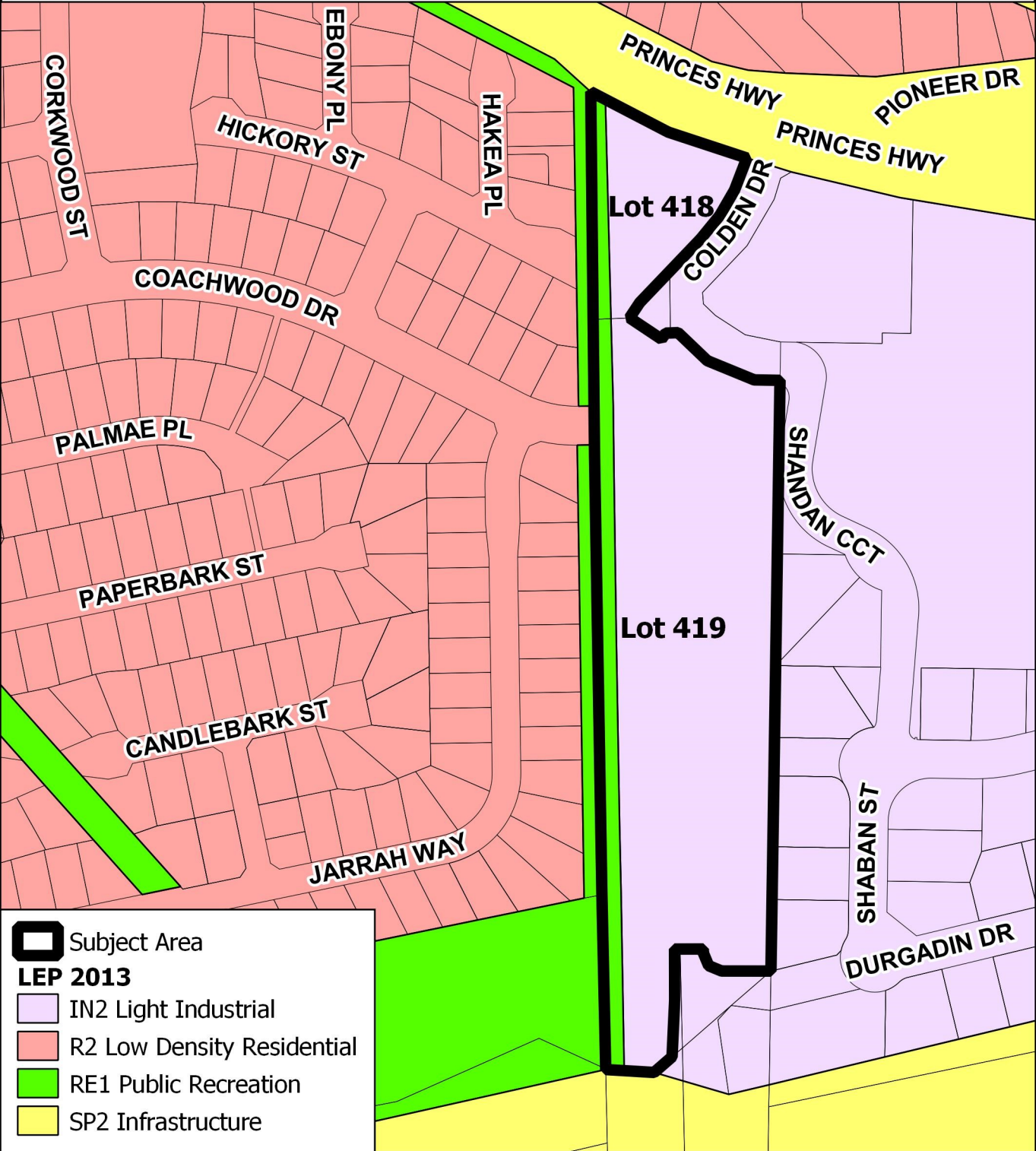
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Current Land Zoning -
Planning Proposal 0001/2022



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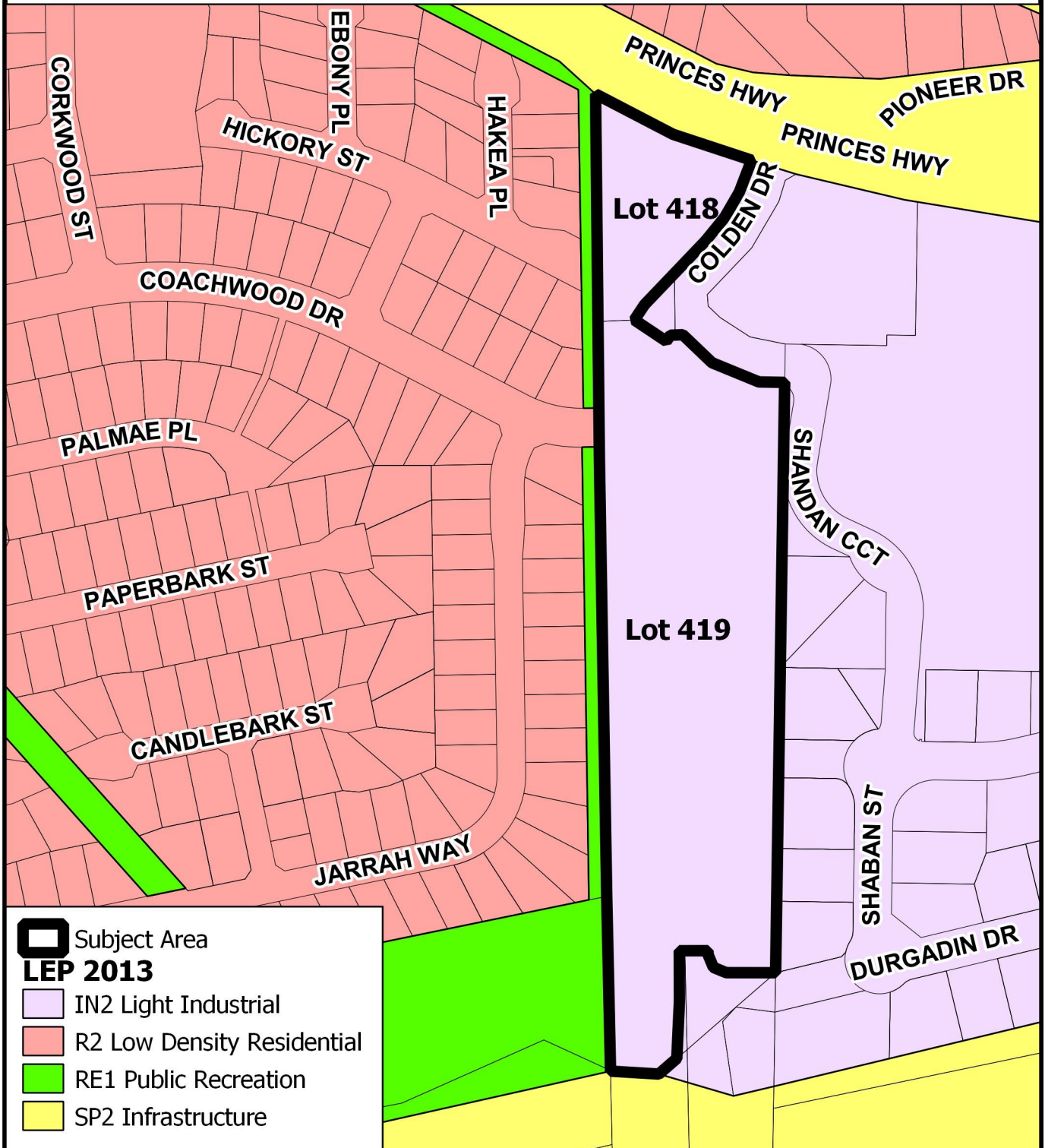
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Proposed Land Zoning - Planning Proposal 0001/2022



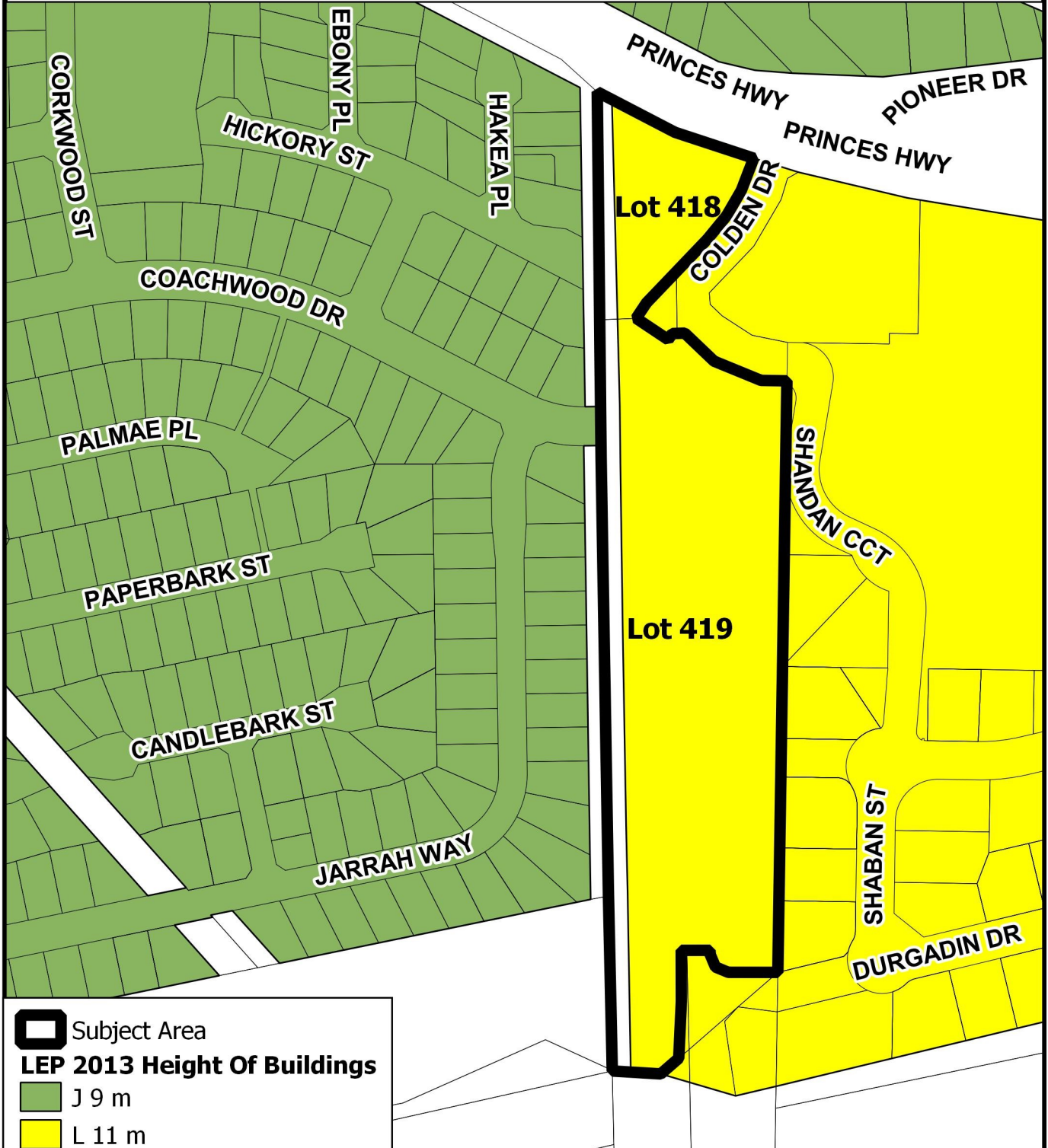
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Current Height of Buildings - Planning Proposal 0001/2022



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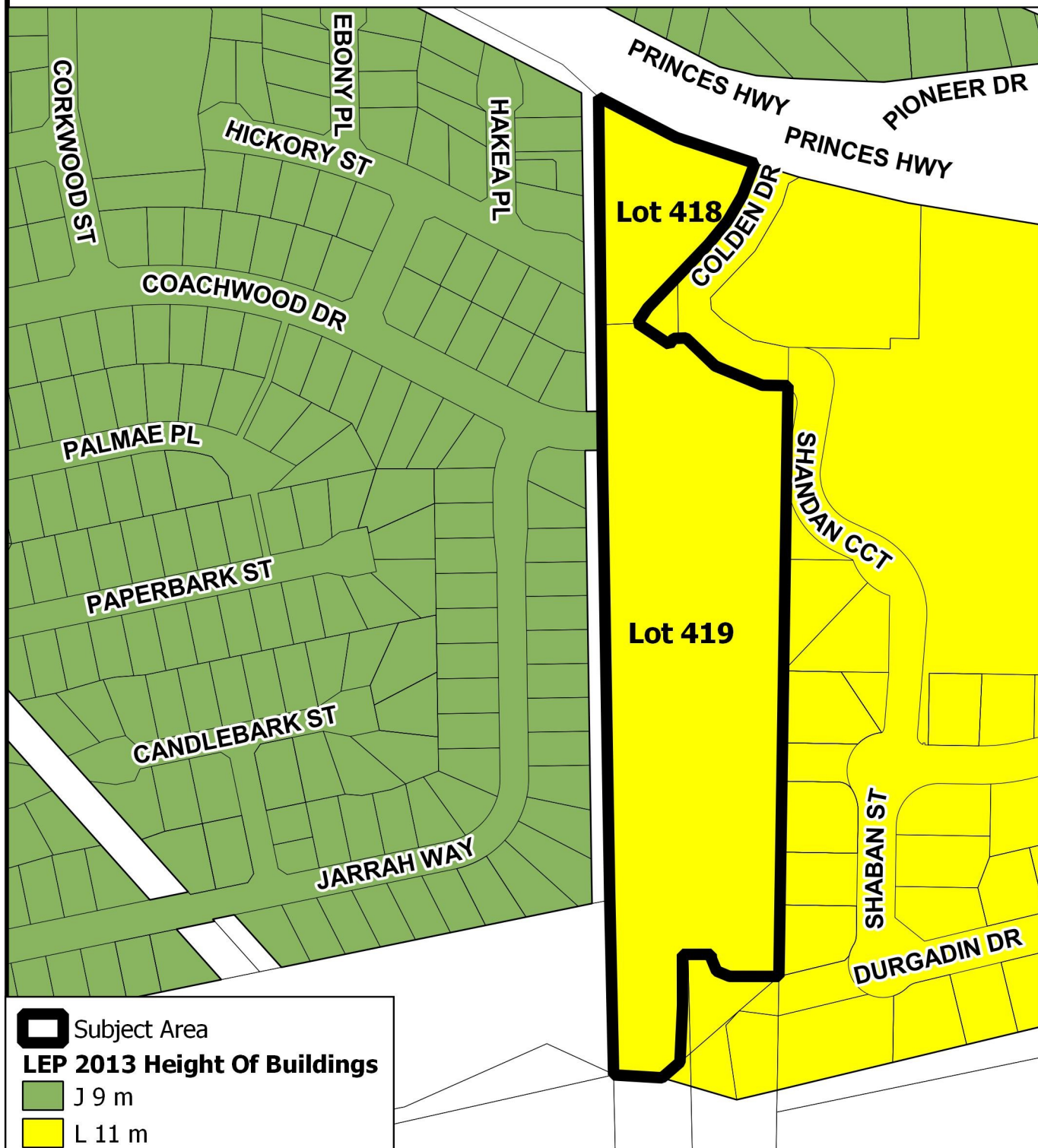
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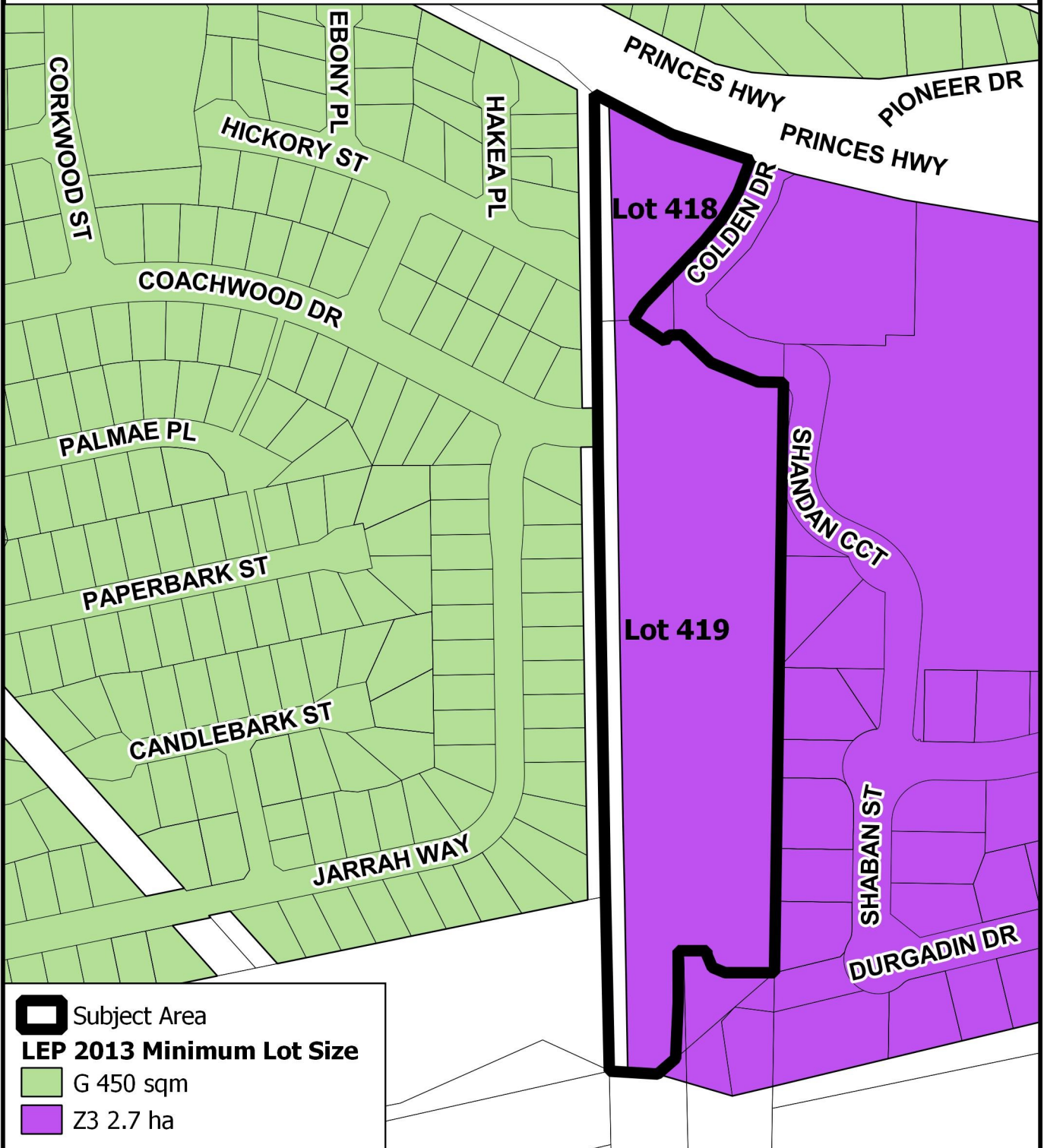


Proposed Height of Buildings - Planning Proposal 0001/2022





Current Minimum Lot Size - Planning Proposal 0001/2022



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200

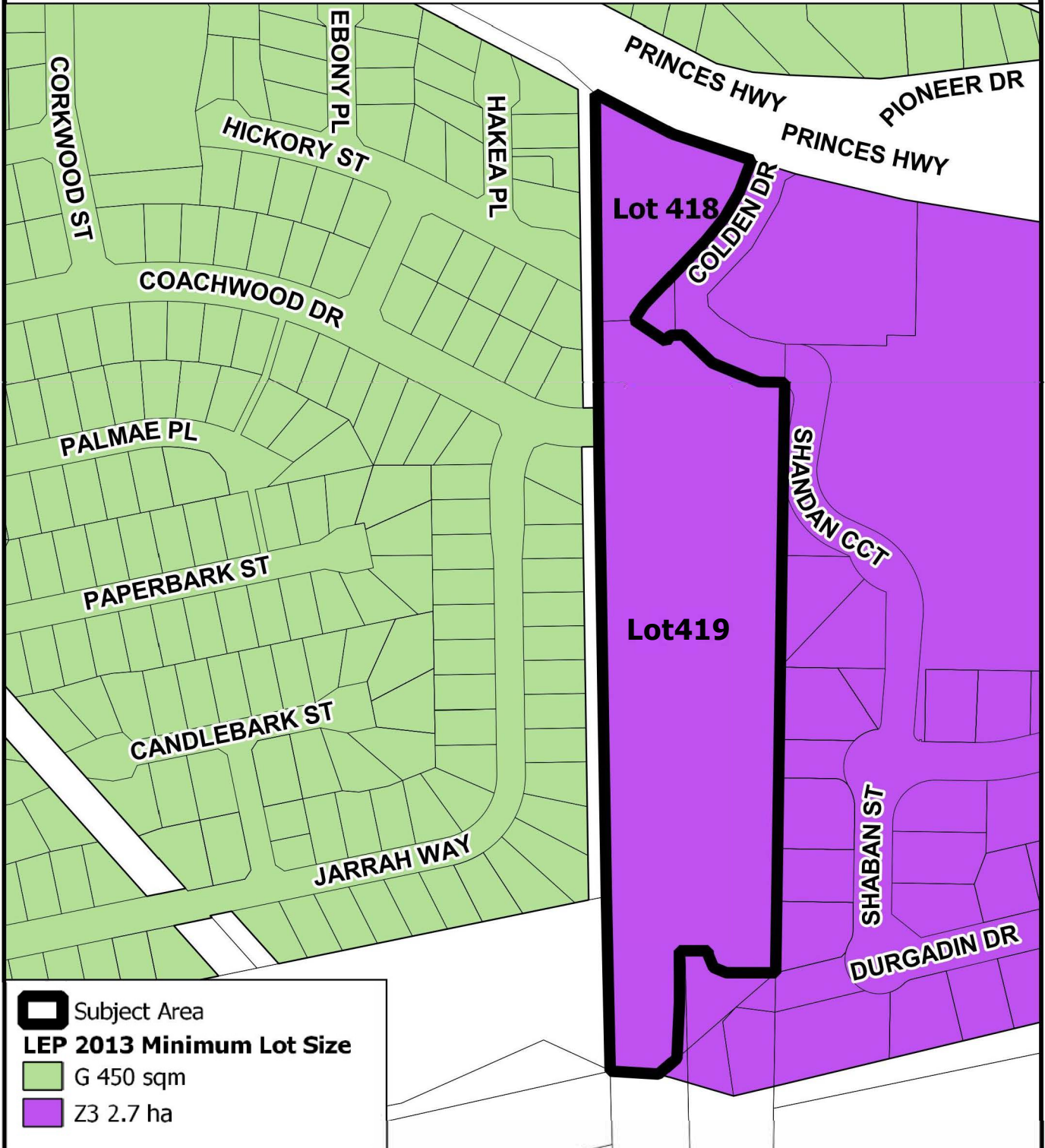
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Proposed Minimum Lot Size - Planning Proposal 0001 /2022



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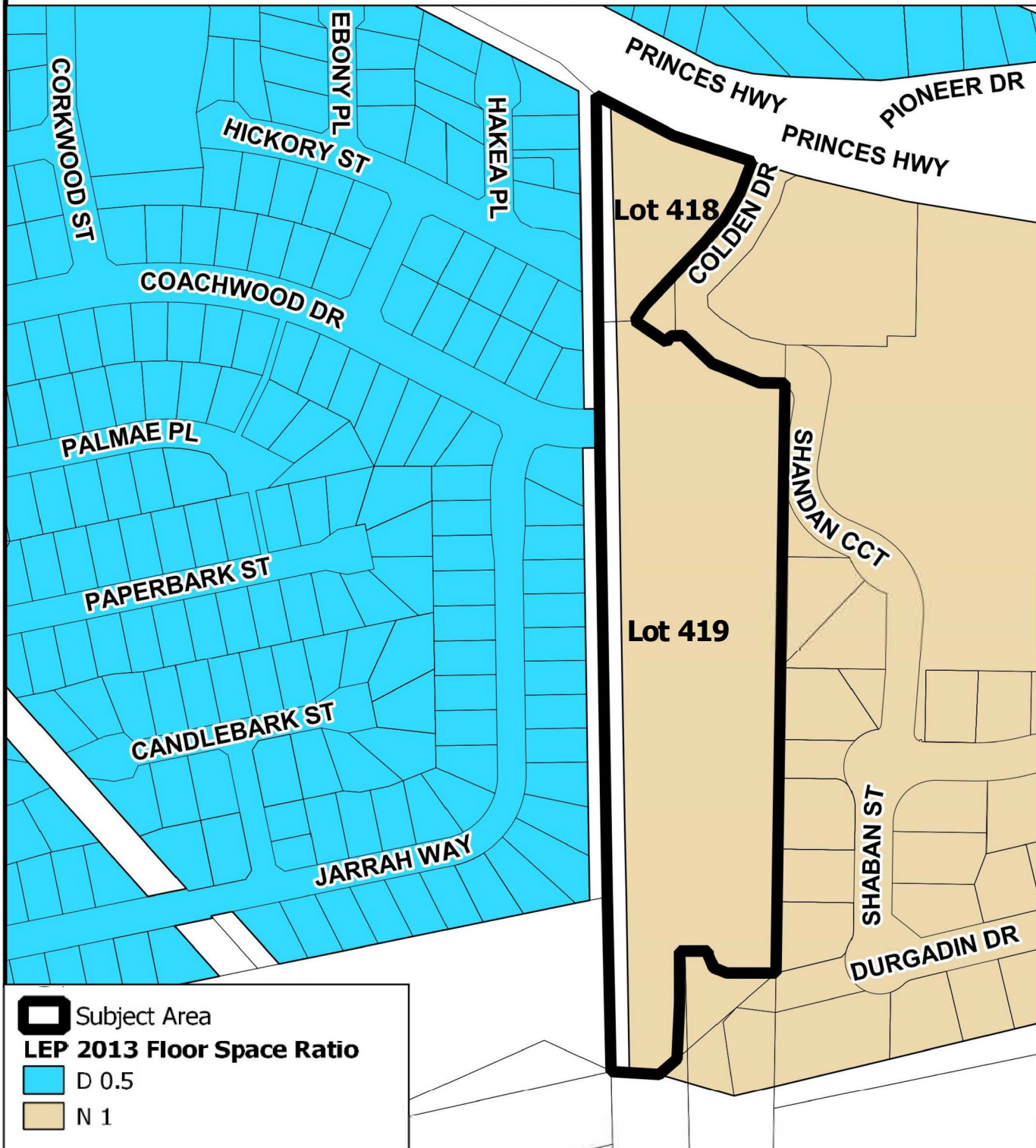
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Current Floor Space Ratio - Planning Proposal 0001/2022



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200

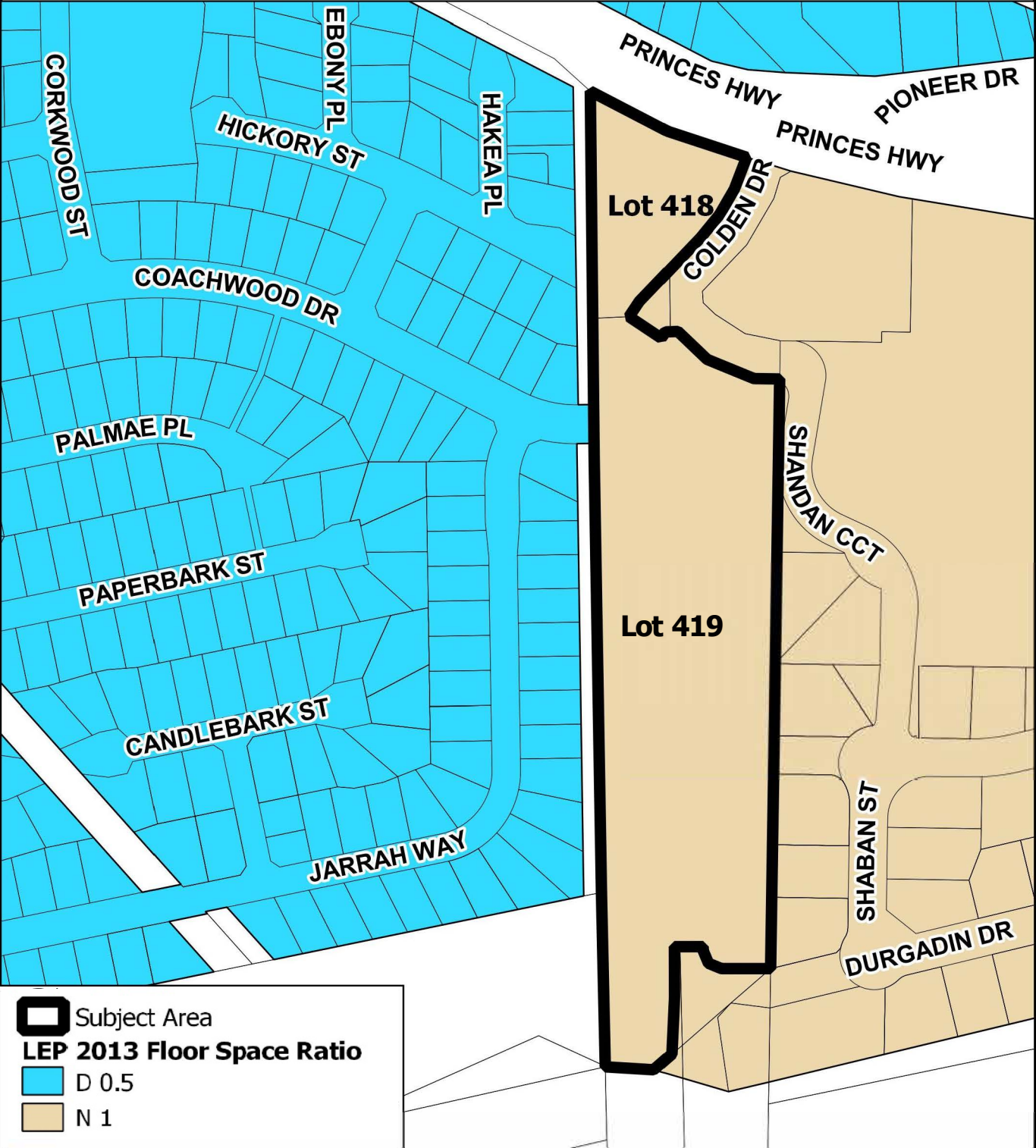
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Printed on: 16.11.2022



Proposed Floor Space Ratio - Planning Proposal 0001 /2022



0

200

400 m



N

Printed on: 16.11.2022

10.3.2 Shellharbour Local Environmental Plan 2013 Planning Proposal 1/2022 – 418 Princes Highway and 10 Colden Drive, Albion Park Rail (11974660)

To the Chief Executive Officer

Directorate: Community and Customers
Group: City Planning

Manager: Geoff Hoynes – Group Manager City Planning
Author: Ian Rankine – Senior Strategic Planner

Summary

The purpose of this report is to outline the details of a Planning Proposal application to amend Shellharbour Local Environmental Plan 2013 (LEP 2013) and seek a Council resolution to prepare a Planning Proposal to amend Shellharbour LEP 2013.

The Planning Proposal application seeks to rezone privately owned land currently zoned RE1 Public Recreation to IN2 Light Industrial and introduce a building height of 11.0m, a floor space ratio of 1:1 and a minimum lot size of 2.7ha.

The application applies to a strip of land about 8.0 metres wide that runs along the western boundary of Lot 418 DP 1252087, 418 Princes Highway, Albion Park Rail and Lot 419 DP 1252087, 10 Colden Drive, Albion Park Rail, see **(Attachment 1)**.

This report recommends preparing a Planning Proposal and seeks Council's support to send the Planning Proposal to the NSW Department of Planning & Environment (DPE) for a Gateway determination.

Background

Owner: APR Domain Pty Ltd
Applicant: SET Consultants Pty Ltd

A Planning Proposal is a document that explains the intended effect of a proposed amendment to LEP 2013, such as a rezoning or additional permitted use of land, and sets out the justification for making the amendment.

The LEP amendment 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 Determination* – 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 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. *Consultation* – If required by the Gateway determination, the proposal is publicly exhibited (this ranges from 10 working days for a basic planning proposal to 30 working days for a complex planning proposal). A person making a submission may also request a public hearing.
4. *Assessment* – Council will consider any submission objecting to the proposal and the proposal may be 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, or if delegation is granted, to Council.

The Planning Proposal application is currently at Step 1.

If Council resolves to support the Planning Proposal application, Council staff will prepare the Planning Proposal and send the relevant information to the DPE for their review. This is Step 2 of the Gateway process outlined above.

History to RE1 zoning

Whilst this strip of land is zoned RE1 Public Recreation, it is privately owned and does not appear to have been used for open space or recreation purposes. The RE1 zoning was introduced as part of amendment No. 26 to a previous LEP, Shellharbour LEP 16, which applied to the LGA in 1989.

Amendment 26 was finalised on 3 February 1989 and rezoned a large holding of land from Rural to a combination of 4(a1) Light Industrial 1, 7(d) Environmental Protection Scenic, 9(c) Local Road Reservation and 9(a) Open Space Existing Recreation. See **(Attachment 2)** for an extract of Shellharbour LEP 16 immediately before Shellharbour LEP 2000 came into force.

The LGA wide Local Environmental Plan for this locality changed from LEP 16 to LEP 2000 and then to the current LGA wide Local Environmental Plan, LEP 2013.

(Attachment 3) shows the locality as it was zoned under Shellharbour LEP 2000 immediately prior to LEP 2013 coming into force.

Zoning, lot layout and land ownership of land in this locality changed over the period of Shellharbour LEP 16 and Shellharbour LEP 2000. Over that time, the Roads and Maritime Services (now Transport for NSW) modified their requirements for the location of the Princes Highway which had implications for land zoning.

The large holding has been subdivided a number of times to create the lot layout in this locality. The subdivisions were created from about 1999 to 2020.

(Attachment 4a) shows the current zoning of the land.

(Attachment 5a) shows the current building height of the land.

(Attachment 6a) shows the current floor space ratio of the land.

(Attachment 7a) shows the current minimum lot size of the land.

Development Application 0280/2020

Conditional Development Consent 0280/2020 was issued on 25 March 2021 for a Specialised Retail Premises development comprising ten units, takeaway food and drink premises and associated parking, signage and landscaping. The majority of the development occurs on Lot 419 DP 1252087 with some road works occurring on Lot 418 DP 1252087.

Construction of the Specialised Retail Premises has commenced.

This development consent was issued under the current zoning of the land. The proposed zone change will not adversely impact that development.

Any future development application for Lot 418 will need to address and take into account, the relevant local environmental plan and development control plan provisions at that time.

Planning Proposal application

The application seeks to:

- rezone the privately owned RE1 Public Recreation strip of land to be the same as the existing zoning IN2 Light Industrial elsewhere on the two lots, see **(Attachment 4b)**.
- include a building height of 11.0 metres to be the same as the existing building height elsewhere on the two lots, see **(Attachment 5b)**. There is currently no building height associated with the RE1 zoned land
- include a floor space ratio of 1:1 to be the same as the existing floor space ratio elsewhere on the two lots, see **(Attachment 6b)**. There is currently no floor space ratio associated with the RE1 zoned land
- include a minimum lot size of 2.7 hectares to be the same as the existing minimum lot size elsewhere on the two lots, see **(Attachment 7b)**. There is currently no minimum lot size associated with the RE1 zoned land.

Financial / Resources Implications

The RE1 zoned land is not burdened by a Land Reservation Acquisition Map in LEP 2013. This means that there is no LEP requirement for Council to acquire the privately owned RE1 zoned land.

The applicant paid the relevant Stage 1 Planning Proposal fee as required in Council's Fees & Charges. Should Council support the preparation of a Planning Proposal, the Stage 2 fee is required to be paid in accordance with Council's current Fees & Charges.

The Planning Proposal will be assessed and processed using staff resources.

Legal and Policy implications

The Planning Proposal will need to be assessed and prepared in accordance with the DPE's LEP Making Guidelines 2021, relevant *Environmental Planning & Assessment Act* and *Regulation* requirements and relevant DPE Planning Circulars.

The following matters are considered relevant.

Local Strategic Planning Statement

Council adopted the Shellharbour Local Strategic Planning Statement (LSPS) at its meeting of 19 May 2020.

Section 3.33(2)(c) of the *Environmental Planning & Assessment Act* requires a Planning Proposal to include whether the Proposal will give effect to the LSPS.

The LSPS does not have a specific Action that affects this Planning Proposal.

Action P3.1 Implement recommendations of the Shellharbour City Open Space and Recreation Needs Strategy does not apply to this Proposal as the RE1 zoned land was not included in the strategy as it is privately owned land.

Action P18.4 Review the LEP and DCP to facilitate business investment and growth indirectly relates to this Proposal. The submission of this application requires the LEP to be reviewed and if supported by Council, will add a small amount of Industrial zoned land to that currently available. This will facilitate business investment and growth in the Local Government Area.

Shellharbour Open Space and Recreation Needs Strategy

This Strategy was completed in 2020. The RE1 Public Recreation land on these two sites was not included in that project as the land is privately owned and had not been identified in LEP 2013 for acquisition.

This Strategy does not identify the need for this land to remain zoned RE1.

Local Planning Directions

The Minister for Planning issues local planning directions that need to be considered by Council when assessing Planning Proposals.

This Planning Proposal is inconsistent with one direction – 5.2 Reserving land for public purposes.

This direction states amongst other matters that “A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary)”.

This Planning Proposal intends to remove the RE1 zoning and so is inconsistent with this direction. A Planning Proposal can be inconsistent with the direction if it is considered by the DPE to be of minor significance.

This Planning Proposal reduces the width of the RE1 zoned land by about 8m and about 4200m² in area.

The reduction in RE1 zoned land is considered to be a minor inconsistency with the terms of the Direction as the land zoned RE1 is in private ownership and is not part of the public open space network. The proposal will therefore not impact on the overall supply of public open space for the City now and into the future.

There is no relevant public authority in this case, as the land is privately owned.

Further, the land in its current state does not provide any public recreational use.

Plan Making Delegations

Given the matters in this Planning Proposal are considered to be of local significance, it is recommended that as part of the Gateway submission, Council request the DPE allow Council to use its plan making delegations, including to make or not make the plan under Section 3.36 of the *Environmental Planning & Assessment Act*, after any required consultation on the draft plan.

Public / Social Impact

The existing RE1 zoned land is not currently used for open space purposes and has not been included or counted as open space. The adjoining Public Reserve 56 that runs north to south, will continue to provide open space connectivity along the eastern boundary of the adjoining residential subdivision.

Public/social impacts will be further considered after community consultation.

Link to Community Strategic Plan

This report supports the following objectives and strategies of the Community Strategic Plan:

Objective: 2.2 We are a beautiful and connected City

Strategy: 2.2.1 Our planning reflects the unique character of our City and natural environment and is responsive to the evolving needs of our community

2.2.3 Facilitate sustainable development that considers current and future needs of our community and environment

Consultations

Internal

Recreation Planner

Senior Transport Engineer

External

Not applicable for this stage of the Planning Proposal. Consultation will occur as required by the Gateway determination

Political Donations Disclosure

Under Section 10.4(4) of the *Environmental Planning and Assessment Act 1979* (the *Act*) 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 donation made to any Councillor of this Council
- b. all gifts made to any Councillor or employee of this Council.

Under Section 10.4(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 10.4(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.

Recommendation

That Council:

- 1. Prepare Planning Proposal No 1/2022 to amend Shellharbour Local Environmental Plan 2013 in the following manner:**
 - a. Amend Shellharbour LEP 2013 Land Zoning Map generally in accordance with Attachment 4b**
 - b. Amend Shellharbour LEP 2013 Height of Building Map generally in accordance with Attachment 5b**
 - c. Amend Shellharbour LEP 2013 Floor Space Ratio Map generally in accordance with Attachment 6b**
 - d. Amend Shellharbour LEP 2013 Minimum Lot Size Map generally in accordance with Attachment 7b.**
- 2. Authorise the Chief Executive Officer or his delegate to submit Shellharbour Local Environmental Plan 2013 Planning Proposal No 1/2022 to the NSW Department of Planning & Environment in accordance with section 3.34 of the *Environmental Planning & Assessment Act 1979* for review and gateway determination.**
- 3. Delegate to the Chief Executive Officer or his delegate, authority to make minor mapping and Local Environmental Plan instrument changes to Shellharbour Local Environmental Plan 2013 Planning Proposal No 1/2022 if and as required by the NSW Department of Planning & Environment's gateway determination.**
- 4. As part of its gateway submission, apply to the Department of Planning & Environment for Council to use its plan making related delegations, including making or not making the plan under section 3.36 of the *Environmental Planning and Assessment Act*, after any public exhibition of the draft plan.**
- 5. Approve Shellharbour Local Environmental Plan 2013 Planning Proposal No 1/2022 to be publicly exhibited in accordance with the gateway determination.**
- 6. Endorse a further report be provided to Council for consideration after the public exhibition period has closed, detailing the public exhibition outcomes and with further recommendations regarding adoption.**

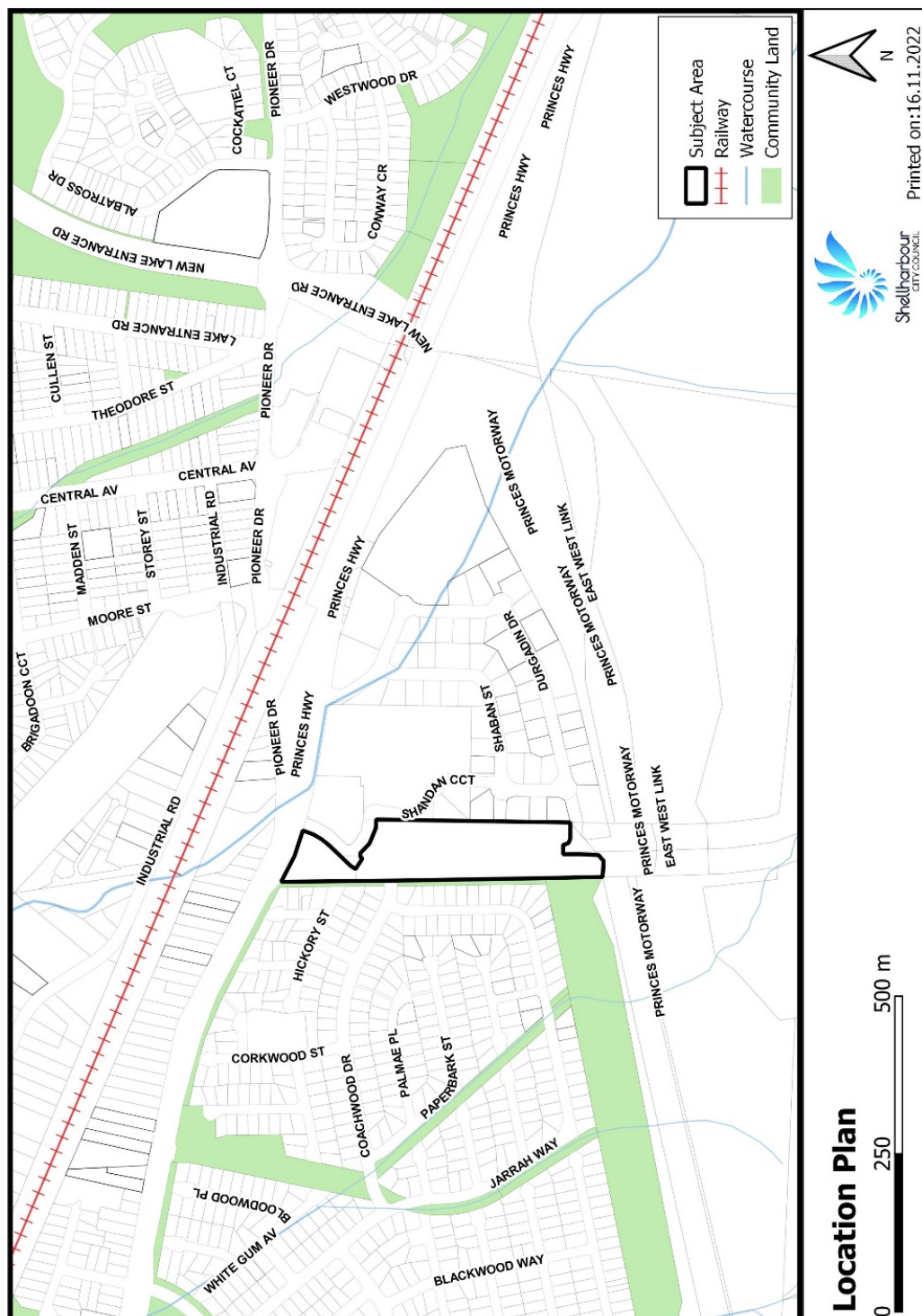
Approved for Council's consideration: Geoff Hoynes
Group Manager City Planning

Date of Meeting: 13 December 2022

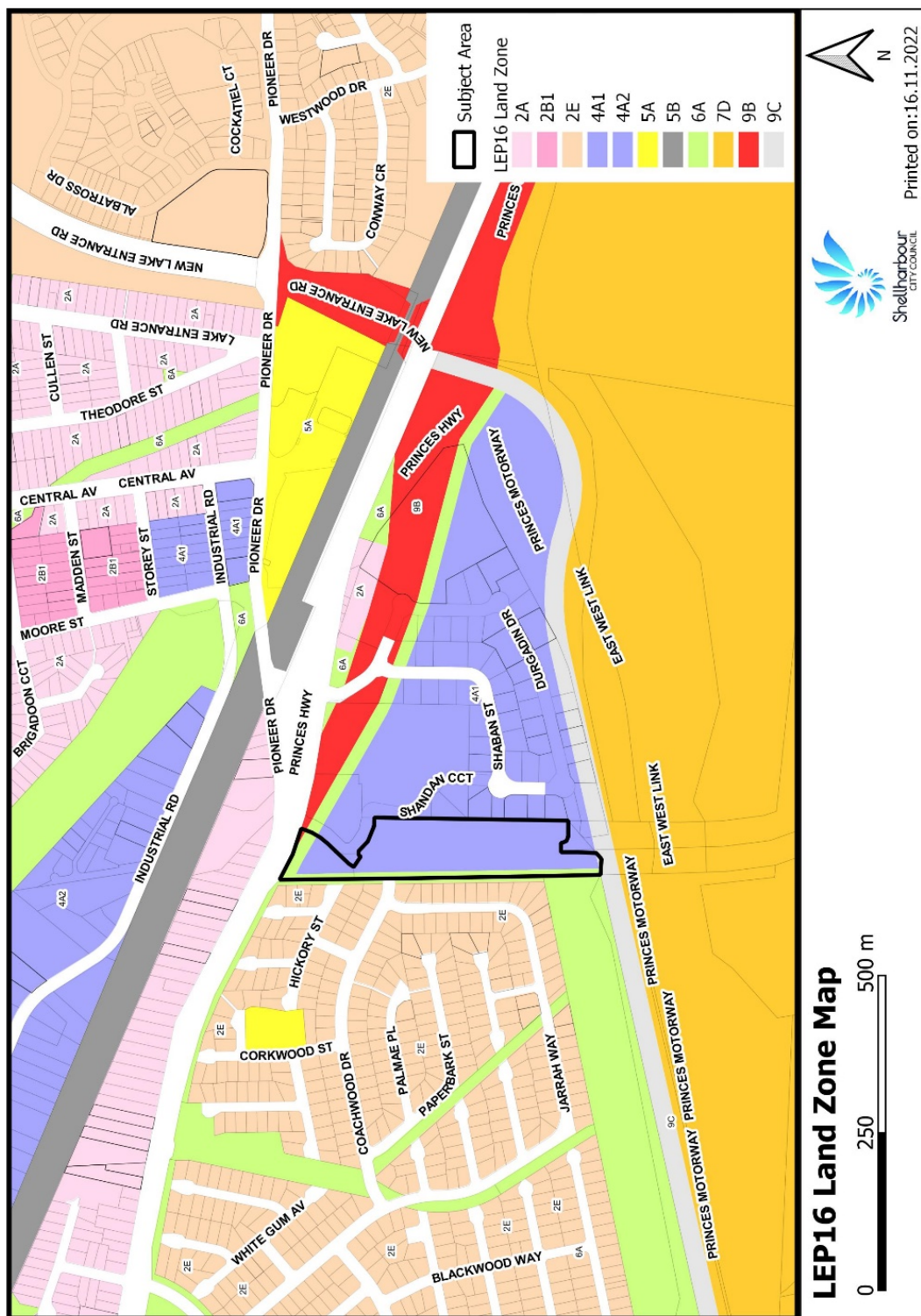
Attachments

1. Locality Plan
2. Extract of Shellharbour LEP 16
3. Extract of Shellharbour LEP 2000
- 4a. Current zoning Shellharbour LEP 2013
- 4b. Proposed zoning Shellharbour LEP 2013
- 5a. Current height of building Shellharbour LEP 2013
- 5b. Proposed height of building Shellharbour LEP 2013
- 6a. Current floor space ratio Shellharbour LEP 2013
- 6b. Proposed floor space ratio Shellharbour LEP 2013
- 7a. Current minimum lot size Shellharbour LEP 2013
- 7b. Proposed minimum lot size Shellharbour LEP 2013

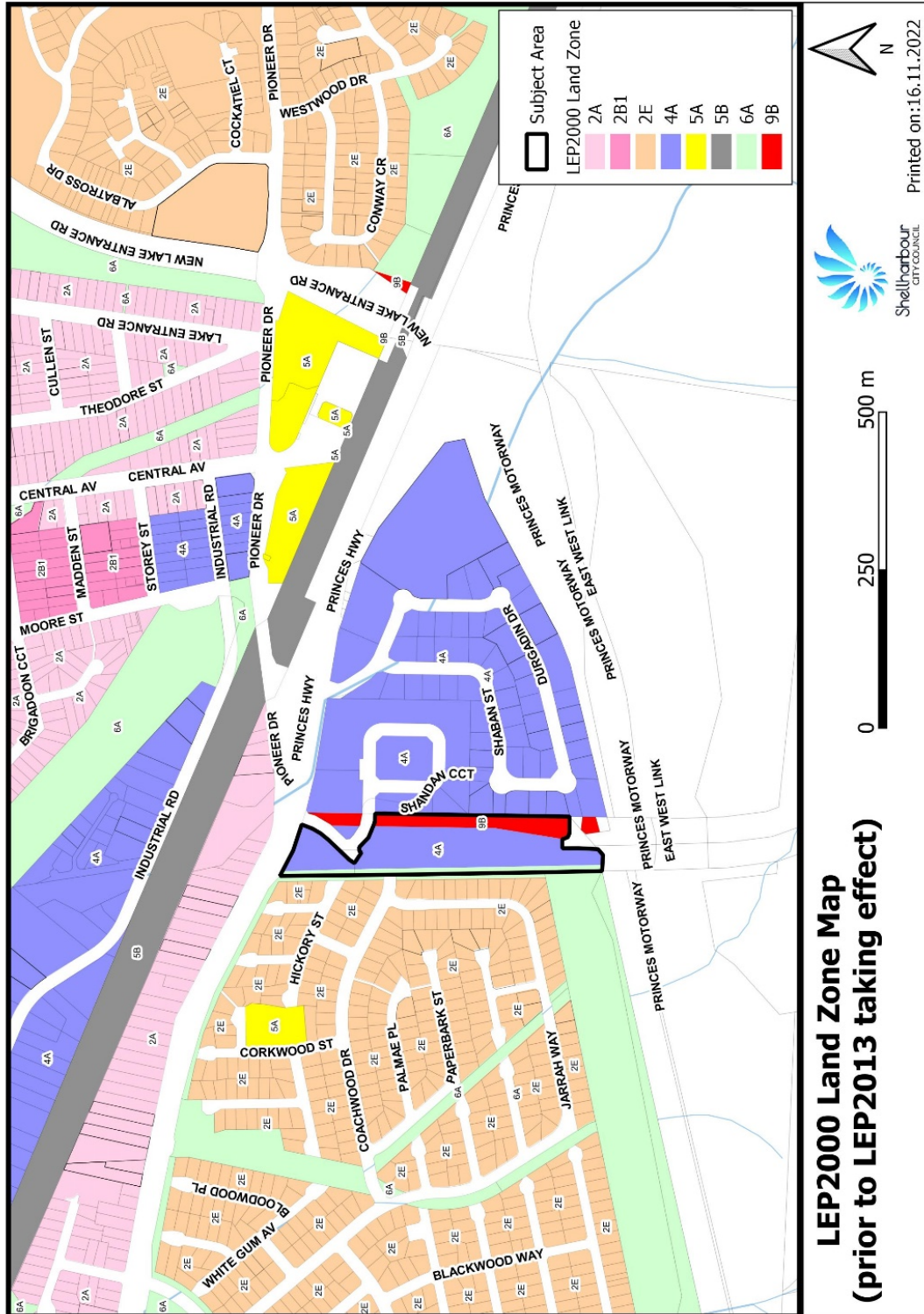
Attachment 1 – Locality Plan



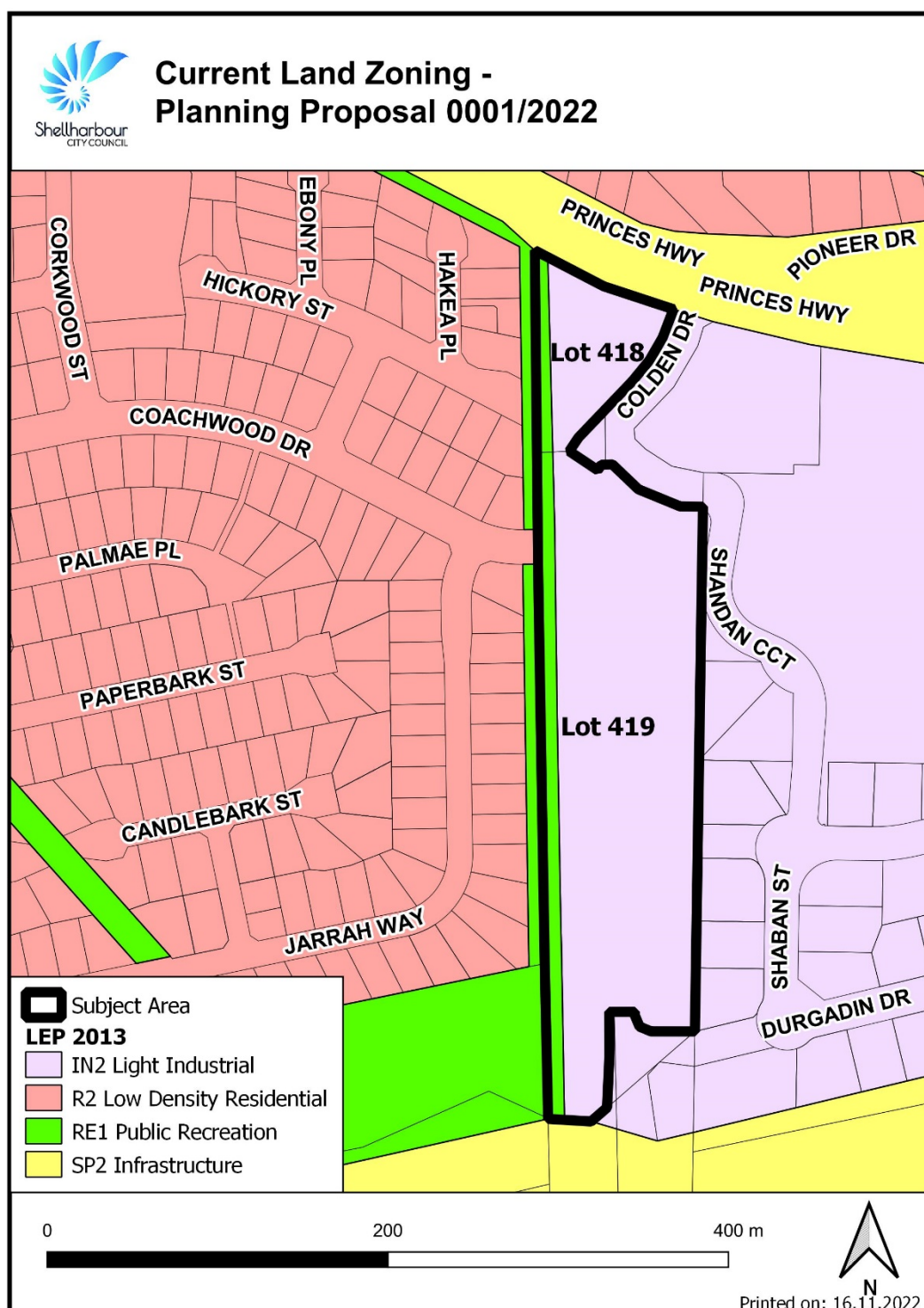
Attachment 2 – Extract of Shellharbour LEP 16



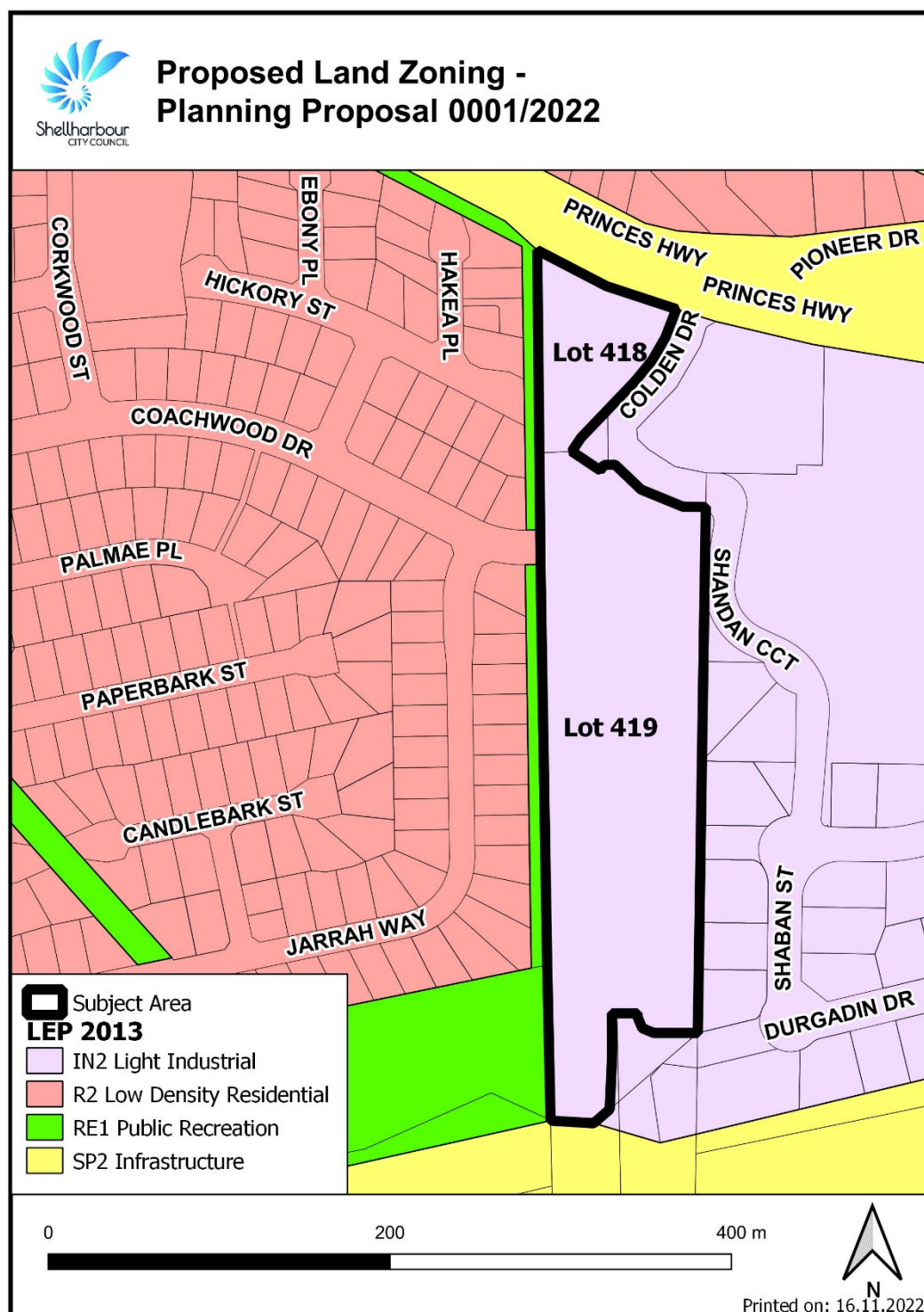
Attachment 3 – Extract of Shellharbour LEP 2000



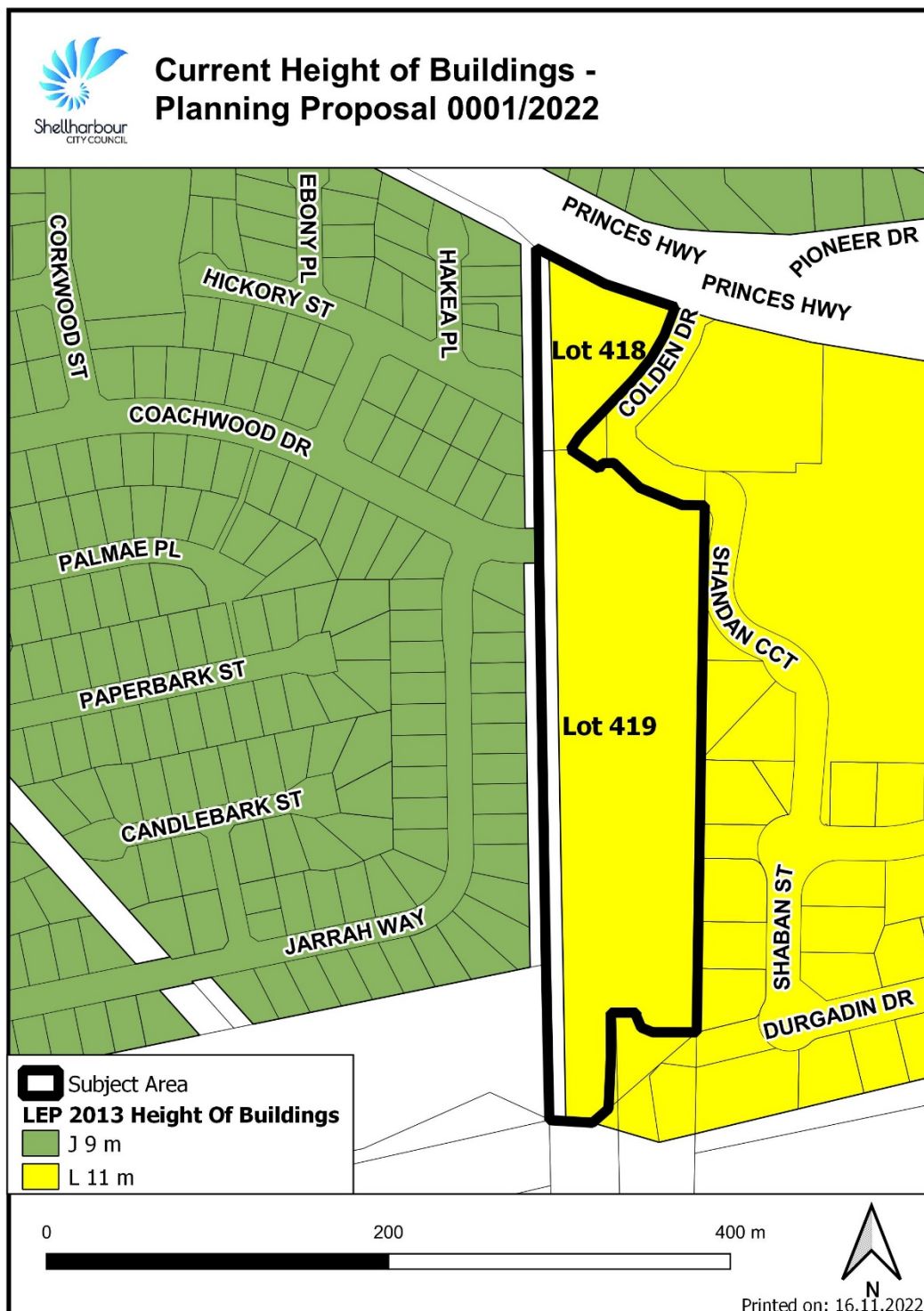
Attachment 4a – Current zoning Shellharbour LEP 2013



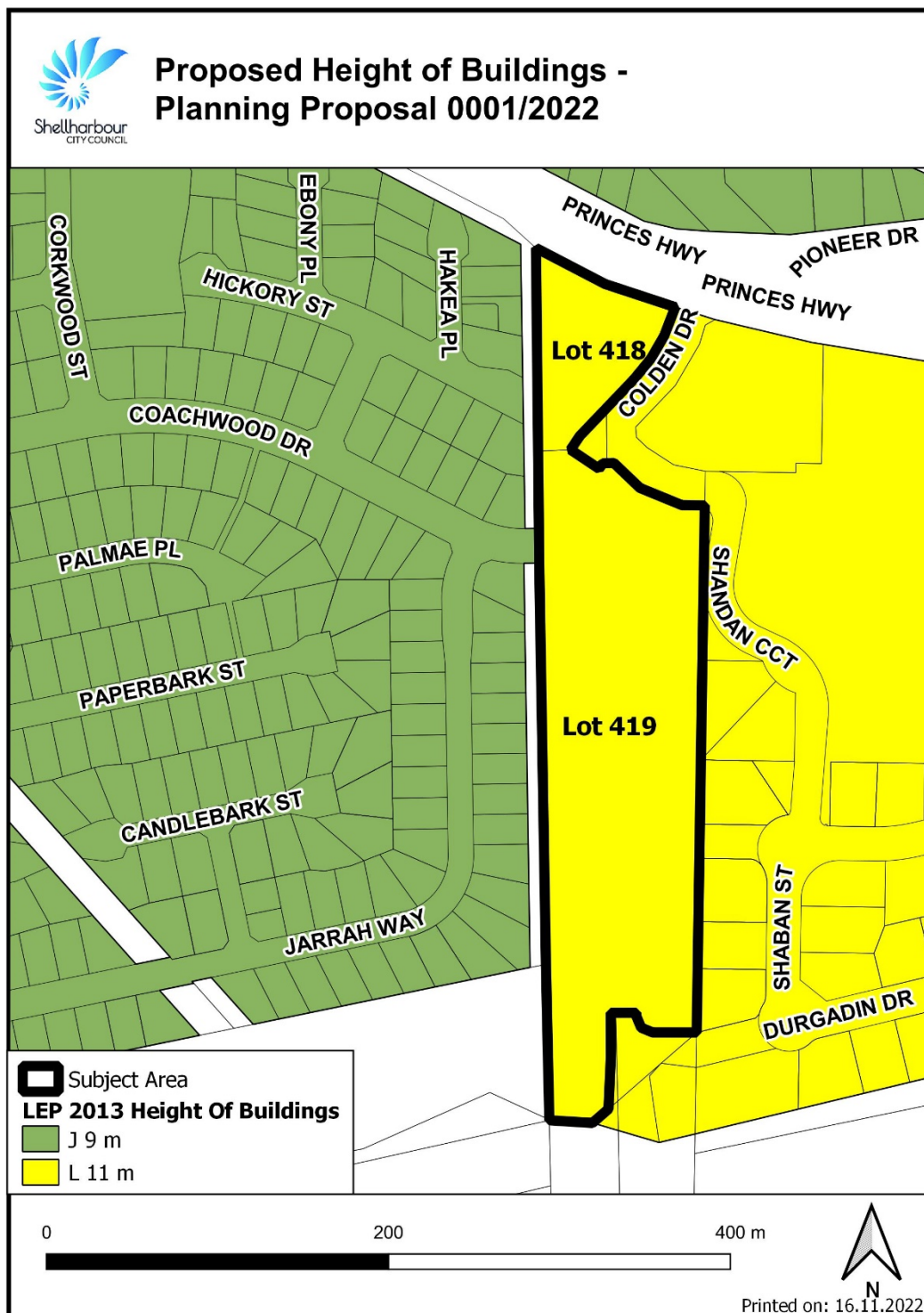
Attachment 4b – Proposed zoning Shellharbour LEP 2013



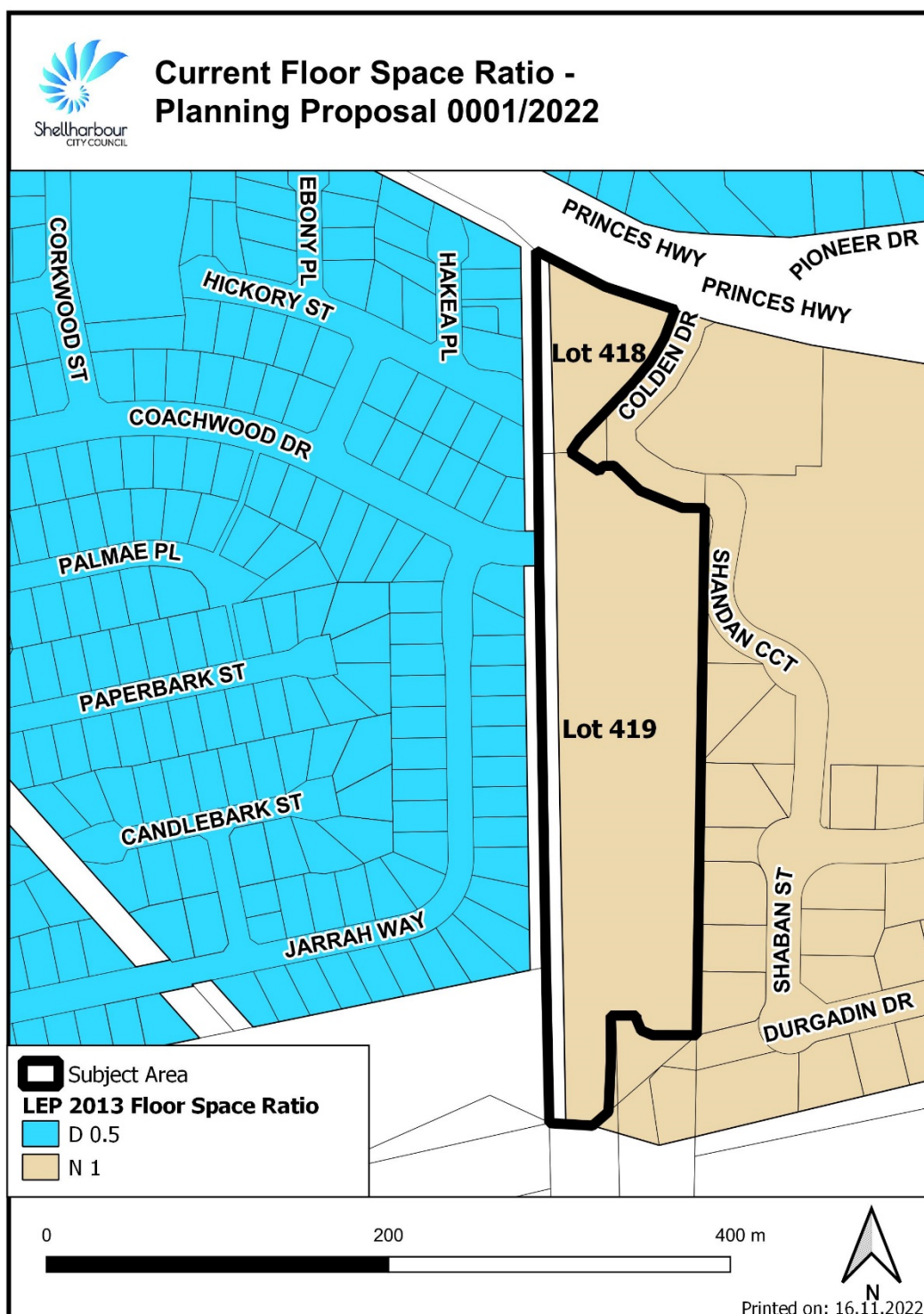
Attachment 5a – Current height of building Shellharbour LEP 2013



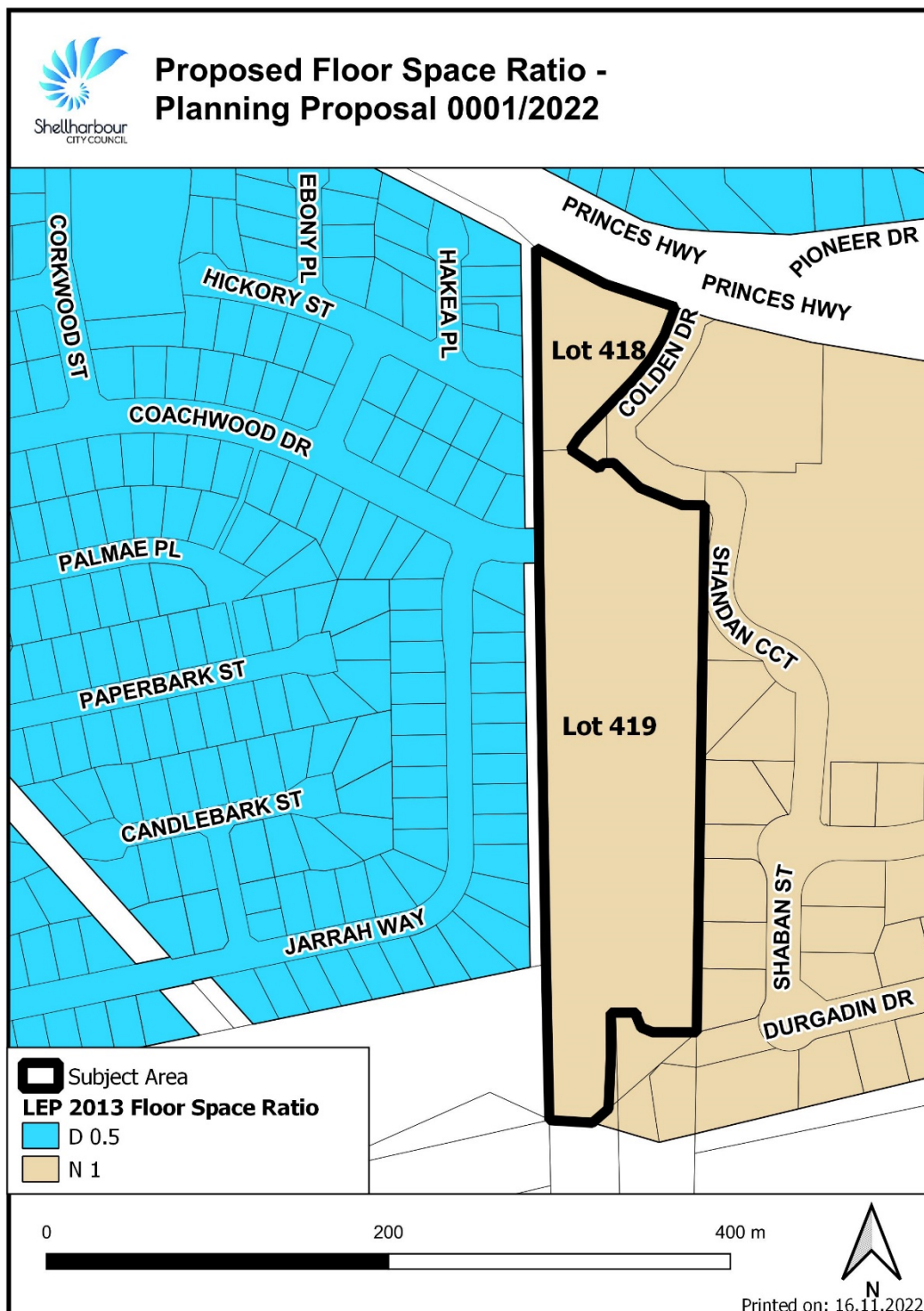
Attachment 5b – Proposed height of building Shellharbour LEP 2013



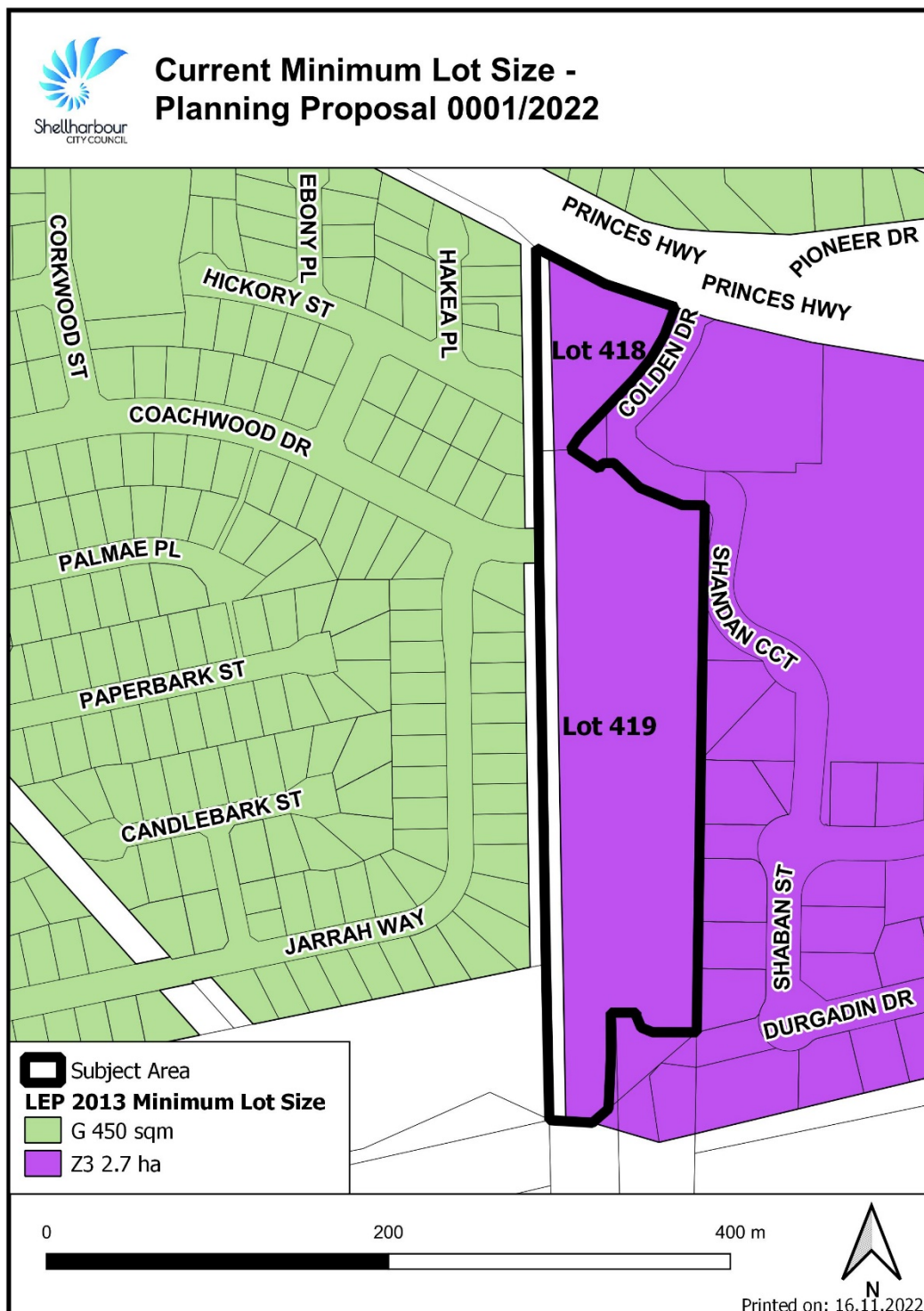
Attachment 6a – Current floor space ratio Shellharbour LEP 2013



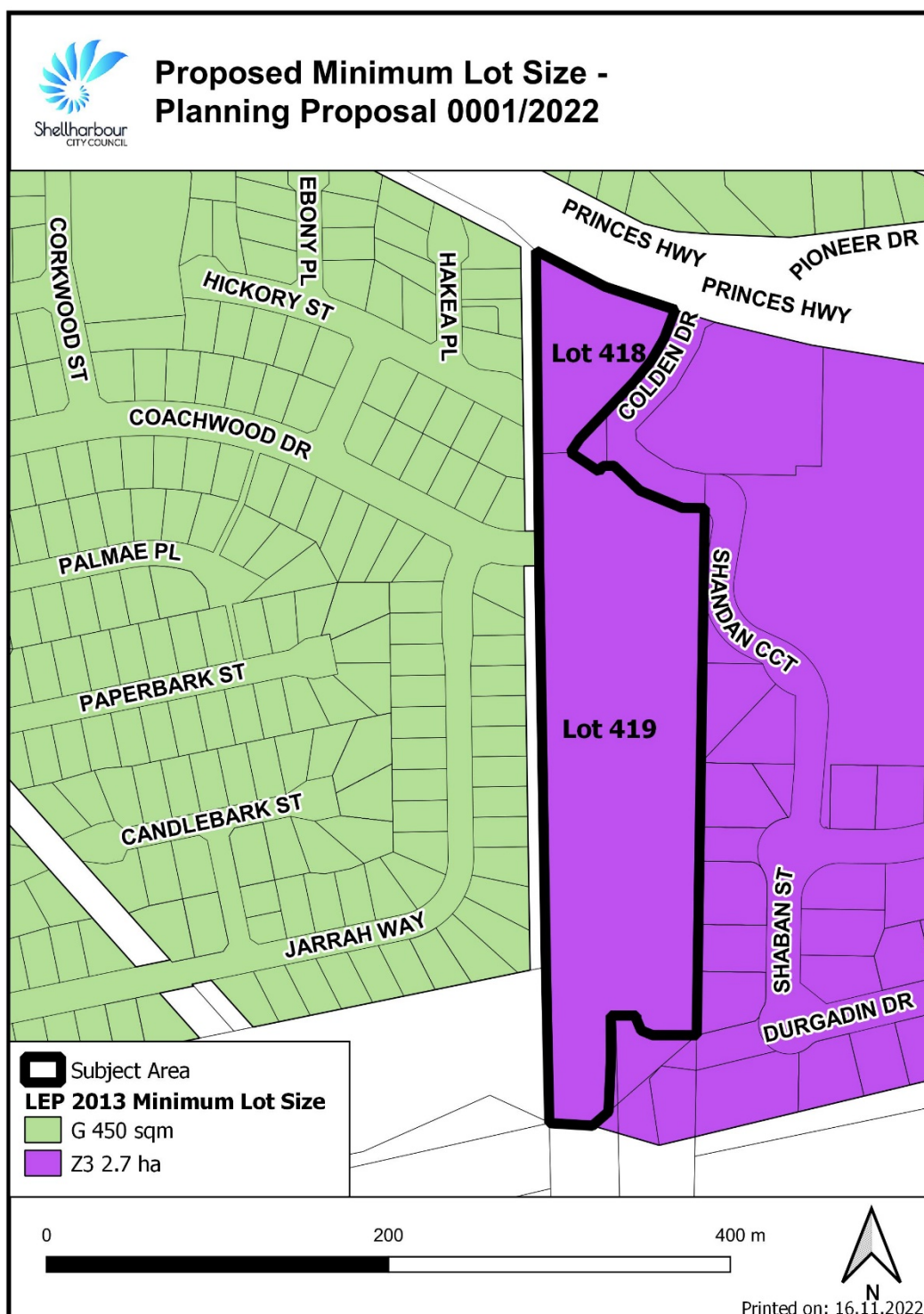
Attachment 6b – Proposed floor space ratio Shellharbour LEP 2013



Attachment 7a – Current minimum lot size Shellharbour LEP 2013



Attachment 7b – Proposed minimum lot size Shellharbour LEP 2013



SHELLHARBOUR CITY COUNCIL

Ordinary Council Meeting – 13 December 2022

**Minutes of the Ordinary Council Meeting
of Shellharbour City Council
held in the Council Chambers,
Council Administration Centre,
Shellharbour City Centre
on Tuesday 13 December 2022 commencing at 6.30pm**

Present

Mayor	C Homer
Deputy Mayor	K Marsh
Councillor	J Davey
Councillor	M Duffy-Moon
Councillor	C Gow
Councillor	J Graf
Councillor	M Hamilton
Councillor	R Petreski
Councillor	L Stefanovski

In attendance

Chief Executive Officer	M Archer
Director Council Sustainability	S Bridgement
Director Community and Customers	M Boxall
Director Amenity and Assets	B Stewart
Executive Manager / Public Officer	F Lepouras
Group Manager City Planning	G Hoynes
Shell Cove Executive Manager	W Peterson
Property Management Coordinator	L Wicks
Property Officer	A Celima
Media Officer	K Wells
Executive Assistant–Councillor Support (Minute Taker)	J Frasca
Executive Assistant – CEO	M Olsen

**10.3.2 Shellharbour Local Environmental Plan 2013 Planning Proposal 1/2022 –
418 Princes Highway and 10 Colden Drive, Albion Park Rail (11974660)**

253 RESOLVED: Cr Marsh/Cr Gow

That Council:

1. Prepare Planning Proposal No 1/2022 to amend Shellharbour Local Environmental Plan 2013 in the following manner:
 - a. Amend Shellharbour LEP 2013 Land Zoning Map generally in accordance with Attachment 4b
 - b. Amend Shellharbour LEP 2013 Height of Building Map generally in accordance with Attachment 5b
 - c. Amend Shellharbour LEP 2013 Floor Space Ratio Map generally in accordance with Attachment 6b
 - d. Amend Shellharbour LEP 2013 Minimum Lot Size Map generally in accordance with Attachment 7b.
2. Authorise the Chief Executive Officer or their delegate to submit Shellharbour Local Environmental Plan 2013 Planning Proposal No 1/2022 to the NSW Department of Planning & Environment in accordance with section 3.34 of the *Environmental Planning & Assessment Act 1979* for review and gateway determination.
3. Delegate to the Chief Executive Officer or their delegate, authority to make minor mapping and Local Environmental Plan instrument changes to Shellharbour Local Environmental Plan 2013 Planning Proposal No 1/2022 if and as required by the NSW Department of Planning & Environment's gateway determination.
4. As part of its gateway submission, apply to the Department of Planning & Environment for Council to use its plan making related delegations, including making or not making the plan under section 3.36 of the *Environmental Planning and Assessment Act*, after any public exhibition of the draft plan.
5. Approve Shellharbour Local Environmental Plan 2013 Planning Proposal No 1/2022 to be publicly exhibited in accordance with the gateway determination.
6. Endorse a further report be provided to Council for consideration after the public exhibition period has closed, detailing the public exhibition outcomes and with further recommendations regarding adoption.

CARRIED UNANIMOUSLY



Gateway Determination

Planning proposal (Department Ref: PP-2022-1771): to rezone the land to IN2 Light Industrial, amend the minimum lot size, amend the building height and amend the floor space ratio at 10 Colden Drive and 418 Princes Highway, Albion Park Rail.

I, Daniel Thompson the Director, Southern Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Shellharbour Local Environmental Plan 2013 to as described above should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 10 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
2. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - Transport for NSW
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
5. The LEP should be completed on or before 11 December 2023.

Dated 11th day of February 2023.

A handwritten signature in blue ink, appearing to read 'D Thompson', is positioned on the left side of the page.

Daniel Thompson
Director, Southern Region
Local and Regional Planning
Department of Planning and
Environment

Delegate of the Minister for Planning
and Homes