

Ref: P – 181031 LDoP

31 October 2018

Department of Planning
Wollongong Regional Office
84 Crown Street
Wollongong NSW 2520

Request for Planning Proposal Review

Shellharbour Council Planning Proposal 1/2018

Introduction

On behalf of the land owners we request the Department of Planning (Southern Region Planning Penal) review Shellharbour Council's determination of Planning Proposal 1/2018, relating to a number of properties along Yellow Rock Road, Yellow Rock and Tullimbar Lane, Tullimbar.

The Planning Proposal provides a vision for the resolution and finalisation of the Yellow Rock Rural Transition Lands, delivering a dedicated transition between the existing urban zoned land and sensitive vegetated environmental bushland to the west.

The Planning Proposal sought to rezone the land RU6 Rural Transition, with a transition in minimum lot size from 750m²-1,000m² directly adjoining existing residential zoned land to over 1 Hectare on the rural edges.

The timeframes for consideration of the Proposal were as follows:

- Planning Proposal 01/2018 was lodged with Shellharbour Council on 24 April 2018.
- Shellharbour Council considered the Planning Proposal at their meeting of 26 September 2018.
- Council advised in correspondence dated 29 September 2018 that they would not support the Planning Proposal.

We have provided below a brief response to each of the reasons provided by Council for not supporting the Planning Proposal.

We consider that the Planning Proposal as lodged with Council fully addressed all these matters and demonstrated that the Proposal achieves an appropriate long term land use outcome for the land holdings.

Response to Council Reasons for Refusal

a. The proposal does not comply with a Council or Department of Planning & Environment endorsed strategy for this form of land development.

This was addressed in detail in the Planning Proposal (*Refer Section 1 – Previous Land Release Investigations & Part 3 - Section 3*).

The Planning Proposal demonstrates that the outcomes are consistent with all relevant strategies.

The lot size transition proposed is consistent with the strategic outcomes adopted for transition lands in surrounding release areas including Stages 4 & 5 of West Dapto (*Refer Mount Marshall Precinct – transition on lot size from 450m² to 1,000m² to 1ha*) and Calderwood.

Further, Shellharbour Council undertook a broad Rural Land Study in 1996 which established base line mapping of the Rural Lands over the Shellharbour LGA at the time.

The Rural Land Study reviewed a variety of planning and environmental matters including agricultural land capability, water catchments, servicing, heritage, visual catchments and the like.

In relation to the subject land, the study stated as follows:

- The Rural Land Study and associated base line mapping does not identify the site as being high quality agricultural land
- The Rural Land Study and associated mapping did not identify the site as containing any significant biodiversity assets

At the time of preparation of the Rural Land Study, the subject land area formed part of the Illawarra Urban Development Program, and required a detailed LES process to determine appropriate land use outcomes (notwithstanding Shellharbour Council prepared a detailed LES in 1992 which recommended rezoning of the land).

b. The proposal is contrary to the Illawarra Shoalhaven Regional Plan

This was addressed in detail in the Planning Proposal (*Refer Section 1 – Previous Land Release Investigations & Part 3 - Section 3*).

The proposal is consistent with current and previous revisions of the Regional Plan.

c. The proposal is on land not in the Illawarra Shoalhaven Urban Development Program

This was addressed in detail in the Planning Proposal (*Refer Section 1 – Previous Land Release Investigations & Part 3 - Section 3*).

As discussed in the Planning Proposal, the IUDP monitors the planning, servicing and development for new urban areas in Wollongong, Shellharbour and Kiama, as well as the provision of housing in existing urban areas.

As the IUDP identifies and tracks the release of new urban areas, it does not provide any guidance or monitoring of land required for small lot rural interface areas as sought under this proposal.

The IDUP is therefore not relevant to the consideration of the Proposal.

d. The proposal will result in the loss of agricultural land that has the potential to make a contribution to local and regional food and fibre supply

This matter was addressed in detail in the Planning Proposal (*Refer Section 1 – Supporting Studies*) and supporting documentation including a detailed Agricultural Capability Study prepared by GHD.

The review identified that the land is predominantly Class 5 soil typed (80%), which is not capable of being regularly cultivated but is suitable for grazing with occasional cultivation.

The report also noted that based on current best practice separation guidelines for intensive agricultural practices (such as 1km for poultry operations) the land is not suitable for more intensive land use. The GHD report states that there is no agricultural enterprise which is suitable as a stand-alone business on the site.

The GHD report provides a detailed economic capability assessment of the properties. The report states that the eastern side of Yellow Rock Road would have an indicative gross margin of around \$300 per hectare, being the equivalent to \$16,500 per year.

The western side of Yellow Rock Road would have an indicative gross margin of around \$375 per hectare, being equivalent to \$28,125 per year for grazing.

Based on the land capability, agricultural operations on both the properties are considered to be a 'low' gross margin, too low to support a farming family. Even if the properties were combined and run under a single entity, they would still be unlikely to be run as a viable standalone enterprise and supplementary off-farm income would be required.

The expert independent report concluded as follows:

- The income generating capacity from the two land holdings would fail to generate sufficient funds to support a family.
- The development of more intensive agricultural activities is constrained by its proximity to other future development proposals.
- Additional properties that are in close proximity to the subject site would not add to its agricultural value if they were aggregated to form a larger parcel of land.

- Current land use is sub-economic and development of economically viable agricultural enterprises could lead to higher risk of land use conflict.
- The topography of the land is undulating and uneven and is predominately classified as Land Capability class 5. It is not considered to be prime agricultural land for cropping purposes. Development of non-soil dependent enterprises (e.g. greenhouses) is constrained by access to a reliable water source.

e. The proposal is not specifically supported by Council's Community Strategic Plan 2018 – 2028.

This was addressed in detail in the Planning Proposal (*Refer Part 3 - Section 3*).

The proposal is consistent with principles of the Community Strategic Plan.

f. The proposal has not provided sufficient information to adequately assess the impacts of flooding, flora and fauna, bushfire, airspace operations from the Illawarra regional airport, existing heritage items, aboriginal cultural impacts, traffic generation and impact on the local and State road network, social impact assessment and local and State community infrastructure requirements

All issues outlined above were addressed in detail in the Planning Proposal to a sufficient extent to allow referral for Gateway Review.

As an example, the Planning Proposal adopts the Flood Planning Levels incorporated in Shellharbour Council Macquarie Rivulet Flood Study 2017 (*Refer Section 1 – The Subject Land*). This study provided a detailed review of the entire catchment area, and has been prepared and adopted by Shellharbour Council as the appropriate flood study for the area.

Notwithstanding, Council did not provide any advice during assessment of the Proposal that raised any of these concerns as issues to be addressed.

We raise no objection to preparation of any additional required detailed site investigations being a requirement of a Gateway Determination.

As noted above, Council provided no correspondence at any time during assessment of the Planning Proposal which outlined the concerns above.

The landowners were willing to address any of the concerns and / or provide an amended Planning Proposal to resolve these issues as necessary.

No opportunity was afforded to the land owners to address these issues.

Documentation Provided

We have provided as part of this package the following documentation:

- Planning Proposal and all supporting studies

(Revision C being most recent revision provided to Council)

- Rural Transition Lands Concept Plan
- All Email Correspondence from Council

Note only Email of 30 May Requested minor updates the Proposal regarding road names, inset plan of Macquarie Rivulet Flood Study and the like.

- Correspondence from Council advising the proposal is not supported.

Thankyou for the opportunity to work with the Department of Planning and Southern Regional Planning Panel to resolve this Proposal.

The landowners remain committed to working with Council and the Department to deliver a long term land use planning outcome for the transition lands.

Your faithfully

Urbanco Group Pty Ltd

A handwritten signature in black ink, appearing to read "M Rodger".

Michael Rodger
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