

A blue-tinted photograph of a landscape with trees and a hillside, serving as a background for the lower half of the page.

**95 - 105 COOBY ROAD
YELLOW ROCK
PLANNING PROPOSAL**

September 2019

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SECTION 1 – SITE REVIEW

INTRODUCTION

The subject land holding, 95 Cooby Road, forms part of the Tullimbar Urban Release Area and associated investigation lands which have been identified as capable of accommodating residential development over the past 30 years.

The land formed part of the original Tullimbar Village Urban Design Charette process and was again reviewed under the Urban Fringe LES in 2010.

During the finalisation of the Urban Fringe LES and the Standard Template SLEP 2013, Council resolved that the subject land would be deferred to allow further investigations for increased housing densities.

As a result, the land remains a Deferred Matter under the Shellharbour Local Environmental Plan (SLEP) 2013. This Planning Proposal seeks to resolve the land use arrangement and re-zone the land under the SLEP 2013.

Residential housing has been progressively delivered as part of the Tullimbar Village development project directly adjoining the northern & eastern edge of the land holding, with the existing school and residential dwellings only 650m to the north.

This Planning Proposal seeks to rezone the land to deliver a seamless extension of the Tullimbar Community, with an urban design outcome which responds to site topography and vegetation.

The preliminary Concept Plan prepared demonstrates the likely land use outcomes proposed under this report.

A number of detailed site investigations have been prepared which have informed the proposed land use and zoning outcomes for the land. Specialist site investigations undertaken have included:

- Ecological Review
- Traffic Study
- Geotechnical Review
- Bushfire Study
- Aboriginal Heritage
- Stormwater
- Contamination
- Servicing

The site investigations and associated Concept Plan demonstrate the site is able to accommodate both residential and large lot environmental housing and provide for rural transition lots along the Cooby Road interface.

The Concept Plan also makes provision for the retention and revegetation of riparian corridors where required.

This Planning Proposal has been prepared cognisant of a broader rezoning which is also currently proposed for the Tullimbar Village project, adjoining the northern and eastern property boundary.

Progression of a Planning Proposal for the subject land will allow a coordinated approach to the finalisation of land uses and zoning outcomes for the lands under the Shellharbour LEP 2013.

THE SUBJECT LAND

The Site

The subject site is an irregular shaped parcel which adjoins the Tullimbar Village development project to the north and east, with Cooby Road forming the western boundary.

There are existing rural-residential allotments along the southern boundary.

The site encompasses a total land area of approximately 29 hectares and is identified as Lot 240, DP 828854, being 95 – 105 Cooby Road, Tullimbar.

The land has been used for a variety of agricultural purposes over the last 100 years. More recently, the land is predominantly used as a rural residential land holding, with some low scale grazing activities also being undertaken across the site.

The site encompasses both cleared lands associated with previous agricultural uses and existing vegetation which will be retained where possible.

The site incorporates a number of natural localised high points and some areas of steeper topography which guide the potential development footprint and urban design outcomes. The landform is discussed further below.

As noted above, the land directly adjoins the existing zoned Tullimbar Village development project. As shown on the locality pan below, the subject site is situated within close proximity of the following key services and facilities:

- 650m to existing Tullimbar Public School.
- 650m to planned Playing Fields to the north.
- 1.8km to the planned Calderwood Neighbourhood Centre

Figures 1 & 2 below provide a view of the site and its context.

Figure 1: Context Plan

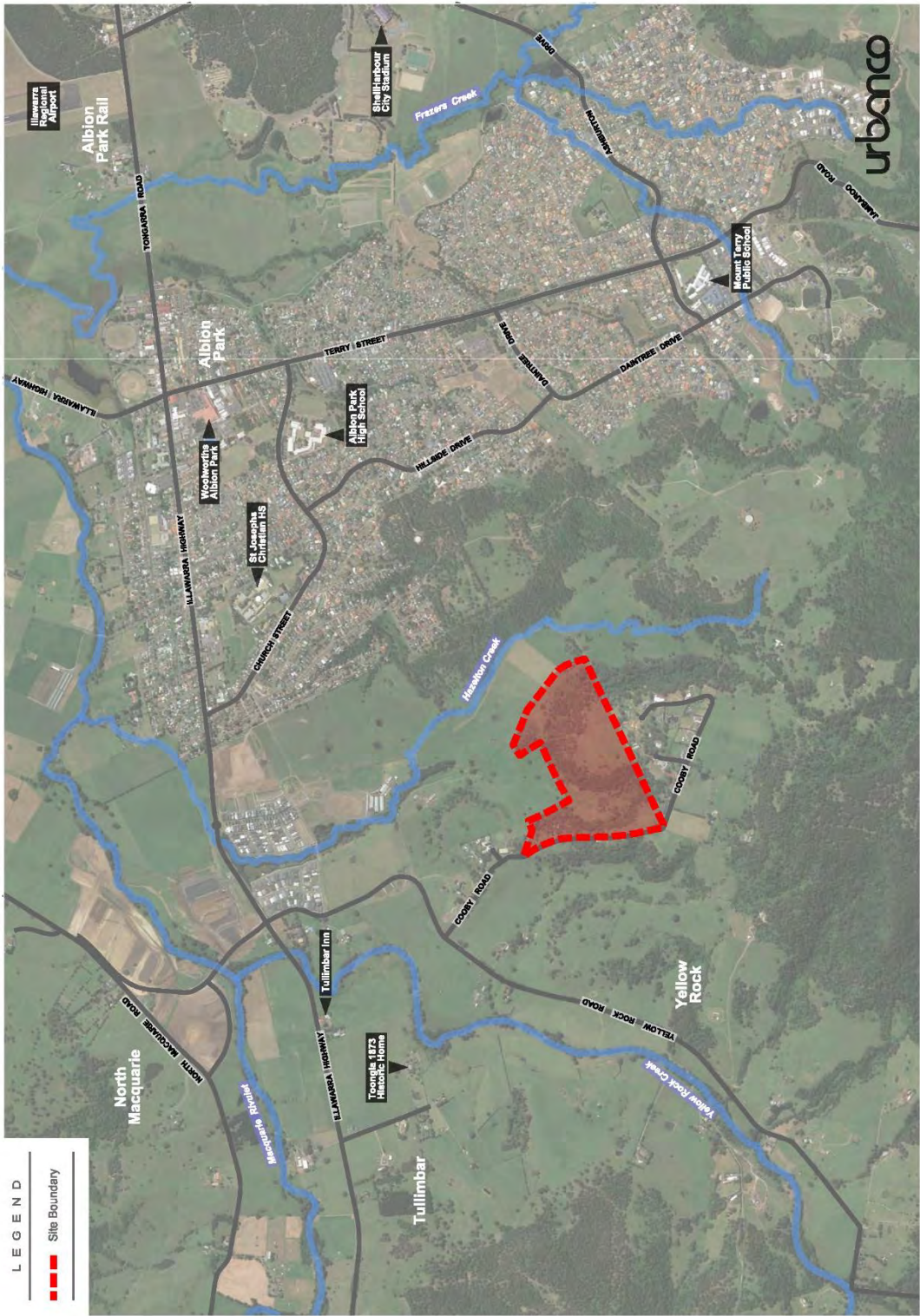
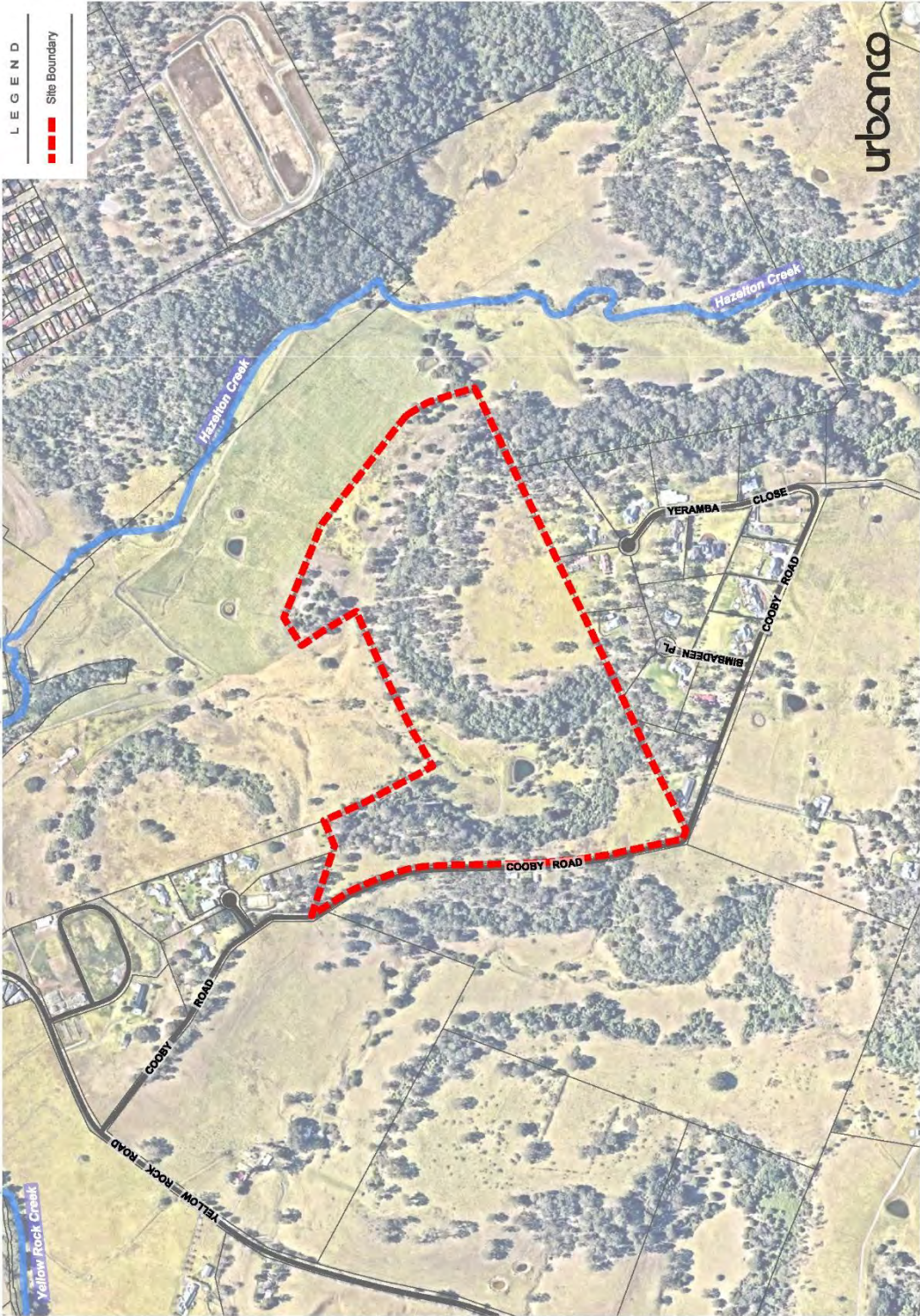


Figure 2: Site Plan



Natural Features

Landform

The subject site encompasses a number of varying landform areas which guide urban design outcomes.

The northern edge of the site is flatter, with cleared land encircling a localised ridge-top plateau. There is a centralised vegetated area which experiences steeper topography.

A natural creek corridor in the western portion of the land holding which has flatter land on either side of the creek corridor.

The landform rises steeply from the north to the south, to a central plateau area. This area has been cleared of vegetation and is generally screened from view by the remnant vegetation on the steeper sloping land to the north.

The land also rises to Cooby Road, which traverses a local ridgeline along the western boundary of the site.

Creek Catchments

The western portion of the land holding is situated within a small catchment which drains to the north via a natural creek corridor.

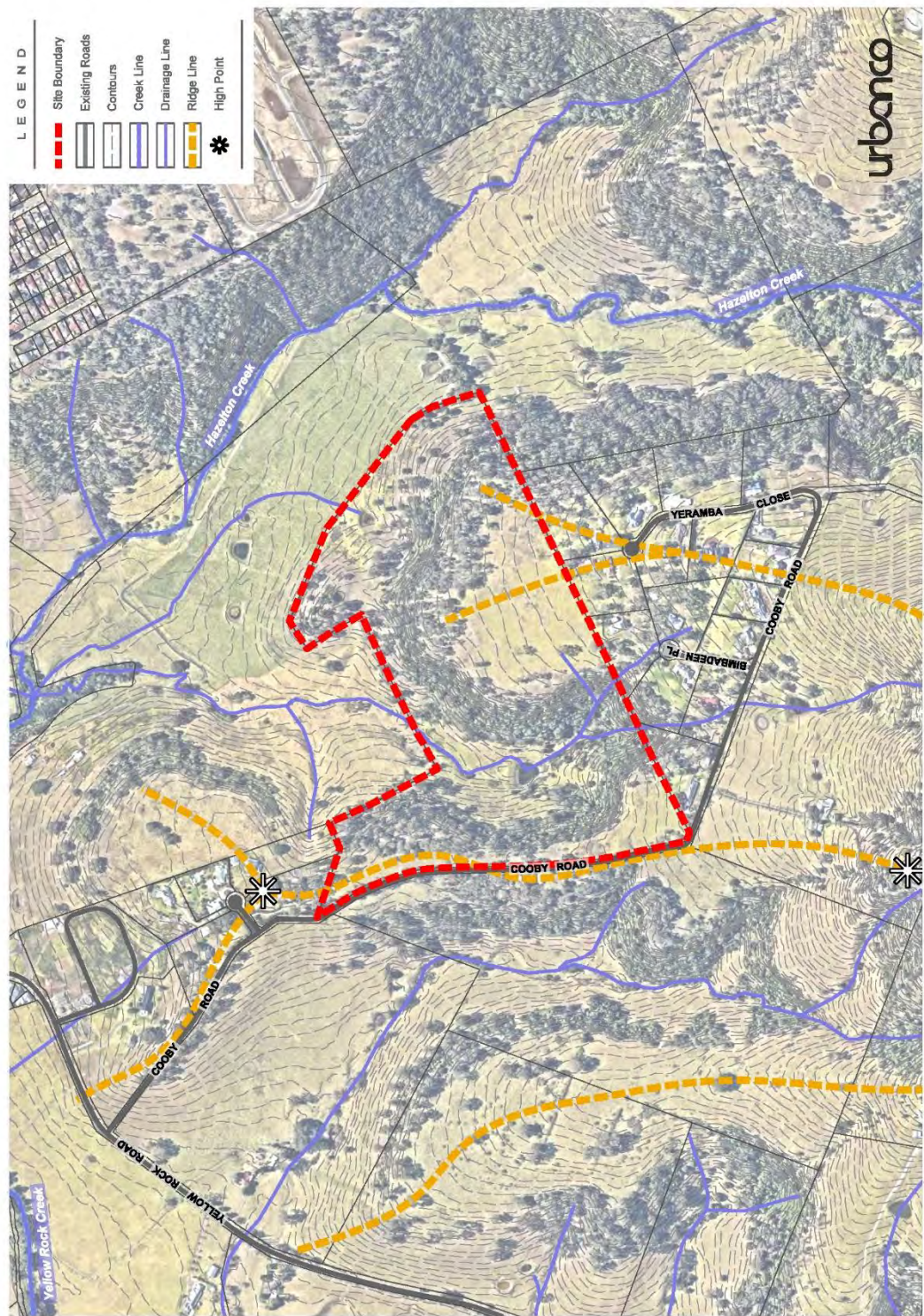
The creek line corridor extends to the north through the Tullimbar Village project and has been accommodated as part of a riparian corridor / open space network.

The western creek line accommodates and transfers overland flows from the southern to the northern property boundaries

The eastern portion of the site contains a smaller catchment which drains to an existing farm dam. This catchment then drains to the adjoining property to the north which forms part of the Tullimbar Village project.

An ecological and riparian corridor assessment has been undertaken by Ecoplanning which has classified this corridor as category 1 and 2 streams. Riparian Corridor outcomes are discussed further below.

Figure 3: Landform Plan



Vegetation

The subject land has been extensively cleared in association with low intensity grazing and agricultural operations over an extended period of time.

Existing remnant vegetation is predominantly limited to the steeper sloping areas centrally within the site and along the western property edge.

Areas of vegetation also contain significant weed and exotic grasses, and predominantly cleared understorey.

An Ecological review has been prepared by Ecoplaning which concluded the rezoning would not have a significant impact on vegetation communities and is discussed in further detail below.

Vegetation across the balance of the site comprises exotic pasture grasses.

Site Image 1:

Site View looking north-east over existing farm dam / planned riparian corridor.



Site Image 2:

Site View looking north over cleared flat land on plateau area.

Image shows a clear definition of cleared grazed land and bushland edge.



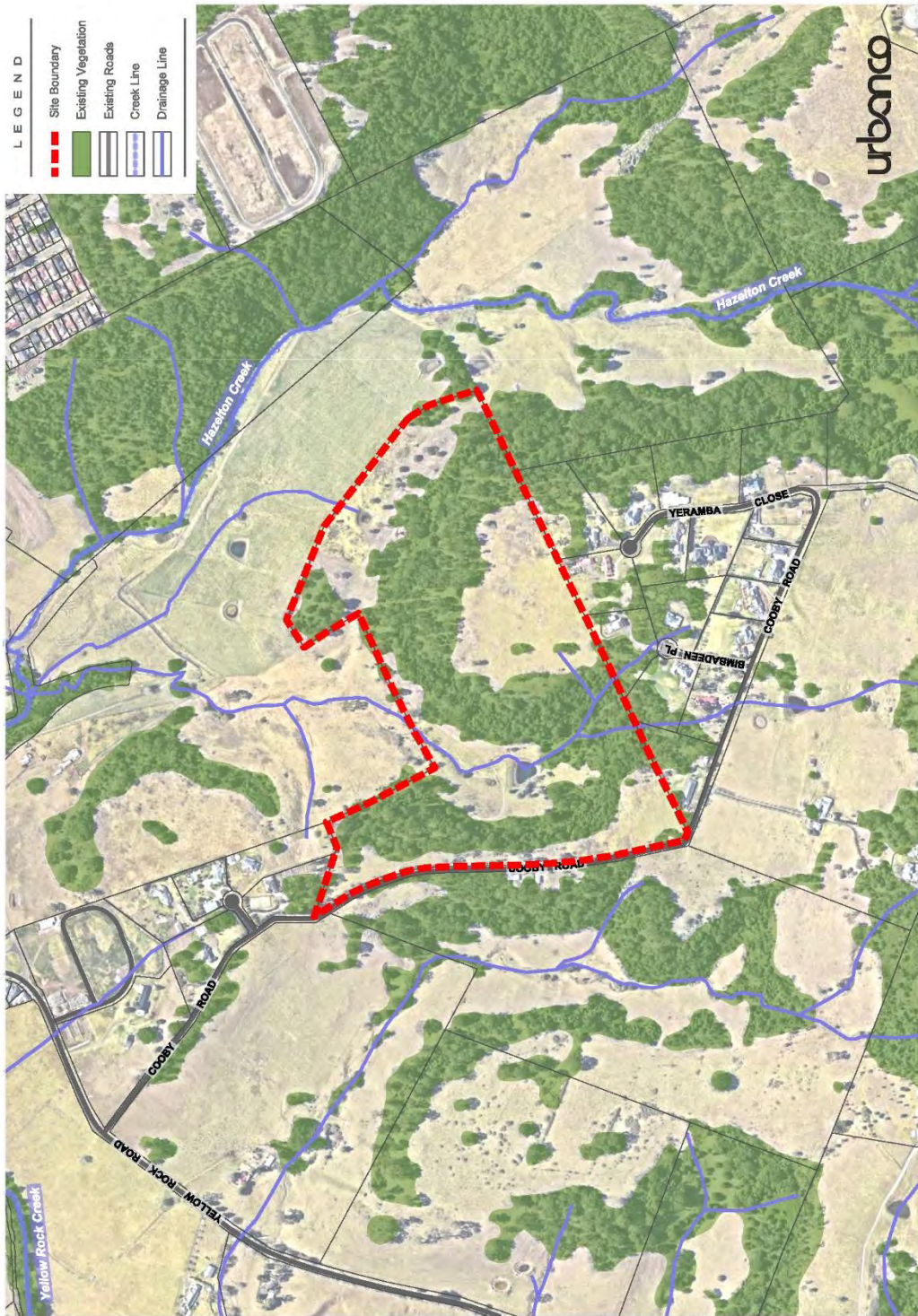
Site Image 3:

Site View looking east showing cleared paddock areas and distinct tree line.

Vegetation shown clearly incorporates some native vegetation, existing weeds and grasses.



Figure 4: Vegetation Plan



CURRENT PLANNING CONTROLS

Shellharbour LEP 2013 and Shellharbour LEP 2000

As discussed above, the during the finalisation of the Urban Fringe LES and the Standard Template SLEP 2013, Council resolved that the subject land would be deferred to allow further investigations for increased housing densities.

As a result, the land remains a Deferred Matter under the Shellharbour Local Environmental Plan (SLEP) 2013. The subject land remains zoned part 2 (e) Mixed Use Residential E and part 1 (a) Rural A under Shellharbour LEP 2000, as shown in Figure 5 below.

This Planning Proposal seeks to resolve the land use arrangement and re-zone the land under the SLEP 2013.

The Council resolution of Tuesday, 3 July 2012 stated as follows:

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

As shown in Figure 6 below, the subject site formed part of the land identified in Map 1.4 of the Urban Fringe LES.

The Urban Fringe LES outcomes are not relevant to this Planning Proposal as there is a Council resolution which specifically instructs the preparation of site-specific studies to accommodate increased residential densities.

Following the Council resolution of 2012, Shellharbour Council have not commenced any further studies. This proponent led Planning Proposal provides detailed site investigations and studies which address opportunities for appropriate residential densities.

The subject land remains zoned part 2 (e) Mixed Use Residential E and part 1 (a) Rural A under Shellharbour LEP 2000, as shown in Figure 6 above.

The historic 2 (e) Mixed Use Residential E adopted under the Shellharbour LEP 2000 mapping related to the extent of land which could be serviced by Sydney Water at the time.

As demonstrated in the adopted Tullimbar DCP and Section 7.11 Plan, there was a clear intention to extend the residential zoned land area once services could be provided.

The current land use zoning description is best described as being an historic part residential / part rural zoning, deferred under the current LEP, subject to site studies to assess increased residential densities.

Figure 5: Current Shellharbour LEP 2000 Zoning

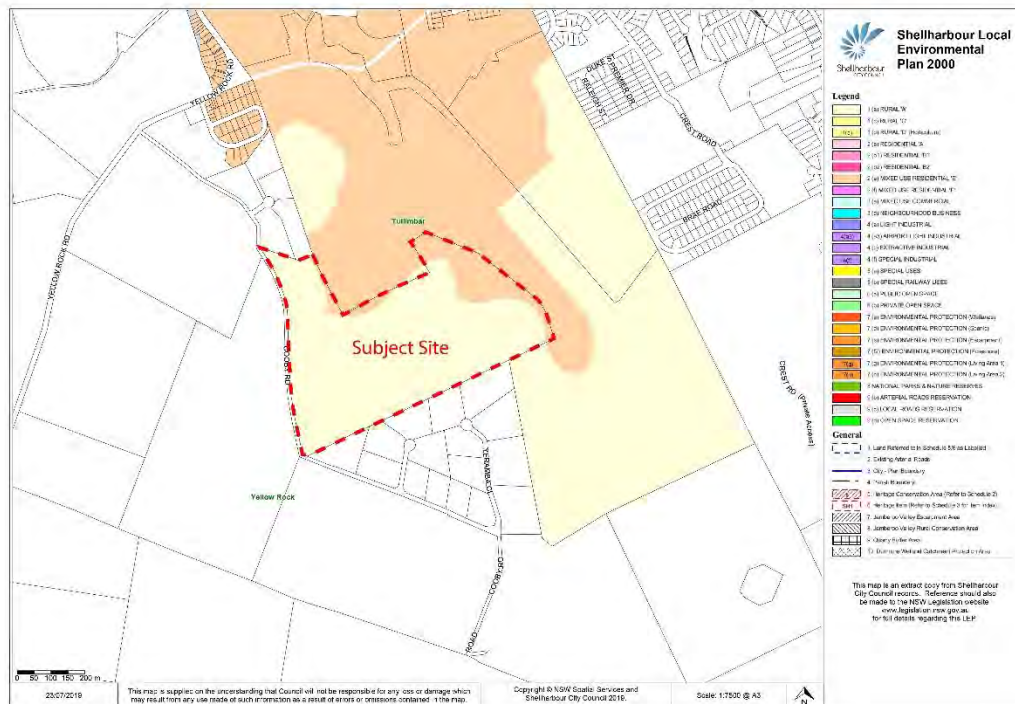
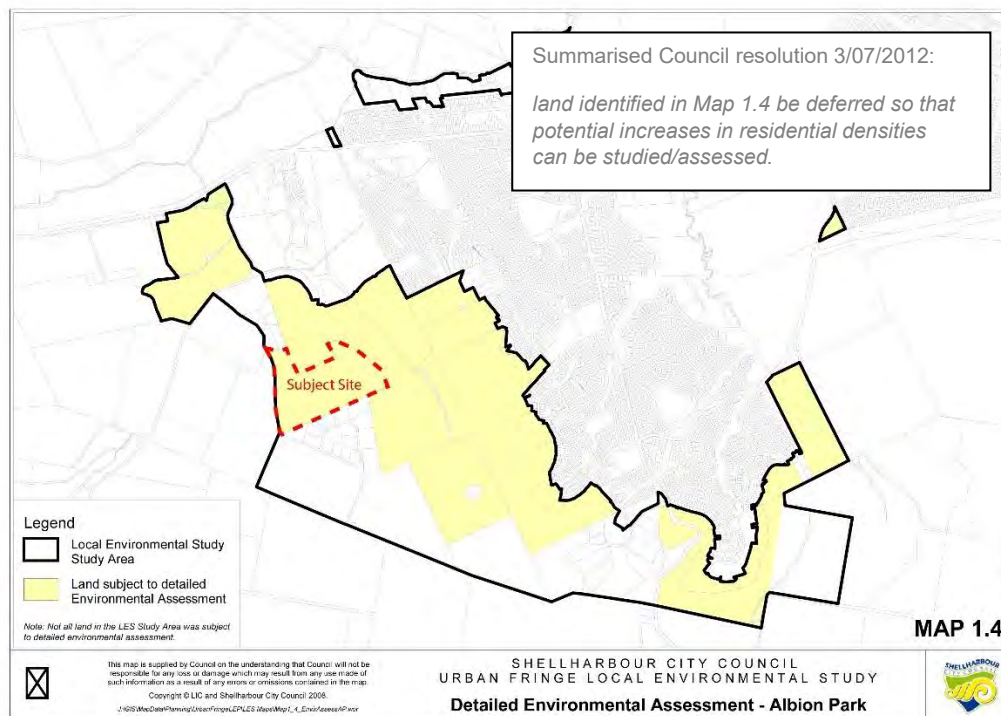


Figure 6: 2010 Urban Fringe LES Map 1.4



Tullimbar Development Control Plan

The Shellharbour Development Control Plan (SDCP 2017) is the applicable DCP for the subject land.

SCDP 2017 includes Appendix 13 – Tullimbar Provisions which was originally adopted as a stand-alone DCP and provides guidance on development outcomes for the Tullimbar area.

The Appendix applies to land within Tullimbar zoned 2(e) Mixed Use Residential under LEP 2000.

It also incorporates plans and details which reflect the outcomes of a detailed Design Charrette undertaken in August 1996 for the entire Western Valley area, inclusive of the subject site.

The DCP includes the Western Valley Village Structure Plan and Tullimbar Village Urban Development Precincts which demonstrate the long-term development outcomes intended at the time of the Charette in 1996.

Figure 7 below shows the location of the subject site within the Western Valley Village Structure Plan.

The Structure Plan clearly demonstrates the intended delivery of residential development over the subject land inclusive of the plateau area and was adopted by Council at the time of the Charrette.

Figure 8 below shows the location of the subject site as part of the Tullimbar Village Urban Development Precincts.

The subject site is identified as encompassing part of Low Density Residential (LDR) Precincts 7 and 8, all of LDR Precinct 9 and Medium Density Residential (MDR) Precinct 6.

The Development Precincts Plan identifies a minimum 1,500 dwellings for the Tullimbar release area. The DCP specifically states that the objectives and intention of the DCP is to achieve a yield greater than 1,500 dwellings through increasing the yields where possible.

This is consistent with the overall Tullimbar Yield of approximately 1,700 dwellings listed in the Illawarra Urban Development Program.

Figure 7: Western Valley Village Structure Plan



Figure 8: Tullimbar Village Urban Development Precincts



Shellharbour Section 7.11 Contributions Plan

Shellharbour City Council Section 7.11 (94) Contributions Plan 2016 – Amendment 1 is the current Section 7.11 contributions plan which applies to the Shellharbour LGA.

The Section 7.11 plan includes provision of infrastructure and associated payments for “*Benefit Area 9 – Tullimbar Infrastructure*”.

Development Contributions for the Tullimbar development area are calculated based on a projected increase in residential dwellings within the area of 1,500. This is consistent with the full development of the Tullimbar Valley as shown in the DCP plans above, based on the Design Charrette undertaken in August 1996.

In this regard, the current Section 7.11 Contributions plan assumes full development of the Tullimbar development area, inclusive of the subject site.

The contributions plan is applicable to the site and provides for appropriate infrastructure provision including playing fields / open space, community centre and drainage facilities.

Some components of the infrastructure required, such as on-site drainage, may be delivered as Works-In-Kind as part of a future Development Application.

ADJOINING DEVELOPEMNT

Tullimbar Project - Development Application 73 - 2018

The subject land holding is located directly abutting the Tullimbar Development project, currently being delivered by Dahua.

The Tullimbar project has been in delivery for approximately 15, with significant large-scale development now proposed to adjoin the northern boundary of the site.

Development Application 73/2018 was lodged with Shellharbour Council on the 23 February 2018, seeking approval for a 290 Lot Staged Subdivision, Comprising Of 283 Residential Lots, Open Space Lots, Riparian Area and three residue lots.

The proposed allotments and works to be approved under DA 73/2018 directly abut the northern boundary of the subject site as shown in Figure 9 below.

It is expected that the application will be determined in the near future.

Figure 9: Development Application 73 / 2018



SITE INVESTIGATIONS

Flora & Fauna

Ecoplanning have prepared an ecological review over the subject land holding which is included in Appendix 7 of this Planning Proposal.

This report provides an assessment of the ecological values and constraints in the study area to inform possible future development. It assesses threatened species that may use the study area and are found in the area, the native vegetation communities and conservation value of the study area.

Ecoplanning undertook both literature review and field surveys to inform preparation of the ecological review.

The Ecological review determined that *the study area predominantly consists of land that is of 'low' conservation significance (i.e. the cleared land and weeds/exotics).*

Notwithstanding, due the presence of ILGW, Illawarra Subtropical Rainforest EEC, recent threatened flora records and hollow bearing trees, *there are parts of the study area that represent a 'high' ecological constraint.*

The report recommends that hollow bearing trees should be retained as part of lots, where possible. This will be addressed during detailed DA subdivision design.

Detailed vegetation mapping is shown in Figure 5 below.

The report recommends that *consolidated patches of retained vegetation should be considered for E-zoning, particularly where threatened flora and hollow bearing trees are recorded.*

In this regard, the Planning Proposal adopts E2 Environmental Conservation and E3 Environmental Management zones for the consolidated vegetation areas.

Where clearing of remnant vegetation is proposed, the report notes that a future development application would enter the 'biodiversity offsets scheme'.

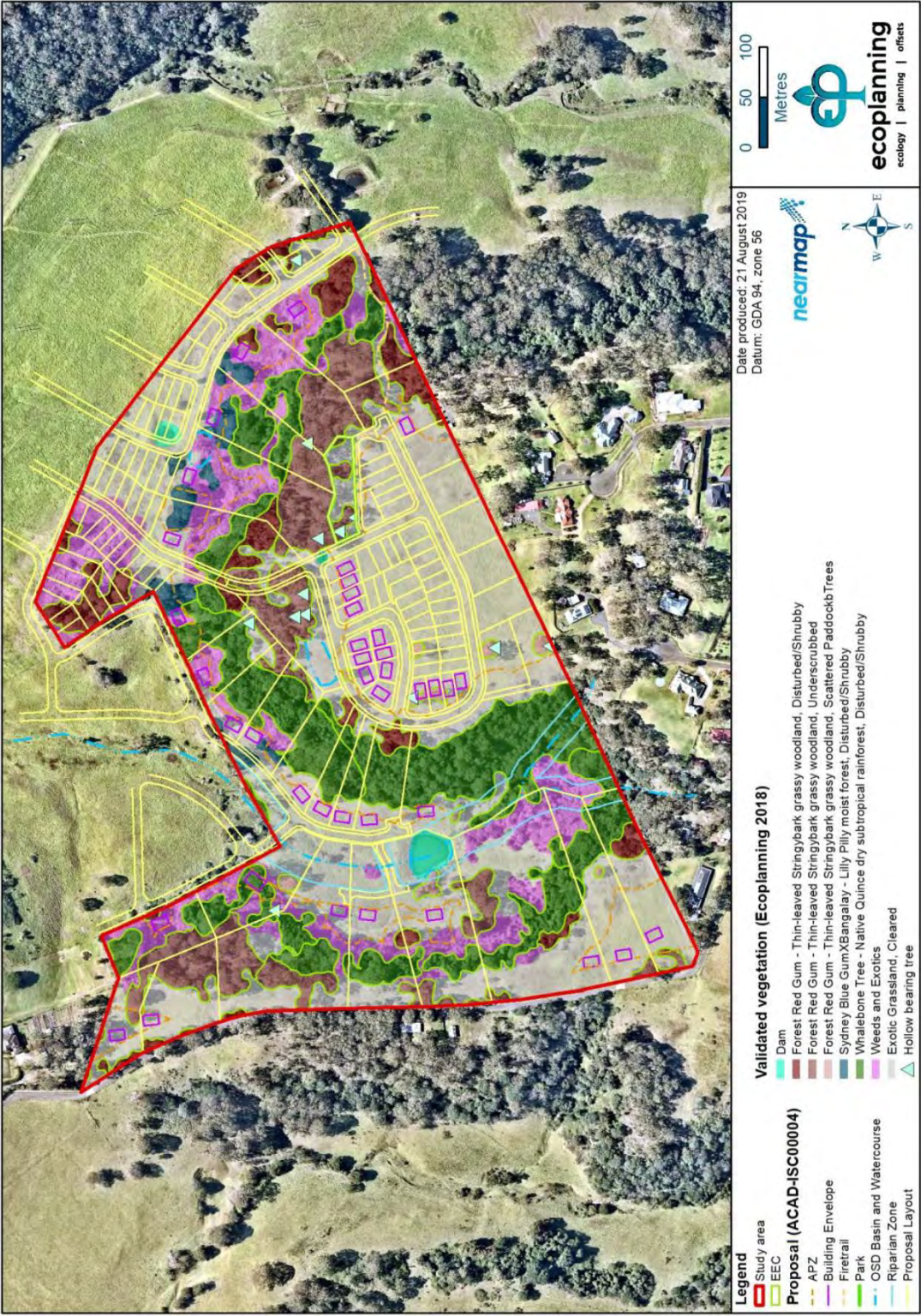
Notwithstanding, this Planning Proposal and associated concept plans have been prepared with a view to specifically minimise impacts on existing vegetation.

The site contains approximately 11 ha of medium or high constraint vegetation. Of this, less than 10% would be removed under this proposal. The Planning Proposal as lodged therefore achieves retention of over 90% of the High or Medium Ecological Constraint Vegetation.

The report concludes that:

The indicative lot layout provided suggests that the majority of the ILGW, Illawarra Subtropical Rainforest EEC will be retained. Additionally, no threatened flora records will be impacted and ten of the 11 hollow bearing trees will be retained.

Figure 10: Vegetation Communities & Riparian Corridor Mapping



Riparian Corridors

Ecoplanning have also undertaken a review of watercourses over the site as per NSW Office of Water requirements.

Mapped watercourses occur in the study area but only the upper reach of the 2nd order stream appears to have some discernible bed and bank. Development within 40 m a watercourse will require a Controlled Activity Approval under the NSW Water Management Act 2000, which may require reinstatement of a 20 m VRZ either side of TOB (i.e. a 40 m Riparian Corridor) and development of a Vegetation Management Plan.

The Concept Plan retains the mapped creek lines as per the Ecoplanning report. Ownership of the Riparian Corridors will be large lot environmental living private land holdings.

Stage 1 Contamination Review

A Stage 1 Preliminary Site Investigation (PSI) has been prepared by Environmental and Natural Resource Solutions which is included in Appendix 8.

The report documents the results of a Stage 1 site history review and site inspections in general accordance with the NSW Environment Protection Authority (EPA) Guidelines for Consultants Reporting on Contaminated Sites (OEHL;2011), and the National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (No. 1).

The report notes that:

- *The Site history records document the Site has been used for rural purposes since circa 1949*
- *The site history review did not identify any evidence of development or previous contaminating activity to trigger any further ground testing or environmental assessment*
- *Review of EPA contaminated land records did not identify any areas of environmental concern in proximity to the Site*
- *The Site walkover and inspections conducted on the 6th December 2018 confirmed the Site condition is consistent with the documented history of rural land use. The Site inspection did not identify any potential Areas of Environmental Concern (AECs)*

Accordingly, the report concludes that *Based on the historical information provided in this report and observations made during the Site inspection, the Site may be considered suitable for the proposed sub-division and residential land use.*

Preliminary Geotechnical Assessment

TerrainInsight has undertaken a preliminary geotechnical assessment for the proposed rezoning / development of the site which is included in Appendix 9.

The report provides a geotechnical characterisation of the Site based on a desktop review of available information, identifies geotechnical constraints and opportunities and provides advice on the management and mitigation of geotechnical risks.

This report details the results of this preliminary geotechnical assessment and identifies the following Terrain Areas.

Terrain Unit 1 - Elevated Terraces within Area 1:

This includes gently graded upper hill slopes and terraces underlain by shallow residual soils and Latite. These areas typically have a low risk of landslide and are deemed suitable for residential development.

Terrain Unit 2 - Upper escarpment slopes within Area 2:

This includes steeply to extremely falling upper hill slopes underlain by shallow residual soils and Latite. Rock may locally outcrop on the steeper parts of the slopes. This area is assessed as unsuitable for residential development. Although parts of Terrain Unit 2 can be accommodated within rural interface and environmental living allotments, it is recommended that most of this land is and should be utilised as greenspace and/or riparian zone due to a high risk of localised land instability and rock fall.

Terrain Unit 3A - Lower escarpment slopes within Areas 2 and 4 and upper valley slopes within Area 3:

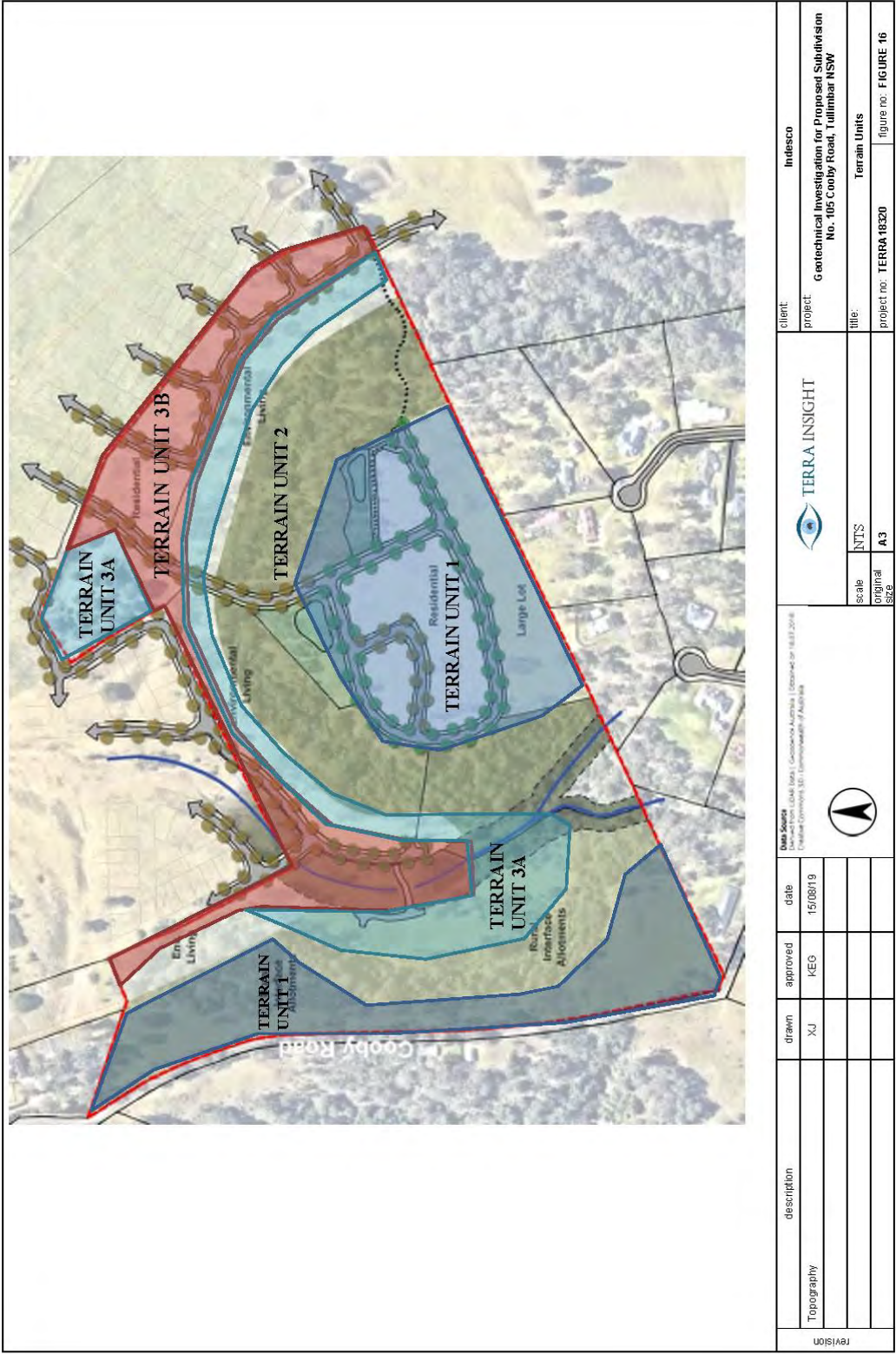
This includes moderately to steeply graded upper valley slopes underlain by colluvial soils and residual soils with rock. These areas typically have a moderate risk of landslide and are deemed suitable for environmental living residential development.

• Terrain Unit 3B - Lower Valley Slopes within Area 3:

This includes gently to moderately graded lower hill slopes underlain by alluvial soils, colluvial soils, residual soils and rock. These areas typically have a low risk of landslide and are deemed suitable for residential development.

The Concept Plan adopts the recommendations of the preliminary geotechnical assessment as demonstrated in Figure 11 below. The Concept Plan proposes residential, development in Terrain Areas 1 and 3, with Terrain Area 2 retained within larger allotments, with no dwellings anticipated.

Figure 11: Mapped Terrain Areas



Bushfire

Peterson Bushfire have prepared a bushfire impact review over the subject land holding which is included in Appendix 10 of this Planning Proposal.

The Bushfire Review has been prepared in accordance with the requirements of Planning for Bush Fire Protection 2006.

The review identifies that bushfire hazard as follows:

The hazard consists of a rainforest vegetation complex along the steep slopes within and adjacent the subject land. Taking on varying forms and highly disturbed from past grazing activity and weed invasion, the predominant vegetation that will remain has been classified as 'rainforest' for the purposes of APZ determination. Forest is also present on the adjoining lands to the west and south which will require consideration at subdivision stage.

Beyond the subject land, the bushfire threat is assessed to be low to medium due to the hazard being confined to the gully walls and riparian zones, as well as the predominance of managed land uses beyond. The hazards adjacent the site are not well-connected to the rainforest and forests of Stockyard Mountain to the south.

The Illawarra Bushfire Risk Management Plan (Illawarra Bushfire Risk Management Committee 2017) reports the absence of landscape-wide fire within the surrounding area of the coastal plain since recorded history. A risk rating of future residential development at the subject land would be low as there will be compliant bushfire protection measures.

The bushfire report provides a detailed review of Asset Protection Zones and access arrangements.

The report concludes that the proposal can satisfy the Ministerial Direction No. 4.4 – 'Planning for Bush Fire Protection' and the requirements of Planning for Bush Fire Protection 2006 by providing compliant bushfire protection measures such as:

- Provision of compliant APZs between future building envelopes and bushfire hazards.
- Adequate access for emergency response and evacuation.
- Compliant road widths and design.
- Perimeter subdivision roads between low density lots and identified hazards.
- Adequate water supply to allow fire-fighting operations by fire authorities.

Aboriginal Heritage Review

A preliminary Aboriginal Heritage Review has been undertaken by the Illawarra Local Aboriginal Land Council and is included in Appendix 11.

The review included an extensive search of the AHIMS database which identified 38 Aboriginal archaeological sites within a five kilometre square search area, centred on the proposed study area. None of these registered sites are located within the study area.

The review notes that:

A simple analysis of the Aboriginal cultural heritage sites registered within five kilometres of the study area indicates that the dominant site type is artefacts, representing 81.6% (n=31). The second most recorded site type found in the vicinity of the study area were PAD sites accounting for 18.4% (n=7). Registered sites were located across a range of landforms, with the majority present on level elevated landforms in close proximity to sources of water or on ridgeline spurs.

A visual inspection of the study area was undertaken on 8 September 2018 by Paul Knight.

This visual assessment identified that disturbances were present in the study area and came from both animal and human agents.

The survey identified the following archaeology potential:

- Ridgeline spur landforms that were present either side of the gully – moderate archaeological potential for low density artefact deposits.
- Creek line dissecting the site – potential archaeological material.
- The rest of the study area contains low archaeological potential primarily attributed to the sloped nature of this landform and the disturbances associated with the existing residential buildings.

The review includes the following recommendations:

- *Recommendation 1 Further assessment is required if impacts cannot be avoided to areas of moderate potential.*
- *Recommendation 2 Works can proceed with caution in areas assessed with low archaeological potential.*
- *Recommendation 3: Discovery of Unanticipated Aboriginal Objects, Historical Relics, and/or Aboriginal Ancestral Remains*

Traffic Review

A detailed Traffic Impact Assessment has been prepared by Bitzios Consulting and is included in Appendix 6.

The Traffic Impact Assessment provides a review of the existing transport network and its capacity to accommodate the proposed development outcomes.

The key findings of the traffic report are as follows:

- *The proposed development is expected to generate in the order of 84 peak hour trips at the maximum development yield.*
- *All intersections within the proposed development appear to meet or exceed the minimum spacing requirement in accordance with the Shellharbour Subdivision Design Code.*
- *It is recommended that traffic calming is implemented no more than 150m apart in accordance with AMCORN.*

The report concludes that:

there are no significant traffic or transport impacts associated with the proposed development to preclude its approval and relevant conditioning based on relevant transport planning grounds.

Stormwater / Flooding Review

Rhienco Consulting have prepared a stormwater and flooding review associated with the Planning Proposal which is included in Appendix 5.

This review incorporates a broad study of both up-stream and downstream catchments and associated planned stormwater infrastructure.

The subject site is situated within the Macquarie Rivulet catchment, which forms part of the Lake Illawarra sub-basin of the Wollongong Coastal Basin

A stormwater / flood model was run for the 1% AEP and PMF design events. This demonstrated that the peak 1% AEP flood depths vary across the site, however, flooding is confined to the riparian and watercourse areas, which is expected given the incised nature of the watercourses through the subject site.

The review notes that some impacts are noted on the downstream property, however these impacts are associated with the transition of the watercourse into the existing channel, and are temporary only. They can be readily reduced during detailed design of the watercourse and have no effect on land earmarked for residential development.

The report has concluded that:

- *None of the proposed residential lots are affected by mainstream flooding for all events up to and including the PMF.*
- *The proposal meets the requirement of the NSW Governments S.117 Direction Clause 4.3. Where the proposal is inconsistent with this Direction, as per Clause 9 of the S117 Direction these inconsistencies are supported by this Floodplain Risk Management Plan.*
- *The proposal meets the requirement of Shellharbour Council's LEP (2013) Clause 6.3.*
- *The requirements of the NSW Government's Floodplain Development Manual (2005) have been considered. There are no specific additional requirements stemming from the application of the Floodplain Development Manual, as the S117 Directions and SCC's LEP (Clause 6.3) are consistent with the Floodplain Development Manual.*

Infrastructure Review

Indesco Engineering have prepared a preliminary servicing report in association with this Planning Proposal.

Indesco have advised that the site can be serviced as follows:

Water

Due to the relatively high ground levels of this site, Sydney Water have advised that the connection to Water services would need to come from the existing 375mm diameter water main located within Lot 4 DP 1223910, approximately 800m to the east of the site.

This main is required to supply sufficient water supply to not only this site, but also the higher development areas of Tullimbar and Calderwood.

Sydney Water noted that further design details can be resolved during the Development Application stage of the project.

Sewer

A connection to the existing 375mm diameter main within the existing Tullimbar development area would be the proposed connection point for sewer.

It is noted that the design of the sewer network within Tullimbar did allow for the potential future development of 105 Cooby Road, and therefore has sufficient capacity to service this site.

Electricity

It is likely that future electricity services will extend from the existing and future development areas of Tullimbar, immediately north of this site.

Future method of supply applications will be lodged with Endeavour during the Development Application stage to confirm network capacity and infrastructure requirements.

Telecommunications

The future Developer of 105 Cooby Rd will be required to provide pit and pipe networks, in accordance with NBN Co. standards to enable the provision of optical fibre throughout the project.

Connection will likely be via the future developed areas or the currently serviced areas of Tullimbar, subject to timing of development.

Gas

Gas will be supplied to the development via the extension of existing services within Tullimbar, consistent with Jemena's standard procedures.

LAND RELEASE INVESTIGATIONS

Illawarra Urban Development Program

The Illawarra Urban Development Program (IUDP) prepared by the NSW Department of Planning, is the State Government's program for managing land and housing supply in the Illawarra.

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.

The subject land holding forms part of the IUDP Area 52.6, being the Albion Park West investigation / release area and Area 52 D (Refer Figure 12).

The 2010 IUDP identified a total dwelling yield of 1,700 dwellings for the Tullimbar development area which is consistent with the full development of the Tullimbar Valley, inclusive of the subject site.

This Planning Proposal and associated supporting studies demonstrate an appropriate land use arrangement which is consistent with resolving the urban release area as required under the IUDP.

1992 Local Environmental Study

Shellharbour Council commissioned Hassell Planning Consultants 1991 to prepare a detailed Local Environmental Study over the Albion Park West Urban Investigation areas identified under the IUDP, being Areas 9 & 10. The LES included the subject land holding.

A number of detailed supporting studies were prepared to guide land use outcomes under the LES which included Flooding and Water Quality assessment, Vegetation assessment, Fauna assessment and a Transport review.

Following the preparation of these studies, the LES was finalised in 1992 and adopted by Shellharbour Council.

The final LES included the preparation of detailed Structure Plan for the study area. The Structure Plan incorporated the findings of the supporting studies to determine areas which were appropriate for rezoning and provided an urban design response.

A copy of the structure plan is shown in Figure 10 below.

The Structure Plan identified that the subject land was suitable to accommodate a range of residential housing and larger lots along the Cooby Road interface.

SHELLHARBOUR
METROPOLITAN DEVELOPMENT PROGRAM

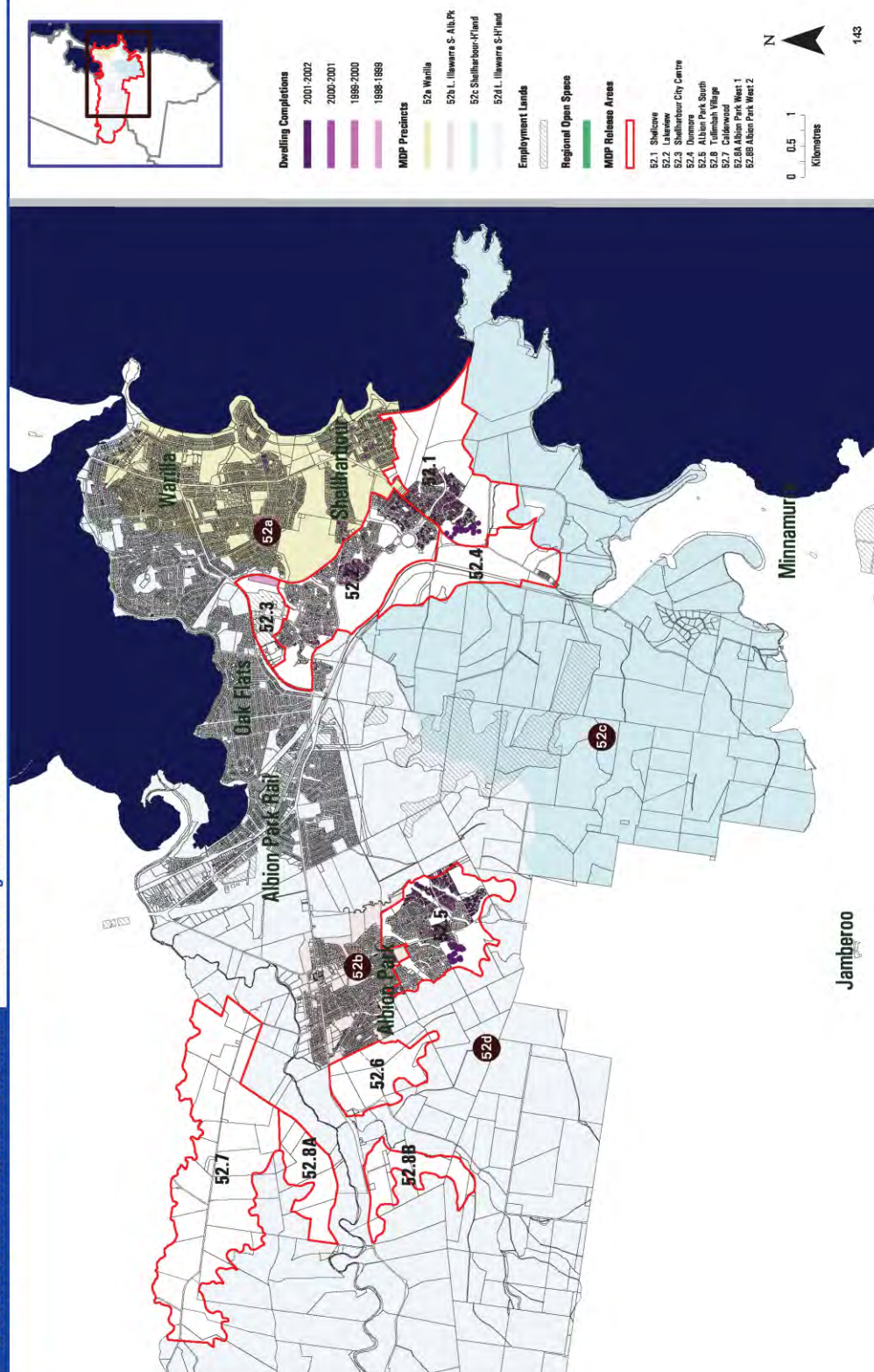
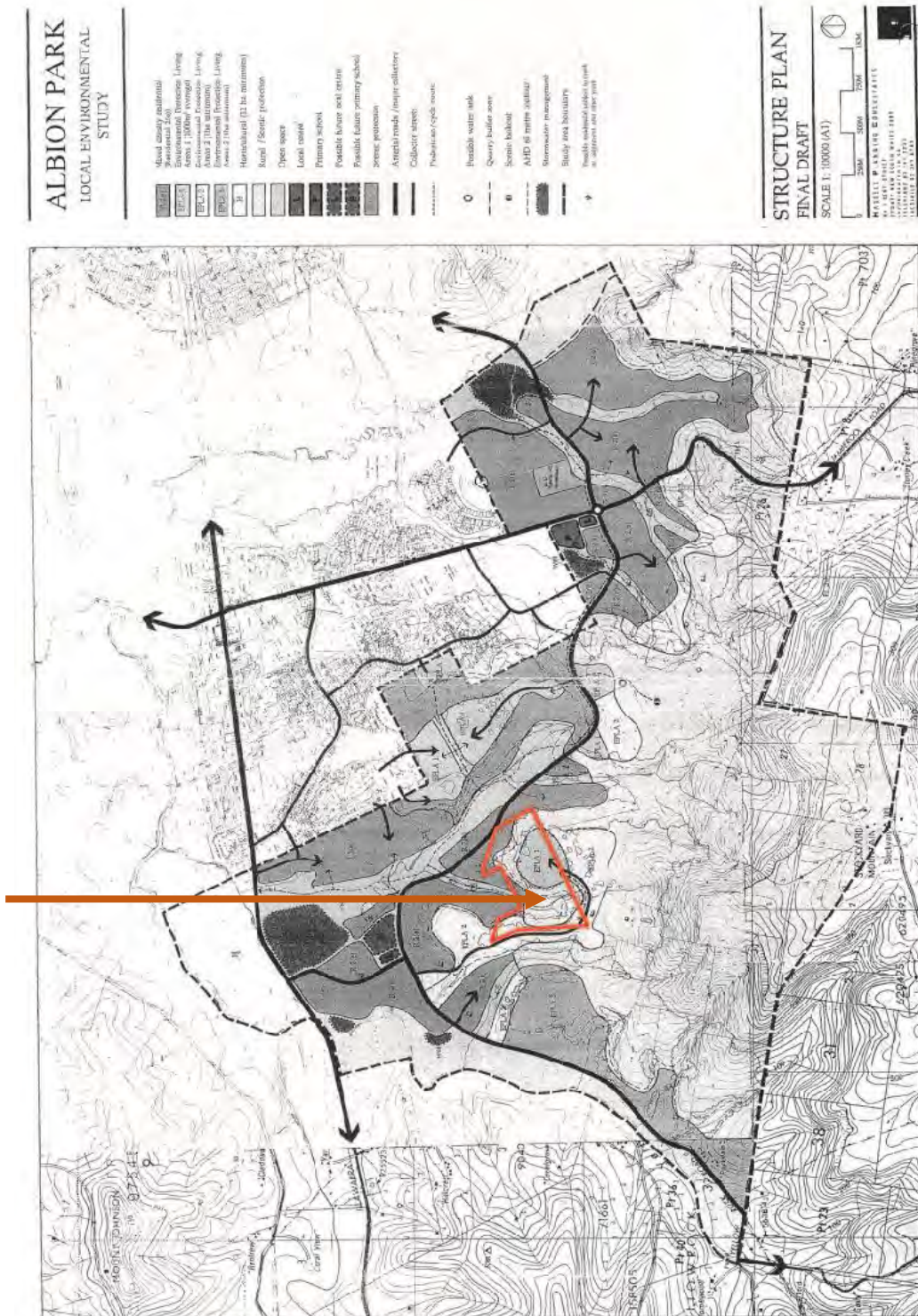


Figure 13: 1992 LES Structure Plan



Western Valley Village Structure Plan

In 1996 the landowners, Council and Department of Planning participated in the Western Valley Design Charette.

The intention of the Design Charette was to review and refine the urban design and planning outcomes for the western valley area which generally incorporated the Tullimbar Village, adjoining Council land holdings and a number of private land holdings including the subject site.

The outcome of the Design Charette was the preparation of the Western Valley Village Structure Plan, as shown in Figure 14 on the following page.

Key elements of the Structure Plan included:

- Identification of residential land capable of accommodating 1,700 residential dwellings (consistent with the Illawarra Urban Development Program)
- Provision of key Collector and Local Road network
- Identification of a Main Street and Town Centre area
- Provision of active and passive open space areas and linkages
- Protection of creek corridors and riparian areas

The Western Valley Structure Plan was endorsed by Council, and adopted as the basis for the rezoning of the Tullimbar project and the adjoining Council owned lands.

The Structure Plan also informed preparation of the Tullimbar Village DCP and associated Section 7.11 Plan as discussed earlier in this report.

In relation to the subject land holding, the Structure Plan clearly demonstrates the intended delivery of residential development over the subject land inclusive of the plateau area and was adopted by Council at the time of the Charrette.

At the time, the subject land holding was not rezoned, as water services could not be provided. This has now been resolved as discussed in the servicing report submitted with this proposal.

The Planning Proposal as lodged is consistent with the endorsed Structure Plan, while reflecting the outcomes of the detailed site investigations completed for the site.

Figure 14: Western Valley Village Structure Plan



2010 Urban Fringe LES

Shellharbour Council undertook a review of land along the “urban fringe” from 2000 to 2010 to review land use arrangements and inform the then draft SLEP 2013 which adopted the NSW Department of Planning LEP standard template.

The Shellharbour Urban Fringe Local Environmental Study (LES) 2010 was prepared by Shellharbour Council, following completion of a variety of background studies and investigations.

The Urban Fringe LES covered a wide area of the LGA including land in Dunmore, Albion Park and Albion Park West (inclusive of the subject site). The LES was finalised and presented to Council for adoption as part of the LEP update in May 2012.

During finalisation of the LES it was identified that the report and associated studies were not appropriate and further review was required to determine whether the land areas were capable of accommodating further residential housing.

As discussed earlier in this report, Council resolved that the subject land would be deferred to allow further investigations for increased housing densities.

This Planning Proposal now addresses the Council resolution and allows finalisation of the land use arrangements for the site.

SECTION 2 – DESIGN RESPONSE

THE CONCEPT PLAN

The Concept Plan has been prepared in response to the detailed site investigations and site conditions to guide the land use planning and lot size outcomes. The Concept Plan demonstrates the suitability of the land holding to deliver a range of housing types as a seamless extension of the planned residential community to the north.

The Concept Plan incorporates both standard residential housing, large lot environmental living allotments on sensitive land and larger rural transition lots along Cooby Road.

Key areas of vegetation have been retained within large environmental living lots which both protects the long-term viability of the vegetation and minimises long term liability for Council.

The Concept Plan has adopted the following key urban design and place making principles:

- Deliver a seamless transition in the future community between the subject site and the planned Tullimbar Village residential areas to the north.
- Provide for a variety of housing typologies which respond to the site topography and vegetation.
- Provide road alignments and lot layouts which respond to site topography and ensure efficiency in land use outcomes.
- Maximise retention of existing vegetation while minimising long term Council maintenance liabilities.
- Deliver long term revegetation, protection and management of creek lines degraded through historic agricultural land uses.

Figure 15: Concept Plan



Site Responsive Housing Typologies

The Concept Plan allows for a variety of housing typologies and associated lot sizes which respond to the natural topographical constraints and existing site vegetation to deliver a high-quality urban design and place making outcome.

Housing typologies will likely encompass three distinct options being:

- Residential Housing
- Large Lot Environmental
- Rural Transition

The variety of housing types and options will ensure a vibrant community. We have provided below a brief description of each of these envisaged housing types.

Residential Housing

Residential housing over the site will comprise a variety of single and double storey homes and split-level homes where appropriate to address slope / topography.

Residential lots will vary from 300m² to approximately 600m², delivering a broad range of housing options for new families.

Large Lot Environmental

Large lot environmental housing is proposed to be delivered on land with steeper topography or remnant vegetation to be retained within allotments.

Typically, the large lot environmental housing allotments will be 1,000m² to 4,000m², and are predominantly centrally located within the site.

The allotments will be designed to provide a cleared building pad, with vegetation areas contained in the rear of the properties.

Rural Transition

Large lot environmental housing is proposed to be delivered on land with steeper topography or remnant vegetation to be retained within allotments.

Typically, the large lot environmental housing allotments will be 2,000m² to 4,000m², and are predominantly centrally located within the site.

The allotments will be designed to provide a cleared building pad, with vegetation areas contained in the rear of the properties.

Bushland Allotments

The proposal incorporates the delivery of a number of bushland / steeply sloping environmental living allotments.

These allotments incorporate the steeper sloping land and vegetation located centrally within the site, around the elevated plateau.

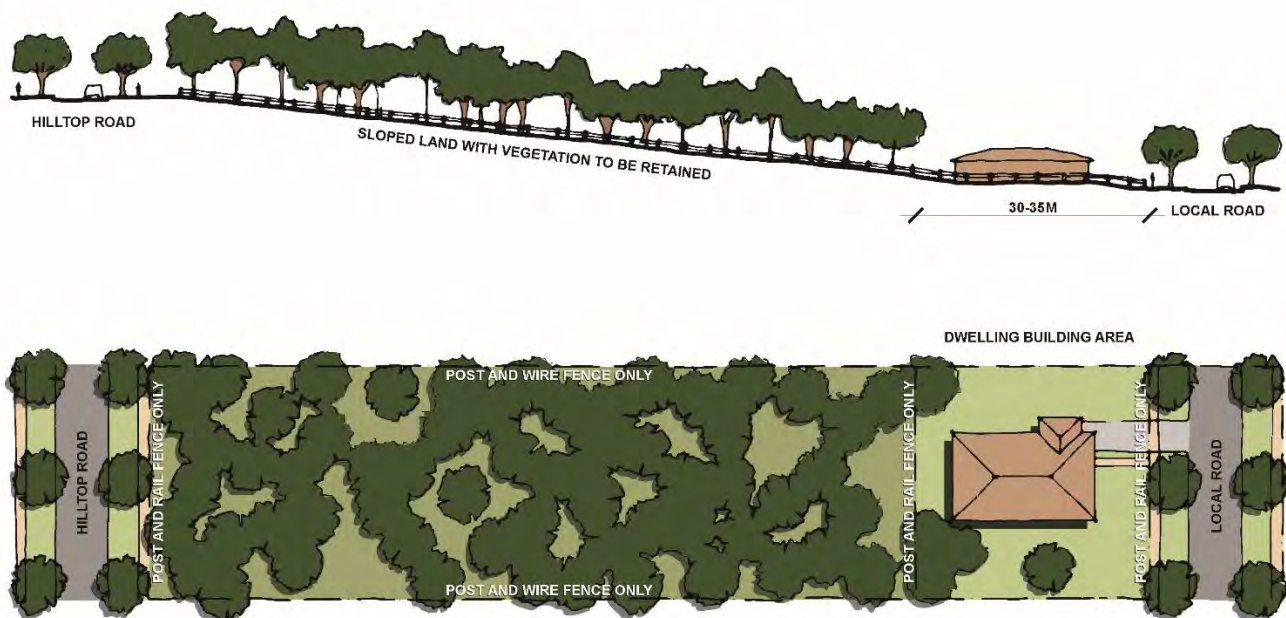
The allotments have been designed to accommodate a cleared building pad on the flatter land at the base of the hilltop plateau area, with the allotment extending up to the hilltop road.

We consider that the proposed lot size represents the most appropriate methodology to provide a balance between environmental outcomes, bushfire management and long-term maintenance costs / burden on individual landowners.

The inclusion of these allotments ensures that maintenance and management costs are distributed among a number of landowners to reduce individual long term cost and responsibility.

Figure 16 below demonstrate the concept plan would be delivered.

Figure 16: Environmental Living / Bushland Allotments





Riparian Corridors

The Concept Plan allows for the retention and revegetation of the Creek Line Riparian Corridor situated within the western valley which is an extension of the corridor within the Tullimbar Village project to the north.

The corridor is currently highly degraded, being used for stock grazing over an extended period of time.

An on-line farm dam has also been constructed centrally within the corridor which currently impacts flows down-stream.

As part of the delivery of the site, the riparian corridor will be revegetated in accordance with NSW Office of Water requirements, providing an enhanced environmental response.

A Category 1 stream is located on the eastern edge of the property. This stream is not proposed to be retained to the east of the site. This stream is located within environmental living allotments under this proposal.

The Concept Plan retains the mapped creek lines as per the Ecoplanning report. Ownership of the Riparian Corridors will be large lot environmental living private land holdings.



Road Sections

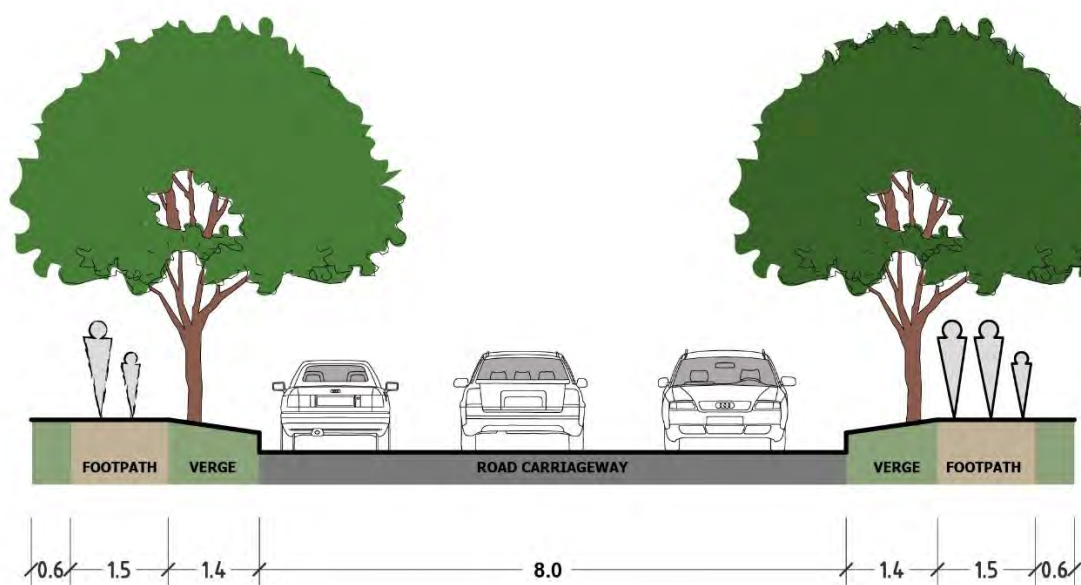
All roadways are proposed as extensions to existing planned Access Streets within the Tullimbar Village estate.

Roadways will adopt a 15m road reserve consistent with the adjoining development.

This allows for vehicle movements and on-street parking in a low speed, pedestrian friendly environment.

The 8m pavement width ensures full compliance with Planning for Bushfire Protection requirements for all roadways.

Figure 17: Indicative Access Street Section



Access Street 15.0m

Land Management Outcomes

Open Space

Any open Space areas are proposed to be dedicated to Council as part of the development of the site.

Future dedication and embellishment of the open space areas may be undertaken through either a Voluntary Planning Agreement or as Works In Kind Agreement to satisfy local Section 7.11 contributions relating to the delivery of new housing.

Riparian Corridors

It is anticipated that identified Riparian Corridor areas will be dedicated to Council as a single land parcel, consistent with, and as a direct extension of the corridors within the adjoining Tullimbar Village project.

This will ensure an uninterrupted public open space system is able to be provided along the corridors, providing high quality environmental and passive recreation outcomes and allowing for uninterrupted pedestrian connections to the existing primary school and playing fields.

Riparian Corridor areas will either be dedicated through a Voluntary Planning Agreement or Work In Kind arrangement.

SECTION 3 – PLANNING PROPOSAL MERIT TEST

Strategic Merit Test

The NSW Department of Planning and Environment has established a Strategic Merit Test for consideration when preparing and determining Planning Proposals.

The Strategic Merit Test includes 3 criteria to be considered in determining whether a proposal has merit to proceed. The proposal is not required to meet all the strategic merit test criteria, rather the proposal is deemed to have strategic merit if it meets one, or more of the criteria.

A review of the proposal under each of the tests is provided below.

1. *Is the Proposal consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment*

The relevant regional plans which apply to the locality include the Illawarra Shoalhaven Regional Plan (ISRP), released by the Department of Planning in November 2015.

We have provided a detailed review of this planning proposal under both regional plans in Section 3 - Part 2 below. This review has demonstrated that the proposal is considered to be consistent with the regional plans as follows:

- a) The proposal will assist in job creation in the region during the construction of the development and residential housing
- b) The proposal will deliver a variety of housing choices that meet the needs and lifestyles of future residents.
- c) The proposal will enhance local connectivity outcomes through the introduction of new local roadways which complete local road connections and pedestrian pathway networks.
- d) The subject land area does not include any mapped Biophysical Strategic Agricultural Lands or strategic resource lands and is not required to be retained agricultural use under the ISRP.
- e) The Planning Proposal protects and enhances the natural environment through retention and protection of remnant vegetation within large environmental lots and protection of riparian corridor areas.

2. *Is the Proposal consistent with a relevant local strategy that has been endorsed by the Department;*

There is no current local strategy endorsed by the Department of Planning which is applicable to the subject land.

Notwithstanding, the land has been identified as being appropriate for rezoning under various Council adopted strategies specific to the Tullimbar valley.

These include adopted Structure Plans, adopted DCP's, adopted Section 7.11 plans and Council resolution specifically noting the site should be investigated to accommodate residential development as part of the adoption of the SLEP 2013.

As such, the proposal is considered entirely consistent with local planning strategies.

3. *Is the Proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.*

Yes, this proposal is responding to a change in circumstances relating to local services and progression of residential development on the adjoining lands.

The site is now able to be serviced as detailed in the servicing strategy submitted with the Planning Proposal.

Infrastructure, including, sewer, water, electrical and road upgrades will now be delivered to the edge of the subject site as part of the development of the Tullimbar Estate, enabling easy extension and augmentation.

The construction of the local Water Tower in 2003 allows for water services to be provided to the site.

In addition, Development Applications have now been lodged with Shellharbour Council for the land directly adjoining the northern boundary of the site.

As such, residential allotments will in the near future directly abut the northern property boundary.

These changing land use arrangements will also result in significant changes to infrastructure and demographics in the local area. It is now appropriate for the rezoning of the subject land to be progressed.

Site Merit Test

The NSW Department of Planning and Environment has also established a Site Merit Test for consideration when preparing and determining Planning Proposals.

The Site Merit Test includes 3 further criteria to be considered in determining whether a proposal has merit to proceed.

A review of the proposal under each of the tests is provided below.

1. *the natural environment (including known significant environmental values, resources or hazards);*

As discussed in this report the subject land has been extensively cleared in association with agricultural grazing over an extended period.

A detailed Flora and Fauna review has been completed by Eco Planning .

The report provides an assessment of the ecological values and constraints in the study area to inform possible future development. It assesses threatened species that may use the study area and are found in the area, the native vegetation communities and conservation value of the study area.

The report demonstrates that the proposal will protect the majority of native flora and fauna on site and is able to be supported.

A detailed water management study has also been submitted which demonstrates that there is no impact on the downstream properties and the proposal is able to be supported from a stormwater management perspective.

A preliminary site investigation has also been undertaken which demonstrates there are no areas of contamination which would render the site unsuitable for residential development.

As such, this proposal and associated supporting details site investigations have demonstrated that the site is suitable to accommodate the proposed development outcomes.

2. *the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal; and*

The subject site directly adjoins land proposed to be subdivided for residential development under Development Application 73 / 2018.

The proposal delivers an appropriate transition between the residential development to be approved along the northern boundary, and the existing rural residential allotments along the southern boundary.

The proposed land uses, lot types and overall dwelling yield are consistent with the Tullimbar Valley Structure Plan endorsed by Council and adopted under the current Shellharbour DCP and Section 7.11 contributions plan.

3. *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

A detailed servicing report has been submitted with this proposal prepared by Indesco Engineers.

The report has demonstrated that the site is able to be immediately serviced through augmentation / extension of existing water, sewer, electrical and telecommunications infrastructure within the locality.

There are no infrastructure impediments to the rezoning.

We note that the current Section 7.11 contributions plan includes development of the site and associated contributions as part of the funding of local open space and community facilities for the Tullimbar Release Area.

SECTION 4 – THE PLANNING PROPOSAL

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

Planning Proposal Objectives

The objective of this Planning Proposal is to amend the Shellharbour Local Environmental Plan 2013 (SLEP 2013) to rezone the land for residential development consistent with the long term planning outcomes for the land and the adjoining Tullimbar Village project.

In seeking to realise these objectives, the Planning Proposal aims to deliver the following outcomes:

- *Rezoning of the land under the Shellharbour LEP 2013 to resolve the deferred land status and provide for a variety of housing options;*
- *Provide a land use outcome which is responsive to site topography and areas of remnant vegetation;*
- *Maintain and protect remnant vegetation within large environmental lots;*
- *Protect riparian corridor areas as environmental land.*

PART 2 – EXPLANATION OF PROVISIONS

To achieve the outcomes embodied in the Concept Plan and resolve the land use arrangements for the site, the following LEP Maps will be amended under this proposal:

- Land Zoning Map: Sheets LZN_014 & LZN_015
- Lot Size Map: Sheets LSZ_014 & LSZ_015
- Height of Buildings Map: Sheets HOB_014 & HOB_015

Further details regarding the proposed amendments are outlined below.

Zoning Amendments

The land is currently listed as a Deferred Matter under the SLEP 2013. As such, the Shellharbour Local Environmental Plan 2000 is the applicable Principal Planning Instrument regarding land use zoning and permissible land uses for the site.

The land is currently zoned Part 1 (a) (the Rural A zone) and Part Zone 2 (e) (the Mixed Use Residential E zone) under the historic LEP.

It is now appropriate that the land be rezoned under the SLEP 2013 to reflect the more detailed environmental studies undertaken in association with this proposal.

In this regard, the Planning Proposal adopts the following land use zone outcomes.

- Adoption of the R2 Low Density Zone for cleared land on the lower areas adjoining the Tullimbar Village residential lands.
- Adoption of the R5 Large Lot Zone for the large lot area adjoining the southern boundary of the site.
- Adoption of an E4 Environmental Living Zone for larger lot areas and land along the western boundary adjoining Cooby Road.
- Implement and E3 Environmental Management Zone over the identified vegetation areas.
- Riparian Corridors are proposed to be zoned E2 Environmental Conservation.

Detailed plans showing the current and proposed LEP Land Use Zone mapping are included in Part 4 below.

Lot Size Amendments

This Planning Proposal seeks to adopt minimum lot size provisions which are generally consistent with surrounding new urban areas within the Shellharbour Council LGA.

The proposal includes the requirement to provide larger allotments along the southern edge of the property as a transition to the existing rural – residential properties to the south.

In this regard, the Planning Proposal adopts the following lot size outcomes.

- R2 Low Density Zoned land which is currently zoned for residential development = 300m².
- R5 Large Lot Zoned land = 2,000m².
- E4 Environmental Living Zoned land surrounding the plateau = 2,000m².
- E4 Large Lot along Cooby Road = 10,000m².

Height of Buildings Amendments

The Shellharbour LEP currently lists a maximum building height of 9.5m over the whole of the land holding.

This Planning Proposal seeks to retain the maximum building height for the residential zoned land areas.

PART 3 – JUSTIFICATION

Section A— Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

The land area has consistently been identified for future investigation as part of the Tullimbar Urban release Area.

As part of the finalisation of the Shellharbour Urban Fringe Local Environmental Study, Council resolved that *the land be deferred from the Draft Shellharbour Local Environmental Plan 2011 so that potential increases in residential densities can be studied/assessed.*

This Planning Proposal responds to Council's resolution and previous studies.

Q2. Is the Planning Proposal the best way of achieving the objectives or intended outcomes, or is there a better way?

The site is currently a Deferred Matter under the Shellharbour LEP 2013 requiring detailed land investigations to resolve land use arrangements.

An amendment to Shellharbour LEP 2013 through a Planning Proposal to amend the land use provisions and minimum lot sizes is considered the most appropriate manner in which to achieve the intended outcomes.

Section B — Relationship to Strategic Planning Framework

Q3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft Strategies)?

The Illawarra Shoalhaven Regional Plan (ISRP) was released by the Department of Planning in November 2015.

As detailed in the ISRP 2015, the vision for the region:

for a sustainable future and a resilient community, capable of adapting to changing economic, social and environmental circumstances. Residents will be able to access a range of lifestyle choices; connect with the stunning landscapes and biodiversity; access well-established and emerging work opportunities; enjoy a strong network of centres; and experience high quality education and health facilities.

We have provided below a review of the proposal under the Goals of the ISRP. The review demonstrates that the proposal is consistent with the ISRP.

Goal 1: A Prosperous Illawarra – Shoalhaven

This section of the ISRP predominantly addresses goals and strategies for enhancing employment and industrial activity within Centres and Port Kembla.

Notwithstanding, support for this Planning Proposal will help deliver a prosperous Illawarra, contributing to local economic investment through construction of roadways and housing and increased local population.

Goal 2: A variety of housing choices, with homes that meet needs and lifestyles

The proposal seeks Council support for the adoption of lot size and housing controls which will allow for a variety of housing choices that meet the needs and lifestyles of future residents.

Direction 2.2 of the ISRP is to “Support housing opportunities close to existing services, jobs and infrastructure in the region’s centres”.

The subject land is well located in terms of access to both existing and planned services, jobs and infrastructure in the surrounding area.

Goal 3: A region with communities that are strong, healthy and well-connected

The proposal will enhance local connectivity outcomes through the introduction of new local roadways, intersection treatments and pedestrian pathway networks.

Goal 4: A region that makes appropriate use of agricultural and resource lands

Section 4 of the ISRP addresses the protection and enhancement of key areas of agricultural and resource lands.

Figure 11 of the ISRP identifies areas of Biophysical Strategic Agricultural Lands throughout the Illawarra and Shoalhaven Region.

The subject land area does not include any mapped Biophysical Strategic Agricultural Lands or strategic resource lands.

The land is not required to be retained agricultural use under the ISRP.

Goal 5: A region that protects and enhances the natural environment

The Planning Proposal protects and enhances the natural environment through:

- Retention and protection of remnant vegetation within large environmental lots. Vegetated areas will adopt an E3 Environmental Management zone; and
- Retention, protection and revegetation of riparian corridor areas.

Q4. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Shellharbour Council's Community Strategic Plan 2018 - 2028 forms the broad strategic planning framework and vision adopted for Shellharbour.

The Community Strategic Plan reflects the community's vision for the City LGA. We have provided a review of this proposal under the objectives of the current plan below.

Table 2: Sustainability Criteria Assessment

Objective	Response
1.1 Vibrant, safe and inclusive City	The proposal delivers a liveable community as a seamless transition with the Tullimbar Village project.
1.2 Active and healthy community	The proposal will deliver pedestrian and cycle connection / linkages to recreation facilities encouraging a healthy .
2.1 Protects and promotes its natural environment	The proposal will protect existing vegetation and enhance biodiversity outcomes through restoration of riparian corridors.
2.2 Practices sustainable living	This objective relates primarily to Council Waste Management practices and is not applicable to this proposal.
2.3 A liveable City that is connected through places and spaces	The proposal will deliver an extension of the planned riparian corridor providing open space connectivity.
3.1 Infrastructure is planned and managed in a way that meets the community's needs	This objective relates to Council Infrastructure Management practices and is not applicable to this proposal.
3.2 Supported by a strong local economy with business and employment opportunities	The delivery of residential dwellings will support the local economy.
3.3 Welcomes, engages and attracts visitors	Not Applicable to this proposal.
4.1 Led by a Council that effectively represents the community	Not Applicable to this proposal.
4.2 Supported by a Council that is responsive, accountable and financially viable	Not Applicable to this proposal.

Q5. Is the Planning Proposal consistent with applicable state environmental planning policies?

The NSW Government has gazetted a range of State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs or Deemed SEPPs) which guide land use and planning outcomes across the State and Sydney Metropolitan Region.

We have provided a detailed review of the Planning Proposal and its intended outcomes and objectives against all relevant SEPPs in Appendix 2 of this report.

This review has demonstrated that the proposal is consistent with all relevant and applicable state environmental planning policies.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Minister for Planning and Environment has issued Local Planning Directions that must be considered in the preparation of Planning Proposals. The directions cover a range of categories and land use considerations including:

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Regional planning
- Local plan making

A detailed review of the proposal against each Local Planning Direction is provided in Appendix 1. This review demonstrates that the Planning Proposal is wholly consistent with all applicable Local Planning Directions.

Section C — Environmental, Social and Economic Impact

Q7. 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?

A detailed flora and fauna study have been undertaken for the subject site by Ecoplaning.

The Concept Plan and land use zoning have been guided by the recommendations and conclusions in the report.

The proposed layout and land sue zoning will ensure minimal environmental impacts.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other anticipated environmental impacts.

The Planning Proposal will have long term positive environmental impacts for the subject land.

The existing creek corridors and waterways are highly degraded, with minimal riparian vegetation. The Planning Proposal will allow for the long-term protection and rehabilitation of these waterways.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Support for this Planning Proposal will deliver the following positive social and economic benefits:

- Enhance housing delivery within the local region
- Create employment opportunities through construction and delivery of the project;
- Deliver housing with access to existing educational and recreational facilities.

Section D — State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the Planning Proposal?

A preliminary infrastructure and servicing review have been undertaken for the proposal relating to electrical and sewer and water provision as detailed in this report above.

Based on the advice provided it is evident that the proposal can be serviced based on extension / augmentation of existing infrastructure.

A copy of the servicing review is included in Appendix 4.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Gateway Determination will outline the State and Commonwealth public authorities to be consulted.

PART 4 – MAPPING

To achieve the rezoning of the subject land as outlined under this Planning Proposal, the following maps in the Shellharbour LEP 2013 will require amendment:

- Land Zoning Map: Sheets LZN_010
- Lot Size Map: Sheets LSZ_010
- Height of Buildings Map: Sheets HOB_010

Further details describing the proposed amendments are outlined below.

Zoning Amendments

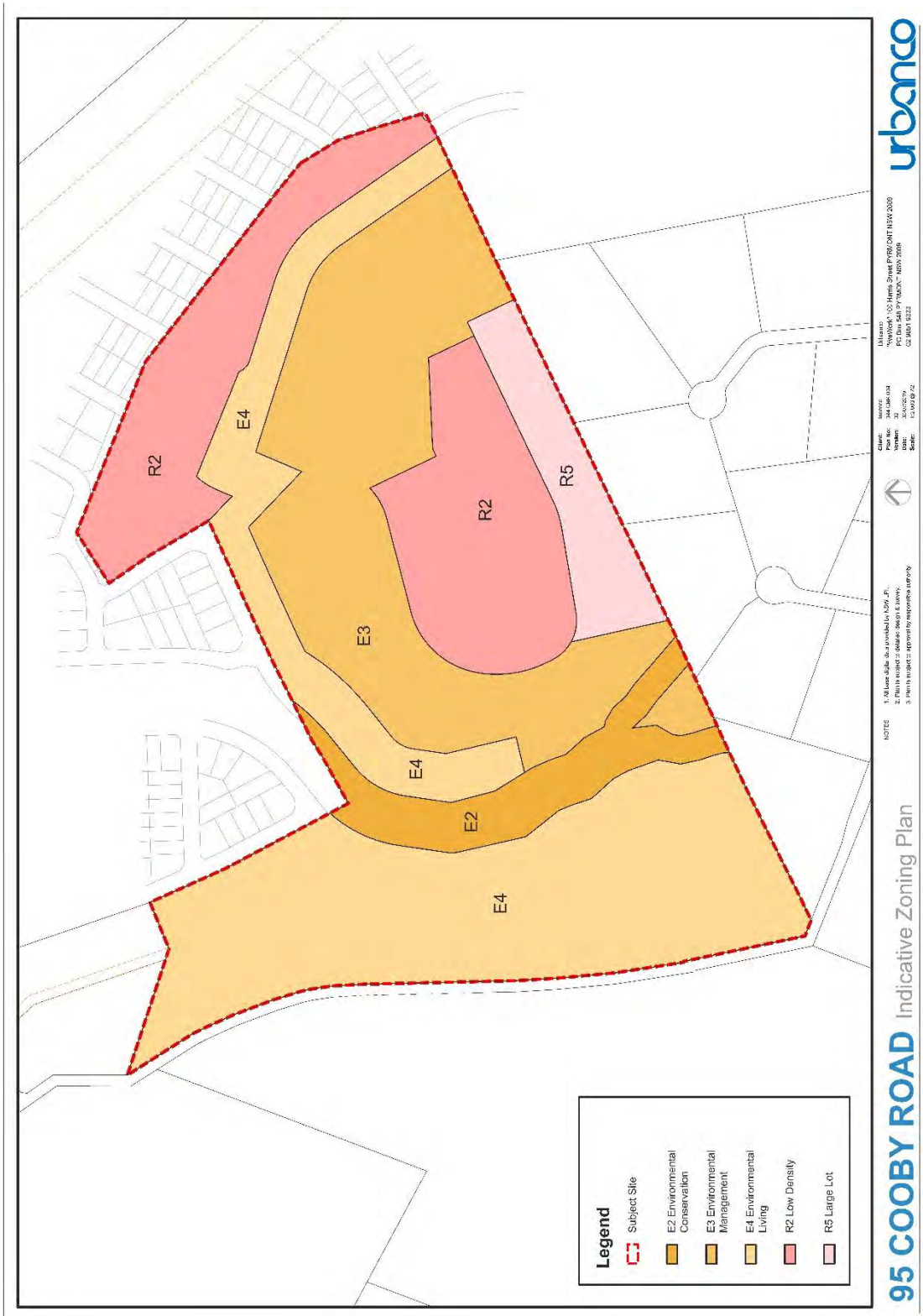
The land is currently listed as a Deferred Matter under the SLEP 2013. As such, the Shellharbour Local Environmental Plan 2000 is the applicable Principal Planning Instrument regarding land use zoning and permissible land uses for the site.

The land is currently zoned Part 1 (a) (the Rural A zone) and Part Zone 2 (e) (the Mixed Use Residential E zone) under the historic LEP.

The Planning Proposal adopts the following land use zone outcomes.

- Adoption of the R2 Low Density Zone for cleared land on the lower areas adjoining the Tullimbar Village residential lands.
- Adoption of the R5 Large Lot Zone for the large lot area adjoining the southern boundary of the site.
- Adoption of an E4 Environmental Living Zone for larger lot areas and land along the western boundary adjoining Cooby Road.
- Implement and E3 Environmental Management Zone over the identified vegetation areas.
- Riparian Corridors are proposed to be zoned E2 Environmental Conservation.

Figure 18: Proposed Zone Boundaries



Minimum Lot Size Mapping

This Planning Proposal seeks Council support to provide a range of lot sizes over the subject land, which reflect the adopted lot size regime for the adjoining residential land in the adjoining residential areas.

The amended mapping includes the following minimum lot size areas:

- R2 Low Density Zoned land = 300m².
- R5 Large Lot Zoned land = 2,000m².
- E4 Environmental Living Zoned land surrounding the plateau = 2,000m².
- E4 Large Lot along Cooby Road = Average of 10,000m².

Detailed plans showing the proposed LEP Lot Size mapping are shown in Figure 11 below.

Additional Local Provisions Clause

As discussed with Council staff during the meeting on 13 September, an additional Local Provisions Clause is proposed to be inserted as Clause 6.15 of SLEP 2013 to restrict the number of allotments along the Cooby Road Frontage.

The clause is proposed to read as follows:

6.15 Development of land at 95 – 105 Cooby Road, Tullimbar

(1) This clause applies to the land napped with a minimum lot size of 4,000m² at 95 - 105 Cooby Road, Tullimbar, being Lot 2, DP 1191252, identified as “6.15” on the Local Clauses Map.

(2) Despite clause 4.1, development consent must not be granted to create more than eight (8) allotments along the Cooby Road frontage.

Height of Buildings Mapping

The Shellharbour LEP Minimum Height of Buildings Map prescribes a maximum building height of 9m over the site.

This Planning Proposal maintains the 9.5m maximum building height for the subject land.

Detailed plans showing the proposed LEP Height of Buildings mapping are shown in Figure 12 below.

urbanco



Legend

- Subject Site
- J - 9.5

NOTES:

1. All work shall be in accordance with the 2015 ACT Planning and Development Act 2015.
2. Plans must be submitted to the relevant authority for approval.
3. Plans must be submitted to the relevant authority for approval.

95 COOBY ROAD Maximum Height Plan

urbanco

Project: 95 Cooby Road, Maximum Height Plan
 PO Box 441, PERTH WA 6000
 02 9581 0200

Client: Urbanco
 Version: 01
 Date: 12/07/2024
 Scale: 1:200

PART 5 – COMMUNITY CONSULTATION

Community consultation will be undertaken consistent with Shellharbour Council requirements and The Department of Planning and Environment's Gateway Determination conditions should the Planning Proposal proceed.

It is anticipated that this Planning Proposal be publicly exhibited for 28 days. Community consultation is likely to incorporate:

- Public Exhibition at Council's Administration Centre
- Public Notice in the local Newspaper
- Notification letters to surrounding residents, businesses and property owners

The final Community Consultation and exhibition requirements will be revised to reflect any change to the community consultation outcomes specified in the Department of Planning and Environment's Gateway Determination.

PART 6 – PROJECT TIMELINE

Below is an indicative project timeline for the Planning Proposal. The timeline will be updated in response to any Gateway Determination issued by the Department of Planning and Environment.

Action	Timeframe
Submission of Planning Proposal	January 2019
Council assessment / Planning Proposal Review	January to October 2019
Gateway Determination	December 2019
Completion of any required supporting studies	January – February 2020
Government agency consultation as required	February 2020
Public exhibition period	February 2020
Consideration of submissions and final Council endorsement	March – April 2020
Submission to Department of Planning and Environment	May 2020
Making of Plan	June 2020

SUMMARY

This Planning Proposal seeks Council support for the resolution of land use planning and zoning arrangements for the subject site, which is currently a deferred matter under the Shellharbour LEP 2013.

The site investigations and associated Concept Plan demonstrate the site is able to accommodate both residential and large lot environmental housing and provide for rural transition lots along the Cooby Road interface.

Detailed site investigations have confirmed:

- The subject land is able to be developed and serviced as proposed
- The proposal can achieve compliance with Planning for Bushfire Protection requirements
- There are no Areas of Environmental Concern
- Aboriginal Heritage is able to be managed through the project
- Areas of development are suitable from a geotechnical perspective
- There are no impacts on stormwater / flooding downstream
- Traffic generation can be accommodated in the surrounding road network

The proposal and associated concept Plan have been prepared to ensure a seamless transition / integration with the Tullimbar Village project which adjoins the northern and eastern boundary of the site.

Council support for this proposal will resolve an outstanding deferred matter from the SLEP 2013 and resolve land use planning for the Tullimbar Valley in a positive manner.

APPENDIX 1

Consistency with Local Planning Directions

S.117 Direction	Is the Direction Applicable?	Comment on Consistency of Planning Proposal
1. Employment and Resources		
1.1 Business and Industrial Zones	Not Applicable	The subject site does not incorporate any existing Business or Industrial zoned land.
1.2 Rural Zones	Yes, Applicable	The proposal seeks to rezone rural land to provide residential and environmental living zones. The directions state that a planning proposal may be inconsistent with this direction the planning proposal is: <i>(a) justified by a strategy which:</i> <i>(i) gives consideration to the objectives of this direction,</i> <i>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</i> <i>(iii) is approved by the Director-General of the Department of Planning, or</i> <i>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</i> <i>(d) is of minor significance.</i> The proposal is consistent with the adopted regional strategy and the land has been identified as part of the Tullimbar Release area. The proposed land holding is disjointed and continued development surrounding the site is constraining rural activities. Rezoning of the land would have minor significance
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable	The proposal will not amend any land use provisions relating to natural resources. Consultation can be undertaken with the Department of Primary Resources if required by the Gateway Determination.
1.4 Oyster Aquaculture	Not Applicable	The proposal will not have an impact on any identified aquaculture areas.
1.5 Rural Lands	Not Applicable	The direction is not applicable to the Shellharbour LGA.

S.117 Direction	Is the Direction Applicable?	Comment on Consistency of Planning Proposal
2. Environment and Heritage		
2.1 Environment Protection Zones	Not Applicable	The proposal does not seek any amendments to the existing environmental protection zoned land.
2.2 Coastal Protection	Not Applicable	The subject land is not located within an identified coastal protection zone area.
2.3 Heritage Conservation	Yes, Applicable	The proposal is consistent with this direction as the proposal will retain the existing LEP heritage provisions.
2.4 Recreation Vehicle Areas	Not Applicable	Not Applicable, the proposal does not seek endorsement for any recreational vehicle areas.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable	The subject land is not situated within a listed Local Government Area.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes, Applicable	The proposal does incorporate proposed residential zoned land. Existing provisions within the Shellharbour LEP 2013 address this direction.
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable	The Planning Proposal does not seek support for any caravan or manufactured home estates.
3.3 Home Occupations	Yes, Applicable	The Planning Proposal does not seek amend the LEP provisions relating to home occupations. Accordingly, the proposal is consistent with this direction.
3.4 Integrating Land Use and Transport	Not Applicable	Not applicable as this proposal does not seek to rezone any urban land, including land zoned for residential, business, industrial, village or tourist purposes.
3.5 Development Near Licensed Aerodromes	Not Applicable	The subject site is not situated within proximity of an existing licensed aerodrome.
3.6 Shooting Ranges	Not Applicable	No shooting ranges are located or proposed on the subject site.

S.117 Direction	Is the Direction Applicable?	Comment on Consistency of Planning Proposal
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Not Applicable	The site has not been identified under any LEP mapping as incorporating Acid Sulphate soils.
4.2 Mine Subsidence and Unstable Land	Not Applicable	The subject land is not identified as being situated within a Mine Subsidence District.
4.3 Flood Prone Land	Not Applicable	The subject land is not identified as being Flood Prone.
4.4 Planning for Bushfire Protection	Yes, Applicable	Shellharbour Council Bushfire Prone Land Mapping Identifies the site as containing bushfire prone land. Referral to the NSW Rural Fire Service will address this matter. The proposal will be delivered in accordance with Planning for Bushfire Protection Guidelines.
5. Regional Planning		
5.2 Sydney Drinking Water Catchments	Not Applicable	The land is not located within a Local Government Area which forms part of the Sydney drinking water catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable	The land is not within the identified area of State or Regional Significance Farmland.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable	The land is not within the identified commercial and retail development area.
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable	This subject land is not located within the boundaries of the proposed airport site or within land affected by the 20 ANEF
5.9 North West Rail Link Corridor Strategy	Not Applicable	The site is not located within the listed Local Government Areas.
5.10 Implementation of Regional Plans	Not Applicable	This proposal includes a detailed assessment of the planning outcomes under the Illawarra Shoalhaven Regional Plan 2015 and Illawarra Region Plan 2006. The assessment demonstrates that the proposal is consistent with the regional strategies.
6. Local Plan Making		

S.117 Direction	Is the Direction Applicable?	Comment on Consistency of Planning Proposal
6.1 Approval and Referral Requirements	Yes, Applicable	This Planning Proposal does not include any new or additional referral requirements. Accordingly, the proposal is consistent with this direction.
6.2 Reserving Land for Public Purposes	Yes, Applicable	This Planning Proposal does alter any existing public recreation zones or land reservations. Accordingly, the proposal is consistent with this direction.
6.3 Site Specific Provisions	Not Applicable	The proposal does not include the introduction of any site-specific provisions.
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	Not Applicable.	This report demonstrates that the proposal is consistent with the Western City District Plan.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable	The land is not located within the Greater Macarthur Release area.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable	The land is not located within the Parramatta Road corridor.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable	The land is not located within North West Priority Growth Area.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	The land is not located within the Greater Parramatta Priority Growth Area.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	The land is not located within the Wilton Priority Growth Area.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable	The land is not located within the Glenfield to Macarthur Corridor.
7.8 Implementation of Western Sydney Aerotropolis Interim Land	Not applicable	The land is not located within the LUIP Area.

S.117 Direction	Is the Direction Applicable?	Comment on Consistency of Planning Proposal
Use and Infrastructure Implementation Plan		

APPENDIX 2

Consistency with Applicable SEPPs

SEPP	Comment
State Environmental Planning Policy No 1—Development Standards	The Growth Centres SEPP incorporates Clause 4.6 Exceptions to Development Standards. This Clause replaces the requirement for consistency with SEPP 1.
State Environmental Planning Policy No 19—Bushland in Urban Areas	The subject site does not incorporate any land zoned or identified as urban bushland. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy No 21—Caravan Parks	The proposal does not seek amendments to provide for a caravan park. Consistency with this SEPP is therefore not applicable. However, nothing in this Planning Proposal prevents the implementation of this SEPP.
State Environmental Planning Policy No 30—Intensive Agriculture	The Proposal is not classified as Intensive Agriculture. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy No 33—Hazardous and Offensive Development	The proposal does not seek approval for land uses classified as hazardous or offensive development. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy No 36—Manufactured Home Estates	The proposal does not seek amendments to provide for manufactured home estates. Consistency with this SEPP is therefore not applicable. However, nothing in this Planning Proposal prevents the implementation of this SEPP.
State Environmental Planning Policy No 44—Koala Habitat Protection	The land does not contain any identified areas of Koala habitat.
State Environmental Planning Policy No 47—Moore Park Showground	The subject site is not located within the Moore Park Showground boundary. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy No 50—Canal Estate Development	The Proposal is not classified as a Canal Estate. The proposal is therefore consistent with the prohibition of Canal Estate Development.
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	The subject site does not incorporate land within an irrigation area or district. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy No 55—Remediation of Land	A Phase 1 Contamination Report addressing the requirements of SEPP 55 has been prepared and submitted with this application. No Areas of Environmental Concern were identified.

SEPP	Comment
State Environmental Planning Policy No 62—Sustainable Aquaculture	The Proposal is not classified as Aquaculture. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy No 64—Advertising and Signage	The proposal will not impede the ongoing assessment of signage applications under SEPP 64. The proposal is therefore consistent with the objectives and provisions of SEPP 64.
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	The proposal will not impact delivery of Residential Flat Buildings. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	The proposal will not impede the assessment or delivery of development under this SEPP. The proposal is therefore consistent with the objectives and provisions of the SEPP.
State Environmental Planning Policy No 71—Coastal Protection	The subject site does not incorporate any land identified for Coastal Protection. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy (Affordable Rental Housing) 2009	The proposal will not impede the assessment or delivery of development under this SEPP. The proposal is therefore consistent with the objectives and provisions of the SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Future dwellings will be required to comply with BASIX standards. The proposal is therefore consistent with the objectives and provisions of the BASIX SEPP.
State Environmental Planning Policy (Coastal Management) 2018	The subject land is not mapped as Coastal Wetlands / Littoral Forests or Proximity Area for Coastal Wetlands / Littoral Forests. The Coastal Management SEPP contains provisions which are to be addressed in the assessment of a Development Application. Consistency with this SEPP is therefore not applicable for this Planning Proposal.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The proposal will not alter exempt or complying provisions. The proposal is therefore consistent with the objectives and provisions of the SEPP.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	The proposal will not impede the assessment or delivery of development under this SEPP. The proposal is therefore consistent with the objectives and provisions of the Seniors Housing SEPP.

SEPP	Comment
State Environmental Planning Policy (Infrastructure) 2007	The subject site does not incorporate any identified infrastructure projects. Notwithstanding, the proposal will not impede the assessment or delivery of development under this SEPP. The proposal is therefore consistent with the objectives and provisions of the Infrastructure SEPP.
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	The subject site is not located within the Kosciuszko National Park. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy (Kurnell Peninsula) 1989	The subject site is not located within the Kurnell Peninsula. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy (Major Development) 2005	The subject site does not incorporate any identified Major Development projects. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	The subject site does not incorporate any mining or petroleum industries. Notwithstanding, the proposal will not impede the assessment or delivery of development under this SEPP. The proposal is therefore consistent with the objectives and provisions of the Infrastructure SEPP.
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	The subject site is not located within the Penrith Lakes Scheme. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy (Port Botany and Port Kembla) 2013	The subject site is not located within the Port Botany / Port Kembla areas. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy (Rural Lands) 2008	The subject land is not identified as Strategic Rural Lands. The land has been identified as part of a growth area, and land surrounding the site has already been rezoned. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy (State and Regional Development) 2011	The subject site does not incorporate State or Regionally significant development. Notwithstanding, the proposal will not impede the assessment or delivery of development under this SEPP. The proposal is therefore consistent with the objectives and provisions of the Infrastructure SEPP.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	The Planning Proposal does not include any amendments which impact this SEPP.

SEPP	Comment
	The proposal is therefore consistent with the objectives and provisions of this SEPP.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	The land is not situated within the Growth Centre. The proposal is therefore consistent with the objectives and provisions of this SEPP.
State Environmental Planning Policy (Three Ports) 2013	The subject site does not incorporate land to which this SEPP applies. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy (Urban Renewal) 2010	The subject site is not identified as an Urban Renewal Precinct. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	The subject site is not located within the Western Sydney Employment Area. Consistency with this SEPP is therefore not applicable.
State Environmental Planning Policy (Western Sydney Parklands) 2009	The subject site is not located within the Western Sydney Parklands. Consistency with this SEPP is therefore not applicable.

Deemed SEPPs	Comment
Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment	Not applicable as the subject site is not situated within the Georges River Catchment.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Not applicable as the subject site is not situated within the Sydney Harbour Catchment.
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	Not applicable as the subject site is not situated within the Central Coast Plateau.
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	Not Applicable as the proposal does not incorporate any extractive industries.
Sydney Regional Environmental Plan No 16—Walsh Bay	Not applicable as the subject site is not situated within the Walsh Bay Precinct.
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	Not applicable as the subject site is not situated within the Hawkesbury – Nepean catchment.
Sydney Regional Environmental Plan No 24—Homebush Bay Area	Not applicable as the subject site is not situated within the Homebush Bay Precinct.
Sydney Regional Environmental Plan No 26—City West	Not applicable as the subject site is not situated within the City West area.
Sydney Regional Environmental Plan No 30—St Marys	Not applicable as the subject site is not situated within the St Marys Precinct.
Sydney Regional Environmental Plan No 33—Cooks Cove	Not applicable as the subject site is not situated within the Cooks Cove Precinct.

APPENDIX 3

Concept Plan

APPENDIX 4

Infrastructure Review – Indesco Engineering

APPENDIX 5

Stormwater Review – Rienco

APPENDIX 6

Traffic Report – Bitzios Consulting

APPENDIX 7

Ecological Report – Ecoplanning

APPENDIX 8

Preliminary Site Investigation – ENRS

APPENDIX 9

Geotech Assessment – Terra Insight

APPENDIX 10

Bushfire Report – Peterson Bushfire

APPENDIX 11

Aboriginal Heritage Review – Illawarra Land Council