

DATE OF DECISION	20 May 2021
PANEL MEMBERS	Tim Fletcher (Chair), Sue Francis, Clare Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Gordon Kirkby - The Applicant's consultant, Mark Grayson, is a friend of mine and was a State Member of the Western Regional Planning Panel, which Chaired during that period up until 12 months ago.</p> <p>Renata Brooks - The applicant, Mark Grayson was the "first port of call" alternate for the Southern planning panel for the three years prior to the current term so I know him well and have sat on many matters with him. Consequently, I believe I would also have at least a perceived COI.</p> <p>Marianne Saliba - I will not be able to participate in the meeting as this DA has been to the full council and it was rejected.</p> <p>Graham Rollinson - I was engaged by the Parson family to process both a Rezoning Application and a Development Application to use this land as a crematorium prior to my retirement from Martin Morris and Jones Pty Ltd in 2014.</p>

REZONING REVIEW

RR-2021-73 – SHELLHARBOUR – RR_2020_SHELL_001 - AT Lot 300, DP 1223037, Tongarra Road, Croom (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
 - ☒ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

1.0 Overview

The planning proposal seeks to amend Shellharbour LEP 2013 to achieve the desired outcome for part of the subject site by:

- Amending the Zoning Map (Sheet LZN_018) to provide for a R2 Low Density Residential zoning to accommodate approximately 10 lots;
- Amending the Height of Buildings Map (Sheet HOB_018) to provide a maximum permissible height of 9 metres; and
- Amending the Lot Size Map (Sheet LSZ_018), to provide for a minimum lot size of 1000m².

The land is zoned part SP1 Special Activities 'Cemetery/Crematorium' and part RE1 Public Recreation in Shellharbour LEP 2013.

Two development applications (DA153/2015 - Crematorium, chapel, memorial home & DA682/2019 chapel, memorial home, office, garage, mortuary) have also been approved on the subject property. In addition, a second Planning Proposal requesting the inclusion of an additional permitted use being "function centres" within the subject SP1 zone has been submitted and supported by Shellharbour Council.

Shellharbour Council at its meeting of 29 September 2020 resolved not to support the subject Planning Proposal 1/2020. The Council resolution is as follows:

That Council not support the preparation of Planning Proposal PP0001/2020 at Lot 300 DP 1223037 Tongarra Road, Croom, for the following reasons:

1. *the proposal is not required to meet the city's housing needs over the next 20 years in accordance with the Shellharbour Local Housing Strategy; and*
2. *the proposal will result in the introduction of additional residential land that has the potential to create conflict between existing and proposed uses for the land and its surrounds including the Shellharbour Airport.*

Following a request from the applicant the subject Planning Proposal was referred to the Panel for a Rezoning Review. Briefings by Departmental officers, Council and the Applicant were held on the 12/5/21 after which additional information was sought and provided to the Panel.

2.0 Strategic Merit

The development of the subject land for residential purposes as proposed in the Planning Proposal has not been specifically identified in the Illawarra Shoalhaven Regional Plan 2015 nor the draft Illawarra Shoalhaven Regional Plan 2041. In addition, the subject proposal site is not required to meet Shellharbour City's housing needs over the next 20 years in accordance with the Shellharbour Local Housing Strategy. Similarly, the site has not been identified in the Illawarra Shoalhaven Urban Development Program (update 2016). In this regard, the proposal is not consistent with the existing adopted local policy nor identified in the regional strategic framework for residential growth in this locality.

Furthermore, the proposal has the potential to result in the introduction of additional residential land that could create significant ongoing land use conflicts between proposed uses for the subject land, as well as those related to the existing and future airfield activity associated with Shellharbour Airport and the regionally significant Airport Employment Precinct.

Such land use conflicts could potentially jeopardise future increased aircraft activity associated with the further development of Shellharbour Airport (as articulated in the Council's Airport Business Plan) or the adjoining employment precinct.

The Panel has therefore concluded that the proposal lacks sufficient strategic merit.

3.0 Site Specific Merit

While the applicant has adequately addressed specific issues affecting the subdivision site (E.g. Flooding, Bushfire, Traffic, Services) there are serious on-going concerns related to the potential noise, safety and amenity impacts that future residents would be exposed to as airport activity increased in future years.

Albion Park is likely to experience substantial urban growth in the next 20 years and aircraft activity in and around Shellharbour Airport is likely to intensify in accordance with Council's Airport Business plans. The adjacent Airport Employment Precinct should also develop further and is likely to contribute to increased airport activity.

Substantial additional airfield activity (including frequencies of flights and use of larger planes) will most likely lead to greater impacts on the amenity of surrounding residents. Given this scenario as well as the substantial planned urban release areas within the broader locality, increasing the amount of residential land in very close proximity to the airfield is, inappropriate and unnecessary.




The airfield activity aside, the Panel was not convinced that the impact of the approved uses for the remainder of the site being a crematoria, mortuary and potentially a function centre would not create amenity conflicts with any future residential use on the site in terms of traffic, noise nuisance and odours.

Lastly, whilst the Planning Proposal proposed lots in excess of 1000sqm and it was indicated that dwelling houses would be the desired end use, the proposed zoning would allow multi dwelling housing and dual occupancy development as well as secondary dwellings. This could double the density of residential uses on the site further acerbating the likely detrimental impact mentioned above.

Accordingly, the Panel concluded the development site lacked site specific merit.

4.0 Conclusion

For the reasons outlined above the Panel has concluded that the subject Planning Proposal lacks both strategic and site specific merit and therefore should not be supported.

PANEL MEMBERS	
 Tim Fletcher (Chair)	 Sue Francis
 Clare Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2021-73 – SHELLHARBOUR – RR_2020_SHELL_001 - AT Lot 300, DP 1223037, Tongarra Road, Croom
2	LEP TO BE AMENDED	Shellharbour Local Environmental Plan 2013
3	PROPOSED INSTRUMENT	The Planning Proposal (PP) seeks to amend the Shellharbour Local Environmental Plan 2013 (SLEP 2013) to rezone approximately 1.3 hectares of land from SP1 Special Uses ‘Cemetery/Crematorium’ zoned land to R2 Residential zone. The intended outcome of the Planning Proposal is to create ten low density residential dwelling lots with a minimum size of 1,000sq.m.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning, Industry and Environment and comments/material from Shellharbour City Council
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Site inspection: Tuesday, 18 May 2021 <ul style="list-style-type: none"> Panel members in attendance: Tim Fletcher (A/ Chair) Briefing with Department of Planning, Industry and Environment (DPIE): Wednesday, 12 May 2021 <ul style="list-style-type: none"> Panel members in attendance: Tim Fletcher (A/Chair), Sue Francis, Clare Brown DPIE staff in attendance: Michelle Burns, Sung Pak Briefing with Council: Wednesday, 12 May 2021 <ul style="list-style-type: none"> Panel members in attendance: Tim Fletcher (A/Chair), Sue Francis, Clare Brown DPIE staff in attendance: Michelle Burns, Sung Pak Council representatives in attendance: Cheryl Lappin, Geoff Hoynes Briefing with Proponent: Wednesday, 12 May 2021 <ul style="list-style-type: none"> Panel members in attendance: Tim Fletcher (A/Chair), Sue Francis, Clare Brown DPIE staff in attendance: Michelle Burns, Sung Pak Proponent representatives in attendance: Alan and Anthony Parsons, Nicholas Cavallo, Mark Grayson