

Council Reference: Planning Proposal 0006/2018

6 August 2021

Ms Sarah Lees
Director, Southern Region
Local and Regional Planning
Department of Planning, Industry & Environment

Email: sarah.lees@planning.nsw.gov.au
grainne.miller@planning.nsw.gov.au

PP-2021-3726
Shellharbour Council response to rezoning review

Dear Sarah

Thank you for the opportunity to provide comment on the rezoning review of this Planning Proposal and for the extension of time to forward this response.

Council confirms that documents (including the Planning Proposal Application and Separate Appendices 4-11) uploaded onto the Planning Portal on 23rd June 2021 are the same as the ones submitted to Council by the proponent, Urbanco in February 2021 and March 2021.

Summary

The application seeks to rezone approximately 45.5 hectares (ha) of RU1 Primary Production zoned land and SP2 Infrastructure zoned land to Part R2 Residential zone, Part E3 Environmental Management zone, and Part E2 Environmental Protection zone. It is also proposed to retain the SP2 Infrastructure zone (Classified Road) on the affected land. The application proposes creating approximately 392 residential lots with minimum lot sizes of 300m² and 150m².

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 adjoining Calderwood Project Area.

Council officers have considered this approach and do not believe that it is appropriate to effectively extend the State Approved Calderwood Project Area through this Planning Proposal. The application has also failed to adequately demonstrate that there is a need or justification for the Planning Proposal to proceed.

The proposal does not satisfy the Strategic Merit Test as outlined below and therefore there is no strategic planning justification to support this Planning Proposal application.

Planning Proposal 0006/2018

Department of Planning Industry & Environment Rezoning Review PP-2021-3726

Council Resolution

This Planning Proposal has not been considered at a Council meeting as the Rezoning Review has been submitted before Council considered the Proposal.

Background

This Planning Proposal applies to Lot 7, DP 259137, being 2514 Illawarra Highway, Tullimbar. The land has a total land area of approximately 45.5 hectares area which is divided by the Macquarie Rivulet Corridor (Crown Waterway), this waterway forms a natural boundary between then northern portion of the land and the southern portion.

The proposal also includes a north-south strip of land (Lot 7300 DP 1146316) that was presumed to be owned by the Office of State Lands (the ownership is yet to be confirmed) and was historically established to provide access to the creek line for travelling stock movements. This land bisects the northern portion of the site.

The land is currently zoned part RU1 Primary Production and part SP2 Infrastructure (Classified Road) in Shellharbour LEP 2013.

The planning proposal seeks to amend SLEP 2013 to achieve the proposed outcome for the subject site by:

- Amending the Land Zoning Map (Sheet LZN_010) to provide for R2 Low Density Residential, E2 Environmental Protection, E3 Environmental Management and SP2 Infrastructure (Classified Road);
- Amending the Height of Buildings Map (Sheet HOB_010) to provide a maximum permissible height of 9 metres;
- Amending the Lot Size Map (Sheet LSZ_010), to provide for a minimum residential lot size of 300m² and 150m² and environmental lot size of 2.5ha;
- Amending the Floor Space Ratio Map (Sheet FSR_010), to provide for a maximum FSR of 0.5:1 and 0.7:1; and
- Amending the Terrestrial Biodiversity Map (Sheet BIO_010)

Timeline

- 18 December 2018 - The Planning Proposal was lodged with Shellharbour City Council.
- March 2019 - A revised package removing the Neighbourhood Centre and adopting Shellharbour LEP zones.
- November 2019 – An updated package was lodged in responding to Council correspondence and RMS request to remove development within the road reserve along the Illawarra Highway.
- 9 February 2021 - A revised package incorporating additional site investigations was lodged.

Planning Proposal 0006/2018

Department of Planning Industry & Environment Rezoning Review PP-2021-3726

- 3 March 2021 - An addendum package which provided an SP2 zoning along the Illawarra Highway was lodged.

Since the initial lodgement in 2018, Council has consistently advised the proponent that the development of the land in this Planning Proposal application is considered to be premature due to:

1. the existing supply of zoned and serviced land in our LGA
2. the property is not in the current Illawarra Shoalhaven Urban Development Program
3. there is no strategic planning justification to support this Planning Proposal application at this point in time.
4. Council's approach to-date is a measured approach taking into account relevant State planning requirements and balancing the need for housing in its various forms, maintaining a supply of agricultural lands, environmental issues such as flora and fauna and the rural landscape.
5. the Proposal covers a substantial area (approximately 45.5 hectares) of land which is currently zoned RU1 Primary Production under Shellharbour Local Environmental Plan 2013 (SLEP 2013).
6. the land is transected by an area of Crown Waterway as well as an area of Land identified as a Travelling Stock Reserve). Both of these areas are thought to be under the ownership of the NSW Department of Industry – Crown Land. Both of these areas are also thought to be affected by a current Claim under the Native Title Act 1993 by the South Coast Peoples.

The proponent has subsequently provided a number of revised proposals in an attempt to address and satisfy the matters raised above.

Strategic Merit Test

Test: Will it give effect to 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 proponent has only referred to the previous version of the Illawarra Shoalhaven Regional Plan 2036. This was the plan that was in place at the time of lodgement of the application. However, since May 2021 the plan has been updated and replaced by the Illawarra Shoalhaven Regional Plan 4041.

Illawarra Shoalhaven Regional Plan 2036

With regard to residential zoned land, the regional plan specifically states that:

“Evidence from the Urban Feasibility Model, Illawarra Urban Development Program and Shoalhaven Growth management Strategy show there is enough potential for the market to supply housing across a range of locations and housing types for the long

Planning Proposal 0006/2018

Department of Planning Industry & Environment Rezoning Review PP-2021-3726

term. Therefore, no new release areas are required for Wollongong, Shellharbour and Shoalhaven beyond those already identified under the Illawarra Urban Development Program and Shoalhaven Growth Management Strategy.”

Based on the above, Council is of the view that no additional residential zoned land is required in the Shellharbour LGA and therefore the Planning Proposal will not give effect to the Illawarra Shoalhaven Regional Plan 2036.

It should be noted that the proponent wrongly claims that the subject land forms part of an Urban Investigation Area under the Illawarra Urban Development Program throughout the application including justification and consistency statements relating to the Illawarra Shoalhaven Regional Plan 2036 and the Illawarra Shoalhaven Urban Development Program.

Illawarra Shoalhaven Regional Plan 2041

The recently adopted Illawarra Shoalhaven Regional Plan 2041, dated May 2021 has not been addressed by the proponent in their application. The Plan clearly specifies, recognises and supports Councils strategic approach to meeting housing demand.

Objective 18: Provide housing supply in the right locations

Shellharbour City Council through its local strategic plans has identified that it has an adequate land supply for the next 20 years to meet projected demand for housing. Shellharbour's Local Housing Strategy will be periodically reviewed to ensure there remains an adequate supply of zoned land to supply housing in the right locations. If future reviews of council's local strategic plans or the Urban Development Program identifies additional land is needed, Council will consider the suitability of locations for additional greenfield land across the local government area exploring public domain improvements that would increase capacity for growth.

Council is of the view that no additional residential zoned land is required in the Shellharbour LGA to meet housing demand and therefore the Planning Proposal will not give effect to the Illawarra Shoalhaven Regional Plan 2041.

Illawarra Shoalhaven Urban Development Program (ISUDP)

The Planning Proposal site is not identified in the Illawarra Shoalhaven Urban Development Program. The Illawarra Shoalhaven Urban Development Program update 2016 identified a benchmark for zoned and service ready land of 7,366 lots. As of July 2015, there were 9,925 lots across the region. Shellharbour has 3,240 zoned and service ready lots. This is considered a reasonable number of lots for our LGA and our contribution to the region.

The land is not in the ISUDP, is not part of an urban investigation area, and is not being considered for urban use under the Department of Planning & Environment's urban release program.

The reference to historic documents and statements by the proponent to justify the Planning Proposal is not appropriate and should be not be considered when assessing the proposal. The refinement and modifications that have been to these documents and statements have been informed by best practice and policy over time.

Planning Proposal 0006/2018

Department of Planning Industry & Environment Rezoning Review PP-2021-3726

Calderwood Concept Approval and State Significant Precincts SEPP 2005 (Part 28 Calderwood).

The current application relies heavily on the assumption that the land formed part of the Calderwood Urban Investigation Area nominated in the Illawarra Urban Development Program (IUDP) during the investigations and assessment of the Calderwood Major Project Application in 2010 to justify strategically the suitability of the site for additional residential and commercial purposes.

Council has considered this approach and does not believe that it adequately demonstrates that there is a need or justification for the Planning Proposal as a result of any strategic studies or reports.

The land is not currently identified in the Illawarra Shoalhaven Urban Development Program (ISUDP). In addition, the land was not included in the Calderwood Major Project Concept Application or identified as suitable for urban development in any strategic studies or reports.

The application seeks to adopt the development standards and controls that are currently enforce on the adjoining lands. These adjoining lands are currently excluded from Shellharbour Local Environmental Plan 2013 and rely on the State Significant Precincts SEPP 2005 (Part 28 Calderwood) and the Calderwood Concept Approval MP 09-0082 (MOD 2). The development controls, permissible land uses and zones within the Calderwood Urban Development Project Approval were not determined by Council and are not consistent with Shellharbour LEP 2013.

Although the subject land is adjacent to the Calderwood Project Area it will not be a logical inclusion into the project area. The Calderwood Project Area is subject to controls contained within the State Significant Precincts SEPP 2005 (Part 28 Calderwood), the conditions and Statements of Commitments contained in the Calderwood Concept Approval, the provisions of the Calderwood VPA's (Local and State) and the requirements contained in the Calderwood Development Control Strategy.

Test: Give effect to a relevant local strategy that has been endorsed by the Department, such as the local strategic planning statement, housing strategy?

Shellharbour Local Strategic Planning Statement (LSPS)

The proposed Planning Proposal for residential uses on the subject land is not consistent with the priorities and actions identified in the Shellharbour LSPS. Planning Priority 14 'Protect and enhance our rural lands' contained a short term action (14.1) to Develop a Rural Strategy for Shellharbour City. It is considered inappropriate to consider any change of zoning or use on the subject land prior to the completion of the Rural Strategy.

Shellharbour Local Housing Strategy

Council has an adopted a Local Housing Strategy (LHS). Two of the outcomes of the Strategy are to identify if we need additional housing supply and to help guide the location and type/form of housing in our LGA.

A key finding of the Housing Strategy is that the population of the Shellharbour LGA is expected to grow by 24,385 people over the next 25 years and there is demand for approximately 10,625 dwellings in Shellharbour to 2041, which can be met by the existing

Planning Proposal 0006/2018

Department of Planning Industry & Environment Rezoning Review PP-2021-3726

supply in both greenfield and infill residential areas. With more than half of this growth being greenfield development, there may be a requirement for a diversity of dwelling types within greenfield areas.

With regards to the proposed rezoning of the subject land and the creation of additional residentially zoned land, the Proposed Planning Proposal is considered to be contrary to the following key findings and recommendations contained in the Housing Strategy;

1. Shellharbour provides over 10,625 new dwellings to 2041, as a combination of existing committed greenfield development and infill supply.
2. Additional housing supply in Shellharbour is achieved by encouraging a concentration of medium density development within existing urban centres and around key public transport nodes.

Council has reviewed the proponent's information relating to the Shellharbour Housing Strategy and would like to reiterate that the rezoning of land to create additional residential land outside of land identified in the ISUDP is not supported by the Strategy.

The information on Council's adopted dwelling and population projections is outlined below.

Population and dwelling projections and lack of need for additional residential zoned land

Council's LHS, adopted in December 2019, identified that the Shellharbour LGA can meet future dwelling demands through existing supply in both greenfield and infill in residential areas.

The analysis undertaken as part of the LHS identified, that there is no need for additional land release areas to cater for additional dwelling supply. Rather the focus within Shellharbour LGA is the facilitation of opportunities for affordability, housing diversity and choice and redevelopment opportunities in line with the 12 LHS Objectives that, were developed through community and stakeholder engagement, as well as the evidence base. The evidence base that informed the LHS included:

- Demographics: population change, population sex and age, dwelling requirements (based on demographic projections to initially determine implied dwelling requirements), households, household types and family composition, average household size, dwelling structure, number of bedrooms, tenure and landlord type, household income, rental and mortgage stress, employment and key workers;
- Housing demand: projected dwelling demand, rents and property sales prices, housing for particular needs, projected dwelling need and housing demand model (considering two scenarios: propensity; and housing preferences);
- Housing supply: current and planned housing, rental vacancies, capacity of the land use controls to accommodate additional housing;
- Land use opportunities and constraints: opportunities, constraints, infrastructure and flooding etc.

This analysis outlined above was informed by evidence that included: demographic data, trends and forecast projections from Informed Decisions (ID); the Illawarra Shoalhaven Urban

Planning Proposal 0006/2018

Department of Planning Industry & Environment Rezoning Review PP-2021-3726

Development Program (ISUDP) and, the NSW Government; as well as a community Housing Preferences Survey. The Housing Preferences Survey used a sample size of the Shellharbour community to determine what changes in housing stock might be required over the next 10 years.

To determine housing supply requirements in the LHS a range of data was considered for current and planned housing, including:

- Dwelling approvals data for a three year period between 2015 and 2018;
- Dwelling yields for approved master-planned communities;
- An analysis of infill capacity in existing residential areas;
- Consideration of the capacity of key vacant development sites;
- The volume of sales and rental vacancy rates;
- Housing for particular needs; and
- Dwelling projections developed by ID, and compared with the dwelling projections from the NSW Government.

It should be noted that ID provide expertise in demographics, economics, housing and population forecasting. They are utilised by over 300 local councils and regional authorities in Australia and New Zealand to provide detailed local area profiles. Council works closely with ID in developing the dwelling projections and provide information on likely development activity in each area. ID regularly monitors and reviews these projections against ABS dwelling approval data and the estimated resident population. The baseline for Council's current projections was the 2016 census.

The most recent review of the ID forecasts was undertaken in July 2020. This reviewed the forecasts for Shellharbour LGA against the Australian Bureau of Statistics (ABS) dwelling approval data. This review identified that new dwelling approvals were within 0.66% for the 2017-2019 forecast period. The estimated resident population (ERP) for Shellharbour indicates that the population forecasts are also tracking well, with a difference of 0.28% between the population projections and the ERP of 2020.

The first detailed review of the LHS will include a review of the evidence base and housing stock against the broader aims of the ISRP to ensure that the LHS is aligned with housing needs. This review of the LHS will commence in 2024 with a review of the comprehensive evidence base that informed the LHS to identify any areas that need adjusting.

Additionally, Council regularly monitors development approvals, complying development certificates, construction certificates and occupation certificates to determine the supply of housing, including housing that is in the pipeline for delivery. This, and the ABS dwellings approval data, is used to inform and check the dwelling and population projection review undertaken by ID.

Given the level of detail analysed to inform the LHS and the comparison of recent dwelling completion figures by both the ABS and ISUDP, it is not considered that the dwelling projection

Planning Proposal 0006/2018

Department of Planning Industry & Environment Rezoning Review PP-2021-3726

figures contained within the LHS require review at this stage, or that additional greenfield housing supply is required Shellharbour City LGA at this stage.

Additionally, the subject site is located adjacent to Calderwood, one of Council's major release area that has multiple developers. The Calderwood Urban Development Project (CUDP) has a dwelling capacity of 6,000 dwellings of which 1123 dwelling have received development approval and 915 dwellings have received an occupation certificate to date. Council also has additional capacity within other greenfield areas currently being released. This reinforces the position of the LHS that Council does not require additional residential zoned land at this point in time.

Test: Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?

Although there are changing circumstances in proximity to the subject land including investment in new infrastructure and demographic trends, these have been recognised and accommodated by existing strategic planning documents, planning controls, project approvals, the Calderwood SEPP, VPA's and the recently finalized SIC.

The current application relies heavily on the assumption that the land formed part of the Calderwood Urban Investigation Area nominated in the Illawarra Urban Development Program (IUDP) during the investigations and assessment of the Calderwood Major Project Application in 2010 to justify strategically the suitability of the site for additional residential and commercial purposes.

The land is not identified in the current Illawarra Shoalhaven Urban Development Program (ISUDP). In addition, the land was not included in the Calderwood Major Project Concept Application or identified as suitable for urban development in any strategic studies or reports.

Council has considered the proponents application and does not believe that it adequately demonstrates that there is a need or justification for the Planning Proposal as a result of any strategic studies or reports.

Site Specific Merit Test

Test: The natural environment (including known significant environmental values, resources or hazards)?

Bushfire

The Planning Proposal contains land that from 2020 has been mapped as bushfire prone land (Category 3). Asset Protection Zones (APZs) would be required as part of any future development. As the land was not mapped as bushfire prone land at the time of lodgement of the Planning Proposal the proponent has not provided a bushfire assessment report. Therefore, a Bushfire Assessment Report will be required to be submitted and assessed if the proposal progresses to the Gateway.

Referral to the NSW Rural Fire Service (RFS) is required by Local Planning Direction 4.4 Planning for Bushfire Protection. The comments from the RFS would then need to be taken into account and incorporated into the Planning Proposal.

Planning Proposal 0006/2018

Department of Planning Industry & Environment Rezoning Review PP-2021-3726

Flooding

Direction 4.3 - Flood Prone Land issued under section 9.1(2) of the Environmental Planning and Assessment Act 1979 applies to this proposal. It is considered that Part 5 and Part 6 of the direction have not been satisfied within the proposal.

The part of the subject land which is proposed to be rezoned as R2 (Low Density Residential) is affected by the 1%AEP flood event. Moreover, the provision of Part 6(a) could not be assessed due to the lack of a hydraulic categorisation map for the post-development scenario. The provisions of Part 6(b) demonstrate that proposed development will have an impact on flood behaviour and Part 6(c) demonstrates that proposed development will have a major impact on the potential development of the land.

Even though the planning proposal does not contain provisions that will result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, the proposal may result in the need for governments to allocate additional resources to manage the flood emergency response for this area during times of flooding as the proposal is located in an area that gets surrounded and isolated by flood water as identified in the Macquarie Rivulet Flood Study (2017).

Furthermore, provisions within the Shellharbour Development Control Plan that relate to timely, orderly and safe access for emergency personnel to the site during times of flood including the Probable Maximum Flood (PMF) that have not been addressed in the detailed flood study report.

Part 9 of the Direction 4.3 allows a planning proposal to be inconsistent with the direction only if the relevant planning authority (Council) can satisfy the Director General that the provisions of the planning proposal that are inconsistent are of minor significance. Council concludes that the provisions of the planning proposal that are inconsistent are not of minor significance

Access, Traffic and Parking

The Traffic Impact Assessment submitted by the applicant addresses the potential impact of the proposal on the surrounding transport and movement systems. The Assessment sets out the anticipated transport implications of the Planning Proposal.

The planning proposal does satisfy Direction 3.4 Integrated Land Use and Transport (a),(b),(c) and (d) of the local planning directions under section 9.1(2) of the Environmental Planning and Assessment Act 1979.

The proposal is inconsistent with the direction for the following reasons:

1. The preferred option is an access from North Macquarie Drive with a continuous buffer zone along the Illawarra Highway which should be designated as a Controlled Access Road. A bridge maybe required within the proposed subdivision to ensure connectivity for all lots back into Calderwood in accordance with Section 3.4 (a) and (b) by improving access to housing, jobs and services by walking, cycling and public transport.
2. The applicant must review the proposed location of the roundabout accessing the Illawarra Hwy to a point opposite Tullimbar Lane as per RMS advice, as the concept plans and traffic reports do not reflect this amendment. The applicant must also ascertain if a second access is required by Emergency Services.

Planning Proposal 0006/2018

Department of Planning Industry & Environment Rezoning Review PP-2021-3726

All internal road should comply with the NSW Fire Safety Guideline - Access for Fire Brigade Vehicles and Firefighters, issued October 2019.

3. Pedestrian access from the site to the Calderwood Town Centre must demonstrated and must address public safety and amenity – this may include a pedestrian bridge that would link the southern and northern subdivision.
4. The proposal must demonstrate that it is able to support the efficient and viable operation of the public transport (d) with public transport access to the subdivision to ensure all residents have access to a bus stop every 400 metres.

Loss of Agricultural Land

The land is currently zoned RU1 Primary Production and contains predominantly class 2 & 3, with some 4 as described by the NSW DPI Agricultural Land Classification mapping. Class 2 – 4 lands are capable of being used for agricultural activities but may not include cropping or regular cultivation of the land.

The Planning Proposal application relies on the area being an isolated area of rural land to justify the loss of Agricultural Land.

Although the land is adjacent to the Calderwood Project Area on three sides, it is also adjacent to land which is also zoned RU1 Primary Production to the South. The land is size of the existing lot may mean that it is not of sufficient size to undertake traditional forms of agriculture such as animal grazing and generate adequate income to be self-sufficient.

However, not every lot in our LGA needs to be able to carry out an agricultural activity sufficient to be the sole source of income. Australian Bureau of Statistics 2017 data revealed that off farm employment/business activities accounted for 12% of farm income in NSW.

Identifying and maintaining land for agricultural use is important in our LGA as those lands can contribute to our economy and future agricultural uses may be able to generate sufficient income to be viable. Maintaining these lands is also important because once it is taken for housing, it is lost for agricultural use. The land is also an important asset for the rural character that it provides. The land currently has one dwelling located on it. This provides options for lifestyle use that could be combined with small agricultural activities without sterilising the land from future agricultural activities or future planned residential uses.

Land Contamination

The proponent has submitted a preliminary contamination assessment of the land which identified the following Areas of Environmental Concern (AECs) identified during the investigation

- AEC01 – Potential for historical weathering of building materials (heavy metal-based paints and asbestos materials) in soil adjacent and underlying building areas;
- AEC02 – Potential for residual impacts on soil from agricultural land use;
- AEC03 – Underground Petroleum Storage System (UPSS) (2x USTs and bowsers);
- AEC04 – Stockpiled, uncontrolled soil/Fill.

Although the assessment concluded that the site is considered capable of being made suitable for the proposed land use, it is subject to the decommissioning and validation of

Planning Proposal 0006/2018

Department of Planning Industry & Environment Rezoning Review PP-2021-3726

UPSS infrastructure and did not identify any environmental issues or evidence of gross contamination to trigger the need for any further assessment based on the proposed land use. It is considered appropriate that a detailed contamination report be prepared if the proposal were to receive a Gateway determination to exhibit.

Shellharbour Airport – Airspace Operations

The subject land is subject to the Obstacle Limitation Surface (OLS), which is a variable layer that seeks to protect the operation of the Shellharbour Airport by limiting the height of structures that could adversely affect the take-off/landing of aircraft.

Subsequently, the application should be referred to both Shellharbour Airport and CASA if it were to receive a Gateway determination to exhibit.

Aboriginal Heritage

As part of a previous rezoning of the site, a 'Heritage Assessment' was prepared. In preparing the report the Illawarra Local Aboriginal Land Council were consulted.

The review recommends that an Aboriginal Technical Report (ATR) be prepared and consultation with the Illawarra Local Aboriginal Land Council as part of the rezoning. This can be completed as part of the Gateway determination requirements if a Gateway determination to exhibit was received.

European Heritage

The Heritage Assessment also included the existing Heritage Item listed in Schedule 5 of the Shellharbour LEP as "Riversford" (Item No. I291).

The Heritage Assessment recommends that a detailed Historical Heritage Assessment (HHA) that incorporates the following be prepared as part of any proposal to rezone the land:

- a. Further historical research into the history of the study area.
- b. Assessment of the built and landscape values of "Riversford".
- c. An archaeological assessment that identifies the potential for relics to be present within the study area.
- d. Assessment of significance for the study area and any identified heritage values.
- e. Assessment of the item's curtilage and how this is to be incorporated into the planning proposal.
- f. Quantification of the potential impacts from the planning proposal and identifies further investigations and approvals.

Council agrees with this recommendation and the HHA should be part of the Gateway determination requirements if a Gateway determination to exhibit was received.

Crown Waterway, Travelling Stock Reserve (lot 7300 DP 1146316) and current Native Title Claim

The land is transected by an area of Crown Waterway as well as an area identified as a Travelling Stock Reserve (lot 7300 DP 1146316). The Crown Waterway is under the ownership of the NSW Department of Industry – Crown Land and is currently affected by a Claim under the Native Title Act 1993 by the South Coast Peoples. The Travelling Stock Reserve (lot 7300

Planning Proposal 0006/2018

Department of Planning Industry & Environment Rezoning Review PP-2021-3726

DP 1146316) is owned by the Office of State Lands, however the proponent has indicated that the ownership of this land is currently being confirmed.

Council acknowledges that NSW Department of Industry – Crown Land have provided correspondence advising that they have no objection to the lodgement of the Planning Proposal over the Crown Waterway. However, Council is concerned that the area of Crown Waterway is likely to be impacted by the Planning Proposal with respect to drainage functions, Riparian management and augmentation of service utilities.

Under the Native Title Act 1993 any impacts that the Planning Proposal may have on the land which is subject to the Native Title Claim will need to be addressed and the application referred to the relevant Authority (National Native Title Tribunal (NNTT)) if the proposal were to receive a Gateway determination to exhibit.

Infrastructure/Development Contribution Plan Impacts

There has been new infrastructure provided to the nearby Calderwood development front based on the densities approved under the Calderwood Concept Approval.

The application currently only addresses the provision of utility services, no assessment has been made as to capacity, timing and other likely infrastructure needs of the proposed development.

If the application proceeds to Gateway, the full range of infrastructure to service the development would need to be addressed. A detailed report would be required identifying the works required to service the development and the proposed method of funding/provision.

The main areas are likely to be:

- The impact on the social infrastructure required – library facilities, community centre, open space (both active and passive)
- The need for additional/upgraded traffic management facilities
- The impact on required drainage works within the catchments and how this is to be addressed.

Any variation to the development contributions plan or proposed Draft Voluntary Planning Agreement would need to be finalised prior to the completion of the rezoning.

Ownership of E2, E3 Land and Riparian Corridors.

The proponent has indicated that the proposed areas of E2, E3 Land and Riparian Corridors are proposed to be dedicated to Council. Council is unlikely to accept ownership of these lands unless they meet the requirements outlined in Council's Open Space, Recreation and Community Facilities Needs Study Report, Council's Development Contributions Plan or are agreed as required during any Voluntary Planning Agreement negotiations. Suitable alternative ownership and land management arrangements will need to be provided if the Planning Proposal were to receive a Gateway determination to exhibit.

The potential effects on and proposed interface treatments with the Crown Waterway will also need to be addressed if the Planning Proposal does proceed.

Planning Proposal 0006/2018

Department of Planning Industry & Environment Rezoning Review PP-2021-3726

Water Quality

A preliminary water cycle management plan should be required to be submitted if a Gateway determination to exhibit was received. This would need to be sufficient to determine the water quality requirements of the development. The Risk-based Framework for Considering Waterway Health in Strategic Land Use Planning Decisions in the Lake Illawarra Catchment should be referenced. The proposal will be referred to the Lake Illawarra Estuary Management Committee to review potential impacts on Lake Illawarra.

Referrals

Should a Gateway determination be issued to exhibit the Planning Proposal, it is recommended that the following referrals be undertaken as part of the public exhibition process:

- NSW Rural Fire Service
- Transport for NSW
- NSW Department of Industry – Crown Land
- CASA
- Shellharbour Airport
- Environment, Energy and Science (EES) Group (Biodiversity and Conservation)
- Lake Illawarra Estuary Management Committee
- National Native Title Tribunal (NNTT).

Conclusion

The development of the subject land for residential purposes as proposed in this Planning Proposal application does not satisfy the Strategic Merit Test and is considered unnecessary based on the existing supply of zoned and serviced land in our LGA.

The urban release areas that are identified in the current Illawarra Shoalhaven Urban Development Program are providing an adequate supply of land. There is no strategic planning justification to support this Planning Proposal application at this point in time. There is sufficient residential zoned land in the LGA to meet the requirements of the region.

The planning proposal is not needed to satisfy forecast housing demand and there is already adequately zoned residential land for Shellharbour City Local Government Area (LGA) until 2041. This is in accordance with Council's adopted Local Housing Strategy (LHS) and Local Strategic Planning Statement (LSPS), and the State Government's recently adopted Illawarra Shoalhaven Regional Plan 2041 (ISRP). It is considered that this proposal does not have strategic merit as it is not consistent with relevant local strategies that have been endorsed by the Department of Planning, Industry and Environment (DPIE). Additionally, the proposal has been assessed as being inconsistent with several of the directions issued under Section 9.1 of the Environment Planning and Assessment Act, particularly Local Directions 1.2, 3.1, 4.3, 4.4 and 5.10 (please see the attached summary of Planning Issues).

Planning Proposal 0006/2018

Department of Planning Industry & Environment Rezoning Review PP-2021-3726

Should you require more information regarding Council's submission, can you please contact Cheryl Lappin – Senior Strategic Planner on (02) 4221 6246 or at cheryl.lappin@shellharbour.nsw.gov.au in the first instance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Geoff Hoynes', with a stylized flourish extending from the end.

Geoff Hoynes
Group Manager City Planning

Attachment – Summary of Planning Issues