

Rezoning Review Briefing Report – RR_2021_99

144 Calderwood Road, Calderwood

Element	Description
Date of request	11/12/2021
Department ref. no	RR-2021-99
LGA	Shellharbour
LEP to be amended	Shellharbour Local Environmental Plan 2013
Address	144 Calderwood Road, Calderwood
Reason for review	<input checked="" type="checkbox"/> Council notified the proponent it will not support the proposed amendment <input type="checkbox"/> Council failed to indicate support for the proposal within 90/115 days, or failed to submit the proposal after indicating its support
Has council nominated PPA role	No
Consultation	No external consultation
Brief overview of the timeframe/progress of the planning proposal	The Planning Proposal has an indicative date for Gateway Determination as September 2021, with the making of the Plan as June 2022
Department contact:	Grainne Miller – Planning Officer – Southern Region – Ph 4247 1804

Planning Proposal

Table 1. Overview of planning proposal

Element	Description
Site Area	78.61 hectares
Site Description	<p>The subject land is identified as part Lot 2 DP 651377, being 144 Calderwood Road, Calderwood. The site is irregular in shape. The land is zoned RU1 Primary Production.</p> <p>The subject site is located on the northern side of Calderwood Road and is bisected into north and south land areas by Marshall Mount Creek.</p> <p>The site encompasses land within both Shellharbour Local Government Area (LGA) on the southern side of the creek line, and Wollongong Council on the northern side of the creek line. The Planning Proposal only applies to land in the Shellharbour LGA.</p> <p>Historically, the land was used for low intensive agricultural activities primarily being dairy farming and cropping. The site has been extensively cleared in association with historic agricultural activities. There are some remnant paddock trees adjoining an existing homestead and farm buildings on the site.</p>
Proposal summary	<p>The proposal seeks to rezone the land to a mix of R2 Low Density Residential, R3 Medium Density Residential and RE1 Public Recreation and proposes minimum lot sizes ranging from 0m² to 300m².</p> <p>The applicant is seeking a rezoning review because Council notified the proponent that it will not support the proposed amendment.</p> <p>The subject land is part of the broader Calderwood Investigation area and adjacent to urban zoned land to the west which is part of the Calderwood release area.</p>
Relevant State and Local Planning Policies, Instruments	<p>Illawarra-Shoalhaven Regional Plan</p> <p>Illawarra-Shoalhaven Urban Development Program (2016)</p> <p>Shellharbour Local Environmental Plan 2013</p>

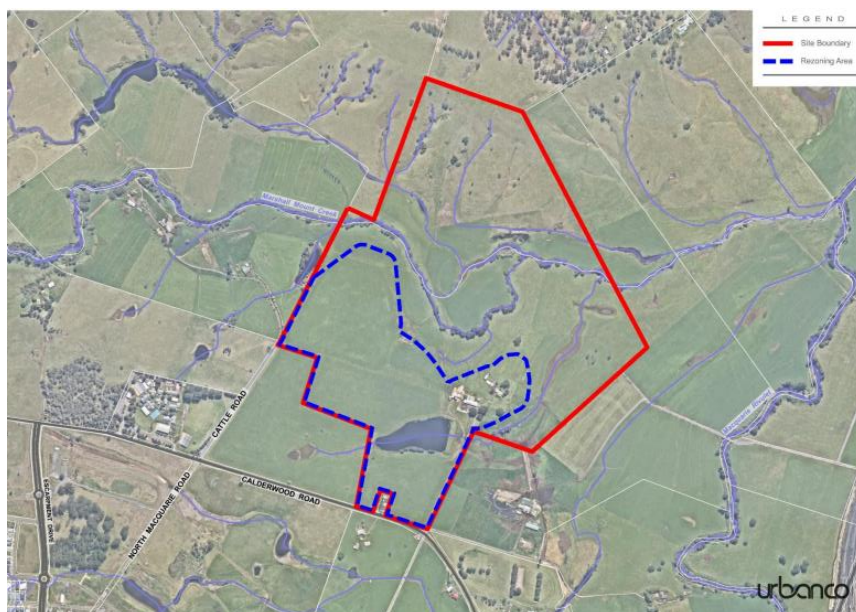


Figure 1. Subject site - the site is outlined in red with the rezoning area outlined in blue (source: Urbanco report)

The planning proposal seeks to amend the Shellharbour City Council LEP 2013 as shown below.

Table 2. Current and proposed controls

Control	Current	Proposed
Zone	RU1 Primary Production	R2 Low Density Residential R3 Medium Density Residential RE1 Public Recreation
Maximum height of the building	9m	R2 - 9m R3 – 12m RE1 – 9m
Floor space ratio	No FSR	R2 0.5:1 R3 0.7:1
Minimum lot size	40ha	R2 – 300m2 R3 – 0m2 RE1 – 0 ha
Number of dwellings	1	400

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

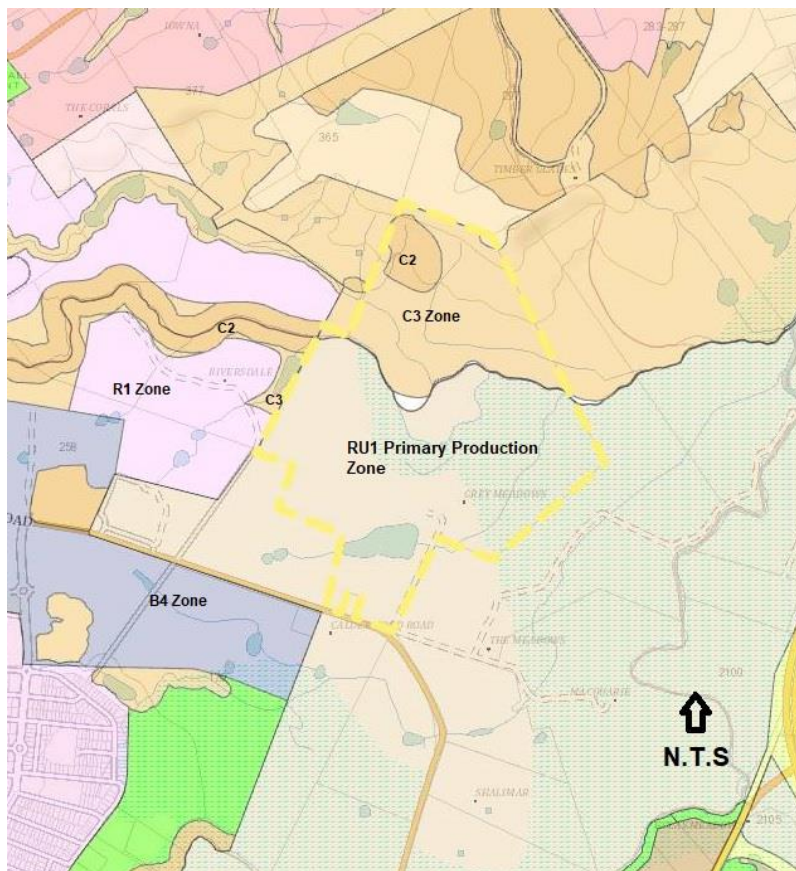


Figure 2. Current zoning (source: Planning Portal)

Key Issues

Issue no. 1

Strategic Merit

Council view

Council states that the proposal does not satisfy the Strategic Merit Test and that there is no strategic planning justification to support the Planning Proposal.

- 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 Shellharbour LGA to meet the requirements of the region.
- The Planning Proposal is not needed to satisfy the forecast housing demand and there is already adequately zoned residential land for Shellharbour local government area until 2041. This is in accordance with Council's adopted Local Housing Strategy and Local Strategic Planning Statement as well as the State Governments recently adopted Illawarra Shoalhaven Regional Plan 2041.
- There is no strategic merit to this proposal as it is not consistent with relevant local strategies that have been endorsed by the Department of Planning, Industry and Environment. Additionally, the proposal has been assessed as being inconsistent with

several directions issued under Section 9.1 of the Environmental Planning and Assessment Act, particularly Ministerial Directions 1.2, 2.3, 3.1, 4.3, 4.4, and 5.10.

Proponent view

- The subject land is part of the broader Calderwood Investigation area and adjacent to existing urban zoned land to the west as part of the Calderwood release area. The land to the north and north east is zoned C3 Environmental Management, with RU1 zoned land to the south, south east and south west.
- The proposal is consistent with Section 9.1 Directions.
- The proposal is consistent with the Illawarra-Shoalhaven Regional Plan.

Issue no. 2

Loss of Agricultural Land

Council view

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

Proponent view

- The land does not form part of any strategic key farming lands.
- Significant areas of rural zoned land will be retained in a manner which allows amalgamation with adjoining rural land holdings at a later date if appropriate.
- Rezoning of the land would have minor significance to agriculture.

Issue no. 3

No additional residential land required

Council view

- 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.
- The urban release areas that are identified in the current Illawarra Shoalhaven Urban Development Program are providing an adequate supply of land to satisfy demand. As reflected in the Illawarra Shoalhaven Regional Plan 2041, the Calderwood Investigation Areas identified in the Urban Development Program can provide Council with an option if higher than expected housing demand occurs. There is no evidence to suggest that higher than expected housing demand is occurring in the Shellharbour LGA.

Proponent view

- The subject land forms part of the Calderwood Release Area - Calderwood (Remainder) in the IUDP. Housing supply forecasts for that specific area (2514 Illawarra Hwy) are not included in the overall forecasts for Calderwood in the IUDP.
- The overall estimated remaining yield for Calderwood includes the investigation area and is consistent with achieving the intent of the ISRP in identifying sufficient land for housing, including additional areas that are considered suitable for further investigation for urban use to respond to higher than expected growth rates, if needed.

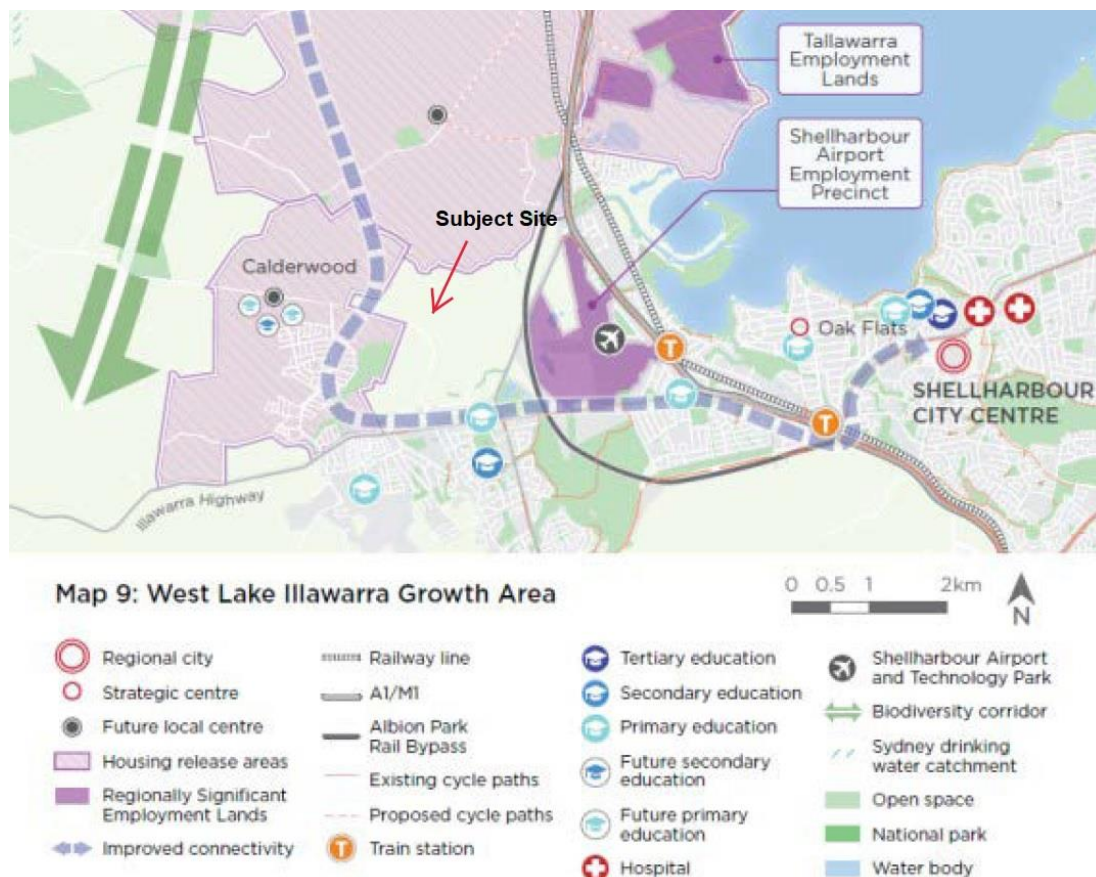


Figure 3: West Lake Illawarra Regionally Significant Release Area (source: Map 9 ISRP)

Other issues:

- Whether the proposal satisfies the flood prone land Ministerial Direction – Council states this is not the case as some flood prone land is proposed to be zoned residential. The proposal also does not satisfy Council's DCP requirements for access.

Attachments

Attachment A – Locality map

Attachment B – Site map

Attachment C – Current zone map

Attachment D – Proposed LEP maps and clause

Attachment E – Council comments on proposal

Attachment F1 – Application form

Attachment F2 – Cover letter – rezoning review request

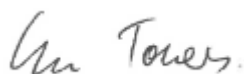
Attachment F3 – Draft planning proposal



04/02/2022

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10/2/22

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