



allen price & scarratts pty ltd
land and development consultants

Planning Proposal – Rezoning



**16A / 16B Appleberry Close, Meroo Meadow
(Lots 21 and 22 DP 1113675)
&
1095 Meroo Road, Meroo Meadow (Lot 202 DP 1180659)**

*AP&S Ref: N27601
February, 2019*

Copyright Statement

© Allen Price & Scarratts Pty Ltd 2019

Other than as permitted by the Copyright Act 1968, no part of this report may be reproduced, transmitted, stored in a retrieval system or adapted in any form or by any means (electronic, mechanical, photocopying, recording or otherwise) without written permissions. Enquiries should be addressed to Allen Price & Scarratts Pty Ltd.

The document may only be used for the purposes for which it was commissioned. Unauthorised use of this document in any form whatsoever is prohibited. Allen Price & Scarratts Pty Ltd assumes no responsibility where the document is used for purposes other than those for which it was commissioned.

This report has been prepared on behalf of and for the exclusive use of the Client, and is subject to and issued in connection with the provisions of the agreement between Allen Price & Scarratts Pty Ltd and the Client. Allen Price & Scarratts Pty Ltd accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report by any third party.

Nowra Office: 75 Plunkett Street, Nowra NSW 2541 • PO Box 73, Nowra 2541
Kiama Office: 5/125 Terralong Street, Kiama NSW 2533 • PO Box 209, Kiama 2533
tel 02 4421 6544 • **email** consultants@allenprice.com.au

ABN 62 609 045 972
Liability limited by a scheme approved under Professional Standards Legislation

CONTENTS

Introduction	4
EXISTING DEVELOPMENT AND ISSUES	6
Part 1 – Objectives or intended outcomes.....	8
Part 2 – Objectives or intended outcomes.....	9
Part 3 – Justification	10
SECTION A – NEED FOR THE PLANNING PROPOSAL	10
Section B – Relationship to Strategic Planning Framework	11
SEPP RURAL LANDS 2008.....	13
SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT	15
SECTION D – STATE AND COMMONWEALTH INTERESTS	16
Part 4 – Mapping	17
Part 5 – Community Consultation.....	17
Part 6 – Project Timeline	18
Part 7 – Conclusion.....	18
APPENDIX A - AERIAL IMAGE WITH EASEMENT DIMENSIONS AND REZONING AREA.....	19
APPENDIX B - EXISTING LAND USE ZONE AND PROPOSED LAND USE ZONE MAPS COMPARISON	20
APPENDIX C – SUMMARY OF THE PP CONSISTENCY AGAINST STATE ENVIRONMENTAL PLANNING POLICIES	21
APPENDIX D – SUMMARY OF THE PP CONSISTENCY AGAINST S9.1 DIRECTIONS.....	23

Introduction

This Planning Proposal (PP) has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the relevant:

- Department of Planning and Environment (Department) Guidelines, including *A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals*; and,
- Shoalhaven City Council's Planning Proposal (Rezoning) Guidelines.

The PP seeks to amend Shoalhaven Local Environmental Plan (SLEP) 2014 to extend the residential zone adjacent to 16A and 16B Appleberry Close (Lots 21 & 22 DP 1113675), Meroo Meadow onto adjacent 1095 Meroo Road (Lot 202 DP 1180659), Meroo Meadow. The purpose of the PP is to resolve an inconsistent land use by consolidating land which provides access, services and landscaping/recreation purposes to the existing residential zone. No additional residential lot or dwelling entitlements will result from this minor rezoning and extension of existing residential zone.

The property attributes of this PP are as follows.

Title Description	Lots 21 DP 1113675	Lots 22 DP 1113675	Lot 202 DP 1180659
Property Address	16A Appleberry Close, Meroo Meadow	116B Appleberry Close, Meroo Meadow	1095 Meroo Road, Meroo Meadow
Site Area	831.8m ²	761.5m ²	37.29 Ha
Current SLEP 2014 Zoning	R1 – General Residential	R1 – General Residential	RU2 – Rural Landscape
Minimum Lot area	500m ² (Clause 4.1A of SLEP 2014 applies)	500m ² (Clause 4.1A of SLEP 2014 applies)	40ha

As shown in the site plan below, aerial images and zoning plan, the subject properties/land of this PP are located site on the north eastern fridge of Bomaderry.

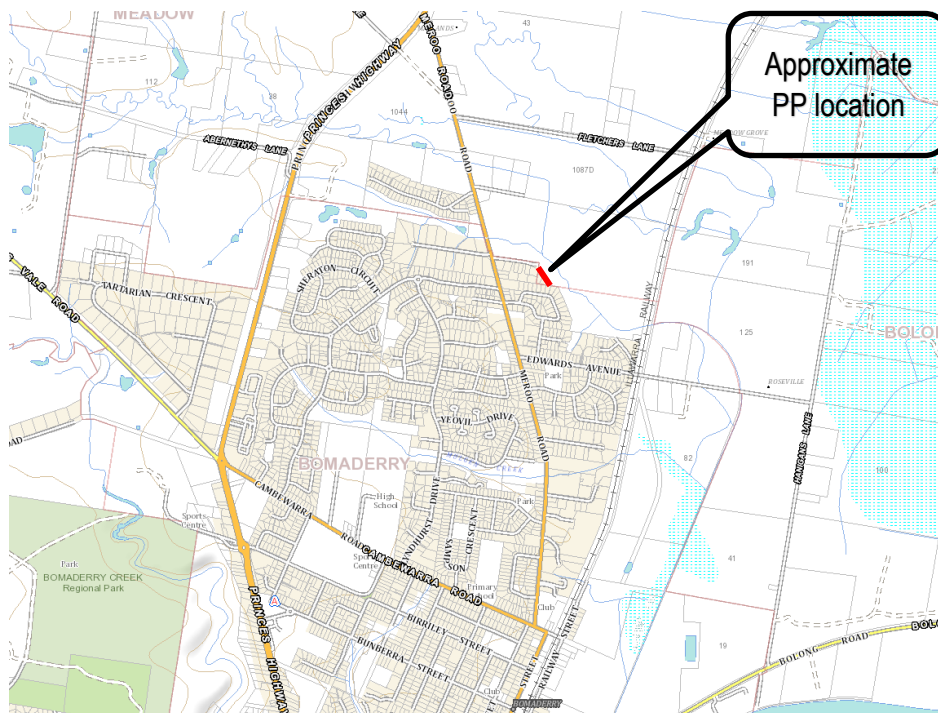


Figure 1 - Site Locality Plan [Source: SIX Maps]

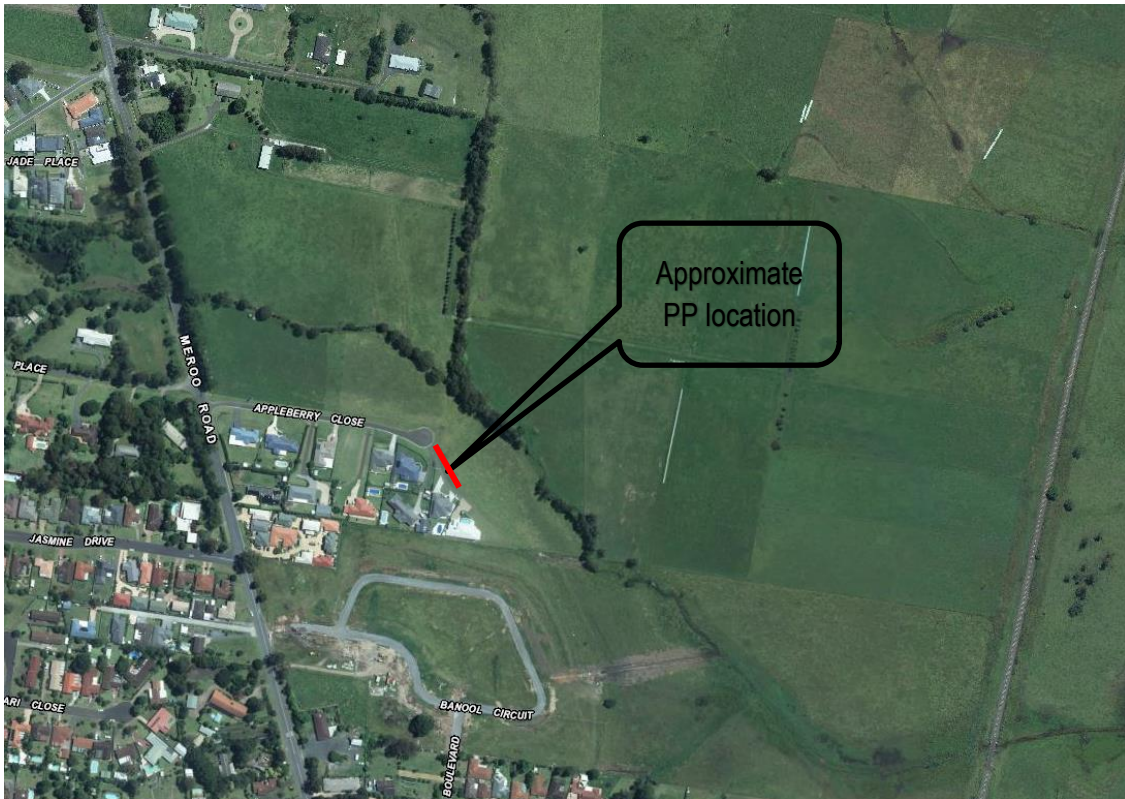


Figure 2 - Site Locality Aerial Image [Source: SIX Maps]

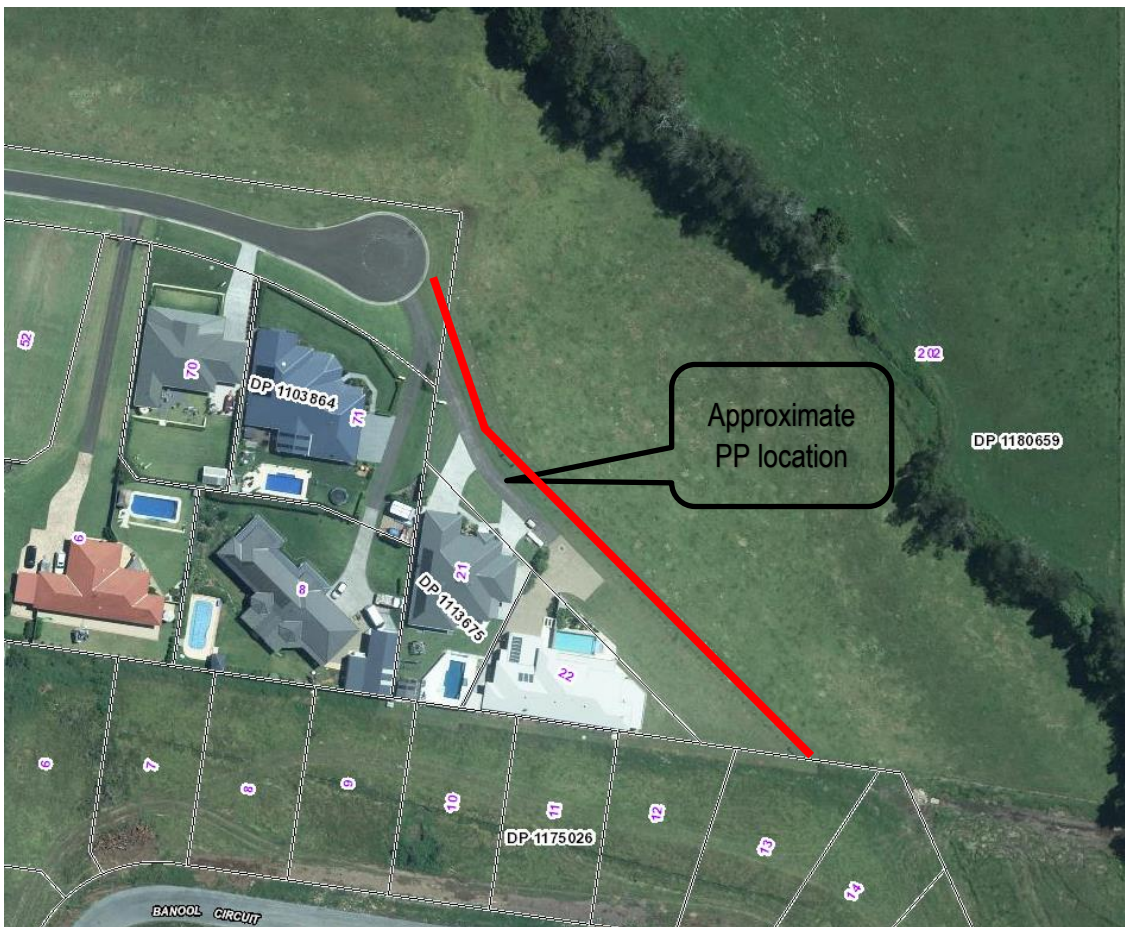


Figure 3 - Zoomed In Site Locality Aerial Image [Source: SIX Maps]

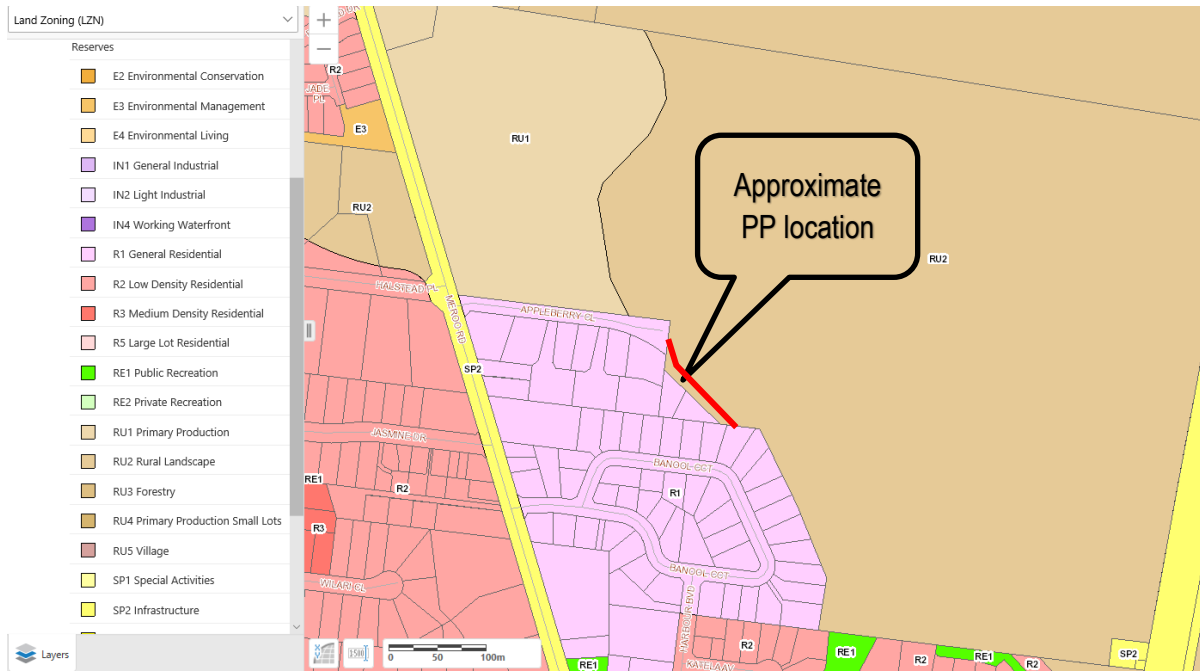


Figure 4 – Land Zoning [Source: SLEP 2014]

As shown above, the land subject of this PP is located immediately adjacent to an existing residential land use where access, services and landscaping/recreation purposes encroach onto the adjacent rural use zone. The result of this encroachment and related easements means that associated agriculture use of the subject land is no longer possible. The remaining RU2 land outside of the area directly affected by this easement is not subject to any changes and will continue to provide for its intended land use. Surrounding land to the south west of this proposal provides a residential land use.

It should also be noted that Lot 202 DP 1180659 does not currently meet the minimum lot size of 40ha and Clause 4.1A of SLEP 2014 currently applies to Lots 21 & 22 DP 1113675 where development consent may be granted to the dual occupancy subdivision.

As outlined above, the PP addresses a clear anomaly in SLEP 2014 mapping which is consistent with a proposal that Council is likely to support (as outlined in Shoalhaven City Council's Planning Proposal (Rezoning) Guidelines). Should this PP rezoning be supported, it is anticipated that the minor increase of residential zoned land will result in a future Development Application for a boundary adjustment for this zoned land to form part of Lot 21 & 22 and which may require a minor change to the existing easement arrangement.

Existing Development and Issues

The existing residential development on Lots 21 & 22 DP 1113675 solely relies on adjacent Lot 202 DP 1180659 with an easement to provide access, services and landscaping/recreation purposes to the existing residential zone. As mentioned above, the result of this encroachment and related easements means that associated agriculture use of the subject land is no longer possible. Legal use of the subject land cannot exist with the benefit of this easement and no other physical or feasible options exist without use and sterilisation of the existing adjacent RU2.

The inconsistent use of land zoned RU2 (i.e. part of lot 202) was created when Shoalhaven City Council abandoned its intention to acquire land and construct the Bomaderry Bypass Road as identified in Shoalhaven Local Environmental Plan (SLEP) 1985. The bypass road was identified for construction over Lots 21 & 22 which at the time were zoned 2(c) Residential (Living Area).

The outcome of the bypass road not progressing resulted in subsequent ability for residential dwelling approval on Lots 21 & 22 which required easements over Lot 202 for access, services and landscaping/recreation purposes. Note SLEP 1985, image below showing bypass road alignment and part of Appleberry Close road reserve which is zoned 1(g) Rural (Flood Liability) (different now in SLEP 2014 – see Figure 4 above).

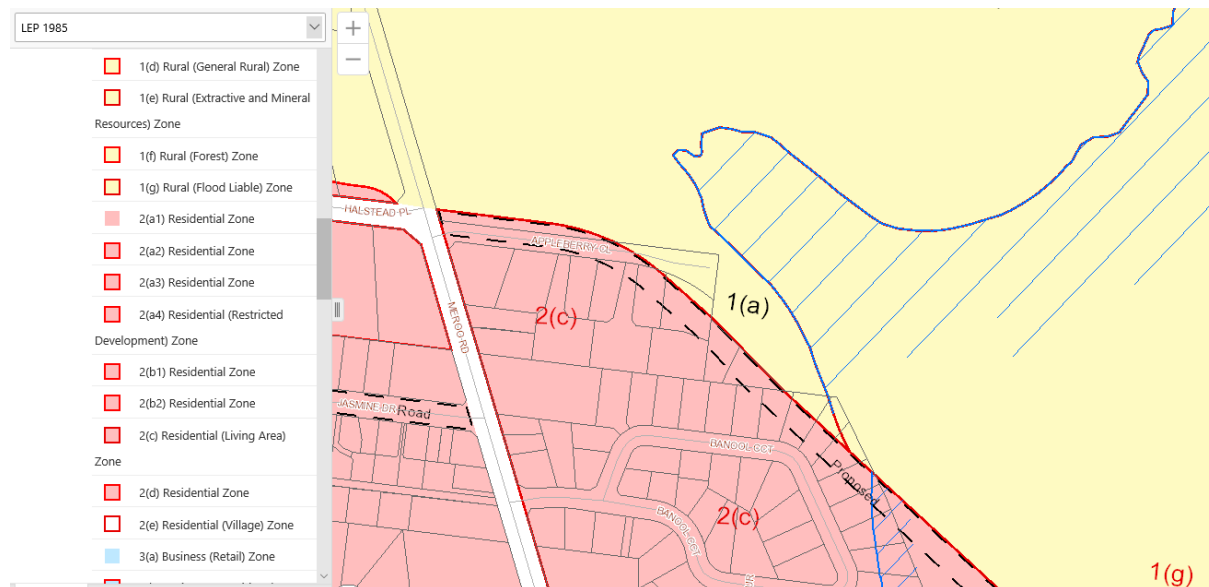


Figure 5 – Land Zoning [Source: SLEP 1985]

Evidence of this existing development and associated impact on the adjacent land zoned RU2 is shown above and the image below from the Deposit Plan 1113675. The approximate area of the adjacent RU2 land used for this easement is 1,261m² and the approximate areas proposed to be gained by subject land zone changes follow:

Property Address	16A Appleberry Close, Meroo Meadow (Lot 21 DP 1113675)	116B Appleberry Close, Meroo Meadow (Lot 22 DP 1113675)
Current Site Area	833m ²	761m ²
Proposed Additional Residential Land Increase (i.e. change from RU2 to R2)	521m ² (adjacent to Lot 21)	740m ² (adjacent to Lot 22)
Proposed lot area increases (resulting for a future DA and boundary adjustment)	1,354m ²	1,501m ²

As outlined above, the proposed zoning change would result in a reduction of the RU2 zoned from 37.29ha to 37.17ha.

To resolve this residential use of RU2 zoned land, all relevant landowners are in agreement to the rezoning area identified in this PP. To ensure that the proposed residential zone area increase does not result in the potential for additional dwelling / subdivision entitlement, the relevant landowners agree for a residential zone change with a minimum lot size restriction which prevents future dwellings / subdivision. To prevent future subdivision, the minimum lot area for subdivision could be increased from current 500m² to 1,500m² and/or a specific clause added to SLEP 2014 to address this matter.

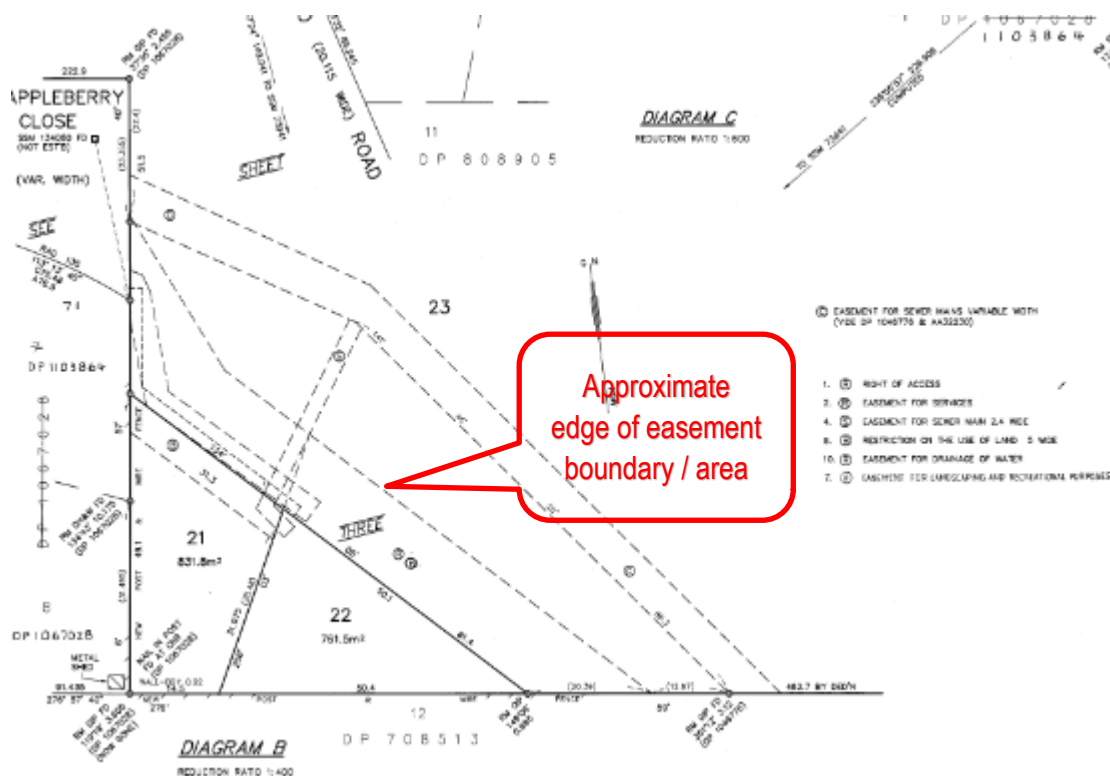


Figure 6 – Easement image from Deposit Plan 1113675

An aerial image with the easement dimensions that match the rezoning area is shown in Appendix A.

Part 1 – Objectives or intended outcomes

(s.3.33(2)(a) A statement of the objectives or intended outcomes of the proposed instrument)

The objective of the PP is to amend SLEP 2014 to enable consistent land use access to existing dwellings on Lots 21 & 22 DP 1113675 and to remove a conflicting land use associated with the current easement on adjacent Lot 202 DP 1180659.

The land subject of this PP is currently zoned as follows

Property Address	16A Appleberry Close, Meroo Meadow	116B Appleberry Close, Meroo Meadow	1095 Meroo Road, Meroo Meadow
Current SLEP 2014 Zoning	R1 – General Residential	R1 – General Residential	RU2 – Rural Landscape

Lot 202 DP 1180659 with a minimum lot area of 40ha is not able to facilitate land transfer of the current easement area for access, services and landscaping/recreation purposes to the adjacent property owners without a rezoning of the subject land detailed in this PP. As mentioned above, the easement area on Lot 202 is unable to be used for agricultures purposes and the outcome of this PP does not result in a reduction of land for the use of agriculture as the existing easement already sterilises this use.

Part 2 – Objectives or intended outcomes

(s.3.33(2)(b) An explanation of the provisions that are to be included in the proposed instrument)

The PP seeks to amend SLEP 2014 as it affects 1095 Meroo Road (Lot 202 DP 1180659), Meroo Meadow in the following manner:

- Removes an area of land affected by easement which has resulted in this portion of land being unable to be used for agricultures purposes. This land area (approximately 1,261m²) is to be rezoned from RU2 (Rural Landscape) to R2 (Low Density Residential) and form part of the adjacent residential zone.
- Allows for a reduction of this RU2 zoned land from 37.29ha to 37.17ha however does not result in a reduced area for agricultures uses (i.e. subject of PP is unable to be used for agricultural purposes).
- Update the Land Zone Map within Shoalhaven LEP 2014 to identify a RU2 reduction of Lot 202 DP 1180659 and related residential zone (R2) increase area to potentially benefit Lots 21 & 22 DP 1113675 in the future (see following proposed amended map). As mention in the PP, Council could also consider updating the minimum lot area to 1,500m² and/or add a LEP Clause to prevent future additional dwellings / subdivision entitlements on the subject land.
- Selection of the appropriate residential zone such as to R2 (Low Density Residential) with a suitable minimum lot size of 1,500m² to prevent future subdivision of subject land. In addition, a Clause can be added to SLEP 2014 to prevent further dwelling / subdivision entitlements.

Existing land use zone and proposed land use zone maps are shown below. A comparison map is shown in Appendix B.

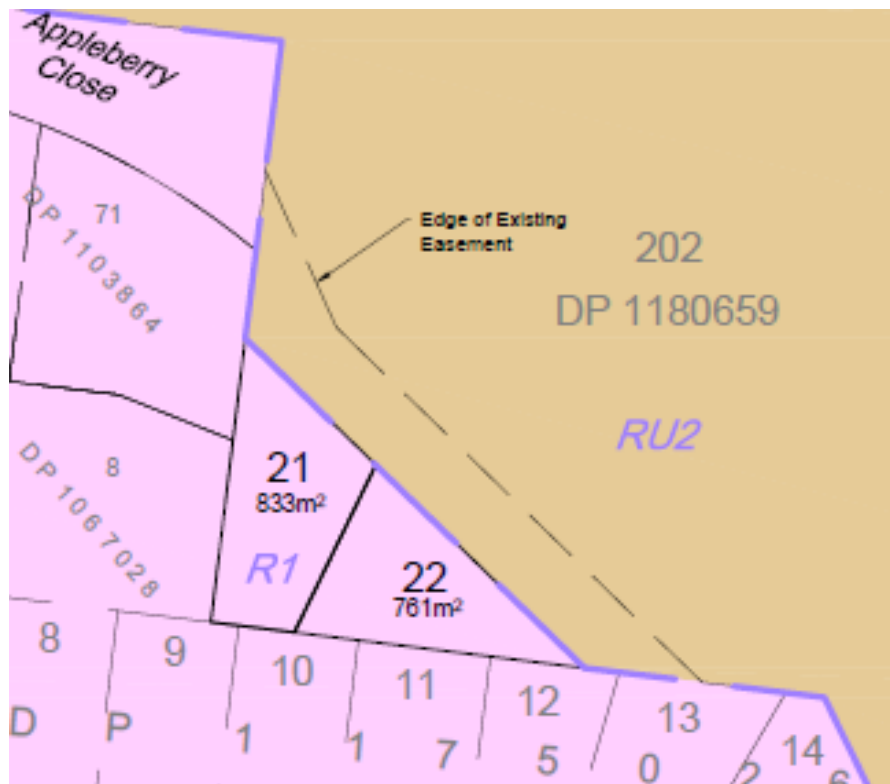


Figure 7 - Existing land use zone map

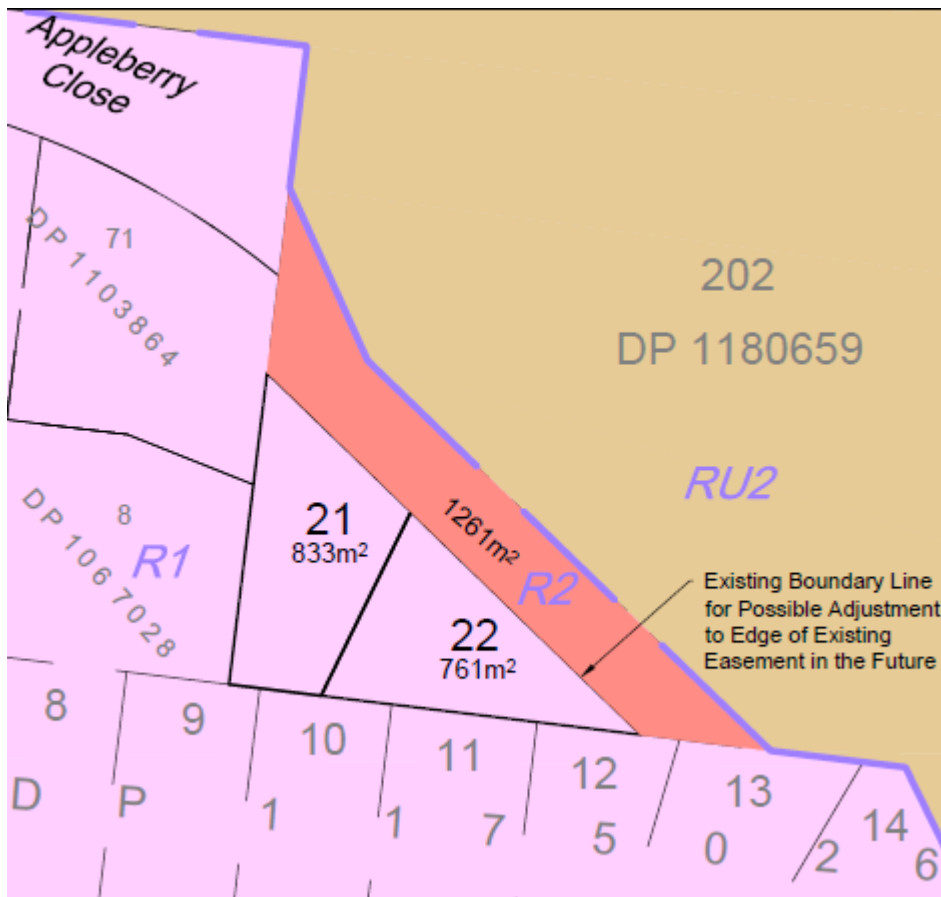


Figure 8 – Proposed land use zone map

Part 3 – Justification

(s.3.33(2)(c) Justification for those objectives, outcomes and provisions and the process for their implementation)

Section A – Need for the Planning Proposal

3.A.1 Is the Planning Proposal a result of any strategic study or report?

The PP has been prepared in response to an existing inconsistent land use which was created when Shoalhaven City Council abandoned its intention to acquire land and construct the Bomaderry Bypass Road as identified in SLEP 1985. The bypass road was identified for construction over Lots 21 & 22 DP 1113675 which at the time were zoned 2(c) Residential (Living Area). The outcome of the bypass road not progressing resulted in subsequent inability for residential dwelling approval on Lots 21 & 22 which required easements over Lot 202 DP 1180659 for access, services and landscaping/recreation purposes. As mentioned above, the easement area on Lot 202 is now unable to be used for agricultural purposes.

Therefore, when understanding the process that created this inconsistent land use and the very minor nature of the rezoning area which results in no additional potential for residential subdivision, a standalone strategic study or report cannot be justified. Therefore, whilst the proposal is not directly identified in the Council's strategies or plans, it is consistent with goals and principles of relevant strategic planning documents (as outlined below). In addition, the PP addresses a clear anomaly in SLEP 2014 mapping which is consistent with this proposal that Council is likely to support (as outlined in Shoalhaven City Council's Planning Proposal (Rezoning) Guidelines).

3.A.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

When understanding the related inconsistent land use and associated circumstances, a PP is the only mechanism to correct this land zoning anomaly and for land use to be consistent with relevant zoning objectives. As outlined below, the creation of easements for access, services and landscaping/recreation purposes to benefit Lots 21 & 22 DP 1113675 are inconsistent with the following objectives of land zoned RU2 which they are located on.

Objectives of land zoned RU2 (Rural Landscape) are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*

As outlined above an isolated use of the land is created by the easement which benefits Lots 21 & 22 and results in RU2 zoned land on Lot 202 DP 1180659 being unable and unsuitable to achieve its current permissible land use. Whilst the outcome of this PP results in an extension of the adjacent residential zone (i.e. R2 – Low Density Residential), an outcome of the PP is that no future dwelling / subdivision entitlements can be achieved. As discussed, the current situation is unique to the subject land.

After consideration of all the relevant issues, it is considered that rezoning the subject land is the most appropriate way to achieve the objective of the PP.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3.B.1 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)?

While appreciating the relative nature and outcome of this minor rezoning proposal, the PP is broadly consistent with the following regional strategic planning framework.

Illawarra Shoalhaven Regional Plan

The PP is considered consistent with the Illawarra Shoalhaven Regional Plan which recognises the need for economic development, building of communities, improving housing choice and protection of farmland and natural resources. The proposal is consistent with the following four of the five goals of the Plan.

- ***A prosperous Illawarra-Shoalhaven.***
The PP allows consistent use of the subject land which in turn provides security for the associated dwellings that contribute to the prospering opportunities of the area.
- ***A variety of housing choices, with homes that meet needs and lifestyles.***
The PP allows consistent use of the subject land which in turn has allowed a unique housing choice on existing residential land.
- ***A region with communities that are strong, healthy and well-connected.***
The PP allows consistent use of the subject land to allow the related community on the residential land to be connected to supporting infrastructure and services which in turn provides security for the associated dwelling.

- ***A region that makes appropriate use of agricultural and resource lands***
The PP allows for the correction of a land use anomaly with currently sterilises and prevents use of agricultural land which no longer can be used for its purpose.
- ***A region that protects and enhances the natural environment.***
The PP has no relationship with this goal.

3.B.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

While appreciating the relative nature and outcome of this PP results in a minor rezoning, the PP is broadly consistent with the following local strategic planning framework.

Shoalhaven Growth Management Strategy – Version 1

The PP is consistent with the following core principles of this Strategy which includes:

1.5.1 Ecologically Sustainable Development (ESD)

The PP seeks to address an inconsistent land use which results in a better (ESD) outcome than what currently exists with the use and sterilisation of land zoned RU for a residential land use purpose. An outcome of this PP results in appropriate land zoning context to conserving and enhancing the community's resources and projection of agricultural land for now and into the future.

1.5.2 Social Justice Principles

An outcome of the PP results in better land use access and connectedness for the existing residents on Lots 21 & 22 DP 1113675 to public infrastructure.

1.5.3 Council's Vision and Mission

The PP is consistent with Council's vision of work together in the Shoalhaven to foster a safe and attractive community for people to live, work, stay and play; where sustainable growth, development and environmental protection are managed to provide a unique and relaxed lifestyle. The outcome of the PP results in making current land use consistent with the elements of this vision.

Nowra-Bomaderry Structure Plan

The PP is consistent with the following core three goals of this Plan which includes:

- (1) *Sustainable Living Manage development and change to accommodate economic and population growth, in a manner which endorses community values, conserves natural resources and safeguards ecological systems.*
The PP is considered consistent with the goal of sustainable living and the outcome contributes to providing residential growth and appropriate zoning of RU2 land to meet its intended purpose.
- (2) *Economic Vitality Facilitate the diversification and expansion of Nowra Bomaderry's economy by building on the town's human resources, skills base and environmental quality of the Shoalhaven whilst strengthening regional linkages, providing efficient support networks, fostering innovation and rewarding enterprise.*

The PP is not necessarily inconsistent with this goal with the outcome that contributes to appropriate management of the environment with consistent land zonings / uses.

- (3) (3) *Community Wellbeing Provide living areas in Nowra Bomaderry, which maximise lifestyle quality and choice by engendering a healthy, caring and harmonious society where both individual and collective rights are respected and there is fair and reasonable access to facilities and services.*

The PP contributes to maximising lifestyle quality with the rezoning of the subject land to provide the most efficient use of this land resource.

3.B.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The PP is considered generally consistent with applicable state environmental planning policies. A summary of the PP's consistency with applicable State Environmental Planning Policies (SEPP) is provided in Appendix C. The following assessment is made specifically against the SEPP Rural Lands 2008 as the portion of lot 202 DP 1180659 for rezoning is zoned RU2.

SEPP Rural Lands 2008

Section 7 Rural Planning Principles

The Rural Planning Principles are as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The PP is consistent with the above objectives for rural land and the remaining land zoned RU2 (not land affected by current access / services easement) will continue to be used for agricultural purposes (i.e. grazing).

3.B.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

A summary of the PP consistency with relevant s.9.1 Ministerial Directions is provided in Appendix D and those that are most relevant are discussed below.

1.2 Rural Zones

The direction applies as the PP proposes to rezone the subject land from RU2 to a relevant residential zone. In general, the direction states that a PP must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. However, a PP may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:
 - (i) gives consideration to the objectives of this direction,
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- (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
- (d) is of minor significance.

The PP is not inconsistent with this direction.

1.5 Rural Lands

This direction requires a proposal to be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008 (as outlined above).

The PP is not inconsistent with this direction.

3.1 Residential Zones

The direction applies as the PP proposes to rezone the subject land from RU2 to a relevant residential zone. The PP will result in a more efficient use of the land to provide for related access, services and landscaping/recreation purposes. Satisfactory infrastructure servicing arrangements are currently in place for all dwellings on the subject land.

The PP is not inconsistent with this direction.

3.4 Integrating Land Use and Transport

The subject land is serviced by pedestrian infrastructure and public transport, which should reduce car dependency and increase the viability of public transport services.

The PP is not inconsistent with this direction.

4.1 Acid Sulfate Soils

The subject site of the rezoning is mapped as having class 5 acid sulfate soils and no future works are anticipated to disturb these soils. The large area of Lot 202 DP 1180659 (not subject to this proposal) includes class 2, 3 & 4 acid sulfate soils. The PP to rezone the land will not intensify land use or increase the potential impact on surface groundwater quality and quantity, nor any ecosystems or biodiversity.

The PP is not inconsistent with this direction.

4.3 Flood Prone Land

The subject site of the rezoning is not mapped as being flood prone however the large area of Lot 202 (not subject to this proposal) is mapped as flood prone. The PP is unlikely to result in flood impacts to other properties or permit a significant increase in the development of the land.

The PP is not inconsistent with this direction.

4.4 Planning for Bushfire Protection

There is a small area of Lot 202 which is identified as bushfire prone land but does not affect the specific area of land proposed for re-zoning as shown in the following map.

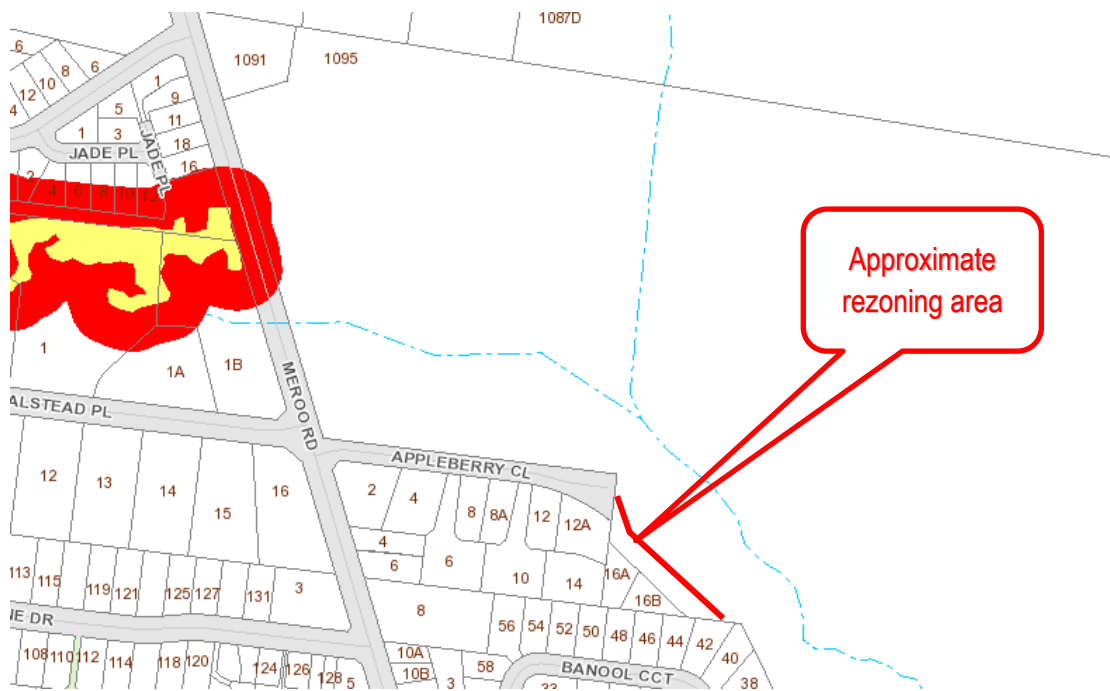


Figure 9 – Bushfire Prone Land Map

As shown above, there is minimal bushfire prone land on Lot 202 and the immediate surrounding land to Lots 21 & 22 DP 1113675 does not present a bushfire risk. Consistent with the requirements of the direction, consultation could occur with the NSW Rural Fire Service following a gateway determination.

5.10 Implementation of Regional Plans

The Illawarra-Shoalhaven Regional Plan addresses the provision of suitable land for housing needs. The PP is considered consistent with the Plan as discussed above. The PP is therefore consistent with this direction.

6.3 Site Specific Provisions

To enable the proposal to proceed, this PP seeks to rezone the subject land to an appropriate residential zone. This approach is consistent with Section (4)(b) of this direction.

Section C – Environmental, Social and Economic Impact

3.C.1 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?

The land is not identified as critical habitat.

The PP will not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats as it involves a rezoning of land which is already cleared and developed for a residential use. The subject site has been previously cleared and improved for pasture farming purposes and does not contain any native vegetation communities or significant habitat features.

The PP only facilitates use of areas already used for access, services and landscaping/recreation purposes for long term residence use and therefore any impact on threatened species, populations or ecological communities is unlikely. Any future use of the land will consider environmental impacts as part of the development assessment process.

3.C.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The subject site has previously been cleared and improved for pasture farming purposes and does not contain significant environmental features. The PP only facilitates use of existing cleared areas for long term residence and does not result in any significant change in land use activity for the site.

The PP will not generate additional traffic and would utilise the existing access from Appleberry Close nor result in any significant change in demand or use of these services infrastructure.

There are no environmental effects as a result of the PP which need to be managed.

3.C.3 Has the Planning Proposal adequately addressed any social and economic effects?

The PP will have positive social impacts through correcting a land zoning anomaly and to provide appropriate land zone access to the existing residences on Lot 21 & 22 DP 1113675. The existing situation involves access, services and landscaping/recreation purposes to the existing residential zone, via an easement on RU2 land. No additional dwellings / residential lots will result from this minor rezoning and extension of existing residential zone.

The social and economic impacts related to the PP are considered minimal, if any, as it results in no additional subdivision on the subject land. Each subject lot has an existing dwelling.

Section D – State and Commonwealth Interests

3.D.1 Is there adequate public infrastructure for the planning Proposal?

The land subject of this PP has existing connection to necessary public infrastructure, including sewer treatment, water, electricity, telecommunications and stormwater drainage. No changes to these current public infrastructure connections are proposed.

The PP would not generate significant additional demand for public infrastructure and services.

3.D.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Consultation will be subject to the recommendations of the Gateway determination however, it is unlikely that the PP has any effects which require the input of State or Commonwealth public authorities. Consistent with the Section 9.1 Direction, consultation with the NSW Rural Fire Service could occur following a Gateway determination.

Part 4 – Mapping

(s.3.33(2)(d) Maps to be adopted by the proposed instrument)

The PP will require amendments to the existing Land Zone maps (Tile 13D) of SLEP 2014 where an area of 1,261m² changes from RU2 to R2. As mention in the PP, Council could also consider updating the minimum lot mapping from 500m² to 1,500m² to prevent future subdivision of the subject land.

The proposed amendments to the maps are shown below.

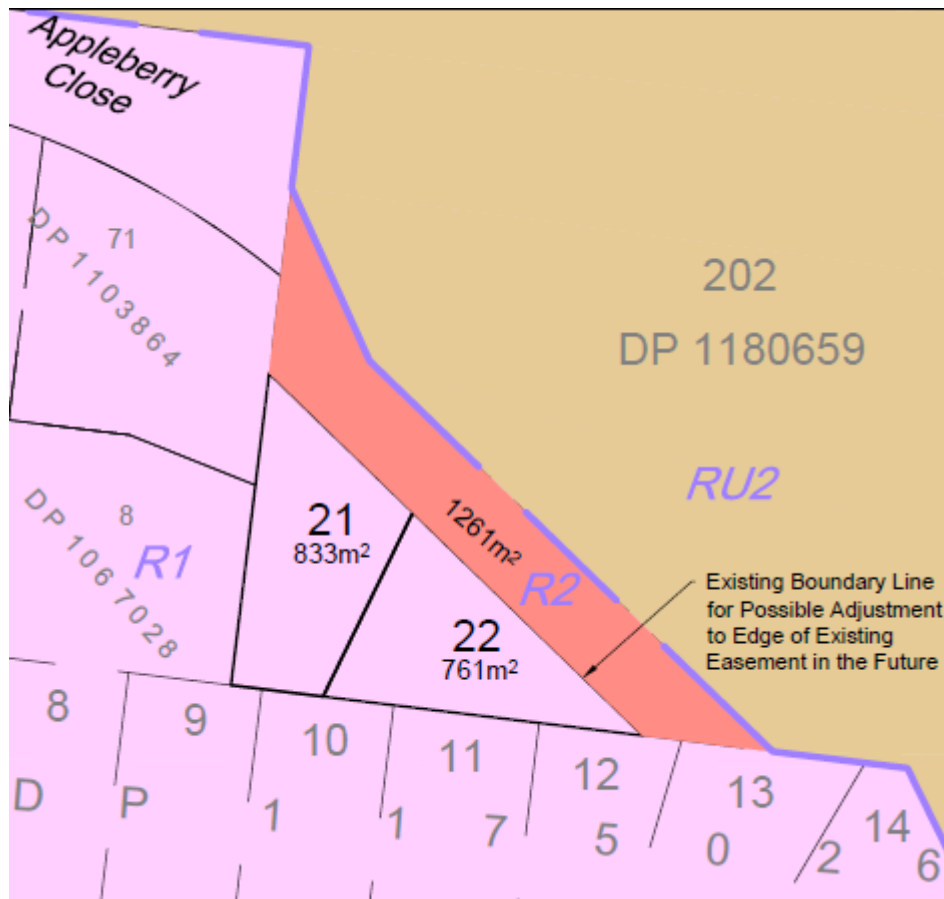


Figure 10 – Proposed amendment to land zone maps (Tile 13D) of SLEP 2014

Council will prepare mapping associated with this amendment in accordance with the Standard Technical Requirements for LEP Maps.

Part 5 – Community Consultation

(s.3.33(2)(e) Detailed of the community consultation)

In accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*, Council would require this PP to be made publicly available for a minimum of 28 days.

The exhibition would involve:

- Notices in the local newspaper;
- Exhibition material and all relevant documents will be available at Council's Administrative and District Offices; and
- Exhibition material and all relevant documents will be available on Council's website.

Any further consultation required by the Gateway Determination will also be undertaken.

Part 6 – Project Timeline

In accordance with the Department of Planning and Environment guidelines, the following timeline is provided, which includes the tasks deemed necessary for the making of this local environmental plan.

Task	Responsibility	Timeframe	Date (approximate)
Council resolution to support the PP	Council	4 weeks	March 2019
Lodgement of PP for Gateway determination	Council	2 weeks	April 2019
Gateway determination issued	Department of Planning & Environment	6 weeks	May 2019
Public exhibition of PP	Council	Minimum of 28 days	June 2019
Report to Council to finalise PP and adopt LEP changes	Council	4 weeks	August 2019
Making of Local Environmental Plan amendments	Minister for Planning	6-8 weeks	October 2019

Part 7 – Conclusion

This PP has been prepared to facilitate resolution of a unique land zoning anomaly which has resulted from the creation of an easement which benefits Lots 21 & 22 DP 1113675 and results in current RU2 zoned land on Lot 202 DP 1113675 being unable and unsuitable to achieve its current permissible land use.

Whilst the outcome of this PP results in the extension of the adjacent residential zone (i.e. 1,261m² area of RU2 changed to R2), an outcome of the PP is that no further dwelling / subdivision entitlements of this subject land can be achieved. As discussed, the current situation is unique to the subject land.

There are no significant environmental constraints identified for the land subject of the PP which would limit the use of the land (as outlined in this proposal).

The PP will facilitate social benefits for the existing residents on Lots 21 & 22 DP 1113675 who currently do not have a compatible land zoning for access, services and landscaping/recreation purposes to their existing dwelling. The PP also results in no additional demand on social infrastructure that supports that use. Therefore, the PP reflects consistency with wider public interest.

Appendix A - Aerial image with easement dimensions and rezoning area



Appendix C – Summary of the PP consistency against State Environmental Planning Policies

SEPP	Name	Applicable	Not inconsistent
1	Development Standards	x	n/a
19	Bushland in Urban Areas	x	n/a
21	Caravan parks	x	n/a
30	Intensive agriculture	x	n/a
33	Hazardous and Offensive development	x	n/a
36	Manufactured home estates	x	n/a
44	Koala habitat protection	x	n/a
47	Moore Park Showground	x	n/a
50	Canal estate development	x	n/a
52	Farm Dams and Other Works in Land and Water Management Plan Areas	x	n/a
55	Remediation of land	x	n/a
62	Sustainable aquaculture	x	n/a
64	Advertising and signage	x	n/a
65	Design quality of residential apartment development	x	n/a
70	Affordable Housing (Revised Schemes)	x	n/a
--	Affordable Rental Housing 2009	x	n/a
--	BASIX 2004	x	n/a
--	Coastal Management 2018	x	n/a
--	Educational Establishments and Child Care Facilities 2017	x	n/a
--	Exempt and Complying Development Codes 2008	x	n/a
--	Housing for Seniors or People with a Disability 2004	x	n/a
--	Infrastructure 2007	x	n/a
--	Integration and Repeals 2016	x	n/a
--	Kosciuszko National Park—Alpine Resorts 2007	x	n/a
--	Kurnell Peninsula 1989	x	n/a
--	Mining, Petroleum Production and Extractive Industries 2007	x	n/a
--	Miscellaneous Consent Provisions 2007	x	n/a
--	Penrith Lakes Scheme 1989	x	n/a
--	Rural Lands 2008	✓	✓
--	State and Regional Development 2011	x	n/a

SEPP	Name	Applicable	Not inconsistent
--	State Significant Precincts 2005	x	n/a
--	Sydney Drinking Water Catchment 2011	x	n/a
--	Sydney Region Growth Centres 2006	x	n/a
--	Three Ports 2013	x	n/a
--	Urban Renewal 2010	x	n/a
--	Vegetation in Non-Rural Areas 2017	x	n/a
--	Western Sydney Employment Area 2009	x	n/a
--	Western Sydney Parklands 2009	x	n/a

Appendix D – Summary of the PP consistency against s9.1 Directions

Direction		Applicable	Relevant	Not inconsistent
1 Employment and Resources				
1.1	Business and Industrial Zones	x	x	n/a
1.2	Rural Zones	✓	✓	Refer to Section B
1.3	Mining, Petroleum Production and Extractive Industries	x	x	n/a
1.4	Oyster Aquaculture	x	x	n/a
1.5	Rural lands	✓	✓	Refer to Section B
2 Environment and Heritage				
2.1	Environmental Protection Zones	x	x	n/a
2.2	Coastal Protection	x	x	n/a
2.3	Heritage Conservation	x	x	n/a
2.4	Recreation Vehicle Area	x	x	n/a
2.5	Application of E2 and E3 Zones in Environmental Overlays in Far North Coast LEPs	x	x	n/a
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	✓	✓	Refer to Section B
3.2	Caravan Parks and Manufactured Home Estates	x	x	n/a
3.3	Home Occupations	x	x	n/a
3.4	Integrating Land Use and Transport	✓	✓	Refer to Section B
3.5	Development Near Licensed Aerodromes	x	x	n/a
3.6	Shooting Ranges	x	x	n/a
4 Hazard and Risk				
4.1	Acid Sulphate Soils	✓	✓	Refer to Section B
4.2	Mine Subsidence and Unstable Land	x	x	n/a
4.3	Flood Prone Land	✓	✓	Refer to Section B
4.4	Planning for Bushfire Protection	✓	✓	Refer to Section B
5 Regional Planning				
5.2	Sydney Drinking Water Catchments	x	x	n/a
5.3	Farmland of State & Regional Significance Far North Coast	x	x	n/a
5.4	Commercial & Retail Development Far North Coast	x	x	n/a
5.8	Second Sydney Airport: Badgerys Creek	x	x	n/a

Direction		Applicable	Relevant	Not inconsistent
5.9	North West Rail Link Corridor Strategy	x	x	n/a
5.10	Implementation of Regional Plans	✓	✓	Refer to Section B
6 Local Plan Making				
6.1	Approval and Referral Requirements	x	x	n/a
6.2	Reserving Land for Public Purposes	x	x	n/a
6.3	Site Specific Provisions	✓	✓	Refer to Section B



allen price & scarratts pty ltd
land and development consultants

