

Mr George Curtis
Department of Planning & Environment - Southern Region
By email only: wollongong@planning.nsw.gov.au

Dear George

**Halloran Trust Lands Planning Proposal PP006 (PP_2014_SHOAL_004_00)
Gateway Determination Requests to Split the PP**

I refer to the Project Control Group (PCG) meeting for the abovementioned Planning Proposal (PP) of 11 October 2017. In accordance with Council's resolution on 12 September 2017 (MIN17.778). I am writing to request:

1. A revised Gateway determination for PP006 to exclude the land at Callala Bay and Currarong. The revised version of PP006 is attached.
2. A Gateway determination for a new PP covering the land at Callala Bay and Currarong (PP028). PP028 is attached.

Note: The combined outcomes proposed in the revised version of PP006 and PP028 are identical to Version 2 of PP006 dated January 2015.

Council is seeking to split the PP for the two reasons which are outlined below.

Firstly, the water quality investigation being undertaken for Lake Wollumboola will take two years to complete. This investigation does not relate to Kinghorne Point and Callala Bay sites. Separating these sites will allow them to progress without having to wait for this investigation.

Secondly, the change will mean that there will be separate community consultation for Callala Bay and Culburra Beach. This means that both communities will get an equal voice in their part of the proposal. There is a risk that if the proposal remains consolidated that one community may be overshadowed by the other in the engagement process. There is also the potential for confusion as local communities try to sort through what information is and is not relevant to them. Splitting the proposal will also prevent any perception that one community or village is being disadvantaged to benefit the other.

Council requests that the PCG for this project be maintained with oversight for both the 2014 PP and the new PP. Council also intends to lodge a single Biodiversity Certification Application that would cover both PP's.

If you need further information about this matter, please contact Grant Rokobauer, Planning Environment & Development Group on (02) 4429 3522. Please quote Council's reference 49256E (D17/391624).

Yours faithfully

A handwritten signature in black ink that reads "Gordon Clark". The signature is written in a cursive, flowing style.

Gordon Clark
Strategic Planning Manager
27/11/2017

Encl: Revised Planning Proposal PP006
 New Planning Proposal PP028

PLANNING PROPOSAL – PP006

Shoalhaven Local Environmental Plan 2014

Culburra Beach Halloran Trust Lands Rezoning

Prepared by
Planning, Environment & Development Group
Shoalhaven City Council

File: 49256E
Version 3.2 – Gateway Variation Request
Date: February 2018

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Attachments

Attachment A:	Report to Council’s Development Committee and Minutes 12 September 2017
Attachment B:	List of Allotments affected by this PP
Attachment C:	Lake Wollumboola Catchment Map
Attachment D:	Proponent’s Planning Proposal Document
Attachment E:	Report to Council’s Development Committee and Minutes – 7 October 2014
Attachment F:	State Environmental Planning Policies Checklist
Attachment G:	Section 117 Directions Checklist

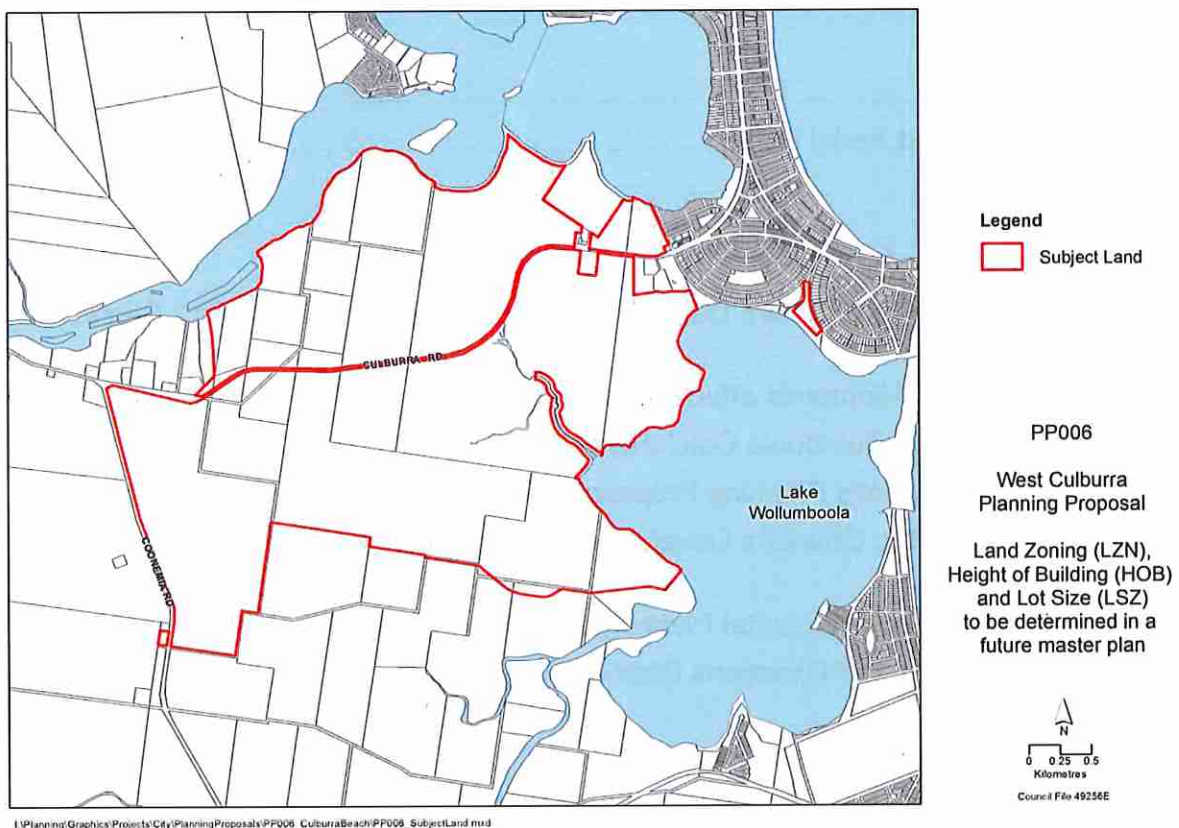
1 Introduction

This Planning Proposal (PP) seeks to rezone land in the Culburra Beach locality for the purposes of residential, commercial, industrial, recreation and environmental purposes. In doing this, the planning proposal addresses the deferral of the subject land under the *Shoalhaven Local Environmental Plan 2014* (SLEP).

This is a revised version of the PP that was initially submitted to the NSW Department of Planning and Environment (DP&E) in October 2014 and received Gateway Determination in November 2015. The revised PP has been prepared in support of a request to amend the Gateway Determination to modify the subject land in accordance with Council's resolution on 12 September 2017 (MIN17.778). This resolution is provided as **Attachment A** of this PP.

1.1 Subject Land

The subject land is situated in the Culburra Beach locality within the Shoalhaven LGA. The subject land is approximately 15 km south east of Nowra. A detailed table of the individual allotments subject to this planning proposal is provided at **Attachment B**. The subject land is mapped in **Figure 1**.



The subject land is bound by the Crookhaven River and Curley's Bay to the north, Canal Street East, West Crescent and Lake Wollumboola to the east, Jervis Bay National Park (JBNP) to the south, and Coonemia Road to the west. The total approximate area of the land subject to this planning proposal is 1,117 hectares. The site is identified in **Figure 2** below:



Figure 2 – Subject Land Aerial Photo

The subject land is largely vegetated with some areas partially cleared as part of former rural activities. The majority of the land is located within the catchment of Lake Wollumboola, as shown at **Attachment C**. The remainder of the land is located within the Crookhaven River catchment.

1.2 Background

In September 2006 the Minister for Planning issued the Standard Instrument (Local Environmental Plans) Order. This order required all councils in NSW to make a new LEP in accordance with a new standard template. Council's Development Committee resolved request the deferral of the subject land from the Standard Instrument LEP in July 2013. This decision was made to allow time for an overall master planning approach to be prepared for the land to resolve two key issues on the sites.

Firstly, part of the site lies with the catchment of Lake Wollumboola. This coastal lake has been identified as environmentally significant and has been the subject of a number of

enquiries and investigations. The intention of the deferral was to allow this matter to be thoroughly investigated so that evidence based decisions could be made for the zoning of the land.

Secondly, the site contains a number of “paper subdivisions”. These subdivisions created urban residential style lots in the 1920s on speculation that a railway would connect Canberra to Jervis Bay. The railway never eventuated and the demand for housing was not realised. The lots remained undeveloped and were denied dwelling entitlements under Interim Development Order No. 1 – Shoalhaven. The deferral was also intended to allow this matter to be resolved as part of the master planning process.

The Minister for Planning & Infrastructure issued a direction in March 2014 that deferred the land in accordance with Council's decision.

Council received a planning proposal from Allen Price & Associates Pty Ltd (the Proponent) on behalf of the Halloran Trust in August 2014. This document is included at **Attachment D**. This planning proposal related to the subject land and two other areas (Callala Bay and Kinghorne Point) that were held in common ownership. All of these lands had been deferred as part of the 2014 direction of the Minister.

The PP lodged by the proponent also proposed that some or all of the environmental conservation zoned land would be gifted to NPWS an extension to Jervis Bay National Park.

Given the local and wider interest in the land, the planning proposal was released for comment prior to being considered by Council. The planning proposal was available on Council's website from 13 August to 5 September 2014 (inclusive). Council received 141 submissions from community groups and members of the public. Of these submissions 88 generally supported the proposal and 53 generally opposed it. Key points raised in the submissions are summarised in the Council's Development Committee report at **Attachment E**.

Council also received a submission from the NSW Office of Environment and Heritage (OEH).

Council's Development Committee resolved to support the advancement the planning proposal as provided by the proponent. This includes zoning land south of Culburra Road for residential and recreational uses. The report to the committee recommended that these areas be zoned for environmental purposes to ensure consistency with strategic directions and previous decisions of Council. This decision was made on the basis that further specialist studies would provide greater certainty for the appropriate zoning and future development of the area.

The planning proposal was forwarded to DPE who issued a Gateway determination on 16 November 2015. Council, DP&E and OEH subsequently formed a project control group (the

PCG) to provide high level oversight and advice on the PP process. This PCG is proposed to continue and will oversee both PP006 and this new PP028.

The determination was subject to conditions that required, among other things, a detailed surface and groundwater assessment of the Lake Wollumboola Catchment. This study would inform the boundaries of the urban footprint on the subject land. The determination included a condition requiring that, subject to the outcomes of biodiversity and water quality studies, all land within the catchment of the Lake be zoned for environmental protection

Hydrogeological firm HGEO was commissioned by Council to undertake the required groundwater investigation. This was done as a first stage in the planning proposal because of its significance in determining the amount of urban development that would be permitted. In June 2017, following the completion of an initial desktop investigation of the matter, a teleconference was held with HGEO, Council and OEH Staff to discuss the monitoring regime that would be needed. It was concluded that 2 years of monitoring would be needed to adequately address the requirements of the Gateway determination.

Investigating the catchment of Lake Wollumboola was fundamental to determining the boundary of urban development, specifically in the Culburra Beach locality. Due to the extended monitoring period, Council resolved to split the larger PP into two in order to progress and resolve the zoning of Callala Bay and Kinghorne Point. This revised PP has been prepared in response to the resolution.

The biodiversity assessment of the site has progressed independently of the water quality studies for the Lake. Field work is complete and an application to biodiversity certify the proposals is currently being prepared. It will not be possible to lodge this certification application prior to Gateway determination of this request for a revised Gateway and for PP028.

2 Part 1 –Intended Outcome

The objective of this planning proposal is to resolve the zoning of the ‘deferred matter’ land at Culburra Beach in SLEP 2014. The proponent summarised the intended outcomes of this planning proposal as follows:

- To achieve optimal land use plan which balances conservation with urban development;
- To provide certainty of land use potential for the owner;
- To promote employment opportunities at Culburra Beach;
- To provide a range of residential environments and densities, appropriate to this coastal location;
- To diversify the range of tourist and recreation facilities available to visitors and residents by identifying appropriate sites;
- To establish Culburra Beach as a significant town in terms of the range of services and facilities that will be available;
- To ensure integration of infrastructure provision in the Wollumboola sub-region;
- To ensure integration of social infrastructure provision in the Wollumboola sub-region;
- To protect the marine / mesic vegetation ecologies that border Lake Wollumboola;
- To provide sites for tourist / visitor accommodation within the ownership;
- To provide sites for residential development at different densities i.e. standard, medium and higher residential density; and
- To identify and conserve areas of ecological and / or scientific and / or archaeological significance.

Council has identified the following intended outcomes in addition to those provided by the proponent.

- To resolve the deferral of the subject land by providing a land use zone and related provisions under SLEP 2014;
- To protect the ecological integrity of Lake Wollumboola, Crookhaven River and their catchment areas;
- To zone land appropriately and in consideration of strategic directions and key findings of the Sensitive Urban Lands Review, Commission of Inquiry and Coastal Lakes Independent Inquiry; and
- Protect the habitats of native, endangered and threatened flora and fauna species.

This particular iteration of the planning proposal has been prepared to remove land at Callala Bay and Kinghorne Point so that a new planning proposal (P028) can be initiated for that land.

3 Part 2 – Explanation of Provisions

This PP outlines the intended outcomes for the subject land. A detailed explanation of provisions cannot be provided at this stage. It is intended that a detailed masterplan and LEP provisions will be prepared prior to public exhibition and following the completion of the following studies:

- Flora and Fauna (including biodiversity offset strategy);
- Surface and Ground Water (including water quality management strategy);
- Geotechnical;
- Contamination;
- Stormwater;
- Aboriginal Cultural Heritage;
- Flood Risk;
- Bushfire;
- Traffic Impact;
- Visual Impact;
- Community Impact;
- Economic / Business Impact; and
- Infrastructure (Delivery Plan).

This version of the PP has been prepared to seek an amendment to the current Gateway determination. The current determination relates to two sites at Culburra, one site at Callala Bay and one site at Kinghorne Point, Currarong. It is proposed to remove the Callala Bay and Kinghorne Point sites from this PP (P006) so that a new PP (P028) can be commenced for that land. The reasons for this amendment are provided in the report to Council's Development Committee provided as **Attachment A**.

To facilitate this change the following amendments to the gateway determination are proposed:

1. Replace "*in the Culburra Beach, Callala Bay and Currarong localities*" with "*at Culburra Beach*" in the preamble and opening paragraph of the determination. (Two replacements are required).
2. Delete the words "*and Callala Bay*" from condition 2(k)(III).

4 Part 3 – Justification

4.1 Section A – Need for the PP

4.1.1 Is the PP a result of any strategic study or report?

YES

This PP is the result of a deferred matter from the current SLEP 2014. Several strategies / inquiries have attempted to resolve the planning status of the subject lands, including:

- South Coast Sensitive Urban Lands Review (SCSULR) 2006;
- Long Bow Point Commission of Inquiry commencing in 1996 and completed in 2000;
- Independent Inquiry into Coastal Lakes by Healthy Rivers Commission 2002;
- Jervis Bay Settlement Strategy, which incorporates the recommendations from the SULR.; and
- Illawarra-Shoalhaven Regional Plan.

4.1.2 Is the PP the best means of achieving the objectives or intended outcomes, or is there a better way?

YES

The deferral of the land from SLEP 2014 cannot be resolved without an amendment to that plan. The Act and Regulations provide limited mechanisms for amending an LEP. Of those pathways, a PP is most appropriate given the nature and scale of this proposal.

This PP recognises the original intent for master planning the site. The proposed studies will inform that process and allow for evidence based decision making in determining the future planning controls for the land.

There are two applications under assessment by DPE under Part 4.1 of the Act. These applications could, to a limited extent, resolve the use of site. However, this mechanism cannot amend SLEP 2014 and cannot properly resolve the land use outcomes for those parts of the site that are unsuitable for any development.

4.2 Section B – Relationship to Strategic Planning Network

4.2.1 Is the PP consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Illawarra-Shoalhaven Regional Plan

The Illawarra-Shoalhaven Regional Plan is the regional strategy that applies to the land. There is currently no draft or adopted sub-regional strategy.

An assessment of the proposal against the relevant actions in this plan is provided below:

Action	Consistency	Comments
1.4.2 Support the development of new industrial land through ongoing collaboration between State and Local Government and servicing authorities, to	YES	Part of the subject land is zoned 4(a) (Industrial "A" (General) Zone). This land adjoins land zoned IN1 General Industrial under SLEP 2014. The future zoning of that land is to be considered in the specialist studies and the resulting masterplan. That consideration is to give

Action	Consistency	Comments
coordinate infrastructure delivery.		regard to this action in the regional strategy.
3.4.1 Conserve heritage sites when preparing local planning controls	YES	There are known items and sites of Aboriginal cultural heritage significant on the land. These are to be investigated as part of the PP process. Council has conducted a public quotation for this assessment in consultation with Jerrinja LACL and OEH. This included the preparation of a brief. This single ACH assessment is to cover all of the PP006 and PP028 sites. Consultation with the local Aboriginal community and with OEH will be undertaken to determine if any of these items or sites should be listed in SLEP 2014.
4.1.1 Identify regionally important agricultural lands and reflect the outcomes in local planning controls	YES	Part of the site has regional agricultural significance because it drains into the Crookhaven River, which contains significant aquaculture (Oyster Farms). The impacts on this industry are to be thoroughly investigated as part of the PP process.
5.1.1 Avoid minimise and mitigate the impact of development on significant environmental assets.	YES	The proposal is to be biodiversity certified to ensure that any future development of the land is consistent with these objectives.
5.1.3 Protect the region's biodiversity corridors in local planning controls.	YES	A detailed discussion of the relationship of the proposal with Lake Wollumboola and its catchment is provided for Actions 5.4.1 and 5.4.3 which specifically relate to costal lakes and estuaries.
5.2.1 Apply contemporary risk management to costal and other hazards.	YES	Assessment of hazards is to be undertaken as part of the PP process.
5.4.1 Protection sensitive estuaries and costal lakes.	NO	Lake Wollumboola is specifically identified in the strategy as " <i>an ecological jewel that must be protected</i> ". The strategy then refers to this PP and states " <i>the lands within the (Lake Wollumboola) catchment are considered unsuitable for</i>
5.4.3 Implement a risk-based decision making framework to manage water quality and waterway health for all costal lakes and estuaries in the	YES	

Action	Consistency	Comments
region where development is planned, with priority given to sensitive lakes and estuaries.		<p><i>urban development because of potential negative impacts on the lake."</i></p> <p>This commentary is consistent with the 2006 SCSULR which similarly found that the catchment of the Lake is unsuitable for urban development.</p> <p>It is noted that the requirement of the Gateway determination is that all land within the catchment of the Lake be zoned for environmental protection <i>dependent on the outcomes of the biodiversity offset strategy and water quality studies</i>. Council's adopted position is that further investigation is required in relation to biodiversity and water quality matters. It has, therefore, been proposed to further investigate these matters as part of the PP process. That investigation will then inform the extent of the development footprint and future masterplan for the site.</p> <p>If the studies find that some urban development is acceptable in the catchment of the Lake then there is the potential that the PP will be inconsistent with this note in the strategy but will be consistent with the strategic intent of the document.</p>

4.2.2 Is the PP consistent with a Council's local strategy or other local strategic plan?

- Jervis Bay Settlement Strategy (2003)
- Shoalhaven City Council's Community Strategic Plan, Shoalhaven 2023

Jervis Bay Settlement Strategy (JBSS) 2003

The JBSS applies to the Jervis Bay Region and establishes a set of principles to manage growth in the Region. The principles aim to preserve natural, cultural and recreational values

of the region where there are opportunities for new settlement. Culburra Beach is one of the 17 towns and villages recognised as having new settlement opportunities in the Region. Issues identified in these areas in the JBSS relate to threatened species, localised habitat corridors, significance of vegetation, buffers to wetlands and watercourses, water quality and stormwater controls, setbacks from roads, flooding and bush fire.

This PP is generally not inconsistent with the actions and outcomes identified in the JBSS. The only possible exception is that the JBSS requires that future land use in West Culburra Beach be subject to the findings of the Long Bow Point Commission of Inquiry. This inquiry recommended the refusal of a residential subdivision in West Culburra due to its unacceptable environmental impacts (and which led to refusal of the subdivision by the Minister). The basis of this finding was that any urban development within the catchment of Lake Wollumboola would have an unacceptable impact on that lake.

While there is no urban development being contemplated for Longbow Point, there is a detailed water quality investigation being undertaken that may find that some urban development can be undertaken elsewhere along the boundary of the catchment. If this is the outcome of this investigation then it will be inconsistent with the findings of the Inquiry's findings and therefore the JBSS. This outcome will, however, be founded on more detailed science and will achieve the underlying intent of the JBSS to protect the Lake from adverse water quality impacts.

Community Strategic Plan (CSP)

The PP will be consistent with Council's CSP and the relevant objective and strategy as detailed below, subject to the studies required by the current Gateway determination.

- | | |
|----------------|---|
| Objective 2.2 | Population and urban settlement growth that is ecologically sustainable and carefully planned and managed |
| Objective 2.6 | Settlements that are resilient to the unexpected impacts of natural hazards |
| Strategy 2.4.2 | Develop land use and related plans for the sustainable growth of the City which use the core principles of the Growth Management Strategy and ESD principles, also carefully considering community concerns and the character of unique historic townships. |

4.2.3 Is the PP consistent with applicable State Environmental Planning Policies?

The PP is generally consistent with the applicable state environmental planning policies (SEPPs), except for where specified. A full list of the SEPPs is provided at **Attachment F**. The most relevant SEPPs are discussed below.

SEPP 14 – Coastal Wetlands

- The subject land includes wetland that is identified under this SEPP. This matter is to be considered in the specialist studies and the proposal will otherwise be referred to OEH for consideration.

SEPP 44 – Koala Habitat Protection

- The SEPP requires that land is conserved and managed to provide habitat for koalas. The proponent has identified that previous flora and fauna studies of the sites have not found any koalas in previous surveys. The studies required to support the biodiversity certification of the PP must survey the land to identify any areas of potential koala habitat and core koala habitat.

SEPP 55 – Remediation of Land

- The SEPP requires that contamination and remediation of land be considered in a PP. Specifically, it requires that a relevant planning authority not rezone land that is identified as an investigation area declared by the *Contaminated Land Management Act 1997*, development listed in Table 1 of the Contaminated Land Management Guidelines, or development for the purposes of residential, educational, recreational, child care or hospital purposes. The PP incorporates land for residential purposes and in some instances development for the purposes of child care may be permitted with consent. As Stage 1 Contamination Assessment is required by the current Gateway determination and will be undertaken at the appropriate point.

SEPP 62 – Sustainable Aquaculture

- The SEPP requires that the development of land considers the NSW Oyster Industry Sustainable Aquaculture Strategy. In this strategy, the Crookhaven River is identified as a priority estuary. The proposed urban, industrial and commercial land uses potentially pose a threat to estuary health and ecological integrity of the Crookhaven River and adjacent Curley's Bay. Buffers to coastal/riparian areas will be investigated as part of the water quality studies required by the current Gateway determination and established in order to preserve the water quality of sensitive aquatic environments.

SEPP 71 – Coastal Protection

- The SEPP applies to land within a coastal zone (1 km from the coast). Determining whether the proposed land uses are consistent with the matters for consideration, will be subject to the studies required by the current Gateway determination. Particularly the establishment of measures to conserve existing wildlife corridors; reduce potential conflict between land and water based activities; protect Aboriginal cultural heritage places; and mitigate impacts on water quality of coastal waterbodies.

SEPP (Infrastructure) 2007

- The PP is likely to result in development classed as traffic generating development in accordance with the SEPP. In order to consider the aims and objectives of the SEPP, the RMS will be consulted with after the Gateway determination.

SEPP (Rural Lands) 2008

- The s117 direction requires that PPs which affect land within existing or proposed rural or environmental zones be consistent with the principles of the SEPP. The proponent has determined that the PP is generally consistent with the SEPP in that a community benefit is anticipated to be achieved through the conservation of high quality ecologically sensitive land. Prime crop pasture land which is currently zoned rural is proposed to be zoned for environmental and residential purposes in order to balance the social, economic and environmental interests.

4.2.4 Is the PP consistent with applicable Ministerial Directions (s.117 directions)?

Some of the Ministerial Directions apply as per **Attachment G**. Those that are relevant are discussed below.

1.1 Business and Industrial Zones

Part of the subject land is zoned 4(a) (Industrial “A” (General) Zone) and 3(f) (Business “F” (Village) Zone). Any decision to alter the area and/or location of business and industrial zones as part of the masterplan will need to have proper regard to the provisions of this direction. An Economic / Business Impact Study is required by the current Gateway determination and will give consideration of the proposed commercial and industrial land uses and the objective of this direction. The Gateway also requires that this study considers the impact on the growth of the existing Culburra Beach centre, and the impact on the growth of other neighbourhood settlements including Vincentia District Centre and Nowra-Bomaderry Major Regional Centre.

1.2 Rural Zones

- Part of the subject land is zoned 1(b) (Rural “B” (Arterial and Main Road Protection) Zone) and 1(d) (Rural “D” (General Rural) Zone). Any decision to rezone these areas to urban residential zones as part of the masterplan will be inconsistent with the provisions of this direction. The studies required to be completed by the current Gateway determination will need to give consideration to this direction and, in the event that rural zoned land is to be rezoned to urban residential zones, justify the required inconsistency with the direction.

1.4 Oyster Aquaculture

- The subject land is adjacent to the Crookhaven River which is identified as a priority estuary in the NSW Oyster Industry Sustainable Aquaculture Strategy. The identification of potential adverse impacts of the proposed land uses is to be assessed as per Condition 2(b) of the current Gateway determination. The current Gateway determination also requires consultation with affected oyster growers and NSW Department of Primary Industries.

1.5 Rural Lands

- Part of the subject land is rural. Any decision to rezone these areas to urban residential zones as part of the masterplan will be inconsistent with the provisions of this direction. The studies required to be completed by the current Gateway determination will need to give consideration to this direction and, in the event that rural land is to be rezoned to urban residential zones, justify the required inconsistency with the direction.

2.1 Environmental Protection Zones

- The PP will need to be consistent with this direction. A significant portion of the subject land is proposed to be reserved environmental purposes and dedicated to the NPWS as an extension of the JBNP. The detailed LEP provisions have not yet been determined as studies and investigations must be undertaken. No inconsistency with this direction is proposed.

2.2 Coastal Protection

- The subject land is located in the coastal zone. Consistency with the *NSW Coastal Policy: A sustainable future for the New South Wales Coast*; *Coastal Design Guidelines 2003*; and the *NSW Coastline Management Manual 1990* will be determined as part of the specialist studies and detailed assessment of the proposal.

2.3 Heritage Conservation

- This direction requires that items of Aboriginal and/or European cultural heritage be identified in a study of the areas of environmental heritage. An Aboriginal Cultural Heritage Study will be completed to identify items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance. The study will be undertaken in consultation with local traditional owners including Jerrinja Local Aboriginal Land Council.

3.1 Residential Zones

- The PP is consistent in that it proposes areas for residential purposes. No specific areas for residential zoning have been determined at this stage. An intended outcome of this PP is to provide a range of residential environments and densities that are appropriate to this coastal location. The current Gateway determination requires Council to re-submit the revised masterplan and PP to DP&E at the completion of the studies. At such time, maps supporting the PP will include an URA overlay to ensure the application of Part 6 of the LEP to the subject land.

3.4 Integrating Land Use and Transport

- A traffic study is required by the current Gateway determination. The study will look at existing transport facilities (road and public transport) and assess their adequacy. Additionally, it will recommend facilities that may encourage alternative modes of travel, in accordance with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development*, and *The Right Place for Business and*

Services – Planning Policy. Consultation with RMS is also proposed to take place as part of the PP process.

4.1 Acid Sulfate Soils

- A geotechnical study is required by the current Gateway determination. Areas of high risk will not be developed for urban purposes. Rather, these areas will be reserved for environmental conservation including the Downes Creek area at Long Bow Point. The findings of the study will inform the appropriateness of applying an acid sulfate mapping layer to the LEP provisions.

4.3 Flood Prone Land

- A flood risk assessment is required by the current Gateway determination. Areas identified as flood prone land will be zoned to minimise development potential and ensure that dwellings are not constructed in a flood prone area.

4.4 Planning for Bushfire Protection

- The majority of the subject land is bushfire prone. A bushfire hazard assessment and consultation with the Commissioner of the NSW Rural Fire Service is required by the current Gateway determination and will be undertaken at the appropriate stage.

5.10 Implementation of Regional Plans

- The PP is generally consistent with the Illawarra-Shoalhaven Regional Plan as discussed in Section 4.2.1, except where specified.

6.1 Approval and Referral Requirements

- The PP does not include provisions that relate to concurrence, consultation or referral of development applications or identify development as designated development.

6.2 Reserving Land for Public Purposes

- The PP proposes to create new zones/reservations of land for public purposes. The most significant being the proposed dedication of the environmental lands to NPWS as an extension of the JBNP. Council will consult with OEH and NPWS with respect to the acceptance and process of dedication of the subject environmental land.

6.3 Site Specific Provisions

- The PP does not include site specific provisions and is therefore consistent with this direction. However, following the exhibition of the PP, site specific provisions may be included in the final LEP instrument to achieve the intended outcomes of the proposal.

5.3 Section C – Environmental, Social and Economic Impact

5.3.1 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?

Previous studies and inquiries of the subject land identified threatened species and areas of high ecological value within the subject lands. The proponent has identified that the Wildlife Atlas records and studies undertaken to date indicate that there are known threatened species and endangered ecological communities within the region and is in the process of completing a strategic threatened biodiversity assessment.

In order to minimise impact on the high biodiversity significance, it is proposed that the plan will be biodiversity certified with a significant offset area to be dedicated to NPWS as an extension to the JBNP. The area to be dedicated is to be determined using the methodology prescribed for biodiversity certification applications under the 2010 amendment to the Threatened Species Conservation Act, 1995. The subject land has been saved under this legislation by order of the NSW Minister for the Environment.

5.3.2 Are there any other likely environmental effects as a result of the PP and how are they proposed to be managed?

As stated above, no site specific studies have been completed to understand the full extent of the impacts of the PP on the environment. The studies required by the current Gateway determination including but not limited to flora and fauna, geotechnical, water quality, Aboriginal cultural heritage, flood risk and bushfire, will investigate any likely environmental effects resulting from the PP and determine appropriate management measures

The flora and fauna assessment of the site has commenced and field work has been completed. The results of this are currently being compiled into a biodiversity certification report. This report will proposed the staged biodiversity certification of both PP006 and PP028.

The Aboriginal cultural heritage assessment of the site has not commenced. Council is currently undertaking a procurement exercise with OEHL to select a consultant to undertake this work.

5.3.3 How has the PP adequately addressed any social and economic effects?

Culburra Beach is a small coastal town with a high proportion of non-permanent residents. The proposal has the potential to have positive social and economic impacts through encouraging higher permanent population in the area. This has the potential to ensure

sustainability of existing services whilst maintaining areas of high environmental value for environmental purposes and proposed dedication of land to NPWS.

Any changes to the commercial / tourist centres within the Culburra Beach lands could impact on the existing centre at Culburra Beach. This will need to be investigated as part of the master planning process and in the specialist studies (including the economic / business impact study).

The impact of the proposal on existing oyster producers on the Crookhaven River is yet to be investigated. To ensure that the full extent of the impacts of any development associated with the PP are known, and mitigation measures and appropriate LEP provisions can be established, the following studies are required by the current Gateway determination and will be undertaken at the appropriate point:

- Economic / Business Impact;
- Visual Impact; and
- Community Impact.

The current Gateway determination requires an extended public exhibition period (60 days) which is appropriate given the range of potential social and economic issues.

5.4 Section D - State and Commonwealth Interests

5.4.1 Is there adequate public infrastructure for the PP?

Transport and Roads

Existing public infrastructure in the form of roads is adequate for the purposes of this PP. However it is considered that the road infrastructure is inadequate to facilitate the additional traffic and parking demand as a result of the development associated with the rezoning.

In Culburra Beach, impact on road infrastructure is anticipated to occur on all roads between Culburra Beach and the Princess Highway at Nowra and South Nowra.

As no traffic investigations have been completed for the PP, there is not enough information to fully comprehend the extent of the traffic impact as a result of the rezoning of land. A traffic impact assessment (TIA) that considers existing transport facilities (road and public transport) and assess their adequacy including alternative transport modes of travel and future transport connections to/from the Princes Highway is required by the current Gateway determination. The TIA will address traffic and car parking impact on adjacent towns and villages (existing Culburra Beach), and identify required infrastructure upgrades to accommodate the generated higher demands. The assessment must consider and recommend facilities that may encourage alternative modes of travel including public transport, walking and cycling.

In addition, any additional traffic infrastructure or works to existing infrastructure will need to be considered and accounted for in an infrastructure delivery plan. Determining the adequacy of existing public infrastructure will be completed in consultation with the Roads and Maritime Services after Gateway determination.

Water and Sewer

Existing and proposed water and sewer infrastructure has been identified in Council's Water and Sewerage Development Servicing Plan (DSP) and supplementary Strategy Reports. However, concept plans have been prepared only for land which drains into the Crookhaven River.

An infrastructure (delivery plan) study will need to further assess the level of servicing for water and sewer required.

Other

A review of other potentially required public infrastructure facilities as result of development associated with the rezoning, including electricity, social, health and educational infrastructure, is required to be assessed as part of the infrastructure (delivery plan) study.

5.4.2 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council will consult with the following public authorities and any additional public authorities identified in the Gateway determination:

Public Authority	Reason
Office of Environment And Heritage	Potential impacts to ecological communities, Lake Wollumboola and Crookhaven River catchments, and Aboriginal cultural heritage (prior to public exhibition)
Director-General of Department of Primary Industries	As per s117 Directions 1.4 Oyster Aquaculture
Commissioner of NSW Rural Fire Service	As per s117 Directions 4.4 Planning for Bushfire Protection (prior to public exhibition)
National Parks and Wildlife Services	Process for the dedication of land as an extension of the Jervis Bay National Park
Roads and Maritime Services	Potential traffic impacts and future infrastructure planning
Shoalhaven Water	Future infrastructure planning
Endeavour Energy	Future infrastructure planning

5 Part 4 – Mapping

The maps included in this PP identify the site only. Specific zonings and controls have not yet been proposed and are to be determined as a result of the specialist studies and master planning of the site. It is anticipated that the following mapping layers will be applied (at a minimum):

- Acid Sulfate Soils Map
- Buffers Map
- Clauses Map (Clause 7.20 Development in the Jervis Bay region)
- Flood Planning Area Map
- Height of Buildings Map
- Land Application Map
- Land Reservation Acquisition Map
- Lot Size Map
- Land Zoning Map
- Urban Release Area Map
- Riparian Land and Watercourses Map

6 Part 5 - Community Consultation

In accordance with the Gateway determination, the PP will be exhibited for a minimum period of 60 days.

Public notification of the exhibition will include notification in the local newspaper, a notice on Council's website. Hard copies of the PP would be made available at Council's Administrative Buildings in Nowra and Ulladulla. Council intends to write to all those people who made submissions as part of the pre-consultation, and to the relevant Community Consultative Bodies.

Since mid-2017, Council has maintained a dedicated project website: <http://getinvolved.shoalhaven.nsw.gov.au/halloranpp> to keep members of the community up to date throughout this unusually long PP process. Interested community members can also subscribe to receive regular updates.

Specific consultation is required with Crookhaven River Oyster Growers and Jerrinja Local Aboriginal Land Council by the current Gateway determination.

7 Part 6 – Project Timeline

The following milestone timeframes are anticipated and will be revised if any significant delays are encountered during the process.

Task	Anticipated Timeframe
Commencement date (date of revised Gateway determination)	January 2018
Completion of Groundwater Study	December 2019
Completion of remaining specialist studies	March 2020
Completion of master planning and revision of specialist studies	May 2020
Concurrence of agencies and DPE for the public exhibition	July 2020
Public exhibition (minimum 60 days)	October 2020
Post exhibition consideration of PP	December 2020
Finalisation and notification of Plan	February 2021