

Planning Proposal - Rezoning of The Halloran Trust landholdings at Culburra Beach, Callala Bay and Currarong

Proposal Title :	Planning Proposal - Rezoning of The Halloran Trust landholdings at Culburra Beach, Callala Bay and Currarong		
Proposal Summary :	The Planning Proposal seeks to rezone land in the Culburra Beach, Callala Bay and Currarong localities for the purposes of residential, commercial, industrial, recreation and environmental purposes. In doing this, the Planning Proposal seeks to address the deferral of the subject land under the Shoalhaven Local Environmental Plan 2014.		
PP Number :	PP_2014_SHOAL_004_00	Dop File No :	14/17485

Proposal Details

Date Planning Proposal Received :	04-Nov-2014	LGA covered :	Shoalhaven
Region :	Southern	RPA :	Shoalhaven City Council
State Electorate :	SOUTH COAST	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Various (refer attached land description)		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Graham Towers
Contact Number :	0242249467
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Land Release Data

Growth Centre :	Other	Release Area Name :	N/A
Regional / Sub Regional Strategy :	South Coast Regional Strategy	Consistent with Strategy :	No

Planning Proposal - Rezoning of The Halloran Trust landholdings at Culburra Beach, Callala Bay and Currarong

MDP Number :		Date of Release :	
Area of Release (Ha) :	311.35	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	0	No. of Dwellings (where relevant) :	6,100
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **To our knowledge there have been no meetings or communications with registered lobbyists.**

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

The Planning Proposal covers 1681.5 hectares of land in three distinct areas at:

- Culburra Beach (approximately 1,117ha including lands in both the Lake Wollumboola and Crookhaven River catchments);
- Callala Bay (approximately 364.7 ha); and
- Kinghorne and Arrow Points between Wollumboola and Currarong (approximately 199.78ha.

The subject land is located approximately 15km south east of Nowra in the Shoalhaven Local Government Area.

The Planning Proposal seeks to rezone land to provide new residential, commercial, industrial, recreation and environmental opportunities at Culburra Beach, Callala Bay and at Kinghorne and Arrow Points.

The area is rich in Aboriginal cultural heritage, sites and places and contains very high biodiversity including migratory birds, threatened flora and fauna species and endangered ecological communities. The area contains outstanding coastal scenery, a significant fishing and oyster growing industry, as well as important birdwatching and nature tourism areas. The sites adjoin the Jervis Bay National Park, which includes the nationally and internationally recognised Lake Wollumboola, which supports numerous threatened species and ecological communities including migratory birds that are protected under international treaties.

Planning for the lands subject to the Planning Proposal, in particular the Culburra lands, has a long and complex history.

The Culburra Urban Expansion Area was first identified by Shoalhaven City Council as a potential urban expansion area in the 1970s.

The Culburra Urban Expansion area, part of which is located within the Lake Wollumboola catchment, has been the subject of three independent Government Inquiries, namely:

Planning Proposal - Rezoning of The Halloran Trust landholdings at Culburra Beach, Callala Bay and Currarong

- 2000 Commission of Inquiry into a proposed subdivision at Long Bow Point.
- 2002 Healthy Rivers Commission Independent Inquiry into Coastal Lakes; and
- 2006 South Coast Sensitive Urban Lands Review.

The inquiries made a number of recommendations concerning the protection of Lake Wollumboola and its catchment and concerning development opportunities in the Culburra Urban Expansion Area that are located outside of the Lake catchment.

The subject land at Callala Bay was identified as having potential for urban development under the Jervis Bay Regional Environmental Plan 1996 and Jervis Bay Settlement Strategy 2003.

The land at Kinghorne and Arrow Points at Currarong is referenced in the Jervis Bay Settlement Strategy but is not identified as an area that is capable for future residential development in light of environmental and cultural heritage constraints.

The land at Culburra Beach, in the Lake Wollumboola catchment was zoned a combination of environmental protection and rural landscape under the exhibited draft Shoalhaven Local Environmental Plan to implement the requirements of the South Coast Regional Strategy and Sensitive Urban Lands Review Panel recommendations for the site.

The former Minister for Planning and Infrastructure agreed to a landowner request, that was supported by Shoalhaven City Council, for the deferral of all of The Halloran landholdings in the Culburra Beach, Callala Bay and Currarong area from the Shoalhaven LEP. The Minister agreed to the deferral of these lands subject to a masterplan or holistic approach being prepared for the land that protected the sensitive Lake Wollumboola catchment and also provided sustainable growth of Culburra and Callala Bay. The Minister required that the matter to be dealt with quickly and required that a masterplan/planning proposal be submitted to the Department for Gateway determination within 3 months otherwise mechanisms would be implemented to zone the land according to the exhibited zones.

The Planning Proposal seeks to undefer the lands under the Shoalhaven LEP 2014 consistent with the Minister's requirements.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

The Planning Proposal submitted by Shoalhaven City Council will amend Shoalhaven LEP 2014 to rezone the deferred lands for residential, commercial, industrial, recreation and environment protection purposes. The Planning Proposal states that the intended outcome is to:

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

significance.

The statement of objectives and outcomes is considered acceptable.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

The Planning Proposal does not provide a detailed explanation of provisions. The Proponent's Planning Proposal does, however, provide a masterplan for each of the three sites which describes the broad intended land uses. The Planning Proposal states that the detailed LEP provisions will be determined following the completion of a number of detailed studies that will be prepared to help shape the Masterplan and Planning Proposal prior to public exhibition:

The proposed approach to preparing detailed explanation of provisions after completion of further studies is acceptable given the complex environment, particularly threatened species issues at Callala Bay and catchment issues at Culburra Beach, that need further study and survey prior to establishing suitable zone boundaries. The proposed "low environmental impact community recreation zone" and "residential investigation area" at the Culburra Beach site, which are both located within the Lake Wollumboola catchment, are not, however, considered to be appropriate land uses because development in the Lake catchment is not consistent with the accepted strategic planning for the area or scientific evidence concerning the sensitivity of the Lake. The catchment of Lake Wollumboola (both stormwater and groundwater) will need to be defined through further studies to ensure that any impacts of any future development on the Lake are minimised.

Following the completion of the proposed studies it is recommended that Council revise the Masterplan to inform the preparation of detailed explanation of provisions namely zones, height of building maps, flood risk and other environmental overlays.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.4 Oyster Aquaculture
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

- SEPP No 44—Koala Habitat Protection
- SEPP No 55—Remediation of Land
- SEPP No 62—Sustainable Aquaculture
- SEPP No 71—Coastal Protection
- SEPP (Infrastructure) 2007
- SEPP (Rural Lands) 2008
- Illawarra REP No. 1
- Jervis Bay REP 1996

Planning Proposal - Rezoning of The Halloran Trust landholdings at Culburra Beach, Callala Bay and Currarong

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Refer to "Shoalhaven City - Council - Planning Proposal - The Halloran Trust - Culburra Beach, Callala Bay and Currarong - Planning Team Report, December 2014" for a detailed assessment.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Site maps are provided which are adequate for the purposes of public exhibition. Additional maps, however, should be required to be prepared by Council and included in the Planning Proposal, once the proposed studies have been completed, prior to exhibition, particularly proposed LEP zoning maps and Height of Building Maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The Planning Proposal states that it will be exhibited for a minimum period of 28 days. Public notification of the exhibition will include notification in the local newspaper and a notice on Council's website. Hard copies of the Planning Proposal 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 undertaken by Council, and to the relevant Community Consultative Bodies.

It is considered that a longer public exhibition period may be warranted given the size, complexity and level of public interest in the proposal to date. The Jerringa Aboriginal Land Council, representing traditional owners, has also specifically contacted the Department requesting at least a 2 month public consultation period to enable it to consult with its members. It is considered reasonable to exhibit the proposal for 60 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Proposal generally meets the six parts required of a planning proposal including a specific timeline that indicates that the proposal, subject to receiving a Gateway determination, would be completed within a two year period.

Proposal Assessment

Principal LEP:

Due Date : **April 2014**

Comments in relation to Principal LEP :

The land subject to the Planning Proposal is shown as deferred areas under the Shoalhaven Local Environmental Plan 2014.

Planning Proposal - Rezoning of The Halloran Trust landholdings at Culburra Beach, Callala Bay and Currarong

Assessment Criteria

Need for planning proposal :	Refer to "Shoalhaven City Council - Planning Proposal - The Halloran Trust - Culburra Beach, Callala Bay and Currarong - Planning Team Report, December 2014" for a detailed assessment.
Consistency with strategic planning framework :	Refer to "Shoalhaven City - Council - Planning Proposal - The Halloran Trust - Culburra Beach, Callala Bay and Currarong - Planning Team Report, December 2014" for a detailed assessment.
Environmental social economic impacts :	Refer to "Shoalhaven City - Council - Planning Proposal - The Halloran Trust - Culburra Beach, Callala Bay and Currarong - Planning Team Report, December 2014" for a detailed assessment.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	
Timeframe to make LEP :	24 months	Delegation :	DDG
Public Authority Consultation - 56(2) (d) :	Essential Energy Office of Environment and Heritage NSW Department of Primary Industries - Agriculture NSW Department of Primary Industries - Fishing and Aquaculture Office of Environment and Heritage - NSW National Parks and Wildlife Service NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :	The Planning Proposal deals with a deferred matter under the Shoalhaven LEP 2014. With the exception of proposed development within the Lake Wollumboola catchment, the Proposal is generally consistent with the strategic planning for the area, namely the draft Illawarra Regional Growth and Infrastructure Plan, South Coast Regional Strategy and Jervis Bay Settlement Strategy. Refer "Shoalhaven City - Council - Planning Proposal - The Halloran Trust - Culburra Beach, Callala Bay and Currarong - Planning Team Report, December 2014" for a detailed assessment.		
Resubmission - s56(2)(b) :	No		
If Yes, reasons :	A number of detailed flora, fauna, water catchment and other studies are proposed to be undertaken prior to exhibition of the Planning Proposal to identify suitable urban zone boundaries at Culburra and Callala Bay sites. The Planning Proposal needs to be resubmitted for the Department's review and approval prior to public exhibition.		
Identify any additional studies, if required. :			
Flora			
Fauna			
Heritage			
Bushfire			
Flooding			
Economic			
Social			
Other - provide details below			
If Other, provide reasons :			
A water quality/cycle management study is also required. Refer to "Shoalhaven City - Council - Planning Proposal -			

Planning Proposal - Rezoning of The Halloran Trust landholdings at Culburra Beach, Callala Bay and Currarong

The Halloran Trust - Culburra Beach, Callala Bay and Currarong - Planning Team Report, December 2014" for further details.

Identify any internal consultations, if required :

Part 3A

Is the provision and funding of state infrastructure relevant to this plan? Yes

If Yes, reasons : The Proposal would increase traffic impact on all roads between Culburra Beach and the Princes Highway at Nowra and South Nowra. A traffic study is proposed to identify any need to upgrade the intersection at Princes Highway at these locations.

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.4 Oyster Aquaculture
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : It is **RECOMMENDED** that the Acting Deputy Secretary, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Shoalhaven Local Environmental Plan 2014 to rezone land in the Culburra Beach, Callala Bay and Currarong localities for the purposes of residential, commercial, industrial, recreation and environmental purposes, should proceed subject the following conditions.

1. The land that is located in the Lake Wollumboola catchment is to be zoned E2 Environmental Conservation due to its recognised extremely high environmental sensitivity.

2. The following studies are to be prepared for the subject sites prior to exhibition of the Planning Proposal:

(a) A flora and fauna study (including biodiversity offset strategy) using the Office of Environment and Heritage (OEH) biobanking and/or biocertification methodology. The study is to be undertaken by a Biobank Accredited Assessor in consultation with OEH. The flora survey is to include a targeted survey of threatened orchids at the Callala Bay site.

(b) A study that:

- defines the catchment boundaries of the Lake Wollumboola and Crookhaven River catchments based on a hydro – geomorphic study, that considers groundwater issues.

- Investigates proposed buffers to coastal/riparian areas in order to preserve the water quality of coastal waterbodies, fisheries and aquaculture resources.

- Considers the recommendations of the "West Culburra Water Cycle Management Review", dated 6 March 2014, undertaken by BMT WBM on behalf of the Department of Planning and Environment, particularly concerning the modelling of water quality impacts in the Crookhaven and Lake Wollumboola catchments.

- Includes a water quality management strategy to achieve a neutral or beneficial effect on water quality of coastal waterbodies.

(c) A geotechnical study that assesses, amongst other relevant matters, the potential acid sulphate soil levels on the subject lands identified for development.

(d) A Stage 1 Preliminary Contamination Investigation for lands identified for development undertaken in accordance with the "Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land, 1998, Department of Urban Affairs and Planning, Environment Protection Authority".

(e) An Aboriginal Cultural Heritage study to identify items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance. The study is to be undertaken by a qualified person in consultation with local traditional owners including the Jerringa Local Aboriginal Land Council.

(f) Flood risk study.

(g) Bushfire hazard study.

(h) Traffic impact study to look at existing transport facilities (road and public transport) and assess their adequacy including alternative modes of travel and future transport connections to/from the Princes Highway.

(i) Visual impact study.

(j) Community impact study.

(k) Economic/business impact study that considers:

- the impact of the proposed new neighbourhood centres at Culburra Beach on growth of Culburra Beach centre.

- the impact of the proposal on the growth of other neighbouring settlements, notably Vincentia District Centre and the Nowra Bomaderry Major Regional Centre.

- housing supply and demand at Culburra Beach and Callala Bay.

- the potential of suitable sites for a golf course development (outside of the Lake Wollumboola catchment).

(l) Infrastructure study (delivery plan).

3. A Voluntary Planning Agreement (VPA) is to be prepared addressing the proposed dedication of lands to the State of NSW for extension to the Jervis Bay National Park or other public open space.

4. Following the completion of the required studies and Voluntary Planning Agreement, the Masterplan and Planning Proposal are to be revised to include detailed explanations of provisions including proposed zoning maps and other development controls.

5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 60 days; and

(b) the relevant planning authority must comply with the notice requirements for public

exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.

6. The required studies as well as the Voluntary Planning Agreement are to be included with the exhibition materials.

7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Rural Fire Service (prior to undertaking community consultation under s117 Direction 4.4)
- Roads and Maritime Service
- Office of Environment and Heritage
- National Parks and Wildlife Service
- Department of Primary Industries (s117 Direction 1.4 Oyster Aquaculture)
- Environment Protection Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

8. Specific consultation is required with the following organisations:

- Jerringa Local Aboriginal Land Council (representing traditional owners)
- Crookhaven River Oyster Growers

9. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

10. Council is not to commence exhibition until the studies and further assessment have been completed and the revised Masterplan and Planning Proposal have been prepared as required by the Gateway determination, and this information has been resubmitted to the Department for consideration.

11. The timeframe for completing the LEP is to be 24 months from the week following the date of the Gateway determination.

12. SECTION 117 DIRECTIONS - It is recommended that the Secretary's delegate note:

(a) That the Planning Proposal is potentially inconsistent with a number of the Directions, notably 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.4 Oyster Aquaculture, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.2 Coastal Protection, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.1 Acid Sulphate Soils, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection, 5.1 Implementation of Regional Strategies and 6.2 Reserving Land for Public Purposes. The inconsistencies will need to be justified by Shoalhaven City Council following the completion of the required studies to the satisfaction of the Secretary's delegate.

(c) The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection, when Council has consulted with the Rural Fire Service prior to undertaking community consultation;

(d) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

**Planning Proposal - Rezoning of The Halloran Trust landholdings at Culburra Beach,
Callala Bay and Currarong**

13. State Environmental Planning Policies (SEPPs) - It is recommended that the Secretary's delegate note that the planning proposal is potentially inconsistent with a number of SEPPs, notably Jervis Bay REP (Deemed SEPP), SEPP 71 Coastal Protection and SEPP 62 – Sustainable Aquaculture. The inconsistencies will need to be justified by Shoalhaven City Council following the completion of the required studies to the satisfaction of the Secretary's delegate.

Supporting Reasons :

Agency consultation is required to ensure compliance with applicable SEPPs and s117 Directions. Specific consultation is required with Jerringa Local Aboriginal Land Council because they represent many of the traditional owners and have a key interest in the subject lands. Specific consultation is required with the Crookhaven River Oyster Growers because they have been specifically identified in the Proposal as having a key interest in the Planning Proposal.

Signature:



Printed Name:

Brett Whitworth
General Manager
SOUTHERN REGION

Date:

15 December 2014