

Badgee Lagoon Sussex Inlet

Proposal Title : **Badgee Lagoon Sussex Inlet**

Proposal Summary : The planning proposal (PP) seeks to rezone an area of land adjacent to Badgee Lagoon (SEPP14), Sussex Inlet for urban expansion. It is also proposed that a significant component of the subject land will be rezoned to an environmental protection zone to protect high conservation value vegetation and maintain an important habitat corridor.

PP Number : **PP_2011_SHOAL_006_00** Dop File No : **10/19320**

Planning Team Recommendation

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

S.117 directions :

- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 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:**

1. The Planning Proposal proceed as a routine Planning Proposal with an exhibition period of 28 days.
2. The Planning Proposal is to be completed within 12 months.
3. The RPA consult further with Catchment Management Authority - Southern Rivers; Office of Environment and Heritage; Department of Trade and Investment (Primary Industries - Agriculture and Fisheries); Integral Australia; NSW Rural Fire Service; State Emergency Services; NSW Office of Water; Shoalhaven Water; and Transport for NSW (Roads and Maritime Services).
4. The Gateway note that the planning proposal is consistent with the following s117 Directions, or that any inconsistencies have been justified by the Sussex Inlet Settlement Strategy and the environmental study for the proposal:
 - 1.2 Rural Zones
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 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

5. The Gateway note that the Planning Proposal is not consistent with the following s117 Direction - 4.3 Flood Prone Land. While the majority of the site has been justified the land that may require filling needs further work and consultation with the Office of Environment and Heritage. This additional justification will be required before the proposal is finalised if these areas to be filled are proposed to be rezoned to residential.

6. The RPA revise the statement of objectives and intended outcomes to ensure their consistency with the requirements of the Department's 'A guide to preparing a planning proposal'. These should be more specific about what the Planning Proposal is actually doing in terms of rezoning and planning provisions.

7. The RPA include in the Planning Proposal a statement in the explanation of provisions that the proposal may amend the existing Shoalhaven LEP 1985 or the draft Shoalhaven LEP 2009, whichever is relevant at the time.

8. The RPA prepare and provide relevant LEP Maps consistent with the 'Standard technical requirements for LEP maps' dated March 2009 Version 1.2 when the Planning Proposal is submitted for finalisation.

9. The RPA complete further investigations recommended in the draft Environmental Study to enable refinement of the zone boundaries, including but not necessarily limited to the following matters:

- The identification of significant watercourses and any recommended core riparian zone requirements for waterways through the south-western portion of the site; and
- The filling of land within the 1% flood area, and in areas with direct run-off to Badgee Lagoon, give the Section 117 Direction with respect to flood liable land, and potential for environmental impact on the lagoon; and

- The confirmation and mapping of SEPP 14 wetland boundaries.

10. The RPA undertake further investigations recommended in the draft Environmental Study regarding the provision of local and regional infrastructure to the site, including:

- The preparation of a full water balance analysis to demonstrate sewage treatment considerations can be accommodated on site. This work is required before the Planning Proposal is placed on exhibition to give certainty to the community about what is likely to be zoned and developed. This study can be referred to the Regional Director of the Southern Region for consideration for exhibition of the Planning Proposal.

- The need for a flood free access road from the existing Badgee area through to Sussex Inlet Road.

13. The RPA provide additional information regarding the location and protection of koala habitat in accordance with SEPP 44 - Koala Habitat.

14. The RPA seek advice from the NSW Rural Fire Service on the adequacy of the Bushfire Protection Assessment (Ecological 2009) and prepare further studies if required by the Service.

15. That approval to exhibit the Planning Proposal not be given under section 57(2) and that the RPA is required to resubmit the Planning Proposal to the Department's Southern Regional Office for review of the revisions made prior to exhibition.

NOTE: The timeframe for the Planning Proposal has been extended to 12 months to acknowledge that a water balance study is required prior to exhibition of the Planning Proposal. Any Gateway Determination should also reflect the need for this work prior to exhibition when establishing its timeframes for placing the Planning Proposal on exhibition.

Supporting Reasons : The conditions are required to ensure that recommended consultations and studies are undertaken in the further preparation of the PP and also that the PP is revised to the satisfaction of the Department prior to exhibition.

The Southern Region would welcome the opportunity to review the letter to the Council when the Gateway Determination is forthcoming.

Panel Recommendation

Recommendation Date : 20-Oct-2011

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The Planning Proposal should proceed subject to the following conditions:

Council is to undertake additional work and submit a revised planning proposal to the Director General for further consideration and determination of public exhibition requirements, as follows:

1. Council is to undertake additional work and further investigations as follows:
 - o A full water balance analysis to demonstrate sewage treatment generated from urban development can be accommodated and that adequate water supply infrastructure will be provided.
 - o Investigate the capacity of the STP and the potential for expansion of effluent disposal and alternative on-site treatment options to accommodate the proposed urban uses of the land.
 - o Investigate the need for a flood free access road from the existing Badgee area through to Sussex Road Inlet.
 - o Identify significant watercourses and recommend core riparian zone requirements for waterways through the south-western portion of the site.
 - o Investigate the potential impact on Badgee Lagoon of filling of land within the 1% flood area and in areas within direct run-off.
2. Council is to amend the planning proposal to identify the location and protection of koala habitat as per the requirements of SEPP 44 – Koala Habitat Protection.
3. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and prepare further bushfire protection studies if required as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
4. Given that some filling may be required, Council is to consult the Office of Environment and Heritage and provide additional information and justification prior to the finalisation of the planning proposal to ensure consistency with the requirements of S117 Direction 4.3 Flood Prone Land.
5. Council is not to commence community consultation until the further studies as required by condition 1 of this determination have been completed and submitted to the Director General of the Department of Planning and Infrastructure for consideration and a determination of the exhibition requirements.
6. Consultation with public authorities required under section 56(2)(d) of the EP&A Act is to be determined upon completion of the further studies as required by condition 1 of this determination. Council is to consult the Office of Environment and Heritage and Shoalhaven Water on the provision of effluent disposal and water supply:

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.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may

Badgee Lagoon Sussex Inlet

otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____

Neil McGaffin

Date: _____

14.11.11