

Planning Proposal Nebraska Estate, St Georges Basin

Proposal Title : Planning Proposal Nebraska Estate, St Georges Basin

Proposal Summary : The planning proposal seeks to resolve and finalise the residential development potential for Nebraska Estate (32.77ha) at St Georges Basin. The Estate is a small lot paper subdivision of 97 lots, predominately 2,000-3,000m² in area but up to 12,000m². 91 of the lots are privately owned and held in approximately 50 separate ownerships. The remaining six lots are owned by Shoalhaven City Council.

The land is currently zoned Rural Landscape (RU2) under the Shoalhaven LEP 2014.

The planning proposal will be an amendment to the Shoalhaven LEP 2014. The proposal identifies two residential development options and Council has not yet selected the option that it would like to progress at this stage.

The proposal will rezone the land a mix of E4 Environmental Living, E2 Environmental Conservation and either R5 Large Lot Residential or R2 Low Density Residential and SP2 Infrastructure depending upon the option.

It will also reduce the minimum lot size requirements for the Estate to enable between 48 and 56 dwellings, depending on the option Council decides to proceed with.

PP Number : PP_2015_SHOAL_002_00 **Dop File No :** W10/25114

Proposal Details

Date Planning Proposal Received :	13-Feb-2015	LGA covered :	Shoalhaven
Region :	Southern	RPA :	Shoalhaven City Council
State Electorate :	SOUTH COAST	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	Nebraska Road		
Suburb :	St Georges Basin	City :	St Georges Basin
		Postcode :	2540
Land Parcel :	land identified in the planning proposal bounded by Nebraska and Grange Roads and existing residential development		

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	South Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	32.77	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	48
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 :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The rezoning investigations of the residential development potential of Nebraska Estate have had a long and contentious history. The contentious nature of the area reflects its paper subdivision history as well as the land's high conservation values.**

Nebraska Estate was subdivided into small lots in 1919. Like other paper subdivisions in the Shoalhaven, the majority of the land remained undeveloped when landuse zoning was introduced in 1964 via the Shoalhaven Interim Development Order No. 1. The majority of the Estate was zoned non-urban. The southern fringes of the Estate where some

development had occurred was zoned "Village" under IDO 1.

With the gazettal of the Shoalhaven LEP in 1985 the non-urban areas were zoned Rural 1(d) (General Rural) and Rural 1(g) Flood liable with a 40ha minimum lot size for a dwelling house. The area zoned Village remained as Village.

On 20 October 1992, Shoalhaven Council resolved to prepare a draft local environmental plan over that part of the Estate zoned rural with the objective of allowing for the erection of a dwelling on each allotment.

On 20 September 1994, Council resolved to deal separately with lots along Park Road because they were less constrained than the remainder of the Estate. Park Road was rezoned in 2001 (Amendment No. 155 Shoalhaven LEP 1985) enabling 13 dwellings to potentially be approved over 20 lots (in some cases lots were required to be amalgamated before they could be developed).

On 12 July 1995, the Department expressed a number of environmental concerns with the remainder of the lands in the Estate. Council commenced the rezoning investigations but they were interrupted in 1999 when the NSW Government placed a moratorium on rezoning land in the Jervis Bay area pending gazettal of the Jervis Bay Regional Environmental Plan, 1986 and subsequent completion of the Jervis Bay Settlement Strategy.

In 2003, the Jervis Bay Settlement Strategy was adopted by Council and endorsed by the State Government. It recommended that the remainder of the Estate be investigated for rural residential opportunities through a review of lot sizes and lot configuration to accommodate on-site effluent disposal. It also recommended a review of the performance of environmental measures at Park Road.

In 2006, Council re-commenced a thorough investigation of the constraints and land capability of the Estate. This work identified that substantial areas of the Estate are affected by one or more significant constraints including threatened biodiversity, flooding, bushfire, Aboriginal archaeology and acid sulphate soils.

On 13 April 2010, Council resolved that three areas within the Estate have limited development potential and the remaining areas are unsuitable for development. The areas identified with limited potential are:

- North western area – least constrained and largest potential for residential development depending upon provision of reticulated sewage. Adjoins existing residential development.
- North eastern area – relatively small area of flood-free land bounded by threatened orchids. Potential for very limited rural residential development.
- Eastern area – potential development area located on flood free land but surrounded by rural residential to the west and EEC's and critically endangered species to the north, east and south.

On 9 December 2010, Council requested that the draft Shoalhaven LEP No. 145 Nebraska Estate be converted into the new plan making provisions of the EP&A Act.

On 24 December 2010 the Department advised that the former plan making provisions would continue to apply and Council would not be able to progress the draft LEP after the 31st December 2010. This decision was based on the substantial work still required to resolve the planning issues associated with the draft LEP and the concern that they would not be resolved within the Government's timeframe for completing planning proposals.

On 21 October 2011, Council sought advice from the Department and the Environmental Protection Authority (EPA) on two rezoning options. A joint NSW Government response was provided on 9 December 2011, which identified the Government's position.

* the north eastern area is highly constrained in terms of biodiversity and bushfire management issues and any development in this area should be justified in terms of a positive environmental outcome on threatened species habitat and minimising the extent of bushfire asset protection zones. The EPA's preference would be for no additional dwellings in this area but further investigations may be able to justify some residential

development; and

* the density of residential development in the north west area is constrained by the provision of reticulated sewage.

The Department received Council's request for a Gateway determination on 17 November 2014 and confirmation Council was not seeking delegations to make the plan on 26 November 2014. The Department has since sought clarification and refinement of the planning proposal to enable a Gateway determination to be considered.

The planning proposal has been developed using the model adopted for the resolution of the Jerberra Estate and Verons Estate rezoning investigations. The proposal includes two options for the proposed residential development of the Estate. Council will need to confirm which option will be adopted prior to placing the proposal on public exhibition.

A site specific development control plan will be prepared for the Estate following the rezoning of the land.

As a result of the complex and contentious planning history of the Estates, Shoalhaven City Council is not seeking to use its delegations to make the plan.

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment :

The objectives of the planning proposal are to:

- * resolve the land's planning status in recognition of the environmental values and constraints and associated statutory and policy framework.
- * rezone parts of the Estate that are less constrained to allow residential development, whilst providing increased protection for the remaining land by rezoning it to E2 Environmental Conservation in accordance with the environmental and land capability constraints.
- * manage bushfire risk in accordance with Planning for Bushfire Protection.
- * to protect waterways and sensitive downstream ecosystems from the potential impacts arising from residential development.

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

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

Comment :

The explanations of provisions are subject to further investigations and refinement, in particular in the north west area where two zoning options and three lot size options are presented.

The provisions are:

- * Amendment of the Shoalhaven LEP 2014 Land Zoning Map in accordance with one of the two options presented on Map 1, landuse zoning;
- * Amendment to the Shoalhaven LEP 2014 Lot Size Map in accordance with one of the two options presented on Map 2 lot size map;
- * Amendment to Clause 4.2b (Subdivision of certain land in Zone RU1, RU2, RU4, R5 and E4) of the Shoalhaven LEP 2014 to include Zone R2 to allow lot averaging should Option 2 for the north west area be pursued;
- * Amendment of the Shoalhaven LEP 2014 Land Acquisition Map in accordance with Map 3 should Option 2 of the landuse zoning and lot size map be adopted to allow for the acquisition of a perimeter road;
- * Amendment of the Shoalhaven LEP 2014 Natural Resource Sensitivity – Terrestrial Biodiversity Map in accordance with Map 4 to remove the biodiversity layer.

Council has also prepared maps showing constraints, potential development areas and conceptual residential subdivision and development patterns. These will be used by Council to select a preferred option.

The range of lot sizes proposed aim to provide the best available development potential for landowners while still protecting high conservation value lands and connections to other environmentally significant areas.

The identification of building envelopes needs to be considered as part of the rezoning process to manage bushfire risk; achieve biodiversity outcomes; preserve visual character, local amenity and privacy; and minimise onsite effluent disposal risks. The preferred location of building envelopes is shown on Map 5. This approach is similar to what was adopted in the Jerberra Estate LEP 2014.

The introduction of the 10/50 bushfire clearing provisions potentially compromise the ability for threatened species to be retained within 50 metres of proposed dwellings. A 50 metre setback (between dwellings and sensitive bushland) could be used as the basis for the planning proposal. This would result in a lower development yield and/or smaller environmental conservation areas.

Should Option 2 for the north west area be pursued, then Council will need to acquire land for the creation of a bushfire perimeter road. The planning proposal would need to be updated prior to public exhibition to identify that Clause 5.1 Relevant Acquisition Authority will also be amended to reflect Shoalhaven City Council as the acquiring authority.

The Shoalhaven LEP 2014 includes provisions under Clause 5.9 - Preservation of trees or vegetation for paper subdivisions. Nebraska Estate is identified on the Local Clauses Map as being affected by subclause (9) which results in the provisions of the Native Vegetation Act 2003 for exempt and complying types of vegetation clearing being switched off. This is proposed to be retained.

Shoalhaven City Council must confirm with the Department's Regional Office which development option it wishes to pursue. The explanation of provisions will need to be revised to reflect the adopted development option prior to public exhibition.

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

1.2 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
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
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 71—Coastal Protection
SEPP (Rural Lands) 2008

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

None

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The planning proposal is consistent with the Jervis Bay Settlement Strategy and South

Coast Regional Strategy in that it is allowing some residential development whilst protecting areas of high conservation value vegetation.

The Jervis Bay Settlement Strategy was endorsed by Shoalhaven Council and the NSW Government in 2003. It recommended that the Estate be investigated for rural residential opportunities through a review of lot sizes and lot configuration to accommodate on-site effluent disposal. It also recommended a review of the performance of environmental measures at Park Road.

Council has confirmed that a review of the environmental outcomes has not been undertaken at this stage. This will be discussed with the relevant government agencies during the exhibition of the planning proposal.

The South Coast Regional Strategy, 2006 allows the rezoning of residential areas which are identified in endorsed settlement strategies including the Jervis Bay Settlement Strategy.

The Regional Strategy requires that "new urban development is to be prohibited by local environmental plans on land assessed to be of high conservation value and appropriate planning controls are to be incorporated into LEPs to protect biodiversity values on land of lower conservation value." It also requires that "strategic assessments of riparian corridors are to be applied through appropriate zoning and management under a development control plan". The planning proposal is consistent with these requirements of the South Coast Regional Strategy. The riparian corridors and associated buffers in Nebraska Estate are proposed to be zoned E2.

The draft Illawarra Regional Growth and Infrastructure Plan has a number of actions for neighbourhood planning principles and environmental values when rezoning land. The planning proposal is consistent with these actions.

The planning proposal is consistent with the s117 Directions 2.1 Environmental Protection Zones, 2.2 Coastal Protection, 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies. The proposal will facilitate the protection and conservation of an environmental sensitive coastal area and is consistent with the actions of the Jervis Bay Settlement Strategy and South Coast Regional Strategy.

The proposal is recognising and providing increased protection for high conservation value lands. On-site stormwater and effluent management of the residential development will address any water quality issues affecting St Georges Basin. The most significant environmental attributes including the threatened flora, three Aboriginal heritage sites, areas of acid sulphate soils and flood prone lands are all to be rezoned E2 Environmental Conservation. There is no development proposed for these areas.

Council has identified that the planning proposal is inconsistent with the s117 Directions 3.1 Residential Zones. However, the proposal is considered to be consistent with the Direction as it is expanding the area of residential development and housing choice in St Georges Basin. It is rezoning the land to residential and reducing the lot size to increase the permissible residential density of the land. The Shoalhaven LEP 2014 contains requirements for the servicing of the land prior to its development.

Recommendation: The Secretary can be satisfied that the planning proposal is consistent with s117 Directions 2.1 Environmental 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 and 5.1 Implementation of Regional Strategies.

Should Option 2 of the planning proposal be pursued, then the proposal will be consistent with the s117 Direction 6.2 Reserving Land for Public Purposes when the

proposal is updated to identify Council as the acquisition authority in clause 5.1. Option 2 involves Shoalhaven City Council acquiring land for the creation of a bushfire perimeter road. This land has been identified on the rezoning map as SP2 and on the land reservation acquisition map. The planning proposal will need to be updated prior to public exhibition to identify that Clause 5.1 Relevant Acquisition Authority will also be amended to reflect Shoalhaven City Council as the acquiring authority.

Recommendation: Should Option 2 be pursued, then the Secretary approves of the proposal to create a reservation of land for public purposes. The planning proposal is to be updated prior to public exhibition to identify the amendment to Clause 5.1 Relevant Acquisition Authority.

The planning proposal is neither consistent nor inconsistent with the s117 Direction 4.4 Planning for Bushfire Protection. The proposal has been prepared to comply with Planning For Bushfire Protection 2006.

Recommendation: The Secretary can be satisfied that the requirements of the Direction have been met when consultation occurs with the RFS. A condition should be included in the Gateway determination that consultation should be undertaken with the Rural Fire Service prior to exhibition in accordance with the Direction.

The planning proposal is inconsistent with the s117 Direction 1.2 Rural Zones and 1.5 Rural Lands, in that it is rezoning land from a rural zone to a residential zone. These inconsistencies are justified by the Department endorsed Jervis Bay Settlement Strategy.

Recommendation: The Secretary can be satisfied that the inconsistencies with s117 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified by the Department endorsed Jervis Bay Settlement Strategy.

The planning proposal would be inconsistent with s117 Direction 6.3 Site Specific Provisions if conceptual resubdivision/development details including the location of building envelopes and bushfire asset protection zones were included in the proposal. While the proposal does not propose to incorporate these provisions in the LEP it is noted that the Jerberra Estate LEP contains 'Development Area' provisions.

Recommendation: Should site specific provisions be included, the Secretary can be satisfied that the inconsistency is of minor significance and necessary in order to achieve an appropriate and sustainable form of residential development, whilst at the same time protecting the environmental values of the land and adjoining catchments by minimising risk from bushfire, effluent management, stormwater runoff and native vegetation clearing. The inclusion of such provisions would assist consideration of future development proposals by providing certainty in relation to the siting of development.

The planning proposal is consistent with SEPP Rural Lands and SEPP 71 Coastal Protection and all other SEPP's or any inconsistency is of a minor nature.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal includes proposed maps for Zoning, Minimum Lot Size, Land Reservation Acquisition and Terrestrial Biodiversity. The Zoning, Minimum Lot Size and Land Reservation Acquisition maps include 2 options. The maps will need to be refined to identify the adopted development option prior to the public exhibition of the planning proposal.

Recommendation: Council is to finalise the draft maps to reflect the adopted development option prior to exhibition of the planning proposal. The maps will be prepared in accordance with the Department's 'Standard technical requirements for LEP maps'.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Community consultation has been undertaken with landholders throughout the rezoning investigations. The most recent landowners' meeting was a facilitated planning workshop on 13 March 2010. There is a dedicated Nebraska Estate project web page on Council's website. It is also Council's practice to notify landowners whenever the rezoning investigations are being reported to Council so landowners can keep informed of Council's discussions.**

Council proposes to exhibit the planning proposal for a minimum of 28 days in accordance with the EP&A Act and/or any other requirements as determined by the gateway process. Public notification of the exhibition will include local newspaper notifications, notice on Council's website and hard copies will be available at Council's administration buildings.

Council proposes to hold a landowner information session and survey during the exhibition period.

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 planning proposal addresses the Department's "A guide to preparing planning proposals" and is considered adequate for a Gateway Determination with conditions.**

A project timeframe has been included in the planning proposal. The timeframe anticipates two years to complete the rezoning process.

The timeframe identifies Council's decision to seek government agency consultation and place the planning proposal on public exhibition with the two development options and to use the feedback from the consultations/exhibition to determine the preferred option. It is then proposed to complete any additional studies including stormwater, once a decision is made on the preferred option. Council would continue to consult with government agencies before finalising the preferred option and planning proposal for exhibition.

Council will need to ensure that the exhibited planning proposal clearly articulates the proposed changes to the Shoalhaven LEP 2014 and includes the technical studies to support the changes.

Recommendation: Council is to identify an adopted development option, complete any further studies and update the planning proposal to reflect the adopted option prior to placing the planning proposal on public exhibition.

Council is not requesting an Authorisation to exercise delegation for the planning proposal. Council considers that the planning proposal does not meet the eligibility criteria in that it is a longstanding, complex, paper subdivision rezoning similar to other recent paper subdivisions in the Shoalhaven.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The planning proposal will be an amendment to the recently notified Shoalhaven LEP, 2014. As such, the proposal has been prepared in accordance with the guidelines for preparing Standard Instruments eg zones, lot size maps and clauses.

Assessment Criteria

Need for planning
proposal :

The current zoning of Nebraska Estate needs to be amended to resolve the land's development potential, achieve environmental outcomes and meet contemporary planning requirements. To date, various environmental and land capability studies have been undertaken and significant progress has been made on reaching agreement with relevant government agencies on appropriate development and environmental outcomes.

The planning proposal is the only means of resolving the long standing issues associated with the land's development potential. It is being prepared to ensure the continuation of a lengthy and complicated rezoning process originally commence in 1992.

Consistency with
strategic planning
framework :

As previously identified, the planning proposal is consistent with the Jervis Bay Settlement Strategy, South Coast Regional Strategy and draft Illawarra Regional Growth and Infrastructure Plan.

The proposal is consistent with Council's Community Strategic Plan in that it meets Objective 2.2 - Population and urban settlement growth that is ecologically sustainable, carefully planned and managed to meet the needs of the community, and 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.

Environmental social
economic impacts :

Environmental studies have identified high value conservation areas in the north eastern and eastern areas of the Estate. They include:

Listings under the NSW Threatened Species Conservation Act (TSC Act):

* Eight fauna species all listed as 'vulnerable' - Yellow-bellied Glider; Powerful Owl; Glossy Black-cockatoo; Grey-headed Flying-fox; Eastern False Pipistrelle; Greater Broad-nosed Bat; East Coast Freetail Bat; and East Coast Freetail Bat.

* Three flora species - Pterostylis ventricosa (a 'critically endangered' Greenhood Orchid); Leafless Tongue Orchid ('endangered'); and Biconvex Paperbark ('vulnerable').

* One Endangered Ecological Community (Swamp Sclerophyll Forest) listed under TSC Act

Listings under the Environmental Protection Biodiversity Conservation Act (EPBC Act):

* Two flora species - Leafless Tongue Orchid (endangered) and Biconvex Paperbark (vulnerable)

* One migratory species (Black-faced Monarch)

An unnamed watercourse follows through the Estate from near the north-west corner to the southern boundary and then into Home Bay, St Georges Basin. The riparian corridor is below the one in 100 year flood line and corresponds with the Swamp Sclerophyll Forest and Biconvex Paperbark. It also contains areas of potential acid sulphate soils.

Proposed zone boundaries have been delineated to protect the high value conservation and riparian lands and to minimise any potential impacts on threatened biodiversity.

There are areas within the Estate that have been disturbed to varying degrees. In some areas bushland will need to be cleared to accommodate residential development, infrastructure and provision of bushfire asset protection zones. In other areas disturbed land will be regenerated as a result of the planning proposal.

Resolution of the rezoning and development potential of the Estate will provide some social and economic benefits. It will provide guidance for the landholders within and adjacent to the Estate and the broader community. There is however no clear practical way to resolve the tenure and management of those lots that will not be able to form part of a developable lot.

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **24 months** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Southern Rivers Catchment Management Authority
Office of Environment and Heritage
NSW Department of Primary Industries - Fishing and Aquaculture
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Council also needs to consult with the Office of Water, Endeavour Energy and Shoalhaven Water.**

Council advises that the planning proposal has been prepared in consultation with and agreement of OEH. OEH has not agreed on the level of permitted development, particularly in the north east area and is awaiting a review of the studies to confirm the land's development potential. Council will consult with OEH during its consideration of a preferred option.

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Planning studies for Nebraska Estate have been completed for:

- * Threatened Biodiversity Survey and Assessment, Bushfire and Environmental Services, 2009
- * An Archaeological Survey of Nebraska Estates, B. Marshall and C. Webb 1994
- * Archaeological excavations at Nebraska Estate, B. Marshall 1995
- * Further archaeological assessment of a proposed subdivision of the Park Road area at Nebraska Estate, P. Kuskie 2001
- * Urban Land Capability Assessment, Morse McVey and Associates 1994

Council has also investigated, in consultation with the NSW Rural Fire Service, bushfire issues and the required management actions to address Planning for Bushfire Protection.

The only required study is an integrated water cycle and stormwater management assessment for the adopted development option.

Recommendation: An integrated water cycle and stormwater management assessment is to be prepared for the adopted development option.

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Due to the small number of potential dwellings resulting from the proposal State infrastructure is not relevant to this plan.

Shoalhaven Council resolved in 1992 that the costs to rezone the land and provide necessary infrastructure would be borne by the landholders. Potential local infrastructure costs include reticulated water and sewerage, electricity supply and connection, construction of roads and construction and ongoing maintenance of bushfire asset protection zones (fire trails). Council has prepared preliminary infrastructure cost estimates as a rough guide for landowners.

Documents

Document File Name	DocumentType Name	Is Public
141117 Nebraska Estate Planning Proposal letter SCC to DoPE Gateway request.pdf	Proposal Covering Letter	Yes
141101 Nebraska Estate planning proposal V1.pdf	Proposal	Yes
141101 Nebraska Estate planning proposal Ministerial Directions Checklist V1.pdf	Proposal	Yes
091101 Nebraska Estate Planning proposal Threatened Biodiversity Survey & Assessment BES.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions:

- 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**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Additional Information :

It is recommended that, the General Manager, Southern Region as delegate of the Minister for Planning, determines under section 56(2) of the EP&A Act that an amendment to the Shoalhaven Local Environmental Plan 2014 to enable limited residential development and environmental conservation within Nebraska Estate should proceed subject to the following conditions:

1. Council is not to commence exhibition of the proposal until it has selected its preferred development option and revised the Planning Proposal to reflect that option. The revised proposal is to be submitted to the Southern Region of the Department for consideration prior to public exhibition.

2. An integrated water cycle and stormwater management assessment is to be prepared for the adopted development option and exhibited with the proposal.

3. Council is to finalise the draft maps to reflect the adopted development option prior to exhibition of the planning proposal. The maps will be prepared in accordance with the Department's 'Standard technical requirements for LEP maps'.

4. 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 is to be made publicly available for 28 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 (Department of Planning and Infrastructure 2012).

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

- * Department of Primary Industries (Fisheries);
- * NSW Office of Water;
- * NSW Rural Fire Service;
- * Office of Environment and Heritage;
- * South East Local Land Services
- * Endeavour Energy;
- * Road and Maritime Service; and
- * Shoalhaven Water.

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 it 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.

6. 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).

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

8. In accordance with the s117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to exhibition of the proposal.

S. 117 Directions

It is recommended that:

- a. The Secretary can be satisfied that the planning proposal is consistent with s117 Directions 2.1 Environmental 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 and 5.1 Implementation of Regional Strategies.
- b. The Secretary can be satisfied that the proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection, once Council has consulted with the Commissioner of the NSW Rural Fire Service prior to exhibition of the proposal.
- c. The planning proposals inconsistencies with the s117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 6.3 Site Specific Provisions are either justified by the Department endorsed Jervis Bay Settlement Strategy, or are of minor significance.
- d. The Secretary can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance.
- e. No further referral is required in relation to s117 Directions while the planning proposal remains in its current form.
- f. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

The proposal should proceed as it is consistent with the strategic planning framework and to address the long and contentious history of the rezoning and biodiversity

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investigations for the site.

Signature:

G. Towers Team Leader

Printed Name:

Graham Towers

Date:

25/2/15.