



Planning Proposal (PP007) – Rezoning of Kylor Pty Ltd Land at Manyana

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1 Introduction

This Planning Proposal (PP) seeks to rezone land at Manyana for residential and environmental purposes. The PP aims to enable a more dense residential development of the land with smaller lot sizes, compared to the current zones, and a reduced development area to avoid known environmental attributes.

1.1 Subject Land

The subject land is situated in Manyana within the Shoalhaven Local Government Area (LGA) and includes the following lots:

- Lot 106 DP 755923 (Inyadda Drive);
- Lot 2 DP 1161638 (Inyadda Drive); and
- Lot 2 DP 1121854 (Sunset Strip).

The subject land is located approximately 56km south of Nowra, and 34km north of Ulladulla, as shown at **Figure 1**.

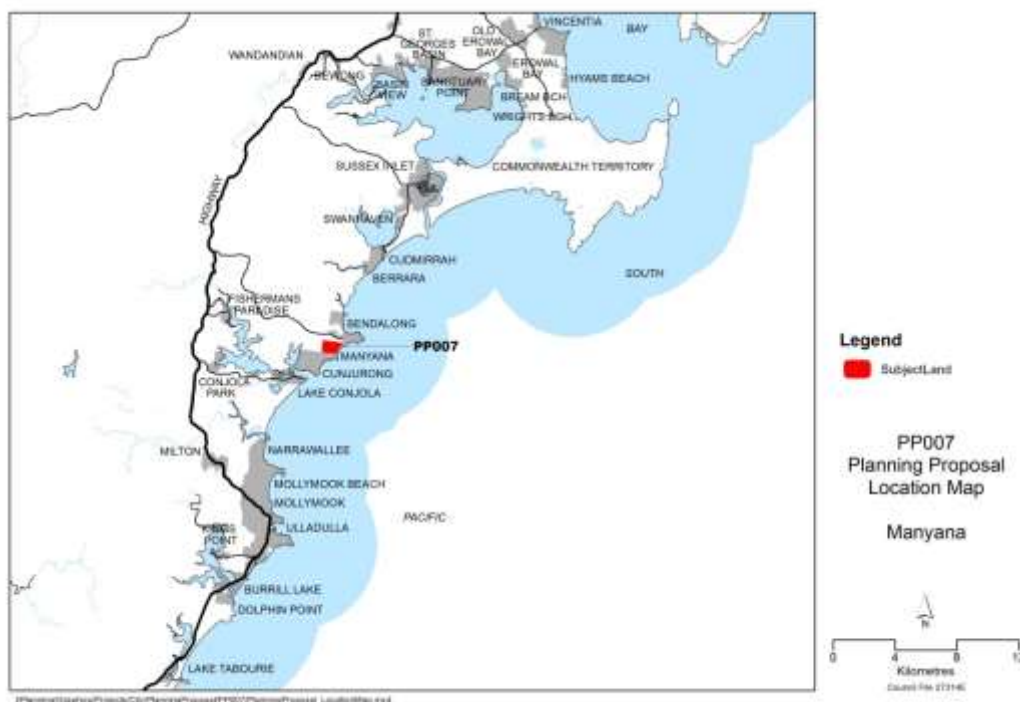


Figure 1 - Location Map

The subject land is bound by Crown Land to the north and north east, open space and Inyadda Beach to the east, the existing low density residential area of Manyana to the south, and Inyadda Road to the west. Land to the south west of the site at the corner of Inyadda Road and Curvers Drive is zoned B2 Local Centre and has an existing development approval for a supermarket and specialty shops. The total approximate area of the land subject to this PP is 76 hectares, and is shown at **Figures 2 and 3**.



Figure 2 - Subject Land



Figure 3 - Aerial Map

The subject land is largely vegetated with some areas partially cleared as a result of the land previously being used for rural purposes and as a result of unauthorised use for trail bike riding.

The land is currently zoned part R5 Large Lot Residential, R1 General Residential, E3 Environmental Management and RE1 Public Recreation (**Figure 4**).

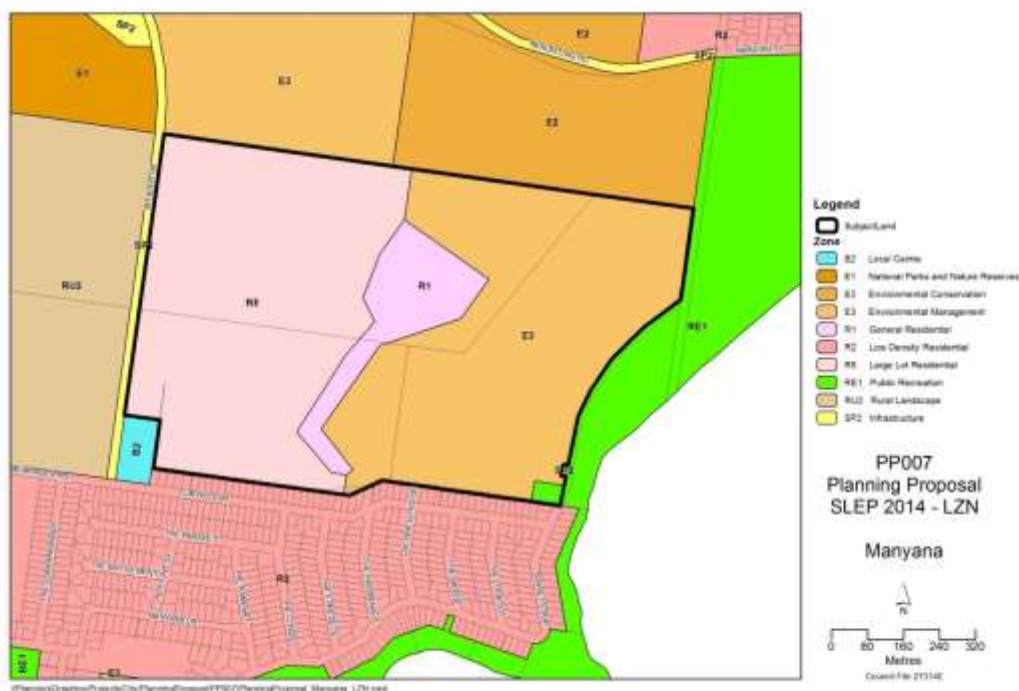


Figure 4 – Current Zoning

1.2 Background

The land was rezoned on 28 August 1992 via Amendment No. 29 to Shoalhaven LEP 1985 to facilitate a previous development proposal by Kylor Pty Ltd (the landowner). The previous proposal was for residential subdivision, commercial uses, 9 hole golf course and tourist recreation facilities (golf course development). Following the rezoning, a number of development applications were lodged for development of the land, however the landowner never proceeded with the golf course development.

In 2004, Council resolved to prepare a draft LEP to rezone the land, however for various reasons this rezoning was delayed. Subsequently, on 25 March 2008 Council resolved to consider the draft LEP as part of a separate process following the completion of the comprehensive LEP.

On 20 February 2013, Council received a Planning Proposal (2013 PP) submitted by EMGA Mitchell McLennan Pty Ltd (EMM) on behalf of the landowner. The 2013 PP sought to revise the zoning of the subject land to enable residential development and for environmental protection and was reported to Council on 21 May 2013 and it was resolved that Council:

- a) *Further consider this planning proposal pending the outcome of the consultation workshop between the proponent and the community to be convened at the earliest possible time;*

- b) Receive a detailed briefing by the Red Head Villages Association and the proponent on the outcome of the consultation workshop;*
- c) Not commence work on the planning proposal until after the finalisation of the Shoalhaven Local Environmental Plan 2013; and*
- d) Reconsider the matter at the next Development Committee meeting, if possible.*

In response to this resolution, the proponents ran a community information day on 25 May 2013 and Council subsequently received briefings from both the proponent and the Red Head Villagers Association (RHVA).

The outcome of the information day and briefings was the identification of issues relating to lot sizes and proposed zones, environmental impacts, aesthetic impacts, removal of building lines and potential impacts on infrastructure. Based on the feedback received, the proponent indicated that they would review the 2013 PP and undertake further work and refinements where warranted prior to resubmitting the proposal.

On 4 November 2013, a revised PP (revised 2013 PP) was submitted by EMM. The revised 2013 PP identified new zone boundaries to facilitate an increased number of smaller residential lots connected to the sewerage scheme, within an overall reduced development area to avoid known environmental attributes. Council considered the revised 2013 PP at the Development Committee meeting on 20 January 2014 and it was recommended that the proposal be supported with changes to address the concerns raised in the previous report to Council and those of the local community. Council resolved as follows:

- a) Support the Planning Proposal for North Manyana with the following changes:*
 - i) The residential development area be primarily zoned R2 Low Density Residential with an area of R1 General Residential zoned land surrounding the proposed Manyana neighbourhood centre.*
 - ii) An increase in minimum lot size to 600m² for the R2 Low Density Residential land.*
 - iii) Retaining an environmental protection zone over the eastern most section of the land to the north of Curvers Drive, from the unnamed road reserve to the foreshore, as shown in Figure 3 of this report.*
 - iv) The residential zoned land be identified as an 'Urban Release Area' and be subject to Part 6 of the Shoalhaven Local Environmental Plan 2013.*
- b) Submit the Planning Proposal to the Department of Planning and Infrastructure requesting 'Gateway' determination.*
- c) Request the Department of Planning and Infrastructure to include the following studies as a requirement of the 'Gateway' determination:*
 - i) A detailed assessment of the Bendalong Waste Water Treatment Plant to ascertain/confirm hydraulic loading limits.*

- ii) *An assessment using an accredited methodology (e.g biobanking) to come up with a consistent and valid biodiversity offset.*

The Council report and minute in this regard is provided at **Attachment A**.

Following the above Council resolution, on 7 March 2014, EMM on behalf of the landowners lodged a pre-Gateway Review (Review) request with the Department of Planning and Environment (DPE). The Review request was made as Council did not support the PP in the original form in which it was submitted, as it was only supported with changes dictated by Council. The Review request specifically notes that whilst the landowners did not object to items a) i), ii) and iv) of the above Council resolution, they objected to an environment protection zoning for the eastern most section of the subject land to the north of Curvers Drive. The Review did not proceed to consideration by the Joint Regional Planning Panel (JRPP) and the proponent discontinued the Review on 7 July 2014.

Subsequently, a new PP was submitted to Council by EMM for the subject land on 3 February 2015. This document is included as **Attachment B**.

2 Part 1 – Objectives and intended outcomes

The objective of this PP is to rezone the subject land to enable a more dense residential development with smaller lot sizes, and an overall reduced development area to avoid known environmental attributes. The objectives of the PP include:

- to provide a land use outcome that avoids areas of environmental value and which reflects strategic planning priorities;
- to satisfy demand for residential land which effectively uses available infrastructure;
- support and reinforce the new Manyana commercial centre; and
- to resolve the future zoning of the subject land.

Of the total site area (76 ha), the intended outcomes include:

- Approximately 1.3 ha or 1.7% - R1 General Residential;
- Approximately 28.2 ha or 37.2% - R2 Low Density Residential; and
- Approximately 46.4 ha or 61.1% - E2 Environmental Conservation.

3 Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Shoalhaven LEP 2014 Land Zoning Map to rezone the land to R1 General Residential, R2 Low Density Residential and E2 Environmental Conservation (Figure 5); and
- Amending the Shoalhaven LEP 2014 Lot Size Map to provide for a minimum lot size of 600m² in the proposed R2 Low Density Residential zone;
- Amending the Shoalhaven LEP 2014 Clauses Map to remove land identified as “Sch 1.15” and deleting Schedule 1 Clause 6 Use of certain land at Manyana; and
- Amending the Shoalhaven LEP 2014 Urban Release Area Map to include the subject land as an Urban Release Area so that Part 6 will apply to the land.



Figure 5 – Proposed Land Use Zones

The proposed land use zones have been identified as a result of the above Council resolution and following detailed studies:

- Ecological Assessment and Orchid Surveys;
- Flood Assessment;
- Land Market Analysis;
- Cultural Heritage Assessment; and
- Traffic Impact Assessment.

Amendments to the Clauses Map and Schedule 1 of the SLEP2014 are required as the additional permitted uses listed in Clause 6 relate to the historic golf course development concept which envisaged recreational uses on the E3 zoned land in the eastern part of on the site. The objectives of this PP represent a move away from this development concept towards a reduced development area to avoid known environmental attributes which are concentrated in the eastern part of the site.

Council's resolution of 20 January 2014 requires that the site be included as an Urban Release Area under Part 6 of the SLEP2014 to enable detailed planning controls for the site to be developed in consultation with the community.

It is requested that the Gateway Determination include a requirement for the preparation of further studies as follows:

- A detailed assessment of the Bendalong Waste Water Treatment Plant to ascertain/confirm hydraulic loading limits;
- An assessment using an accredited methodology (e.g. Office of Environment and Heritage's BioBanking or Biodiversity Certification Assessment Methodology) to determine the appropriate biodiversity offset for the loss of endangered ecological communities (EECs);
- A detailed bushfire assessment, addressing the relevant requirements of the NSW Rural Fire Service's (RFS) *Planning for Bushfire Protection 2006*;
- Geotechnical study to address Acid Sulphate Soils; and
- Stage 1 Preliminary Contamination Assessment.

The completion of these studies will assist in preparing detailed LEP provisions.

4 Part 3 – Justification

4.1 Section A – Need for the Planning Proposal

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

The PP is not the result of a strategic study or report, however rezoning of the land has been under consideration since 2004.

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

The proponent indicates that the PP will provide significant planning and environmental benefits over existing zones. It is suggested that it provides an outcome that avoids environmental areas, provides an offset for any losses and reflects the strategic planning for the area. The proponent has stated that it will also provide additional residential development that utilises available infrastructure and will resolve the long running planning history of the site.

4.2 Section B – Relationship to Strategic Planning Framework

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

South Coast Regional Strategy

The South Coast Regional Strategy (SCRS) provides key regional level guidance applying to the site in relation to the provision of suitable land to address the employment and housing needs of the South Coast Region. The SCRS seeks to ‘protect high value environments including pristine coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring that no new urban development occurs in these important areas and their catchments’.

The proposal is generally consistent with the overall aims and objectives of the SCRS in that it helps to satisfy housing demand and uses existing infrastructure and services. However, the SCRS identifies smaller, more isolated villages like Manyana as low priorities for development that should not be considered for additional land release rezonings, given the lack of potential for these settlements to reach critical thresholds for service delivery.

Rezoning land in this area and increasing residential capacity could be considered to be inconsistent with the SCRS given the lack of higher order infrastructure and services in Manyana. However, the land is currently zoned for large lot and general residential development and the proposal provides for a more efficient use of the land which is desirable from a land utilisation perspective. It is estimated that the proposed zones will provide 250-320 lots in comparison to the current zones which will provide between 225 and 300 lots.

Draft Illawarra Regional Growth and Infrastructure Plan

The draft Illawarra Regional Growth and Infrastructure Plan (draft Plan) applies to the whole Shoalhaven LGA including the subject land. At the time that this PP was reported to Council’s Development Committee, the draft Plan had not been publicly exhibited and therefore was not considered in the report.

The draft Plan seeks to provide a framework for provision of well-located, more diverse and more affordable housing. The draft Plan identifies the Manyana area as one of the

smaller greenfield release areas which will continue to make a contribution to housing supply throughout the Illawarra Region.

4.2.2 Is the Planning Proposal consistent with a Council’s local strategy or other local strategic plan?

Growth Management Strategy (2012)

The Growth Management Strategy (GMS) is the key strategic document for the future growth and development of the Shoalhaven LGA. The purpose of the GMS is to manage the social and economic implications of future growth whilst protecting and preserving the environmental values of the Shoalhaven.

Council’s GMS identifies Manyana as a coastal village and states that ‘future growth in Manyana will be through the utilisation of existing residential zoned land which has not yet been developed’. The GMS also states: ‘there are limited services and facilities available in Manyana and a number of environmental constraints, and given that there is land currently available for growth and development, no investigation areas have been identified in this location. The provision of higher order services in Manyana and the improvement of transport networks in the future may allow for an increase in urban footprint in the long term’.

This PP is generally consistent with the actions and outcomes identified in the GMS, however as noted above, rezoning of land in this area and increasing residential capacity over and above that envisaged by the GMS could be considered inconsistent given the lack of higher order infrastructure and services in Manyana.

Community Strategic Plan – Shoalhaven 2023

The PP is broadly consistent with Council’s Community Strategic Plan (CSP). The relevant objectives and strategy are detailed below.

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 Planning Proposal 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 C**. The most relevant SEPPs are discussed below.

Deemed SEPP – Illawarra Regional Environmental Plan No 1

The Illawarra Regional Environmental Plan No 1 (IREP) applies to the subject site and has a range of objectives in relation to residential development. The IREP requires that urban expansion be orderly and efficient having regard to environmental constraints, only occur where adequate services are available or are to be provided, provide for a range of lot sizes and dwelling types and avoid development in hazard prone areas including those at risk of bush fire. The IREP also lists matters for consideration when preparing a draft LEP for the extension of villages and small settlements like Manyana. It is appropriate that the matters for consideration be addressed in detail as part of the rezoning process.

SEPP 44 – Koala Habitat Protection

The SEPP requires that land is conserved and managed to provide habitat for koalas. The site was surveyed for koala habitat and koalas as part of the ecological assessment which is included in **Attachment B**. The assessment identified that the only recognised Schedule 2 feed tree found on the subject land is the Forest Red Gum and of these only a few were identified, indicating that the site did not contain potential koala habitat. In addition, no koalas were identified during the surveys.

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 a minimum, a Stage 1 Preliminary Contamination Assessment is recommended to be undertaken after the Gateway Determination.

SEPP 71 – Coastal Protection

This SEPP applies to land within a coastal zone (1 km from the coast) and requires that Council take into account the matters for consideration when rezoning land within the coastal zone. The site is located in the coastal zone and a small portion of the south eastern part of the site is identified as a sensitive coastal location. It is appropriate that the matters for consideration be addressed in detail as part of the rezoning process. The key matters for consideration in relation to the subject land are public access along the foreshore, protection of scenic qualities, threatened species and their habitats, wildlife corridors, impact of coastal processes, protection of Aboriginal cultural heritage places, and encouraging compact towns and cities.

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 Roads and Maritime Services (RMS) will be consulted as required after the Gateway Determination.

SEPP (Rural Lands) 2008

The Rural Lands Ministerial Direction requires that PPs which affect land within existing or proposed rural or environmental zones be consistent with the principles of the SEPP. The proposal is considered to be consistent with this SEPP.

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

The Ministerial Directions are considered in **Attachment D** and those that are most relevant are discussed below.

1.5 Rural Lands

This Direction applies as the PP proposes to rezone a small part of existing environmentally zoned land to residential; however the proposal is considered to be consistent with the Direction.

2.1 Environmental Protection Zones

The proponent states that the PP is consistent with this Direction as it proposes to increase the amount of land zoned for environmental protection by approximately 12 ha. It is recommended that a condition of Gateway Determination be a requirement for the proponent to carry out an assessment using an accredited methodology (e.g. OEH BioBanking or Biodiversity Certification) to determine the required biodiversity offset for the loss of EECs. Refer to Section 5.3.1 below.

2.2 Coastal Protection

All of the subject land is located in the coastal zone, and a small part in the south eastern corner of the site is identified as being a sensitive coastal location. The proponent has stated that the proposal is consistent with relevant coastal policies and guidelines, with all residential development set back a minimum of 100 m west of the frontal dune of Inyadda Beach.

2.3 Heritage Conservation

This Direction requires that items of Aboriginal and other cultural heritage be identified in a study of the area's environmental heritage. A cultural heritage assessment was provided by the proponent, and impacts upon cultural heritage sites were identified. In relation to Aboriginal cultural heritage, the proponent has stated that the impacts are acceptable due to the low heritage significance and because large areas of artefacts will be retained in the proposed E2 zoned land. The proponent will be required to apply to the Office of Environment and Heritage (OEH) for an Aboriginal Heritage Impact Permit (AHIP) under

Section 90 of the *National Parks and Wildlife Act 1974* to harm Aboriginal objects identified on the site as part of the future subdivision approval.

In terms of other cultural heritage, the heritage assessment identified three (3) items, of which two would be impacted by development. A grave site is proposed to be retained in an area of open space. The area of open space is located within the proposed R2 Low Density Residential zone, however it may be appropriate to zone this land RE1 Public Open Space in order to provide greater protection for the grave site.

It is recommended that consultation be undertaken with OEH prior to exhibition of the PP to determine if the submitted cultural heritage assessment is adequate or if further work is required, such as test excavations and archival recording for sites to be destroyed.

3.1 Residential Zones

This Direction applies as the PP proposes the rezoning of land for residential purposes. Specifically, it proposes a R2 Low Density Residential zone for the majority of residential land and a small portion of R1 General Residential adjacent to the existing B2 Local Centre land in the south west of the site. The proposal is considered to be consistent with this Direction in that it will broaden the choice of building types and will make use of infrastructure and services. The Shoalhaven LEP 2014 contains provisions for residential development requiring the provision of appropriate public utility infrastructure under Part 6 Urban Release Areas (URA). The subject land is proposed to be identified as a URA as part of this PP.

3.4 Integrating Land Use and Transport

A traffic assessment was prepared in support of the proposal submitted by the proponent. The assessment investigated existing transport facilities (road and public transport) and assessed their adequacy. In relation to this Direction, there is a potential inconsistency as Manyana is not serviced by public transport and development would rely on private vehicles to access jobs and services which are not available in Manyana or nearby. The proponent suggests that the proximity of the site to the future commercial centre will encourage walking and cycling, and the increase in Manyana's population will support a greater range of local services, and potentially improve the viability of a public bus service between Manyana and Ulladulla. Consultation with RMS will be undertaken after Gateway Determination in relation to required transport infrastructure associated with the proposal.

4.1 Acid Sulphate Soils

Part of the proposed residential land is identified as having the potential to contain Class 5 Acid Sulphate Soils (ASS) on the ASS Planning Maps. As the proposal proposes an intensification of land uses on the site, it is recommended that a geotechnical study which assesses the acid sulphate levels in soils be completed after the Gateway determination. The findings of the study will inform eventual developable areas and the appropriateness of applying an ASS mapping layer to the LEP provisions.

4.3 Flood Prone Land

A flood risk assessment has been completed for the subject land to identify the probable maximum flood extent. The proposed zone boundaries locate all the flood prone land identified in the assessment within the E2 Environmental Conservation zone and as such the proposal does not propose to rezone land for residential within the flood planning area. On this basis, the proposal is considered to be consistent with this Direction.

4.4 Planning for Bushfire Protection

The majority of the area covered by this PP is bushfire prone. A brief bushfire analysis was included in the PP which concluded that development on the site would be constrained by APZs fronting areas of vegetation such as riparian zones and the eastern part of the site which is proposed to be zoned E2. It is recommended that a more detailed bushfire assessment be carried out. Council will consult with the Commissioner of the NSW RFS following receipt of Gateway Determination as per this Direction. Refer to Section 5.3.1.

5.1 Implementation of Regional Strategies

The consistency of the PP with the SCRS and draft Illawarra Regional Growth Plan is discussed in Section 4.2.1.

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 includes the rezoning of a small portion of land in the south western corner of the site from RE1 Public Recreation to E2 Environmental Conservation as a result of Council's resolution to extend the E2 zone all the way to the foreshore. The land still forms part of the larger parcel of land adjacent to the foreshore and has not been acquired by Council. It was zoned for public open space in 1992 and was originally intended to be used for an amenities block and car parking. Since then the amenities block and car parking have been provided further to the north and as such, this land is no longer for these public facilities. The development concept upon which the PP is based includes the creation of three new areas of open space. Consideration of whether this land should be zoned RE1 will inform the proposed land use zones for the site. The proposal is considered to be consistent with this Direction.

6.3 Site Specific Provisions

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

4.3 Section C – Environmental, Social and Economic Impact

4.3.1 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 have identified threatened species and areas of high ecological value within the subject site. An ecological assessment was prepared in support of the proposal which addresses the impact of the proposed zoning on threatened species, populations and ecological communities, and their habitats. Separate orchid surveys were also undertaken on the site.

The assessment identifies that the proposed zoning will have the following potential impacts:

- Development of 29.5 ha or 38.9% of vegetated areas comprising woodland and dense heath;
- Removal of up to 9.2 ha of vegetation listed as EECs including Bangalay Sand Forest, Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest;
- Loss of fauna habitat; and
- Removal of hollow bearing trees.

Assessments of significance (seven-part tests) in accordance with section 5A of the EP&A Act were completed to quantify impacts of the proposed development on Bangalay Sand Forest, Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest EECs. The seven-part tests determined that no significant impacts would occur as a result of the proposal, as no Bangalay Sand Forest would be removed, and the proposed zones would reduce the amount of Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest removed as compared to the current zoning.

The assessment concluded that the proposal was unlikely to have a significant impact on any threatened biodiversity recorded on, or with the potential to occur on the site. However, this conclusion was based on a comparison of EEC loss under the current zoning. It is acknowledged that the proposed zoning responds better to the ecological constraints on the site than the current zoning and increases the amount of environmental zoned land. However, the rationale used by EMM does not acknowledge that any proposal to clear EECs within the current zones would still need to be assessed on its merits through the development assessment process. Therefore, there is no guarantee that the existing zoned land would be able to be completely cleared, as assumed in the proponent's PP.

EMM's assessment notes that the proposal allows for the provision of habitat within the E2 zoned area to offset the loss of habitat in the residential zones by a ratio of 3:1. Concerns have been raised that this offset ratio is very low, and not based on an accepted methodology such as the BioBanking Assessment Methodology. In addition, OEH has raised concerns that the vegetation mapping for the site contained in the ecological

assessment differs from the 2013 biometric mapping held by OEH. In particular, the south eastern corner of the site is identified as Swamp Sclerophyll Forest on Coastal Floodplains by the proponent, whereas the OEH mapping shows this area as Bangalay Sand Forest. Even though this part of the site is proposed to be zoned E2, this discrepancy is relevant to the assessment and quantification of impacts in the local and regional context, and to the appropriate determination of offsets.

It is therefore recommended that DPE include as a requirement of the Gateway Determination that an assessment be undertaken using an accredited methodology (e.g. BioBanking or Biodiversity Certification Assessment Methodology) to determine the appropriate biodiversity offset. Biodiversity Certification would have the added benefit of avoiding the need for any further threatened species assessments at subdivision and development application stage.

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

As noted above, the site is bushfire and flood prone.

Bushfire

The majority of the area covered by this PP is bushfire prone. A brief bushfire assessment was included in the PP which concluded that development on the site would be constrained by APZs fronting areas of vegetation such as riparian zones and part of the site which is proposed to be zoned E2. It is recommended that a more detailed bushfire assessment be carried out to address the relevant requirements of the NSW RFS's *Planning for Bushfire Protection 2006*, including public road access. Council will consult with the Commissioner of the NSW RFS following receipt of Gateway Determination to determine the requirements for further assessment to be carried out before undertaking public exhibition.

Flooding

A flood risk assessment for the subject land is included in the proponent's PP to identify the probable maximum flood extent. The proposed zone boundaries locate all the flood prone land identified in the assessment within the E2 Environmental Conservation zone and as such the proposal does not propose to rezone land for residential development within the flood planning area.

4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

Aboriginal cultural heritage

As noted above, the proposal includes a cultural heritage assessment prepared in 2004 which considered the findings of past studies and archaeological surveys. In addition, a more recent site inspection was undertaken in 2012 to confirm that the findings of the 2004 study were still relevant.

A total of seven (7) Aboriginal sites (areas containing Aboriginal objects such as flaked stone artefacts or where midden shell can be seen), were identified on the subject land, of which three (3) are located within the proposed residential areas. The proponent has stated that the impacts are acceptable on the basis that most of the sites have low heritage significance and because most of the sites will be retained in the proposed E2 land. Destruction of any sites will require an AHIP under Section 90 of the *National Parks and Wildlife Act 1974* as part of the future subdivision approval.

It is recommended that consultation be undertaken with OEH prior to exhibition of the PP to determine if the cultural heritage assessment is adequate or if further work is required, including archaeological test excavations.

Other cultural heritage

The cultural heritage assessment identified three (3) items of potential non-Aboriginal cultural significance as follows:

1. Grave of Mary and Jesse Goodsell dating to 1924;
2. Remains of a stone walled structure; and
3. A concrete-lined well.

All of the above items are located with the proposed residential zoned area. The proposal recommends conservation of the grave site within open space. The proposal also recommends that a more detailed assessment of the archaeological potential of the stone structure be undertaken to accompany an excavation permit under s140 of the *Heritage Act 1977*, as well as archival recording prior to removal during construction.

Social infrastructure

Manyana is a small coastal village with a high proportion of non-permanent residents and limited services. The nearest shop is a takeaway shop and corner grocery store at Bendalong, located 3 km to the north of Manyana. Higher order services are provided at Milton and Ulladulla, including Milton Ulladulla Hospital and Milton Public School at Milton and Ulladulla Public and High schools at Ulladulla.

The proponent states that the proposal will have positive social and economic impacts in that it will increase the number of available residential lots and provide for a greater range of housing types. The proposal will result in an increase in the permanent population of the area which may improve sustainability of existing services and enable a broader range of retail and community services to be provided. The proponent also considers that the development of the land to a high master-planned standard will have a positive impact on Manyana's profile in the residential property market. This detail would be developed as part of a site-specific development control plan for the subject land pursuant to Part 6 of the SLEP 2014.

A market analysis was prepared by the proponent to address community concerns about a lack of demand for residential housing in Manyana and possible adverse social impacts of the proposal given the lack of services available. The analysis concluded that Manyana

had significant locational, amenity and land cost attributes that make it attractive, and forecast population growth in the Shoalhaven LGA more generally will also generate sufficient demand to justify the proposal.

In addition to the above, consultation with the community after Gateway Determination will consider/identify social and economic issues.

4.4 Section D - State and Commonwealth Interests

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

It is estimated that the proposal will provide a yield of between 250-320 lots.

Transport and roads

A traffic assessment was prepared in support of the proposal. The assessment investigated existing transport facilities (road and public transport) and assessed their adequacy. Whilst it found that the majority of the road network would not be adversely impacted by the proposal, it was found that the Bendalong Road/Inyadda Drive intersection would not meet the applicable design standards given the traffic generated by the proposal. However, the assessment notes that there is an existing deficiency at this intersection.

As previously noted, Manyana is not serviced by public transport and development would rely on private vehicles to access jobs and services outside the Manyana area. The nearest regular public bus service runs on the Princes Highway between Ulladulla and Nowra (accessed at Cudmirrah) and private mini-bus services are available. The proponent suggests that the proximity of the site to the new commercial centre will encourage walking and cycling, and the increase in Manyana's population will support a greater range of local services, and potentially improve the viability of a public bus service between Manyana and Ulladulla.

The adequacy of existing transport infrastructure will be considered further in consultation with the RMS after Gateway Determination.

Pedestrian and cycle movement throughout the site will be provided along the perimeter roads on the northern edges of the two future residential areas, as well as a footpath along Inyadda Drive. Council's Bike Plan 2013 proposes an on-road and off-road cycling route connecting Manyana with the adjacent settlement of Bendalong to the north. There is an opportunity to incorporate this proposed bike route into the design for development of the site.

Water and sewer

The proposal includes an assessment of the existing water and sewer infrastructure which has been reviewed by Shoalhaven Water.

Water for the subject site is sourced from the Berringer reservoir which has a capacity of 8.0 ML, not 12.7 ML as noted in the proponent's PP. Based on the Water Supply Strategy prepared by GHD for Shoalhaven Water (May 2013) there is adequate reservoir capacity to support this proposal.

The site has access to reticulated sewerage. The site is serviced by the Bendalong Waste Water Treatment Plant (Bendalong WWTP), and the proponent's assessment of the treatment plant is that there is capacity to support the proposal. Shoalhaven Water indicates that the proposal may progress subject to additional work being carried out in relation to the capacity of the Bendalong WWTP to accommodate the additional demand. As such, it is recommended that DPE include as a requirement of the Gateway Determination that a detailed assessment of the Bendalong WWTP to ascertain/confirm hydraulic loading limits.

The proponent's PP notes that there is an opportunity to incorporate dual use infrastructure to facilitate effluent re-use at the subject site, as has been implemented in the REMS scheme in North Shoalhaven. The proponent's PP also notes the possible application of re-use water to laundries and showers. However, Shoalhaven Water has advised that an effluent re-use scheme has not been pursued in the southern Shoalhaven and effluent re-use is not to be applied in instances of human contact.

Open space

The PP includes the rezoning of a small portion of land (approximately 3,000 m²) in the south western corner of the site from RE1 Public Recreation to E2 Environmental Conservation as a result of Council's resolution to extend the E2 zone all the way to the foreshore. The land still forms part of the larger parcel of land adjacent to the foreshore and has not been acquired by Council. It was zoned for public open space in 1992 and was originally intended to be used for an amenities block and car parking. Since then the amenities block and car parking have been provided further to the north and as such this land is no longer required for these public facilities.

The proponent's development concept plan provides for approximately 2 ha of open space in two 'pocket' parks and a linear park along the southern boundary of the site. It is proposed that the Goodsell grave site will be incorporated into the smaller park. The linear park is proposed as a buffer to existing residential properties fronting Curvers Drive and to formalise public pedestrian access between the future commercial centre and the beach. Consideration of whether this land should be zoned RE1 will inform the proposed land use zones for the site.

The linear park will maintain the 30 m building line along the southern boundary of the site which is a requirement of Chapter V2 Building Lines of the Shoalhaven DCP 2014 and was previously included in the Shoalhaven LEP 1985. Within the 30 m building line on the western boundary, the concept plan includes a 15 m wide vegetated buffer between the northern boundary of the site and the future commercial centre in the south-western corner. The building lines will be included in a site-specific development control plan for the subject land.

4.4.2 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:

Table 1 - Public Authorities to be consulted

Public Authority	Reason
Office of Environment and Heritage	Potential impacts to ecological communities and cultural heritage (prior to public exhibition)
Commissioner of NSW Rural Fire Service	As per s117 Direction 4.4 Planning for Bushfire Protection (prior to public exhibition)
Roads and Maritime Services	Potential traffic impacts and future infrastructure planning (during exhibition)

5 Part 4 – Mapping

The maps included in the PP have been provided by the proponent and are for information purposes only. The maps identify the site and the proposed land use zones. The location of the zone boundaries may need to be reviewed following the completion of further studies.

6 Part 5 - Community Consultation

As noted above, initial community consultation was undertaken in 2013 prior to the submission of the proponent's PP to Council in February 2015. A community information day was held in Manyana on 25 May 2013 in relation to the 2013 PP. The information day was attended by 50-60 people. Council subsequently received briefings from both the proponent and the RHVA.

As a result of the information day and briefings a number of community concerns were identified in relation to: lot sizes and proposed zones, environmental impacts, aesthetic impacts, removal of building lines and potential impacts on infrastructure. The PP submitted to Council in February 2015 has taken into account these issues. No further consultation has been undertaken.

It is proposed that the PP will be exhibited for a minimum period of 28 days. Public notification of the exhibition will include notification in the local newspapers, and a notice on Council's website. Hard copies of the PP will be made available at Council's

Administrative Buildings in Nowra and Ulladulla. Council will also write to those people who made submissions on the previous version of the proposal, and to the relevant Community Consultative Bodies.

The proponent proposes to hold community information session(s) to allow interested parties to attend to obtain information, ask questions and raise concerns in relation to the proposal. It is expected that Council staff would attend any community information sessions held by the proponent.

7 Part 6 – Project Timeline

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

Table 2 - Projected Timeline

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	May 2015
Completion of Gateway determination requirements – i.e. studies, government agency consultation	October 2015
Public exhibition (minimum 28 days)	January 2016
Post exhibition consideration of Planning Proposal	March/April 2016
Finalisation and notification of Plan	July 2016

Attachment A – Development Committee Reports and Resolutions

Attachment B – Proponent’s Planning Proposal Document

Attachment C – State Environmental Planning Policies

Attachment D – Ministerial Directions (Section 117 Directions)