

Planning Proposal for Woollamia Rural Residential Lots

Proposal Title : **Planning Proposal for Woollamia Rural Residential Lots**

Proposal Summary : The planning proposal seeks to resolve uncertainty in relation to the development potential of small lot subdivisions in the Woollamia Farmlets area. The land is currently zoned Rural 1(d) (General Rural) under the Shoalhaven LEP 1985. Under the draft Shoalhaven LEP 2009 (currently with Shoalhaven Council for consideration of submissions made during public exhibition), the land is proposed to be zoned RU2 Rural Landscape and E2 Environmental Conservation.

The proposal seeks an amendment to either the Shoalhaven LEP 1985 or the draft Shoalhaven LEP 2009, whichever is notified at the time, to enable the permissibility of a single dwelling house on six discrete lots, which currently have no dwelling entitlement and which are located within an established rural residential area.

PP Number : **PP_2011_SHOAL_007_00** Dop File No : **10/03080**

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
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection
 5.1 Implementation of Regional Strategies
 6.3 Site Specific Provisions

Additional Information : It is recommended that:

1. The planning proposal proceed as a low impact planning proposal with an exhibition period of 14 days.
2. The planning proposal is to be placed on public exhibition with both a proposed amendment to the Shoalhaven LEP 1985 and a proposed amendment to the draft Shoalhaven LEP 2009. A map clearly identifying the proposed changes to minimum lot sizes is to be exhibited with the planning proposal.
3. The planning proposal is to be completed within 6 months.
4. The RPA consult with the Jervis Bay Marine Park Authority, NSW Rural Fire Service, Office of Environment and Heritage and Southern Rivers Catchment Management Authority.
5. The Gateway note that the planning proposal is consistent with the S117 directions 1.5 Rural Lands, 2.2 Coastal Protection, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection Zones and 5.1 Implementation of Regional Strategies.
6. In accordance with S117 direction 4.4 Planning for Bushfire Protection, the RPA is to consult with the Commissioner of the NSW Rural Fire Service prior to proceeding to public exhibition.
7. The planning proposal is inconsistent with the S117 directions 1.2 Rural Zones and 2.1 Environment Protection Zones. The Director General can be satisfied that the

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inconsistencies have been justified by the need to achieve some form of development potential for the lots in line with the Jervis Bay Settlement Strategy whilst at the same time protecting the environmental values of the land.

8. The planning proposal is inconsistent with the S117 direction 6.3 Site Specific Provisions in that it is proposing development standards and requirements for the erection of the dwelling on each lot. The Department does not consider that a clause with site specific provisions is necessary and the inclusion of such a provision is not supported. The existing Clause 21 in the Shoalhaven LEP 1985 and proposed Clauses 7.5 and 7.6 in the draft Shoalhaven LEP 2009 provide additional heads of consideration when assessing a development proposal on the land.

9. It is unknown whether the planning proposal is consistent with the S117 direction 2.3 Heritage Conservation and 4.1 Acid Sulfate Soils. The RPA should clarify the consistency of the planning proposal to these S117 directions and provide justification for any inconsistencies.

10. The RPA be advised that reliance on the development assessment process to identify the exact nature of development constraints of the land may result in the planning proposal giving development potential to lots which may not be able to accommodate development.

Supporting Reasons : The conditions are necessary to ensure that the recommended changes to the planning proposal are made prior to public exhibition.

Panel Recommendation

Recommendation Date : 01-Dec-2011

Gateway Recommendation : Passed with Conditions

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

1. Council is to ensure that appropriate mapping, including an amending Minimum Lot Size map, which clearly identifies the subject sites is prepared and placed on public exhibition.
2. Council's proposal to include a site specific clause to address development related matters on the subject sites is not supported. The Department considers that Council's existing clause 21 of the Shoalhaven LEP 1985 and proposed clauses 7.7 and 7.6 in draft Shoalhaven LEP 2009 provide sufficient appropriate heads of consideration when assessing a development proposal.
3. Further work is required by Council in relation to demonstrating consistency with S117 Directions 2.3 Heritage Conservation and 4.1 Acid Sulfate Soils. Council is to clarify consistency with these Section 117 Directions and justify any inconsistencies prior to public exhibition and place this material on exhibition as part of the planning proposal.
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 classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 14 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Southern Rivers Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - Jervis Bay Marine Park Authority

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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.

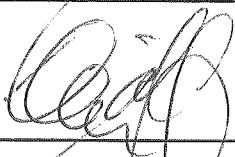
6. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

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 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 6 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____



Neil McGaffin

Date: _____

5.12.11