

PLANNING PROPOSAL – PP018

Shoalhaven Local Environmental Plan 2014

Beach Road, Berry

Prepared by
Planning, Environment & Development Group
Shoalhaven City Council

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1	Introduction	5
1.1	Subject Land	5
1.2	Background	8
2	Part 1 –Intended Outcome.....	11
3	Part 2 – Explanation of Provisions	12
4	Part 3 – Justification	14
4.1	Need for the Planning Proposal (Section A)	14
4.2	Relationship to strategic planning framework (Section B).....	14
4.3	Environmental, Social and Economic Impact (Section C)	17
4.4	State and Commonwealth Interests (Section D)	19
5	Part 4 – Mapping	20
6	Part 5 - Community Consultation	21
7	Part 6 – Project Timeline	21

Figures

Figure 1: Location Map	5
Figure 2: Subject Land	6
Figure 3: Aerial Photo Map of Subject Land	7
Figure 4: Current Land Use Zoning Map (LEP)	7
Figure 5: Existing Minimum Lot Size Map (LEP).....	8

Planning Proposal Maps

Map 1 - Current and Proposed Zoning	20
Map 2 - Current and Proposed Minimum Lot Size	21
Map 3 - Current and Proposed Heritage Map	Error! Bookmark not defined.

Attachments

- Attachment 1 - [Council Resolutions and Reports](#)
- Attachment 2 - [Joint Regional Planning Panel Advice](#)
- Attachment 3 - [Gateway determination](#)
- Attachment 4 - [Flora & Fauna Assessment](#)
- Attachment 5 - [Bushfire Assessment](#)
- Attachment 6 - [Water Cycle Assessment](#)
- Attachment 7 - [Groundwater Impact Assessment](#)
- Attachment 8 - [Preliminary Contaminated Site Assessment](#)
- Attachment 9 - [Preliminary Agricultural Assessment](#)
- Attachment 10 - [State Environmental Planning Policy Assessment Checklist](#)
- Attachment 11 - [Section 9.1 Directions Assessment Checklist](#)
- Attachment 12 - [Endeavour Energy Advice](#)
- Attachment 13 - [Report to Council 5 November 2019 on community feedback](#)

1 Introduction

This Planning Proposal (PP) seeks to:

- a) rezone land at Beach Road, Berry, for a mix of rural residential development and environmental protection; and
- b) facilitate the transfer of land to the NSW National Parks and Wildlife Service;

1.1 Subject Land

The subject land (Lot 4 DP 834254) is located east of the Berry township (refer to Figures 1 and 2). It has a total area of approximately 74.85 ha and is currently zoned part RU1 Primary Production and part E2 Environmental Conservation under the Shoalhaven Local Environmental Plan (LEP) 2014 (see Figure 4).

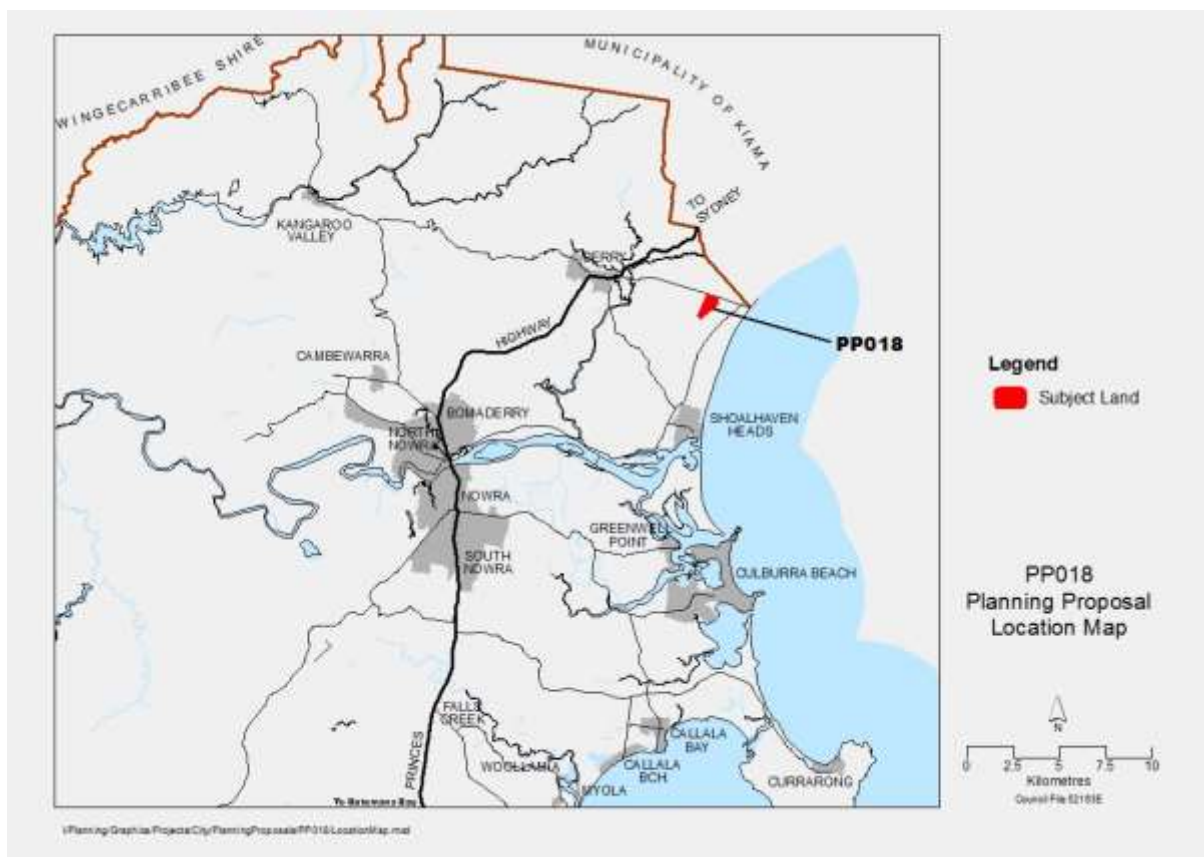


Figure 1: Location Map



Figure 2: Subject Land

The land contains an existing farmhouse and structures from the former dairy in the north-western portion and is currently used for cattle grazing (see Figure 3). The part of the lot zoned E2 Environmental Conservation forms part of Coomonderry Swamp which is mapped as a coastal wetland under State Environmental Planning Policy (Coastal Management). This wetland has considerable environmental significance as the largest fresh water coastal wetland on the NSW coast and is of national significance. This E2 land is also identified in the Shoalhaven LEP 2014 as containing high terrestrial biodiversity values with significant vegetation and forms part of a habitat corridor. The northern part of the subject land drains to Foy's Swamp.





Figure 5: Current Minimum Lot Size Map (LEP)

1.2 Background

History

In the mid-1990s, the subject land was initially considered as part of investigations into the suitability of land along Beach Road for rural residential development. However, in 1995 the owner of the subject land withdrew from the rezoning process. In July 2000, Amendment No. 166 to the Shoalhaven LEP 1985 rezoned the adjoining lots to the east and west for rural residential development, ultimately resulting in the land being subdivided and developed with housing, and the transfer of the land comprising part of Coomonderry Swamp into public ownership (NPWS) as part of Seven Mile Beach National Park.

Planning Proposal (PP)

Council was approached by the owner of the subject land in 2014 regarding a potential planning proposal (PP) to rezone the land. A pre-lodgement meeting with State Government agencies was held in July 2015. In September 2015 Council provided a pre-lodgement letter outlining the matters to be addressed in any PP over the subject land. A PP was ultimately lodged with Council in September 2015 by Michael Brown Planning Strategies, on behalf of the landowner. The PP was assessed and informal early community notification was undertaken including letters being sent to adjoining and adjacent property owners. A copy of the Proponent's PP document was made available on Council's website.

Council's Development Committee considered a report on the Proponent's PP document on 18 January 2016 (**Attachment 1**). Council resolved at its January 2016 Development Committee Meeting to support the PP, subject to revisions as detailed below:

- I. *Revision of the proposed minimum lot size to ensure the size of future lots is consistent with adjacent subdivisions and can adequately accommodate on site effluent disposal;*
- II. *Revision of the proposed zoning to ensure appropriate environmental zoning for the swamp and buffer area and other ecologically significant areas on the subject land including, but not limited to, protection of Coomonderry Swamp/SEPP 14 wetland and ecologically significant areas such as the patch of forest known as "Jim's Forest" and Berry Wildlife Corridor.*
- III. *Development to be limited to the north of the ridgeline (i.e. no dwellings south of the ridge) to minimise any potential impact on Coomonderry Swamp, to maintain the integrity of the ridgeline, and to be consistent with the planning outcomes of the adjacent sites*
- IV. *Resolution of the proposed transfer of land to National Parks and Wildlife Service, and the possible need for a Voluntary Planning Agreement.*

The proponent was advised in writing of the Council resolution and confirmation was sought on whether they wished to proceed with the PP.

Pre-Gateway Review

In May 2016, Council was then advised by DP&E that the proponent had requested a pre-Gateway review (PGR) on the basis that Council did not make a decision within 90 days. The proponent submitted an amended PP document which was considered by the Southern Joint Regional Planning Panel in September 2016. The JRPP released their Advice in November 2016 (**Attachment 2**) which included the following recommendations:

1. *The Panel considers that the Planning Proposal has strategic merit and recommends that the Planning Proposal proceed to a gateway determination.*
2. *The Panel is of the view that the following amendments should be made:*
 - *Lands around Jim Forrest and south of the ridge being zoned E2 Environmental Protection to ensure limited and restricted use;*
 - *Delineation of the area as proposed Lot 47 to be transferred to National Parks and Wildlife Services and zoned appropriately as E1 or E2;*
 - *Controls being drafted to promote a variety of lot sizes greater than a minimum of 1 hectare, to appropriately reflect the rural character; and*
 - *Controls to maintain all vegetation on site and that there is limited change to land levels.*
3. *The Panel recommends that there should be certainty around the transfer of lands to public ownership and that the mechanism for these should accompany the Planning Proposal.*
4. *There should not be any further consideration of rezoning proposals for rural residential subdivision until Council has developed a rural residential strategy (it is understood that there is a current resolution to develop a new position on rural residential land) and has identified regionally important agricultural lands.*

The outcome of the PGR determination by DP&E was that an amended PP, consistent with the JRPP recommendations, should be prepared and submitted for a Gateway determination and that there should be clarity around the transfer of the lands within Coomonderry Swamp into public ownership and the mechanism for this should accompany the PP.

A PP consistent with the JRPP advice was prepared by Council and submitted to DP&E. A Gateway determination (**Attachment 3**) was issued on 6 June 2017. This Gateway determination allowed the PP to proceed subject to the preparation of a number of specialist studies.

Assessment

Accordingly, Council proceeded to address the conditions of the Gateway determination, working with the proponent, to prepare the PP for public exhibition. The PP has been revised in accordance with the Council resolution and the various specialist studies that have now been prepared or updated. The current set of specialist studies are listed below:

- Flora and Fauna Assessment (**Attachment 4**)
- Bushfire Assessment (**Attachment 5**)
- Water Cycle Assessment (**Attachment 6**)
- Wastewater Site Assessment (**Attachment 7**)
- Aboriginal Cultural Heritage Assessment (**Attachment 8**)
- Preliminary Contaminated Site Assessment (**Attachment 9**)
- Preliminary Agricultural Assessment (**Attachment 10**)

The studies identified a number of site constraints that should inform and be reflected in the PP. In particular, the following were identified on the northern side of the ridge:

1. An area of highly permeable soils that are unsuitable for effluent disposal.
2. Natural groundwater springs that give rise to areas that are unsuitable for effluent disposal.
3. Areas with a moderate to high likelihood of subsurface Aboriginal artefacts.
4. A watercourse.
5. An Aboriginal Scarred Tree that warrants a heritage listing.
6. The “Jim’s Forrest” stand of native vegetation.

The revised PP was considered by Council’s Development and Environment Committee on 2 April 2019. The report and resolution are included in **Attachment 1**. At that meeting Council resolved to:

1. *Amend the Planning Proposal (PP) for Lot 4 DP83425, Beach Road, Berry to:*
 - a. *Reflect the revised maps provided with the report; and*
 - b. *List the Aboriginal Scarred Tree identified on the site as an item of Aboriginal Heritage*
2. *Submit the revised PP to the NSW Department of Planning and Environment for consideration as required by the Gateway determination.*
3. *Undertake the necessary Government Agency consultation prior to public exhibition as required by the Gateway determination.*
4. *Prepare a draft site-specific Development Control Plan (DCP) chapter to support the PP.*
5. *Publicly exhibit the PP and supporting draft DCP chapter, subject to completion of the above matters.*
6. *Advise the proponent of this resolution.*

The PP (PP018) and supporting documents, including a draft DCP Chapter and a draft Planning Agreement, were publicly exhibited at Council's Nowra Administration Building from 17 July to 16 August 2019. The exhibited documents can be accessed at:

<https://getinvolved.shoalhaven.nsw.gov.au/beach-road-berry-pp>

A report on the outcomes of the exhibition was considered by Council on 5 November 2019. The report can be viewed [here](#). In response, Council resolved (MIN19.808) as follows:

That Council:

1. *Adopt and finalise the Planning Proposal (PP018) as exhibited with the changes outlined in this report.*
2. *Adopt and finalise Chapter N28 of Shoalhaven Development Control Plan (DCP) 2014 (Amendment 36) as exhibited with the changes outlined in this report.*
3. *Based on advice from the Environment, Energy and Science (EES) group of the NSW Department of Planning, Industry and Environment (DPIE) that Council is not required to be a party to the Planning Agreement, liaise with the proponent and EES to have Council removed from the final Planning Agreement.*
4. *To ensure the legal mechanism for the transfer of the E1 land to NPWS is secured, forward the PP to DPIE for finalisation and advise them that the notification of the amended LEP cannot occur until the VPA with OEI is signed by both parties.*

2 Part 1 –Intended Outcome

The intended outcome of this PP through appropriate rezoning and other controls is to balance conservation of the Coomonderry Swamp with providing for additional rural residential development, in accordance with the following objectives:

- Protect ecologically significant lands on the site around Jim's Forest and south of the west-east ridgeline to ensure limited and restricted use.
- Locate all new residential development north of the ridgeline to minimise potential impacts on Coomonderry Swamp, maintain the scenic integrity of the ridgeline and ensure consistency with the planning outcomes in the adjacent land to the east and west.
- Allow the future subdivision of the land with a variety of lot sizes greater than a minimum of 1 hectare, to appropriately reflect the existing rural residential character, ensure lot sizes are consistent with adjacent subdivisions and ensure they can adequately accommodate on-site effluent disposal.
- Facilitate the transfer of Coomonderry Swamp lands that form part of the site into Public Ownership (NPWS) as part of the overall rezoning proposal.

Transfer of Coomonderry Swamp land into Public Ownership by NPWS

Council had preliminary informal discussions with OEH and NPWS in relation to the land transfer mechanism. A draft Voluntary Planning Agreement (VPA) was initially prepared between Council, OEH/NPWS and the landowner as the mechanism to facilitate the land transfer. The draft VPA was exhibited with this PP.

Based on advice from OEH, Council ultimately resolved to not be party to the VPA. Part 3 of Council's resolution on 5 November 2019 (MIN19.808) was:

3. *Based on advice from the Environment, Energy and Science (EES) group of the NSW Department of Planning, Industry and Environment (DPIE) that Council is not required to be a party to the Planning Agreement, liaise with the proponent and EES to have Council removed from the final Planning Agreement.*

A proposed additional local provisions clause was originally intended to ensure the transfer of the Coomonderry Swamp land to NPWS occurred as part of the subdivision process. However, it was ultimately determined that the simplest way to secure the landowner's commitment to transfer the Coomonderry Swamp land to NPWS was to not finalise the LEP amendment until the VPA has been executed. Specifically, part 4 of Council's resolution on 5 November 2019 (MIN19.808) was:

4. *To ensure the legal mechanism for the transfer of the E1 land to NPWS is secured, forward the PP to DPIE for finalisation and advise them that the notification of the amended LEP cannot occur until the VPA with OEH is signed by both parties.*

3 Part 2 – Explanation of Provisions

The proposed changes to the LEP maps are tabulated below. There are no proposed changes to any clauses within the LEP.

Change	Explanation
Apply E1 – National Parks and Nature Reserves Zone to the Coomonderry Swamp part of the subject land.	The proponent and NPWS have reached an agreement on the land to be dedicated as an extension of Seven Mile Beach National Park. This land is proposed to be zoned E1.
Apply E2 – Environmental Conservation Zone to land between the ridge line and the E1 zone.	This land drains to Coomonderry Swamp (and includes "Jim's Forest") and warrants a higher level of environmental protection than the land on the northern side of the ridge line. This is consistent with the zoning approach on adjoining land.
Apply E3 – Environmental Management Zone to the constrained land that will be retained in private ownership.	Land affected by one or more of the following constraints is proposed to be zoned E3: <ul style="list-style-type: none"> - Land with poor soil for wastewater management - Areas close to a watercourse - Areas close to a bore or natural spring

	<ul style="list-style-type: none"> - Areas with significant native vegetation - Areas of Aboriginal Archaeological Potential <p>A new DCP chapter (Chapter N28) has commenced and will support the PP provide additional guidance to ensure eventual development responds to these values.</p>
Apply R5 – Large Lot Residential Zone to part of the subject land.	The remainder of the land is relatively unconstrained and is suitable for a large lot residential zoning.
Apply no minimum lot size to part of the subject land to be zoned E1.	The part to be zoned E1 National Parks and Nature Reserves does not require a ‘minimum lot size’ in the LEP and so none is proposed.
Apply a 4 ha minimum lot size to part of the subject land known as “Jim’s Forest”.	The NSW Office of Environment & Heritage (OEH) in consultation has requested that the PP prevent the subdivision of “Jim’s Forest” into more than one lot. To achieve this, a 4 ha minimum lot size is proposed for this part of the land.
Apply a 1 ha minimum lot size to land north of the ridge line, excluding a small area NE of “Jim’s Forest”.	This will enable development that is generally consistent with the existing rural residential developments on either side of the site. DCP Chapter N28 includes a provision to exclude any buildings or onsite effluent disposal in the small area NE of Jim’s Forest that drains to Coomonderry Swamp.
Apply a 2 ha minimum lot size to land between the ridge line, Jim’s Forest and the E1 zone.	A larger lot size on the southern side of the ridge is necessary to ensure the subdivision responds to the site constraints and environmental values, and to ensure that the resulting lots that extend onto the southern side of the ridge have an appropriate width and a development area outside of the catchment of the Coomonderry Swamp catchment.

It should be noted that the previous version of the PP proposed an additional LEP clause to facilitate transfer of the Coomonderry Swamp land to NPWS. This clause is no longer proposed as it is being addressed by a Planning Agreement and the application of environmental zones to the land.

An amendment was previously proposed to Schedule 5 of the LEP to list an Aboriginal scarred tree. This is no longer proposed as the tree was severely damaged by a lightning

strike. This matter was discussed in the [community participation report](#) considered by Council on 5 November 2019.

4 Part 3 – Justification

4.1 Need for the Planning Proposal (Section A)

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

The PP has not resulted from a strategic study or report. The subject land previously formed part of a wider investigation into the suitability of the land for rural residential development, together with the adjoining lands to the east and west.

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

There is no other strategic approach that would achieve a balance between protection of the Coomonderry Swamp and rural residential development, other than amending the zoning, minimum lot size and potentially other maps in Shoalhaven LEP 2014 to facilitate this.

4.2 Relationship to strategic planning framework (Section B)

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

Illawarra-Shoalhaven Regional Plan 2015 (ISRP)

The ISRP is a high-level strategic planning document that provides a framework to guide sustainable growth in the region, over the next 20 years. ISRP sets strategic directions for:

- Protecting regionally important agricultural lands as an asset to food and fibre production; and
- Protecting the region's biodiversity corridors in local planning controls.

The subject land does not appear to be mapped as 'Biophysical Strategic Agricultural Land (BSAL)' in *Figure 11: Illawarra – Shoalhaven's Resources* in the IRSP, however the land to the north of the site is zoned RU1 Primary Production and part of that land is mapped as BSAL in the lower scale Strategic Agricultural Land Map – sheet STA_042 of the Mining SEPP. Part of the land (and the existing rural residential land to the east and west of the site) is identified as Class 3 prime crop and pasture land by the Department of Agriculture.

Whilst the site is suitable for high quality grazing based on the size and soil types, the site is considered to be an infill rural property that is located between two (2) rural residential subdivisions.

The JRPP in their advice report to the Minister (**Attachment 2**) concluded that:

“The impact on achieving the ISRP outcome of protecting regionally significant agricultural lands as an asset to food and fibre production and the significance of the departure from S117 1.2 and 1.5 is lessened by potential constraints already created on the subject land by Amendment No 166 to the SLEP 1985 allowing rural residential development to the east and west.

The regional strategies give equal weight to environmentally sensitive lands and strategically important agricultural land. This land is still reasonable agricultural land and of a size that could support primary production. However its location between existing rural residential subdivisions does give rise to the potential for land use conflicts.

It is the Panel’s view that, only because there has been a history of consideration, and the fact that it is an infill, that there is strategic merit in changing the zoning to complement adjoining land uses and achieve the transfer of a portion of Coomonderry Swamp to public ownership.

On balance while the Panel is of the view that there are justifiable reasons to maintain the agricultural use of the site, the earlier land use decisions of adjoining lands distinguishes this site from the other sites exhibiting similar characteristics, which means strategically it is appropriate to revisit the planning framework.” (page 5).

4.2.2 Is the Planning Proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

Community Strategic Plan - Shoalhaven 2027 (CSP)

Council’s Community Strategic Plan – Shoalhaven 2027 provides long-term direction for the overall development of the City and identifies objectives and strategies for place, people, prosperity and leadership in Shoalhaven. The proposal is not inconsistent with the CSP and specifically addresses:

1.1.05 - Develop plans which enable a variety of housing options to be provided for the community and which helps to connect people and places

1.1.05.01 - Undertake projects in the Strategic Planning Works Program to meet community needs regarding housing and the built environment including continued implementation of the Shoalhaven Affordable Housing Strategy and other relevant plans/strategies/policies.

Shoalhaven Growth Management Strategy (GMS)

The Shoalhaven GMS establishes a growth direction for the City to help guide the future development and conservation of the City for 20-25 years, particularly for settlements that do not currently have a Settlement Strategy. The GMS notes Berry as a settlement with longer term growth potential, subject to infrastructure development and additional service provision. The growth of Berry as a settlement is limited by surrounding land identified as prime crop and pasture land which should be retained for agricultural purposes. The GMS

suggests growth should occur within the existing urban framework and boundaries of the Berry township and on the existing residential zoned land to the south west of the town.

As previously noted, the subject land is part of a precinct that was previously considered for rural residential development. The remainder of the precinct was subsequently rezoned. This PP essentially completes a legacy project that predates the current GMS.

4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The PP has been assessed for consistency with the applicable state environmental planning policies. A full list of SEPPs is provided at **Attachment 11**. The most relevant SEPPs are discussed below.

State Environmental Planning Policy (Coastal Management)

That part of the land that forms part of Coomonderry Swamp is mapped as coastal wetland under this SEPP. The PP does not propose any development within the Coomonderry Swamp catchment. The PP is not inconsistent with any provisions in this SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to provide a Statewide planning approach to the remediation of contamination land and consideration for an RPA when preparing an Environmental Planning Instrument for land identified in the SEPP. The majority of the site has been used for agricultural purposes including a dairy operation and more recently grazing for beef cattle. Some lands near the homestead and immediately downslope may have been contaminated by past practices, including an underground diesel tank. Council has reviewed the findings of a Phase 1 Contaminated site assessment and concluded that the land may be contained but can be remediated to be suitable for its intended use. It is proposed to register the site in Council's potential contaminated lands register to ensure this is further assessed and conditioned at the subdivision development application stage of the development.

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Ministerial Directions are considered in **Attachment 12** and those that require further commentary are discussed below:

The proposal is **not inconsistent** with the following s9.1 Directions:

- 2.1 Environmental Protection Zones – this PP seeks to ensure appropriate environmental zoning of ecologically significant lands, to be confirmed through a flora and fauna impact assessment. Consistent with adjoining lands, the catchment of the swamp south of the ridgeline will be zoned E2 to protect the swamp and buffer area from drainage and waste water issues/runoff.
- 2.3 Heritage Conservation – There is an Aboriginal Object (Scarred Tree) on the site and an area of 'high potential for subsurface artefacts' located along the northern edge of the ridgeline is included in the proposed E3 zone. DCP Chapter N28 includes provisions to ensure that appropriate investigations are undertaken in these areas prior to development.

- 3.1 Residential zones – the subject land is bounded by rural residential development to the east and west and the PP is considered to be an infill rezoning/development that is generally consistent with the planning principles of the adjoining land.
- 3.4 Integrating land use and transport – the site is located on Beach Road which connects Berry and Gerroa.
- 4.1 Acid sulphate soils - the area proposed for rural residential development is not affected by acid sulphate soils however the area of swamp and buffer to the south of the site is affected by Class 2 Acid Sulphate Soils.
- 4.4 Planning for Bushfire Protection – a bushfire assessment has been prepared for the PP and the RFS raised no objections provided the subdivision complies with the NSW Planning for Bushfire Protection Guidelines.
- 5.10 Implementation of Regional Plans – the Illawarra Shoalhaven Regional Plan (ISRP) applies to the site and detailed commentary on the ISRP is provided at Section 4.2.1. The ISRP gives equal weight to environmentally sensitive lands and strategically important agricultural land. While the land has agricultural value, this must be considered in context of its position between two rural subdivisions and the conservation benefit of the environmentally significant wetland being transferred into public ownership (NPWS) for ongoing protection.

The proposal is **inconsistent, to a minor extent** with the following s9.1 Directions:

- 1.2 Rural Zones - the PP seeks to rezone part of the subject land from a rural zone (RU2 Rural landscape) to a rural residential zoning (R5 Large lot residential). However, this is considered to be of minor significance as it reflects its infill nature and the zoning of the adjoining land. In addition, the site was considered as part of rezoning investigations for adjacent land to the east and west which were rezoned to enable rural residential development. The PP also seeks to alter the minimum lot size applicable to the subject land from 40 hectares to 1 hectare. However, this is considered to be of minor significance given this is consistent with the existing lot sizes of the adjoining rural residential development immediately to the east and west.
- 1.5 Rural Lands – the PP will change the minimum lot sizes of land currently zoned RU2 Rural landscape and E2 Environment Conservation. The PP is consistent with the Rural Planning Principles and the Rural Subdivision Principles in SEPP (Rural Lands) 2008. The subject land is located between two existing rural residential subdivisions and was originally included in the rezoning investigations for this land, thus it will provide for the orderly and economic development of this land. Given that this is an infill lot between existing rural residential developments there is the potential for land use conflict between the use of the subject land for agricultural purposes and the rural residential land to the immediate east and west. As such, the PP is considered to be appropriate for this location as it reduces this conflict.

4.3 Environmental, Social and Economic Impact (Section C)

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?

Parts of the subject land have the potential to contain critical habitat or threatened species, populations or ecological communities, or their habitats. The Coomonderry Swamp provides habitat for a number of species and a number of Threatened Ecological Communities (TECs) listed in the Biodiversity Conservation Act 2016. The Shoalhaven LEP 2014 also currently identifies parts of the site as having significant vegetation and forming part of a habitat corridor.

A Flora and Fauna assessment was prepared by Biosis Pty Ltd (**Attachment 4**). This report found:

Overall, this project will not significantly impact upon threatened communities or biota. Mitigation actions for the avoidance of indirect impacts to ecological values need to be implemented.

The proposed mitigation actions are:

1. Retain “Jim’s Forest” (“Jim’s Bush” in the report).
2. Provide a buffer to the Coomonderry Swamp
3. Limit clearing of EEC to 0.29 ha
4. Limit removal of hollow bearing trees to 2 trees
5. Ensure the removal of dams is undertaken in the presence of an ecologist and in autumn, winter or spring

Actions 1 and 2 are reflected in the PP’s proposed zone and lot size maps. Items 3 to 5 will be addressed at the development application stage through assessment and the imposition of conditions of consent.

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?

The environmental effects may include impact on water quality, stormwater management, onsite effluent management, and bushfire risk. These environmental effects are proposed to be managed by preventing rural residential development south of the ridgeline and zoning ecologically significant areas an appropriate environmental zoning. This will be achieved through zone boundaries, lot sizes and a site-specific chapter in Shoalhaven Development Control Plan 2014 (Chapter N28 was exhibited concurrently with this PP and has since commenced). The swamp area and buffer are proposed to be zoned E1 and ultimately transferred to the National Parks and Wildlife Service.

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

The socio-economic effect of this PP will be relatively minimal. It will provide some economic benefit through the supply of additional rural residential land and housing opportunities. It

also provides an opportunity to bring part of Coomonderry Swamp into public ownership. The transfer will be achieved through a Voluntary Planning Agreement (VPA).

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

Adequate infrastructure can be provided for the rural residential development of the northern part of the site as follows:

Electricity	Endeavour energy have advised (Attachment 13) that there is capacity in the existing high voltage feeder line to support the development subject to the construction of a padmount substation with the site.
Water	Town water and sewer are not available. On site wastewater disposal will be required and lot sizes and zones have been nominated to reflect this.
Roads	Some local widening will be required in front of the site near new intersections servicing the future subdivision. These works can be addressed as conditions of a future development consent because they are an integral part of the development.
Stormwater	It is proposed to restrict development to the northern part of the site to avoid any water quality impacts on Coomonderry Swamp. Stormwater from the future development of the land is to be managed in accordance with Council's standard requirements.

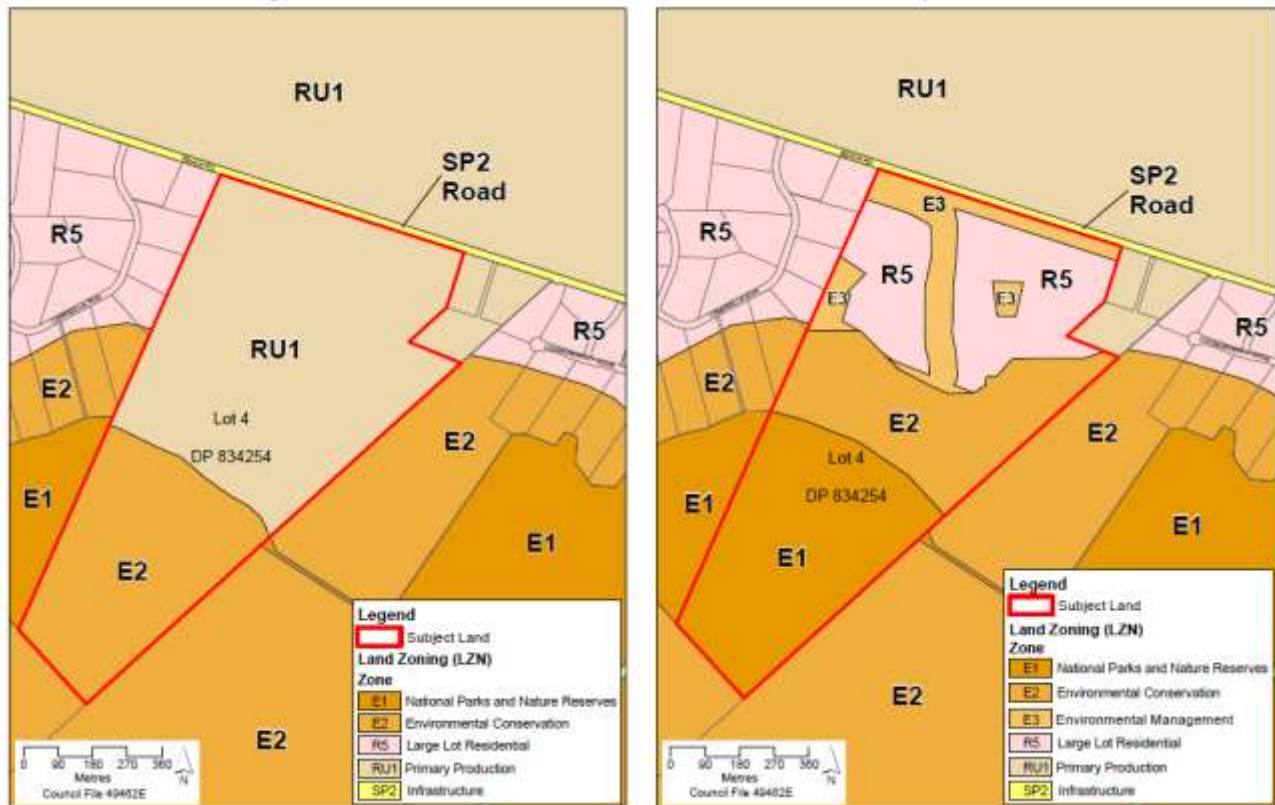
4.4.2 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The consultation undertaken with public authorities to date is summarised below:

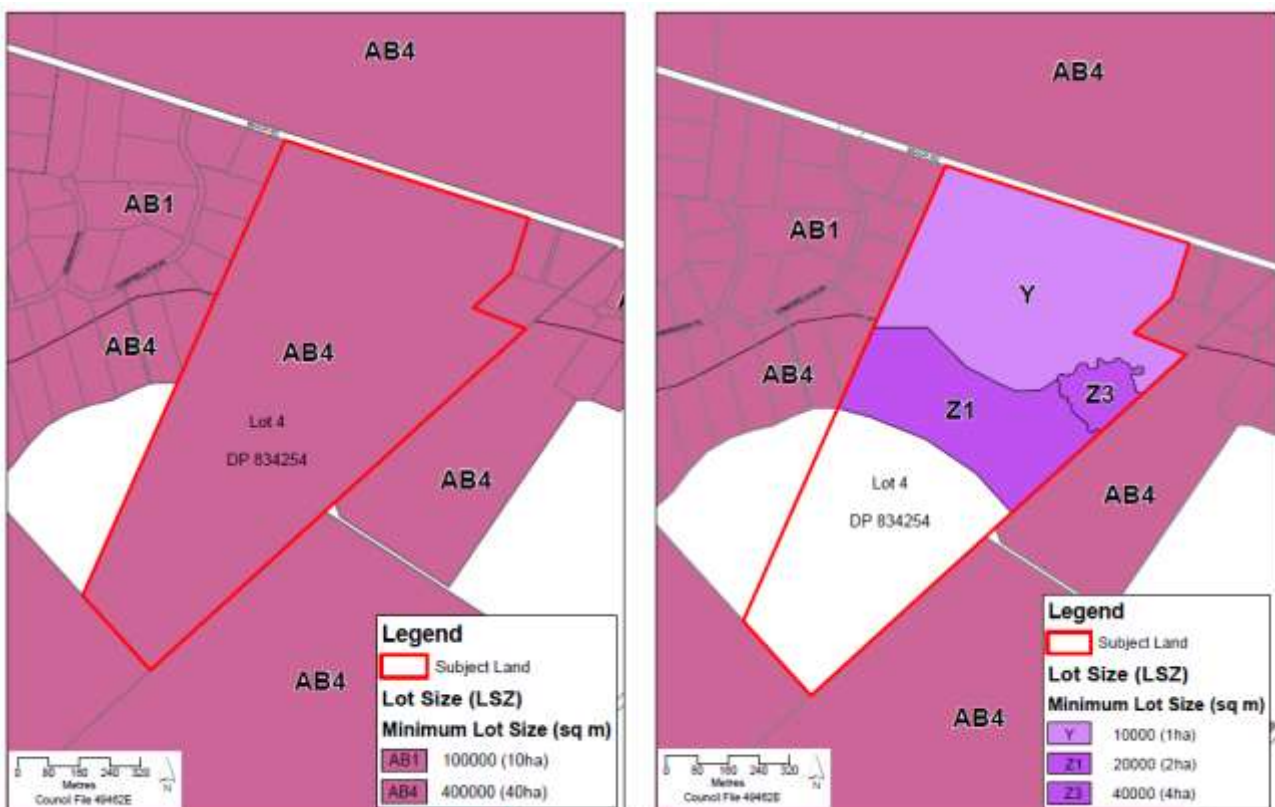
NSW Office of Environment and Heritage	OEHL have been consulted throughout the preparation of this PP. Formal referral of the PP is proposed when it is placed on public exhibition.
NSW National Parks and Wildlife Service	The proponent has negotiated directly with NPWS. Preliminary agreement on the proposed transfer of land in Coomonderry Swamp to Seven Mile Beach National Park and a draft Planning Agreement was exhibited concurrently with this PP. The Planning Agreement was subsequently revised by DPIE and the landowner and re-exhibited by DPIE in March/April 2020.
Endeavour Energy	Endeavour Energy have advised that power can be provided to the site.
Shoalhaven Water	Shoalhaven Water have advised that they cannot service the development but do not object to it proceeding.
NSW Rural Fire Service	No objection to the proposal provided the future subdivision complies with Planning for Bushfire Protection requirements.

5 Part 4 – Mapping

The current LEP maps and the proposed LEP maps are provided below:



Map 1 - Current and Proposed Zoning



Map 2 - Current and Proposed Minimum Lot Size

6 Part 5 - Community Consultation

Council will exhibit the planning proposal for at least 28 days in accordance with the Gateway determination.

Public notification of the exhibition would include notification in the local newspaper(s), and a notice on Council's website. Hard copies of the planning proposal would be made available at Council's Administrative Building in Nowra.

7 Part 6 - Project Timeline

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	June 2017
Completion of Gateway determination requirements	June 2019
Public exhibition	September 2019
Post exhibition consideration of PP	November 2019
Finalisation and notification of Plan	February 2020

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- Attachment 2 - [Joint Regional Planning Panel Advice](#)
- Attachment 3 - [Gateway determination](#)
- Attachment 4 - [Flora & Fauna Assessment](#)
- Attachment 5 - [Bushfire Assessment](#)
- Attachment 6 - [Water Cycle Assessment](#)
- Attachment 7 - [Groundwater Impact Assessment](#)
- Attachment 8 - [Preliminary Contaminated Site Assessment](#)
- Attachment 9 - [Preliminary Agricultural Assessment](#)
- Attachment 10 - [State Environmental Planning Policy Assessment Checklist](#)
- Attachment 11 - [Section 9.1 Directions Assessment Checklist](#)
- Attachment 12 - [Endeavour Energy Advice](#)
- Attachment 13 - [Report to Council 5 November 2019 on community feedback](#)