

PLANNING PROPOSAL – PP005

Shoalhaven Local Environmental Plan 2014

Rezoning of deferred land at Warrah Road,
Bangalee (part of the 'Crams Road Urban
Release Area')

Prepared by
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1 Introduction

This Planning Proposal (PP) seeks to resolve the long term development potential of land within the 'Crams Road Urban Release Area' that was deferred from Shoalhaven Local Environmental Plan (LEP) 2014. The land is currently zoned Rural 1(d) General Rural under Shoalhaven LEP 1985. The land is proposed to be rezoned to a mix of E2 - Environmental Conservation, RU2 - Rural Landscape and R2 - Low Density Residential.

This is a revised version of the PP that is submitted to DP&E for an amendment to the Gateway determination. This version of the PP will also be submitted to RFS for consideration.

1.1 Subject Land

The subject land is located at Bangalee, approximately 3.5 km north west of the Nowra town centre, within Shoalhaven LGA. The site location is shown in Figure 1 below:

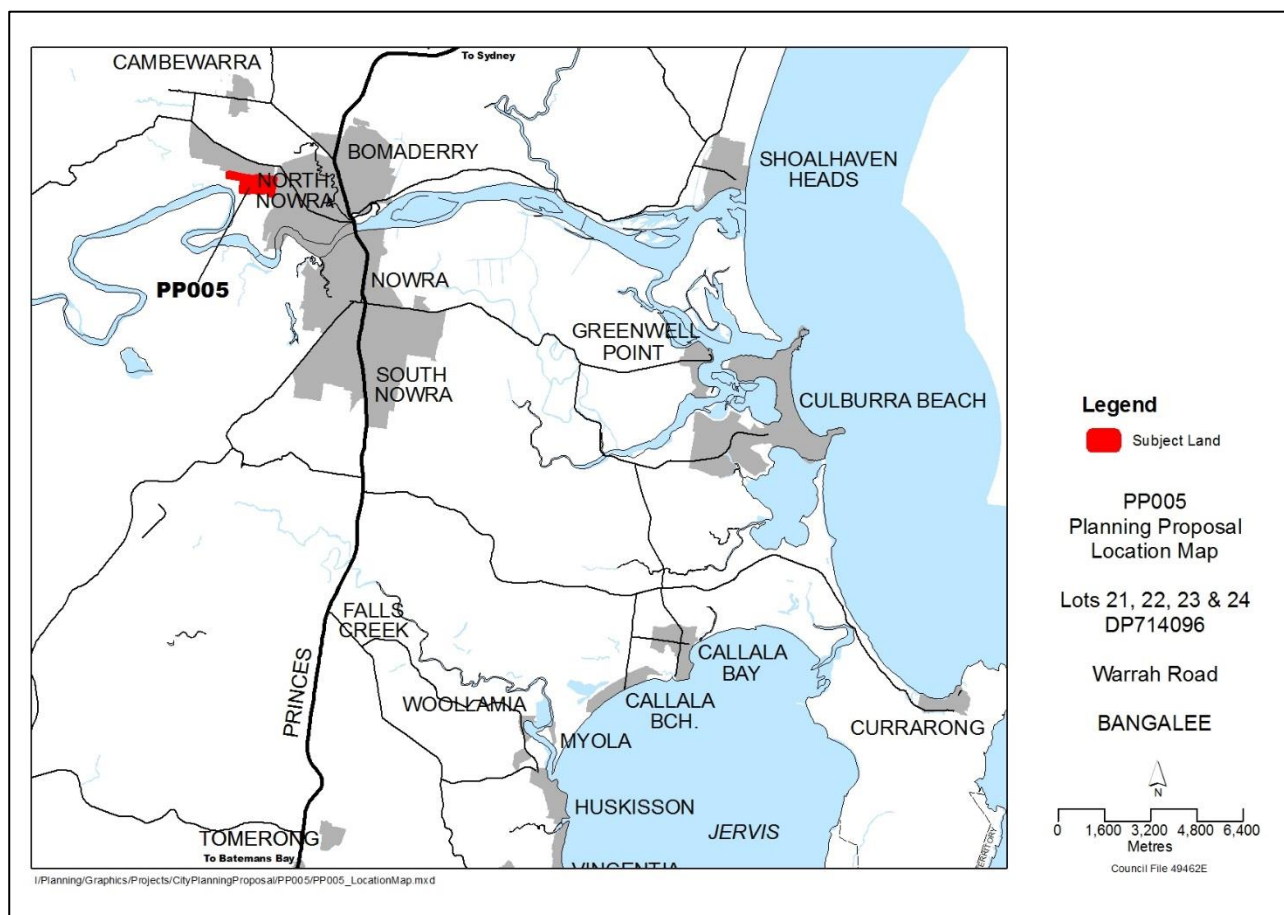


Figure 1 – Site Location Map

The subject land is comprised of Lots 21-24 DP 714096. The subject land is bordered by existing large lot residential development to the north (R2 - Low Density Residential), small lot residential to the east (R2 - Low Density Residential) and small rural holdings (E2 - Environmental Conservation and E3 - Environmental Management) to the south and west.

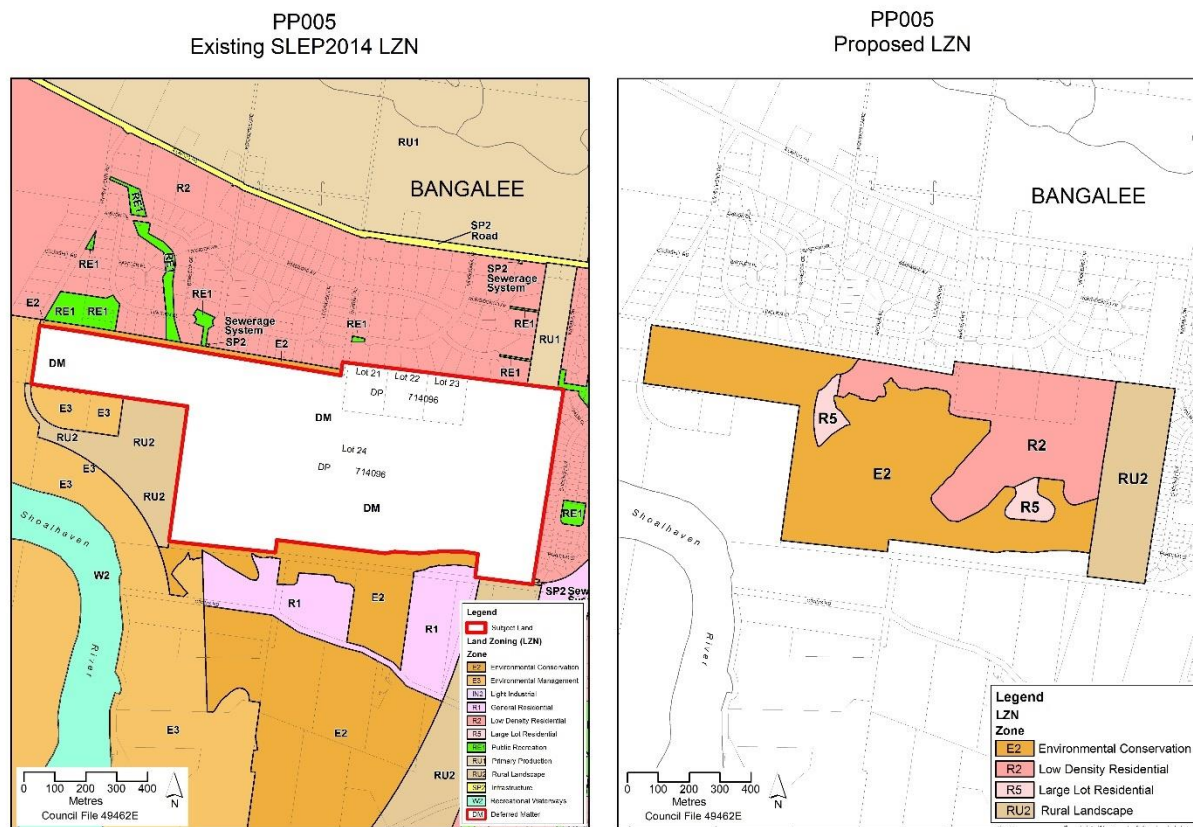


Figure 3 - Aerial Photo

The land was deferred from Shoalhaven LEP 2014, as shown in Figure 4 below, and as such the provisions of Shoalhaven LEP 1985 continue to apply. Under Shoalhaven LEP 1985, the site is currently zoned Rural 1(d) (General Rural).

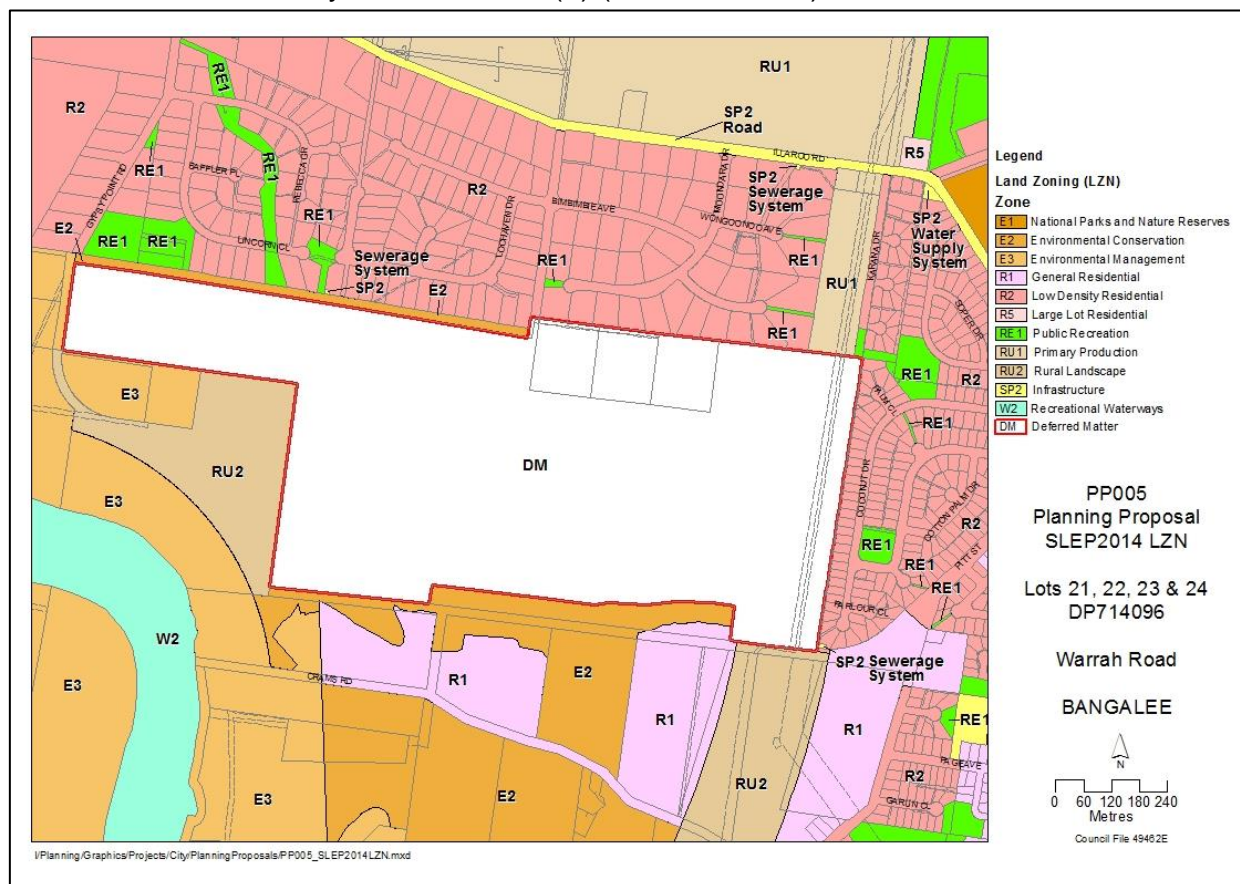


Figure 4 - Current Land Use Zones

1.2 Background

The Crams Road investigation area (CRIA) was initially identified as one of seven (7) potential Urban Release Areas (URAs) in the Nowra-Bomaderry Structure Plan (NBSP) which was adopted by Council in 2006 and endorsed by DPE in 2008.

The NBSP identified an area of ninety (90) hectares for potential rezoning at Crams Road, as shown in Figure 5 below, subject to further studies, including a threatened species and biodiversity assessment.

The NBSP also states that the URAs will be released in phases, having regard to a range of factors such as road and traffic issues. The CRIA was identified as 'phase 4' in recognition of the need to resolve traffic congestion associated with the Shoalhaven River crossing. The NBSP specifically links the release of the CRIA with completion of a new river crossing.

The NBSP identified an investigation area at Crams Road of 90 ha, subject to completion of a number of assessments, including threatened biodiversity and bushfire risk management.

The NBSP applied a notional dwelling density of 12 dwellings/ha to estimate a total dwelling yield of 1080 dwellings.

As detailed later in this PP, investigations completed to date have shown that a total of 50 ha in the CRIA is potentially suitable for residential development. As such, the NBSP overestimated potential housing supply for the CRIA by 480 approx. dwellings. This may need to be offset by increasing densities elsewhere in the NBSP area.



Figure 5 - Extract from NBSP - Crams Road Future Living Area

In 2008, Council engaged Allison Hunt and Associates (AHA) to undertake a strategic biodiversity assessment of the CRIA in accordance with the requirements of the NBSP. This was done as part of a broader assessment that considered possible bio-certification of the NBSP area. Based on the findings of the AHA assessment, a significant reduction in the proposed Crams Road URA was proposed in the exhibited draft Shoalhaven LEP 2014, as shown in Figure 6 below.

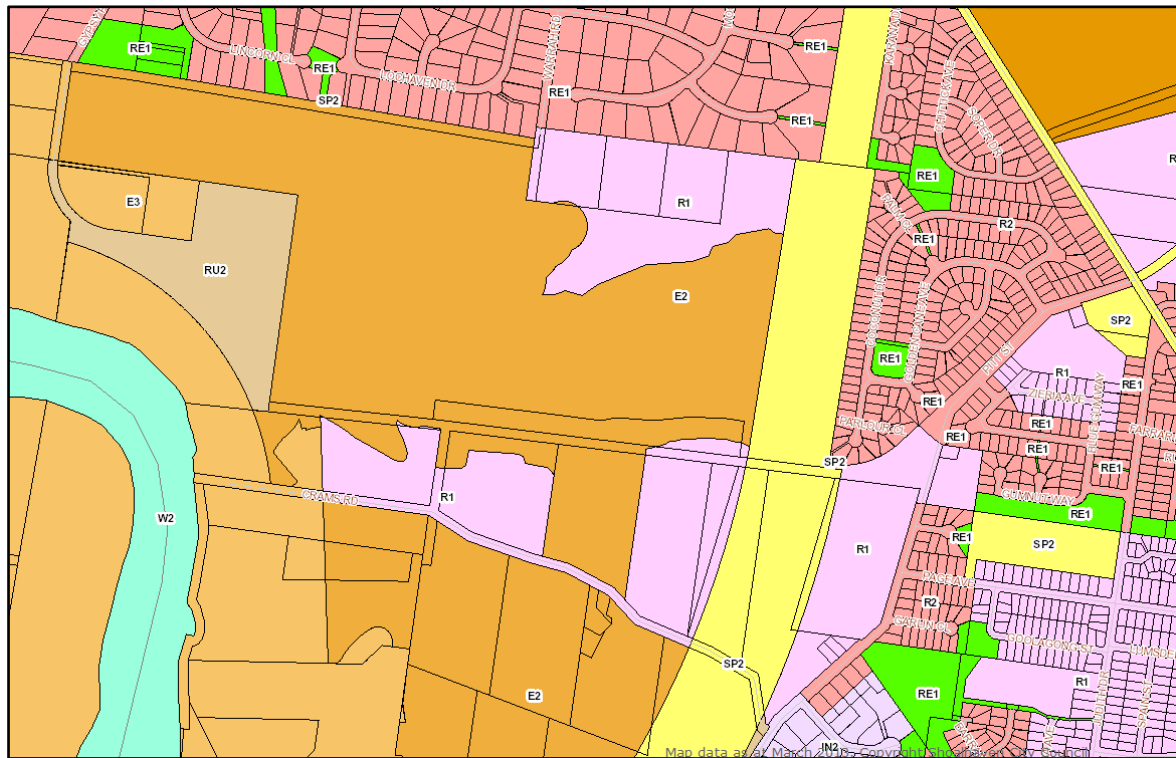


Figure 6 - Extract from draft Shoalhaven LEP 2014 as exhibited - Crams Road URA

During the exhibition of the draft Shoalhaven LEP 2014, parts of the subject land were cleared by the owner, resulting in a Remediation Order being imposed by the NSW Office of Environment and Heritage (OEH) requiring rehabilitation of parts of the site.

The proponent made a submission to the then draft Shoalhaven LEP 2014 that requested additional areas outside the exhibited zone boundaries be considered for rezoning to R1 - General Residential as shown in Figure 7 below.

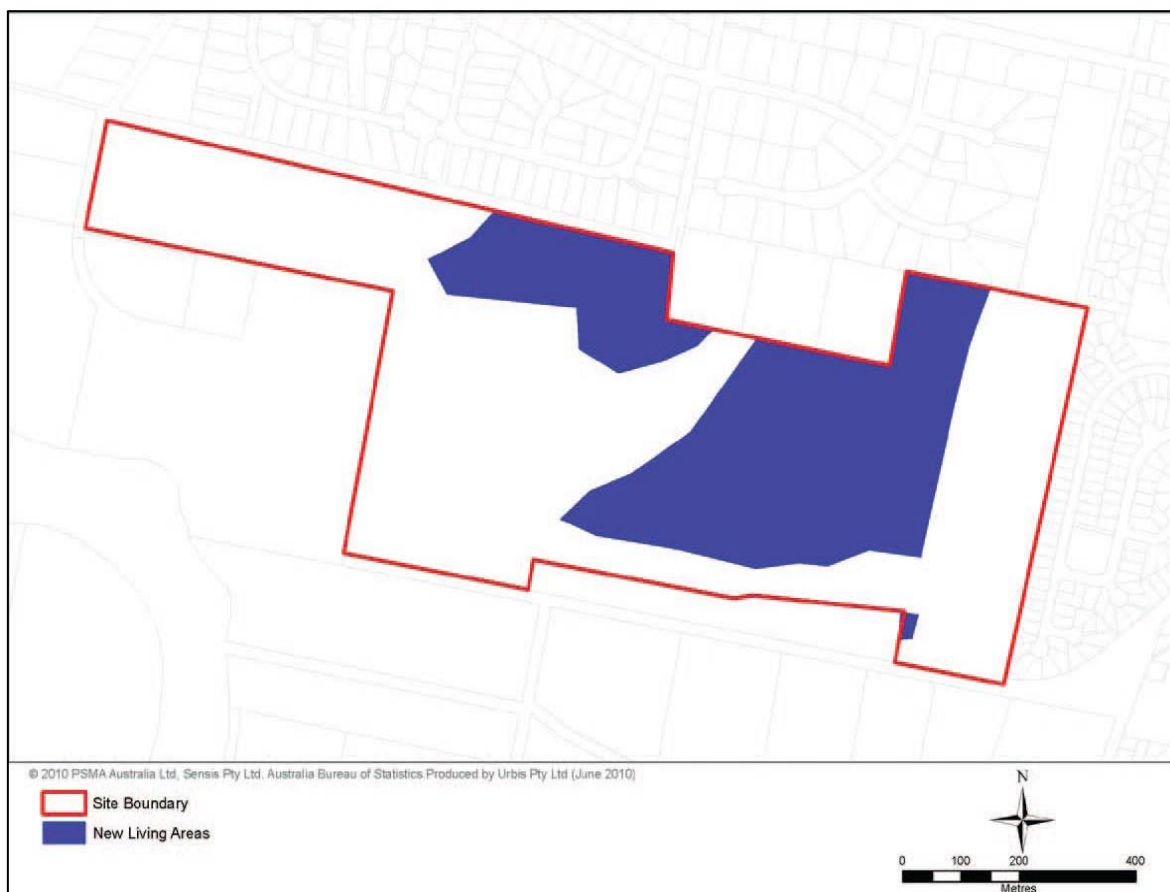


Figure 7 - Extract from proponent's submission to draft Shoalhaven LEP 2014 - proposed 'New Living Area'

Following the exhibition of the draft Shoalhaven LEP 2014, Council resolved to:

- a) *Defer the area identified as Lots 21, 22, 23, 24 DP 714096 from the Draft LEP 2013 to enable further specific consideration;*
- b) *...*
- c) *Consider a planning proposal for the site after the completion of the investigations into alleged illegal clearing.*

Accordingly, the subject land was deferred from the notified Shoalhaven LEP 2014.

In 2014 the proponent submitted a PP to Council that sought to rezone a larger proportion of the subject land to R1. A copy of the proponents preferred land use zones is shown in Figure 8 below.

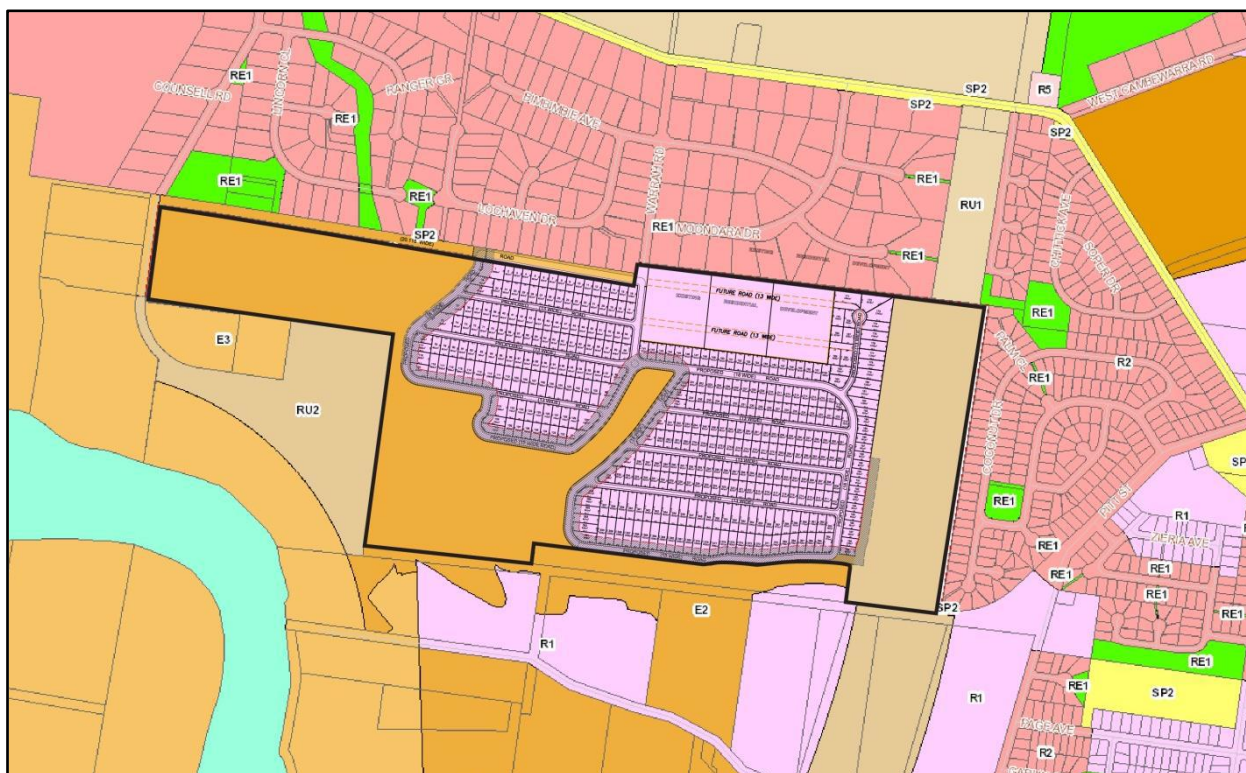


Figure 8 - Extract from the proponent's PP - Proposed land use zones

The proposed increase in the R1 area was based on ecological assessments commissioned by the proponents in 2010 and 2011. (The findings of the proponents' ecological assessments differed from the findings of the AHA assessment commissioned by Council).

The proponents' PP was considered by Council's Development Committee meeting on 7 October 2014, which resolved that:

- a) *Council support the draft Warrah Road, Bangalee Planning Proposal in principle, pending an independent peer review of the conflicting threatened species and biodiversity assessments that exist over the site – prior to submitting the proposal for Gateway determination;*
- b) *Council engage an independent consultant (to be funded by the proponent) to peer review the existing threatened species and biodiversity assessments related to the site of the Warrah Road, Bangalee Planning Proposal and make recommendations on the biodiversity significance of the site;*
- c) *A report of the findings of the peer review be reported back to Council with recommendations on the preferred approach to continue the proposal; and*
- d) *...*

1st Peer Review of Biodiversity Studies

Council subsequently engaged NGH Environmental to undertake an independent peer review of the biodiversity studies (Council's and proponents') to determine the extent of high conservation value (HCV) land. The peer review did not involve further surveys/studies over the site.

NGH Environmental applied the 'precautionary principle': areas in doubt due to a lack of detailed surveys were categorised as HCV. The NGH Environmental report also outlined the survey requirements and information to more accurately map the extent of HCV land.

The extent of HCV land recommended by NGH is shown in Figure 9 below.



Figure 9 - Extract from NGH Report - High Conservation Value Land

On 1 December 2015, Council resolved to prepare a PP based on the findings of the NGH Environmental peer review (refer to Figure 10) and:

Submit the Planning Proposal for Gateway determination and request the NSW Department of Planning and Environment determine the appropriateness of further biodiversity investigations over the site, to support the possible increase in residential zoned land...

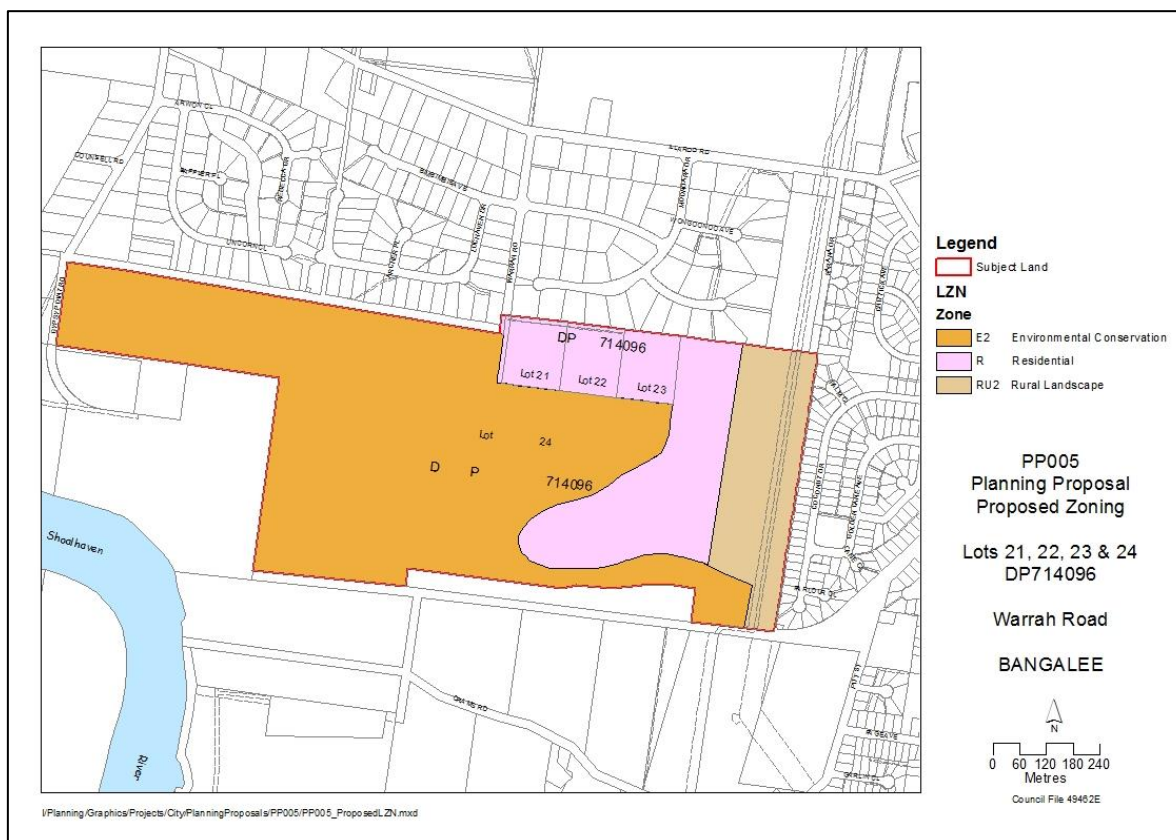


Figure 10 – Proposed zoning adopted by Council on 1 December 2015 for submission to DPE for Gateway Determination

Gateway Determination

Council submitted the PP to DPE in March 2016 and DPE provided a Gateway Determination in July that year. Meanwhile, a further biodiversity study prepared by OMVI on behalf of the proponents was submitted to Council. The Gateway Determination permitted the PP to progress subject to 8 conditions which were:

1. *The planning proposal is to be revised to remove the proposed residential zoning over the lands in Sub-remediation Area B of the s.38 Remedial Direction under the Native Vegetation Act, 1993. An appropriate environmental zone is to be applied to this area.*
2. *The following studies are to be prepared (or existing studies revised) prior to exhibition of the planning proposal:*
 - (a) *Bushfire Hazard Study*
 - (b) *Aboriginal Archaeological Assessment*
 - (c) *Biodiversity Review of Lots 21-23*
 - (d) *Provision of infrastructure - water, sewerage and electricity to confirm demand and supply issues.*
3. *Following completion of the required studies, the planning proposal is to be revised to confirm the explanation of provisions, and update proposed zoning, floor space ratio, lot size, and height of building maps prior to public exhibition. A copy of the updated proposal is to be provided to the Department for review prior to exhibition of the proposal.*

4. *Council is to update its consideration of section 117 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection following consultation with the Office of Environment and Heritage and the NSW Rural Fire Service. The updated considerations are to be included in the exhibited planning proposal.*
5. *Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:*
 - (a) the planning proposal must be made publicly available for a minimum of 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 LEPs (Department of Planning and Environment 2013).*
6. *Consultation is required with the following government agencies prior to exhibition, in accordance with the Act and to comply with the requirements of relevant section 117 Directions:*
 - NSW Rural Fire Service;*
 - Office of Environment and Heritage;*
 - Office of Water;*
 - Endeavour Energy;*
 - Shoalhaven Water; and*
 - Roads and Maritime Services.*

The agencies are to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal. Any agency advice received and Council's proposed response to this advice should be placed on public exhibition with the planning proposal.
7. *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 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 12 months from the week following the date of the Gateway determination.*

2nd Peer Review of Biodiversity Studies

A report to Council in December 2016 on the Gateway Determination noted that the proponents had requested that a further biodiversity study prepared by OMVI in 2016 on their behalf be considered. Council resolved to consider the proponents additional biodiversity assessment prior to the public exhibition (MIN16.944).

Thus, Council engaged NGH Environmental to prepare an independent peer review of the OMVI 2016 study. The scope of the peer review was to:

- reassess areas of High Conservation Value (HCV) land; and
- determine if further field studies are still required to accurately define HCV areas.

This peer review was completed in June 2017. It concluded that adequate survey has been undertaken to determine HCV lands at the subject site. A full copy of the report prepared by NGH Environmental is provided as Attachment B. The revised HCV map prepared by NGH Environmental is shown in Figure 11 below.



Figure 11 – Final HCV Map

The 2017 Revised Proposal

In September 2017 Council sought a revised Gateway determination for a reconfigured proposal as shown in Figure 12 below:

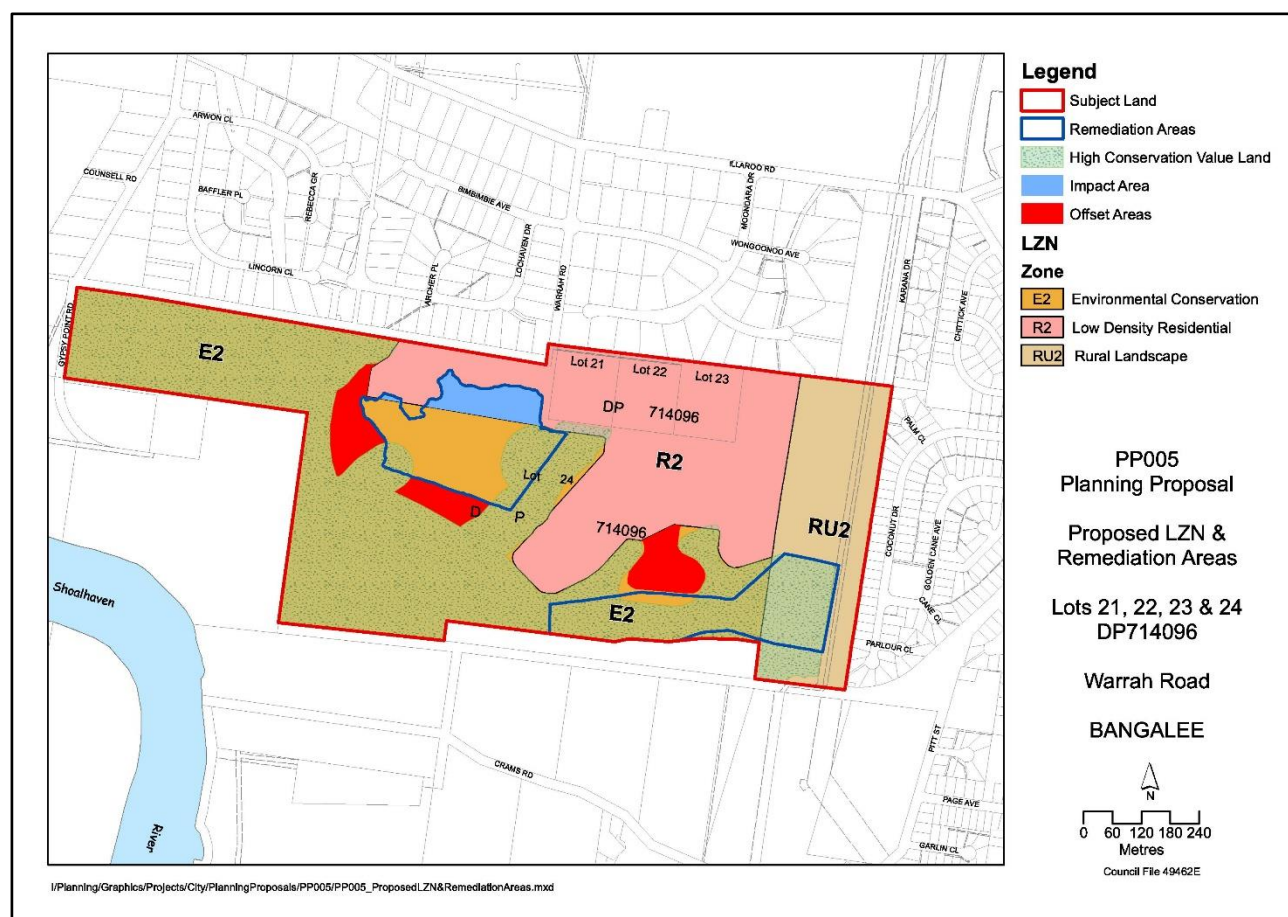


Figure 12 – 2017 Proposed Zone Map with Commentary on Remediation Areas

In April 2018 DP&E advised that they would not support the proposed zoning of land subject to remediation orders to a residential zone. DP&E did however, remove the requirement for a *biodiversity review of Lots 21-23 and provision of infrastructure - water, sewerage and electricity to confirm demand and supply issues.*

2 Part 1 – Objective and Intended Outcomes

The objective of this PP is to resolve the planning status of the deferred land at Warrah Road, Bangalee. This will be achieved by:

- Protecting land of high conservation value (HCV) land by rezoning it to an appropriate environmental zone.
- Protecting the Western Bypass Corridor by rezoning it to RU2 - Rural Landscape.
- Ultimately enabling residential development to occur on the non-HCV land (subject to satisfaction of Part 6 of Shoalhaven LEP 2014).

3 Part 2 – Explanation of Provisions

3.1 The Proposed LEP Amendment

The subject land is currently zoned Rural 1(d) (General Rural) under Shoalhaven LEP 1985.

It is proposed add an additional clause to Shoalhaven LEP 2014 and to amend the following map overlays:

- Land use
- Minimum lot size
- Height of Buildings
- Urban Release Area
- Local Clauses
- Acid Sulfate Soils
- Land Application Map

Land Use Zones

The proposed layout for residential development has been revised based on the outcomes of the second biodiversity peer review (NGH Environmental 2017) and the revised Gateway determination. An R5 Large Lot Residential zone has also been added as part of resolving the ongoing tenure of the residual environmental land. The proposed zones are shown in Figure 13 below.

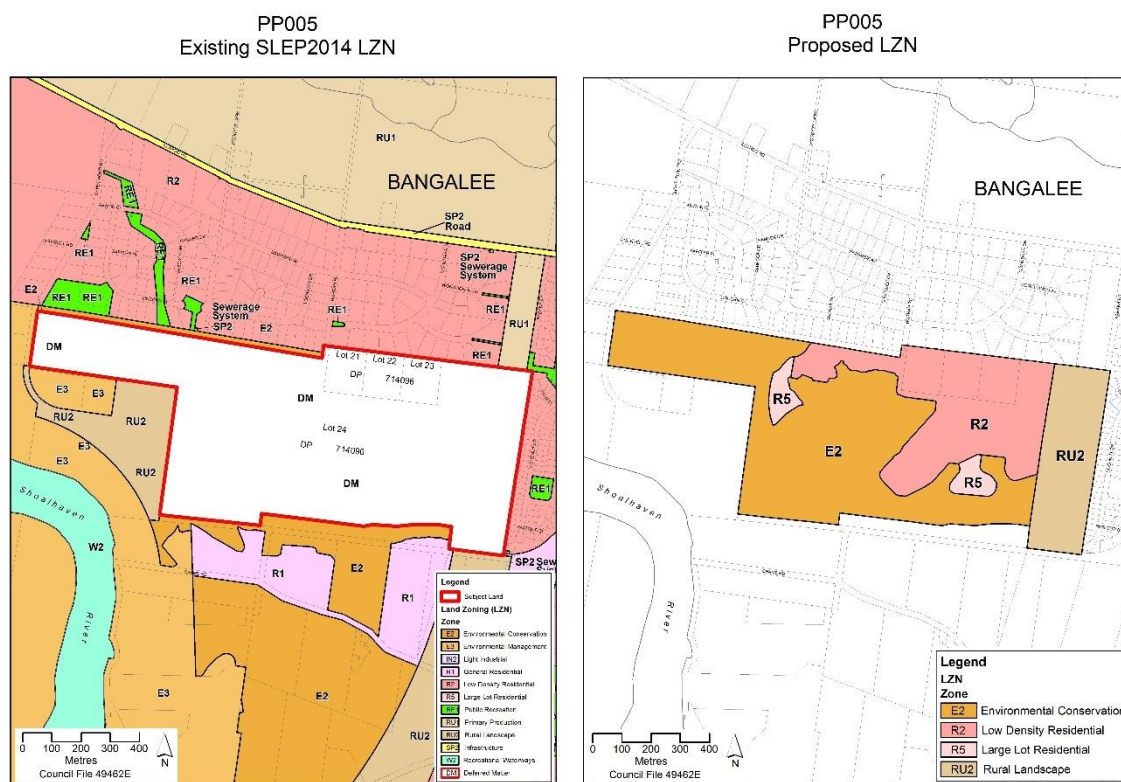


Figure 13 – Proposed Land Use Zone Map

Minimum Lot Size Zones (LSZ)

A draft lot size map is provided in Figure 14 below:

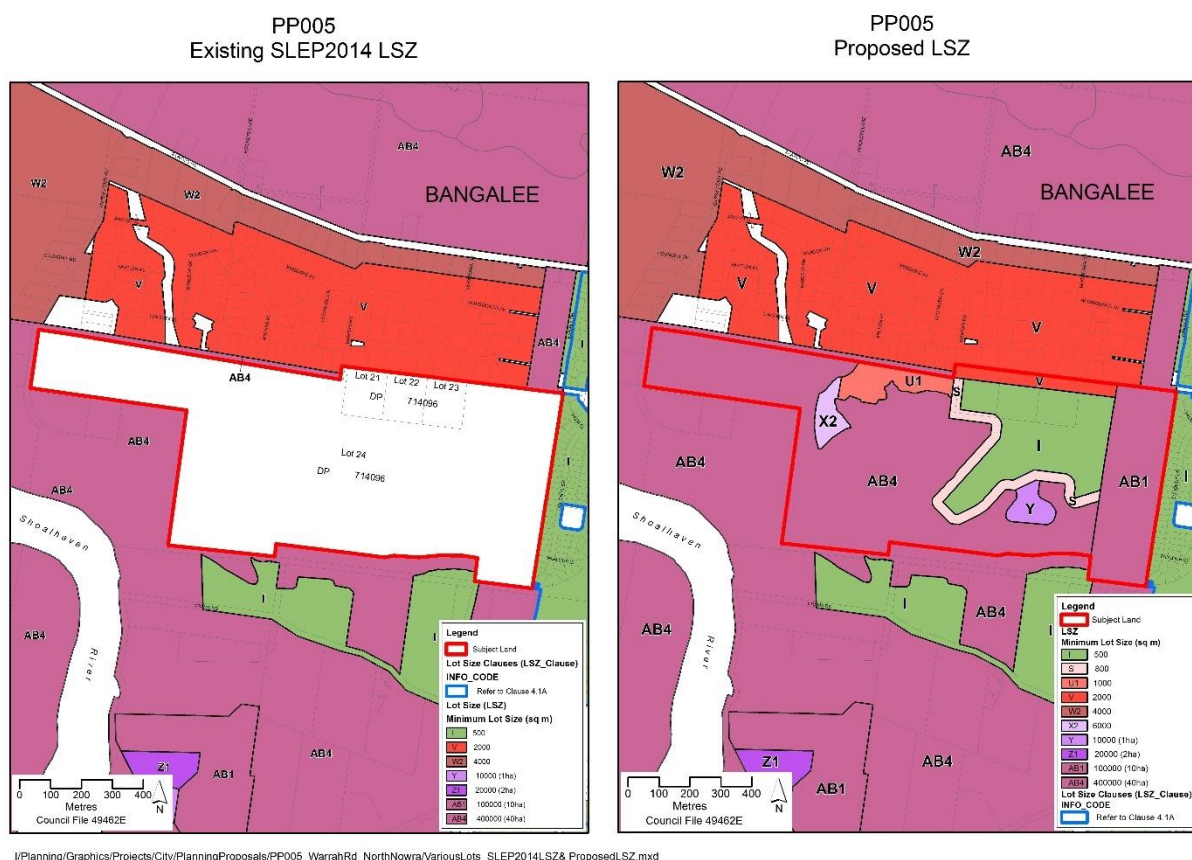


Figure 14 – Proposed Lot Size Zone Map

The specialist studies for the PP, including traffic and bushfire hazard assessments, are now complete. Accordingly, a final draft lot size map has been prepared with the following specifications:

- The northern boundary of the site east of Warrah Road has been provided with the same minimum lot size as the existing large lot residential development to the north. This strip backs onto existing large lot residential development and is intended to provide a buffer to new higher density residential with the urban release area.
- The land immediately west of Warrah Road has been provided with a 1000 m² lot size due to its proximity to the existing large lot residential to the north and its irregular geometry. A 2000 m² lot size is not considered necessary as a buffer for the existing large lot residential development in the location because the development area is setback from that development by a crown road reserve.
- A 6000 m² lot size is proposed for an area land at the western edge of the urban release area to provide two lots as “caretaker lots” comprising the majority of the environmental land.
- A 500 m² lot size is proposed for the least constrained part of the urban release area for the provision of standard residential lots.

- An 800 m² lot size is proposed as a buffer between the 500 m² lot size area and adjoining environmental land. This buffer is to provide larger lots in this location to accommodate asset protection zones.
- A 1 ha lot size is proposed on an area of land near the south-eastern corner of the urban release area to provide an additional lot as a “caretaker lots” comprising the majority of the environmental land.
- A 10 ha minimum lot size is proposed for the Nowra Bypass Road Reservation Corridor to allow this land to be excised with a residential lot within the subdivision until RMS is ready to acquire the land.
- The balance of the site is environmental land and will be provided with a 40 ha minimum lot size.

Urban Release Areas (URA)

A draft urban release areas map is provided in **Figure 15** below:

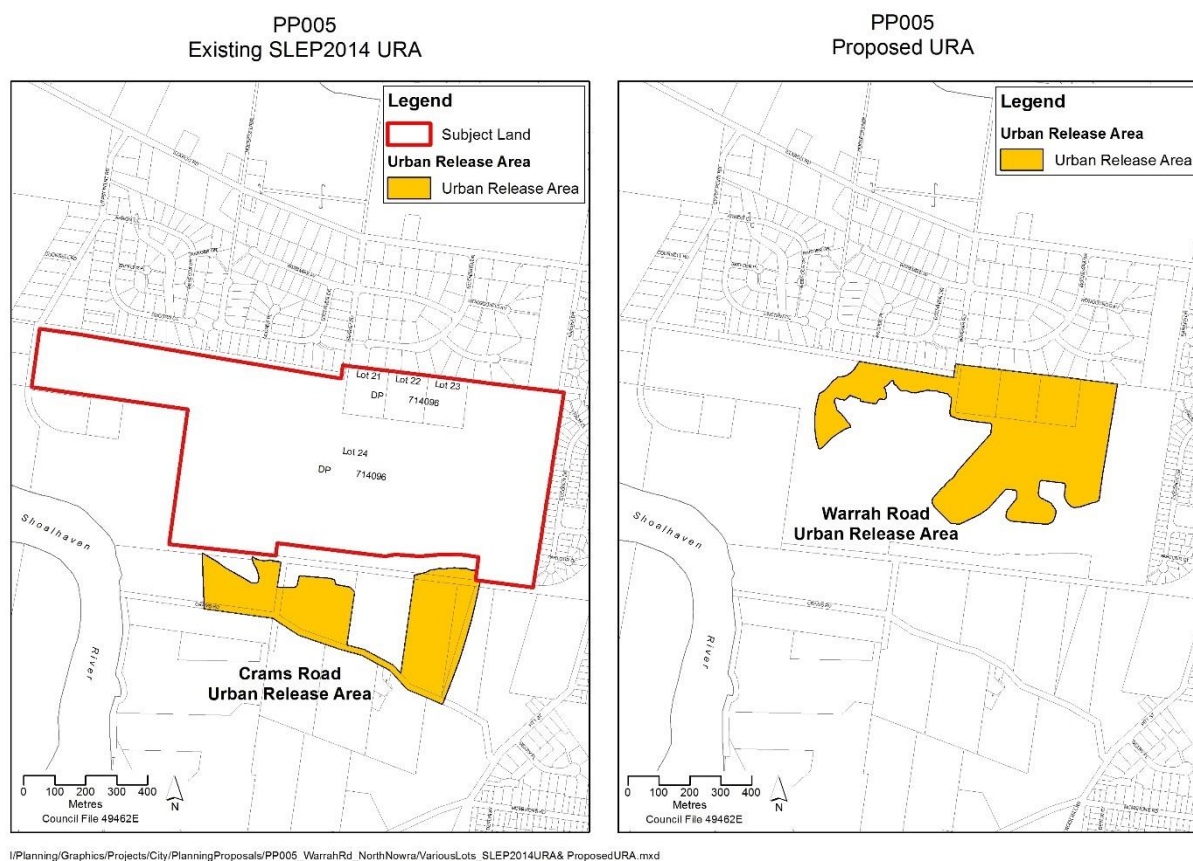


Figure 15 – Proposed Urban Release Area Map

Height of Buildings (HOB)

All parts of the site to be zoned R2 or R5 are proposed to be provided with a maximum building height of 8.5m.

Riparian Lands and Watercourses

The existing watercourse and its tributaries are to be mapped in the LEP as shown in **Figure 16** below:

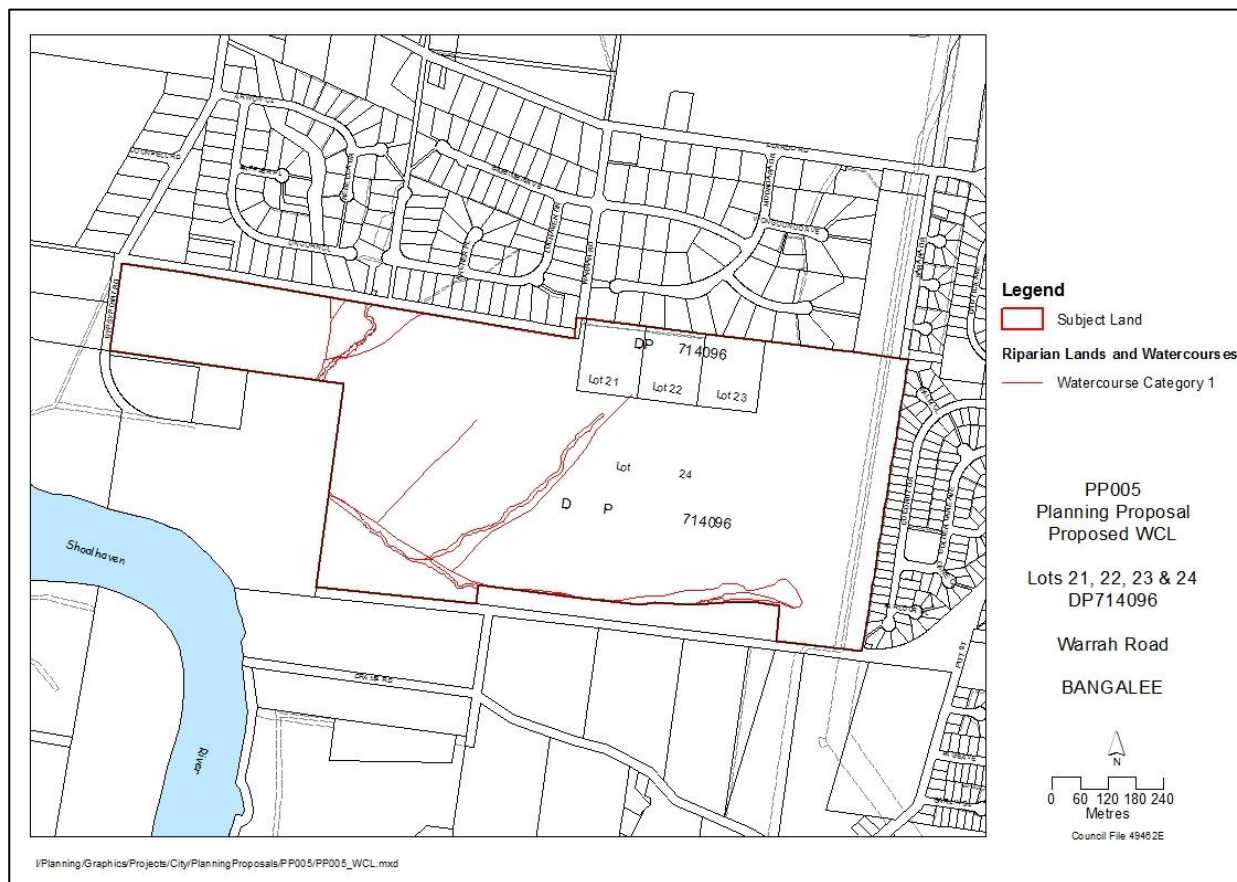


Figure 16 - Proposed Riparian Lands and Watercourses Overlay

Acid Sulphate Soils Overlay (ASS)

The entire site is to be mapped as Class 5 Acid Sulphate Soil land under the LEP.

Clauses Overlay (CLS)

The part of the site to be zoned RU2 Rural landscape is to be mapped as being subject to Clause 7.21 of the LEP. This is an existing clause in the LEP that relates to the future use of the land for a road corridor.

Land Application Map (LAP)

The subject land is currently deferred from Shoalhaven LEP 2014. It is proposed to amend the Land Application Map so that the land is no longer deferred.

Proposed Clause

The ultimate development of the subject land will result in a residual area of environmental land. No public authority has expressed an interest in acquiring this land. It is, therefore, proposed to subdivide it into three “caretaker lots”. Each of these lots would be provided with a building envelope within the urban release area and would own several hectares of environmental land. A separate biodiversity stewardship agreement would be made for

each “caretaker lot”. A map showing a conceptual layout for the “caretaker lots” is provided below as **Figure 17**.

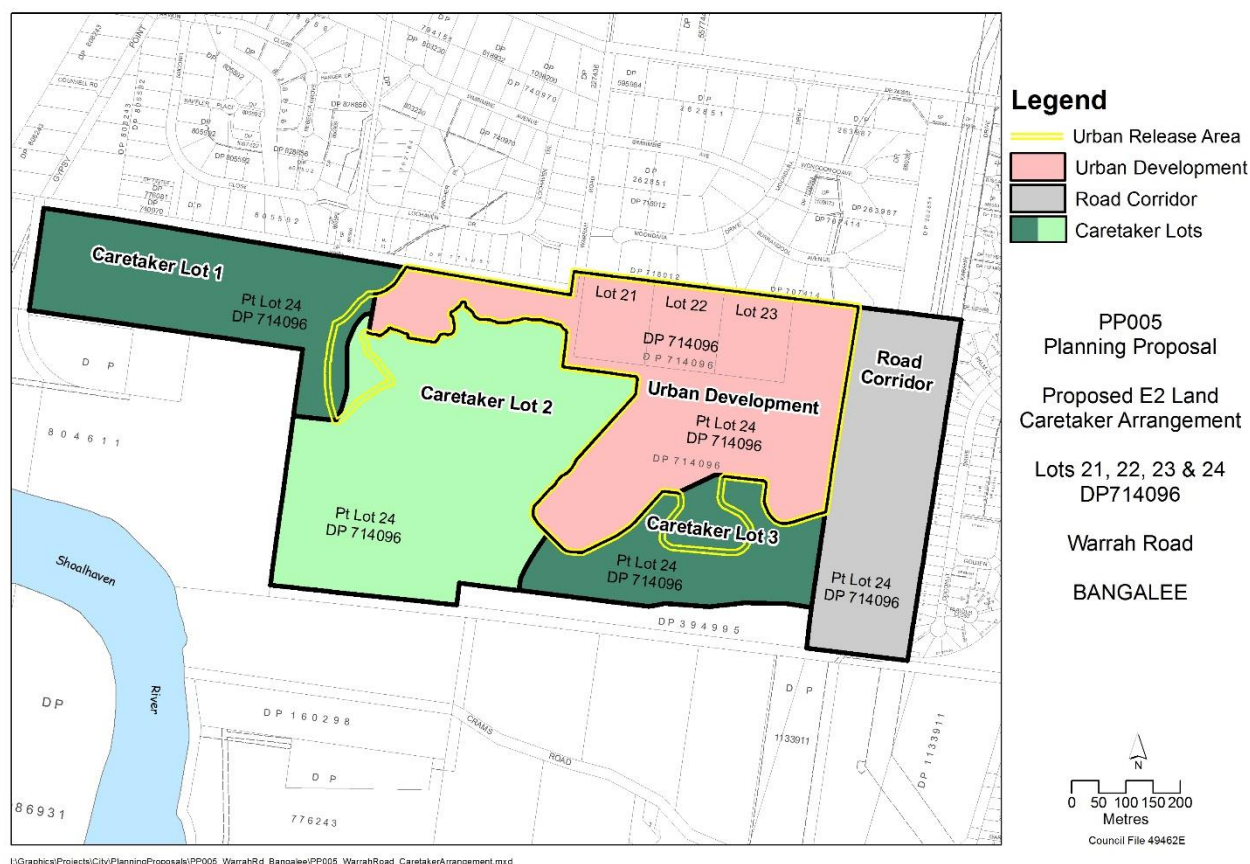


Figure 17 – Proposed Urban Release Area Map

To permit this subdivision to proceed, it is proposed to add an additional subclause to Clause 4.1E, Subclause (3). Below is a draft suggested wording to communicate the intent of the clause. This wording will need to be revised in consultation with Parliamentary Counsel if the PP proceeds on this basis.

- (x) ***in relation to an original lot containing land within the Warrah Road Urban Release Area:***
- (i) ***no more than three of the resulting lots will:***
- each contain land in an urban zone that has an area not less than the minimum lot size shown on the Lot Size Map in relation to that land, and***
 - contain all of the land (shared between them) in Zone E2 Environmental Conservation that was in the original lot, and***
 - contain none of the land in Zone RU2 Rural Landscape that was in the original lot, and***
- (ii) ***one of the resulting lots will contain:***
- land in an urban zone that has an area not less than the minimum lot size shown on the Lot Size Map in relation to that land, and***
 - all of the land in Zone RU2 Rural Landscape that was in the original lot, and***

- (c) *none of the land in Zone E2 Environmental Conservation that was in the original lot.*

3.2 The Proposed Gateway Determination Amendment

Condition 1 – Zoning of Remediation Areas

Condition 1 of the Gateway determination requires that remediation areas be given an appropriate environmental zoning, as opposed to a residential zoning. It is however, proposed to permit a small encroachment within the western remediation area for the provision of a future public road, refer to **Figures 18 and 19 below**. This encroachment is likely to be in the order of 500 m² compared to more than 20 ha of biodiversity stewardship sites to be established. This is considered to be a minor encroachment and it is requested that the Gateway determination be amended to permit this.

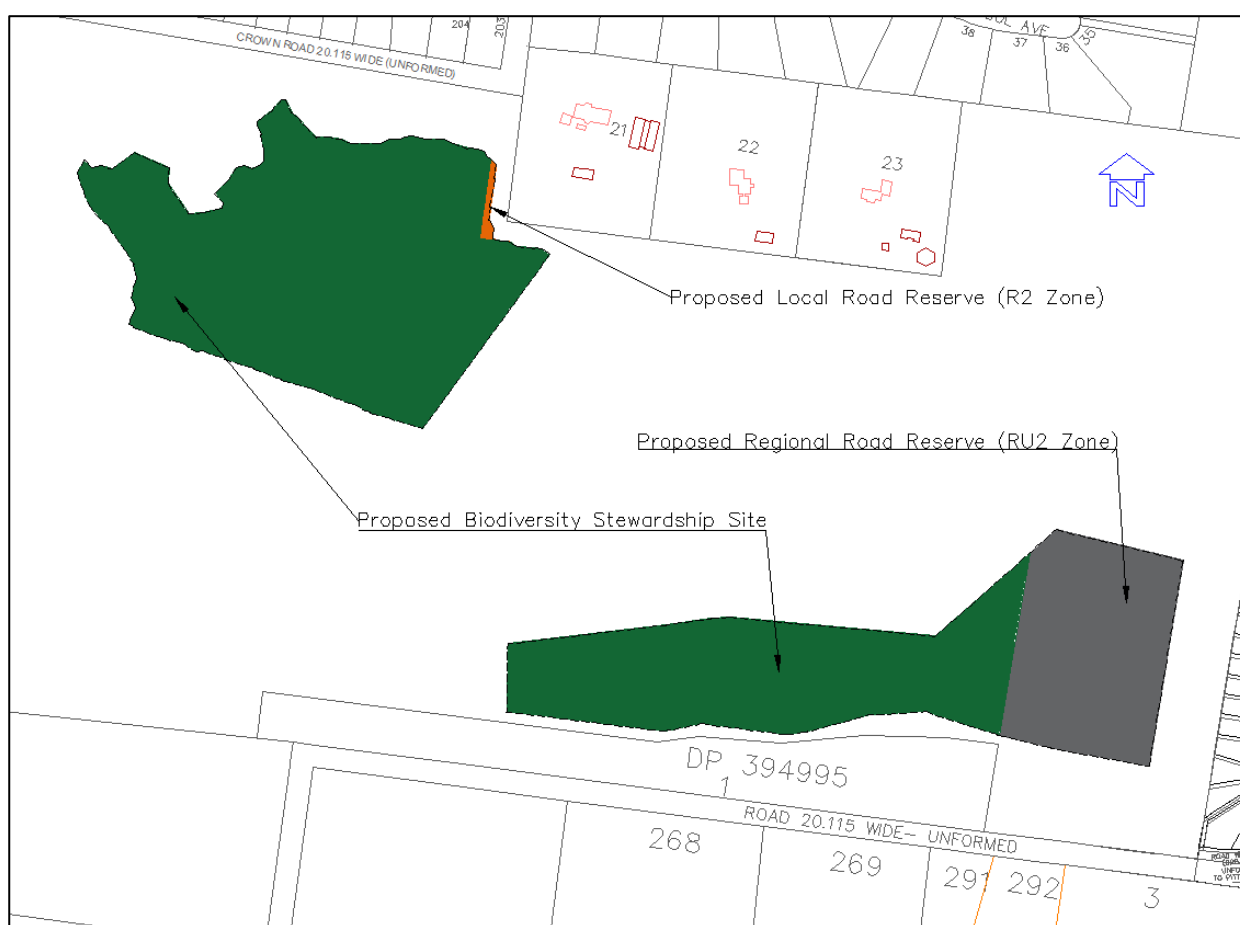


Figure 18 – Proposed Zones for Remediation Areas

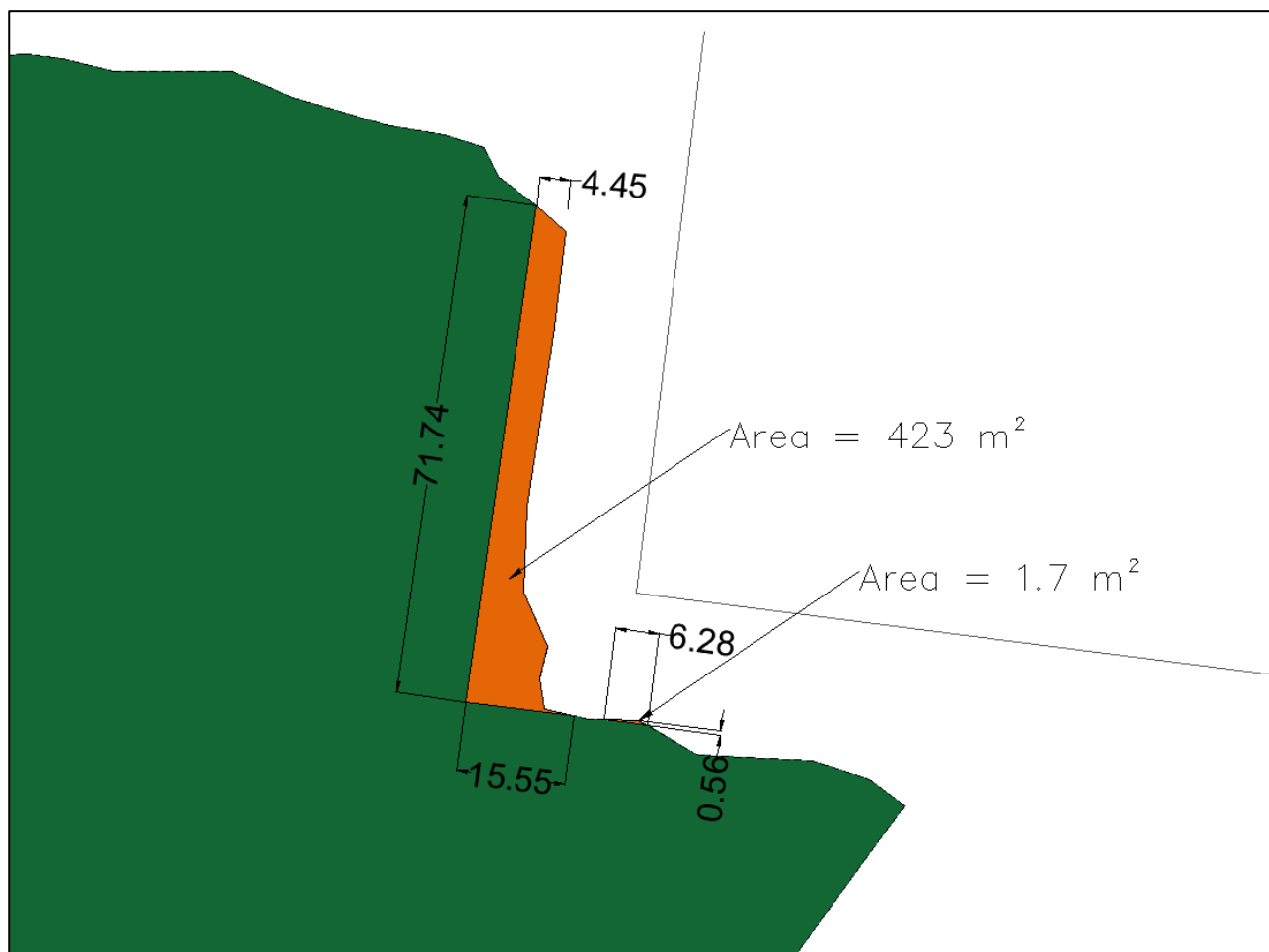


Figure 19 – Proposed R2 Zone Within Remediation Area

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?

YES.

The subject land is identified as one of seven URAs in the endorsed NBSP.

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

YES.

The current rural zoning under SLEP 1985 does not permit this type of development. Council deferred the zoning of the site as part of the finalisation of Shoalhaven LEP 2014, to consider a site specific PP to resolve the differences between the biodiversity studies related to the land. The land cannot be developed in the manner proposed without amending the LEP via a planning proposal. There is no matter of state significance that would warrant a SEPP process.

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

The Illawarra Shoalhaven Regional Plan (ISRP) applies to the whole Shoalhaven LGA and was released in late 2015. It provides regional level guidance on the provision of suitable land to meet the Region's employment and housing needs. It seeks to ensure housing is well located, more diverse and more affordable.

The ISRP identifies the CRIA as one of a number of regionally significant release areas, which will contribute to housing supply in the Region. The ISRP identifies the Crams Road URA, although the footprint needs to be updated.

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 2023

The PP is 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. |

Nowra-Bomaderry Structure Plan (NBSP)

The subject land was originally identified as one of seven URAs in the NBSP that was adopted by Council in 2006 and endorsed by DP&E in 2008. The NBSP identified an area of ninety (90) hectares for potential rezoning subject to further studies, including a threatened species and biodiversity assessment.

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). A full list of the SEPPs is provided at **Attachment C**. Commentary is provided below on a number of SEPPs that are particularly significant to this proposal.

Deemed SEPP – Illawarra Regional Environmental Plan No 1

The Illawarra Regional Environmental Plan No 1 (IREP) still applies to the subject site given that it was deferred from Shoalhaven LEP 2014. The IREP 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 PP is considered to be consistent with this SEPP.

SEPP 44 – Koala Habitat Protection

The SEPP requires that land is conserved and managed to provide habitat for koalas. The biodiversity field surveys conducted did not identify Schedule 2 feed trees nor did they discover evidence of koalas inhabiting the area. Therefore this proposal is considered not to be inconsistent with this policy.

SEPP 55 – Remediation of Land

The SEPP aims to promote the remediation of contaminated land. Its purpose is to reduce the risk of harm to human health or any other aspect of the environment. It seeks to achieve this by specifying certain considerations applicable to development applications in general and by requiring that all remediation work meet certain standards.

A Stage 1 Contamination Assessment was undertaken by the proponent. It found the site to be of low to medium risk of contamination in certain areas where illegal dumping of rubbish had occurred. Other potential sources of contamination derive from the possibility that at one stage an abattoir operated on the site as well as potential contamination resulting from building material stockpiles. Nevertheless, the majority of the site was assessed to be 'greenfield'.

The assessment concluded that a targeted Stage 2 Contamination Assessment is required for the site. SEPP 55 provides a statutory framework for further investigations and suitable remediation through the development application process.

SEPP (Infrastructure) 2007

The PP could 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, consistent with 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 PP does not contradict the objectives of the SEPP since the site does not currently accommodate major agricultural uses or provide sustainable economic activities. Accordingly the loss of a portion of the site as rural and would not be detrimental to the rural economy of the district.

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

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

Direction 1.2 Rural Lands

The objective of this Direction is to protect the agricultural production value of rural land. The primary use of the site although identified as a rural zone is not for agricultural production and is of minimal value as rural land. The subject land is an identified URA in the NBSP, which is an endorsed strategy, and the use of the land for residential development forms a natural extension of the existing residential uses immediately to the north and east. Therefore, any inconsistency with this Direction is considered minor in nature. Furthermore, the land is not prime crop and pasture land.

Direction 2.1 Environmental Protection Zones

The PP does not seek to reduce the environmental protection standards that apply to the land. The subject land is currently zoned Rural 1(d) (General Rural) under Shoalhaven LEP 1985 and the PP specifically includes provisions that facilitate the protection and conservation of the HCV land identified in the independent peer review of biodiversity assessments (NGH Environmental, 2017). The PP proposes to rezone land to an E2 Environmental Conservation zone as previously outlined. The PP is therefore considered consistent with this Direction.

Direction 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. An aboriginal cultural heritage assessment has now been completed and concluded that:

“The current ACHA report is sufficient supporting documentation to inform the Aboriginal archaeological assessment of the Gateway Planning Proposal. There are no Aboriginal archaeological constraints to the rezoning of the subject land and no further archaeological work is required prior to the submission of the Planning Proposal.”

Direction 3.1 Residential Zones

This Direction applies as the PP proposes the rezoning of land for residential purposes. The subject land is proposed to be identified as a URA under Shoalhaven LEP 2014, which contains requirements for residential development to provide appropriate public utility infrastructure under Part 6 Urban Release Areas (URA). The PP is considered to be consistent with this Direction.

Direction 3.4 Integrating land use and transport

In context of the Nowra-Bomaderry area, options to reduce dependency on private motor vehicles are discussed in sections 6.3 and 6.4 the NBSP, which was adopted by Council and endorsed by the State Government in 2008. These options include expanding the network of cycleways and pathways, priority lanes for bus services etc. These and any other available integrated transport options will be reviewed and advanced as the URAs are progressively investigated.

As already noted, the Crams Road / Warrah Road URA is identified in the NBSP as a longer-term release area that is contingent on traffic congestion at the river crossing being addressed. A detailed traffic study has been undertaken and is attached to this PP. It found that if the land were released for urban development before the Princes Highway Shoalhaven River Bridge is duplicated, that it would hasten the failing of the intersection of Illaroo Road by approximately one year. Accordingly, it has been adopted by Council that the release of the land under Part 6 of the LEP should not occur before the bridge is duplicated.

The PP is not inconsistent with this Direction.

Direction 4.4 Planning for bushfire protection

The majority of the area to which this PP applies is bushfire prone. A bushfire constraints assessment was included with the material submitted by the proponent and makes the following conclusions:

- The vegetation within the development site and on adjoining land is recorded on the Shoalhaven Bushfire Prone Map as constituting Category 1 Bushfire Prone vegetation.
- The characteristics of the site, together with the bushfire protection measures recommended, provide that the rezoning and subsequent subdivision of the land for residential development is suitable in terms of its intended land use.

A updated assessment (attached) was prepared to:

- Reflect the new layout
- Determine appropriate asset protection zones and lot sizes

- Consider the impact of the limited egress from the site in the case that an evacuation is required.

The revised report utilised traffic modelling undertaken as part of the traffic study to model the time to evacuate the proposed development and existing development between the site and Illaroo Road.

The revised report has addressed requirements to Council's satisfaction and it is proposed to refer these reports to RFS for review once an amended Gateway determination is received.

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?

Detailed consideration has been given to assessing the likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. Although there had been conflicting biodiversity studies over the site, an independent peer review by NGH Environmental (2017) has essentially resolved this.

The revised PP ensures that all HCV land identified on the site will be protected. It is considered that these investigations have now been satisfactory completed and the proposed layout is satisfactory with regard to these matters.

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?

Traffic

A detailed traffic study has been undertaken and is attached to this PP.

It found that if the land were released for urban development before the Princes Highway Shoalhaven River Bridge is duplicated, that it would hasten the failing of the intersection of Illaroo Road by approximately one year. Accordingly, it has been adopted by Council that the release of the land under Part 6 of the LEP should not occur before the bridge is duplicated.

It further found that minor widening and intersection improvements are required to the local road network to support the development. The provision of this infrastructure will be a matter for the future area release planning to be undertaken under Clause 6 of the LEP.

There were no other matters identified in the traffic study that would impact on the progression of this PP.

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

The PP will provide certainty for the community on the site's intended development outcomes and land supply. This is particularly important given concerns raised by members of local community regarding the retention of character of the existing residential area immediately north of the site. The planning proposal incorporates a 2000 m² minimum lot size zone along the northern boundary of the site to limit impacts on the amenity and character of the existing adjoining residential area.

Community consultation undertaken as part of the formal public exhibition process will help to identify and address any specific social and economic issues.

Aboriginal cultural heritage

An aboriginal cultural heritage assessment has now been completed and concluded that:

“The current ACHA report is sufficient supporting documentation to inform the Aboriginal archaeological assessment of the Gateway Planning Proposal. There are no Aboriginal archaeological constraints to the rezoning of the subject land and no further archaeological work is required prior to the submission of the Planning Proposal.”

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

There are major impediments to the provision of infrastructure for the subject land. Council has concerns regarding the build-up of traffic flows on Illaroo Road, in particular its intersection with Princes Highway and the consequences for the river crossing (discussed in 4.3.2). However, the subject land will be subject to Part 6 of Shoalhaven LEP 2014, which requires the State Government to sign off on the satisfactory provision of infrastructure, and allows Council to prepare a contributions plan for essential infrastructure prior to the land being released.

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

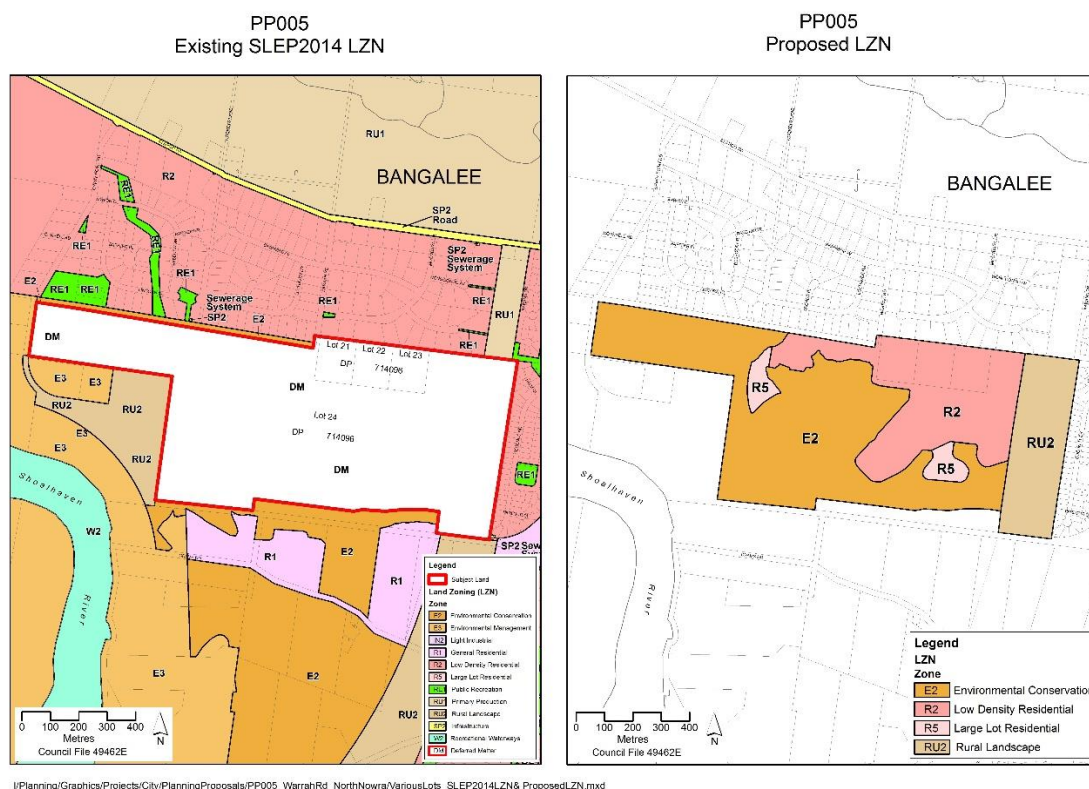
It is intended that Council will consult with the following public authorities and any additional public authorities identified in the Gateway determination (Table 3).

Table 3: Public Authorities to be consulted

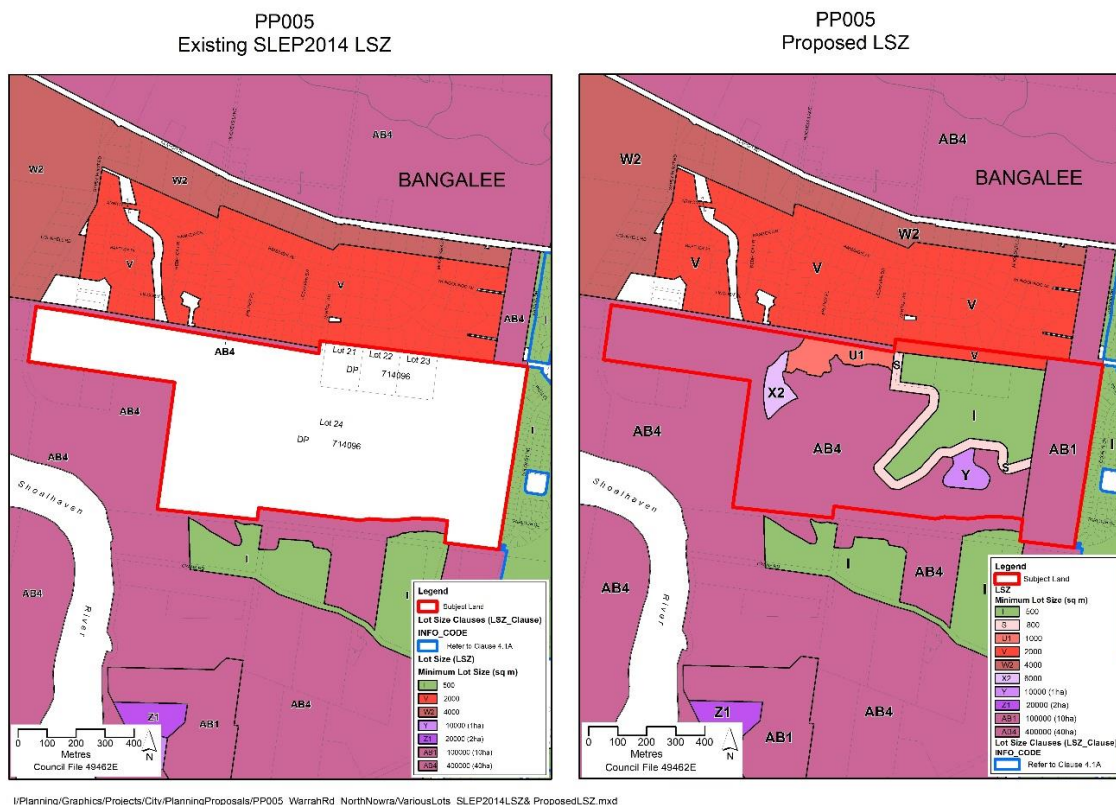
| Public Authority | Reason |
|--|--|
| OEH / NPWS | Biodiversity certification, Aboriginal cultural heritage |
| NSW Office of Water | Riparian corridors – Shoalhaven River |
| Commissioner of NSW Rural Fire Service | As per s.117 Direction 4.4 |
| Roads & Maritime Services | Traffic impact on Princes Highway, the Shoalhaven River crossing and the Future Western Bypass |

5 Part 4 – Mapping

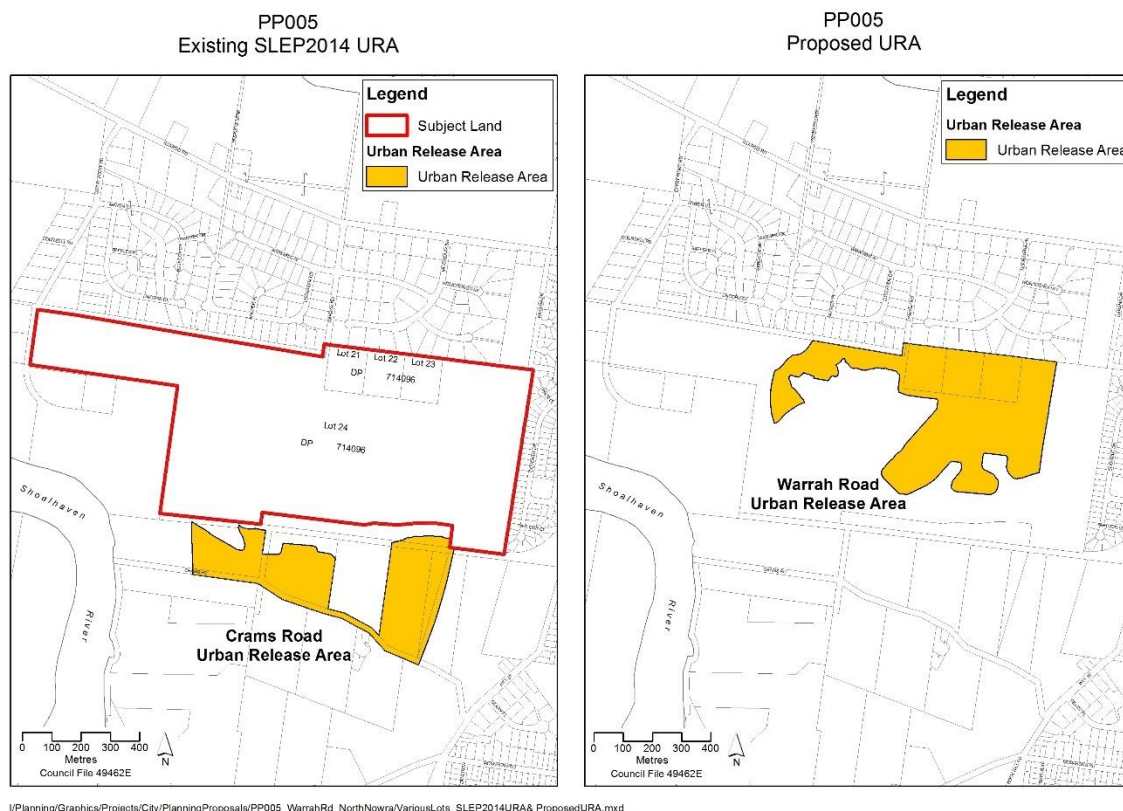
This PP is supported by the following maps:



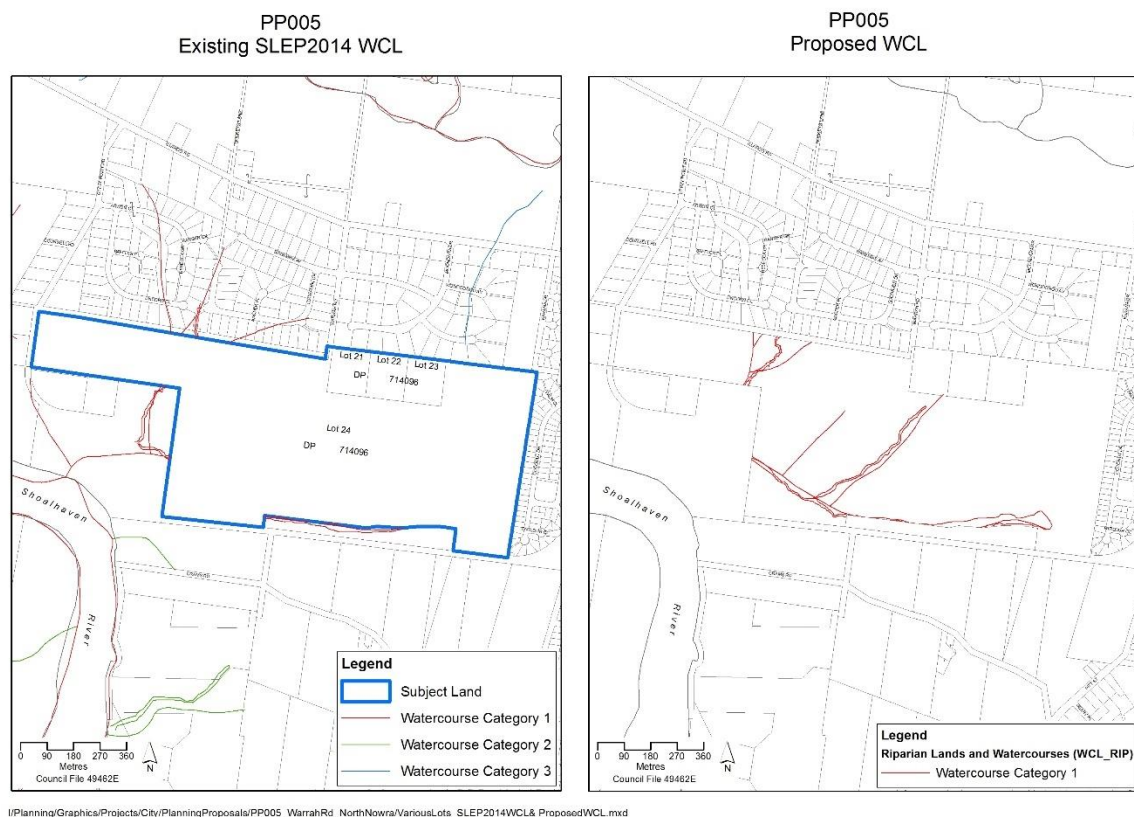
Map 1: Land Zone Map (LZN)



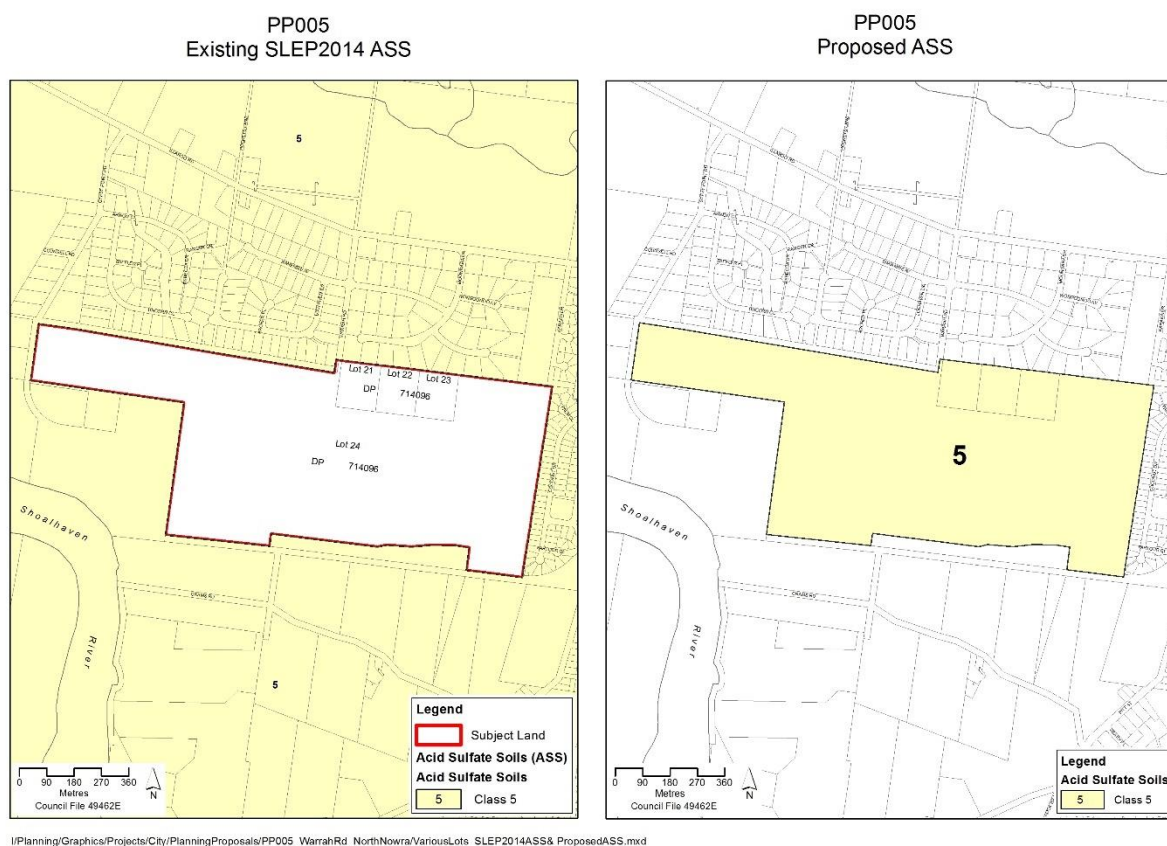
Map 2: Lot Size Map (LSZ)



Map 3: Urban Release Areas Map (URA)

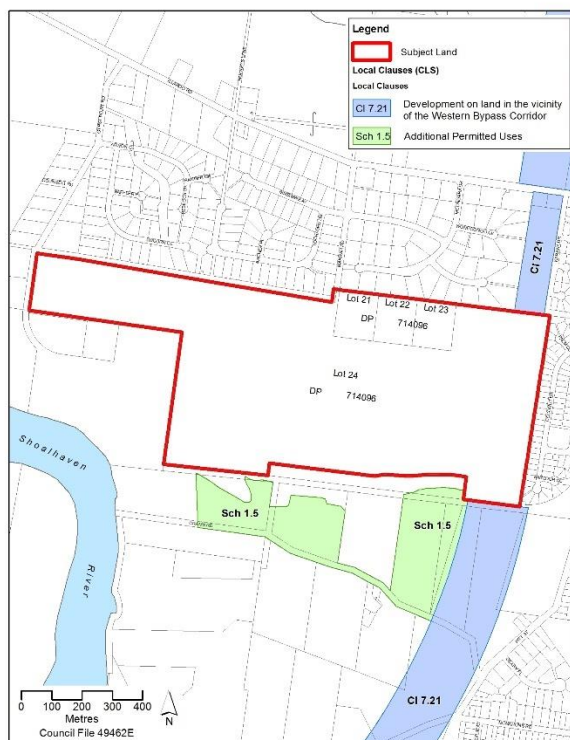


Map 4: Riparian Lands and Watercourses Map (WCL)

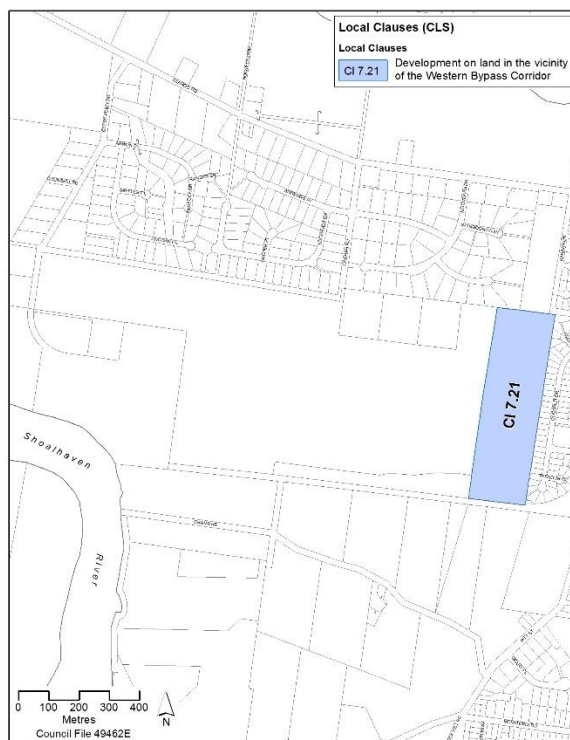


Map 5: Acid Sulphate Soils Map (ASS)

PP005
Existing SLEP2014 CLS



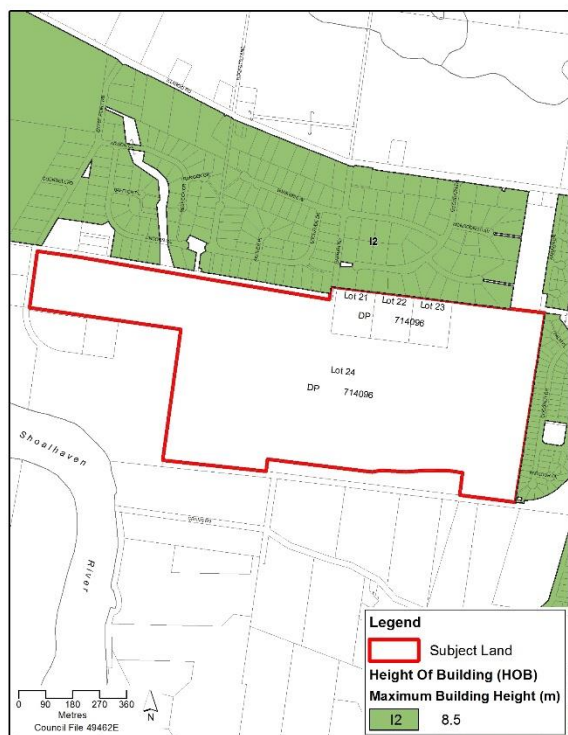
PP005
Proposed CLS



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Map 6: Local Clauses Map (CLS)

PP005
Existing SLEP2014 HOB



PP005
Proposed HOB



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Map 7: Height of Buildings (HOB)

6 Part 5 - Community Consultation

Council proposes to exhibit the PP in accordance with the requirements of Section 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and any other requirements as determined by the Gateway process. It is intended that the PP will be publicly exhibited for at least 28 days, acknowledging that extensive exhibition/consultation was undertaken as part of the process of finalising Shoalhaven LEP 2014.

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

Council has received representation from a number of landowners in the Bangalee area and it is intended that all surrounding landowners would be notified of the public exhibition.

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 4: Projected Timeline

| Task | Anticipated Timeframe |
|---|--------------------------|
| Commencement date (date of Revised Gateway Determination) | August 2019 |
| Completion of studies required by Gateway Determination | DONE |
| Public exhibition (minimum 28 days) | September – October 2019 |
| Post exhibition consideration of PP | November 2019 |
| Finalisation and notification of Plan | January - March 2020 |