

PLANNING PROPOSAL – PP021

Shoalhaven Local Environmental Plan 2014

5c Creston Grove, Bomaderry

Prepared by
Planning & Development Services Group
Shoalhaven City Council

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Table of Contents

Table of Contents	3
1 Introduction	5
1.1 Subject Land	5
1.2 Background	7
2 Part 1 –Intended Outcome.....	8
3 Part 2 – Explanation of Provisions	8
4 Part 3 – Justification	8
4.1 Need for the Planning Proposal (Section A)	10
4.1.1 Is the Planning Proposal a result of any strategic study or report?	10
4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	10
4.2 Relationship to strategic planning framework (Section B).....	11
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)?.....	11
4.2.2 Is the Planning Proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?	11
4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?	12
4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	12
4.3 Environmental, Social and Economic Impact (Section C)	14
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?.....	14
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?	15
4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?.....	16
4.4 State and Commonwealth Interests (Section D)	16
4.4.1 Is there adequate public infrastructure for the Planning Proposal?	16
4.4.2 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?	16
5 Part 4 – Mapping	17
6 Part 5 - Community Consultation	17
7 Part 6 – Project Timeline	17

Tables

Table 1 – Public Authorities to be consulted

Table 2 – Project Timeline

Figures

Figure 1 - Location Map

Figure 2 - Cadastral Map

Figure 3 - Aerial Map

Figure 4 - Current Zoning Map

Figure 5 - Proposed Clauses Map

Attachments

Attachment A - Proponents Planning Proposal

Attachment B - Council report and minute, May 2016

Attachment C – Proponent’s Advice of Revised PP

Attachment D - Council report and minute, June 2016

Attachment E - SEPP Checklist

Attachment F - Section 117 Ministerial Directions Checklist

Attachment G - Evaluation criteria for the issuing of an Authorisation

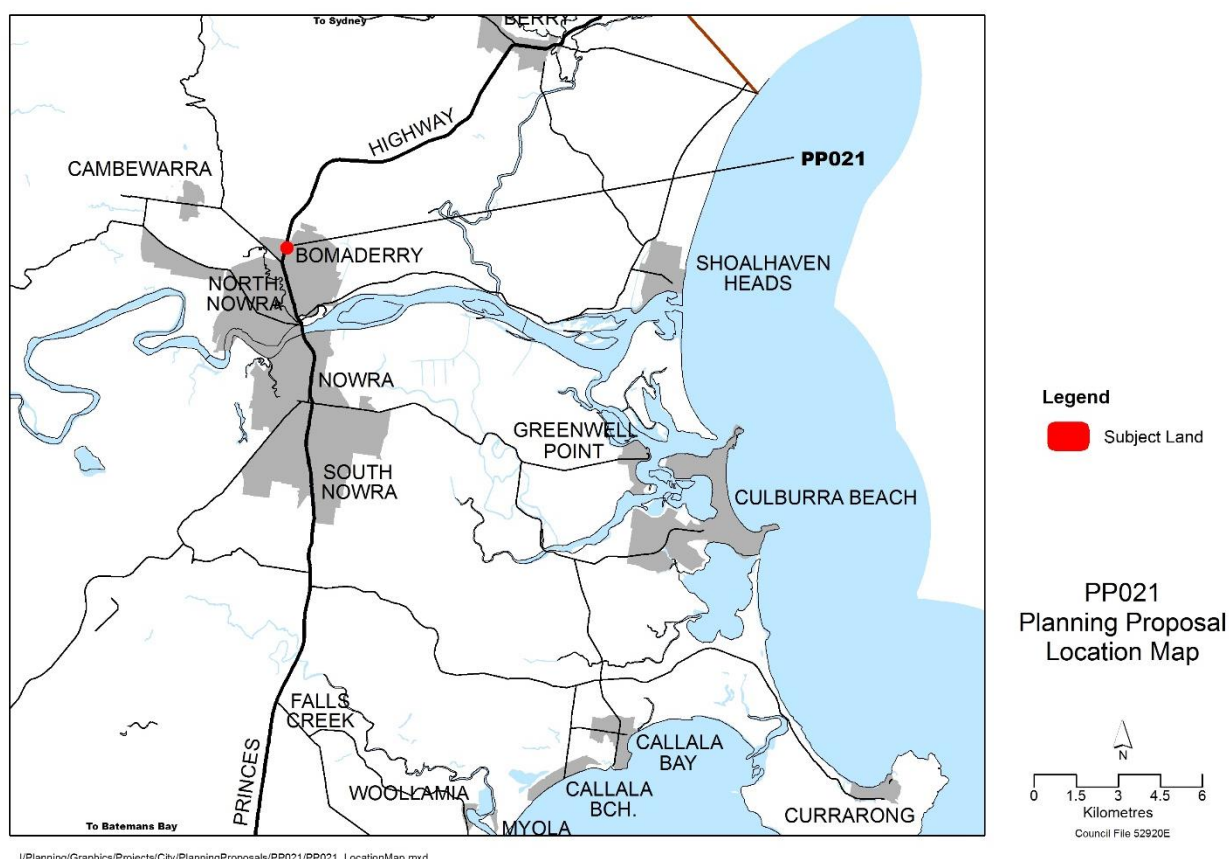
1 Introduction

This Planning Proposal (PP) seeks to add a Schedule 1 Additional Permitted Use to 5c Creston Grove (Lot 393 DP 1144727) Bomaderry to allow for vehicle sales and hire premises under the Shoalhaven Local Environmental Plan (LEP) 2014.

It aims to provide an opportunity to develop the site for commercial purposes, specifically a boat and merchandise showroom with associated office space.

1.1 Subject Land

The subject site is situated in the suburb of Bomaderry in the Shoalhaven Local Government Area. It is approximately 7km north of Nowra, as shown in **Figure 1** below.



The subject site is currently vacant and has a total approximate area of 3,340m². To the north and east of the site are single residential dwellings (currently zoned R2 Low Density Residential). To the south is an existing Caltex service station, currently zoned B5 Business Development to the west is the Princes Highway, with residential dwellings (zoned R2 Low Density Residential) located on the opposite side of the Highway.

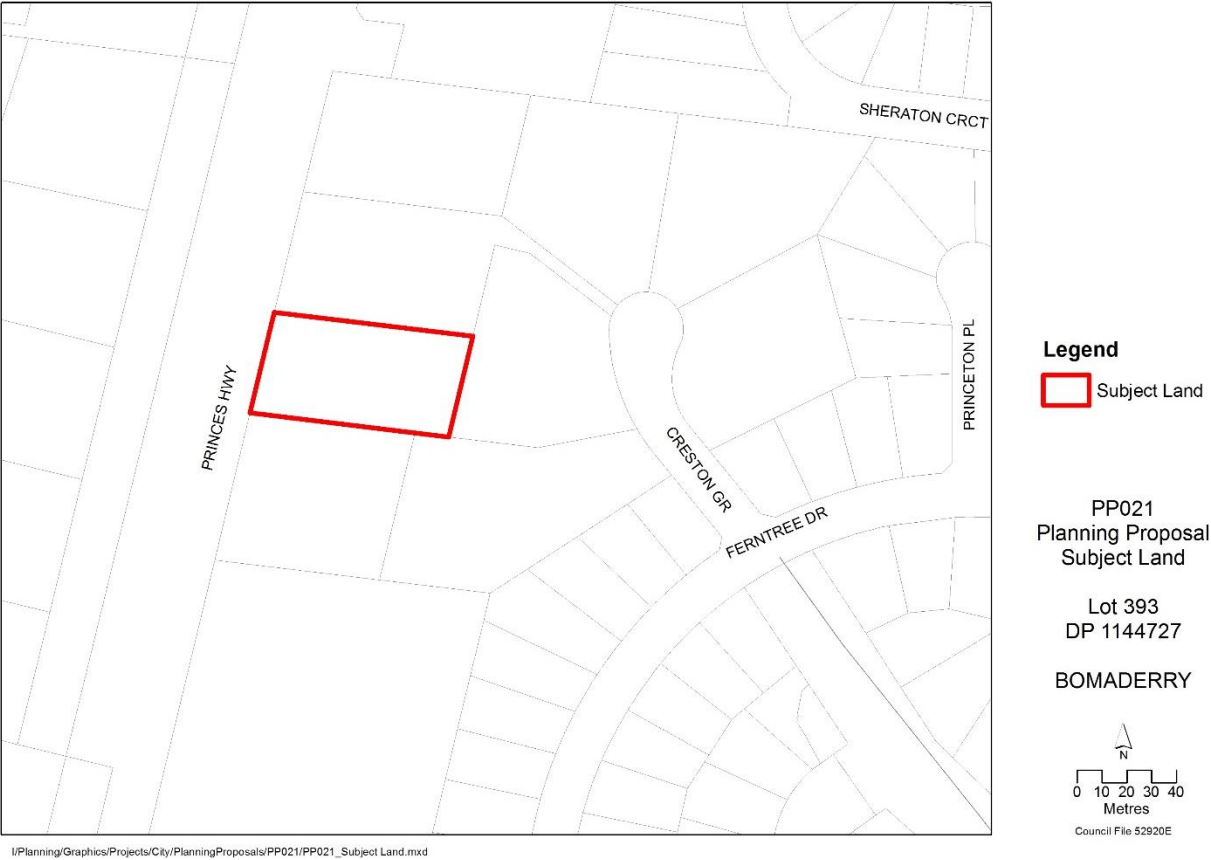


Figure 4 - Cadastral Map



Figure 3 - Aerial Map

1.2 Background

Council received a PP from Ride Australia Pty Ltd to rezone 5c Creston Grove, Bomaderry to allow for a new commercial premises comprising of a boat and merchandise showroom with associated office space. The PP when originally lodged in February 2016 sought to rezone the subject land from R2 Low Density Residential and SP2 Infrastructure to B5 Business Development under Shoalhaven LEP 2014. The proponent's original PP document can be found at **Attachment A**.

Prior to receiving the PP, Council staff had been involved in preliminary discussions with the proponent. It was advised that rezoning the subject property to allow for future commercial development had potential issues such as proximity to residential development and potential amenity impacts; precedent issues and establishment of ribbon development along the highway; access issues from the highway; potential land contamination issues; and justification for the site including whether there is an undersupply of business zoned land.

The proponent also consulted Roads and Maritime Services (RMS) who initially advised that the PP would not be supported on access management principles, precedent and potential to encourage further ribbon development along the highway, which contradict upgrades to the Princes Highway to optimise its future safety and efficiency.

On 2 May 2016, the proponent revised the PP and instead of a rezoning, sought to amend Schedule 1 Additional Permitted Uses to identify the site and possibly permit with consent bulky goods premises, business premises, office premises, and vehicles sales premises.

The PP was reported to Council's Development Committee on 3 May 2016 for initial consideration and "deferred" subject to a further report on the amended proposal and further consultation with the NSW Department of Planning & Environment, RMS and local residents. The initial report and minutes are found at **Attachment B**.

After consulting with government agencies and local residents, the proponent raised the uses sought via the requested Schedule 1 inclusion to be 'vehicle sales and hire premises' only (**Attachment C**). The RMS provided advice on the revised PP indicating that it still did not support an additional permitted use as its initial concerns would not be addressed, however use of a tailored Schedule 1 that could only allow the future intended use would be supported. The amended PP was reported to Council on 28 June 2016 where it received in principle support. The report and minutes are found at **Attachment D**.

It is requested that Council be given delegation for the plan making functions associated with this PP. The evaluation criteria for the delegation of plan making functions is provided as **Attachment G**.

2 Part 1 –Intended Outcome

The intended outcome of this PP is to add the property to Schedule 1 Additional Permitted Use (APU) for “vehicle sales and premises”, to facilitate a boat and merchandise showroom with associated offices. The PP seeks to use an APU to minimise the potential impacts associated with a spot rezoning to a B5 zone (as was originally sought) on the surrounding residential uses.

3 Part 2 – Explanation of Provisions

The subject land is currently zoned R2 Low Density Residential under the Shoalhaven LEP 2014. It is proposed to apply a Schedule 1 Additional Permitted Use to the subject land to permit with consent ‘vehicle hire and sales premises’ as this use is currently prohibited in the R2 zone. Vehicles sales and hire premises has been identified as a best fit land use which would permit the proponents future intended use of the site.

Vehicle sales and hire premises is defined in the Shoalhaven LEP 2014 as:

“vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note. Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.”

This definition does not specifically exclude industrial type activity such as maintenance, fitting and repair of motor vehicles / boats / caravans / trailers / agricultural machinery and the like. These activities do not fall under the separate definitions of ‘vehicle repair station’ or ‘vehicle body repair workshop’, and could be considered to be “ancillary” to the predominant use of displaying, selling and hiring.

The purpose of an APU in comparison to a rezoning to a B5 zone is to minimise the potential impacts on surrounding residential land uses from the commercial and industrial land uses that are broadly permissible in a B5 zone. In this instance it is also intended that the drafting of the APU specifically exclude ancillary industrial activities to ensure that the intended outcome of minimising amenity and other impacts on surrounding residential uses is achieved.

It is suggested that the APU also be given a “sunset” provision within the resulting LEP Amendment. This will require that development on the site for the specific land use is acted on within 12 months of the LEP Amendment coming into effect. This will ensure that the provision is taken up in a timely manner and the site is not ultimately left undeveloped and subject to further change.

The proposed outcome of this PP will be achieved by also amending the Clauses Map in the Shoalhaven LEP 2014 as follows:

1. *Clauses Map* – Sheet CLS_013D amend from no applicable local clause to application of local clause, Schedule 1.20 (numbering subject to drafting).

The existing zone and proposed APU clause mapping is shown in **Figures 4** and **5** below.

In addition, the Council resolution encourages the lodgement of a Development Application (DA) concurrent with the PP to give certainty to the surrounding land owners / residents of the proposed development outcome. On this basis it is expected that a DA will be received prior to the LEP Amendment coming into effect, a savings provision with a specific exception to clause 1.8A of the Shoalhaven LEP 2014 will also need to be included to enable the DA to be determined in accordance with the provisions of the LEP Amendment.

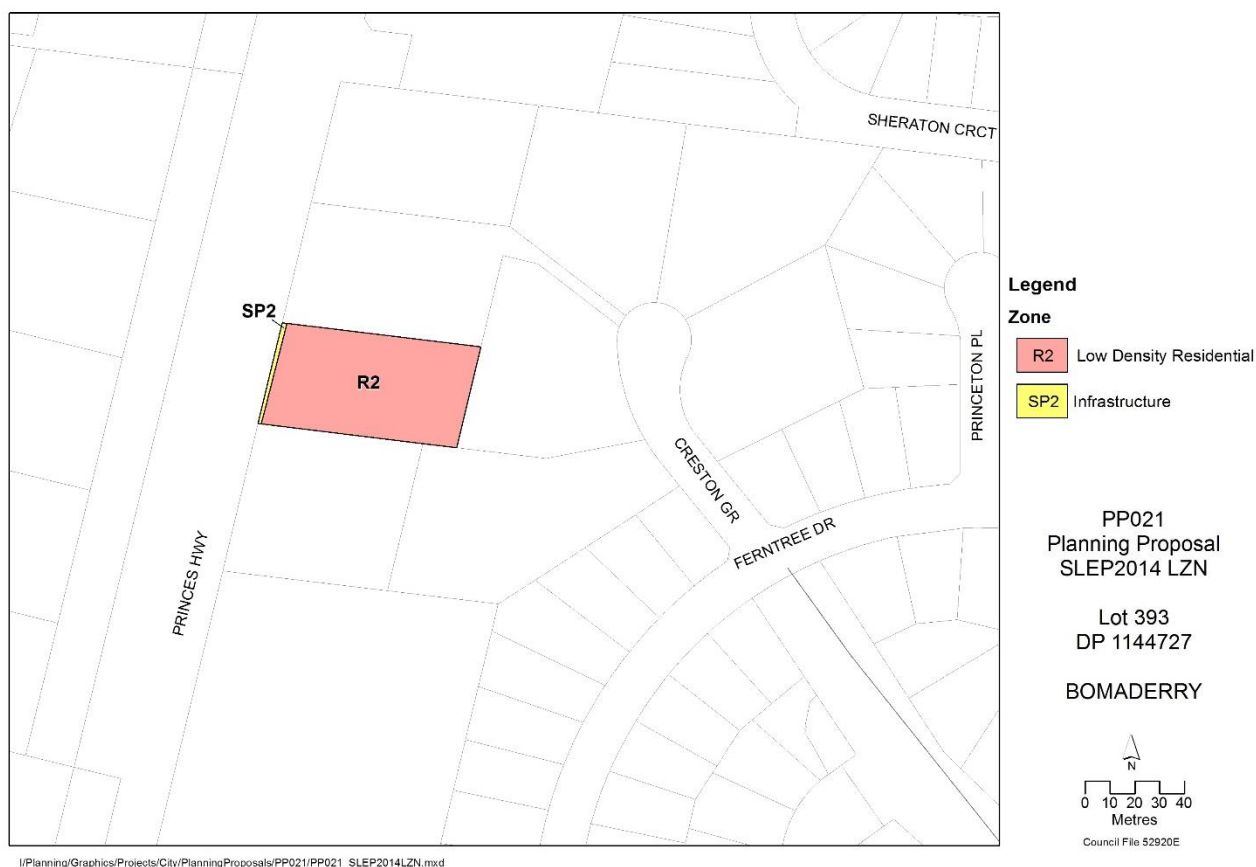


Figure 4 - Current Zoning Map



Figure 5 - Proposed Clauses Map

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 is not the result of a strategic study or a report. The proponent initiated PP arose from the desire to develop the subject site which has been vacant since its creation, for a boat and merchandise showroom and associated offices. The proponents PP Report identifies that the future intended use would act as a buffer to the adjoining service station.

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

To achieve the desired outcome of this PP, the following options are available to Council:

- A. Rezone the land from the current R2 Low Density Residential to B5 Business Development.** This option is not considered appropriate as it opens up the site to various types of commercial and industrial development which have the potential to cause amenity and other impacts on the adjoining residential uses. Rezoning the site also has the potential to encourage further rezoning and subsequent ribbon

development along the Princes Highway. There is another acceptable solution to progress the matter.

- B. Amend Schedule 1 of the Shoalhaven LEP 2014 to include “vehicle sales and hire premises, being a boat and merchandise showroom and associated offices” as an additional permitted use on the subject land.** This option is supported by Council and is considered to be appropriate as it allows the PP to proceed without impacting the surrounding amenity of the R2 zones and also minimising impact on the Highway.

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 (ISRP)

The ISRP is a high level strategic planning document which currently applies to Shoalhaven. The ISRP addresses the provision of suitable land for employment and housing needs. While the ISRP applies to Shoalhaven, it does not contain any specific provisions related to the subject land.

As such the PP is not inconsistent with the broad goals of the ISRP.

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

The following strategies are relevant to this PP:

- Nowra-Bomaderry Structure Plan (2006)
- Shoalhaven City Council Community Strategic Plan - Shoalhaven 2023

Nowra-Bomaderry Structure Plan (NBSP)

The NBSP provides a framework for growth and development opportunities in the Nowra-Bomaderry area. The NBSP identifies the area where the subject site is located in Bomaderry as an ‘existing living area’. The maintenance of the current R2 zone is consistent with this, however the future intended use which would be permitted by the APU could be considered to be inconsistent with this intent. However it is acknowledged that an existing commercial zone and use is already present on the adjoining site and the NBSP is a broader strategic document.

The NBSP also outlines a preferred commercial hierarchy that aims to support existing and proposed centres in the Nowra-Bomaderry area. This site is not identified as an existing or proposed commercial area. Whilst the PP is inconsistent with this aim, the proposed APU

is considered to be an appropriate method, as an alternative to a rezoning to B5 zone, to permit the future intended use whilst limiting potential competition with existing or proposed commercial areas.

The PP is considered to be somewhat inconsistent with the broad intent of the NBSP.

Community Strategic Plan - Shoalhaven 2023 (CSP)

The CSP identifies objectives and strategies for place, people, prosperity and leadership in Shoalhaven.

The proponent's PP notes that the proposal will “contribute directly towards two areas by promoting the rich natural diversity and distinctive ‘place’ that is Shoalhaven and promoting ‘prosperity’ through further establishing a successful business that is expanding internationally and will attract national and international visitors to the region.

The PP is not inconsistent with the CSP.

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 where noted. A full list of the SEPPs is provided at **Attachment E**. The most relevant SEPPs are discussed below.

SEPP 55 – Remediation of Land

- SEPP 55 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 proposes to intensify the land use on the site. The PP proposes to maintain the R2 zone and permit with consent vehicle sales and hire premises, to facilitate a boat and merchandise showroom with associated offices through an APU. It is noted that the subject site was remediated in 2006 which involved the removal of contaminated soil. In 2011 additional work took place involving the removal of tanks on the neighbouring service station site and some excavation of soil on the subject site. A Site Audit Statement was issued in 2014 that determined that the site was remediated to a level that was suitable for residential purposes with limitations on the use of the land for growing plants for consumption.

Infrastructure SEPP

- Infrastructure SEPP aims to facilitate effective delivery of infrastructure in NSW including addressing matters that need to be considered in the assessment of development adjacent to particular types of infrastructure. The subject site shares a boundary to the west with the Princes Highway which is a classified (State) road. Future development of the site of a commercial nature will require access from the Princes Highway.

As the PP seeks to permit a commercial use via an APU, the RMS in their advice have identified that it would be inconsistent with clause 101(2)(a) of Infrastructure SEPP. However in their advice, the RMS have gone on to say that use of a tailored Schedule 1 that could only allow the future intended use would be supported subject to improvements to access arrangements to RMS' satisfaction.

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

The Ministerial Directions are considered in **Attachment F** and those that are specifically relevant to the site and the proposal are discussed in greater detail below.

3.1 Residential Zones

- The PP proposes an APU to be applied to the subject property which will maintain its R2 zone. The PP is inconsistent with this Direction in that its intended outcome is to permit the future intended use which is commercial, therefore reducing the ability to provide housing supply and choice. The inconsistency is considered of minor significance and justified as the PP does not prohibit the development of the land for residential purposes and does not preclude the availability of housing stock and choice in the area. It is also noted that there are contamination issues with the subject land and residential use may not necessarily be desirable.

3.3 Home Occupations

- The PP seeks to add an APU over the subject land which will maintain its R2 zone. It is not proposed to modify the R2 land use table where home occupations are listed as permitted without consent. The PP is consistent with this Direction.

3.4 Integrating Land Use and Transport

- The proposal seeks to add an APU over the subject land which will maintain its R2 zone. The intended outcome of the APU is to permit with consent the future intended use. The proponents Traffic Impact Statement (TIS) states that the future intended use of the site has an average total of 14 daily traffic movements and average weekly total of 84 movements. The proponent's planning report states that whilst the PP is site specific it is able to adhere to the broad objectives of *Improving Transport Choice — Guidelines for planning and development* and *The Right Place for Business and Services — Planning Policy*.

The RMS provided advice when the PP was first submitted and identified concerns with the assessment of the proposal. If the PP received a Gateway determination, it is recommended that an addendum be completed to the TIS. The revised TIS will need to address the various matters raised in RMS advice and demonstrate consistency with this Direction.

4.1 Acid Sulphate Soils

- The subject land has Class 5 Acid Sulphate Soils. The PP proposes an intensification of the land by permitting with consent a commercial land use, and is therefore inconsistent with this Direction. It is considered that the inconsistency is of minor significance and any future development that warrants a geotechnical study should consider acid sulphate soils in accordance with Clause 7.1 Acid Sulphate Soils.

4.4 Planning for Bushfire Protection

- The subject land is within proximity to land mapped as bushfire prone land. As such development in this area will need to consider Planning for Bushfire Protection. The PP is consistent with this Direction, subject to consultation with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination.

5.10 Implementation of Regional Plans

- The ISRP applies to Shoalhaven. The ISRP addresses the provision of suitable land for employment and housing needs. While the ISRP applies to Shoalhaven, it does not contain any specific provisions related to the subject land. Therefore the PP is consistent with this Direction.

6.3 Site Specific Provisions

- The PP proposes to add an APU to allow for the future development of the site for a vehicle sales and hire premises, to facilitate a boat and merchandise showroom with associated offices. The proposal will permit with consent that land use on the subject land which is currently zoned R2 without imposing any additional development standards or requirements already contained in SLEP 2014. Whilst the documentation submitted by the proponent included plans for the future intended use, this PP does not contain or refer to those drawings. Therefore the PP is consistent with this Direction.

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?

It is unlikely that the proposed APU will result in any effects to critical habitat, threatened species, populations or ecological communities or their habitats.

However as part of a previous subdivision application which was approved in 2006, approximately 9 hollow-bearing trees were identified on the subject property. Whilst it is

unlikely that the PP will result in any effects, any likely impacts as a result of future development of the site need to be considered as part of the DA process.

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?

Precedent

Supporting a PP in this location on the Princes Highway may trigger further requests of a similar nature in the future, particularly when known highway upgrades are considered. However the proposed APU, in comparison to a rezoning from R2/SP2 to B5 zone minimises this as it will maintain the existing R2 zone.

Traffic and Access Impact

RMS has advised that further commercial development in this location could have an impact on the highway and contradict future plans to optimise future safety and efficiency of the highway. These concerns relate to the creation of an unnecessary conflict point on a state road which is inconsistent with the RTA Guide and inconsistency with clause 101(2)(a) of SEPP Infrastructure.

The proponents have provided a Traffic Impact Statement (TIS) which the RMS has identified some concerns with. A revised TIS that addresses the various matters raised in RMS advice will be required after a Gateway determination is received. RMS advice that was provided pre-lodgement and post-lodgement is provided as an Attachment to the Council reports in **Attachments B and D**.

In addition, should the development eventuate there are a range of works that will be required to provide safe access at the proponents cost. Such works are detailed in the RMS advice.

Current access into the site is provided through a Right of Way (ROW) from Creston Grove. This was established as part of the residential subdivision application which conditioned that access from the Highway was prohibited and that an easement be created to provide access to the site and limit traffic conflict on the Princes Highway.

The existing ROW will remain to provide for access to any future residential development permitted in the R2 zone. However access to the future intended use should only be via the Princes Highway, removal of or restriction on the ROW will need to be considered and conditioned as part of a future DA.

Amenity Impact

The proposed APU has the potential to cause amenity impacts on the adjoining residential uses. The proposed APU could generate other impacts on existing residential uses which should be assessed as part of a future DA.

The intent of this PP in seeking an APU over the subject land is to exclude the operation of ancillary industrial activities such as fitting, repairing and maintenance to ensure that amenity and other impacts on surrounding residential uses can be minimised.

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

Social Impact

It is considered that this PP will not cause any adverse effects on existing social infrastructure.

Economic Impact

The PP proposes to add an APU over the subject property which is specific to the future intended use. The intent of permitting with consent a vehicles sales and hire premises, being a boat and merchandise showroom with associated offices is to narrow the development of the site for only that type of commercial use in addition to other land uses permitted in the underlying R2 zone.

Specifying the land use over a general rezoning, as originally proposed, will limit any potential economic competition within existing or proposed commercial centres in Nowra-Bomaderry.

Any potential impact on the nearby Lyndhurst neighbourhood centre or Bomaderry local centre is likely to be negligent and should be considered in detail as part of any future development application.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The PP does not require the provision of additional public infrastructure. The subject site has adequate road, sewer, water and utility access.

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:

Public Authority	Reason
Commissioner of NSW Rural Fire Service	As per s117 Direction 4.4 Planning for Bushfire Protection – prior to public exhibition
Roads and Maritime Service	The RMS have already been consulted with respect to this PP as the subject site fronts a classified road and the future intended use would require vehicular access off the Princes Highway

Table 1 – Public Authorities to be consulted

5 Part 4 – Mapping

The PP is supported by the following maps:

- Location Map
- Cadastral Map
- Aerial Map
- Current Zoning
- Proposed Clauses Map

As addressed in the explanation of provisions, this PP will require amendments to be made to the relevant LEP Clauses Map, Sheet CLS_013D to apply the proposed local clause, Schedule 1.20 (numbering subject to drafting). No other amendments to the LEP maps will be required to achieve the intended outcome of this PP.

6 Part 5 - Community Consultation

Prior to the PP being submitted to the Gateway, notification of the PP was sent to surrounding land owners with a copy of the submitted documentation made available on Council's website for viewing. After the PP was initially reported in May 2016, Council staff and the proponents met with landowners to discuss the proposal.

It is intended that the PP be exhibited for a minimum period of 28 days 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 determination.

Consultation will be made with relevant State or Commonwealth public authorities in accordance with Section 56 (2)(d) of the EP&A Act and/or any other requirements as determined by the Gateway determination.

7 Part 6 – Project Timeline

The anticipated timeline for the PP is as follows. Should there be any delays encountered during the process, the timeframes will be revised.

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	October 2016
Completion of Gateway determination requirements	November 2016
Public exhibition	Late November 2016
Consideration of submissions	December 2016
Post exhibition consideration of PP	January 2017
Finalisation and notification of Plan	February 2017

Table 2 – Project Timeline

Attachments

Attachment A - Proponent's PP document

Attachment B - Council report and minute, May 2016

Attachment C – Proponent’s Advice of Revised PP

Attachment D - Council report and minute, June 2016

Attachment E - SEPP Checklist

SEPP	Name	Applicable	Not inconsistent
1	Development Standards	x	n/a
14	Coastal wetlands	x	n/a
19	Bushland in Urban Areas	x	n/a
21	Caravan parks	x	n/a
26	Littoral rainforests	x	n/a
30	Intensive agriculture	x	n/a
33	Hazardous and Offensive development	x	n/a
36	Manufactured home estates	x	n/a
44	Koala habitat protection	x	n/a
50	Canal estate development	x	n/a
52	Farm Dams and Other Works in Land and Water Management Plan Areas	x	n/a
55	Remediation of land	✓	Not inconsistent
62	Sustainable aquaculture	x	n/a
64	Advertising and signage	x	n/a
65	Design quality of residential apartment development	x	n/a
70	Affordable Housing (Revised Schemes)	x	n/a
71	Coastal protection	x	n/a
--	Housing for Seniors or People with a Disability 2004	x	n/a
--	BASIX : 2004	x	n/a
--	Mining, Petroleum Production and Extractive Industries 2007	x	n/a
--	Miscellaneous Consent Provisions 2007	x	n/a
--	Infrastructure 2007	✓	Potentially inconsistent, refer to section 4.2.3
--	Rural Lands 2008	x	n/a
--	Exempt and Complying Development Codes 2008	x	n/a
--	Affordable Rental Housing 2009	x	n/a
--	Urban Renewal 2010	x	n/a
--	Sydney Drinking Water Catchment 2011	x	n/a
--	State and Regional Development 2011	x	n/a

Attachment F - Section 117 Ministerial Directions Checklist

Direction		Applicable	Relevant	Not inconsistent
1 Employment and Resources				
1.1	Business and Industrial Zones	✓	✗	n/a
1.2	Rural Zones	✗	✗	n/a
1.3	Mining, Petroleum Production and Extractive Industries	✓	✗	n/a
1.4	Oyster Aquaculture	✗	✗	n/a
1.5	Rural lands	✓	✗	n/a
2 Environment and Heritage				
2.1	Environmental Protection Zones	✓	✗	n/a
2.2	Coastal Protection	✗	✗	n/a
2.3	Heritage Conservation	✓	✗	n/a
2.4	Recreation Vehicle Area	✓	✗	n/a
2.5	Application of E2 and E3 and Environmental Overlays in Far North Coast LEPs	✗	✗	n/a
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	✓	✓	Potentially inconsistent, refer to section 4.2.4
3.2	Caravan Parks and Manufactured Home Estates	✓	✗	n/a
3.3	Home Occupations	✓	✓	Not inconsistent
3.4	Integrating Land Use and Transport	✓	✓	Potentially inconsistent, refer to section 4.2.4
3.5	Development Near Licensed Aerodromes	✓	✗	n/a
3.6	Shooting Ranges	✓	✗	n/a
4 Hazard and Risk				
4.1	Acid Sulphate Soils	✓	✗	Potentially inconsistent, refer to section 4.2.4
4.2	Mine Subsidence and Unstable Land	✗	✗	n/a
4.3	Flood Prone Land	✗	✗	n/a
4.4	Planning for Bushfire Protection	✓	✓	Not inconsistent
5 Regional Planning				
5.1	Implementation of Regional Strategies	✗	✗	n/a

5.2	Sydney Drinking Water Catchments	✓	✗	n/a
5.3	Farmland of State & Regional Significance Far North Coast	✗	✗	n/a
5.4	Commercial & Retail Development Far North Coast	✗	✗	n/a
5.8	Second Sydney Airport: Badgerys Creek	✗	✗	n/a
5.9	North West Rail Link Corridor Strategy	✗	✗	n/a
5.10	Implementation of Regional Plans	✓	✓	Not inconsistent
6 Local Plan Making				
6.1	Approval and Referral Requirements	✓	✗	n/a
6.2	Reserving Land for Public Purposes	✓	✗	n/a
6.3	Site Specific Provisions	✓	✓	Not inconsistent

Attachment G - Evaluation criteria for the issuing of an Authorisation

Checklist for the review of a request for delegation of plan making functions to Councils

Local Government Area:

Shoalhaven City Council

Name of draft LEP:

Shoalhaven Local Environmental Plan 2014
PP021 5c Creston Grove, Bomaderry

Address of Land (if applicable):

The subject land is known as 5c Creston Grove, Bomaderry and is legally described as Lot 393 DP 1144727.

Intent of draft LEP:

The PP seeks to apply for an addition to Schedule 1 Additional Permitted Use (APU) for vehicle sales and premises, to facilitate a boat and merchandise showroom with associated offices.

Additional Supporting Points/Information:

The proposal is minor in nature and is the best means of permitting the future intended use whilst minimising impacts on surrounding residential uses.

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council Response		Department Assessment	
	Y/N	Not relevant	Agree	Not agree
Is the Planning Proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the Planning Proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the Planning Proposal contain details related to proposed consultation?	Y			
Is the Planning Proposal compatible with an endorsed regional or sub-regional strategy or local strategy endorsed by the Director-General?	Y			
Does the Planning Proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the Planning Proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	N			
Minor Mapping Error Amendments				
Does the Planning Proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		NR		
Heritage LEPs				
Does the Planning Proposal seek to add or remove a local heritage item and is it supported by a strategy / study endorsed by the Heritage Officer?		NR		
Does the Planning Proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		NR		
Does the Planning Proposal potentially impact on item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		NR		

Reclassifications				
Is there an associated spot rezoning with the reclassification?		NR		
If yes to the above, is the rezoning consistent with an endorsed Plan Of Management (POM) or strategy?		NR		
Is the Planning Proposal proposed to rectify an anomaly in a classification?		NR		
Will the Planning Proposal be consistent with an adopted POM or other strategy related to the site?		NR		
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act, 1993?		NR		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the Planning Proposal?		NR		
Has the council identified that it will exhibit the Planning Proposal in accordance with the Department's Practice Note (PN09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guidelines for LEPs and Council Land?		NR		
Has council acknowledged in its Planning Proposal that a Public Hearing will be required and agree to hold one as part of its documentation?		NR		
Spot Rezoning				
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the Planning Proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		NR		
If yes, does the Planning Proposal contain sufficient documented justification to enable the matter to proceed?		NR		
Does the Planning Proposal create an exception to a mapped development standard?	N			

Section 73A matters				
Does the proposed instrument: a. Correct an obvious error in the principal instrument consisting of a mis-description, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary works or a formatting error?; b. Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; c. Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).				
	N			
	Y			
	Y			