**Planning Proposal - ( PP003 )**

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**Shoalhaven LEP 2014 Housekeeping Amendment – Stage 2**

Prepared by

Planning and Development Services Group

Shoalhaven City Council

File 49237E

Version 1 – Gateway Version

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Table of Contents

[Introduction 4](#_Toc419790733)

[Background 4](#_Toc419790734)

[Part 1 – Objectives or intended outcomes 5](#_Toc419790735)

[Part 2 – Explanation of provisions 6](#_Toc419790736)

[Table 1 – List of amendments 6](#_Toc419790737)

[Part 3 – Justification 73](#_Toc419790738)

[Section A - Need for the Planning Proposal 73](#_Toc419790739)

[Is the Planning Proposal a result of any strategic study or report? 73](#_Toc419790740)

[Is the Planning Proposal the best means of achieving the objectives or intended outcomes? 73](#_Toc419790741)

[Section B – Relationship to strategic planning framework 73](#_Toc419790742)

[Is the Planning Proposal consistent with the objectives and actions of the South Coast Regional Strategy and the Draft Illawarra Regional Growth and Infrastructure Plan? 73](#_Toc419790743)

[Is the Planning Proposal consistent with Shoalhaven 2023? 73](#_Toc419790744)

[Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)? 74](#_Toc419790745)

[Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)? 75](#_Toc419790746)

[Section C – Environmental, Social and Economic Impact 78](#_Toc419790747)

[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? 78](#_Toc419790748)

[Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed? 79](#_Toc419790749)

[Has the Planning Proposal adequately addressed any social or economic effects? 79](#_Toc419790750)

[Section D – State and Commonwealth interests 79](#_Toc419790751)

[Is there adequate public infrastructure for the Planning Proposal? 79](#_Toc419790752)

[What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination? 79](#_Toc419790753)

[Part 4 – Mapping 79](#_Toc419790754)

[Part 5 – Community consultation 80](#_Toc419790755)

[Part 6 – Project timeline 80](#_Toc419790756)

[Table 2 - Planning Proposal Project Timeline 80](#_Toc419790757)

[Attachment A – Council Report and Resolution 81](#_Toc419790758)

[Attachment B – Checklist of State Environmental Planning Policies 82](#_Toc419790759)

[Attachment C – Checklist of Ministerial Directions 83](#_Toc419790760)

# Introduction

The Planning Proposal (PP) *Shoalhaven LEP 2014 Housekeeping Amendment - Stage 2 (PP003)* explains the intent of, and justification for, an amendment to Shoalhaven Local Environmental Plan 2014 (LEP 2014).

PP003 is the first major housekeeping amendment to Shoalhaven LEP 2014 and intends to improve the operation and accuracy of the plan:

* correcting various minor errors and oversights in the heritage mapping overlay;
* correcting grammatical anomalies in Schedule 5 – Environmental heritage;
* including ‘light Industries’ as permitted with consent in the RU5 Village zone;
* removing ‘restricted premises’ as a prohibited use for the B2 Local Centre, B3 Commercial Core, and B4 Mixed Use zones;
* correcting various minor mapping errors and oversights; and
* updating mapping arising from various RMS land acquisitions for the Berry Bypass.

An explanation, justification and drafting instruction for each proposed amendment is included in Part 2 – Explanation of provisions section of this PP.

PP003 has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant Department of Planning Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

# Background

Shoalhaven LEP 2014 was notified by the State Government on 8 April 2014 and legally commenced on 22 April 2014. The plan consolidated previous planning controls into one local environmental plan and also transitioned existing controls into the NSW Government's Standard Instrument Local Environmental Plan format.

As part of the completion and also since Shoalhaven LEP 2014 has been in force, Council has identified a number of housekeeping type changes or adjustments that are needed to improve the operation and accuracy of the plan. Council continuously reviews the Shoalhaven LEP 2014 to ensure it aligns with their strategic documents, is improved where necessary, and delivers positive outcomes for the community.

In accordance with advice received from the NSW Department of Planning & Environment, the overall housekeeping amendment has been broken into the following separate amendments to assist its processing:

* Stage 1 (PP008) inserts ‘shop top housing’ and ‘serviced apartments’ as permitted with consent in the B3 Commercial Core zone, and inserts a provision to enable subdivision of split zoned land to create a residue lot that is smaller than the minimum lot size;
* Stage 2 (PP003) includes all of the heritage map and schedule changes, Land Use table changes and the majority of the minor mapping changes
* Stage 3 (PP011) will include policy changes, rezonings, and more complex mapping changes; and
* Stage 4 (PP012) will update the flood mapping for Broughton Creek, St Georges Basin, Lake Conjola, and Burrill Lake.

# Part 1 – Objectives or intended outcomes

This PP intends to:

* correct errors in the Schedule 5 - Environmental Heritage and the associated map overlays made during the drafting of Shoalhaven LEP 2014;
* Include ‘light Industries’ as permitted with consent in the RU5 Village zone;
* Remove ‘restricted premises’ as a prohibited use for the B2 Local Centre, B3 Commercial Core, and B4 Mixed Use zones; and
* correct various mapping errors made during the drafting and finalisation of Shoalhaven LEP 2014 and ensure the mapping related to the Berry Bypass is accurate;

# Part 2 – Explanation of provisions

To achieve the proposed objectives, PP003 amends the provisions of Shoalhaven LEP 2014 as detailed in Table 1.

### Table 1 – List of amendments

| **No.** | **Clause** | **Reference** | **Proposed Amendment** |
| --- | --- | --- | --- |
| **Schedule 5 Environmental heritage, Part 1 Heritage Items** | | | |
|  | Item 4:  Bamarang – homestead, cemeteries and Victorian sandstone homestead  Lot 20, DP 746233  72 Bamarang Road, Bamarang | Development Committee Minute  D14/142125 | Issue:  The description for Item 4 is not accurate as it refers to the homestead twice. .  Proposed amendment:   * Amend Item description from:   ‘Bamarang’ - homestead, cemeteries and Victorian sandstone homestead’ to:  ***“Bamarang” homestead cemeteries and “Bamarang” Victorian sandstone homestead”.***  Justification:  The current description creates ambiguity as it refers to the homestead twice. The proposed change clarifies that the heritage items are the Bamarang cemeteries and the Bamarang homestead. |
|  | Item 6:  Cavan – dairy farm complex  Lot 8, DP 869740  26B Cavan Road, Barrengarry | Development Committee Minute  D14/142125 | Issue:  The Heritage (HER) overlay and Schedule 5 incorrectly identify 26B Cavan Road as having heritage significance. It is the adjoining Lot 7, DP 869740 at 30 Cavan Road that has the “Cavan” dairy farm complex that is the subject of the heritage listing.  Proposed amendment:   * Amend Address from ‘26B Cavan Road’ to ***“30 Cavan Road”***. * Amend Property Description from ‘Lot 8, DP869740’ to ***“Lot 7, DP 869740”.*** * Remove HER overlay from Lot 8, DP869740. * Amend HER overlay to capture Lot 7, DP 869740.     Figure 1: Current HER overlay for Lot 7 & 8 DP 869740    Figure 2: Close up of the dairy farm complex positioned on Lot 7 DP 869740,  and the detached dwelling on Lot 8, DP 869740  Justification:  The proposed amendment will correct this error in the mapping and in Schedule 5 to ensure that the actual items of heritage significance are properly identified and protected. |
|  | Item 32:  Berry Showground group  35 Alexandra Street, Berry | Development Committee Minute  D14/142125 | Issue:  The description of Item 32 may create ambiguity regarding the number of trees that are heritage listed on the property as it lists the type of tree as a singular tree.  Proposed amendment:   * Amend Item description from:   ‘pavilion, rotunda, poultry shed, wood chopping arena, cattle yards, Alexandra Street entrances, Sir John Hay Memorial Fountain, former Berry Municipal Chambers, Araucaria bidwilli (Bunya Pine-1), Araucaria cunninghamii (Hoop Pine-2), Ficus sp (Fig tree), Erythrina sp (Coral trees), Eucalyptus sp (Eucalyptus tree), Magnolia sp (Magnolia), Photinia serratifolia (Photinia), Callitris macleayana (Cypress), Cinnamomum camphora (Camphor Laurels) and Camellia sp (Camellia)’ to:  ***“pavilion, rotunda, poultry shed, wood chopping arena, cattle yards, Alexandra Street entrances, Sir John Hay Memorial Fountain, former Berry Municipal Chambers, Araucaria bidwilli (Bunya Pine-1), Araucaria cunninghamii (Hoop Pines), Ficus sp (Fig tree), Erythrina sp (Coral trees), Eucalyptus sp (Eucalyptus trees), Magnolia sp (Magnolias), Photinia serratifolia (Photinia), Callitris macleayana (Cypress), Cinnamomum camphora (Camphor Laurels) and Camellia sp (Camellias)”***  Justification:  Shoalhaven LEP 2014 omits some detail regarding the number of trees, which may create some confusion. Where there are multiple examples of a given type of tree, the plural of the name has been used to indicate that there is more than one of that particular type of tree listed to ensure that all of the relevant trees are protected. |
|  | Item 39:  Coomanderry Swamp drainage channel  Lot 5, DP 860111;  Lot 2, DP 836097;  Lot 6, DP 786106;  Lot 12, DP 630628;  Part Lot 2, DP 517528;  Lot 12, DP 1047067;  Lot 3, DP 805443;  Lot 1, DP 706777 drainage reserve;  Lot 1, DP 1148057  Coolangatta Road and Shoalhaven Heads Road, Berry | Development Committee Minute  D14/142125 | Issue:  The description for Item 39, the Coomanderry Swamp drainage channel, does not match the corresponding HER overlay.  Item 39 lists Berry as the locality, whereas the Council GIS system identifies the locality as Coolangatta.  Proposed amendment:   * Amend the Property description from:   “Lot 5, DP 860111; Lot 2, DP 836097; Lot 6, DP 786106; Lot 12, DP 630628; Part Lot 2, DP 517528; Lot 12, DP 1047067; Lot 3, DP 805443; Lot 1, DP 706777 drainage reserve; Lot 1, DP 1148057” to:  ***“Lot 6, DP 786106; Lot 12, DP 1047067; Lot 12, DP 630628; Part - Lot 1, DP 390622; Lot 1, DP 1196368; Lot 1, DP 706777; Lot 22, DP 1028714; Lot 10, DP 580917; Lot 1, DP 525517; Part - Lot 2, DP 223278; Lot 2, DP 836097; Lot A, DP 33346; Part - Lot 2, DP 15290; Lot 1, DP 223278; Lot 3, DP 15290; Lot 1, DP 15290”***   * Amend the locality from ‘Berry’ to ***“Coolangatta”***     Figure 3: Current HER overlay and the Lots currently listed in the schedule identified by red outline    Figure 4: Current HER overlay and the Lots proposed to be listed in the schedule outlined in red  Justification:  The amendment will ensure that the map and the schedule are the same and that they accurately identify all of the area covered by the Coomanderry Swamp drainage channel. |
|  | Item 42:  *Eucalyptus pilularis* (Blackbutt)  Lot 2, DP 773489 and the adjacent road reserve  42 Kangaroo Valley Road, Berry    Heritage Map – Sheet HER\_019A | Development Committee Minute  D14/142125  D13/308111 | Issue:  Drafting error - the description of Item 42 does not accurately describe the heritage item’s location. The HER overlay has omitted the road reserve which is where the base of the tree is located.  Proposed amendment:   * Include road reserve on HER overlay.     Figure 5: Current HER overlay for Item 42    Figure 6: Base of the tree is located on the road reserve and canopy extends to adjoining property    Figure 7: Proposed HER overlay for Item 42  Justification:  The HER overlay only identifies Lot 2 DP 773489 as having heritage value and does not include the road reserve which contains the base of the tree. The proposed amendment will ensure that the location of the tree is accurately reflected on the HER overlay. |
|  | Item 49:  *Liriodendron tulipifera* (Tulip tree)  Lot 11, DP 816490  20 Prince Alfred Street, Berry    Heritage Map – Sheet HER\_019E | Development Committee Minute  D14/142125 | Issue:  Item 49 relates to a Tulip tree which has now been removed. Given this, the HER overlay and Schedule 5 should be updated to remove the item.  Proposed amendment:   * Remove Item 49 from Schedule 5 Part 1. * Amend Heritage Map – Sheet HER\_019E to remove Item 49.     Figure 8: Current HER overlay map for Lot 11 DP 816490.  Justification:  Shoalhaven LEP 2014 still lists the Tulip tree on Lot 11 DP 816490. As the tree no longer exists, the mapping needs to be revised. |
|  | Item 55:  *Araucaria heterophylla* (Norfolk Island Pine)  Lot 1, DP 950717  40 Prince Alfred Street, Berry | Development Committee Minute  D14/142125 | Issue:  The description of Item 55 may cause some ambiguity regarding the number of trees that are heritage listed on the property as it lists the type of tree as a singular tree.  Proposed amendment:   * Amend the Item description from: “Norfolk Island Pine-2” to: ***“Norfolk Island Pines – 2”.***   Justification:  Shoalhaven LEP 2014 does not contain detail regarding the number of trees, which may create some confusion. As there are two trees, the plural of the name has been used to indicate that there is more than one of the particular type of tree listed to ensure that both trees are protected. |
|  | Item 58:  Victorian Georgian style weatherboard cottage and trees  Lot 56, DP 701877  53 Prince Alfred Street, Berry | Development Committee Minute  D14/142125 | Issue:  The description of Item 58 may cause some ambiguity regarding the number of trees that are heritage listed on the property as it lists the type of tree as a singular tree.  Proposed amendment:   * Amend the Item description from: “Hoop Pine-2” to: ***“Hoop Pines – 2”***; and * Amend the Item description from: “Illawarra flame tree-3” to: “***Illawarra Flame trees – 3***”.   Justification:  Shoalhaven LEP 2014 does not contain some detail regarding the number of trees, which may create some confusion. As there are multiple examples of each type of tree, the plural of the name has been used to indicate that there is more than one of that particular type of tree listed to ensure that all relevant trees are protected. |
|  | Item 70:  Colonial style weatherboard store (former Wilson and Co store) and *Araucaria heterophylla* (Norfolk Island Pine-2)  Lot 1, DP 724944  1 Pulman Street, Berry | Development Committee Minute  D14/142125 | Issue:  The description of Item 70 may cause some ambiguity regarding the number of trees that are heritage listed on the property as it lists the type of tree as a singular tree.  Proposed amendment:   * Amend the Item description from: “Norfolk Island Pine-2” to: ***“Norfolk Island Pines – 2”.***   Justification:  Shoalhaven LEP 2014 does not contain some detail regarding the number of trees, which may create some confusion. As there are two trees, the plural of the name has been used to indicate that there is more than one of the particular type of tree listed to ensure that both trees are protected. |
|  | Item 87:  Two storey Victorian hotel and detached kitchen including *Acmena smithii* (Lilly Pilly-2)  Lot 1, DP 578257  120 Queen Street, Berry | Development Committee Minute  D14/142125 | Issue:  The description of Item 87 may cause some ambiguity regarding the number of trees that are heritage listed on the property as it lists the type of tree as a singular tree.  Proposed amendment:   * Amend the Item description from: “Lilly Pilly-2” to: ***“Lilly Pillies - 2”***.   Justification:  Shoalhaven LEP 2014 does not contain some detail regarding the number of trees, which may create some confusion. As there are two trees, the plural of the name has been used to indicate that there is more than one of the particular type of tree listed to ensure that both trees are protected. |
|  | Item 97:  Populus nigra italica (Lombardy Poplar-23  Road reserve  Tannery Road, Berry | Development Committee Minute  D14/142125 | Issue:  The description of Item 97 may cause some ambiguity regarding the number of trees that are heritage listed on the property as it lists the type of tree as a singular tree.  Proposed amendment:   * Amend the Item description from: “Lombardy Poplar-23” to: ***“Lombardy Poplars – 23”.***   Justification:  Shoalhaven LEP 2014 does not contain some detail regarding the number of trees, which may create some confusion. As there are 23 trees, the plural of the name has been used to indicate that there is more than one of the particular type of tree listed to ensure that the relevant trees are protected. |
|  | Item 101:  *Melaleuca decora* (Paper Bark-2)  Lot 101, DP 1125002  51A Victoria Street, Berry | Development Committee Minute  D14/142125 | Issue:  The description of Item 101 may cause some ambiguity regarding the number of trees that are heritage listed on the property as it lists the type of tree as a singular tree.  Proposed amendment:   * Amend the Item description from: “Paper Bark-2” to: ***“Paper Barks – 2”.***   Justification:  Shoalhaven LEP 2014 does not contain some detail regarding the number of trees, which may create some confusion. As there are two trees, the plural of the name has been used to indicate that there is more than one of the particular type of tree listed to ensure that both relevant trees are protected. |
|  | Item 108:  Victorian School and trees  Lot 12, DP 882716  Victoria Street, Berry | Development Committee Minute  D14/142125 | Issue:  The address for Item 108 is incorrect.  Proposed amendment:   * Amend the address from: ‘Victoria Street’ to: ***“1 Clarence Street”***   Justification:  The address was changed by LPI and should be accurately reflected in Shoalhaven LEP 2014. |
|  | Item 112:  *Populus nigra italica* (Lombardy Poplar-9)  Road reserve  Woodhill Mountain Road, Berry | Development Committee Minute  D14/142125 | Issue:  The description for Item 112 has a typographic error and may cause some ambiguity regarding the number of trees that are heritage listed on the property as it lists the type of tree as a singular tree.  Proposed amendment:   * Amend the Item description from: “Lombardyc Poplar-9” to: ***“Lombardy Poplars – 9”***   Justification:  Amending the Item description will correct a grammatical error and clarify the number of trees on the property. As there are nine trees, the plural of the name has been used to indicate that there is more than one of the particular type of tree listed to ensure that the relevant trees are protected. |
|  | Item 118:  Former Bolong Public School including shelter shed and relocated bolong carpenter Gothic style Union Church  Lots 3 and 4, DP 1108931  8 Jennings Lane, Bolong | Development Committee Minute  D14/142125  Internal Advice  D14/337946 | Issue:  The description of the items that make up Item 118 has a minor grammatical error in that capital letters are missing from the name of the church.  Proposed amendment:   * Amend the Property description from: ‘Former Bolong Public School including shelter shed and relocated bolong carpenter Gothic style Union Church’ to: “***Former Bolong Public School including shelter shed and relocated Bolong Carpenter Gothic style Union Church***”   Justification:  The proposed amendment will correct the grammatical error. |
|  | Item 127:  Federation weatherboard residence  Lot 14, Section 9, DP 2886  14 Coomea Street, Bomaderry    Heritage Map – Sheet HER\_013E | Development Committee Minute  D14/142125 | Issue:  The house listed in Item 127 is built across two lots and only one of the lots is shown in the HER overlay.  Proposed amendment:   * Change the Address from: ’14 Coomea Street’ to: ***“12 – 14 Coomea Street”.*** * Change the Property Description from ‘Lot 14, Section 9, DP 2886’ to: ***“Lots 14 and 15 DP 2886 Sec 9”.*** * Amend Heritage Map – Sheet HER\_013E to add Lot 15 DP 2886 to Item 127.     Figure 9: Current HER overlay, proposed to include Lot 15, Section 9, DP 2886  Justification:  The house is built over both lots so the listing should reflect this to ensure adequate protection of the heritage values of the property. |
|  | Item 136:  “Illowra”—Federation timber Berry Estate residence and garden  Lot 2, DP 792770  472 Princes Highway, Bomaderry | Development Committee Minute  D14/142125 | Issue:  The street address for Item 136 is incorrect and does not match Council’s records.  Proposed amendment:   * Change the Address from: ‘472 Princes Highway’ to: ***“125 Brinawarr Street”.***   Justification:  The address should be amended to reflect the address in Council’s records. |
|  | Item 143:  Broughton Vale Cemetery  Lot 1934, DP 1100783  350A Broughton Vale Road, Broughton Vale | Development Committee Minute  D14/142125 | Issue:  The street address for Item 143 is incorrect and does not match Council’s records.  Proposed amendment:   * Change the Address from: ‘350A Broughton Vale Road’ to: “***350 Broughton Vale Road***”.   Justification:  The address needs to be amended to reflect Council’s records. |
|  | Item 150A:  *Araucaria heterophylla* (Norfolk Island Pine)  Lot 307, DP 15648  4 Kendall Crescent, Burrill Lake  Heritage Map – Sheet HER\_016D | Development Committee Minute  D14/142125 | Issue:  Item 150A is mapped with Item 149, and is labelled as 149 rather than being labelled 150A.  Proposed amendment:   * Amend Heritage Map – Sheet HER\_016D to map Lot 307 DP 15648 separately to Item 149 (McDonald Parade road reserve adjacent to land in DP 15648) and label as ‘150A’.     Figure 10: Current HER overlay for Item 149 and proposed Item 150A (outlined in red)  Justification:  Item 150A and Item 149 are separate Heritage items and should be mapped accordingly so that can be correctly identified. At present they are shown as one item (149). |
|  | Item 151:  Cambewarra Rainforest Reserve  Reserve No 57023  Address:  Cambewarra Lookout Road, Cambewarra | Development Committee Minute  D14/142125 | Issue:  The Property Description for Item 151 does not match the HER overlay which maps additional properties as part of the heritage item.  Proposed amendment:   * Add the following lots to the Property Description in schools: * Lots 7301 & 7302 DP 1131110 * Lots 7305 & 7306 DP 1154007 * Part Lot 252 DP 720937 * Lot 2 DP 849185 * Part Lot 2 DP 223819 * Lot 3 DP 221288.     Figure 11: Current HER overlay for Item 151  Justification:  The Property Description needs to be updated to ensure that it matches the properties mapped on the HER overlay. |
|  | Item 169:  Coolangatta Estate Group  Lot 10, DP 580917;  Lots 1 and 4, DP 15290;  Lot 1, DP 525517;  Lot 64B, DP 7851  Bolong Road, Coolangatta | Development Committee Minute  D14/142125 | Issue:  Lot 64B DP 7851 is listed twice as a separate item as Item 176 (Berry-Hay Private Cemetery) and also as part of Item 169.  Proposed amendment:   * Remove Lot 64B DP 7851 from the Property Description for Item 169.     Figure 129: Lot 64B DP 7851 (far left) is also mapped and identified as a separate heritage item  Justification:  Lot 64B DP 7851 also is separately listed and is also physically separated from the Coolangatta Estate Group and so does not need to be listed twice. |
|  | Item 186:  Crookhaven lighthouse complex  Lot 7004, DP 1059066  Prince Edward Avenue, Culburra Beach | Development Committee Minute  D14/142125  D13/234429 | Issue:  The reporting for the finalisation of Shoalhaven LEP 2014 required the insertion of an additional property description – Part Port 34 DP 755971 – but this was missed in the commenced LEP.  Proposed amendment:   * Amend the Property Description to include: ***“Part - Lot 34 DP 755971 (POR 34”.***   No change required to the HER overlay as the item is mapped correctly.  Justification:  The Property Description should be amended to reflect the drafting instructions prepared for the LEP finalisation. |
|  | Item 190:  Brimbramalla gold mining area  Bimberamala River, Browns Gully, Clyde Ridge and Mines Road, Currowan | Development Committee Minute  D14/142125 | Issue:  The spelling of Bimberamala River is incorrect in the Address and there is no Property Description listed for this item.  Proposed amendment:   * Amend the Address from: ‘*Bimberamalla River, Browns Gully, Clyde Ridge and Mines Road****”*** to: ***“Bimberamala River, Browns Gully, Clyde Ridge and Mines Road”.*** * Add “***Part of Bimberamala National Park***” to the Property Description.   Justification:  Amending the Address will ensure the Bimberamala River’s name is spelt correctly.  Previously the Property Description was left blank as the land was owned by State Forests. However, the land was acquired by NPWS in 2001 as part of the Regional Forests Agreement and is now the Bimberamala National Park. Inclusion of this detail in the Property Description makes it easier to identify where the item is located. |
|  | Item 192  Rixons (former coal mine)  Lot 8, DP 755935  Adjacent to Clyde River, Endrick | Development Committee Minute  D14/142125 | Issue:  The Address for Item 192 is incorrect and does not match Council’s records.  Proposed amendment:   * Amend the address from: ‘adjacent to Clyde River’ to: “***Clyde River***”   Justification:  The address should be amended to reflect the address in Council’s records. |
|  | Item 215:  Bundanon – homestead including outbuildings and natural landscape  Lots 12–14, 16, 17 and 118, DP 751273;  Lot 5, DP 622583  533 Bundanon Road, Illaroo | Development Committee Minute  D14/142125 | Issue:  The Significance for Item 215 is incorrectly given as local’.  Proposed amendment:   * Change the Significance from: ‘Local’ to ***“State”.***   Justification:  The Bundanon Homestead is a State listed Heritage Item and Shoalhaven LEP 2014 should reflect this. |
|  | Item 216:  Colonial style weatherboard farmhouse including outbuildings and trees  Lot 148, DP 3059  Croziers Road, Jaspers Brush    Heritage Map – Sheet HER\_019A | Development Committee Minute  D14/142125 | Issue:  The farmhouse and associated outbuildings and trees are actually located on Lot 149 DP 3059 rather than Lot 148 DP 3059.  Proposed amendment:   * Amend the property description from: ‘Lot 148, DP 3059’ to “***Lot 149 DP 3059***”. * Amend Heritage Map – Sheet HER\_019A to show Lot 149 DP 3059 as Item 216 and remove the HER overlay from Lot 148 DP 3059.   Justification:  This is an error where the wrong lot has been mistakenly been identified as containing the heritage item. Lot 149 DP 3059 has the heritage item rather than Lot 148 DP 3059 and the Schedule 5 and map should be amended to reflect this. |
|  | Item 231:  Victorian weatherboard shop and residence  Lot 8, DP 1940;  Lot 2, DP 554307  168–170 Moss Vale Road, Kangaroo Valley | Development Committee Minute  D14/142125 | Issue:  The two lots that make up this item have been consolidated through subdivision, therefore the Property Description for Item 231 needs to be updated.  Proposed amendment:   * Amend the Property Description from: ‘Lot 8, DP 1940; Lot 2, DP 554307’ to: ***“Lot 1 DP 1182201”***.   No change required to HER overlay as this is mapped correctly.  Justification:  The Property Description needs to be updated to reflect the consolidation of the two parcels into one. This amendment was included in the final drafting instructions for the LEP but was not included in the notified LEP. |
|  | Item 243:  Scanzi – colonial timber farmhouse and outbuildings  Lot 4, DP 1016737  770 Mt Scanzi Road, Kangaroo Valley | Development Committee Minute  D14/142125 | Issue:  The Property Description lists Lot 4 DP 1016737 as forming Item 243, however the HER overlay only maps part of the property  Proposed amendment:   * Map all of Lot 4 DP 1016737.     Figure 13: Current HER overlay, propose to map the entirety of Lot 4 DP 1016737  Justification:  All of Lot 4 DP 1016737 needs to be mapped to accurately reflect the heritage value and to be consistent with the written instrument. |
|  | Item 260:  Victorian Georgian worker’s cottage  Part Lot 10, DP 957744  47 Church Street, Milton | Development Committee Minute  D14/142125 | Issue:  The Property Description for Item 260 needs revision as it states the item is on Part Lot 10 when it is actually on Lot 1.  Proposed amendment:   * Amend Property Description from: ‘Part Lot 10, DP 957744’ to: ***“Lot 1 DP 957744”.***   Justification:  The proposed amendment will amend this typographic error to ensure that the Property Description for this item is accurate. |
|  | Item 267:  “Claydon Park”—dairy farm complex  Lot 2, DP 109732  75 Croobyar Road, Milton | Development Committee Minute  D14/142125 | Issue:  The Property Description is incorrect as a number has inadvertently been left of the DP number.  Proposed amendment:   * Amend property description from: ‘Lot 2, DP 109732’ to: ***“Lot 2 DP 1097329”.***   Justification:  The proposed amendment will amend this typographic error to ensure that the Property Description for this item is accurate. |
|  | Item 268:  “Mudges Corner”—Federation weatherboard residence including outbuildings, garden and fence  Lot 1, Section B, DP 192188  Croobyar Road, Milton | Development Committee Minute  D14/142125 | Issue:  The Address listed for Item 268 is incorrect and does not match Council’s records.  Proposed amendment:   * Change address from: ‘Croobyar Road’ to: ***“79 Watson Street, Milton”***.   Justification:  The address should be amended to reflect the address in Council’s records. |
|  | Item 269:  “Wynella”—Victorian weatherboard  Lot A4, DP 192832  6 Gordon Street, Milton | Development Committee Minute  D14/142125 | Issue:  The Item description is incomplete as the word ‘residence’ is missing.  Proposed amendment:   * Change Item description from: ‘“Wynella” - Victorian weatherboard’ to: ***“Wynella” Victorian weatherboard residence***.”   Justification:  The proposed amendment will correct this minor error to ensure that the item description is accurate. |
|  | Item 285:  “Eyrie Bowrie”—two storey Victorian Regency residence  Lot 24, DP 1124445;  Lot 42, DP 1132331;  Lots 1–41, DP 1124431  130A Princes Highway, Milton  Heritage Map – Sheet HER\_016C | Development Committee Minute  D14/142125  D13/308111 | Issue:  The land on which this item is located has been subdivided into residential lots with a larger rural residue. The residence is now located at 17 Eyrie Bowrie Drive, however, the listing still covers all the lots that made up the original lot.  Proposed amendment   * Amend Address from: ‘130A Princes Highway’ to: ***“17 Eyrie Bowrie Drive”*** * Change Property Description from: ‘Lot 24, DP 1124445; Lot 42, DP 1132331; Lots 1–41, DP 1124431’ to: “***Lot 3, DP 112443***” * Amend Heritage Map – Sheet HER\_016C to show Item 285 over Lot 3 DP 1124431 only.     Figure 14: Current HER overlay for Item 285 and Amended Area to be covered  Justification:  The HER overlay and Schedule 5 should be revised to reflect the changes made through the subdivision and development of the original lot. The residence and significant trees have been retained on Lot 3. The remaining lots have been developed for residential purposes, and the rural residue is now physically separated from the residence, so these lots are no longer considered to be part of the curtilage of the heritage item. |
|  | Item 286 & 297:  Victorian Georgian residence and former dispensary  Late Victorian brick residence  Lot 1, DP 1171562  131 Princes Highway,  Milton  Lot 2, DP 1062588  35 Princes Highway, Milton    Heritage Map – Sheet HER\_016C | Development Committee Minute  D14/142125 | Issue:  The Lots on which Items 286 and Item 297 are located have been amalgamated and as a result Schedule 5 and the HER overlay require updating.  Proposed amendment:   * Change Address for Item 286 from: ‘131 Princes Highway’ to: ***“133 Princes Highway, Milton”*** * Change Property Description for Item 286 from: ‘Lot 1 DP 1171562’ to: ***“Lot 1 DP 1171562”.*** * Change Address for Item 297 from:’35 Princes Highway’ to: ***“133 Princes Highway, Milton”.*** * Change Property Description for Item 297 from ‘Lot 2, DP 1062588’ to: ***“Lot 1 DP 1171562”.*** * Amend Heritage Map – Sheet HER\_016C to map the entirety of Lot 1 DP 1171562 as Items 286 and 297.     Figure 15: Current HER overlay for Items 286 & 297    Figure 16: The amalgamated lot - Lot 1 DP 1171562  Justification:  The two items were listed separately; however, three lots (131-135 Princes Highway) were amalgamated via subdivision in 2004 and the subdivision registered in 2012. The schedule and HER overlay should be amended to reflect this change. |
|  | Item 299:  Rendered masonry commercial store including residence and trees  Lots 1–4 and CP, SP 66659  Princes Highway, Milton | Development Committee Minute  D14/142125 | Issue:  The Address for Item 299 is incorrect and is missing the street number.  Proposed amendment:   * Amend the Address from: ‘Princes Highway’ to: ***“61 Princes Highway”***   Justification:  The Address should be amended to reflect the address in Council’s records. |
|  | Item 304:  Victorian rendered masonry school and schoolmaster’s cottage  Lot 1, DP 861814  11 Thomas Street, Milton | Development Committee Minute  D14/142125 | Issue:  The Address for Item 304 is incorrect as refers to 11 Thomas Street which is the street address of an adjoining property.  Proposed amendment:   * Amend Address from ‘11 Thomas Street’ to: ***“Thomas Street”***.   Justification:  The address should be amended to reflect the correct address in Council’s records and to prevent confusion on which lot the heritage item is located. |
|  | Item 307:  Inter-war Californian style bungalow  Part DP 907077  60 Wason Street, Milton  Heritage Map – Sheet HER\_016C | Development Committee Minute  D14/142125 | Issue:  The neighbouring lot has been incorrectly mapped as Item 307, and the lot with the actual heritage value has been omitted. The Property Description is also incorrect as it not Part DP 907077 but Lot 1 DP 907077.  Proposed amendment:   * Change Property Description from: ‘Part DP 907077’ to: ***“Lot 1 DP 907077”.*** * Amend Heritage Map – Sheet HER\_016C to remove Item 307 from Lot 1 DP 907078 and move it to Lot 1 DP 907077.     Figure 17: Current HER overlay and correct property  Justification:  An error occurred when the HER overlay was created and the wrong property mapped as Item 307. This should be rectified and the property description updated to ensure that the listing HER overlay and Schedule 5 are correct. |
|  | Item 319:  Sandridge General Cemetery  5.4 hectares of land located on the corner of Ocean Street and Mitchell Parade  Ocean Street, Mollymook | Development Committee Minute  D14/142125 | Issue:  The cemetery is located on Crown land which did not previously have Torrens title. Crown Lands created a deposited plan for the two titles that make up the cemetery in 2011. Schedule 5 needs updating to reflect the new Property Description and the street number of the property.  Proposed amendment:   * Amend the Address from: ‘Ocean Street’ to: ***“45 Ocean Street”*** * Amend the Property Description from: ‘5.4 hectares of land located on the corner of Ocean Street and Mitchell Parade’ to: ***“Lot 7313 and Lot 7314 DP 1167265”***   Justification:  There is now more accurate information to describe the property, and Schedule 5 should be updated. |
|  | Item 338:  Former Numbaa red cedar flood boat and Captain Cook Bicentennial Memorial  Lot 5, DP 262460;  Lot 7038, DP 1107416  Bridge Road, Nowra | Development Committee Minute D14/142125  Internal Advice  D14/338046 | Issue:  The flood boat is no longer in this location so the item description is incorrect.  Proposed amendment:   * Amend description from: ‘Former Numbaa red cedar flood boat and Captain Cook Bicentennial Memorial’ to: ***“Captain Cook Bicentennial Memorial”***   Justification:  The flood boat has been removed for security and restoration reasons. As it is not intended that it be returned to this location, the item description should be amended. |
|  | Item 351:  Two storey Federation timber convent (former Sisters of the Good Samaritan Convent) including fence and grounds  Lot 9, DP 237126  22 Junction Street, Nowra | Development Committee Minute  D14/142125 | Issue:  The Property Description for Item 351 is incorrect as the property has been subdivided.  Proposed amendment:   * Change Property Description from: ‘Lot 9, DP 237126’ to: ***“Lot 91 DP 1182460”***   No change required to HER overlay as it is mapped correctly.  Justification:  The property has been subdivided and this change was included in the final LEP drafting instructions, however it was not included in the notified LEP. Schedule 5 should be amended to ensure that it is accurate. |
|  | Item 355:  Mafeking Boer War Memorial  Lots 2 and 3, DP 363266  60–62 Junction Street, Nowra | Development Committee Minute  D14/142125 | Issue:  The Property Description for Item 355 is incorrect as part of the item is located in the adjacent road reserve which is not listed.  Proposed amendment:   * Amend the Property Description from: ‘Lots 2 and 3, DP 363266’ to: ***Lots 2 and 3, DP 363266 and adjacent road reserve”***   No change required to HER overlay as it is mapped correctly.  Justification:  The HER overlay correctly shows Lots 2 and 3 DP 363266 and the adjacent road reserve (which is an unformed part of the road), however, Schedule 5 does not. The Property Description should be amended to accurate reflect the coverage of the item. |
|  | Item 360:  Heritage streetscape  Road reserve  Junction Street between Berry and West Streets, Nowra | Development Committee Minute  D14/142125 | Issue:  The description for Item 360 does not capture the streetscape value correctly.  Proposed amendment:   * Change Item description from: ‘Junction Street between Berry and West Streets’ to: ***“Junction Street Heritage Streetscape”***   Justification:  The heritage value stretches along Junction Street between Berry and West Streets and the description should accurately reflect this. |
|  | Item 361:  Nowra General Cemetery  Lot 1, DP 724120;  Lot 1, DP 1221276;  Lots 7305 and 7306, DP 1151018;  Lot 7321, DP 1155510  Kalandar Street, Nowra | Development Committee Minute  D14/142125 | Issue:  The level of significance of Item 361 is not stated.  Proposed amendment:   * Amend the Significance to: **“*State”***   Justification:  The Significance for Item 361 was left blank in the notified LEP. The cemetery was identified in the Shoalhaven LEP 1985 and in the Shoalhaven Heritage Study as being of State significance. |
|  | Item 391:  All Saints Anglican Church including memorial lychgate, trees and Victorian Gothic style hall (former St John’s Church)  Lot 2, DP 1047926  70 Plunkett Street, Nowra  Heritage Map – Sheet HER\_013E | Development Committee Minute  D14/142125 | Issue:  The original lot on which Item 391 was located was consolidated with an adjoining lot in 2013. As a result, the Property Description and the HER overlay need updating to reflect this change.  Proposed amendment:   * Change Property Description from: ‘Lot 2, DP 1047926’ to: ***“Lot 23, DP 1190551”.*** * Amend Heritage Map – Sheet HER\_013E to cover the entirety of Lot 23 DP 1190551.     Figure 10: Current HER overlay for Item 391  Justification:  The lot has been consolidated with Lot 3 DP 1047926 and Schedule 5 and HER overlay need to be amended to accurately reflect the location of the heritage item. |
|  | Item 405:  Nowra Showground  Part of Lot 7039, DP 1108688;  Lot 374, DP 755952;  Lot 1, DP 758794;  Lot 702, DP 1024852;  Lot 7302, DP 1134093;  Lot 7322, DP 1164817  West Street, Nowra | Development Committee Minute  D14/142125 | Issue:  The Property Description is incorrect as Lot 7322 DP 1164817 is listed as part of the items when it should be Lot 7323 DP 1164817.  Proposed amendment:   * Amend Property Description from: ‘Part of Lot 7039, DP 1108688; Lot 374, DP 755952; Lot 1, DP 758794; Lot 702, DP 1024852; Lot 7302, DP 1134093; Lot 7322, DP 1164817’ to: ***“Part of Lot 7039, DP 1108688; Lot 374, DP 755952; Lot 1, DP 758794; Lot 702, DP 1024852; Lot 7302, DP 1134093; Lot 7323, DP 1164817”***   Justification:  The Property Description should be amended to accurately identify the relevant properties. |
|  | Item 406:  Ben’s Walk including Suspension Bridge and Aboriginal Art Sites  R70802; R67547;  Part Lot 7018, DP 1024840;  Lot 7019, DP 1016688;  Part Lots 94, 95 and 391 and Lot 392, DP 755952;  Lot 7005, DP 1023875;  Lot 3, DP 585626;  Lot 703, DP 1024833;  Lot 704, DP 1024834;  Lot 7036, DP 1068935;  Lot 701, DP 1024852;  Lot 7301, DP 1134093;  Part of Lot 4, DP 1136269;  Part of Lot 7039, DP 1108688  West and Worrigee Streets, Nowra | Development Committee Minute  D14/142125 | Issue:  The Property Description for Item 406 is incorrect as it omits some of the properties that form Ben’s Walk and it is not the same as the mapped HER overlay.  Proposed amendment:   * Amend property description from:   ‘R70802; R67547; Part Lot 7018, DP 1024840; Lot 7019, DP 1016688; Part Lots 94, 95 and 391 and Lot 392, DP 755952; Lot 7005, DP 1023875; Lot 3, DP 585626; Lot 703, DP 1024833; Lot 704, DP 1024834; Lot 7036, DP 1068935; Lot 701, DP 1024852; Lot 7301, DP 1134093; Part of Lot 4, DP 1136269; Part of Lot 7039, DP 1108688’ to  ***“R70802, R6754, Lot 7036, DP 1068935, Lot 7326, DP 1166983, Lot 701, DP 1025652, Lot 7005, DP 1023875, Lot 7301, DP 1134093, Lot 704, DP 1024834, Part of Part - Lots 94, and 95, DP 755952 (Pors 94 and 95), Part - Lot 2, DP 758794, Sec 31A, Lot 703, DP 1024833, Part - Lot 1, DP 758794, Sec 15, Part - Lot 4, DP 1136269, Lot 3, DP 585626, Lot 701, DP 1024852, Part of Lot 7018, DP 1024840, Lot 7322, DP 1164817, Lot 7019, DP 1016688, Lot 392, DP 755952 (Por 392), Part - Lot 1, DP 758794, Sec 31A, Part - Lot 391, DP 755952 (Por 391), and Crown roads”.***  Justification:  The Property Description should be amended so that it accurately identifies the relevant properties. |
|  | Item 410:  Inter-war Weatherboard Bungalow  Part Lot 1, DP 152694  47 Worrigee Street, Nowra | Development Committee Minute  D14/142125 | Issue:  The Property Description for Item 410 is incorrect as it lists the property description of the adjoining property.  Proposed amendment:   * Amend Property Description from: ‘Part Lot 1, DP 152694’ to: ***“Lot 2 DP 152694”.***   No change required to HER overlay as this is mapped correctly.  Justification:  The proposed amendment will correct an error and ensure that the Property Description for this item is accurate. |
|  | Item 418:  RANS Albatross—Military Defence Complex and Aviation Museum  Lot 102, DP 842713;  Lot 2, DP 1002996  489A Albatross Road, Nowra Hill | Development Committee Minute  D14/142125 | Issue:  The Item description is no longer correct as the name of the Naval Base has changed.    Proposed amendment:   * Change Item description from: ‘RANS Albatross—Military Defence Complex and Aviation Museum’ to: ***“HMAS Albatross – military defence complex and aviation museum”.***   Justification:  Item 418 is no longer referred to as ‘RANS Albatross, it is referred to as HMAS Albatross. This is the name used in Part 7 of Shoalhaven LEP 2014 and Schedule 5 should be consistent. This is also an opportunity to correct the grammatical error of capitalising the description. |
|  | Item 419:  Former Prefabricated Cast Iron Presbyterian Church  Part Lot 2, DP 755953  591 Comerong Island Road, Numbaa | Development Committee Minute  D14/142125 | Issue:  The Property Description for Item 419 is no longer correct as a new title has been created for the property to replace the old system title.  Proposed amendment:   * Amend Property Description from: ‘Part Lot 2, DP 755953’ to ***“Lot 591 DP 1137949”***   Justification:  The previous property description has been superseded as it was an old system title. Schedule 5 needs to be amended to ensure that the property description is accurate. |
|  | Item 450:  “George Borrowdale’s house”—(former Berry Estate cottage)  Lot 2, DP 1110521  Pyree Lane, Pyree    Heritage Map – Sheet HER\_019D | Development Committee Minute  D14/142125 | Issue:  The original lot has been subdivided so the Property Description is now incorrect as it lists the superseded lot. The HER overlay is also incorrect as it does not cover one of the lots created by the subdivision (which contains part of the heritage listed house), and includes Council owned land that does not form part of the heritage item.  Proposed amendment:   * Change Property Description from ‘Lot 2, DP 1110521’ to: ***“Lot 6, DP 1185885 and Lot 8, DP 111636”*** * Amend Heritage Map – Sheet HER\_019D to remove HER overlay from Council owned land known as Lot 2 DP 1185885 (new lot created by subdivision). * Amend Heritage Map – Sheet HER\_019D to map Lot 8 DP 11636 as Item 450. * Retain HER overlay on Lot 6 DP 1185885.     Figure 19: Proposed changes to the HER overlay  Justification:  The Council owned property at Lot 2 DP 1185885 is a newly created lot that is not of heritage significance. Leaving Lot 8 DP 11636 off the HER overlay was an oversight; and the need to update the Property Description is a result of the subdivision that also affected the Council owned land. |
|  | Item 468:  “Rosebank”—Victorian Georgian style cottage  Lot 6, DP 770600  62 Millbank Drive, Terara | D Development Committee Minute  D14/142125 | Issue:  The Address listed for Item 468 is incorrect as it gives the address as Millbank Drive instead of Millbank Road.  Proposed amendment:   * Change address from: ’62 Millbank Drive’ to: ***“62 Millbank Road”.***   Justification:  The correct address is Millbank Road, and not Millbank Drive. |
|  | Item 475:  “Solway House”—late Victorian Brick Residence and Store  Lots 10 and 11, DP 1080453  10 West Berry Street and 3 Holmes Street, Terara | Development Committee Minute  D14/142125 | Issue:  The Address listed for Item 475 is incorrect as there is a typographical error in the spelling of Holme Street.  Proposed amendment:   * Change address from: ’10 West Berry Street and 3 Holmes Street’ to: ***“10 West Berry Street and 3 Holme Street”.***   Justification:  The correct address is Holme Street, not Holmes Street. |
|  | Item 479:  Victorian Schoolmaster’s Residence  Lot 2, DP 725848  355–359 Hawken Road, Tomerong | Development Committee Minute  D14/142125 | Issue:  The Property Description for Item 479 is incorrect as the DP number is wrong.  Proposed amendment:   * Amend Property Description from: ‘Lot 2, DP 725848’ to: ***“Lot 2, DP 725948”.***   Justification:  There is a typographical error in the DP number. The correct Property Description is: Lot 2 DP 725948, and not Lot 2 DP 725848. |
|  | Item 487:  “Springfield”—ornate late Victorian Weatherboard Farmhouse  Lot 501, DP 1084100  U71 Princes Highway, Ulladulla | Development Committee Minute  D14/142125 | Issue:  The original lot has been subdivided so the details of Item 487 are incorrect.  Proposed amendment:   * Change Property Description from: ‘Lot 501, DP 1084100’ to: ***“Lot 146 DP 1122896”*** * Change Address from: ‘U71 Princes Highway’ to: ***“41 Kanuka Drive, Ulladulla”***   Justification:  The Address and Property Description needs to be amended to accurately reflect the location of the heritage item as a result of the subdivision of the original lot. |
|  | Item 501:  South Huskisson Wharf Sandstone Remnants  Lot 308, DP 24263;  Part of Reserve No R64234  Elizabeth Drive, Vincentia | Development Committee Minute  D14/142125 | Issue:  The Property Description for Item 501 is incorrect as it is inconsistent with the HER overlay which only maps the Crown Land and not Lot 308 DP 24263. Also the Crown land now has a Lot and DP which better identifies it.  Proposed amendment:   * Amend Property Description from: ‘Lot 308, DP 24263; Part of Reserve No R64234’ to: ***“Lot 7021 DP 1117368”.***   Justification:  The Property Description should be amended to accurately identify the relevant property and be consistent with the HER overlay. |
|  | Item 502:  Plantation Point Rock Platform  About 3 hectares of land comprising the whole of the area depicted as “rock shelf” at Plantation Point  Plantation Point Parade, Vincentia | Development Committee Minute  D14/142125 | Issue:  The Crown land on which this item is located now has a Lot and DP so the current Property Description for Item 502 should be updated.  Proposed amendment:  Change Property Description from: ‘About 3 hectares of land comprising the whole of the area depicted as “rock shelf” at Plantation Point’ to: ***“Lot 7023 DP 1117371”***.  Justification:  The Property Description should be updated so that it accurately identifies the relevant property now that it has a Lot and DP. |
|  | Item 527:  Former Yalwal gold mine and township site  Lots 1 and 2, DP 252335;  Part of R3167 and R3168;  Lot 7314, DP 1147788;  Part Lots 1–7, Section 5, DP 759129;  Part Lot 12 and Lot 13, DP 755931;  Part Lot 7016, DP 1039312;  Lot 7018, DP 1039313; Lot 7017, DP 1039315  Yalwal Road, Yalwal | Development Committee Minute  D14/142125 | Issue:  The current Property Description for Item 527 is incorrect and does not identify the first two properties as Part Lots.  Proposed amendment:   * Amend Property Description from:   ‘Lots 1 and 2, DP 252335; Part of R3167 and R3168; Lot 7314, DP 1147788; Part Lots 1–7, Section 5, DP 759129; Part Lot 12 and Lot 13, DP 755931; Part Lot 7016, DP 1039312; Lot 7018, DP 1039313; Lot 7017, DP 1039315’ to  ***“Part Lot 1 and Lot 2, DP 252335; Part of R3167 and R3168; Lot 7314, DP 1147788; Part Lots 1–7, Section 5, DP 759129; Part Lot 12 and Lot 13, DP 755931; Part Lot 7016, DP 1039312; Lot 7018, DP 1039313; Lot 7017, DP 1039315”.***  Justification:  The Property Description should be amended to it accurately identify the relevant properties. |
|  | Item 530 and Item 531:  “Kendall Dale”—dairy farm complex including homestead and garden  Quercus robur (English Oak trees-2) on driveway entrance  Lot 1, DP 725960  E379A Princes Highway, Yatte Yattah | Development Committee Minute  D14/142125 | Issue:  The Property Description for both items is incorrect as there has been a subdivision of the original lot to allow acquisition of land by the RMS for road widening along the Princes Highway. The Property Description is also inconsistent with the HER overlay as it omits a lot which is mapped.  Proposed amendment:   * Amend Property Description for both Item 530 and Item 531 from: ‘Lot 1, DP 725960’ to: ***“Part Lot 189 DP 755923, Lot 3 DP 1193328”.***   Justification:  The Property Description needs to be amended to accurately identify the relevant properties after the subdivision and be consistent with the HER overlay. |
|  | Item 537:  Yatte Yattah Nature Reserve and 2 Waterfalls  Lot 15A, DP 755923; Part of Lot 44, DP 806933  Princes Highway, Yatte Yattah  Heritage Map – Sheet HER\_015 | Development Committee Minute  D14/142125 | Issue:  The HER overlay is not correct as all relevant parcels of land have not been mapped.  Proposed amendment:   * Amend Heritage Map – Sheet HER\_015 to map whole of Lot 44 DP 806933 as part of Item 537.     Figure 20: Current HER overlay for Item 537 with Lot 44 806933 outlined in red  Justification:  The HER overlay needs to be amended to ensure it accurately reflects the location of the heritage item and is consistent with Schedule 5. |
| **Land Use Tables** | | | |
|  | Zone RU5 Village | Internal Advice  D14/251144 | Issue:  ‘Light industries’ not currently included as a land use that is permitted with consent.  Proposed amendment:   * Include *Light Industries* as permitted with consent in the RU5 zone.   Justification:  This is an error in the final drafting of the LEP as it was Council’s intention to have ‘light industries’ listed as a use that is permitted with consent in the RU5 Village zone. The inclusion of ‘light industries’ in the RU5 zone is consistent with the ‘best fit’ approach used to transfer the permitted uses from SLEP 1985 to Shoalhaven LEP 2014. Light industries were a permitted use in the Residential 2(e) (Village) zone which is the SLEP 1985 equivalent to the RU5 zone. |
|  | Zone B2 Local Centre | Internal Advice  D14/234166 | Issue:  ‘Restricted premises’ are listed as both Permitted with consent and Prohibited in the B2 zone.  Proposed amendment:   * Remove *Restricted premises* from the prohibited section of the land use table.   Justification:  This is an error in the final drafting of the LEP as it was Council’s intention to have ‘restricted premises’ listed as a use that is permitted with consent the B2 Local Centre zone. |
|  | Zone B3 Commercial Core | Internal Advice  D14/234166 | Issue:  ‘Restricted premises’ are listed as both Permitted with consent and Prohibited in the B3 zone.  Proposed amendment:   * Remove *Restricted premises* from the prohibited section of the land use table.   Justification:  This is an error in the final drafting of the LEP as it was Council’s intention to have ‘restricted premises’ listed as a use that is permitted with consent in the B3 Commercial Core zone. |
|  | Zone B4 Mixed Use | Internal Advice  D14/234166 | Issue:  ‘Restricted premises’ are listed as both Permitted with consent and Prohibited in the B4 zone.  Proposed amendment:   * Remove *Restricted premises* from the prohibited section of the land use table.   Justification:  This is a drafting error as it was Council’s intention to have ‘restricted premises’ listed as a use that is permitted with consent in the B4 Mixed Use zone. |
| **Mapping Changes** | | | |
|  | Land Zone Map - Sheet LZN\_014E  Clauses Map - Sheet CLS\_014E  Jerberra Estate | Internal Advice  D14/223128  MIN14.54.3 | Issue:  Jerberra Estate minor mapping anomalies several labels have been omitted from the Land Zone and Clauses Maps.  Proposed amendment:   * Amend Land Zone Map - Sheet LZN\_014E to add a label for the sliver of land zoned RU2 Rural Landscape on the eastern boundary of Jerberra Estate. * Amend Clauses Map - Sheet CLS\_014E to label the Clause 5.9 areas which are on the western and eastern boundary of Jerberra Estate.     Figure 21: Zone overlay showing slither of land to be labelled    Figure 22: Clause overlay showing areas to labelled  Justification:  To avoid confusion and to be consistent with the Standard Instrument LEP Map guidelines, these two maps should be amended to include the relevant labels. |
|  | Urban Release Area Map - Sheet URA\_013D  Clauses Map - Sheet CLS\_013D  Moss Vale Road North  South of the Western Bypass Corridor and north of Moss Vale Road | Internal reference | Issue:  The Urban Release Area and Clauses Maps for Moss Vale Road North are not accurate as they exclude relevant zoned areas from the mapped URA.  Proposed amendment:   * Amend Urban Release Area Map - Sheet URA\_013D to include the small triangular shaped R1 General Residential zoned area on Moss Vale Road North.     Figure 23: Zone overlay (triangular shaped portion of Lot 4 DP 268209 shown circled)   * Amend the clauses map - CLS\_013D to include the B7 Business Park zoned area that is south of the Western Bypass Corridor and north of Moss Vale Road, consistent with the URA map.     Figure 24: CLS\_013D: include triangular shaped portion of Lot 4 DP 268209 to the south of the Western Bypass Corridor zoned B7 Business Development  Justification:  These areas form part of the urban release area and should be consistently mapped as part of URA across all the relevant maps. |
|  | Numerous Map Sheets:  Acid Sulphate Soils Map - Sheet ASS\_020  Clauses Map - Sheets CLS\_020 & CLS\_020I  Flood Planning Area Map – Sheet FLD\_20  Heritage Map - Sheet HER\_020  Land Zone Map - Sheets LZN\_020I & LZN\_020I  Lot Size Map - Sheet LSZ\_020I  Riparian Lands and Watercourses Map - Sheets WCL\_020 & WCL\_020I  Terrestrial Biodiversity Map - Sheets BIO\_020 & BIO\_20I  Lot 6831 DP 877474, Currarong Road, Kinghorne | Internal Advice  D14/252280 | Issue:  Council is constantly refining its cadastral map base. As a result, there has been a 30 metre cadastre movement south of Lake Wollumboola which has affected LEP map boundaries.  Proposed amendment:   * Amend all 20I map sheets to reflect the cadastre movement of 30 metres in the vicinity of Lot 6831 DP 877474.     Figure 25: Cadastre movement throughout the 20 & 20I series of mapping sheets to be corrected  Justification:  Cadastre movement occurs on an ongoing basis as Council surveys and corrects the cadastre that underlies Shoalhaven LEP 2014 mapping. The LEP will need to be amending on an ongoing basis to reflect the updated cadastre. |
|  | Land Reservation Acquisition Map - Sheet LRA\_020J  Land Zone Map - Sheet LZN\_020J  Part of Lot 2 DP 870223, Currarong Road, Beecroft Peninsula | MIN14.22 | Issue:  Council has recently acquired land along Currarong Road from Crown Lands for sewer and water mains. Part of the lot is currently zoned E1 National Parks and Nature Reserves (see map below) and given that Council is now the land owner and the land is to be used for sewer and water infrastructure the zoning needs to be corrected.  Proposed amendment:   * Amend Land Zone Map - Sheet LZN\_020J - to change that part of Lot 2 DP 870223 zoned E1 National Parks and Nature Reserves to SP2 Infrastructure. * Amend Land Reservation Acquisition Map - Sheet LRA\_020J to remove part of Lot 2 DP 870223 from the LRA overlay.     Figure 27: Zone overlay for Lots 2 DP 870223  Justification:  As the land is now in Council ownership and used for infrastructure purposes, the zone should be amended to SP2 to reflect this. Also, as the land has now been acquired, there is no need for it to be identified on the Land Reservation Acquisition Map for acquisition. |
|  | Height and FSR Maps for the previous ‘deferred’ area in Ulladulla Town Centre  Lots 50-54 DP 263391, Lot 1 DP 529128  Wason Street, South Street, and Burrill Street South, Ulladulla | MIN14.168 | Issue:  Council adopted heights and FSRs for a deferred area in the Ulladulla Town Centre. These adopted heights and FSRs are reflected in the Shoalhaven Development Control Plan (SDCP) 2014 but need to also be included in Shoalhaven LEP 2014.  Proposed amendment:   * Amend Height of Buildings Map - Sheet HOB\_016D to show a maximum height of 11 metres in respect to Lots 50-54 DP 263391, Wason Street and Burrill Street South, and a maximum height of 8 metres in relation to Lot 1 DP 529128, South Street and Burrill Street South (see map below). * Amend Floor Space Ratio Map - Sheet FSR\_016D to show a maximum floor space ratio (FSR) of 1.5:1 in respect to Lots 50-54 DP 263391, Wason Street and Burrill Street South and a maximum floor space ratio (FSR) of 1.0:1 in relation to Lot 1 DP 529128, South Street and Burrill Street South (see map below).      |  |  | | --- | --- | | Figure 28: SDCP 2014 Chapter S8 Ulladulla Town Centre – Height Map | Figure 29: SDCP 2014 Chapter S8 Ulladulla Town Centre – FSR Map |   Justification:  The adopted heights and FSR’s for the previous ‘deferred’ DCP area in Ulladulla should be reflected on the relevant maps in Shoalhaven LEP 2014 as this is the higher order control document. |
|  | Berry Bypass land acquisition  Land Reservation Acquisition Map - Sheet LRA\_019E  Land Zone Map - Sheet LZN\_019E  Lot Size Map - Sheet LSZ\_019E  Lots 55 & 56 DP 1188161 and Lot 62 DP 1188161,  Woodhill Mountain Road & North Street, Berry | MIN14.504 | Issue:  The RMS are undertaking highway upgrades on an ongoing basis which requires acquisition of land, particularly in relation to the Berry Bypass which is currently under construction. While Council attempted to reflect the Berry bypass route in Shoalhaven LEP 2014, refinements in the design means that the LEP mapping does not accurately reflect recent acquisitions made by the RMS for these Highway upgrades. There are small areas of lots which require changes to the Land Zone, Lot Size, and Land Reservation Acquisition maps (see map below).  Proposed amendment:   * Amend the Land Reservation Acquisition Map -Sheet LRA\_019E to correspond with the RMS subdivision lot boundaries for Lots 55 & 56 DP 1188161 and Lot 62 DP 1188161. * Amend the Land Zone Map -Sheet LZN\_019E to correspond with the RMS subdivision lot boundaries for Lots 55 & 56 DP 1188161 and Lot 62 DP 1188161. * Amend Lot Size Map - Sheet LSZ\_019E to correspond with the RMS subdivision lot boundaries for Lots 55 & 56 DP 1188161 and Lot 62 DP 1188161.     Figure 26: Zone overlay showing areas to be amended  Justification:  These minor amendments will ensure the mapping accurately reflects the RMS subdivision lot boundaries. |
|  | Berry Bypass land acquisition  Schedule 5 Environmental heritage Item 109 – Mark Radium Park  Heritage Map – Sheets HER\_19A and HER\_19E  Land Reservation Acquisition Map - Sheets LRA\_19A and LRA\_19E  Land Zone Map - Sheets LZN\_19A and LZN\_19E  Lots 10 & 18 DP 118080, Victoria Street, Berry | Internal Advice  D14/223488  D14/142125 | Issue:  The RMS have acquired part of Mark Radium Park in Berry for the construction of the Berry Bypass. The park is identified as a Heritage Item in Shoalhaven LEP 2014; the HER overlay maps do not reflect the recent land acquisitions and subdivisions, and Schedule 5 Environmental Heritage refers to the superseded parent lot in the Property Description for Item 109. There is also a minor discrepancy in between the lot boundary and the zone and land reservation boundaries due to refinement of the Bypass route.  Proposed amendment:   * Amend Property Description in Schedule 5 Environmental heritage for Item 109 from Lot 1 DP 925241 to Lot 10 DP 118080. * Amend Heritage Map - Sheets HER\_19A and HER\_19E to map Item 109 on Lot 10 DP 118080 only. * Amend Land Reservation Acquisition Map - Sheets LRA\_19A and LRA\_19E so that the whole of Lot 18 DP 118080 is identified on the LRA overlay. * Amend Land Zone Map - Sheets LZN\_19A and LZN\_19E so that the whole of Lot 18 DP 118080 is zoned SP2 Road.     Figure 30: Current HER Overlay for Item 109  cid:image001.jpg@01CFC6C5.6AB27150  Figure 31: Zone overlay – area to be amended  Justification:  Part of the lot has recently been acquired by RMS for the Berry Bypass and accordingly the HER overlay no longer applies to the part of the lot (now a separate lot being Lot 18 DP 1188080) required for the road. Also the minor discrepancy in the lot boundary and the LZN and LRA overlays should be amended to accurately reflect the Berry Bypass. |
|  | Berry Bypass land acquisition  Schedule 5 Environmental heritage Part 1 Item 141 – “Glenvale” colonial vertical timber slab cottage and farm complex  Lot 12, DP 1098617  A371 Princes Highway, Broughton  Heritage Map - Sheets HER\_018 & HER\_019E | Internal Advice  D14/223488 | Issue:  The RMS have acquired land for the Berry Bypass at Broughton which was part of a lot containing Heritage Item 141. As a result, the HER overlay maps do not reflect the recent land acquisition and subdivision, and Schedule 5 Environmental Heritage refers to the superseded parent lot in the Property Description for Item 141.  Proposed amendments:   * Amend Heritage Map - Sheets HER\_018 & HER\_019E to map only Lot 81 DP 1188079 as Item 141. * Amend the Property Description for Item 141 in Schedule 5 Part 1 from ‘Lot 12, DP 1098617’ to **“Lot 81, DP1188079”**.     Figure 32: HER overlay identifies the lots recently subdivided for the land acquired by RMS.  Justification:  Part of the lot has recently been acquired by RMS for the Berry Bypass and accordingly the HER overlay no longer applies to the part of the lot (now a separate lot being Lot 84 DP 1188079) required for the road. |
|  | Berry Bypass land acquisition  Lots 10 & 12 DP 1191953  152 North Street, Berry | Internal Advice  D14/223488 | Issue:  Mapping to be updated to reflect recent land acquisitions and subdivisions.  Proposed amendments:   * Amend the zone SP2 Infrastructure and zone RU1 Primary Production to be consistent with the registered linen plan.     Figure 33: Zone overlay  Justification:  Lot 2 DP 550334 is the subject of land acquisition by RMS, of which a linen plan has been registered. Lot 2 DP 550334 is proposed to be superseded by unregistered Lot 10 & 12 DP 1191953. The zones need to be adjusted accordingly. |
|  | Basin Road, St Georges Basin  Land Zone Map – Sheet LZN\_014F  Lots 1 & 2 DP 1173849, Lot 1 DP 1144144, The Wool Road and Basin Road, St Georges Basin | Internal Advice  D14/200508 | Issue:  Council had identified land at St Georges Basin for upgrading The Wool Road. Council has acquired the land required in that area but as this area was different to the initially identified area. The mapping does not reflect changes to Council owned land and land no longer required for road widening/upgrades.    Proposed amendments:   * Amend Land Zone Map - Sheet - LZN\_014F to zone the whole of Lots 1 & 2 DP 1173849, The Basin Road, St Georges Basin as R2 Low Density Residential. * Amend Land Zone Map - Sheet LZN\_014F to zone the whole of Lot 1 DP 1144144, The Basin Road, St Georges Basin as zone SP2 Infrastructure.     Figure 34: Land to be zoned R2 and SP2  Justification:  Some of theSP2 Infrastructure zoned land is no longer required for road widening and the zone should be revised to R2 Low Density Residential to accurately reflect the parcels’ zoning and existing use. The R2 Low Density Residential land is Council owned land used for drainage purposes; the mapping should reflect this by way of a SP2 Infrastructure zone. |
|  | 56 Scott Street, Shoalhaven Heads  Land Zone Map – Sheet LZN\_019F  Lot Size Map – Sheet LSZ\_019F  Lot 4 DP 834440  56 Scott Street, Shoalhaven Heads | Internal Advice  D14/241947 | Issue:  Council resolved to make this change to slightly increase the area zoned R2 Low Density Residential on Lot 4 DP 834440, 56 Scott Street, Shoalhaven Heads in June 2012. Unfortunately this map change was missed in the finalisation of the plan.  Proposed amendments:   * Amend Land Zone Map - Sheet LZN\_019F to move the boundary of the R2 Low Density Residential zone on Lot 4 DP 834440, 56 Scott Street, Shoalhaven Heads to the green line as per Council’s resolution on 13 June 2012 and Figure 35 below. * Amend the Lot Size Map - Sheet LSZ\_019F to move the boundary of the 500m2 minimum lot size to the green line indicated in Figure 35 below. * Amend the Lot Size Map -Sheet LSZ\_019F so that all the R2 zoned land on this and adjacent lots is included in ‘Area 2’ for the purposes of Clause 4.1A.     Figure 35: Indicative boundary alignment Lot 4 DP 834440  Justification:  The green line on the mapping above indicates the boundary alignment Council supported in June 2012. This was an oversight in the notified LEP. The Land Zone, Lot Size and associated maps should be amended to reflect the resolved position of Council. |
|  | Lot Size Map – Sheet LSZ\_014F “Area 1”  Part Lot 219 DP 1071257, Anson Street, Sanctuary Point  Portion of Lot 111 DP 1037709, 56 Anson Street, Sanctuary Point  Anson Street Road Reserve, Sanctuary Point | Internal Advice  D14/236906 | Issue:  There are several inconsistencies between boundaries on the Lot Size (LSZ) Map and the Land Zone Map in relation to the ‘Area 1’ designation for Clause 4.1A (subdivision of dual occupancies). The Area 1 designation should follow the 500m2 minimum lot size boundary.  Proposed amendment:   * Amend the “Area 1” boundary on Lot Size Map – Sheet LSZ\_014F to be consistent with the 500m2 LSZ and zone R2 Low Density Residential for the following properties: * part Lot 219 DP 1071257, Anson Street, Sanctuary Point. * portion of Lot 111 DP 1037709, 56 Anson Street, Sanctuary Point. * UTE: 113932, Anson Street Road Reserve.     Figure 36: LSZ Map    Figure 37: LZN Map  Justification:  As the lot size and the “Area 1” designation (Clause 4.1A) are based on the R2 Low Residential zoning in this location the Lot Size Map should be amended to be consistent. |
|  | All Clauses Map sheets | Internal Advice  D14/251408 | Issue:  The legend for the Clauses (CLS) Map does not reflect the Verons Estate LEP Amendment.  Proposed amendment:   * Amend the legend on all CLS maps to include Schedule 1.18 (the Verons Estate LEP Amendment).   Justification:  The Clauses maps need to reflect Shoalhaven LEP 2014 Amendment (Schedule 1.18) to ensure the maps are up to date, consistent and relevant. |
|  | LSZ Map - relating to Clause 4.2B (3)(h)  Lot Size Map – Sheet LSZ\_ 016C “Locality 8”  Lot 1 DP 737576 and adjoining road reserve  267 Princes Highway, Milton | Internal Advice  D14/337578 | Issue:  In the transfer of the ‘lot averaging’ provision for Locality 8 from SLEP 1985 to Shoalhaven LEP 2014, Lot 1 DP 737576 and the adjoining road reserve were inadvertently included in the “Locality 8” Lot Size (LSZ) Map overlay. This lot and the road reserve were not intended to be included in any lot averaging on the adjoining lot.  Proposed amendment:   * Amend Lot Size Map – Sheet LSZ\_ 016C to remove Lot 1 DP 737576 and the adjoining road reserve from “Locality 8”.     Figure 38: LSZ Map  Note: The Clauses map is correct – change needed to LSZ Map only.  Justification:  The mapping needs to be updated to accurately reflect the intended extent of “Locality 8”. |
|  | LSZ Map – relating to Clause 4.2B(3)(d)  Lot Size Map – Sheet LSZ\_013A  “Locality 4” LSZ Map overlay  Lot 3 DP 791835, Lot 2 DP 1092927 and Lot 184 DP 861191 | Internal Advice  D14/337578 | Issue:  In the transfer of the ‘lot averaging provisions from SLEP 1985 to Shoalhaven LEP 2014, areas zoned E2 Environmental Conservation have been inadvertently included in the “Locality 4” overlay. The E2 zoned areas were not intended to be in the area to which the lot averaging applies or to be included in any calculation of lot density as they have a minimum lot size of 40ha which prevents subdivision into the smaller lots allowed under the lot averaging clause.  Proposed amendment:   * Amend the Lot Size Map – Sheet LSZ\_013A to remove the E2 Environmental Conservation zoned areas of Lot 3 DP 791835, Lot 2 DP 1092927 and Lot 184 DP 861191 from “Locality 4” overlay.     Figure 39: Locality 4 (overall area)     |  | | --- | | Figure 40: LSZ Map - affected Lots |   Justification:  The provisions of Clause 4.2B (lot averaging provisions) do not apply to zone E2 Environmental Conservation land. Therefore, the E2 zoned areas should not be be mapped as Locality 4 or included in any density calculations for potential subdivisions using Clause 4.2B. |
|  | Minimum Lot Size  Lot Size Map –Sheet LSZ\_015B  Lot 44 DP792994  Corner Princes Highway and Tierney Street, Yatte Yattah | Internal Advice | Issue:  The RMS has identified this parcel of land as surplus to requirements and is in the process of selling the land. The land was changed from a Special Purpose Zone under SLEP 1985 to RU1 Primary Production under Shoalhaven LEP 2014. However, the Lot Size Map was not amended which has resulted in a rural zoned parcel with no minimum lot size which would potentially allow subdivision of the land or an application for a dwelling house where previously the minimum lot size would have prevented it.  Proposed amendment:   * Amend Lot Size Map –Sheet LSZ\_015B to include Lot 44 DP792994, Corner Princes Highway and Tierney Street, Yatte Yattah mapped as “AB4 400000 (40ha).     Figure 41: Zoning and Lot Size Maps for Lot 44 DP792994  Justification:  This is a mapping anomaly and without an identified minimum lot size the parcel of land may benefit from an unintended dwelling entitlement or additional subdivision potential. This should be amended to ensure the intended planning controls apply to this lot. |
|  | Land Zone Map - Sheet LZN\_020H  Lot 533 DP 1069250  Lively Street, Vincentia | Internal Advice | Issue:  After the re-exhibition of the draft Shoalhaven LEP 2014, Council resolved, at the request of the landowner, to rezone the subject land from Environmental Protection 7(d2) (Special Scenic) under SLEP 1985 to RE2 Private Recreation under the Shoalhaven LEP 2014.  The Section 68 report from NSW Planning & Environment required that the zone of this property in the final Shoalhaven LEP 2014 reflect a best fit transfer of the SLEP 1985 zone. Therefore, the zone was amended to E2 Environmental Protection for the majority of the site. The majority of the property is located on map sheet LZN\_020D, however, a small area is located on map sheet LZN\_020H and this part of the property was in advertently left zoned RE2 (see map below) in isolation.  Proposed Amendment:  The identified part of Lot 553 DP 1069250 that is zoned RE2 Private Recreation be changed to E2 Environmental Conservation.  cid:image004.png@01D08836.D3871040  Figure 11: LZN\_020H  Justification:  This was an oversight in final mapping for the plan and should be rectified so that the Shoalhaven LEP 2014 is consistent with the Section 68 report. |

# Part 3 – Justification

## Section A - Need for the Planning Proposal

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

The PP has arisen from the recent notification of Shoalhaven LEP 2014 which replaced Shoalhaven LEP 1985. The proposed amendments included in this PP have been identified as housekeeping issues that need to be addressed to ensure that Shoalhaven LEP 2014 operates as originally intended.

Thus, while these amendments are not the result of a strategic study or report, they are consistent with Council’s policy position and will help achieve the intended outcomes of Shoalhaven LEP 2014.

### Is the Planning Proposal the best means of achieving the objectives or intended outcomes?

Yes. A PP is the only means of altering the land use tables, correcting Schedule 5 and addressing the mapping errors in Shoalhaven LEP 2014.

There is no other way to achieve the required outcomes.

## Section B – Relationship to strategic planning framework

### Is the Planning Proposal consistent with the objectives and actions of the South Coast Regional Strategy and the Draft Illawarra Regional Growth and Infrastructure Plan?

Yes. The PP is consistent with the objectives and actions of the South Coast Regional Strategy and the Draft Illawarra Regional Growth and Infrastructure Plan (the Draft IRGIP). Both of these plans apply to the Shoalhaven Local Government Area (LGA) and aim to grow the economy, provide affordable housing, secure agricultural land, build infrastructure and protect natural and cultural environments.

The proposed amendments will better align Shoalhaven LEP 2014 with the aims of these plans and cater for future development more effectively by way of improving the efficiency and operational integrity of the instrument which will enable for more streamlined processes.

### Is the Planning Proposal consistent with Shoalhaven 2023?

Yes. The PP is consistent with Council’s Community Strategic Plan, Shoalhaven 2023 and the relevant objectives and strategies below:

**Community**

Strategy 1.2.3 Provide and manage spaces and programs that support the Shoalhaven arts and heritage sectors

**Environment**

Objective 2.2 Population and urban settlement growth that is ecologically sustainable and carefully planned and managed to meet the needs of the community.

Strategy 2.2.1 Develop and implement land use and related strategies for future growth of the city, based on the principles of connectivity, ecological sustainability, flexibility and accessibility.

Strategy 2.2.2 Facilitate the provision of housing that meets the changing needs and expectations of the community.

Strategy 2.4.2 Create urban environments that meet community needs while ensuring the qualities and ecological integrity of the natural environment are protected.

**Economy**

Strategy 3.1.3 Retain and enhance the agricultural production capacity of the City.

Strategy 3.1.6 Create active and connected foreshores and waterfronts that support recreational and community use and respect local environmental constraints.

**Leadership**

Strategy 4.4.3 Integrate the principles of ecologically sustainable development and ensure legislative compliance in all Council planning, decision making and actions.

Strategy 4.5.2 Enhance an organisational culture of using resources wisely, achieving quality outcomes, providing excellent customer service and seeking continuous improvement.

### Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Yes. The PP is consistent with the applicable state environmental planning policies (SEPPs). Please see Attachment “B” – Checklist of State Environmental Planning Policies.

### Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

Yes. The PP is consistent with the applicable Ministerial Directions as shown in Attachment ‘C’ – Checklist of Ministerial Directions. Those that are relevant are discussed below.

***1.1 Business and Industrial Zones***

This direction applies due to the PP proposing to affect land within an existing or proposed business or industry zone. The PP intends to alter existing business and industrial zones through the following amendments:

|  |  |
| --- | --- |
| Land Use Tables - 2 | B2 Local Centre Land Use Table |
| Land Use Tables - 3 | B3 Commercial Core Land Use Table |
| Land Use Tables - 4 | B4 Mixed Use Land Use Table |

The PP is consistent as it:

* Gives effect to the objectives of Direction 1.1 Business and Industrial Zones;
* Retains the areas and locations of existing business and industrial zones;
* Does not propose to reduce the total potential floor space area for employment uses and related public services in business zones; and
* Does not propose to reduce the total potential floor space area for industrial uses in industrial zones

***1.2 Rural Zones***

This direction applies due to the PP proposing to affect land within an existing or proposed rural zone. The PP intends to alter provisions for existing rural zones through the following amendments:

|  |  |
| --- | --- |
| Land Use Tables - 1 | RU5 Village Land Use Table |
| Mapping Changes – 6-9 | Berry Bypass Land Acquisition |
| Mapping Changes - 11 | 56 Scott Street, Shoalhaven Heads |

The PP is consistent as it:

* Does not propose to rezone land from a rural zone to a residential, business, industrial, village or tourist zone; and
* Does not contain provisions that will increase the permissible density of land within a rural zone.

***1.5 Rural Lands***

This direction applies due to the PP proposing to affect land within an existing or proposed rural or environmental zone and proposing to change the existing minimum lot size on land within a rural or environmental protection zone through the following amendments:

|  |  |
| --- | --- |
| Land Use Tables - 1 | RU5 Village Land Use Table |
| Mapping Changes – 6-9 | Berry Bypass Land Acquisition |
| Mapping Changes - 11 | 56 Scott Street, Shoalhaven Heads |
| Mapping Changes – 14 | Lot Size Map – relating to Clause 4.2B(3)(h) |
| Mapping Changes - 15 | Lot Size Map – relating to Clause 4.2B(3)(d) |
| Mapping Changes - 16 | Lot Size Map - Yatte Yattah |

The PP is:

* is consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*; and
* is consistent with the Rural Subdivision Principles listed in the *State Environmental Planning Policy (Rural Lands) 2008*.

***2.1 Environmental Protection Zones***

This direction does not apply as the PP does not propose to change any environmental protection zones.

***2.2 Coastal Protection***

This direction does not apply as the PP does not propose to affect land in the coastal zone.

***2.3 Heritage Conservation***

This direction applies and the PP is consistent as it:

* captures provisions in Shoalhaven LEP 2014 that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

***2.4 Recreational Vehicle Area***

This direction applies and the PP is consistent as it:

* does not enable land within an environmental protection zone to be developed for the purpose of a recreation vehicle area;
* does not enable land that comprises a beach or a dune adjacent to or adjoining a beach to be developed for the purposes of a recreation vehicle area; and
* does not enable land to be developed for the purpose of a recreation vehicle without consideration towards the provisions of the *Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas 1985, Recreation Vehicle Act 1983,* and *Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas 1985.*

***3.1 Residential Zones***

This direction applies as the PP proposes to affect land within an existing or proposed residential zone through the following amendments:

|  |  |
| --- | --- |
| Mapping Changes - 2 | URA Map – Moss Vale Road North |
| Mapping Changes - 5 | Height and FSR Changes – Ulladulla Town Centre |
| Mapping Changes - 11 | 56 Scott Street, Shoalhaven Heads |
| Mapping Changes - 12 | Lot Size Map – Sanctuary Point |

The PP supports provisions that encourage the provision of:

* housing that broadens the choice of building types and locations available in the housing market;
* makes more efficient use of existing infrastructure and services;
* reduces the consumption of land for housing and associated urban development on the urban fringe; and
* good design and improved neighbourhood amenity

***3.4 Integrating Land Use and Transport***

This direction applies as the PP proposes to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes through the following amendments:

|  |  |
| --- | --- |
| Land Use Tables - 1 | RU5 Village |
| Land Use Tables - 2 | B2 Local Centre Land Use Table |
| Land Use Tables - 3 | B3 Commercial Core Land Use Table |
| Land Use Tables - 4 | B4 Mixed Use Land Use Table |
| Mapping Changes - 5 | Height and FSR Changes – Ulladulla Town Centre |
| Mapping Changes - 10 | Basin Road, St Georges Basin |
| Mapping Changes - 11 | 56 Scott Street, Shoalhaven Heads |
| Mapping Changes - 12 | Lot Size Map – Sanctuary Point |

The PP is consistent as it:

* Captures provisions in Shoalhaven LEP 2014 that locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development 2001*, and *The Right Place for Business and Services – Planning Policy 2001.*

***4.1 Acid Sulphate Soils***

This direction applies as the PP captures land that has a probability of containing acid sulphate soils as shown on the Acid Sulphate Soils Planning Maps and is consistent as it:

* Does not proposes to introduce provisions to regulate works in acid sulphate soils; and
* Does not propose to intensify land uses on land identified as having a probability of containing acid sulphate soils on the Acid Sulphate Soils Planning Maps.

***4.4 Planning for Bushfire Protection***

This direction applies as the PP captures land that is in proximity to land mapped as bushfire prone land and is consistent as it:

* Captures provisions under Shoalhaven LEP 2014 that have regard to Planning for Bushfire Protection 2006, avoid placing inappropriate developments in hazardous areas, and ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ)
* Does not propose development as is therefore not required to provide an APZ, performance standards, or bushfire protection specific provisions and controls

***5.1 Implementation of Regional Strategies***

This direction applies as the South Coast Regional Strategy covers Shoalhaven. The PP is consistent with both the South Coast Regional Strategy and the Draft Illawarra Regional Growth and Infrastructure Plan.

***5.2 Sydney Drinking Water Catchment***

This direction applies as the PP applies to land within the Sydney drinking water catchment and is consistent as it captures provisions under Shoalhaven LEP 2014 that were prepared in accordance with the:

* general principle that water quality within the Sydney drinking water catchment must be protected’;
* specific principle of new development must have a neutral or beneficial effect on water quality;
* specific principle of future land use in the Sydney drinking water catchment should be matched to land and water capability.

## Section C – Environmental, Social and Economic Impact

### 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?

The likelihood that critical or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal is very low. The PP proposes to make minor housekeeping amendments to Shoalhaven LEP 2014.

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

There are no other likely environmental effects as a result of the PP.

### Has the Planning Proposal adequately addressed any social or economic effects?

The PP is likely to have positive social and economic effects due to Shoalhaven LEP 2014 operating in a more efficient manner.

## Section D – State and Commonwealth interests

### Is there adequate public infrastructure for the Planning Proposal?

The PP does not create additional requirements for public infrastructure. It facilitates development in areas that already have an urban zone; the public infrastructure requirements have or will be considered as these areas are considered for development.

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

Council has not consulted with any State or Commonwealth public authorities in relation to the PP. Council does not propose to consult with any public authorities due to the minor nature of the proposed changes which are necessary corrections to Shoalhaven LEP 2014.

# Part 4 – Mapping

The proposed mapping changes are included in Table 1 – List of amendments on Page 7.

# 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 an exhibition period of 14 days apply, acknowledging the extensive exhibition/consultation that went into Shoalhaven LEP 2014 and the relatively minor nature of the changes.

Public notification of the exhibition will 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 Buildings in Nowra and Ulladulla.

# Part 6 – Project timeline

The following milestone timeframes are anticipated; they will be revised if any significant delays are encountered.

### Table 2 - Planning Proposal Project Timeline

|  |  |
| --- | --- |
| **Task** | **Anticipated Timeframe** |
| Commencement date (date of Gateway determination) | June 2015 |
| Completion of Gateway determination requirements | October 2015 |
| Public exhibition | November 2015 |
| Consideration of submissions | January 2016 |
| Post exhibition consideration of Planning Proposal | February 2016 |
| Finalisation and notification of Plan | May 2016 |

## Attachment A – Council Report and Resolution

## 

## Attachment B – Checklist of State Environmental Planning Policies

Draft LEP Checklist – State Environmental Planning Policies – Stage 2 - Housekeeping Amendment

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **SEPP** | **Date** | **Name** | **Applicable** | **Not inconsistent** |
| 1 | 17.05.02 | Development Standards |  |  |
| 14 | 12.12.85 | Coastal wetlands |  | n/a |
| 15 | 14.01.11 | Rural Land sharing Communities |  | n/a |
| 19 | 22.02.14 | Bushland in Urban Areas |  | n/a |
| 21 | 24.04.92 | Caravan parks |  |  |
| 26 | 05.02.88 | Littoral rainforests |  | n/a |
| 30 | 08.12.89 | Intensive agriculture |  | n/a |
| 32 | 15.11.91 | Urban consolidation (Redevelopment of urban land) |  |  |
| 33 | 13.03.92 | Hazardous and Offensive development |  |  |
| 36 | 16.07.93 | Manufactured home estates |  | n/a |
| 44 | 06.01.95 | Koala habitat protection |  |  |
| 50 | 10.11.97 | Canal estate development |  | n/a |
| 52 | 22.02.14 | Farm Dams and Other Works in Land and Water Management Plan Areas |  | n/a |
| 55 | 28.08.98 | Remediation of land |  |  |
| 62 | 25.09.00 | Sustainable aquaculture |  | n/a |
| 64 | 16.03.01 | Advertising and signage |  | n/a |
| 65 | 26.07.02 | Design quality of residential flat development |  | n/a |
| 70 | 31.07.09 | Affordable Housing (Revised Provisions) |  |  |
| 71 | 01.11.02 | Coastal protection |  | n/a |
| -- | 31.03.04 | Housing for Seniors or People with a Disability 2004 |  |  |
| -- | 25.06.04 | BASIX : 2004 |  |  |
| -- | 01.08.05 | Major Development 2005 |  | n/a |
| -- | 16.02.07 | Mining, Petroleum Production and Extractive Industries 2007 |  | n/a |
| -- | 26.10.07 | Miscellaneous Consent Provisions 2007 |  |  |
| -- | 01.01.08 | Infrastructure 2007 |  |  |
| -- | 09.05.08 | Rural Lands 2008 |  |  |
| -- | 12.12.08 | Exempt and Complying Development Codes 2008 |  |  |
| -- | 31.07.09 | Affordable Rental Housing 2009 |  |  |
| -- | 15.12.10 | Urban Renewal 2010 |  | n/a |
| -- | 21.01.11 | Sydney Drinking Water Catchment 2011 |  |  |
| -- | 28.09.11 | State and Regional Development 2011 |  |  |

## 

## Attachment C – Checklist of Ministerial Directions

Draft LEP Checklist – Section 117(2) Directions – Stage 2 - Housekeeping Amendment

| **Direction** | | **Applicable** | **Relevant** | **Not inconsistent** |
| --- | --- | --- | --- | --- |
| **1 Employment and Resources** | | | | |
| 1.1 | Business and Industrial Zones |  |  |  |
| 1.2 | Rural Zones |  |  |  |
| 1.3 | Mining, Petroleum Production and Extractive Industries |  |  | n/a |
| 1.4 | Oyster Aquaculture |  |  | n/a |
| 1.5 | Rural lands |  |  |  |
| **2 Environment and Heritage** | | | | |
| 2.1 | Environmental Protection Zones |  |  |  |
| 2.2 | Coastal Protection |  |  | n/a |
| 2.3 | Heritage Conservation |  |  |  |
| 2.4 | Recreation Vehicle Area |  |  | n/a |
| **3 Housing, Infrastructure and Urban Development** | | | | |
| 3.1 | Residential Zones |  |  |  |
| 3.2 | Caravan Parks and Manufactured Home Estates |  |  |  |
| 3.3 | Home Occupations |  |  |  |
| 3.4 | Integrating Land Use and Transport |  |  |  |
| 3.5 | Development Near Licensed Aerodromes |  | n/a | n/a |
| 3.6 | Shooting Ranges |  | n/a | n/a |
| **4 Hazard and Risk** | | | | |
| 4.1 | Acid Sulphate Soils |  |  |  |
| 4.2 | Mine Subsidence and Unstable Land |  | n/a | n/a |
| 4.3 | Flood Prone Land |  |  | n/a |
| 4.4 | Planning for Bushfire Protection |  |  |  |
| **5 Regional Planning** | | | | |
| 5.1 | Implementation of Regional Strategies |  |  |  |
| 5.2 | Sydney Drinking Water Catchments |  |  |  |
| 5.3 | Farmland of State & Regional Significance Far North Coast |  | n/a | n/a |
| 5.4 | Commercial & Retail Development Far North Coast |  | n/a | n/a |
| 5.8 | 2nd Sydney Airport: Badgerys Creek |  | n/a | n/a |
| 5.9 | North West Rail Link Corridor Strategy |  | n/a | n/a |
| **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 |  | n/a | n/a |