

Planning and Assessment

IRF20/5090

Gateway determination report

LGA	Shoalhaven LGA
PPA	Shoalhaven City Council
NAME	Rezone E1 Zone from part of Lot 1 DP249799, 2 Crookhaven Parade, Currarong (0 home, 0 jobs)
NUMBER	PP_2020_SHOAL_008_00
LEP TO BE AMENDED	Shoalhaven LEP 2014
ADDRESS	2 Crookhaven Parade, Currarong
DESCRIPTION	Part Lot 1 DP249799
RECEIVED	27 October 2020
FILE NO.	EF20/30352 & IRF20/5090
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend the E1 zoning, minimum lot size, height of buildings and land reservation acquisition mapping on part of Lot 1 DP249799, 2 Crookhaven Parade, Currarong following advice from the NSW National Parks and Wildlife Service that the land is no longer required for addition to Jervis Bay National Park.

1.2 Site description

Lot 1 DP249799, 2 Crookhaven Parade, Currarong DP249799, is 726m² in area and is located on the eastern side of Currarong village. (Figures 1 & 2).

A dwelling has been constructed on the cleared area of the site along the road frontage and bushland is at the rear of the block.

1.3 Existing planning controls

The land has a spilt zoning under the Shoalhaven LEP 2014 of R2 Low Density Residential along the road frontage and E1 National Parks and Nature Reserves at the rear of the lot. The residential zoned land has a 500m² minimum lot size. The E1 zoned land was identified in the Jervis Bay Regional Plan 1996 for acquisition into proposed national park. This zoning was carried across into the Shoalhaven LEP 2014.

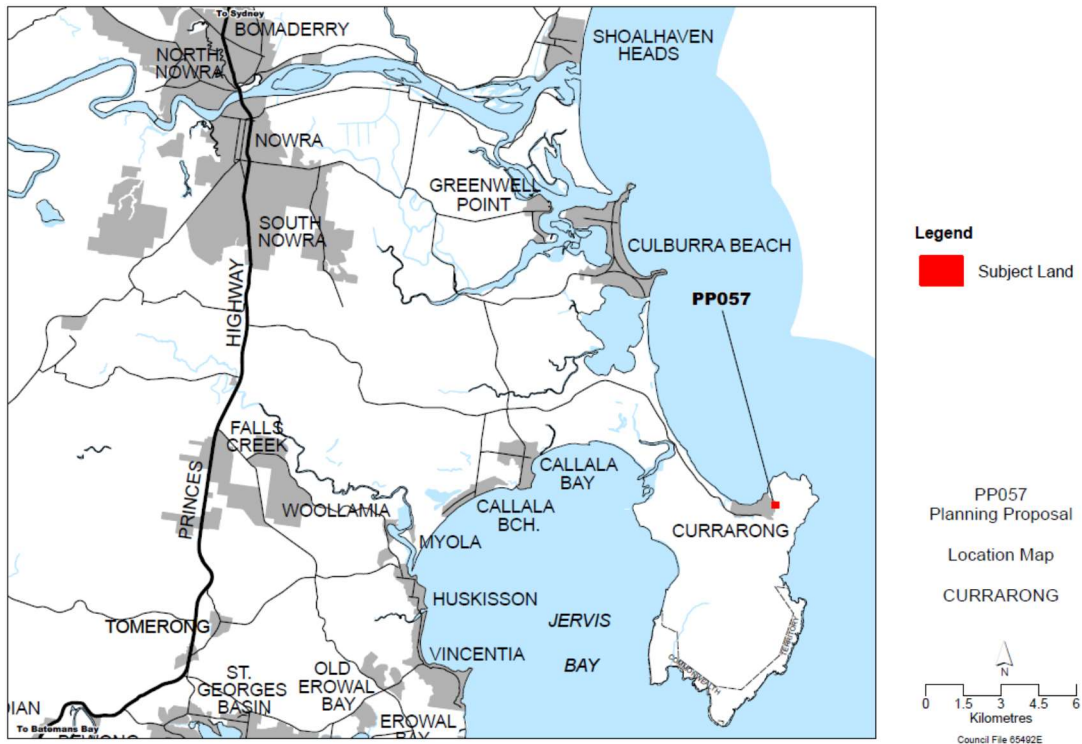


Figure 1: Subject site and locality plan (Source: Shoalhaven City Council)



Figure 2: Aerial photo (Source: Shoalhaven City Council)

1.4 Surrounding area

Lot 1 is located on the eastern edge of Currarong village adjoining Abraham's Bosom Reserve. To the north is an unformed road reserve whilst to the east and to the north beyond the unformed road reserve is Abraham's Bosom. Residential dwellings have been constructed to the west and south.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to resolve the planning controls associated with the subject land following advice from NPWS that the land is not required for the Jervis Bay National Park. The proposed changes will help to improve the overall operation of the Shoalhaven LEP and the efficient use of the subject land.

The objective is clear and concise.

2.2 Explanation of provisions

It is proposed for part of Lot 1 DP 249799 to:

- Rezone from E1 National Park to R2 Low Density Residential;
- Apply a minimum lot size of 500m²;
- Apply a building height of 8.5m; and
- Remove the Land Reservation Acquisition status.

The explanation of provisions are clear and concise.

2.3 Mapping

It is proposed to amend the following map sheets:

- Land Zoning Map - Sheet LZN_020K - Rezone from E1 National Park to R2 Low Density Residential.
- Lot Size Map - Sheet LSZ_020K - Apply a minimum lot size of 500m².
- Height of Buildings Map – Sheet HOB_020K - Apply a building height of 8.5m.
- Land Reservation Acquisition Map - Sheet LRA_020K - Remove the Land Reservation Acquisition layer.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal arises from the need to remove the zoning controls identifying that the land is to be acquired for national park. The proposal is consistent with NPWS's advice and Council's resolved position.

The planning proposal is the best and only way of achieving the intended outcome.

4. STRATEGIC ASSESSMENT

4.1 State – N/A

4.2 Regional

The planning proposal is not inconsistent with Illawarra Shoalhaven Regional Plan in that the land is no longer required for protection in the national park estate and it will be used for housing within the Currarong village boundaries.

4.3 Local

The proposal is consistent with Council's Community Strategic Plan in that it meets Actions 1.2 Build inclusive, safe and connected communities; 2.2 Plan and manage appropriate and sustainable development and 2.3 Protect and showcase the natural environment.

The proposal is consistent with Council's Shoalhaven 2040 Our Strategic Land-use Planning Statement as it addresses Planning Priority 10 Protecting the Environment

– CA10.1 Work with the NSW Government to enable the appropriate use of national parks, state forests and nature reserves; and Priority 15 Scenic and Cultural Landscapes CA15.2 Work with NSW Government agencies to assist with the planning for national parks and nature reserves.

4.4 Section 9.1 Ministerial Directions

The planning proposal is consistent with s9.1 Directions 1.5 Rural Lands, 2.2 Coastal Management, 5.1 Implementation of Regional Strategies and 6.2 Reserving Land for Public Purposes.

The land is mapped as bushfire prone. The s9.1 Direction 4.4 Planning for Bushfire Protection requires Council to consult with the NSW Rural Fire Service after the issuing of a Gateway determination. This is to ensure the planning proposal is consistent with the Objectives of the Direction:

- To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land use in bush fire prone areas, and
- To encourage sound management of bushfire prone areas.

Whilst the planning proposal identifies that s9.1 Acid Sulphate Soils applies to the proposal the Direction is not relevant in the circumstances as a dwelling has already been erected on the site.

4.5 State environmental planning policies (SEPPs)

The planning proposal has identified that the Coastal Management SEPP 2018 and Vegetation in Non-Rural Areas SEPP 2017 apply to the proposal.

Removing the National Park zoning and applying a residential land use and building controls does not apply or raise any issues with the SEPPs. The SEPPs will need to be taken into consideration as part of any future development application on the land and/or clearing of native vegetation.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The proposal will reflect the current use of the site.

5.2 Environmental

The planning proposal has no environmental impacts as a dwelling exists on the site.

5.3 Economic

The proposal will reflect the current use of the site.

5.4 Infrastructure

The planning proposal does not involve any changes to the access to public infrastructure or servicing of the land.

6. CONSULTATION

6.1 Community

Due to the administrative/minor nature of the proposal and advice from NPWS that the E1 portion of the land is not required for the Jervis Bay National Park, Council is requesting no public exhibition for the planning proposal.

Council's request has merit because it seeks to apply a zone and development controls consistent with the adjoining residential development.

It is therefore recommended that no community consultation is required.

6.2 Agencies

Council is to consult with the NSW Rural Fire Service in accordance with the S9.1 4.4 Planning for Bushfire Protection. No other agency consultation is considered necessary.

TECHNICAL STUDIES

No technical studies are required.

7. TIME FRAME

Council has proposed a 4-month project timeframe to complete the planning proposal process.

A 6 month timeframe is proposed to allow for any unexpected delays and to provide enough time for Council to consult with the RFS and obtain an Opinion on a draft LEP from Parliamentary Counsel's Office.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested in its letter of 27 October 2020 to be the local plan making authority

Due to the minor, local nature of the proposal, the support of NPWS to rezone the land, and the application of zoning and development controls consistent with the adjoining residential development it is considered appropriate for Council to be the local plan making authority.

9. CONCLUSION

It is concluded that a Gateway determination should be issued to enable the planning proposal to proceed without the requirement for community consultation. This will enable Council to expedite the proposal.

10. RECOMMENDATION

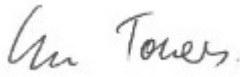
It is recommended that the delegate of the Secretary:

1. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Community consultation is not required.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
3. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.

4. Given the nature of the planning proposal, Council should be the local plan-making authority.



11/11/20

Graham Towers
Team Leader, Southern Region



12/11/2020

Sarah Lees
Director Southern Region
Local and Regional Planning

Assessment officer: Lisa Kennedy
Planner, Southern Region
Phone: 4247 1827