

PLANNING PROPOSAL – PP057

Shoalhaven Local Environmental Plan 2014

Lot 1 DP 249799
2 Crookhaven Parade, Currarong

Prepared by
City Futures, Shoalhaven City Council

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Table of Contents

1	Introduction	5
1.1	Subject Land	5
1.2	Background	8
2	Part 1 – Intended Outcome.....	8
3	Part 2 – Explanation of Provisions	8
4	Part 3 – Justification	9
4.1	Need for the Planning Proposal (Section A)	9
4.1.1	Is the Planning Proposal a result of any strategic study or report?	9
4.1.2	Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	9
4.2	Relationship to strategic planning framework (Section B).....	9
4.2.1	Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?.....	9
4.2.2	Is the Planning Proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?	9
4.2.3	Is the Planning Proposal consistent with applicable state environmental planning policies?	10
4.2.4	Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?	10
4.3	Environmental, Social and Economic Impact (Section C).....	13
4.3.1	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	13
4.3.2	Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?	13
4.3.3	How has the Planning Proposal adequately addressed any social and economic effects?	13
4.4	State and Commonwealth Interests (Section D).....	14
4.4.1	Is there adequate public infrastructure for the Planning Proposal?	14
4.4.2	What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?	14
5	Part 4 – Mapping	14
6	Part 5 - Community Consultation	17
7	Part 6 – Project Timeline	17

Figures

Figure 1: Location Map	6
Figure 2: Subject Land.....	6
Figure 3: Aerial Photo	7
Figure 4: Current Land Use Zones	7
Figure 5: Map Change – Minimum Lot Size, Zoning, Height of Building & Land Reservation Acquisition	16

Attachments

- Attachment A - Evaluation Criteria for the Delegation of Plan Making Functions Council report and minute supporting the PP
- Attachment B – Letter from NSW National Parks and Wildlife Service
- Attachment C – Council Report and associated Minute
- Attachment D – SEPP Checklist
- Attachment E – s9.1 Ministerial Direction Checklist

1 Introduction

This Planning Proposal (PP) responds to certain mapping issues in relation to Lot 1 DP 249799, 2 Crookhaven Parade, Currarong (the subject land). The subject land has a split zoning under Shoalhaven Local Environmental Plan (LEP) 2014, consisting of land zoned part: R2 Low Density Residential and E1 National Parks and Nature Reserve. The PP seeks to amend Shoalhaven LEP 2014 as follows:

- Rezone the E1 National Park component of Lot 1 DP 249799 to R2 Low Density Residential.
- Apply a minimum lot size of 1 500m² to the current E1 portion of the site.
- Apply a building height of 12 8.5m, consistent with the residential use, to the current E1 portion of the site.
- Remove the Land Reservation Acquisition layer from the current E1 portion of the site.

It is requested that Council be given delegation for plan making functions for this PP. The evaluation criteria for delegation is located at **Attachment A**.

This PP has been prepared in line with '*A Guide to preparing Local Environmental Plans*' and '*A Guide to preparing planning proposals*'.

1.1 Subject Land

The subject land is located at the eastern edge of Currarong village, south east of the intersection of Shoalhaven Street and Crookhaven Parade and adjacent to bushland. The subject land is legally identified as Lot 1 DP 249799 and is described as 2 Crookhaven Parade, Currarong.

The subject land, consisting of approximately 746.14m², straddles the boundary between residential areas zoned R2 Low Density Residential (to the south and west) and land zoned E1 National Parks and Nature Reserve (to the north and east). The subject land currently has a split zoning of R2 Low Density Residential and E1 National Parks and Nature Reserve. Figures 1, 2 and 3 show the location of the subject land and Figure 4 shows its current zoning.

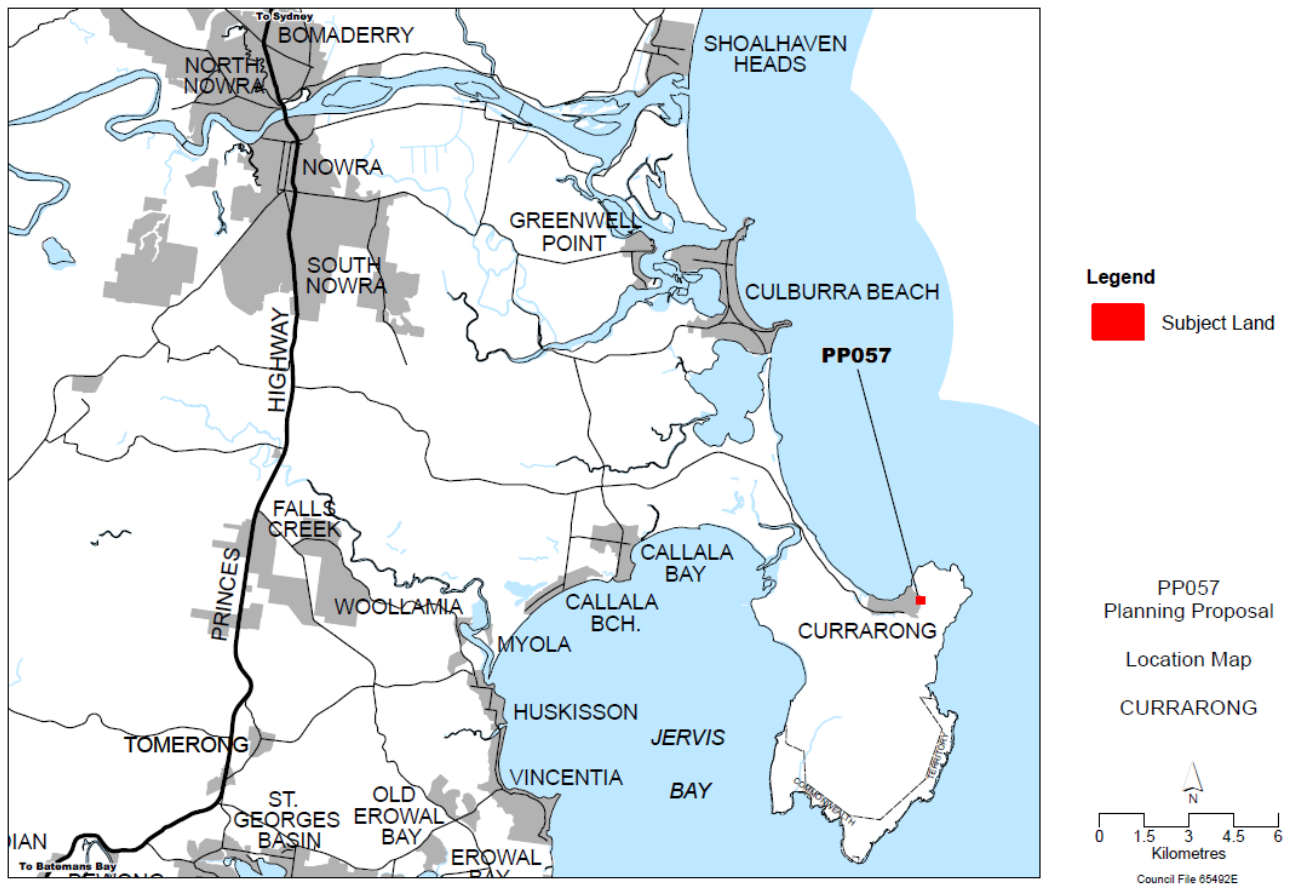


Figure 1: Location Map



Figure 2: Subject Land



Figure 3: Aerial Photo

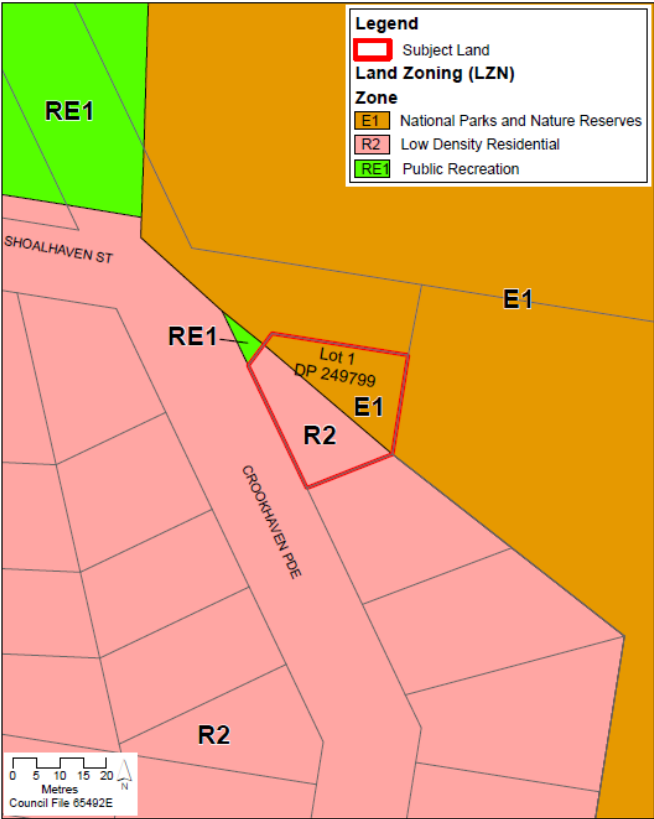


Figure 4: Current Land Use Zones

1.2 Background

The subject land currently has a split zoning of R2 Low Density Residential and E1 National Parks and Nature Reserve. There is a minimum lot size of 1 500m² and height of building control of 12 8.5m applying to the R2 zone and the Land Reservation Acquisition layer is associated with the E1 component of the land.

The land is privately owned and contains an existing approved dwelling. The part of the land currently zoned E1 was zoned 8(b) (Proposed National Park) under the Jervis Bay Regional Plan 1996. During the Shoalhaven LEP 2014 process, part of the subject lot was zoned E1 as a best fit arrangement. As per clause 18(2) of the Jervis Bay Regional Plan, a landowner could request that the NSW National Parks and Wildlife Service (NPWS) acquire the land, and therefore, a Land Reservation Acquisition layer was also applied to the relevant part of the land under Shoalhaven LEP 2014.

As Council is now in receipt of advice from the NPWS (**Attachment B**) that the E1 zoned portion of the subject land will not be acquired for the purpose of the Jervis Bay National Park, the land should now be rezoned accordingly.

On 6 October 2020, Council's Development and Environment Committee resolved (MIN20.714) to adopt this PP for submission to the NSW Department of Planning, Industry and Environment for a Gateway determination. Refer to **Attachment C** for a copy of the Council Report and Minutes.

2 Part 1 – Intended Outcome

The intended outcome of this Planning Proposal is to resolve the planning controls associated with the subject land following advice from NPWS that part of the land is not required for the Jervis Bay National Park. The proposed changes will help to improve the overall operation of the Plan and the efficient use of the subject land.

3 Part 2 – Explanation of Provisions

To achieve the proposed objectives, the PP proposes to amend the Shoalhaven LEP 2014 mapping by:

- Rezoning the E1 National Park component of Lot 1 DP 249799 to R2 Low Density Residential.
- Applying a minimum lot size of 1 500m² to the current E1 portion of the site.
- Applying a building height of 12 8.5m, consistent with the residential use, to the current E1 portion of the site.
- Removing the Land Reservation Acquisition layer from the current E1 portion of the site

4 Part 3 – Justification

4.1 Need for the Planning Proposal (Section A)

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

No. The proposed amendment is not the result of a strategic study or report, however the amendment is consistent with Council's resolved position and advice from the NPWS. The proposal will improve the operation of the LEP.

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

The PP is considered the best and only means of achieving the intended outcome.

4.2 Relationship to strategic planning framework (Section B)

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

Illawarra- Shoalhaven Regional Plan (ISRP)

The PP is largely consistent with the objectives and actions of the Illawarra-Shoalhaven Regional Plan (ISRP). The ISRP applies to the whole Shoalhaven Local Government Area (LGA) and aims to grow the economy, provide affordable housing, secure agricultural land, build infrastructure and protect the natural and cultural environments.

The proposed amendment will better align Shoalhaven LEP 2014 with the aims of the ISRP 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.

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

Shoalhaven 2027

The PP is consistent with Council's Community Strategic Plan and the relevant themes and actions below:

- Theme 1. Resilient, safe and inclusive communities
 - 1.1 Build inclusive, safe and connected communities
- Theme 2. Sustainable, liveable environments
 - 2.2 Plan and manage appropriate and sustainable development; and
 - 2.3 Protect and showcase the natural environment.

Growth Management Strategy (GMS)

The purpose of the GMS is to manage the social and economic implications of future growth in the Shoalhaven whilst protecting and preserving the environmental values of the City. The PP is not inconsistent with the GMS.

Shoalhaven 2040 Local Strategic Planning Statement

The Shoalhaven Local Strategic Planning Statement (LSPS) set out the vision and priorities for land use planning in Shoalhaven over the next 20 years. The PP is not inconsistent with the LSPS.

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

The PP is consistent with the applicable SEPPs. A full list of SEPPs is provided at **Attachment D**.

Coastal Management 2018

The SEPP sets out matters for consideration for development in the coastal zone. The subject site in the PP falls within the coastal zone area, as defined by the *Coastal Management Act 2016*.

There are no provisions in this SEPP that directly apply to the PP, however it is noted that the SEPP will need to be taken into consideration as part of any future development application on the land. This includes Clause 16 which requires the Shoalhaven Coastal Zone Management Plan to be considered prior to the issuing of development consent for a development application in the coastal zone.

Vegetation in Non-Rural Areas 2017

This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas in Shoalhaven, as well as the amenity they provide. There are no provisions in this SEPP that directly apply to this PP, and therefore the PP is not inconsistent in this regard.

The SEPP will need to be taken into consideration prior to the clearing of native vegetation in non-rural areas, as specified by the SEPP.

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

The s.9.1 Ministerial Directions are considered at **Attachment E** and those specifically relevant to this PP are discussed in greater detail below.

1.5 Rural Lands

This direction applies as the PP affects land within an existing environmental zone. The proposal will see the removal of the environmental zone over part of the land and its replacement with a residential zone. Whilst this removes an element of environmental protection via the zoning, NPWS have requested that the E1 zone be removed from the land as they do not intend to acquire the land for the Jervis Bay National Park.

In terms of part 4 of the direction:

- Whilst another environmental zone was considered, ultimately it is more appropriate for the E1 part of the site to be rezoned to an R2 zone which is consistent with the prevailing zone of the adjacent residential area and the rest of the subject land. It is also consistent with the existing low density residential dwelling on the subject land, and its other conditions such as topography and small size.
- The proposal is not inconsistent with the ISRP or the Shoalhaven LSPS.
- The existing vegetation and value of the part of the land zoned E1 will be managed through existing legislation and assessment processes.
- Social, economic and environmental matters have been addressed in Section 4.3 of this PP.

The proposal is generally considered consistent with the direction, however, should a differing view be taken by the Department, the inconsistency would be considered of minor significance in the context of the proposal.

2.1 Environmental Protection Zones

This direction applies as the PP affects land within an environment protection zone or land otherwise identified for environment protection purposes. The PP seeks to rezone the E1 portion of the subject lot to R2, thus removing the E1 component altogether.

In this regard the PP is inconsistent with the terms of this direction, however this inconsistency is considered minor in nature as:

- NPWS have advised that the land is not required for the Jervis Bay National Park and therefore the E1 zoning is not longer appropriate.
- The subject land is of a size and character befitting a residential lot.
- There is an existing approved dwelling on the site.

2.2 Coastal Management

This direction applies as the PP affects land within the coastal zone. The PP is considered to be consistent with the:

- Objects of the *Coastal Management Act 2016* and the objectives of the relevant coastal management areas.
- NSW Coastal Management Manual and associated Toolkit.
- NSW Coastal Design Guidelines 2003.

- Shoalhaven Coastal Zone Management Plan 2018.

The amendments in this PP are considered minor in nature. Further, the PP does not propose to amend any maps under State Environmental Planning Policy (Coastal Management) 2018. Any development assessment process for future development would consider the above (as relevant) and State Environmental Planning Policy (Coastal Management) 2018, on a site by site basis.

The PP is therefore not inconsistent with this direction.

3.1 Residential Zones

This direction applies as the PP affects land within an existing residential zone. The PP is not inconsistent with the direction as:

- The subject land occurs within an existing residential area and is already connected to the existing public infrastructure network. No additional infrastructure is required.
- The PP does not represent an increase in the consumption of land for housing on the urban fringe as the land is already partly zoned R2 Low Density Residential and is currently used for such purposes.
- The PP does not reduce the permissible residential density of the land.

3.4 Integrating Land Use and Transport

This direction applies as the PP proposes to create, alter or remove a zone or provision relating to urban land, including land zoned for residential purposes. The PP is not inconsistent with this direction as the proposed changes are of a minor nature and are not inconsistent with the aims and 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 Sulfate Soils

The land subject to this PP is mapped as having acid sulfate soils (Class 5).

An R2 zone enables more intensive development than the current E1 zone, however the PP does not seek to intensify the land uses that are permissible with consent in relation to the land as a whole. The PP is consistent with the Acid Sulfate Soils Planning Guidelines.

The proposed amendments are considered minor in nature and the PP is therefore not inconsistent with this direction.

4.4 Planning for Bushfire Protection

This direction applies as the PP affects land that is land mapped as bushfire prone.

The PP:

- Has regard to Planning for Bushfire Protection 2019. Where relevant, future development will be assessed against Planning for Bushfire Protection during the development assessment process.
- Does not result in controls that place inappropriate developments in hazardous areas.
- Does not prohibit bushfire hazard reduction within an APZ.

Consultation will be undertaken with the NSW Rural Fire Service following receipt of a Gateway determination, and prior to undertaking community consultation (if required).

The PP is not inconsistent with this direction.

5.10 Implementation of Regional Plans

The Illawarra Shoalhaven Regional Plan (ISRP) applies to Shoalhaven and the PP is considered consistent with the ISRP as discussed in Section 4.2.1.

The PP is therefore not inconsistent with this direction.

4.3 Environmental, Social and Economic Impact (Section C)

4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

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

Any future use of the land will consider environmental impacts as part of the development assessment process.

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

Other environmental impacts are not anticipated, and any future development would consider environmental impacts as part of the development assessment process.

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

The PP is likely to have positive social and economic effects as it resolves a potential acquisition burden over the land, especially as the NPWS do not intend to acquire the relevant part of the subject land. The PP will better align the zoning (and other considerations) with the existing development associated with the land.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The planning proposal does not create additional need for infrastructure.

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

Council will consult with relevant State and Commonwealth authorities (e.g. NSW Rural Fire Service) in accordance with the conditions of the Gateway determination. The PP will be updated prior to public exhibition, if public exhibition is required (refer to Section 6 of this PP), to incorporate the view of any public authority.

5 Part 4 – Mapping

There are a small number of mapping changes to the subject land identified within this PP. These are shown in **Figure 5** and outlined below:

Land Zoning Map - Sheet LZN_020K	Rezone the E1 National Park component of Lot 1 DP 249799 to R2 Low Density Residential.
Lot Size Map - Sheet LSZ_020K	Apply a minimum lot size of 1 500m ² to the current E1 portion of the site.
Height of Buildings Map – Sheet HOB_020K	Apply a building height of 12 8.5m, consistent with the residential use, to the current E1 portion of the site.
Land Reservation Acquisition Map - Sheet LRA_020K	Remove the Land Reservation Acquisition layer from the current E1 portion of the site.



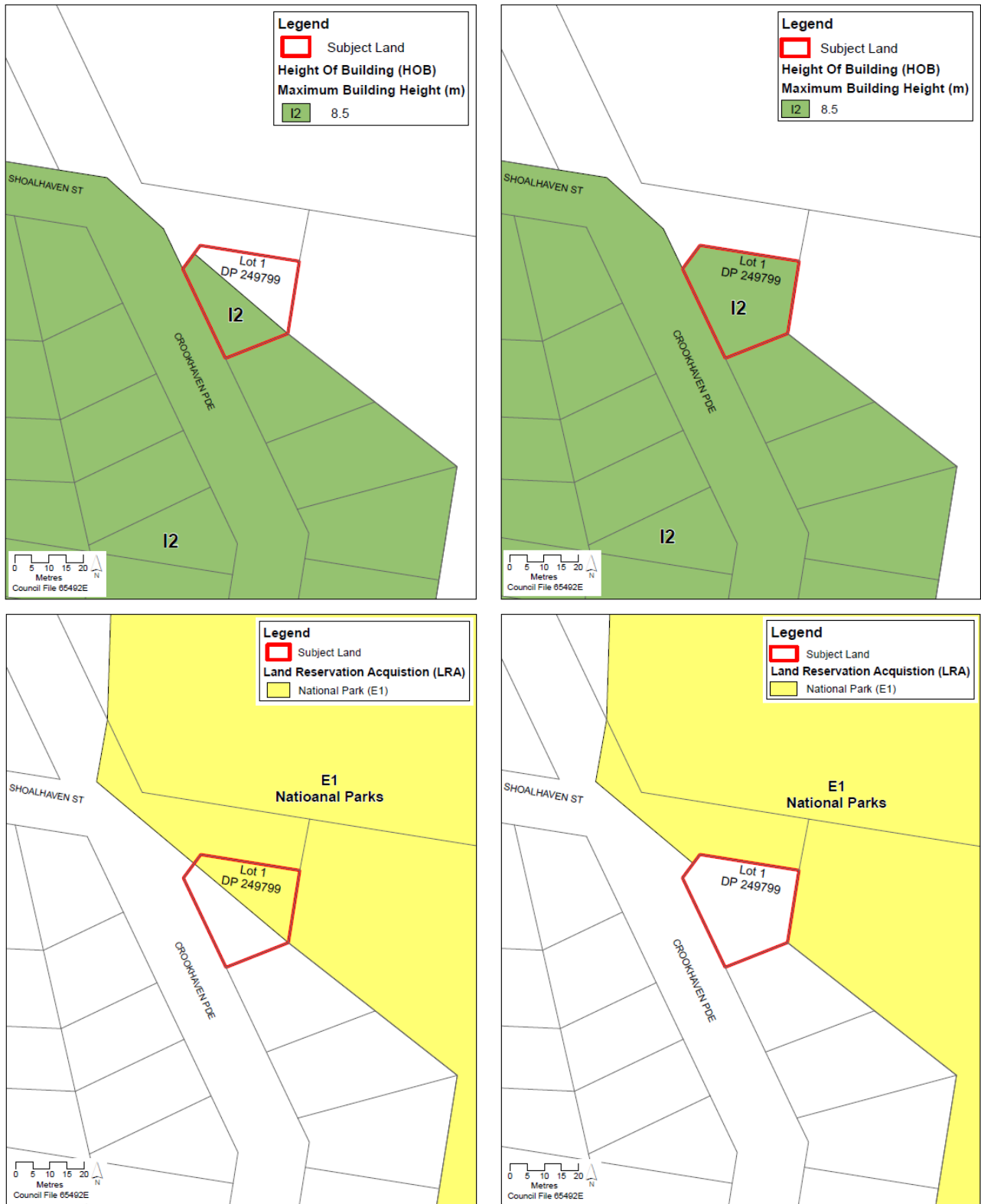


Figure 5: Map Change – Minimum Lot Size, Zoning, Height of Building & Land Reservation Acquisition

6 Part 5 - Community Consultation

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, it is considered that no public exhibition would be appropriate in this instance.

Otherwise, Council would propose to exhibit the PP in accordance with the requirements of Schedule 1 of the Environmental Planning and Assessment Act 1979 and any other requirements as determined by the Gateway determination.

7 Part 6 – Project Timeline

The anticipated timeline for the PP is as follows:

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	November 2020
Completion of Gateway determination requirements	December 2020
Public exhibition	n/a
Consideration of submissions	n/a
Post exhibition consideration of PP	n/a
Finalisation and notification of Plan	January/February 2021

ATTACHMENTS

Attachment A: Evaluation Criteria for the Delegation of Plan Making Functions

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

Local Government Area:

Shoalhaven City Council

Name of draft LEP:

Shoalhaven Local Environmental Plan 2014

PP057 Planning Proposal – Shoalhaven LEP 2014 – 2 Crookhaven Parade, Currarong

Address of Land (if applicable):

The subject land is known as 2 Crookhaven Parade, Currarong and is legally described as Lot 1 DP 249799.

Intent of draft LEP:

The Planning Proposal seeks to amend mapping in relation to the subject land to resolve the matter concerning the E1 portion of the site that is not identified for strategic acquisition by the NPWS.

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council Response		Department Assessment	
	Y/N	Not relevant	Agree	Not agree
Is the Planning Proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the Planning Proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the Planning Proposal contain details related to proposed consultation?	Y			
Is the Planning Proposal compatible with an endorsed regional or sub-regional strategy or local strategy endorsed by the Director-General?	Y			
Does the Planning Proposal adequately address any consistency with all relevant S9.1 Planning Directions?	Y			
Is the Planning Proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			

Minor Mapping Error Amendments				
Does the Planning Proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs				
Does the Planning Proposal seek to add or remove a local heritage item and is it supported by a strategy / study endorsed by the Heritage Officer?		N/A		
Does the Planning Proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the Planning Proposal potentially impact on item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		
Reclassifications				
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan Of Management POM) or strategy?		N/A		
Is the Planning Proposal proposed to rectify an anomaly in a classification?		N/A		
Will the Planning Proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act, 1993?		N/A		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the Planning Proposal?		N/A		
Has the council identified that it will exhibit the Planning Proposal in accordance with the Department's Practice Note (PN09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guidelines for LEPs and Council Land?		N/A		
Has council acknowledged in its Planning Proposal that a Public Hearing will be required and agree to hold one as part of its documentation?		N/A		
Spot Rezonings				
Will the proposal result in a loss of development potential for the site (i.e. reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the Planning Proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			

If yes, does the Planning Proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the Planning Proposal create an exception to a mapped development standard?	N			
Section 3.22 matters				
Does the proposed instrument: a. Correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error? b. Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature? c. Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or delegate) will need to form an Opinion under section 3.22(1)(c) of the Act in order for a matter in this category to proceed).		N/A N/A N/A		

Attachment B: Letter from NSW National Parks and Wildlife Service.



DOC19/828786

Ms Tague
Coordinator – Policy Planning Team
Shoalhaven City Council
jenna.tague@shoalhaven.nsw.gov.au

Dear Ms Tague

Part Lot 1 DP 249799 zoned as E1 – national parks and reserves at Currarong

The National Parks and Wildlife Service (NPWS) has received a request to acquire land at 2 Crookhaven Parade at Currarong (being Lot 1 DP249799) from an agent representing the landowner.

The Shoalhaven Local Environmental Plan (LEP) applies a split zoning to Lot 1 DP 249799, with approximately half of the lot being zoned E1- national parks and reserves and identified for acquisition by the Minister administering the *National Parks and Wildlife Act 1974* by the Land Reservation Acquisition Map. NPWS did not notice this particular split zoning during the 2014 LEP exhibition process.

NPWS believes the land may have been zoned E1, in error, due to its proximity to a large parcel of Crown land known as Abrahams Bosom Reserve that is also zoned E1 and is proposed for future addition to Jervis Bay National Park.

NPWS has not identified Lot 1 DP 249799 as a strategic acquisition for the national parks system. NPWS does not intend to acquire the land for Jervis Bay National Park and therefore does not require the land to be zoned E1. To rectify this anomaly, I request Council amend the LEP and rezone the E1 part of Lot 1 DP249799 to a more appropriate zoning.

If further information is required of NPWS to support this request, or clarify any details please contact Karen Eardley, Project Officer in the Reserve Establishment Unit, at karen.eardley@environment.nsw.gov.au or on 9585 6510.

Yours sincerely

RICHARD KINGSWOOD
Director Conservation
National Parks and Wildlife Service
1/10/2019

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Attachment C: Council report and minute supporting the PP

DE20.103 Proposed Housekeeping Amendment - Shoalhaven Local Environmental Plan 2014 - Mapping Changes (PP040)

HPERM Ref: D20/403066

Section: Strategic Planning

Approver: Robert Domm, Director - City Futures

Attachments: 1. Planning Proposal - 2018 Housekeeping Amendment - Mapping - Pre-Gateway Version (under separate cover)

Reason for Report

Obtain the necessary resolution to progress the 2018 Mapping Housekeeping Amendment Planning Proposal (PP040) which seeks to make a range of mapping amendments of a housekeeping nature to Shoalhaven Local Environmental Plan (LEP) 2014.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Exclude Item No. 19 (2 Crookhaven Parade, Currarong) from the Planning Proposal: Shoalhaven LEP 2014 – 2018 Housekeeping Amendment – Mapping (PP040).
2. Submit the adjusted PP040 to the NSW Department of Planning, Industry and Environment for initial Gateway determination and, if favourable, proceed to formal public exhibition in accordance with the terms of the determination/legislative requirements and receive a further report following the conclusion of the public exhibition to enable its finalisation.
3. Based on its specific circumstances, prepare a separate PP relating to Item 19 (2 Crookhaven Parade, Currarong), submit it for initial Gateway determination and depending on the outcome proceed to exhibit the PP and receive a further report on the after the public exhibition period. If the Gateway determination does not require formal public exhibition or any other requirements, proceed to finalise the PP and subsequent LEP Amendment without receiving any further reports.
4. Advise key stakeholders, including relevant Community Consultative Bodies and any directly affected landowners, of the public exhibition arrangements.

Options

1. As recommended.

Implications: This is the preferred option. Since the commencement of Shoalhaven LEP 2014, anomalies and minor issues continue to be identified that need to be resolved. The matters in this PP relate to LEP mapping issues that were generally identified in the 2018 calendar year. This PP will enable the matters to be resolved to ensure the LEP remains accurate.

Note: there is now a need to resolve the zoning of 2 Crookhaven Parade, Currarong in a timelier manner than the overall Housekeeping PP given its circumstances. As such it is recommended that this item (No.19 in the PP – see **Attachment 1**) be advanced separately given the nature of the zoning change (part E1 National Parks & Reserves to part R2 Low density Residential – lot contains an existing house) and the early advice

from the NSW National Parks & Wildlife Service that they have no interest in acquiring the property, it is likely that this change on its own will be deemed 'minor' and will not need to be exhibited.

2. Adopt an alternative recommendation.

Implications: Depending on its nature, an alternative recommendation could delay the resolution of the identified housekeeping matters.

3. Not proceed with the PP.

Implications: This is not the preferred option as the identified housekeeping matters will not be resolved.

Background

Shoalhaven LEP 2014 commenced on 22 April 2014. As part of the completion of the Citywide LEP process, and since the LEP has been in force, housekeeping amendments have been undertaken to continue to improve the operation and accuracy of the Plan. These regular amendments and associated reviews help maintain the currency of the Plan.

The housekeeping amendments are generally grouped and managed by year (i.e. the year an issue or matter was identified). Due to the extent of the mapping changes proposed as part of the original 2017 Housekeeping Amendment, that amendment was split into two PPs. The instrument amendments were finalised as part of the 2017 Housekeeping Amendment – Instrument Changes (PP033). The required mapping changes are now intended to be undertaken and advanced as part of this PP (PP040).

2018 Housekeeping Amendment – Mapping Changes

PP040 identifies thirty-eight (38) items covering a variety of more minor mapping issues relating to minimum lot size, zoning, height, terrestrial biodiversity, natural resource sensitivity and land reservation acquisition.

It also proposes the removal of the mapping associated with clause 5.9 Preservation of Trees or Vegetation as the related clause was repealed from the NSW Standard Instrument LEP and Shoalhaven LEP 2014 in 2017. As such the map layer is no longer required/relevant.

The intended outcome of the PP is to amend a number of maps to:

- correct identified anomalies or inconsistencies in the LEP mapping.
- correct administrative errors (e.g. items incorrectly or incompletely identified in mapping)
- respond to the registration of new land titles, landowner requests, development assessment processes and as separately resolved by Council.

The proposed changes will help to improve the overall operation of the plan. The proposed PP is included at **Attachment 1** and contains the detail of the proposed amendments to Shoalhaven LEP 2014, which due to their nature, are difficult to summarise in this report.

Following initial endorsement from Council, the PP will be submitted to the NSW Department of Planning and Environment for Gateway determination.

As detailed in the Project Timeline in the PP (**Attachment 1**), it is anticipated that the LEP amendment would be finalised by mid-2021.

Community Engagement

Should the PP receive a favourable Gateway determination, it will be exhibited in accordance with the relevant legislative and any Gateway requirements. The Gateway determination will specify the minimum exhibition period and any government agencies who should be consulted.

Any directly affected landowners will be advised of the exhibition arrangements in writing, as will all Community Consultative Bodies and relevant stakeholders.

Financial Implications

There are no immediate financial implications for Council. The amendment to Shoalhaven LEP 2014 will be resourced from the existing Strategic Planning budget.

Subject: Shoalhaven LEP 2014 - Housekeeping Amendment - Mapping Changes (PP040) - Gateway Determination / Public exhibition - Preparation - 2 Crookhaven Pde Currarong
Target Date: 05/11/2020
Notes:
HPERM Reference 58912E
Related Report D20/403066
Item Number DE20.103

RESOLVED (Clr Wells / Clr Findley)

MIN20.714

That Council:

1. Exclude Item No. 19 (2 Crookhaven Parade, Currarong) from the Planning Proposal: Shoalhaven LEP 2014 – 2018 Housekeeping Amendment – Mapping (PP040).
2. Submit the adjusted PP040 to the NSW Department of Planning, Industry and Environment for initial Gateway determination and, if favourable, proceed to formal public exhibition in accordance with the terms of the determination/legislative requirements and receive a further report following the conclusion of the public exhibition to enable its finalisation.
3. Based on its specific circumstances, prepare a separate PP relating to Item 19 (2 Crookhaven Parade, Currarong), submit it for initial Gateway determination and depending on the outcome proceed to exhibit the PP and receive a further report on the after the public exhibition period. If the Gateway determination does not require formal public exhibition or any other requirements, proceed to finalise the PP and subsequent LEP Amendment without receiving any further reports.
4. Advise key stakeholders, including relevant Community Consultative Bodies and any directly affected landowners, of the public exhibition arrangements.

FOR: Clr Pakes, Clr Findley, Clr Wells, Clr White, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett, Clr Guile, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

Against: Nil

CARRIED

Attachment D: SEPP Checklist

SEPP	Name	Applicable	Relevant	Not inconsistent
19	Bushland in Urban Areas	x	x	n/a
21	Caravan Parks	✓	x	n/a
33	Hazardous and Offensive Development	✓	x	n/a
36	Manufactured Home Estates	✓	x	n/a
47	Moore Park Showground	x	x	n/a
50	Canal Estate Development	✓	x	n/a
55	Remediation of Land	✓	x	n/a
64	Advertising and Signage	✓	x	n/a
65	Design Quality of Residential Apartment Development	✓	x	n/a
70	Affordable Housing (Revised Schemes)	x	x	n/a
--	Aboriginal Land 2019	x	x	n/a
--	Activation Precincts 2020	x	x	n/a
--	Affordable Rental Housing 2009	✓	x	n/a
--	Basix: 2004	✓	x	n/a
--	Coastal Management 2018	✓	✓	Refer to 4.2.3
--	Concurrences 2018	x	x	n/a
--	Educational Establishments and Child Care Facilities 2017	✓	x	n/a
--	Exempt and Complying Development Codes 2008	✓	x	n/a
--	Gosford City Centre 2018	x	x	n/a
--	Housing for Seniors or People with A Disability 2004	✓	x	n/a
--	Infrastructure 2007	✓	x	n/a
--	Koala Habitat Protection 2019	✓	x	n/a
--	Kosciuszko National Park—Alpine Resorts 2007	x	x	n/a
--	Kurnell Peninsula 1989	x	x	n/a
--	Major Infrastructure Corridors 2020	x	x	n/a
--	Mining, Petroleum Production and Extractive Industries 2007	✓	x	n/a
--	Penrith Lakes Scheme 1989	x	x	n/a
--	Primary Production and Rural Development 2019	✓	x	n/a
--	State and Regional Development 2011	✓	x	n/a
--	State Significant Precincts 2005	✓	x	n/a
--	Sydney Drinking Water Catchment 2011	x	x	n/a

--	Sydney Region Growth Centres 2006	x	x	n/a
--	Three Ports 2013	x	x	n/a
--	Urban Renewal 2010	x	x	n/a
--	Vegetation in Non-Rural Areas 2017	✓	✓	Refer to 4.2.3
--	Western Sydney Aerotropolis 2020	x	x	n/a
--	Western Sydney Employment Area 2009	x	x	n/a
--	Western Sydney Parklands 2009	x	x	n/a

Attachment E: S9.1 Checklist

This checklist is based on the *13 September 2020 Version*

Direction		Applicable	Relevant	Not inconsistent
1 Employment and Resources				
1.1	Business and Industrial Zones	×	×	n/a
1.2	Rural Zones	×	×	n/a
1.3	Mining, Petroleum Production and Extractive Industries	×	×	n/a
1.4	Oyster Aquaculture	×	×	n/a
1.5	Rural lands	✓	✓	Refer to Section 4.2.4
2 Environment and Heritage				
2.1	Environmental Protection Zones	✓	✓	Refer to Section 4.2.4
2.2	Coastal Management	✓	✓	Refer to Section 4.2.4
2.3	Heritage Conservation	×	×	n/a
2.4	Recreation Vehicle Area	×	×	n/a
2.5	Application of E2 and E3 Zones in Environmental Overlays in Far North Coast LEPs	×	×	n/a
2.6	Remediation of Contaminated Land	×	×	n/a
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	✓	✓	Refer to Section 4.2.4
3.2	Caravan Parks and Manufactured Home Estates	×	×	n/a
3.3	Home Occupations	×	×	n/a
3.4	Integrating Land Use and Transport	✓	✓	Refer to Section 4.2.4
3.5	Development Near Regulated Airports and Defence Airfields	×	×	n/a
3.6	Shooting Ranges	×	×	n/a
3.7	Reduction in non-hosted short-term rental accommodation period	×	×	n/a
4 Hazard and Risk				
4.1	Acid Sulfate Soils	✓	✓	Refer to Section 4.2.4
4.2	Mine Subsidence and Unstable Land	×	×	n/a
4.3	Flood Prone Land	×	×	n/a
4.4	Planning for Bushfire Protection	✓	✓	Refer to Section 4.2.4
5 Regional Planning				

5.2	Sydney Drinking Water Catchments	x	x	n/a
5.3	Farmland of State & Regional Significance Far North Coast	x	x	n/a
5.4	Commercial & Retail Development Far North Coast	x	x	n/a
5.9	North West Rail Link Corridor Strategy	x	x	n/a
5.10	Implementation of Regional Plans	✓	✓	Refer to Section 4.2.4
5.11	Development of Aboriginal Land Council land	x	x	n/a
6 Local Plan Making				
6.1	Approval and Referral Requirements	✓	x	n/a
6.2	Reserving Land for Public Purposes	x	x	n/a
6.3	Site Specific Provisions	x	x	n/a
7 Metropolitan Planning				
7.1	Implementation of A Plan for Growing Sydney	x	x	n/a
7.2	Implementation of Greater Macarthur Land Release Investigation (Revoked 28 November 2019)	x	x	n/a
7.3	Parramatta Road Corridor Urban Transformation Strategy	x	x	n/a
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	x	x	n/a
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	x	x	n/a
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	x	x	n/a
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	x	x	n/a
7.8	Implementation of Western Sydney Aerotropolis Plan	x	x	n/a
7.9	Implementation of Bayside West Precincts 2036 Plan	x	x	n/a
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	x	x	n/a
7.11	Implementation of St Leonards and Crows Nest 2036 Plan	x	x	n/a
7.12	Implementation of Greater Macarthur 2040	x	x	n/a