

PLANNING PROPOSAL – PP040

Shoalhaven Local Environmental Plan 2014 Housekeeping 2018 – Mapping

Prepared by
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Attachments

- Attachment A - Evaluation Criteria for the Delegation of Plan Making Functions Council report and minute supporting the PP
- Attachment B – Council Report and associated Minute
- Attachment C – Clause 5.9 Mapping
- Attachment D – SEPP Checklist
- Attachment E – s9.1 Ministerial Direction Checklist

1 Introduction

This Planning Proposal (PP) seeks to amend Shoalhaven Local Environmental Plan (LEP) 2014 to improve the operation and accuracy of the Plan. The amendment responds to a range of mapping issues that have arisen since the previous housekeeping amendment.

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**.

1.1 Subject Land

The PP applies to the whole of the City of Shoalhaven (**Figure 1**).

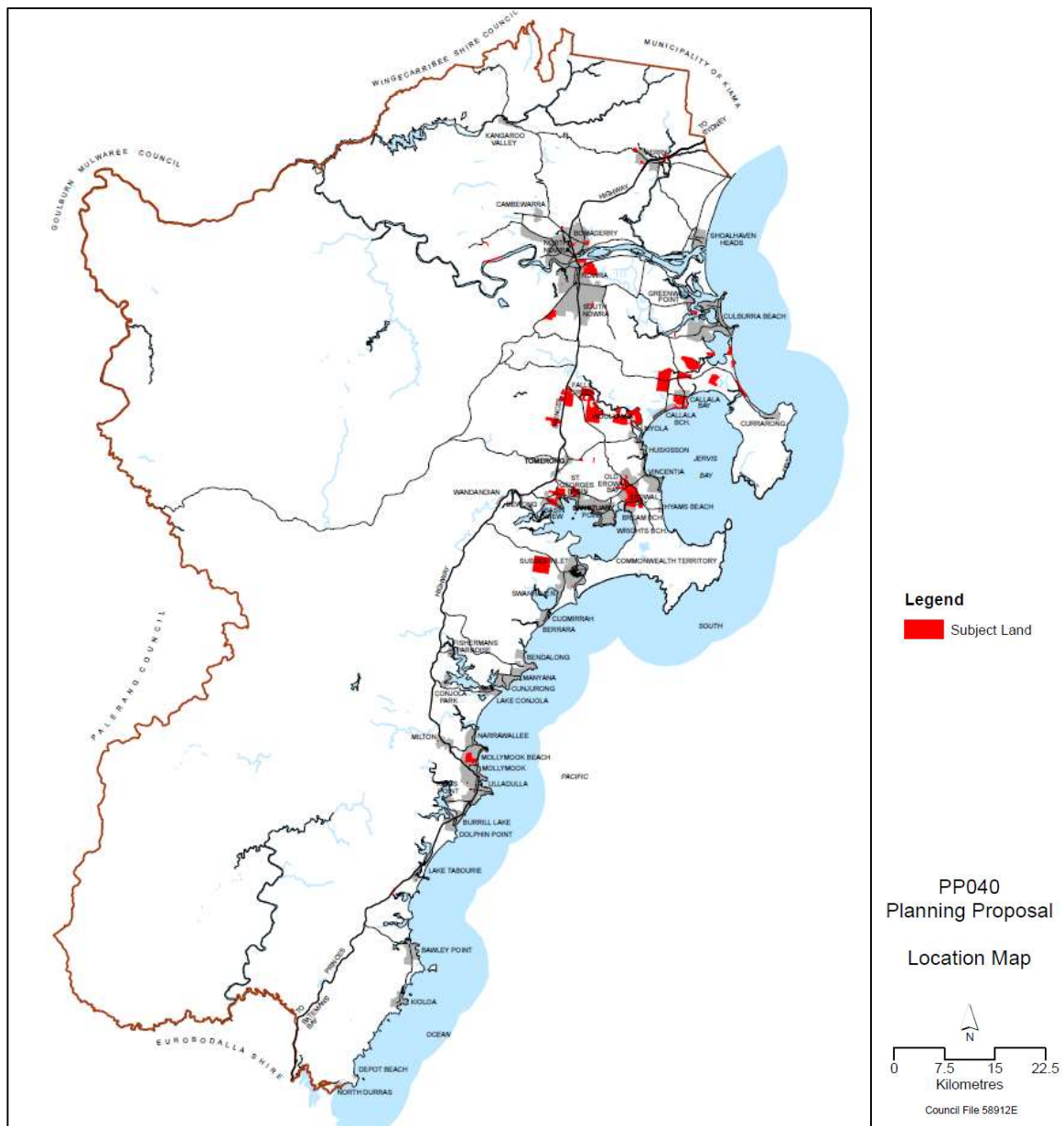


Figure 1: Subject Land

1.2 Background

Shoalhaven LEP 2014 commenced on 22 April 2014. It consolidated planning controls into the one LEP and also transitioned existing controls into the NSW Government's Standard Instrument LEP format.

On 3 June 2014, Council's Development Committee resolved to commence the process to make necessary housekeeping amendments to Shoalhaven LEP 2014 and report these for consideration as required. In line with this, reviews to Shoalhaven LEP 2014 are continuously undertaken to ensure accuracy and operation are upheld and improved, and positive outcomes for the community are delivered in line with applicable strategic documents.

Due to the extent of the mapping changes proposed as part of the original 2017 Housekeeping Amendment, the amendment was split into two PPs. The instrument changes were amended as part of the 2017 Housekeeping Amendment – Instrument Changes (PP033), which has now been finalised and the required mapping changes are now being undertaken as part of this PP.

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

2 Part 1 – Intended Outcome

The intended outcome of this PP is to amend a number of maps in Shoalhaven LEP 2014 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.

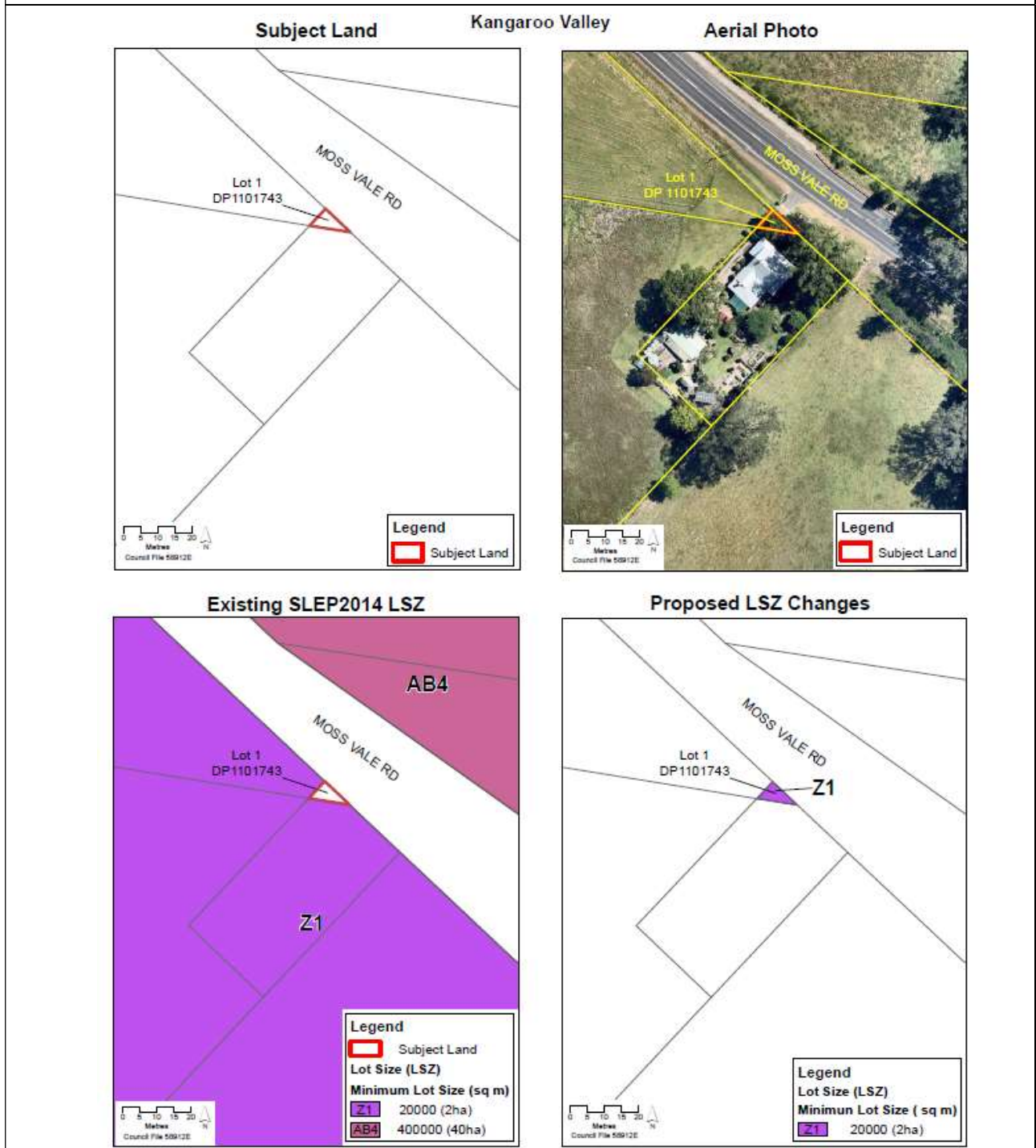
The proposed changes will help to improve the overall operation of the plan.

3 Part 2 – Explanation of Provisions

37 items have been identified that require various mapping amendments to Shoalhaven LEP 2014. To achieve the proposed objectives, the PP proposes to amend the Shoalhaven LEP 2014 mapping as shown in below.

3.1 Map Changes – Minimum Lot Size

1. Lot 1 DP 1101743 – Moss Vale Road, Kangaroo Valley



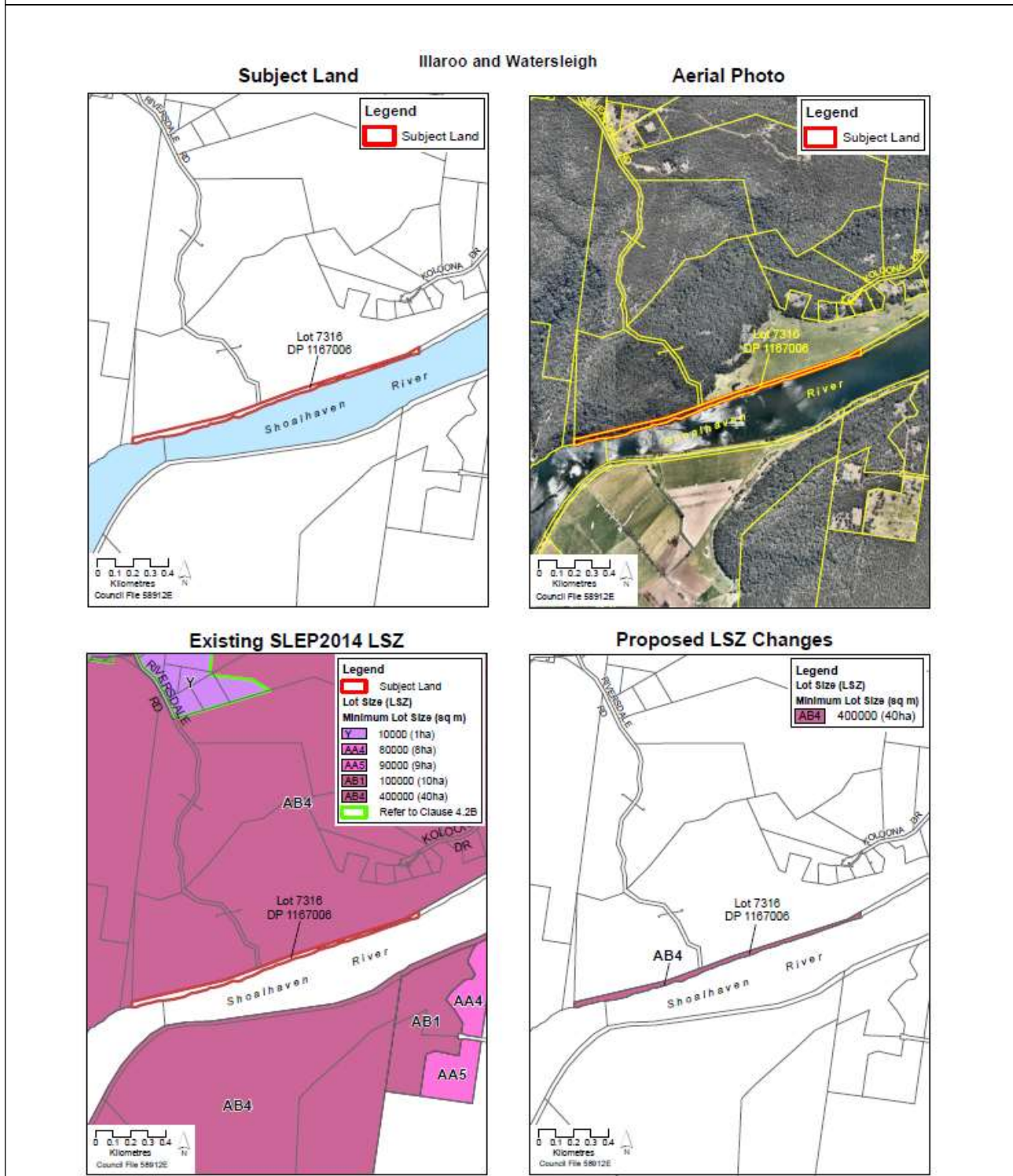
Issue and Justification:

Lot 1 DP 1101743 does not currently have a minimum lot size layer applying. As the site is zoned R5 Large Lot Residential, it requires a minimum lot size of Z1 20 000 (2ha) to ensure it is consistent with surrounding lots in this zone.

Proposed Change:

Apply a minimum lot size of Z1 20,000 (2ha) to Lot 1 DP 1101743.

2. Lot 7316 DP 1167006 – Koloona Drive, Watersleigh



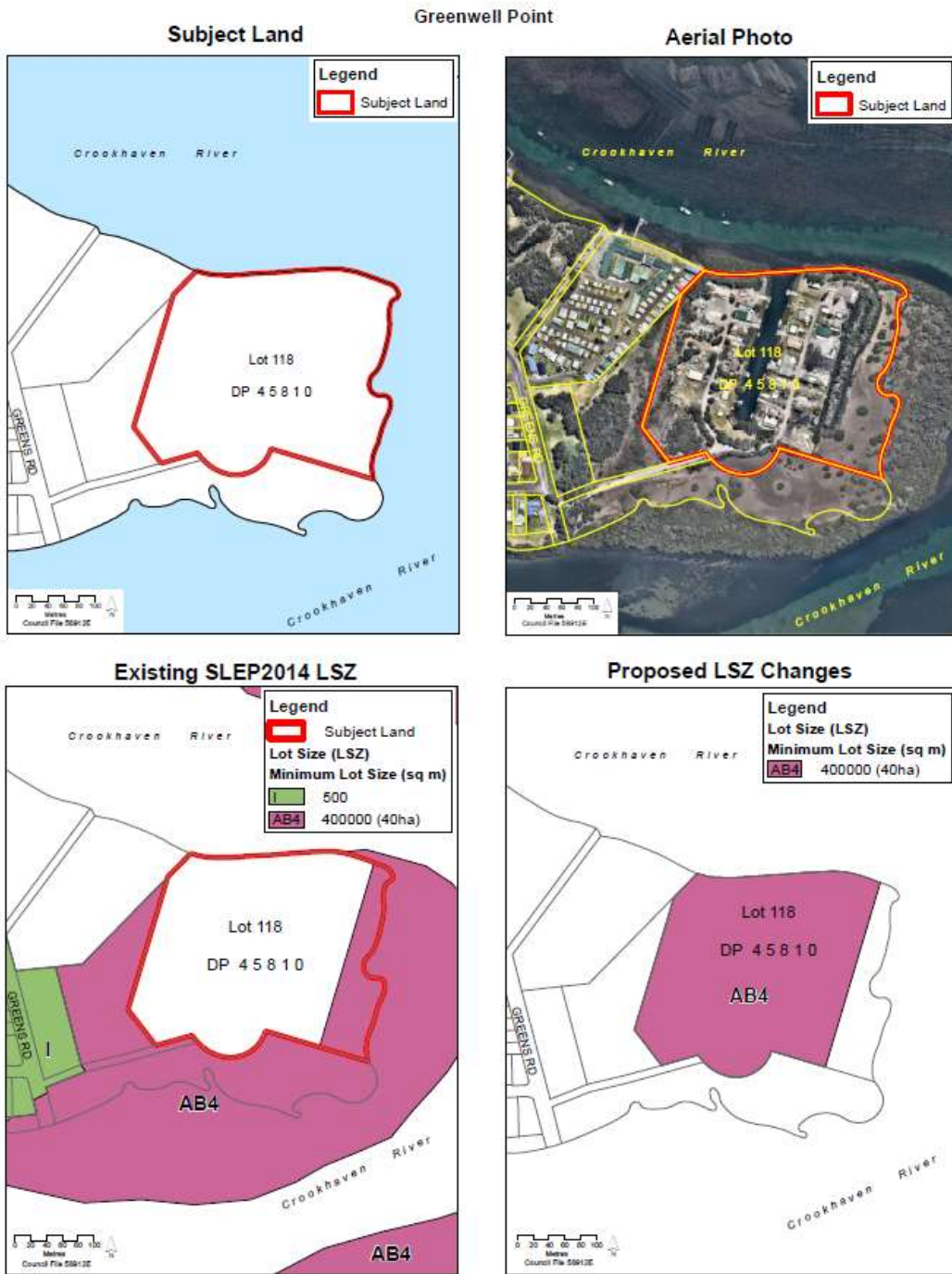
Issue and Justification:

A portion of land along the foreshore of the lot has not had the minimum lot size layer applied. The lot is zoned E2 Environmental Conservation and RU1 Primary Production and therefore requires an associated minimum lot size of AB4 40ha applied, consistent with the zoning.

Proposed Change:

Apply a minimum lot size of AB4 40ha to part of Lot 7316 DP 1167006.

3. Lot 118 DP 45810 – 170 Greens Road, Greenwell Point



Issue and Justification:

A significant portion of lot has not had the minimum lot size layer applied. As the lot is zoned E2 Environmental Conservation, it requires a minimum lot size of AB4 40ha to be applied consistent with the remainder of the lot.

Proposed Change:

Apply a minimum lot size of AB4 40ha to Lot 118 DP 45810.

4. Lot 1 DP 786156 – 1 Donlan Road, Mollymook Beach



Issue and Justification:

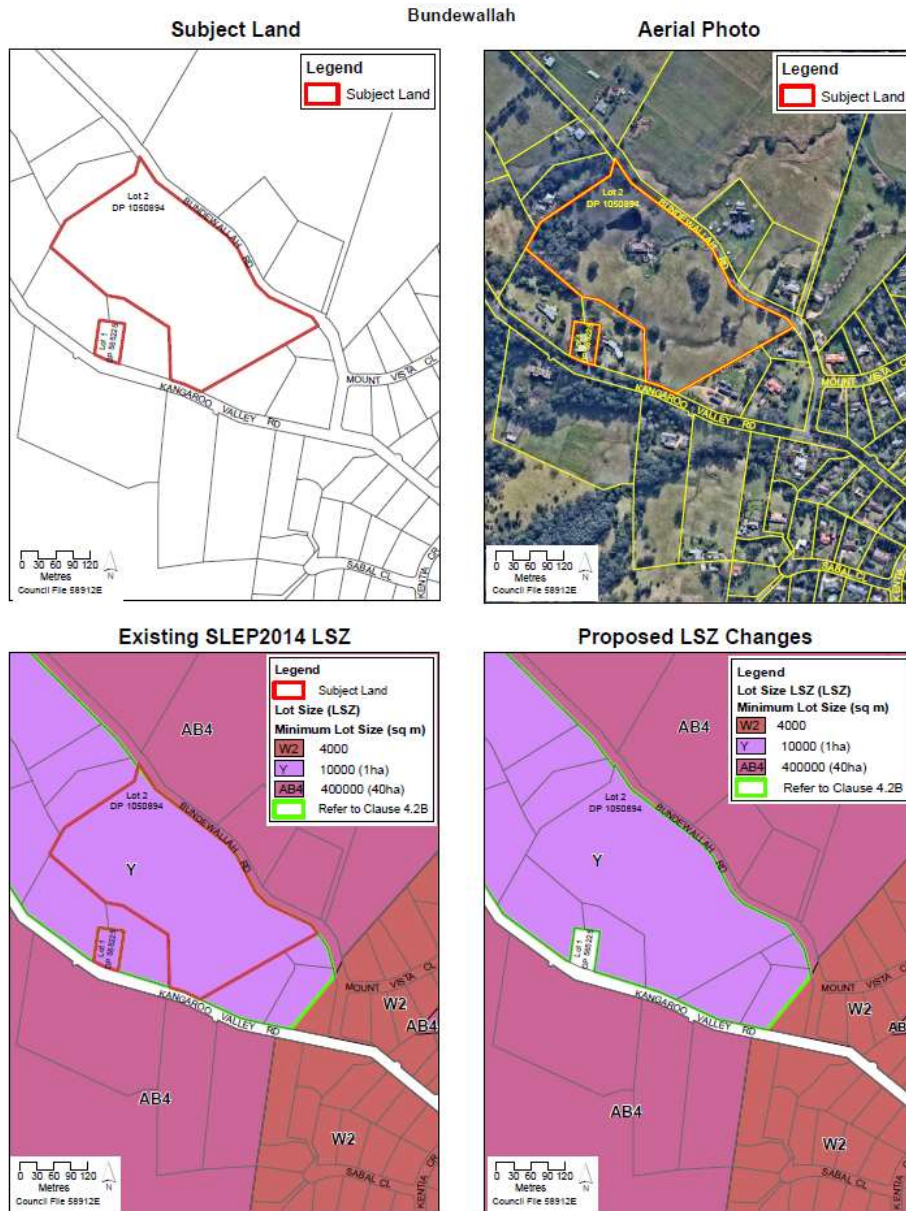
The lot currently has a minimum lot size of 500m² applying; however, as the lot is zoned B2 Local Centre, a minimum lot size is not required, consistent with the zone.

Proposed Change:

Remove the minimum lot size of 500m² currently applying to Lot 1 DP 786156 as the lot is zoned B2 Local Centre and does not require the minimum lot size.

3.2 Map Changes – Minimum Lot Size and Clause 4.2B

5. Lot 1 DP 565225 & Lot 2 DP 1050894 – 200 Kangaroo Valley Road and 41 Bundewallah Road, Bundewallah



Issue and Justification:

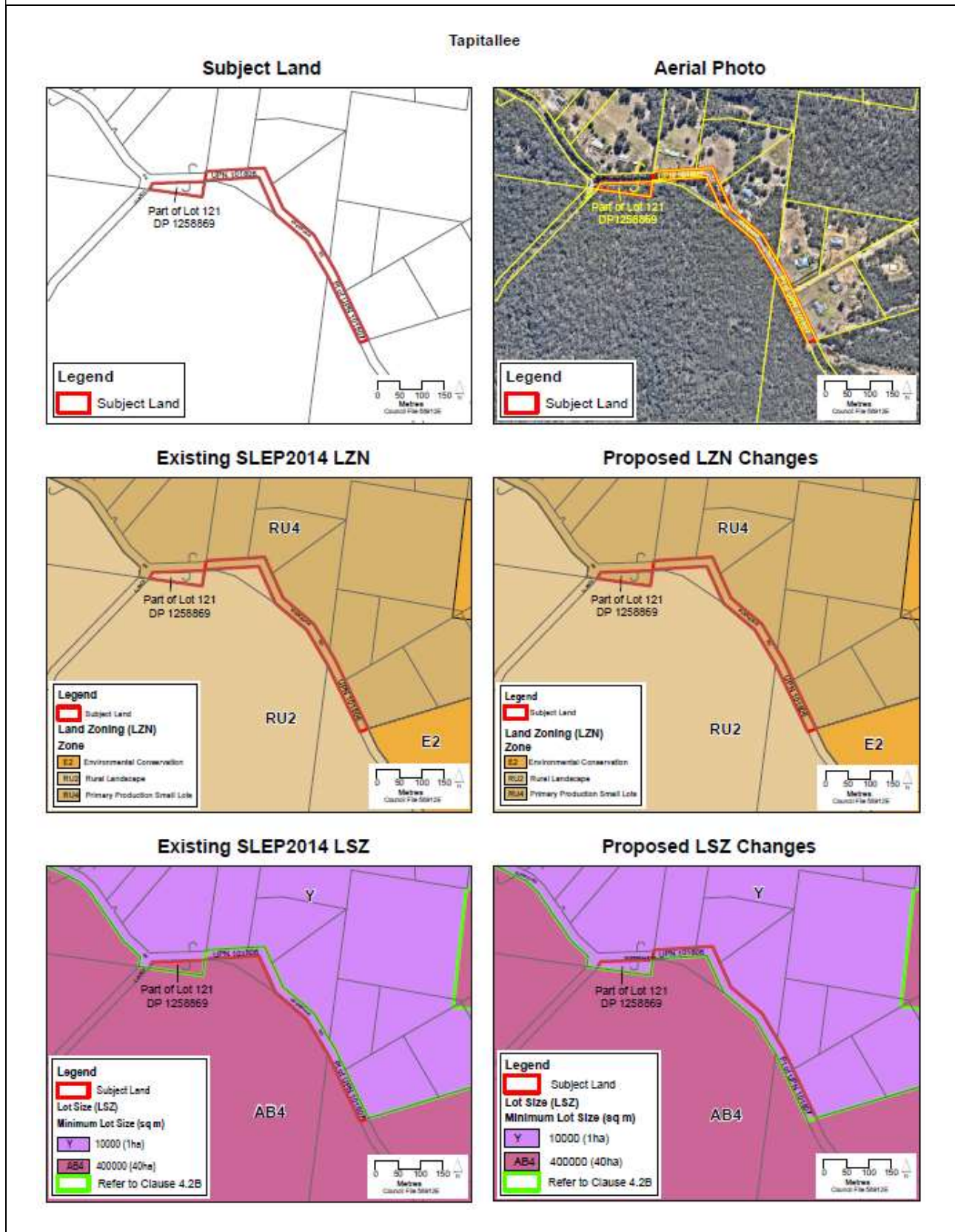
Lot 1 currently has a minimum lot size of Y 1,000 (1ha) applying; however, the lot is zoned SP2 and consistent with the zone does not require a minimum lot size. Lot 2 DP 1050894 is subject to clause 4.2B of Shoalhaven LEP 2014; however, the 4.2B layer does not match the lot boundary. This portion needs to be amended to ensure it is consistent with the remainder of the lot and clause 4.2B.

Proposed Change:

Remove the minimum lot size Y 1000 (1ha) currently applying to Lot 1 DP 565225 as the lot is zoned SP2 Infrastructure and does not require a minimum lot size. Update the clause 4.2B line to ensure it is consistent with the boundary of Lot 2 DP 1050894.

3.3 Map Changes – Minimum Lot Size and Zoning

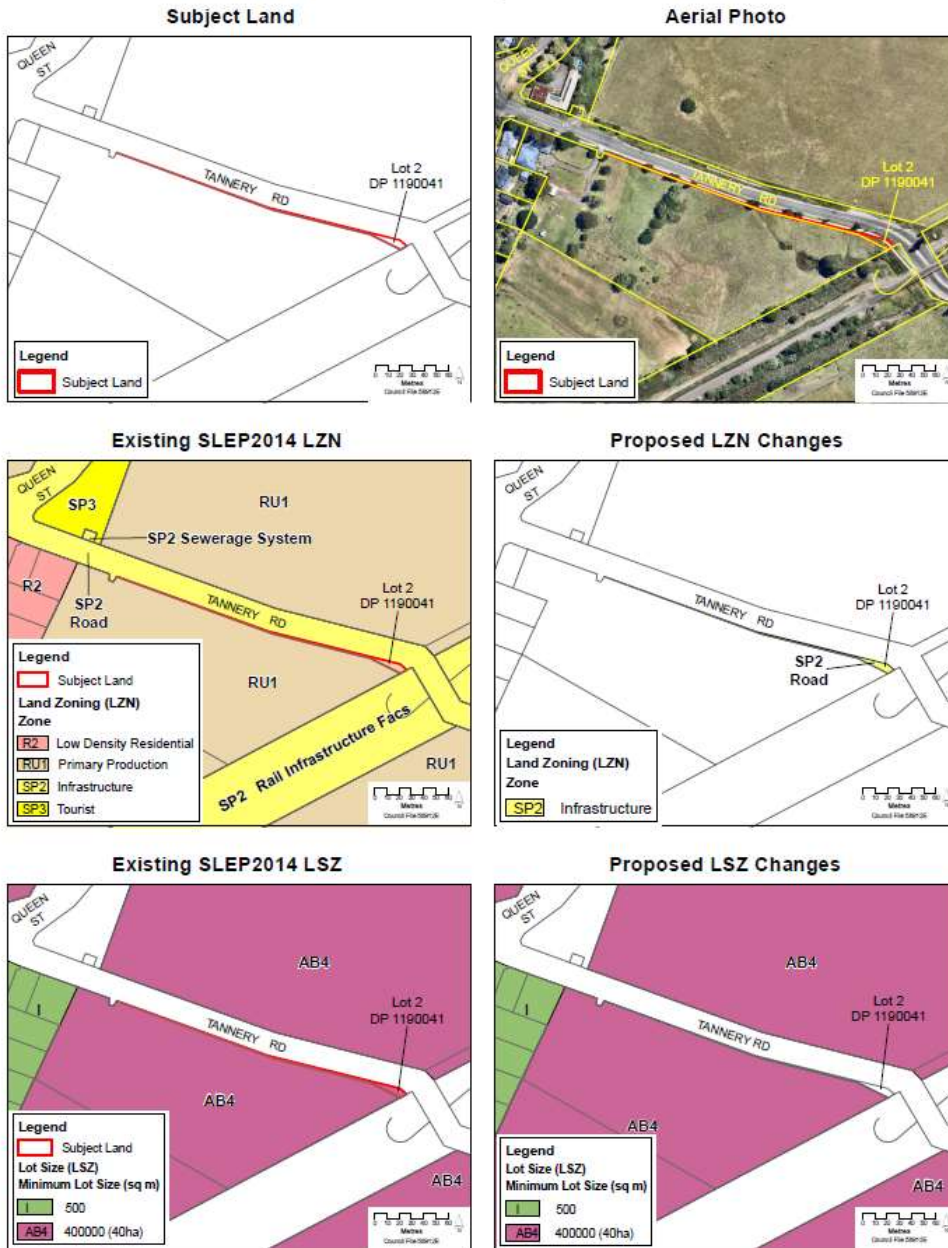
6. Part Lot 121 DP 1258869 - 1299 Illaroo Road, Tapitallee and Road Casement UPN 101806 & Part of UPN 101807



Issue and Justification:
The lot is currently zoned RU4 Primary Production and RU2 Rural Landscape. The RU4 component has a minimum lot size of Y 1000 (1ha), whilst the RU2 component has a minimum lot size of AB4 40ha. The entire lot is subject to clause 4.2B of Shoalhaven LEP 2014 and as such the RU2 zoning and associated minimum lot size needs to be amended to ensure the lot is consistent with the clause 4.2B boundary and the remainder of the lot. The boundary of the clause 4.2B layer in relation to Road Casement UPN 101806 & Part of UPN 101807 needs to be relocated to the outside extent of the 1ha minimum lot size area.
Proposed Change:
Rezone the RU2 component of Lot 121 DP 1258869 to RU4 Primary Production and apply a minimum lot size of Y 1,000 (1ha). Update the extent of the clause 4.2B layer to the southern/south eastern side of Road Casement UPN 101806 & Part of UPN 101807.

7. Lot 2 DP 1190041 – Tannery Rd, Berry

Berry



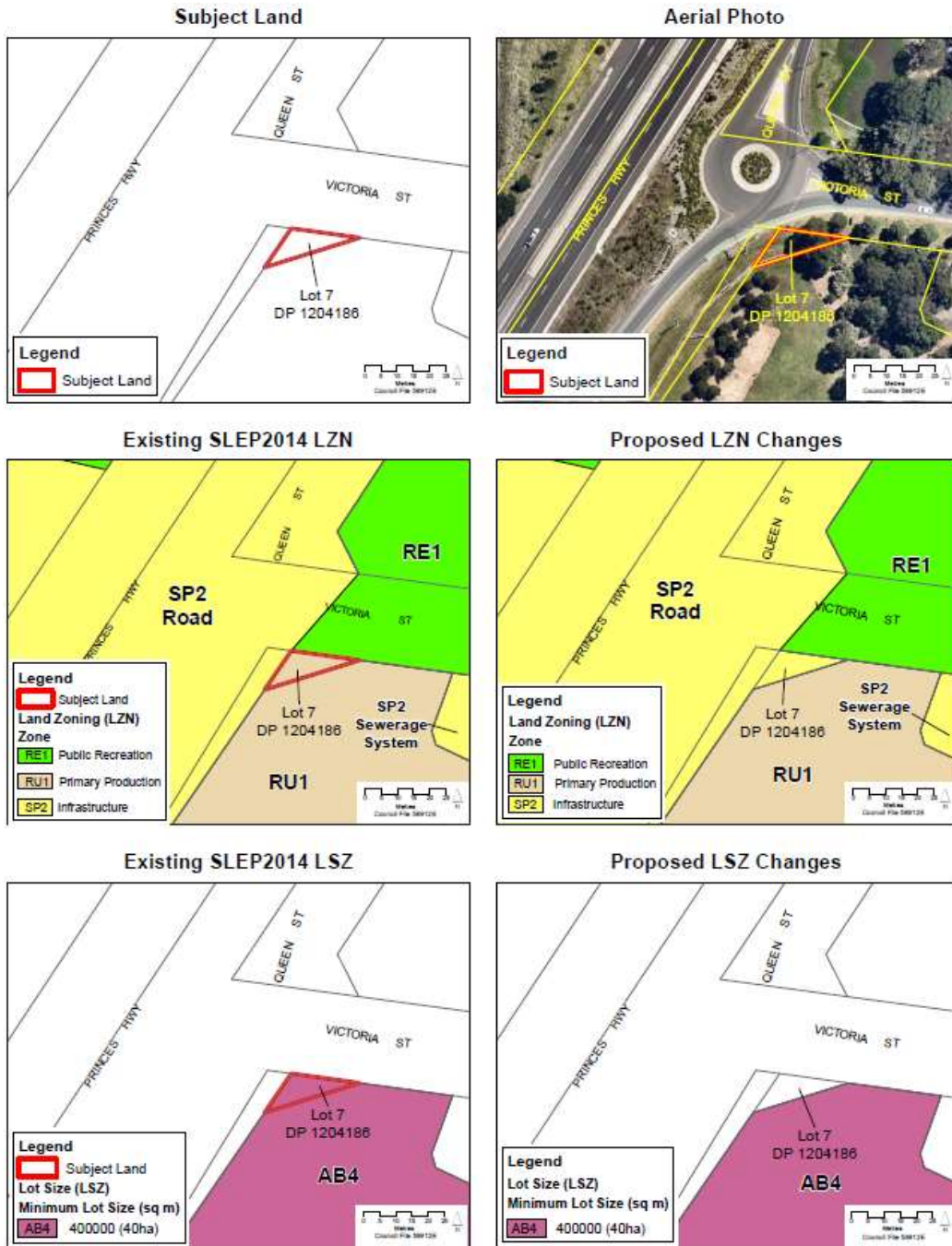
Issue and Justification:

Part of the road casement located between Tannery Road and Lot 1 DP 1190041, known as Lot 2 DP 1190041 is zoned RU1 Primary Production and has an associated minimum lot size of AB4 40ha applying. The lot was acquired by Shoalhaven City Council and dedicated as a Public Road via folio 4154, gazetted 14 July 2017. As a result, the lot needs to be rezoned to SP2 Infrastructure (Road) consistent with Tannery Road and the minimum lot size layer needs to be removed.

Proposed Change:

Rezone Lot 2 DP 1190041 from RU1 Primary Production to SP2 Infrastructure (Road) and remove the minimum lot size layer currently applying.

8. Lot 7 DP 1204186 – Princes Highway, Berry



Issue and Justification:

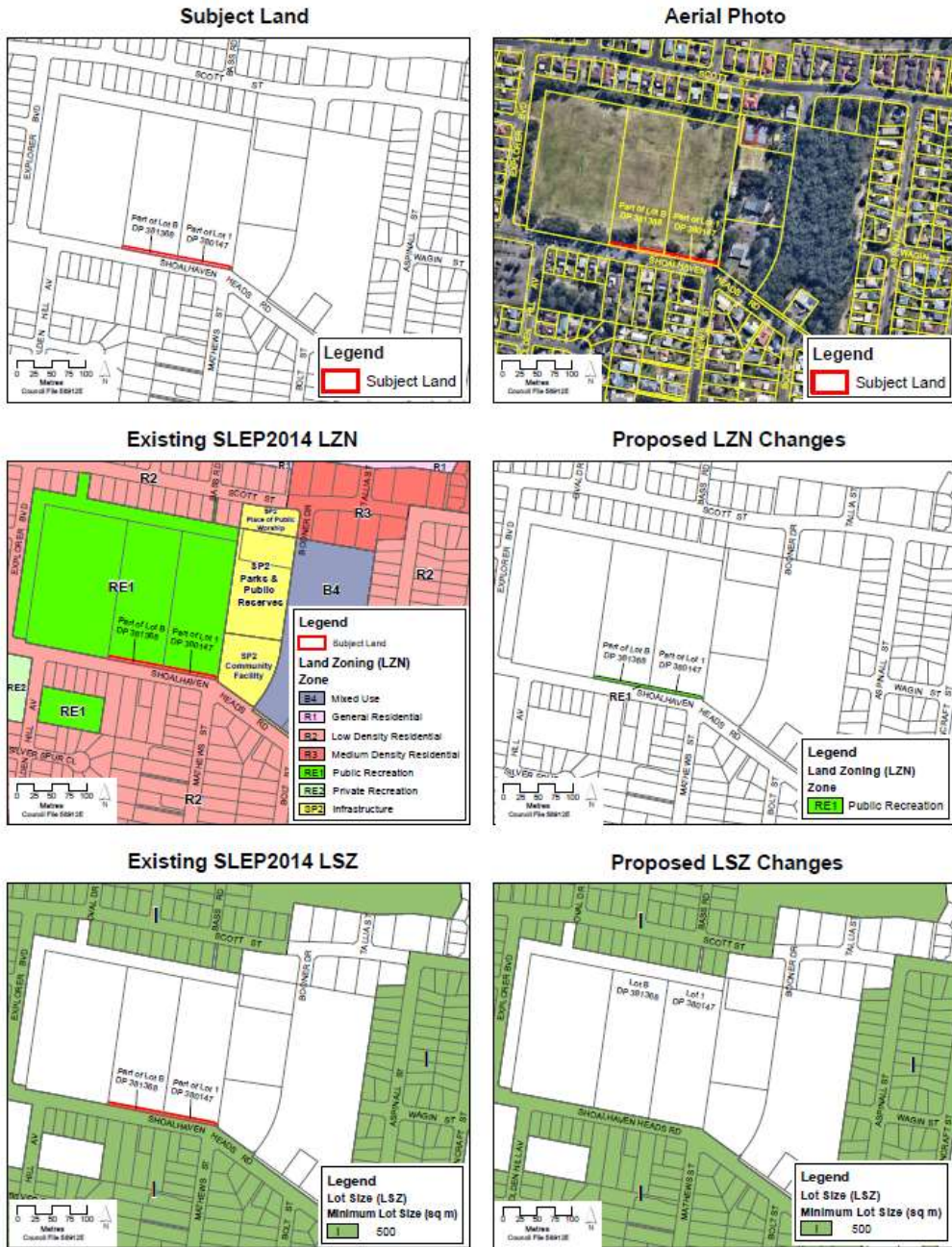
The lot is zoned RU1 Primary Production and has an associated minimum lot size of AB4 40ha applying; however, the lot is owned by Transport for NSW and forms part of the road casement. As a result, the lot needs to be rezoned to SP2 Infrastructure (Road) consistent with the Princes Highway and the minimum lot size layer needs to be removed.

Proposed Change:

Rezone Lot 7 DP 1204186 from RU1 Primary Production to SP2 Infrastructure (Road) and remove the minimum lot size layer currently applying.

9. Part of Lot 1 DP 380147 and Part of Lot B DP 381368 – Shoalhaven Heads Road, Shoalhaven Heads

Shoalhaven Heads



Issue and Justification:

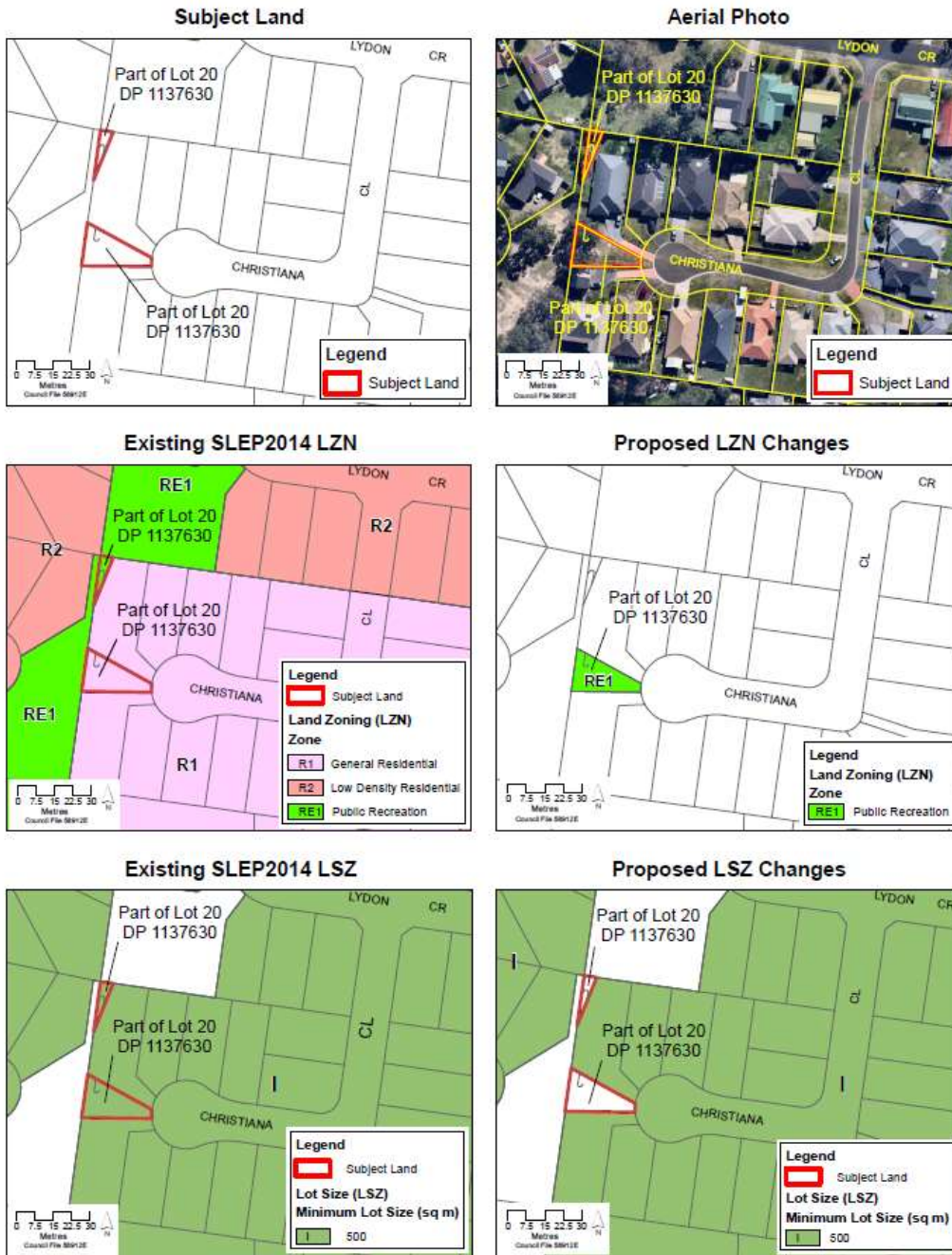
A small portion at the front of each of the lots is zoned R2 Low Density Residential and has an associated minimum lot size of 500m². The remainder of each lot is zoned RE1 Public Recreation, consistent with the lots use as a public reserve. As the entirety of the land forms part of a public reserve, the R2 portion of the lots should be rezoned to RE1 Public Recreation and the minimum lot size layer removed.

Proposed Change:

Rezone the R2 component of Lot 1 DP 380147 and Lot B DP 381368 to RE1 consistent with the remainder of the lots and remove the associated minimum lot size.

10. Lot 20 DP 1137630 – Christiana Close, West Nowra

West Nowra



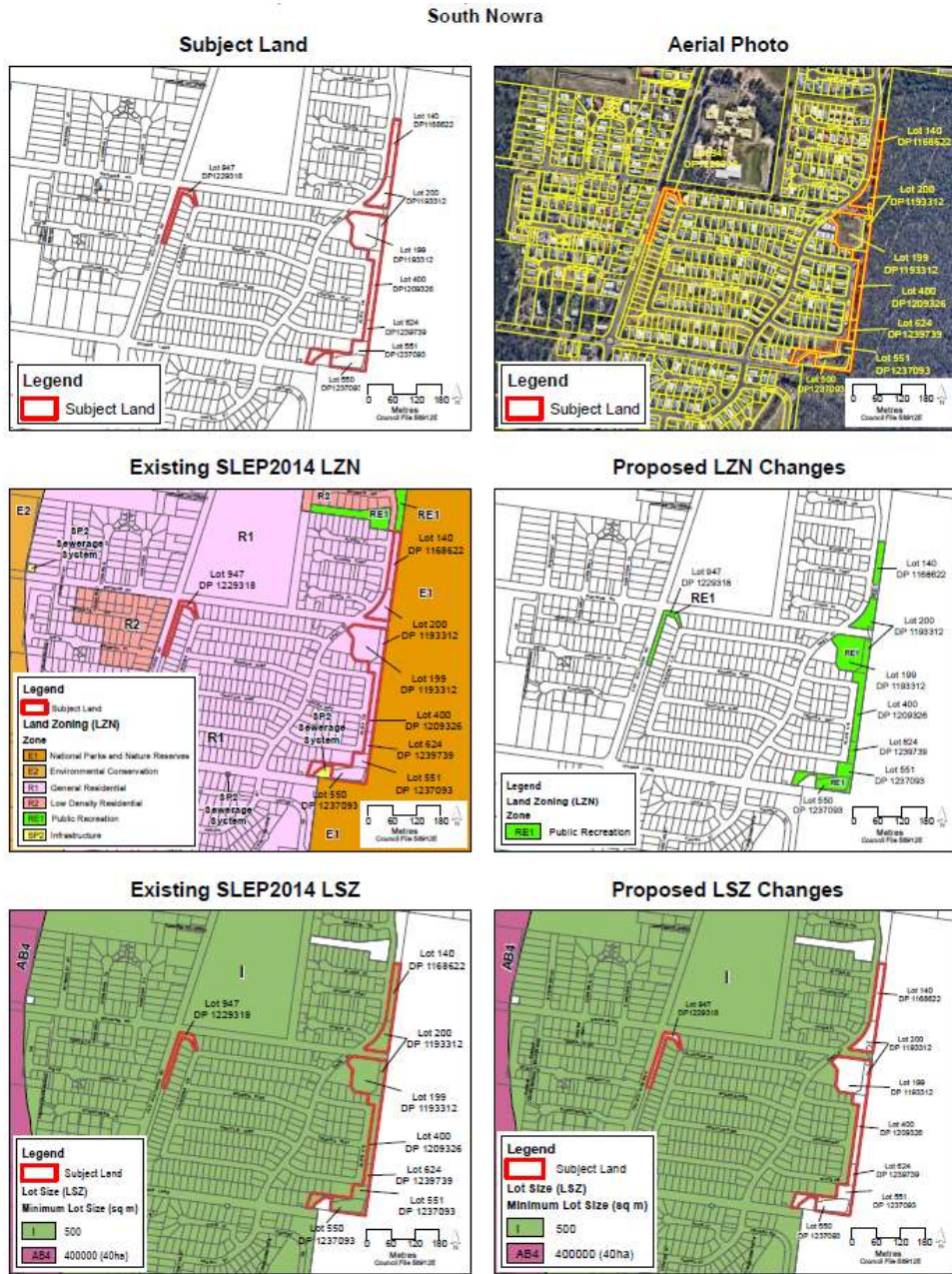
Issue and Justification:

The lot is partly zoned R1 General Residential and has an associated minimum lot size of 1 500m² applying. The remainder of the lot is zoned RE1 Public Recreation. The lot is owned by Shoalhaven City Council and was dedicated as a Public Reserve via DP 1137630 on 3 June 2009. The lot needs to be rezoned to RE1 Public Recreation to reflect its current use and the minimum lot size layer removed.

Proposed Change:

Rezone Lot 20 DP 1137630 from R1 General Residential to RE1 Public Recreation and remove the minimum lot size layer.

11. Lot 199 DP 1193312, Lot 400 DP 1209326, Lot 200 DP 1193312 – Basil Street, South Nowra



Issue and Justification:

The lots are currently zoned R1 General Residential and have an associated minimum lot size of 1 500m². The lots were dedicated to Council for the purpose of a public reserve as part of the various stages of subdivision SF9181 and as a result they require rezoning to RE1 Public Recreation and the associated minimum lot size should be removed in order to reflect the lots current/ future use as a public reserve.

Proposed Change:

Rezone Lot 199 DP 1193312, Lot 400 DP 1209326 and Lot 200 DP 1193312 from R1 General Residential to RE1 Public Recreation and remove the associated minimum lot size layer.

12. Lot 319 DP 1228721 – Links Avenue, Sanctuary Point

Sanctuary Point

Subject Land



Aerial Photo



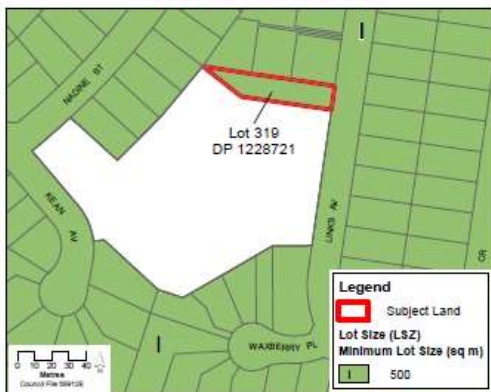
Existing SLEP2014 LZN



Proposed LZN Changes



Existing SLEP2014 LSZ



Proposed LSZ Changes



Issue and Justification:

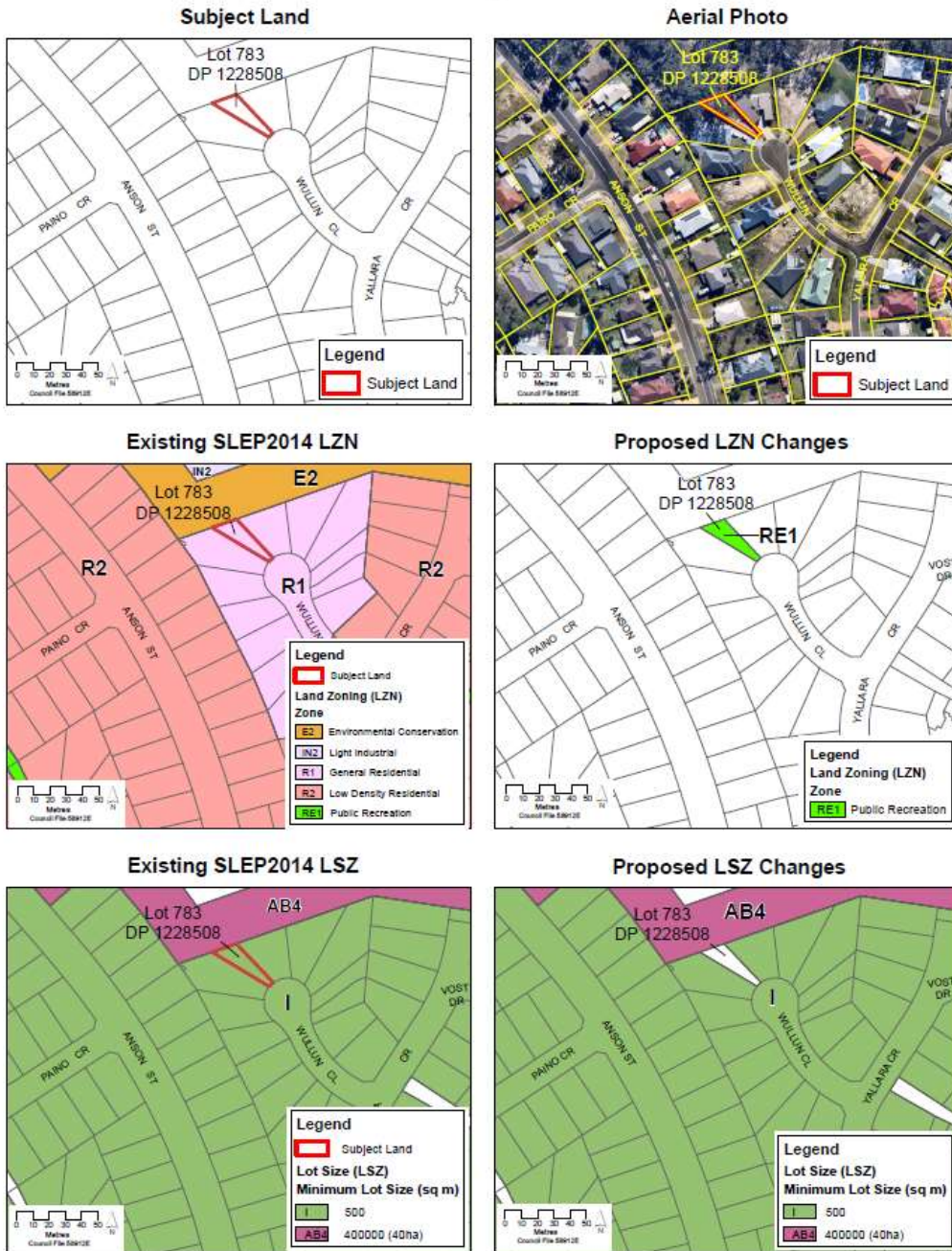
The lot is currently zoned R1 General Residential and has an associated minimum lot size of 1 500m². The lot was dedicated to Shoalhaven City Council as a Public Reserve via DP 1228721 on 2 February 2017. As a result, the lot needs to be rezoned to RE1 Public Recreation and the minimum lot size layer removed.

Proposed Change:

Rezone Lot 319 DP 1228721 from R1 General Residential to RE1 Public Recreation and remove the associated minimum lot size layer.

13. Lot 783 DP 1228508 – Wullun Close, Sanctuary Point

Sanctuary Point



Issue and Justification:

The lot is currently zoned R1 General Residential and has an associated minimum lot size of 1 500m². The lot was dedicated to Council as a public reserve via DP 1228508 on 9 March 2017. As a result, the lot needs to be rezoned to RE1 Public Recreation and the minimum lot size removed.

Proposed Change:

Rezone Lot 783 DP 1228508 from R1 General Residential to RE1 Public Recreation and remove the associated minimum lot size layer.

14. Lot 35 DP 226342 – Edgewater Avenue, Sussex Inlet



Issue and Justification:

The lot is currently zoned R2 Low Density Residential and has an associated minimum lot size of 1 500m² and building height of H 7.5m. As the lot is owned by Council and operates as a public reserve, it should be rezoned to RE1 Public Recreation and the associated minimum lot size and building height removed.

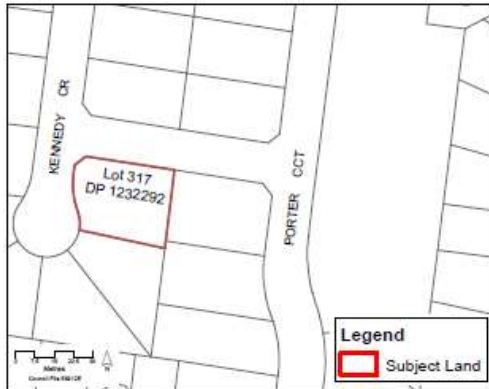
Proposed Change:

Rezone Lot 35 DP 226342 from R2 Low Density Residential to RE1 Public Recreation and remove the associated minimum lot size layer and height of building control applying to the lot.

15. Lot 317 DP 1232292 - 3 Kennedy Crescent, Milton

Milton

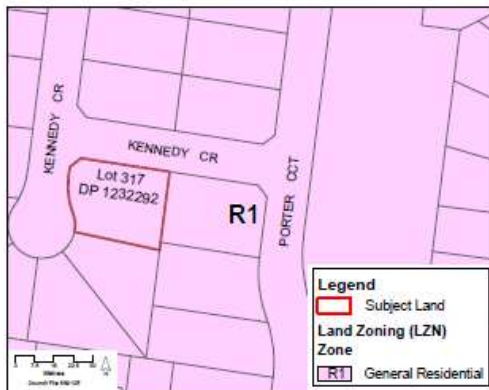
Subject Land



Aerial Photo



Existing SLEP2014 LZN



Proposed LZN Changes



Existing SLEP2014 LSZ



Proposed LSZ Changes



Issue and Justification:

The lot is zoned R1 General Residential and has an associated minimum lot size of 1 500m². The lot was dedicated to Council as a public reserve via DP 1232292 on 21 November 2017. As a result, the lot needs to be rezoned to RE1 Public Recreation and the minimum lot size removed.

Proposed Change:

Rezone Lot 317 DP 1232292 from R1 General Residential to RE1 Public Recreation and remove the associated minimum lot size layer.

16. Lot 114 DP 1228280 – 2 Clifford Close, Mollymook & Lot 115 DP 1228280 – Maisie Williams Drive, Mollymook



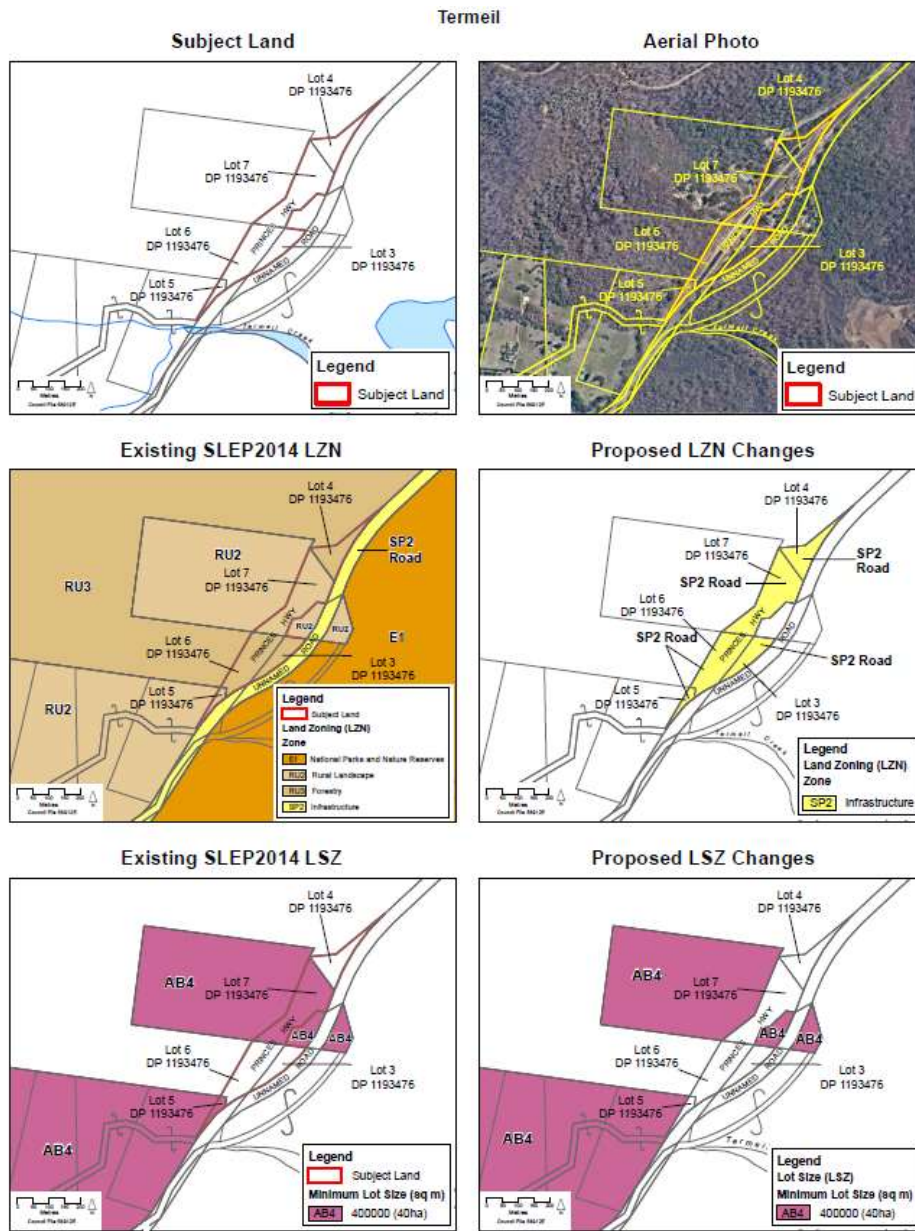
Issue and Justification:

Part of the lot is zoned RE1 Public Recreation; however, as the lot is in private ownership, this part of the lot should be zoned RE2 Private Recreation.

Proposed Change:

Rezone part of Lot 114 DP 1228280 to RE2 Private Recreation.

17. Lots 2 - 7 DP 1193476 - Dedicated Public Road, GG No.72, 30/06/2017, folio 3399 – Termeil



Issue and Justification:

The lots are zoned RU2 Rural Landscape and RU3 Forestry. The RU2 lots have an associated minimum lot size of AB4 40ha. The lots were previously acquired by Transport for NSW and dedicated as a Public Road via folio 3399, gazetted 30 June 2017. As a result, the lots need to be rezoned to SP2 Infrastructure (Road) consistent with the Princes Highway and the minimum lot size layer needs to be removed from the RU2 lots.

Proposed Change:

Rezone Lots 2, 5 and 7 in DP 1193476 from RU2 Rural Landscape to SP2 Infrastructure (Road) and remove the minimum lot size layer currently applying. Rezone Lots 3, 4 and 6 in DP 1193476 from RU3 to SP2 Infrastructure (Road).

3.4 Minimum Lot Size and Height of Building

18. Lot 52 DP 1011824 and Lot 14 DP 817911 – Theodore Place, Bomaderry



Issue and Justification:

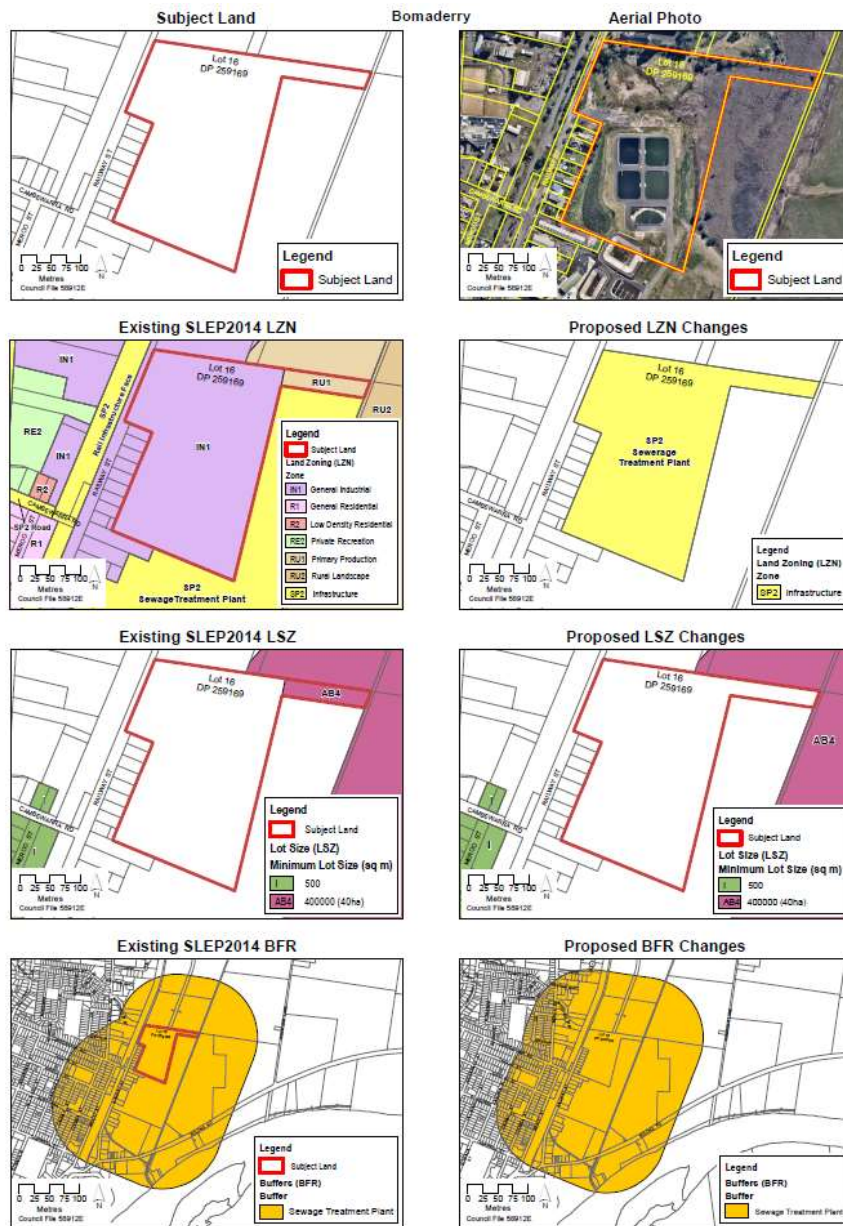
The lots are zoned R5 Large Lot Residential and should have an associated minimum lot size of W2 4000m² applying to the entire lot. A portion of the lots have a minimum lot size of AB4 40ha applying. The W2 4000m² minimum lot size and I2 8.5m height of building control needs to be applied to the entire lot consistent with the R5 Large Lot Residential zone.

Proposed Change:

Apply a minimum lot size of W2 4000m² and a height of building control of I2 8.5m to the entirety of Lot 52 DP 1011824 and Lot 14 DP 817911.

3.5 Map Change –Minimum Lot Size, Zoning and Buffer

19. Lot 16 DP 259169 – Railway St, Bomaderry



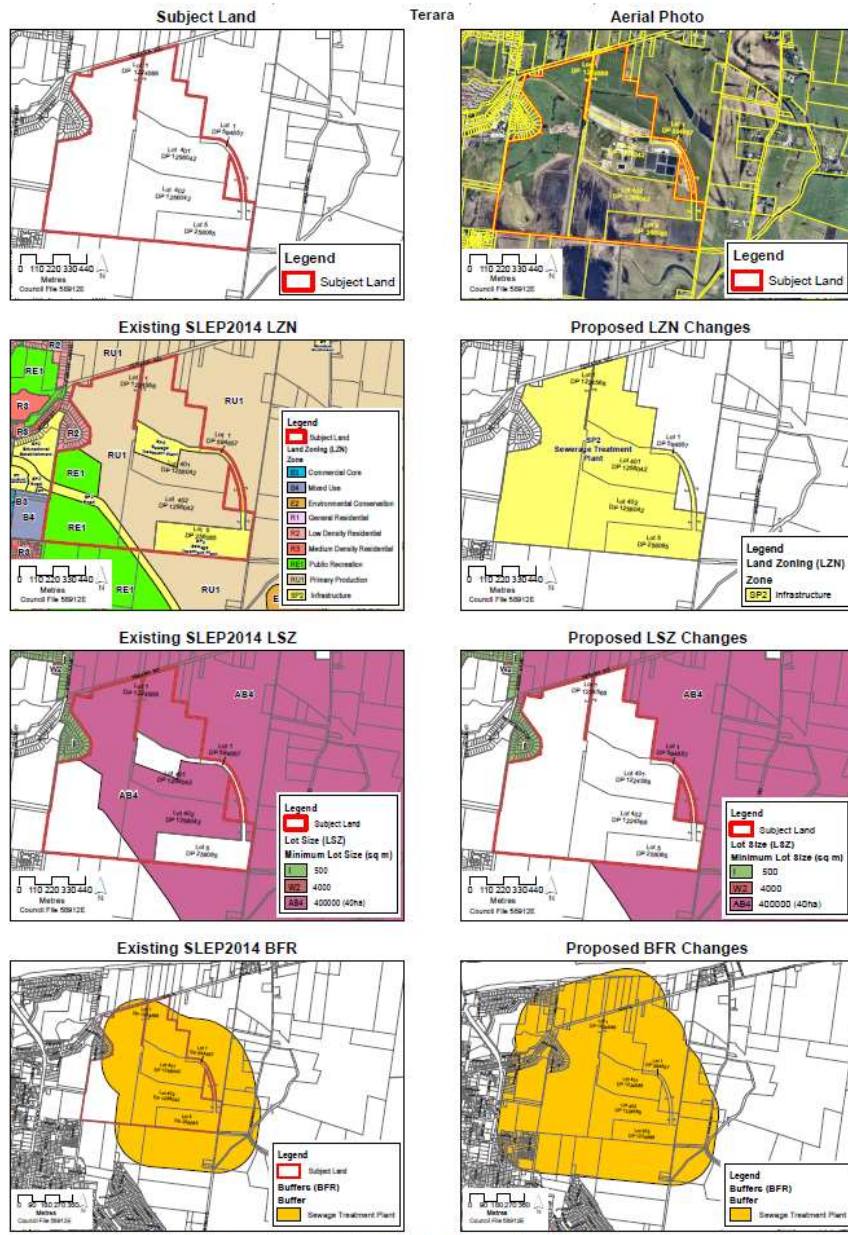
Issue and Justification:

The lot is currently zoned of IN1 General Industrial and RU1 Primary Production and there is a minimum lot size of AB4 40ha associated with the RU1 zoned component. As the lot now also forms part of Council’s sewerage treatment plant, the whole lot needs to be rezoned to SP2 Infrastructure and the minimum lot size layer needs to be removed. The lot is also affected by the buffer associated with the sewerage treatment plant and this buffer needs to be extended to reflect the increased size of the sewerage plant.

Proposed Change:

Rezone Lot 16 DP 259169 from IN1 General Industrial and RU1 Primary Production to SP2 Infrastructure, remove the minimum lot size layer and extend the sewerage treatment buffer.

20. Lot 1 DP 1224568, Lots 401 – 402 DP 1256042, Lot 5 DP 258065 Lot 1 DP 594857 – Terara Road, Terrara



Issue and Justification:

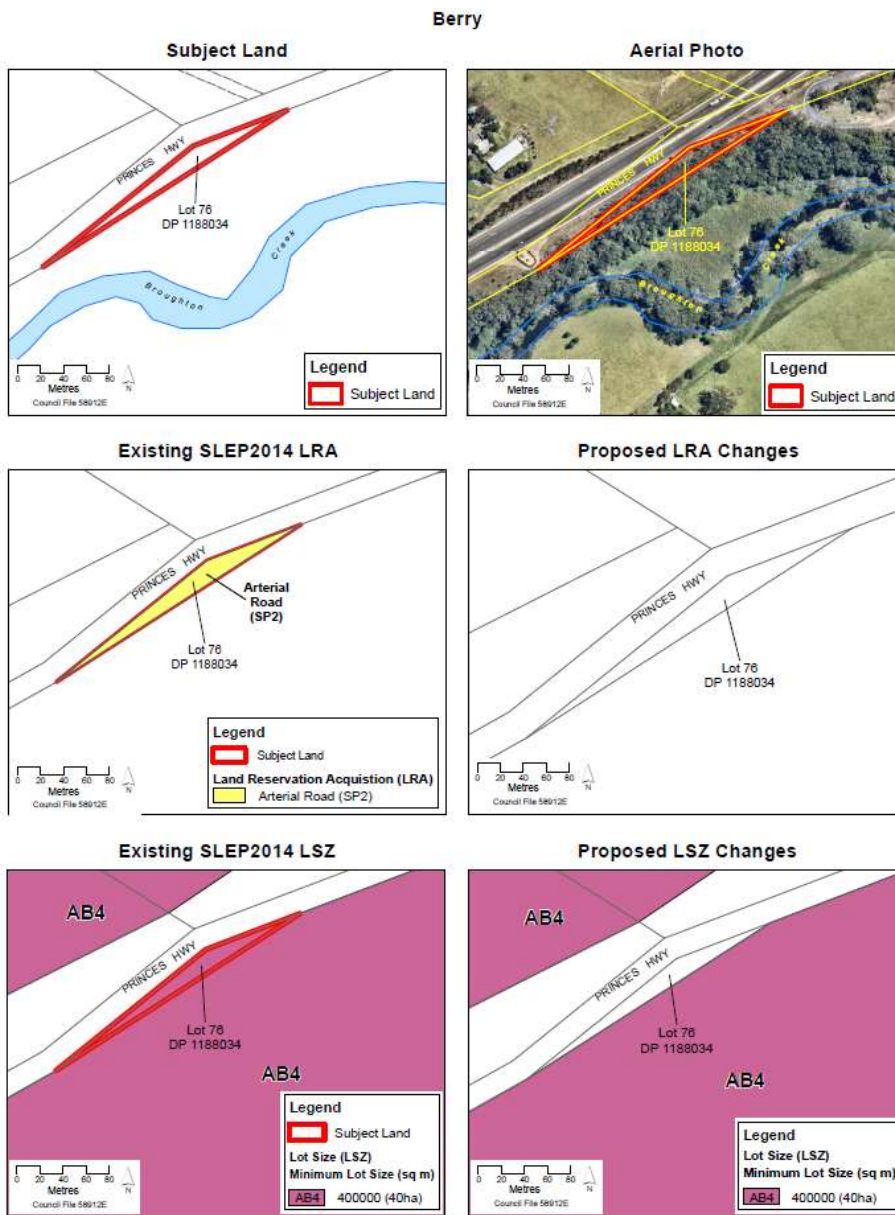
The lots have a mixed zoning of RU1 Primary Production and RE1 Public Recreation and there is a minimum lot size of AB4 40ha associate with the RU1 zone component. As the lots are now in Council ownership and form part of the sewerage treatment plant, they are required to be rezoned to SP2 Infrastructure and the minimum lot size layer needs to be removed. Additionally, the existing buffer layer associated with the sewerage treatment plant needs to be expanded to reflect the increased size of the sewerage plant.

Proposed Change:

Rezone Lot 1 DP 1224568, Lots 401 – 402 DP 1256042, Lot 5 DP 258065 Lot 1 DP 594857 from RU1 Primary Production and RE1 Public Recreation to SP2 Infrastructure and remove the minimum lot size layer currently applying and extend the sewerage treatment buffer.

3.6 Map Change - Minimum Lot Size and Land Reservation Acquisition

21. Lot 76 DP 1188034 – Princes Highway, Berry



Issue and Justification:

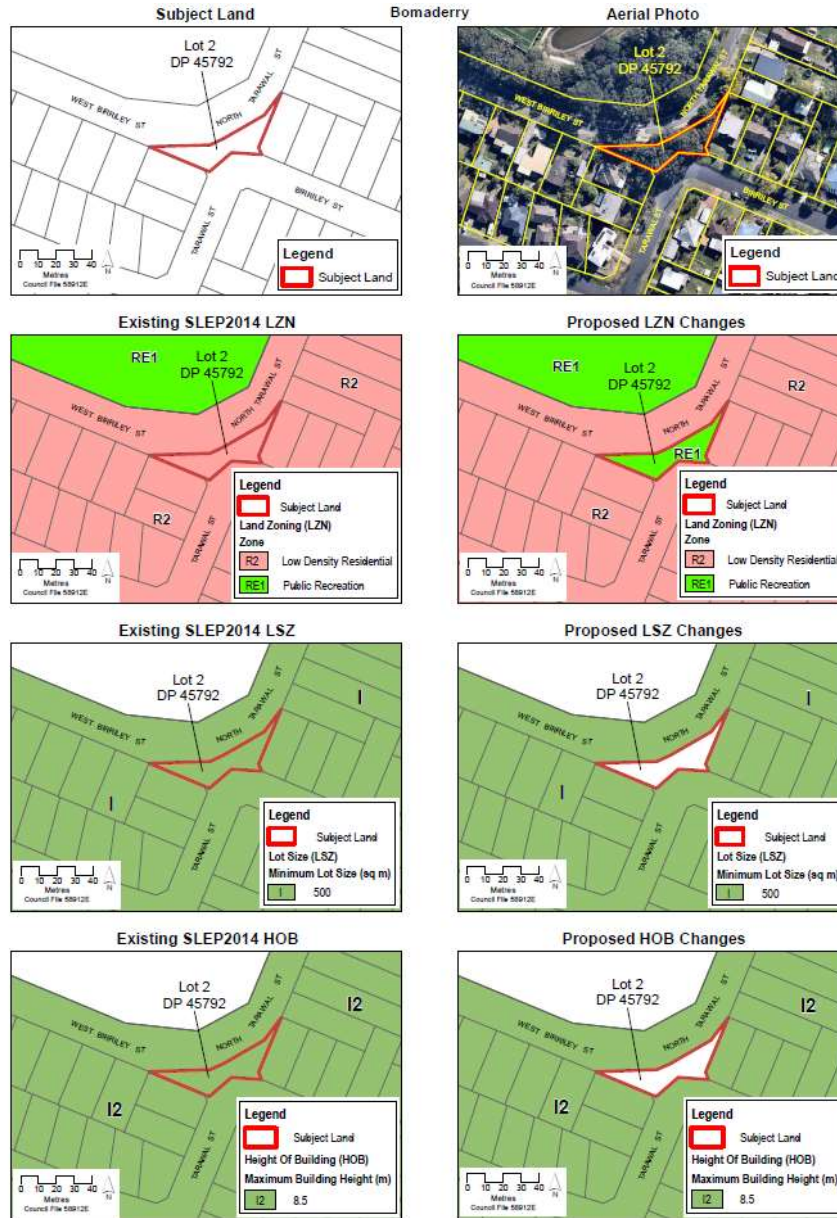
The lot is currently zoned SP2 Infrastructure (Arterial Road) and has a minimum lot size of AB4 40ha applying, as well as the land reservation acquisition layer. The minimum lot size should be removed, consistent with the zone and the land reservation acquisition layer should also be removed as the lot is now owned by Transport for NSW.

Proposed Change:

Remove the minimum lot size of AB4 40ha currently applying to Lot 76 DP 1188034 as the lot is zoned SP2 Infrastructure (Arterial Road) and does not require a minimum lot size. Additionally, remove the land reservation acquisition layer currently applying to the lot, as the land is now in the ownership of Transport for NSW.

3.7 Map Change – Minimum Lot Size, Zoning and Height of Building

22. Lot 2 DP 45792 West Birriley Street, Bomaderry



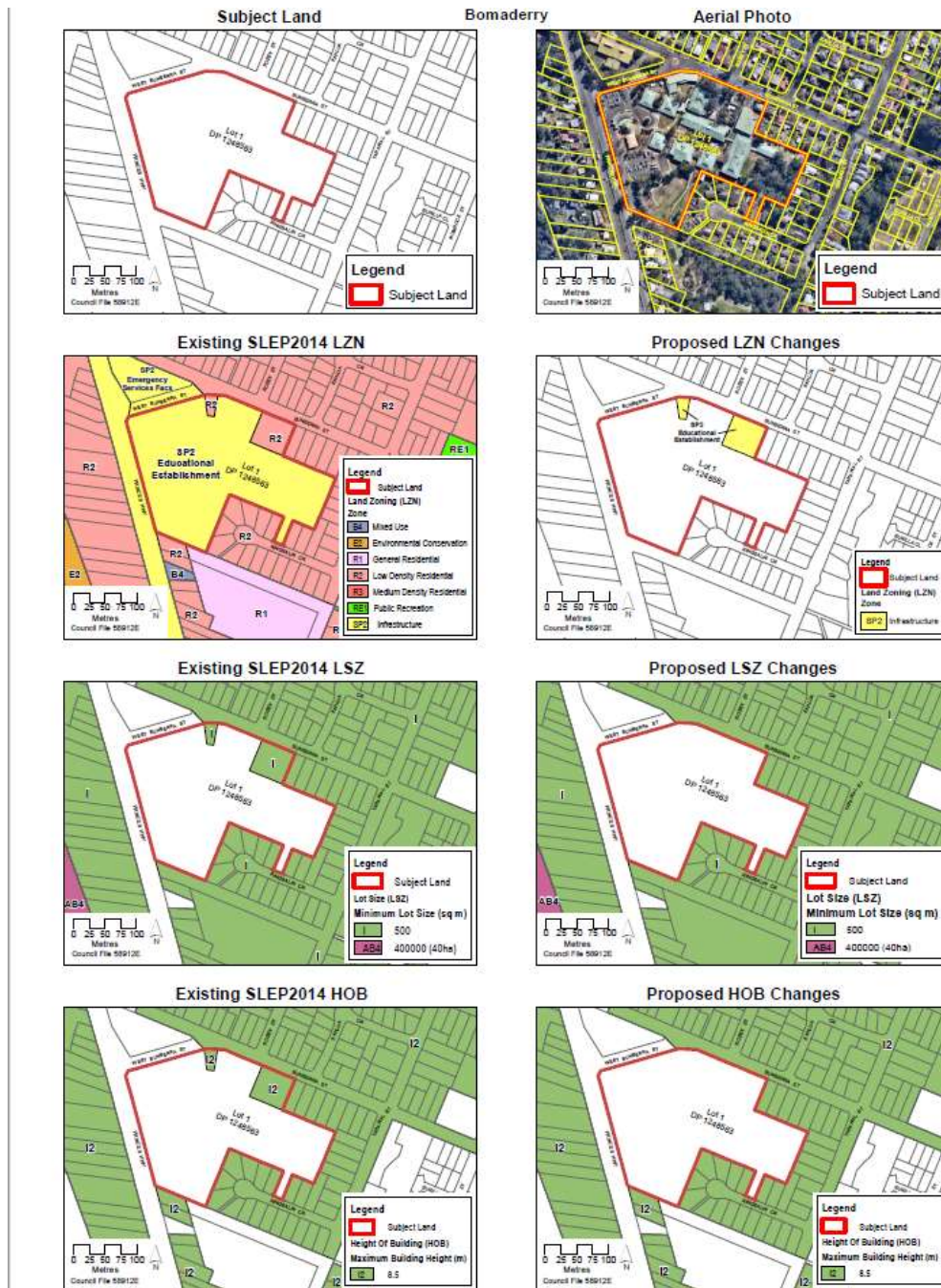
Issue and Justification:

The lot is currently zoned R2 Low Density Residential and has an associated minimum lot size of 1 500m² and building height of 12 8.5m; however, the lot is a crown reserve, which is managed by Council. The lot needs to be rezoned to RE1 Public Recreation to reflect its current use and the minimum lot size and height of building layer needs to be removed.

Proposed Change:

Rezone Lot 2 DP 45792 from R2 Low Density Residential to RE1 Public Recreation and remove the associated minimum lot size layer and height of building control applying to the land.

23. Lot 1 DP 1248563 – Bunberra Street, Bomaderry



Issue and Justification:

Part of the lot is zoned R2 Low Density Residential and has an associated minimum lot size of 1 500m² and building height of 12 8.5m. The R2 zoned components of the lot needs to be rezoned to SP2 Infrastructure (Educational Establishment) in order to reflect the site's use as a school and the minimum lot size and height of building layer should be removed, consistent with the zone.

Proposed Change:

Rezone the R2 components of Lot 1 DP 1248563 to SP2 Infrastructure (Educational Establishment) and remove minimum lot size layer and height of building layer.

24. Lot 83 DP 41490 – Naval Parade, Erowal Bay



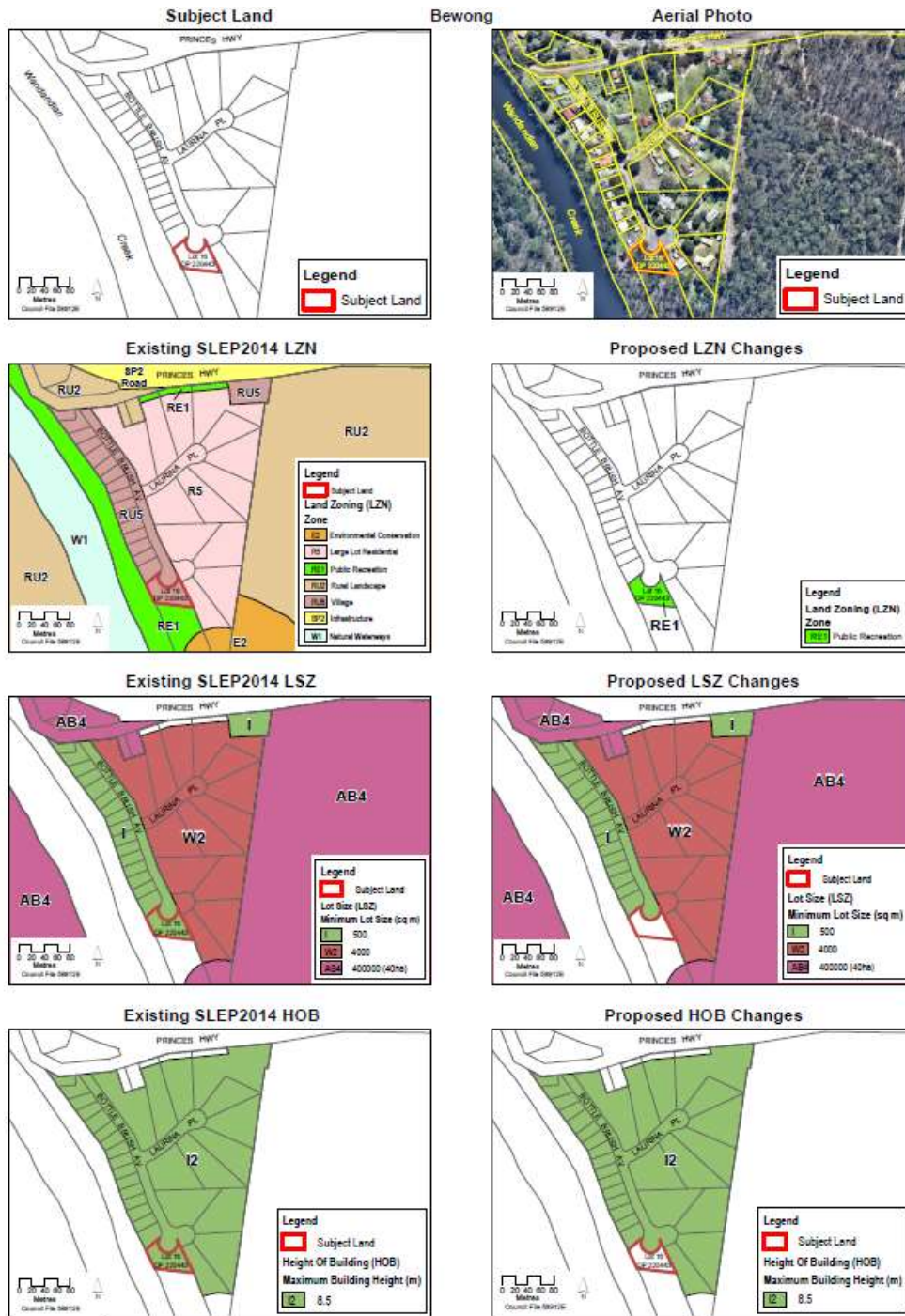
Issue and Justification:

The lot is zoned RE1 Public Recreation; however, the lot is in private ownership and contains part of the structure from the adjoining residential property also in the same ownership. The lot should be rezoned to R2 and an associated minimum lot size of 1 500m² and a building height of H 7.5m applied to reflect the lot’s residential use.

Proposed Change:

Rezone Lot 83 DP 41490 from RE1 Public Recreation to R2 Low Density Residential and apply a minimum lot size of 1 500m² and a building height control of H 7.5m

25. Lot 16 DP 220443, Bottle Brush Avenue, Bewong



Issue and Justification:

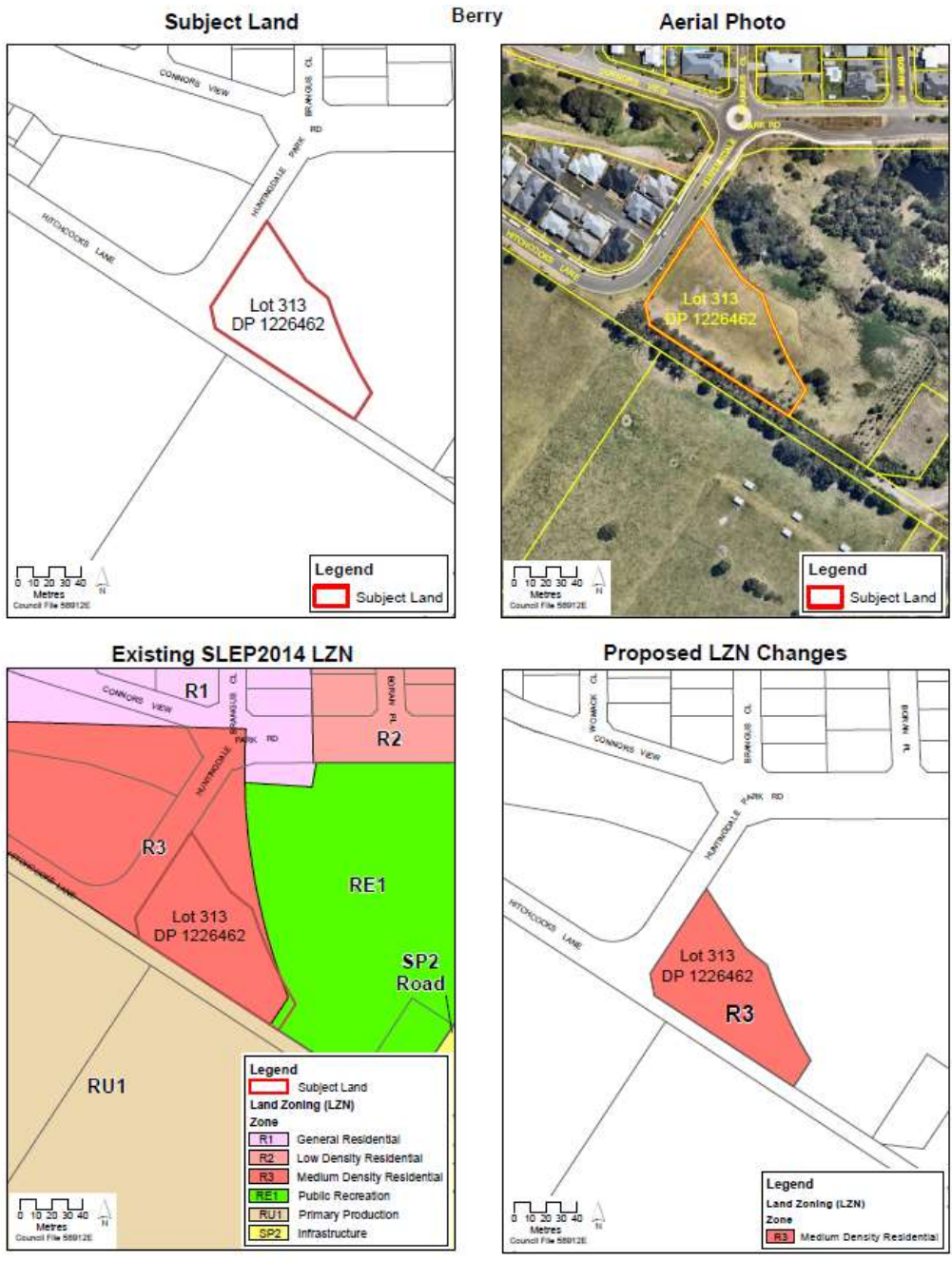
The lot is currently zoned RU5 Village and has an associated minimum lot size of 1 500m² and building height of 12 8.5m applying. As the lot is owned by Council and operates as a public reserve, it should be rezoned to RE1 Public Recreation and the associated minimum lot size and building height removed.

Proposed Change:

Rezone Lot 16 DP 220443 from RU5 Village to RE1 Public Recreation and remove the minimum lot size and height of building layers.

3.8 Map Change – Zoning

26. Lot 313 DP 1226462 - Berry



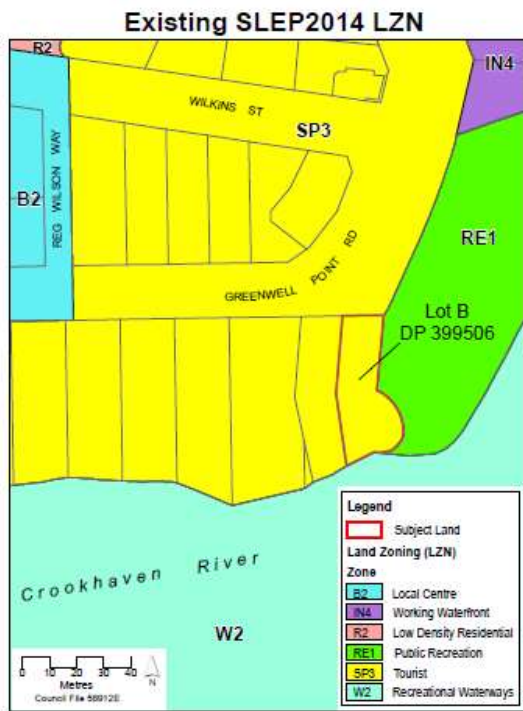
Issue and Justification:

The lot is predominantly zoned R3 Medium Density Residential; however, a small portion of the lot is zoned RE1 Public Recreation. The RE1 component needs to be rezoned to align with the registered subdivision and actual extent of the future public open space area.

Proposed Change:

Rezone the part of Lot 313 DP 1226462 currently zoned RE1 Public Recreation to R3 Medium Density Residential.

27. Lot B DP 399506 – Greenwell Point Road, Greenwell Point



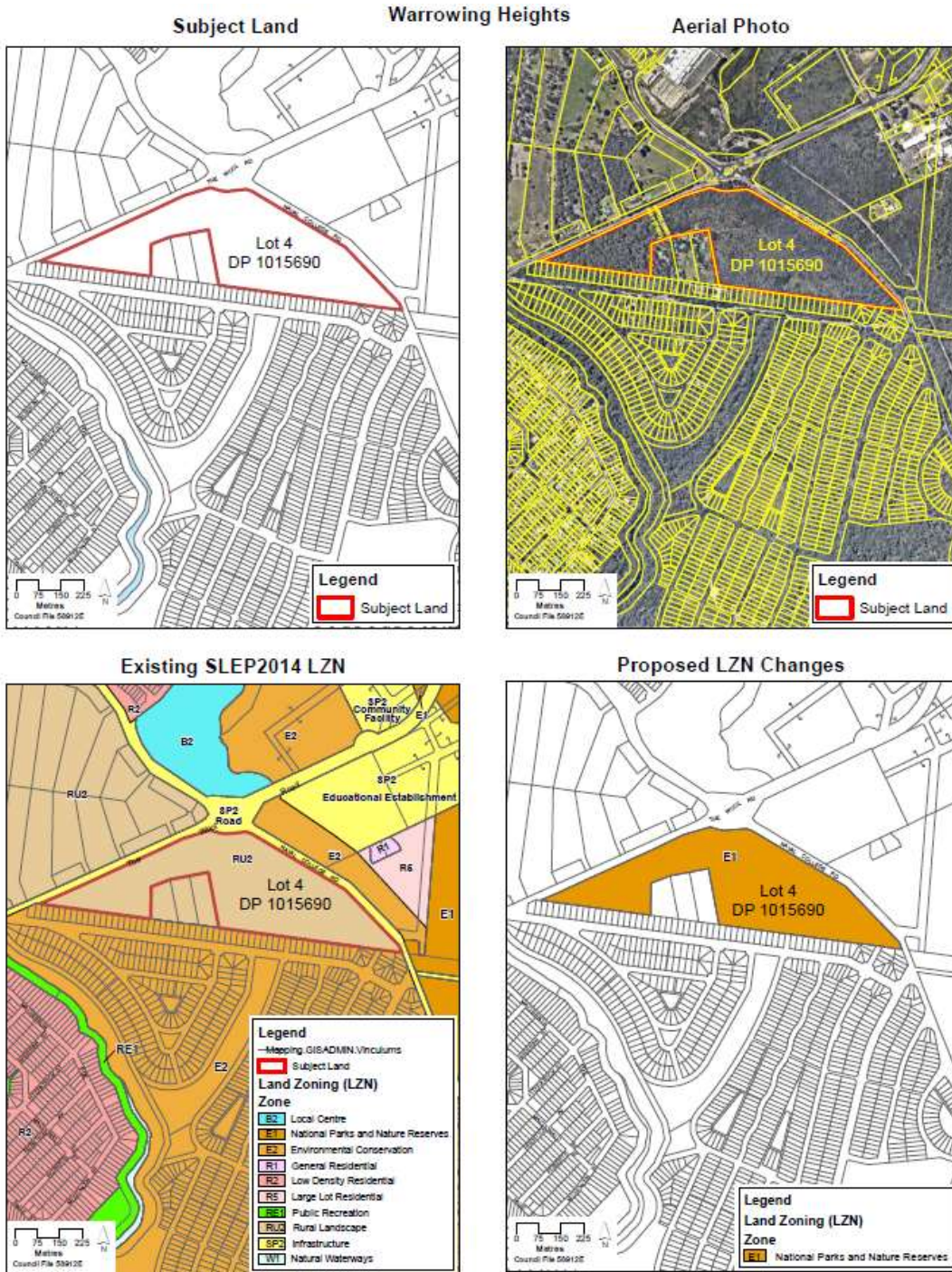
Issue and Justification:

The lot is zoned SP3 Tourist; however, the lot is owned by Council and operates as a public reserve. As a result, the lot needs to be rezoned to RE1 Public Recreation in order to reflect its use as a public reserve.

Proposed Change:

Rezone Lot B DP 399506 from SP3 Tourist to RE1 Public Recreation.

28. Lot 4 DP 1015690 and UPN 90580 Warringing Heights



Issue and Justification:

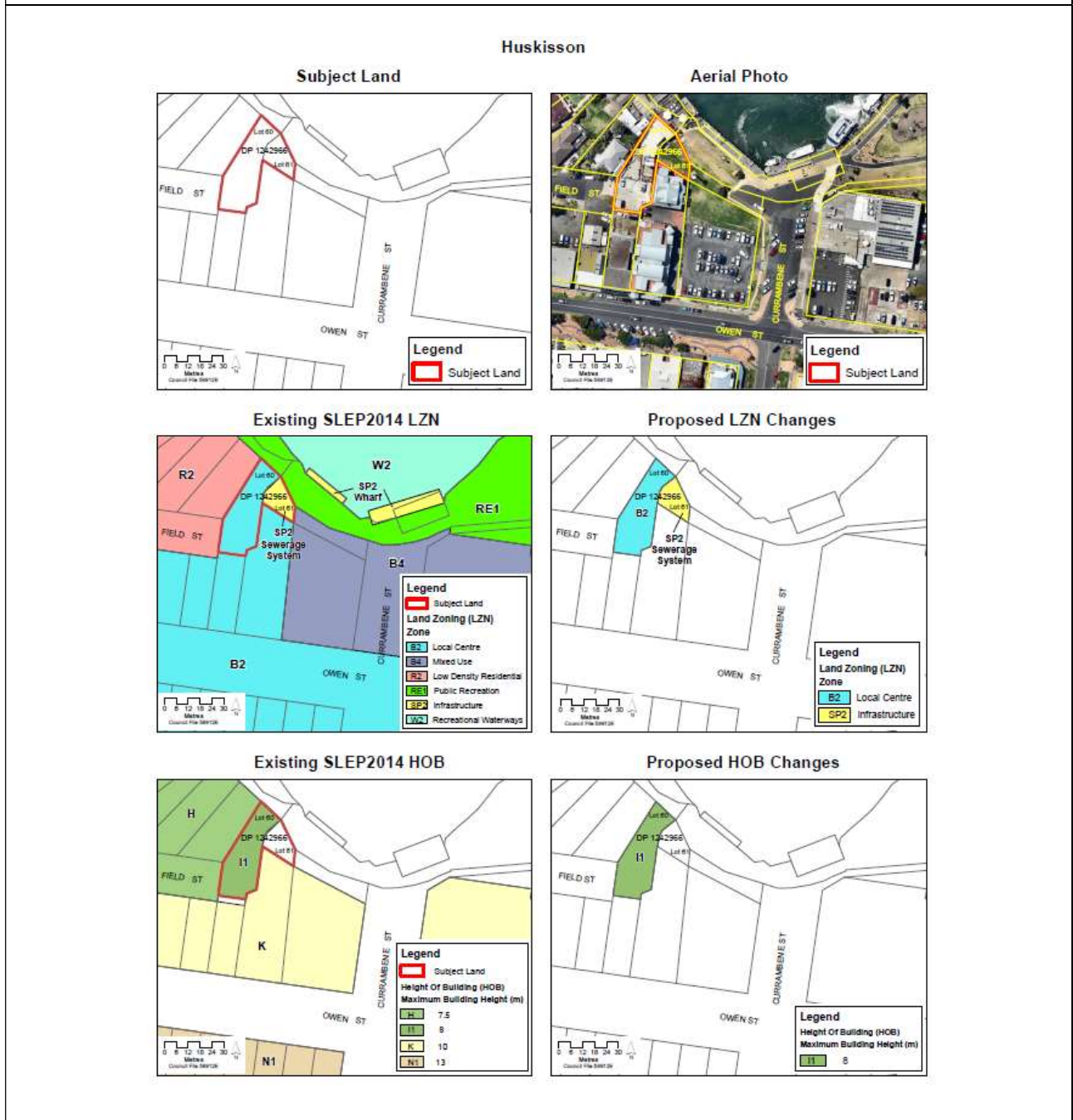
The lot is currently zoned RU2 Rural Landscape; however, the lot it is owned by National Parks and Wildlife and utilised for the purpose of a national park due to its environmental values. The lot should be rezoned to E1 National Parks and Nature Reserve to reflect the lots environmental values of the lot.

Proposed Change:

Rezone Lot 4 DP 1015690 and UPN 90580 from RU2 Rural Landscape to E1 National Parks and Nature Reserve.

3.9 Map Change – Zoning and Height of Building

29. Lot 60 & 61 DP 1242966, Owen Street, Huskisson



Issue and Justification:

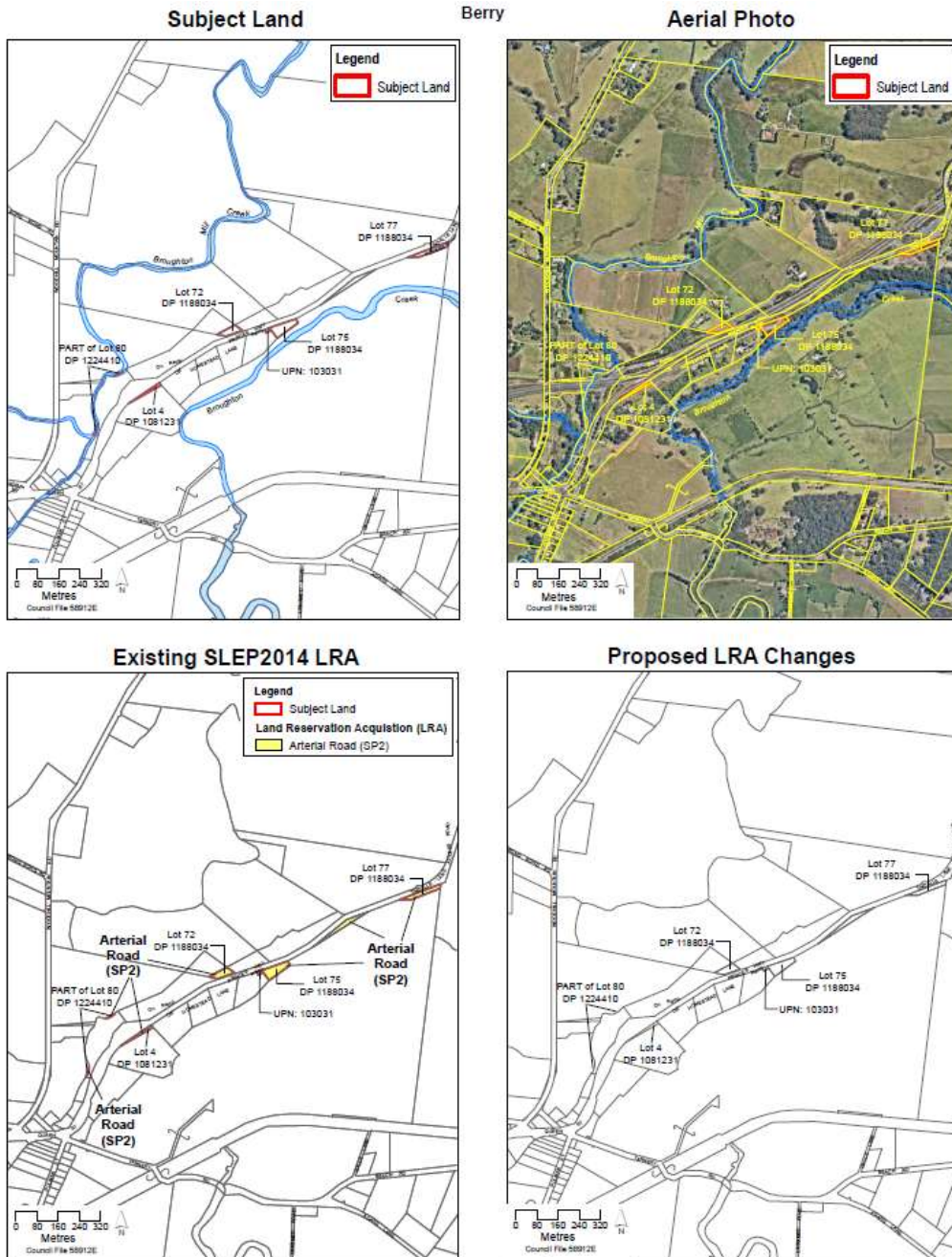
The land zoning currently applying to the lots is not consistent with the lot boundaries. Lot 60 should be zoned B2 Local Centre in its entirety and have an associated building height of I1 8m applying to the whole of the lot. Lot 61 should be zoned SP2 Infrastructure (Sewerage System) in its entirety and the height of building layer should not apply to the lot.

Proposed Change:

Lot 60 DP 1242966 – Apply the B2 zoning and I1 8m height of building layer to the entire lot. Lot 61 DP 1242966 – Apply the SP2 zoning to the entire lot and remove the height of building layer.

3.10 Map Change – Land Reservation Acquisition

30. Part of Lot 80 DP 1224410, Lot 4 DP 1081231, Lot 72, Lot 75 and Lot 77 DP 1188034 and UPN 103031, Berry



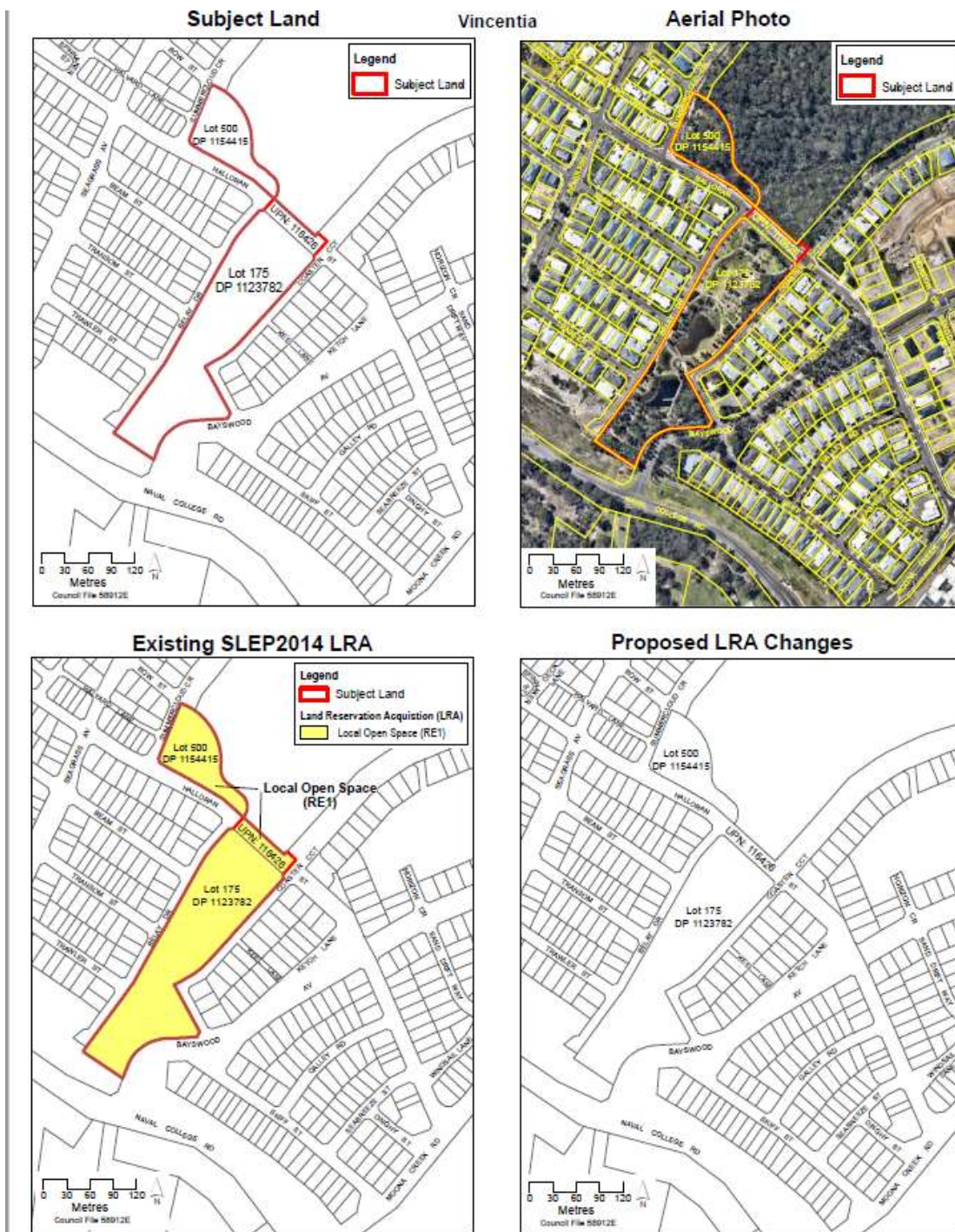
Issue and Justification:

The lots are currently zoned SP2 Infrastructure (Arterial Road) and have the Land Reservation Acquisition layer applied. As the land acquisition has already occurred and the lots are in the ownership of Transport for NSW, the LRA layer can now be removed.

Proposed Change:

Remove the Land Reservation Acquisition layer from part of Lot 80 DP 1224410, Lot 4 DP 1081231, Lot 72, Lot 75 and Lot 77 DP 1188034 and UPN 103031.

31. Lot 175 DP 1123782 & Lot 500 DP 1154415, Road Casement UPN 116426, Halloran Street, Vincentia



Issue and Justification:

The lots are currently zoned RE1 Public Recreation and have the Land Reservation Acquisition layer applied. As the land acquisition has already occurred and the lots are in the ownership of Council, the LRA layer can be removed.

Proposed Change:

Remove the Land Reservation Acquisition layer from Lot 175 DP 1123782 and Lot 500 DP 1154415 and road casement UPN 116426.

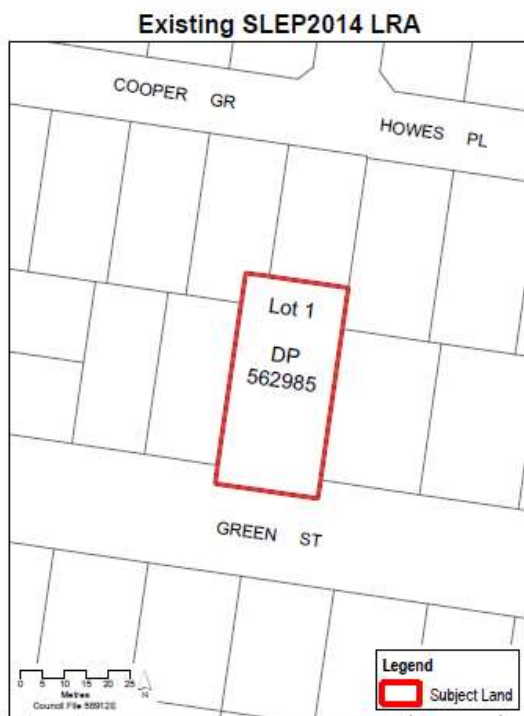
32. Lot 1 DP 562985 – 175 Green Street, Ulladulla



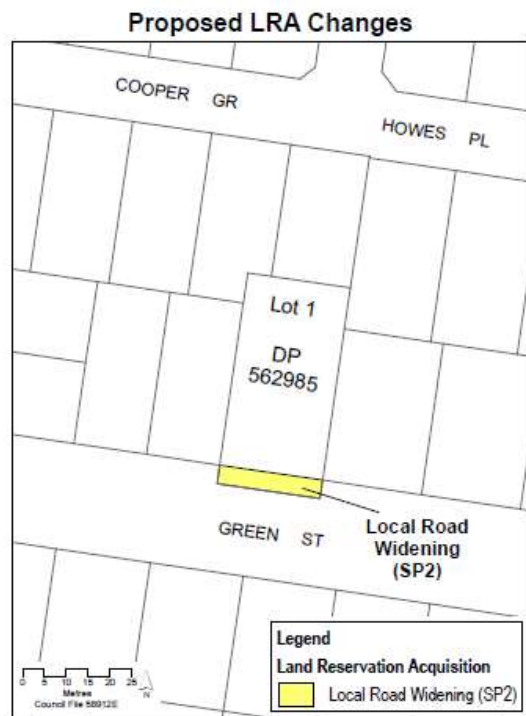
Ulladulla



Aerial Photo



Existing SLEP2014 LRA



Proposed LRA Changes

Issue and Justification:

The lot is currently zoned R2 Low Density Residential; however, part of the lot has been identified to be compulsorily acquired for the purpose of road widening and therefore requires the LRA layer to be applied.

Proposed Change:

Apply Land Reservation Acquisition layer to part of Lot 1 DP 562985.

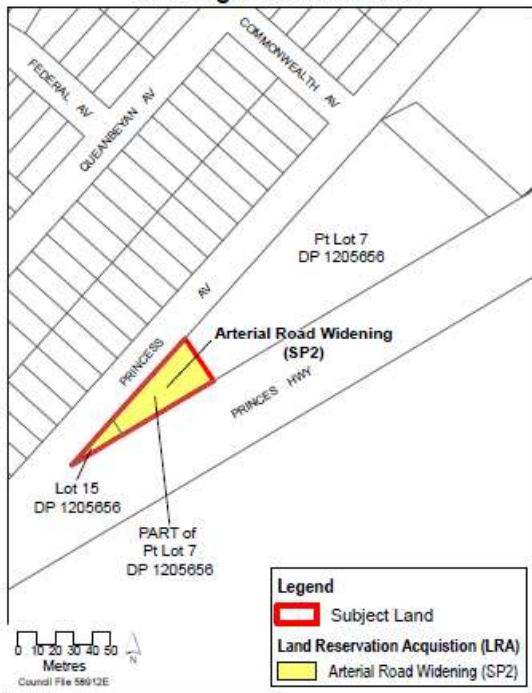
33. Lot 15 DP 1205656 and Part of part Lot 7 DP 1205656, Burrill Lake



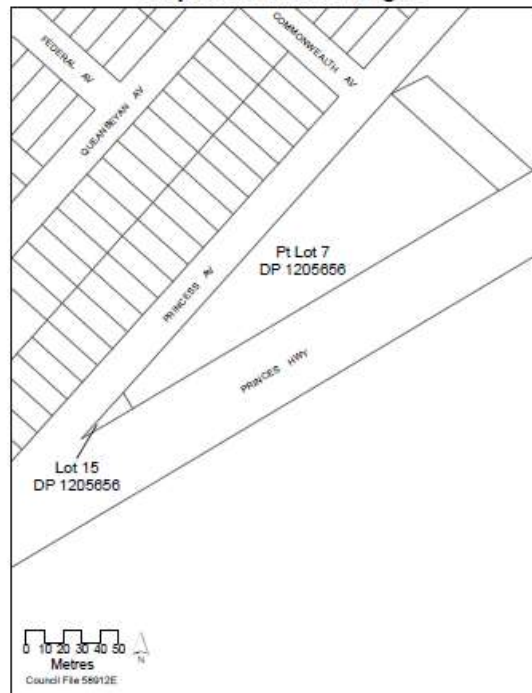
Burrill Lake



Existing SLEP2014 LRA



Proposed LRA Changes



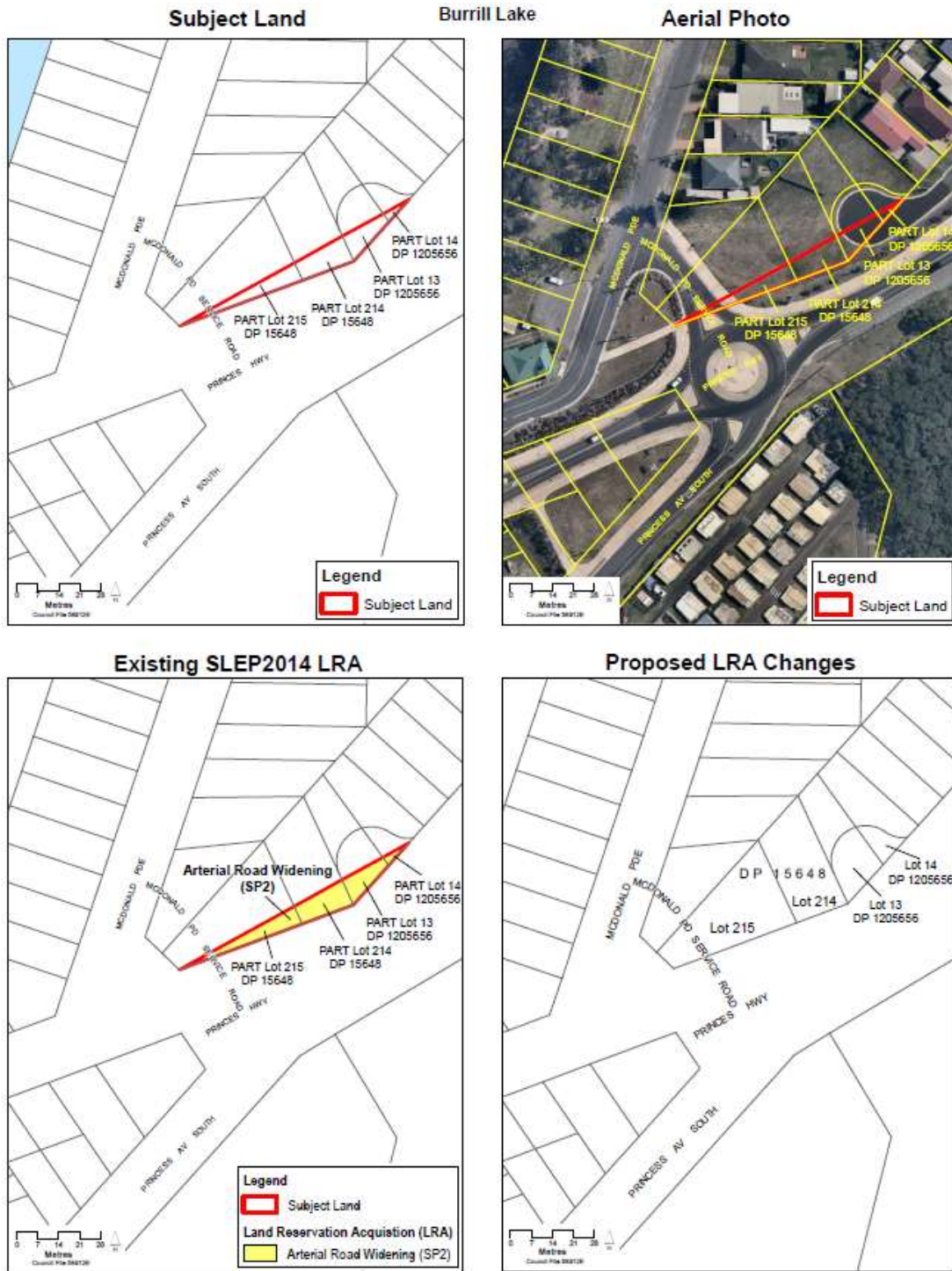
Issue and Justification:

The lots are currently zoned SP2 Infrastructure and have the Land Reservation Acquisition layer applying. As the land acquisition has already occurred and the lots are in the ownership of Transport for NSW, the Land Reservation Acquisition layer can be removed.

Proposed Change:

Remove the Land Reservation Acquisition layer from Lot 15 DP 1205656 and part of part Lot 7 DP 1205656.

34. Part of Lot 214 and Lot 215 DP 15648 and Part of Lot 13 and Lot 14 DP 1205656, Princes Highway, Burrill Lake



Issue and Justification:

The lots are currently zoned SP3 Tourist and have the Land Reservation Acquisition layer applying. As the land acquisition has already occurred and the lots are in the ownership of Transport NSW, the LRA layer can be removed.

Proposed Change:

Remove the Land Reservation Acquisition layer from part of Lot 214 and Lot 215 DP 15648 and part of Lot 14 DP 1205656.

3.11 Map Change – Terrestrial Biodiversity

35. Lot 1 DP 1182150 – Culburra Road, Wollumboola



Issue and Justification:

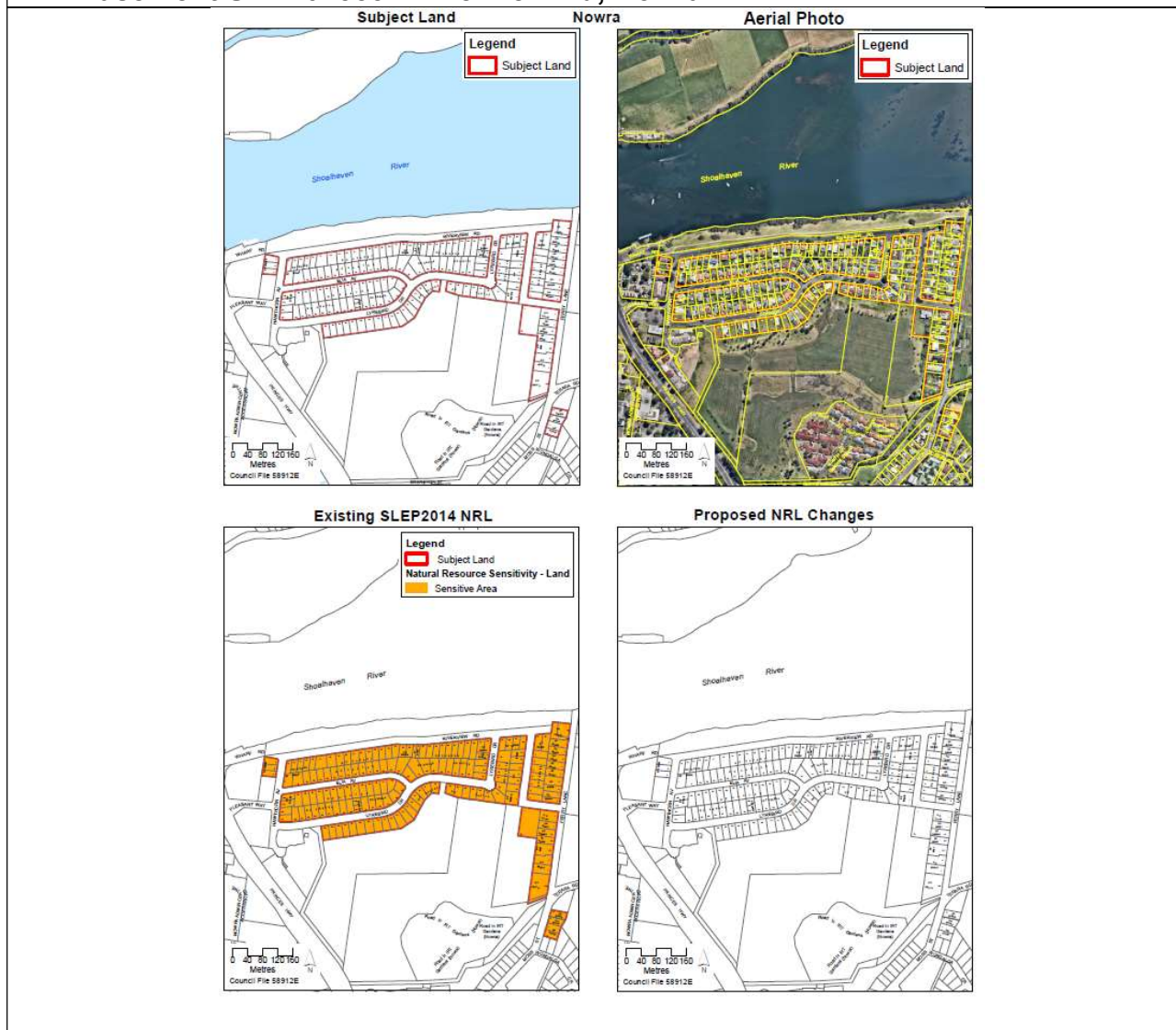
The lot was previously a Crown Road Reserve; however, this has since been closed and the property sold into private ownership. As a result, the biodiversity – habitat corridor layer should now be applied to the land to recognise the habitat corridor and environmental values of the lot.

Proposed Change:

Apply Terrestrial Biodiversity – habitat corridor layer to Lot 1 DP 1182150.

3.12 Map Change – Natural Resource Sensitivity Land

36. Lots 5-7, 12-16, 29 & 30, 32-48 DP209295, Lots 1 & 2 DP514284, Lots 17-27 DP223097, Lots 1 & 2 DP543018, Lots 38-56, 59-77 DP244739, Lots 1 & 2 DP582366, Lots 109 & 110 DP217409, Lots 78-82, 84-94 DP255834, Lots 831 & 832 DP 833974, Lots 63-76 DP1198691, Lots 13 & 14 DP239392, Lots 10-12, 16-35 DP242770, Lot 1 DP630076, Lots 1-7 DP239392, Lots 101 & 102 DP1134663, Lot 1 DP986394, Lot 1 DP196846, Lot 5 DP735397, Lot 1 DP198434, Lot 1 DP797061, Lots 4 & 5 DP540895, Lots 1 & 2 DP532369, Lot 1 DP1053438, Lot 1 DP714140, Lot 1 DP 193881, Lot 15 DP1085833, SP52588 DP52588, Lot CP SP6397, Lots 1 & 2 DP563918, Lot 135 DP1094714, Lot 11 DP225826, Lot 7 DP538956, Lot 2 DP540745, Lot1 & 2 DP521592, Road Casement UPN101585 - Riverview Rd, Nowra



Issue and Justification:

The lots are currently mapped as being affected by the Natural Resource Sensitivity (NRS) layer; however, as the land does not meet the requirements of this clause in relation to land degradation and slope, this layer should not apply.

Proposed Change:

Remove the Natural Resource Sensitivity layer from the subject lots.

3.13 Map Change – Clause 5.9 Preservation of Trees or Vegetation

Item	Address	Description
37	Albatross Rd and Calymea St, Nowra Hill	Lots 1 – 9, Lots 13-27, Lots 29 – 106 DP 29970 & Lot 80 DP 804901
		Lot 7 DP 877899, Lots 501, 502, 508 & 509 DP 877900, Part of Lots 12, 13, 14, 17, 18, 19, 20 DP 833420, Part of Lot 555 DP 1254135
		Road UPNs 102557, 105081, 89329, 89428 - 32, 106497, 106500, 106485, 106486, 106495, 106496, 108391, 108088, 101420, 101421, 108147, 100841 & Part of Road UPN's 106499, 104987, 105050 & 108203, 103836, Wollumboola
	Emmett St, Callala Bay	Lots 6-14 Sec6 DP9063, lots 127&128 DP1127610, Lot 1 Sec6 DP9063, Lots 1&2 DP1207186, Lots 3&4 Sec6 DP9063, Lots 15-26Sec7 DP9063, Lot CPSP95255 Lots 1-8 DP286418, Lots1-3 DP1110652, Lots 1-14 Sec5 DP9063, Lots 1-28 Sec8 DP9063, Lots 1-28 Sec19 DP9063, Lot 8 Sec20 DP9063, Lots 1-8, 10-12, Lots 15-28 Sec 21 DP9063, Lots 1-3, Lot 8, Lots 12-26, Lot 28 Sec22 DP9063, Pt of Lot 1 DP732631, Lot 5 Sec14A DP9063, Lot 5&8 Sec11A DP9063, Lot 1 DP1143027, Lots 1&2 DP1246027, Lots 6 & 9&8,12&13 Sec15A,Lots 1-9 Sec16A DP9063, Lots 1-6 Sec 28A DP9063, Lots 2,4,13&15 Sec10A DP9063, Lots 3-10 & 12-16 Sec9A DP9063, Lots 1-10&12-19 Sec8A DP9063, Lots 3-9 & 16&17 Sec7A DP9063, Lots 101&102 DP1117983, Lots 1&2 DP1241840, Lots 61&62 DP1259066, Lots 5, 7-10, 12-16 Sec 6A DP9063, Lots 1-3, 5-8, 15-22 Sec5A DP9063, Lots 1&2 DP1216670, Lots 1&2 DP1238459, Lots 4&5 DP1216670, Lots 1-9, 14-16, 18, 20-24, Sec4A DP9063, Lots 121-123 DP1190991, Lots 1-9, 14-24 Sec4A DP9063, Lots 121-123 DP1190991, Lots 1-9, 14-24 SEC 3A DP9063, Lot 1 DP1194395, Lots 3&4 DP1251984, Lots 1-24 Sec2A DP9063, Lots 1-14 Sec4 DP9063, Lots 1-28 Sec9 DP9063,Lots1-24 Sec18 DP9063, Lots 1-28 Sec23 DP9063, Lots 1-28 Sec24 DP9063, Lots 1-28 Sec17 DP9063, Lots 1-8 Sec10 DP9063, Lot 1 Sec11 DP9063, Lot 8 Sec15 DP9063, Lots 3&4,7-9, 12-16 Sec13 DP9063,Lots 1-5, 8&10 Sec14 DP9063, Lots 7-12 Sec 27 DP9063, Lot 6 Sec26 DP9063, Lots1-8 Sec25 DP9063, Part Lot 103 DP1046323, Pt of Lot 127DP1127610, Pt of Lot 1 DP732631, Lot 2 DP1134168, Road UPNs 109609, 109319, 109317, 109320, 109318, 85965, 108081, 105021, 85964, 105022, 108113
Kinghorne	Lot 104 DP 875249, Part of Lot 7 DP 833421, Part of Lot 1 DP 875629, Part of Lot 32 DP 861840, Lots 28 - 45 DP 13393, Lots 46 - 61 DP 13393, Lots 110 - 137 DP 13393, Lots 207 - 221 DP 13393, Lot 339 DP 13393, Lot 336 DP13393 Part of Road Casement UPN 1000661	
Falls Creek & Woollamia	Lots 112, 112A,113, 114, 114A, 115, 115A, 116, 116A, 118, 118A, 119, 119A, 122, 122A, 123, 123A, 124, 124A&B, 125, 125A&B, 126, 126A&B, 127, 127A&B, 128, 128A&B, 129, 129A&B, 131, 131A, 132, 132A, 133, 133A&B, 134, 134A&B, 135, 135A&B, 136A&C, 137, 138, 138A, 139, 139B, 140, 140A&B, 141, 141A&B, 130, 130A&B,142, 143, 143A, 148, 149C, Pt 149A, Pt 153&153A, 163, 163A&B, 162, 162A&B, 161, Pt 161A,160, 160A, 159, 159A, 158, 158A, 157, 157A, 155, 155A, 210C&D DP15266. Part Lot 150, 146 & 199 Lots 117, 120, 121, 198 DP 9289, Lots 1, 2 & 3 DP1251693, Lot 161 DP 659085, Lots 1 & 2 DP 1250944, Lots 249-	

		270, 275-278, 353-361, 418-421, 424-430, 476-477, 482-489 DP 27575, Road UPN 104084, Lots 196, 196A&B DP 15266
	Falls Creek	Lots 1-14 DP 16196, Lots 3- 29 DP 15461, Lots 510 & 511 DP 1206229, Lots 5-10, 17-50, 52-56, 62-64, 66-85, Pt 59 & Pt 60, 86-87, 92-96 DP 15507 Road UPNs - 100218, 111833, 111834, 111835, 106794
	Woollamia	Lot 3 DP 11726361, Lots 1-3 DP 1215402, Lot 100 DP 1128450, Part of Lot 1 DP 1163151, Lots 211-222 DP 15559, Lots 1-46 DP 27814, Lots 1 & 2, 5-8, 11-18, 23 & 24, 69, 69A, B, C & D, Pt 72A & B, Lot 77, 77A, 78, 78A & B, Lot 82, 82A, 83, 83A, 84, 84A, 85, 85A, 89, 89A, 90, 90A, 91, 91A, 92A, 211 DP 15266, Lots 1 & 2, 5-8, 11-18, 23&24, Lots 30-62, 64-66, 79-80, 200-202, Pt 27, 28, 29, Pt 93 & 94, Pt 96, Pt 100, Pt 181 DP 9289
	Worrowing Heights & Erowal Bay	Lot 1 DP 1247959, Lot 67 DP 850084, Pt of Lot 703 DP 1163797, Pt of Lot 41&42 DP 1018535, Lot 1 DP 807033, Pt of Lot 4 DP 1015690, Lot 7301 DP 1163797, Lot 1 DP 625153, Lot 1&2 DP 1174780, Lot 1 DP 1005416, Lot 1 DP 724813, Lot 59 DP 880940, Lots 1741 - 1743, 1749-1757, 1759-1764, 1767 & 1768 DP 28785, Lots 1-12, Pt Lot 13, 14-231 DP 8362, Lots 4, 8, 10-12, 14-16, 18,19, 21-58 DP 8771, Lots 1-169, Lots 169-189, 189A, 190-227 DP 8770, Lots 1-209, 211-220, 223-319 DP 8591, Lots 1-206, 217-374 DP 8590, Lots 1-242, 244-269 DP 8772, Lots 1-200, 202-222, 224-233, Pt 234, 238-241, 243-259 DP 8769, Lots 206-268 DP 8592 Road UPNs - 56077, 56076, 56055, 56050, 110806, 46902, 105586, 104255, 10663, 104257, 110187, 102939, 106666, 11465, 106875, 106664, 106874, 106876, 106665, 105124, 105583, 111127, 104894. Drainage Reserve UPNs - 66529, 66499, 66493, 66502, 68704, 68705, 68699
	St Georges Basin	Road UPNs - 38578, 100274, 114788 Lot 1 DP 1223665, Lot 1 DP 1120892, Lots 31 & 32 DP 1215979, Lots 1 & 2 DP 1245924, Lots 211 & 212 DP 1168119, Lots 1 & 2 DP 858073, Lot 1 DP 566420, UPN 104314, Lots 4-6, 11-20, Sec A, Lots 1-20 Sec B, Lots 1-20 Sec C, Lots 1-13,18-20 Sec D, Lots 1-20 Sec E, Lots 1-9, 12-14 Sec F, Lots 1-11, 13-16, 19-20 Sec G, Lots 1-4, 7-10, 11-16, 19-20 Sec H, Lots 2-10, 13-18, Sec J, Lots 1-10 Sec K DP 9699. Lots 1-11, 14-17, 19-20,22-32, 46-48, 51-53 UPN 103588 DP 17199, Lots 444, 468-476, 484-489, 496-507, 514-579, 655-663 DP 8399 Road UPNs - 107627, 112500, 111265, 112638, 96853, 96854, 93038, 93039, 93040, 115612, 96856, 96855
	Tomerong	Lots 1-10, Pt 11, 37 & 38 DP 11629 Road UPNs - 111917, 111982, 11918
	Sussex Inlet	Lots 1 - 32 DP 9897 Road UPNs - 112870, 112737, 112736, 112735, 111274, 112734, 111276, 112869, 111275
Issue and Justification:		The subject lots are currently mapped as being affected by clause 5.9 of the Shoalhaven LEP 2014, which was repealed from the LEP on 25 August 2017.
Proposed Change:		Remove clause 5.9 mapping from the subject lots.
See maps at Attachment C		

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 amendments cover a range of mapping related matters, identified as housekeeping issues relating to Shoalhaven LEP 2014. 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 expected outcomes of Council's LEP, ensuring that Shoalhaven LEP operates as originally intended and is improved in its operation.

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

Yes. The 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 plan 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 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.

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
 - 1.2 Support active, healthy liveable communities
- Theme 2. Sustainable, liveable environments
 - 2.1 Improve and maintain road transport networks;
 - 2.2 Plan and manage appropriate and sustainable development; and
 - 2.3 Protect and showcase the natural environment
- Theme 3. Prosperous communities
 - 3.1 Maintain and grow a robust economy with vibrant towns and village.
- Theme 4. Responsible governance
 - 4.1 Deliver reliable services

Other Local Strategic Plans

Due to the housekeeping nature of the PP, the PP is considered consistent with the:

- Shoalhaven Growth Management Strategy
- Nowra Bomaderry Structure Plan
- Jervis Bay Settlement Strategy
- Milton Ulladulla Structure Plan
- Sussex Inlet Settlement Strategy

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. A large number of residentially zoned and non-residentially zoned lots in the PP fall 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.

Exempt and Complying Development Codes 2008

The SEPP sets out a number of Codes which enables certain development to be undertaken without Council approval via the exempt or complying development streams. There are no provisions in this SEPP that directly apply to the PP, and therefore the PP is not inconsistent in this regard.

Sydney Drinking Water Catchment 2011

The SEPP specifies provisions to protect the water quality in the Sydney Drinking Water Catchment area. There are no provisions in this SEPP that directly apply to the PP, and therefore the PP is not inconsistent in this regard.

It is noted that the SEPP will need to be taken into consideration as part of any development application in the catchment area, notably Clause 10, which requires a neutral or beneficial effect on water quality to be demonstrated.

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.

1.1 Business and Industrial Zones

The direction applies as the PP affects land within an existing or proposed business or industrial zone. The PP intends to alter the existing business or industrial zones through the following changes:

Item 4	Remove the minimum lot size of 1 500m ² currently applying to Lot 1 DP 786156 as the lot is zoned B2 Local Centre and does not require a minimum lot size.
Item 19	Rezone Lot 16 DP 259169 from IN1 General Industrial and RU1 Primary Production to SP2 Infrastructure, remove the minimum lot size layer and extend the sewerage treatment buffer layer.
Item 29	Lot 60 DP 1242966 – Apply B2 zoning to entire lot and apply I1 8m height of building layer. Lot 61 DP 1242966 – Apply SP2 zoning to entire lot and remove the height of building layer.

The PP is generally consistent with the direction, as it:

- Gives effect to the objectives of direction 1.1 Business and Industrial Zones;
- Retains the area and locations of existing business and industrial zones; and

The PP is inconsistent with part 4(d) of this direction, which is discussed below:

- Mapping item 19 proposes to rezone land from RU1 Primary Production and IN1 General Industrial to SP2 Infrastructure (Sewerage Treatment Plant), which will affect the total potential floor space area for the industrial development in this location. Whilst this relates to a large parcel of land, there is adequate provision and future ability to provide a range of industrial uses throughout the Nowra-Bomaderry area and the broader Shoalhaven, with existing industrial zoned land in close proximity to the site. The proposal also resolves a zoning anomaly resulting from an existing lawful sewerage treatment plant. Therefore, the departure is considered of minor significance.

1.5 Rural Lands

This direction applies as the PP affects land within an existing or proposed rural or environmental zone through the following changes:

Item 2	Apply a minimum lot size of AB4 40ha to Lot 7316 DP 1167006 consistent with the E2 Environmental Conservation and RU1 Primary Production zones.
Item 3	Apply a minimum lot size of AB4 40ha to Lot 118 DP 45810 consistent with the E2 Environmental Conservation zone.

Item 7	Rezone Lot 2 DP 1190041 from RU1 Primary Production to SP2 Infrastructure (Road) and remove the minimum lot size layer currently applying.
Item 8	Rezone Lot 7 DP 1204186 from RU1 Primary Production to SP2 Infrastructure (Road) and remove the minimum lot size layer currently applying.
Item 17	Rezone Lots 2, 5 and 7 in DP 1193476 from RU2 Rural Landscape to SP2 Infrastructure (Road) and remove the minimum lot size layer currently applying. Rezone Lots 3, 4 and 6 in DP 1193476 from RU3 to SP2 Infrastructure (Road).
Item 18	Apply a minimum lot size of W2 4000m2 and a height of building control of I2 8.5m to the entirety of Lot 52 DP 1011824 and Lot 14 DP 817911.
Item 19	Rezone Lot 16 DP 259169 from IN1 General Industrial and RU1 Primary Production to SP2 Infrastructure, remove the minimum lot size layer and extend the sewerage treatment buffer layer.
Item 20	Rezone Lot 1 DP 1224568, Lots 401 – 402 DP 1256042, Lot 5 DP 258065 Lot 1 DP 594857 from RU1 Primary Production and RE1 Public Recreation to SP2 Infrastructure and remove the minimum lot size layer currently applying.
Item 28	Rezone Lot 4 DP 1015690 and UPN 90580 from RU2 Rural Landscape to E1 National Parks and Nature Reserve.
Item 35	Apply the Terrestrial Biodiversity (Habitat corridor) layer to Lot 1 DP 1182150.
Item 37	Remove clause 5.9 mapping from the subject lots, as this clause has now been repealed and removed from Shoalhaven LEP 2014.

The PP:

- Is consistent with the applicable strategic plan (see section 4.2.1)
- Does not result in controls that infringe upon farmers rights to farm.
- Does not prohibit the use of rural zoned land for the purpose of agriculture and primary production.

Items 7,8,17,20 of the PP propose to rezone the land from a rural zone to an infrastructure zone for the purpose of road widening. As the affected land is already within the ownership of Council or Transport NSW and generally only relates to small portions of rural land adjoining existing road corridors, the departure is considered of minor significance.

Item 29 proposes to rezone a rural lot from RU2 Rural Landscape to E1 National Park and Nature Reserve. Whilst this is will prevent the lot being utilised for farming purposes, the item is considered to be consistent with part 4(c) of the direction, as it relates to environmentally zoned land and will ensure the protection of the lots environmental values into the future.

All other items mentioned in the above table are generally considered to be consistent.

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 through the following changes:

Item 2	Apply a minimum lot size of AB4 40ha to part of Lot 7316 DP 1167006 E2 Environmental Conservation and RU1 Primary Production.
Item 3	Apply a minimum lot size of AB4 40ha to Lot 118 DP 45810 consistent with the E2 Environmental Conservation zone.
Item 28	Rezone Lot 4 DP 1015690 and UPN 90580 from RU2 Rural Landscape to E1 National Parks and Nature Reserve.
Item 35	Apply the Terrestrial Biodiversity (Habitat corridor) layer to Lot 1 DP 1182150.
Item 37	Remove clause 5.9 mapping from the subject lots, as this clause has now been repealed and removed from Shoalhaven LEP 2014.

The PP is considered to be generally consistent with this direction, as it provides for the ongoing protection of environmentally sensitive areas.

Item 38 consists of those lots currently mapped as being affected by clause 5.9 of the Shoalhaven LEP 2014. Whilst removing these maps from the PP is inconsistent with the direction as it removes environmental protections, clause 5.9 was previously repealed from Shoalhaven LEP 2014 on 25 August 2017 as per the requirements of the Department of Planning, Industry and Environment and has since been replaced by *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*. The inconsistency is of minor significance.

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.

As this is a housekeeping amendment, most amendments 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.

2.6 Remediation of Contaminated Land

This direction applies as the PP relates to various land across the City, some of which may be potentially contaminated. The PP is not inconsistent with this direction as the proposed changes are of a housekeeping nature and any development assessment process for future development would consider the above (as relevant).

3.1 Residential Zones

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

Item 9	Rezone the R2 component of Lot 1 DP 380147 and Lot B DP 381368 of the land to RE1 consistent with the remainder of the lot and remove the associated minimum lot size.
Item 10	Rezone the R1 General Residential component of Lot 20 DP 1137630 to RE1 and remove the associated minimum lot size.
Item 11	Rezone Lot 199 DP 1193312, Lot 400 DP 1209326, Lot 200 DP 1193312 from R1 General Residential to RE1 Public Recreation and remove the associated minimum lot size.
Item 12	Rezone Lot 319 DP 1228721 from R1 General Residential to RE1 Public Recreation and remove the associated minimum lot size.
Item 13	Rezone Lot 783 DP 1228508 from R1 General Residential to RE1 Public Recreation and remove the associated minimum lot size.
Item 14	Rezone Lot 35 DP 226342 from R2 Low Density Residential to RE1 Public Recreation and remove the associated minimum lot size and height of building control applying to the land.
Item 15	Rezone Lot 317 DP 1232292 from R1 General Residential to RE1 Public Recreation and remove the associated minimum lot size.
Item 22	Rezone Lot 2 DP 45792 from R2 Low Density Residential to RE1 Public Recreation and remove the associated minimum lot size and height of building control applying to the land.
Item 23	Rezone the R2 Low Density Residential component of Lot 1 DP 1248563 to SP2 Infrastructure and remove the associated minimum lot size and height of building control applying to the land.
Item 24	Rezone the Lot 83 DP 41490 from RE1 Public Recreation to R2 Low Density Residential and apply a minimum lot size of 1 500m2 and a building height control of 7.5m to reflect the residential zoning.
Item 25	Rezone Lot 16 DP 220443 from RU5 Village to RE1 Public Recreation and remove the minimum lot size and height of building control applying.
Item 26	Rezone the RE1 Public Recreation Component of Lot 313 DP 1226462 to R3 Medium Density Residential and apply a building height control of 12 8.5m2.
Item 32	Apply the Land Reservation Acquisition layer to Lot 1 DP 562985.
Item 36	Remove the Natural Resource Sensitivity layer from the subject lots.

A number of the items within the PP are inconsistent with this direction, specifically part 5(b). Whilst the PP contains provisions which will reduce the permissible residential density of land in a general sense, this only relates to a handful of lots across the city. Given there are significant residential development opportunities available across Nowra-Bomaderry and

Milton-Ulladulla in infill areas and endorsed URAs, the departure is considered of minor significance. Additionally, much of the land is being rezoned from residential for the purpose of established public recreation, which will contribute to improving the quality of life of surrounding residents.

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, business, industrial, village or tourist purposes. The PP is not inconsistent with this direction as the proposed changes are of a housekeeping 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

This direction applies as the PP affects land mapped as having acid sulfate soils. As the proposed changes are housekeeping amendments only, the PP is not inconsistent with this direction.

4.3 Flood Prone Land

This direction applies as the PP seeks to alter planning provisions for land that is identified as flood prone.

Item 26	Rezone the RE1 Public Recreation Component of Lot 313 DP 1226462 to R3 Medium Density Residential and apply a building height control of I2 8.5m2.
Item 29	Lot 60 – Apply B2 zoning to entire lot and apply I1 8m height of building layer. Lot 61 – Apply SP2 zoning to entire lot and remove the height of building layer.

The above PP items are inconsistent with this direction as the PP proposes to rezone land from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use of Special Purpose Zone. Items 26 and 29 propose to rezone a small portion of each lot to match the predominant zoning that already exists on the lots. The provisions of the PP that are inconsistent are considered of minor significance. Flood considerations would have been considered previously and any future use of the land will consider environmental impacts as part of the development assessment process.

4.4 Planning for Bushfire Protection

This direction applies as the PP affects land that is, or is in proximity to, 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.

The PP is not inconsistent with this direction.

5.2 Sydney Drinking Water Catchment

The PP applies to land located at Kangaroo Valley which falls within the Sydney drinking water catchment area.

Preliminary consultation is currently being undertaken with WaterNSW in line with the s9.1 requirement and will be fed into the Gateway process as required where available.

- It is considered that the PP will not adversely impact on water quality in the catchment area, nor will it disturb land and water capability in these areas. The amendments to Shoalhaven LEP 2014 are considered to be of minor significance.
- The PP is consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 and the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority.

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.

6.2 Reserving Land for Public Purposes

This direction applies as the PP proposes to create, alter or reduce existing zonings or reservations of land for public purposes. The PP is not considered inconsistent with this direction, as the items either propose acquisition for a public purpose or propose to remove the Land Reservation Acquisition layer due to the acquisitions already having taken place.

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 is of a housekeeping 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 due to the LEP operating in a more efficient manner which will better align the objectives of the instrument with appropriate development.

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 required, to incorporate the view of any public authority.

5 Part 4 – Mapping

There are number of mapping changes identified within this PP. These are shown in **Part 2 – Explanation of Provisions (Section 3 of this PP)**.

6 Part 5 - Community Consultation

Council proposes 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. It is intended that an exhibition period of 28 days would apply.

The exhibition would include public notification and a package of exhibition material on Council's website.

All stakeholders, including relevant Community Consultative Bodies and any directly affected landowners, will be advised of the public exhibition arrangements.

7 Part 6 – Project Timeline

The anticipated timeline for the PP is as follows:

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	December 2020
Completion of Gateway determination requirements	February 2021
Public exhibition	March 2021
Consideration of submissions	April 2021
Post exhibition consideration of PP	May 2021
Finalisation and notification of Plan	June 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
PP040 – 2018 Housekeeping Amendment – Mapping Changes

Address of Land (if applicable):

The PP applies to various land in the Shoalhaven Local Government Area.

Intent of draft LEP:

The intent of the draft LEP is to amend mapping to improve the Plan's operations and address issues that have arisen since its commencement in 2014.

Evaluation criteria for the issuing of an Authorisation	Council Response		Department Assessment	
	Y/N	Not relevant	Agree	Not agree
(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)				
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?	Y			
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 Rezoning				
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?	Y	N/A		
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/A		
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/A		
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/A		
Section 3.22 matters				
Does the proposed instrument:				
a. Correct an obvious error in the principal instrument consisting of a misdescription, the		N/A		

<p>inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary works or a formatting error?;</p> <p>b. Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?;</p> <p>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?</p> <p>(NOTE – the Minister (or delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</p>		<p>N/A</p> <p>N/A</p>		
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Any other relevant documentation e.g. letters of support from State Government agencies.

Attachment B - Council report and resolution (MIN20.714) 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:

- Exclude Item No. 19 (2 Crookhaven Parade, Currarong) from the Planning Proposal: Shoalhaven LEP 2014 – 2018 Housekeeping Amendment – Mapping (PP040).
- 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.
- 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.
- Advise key stakeholders, including relevant Community Consultative Bodies and any directly affected landowners, of the public exhibition arrangements.

Options

- 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. ¶

¶

¶

FOR ACTION

DEVELOPMENT & ENVIRONMENT COMMITTEE **06/10/2020**

TO: Strategic Planner (Brooks, Peta)

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 Aldrick, Clr Levett, Clr Guile, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

Against: → Nil

CARRIED

Attachment C – Clause 5.9 Mapping

Nowra Hill

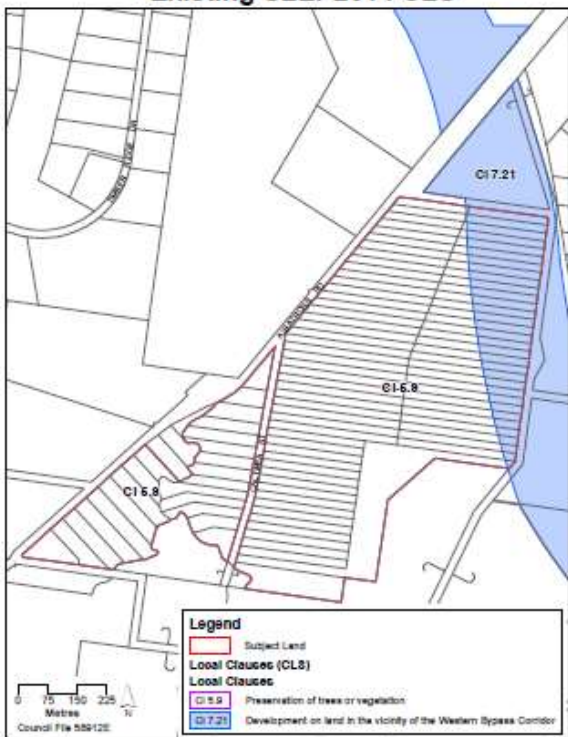
Subject Land



Aerial Photo

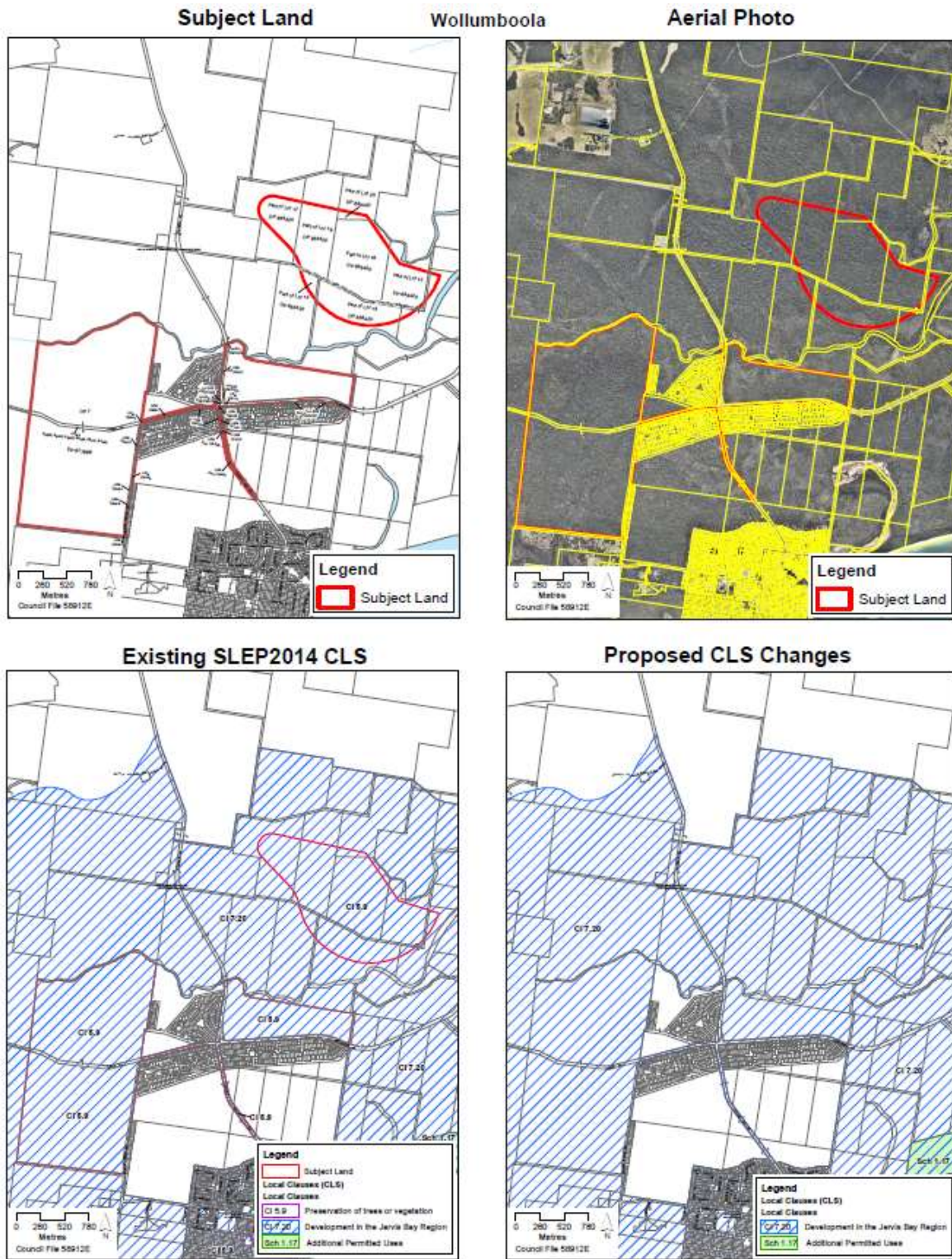


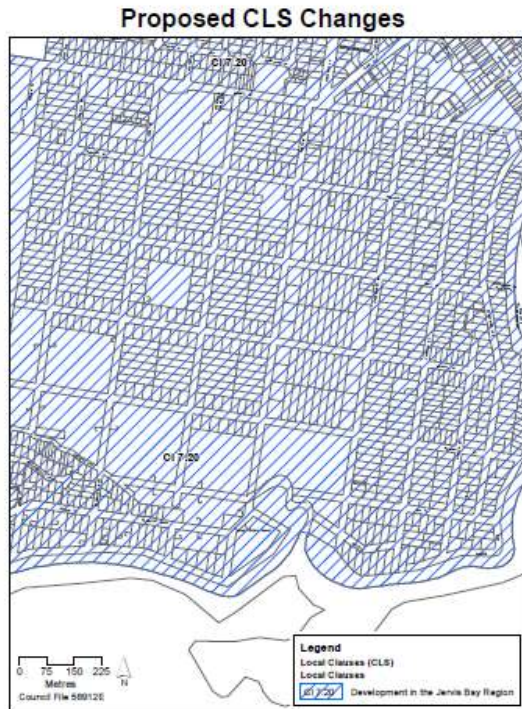
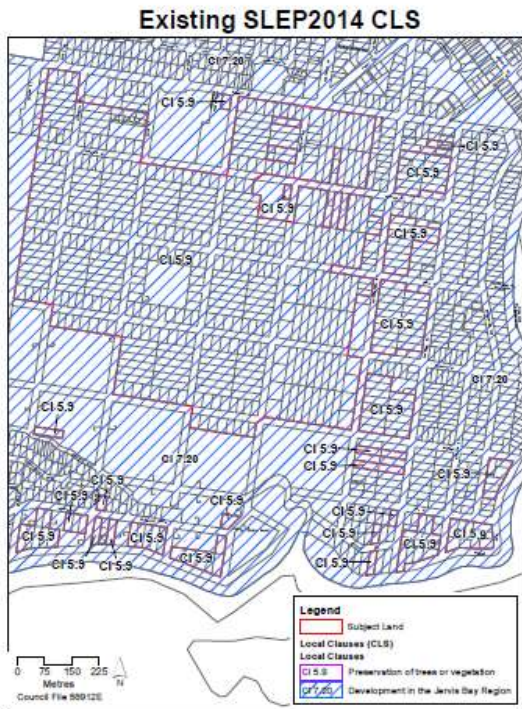
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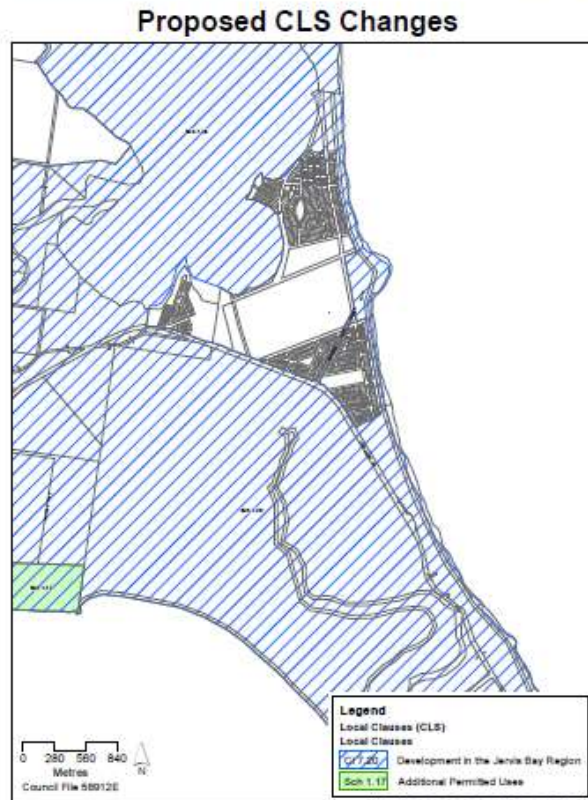
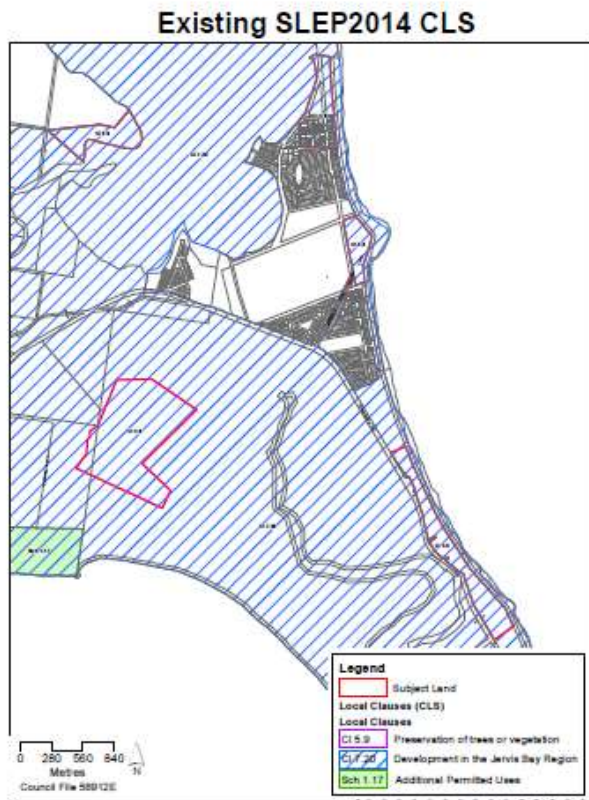


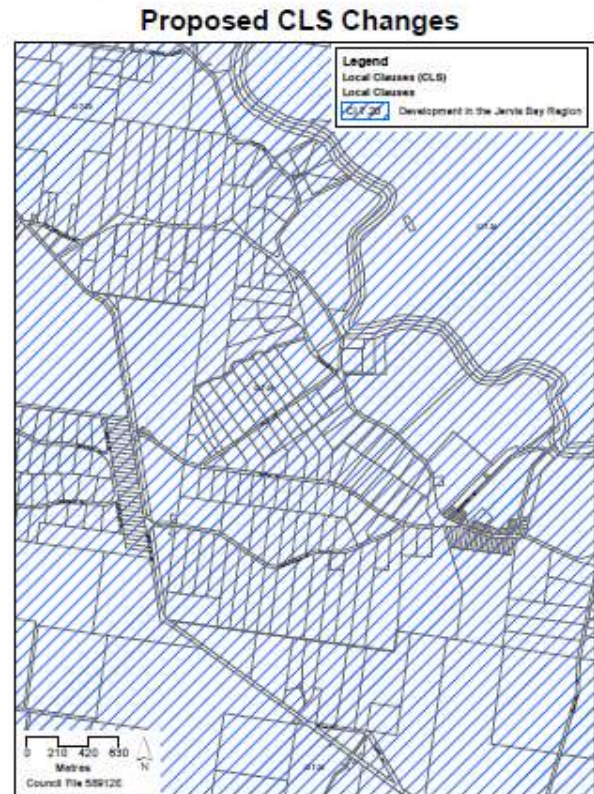
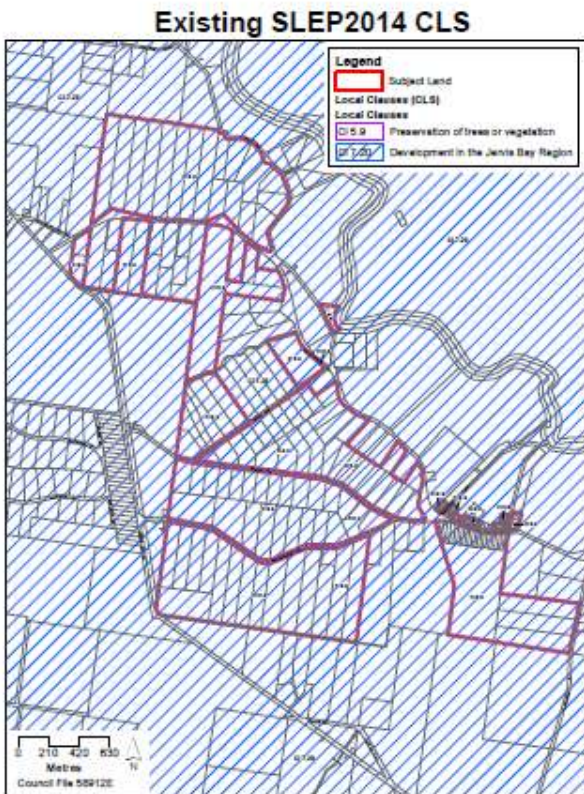
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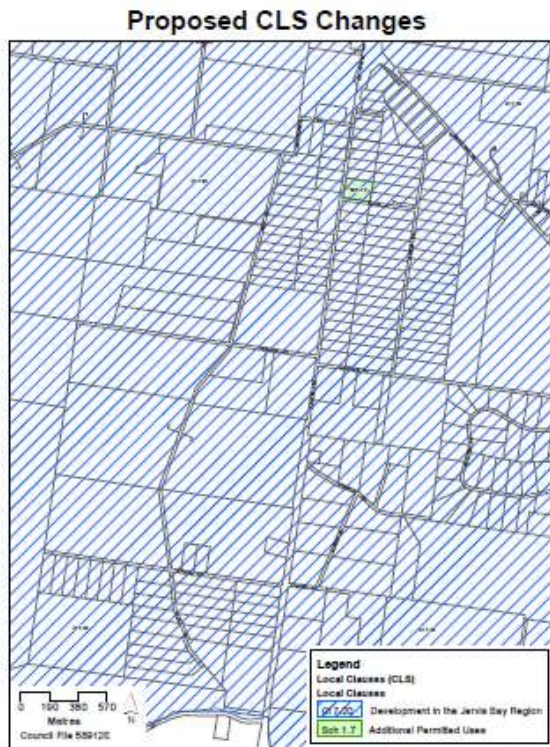
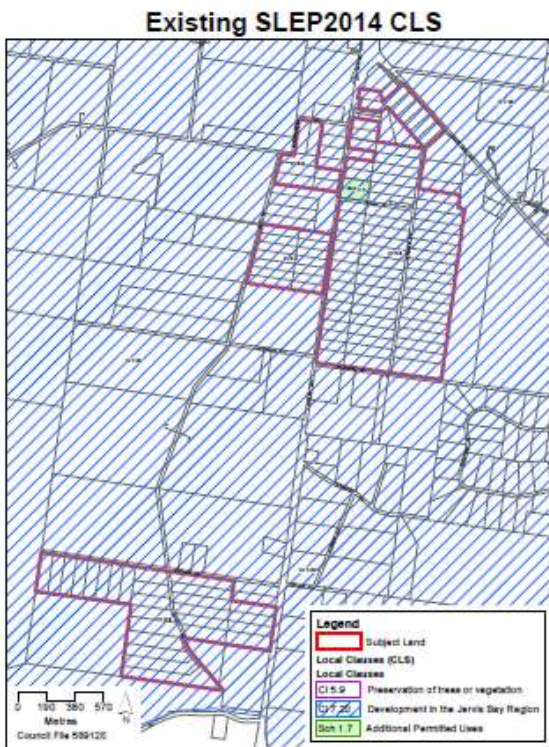


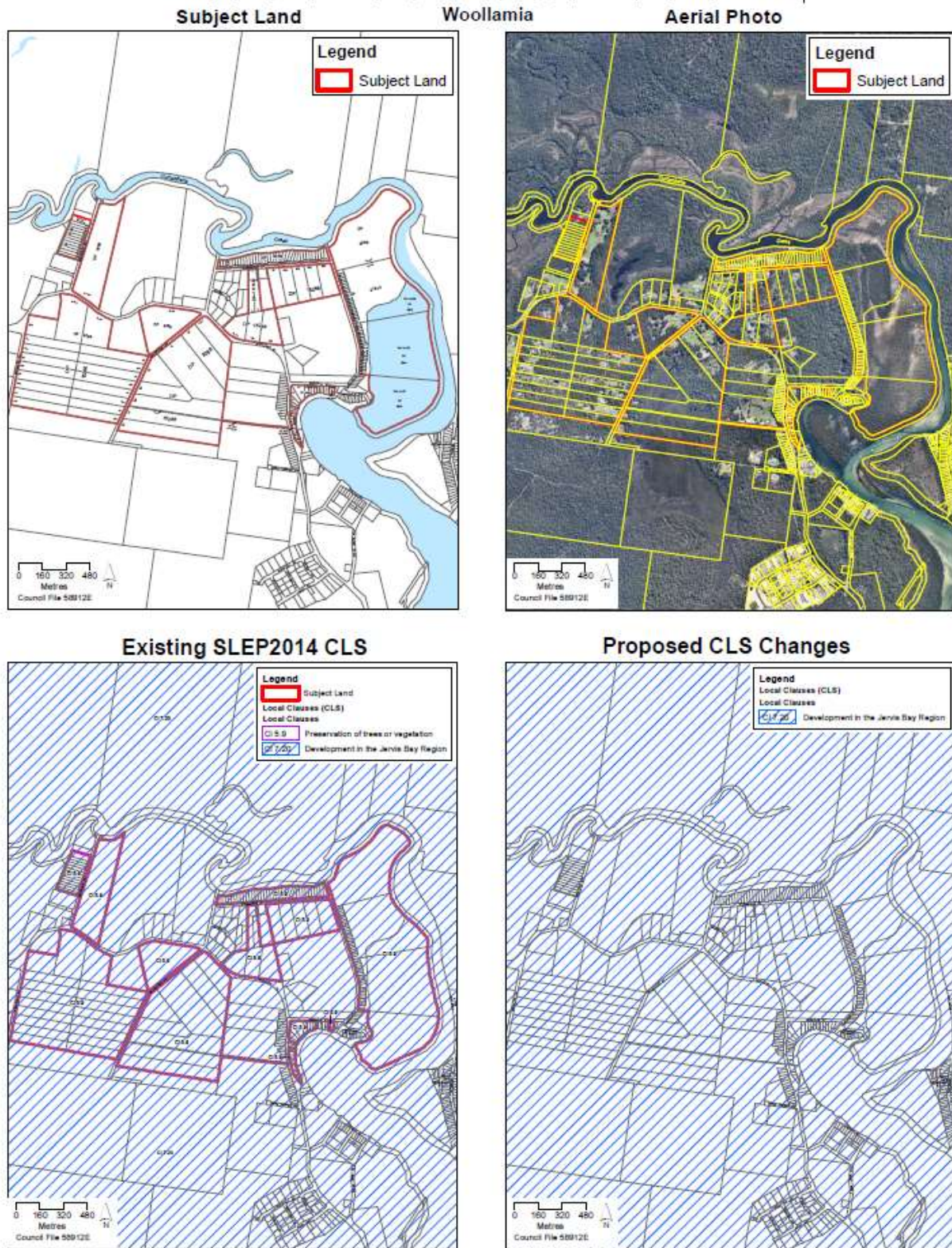








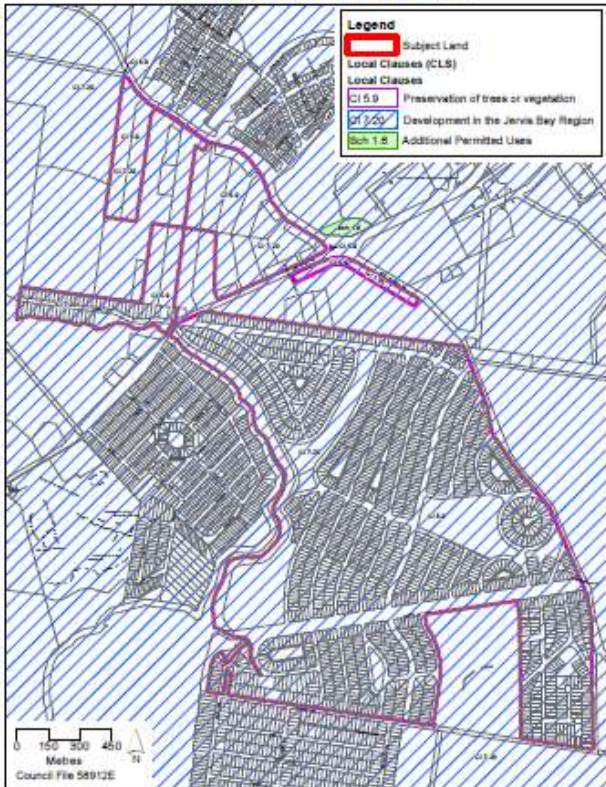




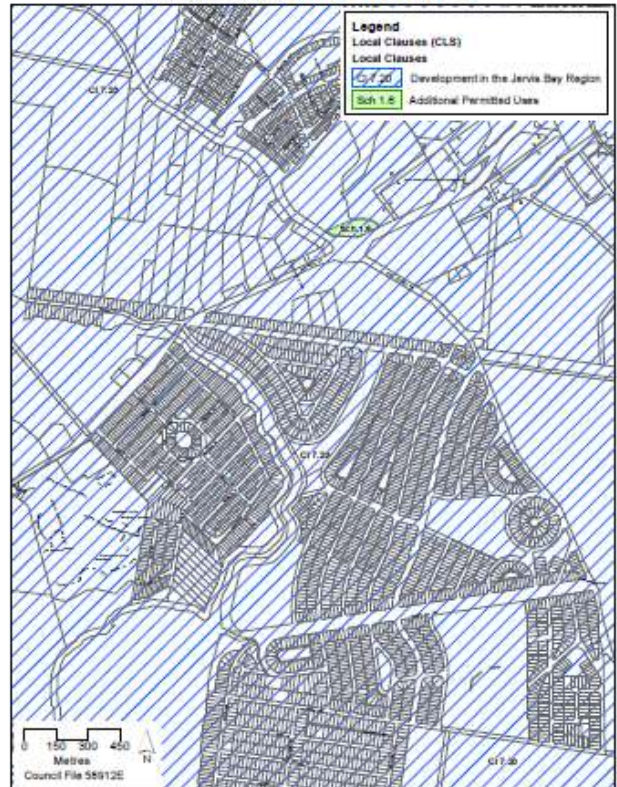
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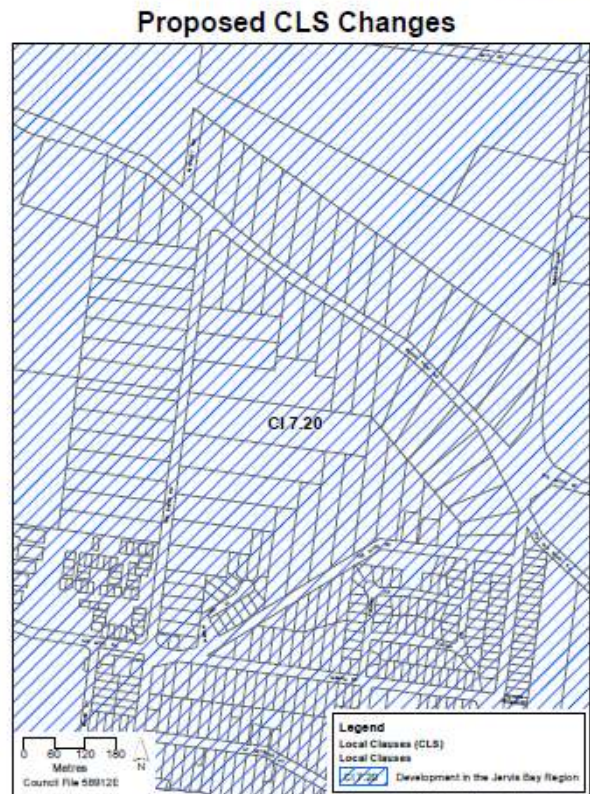
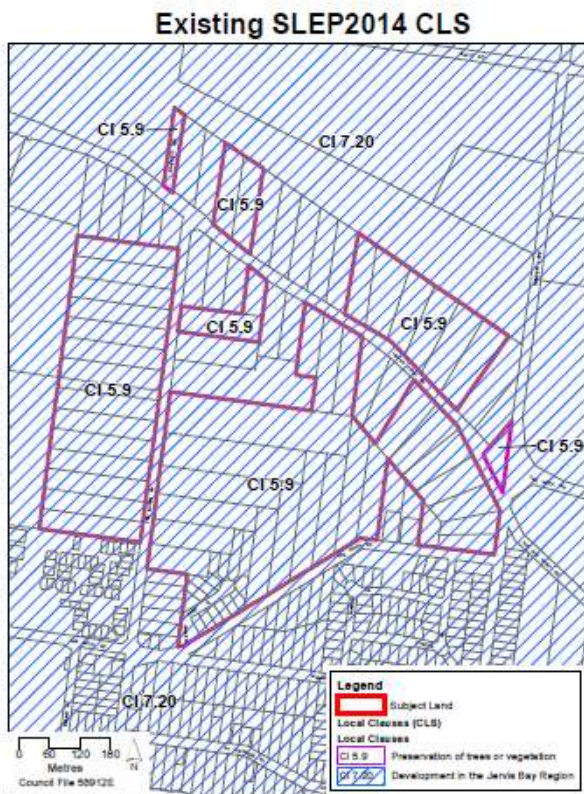


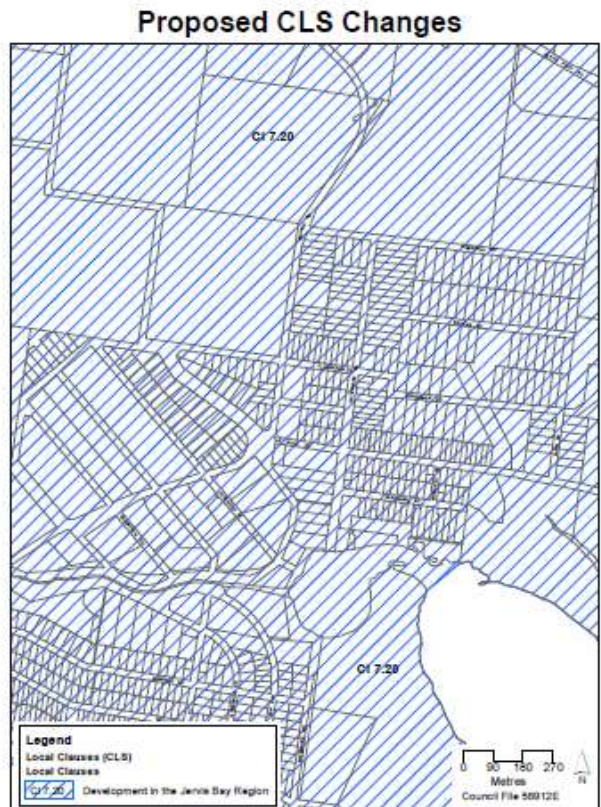
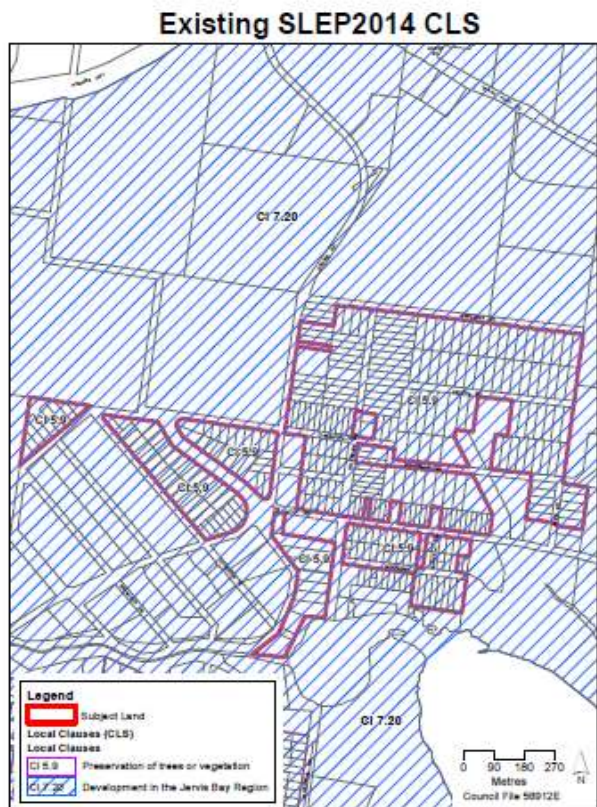
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Proposed CLS Changes

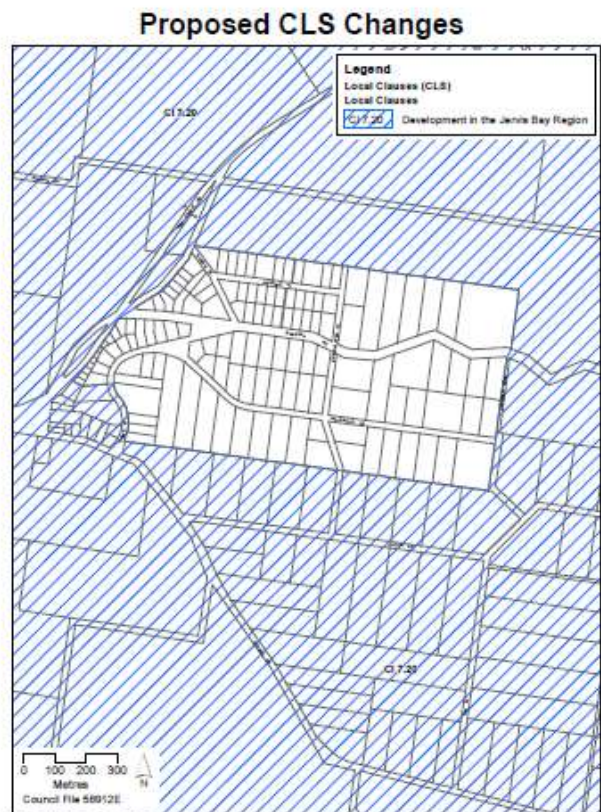
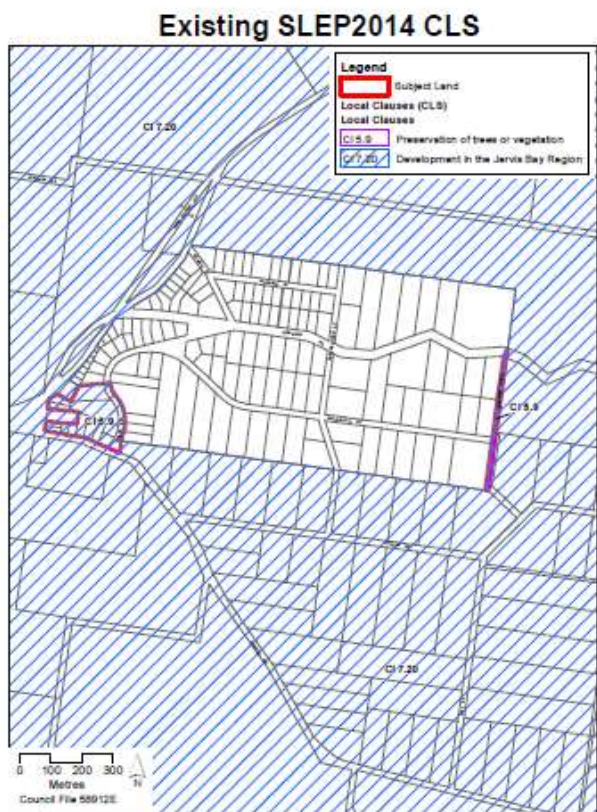








Tomerong





Attachment D - SEPP Checklist

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

Planning Proposal – Shoalhaven LEP 2014 – 2018 Housekeeping Amendment – Mapping Changes

--	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 Ministerial Direction Checklist

17 April 2020 Version

Direction		Applicable	Relevant to PP	Consistency
1 Employment and Resources				
1.1	Business and Industrial Zones	✓	✓	Refer to Section 4.2.4
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	✓	✓	Refer to Section 4.2.4
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 Sulphate Soils	✓	✓	Refer to Section 4.2.4
4.2	Mine Subsidence and Unstable Land	✗	✗	n/a
4.3	Flood Prone Land	✓		Refer to Section 4.2.4
4.4	Planning for Bushfire Protection	✓	✓	Refer to Section 4.2.4
5 Regional Planning				
5.2	Sydney Drinking Water Catchments	✓	✓	Refer to Section 4.2.4

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	✓	✓	Refer to Section 4.2.4
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	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 Interim Land Use and Infrastructure Implementation 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	x	x	n/a
7.12	Implementation of Greater Macarthur 2040	x		n/a