

Yalwal Danjera Dam Camping Area Planning Proposal

Proposal Title : **Yalwal Danjera Dam Camping Area Planning Proposal**

Proposal Summary : **The planning proposal seeks to permit camping grounds on part Lot 1 DP252335, Lot 1 DP217080, part Lot 4 DP252335, Part Lot 5 DP252335 and Lot 1 DP874512, at the Yalwal Danjera Dam Camping Area, Yalwal Road, Yalwal.**

PP Number : **PP_2015_SHOAL_009_00**

Dop File No : **15/16422**

Proposal Details

Date Planning : **11-Nov-2015**

LGA covered : **Shoalhaven**

Proposal Received :

Region : **Southern**

RPA : **Shoalhaven City Council**

State Electorate : **SOUTH COAST**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Yalwal Road**

Suburb : **Yalwal**

City : **Yalwal**

Postcode : **2540**

Land Parcel : **part Lot 1 DP252335, Lot 1 DP217080, part Lot 4 DP252335, Part Lot 5 DP252335 and Lot 1 DP874512**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Graham Towers**

Contact Number : **0242249467**

Contact Email : **graham.towers@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub : **South Coast Regional**

Consistent with Strategy : **Yes**

Regional Strategy : **Strategy**

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings : 0

(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting

Notes :

External Supporting

Notes :

The planning proposal arises from the need to formalise the existing use of the land and enable future upgrade works to the existing camping and picnic/day use areas. It has been initiated by Shoalhaven Water as the land manager.

The site is approximately 45 hectares in area adjoining the eastern side of Danjera Dam (Shoalhaven water supply storage dam). The land is owned by Shoalhaven City Council, classified as operational land under the Local Government Act, 1993.

The land is part of a group of lots that are listed under Shoalhaven LEP 2014 as heritage item 527 'Former Yalwal gold mine and township site'. Yalwal operated as a gold mining town from 1870 until 1939. The town was flooded in 1972 following the construction of the dam. The abandoned gold mines are located on the Crown lands to the south of the site.

The site incorporates the operational dam, existing camping and picnic/day use areas and entry road, and extensive areas of woodlands. It has been used for camping and picnic/day use since the dam was constructed in 1971.

Following completion of the Yalwal Management Plan, 1999, a clause was inserted into Schedule 9 of the Shoalhaven LEP 1985 that enabled tourism facilities at the site subject to water quality controls and other site specific considerations. In the process of creating the Shoalhaven LEP 2014, the Shoalhaven LEP 1985 provision was not transferred across to the new LEP.

The site is currently zoned E2 Environmental Conservation and the planning proposal aims to reinstate the previous provisions in relation to 'camping grounds' into the Shoalhaven LEP 2014.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

The objective of the planning proposal is to permit camping grounds on the site to enable the existing informal camping facilities to be better managed and upgraded. The E2

Environmental Conservation zoning of the site does not permit camping grounds.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The planning proposal proposed an additional local provision in Part 7 of the Shoalhaven LEP 2014 to permit camping grounds at the site as well as site specific provisions, relating to matters such as water quality of the dam, for consideration at the development application stage. This additional provision was to be mapped on the Clauses Map.

Council has since confirmed via email on 11 November that it agrees to list the change in Schedule 1 as per Clause 2.5 of Shoalhaven LEP 2014. This would include a corresponding amendment to the Clauses Map.

Recommendation: The provisions of the planning proposal are to be updated prior to public exhibition to identify that the proposal involves an addition to Schedule 1 of the Shoalhaven LEP 2014.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.5 Rural Lands

* May need the Director General's agreement

2.1 Environment Protection Zones

2.3 Heritage Conservation

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 21—Caravan Parks

SEPP No 55—Remediation of Land

Illawarra REP No. 1

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Shoalhaven Council has prepared several reports on the management of the lands.

*** The draft Yalwal Management Plan, 1999 identifies the defined camping and picnic areas and proposes the continual assessment of recreational opportunities for the site.**

*** The draft Yalwal Recreation/Tourism Concept Development Plan, 2001 was prepared to identify recreational and economically viable tourist opportunities compatible with sound management policies for water storage and natural and cultural values.**

The proposal is consistent with the Shoalhaven Regional Strategy and draft Illawarra Regional Growth and Infrastructure Plan in that it is facilitating eco-tourism and recreation facilities.

The planning proposal has identified that S117 Direction 4.4 Planning for Bushfire Protection applies as the land is bushfire prone. Council has held preliminary discussions with the NSW Rural Fire Service (RFS). RFS require a detailed bushfire assessment incorporating the relevant requirements of Planning for Bush Fire Protection 2006. Council will consult with the Commissioner of the NSW Rural Fire Service as part of the consultation process.

Recommendation: In accordance with the S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service

and to confirm that notwithstanding any non-compliance with the provisions for Planning for Bushfire Protection, the Rural Fire Service does not object to the progression of the Planning Proposal.

The planning proposal is consistent with the s117 Directions 1.5 Rural Lands, 2.3 Heritage Conservation, 4.3 Flood Prone Land, 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions. The management reports for Yalwal have addressed the land's environmental and Aboriginal and cultural heritage values as well as considering the impacts of and opportunities for, tourism and recreational activities on the site. The planning proposal will enable the existing camping facilities to be upgraded which will provide for better environmental and cultural management. Part of the land which adjoins the dam is mapped as flood prone land however the camping and picnic/day use areas are located above the flood line. Council is proposing a number of matters of consideration for a camping ground development application however these are not development standards or requirements.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with the s117 Directions 1.5 Rural Lands, 2.3 Heritage Conservation, 4.3 Flood Prone Land, 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions.

The planning proposal is inconsistent with the S117 Direction 2.1 Environmental Protection Zones. The land use of the site is being intensified via the amendment to allow camping grounds as a permitted use. This additional permitted use is in accordance with and justified by the local studies and the existing use of the site. The inconsistency is also of a minor significance.

Recommendation: The Secretary's delegate can be satisfied that the proposal's inconsistency with the S117 Direction 2.1 Environmental Protection Zones is justified and of a minor significance.

SEPPs

The planning proposal has identified it is consistent with SEPP21 Caravan Parks, SEPP55 Remediation of Land, SEPP State and Regional Development 2011 and Deemed SEPP Illawarra REP No. 1.

SEPP 21 Caravan Parks does not apply to the planning proposal as caravan parks are not being proposed as a permitted use and the SEPP also only applies to development applications not rezonings.

SEPP55 Remediation of Land does not apply as the site is not within the old mining area. The abandoned mines are to the south of the site.

SEPP State and Regional Development, 2011 does not apply to rezonings.

The deemed SEPP Illawarra REP No. 1 only applies to deferred areas in the Shoalhaven LEP 2014. The subject site is not a deferred area.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

The Clauses map will need to be amended as part of the planning proposal to identify the site and its inclusion in Schedule 1. The map will need to be prepared in accordance with the Department's 'Standard technical requirements for LEP maps' and incorporated into the planning proposal for public exhibition.

Recommendation: The draft Clauses map is to be prepared in accordance with the Department's 'Standard technical requirements for LEP maps' and included in the planning proposal prior to its exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council requests that the planning proposal be publicly exhibited for a minimum of 14 days. Public notification of the exhibition will include local newspaper notifications, notice on Council's website, hard copies will be available at Council's administration buildings.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The planning proposal addresses the Department's "A guide to preparing planning proposals" and is considered adequate for a Gateway Determination with conditions.**

Council has a project timeframe of six months to complete the rezoning process. With respect to the need to prepare a bushfire study and consultation with the RFS a timeframe of 12 months is reasonable.

The planning proposal identifies that Council is seeking Council Officer Delegation to prepare the draft LEP under Section 59 of the EP&A Act. Appendix 4 – Evaluation Criteria for the Delegation of Plan making Functions was submitted.

It is considered appropriate that the delegation of plan making functions be given to Council due to the matter being an amendment to Schedule 1 to allow an existing use which was previously permitted as a local clause in Shoalhaven LEP 1985. The matter is also of local significance.

Recommendation: The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Recommendation: Delegation to be provided to Council.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The planning proposal is an amendment to Shoalhaven LEP, 2014 and has been prepared in accordance with the guidelines for preparing Standard Instruments.**

Assessment Criteria

Need for planning proposal : **A planning proposal is the only means of permitting camping grounds on the site. Council has confirmed it agrees to list the amendment in Schedule 1 rather than as a local clause which is the appropriate way to deal with the proposal.**

An alternate option of rezoning the site to an environmental zoning which allows camping grounds is not preferred as the land has special environmental qualities consistent with the objectives of the E2 Environmental Conservation zone.

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Consistency with strategic planning framework :

As previously identified, the planning proposal is consistent with the South Coast Regional Strategy, and draft Illawarra Regional Growth and Infrastructure Plan in that it is addressing eco-tourism and recreational activities for the area.

The proposal is consistent with Council's Community Strategic Plan in that it meets Strategy 3.2.1 – Encourage the development of a range of tourist facilities and accommodation which meets the future needs of Shoalhaven's visitors.

The proposal is consistent with Council's Reports for the area - draft Yalwal Management Plan, 1999 and draft Yalwal Recreation/Tourism Concept Development Plan, 2001.

Environmental social economic impacts :

The planning proposal will allow the existing camping and picnic/day use areas to be upgraded to better manage environmental impacts. Camping grounds will be permitted with consent across the whole site. Potential new camping and picnic/day use areas could be established on the land.

Council's mapping does not indicate that the site contains critical habitat or threatened species, populations or ecological communities or their habitats. A fauna and flora study was prepared for the draft Yalwal Management Plan. The study identified five regionally rare flora and one threatened fauna species (Yellow Bellied Sheath-tailed bat) and other endangered species are likely to be present.

A detailed assessment of flora and fauna may be required at the development application stage to support the removal of vegetation for bushfire protection measures around the existing camping and picnic/day use areas and any new areas.

The entire site is mapped as bushfire prone and the area has been subject to significant bushfires in the past. Bushfire threat is present from all directions and access to the site is via a single road. A detailed bushfire assessment is to be prepared as part of the supporting studies and to address the S117 Direction 4.4 Planning for Bush Fire Protection.

An archaeological survey of the area was carried out as part of the draft Yalwal management Plan. No Aboriginal sites were found during the survey.

The planning proposal does not provide any details on the impacts of camping and picnic/day use areas on the water quality in Danjera Dam.

Allowing camping grounds for the site will provide an opportunity to address the anti-social behaviour of some visitors through upgrades and improvements to the existing camping and picnic/day use areas.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
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Timeframe to make LEP :	12 months	Delegation :	RPA
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Public Authority Consultation - 56(2)(d)

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Bushfire

If Other, provide reasons :

The planning proposal includes the proponent's planning proposal, Council's Development Committee Report and Minute, draft Yalwal Management Plan, 1999, draft Yalwal Recreation/Tourism and Concept Development Plan, 2001, Yalwal Post Contact Heritage Investigation and Conservation Management Plan, 1998 and Yalwal/Danjera Dam Tourism Precinct – Preliminary Site Assessment Report, 2014.

A detailed bushfire assessment report is to be prepared to address the S117 direction 4.4 Planning for Bush Fire Protection.

Recommendation: A detailed bushfire assessment report is required to the satisfaction of the RFS.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

The planning proposal states that the proposal does not create further requirements for public infrastructure. The draft Yalwal Management Plan states that water is pumped directly from the dam to serve the camping and picnic area. There are no electricity or sewerage connections. The Plan proposes that these problems could be turned into opportunities to demonstrate how new and environmentally friendly technologies can be used to provide services to remote areas.

The Yalwal/Danjera Dam Tourism Precinct – Preliminary Site Assessment Report identifies that upgrades to Yalwal Road may be required for emergencies such as bushfire.

Documents

Document File Name	DocumentType Name	Is Public
151109 Yalwal Danjera Dam Planning proposal letter SCC to DoPE request for gateway determination.pdf	Proposal Covering Letter	Yes
151111 Yalwal Danjera Dam Planning Proposal email SCC to DoPE further info.pdf	Proposal Covering Letter	Yes
151109 Yalwal Danjera Dam Planning Proposal.pdf	Proposal	Yes
151109 Yalwal Danjera Dam Planning proposal Attachment A - Proponents PP Yalwal.pdf	Proposal	Yes
151109 Yalwal Danjera Dam Planning proposal Attachment B - SCC Development Committee Report and Minutes.pdf	Proposal	Yes
151109 Yalwal Danjera Dam Planning proposal Attachment C - SEPPs Checklist.pdf	Proposal	Yes
151109 Yalwal Danjera Dam Planning proposal Attachment D - Ministerial Directions s.117 Table.pdf	Proposal	Yes
151111 Yalwal Danjera Dam Planning Proposal Attachment E - Evaluation Criteria 2.pdf	Proposal	Yes
151109 Yalwal Danjera dam Planning Proposal Attachment F - draft Yalwal Management Plan 1999.pdf	Study	Yes
151109 Yalwal Danjera dam Planning proposal Attachment G - draft Yalwal RecreationTourism Concept Development Plan 2001.pdf	Study	Yes
151109 Yalwal Danjera Dam Planning Proposal Attachment H - Yalwal Post Contact Heritage Investigation & Conservation Management Plan 1998.pdf	Study	Yes

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151109 Yalwal Danjera Dam Planning Proposal Attachment I - Yalwal_Danjera Dam Tourism Precinct Preliminary Site Assessment Report 2014.pdf	Study	Yes
151109 Yalwal Danjera Dam Planning proposal Attachment J - Provision from Schedule 9 SLEP 1985.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions

Additional Information : The Acting General Manager, Southern Region, as delegate of the Minister for Planning, determines under section 56(2) of the EP&A Act that an amendment to Schedule 1 of the Shoalhaven Local Environmental Plan 2014 to permit camping grounds on part Lot 1 DP252335, Lot 1 DP217080, part Lot 4 DP252335, Part Lot 5 DP252335 and Lot 1 DP874512, at the Yalwal Danjera Dam Camping Area, Yalwal Road, Yalwal should proceed subject to the following conditions:

1. A detailed bushfire assessment report is required.
2. The provisions of the planning proposal are to be updated prior to public exhibition to identify that the proposal involves an addition to Schedule 1 of the Shoalhaven LEP 2014.
3. The Clauses map is to be amended to reflect the proposal in accordance with the Department's 'Standard technical requirements for LEP maps' and included in the planning proposal prior to its exhibition.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is to be made publicly available for a minimum 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure 2012).
5. Consultation is required with the following government agencies prior to exhibition, in accordance with the Act and to comply with the requirements of relevant s117 Directions
 - NSW Rural Fire Services
 - Crown Lands and
 - National Parks and Wildlife Service.

The agencies are to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal. Any agency advice received and council's proposed response to this advice should be placed on public exhibition with the planning proposal.
6. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).
7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

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8. Council be authorised to use its delegation of the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

9. The Secretary's delegate can be satisfied that the planning proposal is consistent with the s117 Directions 1.5 Rural Lands, 2.3 Heritage Conservation, 4.3 Flood Prone Land, 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions.

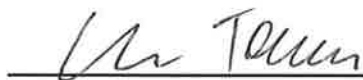
10. The Secretary's delegate can be satisfied that the proposal's inconsistency with the S117 Directions 2.1 Environmental Protection Zones is justified and of a minor significance.

11. The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance.

Supporting Reasons :

The proposal recognises a long term use of the site and facilitates improvements to the management of the site.

Signature:



Printed Name:

Graham Towers

Date:

20/11/15.