
REPORT OF GENERAL MANAGER

DEVELOPMENT COMMITTEE

TUESDAY, 6 OCTOBER 2015

PLANNING AND DEVELOPMENT

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

1. **Planning Proposal (LEP Amendment) – Yalwal / Danjera Dam Camping Area**
File 50572e

SECTION MANAGER: Gordon Clark.

PURPOSE:

To seek direction on a Planning Proposal (PP) that has been submitted for Yalwal/Danjera Dam Camping Area on behalf of Shoalhaven Water.

RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the Committee support the Planning Proposal (LEP Amendment) for Yalwal / Danjera Dam Camping Area in principle and proceed to submit it to the NSW Department of Planning & Environmental for the initial Gateway determination.

OPTIONS

1. Support the PP as recommended. This will enable staff to prepare and submit the PP to the Department of Planning and Environment (DP&E) for the initial Gateway determination.
2. Adopt an alternative or revised recommendation. This could mean delays in processing the PP.
3. Not consider the PP and provide alternative direction to staff.

DETAILS

Background

Council has received a PP from Locale Consulting Pty Ltd, on behalf of Shoalhaven Water, seeking to include an additional local provision in Part 7 of Shoalhaven Local Environmental Plan (LEP) 2014 to permit "camping grounds" at the Yalwal/Danjera Dam Camping Area (area outlined in Figure 1).

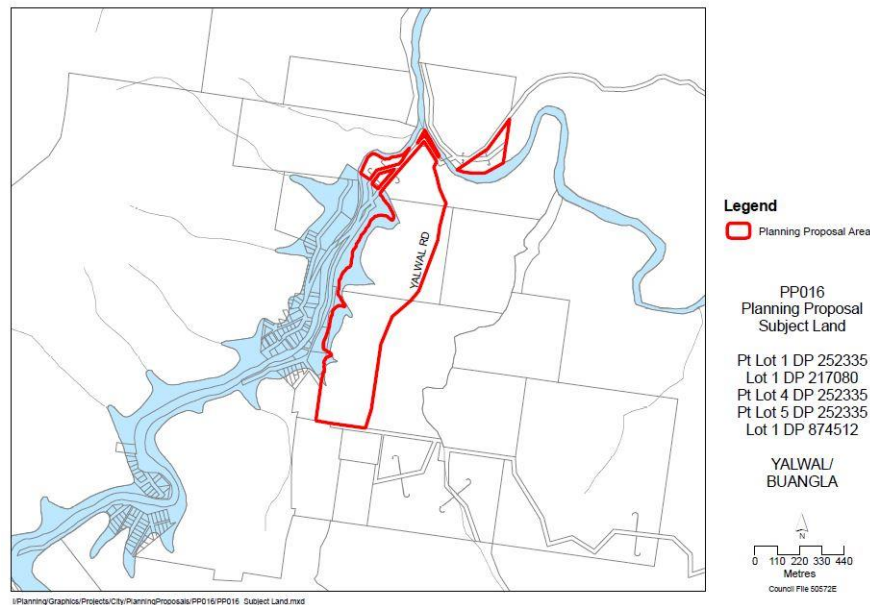


Figure 1 - Subject Land

Yalwal, located on Danjera Creek, operated as a gold mining town from 1870 to 1939 when bushfire destroyed what remained of the old township. In 1972 the town was flooded following the construction of the dam and since then the subject land has been used as a camping and picnic area. The subject land is owned by Council, is classified as “operational” land under the *Local Government Act 1993*, and is administered by Shoalhaven Water. These lots are part of a group of allotments that are listed in Shoalhaven LEP 2014 as heritage item 527 ‘Former Yalwal gold mine and township site’.

In 2002, a Schedule 9 - Allowance Clause was inserted into LEP 1985 to enable tourist facilities at the site. However in the process of preparing Shoalhaven LEP 2014, the provision in LEP 1985 was not transferred as a result of a request from DP&E that ‘Additional Permitted Uses’ be kept to a minimum.

The land is currently zoned E2 Environmental Conservation which does not permit “camping grounds”. Therefore the purpose of the PP is to allow for the continuation of the existing use of the land and enable a future upgrade to the existing camping and day use/picnic areas.

A copy of the PP document received from Locale Consulting Pty Ltd is provided in the Councillors Information Folder for the subject’s meeting.

Proposed LEP Amendment

The PP seeks to include an additional local provision in Part 7 of SLEP 2014 with a corresponding amendment to the Clauses Map to permit “camping grounds” at the Yalwal/Danjera Dam Camping Area. The PP notes that there is a need to provide for a continuation and upgrade of the popular nature based tourism site to enable enjoyment of the area for the wider community and to reduce the incidence of antisocial behaviour at the site that has been a matter of concern in recent years.

The inclusion of a local provision to enable camping at the site will allow Shoalhaven Water to lodge a development application to improve the existing camping and picnic/day use facilities at Yalwal. Broadly the proposed improvements to the site will include:

- Formalisation of entry/exit points to the site.
- Upgrade of the water access area.
- Redesign of camping sites to ensure camping clusters (and associated parking), rather than the “spread out/ free camping” nature of the current sites. The intention is to reduce the area of land currently used for camping purposes.
- Upgraded walking tracks, picnic tables and interpretive signage about the history of the area.

Shoalhaven Water have indicated that they will continue to work on a Management/Operational Plan for the site in conjunction with the adjoining landowners, including Crown Lands and National Parks & Wildlife Service (NPWS).

Detailed studies have not been completed to support the PP. Should Council support the submission of the PP for Gateway determination, then depending on the outcome, any required studies will be undertaken as part of complying with the conditions in the determination (see Key Issues below).

As Council is the owner of the land, the PP will be prepared in accordance with the State Government’s best practice guidelines for preparing LEP’s on Council owned land.

Public Authorities Consultation

As the site is bushfire prone, the proponents consulted with the Rural Fire Service (RFS) prior to submitting the PP to Council. The outcome of this consultation was that a detailed bushfire assessment would be undertaken following the Gateway determination that would consider the surrounding vegetation and topography as well as the relevant requirements of *Planning for Bushfire Protection 2006*.

The NPWS and Crown Lands are adjoining landowners and recent meetings with these authorities indicated a strong willingness to continue their involvement in moving forward with the upgrade and improvement of the site. It is proposed that formal consultation with RFS, NPWS and Crown Lands be undertaken following Gateway determination.

Relevant Strategies

The following strategies are relevant to the PP and the consistency is discussed below.

Management Plans

Council has prepared several strategies related to improving the management of the site, namely:

- Yalwal Management Plan 1999;
- Yalwal Concept Development Plan 2001; and
- Yalwal Conservation Management Plan 1999.

These Management Plans envisaged that Council (in conjunction with the adjoining public authority landowners) would have a management presence on the site. Work on an operational management framework is continuing and would be a consideration in the future upgrade to the existing camping and day use/picnic areas.

The PP is not inconsistent with these plans.

Shoalhaven Tourism Master Plan 2012-2017 (Master Plan)

The master plan identifies that 25% of visitors to Shoalhaven stay in camping grounds or caravan parks and that the site is a “strength, asset, point of difference”. The plan includes an action to develop a scenic drive to the camping site, develop activity based markets and undertake joint promotion of the site with the NPWS.

The PP is not inconsistent with this plan.

South Coast Regional Strategy (SCRS); Draft Illawarra Regional Growth and Infrastructure Plan (IRGIP); Community Strategic Plan – Shoalhaven 2023 (CSP)

The PP is not inconsistent with these plans.

Key Issues

An initial review of the PP has identified the key issues to be heritage, potential contamination and bushfire. A Conservation Management Plan (CMP) was prepared in 1999 which investigated Aboriginal and other cultural heritage on the subject land, and is considered sufficient for progressing the PP.

The previous use of the broader Yalwal area for mining purposes has the potential to have caused contamination. However, a review of the CMP indicates that mining activities did not occur on the PP subject land and therefore at this stage contamination investigations are not required.

The site has been affected by bushfires over the years, the most recently recorded being the Touga fire in 2002 and the Hylands fire in 2001. Bushfire threat is present from all directions and access to the site is via a single 2WD road. Initial consultation with the RFS has indicated that a detailed bushfire assessment would be required post Gateway that would address as a minimum the following matters:

- Provision of appropriate defendable space;
- Vehicular ingress/egress arrangements and internal roads;
- Clustering of camping areas, and utilising existing cleared areas to reduce the impacts on establishing bushfire protection measures such as APZ's;
- Provision of a Bushfire Emergency Evacuation Plan that includes options such as:
 - A refuge building with a 100m APZ;
 - Restrictions on days of use (e.g. avoiding use of the site on days of “catastrophic” fire alert); and
 - Provision of static water supply.

RFS have indicated that given the camping use has been in existence for a number of years and adjoins a current NPWS camp site, the formal future approval of the use (along with upgrades to the camping area), may provide an opportunity to put appropriate bushfire

planning mechanisms in place. It is recommended that a bushfire study be undertaken post Gateway determination.

CONCLUSION:

The PP submitted by the proponents seeks to include an additional local provision in Shoalhaven LEP 2014 to permit “camping grounds” at the Yalwal/Danjera Dam Camping Area to allow for the continuation and future upgrade to the existing camping and day use/picnic areas. It is noted that a provision of this nature previously existed under Shoalhaven LEP 1985.

The proposal is generally consistent with relevant strategies and will provide an opportunity to improve an existing and popular camping area. As such the PP is worthy of support to enable it to proceed further. Should the Gateway determination support the advancement of the PP, it will detail any further studies that are to be undertaken and State Government agencies to be consulted.

FINANCIAL IMPLICATIONS:

The proponent has paid the initial PP lodgement fee in accordance with Council’s fees and charges. The proponent is also required to fund or undertake any studies associated with the PP following the Gateway determination. Staff resources will also be utilised to progress the proposal.

Fees for the remaining stages of the PP will be charged in accordance with Council’s fees and charges.

COMMUNITY ENGAGEMENT:

If the PP receives Gateway determination, this will outline the statutory exhibition requirements in accordance with the relevant legislation. This will involve notifying all adjoining landowners and other interested parties.

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY,
6 OCTOBER, 2015 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE,
BRIDGE ROAD, NOWRA COMMENCING AT 4.00 PM**

1. Planning Proposal (LEP Amendment) – Yalwal / Danjera Dam Camping Area
File 50572e, 52174E (PDR)
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MOTION:

Moved: Baptist / Second: Gash

RESOLVED, that in accordance with the Committee's delegated authority from Council, the Committee support the Planning Proposal (LEP Amendment) for Yalwal / Danjera Dam Camping Area in principle and proceed to submit it to the NSW Department of Planning & Environmental for the initial Gateway determination.

CARRIED

FOR: Tribe, Kearney, Anstiss, Gash, Wells, Baptist, Findley, Guile, Watson, Kitchener, White and Russ Pigg

AGAINST: Nil