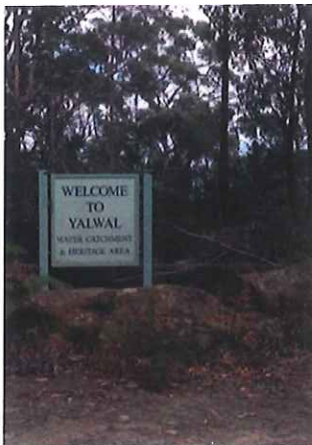


Yalwal / Danjera Dam Camping Area **Planning Proposal**



prepared for

Shoalhaven Water

by

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Contents

1.	Introduction	4
1.1	Purpose of the Planning Proposal	4
1.2	Project Background	4
1.3	Site Description	5
2.	Intended Outcomes	6
3.	Explanation of Possible Provisions	7
4.	Justification	8
4.1	Need for the Planning Proposal (Section A)	8
4.2	Relationship to Strategic Planning Framework (Section B)	9
4.3	Environmental, Social and Economic Impact (Section C)	11
4.4	State and Commonwealth Interests (Section D)	12
5.	Mapping	13
6.	Community Consultation	14
7.	Project Timeline	15

1. Introduction

1.1 Purpose of the Planning Proposal

This Planning Proposal (PP) has been prepared and submitted to Shoalhaven City Council (**Council**) by Locale Consulting on behalf of Shoalhaven Water. The purpose of the PP is to provide strategic merit to enable the following proposed amendment to Shoalhaven Local Environmental Plan (SLEP) 2014 to proceed:

- permit “camping grounds” as a defined land use at the Council owned Yalwal/ Danjera Dam camping area located at Yalwal Road, Yalwal.

This PP has been prepared in accordance with Section 55 of the *Environmental Planning & Assessment Act, 1979*, and associated guidelines prepared by the Department of Planning & Environment (**Department**).

The PP is structured as follows:

- Section 1 provides an overview and background to the proposal, including detailed site description;
- Section 2 describes the intended outcomes;
- Section 3 provides an explanation of the possible provisions;
- Section 4 documents the justification for the proposal;
- Section 5 addresses mapping;
- Section 6 outlines the community consultation; and,
- Section 7 suggests a project timeline.

1.2 Project Background

The site subject to the PP adjoins the eastern side of Danjera Dam some 30km to the west of Nowra, and is owned by Council. Large areas of Crown Land adjoin the site to the south and south-west, whilst National Parks and Wildlife Service (**NPWS**) adjoins to the north and west and private land adjoins to the east.

Given the nature of the site adjoining Danjera Dam (being a water supply storage dam), the prevailing E2 Environmental Conservation land use zone over the subject site is considered appropriate. However, the continuation and upgrade of the existing camping and day use/ picnic areas at the site can't be carried out until such time as the land use defined as “camping grounds” is permissible on the land under SLEP 2014.

The site has been used for camping and day use/ picnic areas since the dam was constructed by Council in 1971. The site is unique in that it offers tourism and recreation activities, with multiple attractions to visitors that include:

- Dam and associated water based activities including fishing and non-powered boating/ kayaking.
- Bushwalking and other land based natural attractions (gorges etc.).
- Historical attractions in mines, cemetery and like relics.

1.3 Site Description

The land subject to the PP is located between Danjera Dam on the west and Yarramunmun Creek and tributary/ private land in the north and east and Crown Land to the south. This Council owned land is classified as "operational" land under the *Local Government Act 1993*, and is administered by Shoalhaven Water. The land is legally described as Part Lots 1, 5 & 6 DP252335, and Lot 1 DP 217080.

The land incorporates the operational dam, existing camping, picnic/ day use areas and entry road, as well as extensive areas of Grey Gum Forest/Woodland or Scribbly Gum-Slivertop Ash Forest/Woodland (based on Council's environmental mapping). Yalwal Road extends, as an unsealed road, through the area creating a "loop" through the site. Existing site and surrounding features are shown in the aerial photo in Figure 1.

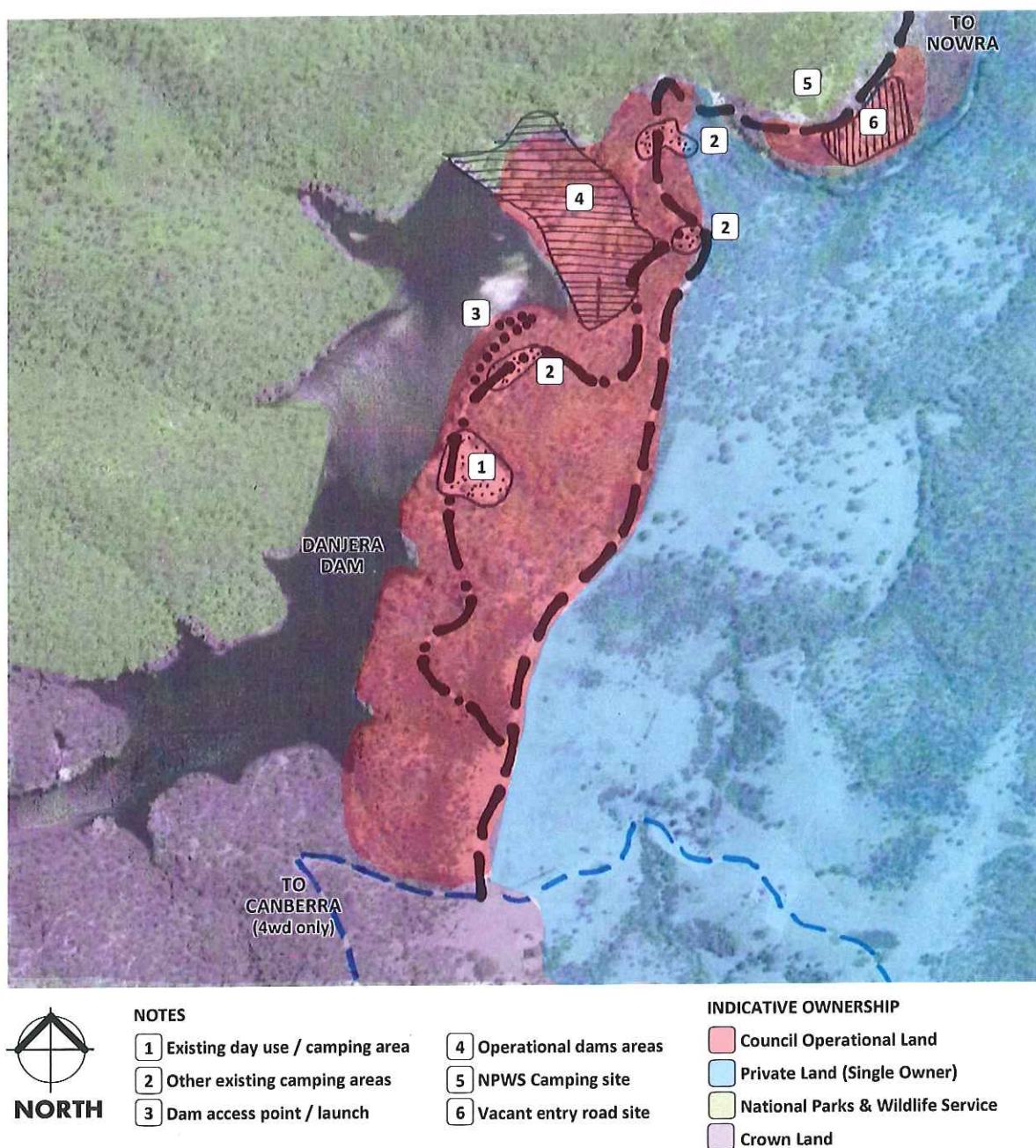


Figure 1: Existing Site Areas

2. Intended Outcomes

The intended outcome of the PP is to enable the lodgement of a development application to improve and upgrade the existing camping and picnic/ day use facilities at the Yalwal Camping Area. It is not intended to change the zoning of the land, but rather to permit “camping grounds” (as defined by the SLEP 2014 dictionary) on the subject site.

3. Explanation of Possible Provisions

The intended outcome of the PP would be achieved by amending SLEP 2014 to permit “camping grounds” on the subject site. This could occur either by:

- Inserting an “additional permitted use” for the subject site in Schedule 1 of SLEP 2014, with a corresponding amendment to the SLEP 2014 Clauses Map;

OR

- Inserting an additional local provision in Part 7 of SLEP 2014, with a corresponding amendment to the SLEP 2014 Clauses Map.

4. 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?

The continuation and upgrade of the Yalwal Camping Area is consistent with the following strategic studies or reports.

Yalwal Management Plan – 1999

The Management Plan essentially states that the purpose or vision for the area is to be a place:

- for people to capture the pioneering spirit;
- to enjoy pristine bushland; and
- where public visitation and tourism may be managed without damage to the natural, cultural and water supply environment.

The Management Plan notes that the deterioration of the Yalwal camping area in recent years has been a matter of concern to responsible authorities and members of the general public. It then goes on to describe potential future actions or proposals for upgrades to the camping area.

Yalwal Concept Development Plan – 2001

The Yalwal Concept Development Plan (Concept Plan) was prepared as a recommendation of the Yalwal Management Plan, 1999. The key objective of the Concept Plan was to *“identify recreational and economically viable tourist opportunities compatible with sound management policies for water storage and natural and cultural values”*. This objective can’t be achieved if “camping grounds” are not permissible on the subject site.

It is also noted that subsequent to the Yalwal Management Plan and Yalwal Concept Development Plan being completed, an amendment was made in 2002 to the then Shoalhaven Local Environmental Plan (LEP) 1985 (Schedule 9), to enable tourism accommodation options to be established subject to water quality controls via an “enabling clause”. This clause could have been included as an “additional permitted use” in Schedule 1 of SLEP 2014, as part of the “transfer” from SLEP 1985 to the Standard Instrument based SLEP 2014, but this did not occur. This purpose of this PP is essentially aimed at reinstating this previous allowance in SLEP 2014.

Yalwal Conservation Management Plan - 1999

A Conservation Management Plan (CMP) was prepared to inform the Yalwal Management Plan and Concept Plan discussed above, and focuses on the gold mines/ mining relics of the old Yalwal gold mining town. The CMP confirms that the potential exists for these mines and relics to be made more accessible as they are of interest to many people who visit the subject site.

Shoalhaven Tourism Master Plan 2012-2017

The Shoalhaven Tourism Master Plan (Master Plan) states that almost 25% of visitors to the Shoalhaven stay in camping grounds or caravan parks. Further, the master plan identifies the subject site as a “Strength, Asset, Point of Difference” and includes an action to develop a scenic drive to the camping site and undertake joint promotion of the site with NPWS. This Master Plan therefore supports the continuation and upgrade of the subject site for tourism purposes.

Yalwal/ Danjera Dam Preliminary Site Assessment Report

The Preliminary Site Assessment Report (2014) (report) was prepared for Shoalhaven Water (by Locale Consulting) so they could update previous studies and reports and consider the best tourism based

options for the subject site including the adjoining private land to the east. It was prepared in consultation with NSW National Parks & Wildlife Service and NSW Crown Lands.

The report concluded that a number of detailed planning, environmental and engineering discussions/investigations would be required to further confirm the potential for the site. However, given the existing base infrastructure available, and the need to maintain infrastructure such as road access for operational purposes, there is potential for upgrade of many aspects of the site to facilitate the broader enjoyment of the area for local residents of the Shoalhaven and those travelling to the area to stay at the locality, including the camping grounds.

The report went on to note that any proposal to increase use of the site, if only in frequency rather than in terms of density, should be accompanied by consideration of detailed risk assessments and emergency procedures, particularly associated with bushfire.

It was noted there are unique opportunities and potential associated with the site and that the “do nothing” option is likely to lead to a worsening situation of anti-social behaviour and resultant increasing enforcement and infrastructure management costs.

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

Subsequent to the preparation of the Preliminary Site Assessment Report the currency and compliance of existing facilities at the Yalwal Camping Area was investigated, to determine how improvements/upgrades could be lawfully made. Some of the facilities (amenities buildings, sewerage treatments systems etc) have current approvals, however a development consent for overall use of the site as a “camping ground” has not been located via a Council records search. The current E2 Environmental Conservation zone has therefore created a non-conforming or prohibited land use for which an approval can’t be located.

An ‘existing use’ in planning terms is a use that was lawfully being carried out before it became prohibited by a more modern planning instrument (such as a new LEP). ‘Existing use rights’ may not exist in this case, as prior to being prohibited by SLEP 2014 the land use (camping ground) may not have been lawfully carried out.

As such, to clearly enable the lawful continuation and overall upgrade of the camping area an amendment to SLEP 2014 is required and a PP is the best way of achieving the desired outcome.

4.2 Relationship to Strategic Planning Framework (Section B)

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

South Coast Regional Strategy

The South Coast Regional Strategy (SCRS) applies to the Shoalhaven Local Government Area (LGA) and aims to support economic growth in the region, including tourism, while limiting development constrained by coastal processes, flooding, wetlands and significant and cultural landscapes. Specifically, the SCRS notes that tourism is a key growth and opportunity sector, particularly in ‘nature based accommodation’. While there are no specific actions or objectives that are directly relevant to this PP, the proposed SLEP 2014 amendment has the potential to support growth in a tourism sector (camping) that is popular in the Shoalhaven, by facilitating the continuation and upgrade of an existing camping ground.

Draft Illawarra Regional Growth and Infrastructure Plan

The Draft Illawarra Regional Growth and Infrastructure Plan (IRGIP) was released by the State Government on 9 October 2014 and was on exhibition until 7 December 2014. The draft IRGIP applies to Shoalhaven LGA, and therefore the subject site.

Similar to the SCRS, the draft IRGIP aims to address strategic planning issues over a 20 year period, such as: housing, jobs, economy, natural environment/resources, infrastructure and heritage.

The draft IRGIP is a broad, strategic document and as such does not include objectives or actions of specific relevance to the subject site. However, the draft IRGIP mapping shows the area as “high environmental value” and notes the region has strength in various employment sectors (including tourism). Further, the IRGIP maintains the State will partner with Councils to identify tourism assets, including eco-tourism assets. The PP is consistent with this.

4.2.2 Is the Planning Proposal consistent with a Council’s local strategy or other local strategic plan?

Shoalhaven Community Strategic Plan

The PP is consistent with the Community Strategic Plan (CSP) and the relevant strategy below:

Strategy 3.2.1 *“Encourage the development of a range of tourist facilities and accommodation which meets the future needs of Shoalhaven’s visitors”.*

As stated earlier, the proposal is also consistent with Council’s Tourism Master Plan and other previous strategic studies.

4.2.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The only State Environmental Planning Policy (SEPP) that may be applicable to this PP is SEPP No. 21 – Caravan Parks. This SEPP relates to camping grounds as well as caravan parks and in part ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the *Local Government Act 1993*, are also permitted. The specific kinds of movable dwellings allowed under the *Local Government Act* in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation.

The PP is consistent with SEPP No. 21 – Caravan Parks.

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The PP is consistent with the applicable S.117 Ministerial Directions as discussed below:

2.1 Environment Protection Zones

This s.117 direction requires a draft LEP to include provisions that facilitate the protection and conservation of environmentally sensitive areas, and a draft LEP that applies to land within an environment protection zone shall not reduce the environmental protection standards that apply to the land. The s.117 direction also sets out when a draft LEP can be inconsistent with the direction including when Council is satisfied that the draft LEP is:

- justified by a strategy;
- justified by an environmental study (prepared in accordance with Section 57 of the EP&A Act);
- in accordance with the relevant Regional Strategy; or
- of minor significance.

This PP is consistent with this s.117 direction as it does not seek to change the SLEP 2014 zoning, LEP provisions that protect the environmental value of the subject area or any LEP development standards that relate to the subject site.

4.4 Planning for Bushfire Protection

The objectives of this s.117 direction is to:

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

This s.117 direction applies to the PP in this case as the subject site is mapped as bushfire prone land. The PP is consistent with the s.117 direction as consultation with the NSW Rural Fire Service (RFS) has occurred as part of the preparation of the PP and will continue following the receipt of a Gateway Determination to proceed with the PP. This PP also has regard to *Planning for Bushfire Protection 2006*, as outlined further in Section 4.3.2.

5.1 Implementation of Regional Strategies

The objective of this s.117 direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. This PP is consistent with the SCRS as outlined in Section 4.2.1 above.

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?

Based upon a desktop assessment, including a review of Council's vegetation mapping and SLEP 2014 overlay mapping there is little likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. Council records do not indicate the subject site includes any critical habitat or threatened species, populations or ecological communities, or their habitats. Further, the PP seeks to permit "camping grounds" on the site of an existing camping area. Once the PP has successfully been completed any upgrade to the camping area would be a subject to a development application 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?

The key environmental effect as a result of this PP is potential bushfire hazard/ risk. The site and adjoining land is mapped as being almost entirely within Category 1 vegetation, and is therefore considered to be bushfire prone land. The site has been subject to two fires recorded on Council online mapping tool, being the Touga fire in 2002, and Hylands fire in 2001. Bushfire threat is present from all directions and access to the site is via a single 2WD road.

Specific consultation with the NSW RFS in relation to this PP was carried out, and has informed the information provided below.

It is envisaged that post Gateway Determination a detailed bushfire assessment would be undertaken that would consider the type of surrounding vegetation and topographic conditions, along with all relevant requirements of *Planning for Bushfire Protection 2006*. As a minimum, this would address the following matters:

- Provision of appropriate defensible 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 APZs;
- Provision of a Bushfire Emergency Evacuation Plan that may include 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 approved NPWS camp site, the formal approval of the use (along with upgrades to the camping area), may provide opportunity to put in place appropriate bushfire planning mechanisms.

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

The PP would provide an opportunity to address the anti-social behaviour of some visitors to the existing camping area by carrying out upgrades and improvements (as outlined in the studies/ reports referenced in Section 4.1.1), whilst maintaining the unique tourism opportunity for the remainder of the community.

Further, nature based tourism is a growth sector in the Shoalhaven and this PP may generate flow on economic benefits in this area.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

As the use currently occurs on the site and adjoins a water catchment that requires access by Shoalhaven Water, there is already current infrastructure that is adequate to the site. The PP does not create additional requirements for major public infrastructure, though additional infrastructure to be funded by Shoalhaven Water / Council may be included in any future upgrade.

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

The NSW RFS were consulted as outlined in Section 4.3.2 above.

Further, Council records indicate that National Parks & Wildlife Service and Crown Lands have long been supportive of upgrading/ improving the camping area. These agencies were stakeholders in the preparation of the Yalwal Management Plan and Yalwal Concept Development Plan. They are adjoining landowners, with NPWS operating a small campsite adjoining the north of the subject site and Crown Lands owning the land holdings where the majority of the mining relics/ heritage items are located immediately to the south.

More recently (2014), two meetings have been held with both agencies as part of the preparation of the Yalwal/ Danjera Dam Preliminary Site Assessment Report. Both agencies indicated strong interest and willingness to continue their involvement in moving forward with the upgrade and improvement of Council’s camping area.

5. Mapping

No mapping is required for this PP as it proposes to amend the SLEP 2014 written instrument only.

6. Community Consultation

It is understood Council would exhibit the PP in accordance with the requirements of Section 57 of the *Environmental Planning & Assessment Act, 1979* and any other requirements determined by the Gateway process.

7. Project Timeline

The project timeline will be subject to Council and the Department's resources, but it is expected a PP of this nature would be completed within 6 months of the date of the Gateway determination.