

Planning Proposal (PP016) - Yalwal / Danjera Dam Camping Area

Prepared by
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File 52174E

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1 Introduction

This Planning Proposal (PP) seeks to include an additional local provision in Part 7 of Shoalhaven Local Environmental Plan 2014 (SLEP) with a corresponding amendment to the Clauses Map to permit “camping grounds” at the Yalwal / Danjera Dam Camping Area.

The intention of the PP is to allow for the continued use and upgrade of the camping and tourism site and to reduce the incidence of antisocial behaviour at the site that has been a matter of concern in recent years.

This PP has been prepared consistent with the Best Practice Guidelines for LEPs and Council Land (Best Practice Guidelines).

1.1 Subject Land

The subject site is situated in Yalwal in the Shoalhaven Local Government Area. It is located approximately 30 km west of Nowra, as shown in **Figure 1** below.

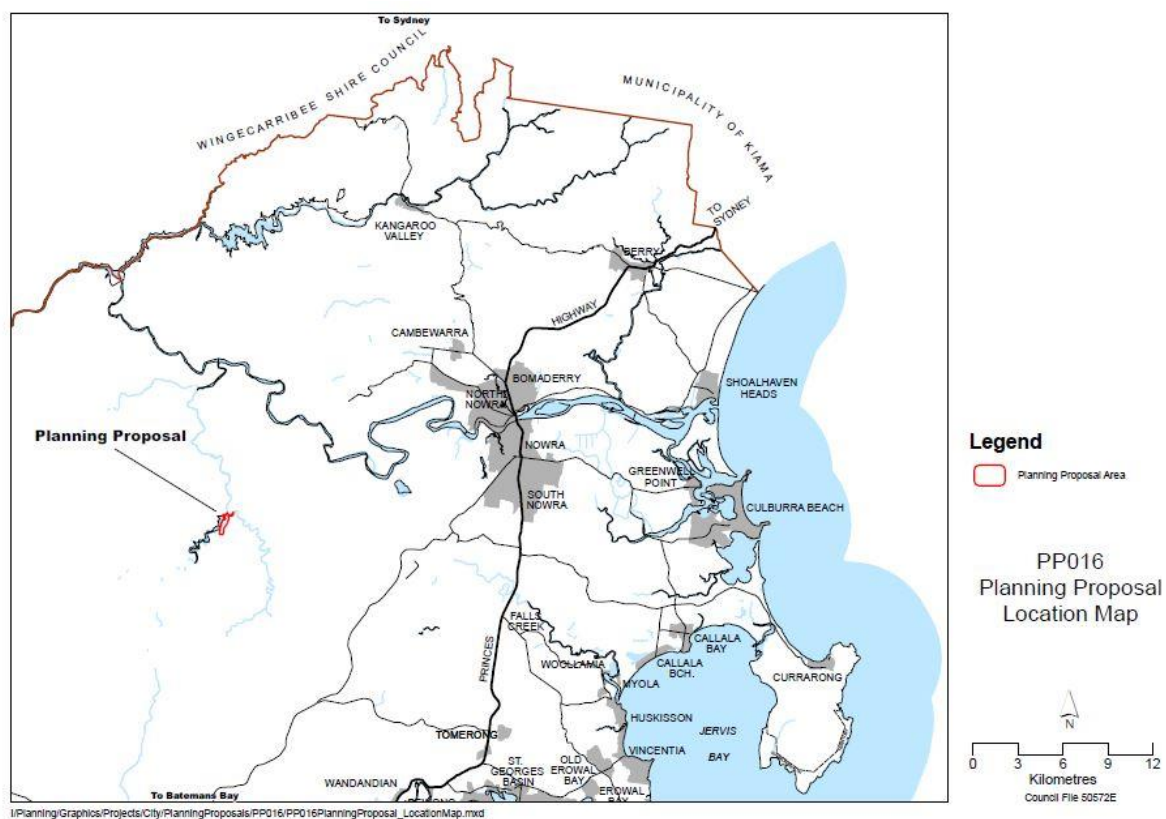


Figure 1 – Location Map

The subject site has an area of approximately 45 ha adjoining the eastern side of Danjera Dam and is owned by Council (**Figures 2 & 3**). Large areas of Crown Land adjoin the site to the south and south-west, whilst National Parks and Wildlife (NPWS) land adjoins to the north and west and private land adjoins to the east. The site contains camping and picnic areas, toilets, walking tracks and roads. The dam forms part of the Northern Shoalhaven Water Supply Scheme and was built as a backup water supply for the Nowra Region.

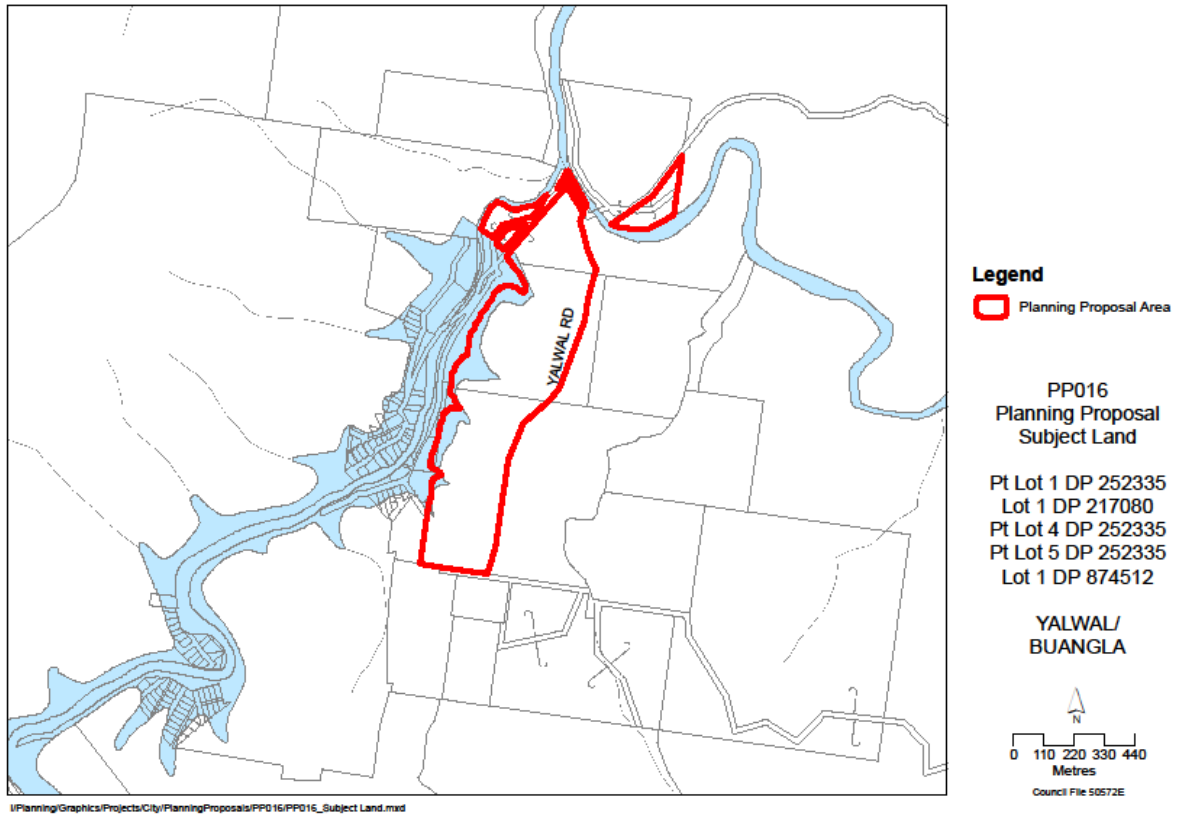


Figure 2 – Subject Land

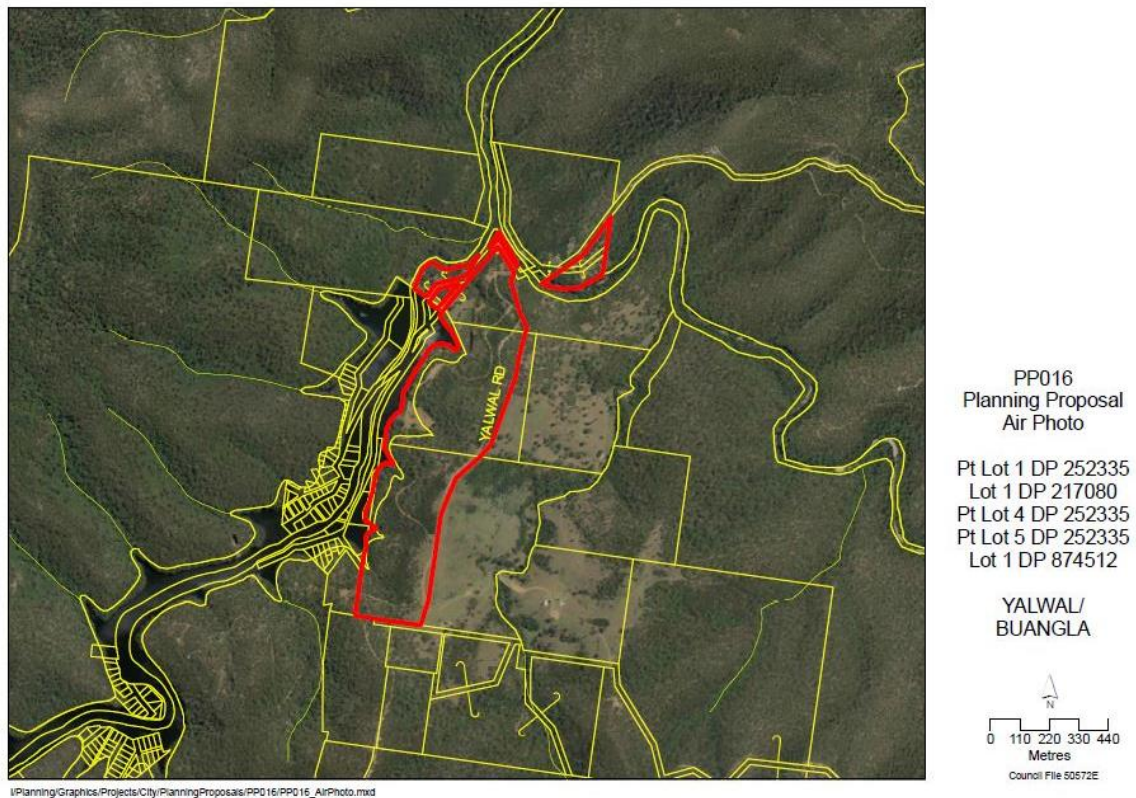


Figure 3 – Aerial Map

1.2 Background

On 25 June 2015, a PP was lodged by Locale Consulting P/L on behalf of Shoalhaven Water. The PP proposes to include an additional local provision in Part 7 of Shoalhaven LEP 2014 (SLEP) to permit “camping grounds” at the Yalwal/Danjera Dam Camping Area. The PP will allow for the continued use and future upgrade of the existing camping and day use/picnic areas. The proponent’s report is at **Attachment A**.

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

Following preparation of a Management Plan for the area in 1999, a clause was inserted into Schedule 9 of Shoalhaven Local Environmental Plan 1985 (SLEP 1985) that enabled tourism facilities at the site subject to water quality controls and other site specific considerations. However, in the process of creating the Standard Instrument-based LEP the SLEP 1985 provision was not transferred to SLEP 2014. The site is currently zoned E2 Environmental Conservation and as no previous consent for the camping use of the site can be located, the PP aims to reinstate the previous provisions.

Council’s Development Committee resolved on 6 October 2015 to support the PP in principle and submit it to the NSW Department of Planning & Environment (DP&E) for initial Gateway determination. The report to Council’s Development Committee and minutes is located at **Attachment B**.

2 Part 1 – Intended Outcome

The intended outcome of this PP is to enable the continued use and future upgrade of the existing camping and day use/picnic areas and to implement measures to reduce the incidence of antisocial behaviour at the site that has been a matter of concern in recent years.

3 Part 2 – Explanation of Provisions

The subject land is zoned E2 Environmental Conservation under SLEP 2014 and camping grounds are not a permissible land use in this zone. It is proposed to include an additional local provision in Part 7 of SLEP 2014 to permit “camping grounds” at the site, as well as including requirements for consideration at Development Application (DA) stage relating to matters such as water quality of the dam. In addition, the subject land will be included on the SLEP 2014 Clauses Map.

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?

The PP arises from the need to formalise the existing use of the land and enable a future upgrade to the existing camping and day use/picnic areas. This is proposed to be achieved through a DA after the commencement of the amendment to SLEP 2014.

Over the years Council has prepared several strategies related to upgrading and improving the management of the site which include:

- Yalwal Management Plan 1999 (Attachment F)
- Yalwal Concept Development Plan 2001(Attachment G)
- Yalwal Conservation Management Plan 1999 (Attachment H)
- Yalwal/Danjera Dam Preliminary Site Assessment Report 2014 (Attachment I)

This PP builds on previous work undertaken by Council which lost momentum in the mid-2000s. The current status of the camping area is a cause for concern from a safety and environmental perspective and this PP will enable Shoalhaven Water to lodge a DA for the continued use and improvement of the site.

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

The land is currently zoned E2 Environmental Conservation which does not permit “camping grounds”. The insertion of the site specific local provision is preferable to a rezoning in this instance as the land has special environmental qualities consistent with the objectives of the E2 Environmental Conservation zone.

A PP is the only means of amending SLEP 2014 to achieve the intended outcomes.

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)?

South Coast Regional Strategy

The South Coast Regional Strategy (SCRS) provides key regional level guidance applying to the site. The proposal is generally consistent with the overall aims and objectives of the SCRS. The SCRS notes that tourism is a key growth and opportunity sector particularly in relation to ‘nature based accommodation’. The Yalwal/Danjera Dam Camping Area is a unique high amenity area that offers visitors a variety of nature based tourism and recreation activities. The PP will enable improvements to occur on the site which will assist in protecting the environmental qualities of the site whilst also facilitating tourism.

Draft Illawarra Regional Growth and Infrastructure Plan

Once the draft Illawarra Regional Growth and Infrastructure Plan (IRGIP) is finalised, the SCRS will no longer be relevant. The IRGIP does not include objectives or actions relevant to the subject land but does map the area as “high environmental value” and notes the region has strength in tourism employment sectors. The IRGIP maintains the State will partner with Council to identify tourism assets, including eco-tourism assets.

The PP is generally consistent with the overall aims and objectives of the IRGIP.

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

Shoalhaven Community Strategic Plan

The Proposal is consistent with Council’s Community Strategy Plan - Shoalhaven 2020 and Strategy 3.2.1 ‘Encourage the development of a range of tourist facilities and accommodation which meets the future needs of Shoalhaven’s visitors’.

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 and caravan parks. 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 the NPWS. The PP is consistent with the Master Plan.

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

The PP is generally consistent with the applicable State Environmental Planning Policies (SEPPs), except for where specified. A full list of SEPPs is provided as **Attachment C**. The most relevant SEPPs are discussed below.

SEPP 21 – Caravan Parks

- SEPP 21 applies 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 under the *Local Government Act 1993* are also permitted. The PP is consistent with SEPP 21.

SEPP 55- Remediation of Land

- SEPP 55 applies to land that is potentially contaminated and specifies when consent is required for remediation work. It also specifies certain considerations that are relevant in rezoning land and determination of DAs and requires that remediation work meets certain standards and notification requirements. SEPP 55 refers to the contaminated land planning guidelines which in the case where there is an indication that the land is contaminated, then the guidelines provide appropriate procedures to be followed for the remediation of the land.

Although mining took place in the vicinity of the site, previous investigations referred to in the Yalwal Conservation Management Plan indicate that mining activity took place on Crown Land to the south west of the subject land but not on the site subject to the PP. As a result, and given that the PP does not rezone the land, contamination investigations are not required at this stage. The PP is consistent with SEPP 55.

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

The Ministerial directions are considered in **Attachment D** and those that are specifically relevant to the site and the PP are discussed in greater detail below.

2.1 Environmental Protection Zones

This PP is consistent with this Direction as it does not seek to change the SLEP 2014 in terms of zoning, provisions that protect the environmental value of the subject area or any development standards that relate to the subject site. Consideration will be given to including additional requirements in Part 7 for consideration at DA stage relating to matters such as dam water quality.

2.3 Heritage Conservation

This Direction requires that items of Aboriginal and other cultural heritage be identified in a study of the area's environmental heritage. The subject site is part of a group of allotments that are listed in SLEP 2014 as heritage item 527 'Former Yalwal gold mine and township site'. A cultural heritage report was commissioned by Council in 1998 (**Attachment H**) which reported on the significance of European Cultural Heritage at the site and made recommendations for both site visitation and conservation management to inform the Yalwal Management Plan. Most of the cultural heritage is contained within the historic mine diggings and cemetery which is located on Crown Land to the south west of the subject site.

In addition an Aboriginal archaeological survey was commissioned for the Yalwal Management Plan in 1999 (**Attachment F**) and no sites were found during the survey. However, future development may require further investigation of the site and should any Aboriginal artefacts be found when undertaking future works to the site, works must cease and the relevant authority notified in accordance with the *National Parks and Wildlife Act 1974*.

4.4 Planning for Bush Fire Protection

The site is mapped as bushfire prone land. The proponent has already consulted with the NSW Rural Fire Service (RFS). The outcome of consultation was that a detailed bushfire assessment would be undertaken post Gateway determination that would consider the type of surrounding vegetation and topographic conditions, along with all relevant requirements of *Planning for Bush Fire Protection 2006*. The PP is consistent with this Direction.

5.1 Implementation of Regional Strategies

The PP is consistent with the SCRS and IRGIP as discussed in Section 4.2.1 and therefore is consistent with this Direction.

6.1 Approval and Referral Requirements

The PP does not include provisions that relate to concurrence, consultation or referral of DAs or identify development as designated development. The PP is consistent with this Direction.

6.3 Site Specific Provisions

The PP proposes "camping grounds" as an additional permitted use on the site to enable the continuation and future upgrade of the existing camping and picnic areas. The previous SLEP 1985 provisions included a number of considerations for development of the site relating to water quality of the dam and other matters (refer to **Attachment J**). Consideration will be given to the inclusion of site specific matters to be addressed for the development of the site, however the PP is considered to be consistent with this Direction as it does not facilitate a particular development to be carried out.

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?

Council's mapping does not indicate that the subject site contains critical habitat or threatened species, populations or ecological communities, or their habitats. Further, the PP will only make an administrative change to the SLEP 2014 to permit "camping grounds" on the site of an existing camping area. The proposed upgrade to the site will formalise and define camping sites and walkways which will enhance the protection of the natural environment.

Any future DAs would be required to consider these issues should the proposal impact upon threatened species.

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?

Bushfire

The main environmental effect as a result of the PP is potential bushfire risk. 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.

As mentioned above consultation between the proponent and the RFS has already taken place and they have indicated that a more detailed bushfire assessment would be required post Gateway determination to address the following as a minimum:

- 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 APZs; and
- 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.

Council will consult with the Commissioner of the RFS following Gateway determination to determine the requirements for further assessment to be carried out before undertaking public exhibition.

4.3.3 How 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 of the visitors such as the riding of unregistered dirt bikes in and around the existing camping area. The inclusion of a local provision clause which enables camping at the site will allow Shoalhaven Water to lodge a DA to improve the existing camping and picnic/day use facilities at Yalwal.

Broadly the proposed improvements to the site include the following:

- 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 with the intention of reducing the area of land used for camping purposes; and
- Upgraded walking tracks, picnic tables and interpretive signage about the history of the area.

In addition, nature-based tourism is a growth sector in the Shoalhaven and the economic flow on effects will be beneficial to the region.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The site adjoins Danjera Dam which is a backup water supply for the Nowra area and Council maintains the road to the bridge across Yarramunmun Creek and Shoalhaven Water maintains a road from the bridge through the site. The PP does not create further requirements for public infrastructure. The proposed future improvements to the site are envisaged not to increase the number of camp sites but to formalise and manage the area to improve safety of visitors and reduce impacts on the environment.

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

The RFS were consulted as outlined in Section 4.3.2 above and further consultation will take place post Gateway determination and prior to exhibition. Consultation will also be undertaken with adjoining public authority land owners including Crown Lands and NPWS. The proponents have held initial discussions with Crown Lands and NPWS and have indicated that they will continue to work on a Management/Operational Plan for the site in conjunction with them.

5 Part 4 – Mapping

This PP is supported by the following maps:

- Location Map;
- Subject Land Map; and
- Aerial Map.

The SLEP 2014 Clauses Map will need to be amended as part of the PP to identify the subject site and the relevant Local Provision clause.

6 Part 5 - Community Consultation

The proposal is considered to be ‘low impact’ and Council intends to exhibit the PP for a minimum period of 14 days in accordance with the requirements of Section 57 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and as determined by the Gateway process. Public notification of the exhibition will include a notice in newspapers circulating in the local area, a notice on Council’s website and hard copies to be available at Council’s Administrative Buildings.

Consultation will be made with relevant State or Commonwealth public authorities in accordance with Section 56 (2)(d) of the EP&A Act and/or any other requirements as determined by the Gateway process.

7 Part 6 – Project Timeline

The following milestone timeframes are anticipated and will be revised if any significant delays are encountered during the process.

Task	Anticipated Timeframe
Commencement date (i.e. date of Gateway determination)	December 2015
Completion of Gateway requirements – i.e. studies and government agency consultation	January 2016
Public exhibition (minimum 14 days)	February 2016
Post exhibition consideration of PP	March 2016
Report to Council	March 2016
Governor-General’s approval	April 2016
Finalisation and notification of Plan	May 2016

Attachment A – Proponent’s Planning Proposal Document

Attachment B – Special Development Committee Report and Resolution

Attachment C – State Environmental Planning Policies

Attachment D – Ministerial Directions (Section 117 Directions)

Attachment E – Evaluation Criteria for the Delegation of Plan Making Functions

Attachment F – Yalwal Management Plan 1999

Attachment G – Yalwal Recreation Tourism and Concept Development Plan 2001

**Attachment H – Yalwal Post Contact Heritage and Conservation Management Plan
1998**

**Attachment I – Yalwal/Danjera Tourism Precinct - Preliminary Site Assessment
Report 2014**

**Attachment J – Shoalhaven Local Environmental Plan 1985 - Schedule 9 –
Development for certain additional purposes - Yalwal**