

Planning Proposal

LOCAL GOVERNMENT AREA: Shoalhaven

ADDRESS OF LAND: Part of Lot 300 DP 792411, Ross Avenue Narrawallee

MAPS

- Location map showing the land affected by the proposed draft plan in the context of the LGA(titled "Location Map")
- Existing zoning map showing the existing zoning of the site and surrounding land (titled "Zoning Map")
- Proposed zoning map (titled "Draft LEP Map")

Part 1: OBJECTIVES OR INTENDED OUTCOMES OF PROPOSED LEP:

Rezone part of Lot 300 DP 792441 from Residential 2(c)(Living Area) to Environment Protection 7(a) (Ecology) under the provisions of Shoalhaven LEP 1985.

Part 2: EXPLANATION OF THE PROVISIONS OF PROPOSED LEP:

Amend Shoalhaven Local Environmental Plan 1985 in accordance with the proposed zoning map (Draft LEP Map).

Part 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROVISIONS AND PROCESSES FOR THEIR IMPLEMENTATION:

Section A – Need for the planning proposal

<p>1. Is the planning proposal a result of any strategic study or report?</p> <p>IF YES</p> <ul style="list-style-type: none"> • Briefly explain the nature of the study or report and its key terms of explaining the rationale for the proposal • Submit a copy of the study or report with the planning proposal 	<p>Yes, this amendment is consistent with the endorsed Milton-Ulladulla Structure Plan (which is identified in and supports the South Coast Regional Strategy).</p> <p>As a result of submissions received on the Milton- Ulladulla Structure Plan and subsequent major LEP amendment, Council agreed to prepare this draft LEP and the associated draft LEP LP No. 225 (Seascape Close) to enable the landowner to transfer Lot 300 DP 792441 (Garrads Lagoon) to Council and surrender an existing consent for 17 residential lots that sits over the land.</p>
<p>2. Is the planning proposal the best means of achieving the indented outcomes, or is there a better way? (alternatives to changing controls on development might include community education and new administrative processes such as pre application meetings)</p>	<p>The proposal to rezone the part of the lot that is zoned Residential 2(c) to Environment Protection 7(a), and the associated Voluntary Planning Agreement (that has been prepared and signed), will ensure that the land is zoned appropriately and brought into public ownership and its environmental values protected.</p>
<p>3. Is there net community benefit? The Net Community Benefit Test: an assessment should be prepared by the proponent to be submitted to Council for endorsement prior to submitting of DoP as part of the Gateway process. The level of detail and analysis should be proportionate to the size and likely impact of the rezoning</p>	<p>A Net Community Benefit Test was not prepared for this draft LEP as it was not considered necessary as this planning proposal is being prepared to ensure the continuation of a Draft LEP that has been issued with a Section 65 certificate.</p> <p>Four (4) submissions were received from the community during the draft LEP exhibition period.</p>

	<p>There is community support in seeing the tenure of Garrads Lagoon resolved.</p> <p>A Voluntary Planning Agreement has been prepared between Council and the land owner to ensure the subsequent and eventual dedication/ transfer of Lot 300 DP 792441 to Council. The VPA was publicly exhibited for 28 days from 31 March to 28 April 2011.</p>
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Section B – Relationship to strategic planning framework

<p>4. 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 plan?</p> <ul style="list-style-type: none"> • Describe regional or sub regional strategy outcomes or actions directly relevant to the planning proposal • Where is the case, include reasons why the planning proposal is either explicitly consistent with, or explicitly inconsistent with, or outline or actions contained in the regional or sub regional strategy. • Sustainability criteria included in regional strategies should be addressed in the planning proposal. 	<p>Yes, it is consistent with the South Coast Regional Strategy as it promotes the protection of an EEC identified by the NSW Office of Environment & Heritage.</p>
<p>5. Is the planning proposal consistent with the local Councils Community Strategic Plan or other local Strategic Plan.</p>	<p>Yes, the proposal is consistent with Council's Community Strategic Plan and the endorsed Milton -Ulladulla Structure Plan identifies the site as a "reserve" and an "open space linkage".</p>
<p>6. Is the planning proposal consistent with applicable state environmental policies?</p>	<p>The proposal is consistent with relevant State Environmental Planning Policies.</p>
<p>7. Is the planning proposal consistent with applicable Ministerial directions?</p> <ul style="list-style-type: none"> • Each Planning proposal must identify, if any; Section 117 Directions are relevant to the Planning Proposal. • Where the Planning Proposal inconsistent, those inconsistencies must be specifically justified. • Certain directions require consultation with government 	<p>The proposal is consistent with Ministerial directions No 2.1 – Environmental Protection Zones, No.2.2- Coastal Protection, No. 4.1 Acid Sulphate Soils and No 5.1 Regional Strategies.</p> <p>The proposal is inconsistent in a minor way with <i>Section 117 direction 3.1 Residential Zones</i> as on its own it proposes to remove the permissible residential density on the land. However the loss of residential land is negated by the associated intention to rezone other land in the same ownership that is currently zoned for environment protection to a residential zone to</p>

agencies – if such a direction is relevant, this should be identified however should not take place until the gateway determination is issued, confirming the public authorities to be consulted	facilitate the dedication of the subject land to Council and the surrendering of an existing consent for 17 residential lots.
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Section C – Environmental, social and economic impact

<p>8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or habitats that will be adversely affected as a result of the proposal?</p> <p>IF Yes: it will be necessary to carry out an assessment of significance accordance with Section 5A of the EP&A act and the “Threaten species Assessment Guidelines” issued by the department of climate change. Any adverse impact will trigger the requirement under section 34A to consult with the director general of the department of climate change – such consultation if required does not take place until after the issuing of the initial gateway determination.</p>	<p>The proposal is unlikely to adversely affect critical habitat, threatened species populations, endangered ecological communities or habitat.</p> <p>However, the relationship (through a Voluntary Planning Agreement) with another proposal that seeks to rezone part of Lot 29 DP 874275 Seascape Close from Environment Protection 7(d2) to part Residential 2(a1) may result in an environmental impact. Studies of the potential impact of the Seascape Close residential rezoning on the existing environment have been undertaken and the zoning boundaries have been delineated, along with draft LEP clauses, to minimise the impact on the existing natural environment.</p>
<p>9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</p>	<p>The relationship (through a Voluntary Planning Agreement) with the associated proposal that will rezone part of Lot 29 DP 874275 Seascape Close from Environment Protection 7(d2) to part Residential 2(a1) may result in an environmental impact. However studies of the potential impact of residential development on the existing environment have been undertaken and the zoning boundaries have been delineated, along with draft LEP clauses, to minimise the impact on the existing environment.</p>
<p>10. How has the planning proposal adequately addressed any social and economic effects?</p>	<p>The possible social effects are positive in that a piece of land with environmental value will be dedicated/ transferred into public ownership as supported by the local community. The possible economic effects relate to cost implications of maintaining the land if and when dedicated/ transferred to Council.</p>

Section D – State and Commonwealth Interests

<p>11. Is there adequate public infrastructure for the planning proposal?</p>	<p>Yes. The land will be rezoned from residential to environmental protection and therefore there will be a reduction in the need for public infrastructure in this location.</p>
<p>12. What are the views of State and Commonwealth public authorities consulted in accordance with the</p>	<p>The views of public authorities were ascertained via the exhibition of the draft LEP. The main state agency with an interest in this draft LEP is</p>

<p>gateway determination?</p>	<p>the NSW Office of Environment & Heritage and they support the proposed rezoning.</p> <p>The only state agencies (other than OEH) to provide comments during the exhibition period were RTA and RFS, and they did not object to the draft LEP. No Commonwealth agencies have provided their views regarding this matter.</p>
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Part 4 – Community Consultation

As per the requirements of the EP&A Act, Draft LEP No. LP 338 was exhibited from 10 September and 16 October 2009 along with the associated Draft LP No. LP225 and the 'Deed of Agreement' between Council and Hanson South Coast Pty Ltd (which has now been transferred into a Voluntary Planning Agreement). Although this proposal could be considered as "low impact" under the "Guide to Preparing Local Environmental Plans" it was exhibited for 28 days, rather than 14 days, provided for in the new system.

In excess of 100 adjoining or nearby landowners were formally notified in writing of the exhibition of the draft LEP. Notification of the exhibition was placed in local newspapers, the South Coast Register and the Milton Ulladulla Times on 3 separate occasions and State Government agencies and relevant Community Consultative bodies (CCB's) were also referred the draft LEP's, for comment.

Nine submissions were received during the exhibition period and these are summarised as follows:

- Four from the community members;
- Three from state agencies; and,
- Two from internal Council Groups.

Three of the four community submissions were letters of support. The state agency comments are summarised under Point 12 above. The Council Group comments related to operational matters should the land be dedicated/ transferred to Council.

The associated draft Voluntary Planning Agreement was also placed on public exhibition for 28 days from 31 March to 28 April 2011 (inclusive) at Council's Ulladulla and Nowra Offices. Seven (7) submissions (external) were received during the exhibition period. The concern and objections raised relate more to the actual rezoning of the land at Seascope Close than the form and content of the VPA. The merits of rezoning were considered by Council in November 2010 and it was resolved to proceed to finalise the proposal provided the VPA was prepared and endorsed which has now occurred. The VPA essentially provides the legal Mechanism to facilitate the transfer of land at Garrads Lagoon if the rezoning proceeds (As noted in the Council Report 17 May 2011).