
ADOPTED AT COUNCIL MEETING HELD ON TUESDAY 16 NOVEMBER 2010

1303. (Item 7, Page 4) Public Exhibition of draft LEP No. LP225 Seaspray Street and draft LEP No. LP338 Ross Avenue, Narrawallee and associated Deed of Agreement.
File 26448E, 1787E (PDR)
-

This item was withdrawn and dealt with separately.

RESOLVED on a MOTION of Cllr Young, seconded Cllr Ward, that:

- a) Council approach Hanson South Coast Pty Ltd to reformat the terms of the Deed into a Voluntary Planning Agreement (VPA).
- b) The VPA be prepared in line with relevant legislation and Council Policy and be publicly exhibited for a period of 28 days.
- c) Should the VPA be endorsed by Council (post exhibition), adopt draft LEP No. LP 225 and draft LEP No. LP 338 as exhibited, with any minor wording changes required by the Parliamentary Counsel, and forward to the Minister for Planning for commencement.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Cllrs Soames, Fergusson, Bennett, Guile, Miller, Brumerskyj, Ward, Watson, Proudfoot, Young, Green.

The following Councillors voted "No";

Cllr Findley

REPORT OF GENERAL MANAGER

DEVELOPMENT COMMITTEE

TUESDAY, 2 NOVEMBER 2010

STRATEGIC PLANNING AND INFRASTRUCTURE

1. **Public Exhibition of draft LEP No. LP225 Seaspray Street and draft LEP No. LP338 Ross Avenue, Narrawallee and associated Deed of Agreement.**

File 26448E, 1787E PDR

Purpose of the Report:

The report summarises the outcomes of the public exhibition of draft Local Environmental Plan (LEP) No. LP225 Seaspray Street and draft LEP No. LP 338 Ross Avenue, Narrawallee and associated Deed of Agreement (the Deed).

This report also details changes to relevant legislation which has instigated the need for a review of the Deed between Council and Hanson South Coast Pty Ltd.

RECOMMENDATION

Recommended that

- a) **Council approach Hanson South Coast Pty Ltd to reformat the terms of the Deed into a Voluntary Planning Agreement (VPA).**
- b) **The VPA be prepared in line with relevant legislation and Council Policy and be publicly exhibited for a period of 28 days.**
- c) **Should the VPA be endorsed by Council (post exhibition), adopt draft LEP No. LP 225 and draft LEP No. LP 338 as exhibited, with any minor wording changes required by the Parliamentary Counsel, and forward to the Minister for Planning for commencement.**

Community Strategic Plan:

Objective 2.2 Population and urban settlement growth that is ecologically sustainable, carefully planned and managed to meet the needs of the community.

Strategy 2.2.1 Develop and implement land use and related strategies for future growth of the City, based on the principles of connectivity, ecological sustainability, flexibility and accessibility".

Delivery Program:

Activity 1.5.3.2 Implement appropriate land use zones and planning controls that reflect endorsed strategic plans/policies and are responsive to the community's needs".

Options and Implications:

Option 1:

- a) Council approach Hanson South Coast Pty Ltd to reformat the terms of the Deed into a VPA;
- b) The VPA be prepared in line with relevant legislation and be publicly exhibited for a period of 28 days; and
- c) Should the VPA be endorsed by Council (post exhibition), adopt draft LEP No. LP 225 and draft LEP No. LP 338 as exhibited, with any minor wording changes required by the Parliamentary Counsel and forward to the Minister for Planning to be made/ for commencement.

Implications:

The implications of this option, should the Minister for Planning make the LEP's, are as follows:

- Positive environmental outcome through the protection of the whole of Garrads Lagoon. The majority of Garrads Lagoon is already a public reserve in Council's ownership.
- The cost of maintaining the whole of Garrads Lagoon will become Council's responsibility when it is transferred. Additional resources may need to be allocated to meet the cost of maintaining the land into the future and this could be included in the VPA, subject to agreement by the proponent.
- Rezoning of land currently zoned Environment Protection 7(d2) (Special Scenic) to allow for residential development at Seaspray Street.
- As a condition of the current Deed of Agreement, Hanson South Coast Pty will be credited with the equivalent of 17 lots for Section 94 and Section 64 contributions for future development of the Seaspray Street land at an estimated value of \$411,820.

Option 2:

Do not proceed to finalise the draft LEP's and cease the negotiations with Hanson South Coast Pty Ltd.

Implications:

This option would retain the status quo with part of Garrads Lagoon being retained with a residential zone in private ownership and Lot 29 DP 874275 Seaspray Street, Narrawallee retaining the Environment Protection 7(d2) (Special Scenic) zone. As such the current longstanding situation would be left unresolved.

Should Council decide to pursue option 2, legal advice would be required to determine Council's responsibilities under the current Deed of Agreement.

Report Details:

Introduction:

Council resolved on 11 August 2009 (MIN09.1062) that:

- a) *Draft LEP No. LP 338 and the 'Deed of Agreement' between Council and Hanson South Coast Pty Ltd be placed on public exhibition for a period of 28 days; and*
- b) *The related Draft LEP No. LP 225 also be re-exhibited for a period of 28 days concurrently with draft LEP No. LP 338.*

Background:

This is a longstanding matter that has been under consideration by Council for some time and needs to be brought to a conclusion.

Draft LEP No. LP 338 proposes to rezone that part of Lot 300 DP 792411 zoned Residential 2(c) (Living Area) to Environment Protection 7(a) (Ecology) under Shoalhaven LEP1985. The draft plan aims to protect Garrads Lagoon and *once the land is rezoned in part, the current Deed requires Lot 300 to be dedicated to Council.*

Draft LEP No. LP 225 proposes to rezone that part of Lot 29 DP 874275 zoned Environment Protection 7(d2) (Special Scenic) to part Residential 2(a1) and part Environment Protection 7(d2) (Special Scenic), and the inclusion of scenic preservation area over part of the land. The draft Plan aims to allow for some residential development while protecting landscape values and the habitat of the threatened species, ensuring that the risk to life and property from bush fire is minimised, and ensuring that the visual impact of development is reduced through the protection and establishment of appropriate landscaping.

Both properties are currently owned by Hanson South Coast Pty Ltd and Council agreed to the rezoning of Lot 29 DP 874275 Seaspray Street as a negotiated outcome for the surrendering of a 17 lot subdivision consent that existed on the part of Lot 300 DP 792411 that is zoned Residential 2(c).

Draft LEP No. LP225 Seaspray Street was initially publicly exhibited from 2 December 2001 to 18 January 2002. To ensure the surrender of the 17 lot subdivision consent and the dedication of Lot 300 DP 794211 Ross Avenue to Council, Council also previously resolved to prepare a Deed of Agreement to ensure this was facilitated.

- # See the locality plan and draft amendment LEP 1985 maps at **Attachment 'A'**.

Key Issues:

Conversion to Planning Proposals

In July 2009, the LEP/ plan making process in NSW changed. The new legislation included saving provisions for what were called draft pending LEPs which meant that the subject plans were able to proceed under the previous plan making system provided that they were completed within a year of the commencement of the changes.

As this was not able to be achieved for these draft LEPs, they have now migrated across as 'planning proposals' under the new 'Gateway Process'.

The Department of Planning has indicated that the planning proposals should be completed within 6 months of the date of the letters confirming the conversion the draft LEPs to planning proposals - with this date being 1 January 2011.

Amendment to the State Environmental Planning Policy (Major Projects)

Subdivisions of between 25 and 100 lots in the coastal zone are now classified as Regional Development Applications under the SEPP. The determining authority for a future subdivision application for the Seaspray Street land will therefore be the Southern Region Joint Regional Planning Panel, and not the Minister for Planning as stated in the current Deed of Agreement.

As the result of these changes to legislation, the Deed is no longer accurate and needs to be adjusted. Legal advice has recommended that Council approach Hanson South Coast and propose that the terms of the Deed be reformulated into a Voluntary Planning Agreement (VPA). The VPA would be prepared consistent with changes to the relevant legislation and would avoid any potential criticism as to a lack of transparency in entering the Deed.

Planning agreements made under Section 93F of the Environmental Planning & Assessment Act 1979 (EP&A Act) require public notification and need to be made available to the public for inspection for a period of 28 days.

Public Exhibition/Community Consultation Process

The Section 65 certificate to enable the public exhibition of draft LEP No.LP338 was issued on the 13 June 2009 and the draft plan was publicly exhibited from 10 September to 16 October 2009. Draft LEP No LP 225 was re-exhibited and the 'Deed of Agreement' between Council and Hanson South Coast Pty Ltd exhibited at the same time.

Submissions

Nine submissions (internal and external) were received during the exhibition period. The submissions are summarised and commented on in the following table:

Received	Submission	Comments
10/09/2009	Adjoining Resident: Supports LP 338 as the proposed rezoning will amend the current inappropriate land use zone.	<i>The recommendation in this report is consistent with the comments raised in the submission that supports the draft LEPs. The submission does not request/ require any changes to the draft LEPs as exhibited.</i>
14/09/2009	Adjoining Resident: Supports the dedication of Garrads Lagoon.	<i>The recommendation in this report is consistent with the comments raised in the submission that supports the draft LEPs. The submission does not request/ require any changes to the draft LEPs as exhibited.</i>
15/09/2009	Adjoining Resident: Supports the dedication of Garrads Lagoon to preserve natural features of land in Narrawallee.	<i>The recommendation in this report is consistent with the comments raised in the submission that supports the draft LEPs. The submission does not request/ require any changes to the draft LEPs as exhibited.</i>
21/09/2009	Policy Planning Section - Council	<i>Council previously supported the</i>

Received	Submission	Comments
	LP 225 - The scenic preservation objectives may not be able to be achieved and the visual buffer between Milton and Narrawallee will be compromised by the proposed rezoning. LP 338 - Potential problems/ costs associated with the proposed land dedication to Council include: • Sediment build up, weed infestation, littering, flooding and garden waste dumping; and, • Future management of the land will have to compromise between community expectation and environmental values.	<i>Draft LEPs (LP 225 and LP 338) as there was seen to be a public benefit in the dedication of Garrads Lagoon to Council for environmental protection.</i> <i>Should Council decide to proceed with the draft plans and the dedication of Garrads lagoon occurs, the issues raised could be addressed via the VPA (subject to agreement with the proponent) and/or a plan of management, once the site has been transferred to Council.</i>
17/09/2009	Roads and Traffic Authority - Rezoning of the land is unlikely to lead to a significant increase in the dwelling potential and therefore vehicle movements within the area and does not impact on the state and regional classified roads network.	<i>The submission does not request/ require any changes to the draft LEPs as exhibited, as the RTA do not envisage a significant increase in vehicle movements should the rezoning proceed.</i>
12/10/2009	Adjoining Resident: Does not support the rezoning of the Seaspray Street land as: • The land provides habitat for a variety of native fauna • The land provides a natural buffer zone between Narrawallee and Ulladulla • The local road network does not have sufficient capacity to cope with additional development • There is sufficient land available in the Ulladulla Milton Narrawallee area to cater for future demand Does not support the Deed of Agreement and Draft LEP No. LP 338 (Ross Avenue) as the land has been approved for development.	<i>Only part of the site is proposed to be rezoned for residential purposes, through Draft LEP LP 225. The boundary for the Residential 2(a1) zone has been delineated through negotiation, environmental studies and using information provided by NPWS to ensure impact is minimised on the environmental qualities of the site.</i> <i>The Roads and Traffic Authority nor Council's Traffic Unit has raised any issues regarding the capacity of the local road network.</i> <i>Whilst there may be available land in the Ulladulla area to cater for future demand, Council agreed to investigate rezoning the Seaspray Street site to enable the 17 lot development consent at Ross Avenue to be surrendered and the environmentally significant land transferred to Council. As such there is a public benefit in proceeding with the draft LEP.</i>
15/10/2009	Shoalhaven Water • Current water and sewer Development Plans do not include the Seaspray street for future residential development,	<i>This submission is consistent with the previous input of Shoalhaven Water into the rezoning process, and the Deed of Agreement. The submission does not request/ require any</i>

Received	Submission	Comments
	however if the land is rezoned the site could be included in the next DSP's. Will credit a maximum of 17 lot credits for water and sewerage as proposed by the Deed of Agreement.	<i>changes to the draft LEPs, as exhibited.</i>
Jan 2011	Department of Environment Climate Change and Water - LP 338 - Support the rezoning of land zoned residential to Environment Protection. LP 225 - Environmental Constraints on the site will limit development to a line delineated in a submission from National Parks and Wildlife on 8 February 2002.	<i>The boundary for the Residential 2(a1) zone in draft LEP NO.LP 225 has been established using environmental studies and the DECCW mapping provided in 2002 which recommended:</i> <i>Lots should be restricted to the upper part of the slope where disturbance has been greatest;</i> <i>A road should be located on the western edge of any proposed development;</i> <i>The lower valley should retain the existing environmental protection zoning; and</i> <i>A management regime should be developed for the lower valley.</i>
17/12/2009	Rural Fire Service - Supportive of the proposal but notes that the subject land is bush fire prone. - Future development will need to comply with Planning for Bush Fire Protection 2006. - Asset protection zones may be inconsistent with some of the principles regarding landscape values and habitat retention.	<i>This submission supports the Draft LEPs as exhibited and includes comments that will need to be considered as part of any future development application.</i>

Resourcing Implications - Financial, Assets, Workforce:

The cost of maintaining Garrads Lagoon will become Council's responsibility when the land is transferred to Council's ownership, noting that the majority of Garrads Lagoon and environs is already in Council's ownership as a public reserve. Possible funding sources include:

- VPA negotiations; and
- Preparation of a plan of management over the land, which would require additional budget resources.

A condition of the current Deed of Agreement will also see Hanson South Coast Pty Ltd credited for the equivalent of 17 lots for Section 94 and Section 64 contributions for future development of the Seaspray Street land. The estimated value of the credits is \$411,820 which includes:

- a) Approx \$168,227 for Section 94 contribution (estimate calculated on 14 July 2009).
- b) Approx \$243,593 for Section 64 head works charges, including water supply, water service fee and sewerage (09/10 Charges).

These credits have the potential to negatively impact on future budgets due to a reduced level of income and the need to still provide the services without receiving a contribution.

Community, Environment (ESD), Economic and Governance Impact:

Draft LEP No. LP 338 aims to achieve a positive environmental outcome through the zoning protection of Garrads Lagoon. The associated Deed will see the land transferred to Council. This should ensure that this area of environmentally sensitive land will be brought into public ownership and maintained for future generations. However, this positive environmental outcome will be negated by the loss of land currently zoned Environment Protection 7(d2) (Special Scenic) to residential development as proposed by draft LEP No. LP 225.

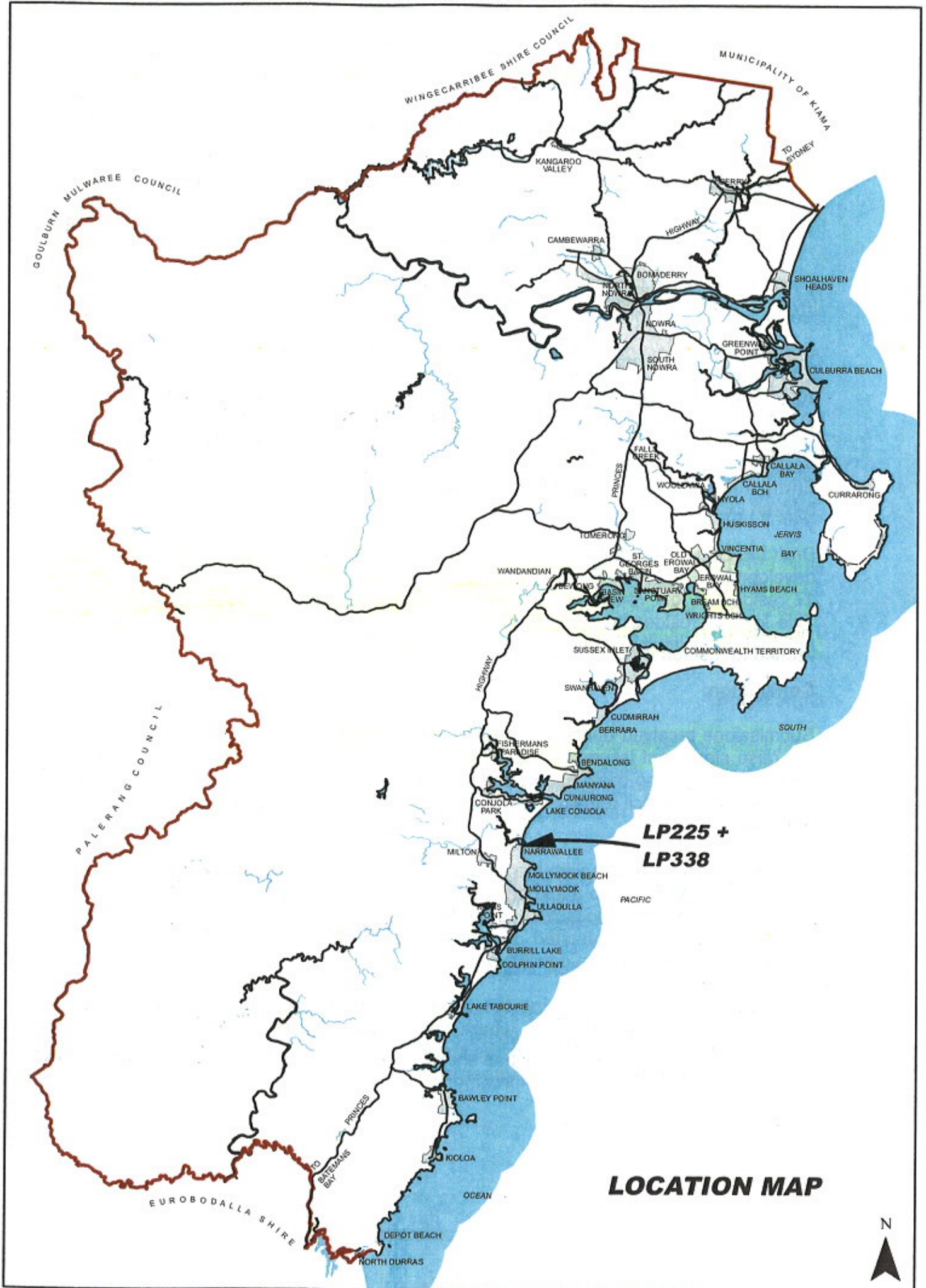
Draft LEP No. LP 338 also represents a reduction of land currently zoned for residential development, however, the current consent only permits the remaining development of 17 residential lots which may be difficult to achieve due to environmental constraints. This loss of residential zoned land will be balanced by the area of land that will be rezoned to residential through draft LEP No. LP 225.

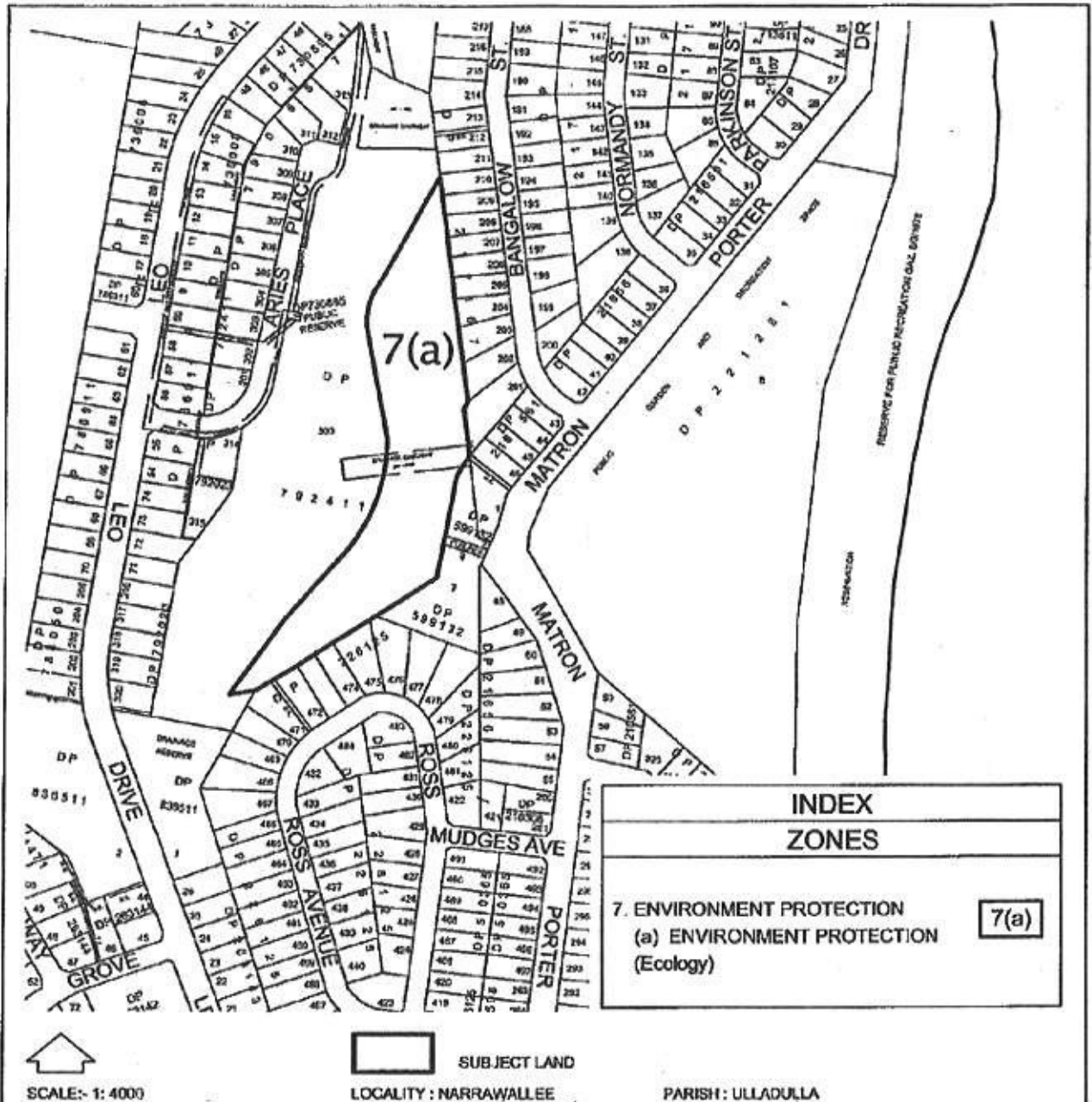
Conclusion:

Submissions received during the public exhibition period have been considered and do not raise significant issues in relation to draft LEP's LP 225 and LP 338. However, the issue of the ongoing costs associated with maintaining Garrads Lagoon once the land is transferred to Council remains an issue that may be addressed via the VPA or a plan of management.

The negotiation of a VPA with the landowner, to ensure consistency with changes to the relevant legislation and to avoid any potential concern related to transparency, should be undertaken as soon as possible in order to meet the 6 month timeframe for completion of the draft LEPs as requested by the Department of Planning and to bring this longstanding draft LEP to a conclusion.

This LEP process aims to bring the entire Garrads Lagoon into Council's ownership, rather than the current situation where the Lagoon is partly in private ownership and partly in public ownership. Council has shown support for these draft LEPs in the past by entering into the current Deed of Agreement.





ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF SHOALHAVEN

DRAFT LOCAL ENVIRONMENTAL PLAN

DRAWN BY : J GRANT	DATE : 27/01/2004
SUPERVISING DRAFTSPERSON	<i>Kyr B...</i>
PLANNING OFFICER	<i>gen. w...</i>
CERTIFICATE PLAN NO. LP338	
COUNCIL FILE NO 28448	
AUTOCAD FILE :Graphics\Projects\City\LP\Diop\Draft\LP338	
DEPT FILE NO	
CERTIFICATE ISSUED UNDER SEC 65 E P A ACT	
DATE	

STATEMENT OF RELATIONSHIPS WITH OTHER PLANS

THIS PLAN AMENDS LOCAL ENVIRONMENTAL PLAN 1985.

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, & REGULATIONS

R. P. G.
GENERAL MANAGER

20.8.09
DATE

Our reference: File 07/13547
Contact: Miles Boak (02) 6229 7095

Mr. R.Pigg
General Manager
Shoalhaven City Council
Po Box 42
Nowra NSW 2541

Dear Mr. Pigg

Re: Draft Local Environmental Plan No LP225 and 338 Lot 29 DP874275 Seaspray Street Lot 300 DP 792411 Ross Avenue, Narrawallee Ref 1787-04.

Thank you for the opportunity for Department of the Environment, Climate Change and Water (DECCW) to comment on the above draft Local Environmental Plan. These comments are provided in accordance with the Department's statutory responsibilities for environmental matters.

In this regard we wish to reiterate our comments on the matter provided by email to Council in response to the letter of 7 September which confirmed that DECCW's position had not changed from the previous advice of 8 February 2002. Copy of that letter attached.

If you wish to discuss these matters further, please contact Miles Boak on (02) 62297095 or by email at miles.boak@environment.nsw.gov.au.

Yours sincerely

MBoak 24 Jan 11

Mark Sheahan
A/Manager Landscape & Aboriginal Heritage Protection

The Department of Environment and Climate Change is now known as the Department of Environment, Climate Change and Water

PO Box 733 Queanbeyan, NSW 2602
11 Farrer Place Queanbeyan
Tel: (02) 6229 7000 Fax: (02) 6229 7001
ABN 30 841 387 271
www.environment.nsw.gov.au

Department of **Environment and Climate Change** NSW





NSW
NATIONAL
PARKS AND
WILDLIFE
SERVICE

ABN 30 841 387 271



8 February 2002

The General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Shoalhaven City Council

Our reference:
Your reference: ZF/0792

Received SR

14 FEB 2002

File No 1787-02

Dear Sir,

Referred to: Joanne Gould

**RE: DRAFT LOCAL ENVIRONMENTAL PLAN NO. LP225, LOT 29
DP874275 SEASPRAY STREET, NARRAWALLEE**

I write in response to your letter of 12 December 2001 in which you seek comment on the above draft LEP. The NPWS appreciates the opportunity to comment on this proposal once again. It should be noted that this advice to Council is consistent with previous written advice provided on this issue.

The NPWS believes that the existing Environmental Protection zoning of the land is appropriate for its ecological values. Numerous studies and reports have documented that the site contains high quality mature coastal forest which provides habitat for a diverse range of flora and fauna, including important breeding habitat for the threatened Powerful Owl. In short, the site has a high level of ecological integrity, and the following comments relate to measures which aim to protect the values of the site for fauna and flora should any proposed development proceed.

The NPWS supports recommendations contained in the initial flora and fauna study prepared by Kevin Mills and Associates in April 1998. This study identified measures to minimise impact on the main area of importance of the site, the lower part of the valley on the western side of the lot. These include:

- Lots should be restricted to the upper part of the slope, where disturbance has been greatest;
- A road should be located on the western edge of any proposed development;
- The lower valley should retain the existing environmental protection zoning;
- A management regime should be developed for the lower valley.

The NPWS notes that advice provided to Council by the Shoalhaven Fire Control Officer has significant implications for the management of any retained areas in the vicinity of future development. The need for fuel management zones and frequent

Conservation
Programs &
Planning Division
Southern Directorate
6 Rutledge Street
PO Box 2115
Queanbeyan
NSW 2620
Australia
Tel: (02) 6298 9700
Fax: (02) 6299 4281

Head Office
43 Bridge Street
PO Box 1967
Hurstville NSW
2220 Australia
Tel: (02) 9585 6444
Fax: (02) 9585 6555

hazard reduction has the potential to substantially modify the habitat values of the site for fauna, including the nearby nest and roosts of a resident pair of Powerful Owls, and their prey species present on the site. As such management of the lower slope and gully vegetation is an issue that requires careful consideration. The NPWS suggests that a detailed prescriptive management regime should be built into the provisions of the written instrument. Included in this management plan should be a monitoring program to assess the longer-term impacts of disturbance on annual nesting activity and success of the Powerful Owl on or adjacent to the site.

The initial fauna and flora study prepared by Mills and Associates (1998) also identified the site as important as a key link in the bushland corridor to the west of Narrawallee. This issue needs to be considered in conjunction with wider planning issues raised in the Milton-Ulladulla Structure Plan, which the NPWS has commented on previously. The NPWS acknowledges and strongly supports recent investigations by Council into the securing of a corridor of vegetation under public ownership in this area. It is crucial to its integrity and ongoing viability that a system of vegetation linkages and habitats must be maintained. While vegetation throughout this area is being increasingly fragmented as result of development there still exists a number of remnants, such as this site, which contain high quality habitats and significant vegetation communities.

Taking all the above legitimate environmental constraints into consideration, the NPWS considers that the only acceptable level of development possible for the site is to confine disturbance to the upper slope on the eastern edge. A map showing the suggested limit of disturbance is attached (Figure A).

If you would like to discuss this issue further, please contact Miles Boak, Conservation Planning Officer, on 6298 9708.

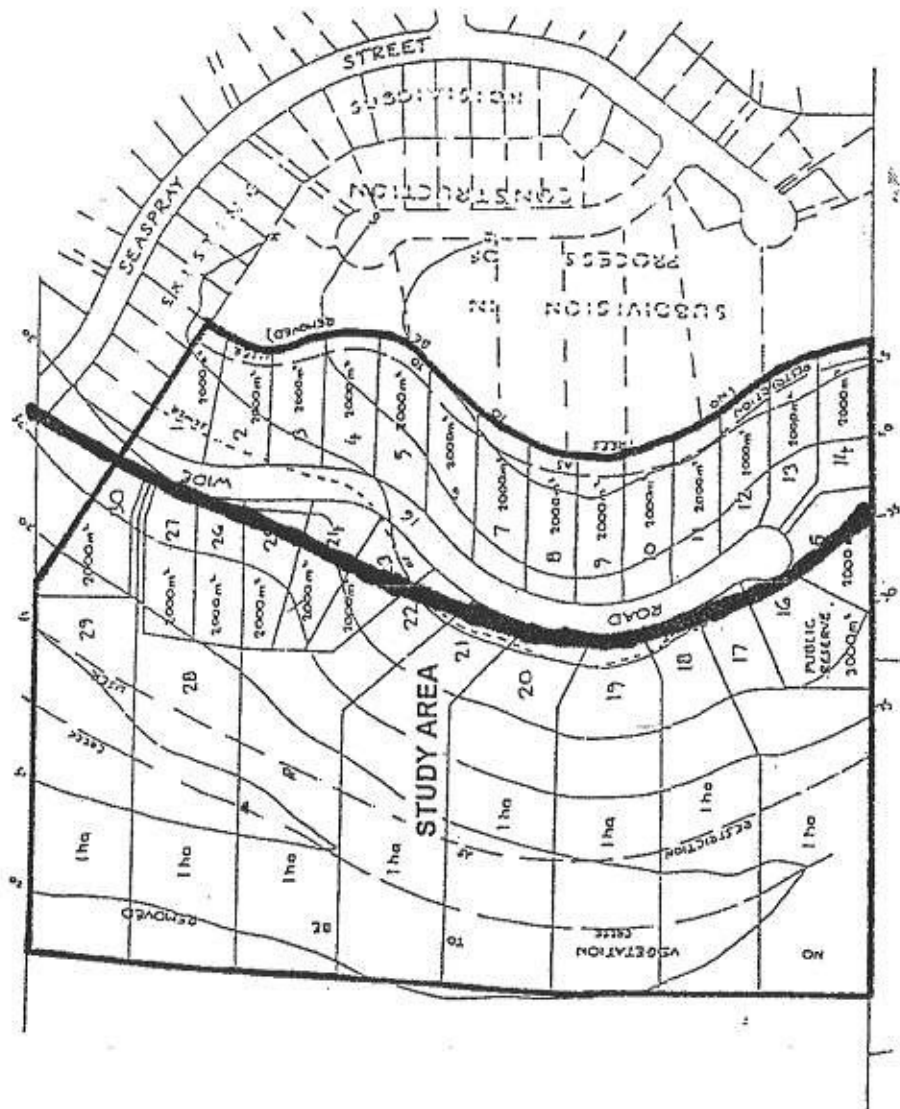
Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Hood', with a large, stylized flourish extending from the end of the signature.

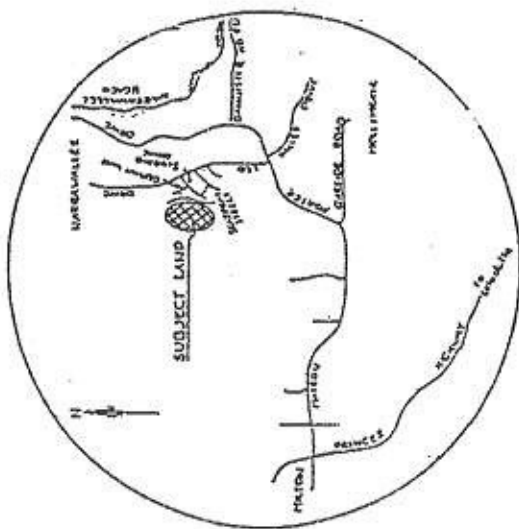
MICHAEL HOOD
Manager
Conservation Planning Unit
Southern Directorate

FIGURE A

Suggested limit of development.



LOCALITY SKETCH



All communications to be addressed to:

Head Office
NSW Rural Fire Service
Locked Mail Bag 17
Granville NSW 2142

Telephone: (02) 8741 5555

Head Office
NSW Rural Fire Service
15 Carter Street
Lidcombe NSW 2126

Facsimile: (02) 8741 5550



The General Manager
Shoalhaven City Council
PO Box 42
Nowra NSW 2839

Shoalhaven City Council
Received

Your Ref: 1787-04
Our Ref: L08/0110
HQ09/1328

Attention: Glen Weekley

MS
17 DEC 2009

File No. 1787e

7 December 2009

Dear Mr Weekley,

Referred to: G. Weekley

Re: Draft Local Environmental Plan No. LP 225, Lot 29 DP874275 Seaspray Street, Narrawallee and Draft Local Environmental Plan No. LP 338, Ross Avenue, Narrawallee and Associated Deed of Agreement.

I refer to your letter dated 8 September 2009 seeking our advice in accordance with Section 62 of the *Environmental Planning & Assessment Act 1979* for the above Local Environmental Plan (LEP) and apologise for the delay in response.

The NSW Rural Fire Service (RFS) is supportive of the proposal but advises that any development on land identified as being bush fire prone on the Shoalhaven Bush Fire Prone Land map will be subject to the requirements of Section 79BA of the *Environmental Planning and Assessment Act 1979* and Section 100B of the *Rural Fires Act 1997*.

The RFS advises that future development on the subject land will be required to achieve compliance with *Planning for Bush Fire Protection 2006*. One requirement in order to achieve this compliance will be the establishment of adequate asset protection zones (APZs) for future dwellings or special fire protection purpose developments. The RFS notes that the provision of these APZs may conflict with some of the principles Council has mentioned in regards to landscape values and habitat retention.

In addition, the requirements of *Planning for Bushfire Protection 2006* are to be considered in the planning stages of any development. Therefore, it is advised a bushfire threat assessment be prepared for future developments addressing the concerns of Council while adhering to the requirements of *Planning for Bushfire Protection 2006*.

For any enquiries regarding this correspondence please contact Luke Catorall.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Meggos', with a stylized initial 'D'.

Danielle Meggos

A/Team Leader, Development Assessment and Planning

The RFS has made getting additional information easier. For general information on Planning for Bush Fire Protection 2006, visit the RFS web page at www.rfs.nsw.gov.au and search under Planning for Bush Fire Protection 2006.

Our Ref: 404.5314 (09/1278)
Contact: Nicole Steveson (4221 2523)
Your Ref: 1787-04

15 SEP 2009



Shoalhaven City Council

Received

The General Manager
Shoalhaven City Council
PO Box 42
Nowra NSW 2541

17 SEP 2009

File No.

1787-04

Referred to:

G Weekley

Attention: Glenn Weekley

**SHOALHAVEN CITY COUNCIL - DRAFT LOCAL ENVIRONMENTAL PLAN NUMBERS
LP 225 AND LP 338 AND ASSOCIATED DEED OF AGREEMENT, LOT 29 DP 874275
SEASPRAY STREET AND LOT 300 DP 792411 ROSS AVENUE, NARRAWALLEE**

Dear Sir

I refer to your letter dated 7 September 2009 regarding the subject Draft Local Environmental Plan amendments forwarded to the RTA for consideration.

The RTA has reviewed the submitted information and notes that the purpose of the proposed changes to the Local Environmental Plans and associated Deed of Agreement is to facilitate an exchange of land to ensure an Environmental Protection Zone 7(a) can be created across an existing section of Lot 300 DP 792411 that is currently zoned for residential use.

As the rezoning of land is unlikely to lead to a significant increase in the dwelling potential and therefore vehicle movements within the area and does not impact on the State or Regional Classified Road network, the RTA does not object to the proposed amendments in principle.

Should you require any clarification on this matter please contact Nicole Stevenson on 4221 2523.

Yours faithfully

N. Stevenson

For Trish McClure
Manager, Road Safety and Traffic Management
Southern Operations and Engineering Services

Roads and Traffic Authority

7 Seascope Close,
Narrawallee. 2539

9 October 2009
Shoalhaven City Council

Received

MS
12 OCT 2009

File No. 1787E

Referred to: SA G. Weekley

THE GENERAL MANAGER
P.O. Box 42, Nowra. 2541

Council Reference: 1787-04 (D09/156277)

**Re: Draft Local Environmental Plan LP225 – Lot 29 DP874275 Seaspray Street, Narrawallee,
Draft Local Environmental Plan No. LP 338 – Lot 300 DP 79411 Ross Avenue,
Narrawallee and associated Deed of Agreement.**

Dear sir/Madam

First off I am not affiliated with any Political Party nor have ever made any donation to any Political Party.

I am totally against the proposed Draft Environmental Plans and Deeds of Agreement. The reasons are:

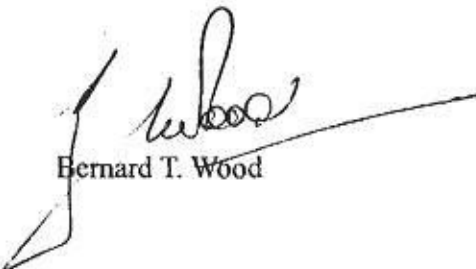
I live in Seascope Close and my land backs onto the bushland to be effected. The bush is a natural buffer zone between Narrawallee and Milton and is a natural habitat to numerous animals and birdlife. I have many animal coming onto my land (kangaroos, wallabies, enchindas, possums etc) together with the birdlife (owls, hawks, eagles, parrots etc) and the bush is a natural home and protection for them. The proposed alteration of this bush site would be criminal and vastly effect nature. This is the land that Council should protect, not Garrads Lagoon.

The land should not be rezoned to make it part residential as this will destroy the pristine bushland. Garrads Lagoon was the original area to be developed and the Goal Posts should not be shifted. There is very little bushland left in the Narrawalle area and the existing buffer zone is very important to the environment and if altered would be a disaster not only for the present time but for our future. Numerous people access the the land for walks and to view nature. This would be destroyed if this selfish proposal goes ahead.

The proposed development shows that access to area would be through Seaspray Street, Narrawalle. This is a narrow residential street and access to this street is off Seawinds Parade, Gemini Way, Scorpio Grove then Leo Drive. All of the streets leading from Leo Drive are also narrow residential streets and any further volume of traffic would be dangerous and disastrous. The streets would not be able to cope.

There are a number of Residential Developments proposed and on-going in the Ulludulla/
Mollymook/Narrawallee area and these should sustain the area for years to come. The subject land
(Lot 29 DP 874275) should not be rezoned, but left as it is.

Regards



Bernard T. Wood

E-mail Message

From: council@shoalhaven.nsw.gov.au [SMTP:council@shoalhaven.nsw.gov.au]
To: Council's Generic Mailbox [EX:/O=SHOALHAVEN CITY
COUNCIL/OU=NOWRA/CN=RECIPIENTS/CN=COUNCIL]
Cc:
Sent: 15/09/2009 at 11:34 AM
Received: 15/09/2009 at 11:34 AM
Subject: Online Feedback: LP338 ROSS AVENUE NARRAWALLEE

Hello,

This is an email from the Internet Website Public Exhibition feedback form.

Submitted Details as follows:

Document:
LP338 ROSS AVENUE NARRAWALLEE

Name:
Liz Henderson

Address:
21 Alleyne St, Chatswood

Email:
liz@lightbulbcomms.com.au

Daytime Phone Number:
0438568420

Comments:
I support the move for the 'Lagoon' area to be given to Council to preserve the natural features of the land in Narrawallee.

Regards,
Liz

E-mail Message

From: council@shoalhaven.nsw.gov.au [SMTP:council@shoalhaven.nsw.gov.au]
To: Council's Generic Mailbox [EX:/O=SHOALHAVEN CITY
COUNCIL/OU=NOWRA/CN=RECIPIENTS/CN=COUNCIL]
Cc:
Sent: 14/09/2009 at 11:12 AM
Received: 14/09/2009 at 11:12 AM
Subject: Online Feedback: LP338 ROSS AVENUE NARRAWALLEE

Hello,

This is an email from the Internet Website Public Exhibition feedback form.

Submitted Details as follows:

Document:
LP338 ROSS AVENUE NARRAWALLEE

Name:
Margaret and Leigh Clark

Address:
49 Bangalow St, Narrawallee

Email:
marclar@iprimus.com.au

Daytime Phone Number:
0294283503 or mob 0402231079

Comments:
We fully support the proposed Draft Local Environment Plan No LP 225 and the related Draft LEP No LP 338 and congratulate Council on their vigilance and care for the Narrawallee Inlet and also congratulate the Landowner for their cooperation in preserving this essential natural resource.

The Narrawallee Inlet area has such a high order of natural beauty and every care must be taken to preserve this for the benefit of all, while of course ensuring risk from bush fire is minimised. Understanding the critical role of Garrads Lagoon in feeding the Inlet, we fully support LP 338.

For the following reasons we also support LP 225. We believe that respect for the preservation of natural vegetation when planning development will always ensure the greatest benefit for all - residents and visitors - firstly in terms of the quality of life the area will offer, as well as in maximising land and housing values. We congratulate Council and the Developer for their attention to preserving this balance in the proposed landscaping of the proposed rezoned area.

Yours sincerely,
Margaret and Leigh Clark

E-mail Message

From: council@shoalhaven.nsw.gov.au [SMTP:council@shoalhaven.nsw.gov.au]
To: Council's Generic Mailbox [EX:/O=SHOALHAVEN CITY
COUNCIL/OU=NOWRA/CN=RECIPIENTS/CN=COUNCIL]
Cc:
Sent: 10/09/2009 at 3:38 PM
Received: 10/09/2009 at 3:38 PM
Subject: Online Feedback: LP338 ROSS AVENUE NARRAWALLEE

Hello,

This is an email from the Internet Website Public Exhibition feedback form.

Submitted Details as follows:

Document:
LP338 ROSS AVENUE NARRAWALLEE

Name:
Vanessa Vanginkel

Address:
57 Bangalow street
Narrawallee 2539

Email:
healthworks@dodo.com.au

Daytime Phone Number:
44555828

Comments:
The Ross street land in question runs along my back fence. from my fence to Narrawallee creek which is a listed waterway is about 20mtrs wide. There is patently not enough room to build any residential structure! If council or any developer has any intention of interfering with Narrawallee creek by obstruction or diversion or any other means I will mount a challenge against Council in the land and environment court. This creek and what little flora remains is an important wildlife access to water and shelter, not to mention the flooding that already occurs because of past innopropriate council dap approvals. This whole mess is because of past silly zoning decisions by council and I believe it is incumbant on council to rectify an error that should never have happened. Do the swap, give the greedy #@\$% his rezoning and be done with it

