

Planning Proposal

LOCAL GOVERNMENT AREA: Shoalhaven

ADDRESS OF LAND: 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.

Part 2: EXPLANATION OF THE PROVISIONS OF PROPOSED LEP:

Amendment to 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

1. Is the planning proposal a result of any strategic study or report? IF YES • 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	Yes, this draft LEP is consistent with the findings of the Milton Ulladulla Structure Plan (which is identified in the South Coast Regional Strategy). As a result of submissions received re. the Milton Ulladulla Structure Plan and associated LEP, Council agreed to prepare this draft LEP and draft LEP LP No. 225 (Seaspray Street) to enable the landowner to dedicate/ transfer of Lot 300 DP 792441 (Garrads Lagoon) to Council and the surrendering of an existing consent for 17 residential lots that sits over the land.
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)	The proposal to rezone the part of the lot that is zoned Residential 2(c) to Environment Protection 7(a), and the associated Deed of Agreement, will ensure that the land is brought into public ownership and its environmental values protected.
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	A Net Community Benefit Test has not been undertaken for this draft LEP and is not considered appropriate as this planning proposal is being prepared to ensure the continuation of a Draft LEP that has been issued with a Section 65 certificate. Four (4) submissions were received from the community during the draft LEP exhibition period. There is community interest in seeing the tenure of Garrads Lagoon resolved.

	A Deed of Agreement has been prepared between Council and the land owner to ensure the dedication/ transfer of Lot 300 DP 792441 to Council. The Deed was exhibited with the Draft LEP, however, due to changes to SEPP (Major Development) this Deed of Agreement will need to be amended, possibly in the form of a Voluntary Planning Agreement if the rezoning proceeds.
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Section B – Relationship to strategic planning framework

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? - 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.	Yes, it is consistent with the South Coast Regional Strategy as it promotes the protection of an EEC identified by DECCW.
5. Is the planning proposal consistent with the local Councils Community Strategic Plan or other local Strategic Plan.	Yes, the draft LEP is consistent with Council's Community Strategic Plan and the Milton Ulladulla Structure Plan identifies the site as a "reserve" and an "open space linkage".
6. Is the planning proposal consistent with applicable state environmental policies?	The draft LEP is consistent with State Environmental Planning Policies.
7. Is the planning proposal consistent with applicable Ministerial directions? - 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	The draft plan 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. The draft plan is inconsistent with <i>Section 117 direction 3.1 Residential Zones</i> as on its own it proposes to reduce the permissible residential density on the land. However the loss of residential land is negated by a proposal to rezone other land in the same ownership that is currently zoned for environment protection to a residential zone to facilitate the dedication of

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	land subject to this draft plan to Council and the surrendering of an existing consent for 17 residential lots.
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Section C – Environmental, social and economic impact

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? 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.	The draft LEP is unlikely to adversely affect critical habitat, threatened species populations, endangered ecological communities or habitat. However, the draft LEP’s relationship (through a Deed of Agreement) with another draft LEP that will rezone part of Lot 29 DP 874275 Seaspray Street from Environment Protection 7(d2) to part Residential 2(a1) may result in an environmental impact. 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 natural environment.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	The draft LEP’s relationship (through a Deed of Agreement) with another draft LEP that will rezone part of Lot 29 DP 874275 Seaspray Street 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.
10. How has the planning proposal adequately addressed any social and economic effects?	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. The draft LEP addresses these likely social and economic effects via related Deed of Agreement and an existing Plan of Management.

Section D – State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?	Yes. This draft LEP is rezoning from a residential zone to an environmental zone and therefore reduces the need for public infrastructure in this location.
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12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	The views of public authorities were ascertained via the recent exhibition of the draft LEP. The main state agency with an interest in this draft LEP is DECCW and they support the proposed rezoning. The only state agencies (other than DECCW) to provide comments during the exhibition period were RTA and RFS, both of whom did not object to the draft LEP. No Commonwealth agencies have provided their views regarding this matter.
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Part 4 – Community Consultation

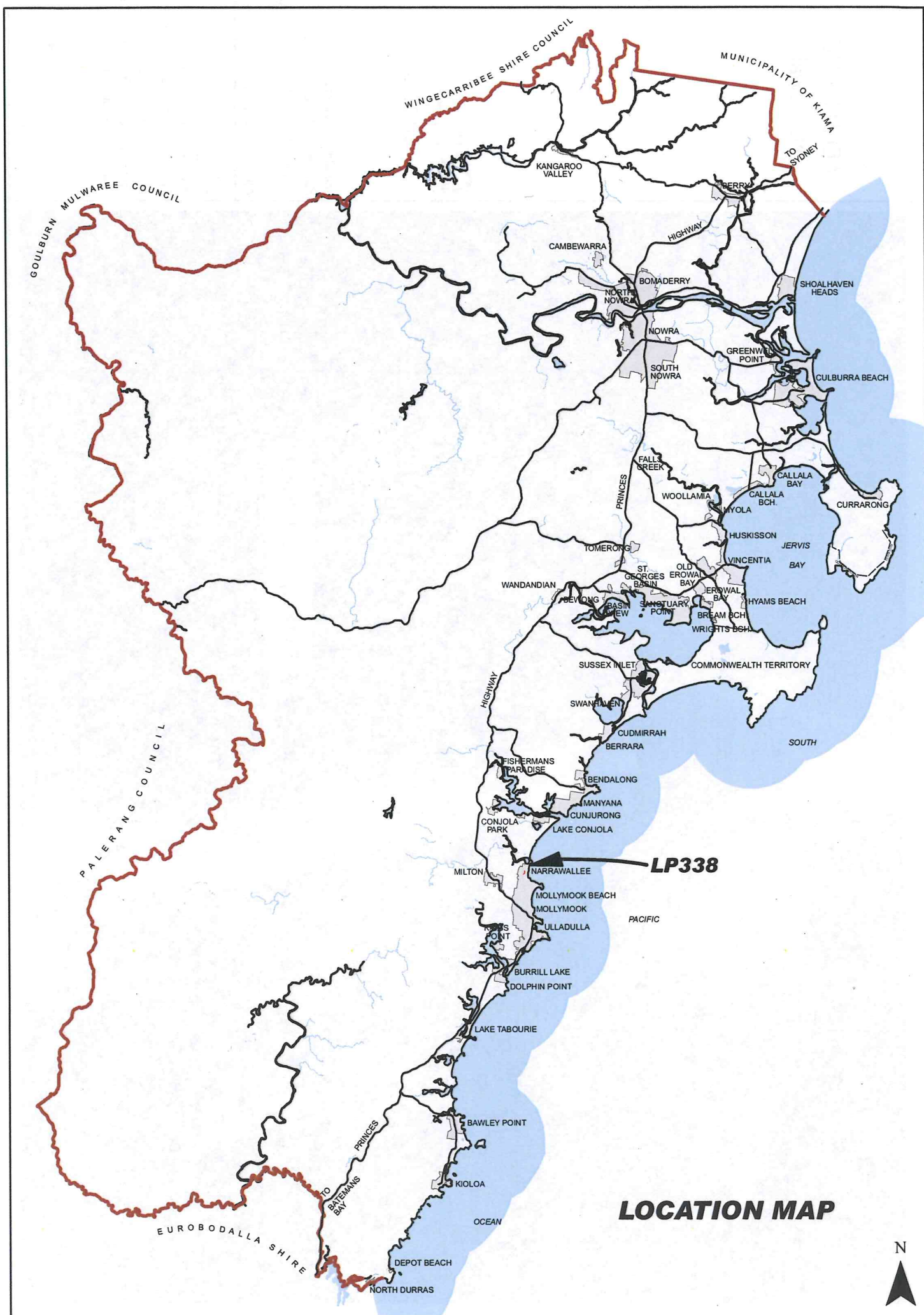
As per the requirements of the EP&A Act, Draft LEP LP 338 was placed on public exhibition between 10 September 2009 and 16 October 2009 along with Draft LP 225 and the 'Deed of Agreement' between Council and Hanson South Coast Pty Ltd. Although this proposal could be considered as "low impact" under the *"Guide to Preparing Local Environmental Plans"* it was exhibited for 28 days, rather than 14 days, as per the LEP system that the draft LEP was being processed under until now.

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 the South Coast Register and the Milton Ulladulla Times on 3 separate occasions and State Government agencies, Councils Internal Community Consultative bodies (CCB's) were also referred the draft LEP's for comment.

Nine submissions were received during the exhibition period, as follows:

- Four from the community;
- 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 included under Point 12 above. The Council Group comments related to operational matters should the land be dedicated/ transferred to Council.



AERIAL PHOTO
Narrawallee



LP338

Lot 300

DP 792411

Locality : Narrawallee

Parish : Ulladulla

Scale: 1:10 000



All dimensions are in metres

Strategic Planning

Planner: M. Foley

Drawn by: D J Adams

Date : 13th May 2009

Cad File : Dlep338/Lep Panel

Mapping/AerialPhoto_GDA



SUBJECT LAND

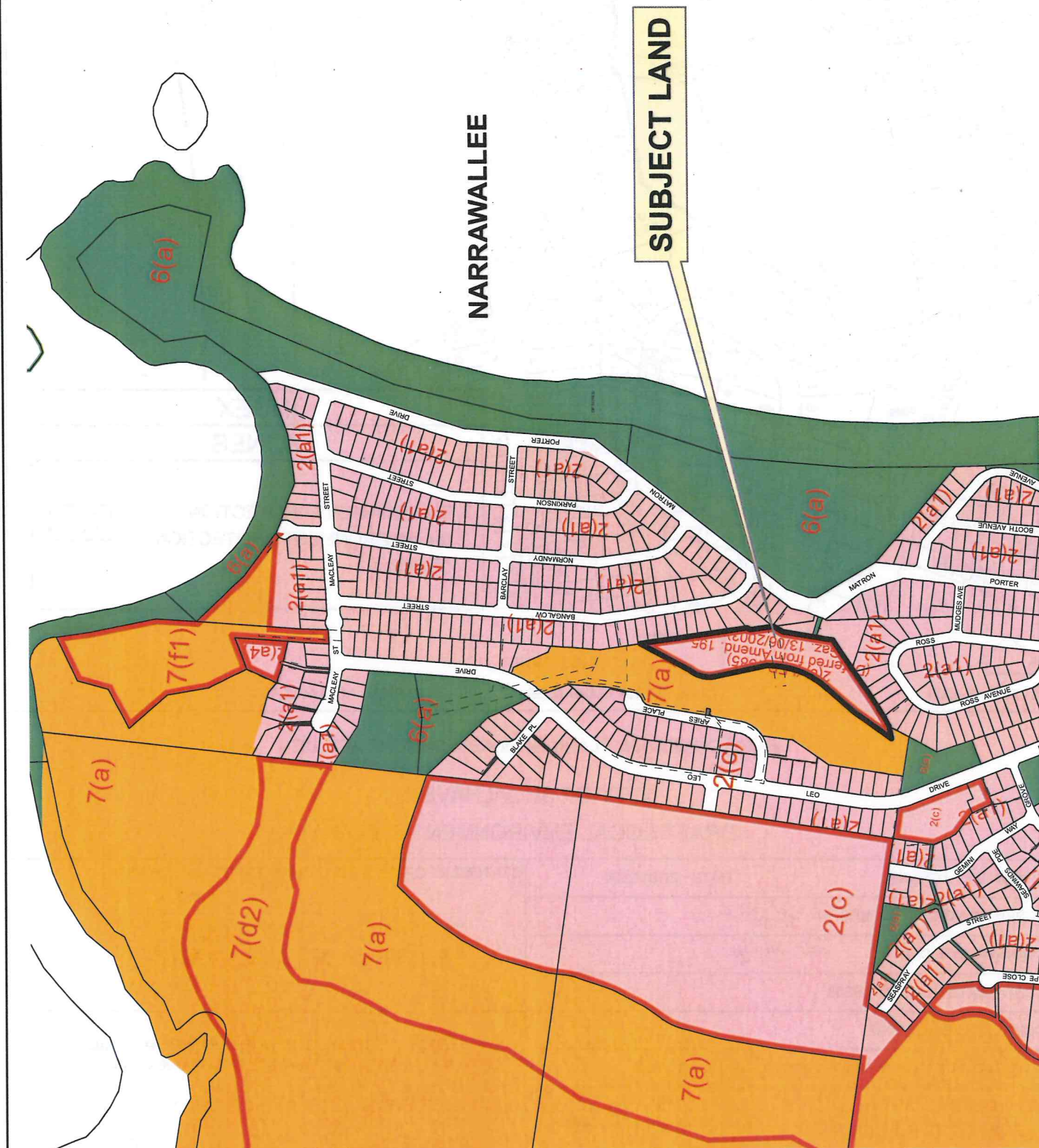
Shoalhaven LEP 1985
As Amended

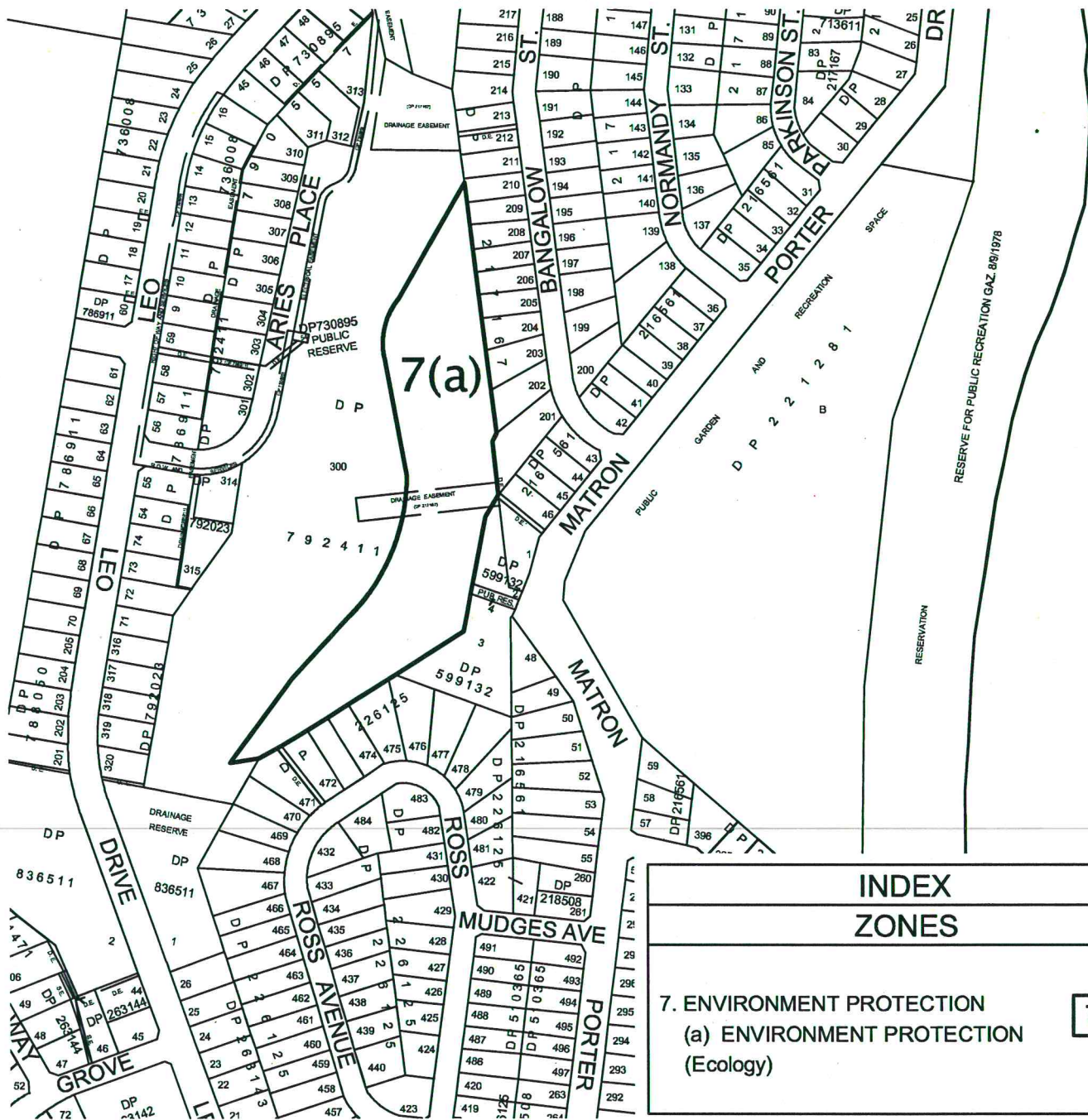
LP338
Lot 300
DP 792411

Locality : Narrawallee
Parish : Ulladulla
Scale: NTS

All dimensions are in metres

Strategic Planning
Planner : M Foley
Drawn by : D J Adams
Date : 13th May 2009
Cad File : Dlep338/Lep
Mapping/ExistingZonesN





INDEX ZONES

7. ENVIRONMENT PROTECTION
(a) ENVIRONMENT PROTECTION
(Ecology)

7(a)



SCALE:- 1: 4000



SUBJECT LAND

LOCALITY : NARRAWALLEE

PARISH : ULLADULLA

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF SHOALHAVEN

DRAFT LOCAL ENVIRONMENTAL PLAN

DRAWN BY : J. GRANT

DATE : 27/01/2004

SUPERVISING DRAFTSPERSON

[Signature]

PLANNING OFFICER

[Signature]

CERTIFICATE PLAN NO. LP338

COUNCIL FILE NO. 26448

AUTOCAD FILE : Graphics\Projects\City\Lep\Dlep\DraftLP338

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.

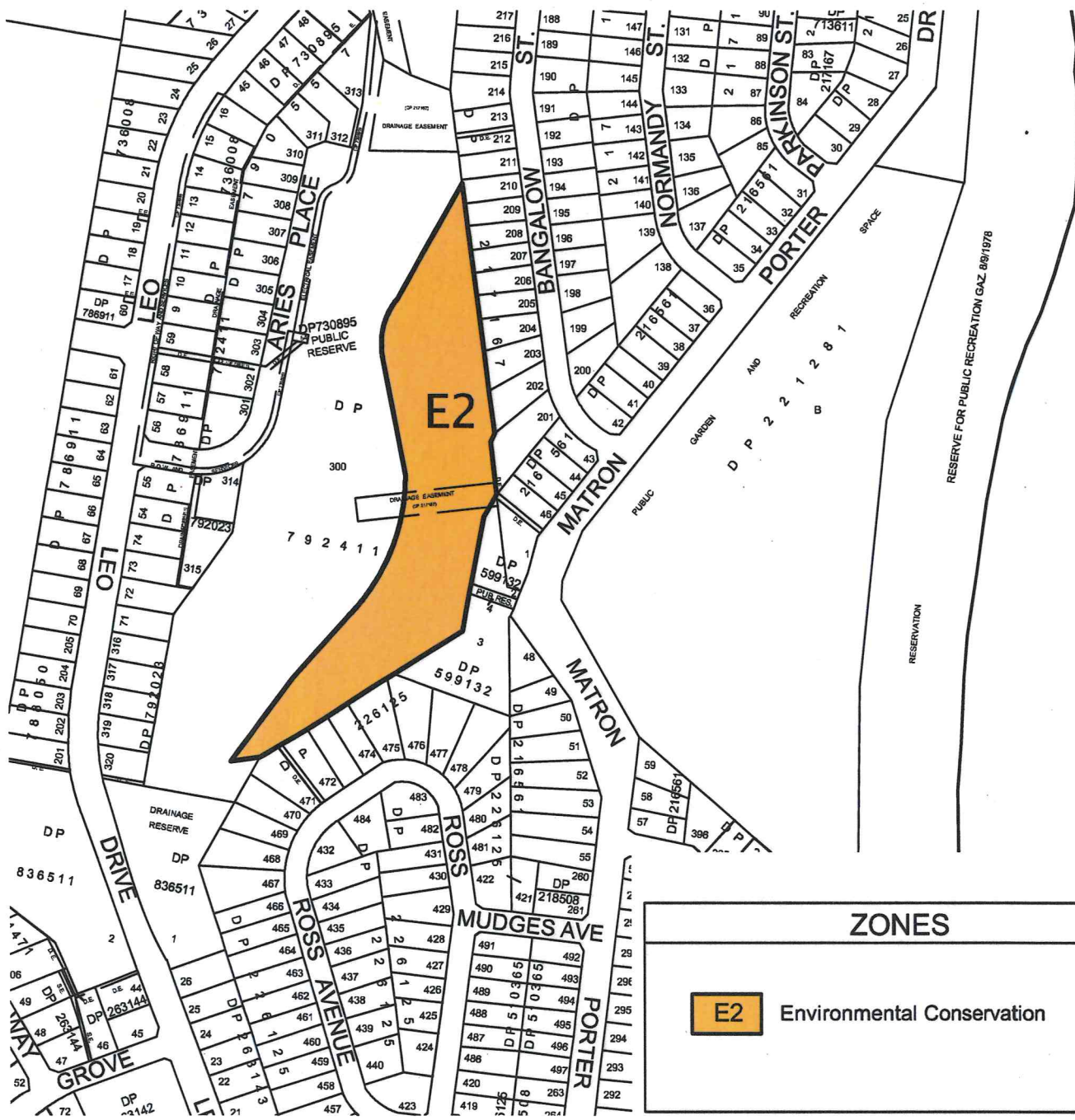
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT 1979, & REGULATIONS.

[Signature]

GENERAL MANAGER

20 . 8 . 09

DATE



ZONES	
	E2 Environmental Conservation



SCALE:- 1: 4000



SUBJECT LAND

LOCALITY : NARRAWALLEE

PARISH : ULLADULLA

PROPOSED ZONES IN DRAFT SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2009 LAND ZONING MAP (LZN)

