

Planning Proposal
Warrah Road, North Nowra

Amendment to Shoalhaven Local Environmental Plan 2014

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urbis

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1 Introduction

This Planning Proposal report has been prepared by Urbis on behalf of Southbank Land Pty Ltd (Southbank) and Huntingdale Developments Pty Ltd (Huntingdale), the owners of the site at Lot 24 in DP 714096, Crams Road New Living Area.

The site is currently zoned 1(d) Rural (General Rural) under Shoalhaven Local Environmental Plan 1985 (SLEP). Under the Nowra - Bomaderry Structure Plan the subject land is part of the Crams Road New Living Area and is classified as part New Living Area of approximately 30 hectares identified for potential residential area and part Conservation and Riparian Area (approximately 43 hectares). The New Living Areas are areas identified for potential urban expansion.

The site's zoning was considered during the preparation of the Draft Shoalhaven Local Environmental Plan 2011 (Draft SLEP) which adopts the NSW Department of Planning and Infrastructure's Standard Instrument template. The Draft SLEP was exhibited and the site was proposed to be zoned part E2 Environmental Conservation and part R1 General Residential. The R1 residential zoning was substantially less than that indicated in the Nowra - Bomaderry Structure Plan.

A number of studies were undertaken by the applicant including a site analysis and an ecological assessment which indicated that the site was suitable for a larger portion of residential development than reflected in the Draft zoning. Subsequently a submission to the Draft SLEP was made seeking an increase in the R1 General Residential zone.

During the development of the Draft SLEP, Council undertook consultation with the Office of Environment and Heritage which identified that the extent of the residential zoning was subject to a number of ecological considerations which were to be further explored before an increase of the residentially zoned component of the land could be considered.

As a result of this and further consultation with the applicant, on 29 July 2013, Shoalhaven Council (Council) deferred rezoning of the above site and endorsed the recommendation to consider a planning proposal for the site. This recommendation preserved the current zoning under the SLEP 1985 until such a time as further investigations have taken place to determine the appropriate zoning under the recently adopted SLEP 2014.

The applicant has now undertaken further detailed ecological investigations and ancillary studies and reports. This Planning Proposal seeks to amend the zoning on the subject site by incorporating it into the SLEP 2014, with a portion of R1 General Residential zoning, a portion of E2 Environmental Conservation zoning, and a portion of RU2 Rural Landscape zoning to reflect the outcomes of the specialist studies and identify areas of the site which are appropriate for residential development.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. It includes the following:

- Description of the planning background to the site.
- Description of the subject site and its local and regional context.
- Description of the proposed future development concept for the site.
- Assessment of the proposal against the planning context including a strategic planning overview.
- Statement of objectives and intended outcomes of the proposal.
- Summary of the justification of the proposal.
- Description of the community consultation process.

The Planning Proposal is accompanied by a range of plans and reports to provide a comprehensive analysis of the site opportunities and constraints. These include:

- Concept Subdivision Layout prepared by K F Williams and Associates (Appendix A).
- Detailed Ecological Assessments prepared by Omvi and Biosis (Appendix B).
- Traffic Impact Assessment report prepared by Traffix – Traffic & Transport Planners (Appendix C).
- Phase 1 Contamination Report prepared by Network Geotechnics (Appendix D).
- Bushfire and APZ Strategy prepared by Australian Bushfire Protection Planners (Appendix E).
- Archaeological Study prepared by Mary Dallas Consulting Archaeologists (Appendix F).

Each of the above plans and reports has informed the proposed rezoning of the site to allow for residential accommodation under the provisions of a site specific LEP amendment.

2 Planning Background to the Site

Council initially resolved to prepare the Draft SLEP in November 2005. The first version of the Draft SLEP was prepared by Council staff in 2006-2007.

A Section 65 certificate with conditions was issued by the Department of Planning and Infrastructure (DP&I) in December 2009, with revised Section 65 conditions then being issued by DP&I in January 2011. Council resolved in May 2011 to proceed to exhibit the Draft SLEP 2009.

The Draft SLEP was initially publically exhibited for 13 weeks from July to October 2011. The proposed zoning for the site under the exhibited Draft SLEP 2011 was part E2 Environmental Conservation and part R1 General Residential. The extent of the R1 zoning was significantly reduced from that shown on the Nowra Bomaderry Structure Plan to approximately 6.4 hectares, having considerable implications for the development potential of the site.

The applicant engaged various specialist consultants to undertake additional Archaeology and Ecology Assessments for the site including Flora and Fauna Reports. A submission was lodged to the Draft SLEP 2011 during its public exhibition, which provided the findings of this information and the availability of servicing. The submission sought to increase the proposed R1 General Residential zoning of the site.

The Draft SLEP 2011 was placed on re-exhibition in May 2013, as the Draft SLEP 2013. Council resolved on 26 February 2013 to place a notice with the exhibited document stating that the zone boundaries for this site may be subject to change post exhibition, and that Council would:

Consider the need for a deferred zoning after the exhibition of the Draft LEP and prior to the final submission of the LEP.

DP&I and the Office of Environment and Heritage (OEH) indicated that there are ecological constraints associated with the site which were to be further addressed prior to an expansion of the residential zoning.

On 29 July 2013, Shoalhaven Council (Council) deferred rezoning of the above site and endorsed the following recommendation:

- a) *Defer the site identified as Lot 24 in DP 714096 from the Draft LEP 2013 to enable further specific consideration.*
- b) *Remove the deferred area from all relevant overlays.*
- c) *Consider a planning proposal for the site after the completion of the investigations into alleged illegal clearing*

The Shoalhaven LEP 2014 was adopted by Council and commenced on 22 April 2014. The site remains a deferred matter under the SLEP 2014.

Council's approach has therefore been to utilise its ability to defer the entire site's zoning under SLEP 2014, until such a time as the necessary studies have been prepared to determine the relevant zoning through a Planning Proposal.

Huntingdale and Southbank have engaged with Shoalhaven Council to discuss the potential for increasing the site's residential zoning. Council and the applicant have agreed the appropriate path forward to facilitate this type of development on site is to lodge a planning proposal that presents the findings of additional studies to support an expansion of the exhibited R1 General Residential zoning on the site.

3 Land to which the Planning Proposal applies

3.1 SITE DESCRIPTION

The Planning Proposal relates to an irregular shaped parcel of land which comprises one single landholding located at Lot 24 Warrah Road, North Nowra. The site is legally described as Lot 24 in DP 714096 and covers a total area of approximately 73.68 ha (refer Figure 1).

The site features are described as follows:

- There are no man-made structures on the site, except for rural fences and cattle yards.
- The site has previously been cleared for fire and access trails, rural activities, and an electricity easement in the east.
- The site is vegetated in the south and west. The north-east of the site is largely grassed.
- Access to the site is available through the existing residential development to the north via Warrah Road. The site also has frontage to Gypsy Point Road in the west and a dedicated but unformed road reserve to the north.
- The topography is slightly undulating to gently sloping and is traversed by two drainage lines. The eastern half of the site is gently sloping with slightly steeper slopes located towards the centre of the site.
- The eastern part and central part of the site drains into two gullies / creeks which drain south towards Shoalhaven River, located approximately 250m from the south-western site boundary. A well-defined creek gully traverses the centre of the site in a north-south direction. The gully receives overland flow from the developed upstream catchment and drains south into the Shoalhaven River.

FIGURE 1 – THE SITE



Subject Site 

3.2 SURROUNDING CONTEXT

Development immediately surrounding the site is summarised as follows:

- **North:** Three large semi-rural lots of approximately 2 hectares are each located immediately north of the site (zoned RU1 Primary Production). A number of very low density residential lots, ranging between 2,000m² to 4,000m² in size, are also located immediately north of the site (zoned R2 Low Density Residential).
- **East:** The future Nowra western bypass corridor is located along the site's eastern boundary. Beyond the western bypass corridor easement is a subdivision of R2 Low Density Residential zoned lots (approximately 600m²).
- **South:** Land to the south of the site has been subdivided into large semi-rural allotments with an average allotment area of 6 hectares (zoned E2 Environmental Conservation).
- **West:** Land to the west consists of the Tapitallee Nature Reserve and rural lands, with the Shoalhaven River further to the west (zoned E3 Environmental Management).

3.3 REGIONAL CONTEXT

The site is located within the South Coast region extending 140 kilometres south of Sydney. The land falls within the Shoalhaven LGA and is located within the Nowra Bomaderry area, which is the major regional centre for the northern part of the South Coast, providing residential, employment and administrative functions.

North Nowra is predominately an urban residential settlement with low density large lot development located on the western fringe of the suburb, as well as some limited industrial uses. A neighbourhood shopping centre is conveniently located at the intersection of Illaroo and McMahon Roads in the centre of North Nowra (approximately 3 kilometres from the site).

The suburb of Nowra and its CBD are located approximately 10km south of the site across the Shoalhaven River. Nowra is the primary commercial and administrative centre for the region. It provides for the following facilities:

- Higher order retail;
- Professional;
- Sport/ recreational;
- Industrial; and
- Community services (medical centres, hospitals, emergency services, educational (primary, secondary and private schools, TAFE and university).

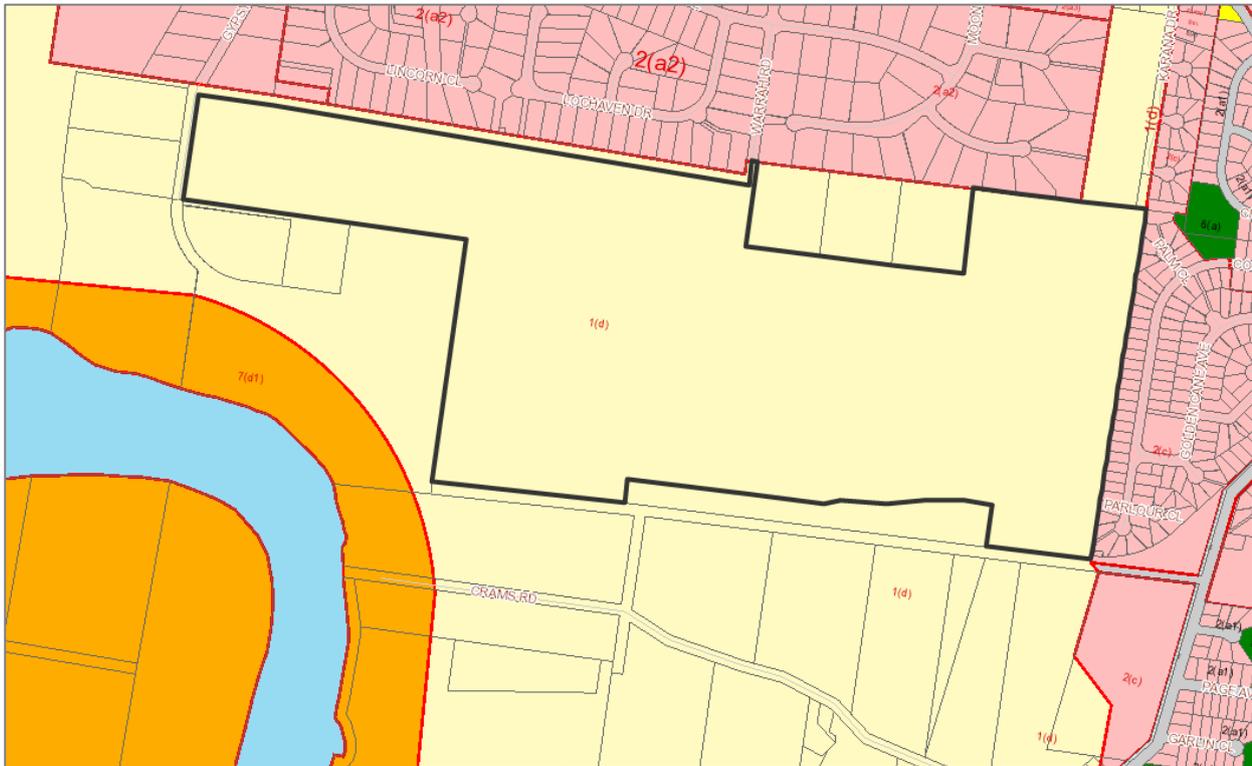
The suburb of Bomaderry is located approximately 5km south of the site and includes the following uses and services:

- A range of commercial, educational and short term accommodation uses on the Princes Highway spine which dissects the western edge of Bomaderry.
- Established and more recent detached housing, interspersed with sporting facilities, churches, educational facilities (including the TAFE) and aged care accommodation within the central part of Bomaderry.
- A mix of retail, commercial, industrial and some sport / recreational uses dominate the eastern edge of Bomaderry. As well as, a range of industrial uses on Merloo Street and the Bomaderry railway line. Further east of the urban edge land is predominately used for rural purposes.

3.4 PLANNING CONTEXT

The site is a deferred matter in the recently adopted Shoalhaven LEP 2014 and as such the provisions of the Shoalhaven LEP 1985 (SLEP 1985) continue to apply. Under SLEP 1985, the site is currently zoned 1(d) Rural (General Rural) (refer Figure 2).

FIGURE 2 – EXISTING ZONING MAP UNDER SLEP 1985



The objectives of the 1(d) Rural (General Rural) zone are as follows:

- (a) to provide opportunities for a range of rural land uses and other development, including those which by virtue of their character require siting away from urban areas,
- (b) to recognise the potential for high intensity bush fire over wide areas of the zone and to ensure that development does not lead to significant risks to life or property from bush fire or to the implementation of bush fire mitigation measures which will have a significant environmental impact, and
- (c) to ensure that wherever possible the location, design and management of development is consistent with:
 - i. the protection of important natural and cultural environments,
 - ii. the conservation of renewable natural resources such as forests and prime crop and pasture land,
 - iii. the maintenance of opportunities for economic development of important extractive resources,
 - iv. minimising conflict between land uses, and
 - v. any plans for public infrastructure provision or management.

Development for the following purposes is permitted in the 1(d) Rural Zone:

Without development consent

Agriculture; forestry.

Only with development consent

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

Prohibited

Boarding houses; bulk stores; bulky goods premises; car repair stations; cluster housing; dual occupancies (other than attached dwellings); generating works involving wind-powered generators; industries (other than rural industries); junk yards; motor showrooms; residential flat buildings; service stations; sexual services premises; shops; warehouses.

'Cluster housing' defined as 'the erection on a single allotment of land of 3 or more detached dwelling-houses' is currently prohibited within the 1(d) Rural Zone. As such, a rezoning is required to facilitate the proposed residential lots.

3.5 OPPORTUNITIES AND CONSTRAINTS

There are a number of development opportunities and constraints presented by the site. These have been identified and responded to in the proposed land use and indicative subdivision design for the site.

The key opportunities for the site are:

- The site is a large land parcel in single ownership and therefore has no need for consolidation of lots to achieve a well-designed, compatible residential development.
- The site can be regarded as an urban infill site and is a natural extension to the existing urban settlements considered ideal for urban development.
- Residential development on the site would be an appropriate extension between the existing large lot residential development to the north and the established urban residential settlements of North Nowra and Bomaderry to the east.
- The site is located within a convenient distance of the suburb of Nowra and its CBD, which provides employment opportunities, facilities, and services.
- There are few other opportunities in this area of North Nowra for a reasonable fringe rezoning to supply necessary land to the Nowra population.
- The site can be appropriately serviced.

The following physical constraints have been identified for the site:

- Bushfire – the vegetation within the development site and on the adjoining land is recorded on the Shoalhaven Bushfire Prone Land Map as constituting Category 1 Bushfire Prone Vegetation.

4 Planning Proposal Overview

This Planning Proposal has been prepared in accordance with Sections 55 (1) and (2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) with consideration of the relevant guidelines, namely “*A guide to preparing planning proposals*” issued by the Department of Planning and Infrastructure (April 2013).

Accordingly, the proposal is discussed in the following four parts:

- Part 1 – A statement of the objectives or intended outcomes.
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP amendment.
- Part 3 – The justification for the planning proposal and the process for the implementation.
- Part 4 – Details of community consultation that is to be undertaken for the planning proposal.

Discussion for each of the above parts is outlined in the following chapters.

This submission has considered the objects of the EP&A Act, which have been addressed in the various sections of this report and are summarised as follows:

- The environmental features of the site have been substantially investigated and have informed this Planning Proposal. No unacceptable environmental impacts will occur as a result of future residential development on the proposed residential zoned land.
- The use of the site for residential development forms a natural extension of the existing residential uses immediately to the north and east.
- Adequate servicing and necessary infrastructure can be achieved to service future residential development.
- The proposal will create additional housing choice to meet current demand and needs, and will enable people to live within a well serviced local area on the north side of Nowra.

5 Part 1 - Objectives or Intended Outcomes

The key objective of this Planning Proposal is to obtain the necessary rezoning of the subject site to facilitate future residential subdivision and development of approximately 396 dwellings and retention of the vegetation in the north-west and south-west of the site. This is proposed to be achieved by incorporating the site into the recently adopted SLEP 2014 with a part R1 General Residential zoning, part E2 Environmental Conservation zoning, and part RU2 Rural Landscape zoning.

This Planning Proposal seeks the following outcome:

“To rezone an area of rural land to allow for residential accommodation and environmental conservation purposes as part of the Crams Road New Living Area.”

The intended outcome of the Planning Proposal is to facilitate the delivery of the redevelopment of the site to accommodate a high quality residential scheme that successfully integrates with surrounding land uses and capitalises on the site’s proximity to existing facilities, services, and infrastructure.

The intended outcome can be achieved through the inclusion of the following amendment to the Shoalhaven LEP 2014:

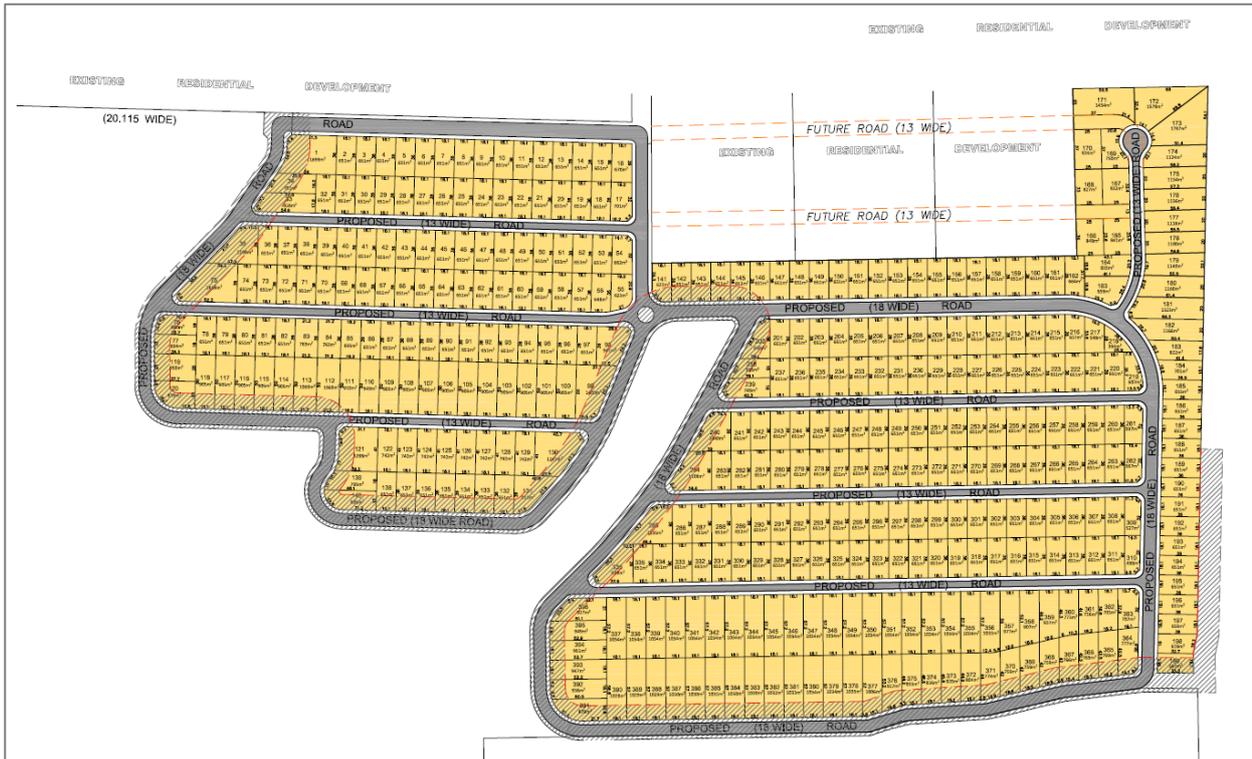
LAND	AMENDMENT
Lot 24 in DP 714096	Part R1 General Residential Zone, part Zone E2 Environmental Conservation Zone, and part RU2 Rural Landscape zoning.

5.1 PROPOSED CONCEPT MASTER PLAN

A conceptual design for future development of the site for residential accommodation has been prepared by K F Williams and Associates and accompanies this Planning Proposal in Appendix A. The scheme will be refined as part of the Development Application process, once the Planning Proposal has been endorsed by DP&I. Following endorsement of the Planning Proposal, DP&I will prepare an amendment to the SLEP 2014.

The proposed concept master plan shows a total of 396 residential lots, with a majority ranging from approximately 600m² - 700m² or 900m² 1,000m² in area. The residential subdivision would be accessed via the existing Warrah Road access and linked via a series of 13-18m wide roads (refer Figure 3).

FIGURE 3 – RESIDENTIAL CONCEPT DESIGN



-  - 32m APZ
-  - APZ LINE
-  - FUTURE ROAD

6 Part 2 - Explanation of Provisions

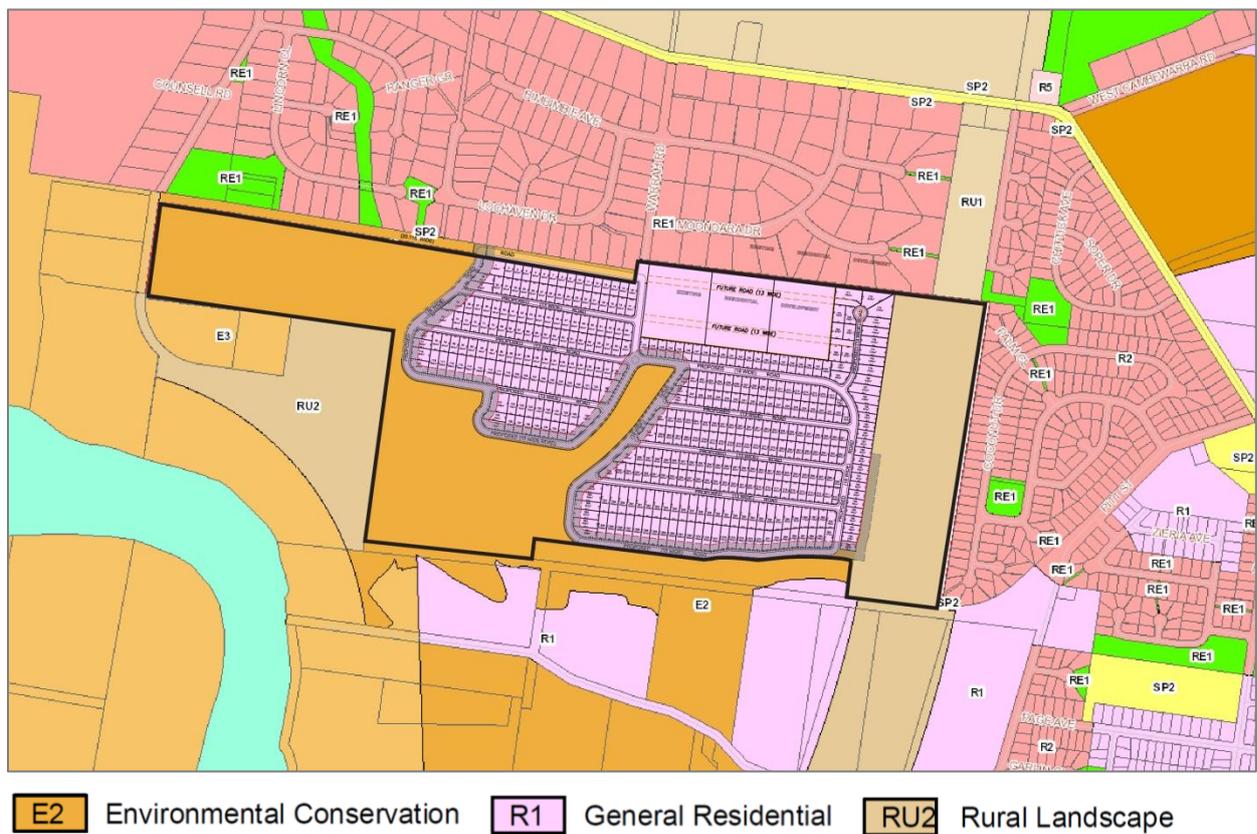
6.1 PROPOSED OUTCOME

The purpose of this Planning Proposal is to amend the Shoalhaven LEP 2014 to allow the proposed development to occur. Accordingly the proposal seeks amendments to the Land Use Zoning provisions as they relate to the subject site as specified in the SLEP 2014.

6.2 PROPOSED LAND USE ZONING – SLEP 2014

A draft Land Use Zone Map has been prepared which seeks to rezone Lot 24 Warrah Road, North Nowra to comprise part R1 General Residential, part E2 Environmental Conservation, and part RU2 Rural Landscape. The Draft Land Use Zone Map is provided at Figure 4.

FIGURE 4 – PROPOSED ZONING AMENDMENT



ZONE R1 GENERAL RESIDENTIAL

The objectives of the R1 General Residential zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To identify land suitable for future urban expansion.*

The proposal is considered consistent with the objectives of the R1 General Residential zone as the zone allows for the appropriate expansion of the existing urban area to the north of the site. The proposal will assist in delivering the required dwelling targets for the Nowra Bomaderry area specified in the Nowra Bomaderry Structure Plan, within a compatible residential environment.

The following uses are **permitted** with consent in R1 General Residential zone:

*Attached dwellings; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; **Dwelling houses**; Emergency services facilities; Environmental protection works; Exhibition homes, Exhibition villages; Group homes; Home-based child care; Home businesses; Home industries; Hostels; Jetties; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Registered clubs; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Sewerage systems; Shop top housing; Tourist and visitor accommodation; Veterinary hospitals; Water supply systems*

The proposed rezoning of the site to R1 General Residential would facilitate the development of the site in general accordance with the Concept Plan.

ZONE E2 ENVIRONMENTAL CONSERVATION

The objectives of the E2 Environmental Conservation zone are:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To protect water quality and the ecological integrity of water supply catchments and other catchments and natural waterways.*
- *To protect the scenic, ecological, educational and recreational values of wetlands, rainforests, escarpment areas and fauna habitat linkages.*
- *To conserve and, where appropriate, restore natural vegetation in order to protect the erosion and slippage of steep slopes.*

The proposal is considered consistent with the objectives of the E2 Environmental Conservation zone as it will protect those areas identified as having high conservation value. Furthermore, development that is likely to cause unnecessary damage to the environmental qualities of the site will be prevented.

The following uses are **permitted** with consent in the E2 Environmental Conservation zone:

Aquaculture; Bed and breakfast accommodation; Boat sheds; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Home businesses; Recreation areas; Research stations; Roads; Sewerage systems; Water recreation structures; Water supply systems

No development will be progressed within the E2 zone beyond environmental works and a single residential dwelling.

ZONE RU2 RURAL LANDSCAPE

The objectives of the RU2 Rural Landscape zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*

The proposal is considered consistent with the objectives of the RU2 Rural Landscape zone as it will maintain the rural landscape character of the land.

The following uses are permitted with consent in the RU2 Rural Landscape zone:

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Flood mitigation works; Food and drink premises; Freight transport facilities; Funeral homes; Group homes; Hazardous industries; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Marinas; Markets; Mooring pens; Moorings; Offensive industries; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems

No development will be progressed within the RU2 Rural Landscape zone.

7 Part 3 – Justification

7.1 SECTION A - NEED FOR THE PLANNING PROPOSAL

Q1. IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?

While not the result of any specific strategic study or report, the rezoning of the site is supported at State and local government levels. The site is identified in the Nowra Bomaderry Structure Plan as a New Living Area for future urban release. Additionally, Shoalhaven Council deferred rezoning of the site and endorsed the recommendation to consider a planning proposal for the site.

Q2. IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

It is considered that the Planning Proposal is the best means of achieving the objectives and outcomes stipulated in Section 6 and was the method recommended by Shoalhaven Council.

The delivery of residential land within the Crams Road New Living Area to meet population growth and the resultant increase in housing demand is a key priority. The population of the South Coast Region is expected to increase. Local population growth is stimulating demand for new housing. The South Coast Regional Strategy 2006 seeks to deliver 45,600 new dwellings, of which 26,300 are to be accommodated with the Shoalhaven LGA.

Given the quantum of new housing required to meet demand, the release of land needs to occur in the short term and needs to be both meaningful and deliverable. Given its size, overall development potential, and being in single ownership the site satisfies these criteria and as such could play a major role in meeting the LGAs short term housing land requirement. It is therefore considered appropriate to progress a site specific LEP for the proposal.

Q3. IS THERE A NET COMMUNITY BENEFIT?

Table 1 addresses the evaluation criteria for conducting a “*Net Community Benefit Test*” within the Draft Centres Policy (May 2010) as required by the guidelines for preparing a Planning Proposal.

TABLE 1 – NET COMMUNITY BENEFIT ASSESSMENT

EVALUATION CRITERIA	Y/N	COMMENT
<i>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?</i>	Yes	The proposal is consistent with the directions of the South Coast Regional Strategy 2006.
<i>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?</i>	Yes	The South Coast Regional Strategy 2006 identifies Nowra-Bomaderry as a Major Regional Centre. The proposal is located within close proximity to the Nowra-Bomaderry Centre and will contribute to growth targets for the centre.
<i>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</i>	No	The site is the largest rural parcel in single ownership within the North-Nowra area and represents a unique opportunity to provide residential accommodation with access to existing services and facilities.

EVALUATION CRITERIA	Y/N	COMMENT
<i>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</i>	No	The proposal does not include provision for employment generating activity, nor does it result in a loss of existing employment lands.
<i>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</i>	Yes	The proposal will provide 396 dwellings with access to existing facilities, services, and infrastructure therefore increasing housing supply and affordability.
<i>Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?</i>	Yes	The existing public infrastructure is capable of servicing the proposed site.
<i>Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?</i>	No	The proposal includes a significant area of land to be rezoned for environmental conservation purposes, which will ensure those areas identified as having high conservation value will be protected.
<i>Will the LEP be compatible/ complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?</i>	Yes	The proposal will result in the appropriate extension of residential accommodation located to the north and east of the site.
<i>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</i>	No	The proposal does not include provision for retail or commercial premises.
<i>If a stand-alone proposal and not a centre does the proposal have the potential to develop into a centre in the future?</i>	No	There is no intention for the proposal to develop into a centre.
<i>What are the public interest reasons for preparing the Draft plan? What are the implications of not proceeding at that time?</i>		The proposal will result in an increase in housing supply within close proximity to existing facilities, services, and infrastructure.

7.2 SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q4. 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)?

The South Coast Regional Strategy 2006 (the Regional Strategy) is the key strategic policy document applying to the Shoalhaven, Eurobodalla and Bega Valley. The primary purpose of the Regional Strategy is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the region to 2031.

The Regional Strategy identifies Nowra-Bomaderry as a Major Regional Centre. Major Regional Centres are defined as centres suited to accommodate the majority of growth. This includes a concentration of higher density living, business and employment, department stores, specialty shops, and transport logistics.

The Nowra-Bomaderry Major Regional Centre key function is described as:

Shoalhaven LGA is projected to grow by an additional 34,000 people, the majority of which will be concentrated in Nowra-Bomaderry, strengthening its role as the major residential, employment and administrative centre for the northern part of the Region. Parts of Nowra will be revitalised and consolidated providing resident's access to employment, transport and services.

The Regional Strategy sets housing and employment targets as follows:

- **South Coast region:** 45,600 new dwellings will be required to accommodate a population increase of 60,000 to 2031, and specifies that achieving an appropriate mix is a major challenge for the Region, with 85% of all dwellings being detached.
- **Shoalhaven LGA:** Dwelling target of 26,300 of which 15,800 have the potential to be located within existing vacant urban land and existing investigation areas around the major centre of Nowra-Bomaderry and major towns of Ulladulla and Vincentia.

The proposed redevelopment of the site for residential development is of an appropriate scale and density for its location within the Nowra-Bomaderry Major Regional Centre. The development of the site will provide approximately 396 dwellings which will assist in achieving the dwelling targets for Nowra-Bomaderry whilst maintaining the existing rural character of the site. The proposal is a natural extension of the Nowra-Bomaderry residential settlements.

The Regional Strategy supports consolidation of development rather than a dispersed settlement pattern which it notes “...has the potential to degrade environments, create infrastructure and service delivery inefficiencies and contribute to social isolation and car dependency”.

Specifically, the actions included in Chapter 6 Housing & Settlement section of the South Coast Regional Strategy state “...infill housing and new residential subdivisions located adjacent to existing well serviced centres and towns will be given priority in land release planning”.

The site is well serviced by a range of local retail, educational, commercial and industrial uses which are all within close proximity to the site. A future neighbourhood centre is also shown on land in the Moss Vale Road South precinct. These existing and future uses provide local employment opportunities for residents.

A network of local and higher level parks, sports facilities and open spaces including a system of walking trails is also located within a short distance from the site. The Bomaderry railway station provides convenient public transport options particularly for residents who work in the larger urban centres to the north of the Structure Plan area.

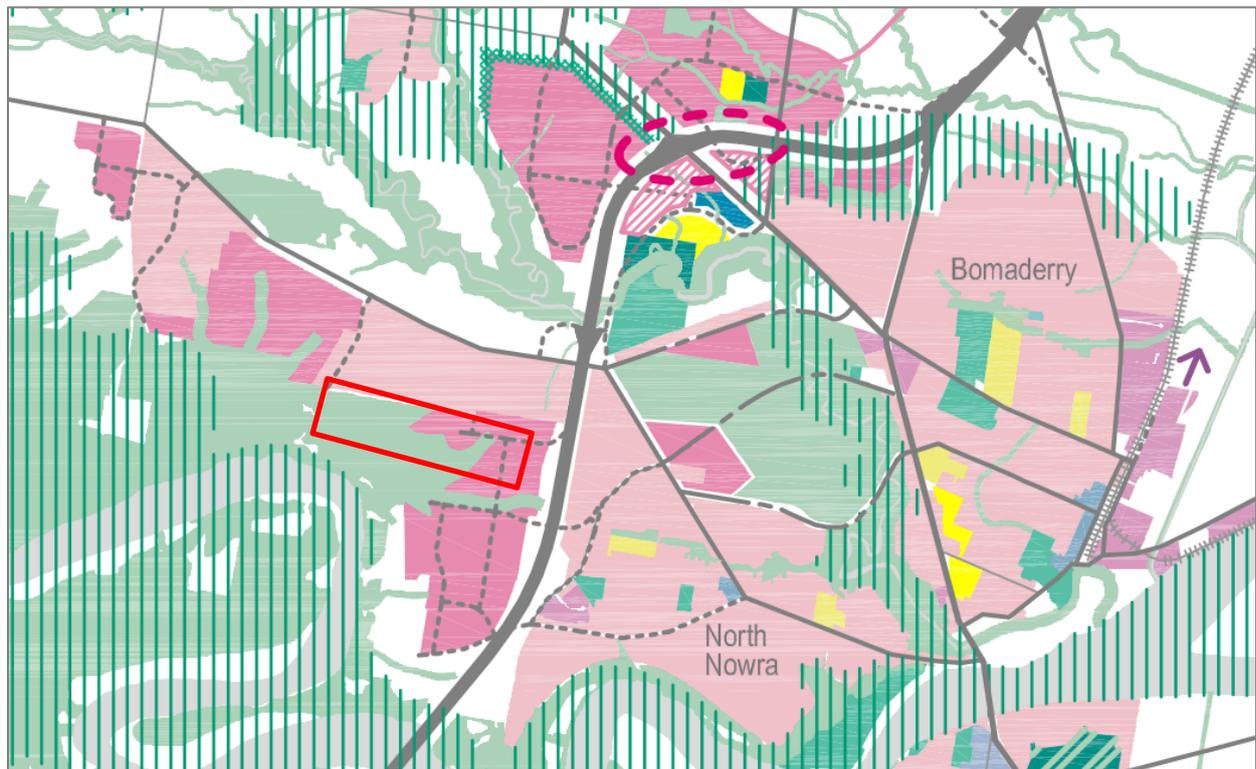
Higher level services are available in the Nowra town centre, which is located approximately 10 kilometres from the site. Although it is recognised that the access to these facilities is influenced by traffic capacity constraints on the Princes Highway and associated intersections.

Development of the site for urban residential purposes will allow for further consolidation of the existing urban settlement at North Nowra / Bomaderry, delivering a more efficient form of development that will discourage excessive private vehicle travel, will increase population to deliver greater efficiencies in public transport, and will ensure future residents can access local retail, educational, employment and recreational opportunities which will further stimulate the local economy.

Q5. IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN, OR OTHER LOCAL STRATEGIC PLAN?

The Nowra-Bomaderry Structure Plan (the Structure Plan) was adopted by Shoalhaven Council in 2006 and endorsed by the DP&I in 2008. The Structure Plan provides a framework for the integrated development of the Nowra-Bomaderry area and is supported by a comprehensive background study which includes an analysis of constraints and opportunities for the study area. The structure plan is shown in Figure 5.

FIGURE 5 – NOWRA BOMADERRY STRUCTURE PLAN



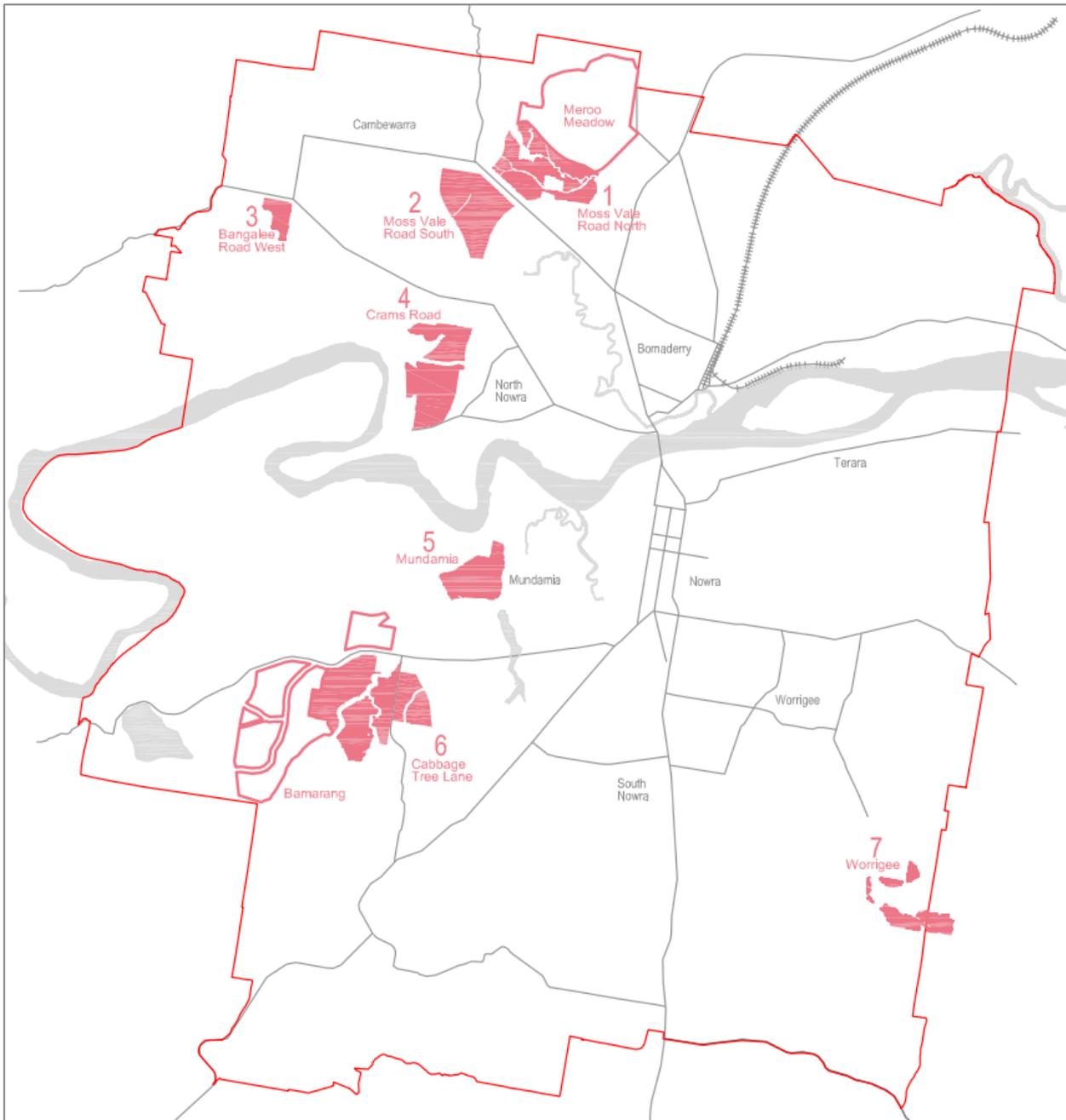
- | | | |
|-------------------------------|---------------------------|--|
| Existing Living Area | Existing Local Centre | Existing Active Recreation |
| Future Living Area | Future Local Centre | Future Active Recreation |
| Possible Future Living Area | Existing Other Commercial | Conservation & Riparian Area |
| Future Long Term Living Area | Future Other Commercial | Future Active/Passive Open Space or Conservation |
| Existing Rural Residential | Existing Industrial Land | Future Advanced Screening |
| Existing CBD Area | Future Industrial Land | Scenic Protection Areas |
| Existing Neighbourhood Centre | Existing School/TAFE | Rural Area |
| Future Neighbourhood Centre | Future School | Future Western Bypass |

Approximate location of site

Under the Structure Plan the subject land is part of the *Crams Road New Living Area* and is classified as part New Living Area and part Conservation and Riparian Area. The New Living Areas are areas identified for potential urban expansion.

The Structure Plan identified seven New Living Areas for future development including Moss Vale Road North, Moss Vale Road South, Bangalee Road West, Crams Road, Mundamia, Cabbage Tree Land, and Worrige. These are shown on Figure 6 below.

FIGURE 6 – NOWRA BOMADERRY NEW LIVING AREAS



The Structure Plan nominates anticipated development yields and capacities for the New Living Areas. Details are provided in Table 2.

TABLE 2 – ANTICIPATED DEVELOPMENT YIELDS

POTENTIAL NEW LIVING AREA	AREA (HA)	DENSITY DWELLINGS / HA	DWELLINGS
Moss Vale Road North	108.0	12/ha & 15/ha	1,360
Moss Vale Road South	99.3	12/ha & 15/ha	1,250
Bangalee Road West	16.3	12/ha	200
Crams Road	89.9	12/ha & 15/ha	1,140
Mundamia	53.0	12/ha & 15/ha	720
Cabbage Tree Lane	183.4	12/ha & 15/ha	2,480
Worrigeer	32.6	12/ha	390
Total Areas	591.5		7,540

The Structure Plan establishes planning principles to guide the future development and conservation of the Nowra Bomaderry area. These principles are:

- **Sustainable Living** – *Manage development and change to accommodate economic and population growth, in a manner which endorses community values, conserves natural resources and safeguards ecological systems.*
- **Economic Vitality** – *Facilitate the diversification and expansion of Nowra Bomaderry’s economy by building on the town’s human resources, skills base and environmental quality of the Shoalhaven whilst strengthening regional linkages, providing efficient support networks, fostering innovation and rewarding enterprise.*
- **Community Wellbeing** – *Provide living areas in Nowra Bomaderry, which maximise lifestyle quality and choice by engendering a healthy, caring and harmonious society where both individual and collective rights are respected and there is fair and reasonable access to facilities and services.*

In relation to planning and design principles for the Crams Road area, the Structure Plan notes the following:

- *Land available for residential development will be determined through an environmental study.*
- *The area will be a contained neighbourhood and develop its own character rather than becoming urban sprawl.*
- *Should the area be considered for residential development any subdivision is to achieve a high standard of environmental performance in order to maintain and enhance the condition of environmental systems in the vicinity.*

The proposed development is consistent with the Nowra-Bomaderry Structure Plan in the following ways:

- The Concept Plan for the site demonstrates that 396 lots can be accommodated on the site providing approximately 35% of the dwelling targets for the Crams Road New Living Area.
- Environmental studies have been comprehensively carried out and have informed the proposed rezoning. These studies have ground truthed the proposed New Living Area in the Structure Plan to propose a zoning appropriate for sustainable residential development.
- The Ecological Assessment has demonstrated that the proposed extension of the residential zone will not have any significant impacts on the existing vegetation.
- The Aboriginal Archaeological assessment has demonstrated that the proposed development will not impact on items of Aboriginal cultural heritage significance.
- The Concept Plan will allow for residential development which acts as a natural extension to the large lot development to the north and the settlements of North Nowra and Bomaderry, while being a large enough site to create a separate residential community and character on the site.

The site can be regarded as an urban infill site as it is strategically located adjacent to existing well serviced centres. In contrast, other New Living Areas are not as favourably located. In particular, the New Living Areas of Worrigeer, Moss Vale North and Moss Vale South will result in inefficient settlement patterns that “leapfrog” development sites which are more suited to orderly development, like the subject site.

While the Nowra Bomaderry Structure Plan nominates a dwelling target of 1,140 dwellings for the Crams Road New Living Area, the targets are considered to be currently unachievable for the following reasons:

- The lack of residential zoning on the site will severely compromise the achievement of the dwelling targets for the Crams Road New Living Area.
- The small extent of the site considered for General Residential zoning (approximately 6.4 hectares) within Council's Draft SLEP 2011 made development of the subject site unviable.
- The development of the site is required to be large enough to feasibly service the site with the relevant infrastructure.
- The site is the largest single landholding in the Crams Road New Living Area. It therefore represents a significant opportunity for an integrated urban design outcome for the locality.
- The remaining landholdings in the Crams Road New Living Area are small (approximately 2 hectares to 9 hectares, with an average of 6 hectares) and, with the exception of two small parcels owned by the Nowra Aboriginal Land Council, are held in different ownerships.

Q6. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The Planning Proposal is consistent with the relevant State Environmental Planning Policies as summarised below.

State Environmental Planning Policy 55 (Remediation of Land)

State Environmental Planning Policy 55 (Remediation of Land) (SEPP 55) aims to promote the remediation of contaminated land. The purpose is to reduce the risk of harm to human health or any other aspect of the environment. SEPP 55 seeks to achieve this by specifying certain considerations applicable to development applications in general and by requiring that all remediation work meet certain standards.

A Stage 1 Contamination Assessment was undertaken by Network Geotechnics and is provided in Appendix D. Based on the desktop study and field investigation the site was assessed to be of low to medium risk of contamination in certain isolated areas within the site where illegal rubbish dumping was observed. However, most of the site was assessed to be 'greenfield' site.

The following observations were made by Network Geotechnics:

- The aerial photographs and other records reviewed, indicated a low to medium potential for site contamination.
- The site may have been used as an abattoir, which has a potential for contaminants such as pesticides.
- The site contained a crushed sandstone stockpile, old shed, scrap metal, and concrete that could have potential for soil contamination. At the time of the investigation no odours were present nor any discoloration observed in any of the stockpiles.
- There is a potential for migration of contaminants from the higher land to the east and north east to the subject site. However historical photographs indicated low potential for contamination in the adjoining land. The gully surface soils at invert level did not show signs contamination nor the water show any discoloration.
- Council records indicate that no clean up notices or orders were served on the owners, however there were a number of Penalty Infringements Notices served on individuals found illegally dumping waste on the land.
- It is not likely the land would be subject to flooding in accordance with Shoalhaven LEP Zoning maps. The nearest major surface water body is Shoalhaven River located about 250m from the south west corner of the site. The site also contains several creeks.

The assessment concluded that a targeted Stage 2 Contamination Assessment is required for the proposed subdivision. SEPP 55 provides a statutory framework for further investigations and suitable remediation through the rezoning and development application processes.

State environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy (Rural Lands) 2008 (SEPP Rural Lands) aims to ensure the following planning principles are applied in relation to development of rural lands:

(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,

(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,

(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,

(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,

(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,

(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

The proposed rezoning does not contradict the objectives of SEPP (Rural Lands) as follows:

- The site does not currently accommodate major agricultural uses or provide sustainable economic activities. Accordingly, the loss of a portion of the site as rural land would not have a negative impact on the wider rural lands in the area.
- Furthermore, the non-residential component of the land will be zoned for environmental protection purposes and will be retained to ensure a greater area of environmental conservation.
- The site is part of wider rural land supply in the Shoalhaven LGA and its location to the south of existing residential development presents an opportunity for the natural expansion of residential accommodation to meet the identified dwelling targets outlined in the Nowra-Bomaderry Structure Plan.
- The proposed rezoning of the site to allow for residential uses would maintain the existing balance of social, economic, and environmental interests of the locality.
- The proposed development is on the fringe of the Shoalhaven River which maintains the rural setting of the immediate locality.
- The proposed yield of the development would provide up to 396 dwellings and can be serviced without presenting any impact on the local area. The site is also located within close proximity of the Nowra and Bomaderry centres.
- The proposal is consistent with the aims and objectives of the South Coast Regional Strategy and the Nowra Bomaderry Structure Plan.

State Environmental Planning Policy (Infrastructure) 2008

State Environmental Planning Policy (Infrastructure) 2008 (SEPP Infrastructure), sets out requirements for various public authority and infrastructure works throughout the state. In addition, it requires the referral of certain traffic generating development to the RMS during the Development Application (DA) assessment process.

Any required referral will be triggered at DA stage and does not impact a land rezoning. Nonetheless, a Traffic Impact Assessment has been prepared by Traffix – Traffic and Transport Planners to assess the following:

- Existing traffic context including existing road network, road capacity, public transport availability.
- Discussion on any potential traffic impacts as a result of the increased residential zoning and concept lot layout, and the provision of potential mitigation and management measures.

This is discussed in full in Section 7.3 and is included in Appendix C.

Q7. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S.117 DIRECTIONS)?

The Section 117 Ministerial Directions (under Section 117(2) of the EP&A Act) provide local planning direction and are to be considered in a rezoning of land. Relevant Section 117 Directions are considered in Table 3, below.

TABLE 3 – SECTION 117 DIRECTIONS

DIRECTION	REQUIREMENT	COMMENT
1.2 Rural Zones	<i>(1) The objective of this direction is to protect the agricultural production value of rural land.</i>	<p>The primary use although identified as a rural land zone is not for agricultural production and is of minimal value as rural land.</p> <p>The subject site was identified as one of six New Living Areas for future residential development. The Crams Road Urban Release Area identifies 89.9 hectares for potential redevelopment and the subject site consists of 73.68 ha of this. The suitability of the site for urban development has been examined in this Planning Proposal.</p> <p>The use of the site for residential development forms a natural extension of the existing residential uses immediately to the north and east.</p> <p>The Planning Proposal will allow for residential subdivision located adjacent to existing well serviced centres.</p>
1.5 Rural Land	<p><i>(1) The objectives of this direction are to:</i></p> <p><i>(a) protect the agricultural production value of rural land,</i></p> <p><i>(b) facilitate the orderly and economic development of rural lands for rural and related purposes.</i></p>	See Direction 1.2 above.
2.1 Environmental Protection Zones	<i>(1) The objective of this direction is to protect and conserve environmentally sensitive areas.</i>	Detailed ecological investigations and ancillary studies and reports have been undertaken by Biosis and OMVI. The proposed zoning is reflective of the outcomes of these specialist studies and will ensure areas of high environmental value are protected and conserved.

DIRECTION	REQUIREMENT	COMMENT
3.4 Integrating Land Use and Transport	<p><i>(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></p> <p><i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p><i>(d) supporting the efficient and viable operation of public transport services, and</i></p> <p><i>(e) providing for the efficient movement of freight.</i></p>	<p>The Bomaderry railway station provides convenient public transport options particularly for residents who work in the larger urban centres to the north.</p> <p>Development of the site for urban residential purposes will allow for further consolidation of the existing urban settlement at North Nowra / Bomaderry delivering a more efficient form of development that will discourage excessive private vehicle travel, will increase population to deliver greater efficiencies in public transport, and will ensure future residents can access local retail, educational, employment and recreational opportunities which will further stimulate the local economy.</p>
4.4 Planning for Bushfire Protection	<p><i>(1) The objectives of this direction are:</i></p> <p><i>(a) 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</i></p> <p><i>(b) to encourage sound management of bush fire prone areas.</i></p>	<p>A Bushfire Constraints Assessment was prepared by ABPP and is included at Appendix E. The Assessment outlines a range of bushfire protection measures required to address the bushfire risk to the proposed residential precinct. Provided that these measures are incorporated into the subdivision the site is considered to be suitable for residential development.</p>
5.1 Implementation of Regional Strategies	<p><i>(1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</i></p>	<p>The South Coast Regional Strategy is the key strategic policy document applying to the local government area of Nowra. The planning proposal is consistent with the objectives of the Regional Strategy as outlined in Section 7.2.</p>
6.3 Site Specific Provisions	<p><i>(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i></p>	<p>The proposed zoning does not rely on any site specific planning controls.</p>

7.3 SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q8. 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?

Detailed analysis of the subject site has been undertaken by Biosis Research and OMVI Ecological through the preparation of the following studies:

- *Flora and Fauna Assessment and Constraints Analysis* (Biosis Research, 2010)
- *Review of the conservation significance of lands at Warrah Road, North Nowra* (OMVI, 2011)
- *Hollow Bearing Tree Survey* (Biosis Research, 2011)
- *Review of the Hollow Bearing Tree Assessment* (OMVI, 2011)

These studies provide a critical analysis of the findings of the Shoalhaven City Council Threatened Biodiversity Survey and Assessment, prepared by Alison Hunt & Associates in 2008, which informed the proposed draft SLEP and resulted in a significantly reduced residential area on the subject site. A summary of each of these reports is provided below.

Threatened Biodiversity Survey and Assessment (AHA, 2008)

Shoalhaven City Council obtained a grant from the Minister of the Department of Environment and Climate Change (DECC) to undertake a comprehensive biodiversity assessment of the Crams Road Investigation Area to inform the Nowra Bombaderry Structure Plan and resultant Local Environmental Plan (LEP).

Alison Hunt & Associates Pty Ltd (AHA) was commissioned to undertake the assessment in 2008. The report and associated mapping shows specific flora and fauna survey locations, vegetation communities, threatened species habitat, and constraints and opportunities, and notes the following relating to the Crams Road Investigation Area and the site:

- The site is mapped by DECCW as containing poorly conserved vegetation.
- Protection of the creeks is valued highly.
- No threatened ecological communities are likely to occur across the Crams Road Investigation Area or were recorded during the study.
- No rare or threatened Australian plants have been detected on the site.
- No threatened flora species were recorded at the site.
- No high quality vegetation communities have been recorded on the site, only moderate-high quality vegetation in the north west of the site associated with the presence of Hollow-bearing trees. The majority of the site is mapped as moderate to low quality vegetation.
- The site has been mapped by AHA as having high, medium and low constraint areas.

The AHA report makes a number of recommendations in respect of the Crams Road New Living Area including:

- *“Conservation of hollow bearing trees.*
- *Conservation of areas where threatened species or threatened species foraging activity have been recorded.*
- *Maintenance of corridors.*
- *Ensure provision of asset protection zones to protect biodiversity and development.*
- *Placement of any proposed development within cleared areas and/or directly adjacent to current areas of residential development.”*

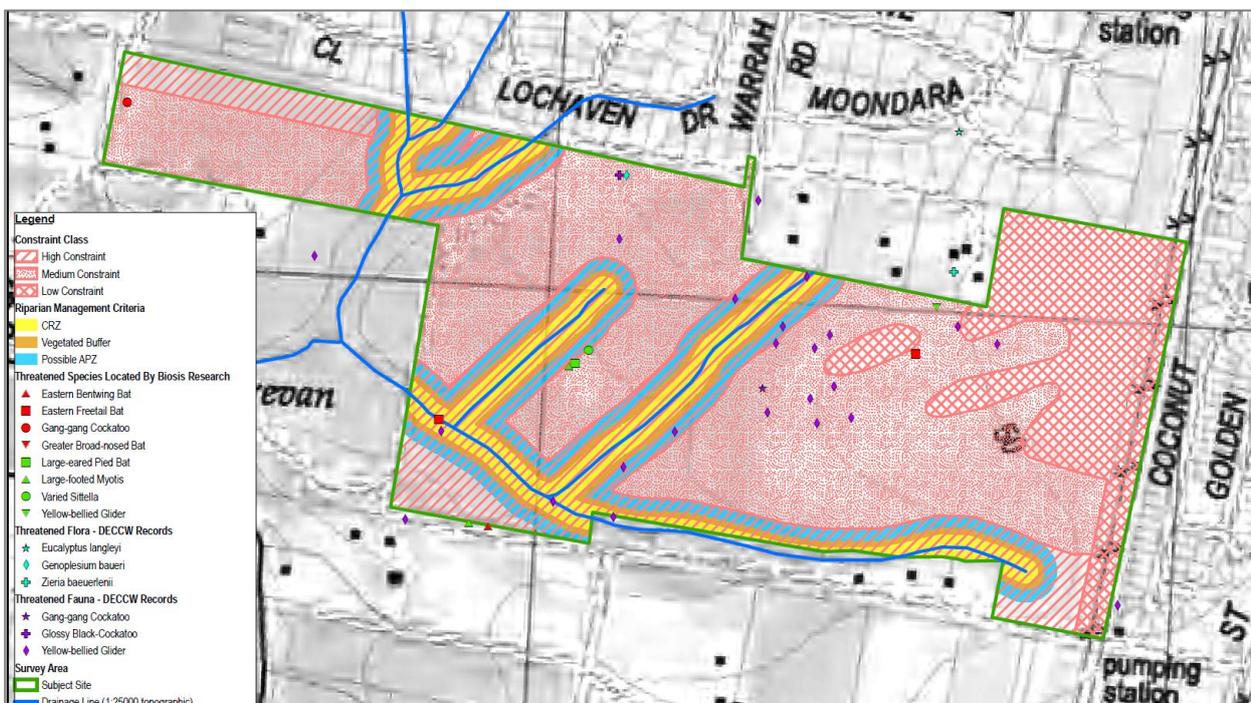
The resultant draft Shoalhaven LEP appeared to adopt the AHA report recommendations, which limit development to cleared areas of the site and/or adjacent to existing residential development, resulting in a significantly reduced residential zoned area for the site.

Flora and Fauna Assessment and Constraints Analysis (Biosis Research, 2010)

Biosis Research was engaged by the proponent in 2010 to provide a ‘*Flora and Fauna Assessment and Constraints Analysis*’ of the site. The assessment was prepared to provide a detailed analysis of the ecological significance of the subject site and identify areas that would be suitable for residential development within acceptable limits.

The constraints analysis undertaken by Biosis Research classifies areas of the site as high, medium and low constraint areas and provides general criteria for these areas. The report demonstrates that a significant part of the site, generally those areas identified as having low to medium environmental constraints, should be included within an urban zoning, while areas of high constraints will not be available for development (refer Figure 7).

FIGURE 7 – BIOSIS RESEARCH CONSTRAINTS MAPPING



Findings of the constraints analysis are summarised as follows:

- High constraint areas are those that support optimal habitat for and known locations of the broadest range of threatened species; riparian zones incorporating the areas considered necessary to maintain stream flow function; and vegetation corridors that will provide habitat connectivity within the subject site and extending off the subject site to the Study Area and broader Locality. High constraint areas should be excluded from most development but may support some ancillary functions such as open space and passive recreational opportunities, infrastructure that primarily considers ESD principles and initiatives that assist in conservation outcomes.
- Medium constraint areas support habitat for and known locations of a narrower range of threatened species and flora and fauna habitat resources and are areas that adjoin existing residential development or existing and proposed infrastructure easements. Development of medium constraint areas to support residential development would need to be accompanied by further biodiversity impact assessment to determine the ultimate development scheme.

Medium constraint areas would be the key areas for consideration of biodiversity management and mitigation measures as part of a development application for future residential development on the Subject Site. Medium constraint areas cover the majority of the Subject Site outside the high constraint areas.

- Low constraint areas on the Subject Site are areas that have been subject to significant disturbance and have limited habitat value for threatened flora and fauna species highlighted in this assessment. These areas retain some level of flora and fauna habitat value primarily as support to the more intact native vegetation cover of the adjoining medium constraint area. Loss of flora and fauna habitat provided in the low constraints zone would be considered in the biodiversity management and mitigation measures as part of a development application and any future residential development of the Subject Site.

The Biosis Research Flora and Fauna Assessment and Constraints Analysis (2010) is provided at Appendix B.

Review of the conservation significance of lands at Warrah Road, North Nowra (OMVI, 2011)

OMVI Ecological was engaged by the proponent to conduct a review of relevant ecological assessments of lands between Crams Road and Warrah Road, North Nowra, to determine the relative conservation significance of the subject site. The review included a detailed analysis of the AHA report (2008) and Biosis Research report (2010).

The OMVI report concludes the following:

- The western half of Lot 24 remains relatively unaltered by hydrological changes, although all the drainage lines across the lot do receive drainage from the surrounding residential areas, forestry or agriculture. This has resulted in only minor and isolated changes in the vegetation structure and in areas such as the quarry, and new motorbike and BMX tracks as well as walking trails and bushfire access tracks. The hollow counts in the far western portions of the site are higher than those observed in the eastern portions and the structure of the understorey more complete and diverse than the same forest types in the grazed eastern half.
- The Biosis Research assessment concluded that most of the eastern half of Lot 24 was either in low or moderate condition and this is based on the past disturbances and the lack of EEC's and few threatened species recorded or possibly occurring. The AHA assessment concludes that a great deal of the eastern half of Lot 24 (or that portion surveyed) to be in moderate to high condition where past disturbances are not discussed in detail. The parts of the site where clear and recent modification has resulted in the absence of native vegetation are low, but some of the modification presumably has not been observed and in relation to the alteration surface hydrology has not been considered. Some of the areas mapped as high conservation significance are clearly disturbed and heavily modified.

- This additional contemporary information relating to the ecological significance of Lot 24 in terms of capacity for any potential zoning should be carefully considered by SCC considering that the basis of the current proposed environmental zoning, over 50% of Lot 24, is based on now dated information which has been tested for particular species and has shown to be inaccurate in some instances.
- There are areas of high conservation significance across Lot 24 and there are some areas with little conservation significance at all. The east is blocked by a dense residential development apart from though a drainage easement in the south-east, the agricultural and earthmoving disturbances of the recent history have all altered the ecology of the eastern half of the lot and a balance between what maybe developable as earlier agricultural, residential or otherwise and what must be conserved can probably only be balanced through better understanding of the key resources for flora and fauna locally.
- Moreover, like some of the other investigation areas (e.g. Cabbage Tree Lane) none of the vegetation communities on Crams Road Investigation Area and more precisely Lot 24 are listed as threatened but have scored the same conservation value. Some are poorly conserved within the LGA but most are less than 15% cleared and as I have previously stated (OMVI 2011) the presence of hollow-bearing trees themselves do not represent the conservation significance of an area and the density size or number become relevant only with occupation of hollow-dependant, conservation dependant fauna.
- There is enough doubt in the occupation or even presence of threatened species across Lot 24 to warrant further investigation before rezoning this land. If the only verification rule triggered to establish HCV across Lot 24 is the presence and utilisation of these lands by threatened species, which have been examined earlier in this document, then the classification as HCV is unjustified, even under the rules of the South Coast Conservation Plan.

The OMVI Review of the conservation significance of lands at Warrah Road, North Nowra (2011) is provided at Appendix B.

Hollow Bearing Tree Survey (Biosis Research, 2011)

Biosis Research was commissioned by the proponent in 2011, at the request of Shoalhaven City Council, to undertake an independent Hollow Bearing Tree (HBT) Survey.

Over the 3 days of field survey, a total of 412 HBTs were recorded containing 1106 hollows. Thirty one of these trees are beyond the boundary of the Study Area and not considered in the analysis. Accordingly the total number of HBT's in the Study Area for this assessment is 381.

Hollows were recorded in six main tree species including *Eucalyptus punctata* (Grey Gum), *Eucalyptus sclerophylla* (Hard-leaved Scribbly Gum), *Corymbia maculata* (Spotted Gum), *Syncarpia glomulifera subsp. glomulifera* (Turpentine), *Eucalyptus sieberi* Silvertop (Ash) and *Corymbia gummifera* (Red Bloodwood). These HBTs were distributed across the majority of habitat types in the Study Area.

Distribution of HBTs

HBTs were generally restricted to the Woodland and Open Forest habitats of the Study Area with the two main clusters in the western and central areas. Table 4 below summarises the data to highlight HBT's of the current surveys to be included in the two proposed zonings.

TABLE 4 – SUMMARY HBT DATA AND ANALYSIS

HBT Rating	Proposed Residential Zoning	Proposed Environmental Zoning	Totals
Low	29 (7.6%)	27 (7.1%)	56 (14.7%)
Medium	96 (25.2%)	153 (40.2%)	249 (65.3%)
High	14 (3.7%)	62 (16.3%)	76 (20.0%)
Totals	139 (36.5%)	242 (63.5%)	381 (100%)

(Figures in brackets are percentage of each category as percentage of the total HBT)

From Table 4 the medium ranked HBT’s have the highest abundance within the Study Area, followed by the high then low categories. Over half of medium ranked HBT’s occur in the proposed environmental zoning area.

More than half (64%) of all HBTs in the Study Area were recorded in the proposed environmental zone and 5m buffer. Of these 16.3% have been ranked as having high conservation significance, which is over four times as many high ranked HBTs as occurs in the residential zones (3.7%).

FIGURE 8 – CONSERVATION SIGNIFICANCE OF HOLLOW BEARING TREES AND LOCATION WITHIN PROPOSED ZONINGS



In general, hollows occurring in large, remnant Hard-leaved Scribbly Gum and Grey Gum located near waterways scored the highest and are therefore of the highest conservation significance. Due to little past clearance in these areas, many of the HBTs contain large branch and truck hollows. Trees containing larger hollows suitable for forest owls and large arboreal mammals were located in remnant vegetation along creek lines and in the north-west arm of the Subject Site. These areas of higher conservation significance fall within the proposed environmental zoning.

HBTs located in the regenerating or younger Scribbly Gum Woodland contain many small pipe and spout hollows due to the branch-shedding nature of Hardleaved Scribbly Gum. These HBTs are generally of lower conservation significance and are located in the proposed residential zones.

The Biosis Research Hollow Bearing Tree Survey (2011) is provided at Appendix B.

Review of the Hollow Bearing Tree Assessment (OMVI, 2011)

OMVI Ecological was commissioned by the proponent to conduct a peer review of the hollow-bearing tree assessment undertaken by Biosis Research in 2011.

The OMVI review concludes the following:

The Gibbons and Lindenmayer assessment of hollows is recognised as a suitable assessment for many forested ecosystems but does have some bias toward species that occupy mature forest and woodland with limited reference to heathland. In regard to Warrah Road some of the key conservation significant fauna that rely on hollows prefers smaller hollows in dryer heaths and woodlands such as the Eastern Pygmy Possum. The Gibbons and Lindenmayer weighting for larger hollows along creek lines possibly under ranks the smaller more suitable hollows for such species as has been recorded across the Scribbly Gum Woodland of the Warrah Road site which is largely proposed to be zoned environmental.

Nevertheless, a majority of both high ranked (82%) and medium ranked (61%) hollow-bearing trees are recorded within the areas mapped as 'proposed environmental' in the Biosis Research Report and these occur in all vegetation types. Additionally almost half (48%) of low ranked hollow-bearing trees are also within the proposed environmental zoning. Biosis Research notes that the low ranked hollows were generally recorded as small pipes or spout hollows in Hard-leaved Scribbly Gum that were of lower conservation significance.

However, considering the broad local and regional distribution of this vegetation community and with more than half in the proposed environmental zoning, numerous similar small hollows would remain locally and are likely to continue to develop within the environmental zones and would continue to provide shelter for conservation dependant species such as the Eastern Pygmy Possum, should those be lost in the proposed residential area.

Of the five vegetation communities recorded on and adjacent to Lot 24, the Scribbly Gum Woodland harboured approximately 915 of the hollows of all sizes within 320 Scribbly Gums averaging over 70 cm DBH. When compared to the other species of tree containing hollows across the site, Scribbly Gums also averaged approximately 3 hollows per tree and represented more than 72% of the total number of hollows observed during the survey and 70% of the top ranked 200 trees.

The next species with the most number of hollows and the greatest number of hollow per tree on average was the Grey Gum which predominantly were recorded in the gullies and along the creek lines of the site within the proposed environmental zoning. The majority Grey Gums and Turpentine's recorded with hollows were found within the creek line buffers proposed.

When comparing this to the results of the AHA report conducted over a smaller area of Lot 24 the number and type of hollows appear to be very similar and the densities of hollow-bearing trees appear to be similarly concentrated, as they are in the Biosis analysis, in the Hard-leaved Scribbly Gum woodland which would be more than half conserved in the proposed environmental zoning.

The Biosis report highlights that approximately 63.5% of the hollow-bearing trees were recorded in the proposed environmental zone and of these approximately 62 were ranked as having high conservation significance (i.e.16.3% of all hollows over the entire site), 153 as medium (i.e.40.2% overall) and 27 ranked as low (i.e.7.1% overall) (Table 2). Comparing this to the 139 hollows recorded in the proposed residential areas (36.5% overall), approximately 82% of the high ranked, 61% of medium ranked and 48% of the low ranked hollow-bearing trees would be conserved under the proposal.

Given that the hollow counts are relatively consistent with other counts in similar vegetation types within the locality the averages observed within this area could be attributed to the vegetation types generally in the locality and region and given that there is more than 33,500 hectares of Scribbly Gum, over 48,000 hectares of Spotted Gum and over 33,000 hectares of Grey Gum Woodland recorded within Shoalhaven LGA, the Warrah Road site would represent only a small proportion of an assumed consistent density of hollows in these vegetation types.

Despite the relatively high retention of hollows within the proposed environmental zone, the current proposed zoning will result in losses of both numerous hollows and known threatened species habitat. Having said this, the environmental zone as proposed conserves more than 63% of the hollows recorded across the Warrah road site and more than 50% of the Scribbly Gum, 83% of the large high conservation ranked hollow-bearing trees and 100% of the more dense Riparian Forests.

The larger (23.8 ha) proposed residential lot on the eastern portion of Lot 24 has the lowest density averaging 2.5 hollow-bearing trees per hectare and considering the prior disturbance of this area it is understandable. This figure is considerably less than the proposed environmental zone which averages 5.6 hollow-bearing trees per hectare.

The smaller western proposed residential lot bearing trees and area was also identified in the AHA report as highly conservation significant. The occupation of these hollows and their significance in a local or regional context may need to be and their overall conservation significance assessed in the local regional context.

Overall there will be a loss of hollows for any residential proposal approved for lot 24, however, a very large per cent of the most conservation significant trees with hollows are in zones incorporated in the proposed environmental zone and the trees with medium and low ranking are similarly well represented in the environmental zones as well as in the areas beyond Lot 24. With appropriate planning the more mature and senescent trees could be further incorporated in to the environmental zoning, where appropriate, or where outside this zoning may potentially be conserved as part of the landscaping, within residential lots or part of the streetscape.

The hollow-bearing trees themselves do not represent the conservation significance of an area and the density size or number become relevant only with occupation of hollow-dependent, conservation significant fauna. The proposed zoning put forward by the owner does aim to conserve a large per cent of hollows as well as fauna habitat across Lot 24. With careful planning the area could potentially yield residential development while maintaining the local biodiversity and connectivity for local occurring flora and fauna.

The OMVI Review of the Hollow Bearing Tree Assessment (2011) is provided at Appendix B.

Q9. ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

Site investigations have confirmed that the site is free of major constraints and that there are no likely environmental effects associated with the future development of the land that cannot be suitably mitigated through further design development. The key findings of these preliminary investigations are provided below.

Traffic

A traffic impact assessment has been prepared by Traffix and is included at Appendix C. The assessment makes the following conclusions:

- The indicative future traffic generation of the application would result in a future peak hour generation in the order of 258 vehicles per hour and a daily traffic volume of approximately 2,580 vehicles.
- The impacts of the development on the road network have been assessed and all intersections will continue to operate with acceptable Levels of Service and moderate delays.
- The indicative road layout is considered supportable and is designed generally in accordance with the relevant requirements of Council's DCP.
- A number of significant regional road improvements are currently being considered by the Department of Planning and Infrastructure which will significantly improve the operation of key intersections in the locality and accessibility of the subject site to the regional road network.

The assessment satisfactorily demonstrates that the traffic generated by the assumed development yield under the rezoning is supportable, subject to the adoption of network improvements identified above, with further refinement possible at development application stage/s.

Archaeological

A preliminary aboriginal archaeological assessment has been prepared by Mary Dallas Consulting and is included at Appendix F. The assessment makes the following conclusions:

- The subject land is moderately to highly disturbed and it is not considered likely to retain any extensive or intact Aboriginal cultural remains or archaeological potential.
- There are no Aboriginal archaeological constraints to the planning proposal for the subject land and no further archaeological work is required within the subject land prior to the submission of the planning proposal.
- Where possible, the area of registered Aboriginal open campsite EGP-28 and its immediate surrounds should be preserved within an open space reservation in any future subdivision of the subject land and mitigation measures provided to ensure its ongoing protection.
- The current development plan will not affect Duke 7. No further action is required in respect of this site.
- Any works involving the beds and immediate banks of any of the watercourses within the subject land (e.g. footbridges/paths) should be mindful of the potential for currently obscured axe grinding grooves to be present on sandstone within these areas.

Bushfire

A bushfire constraints assessment has been prepared by Australian Bushfire Protection Planners and is included at Appendix E. The assessment makes the following conclusions:

- The vegetation within the development site and on the adjoining land is recorded on the Shoalhaven Bushfire Prone Land Map as constituting Category 1 Bushfire Prone Vegetation.
- The characteristics of the site, together with the fire protection measures recommended, provide that the rezoning and subsequent subdivision of the land for residential development is suitable in terms of its intended land use.

The assessment recommends the following fire protection measures:

- Asset protection zones - inner protection areas ranging from 25 metres on the eastern boundary, 32 metres on the southern boundary, and 39 metres on the western boundary.
- Access for fire fighting operations – including a perimeter road, emergency access link on the north-east corner, and upgrades to existing road access.
- Water supplies – street hydrants with a flow rate of 10 litres / second.
- Construction standards to future dwellings – all dwellings to be constructed in accordance with Australian Standard ‘*Construction of Building in Bushfire Prone Areas*’.

Q10. HOW HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

As detailed above, the Planning Proposal is not likely to result in any social or economic impacts. Furthermore, any potential social and economic effects will be mitigated by the more significant positive social, economic and environmental impacts associated with the implementation of the strategic planning objectives of achieving residential growth within a future growth area with good access to existing facilities, services, and infrastructure.

7.4 SECTION D - STATE AND COMMONWEALTH INTERESTS

Q11. IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

The Nowra Bomaderry Structure Plan objective for urban infrastructure states:

“Manage urban growth and change to ensure an efficient and healthy town by the timely and cost-effective provision of infrastructure and urban services.”

The Nowra Bomaderry Structure Plan includes an assessment of the infrastructure upgrade requirements of the seven New Living Areas. In regard to the Crams Road New Living Area the Structure Plan Background document notes the following:

- There are no major impediments to the provision of infrastructure for Nowra and Bomaderry.
- Both the water supply and sewer systems have capacity to cater for some future growth.
- Some upgrading and augmentation is required to service the Crams Road New Living Area.
- Identifies the scheduled programming of required works.

In regard to infrastructure requirements for development of the subject land, as discussed in the Structure Plan background document, the following comments are made:

Water

A small extension of the trunk water main is required between the subject site, the Crams Road New Living Area, and the existing main in Pitt Street which feeds from the Pitt Street reservoir. No upgrades to the reservoir have been identified for this area.

Upgrades of the Bamarang Water Treatment Plant are scheduled for 2012/14 and 2024/26. Whether development of the site and the Crams Road New Living Area require these upgrades would need to be further investigated.

Sewer

Major upgrade works are scheduled in the short term (2014/15) to service the Crams Road release area. They include a new gravity main, sewer pump stations, and rising main to Bomaderry treatment plant. These works are also intended to service Bangalee, Bangalee West, and Moss Vale Road growth areas. The upgrade works are required as the North Nowra sewer treatment plant which currently serves land north of the Shoalhaven River is at capacity.

Other utility infrastructure

No major impediments exist in relation to servicing the site with electricity, telecommunications and solid waste disposal.

It is clear from the above analysis that the site can be connected to services infrastructure with minimal upgrades particularly in respect of water supply. Augmentation works are already programmed for completion in the short term. Based on these infrastructure servicing considerations it is appropriate to increase the area of residential land in the Crams Road New Living release area to maximise economies of scale and resulting efficiencies in infrastructure provision.

Q12. WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

It is acknowledged that Shoalhaven Council will consult with relevant public authorities following the Gateway determination.

8 Part 4 - Community Consultation

Clause 57 of the *Environmental Planning and Assessment Act 1979* requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of the Department of Planning and Infrastructure guidelines "*A Guide to Preparing Local Environmental Plans*".

Public exhibition will occur in accordance with Shoalhaven Council's usual procedures. It is anticipated that the proposal would be notified by way of:

- A public notice in the local newspaper(s);
- A notice on the Shoalhaven Council website; and
- Written correspondence to adjoining and surrounding landowners.

The gateway determination and Planning Proposal would be publically exhibited at Council's officers and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

9 Conclusion

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including “*A Guide to Preparing Local Environmental Plans*” and “*A Guide to Preparing Planning Proposals*”. It sets out the justification for the proposed LEP amendment applicable to the subject site to allow for residential accommodation and environmental conservation uses.

The concept plan accompanying the Planning Proposal has been developed and informed by a range of specialist investigations and detailed site analysis. As a result, the proposed LEP zoning change in our view will achieve an appropriate development outcome for the following reasons:

- **From a local context perspective** – the Planning Proposal achieves an appropriate built form and scale outcome when compared to the surrounding scale and type of development.
- **From a strategic policy perspective** – the Planning Proposal will positively contribute to the South Coast Regional Strategy goals and growth targets and will result in the release of the Crams Road New Living Area as identified in the Nowra Bomaderry Structure Plan.
- **From a net community benefit perspective** – the Planning Proposal will deliver a significant increase in housing supply within close proximity to a range of facilities, services and infrastructure.
- **From an environmental perspective** – the Planning Proposal will protect those areas identified as having high conservation value by rezoning land for environmental conservation purposes.

Overall, it is considered that the Planning Proposal will result in significant public benefits facilitating the development of high quality residential subdivision.

We therefore conclude that this Planning Proposal will achieve a favourable outcome for the Shoalhaven LGA and South Coast Region, and it is requested that the necessary steps are taken to enable it to proceed to Gateway Determination under Section 56 of the EP&A Act.

Appendix A

Concept Lot Layout

Appendix B

Ecology Assessments

Flora and Fauna Assessment and Constraints Analysis (Biosis Research, 2010)

Review of the conservation significance of lands at Warrah Road, North Nowra (OMVI, 2011)

Hollow Bearing Tree Survey (Biosis Research, 2011)

Review of the Hollow Bearing Tree Assessment (OMVI, 2011)

Appendix C

Traffic Impact Assessment

Appendix D

Phase 1 Contamination Report

Appendix E

Bushfire and APZ Strategy

Appendix F

Archaeological

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