

Planning Proposal

LOCAL GOVERNMENT AREA: Shoalhaven

ADDRESS OF LAND: Lot 29 DP 874275, Seascape Close, 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 Sheet 1")

Part 1: OBJECTIVES OR INTENDED OUTCOMES OF PROPOSED LEP:

- To rezone part of the land from Environment Protection 7(d2) (Special Scenic) to Residential 2(a1) under Shoalhaven Local Environmental Plan 1985.
- To permit a small residential subdivision in the vicinity of Seascape Close.
- To recognise and protect landscape values.
- To ensure that the habitat of the Powerful Owl is generally protected.
- To ensure that the risk to life and property from bushfire is minimised.
- To ensure that the visual impact of development is reduced through the protection and establishment of appropriate landscaping.
- To provide sites with sufficient area to accommodate a dwelling house, effluent disposal, vehicular access, water quality control and drainage via the Residential 2(a1) zone.

Part 2: EXPLANATION OF THE PROVISIONS OF PROPOSED LEP:

- Amend Shoalhaven Local Environmental Plan 1985 in accordance with the proposed zoning map and to include Scenic Preservation Hatching over part of the land (Draft LEP Map Sheet 1).
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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	The proposal arose from the Milton Ulladulla Structure Plan process (which is identified in the South Coast Regional Strategy). Council agreed to prepare a draft LEP to enable the landowner to dedicate/ transfer Lot 300 DP 792441 (Garrads Lagoon, which is also in their ownership) to Council and the surrendering of an existing consent for 17 residential lots that sits over Lot 300. To facilitate this, the subject proposal was also commenced to provide an additional area of residential zoned land for the owner.
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	Yes. The only way of achieving the objective of permitting a small residential subdivision in the vicinity of Seascape Close is to rezone the land to allow for residential land use. The rezoning also facilitates the overall land

education and new administrative processes such as pre application meetings)	transfer referred to in Point 1.
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 was not prepared for this draft LEP as it was not considered necessary as this planning proposal is being prepared to ensure the continuation of a Draft LEP that has been issued with a Section 65 certificate. Six (6) submissions were received from the community during the draft LEP exhibition period. A Voluntary Planning Agreement has been prepared between Council and the land owner to ensure the subsequent and eventual dedication/ transfer of Lot 300 DP 792441 to Council. The VPA was separately exhibited for community comment from 31 March to 28 April 2011.

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.	The South Coast Regional Strategy contains the following actions: <i>Action - Infill housing and new residential land located adjacent to well serviced centres and town will be given priority in land release planning</i> Comment - The proposal is consistent with the action as the site is immediately adjacent to existing residential development. <i>Action - Only urban areas which are/will be identified in the final versions of the following documents are supported: Milton Ulladulla Structure Plan.</i> The proposal is slightly inconsistent with this action as the Milton Ulladulla Structure Plan identifies the site for Bushland Conservation. However as Council resolved to prepare the original draft LEP in 1995 (many years prior to the release of the South Coast Regional Strategy), and as it has been prepared to facilitate and implement a transfer of environmentally sensitive land (also identified in the Structure Plan) to Council, then this inconsistency is minor and not considered to be sufficient justification for not proceeding with the proposal
5. Is the Planning Proposal consistent with the local Councils Community Strategic Plan or other local Strategic Plan.	The proposal is broadly consistent with Council's draft Community Strategic Plan.
6. Is the planning proposal consistent	The proposal is consistent with State

with applicable state environmental policies?	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 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	The draft plan is inconsistent with Ministerial directions: No 2.1 – Environmental Protection Zones. Comment - This proposal has been prepared to enable the landowner to surrender an existing subdivision, also in an environmentally sensitive location and transfer of land into Council's ownership. The Draft Plan is not inconsistent with Ministerial Directions: 1.5 Rural lands. 2.2 Coastal Protection. 2.3 Heritage Conservation. 2.4 Recreational Zones. 3.1 Residential Zones. 3.2 Caravan Parks and Manufactured home estates. 3.3 Home Occupations. 3.4 Integrating Land use and transport. 4.4 Planning for bushfire protection. 5.1 Implementation of Regional Strategies. 6.1 Approval and referral requirements. 6.2 Reserving land for public purposes. 6.3 Site Specific Provisions.

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.	No. The proposal is unlikely to directly on its own adversely affect critical habitat, threatened species populations, endangered ecological communities or habitat. Environmental studies of the potential impact of residential development on the existing environment have been undertaken. These will also be considered further at the development application stage. Proposed zone boundaries have been delineated through consultation with the NSW Office of Environment & Heritage. Residential development is proposed to be confined to the lower parts of the site to protect the treed ridgeline.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed	Yes. The planning proposal will permit development in a location that is currently bushland and that is zoned for environment protection. Future development has the potential to create a visual impact for existing properties that border the site. The visual

	impact of future development will be managed through controls on the extent of the residential zoned land and the inclusion of Scenic Preservation Hatching on the Draft LEP map that aims to maintain a vegetated buffer between existing and future development.
10. How has the planning proposal adequately addressed any social and economic effects?	The likely overall social impact is positive in that an associated piece of land with environmental value will be dedicated/ transferred into public ownership as supported by the local community in “exchange” for the subject rezoning. The possible economic effects relate to cost implications of maintaining the Ross Avenue land/ Garrads Lagoon when it is dedicated/ transferred to Council.

Section D – State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?	Yes. This proposal rezones a relatively small area of land from an environment protection to a residential zone, and public infrastructure exists to enable the proposed residential zone to be developed.
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 exhibition of the draft LEP. The main state agency with an interest in this draft LEP is the NSW Office of Environment & Heritage and they broadly support the proposed rezoning. The only state agencies (other than OEH) to provide comments during the exhibition period were RTA and RFS-did not object to the draft LEP. No Commonwealth agencies have provided their views regarding this matter.

Part 4 – Community Consultation

As per the requirements of the EP&A Act, Draft LEP No.LP 225 was initially placed on public exhibition between 13 December 2001 until 24 January 2002. During the exhibition period 13 submissions were received: one from Watkinson Apperley Pty Ltd (on behalf of the proponent), six from adjoining land owners, six from Government Agencies and one from Council's City Services Division

The outcome of this exhibition period was reported to Council on 16 April 2002 – see attached copy of report.

The draft was re exhibited from 10 September until 16 October 2009 along with the associated Draft LP No. 338 and the ‘Deed of Agreement’ between Council and Hanson South Coast Pty Ltd (now turned into a voluntary planning agreement). Although this proposal could be considered as “low impact” under the *“Guide to Preparing Local Environmental Plans”* it was exhibited for 28 days, rather than 14 days provided under the new system

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

Nine submissions were received during the exhibition period, 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 summarised under Point 12 above. The Council Group comments related to operational matters should the Ross Ave land/ Garrads Lagoon be dedicated/ transferred to Council .

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

