



City Administrative Centre
Bridge Road, Nowra NSW Australia 2541
Phone: (02) 4429 3111 • Fax: (02) 4422 1816 • DX 5323 Nowra
Address all correspondence to
The General Manager, PO Box 42, Nowra NSW Australia 2541

COUNCIL REFERENCE: 1787
YOUR REFERENCE: HANS 01
CONTACT PERSON: Joanne Gould

12th December, 2001

NOWRA NSW 2541

Dear Sir,

**Draft Local Environmental Plan No. LP225
Lot 29 DP874275 Seaspray Street, Narrawallee**

This letter is to inform you that Council will be placing on public exhibition for comment draft Local Environmental Plan (LEP) No. LP225. The draft LEP will be publicly exhibited from 12 December 2001 until 18 January 2002 (inclusive). A copy of the draft Local Environmental Plan, explanatory statement and map is attached for your information.

The plan applies to Lot 29 DP 874275 Seaspray Street, Narrawallee. The purpose of this draft Plan is to rezone part of the subject land from Environmental Protection 7(d2)(Special Scenic) to Residential 2(a1) under Shoalhaven Local Environmental Plan 1985. The draft plan also aims to protect various environmental attributes of the subject land.

Should the rezoning proceed a Deed of Agreement will also be prepared, which will result in the surrender of a remaining 17 lot subdivision consent for land which is held in the same ownership adjacent to Garrads Lagoon, off Ross Avenue, Narrawallee and the dedication of the land to Council.

I would be grateful if you could provide any comments that you believe are relevant to the draft LEP prior to the conclusion of the exhibition.

If you need any further information about the above issues, please contact Joanne Gould on (02) 4429 3139. Please quote Council's reference 1787.

Yours faithfully

A handwritten signature in dark ink, appearing to read "G. Clark".

Gordon Clark
Senior Strategic Planner

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
CITY OF SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 1985
(AMENDMENT No.)

I, the Minister for Urban Affairs and Planning, in pursuance of section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder. ()

Minister for Urban Affairs and Planning.

Sydney, 2001.

Citation

1. This plan may be cited as City of Shoalhaven Local Environmental Plan 1985 (Amendment No.).

Aims, objectives etc.

2. The aims of this plan are to:
 - (a) to rezone part of the land from the Environmental Protection "D2" (Special Scenic) zone to the Residential "A1" zone under City of Shoalhaven Local Environmental Plan 1985; and
 - (b) to permit a small residential subdivision in the vicinity of Seaspray Street, Narrawallee; and
 - (b) to protect landscape values; and
 - (c) to ensure that the habitat of the Powerful Owl is generally protected; and
 - (c) to ensure that the risk to life and property from bush fire is minimised; and
 - (d) to ensure that the visual impact of development is reduced through the protection and establishment of appropriate landscaping.

Land to which plan applies

3. This plan applies to land situated in the City of Shoalhaven, being Lot 29 DP 874275, shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No.)" deposited in the office of the Council of the City of Shoalhaven.

Relationship to other environmental planning instruments

4. This plan amends the City of Shoalhaven Local Environmental Plan 1985 in the manner set out in clause 5.

Amendment of City of Shoalhaven Local Environmental Plan 1985

5. City of Shoalhaven Local Environmental Plan 1985 is amended by:
 - a. inserting in appropriate numeric sequence within the definition of "the map" in clause 6(1) the following words:

City of Shoalhaven Local Environmental Plan 1985
(Amendment No.)
 - b. inserting after clause ~~39BB~~ the following clause :

Development in the vicinity of Narrawallee

~~39BC~~ (1) This clause applies to land shown edged heavy black on the map marked "City of Shoalhaven Plan 1985 (Amendment No.).

(2) The Council shall not consent to an application to subdivide or otherwise carry out development of land to which this clause applies unless:

- (a) it has considered a plan of management showing how the fire management issues are conducted as a result of carrying out development in the allotments to be created by the proposed subdivision or from carrying out other development; and
- (b) Council has taken into consideration a landscape management plan that is of a standard satisfactory to the Council. The landscape plan must show how the visual quality of the land is to be protected through the retention of existing vegetation.
- (c) it is satisfied that issues relating to visual quality, drainage control, building bulk and scale, threatened species and habitat and control of erosion are adequately addressed and provided for as part of any development; and
- (d) all buildings above the 35 metre contour are no higher than 8.5 meters above natural ground level.

(e) a road is located on the western edge of the subdivision within the Residential 2(a1) zone.

c. inserting in schedule 9:

Part lot 29, DP 874275, off Seaspray Street, Narrawallee being part of the land shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No) and designated as 7(d2) Environmental Protection "D2" (Special Scenic) Zone on the eastern boundary – subdivision of less than 40 hectares provided measures are taken to the satisfaction of Council to preserve vegetation and the land to which the subdivision applies forms part of an allotment in the adjoining 2(a1) zone on which any building will be located.

EXPLANATORY STATEMENT

DRAFT LOCAL ENVIRONMENTAL PLAN NO. LP 225
Lot 29 DP 874275 Seaspray Street, Narrawallee

File: 1787

On the 18th July 1995 Council resolved to prepare part of a local environmental plan (LEP) over Lot 29 DP 874275 with the objective of rezoning part of the land from Environmental Protection 7(d2)(Special Scenic) zone to Residential 2(a1) under Shoalhaven Local Environmental Plan 1985. The draft Plan has been prepared separately from the Milton Ulladulla draft LEP, so that issues relating to the subject draft plan do not hinder the progress of the overall plan for Milton Ulladulla.

In preparation the draft plan a number of environmental investigations have been undertaken to assess issues such as flora and fauna, visual assessment and archaeology. As such the draft plan aims to protect landscape values, ensure that the habitat of the Powerful Owl is protected, ensure that the risk to life and property from bush fire is minimised, and ensure that the visual impact of development is reduced through the protection and establishment of appropriate landscaping.

The owners of Lot 29 also own a parcel of land fronting onto Garrads Lagoon off Ross Avenue, Narrawallee (Lot 300 DP 792411). This land was part of a much larger area, which was given subdivision approval by the Land and Environment Court, and includes s remaining last stage of 17 lots. Subdivision of the remaining area would require filling of part of the Lagoon and as such a licence from the EPA under the Clean Waters Act would be required. Council resolved to undertake this rezoning on the basis that the owners surrender the remaining 17 lot subdivision and dedicate the land to Council. Thus should the draft plan proceed it will not be finalised until a legal mechanism such as a Deed of Agreement is put in place to ensure the transfer of Lot 300 DP 792411 to Council. The recently exhibited draft Milton Ulladulla LEP proposes to rezone Lot 300 from part Residential 2(a1), part Residential 2(c)(Living Area) and part Open Space 6(c)(Proposed Recreation) to part Open Space 6(c)(Proposed recreation) and part Environmental Protection 7(a)(Ecology) under Shoalhaven Local Environmental Plan 1985.



E J Royston
Planning Services Manager
Date:

