

Planning Proposal

LOCAL GOVERNMENT AREA: Shoalhaven

ADDRESS OF LAND: Lot 29 DP 874275, Seaspray Street, 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")
- Proposed scenic protection hatching map (titled "Draft LEP Map Sheet 2")

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 Seaspray Street.
- 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:

- Amendment to Shoalhaven Local Environmental Plan 1985 in accordance with the proposed zoning map (Draft LEP Map Sheet 1).
- Amendment to Shoalhaven Local Environmental Plan 1985 to include Scenic Preservation Hatching in accordance with the map (Draft LEP Map Sheet 2).

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 draft LEP is indirectly consistent with the findings of the Milton Ulladulla Structure Plan (which is identified in the South Coast Regional Strategy). Council agreed to prepare the 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.
2. Is the planning proposal the best means of achieving the indented outcomes, or is there a better way? (alternatives to changing controls on development might include community education and new administrative	Yes. The only way of achieving the objective of permitting a small residential subdivision in the vicinity of Seaspray Street is to rezone the land to allow for residential land use. The rezoning also facilitates the overall land transfer referred to in Point 1.

processes such as pre application meetings)	
3. Is there net community benefit? The Net Community Benefit Test: an assessment should be prepared by the proponent to be submitted to Council for endorsement prior to submitting of DoP as part of the Gateway process. The level of detail and analysis should be proportionate to the size and likely impact of the rezoning	A Net Community Benefit Test has not been undertaken for this draft plan and is not considered appropriate as this planning proposal is being prepared to ensure the continuation of a Draft LEP that has been issued with a Section 65 certificate and that for a number of reasons did not meet the deadlines for "old system" LEP's. Three (3) submissions were received from the community during the draft LEP exhibition period. A Deed of Agreement exists between Council and the land owner to ensure the dedication/ transfer of Lot 300 DP 792441 to Council. The Deed was also exhibited with the Draft LEP, however, due to changes to SEPP (Major Development) this Deed of Agreement will need to be amended, possibly to take the form of a Voluntary Planning Agreement should the rezoning proceed.

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.	An action of The South Coast Regional Strategy is: - Infill housing and new residential land located adjacent to well serviced centres and town will be given priority in land release planning The draft LEP is consistent with the action as the site is immediately adjacent to existing residential development. An Action of the South Coast Regional Strategy is: - Only urban areas which are/will be identified in the final versions of the following documents are supported: Milton Ulladulla Structure Plan. The draft Plan is somewhat inconsistent with this action as the Milton Ulladulla Structure Plan identifies the site for Bushland Conservation. 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 this Draft LEP has been prepared to implement a transfer of environmentally sensitive land to Council, then this inconsistency is minor and not considered to be sufficient justification for not proceeding with the Draft LEP.
5. Is the Planning Proposal consistent with the local Councils Community	The proposal is broadly consistent with Council's draft Community Strategic Plan.

Strategic Plan or other local Strategic Plan.	
6. Is the planning proposal consistent with applicable state environmental policies?	The draft LEP is consistent with State Environmental Planning Policies.
7. Is the planning proposal consistent with applicable Ministerial directions? - Each Planning proposal must identify, if any; Section 117 Directions are relevant to the Planning Proposal. - Where the Planning Proposal inconsistent, those inconsistencies must be specifically justified. - Certain directions require consultation with government 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. This plan is being 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 draft LEP is unlikely to 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. Proposed zone boundaries have been delineated through consultation with DECCW. Residential development is confined to the lowers 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 remnant bushland, zoned for environment protection . Future development has the potential 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 possible social effects are positive in that a piece of land with environmental value will be dedicated/ transferred into public ownership as supported by the local community in "exchange" for the subject rezoning. The possible economic effects relate to cost implications of maintaining the Ross Ave land/ Garrads Lagoon if and when dedicated/ transferred to Council. The draft LEP addresses these likely social and economic effects via related Deed of Agreement, strategic plans including the Milton Ulladulla Structure Plan and an existing Plan of Management.

Section D – State and Commonwealth Interests

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

Part 4 – Community Consultation

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

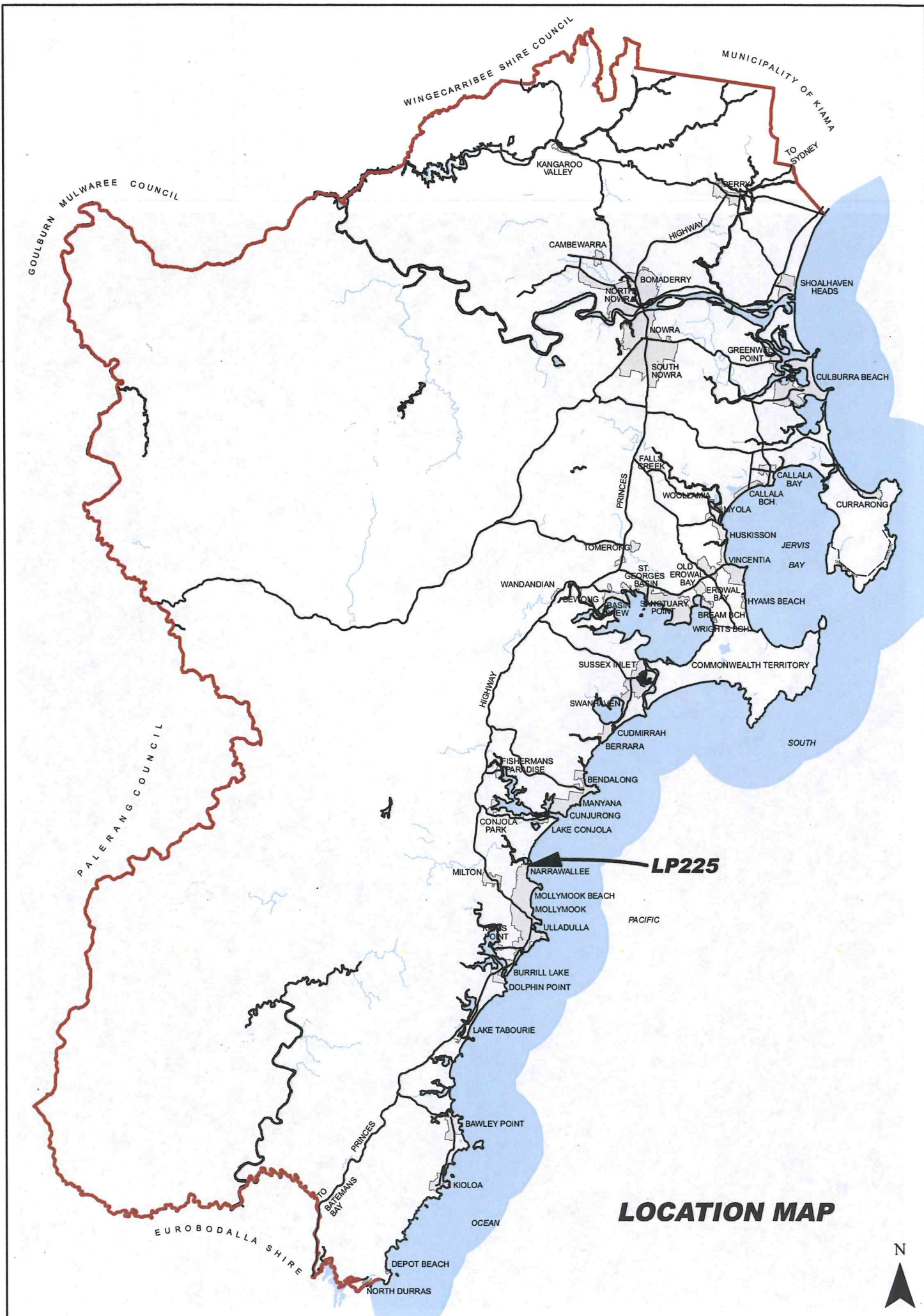
In excess of 100 adjoining or nearby landowners were formally notified in writing of the exhibition of the draft LEP. Notification of the exhibition was placed in the South Coast Register and the Milton Ulladulla Times on 3 separate occasions and State Government

agencies, Councils Internal Community Consultative bodies (CCB's) were also referred the draft LEP's for comment.

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

- Four from the community;
- Three from state agencies; and,
- Two from internal Council Groups.

Three of the four community submissions were letters of support. The state agency comments are included under Point 12 above. The Council Group comments related to operational matters should the Ross Ave land/ Garrads Lagoon be dedicated/ transferred to Council.



AERIAL PHOTO

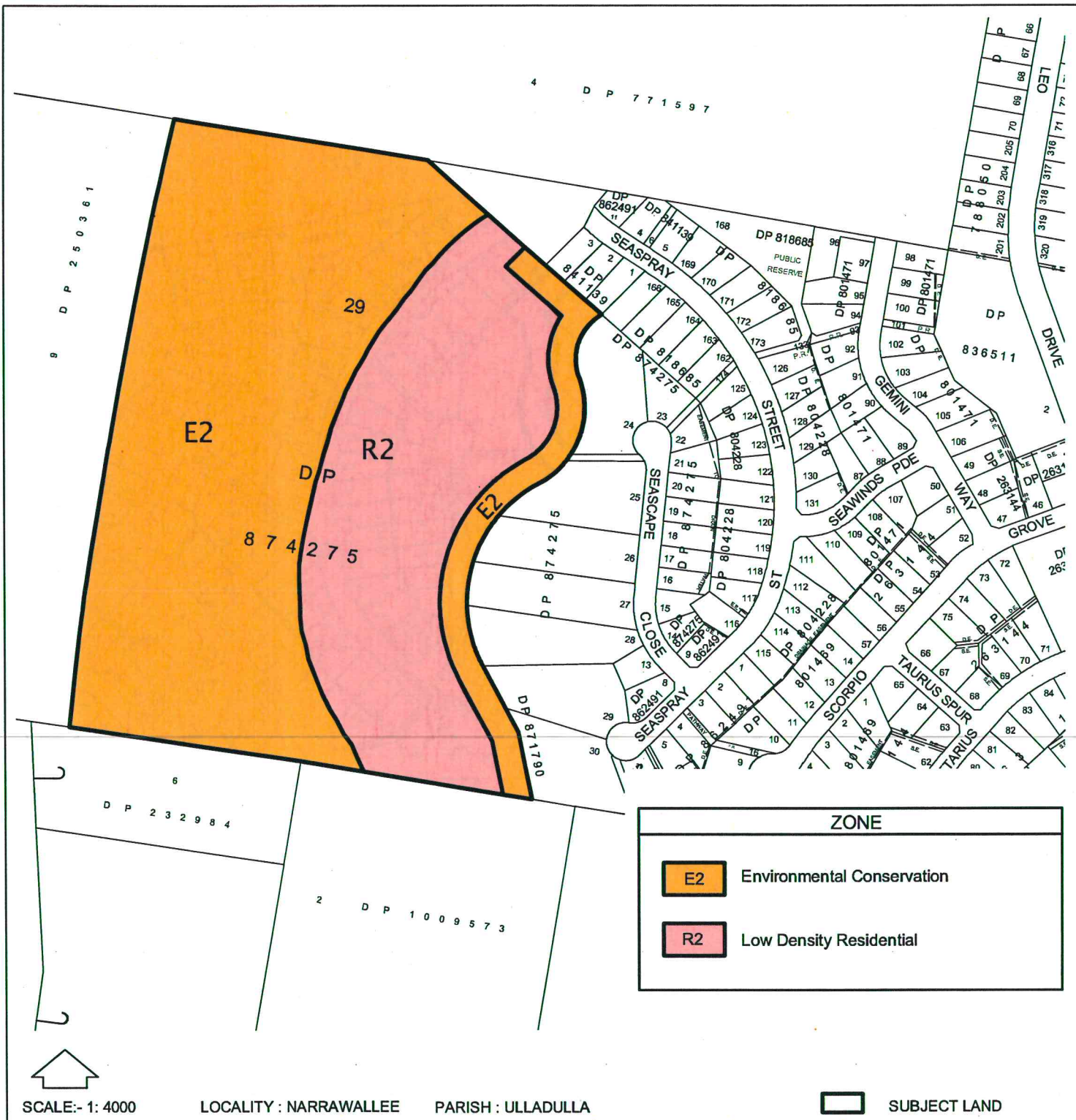


Locality : Narrawallee
Parish : Ulladulla
Scale: NTS
All dimensions are in metres



Strategy Planning
Planner : M-L Foley
Drawn by : Graphics Section
Date : 5th August, 2009
Cad File : Dlep225/SubjectLand
/AirPhoto





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

