

Falls Creek Woollamia Deferred Rural Residential Planning Proposal

Proposal Title : Falls Creek Woollamia Deferred Rural Residential Planning Proposal

Proposal Summary : To resolve the development potential (including lot size and configuration) of existing rural residential areas in the Falls Creek Woollamia area.

The land is currently zoned Rural Residential 1(c2) and 1(c3) under the Shoalhaven LEP 1985. The area was deferred from the 1999 Shoalhaven Rural Plan rezoning investigations whilst the Jervis Bay Settlement Strategy was prepared. The Strategy completed in 2003 identified the Falls Creek Woollamia deferred area as land that could be investigated for more intensive development (subdivision) while continuing to reflect the objective of the area as rural living.

The proposal seeks an amendment to either the Shoalhaven LEP 1985 or the draft Shoalhaven LEP 2009, whichever is in place at the time, to reflect the determined new lot sizes (to allow for increased subdivision potential).

PP Number : PP_2012_SHOAL_001_00 Dop File No : 12/02248

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.3 Home Occupations
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions

Additional Information : That the Director General, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Shoalhaven Local Environmental Plan 2009 (or Shoalhaven LEP 1985 whichever being relevant at the time) to investigate the development potential (including lot size and configuration) of existing rural residential areas in the Falls Creek Woollamia area should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

Jervis Bay Marine Park Authority;
NSW Rural Fire Service;
Office of Environment and Heritage;
Southern Rivers Catchment Management Authority;
Endeavour Energy;

Transport for NSW - Roads and Maritime Services;
NSW office of Water;
NSW Department of primary Industries - Fisheries; and
Shoalhaven Water.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

4. The RPA is to complete environmental studies on flora and fauna, flooding, water cycle management, bushfire, heritage, onsite effluent management, water quality, acid sulfate soils, visual catchment assessment and infrastructure servicing. The RPA is not to commence community consultation until the environmental studies have been completed and copies have been provided to the Department's Southern Regional team for review. This will include consideration of consistency with relevant s117 Directions. These studies are then to be included as part of the public exhibition material.

5. The timeframe for completing the LEP is to be 24 months, including environmental studies, from the week following the date of the Gateway Determination.

6. The planning proposal is to be placed on public exhibition with a proposed amendment to the draft Shoalhaven LEP 2009. Maps clearly identifying the proposed changes to the zoning, minimum lot sizes or environmental attributes in draft Shoalhaven LEP 2009 are to be exhibited with the planning proposal.

s117 DIRECTIONS

7. The Director General can be satisfied that the planning proposal is consistent with s117 Directions 1.5 Rural Lands, 3.3 Home Occupations and 5.1 Implementation of Regional Strategies. No further referral is required in relation to these Directions while the planning proposal remains in its current form.

8. In accordance with S117 Direction 4.4 Planning for Bushfire Protection, the RPA is to consult with the NSW Rural Fire Service and take into account any comments it makes prior to proceeding to public exhibition.

9. The planning proposal is inconsistent with the s117 Direction 1.2 Rural Zones. The Director General can be satisfied that the inconsistency has been justified by the Jervis Bay Settlement Strategy or that it is of minor significance.

10. The planning proposal is inconsistent with the s117 Direction 6.3 Site Specific Provisions in that it is proposing specific requirements for the consideration of a dwelling on each lot. The Director General should not be satisfied that the inconsistency with the s117 Direction is of minor significance and the local clause is not supported. Clauses 7.5 Biodiversity and 7.6 Water in the draft Shoalhaven LEP 2009 provide additional heads of consideration for biodiversity and water issues when assessing a development proposal on the land.

11. It is unknown whether the planning proposal is consistent with the s117 Directions 2.1 Environment Protection Zones, 2.2 Coastal Protection, 2.3 Heritage Conservation, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection. The RPA should clarify the consistency of the planning proposal to these s117 Directions and provide justification for any inconsistencies.

15. The RPA is to report of the proposal's consistency with any outstanding s117 Directions

Falls Creek Woollamia Deferred Rural Residential Planning Proposal

to the Southern Regional Director following completion of relevant studies and consultations outlined above, at which time, if appropriate, the Director General's endorsement for these inconsistencies will be sought.

Supporting Reasons : The conditions are necessary to ensure that the recommended changes to the planning proposal are made prior to public exhibition.

Panel Recommendation

Recommendation Date : 16-Aug-2012

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The Planning Proposal should proceed subject to the following conditions:

1. Council's proposal to include a local clause which sets out additional matters for consideration prior to granting development consent for a dwelling house is not supported.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include proposed land zoning, lot size and environmentally sensitive area maps which clearly identify the subject site. These maps should be placed on public exhibition with the planning proposal.
3. It is noted that Council has identified that additional information regarding flora and fauna, water cycle management, bushfire, transport and access, onsite effluent management, water quality, acid sulfate soils, visual catchment assessment, infrastructure servicing, heritage and flooding is to be provided to support the planning proposal.

Council is to assemble this information prior to undertaking public exhibition and include this additional information as part of the public exhibition material. If necessary the planning proposal can be amended to take into consideration any findings of the additional information. This should be done prior to undertaking public exhibition.

4. Prior to undertaking public exhibition, Council is to amend the planning proposal to address the proposals consistency with S117 Directions 2.1 Environmental Protection Zones, 2.2 Coastal Protection, 2.3 Heritage Conservation, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land or advise whether the Director General's concurrence in relation to these directions is being sought.

5. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

6. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Jarvis Bay Marine Park Authority
- NSW Rural Fire Service
- Office of Environment and Heritage
- Southern Rivers Catchment Management Authority
- Endeavour Energy

Falls Creek Woollamia Deferred Rural Residential Planning Proposal

- Transport for NSW (Roads and Maritime Services)
- Department of Primary Industries (Office of Water)
- Department of Primary Industries (Fisheries)
- Shoalhaven Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

9. The timeframe for completing the LEP is to be 24 months from the week following the date of the Gateway determination.

Gateway Determination

Decision Date :

Gateway Determination : **Passed with Conditions**

Decision made by :

Exhibition period : **28 Days**

LEP Timeframe : **24 Month**

Gateway

Determination :

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2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include proposed land zoning, lot size and environmentally sensitive area maps which clearly identify the subject site. These maps should be placed on public exhibition with the planning proposal.

3. It is noted that Council has identified that additional information regarding flora and fauna, water cycle management, bushfire, transport and access, onsite effluent management, water quality, acid sulfate soils, visual catchment assessment, infrastructure servicing, heritage and flooding is to be provided to support the planning proposal.

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6. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

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- (b) the relevant planning authority must comply with the notice requirements for public

Falls Creek Woollamia Deferred Rural Residential Planning Proposal

exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

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9. The timeframe for completing the LEP is to be 24 months from the week following the date of the Gateway determination.

Signature: _____

SHad dad

Printed Name: _____

Sam Had dad

Date: _____

29/8/2012.