

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

Proposal Details

Date Planning Proposal Received :	13-Jul-2012	LGA covered :	Shoalhaven
Region :	Southern	RPA :	Shoalhaven City Council
State Electorate :	SOUTH COAST	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	Lot 150 and others Woollamia Road		
Suburb :	Woollamia	City :	Woollamia
		Postcode :	2540
Land Parcel :	Various lots identified in the Planning Proposal.		
Street :	Lot 112 DP15266 and others Seasongood & Fairfax Roads & Knoll Parade		
Suburb :	Woollamia	City :	Woollamia
		Postcode :	2540
Land Parcel :	Various lots identified in the Planning Proposal.		
Street :	Lot 160 and others Princes Highway		
Suburb :	Falls Creek	City :	Falls Creek
		Postcode :	2540
Land Parcel :	Various lots identified in the Planning Proposal.		

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Jessica Rippon**
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Contact Email :

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	South Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	
No. of Lots :	91	No. of Dwellings (where relevant) :	91
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**
If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes : **The Falls Creek Woollamia Deferred Investigation Area is made up of 344 lots ranging in size from 5000m2 up to 25ha. Key principles have been used to identify land considered unsuitable for increased residential densities - lot configuration/context, lot size, land tenure and environmental/ecological values. On the basis of this initial assessment, 91 lots are being considered for increased rural residential development.**

The Investigation Area is located 12.5km south of Nowra in the Jervis Bay Region. It is split north-south by the Princes Highway and Jervis Bay Road. The Area has been

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separated into six distinct sectors, based on existing land development characteristics related to lot size and configuration, topography and natural and physical boundaries.

The subdivision of the majority of the Investigation Area commenced during the 1920's. In 1964 the land was given a Non-Urban A and Non-Urban B zoning under the Shoalhaven Intrim Development Order No.1. Most of the lots created as part of these subdivisions are now held in separate ownership with one dwelling entitlement per lot.

When the Shoalhaven LEP 1985 commenced, the majority of the Investigation Area was rezoned Rural Residential - 1(c2) - minimum 2ha lot size and 1(c3) - minimum 10ha lot size. Four lots retained a Rural zoning (1(a), 1(b) and 1(f) Rural zone) with a 40ha minimum lot size for the erection of a dwelling.

In the early 1990's the McArthur Road subdivision created 42 rural residential lots of around 2ha.

With the gazettal in 1996 of the Jervis Bay Regional Environmental Plan, the NSW Government placed a moratorium on further major residential or rural residential rezoning in the Jervis Bay Region until a settlement strategy was prepared and endorsed.

In 1999, the city wide review of rural zoned land was completed. This became known as the Rural Plan and it proposed various amendments to rural zoned land in the Falls Creek Area. The rezoning of Rural Residential zones within the Investigation Area was subsequently deferred from the Rural Plan amendments to the Shoalhaven LEP 1985 pending the completion of the Jervis Bay Settlement Strategy.

The Jervis Bay Settlement Strategy was endorsed by the NSW Government in 2003. It identified the areas deferred from the Rural Plan Amendments in the Falls Creek Woollamia areas as land that could be investigated for more intensive development while continuing to reflect the objectives of these areas as rural living.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objectives of the Planning Proposal are to:

- * resolve the development potential (including lot size and configuration);
- * protect sensitive environmental areas;
- * avoid any potential downstream impacts on Currumbene Creek catchment and associated ecosystems; and
- * manage risks associated with bushfire, stormwater, water quality, character, on-site effluent and flooding.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The intended outcomes will be achieved via an amendment to the draft Shoalhaven LEP 2009 the Lot Size Map to reflect the determined new lot sizes.

Council is also proposing an amendment to the written instrument to include a local clause which will set out additional matters for consideration prior to the granting of development consent for the purposes of a dwelling. The Department does not consider that this clause is necessary. It appears that the local clauses 7.5 Biodiversity and 7.6 Water in its draft Shoalhaven LEP 2009 would apply to any development application lodged for a dwelling on lots with environmental values.

Council has identified that should this amendment proceed before the finalisation of the draft Shoalhaven LEP 2009, then an amendment to the Shoalhaven LEP 1985 will ensue. The Department envisages that the draft Shoalhaven LEP 2009 will be notified prior to this amendment being determined.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 14—Coastal Wetlands

SEPP No 71—Coastal Protection

SEPP (Rural Lands) 2008

Jervis Bay REP 1996

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

The planning proposal is consistent with the Jervis Bay Settlement Strategy, 2003 in that "the potential for the existing rural residential deferred areas to accommodate increased densities will be resolved. Development should not be intensified on land identified as being within the Jervis Bay REP habitat corridor. An understanding of the baseline environmental conditions should be investigated and the potential cumulative impacts should be addressed. A number of issues ie water quality and on-site effluent capability will require detailed investigation whilst other issues relating to bushfire protection, native vegetation, flooding, protection of riparian buffers and potential impacts on existing character will also require consideration. The design of any future subdivision will require careful consideration."

The South Coast Regional Strategy allows for the rezoning of rural residential areas which are identified in endorsed settlement strategies including the Jervis Bay Settlement Strategy.

The planning proposal is consistent with the S117 Directions 1.5 Rural Lands, 3.3 Home Occupations, and 5.1 Implementation of Regional Strategies.

RECOMMENDATION: The Director General can be satisfied that the planning proposal is consistent with s117 Directions 1.5, 3.3 and 5.1.

It is unknown whether the planning proposal is consistent with the S117 Directions 2.1 Environmental 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 as the appropriate investigations have not been undertaken. The Directions will be addressed in the proposed studies.

RECOMMENDATION: Council is to consult with the NSW Rural Fire Service in relation to s117 4.4 and take into account any comments it receives. On completion of this consultation and the various studies the Council is to report back to the Department about consistency with s117 Directions 2.2, 2.3, 4.1, 4.3 and 4.4.

The planning proposal is inconsistent with the S117 Direction 1.2 Rural Zones in that it is increasing the permissible density of land within a rural zone. This inconsistency is

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justified by the Jervis Bay Settlement Strategy which identifies additional residential density potential for the area. The inconsistency is also of a minor significance due to the limited cropping and grazing capacity of the land and the surrounding rural residential properties on blocks of similar size and characteristics.

RECOMMENDATION: The Director General can be satisfied that the inconsistency with s117 Direction 1.2 is justified by the Jervis Bay Settlement Strategy and/or any inconsistency is of minor significance.

The planning proposal is inconsistent with the S117 Direction 6.3 Site Specific Provisions in that it is proposing development standards and requirements for the erection of a dwelling. The Department does not consider that a clause with site specific provisions is necessary, particularly considering the natural resource clauses relating to biodiversity and water contained in the draft Shoalhaven LEP 2009.

RECOMMENDATION: The Director General is not satisfied that the inconsistency with the s117 Direction is of minor significance and the local clause is not supported.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : Should the planning proposal identify development potential then the Minimum Lot Size Map will be changed to reflect suitable lot sizes. Maps clearly showing any changes to zoning, minimum lot size and environmentally sensitive areas will be required for exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Shoalhaven Council proposes to exhibit the planning proposal in accordance with the requirements of section 57 of the EP&A Act and the Gateway Determination. Council proposes to place the proposal on public exhibition for 28 days. Public notification will include a notice in the local newspaper, notice on Council's website, written notice to adjoining landholders and hard copies available at Council's administration buildings.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : The planning proposal addresses the Department's "Guide for preparing a planning proposal" and is considered adequate for a Gateway Determination with conditions.

Proposal Assessment

Principal LEP:

Due Date : **March 2013**

Comments in relation to Principal LEP :

All the lots in the Falls Creek Woollamia Deferred Rural Residential Investigation Area are proposed to be zoned R5 Large Lot Residential in the draft Shoalhaven LEP 2009. The 240 lots with a 1(c2) zoning and 10 lots of 1(c3) zoning are to maintain their 2ha and 10ha minimum lot size respectively. The 3 lots zoned Rural 1(a) and 1(b) are proposed to have their minimum lot size reduced from 40ha to 2ha, whilst the one lot zoned 1(f) is to have its minimum lot size reduced from 40ha to 10ha.

The draft Shoalhaven LEP 2009 was placed on public exhibition from July to October 2011. Council has sought a new S65 Certificate to enable the re-exhibition of the amended draft. The draft LEP is expected to be notified prior to the completion of this planning proposal.

Assessment Criteria

Need for planning proposal :	The current zoning and development standards for the Deferred Area are required to resolve the uncertainty in relation to the land's development potential for both the landholders and the broader community.
Consistency with strategic planning framework :	As previously identified, the planning proposal is consistent with the Jervis Bay Settlement Strategy and the South Coast Regional Strategy. The proposal is consistent with Council's Community Strategic Plan in that it meets Objective 2.2 - Population and urban settlement growth that is ecologically sustainable, carefully planned and managed to meet the needs of the community and the Strategy 2.2.1 - Develop and implement land use zones and related strategies for future growth of the City, based on principles of connectivity, ecological sustainability, flexibility and accessibility. The proposal is also consistent with Council's Delivery Program which aims to implement appropriate land use zones and planning controls which reflect endorsed strategic policies and are responsive to the community's needs and to recognise environmental constraints identified in small lot rural subdivision rezoning investigations and facilitate outcomes that balance environmental, social and economic outcomes.
Environmental social economic impacts :	Council has undertaken a Draft Preliminary Desktop Assessment for the Falls Creek Woollamia Deferred Areas Investigations, June 2011. The Assessment has considered various environmental and socio-economic issues which include: * the area is environmentally significant in terms of vegetation conservation and water quality within the Currumbene Creek catchment. * large sections have been developed for rural residential purposes and as such it should be determined whether there is a demand or need to pursue intensification of these sites. * the social, economic and visual (vegetation clearing) impacts of an increase in density and population should be considered. As a result of the Assessment concluding "that large sections of the Area are significantly constrained by flora and fauna, flooding, slope, bushfire, lot size and lot configuration to the extent that further investigations into rezoning on the land should not be pursued as part of any planning proposal," the planning proposal only applies to 91 of the 344 lots in the Area. It is proposed to undertake further studies to confirm the environmental, social and economic impacts and any potential development.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	24 Month	Delegation :	DDG
Public Authority Consultation - 56(2)(d)	Southern Rivers Catchment Management Authority Office of Environment and Heritage NSW Department of Primary Industries - Fishing and Aquaculture NSW Rural Fire Service Transport for NSW - Roads and Maritime Services Other		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Public Authority Consultation should also include the Jervis Bay Marine Park, Endeavour Energy, NSW Office of Water and Shoalhaven Water.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Heritage

Bushfire

Flooding

Other - provide details below

If Other, provide reasons :

Council has also identified the need to complete studies in:

*** Acid sulphate soils**

*** Water quality and flow**

*** Effluent disposal/management**

*** Stormwater**

*** Transport and access**

*** Visual catchment assessment**

*** Infrastructure servicing**

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **Increased development of the site may have implications for intersections and access to the Princes Highway. The Transport and access study and involvement of the RMS should clarify any upgrades and required funding sources.**

Development of the land would involve on-site effluent disposal. Council has indicated that additional servicing and infrastructure requirements will be established as the planning proposal progresses. Any costs associated with the rezoning and development of the land will be borne by the benefiting landowners.

Documents

Document File Name	DocumentType Name	Is Public
120612 Falls Creek Woollamia Deferred Rural Residential Planning Proposal letter SCC to DoPI seeking Gateway Determination.pdf	Proposal Covering Letter	Yes
Falls Creek Woollamia Deferred Rural Residential Planning Proposal.pdf	Proposal	Yes
Falls Creek Woollamia Deferred Rural Residential Planning Proposal Appendix D Council Report.pdf	Proposal	Yes
Falls Creek Woollamia Deferred Rural Residential Planning Proposal Appendix E Desktop Assessment.pdf	Proposal	Yes

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.

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

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

10th August 2012