

Planning Proposal – Falls Creek/Woollamia

Shoalhaven Draft Local Environmental Plan 2009 (Amendment No. PP003)

Prepared by

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Shoalhaven City Council

July 2012

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2 Introduction

This planning proposal seeks to implement the actions set out in the endorsed Jervis Bay Settlement Strategy (JBSS). These aim to resolve the development potential in existing rural residential deferred areas, including those identified in the Falls Creek/Woollamia Planning Proposal area. Through this planning proposal, Council will investigate the capacity for rural residential development (including lot size and configuration) of the Falls Creek/Woollamia area.

2.1 Subject Land

The Falls Creek/Woollamia investigation area is located south of Nowra in the Jervis Bay region. The area is dissected north-south by the Princes Highway, the major highway servicing the NSW south coast, and by Jervis Bay Road to the south east which provides access from the Princes Highway to the major town of Vincentia.

The Falls Creek/Woollamia investigation area was identified within the JBSS for further investigation and this investigation area is shown in Figure 1 below.

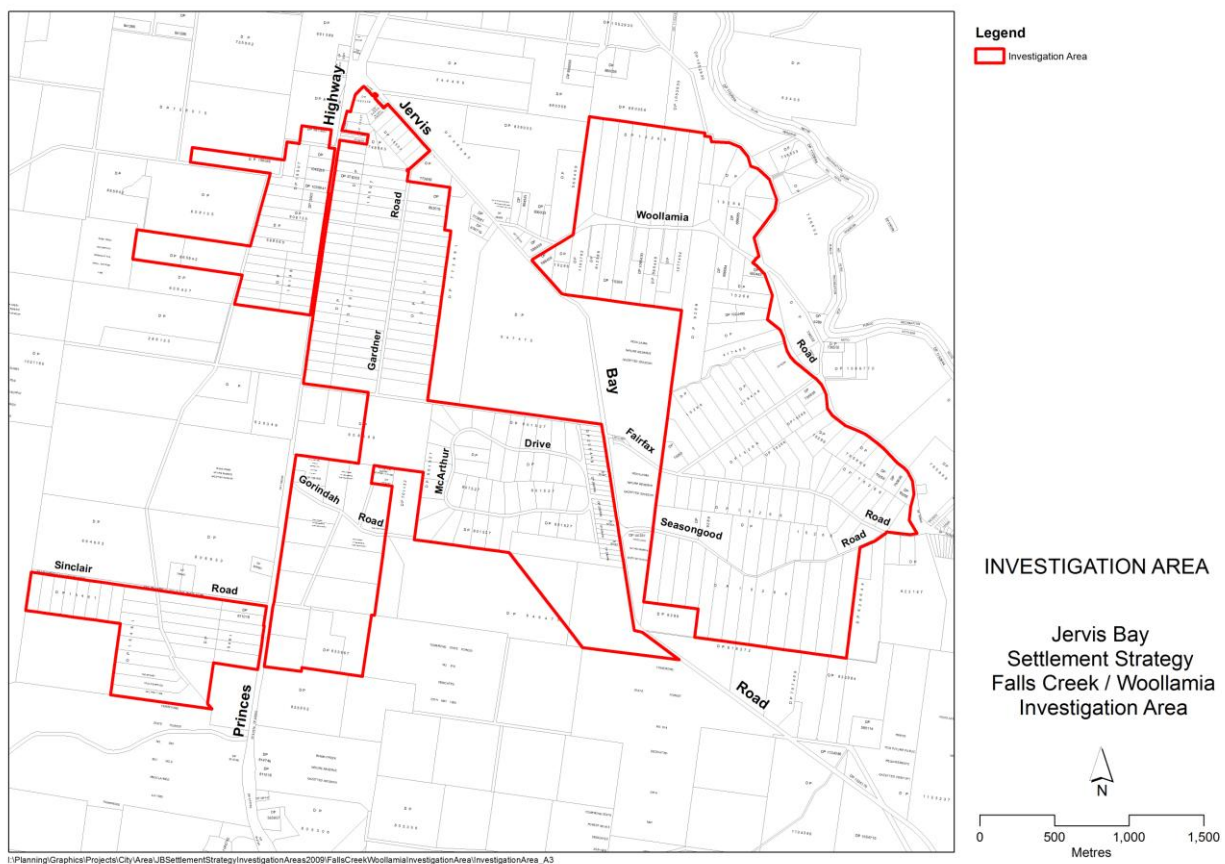


Figure 1: JBSS Investigation Area

The investigation area can be separated into seven sectors, based on existing land development characteristics related to lot size and configuration, topography and natural and physical boundaries. Land use in the investigation area is predominately rural residential with some other related activities. The sectors are shown in Figure 2 below.

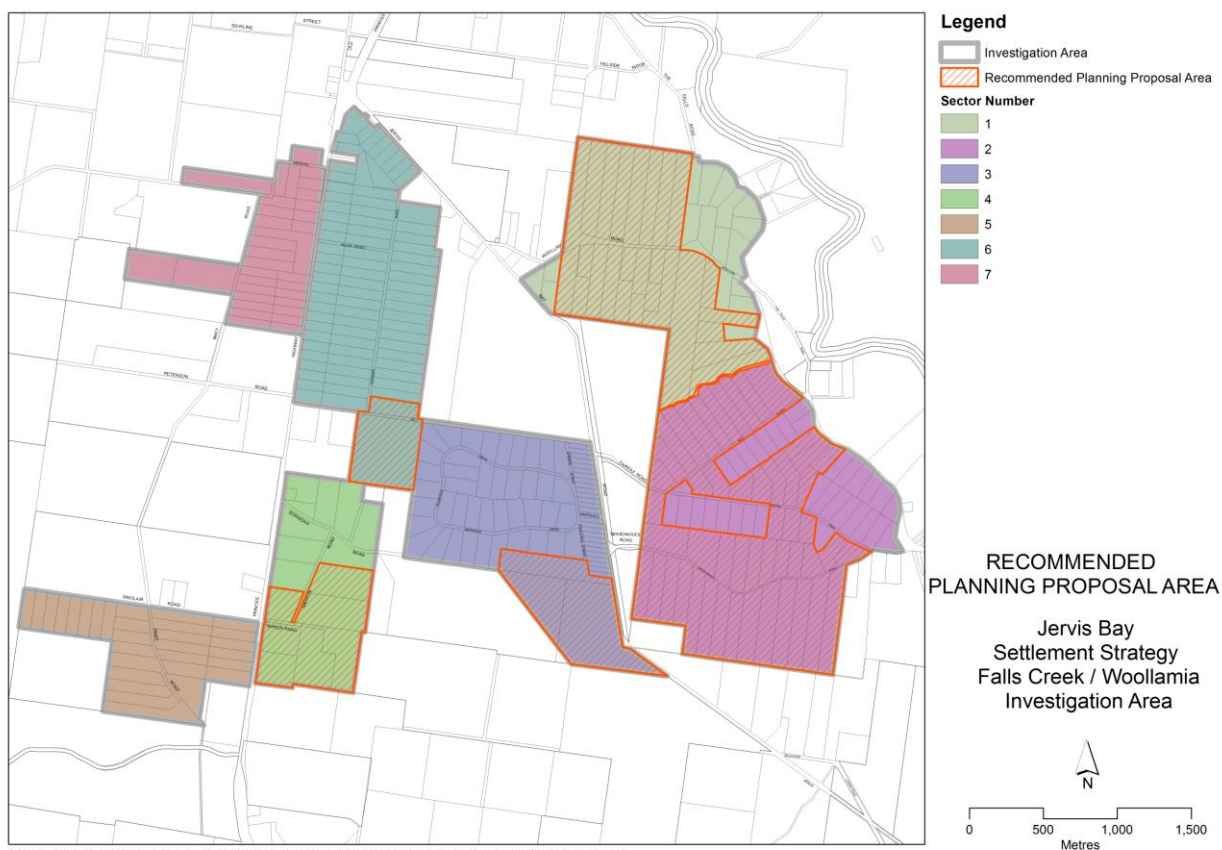


Figure 2- Falls Creek/Woollamia sectors

This planning proposal relates to only part of the investigation area and is identified as the Falls Creek/Woollamia Planning Proposal area. The land which is the subject of this planning proposal comprises of the following Lots, also shown in figure 2 above identified as ‘Recommended Planning Proposal Area’.

Sector 1		Sector 2	
Lot	DP	Lot	DP
150	9289	112	15266
154	1103762	112A	15266
1	812389	113	15266

2	812389	113A	15266
A	417450	114	15266
B	417450	114A	15266
1521	1085430	115	15266
1522	1085430	115A	15266
1	865449	116	15266
98	865449	116A	15266
2	1077454	118	15266
1	1077454	118A	15266
3	1077454	119	15266
150	9289	119A	15266
149	659084	120	15266
1	1024485	121	15266
148	15266	122	15266
153	15266	122A	15266
153A	15266	123	15266
155	15266	123A	15266
155A	15266	124	15266
157	15266	124A	15266
157A	15266	124B	15266
158	15266	125A	15266
158A	15266	125B	15266
158	15266	126	15266
158A	15266	126A	15266

Sector 3		126B	15266
Lot	DP	129	15266
2	846470	130A	15266
3	846470	130B	15266
59	206448	131	15266
Sector 4		131A	15266
Lot	DP	132	15266
160	755965	132A	15266
161	755965	133	15266
169	755965	137	15266
171	755965	138	15266
721	633867	138A	15266
722	633867	142	15266
Sector 6		142A	15266
Lot	DP	142B	15266
4	608099	143	15266
34	15507	143A	15266
		1	218446
		2	218446
		3	218446
		4	218446
		5	218446
		146	9289

2.2 Background

The Falls Creek/Woollamia Deferred Investigation Area is made up of 344 lots ranging in size from 5,000m² up to 25ha. The general nature of the investigation area can be described as rural living which:

- Provides housing in a rural area with relatively larger lot sizes (2 to 4ha and above)
- Is located in an area which is not adjacent to or within relatively close proximity of a town, and
- Has limited accessibility to services within and adjacent to the investigation area itself.

A broad land use survey has been carried out within the investigation area which indicates that the majority of the lots are used for the purpose of a single dwelling with a range of other uses, consistent with the rural setting such as home activities and small scale tourist accommodation.

The original Shoalhaven Local Environmental Plan 1985 (SLEP 1985) zoned the majority of the investigation area Rural Residential 1(c2) and 1(c3) which provides for minimum lot sizes of 2 hectares and 10 hectares respectively. A small number of lots (4) were zoned Rural 1(a), 1(b) or 1(f) which require a minimum of 40ha for the erection of a dwelling.

In the early 1990's, the McArthur Drive subdivision, located to the west of Jervis Bay Road, created 42 rural residential lots, each of approximately 2ha in size within a modern subdivision pattern (circular road system).

In 1999, a city wide review of the rural zoned land was finalised, known as the *Rural Plan*. The *Rural Plan* originally proposed various amendments to rural zoned land in the Falls Creek Area under SLEP 1985 and proposed to introduce a new zone as Rural 1(c) (Rural Lifestyle) which merged the previous three rural residential zones into a single zone. The objective of moving to a single zone was to provide rural residential opportunities based on strong ESD principles with the emphasis on maintaining rural character, minimising environmental and social risks and ensuring development did not place economic burden on the community or Council. The Rural 1(c) (Rural Lifestyle) zone generally enables subdivision down to a minimum of 1 hectare in appropriate locations.

Concurrent with the *Rural Plan* investigations, the NSW State Government gazetted the *Jervis Bay Regional Environmental Plan (1996)*. A moratorium was subsequently placed on further major residential or rural development in the Jervis Bay region until a settlement strategy was prepared and endorsed. The rezoning

of Rural Residential zones within the investigation area was subsequently deferred from the *Rural Plan* amendments.

The deferred areas in this location are proposed to be zoned R5 Large Lot Residential under the draft LEP 2009 with existing minimum lot sizes generally maintained, with the exceptions of three parcels of land Lot 4 DP 608099, Lot 3 DP 846470 and Part Lot 2 DP 846470 which are currently zoned 1(a) and 1(b) and will change from 40ha to a 2ha minimum, given their historical circumstances.

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

In regards to the Falls Creek/Woollamia Investigation Area, on 20 September 2011, Council resolved that:

- a) *Through a Planning Proposal, aim to increase net densities for rural residential living;*
- b) *Pursuant to section 55 of the Environmental Planning and Assessment Act (1979), Council commence the Gateway Process and prepare a Planning Proposal for the Falls Creek/Woollamia Deferred Investigation Area which includes land identified in Attachment 'B' - Recommended Planning Proposal Area; and*
- c) *Consider the financial arrangements for any cost recovery following determination of the Planning Proposal at the Gateway Stage by the LEP Panel.*

This Planning Proposal seeks to fulfil the requirements specified within the Jervis Bay Regional Strategy and seeks to investigate the potential for additional dwellings to be located within this precinct.

3 Part 1 – Objectives

- To resolve the development potential (including lot size and configuration) of the Falls Creek/Woollamia rural residential area as identified in the Jervis Bay Settlement Strategy
- To protect sensitive environmental areas
- To avoid any potential downstream adverse impacts on Currumbene Creek catchment and associated ecosystems
- To manage risks associated with bushfire, stormwater, water quality, character, on site effluent and flooding.

4 Part 2 – Explanation of Provisions

The amendment proposes the following changes to Draft Shoalhaven Local Environmental Plan 2009 (Council's Standard Instrument LEP):

Amendment Applies to:	Explanation of Provision
Lot Size Map (clause 1.7 Draft SLEP 2009)	Amendment to the <i>Lot Size Map</i> adopted under clause 1.7 of Draft SLEP 2009 to reflect determined new lot sizes (to allow for increased subdivision potential)
Written Instrument Draft SLEP 2009	Amend the LEP instrument to include a local Clause 7.20 which will set out additional matters for consideration prior to the granting of Development Consent for the purposes of a dwelling. Council is aware that these matters can be considered during the development process however it is viewed as important for a provision to be in place that flags the necessity for additional investigations and consideration of constraints to be undertaken for each lot prior to the submission of a development application. Given the constraints that exist on the allotments it is essential that owners/purchasers can be made aware before embarking on the DA process that there is limited area within the site where development can occur and that certain matters must be considered during the development application process.

Should this amendment proceed before the finalisation of the Draft SLEP 2009 then an amendment to SLEP 1985 will ensue. This amendment will be as follows:

Amend the SLEP 1985 to rezone the subject land as shown edged heavy black on the map marked Shoalhaven Local Environmental Plan 1985 from 1(c2) and 1(c3) to Rural 1(c) (Rural Lifestyle).

5 Part 3 – Justification

5.1 Need for the planning proposal (Section A)

5.1.1 Is the planning proposal a result of any strategic study or report?

The planning proposal is a direct action outcome of the *Jervis Bay Settlement Strategy (2003)* (JBSS) which identifies the need to investigate increased densities in the Falls Creek/Woollamia Rural Residential Deferred Areas.

The JBSS is a non-statutory plan adopted by Council and endorsed by the State Government. It is also reflected in the *South Coast Regional Strategy (2007)*. It forms a strategic framework for conservation and development in the Jervis Bay region.

A *Preliminary Desktop Assessment* (Attachment E) was carried out by Council in October 2010. The key findings of this report are as follows:

- There are a number of biophysical constraints including vegetation, fauna, bushfire and flooding significantly affects the area.
- The area is environmentally significant in terms of vegetation conservation and water quality within the Currumbene Creek catchment
- 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 investigation into rezoning on the land should not be pursued as part of any planning proposal.
- Large sections of the area have been developed for rural residential purposes. Further investigation is required to determine if there is a demand or need to pursue intensification of these sites.
- The social and economic impacts of an increase in density, and therefore population, should be considered.
- The visual impact of vegetation removal and subsequently the character of the area should be considered when investigating proposed densities.
- A clear process for investigating intensification should be established.
- The method for funding potential studies and investigations should be considered and agreed with owners prior to the commencement of any environmental studies.

The information and analysis contained within this assessment forms the basis for determining the technical studies required to justify the proposal once the Gateway Process commences.

Key Technical Studies

The key technical studies that are anticipated as being required to support the planning proposal have been identified as follows;

- Survey Information – Additional survey work is required to provide more accurate height data to determine flood levels/floodways. Airborne Laser Scanning (ALS) surveys could be considered to enable more accurate height data. Obtaining this data should be considered, in conjunction with other strategic projects which might gain value from access to such data.
- A bushfire risk assessment study to demonstrate consistency with the Ministerial (117) Direction 4.4 – Planning for Bushfire Protection. The study will identify appropriate locations and dimensions for the asset protection zones within the subject land.
- Assessment of water quality and flow monitoring requirements
- Water management study- Investigate the impacts and management of runoff, erosion and subsurface drainage on SEPP 14 wetlands and Currumbene Creek and its catchment.
- Updated flood study and evacuation plan to comply with the Ministerial (117) Direction 4.3 – Flood Prone Land. This will include:
 - i. The identification of the revised location of the 1% flood line.
 - ii. Confirmation of the implications of the NSW Sea Level Rise Policy and associated guidelines for flood risk management and coastal planning on the proposed development.
- Land Based Biodiversity Study to demonstrate consistency with Ministerial (117) Direction 2.1 – Environment Protection Zones and relevant Commonwealth/State legislation. This will include:
 - i. Review of vegetation within the study area to determine conservation significance of threatened species populations and endangered ecological communities and their habitats identified under the NSW *TSC Act*, the Commonwealth *EPBC Act* and the *Jervis Bay Marine Park Act*,
 - ii. Outline site specific land management principles and practices, both essential and desirable, that will help achieve threatened species and biodiversity outcomes,
 - iii. Recommend any other impact mitigation measures necessary to facilitate rural residential development,
 - iv. Consider the impact of bushfire protection and infrastructure development works on land based biodiversity,
 - v. Consider whether development of the study area will trigger the need for an SIS under the Threatened Species Conservation Act, 1995 or Ministerial approval under the Commonwealth *EPBC Act* 1999 and if so, how development could be modified to avoid significant impact,

- vi. Review of the boundary of the SEPP 14 wetlands both within and on the adjoining sites based on ground truthing/ field survey, aerial photography and detailed contour information. This is necessary to also progress the associated effluent disposal investigations. As such it will be scheduled for completion early in the project,
 - vii. Make recommendations, should it be decided to pursue biodiversity certification of the DLEP for the subject area, how this could be achieved as per provision s.126G in the Threatened Species Conservation Act, 1995, with specific reference to the “maintain and improve test”, the biometric tool and appropriate offsets.
- Site and soil assessment report (including effluent capacity and acid sulphate soil assessment)
 - Infrastructure servicing investigation-capacity of existing service infrastructure including water supply, telephone and electricity.
 - Aboriginal Archaeological and Cultural Heritage Study
 - Stormwater management investigations
 - Visual Catchment Assessment- Consider the likely cumulative impact of land clearing on change in visual character of the area, particularly having regard to the provision contained within the Jervis Bay REP deemed SEPP.
 - Transport and access studies
 - Any other studies required by the Gateway determination.

5.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Depending on the outcomes of the required studies, the lot size map applying to this site needs to be amended to resolve the subject land’s development potential and to achieve environmental outcomes. This is the only appropriate means to facilitate the development of a residential dwelling on each of the lots identified, whilst retaining the objectives and characteristics of a rural residential setting.

5.1.3 Is there a net community benefit?

The subject land at Falls Creek/Woollamia has held a deferred zoning since 1999. As a result the community and the landholders have been unsure of what future development may occur in this location. The Jervis Bay Settlement Strategy identifies this area for further investigation and potential increases in density. It is important for this long outstanding matter to be resolved and for some certainty to be provided to the landholders and to the community as a whole.

5.2 Relationship to strategic planning framework (Section B)

5.2.1 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 draft strategies)?

The *Jervis Bay Settlement Strategy (2003)* (JBSS) identifies the need to resolve rural residential deferred areas and their rural residential development potential. It forms a strategic framework that provides guidance in terms of the conservation and development of the Jervis Bay region. The JBSS (2003) was endorsed by the NSW State Government and reflected in the *South Coast Regional Strategy (2007)*

The JBSS (2003) identifies areas in its Principles Plan to be investigated in detail and possibly rezoned. It specifically addresses the question of rural residential development in the Jervis Bay Region, in which the Falls Creek/Woollamia rural residential deferred areas are located. The proposal is consistent with the option identified in the JBSS (2003) to address these areas, as follows;

“Investigation of increased densities in existing rural-residential areas.”

5.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Council's *Community Strategic Plan, Shoalhaven 2020* provides the long-term direction for the overall development of the City and is a tool for managing private and public development in the Shoalhaven. This proposal is consistent with the objectives, strategies and delivery programs for Shoalhaven 2020 as follows:

Objective 2.2: Population and urban settlement growth that is ecologically sustainable carefully planned and managed to meet the needs of the community.

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.

Delivery Program

Activity 1.5.3.2: Implement appropriate land use zones and planning controls that reflect endorsed strategic plans/policies and are responsive to the community's needs.

Activity 2.1.1.16: Recognise environmental constraints identified in small lot rural subdivision rezoning investigations and facilitate outcomes that balance environmental, social and economic outcomes.

5.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal has been assessed for consistency with the applicable State Environmental Planning Policies (SEPP's) as detailed in Attachment B.

5.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with the s117 Ministerial Directions except for 1.2 Rural Zones where inconsistency is considered minor in nature. Justification is provided at Attachment C.

5.3 Environmental, Social and Economic Impact (Section C)

5.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Vegetation within the Planning Proposal area has been modified. Despite the disturbed state of the area, it is likely to provide habitat for a range of flora and fauna. Development in the locality should not be intensified on land identified as being within the habitat corridor in the *South Coast Regional Strategy*. It is therefore provided that additional investigations will be carried out as detailed within section 5.1.1 of this planning proposal to determine any impacts that may occur as a result of the proposal.

5.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The subject land has been disturbed to varying degrees. In some cases bushland will need to be cleared to accommodate residential development, infrastructure and provision of bushfire asset protection zones. Broader environmental impacts, including water quality and catchment planning and amelioration of any such impacts will be considered as the planning process continues. Refer to comments in 5.1.1.

5.3.3 How has the planning proposal adequately addressed any social and economic effects?

Resolution of the development potential of the rural residential deferred areas will provide social and economic benefits including but not limited to, the resolution of the status of the land for landowners to provide them certainty on the value and use of the land in the future. The resolution will also provide certainty for the broader community about the future use of the land in the planning proposal area.

5.4 State and Commonwealth Interests (Section D)

5.4.1 Is there adequate public infrastructure for the planning proposal?

The Falls Creek/Woollamia Investigation Area is a dispersed area of rural settlement which does not currently offer the same level of services for future residents as those that are closer to retail, commercial and structural infrastructure in existing major towns and regional centres. As a result, and given the limited public transport options, current and future residents are heavily reliant on motor vehicles to access commercial, community and retail infrastructure located in Nowra and Vincentia.

The existing level of physical infrastructure, including sewage, is of a lower order than those areas within close proximity to major towns and regional centres and this will impact on the potential density which can be achieved within the investigation area.

Sewerage servicing of the area is not planned in the near future and it is expected that any development on this land will need to be serviced through on site effluent disposal system.

Additional servicing and infrastructure requirements will be established as the planning proposal progresses. In accordance with Council policy, costs associated with the rezoning and development of land will be borne by the benefitting landowners.

6 Part 4 – Details of Community Consultation

Council proposes to exhibit the Planning Proposal in accordance with the requirements of section 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and/or any other requirements as determined by the Gateway process.

The proposed exhibition period for this proposal will be 28 days with the exhibition period to commence following the completion of all required studies. Public notification of the exhibition will include a notice newspapers circulating in the local area and a notice on Council's website and hard copies will be available at Council's Administrative Buildings.

Attachment A – Council Resolution to prepare a Planning Proposal

ADOPTED AT COUNCIL MEETING HELD ON TUESDAY 20 SEPTEMBER 2011

899. (Item 8, page 3) Falls Creek/Woollamia - Deferred Rural Residential Investigation Area
File 38279E (PDR)
-

This item was withdrawn and dealt with separately.

Note: Cllr Young returned to the meeting.

Cllr Watson declared his pecuniary interest in the matter being that he and his wife own a property in the Woollamia deferred areas (23 Seasongood Road, Woollamia) and left the room and did not take part in discussion or vote on this matter.

RESOLVED on a MOTION of Cllr Proudfoot, seconded Cllr Fergusson that:

- a) Through the Planning Proposal, aim to increase net densities for rural residential living;
- b) Pursuant to section 55 of the *Environmental Planning and Assessment Act (1979)*, Council commence the Gateway Process and prepare a Planning Proposal for the Falls Creek/Woollamia Deferred Investigation Area which includes land identified in Attachment 'B' of the report - Recommended Planning Proposal Area; and
- c) Consider the financial arrangements for any cost recovery following determination of the Planning Proposal at the Gateway Stage by the LEP Panel.

The following Councillors voted "Aye";

Cllrs Soames, Fergusson, Bennett, Guile, Miller, Brumerskyj, Ward, Kearney, Proudfoot, Young, Findley, Green.

The following Councillors voted "No";

Nil.

Attachment B - Relevant State Environmental Planning Policies

Title: SEPP (Affordable Rental Housing) 2009

Comment: N/A

Policy: Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

Title: SEPP (Exempt and Complying Development Codes) 2008

Comment: N/A

Policy: Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*.

Title: SEPP (Rural Lands) 2008

Comment: Complies- The planning proposal will result in the orderly use and development of rural residential land

Policy: The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. The policy applies to local government areas that are not listed in clause 4

Title: SEPP (Infrastructure) 2007

Comment: N/A

Policy: Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available [here](#).

Title: SEPP (Temporary Structures) 2007

Comment: N/A

Policy: Provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity. Note the name of this policy was changed from SEPP (Temporary Structures and Places of Public Entertainment) 2007 to SEPP (Temporary Structures) 2007 effective 26.10.09.

Title: SEPP (Mining, Petroleum Production and Extractive Industries) 2007

Comment: N/A

Policy: This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establish appropriate planning controls to encourage ecologically sustainable development.

Title: SEPP (Major Development) 2005

Comment: N/A

Policy: Defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by joint regional planning panels (JRPPs) and classes of regional development to be determined by JRPPs. Note: This SEPP was formerly known as State Environmental Planning Policy (Major Projects) 2005.

Title: SEPP (Housing for Seniors or People with a Disability) 2004

Comment: N/A

Policy: Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood. Note the name of this policy was changed from SEPP (Seniors Living) 2004 to SEPP (Housing for Seniors or People with a Disability) 2004 effective 12.10.07

Title: SEPP No. 71 - Coastal Protection

Comment: Consistent

Policy: The policy has been made under the Environmental Planning and Assessment Act 1979 to ensure that development in the NSW coastal zone is appropriate and suitably located, to ensure that there is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone.

Title: SEPP No. 65 - Design Quality of Residential Flat Development

Comment: N/A

Policy: Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages

Title: SEPP No. 62 - Sustainable Aquaculture

Comment: N/A

Policy: Encourages the sustainable expansion of the industry in NSW. The policy implements the regional strategies already developed by creating a simple approach to identify and categorise aquaculture development on the basis of its potential environmental impact. The SEPP also identifies aquaculture development as a designated development only where there are potential environmental risks

Title: SEPP No. 60 - Exempt and Complying Development

Comment: N/A

Policy: Provides a more efficient and effective approval process for certain classes of development. The policy is an essential part of the reforms introduced to the development assessment system in July 1998. It applies to areas of the State where there are no such provisions in the council's local plans

Title: SEPP No. 55 - Remediation of Land

Comment: Complies- No Land within the planning proposal area is identified as being potentially contaminated land

Policy: Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has

prepared [Managing Land Contamination: Planning Guidelines](#) .

Title: SEPP No. 15 - Rural Land-Sharing Communities

Comment: N/A

Policy: Makes multiple occupancy permissible, with council consent, in rural and non-urban zones, subject to a list of criteria in clause 9(1) of the policy. Multiple occupancy is defined as the collective management and sharing of unsubdivided land, facilities and resources. The policy encourages a community-based environmentally-sensitive approach to rural settlement, and enables the pooling of resources to develop opportunities for communal rural living. SEPP 15 Guide provides guidance to intending applicants.

Title: SEPP No. 44 - Koala Habitat Protection

Comment: N/A

Policy: Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. The policy applies to 107 local government areas. Local councils cannot approve development in an area affected by the policy without an investigation of core koala habitat. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat

Title: SEPP No. 36 - Manufactured Home Estates

Comment: N/A

Policy: Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy

Title: SEPP No. 26 - Littoral Rainforests

Comment: N/A

Policy: Protects littoral rainforests, a distinct type of rainforest well suited to harsh salt-laden and drying coastal winds. The policy requires that the likely effects of proposed development be thoroughly considered in an environmental impact statement. The policy applies to 'core' areas of littoral rainforest as well as a 100 metre wide 'buffer' area surrounding these core areas, except for residential land and areas to which SEPP No. 14 - Coastal Wetlands applies. Eighteen local government areas with direct frontage to the Pacific Ocean are affected, from Tweed in the north to Eurobodalla in the south.

Title: SEPP No. 14 - Coastal Wetlands

Comment: Complies- The provisions of SEPP 14 will need to be adhered to in the determination of the impacts of the development on the wetlands. In particular the effluent disposal methods utilised for the proposed development. These will need to be appropriate for the location and this will be determined as part of the additional studies that are proposed in section 5.1.1 of this Planning Proposal.

Policy: Ensures coastal wetlands are preserved and protected for environmental and economic reasons. The policy applies to local government areas outside the Sydney metropolitan area that front the Pacific Ocean. The policy identifies over 1300 wetlands of high natural value from Tweed Heads to Broken Bay and from Wollongong to Cape Howe. Land clearing, levee construction, drainage work or filling may only be carried out within these wetlands with the consent of the local council and the agreement of the Director General of the Department and Planning. Such development also requires an environmental impact statement to be lodged with a development application. The policy is continually reviewed. It has, for example, been amended to omit or include areas, clarify the definition of the land to which the policy applies and to allow minimal clearing along boundaries for fencing and surveying

Title: SEPP No. 4 - Development without Consent and Miscellaneous Complying Development

Comment: N/A

Policy: Previously titled SEPP No. 4 - Development without Consent. This policy allows relatively simple or minor changes of land or building use and certain types of development without the need for formal development applications. The types of development covered in the policy are outlined in the policy.

Title: SEPP No. 1 - Development Standards

Comment: N/A

Policy: Makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.

Attachment C – Ministerial Directions

Direction No:	Subject	Applies	Relevant	Consistent	Comment
1	Employment and Resources				
1.1	Business and Industrial Zones	N	N		
1.2	Rural Zones	Y	Y	N	The objective of the direction is to protect the agricultural production value of rural land. Clause 4(b) states: A Planning Proposal must: <i>Not contain provisions that will increase the permissible density of land within a rural zoned (other than land within an existing town or village).</i> Clause 5 states that a planning proposal may be inconsistent with the terms of this direction if the provisions of the planning proposal that are inconsistent are justified by a strategy which identifies the land which gives consideration to the objectives of the direction, identifies the land which is the subject of the planning proposal and is approved by the DG of the Department of Planning. In this case the inconsistency is of a minor nature. It is considered that although the land is zoned rural it is surrounded by a number of other rural. The land is not prime crop and pasture land and has limited cropping or grazing capacity. The land is located within the village of Woollamia in which there exists many rural residential properties on blocks of a similar size and characteristic. The land is identified within the Jervis Bay Settlement Strategy as having additional residential density potential and has been identified for further investigation.
1.3	Mining, Petroleum Production and Extractive Industries	N	N		
1.4	Oyster Aquaculture	N	N		
1.5	Rural lands	Y	Y	Y	The planning proposal is consistent with the Rural Planning Principles listed in the State Environmental Planning Policy (Rural Lands) 2008 and is consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.
2	Environment and Heritage				
2.1	Environmental Protection Zones	Y	Y	Y	The planning proposal includes provisions that facilitate the protection and conservation of environmentally sensitive areas.
2.2	Coastal Protection	Y	Y	Y	The planning proposal includes provisions that will meet with the NSW Coastal Policy, Coastal Design Guidelines and the manual.

2.3	Heritage Conservation	Y	Y	Y	Aboriginal heritage items /objects/landscapes likely to be located in the investigation area and as such a heritage study has been proposed to ensure consistency with this direction.
2.4	Recreation Vehicle Areas	Y	N		No proposal for recreational vehicle area to form part of planning proposal.
3	Housing, Infrastructure and Urban Development				
3.1	Residential Zones	N			.
3.2	Caravan Parks and Manufactured Home Estates	Y	N		
3.3	Home Occupations	Y	Y	Y	Home businesses are permissible without consent in the Rural Residential zone (currently 1(c2) and 1(c3) under SLEP1985, proposed R5 under DSLEP2009).
3.4	Integrating Land Use and Transport	N			
3.5	Development Near Licensed Aerodromes	N			
4	Hazard and Risk				
4.1	Acid Sulfate Soils	Y	Y	Y	Low probability acid sulphate soils in investigation areas.
4.2	Mine Subsidence and Unstable Land	N			
4.3	Flood Prone Land	Y	Y	Y	Only a small portion (to the north east) of the planning proposal area is identified under DSLEP2009 as a flood planning area. A flood assessment has been included in the proposed technical studies detailed within the Planning Proposal.
4.4	Planning for Bushfire Protection	Y	Y	Y	Consistent with the direction, Council proposes to consult with the Bush Fire Commissioner prior to undertaking community consultation.
5	Regional Planning				
5.1	Implementation of Regional Strategies	Y	Y	Y	Implements outcomes of the South Coast Regional Strategy and the Jervis Bay Settlement Strategy.
5.2	Sydney Drinking Water Catchments	N			
5.3	Farmland of State & Regional Significance on Far North Coast	N			
5.4	Commercial & Retail Development,	N			

	Pacific Hwy				
5.5	Development in the vicinity of Ellalong, Paxton & Millfield	N			
5.6	Sydney to Canberra Corridor	N			
5.7	Central Coast	N			
5.8	2 nd Sydney Airport: Badgerys Creek	N			
6	Local Plan Making				
6.1	Approval and Referral Requirements	Y	N		
6.2	Reserving Land for Public Purposes	Y	N		
6.3	Site Specific Provisions	Y	Y	Y	Ensuring there is sufficient certainty in respect of managing bushfire risk whilst delivering environmental outcomes is critical to resolving the potential increase in density of the subject land.

[Attachment D-Council Report \(See Pdf Attachment\)](#)

[Attachment E-Falls Creek/Woollamia Deferred Areas Investigations Preliminary Desktop Assessment \(See Pdf Attachment\)](#)