

Planning Proposal for Woollamia Farmlets Small Lot Rural Subdivisions

Proposal Title :	Planning Proposal for Woollamia Farmlets Small Lot Rural Subdivisions		
Proposal Summary :	The planning proposal seeks to resolve uncertainty in relation to the development potential of small lot rural subdivisions in the Woollamia Farmlets area. The land is currently zoned Rural 1(d) (General Rural) under the Shoalhaven LEP 1985. Under the draft Shoalhaven LEP 2009 (currently with Shoalhaven Council for consideration of submissions made during public exhibition), the land is proposed to be zoned RU2 Rural Landscape. The proposal aims to investigate and resolve the development potential of small lot rural subdivisions. It seeks an amendment to either the Shoalhaven LEP 1985 or the draft Shoalhaven LEP 2009, whichever is notified at the time, to enable a maximum of one dwelling house on each of 56 allotments, where 13 have an approved dwelling and 43 have no dwelling entitlement.		
PP Number :	PP_2011_SHOAL_008_00	Dop File No :	11/20928

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
- 3.1 Residential Zones
- 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 :

It is recommended that:

1. The planning proposal proceed as a precinct planning proposal with an exhibition period of 28 days.
2. The RPA is to complete environmental studies on flora and fauna, flooding, water cycle management, bushfire, heritage, onsite effluent management and acid sulfate soils. These studies are to be included as part of the public exhibition material.
3. Following the completion of a flooding study, the RPA is to amend the planning proposal to exclude all lots wholly within the 1% AEP Flood Planning Area.
4. Following completion of the environmental studies, the RPA is to consider amending the planning proposal to reflect appropriate zones for areas identified for Environmental Protection and whether the R5 Large Lot Residential zone is more preferable to the RU2 zone for some areas.
5. The RPA is not to commence community consultation until the environmental studies have been completed and copies have been provided to the Department's regional team for review.
6. The planning proposal is to be placed on public exhibition with both a proposed amendment to the Shoalhaven LEP 1985 and a proposed amendment to the draft Shoalhaven LEP 2009. Maps clearly identifying the proposed changes to the zoning and minimum lot sizes in LEP 2009 are to be exhibited with the planning proposal.

7. The planning proposal is to be completed within 18 months.

8. The RPA is to consult with the Jervis Bay Marine Park Authority, NSW Rural Fire Service, Office of Environment and Heritage and Southern Rivers Catchment Management Authority.

9. The Gateway note that the planning proposal is consistent with the S117 directions 1.5 Rural Lands, 2.2 Coastal Protection, 4.4 Planning for Bushfire Protection Zones and 5.1 Implementation of Regional Strategies.

10. In accordance with S117 direction 4.4 Planning for Bushfire Protection, the RPA is to consult with the Commissioner of the NSW Rural Fire Service prior to proceeding to public exhibition.

11. 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 need to achieve some form of development potential for the lots in line with the Jervis Bay Settlement Strategy whilst at the same time protecting the environmental values of the land.

12. 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 on each lot. The Department does not consider that a clause with site specific provisions is necessary and the inclusion of such a provision is not supported. The existing Clause 21 in the Shoalhaven LEP 1985 and proposed Clauses 7.5 and 7.6 in the draft Shoalhaven LEP 2009 provide additional heads of consideration when assessing a development proposal on the land.

13. It is unknown whether the planning proposal is consistent with the S117 directions 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.1 Residential zones, 4.1 Acid Sulfate Soils, and 4.3 Flood Prone Land. The RPA should clarify the consistency of the planning proposal to these S117 directions and provide justification for any inconsistencies.

14. That approval to exhibit the planning proposal not be given under section 57(2) and that the RPA is required to resubmit the planning proposal to the Department's Southern Regional Office for review of the revisions made prior to exhibition.

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 : 15-Jan-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. In regards to the planning proposal's consistency with S117 Direction 6.3 Site Specific Provisions, the Department does not consider that a clause with site specific provisions is necessary and subsequently the inclusion of this provision is not supported. The existing clause 21 in the Shoalhaven LEP 1985 and the proposed clauses 7.5 and 7.6 in the draft Shoalhaven LEP 2009 provide additional heads of consideration when assessing a development proposal on the land. Council is therefore to amend the planning proposal to reflect this approach, prior to proceeding to public exhibition.

2. Council is to prepare the following studies to better inform implementation of the planning proposal:

- a. Flora and fauna study;
- b. Flooding;
- c. Water cycle management;
- d. Planning for bushfire protection;
- e. Heritage;

- f. Onsite effluent management; and
- g. Acid sulphate soils assessment

3. Copies of the above studies are to be made available with the planning proposal during public exhibition.

4. Following completion of the above flood study, Council is to amend the planning proposal to exclude all lots wholly within the 1% AEP Flood Planning Area.

5. Following completion of the above studies, Council is to consider amending the planning proposal to reflect appropriate zones for areas identified for environmental protection purposes, and to identify whether the R5 Large Lot Residential zone is more appropriate for parts of the area than the proposed RU2 zone.

6. The planning proposal is to be placed on exhibition as both a proposed amendment to the Shoalhaven LEP 1985 and an amendment to the draft Shoalhaven LEP 2009.

7. Maps identifying the proposed amendments to both instruments are to be prepared and exhibited, including maps which identify the proposed zone changes and minimum lot sizes under the draft Shoalhaven LEP 2009.

8. 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).

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

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

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.

10. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

11. Additional justification is required by Council in relation to the planning proposal's consistency or otherwise with Section 117 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land.

12. 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).

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13. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____

Date: _____