

Planning Proposal Verons Estate Sussex Inlet

Proposal Title : Planning Proposal Verons Estate Sussex Inlet

Proposal Summary : This planning proposal seeks to resolve and finalise the residential development potential for Verons Estate, a small lot paper subdivision of 32 (8 hectare) lots 3km west of Sussex Inlet. The land is currently zoned part Rural 1(d) (General Rural) and part Environment Protection 7(a) Ecology under Shoalhaven LEP 1985 with a 40ha minimum lot size. Under the draft Shoalhaven LEP 2013 (Principal LEP) the land is proposed to be zoned part Rural Landscape (RU2) and part Environmental Conservation (E2) which reflects the situation under the Shoalhaven LEP 1985.

The planning proposal will be an amendment to the notified Shoalhaven LEP 2013. It will rezone the land a mix of E4 Environmental Living, E3 Environmental Management and E2 Environmental Conservation in conjunction with a reduction in the minimum lot size requirement for part of the Estate to enable one dwelling per lot within the Badgee Lagoon catchment.

The varied lot size provides the best available development potential for landowners while still protecting high conservation value lands and connections to other environmentally significant areas.

PP Number : PP_2013_SHOAL_001_00

Dop File No :

10/03077

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
- 2.3 Heritage Conservation
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions

Additional Information : The Deputy Director-General, Planning Operations and Regional Delivery, 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 2013 to enable residential development within Verons Estate 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 is to 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 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure 2012).

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

- * Department of Primary Industries (Fisheries);
- * NSW Office of Water;
- * NSW Rural Fire Service;
- * Office of Environment and Heritage;

- * National Parks and Wildlife Service;
- * Endeavour Energy;
- * Southern Rivers Catchment Management Authority;
- * Roads and Maritime Services;
- * Shoalhaven Water; and
- * Commonwealth Department of Sustainability, Environment, Water, Population and Communities.

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 timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

5. Council is to confirm, prior to public exhibition, whether it will include extensive agriculture as permitted with consent for the E4 Environmental Living Zone generally across the LGA or as an entry in 'Schedule 1 - Additional permitted uses' for the Verons Estate lands only.

6. The Director General can be satisfied that the planning proposal is consistent with s117 Directions 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, and 5.1 Implementation of Regional Strategies.

7. In accordance with the s117 Direction 4.4 Planning for Bushfire Protection, the RPA is to consult with the Commissioner of the NSW Rural Fire Service and to confirm that notwithstanding the non-compliance with the provisions for Planning for Bushfire Protection, the Rural Fire Service does not object to the progression of the Planning Proposal.

8. The planning proposal is inconsistent with the s117 Direction 1.2 Rural Zones in that it contains provisions that will increase the permissible density of land within a rural zone. The Director General can be satisfied that the inconsistency is justified by the Department endorsed Sussex Inlet Settlement Strategy and is of minor significance.

9. The planning proposal is inconsistent with the s117 Direction 6.3 Site Specific Provisions in that it is proposing site specific development standards and requirements. However, the Director General can be satisfied that the inconsistencies are of minor significance in light of the need to achieve some form of residential development, whilst at the same time protecting the environmental values of the land and minimising risk from bushfire, effluent management, stormwater runoff and native vegetation clearing.

10. The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance.

11. No further referral is required in relation to s117 Directions while the planning proposal remains in its current form.

Supporting Reasons :

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

Panel Recommendation

Planning Proposal Verons Estate Sussex Inlet

Recommendation Date : **06-Jun-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

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 a minimum of 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Office of Water
- Roads and Maritime Services
- Endeavour Energy
- Shoalhaven Water
- Southern Rivers Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries – Fishing and Aquaculture
- NSW National Parks and Wildlife Services
- NSW Rural Fire Services (S117 Direction 4.4 Planning for Bushfire Protection)
- Commonwealth Department of Sustainability, Environment, Water, Population and Communities

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. 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).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

JEFF HORN

Date:

07/06/13