

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

Proposal Details

Date Planning **01-May-2013**

Proposal Received :

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 17 Wandra Road**

Suburb : **Sussex Inlet**

City : **Sussex Inlet**

Postcode : **2535**

Land Parcel : **Lots 17-32 DP9897**

Street : **Lot 1 Advance Road**

Suburb : **Sussex Inlet**

City : **Sussex Inlet**

Postcode : **2535**

Land Parcel : **Lots 1-16 DP9897**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	
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 :	32	No. of Dwellings (where relevant) :	19
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 : **The investigations over the rezoning potential of Verons Estate have had a long and contentious history. The contentious nature of the area reflects its paper subdivision history as well as its location partially within the Swan Lake catchment.**

Verons Estate was subdivided into 32 (8 hectare) lots in 1920. Like other paper subdivisions in the Shoalhaven, the land remained undeveloped when landuse zoning was introduced in 1964 via the Shoalhaven Interim Development Order No. 1. Since 1964, the Estate has had a non-urban or rural zoning with a 40ha minimum lot size for a dwelling house. There are, however, 7 1964 holdings (lots that were in seperate ownership from adjoining land when the IDO was gazetted) where Council has the legal ability to consider a dwelling on each holding based on merit.

On 6th July 1993 Shoalhaven Council resolved to prepare a draft local environmental plan with the objective of allowing for the erection of a dwelling on each allotment. All costs involved with the preparation of an environmental study and provision of an acceptable level of services to the area were to be born by landowners.

On 30th September 1993, the Department provided Council with additional issues which would need to be addressed in an environmental study for the rezoning. The Department specifically requested that the potential impact of development on the creek and estuary system feeding into Swan Lake and the SEPP14 Wetland at Badgee Lagoon be addressed as well as the site's capability to sustain rural residential development without causing significant impact on the natural environment. The eastern part of the Estate drains to Sussex Inlet via Badgee Lagoon and the western part of the Estate drains to Swan Lake.

Council commenced the preparation of an environmental study in 1994 but when the Department imposed a moratorium on 19th December 1994 on rezoning land for residential or rural residential use in the St Georges Basin - Sussex Inlet area pending the preparation of Stage 2 of the Jervis Bay Regional Environmental Plan (JBREP), the environmental study was placed on hold.

On 20th December 1996, the Minister deferred the preparation of Stage 2 of the JBREP but continued the moratorium on rezoning land in the area.

In 2000, Council and the Department commenced discussions to prepare the Sussex Inlet Settlement Strategy (SISS) in order to enable the rezoning moratorium to be lifted and in 2004 the State Government provided funding (\$100,000) to assist in its preparation.

On 25th August 2007, the Sussex Inlet Settlement Strategy was adopted by Council and endorsed by the State Government and recommended investigation for a maximum yield of one dwelling per lot. The rezoning moratorium was subsequently lifted.

In May 2009, Council re-commenced discussions on threatened biodiversity and riparian issues with government agencies.

On 6th July 2009, Council sought advice from the Department, Office of Environment and Heritage and NSW Fisheries on requirements for assessing potential impacts on Swan Lake and SEPP14 Wetlands. Swan Lake is listed as a sensitive coastal waterbody in the Healthy Rivers Commission Independent Public Inquiry into Coastal Lakes, 2001. The South Coast Regional Strategy, 2006 also requires that "local environmental plans will not include further residential or rural residential zoning in the catchments of coastal lakes and estuaries shown on Map 2 (includes Swan Lake) unless it is demonstrated that a neutral or beneficial effect on water quality as measured at the boundary of the proposed new zoning can be achieved." Historically, the NSW National Parks and Wildlife Service has opposed development within the Swan Lake catchment due to potential impacts on the Lake.

On 1st June 2010, the Departments provided a joint NSW Government response to Council identifying that the State Government considers that:

- * any further development in the Swan lake catchment is highly likely to adversely impact on water quality flowing into the Lake;
- * it is unlikely that water quality control measures could be designed and implemented with sufficient certainty to prevent adverse water quality impacts;
- * it would be costly to undertake water quality and hydrological assessments to investigate the issue further and the result is unlikely to be favourable; and
- * Council is strongly urged to refocus its investigations for rural residential development only within the Badgee Lagoon catchment but with the aim of providing a return for all lots within Verons Estate.

On 18th November 2010, Council held a landowner briefing with government agency representatives in attendance, to focus on the significant water quality issues in the Swan

Lake catchment, the prohibitive costs and time taken for water quality studies and the likelihood that water quality studies will not be able to justify development.

On 9th December 2010, Council requested that the draft Shoalhaven LEP No. 167 Verons Estate be converted into the new plan making provisions of the EP&A Act. On 24th December 2010 the Department advised that the former plan making provisions would continue to apply and Council would not be able to progress the draft LEP after the 31st December 2010. This decision was based on the substantial work still required to resolve the planning issues associated with the draft LEP and the concern that they would not be resolved within the Government's 12 month target for completing planning proposals.

The Threatened Biodiversity Survey and Assessment for Verons Estate, 2011 concluded that "maintaining the key biodiversity values within the Estate whilst allowing one dwelling per lot outside of the Swan Lake catchment appears to be achievable provided that development is located in specific areas of least ecological constraint and that substantial and strategic areas of habitat are retained, rehabilitated and managed for conservation purposes."

On 19th April 2011, following a series of reports and landowner consultation on the requirements of the South Coast Regional Strategy in relation to Swan Lake, Council resolved to "accept that land within the Swan Lake catchment is unable to be rezoned for rural residential development until a neutral or beneficial effect study is undertaken and demonstrated."

On 11th November 2011, Council sought further government agency feedback on the proposed zonings for the Estate. The Department and OEH provided another joint response refining the zonings, zone boundaries and lot sizes.

On 26th June 2012, Council resolved to prepare and submit a draft planning proposal with the following components:

- * the Lot Size Map would allow one dwelling per lot on the land within the Badgee Lagoon catchment;
- * proposed zoning based on State Government's comments - Swan Lake catchment E2 & E3; Badgee Lagoon catchment E2 & E4 subject to addition of E4 to Shoalhaven LEP 2009; and extensive agriculture as a permissible use; and
- * no biodiversity overlay.

The E4 Zone has been included in the draft Shoalhaven LEP 2013 and the natural resources biodiversity overlay has been removed from all E zones across the LGA.

The planning proposal was submitted to the Department on the 1st May 2013.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

Council has identified the objectives of the planning proposal are to:

- * enable one dwelling per lot on Lots 1-19 DP9897, excluding land within the Swan Lake catchment.
- * protect high conservation value land and limit the extent of clearing associated with residential development.
- * facilitate rehabilitation of degraded areas that have an important ecological function and/or which were cleared without the necessary approval.
- * minimise bushfire risk and ensure that dwellings and associated asset protection zones are located accordingly.
- * ensure that onsite effluent disposal and stormwater are managed to protect water quality and downstream environments.

Council is also wanting to make extensive agricultural permissible within the Badgee Lagoon catchment consistent with existing zoning permissibility.

A summary of these objectives is that the planning proposal is to enable an appropriate form of rural residential development and extensive agricultural opportunities in Verons Estate whilst protecting high conservation value lands, managing risks associated with bushfire, effluent disposal and stormwater runoff and protecting the water quality of Swan Lake and Badgee Lagoon.

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

Is an explanation of provisions provided? Yes

Comment :

The explanation of provisions are:

- * Amendment of the Shoalhaven LEP 2013 Land Zoning Map in accordance with the proposed zoning shown on Map 1; and
- * Amendment to the Shoalhaven LEP 2013 Lot Size Map in accordance with the proposed lot size map shown on Map 2; and
- * Investigate the potential to include a Conceptual Development Footprints Map within the Shoalhaven LEP 2013 as shown on Map 3 which identifies building envelopes and bushfire asset protection zones.
- * Make extensive agriculture permissible in the proposed E4 zoned area via Schedule 1 - Additional permitted uses.

The identification of building envelopes needs to be considered as part of the rezoning process to manage bushfire risk; achieve biodiversity outcomes; preserve visual character, local amenity and privacy; and minimise onsite effluent disposal risks. The preferred location of building envelopes is shown on Map 3. Options to address this issue within the Standard Instrument LEP are being investigated as part of the drafting of the Jerberra Estate Planning Proposal.

Extensive agriculture is a prohibited land use in the E4 Zone of the draft Shoalhaven LEP 2013. It is permitted with consent in the E2 Environmental Conservation and E3 Environmental Management Zones. Council has confirmed that the E4 Zone has been applied to some lands currently zoned Rural 1(c)(Rural Lifestyle) and lands within paper subdivisions. It may be a more flexible option to include extensive agriculture as permitted with consent for the E4 Zone across the LGA rather than allowing it as a Schedule 1 - Additional permitted use for the Verons Estate lands only.

The draft Shoalhaven LEP 2013 includes provisions under Clause 5.9 - Preservation of trees or vegetation for paper subdivisions. Verons Estate is identified on the Local Clauses Map as being affected by subclause (9) which results in the provisions of the Native Vegetation Act 2003 for exempt and complying types of vegetation clearing being switched off.

Council has prepared the planning proposal as a specific amendment to its new Standard Instrument Principal LEP. This draft LEP has just completed a second round of public exhibition and is to be made by the end of 2013.

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

2.3 Heritage Conservation

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 :

d) Which SEPPs have the RPA identified? **SEPP (Rural Lands) 2008**

e) List any other matters that need to be considered : **None**

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

If No, explain :

The planning proposal is consistent with the Sussex Inlet Settlement Strategy and South Coast Regional Strategy in that it is allowing some residential development whilst protecting areas of high conservation value vegetation and water catchment.

The Sussex Inlet Settlement Strategy was endorsed by Council and the NSW Government in 2007. It recommended for Verons Estate to "investigate the provision of a maximum of one dwelling per lot".

The South Coast Regional Strategy, 2006 allows the rezoning of residential areas which are identified in endorsed settlement strategies including the Sussex Inlet Settlement Strategy.

The Regional Strategy requires that "local environmental plans will not include further residential or rural residential zoning in the catchments of coastal lakes and estuaries shown on Map 2 (includes Swan Lake) unless it is demonstrated that a neutral or beneficial effect on water quality as measured at the boundary of the proposed new zoning can be achieved."

The Regional Strategy requires that "new urban development is to be prohibited by local environmental plans on land assessed to be of high conservation value and appropriate planning controls are to be incorporated into LEPs to protect biodiversity values on land of lower conservation value."

The Regional Strategy requires that strategic assessments of riparian corridors are to be applied through appropriate zoning and management under a development control plan. The riparian corridors and associated buffers in Verons Estate are proposed to be zoned E2.

The planning proposal is consistent with these requirements of the South Coast Regional Strategy.

The Regional Strategy also requires that "future development in the catchments of SEPP14 Wetlands will need to demonstrate no net impact on the hydrology, water quality or ecology of these wetlands". SEPP14 Wetlands are located downstream of Verons Estate in both the Badgee Lagoon catchment (SEPP14 Wetland No.302) and the Swan Lake catchment (SEPP14 Wetland No.306). No additional development is proposed within the catchment of SEPP14 Wetland No. 306 and minimal, controlled development is proposed in the catchment of Badgee Lagoon.

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 minimum lot size requirement for the erection of a dwelling is being changed from 40ha to 7ha for land within the Badgee Lagoon catchment. This inconsistency is justified by the Department endorsed Sussex Inlet Settlement Strategy and is of minor significance - the land is mapped as Class 5 agricultural lands (unsuitable for agriculture). The Director General can be satisfied that the inconsistency can be justified and is of a minor significance and consistent with the Sussex Inlet Settlement Strategy.

The planning proposal is inconsistent with the s117 Direction 4.4 Planning for Bushfire Protection in that the proposal does not contain provisions for two way access roads.

Council will be seeking the Commissioner of the NSW Rural Fire Service's advice that notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal. Council will be consulting with the NSW Rural Fire Service following receipt of a Gateway Determination and prior to undertaking community consultation which is consistent with the Direction.

The planning proposal is inconsistent with s117 Direction 6.3 Site Specific Provisions in that it is imposing development standards and requirements for the location of building envelopes and bushfire asset protection zones. This inconsistency is necessary in order to achieve an appropriate and sustainable form of residential development, whilst at the same time protecting the environmental values of the land and adjoining catchments by minimising risk from bushfire, effluent management, stormwater runoff and native vegetation clearing. The planning proposal has used zoning and development standards to define the primary controls and is relying on development applications to assist with the consideration of threatened species issues. The Director General can be satisfied that the inconsistencies with the Direction are of minor significance given the nature of the planning issues being resolved.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The proposed Land Zoning Map (Map 1) and Lot Size Map (Map 2) identify land zoned:

- * E2 - Environmental Conservation Area with a minimum lot size of 40ha, defined by land currently zoned Environmental protection 7(a) Ecology, presence of threatened orchid species and riparian land and associated buffers.
- * E3 - Environmental Management Area with a minimum lot size of 40ha where the land is located within the Swan Lake catchment and is not proposed to be zoned E2.
- * E4 - Environmental Living Area with a minimum lot size of 7ha where the land is located in the Badgee Lagoon catchment and is not proposed to be zoned E2.

Extensive agriculture is a permissible use in the E3 Zone only. Council has resolved to make extensive agriculture permissible in the proposed E4 area via a 'Schedule 1 - Additional permitted uses' entry.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

A significant level of community consultation has already been undertaken with landholders throughout the rezoning investigations. A number of landowners meetings have been held in recent years, including the community/agency meeting of 18th November 2010, to discuss the rezoning investigations and the consideration of development potential of lots within the Swan Lake catchment.

A dedicated Verons Estate project web page has been established on Council's website. It is Council's practice to notify landowners whenever the rezoning investigations are being reported to Council so landowners can keep informed of Council's discussions.

Council proposes to place the planning proposal on public exhibition for a minimum of 28 days. Methods of public exhibition include direct notification to landholders and advertising in the local newspaper and on Council's website.

This is considered to be adequate.

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 "A guide to preparing planning proposals" and is considered adequate for a Gateway Determination with conditions.

A project timeframe has been included in the planning proposal. The timeframe anticipates six months to complete the rezoning process, however, a 12 month timeframe is recommended to ensure completion of the rezoning process without the need to request an extension of time. Shoalhaven Council is currently preparing four other planning proposals of which three have had their Gateway Determination time for completion extended or are overdue. Council is also working on finalising its Pincipal Plan.

Council is not requesting an Authorisation to exercise delegation for the planning proposal. Council considers that the planning proposal does not meet the eligibility criteria in that it is a longstanding, complex paper subdivision rezoning which sets a precedent for other paper subdivisions in the Shoalhaven.

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in relation
to Principal LEP :

The draft Shoalhaven LEP 2013 was placed on public exhibition for a second time from 8th April to 10th May 2013. It is not expected to be made until the second half of 2013.

The planning proposal will be an early amendment to the notified Shoalhaven LEP. As such, the proposal has been prepared in accordance with the guidelines for preparing Standard Instruments eg zones, lot size maps and clauses.

Assessment Criteria

Need for planning
proposal :

The current zoning of Verons Estate needs to be amended to resolve the land's development potential and achieve environmental outcomes. To date, various environmental and land capability studies have been undertaken and significant progress has been made on reaching agreement with relevant government agencies on appropriate development and environmental outcomes.

Consistency with
strategic planning
framework :

As previously identified, the planning proposal is consistent with the Sussex Inlet 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 Strategy 2.2.1 - Develop and implement land use zones for the 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 to implement the planning works program to complete priority strategic planning policy initiatives.

Environmental social
economic impacts :

The rezoning will provide protection to the high value conservation areas including 13 threatened species - 2 flora and 11 fauna and one migratory species listed under the EPBC Act. The Estate has good habitat connectivity to the adjoining Conjola National Park to the west and south and disturbed habtiat linkages with larger areas of vegetation to the north. The riparain habitats are also connected to water bodies and wetland habitats of high conservation value.

The environment of the Estate has been disturbed to varying degrees although there are still areas of high conservation value. In some case no further clearing will be necessary

and there will be scope for environmentally sensitive areas to be rehabilitated. In other cases bushland will need to be cleared to accommodate residential development, infrastructure and provision of bushfire asset protection zones.

Substantial areas of the Estate are designated as Bushfire Prone land. The planning proposal has been prepared with regard to Planning for Bushfire Protection, 2006 and will make provision for bushfire asset protection zones and access.

Resolution of the rezoning and development potential of the Estate would provide a small but significant social benefit to the local community and affected landowners. Council considers that the planning proposal is unlikely to be financially viable if additional roads are required.

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **Southern Rivers Catchment Management Authority
Office of Environment and Heritage
NSW Department of Primary Industries - Fishing and Aquaculture
Office of Environment and Heritage - NSW National Parks and Wildlife Service
NSW Rural Fire Service
Other**

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

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

If no, provide reasons : **Public Authority Consultation 56(2) should also include the NSW Office of Water; Roads and Maritime Services, Endeavour Energy; and the Commonwealth Department of Sustainability, Environment, Water, Population and Communities.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Planning studies for Verons Estate have been completed for:

- * **Threatened Biodiversity Assessment (Ecological Australia), 2011**
- * **Watercourse and Riparian Land Mapping Verification (GHD Pty Ltd), 2009**
- * **Aboriginal and European Archaeological and Cultural Heritage (Australian Museum Business Services), 2009**

Council has investigated bushfire issues and the required management actions to address Planning for Bushfire Protection.

No further studies are required.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **Shoalhaven Council resolved on the 6th July 1993 that the costs to rezone the land and provide necessary infrastructure would be born by the landholders. Potential infrastructure costs include electricity supply and connection, effluent management, construction of roads and construction and ongoing maintenance of bushfire asset protection zones (fire trails).**

Documents

Document File Name	DocumentType Name	Is Public
130410 Verons Estate planning proposal letter SCC to DoPI seeking Gateway Determination.pdf	Proposal Covering Letter	Yes
130501 Verons Estate draft Planning Proposal for Gateway.pdf	Proposal	Yes
130501 Verons Estate draft Planning Proposal for Gateway Appendix Ministerial directions.pdf	Proposal	Yes
120605 Verons Estate Council Report to Development Committee zoning options.pdf	Proposal	Yes
110701 Verons Estate Planning Proposal report Threatened Biodiversity Assessment Ecological Australia.pdf	Study	Yes
090401 Verons Estate Planning Proposal Riparian Land GHD.pdf	Study	Yes
090601 Verons Estate Planning Proposal Report Aboriginal & European Heritage Australian Museum.pdf	Study	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
- 2.3 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.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

30th May 2013