

EXPLANATORY STATEMENT

Planning Proposal (PP005)

Shoalhaven LEP 2014 – Map and Clause Amendments



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Shoalhaven
City Council

Overview

Council is seeking community feedback on a Planning Proposal (PP005) to resolve the long term development potential of Lots 21 to 24 DP 714096 at Warrah Road, Bangalee – see Figure 1. The land is currently zoned Rural 1(d) (General Rural) under [Shoalhaven LEP 1985](#).



Figure 1 - Subject land and aerial photo

Background

The subject land is part of the Crams Road Investigation Area (CRIA). The CRIA was identified as one of seven (7) potential new Urban Release Areas (URAs) in the [Nowra-Bomaderry Structure Plan](#) (NBSP). The NBSP was adopted by Council in 2006/2007 and endorsed by the NSW Government in 2008.

While most of the other URAs were rezoned when the current Shoalhaven LEP commenced in 2014, part of the CRIA was 'deferred' to enable the land's biodiversity values to be further investigated and resolved before rezoning the land.

The proponent submitted a Planning Proposal (PP) request to Council in July 2014, which Council resolved to support 'in principle', subject to an independent biodiversity review being completed. NGH Environmental P/L completed an independent peer review of the biodiversity studies over

the land and in December 2015, Council resolved in part to: *prepare a Planning Proposal to rezone the non High Conservation Value areas on the site, as identified in the NGH Environmental Report, to an appropriate residential zone.*

A Planning Proposal was subsequently prepared and submitted to the NSW Department of Planning and Environment (DPIE), which issued a Gateway determination on 12 July 2016, allowing the PP to be progressed, subject to a range of conditions. The matter was then reported to Council, noting that in the intervening period, the proponent had prepared a further biodiversity study that needed to also be considered. In accordance with the resulting Council resolution (MIN16.944) Council engaged NGH Environmental P/L to prepare an independent and objective peer review of the latest OMVI 2016 study that was provided by the proponent.

This peer review was completed in June 2017. It concluded that adequate survey has been undertaken to determine High Conservation Value (HCV) lands at the subject site. Work then focused on completing the other studies listed in the Gateway determination (as amended) and these were completed in late 2020.

Advice was received from the NSW Department of Planning, Industry & Environment (DPIE) on 1 October 2020 that 5 'legacy' PPs, including PP005, would need to be finalised by 31 December 2020. This deadline was not achievable and DPIE terminated the Gateway determination on 15 December 2020. On 18 January 2021, Council resolved to "*seek a new Gateway determination immediately and if the outcome is favourable, place the PP and supporting documentation on public exhibition*". An updated PP was submitted to DPIE and a new Gateway issued on 25 February 2021, allowing the PP to be publicly exhibited.

For further detail please refer to the [Planning Proposal](#) document.

Remediation Order

Part of the subject land is affected by a Remediation Order (RO) issued by the NSW Government in July 2014 to restore native vegetation on part of the land that had been unlawfully cleared.. The Planning Proposal is not, however, a mechanism to either void or finalise the RO. These are separate processes. For more information about the RO, see the FAQs and Section 3.2 of PP005 document.

Proposed LEP Changes

The following map amendments are proposed by the PP:

- Land Use - Rezone the subject land to a mix of R2 Low Density Residential, R5 Large Lot residential, RU2 Rural Landscape and E2 Environmental Conservation - see Figure 2.
- Land Application Map – this map is proposed to be amended so that the land is no longer 'deferred' from Shoalhaven LEP 2014.
- Change the Height of Buildings Map to allocate a maximum building height of 8.5 m to all parts of the site proposed to be zoned R2 or R5.
- Include the land as Class 5 on the Acid Sulfate Soils Map, consistent with all adjoining land, to which clause 7.1 of the LEP applies.
- Amend the Clauses Map to apply clause 7.21 of the LEP to protect land proposed to be zoned RU2 for future use as a road corridor for the Western Bypass.

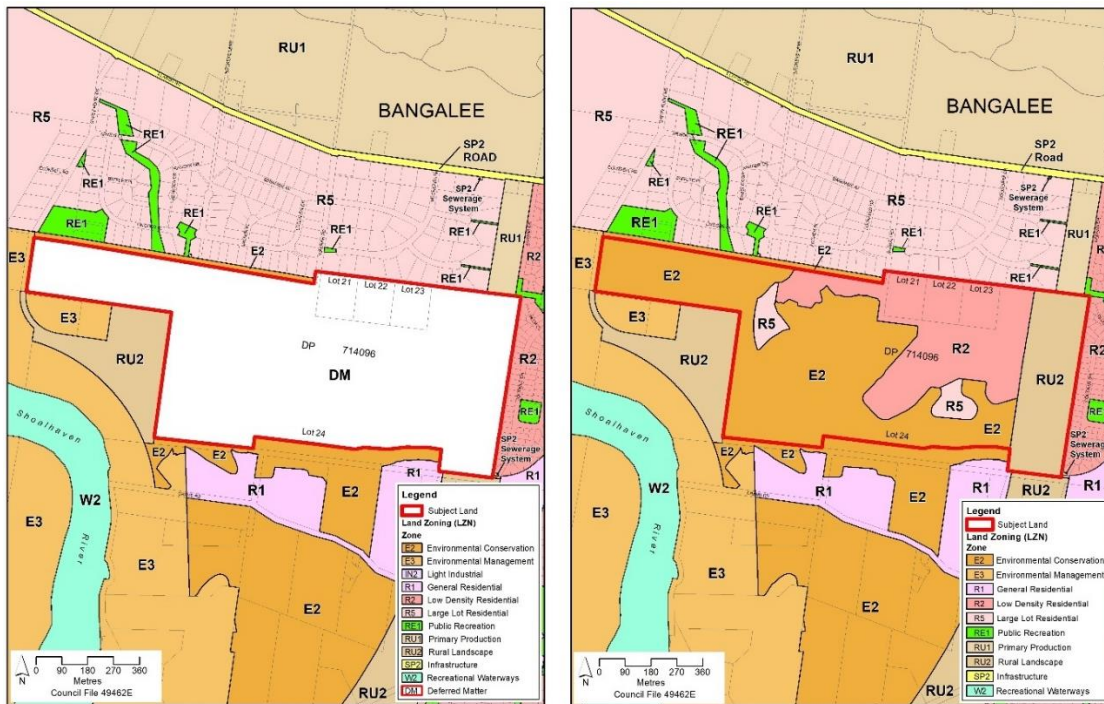


Figure 2 Proposed Zoning Change – existing (left) and proposed (right) (LZN)

- Change the Minimum Lot Size Map as illustrated in Figure 2 to provide for a range of future minimum lot sizes in the different zones – see Figure 3. The minimum lot sizes proposed in each zone are:
 - R2 Low Density Residential: 500 m², 800 m², 1000 m² and 2000 m²
 - R5 Large Lot Residential: 6000 m² and 1 ha
 - RU2 Rural Landscape: 10 ha
 - E2 Environmental Conservation: 40 ha

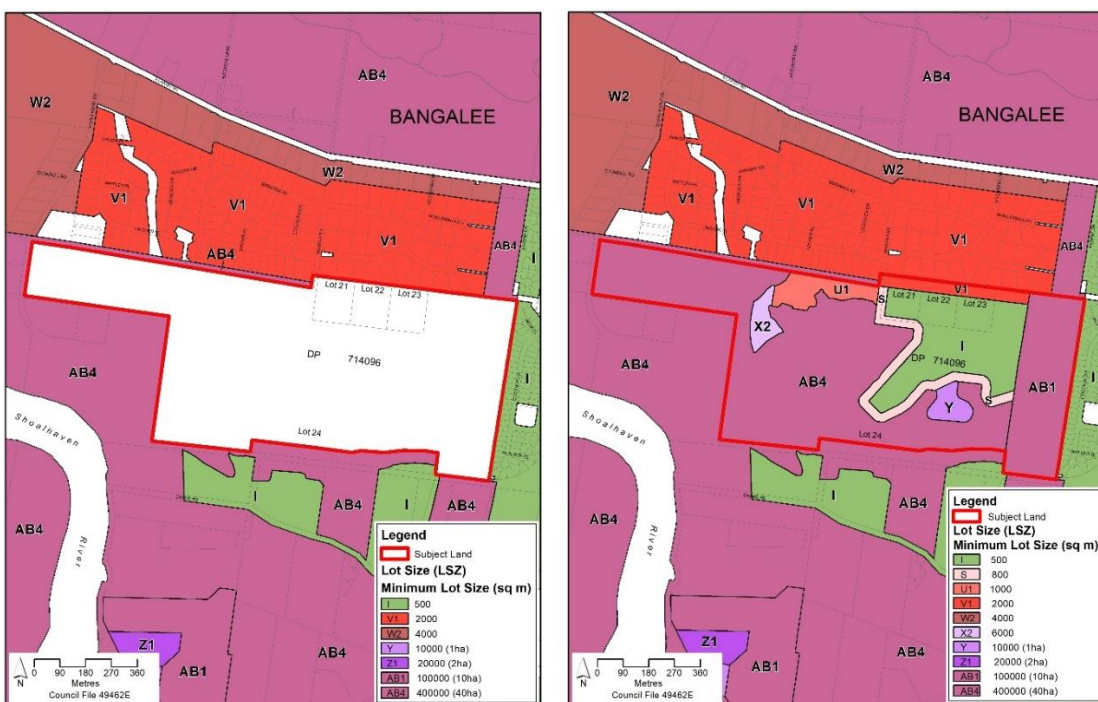


Figure 3 – Existing (left) and proposed (right) Minimum Lot Sizes (LSZ)

- Map all land proposed to be zoned R2 or R5 as Urban Release Area (URA) to apply Part 6 of the LEP (Urban Release Areas). Part 6 of the LEP will need to be satisfied in the future before the land can actually be subdivided and developed – see Figure 4.

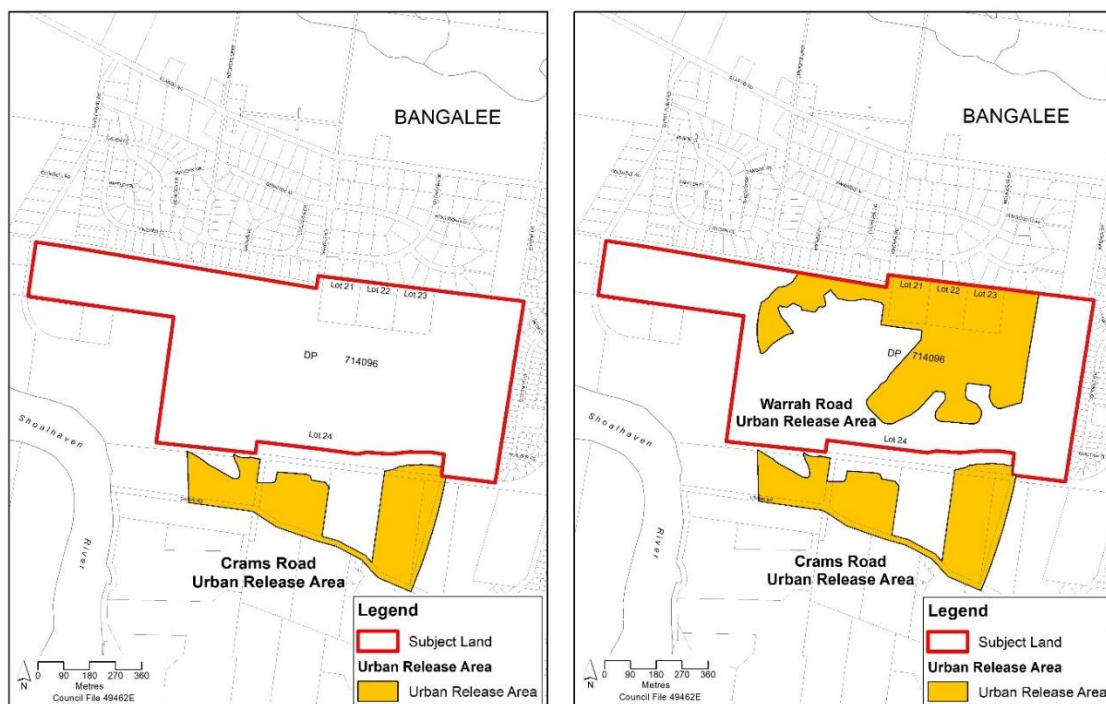


Figure 4 – Existing (left) and proposed (right) Urban Release Areas (URA)

- A local clause is proposed to allow the E2 land to be subdivided into three (3) lots. These “caretaker” lots would each also contain land within the residential-zoned area, upon which a dwelling could be built. The owner of the dwelling would be responsible for managing the E2 land for conservation in perpetuity.

Biodiversity Certification Application

The Planning Proposal is accompanied by an application for Biodiversity Certification of the proposed urban area (R2 and R5) lodged by the proponent with the Department of Planning, Industry & Environment (Biodiversity & Conservation Division). The application is supported by a Biodiversity Conservation Assessment Report (BCAR). The Application and BCAR are being exhibited concurrently with this PP in accordance with Section 8.6(6) of the *Biodiversity Conservation Act 2016* (BC Act). The application will be assessed and determined in accordance with the biodiversity certification provisions of the BC Act and will be determined by the Minister for Energy and Environment.

Biodiversity certification offers a streamlined biodiversity assessment process under the NSW Biodiversity Conservation Act 2016 (BC Act) for areas of land that are proposed for development. The process identifies both areas that can be developed after they are certified, and measures to offset the impacts of development.

For further information refer to Council's [Documents on Exhibition](#) page and the FAQs.

Exhibition Documents

The Planning Proposal and Biodiversity Certification Application are available for viewing online during the public exhibition period on Council's [Documents on Exhibition](#) page. Currently, the documents are available online only due to Covid-19 safety measures. The documents will also

be available for viewing **electronically** at the City Administration Centre, Bridge Road, Nowra. (Please seek assistance from Front Counter staff).

The exhibition package includes:

1. Explanatory Document
2. Planning Proposal PP005 and accompanying technical studies
3. FAQs
4. Public Notice
5. Gateway Determination – 25 February 2021
6. Biodiversity Certification Application (BCA) and Biodiversity Certification Assessment Report (BCAR)

Request for Comment

The Planning Proposal (PP005) is on public exhibition from **Wednesday, 12 May 2021 – Friday 25 June 2021** (inclusive).

Submissions are invited and must be made in writing. This can be done via the online feedback form on [Documents on Exhibition](#) page. Written feedback can also be addressed to:

- **Post:** The Chief Executive Officer, Shoalhaven City Council, PO Box 42, Nowra NSW 2541
- **Email:** council@shoalhaven.nsw.gov.au

If not using the online feedback form, please quote Council's reference **49462E** in your submission.

All submissions must be received in writing by **5 pm Friday, 25 June 2021**.

Comments on the Biodiversity Certification Application are also invited but should be made separately to comments on the Planning Proposal. A separate feedback form is provided on Council's [Get Involved project webpage](#) to facilitate this. If you have any feedback on the proponent's Biodiversity Certification Application, please use this separate form.

Pre-printed form letters, which have been individually signed will be considered but not formally acknowledged. Submissions may become public documents and may be viewed by other persons on request. All persons who lodge a submission are required to declare any relevant political donations and/or gifts in accordance with Section 10.4(5) of the *Environmental Planning and Assessment Act 1979*.

Further Information

Drop-in sessions – registration of interest

If you have read the exhibition documents including **FAQs** and have further questions, you may wish to attend a drop-in information session. Council is seeking 'expressions of interest' from people who would like to attend a drop-in session at the North Nowra Community Centre on either **8 June 2021** or **9 June 2021**. If you are interested in attending one of these sessions, please register on the project webpage. Please note that if there is insufficient demand for the sessions, they will not proceed.

Enquiries should be directed to either:

- Eric Hollinger, Co-ordinator Special Projects on (02) 4429 3320 or eric.hollinger@shoalhaven.nsw.gov.au.
- Maggie Chapman, Strategic Planner on (02) 4429 3485 or maggie.chapman@shoalhaven.nsw.gov.au (Monday-Wednesday).