

PLANNING PROPOSAL – PP044

Shoalhaven Local Environmental Plan 2014 Housekeeping 2020-2021

Prepared by
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1 Introduction

This Planning Proposal (PP) seeks to amend Shoalhaven Local Environmental Plan (LEP) 2014 to improve the operation and accuracy of the Plan. The amendment responds to a range of instrument and mapping issues that have arisen since the previous housekeeping amendment commenced.

It is requested that Council be given delegation for plan making functions for this PP. The evaluation criteria for delegation is located at **Attachment A**.

1.1 Subject Land

The PP applies to the whole of the City of Shoalhaven (**Figure 1**).



Figure 1: Subject Land

1.2 Background

Shoalhaven LEP 2014 commenced on 22 April 2014. The process essentially consolidated existing planning controls into the one LEP in the NSW Government's Standard Instrument LEP format.

On 3 June 2014, Council's Development Committee resolved to commence the process to make necessary housekeeping amendments to Shoalhaven LEP 2014 and report these for consideration as required. In line with this, reviews to Shoalhaven LEP 2014 are continuously undertaken to ensure accuracy and operation are upheld and improved, and positive outcomes for the community are delivered in line with applicable strategic documents.

On 11 May 2021, Council's Development and Environment Committee resolved (MIN21.248) to submit this Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway determination. Refer to **Attachment B** for a copy of the Council Report and Minutes.

2 Part 1 – Intended Outcome

The intended outcome of this Planning Proposal (PP) is to amend a number of clauses and maps in order to correct identified anomalies or inconsistencies within the LEP and improve the Plan's operation. These anomalies or inconsistencies have arisen since the Plan's commencement in 2014 and have resulted from staff identified anomalies, development assessment processes, the registration of new land titles, landowner requests and as resolved by Council.

A detailed explanation and justification for each proposed amendment is included in Section 3 (Part 2 – Explanation of Provisions) of this PP.

3 Part 2 – Explanation of Provisions

To achieve the proposed objectives, the PP proposes to amend Shoalhaven LEP 2014 via a number of instrument and mapping amendments as shown in the following sections.

3.1 Changes to Existing Provisions – Instrument Only

Ten (10) items have been identified that require administrative amendments to Shoalhaven LEP 2014. These amendments include updates to clauses, land use zones and Schedule 5, which are explained in **Table 1** with proposed changes identified in red.

Exact wording of the proposed amendments will be determined in conjunction with the NSW Parliamentary Counsels Office.

Table 1: Instrument Amendments – Administrative Anomalies

Item	Clause	Proposed Amendment
1.	Land Use Table R1 General Residential R2 Low Density Residential R3 Medium Density Residential R5 Large Lot Residential	<p>Issue and Justification: Secondary Dwellings are permissible with consent in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R5 Large Lot Residential zones under the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> (AHSEPP). It would be appropriate for Shoalhaven LEP 2014 to be amended to be consistent with the AHSEPP. This also resolves uncertainty regarding the floor area requirements in Clause 5.4(9) of the LEP relating to secondary dwellings.</p> <p>Shoalhaven Development Control Plan (DCP) 2014 has recently been amended to include provisions that guide secondary dwellings and require them to comply with Schedule 2 of State Environmental Planning Policy (Affordable Rental Housing) 2009 or otherwise seek an alternative solution.</p> <p>Proposed Amendment: Insert 'secondary dwellings' as a land use permitted with consent in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R5 Large Lot Residential zones.</p> <p>Zone R1 General Residential</p> <p>3 Permitted with consent</p> <p><i>Attached dwellings; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes, Exhibition villages; Group homes; Home-based child care; Home businesses; Home industries; Hostels; Jetties; Multi dwelling housing; Neighbourhood shops; Office premises; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Registered clubs; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Secondary Dwellings; Seniors housing; Sewerage systems; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water supply systems</i></p> <p>Zone R2 Low Density Residential</p> <p>3 Permitted with consent</p> <p><i>Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling</i></p>

		<p><i>houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Jetties; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary Dwellings; Semi-detached dwellings; Sewerage systems; Tank-based aquaculture; Water supply systems</i></p> <p>Zone R3 Medium Density Residential</p> <p>3 Permitted with consent</p> <p><i>Attached dwellings; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Home-based child care; Home businesses, Home industries; Home occupations; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Registered clubs; Residential flat buildings; Respite day care centres; Roads; Secondary Dwellings; Seniors housing; Sewerage systems; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water supply systems</i></p> <p>Zone R5 Large Lot Residential</p> <p>3 Permitted with consent</p> <p><i>Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies (attached); Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Extensive agriculture; Group homes (transitional); Home-based child care; Home businesses; Home industries; Horticulture; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Secondary Dwellings; Sewerage systems; Tank-based aquaculture; Water supply systems</i></p>
2.	<p>Land Use Table</p> <p>B2 Local Centre</p> <p>B3 Commercial Core</p> <p>B4 Mixed Use</p>	<p>Issue and Justification: ‘Artisan food and drink industry’ is currently not permissible in the B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones citywide.</p> <p>In 2018 the NSW Government released an amendment to the Standard Instrument Local Environmental Plan to include provision for a new land use term ‘artisan food and drink industry’. As a result, Shoalhaven LEP 2014 was amended to insert the land use term in the RU1 Primary Production and RU2 Rural landscape zones. The term is now permissible with consent in the following zones:</p> <ul style="list-style-type: none"> • RU1 Primary Production

	<ul style="list-style-type: none"> • RU2 Rural Landscape • RU5 Village • B5 Business Development • B7 Business Park • IN1 General Industrial • IN2 Light Industrial • IN4 Working Waterfront <p>In addition to the above, it is considered appropriate for the term to also be permissible with consent in the B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones to support the growing the artisan and craft food and drink industry in Shoalhaven. These uses have the potential to contribute to the viability and revitalisation of Shoalhaven centres.</p> <p>The proposed amendment is supported by Council's Nowra CBD Revitalisation Strategy Committee, which resolved (CBD21.3) at their 3 February 2021 meeting to:</p> <ol style="list-style-type: none"> 1. <i>Support the preparation and progression of a Planning Proposal to add 'Artisan Food & Drink Industry' as a permissible use in the B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones in the Shoalhaven Local Environmental Plan 2014.</i> 2. <i>Receive future updates on the progress of the Planning Proposal.</i> <p>Proposed Amendment: Insert 'artisan food and drink industry' as a land use permitted with consent in the B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones.</p> <p>Zone B2 Local Centre</p> <p>3 Permitted with consent</p> <p><i>Artisan food and drink industry; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential care facilities; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4</i></p> <p>Zone B3 Commercial Core</p> <p>3 Permitted with consent</p>
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		<p><i>Artisan food and drink industry; Boarding houses; Building identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4</i></p> <p>Zone B4 Mixed Use</p> <p>3 Permitted with consent</p> <p><i>Artisan food and drink industry; Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4</i></p>
3.	<p>Clause 4.1D</p> <p>Exceptions to minimum subdivision lot sizes for multiple occupancy development on land in Zone RU1 or Zone RU2</p>	<p>Issue and Justification: The following State Environmental Planning Policies (SEPPs) have now all been repealed:</p> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy No 15—Multiple Occupancy of Rural Land,</i> • <i>State Environmental Planning Policy No 42—Multiple Occupancy of Rural Land, and</i> • <i>State Environmental Planning Policy No 15—Rural Landsharing Communities</i> <p>The wording of Clause 4.1D should be amended to reflect the repeal of all of the SEPPs, to provide clarity when addressing previously approved multiple occupancy development.</p> <p>Proposed Amendment: Amend Clause 4.1D(3)(c) to reflect the repeal of all three State Environmental Planning Policies. Appropriate wording will be drafted by the Parliamentary Counsels Office.</p>
4.	<p>Clause 4.1E</p> <p>Minimum lot size for certain split zone lots</p>	<p>Issue and Justification: Proposed Clause 7.XX (refer to Instrument Item 10) seeks to enable the subdivision of lots that currently have a split zoning (Industrial and Environmental or Rural), to allow the creation of two residue</p>

		<p>lots which contain all of the rural or environmental land within the parent lot.</p> <p>As such, Clause 4.1E should be amended to include an additional subclause that prevents lots created under proposed Clause 7.XX(2) from being subdivided further.</p> <p>Proposed Amendment: Insert an additional subclause that ensures resulting lots created via proposed Clause 7.XX (refer to Instrument Item 10) cannot be subdivided under Clause 4.1E.</p> <p>4.1E Minimum lot size for certain split zone lots</p> <p>(9) A resulting lot referred to in clause 7.XX(2) must not be subdivided under this clause.</p>
5.	<p>Clause 4.2D(7)</p> <p>Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and environment protection zones</p>	<p>Issue and Justification: Clause wording needs to be updated to include the term <i>waterbody</i>, in addition to road or railway. Council's position has always been that a holding separated by water is still considered to be a holding. This is supported by legal advice.</p> <p>There are a number of <i>holdings</i> across the Shoalhaven that are held in the same owner and separated by waterbodies. To ensure Clause 4.2D reflects Council's position, Clause 4.2D(7) should be updated.</p> <p>Proposed Amendment: Amend Clause 4.2D to include the term <i>waterbody</i>.</p> <p>4.2D Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and environment protection zones</p> <p>(7) In this clause –</p> <p>holding means all adjoining land, even if separated by a road, or railway or waterbody, held by the same person or persons.</p>
6.	<p>Clause 7.10</p> <p>Development in HMAS Albatross Military Airfield buffer area</p>	<p>Issue and Justification: The Australian Standards have been updated, AS 2021—2015 now supersedes existing AS 2021—2000. The intent of the LEP is to apply best practice and therefore the more recent Australian Standard should be applied.</p> <p>Proposed Amendment: Amend Clause 7.10(3)(b) & 7.10(4) to reflect the updated AS2021-2015.</p> <p>7.10 Development in HMAS Albatross Military Airfield buffer area</p> <p>1) The objectives of this clause are as follows—</p> <p>a. to prevent certain noise sensitive developments from being located near the HMAS Albatross Military Airfield and its flight paths,</p>

		<p>b. to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,</p> <p>c. to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.</p> <p>2) This clause applies to development that—</p> <p>a. is on land that—</p> <p>i. is in the vicinity of the HMAS Albatross Military Airfield, and</p> <p>ii. is identified as “HMAS Albatross” on the Buffers Map, and</p> <p>b. the consent authority considers is likely to be adversely affected by aircraft noise.</p> <p>3) Before determining a development application for development to which this clause applies, the consent authority—</p> <p>a. must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and</p> <p>b. must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000 2021—2015, and</p> <p>c. must consider the ANEF contour that applies to the land on which the development is proposed, and</p> <p>d. for development for the purposes of centre-based child care facilities, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings, residential accommodation, business premises, hostels, hotel or motel accommodation, office premises or retail premises—must be satisfied that the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000 2021—2015.</p> <p>4) In this clause—</p> <p>ANEF contour means a noise exposure contour shown as an ANEF contour on the <i>Noise Exposure Forecast Contour Map</i> for HMAS Albatross Military Airfield prepared by the Department of the Commonwealth responsible for airports.</p> <p>AS 2021—2000 AS 2021—2015 means AS 2021—2000 2021—2015, <i>Acoustics—Aircraft noise intrusion—Building siting and construction</i>.</p>
7.	<p>Schedule 5 Environmental Heritage</p> <p>Item No. 39: ‘Coomanderry Swamp Drainage Channel’</p>	<p>Issue and Justification: The property description is not succinct. Amending the property description will accurately reflect the included drainage reserves and their location.</p> <p>Proposed Amendment: Update the property description “... so much of DP 623346 and DP 615003 that comprises</p>

		drainage reserves” to read “drainage reserves DP 623346 and DP 615003”.
	Existing Schedule 5	Proposed Schedule 5
	<p>Item No: 39</p> <p>Item: Coomanderry Swamp Drainage Channel</p> <p>Address: Coolangatta Road and Shoalhaven Heads Road</p> <p>Locality: Coolangatta</p> <p>Property Description: Lot 6, DP 786106; Lot 12, DP 1047067; Lot 12, DP 630628; Lot 1, DP 1196368; Lot 1, DP 706777; Lot 22, DP 1028714; Lot 2, DP 836097, Lot 1 DP 1148057; Lot 3, DP 805443; Lot 5, DP 860111; so much of DP 623346 and DP 615003 that comprises drainage reserves</p> <p>Significance: Local</p>	<p>Item No: 39</p> <p>Item: Coomanderry Swamp Drainage Channel</p> <p>Address: Coolangatta Road and Shoalhaven Heads Road</p> <p>Locality: Coolangatta</p> <p>Property Description: Lot 6, DP 786106; Lot 12, DP 1047067; Lot 12, DP 630628; Lot 1, DP 1196368; Lot 1, DP 706777; Lot 22, DP 1028714; Lot 2, DP 836097, Lot 1 DP 1148057; Lot 3, DP 805443; Lot 5, DP 860111; so much of DP 623346 and DP 615003 that comprises drainage reserves drainage reserves DP 623346 and DP 615003</p> <p>Significance: Local</p>
8.	<p>Schedule 5 Environmental Heritage</p> <p>Item No. 262: Remnant rainforest</p>	<p>Issue and Justification: The property description for Heritage Item No. 262 is incorrect. Lot 1 DP 861814 does not contain the Milton Ulladulla Subtropical Rainforest (MUSTR) threatened ecological community (TEC). As such the property description should be amended to remove Part Lot 1 DP 861814 from the property description. The item is mapped as being entirely located within Lot 2, DP 861814 and Lot 1, DP 737627. Updating the property description aligns the listing with the mapped data.</p> <p>Proposed Amendment: Update the property description to remove 'Part Lot 1'.</p>
	Existing Schedule 5	Proposed Schedule 5
	<p>Item No: 262</p> <p>Item: Remnant rainforest</p> <p>Address: Church Street</p> <p>Locality: Milton</p> <p>Property Description: Part Lot 1 and Lot 2, DP 861814; Lot 1, DP 737627</p> <p>Significance: Local</p>	<p>Item No: 262</p> <p>Item: Remnant rainforest</p> <p>Address: Church Street</p> <p>Locality: Milton</p> <p>Property Description: Part Lot 1 and Lot 2, DP 861814; Lot 1, DP 737627</p> <p>Significance: Local</p>
9.	<p>Schedule 5 Environmental Heritage</p> <p>Item No. 299: Rendered Masonry Commercial Store</p>	<p>Issue and Justification: The item description does not accurately reflect the item. The trees have been removed from the site.</p>

	Including Residence and Trees	<p>A significant white cedar tree was removed in 2008 (with approval) and subsequently a fire on the adjoining property resulted in the wall at the rear of the property having to be replaced and the removal of trees in the process. The proposed amendment accurately reflects the removal of heritage significant trees.</p> <p>Proposed Amendment: Update the items name to remove 'and Trees'.</p>								
	Existing Schedule 5	Proposed Schedule 5								
	<p>Item No: 299</p> <p>Item: Rendered Masonry Commercial Store Including Residence and Trees</p> <p>Address: 61 Princes Highway</p> <p>Locality: Milton</p> <p>Property Description: Lots 1-3 and CP, SP 66659; Lots 5-8, SP 76002</p> <p>Significance: Local</p>	<p>Item No: 299</p> <p>Item: Rendered Masonry Commercial Store Including Residence and Trees</p> <p>Address: 61 Princes Highway</p> <p>Locality: Milton</p> <p>Property Description: Lots 1-3 and CP, SP 66659; Lots 5-8, SP 76002</p> <p>Significance: Local</p>								
10.	<p>New local clause</p> <p>Minimum lot size for certain split zone lots</p>	<p>Issue and Justification: There are a number of lots within the Shoalhaven that cannot be practically subdivided under the existing Clause 4.1E as the environmental or rural portion cannot be held within the one residue lot, as a result of environmental or other constraints.</p> <p>This is not Council's intent and can be rectified through the implementation of a new local clause aimed at enabling the creation of two residue lots that would contain the whole of the rural or environmental land within the parent lot.</p> <p>To ensure the non-industrial component of land is tied to the resulting lot and to prevent any unintended fragmentation of rural and environmentally zoned land, the resulting lot will retain a minimum of 1800m² of industrially zoned land. 1800m² is considered a suitable size of land for industrial development and is considered to be an average size of smaller industrial lots across the LGA.</p> <p>Attachment C shows the locations of the 4 lots located at Nowra Hill and Sussex Inlet and the following table provides commentary as to why Clause 4.1E cannot be used.</p> <table><tr><th></th><th>Location</th><th>Property Details</th><th>Why Clause 4.1E cannot be used</th></tr><tr><td>1</td><td>Nowra Hill</td><td>Lot 1 DP 1112040</td><td>Cannot contain the entirety of E2 Environmental Conservation and RU2 Rural Landscape zoned land in one resulting lot due to the riparian network.</td></tr></table>		Location	Property Details	Why Clause 4.1E cannot be used	1	Nowra Hill	Lot 1 DP 1112040	Cannot contain the entirety of E2 Environmental Conservation and RU2 Rural Landscape zoned land in one resulting lot due to the riparian network.
	Location	Property Details	Why Clause 4.1E cannot be used							
1	Nowra Hill	Lot 1 DP 1112040	Cannot contain the entirety of E2 Environmental Conservation and RU2 Rural Landscape zoned land in one resulting lot due to the riparian network.							

		2	Nowra Hill	Lot 5 DP 1016142	Cannot contain the entirety of E2 Environmental Conservation zoned land in one resulting lot due to the riparian network.
		3	Sussex Inlet	Lot 8 DP 731147	The subdivision of the lot will require an access road, similar to Flood Avenue (e.g. Mapping Item One, Section 3.2), to be formed connecting to either Sussex Inlet Road or The Springs Road. This will result in the severing of the RU2 Rural Landscape zoned land. Should future development occur, it is likely that the access road will be in a similar location as the current cross over to The Springs Road.
					
		4	Sussex Inlet	Lot 104 DP 26638	Cannot contain the entirety of the RU2 Rural Landscape zoned land in one resulting lot due to the zone fragmentation. The introduction of the proposed clause will enable land to be released as per the Sussex Inlet Settlement Strategy.

Proposed Amendment: Insert a local clause that enables the creation of two residue lots containing all of the rural or environmental land within the parent lot.

Clause 7.28 of Shoalhaven LEP 2014 has now come into effect which enables a dwelling entitlement for the two lots at Nowra Hill (Lot 1 DP 1112040 & Lot 5 DP 1016142) . The proposed new local clause will not affect the objectives of Clause 7.28 as it already allows for the situation where land has been subdivided first.

7.XX Development on land at Nowra Hill and Sussex Inlet

(1) This clause applies to land identified as “Cl 7.XX” on the *Clauses Map*, being the following (each an **original lot**)—

- (a) Lot 1, DP 1112040, 109 The Links Road, Nowra Hill,
- (b) Lot 5, DP 1016142, 147 The Links Road, Nowra Hill,
- (c) Lot 8, DP 731147, 12 The Springs Road, Sussex Inlet

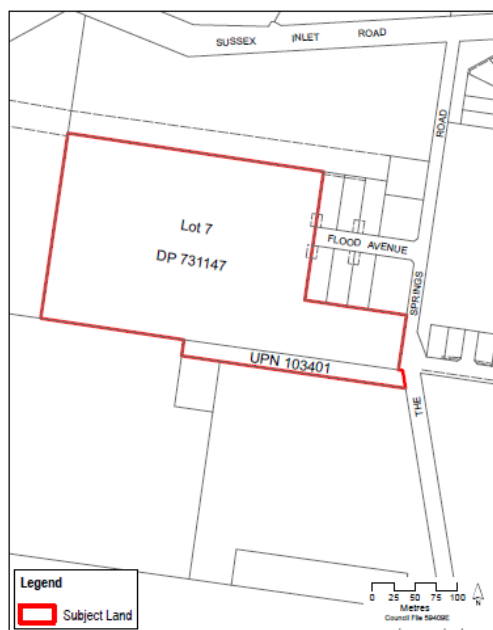
		<p>(d) Lot 104, DP 26638, 1002B Sussex Inlet Road, Sussex Inlet</p> <p>(2) Despite any other provision of this Plan, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if two of the resulting lots will:</p> <p>(a) Each contain land in Zone IN1 General Industrial that is at least 1800 square metres.</p> <p>(b) Together contain all of the non-urban land that was in the original lot.</p> <p>(3) In this clause, non-urban land means land in Zone E2 Environmental Conservation, Zone E3 Environmental Conservation or Zone RU2 Rural Landscape.</p>
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3.2 Changes to Existing Provisions – Mapping Only

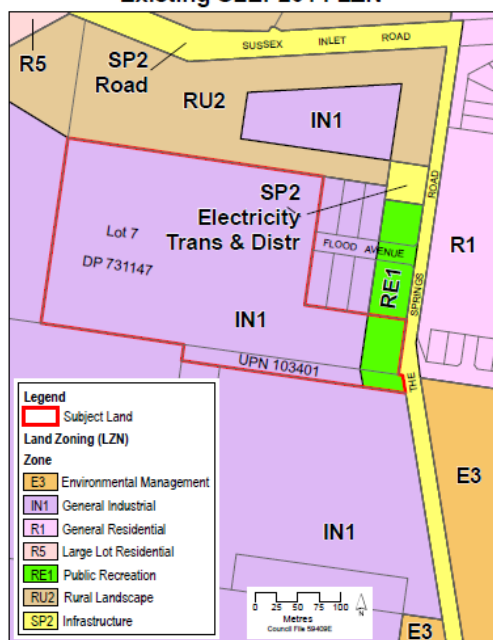
Twenty-nine (29) items have been identified that require mapping amendments to Shoalhaven LEP 2014. These include mapping amendments to the Land zoning (LZN), Lot Size (LSZ), Height of Building (HOB), Buffer (BFR), Urban Release Area (URA), Clauses (CLS) and Heritage (HER). These are outlined in **Tables 2-7**, with proposed changes to the instrument identified in **red**.

Table 2: Mapping Amendments – Land Zoning

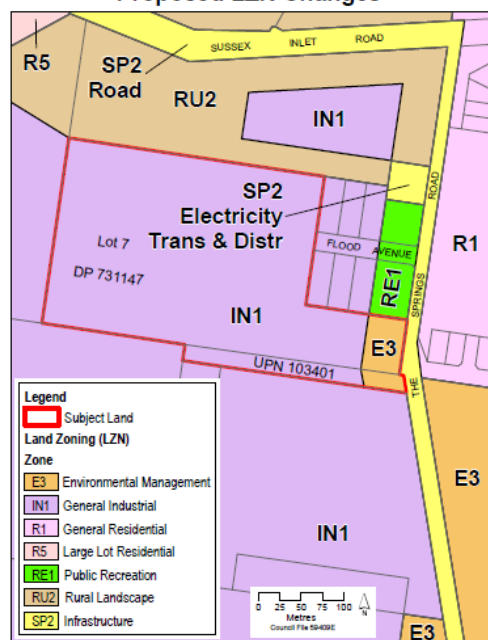
1. Lot 7 DP 731147 & Road UPN 103401, The Springs Rd, Sussex Inlet



Existing SLEP2014 LZN



Proposed LZN Changes



Issue and Justification: The lot is currently zoned part RE1 Public Recreation, which is considered an inappropriate zoning for privately owned land.

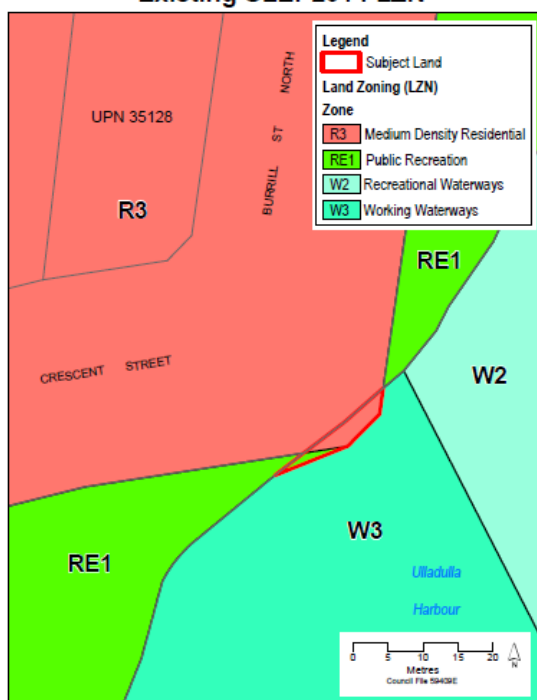
Council's [Community Infrastructure Strategic Plan](#) includes the two adjoining areas of open space (to the north) identified as undeveloped open space, although does not list the portion of RE1 on the subject lot as open space. Council has no intention of acquiring this portion of land, however the land historically has been set aside as a buffer for visual amenity purposes and therefore an E3 Environmental Management zone is considered appropriate to protect this function into the future.

Proposed Amendment: Rezone the RE1 Public Recreation portion of both Lot 7 DP 731147 and Road Casement to E3 Environmental Management.

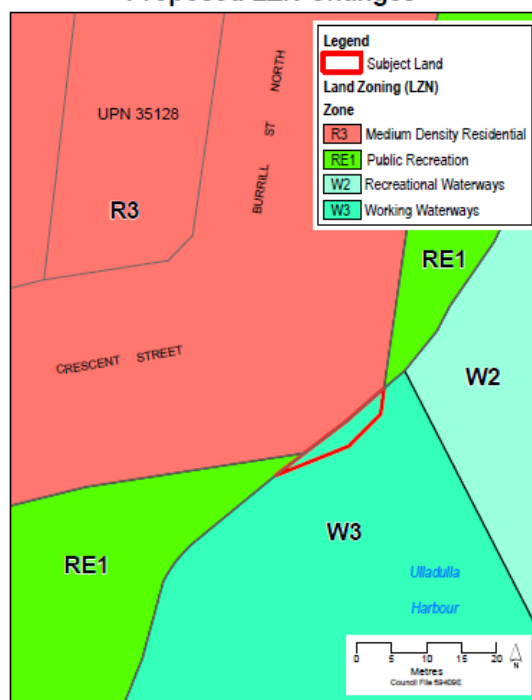
2. UPN 35128, Crescent St, Ulladulla



Existing SLEP2014 LZN



Proposed LZN Changes

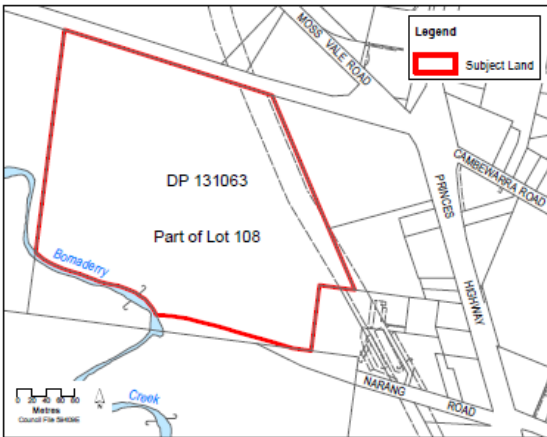
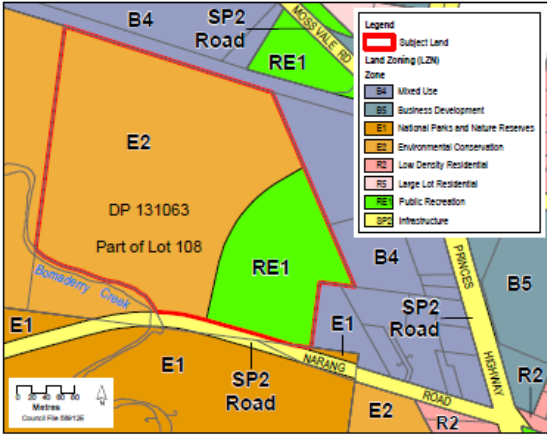
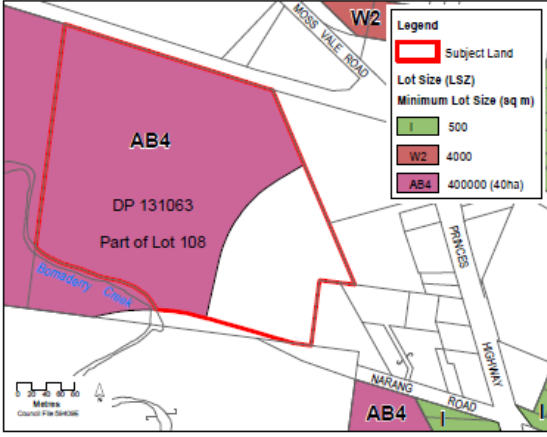

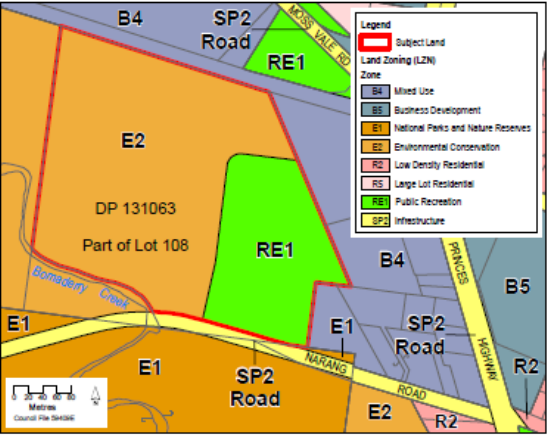
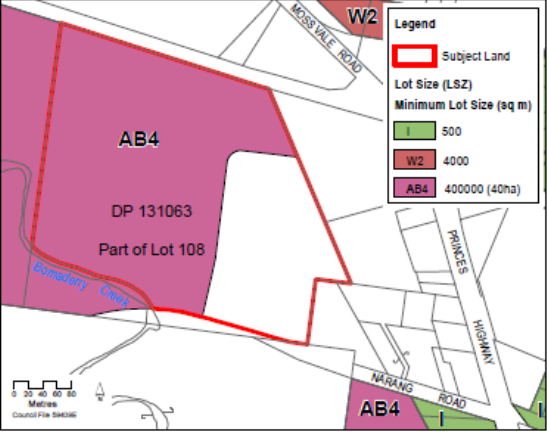


Issue and Justification: The subject polygons are currently zoned R3 Medium Density Residential and RE1 Public Recreation. The R3 zone boundary is inconsistent with the road cadastre. The R3 zone and the RE1 zone protrude into the waterway.

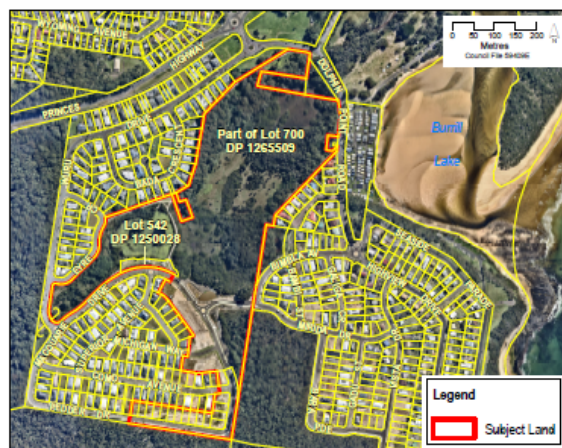
Crown Lands have no objection to the proposed amendments. (**Attachment D**)

Proposed Amendment: Rezone the R3 Medium Density Residential and RE1 Public Recreation polygons to W3 Working Waterways.

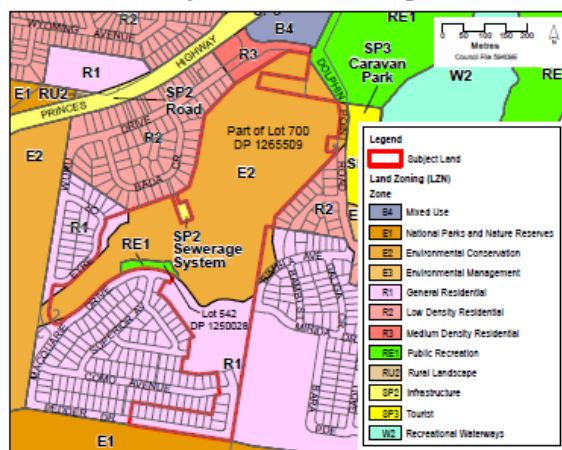
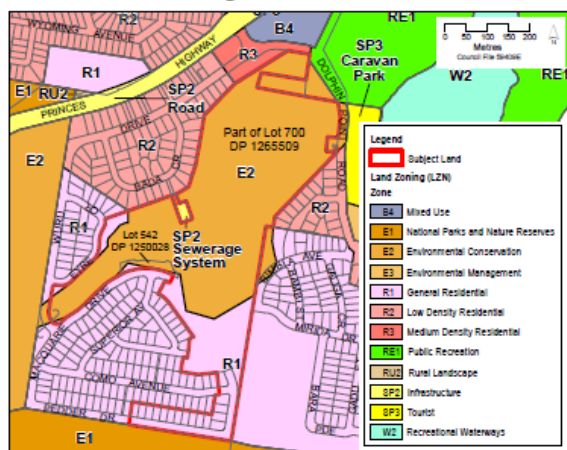
Table 3: Mapping Amendments – Land Zoning and Lot Size

3. Part of Lot 108 DP 131063, West Cambewarra Rd, Bomaderry
<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;">  <p>Existing SLEP2014 LZN</p>  <p>Existing SLEP2014 LSZ</p>  </div> <div style="width: 50%;">  <p>Proposed LZN Changes</p>  <p>Proposed LSZ Changes</p>  </div> </div>
<p>Issue and Justification: The subject lot has a split zoning of RE1 Public Recreation and E2 Environmental Conservation, and a part associated minimum lot size of AB4 (40ha). The RE1 portion correlates to the public tennis court, however the tennis courts protrudes into the E2 zone. The RE1 zone should be amended to encompass the full extent of the tennis court.</p>
<p>Proposed Amendment: Amend the RE1 Public Recreation zoning of Lot 108 DP 131063 to extend over the tennis court and realign the AB4 (40ha) LSZ accordingly.</p>

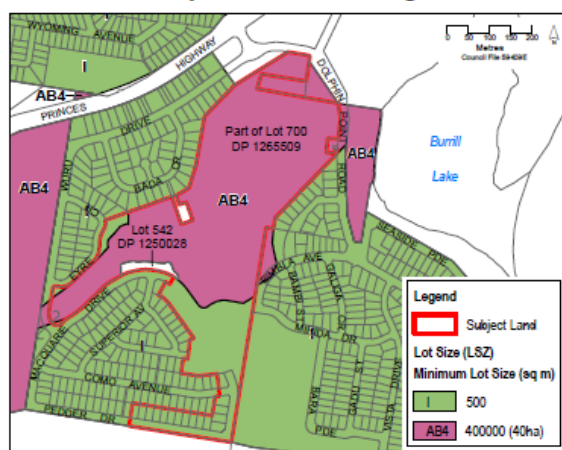
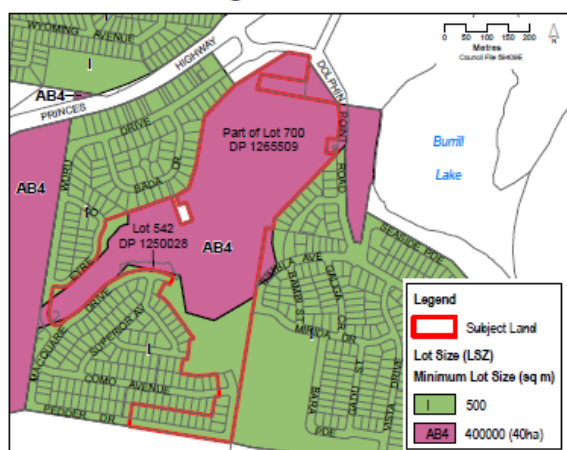
The map displays a residential area in Burnaby, British Columbia. The subject land is highlighted in red and labeled 'Part of Lot 700 DP 1265509' and 'Lot 542 DP 1250028'. The map includes a legend indicating that the red outline represents the 'Subject Land'. A scale bar shows distances up to 200 metres. The map also shows Burnaby Lake and the South Pacific Ocean.



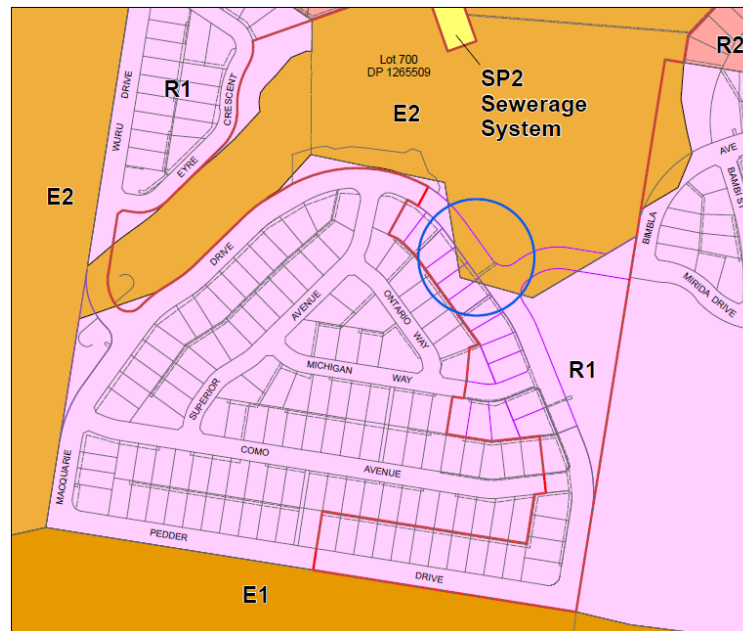
Proposed LZN Changes



Proposed LSZ Changes



City Futures, Shoalhaven City Council

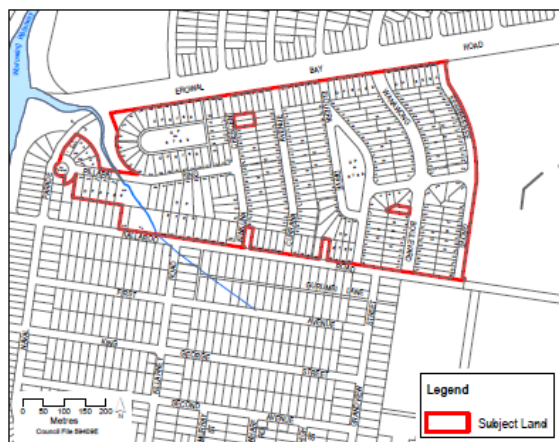


Additionally, Lot 542 DP 1250028 was previously dedicated to Council as a Public Reserve and classified as community land with the intention to be used as a park. The existing split zoning is considered inappropriate and the subject site should be rezoned to RE1 Public Recreation as it is more consistent with the intended land use.

Proposed Amendment: Snap the R1 General Residential zone boundary of Lot 700 DP 1265509 to extend over the proposed residential lots and amend extend I (500m²) LSZ to the proposed lot boundary. Amendment is confined to the southern portion of Lot 700, to the east of the proposed reserve.

Rezone Lot 542 DP 1250028 to RE1 Public Recreation and remove the I (500m²) and AB4 (40ha) LSZ.

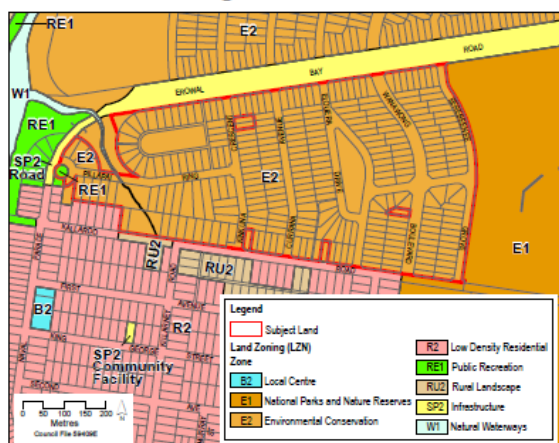
5. DP 8592 (Excluding Lots 270 & 271), DP 8769 (Excluding Lots 24, 93, 148, 165, 166, 216, 217, 218, 220, 221, 222, 224, 225, 227, 228, 229, 230, 231, 232, 233, Part Lot 234, 243 & 266), Lot 1 DP 724813 & Road UPNs 106874, 106665 & Part of Road UPNs 106875, 106876, 114695 & 106664, Erowal Bay



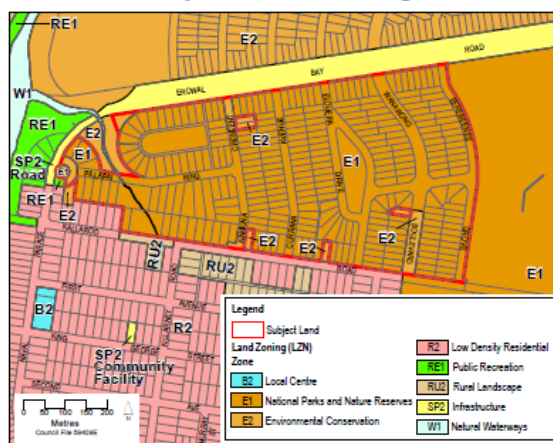
Existing SLEP2014 LZN



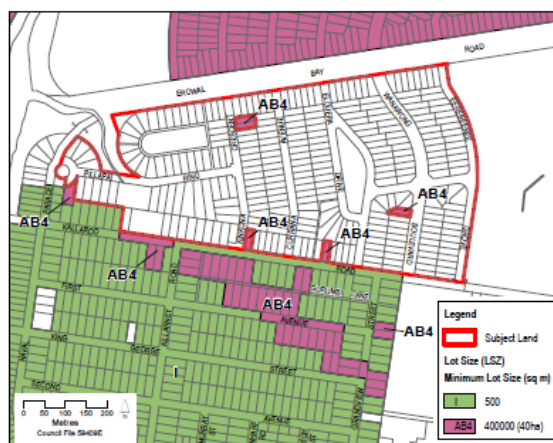
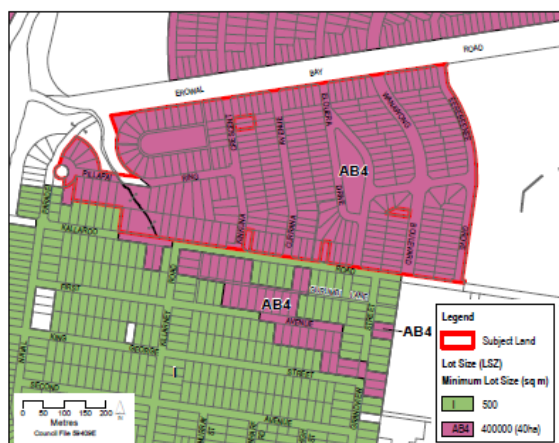
Proposed LZN Changes



Existing SLEP2014 LSZ



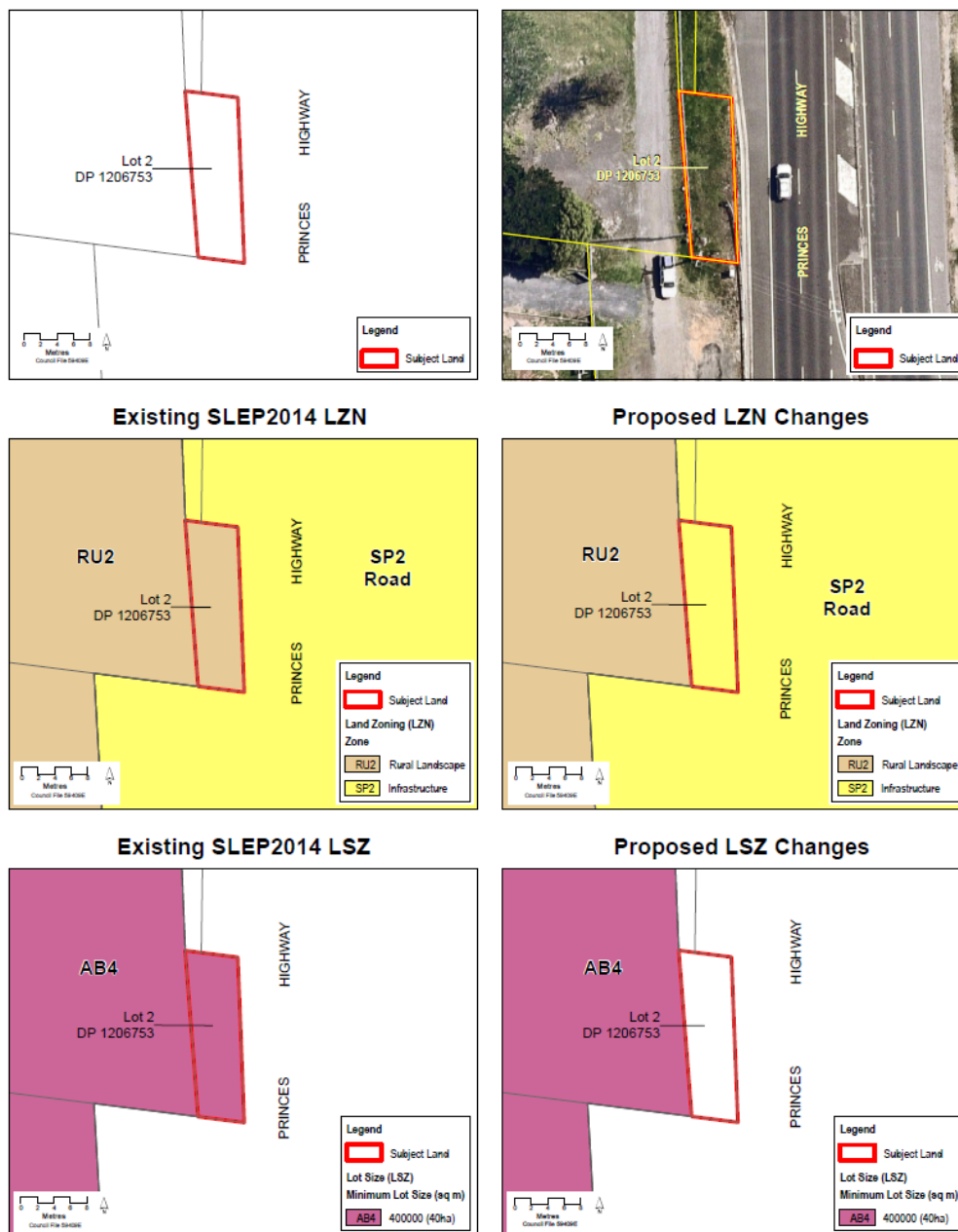
Proposed LSZ Changes



Issue and Justification: The subject lots are currently zoned E2 Environmental Conservation and RE1 Public Recreation, the E2 zoned lots have an associated minimum lot size of AB4 (40ha). On 4 September 2019, the land was reserved as part of Jervis Bay National Park under the provisions of Section 30A(1)(a) of the *National Parks and Wildlife Act 1974*, subsequently E1 National Parks and Nature Reserves is more consistent with the land use.

Proposed Amendment: Rezone lots in DP 8592 (Excluding Lots 270 & 271), DP 8769 (Excluding Lots 24, 93, 148, 165, 166, 216, 217, 218, 220, 221, 222, 224, 225, 227, 228, 229, 230, 231, 232, 233, Part Lot 234, 243 & 266), Lot 1 DP 724813 & Road UPNs 106874, 106665 & Part of Road UPNs 106875, 106876, 114695 & 106664 to E1 National Parks and Nature Reserves and remove the AB4 (40ha) LSZ layer associated with these lots.

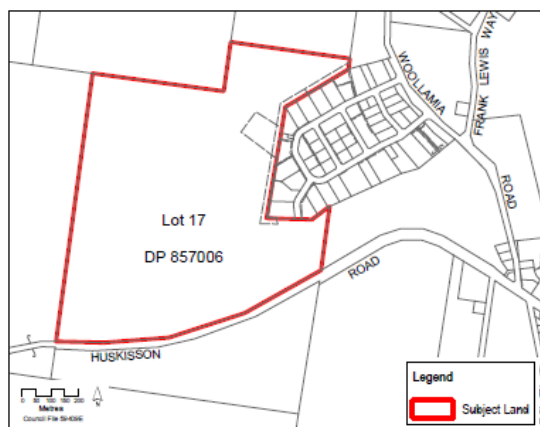
6. Lot 2 DP 1206753, Princes Hwy, Falls Creek



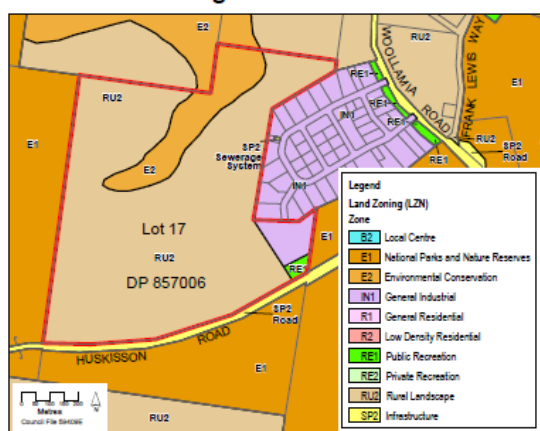
Issue and Justification: The lot is currently zoned RU2 Rural Landscape and has an associated minimum lot size of AB4 (40ha) applying. Lot 2 DP 1206753 is owned by the NSW Roads and Maritime Service (now Transport for NSW) and was acquired under the *Roads Act 1993* and forms part of the Princes Highway road reserve.

Proposed Amendment: Rezone Lot 2 DP 1206753 to SP2 Infrastructure (Road) and remove the AB4 (40ha) LSZ.

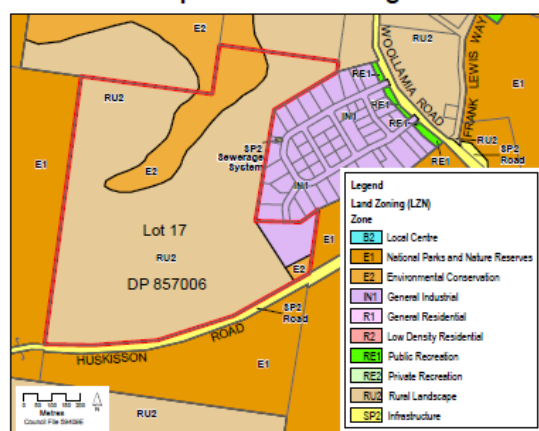
7. Lot 17 DP 857006, Huskisson Rd, Huskisson



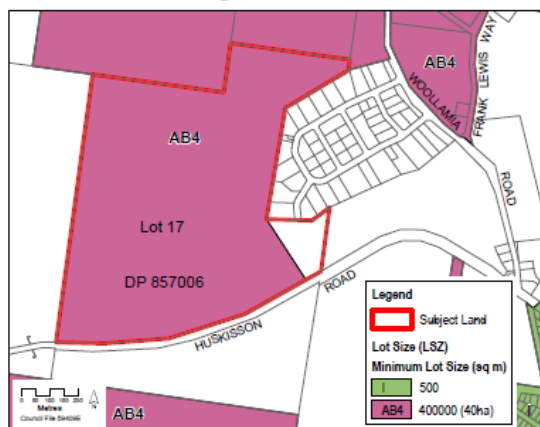
Existing SLEP2014 LZN



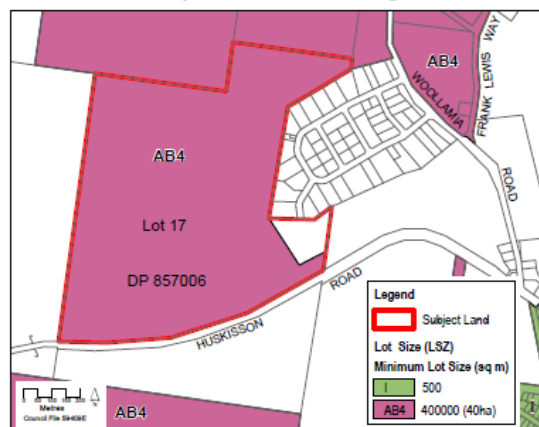
Proposed LZN Changes



Existing SLEP2014 LSZ



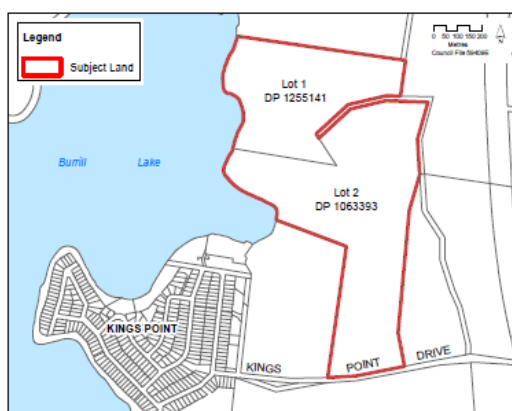
Proposed LSZ Changes



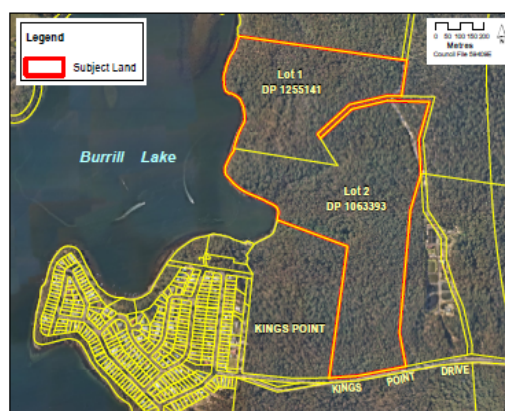
Issue and Justification: The lot is currently zoned E2 Environmental Conservation, RU2 Rural Landscape, IN1 General Industrial and RE1 Public Recreation. A minimum lot size of AB4 (40ha) applies to the RU2 and E2 component of the land. RE1 is considered an inappropriate zoning for privately owned land and there is no intention for the land to be acquired for this purpose. Historically, the land was intended to be set aside as a buffer to Jervis Bay Road. The E2 zone would be a more appropriate zoning for this portion of land, as its objectives will assist in protecting, managing and restoring the natural vegetation present. Rezoning the RE1 portion to E2 would maintain and secure the naturally vegetated corridor that links the Jervis Bay National Park with Council's Huskisson BioBank site.

Proposed Amendment: Rezone the RE1 Public Recreation portion of Lot 17 DP 857006 to E2 Environmental Conservation and apply an AB4 (40ha) LSZ to that portion of the lot.

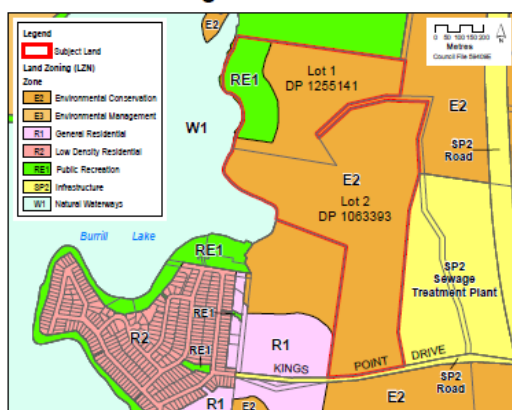
8. Lot 1 DP 1255141 & Lot 2 DP 1063393, Kings Point Dr, Kings Point



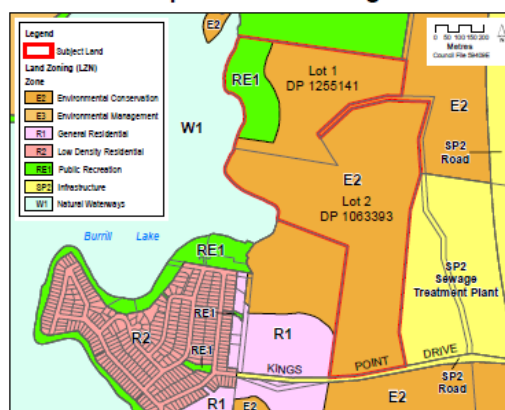
Existing SLEP2014 LZN



Proposed LZN Changes



Existing SLEP2014 LSZ

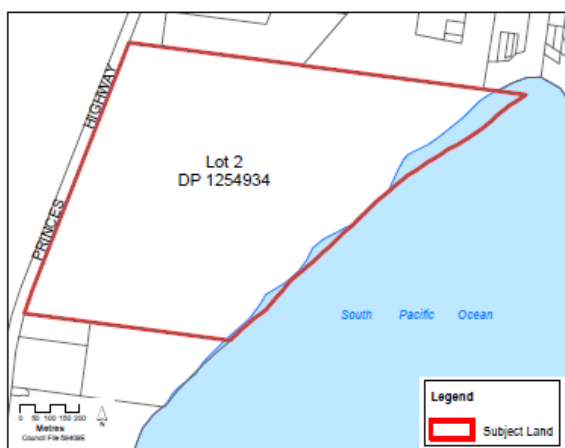


Proposed LSZ Changes

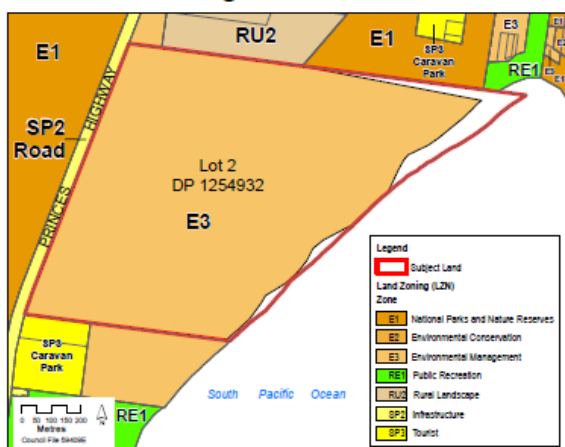
Issue and Justification: The subject lots are currently zoned E2 Environmental Conservation and RE1 Public Recreation. The E2 lot has an associated minimum lot size of AB4 (40ha). The lot boundaries have changed, presumably from the changing watermark, resulting in an inconsistency with the land zoning and minimum lot size layer cadastres.

Proposed Amendment: Snap the RE1 Public Recreation and E2 Environmental Conservation zoning layer and AB4 (40ha) LSZ layer to the western lot boundary of Lot 1 DP 1255141 and Lot 2 DP 1063393.

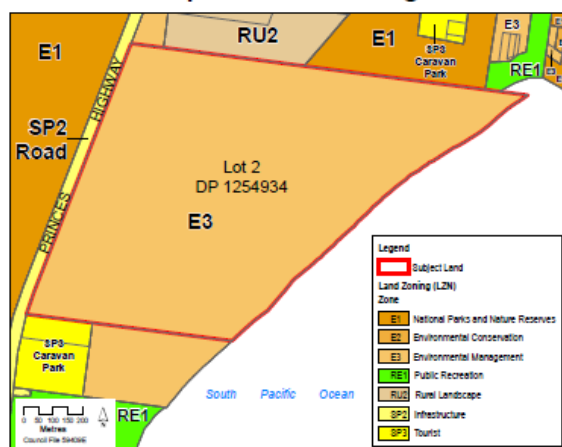
9. Lot 2 DP 1254934, Princes Hwy, Lake Tabourie



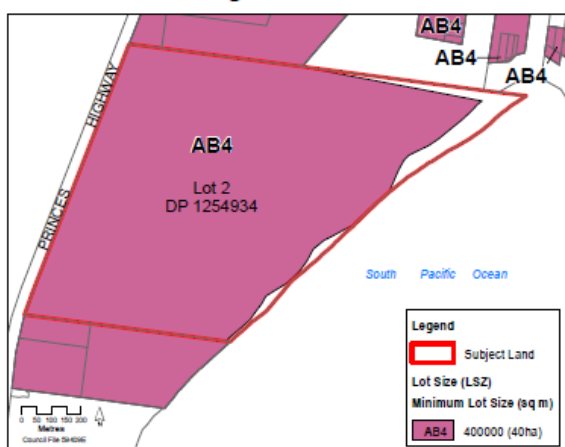
Existing SLEP2014 LZN



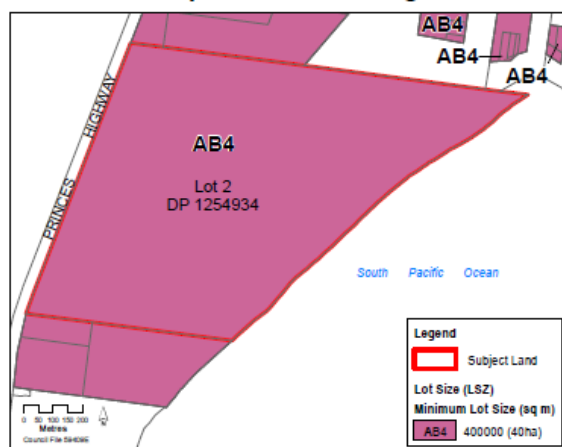
Proposed LZN Changes



Existing SLEP2014 LSZ



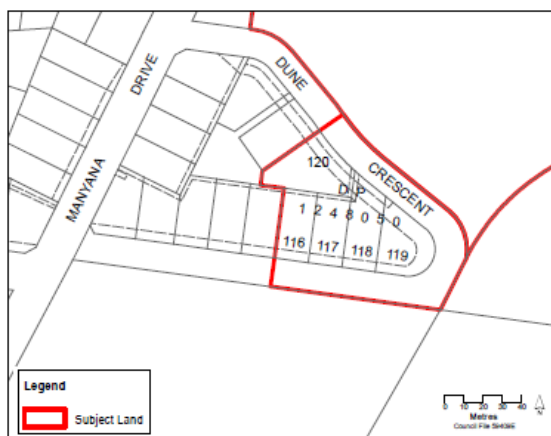
Proposed LSZ Changes



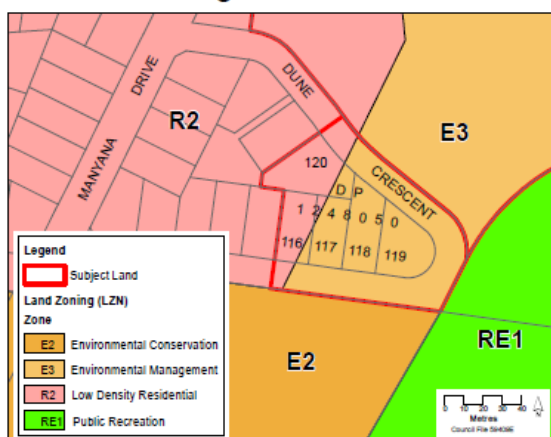
Issue and Justification: The lot is currently zoned E3 Environmental Management and has an associated minimum lot size of AB4 (40ha). Subdivision and redefinition of the lot has resulted in an inconsistency with the lot boundary and zone layer. The zoning layer of Lot 2 DP 1254934 requires updating to reflect the full extent of the lot.

Proposed Amendment: Snap the E3 Environmental Management land zoning and AB4 (40ha) LSZ layer to the Lot 2 DP 1254934 boundary.

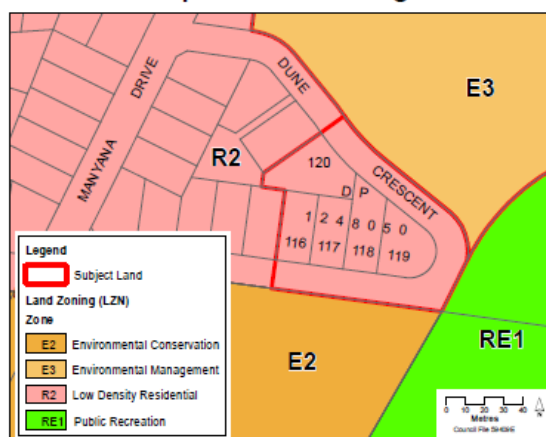
10. Lots 116-120 DP 1248050 & Part of Road UPN 121947, Dune Cr, Manyana



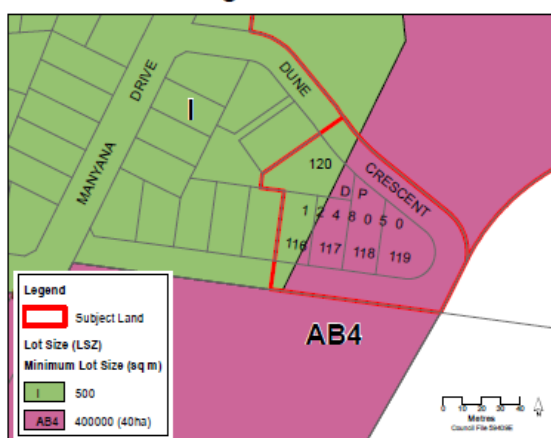
Existing SLEP2014 LZN



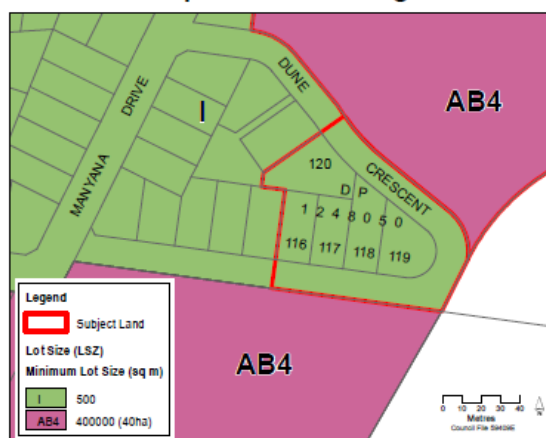
Proposed LZN Changes



Existing SLEP2014 LSZ



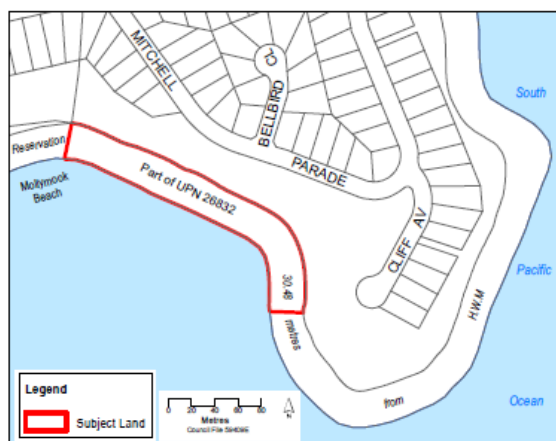
Proposed LSZ Changes



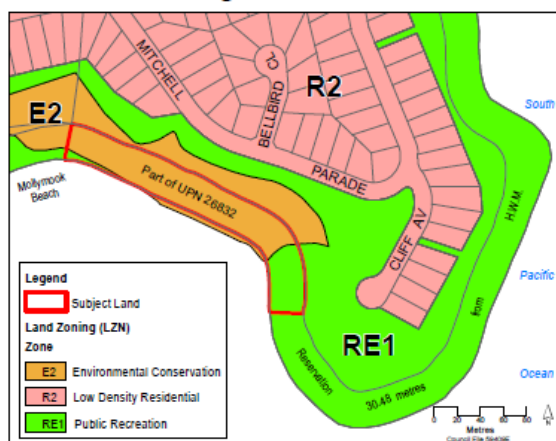
Issue and Justification: The subject lots are currently zoned E3 Environmental Management and R2 Low Density Residential, with an associated minimum lot size of I (500m²) and AB4 (40ha) respectively. As the lots form part of a residential subdivision previously approved under Part 3A, the E3 zoning is considered inconsistent with the approved residential intent and the subject lots should be rezoned to be consistent with the adjoining land zoning of R2 Low Density Residential.

Proposed Amendment: Rezone Lots 116-120 DP 1248050 and Part of Road UPN 121947 to R2 Low Density Residential and apply the I (500m²) LSZ to the land.

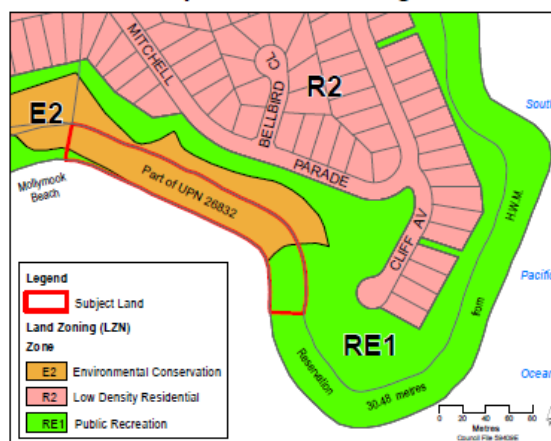
11. UPN 26832, Mitchell Pde, Mollymook Beach



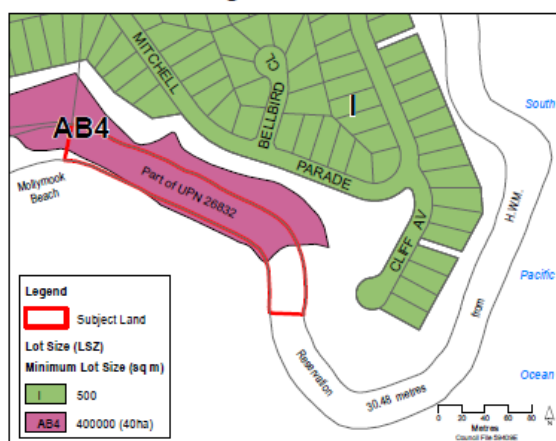
Existing SLEP2014 LZN



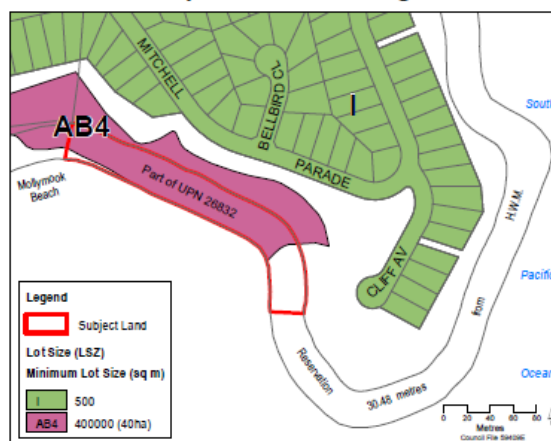
Proposed LZN Changes



Existing SLEP2014 LSZ



Proposed LSZ Changes

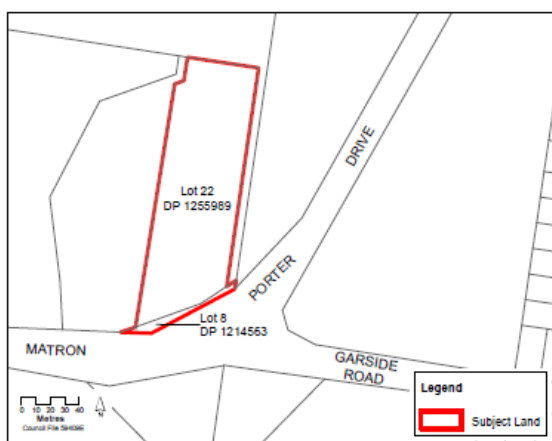


Issue and Justification: The subject lot is zoned RE1 Public Recreation and E2 Environmental Management, with an associated minimum lot size of AB4 (40ha) applying to the E2 component of the land. The E2 zoning protrudes past the lot boundary and into the beach.

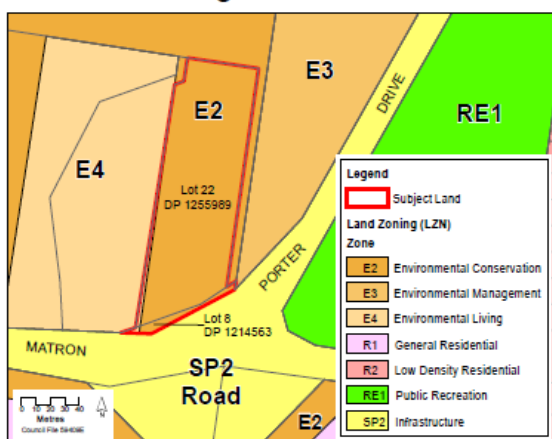
Crown Lands have no objection to the proposed amendments. **(Attachment D)**

Proposed Amendment: Snap the E2 Environmental Conservation layer and AB4 (40ha) LSZ layer to the lot boundary of UPN 26832.

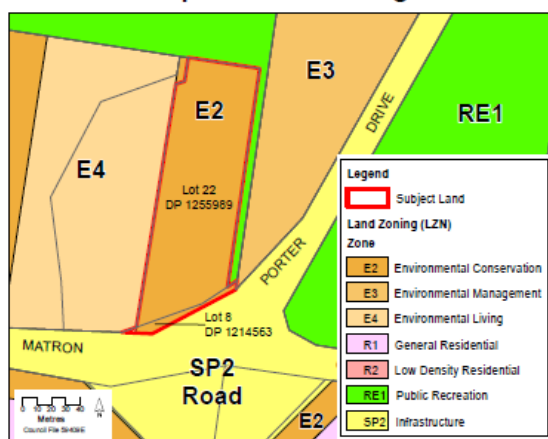
12. Lot 22 DP 1255989 & Lot 8 DP 1214563, Matron Porter Dr, Narrawallee



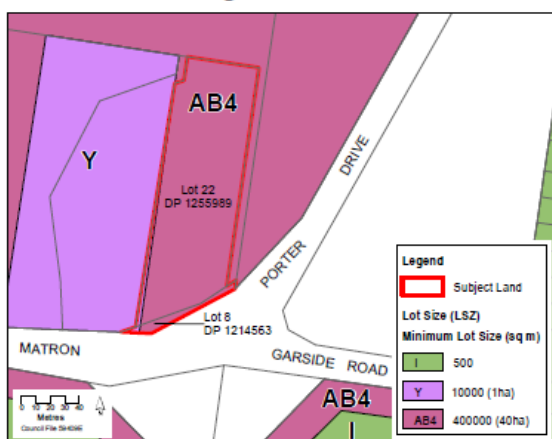
Existing SLEP2014 LZN



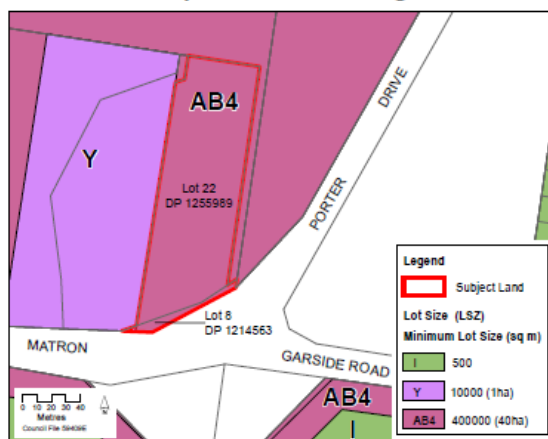
Proposed LZN Changes



Existing SLEP2014 LSZ



Proposed LSZ Changes



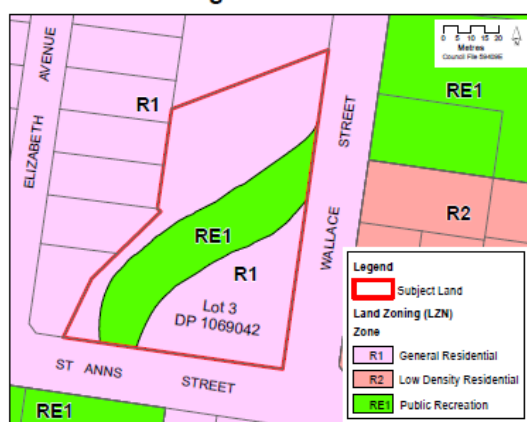
Issue and Justification: The lots are currently zoned E2 Environmental Conservation and E4 Environmental Living, with an associated minimum lot size of AB4 (40ha) and Y (1ha) respectively. Subdivision and redefinition of the lots has resulted in the land zoning and minimum lot size layer requiring minor snapping to the lot boundary.

Proposed Amendment: Snap the E2 Environmental Conservation layer and the AB4 (40ha) LSZ layer to the lot boundary of Lot 22 DP 1255989 & Lot 8 DP 1214563 (Council Road) to remove the E4 Environmental Living zone and Y (1ha) LSZ from that land.

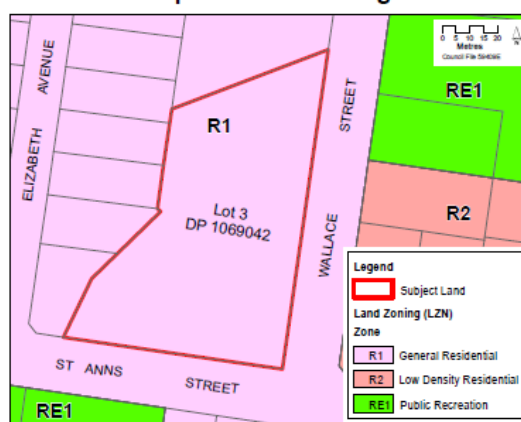
13. Lot 3 DP 1069042, Wallace St, Nowra



Existing SLEP2014 LZN



Proposed LZN Changes



Existing SLEP2014 LSZ



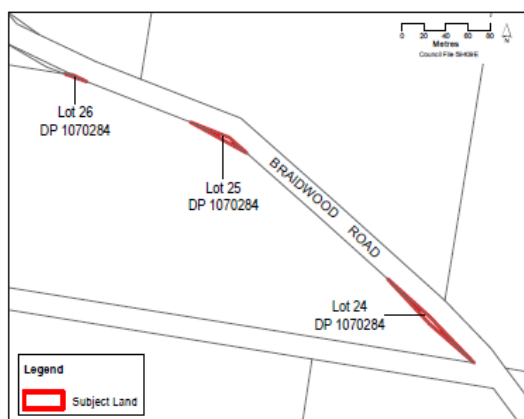
Proposed LSZ Changes



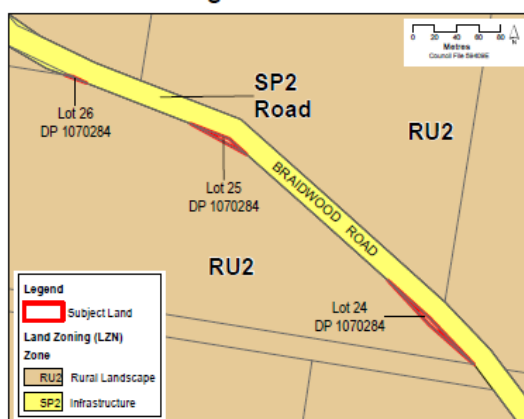
Issue and Justification: The subject lot is zoned RE1 Public Recreation and R1 General Residential and there is a minimum lot size of I (500m²) applying to the R1 component of the lot. The RE1 zoning is considered an inappropriate zoning for privately owned land. Rezoning the lot to R1 is consistent with the land use. There is no intention for Council to acquire the current RE1 portion of the site. The ecological values of the creek line/open drain would still be protected by the Department of Industry's *Guidelines for Controlled Activities on Waterfront Land* and any future development within the riparian zone would require approval from the Natural Resources Access Regulator (NRAR).

Proposed Amendment: Rezone the RE1 Public Recreation portion of Lot 3 DP 1069042 to R1 General Residential and apply an I (500m²) LSZ.

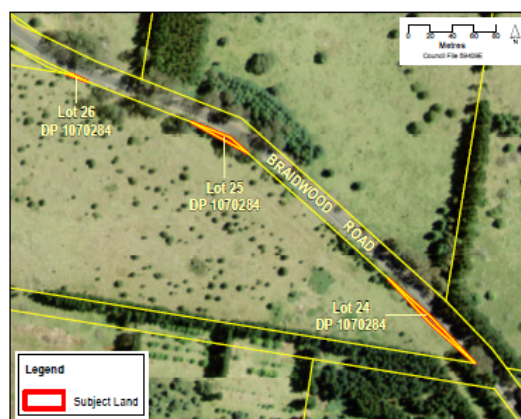
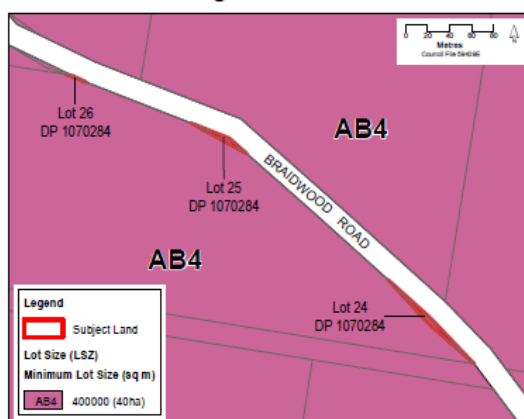
14. Lot 24, 25 & 26 DP 1070284, Braidwood Rd, Sassafras



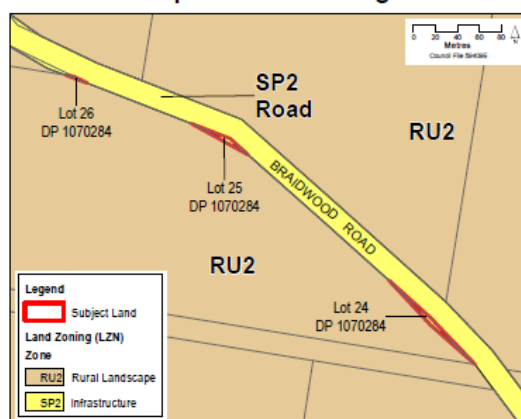
Existing SLEP2014 LZN



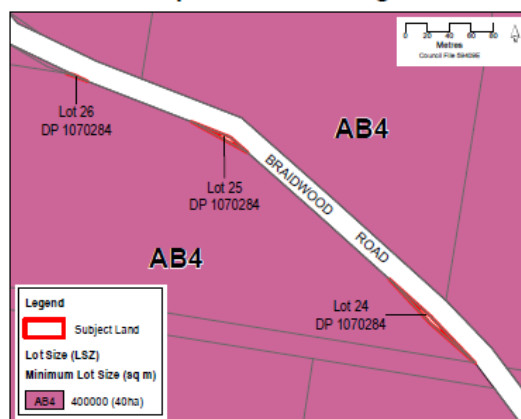
Existing SLEP2014 LSZ



Proposed LZN Changes



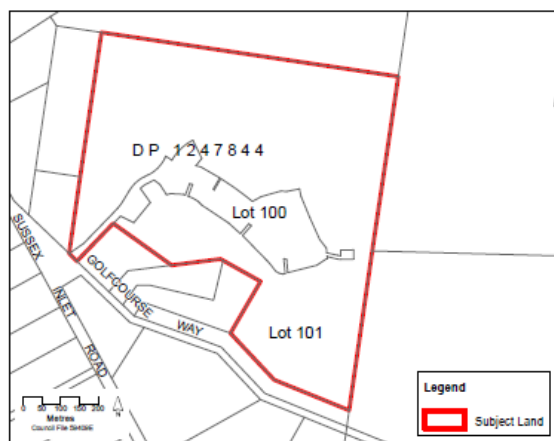
Proposed LSZ Changes



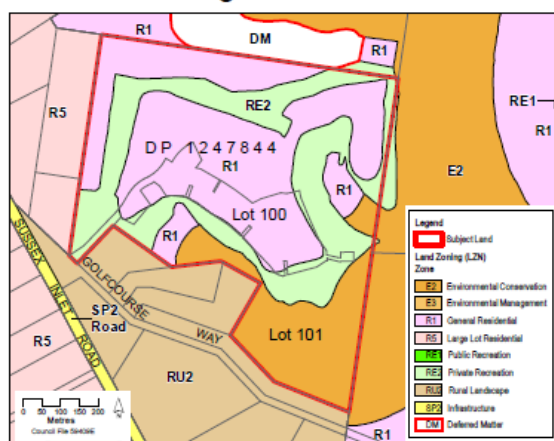
Issue and Justification: The subject lots are zoned RU2 Rural Landscape, with an associated minimum lot size of AB4 (40ha). Lots 24, 25 and 26 DP 1070284 have been declared a Controlled Access Road/Public Road and therefore should be zoned SP2 Infrastructure (Road) to be consistent with their land use.

Proposed Amendment: Rezone Lots 24, 25 and 26 DP 1070284 to SP2 Infrastructure (Road) and remove the AB4 (40ha) LSZ.

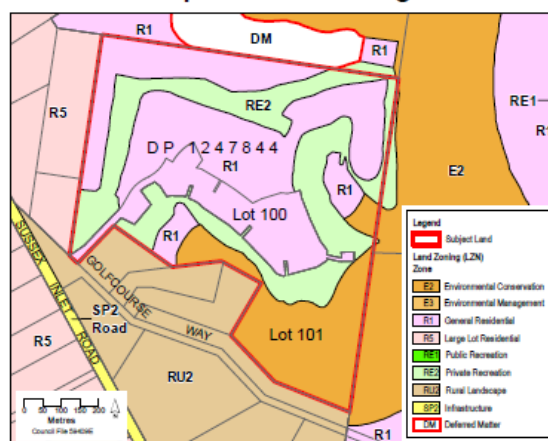
15. Lots 100 & 101 DP 1247844, Golfcourse Way, Sussex Inlet



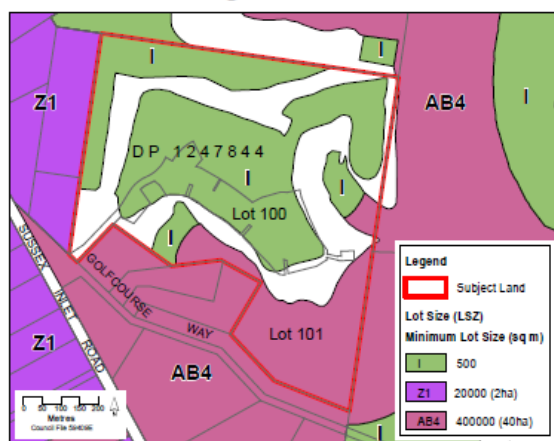
Existing SLEP2014 LZN



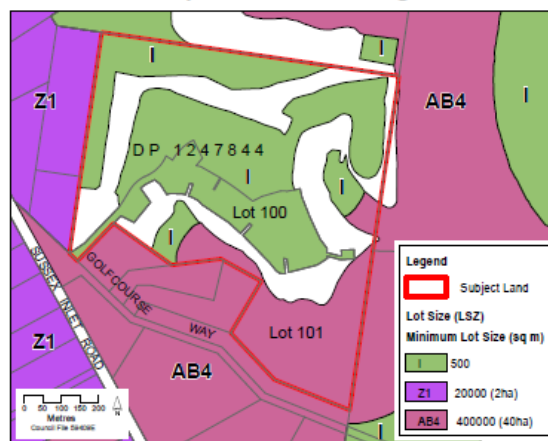
Proposed LZN Changes



Existing SLEP2014 LSZ



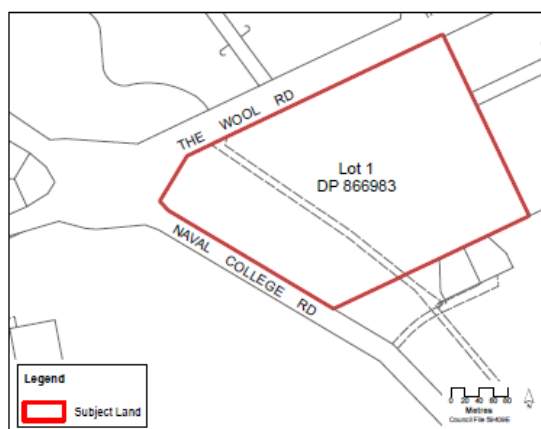
Proposed LSZ Changes



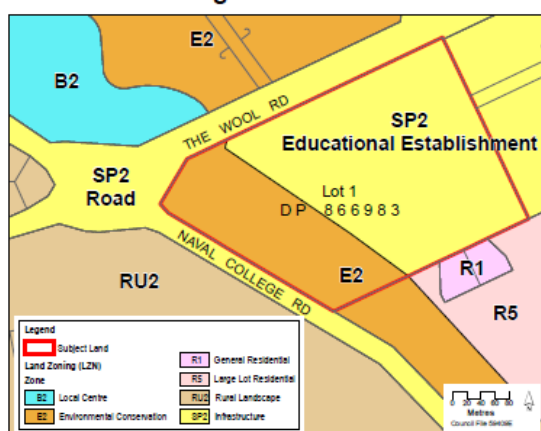
Issue and Justification: The subject lot is zoned R1 General Residential and RE2 Private Recreation. The R1 component of the land has an associated minimum lot size of 1 (500m²). The lot is the subject of a residential subdivision and will result in residential lots comprising of a split RE2 and R1 zone. The R1 zoning should be snapped to the lot boundary of Lot 100 DP 1247844 to be consistent with the intended future land use and the relevant LSZ layer applied.

Proposed Amendment: Amend the R1 General Residential zone and the 1 (500m²) LSZ layer to extend to the southern and eastern lot boundary of Lot 100 DP 1247844.

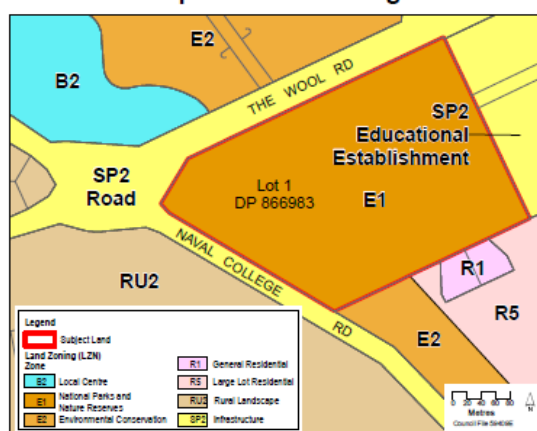
16. Lot 1 DP 866983, Naval College Rd, Vincentia



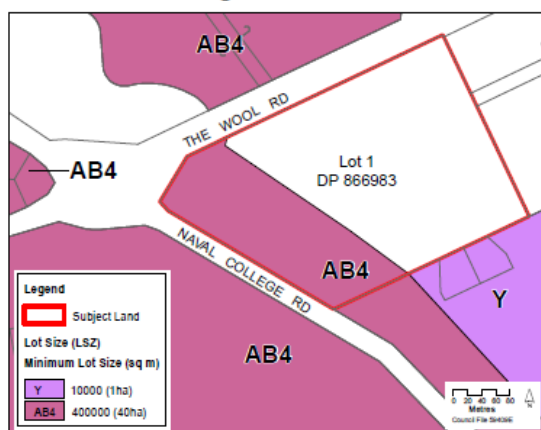
Existing SLEP2014 LZN



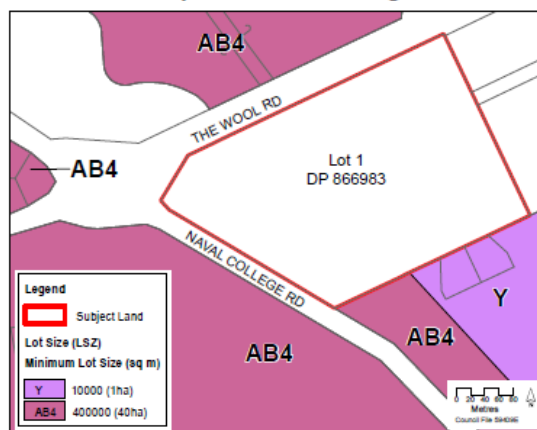
Proposed LZN Changes



Existing SLEP2014 LSZ



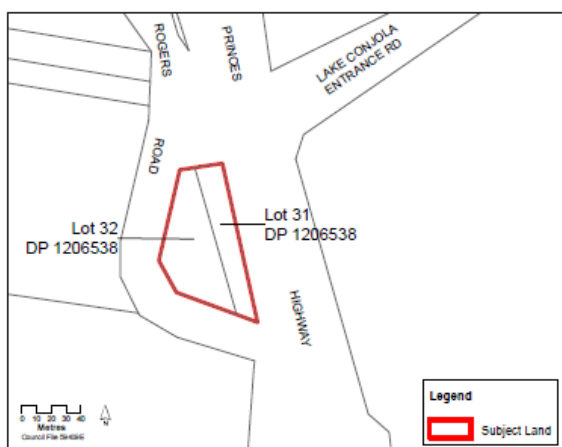
Proposed LSZ Changes



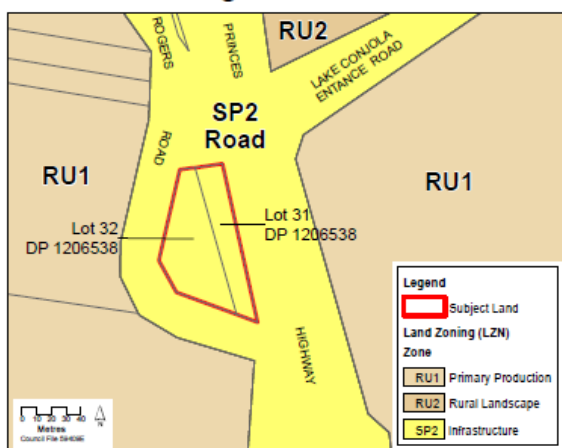
Issue and Justification: The subject lot is currently zoned SP2 Infrastructure (Educational Establishment) and E2 Environmental Conservation. The E2 component of the lot has an associated minimum lot size of AB4 (40ha). On 4 September 2019, the land was reserved as part of Jervis Bay National Park under the provisions of Section 30A(1)(a) of the *National Parks and Wildlife Act 1974*. Subsequently E1 National Parks and Nature Reserves is more appropriate zone and is consistent with the ongoing land use.

Proposed Amendment: Rezone Lot 1 DP 866983 to E1 National Parks and Nature Reserves and remove the AB4 (40ha) LSZ from the lot.

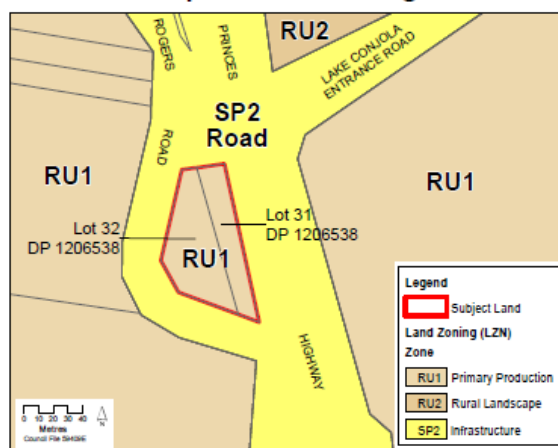
17. Lots 31 & 32 DP 1206538, Rogers Rd & Princes Hwy, Yatte Yattah



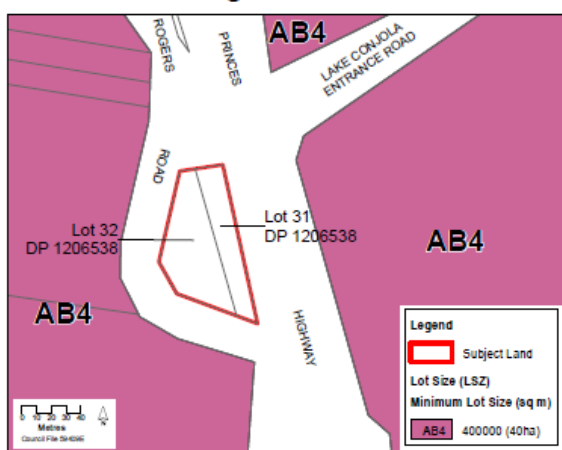
Existing SLEP2014 LZN



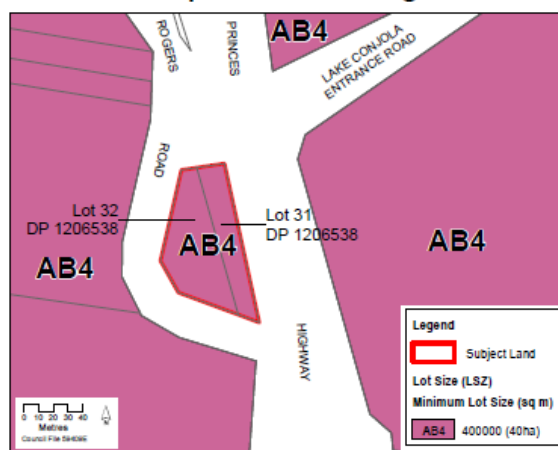
Proposed LZN Changes



Existing SLEP2014 LSZ



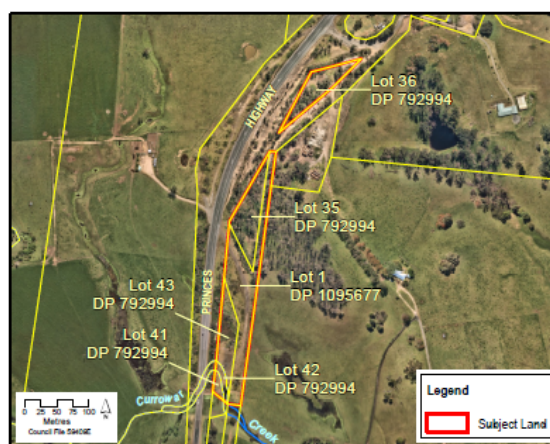
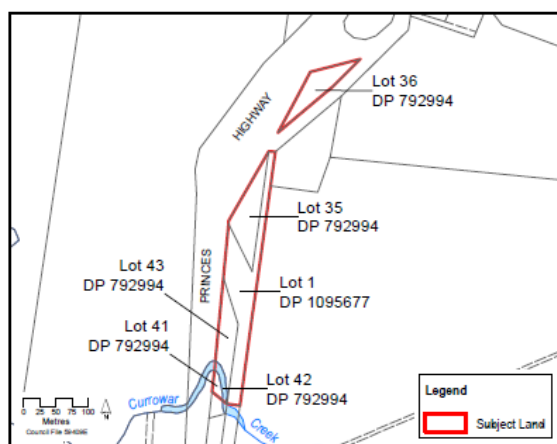
Proposed LSZ Changes



Issue and Justification: The subject lots are currently zoned SP2 Infrastructure (Road). The lots were previously owned by Transport for New South Wales (TfNSW) and are now owned by Crown Lands. The SP2 zoning over these lots should be removed and replaced with the adjoining RU1 Primary Production zoning, to be consistent with the adjoining land uses.

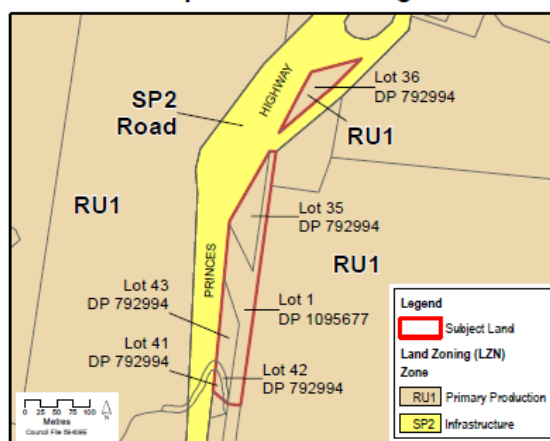
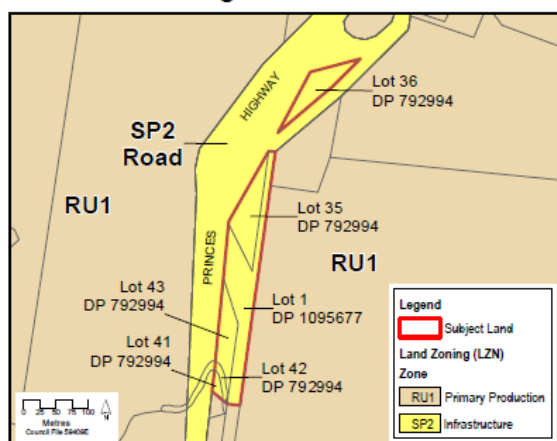
Proposed Amendment: Rezone Lots 31 & 32 DP 1206538 to RU1 Primary Production and apply an AB4 (40ha) LSZ.

18. Lots 35, 36, 41, 42 & 43 DP 792994 & Lot 1 DP 1095677, Princes Hwy Yatte Yattah



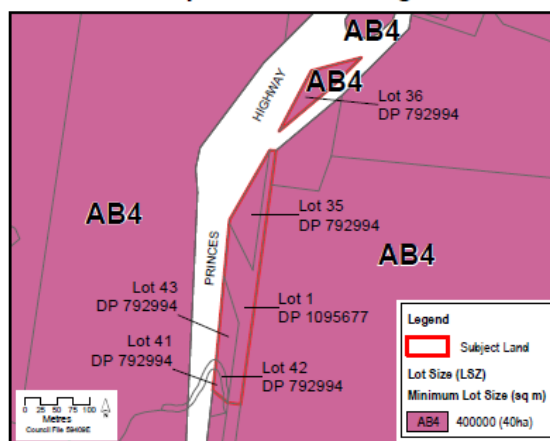
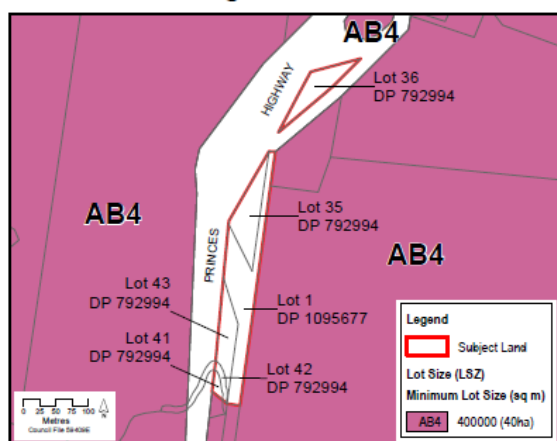
Existing SLEP2014 LZN

Proposed LZN Changes



Existing SLEP2014 LSZ

Proposed LSZ Changes



Issue and Justification: The subject lots are currently zoned SP2 Infrastructure (Road). The lots were previously owned by Roads and Maritime Services (now Transport for NSW), however, were sold into private ownership in 2008. The SP2 zoning over these lots should be removed and the adjoining RU1 Primary Production zoning and associated minimum lot size of 40ha adopted to be consistent with the adjoining land use.

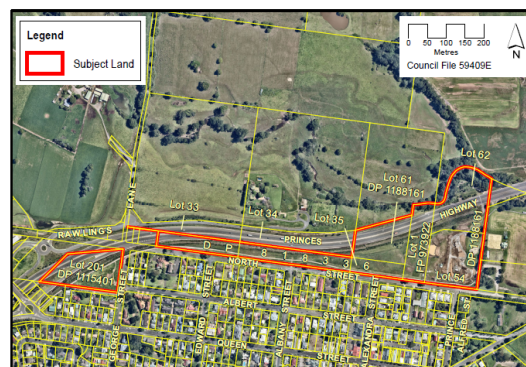
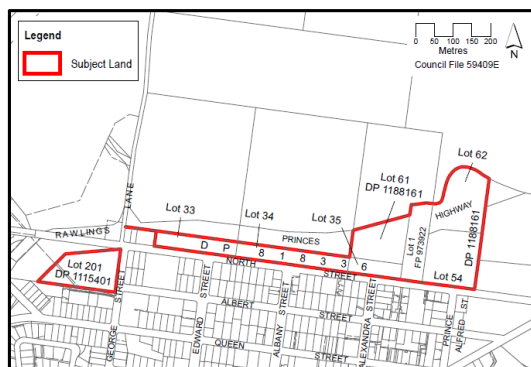
Proposed Amendment: Rezone Lots 35, 36, 41, 42 & 43 DP 792994 & Lot 1 DP 1095677 to RU2 Rural Landscape and apply AB4 (40ha) LSZ.

Table 4: Mapping Amendments – Land Zoning, Minimum Lot Size and Height of Building

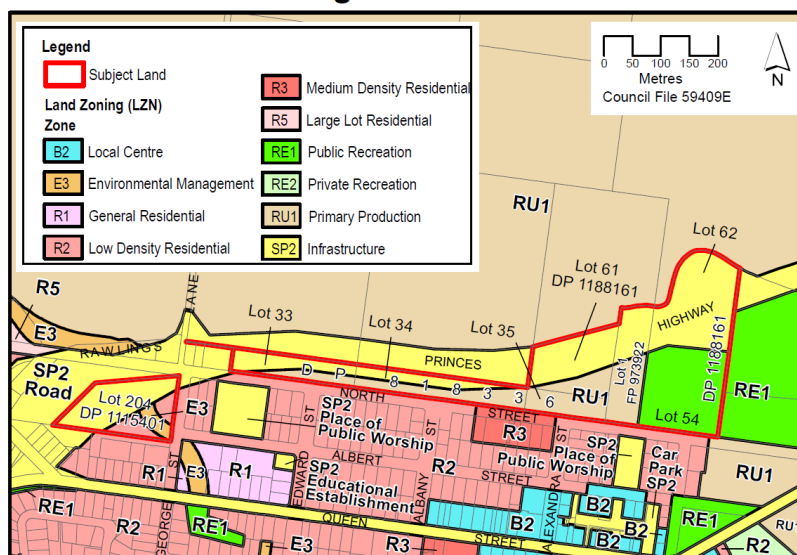
19. Lot 322 & 323 DP 8399 & Road UPN 112288, Mathie St & Clarendon Cr, Basin View	
<p>Existing SLEP2014 LZN</p>	<p>Proposed LZN Changes</p>
<p>Existing SLEP2014 LSZ</p>	<p>Proposed LSZ Changes</p>
<p>Existing SLEP2014 HOB</p>	<p>Proposed HOB Changes</p>
<p>Issue and Justification: The subject lots are currently zoned RE1 Public Recreation and R2 Low Density Residential. The R2 component of the land has an associated minimum lot size of 1 (500m²) and height of building of I2 (8.5m). The RE1 zone is considered to be an inappropriate zone for the privately owned residential lots. The RE1 portion of Lots 322 and 323 and Road UPN 112288 should be rezoned to reflect the adjoining R2 zoned land. Given Council has no intention to acquire the RE1 portion of land adjoining the road reserve, the subject portion of the lot should be rezoned to R2 Low Density Residential.</p>	

Proposed Amendment: Rezone the RE1 Public Recreation portion of Lots 322 and 323 DP 8399 and Road UPN 112288 to R2 Low Density Residential and extend the I (500m²) LSZ and I2 (8.5m) HOB over the entire lots and part of the road casement.

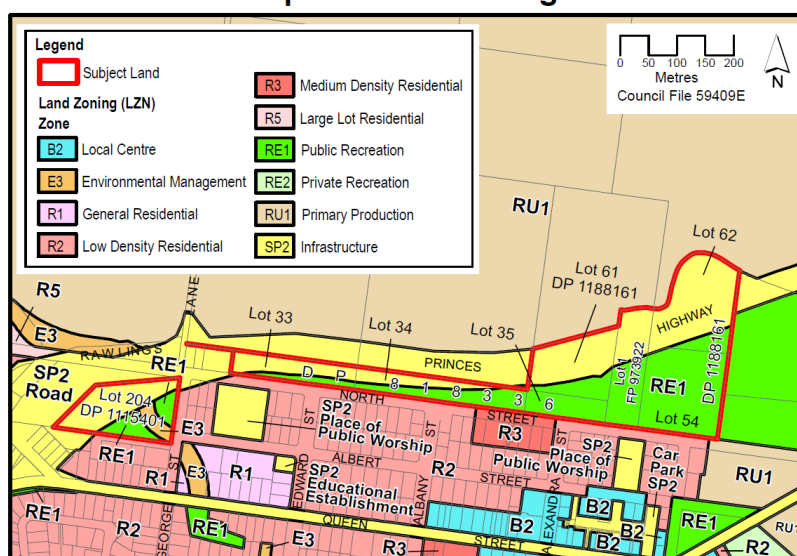
20. Lot 204 DP 1115401; Lot 33 DP 818336; Lot 34 DP 818336; Lot 35 DP 818336; Lot 61 DP 1188161; Lot 1 DP 973922; Lot 62 DP 1188161; and Lot 54 DP 1188161, Princes Hwy, Berry

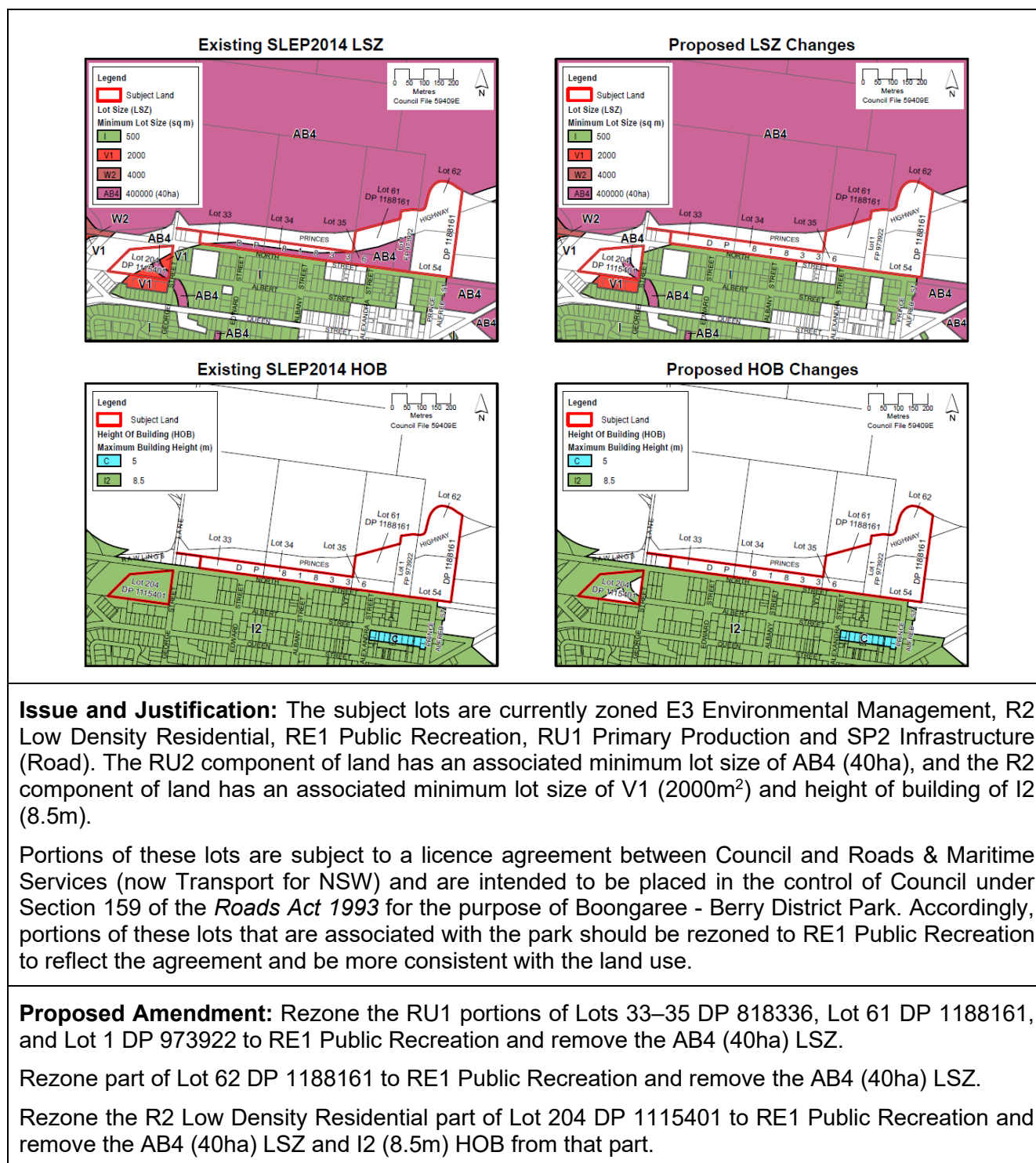


Existing SLEP2014 LZN

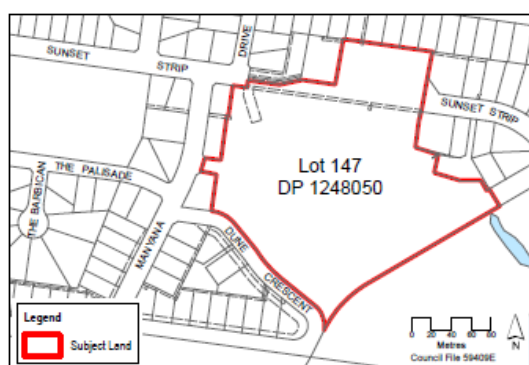


Proposed LZN Changes

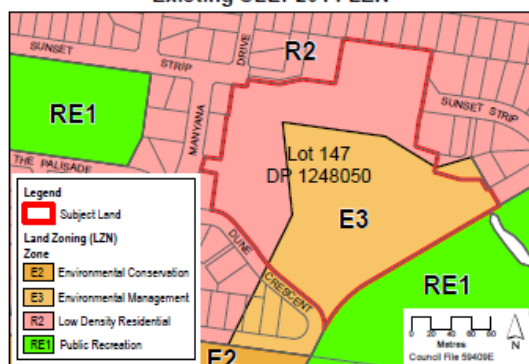




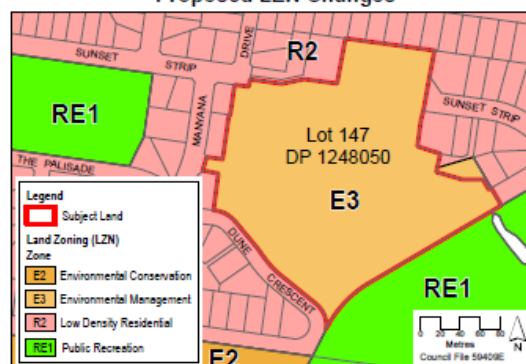
21. Lot 147 DP 1248050, Sunset Rd, Manyana



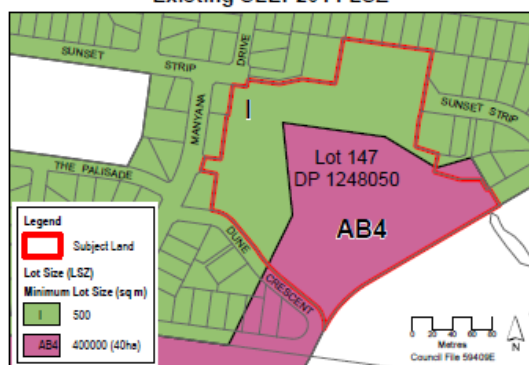
Existing SLEP2014 LZN



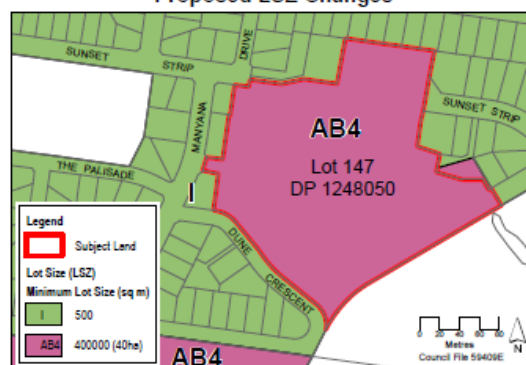
Proposed LZN Changes



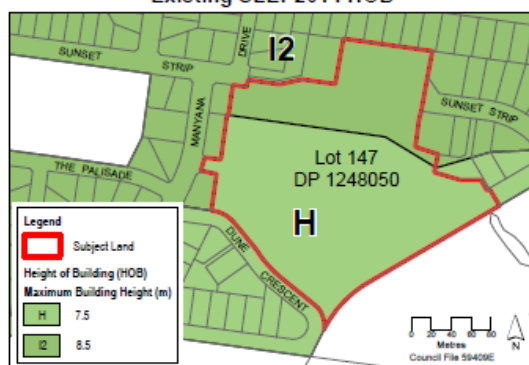
Existing SLEP2014 LSZ



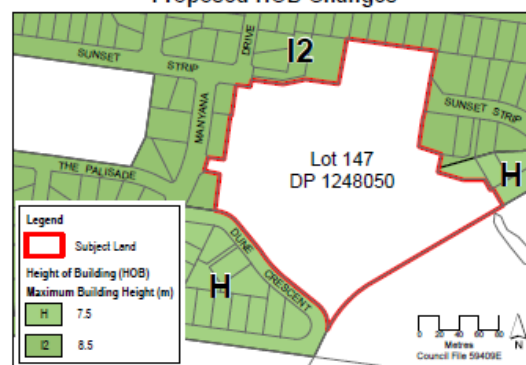
Proposed LSZ Changes



Existing SLEP2014 HOB



Proposed HOB Changes



Issue and Justification: The lot is currently split zoned E3 Environmental Management and R2 Low Density Residential. The E3 component of land has an associated minimum lot size of AB4 (40ha) and the R2 component of land has an associated minimum lot size of I (500m²). In addition, the northern portion of land has a height of building of I2 (8.5m), and the remaining land has a height of

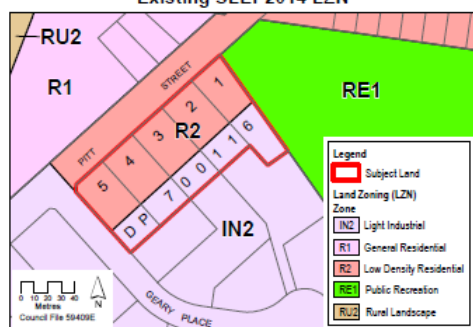
building of H (7.5m). The lot was dedicated to Council as public reserve on 31 October 2018 in accordance with subdivision SF9747, for environmental protection. The lot is mapped as being an Endangered Ecological Community under the *Biodiversity Conservation Act 2016*, therefore the R2 zone is considered inappropriate and the objectives of the E3 zone will ensure the ecological area is protected, managed and restored.

Proposed Amendment: Rezone the R2 Low Density Residential portion of Lot 147 DP 1248050 to E3 Environmental Management and extend the AB4 (40ha) LSZ over the entire lot. The HOB layer should be removed from the site to be consistent with the Citywide E3 approach.

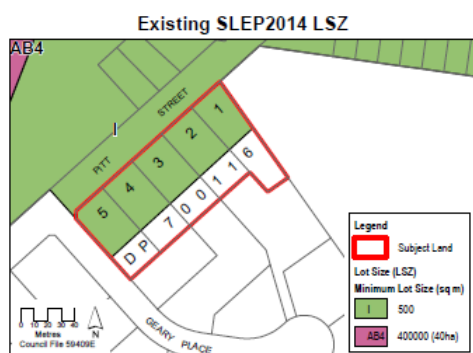
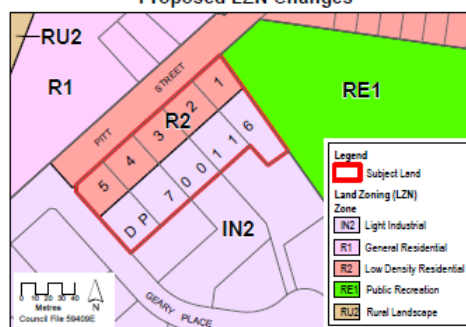
22. Lots 1-5 DP 700116, Pitt St, North Nowra



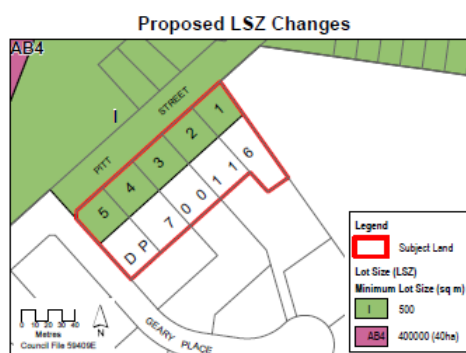
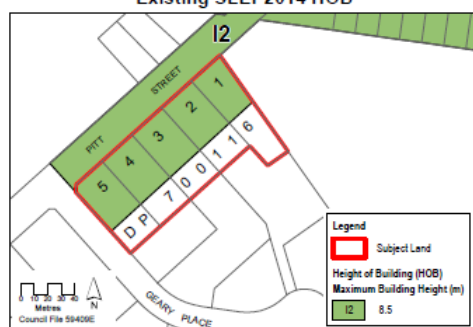
Existing SLEP2014 LZN



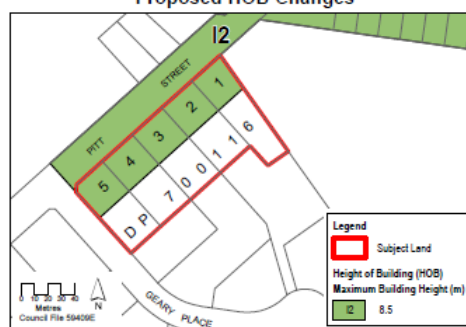
Proposed LZN Changes



Existing SLEP2014 LSZ



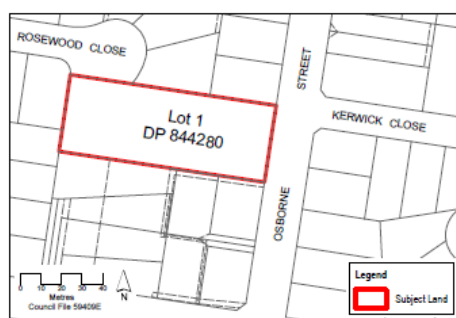
Proposed LSZ Changes



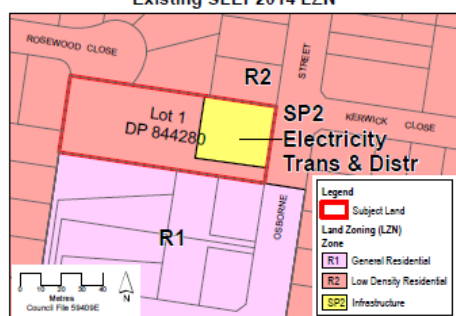
Issue and Justification: The subject lots are split zoned IN2 Light Industrial and R1 General Residential. The R1 component of land has an associated minimum lot size of I (500m²) and I2 (8.5m) height of building. The original subdivision approval permitted industrial development from 30m of the front boundary (Pitt Street), although the current IN2 zoning boundary is 40m from Pitt Street. Overtime, industrial development has been erected beyond 30m of Pitt Street. Rezoning the IN2 portion of the lot to the 30m boundary from Pitt Street will accurately reflect the intention as well as the existing development character.

Proposed Amendment: Rezone the IN2 Light Industrial portion of Lots 1-5 DP 700116 beyond 30m from Pitt Street, and remove the I (500m²) LSZ and I2 (8.5m) HOB from the portion of lot being rezoned.

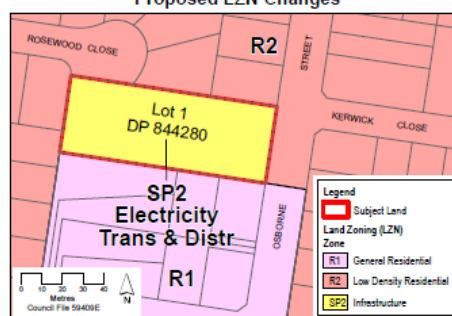
23. Lot 1 DP 844280, Osborne St, Nowra



Existing SLEP2014 LZN



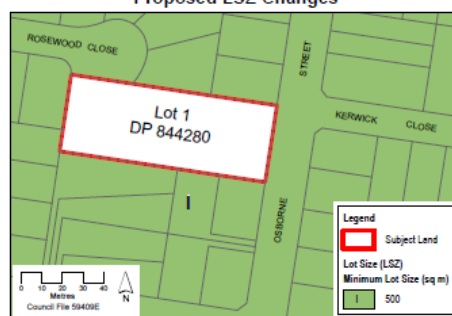
Proposed LZN Changes



Existing SLEP2014 LSZ



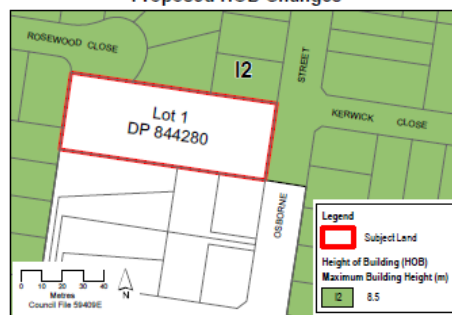
Proposed LSZ Changes



Existing SLEP2014 HOB



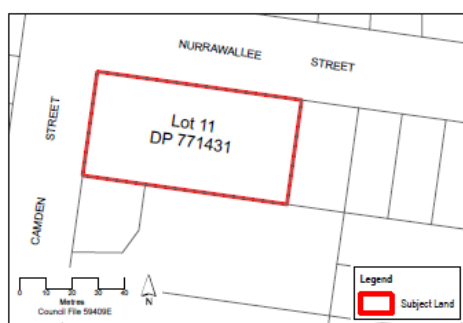
Proposed HOB Changes



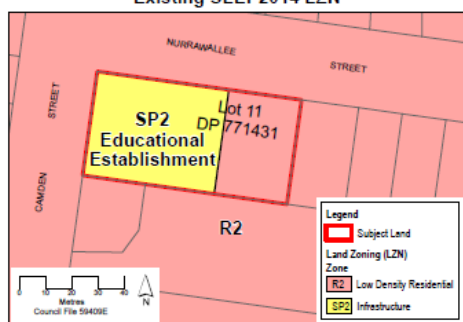
Issue and Justification: The lot is currently zoned R2 Low Density Residential and SP2 Infrastructure (Electricity Transmission & Distribution) and has an associated minimum lot size of I (500m²) and I2 (8.5m) height of building applying to the R2 component of land. The lot consists of an electricity substation. The R2 zoning is considered an inappropriate zoning for the land use and as the lot cannot be used for residential purposes, extending the SP2 zoning is considered more appropriate.

Proposed Amendment: Rezone the R2 Low Density Residential portion of Lot 1 DP 844280 to SP2 Infrastructure (Electricity Transmission & Distribution) and remove the I (500m²) LSZ and I2 (8.5m) HOB accordingly.

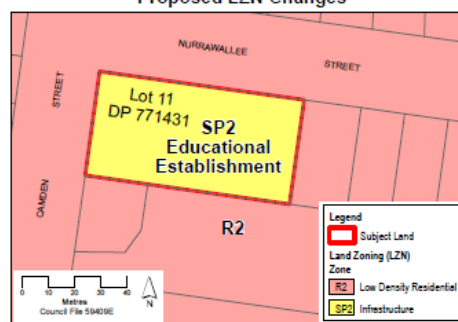
24. Lot 11 DP 771431, Nurrawallee St, Ulladulla



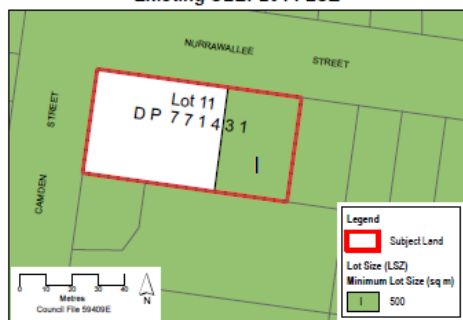
Existing SLEP2014 LZN



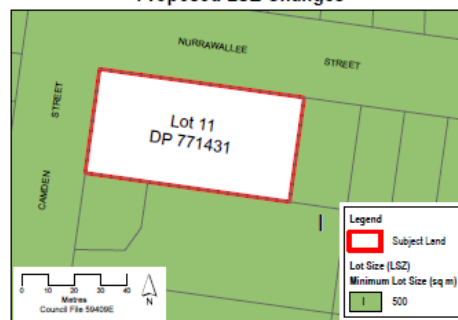
Proposed LZN Changes



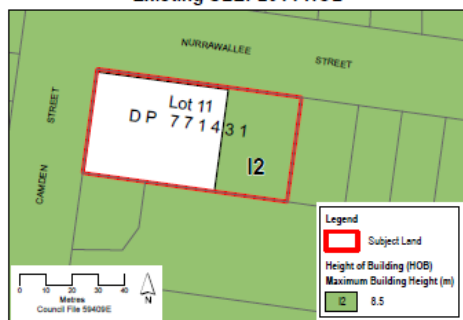
Existing SLEP2014 LSZ



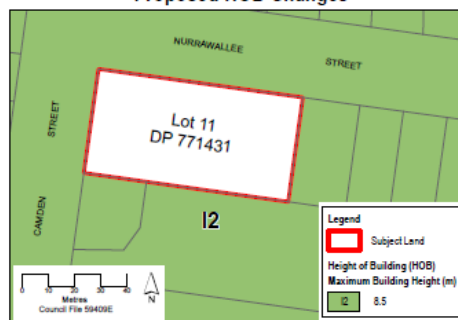
Proposed LSZ Changes



Existing SLEP2014 HOB



Proposed HOB Changes



Issue and Justification: The lot is currently split zoned R2 Low Density Residential and SP2 Infrastructure (Educational Establishment). The R2 component of land has an associated minimum lot size of I (500m²) and an I2 (8.5m) height of building. The R2 zoned portion of the lot remains from a prior lot consolidation, however, the subject lot contains Budawang School for Specific Purposes and subsequently the R2 zoning is therefore inconsistent with the land use.

Proposed Amendment: Rezone the R2 Low Density Residential portion of Lot 11 DP 771431 to SP2 Infrastructure (Educational Establishment) and remove the associated I (500 m²) LSZ and I2 (8.5m) HOB accordingly.

Table 5: Mapping Amendments – Height of Building

25. Lots 18-19 DP 38221, Lot 20 DP 539945 & Road UPNs 113163 & 113916 and Part of Road UPN 113915, Riversdale Ave, Mollymook



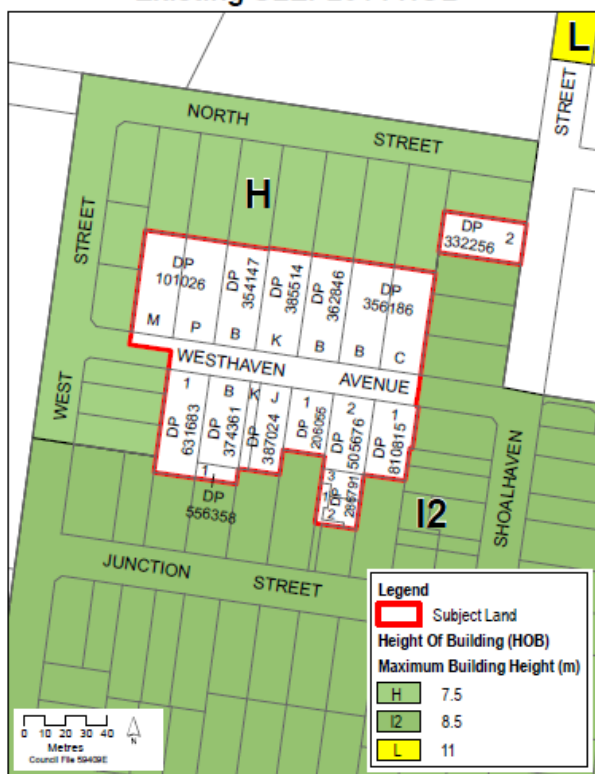
Issue and Justification: The subject lots currently have a height of building of I2 (8.5m). *Clause 4.3 Height of Buildings* of Shoalhaven LEP 2014 intends “to minimise visual impact, disruption of views...” subsequently, foreshore lots, the first row of lots that enable residential accommodation with consent from the foreshore, must have a HOB of 7.5m to minimise visual impact and disruption of views. The subject lots are currently not identified as being foreshore lots despite being the first lots that enable residential accommodation with consent. Applying a lower building height to the subject lots will ensure future development minimises visual impact and disruption of views for development within the vicinity.

Proposed Amendment: Apply an H (7.5m) HOB to Lots 18-19 DP 38221, Lot 20 DP 539945 & Road UPNs 113163 & 113916 and Part of Road UPN 113915.

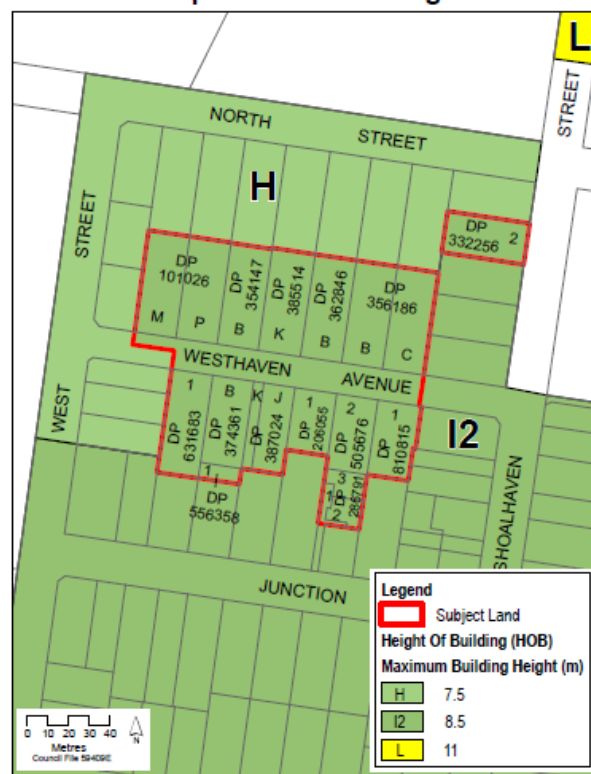
26. Lots M & P DP 101026, Lot B DP 354147, Lot K DP 385514, Lot B DP 362846, Lot B & C DP 356186, Lot 1 DP 810815, Lot 2 DP 505676, Part of Lot 1 DP 286791, Lots 2-3 DP 286791, Lot 1 DP 206055, Lot 1 DP 556358, Lots J & K DP 387024, Lot B DP 374361, Lot 1 DP 631683, Lot 2 DP 332256; Road UPNs 107718, 107719, 107720, 107721, 107722, 107723 and Part of Road UPN 107726, Westhaven Ave & Shoalhaven St, Nowra



Existing SLEP2014 HOB



Proposed HOB Changes



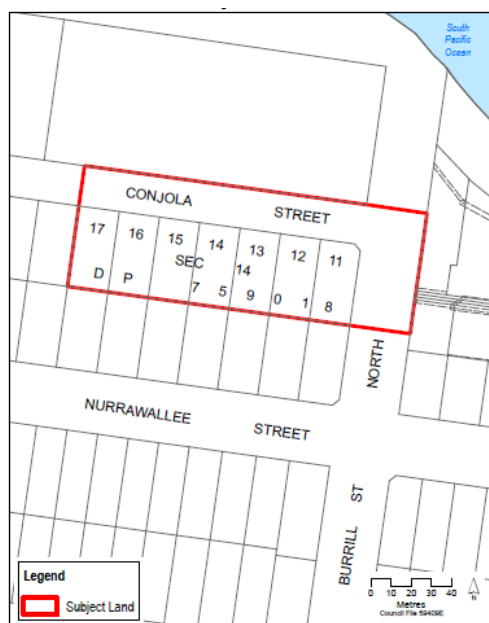
Issue and Justification: The subject lots currently have no height of building. The Nowra CBD Fringe Planning Proposal (PP038) intended to amend the Height of Buildings Map in Shoalhaven LEP 2014 so that the lots in the cluster along Westhaven Avenue (including the road) would have a I2 (8.5m) height of building applied, however these lots were instead presented with no HOB in the exhibited maps. Applying a HOB of I2 (8.5m) will be consistent with the intentions of PP038.

Additionally, subsequent to the proposed amendment to the lots along Westhaven Avenue, Lot 2 DP 332256 will be the only lot in the vicinity without a HOB. A HOB of I2 (8.5m) should be applied to ensure consistency with the local area.

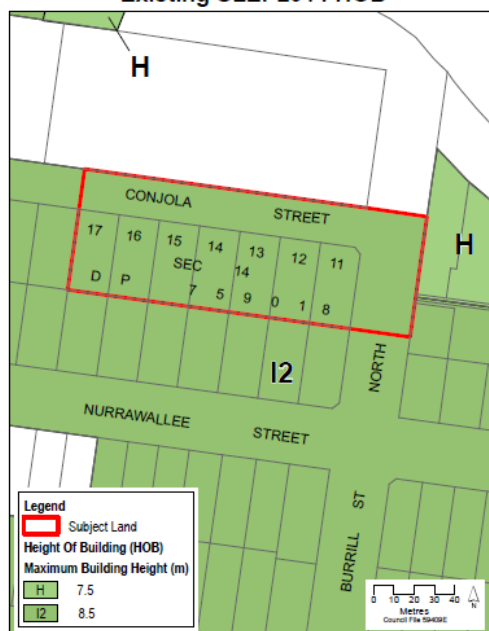
Proposed Amendment: Apply I2 (8.5m) HOB to Lots M & P DP 101026, Lot B DP 354147, Lot K DP 385514, Lot B DP 362846, Lot B & C DP 356186, Lot 1 DP 810815, Lot 2 DP 505676, Part of Lot 1 DP 286791, Lots 2-3 DP 286791, Lot 1 DP 206055, Lot 1 DP 556358, Lots J & K DP 387024, Lot B DP 374361, Lot 1 DP 631683 & Road UPNs 107718, 107719, 107720, 107721, 107722, 107723 and Part of Road UPN 107726.

Apply a I2 (8.5m) HOB to Lot 2 DP 332256.

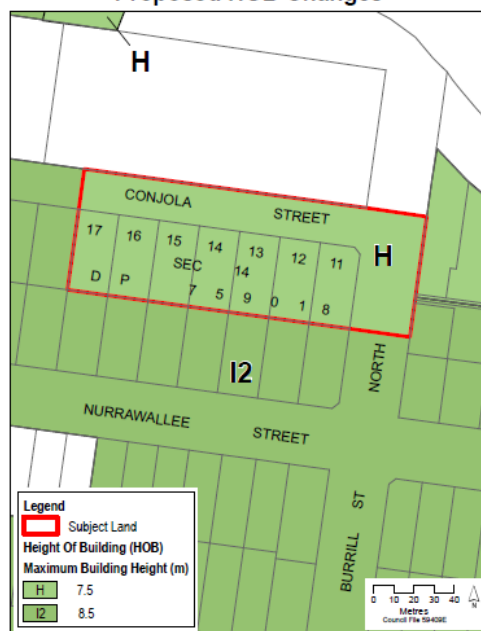
27. Lots 11-17 Sec 14 DP 759018 & Road UPN 113170, Part of Road UPN 105045 and Part of Road UPN 113169, Conjola St, Ulladulla



Existing SLEP2014 HOB



Proposed HOB Changes

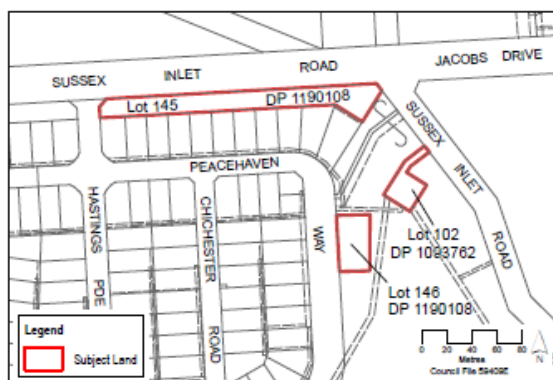


Issue and Justification: The subject lots currently have a height of building of I2 (8.5m). *Clause 4.3 Height of Buildings* of Shoalhaven LEP 2014 intends “to minimise visual impact, disruption of views...” subsequently, foreshore lots, the first row of lots that enable residential accommodation with consent from the foreshore, must have a HOB of 7.5m to minimise visual impact and disruption of views. The subject lots are currently not identified as being foreshore lots despite being the first lots that enable residential accommodation with consent. Applying a lower building height to the subject lots will ensure future development minimises visual impact and disruption of views for development within the vicinity.

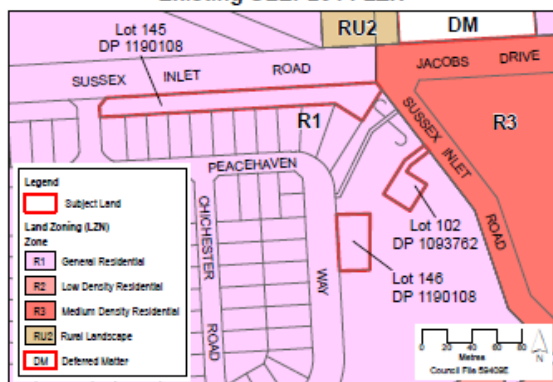
Proposed Amendment: Apply a H (7.5m) HOB to Lots 11-17 Sec 14 DP 759018, Road UPN 113170, Part of Road UPN 105045 and Part of Road UPN 113169.

Table 6: Mapping Amendments – Land Zoning, Minimum Lot Size and Buffer

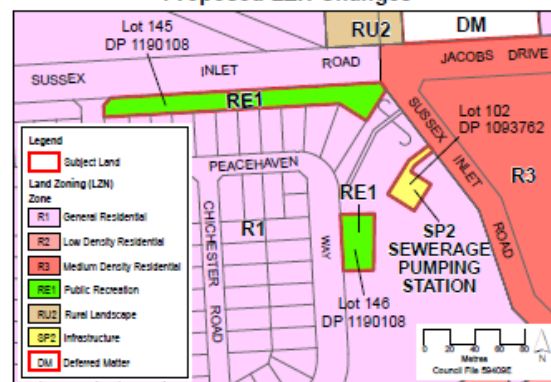
28. Lots 145-146 DP 1190108 & Lot 102 DP 1093762, Peacehaven Way & Sussex Inlet Rd, Sussex Inlet



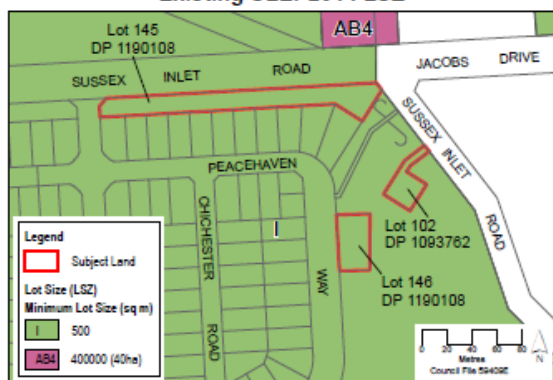
Existing SLEP2014 LZN



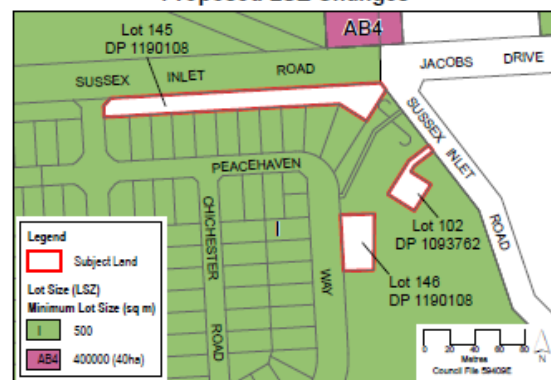
Proposed LZN Changes



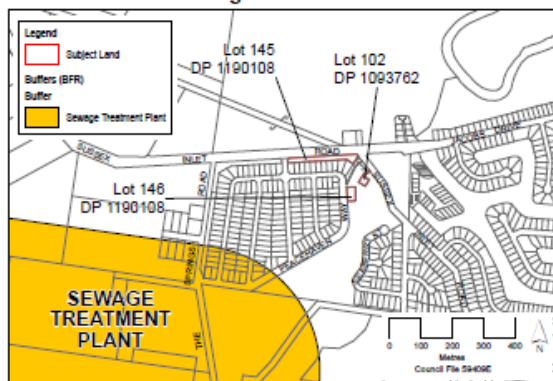
Existing SLEP2014 LSZ



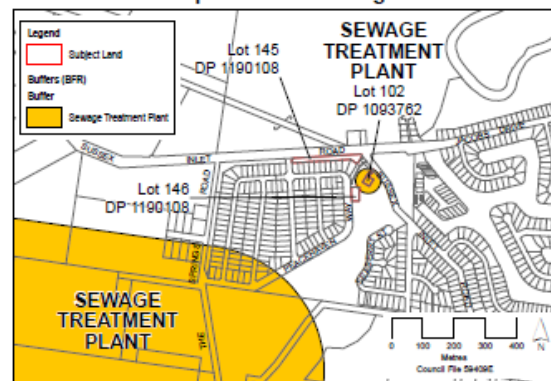
Proposed LSZ Changes



Existing SLEP2014 BFR



Proposed BFR Changes



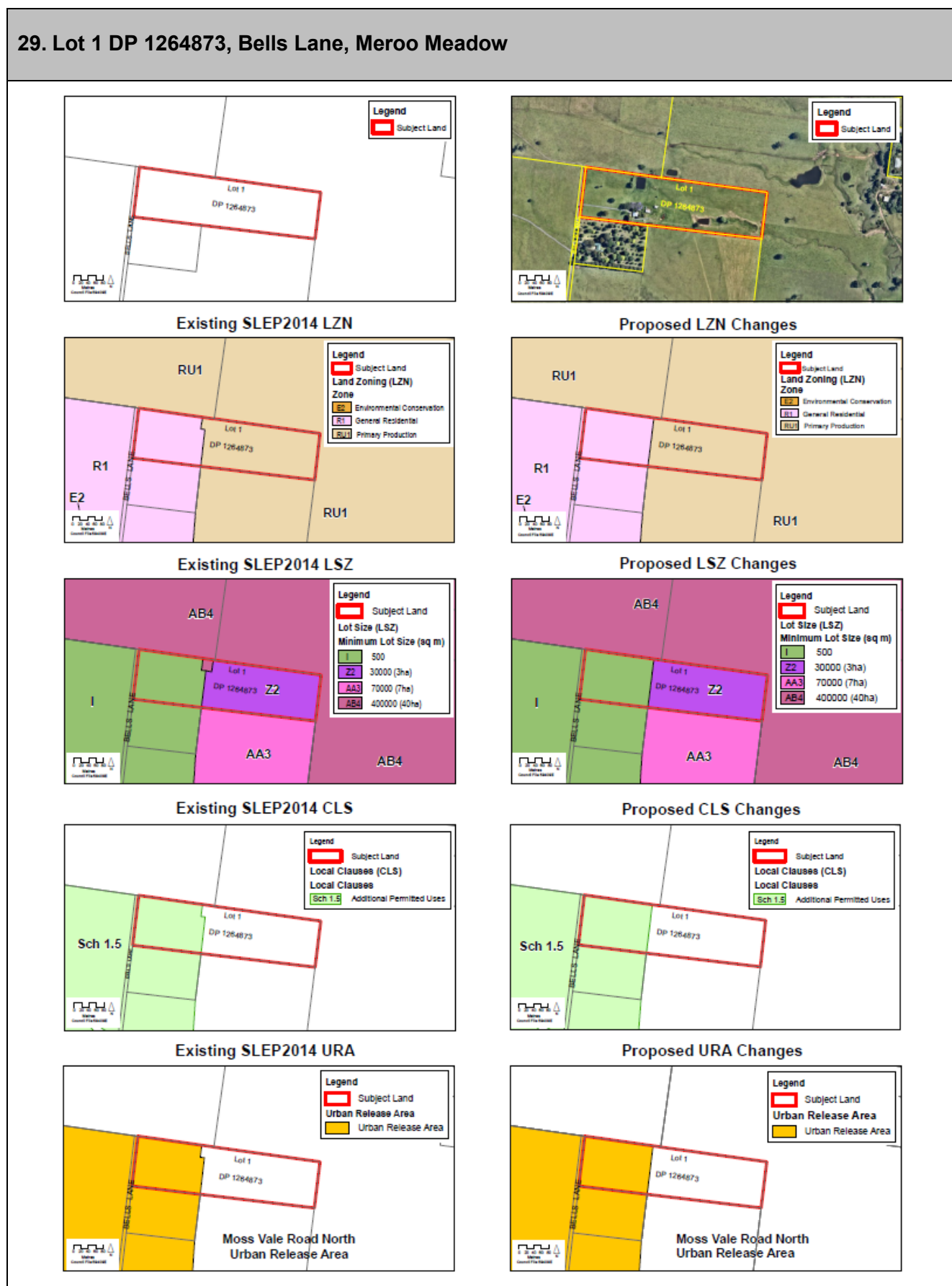
Issue and Justification: The subject lots are currently zoned R1 General Residential and have an associated minimum lot size of 1 (500m²). Lots 145 and 146 DP 1190108 were dedicated as open space for the public purpose of community land, in accordance with subdivision SF9055. The R1 zoning is an inappropriate zoning for the public purpose of the lots and the zoning of RE1 Public Recreation is considered to be more consistent with the lots future use as a public reserve.

Lot 102 DP 1093762 was acquired by Shoalhaven Water and subsequently as classified operational land for the purpose of a sewage pumping station. The R1 land zoning is considered an inappropriate zoning for the purpose of the lot, and the zoning of SP2 Infrastructure (Sewerage System) is considered to be more consistent with the land use. Additionally, as the lot is being utilised as a sewage pumping station, a buffer layer (40m radius) is required to be applied to the lot and surrounding area.

Proposed Amendment: Rezone Lots 145-146 DP 1190108 to RE1 Public Recreation and remove 1 (500m²) LSZ.

Rezone Lot 102 DP 1093762 to SP2 Infrastructure (Sewage Treatment Plant) remove 1 (500m²) LSZ and apply a Sewage Treatment Plant buffer to the subject lot and surrounding area.

Table 7: Mapping Amendments – Land Zoning, Minimum Lot Size, Urban Release Area and Clauses



Issue and Justification: Subsequent to a recent boundary adjustment, the subject lot is currently split zoned R1 General Residential and RU1 Primary Production. The current R1 component of the land has an associated minimum lot size of I (500m²), and the RU1 component of the land currently has a split minimum lot size of Z2 (3ha) and AB4 (40ha). Additionally, the R1 component of the land has the Clauses (Schedule 1.5) and the Urban Release Area layers applying.

The subject land is partially located within the Moss Vale Road North Urban Release Area (URA). Subsequently, the zoning, minimum lot size, clauses (Schedule 1.5) and Urban Release Area layer should be amended to reflect the consistent line and intent of the Moss Vale Road North URA following the boundary adjustment.

Proposed Amendment:

Realign the URA boundary to standardise the eastern boundary of the URA. This same alignment is to apply to the clauses map as well.

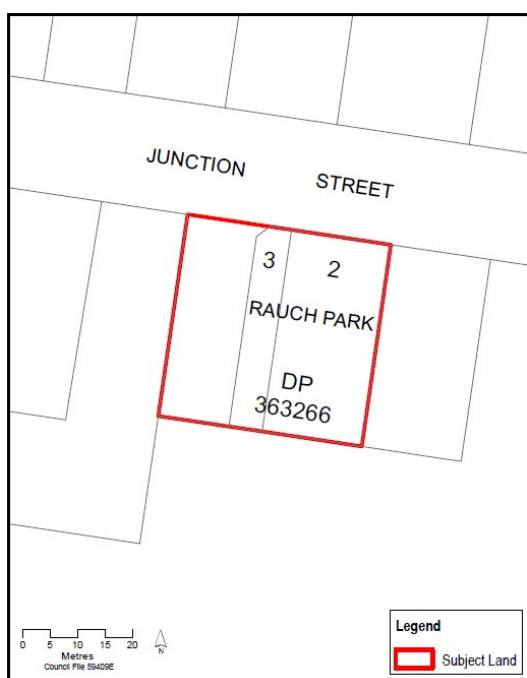
Rezone the small portion of Lot 1 DP 1264873 to be included in the URA from RU1 Primary Production to R1 General Residential and apply the I (500) MLS to that portion of lot. Apply the Z2 (3ha) MLS to the remaining AB4 (40ha) MLS portion of the lot.

3.3 Changes to Existing Provisions – Instrument and Mapping

One (1) item has been identified for amendment that relates to both the instrument, Schedule 5 of Shoalhaven LEP 2014, and the associated heritage mapping (HER). This amendment is outlined in **Table 7**, with proposed changes to the instrument identified in **red**.

Table 8: Instrument and Mapping Amendments – Heritage

1. Lots 2-3 DP 363266 & Road UPN 106868, Junction St, Nowra Schedule 5 Heritage Item No. 355: Mafeking Boer War Memorial

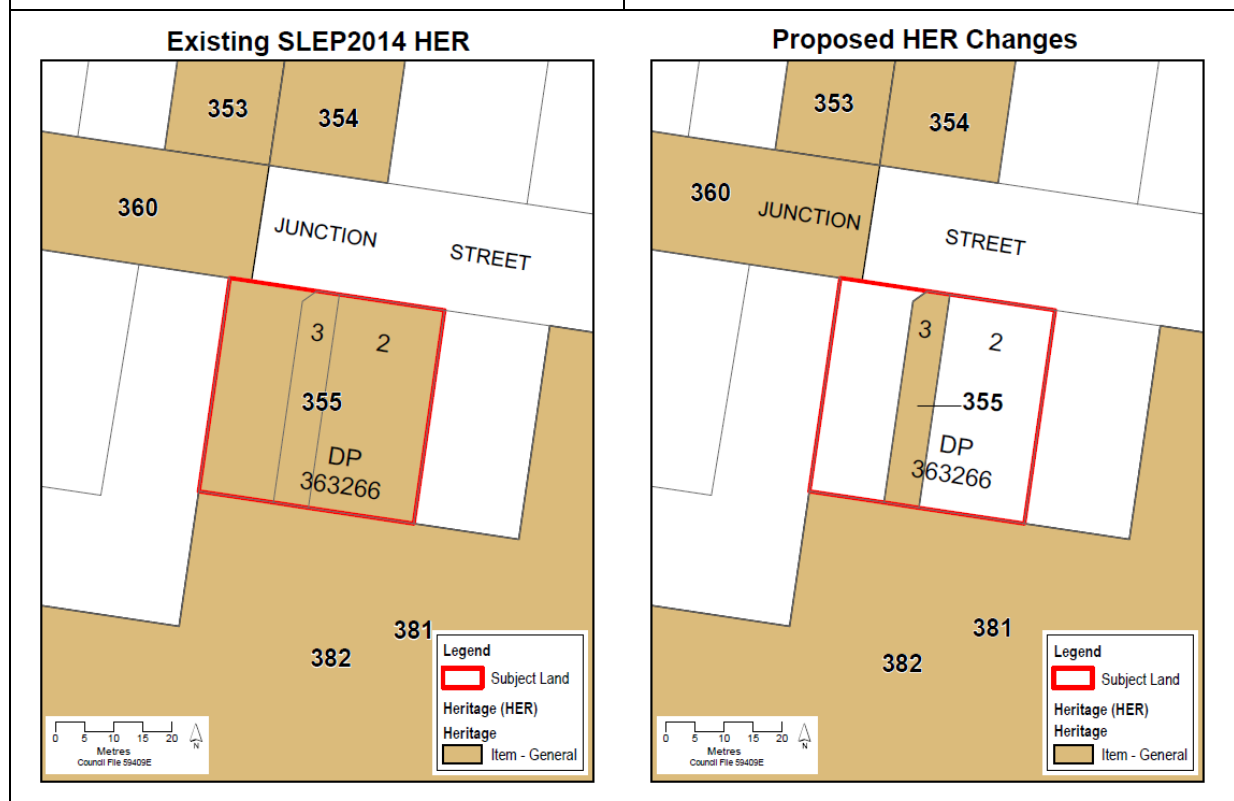


Issue and Justification: The property description for Heritage Item No. 355 is incorrect. The heritage listed item refers to the white marble 'Mafeking' war memorial, which was relocated to Lot 3 in 1962. Rauch Park does not possess heritage significance and is not listed as a heritage item.

The property description should be updated to remove Lot 2, in order to better identify the heritage item. This is consistent with the heritage data sheet.

Proposed Amendment: Update Heritage Map (Sheet HER_013E) to remove the heritage overlay from Lot 2 DP 363266 and the adjoining road reserve.

Existing Schedule 5	Proposed Schedule 5
<p>Item No: 355</p> <p>Item: Mafeking Boer War Memorial</p> <p>Address: 60-62 Junction Street</p> <p>Locality: Nowra</p> <p>Property Description: Lots 2 and 3, DP 363266 and adjacent road reserve</p> <p>Significance: Local</p>	<p>Item No: 355</p> <p>Item: Mafeking Boer War Memorial</p> <p>Address: 60-62 Junction Street</p> <p>Locality: Nowra</p> <p>Property Description: Lots 2 and 3, DP 363266 and adjacent road reserve</p> <p>Significance: Local</p>



**2. ~~Lot 7012 DP 1002643 and Lots 263 & 383 DP 755952, Wharf Rd, Nowra~~
~~Schedule 5 Heritage Item No. 407: Former Nowra Sailing Club site and Timber Wharf~~**



Issue and Justification: A Heritage Assessment, prepared by Council's heritage consultant Louise Thom, identified the former Boatshed Restaurant to possess heritage significance that contributes to the overall significance of Heritage Item No. 407 (**Attachment E**).

Nowra wharf; the site of the Nowra Sailing Club, the former Boatshed Restaurant and the respective setting, provides important historical evidence of the early growth of Nowra and the reliance upon the Shoalhaven River for the transportation of goods and passengers. The former Boatshed Restaurant building has historical value, as the surviving remains of Walter Elyard's jetty, boat slip, boatshed and residence, constructed between 1892 and 1906, which provided essential river transport for goods and boat hire for tourists.

Although much original fabric has been removed or modified, the grouping of sites and structures has strong historic value and provides important evidence of the role of the Shoalhaven River in the early historical development of Nowra and the Shoalhaven.

Lot 263 DP755952 and Lot 383 DP 755952, should be included in the curtilage of item No. 407, and the item name should be updated to reflect all components.

Proposed Amendment: Update the Heritage Map (Sheet HER_013E) to expand the heritage mapping layer over Lot 263 DP 755952 and Lot 383 DP 755952. Update Item No. 407's name to reflect the history of the site and its components. Update the property description to include Lot 263 DP755952 and Lot 383 DP 755952.

Existing Schedule 5

Item No: 407

Item: ~~Former Nowra Sailing Club site and Timber Wharf~~

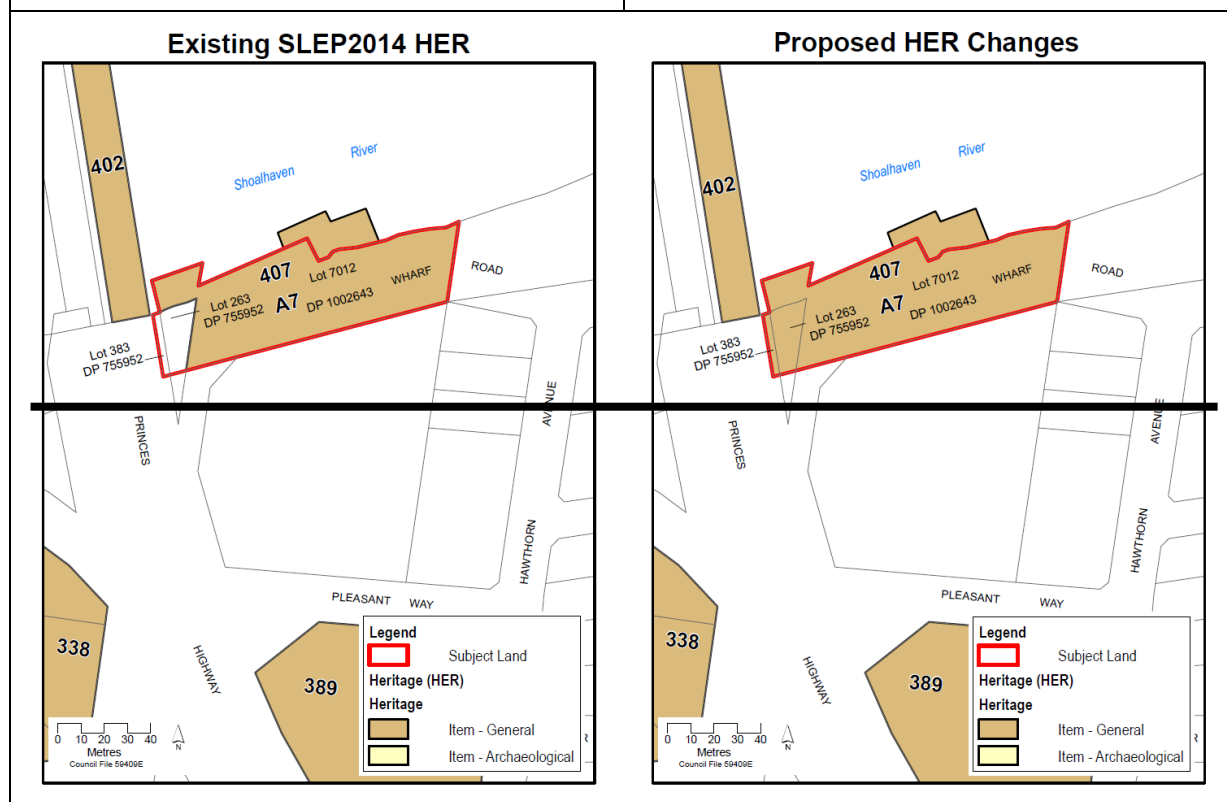
Address: 6 Wharf Road

Proposed Schedule 5

Item No: 407

Item: ~~Former Nowra Sailing Club site and Timber Wharf~~ Site of former Illawarra Steam Navigation Co. store and wharf, Nowra Wharf, Sandstone ramp and sea walls, former

<p>Locality: Nowra</p> <p>Property Description: Lot 7012, DP 1002643 and adjacent waterway</p> <p>Significance: Local</p>	<p>Boatshed Restaurant and site of former boatshed, slipway and jetty</p> <p>Address: 6 10 Wharf Road</p> <p>Locality: Nowra</p> <p>Property Description: Lot 7012, DP 1002643; Lots 263 & 383, DP 755952 and adjacent waterway</p> <p>Significance: Local</p>
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Note: Instrument and Mapping Item 2 no longer forms part of this PP, as Council resolved (MIN21.604) at their 31 August 2021 Ordinary Meeting to exclude the item. The Attachment containing the Heritage Assessment has additionally been removed from the PP.

4 Part 3 – Justification

4.1 Need for the Planning Proposal (Section A)

4.1.1 Is the Planning Proposal a result of any strategic study or report?

No. While these amendments are not the result of a strategic study or report, they are consistent with Council's policy position and will help achieve the expected outcomes of Council's LEP.

The proposed amendments cover a range of mapping and instrument related matters, which have been identified as housekeeping issues that need to be addressed to ensure that the Shoalhaven LEP 2014 operates as originally intended or to improve its operations.

4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The PP is the best and only means of addressing the instrument adjustments, mapping errors and anomalies that have been identified within Shoalhaven LEP 2014.

There is no other way to achieve the required outcomes.

4.2 Relationship to strategic planning framework (Section B)

4.2.1 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)?

Yes. The PP is consistent with the objectives and actions of the Illawarra-Shoalhaven Regional Plan (ISRP). The plan applies to the whole Shoalhaven Local Government Area (LGA) and aims to grow the economy, provide affordable housing, secure agricultural land, build infrastructure and protect the natural and cultural environments.

The proposed amendments will better align Shoalhaven LEP 2014 with the aims of this plan and cater for future development more effectively by way of improving the efficiency and operational integrity of the instrument which will enable for more streamlined processes.

4.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Shoalhaven 2027

The PP is consistent with Council's Community Strategic Plan, Shoalhaven 2027, and the relevant themes and actions below:

- Theme 1: Resilient, safe and inclusive communities
1.3 Support active, healthy liveable communities.
- Theme 2: Sustainable, liveable environments
2.1 Improve and maintain road transport infrastructure;
2.2 Plan and manage appropriate and sustainable development;
2.3 Protect and showcase the natural environment.
- Theme 3: Prosperous communities
3.1 Maintain and grow a robust economy with vibrant towns and village.
- Theme 4: Responsible governance
4.1 Deliver reliable services;

4.3 Inform and engage with the community about the decisions that affect their lives.

Shoalhaven 2040 Local Strategic Planning Statement

The Shoalhaven Local Strategic Planning Statement (LSPS) sets out the vision and priorities for land use planning in Shoalhaven over the next 20 years. The PP is consistent with the Shoalhaven LSPS, and the relevant planning priorities outlined below:

- Planning Priority 10: Protecting the environment.
- Planning Priority 13: Protecting and enhancing neighbourhoods.
- Planning Priority 14: Heritage items and places.
CW14.1 Administration and management of heritage items, heritage conservation areas, and archaeological sites.

Sussex Inlet Settlement Strategy

The Sussex Inlet Settlement Strategy provides a broad framework to guide future residential and rural residential growth and development within the Sussex Inlet area. The PP is consistent with the Sussex Inlet Settlement Strategy, as it seeks to resolve the zoning anomaly associated with Lot 100 DP 1247844 (Mapping Item 15), which is an identified residential investigation area within the strategy. Additionally, the introduction of a new local clause within Shoalhaven LEP (2014) will further support the employment land objective of the Sussex Inlet Settlement Strategy.

Nowra Bomaderry Structure Plan

The Nowra Bomaderry Structure Plan identified several new living areas, which have since become Urban Release Areas (URAs) with the commencement of Shoalhaven LEP (2014). The PP is no inconsistent with the Nowra Bomaderry Structure Plan as it only seeks to realign the Moss Vale Road North URA boundary to standardise the eastern boundary of the URA.

Other Local Strategic Plans

Due to the housekeeping nature of the PP, the PP is considered consistent with Council's other Local Strategic Plans:

- Shoalhaven Growth Management Strategy
- Jervis Bay Settlement Strategy
- Milton Ulladulla Structure Plan

4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The PP is consistent with the applicable State Environmental Planning Policies (SEPPs). A full list of SEPPs is provided at **Attachment E**.

Coastal Management 2018

The SEPP sets out matters for consideration for development in the coastal zone. A large number of residentially zoned and non-residentially zoned lots in the PP fall within the coastal zone area, as defined by the *Coastal Management Act 2016*.

There are no provisions in this SEPP that directly apply to the PP, however it is noted that the SEPP will need to be taken into consideration as part of any future development application on the land. This includes Clause 16 which requires the Shoalhaven Coastal

Zone Management Plan to be considered prior to the issuing of development consent for a development application in the coastal zone.

Exempt and Complying Development Codes 2008

The SEPP sets out a number of Codes which enables certain development to be undertaken without Council approval via the exempt or complying development streams.

The Codes SEPP applies to this PP as a heritage listing or buffer (for example) effectively 'turn off' most forms of complying development under the SEPP. This means that development that is not exempt will require full merit assessment by Council.

Vegetation in Non-Rural Areas 2017

This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas in Shoalhaven, as well as the amenity they provide. There are no provisions in this SEPP that directly apply to this PP, and therefore the PP is not inconsistent in this regard.

The SEPP will need to be taken into consideration prior to the clearing of native vegetation in non-rural areas, as specified by the SEPP.

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The s.9.1 Ministerial Directions are considered at **Attachment F** and those specifically relevant to this PP are discussed in greater detail below.

Direction 1.1 Business and Industrial Zones

This direction applies as the PP affects land within an existing or proposed business or industrial zone. PP044 intends to alter existing business and industrial zones through the following amendments:

Instrument Item 2	Insert 'artisan food and drink industry' as a land use permitted with consent in the B2 Local Centre zone.
Instrument Item 5	Amend Clause 4.1E to include an additional subclause that enables the creation of two residue lots containing the rural or environmental portions of the parent lot.
Mapping Item 22	Rezone the IN2 Light Industrial portion of Lots 1-5 DP 700116 beyond 30m from Pitt Street, and remove the I (500m ²) LSZ and I2 (8.5m) HOB from the portion of lot being rezoned.

The PP is generally consistent with the direction as it:

- Gives effect to the objectives of Direction 1.1, including encourage employment growth in suitable locations, and protect employment land in business and industrial zones;
- Retains the area and locations of existing business and industrial zones;
- Does not propose to reduce the total potential floor space area for employment uses, related public services or industrial uses in existing business or industrial zones.

Direction 1.5 Rural Lands

This direction applies as the PP affects land within an existing or proposed rural or environmental zone. PP044 intends to alter existing rural or environmental zones through the following amendments:

Instrument Item 3	Amend Clause 4.1D(3)(c) to reflect repeal of all three State Environmental Planning Policies.
Instrument Item 4	Insert an additional subclause that ensures resulting lots created via proposed Clause 4.29 (refer to Instrument Item 10) cannot be subdivided under Clause 4.1E.
Instrument Item 5	Amend Clause 4.2D to include the term <i>waterbody</i> .
Instrument Item 10	Insert a local clause that enables the creation of two residue lots containing all of the rural or environmental land within the parent lot.
Mapping Item 3	Amend the RE1 Public Recreation zoning of Lot 108 DP 131063 to extend over the tennis court and realign the AB4 (40ha) LSZ accordingly.
Mapping Item 4	Snap the R1 General Residential zone boundary of Lot 700 DP 1265509 to extend over the proposed residential lots and amend extend I (500m ²) LSZ to the proposed lot boundary. Amendment is confined to the southern portion of Lot 700, to the east of the proposed reserve. Rezone Lot 542 DP 1250028 to RE1 Public Recreation and remove the I (500m ²) and AB4 (40ha) LSZ.
Mapping Item 5	Rezone lots in DP 8592 (Excluding Lots 270 & 271), DP 8769 (Excluding Lots 24, 93, 148, 165, 166, 216, 217, 218, 220, 221, 222, 224, 225, 227, 228, 229, 230, 231, 232, 233, Part Lot 234, 243 & 266), Lot 1 DP 724813 & Road UPNs 106874, 106665 & Part of Road UPNs 106875, 106876, 114695 & 106664 to E1 National Parks and Nature Reserves and remove the AB4 (40ha) LSZ layer associated with these lots.
Mapping Items 6	Rezone Lot 2 DP 1206753 to SP2 Infrastructure (Road) and remove the AB4 (40ha) LSZ.
Mapping Item 7	Rezone the RE1 Public Recreation portion of Lot 17 DP 857006 to E2 Environmental Conservation and apply an AB4 (40ha) LSZ to that portion of the lot.
Mapping Item 8	Snap the RE1 Public Recreation and E2 Environmental Conservation zoning layer and AB4 (40ha) LSZ layer to the western lot boundary of Lot 1 DP 1255141 and Lot 2 DP 1063393.
Mapping Item 9	Snap the E3 Environmental Management land zoning and AB4 (40ha) LSZ layer to the Lot 2 DP 1254934 boundary.
Mapping Item 10	Rezone Lots 116-120 DP 1248050 and Part of Road UPN 121947 to R2 Low Density Residential and apply the I (500m ²) LSZ to the land.
Mapping Item 11	Snap the E2 Environmental Conservation layer and AB4 (40ha) LSZ layer to the lot boundary of UPN 26832.

Mapping Item 12	Snap the E2 Environmental Conservation layer and the AB4 (40ha) LSZ layer to the lot boundary of Lot 22 DP 1255989 & Lot 8 DP 1214563 (Council Road) to remove the E4 Environmental Living zone and Y (1ha) LSZ from that land.
Mapping Item 14	Rezone Lots 24, 25 and 26 DP 1070284 to SP2 Infrastructure (Road) and remove the AB4 (40ha) LSZ.
Mapping Item 16	Rezone Lot 1 DP 866983 to E1 National Parks and Nature Reserves and remove the AB4 (40ha) LSZ from the lot.
Mapping Item 17	Rezone Lots 31 & 32 DP 1206538 to RU1 Primary Production and apply an AB4 (40ha) LSZ.
Mapping Item 18	Rezone Lots 35, 36, 41, 42 & 43 DP 792994 & Lot 1 DP 1095677 to RU2 Rural Landscape and apply AB4 (40ha) LSZ.
Mapping Item 20	Rezone the RU1 portions of Lots 33–35 DP 818336, Lot 61 DP 1188161, and Lot 1 DP 973922 to RE1 Public Recreation and remove the AB4 (40ha) LSZ. Rezone part of Lot 62 DP 1188161 to RE1 Public Recreation and remove the AB4 (40ha) LSZ. Rezone the R2 Low Density Residential part of Lot 204 DP 1115401 to RE1 Public Recreation and remove the AB4 (40ha) LSZ and I2 (8.5m) HOB from that part.
Mapping Item 21	Rezone the R2 Low Density Residential portion of Lot 147 DP 1248050 to E3 Environmental Management and extend the AB4 (40ha) LSZ over the entire lot. The HOB layer should be removed from the site to be consistent with the Citywide E3 approach.
Mapping Item 29	Realign the URA boundary to standardise the eastern boundary of the URA. This same alignment is to apply to the clauses map as well. Rezone the small portion of Lot 1 DP 1264873 to be included in the URA from RU1 Primary Production to R1 General Residential and apply the I (500) MLS to that portion of lot. Apply the Z2 (3ha) MLS to the remaining AB4 (40ha) MLS portion of the lot.

The PP is generally consistent as it:

- Is consistent with the applicable strategic plans (see section 4.2.1).
- Does not result in controls that infringe upon farmer right to farm.
- Does not prohibit the use of rural zoned land for the purpose of agriculture and primary production.

The following items are inconsistent with this direction although are considered of minor significance, and are discussed below:

Mapping Item 3	Amend the RE1 Public Recreation zoning of Lot 108 DP 131063 to extend over the tennis court and realign the AB4 (40ha) LSZ accordingly.
Mapping Item 4	Snap the R1 General Residential zone boundary of Lot 700 DP 1265509 to extend over the proposed residential lots and amend extend I (500m ²) LSZ to the proposed lot boundary. Amendment is confined to the southern portion of Lot 700, to the east of the proposed reserve.

	Rezone Lot 542 DP 1250028 to RE1 Public Recreation and remove the I (500m ²) and AB4 (40ha) LSZ.
Mapping Items 6	Rezone Lot 2 DP 1206753 to SP2 Infrastructure (Road) and remove the AB4 (40ha) LSZ.
Mapping Item 10	Rezone Lots 116-120 DP 1248050 and Part of Road UPN 121947 to R2 Low Density Residential and apply the I (500m ²) LSZ to the land.
Mapping Item 14	Rezone Lots 24, 25 and 26 DP 1070284 to SP2 Infrastructure (Road) and remove the AB4 (40ha) LSZ.
Mapping Item 20	Rezone the RU1 portions of Lots 33–35 DP 818336, Lot 61 DP 1188161, and Lot 1 DP 973922 to RE1 Public Recreation and remove the AB4 (40ha) LSZ. Rezone part of Lot 62 DP 1188161 to RE1 Public Recreation and remove the AB4 (40ha) LSZ. Rezone the R2 Low Density Residential part of Lot 204 DP 1115401 to RE1 Public Recreation and remove the AB4 (40ha) LSZ and I2 (8.5m) HOB from that part.
Mapping Item 29	Realign the URA boundary to standardise the eastern boundary of the URA. This same alignment is to apply to the clauses map as well. Rezone the small portion of Lot 1 DP 1264873 to be included in the URA from RU1 Primary Production to R1 General Residential and apply the I (500) MLS to that portion of lot. Apply the Z2 (3ha) MLS to the remaining AB4 (40ha) MLS portion of the lot.

The lots identified in the above table proposes to rezone the land from either a rural or environmental zone.

Mapping Items 6 and 14 proposes to rezone RU2 Rural Landscape zoned land to SP2 Infrastructure (Road) as the land has been declared Controlled Access Road/Public Road. Subsequently, there is no agricultural production value in the land and the departure of the RU2 zone is considered of minor significance.

Mapping Items 4 and 10 intend to rezone land from an environmental zone to a residential zone (R1 and R2, respectively), as the residential zone is considered more consistent with the intended residential use of the land following subdivision approvals. Subsequently, the departure of the E2 Environmental Conservation and E3 Environmental Management zone is considered of minor significance. Additionally, Mapping Items 3, 4 and 20 propose to rezone land from a rural and environmental zone to RE1 Public Recreation. The RE1 zone is considered consistent with the nature of the public reserve land use, therefore the departure from the direction is considered of minor significance.

Mapping Item 29 is considered of minor significance, as the amendment proposes to rezone a small portion of the RU1 Primary Production zoned land to R1 General Residential, in order to realign the eastern boundary of the Moss Vale Road North URA. The R1 zoning is more consistent with the future land use of the Moss Vale Road North URA.

Direction 2.1 Environmental Protections Zones

This direction applies as the PP affects land within an environmental protection zone or land otherwise identified for environment protections purposes. PP044 intends to alter existing environmental zones through the following amendments:

Mapping Item 1	Rezone the RE1 Public Recreation portion of both Lot 7 DP 731147 and Road Casement to E3 Environmental Management.
Instrument Item 4	Insert an additional subclause that ensures resulting lots created via proposed Clause 4.29 (refer to Instrument Item 10) cannot be subdivided under Clause 4.1E.
Instrument Item 5	Amend Clause 4.2D to include the term <i>waterbody</i> .
Instrument Item 10	Insert a local clause that enables the creation of two residue lots containing all of the rural or environmental land within the parent lot.
Mapping Item 3	Proposes to rezone a component of the E2 Environmental Conservation zoned land of Lot 108 DP 131063 to RE1 Public Recreation, as it is consistent with the land use of the existing tennis court.
Mapping Item 4	Intends to rezone a component of the E2 Environmental Conservation portion of Lot 700 DP 1265509 to R1 General Residential, as it is consistent with the intended residential land use. Additionally, Lot 542 DP 1250028 proposed to be rezoned to RE1 Public Recreation to be consistent with the future public reserve land use.
Mapping Item 5	Rezones lots in DP 8592 (Excluding Lots 270 & 271), DP 8769 (Excluding Lots 24, 93, 148, 165, 166, 216, 217, 218, 220, 221, 222, 224, 225, 227, 228, 229, 230, 231, 232, 233, Part Lot 234, 243 & 266) & Lot 1 DP 724813 to E1 National Parks and Nature Reserves and remove AB4 (40ha) LSZ layer.
Mapping Item 7	Rezones the RE1 Public Recreation portion of Lot 17 DP 857006 to E2 Environmental Conservation and apply AB4 (40ha) LSZ to the E2 portion of lot.
Mapping Item 8	Proposes to snap the RE1 Public Recreation and E2 Environmental Conservation land zoning layer and AB4 (40ha) LSZ layer to the lot boundary of Lot 1 DP 1255141 and Lot 2 DP 1063393.
Mapping Item 9	Proposes to snap the E3 Environmental Management land zoning and AB4 (40ha) LSZ layer to the Lot 2 DP 1254934 boundary.
Mapping Item 10	Proposes to rezone the E3 Environmental Management zoned land of Lots 116-120 DP 1248050 to R2 Low Density Residential, to be consistent with the intended residential land use of the lots.
Mapping Item 11	Snaps the E2 Environmental Conservation layer and AB4 (40ha) LSZ layer to the lot boundary of UPN 26832.
Mapping Item 12	Snaps the E2 Environmental Conservation layer and the AB4 (40ha) LSZ layer to the lot boundary of Lot 22 DP 1255989 & Lot 8 DP 1214563 (Council Road) to remove the E4 Environmental Living zone and Y (1ha) LSZ from that land.
Mapping Item 16	Intends to rezone Lot 1 DP 866983 to E1 National Parks and Nature Reserves and extend the AB4 (40ha) LSZ over the entire lot.
Mapping Item 21	Proposes to rezone the R2 Low Density Residential portion of Lot 147 DP 1248050 to E3 Environmental Management and extend the AB4 (40ha) LSZ over the entire lot.

The PP is considered to be generally consistent with this direction.

Mapping Items 3, 4 and 10 propose the rezoning of environmental lots and are considered inconsistent as they reduce the environmental protection standards that apply to the land. The items seek to rezone environmental land to a residential and public recreation zone; however, due to the housekeeping nature, the departure of the environmental zone is considered to be of minor significance.

Direction 2.2 Coastal Management

This direction applies as the PP affects land within the coastal zone, as defined under the *Coastal Management Act 2016*, PP044 intends the following amendment:

The PP is consistent as it:

- Does not make changes relevant to the *Coastal Management Act 2016*, NSW Coastal Management Manual, NSW Coastal Design Guidelines 2003 or any Coastal Zone Management Plan certified by the Minister or under the *Coastal Protection Act 1979*.
- Does not seek to amend any maps contained within the *State Environmental Planning Policy (Coastal Management) 2018*.

The PP is therefore not inconsistent with this direction.

Direction 2.3 Heritage Conservation

This direction applies as the PP is proposing to amend the listing and associated mapping of heritage items within Schedule 5 of Shoalhaven LEP 2014 through the following amendments:

Instrument Item 7	Update the property description of Item No. 39: Coomanderry Swamp Drainage Channel, "... so much of DP 623346 and DP 615003 that comprises drainage reserves" to read "drainage reserves DP 623346 and DP 615003".
Instrument Item 8	Update the property description to remove 'Part Lot 1'.
Instrument Item 9	Update item name of Item No. 299: Rendered Masonry Commercial Store including Residence and Trees, to remove 'and Trees'.
Instrument & Mapping Item 1	Update Heritage Map (Sheet HER_013E) to remove heritage overlay from Lot 2 DP 363266 and adjoining road reserve.
Instrument & Mapping Item 2	Update the Heritage Map (Sheet HER_013E) to include heritage mapping layer over the proposed item Lot 263 DP755952 and Lot 383 DP 755952. Update Item No. 407's name to reflect the history of the site and its components. Update the property description to include Lot 263 DP755952 and Lot 383 DP 755952. Item removed from PP.

The PP is generally consistent with this direction as it will strengthen the conservation of heritage items within the Shoalhaven Local Government Area. This will be achieved through ensuring Council's heritage listings and associated mapping is accurate and reflects current data on both Council's and Heritage NSW's websites.

Those items that are inconsistent are the result of administrative errors or physical changes that have severed the significance and are considered of minor significance.

Direction 2.6 Remediation of Contaminated Land

This direction applies as the PP relates to various land across the City, some of which may be potentially contaminated. The PP is not inconsistent with this direction as the proposed changes are of a housekeeping nature and any development assessment process for future development would consider the above (as relevant).

Direction 3.1 Residential Zones

This direction applies as the PP affects land within an existing residential zone. PP044 intends to alter existing residential zones through the following amendments:

Instrument Item 1	Insert 'secondary dwellings' as a land use permitted with consent in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R5 Large Lot Residential zones.
Instrument Item 5	Amend Clause 4.2D to include the term <i>waterbody</i> .
Mapping Item 2	Rezone the R3 Medium Density Residential and RE1 Public Recreation polygons to W3 Working Waterways.
Mapping Item 4	Snap the R1 General Residential zone boundary of Lot 700 DP 1265509 to extend over the proposed residential lots and amend extend I (500m ²) LSZ to the proposed lot boundary. Amendment is confined to the southern portion of Lot 700, to the east of the proposed reserve.
Mapping Item 10	Rezone Lots 116-120 DP 1248050 and Part of Road UPN 121947 to R2 Low Density Residential and apply the I (500m ²) LSZ to the land.
Mapping Item 13	Rezone the RE1 Public Recreation portion of Lot 3 DP 1069042 to R1 General Residential and apply an I (500m ²) LSZ.
Mapping Item 15	Extend the R1 General Residential component of Lot 100 DP 1247844 to the lot boundary and extend the I (500m ²) LSZ layer to lot boundary.
Mapping Item 19	Rezone the RE1 Public Recreation portion of Lots 322 and 323 DP 8399 and Road UPN 112288 to R2 Low Density Residential and extend the I (500m ²) LSZ and I2 (8.5m) HOB over the entire lots and part of the road casement.
Mapping Item 21	Rezone the R2 Low Density Residential portion of Lot 147 DP 1248050 to E3 Environmental Management and extend the AB4 (40ha) LSZ over the entire lot. The HOB layer should be removed from the site to be consistent with the Citywide E3 approach.
Mapping Item 22	Rezone the IN2 Light Industrial portion of Lots 1-5 DP 700116 beyond 30m from Pitt Street, and remove the I (500m ²) LSZ and I2 (8.5m) HOB from the portion of lot being rezoned.
Mapping Item 23	Rezone the R2 Low Density Residential portion of Lot 1 DP 844280 to SP2 Infrastructure (Electricity Transmission & Distribution) and remove the I (500m ²) LSZ and I2 (8.5m) HOB accordingly.

Mapping Item 24	Rezone the R2 Low Density Residential portion of Lot 11 DP 771431 to SP2 Infrastructure (Educational Establishment) and remove the associated I (500 m ²) LSZ and I2 (8.5m) HOB accordingly.
Mapping Item 25	Apply an H (7.5m) HOB to Lots 18-19 DP 38221, Lot 20 DP 539945 & Road UPNs 113163 & 113916 and Part of Road UPN 113915.
Mapping Item 26	Apply I2 (8.5m) HOB to Lots M & P DP 101026, Lot B DP 354147, Lot K DP 385514, Lot B DP 362846, Lot B & C DP 356186, Lot 1 DP 810815, Lot 2 DP 505676, Part of Lot 1 DP 286791, Lots 2-3 DP 286791, Lot 1 DP 206055, Lot 1 DP 556358, Lots J & K DP 387024, Lot B DP 374361, Lot 1 DP 631683 & Road UPNs 107718, 107719, 107720, 107721, 107722, 107723 and Part of Road UPN 107726. Apply a H (7.5m) HOB to Lot 2 DP 332256.
Mapping Item 27	Apply a H (7.5m) HOB to Lots 11-17 Sec 14 DP 759018, Road UPN 113170, Part of Road UPN 105045 and Part of Road UPN 113169.
Mapping Item 28	Rezone Lots 145-146 DP 1190108 to RE1 Public Recreation and remove I (500m ²) LSZ. Rezone Lot 102 DP 1093762 to SP2 Infrastructure (Sewage Treatment Plant), remove I (500m ²) LSZ and apply a Sewage Treatment Plant buffer to the subject lot and surrounding area.
Mapping Item 29	Realign the URA boundary to standardise the eastern boundary of the URA. This same alignment is to apply to the clauses map as well. Rezone the small portion of Lot 1 DP 1264873 to be included in the URA from RU1 Primary Production to R1 General Residential and apply the I (500) MLS to that portion of lot. Apply the Z2 (3ha) MLS to the remaining AB4 (40ha) MLS portion of the lot.

The PP is generally consistent as it:

- Encourages a variety and choice of housing types to provide for existing and future housing needs.
- Makes efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services.

The following mapping changes are considered inconsistent, although the departure is considered of minor significance as discussed below:

Mapping Item 2	Intends to rezone the R3 Medium Density Residential and RE1 Public Recreation polygons to W3 Working Waterways. The subject polygon is a waterway, subsequently the W3 Working Waterways zoning is considered to be more appropriate land zone.
Mapping Item 21	Intends to rezone the R2 Low Density Residential component of land to E3 Environmental Management, as the objectives of the proposed land zone will ensure the protection of the Endangered Ecological Community present as mapped under the <i>Biodiversity Conservation Act 2016</i> .
Mapping Item 22	Proposes the rezoning of a component of the R2 Low Density Residential zoned land within Lots 1-5 DP 700116 to IN2 Light Industrial, to the 30m boundary from Pitt

	Street. The subject portions of land consist of approved industrial premises, therefore the departure from the residential zone is considered of minor significance.
Mapping Item 23	Intends to rezone the R2 Low Density Residential component of Lot 1 DP 844280, as the subject lot consists of an electricity substation and cannot be used for residential purposes. The SP2 Infrastructure (Electricity Transmission & Distribution) zoning is more consistent with the land use.
Mapping Item 24	Proposes to rezone the R2 Low Density Residential component of Lot 11 DP 771431, as the subject lot consists of a school and cannot be used for residential purposes. The SP2 Infrastructure (Educational Establishment) zoning is more consistent with the land use.
Mapping Item 28	Proposes to rezone the R1 General Residential land to RE1 Public Recreation and SP2 (Sewage Treatment Plant). Lots 145 and 146 DP 1190108 were dedicated as open space for the public purpose of community land, the RE1 zoning is considered more consistent with the land use. Lot 102 DP 1093762 contains a sewage pumping station, subsequently the SP2 zoning is more consistent land use. The departure from the residential zone is considered of minor significance.

The above items within the PP are inconsistent with this direction, specifically part 5(b). Whilst the PP contains provisions which will reduce the permissible residential density of land in a general sense, this only relates to a handful of lots across the city. Given there are significant residential development opportunities available across Nowra-Bomaderry and Milton-Ulladulla in infill areas and endorsed Urban Release Areas, the departure is considered of minor significance. Additionally, much of the land is being rezoned from residential for the purpose of established and/or dedicated public recreation and services, which will contribute to improving the quality of life of surrounding residents.

Direction 3.4 Integrating Land Use and Transport

This direction applies as the PP proposes to create, alter or remove a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

The PP is not inconsistent with this direction as the proposed changes are of a housekeeping nature and are not inconsistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for Planning and Development 2001*, and *The Right Place for Business and Services – Planning Policy 2001*.

Direction 4.1 Acid Sulfate Soils

This direction applies as the PP affects land that has a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

The PP is considered consistent as it:

- Does not propose to introduce provisions to regulate works in acid sulfate soils.
- Does not proposed to intensify land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.

The PP is therefore not inconsistent with this direction.

Direction 4.3 Flood Prone Land

This direction applies as the PP seeks to alter planning provisions for land that is identified as flood prone.

Mapping Item 4	Snap the R1 General Residential zone boundary of Lot 700 DP 1265509 to extend over the proposed residential lots and amend extend I (500m ²) LSZ to the proposed lot boundary. Amendment is confined to the southern portion of Lot 700, to the east of the proposed reserve. Rezone Lot 542 DP 1250028 to RE1 Public Recreation and remove the I (500m ²) and AB4 (40ha) LSZ.
Mapping Item 15	Rezone R1 (General Residential) to the boundary of Lot 100 DP 1247844 and extend the I (500m ²) LSZ layer to lot boundary.

This direction applies as the PP proposes to rezone land from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

Mapping Items 4 and 15 propose to rezone flood prone land from Recreation (Lot 100 DP 1247844) and Environmental Protection Zones (Lot 600 DP 1250836) to a Residential zone. This is considered inconsistent with the direction, as it will increase the development of the land within a flood affected area; however, the provisions of the PP that are inconsistent are considered to be of minor significance. Any future development carried out on the future residential lots will require development consent, which will require consideration of environmental constraints, such as flooding, as part of the development assessment process.

Direction 4.4 Planning for Bushfire Protection

The direction applies as the PP affects land across the LGA that is (or is in proximity to) land mapped as bushfire prone land. The PP is:

- Has regard to *Planning for Bushfire Protection 2006* and the new *Planning for Bushfire Protection 2019*.
- Does not result in controls that place inappropriate developments in hazardous areas.
- Does not prohibit bushfire hazard reduction within an APZ.

Consultation will be undertaken with the NSW Rural Fire Service following receipt of a Gateway determination, and prior to undertaking community consultation.

The PP is not inconsistent with this direction.

Direction 5.10 Implementation of Regional Plans

The Illawarra Shoalhaven Regional Plan (ISRP) applies to the Shoalhaven Local Government Area. The PP is consistent with the ISRP as discussed in Section 4.2.1 above.

The PP is therefore consistent with this direction.

4.3 Environmental, Social and Economic Impact (Section C)

4.3.1 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?

The likelihood that critical or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the PP is very low. The PP proposes to make amendments to the LEP that is of a housekeeping nature.

Lot 147 DP 1248050 Sunset Road, Manyana is mapped as Endangered Ecological Community under the *Biodiversity Conservation Act 2016*. The proposed rezoning to E3 Environmental Management is considered to protect the ecological communities and their habitats into the future.

Any future use of the land will consider environmental impacts as part of the development assessment process.

4.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Other environmental impacts are not anticipated, and any future development would consider environmental impacts as part of the development assessment process.

4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

The PP is likely to have positive social and economic effects due to the LEP operating in a more efficient manner which will better align the objectives of the instrument with appropriate development.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The PP does not create additional requirements for public infrastructure. It facilitates development in areas that already have an urban zone; the public infrastructure requirements have or will be considered as these areas are considered for development.

4.4.2 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council has consulted with NSW Rural Fire Service, DPIE – Environment, Energy and Science Division – Biodiversity and Conservation Team – Crown Lands and National Parks and Wildlife Service in accordance with the conditions of the Gateway determination.

Table 9: Summary of State Authority Consultation Responses

Public Authority	Response Summary
DPIE – Crown Lands	Raised nil objection or comments to the proposal.
DPIE – Environment, Energy and Science	Nil response from Environment, Energy and Science (i.e., Biodiversity Conservation Division South East Branch (Planning (Illawarra) team)).

Division – Biodiversity & Conservation Team	Notes that NPWS has provided comment on relevant mapping changes.
National Parks and Wildlife Service	Supportive of the proposed amendments detailed in Mapping Changes 5, 7 and 16. Rezone Lot 241 DP 8769 to E1 National Parks and Nature Reserves; and not proceed with the rezoning of part of Road UPN's 106875, 106876 and 114695 as these paper roads potentially provide access to lands that are not reserved under the <i>National Parks and Wildlife Act 1974</i> and should remain as E2 Environmental Conservation.
NSW Rural Fire Service	Raised no objection to the proposal.

The PP has been updated to incorporate the view of National Parks and Wildlife Service.

5 Part 4 – Mapping

There are a number of mapping amendments identified within this PP. These are shown in **Part 2 – Explanation of Provisions (Section 3 of this PP)**.

6 Part 5 - Community Consultation

Council proposes to exhibit the PP in accordance with the requirements of Schedule 1 of the *Environmental Planning and Assessment Act 1979* and any other requirements as determined by the Gateway determination. It is intended that an exhibition period of 28 days would apply.

The exhibition would include public notification and a package of exhibition material on Council's website.

All stakeholders, including relevant Community Consultative Bodies and any directly affected landowners, will be advised of the public exhibition arrangements.

7 Part 6 – Project Timeline

The anticipated timeline for the PP is as follows:

Table 10: Project Timeline

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	June 2021
Completion of Gateway determination requirements	August/September 2021
Public exhibition	October/November 2021
Consideration of submissions	November 2021
Post exhibition consideration of PP	January 2021
Finalisation and notification of Plan	March/April 2022

ATTACHMENTS

Attachment A – Evaluation Criteria for the Delegation of Plan Making Functions

Local Government Area:

Shoalhaven City Council

Name of draft LEP:

Shoalhaven Local Environmental Plan 2014
PP044 – Housekeeping 2020/21 Amendment

Address of Land (if applicable):

The PP applies to all land in the Shoalhaven Local Government Area.

Intent of draft LEP:

The intent of the Planning Proposal is to amend a number of clauses in the LEP and related mapping, to correct identified anomalies or inconsistencies within the LEP that have arisen since its commencement in 2014.

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council Response		Department Assessment	
	Y/N	Not relevant	Agree	Not agree
Is the Planning Proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the Planning Proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the Planning Proposal contain details related to proposed consultation?	Y			
Is the Planning Proposal compatible with an endorsed regional or sub-regional strategy or local strategy endorsed by the Director-General?	Y			
Does the Planning Proposal adequately address any consistency with all relevant S9.1 Planning Directions?	Y			
Is the Planning Proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			

Minor Mapping Error Amendments				
Does the Planning Proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	Y			

Heritage LEPs				
Does the Planning Proposal seek to add or remove a local heritage item and is it supported by a strategy / study endorsed by the Heritage Officer?	Y – (Council's heritage officer prepared the report relating to Item No. 407)			
Does the Planning Proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the Planning Proposal potentially impact on item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		

Reclassifications				
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan Of Management (POM) or strategy?		N/A		
Is the Planning Proposal proposed to rectify an anomaly in a classification?		N/A		
Will the Planning Proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act, 1993?		N/A		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the Planning Proposal?		N/A		
Has the council identified that it will exhibit the Planning Proposal in accordance with the Department's Practice Note (PN09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guidelines for LEPs and Council Land?		N/A		
Has council acknowledged in its Planning Proposal that a Public Hearing will be required and agree to hold one as part of its documentation?		N/A		

Spot Rezoning				
Will the proposal result in a loss of development potential for the site (i.e. reduced FSR or building height) that is not supported by an endorsed strategy?		N/A		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		N/A		
Will the Planning Proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		N/A		
If yes, does the Planning Proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the Planning Proposal create an exception to a mapped development standard?		N/A		
Section 73A matters				
Does the proposed instrument:				
a. Correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary works or a formatting error?;		N/A		
b. Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?;		N/A		
c. Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?		N/A		
(NOTE – the Minister (or delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).				

Any other relevant documentation e.g. letters of support from State Government agencies.

Attachment B – Council report and resolution (MIN21.248) supporting the PP

DE21.37 Proposed 2020/2021 Housekeeping Amendment to Shoalhaven Local Environmental Plan 2014 (PP044)

HPERM Ref: D20/537903

Department: Strategic Planning

Approver: Robert Domm, Director - City Futures

Attachments: 1. Proposed Planning Proposal PP044 - Housekeeping Amendment 2020-2021 (under separate cover)

Reason for Report

Obtain the required resolution to progress the 2020-2021 Housekeeping Amendment Planning Proposal (PP044) which covers a range of instrument and mapping amendments of a housekeeping nature to Shoalhaven Local Environmental Plan (LEP) 2014.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Submit Planning Proposal PP044 to the NSW Department of Planning, Industry and Environment for an initial Gateway determination, and if favourable:
 - a. Proceed to formal exhibition in accordance with the terms of the determination/legislative requirements; and
 - b. Receive a further report following the conclusion of the public exhibition to enable its finalisation.
2. Advise key stakeholders, including relevant Community Consultative Bodies and any directly affected landowners, of the public exhibition agreements.

Options

1. As recommended.

Implications: This is the preferred option. Since the commencement of Shoalhaven LEP 2014, anomalies and minor issues continue to be identified that need to be resolved. The matters in PP044 relate to LEP instrument and mapping issues that were generally identified in the 2020 calendar year. This PP will enable the matters to be resolved to ensure the LEP remains accurate.

2. Adopt an alternative recommendation.

Implications: Depending on its nature, an alternative recommendation could delay the resolution of the identified housekeeping matters.

3. Not proceed with the PP.

Implications: This is not the preferred option as the identified housekeeping matters will not be resolved.

Background

Shoalhaven LEP 2014 first commenced on 22 April 2014. As part of the completion of the Citywide LEP process, and since the LEP has been in force, housekeeping amendments have been undertaken annually and as needed to continue to improve the operation and accuracy of the Plan. These regular amendments and associated reviews help maintain the currency of the Plan.

2020-2021 Housekeeping Amendment

The intended outcome of the PP is to amend a number of clauses in the LEP instrument and associated maps in order to correct identified anomalies or inconsistencies within the LEP and improve the Plan's operation, specifically:

- Ten (10) items have been identified that require administrative amendments to the written instrument of Shoalhaven LEP 2014. These amendments include updates to clauses, land use zones and Schedule 5 Environmental Heritage.
- Twenty-nine (29) items have been identified that require amendments to the Shoalhaven LEP 2014 maps, covering a variety of minor mapping issues relating to land zoning, lot size, height of building, buffer and heritage.
- Two (2) items have been identified for amendment that relate to both the instrument (Schedule 5 of Shoalhaven LEP 2014) and the associated heritage mapping.

The proposed amendments will help to improve the overall operation of the Plan. The proposed PP is included at **Attachment 1** and contains the detail of the proposed LEP amendments, with the key matters/issues summarised in **Table 1** below for convenience.

Table 1: Summary of the 2020-2021 Housekeeping PP key issues.

Proposed Instrument Amendments	
Instrument Item 1: Insert 'secondary dwellings' as a land use permitted with consent in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R5 Large Lot Residential zones.	Under the <i>State and Environmental Planning Policy (Affordable Rental Housing) 2009</i> (AHSEPP), 'Secondary Dwellings' are permissible with consent within the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R5 Large Lot Residential zones. It is considered appropriate to amend Shoalhaven LEP 2014 to be consistent with the AHSEPP and increase alternative housing opportunities within the Shoalhaven.
Instrument Item 2: Insert 'artisan food and drink industry' as a land use permitted with consent in the B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones.	<p>'Artisan food and drink industry' is currently not permissible in the B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones. It is however considered appropriate for the term to be permissible with consent in these zones to support the growing artisan/craft food and drink industry in Shoalhaven. This approach has been taken by other regional Councils, for example Orange.</p> <p>The proposed amendment is supported by Council's Nowra CBD Revitalisation Strategy Committee, which resolved (CBD21.3) on 3 February 2021 to:</p> <ol style="list-style-type: none"> 1. <i>Support the preparation and progression of a Planning Proposal to add 'Artisan Food & Drink Industry' as a permissible use in the B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones in the Shoalhaven Local Environmental Plan 2014.</i>

	2. <i>Receive future updates on the progress of the Planning Proposal.</i>
Instrument Item 5: Amend Clause 4.2D to include the term <i>waterbody</i> .	The proposed inclusion of 'waterbody' within the existing definition of a 'holding' relating to dwelling entitlements reflects Council's longstanding practice that a holding separated by water is still considered to be a holding.
Instrument Item 10: Insert a local clause that enables the creation of two residue lots containing all of the rural or environmental land within the parent lot.	<p>There are four identified lots within Nowra Hill and Sussex Inlet that cannot be practically subdivided under existing Clause 4.1E (split zone subdivision) provisions as the environmental or rural portion of land cannot be held within the one residue lot, as a result of environmental or other constraints.</p> <p>This is not Council's intent and can be rectified through the implementation of a proposed new local clause, aimed at enabling the creation of two residue lots that would contain the entirety of the rural or environmental zoned portion within the parent lot.</p>
Proposed Mapping Amendments	
Mapping Item 1: Lot 7 DP 731147 & Road UPN 103401, The Springs Road, Sussex Inlet	<p>The lot is currently zoned part RE1 Public Recreation, which is considered an inappropriate zoning for privately owned land.</p> <p>Historically, the portion of land has been set zoned as a buffer for visual amenity purposes. Rezoning the RE1 Public Recreation portion of both Lot 7 and the Road Casement to E3 Environmental Management will protect this function into the future.</p>
Mapping Item 4: Part of Lot 700 DP 1265509 & Lot 542 DP 1250028, Macquarie Drive, Burrill Lake	<p>The subject lots are zoned part E2 Environmental Conservation and part R1 General Residential and area within the Burrill Lake residential subdivision area. Rezoning part of the E2 zone that currently protrudes into the residential subdivision proposed for Lot 700 DP 1265509 will enable development approved to be undertaken in an efficient manner.</p> <p>Additionally, rezoning Lot 542 to RE1 Public Recreation reflects the land dedication as part of the approved subdivision.</p>
Mapping Item 7: Lot 17 DP 857006, Huskisson Road, Huskisson	The RE1 Public Recreation portion of the subject lot is considered an inappropriate zoning for privately owned land. Rezoning the RE1 portion to E2 Environmental Conservation will maintain and secure the naturally vegetated corridor that links the Jervis Bay National Park with Council's Huskisson BioBank site.
Mapping Item 10: Lots 116-120 DP 1248050 & Part of Road UPN 121947, Dune Crescent, Manyana	The subject lots are currently zoned E3 Environmental Management and R2 Low Density Residential, and form part of a recent residential subdivision. Rezoning the subject land to R2 will ensure that housing can be developed consistently with the intent of the subdivision, in an efficient manner.
Mapping Item 13: Lot 3 DP 1069042, Wallace Street, Nowra	The subject lot is zoned RE1 Public Recreation and R1 General Residential. Council has no intention to acquire the RE1 portion of the lot. Rezoning the RE1 portion of land to R1 is consistent with the land use and will assist in facilitating development.

Mapping Item 15: Lots 100 and 101 DP 1247844, Golf Course Way, Sussex Inlet	Lot 100 DP 1247844 is currently zoned R1 General Residential and RE2 Private Recreation. The lot is the subject of a residential subdivision. Rezoning Lot 100 to R1 is consistent with the intended future residential land use of the lot.
Mapping Item 22: Lots 1-5 DP 700116, Pitt Street, North Nowra	The subject land (part of the Pitt Street industrial precinct) is currently zoned R2 Low Density Residential and IN2 Light Industrial. Realigning the R2 zoning to the actual built industrial interface will facilitate future industrial development, accurately reflect the intention of the land and existing development character.
Mapping Item 26: Westhaven Avenue & Shoalhaven Street, Nowra	The subject land currently has no height of building applying. Council intended to apply a I2 (8.5m) height of building to the subject area as part of the Nowra CBD Fringe Planning Proposal (PP038), however the exhibited maps presented the subject land without a height of building. Applying the I2 (8.5m) height of building to the land will be consistent with Council's intentions.
Mapping Item 28: Lots 145-146 DP 1190108 & Lot 102 DP 1093762, Peacehaven Way & Sussex Inlet Road, Sussex Inlet	<p>The subject lots are currently zoned R1 General Residential.</p> <p>Lots 145 and 146 DP 1190108 were dedicated as open space for the purpose of community land, in accordance with SF9055. Rezoning Lots 145 and 146 to RE1 Public Recreation is considered to be more consistent with the public reserve land use.</p> <p>Additionally, Lot 102 DP 1093762 was acquired by Shoalhaven Water and subsequently classified as operational land for the purpose of a sewerage pumping station. Rezoning the lot to SP2 Infrastructure (Sewerage System) and applying a Sewerage Treatment Plant buffer (with a 400m radius) is consistent with the land use.</p>
Mapping Item 29: Lot 1 DP 1264873, Bells Lane, Meroo Meadow	The subject land is partially located within the Moss Vale North Urban Release Area (URA). Subsequent to a recent boundary adjustment, the zoning, minimum lot size, clauses (Schedule 1.5) and URA layer should be amended to reflect the consistent line and intent of the Moss Vale Road North URA.
Mapping Items 6, 14, 17, 18:	Four mapping items propose the rezoning of a number of lots around various classified roads, following works undertaken by Transport for New South Wales. The subject land is proposed to be rezoned to be consistent with the land use and surrounding land zonings.
Proposed Instrument and Mapping Amendments	
Heritage Item No. 355: Mafeking Boer War Memorial	Update Heritage Map Sheet (Sheet HER_013E) to remove the heritage overlay from Lot 2 DP 363266 and the adjoining road reserve (retaining on Lot 3 DP 363266), to assist the better identification the heritage item. This is consistent with the heritage data sheet.
Heritage Item No. 407: Former Nowra Sailing Club site and Timber Wharf	Update Heritage Map Sheet (Sheet HER_013E) to include additional lots (Lot 263 DP 755952 and Lot 383 DP 755952 – the current <i>Ponte Bar and Dining</i>) and update the item name to reflect the history of the site and its components, to read: 'Site of

	former Illawarra Steam Navigation Co. store and wharf, Nowra Wharf, Sandstone ramp and sea walls, former Boatshed Restaurant and site of former boatshed, slipway and jetty’.
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Following initial endorsement from Council, the PP would be submitted to the NSW Department of Planning, Industry and Environment for a Gateway determination.

As detailed in the Project Timeline in the PP (**Attachment 1**), it is anticipated that the LEP amendment would be finalised by early 2022.

Community Engagement

Should the PP receive a favourable Gateway determination, it will be exhibited in accordance with the relevant legislative and Gateway requirements. The Gateway determination will specify the minimum exhibition period and any government agencies who should be consulted.

Any directly affected landowners will be advised of the exhibition arrangements in writing, as will all Community Consultative Bodies and other relevant stakeholders.

Financial Implications

There are no immediate financial implications for Council. The amendment to Shoalhaven LEP 2014 will be resourced from the existing Strategic Planning budget.

FOR ACTION

DEVELOPMENT & ENVIRONMENT COMMITTEE

11/05/2021

Subject:	Proposed 2020/2021 Housekeeping Amendment to Shoalhaven Local Environmental Plan 2014 (PP044) - Gateway Determination
HPERM Reference	59409E
Related Report	D20/537903
Item Number	DE21.37

RESOLVED (Clr Wells / Clr Digiglio)

MIN21.248

That Council:

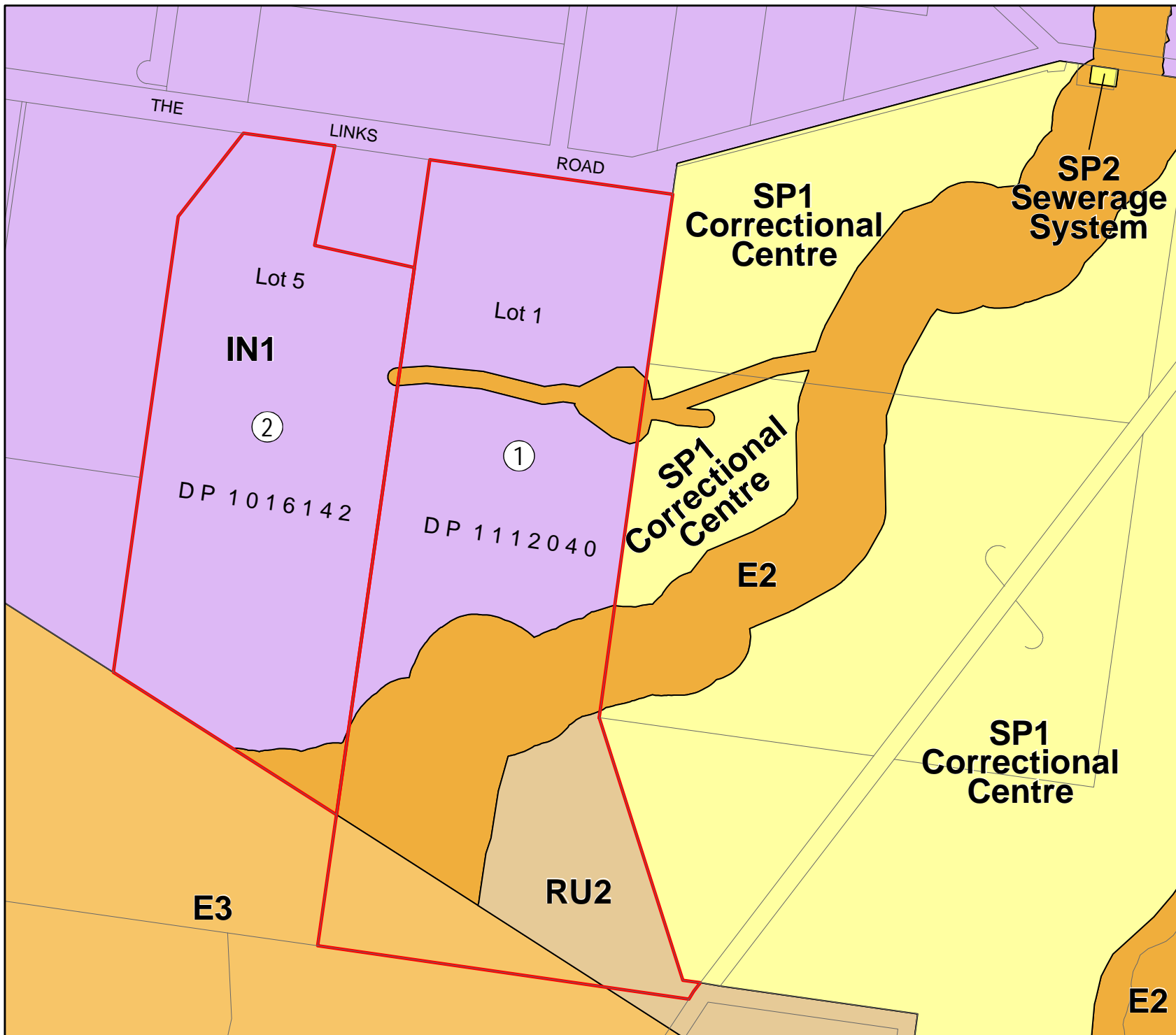
1. Submit Planning Proposal PP044 to the NSW Department of Planning, Industry and Environment for an initial Gateway determination, and if favourable:
 - a. Proceed to formal exhibition in accordance with the terms of the determination/legislative requirements; and
 - b. Receive a further report following the conclusion of the public exhibition to enable its finalisation.
2. Advise key stakeholders, including relevant Community Consultative Bodies and any directly affected landowners, of the public exhibition agreements.

FOR: Clr Pakes, Clr Findley, Clr Gash, Clr Wells, Clr White, Clr Digiglio, Clr Alldrick, Clr Levett, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

Attachment C – Affected Land relating to Instrument Item 10



Legend

Subject Land

Land Zoning (LZN)

Zone

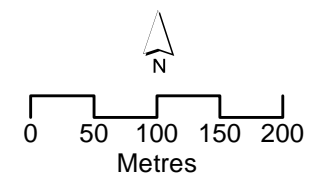
- E2 Environmental Conservation
- E3 Environmental Management
- IN1 General Industrial
- RU2 Rural Landscape
- SP1 Special Activities
- SP2 Infrastructure

PP044
Planning Proposal

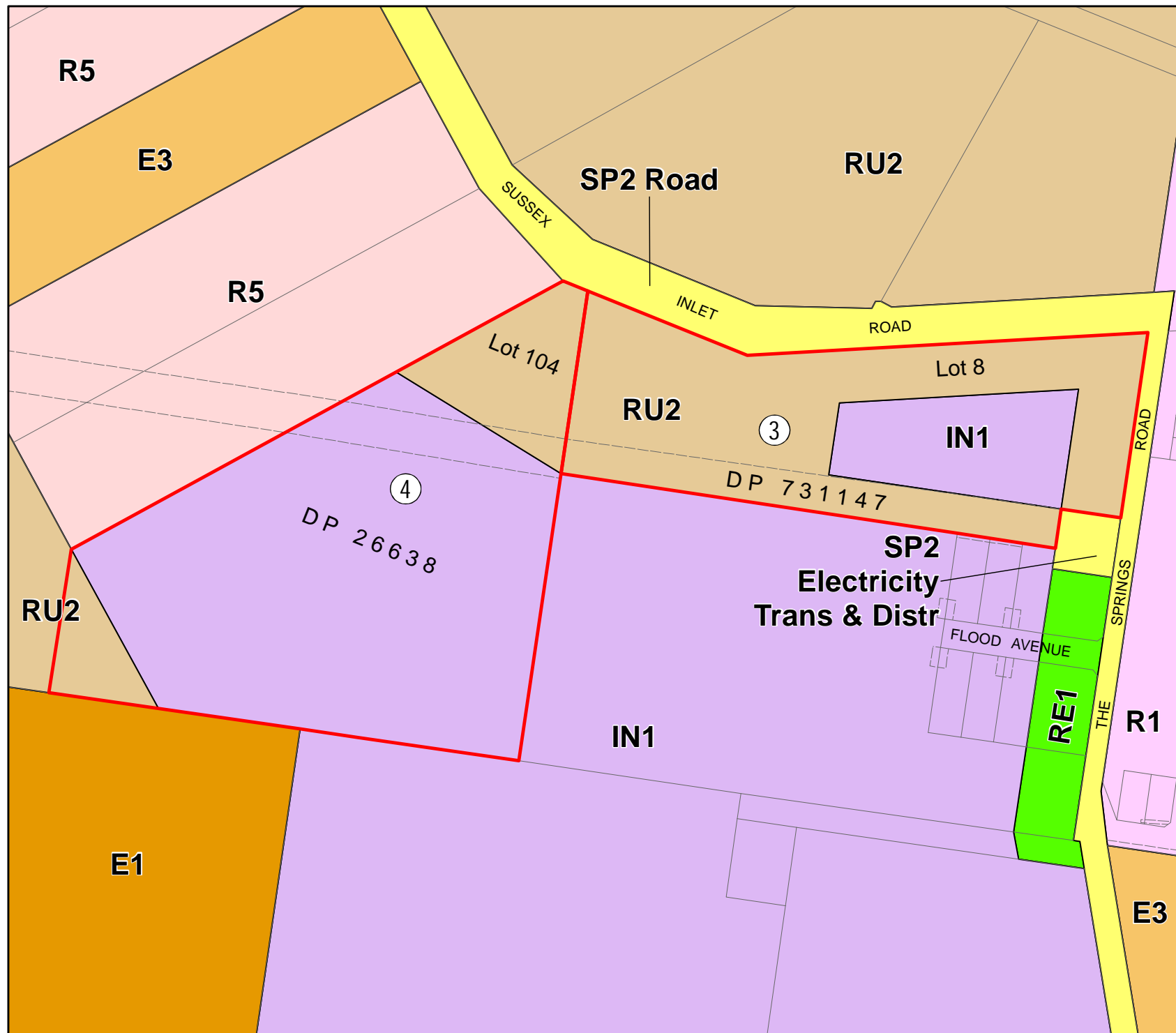
Clause 4.1E Affected Areas

The Links Road

Nowra Hill



Council File 59409E



Legend

Subject Land

Land Zoning (LZN)

Zone

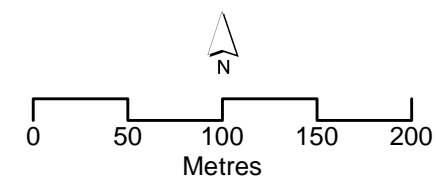
- E1 National Parks and Nature Reserves
- E3 Environmental Management
- IN1 General Industrial
- R1 General Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RU2 Rural Landscape
- SP2 Infrastructure

PP044
Planning Proposal

Clause 4.1E Affected Areas

Sussex Inlet Road

Sussex Inlet



Council File 59409E

Attachment D – Support from Crown Lands for Mapping Items 2 & 11

From: Helen Wheeler <helen.wheeler@crowland.nsw.gov.au>
Sent: Monday, 6 April 2020 11:58 AM
To: Emma Kell <Emma.Kell@shoalhaven.nsw.gov.au>
Subject: HPECM: FW: Enquiry – Potential Housekeeping Items - Shoalhaven Local Environmental Plan (LEP) 2014

Hi Emma

Thanks for your referral of the proposed housekeeping amendments outlined below.
Crown Lands have no objection to the proposed amendments.
regards

Helen Wheeler

Natural Resource Project Management Officer

Crown Lands | Department of Planning, Industry and Environment

E Helen.Wheeler@crowland.nsw.gov.au

PO Box 309 NOWRA NSW 2541

www.dpie.nsw.gov.au

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Angela Lordan <angela.lordan@crowland.nsw.gov.au> **On Behalf Of** CL Reserves
Sent: Monday, 6 April 2020 8:11 AM
To: Nowra CrownLands <nowra.crownlands@crowland.nsw.gov.au>
Subject: Fwd: Enquiry – Potential Housekeeping Items - Shoalhaven Local Environmental Plan (LEP) 2014

Kind Regards

Reserves | Dubbo Business Centre

Crown Lands | Department of Planning, Industry and Environment

T 1300 886 235 (Option 5, Option 1) | E reserves@crowland.nsw.gov.au

PO Box 2185 Dangar NSW 2309

www.dpie.nsw.gov.au

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically

----- Forwarded message -----

From: **Emma Kell** <Emma.Kell@shoalhaven.nsw.gov.au>

Date: Thu, 2 Apr 2020 at 08:36

Subject: Enquiry – Potential Housekeeping Items - Shoalhaven Local Environmental Plan (LEP) 2014

To: reserves@crowland.nsw.gov.au <reserves@crowland.nsw.gov.au>

Strategic Planning are currently investigating items for the purpose of a future housekeeping amendment to Shoalhaven LEP 2014. The following mapping anomalies have been identified on crown reserves.

Council is seeking feedback as to whether the proposed mapping amendments would be supported by Crown Lands.

Item One:	UPN 26832, Mollymook		<p>Issue: The Lot boundary is inconsistent with the zoning. E2 zoning currently protrudes outside of lot and onto the beach.</p> <p>Potential Amendment: Snap the E2 layer to the lot boundary.</p>
Item Two:	Opposite UPN 35128, Ulladulla		<p>Issue: The Lot boundary is inconsistent with the zoning. A portion of the R3 zone associated with the road</p>



and a portion of the RE1 zone protrude into the W3 zone.

Potential Amendment:
Rezone R3 and RE1 polygons to W3.

Please do not hesitate to contact me on the below number, if you require further clarification.

Regards,

Emma Kell

Trainee Town Planner

Shoalhaven City Council

02 4429 3213

Bridge Rd (PO Box 42) Nowra NSW 2541

Emma.Kell@shoalhaven.nsw.gov.au

www.shoalhaven.nsw.gov.au

RESPECT | INTEGRITY | ADAPTABILITY | COLLABORATION

This message may contain both confidential and privileged information intended only for the addressee named above.
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Attachment E – SEPP Checklist

SEPP	Name	Applicable	Relevant	Not inconsistent
19	Bushland in Urban Areas	x	x	n/a
21	Caravan Parks	✓	x	n/a
33	Hazardous and Offensive Development	✓	x	n/a
36	Manufactured Home Estates	✓	x	n/a
47	Moore Park Showground	x	x	n/a
50	Canal Estate Development	✓	x	n/a
55	Remediation of Land	✓	x	n/a
64	Advertising and Signage	✓	x	n/a
65	Design Quality of Residential Apartment Development	✓	x	n/a
70	Affordable Housing (Revised Schemes)	✓	x	n/a
--	Aboriginal Land 2019	x	x	n/a
--	Activation Precincts 2020	x	x	n/a
--	Affordable Rental Housing 2009	✓	x	n/a
--	Building Sustainability Index: BASIX 2004	✓	x	n/a
--	Coastal Management 2018	✓	x	Refer to s.4.2.3
--	Concurrences and Consents 2018	✓	x	n/a
--	Educational Establishments and Child Care Facilities 2017	✓	x	n/a
--	Exempt and Complying Development Codes 2008	✓	x	Refer to s.4.2.3
--	Gosford City Centre 2018	x	x	n/a
--	Housing for Seniors or People with a Disability 2004	✓	x	n/a
--	Infrastructure 2007	✓	x	n/a
--	Koala Habitat Protection 2020	✓	x	n/a
--	Koala Habitat Protection 2021	✓	x	n/a
--	Kosciuszko National Park – Alpine Resorts 2007	x	x	n/a
--	Kurnell Peninsula 1989	x	x	n/a
--	Major Infrastructure Corridors 2020	x	x	n/a
--	Mining, Petroleum Production and Extractive Industries 2007	✓	x	n/a
--	Penrith Lakes Scheme 1989	x	x	n/a
--	Primary Production and Rural Development 2019	✓	x	n/a
--	State and Regional Development 2011	✓	x	n/a
--	State Significant Precincts 2005	✓	x	n/a
--	Sydney Drinking Water Catchment 2011	✓	x	n/a
--	Sydney Region Growth Centres 2006	x	x	n/a
--	Three Ports 2013	x	x	n/a
--	Urban Renewal 2010	x	x	n/a
--	Vegetation in Non-Rural Areas 2017	✓	x	Refer to s.4.2.3
--	Western Sydney Aerotropolis 2020	x	x	n/a
--	Western Sydney Employment Area 2009	x	x	n/a
--	Western Sydney Parklands 2009	x	x	n/a

Attachment F – s9.1 Ministerial Direction Checklist (24 February 2021 Version)

Direction		Applicable	Relevant	Not inconsistent
1 Employment and Resources				
1.1	Business and Industrial Zones	✓	✓	Refer to s.4.2.4
1.2	Rural Zones	✓	✗	n/a
1.3	Mining, Petroleum Production and Extractive Industries	✗	✗	n/a
1.4	Oyster Aquaculture	✗	✗	n/a
1.5	Rural lands	✓	✓	Refer to s.4.2.4
2 Environment and Heritage				
2.1	Environmental Protection Zones	✓	✓	Refer to s.4.2.4
2.2	Coastal Management	✓	✓	Refer to s.4.2.4
2.3	Heritage Conservation	✓	✓	Refer to s.4.2.4
2.4	Recreation Vehicle Area	✗	✗	n/a
2.5	Application of E2 and E3 Zones in Environmental Overlays in Far North Coast LEPs	✗	✗	n/a
2.6	Remediation of Contaminated Land	✓	✓	Refer to Section 4.2.4
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	✓	✓	Refer to s.4.2.4
3.2	Caravan Parks and Manufactured Home Estates	✓	✗	n/a
3.4	Integrating Land Use and Transport	✓	✓	Refer to s.4.2.4
3.5	Development Near Regulated Airports and Defence Airfields	✗	✗	n/a
3.6	Shooting Ranges	✗	✗	n/a
3.7	Reduction in non-hosted short term rental accommodation period	✗	✗	n/a
4 Hazard and Risk				
4.1	Acid Sulphate Soils	✓	✓	Refer to s.4.2.4
4.2	Mine Subsidence and Unstable Land	✗	✗	n/a
4.3	Flood Prone Land	✓	✓	Refer to s.4.2.4
4.4	Planning for Bushfire Protection	✓	✓	Refer to s.4.2.4

5 Regional Planning				
5.2	Sydney Drinking Water Catchments	✓	✗	n/a
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	✗	✗	n/a
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	✗	✗	n/a
5.9	North West Rail Link Corridor Strategy	✗	✗	n/a
5.10	Implementation of Regional Plans	✗	✗	n/a
5.11	Development of Aboriginal Land Council land	✗	✗	n/a
6 Local Plan Making				
6.1	Approval and Referral Requirements	✓	✗	n/a
6.2	Reserving Land for Public Purposes	✓	✗	n/a
6.3	Site Specific Provisions	✗	✗	n/a
7 Metropolitan Planning				
7.1	Implementation of A Plan for Growing Sydney	✗	✗	n/a
7.3	Parramatta Road Corridor Urban Transformation Strategy	✗	✗	n/a
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	✗	✗	n/a
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	✗	✗	n/a
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	✗	✗	n/a
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	✗	✗	n/a
7.8	Implementation of Western Sydney Aerotropolis Plan	✗	✗	n/a
7.9	Implementation of Bayside West Precincts 2036 Plan	✗	✗	n/a
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	✗	✗	n/a
7.11	Implementation of St Leonards and Crows Nest 2036 Plan	✗	✗	n/a
7.12	Implementation of Greater Macarthur 2040	✗	✗	n/a
7.13	Implementation of the Pyrmont Peninsula Place Strategy	✗	✗	n/a

Attachment G – State Agency Consultation Responses

Proposal case details

Referral case details

Documents

Action summary

Following a preliminary review, is the detail provided complete and is the case ready for a decision?
Yes, the application is ready for decision

What is the outcome of your review?
Decision not required

Comments
Nowra Crown Lands Office has nil further objection or comments regarding this planning proposal

Documents

Case Manager

https://apps.planningportal.nsw.gov.au/prweb/PRAuth/nNrigeH-_PunJOuDUyy3H1jpQabq9yrY*/!@...

SCC Intranet | SCC Website | GIS Enquiry | Shoalhaven LEP 20... | NSW Legislation | NSW EP&A 1979 N... | Department of Plan...

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Knowledge Manag...

Submission Register

PP Online (PP-2021-3512)

Referral for DPIE-Environment,Energy and Science

Ref-632 Decision provided

Assessment

Decision

Proposal case details

Referral case details

Documents

Action summary

Following a preliminary review, is the detail provided complete and is the case ready for a decision?

Yes, the application is ready for decision

What is the outcome of your review?

Advice

Comments

Nil response from EES (ie BCD South East Branch (Planning (Illawarra) team)). It is noted that NPWS has provided comment on relevant mapping changes as a separate request for this to occur was made.

Documents

From: Janet Cavanaugh <Janet.Cavanaugh@environment.nsw.gov.au> on behalf of NPWS Environmental Planning Advice Mailbox
<npws.envplanningadvice@environment.nsw.gov.au>
Sent: Monday, 26 July 2021 4:28 PM
To: Council Email
Cc: Emma Kell; Chris Page
Subject: HPECM: FW: Planning Proposal PP-2021-3512: Request for agency referral received Ref-633

Record Number: D21/311377

Good afternoon,

Thank you for forwarding Planning Proposal No. PP-2021-3512 involving housekeeping amendments to the *Shoalhaven Local Environmental Plan 2014* to the National Parks and Wildlife Service (NPWS) for comment.

Following a review of the proposed amendments to the SLEP 2014 of relevance to NPWS, our feedback is as follows:

1. **Mapping Change 5 (p.22)**

Supportive of proposal to rezone lands at Erawal Bay reserved in 2019 to from E2 to E1. Please note there are some differences between the NPWS estate mapping and the SCC proposed LZN changes map (see below) as follows:

- a. The small circular lot at the western end has proposed RE1 zoning on the council map. NPWS records this as being part of Jervis Bay NP and so it should be proposed for E1 zoning if the aim is to correctly zone all NPWS estate.
- b. At 4 locations the council map shows proposed E1 zoning over what are cadastre roads (paper roads) on the cadastre. This land is not yet reserved as park. As these paper roads potentially provide access to lands that are not reserved under the NPW Act, they should remain zoned as E2.

2. **Mapping Change 7 (p.24)**

Supportive of proposal to change tiny part of a private lot fronting Huskisson Rd adjacent to park from RE1 to E2 as may help to secure this section of vegetated land.

3. **Mapping change 16 (p.33)**

Supportive of rezoning Lot 1 DP866983 (TAFE block) reserved in 2019 from E2 and SP2 to E1.



If you require any further information, please do not hesitate to contact me.

Yours faithfully,

Janet Cavanaugh

Senior Project Officer, EIA Advisory
Partnerships, Planning & Heritage Branch
NSW National Parks and Wildlife Service

Lvl 4, 49 Victoria St (PO Box 361), Grafton NSW 2460
T 02 6641 1551 M 0419 653 953
W nationalparks.nsw.gov.au

From: NSW Planning <planning.apps@planning.nsw.gov.au>

Sent: Tuesday, 6 July 2021 9:25 AM

To: NPWS Park Support Mailbox <NPWS.ParkSupport@environment.nsw.gov.au>

Cc: emma.kell@shoalhaven.nsw.gov.au

Subject: Planning Proposal PP-2021-3512: Request for agency referral received Ref-633



Your agency has received a referral request Ref-633 for Planning Proposal PP-2021-3512.

This proposal relates to:

- Site address:SHOALHAVEN
- Local Government Area: SHOALHAVEN

Please log into the NSW Planning Portal to assess this request.

[Login](#)

This email has been automatically sent through the NSW Planning Portal. Please do not reply to this message.

For more information or assistance, please visit the [NSW Planning Portal](#) and view our [Frequently Asked Questions](#) or [Quick Reference Guides](#). Alternatively, you can call our help line on 1300 305 695.< /p>

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NSW RURAL FIRE SERVICE

Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Your reference: (REF-634) PP-2021-3512)
Our reference: SPI20210712000105

ATTENTION: Emma Kell

Date: Wednesday 28 July 2021

Dear Sir/Madam,

Strategic Planning Instrument LEP Amendment – Planning Proposal

Housekeeping amendments: This Planning Proposal (PP) seeks to amend *Shoalhaven Local Environmental Plan 2014* to improve the operation and accuracy of the Plan. The amendment responds to a range of instrument and mapping issues that have arisen since the previous housekeeping amendment commenced.

I refer to your correspondence dated 06/07/2021 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The NSW RFS has reviewed the proposal with regard to Section 4.4 of the directions issued in accordance with Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

The objectives of the direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

The direction provides that a planning proposal must:

- (a) have regard to *Planning for Bushfire Protection 2019*,
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.

Based upon an assessment of the information provided, NSW RFS raises no objections to the proposal.

For any queries regarding this correspondence, please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely,

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
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www.rfs.nsw.gov.au

