

PLANNING PROPOSAL – PP049

Shoalhaven Local Environmental Plan 2014

Danjera Dam Additional Permitted Use – Camping Ground

Prepared by
Planning, Environment & Development Group
Shoalhaven City Council

File: 61178E
Version 5: Adopted
Date: November 2020

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1 Introduction

This Planning Proposal (PP) seeks to amend Shoalhaven Local Environmental Plan (SLEP) 2014 to insert “camping ground” as an additional permitted use on certain land at Danjera Dam Camping & Recreation area located at Yalwal Road, Yalwal.

The PP seeks to formalise a longstanding, existing use to enable it to continue lawfully and enable future upgrades to existing camping and day use/picnic areas at the property. The PP is supported by three expert studies/reports, specifically addressing bushfire risk and mitigation, biodiversity impact and potential suitability for on-site effluent disposal, provided in **Attachment 1**.

This PP has been prepared in accordance with Section 3.3 of the Environmental Planning & Assessment Act, 1979, and associated guidelines prepared by the Department of Planning & Environment (DP&E).

1.1 Subject Land

The subject land is owned by Council and adjoins Danjera Dam some 30km west of Nowra, as shown in **Figure 1** below.

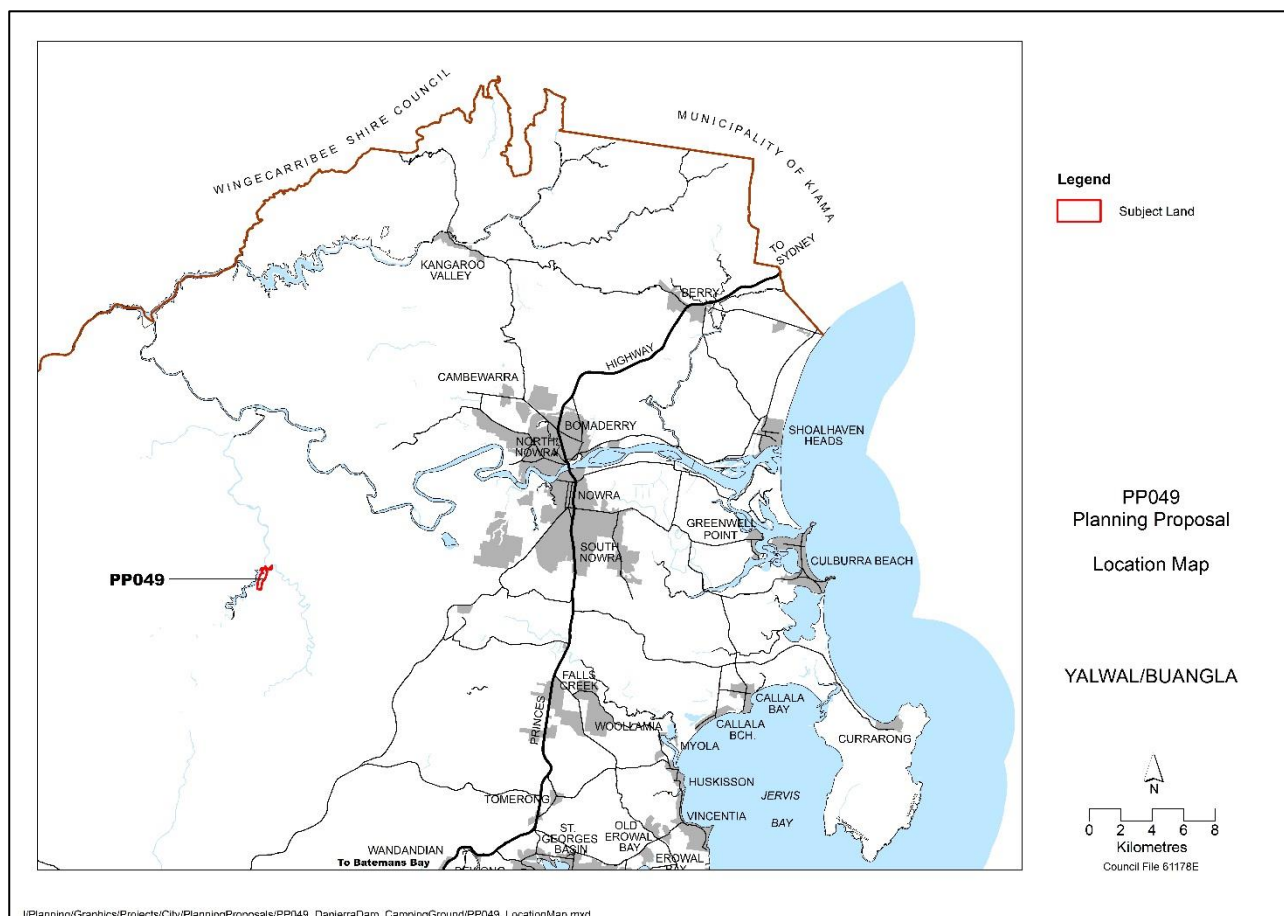


Figure 1: Location Map

The land is classified as “operational” land under the Local Government Act 1993 and is administered by Shoalhaven Water. The subject land is legally described as Part Lots 1, 4 & 5 DP 252335; Lot 1 DP 874512; Lot 1 DP 217080; Part Lot 15 DP 1216343; Part Lot 11 DP 755931; and Part Lot 122 DP 1255641 as identified in **Figure 2** and **Figure 3** below. The land is adjoined by large areas of Crown Land to the south and south-west; National Parks and Wildlife Service (NPWS) land to the north and west; and private land to the east.

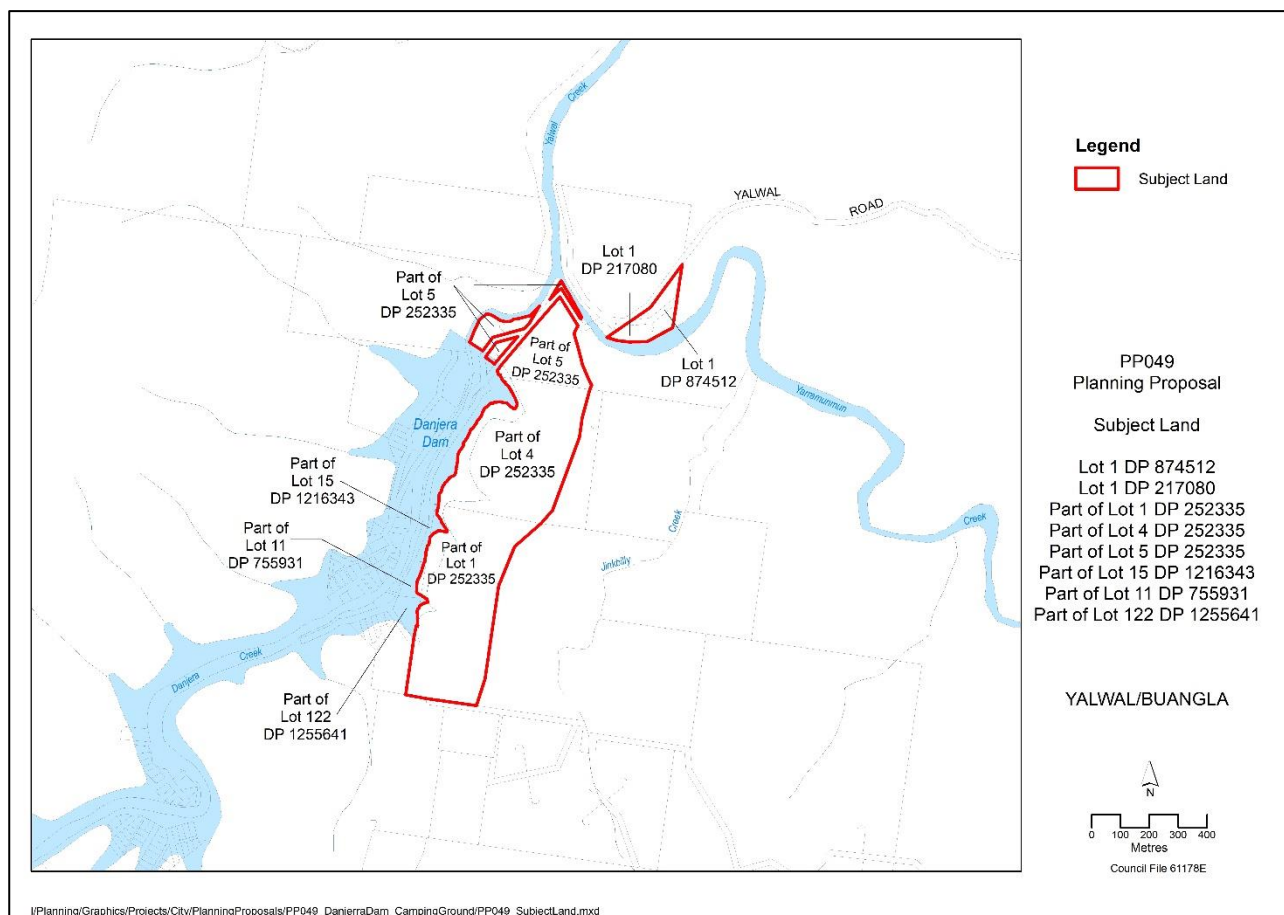


Figure 2: Subject Land

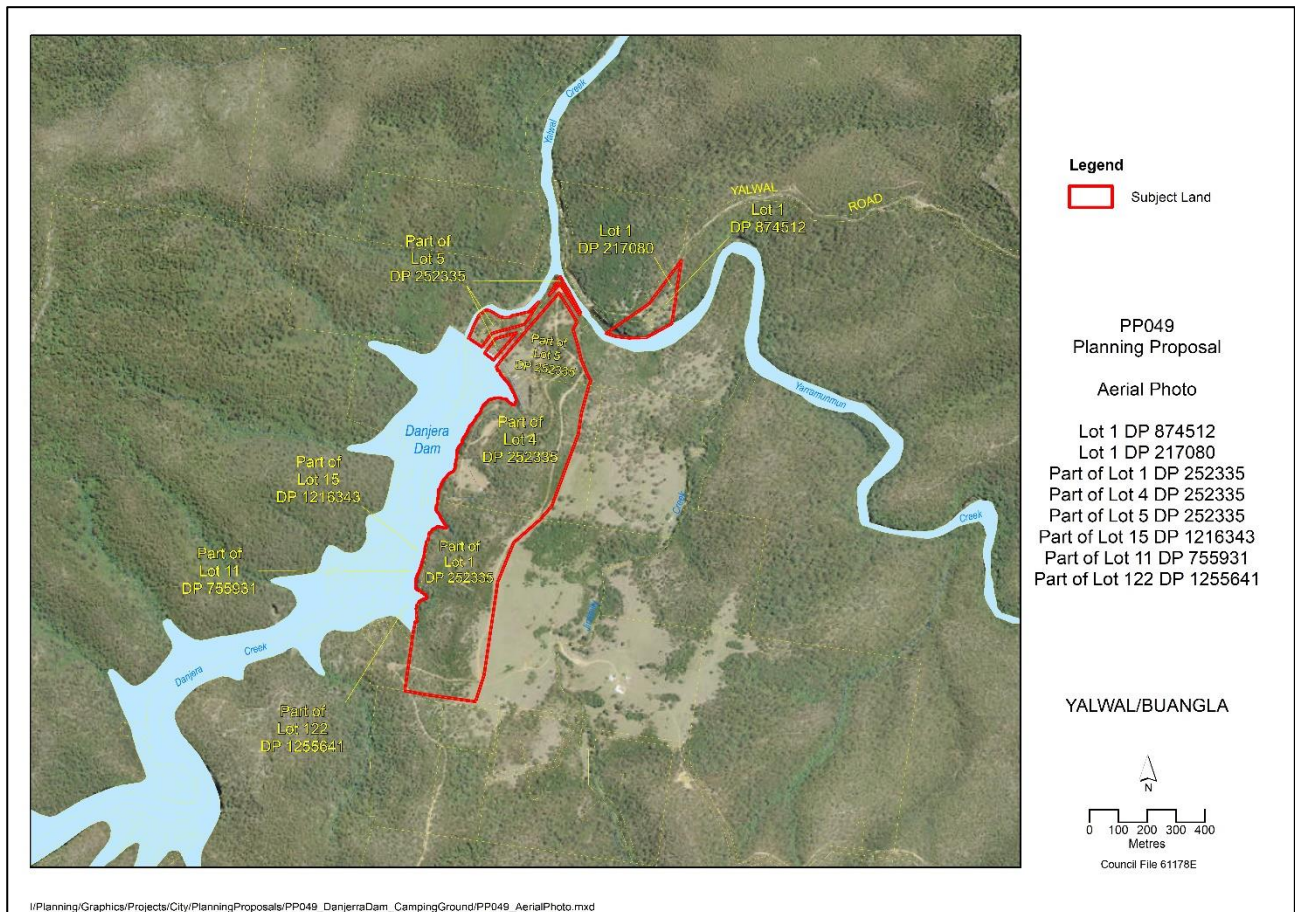


Figure 3: Aerial Photo

The land is currently zoned E2 Environmental Conservation under SLEP 2014 as shown in **Figure 4** below.

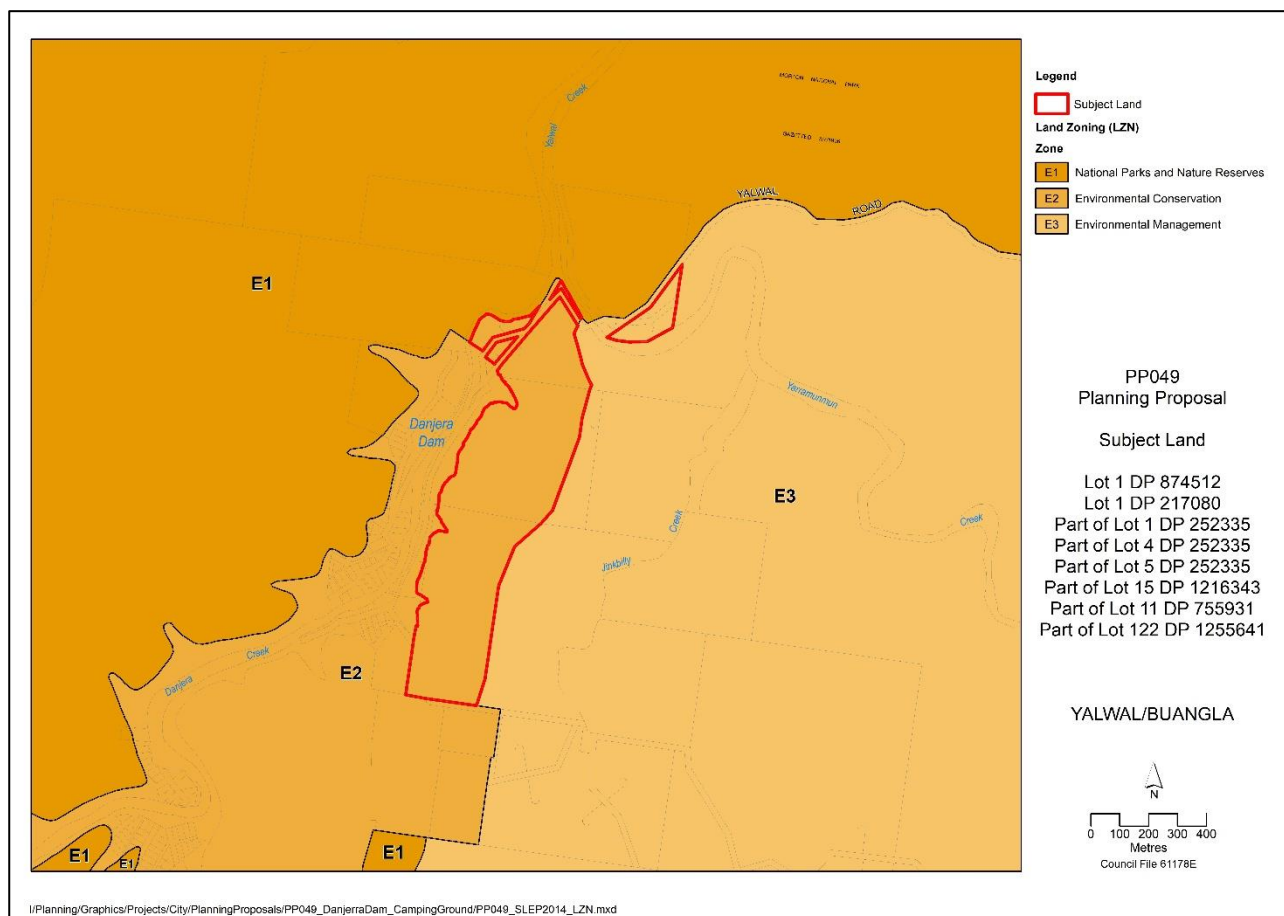


Figure 4: Current Land Use Zones

1.2 Background

The subject land has been used for camping and day use/ picnic areas since the Danjera Dam was constructed by Council in 1971. The locality is unique in that it offers tourism and recreation activities, with multiple attractions to visitors that include:

- dam and associated water-based activities including fishing and non-powered boating/ kayaking.
- bushwalking and other land based natural attractions (gorges etc.).

Essentially the proposal is to concentrate all camping on-site to one main campground, thus facilitating effective on-site management, bushfire protection and minimising any direct environmental impacts. A separate, but integrated day visitors parking area is also provided. Associated improvements to pathways, amenities and picnic facilities have been provided.

In 2002, a Schedule 9 – Allowance Clause was inserted into Shoalhaven LEP 1985 to enable tourist facilities at the site. However in the process of preparing Shoalhaven LEP 2014, the provision in LEP 1985 was not transferred as a result of a request from DP&E that ‘Additional Permitted Uses’ be kept to a minimum.

In 2015, Council resolved to support a PP over the subject land to again provide for ‘camping grounds’ in the LEP (PP_2015_SHOAL_009_00). This PP proceeded to a Gateway determination but was discontinued by Council in 2017.

Following its consideration of a detailed report on the possible redevelopment of the Danjera Dam Camping and Recreation Area, Council resolved on 1 October 2019 to:

1. Support the Planning Proposal request submitted on behalf of Shoalhaven Water (the Proponent) for the Danjera Dam Camping & Recreation Area.
2. Prepare and submit the required Planning Proposal documentation to the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway determination, and dependent on the outcome proceed to exhibit the PP and report back to Council post-exhibition.
3. Advise the Proponent of this resolution.

The subsequent Planning Proposal (PP049) proceeded to a Gateway determination and was granted approval to proceed subject to conditions on 1 April 2020. In accordance with the Gateway determination, and to satisfy section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 directions, consultation with public authorities/organisations was sought prior to public exhibition.

The Planning Proposal was publicly exhibited for a period in excess of fourteen (14) days, as outlined in Part 5 of this report. A total of three submissions were received with all issues raised reported back to Council’s Development and Environment Committee meeting of 6 October 2020. Following consideration of that report, Council resolved to:

1. Adopt and finalise Planning Proposal PP049 Danjera Dam Additional Permitted Use as exhibited.
2. Forward PP049 to the NSW Parliamentary Counsel’s Office to draft the Amendment to Shoalhaven LEP 2014 and make the resulting amendment using Council’s delegation.
3. Advise Shoalhaven Water (the Proponent) and other stakeholders, including adjoining landowners, development industry representatives and those who made a submission, of this decision and when the LEP amendment is made.

The concept plan for the proposed development is provided below in Figure 5:

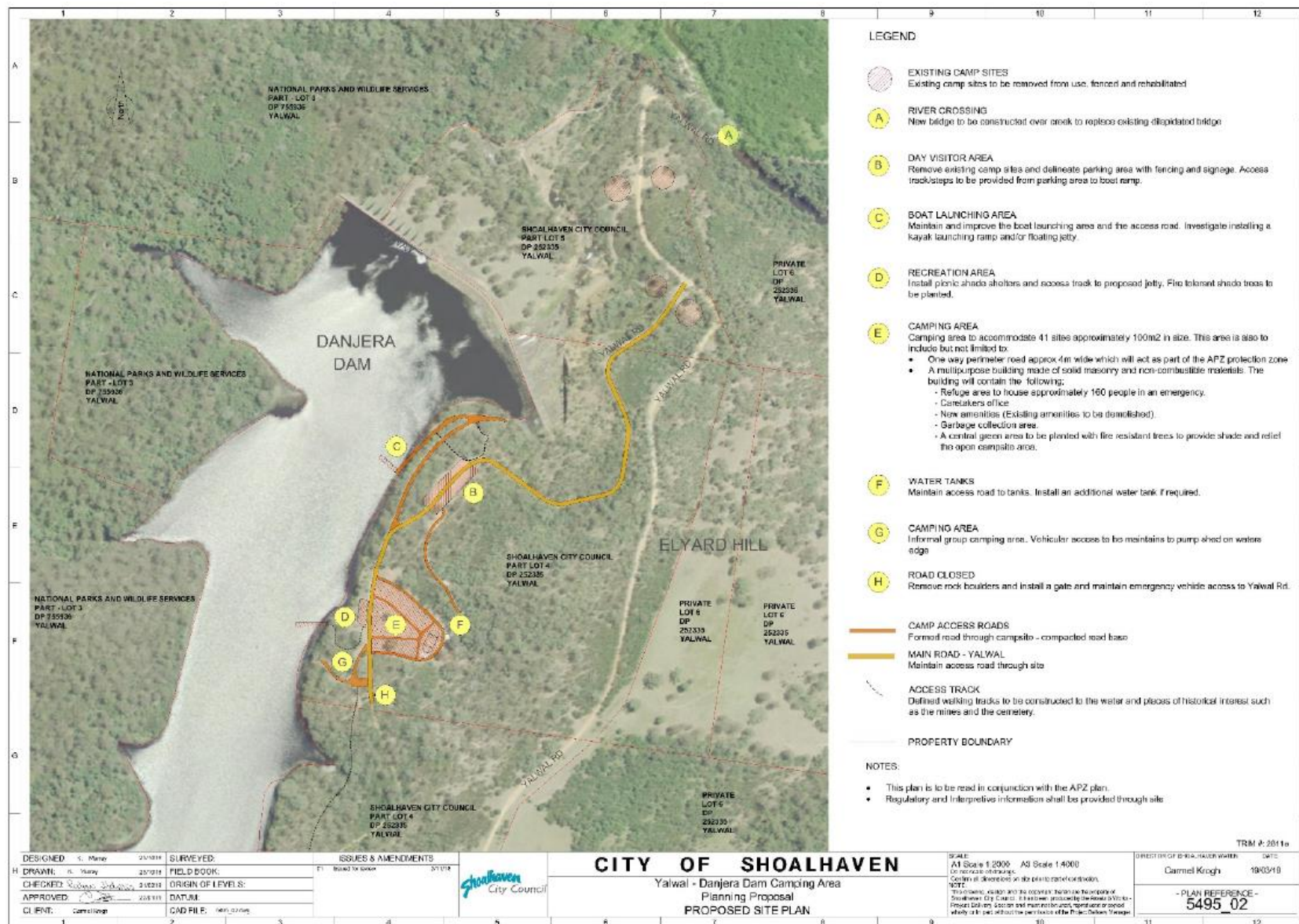


Figure 5: Proposed site plan

2 Part 1 – Intended Outcome

The intended outcome of this Planning Proposal is to enable the continued use of, and future improvements to, the existing camping ground and day use/picnic areas at Danjera Dam Camping and Recreation area, Yalwal Road, Yalwal.

3 Part 2 – Explanation of Provisions

To facilitate the intended outcomes, the PP proposes to amend SLEP 2014 to:

- Insert “camping ground” as an Additional Permitted Use within Schedule 1 of SLEP 2014 for the subject land; and
- Amend the Clauses Map Sheet to refer to the Additional Permitted Use in Schedule 1.

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?

The PP arises from the need to formalise the existing use of the land and enable future upgrades and improvements to the existing camping ground and day use/picnic areas. This is proposed to be achieved through a development application after the commencement of the amendment to SLEP 2014.

Over the years Council has prepared several strategies related to upgrading and improving the management of the site which include:

Yalwal Management Plan – 1999

The Management Plan essentially states that the purpose or vision for the area is to be a place:

- for people to capture the pioneering spirit;
- to enjoy pristine bushland; and
- where public visitation and tourism may be managed without damage to the natural, cultural and water supply environment.

The Management Plan notes that the deterioration of the Danjera Dam Camping Area in recent years has been a matter of concern to responsible authorities and members of the general public. It then goes on to describe potential future actions or proposals for upgrades to the camping area.

Yalwal Concept Development Plan – 2001

The Yalwal Concept Development Plan (Concept Plan) was prepared in response to a recommendation of the Yalwal Management Plan, 1999. The key objective of the Concept Plan was to *“identify recreational and economically viable tourist opportunities compatible with sound management policies for water storage and natural and cultural values”*. This objective can’t be achieved if “camping ground” is not a permissible use on the subject land.

It is also noted that subsequent to the Yalwal Management Plan and Yalwal Concept Development Plan being completed, an amendment was made in 2002 to the then Shoalhaven LEP 1985 (Schedule 9), to enable tourism accommodation options to be established subject to water quality controls via an “enabling clause”. This clause could have been included as an “additional permitted use” in Schedule 1 of SLEP 2014, as part of the “transfer” from SLEP 1985 to the new Standard Instrument based SLEP 2014, but this did not occur due to a request by DP&E to minimise additional permitted uses. The purpose of this PP is essentially to reinstate this previous enabling clause in Schedule 1 of SLEP 2014.

Yalwal Conservation Management Plan – 1999

A Conservation Management Plan (CMP) was prepared to inform the Yalwal Management Plan and Concept Plan discussed above and focuses on the gold mines and mining relics of the old Yalwal gold mining town. The CMP confirms that potential exists for these mines and relics to be made more accessible as they are of interest to many visitors to the subject land.

Shoalhaven Tourism Master Plan 2012-2017

The Shoalhaven Tourism Master Plan (Master Plan) states that almost 25% of visitors to the Shoalhaven stay in camping grounds or caravan parks. Further, the master plan identifies the subject land as a *“Strength, Asset, Point of Difference”* and includes an action to develop a scenic drive to the camping area and undertake joint promotion of the site with the National Parks & Wildlife Service. This Master Plan therefore supports the continued use and upgrade of the subject land for camping and visitors use.

Yalwal / Danjera Dam Preliminary Site Assessment Report 2014

This preliminary report was prepared for Shoalhaven Water (by Locale Consulting) so it could update previous studies and reports and consider the best tourism-based options for the subject land including the adjoining private land to the east. It was prepared in consultation with NSW National Parks & Wildlife Service and NSW Crown Lands.

The report concluded that a number of detailed planning, environmental and engineering discussions/investigations would be required to further confirm the potential for the property. However, given the existing base infrastructure already available, and the need to maintain

infrastructure such as road access for operational purposes, there is potential for upgrading many aspects of the property. Such improvements would facilitate broader enjoyment of the area for local residents of the Shoalhaven and those travelling to the area to stay at the locality, including the camping grounds.

The report went on to note that any proposal to increase use of the subject land, if only in frequency rather than in terms of density, should consider detailed risk assessments and emergency procedures, particularly associated with bushfires.

It was noted there are unique opportunities and potential associated with the subject land and that the “do nothing” option is likely to lead to a worsening situation of anti-social behaviour and resultant increasing enforcement and infrastructure management costs.

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

The subject land’s E2 zoning under Shoalhaven LEP 2014 does not include “camping ground” as a permitted use which is part of the proposed management solution for the Danjera Dam Camping and Recreation Area. Another option is to change the zone of the subject land to one that permits camping grounds, however this is not favoured as the prevailing E2 zoning is considered appropriate given the subject land’s environmental attributes and its location in the drinking water catchment.

Although the land has historically been used as a camping ground, existing use rights may not provide a suitable basis to continue the use as it is uncertain whether the use was lawful prior to being prohibited by SLEP 2014.

As such, an amendment to SLEP 2014 via a Planning Proposal is considered to be the best way of enabling the camping ground to continue and be upgraded lawfully in the future.

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)?

Illawarra Shoalhaven Regional Plan 2015

The Illawarra Shoalhaven Regional Plan (ISRP) is a broad strategic planning document that applies to the Shoalhaven Local Government Area (LGA). The Plan aims to support economic growth in the region, including tourism, while limiting development constrained by coastal processes, flooding, wetlands and significant and cultural landscapes. Specifically, the ISRP notes that tourism is a key growth and opportunity sector.

Action 1.3.4 encourages the growth of the tourism industry and a section on “Tourism in the Illawarra” promotes trails and activity experiences such as those that are nature and eco-based. Adventure based experience (canoeing and kayaking) are specifically mentioned.

Actions 4.2.2 and 5.1.3 encourage the protection of biodiversity and investigating biodiversity certification and bio-banking agreements.

While there are no specific actions or objectives that directly relate to this particular PP, the proposed SLEP 2014 amendment has the potential to support growth in a tourism sector (recreating and camping) that is popular in the Shoalhaven, by facilitating the continuation and upgrade of an existing camping ground and day visitor area. Many of the attractions of the site are adventure and heritage based. Opportunities also exist for biodiversity offsets, certification and the establishment of a biodiversity stewardship site.

In this respect the subject PP is consistent with the intent of the actions outlined above and the aims of the Regional Plan.

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

The Proposal is considered to be broadly consistent with Council's Community Strategic Plan (CSP), including the relevant CSP Priorities and related Delivery Plan Goals below:

CSP Priority 1.3 Support active and healthy communities

- *Delivery Program Goal 1.3.02 Provide recreation and leisure facilities to meet community needs*

CSP Priority 2.3 Protect and showcase the natural environment

CSP Priority 3.1 Maintain & grow a robust economy with vibrant towns & villages

- *Delivery Program Goal 3.1.03 Promote and service the Shoalhaven as a diverse tourist destination*

As stated earlier, the proposal is also consistent with Council's Tourism Master Plan 2012-2017 and other strategic studies undertaken for the subject site.

Shoalhaven Destination Management Plan 2018-2023

This new strategic document prioritises key tourism focus areas and actions. Tourism is considered one of the key industries in the Shoalhaven economy and a continued commitment to the strategic focus areas outlined within this document will be critical to ensure sustainable visitation growth in coming years.

The subject PP is consistent with a number of the strategies and actions articulated within the plan, specifically:

- *2.7 Destination Management*

Strategy: Continue to shine a light on inclusive tourism opportunities, supported by inclusive infrastructure

- *2.11 Support infrastructure and investment*

Strategy: Work collaboratively to encourage tourism investment to the regions with emphasis on identified major projects and product development opportunities

Assist in catalytic investment projects to establish viable concepts, engage with investors and deliver tourism projects through a whole of Council approach.

- *Strategy: Work across Council to ensure local hygiene infrastructure needs of the visitors and local community are met now and into the future.*

Work with Council and relevant organisations and community groups to identify infrastructure gaps and create short term and long term priority goals, with aim to improve parking facilities, amenities, services and facilities.

Growth Management Strategy (GMS)

The purpose of the GMS is to manage the social and economic implications of future growth in Shoalhaven whilst protecting and preserving the environmental values of the City.

The Shoalhaven Growth Management Strategy identifies tourism as a key industry supporting the City's economy. It identifies natural landscapes as a valued tourism and economic asset that could be further strengthened by identifying key tourism sites and precincts.

The Danjera Dam Camping Ground has been used for camping for many years, however this use has never been formalised via development consent. While the GMS does not provide any specific aims/objectives for this particular site in Shoalhaven, the Planning Proposal is consistent with the broad aims and objectives of the GMS.

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

All State Environmental Planning Policies (SEPPs) have been examined and a summary table is included in **Attachment 3**. Most SEPPs contain provisions of relevance for the

development application stage rather than the PP stage. The SEPPs most relevant to this PP are addressed in more detail below:

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 applies to land that is potentially contaminated and specifies when consent is required for remediation work. It also specifies certain considerations that are relevant in rezoning land and determination of DAs and requires that remediation work meets certain standards and notification requirements. SEPP 55 refers to the contaminated land planning guidelines which provide appropriate procedures to be followed for the remediation of land considered to be potentially or actually contaminated.

Although mining took place in the vicinity of the site, previous investigations referred to in the Yalwal Conservation Management Plan indicate that mining activity took place on Crown Land to the south west of the subject land but not on the land subject to the PP. As a result, and given that the PP does not rezone the land, contamination investigations are not required at this stage. The PP is consistent with SEPP 55.

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

The PP is consistent with the applicable S.9.1 Ministerial Directions as set out in **Attachment 4**, the most relevant are discussed below:

1.5 Rural lands

This direction applies as the PP affects land within an existing environment protection zone. The PP seeks to formalise the long-standing existing use of the land as a camping ground and is considered to be of minor significance. Nevertheless the PP is considered to be consistent with the matters in part 4 of the Direction. The subject land is not significant agricultural land and has not historically been used for agriculture or primary production. The development proposal is designed to avoid and minimise impacts on the site's important environmental attributes – biodiversity, native vegetation and water resources – and is supported by several technical studies addressing these matters.

The PP is therefore consistent with this direction.

2.1 Environment Protection Zones

This s. 9.1 direction requires a PP to include provisions that facilitate the protection and conservation of environmentally sensitive areas, and a PP that applies to land within an environment protection zone must not reduce the environmental protection standards that apply to the land.

This PP does not seek to change the zoning of the land or reduce the environmental protection standards that apply to the land, but it does seek to modify the development standards applying to the land by permitting ‘camping grounds’ as an additional use for the site. This inconsistency is considered minor as the site is already used for this purpose.

2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Part of the subject land is part of a group of allotments that are listed in SLEP 2014 as heritage item 527 ‘Former Yalwal gold mine and township site’.

A cultural heritage report was commissioned by Council in 1998 which reported on the significance of European Cultural Heritage at the site and made recommendations for both site visitation and conservation management to inform the Yalwal Management Plan. Most of the cultural heritage is contained within the historic mine diggings and cemetery which is located on Crown Land to the south west of the subject site.

In addition, an Aboriginal archaeological survey was commissioned for the Yalwal Management Plan in 1999 and no sites were found during the survey. Future development may require further investigation of the site and should any Aboriginal artefacts be found when undertaking future works to the site, works must cease and the relevant authority notified in accordance with the National Parks and Wildlife Act 1974.

The PP is considered to be consistent with this Direction.

4.4 Planning for Bushfire Protection

The objectives of this s.9.1 direction are 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*
- *encourage sound management of bush fire prone areas.*

This s.9.1 direction calls up the NSW Rural Fire Service guideline document ‘Planning for Bushfire Protection 2006’ and related policy including the NSW Rural Fire Service ‘Fast Fact 1/08 Holiday Parks’. The direction applies to the PP as the subject land is mapped as bushfire prone land.

A bushfire assessment report has been prepared in support of the PP by an accredited bushfire consultant (see **Attachment 1**). The Bushfire Assessment Report concludes that the proposal to use the subject land as a campground and day use area can satisfy the Ministerial Direction No. 4.4 – ‘Planning for Bush Fire Protection’ and the requirements of ‘Planning for Bush Fire Protection 2006’. This is achieved by providing a vastly improved level of bushfire protection compared to the existing operation, by introducing controls such

as an asset protection zone, refuge building, improved campground access, water supply for fire-fighting, and the preparation of a Bushfire Emergency Management and Evacuation Plan that will address the bushfire risk. The report does not consider that the proposal to be incompatible with the surrounding environment and bushfire risk. With sound bushfire management, the proposal can coexist within the bushland setting.

Consultation with the NSW Rural Fire Service (RFS) was undertaken as part of the preparation of the Bushfire Assessment Report. Further consultation with the RFS will be required following the receipt of a Gateway Determination and for the subsequent development application.

Consistency with the direction will be known following further consultation with RFS.

5.10 Implementation of Regional Plans

The Illawarra Shoalhaven Regional Plan (ISRP) applies to Shoalhaven and the PP is considered consistent with the ISRP as discussed in Section 4.2.1.

The PP is therefore consistent with this direction.

6.3 Site Specific Provisions

The PP proposes to introduce an additional permitted use for the subject land without imposing any development standards or requirements in addition to those that already apply under the principal environmental planning instrument (Shoalhaven LEP 2014).

The PP and supporting studies contain references to the site plan for the future intended use which is inconsistent with the direction. This inconsistency is considered minor in nature as it is required to support the PP and the additional permitted use being sought.

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?

Over recent years there have been several studies that have investigated the native fauna, flora and vegetation communities that exist on the subject property. These studies in part addressed earlier development scenarios that have been subsequently modified to address identified constraints. The studies include:

- *Assessment of impacts on threatened species of fauna- Danjera Dam Camping Area, Yalwal – Gaia Research Pty Ltd. Nov. 2016*

- *Environmental Assessment (flora) for a proposed development of lots 4&5 DP252335, Yalwal NSW – Woodlands Environmental Management Nov.2016*
- *The Danjera Dam Strategic Environmental Constraints Report – Planning and Development Services Group 2018* – this report draws on the findings of previous reports as well as contemporary field investigations, it recommends a number of options to minimise the potential environmental impact associated with further development. The current concept plans are consistent with the favoured approach recommended in this report.

Most recently Council's Planning, Environment and Development Group have completed a new environmental assessment to address the provisions of the Biodiversity Conservation Act 2016. This Biodiversity Development Assessment Report (BDAR) specifically addresses the direct impacts associated with the current proposed concept plans as outlined above. It determines the acceptability of direct impacts as well as the biodiversity credits required to off-set the proposal and how they can be retired. The BDAR demonstrates that the current proposal, as well as the essential mitigation measures required (e.g. bushfire APZs) can be effectively implemented without an unacceptable environmental impact. Relevant extracts from the report include:

An assessment of prescribed impacts was undertaken, with a focus on any prescribed impact on water quality, water bodies and hydrological process, given the proximity to Danjera Dam. The proposal is not likely to result in a prescribed impact....

The principal means to reduce impacts on biodiversity values within the study area are to avoid and minimise removal of native vegetation and fauna habitat. Additional recommendations provided herein include measures to mitigate residual impacts after all measures to avoid and minimise impacts have been considered....

The current APZ plan has been selected, in part, to minimise impacts to the native vegetation and flora and fauna habitats present within the broader study area. In summary, measures to avoid impacts are as follows:

- *The APZ area has been reduced from 40m to 30m, resulting in less native vegetation requiring modification compared to the concept phase option.*
- *The reduction in the size of the APZ along the edge of the dam, introducing a setback of 30-40m, allowing for the maintenance of the vegetated riparian corridor.*
- *The Bushfire Assessment (Peterson Bushfire 2018) states that tree canopy is to be discontinuous with gaps between crowns of at least 2 to 5 m. Due to the existing nature of PCT838, the APZ can be achieved without requiring the removal of any hollow-bearing trees. While some canopy trees will require removal, the majority will be able to be retained..."*

Following the completion of the Planning Proposal / LEP amendment and the finalisation of plans for the proposed works, the BDAR will be reviewed and provided as part of a subsequent Development Application (DA).

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?

A potential environmental impact resulting from the redevelopment proposal relates to on-site effluent disposal. The site of the camping area and day visitor carpark adjoin Danjera Dam which is a storage reservoir for Shoalhaven Water's reticulated water supply system. It is therefore essential that any waste disposed on-site is done in a manner that minimises any potential impact on the water quality of the dam.

In this respect a preliminary Stage 1 - Waste Water Disposal report from an appropriately qualified and experienced consultant (see **Attachment 1**) has been prepared in support of the PP. The report presents:

“.... the results and recommendations from our initial investigations and outlines a range of viable OSSM system upgrade options (treatment and land application) to service the new development. Preliminary cost estimates for each upgrade option are also provided, along with an outline of the construction/operational requirements.

Once the Client has confirmed the preferred upgrade option to service the proposed development, a detailed 'Stage 2' OSSM Report will be provided for submission with the DA. The second report will include detailed OSSM system design information describing the selected upgrade option, any relevant monitoring and maintenance requirements, and how long-term risks to health and the environment will be mitigated or managed.....”

This report demonstrates that an environmentally sound effluent disposal system, that minimises any impact on the storage dam, is viable in the subject location. It also sets out how additional details and concept designs will be provided with a stage 2 report submitted with the DA.

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

The PP provides an opportunity to address the anti-social behaviour of some visitors to the existing camping area by enabling it to be formalised and upgraded / improved (as outlined in the studies/ reports referenced in Section 4.1.1), as well as enabling improved management and surveillance whilst maintaining the unique tourism opportunity for the remainder of the community.

Further, nature-based tourism is a growth sector in the Shoalhaven and this PP may generate flow on economic benefits in this area.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

As the use currently occurs on the site and adjoins a water catchment that requires access by Shoalhaven Water, there is already current infrastructure that is adequate to the property. The PP does not create additional requirements for major public infrastructure, though additional infrastructure (e.g. new access road culvert over existing creek) shall be provided by Shoalhaven Water and will form part of the detail provided with the subsequent DA.

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

The Gateway determination required consultation with the following relevant State public authorities:

- NSW Rural Fire Service (NSW RFS).
- Department of Planning, Industry and Environment - Crown Lands (DPIE Crown Lands)
- National Parks and Wildlife Service (NPWS)
- Department of Planning, Industry and Environment - Environment, Energy and Science Division (DPIE EES)

The State authorities were consulted prior to undertaking public exhibition. The PP has been updated to incorporate the views of those public authorities.

NSW RFS

It is noted that Pre-Gateway consultation with NSW RFS has occurred as part of the preparation of the Peterson Bushfire Assessment Report. NSW RFS confirmed in its post-gateway submission that it issued General Terms of Approval (GTAs) on 20 May 2020 for the development application lodged by Shoalhaven Water to redevelop the site. The GTAs require the future development to achieve an equivalent or higher level of bush fire protection as that outlined in the Bushfire Assessment prepared by Peterson Bushfire, as amended by advice issued by the NSW RFS on 20 May 2020. Subject to the future development complying with the GTAs, the NSW RFS raised no objection to the PP.

DPIE Crown Lands and NPWS

Further, Council records indicate that NPWS and Crown Lands have long been supportive of upgrading/ improving the camping area. These agencies were stakeholders in the preparation of the Yalwal Management Plan and Yalwal Concept Development Plan. They are adjoining landowners, with NPWS operating a small campsite in the National Park to the north of the subject site and Crown Lands owning the land holdings where the majority of the mining relics/ heritage items are located immediately to the south.

In 2014, Shoalhaven Water had meetings with both agencies as part of the preparation of the Yalwal/ Danjera Dam Preliminary Site Assessment Report. Both agencies indicated strong interest and willingness to continue their involvement in moving forward with the

upgrade and improvement of Council's camping area. Most recently in 2018, Shoalhaven Water's proposed concept plan for the camping ground was referred to these agencies, both of whom provided letters supporting and commenting on the redevelopment proposal (see **Attachment 6**). Both agencies advised that they did not intend to submit further comments on this PP.

DPIE - EES

DPIE EES provided support for this PP in its post-gateway submission, subject to minor updates and changes to the accompanying Biodiversity Development Assessment Report (BDAR). EES commended Council on the quality of the BDAR but requested that further surveys for the endangered orchid, *Pterostylis ventricosa*, be undertaken prior to the end of the 2020 flowering season (May). Council conducted further surveys for the orchid and found no specimens on the site. The site habitat was found to be generally unsuitable for the orchid. The BDAR has been updated to include these results. EES advised after making its submission that the other requested updates/changes to the BDAR do not have to be addressed as part of the PP and can be addressed as part of the development application.

5 Part 4 – Mapping

Additional Permitted Uses in Schedule 1 of Shoalhaven LEP 2014 are mapped on the Clauses Map. It is proposed to amend the Clauses Map to identify the subject land as having an additional permitted use.

Condition 1 of the Gateway determination requires the planning proposal to be revised to include an amended Clauses Map prior to any consultation being undertaken. The proposed amended Clauses Map has been included in Part 4 of the planning proposal (see Figure 6).

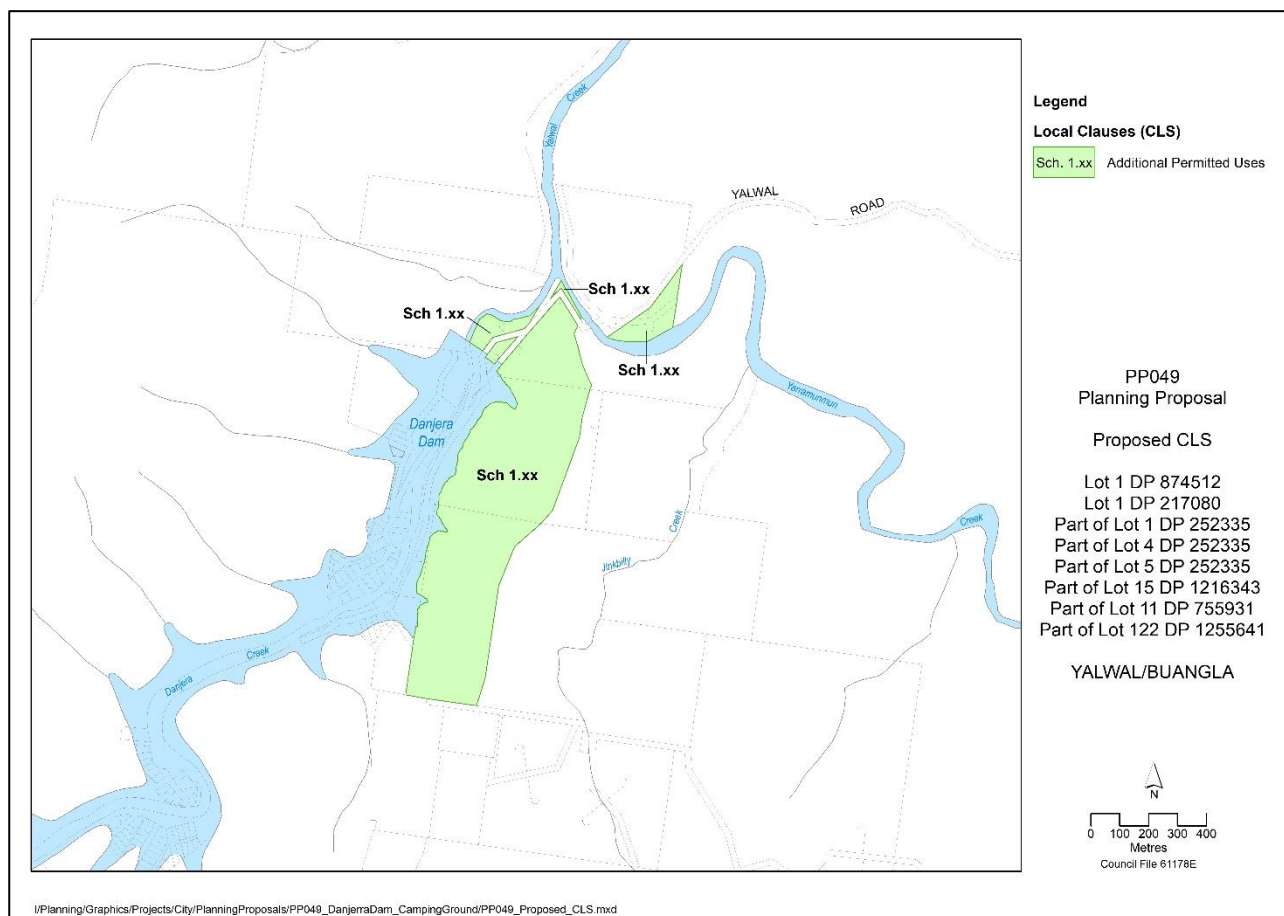


Figure 6: Proposed Shoalhaven LEP 2014 Clauses Map

6 Part 5 – Community Consultation

The original Planning Proposal stated Council's intent to Publicly Exhibit documents via public notification in local newspapers and by providing hard copies for viewing at Council's Administration Centres. However, these methods are no longer utilised due to COVID-19 related procedural changes.

Condition 2 of the Gateway Determination required that the Planning Proposal be made publicly available for a minimum of 14 days. Planning Proposal PP049 was publicly exhibited from **Wednesday 29 July 2020 to Friday 14 August 2020 (inclusive)** on Council's website at:

www.shoalhaven.nsw.gov.au/Council/Access-to-Information/Documents-on-Exhibition.

Electronic copies of the Planning Proposal and supporting material were made available for viewing at the City Administration Centre, Bridge Road, Nowra and at Ulladulla Service Centre, (Deering Street, Ulladulla) during normal business hours (9am-5pm).

The PP exhibition materials included:

1. This Explanatory Statement
2. Planning Proposal (PP049) – Danjera Dam Additional Permitted Use — Camping Ground
3. Bushfire Assessment Report
4. Biodiversity Development Assessment Report
5. Onsite Sewerage Management Options Report
6. Gateway Determination dated 1 April 2020
7. Public Authority submissions (NSW Rural Fire Service and DPIE - Environment, Energy and Science)
8. Newspaper advertisement

Three (3) submissions were received, including one public submission and two (one original and one follow-up submission) from Council's Building & Compliance Section (Ranger Services Unit). All were supportive of the PP and raised relatively detailed issues which will need to be appropriately addressed as part of the development application and/or the management plan for the site.

7 Part 6 – Project Timeline

The anticipated timeline for the Planning Proposal is outlined in the table below.

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	April 2020
Completion of Gateway determination requirements	June 2020
Public exhibition	July – August 2020
Consideration of submissions	September 2020
Post exhibition consideration of PP	October 2020
Finalisation and notification of Plan	November 2020

Attachments

1. Supporting studies (under separate cover):

- a. Bushfire Assessment
- b. Biodiversity Development Assessment Report (BDAR)
- c. Onsite sewage management options report

2. Council report and minute supporting the PP (under separate cover).

3. SEPPs Checklist.

SEPP	Name	Relevant	Not inconsistent
1	Development Standards	x	n/a
19	Bushland in Urban Areas	x	n/a
21	Caravan parks	x	n/a
33	Hazardous and Offensive development	x	n/a
36	Manufactured home estates	x	n/a
44	Koala habitat protection	x	n/a
47	Moore Park Showground	x	n/a
50	Canal estate development	x	n/a
55	Remediation of land	✓	✓
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	n/a
--	Affordable Rental Housing 2009	x	n/a
--	BASIX 2004	x	n/a
--	Coastal Management 2018	x	n/a
--	Concurrences	x	n/a
--	Educational Establishments and Child Care Facilities 2017	x	n/a
--	Exempt and Complying Development Codes 2008	x	n/a
--	Gosford City Centre 2018	x	n/a
--	Housing for Seniors or People with a Disability 2004	x	n/a
--	Infrastructure 2007	x	n/a
--	Kosciuszko National Park—Alpine Resorts 2007	x	n/a

--	Kurnell Peninsula 1989	x	n/a
--	Mining, Petroleum Production and Extractive Industries 2007	x	n/a
--	Miscellaneous Consent Provisions 2007	x	n/a
--	Penrith Lakes Scheme 1989	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	n/a
--	Three Ports 2013	x	n/a
--	Urban Renewal 2010	x	n/a
--	Vegetation in Non-Rural Areas 2017	x	n/a
--	Western Sydney Employment Area 2009	x	n/a
--	Western Sydney Parklands 2009	x	n/a

4. S9.1 Directions Checklist.

Direction		Applicable	Relevant	Not inconsistent
1 Employment and Resources				
1.1	Business and Industrial Zones	x	x	n/a
1.2	Rural Zones	x	x	n/a
1.3	Mining, Petroleum Production and Extractive Industries	x	x	n/a
1.4	Oyster Aquaculture	x	x	n/a
1.5	Rural lands	✓	✓	✓ See s.4.2.4
2 Environment and Heritage				
2.1	Environmental Protection Zones	✓	✓	See s.4.2.4
2.2	Coastal Management	x	x	n/a
2.3	Heritage Conservation	✓	✓	✓ See s.4.2.4
2.4	Recreation Vehicle Area	✓	x	n/a

2.5	Application of E2 and E3 Zones in Environmental Overlays in Far North Coast LEPs	x	x	n/a
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	x	x	n/a
3.2	Caravan Parks and Manufactured Home Estates	✓	x	n/a
3.3	Home Occupations	✓	x	n/a
3.4	Integrating Land Use and Transport	x	x	n/a
3.5	Development Near Regulated Airports and Defence Airfields	x	x	n/a
3.6	Shooting Ranges	x	x	n/a
3.7	Reduction in non-hosted short term rental accommodation period	x	x	n/a
4 Hazard and Risk				
4.1	Acid Sulphate Soils	x	x	n/a
4.2	Mine Subsidence and Unstable Land	x	x	n/a
4.3	Flood Prone Land	x	x	n/a
4.4	Planning for Bushfire Protection	✓	✓	See s.4.2.4
5 Regional Planning				
5.1	Implementation of Regional Strategies	x	x	n/a
5.2	Sydney Drinking Water Catchments	x	x	n/a
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	x	x	n/a
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	x	x	n/a
5.9	North West Rail Link Corridor Strategy	x	x	n/a
5.10	Implementation of Regional Plans	✓	✓	See s.4.2.4
5.11	Development of Aboriginal Land Council land	x	x	n/a
6 Local Plan Making				
6.1	Approval and Referral Requirements	✓	x	n/a
6.2	Reserving Land for Public Purposes	✓	x	n/a
6.3	Site Specific Provisions	✓	✓	See s.4.2.4
7 Metropolitan Planning				
7.1	Implementation of A Plan for Growing Sydney	x	x	n/a

7.2	Implementation of Greater Macarthur Land Release Investigation	x	x	n/a
7.3	Parramatta Road Corridor Urban Transformation Strategy	x	x	n/a
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	x	x	n/a
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	x	x	n/a
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	x	x	n/a
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	x	x	n/a
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	x	x	n/a
7.9	Implementation of Bayside West Precincts 2036 Plan	x	x	n/a
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	x	x	n/a

5. Evaluation Criteria for the Delegation of Plan Making Functions

Checklist for the review of a request for delegation of plan making functions to Councils

Local Government Area:

Shoalhaven City Council

Name of draft LEP:

Shoalhaven Local Environmental Plan 2014
PP049 Yalwal/Danjera Dam Camping Ground

Address of Land (if applicable):

The subject land is known as Yalwal Road, Yalwal and is legally described as Part Lots 1, 4 & 5 DP 252335; Lot 1 DP 874512; Lot 1 DP 217080; Part Lot 15 DP 1216343; Part Lot 11 DP 755931; and Part Lot 122 DP 1255641.

Intent of draft LEP:

The Planning Proposal seeks to include an additional permitted use in Schedule 1 of Shoalhaven Local Environmental Plan 2014 (SLEP), with a corresponding amendment to the Clauses Map, to permit “camping grounds” at the Yalwal/Danjera Dam Camping & Recreation Area.

Additional Supporting Points/Information:

The proposal is considered to be minor in nature and justifiable as it is to enable the continued use and improvements to an existing camping ground at the Danjera Dam Camping and Recreation Area.

Evaluation criteria for the issuing of an Authorisation	Council Response		Department Assessment	
	Y/N	Not relevant	Agree	Not agree
(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)				
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?	N	✓		
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?	N	✓		

Does the Planning Proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N	✓		
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	✓		
Reclassifications				
Is there an associated spot rezoning with the reclassification?	N	✓		
If yes to the above, is the rezoning consistent with an endorsed Plan Of Management (POM) or strategy?	N	✓		
Is the Planning Proposal proposed to rectify an anomaly in a classification?	N	✓		
Will the Planning Proposal be consistent with an adopted POM or other strategy related to the site?	N	✓		
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act, 1993?	N	✓		
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	✓		
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	✓		
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	✓		
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	✓		
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	✓		
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	✓		

If yes, does the Planning Proposal contain sufficient documented justification to enable the matter to proceed?	N	✓		
Does the Planning Proposal create an exception to a mapped development standard?	N	✓		
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 words or a formatting error?;	N	✓		
b. Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?;	N	✓		
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	✓		
(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).				

6. Previous consultation with State Government agencies.

Office of Environment and Heritage (NSW NP&WS)



Office of
Environment & Heritage
NSW National Parks & Wildlife Service



Tim Fletcher

Our reference: Doc18/813373
Contact: Julianne Doyle
02 4428 6321

Dear Tim,

Subject: Danjera Dam Campground proposal

Thank you for taking the time to explain to NPWS staff about your proposed changes and formalization of Danjera Dam campground and day use area.

The NSW National Parks and Wildlife Service (NPWS) supports your proposal to address the issues of antisocial behaviour, fire threat and environmental impacts in the area. However, from discussions with staff, there are a few issues that we would appreciate ongoing input into. NPWS have concerns that your proposal will change:

- fire wood collection rates within nearby Morton NP and
- the use of our nearby facilities

NPWS wants to see a strategy to reduce firewood collection from Morton NP addressed in your proposal.

As part of an integrated approach to the site NPWS would also like to work with you to implement a similar fee structure for our campground to help regulate the capacity issues likely to arise from the change in your management approach.

We are also keen to ensure continued dialog regarding the flow-on implications of your proposed changes on both NPWS estate and other land tenures in the area such as the possible increase in camping on Nowra LALC land which is likely to remain fee-free.

Please keep Julianne Doyle updated on your proposal's progress.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Melinda Norton'.

Melinda Norton
Acting Area Manager

30/10/18

PO Box 707, Nowra NSW 2541
104 Flat Rock Rd, West Nowra NSW 2541
Tel: (02) 4428 6300 Fax: (02) 4428 6399
ABN 30 841 387 271
www.environment.nsw.gov.au

Department of Industry



Ms Carmel Krogh
Director Shoalhaven Water
By email
Carmel.krogh@shoalhaven.nsw.gov.au

Contact: Helen Wheeler
Email: Nowra.Crownlands@crowland.nsw.gov.au

Doc No: 18/244263
Your Ref: 2811E (D18/402949)

23 November 2018

Danjera Dam Camping Area

Dear Carmel

Thank you for your letter of 19 November 2018 notifying Councils determination regarding the Future Directions report for Danjera Dam camping area on SCC land at Yalwal, which is very much appreciated.

You advised that one of the determinations was for Council to write to the State government and request they develop a management plan for the Crown land in this area, including the disused mines area.

In fulfilling this determination your letter of 19 November requests "that funds and state resources be committed to developing a plan that covers all State Government land holdings in this area". You also advised that "Council would like to work with [the department] to establish a long term strategy that can further harness the natural and historic potential of this area".

As communicated to the consultant to the Plan Crown land in the area has a number of different status' and consequently different strategic management features. Currently Crown land in the area of interest, as shown at Figure 1 includes:

Land description	Land status	Planning status
Lot 7317 DP 11488845	Granted Aboriginal Land Claim	NA – to be divested to Nowra LALC
Lot 12 DP 755931	Granted Aboriginal Land Claim	NA – to be divested to Nowra LALC
Lot 7314 DP 1147788	Yalwal Cemetery	NA – Care Control and Management by SCC.
Small Crown lots at previous village of Yalwal	Under Dangera Dam	NA – use is set
Lot 7017 DP 1039315	Reserve for Environmental Protection and Heritage	Low – managed for safety.

The legal and physical aspects of the Crown land results in it having a low priority for "harnessing of natural and historic potential", presuming this term means development of the areas tourism and recreation potential.

Firstly the department does not create an interest in granted ALC land or, as far as possible, in land managed by other parties. This results in Crown Lot 7017 being the remaining Crown land for which the department has care, control and management.

There is no legal road access to Lot 7017, and once title to Lot 12 is transferred to the LALC, the only practical access through state or local government land will be pedestrian access along the foreshore of the dam.

V1.0 (6/2018)

NSW Department of Industry – Lands and Water
PO Box 2185 Dangar NSW 2309
Tel: 1300 886 235 - www.industry.nsw.gov.au/lands - ABN: 72 189 919 072

Secondly Lot 7017 is a Reserve for Environmental Protection and Heritage; to undertake development for public recreation or tourism the lot would need to be reserved for public recreation at which point it would devolved to SCC for care, control and management.

Should SCC wish to have the department investigate adding a reserve purpose of Public Recreation to the lot please advise of the Council's determination of such.

Otherwise it would be appreciated if ShW or SCC would remove the signage on Lot 12 which welcomes people to Yalwal and identifies Crown lot 7017 as a camping area, when in fact it contains dangerous mining shafts and adits.

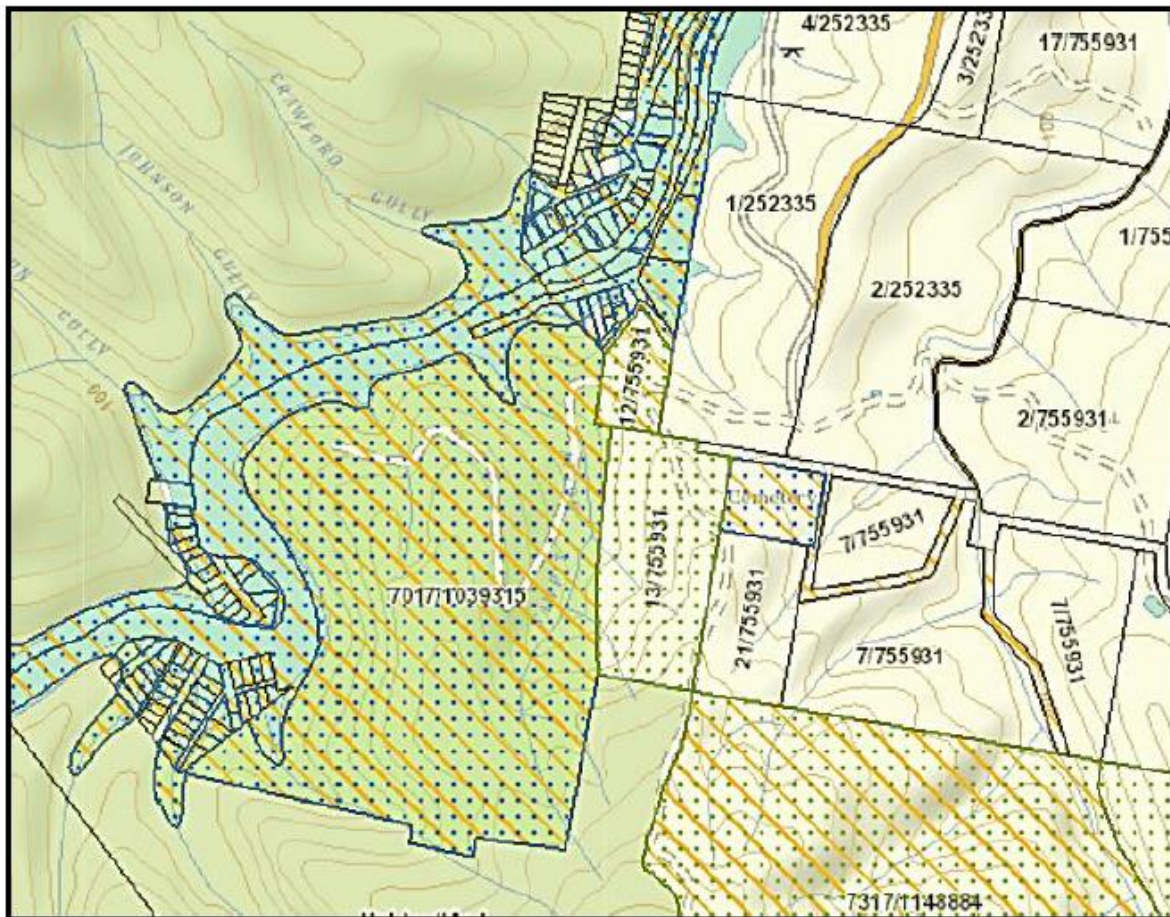


Figure 1: Crown land in the Danjera Dam Camping Area locality is hatched with orange.

If you require any further information or clarification, please contact me.

Yours sincerely

Helen Wheeler
Natural Resources Project Officer
for Manager South Coast Area

7. Gateway determination



Planning,
Industry &
Environment

Gateway Determination

Planning proposal (Department Ref: PP_2020_SHOAL_002_00): to amend the Shoalhaven LEP 2014 to allow camping ground at Danjera Dam Camping and Recreation Area, Yalwal.

I, the Director, Southern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Shoalhaven Local Environmental Plan (LEP) 2014 to include camping ground as an additional permitted use on Council land at Danjera Dam Camping and Recreation Area, Yalwal proceed subject to the following conditions:

1. The planning proposal is to be revised to include an amended Clauses Map, prior to public exhibition.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **14 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - NSW Rural Fire Services
 - Department of Planning, Industry and Environment - Crown Lands
 - National Parks and Wildlife Service and
 - Department of Planning, Industry and Environment - Environment, Energy and Science Division

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

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 1st day of April 2020.



Sarah Lees
Director, Southern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

**Delegate of the Minister for Planning
and Public Spaces**