



Planning,
Industry &
Environment

IRF20/5919

Gateway determination report – PP_2020_SHOAL_010_00

Moss Vale Road North Urban Release Area Planning
Proposal (3,360 homes and 0 jobs)

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1 Planning Proposal

1.1 Overview and objectives of planning proposal

Table 1 Planning proposal details

LGA	Shoalhaven
PPA	Shoalhaven City Council
NAME	Moss Vale Road North Urban Release Area, Cambewarra Planning Proposal - The planning proposal seeks to amend and add provisions to the Shoalhaven LEP 2014 to facilitate residential development and environmental protection of lands within the Moss Vale Road North Urban Release Area, Cambewarra.
NUMBER	PP_2020_SHOAL_010_00
LEP TO BE AMENDED	Shoalhaven LEP 2014
ADDRESS	Moss Vale Road North, Cambewarra
DESCRIPTION	<p>Part Lot 54 DP1024592</p> <p>Part Lot 1 & Part Lot 2 DP1134376</p> <p>Lot 1 & Lot 2 DP1191186</p> <p>Part Lot 4 DP268209</p> <p>Lot 2 DP582036</p> <p>Part Lot 5, Lot 6 & Part Lot 7 DP618693</p> <p>Lot 2 DP630811</p> <p>Lots 3 & Lot 4 DP708356</p> <p>Lot 3 DP847399</p> <p>Lot 21 & Lot 22 DP86495 - DP854369 in contamination report</p> <p>Lot 1 DP882059</p> <p>Part Lot 10 DP1105201 – Planning proposal needs to be updated to list this land.</p> <p>Unformed road reserves within the URA – Planning proposal needs to be updated to list this land.</p> <p>Mapping needs to be updated to correctly identify the subject land.</p>
RECEIVED	10/12/2020
FILE NO.	EF20/30529 & IRF20/5919

POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal contains an objective and intended outcome that adequately explains the intent of the proposal.

The objective of the planning proposal is to:

- Amend and add provisions to Shoalhaven LEP 2014 to meet the changing housing needs of the wider Nowra-Bomaderry community and facilitate development of the Moss Vale Road North Urban Release Area (URA).

The objective of this planning proposal is clear and adequate.

The Moss Vale Road North URA was identified as a 'New Living Area' in the Nowra-Bomaderry Structure Plan, adopted by Council in 2006 and endorsed by the NSW Government in 2008.

With the commencement of Shoalhaven Local Environmental Plan (LEP) 2014, the site was rezoned from 1A Rural under the former Shoalhaven LEP 1985 to predominately R1 General Residential with parts RE1 Public Recreation, B1 Neighbourhood Centre, E2 Environmental Conservation and E3 Environmental Management. The URA is subject to Part 6 of Shoalhaven LEP 2014 which requires a DCP and infrastructure plan to be in place before development can be considered.

In April 2019, five landowners comprising the Moss Vale Road North Owners Group (MVRNOG) submitted an alternative outcome for the release area, supported by a package of information and which included an alternate retail outcome (reduced from 2.35 to 1.6 ha), expanded URA footprint and realignment of riparian corridors based on updated technical studies. This alternate outcome had the potential to increase the number of new dwellings from 1,300 to between 2,500-3,000, resulting in an increase in population from around 3,120 to between 6,000-7,200 people.

To fill a number of 'gaps' in the MVRNOG package of plans and to provide a strong evidence base for the planning proposal and ensure that the increased yield would be properly supported by the appropriate public infrastructure, Council commissioned a number of technical studies or reviews.

On 6 October 2020 Council resolved to prepare a planning proposal to amend the provisions and mapping in Shoalhaven LEP 2014 relating to the Moss Vale Road North URA. It was noted in the resolution that the planning proposal would initially identify both options (Council's and landholders's) for the proposed 'local centre' and associated zones/provisions concerning small lot subdivision (Clause 4.1H), noting that Council will engage an independent report post Gateway from an agreed consultancy to assess both options to identify the optimal location for the commercial/retail centre which will be included in the planning proposal before exhibition.

1.2 Explanation of provisions

The planning proposal seeks to amend the Shoalhaven LEP 2014 per the changes below:

Table 1 Current and Proposed controls

Control	Current	Proposed
Zone – land north west corner Lot 1 DP11911186	R1 – General Residential	R2 Low Density Residential - Provisions need to be updated to identify and justify this proposed change.
Zone – land north west corner Lot 1 DP11911186	RU1 – Primary Production	R2 Low Density Residential and E2 Environmental Conservation – to correct mapping anomaly between cadastral and URA map.
Zone – land north west corner Lot 1 DP11911186	R1 – General Residential	E2 Environmental Conservation – to protect moderate value native vegetation. Provisions need to be updated to identify and justify this proposed change.
Zone – land south west corner Lot 10 DP1105201	R1 – General Residential	RU1 Primary Production – to correct mapping anomaly between cadastral and URA map. Provisions need to be updated to clarify this proposed change.
Zone – location of watercourses	R1 – General Residential	E2 Environmental Conservation – to correct the validated location of watercourses. To be confirmed by agency consultation. E3 Environmental Management zone has more appropriate objectives should in-channel modification works be acceptable.
Zone – location of watercourses	E2 – Environmental Conservation	R1 General Residential - to correct the validated location of watercourses. To be confirmed by agency consultation.
Zone – open space south west Lot 1 DP11911186	R1 – General Residential & E2 Environmental Conservation	RE1 Public Recreation – Community Infrastructure Needs Analysis identified need for additional passive open space to service the future community.

Zone – small part of Lot 4 DP708356	E2 – Environmental Conservation	E4 Environmental Living - Provisions need to be updated to identify and justify this proposed change.
Zone – retail centre	B1 – Neighbourhood Centre	B2 Local Centre – A B2 zone provides for a wider range of business and retail uses. Council's Retail study identified a reduced area and new location for a retail centre compared to the landholders's study. A Peer Review of the two studies is being undertaken to confirm and justify the area and location of the retail centre. Provisions need to be updated to confirm the retail centre.
Zone – medium density near retail centre	R1 – General Residential	R3 Medium Density Residential – introduce increased residential density in proximity to the proposed local centre, open space and public transport routes. Provisions need to be updated to confirm the location as part of the Retail Centre Peer Review.
Zone – Eastern Gas Pipeline Easement	R1 – General Residential & E2 Environmental Conservation	RU1 Primary Production – limited land uses and consistent with zoning of other regionally significant infrastructure. RU2 Rural Landscape has more appropriate objectives due to the area, dimensions and location of the land.
Zone – Entry to URA on Bells Lane	R1 – General Residential	E2 Environmental Conservation – Provisions need to be updated to identify and justify this proposed change. Community Infrastructure Needs Analysis includes the landholders's proposed Landscape Masterplan for the site which has the area as the Gateway Park. With the land having very limited biodiversity values a RE1 Public Recreation Zone has more appropriate objectives.

Zone – Scenic Protection Area Buffer part Lot 4 DP268209 along Moss Vale Road	E3 – Environmental Management	R1 General Residential – Landholders's Visual Impact Assessment proposed reducing the buffer width from 75m to 30m. A Peer Review recommended that a 30m buffer wasn't sufficient to incorporate bushfire protection measures including an Asset Protection Zone 35m. Planning proposal proposes a width of 45m subject to further bushfire advice.
Minimum lot size –where zoning has changed, change MLS to reflect adopted standards		R1 General Residential – 500m ² R2 Low Density Residential – 1,000m ² R3 Medium Density Residential – No MLS E2 Environmental Conservation – 40ha E3 Environmental Management – 40ha E4 Environmental Living – 2ha RU1 Primary Production – 40ha B2 Local Centre – No MLS RE1 Public Recreation – No MLS
Clauses Map – Additional Permitted Use		Amend the current map to apply to all residential and business zoned land in the adjusted development outcome.
Clause 4.1H Exceptions to minimum subdivision lot sizes for dual occupancies and dwelling houses (Enabling clause for small lots)	Not applied to URA	Apply Clause 4.1H in identified locations close to the retail centre, open space and main roads to permit subdivision into 300-499m ² lots.
Maximum height of the building	No mapped height	Apply 8.5m to land zoned R2
Scenic Protection – B7 Business Park zoned lands		Remove the application of this map from land zoned B7 Business Park.

Urban Release Area		Amend the current map to apply to all residential and business zoned land in the adjusted development outcome. The map is to be updated to include an area of R1 land along southern end of Bells Lane and the additional land along Moss Vale Road.
Riparian lands and watercourses		Amend the current map to apply to the watercourses proposed to be zoned E2 Environmental Conservation.
Number of dwellings	From 1,300 dwellings	To 2,380-3,360 dwellings
Number of jobs	N/A	0

The proposed maps include changes which are not fully identified in the explanation of provisions. The planning proposal needs to be revised prior to agency and public consultation to adequately explain how the objectives of the proposal will be achieved.

1.3 Site description and surrounding area

The current Moss Vale Road North URA boundary totals 266.1ha of land over 17 lots with approximately 165 hectares of developable land providing an estimated dwelling yield of about 1,300 dwellings.

The planning proposal also includes part of an additional lot which has been mapped incorrectly as being part of the URA and a number of unformed Crown Road reserves.

The site is bordered by Moss Vale Road to the south, Princes Highway to the east, rural lands to the north-east and Cambewarra Range Nature Reserve to the north west. The subject land is shown in **Figure 1** and **Figure 2**.

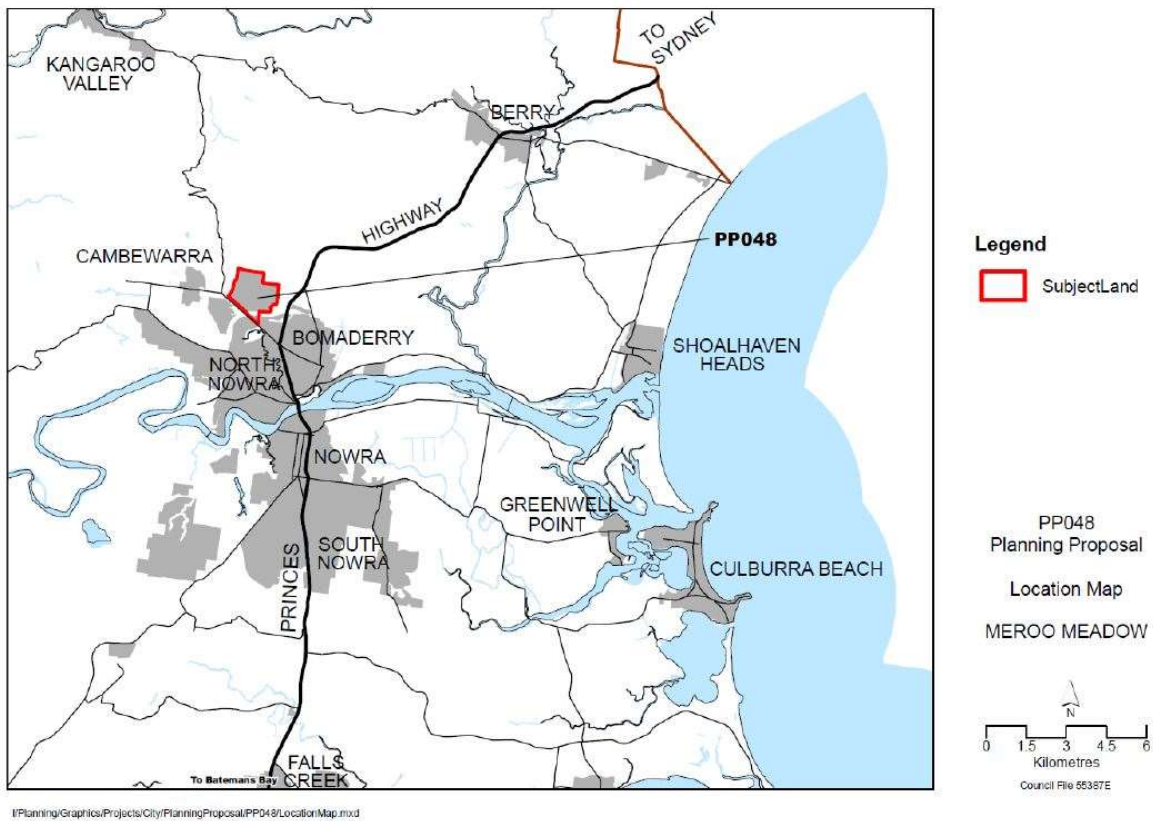


Figure 1 Subject site (Shoalhaven City Council – Planning proposal)

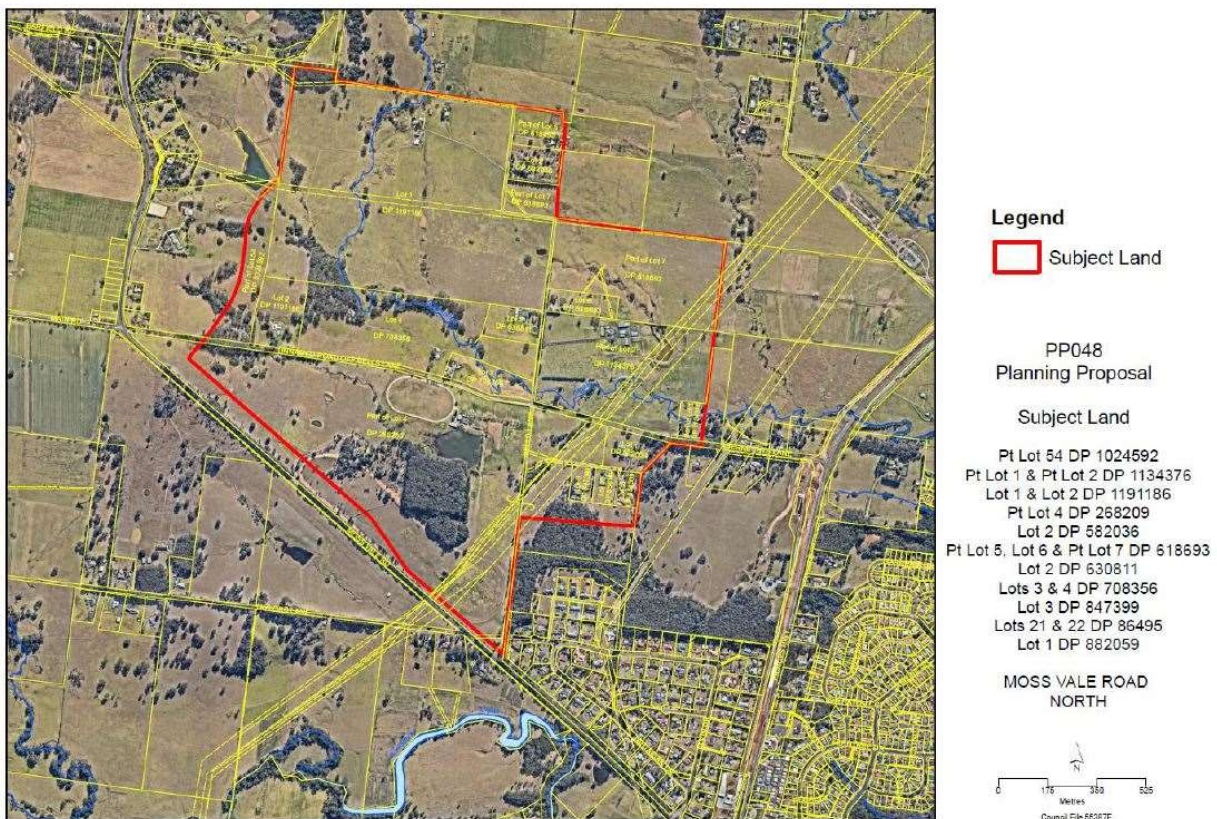


Figure 2 Site context (Shoalhaven City Council – Planning proposal)

1.4 Mapping

The planning proposal includes mapping showing the current maps and proposed changes to the following maps:

- Land Zoning Map Sheet LZN_013D (**Figure 3**)
- Lot Size Sheet LSZ_013D (**Figure 4**)
- Height of Buildings Map Sheet HOB_013D (**Figure 5**)
- Clauses Sheet CLS_013D (**Figures 6 and 7**)
- Scenic Protection Area Sheet SCP_013D (**Figure 8**)
- Urban Release Area Sheet URA_013D (**Figure 9**)
- Riparian Lands and Watercourses Sheet WCL_013D (**Figure 10**)

The maps are to be updated to:

- identify the land/area subject to the planning proposal; and
- reflect updated provisions following further studies and consultation with government agencies.

The mapping revisions are to be completed prior to public consultation.

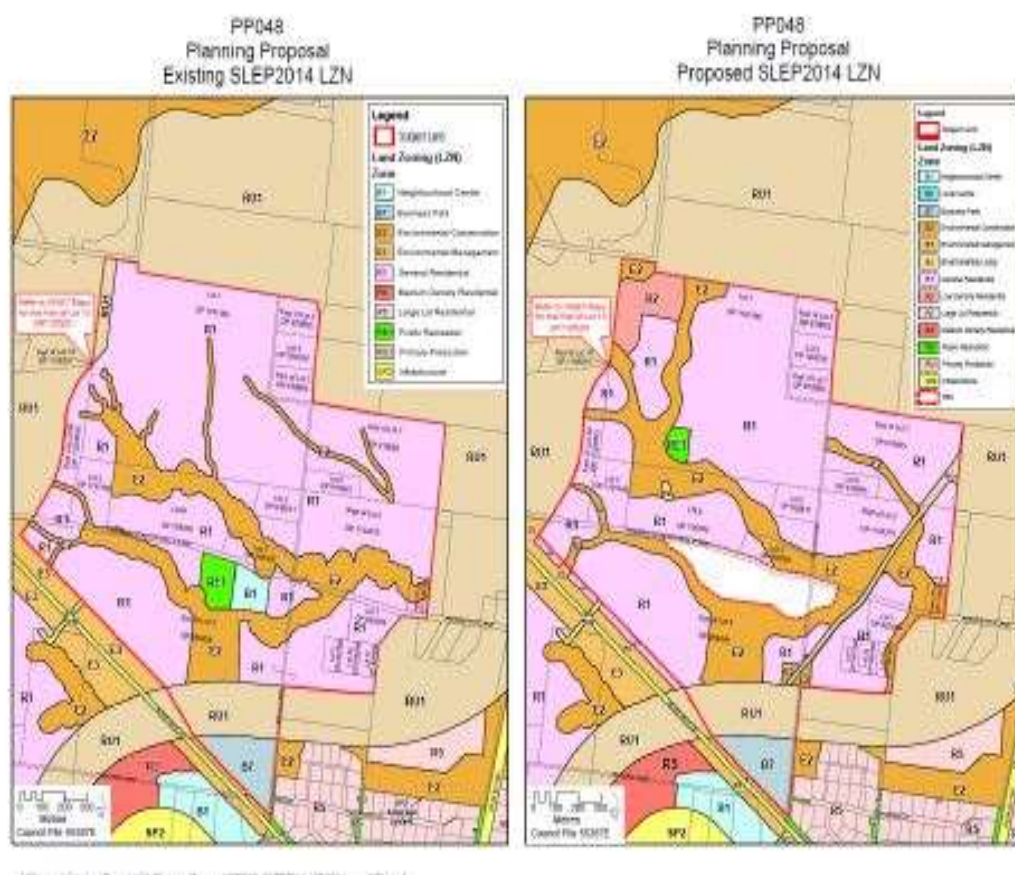


Figure 3 Current and proposed zoning maps

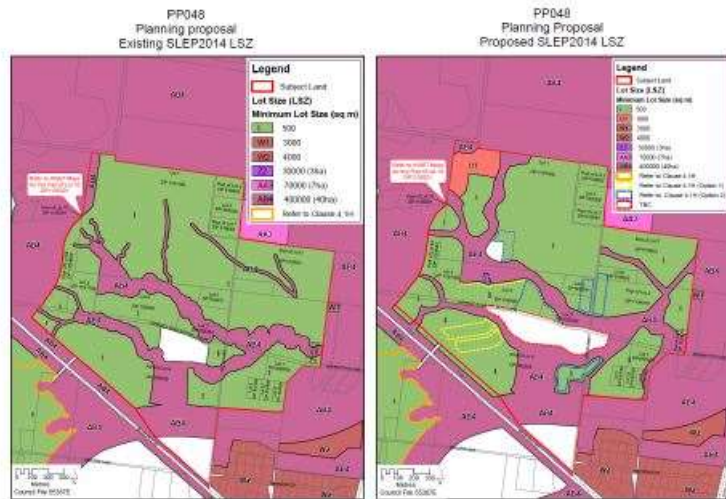


Figure 4 Current and proposed lot size maps

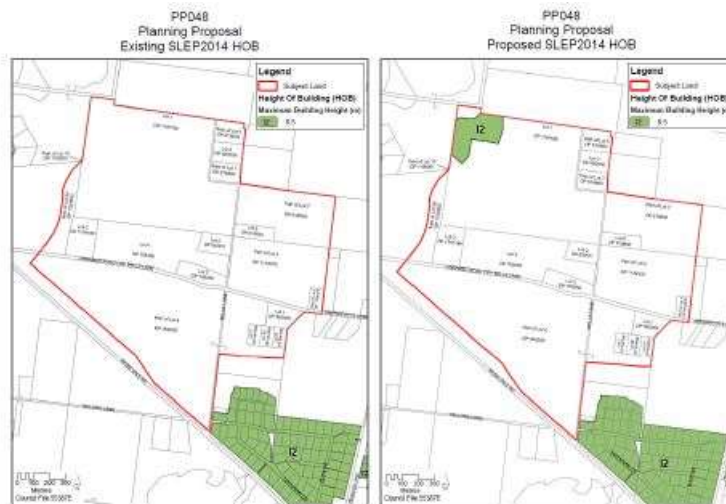


Figure 5 Current and proposed height of building maps

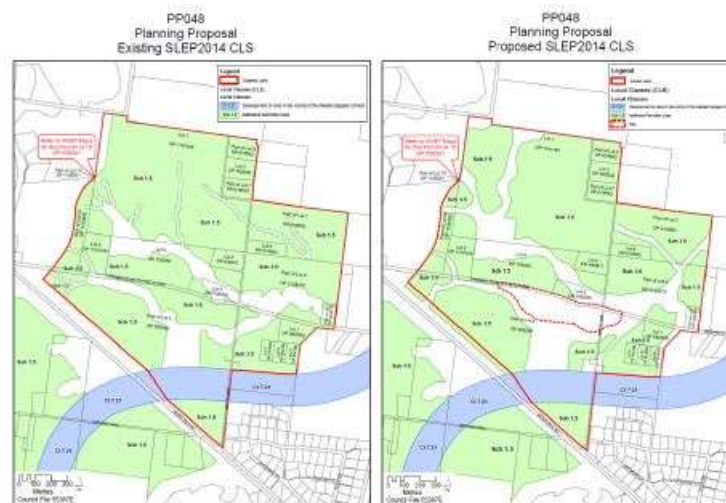


Figure 6 Current and proposed Clauses Maps

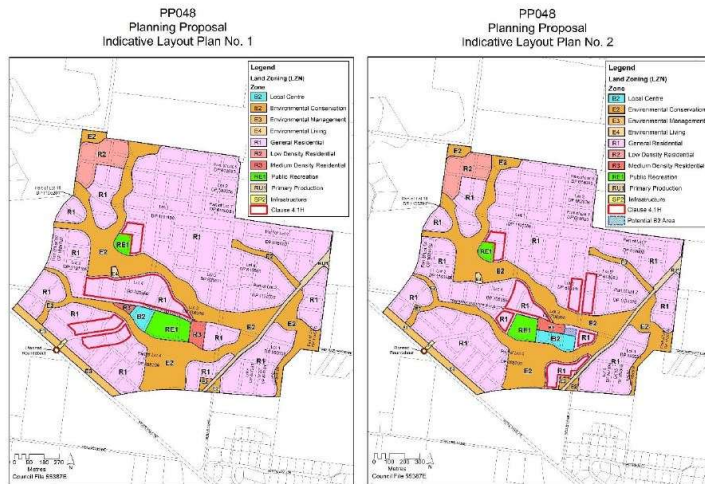


Figure 7 Proposed Clause 4.1H options



Figure 8 Current and proposed scenic protection maps

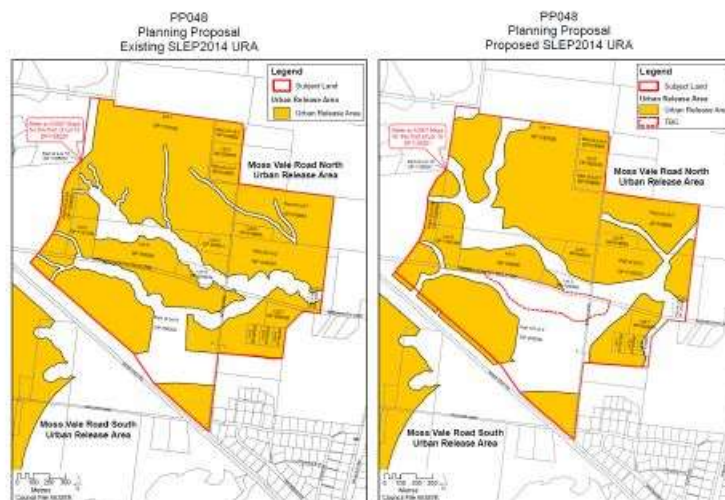


Figure 9 Current and proposed urban release area maps

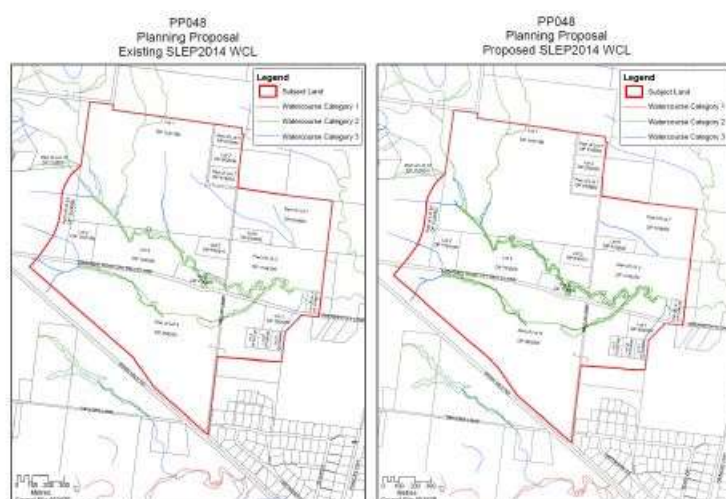


Figure 10 Current and proposed riparian lands and watercourses maps

2 Need for the planning proposal

The planning proposal advises that studies have provided a more detailed technical understanding of the site than when the land was first identified for growth in the Nowra-Bomaderry Structure Plan and rezoned for residential development in SLEP 2014. The studies have found some land is not appropriately zoned to reflect the current topography, physical characteristics or proposed urban design outcomes of the land, hence the need for the PP.

The Planning Proposal is the best way of achieving the intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Illawarra Shoalhaven Regional Plan.

Table 2 Regional Plan assessment

Regional Plan Objectives	Justification
Goal 1 – A prosperous Illawarra-Shoalhaven	The planning proposal allows consistent use of the URA which in turn provides security for the associated dwellings and businesses that contribute to the prospering opportunities which support the wider Illawarra-Shoalhaven area. The Plan supports the coordinated roll-out of infrastructure required to support development of this priority growth area.
Goal 2 – A variety of housing choices, with homes that meet needs and lifestyles	The planning proposal will enable the URA to offer a variety of housing choices, supported by open space and recreation opportunities close to a business centre. The proposal will result in: <ul style="list-style-type: none"> Increased range of housing opportunities close to existing services, jobs and infrastructure. Delivering housing in a new release area which provides housing choice and avoids environmental impact. Coordinated infrastructure delivery to support the URA.

Goal 3 – A region with communities that are strong, healthy and well-connected	The planning proposal allows for the future community to be connected to supporting infrastructure and services both locally and regionally. The indicative road layout demonstrates how the URA provides opportunities for investment and activity to support the region whilst building socially inclusive, safe and healthy communities around a business centre.
Goal 4 – A region that makes appropriate use of agricultural and resource lands	<p>The recommend planning controls facilitate an increase in the potential dwelling yield of the release area, concentrating development within a planned urban area with coordinated infrastructure investment and delivery. This reduces the pressure to develop sensitive or resource lands.</p> <p>The indicative layout plan identifies either a road reserve or E2 land interface with the adjacent agricultural land which will allow for better integration and avoidance of impacts to the adjacent agriculture lands. The impact to the adjacent agricultural land will be limited by having no dwellings directly adjacent to this land.</p>
Goal 5 – A region that protects and enhances the natural environment	The planning proposal contributes to protecting and enhancing the natural environment by a net increase of environmental land from 46.94 ha to 51.41 ha (4.47 ha increase). This results in protection of the region's environmental values by focusing development in locations with the capacity to absorb development. The associated land use adjustments contribute to achieving a better water quality outcome for the URA with all significant watercourses proposed to be contained within an environmental land zone.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
Shoalhaven 2040, Local Strategic Planning Statement	<p>The planning proposal has not addressed its relationship to the Shoalhaven 2020 LSPS and will need to be updated to include additional words provided by Council.</p> <p>The site is identified as a new residential area. Direction 1: Managing Economic Growth, Planning priority 1 Providing homes to meet all needs and lifestyles, lists as current work CW1.2 - Setting planning and development controls to deliver planned urban areas in the Nowra-Bomaderry regional release area for greenfield housing (5,000 to 6,000 lots).</p> <p>The planning proposal is seeking to refine the URA's planning/development controls and advance the release of this area.</p>
Nowra Bomaderry Structure Plan 2006	<p>The Nowra Bomaderry Structure Plan was endorsed by the NSW Government in 2008.</p> <p>The site is identified as a New Living Area for future development providing a variety of housing options, characterised by a mix of detached houses and some terrace/townhouse type dwellings.</p>

Shoalhaven Integrated Strategic Plan, 2018	<p>The Shoalhaven Integrated Strategic Plan identifies objectives and strategies for a prosperous Shoalhaven where sustainable urban growth is supported. The planning proposal is consistent with the following themes and key priorities:</p> <p>Theme 1. Resilient, safe and inclusive communities</p> <ul style="list-style-type: none"> • 1.1 Build inclusive, safe and connected communities • 1.3 Support active, healthy liveable communities <p>Theme 2. Sustainable, liveable environments</p> <ul style="list-style-type: none"> • 2.1 Improve and maintain road and transport infrastructure • 2.2 Plan and manage appropriate and sustainable development • 2.3 Protect and showcase the natural environment <p>Theme 3. Prosperous communities</p> <ul style="list-style-type: none"> • 3.1 Maintain and grow a robust economy with vibrant towns and villages
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3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below. The planning proposal is to be updated prior to public exhibition to confirm the proposal's consistency with applicable directions.

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	Yes	<p>The alteration to the zoning, location and size of the business zone has been justified by the Retail Centres Impact Study and ensures a more robust and commercially viable centre that will not reduce the viability of other existing centres in the Nowra-Bomaderry area.</p> <p>Following the independent review of the retail centre location, confirmation of controls to support 1,000-2,000m² of retail floorspace will be identified in the planning proposal.</p>
1.2 Rural Zones	No – minor inconsistency	<p>The planning proposal proposes to rezone 1.98ha in the north western corner of the URA from RU1 Primary Production to a combination of E2 Environmental Conservation and R2 Low Density Residential. The current zoning and URA map are not consistent with cadastral boundaries in this area. As subdivisions progress over the site, this would result in a fragmented area of RU1 land which would be better incorporated as part of the URA. The E2 zoning recognises the riparian function and environmental attributes of the land, while the R2 zoning will provide opportunities for larger lots on the fringe of the URA.</p> <p>The planning proposal is to be updated to identify that it is of a minor inconsistency with this direction.</p>

1.5 Rural Lands	RU1 lands - No – minor E2 & R1 lands – Unknown until consultation with Natural Resource Access Regulator and DPIE Environment, Energy and Science occurs.	<p>As discussed in Direction 1.2 above, the rezoning and subsequent changing of the minimum lot size for the small portion of RU1 land in the north western corner of the URA is of a minor inconsistency.</p> <p>The planning proposal proposes to rezone the waterways from E2 to R1 and R1 to E2. The Flood Study and Riparian Lands proposes in-channel modification works to capture flood events.</p> <p>An area of moderate biodiversity on northern boundary of Lot 1 DP11911186 is proposed to be rezoned from R1 to E2. An area of high biodiversity value on southern boundary of Lot 4 DP268209 is still zoned R1.</p> <p>Consultation with NRAR and DPIE Environment, Energy and Science is required to confirm whether the proposal is consistent with the direction.</p>
2.1 Environment Protection Zones	E2 & R1 lands – Unknown until consultation with Natural Resource Access Regulator and DPIE Environment, Energy and Science occurs.	<p>As discussed in Direction 1.5 above, the planning proposal is proposing changes to the zoning of environmental lands.</p> <p>Consultation with NRAR and DPIE Environment, Energy and Science is required to confirm whether the proposal is consistent with the direction.</p>
2.3 Heritage Conservation	Unknown until consultation with Heritage NSW occurs.	<p>An Aboriginal Archaeological Study has been prepared for the site which identified one previously recorded AHIMS Aboriginal site and four potentially sensitive landforms in the study area.</p> <p>Consultation with Heritage NSW is required to confirm whether an Aboriginal Cultural Heritage Assessment is required and whether the proposal is consistent with the direction.</p>
2.6 Remediation of Contaminated Land	Yes	A Stage 1 Contamination Assessment has been carried out which concluded based on the site's history and existing use as agricultural/residential land, that the site presents a low contamination risk and a Stage 2 assessment is not necessary.
3.1 Residential Zones	Yes	The planning proposal provides for a variety and choice of housing types, makes efficient use of existing infrastructure and services, ensures that new housing has appropriate access to infrastructure and services and consolidates dwellings in an identified URA to minimise the impact of residential development on the environment and resource lands.

3.4 Integrating Land Use and Transport	Yes	The planning proposal includes a concept subdivision plan which makes efficient use of the land, provides housing within a highly walkable neighbourhood and incorporates a road network which facilitates public transport and access to the wider Nowra-Bomaderry area and Princes Highway to the east.
4.3 Flood Prone Land	Unknown until consultation with Natural Resource Access Regulator and DPIE Environment, Energy and Science occurs.	The planning proposal is supported by a Flood Study and an Integrated Water Cycle Assessment which provide differing advice on managing runoff, flood events and the effects of fill. Advice is required from NRAR and DPIE to confirm the planning proposal's consistency with the direction.
4.4 Planning for Bushfire Protection	Unknown until consultation with NSW Rural Fire Service occurs.	The planning proposal includes land mapped as being bushfire prone. A Bushfire Constraints Report has been prepared however it is inconsistent with recommendations in the visual impact assessment. The Visual Peer Review recommends a review of both the bushfire and visual reports to identify coordinated recommendations. The Bushfire report does need to be updated in light of the recent changes to Planning for Bush Fire Protection 2018.
5.10 Implementation of Regional Plans	Yes	Refer to Point 3.1 above
6.3 Site Specific Provisions	No, minor	Clause 4.1H Exceptions to minimum subdivision lot sizes for dual occupancies and dwelling houses is being introduced to enable smaller lots than the applicable minimum lot size in areas close to the retail centre, open space and main roads. This will provide for greater housing diversity.

3.4 State environmental planning policies (SEPPs)

The planning proposal is not affected by any SEPPs. The planning proposal identifies that SEPP (Vegetation in Non-Rural Areas) 2017 will apply at a development application stage.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 6 Environmental impact assessment

Environmental Impact	Assessment
Protection of waterways and riparian lands	<p>The planning proposal has reassessed the values of the waterways and is proposing to apply an E2 Environmental Conservation zone to waterways currently identified for residential development and to remove the environmental protection for waterways with no environmental values. The Flood Study identifies channel modification of some of the E2 zoned waterways (ie creating low flow channels) to capture flood events in the waterways. Consultation with the Natural Resource Access Regulator and DPIE (Environment, Energy and Science) will confirm whether this is justified.</p> <p>The Flood study also identifies Abernethy's Creek as highly sensitive key fish habitat. Consultation with NSW Fisheries is required to justify any instream works and/or clearing of wetland vegetation.</p>
Protection of high Biological conservation lands, including Freshwater Wetland on Coastal Floodplain and River Flat Eucalypt Forest on Coastal Floodplain Threatened Ecological Community (TEC)	<p>The planning proposal has identified additional moderate-high biodiversity lands to be protected by an E2 Environmental Conservation zoning. 10.51ha of vegetation is to be protected, including 6.17ha of TEC. 10.02ha is to be cleared, including 1.83ha of TEC. Consultation with DPIE (Environment, Energy and Science) will confirm whether this is justified.</p>
Bushfire Management	<p>The site is mapped as bushfire prone land and a Bushfire Assessment has been prepared. An updated assessment of bushfire risk across the release area, including the identification of suitable asset protection zones to the proposed vegetated scenic corridor along Moss Vale Road is required to meet Planning for Bushfire Protection.</p>

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 7 Social and economic impact assessment

Social and Economic Impact	Assessment
Increased residential opportunities	<p>Will have positive social and economic impacts with additional housing supply and choice, with good access to existing or planned open space, services, job and infrastructure.</p>

Retail Centre	The Retail Centres Impact Study has ensured that the proposed centre is viable and is of an appropriate size and location not to affect other existing and zoned centres in Nowra/Bomaderry. Further review of the centre is to be undertaken prior to finalising the provisions for the proposed centre.
Open Space	The Community Infrastructure Needs Assessment identified the need for additional active open space. This has been incorporated into the planning proposal and will be finalised as part of the proposed retail centre. The Assessment's recommendation for a sportsground should be discussed in the revised planning proposal.
Education and community facilities	The Community Infrastructure Needs Assessment discussed the requirements for education and community facilities based on varying population projections. The Assessment's recommendations for these facilities should be discussed in the revised planning proposal.

4.3 Infrastructure

The site has existing or is in the process of negotiating connection to necessary public infrastructure, including sewer treatment, water, electricity, gas, telecommunications and stormwater drainage. The planning proposal is supported by an Infrastructure Report which concludes that the provision of all essential services (water, sewer, electricity) are on track and will not be a constraint to the timing or delivery of development in the URA.

The planning proposal is also supported by a Community Infrastructure Needs Analysis which identifies the community infrastructure required to service the future community. This includes passive and active open space, education and community facilities and the site is subject to Part 6 of the Shoalhaven LEP which requires infrastructure plans and a DCP to be in place before development can be considered.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms part of the conditions of the Gateway determination.

5.2 Agencies

The planning proposal does not specifically raise which agencies will be consulted, however Council has subsequently advised it will consult with the following agencies:

- NSW RFS – bushfire prone land, including grasslands
- Transport for NSW – traffic and access, noting that Moss Vale Road is a State controlled road.
- Natural Resources Access Regulator – riparian corridors
- DPIE (Environment, Energy and Science) – biodiversity and flooding
- Heritage NSW – Aboriginal heritage
- Endeavour Energy – electricity supply
- Jemena – Eastern gas pipeline runs through the area

It is recommended the following agencies be consulted on the planning proposal and given at least 21 days to comment:

- NSW RFS
- Natural Resources Access Regulator
- DPIE (Environment, Energy and Science)
- NSW Fisheries
- Heritage NSW
- Transport for NSW
- Endeavour Energy
- Jemena
- Relevant Local Aboriginal Land Council/s

6 Timeframe

Council proposes a seven month time frame to complete the LEP.

The Department recommends a time frame of 12 months as there are a number of issues to be addressed and consultation with government agencies/organisations and the updating of technical studies may not be completed in the 3 months proposed by Council.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is of local significance, amending provisions within an existing zoned urban release area, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal is refining the existing provisions in the Shoalhaven LEP 2014 to better achieved residential development and environmental protection across the urban release area;
- The planning proposal will assist in meeting housing targets identified in regional and local planning strategies; and
- The proposed amendments to the Shoalhaven LEP 2011 will be supported by a DCP and contributions plan for residential development and subdivision of the site.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones and 6.3 Site Specific Provisions; are minor or justified; and
- Note that the consistency with section 9.1 Directions 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection is unresolved and will require justification.

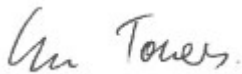
It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to include the following:
 - a) updated land titles and mapping to include all areas covered by the planning proposal;

- b) revised technical studies including bushfire, visual, and flooding and any required by government agencies;
- c) updated provisions and mapping to identify and justify all proposed changes which reflect the outcomes of the studies; and
- d) details on consistency with section 9.1 Directions and Shoalhaven LSPS and agency consultation.

The revised proposal is to be submitted to the Department for review and approval prior to community consultation.

2. Consultation is required with the following public authorities:
 - NSW RFS
 - Natural Resources Access Regulator
 - DPIE (Environment, Energy and Science)
 - NSW Fisheries
 - Heritage NSW
 - Transport for NSW
 - Endeavour Energy
 - Jemena
 - Relevant Local Aboriginal Land Council/s
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



21/12/20

Graham Towers
Manager, Southern Region



21/12/2020

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Director, Southern Region

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