

**PLANNING PROPOSAL
DEFERRED LANDS**

BADGEE LAGOON

SUSSEX INLET

PREPARED FOR:

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SURRY HILLS NSW 2010

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1 INTRODUCTION

1.1 INTRODUCTION

This planning proposal seeks to rezone two areas of land, which are part of the Badgee Lagoon Urban Release Area at Sussex Inlet. The two areas were deferred, for various reasons, when Shoalhaven Local Environmental Plan 1985 (Amendment N0 242) was made on 3 May 2013. The sites are approximately 45 kilometres south of Nowra. The two areas are proposed to be rezoned to facilitate expansion of the Sussex Inlet Golf Course in the northern area and to provide for residential development in the southern area.



Figure 1 Location Plan

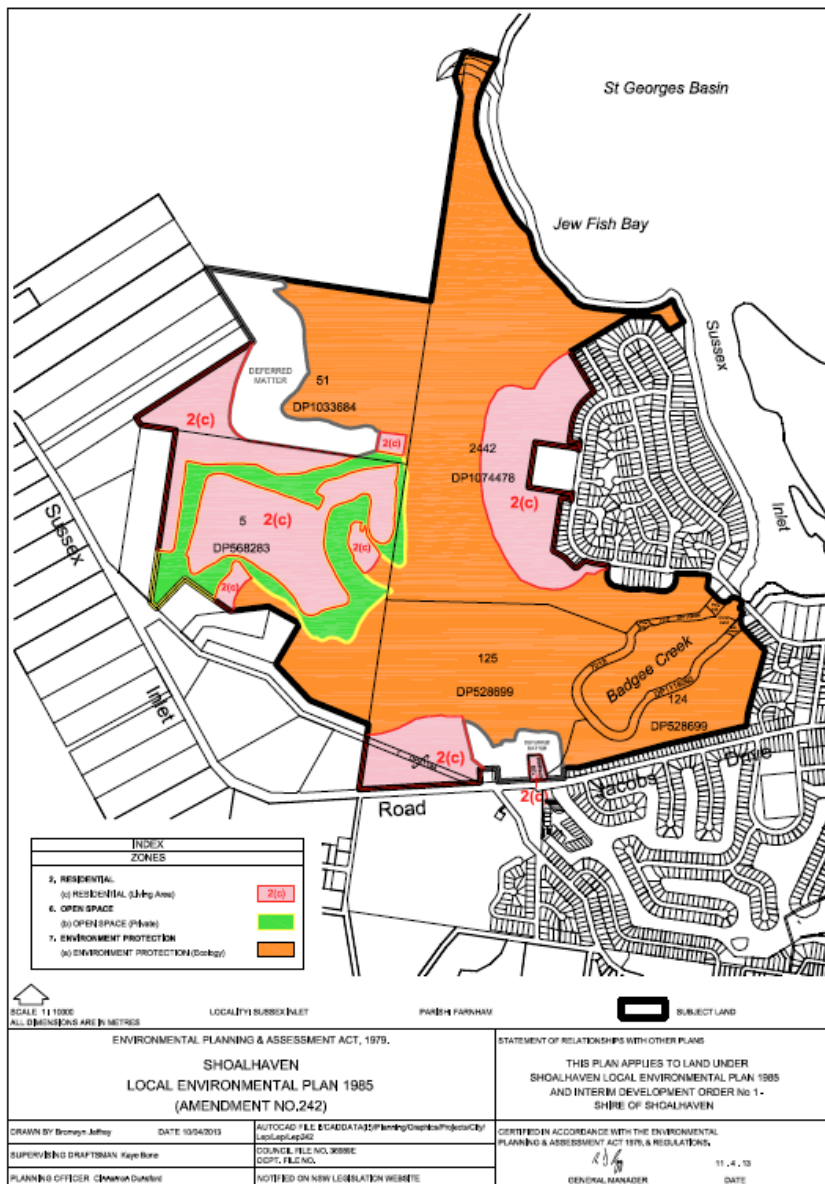


Figure 2 Badgee Lagoon Release Area LEP 242

1.2 SUBJECT LAND

The northern area comprises part of Lot 51 DP 1033684.

The southern area is part of Lot 125 DP 528699.

Taliac Pty Ltd owns both sites.

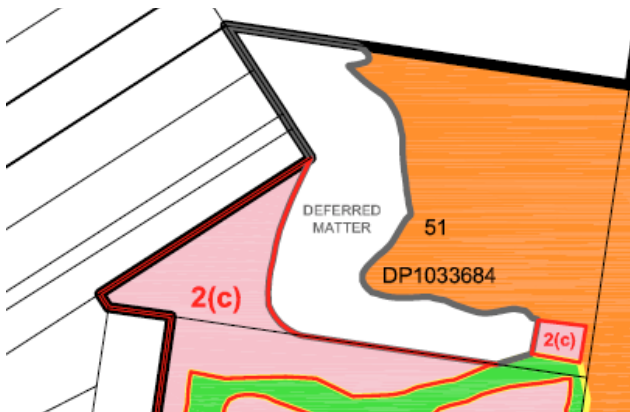


Figure 3 Northern Site

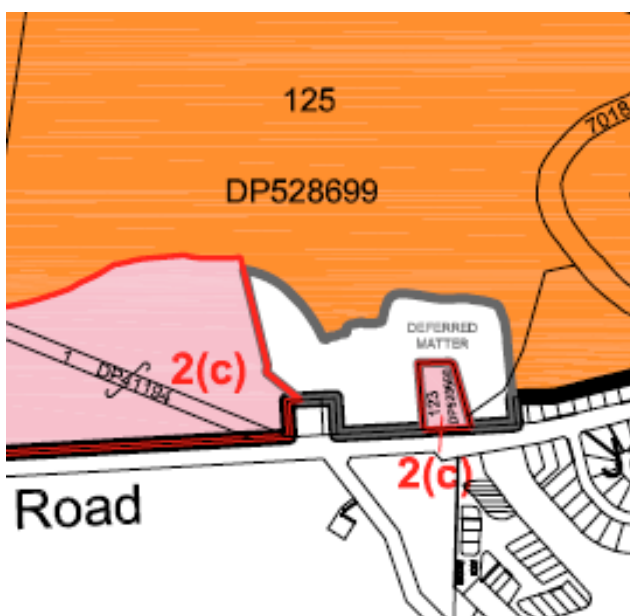


Figure 4 Southern Site

1.3 ZONING

1.3.1 Current Zoning

Under the Shoalhaven Local Environmental Plan 1985 the northern site is zoned Rural 1(d).

The southern site is zoned part Village and part Non Urban 1(b) under Shoalhaven Interim Development Order No 1.

1.3.2 Proposed Zoning

This planning proposal seeks to amend either SLEP 1985 or eventually amend SLEP 2009 (depending which LEP is in place when the planning proposal is finalised).

It is proposed that the sites be rezoned as follows:

Northern Site Open Space (b) Private

Southern Site Residential 2(c).

The zoning of the northern site would enable the expansion of the existing Sussex Inlet Golf Course into this area to complete the 18 holes for the course. This land is adjacent to land, which is already zoned to provide 9 holes for the course. The zoning of the southern site would allow the development of this area for residential purposes similarly to the provisions relating to the adjacent land. The proposed zones would have the same provisions as those contained in SLEP 1985 Amendment 242.

1.4 BACKGROUND

1.4.1 History of the Sites

The subject sites are part of the Badgee Lagoon Urban Release Area. They have been subject to detailed investigations in relation to the potential for urban development in the area. In 2007, Council resolved to prepare a Draft Local Environmental Plan to rezone various parcels of land in the vicinity of Badgee Lagoon. The subject sites were included in this area. The owner of the land undertook a series of studies of the land and these were forwarded to the Council. The Council then commissioned independent consultants to undertake a peer review of the studies and prepare a Local Environmental Study. This was completed and in 2011 Council resolved to adopt the LES as the basis for forwarding a Planning Proposal to the Department of Planning and Infrastructure.

The proposed zoning map (concept only), which accompanied the planning proposal, was provided from the LES. It showed the subject sites as part Conservation, part Open Space and part low density residential. The Planning Proposal was silent on the expansion of the golf course.

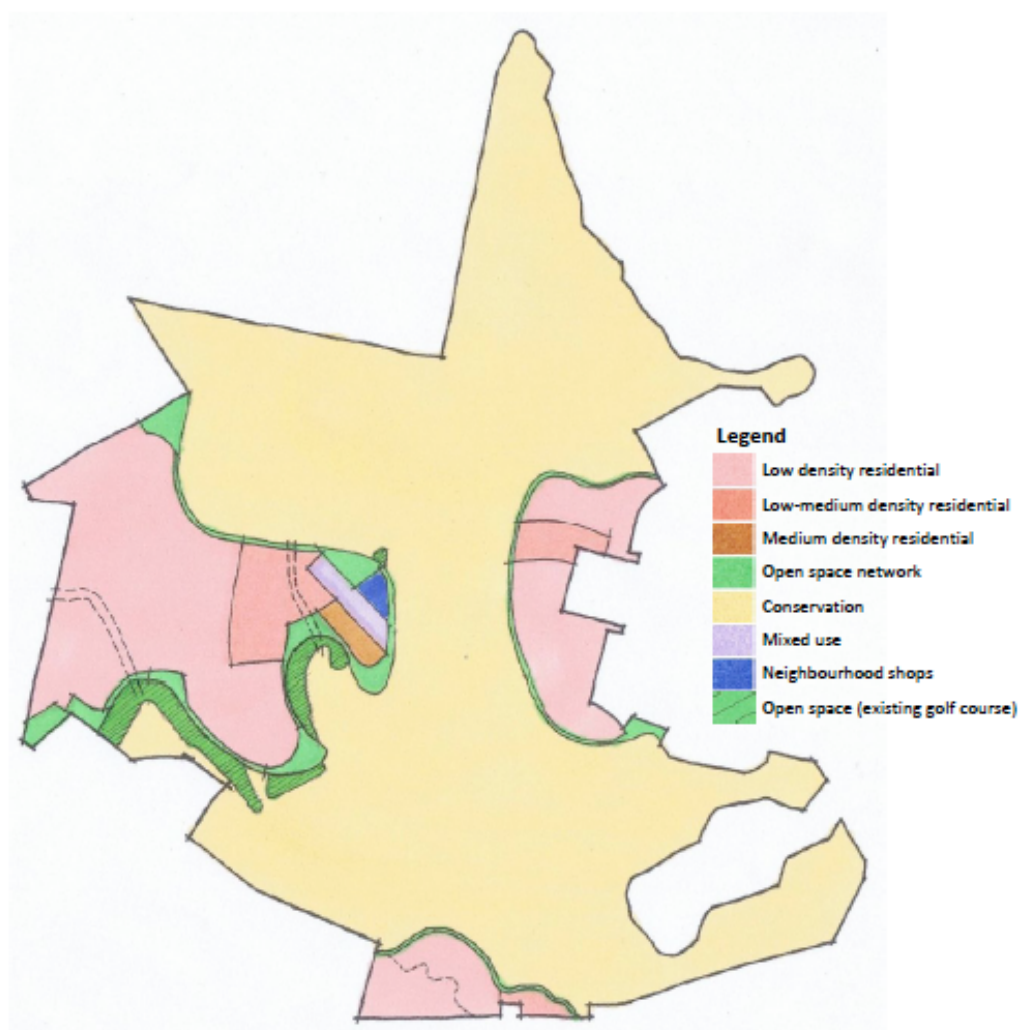


Figure 24: Concept Land Use Plan

Figure 5 Zoning Concept Submitted with Planning Proposal 2012

The proposal proceeded through the Gateway determination and the Department of Planning noted that additional studies would be required before the matter could be determined. It was also stated that the Department would not support the addition of the golf course as a Schedule 1 additional permitted use in the E2 Zone. As a result the golf course would therefore need to be zoned separately to the from the E2 Zone.

The Planning Proposal was subsequently exhibited with the following plan.

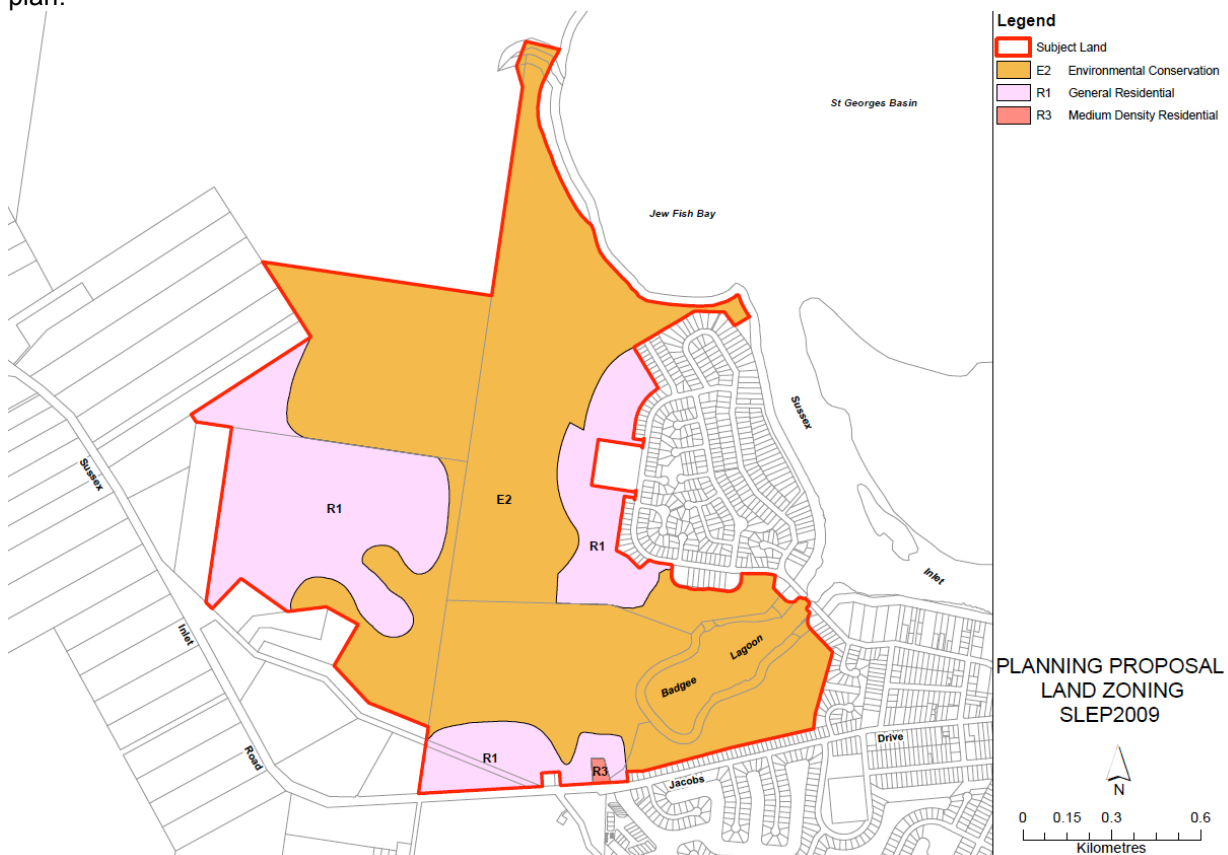


Figure 6 Plan Exhibited with Planning Proposal.

1.4.2 Submissions Relevant to the Situation

The exhibition of the Planning Proposal attracted many submissions. The majority were concerned that the proposal did not either permit the operation of the golf course or its extension to 18 holes. The proponent, in response made a submission proposing that the golf course be zoned Open Space (b) Private and that additional land be included in this zone to provide for its expansion to 18 holes.

These changes provided for an additional area to be removed from the E2 Zone and be zoned Open Space in the north of the site and this is the area, which was deferred from the LEP. These suggested changes were forwarded to the Department of Environment and Heritage for comment and agreement on the future of the land could not be reached. As a result the area was deferred when LEP 242 was made

In relation to the southern area both the Office of Environment and Heritage and the Department of Primary Industries Office of Water queried the provisions in the LEP which allowed the filling and residential use of this land. These matters could not be resolved and the land was deferred from the LEP 242.

It is the submissions from these two organisations which form the starting point for this Planning Proposal as the matters raised need to be resolved for the Proposal to proceed. These submissions are included as attachments to this report.

1.4.3 Organisation of the Proposal

The proposal is in two parts. Proposal 1 relates to the northern area and Proposal 2 relates to the Southern Area.

PROPOSAL 1

NORTHERN AREA

2 PART1 OBJECTIVES

The objectives of the Planning Proposal are to:

- Describe the subject site, its context, current zoning and the reason for the rezoning of the land
- Address the gateway assessment criteria under the Environmental Planning and Assessment Act
- Provide justification for the proposed change in zoning of the land
- Demonstrate that the Planning Proposal is consistent with the broad strategic planning direction for Shoalhaven and in particular the Sussex Inlet Area as identified in the Sussex Inlet Settlement Strategy (SISS) and the South Coast Regional Strategy (SCRS)
- Identify the proposed zone and associated planning controls that will be applied to the land when rezoned.

3 PART 2 EXPLANATION OF PROVISIONS

3.1 MAP

The proposed zoning for the land is shown in the attached plan Figure 7.

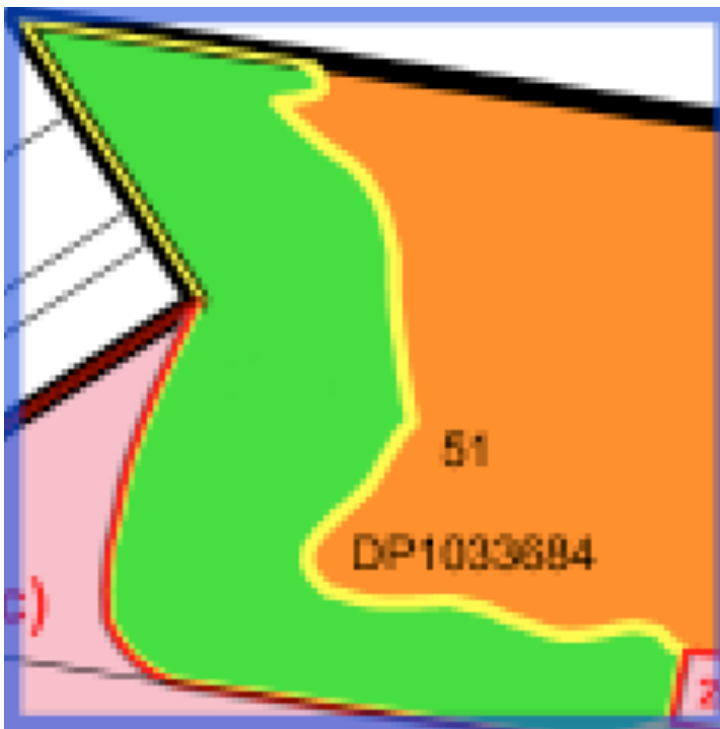


Figure 7 Proposed Zoning

3.2 PROPOSED ZONES

It is proposed that the deferred area be zoned 6 (b) Open Space (Private)

3.3 USES IN THE ZONES AND DEVELOPMENT OF THE GOLF COURSE

The uses permitted in the zone would be those as set out in the zone in Shoalhaven LEP 1985 (Amendment No 242). This zoning would enable the completion of the Sussex Inlet Golf Course and at the same time ensure there was sufficient land to enable the conservation of important ecological features on the land. It is also proposed that there be an amendment to cl 541 (5) of Amendment 242, which would provide for the preparation of a DCP for the golf course, which is to include details of the design of the golf course and sensitive ecological areas to be retained on the site.

3.4 BIODIVERSITY ISSUES

There is a disagreement between the consultants of the proponent and the Office of Environment and Heritage (OEH) in relation to the conservation values of, and the future uses possible, on this area of land. A report from SLC Consulting specifically looked at this and adjacent land again in 2012 (Attachment 1) and concluded as follows in relation to the extension of the golf course into this land:

- *the relevant biota are for the most part wide-ranging and highly mobile, with very large home ranges or territories;*
- *there is substantial additional suitable habitat and resources for relevant biota (such as the Eastern Pygmy Possum) within the extensive Conservation Area on the subject land; and*
- *the proposed extension will not compromise the 'wildlife corridor' values of the retained north-south native vegetation through the subject land, linking habitats around Badgee Lagoon with the forested lands in the northern part of the subject site and extending for a considerable distance to the north and northwest*

OEH, disagreed with these conclusions and concluded as follows in relation to the land:

- *OEH disagrees with the assertion that the area affected is a small proportion of the total site. This loss could be as much as 10% and this area has been mapped as having the highest density of hollow-bearing tree.*
- *The Precinct 1 northern extension will remove most of the Glossy Black-Cockatoo feed trees. These are a limiting resource for the species because of loss from other developments and wild fires.*
- *There is also a very high density of Yellow-bellied Glider records, threatened microchiropteran bats, Gang-gang and Glossy Black-Cockatoos (most records for this species are in the proposed extension area) indicating potential nesting habitat for these fauna species*

- *This proposal will also remove habitat for the Eastern Pygmy-possum, which is a very rare threatened species in the Jervis Bay region*
- *The extension will reduce connectivity internally and externally*
- *OEH disagrees with the assertion that there are plenty of hollow- bearing trees elsewhere on the site – they are at much lower densities and the number of hollow-dwelling fauna records from this extension area is a testament to the likely importance of the area*
- *OEH disagrees that this area is not particularly important for Yellow-bellied Gliders. There are a large number of records*
- *OEH disagrees with the argument that substantial amounts of Eastern Pygmy-possum habitat will be retained in the northwestern area. A rapid assessment of the amount of Shoalhaven Sandstone vegetation mapped and how much is proposed to be removed indicated approximately 50% would be removed.*
- *The argument that parts of the area are ‘modified by track and rubbish dumping ‘ has no bearing on the quality of the hollow bearing tree habitat for a suite of fauna species. Records of Eastern Pygmy-possum indicate that their habitat would be in moderate to good condition*

To date the extension of the golf course into this area has been regarded as an either/or issue by OEH. The possibility of careful planning of the fairways to preserve those areas of significance and to protect connectivity has not been considered. This Planning Proposal assumes that an approach to the issue on this basis will produce a satisfactory result, which is acceptable to both parties. SLEP 1985 Amendment 242 provides for the preparation of a DCP before development consent is given. It is proposed that this clause be amended to provide for the development of the golf course and the protection of sensitive areas on the site as part of the design of the course in the DCP. Any future studies of the area should be carried out on the basis of attempting to reach a compromise on this issue.

3.5 SOCIAL AND ECONOMIC ISSUES

This planning proposal assumes that careful planning of the golf course extension will be able to satisfy OEH in relation to their major

environmental concerns in that certain significant areas will be able to be left vegetated. The social and economic importance of the course to the local area and the Shoalhaven Region should be a factor in the assessment of its environmental impacts and a compromise needs to be reached between these competing claims in relation to the subject site. . Any future studies of the area should be carried out on the basis of attempting to reach a compromise on this issue.

The Sussex Inlet Settlement Strategy identified that part of the social and economic benefits of the development of the land at Badgee would be that there was sufficient land for an extension of the existing golf course from 9 to 18 holes. The strategy assumed that such a golf course would be part of any development proposals for the area.

The development of an 18hole golf course has major community support and has always been the centre point of the proposals for the Badgee Lagoon development.

Recognising this social and economic significance of the course is an important element of this Planning Proposal.

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?

At the regional level the Planning Proposal is consistent with the South Coast Regional Strategy, which endorsed the SISS.

At the local level the SISS specifically saw the extension of the golf course to 18 holes as having social and economic benefits.

At the local level the Planning Proposal provides a compromise between conservation, social and economic objectives for the development of the Badgee Lagoon Area.

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

The future of the Badgee Lagoon Area has been extensively studied and numerous proposals have been examined for the development of the area over the past 15 years. This Planning Proposal represents the most acceptable compromise to achieve the conservation, social and economic objectives for the area relating to the extension of the golf course to 18 holes.

4.1.3 Is there a net community benefit?

The issue of net community benefit was examined in detail in both the SISS and the Environmental Study prepared for the Sussex Inlet Area. The exhibition of proposals for the area has always brought a comprehensive response from local residents supporting the extension of the golf course to 18 holes. The specific benefits are:

- Provision of an 18 hole golf course for the area
- Protection and preservation of those areas considered to be of environmental significance as part of the golf course design

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK (SECTION B)

4.2.1 Local Strategic Planning Framework

At the local level the most significant planning document is the SISS (2007). This recognised the need for, and the benefits of, an 18-hole golf course at Badgee Lagoon. The Shoalhaven Housing Strategy also identified the need for maximum accessibility for residents to recreation and social facilities.

4.2.2 Regional Strategic Planning Framework

At the regional level, the policies and strategies relevant to the site include:

- South Coast Regional Strategy
- South Coast Settlement Planning Guidelines
- South Coast Sensitive Urban Lands Review
- South Coast Regional Conservation Plan (2010)

All of these documents recognise the need to protect high value conservation lands while at the same time providing for the economic and social development of the area.

4.2.3 State Strategic Planning Framework

Some State policies and strategies exist that are relevant to the site. These include:

- NSW Coastal Policy
- Coastal Design Guidelines

A key issue identified in these documents is the need to protect high value areas and to ensure that the character of new urban areas enhances the coastal area and the conservation areas. The provision of the golf course in this area will provide an interface between the urban areas and the conservation areas.

4.2.4 State Environmental Planning Policies

Relevant State Environmental Planning Policies (SEPP) considered in the preparation of the Planning Proposal include:

- SEPP 71 – Coastal Protection
- SEPP 55 – Remediation of Land
- Illawarra Regional Environmental Plan No. 1 (deemed SEPP)
- Rural Lands SEPP

These policies require development to be in a balanced form consistent with the capability of the land.

4.2.5 Ministerial Directions (s117 Directions)

The following identifies the s117 Directions relevant to this Planning Proposal and how they have been considered in the relevant studies carried out on the site.

1.2 Rural Zones

The site is currently zoned Rural 1(d). The relevant Regional and Local Strategies, which have been prepared (SCRS and SISS) have identified that the land is not suitable for rural use and that the zoning should be altered.

1.5 Rural Lands

The Planning Principles in the SEPP (Rural Lands) have been considered in the future planning of the overall Badgee Lagoon area and there is nothing in this proposal, which changes those findings.

2.1 Environmental Protection Zones

The land is currently zoned Rural 1(d). The studies, which have been carried out for the overall planning of the Badgee Area, identified that there are environmentally sensitive areas on the site. The draft LEP will include provisions to ensure the protection of the most environmentally sensitive areas.

2.2 Coastal Protection

The draft LEP will consider the NSW Coastal Policy 1997 and Design Guidelines 2003. Policies relating to the Coastal Zone were considered in the overall planning of the Badgee Lagoon Area.

2.3 Heritage Conservation

The heritage of the site was considered in the overall planning of the Badgee lagoon Area and provisions included to protect this heritage.

4.1 Acid Sulphate Soils

The planning guidelines for ASS were considered in the overall planning of the Badgee Lagoon Area and provisions included in the LEP.

4.4 Planning for Bushfire Protection

This matter was considered in detail in the overall planning of the Badgee Lagoon Area and provisions included in the LEP in relation to the matter.

5.1 Implementation of Regional Strategies

This proposal implements the long standing strategy of the provision of improved recreation facilities at Sussex Inlet. Consistency with other aspects of the Regional Strategies was considered in the preparation of the overall LEP for the Badgee Lagoon Area

6.3 Site Specific Provisions

It is proposed that the draft LEP contain a reference to the preparation of a DCP for the development of the Golf Course. In the design of the golf course consideration must be given to the conservation of fauna movement corridors, hollow bearing trees, feed trees and Eastern Pygmy – possum habitat.

4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT (SECTION 3)

4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or habitats will be adversely affected as a result of the Planning Proposal?

A detailed assessment of the above was carried out as part of the Environmental Studies carried out for the overall Badgee Lagoon Area. There is some disagreement between the proponent and the OEH in relation to the environmental significance of this specific area. The opinions of the OEH and the proponent consultant are included in Attachments 2,3 and 4 to this report.

This Planning Proposal proposes that the matter can be resolved through careful planning, design and management of the golf course in the area. This will ensure that habitat and species will be retained where necessary to provide a buffer to the residential areas and connections to the wider environmental conservation areas.

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?

There will need to be some clearing of vegetation in the area to implement the Planning Proposal. However, it is proposed that this be managed through the preparation of a detailed DCP for the golf course prepared in consultation with the OEH. In the preparation of the DCP consideration must be given to the conservation of fauna movement corridors, hollow bearing trees, feed trees and Eastern Pygmy – possum habitat on the site.

Other issues such as bushfire and visual impacts have been dealt with in the overall LEP for the Badgee Lagoon Area.

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

The overall planning for the Badgee Area considered the social and economic aspects of the proposal in detail. One of the major aims of the future planning of the area as recognised in the SCRS and the SISS was the provision of an 18-hole golf course for Sussex Inlet. LEP 1985 Amendment 242 failed to satisfy this objective. This Planning Proposal will meet this longstanding aim.

4.4 STATE AND COMMONWEALTH INTERESTS (SECTION D)

4.4.1 Adequacy of Infrastructure

The overall planning of the Badgee Lagoon area addressed the issue of the adequacy of the infrastructure for the development proposed and found it to be satisfactory.

4.4.2 State and Commonwealth Public Authorities Consultation

It is considered that further consultation will need to be carried out with the relevant State Authorities in relation to this Planning Proposal.

5 PART 4 COMMUNITY CONSULTATION

5.1 COMMUNITY CONSULTATION

Extensive consultation was carried out on the overall planning of the Badgee Lagoon Area. The major matter raised in this consultation from the community was the need for an 18-hole golf course in the area. This Planning Proposal will implement these wishes.

5.2 PUBLIC EXHIBITION

No exhibition has been carried out of this Proposal to date.

PROPOSAL 2

SOUTHERN AREA

6 PART1 OBJECTIVES

The objectives of the Planning Proposal are to:

- Describe the subject site, its context, current zoning and the reason for the rezoning of the land
- Address the gateway assessment criteria under the Environmental Planning and Assessment Act
- Provide justification for the proposed change in zoning of the land
- Demonstrate that the Planning Proposal is consistent with the broad strategic planning direction for Shoalhaven and in particular the Sussex Inlet Area as identified in the Sussex Inlet Settlement Strategy (SISS) and the South Coast Regional Strategy (SCRS)
- Identify the proposed zone and associated planning controls that will be applied to the land when rezoned

7 PART 2 EXPLANATION OF PROVISIONS

7.1 MAP

The proposed zoning for the land is shown in the attached plan Figure 8.



Figure 8 Proposed Zoning Southern Area

7.2 PROPOSED ZONE

It is proposed that the deferred area be zoned Residential 2(c) Living Area.

7.3 DWELLING YIELD

It is considered that the site will yield 16 home sites.

7.4 BIODIVERSITY ISSUES

The Local Environmental Study (LES), which was prepared for the overall land release of the Badgee Lagoon Area, reviewed all the studies, which had been carried out of the area. These included studies of the flora and fauna, a detailed hydraulic study and a geotechnical study. On the basis of this review, the LES recommended that the area be zoned Residential. This zoning was included in the draft LEP for the Badgee Area. In response to the exhibition of the LEP the Office of Environment and Heritage and the Department of Primary Industries (Office of Water) raised objection to the residential zoning of this small area on the basis of the following:

- Area is flood prone
- Area should not be filled
- Risk of Acid Sulphate Soils

As these matters could not be resolved the Council deferred the area when the LEP was made.

7.4.1 Flooding

In relation to flooding OEH commented as follows:

- Council documentation indicated that Council supported the rezoning of flood prone land from a range of Rural and non-Urban to Residential Zones.
- This proposal needs to be assessed against s117 Directions and the Floodplain Development Manual

OEH also stated that Council should satisfy itself on the following:

- *The full range of flood events, up to and including the probable maximum flood (PMF);*
- *The flood hazard in the area (including the hydraulic hazard, flood readiness flood warning time, rate of rise of floodwater flood duration and type of development);*
- *Floodway Flood Storage Areas and Flood planning Areas;*
- *The flood hazard of the flood access and evacuation route;*
- *The implications of climate change including sea level rise in estimating flood planning levels;*
- *The impact of flooding on the proposed development;*
- *The impact of the development on flood behaviour including any management measures to mitigate adverse flood impacts, and;*
- *The safety of floodplain occupants.*

In relation to these issues raised by the OEH, the following comments are made.

The subject land is currently zoned part Village and part Non Urban 1(b) under the provisions of Shoalhaven Interim Development Order No 1. Therefore it is not rural land being rezoned for urban purposes and does not contravene the relevant s117 Direction as stated. It is proposed that this area retain its residential zoning.

In relation to the flooding issue a detailed Hydraulic Study (Sussex Inlet and Mixed Use Development WMA Water final Report May 2009) was carried out of the land as part of the studies prepared for the Local Environmental Study. This assessed flooding and flood hazards in the area in relation to the development proposal. On the basis of these findings the LES recommended the residential zoning of this land in the LEP.

7.4.2 Filling of Land

Both the OEH and the Department of Primary Industries raised the issue of the filling of the land and the impacts this might have on flood levels. OEH stated that it did not support the filling of land in this sensitive area as it would contravene NSW Coastal Policy and the Coastal Design Guidelines.

The Office of Water raised the following Issues:

- Investigations in relation to filling should be carried out prior to any rezoning
- The connection between groundwater and the wetlands should be investigated
- The potential impact of filling on low lying areas on Badgee Lagoon needs to be assessed

Although OEH states that it does not support filling of flood prone land for development, this is not the case in relation to the requirements in the Floodplain Development Manual, which provides the NSW Government Policy on the development of flood prone land. The manual notes that there is a category of land where filling may be required to allow development and provides policy guidance for these areas. The redevelopment of many home sites in Sussex Inlet require filling to conform to the new increased flood levels and development consent has been appropriately conditioned in many cases to allow this by the Council.

These issues were dealt with in the Hydraulic Study referred to above and the results of the hydraulic model indicated that the proposed filling of the land would change flood levels by less than 0.01m, which was regarded as insignificant. It should also be noted that the land has

already been partially filled and fronts an existing waterway. The adjacent waterfront development was carried out several years ago.

In relation to the Coastal Policy, the Local Environmental Study prepared for the overall development of the Badgee Release Area did not find any significant inconsistencies between the proposals for this land and the Coastal Policy or Design Guidelines.

7.4.3 Acid Sulphate Soils

OEH also claimed in their submission that the subject land had acid sulphate soil issues and was not suitable for residential use. A Geotechnical Report (Proposed 1000 Lot Subdivision Preliminary Geotechnical Contamination and Acid Sulfate Soil Assessment Coffey Geotechnics June 2008) was prepared to inform the LES. The report found as follows in relation to the subject land that there was a low probability of acid sulfate soil within the soil profile. The environment has generally not been suitable for the formation of acid sulfate soils.

7.4.4 Biodiversity Conclusions

It would appear that many of the comments made in relation to the proposed residential zoning of the subject site were based on assumptions, which were not correct. All of the biodiversity issues associated with the site have been examined in detail in the numerous studies, which have been carried out over the land and which were used to inform the LES and were peer reviewed as part of the process.

7.5 SOCIAL AND ECONOMIC ISSUES

The social and economic importance of the release of land for residential development at Badgee Lagoon has been recognised in all the studies, which have been carried out to date to inform the proposal. This small area is an important section of the overall residential proposal. The area has always been zoned for residential development and its development for home sites will complete the overall plan for this particular area. The development of this area complements the residential zoning, which commences at Springs Road on both sides of Sussex Inlet Road into Sussex Inlet Shopping Centre. This development will add to the overall economic health of the Sussex Inlet area.

8 PART 3 JUSTIFICATION

8.1 NEED FOR A PLANNING PROPOSAL (SECTION A)

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

At the regional level the Planning Proposal is consistent with the South Coast Regional Strategy, which endorsed the SISS.

At the local level this land was specifically considered by the Expert Review Panel (South Coast Independent Review Panel 2006). Their recommendation was that this area was suitable for residential development. They recognised that the development of this land provided for the conservation of adjacent areas and for Badgee Lagoon itself.

Further the development of this land completes the interface of the new development with the older areas at Sussex Inlet.

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

The future of the Badgee Lagoon Area has been extensively studied and numerous proposals have been examined for the development of the area over the past 15 years. This Planning Proposal, reflects the findings of the LES and enables the development and conservation objectives for the area to be fulfilled

8.1.3 Is there a net community benefit?

The issue of net community benefit was examined in detail in both the SISS and the Environmental Study prepared for the Sussex Inlet Area. The benefit is the economic and social advancement of Sussex Inlet through the provision of additional well-located land for housing and the conservation of those areas of high environmental significance.

8.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK (SECTION B)

8.2.1 Local Strategic Planning Framework

At the local level the most significant planning documents are the SISS (2007) and the South Coast Independent Review Panel 2006. These recognised that the residential development of suitable areas could provide for the conservation of other high value conservation areas. The economic and social significance of providing areas for the expansion of Sussex Inlet was also recognised in these documents.

8.2.2 Regional Strategic Planning Framework

At the regional level, the policies and strategies relevant to the site include:

- South Coast Regional Strategy
- South Coast Settlement Planning Guidelines
- South Coast Sensitive Urban Lands Review
- South Coast Regional Conservation Plan (2010)

All of these documents recognise the need to protect high value conservation lands while at the same time providing for the economic and social development of the area.

8.2.3 State Strategic Planning Framework

Some State policies and strategies exist that are relevant to the site. These include:

- NSW Coastal Policy
- Coastal Design Guidelines

A key issue identified in these documents is the need to protect high value areas and to ensure that the character of new urban areas enhances the coastal area and the conservation areas. The development of this area will provide an interface between the established urban areas and the conservation areas.

8.2.4 State Environmental Planning Policies

Relevant State Environmental Planning Policies (SEPP) considered in the preparation of the Planning Proposal include:

- SEPP 71 – Coastal Protection
- SEPP 55 – Remediation of Land
- Illawarra Regional Environmental Plan No. 1 (deemed SEPP)
- Rural Lands SEPP

These policies require development to be in a balanced form consistent with the capability of the land.

8.2.5 Ministerial Directions (s117 Directions)

The following identifies the s117 Directions relevant to this Planning Proposal and how they have been considered in the relevant studies carried out on the site.

2.2 Coastal Protection

The draft LEP will consider the NSW Coastal Policy 1997 and Design Guidelines 2003. Policies relating to the Coastal Zone were considered in the overall planning of the Badgee Lagoon Area.

2.3 Heritage Conservation

The heritage of the site was considered in the overall planning of the Badgee lagoon Area and provisions included to protect this heritage.

4.1 Acid Sulphate Soils

The planning guidelines for ASS were considered in the overall planning of the Badgee Lagoon Area and provisions included in the LEP. This site is unlikely to have acid sulphate soils

4.3 Flood Prone Land

As the land is currently zoned Village its rezoning can take place under the provisions of c15 of this direction.

The Planning Proposal will not:

- (a) Permit development in floodway areas
- (b) Permit development that will result in significant flood impacts to other properties. The studies carried out and the hydraulic model found there would be negligible impacts.
- (c) Permit a significant increase in the development of the land. There are currently no restrictions on the density permitted on the land
- (d) Lead to an increase in Government spending on flood mitigation measures.
- (e) Permit development to be carried out with out development consent.

Flood planning levels adopted in the development of the land under the Planning Proposal are consistent with those set out in the Floodplain Development Manual and current NSW Government policies.

The Planning Proposal is consistent with this direction.

4.4 Planning for Bushfire Protection

This matter was considered in detail in the overall planning of the Badgee Lagoon Area and provisions included in the LEP in relation to the matter.

5.1 Implementation of Regional Strategies

This proposal implements the long-standing strategy of the provision of additional residential development at Sussex Inlet. Consistency with other aspects of the Regional Strategies was considered in the preparation of the overall LEP for the Badgee Lagoon Area

6.3 Site Specific Provisions

This site will be subject to the specific provisions included in LEP 242

8.3 ENVIRONMENTAL SOCIAL AND ECONOMIC IMPACT (SECTION C)

8.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or habitats will be adversely affected as a result of the Planning Proposal ?

A detailed assessment of the above was carried out as part of the Environmental Studies carried out for the overall Badgee Lagoon Area. The conclusion was that this area could be developed for urban purposes.

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

The area will need to be filled to bring it above the flood level. The filling of the area will be managed as part of the DCP requirements and the development application process. Studies have shown that the filling of this area will not impact on overall flooding levels in the area.

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

The overall planning for the Badgee Area considered the social and economic aspects of the proposal in detail.

8.4 STATE AND COMMONWEALTH INTERESTS (SECTION C)

8.4.1 Adequacy of Infrastructure

The overall planning of the Badgee Lagoon area addressed the issue of the adequacy of the infrastructure for the development proposed and found it to be satisfactory.

8.4.2 State and Commonwealth Public Authorities Consultation

It is considered that further consultation will need to be carried out with the relevant State Authorities in relation to this Planning Proposal.

9 PART 4 COMMUNITY CONSULTATION

9.1 COMMUNITY CONSULTATION

Extensive consultation was carried out on the overall planning of the Badgee Lagoon Area. There were not any objections from the community in relation to the residential zoning of this land.

9.2 PUBLIC EXHIBITION

No exhibition has been carried out of this Proposal to date.

10 ATTACHMENTS

1. SLR STUDY
2. LETTER FROM OEH DATED 24 AUGUST 2012
3. LETTER FROM OEH DATED 26 SEPTEMBER 2012
4. LETTER FROM DPI DATED 23 JULY 2012
5. PROPOSED LEP PLAN