

PLANNING PROPOSAL – PP013

Shoalhaven Local Environmental Plan 2014 Citywide SP3 Tourist Zone Review

Prepared by
Planning, Environment & Development Group
Shoalhaven City Council

File: 53185E
Version: Finalisation

Date: July 2019

Shoalhaven City Council
PO Box 42
NOWRA NSW 2541
telephone (02) 4429 3111
facsimile (02) 4422 1816
e-mail planning@shoalhaven.nsw.gov.au
internet www.shoalhaven.nsw.gov.au

Disclaimer

Every effort has been made to provide accurate and complete information.
However, Shoalhaven City Council assumes no responsibility for any direct, indirect, incidental, or consequential damages arising from the use of information in this document.

Copyright Notice

No part of this publication may be reproduced in any form, or stored in a database or retrieval system, or transmitted or distributed in any form by any means, electronic, mechanical photocopying, recording, or otherwise without written permission from Shoalhaven City Council. All rights reserved.

Copyright © 2019, Shoalhaven City Council

Table of Contents

1	Introduction	5
1.1	Subject Land	5
1.2	Background	12
2	Part 1 – Intended Outcome	13
2.1	Amendment to mapping	13
2.2	Amendment to instrument	17
3	Part 2 – Explanation of Provisions	18
4	Part 3 – Justification	21
4.1	Need for the Planning Proposal (Section A)	21
4.1.1	Is the Planning Proposal a result of any strategic study or report?	21
4.1.2	Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	21
4.2	Relationship to strategic planning framework (Section B)	21
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)?	21
4.2.2	Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?	21
4.2.3	Is the Planning Proposal consistent with applicable state environmental planning policies?	23
4.2.4	Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?	23
4.3	Environmental, Social and Economic Impact (Section C)	26
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?	26
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?	27
4.3.3	How has the Planning Proposal adequately addressed any social and economic effects?	27
4.4	State and Commonwealth Interests (Section D)	27
4.4.1	Is there adequate public infrastructure for the Planning Proposal?	27
4.4.2	What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?	28
5	Part 4 – Mapping	28
6	Part 5 - Community Consultation	36
7	Part 6 – Project Timeline	36

Tables

Table 1: Site details	6
Table 2: Rationale for amendments	14
Table 3: Amendments to zoning, height of buildings and minimum lot size maps	18
Table 4: Project Timeline	36

Figures

Figure 1: Subject Land Locations	6
--	---

Attachments

- Attachment A – Evaluation criteria for the delegation of plan making functions
- Attachment B – Council report and minute, 5 June 2018
- Attachment C – SEPP Checklist
- Attachment D – S117 Directions checklist

1 Introduction

Following a citywide review of existing SP3 Tourist zoned land, this Planning Proposal (PP) seeks to amend the Shoalhaven Local Environmental Plan 2014 (SLEP 2014) to:

- Rezone land at Shoalhaven Heads, Greenwell Point, Sanctuary Point, St Georges Basin, Sussex Inlet, Ulladulla/Mollymook and Burrill Lake from SP3 Tourist to either R1 General Residential, R2 Low Density Residential or SP2 Infrastructure with subsequent amendments to the Height of Building and Minimum Lot Size maps where required.
- Depending on the site; also amend the zoning, height of building and minimum lot size of the road network or land adjacent.
- Insert a new clause in Part 7 Additional local provisions of SLEP 2014 to provide criteria for the consideration of dwelling houses in the SP3 Tourist zone and delete objective 3 in the SP3 Tourist Land Use Table.

The PP aims to retain the SP3 Tourist zoned land with an ongoing tourism value and rezone the remaining land that is predominantly residential in nature to better reflect the current use and future likely use of the land.

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

This PP has been prepared in line with '*A Guide to preparing Local Environmental Plans*' and '*A Guide to preparing planning proposals*'.

1.1 Subject Land

The sites are located across the Shoalhaven Local Government Area as shown in **Figure 1**.

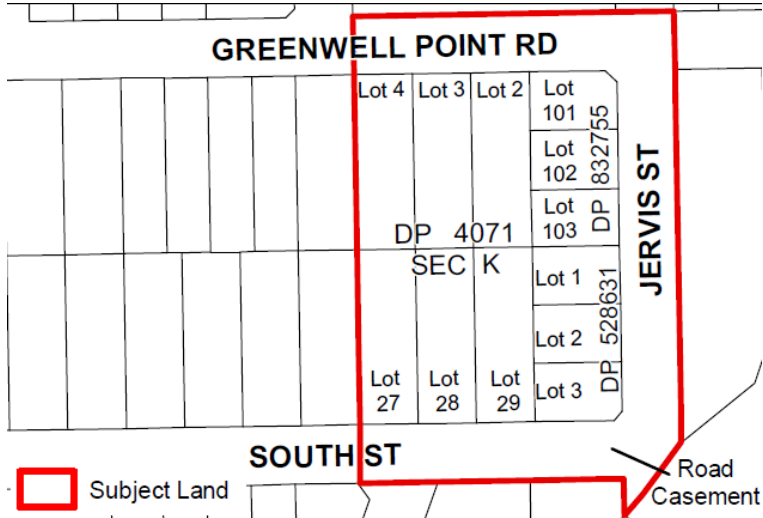


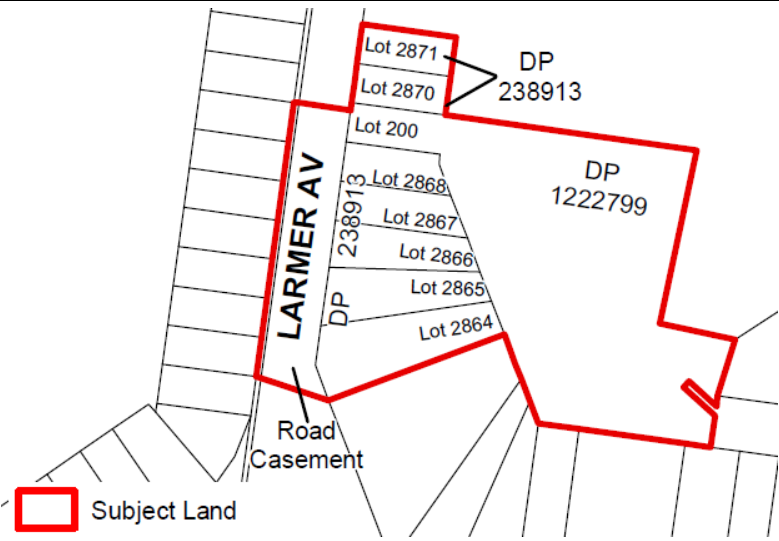
Figure 1: Subject Land Locations

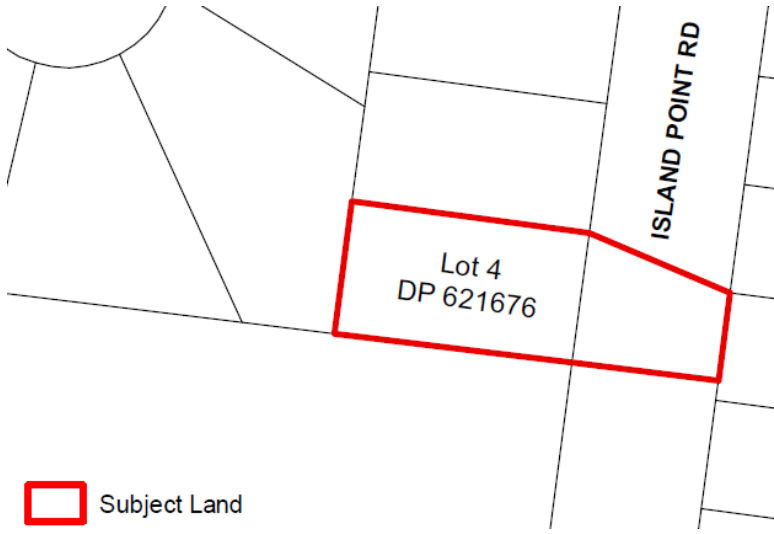
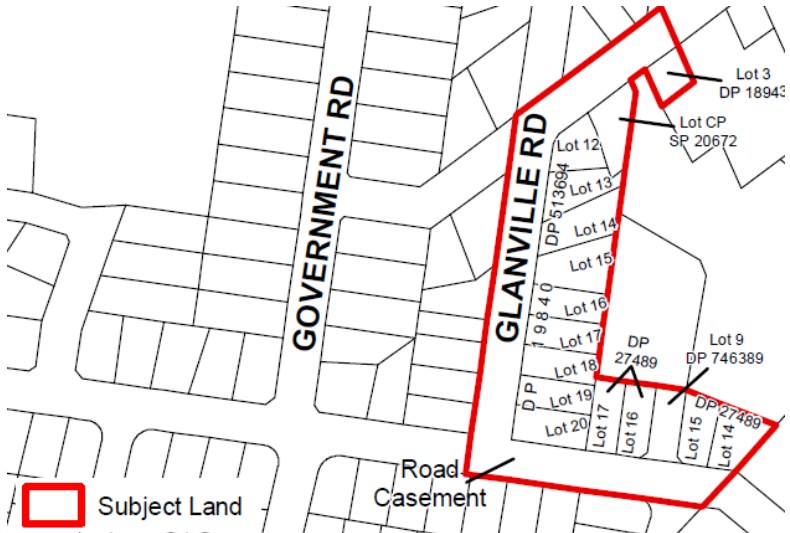
The PP relates to seven sites as outlined in Table 1 below.

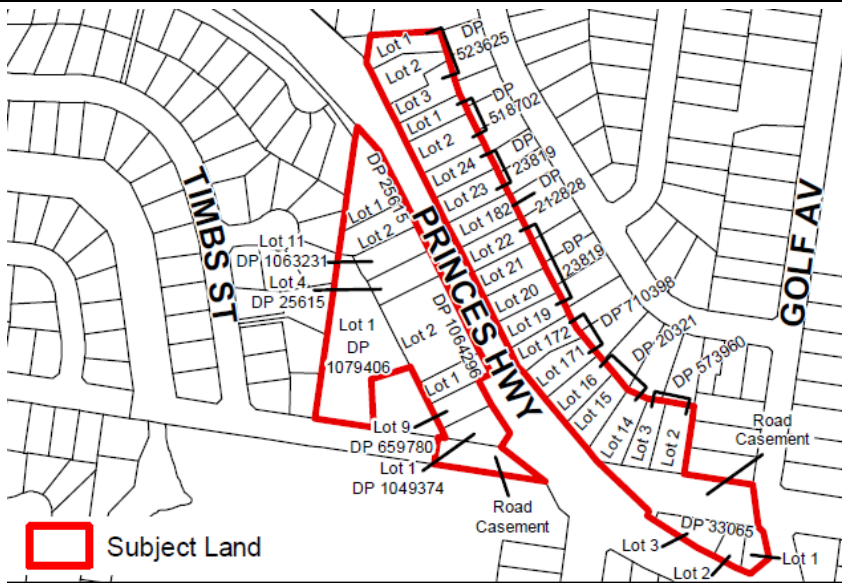
Table 1: Site details

Site 1 – 60-72 McIntosh Road, Shoalhaven Heads	
Subject land:	<p>Subject Land</p>
Site details:	<p>Lot 2 DP 1203276, 60 McIntosh Street, Shoalhaven Heads</p> <p>Lot 3 DP 1203276, 62 McIntosh Street, Shoalhaven Heads</p> <p>Lot 4 DP 1203276 64 McIntosh Street, Shoalhaven Heads</p> <p>Lot 5 DP 1203276, 66 McIntosh Street, Shoalhaven Heads</p> <p>Lot 6 DP 1203276, 68 McIntosh Street, Shoalhaven Heads</p>

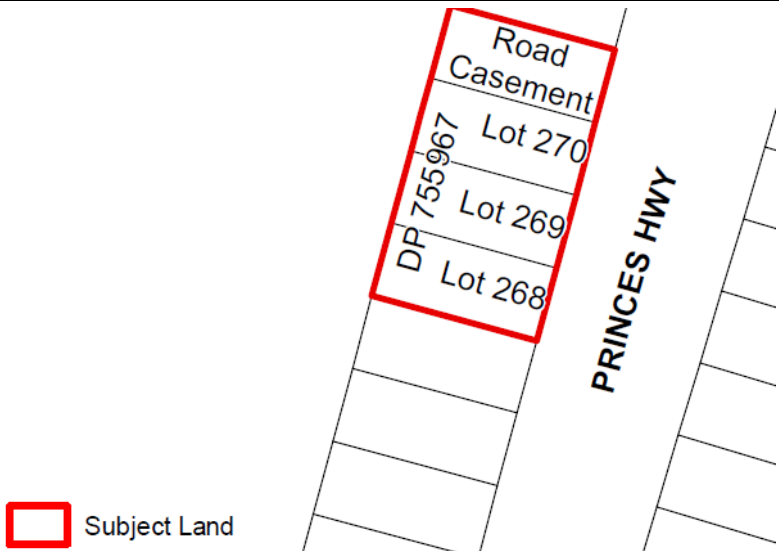
	<p>Lot 7 DP 1203276, 70 McIntosh Street, Shoalhaven Heads</p> <p>Lot 8 DP 1203276 72 McIntosh Street, Shoalhaven Heads</p> <p>UPN 118343 - Road casement to the south-west of Lot 2</p>
Existing development:	Dwelling houses.
Surrounding development:	<p>North – Tourist and visitor accommodation approval (Lot 1 DP 1203276).</p> <p>South and East – Shoalhaven Heads Surf Club and foreshore reserve.</p> <p>West – Jerry Bailey Oval.</p>
Site 2 – Greenwell Point Road, South Street and Jervis Street, Greenwell Point	
Subject land:	
Site details:	<p>Lot 101 DP 832755, 74 Greenwell Point Road, Greenwell Point</p> <p>Lot 102 DP 832755, Jervis Street, Greenwell Point</p> <p>Lot 103 DP 832755, 41 Jervis Street, Greenwell Point</p> <p>Lot 1 DP 528631, 43 Jervis Street, Greenwell Point</p> <p>Lot 2 DP 528631, 45 Jervis Street, Greenwell Point</p> <p>Lot 3 DP 528631, 29 South Street, Greenwell Point</p> <p>Lot 29 DP 4071 Sec K, 27 South Street, Greenwell Point</p> <p>Lot 28 DP 4071 Sec K, 25 South Street, Greenwell Point</p> <p>Lot 27 DP 4071 Sec K, 23 South Street, Greenwell Point</p> <p>Lot 2 DP 4071 Sec K, 72 Greenwell Point Road, Greenwell Point</p> <p>Lot 3 DP 4071 Sec K, 70 Greenwell Point Road, Greenwell Point</p> <p>Lot 4 DP 4071 Sec K, 68 Greenwell Point Road, Greenwell Point</p> <p>Part Greenwell Point Road, Jervis Street and South Street (UPN 106764, 302841, 102790, 106763, 115665, 103356, 107569, 105469)</p>
Existing development:	A tourist cabin development is located at Lot 2 DP 4071 Sec K and Lot 3 DP 4071 Sec K is vacant. The other lots contain dwelling houses.
Surrounding development:	<p>North – Greenwell Point Public School.</p> <p>South – Residential development and Crookhaven River.</p>

	<p>East – A mix of tourist and visitor accommodation, residential development and commercial premises (shops).</p> <p>West – Residential development.</p>
Site 3 – 150-164 Larmer Avenue, Sanctuary Point	
Subject land:	
Site details:	<p>Lot 2871 DP 238913, 150 Larmer Avenue, Sanctuary Point</p> <p>Lot 2870 DP 238913, 152 Larmer Avenue, Sanctuary Point</p> <p>Lot 200 DP 1222799, 154 Larmer Avenue, Sanctuary Point</p> <p>Lot 2868 DP 238913, 156 Larmer Avenue, Sanctuary Point</p> <p>Lot 2867 DP 238913, 158 Larmer Avenue, Sanctuary Point</p> <p>Lot 2866 DP 238913, 160 Larmer Avenue, Sanctuary Point</p> <p>Lot 2865 DP 238913, 162 Larmer Avenue, Sanctuary Point</p> <p>Lot 2864 DP 238913, 164 Larmer Avenue, Sanctuary Point</p> <p>UPN 112092 - Part Larmer Avenue</p>
Existing development:	Vacant allotments.
Surrounding development:	<p>North – Rural zoned land.</p> <p>South – Residentially zoned land; some lots vacant, others with dwelling houses.</p> <p>East – Rural zoned land.</p> <p>West – Residential development and petrol station.</p>

Site 4 – 81 Island Point Road, St Georges Basin	
Subject land:	
Site details:	<p>Lot 4 DP 621676, 81 Island Point Road, St Georges Basin</p> <p>UPN 111933 - Part Island Point Road</p>
Existing development:	Dwelling house.
Surrounding development:	<p>North – Residential development.</p> <p>South – Tourist Park.</p> <p>East – Residential development/vacant residential land.</p> <p>West – Residential development.</p>
Site 5 – Iverison Road, Glanville Road, Lakehaven Drive, Sussex Inlet	
Subject land:	
Site details:	<p>Lot 3 DP 18943, 54 Iverison Road, Sussex Inlet</p> <p>Lot CP SP 20672, 58 Iverison Road, Sussex Inlet</p> <p>Lot 12 DP 513695, 60 Iverison Road, Sussex Inlet</p> <p>Lot 13 DP 513694, 56 Glanville Road, Sussex Inlet</p> <p>Lot 14 DP 513694, 58 Glanville Road, Sussex Inlet</p>

	<p>Lot 15 DP 19840, 60 Glanville Road, Sussex Inlet</p> <p>Lot 16 DP 19840, 62 Glanville Road, Sussex Inlet</p> <p>Lot 17 DP 19840, 64 Glanville Road, Sussex Inlet</p> <p>Lot 18 DP 19840, 66 Glanville Road, Sussex Inlet</p> <p>Lot 19 DP 19840, 68 Glanville Road, Sussex Inlet</p> <p>Lot 20 DP 19840, 11 Lakehaven Drive, Sussex Inlet</p> <p>Lot 17 DP 27489, 9 Lakehaven Drive, Sussex Inlet</p> <p>Lot 16 DP 27489, 7 Lakehaven Drive, Sussex Inlet</p> <p>Lot 9 DP 746389, 5 Lakehaven Drive, Sussex Inlet</p> <p>Lot 15 DP 27489, 3 Lakehaven Drive, Sussex Inlet</p> <p>Lot 14 DP 27489, 1 Lakehaven Drive, Sussex Inlet</p> <p>Part Inverison Road, Glanville Road and Lakehaven Drive (UPN 111952, 111752, 111753, 101359, 111754, 112068, 111712)</p>
Existing development:	Dwelling houses.
Surrounding development:	<p>North – Dwelling houses.</p> <p>South – Sussex Inlet Bowling Club, dwelling houses and Sussex Inlet Lions Park.</p> <p>East – Sussex Inlet Bowling Club, Reserve adjacent to Sussex Inlet.</p> <p>West – Dwelling houses.</p>
Site 6 - Princes Highway, Mollymook/Ulladulla	
Subject land:	
Site details:	<p>Lot 1 DP 523625, 4 Princes Highway, Mollymook</p> <p>Lot 2 DP 523625, 6 Princes Highway, Mollymook</p> <p>Lot 3 DP 523625, 8 Princes Highway, Mollymook</p> <p>Lot 1 DP 518702, 10 Princes Highway, Mollymook</p> <p>Lot 2 DP 518702, 12 Princes Highway, Mollymook</p> <p>Lot 24 DP 23819, 14 Princes Highway, Mollymook</p>

	<p>Lot 23 DP 23819, 16 Princes Highway, Mollymook</p> <p>Lot 182 DP 212828, 18 Princes Highway, Mollymook</p> <p>Lot 22 DP 23819, 20 Princes Highway, Mollymook</p> <p>Lot 21 DP 23819, 22 Princes Highway, Mollymook</p> <p>Lot 20 DP 23819, 24 Princes Highway, Mollymook</p> <p>Lot 19 DP 23819, 26 Princes Highway, Mollymook</p> <p>Lot 172 DP 710398, 28 Princes Highway, Mollymook</p> <p>Lot 171 DP 710398, 30 Princes Highway, Mollymook</p> <p>Lot 16 DP 20321, 32 Princes Highway, Mollymook</p> <p>Lot 15 DP 20321, 34 Princes Highway, Mollymook</p> <p>Lot 14 DP 20321, 1 Buchan Street, Mollymook</p> <p>Lot 3 DP 573960, 3 Buchan Street, Mollymook</p> <p>Lot 2 DP 573960, 5 Buchan Street, Mollymook</p> <p>Lot 3 DP 33065, 2 Buchan Street, Mollymook</p> <p>Lot 2 DP 33065, 4 Buchan Street, Mollymook</p> <p>Lot 1 DP 33065, 6 Buchan Street, Mollymook</p> <p>Lot 1 DP 1049374, 23 Princes Highway, Ulladulla</p> <p>Lot 9 DP 659780, 21 Princes Highway, Ulladulla</p> <p>Lot 1 DP 1064296, 19 Princes Highway, Ulladulla</p> <p>Lot 2 DP 1064296, 13 Princes Highway, Ulladulla</p> <p>Lot 4 DP 25615, 11 Princes Highway, Ulladulla</p> <p>Lot 11 DP 1063231, 9 Princes Highway, Ulladulla</p> <p>Lot 2 DP 25615, 7 Princes Highway, Ulladulla</p> <p>Lot 1 DP 25615, 5 Princes Highway, Ulladulla</p> <p>Lot 1 DP 1079406</p> <p>Part Millard Street and Buchan Street (UPN 113728, 113139, 105746)</p>
Existing development:	<p>Mainly residential with 4 motels interspersed between existing dwelling houses and dual occupancy development.</p> <p>Part of the western portion of the site has been identified for acquisition by the NSW Roads and Maritime Services.</p>
Surrounding development:	<p>The area adjoins land zoned R1 General Residential to the south and south-west and R2 Low Density Residential land in all other directions. Land to the east of Lot 1 DP 33065 is zoned R3 Medium Density Residential.</p>

Site 7 – 3-7 Princes Highway, Burrill Lake	
Subject land:	 <p>Diagram showing the subject land (red rectangle) and surrounding lots (Lot 270, Lot 269, Lot 268) along Princes Highway. The subject land is labeled DP 755967 and includes a Road Casement.</p>
Site details:	<p>Lot 270 DP 755967 (Por 270), 3 Princes Highway, Burrill Lake Lot 269 DP 755967 (Por 269), 5 Princes Highway, Burrill Lake Lot 268 DP 755967 (Por 268), 7 Princes Highway, Burrill Lake UPN 105673 - Road casement to the north of Lot 270</p>
Existing development:	Dwelling houses
Surrounding development:	<p>North – Vacant land. South – Land reserved for the Milton-Ulladulla Bypass. East – Dwelling houses and Council managed reserve. West – Land reserved for the Milton-Ulladulla Bypass.</p>

1.2 Background

On 5 May 2015, Council's Development Committee considered a development application for the construction of a dwelling house within the SP3 Tourist Zone in Sussex Inlet (Site 5). Although a dwelling house is permissible with consent in the zone, the report sought direction from Council in regard to the appropriateness of approving the dwelling house due to the potential inconsistency with the third objective of the SP3 Tourist Zone being:

To provide for dwelling houses that form an integral part of tourist oriented development.

Council's Development Committee resolved (D15/130228) that:

a) as a matter of policy, the erection of dwellings for residential purposes on existing lots without a tourist related use be permitted within the area of SP3 zoned area of Glanville Road and Lakehaven Drive Sussex Inlet.

b) the appropriateness of the SP3 Tourist Zone for the small individual lots in this locality, be reviewed as part of ongoing SLEP 2014 reviews.

During the Principal SLEP 2014 process, it came to the attention of Council that much of the development in the tourist zone is not necessarily tourist related, which is inconsistent with the objectives of the zone. In addition, some SP3 Tourist land is unsuitable for tourist type development due to current bushfire or flooding requirements. As a result, the scope of the Review was expanded to include all SP3 Tourist land across the City, as the issue is not isolated to the Sussex Inlet area.

The Review was undertaken in 2015/2016 and considered approximately 55 sites currently zoned SP3 Tourist. The Review identified land that:

- Should remain SP3 Tourist due to its ongoing tourism activities;
- Was recently zoned SP3 during the Principal SLEP 2014 process and was therefore rezoning was not appropriate; and
- Would be more appropriately zoned residential given current and adjoining uses.

Preliminary consultation was undertaken with property owners of SP3 Tourist land in October 2016. Landowners of properties zoned SP3 that were being used for existing residential purposes received a letter and a survey to canvas their future intentions for their land and gauge their interest in a potential change of zone. Land owners of properties that had a tourist related use, or were located in an area that is predominantly developed for tourist related uses, were sent a letter inviting comments.

As a result of the Review, associated consultation and two Councillor Briefings, 7 sites across Shoalhaven have been identified for rezoning.

2 Part 1 – Intended Outcome

2.1 Amendment to mapping

The intended outcome of this PP is to rezone certain SP3 Tourist zoned land identified in the Review to an appropriate residential zone, recreation or special infrastructure zone. Table 2 below outlines the rationale behind the proposed rezoning for each site as well as the subsequent amendments to the Height of Buildings and Minimum Lot Size maps where required.

The seven sites are not currently subject to height mapping under SLEP 2014; however provisions for maximum building height apply via Clause 4.3(2A) where an 11m blanket height provision is prescribed. The PP seeks to map the heights to be consistent with the adjoining residential zones, where appropriate, whilst maintaining the citywide approach of mapping foreshore residential lots (first residential lot back from the waterfront of the sea, bays, rivers and lakes) at 7.5m.

The sites currently have no minimum lot size under SLEP 2014. For consistency with surrounding residentially zoned land, a minimum lot size of 500m² is generally proposed for

all seven sites. Further, where appropriate to the immediate location, a lot size clause (clause 4.1A) will also be applied.

Depending on the site, the PP also seeks to amend the associated zoning, height of building and minimum lot size of the road network or land adjacent to the SP3 Tourist land.

Table 2: Rationale for amendments

<p>Site 1 Shoalhaven Heads</p>	<p>A subdivision was approved in 2014 for an 8 lot subdivision that created 7 small lots for the purpose of residential use along McIntosh Street, the residue remaining for a tourist purpose. The 7 small lots were unable to meet the asset protection zone (APZ) requirements for tourist and visitor accommodation, which is a 'Special Fire Protection Purpose' under the <i>Rural Fires Act 1997</i>. This area was only suitable for residential purposes as the APZ for the dwellings could be accommodated within the road reserve. The lots have now been sold and dwelling houses have been approved and constructed on each lot.</p> <p>A submission was received during the Review that supported a zone change to residential as the development application would have been easier if the parent lot was zoned residential.</p> <p>It is proposed that Lots 2-8 be rezoned to R1 General Residential, with the road casement rezoned to RE1 consistent with the surrounding road network.</p> <p>The lots are the first residential lot back from the waterfront and a height of 7.5m is proposed.</p> <p>A minimum lot size of 500m² will be mapped for the site consistent with other R2 Low density residential land in the vicinity.</p> <p>The height and minimum lot size of the road casement will remain as existing.</p>
<p>Site 2 Greenwell Point</p>	<p>Lot 3 DP 528631 is mapped as high hazard floodway and 4 other adjoining lots are mapped as high hazard flood storage (1% AEP = 0.5m freeboard) in the Lower Shoalhaven Flood Study 2011.</p> <p>The Lower Shoalhaven River Floodplain Risk Management Plan and Study identifies that land in the Greenwell Point area should have low density restrictions because the entire area can be isolated from services such as fresh water, sewer and electricity during flood events. Even though there will be no threat to property in the flood free areas, there will still be a burden for emergency services because of the isolation. Further, tourist development in the area has the potential to increase the density during times of flood and attracts people to the area who are not necessarily flood aware. A R2 Low Density Residential zoning is therefore considered more appropriate than SP3 Tourist.</p> <p>The lots along Jervis Street are the first residential lots back from the waterfront and therefore are proposed to be mapped at a maximum height of 7.5m. All other land is proposed to be a maximum height of 8.5m.</p> <p>A minimum lot size of 500m² will be mapped for the site consistent with other R2 Low Density Residential land in the vicinity.</p>

	<p>To ensure consistency across the road network, the following amendments are proposed:</p> <ul style="list-style-type: none"> • Jervis Street – rezone to B2 Local Centre. • Greenwell Point Road – rezone to R2 Low Density Residential. • South Street – rezone to R2 Low Density Residential, map height at part 7.5m and part 8.5m, minimum lot size at 500m².
Site 3 Sanctuary Point	<p>Although it is zoned for tourist purposes, the land is not located in a high profile tourist area and holiday choices now centre on high amenity areas in close proximity to the water. The land is:</p> <ul style="list-style-type: none"> • A considerable distance from the water. • Constrained by flood and bushfire. • Surrounded by low density residential. • In proximity to a petrol station. <p>A submission was received from the owner of the allotments during the Review that outlined the difficulties associated with selling the lots because of the zoning. The demand in the area is for residential land.</p> <p>A maximum building height of 8.5m is proposed for the land (except RU2 part of Lot 200), which is consistent with other land in the area.</p> <p>A minimum lot size of 500m² will be mapped for the land (except RU2 part of Lot 200), which is consistent with other R2 Low Density Residential land in the vicinity. It is appropriate that the lot size clause (4.1A – Area 1) also applies to this land, including the relevant part of Larmer Avenue.</p>
Site 4 St Georges Basin	<p>This lot has been used for residential purposes since the subdivision and development application approval in 1981 and is in separate ownership to the adjoining Tourist Park, which is also zoned SP3. The lot adjoins a low density residential area to the north and west.</p> <p>It would be appropriate to rezone the allotment to be consistent with the adjoining R2 Low Density Residential zone and ‘tidy up’ the zone boundary line.</p> <p>A maximum building height of 8.5m is proposed for the land which is consistent with other properties in the area.</p> <p>A minimum lot size of 500m² and lot size clause (4.1A – Area 1) will be mapped for the land, including the relevant part of Island Point Road, which is consistent with other R2 Low Density Residential land in the vicinity.</p>
Site 5 Sussex Inlet	<p>The development application for a dwelling house on Lot 15 DP 19840 was the catalyst for the Review of SP3 Tourist land.</p> <p>The SP3 Tourist zone in this location is likely to have been related to the opportunity that existed to provide tourist accommodation to extend the adjacent Bowling Club uses, and the fact that a number of the residential sized lots were vacant at the</p>

	<p>time Shoalhaven LEP 1985 came into effect. This area was not revisited as part of the SLEP 2014 process and was simply transferred across to SP3 Tourist.</p> <p>Due to the current residential use of the properties, the relatively small size of the blocks and the limited likelihood that they will be amalgamated into a larger tourism site, it is appropriate to rezone these properties to R2 Low Density Residential.</p> <p>Council received 4 submissions during the review, all of which indicated that they would support a change to a residential zone.</p> <p>The lots with a primary frontage to Lakehaven Drive are the first blocks back from the Sussex Inlet and therefore a maximum building height of 7.5m is proposed for these lots. A maximum building height of 8.5m is proposed for the rest of the blocks facing Glanville Road and Inverison Road. This is consistent with other properties in the area.</p> <p>A minimum lot size of 500m² and lot size clause (4.1A – Area 1) will be mapped for the land, including the relevant part of the road network, which is consistent with other R2 Low Density Residential land in the vicinity.</p>
<p>Site 6 Mollymook/ Ulladulla</p>	<p>The current SP3 Tourist zone reflects the LEP zones that were established through Amendment No. 195 to LEP 1985 (Milton-Ulladulla Structure Plan) that was gazetted in 13 June 2003. This amendment sought to retain and protect existing tourist zones. The strip has 4 motels, 3 of which have been for sale on and off for some time now. Most of the motels were built in the 1960s and 1970s and are somewhat dated.</p> <p>The Milton-Ulladulla Structure Plan identified a trend in the ‘reduction in demand for traditional motel accommodation particularly those located adjacent to major highways’ and it would appear that this trend is continuing as discussed in the Shoalhaven Tourism Masterplan 2012-2017. Two of the land owners have recently approached Council about rezoning their sites to residential and the potential for residential subdivision due to the motels decreasing business. Further, Council received a submission from one of the motel owners during the Review who support a residential zone change and believes that there is an oversupply of motels in this location, with most of the demand being for motels in the main tourist area near Mollymook Beach.</p> <p>The Shoalhaven Tourism Masterplan 2012-2017 suggests that ‘Building motel occupancy and improving performance will be dependent in part on both improvements in the quality and presentation of the properties and building the conference, meeting and events market segments as they have a far greater propensity to use motel accommodation’. The Masterplan also notes a gap in the supply of quality serviced apartments in the region and some of these older style motels due to their land size and location may be in a good position for such a land use.</p> <p>There could be future potential for these motels to improve their appearance or to diversify into serviced apartments. It is proposed to rezone the land, including the relevant part of Buchan Street, to R1 General Residential, compatible with one of the adjoining zones to the south. It will offer a more flexible suite of uses that include both tourist and visitor accommodation and a variety of residential</p>

	<p>accommodation. This may be a catalyst for the renewal of the aging motel structures and potentially may improve the amenity in this high profile town gateway site.</p> <p>A change in zone in this area would need to be accompanied by site specific Development Control Plan (DCP) provisions to guide future development and reduce the impact on the amenity of adjoining properties. It is expected that these provisions will be included in Chapter V3: Miscellaneous Site Specific Issues of Shoalhaven DCP 2014. Such DCP provisions would be prepared and exhibited alongside this PP.</p> <p>The site will continue to have no maximum building height mapped, and will rely on Clause 4.3(2A) of SLEP 2014 where an 11m blanket height provision is prescribed.</p> <p>A minimum lot size of 500m² and lot size clause (4.1A – Area 1) will be mapped for the land, including the relevant part of the road network and Lot 1 DP 1079406, which is consistent with other R1 General Residential and R2 Low Density Residential land in the vicinity.</p>
<p>Site 7 Burrill Lake</p>	<p>The lots front Princes Highway and the land to the west is zoned SP2 for the proposed Milton-Ulladulla bypass road. The lots are of a small residential size, affected by bushfire and are not in a high amenity location. It is also noted that a tourist use is a special fire protection purpose and it is unlikely that the required asset protection zones can be managed on site. It is for this reason that land to the east of the Princes Highway has been rezoned to R1 General Residential. It would be appropriate to rezone Site 7 land to a residential zone consistent with the lots across the road and alter the Height of Buildings and Minimum Lot size maps to be consistent with the adjacent residential zoned land.</p> <p>The proposed zone of R1 General Residential is consistent with the land to the east of the Princes Highway. The land is not first residential lot from the foreshore and therefore a height of 8.5m is considered appropriate.</p> <p>A minimum lot size of 500m² is proposed for the land which is consistent with other R1 General Residential land in the vicinity.</p> <p>The road casement to the north of the proposed R1 General Residential lots should be rezoned SP2 Infrastructure (Road) in line with the identified use. The height and minimum lot size would remain as existing.</p>

2.2 Amendment to instrument

It is intended to insert a clause into Part 7 of SLEP 2014 to provide criteria for the future consideration of dwelling houses in the SP3 zone.

Dwelling houses are permissible with consent in the SP3 zone, however there is confusion as to the weight of SP3 Tourist zone objective 3, in relation to this permissibility:

To provide for dwelling houses that form an integral part of tourist-oriented development.

For example, if a proposed dwelling house does not form part of an integral part of a tourist-oriented development, is it considered to be prohibited? This is a question often asked by Council staff, industry and the broader community.

The intended effect is not clear and the proposed local provision will clarify Council's intent in this regard.

It is noted that this clause was carried over from the previous 2(d) (Residential "D" Zone) in Shoalhaven Local Environmental Plan 1985 where dwelling houses were permissible with consent.

3 Part 2 – Explanation of Provisions

It is proposed to rezone sites 1 to 5 from SP3 Tourist to R2 Low Density Residential (with RE1 Public Recreation and B2 Local Centre elements) and sites 6 and 7 from SP3 Tourist to R1 General Residential (with a SP2 Instructure element) with a corresponding amendment to the Height of Buildings and Minimum Lot Size maps.

The existing and proposed zone, height of building and minimum lot size maps are shown in (Section 5) Part 4 - Mapping.

The proposed outcome of this PP will be achieved by amending the Land Zoning, Height of Building and Minimum Lot Size maps as follows:

Table 3: Amendments to zoning, height of buildings and minimum lot size maps

Site 1 Shoalhaven Heads	<p><i>Land Zoning Map</i> – Sheet LZN_019G – amend zoning of subject land from SP3 Tourist to R2 Low Density Residential. Road casement from SP3 Tourist to RE1 Public Recreation.</p> <p><i>Height of Buildings Map</i> – Sheet HOB_019G – amend maximum height of building from no maximum building height to 7.5m.</p> <p><i>Lot Size Map</i> – Sheet LSZ_019G - amend minimum lot size from no minimum lot size to 500m².</p>
Site 2 Greenwell Point	<p><i>Land Zoning Map</i> – Sheet LZN_019H – amend zoning of subject land from SP3 Tourist to R2 Low Density Residential. Part Jervis Street to B2 Local Centre, part Greenwell Point Road to R2 Low Density Residential and part South Street to R2 Low Density Residential.</p> <p><i>Height of Buildings Map</i> – Sheet HOB_019H – amend maximum height of building from no maximum building height to part 7.5m (lots adjacent to Jervis Street and part road casement) and part 8.5m, including part South Street.</p> <p><i>Lot Size Map</i> – Sheet LSZ_019H - amend minimum lot size from no minimum lot size to 500m², including part South Street.</p>

<p>Site 3 Sanctuary Point</p>	<p><i>Land Zoning Map</i> – Sheet LZN_020D – amend zoning of all lots, except Lot 200 DP 1222799, from SP3 Tourist to R2 Low Density Residential. The part of Lot 200 DP 1222799 currently zoned SP3 Tourist will be amended to R2 Low Density Residential and the part currently zoned RU2 Rural Landscape will be retained.</p> <p><i>Height of Buildings Map</i> – Sheet HOB_020D – amend maximum height of building of all lots, except Lot 200 DP 1222799, from no maximum building height to 8.5m. The part of Lot 200 DP 1222799 currently zoned SP3 Tourist will be amended to a maximum building height of 8.5m and the part currently zoned RU2 Rural Landscape will be retained as no maximum building height.</p> <p><i>Lot Size Map</i> – Sheet LSZ_020D - amend minimum lot size of all lots and road casement, except Lot 200 DP 1222799, from no minimum lot size to 500m² with a clause 4.1A (Area 1) overlay. The part of Lot 200 DP 1222799 currently zoned SP3 Tourist will be amended to a minimum lot size of 500m² with a clause 4.1A (Area 1) overlay and the part currently zoned RU2 Rural Landscape will be retained with a minimum lot size of 40ha (AB4).</p>
<p>Site 4 St Georges Basin</p>	<p><i>Land Zoning Map</i> – Sheet LZN_014F – amend zoning of subject land from SP3 Tourist to R2 Low Density Residential.</p> <p><i>Height of Buildings Map</i> – Sheet HOB_014F – amend maximum height of building from no maximum building height to 8.5m.</p> <p><i>Lot Size Map</i> – Sheet LSZ_014F:</p> <ul style="list-style-type: none"> • Amend minimum lot size from no minimum lot size to 500m². • Amend boundary of lot size clause 4.1A (Area 1) so it encompasses Lot 4 DP 621676 and adjacent road casement.
<p>Site 5 Sussex Inlet</p>	<p><i>Land Zoning Map</i> – Sheet LZN_015H – amend zoning of subject land from SP3 Tourist to R2 Low Density Residential.</p> <p><i>Height of Buildings Map</i> – Sheet HOB_015H:</p> <ul style="list-style-type: none"> • Amend maximum height of building from no maximum building height to 7.5m for the following lots: <ul style="list-style-type: none"> – Lot 17 DP 27489, 9 Lakehaven Drive, Sussex Inlet – Lot 16 DP 27489, 7 Lakehaven Drive, Sussex Inlet – Lot 9 DP 746389, 5 Lakehaven Drive, Sussex Inlet – Lot 15 DP 27489, 3 Lakehaven Drive, Sussex Inlet – Lot 14 DP 27489, 1 Lakehaven Drive, Sussex Inlet • Amend maximum height of building for all other lots from no maximum building height to 8.5m. <p><i>Lot Size Map</i> – Sheet LSZ_015H:</p> <ul style="list-style-type: none"> • Amend minimum lot size from no minimum lot size to 500m².

	<ul style="list-style-type: none"> Amend boundary of lot size clause 4.1A so it encompasses the subject land, including the road casement.
Site 6 Mollymook/ Ulladulla	<p><i>Land Zoning Map</i> – Sheet LZN_016C and Sheet LZN_016D – amend zoning of land from SP3 Tourist to R1 General Residential.</p> <p><i>Lot Size Map</i> – Sheet LSZ_016C and Sheet LSZ_016D:</p> <ul style="list-style-type: none"> Amend minimum lot size from no minimum lot size to 500m², including the Buchan Street road casement. Amend boundary of lot size clause 4.1A (Area 1) so it encompasses the subject land, including part Lot 1 DP 1079406 and the Millard Street and Buchan Street road casements.
Site 7 Burrill Lake	<p><i>Land Zoning Map</i> – Sheet LZN_016D – amend zoning of Lots 268-270 from SP3 Tourist to R1 General Residential. Amend zoning of road casement from SP3 Tourist to SP2 Infrastructure (Road).</p> <p><i>Height of Buildings Map</i> – Sheet HOB_016D – amend maximum height of building for Lots 268-270 from no maximum building height to 8.5m. The road casement will continue to have no mapped building height.</p> <p><i>Lot Size Map</i> – Sheet LSZ_016D - amend minimum lot size for Lots 268-270 from no minimum lot size to 500m². The road casement will continue to have no mapped minimum lot size.</p>

The PP also seeks to insert a new clause in Part 7 Additional local provisions of SLEP 2014 to provide criteria for the consideration of dwelling houses in the SP3 zone.

Suggested wording:

7.27 Dwelling houses on land in Zone SP3 Tourist

- (1) The objective of this clause is to ensure dwelling houses form an integral part of a tourist-oriented development.
- (2) Development consent must not be granted to a dwelling house on land in Zone SP3 Tourist unless the consent authority is satisfied that the dwelling house:
 - a) forms an integral part of a tourist-oriented development on the site; or
 - b) will not conflict with the existing or a future tourist-oriented development on the site.

Note: The final wording of the amendment will be determined in consultation with Parliamentary Counsel.

There is merit in removing SP3 Tourist zone objective 3 to avoid duplication. It is considered that the proposed Clause 7.27 above and SP3 Tourist zone objectives 1 and 2 clearly reflect Council's intent in this regard.

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 is the result of a citywide review of land within the SP3 Tourist zone that aims to retain land with an ongoing tourism value and rezone the remaining land that is predominantly residential in nature to better reflect the future intent for the land.

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

This PP is considered to be the best and only means of achieving the intended outcome.

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 (ISRP)

The ISRP applies to the whole Shoalhaven LGA including the subject lands. It identifies tourism as a priority growth sector and includes an action to investigate tourism related transport services in Shoalhaven in the medium term. The ISRP also acknowledges the importance of the unique features of the area as tourist and recreational attractions that help to enhance the economy. The relationship between tourism and the housing market is identified.

The ISRP also encourages a variety of housing choices with homes that meet a variety of needs and lifestyles (Goal 2).

The Review provided an opportunity for Council to rationalise the valuable tourism assets across the City and identified that only seven of approximately 55 sites were suitable for rezoning to a predominantly residential purpose. As such, the proposal is considered to be consistent with the ISRP.

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

Shoalhaven City Council's Community Strategic Plan

The Proposal is consistent with Council's Community Strategy Plan and the relevant themes and actions below:

- Theme 2. Sustainable, liveable environments

2.2 Plan and manage appropriate and sustainable development

2.3 Protect and showcase the natural environment

- Theme 3. Prosperous communities

3.1 Maintain and grow a robust economy with vibrant towns and villages

Shoalhaven Tourism Masterplan 2012-2017 (Masterplan)

The Masterplan presents a number of recommendations, strategies and actions designed to deliver the vision, objective and targets for tourism in Shoalhaven. One of these actions is to ensure prime development sites are recognised and protected in SLEP 2014. It also discusses the declining demand for the aging motel/hotel style accommodation in the City and the increase in holiday rental market through well-known internet platforms.

The proposal is not inconsistent with the Masterplan.

Growth Management Strategy (GMS)

Application: Sites 1 and 2.

The GMS encourages and strengthens tourism opportunities by identifying key tourism sites across the City. Residential growth is predominately expected to occur through infill development.

The proposal is not inconsistent with the Masterplan.

Jervis Bay Settlement Strategy (JBSS)

Application: Sites 3 and 4

The JBSS encourages tourism development in appropriate locations to building on a range of experiences and services that are currently available. The supply of housing opportunities for future residential development will be provided within the environmental and servicing limits of the region.

The proposal is not inconsistent with the JBSS.

Sussex Inlet Settlement Strategy

Application: Site 5

The SISS is mostly silent in relation to tourism, however it supports opportunities for appropriate urban consolidation and greater densities to increase the range of housing choices available, particularly in convenient locations.

The proposal is not inconsistent with the SISS.

Milton Ulladulla Structure Plan (MUSP)

Application: Sites 6 and 7

The MUSP addresses tourism trends in the Milton-Ulladulla area, noting the increase in demand for nature-based holiday experiences, cultural based tourism, budget self-catering and authentic personalised quality accommodation. It also notes the reduced demand for traditional motel accommodation located adjacent to major highways. It seeks to encourage tourism developments that give greater experiences of the Milton–Ulladulla area and increase the economic base of the area.

Site 8 is identified in the MUSB as broad acre tourism, however the preferred accommodation types include holiday cabins and caravan parks that cannot be accommodated on the lots due to their relatively small size.

The proposal is not inconsistent with the MUSP.

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

The PP is consistent with the applicable state environmental planning policies (SEPPs). A full list of the SEPPs is provided at **Attachment C**. The relevant SEPPs are discussed below.

State Environmental Planning Policy (Coastal Management) 2018

This policy aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone by protecting the environmental assets of the coast. Certain land within sites 1, 2, 4, 5, 6 and 7 are located in the coastal use area. Certain land within sites 2, 3 and 5 are located in the coastal environment area.

The proposal to rezone the land will not have any significant impacts on the matters for consideration outlined Division 3 and 4 of the Coastal Management SEPP. The protection of the coast and associated amenity can be adequately addressed through the development assessment process.

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

The Ministerial Directions are considered in **Attachment D** and those that are most relevant are discussed below.

1.1 Business and Industrial Zones

This direction applies as the PP seeks to expand the B2 Local Centre zone across part of Jervis Street at Site 2 to remove the SP3 classification which is redundant. The proposed rezoning is generally administrative and it:

- Achieves the objectives of this direction,
- Retains the existing B2 Local Centre zone and only proposes extension over part of Jervis Street.
- Does not reduce the total potential floor space area for employment uses and related public services in the B2 Local Centre zone.

The PP is not inconsistent with this direction.

2.2 Coastal Protection

The direction applies as the PP affects land within the coastal zone. The PP not inconsistent with the NSW Coastal Policy: A sustainable future for the New South Wales Coast or the NSW Coastline Management Manual 1990.

The PP is not considered inconsistent with the Coastal Design Guidelines 2003 as the potential for intensification and the impacts of any future development on the coastal environment should be reduced. Shoalhaven Development Control Plan 2014 includes a number of provisions relating to visual connections and views, appropriate scaled buildings and future desired character.

The PP is not inconsistent with this direction.

3.1 Residential Zones

The direction applies as the PP proposes to rezone the subject land to either R1 General Residential or R2 Low Density Residential.

The PP will broaden the choice of building types and locations in the housing market and make more efficient use of existing infrastructure and services. Satisfactory servicing arrangements are in place for all sites.

The change in zone from tourist to residential will not impact on the residential density of the land but will improve the ability of the land to provide for residential development. Further, development pressure on town and village boundaries will be reduced.

The PP is not inconsistent with this direction.

3.4 Integrating Land Use and Transport

The sites are generally located in areas that are serviced by pedestrian infrastructure and public transport, which should reduce car dependency and increase the viability of public

transport services. Tourism uses in Shoalhaven are generally heavily dependent on the private vehicle and a change to a residential zoning will reduce demand in this regard.

The PP supports the principles and objectives of *Improving Transport Choice — Guidelines for planning and development* and *The Right Place for Business and Services — Planning Policy*. Traffic impacts would be considered as part of the development assessment process.

The PP is not inconsistent with this direction.

4.1 Acid Sulfate Soils

All of the subject sites are mapped as having acid sulfate soils as follows:

- Site 1 – Class 3
- Site 2 – Class 2 and 5
- Site 3 – Class 2 and 5
- Site 4 – Class 5
- Site 5 – Class 3 and 5
- Site 6 – Class 5
- Site 7 – Class 5

The PP to rezone the land from a tourist to a residential zone will not intensify the land use of the land or increase the potential impact on surface groundwater quality and quantity, nor any ecosystems or biodiversity.

The PP is not inconsistent with this direction.

4.3 Flood Prone Land

Sites 2 and 3 are flood prone as discussed in Section 2 (Part 1 – Intended Outcome) above.

The Lower Shoalhaven River Floodplain Risk Management Plan and Study identifies that land in the Greenwell Point area should have low density restrictions because the entire area can be isolated from services such as fresh water, sewer and electricity during flood events. The St Georges Basin Floodplain Risk Management Plan and Study identifies that access to Larmer Avenue, Sanctuary Point may be severed in small or frequent events.

Council is currently reviewing the Lower Shoalhaven River and St Georges Basin Floodplain Risk Management Plans and Studies. At the time of the public exhibition of this planning proposal, no revised flood mapping or modelling had been prepared. Revised flood mapping and modelling is not anticipated to be finalised until May 2020. Hence, there is no change in Council's understanding of flood liability of sites within the Lower Shoalhaven River and St Georges Basin floodplains (Sites 1, 2, 3, 4 and 5) as a result of the review.

The PP proposes to rezone these sites to R2 Low Density Residential and it is considered that permissible development (most likely dwelling houses) is unlikely to result in significant flood impacts to other properties or permit a significant increase in the development of the land. It is expected that the PP will reduce the future intensity of the land use in these locations and therefore reduce the requirements for government spending on flood mitigation, infrastructure or services.

The PP is not inconsistent with this direction.

4.4 Planning for Bushfire Protection

Site 1, 3 and 7 are identified as bushfire prone land. The rezoning of the subject sites to residential will reduce the potential for development that would be classified as 'Special Bushfire Protection Purpose' and the requirement for a Bushfire Safety Authority from the Rural Fire Services.

Where relevant, future development will be assessed against Planning for Bushfire Protection during the development assessment process.

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

The PP is not inconsistent with this direction.

5.10 Implementation of Regional Plans

The Illawarra-Shoalhaven Regional Plan (ISRP) applies to Shoalhaven and addresses the provision of suitable land for tourism and housing needs. 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

To enable the proposal to proceed, this PP seeks to rezone the sites to either a R1 General Residential, R2 Low Density Residential, RE1 Public Recreation, SP2 Infrastructure or B2 Local Centre. These zones already apply in SLEP 2014. This approach is consistent with Section (4)(b) of this direction.

4.3 Environmental, Social and Economic Impact (Section C)

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

The PP will not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats as it involves a rezoning from a tourist to

predominantly residential zones in SLEP 2014 and the majority of lots have already been developed for residential purposes.

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

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

Other environmental impacts are not anticipated as the PP involves a rezoning from a tourist to predominantly residential zones and the majority of lots have already been developed for residential purposes. Further, the maximum permissible height for each site has been decreased in line with surrounding residentially zoned land further mitigating amenity, visual and view sharing impacts.

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

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

The social and economic impacts related to the PP are considered minimal. Most of the sites have existing dwelling houses. The vacant allotments on Larmer Avenue are likely to be more attractive to potential buyers for a residential use than a tourist use. The rezoning of some of the sites could potentially improve the economic viability of those properties and increase the availability of a diverse range of residential housing which is currently in high demand in the LGA.

The loss of land zoned for tourism purposes is not considered to result in any adverse economic impacts as the eight sites hold limited tourism value. Further, existing tourist and visitor accommodation can continue to operate and intensify etc via existing use provisions.

The increased residential opportunities following the rezoning will have positive social impacts for the community. Additional housing supply across the City may assist with housing affordability.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

All seven sites are located in areas that are well serviced by existing infrastructure and the PP does not trigger the need for additional infrastructure.

Shoalhaven Water have advised that all sites are serviced by water supply and sewerage services adequate to support residential development. No augmentation of the existing systems is required to support the change of zone from SP3 Tourist to R1 General Residential, R2 Low Density Residential, RE1 Public Recreation, B2 Local Centre or SP2 Infrastructure (Road).

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

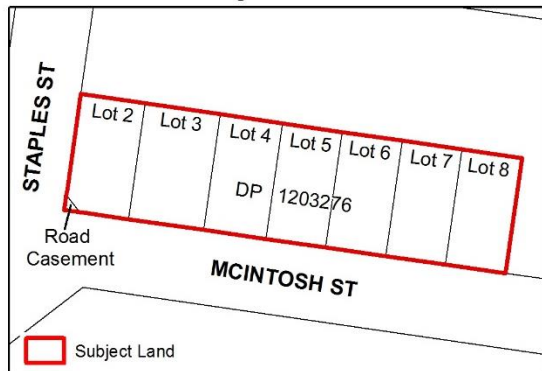
Council will consult with relevant State and Commonwealth authorities (e.g. NSW Rural Fire Service) in accordance with the conditions of the Gateway determination. The PP will be updated prior to public exhibition, if required, to incorporate the view of any public authority.

5 Part 4 – Mapping

The proposed mapping changes are outlined in Section 3 (Part 2 – Explanation of Provisions) and shown below in the following map sets:

Site 1 – 60-72 McIntosh Road, Shoalhaven Heads

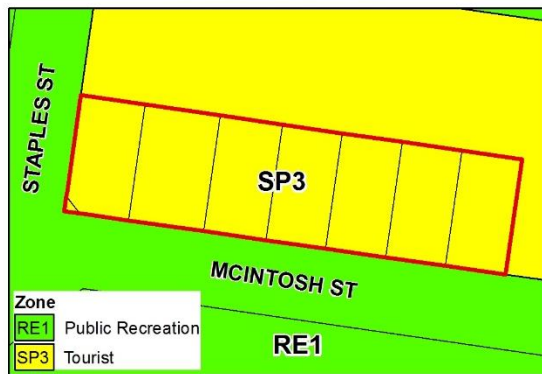
Subject Land



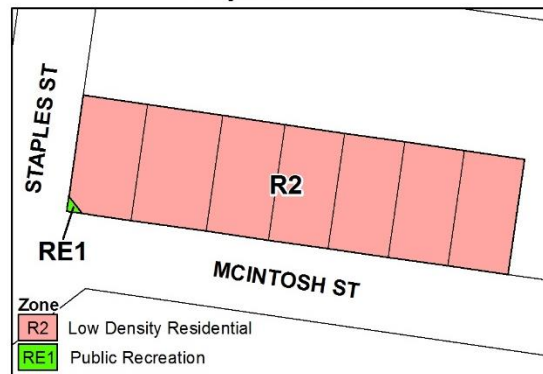
Air Photo 2014



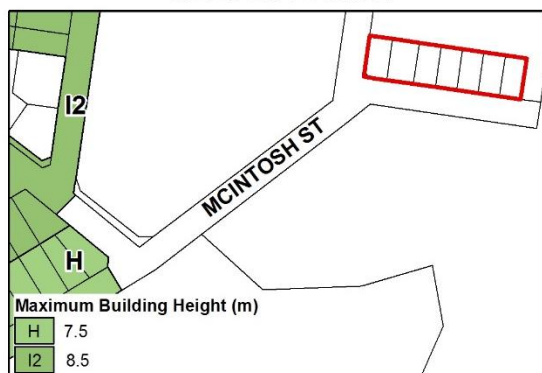
SLEP2014 LZN



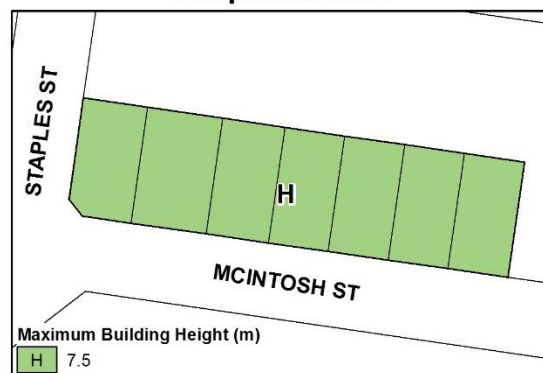
Proposed LZN



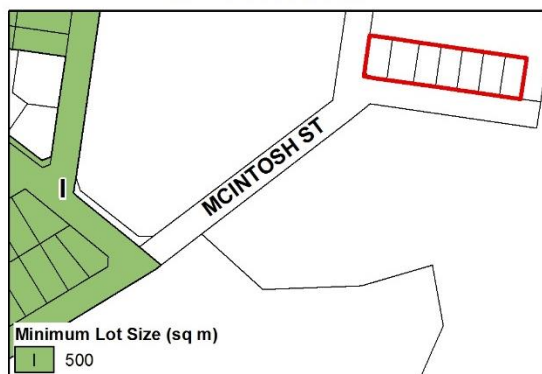
SLEP2014 HOB



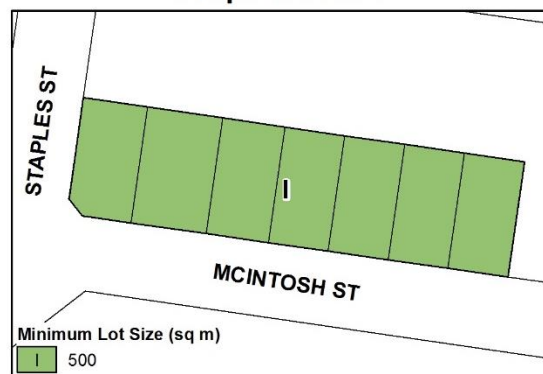
Proposed HOB



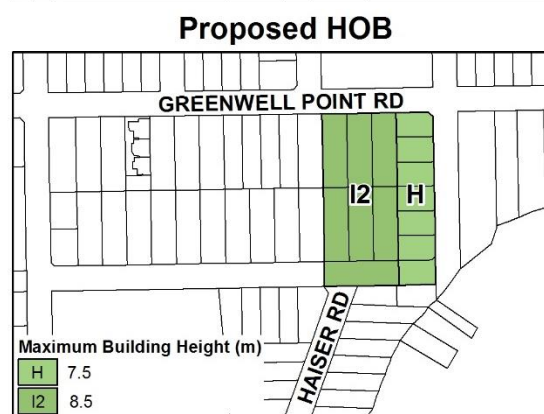
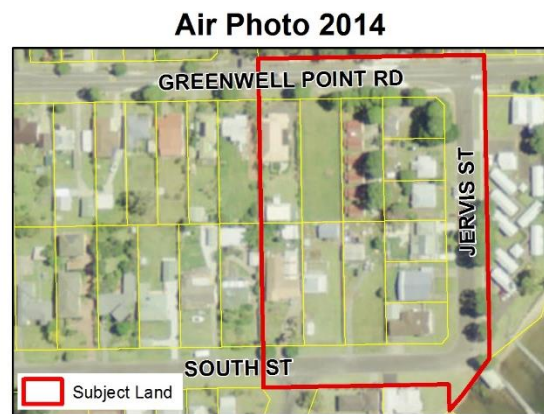
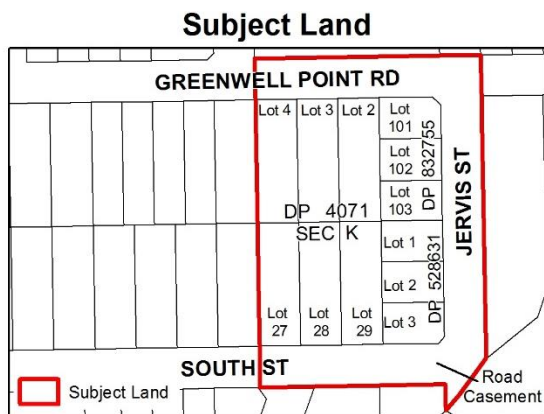
SLEP2014 LSZ



Proposed LSZ

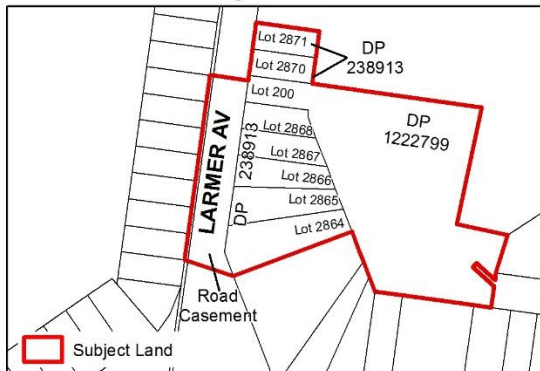


Site 2 – Greenwell Point Road, South Street and Jervis Street, Greenwell Point

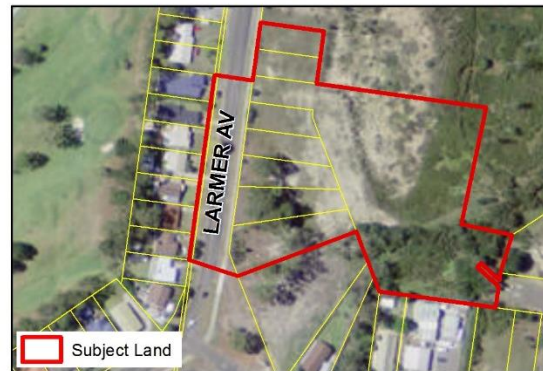


Site 3 – 150-164 Larmer Avenue, Sanctuary Point

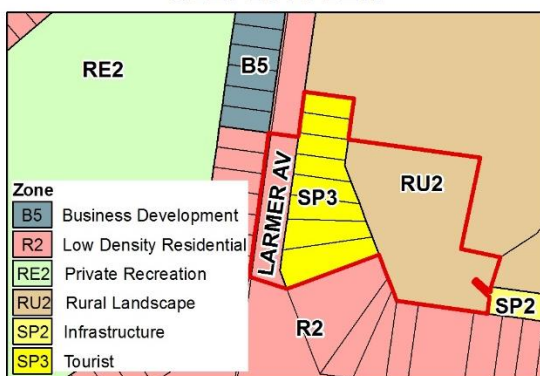
Subject Land



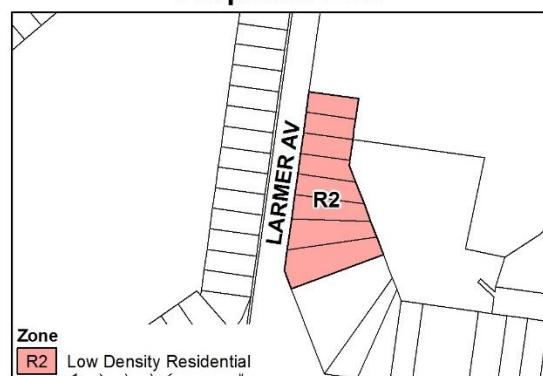
Air Photo 2014



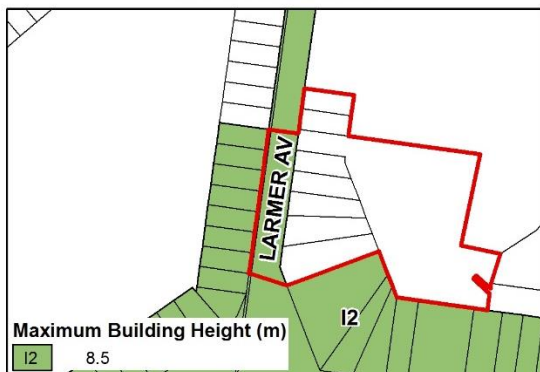
SLEP2014 LZN



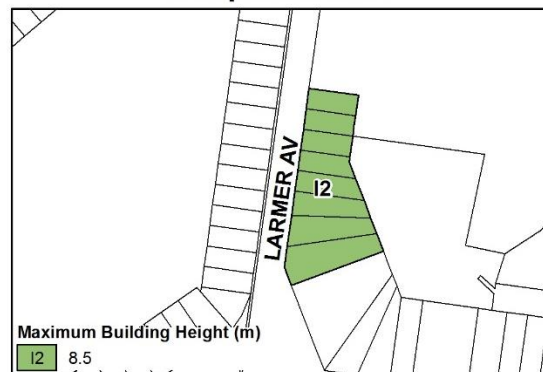
Proposed LZN



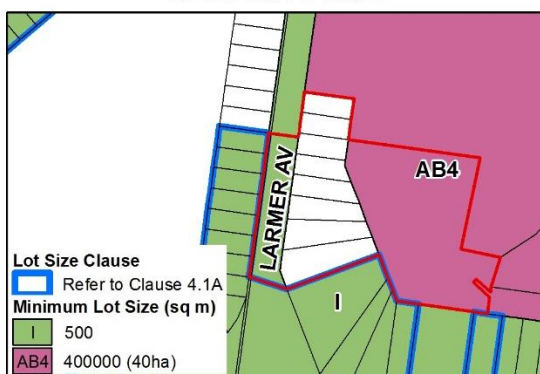
SLEP2014 HOB



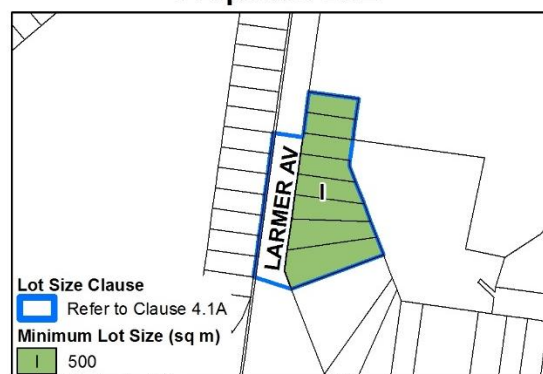
Proposed HOB



SLEP2014 LSZ

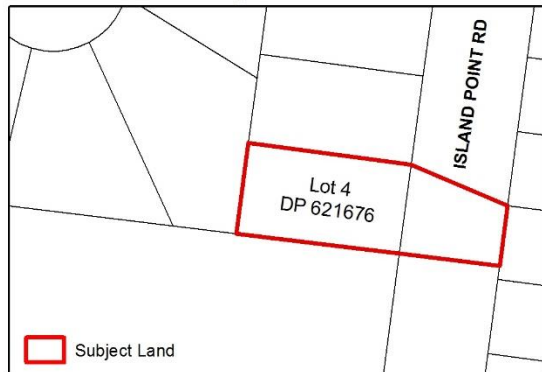


Proposed LSZ



Site 4 – 81 Island Point Road, St Georges Basin

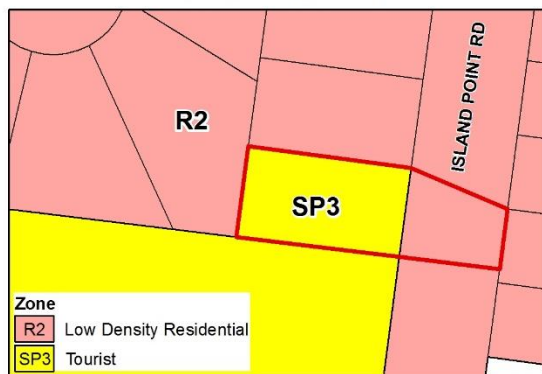
Subject Land



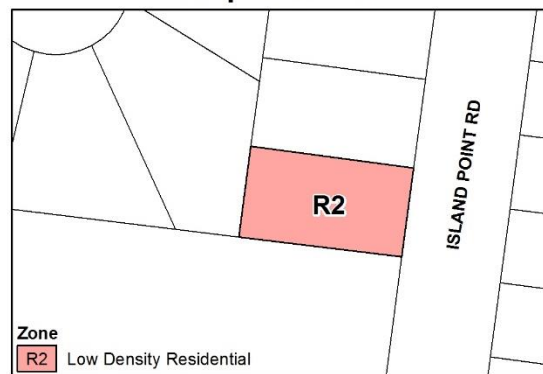
Air Photo 2014



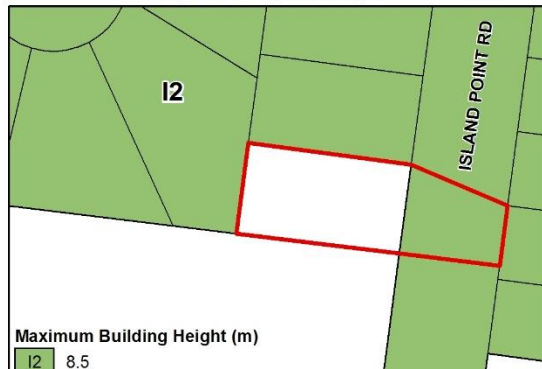
SLEP2014 LZN



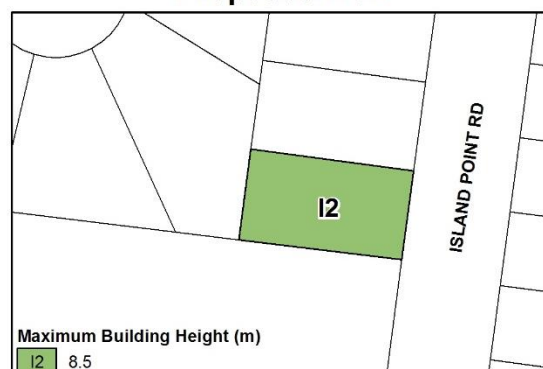
Proposed LZN



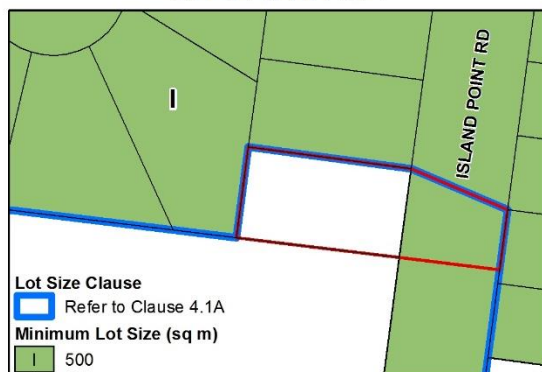
SLEP2014 HOB



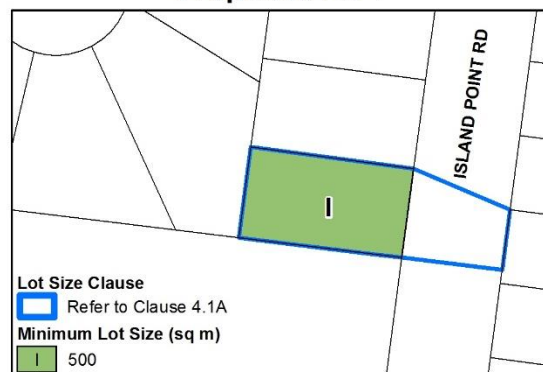
Proposed HOB



SLEP2014 LSZ



Proposed LSZ



Site 5 – Iverison Road, Glanville Road, Lakehaven Drive, Sussex Inlet

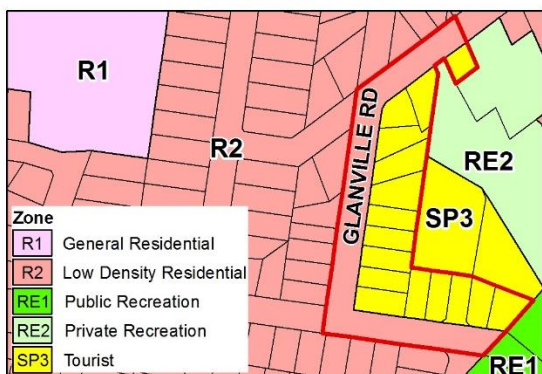
Subject Land



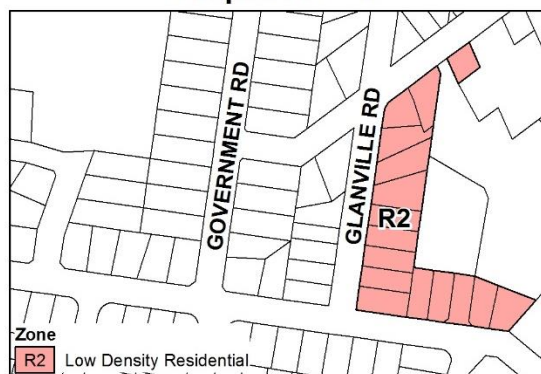
Air Photo 2014



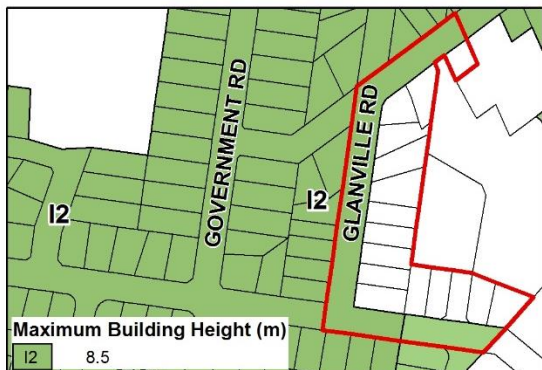
SLEP2014 LZN



Proposed LZN



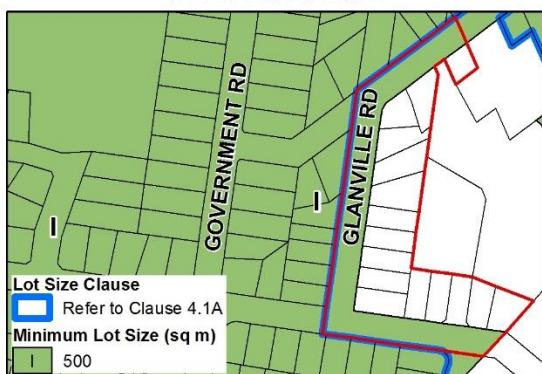
SLEP2014 HOB



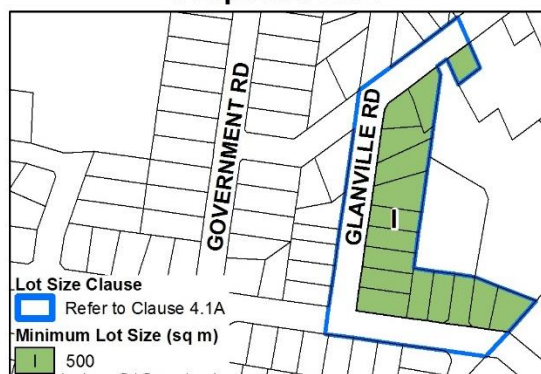
Proposed HOB



SLEP2014 LSZ

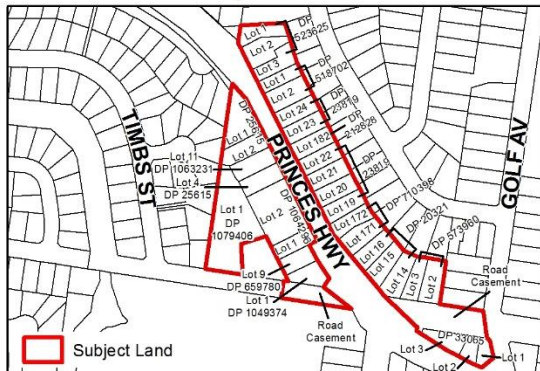


Proposed LSZ



Site 6 - Princes Highway, Mollymook/Ulladulla

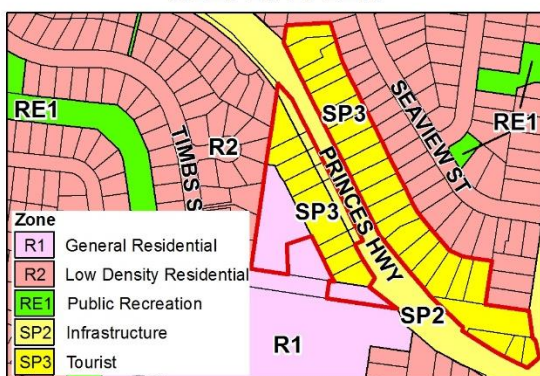
Subject Land



Air Photo 2014



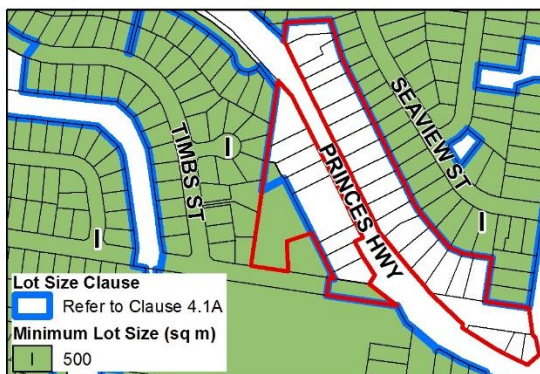
SLEP2014 LZN



Proposed LZN



SLEP2014 LSZ

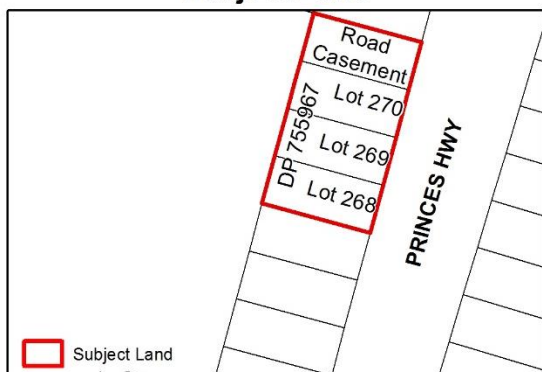


Proposed LSZ



Site 7 – 3-7 Princes Highway, Burrill Lake

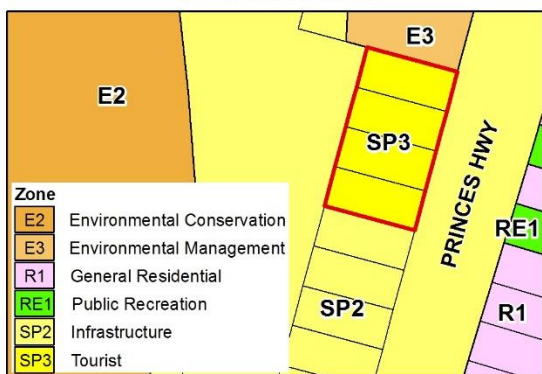
Subject Land



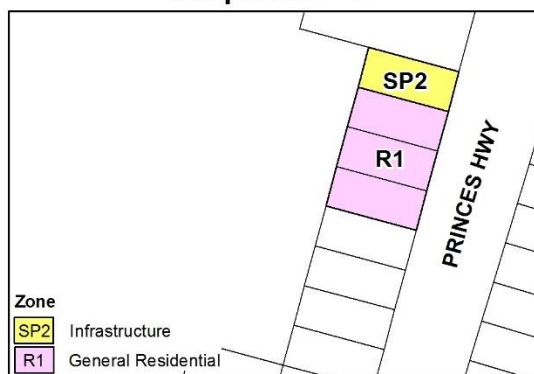
Air Photo 2014



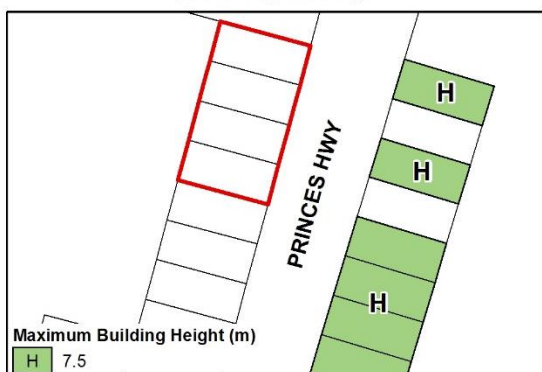
SLEP2014 LZN



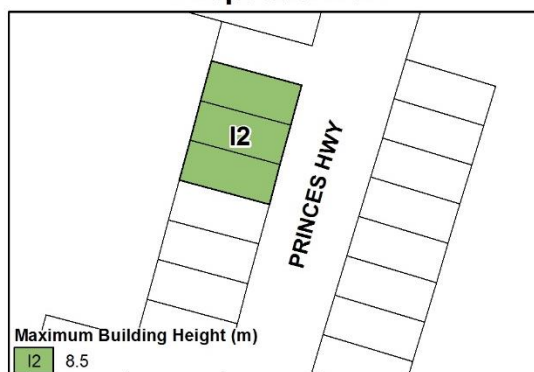
Proposed LZN



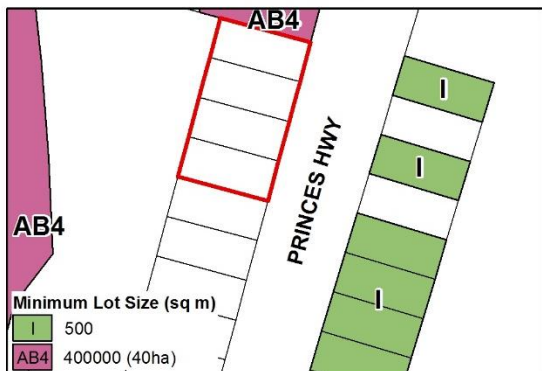
SLEP2014 HOB



Proposed HOB



SLEP2014 LSZ



Proposed LSZ



6 Part 5 - Community Consultation

An initial consultation of the SP3 Tourist zone was undertaken in October 2016 which involved a letter being sent to all property owners in the SP3 zone. Landowners of properties zoned SP3 that were used for existing residential purposes received a letter and a survey to canvas their future intentions for their land and gauge their interest in a potential change of zone. Land owners of properties that had a tourist related use, or are located in an area that is predominantly developed for tourist related uses, were sent a letter inviting comments. Survey and general comments have informed the direction of the Review and this PP.

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

Public notification of the exhibition would include notification in the local newspapers, and a notice on Council's website. Hard copies of the planning proposal would be made available at Council's Administrative Buildings in Nowra and Ulladulla.

7 Part 6 – Project Timeline

Table 4: Project Timeline

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	September 2018
Completion of Gateway determination requirements	October 2018
Public exhibition	January/February 2019
Consideration of submissions	February 2019
Post exhibition consideration of PP	March 2018
Finalisation and notification of Plan	April 2019

ATTACHMENTS

Attachment A – Evaluation criteria for the delegation of plan making functions to Councils

Local Government Area:

Shoalhaven City Council

Name of draft LEP:

Shoalhaven Local Environmental Plan 2014
PP013

Address of Land (if applicable):

The legal description for the subject land is:

Site 1 – 60-72 McIntosh Road, Shoalhaven Heads
Lot 2 DP 1203276, 60 McIntosh Street, Shoalhaven Heads Lot 3 DP 1203276, 62 McIntosh Street, Shoalhaven Heads Lot 4 DP 1203276 64 McIntosh Street, Shoalhaven Heads Lot 5 DP 1203276, 66 McIntosh Street, Shoalhaven Heads Lot 6 DP 1203276, 68 McIntosh Street, Shoalhaven Heads Lot 7 DP 1203276, 70 McIntosh Street, Shoalhaven Heads Lot 8 DP 1203276 72 McIntosh Street, Shoalhaven Heads UPN 118343 - Road casement to the south-west of Lot 2
Site 2 – Greenwell Point Road, South Street and Jervis Street, Greenwell Point
Lot 101 DP 832755, 74 Greenwell Point Road, Greenwell Point Lot 102 DP 832755, Jervis Street, Greenwell Point Lot 103 DP 832755, 41 Jervis Street, Greenwell Point Lot 1 DP 528631, 43 Jervis Street, Greenwell Point Lot 2 DP 528631, 45 Jervis Street, Greenwell Point Lot 3 DP 528631, 29 South Street, Greenwell Point Lot 29 DP 4071 Sec K, 27 South Street, Greenwell Point Lot 28 DP 4071 Sec K, 25 South Street, Greenwell Point Lot 27 DP 4071 Sec K, 23 South Street, Greenwell Point Lot 2 DP 4071 Sec K, 72 Greenwell Point Road, Greenwell Point Lot 3 DP 4071 Sec K, 70 Greenwell Point Road, Greenwell Point Lot 4 DP 4071 Sec K, 68 Greenwell Point Road, Greenwell Point Part Greenwell Point Road, Jervis Street and South Street (UPN 106764, 302841, 102790, 106763, 115665, 103356, 107569, 105469)

Site 3 – 150-164 Larmer Avenue, Sanctuary Point
<p>Lot 2871 DP 238913, 150 Larmer Avenue, Sanctuary Point</p> <p>Lot 2870 DP 238913, 152 Larmer Avenue, Sanctuary Point</p> <p>Lot 200 DP 1222799, 154 Larmer Avenue, Sanctuary Point</p> <p>Lot 2868 DP 238913, 156 Larmer Avenue, Sanctuary Point</p> <p>Lot 2867 DP 238913, 158 Larmer Avenue, Sanctuary Point</p> <p>Lot 2866 DP 238913, 160 Larmer Avenue, Sanctuary Point</p> <p>Lot 2865 DP 238913, 162 Larmer Avenue, Sanctuary Point</p> <p>Lot 2864 DP 238913, 164 Larmer Avenue, Sanctuary Point</p> <p>UPN 112092 - Part Larmer Avenue</p>
Site 4 – 81 Island Point Road, St Georges Basin
<p>Lot 4 DP 621676, 81 Island Point Road, St Georges Basin</p> <p>UPN 111933 - Part Island Point Road</p>
Site 5 – Iverison Road, Glanville Road, Lakehaven Drive, Sussex Inlet
<p>Lot 3 DP 18943, 54 Iverison Road, Sussex Inlet</p> <p>Lot CP SP 20672. 58 Iverison Road, Sussex Inlet</p> <p>Lot 12 DP 513695, 60 Iverison Road, Sussex Inlet</p> <p>Lot 13 DP 513694, 56 Glanville Road, Sussex Inlet</p> <p>Lot 14 DP 513694, 58 Glanville Road, Sussex Inlet</p> <p>Lot 15 DP 19840, 60 Glanville Road, Sussex Inlet</p> <p>Lot 16 DP 19840, 62 Glanville Road, Sussex Inlet</p> <p>Lot 17 DP 19840, 64 Glanville Road, Sussex Inlet</p> <p>Lot 18 DP 19840, 66 Glanville Road, Sussex Inlet</p> <p>Lot 19 DP 19840, 68 Glanville Road, Sussex Inlet</p> <p>Lot 20 DP 19840, 11 Lakehaven Drive, Sussex Inlet</p> <p>Lot 17 DP 27489, 9 Lakehaven Drive, Sussex Inlet</p> <p>Lot 16 DP 27489, 7 Lakehaven Drive, Sussex Inlet</p> <p>Lot 9 DP 746389, 5 Lakehaven Drive, Sussex Inlet</p> <p>Lot 15 DP 27489, 3 Lakehaven Drive, Sussex Inlet</p> <p>Lot 14 DP 27489, 1 Lakehaven Drive, Sussex Inlet</p> <p>Part Iverison Road, Glanville Road and Lakehaven Drive (UPN 111952, 111752, 111753, 101359, 111754, 112068, 111712)</p>
Site 6 - Princes Highway, Mollymook/Ulladulla
<p>Lot 1 DP 523625, 4 Princes Highway, Mollymook</p> <p>Lot 2 DP 523625, 6 Princes Highway, Mollymook</p> <p>Lot 3 DP 523625, 8 Princes Highway, Mollymook</p> <p>Lot 1 DP 518702, 10 Princes Highway, Mollymook</p> <p>Lot 2 DP 518702, 12 Princes Highway, Mollymook</p>

<p> Lot 24 DP 23819, 14 Princes Highway, Mollymook Lot 23 DP 23819, 16 Princes Highway, Mollymook Lot 182 DP 212828, 18 Princes Highway, Mollymook Lot 22 DP 23819, 20 Princes Highway, Mollymook Lot 21 DP 23819, 22 Princes Highway, Mollymook Lot 20 DP 23819, 24 Princes Highway, Mollymook Lot 19 DP 23819, 26 Princes Highway, Mollymook Lot 172 DP 710398, 28 Princes Highway, Mollymook Lot 171 DP 710398, 30 Princes Highway, Mollymook Lot 16 DP 20321, 32 Princes Highway, Mollymook Lot 15 DP 20321, 34 Princes Highway, Mollymook Lot 14 DP 20321, 1 Buchan Street, Mollymook Lot 3 DP 573960, 3 Buchan Street, Mollymook Lot 2 DP 573960, 5 Buchan Street, Mollymook Lot 3 DP 33065, 2 Buchan Street, Mollymook Lot 2 DP 33065, 4 Buchan Street, Mollymook Lot 1 DP 33065, 6 Buchan Street, Mollymook Lot 1 DP 1049374, 23 Princes Highway, Ulladulla Lot 9 DP 659780, 21 Princes Highway, Ulladulla Lot 1 DP 1064296, 19 Princes Highway, Ulladulla Lot 2 DP 1064296, 13 Princes Highway, Ulladulla Lot 4 DP 25615, 11 Princes Highway, Ulladulla Lot 11 DP 1063231, 9 Princes Highway, Ulladulla Lot 2 DP 25615, 7 Princes Highway, Ulladulla Lot 1 DP 25615, 5 Princes Highway, Ulladulla Lot 1 DP 1079406 Part Millard Street and Buchan Street (UPN 113728, 113139, 105746) </p>
<p>Site 7 – 3-7 Princes Highway, Burrill Lake</p>
<p> Lot 270 DP 755967 (Por 270), 3 Princes Highway, Burrill Lake Lot 269 DP 755967 (Por 269), 5 Princes Highway, Burrill Lake Lot 268 DP 755967 (Por 268), 7 Princes Highway, Burrill Lake UPN 105673 - Road casement to the north of Lot 270 </p>

Intent of draft LEP:

The Planning Proposal seeks to rezone SP3 Tourist zoned land in seven locations across the City to either R1 General Residential, R2 Low Density Residential, RE1 Public Recreation, B2 Local Centre or SP2 Infrastructure (Road), with corresponding amendments to the Height of Buildings Map and Minimum Lot Size Map as required.

Additional Supporting Points/Information:

The proposal is considered to be relatively minor in nature as it proposes to rezone land that has been identified as being more appropriately zoned either R1 General Residential, R2 Low Density Residential, RE1 Public Recreation, B2 Local Centre or SP2 Infrastructure (Road), consistent with the current land use or future intended land use. The proposal also seeks to insert a new clause into Part 7 of SLEP 2014 providing criteria for consideration of dwelling houses in the SP3 Tourist zone.

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 S117 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?		NR		
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?		NR		
Does the Planning Proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		NR		
Does the Planning Proposal potentially impact on item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		NR		
Reclassifications				
Is there an associated spot rezoning with the reclassification?		NR		
If yes to the above, is the rezoning consistent with an endorsed Plan Of Management (POM) or strategy?		NR		
Is the Planning Proposal proposed to rectify an anomaly in a classification?		NR		
Will the Planning Proposal be consistent with an adopted POM or other strategy related to the site?		NR		
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act, 1993?		NR		
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?		NR		
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?		NR		
Has council acknowledged in its Planning Proposal that a Public Hearing will be required and agree to hold one as part of its documentation?		NR		
Spot Rezoning				
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	Y			
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	N			

provide enough information to explain how the issue that lead to the deferral has been addressed?				
If yes, does the Planning Proposal contain sufficient documented justification to enable the matter to proceed?		NR		
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 works or a formatting error?;		NR		
b. Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?;		NR		
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?		NR		
(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).				

Attachment B – Council report and minute, 5 June 2018

Attachment C – SEPP Checklist

SEPP	Name	Applicable	Not inconsistent
1	Development Standards	x	n/a
19	Bushland in Urban Areas	x	n/a
21	Caravan parks	x	n/a
30	Intensive agriculture	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
52	Farm Dams and Other Works in Land and Water Management Plan Areas	x	n/a
55	Remediation of land	x	n/a
62	Sustainable aquaculture	x	n/a
64	Advertising and signage	x	n/a
65	Design quality of residential apartment development	x	n/a
70	Affordable Housing (Revised Schemes)	x	n/a
--	Affordable Rental Housing 2009	x	n/a
--	BASIX 2004	x	n/a
--	Coastal Management 2018	✓	✓
--	Educational Establishments and Child Care Facilities 2017	x	n/a
--	Exempt and Complying Development Codes 2008	x	n/a
--	Housing for Seniors or People with a Disability 2004	x	n/a
--	Infrastructure 2007	x	n/a
--	Integration and Repeals 2016	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	✖	n/a
--	Rural Lands 2008	✖	n/a
--	State and Regional Development 2011	✖	n/a
--	State Significant Precincts 2005	✖	n/a
--	Sydney Drinking Water Catchment 2011	✖	n/a
--	Sydney Region Growth Centres 2006	✖	n/a
--	Three Ports 2013	✖	n/a
--	Urban Renewal 2010	✖	n/a
--	Vegetation in Non-Rural Areas 2017	✖	n/a
--	Western Sydney Employment Area 2009	✖	n/a
--	Western Sydney Parklands 2009	✖	n/a

Attachment D – S9.1 Directions checklist

Direction		Applicable	Relevant	Not inconsistent
1 Employment and Resources				
1.1	Business and Industrial Zones	✓	✓	Refer to Section 4.2.4
1.2	Rural Zones	✗	✗	n/a
1.3	Mining, Petroleum Production and Extractive Industries	✗	✗	n/a
1.4	Oyster Aquaculture	✗	✗	n/a
1.5	Rural lands	✗	✗	n/a
2 Environment and Heritage				
2.1	Environmental Protection Zones	✓	✗	n/a
2.2	Coastal Protection	✓	✓	Refer to Section 4.2.4
2.3	Heritage Conservation	✓	✗	n/a
2.4	Recreation Vehicle Area	✓	✗	n/a
2.5	Application of E2 and E3 Zones in Environmental Overlays in Far North Coast LEPs	✗	✗	n/a
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	✓	✓	Refer to Section 4.2.4
3.2	Caravan Parks and Manufactured Home Estates	✓	✗	n/a
3.3	Home Occupations	✓	✗	n/a
3.4	Integrating Land Use and Transport	✓	✓	Refer to Section 4.2.4
3.5	Development Near Licensed Aerodromes	✗	✗	n/a
3.6	Shooting Ranges	✗	✗	n/a
4 Hazard and Risk				
4.1	Acid Sulphate Soils	✓	✓	Refer to Section 4.2.4
4.2	Mine Subsidence and Unstable Land	✗	✗	n/a
4.3	Flood Prone Land	✓	✓	Refer to Section 4.2.4
4.4	Planning for Bushfire Protection	✓	✓	Refer to Section 4.2.4
5 Regional Planning				
5.2	Sydney Drinking Water Catchments	✗	✗	n/a
5.3	Farmland of State & Regional Significance Far North Coast	✗	✗	n/a

5.4	Commercial & Retail Development Far North Coast	x	x	n/a
5.8	Second Sydney Airport: Badgerys Creek	x	x	n/a
5.9	North West Rail Link Corridor Strategy	x	x	n/a
5.10	Implementation of Regional Plans	✓	✓	Refer to Section 4.2.4
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	✓	✓	Refer to Section 4.2.4