

# **PLANNING PROPOSAL**

## **PROPERTY:**

**LOT 5 DP 1225356**

**SEALARK ROAD, CALLALA BAY**

## **PREPARED BY:**



## **APPLICATION TO:**

**SHOALHAVEN CITY COUNCIL**

**DATE 17 DECEMBER 2018**

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## 1.1 INTRODUCTION

This Draft Planning Proposal is on behalf of 'The Hare Bay Consortia' owners of lot 5 in DP 1225356 off Sealark Road, Callala Bay.

This *Draft* Planning Proposal has been prepared in accordance with the Department of Planning and Infrastructure's "Guide to Preparing Planning Proposals 2016" and Shoalhaven City Council's "Planning Proposal (Rezoning) Guidelines Version 2016 and *Draft* Version 3.7 (April 2018).

## 1.2 BACKGROUND

**'The site' is Lot 5** DP 1225356, which was created and registered in 2016 following a subdivision of Lot 15 DP 1002772-1999.

The subdivision of Lot 15 separated Lot 5 from the parcel of land south of Monarch place which created lots 1, 2, 3 and 4 (Figure 1).

In October 2003 Shoalhaven City Council and the then Department of Infrastructure, Planning and Natural Resources (DIPNR) released the Jervis Bay Settlement Strategy.

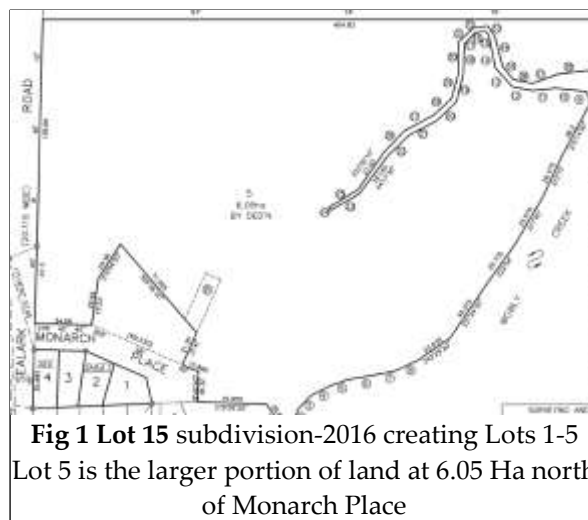
This strategy for Callala Bay stated:

***'The lack of available development land in the Callala Bay area would suggest that early action should be taken to determine the capacity of the locality to support further urban development'*** (p.69-JBSS-3003)

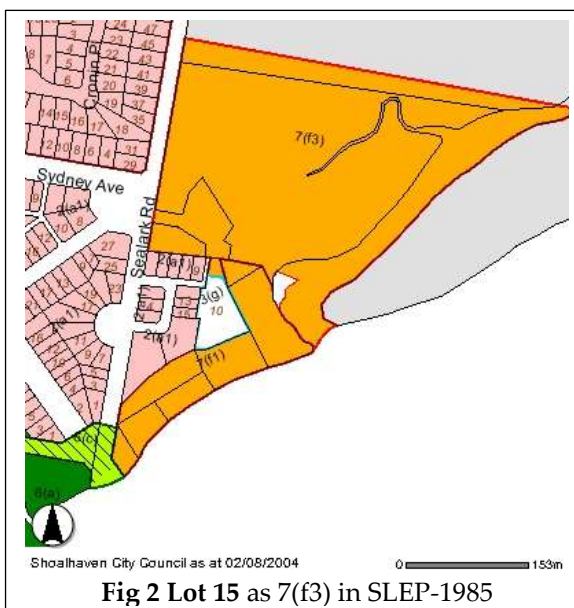
In 2003, Lot 5 was part of Lot 15 and zoned 7(f3) Environmental protection under SLEP-1985 and therefore excluded from the strategy as having any residential potential.

The Hare Bay Consortia (owners) understood the 7(f3) zoning boundaries in SLEP -1985 for their site, was not the result of rigorous or detailed environmental studies.

However, preliminary environmental inspections in 2003 suggested potential for a partial rezoning along the western boundary to Sealark Road and what are now lots 1 to 4 south of Monarch Place (Figure 2).



**Fig 1 Lot 15 subdivision-2016 creating Lots 1-5**  
Lot 5 is the larger portion of land at 6.05 Ha north of Monarch Place



**Fig 2 Lot 15 as 7(f3) in SLEP-1985**

Therefore from 2003 until 2006 the owners engaged environmental, bushfire, stormwater, landform and landscape studies over the site and overlaid survey mapping with aerial photography to investigate all environmental issues pertaining then to Lot 15 (refer to appendix 'C' listing all studies and Figure 3).

Upon completion, it was concluded, there was merit in considering a partial rezoning of a discrete section of the site from being entirely 7(f3) Environmental protection to enable residential land use along the western boundary to Sealark Road and south of Monarch Place with a bushfire APZ zone as open reserve.



Fig 3: Lot 15 aerial photo Feb 2005

The balance would remain as environmental management or dedication/gifting of this land to NSW national parks (refer to PRM-301A Environmental constraints Map and PRM 302A Draft PPP zoning changes Map, November 2018).

Since the completion of all studies in late 2006, planning reforms and changes to Planning Proposal processes have occurred. However, the fundamental environmental issues remain substantially unaltered over this time.

In 2007 re-zoning intentions were deferred under advice from Shoalhaven City Council who foreshadowed the current SLEP-1985 would be reviewed in 2009. Council advised the LEP review was the appropriate mechanism to consider any re-zoning application and indicated DIPNR were unlikely to support a singular 'spot re-zoning application' prior to the LEP review.

In 2011, after a protracted LEP review process, the owners again commenced momentum to partially Re-Zone Lot 15 as part of the preparation of a new standard instrument LEP by Shoalhaven City Council (now SLEP-2014).

What resulted was a partial re-zoning of Lots 1-4 but not Lot 5, the larger portion (refer to Figure 4).

Following public exhibition of the draft Shoalhaven SLEP in 2011, submissions were made by landowners.

Resulting from these submissions, Council resolved in May 2012 (MIN 12.371) to support to application, stating;

***“that in regard to Lot 15 DP 1002772 Sealark Road, Callala Bay, Council support both requested zone changes”.***

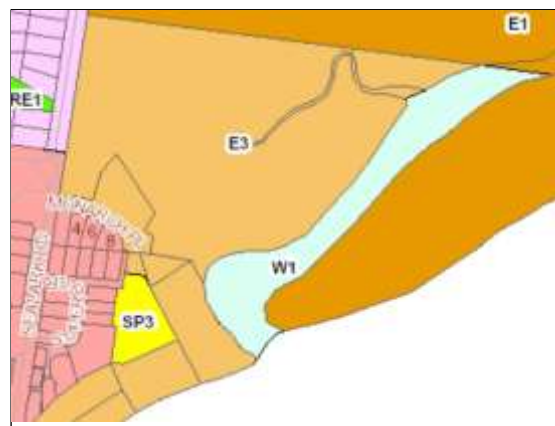


Fig 4: SLEP-2014 zoned Lots 1-4 to R2 residential with Lot 5 staying as E3

Subsequently, following the Department of Planning & Infrastructure's response to the S65 Certificate request, Council resolved:

***“that in regard to Part of Lot 15 DP 1002772, Sealark Road, Callala Bay (north of Monarch Place), Council:***

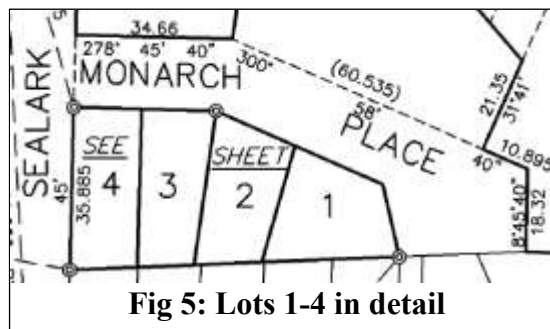
*a) Progress to exhibition of draft SLEP 2013 with the E3 zoning as required in the S65 certificate; and*

***b) ‘Express support for the landowner lodging a Planning Proposal (at the proponent’s cost and subject to appropriate environmental studies/strategic justification) following the commencement of SLEP 2013, should the landowner wish to pursue this matter.’***

Shoalhaven LEP 2014 was made with the portion of Lot 15 south of Monarch Place zoned R2 Low Density Residential (figure 4 previous page).

A subdivision over Lot 15 DP 1002772 has now been completed and is registered as Lots 1 to 5 in DP 1225356 (figure 1 previous page).

Lots 1- 4 south of Monarch Place have been completed and residential housing is commencing on these blocks of land. These blocks were fully serviced using existing infrastructure of water, sewer, electricity and water already in place (figure 5).



The balance of Lot 15 DP 1002772 (north of Monarch Place) is now registered as Lot 5 DP 1225356 and remains zoned **E3 Environmental Management** in SLEP 2014 (figure 4).

This application aims to progress the **partial-rezoning** and confirms the following specifics

### 1.3 SUBJECT SITE

The Planning Proposal now aims to progress Council's support as stated by Council in the May 2012 resolution: MIN12.371.

The subject land, Lot 5 in DP 1225356 is located east of Sealark Road and north of Monarch Place, Callala Bay (see figure 4 for site constraints). Jervis Bay National Park adjoins the site on its northern boundary and Wowley Creek forms its south eastern boundary with Sealark Avenue bounding its Eastern boundary and Monarch Place to its South.

## 2.1 -PART 1: OBJECTIVES

The **objectives** of the Planning Proposal. It is intended to:

- **Resolve** the future land uses of the site (lot 5) and its ownership(s).
- **Where environmentally suitable, provide for new infill residential** housing adjacent to an existing centre and beach, utilising existing established services and infrastructure. (Sealark Road and Monarch Place)
- **Contribute** to a greater diversity in supply of land choice to support economic growth to the Callala Bay township through increased residential population and therefore improved critical mass, for existing and future service providers and local economic sustainability.
- **Provide jobs** through the implementation of the development and subsequent housing construction period.
- **Provide housing** to assist in meeting growth in regional NSW generally, as well as additional housing location choices for the current and future residents and tourists of Callala Bay.
- **Formalise protections and buffers** of identified ecological communities (EEC) adjacent and within the site. This could include dedication of specific land to the adjacent NSW Jervis Bay National Park with suitable buffer land for Asset Zone Protection, which cannot occur on National Park land.
- **Formalise and improve existing stormwater** trenches to mitigate consequent flooding events and manage water quality. Thus, reducing risk of environmental impacts to the Wowley Creek and Hare Bay riparian zone whilst resolving local overland flooding issues and ongoing maintenance costs to Council.

## 2.2 PART 2: EXPLANATION OF PROVISIONS

The **provisions** of the Planning Proposal expect the proposed outcomes to be achieved by the following changes to Shoalhaven LEP 2014.

- **Partially re-zone Lot 5** as per the attached proposed Zoning overlay maps which identifies three distinct Zones (PRM 302A)
  - **Maintain the current E3 Environmental Management Zone** over the area of Bangalay Sand Forest with buffer or re-zone to E1 National Parks and wildlife Reserve if gifted to NSW National Parks & Wildlife.
  - **Create a secondary Buffer Zone**, which enables this area to function as an outer Asset Protection Zone. Possible options are either as RE1 Public Recreation or RE2 Private Recreation under a community title structure.
  - **Create a Residential Zone along Sealark Road**. The final mix may be a combination of R2-Low Density Residential and R3 Medium density for specific sites to ensure a diversity of housing types

## 2.3 PART 3. JUSTIFICATION

### 2.3.1 STRATEGIC INTENTIONS-CALLALA BAY IN CONTEXT

To Re-Zone part of Lot 5 from its current environmental Zoning, (*firstly Under SLEP-1985 as 7(f3) Environmental Protection –F3-Foreshores Protection Zone, then SLEP-2014 as E3-Environmental Management*), a key issue has been the relationship/nexus of this consideration with Council's strategic planning Intentions; in this case as adopted in the Jervis Bay Settlement Strategy of October 2003 (*'the strategy'*).

**Figure 5** specifically shows the Village of Callala Bay and identifies the following Planning principles in the JBSS-03 :

- The 'dotted' area is 'possible urban expansion' (*Halloran Trust Site-PP*).
- The solid grey is existing urban zoned areas
- The hatched identifies conservation areas, which are noted as being SEPP 14 Wetlands Map 7 (and/or land owned by NSW National Parks).
- **In context to Lot 5**, it has no colour and although Zoned 7(f3) is not referenced as a 'conservation area'. PRM contend this map is therefore specifically 'silent' in relation to this site.

Our position is more about what is '*not said*' (silent) in this document, than about what is stated. We refer to the following to benchmark current documented Strategy therefore in context to Lot 5.

In relation to Callala Bay specifically we note the following references relevant to this *Draft* Planning Proposal which are stated in the strategy and provide an overall contextual overview:

#### **Strategic Principles for Callala Bay:**

*-'investigate for possible expansion to the west and resolve the existing small lot rural subdivision in association with any rezoning' (page 2-JBSS-03)*

Section 10.2 Residential Development: states: (page 68)

*'The Jervis Bay REP identifies land at Callala Bay, Sanctuary Point and Vincentia as having potential for urban development, subject to further investigation.*

*As a **general principle**, new residential development in the Region should be located in or near existing settlements to reinforce the roles adopted by the settlement hierarchy outlined in Section 10.1 of this Strategy'.*

*In addition to the provision and delivery of services and infrastructure , many of the existing settlements in the Region **are constrained from further outward expansion due to boundaries with National Parks and other public lands; locational or access considerations; or by physical and ecological constraints'**.*

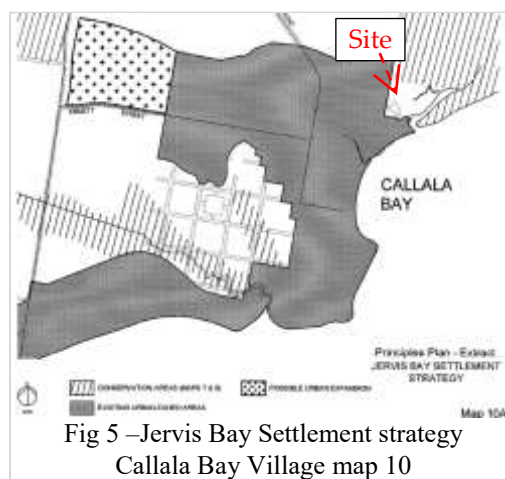


Fig 5 –Jervis Bay Settlement strategy  
Callala Bay Village map 10

The strategy states specifically about Callala Bay the following (p 69)

*Callala Bay is constrained to the south and east bay Jervis Bay, and to the south-west by a substantial wetland and low-lying flood liable land (SEPP 14 wetlands).*

*The land to the north is heavily vegetated, and has a wetland on the eastern side. Approximately 330 hectares of land to the north and west of the town is identified in the Jervis Bay REP as a potential 'new urban release' area.*

*A large part of this area is occupied by a wetland and contains significant native vegetation (NSWS 1997)*

*In light of these constraints, approximately 35 hectares has been nominated in this Strategy for potential urban expansion (Halloran Trust site).*

*The lot and dwelling yield in this locality will ultimately be determined following the outcomes of detailed investigation into the site constraints and design issues undertaken at the re-zoning stage.*

*Issues to resolve in undertaking this investigation include:*

- *Threatened species (eg. Yellow Bellied Glider)*
- *Localised habitat corridors;*
- *Significance of vegetation within the subject land;*
- *Buffers to wetland area and local watercourses;*
- *Water quality/stormwater controls;*
- *Setbacks to roads*
- *Flooding' and*
- *Bushfire measures.*

The strategy then concludes for Callala Bay with the following key statement:

***'The lack of available developable land in the Callala Bay area would suggest that early action should be taken to determine the capacity of the locality to support further urban development'*** (p.69-JBSS-2003)

### 2.3.2 STRATEGIC JUSTIFICATION: PROPOSED PART REZONING

**15 years after** the adoption of the 2003 Settlement Strategy and although 'early action' was recommended, the only new land released into the market of Callala Bay has been Lots 1 to 4 south of Monarch Place by the owners and proponents of this Planning Proposal.

In 2003 these owners engaged detailed studies over Lot 5, as identified in the Strategy. In total these studies took 3 years (*refer to appendix C for list of all studies and their results*) to ascertain the opportunities and constraints over their land.

The owners are now ready to act upon the outcomes of these detailed studies via this Planning Proposal.

In contrast, the Halloran Trust Site is only now progressing a Planning Proposal.

- It has significant environmental issues to be studied; an existing forest to clear and construction of entirely new infrastructure.
- The future growth of Callala Bay is left to one entity, with no guarantee of timeframe or delivery intentions or if the project is even economically viable.

This Planning Proposal provides an immediate actionable alternative

The following points summarise **justification** of how the proposed part rezoning of Lot 5 (called '**the site**') achieves **Strategic Objectives** as stated **JBSS-2003**:

- After **detailed environmental studies** of lot 5 (*Appendix C*), a discrete area of land is available without environmental impacts (**the site**) to meet:  
*'The lack of available developable land in Callala Bay'.*
- **The land** proposed for rezoning to enable urban expansion (refer to PRM drawing 3001A), directly fronts **Sealark Road** to the west and Monarch Place to the south. Both Streets have sewer, stormwater, town water, electricity and Telecommunications infrastructure 'in place' along these existing roads. Thereby achieving a key objective of the JBSS at 10.6 Infrastructure requirements which states:  
*'as a principal, new residential land should not be released unless infrastructure is provided or available'* (p81-JBSS-2003).
- As shown in Figure 6 below, **lot 5** has direct **walking access to beaches** and the swimming hole at Wowly creek. Market analysis indicates **lot 5** will cater for tourists and residents wishing to live closer to the water vs suburban lifestyle at the inland Halloran Trust Site (*orange coloured boundary in figure 6 below*).
- **The lot 5 site** caters to a **different market interest to the Halloran Trust** site due to locational separation distances from beaches, schools and shops. The Halloran Site is 2 Klm from the nearest beach, not a 'walkable' distance, but is 500 meters away from existing schools and shops being more accessible. These specific market differences further aid the provision of housing choice options providing greater diversity for current and future residents.
- Whilst **the site** is not a significant parcel of land in comparison to the Halloran Trust site, it will provide **an alternative source of land** rather than solely relying upon the Halloran proposal to fuel sustainable urban growth for Callala Bay.
- Lot 5 has completed **environmental studies**, land clearing is not proposed (no deforestation) and infrastructure is in place. This proposal has the capability of 'coming on line' in a short timeframe and with minimal disruption to neighbours. In contrast: **the Halloran site**, requires **major deforestation**, then construction of all major infrastructure and has no timeframe to release of any residential land.



### 2.3.3 STRATEGIC JUSTIFICATION 10.3 URBAN EXPANSION

We consider the following statements in the 2003 Jervis Bay Settlement Strategy to **specifically relate in context** to this planning proposal for **Lot 5**.

Not only are they relevant but provide further justification of this rezoning proposal.

*'Physical and ecological constraints limit linear expansion opportunities in the Jervis Bay Regions'.*

Eg: The Halloran Trust site will require major deforestation prior to proceeding.

*.. 'Increased density housing development in existing urban areas is an emerging issue for the Region' (p72 JBSS-2003).*

PRM note the 'issue' in this context is a frequent conflict between 'sprawling communities' and higher density.

In our experience most local communities equate higher density with City living, not Shoalhaven living and even more so when related to waterfront communities like Callala Bay.

Therefore this issue is contextually relevant to this planning proposal where we are fundamentally proposing a 'residue parcel' of land exists otherwise was 'off the planning radar' (silent in the JBSS-2003), but available as a form of immediate Urban expansion, as it bounds an existing serviced road (Sealark Road) and

*'The principal of urban renewal is a positive in the move towards sustainability.*

*The challenge is to ensure that future demands for housing and accommodation can be achieved without detrimental impacts on the Region's natural attributes, are consistent with urban servicing and infrastructure capabilities, and*

*Are designed to complement rather than detract from the Regions Character.'*

The residue portion of land on Lot 5 available for urban growth will not impact upon the environment and does not require ANY forest clearing. The Bangalay sand forest, together with its ecological habitats (EEC) within Lot 5 will be preserved.

### 2.3.4 STRATEGIC JUSTIFICATION:

#### ECONOMIC DEVELOPMENT & TOURISM

##### Economic Development

*'Economic development is an important component of any settlement strategy because there is a need for the Jervis Bay Region to have a **vibrant and diverse economy** for it to survive.*

*The major economic contributor to the local economy is tourism (p88-JBSS).*

##### Tourism

*Tourism is a major industry in the Jervis Bay Region as well as the whole of the Shoalhaven Local Government area.*

*Jervis Bay, in particular, is an iconic tourist destination for the south coast of NSW,*

*A wide variety of accommodation services are available in the Region, and include holiday houses, flats, cabins, and caravan parks. (P89-JBSS)*

PRM entirely agree with the above statements

However, the strategies subsequent list of '*principal economic generators*' do not exist in Callala Bay, only tourism.

**Tourism** for Callala Bay is the only external economic contributor to the local economy.

The local resident population is the other. Many of whom also earn income from tourist visiting Callala Bay. Local residents provide support services ranging from catering to daily visitors though to casual tourist accommodation and serving 'gentrified' investment properties on prime waterfront locations with cooking, cleaning and property services.

If Callala Bay is to grow its permanent resident population, it must also grow its Tourism market covering all options of tourist accommodation and day visitors.

**Lot 5** will deliver housing and therefore accommodation choice options to a market more interested in locating near the waterfront, both tourist and permanent residents.

However, we consider the Halloran site will not make a significant contribution, due to its locational distance from Jervis Bay, to providing for quality tourist accommodation given other options and choices closer to beaches in other adjacent coastal villages.

### 2.3.5 STRATEGIC JUSTIFICATION:

#### *WALKABILITY + PARKING*

##### **'Walkability'**

**Lot 5** is located within 100 metres of Jervis Bay and the Wowley creek swimming hole.

This small residue parcel of land will contribute to the Tourism accommodation strategy and thereby the economic sustainability of Callala Bay for reasons stated in the previous section. However, it can also assist to mitigate and help reduce parking congestion conflicts along the foreshore areas of Callala Bay.

Public open space around the residential portions of Lot 5 required for Asset Protection buffering, could be provided with substantial parking to assist the adjacent foreshore parking pressures as another strategic advantage linked by a walking/cycle pathway.

The **Halloran site** is at least 2 Kilometres away from the nearest beach in Callala Bay.

Planning studies worldwide agree a 400 metre walk on flat ground takes 5 minutes and is the expected maximum distance most people will walk before choosing to drive their vehicle or up to 800m to catch major public transport.

But certainly not 2 Kilometres to visit a beach, especially the elderly and young families.

For most people, this distance would result in them driving from their accommodation to the beach. This generates a secondary issue; ***foreshore parking and congestion***.

It is not realistic to expect the Halloran site to provide effective tourist accommodation facilities or contribute significantly to this market, because tourists will need to drive from their accommodation to the beach.

There are other better options available for the tourist accommodation market seeking a 'beachside holiday' location or beach side holiday home to purchase.

An alternate choice option for tourists wishing a beachside destination holiday, home or visit to Jervis Bay, by comparison is **Huskisson**.

Not only is Huskisson the 'Gateway to Jervis Bay' but accommodation options are mostly within a 400 metre walking distance of its beaches from any point in the village. This proximity and '*walkability*' contribute to the success as a destination of choice when visiting Jervis Bay or seeking a 'beach side' holiday location, irrespective of accommodation type.

## Parking and Congestion:

**'Driving to the beach'** migrates on to sustainable parking and management of foreshore reserves for parking to control congestion.

This issue already occurs at Monarch Place in summer months when residents 'drive' vs walk, to the **Wowly creek swimming hole** causing traffic congestion along Monarch Place and Sealark Road.

PRM note the current challenges facing **Hyams Beach**, were non-resident tourists drive their cars to the beach and literally 'clog' the foreshores streets and reserves with cars to visit **'the whitest sand in the world'**.

The result has been unprecedented new parking regulations, new line marking and greater enforcement of regulation to help local residents manage the congestion and now restrict any and all camping on foreshore reserves or overnight stays in any vehicles (Figure 7).

However, there are negative consequences, such as unsavoury experiences for many tourists visiting this iconic location on Jervis Bay for a day trip by not expecting the restrictions or conflict with local residents.

We note similar issues have been facing **Byron Bay** and its iconic **Wategos Beach**. Here, non-resident vehicles are restricted to metred parking limits along the foreshore areas as camping areas are located on the fringe of Byron Bay and not within walking distance of its iconic beaches.



Fig 7 –Hyams Beach  
Overnight parking restrictions

**Lot 5** is located within 100 metres of Jervis Bay and the Wowley creek swimming hole.

**Lot 5** is a 'walkable' residential opportunity to provide additional supply to this market demand and therefore add to the economic sustainability of Callala Bay village.

Lot 5 can assist with the current and future foreshore parking congestion by including additional visitor parking within the Public Reserve set aside as the Asset protection buffer.

The proposed re-zoning of the non-environmentally constrained (EEC) portion of Lot 5 has significant strategic merit and therefore justification as stated.

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

This planning proposal is the result of the release of the Jervis Bay Settlement Strategy in October 2003. And in part, this question extends more fundamentally to; why Lot 5 remains in private ownership?

PRM Comment:

1. Lot 5 when originally part of Lot 15 together with Lot 14 in DP 1002772 of 1999 were sold by Realty Realisations Pty Limited in late 1999 to the current owners of Lot 5.
2. Around this same time, some 50% of Realty Realisations P/L and its subsidiary companies land holdings were acquired by the NSW State Government along with other crown land to establish the Jervis Bay National Park in the 1990's.
3. It is not understood why land zoned in the SLEP of 1985 as 7(f3) Environmental Protection, was not included in the acquisition of lands to become Jervis Bay National Park's as it bounds Lot 5 along its northern boundary and across Wowly creek to the east, as shown on Figure 7 .  
However, is was not and subsequently remains in private ownership.
4. As detailed in section 2.3.1 from Page 7 of this report, the 2003 Jervis Bay Settlement Strategy, identified specific land for 'possible expansion' and as  
*'having potential for urban development, subject to further investigation'* (p 68 JBSS-3003)

As shown in Figure 8, Lot 5 was not contemplated or considered by the strategy. PRM contend this was principally due to its 7(f3) zoning and being in private ownership.

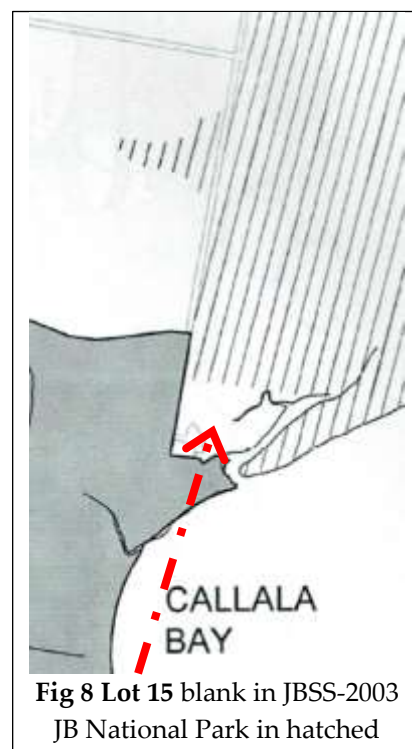
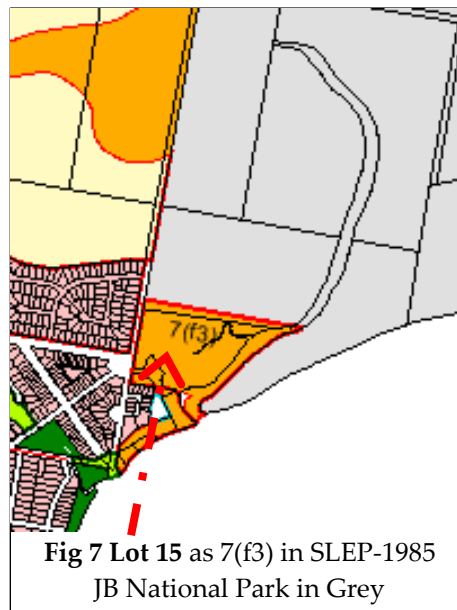
Therefore 'silent' on considering further investigation for possible urban expansion.

5. The owners of Lot 5, were of the clear understanding that the boundaries of 7(f3) were not determined by detailed or rigorous studies. Early ground truthing inspections indicated there appeared a discrete section of the site, fronting Sealark and Monarch place where urban development could happen.

The owners, therefore set about undertaking the required environmental studies and investigations prior to lodging this Planning Proposal application.

The JB SS document's call to action for the owners of Lot 5 was:

***'The lack of available developable land in the Callala Bay area would suggest that early action should be taken to determine the capacity of the locality to support further urban development'*** (p.69-JBSS-2003)



### 3.2 Is the planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Given the results of environmental studies with the potential to Masterplan Lot 5 for a variety of outcomes and resolve ownership of endangered ecological communities, the Planning Proposal process, under the circumstances of this case, is the best way to focus the necessary attention upon site specific detail in an open public forum.

### 3.3 Is there a net community benefit?

There are a range of community opportunities and few constraints as setout in Part A of this report

#### 1. Community Opportunities:

- i. Resolve a flooding issue at the intersection of Sealark Road and Monarch Place which, due to the open drain network ditches floods during the wetter seasons.

And ensure the water quality is designed and constructed to EPA Water Quality objectives, which includes ensuring water quality downstream into Jervis Bay.

- ii. Reduce the adjoining neighbours Bush fire risks by establishing and formally maintaining Asset Protection Zones on Lot 5, which will lower the associated BAL ratings to existing properties on the west of Sealark Road.
- iii. Contributing beach side housing options to the economy of Callala Bay to a variety of market interest groups when there currently are no other near beach side land options available. This supply will assist affordability for this market and increase the diversity of housing options other than as will be available at the inland Halloran Trust Site.
- iv. Improved road construction by completing the eastern road construction of Sealark Road and increasing public parking shortfalls which currently exist at Wowley Creek swimming hole via Monarch Place.
- v. The provision of a formalised public open space park area adjoining a natural bush setting for immediately surrounding residents and tourist enjoyment and maintaining and sustainably preserving a Endangered Ecological Community.
- vi. Provide more immediate employment opportunities to the local building and civil industry deliverable in a relatively shorter timeframe (2-5 years) to the longer term options of the Halloran Trust Site (5-20 year) in Callala Bay.

#### 2. Community Constraints:

- i. There are always opposite constraints to growth benefits. These will include a marginal increase in localised traffic and increase in localised population and noise during the construction phase of civil works and house building

#### 3. Net Benefits to the Community are significant

### 3.4 Relationship to Strategic Planning Framework.

#### 3.4.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy and exhibited draft strategies?

- A. **South Coast Regional Strategy** Jan 2007 (NSW DoP)
- B. **Draft Regional Growth and Infrastructure Plan (DRGIP)** October 2014.
- C. **Illawarra-Shoalhaven Regional Plan** –Nov 2015 (NSW P & E)
- D. **Jervis Bay Settlement Strategy** of October 2003 has been addressed in earlier sections.

**General:** The outcomes and objectives of this Planning Proposal are not inconsistent with the above Strategies, in particular noting the following key issues:

#### 1. South Coast Regional Strategy-2007

##### a. Environment-states. (p5)

Population growth and the resulting demand for new housing and employment lands could lead to increased pressure on regional biodiversity, water supply catchments, soil, riparian corridors, coastal lakes and waterways. Proper consideration and improved management of areas of high biodiversity and of scenic, resource or cultural value is vital if the Region's significant environmental assets and cultural heritage are to be protected for future generations.

**PRM:** the stated challenges of this regional strategy are not in conflict with the stated objectives and provisions of this proposal.

The discrete section of land available for urban development is confirmed by environmental studies as having no impact upon biodiversity. High value environmental land will be protected by defined boundary edges between urban growth in this location and natural resources for future generations.

Options to preserve the endangered ecological communities include Biodiversity banking or gifting this land to NSW National Parks

Unlike the Halloran site; requiring deforestation before construction.

##### b. Population and Housing-states (p6)

The rate of unoccupied dwellings and associated seasonal fluctuations in population, has significant planning and servicing implications. Housing demand in the Region is strongly influenced by the holiday home market with up to 25 percent of all dwellings currently unoccupied compared

to the NSW average of 9 percent. The proportion of unoccupied dwellings has been decreasing over the last ten years due to the gradual uptake of holiday homes for permanent residency.

The population and housing challenges are to:

- provide the right type of housing in the right place at the right time

- prioritise and manage the release of vacant urban lands to maximise development in-and-around well serviced centres and minimise development in sensitive locations

- enable new urban lands to be identified that can deliver sustainable development outcomes where local housing demand is demonstrated

- enable new urban lands to be identified that can deliver sustainable development outcomes where local housing demand is demonstrated
- provide housing choice and affordability in appropriate locations, reflecting changing demographics and associated reduction in household size
- ensure quality urban design and amenity that is sensitive to and complements the character and lifestyle of the Region's towns

**PRM:** the stated challenges of this regional strategy in relation to population and housing are not in conflict

In particular, the opportunity to utilise the non-environmentally sensitive strip of land to Sealark provides for greater diversity in housing choice with existing Infrastructure in place.

It is fully expected new housing will be in keeping with the surrounding residential built form including both single residential and medium density projects adjacent.

### c. ECONOMIC states (p7)

In terms of economic opportunities for Callala Bay, tourism is the principal employment base for the community beyond being an 'out of town' village for the wider Shoalhaven resident population and retirees.

The 2006 'draft' of this Regional Strategy stated:

*'Growing and diversifying the economy and types of housing to provide local jobs is the number one challenge for the Illawarra'*

The outcomes of this Planning Proposal are consistent with the objectives of this strategy by noting this proposal will not only enable a greater diversity of housing types by locational advantages, but also density opportunities with existing infrastructure in place

## 3.4.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

**Jervis Bay Settlement Strategy** of October 2003 has been addressed in earlier sections.

**Community Strategic Plan-Shoalhaven 2020.** This peak planning document, identifies the community's main priorities and expectations for the future and ways to achieve specific goals.

PRM note the following key objectives which we consider this proposal aligns with:

**Environments** (p20) two notable statements:

- *'Population and urban settlement growth that is ecologically sustainable carefully planned and managed to meet the needs of the community.'*
- *'Community infrastructure and services that are environmentally responsible and ecologically sustainable'.*

**PRM comment:**

This proposal preceded its application by undertaking fully detailed fauna and flora studies over the entire site and determined specific areas which must be preserved and protected with separation buffers (*Appendix C & D*)

This proposal will not require the de-forestation, or loss of fauna or flora. The discrete area of land remaining which is the subject of this application is utilising a remnant parcel of land well suited for urban expansion, whilst preserving the existing endangered ecological forest community and its resident fauna and flora.

This proposal is in complete contrast to the Halloran Trust Site, which must 'offset' the destruction and de-forestation of land fundamentally 'pre-approved' by the Jervis Bay Settlement Strategy for the future urban expansion of Callala Bay, by gifting other forested land held to offset the deforestation of their site. Whilst this 'offsetting' may be an acceptable balance to some, it remains an environmental loss for the purpose of urban settlement growth.

PRM consider this 'gifting' simply changes ownership. It still has the net result of loss of Carbon sink forests and is not a sustainable solution which still results in deforestation of forest for the sole purpose of sprawling urban growth policies.

No environmental offset is required for this proposal as there is no de-forestation or negative impact upon the environment as evidenced by pre-application's environmental studies.

**Economy** (p21) two statements apply:

- *An economy that is based on Shoalhaven's distinct characteristics, advantages and natural qualities*
- *An economy that supports and is supported by a growing, diverse and changing community.*

**PRM Comment:**

This proposal enables the existing Callala Bay range of housing styles, where small lot residential and medium density homes already exist, to continue.

Key local issues are Bush fire hazard and minimising overland stormwater flow and sedimentation into Jervis Bay and the surrounding wetlands. This proposal will work to minimise existing flooding and improve water quality control.

### **3.4.3 Is the planning proposal consistent with applicable state environmental planning policies?**

Refer to Appendix 'A' SEPP assessment summary

### **3.5 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

**Refer to Appendix 'B'** for schedule of consistency notes and comments

### 3.6 Environmental, Social and Economic Impact

#### 3.6.1 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?

Environmental studies undertaken over Lot 5 (Appendix C & D) confirm and have mapped areas of endangered ecological communities. This proposal aims to preserve these areas 100%. The residue area of developable land is not critical habitat nor has any other environmental implications based upon completed studies.

Therefore only the residue portion is considered as developable land and is proposed for urban growth and re-zoning by this Planning Proposal.

#### 3.6.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Environmental studies undertaken over Lot 5 clearly show areas of endangered ecological communities. This proposal aims to preserve these areas 100%.

Only the residue area of land is not critical habitat or has any other environmental implication based upon completed studies.

If any new information becomes available during the gateway process the mapping and buffer zones will be amended accordingly.

#### 3.6.3 How has the planning proposal adequately addressed any social and economic effects?

A major outcome of this proposal will be to provide much needed beachside accommodation and greater diversity of housing choices. This will directly and positively assist the social and economic sustainability of the existing and future community of Callala Bay and visiting tourists.

### 3.7 State and Commonwealth Interests

#### 3.7.1 Is there adequate public transport and infrastructure for the planning proposal?

**Public Transport:** Callala Bay is principally car dependant.

Stuart Buses run four Coach Services each day connecting Callala Bay with Nowra and the Train station in Bomaderry which connects to Sydney.

This site is within walking distance of this bus stop and therefore adds to the commercial viability of this service by potential increased patronage.

**Infrastructure:** Callala Bay has a primary school which is 800 metres from the site. The School bus collects all children from K to 2 and older children from this site are within the bus collection radius. 800metres is within cycle distance on flat ground for older school children, if the route is considered safe enough by their parents.

**Water, Sewer, electricity and Telecommunications** are in place along Sealark Road and Monarch Place which would serve this site.

**Stormwater and water quality** management feeding into Wowley Creek is expected to be fully upgraded and constructed as part of this proposal to applicable standards.

### 3.7.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

As part of the Shoalhaven LEP review process in 2013 PRM, on behalf of the owners, PRM held discussions with Mr Neil McGaffin, then Executive Director Rural and Regional Planning. His reply is summarised in the following email

#### Patrick Mahedy

---

**From:** Neil McGaffin <Neil.McGaffin@planning.nsw.gov.au>  
**Sent:** Thursday, May 9, 2013 5:17 PM  
**To:** patrick@prmarchitects.com.au  
**Subject:** Rezoning Sealark Road Callala Bay  
**Attachments:** Neil McGaffin1.vcf

Leah/Patrick

I have further investigated this issue, and agree that the potential rezoning of the land is not 'prohibited' or expressly denied by the Jervis Bay Regional Strategy.

Accordingly, I see the next relevant step being the landowner/proponent lodge a planning proposal (PP) with the Council for the rezoning of the land. I see no obstacle in progressing along this process. The proponent will need to address many issues as part of the PP, and I recommend an initial discussion with the Office of Environment and Heritage prior to the PP being submitted to Council to enable their views to be encapsulated into the PP.

Leah - are you able to inform MP's Hancock and Ward?

If there are any further queries - please don't hesitate to contact me.

Cheers Neil

**Neil McGaffin**  
Executive Director  
Rural and Regional Planning  
NSW Department of Planning and Infrastructure  
GPO Box 39 | Sydney NSW 2000 |  
T 02 9228 6565 | M 0401 992 172 | E [neil.mcgaffin@planning.nsw.gov.au](mailto:neil.mcgaffin@planning.nsw.gov.au)



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## Planning Proposal

Lot 5 Sealark Road Callala Bay

As part of the Shoalhaven LEP review process in 2013 PRM, on behalf of the owners, PRM held discussions with Ms Diane Garrood, Regional Manager South Coast-National Parks and Wildlife Services. The outcome of this meeting on 14<sup>th</sup> May 2013 is summarised by the following email:

### Patrick Mahedy

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**From:** Diane Garrood <Diane.Garrood@environment.nsw.gov.au>  
**Sent:** Tuesday, May 21, 2013 5:13 PM  
**To:** Patrick Mahedy  
**Subject:** RE: PRM update: Rezoning Sealark Road Callala Bay

Thanks Patrick. I will also forward your information to my work colleagues in OEH who deal with environmental off-park matters. It may be necessary to incorporate their initial views as well given Neil McGaffin's recommendation that OEH be contacted prior to submission of any planning proposal. I will await your letter before providing a formal response.

Regards, Diane.

*Diane Garrood |Regional Manager South Coast |National Parks and Wildlife Service |Office of Environment and Heritage,  
Department of Premier and Cabinet  
PO Box 707 Nowra NSW 2541 |Ph (02) 44232170 |Fax (02) 44233122 |Email [diane.garrood@environment.nsw.gov.au](mailto:diane.garrood@environment.nsw.gov.au)*

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**From:** Patrick Mahedy [mailto:patrick@prmarchitects.com.au]  
**Sent:** Tuesday, 14 May 2013 5:54 PM  
**To:** Garrood Diane  
**Subject:** PRM update: Rezoning Sealark Road Callala Bay

Dear Diane,

Thank you for the opportunity to meet with you and your staff today to discuss in principal the proposed part Re-zoning of Portion 15 Sealark Road, Callala Bay.

As discussed:

1. The principal purpose of our meeting today, was to request your departments consideration of taking on the overall management of the environmental portions of the total site, should the Planning Proposal be successful in gaining re-zoning over part of this land.
2. We will document our request in detail in a letter within the next few days, however attached are the following, but a printed copy will be attached to our letter
  - a. PRM Re-Zoning Application to Shoalhaven City Council dated 28<sup>th</sup> September 2011;
  - b. Concept Subdivision, identifying key setbacks, in particular environmental buffer zones and APZ for bushfire protection, concept road layouts etc
  - c. Site analysis overlay on survey and mapping of environmental areas
3. Also, please note the email below, as promised from Neil McGaffin, NSW Planning & Infrastructure.

Kind Regards,

Patrick Mahedy, PIA-CPP

Architect + Town Planner

NSW Architects Registration Board, ARB No. 4770

Certified Practising Town Planner No. 5463RIUE

## Appendix A –SEPP Checklist (dated version: 22 Jan 2018)

SEPP	Name	Applicable	Issues
1	Development Standard	No	nil
14	Coastal Wetlands	No	nil
19	Bushland in Urban Areas (Sydney)	No	nil
21	Caravan Parks	No	nil
26	Littoral Rainforests	No	nil
30	Intensive Agriculture	No	nil
33	Hazardous and Offensive development	No	nil
36	Manufactured Home estates	No	nil
44	Koala habitat protection	No	nil
50	Canal estate development	No	nil
52	Farm Dams and other works in Land and Water Management Plan Areas	No	nil
55	Remediation of land	No	nil
62	Sustainable Aquaculture	No	nil
64	Advertising and signage	No	nil
65	Design quality	No	nil
70	Affordable Housing (Revised Schemes)	No	nil
71	Coastal protection	Yes	compliant
<b>SEPP 71-Issues:</b> Master Plan required and achieves all Policy aims. This proposal is not in conflict with the aims or stated matters for consideration			
Affordable Rental Housing-2009		No	nil
Building Sustainability Index: BASIX 2004		No	nil
Exempt and Complying Development Codes 2008		No	nil
Housing for seniors or people with a disability 2004		No	nil
(infrastructure 2007 + Major Developments 2005		No	nil
Miscellaneous consent provisions		No	nil
Mining, Petroleum Production & Extractive Industries 2007		No	nil
State and Regional Development 2017		No	nil
Sydney Harbour Catchment -2005		No	nil

## Appendix B –S117 Ministerial Directions Checklist (updated 25<sup>th</sup> September 2018)

Direction No and topic		Applies	Relevant	Consistent	Comment
<b>1</b>	<b>Employment and Resources</b>				
1.1	Business and Industrial Zones	na	na	na	
1.2	Rural Zones	na	na	na	
1.3	Mining, Petroleum Production and Extractive Industries	na	na	na	
1.4	Oyster Aquaculture	na	na	na	
1.5	Rural Lands	na	na	na	
<b>2</b>	<b>Environment and Heritage</b>				
2.1	Environment Protection Zones	✓	✓		Justified by study. Environmental areas will be conserved through land banking or Gifting the NSW National Parks, Refer to section 3.7.2 consultations
2.2	Coastal Management	✓	✓		Not inconsistent. Will be detailed through the gateway process
2.3	Heritage Conservation	✓	✓	✓	Further studies can be undertaken if required
2.4	Recreation Vehicle Areas	✓	✓	✓	PP will ensure separation and fencing
2.5	Application of E2 & E3 Zones Far North Coast LEP's	na	na	na	
<b>3</b>	<b>Housing, Infrastructure and Urban Development</b>				
3.1	Residential Zones	✓	✓	✓	The PP will enable all the objectives to be met
3.2	Caravan Parks and Manufactured Home Estates	✓	na	na	Not being considered as an option for this PP
3.3	Home Occupations	✓	✓	✓	The PP will be consistent to enable home occupation
3.4	Integrated Land Use and Transport	✓	✓	✓	Reducing car usage to beach & including cycle path to existing roads
3.5	Development near Regulated Airports and Defence Airfields	na	na	na	
3.6	Shooting Ranges	na	na	na	
<b>4</b>	<b>Hazard and Risk</b>				
4.1	Acid Sulfate Soils	na	na	na	
4.2	Mine Subsidence and Unstable Land	na	na	na	
4.3	Flood Prone Land	✓	✓	✓	Integration of flood levels over this site and rising sea levels
4.4	Planning for Bushfire Protection	✓	✓	✓	Bush fire impacts & APZ's are mapped
<b>5</b>	<b>Regional Planning</b>				
5.1	Implementation of Regional Strategies	✓	✓	✓	Achieves intent of the regional strategy

## Planning Proposal

Lot 5 Sealark Road Callala Bay

5.2	Sydney Drinking water Catchments	na	na	na	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	na			
5.4	Commercial and Retail Development, Nth	na			
5.9	North West Rail Link Corridor Strategy	na			
5.10	Implementation of Regional Plans	✓	✓	✓	Achieves intent of the regional Plan
<b>6</b>	<b>Local Plan Making</b>				
6.1	Approval and Referral Requirements	✓	✓	✓	Ensure the LEP provisions encourage the efficient and appropriate assessment of development
6.2	Reserving land for Public Purposes	✓	✓	✓	P Proses to include a large public reserve.
6.3	Site Specific Provisions	✓	✓	✓	Aims to discourage unnecessary restrictive site specific planning controls.
<b>7</b>	<b>Metropolitan Planning</b>	na			

## Appendix C –Schedule of Environmental, Bushfire and survey studies undertaken to Lot 5 (updated Decmeber 2018)

<b>Study Date</b>	<b>Study Summary of developable land vs. endangered ecological communities (EEC)</b>	<b>by</b>	<b>Impact/Result</b>	<b>PDF</b>
February 2005	Bushfire Protection Assessment	BES: Rod Rose	APZ Mapped	✓
February 2005	Flora and Fauna Investigation	BES: Dimitri Young	Mapped	✓
March 2005	Storm water + Sediment Control Concept Design for Site + Sealark Road	Roger Woodward	Concept	✓
April 2005	Targeted Green & Golden Bell Frog Fauna Assessment	BES: D. Young + D Coombes	Nil found	✓
June 2005	Tree Hollow survey results	BES: David Coombes	Nil found	✓
September 2005	threatened owl + cockatoo nesting assess.	BES: David Coombes	Nil found	✓
November 2005	Small mammal trapping results	BES: Dr Milton Lewis	Nil found	✓
November 2005	JB Leak Orchid survey-results	BES: David Coombes	Nil found	✓
December 2005	Endangered ecological community: Bangalay sand forest boundary	BES: Dimitri Young	Tagged + surveyed	✓
December 2005	Leafless Tongue Orchid survey results	BES: Dr. Milton Lewis	Nil found	✓
January 2006	Gang-gang cockatoo + Small mammal trapping	BES: Dr Milton Lewis	Nil found	✓
February 2006	Survey+ Map Bangalay Sand Forest boundary Ref: 24340-02	APA Surveyors Nowra	Mapped	✓
March 2006	Merge Survey Tagging on Aerial Photo	Project Mapping P/L	Attached	✓

## Appendix D– Composite Mapping images of Environmental Studies:



Aerial Photo Composite of Developable Area vs Endangered Ecological Community  
(purple line above) March 2006

Map 1: APZ Setbacks for Residential Developments



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