

Planning Services

IRF19/1942

Gateway determination report

LGA	Shoalhaven
PPA	Shoalhaven City Council
NAME	Sealark Road Callala Bay (10-30 dwellings)
NUMBER	PP_2019_SHOAL_001_00
LEP TO BE AMENDED	Shoalhaven LEP 2014
ADDRESS	Sealark Road Callala Bay
DESCRIPTION	Lot 5 DP 1225356
RECEIVED	1 April 2019
FILE NO.	IRF19/12500 (EF19/12500)
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

The planning proposal seeks to rezone part of the lot from E3 Environmental Management Zone to R2 Low Density Residential and/or R3 Medium Density Residential Zones to allow urban development, RE1 Public Recreation and/or RE2 Private Recreation Zone. The remaining land zoned E3 may be rezoned E1 National Parks and Nature Reserves Zone in the future if the land is dedicated to the state of NSW as an addition to the Jervis Bay National Park.

Site description

The site is described as Lot 5 DP 1225356 Sealark Road, Callala Bay which is located approximately 22 km south east of Nowra in the Shoalhaven LGA (refer Figure 1 – Site map).

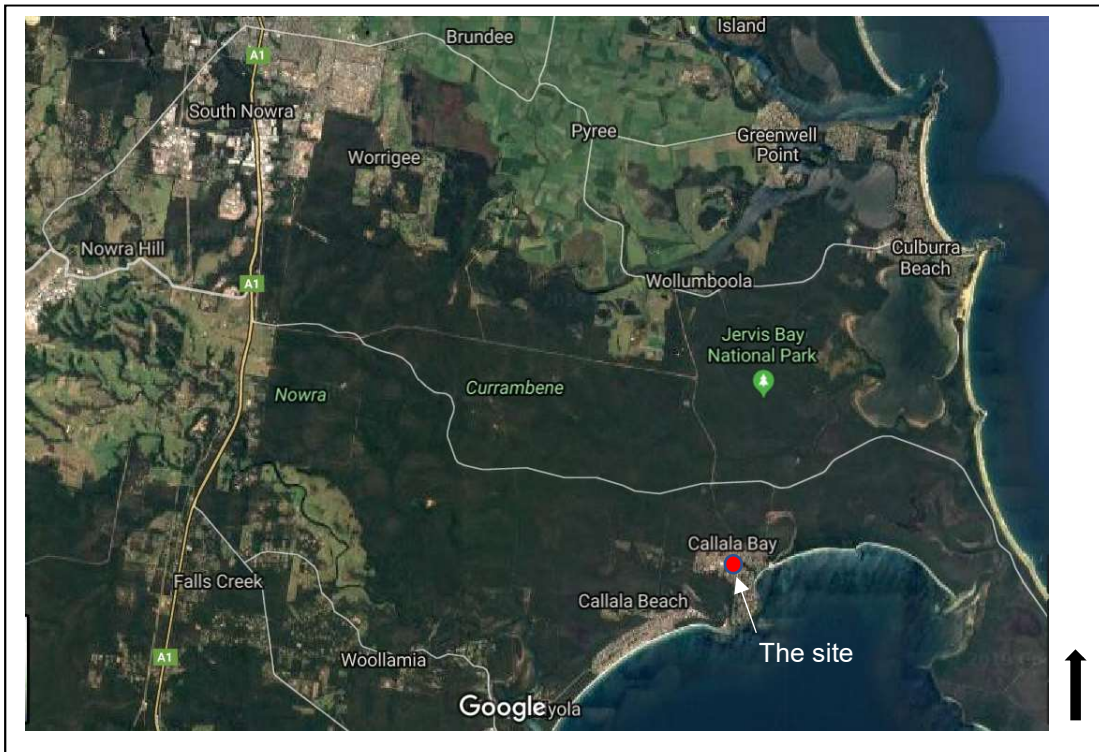


Figure 1 – Site map (source 2019 Google Maps)

Existing planning controls

The site is currently zoned E3 Environmental Management Zone under the Shoalhaven LEP 2014 (refer Figure 2 – Current zoning map). Parts of the site are also mapped under the Shoalhaven LEP as containing terrestrial biodiversity, acid sulfate soils and riparian lands and waterways.

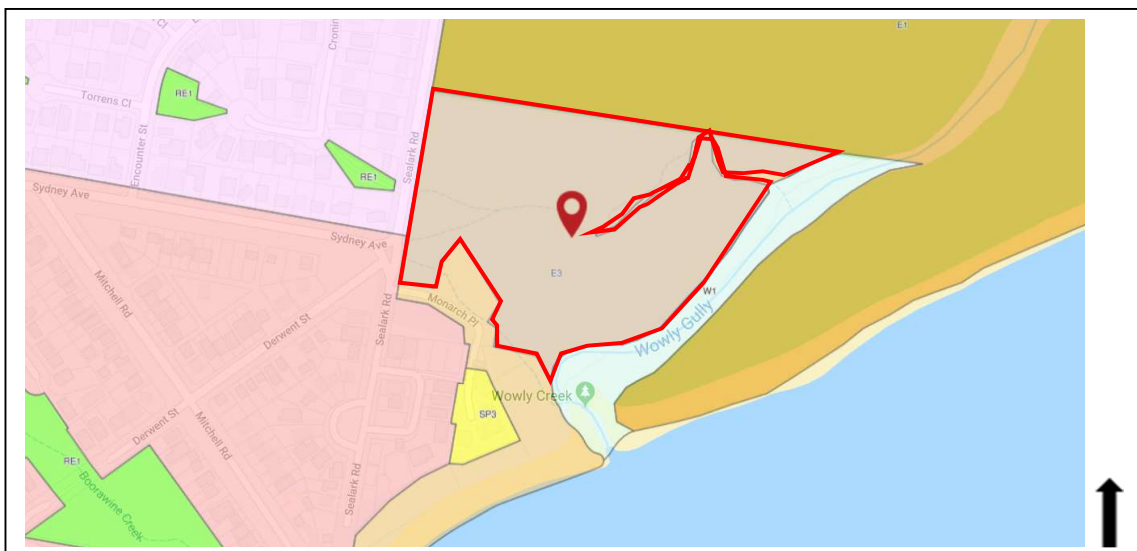


Figure 2 – Current zoning map (source: Base map NSW Planning Portal/ Shoalhaven LEP 2014).

Surrounding area

The site is surrounded by Callala Bay urban area to the west and south, the Jervis Bay National Park to the north and east and Wowly Gully and Jervis Bay to the south East (Figure 3 – Locality map).

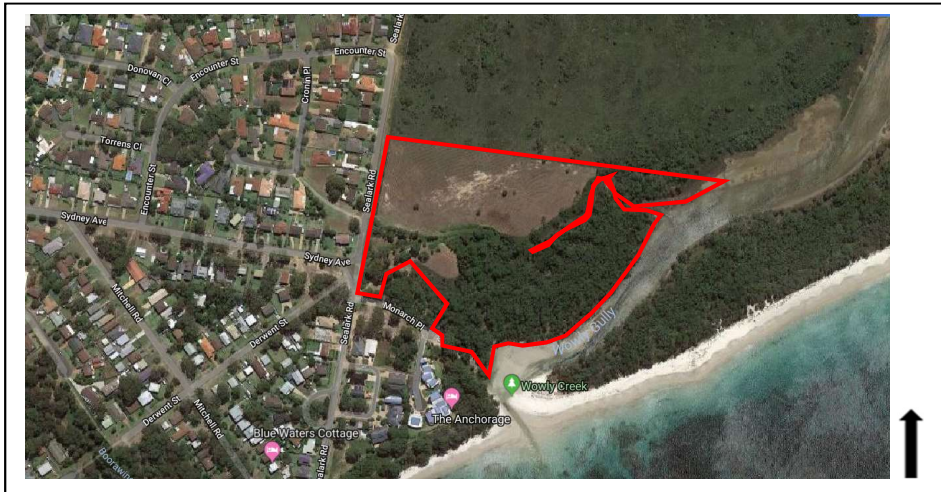


Figure 3 – Locality map (Source: 2019 Google maps).

Summary of recommendation

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

- the proposal will provide environmental, social, economic benefits by facilitating new public open space and a potential addition of important environmental land to the Jervis Bay National Park.
- The proposal will provide 10-30 new dwellings in Callala Bay.

PROPOSAL

Objectives or intended outcomes

The objectives provided in the planning proposal are, in summary, to:

- Resolve the future land uses of the site and its ownership.
- Provide for new infill residential housing adjacent to an existing centre and beach, utilising existing established services and infrastructure.
- Contribute to a greater diversity in supply of land choice to support economic growth to the Callala Bay township.
- Provide jobs through the implementation of the development and subsequent housing construction period.
- Provide housing to assist in meeting growth in regional NSW and current and future residents and tourists of Callala Bay.
- Formalise environmental protections and buffers.
- Formalise and improve existing stormwater measures.

It is considered that the objectives provided in the planning proposal are clear and adequate for the purposes of community consultation.

Explanation of provisions

The explanation of the provisions provided in the planning proposal are to amend the Shoalhaven LEP 2014 to partially rezone Lot 5 to create the following three zones:

- Maintain the current E3 Environmental Management Zone over the area of Bangalay Sand Forest with buffer to be rezoned in the future to E1 National Parks and Nature Reserves if gifted to NSW National Parks and Wildlife Service.
- Create a secondary buffer zone, which enables this area to function as an outer Asset Protection Zone. Possible zoning options are either RE1 Public Recreation or RE2 Private Recreation Zone 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.

A proposed zoning map, which is contained in the planning proposal, is provided at Figure 4.

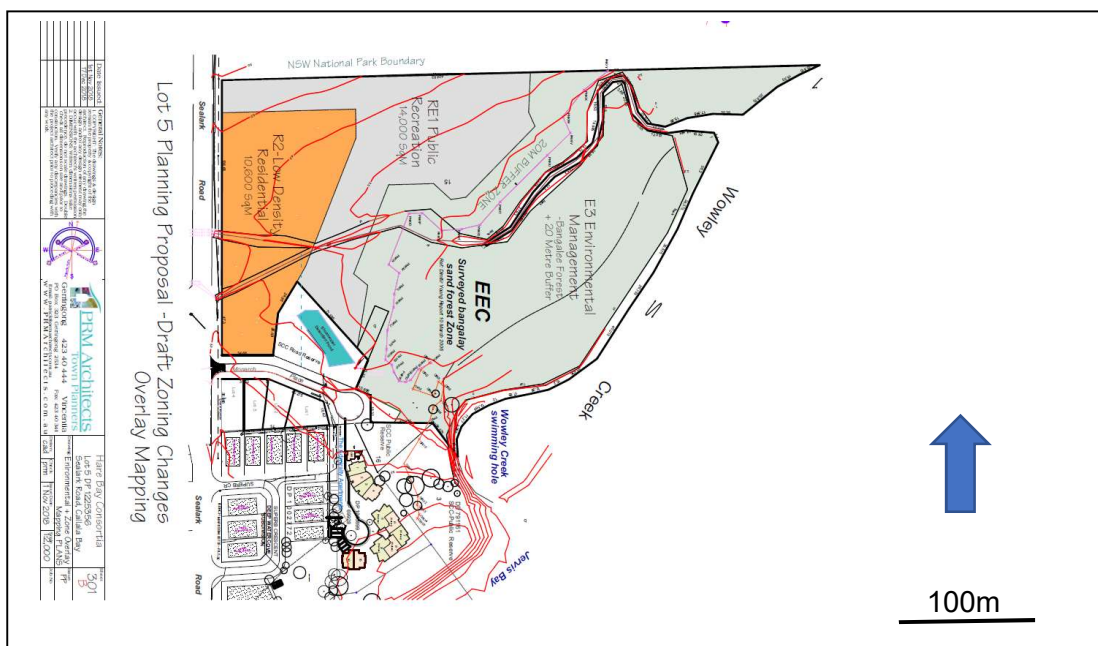


Figure 4 – Proposed zoning map (Source: Planning Proposal document, PRM Architects Town Planners 17 December 2018).

Comment: It is considered that the explanation of the provisions needs further clarification prior to public exhibition because they provide a number of different options for the proposed environmental, open space and residential zones. The zoning configuration will also need to be refined depending on the outcomes of the required studies. Additionally, there is no mention of what development controls such as building height, lot size, FSR will be applied.

Recommendation: That Council clarify the explanation of the provisions following the completion of the proposed investigations and studies and provide a revised planning proposal to the Department for approval prior to public consultation.

Mapping

The planning proposal contains site, aerial, current zoning, environmental constraints and proposed zoning maps. The maps are generally considered adequate for the purposes of public exhibition. The proposed zoning map may require revision following the completion of proposed investigations and studies prior to public consultation.

NEED FOR THE PLANNING PROPOSAL

The planning proposal states that the proposal is needed to contribute to beach side housing options at Callala Bay, resolve flooding and bushfire issues, provide public open space, preserve an endangered ecological community and provide employment opportunities. The planning proposal states that the proposal is the best means of achieving the intended outcomes because it will provide the opportunity to masterplan Lot 5 for a variety of outcomes and resolve the ownership of endangered ecological communities in an open public forum.

Comment: It is considered that the proposal may provide environmental, social, economic and tourism benefits by facilitating new public open space and a potential addition to the Jervis Bay National Park and will also provide a modest number of new dwellings on the foreshore of Callala Bay.

It is considered that the planning proposal is the appropriate mechanism to allow consideration of an amendment of the Shoalhaven LEP 2014.

STRATEGIC ASSESSMENT

Regional

Illawarra Shoalhaven Regional Plan

The planning proposal states that the proposal is not inconsistent with the Illawarra Shoalhaven Regional Plan 2015 (Regional Plan) but does not provide any detailed justification. Rather the planning proposal states that the proposal is consistent with the South Coast Regional Strategy 2007 in relation to environmental, population and housing and economic issues.

Comment:

The Sealark Road site is not specifically identified for development under Regional Plan. The Regional Plan (Direction 2.1) states that no new release areas are required for the Shoalhaven LGA beyond those already identified under the Shoalhaven Growth Management Strategy (GMS). The Shoalhaven GMS, which was endorsed by the Department in 2014, adopts the Jervis Bay Settlement Strategy 2003 which identifies land north of Emmett Street adjoining Callala Bay to the west for possible urban expansion.

Shoalhaven City Council is currently progressing a planning proposal for west Callala Bay (PP_ 2018_SHOAL_002_00), which received a Gateway determination in 2018. This planning proposal is expected to facilitate approximately 700 dwellings

at Callala Bay which is considered more than enough to meet future dwelling demand in the Callala Bay area.

Given the relatively small number of dwellings proposed (10-30) by the Sealark Road planning proposal, any inconsistency with the Regional Plan Direction is likely to be of minor significance.

The following additional Regional Plan Directions and Actions are also considered to be relevant to the Sealark Road planning proposal:

Biodiversity and environmental assets:

- Direction 2.4 Identify and conserve biodiversity values when planning new communities.
- Direction 5.1 Protect the region’s environmental values by focusing development in locations with the capacity to absorb development
- Action 5.1.1 Avoid, minimise and mitigate the impact of development on significant environmental assets

The planning proposal states that environmental studies undertaken over the lot identify areas of endangered ecological communities. The proposal states it intends to conserve areas containing EECs via an environmental zoning. The proposed residential zoning is proposed to be located on largely cleared and disturbed land on the western part of the site.

Comment: The eastern part of the site is covered by Terrestrial Biodiversity mapping under the Shoalhaven LEP 2014 (Figure 5).



Figure 5 – Terrestrial Biodiversity Map (source: Base map NSW Planning Portal/Shoalhaven LEP 2014).

Council has undertaken preliminary consultation with the Office of Environment and Heritage on the planning proposal. OEH has advised that whilst the cleared/slashed areas appear to support potential for limited residential development, the proposed R2 Residential zoned area does not completely align with this cleared area. OEH

has recommended an ecological assessment be prepared utilising the Biodiversity Assessment Methodology (BAM) so that the biodiversity values of the site are known, and any offset requirements are assessed and known early in the planning process.

It is considered that, subject to further investigation and study to confirm the location of important environmental areas, the planning proposal is generally consistent with Directions 2.4 and 5.1 and Action 5.1.1.

Cultural heritage:

- Direction 3.4 Protect the region's cultural heritage
- Action 3.4.1 Conserve heritage sites when preparing local planning controls

The planning proposal does not identify any cultural heritage issues affecting the subject site. The OEH preliminary advice to Council dated 31 January 2019 identifies that Callala Bay is part of a significant Aboriginal cultural landscape and has a high number of Aboriginal cultural heritage sites. The OEH has recommended a full Aboriginal cultural heritage assessment is prepared if the planning proposal progresses. It is considered that at this stage there is insufficient information to determine whether the planning proposal is consistent with the Direction 3.4 and action 3.4.1

Coastal and other hazards and climate change

- Direction 5.2 Build the Illawarra-Shoalhaven's resilience to natural hazards and climate change.
- Action 5.2.1 Apply contemporary risk management to coastal and other hazards

The planning proposal does not provide an assessment of potential coastal processes, coastal hazards, impacts of climate change or tidal inundation. The lot is not affected by Coastal Risk Planning Maps under the Shoalhaven LEP 2014 but is mapped under the State Environmental Planning Policy (Coastal Management) as located within the Coastal Zone and as such is subject to coastal hazard considerations. Council has prepared a Coastal Zone Management Plan which was endorsed by OEH in 2018 however the Plan is not addressed in the planning proposal. It is considered there is insufficient information to determine whether the planning proposal is consistent with the Direction 5.2 and Action 5.2.1.

Coastal landscapes and water quality

- Direction 5.4 Secure the health of coastal landscapes by managing land uses and water quality.
- Action 5.4.1 Protect sensitive estuaries and coastal lakes
- Action 5.4.3 Implement a risk-based decision-making framework to manage water quality and waterway health for all coastal lakes and estuaries in the region where development is planned, with priority given to listed sensitive lakes and estuaries.

The planning proposal does not provide an assessment of impact on water quality of Wowly Creek Estuary (identified as a sensitive estuary in the Regional Plan) or Jervis Bay Marine Park which the site drains to. The Regional Plan requires a risk-based decision-making framework is undertaken to manage water quality. Council

intends to undertake an integrated water quality management study to demonstrate neutral or beneficial impact on water quality. It is considered that until this work is complete it is difficult to determine whether the planning proposal is consistent with the Direction 5.4 and Action 5.4.1 and Action 5.4.3.

Recommendation: That the planning proposal is updated prior to exhibition to include an assessment of the consistency of the proposal with the Illawarra Shoalhaven Regional Plan.

Local

The planning proposal states that the proposal is consistent with the Jervis Bay Settlement Strategy and the Shoalhaven Community Strategic Plan.

Jervis Bay Settlement Strategy:

The planning proposal states that the proposal is consistent with the Jervis Bay Settlement Strategy (JBSS) for the following reasons:

- The subject lot is not referenced as a conservation area and therefore the JBSS is silent in relation to the site.
- The JBSS provides a general principle that new residential development should be located in or near existing settlements to reinforce the roles adopted by the settlement hierarchy.
- The JBSS identifies the lack of available developable land in the Callala Bay area and states that early action should be taken to determine the capacity of the locality to support further urban development.

Comment: As previously discussed, the site is not specifically identified for development in the JBSS. Rather land at west Callala Bay is identified for possible urban expansion. That land is currently the subject of a separate planning proposal which seeks to facilitate up to 700 new dwellings which is sufficient to accommodate the forecast housing demand in the area.

It is considered that the planning proposal is not consistent with the JBSS but, given the relatively modest number of dwellings proposed (between 10 - 30) and as the site adjoins the existing Callala Bay urban area, the inconsistency is of minor significance.

Shoalhaven Community Strategic Plan

The planning proposal states that the proposal aligns with the objectives of the Community Strategic Plan, namely:

- Environmental objectives - The planning proposal states that the proposal will not require de-forestation or loss of fauna or flora but will utilise land well suited for urban expansion. The proposal will not require biodiversity offsets which would lead to deforestation and loss of carbon sinks.
- Economic objectives - The planning proposal states that the proposal will provide a range of housing styles, where small lot residential and medium density homes already exist.

Comment: It is considered that the planning proposal is generally consistent with the Community Strategic Plan as it implements Council's environmental and economic objectives.

Shoalhaven Growth Management Strategy

Although not identified in the planning proposal, the Shoalhaven Growth Management Strategy is considered relevant to the proposal. The Shoalhaven GMS, which was adopted by Council in 2012 and endorsed by the Department in 2014, is Council's overarching strategy for managing growth across the LGA. As previously discussed the GMS adopts the recommendations of the Jervis Bay Settlement Strategy concerning development of the Callala Bay area. Council is currently reviewing the GMS, which includes the JBSS, with the view to preparing a new version of the GMS. Council exhibited a discussion paper in November-December 2018 and is currently reviewing submissions.

It is considered that the planning proposal is not consistent with the GMS however given the relatively small number of dwellings proposed and proximity of the site to the existing urban area, the inconsistency is of minor significance. The review of the GMS allows Council to include the site in the new version of the GMS, should it choose to do so.

Section 9.1 Ministerial Directions

The planning proposal identifies that the following Directions apply:

Direction 2.1 Environmental Protection Zones

The proponent's planning proposal identifies that the proposal is inconsistent with the Direction because it is proposing to rezone land from E3 Environmental Management to R2 Low Density Residential and/or R3 Medium Density Residential Zones to allow urban development, RE1 Public Recreation and/or RE2 Private Recreation Zone. The planning proposal, however, states that the inconsistency is justified by a study, namely a flora and fauna preliminary assessment, targeted green and golden bell frog fauna assessment, and preliminary bushfire protection assessment reports prepared in 2005 by BES Bushfire and Environmental Services. The reports indicate that the area proposed to be rezoned for residential use does not contain any threatened species, endangered ecological communities or other important environmental values. Council's covering letter states that it considers that the inconsistency with the Direction is of minor significance however Council does not provide any justification.

Comment: As previously discussed, the majority of the area proposed to be developed is not mapped on the Terrestrial Biodiversity Map under the Shoalhaven LEP 2014 (Figure 5). It is, however, considered that the proponents reports need to be updated to reflect the current environmental values of the land and the Biodiversity Conservation Act 2016. Council and OEH have recommended a biodiversity assessment be prepared for the site.

Recommendation: That Council provide further information to demonstrate compliance with the Direction prior to consultation on the planning proposal.

Direction 2.2 Coastal Management

The planning proposal states that the proposal is not inconsistent with the Direction but the planning proposal does not provide any justification.

Comment: The Direction requires that a planning proposal must include provisions that give effect to:

- The objects of the Coastal Management Act 2018 and the objectives of the relevant coastal management areas identified in the SEPP (Coastal Management) 2018.
- The NSW Coastal Management Manual and Toolkit;
- NSW Coastal Design Guidelines 2003; and
- Any relevant coastal management program or any coastal zone management plan.

It is unknown at this stage whether the planning proposal meets the requirements of the Direction. The subject land is mapped as coastal wetlands and littoral rainforest area under the SEPP (Coastal Management) 2018. As discussed previously, it is unknown whether the planning proposal is consistent with Council's Coastal Zone Management Plan 2018. It is also unknown whether the proposal will impact on water quality in Wowly Creek which is identified as a sensitive estuary under the Illawarra Shoalhaven Regional Plan. Council has proposed that an integrated water quality study will be undertaken to demonstrate neutral or beneficial impact on water quality.

Recommendation: That Council provide further information to demonstrate compliance with the Direction prior to consultation on the planning proposal.

Direction 2.3 Heritage Conservation

The planning proposal states that the proposal is consistent with the Direction but does not provide any justification.

Comment: As previously discussed, OEH has advised that the Callala Bay area is part of a significant Aboriginal cultural landscape and has recommended a full Aboriginal heritage assessment be undertaken for the site.

Recommendation: That Council provide further information to demonstrate compliance with the Direction prior to consultation on the planning proposal.

Direction 3.1 Residential Zones

The planning proposal states that the proposal is consistent with the Direction because the proposal will enable the objectives of the Direction to be met.

Comment: It is considered that the planning proposal is consistent with the Direction, because it will:

- Broaden the choice of building types and locations available in the local housing market. Currently the only proposed greenfield site is on Emmett Street, West Callala Bay. There is the potential for a variety of building types to be provided.
- Make more efficient use of infrastructure and services which the planning proposal states are currently available along Sealark Road to the site, namely water, sewer, electricity, roads, telecommunications.

Recommendation: That the Secretary's delegate can be satisfied that the planning proposal is consistent with the Direction.

Direction 4.3 Flood Prone Land

The planning proposal does not indicate whether the site is flood prone. The planning proposal states that the proposal is consistent with the Direction but does not provide any justification. The site does not appear to be affected by Council's flood mapping provided on its public website. Shoalhaven City Council has, however, recommended that a flood study is undertaken for the site to determine whether the site is flood affected.

Recommendation: That a flood study is required to be undertaken for the site and Council provide further information to demonstrate compliance with the Direction prior to public consultation on the planning proposal.

Direction 4.4 Planning for Bushfire Protection

The planning proposal states that the proposal is consistent with the Direction. A preliminary bushfire report prepared by BES in 2005, which was prepared in support of the planning proposal, concludes that the site can accommodate the proposed development.

Comment: The site is mapped as bushfire prone land under the Shoalhaven LEP 2014. Council has recommended that a bushfire hazard risk assessment is undertaken to update the 2005 BES report. The Direction also requires consultation with the Rural Fire Service prior to public consultation.

Recommendation: That a bushfire hazard risk assessment is undertaken for the site and Council provide further information to demonstrate compliance with the Direction prior to public consultation on the planning proposal.

5.10 Implementation of Regional Plans

The planning proposal states that the proposal is consistent with the Illawarra Shoalhaven Regional Plan because it achieves the intent of the Regional Plan. Council's cover letter states that it considers any inconsistency with the Direction to be of minor significance but Council does not provide any justification.

Comment: As previously discussed the site is not specifically identified for development in the Regional Plan or the Jervis Bay Settlement Strategy. The inconsistency with Direction 2.1 of the Regional Plan is considered to be of minor significance given the relatively small number of dwellings proposed (10-30) and the proximity of the site to an existing settlement.

There are several other relevant directions and actions of the Regional Plan which apply to the planning proposal concerning biodiversity, cultural heritage, coastal management and water quality. It is unknown at this stage whether the proposal is consistent with these Regional Plan directions and actions.

Recommendation: That Council provide further information to demonstrate compliance with the Direction prior to public consultation on the planning proposal.

6.2 Reserving land for Public Purposes

The planning proposal states that the proposal is consistent with the Direction because it proposes a large public reserve on the eastern part of the site comprising

approximately 3.6ha addition to the Jervis Bay National Park and 1.4 ha public reserve.

Comment: The Direction requires the approval of the relevant public authority and the Secretary of the Department of Planning and Environment if a planning proposal seeks to create reservations of land for public purposes. The OEH has advised that the vegetated parcel in the east of the site represents a logical addition to the National Parks Estate and that further investigation and discussion with the OEH's National Parks and Wildlife Service would be required should this form part of any future plans. A suitable mechanism to facilitate the dedication of the land, such as a voluntary planning agreement, will be required to be prepared and placed on public exhibition. Council should provide further information to demonstrate compliance with the Direction prior to public consultation on the planning proposal.

Recommendation:

1. That Council provide further information to demonstrate compliance with the Direction prior to public consultation on the planning proposal.
2. That details of a suitable mechanism, such as a Voluntary Planning Agreement, will need to be prepared for any proposed dedication of lands to the state of NSW for extension to the Jervis Bay National Park or other public open space are to be provided prior to public consultation on the planning proposal.

Direction 1.4 Oyster Aquaculture

Although not identified in the planning proposal, it is considered that the Direction applies because the Jervis Bay area contains state significant aquaculture. The Direction requires consultation with the Department of Primary Industries (Fisheries).

Recommendation:

1. That Council consults with the Department of Primary Industries (Fisheries) on the planning proposal as required by the Direction.
2. That further information is provided to demonstrate compliance with the Direction prior to public consultation on the planning proposal.

State environmental planning policies (SEPPs)

The planning proposal identifies that SEPP 71 Coastal Protection is relevant to the planning proposal. The planning proposal identifies several other relevant SEPPs which have been repealed or superseded, namely SEPP 71, SEPP 14 Coastal Wetlands, SEPP 26 Littoral Rainforests and SEPP 61 Sustainable Aquaculture.

Comment:

The planning proposal needs to be updated prior to exhibition to include an assessment of consistency with relevant current SEPPs including SEPP Coastal Management 2016. It is also considered that SEPP (Vegetation in Non-Rural Areas) 2017 may also be relevant, particularly to future development applications, because the SEPP applies to land zoned E3 Environmental Management.

Recommendation: That the planning proposal is updated to include an assessment of relevant current SEPPs, including the SEPP Coastal Management 2017 and

SEPP (Vegetation in Non-Rural Areas) 2017, prior to public consultation on the planning proposal.

SITE-SPECIFIC ASSESSMENT

Social

The planning proposal states that the proposal will provide much needed beachside accommodation and greater diversity of housing choices which will directly and positively assist the social and economic sustainability of the existing and future community of Callala Bay and visiting tourists. The proposal also states that Lot 5 can assist with current and future foreshore parking congestion.

Council has sought preliminary comment on the planning proposal from the Callala Bay Community Association and adjoining landowners who have raised several concerns and issues, namely:

- Lack of strategic basis for the proposal.
- Protection of Wowly Creek/stormwater impacts.
- Currency/accuracy of environmental studies provided.
- Concern about the extent of diversity of land supply and economic growth.
- Car parking and congestion.
- Impact on local character and amenity.

The Office of Environment and Heritage has also advised that the subject land may contain important Aboriginal cultural heritage values.

Comment:

Although it is acknowledged that the site is not specifically identified for development in the Jervis Bay Settlement Strategy, it is considered that the proposal may provide positive social benefits by providing additional housing choice, potentially including medium density housing, in Callala Bay.

The proposed studies and investigations and public exhibition process will provide an opportunity for Council to investigate potential impacts on car parking and congestion, local character and amenity, cultural heritage and any other social impacts associated with the planning proposal.

Environmental

As previously discussed, the planning proposal raises several environmental issues, namely flora and fauna, endangered ecological communities, water quality of Wowly Creek and Jervis Bay Marine Park, bushfire, coastal hazard and flooding.

Preliminary assessment suggests that the planning proposal avoids the development of important environmental land. Further investigations and studies will, however, be required to fully understand the issues and to ensure protection of important environmental land and waterways. It is considered that the proposal to transfer important environmental land to the Jervis Bay National Park and other public open space would be a positive environmental outcome of the planning proposal.

Economic

It is considered that the planning proposal will provide positive economic benefits by supporting local tourism and other local businesses and services such as building, construction, maintenance and retail.

As previously discussed the planning proposal identifies that servicing and infrastructure requirements are currently available along Sealark Road and can be provided to the new housing. Council has recommended the preparation of an infrastructure delivery plan to determine infrastructure and delivery requirements for the site if a positive Gateway determination is issued.

Recommendation: That an infrastructure delivery plan to determine infrastructure and servicing requirements for the site is prepared as a condition of Gateway determination.

CONSULTATION

Community

Council proposes to exhibit the planning proposal for 28 days. Council generally advertises its planning proposals in local media, on its website, at its Nowra and Ulladulla offices and notifies adjoining landowners. It is also considered that, as the Jervis Bay National Park is identified to be returned to traditional owners, Council consult with the Jerringa Local Aboriginal Land Council (representing traditional owners) on the planning proposal. The proposed community consultation program is considered appropriate.

Recommendation:

1. The planning proposal is exhibited for a 28 day period.
2. Council consult with the Jerringa Local Aboriginal Land Council (representing traditional owners) on the planning proposal.

Agencies

Council has recommended the following agency consultations:

- NSW Rural Fire Service (in accordance with Section 9.1 Direction 4.4 Planning for Bushfire Protection)
- NSW Roads and Maritime Services
- NSW Office of Environment and Heritage
- Department of Primary Industries (under Section 9.1 Direction 1.4 Oyster Aquaculture)
- Shoalhaven Water

Consultation with RMS is not considered necessary as the planning proposal does not raise any regional or state road issues. The other agencies proposed to be consulted by Council are considered appropriate.

TIME FRAME

Council has recommended a 21 month timeframe to finalise and notify an LEP. The long timeframe is to allow time to complete the specialist studies including threatened orchid surveys in multiple flowering seasons across the year. It is

considered that a 24 month timeframe is reasonable given the number and duration of the studies required.

Recommendation: That a 24 month timeframe is provided, following the date of Gateway determination, to complete an LEP.

LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority for the planning proposal. Given the local significance of the proposal it is considered that Council's request should be supported.

CONCLUSION

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

- The proposal will provide positive environmental, social and economic benefits by potentially bringing important environmental land into public ownership and providing additional public open space which will benefit local residents and tourists.
- The proposal will provide additional housing choice (10-30 dwellings) in Callala Bay.

RECOMMENDATION

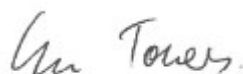
It is recommended that the delegate of the Secretary:

1. note that the consistency with the following section 9.1 Directions is unresolved and will require justification prior to exhibition of the proposal:
 - Direction 1.4 Oyster Aquaculture
 - Direction 2.1 Environmental Protection Zones
 - Direction 2.2 Coastal Management
 - Direction 2.3 Heritage Conservation
 - Direction 4.3 Flood Prone Land
 - Direction 4.4 Planning for Bushfire Protection
 - Direction 5.10 Implementation of Regional Plans
 - Direction 6.2 Reserving land for Public Purposes

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

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service (in accordance with Section 9.1 Direction 4.4 Planning for Bushfire Protection)
 - NSW Office of Environment and Heritage

- NSW National Parks and Wildlife Service
 - Department of Primary Industries (under Section 9.1 Direction 1.4 Oyster Aquaculture)
 - Shoalhaven Water
3. Council shall consult with the Jerringa Local Aboriginal Land Council (representing traditional owners) on the planning proposal.
 4. The studies and investigations as identified in Shoalhaven City Council's covering letter dated 14 March 2019 and OEH preliminary advice to Council dated 31 January 2019 are required to be prepared prior to exhibition of the proposal.
 5. That prior to public exhibition the planning proposal is to be revised to:
 - (a) Provide an assessment of the consistency of the planning proposal with the Illawarra Shoalhaven Regional Plan.
 - (b) Identify and provide an assessment of current SEPPs including the SEPP Coastal Management 2017 and SEPP (Vegetation in Non-Rural Areas) 2017.
 - (c) Clarify the proposed zonings and development controls in the explanation of the provisions and proposed maps.
 6. The studies and investigations, revised planning proposal and details of a suitable mechanism for any proposed dedication of lands are required to be submitted to the Department for consideration prior to public consultation.
 7. An infrastructure delivery plan to determine infrastructure and servicing requirements for the site is to be prepared.
 8. A suitable mechanism, such as a Voluntary Planning Agreement, needs to be prepared for any proposed dedication of lands to the state of NSW for extension to the Jervis Bay National Park or other public open space.
 9. The time frame for completing the LEP is to be 24 months from the date of the Gateway determination.
 10. Given the nature of the planning proposal, Council should be the local plan-making authority to make this plan.



24/04/19

Graham Towers
Team Leader, Southern



2/05/19

Ben Eveleigh
Director Regions, Southern
Planning Services

Assessment officer: George Curtis,
Senior Planner, Southern
Phone: 42471824