

## CL22.395 Proposed Planning Proposal - 2022 Housekeeping Amendment - Shoalhaven Local Environmental Plan 2014 (PP058)

**HPERM Ref:** D22/322371

**Department:** Strategic Planning

**Approver:** Carey McIntyre, Director - City Futures

**Attachments:** 1. 2022 Housekeeping Planning Proposal (PP058) (under separate cover)

### Reason for Report

The reason for this report is to seek a resolution to progress the 2022 Housekeeping Amendment Planning Proposal (PP058) which seeks to make a range of amendments of a housekeeping nature to Shoalhaven Local Environmental Plan (LEP) 2014.

### Recommendation (Item to be determined under delegated authority)

That Council:

1. Submit Planning Proposal PP058 to the NSW Department of Planning and Environment for an initial Gateway determination and, if favourable:
  - a. proceed to formal public exhibition in accordance with the terms of the determination/legislative requirements; and
  - b. receive a further report following the conclusion of the public exhibition to enable its finalisation.
2. Advise key stakeholders, including relevant Community Consultative Bodies and any directly affected landowners, of the public exhibition arrangements.

### Options

1. As recommended.

Implications: This is the preferred option. Since the commencement of the LEP, anomalies and minor issues continue to be identified that need to be resolved on an ongoing basis. The matters in this PP relate to LEP instrument and mapping issues that were generally identified in the 2021 calendar year. This PP will enable the matters to be resolved to ensure the LEP remains accurate and up to date.

2. Adopt an alternative recommendation.

Implications: Depending on its nature, an alternative recommendation could delay the resolution of the identified housekeeping matters.

3. Not proceed with the PP.

Implications: This is not the preferred option as the identified housekeeping matters will not be resolved.

### Background

Shoalhaven LEP 2014 commenced on 22 April 2014 and is continuously updated to ensure that it aligns with strategic documents, is improved/corrected where necessary, relevant matters are resolved, and positive planning outcomes are delivered for the community. As a

result, Council has an ongoing process of housekeeping (annual) amendments to improve the operation and maintain the accuracy of the LEP.

### Proposed 2022 Housekeeping Amendment

The intended outcome of the PP is to make a number of amendments to both the written instrument and maps in Shoalhaven LEP 2014 in order to correct identified anomalies or inconsistencies in the Plan and improve its operation. The amendments identified include:

- One (1) item that requires minor administrative amendments to the LEP written instrument.
- Thirty (30) items that require amendments to the LEP maps, covering a variety of minor mapping issues relating to: Land Zoning, Lot Size, Height of Building, Terrestrial Biodiversity, Clauses, Land Reservation Acquisition, Scenic Protection Area and Heritage.
- Five (5) items that relate to both the LEP instrument (Schedule 5) and the associated Heritage mapping.

The proposed amendments will help to improve the overall operation of the Plan. The proposed PP is included at **Attachment 1** and contains the detail of the proposed LEP amendments. **Table 1** below summarises the key matters/issues, along with the relevant locations, for convenience.

**Table 1: Summary of the 2022 Housekeeping PP key issues**

Issue / Proposed Amendment	Location (and Mapping Item No.)
<b>Mapping</b>	
Private land currently zoned RE1 Public Recreation that should be rezoned to a more appropriate land use zone given it is not in public ownership.	<ul style="list-style-type: none"> <li>• Nowra (1) and (2)</li> <li>• South Nowra (12)</li> <li>• Bendalong (13)</li> </ul>
Council-owned land that should be rezoned to reflect the intended purpose of that land.	<ul style="list-style-type: none"> <li>• Berry (7)</li> <li>• Burrill Lake (14)</li> <li>• North Nowra (15)</li> <li>• Cambewarra (30)</li> </ul>
Applying or removing the minimum lot size layer for consistency with the relevant land use zone.	<ul style="list-style-type: none"> <li>• Sassafras (3)</li> <li>• Coolumburra (5)</li> </ul>
Resolving/tidying up minor anomalies in various mapping layers to ensure consistency with the intended land use and provide greater certainty for landowners.	<ul style="list-style-type: none"> <li>• Coolumburra (4)</li> <li>• Touga (6)</li> <li>• Burrill Lake (8) and (16)</li> <li>• Berry (9) and (18)</li> <li>• Jaspers Brush (10)</li> <li>• Nowra Hill (11)</li> <li>• South Nowra (17)</li> <li>• Conjola Park (26)</li> <li>• Bomaderry (29)</li> <li>• Cambewarra (30)</li> </ul>

Removal of land reservation acquisition (LRA) layer where no longer required.	<ul style="list-style-type: none"> <li>• Culburra Beach (19)</li> <li>• Mundamia (20)</li> <li>• Berry (21) (22)</li> <li>• Bomaderry (23)</li> <li>• Jaspers Brush (24) (25)</li> </ul>
Refinement of terrestrial biodiversity layers.	<ul style="list-style-type: none"> <li>• Milton (27)</li> <li>• Budgong (28)</li> </ul>
<b>Instrument and Mapping</b>	
Amendments to heritage mapping layers and item descriptions under LEP Schedule 5 to ensure information is accurate and up to date. Includes removal of heritage listing (Item 5).	<ul style="list-style-type: none"> <li>• Terara (1)</li> <li>• Broughton Vale (2)</li> <li>• Berry (5)</li> </ul>
Refinement of heritage mapping layer and item description under LEP Schedule 5.	<ul style="list-style-type: none"> <li>• Nowra wharf (3)</li> </ul>
Addition of new heritage item to LEP Schedule 5 and associated mapping.	<ul style="list-style-type: none"> <li>• 50 BTU Rd, Nowra Hill (4)</li> </ul>

Following initial Council endorsement, the PP will be submitted to the NSW Department of Planning and Environment (DPE) for Gateway determination. Should a favourable determination be received, as detailed in the Project Timeline in the PP (**Attachment 1**), it is anticipated that the resultant LEP amendment would be finalised by mid/late 2023.

### Community Engagement

Should the PP receive a favourable Gateway determination, it will be publicly exhibited in accordance with the relevant legislative and Gateway requirements. The Gateway determination will specify the minimum exhibition period and any government agencies who should be consulted. Early engagement has occurred with WaterNSW in accordance with the relevant Section 9.1 Ministerial Direction, and its response is attached to the PP.

Any directly affected landowners will be advised of the exhibition arrangements in writing, as will all Community Consultative Bodies (CCB's) and relevant stakeholders.

The PP will be reported back to Council following the formal exhibition to enable final consideration.

### Financial Implications

There are no immediate financial implications for Council. The amendment to the LEP will be resourced from the existing Strategic Planning budget.