

PLANNING PROPOSAL – PP059

Shoalhaven Local Environmental Plan 2014

2023 Instrument Housekeeping

Prepared by
City Futures Group
Shoalhaven City Council

File: 71387E
Version: Gateway
Date: June 2023

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1 Introduction

The 2023 Instrument Housekeeping Amendment seeks to amend Shoalhaven Local Environmental Plan (LEP) 2014 to improve the operation and accuracy of the Plan. The amendment responds to four specific issues that have arisen since the previous housekeeping amendment commenced.

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

This PP has been prepared in accordance with the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021).

1.1 Subject Land

The PP applies to all land in the Shoalhaven Local Government Area.

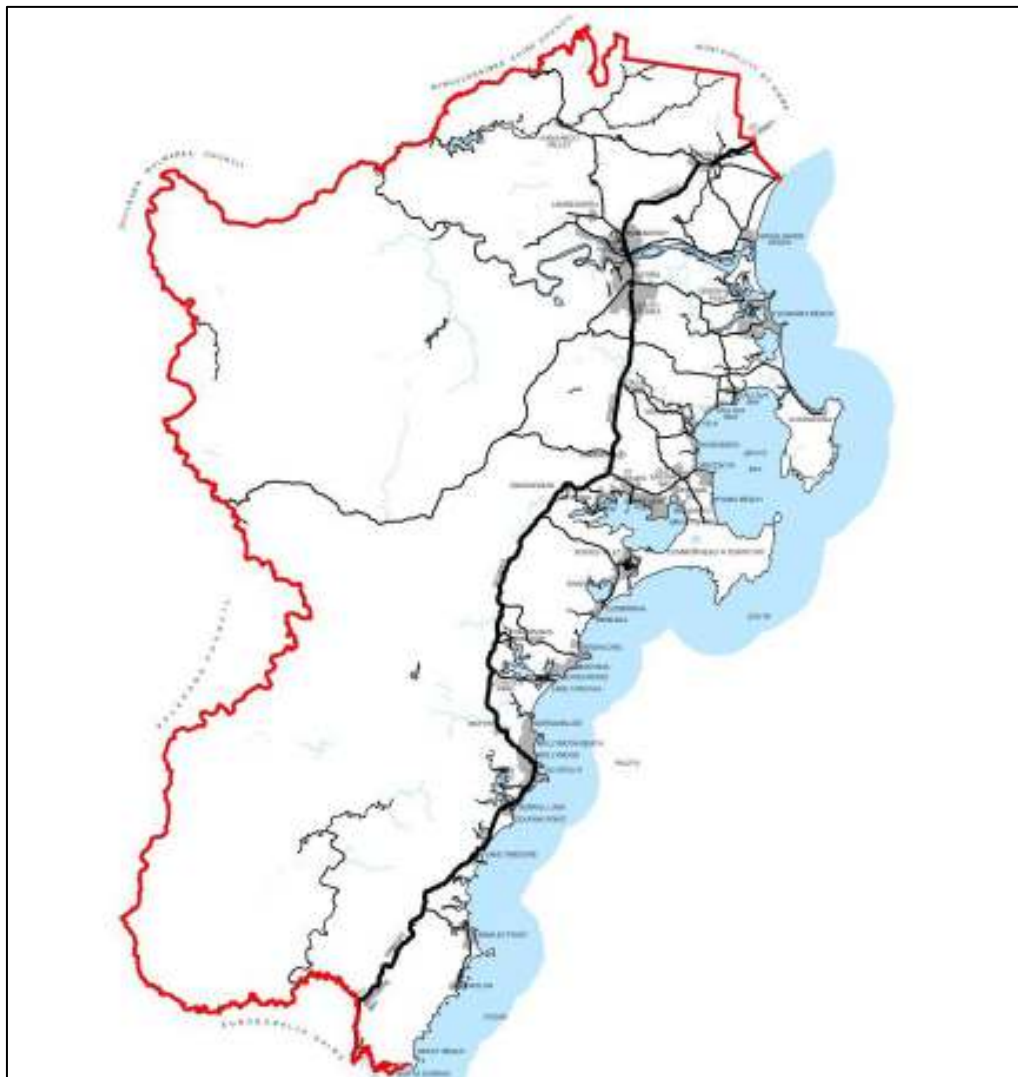


Figure 1: Subject land

1.2 Background

Shoalhaven LEP 2014 commenced on 22 April 2014. It consolidated planning controls into the one LEP and also transitioned existing controls into the NSW Government's Standard Instrument LEP format.

As part of the completion, and also since Shoalhaven LEP 2014 has been in force, Council has identified a number of housekeeping amendments needed to improve the operation and accuracy of the Plan. Council continuously reviews Shoalhaven LEP 2014 to ensure it aligns with strategic documents, is improved where necessary, and delivers positive outcomes for the community.

On 26 June 2023, Council resolved (MIN23.336) at its Ordinary Meeting to submit this PP to the NSW Department of Planning and Environment for a Gateway determination. Refer to **Attachment B** for a copy of the Council Report and Minutes.

2 Part 1 – Intended Outcome

The intended outcome of this PP is to amend a number of clauses and schedules in SLEP 2014 in order to correct identified anomalies or inconsistencies within the LEP and improve the Plan's operation. These anomalies or inconsistencies have arisen since the Plan's commencement in 2014 and have been identified through staff feedback, development assessment processes and the registration of new land titles.

A detailed explanation and justification for each proposed amendment is included in Section 3 (Part 2: Explanation of Provisions) of this PP.

3 Part 2 – Explanation of Provisions

Four (4) items have been identified that require administrative amendments to SLEP 2014 via instrument amendments as shown in the following sections. These amendments are explained in Table 1 with proposed changes identified in red.

The exact wording of the proposed amendments will be determined in conjunction with the NSW Parliamentary Counsels Office.

Table 1: Proposed Instrument Changes

Item	Clause	Proposed Amendment
1.	Part 4	Issue and Justification: There is some confusion in the industry and Council's assessment staff regarding strata subdivision opportunities in certain non-residential and R5 zones. The LEP already provides clarity in this regard for community title subdivision (clause 4.1AA) and in some instances,

		<p>permissibility of resulting land uses also provides guidance for strata opportunities. It is Council's long term intent that strata subdivision does not occur in non-urban areas, however, it has been difficult to consistently reflect this in Council's Standard Instrument LEP over time, particularly with the recent changes to clause 4.1 of the LEP.</p> <p>Proposed Amendment:</p> <p>Add an additional clause in Part 4 of the LEP or adjust the existing clause 4.1AA to ensure that the strata subdivision in the following land use zones is not less than the minimum lot size shown on the lot size map in relation to the land:</p> <ul style="list-style-type: none"> • RU1 Primary Production • RU2 Rural Landscape • RU4 Primary Production Small Lots • R5 Large Lot Residential • C2 Environmental Conservation • C3 Environmental Management • C4 Environmental Living <p>Suggested wording:</p> <p>The suggested wording is essentially identical to LEP clause 4.1AA, however relates to strata subdivision instead of community title subdivision.</p>
2.	<p>Part 7</p> <p>7.11 Essential Services</p>	<p>Issue and Justification:</p> <p>The Royal Commission into Natural Disaster Arrangements 2020 was established to review natural disasters that cause serious disruption to communities or regions. The Commission identified the importance of accessibility of evacuation routes being considered in planning and that efforts are made to ensure these routes are resilient for the purposes of natural disaster.</p> <p>Proposed Amendment:</p> <p>Amend clause in Part 7 of the LEP to insert an additional point relating to essential services ensuring that development consent is not granted to development that cannot provide suitable vehicular access.</p> <p>7.11 Essential Services</p> <p>(1) Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p>

		<p>(a) the supply of water</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage.</p> <p>(d) suitable vehicular access.</p>
3.	Schedule 5	<p>Issue and Justification:</p> <p>The property description for Heritage Item No. 159 is incorrect. Lot 1 DP 839145 was subdivided into two lots in 1995. Heritage Item No 159 is now wholly located on Lot 1 DP 850699. No part of the heritage item is located on Lot 2 DP 850699. The street address is now 61 Main Rd.</p> <p>Proposed Amendment:</p> <p>Schedule 5 of SLEP 2014 should be amended to locate Heritage Item No.159 on Lot 1, DP850699, 61 Main Rd Cambewarra Village, which is consistent with the associated mapping.</p> <p>Item No: 159</p> <p>Item: Former schoolmaster's brick residence and garden</p> <p>Address: Tannery Road 61 Main Road</p> <p>Locality: Cambewarra Village</p> <p>Property Description: Lot 1, DP 850699</p> <p>Significance: Local</p>
4.	Schedule 5	<p>Issue and Justification:</p> <p>The property description for Archaeological Site Item No. A1 is incorrect. The former Lot 187 of DP 755923 has been historically consolidated. The current Lot 1, DP 1187144 retains the Archaeological Site Item No. A1.</p> <p>Proposed Amendment:</p> <p>Schedule 5 of SLEP 2014 to be amended to locate Archaeological Site Item No. A1 on Lot 1, DP1187144. This is consistent with the associated mapping.</p> <p>Item No: A1</p> <p>Item: Red Head timber mill and wharf</p> <p>Address: 1 Waratah Street</p> <p>Locality: Bendalong</p> <p>Property Description: Lot 187, DP 755923 Lot 1, DP 1187144</p> <p>Significance: Local</p>

4 Part 3 – Justification

4.1 Need for the Planning Proposal (Section A)

4.1.1 Is the Planning Proposal a result of any endorsed local strategic planning statement, strategic study or report?

While these amendments are not the result of a strategic study or report or an action in an endorsed local strategic planning statement, strategic study or report, they are consistent with Council's policy position and will help achieve the expected outcomes of SLEP 2014

The proposed amendments cover four instrument related matters, which have been identified as housekeeping issues that need to be addressed to ensure that the SLEP 2014 operates as originally intended or to improve its operations.

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

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

There is no other way to achieve the required outcomes.

4.2 Relationship to strategic planning framework (Section B)

4.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. The PP is not inconsistent with the goals and initiatives outlined in the Illawarra-Shoalhaven Regional Plan (ISRP) 2041, which encompasses the entire Shoalhaven Local Government Area (LGA). The Plan aims to achieve necessary objectives, such as promoting economic growth, facilitating accessibility to affordable housing, preserving agricultural land, upgrading infrastructure, and safeguarding the natural and cultural heritage of the region. The relevant objectives and strategies are:

- Objective 9: Promotes agriculture innovation, sustainability, and value-add opportunities.
Strategy 9.1 promotes strategic planning and local plans to consider opportunities to protect identified important agricultural land from land use conflict and fragmentation.
Strategy 9.2 seeks to enable new residential development only where it has been identified and endorsed in a local strategic plan.
- Objective 11: Protect important environmental assets.
Strategy 11.1 promotes strategic planning and local plans to consider opportunities to minimise potential impacts arising from development on areas of high environmental value and implement the 'avoid, minimise and offset' hierarchy.

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

Shoalhaven 2032

The PP is consistent with Council's Community Strategic Plan, Shoalhaven 2027, and the relevant themes and actions below:

- Theme 2: Sustainable, liveable environments
 - 2.1 Manage our infrastructure for long term sustainability to meet community need.
 - 2.2 Manage growth and development with respect for environmental & community values.
 - 2.3 Protect the natural environment and enhance sustainability.
- Theme 4: Effective, Responsible & Authentic Leadership
 - 4.3 Inform and engage with the community about the decisions that affect their lives.

Shoalhaven 2040 Local Strategic Planning Statement

The Shoalhaven Local Strategic Planning Statement (LSPS) sets out the vision and priorities for land use planning in Shoalhaven over the next 20 years. The PP is consistent with the Shoalhaven LSPS and the relevant planning priorities outlined in the LSPS, including:

- Planning Priority 8: Supporting agriculture and aquaculture.
CW8.1 Administration and monitoring the effectiveness of existing planning and development controls related to agriculture and rural development.
Priority 8 identifies that no further rural subdivision will be supported until further strategic work is complete. The proposed item 1 amendments are intended to protect rural land from development that removes it as a resource.
- Planning Priority 10: Protecting the environment.
CW10.1 Managing the assessment of development proposals to protect/improve habitats, prioritise water quality and limit adverse effects on areas with recognised or potential biodiversity values.
Priority 10 recognises that suitable planning and development controls to manage impacts on threatened species and biodiversity are required. This includes supporting desired development and managing conflict between land uses. The proposed item 1 seeks to ensure that strata subdivision with potential impacts regarding biodiversity loss in non-urban areas is minimised.
- Planning Priority 14: Heritage items and places.
CW14.1 Administration and management of heritage items, heritage conservation areas, and archaeological sites.
Priority 14 recognises the valuable contribution heritage makes to places. The item 3 and 4 amendments ensures heritage preservation in future planning and development decisions.
- Planning Priority 15: Scenic and cultural landscapes.
A15.1: Consider, where appropriate, the identification of scenic and landscape values and the development of appropriate controls to protect and enhance identified values.
Priority 15 recognises the important asset that the high scenic value and diversity of natural landscapes represent. Item 1 provides appropriate mechanisms to protect rural and environmental lands for current and future generations.

Other Local Strategic Plans

Given the housekeeping nature of the PP, the PP is not considered inconsistent with Council's other Local Strategic Plans:

- Shoalhaven Growth Management Strategy
- Nowra Bomaderry Structure Plan
- Jervis Bay Settlement Strategy
- Milton Ulladulla Structure Plan
- Shoalhaven Affordable Housing Strategy

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

The PP is consistent with the applicable State Environmental Planning Policies (SEPPs). A full list of SEPPs is provided at **Attachment C**.

SEPP (Resilience and Hazards) 2021

Chapter 2 of the SEPP sets out matters for consideration for development in the coastal zone. A number of lots within the city fall within the coastal zone area, as defined by the *Coastal Management Act 2016*.

There are no provisions in this SEPP that directly apply to the PP, however it is noted that the SEPP will need to be taken into consideration as part of any future development application on the land. This includes Part 2.2 which requires the Shoalhaven Coastal Zone Management Plan to be considered prior to the issuing of development consent for a development application in the coastal zone.

SEPP (Primary production) 2021

An aim of the SEPP is to facilitate the orderly economic use and development of lands for primary production and to reduce land use conflict and sterilisation of rural land. The proposed new subdivision standards for strata subdivision affects rural and conservation zones which is relevant in the SEPP. It is considered that the proposal is consistent with the intent of the SEPP to avoid fragmentation of primary production land.

SEPP (Biodiversity and Conservation) 2021

Relevant sections in this SEPP include Chapter 2 which seeks to protect the biodiversity values of trees and other vegetation in non-rural areas and Chapter 6 relating to land in the Sydney Drinking Water Catchment. The SEPP will need to be taken into consideration prior to the clearing of native vegetation in non-rural areas, and when development is proposed in the Sydney Drinking Water Catchment, as specified by the SEPP. However, there are no provisions in this SEPP that directly apply to this PP, and therefore the PP is not inconsistent in this regard.

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

The s.9.1 Ministerial Directions are considered at **Attachment D** and those specifically relevant to this PP are discussed in greater detail below.

Direction 1.1 Implementation of Regional Plans

The Illawarra Shoalhaven Regional Plan (ISRP) applies to the Shoalhaven Local Government Area. The PP is not inconsistent with the ISRP as discussed in Section 4.2.1 above.

The PP is therefore not inconsistent with this direction.

Direction 3.1 Conservation Zones

This direction applies as the PP affects land within a conservation zone or land otherwise identified for environmental conservation or protection. PP059 intends to alter existing conservation zones through the following amendments:

Item 1	Add standards to ensure the minimum lot size map applies to strata subdivisions in the C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living zones.
Item 2	Add an additional essential services requirement for suitable access to be available to facilitate development.

Due to the nature of these items, the PP is not considered inconsistent with this direction.

Direction 3.2 Heritage Conservation

This direction applies as the PP is proposing to amend the listing and associated mapping of heritage items within Schedule 5 of SLEP 2014 through the following amendments:

Item 3	Update the address for item 159 of Schedule 5 SLEP 2014 to remove Tannery Road and insert 61 Main Road.
Item 4	Update the property description for item A1 of Schedule 5 SLEP 2014 to remove Lot 187 DP 755923 and insert Lot 1 DP 1187144.

The PP is not inconsistent with this direction as the amendments facilitate protection by providing correct identification within the planning instrument.

Direction 3.3 Sydney Drinking Water Catchments

This direction applies to instrument item 1 of this PP as it relates to land within the Sydney Drinking Water Catchment. The amendment seeks to ensure the minimum lot size map applies for strata subdivision in certain zones for consistency with the intended long term policy position of Council.

It is considered that the proposed change will not adversely impact on water quality in the catchment area, nor is it likely to disturb land and water capability in these areas. The amendments to SLEP 2014 are considered to be of minor significance.

Direction 4.1 Flooding

This direction applies to Item 2 of this PP as it relates to various land across the city, some of which may be identified as flood prone land. This amendment applies to the provision of suitable access to ensure accessibility of evacuation routes. The PP is not inconsistent with this direction as it is unlikely to increase development opportunities in floodway areas and is not inconsistent with the *NSW Flood Prone Land Policy*, the principles of the *Floodplain*

Development Manual 2005 and the Considering flooding in land use planning guideline, 2021.

Direction 4.2 Coastal Management

This direction applies as the PP affects land within the coastal zone, as defined under the *Coastal Management Act 2016*. This PP does not enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

The PP is therefore not inconsistent with this direction.

Direction 4.3 Planning for Bushfire Protection

This direction applies as the PP relates to various land across the City, some of which may be identified as bushfire prone. The PP is not inconsistent with this direction as the proposed changes are of a housekeeping nature and any development assessment process for future development would consider these matters (as relevant).

Direction 4.4 Remediation of Contaminated Land

This direction applies as the PP relates to various land across the City, some of which may be potentially contaminated. The PP is not inconsistent with this direction as the proposed changes are of a housekeeping nature and any development assessment process for future development would consider these matters (as relevant).

Direction 4.5 Acid Sulphate Soils

The land subject to this PP is mapped as having acid sulfate soils. The PP however does not seek to intensify the land uses beyond what is already permissible with consent in the relevant zones or existing. The PP is not inconsistent with the Acid Sulfate Soils Planning Guidelines.

The PP is therefore not inconsistent with this direction.

Direction 6.1 Residential Zones

This direction applies as the PP affects land within the existing R2 Low Density Residential and R5 Large Lot Residential zones. The PP is not inconsistent with the objectives of this direction. The amendments are of a housekeeping nature and seek to address anomalies and improve the operation of SLEP 2014. The PP will not reduce the permissible residential density of land.

Item 1	Add standards to ensure the minimum lot size map applies strata subdivisions in the R5 Large Lot Residential Zone.
Item 3	Update the address for item 159 of Schedule 5 SLEP 2014 to remove Tannery Road and insert 61 Main Road. The land is zoned R2 Low Density Residential.

Direction 9.2 Rural Lands

This direction applies as the PP affects land within an existing or proposed rural or conservation zone and seeks to clarify the minimum lot size requirements for strata subdivision. The PP is consistent with this Direction as the proposal:

- Is not inconsistent with any relevant plans and strategies (see Section 4.2.1 and 4.2.2 of this PP).
- Does not impact upon opportunities for investment in productive, diversified, innovative and sustainable rural economic activities.
- Does not adversely impact upon support of farmers in exercising their right to farm.
- Implements measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use
- Will not adversely impact State significant agricultural land identified in *State Environmental Planning Policy (Primary Production) 2021* for the purpose of ensuring the ongoing viability of the land.
- Considers the social, economic and environmental interests of the community.

These amendments are set out in the table below.

Item 1	Add standards to ensure the minimum lot size map applies to strata subdivisions in RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living zones.
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4.3 Environmental, Social and Economic Impact (Section C)

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

The PP does not directly impact critical or threatened species, populations or ecological communities, or their habitats.

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

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

Other environmental impacts are not anticipated due to the nature of the PP. Any future use of the land will consider environmental impacts as part of the assessment process.

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

The PP is likely to have positive social and economic effects due to SLEP 2014 operating in a more efficient manner, which will better align the objectives of the instrument with appropriate development.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The PP does not directly create additional requirements for public infrastructure. The public infrastructure requirements for future development will be considered over time.

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

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

5 Part 4 – Mapping

No mapping changes are proposed to support this PP.

6 Part 5 - Community Consultation

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

The exhibition would include public notification and a package of exhibition material on Council's website.

All stakeholders, including relevant Community Consultative Bodies and any directly affected landowners, will be advised of the public exhibition arrangements.

7 Part 6 – Project Timeline

The anticipated timeline for the Planning Proposal is outlined in the table below. A 12 month Gateway is requested to cover any unforeseen delays.

Table 2: Project Timeline.

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	August 2023
Completion of Gateway determination requirements	November 2023
Public exhibition	February 2024
Consideration of submissions	February 2024
Post exhibition consideration of PP	April / May 2024
Finalisation and notification of Plan	June/July 2024

ATTACHMENTS

Attachment A – Evaluation Criteria for the Delegation of Plan Making Functions

Local Government Area:

Shoalhaven City Council

Name of draft LEP:

Shoalhaven Local Environmental Plan 2014
PP059 – 2023 Housekeeping Amendment – Instrument only

Address of Land (if applicable):

The PP applies to all land in the Shoalhaven Local Government Area.

Intent of draft LEP:

The intent of the Planning Proposal is to amend a several clauses in SLEP 2014, to correct identified anomalies or inconsistencies within SLEP 2014 that have arisen since its commencement in 2014.

Evaluation criteria for the issuing of an Authorisation	Council Response		Department Assessment	
	Y/N	Not relevant	Agree	Not agree
(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)				
Is the Planning Proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the Planning Proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?		N/A		
Does the Planning Proposal contain details related to proposed consultation?	Y			
Is the Planning Proposal compatible with an endorsed regional or sub-regional strategy or local strategy endorsed by the Director-General?	Y			
Does the Planning Proposal adequately address any inconsistency with all relevant S9.1 Planning Directions?	Y			
Is the Planning Proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments				

Does the Planning Proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		N/A		
Heritage LEPs				
Does the Planning Proposal seek to add or remove a local heritage item and is it supported by a strategy / study endorsed by the Heritage Officer?	N			
Does the Planning Proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N			
Does the Planning Proposal potentially impact on item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		
Reclassifications				
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan Of Management POM) or strategy?		N/A		
Is the Planning Proposal proposed to rectify an anomaly in a classification?		N/A		
Will the Planning Proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act, 1993?		N/A		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the Planning Proposal?		N/A		
Has the council identified that it will exhibit the Planning Proposal in accordance with the Department's Practice Note (PN09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guidelines for LEPs and Council Land?		N/A		
Has council acknowledged in its Planning Proposal that a Public Hearing will be required and agree to hold one as part of its documentation?		N/A		
Spot Rezonings				
Will the proposal result in a loss of development potential for the site (i.e. reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	Y, in part			
Will the Planning Proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			

If yes, does the Planning Proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the Planning Proposal create an exception to a mapped development standard?	N			
Section 73A matters				
<p>Does the proposed instrument:</p> <p>a. Correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?</p> <p>b. Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?;</p> <p>c. Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</p>	N			

Attachment B – Council report and resolution supporting the PP 26 June 2023

FOR ACTION

ORDINARY MEETING

26/06/2023

TO: Strategic Planner (Lynch, Kate)

Subject: Proposed Planning Proposal - 2023 Instrument Housekeeping Amendment - Shoalhaven Local Environmental Plan 2014 (PP059) - Submit to NSW Department of Planning and Environment - Advise Key Stakeholders - Public Exhibition Arrangements

Target Date: 26/07/2023

Notes:

HPERM Reference 71387E

Related Report D23/204603

Item Number CL23.198

RESOLVED* (Clr White / Clr Wells)

MIN23.336

That Council

1. Submit Planning Proposal PP059 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 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.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

[Open Item in Minutes](#)

'For Action' action sheets must have notes added and be completed in Infocouncil, go to the Action Menu in Infocouncil (Word).


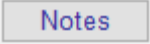


Actions

'Information only' action sheets are completed automatically in Infocouncil & Trim.

[Instructions for viewing/completing an action](#)

1. Open Word

2. Click on Actions Menu on the Infocouncil toolbar
3. View your actions (to view 'Information only action sheets' tick 'Information only' & 'Completed/Acknowledged')
4. Click the  to complete an action (you will be required to enter a note).
5. To add extra notes Double click on the required action or highlight the action and click 

Attachment C - SEPP Checklist

SEPP	Name	Applicable	Relevant	Not inconsistent
65	Design Quality of Residential Apartment Development	✓	✗	n/a
--	Building Sustainability Index: BASIX 2004	✓	✗	n/a
--	Exempt and Complying Development Codes 2008	✓	✗	n/a
--	Housing 2021	✓	✗	n/a
--	Primary Production 2021	✓	✓	Refer to s4.2.3
--	Resources and Energy 2021	✓	✗	n/a
--	Resilience and Hazards 2021	✓	✓	Refer to s4.2.3
--	Industry and Employment 2021	✓	✗	n/a
--	Transport and Infrastructure 2021	✓	✗	n/a
--	Biodiversity and Conservation 2021	✓	✓	Refer to s4.2.3
--	Planning Systems 2021	✓	✗	n/a
--	Precincts – Eastern Harbour City 2021	✗	✗	n/a
--	Precincts – Central River City 2021	✗	✗	n/a
--	Precincts – Western Parkland City 2021	✗	✗	n/a
--	Precincts – Regional 2021	✓	✗	n/a
--	Sustainable Buildings 2022	✗	✗	n/a

Attachment D – s9.1 Ministerial Direction Checklist (20 February 2023 Version)

Direction		Applicable	Relevant	Not inconsistent
1 Planning Systems				
1.1	Implementation of Regional Plans	✓	✓	Refer to s.4.2.4
1.2	Development of Aboriginal Land Council land	✗	✗	n/a
1.3	Approval and Referral Requirements	✓	✗	n/a
1.4	Site Specific Provisions	✗	✗	n/a
1 Planning Systems – Place-based				
1.5	Parramatta Road Corridor Urban Transformation Strategy	✗	✗	n/a
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	✗	✗	n/a
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	✗	✗	n/a
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	✗	✗	n/a
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	✗	✗	n/a
1.10	Implementation of Western Sydney Aerotropolis Plan	✗	✗	n/a
1.11	Implementation of Bayside West Precincts 2036 Plan	✗	✗	n/a
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	✗	✗	n/a
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	✗	✗	n/a
1.14	Implementation of Greater Macarthur 2040	✗	✗	n/a
1.15	Implementation of the Pyrmont Peninsula Place Strategy	✗	✗	n/a
1.16	North West Rail Link Corridor Strategy	✗	✗	n/a
1.17	Implementation of the Bays West Place Strategy	✗	✗	n/a
2 Design and Place				
3 Biodiversity and Conservation				
3.1	Conservation Zones	✓	✓	Refer to s.4.2.4
3.2	Heritage Conservation	✓	✓	Refer to s.4.2.4
3.3	Sydney Drinking Water Catchments	✓	✓	Refer to s.4.2.4
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	✗	✗	n/a
3.5	Recreation Vehicle Areas	✓	✗	n/a
4 Resilience and Hazards				
4.1	Flooding	✓	✓	Refer to s.4.2.4

Direction		Applicable	Relevant	Not inconsistent
4.2	Coastal Management	✓	✓	Refer to s.4.2.4
4.3	Planning for Bushfire Protection	✓	✓	Refer to s.4.2.4
4.4	Remediation of Contaminated Land	✓	✓	Refer to s.4.2.4
4.5	Acid Sulfate Soils	✓	✓	Refer to s.4.2.4
4.6	Mine Subsidence and Unstable Land	✗	✗	n/a
5 Transport and Infrastructure				
5.1	Integrated Land Use and Transport	✓	✗	n/a
5.2	Reserving Land for Public Purposes	✓	✗	n/a
5.3	Development Near Regulated Airports and Defence Airfields	✓	✗	n/a
5.4	Shooting Ranges	✓	✗	n/a
6 Housing				
6.1	Residential Zones	✓	✓	Refer to s.4.2.4
6.2	Caravan Parks and Manufactured Home Estates	✓	✗	n/a
7 Industry and Employment				
7.1	Business and Industrial Zones	✗	✗	n/a
7.2	Reduction in non-hosted short-term rental accommodation period	✗	✗	n/a
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	✗	✗	n/a
8 Resources and Energy				
8.1	Mining, Petroleum Production and Extractive Industries	✗	✗	n/a
9 Primary Production				
9.1	Rural Zones	✓	✗	n/a
9.2	Rural Lands	✓	✓	Refer to s.4.2.4
9.3	Oyster Aquaculture	✗	✗	n/a
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	✗	✗	n/a