

PLANNING PROPOSAL – PP070

Shoalhaven Local Environmental Plan 2014

100 St Vincent Street, Ulladulla
'Group home (transitional)'

Prepared by
City Futures Directorate
Shoalhaven City Council

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1 Introduction

This Planning Proposal (PP) seeks to permit the establishment and operation of a ‘Group home (transitional)’ on and within the existing premises at 100 St Vincent Street, Ulladulla under Shoalhaven Local Environmental Plan (LEP) 2014.

Homelessness continues to be an increasing problem in all communities throughout Australia, including the Shoalhaven Local Government Area (LGA). There are a number of factors contributing to the increase in homelessness experienced in Shoalhaven, including the impacts resulting from natural disasters and the COVID-19 Pandemic, the high level of unemployment/underemployment and the significant increase in housing prices. Despite the provision of homeless shelters being predominantly a State and Federal Government issue, Council has been actively involved over recent years in trying to address the issue in a facilitation role.

On 9 October 2023, Council at its Ordinary Meeting considered a Mayoral Minute (MIN23.26) and subsequently resolved (MIN23.580) to prepare a PP to enable the nominated use (homeless shelter) of the site to proceed at 100 St Vincent Street, Ulladulla (the subject site). A copy of the Mayoral Minute and accompanying Council Minute are provided at **Attachment A**. The land use best placed to enable the use of a homeless shelter on the site is ‘Group home (transitional).’

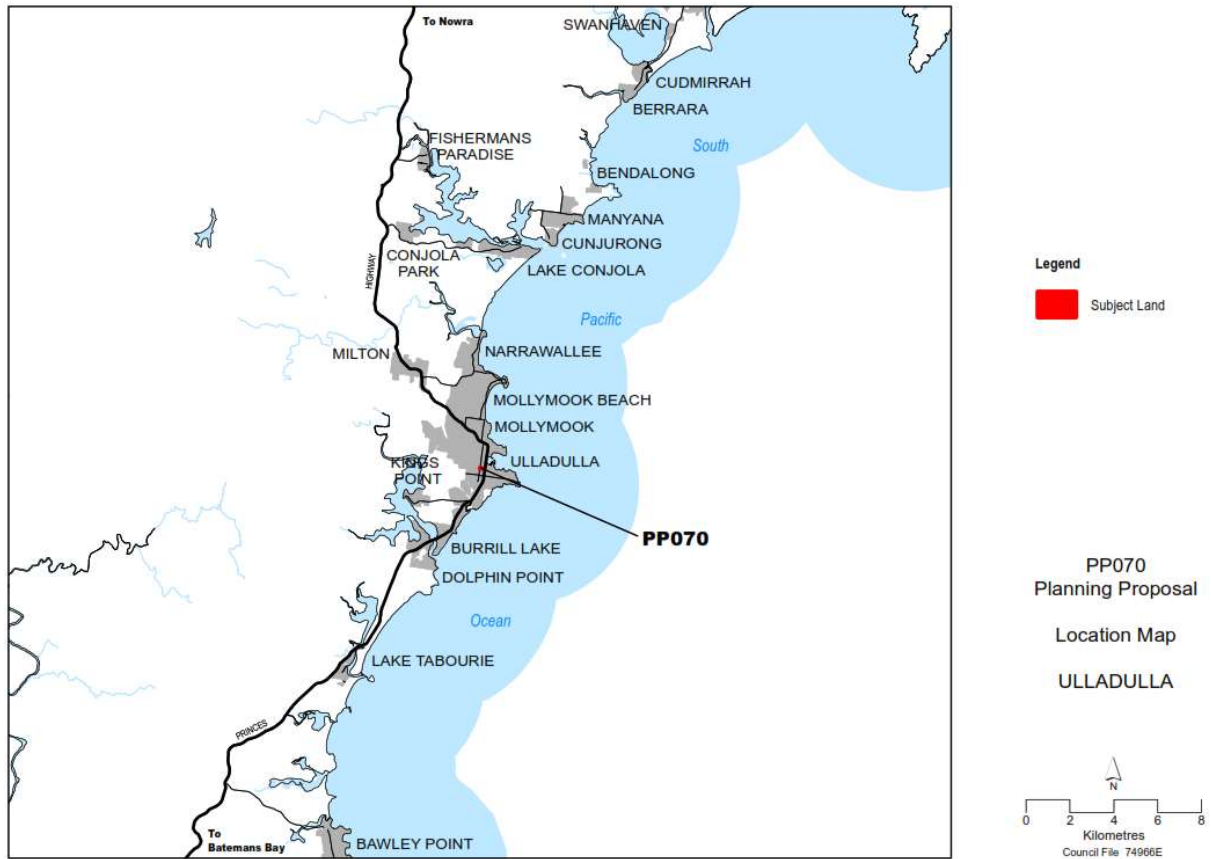
It is requested that Council be given delegation for plan making functions for this PP. The evaluation criteria for delegation is located at **Attachment B**.

This PP has been prepared in accordance with the *Local Environmental Plan Making Guideline (NSW Department of Planning and Environment, 2023)*. Consistent with the Local Environmental Plan Making Guideline, this PP is categorised as a Standard PP.

1.1 Subject Land

The subject land is legally identified as Lot 1 DP 610880, 100 St Vincent Street, Ulladulla. It is located within the Ulladulla Central Business District (CBD) in the Shoalhaven LGA as illustrated by **Figures 1 – 3**. There is currently an existing vacant building on the site which was previously occupied by NSW Health as a Community Health Care Centre for allied mental health services.

The subject land is surrounded by a mix of land uses including a supermarket to the south (Aldi), health service facilities to the north and east, Council carpark to the northeast and Ulladulla High School to the west, separated by St Vincent Street. The subject land is located close to services that are essential for assisting persons who are homeless or at risk of homelessness.



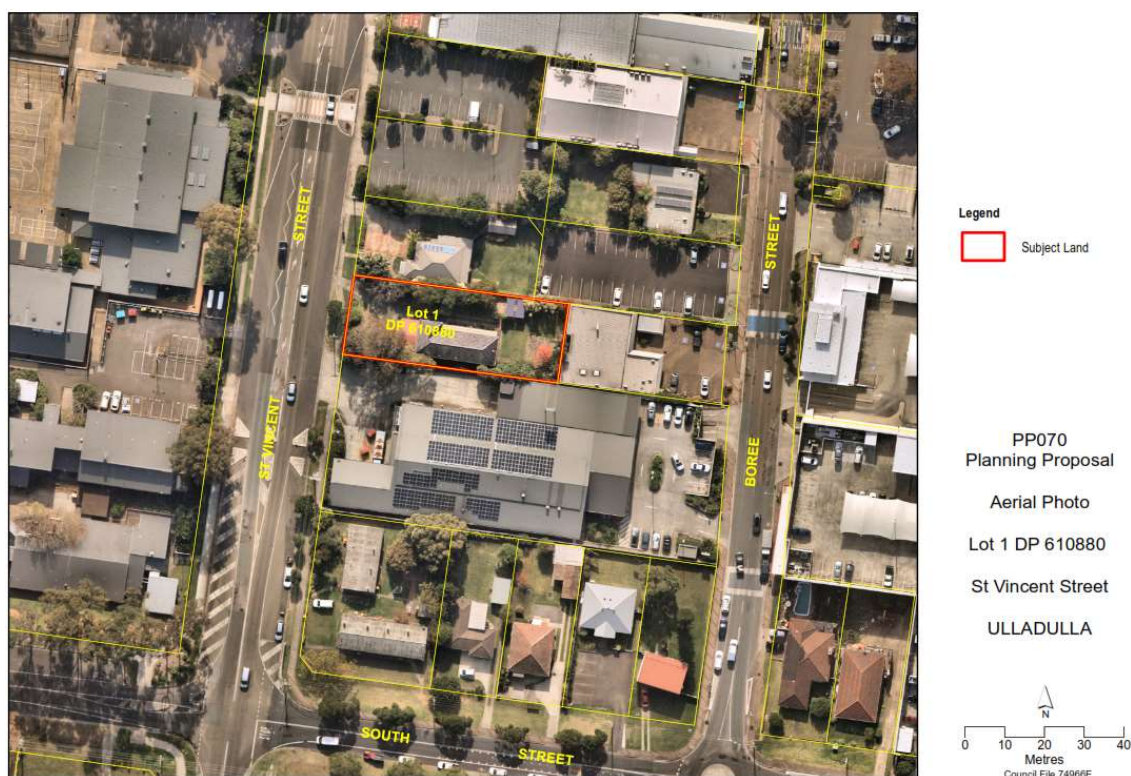


Figure 3: Aerial Photo

The subject site is currently zoned E2 Commercial Centre under Shoalhaven LEP 2014, depicted in **Figure 4**, which does not permit the 'Group home (transitional)' land use. As such, the PP seeks to amend Shoalhaven LEP 2014 to allow the subject land to be used for the purposes of a 'Group home (transitional)' as an additional permitted use under Clause 2.5 of this plan, to facilitate the intended outcome.



Figure 4: Current Land Use Zones

1.2 Background

Council has previously considered opportunities to provide temporary accommodation for persons experiencing homelessness in Shoalhaven. Shoalhaven City Council acquired the subject land in 2021 for the purpose of community use, with a 15-year restriction registered on the title for community and non-profit making purposes. Following Council's acquisition of the subject site, Safe Waters Community Care Inc., a local temporary and crisis accommodation provider, expressed interest to Council to use the subject site as a temporary shelter for persons experiencing homelessness in Ulladulla and the Shoalhaven area.

On 9 October 2023, Council resolved (MIN23.580) to 'rezone' 100 St Vincent St, Ulladulla to meet the objectives of Safe Waters nominated use of the site, which is best achieved by seeking to permit 'Group home (transitional)' as an additional permitted use.

As the subject site is owned by Council, its use is also governed by the *Local Government (LG) Act* 1991. Under the LG Act, the subject site has a "community" classification, with a General Community Use categorisation. This PP does not propose to reclassify the subject site, as the intended outcome of the PP can still comply with the requirements under Sections 46 and 47 of the LG Act in relation to the issuing of leases/licences, without having to reclassify the land.

2 Part 1 – Objectives and Intended Outcomes

Objective

The objective of this PP is to amend Shoalhaven LEP 2014 to permit the use of a 'Group home (transitional)' at 100 St Vincent Street, Ulladulla by introducing a Schedule 1 Additional Permitted Use to enable the use of the subject site as a temporary accommodation for persons who are homeless or at risk of homelessness.

Intended Outcomes

The intended outcome of this PP is to:

- Permit a 'Group home (transitional)' at 100 St Vincent St, Ulladulla.
- Enable the subject site to operate as a temporary shelter for persons who are homeless or at risk of homelessness in Ulladulla and the broader Shoalhaven LGA.

3 Part 2 – Explanation of Provisions

Intended Provisions

The following amendments are proposed to Shoalhaven LEP 2014:

- Amend Shoalhaven LEP 2014 Schedule 1 Additional Permitted Uses to introduce a new clause, to be numbered sequentially, to read:

#. Use of certain land at 100 St Vincent Street, Ulladulla

(1) This clause applies to land identified as “Sch. 1.#” on the Clauses Map, being Lot 1 DP 610880, 100 St Vincent Street, Ulladulla.

(2) Development for the purpose of group home (transitional) is permitted with development consent.

- Amend the Clauses Map (CLS_016D) to identify the site as being subject to Sch 1.#.

Figure 6, in Section 5 Part 4 – Maps, illustrates the proposed amendment to the Clauses Map in Shoalhaven LEP 2014.

4 Part 3 – Justification of Strategic and Site-specific merit

4.1 Section A – Need for the Planning Proposal

4.1.1 Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

The PP is not the result of an endorsed LSPS, strategic study or report. However, it is consistent with the [Shoalhaven Affordable Housing Strategy \(2017\)](#), which identifies increasing local rents and the relative scarcity of affordable rental accommodation as key contributors to homelessness and the increasing risk of homelessness in the Shoalhaven area. Further recognising that:

“There is evidence of growing local homelessness and an inability to respond effectively to this problem largely due to a lack of appropriate, affordable housing options” (p. 14).

The Strategy outlines short-term (<3 years), medium-term (3-5 years) and longer-term (within 5-10 years) strategies to increase affordable housing in the LGA. Notably, a key strategy is for Council to investigate Council or publicly owned sites that could be dedicated to housing partnerships in the medium- and longer-term. This PP seeks to facilitate a use (Group home (transitional)) to accommodate people who are experiencing homelessness whilst they transition back into secure housing and therefore is considered to give effect to the Shoalhaven Affordable Housing Strategy.

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

Yes, the PP is the best and most effective means of achieving the intended outcome, given that the 'Group home (transitional)' use is prohibited in the current zone, E2 Commercial Core.

There are two options to achieve the intended outcome of the PP:

- a. Establish the 'Group home (transitional)' land use as an Additional Permitted Use at 100 St Vincent Street, Ulladulla in Scheme 1 Additional Permitted Uses of Shoalhaven LEP 2014.

This is Council's preferred option as it is consistent with the resolved Council position and meets the objectives of the nominated use of the site as temporary accommodation for persons experiencing homelessness or at risk of being homeless in Ulladulla and the Shoalhaven area.

- b. Rezone the subject site to a land zone that permits the 'Group home (transitional)' land use with development consent.

Rezoning the subject site is an alternative option as a means to achieve the intended outcome to permit a 'Group home (transitional)'. However, the subject site would need to be rezoned to a residential or mixed use zone, as the currently in force employment zones under Shoalhaven LEP 2014 do not permit the 'Group home (transitional)' land use. A residential or mixed use zone is not considered the most appropriate outcome for the subject site and may detrimentally impact the site's consistency with the zoning of the broader Ulladulla CBD, surrounding land uses, reduce the area of employment zoned land within the Shoalhaven and impact the long-term future use of the site.

Should the Department of Planning & Environment consider the rezoning of the subject site to be a more appropriate means of achieving the intended outcome and permitting a 'Group home (transitional)' on the subject site, amendments will be required to the Land Zoning Map, specifically map sheet LZN_016D, and potentially the Building Height (HOB_016D) and Floor Space Ratio (FSR_016D) maps.

4.1.3 Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies?)

[Illawarra Shoalhaven Strategic Plan 2041 \(ISRP\)](#)

The ISRP is a high-level strategic document which applies to the Shoalhaven LGA. The two objectives of the ISRP that are most applicable to the PP are:

- **Objective 18:** Providing housing supply in the right locations.

- **Objective 19:** Deliver housing that is more diverse and affordable.

The PP is consistent with various Strategies of the ISRP, including:

- **Strategy 18.2:** Facilitate housing opportunities in existing urban areas, particularly within strategic centres.
“Strategic planning and local plans should consider opportunities to: review planning controls so they are creating flexible and feasible conditions for housing supply” (p. 66).
- **Strategy 19.1:** Continue to provide for and encourage a range of housing choices.
“Strategic planning and local plans should consider opportunities to ... explore innovative solutions in housing to cater for a range of community needs, including those of older people, multi-generation families, people living in group housing, people with special needs or people from different cultural backgrounds” (p. 70).

The PP aims to provide temporary housing close to existing services for individuals who are homeless or at risk of homelessness while they transition back into secure housing, giving effect to the ISRP and having strategic merit. The PP is not inconsistent with the ISRP.

4.1.4 Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

[Shoalhaven Local Strategic Planning Statement 2020 \(Shoalhaven 2040\)](#)

Shoalhaven 2040 is a strategic land-use planning policy document that sets out how Council will identify and meet the communities' land-use needs to 2040. Shoalhaven 2040 highlights the “need to encourage a variety of housing types to help meet the needs of our increasingly diverse communities, including our ageing population or those with certain needs” (p. 21).

The PP is consistent with **Collaboration Activity CA1.2: Work with community housing providers to increase the supply of affordable rental housing on Council-owned land**. Whilst the ‘Group home (transitional)’ land use is a form of diverse housing, as opposed to affordable rental housing, the PP aims to contribute to the provision of temporary accommodation for persons who are homeless in a safe and inclusive neighbourhood on Council-owned land. The PP is not inconsistent with Shoalhaven 2040.

[Milton-Ulladulla Structure Plan](#)

The Milton-Ulladulla Structure Plan (MUSP) provides a framework for the future development of the Milton-Ulladulla area. The MUSP identifies the compelling need for crisis accommodation in southern Shoalhaven, specifically for youth and women, and particularly as a result of domestic violence.

The PP is consistent with **Principle 6: *Maintaining a Supportive and Co-Operative Community***, as the PP aims to provide a coordinated service that recognises, accepts, and provides for the needs of community members that are experiencing homelessness. The PP is not inconsistent with the MUSP.

[Shoalhaven Affordable Housing Strategy](#)

Refer to Section 4.1.1 for commentary on the Shoalhaven Affordable Housing Strategy.

4.1.5 Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

[Housing 2041 NSW Housing Strategy](#)

Housing 2041 outlines a 20-year vision for housing in NSW. The PP is consistent with the vision for NSW to have housing that supports security, comfort, independence, and choice for all people at all stages of their lives, including people in crisis. Housing 2041 outlines priority areas to achieve the housing vision, including maximising the impact of government-owned land to provide housing assistance for those in crisis. The PP intends to facilitate the development of a 'Group home (transitional)' on Council owned land to support those in housing crisis and accommodate people who are experiencing homelessness whilst they transition back into secure housing.

4.2 Section B – Relationship to strategic planning framework

4.2.1 Is the Planning Proposal consistent with applicable SEPPs?

The PP is consistent with all applicable State Environmental Planning Policies (SEPPs). A full list of the SEPPs is provided at **Appendix C** and the most relevant is discussed below.

[State Environmental Planning Policy \(Resilience and Hazards\) 2021](#)

This SEPP applies as the land is within the Coastal Use Area and Coastal Environment 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. The PP is not inconsistent with this SEPP.

4.2.2 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions) or key government priority?

Ministerial Directions (s9.1 Directions) are considered in **Attachment D** and those that are most relevant are discussed below.

1.1 Implementation of Regional Plans

This Direction applies as the Illawarra Shoalhaven Regional Plan 2041 (ISRP) applies to Shoalhaven and identifies the need to provide housing supply in the right locations and deliver housing that is more diverse and affordable. The PP aims to facilitate the use of the site as a 'Group home (transitional)' in a location that is within the Ulladulla CBD, close to services that are essential for assisting persons who are homeless or at risk of homelessness. The PP is not inconsistent with this Direction.

1.3 Approval and Referral Requirements

This Direction applies to all relevant planning authorities when preparing a PP to ensure that LEP provisions encourage the efficient and appropriate development. The proposed amendment will not result in the requirement for additional concurrence, consultation or referral of a Minister or public authority and does not identify development as designated development. The PP is considered consistent with this Direction.

1.4 Site Specific Provisions

This Direction applies as the PP intends to amend Shoalhaven LEP 2014 to allow a particular development, being 'Group home (transitional)', to be carried out on the subject site to provide crisis housing relief for persons who are homeless in Shoalhaven. Beyond this specific use being facilitated, no additional development standards will be applied other than what is already contained in the existing land zone. The PP is not inconsistent with this Direction.

4.1 Flooding

This Direction applies as the PP seeks to alter planning provisions for land that is identified as flood prone, as illustrated in **Figure 5**. Whilst the site is not mapped as being impacted by the 1% Annual Exceedance Probability (AEP) event, the site is shown as being partially within the Flood Planning Area (FPA). This impact is a result of the addition of the 0.3m freeboard (overland flooding) to the 1% AEP event, resulting in the mapped surface being above the adjacent lot ground level. The extent and location of the mapped FPA would not result in the inability of occupants of the subject site to effectively evacuate.

Furthermore, the subject site is only mapped as being partially flood affected in the Probable Maximum Flood (PMF) event to a relatively shallow depth, although likely a higher velocity due to the steepness of the road.



Figure 5: Flood Prone Land

Although the PP proposes to include provisions to permit development for the purpose of a 'Group home (transitional)' on the subject site, the subject site is considered to be located in an area where occupants of the development can effectively evacuate in a PMF due to the limited extent of overland flooding.

The PP is not inconsistent with this direction for the following reasons:

- It is not inconsistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and Considering Flooding in Land Use Planning Guideline 2021.
- It does not rezone any land from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use of Special Purpose Zone.
- It does not contain provisions that apply to flood planning areas which:
 - Permit development in floodway areas.
 - Permit development that will result in significant flood impacts to other properties.
 - Permit a significant increase in the development of that land.

- Are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure, or services.
 - Permit development to be carried out without development consent except for the purpose of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.
- Despite the PP containing provisions to permit the ‘Group home (transitional)’ land use on land mapped as the FPA; due to the nature of the flood affectation during 1% AEP event, occupants of the subject site are considered to be able to effectively evacuate, should such an event occur.
- Flood related development controls are not being imposed. Existing flood related development controls apply to the site via Shoalhaven LEP 2014 and Shoalhaven Development Control Plan (DCP) 2014.

4.2 Coastal Management

This Direction applies as the PP affects land within the coastal zone, as defined under the *Coastal Management Act 2016*. The PP is consistent with this Direction as it:

- Does not make changes relevant to the *Coastal Management Act 2016*, NSW Coastal Management Manual and associated Toolkit, NSW Coastal Design Guidelines 2003, or any Coastal Zone Management Plan certified by the Minister or under the *Coastal Protection Act 1979*.
- Does not seek to rezone land to enable increased development or more intensive land use on land:
 - Within a coastal vulnerability area identified by Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP (Resilience and Hazards)); or
 - Affected by a current or future coastal hazard in a LEP, DCP or study or assessment; or
 - Coastal wetlands and littoral rainforests identified by Chapter 2 of the SEPP (Resilience and Hazards) 2021.
- Does not propose to increase or decrease the land within maps under Chapter 2 of the SEPP (Resilience and Hazards).

4.5 Acid Sulfate Soils

This Direction applies to the PP as the subject site is mapped in Shoalhaven LEP 2014 as having Class 5 Acid Sulfate Soils. The PP intends to facilitate a change of use only and will not lead to the intensification of built form on the subject site. The PP does not propose to introduce provisions to regulate works in acid sulfate soils. Should the site be subject to any works in the future, further assessment of acid sulfate soils will be undertaken at such time as required under Clause 7.1 of Shoalhaven LEP 2014.

5.1 Integrating Land Use and Transport

This Direction applies as the PP seeks to alter a provision relating to urban land zoned for employment. The PP aims to facilitate the use of an existing development as a 'Group home (transitional)' to provide housing relief for persons who are homeless or at risk of homelessness in Shoalhaven. The subject site is well located, close to services that are essential for assisting persons who are homeless or at risk of homelessness. The PP is considered consistent with this Direction.

7.1 Employment Zones

This Direction applies as the PP affects land within an existing employment zone. The PP aims to facilitate the use of the subject site, zoned E2 Commercial Core, for a 'Group home (transitional),' to provide temporary housing opportunities to assist in addressing homelessness in the Shoalhaven. However, the PP does not propose to rezone the subject site, protecting the employment land and the long-term potential future use of the subject site as employment land.

The PP's inconsistency with this Direction is considered minor in nature as the PP seeks to retain the area and location of employment zoned land within Shoalhaven LGA, whilst enabling lease opportunities for crisis housing which is an urgent and persistent need for the local community. As previously discussed, the use of existing Council owned sites for such use is a focus in the NSW Housing Strategy.

4.3 Section C – Environmental, Social and Economic Impact

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

This PP is not considered to have an impact on any critical habitat or threatened species, populations, or ecological communities. The subject site is not mapped as having threatened species. The PP is to facilitate a change of use to enable a 'Group home (transitional)' on the subject site to address homelessness and does not propose to intensify the development or any significant physical works to the site.

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

No other environmental effects are envisaged as a result of the PP. Any other likely environmental effects resulting specifically from a future development will be assessed at such time via a development application.

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

The PP is not expected to have any adverse social and economic effects. It is anticipated that the PP will positively impact social effects as it aims to facilitate a 'Group home (transitional)' on the subject site to help address homelessness in Ulladulla and the Shoalhaven LGA.

As previously noted, the *Shoalhaven Affordable Housing Strategy* identifies that homelessness is increasing in the LGA as a result of local rents increases and the relative scarcity of affordable rental accommodation. The PP intends to help address this issue with the practical and appropriate reuse of a vacant Council owned property to provide temporary accommodation for persons who are homeless or at risk of experiencing homelessness.

Ulladulla High School is located to the west of the subject site, separated by St Vincent Street. Any specific perceived social impacts with enabling the operation of a 'Group home (transitional)' opposite the High School would be considered as part of any future Development Application assessment. The PP is considered essential in addressing increasing homelessness experienced across Shoalhaven, through the provision of safe transitional housing for some of the most vulnerable people in Shoalhaven.

The PP seeks to have a positive social and economic impact through the provision of transitional accommodation for vulnerable people in Shoalhaven, close to existing services and supporting land uses. The intended outcome of the PP is to provide temporary housing relief for people experiencing homelessness, so they are able to transition into permanent secure housing.

4.4 Section D – Infrastructure (Local, State and Commonwealth)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The PP does not directly create the need for additional infrastructure, as the proposed change of use that would be facilitated by the PP will not increase the intensity of development on the subject site and the site is already located in proximity of existing services and supporting land uses.

4.5 Section E – State and Commonwealth Interests

4.5.1 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Council will consult with the relevant state and federal public authorities and government agencies in accordance with the conditions of the Gateway determination. The PP will be updated prior to the public exhibition period, if required, to incorporate the views of any public authority or government agency.

5 Part 4 – Maps

The PP will result in an amendment to the Clauses Map (CLS_016D) of Shoalhaven LEP 2014 to identify the site as being subject to an Additional Permitted Use, Sch 1.#, as illustrated in **Figure 6**.



6 Part 5 - Community Consultation

Council proposes to exhibit the PP in accordance with the requirements of the Gateway determination. Consistent with the standard PP category, it is anticipated that an exhibition period of 28 days will apply. The exhibition would include public notification and a package of exhibition material on Council's website. All stakeholders, including relevant Community Consultative Bodies, will be advised of the public exhibition arrangements in writing. It is proposed that the PP will be made available to be viewed online.

7 Part 6 – Project Timeline

The indicative timeline for the Planning Proposal.

Table 1: Indicative project timeline

Task	Anticipated Timeframe
Council decision to prepare Planning Proposal	October 2023
Gateway determination	November 2023
Completion of Gateway determination requirements	December 2023
Public exhibition	February 2024*
Consideration of submissions by Council	March/April 2024
Submission to the Department for finalisation	April/May 2024
Gazettal of LEP amendment	May 2024

* Commencement and completion of the public exhibition period is dependent on requirements under Schedule 1 Division 3 of the *Environmental Planning and Assessment Act 1979*.

Attachments

Attachment A – Mayoral Minute (MM23.26) and Council Resolution (MM23.580)

MM23.26 Mayoral Minute - 100 St Vincent Street, Ulladulla

HPERM Ref: D23/405695

Recommendation

That Council:

1. Support a rezoning of 100 St Vincent St ULLADULLA, through lodgement of a formal Planning Proposal, in order to meet the objectives of Safe Waters nominated use of the site.
2. Give the CEO delegated authority to prepare and lodge the Planning Proposal as soon as practicable.
3. Should a favourable gateway determination be received, Council lodge a Development Application concurrent to the Planning Proposal to facilitate a timely determination.
4. Write to the member for South Coast Liza Butler MP, seeking her assistance to engage with the NSW Department of Planning and Environment for the planning proposal to reinforce the importance of the Safe Waters use, and urgent need for this site rezoning.

Details

In 2021 Council purchased 100 St Vincent St Ulladulla from the State Government for community use.

Through an expression of interest process that was finalised in 2022, Safe Waters and Milton Ulladulla Historic Society are to uptake tenancy on the site.

Under the current DA process, it was revealed that the zoning is not appropriate for the desired community use as homeless shelter.

Safe Waters are in dire need of further accommodation, finding ways to expedite the DA / PP and subsequent safety compliance works is the desire of all stakeholders, Council included.

FOR ACTION

ORDINARY MEETING

09/10/2023

TO: Acting Director - City Futures (Bell, Coralie)

RESOLVED (Clr Findley / Clr Ell)

MIN23.580

That Council:

1. Support a rezoning of 100 St Vincent St Ulladulla, through lodgement of a formal Planning Proposal, in order to meet the objectives of Safe Waters nominated use of the site.
2. Give the CEO delegated authority to prepare and lodge the Planning Proposal as soon as practicable.
3. Should a favourable gateway determination be received, Council lodge a Development Application concurrent to the Planning Proposal to facilitate a timely determination.
4. Write to the member for South Coast Liza Butler MP, seeking her assistance to engage with the NSW Department of Planning and Environment for the planning proposal to reinforce the importance of the Safe Waters use, and urgent need for this site rezoning.
5. Promptly investigate and nominate suitable zonings for the site that will allow for the intended use.

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

AGAINST: Nil

CARRIED

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

Checklist for the review of a request for delegation of plan making functions to Councils

Local Government Area:

Shoalhaven City Council

Name of draft LEP:

Shoalhaven Local Environmental Plan 2014
PP070

Address of Land (if applicable):

The subject land is known as 100 St Vincent Street, Ulladulla and is legally described as Lot 1 DP 610880.

Intent of draft LEP:

The Planning Proposal seeks to amend Shoalhaven LEP 2014:

- Schedule 1 Additional Permitted Uses to introduce a new clause, to be numbered sequentially at the time the plan is made, to read:
 - #. Use of certain land at 100 St Vincent Street, Ulladulla**
 - (3) This clause applies to land identified as “Sch. 1.#” on the Clauses Map, being Lot 1 DP 610880, 100 St Vincent Street, Ulladulla.*
 - (4) Development for the purpose of group home (transitional) is permitted with development consent.*
- Clauses Map (CLS_016D) to identify the site as being subject to Sch 1.#.

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation	Council Response		Department Assessment	
	Yes or No	N/A	Agree	Not agree
Is the Planning Proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the Planning Proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the Planning Proposal contain details related to proposed consultation?	Y			
Is the Planning Proposal compatible with an endorsed regional or sub-regional strategy or local strategy endorsed by the Director-General?	Y			
Does the Planning Proposal adequately address any consistency with all relevant 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	N/A		
Heritage LEPS – Does the heritage assessment meet these criteria				
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	N/A		
Does the Planning Proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N	N/A		
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	N/A		
Reclassifications				
Is there an associated spot rezoning with the reclassification?	N	N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?	N	N/A		
Is the Planning Proposal proposed to rectify an anomaly in a classification?	N	N/A		
Will the Planning Proposal be consistent with an adopted POM or other strategy related to the site?	N	N/A		

Evaluation criteria for the issuing of an Authorisation	Council Response		Department Assessment	
	Yes or No	N/A	Agree	Not agree
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act, 1993?	N	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	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	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	N/A		
Spot Rezoning				
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?	N			
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 led 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 3.22 matters				
Does the proposed instrument:	N			
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?				
b. Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?	N			
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?	N			

Attachment C – State Environmental Planning Policies Checklist

State Environmental Planning Policy	Applies?	Relevant?	Consistent?
	Yes/No	Yes/No	Yes/No
Biodiversity and Conservation SEPP 2021	Yes	No	N/A
Exempt and Complying Development Codes 2008	Yes	No	N/A
Housing SEPP 2021	Yes	No	N/A
	As the applicable land zone, <i>E2 Commercial Core</i> , is not a prescribed zone in Chapter 3 Part 2 Group Homes, the Housing SEPP is not considered relevant to the PP process. Permissibility is being achieved via the inclusion of the 'Group home (transitional)' land use as a Schedule 1 Additional Permitted Uses in Shoalhaven LEP 2014, not via the SEPP. Once the amendment comes into effect, the Housing SEPP will be relevant and require consideration during the development assessment process.		
Industry and Employment SEPP 2021	Yes	No	N/A
Resilience and Hazards SEPP 2021	Yes	Yes	Yes – Refer to s4.2.1
Resources and Energy SEPP 2021	Yes	No	N/A
Planning Systems SEPP 2021	Yes	No	N/A
Precincts SEPPs 2021	No	N/A	N/A
Primary Production SEPP 2021	Yes	No	N/A
SEPP No. 65 – Design Quality of Residential Apartment Development	Yes	No	N/A
Sustainable Buildings SEPP 2022	Yes	No	N/A
Transport and Infrastructure SEPP 2021	Yes	No	N/A

Attachment D – s9.1 Ministerial Directions Checklist.

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MD	Subject	Applies? Yes/No	Relevant? Yes/No	Consistent?
Focus Area 1: Employment & Resources				
1.1	Implementation of Regional Plans	Yes	Yes	Refer to s 4.2.2
1.2	Development of Aboriginal Land Council Land	No	N/A	N/A
1.3	Approval and Referral Requirements	Yes	No	Refer to s 4.2.2
1.4	Site Specific Provisions	Yes	Yes	Refer to s 4.2.2
1.5 – 1.22	Planning Systems (Place based)	No	N/A	N/A
Focus Area 2: Design and Place – Directions for this Focus Area have not been finalised to date				
Focus Area 3: Biodiversity & Conservation				
3.1	Conservation Zones	Yes	No	N/A
3.2	Heritage Conservation	Yes	No	N/A
3.3	Sydney Drinking Water Catchments	No	No	N/A
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	No	N/A
3.5	Recreation Vehicle Areas	Yes	No	N/A
3.6	Strategic Conservation Planning	No	No	N/A
3.7	Public Bushland	No	No	N/A
3.8	Willandra Lakes Region	No	No	N/A
3.9	Sydney Harbour Foreshores and Waterways Area	No	No	N/A
3.10	Water Catchment Protection	No	No	N/A
Focus Area 4: Resilience & Hazards				
4.1	Flooding	Yes	Yes	Refer to s 4.2.2
4.2	Coastal Management	Yes	Yes	Refer to s 4.2.2
4.3	Planning for Bushfire Protection	No	No	N/A
4.4	Remediation of Contaminated Land	No	No	N/A
4.5	Acid Sulfate Soils	Yes	Yes	Refer to s 4.2.2
4.6	Mine Subsidence and Unstable Land	No	No	N/A
Focus Area 5: Transport & Infrastructure				
5.1	Integrating Land Use and Transport	Yes	Yes	Refer to s 4.2.2
5.2	Reserving Land for Public Purposes	Yes	No	N/A
5.3	Development Near Regulated Airports and Defence Airfields	No	No	N/A
5.4	Shooting Ranges	No	No	N/A
Focus Area 6: Housing				
6.1	Residential Zones	No	No	N/A
6.2	Caravan Parks and Manufactured Home Estates	Yes	No	N/A
Focus Area 7: Industry and Employment				
7.1	Employment Zones	Yes	Yes	Refer to s 4.2.2
7.2	Reduction in non-hosted short-term rental accommodation period	No	No	N/A
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	No	No	N/A

Focus Area 8: Resources and Energy				
8.1	Mining, Petroleum Production and Extractive Industries	No	No	N/A
Focus Area 9: Primary Production				
9.1	Rural Zones	No	No	N/A
9.2	Rural Lands	No	No	N/A
9.3	Oyster Aquaculture	No	No	N/A
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	No	No	N/A