

Planning Proposal – PP082

Instrument & Mapping





Acknowledgement of Country

Walawaani (welcome),

Shoalhaven City Council recognises the First Peoples of the Shoalhaven and their ongoing connection to culture and country. We acknowledge Aboriginal people as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

Walawaani njindiwan (safe journey to you all)

This acknowledgment includes Dhurga language. We recognise and understand that there are many diverse languages spoken within the Shoalhaven.

Prepared by: Strategic Planning Section

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1	Pre-Gateway Council Report	May 2026
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Background

Council has endorsed the preparation of a new land use planning scheme (New Scheme) for the Shoalhaven Local Government Area (LGA). This New Scheme includes adjustments to the Shoalhaven Local Environmental Plan 2014 (the LEP) to ensure the accuracy and operation is maintained and improved, and positive outcomes for the community are delivered in line with applicable strategic documents. These adjustments will be made via several sequenced planning proposals.

This planning proposal (PP) seeks to amend the LEP to address several housekeeping matters that are more urgent in nature.

On 26 May 2026, Council resolved ([MIN26.165](#), and [report](#)) at its Ordinary Meeting to submit this PP to the NSW Department of Planning, Housing and Infrastructure (Department) for a Gateway determination.



Part 1

Objectives and intended outcomes

Objective

The objective of this PP is to make minor instrument and mapping adjustments to the LEP to enhance accuracy and improve interpretation and application in the assessment process.

Intended outcome

The intended outcome of this planning proposal is to:

- Correct identified anomalies or inconsistencies in the LEP mapping.
- Respond to matters raised during development assessment processes to improve efficiency and support original intent of provisions.
- Correct clause intent following drafting/translation errors.

Part 2

Explanation of provisions

This Part of the planning proposal provides an explanation of the provisions that are to be included in the proposed changes to the LEP.

The objectives and intended outcomes of the planning proposal will be achieved by amending the LEP via instrument amendments as detailed in **Table 2** and several mapping amendments as detailed in **Table 3**.

The PP applies broadly to the City in relation to the Part 4 LEP Instrument matters, and specifically to the following land for the remaining matters as outlined in **Table 1**.

Table 1: List of specific land to which this PP applies

Locality	Address	Property description
Broughton Village	Donovan Road	Lot 5 DP 1304032
Berry	12 Homestead Lane 45 George Street 47 George Street 48 George Street 49 George Street George Street Road Reserve Lot 1 Clarence Street 32 Victoria Street	Lot 32 DP 1305024 Lot 2 DP 1037953 Lot 12 DP 737105 Lot 13 DP 788695 Lot 13 DP 737105 Land ID: 14071 & 106709 Lot 1 DP 951698 Lot 1 DP 531407
Bomaderry	16A Appleberry Close 16B Appleberry Close	Lot 121 DP 1278038 Lot 122 DP 1278038
South Nowra	Old Southern Road, South Nowra	Lot 60 DP 1281408
Sussex Inlet	Villagewood Drive 84 Birkdale Circuit 86 Birkdale Circuit	Lot 281 DP 1276796 Lot 200 DP 1276796 Lot 201 DP 1276796

	88 Birkdale Circuit	Lot 202 DP 1276796
	90 Birkdale Circuit	Lot 203 DP 1276796
	92 Birkdale Circuit	Lot 204 DP 1276796
	94 Birkdale Circuit	Lot 205 DP 1276796
	96 Birkdale Circuit	Lot 206 DP 1276796
	98 Birkdale Circuit	Lot 207 DP 1276796
	100 Birkdale Circuit	Lot 208 DP 1276796
	4 Birkdale Circuit	Lot 1007 DP 1247845
	6 Birkdale Circuit	Lot 1008 DP 1247845
	7 Birkdale Circuit	Lot 1076 DP 1247845
	8 Birkdale Circuit	Lot 1009 DP 1247845
	9 Birkdale Circuit	Lot 101 DP 1280553
	10 Birkdale Circuit	Lot 1010 DP 1247845
	11 Birkdale Circuit	Lot 1074 DP 1247845
	12 Birkdale Circuit	Lot 1011 DP 1247845
	14 Birkdale Circuit	Lot 1012 DP 1247845
	16 Birkdale Circuit	Lot 1013 DP 1247845
	18 Birkdale Circuit	Lot 1014 DP 1247845
	20 Birkdale Circuit	Lot 1015 DP 1247845
	22 Birkdale Circuit	Lot 1016 DP 1247845
	24 Birkdale Circuit	Lot 1017 DP 1247845
	26 Birkdale Circuit	Lot 1018 DP 1247845
	Birkdale Circuit	Lot 1006 DP 1247845
	Birkdale Circuit	Lots 1075 DP 1247845
	Birkdale Circuit Road Reserve	DP 1247845
	Villagewood Drive Road Reserve	DP 1247845
Mollymook Beach	2 Clifford Close	Lot 114 DP 1228280
Mollymook	30 Maisie Williams Drive	Lot 24 DP 1290219
	32 Maisie Williams Drive	Lot 23 DP 1290219
	34 Maisie Williams Drive	Lot 22 DP 1290219
	36 Maisie Williams Drive	Lot 21 DP 1290219
	38 Maisie Williams Drive	Lot 20 DP 1290219
	40 Maisie Williams Drive	Lot 19 DP 1290219

	42 Maisie Williams Drive	Lot 18 DP 1290219
	44 Maisie Williams Drive	Lot 17 DP 1290219
	46 Maisie Williams Drive	Lot 16 DP 1290219
	48 Maisie Williams Drive	Lot 15 DP 1290219
	50 Maisie Williams Drive	Lot 14 DP 1290219
	52 Maisie Williams Drive	Lot 13 DP 1290219
	54 Maisie Williams Drive	Lot 12 DP 1290219
	56 Maisie Williams Drive	Lot 11 DP 1290219
	58 Maisie Williams Drive	Lot 10 DP 1290219
	60 Maisie Williams Drive	Lot 9 DP 1290219
	62 Maisie Williams Drive	Lot 8 DP 1290219
	64 Maisie Williams Drive	Lot 7 DP 1290219
	66 Maisie Williams Drive	Lot 6 DP 1290219
	68 Maisie Williams Drive	Lot 5 DP 1290219
	70 Maisie Williams Drive	Lot 4 DP 1290219
	72 Maisie Williams Drive	Lot 3 DP 1290219
	74 Maisie Williams Drive	Lot 2 DP 1290219
	76 Maisie Williams Drive	Lot 1 DP 1290219
	Maisie Williams Drive Road Reserve	DP 1290219

Changes to existing provisions – instrument

To achieve the objectives and intended outcomes, this planning proposal seeks to amend Shoalhaven LEP 2014 as outlined in **Table 2**.

Table 2: Schedule of instrument amendments

Item	Clause	Proposed LEP amendment to achieve outcome
1	4.1A Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing, multi dwelling housing (terraces) and residential flat buildings	Due to an unintended consequence of drafting, a separate development application is required for the subdivision of a dwelling approved under this clause. The original intent of the clause was that the subdivision could be facilitated under clause 4.1A(4) and approved as part of the same development application as the dwelling. It is proposed to expand clause 4.1A(4) to also apply to a development application for the concurrent approval of a dual occupancy, manor house, multi

		dwelling housing or multi dwelling housing (terraces) and its subdivision so that each resulting individual dwelling is a separate lot. Refer to clause 4.1B(3)(a) of the Campbelltown LEP 2015 for a drafting example.
2	4.2A Subdivision of land in Zone RU1, Zone RU2 or Zone C3	Clause 4.2A(3) is based on clause 11(2)(d) and 11(3)(d)(ii) of Shoalhaven LEP 1985 (SLEP 1985) and relates to subdivision for the purpose of tourist and visitor accommodation. These SLEP 1985 clauses required a minimum road frontage of 400m for each lot created by a subdivision that was adjacent to a 'main or arterial road'. Due to an unintended consequence of drafting, the 400m 'classified' road frontage requirement has been drafted to apply to the parent lot. It is proposed to adjust clause 4.2A(3) to refer to each resulting lot with a frontage to a classified road, rather than the parent lot.
3	4.2D Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and conservation zones	Clause 6.5 allows the subdivision of urban release area (URA) land from the rural/conservation zoned land surrounding a URA, to allow the orderly development of the URA. The ability to create a residual lot (consisting of the rural/conservation zoned land) was introduced into the LEP in 2020 via LEP Amendment 28. This LEP amendment also removed the former subclause 2 (being: <i>Development consent may be granted for the erection of a dwelling house on a residual lot</i>), as it was determined that not all future residual lots were appropriate for the erection of dwellings due to their size, location or environmental constraints. Despite this change, it was not the intention of LEP Amendment 28 to extinguish a dwelling entitlement where available, however this has inadvertently occurred. It is proposed to add another provision to clause 4.2D(3)(d) to recognise a dwelling entitlement on a residual lot created under clause 6.5, if the original lot would have been a lot or a holding referred to in clause 4.2D(3) (a), (b) or (c), had it not been affected by the subdivision. If multiple residue lots (wholly within an approved land use zone) are created, only one dwelling entitlement will exist over the whole of the rural/conservation zoned land relating to the original lot.

4	Schedule 1 (9) Use of certain land in Maisie Williams Drive, Mollymook	This subclause allows for the additional permitted uses of dwelling house and dual occupancies in the MUI Mixed Use zone to the north of Maisie Williams Drive. This land is identified as "Sch 1.13" on the Clauses Map. Following the passing of time and the registration of the residential subdivision, it would be appropriate to now rezone the land to a residential zone to reflect the intent and ongoing use of the land. It is best practice to manage use via the land use table rather than additional permitted use. Rezoning to a residential zone will also resolve current subdivision limitations. Whilst there is an ability to strata subdivide resulting medium density development, there is no ability to undertake a Torrens subdivision. Clause 4.1A provides opportunities to undertake Torrens subdivision of certain medium density development, subject to meeting a minimum parent lot size, however as dual occupancies are not ordinarily permissible in the MUI zone, the clause does not offer any assistance in this location. Refer to mapping changes relating to this site at mapping item 7.
5	Schedule 5 Item 41	Increase number of trees applying to the listing from two to nine, applying to the following land in Berry: • 45, 47, 48, 49 George Street (Lot 2 DP 1037953, Lot 12 & 13 DP 737105, Lot 13 DP 788695). • George Street Road Reserve. • Clarence Street (Lot 1 DP 951698). • 32 Victoria Street (Lot 1 DP 531407). Refer to mapping changes relating to this item at mapping item 3.

Changes to existing provisions – mapping

The following properties are the subject of mapping amendments in this planning proposal. Further commentary that explains the rationale of these amendments, where relevant, is provided in **Table 3**.

Table 3: Schedule of mapping amendments

Item	Property	Proposed amendment	Purpose
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1	Donovan Road, Broughton Village (Lot 5 DP 1304032)	Land Zoning (LZN_018) Rezone land to RUI Primary Production. Lot Size (LSZ_018) Apply 40ha (AB4) minimum lot size to the land.	The land has been subdivided from the bypass route, following the finalisation of the NSW Government's Foxground and Berry bypass project. The land is no longer required for road purposes and mapping should be consistent with the surrounding area. No new dwelling entitlements are being created.
2	12 Homestead Lane, Berry (Lot 32 DP 1305024)	Land Zoning (LZN_019E) Rezone SP2 Infrastructure part of the land to RUI Primary Production. Lot Size (LSZ_019E) Apply 40ha (AB4) minimum lot size to the part of the land being rezoned to RUI Primary Production.	To tidy up the mapping relating to the land following the finalisation of the NSW Government's Foxground and Berry bypass project.
3	45, 47, 48, 49 George Street, Berry (Lot 2 DP 1037953, Lot 12 & 13 DP 737105, Lot 13 DP 788695). George Street Road Reserve, Berry Clarence Street (Lot 1 DP 951698) 32 Victoria Street (Lot 1 DP 531407)	Heritage (HER_019E) Refine mapping to show the nine remnant old growth eucalypt trees of significance (rather than just two) in the correct location: • Tree 1 & 3: George Street Road Reserve. • Tree 2: 45 George Street and George Street Road Reserve. • Tree 4 & 5: 32 Victoria Street, 48 George Street and George Street Road Reserve. • Tree 6: 47 & 49 George Street and George Street Road Reserve. • Tree 7: 49 George Street, Lot 1 Clarence Street and George Street Road Reserve.	To ensure that the trees of significance are identified and mapped in the correct location.

		Tree 8 & 9: Lot 1 Clarence Street and George Street Road Reserve. Refer to the survey at Appendix A for more information.	
4	16A Appleberry Close, Bomaderry (Lot 121 DP 1278038) 16B Appleberry Close, Bomaderry (Lot 122 DP 1278038)	Land Zoning (LZN_013D) Rezone RU2 Rural Landscape part of the land to R1 General Residential. Lot Size (LSZ_013D) Change minimum lot size from 40ha (AB4) to 500m² (I).	For consistency of zoning and lot size over the land following a recent boundary adjustment (SF10803).
5	Old Southern Road, South Nowra (Lot 60 DP 1281408)	Terrestrial Biodiversity (BIO_013F) Remove Terrestrial Biodiversity (Excluded Land) layer from the part of the lot that has been cleared or is a road/drainage device. Clauses (CLS_013F) Remove Clauses layer. Land Zoning (LZN_013F) Rezone residential lots (and road reserve) that are partially zoned E3 Productivity Support to R1 General Residential. Rezone remainder of E3 Productivity Support zone to C2 Environmental Conservation. Rezone R1 General Residential zoned public reserve to RE1 Public Recreation and sewage pumping station land to SP2 Infrastructure (Sewerage System). Lot Size (LSZ_013F) Add 40ha (AB4) Lot Size layer to the part of the lot that will be rezoned to C2 Environmental Conservation. Remove 500m² (I) Lot Size layer from the public reserve and sewage pumping station land. Riparian Lands and Watercourses (WCL_013F) Remove the watercourse layer from the lot.	To ensure consistency and accuracy of mapping following the recent residential subdivision that occurred (SF10743). The land subdivided for residential purposes is cleared of vegetation. The residual lot in the southwestern corner includes a category 2 watercourse, is subject to a riparian zone buffer, includes significant vegetation species and is flood prone.

6	Villagewood Drive, Sussex Inlet (Lot 281 DP 1276796). 84, 86, 88, 90, 92, 94, 96, 98, 100 Birkdale Circuit, Sussex Inlet (Lots 200 – 208 DP 1276796). 4, 6 – 12, 14, 16, 18, 20, 22, 24, 26 Birkdale Circuit, Sussex Inlet (Lots 1007 – 1018 DP 1247845, Lot 1074 & 1076 DP 1247845, Lot 101 DP 1280553). Birkdale Circuit, Sussex Inlet (Lots 1006 & 1075 DP 1247845). Birkdale Circuit Road Reserve, Sussex Inlet (DP 1247845). Villagewood Drive Road Reserve, Sussex Inlet (DP 1247845)	Terrestrial Biodiversity (BIO_015G) Remove Terrestrial Biodiversity (Excluded Land) layer from Lots 1009 – 1018 DP 1247845, Lot 1074 & 1076 DP 1247845, Lot 101 DP 1280553, Lot 1075 DP 1247845, Villagewood Drive Road Reserve and Birkdale Circuit Road Reserve. Land Zoning (LZN_015G) Rezone RE2 Private Recreation part of Lots 200 – 208 DP 1276796 to R1 General Residential. Rezone the R1 General Residential part of Lot 281 DP 1276796 (adjacent to 84 Birkdale Circuit) to RE2 Private Recreation. Rezone Lot 1075 DP 1247845 to SP2 Infrastructure (Sewer Pumping Station). Lot Size (LSZ_015G) Expand 500m²(I) Lot Size layer over entirety of Lots 200 – 208 DP 1276796 to R1 General Residential. Remove Lot Size layer from the part of Lot 281 DP 1276796 (adjacent to 84 Birkdale Circuit) and Lot 1075 DP 1247845. Riparian Lands and Watercourses (WCL_015G) Remove Watercourse Layer from Lots 1006 – 1008 DP 1247845 and Villagewood Drive Road Reserve.	To ensure consistency and accuracy of mapping following the residential subdivision that occurred (SF10425).
7	2 Clifford Close, Mollymook Beach (Lot 114 DP 1228280) Maisie Williams Drive Road Reserve, Mollymook (DP 1290219) 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76 Maisie Williams Drive, Mollymook (Lots 1 – 24 DP 1290219)	Terrestrial Biodiversity (BIO_016C) Remove Terrestrial Biodiversity (excluded land) layer from Lot 24 DP 1290219. Clauses (CLS_016C) Remove Clauses layer from Lot 114 DP 1228280, adjacent road reserve (DP 1290219 and Lots 17–24 DP 1290219. Height of Buildings (HOB_016C) Add height of building layer 8.5m(I2) to Lots 17–24 DP 1290219 (and adjacent part of road reserve DP1290219).	To ensure consistency and accuracy of mapping following the recent residential subdivision that occurred via SF10658. Lot 114 is the Mollymook Golf Club and the part of the land subject to this item is constrained

		Land Zoning (LZN_016C) Rezone MUI Mixed Use part of Lot 114 DP 1228280 (and adjacent part of road reserve DP1290219) to RE2 Private Recreation. Rezone Lots 17-24 DP 1290219 (and adjacent part of road reserve DP1290219) to R2 Low Density Residential. Lot Size (LSZ_016C) Remove Lot Size layer from the part of Lot 114 DP 1228280 that will be rezoned to RE2 Private Recreation and adjacent road reserve (DP 1290219). Expand 500m²(l) Lot Size layer over entirety of Lots 17-24 DP 1290219. Scenic Protection (SCP_016C) Remove Scenic Protection layer from Lot 1 DP 1290219 and road reserve (DP 1290219).	by an asset protection zone relating to the SF10658 subdivision and does not have future development potential in line with an MUI zone. The land subdivided for residential purposes is cleared of vegetation.
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Part 3

Justification of strategic or site-specific merit

This section provides a justification and strategic merit of the planning proposal and has been prepared in accordance with the Department's *Local Plan Making Guideline* (August 2023). It assesses the proposed amendments as a whole and its alignment with the region plan as well as Shoalhaven's strategic planning statement (LSPS) and strategic plans.

Throughout this section, links to detailed information is provided. You can view this information by electing the **bold** text (by placing cursor over relevant text and selecting the Control key on your keyboard).

Table 4 below outlines the matters for consideration and evaluation criteria to provide the justification for the planning proposal.

Table 4: Matters for consideration

Section A – need for a planning proposal		
1	Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?	While most of these amendments are not the result of a strategic study or report, they are consistent with Council's policy position and will help achieve the expected outcomes of the LEP. The proposed amendments cover a range of mapping and instrument related matters, which have been identified as housekeeping issues that need to be addressed to ensure that the LEP operates as originally intended or to improve its accuracy. Instrument item 5 and mapping item 3 of this PP relating to George Street, Berry, is supported by a contemporary survey to accurately identify the location of the trees with significance (Appendix A).
2	Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The PP is the best and only means of addressing the instrument adjustments, mapping errors and anomalies that have been identified within SLEP 2014. There is no other way to achieve the required outcomes.

Section B – relationship to the strategic planning framework		
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)?	The Shoalhaven LGA is part of the Illawarra-Shoalhaven Region and is included in the Illawarra-Shoalhaven Regional Plan 2041 (ISRP). The PP is generally consistent with the ISRP. See also Relationship to the strategic planning framework .
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?	This PP is generally consistent with the following strategies: - Shoalhaven 2040 – Strategic Land-use planning statement (LSPS) - Shoalhaven 2035 – Community Strategic Plan - Shoalhaven Growth Management Strategy See also Relationship to the strategic planning framework .
5	Is the planning proposal consistent with any other applicable State and regional studies or strategies?	There are no State and regional studies or strategies that are directly relevant to this PP.
6	Is the planning proposal consistent with applicable SEPPs?	This PP is generally consistent with the applicable SEPPs as summarised in Table 6 . See also Consistency with State Environmental Planning Policies (SEPPs) .
7	Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?	This PP is generally consistent with all Local Planning/Ministerial Directions issued under section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> , as summarised in Table 7 . See also Consistency with Consistency with Local Planning / Ministerial Directions .
Section C – environmental, social and economic impact		
8	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? (including any exhibited draft plans or strategies)?	The likelihood that critical or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the PP is very low. The PP proposes to make amendments to the LEP that are of a housekeeping nature. Mapping items 5, 6 and 7 propose to refine Terrestrial Biodiversity and/or watercourses mapping layers; however, these changes are unlikely to adversely impact on threatened species or their habitat as the intent is to remove the layer from cleared areas only.

		Any future use of the land will consider environmental impacts as part of the development assessment process.
9	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, and any future development would consider environmental impacts as part of the development assessment process.
10	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. Resolution of a range of mapping anomalies may also result in positive social and economic benefits through the ability to utilise the Codes SEPP for certain development.
Section D – Infrastructure (Local, State and Commonwealth)		
11	Is there adequate public infrastructure for the planning proposal?	The PP does not create additional requirements for public infrastructure. It facilitates development in areas that already have an urban zone. The public infrastructure requirements have or will be considered as these areas are considered for development.
Section E – State and Commonwealth Interests		
12	What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination.	Consultation with the following Government / Statutory agencies has been undertaken prior to the Gateway Determination stage: • Transport for NSW. • WaterNSW. It is anticipated that the Gateway Determination will determine if any additional government consultation is required. Agency consultation detail is outlined in Appendix B.

Relationship to the strategic planning framework

The planning proposal will give effect to the strategic plans and needs of the City. **Table 5** below outlines how the planning proposal has been justified against the relevant strategic objectives, directions, planning priorities and specific actions relevant to the City.

Table 5: Strategic objectives, directions, planning priorities & actions relevant to the PP

Illawarra Shoalhaven Regional Plan 2041 (ISRP)	
Objective 18:	Provide housing supply in the right locations (18.2)
Strategy 18.2 encourages councils to <i>“Facilitate housing opportunities in existing urban areas. Strategic planning and local plans should consider opportunities to review planning controls so that they are creating flexible and feasible conditions for housing supply”</i>. This PP seeks to resolve several matters that are currently resulting in impediments to efficient housing supply in the right locations (e.g., mapping items 5, 6 and 7).	
Objective 23:	Celebrate, conserve and reuse cultural heritage (23.1)
Strategy 23.1 encourages councils to ensure accurate identification and management of heritage items to guide future planning and development. This PP seeks to ensure heritage items are accurately identified and spatially mapped in LEPs to support planning decisions and effective heritage conservation (e.g., mapping item 3).	
Shoalhaven Growth Management Strategy (GMS)	
The current Shoalhaven Growth Management Strategy (GMS) was adopted by Council in December 2012 and endorsed by the NSW Government in May 2014. The GMS sets out broad principles for planning growth across the city and incorporates several more detailed settlement strategies/structure plans, including the endorsed Nowra Bomaderry Structure Plan, Jervis Bay Settlement Strategy, Sussex Inlet Settlement Strategy and Milton Ulladulla Structure Plan. The PP is not inconsistent with the GMS.	
Shoalhaven 2040 – Strategic Land-use Planning Statement (SLPS 2020)	
The Shoalhaven 2040 – Strategic Land-use Planning Statement endorsed by the NSW Government, includes a number of priorities that are relevant to this PP.	
Planning Priority 1	Providing homes to meet all needs and lifestyles
This PP will assist in the timely approval of new dwellings following the proposed housekeeping adjustments and will also facilitate complying development opportunities in some locations.	
Planning Priority 8	Supporting agriculture and aquaculture
Agriculture and aquaculture are important to Shoalhaven’s economy and landscape and should be supported through appropriate planning controls that protect productive land and minimise further fragmentation. The PP does not enable additional rural land fragmentation or reduce the viability of agricultural uses. The amendments improve the operation of existing controls and maintain the strategic intent of protecting land used for primary production.	
Planning Priority 14	Heritage items and places

This planning priority recognises that the Shoalhaven has a rich heritage and makes valuable contributions to places. This PP includes a heritage mapping refinement (mapping item 3) to ensure that significant remnant old growth eucalypt trees are accurately identified and mapped.
Planning Priority 15 Scenic and cultural landscapes
This planning priority recognises the importance of areas of high scenic value and the need to protect and enhance these areas. This PP includes the removal of part of the scenic protection zone at Maisie Williams Drive, Mollymook (mapping item 7) as the area has been subject to a recent subdivision, bulk earth works and road construction. The PP remains consistent with this planning priority as the former scenic values no longer remain. No other scenic protection areas have been impacted.
Shoalhaven 2032 – Community Strategic Plan (CSP)
The PP is consistent with Council’s Community Strategic Plan (Shoalhaven 2035). The key priorities are outlined below.
Sustainable environments and liveable communities Liveable neighbourhoods and sustainable development (2.2)
This PP provides planning outcomes that meet the current and emerging needs of the Shoalhaven Community; including managing development expectations, improving LEP accuracy and streamlining certain provisions relating to housing.
Resilient local economies and enabling infrastructure Housing for all (3.3)
This PP addresses unintended ‘road blocks’ to housing delivery and related subdivision.

Consistency with State Environmental Planning Policies (SEPPs)

Table 6 below outlines the assessment of the planning proposal against any relevant SEPPs.

Table 6: Consistency with State Environmental Planning Policies (SEPP’s)

State Environmental Planning Policy	Comment
SEPP (Housing) 2021	The PP does not alter residential permissibility or density controls. Instead, it improves the operation of the LEP and enables greater usage of the exempt and complying development pathways in the Housing SEPP, supporting delivery of housing consistent with the objectives of the Housing SEPP.
SEPP (Biodiversity and Conservation) 2021	The PP includes removal and refinement of terrestrial biodiversity and scenic protection mapping where subdivision has already occurred, or mapping anomalies exist. These amendments reflect updated site conditions

	and cadastral boundaries rather than a reduction in environmental protection. The PP does not alter biodiversity assessment pathways or introduce additional development potential. The impact of the PP is minor in nature and is therefore not inconsistent with the intent of the <i>Biodiversity and Conservation SEPP 2021</i> .
SEPP (Resilience and Hazards) 2021	The PP removes mapped riparian land and watercourse areas where subdivision earthworks have modified site conditions to the extent that these features are no longer present. The proposed amendments do not alter flood planning provisions, bushfire prone land mapping, or any other hazard related constraints. The proposal is administrative in nature, a minor amendment to existing controls, and not inconsistent with the <i>Resilience and Hazards SEPP 2021</i> .
SEPP (Transport and Infrastructure) 2021	Not inconsistent
SEPP (Industry and Employment) 2021	Not inconsistent
SEPP (Resources and Energy) 2021	Not inconsistent
SEPP (Primary Production) 2021	Not inconsistent
SEPP (Planning Systems) 2021	Not inconsistent
SEPP (Precincts–Eastern Harbour City) 2021	Not applicable
SEPP (Precincts–Central River City) 2021	Not applicable
SEPP (Precincts–Western Parkland City) 2021	Not applicable
SEPP (Precincts – Regional) 2021	Not inconsistent
SEPP (Exempt and Complying Development Codes) 2008	Refinement of provisions and mapping will enable greater development opportunities under this SEPP.
SEPP (Sustainable Buildings) 2022	Not inconsistent

Consistency with Local Planning / Ministerial Directions

This section provides an assessment of the planning proposal against the directions issued by the Minister regarding the content of LEPs, to the extent that the content must achieve or give effect to particular principles, aims, objectives or policies set out in those directions. See **Table 7**.

Table 7: Consistency with Local Planning / Ministerial Directions

Ministerial Direction		Comment
Focus area 1: Planning Systems		
1.1	Implementation of Regional Plans	The PP is generally consistent with the Illawarra Shoalhaven Regional Plan. See also Relationship to the strategic planning framework .
1.2	Development of Aboriginal Land Council land	Not applicable
1.3	Approval and Referral Requirements	This PP does not hinder the efficient and appropriate assessment of development.
1.4	Site Specific Provisions	This PP does not result in unnecessarily restrictive site specific planning controls.
1.4A	Exclusion of Development Standards from Variation	Not applicable
Focus area 1: Planning Systems – Place-based		
1.5	Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10	Implementation of Western Sydney Aerotropolis Plan	Not applicable
1.11	Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable

1.14	Implementation of Greater Macarthur 2040	Not applicable
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.16	North West Rail Link Corridor Strategy	Not applicable
1.17	Implementation of the Bays West Place Strategy	Not applicable
1.18	Implementation of the Macquarie Park Innovation Precinct	Not applicable
1.19	Implementation of the Westmead Place Strategy	Not applicable
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not applicable
1.21	Implementation of the South West Growth Area Structure Plan	Not applicable
1.22	Implementation of the Cherrybrook Station Place Strategy	Not applicable
Focus area 2: Design and Place		
	No directions in place	
Focus area 3: Biodiversity and Conservation		
3.1	Conservation Zones	The PP does not reduce the protection and conservation standards of environmentally sensitive areas. This PP is housekeeping in nature and whilst it seeks to remove watercourse and biodiversity mapping in certain locations, it does so in the context of changed site conditions following subdivision works. The subject lands have been substantially cleared and reformed. The PP is not considered inconsistent with this Direction.
3.2	Heritage Conservation	The PP seeks to refine the heritage mapping relating to 47 George Street, Berry (mapping item 1), to more accurately identify the location of the subject trees. This change will better facilitate awareness and conservation of the remnant vegetation. The PP is not inconsistent with this Direction.
3.3	Sydney Drinking Water Catchments	This direction applies as this PP affects land within the Sydney drinking water catchment; however, this

		is only the case in relation to instrument items 1 and 2. These items seek to: • Instrument item 1: Allow a dual occupancy development and subdivision to be considered in the same development application, rather than two separate applications. • Instrument item 2: Ensure that each resulting tourism lot has a frontage of 400m to a classified road in Zone RU1, Zone RU2 or Zone C3, rather than the parent lot. It is considered that the proposed changes will not adversely impact upon water quality in the catchment area, nor is it likely to disturb land and water capability in these areas. There are no known existing water quality risks to any waterways, and Strategic Land and Water Capability Assessment are not relevant in this instance due to the broad nature of the PP. The impacts of future development on drinking water quality will be considered at the assessment stage. WaterNSW was consulted prior to the Gateway Determination stage. Refer to Appendix B for more information.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5	Recreation Vehicle Areas	This PP does not seek to enable land to be developed for the purpose of a recreation vehicle area.
3.6	Strategic Conservation Planning	Not applicable
3.7	Public Bushland	Not applicable
3.8	Willandra Lakes Region	Not applicable
3.9	Sydney Harbour Foreshores and Waterways Area	Not applicable
3.10	Water Catchment Protection	Not applicable
Focus area 4: Resilience and Hazards		
4.1	Flooding	This direction applies as the PP relates to various land across the City, some of which may be identified as flood prone land.

		Mapping item 4 is the only land directly impacted by this Direction. The land is above the flood planning area (FPA) (green in below image) and is only marginally impacted by the probable maximum flood area (PMF) (purple in below image). As such the proposal is consistent with part 4.1(2) of the Direction.  It is noted that part 4.1(4) of the Direction applies to areas between the FPA and PMF. However, the proposed housekeeping adjustments and nature of existing (and future) development would not trigger Special Flood Considerations. Any inconsistency is considered minor in nature as the proposed changes are of a housekeeping nature and any development assessment process for future development would consider these matters in detail (as relevant).
4.2	Coastal Management	This direction applies as the PP affects land within the coastal zone, as defined under the <i>Coastal Management Act 2016</i>. The PP is housekeeping in nature and does not seek to rezone land to increase development potential or achieve more intensive land uses in vulnerable coastal areas. The proposed zoning adjustments only seek to resolve inconsistencies and align with approved subdivision outcomes.
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 land. 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). In accordance with the direction, Council will consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to undertaking community consultation. Any comments made will be duly considered.
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 contamination (as relevant).
4.5	Acid Sulfate Soils	This direction applies as the PP relates to various land across the City which is mapped as having acid sulphate soils. The impacts of the PP is minor in nature and is not considered to be inconsistent with the Acid Sulfate Soils Planning Guidelines.
4.6	Mine Subsidence and Unstable Land	Not applicable
Focus area 5: Transport and Infrastructure		
5.1	Integrated Land Use and Transport	This PP seeks to make changes to urban land; however, it does so in the context housekeeping adjustments. The outcomes of the PP are not inconsistent with the objectives of this Direction.
5.2	Reserving Land for Public Purposes	This PP seeks to rezone land relating to mapping item 5 and 7 for the purpose of recreation (Shoalhaven City Council) and sewage station/sewer pumping station (Shoalhaven Water), following recent subdivision works. The PP is housekeeping in nature and not considered inconsistent with this Direction.
5.3	Development Near Regulated Airports and Defence Airfields	Due to the housekeeping nature of this PP, there are no foreseen adverse impacts to the effective and safe operation of HMAS Albatross.
5.4	Shooting Ranges	Not applicable

5.5	High Pressure Dangerous Goods Pipelines	Not applicable
Focus area 6: Housing		
6.1	Residential Zones	This direction applies as the PP affects land within existing residential zones. The PP is generally consistent 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 any land.
6.2	Caravan Parks and Manufactured Home Estates	Due to the housekeeping nature of this PP, it is unlikely that there will be any adverse impacts on opportunities for caravan parks and manufactured home estates.
Focus area 7: Industry and Employment		
7.1	Employment Zones	The PP seeks to rezone: - E3 Productivity Support zoned land at South Nowra to part C2 Environmental Conservation and part R1 General Residential (mapping item 5). - MU1 Mixed Use zoned land at Mollymook to R2 Low Density Residential (mapping item 7). The zoning changes in the PP reflect the intended uses of subdivision approvals, and in the case of mapping item 7, the land was always intended for residential purposes as shown by the additional permitted uses (dwelling house and dual occupancy development) currently applied to the lots. As such, any inconsistencies are considered minor in nature.
7.2	Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
Focus area 8: Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	This PP does not prohibit or restrict development of resources or propose land uses that may create land use conflicts in this regard.
Focus area 9: Primary Production		
9.1	Rural Zones	This PP includes the rezoning of RU2 Rural Landscape zoned land to R1 General Residential

		(mapping item 4), however this is to reflect the new lot boundaries following a recent boundary adjustment. Any inconsistency is considered minor in nature.
9.2	Rural Lands	This PP includes the rezoning of rural land and adjustments to existing rural and conservation zone boundaries (mapping items 1, 2, 4, 5 and 6), however this is to reflect current conditions following recent boundary adjustments/ subdivisions. Any inconsistency is considered minor in nature.
9.3	Oyster Aquaculture	Due to the housekeeping nature of this PP, it is unlikely that there will be any adverse impacts on 'Priority Oyster Aquaculture Areas' in the LGA (i.e., Shoalhaven River, Crookhaven River, Currumbene Creek, Moona Moona Creek, Conjola River, Narrawallee Creek, Burrill Lake) or other oyster aquaculture leases.
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

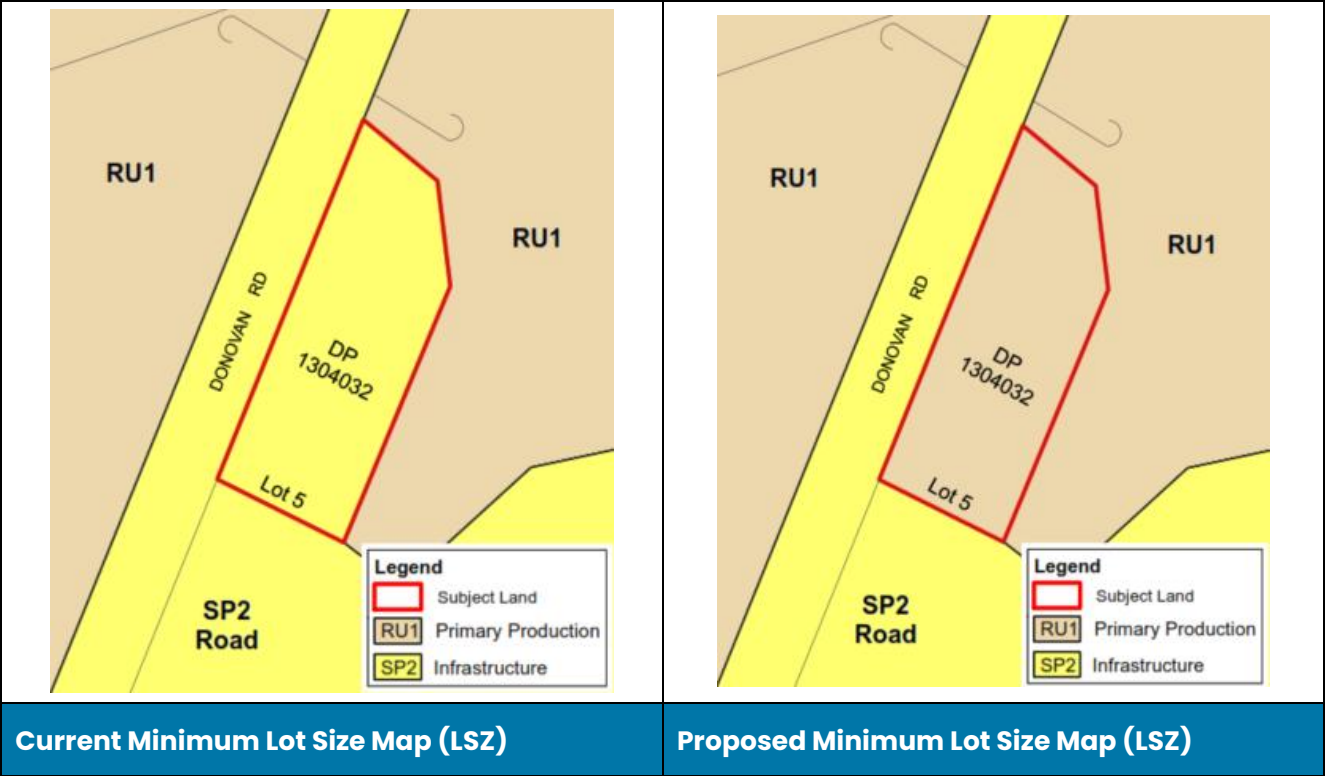
Part 4

Maps

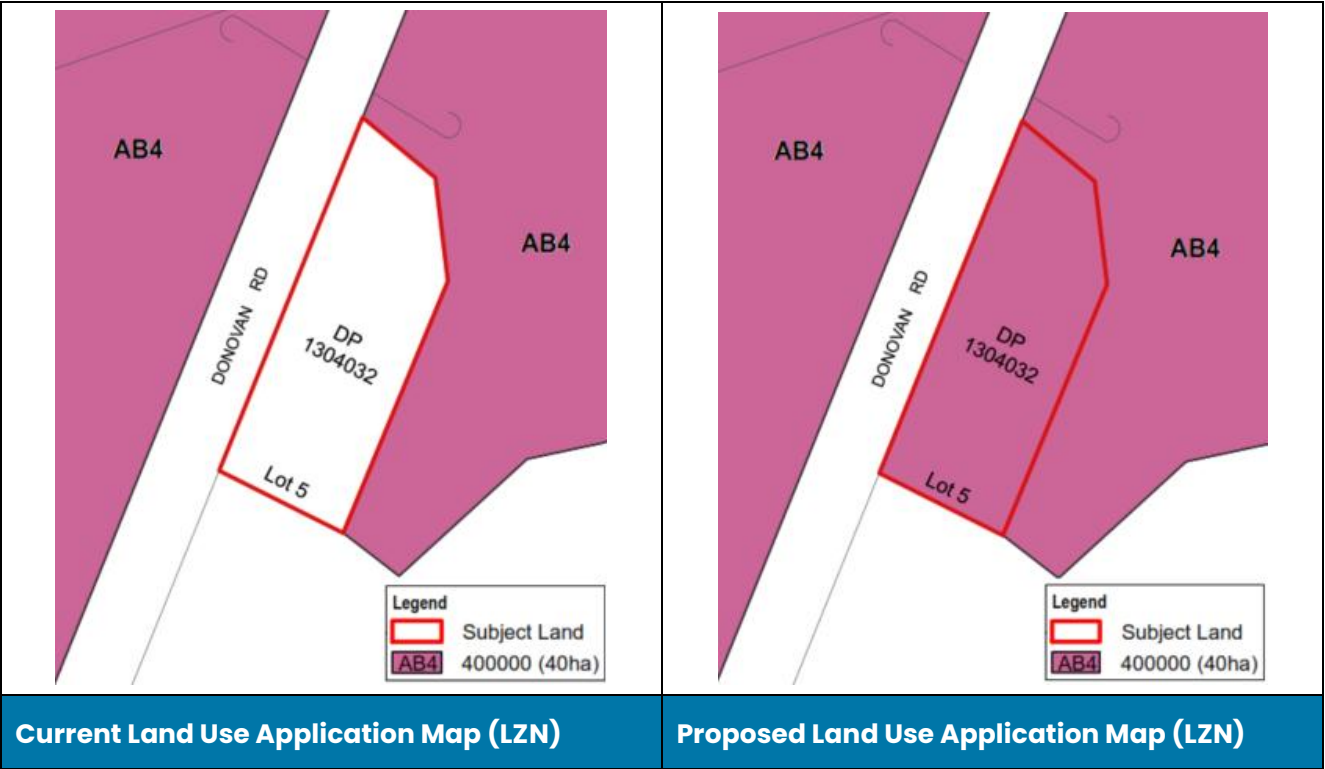
A thumbnail summary of the mapping amendments for each mapping item is provided below.

Mapping item 1 – Donovan Road, Broughton Village

Minimum Lot Size (LSZ_018)

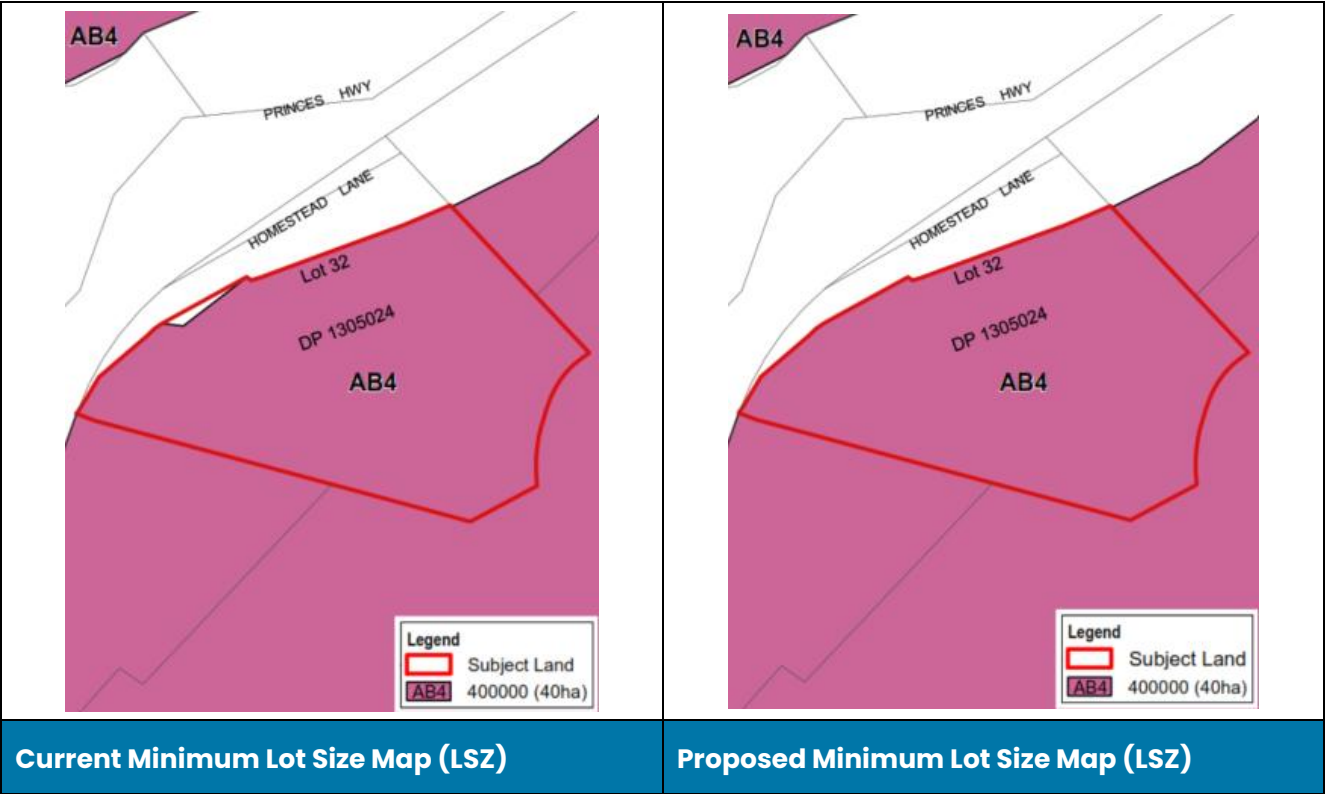


Land Use Zones (LZN_018)

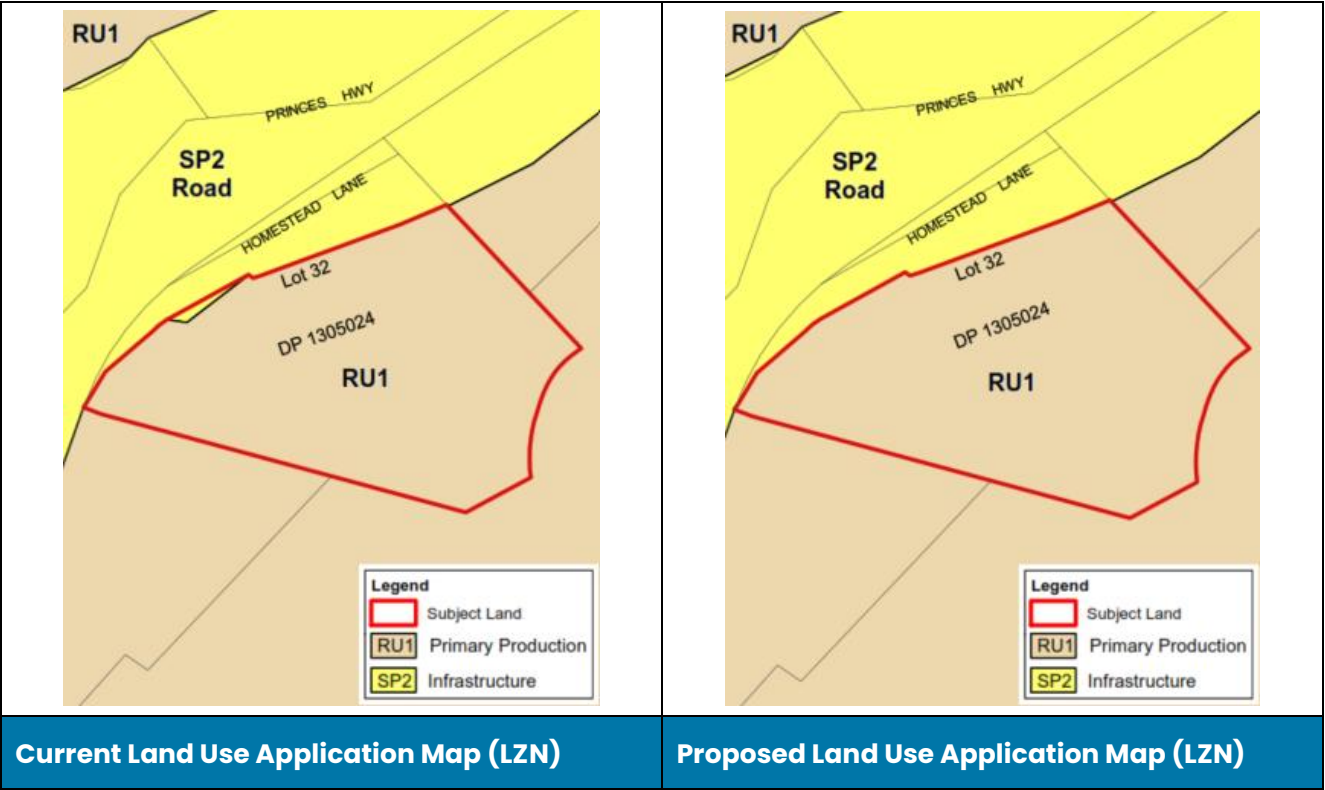


Mapping item 2 – Homestead Lane, Berry

Minimum Lot Size (LSZ_019E)

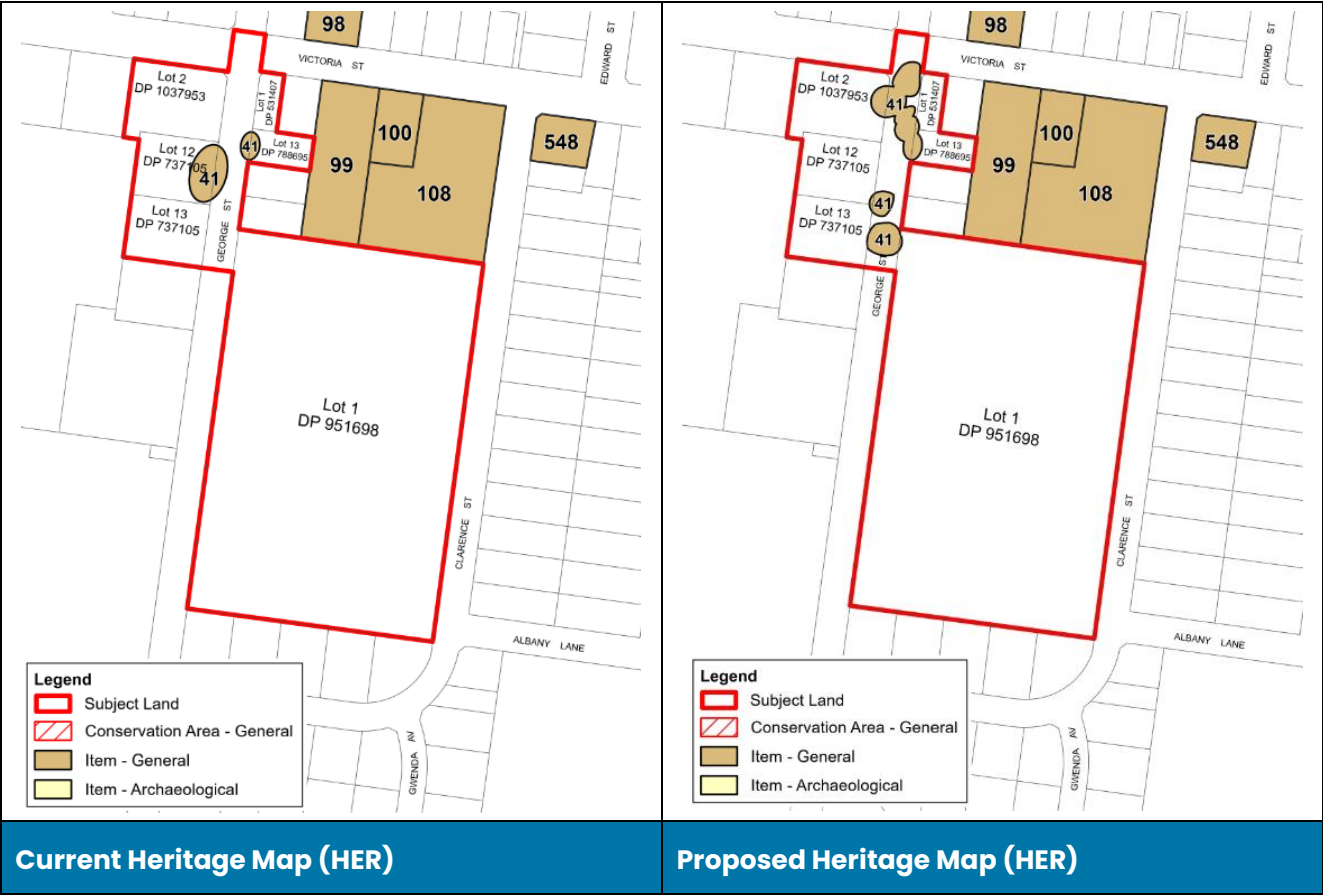


Land Use Zones (LZN_019E)



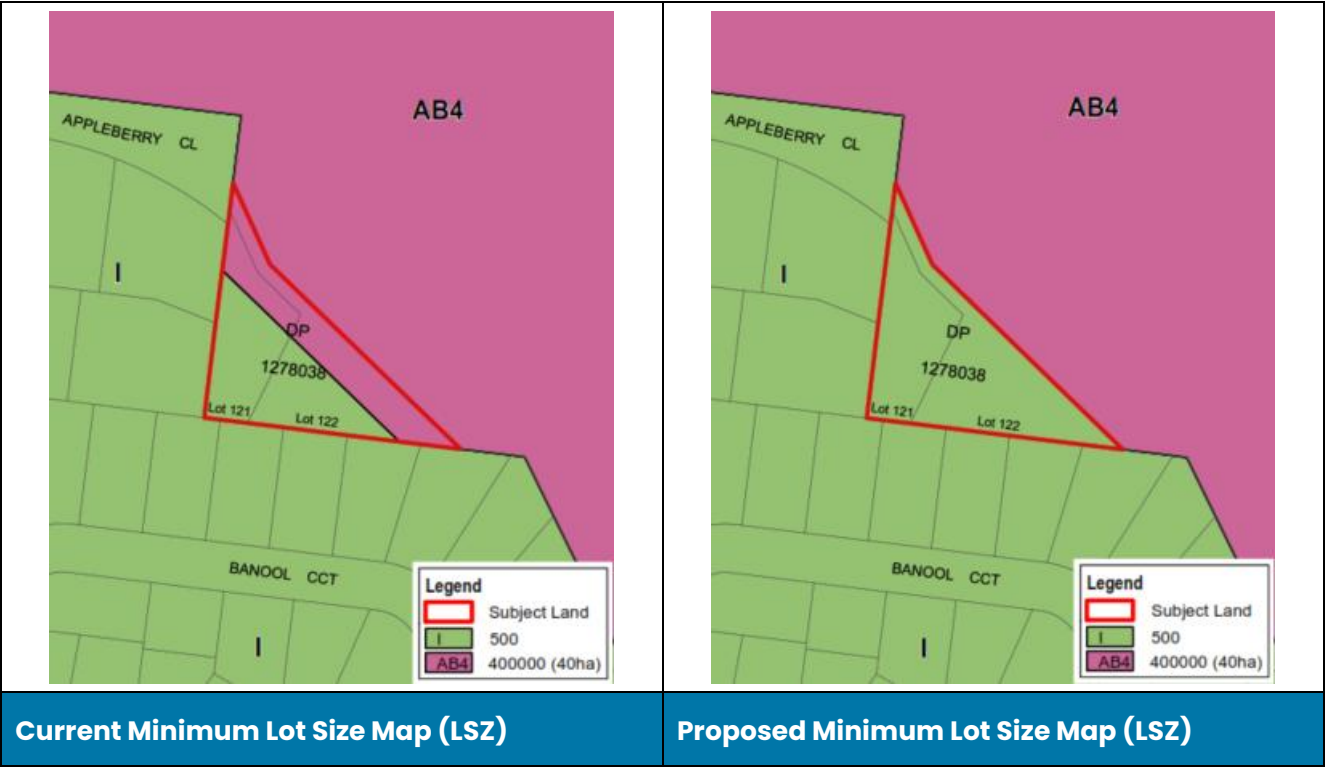
Mapping item 3 – George Street, Berry

Heritage (HER_019E)

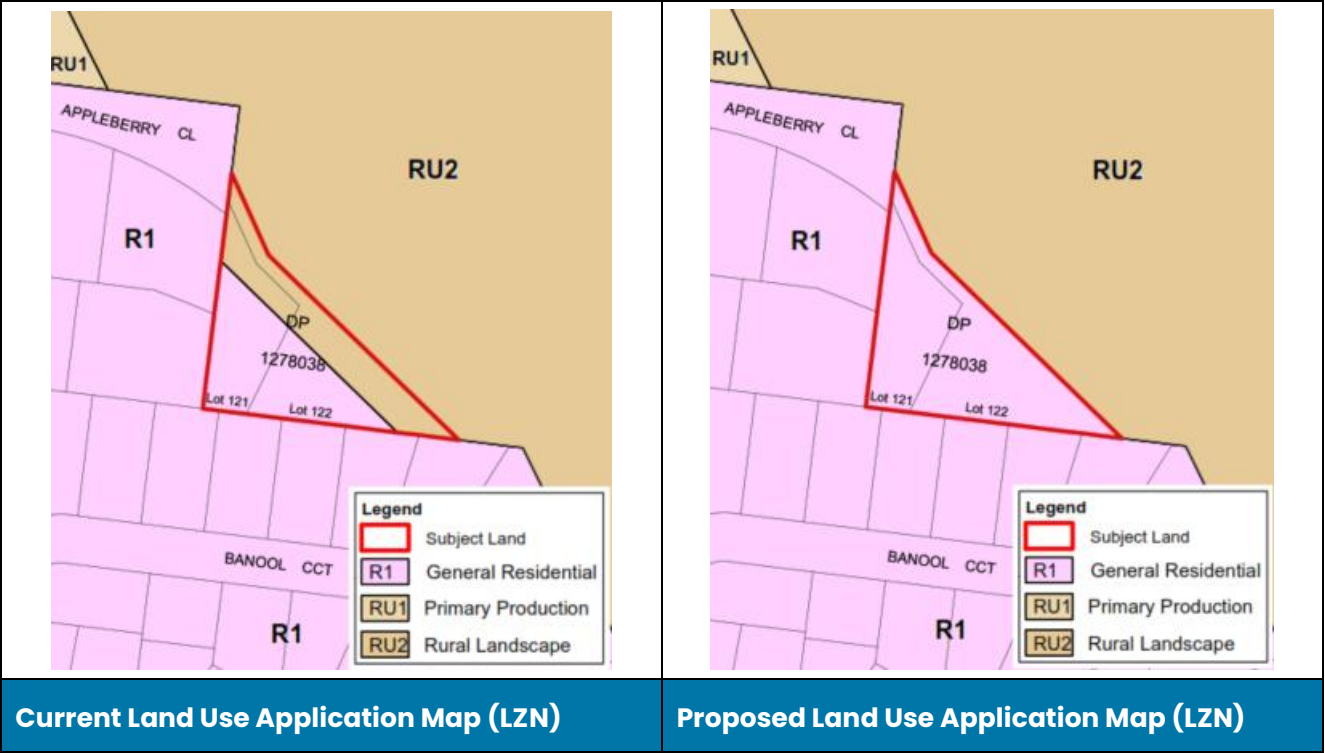


Mapping item 4 – Appleberry Close, Bomaderry

Minimum Lot Size (LSZ_013D)



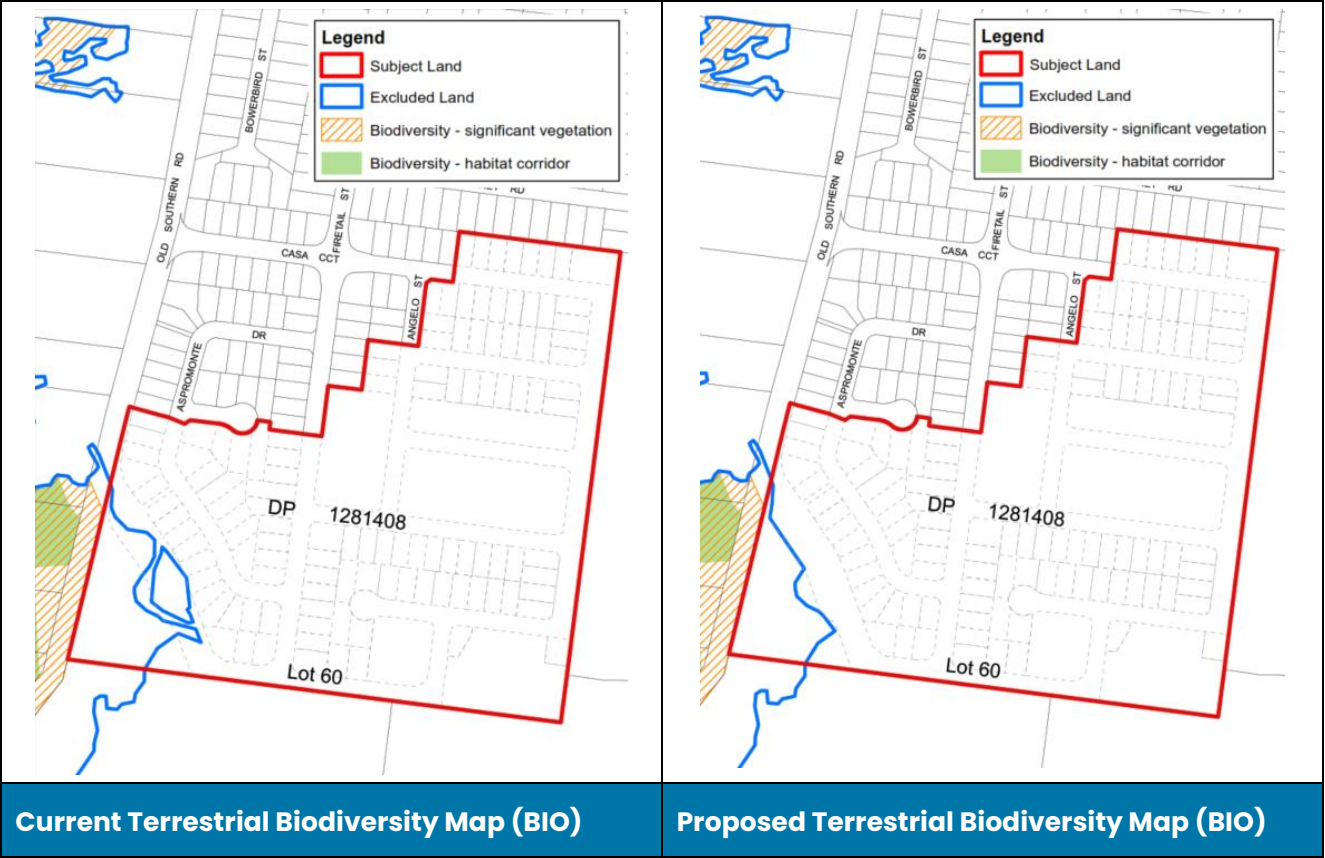
Land Use Zones (LZN_013D)



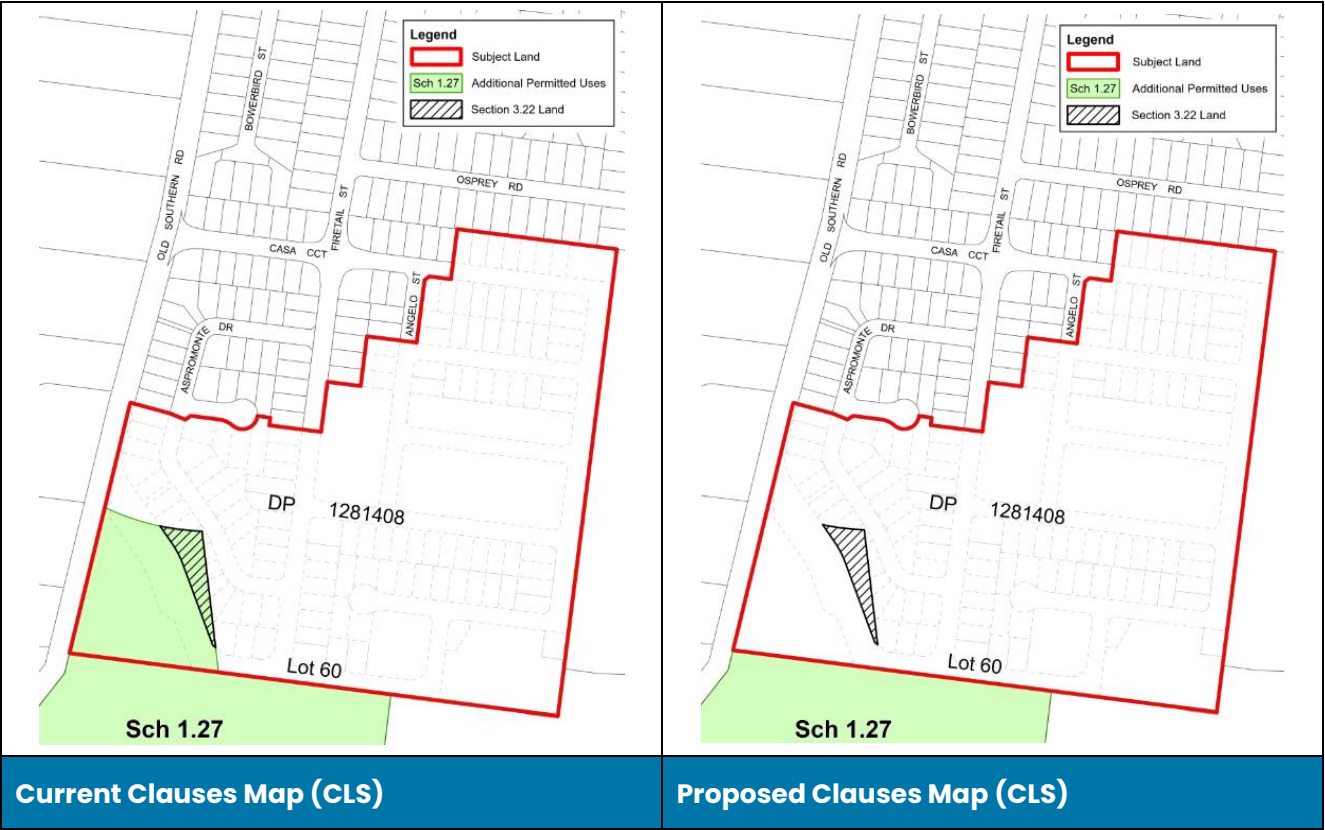
Mapping item 5 – Old Southern Road, South Nowra

The Local Clauses, Minimum Lot Size and Land Zoning relating to the resulting residential lots in this subdivision is proposed to be adjusted by a separate Section 3.22 minor amendment which has been submitted to the Department. The location of that land is shown on the relevant maps below for context and does not form part of this PP.

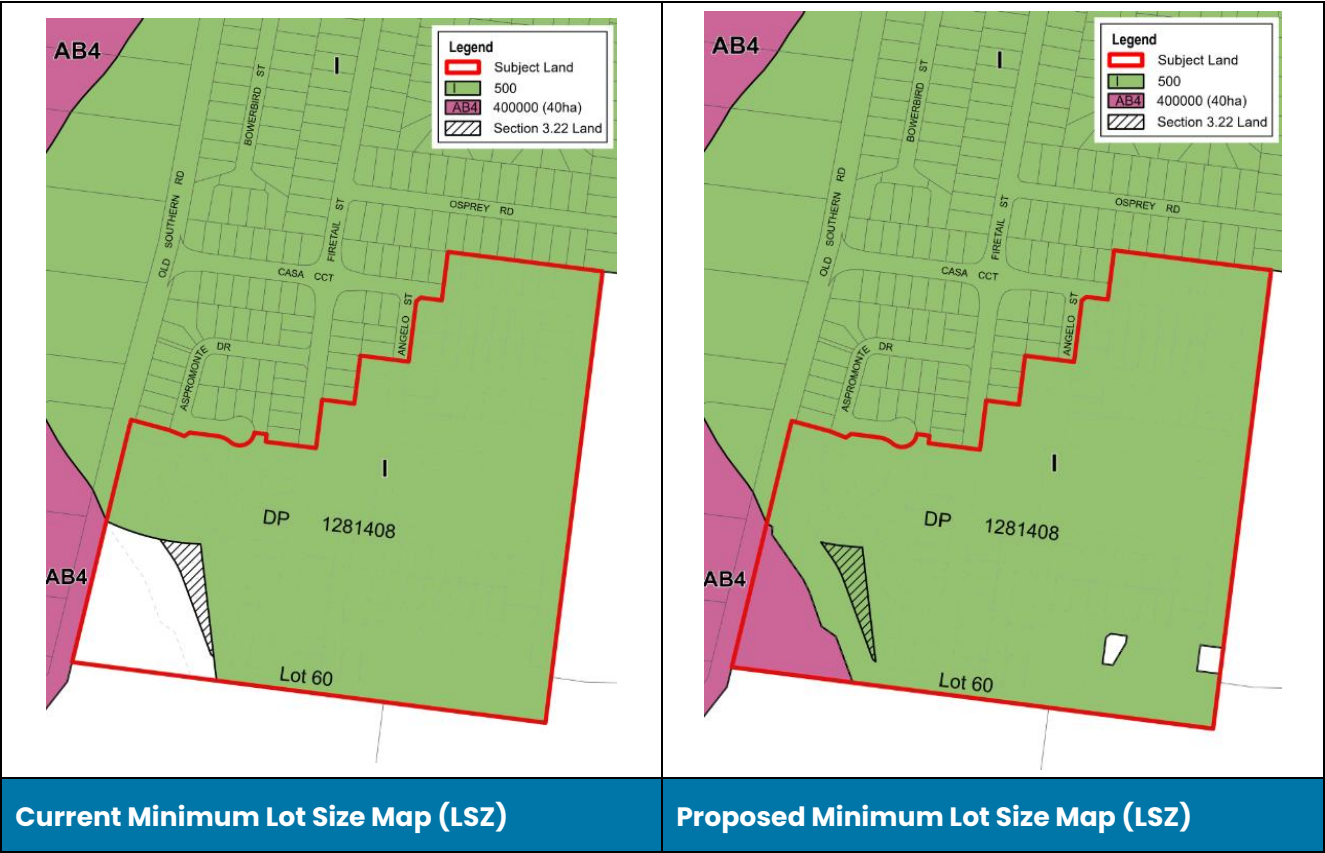
Terrestrial Biodiversity (BIO_013F)



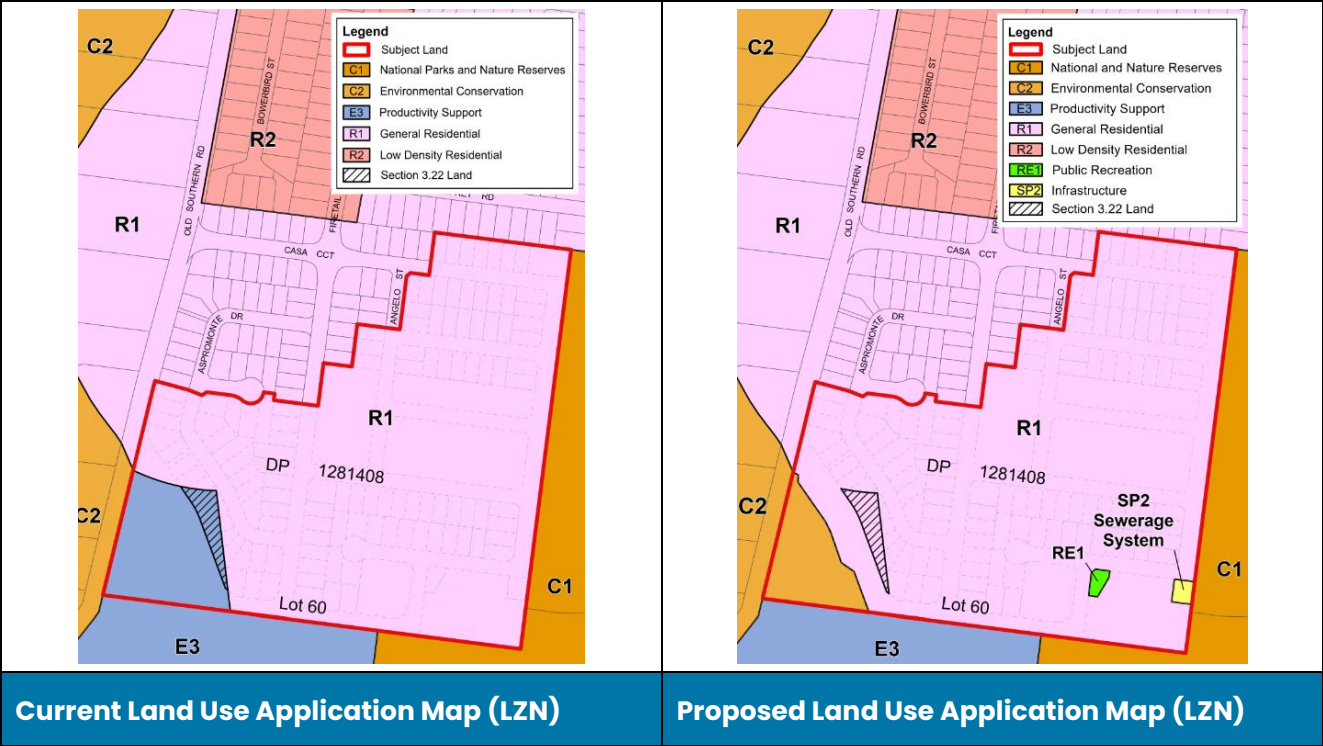
Local Clauses (CLS_013F)



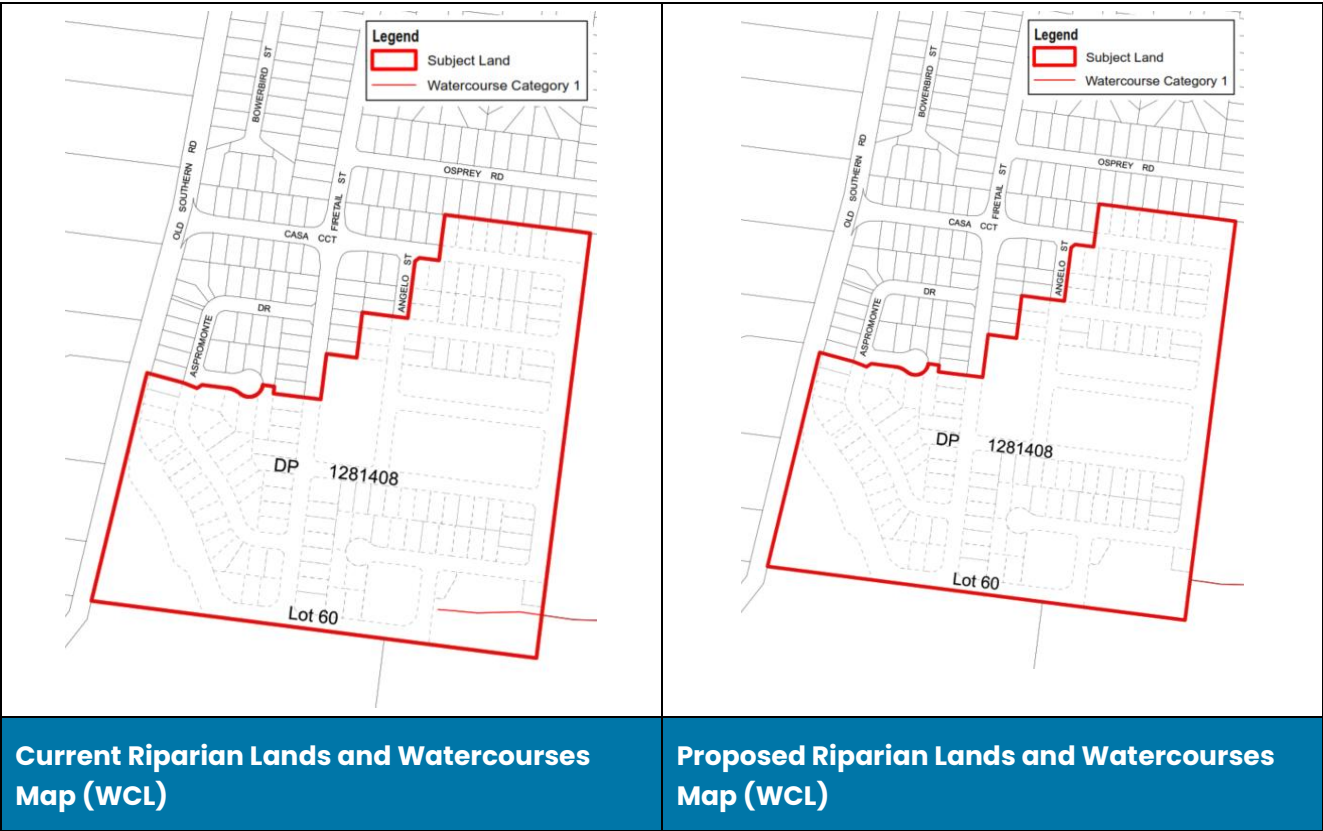
Minimum Lot Size (LSZ_013F)



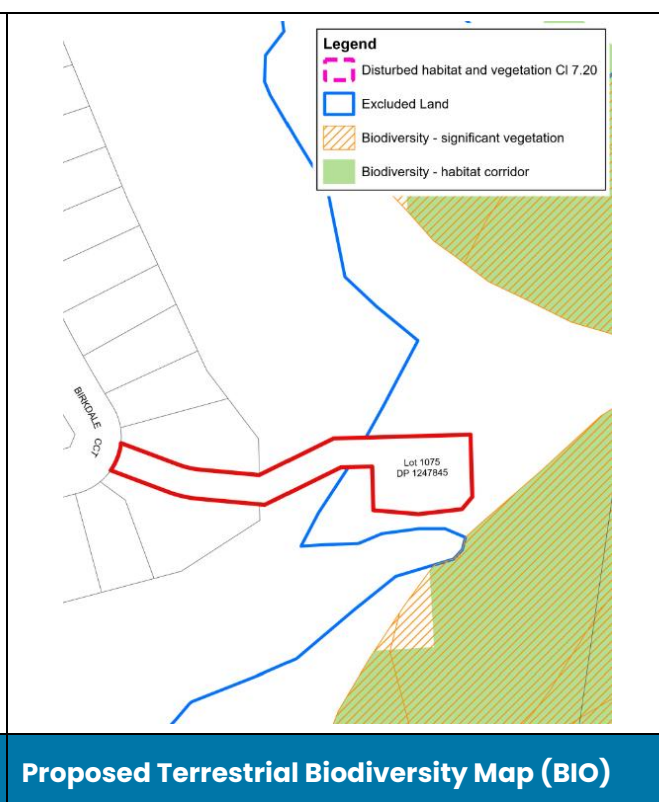
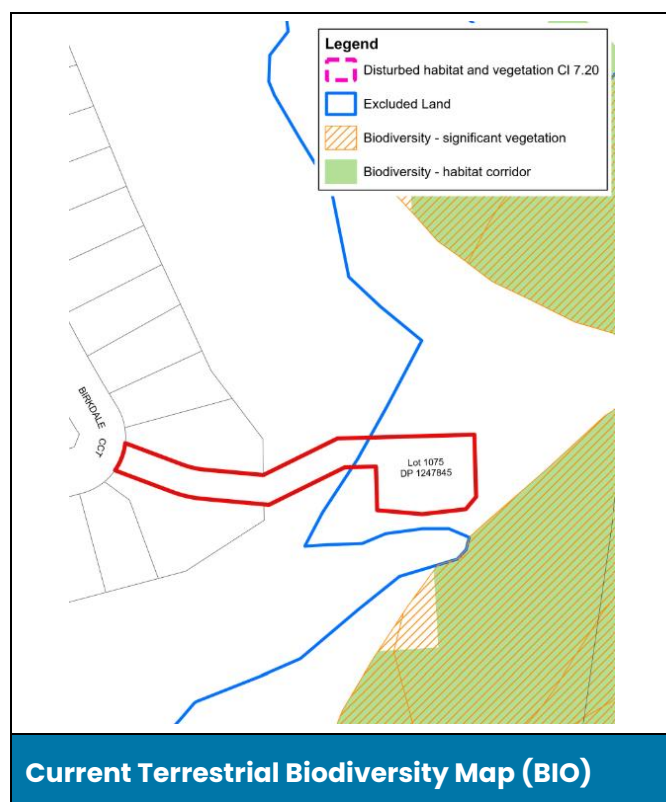
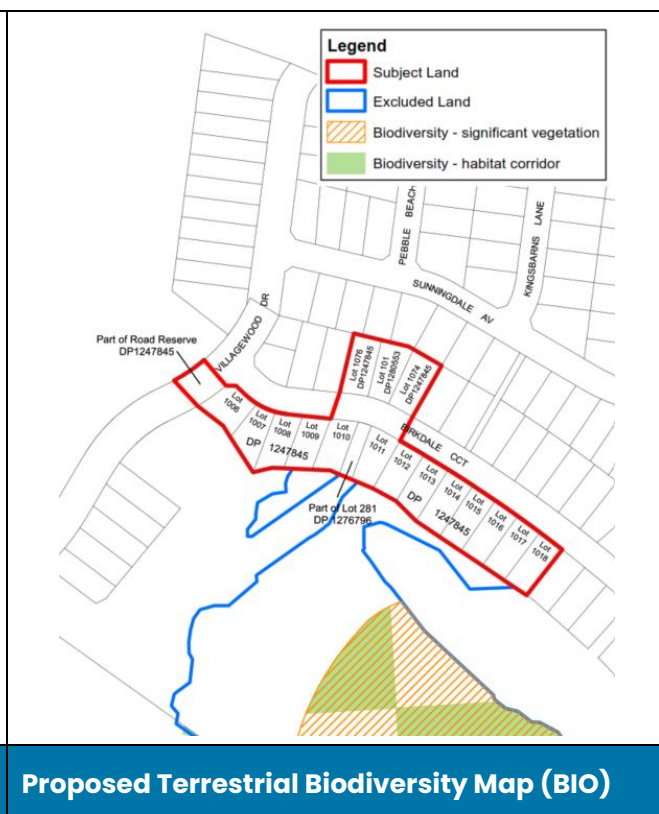
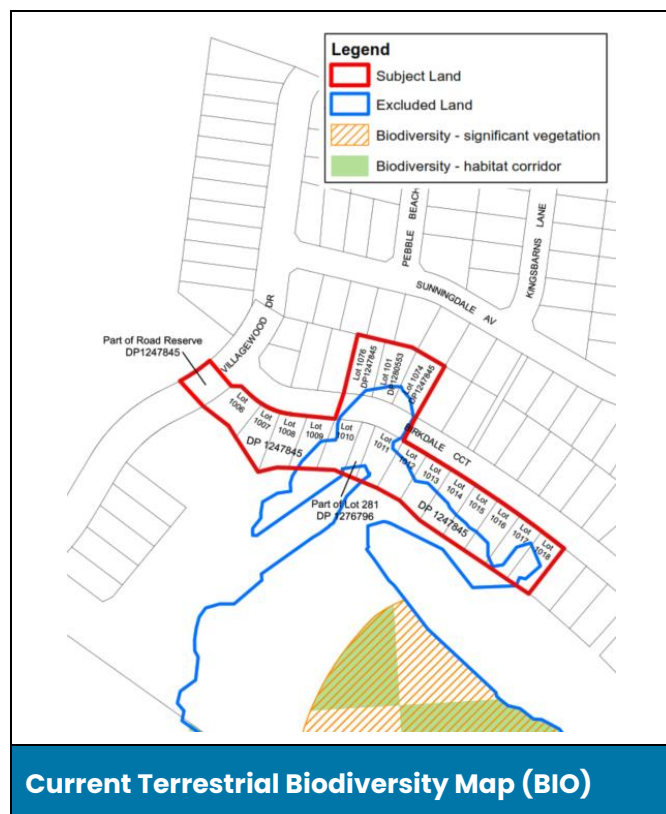
Land Use Zones (LZN_013F)



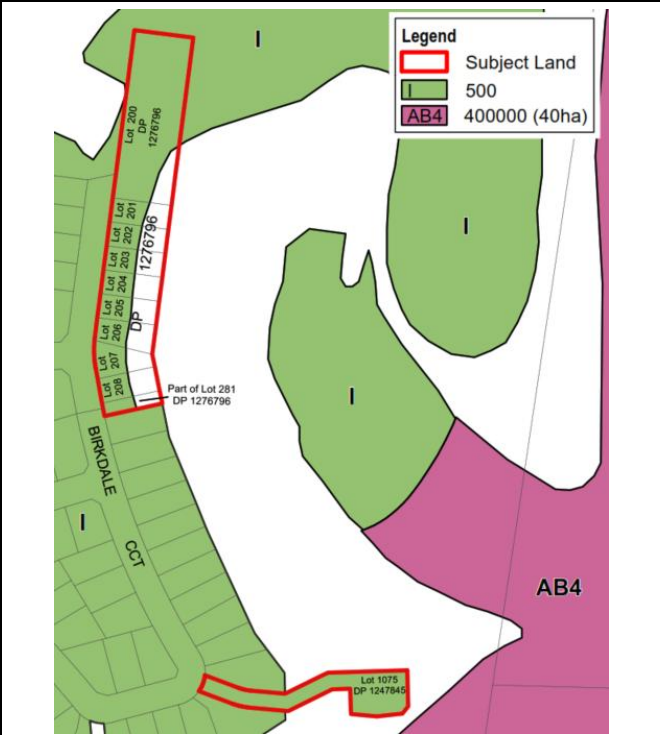
Riparian Lands and Watercourses (WCL_013F)



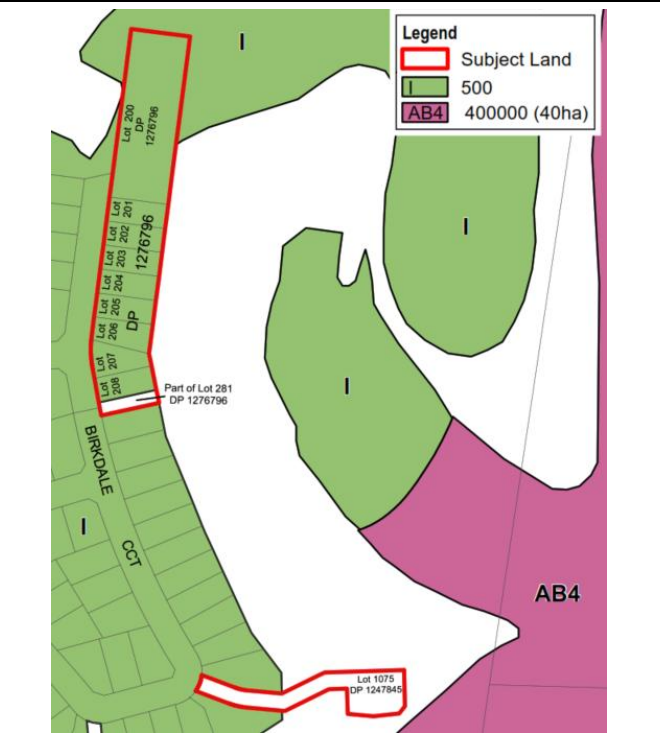
Terrestrial Biodiversity (BIO_015G)



Minimum Lot Size (LSZ_015G)

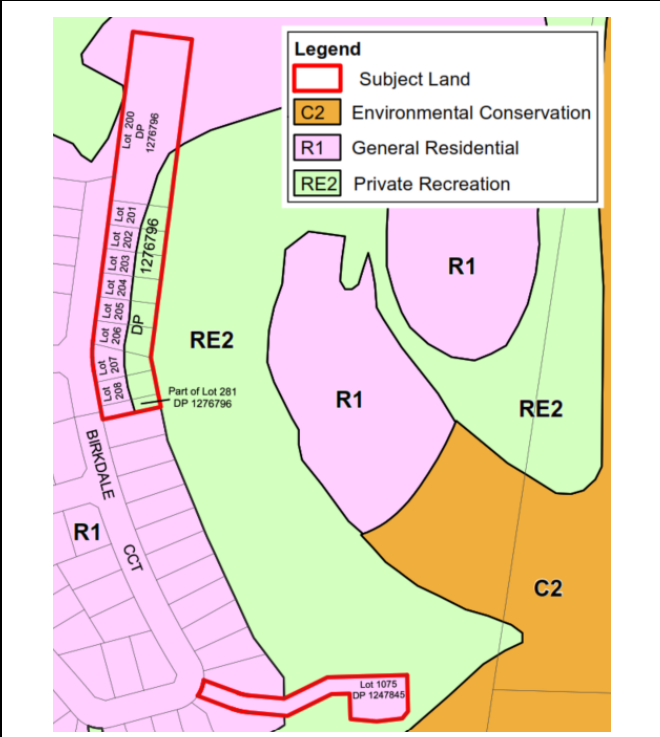


Current Minimum Lot Size Map (LSZ)

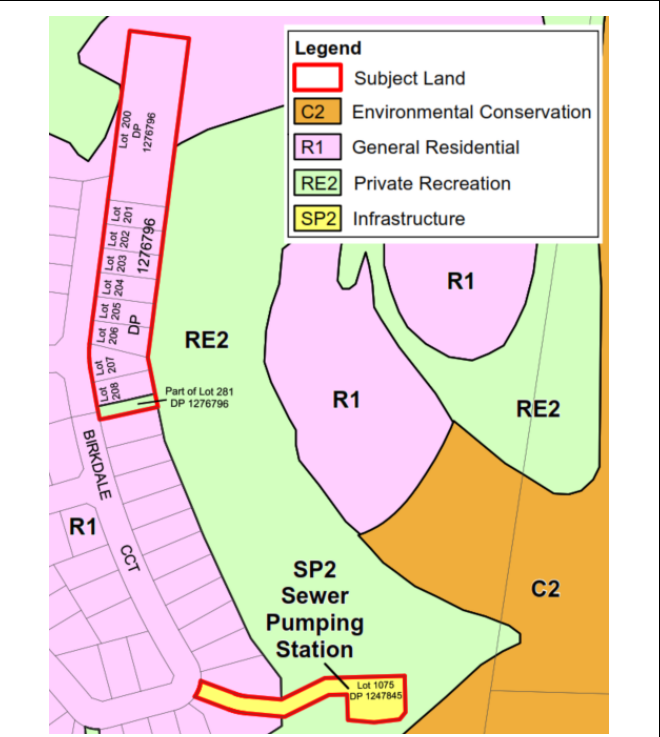


Proposed Minimum Lot Size Map (LSZ)

Land Use Zones (LZN_015G)

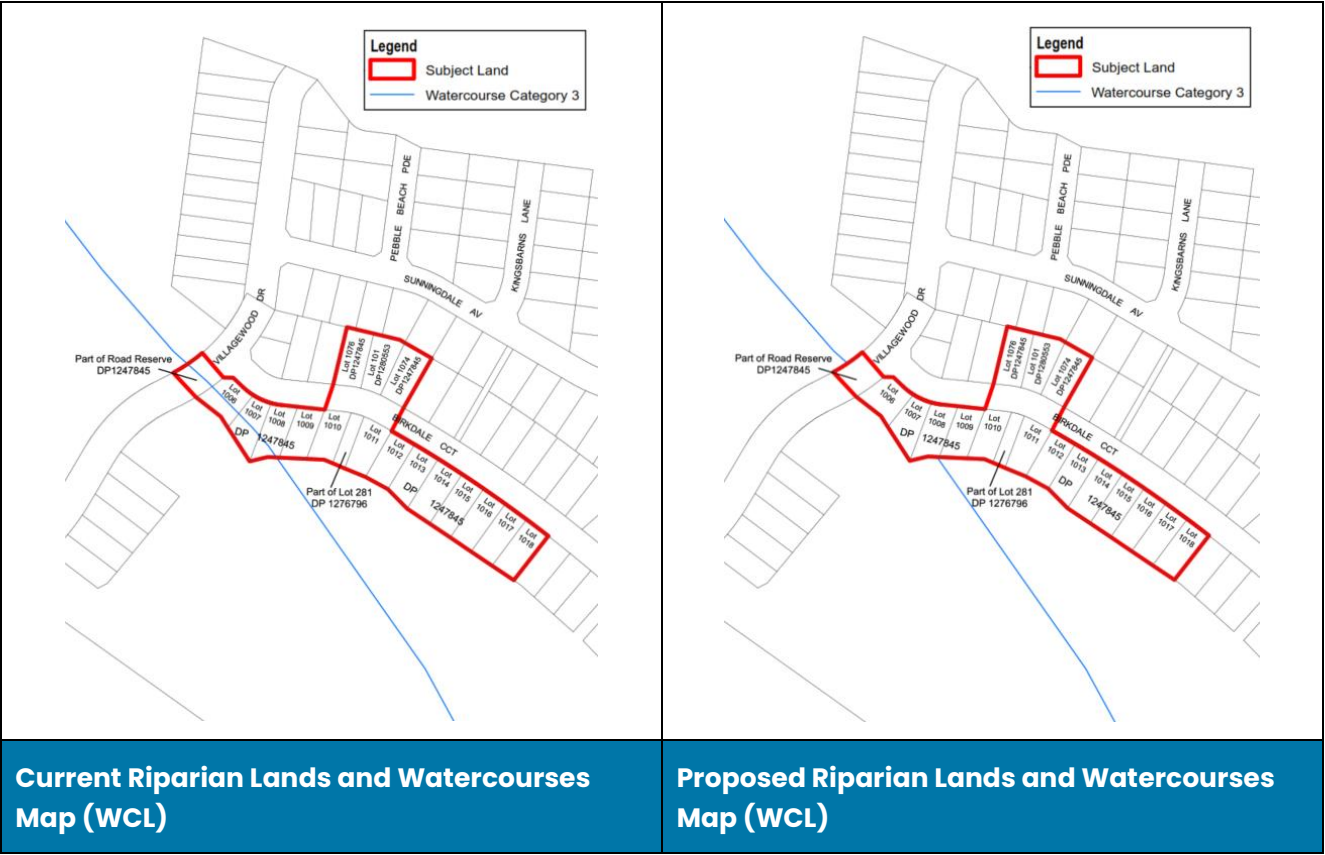


Current Land Use Application Map (LZN)



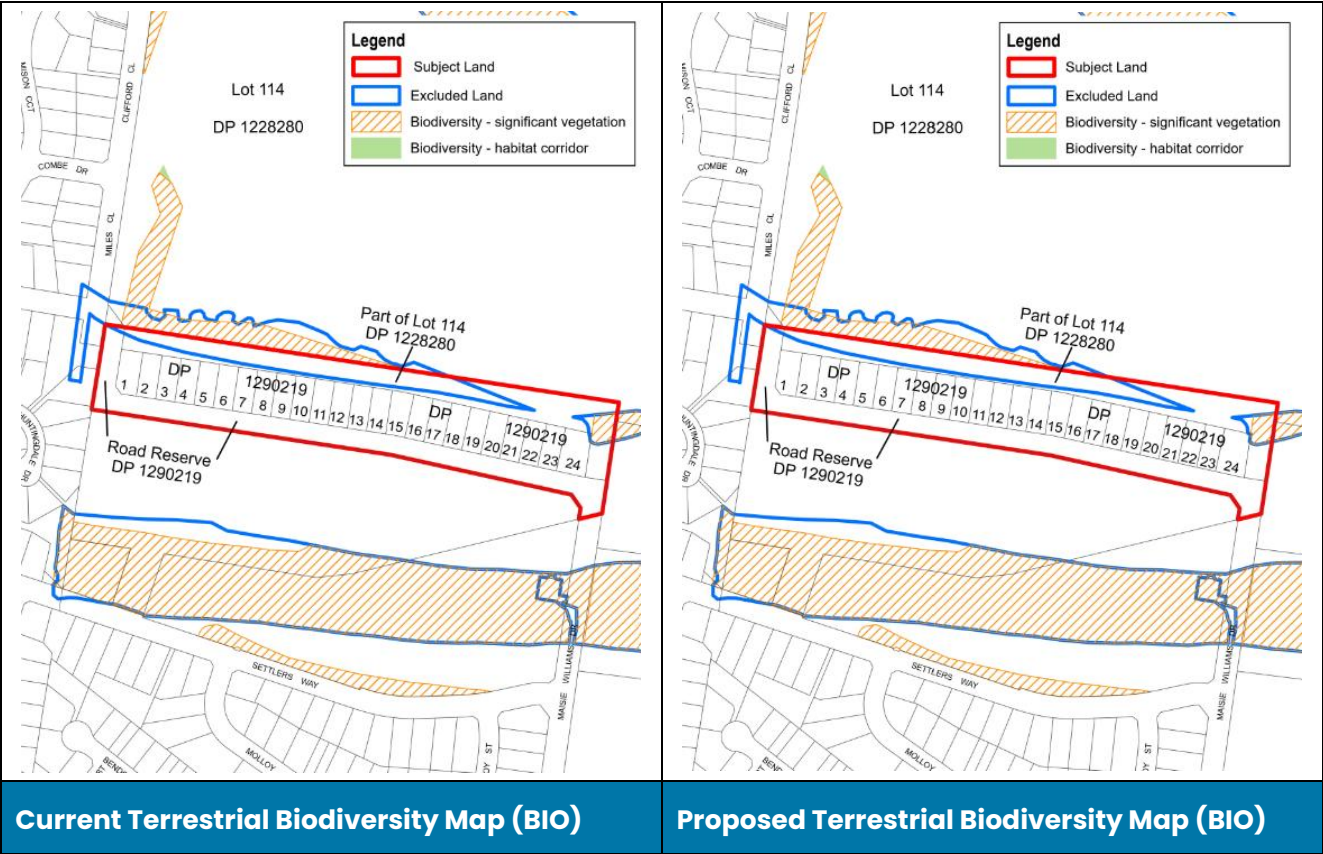
Proposed Land Use Application Map (LZN)

Riparian Lands and Watercourses (WCL_015G)

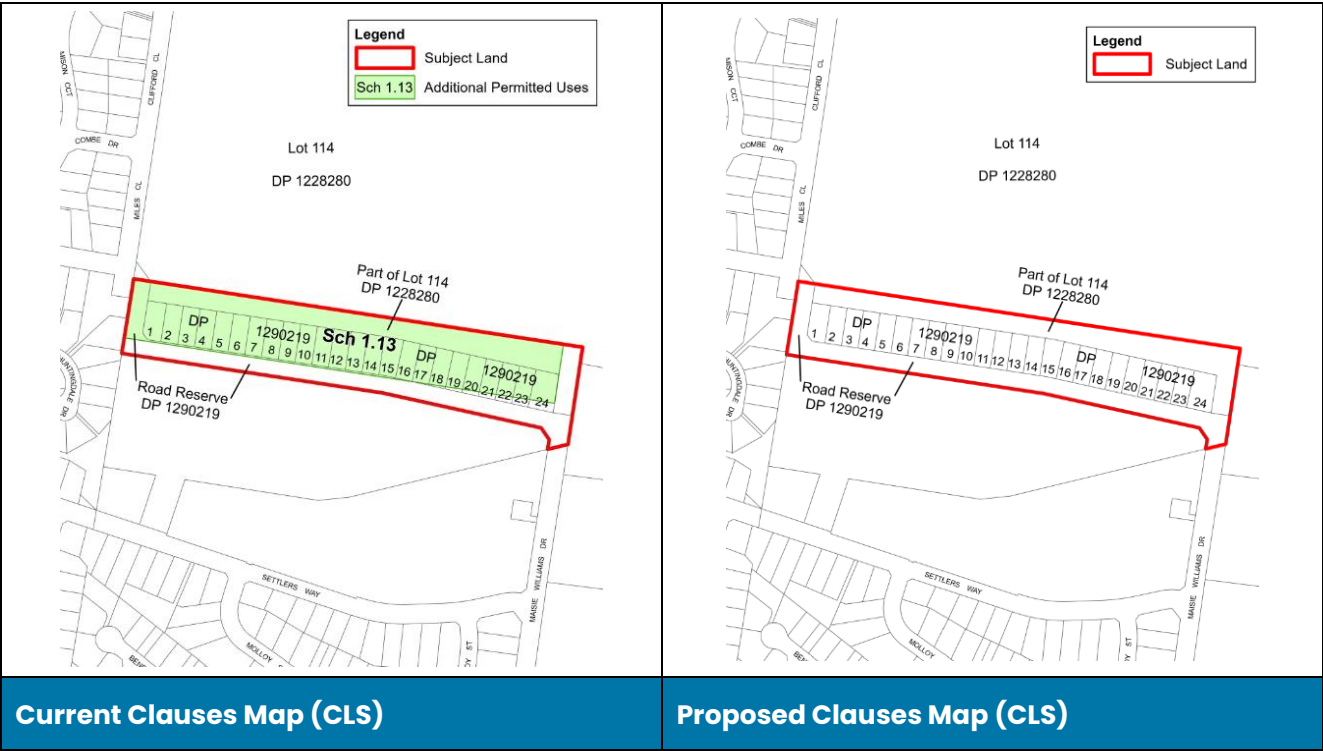


Mapping item 7 – Maisie Williams Drive, Mollymook

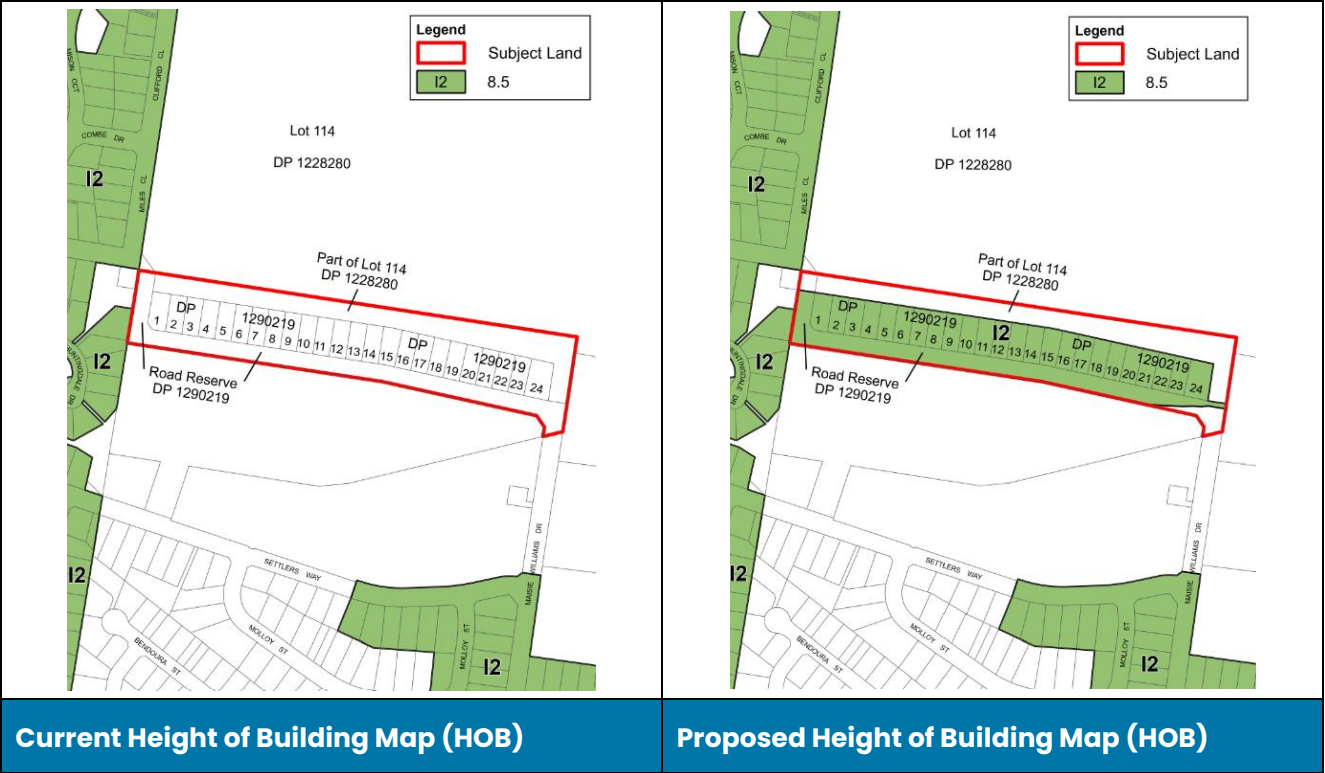
Terrestrial Biodiversity (BIO_016C)



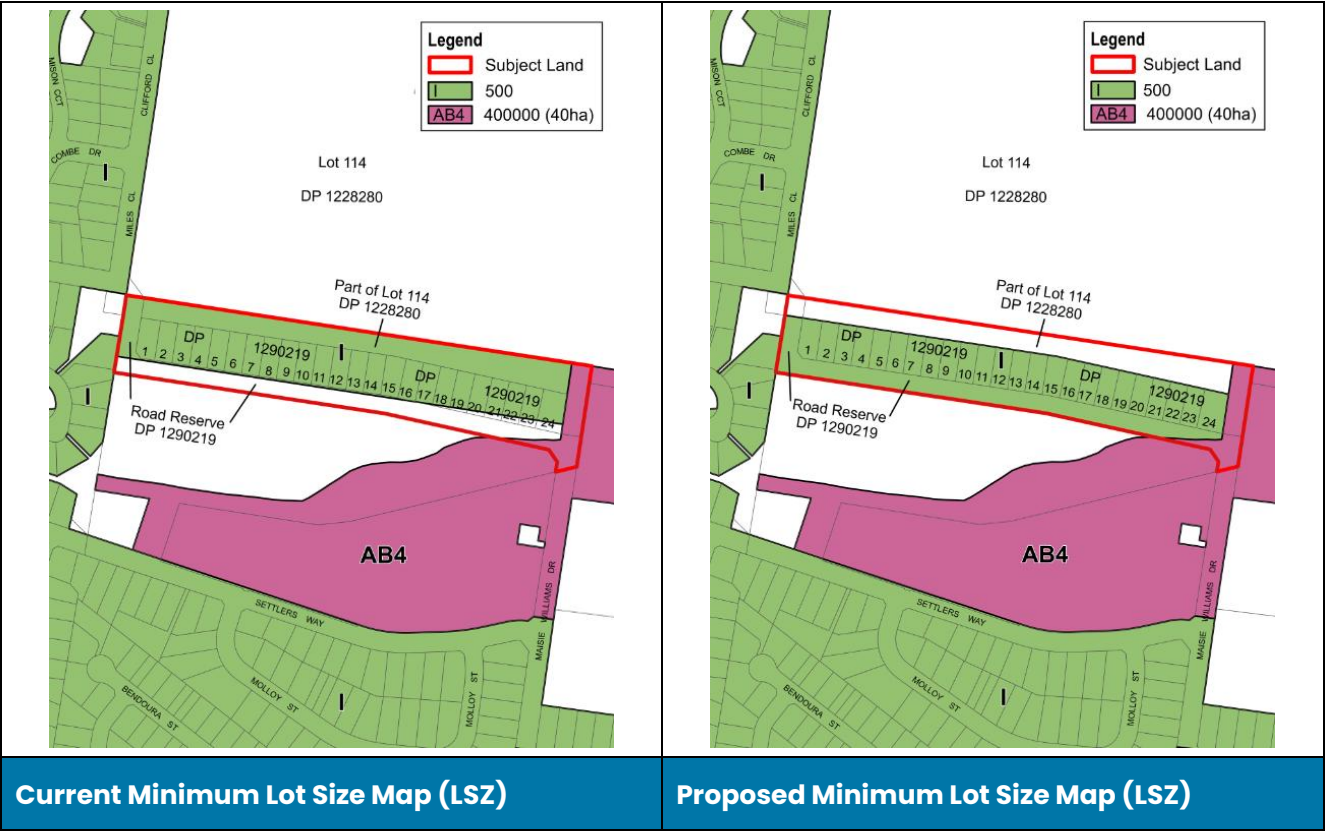
Local Clauses (CLS_016C)



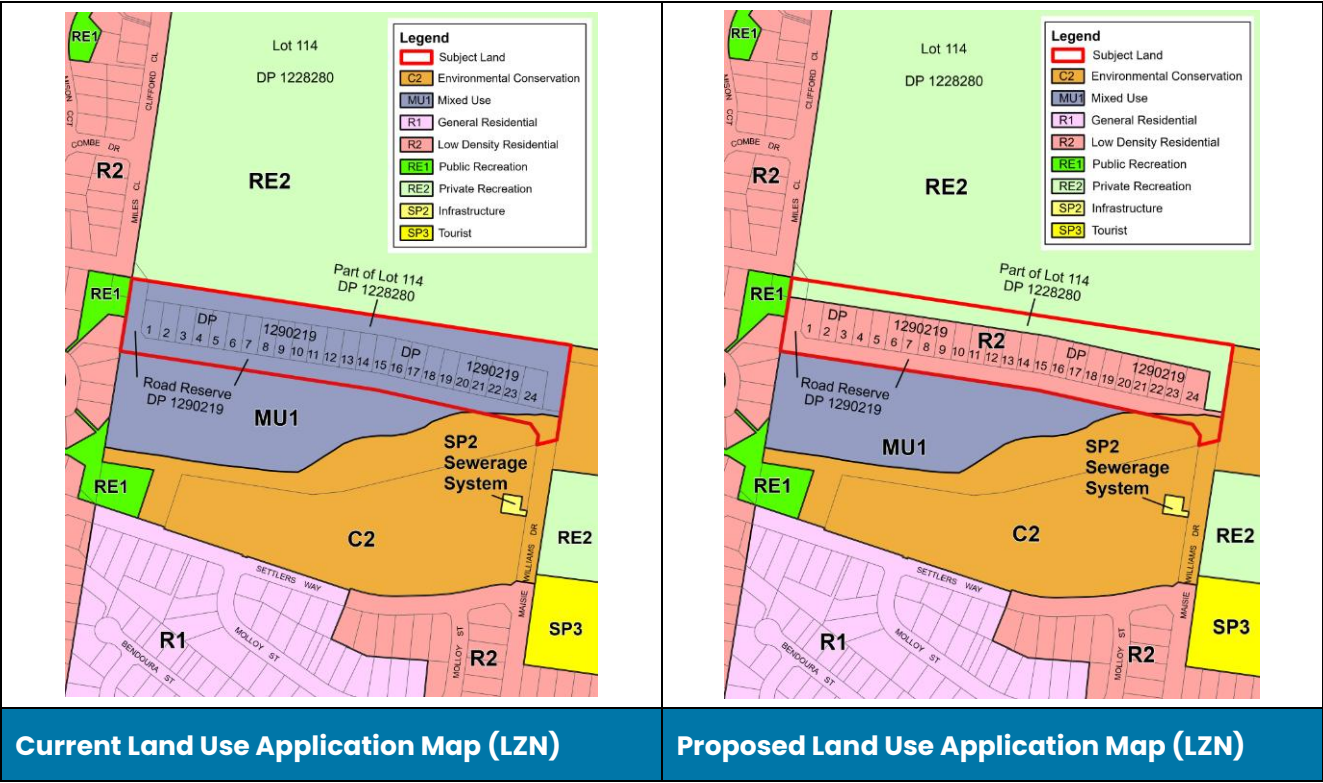
Height of Buildings (HOB_016C)



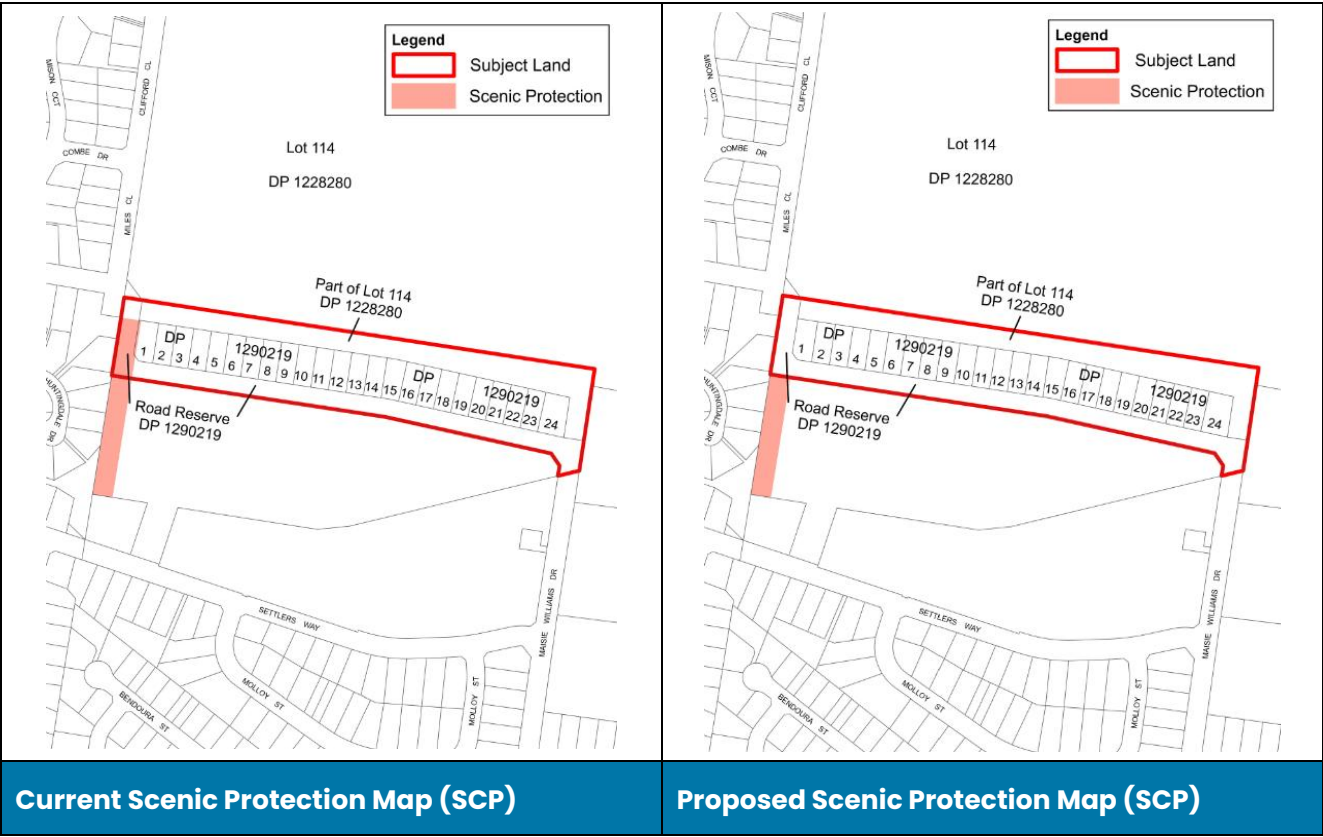
Minimum Lot Size (LSZ_016C)



Land Use Zones (LZN_016C)



Scenic Protection (SCP_016C)





Part 5

Community consultation

The PP will be publicly exhibited in accordance with the requirements of the *NSW Environmental Planning and Assessment Act 1979*, and any conditions set out in the Gateway determination.

The PP is proposed to be exhibited for at least 28 days.

Part 6

Project timeline

This planning proposal is categorised as a **standard** as per the Department’s *Local Plan Making Guideline* (August 2023), the anticipated timeframe for the completion of the planning proposal is as set out in **Table 8**.

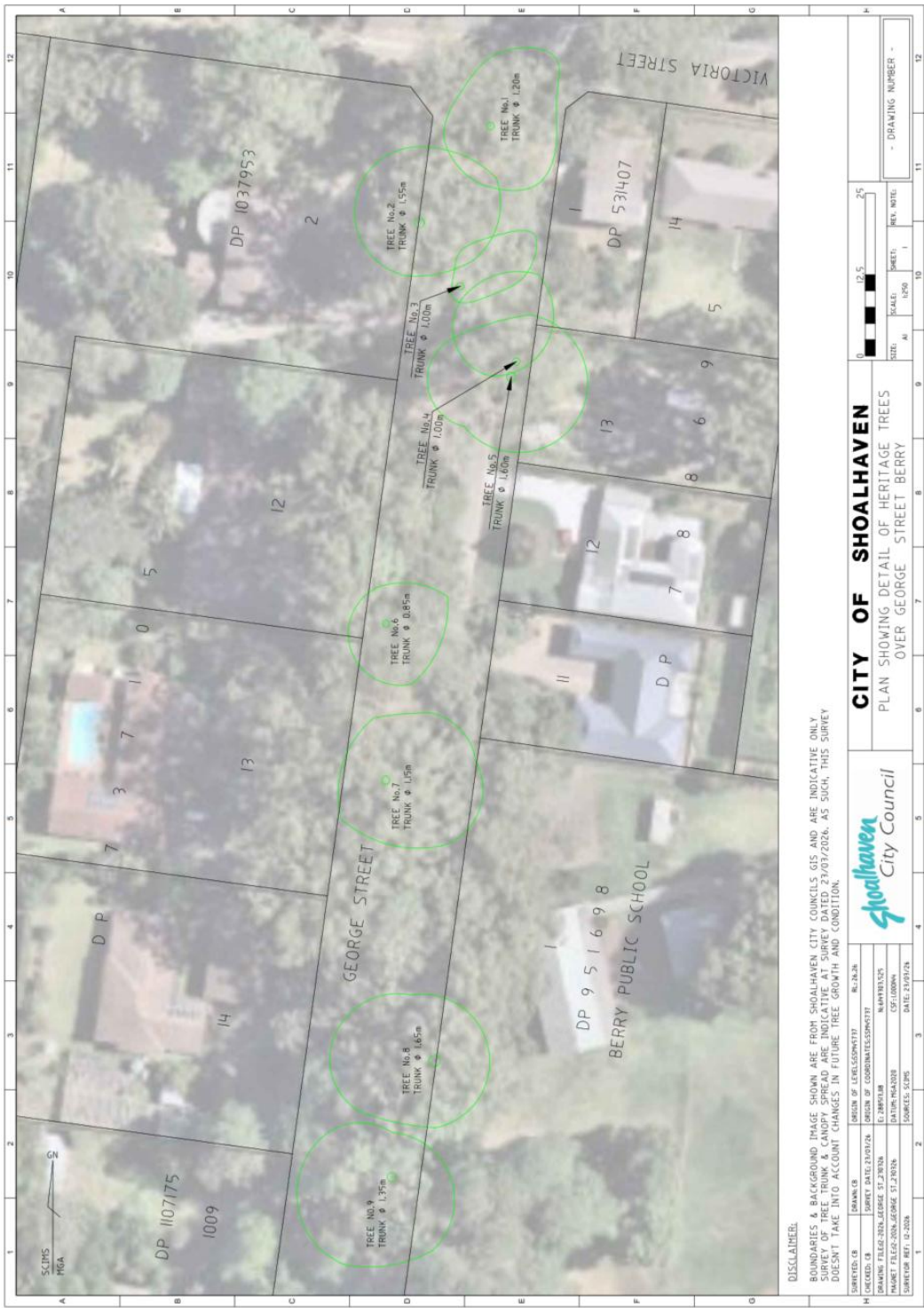
Table 8: Project timeline

Stage		Timeframe (days)	Anticipated completion date
1	Planning Proposal	95	June 2026
2	Gateway determination	25	June 2026
3	Post Gateway (complete Gateway requirements)	50	July/August 2026
4	Public exhibition & assessment	95	November 2026
5	Finalisation	55	February 2027

Note: The project plan may be updated as the PP progresses through the Gateway process.

Appendix A

Further information



George Street, Berry remnant old growth eucalypt survey (instrument item 5, mapping item 3).

Appendix B

Agency consultation summary

Pre and Post Gateway consultation with agencies and statutory bodies is summarised in **Table 9** and **Table 10**.

Table 9: Pre-Gateway agency consultation summary

Agency	Summary	Response
WaterNSW	No objections raised regarding the scope of the PP. See email correspondence below.	Noted.
Transport for NSW	Confirmed support for proposed zoning and minimum lot size changes. See email correspondence below.	Noted.

Table 10: Post Gateway agency consultation summary

Agency	Summary	Response
	Note: This table will be completed following the issue of a favourable Gateway Determination. Consultation with the NSW Rural Fire Service will be required in accordance with Ministerial Direction 4.3.	

From: P&PC Planning Advice Requests
<PandPC_PlanningAdviceRequests@transport.nsw.gov.au>
Sent: Friday, 13 March 2026 12:10 PM
To: Jenna Tague
Cc: P&PC Planning Advice Requests; Melissa Scozzafava
Subject: RE: Proposed Rezoning of Transport Land - Shoalhaven LEP 2014

EXTERNAL: Be cautious opening links or attachments.

Hi Jenna

Thank you for your email confirming inclusion of Lot 5 DP1304032 and Lot 32 DP1305024 in Council's housekeeping LEP amendment.

I confirm that Transport supports the proposed mapping changes.

Can you please advise the estimated timeframes for preparation of Council's housekeeping LEP amendment? Transport has some additional properties in the same locality which are no longer required for road purposes and will be seeking removal of the SP2 zoning shortly.

Kind regards

Laura Lubrano

Senior Project Officer Property Planning - Planning & Property Coordination
Land and Maritime Planning
Property Development and Land Access
Infrastructure Projects and Engineering
Transport for NSW

M 0456 609 488 E laura.lubrano@transport.nsw.gov.au

transport.nsw.gov.au

680 George Street
Sydney NSW 2000

Working days Monday, Tuesday, Thursday, Friday



OFFICIAL

7 May 2026

Contact: Stuart Little
Telephone: 0436 948 347
Our ref: D2026/28870

Chief Executive Officer
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Dear Sir/ Madam,

RE: Pre-Gateway Agency Consultation – PP0082 Shoalhaven Local Environmental Plan (LEP) 2014 Housekeeping 2026

I refer to Council's letter and email referral of 17 April 2026 concerning a Planning Proposal for various housekeeping amendments to the Shoalhaven Local Environmental Plan (LEP) 2014. We understand that the Proposal seeks to correct identified anomalies or inconsistencies in LEP mapping, address administrative errors, and respond to the registration of new land titles, landowner requests, development assessment processes, and other matters resolved by Council.

The Sydney Drinking Water Catchment (SDWC) includes approximately 75,869 ha of land in Shoalhaven Local Government Area (LGA), representing about 16% of the LGA, including the Kangaroo Valley area. WaterNSW owns and manages water supply infrastructure in the northern part of the LGA. This includes Tallowa Dam and Lake Yarrunga, Bendeela pondage and pumping station, Kangaroo Valley Pipeline, Tallowa Dam picnic area and Bendeela campground and picnic area.

Council's letter highlights that amendments relevant to the SDWC are limited to:

- Instrument Item 1 - Allow a dual occupancy development and subdivision to be considered in the same development application, rather than two separate applications.
- Instrument Item 2 - Require that each resulting tourism lot has a frontage of 400m to a classified road in Zone RU1, Zone RU2 or Zone C3, rather than the parent lot.

We agree that the main items of relevance to the SDWC are Instrument Items 1 and 2.

Item 1 – Dual Occupancy Development

The Planning Proposal seeks to amend clause 4.1A which concerns the minimum lot sizes (MLSs) for dual occupancies, manor houses, multi dwelling housing, multi dwelling housing (terraces) and residential flat buildings. The Proposal will enable subdivision to be facilitated and approved as part of the same development application (DA) for the dwelling, so that each resultant dwelling can have a separate lot without the need for a separate DA for the subdivision. Modifications are proposed to cl 4.1A(4) to give this effect.

We have no objection to this aspect of the Proposal. Any DA for dwellings and concurrent subdivision will require application of Part 6.5 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

WaterNSW ABN 21 147 934 787
169 Macquarie Street Parramatta NSW 2150
PO Box 398, Parramatta NSW 2124
t. 1300 662 077 e. Customer.Helpdesk@waternsw.com.au

WaterNSW | We're at the source

(the B&C SEPP) when the development is located within the SDWC. Part 6.5 requires such development to have a neutral or beneficial effect (NorBE) on water quality, for development to be consistent with the WaterNSW [NorBE Guideline](#), and to have the concurrence of WaterNSW. Council's proposed amendment streamlines the DA pathway while not diminishing the NorBE and other Part 6.5 B&C SEPP requirements.

Item 2 – Lot frontage requirements for tourist and visitor accommodation

The Proposal seeks to modify clause 4.2A of the LEP which relates to subdivision of land in the RU1 Primary Production, RU2 Rural Landscape and C3 Environmental Management, for the purposes of tourist and visitor accommodation. The clause is currently framed as requiring the parent lot to have a 400m frontage to a 'classified' road rather than ensuring that the offspring lots have the 400m frontage. The Planning Proposal adjusts clause 4.2A(3) to address this issue. WaterNSW has no objection to this change. The amendment is also likely to help ensure better emergency access to, and egress from, the subdivided allotments, should the need arise.

Other Amendments

The other housekeeping amendments apply to Urban Release Areas (URAs) or other land parcels outside the SDWC. WaterNSW has no comments on these other provisions.

S 9.1 Ministerial Direction 3.3 Sydney Drinking Water Catchment

The Proposal provides a response to s9.1 Ministerial Direction 3.3 Sydney Drinking Water Catchment (ss Pp. 19-20). The Proposal notes that the proposed LEP changes will not adversely impact upon water quality in the SDWC area, nor is it likely to disturb land and water capability in these areas. The Proposal considers that there are no known existing water quality risks to any waterways, and the Proposal is not inconsistent with any Strategic Land and Water Capability Assessment (SLWCA). We generally agree with these statements.

For completeness, given the broad nature of the LEP clauses discussed above, SLWCAs are not relevant in this instance. The proposed amendments do not affect the current zoning of Special Areas or other land owned or managed by WaterNSW, noting that the Shoalhaven Special Area comprises approximately 1,128 ha covering Tallowa Dam and Lake Yarrunga, and associated foreshore areas. The zoning guidance provided by Direction 3.3 for Special Areas is not relevant in this instance.

If you have any questions regarding this letter, please contact Stuart Little at stuart.little@waterNSW.com.au.

Please direct all correspondence on strategic planning matters to environmental.assessments@waterNSW.com.au.

Yours sincerely,



MINA SUH
Environment and Heritage Manager
Land and Water Operations