

Planning Proposal – Sealark, Callala Bay (PP-2022-4162)

The planning proposal seeks to amend the Shoalhaven Local Environmental Plan 2014 to rezone part of the site from C3 Environmental Management to part R1 General Residential and part R2 Low Density Residential and amend the minimum lot size and height of building controls.

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1 Introduction and background

1.1 Overview

This revised planning proposal document has been prepared by the Department's Planning Proposal Authority team on behalf of the Strategic Planning Panel of the Southern Regional Planning Panel who are the Planning Proposal Authority (PPA) for this proposal. The proposal was proponent-initiated by PRM Architects and Town Planners on behalf of the landowner. The original revised planning proposal can be found at **Appendix 1 (including Appendices A – F)** and all supporting **Technical Studies (Studies 1 – 9)**.

The planning proposal seeks to amend the Shoalhaven Local Environmental Plan 2014 (LEP 2014) to enable residential development. The amendments include rezoning part of the existing C3 Environmental Management zoned land to part R1 General Residential and part R2 Low Density Residential. Amendments to height of building and minimum lot size controls on the rezoned residential land are also required to facilitate appropriate development outcomes.

This report has been prepared to address the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning and Environment (DPE) *Local Environmental Plan Making Guideline* (August 2023).

This report demonstrates that the proposed amendments to the LEP 2014 are consistent with the intent and objectives of the planning framework and strategic plans and policies and therefore is ready to submit for Gateway assessment.

1.2 Background

A previous planning proposal on this site was initiated on 17th December 2018 by the proponent and lodged with Shoalhaven City Council (Council) in January 2019. At its meeting of 5th March 2019, Council resolved to support the planning proposal and submit it for Gateway determination.

The Department subsequently issued a Gateway determination on 2 May 2019. The Gateway completion date lapsed in May 2021 and then in December 2021, the Department issued a "do not proceed" directive. A revised planning proposal (PP-2022-4162 – this proposal) was lodged with Council on 20 December 2022 and then on 13 March 2023, Council resolved not to support the proposal, citing a lack of strategic justification.

As Council did not support the proposal, the proponent lodged a rezoning review request on 24 April 2023. Then on 5 October 2023, the Southern Regional Planning Panel (Panel) determined the proposal had strategic merit and site-specific merit subject to several recommendations that required the planning proposal to be update prior to sending to the Department for a Gateway determination (**Appendix B**).

Rezoning Review Panel Recommendations

The proposal has undergone various amendments due to recommendations by the Panel.

The revised package was submitted by PMR Architects & Town Planners (the proponent) on 12 February 2024, to address these recommendations.

On 11 April 2024, the Panel met with Council and the proponent for a Pre-Gateway briefing to consider whether the revised planning proposal and additional information submitted by the proponent had addressed the Panel's conditions from 5 October 2023 (**Appendix B**). The Panel noted most of the conditions were met however there were some outstanding items (**Appendix C**). The proponent submitted further documentation after the Department's request on 25 September 2024 to address outstanding issues.

2 Site description and surrounding area

The subject site (**Figure 1**) is located at Sealark Road, Callala Bay and is legally described as Lot 5, DP 1225356. The site is currently zoned C3 Environmental Management (**Figure 2**) and comprises an irregular shaped area of approximately 6.05ha.

The site's primary frontage and western boundary is Sealark Road, with a secondary frontage to the south at Monarch Place. The northern section of the site is largely cleared of native vegetation; however, it fronts the Jervis Bay National Park to the north, and Wowly Creek (Gully) to the east. There is existing residential housing on both Sealark Road and Monarch Place.

The site generally slopes gently in a north-westerly to south-easterly direction towards Wowly Creek. The site is traversed by an open drain which discharges from two stormwater outlets under Sealark Road. This open drain discharges to Wowly Creek near the north-eastern corner of the site.



Figure 1: Subject Site (source: Nearmap)



Figure 2: Subject Site context (source: Nearmap, November 2024)

3 Objectives and intended outcomes

The objectives and intended outcomes of this planning proposal are to:

- where environmentally sustainable, provide for new infill residential housing adjacent to existing residential urban footprint and contribute to diversity of affordable housing;
- formalise protections and buffers of identified ecological communities adjacent to and within the site;
- resolve the future land uses of the site (lot 5) and its ownership(s);
- formalise and improve existing stormwater flooding as follows:
 - Mitigate consequent flooding events from the existing residential catchment west of Sealark Road and manage water quality,
 - Reduce risk of environmental impacts to the Wowly Creek and Hare Bay riparian zone caused by existing urban sediment feeding directly into Wowly Creek,
 - Resolve local overland flooding issues and ongoing maintenance costs to Council;
- maximise use of existing Infrastructure, by developing where services and infrastructure are established; and
- dedicate land to NSW National Parks and Wildlife Services (NPWS) for inclusion into the Jervis Bay National Park via a Deed of Agreement (refer to **Appendix A**). The proposal would retain the C3 zone, however once dedicated to the NPWS, the land would be rezoned as C1 National Parks and Nature Reserve (under a separate planning proposal).

4 Explanation of provisions

This planning proposal seeks to amend the Shoalhaven LEP 2014 to facilitate residential development on the site and allow for continued environmental management/conservation. This is to be achieved by the following mapping changes below and detailed in **Table 2**:

- Re-zone part of lot 5 to part R1 General Residential and part R2 Low Density Residential

Within the areas proposed to be rezoned as R1 General Residential and part R2 Low Density Residential:

- the minimum lot size is to be reduced from 40ha to 500m²; and
- a maximum height of building of 8.5m is to be introduced.

Table 1: Current and proposed controls

Control	Current	Proposed
Zone	C3 Environmental Management	Part R1 General Residential Part R2 Low Density Residential Retain part C3 Environmental Management
Maximum height of the building	N/A	8.5m to be applied to the R1 and R2 zoned land.
Minimum lot size	40ha	500m ² to be applied to the R1 and R2 zoned land.

Figures 3-8 (overleaf) outline the existing LEP map sheets and the proposed mapping amendments.

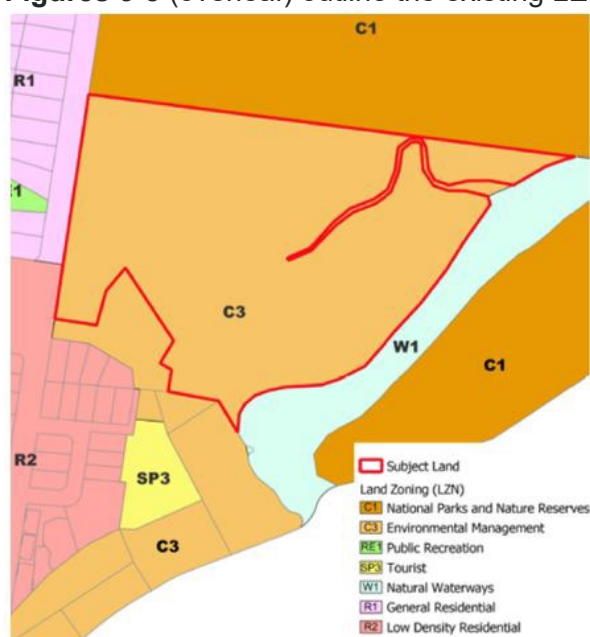


Figure 3: Current zoning map



Figure 4: Proposed zoning map



Figure 5: Current height of building



Figure 6: Proposed height of building

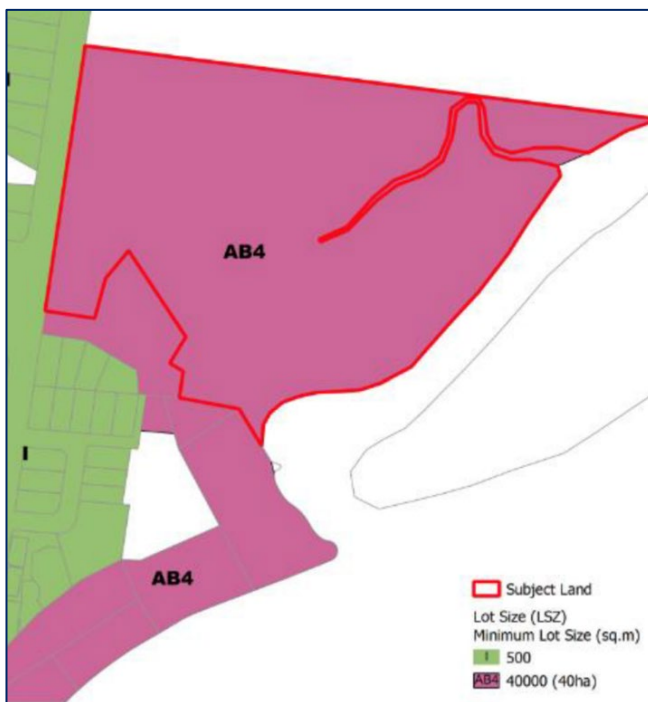


Figure 7: Current minimum lot size

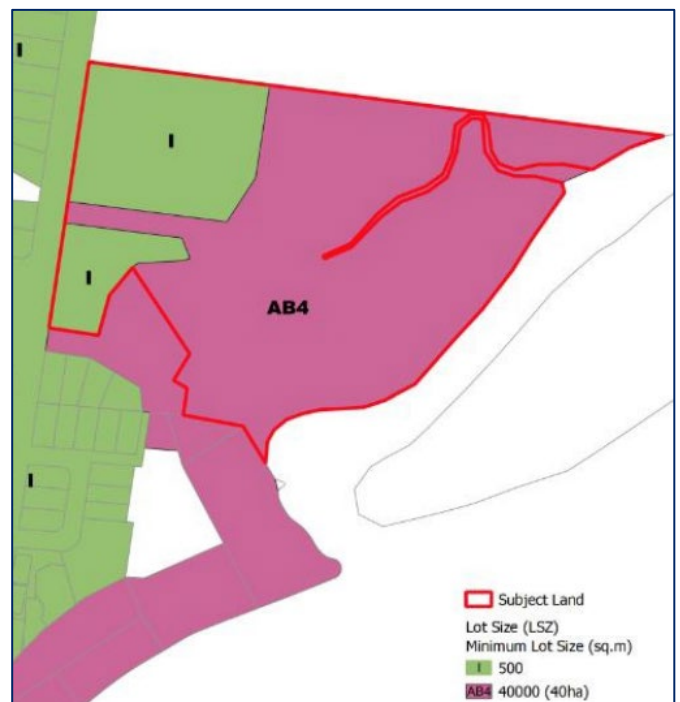


Figure 8: Proposed minimum lot size

5 Justification of strategic and site-specific merit

Strategic Merit

5.1 Section A – Need for the Planning Proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

This planning proposal is the result of a request from the landowner to change the planning controls that relate to the site. The site is located on the eastern edge of the Callala Bay Village and while it is not directly identified in a strategic report, it is consistent with these documents, particularly as they relate to the general objectives of housing. This includes the Illawarra Shoalhaven Regional Plan 2041 and the Shoalhaven 2040 Local Strategic Planning Statement. This is discussed in the sections below.

The proposal would provide significant public benefit, by conserving high biodiversity value land and delivering much needed housing. In line with the National Housing Accord, Shoalhaven Council's housing target is 4,900 completed homes by 2029. Therefore, by delivering housing, this proposal responds to changing circumstances with an ongoing housing crisis in NSW, with all levels of government working towards housing supply.

The planning proposal also includes a number of supporting studies. Together they describe how the proposal is consistent with strategic framework.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This planning proposal seeks to amend the Shoalhaven LEP 2014. The resulting conditions have been assessed to ensure any future built form is appropriate and does not result in any unacceptable impacts on adjoining properties, or the natural environment. The amended controls would facilitate the delivery of housing and improved conservation of existing high biodiversity value land.

Amending the Shoalhaven LEP 2014, to rezone the identified land is the best means of achieving the objectives of the planning proposal. Other options such as a clause 4.6 variation is not practicable in this case and the objectives could not be achieved through a Development Control Plan.

It is noted that residential development is permitted with consent within the C3 Environmental Management zone, however it is considered that applying the appropriate zone for residential development and including other controls such as minimum lot size and height of building is the best means of achieving the proposed outcomes.

The rezoning is the best and most efficient approach to delivering the desired outcome.

5.2 Section B – Relationship to the Strategic Planning Framework

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)?

Tables 2-3 present an assessment of the applicable objectives and strategies of Illawarra Shoalhaven Regional Plan 2041 against this proposal:

Table 2: Applicable objectives and strategies of Illawarra Shoalhaven Regional Plan 2041 (ISRP 2041)

Objective/Strategy	Comment
Objective 2: Grow the region's regional cities	<p>Callala Bay is located within approx. 20 minutes' drive of Nowra, which is recognised as a regional city. Residents would likely travel to Nowra for services and entertainment.</p>
Objective 5: Create a diverse visitor economy Strategy 5.1 Principles to enhance places and culture, protect heritage and the environment and promote eco-tourism Strategy 5.2 Support visitor economy in national parks	<p>This proposal will facilitate the addition of 4.18ha of land to be included within Jervis Bay National Park.</p>
Objective 11: Protect important environmental assets Strategy 11.1 Recognise the validated high environmental value lands in LEPs, apply minimise, avoid, offset hierarchy. Strategy 11.2 Protect and enhance the function and resilience of biodiversity corridors. Strategy 11.3 Consider the needs of climate refugia Strategy 11.4 Protect biodiversity values in urban release areas. Strategy 11.5 Protect coastal lakes and estuaries by implementing the NSW Government's Risk-Based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions	<p>The environmentally sensitive land which has been identified as having threatened ecological communities (TECs) and contains a buffer zone to a coastal wetland (Wowly Creek) will remain zoned as C3 Environmental Management. This land is proposed to be dedicated to the NSW Environment Minister for addition to the Jervis Bay National Park via a deed of transfer. The C3 zoned portion of the land would be rezoned to C1 through a separate planning proposal.</p> <p>Wowly Creek is identified as a sensitive estuary in the ISRP 2041 (p 50). The supporting Integrated Water Cycle Assessment (Study 3) indicates an overall beneficial effect on water quality can be achieved in two parts/stages:</p> <ol style="list-style-type: none"> 1. Widening the open channels which currently back up and cause stormwater generated flooding from upstream from west of the site along Sealark Road. 2. Filling the proposed R1 zoned land to ensure stormwater catchment to enable the treatment of stormwater prior release into Wowly Creek.
Objective 12: Build resilient places and communities Strategy 12.1 Resilience and adaptation plans Strategy 12.2: Reduce exposure to bushfire and natural hazards	<p>The subject site is bushfire prone. A Strategic Bushfire Assessment (Study 8) has been prepared, indicating development facilitated by the proposal can achieve consistency with NSW Rural Fire Service (RFS) Planning for Bushfire Protection Guidelines. Consultation would be undertaken with RFS after a Gateway determination is issued.</p> <p>The proposed R1 zoned area is partly flood-affected. A flood study has been prepared (Study 2) which incorporates mitigation measures such as importing fill over the proposed R1 zoned residential footprint to bring it above the flooding planning level, noting that part of the area would still be affected by a PMF event. Consultation with the Department of Climate Change Energy and</p>

	<p>Water is expected to occur after a Gateway determination is issued.</p> <p>The proposed residential area is not affected by coastal hazard risks.</p>
<p>Objective 13: Increase urban tree canopy cover</p> <p>Strategy 13.1 Strategic planning and local plans should consider opportunities to develop long-term urban tree canopy targets accounting for local characteristics and community expectations</p>	<p>Street tree planting opportunities can be considered which do not compromise bush fire safety requirements such as Asset Protection Zone (APZ) to accommodate trees/shrubs within the proposed development, especially along the road reserve. This concept can be integrated at the development application stage, noting a site-specific development control plan (DCP) is not proposed to be prepared.</p>
<p>Objective 14: Enhance and connect parks, open spaces and bushland with walking and cycling paths.</p> <p>Strategy 14.1: explore new public space</p>	<p>The subject site is positioned between existing residential development to the west, and Wowly Creek and the shores of Jervis Bay to the east. Wowly Creek and the foreshore will continue to be accessed via Sealark Road and Monarch Place.</p> <p><i>Note: Sealark Road can be accessed directly from homes along Cronin Place to the west via a footpath through a 1,335m² Council reserve (Lot 45 DP734365).</i></p>
<p>Objective 15: Plan for a Net Zero region by 2050</p> <p>Strategy 15.1 Strategic planning and local plans should consider opportunities to encourage initiatives that reduce emissions</p> <p>Strategy 15.2 Local plans should encourage energy efficient design for residential areas.</p>	<p>The proposed residential area is within walking and cycling distance of local services and the beach at Callala Bay. This is consistent with the goal of reducing transport emissions by reducing frequency of car trips to local facilities.</p>
<p>Objective 17: Secure water resources</p> <p>Strategy 17.1 Strategic planning and local plans should consider opportunities to:</p> <ul style="list-style-type: none"> • locate, design, construct and manage new developments to minimise impacts on water catchments • incorporate water sensitive urban design • encourage water reuse for urban greening and for irrigation purposes 	<p>The Integrated Water Cycle Management Assessment (IWCMA) describes a conceptual stormwater treatment strategy to help protect the receiving waterway (Wowly Creek) (Study 3)</p> <p>The stormwater strategy involves raising the height of the residential area (i.e. importing fill) to provide sufficient fall to bioretention basins located in the proposed R1 zoned land.</p> <p>The Integrated Water Quality Management Study (Study 3) has been reviewed by Council's senior floodplain and stormwater engineer and is considered acceptable, subject to further detail being provided at development application stage.</p>
<p>Objective 18: Provide housing supply in the right locations</p>	<p>The proposal seeks to expand the existing residential area in the locality consistent with Council's resolution on 5 March 2019 (MIN19.111):</p>

<p>Strategy 18.1 Identify urban growth boundaries and facilitate opportunities to support ongoing supply of housing in appropriate locations.</p> <p>Strategy 18.2 Facilitate housing opportunities in existing urban areas, particularly within strategic centres.</p>	<p><i>“Support the proponent-initiated Planning Proposal request to rezone Lot 5 DP 1225356, Sealark Road, Callala Bay to a mix of residential, recreation and environmental protection zones on the basis that it is considered to be ‘minor’ in nature and significance in accordance with Council’s Planning Proposal (rezoning) Guidelines given the scale of the development that could result.”</i></p> <p>Note: the reference to a recreation zone is derived from the proponent’s original 2019 planning proposal. This proposal agrees with Council staff that a recreation zone is not appropriate in the subject land.</p>
<p>Objective 19: Deliver housing that is more diverse and affordable</p> <p>Strategy 19.1 provide a mix of housing types and lot sizes including small lots in urban release areas</p>	<p>The proposed residential zones would facilitate the delivery of additional housing on the coastal fringe of Callala Bay.</p> <p>The proposal provides opportunities to increase housing choices as the proposed R1 zone allows different housing types and affordable options such as detached dwellings, dual occupancies (attached and detached), group homes, multi dwelling housing, residential flat buildings etc.</p>
<p>Objective 22: Embrace and respect the region’s local character</p>	<p>The proposal will embrace and respect the regions character by retaining the spacious and green character and include pedestrian infrastructure and improve connections to the waterfront.</p> <p>The proposal will replace 1.7ha of disturbed heath with housing and result in a small increase in population, providing economic stimulus to local shops and businesses.</p>
<p>Objective 23: Celebrate, conserve, and reuse cultural heritage</p> <p>Strategy 23.1 Strategic planning should consider opportunities to engage Traditional Owners and the community early in the planning process to understand heritage values.</p>	<p>An Aboriginal Cultural Heritage Assessment (ACHA) (Study 4) completed by AMBS Ecology & Heritage concluded the following:</p> <p><i>“No Aboriginal cultural issues or sensitivities associated with the study area were identified by the RAPs (Registered Aboriginal Parties) consulted with during the assessment. It is therefore considered unlikely that the proposed rezoning of land at Sealark Road, Callala Bay will impact Aboriginal heritage values within the study area. There are no additional constraints to the proposed development arising from considerations of Aboriginal cultural heritage and archaeology, and the proposed rezoning may proceed with due caution.”</i></p> <p>Furthermore, the Jerrinja Local Aboriginal Land Council will be consulted during the public exhibition period.</p>

Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or other endorsed local strategy or strategic plan?

Assessment against Council’s Local Strategic Planning Statement (LSPS) is summarised in the following table.

Table 3: Applicable Planning Priorities of Council's LSPS

Planning Priority schedule	Comment
1 - Providing homes to meet all needs & lifestyles	The proposed residential zones will enable a wide range of housing options. The site is walkable to the beach and not far from the Callala Town Centre, contributing to a sustainable quality of life and various transport options for residents.
2 - Delivering Infrastructure	This development would access existing available infrastructure. Appendix 1E provides information related to electrical infrastructure and Appendix 1F provides information related to water and sewage infrastructure. Raising no issues that cannot be addressed at future development stages.
3 - Providing Jobs closer to home	The resulting subdivision & construction phase for building homes on the available site will contribute to local employment.
4 - Nowra City Centre	N/A
5 - Ulladulla Town Centre	N/A
6 - Strengthening commercial centres	The proposal would allow for a mix of housing types, and there would likely be permanent or temporary accommodation including for tourists, which would contribute to the local commercial centre economy.
7 - Responsible visitor economy	The proposed concept includes increased carparking adjacent to the popular swimming hole at Wowly Creek and choices of housing within walking distance to the beach, cycle riding to the commercial centre, minimising car dependence and traffic congestion, especially during peak visitor times.
8 - Supporting Agriculture & Aquaculture	Raising the building height of the proposed R1 zoned residential area will provide fall to the bioretention pits and help to mitigate sediment and nutrient flows into Wowly Creek and then Jervis Bay, adjacent to an existing mussel farm.
9 - Industrial & defence-related opportunities	N/A
10 - Protecting the environment	The Deed of Agreement for dedication of 4.18 hectares of this site into Jervis Bay National Park, preserves the EEC. Potential improvements (flooding and sedimentation) of Wowly Creek may also protect the environment.
11 - Adapting to natural hazards through building resilience	The proposal is designed to minimise bush fire risk with well serviced access surrounding roads and APZs designed not to 'back onto' flame zone risk areas. Existing stormwater and flood events,

	combined with sea level rise, increased rain events have all been technically assessed and mitigation measures have been designed to resolve current known hazards.
12 - Managing resources	The sites' location has the potential to reduce car dependency; resulting in lower greenhouse gas emissions per household due to walkability and lifestyle benefits.
13 - Protecting & enhancing neighbourhoods	The proposed R1 and R2 zoned land are surrounded by open landscape and have high quality walkable advantages to the beach and Wowly Creek. This location can benefit from more compact housing forms given the immediate proximity of natural open space, facilitating a positive neighbourhood.
14 - Heritage items and places	The Aboriginal Heritage Assessment (Study 4) does not consider this site has conflict with Aboriginal items of natural heritage.
15 - Scenic & cultural landscapes	This proposal aims to protect and enhance the conservation of 72% of this site by dedication to Jervis Bay National Park.
16 - Promoting events & art	This proposal does not impact this planning priority.

Is the planning proposal Consistent with any other applicable State and regional studies or strategies?

This proposal is broadly consistent with the Integrated Strategic Plan - Shoalhaven 2027 Community Strategic Plan in terms of:

- providing additional land supply (Priority 2.2 - Plan and manage appropriate and sustainable development) on the coastal fringe of the Callala Bay village; and
- increasing protection of the environmentally sensitive land (Priority 2.3 – Protect and showcase the natural environment) directly adjacent to Wowly Creek.

Jervis Bay Settlement Strategy dated 2003 (JBSS-2003).

In addition to the findings of the Regional Panel, various justifications are made to specific sections of the JBSS-2003. The proposal states that while the land was not identified or considered in this strategy (from 2003), the site and proposal are consistent with this strategy and deliver the vision of the strategy.

The proposal delivers on the strategy by dedicating 70% of the site to NSW National Parks and the proposal generally proposes an ecologically sustainable development outcome (Noting the Bangalee sand forest found on site is a threatened ecological community and is proposed to be retained). The proposal also aims to resolve existing flooding issues and achieve better water quality outcomes, while providing residential housing with access to existing infrastructure, walkable beach lifestyle and affordability with quality of life.

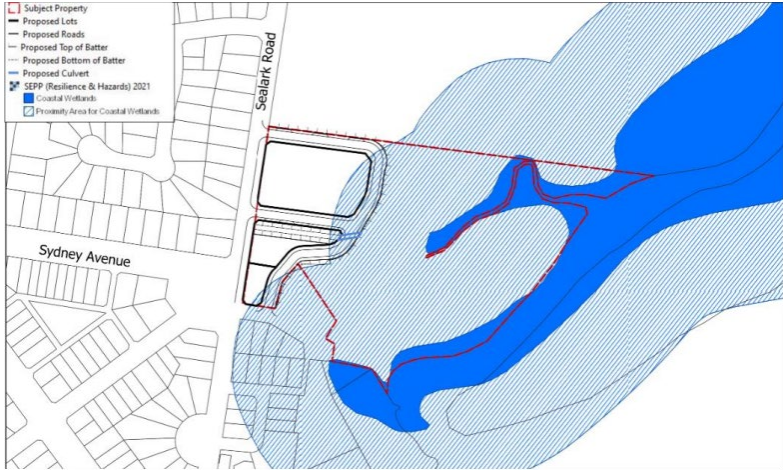
A bush fire strategic study (**Study 8**) has been prepared and technical flood and stormwater studies (**Study 2 and 3**) have also been prepared, and the proposal has been refined in light of these studies.

Further assessment related to the Jervis Bay Settlement Strategy can be found in the original planning proposal (**Appendix 1**).

Is the planning proposal consistent with applicable SEPP's?

The proposal is generally consistent with the applicable state environmental planning policies (SEPPs) and other matters will be considered at development application stage. The consistency of the proposal with relevant SEPPs, is outlined in **Table 4** below:

Table 4: Consistency with applicable SEPP's

SEPP	Justification
Biodiversity and Conservation	<p><u>Chapter 2 Vegetation in non-rural areas</u></p> <p>This Chapter currently applies and will continue to apply to the subject land.</p> <p><u>Chapter 4 Koala habitat protection 2021</u></p> <p>No recent records in the broader area and the proposed residential area contains marginal habitat (ELA, 2020). The subject land contains tree species listed in Schedule 2.</p>
Housing	<p>The Housing SEPP provides controls for Affordable Rental Housing and Seniors Housing. This SEPP may apply in certain instances because the development area is proposed to be zoned R1 General Residential and permits a number of residential uses (subject to other provisions). The proposed R1 General Residential and R2 Low Density Residential zones permit diverse housing. The proposal does not preclude development for affordable housing.</p> <p>This proposal does not contain any provisions that are contrary to this SEPP.</p>
Primary Production	<p>The supporting Integrated Water Cycle Assessment (Study 3) indicates the proposal would have a neutral or beneficial effect on water quality. On this basis, this proposal is not inconsistent with Part 2.5 Sustainable Aquaculture.</p>
Resilience and Hazards	<p><u>Chapter 2: Coastal Management</u></p> <p>The proposed residential area is largely within the 'coastal use area' and partly overlaps with the 'proximity area for coastal wetlands' (see Figure 9 overleaf).</p> <p>The proposal is consistent, noting this would be assessed in more detail at development application stage for the subdivision.</p> 

	<p>Figure 9: Coastal hazards mapped in the Resilience & Hazards SEPP 2021 (Source: Original Planning Proposal)</p> <p><u>Chapter 4: Remediation of land</u></p> <p>The proposal is supported by Preliminary Site Investigation (PSI) and Geotechnical reports (Study 6 & 7) which found minimal human-related activity has occurred on the site other than recreational activities and has been vacant and undeveloped since the mid 1930's.</p> <p>The following potential Areas of Environmental Concern (AEC) were identified:</p> <ul style="list-style-type: none"> • there are several drainage depressions visible on the site which were excavated between the 1980's and 1990's, accompanying the urban developments to the south and west of the site; • the following potentially contaminating activities may have occurred on or near the site: <ul style="list-style-type: none"> ○ Potential use of herbicides around drainage depressions on the site (AEC1). ○ Potential for illegal dumping, especially to the south and southwest which is unfenced and well vegetated (AEC2). • The findings of the PSI indicate that there is a low risk of contaminants, within AEC1 and AEC2, impacting on the site at levels which would preclude consideration of the site for residential development. <p><u>Council noted:</u> Further investigation including soil sampling would be undertaken at development application stage, as recommended.</p> <p>The planning proposal is not inconsistent with Chapter 4 – Remediation of land as detailed in the accompanying preliminary site assessment report (Study 7).</p>
SEPP 65 Design quality of residential apartment development	<p>The proposed 8.5 m maximum height of buildings would preclude this SEPP which applies to buildings higher than 3 storeys.</p>

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

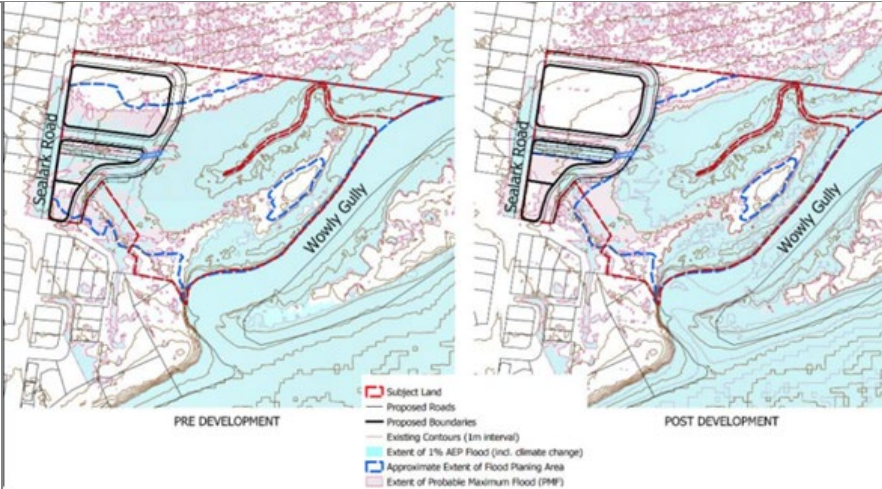
The planning proposals consistency with the ministerial direction is discussed in **Table 5** below.

Table 5: Consistency with applicable Section 9.1 Directions

Section 9.1 Directions	Proponent identified consistency	Justification
1.1 Implementation of Regional Plans	Yes	<p>The Illawarra Shoalhaven Regional Plan is discussed in section 3.2.1 of this document noting that the proposal is consistent with Objective 11 (Protect important environmental assets) and not inconsistent with Objective 19 (Deliver housing that is more diverse and affordable).</p> <p>Environmentally sensitive land encompassing two threatened ecological communities and a buffer zone to a coastal wetland associated with Wowly Creek, will remain zoned as C3 as part of this proposal. However,</p>

		<p>as noted earlier, this land is proposed to be dedicated to the NSW Environment Minister for addition to the Jervis Bay National Park via a Deed of Agreement between the landowner and the Minister. A separate planning proposal would need to be initiated to rezone the land from C3 to C1.</p> <p>This proposal would enable some additional types of residential housing to be provided in the locality. The land's proximity to Jervis Bay and Wowly Creek with large open space vistas surrounding the site will provide access to a high quality of lifestyle with a diverse range of housing types permissible in the proposed R1 General Residential and R2 Low Density Residential zones, potentially adding to the supply and diversity of housing available in the locality.</p>
1.4 Site specific provisions	Yes	No additional development standards are proposed that do not already apply to the applicable zones.
3.1 Conservation Zones	Inconsistent but justified	<p>The proposal is consistent with Direction 3.1 because it is justified by a study (BDAR – Study 1) prepared in support of the planning proposal which considers the objectives of this direction. The BDAR demonstrates that:</p> <ul style="list-style-type: none"> the area proposed to be rezoned to R1 and R2 does not contain any threatened species or endangered ecological communities; and the environmentally sensitive land, including the endangered ecological community (EEC) and land within 100m of the coastal wetland, will continue to be zoned C3 and will be added to the Jervis Bay National Park via a Deed of Transfer. <p>Additionally, management actions will be implemented to protect the area's conservation values, including a vegetated buffer of more than 50m of coastal wetland, as well as a drainage and stormwater control plan and an erosion and sediment control plan to improve drainage impacts on downstream habitats.</p> <p>The proposal and associated BDAR would likely be referred to the Biodiversity and Conservation Division of the Department of Climate Change Energy and Water.</p>
3.2 Heritage Conservation	Yes	<p>This Direction requires proposals to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The proposal is supported by an Aboriginal Cultural Heritage Assessment (ACHA) (Study 4). No Aboriginal objects, sites or areas with potential to retain subsurface archaeological deposits were identified, nor were any Aboriginal cultural issues or sensitivities identified by the RAPs consulted in the assessment.</p> <p>There are no items of European heritage within or adjacent to the site.</p>

<p>4.1 Flooding</p>	<p>Justified inconsistency</p>	<p>Direction 4.1 applies to relevant planning authorities that are responsible for flood prone land when preparing a proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>Sections (3) and (4) of Direction 4.1 relate to the flood planning area and areas between the flood planning area and probable maximum flood respectively. These controls prevent a planning proposal from containing provisions that permit development on floodways and high hazard areas, permit sensitive development in certain circumstances, or are likely to increase the need for government spending on emergency services or permit hazardous industries or hazardous storage establishments. The proposal is not inconsistent with sections (3) or (4) of Direction 4.1.</p> <p>The proposal seeks to rezone land within the flood planning area from conservation to R1 General Residential and R2 Low Density Residential zones and is inconsistent with Direction 4.1(2). A proposal may be inconsistent with Direction 4.1 if the proposal is accompanied by a flood study.</p> <p>The proposal is supported by a Flood Study prepared by Footprint (NSW) P/L Dated 15th July 2024 (Study 2) prepared in accordance with the principles of the Floodplain Development Manual 2005 and states it is consistent with Shoalhaven City Council's requirements. The flood study concludes:</p> <p><i>“The modelling demonstrates that flooding within the Wowly Creek estuary is dominated by oceanic flooding rather than catchment derived flooding. Within the upper reaches of the subject site in the location of the proposed residential rezoning flooding occurs predominately from the runoff derived from the existing residential catchments to the west of Sealark Avenue.</i></p> <p><i>Currently these flows exceed the capacity of the existing channel and cause flooding of variable depth within the overbanks. Except for overbank flooding from the above drainage channels the area proposed for residential rezoning is relatively free from flooding and is therefore considered suitable for residential development.</i></p> <p><i>Post development modelling shows that modifying these drainage channels combined with filling of parts of the land would minimize the area of land inundated by flooding and that suitable flood free land above the flood planning level can be made available for residential development.”</i></p> <p>In summary, the proposal is inconsistent with this Direction, but is justified by a flood study. It can also be argued the inconsistency is of minor significance, subject to completing the excavation and filling associated with the post-development scenario.</p> <p>Figure 10 below is an extract from the flood study and shows flooding constraints, pre and post-development and flood planning area.</p>
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		 <p>Figure 3: Pre-development and post development flooding (Source: Original Planning Proposal)</p>
4.2 Coastal Management	Yes	The proposal is not seeking to increase development within a coastal wetland, coastal vulnerability area, or land affected by a current or future coastal hazard.
4.3 Planning for Bushfire Protection	Yes	<p>The proposal is supported by a bushfire assessment which incorporates a Strategic Bushfire Assessment (Study 8). The proposal has been designed to:</p> <ul style="list-style-type: none"> • incorporate a perimeter road; • provide APZs which are contained entirely within the proposed R1 zone in accordance with Planning for Bush Fire Protection 2019 (PBP 2019); • include two-way public road access is readily available from Sealark Road and Monarch Place; and • ensure adequate water supply for firefighting is available.
4.4 Remediation of contaminated land	Yes	<p>The proposed rezoned land would permit a change of use and triggers this direction. The proposal is supported by a Preliminary Site Investigation (PSI) (Study 7) and Geotechnical Soil report (Study 6) which found minimal human related activity has occurred on the site other than passive recreational activities.</p> <p>Testing undertaken on the subject site for the PSI has indicated that the following potentially contaminating activities have occurred:</p> <ul style="list-style-type: none"> • use of herbicides around drainage depressions on the site; • illegal dumping of material, in particular on the south-western unfenced and well vegetated part of the site; and • runoff from urban development to the south and southwest of the site flowing into the drainage depressions on site. <p>The following potential Areas of Environmental Concern (AEC) were identified:</p> <ul style="list-style-type: none"> • The drainage depression associated with the historical use of herbicides and ongoing use as stormwater drains (AEC1); and

		<ul style="list-style-type: none"> Areas with the potential for illegal dumping (AEC2). <p>The PSI recommends limited soil sampling within AEC1 to allow waste classification and facilitate off-site disposal of the natural soils and establish if the area is impacted. Limited soil sampling is recommended to take place post removal of any inert debris found on site and an unexpected finds protocol should be established.</p> <p>The proposal is consistent with Direction 4.4 noting that further investigation including soil sampling would be undertaken at development application stage, as recommended.</p>
4.5 Acid Sulfate Soils	Yes	<p>The proposed R1 and R2 zoned portions of the site are not identified as Acid Sulfate Soils on the map. In any event, the proponent has undertaken an Acid Sulfate Soils assessment as part of the geotechnical investigation.</p> <p>The proposal is supported by an Acid Sulfate Soils Assessment (Study 6). The assessment concludes that a formal Acid Sulfate Soils management plan is not required for the site based on soil sampling and analysis.</p> <p>Testing indicates that net acidity (%S) on the site is in the range of 0.06%S, which is below the NSW EPA trigger level of 0.1% for the clay soils encountered on the site, above which a formal management plan would be required. The assessment notes that as the site is in an area with a low and sporadic potential for Acid Sulfate Soils in the near surface alluvial surface soils and is potentially underlain by residual and alluvial soils derived from underlying acidic rock, it is likely the environment has been accustomed to a slightly reduced pH. Accordingly, the assessment recommends an in-situ treatment of the soils to ensure any potential acidity excess is managed and to avoid the site from resulting in an alkaline environment. Such steps and recommendations from treatment can be found in the supporting Geotechnical Study (Study 6).</p> <p>Any future development application will have to address Clause 7.1 (Acid Sulfate Soils) of the Shoalhaven LEP 2014.</p>
5.1 Integrating Land Use and Transport	Yes	<p>The proposal will provide a limited number of additional dwellings on the coastal fringe of Callala Bay. Future residents are likely to be reliant on private cars for transport due to the limited availability of public transport and limited employment opportunities within the village. The existing and proposed network of roads and paths will provide a range of local cycling and walking options.</p> <p>To the extent that the proposal does not include provisions that give effect to and are consistent with the aims, objectives and principles of the documents listed in paragraph (1) of the Direction, it is supported by a Traffic Impact Assessment (Study 5). This assessment considers strategic context and site-specific design issues and concludes that:</p> <ul style="list-style-type: none"> <i>The potential traffic generation of the subject site has been reviews with reference to the most recent RMS Survey data. The review indicates that the proposed development will lead to a net</i>

		<p><i>increase in peak hour traffic generation of 15 and 16 vehicle trips in the AM and PM peaks respectively.</i></p> <ul style="list-style-type: none"> <i>“Therefore, taking the increased traffic volume into consideration, the SIDRA analysis indicates that the proposed development will have minimum impact on the performance of the existing local road network”</i>
5.2 Reserving Land for Public Purposes	Not inconsistent	<p>A letter dated 3 August 2021 from the NSW Environment Minister to the proponent confirms NPWS will accept the proposed transfer of land subject to a one-off payment by the proponent to ‘complete works and transition the land to a national park’. The letter states the land would only be rezoned to C1 – National Park <u>after the land has been acquired</u>.</p> <p>The C3 zoned land (proposed to be rezoned C1) would be transferred to NPWS via a Deed Agreement between the landowner and the NSW Environment Minister. The intention is for the Deed to be progressed concurrently with the proposal and would be signed and registered on title prior to notification of the LEP amendment. This approach would ensure a mechanism is in place to transfer the land prior to it being rezoned. The timing of the LEP amendment could potentially be impacted if the Deed was delayed. The proposal is not inconsistent with this Direction.</p>
5.3 Development Near Regulated Airports and Defence Airfields	Yes	<p>The subject land is located approximately 15 km from the Jervis Bay Airfield which is owned and managed by the Commonwealth Department of Defence.</p> <p>This proposal will enable a small area to be rezoned consistent with neighbouring development and set a maximum building height of 8.5m which will not affect the aircraft operations.</p>
6.1 Residential Zones	Yes	<p>This proposal will provide additional housing on the coastal fringe of Callala Bay; however, this will involve an expansion of the current urban footprint. The existing infrastructure and services within the village will be utilised. A new perimeter road and upgraded stormwater infrastructure is proposed to be provided at subdivision stage.</p> <p>The proposed R1 General Residential and R2 Low Density Residential will provide potential for diversity of housing types, styles, density and affordability. The R1 zone under the Shoalhaven LEP 2014 permits a range of residential development with development consent. The R1 zone will enable an increase in housing density and form, in the form of attached dwellings, dual occupancy and residential flat buildings.</p> <p>Existing Shoalhaven LEP and DCP controls will apply to new residential development. The Urban Design Report (Study 9) concludes that the controls will provide appropriate design outcomes for these future lots.</p>
9.2 Rural Lands	Yes	<p>The proposal seeks to rezone land from C3 to R1 and R2. Amendments are proposed to the minimum lot size map for the proposed R1 and R2 zone to reduce the minimum lot size from 40ha to 500m².</p> <p>Clause (2) applies to the changes to minimum lot sizes in conservation zones however the requirements that must be demonstrated relate to</p>

		<p>concepts such as rural land fragmentation, rural land uses and related enterprises and rural residential purposes. Those considerations are not relevant to the rezoning of land from conservation to residential zones.</p> <p>The Direction also requires consideration of clause 5.16(4) of Shoalhaven LEP 2014, which requires the consideration of the existing uses and approved uses of land in the vicinity of the development and whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and predominant land uses in the vicinity of the development. The clause will not apply to the proposed R1 and R2 portions of the subject site.</p> <p>It is considered that the proposal is consistent with the Jervis Bay Settlement Strategy (JBSS), Regional Plan and Local Strategic Planning Statement.</p> <p>The proposal identifies and protects environmental values of the site. Environmentally sensitive land identified in the supporting BDAR includes a Threatened Ecological Community (TEC) and a 100m buffer to the coastal wetland, which will continue to be zoned C3 Environmental Conservation. This environmentally sensitive land will be added to the Jervis Bay National Park via a deed of transfer.</p> <p>The proposal considers natural and physical constraints of the site. The supporting flood study and integrated water cycle assessment indicate that the proposed development area will need to be filled to an average depth of 700-800 mm to manage stormwater and flooding while achieving a neutral or beneficial effect on water quality.</p>
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Site Specific Merit

5.3 Section C – Environmental, Social and Economic Impact

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?

The supporting BDAR (**Study 1**) indicates that while it is not possible to locate the footprint within an area that has no biodiversity values, the footprint is generally located in the most disturbed part of the site and the vegetation does not include any Endangered Ecological Communities (EEC) listed under the *NSW Biodiversity Conservation Act* (BC Act) or the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (Eco Logical Australia 2024).

One threatened species was observed within the study area; the Grey-headed Flying-fox, which was not considered to represent a significant constraint (given this species' mobility and extensive range). Three other threatened species were recorded in the eastern part of the subject land that will remain zoned C3 as part of this proposal and become part of NSW National Park in the future:

- Gang-gang Cockatoo,
- Square-tailed Kite,

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- White-bellied Sea-eagle.

The BDAR states the development footprint does not support any hollow-bearing trees, raptor nests, permanent water or rock habitats, nor any other habitat resources that are not widely available in surrounding areas. Various mitigation measures are proposed in the BDAR to prevent or reduce indirect impacts from the development, which would be implemented at construction phase.

The proposal would likely be referred the Department of Climate Change, Environment, Energy and Water (DCCEEW) Biodiversity and Conservations Division (BCD) after Gateway determination. This would inform if any further work needs to be undertaken including any potential mitigation measures.

Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Impacts on local amenity

Potential impacts or change to local amenity due to future development include:

- noise during construction of the development and ongoing residential occupation;
- traffic and car parking. The Traffic report indicates the amount of generated traffic will be minimal and the surrounding 'ring-road' and subdivision concept layout has been designed to cater for most on and off-street visitor parking and garage access from this road not Sealark Road; and
- loss of views, particularly impacting on adjacent residences west of Sealark Road over the current vacant site.

Strategies to minimise visual impacts would include non-bushfire generating landscaping and use of vegetation to soften the impacts. Building height controls of 8.5 m maximum height of buildings is proposed on the subject land.

Impacts of earthworks involving cut and fill

The subject land is relatively flat and low lying and is subject to flooding in the 1% AEP event.

To resolve the flooding constraints and enable stormwater to be managed so that water quality in Wowly Creek is not adversely impacted in the longer term, the Flood Engineer's Design solution proposes to undertake earthworks to raise the height of the residential area to an average depth of 700-800 mm and excavate and create a new single landscaped drainage channel.

These works would raise the proposed residential area above the flood planning level (1 in 100-year flood level + 0.5 m freeboard) and provide the necessary gradient of water fall to discharge stormwater into the proposed bioretention basins.

The potential impacts of earthworks involving cut and fill would include:

- Loss of views to western residences due to increase in RL's of houses. **Figure 10** (in section above) however demonstrates that the level of fill to proposed residential blocks immediately adjoining Sealark road will only range between 0 to 250mm of additional fill. In the Urban Design Report (**Study 9**), URBANAC at Earthworks notes: 'The small size of this change will have no more than a minimal impact on views or general setting'

- Impacts on visual qualities in the immediate area, including the natural landscape and views. The extent to which the ground level is proposed to be raised will not reduce distant views of mountains or the EEC tree line, which will prevail over the 8.5m height proposed despite the proposed fill to the lower sections of the proposed residential land, as noted above.
- Construction impacts including noise, dust, erosion risk and water quality impacts. Note: The Integrated Water Cycle Management Plan indicates that water quality would not be negatively impacted post construction. A Soil and Water Management Plan would be required prior to any work proceeding and would document erosion control measures to be implemented during the construction phase.
- Changes to stormwater and flooding behaviour (positive and negative). Stage 1 works which redirect the southern pipe and excavation of the enlarged drainage channel will improve drainage and reduce localised inundation/flooding. The supporting flood study (**Study 2**) stated:
 - Figure 8.4 in the Flood Study Report demonstrates the proposed development will not cause adverse flood impact on adjacent properties. In fact, the modelling demonstrated the 1% AEP flood level in the upper portion of the drainage channel through the site is likely to decrease by up to 300mm, which is anticipated to result in a reduction of flooding and increased serviceability within Sealark Road to the benefit of the wider community. Similarly in the PMF event, Figure 10.4 shows the proposed development is not likely to have adverse impact on adjacent properties.

Bushfire

The proposal is supported by a bushfire assessment (**Study 8**). The landscape bushfire risk includes assessment of bushfire hazard, potential fire behaviour and bushfire history within at least a 5km radius of the subject land. The subject land is located within a wider area of bushfire prone land. The bushfire hazard is extensive to the east, north and northwest and has the potential to expose the subject land to larger sized bushfires. Larger potential fire catchments increase the risk of exposure to landscape wide bushfires which are typically more difficult to control before they impact a site. The subject land is within a landscape comprised of predominantly tall heath and bangalay sand forest.

Several strategies can be provided in the form of planning controls such that the risk from bushfire is reduced to a level that meets the '*deemed to satisfy*' bushfire protection requirements under PBP.

The strategies assessed to reduce the bushfire risk associated with the rezoning, include:

- PBP 2019 compliant setbacks from bushfire prone vegetation (APZs);
- a PBP 2019 compliant road system designed to provide safe access and egress from the site;
- underground electricity and gas services where possible;
- compliant water supplies; and
- appropriate design for emergency and evacuation response.

The need for bushfire evacuation of a future development is not likely to adversely interfere with the existing evacuation capacity in Callala Bay and the rezoned development enables the development of a more bushfire resilient urban bushland interface than currently exists. More detailed bushfire protection

design is required at the subdivision stage; however, the rezoning application has provisions that allow this more detailed design to achieve the '*deemed to satisfy*' requirements within PBP 2019.

The proposal would be referred to the NSW Rural Fire Service in accordance with the Gateway conditions and Ministerial Direction 4.3 Planning for Bush Fire Protection.

Has the planning proposal adequately addressed any social and economic effects?

Given the limited scale of the proposed development, the proposal is unlikely to have significant social or economic effects. As discussed above, there could be some impacts on local amenity. The construction phase will contribute to local economic stimulus by creating local jobs. The resulting increase in population, although relatively small, will contribute to the economic stimulus to business in Callala Bay in the longer term.

Callala Bay has a high number of Aboriginal cultural heritage sites, and the former NSW Office of Environment and Heritage (now NSW Heritage) has issued advice recognising the area is part of a significant Aboriginal cultural landscape. An Aboriginal Cultural Heritage Assessment (**Study 4**) has been prepared to accompany the planning proposal, which concluded the proposal will not have a significant impact on Aboriginal cultural heritage.

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

Is there adequate public infrastructure for the planning proposal?

The proposed rezoning will result in a small increase in population in Callala Bay. The proposed R2 zone, with an area of 3,632m² is expected to yield approximately 10 single detached dwellings and potentially 2 dual occupancy dwellings.

The increase will generate a relatively modest demand for transport infrastructure, public utilities and social infrastructure. Provision to meet this demand is discussed below.

Public Utilities

Stormwater infrastructure is covered in the Integrated Water Cycle Management Plan (IWCMP) forming part of the proposal (**Study 3**).

There is adequate capacity in existing infrastructure to support the planning proposal including electricity, water and sewer.

Regarding electricity supply, the site is capable of being serviced by a relatively minor low voltage underground extension into the proposed subdivision roads. The proponent has obtained servicing advice on 16 October 2024 (**Appendix E**) that there are two potential supply sources for the proposed subdivision and capacity in both the HV and LV network.

There is also capacity in existing water and sewerage utilities servicing the site. There are multiple potential connection points and water pressure for water supply to service the potential future lots. With respect to the sewerage, due to the low-lying nature it is preferred that any lots are served with gravity in

the first instance. Where this cannot be achieved a pressure sewer is possible. Increased flows can be accommodated by utilising existing connection points.

Email advice from Shoalhaven Water on 23 October 2024 and an indicative subdivision plan depicting the sewerage and water utilities can be found at **Appendix E and F**.

Augmentation of public utilities would be at the developers cost. The site is relatively self-contained, and it is not envisaged that a planning agreement will be necessary for provision of public utility infrastructure.

Social Infrastructure

Shoalhaven City Council has adopted Shoalhaven Contributions Plan 2019. Contributions are currently levied on new residential development for the following types of community infrastructure:

- Active Recreation
- Car Parking
- Community Facilities
- Drainage
- Fire Control Centre
- Passive Recreation
- Roads/Traffic Management

It is not expected that the proposed development will generate a demand for social infrastructure that cannot be met by the existing contributions plan. A social benefit will also be gained from dedication of a portion of the land to NSW National Parks for inclusion in the Jervis Bay National Park.

Transport Infrastructure

The Traffic Impact Assessment report (**Study 5**) states the proposed development will have minimal impact on the existing traffic conditions. Public road access will be constructed to Council standards as part of the subdivision works. Detailed design plans will be provided at DA stage and when an application is made under section 138 of the Roads Act for works with existing public roads.

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

On 3 August 2021, the Energy & Environment Minister accepted the proposed dedication of land (**Appendix 1A**), however this has not been recently confirmed. Shoalhaven Water (government water utility company) also provided comment on the proposal (**Appendix 1F**), noting that there is no issue to connect water, however sewer is a little more complex however it will likely be possible.

The proponent lodged the planning proposal PP-2022-4162 on 20 December 2022, and on 13 March 2023, Council resolved not to support the planning proposal due to a lack of strategic justification. The proponent subsequently lodged a rezoning review on 24 April 2023. The Southern Regional Planning Panel considered the proposal and determined it had strategic and site-specific merit subject to conditions. The proposal then went through various changes with the assistance of the Panel and the

Department of Planning, Housing and Infrastructure including the Planning Proposal Authority team and the Local Planning team.

The proposal has not been referred to State agencies, however, will be referred to relevant agencies as per the Gateway determination. Agencies that are likely to be consulted include:

- NSW Rural Fire Service (RFS);
- Department of Climate Change Energy, the Environment and Water (DCCEEW) regarding biodiversity and flooding;
- Jerrinja Local Aboriginal Land Council;
- National Parks and Wildlife Service (NPWS); and
- Shoalhaven City Council.

Further agencies may be required to be consulted as per the Gateway determination.

6 Mapping

The map sheets in the LEP 2014 proposed to be amended are:

- Land Zoning – LZN_020F
- Maximum Height of Building – HOB_020F
- Minimum Lot Size – LSZ_20F

For specific mapping changes please refer to **Figures 3-8** of this document.

7 Community Consultation

Community consultation will be undertaken by the Department of Planning, Housing and Infrastructure on behalf of the Panel as PPA for the planning proposal in accordance with the Community Participation Plan prepared under Part 2 of the EP&A Act and any requirements of the Gateway determination.

8 Project Timeline

The project timeline is outlined in **Table 6** below:

Stage	Timeframe and/or date
Consideration by Strategic Regional Planning Panel (SRPP)	October 2023
SRPP decision	January 2024
Gateway determination	February 2025

Stage	Timeframe and/or date
Pre-exhibition	April 2025
Commencement and completion of public exhibition period	July 2025
Consideration of submissions	August-September 2025
Post-exhibition review and additional studies	October 2025
Submission to the Department for finalisation (where applicable)	November 2025
Gazettal of LEP amendments	December 2025

Table 6: Project Timeline

9 Conclusion

This planning proposal has been prepared to address the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as align with the requirements of the Department of Planning *Local Environmental Plan Making Guideline* (August 2023).

The planning proposal and supporting documentation considers the strategic and site-specific opportunities and constraints of the site and considers environmental, social and economic impacts of the proposal.

With regard to Strategic Merit, the Panel stated the proposal would provide a significant public benefit as it would result in 4.35 hectares of high value conservation lands being incorporated into the Jervis Bay National Park. The Inclusion of the land would also help protect Wowly Creek which is sensitive Intermittent Closed and Open Lakes and Lagoons (ICOLL).

The proposal would respond to changing circumstances. Shoalhaven City Council's arguments that the Planning Proposal is inconsistent with the existing strategic context is not supported by the Panel given this context was established nearly 20 years ago. There is an identified housing crisis in the region and delivering housing supply is priority issue for NSW across all levels of Government. The proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include the Illawarra Shoalhaven Regional Plan 2041 (May 2021) and Shoalhaven 2040, the Local Strategic Planning Statement (July 2020).

The provision of additional housing in this location is supported by the Panel as:

- The housing can be serviced without placing pressure on Council's infrastructure delivery program;
- The environmental impacts associated with the delivery of housing on the site are likely to be able to be managed subject to appropriate design;

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- Residential development on the site would be contiguous with existing residential development; and
 - The Panel is satisfied the planning proposal would not establish a precedent as it would deliver a significant public benefit with the incorporation of high conservation lands into the National Parks estate with the added protection of a sensitive ICOLL.

The Panel has concluded that the proposal demonstrates strategic merit, and after various amendments the proposal also demonstrates site-specific merit for the proposal to be submitted for Gateway determination.

Appendices

Appendix 1 – Original proponent-initiated planning proposal (PRM Architects and Town Planners)

Appendix (attached to original planning proposal)

Appendix 1A – Energy & Environment Minister’s acceptance of proposed dedication of Land (3 August 2021)

Appendix 1B – Rezoning Review: Record of Decision: Strategic Planning Panel - Southern Regional Planning Panel (5 October 2023)

Appendix 1C – Rezoning Review: Updated Record of Decision: Strategic Planning Panel - Southern Regional Planning Panel (11 April 2024)

Appendix 1D – Footprint Site Subdivision Concept Layout Plans (15 July 2024)

Appendix 1E – Electricity Services Report prepared by AKH Design Services dated (16 October 2024)

Appendix 1F – Email from Shoalhaven Water (23 October 2024) and Sketch Plan

Technical Studies

Study 1 – Biodiversity Development Assessment (BDAR) (July 2024)

Study 2 – Flood Study by Footprint (July 2024)

Study 3 – Integrated Water Quality Management Study by Footprint (July 2024)

Study 4 – Aboriginal Cultural Heritage Assessment Completed by AMBS Ecology & Heritage (March 2020). Council managed (sensitive information redacted for public release)

Study 5 – Traffic Study (January 2024)

Study 6 – Geotechnical Study (including Acid Sulfate Soils) (August 2019)

Study 7 – Stage 1 Preliminary Contaminated Site Assessment by Terra Insight (August 2019)

Study 8 – Bush Fire Strategic Study by Eco Logical Australia (June 2024)

Study 9 – Urban Design Report by URBANAC (June 2024)