



MADISON MARCUS
BE EMPOWERED

PROPONENT INITIATED REVISED PLANNING PROPOSAL

PROPERTY:

LOT 5 DP 1225356

SEALARK ROAD, CALLALA BAY

PREPARED BY:

MADISON MARCUS

APPLICATION TO:

**DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE
IN ITS CAPACITY AS THE PLANNING PROPOSAL AUTHORITY**

29 OCTOBER 2024

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AMENDED-Proponent Initiated Planning Proposal

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Schedule of Technical Studies (provided separately)

1	Biodiversity Development Assessment Report (BDAR) by Eco Logical Australia, 22nd July 2024.
2	Flood Study by Footprint (NSW) 15th July 2024.
3	Integrated Water Quality Management Study by Footprint (NSW) 15 July 2024.
4	Aboriginal Cultural Heritage Assessment Completed by AMBS Ecology & Heritage, March 2020. Shoalhaven City Council managed (sensitive information redacted for public release))
5	Traffic Study by PTC, 8 January 2024.
6	Geotechnical Study (including Acid Sulfate Soils) by Terra Insight, August 2019.
7	Stage 1 Preliminary Contaminated Site Assessment by Terra Insight, August 2019.
8	Bush Fire Strategic Study by Eco Logical Australia 26th June 2024.
9	Urban Design Report by URBANAC 20th June 2024.

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A1-INTRODUCTION

The **original** Proponent Initiated Planning Proposal (**"PIPP"**) was prepared by PRM Architects + Town Planners P/L (**PRM**) on instructions from the owners of **Lot 5** DP 1225356 at Sealark Road, Callala Bay and issued on **17th December 2018**.

This proposal progressed over a four-year period to enable technical site studies to be undertaken. However, the process was halted by the Department of Planning and Environment (DPE) as the allocated administrative timeframe ran out.

A new PIPP was lodged by PRM on **16th November 2022** accompanied by all completed Technical Studies.

Shoalhaven City Council (SCC) resolved not to proceed with this PIPP on **13th March 2023**.

The Proponent lodged a rezoning review on **13th April 2023**, which was determined by the Southern Regional Planning Panel on **5th October 2023**. The Panel resolved:

'The proposal should proceed to Gateway determination because the proposal has demonstrated strategic merit and may be capable of demonstrating site specific merit'

'Prior to submitting PIPP for a Gateway determination' 10 specific revisions were recommended.

This **amended** PIPP is accompanied by revised Technical Studies and are the direct result of recommendations made by the Panel's recent determination of **11th April 2024**.

The **Site** is located on the Eastern most edge of the Coastal Callala Bay Village. (Figure 1 above). The waterway immediately fronting Callala Bay is known as Hare Bay, which is on the Northern end of Jervis Bay.

All other land abutting this Northern Shoreline of Hare Bay is part of Jervis Bay National Park which continues Southeast towards Currarong.

'The site' is Lot 5 DP 1225356 and was created and registered in 2016 following a subdivision of Lot 15 DP 1002772 (Figure 2).

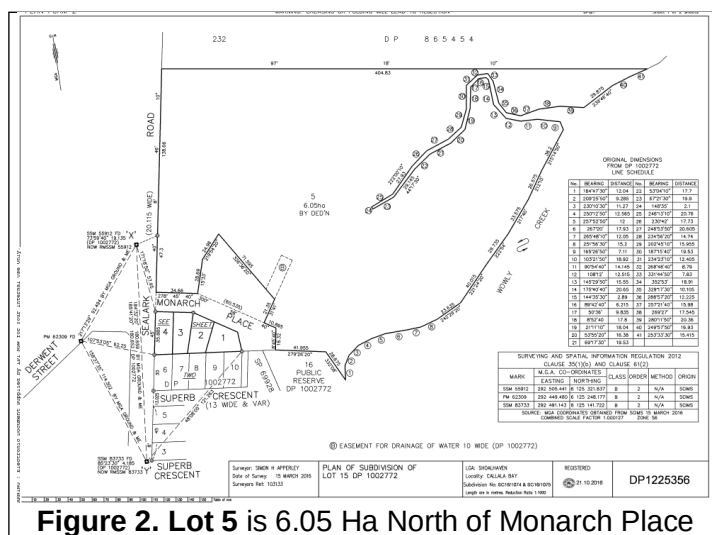
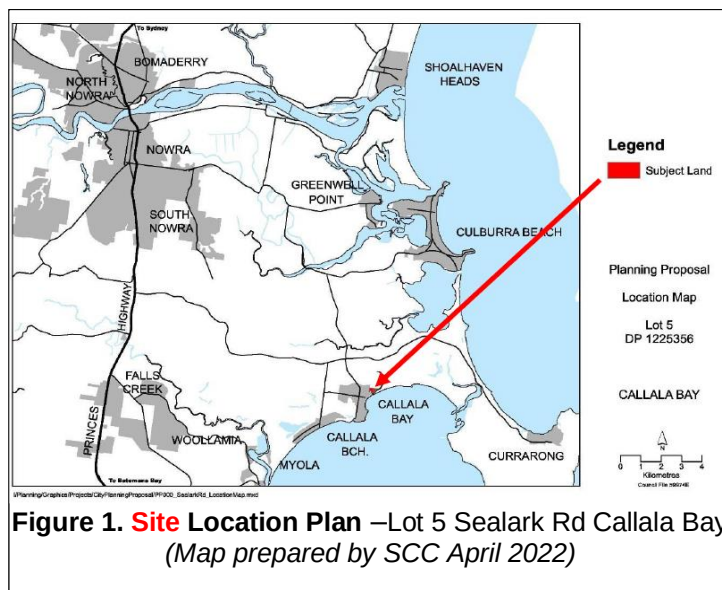
The total **site area** is **6.05** Hectares.

The Northern Boundary of the site is shared with Jervis Bay National Park

The Eastern irregular shaped boundary is the mean high-water mark of Wowly Creek which feeds via a tidal pool before crossing the Beach into Hare Bay/Jervis Bay.

The Western Boundary is Sealark Road which serves existing Residential Housing fronting Sealark.

South is Monarch Place which also serves residential housing and provides vehicle access to the Wowly creek tidal pool.



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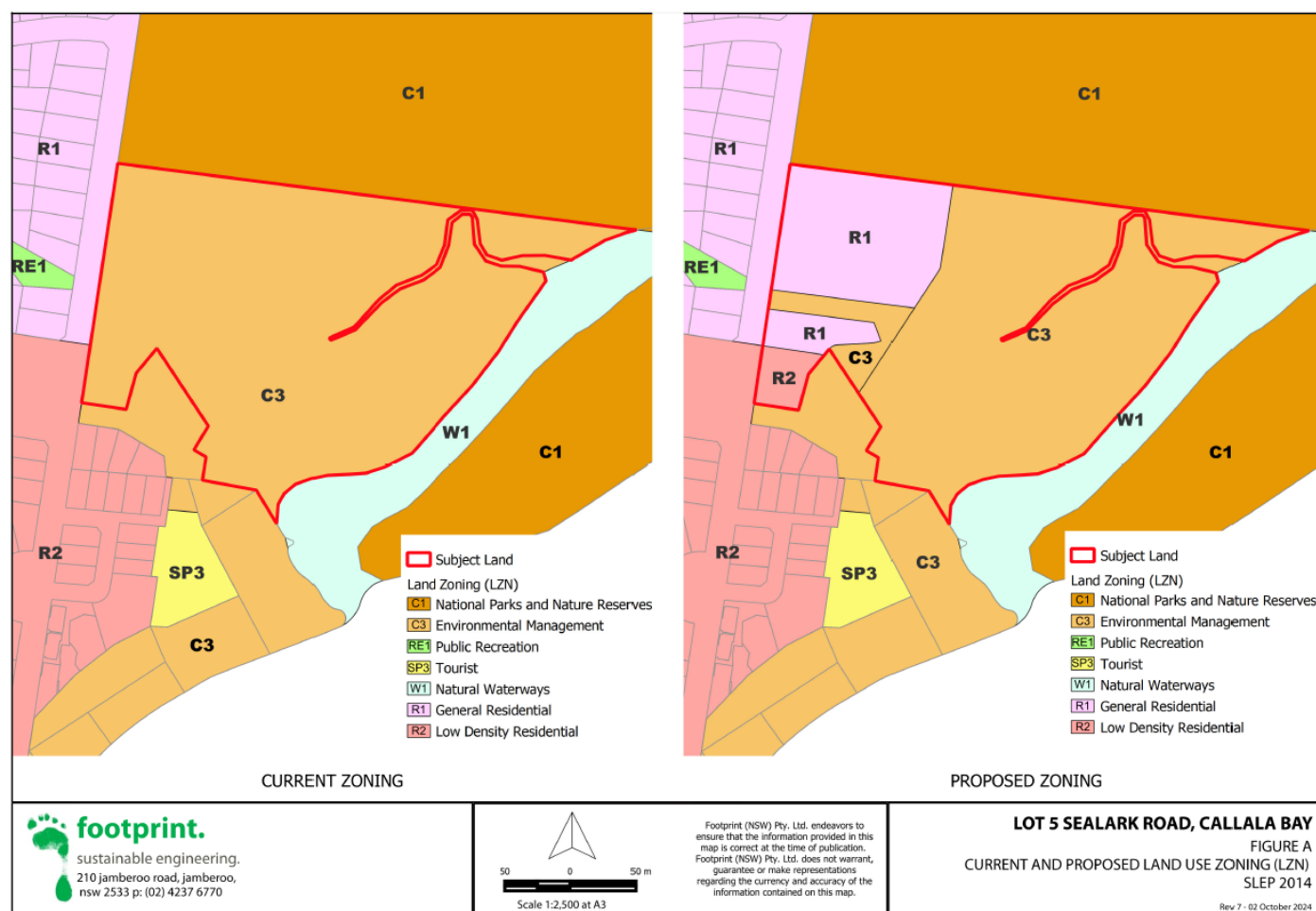
The owners seek to amend *Shoalhaven Local Environmental Plan 2014* (“LEP 2014”) by rezoning the existing C3 Environmental Management zone to a combination of **R1 General Residential** and **R2 Low Density Residential** with the balance of the land remaining zoned as C3 Environmental Management as shown below in **Figure 3** below (Lot 5 outlined in red).

That part of residue of the existing C3 zone that is not required for drainage purposes comprises approximately **4.18** Hectares or 70% of the **total 6.05** hectares. This land is to be dedicated to NSW National Parks and Wildlife Services for inclusion into the Jervis Bay National Park via a **Deed of Agreement**.

(Refer to Appendix A - letter of agreement to transfer ownership from NSW Minister of Energy and Environment - 3rd August 2021)

It is proposed this land will retain its current C3 zone and once dedicated to the NSW National Parks and Wildlife Service the land will be re-zoned to zone C1 - NSW National Parks (under a separate planning proposal).

The development part of the land is **1.87** Ha comprises the proposed R1 and R2 zones plus associated land zoned C3 that is required for drainage purposes (see Figure 3 below). This land is referred to in this PIPP as the “developable land”



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A2- PROJECT HISTORY

The owners of Lot 5 commenced technical site specific studies in 2003 comprising environmental Fauna and Flora constraints mapping, bushfire, and stormwater studies.

These environmental studies completed in 2006 identified and tagged the boundary of a threatened ecological community (Previously referred to as *Endangered Ecological Community* or *EEC*) which was then surveyed.

Overlay mapping of the EEC, on aerial photography is shown in **Figure 4** (Reference: *Surveyed Bangalay sand forest Zone- Dimitri Young*

Report 10th March 2006).

Results from the above scoping studies indicated the site has two distinct areas (**Figure 5** from PRM Drawing 302 A):

- **EEC**-Environmentally sensitive land identified as Bangalay Sand Forest with a 20m buffer established the EEC as a '**no-go**' area where no further investigation was to occur, and
- **Investigation Area**. The remaining area indicated a need for more detailed studies to consider potential for rezoning to a residential use compatible with the existing residential urban area to the South and West and adjacent to Sealark Road-2006.



Figure 4: Lot 5 (previously Lot 15) Ariel overlaid with Surveyed Fauna & Flora Constraints mapping

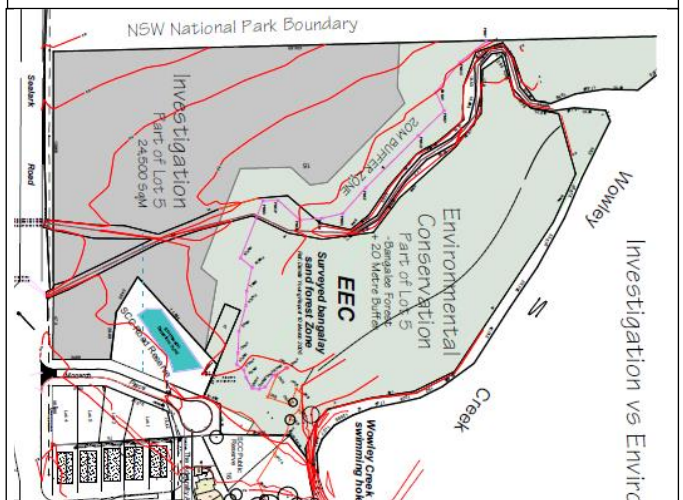


Figure 5: Lot 5 – Environmental EEC area with 20m buffer and area for further investigation

B-HISTORY OF APPLICATIONS TO RE-ZONE+ PLANNING PROPOSALS

PRM first prepared and submitted a formal application to request Re-Zoning of part of Lot 15 (which included what is now Lot 5) to Council in a report dated **April 2007**.

Mr Gordon Clark, SCC Strategy Planning Manager, wrote in reply on **22nd May 2007**, that: (appendix G)

*'your rezoning request is **inconsistent** with it* (the Jervis Bay Settlement Strategy -JBSS_2003) and

*'Thus, it is unlikely that Council would be able to pursue a zoning of the subject land **due to the inconsistency with the endorsed Settlement Strategy** (JBSS-2003) and the South Coast Regional Strategy.*

It was not until many years later that SCC Strategic Planning elaborated on what this *inconsistency* actual meant, when in their report to Council meeting

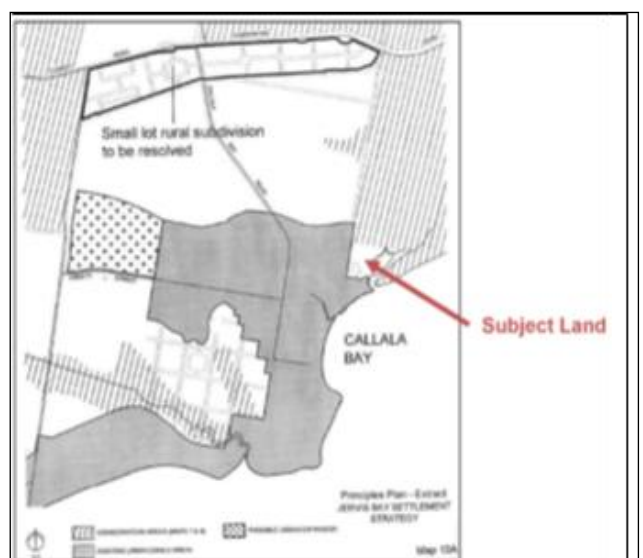


Figure 6: Map 10A, Jervis Bay Settlement Strategy (JBSS-2003) Note Halloran Site dotted

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of **13th March 2023** in relation to the JBSS-2003 staff stated:

'The only land identified in the JBSS-2003 for investigation in the broader Callala Bay area is the land between the existing residential area and Callala Beach Road on the north side of Emmett Street'. (Figure 6; Halloran Site dotted)

and

*The PP (Re-Zoning proposal) is considered to be **not consistent** with the JBSS-2003, because **the land is not specifically identified as a potential re-zoning investigation area'***

Subsequently in **2007** the owners re-zoning intentions were deferred under advice from Shoalhaven City Council who foreshadowed the current SLEP-1985 would be **reviewed in 2009**. Council advised the LEP review was the appropriate mechanism to consider any re-zoning application and indicated Department of Planning & Infrastructure - DIPNR (now DPIE) were unlikely to support a single 'spot re-zoning application' prior to the LEP review process.

In 2011, after a protracted LEP review process, the owners re-commenced momentum to partially re-zone Lot 15 as part of the preparation of a new standard instrument LEP by SCC (now SLEP-2014).

What resulted was a partial re-zoning of Lots 1-4 and creation of Lot 5, the larger portion (refer to Figure 2).

Following public exhibition of the Draft Shoalhaven LEP in 2011 and submissions made by the landowners, resulted in a Council Resolution in **May 2012** (MIN 12.371) which stated:

'that in relation to Lot 15 DP 1002772 Sealark Road, Callala Bay, Council support both requested zone changes'.

Subsequently, following DIPNR's response to Council's S65 Certificate, Council resolved:

That in relation to Part of Lot 15 DP 1002772, Sealark Road, Callala Bay (north of monarch Place), Council:

- a) Progress to exhibition of draft SLEP 2013 with the E3 zoning as required in the S65 certificate; and*
- b) '**Express support for the landowner lodging a Planning Proposal** (over Lot 5) (at the proponent's cost and subject to appropriate environmental studies/strategic justification) following the commencement of SLEP 2013, should the landowner wish to pursue this matter.'*

Following the completion of works associated with Subdivision of Lots 1-4 south of Monarch Place, the owners moved to act upon Council's Resolution b) above resulting in PRM's Proponent Initiated Planning Proposal completed and dated **17th December 2018** and lodged with Shoalhaven City Council (SCC) in **January 2019**.

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Shoalhaven Council at its meeting of **5th March 2019** resolved to:

1. *Support the proponent-initiated Planning Proposal request to re-zone 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.*
2. *Submit the Planning Proposal to the NSW Department of Planning & Environment requesting the initial Gateway determination, **noting that additional and updated studies will be undertaken post Gateway in support of the Planning Proposal.***

SCC “consent to proceed” letter to NSW Department of Planning and Environment dated **14th March 2019** identified a list of specialist studies required to form part of the gateway determination. PRM/MM note the status as at **November 2022** included (*Separately Attached -Technical Studies as listed below*).

- **Biodiversity Assessment** (BDAR) completed by Ecological Australia; final report dated 10th December 2020
- **Flood Study** completed by Footprint (NSW) 22nd November 2021.
- **Integrated Water Quality Management Assessment** -completed by Footprint (NSW) 22nd November 2021
- **Aboriginal Cultural Heritage**. Managed by SCC and completed by AMBS Ecology & Heritage dated March 2020
- **Traffic Study** – completed by PTC-4th November 2019
- **Infrastructure delivery Plan** – Pending
- **Geotechnical and Acid Sulphide Soil study** – completed by Terra Insight, August 2019
- **Stage 1 Preliminary Contaminated Site Assessment** – completed by Terra Insight August 2019
- **Bushfire Hazard Risk Assessment** completed by Eco Logical Australia 14th August 2019
- **Bush Fire Strategic Study**, also become a requirement under ministerial Direction 4.4 – Completed by Eco Logical Australia 27th July 2020

SCC required it to directly consult with the following agencies, the outcome of which PRM/MM understanding of status on each as at November 2022:

- **NSW Rural Fire Service** (prior to public exhibition in accordance with Section 9.1 Direction 4.4 Planning for Bushfire Protection)-*pending*
- **NSW Roads and Maritime Services**-*pending*
- **NSW Office of Environment and Heritage** -Advice letter issued to SCC dated 31 January 2019
- **Department of Primary Industries** (under Section 9.1 Direction 1.4 Oyster Aquaculture) *advice pending*
- **Shoalhaven Water** -Water & Sewerage Infrastructure-*advice pending*

NSW Planning and Environment issued Gateway Determination to Proceed, subject to specific conditions was dated **2nd May 2019**. Condition 10 of the Gateway stated:

The time frame for completing the LEP is to be 24 months following the date of Gateway Determination.

24 months deadline would have been on or about **2nd May 2021**.

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Due to a range of reasons, not the least which included the impact of COVID-19 on the NSW development industry, completing some technical studies required by the Gateway Determination were delayed.

However, and most significantly, the final consultants Flood study report was delayed 12 months after the first draft was issued to SCC for staff review.

After a prolonged back and forth communication with SCC, this report was concluded and issued on **22nd November 2021**.

In **early December 2021** SCC's Mr Eric Hollinger wrote to the Department of Planning and Environment (DPIE) seeking and extension of time to the **Gateway deadline of 2nd May 2021**. However, DPIE's reply on **17th December 2021**, stating three significant issues:

I acknowledge that significant progress has been made on the planning proposal including completion of studies and investigations required to satisfy Gateway conditions. Unfortunately, I cannot agree to Council's request for an extension of time due to the significant time lapsed to date and further work required to exhibit and finalise the planning proposal.

I have therefore determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 2 May 2019 for PP-2021-990 to not proceed. The Alteration of Gateway determination is enclosed.

The Department would be willing to consider a revised planning proposal on the Planning Portal when outstanding matters have been addressed. I can advise that work completed to date on the proposed rezoning of the site, including Gateway studies, will be taken into consideration by the Department should a new Gateway determination be sought.

Based upon DPIE's willingness to consider a revised Planning Proposal, a number of events occurred; all of which have contributed to relodging an Amended Proponent initiated Planning Proposal Dated **21st December 2023**. The following is summary of what occurred.

SCC Strategic Planning prepared a revised Draft Planning Proposal dated **April 2022** and accompanying report to Council's ordinary meeting on **Monday 27th June 2022**.

However, a critical component in the staff report to Council included the reaffirmation of Strategic Planning's original recommendation to the Council meeting of **5th March 2019**, **to not proceed**, because the re-zoning proposal:

- was ***'inconsistent with Council's PP Guidelines, the Shoalhaven Growth Management Strategy (GMS), and the 2003-Jervis Bay Settlement Strategy' (JBSS-2003), and***
- 'Could set an undesirable precedent for other landowners who would like to potentially rezone their land in similar circumstances' (SCC meeting 5th March 2019) and***
- The PP is considered to be not consistent with the 2003 JBSS because the land is not specifically identified as a potential re-zoning investigation area:***

Councillors in majority, voted not to support the Planning Proposal proceeding to Gateway halting further progress of this re-zoning application.

The Proponent received the following advice from DPIE on **4th August 2022** in response to the first rezoning review application:

- In our opinion the proponent is not eligible to apply for a rezoning review because the proponent did not prepare the revised Planning proposal, and***
- The proponent could consider lodging a new planning proposal with Shoalhaven City Council via the Planning Portal for Council's consideration. Council may resolve to support the proponents new planning proposal and seek a new gateway determination or***

not support it.

If Council decides not to support the proposal, then the proponent would be eligible to seek a rezoning review of Council's decision.

Based upon the above advice PRM prepared and submitted a new PIPP, with all completed technical studies on **20th December 2022**.

SCC Strategic Planning prepared an assessment report for the Council meeting of **13th March 2023**, which recommended not to support this PIPP because *'it lacks the required strategic justification'* (CL23.66).

The SCC staff report further stated in conclusion:

- *'A lack of strategic justification: the subject site is not identified for investigation in the JBSS-2003 or any other adopted/endorsed strategy and*
- *The only land identified in the JBSS-2003 for investigation in the broader Callala Bay are is the land between the exiting residential area and Callala Beach Road on the northern side of Emmett Street (Refer to Figure 6)*
- *The PP is considered to be not consistent with the JBS-2003 because the land is not specifically identified as a potential rezoning investigation area.*

Councillors in majority accepted the staff recommendation and refused to support the PIPP.

C1 STRATEGIC PLANNING PANEL REZONING REVIEW -SUMMARY OF DECISIONS

Subsequent to SCC's refusal to allow the PIPP to progress, a further application was made for an independent rezoning review request in accordance with Local Environmental Plan Making Guideline (*September 2022*) published by the NSW Department of Planning, Industry and Environment on **24th April 2023**.

A summary of the Record of Decision dated **31st August 2023** (*Appendix B*) with Date of Determination of **5th October 2023** stated:

*The amended PIPP should be submitted for a Gateway determination because **the proposal has demonstrated strategic merit** and may be capable of demonstrating site specific merit.*

Strategic Merit:

The Panel agreed the planning proposal had strategic merit given the following points in summary:

- *'The Planning 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 (Gully) which is a sensitive intermittent closed and open Lakes and Lagoons (ICOLL)'.*
- *'Strategic planning and local plans should support improved water quality and ecological function.'*
- ***'The Planning 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.(JBSS-2003)'***

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- ***‘There is an identified housing crisis in the region and delivering housing supply is a priority issue for NSW across all levels of Government.’***
 - ***‘The Planning Proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives of housing. These include the Illawarra/Shoalhaven Regional Plan 2041 (May 2021) and the Shoalhaven 2040, 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;’*
 - *‘Residential development on the site would be contiguous with existing residential development,’ and*
 - *‘The Panel is satisfied that **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.’*

Site Specific Merit:

The Panel agreed the PIPP should be able to achieve site specific merit subject to revisions addressing site constraints noting that:

- *The Planning Proposal seeks to rezone the site R1 General Residential consistent with the majority of neighbouring land, with the same Minimum Lot Size (LSZ) (consistent with the neighbouring R1 and R2 Low Density Residential zoned land), and*
- *The same Height of Building (HOB) (consistent with the neighbouring R2 zoned land)*
- *There are no Floor Space Ratio (FSR) controls for the R1 and R2 zoned land in Callala Bay’*
- *The proposed residential footprint is located primarily on the cleared areas of the site which have relatedly low biodiversity values; and*
- *The site is within walking and cycling distance to local services in Callala Bay, including a public school, sorting fields, shopping centre and medical Facilities.*

Proponent Comment:

The independent and unanimous decision of the Panel supporting the strategic and site-specific merits of this PIPP accords with the PIPP project team’s assessment.

C2- PANEL REZONING REVIEW-RECOMMENDATIONS

The Panel noted they held some *'specific concerns which raised a number of specific recommendations moving forward:'*

- *'about the uncertainty surrounding the built form outcomes for the site and*
- *'concluded there is a need for a more detailed design response to site constraints to ensure an appropriate lot and street layout, landform and built form outcome that complement adjoining land users.'*

Proponent Comment:

The December 2022 PIPP was principally an application to re-zone land and included conceptual engineering designs, in particular relating to road layout and flooding concepts. Acknowledging that flood and stormwater modelled were indicative only, and that further details would be expected to accompany a subsequent development application for subdivision, the proponents proceeded to prepare these details.

The following discussion is responsive to the **10 Recommendations** of the Panel on 5 October 2023:

R1 - *All proposed development works including proposed roads are to be retained on the subject land and the masterplan and other supporting plans revised accordingly.*

Proponent Comment:

- Following consultation with specific technical consultants a detailed but Draft Subdivision masterplan Options concepts were created: Option A and Option B
- PRM prepared a letter to the Panel dated **12th February 2024** setting out these options and which was preferred and why.
- In support of Option A the drainage lot (public road) was proposed to be used as a public road access to Monarch Place as part of what is described as the *'RFS Ring Road'*.
- The *'RFS ring road'* has been detailed in both revised options to ensure any 'batter' from fill is located within the subject land area and this road is 'flood free'.
- The Panel after consideration, advised in their updated determination dated **11th April 2024** they would only support option B, which did not utilise the SCC Monarch Place Road reserve.
- This decision has been incorporated into this revised Planning Proposal and all consultants' reports have been updated as the Proposed site Layout concept.

R2 - *Proposed Lot A on the Preliminary Earthworks Plan (dated 22 November 2020) is to be zoned R1 General Residential, whilst proposed Lot B on the Plan is to be Zoned R2 Low Density Residential.*



Figure 7-Re-zoning Detail

Proponent Comment:

- As per comments in **R1** this request has been substantially achieved with the following exception and specific reasons:
 - **R5** below has been achieved as requested ensuring the drainage channel is Zoned C3 Environmental Management as per Figure 7 (strip of land at top)

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- The two blocks of land in the Southeast corner, adjoining Monarch Place and Sealark are to be Zoned R2 Low Density Residential to match existing Built form (Figure 7)
- However, to 'manage and maintain' the landscaping of the C3 zoned drainage channel and ensure it does not become a bush fire hazard, this land needs to be held in private ownership, which under current zoning options requires the adjoining southern Lot C to be Zoned R1 and developed as Medium Density. The objective is to ensure this land is part of the Strata common property for ongoing landscaping and channel maintenance (Figure 7).
- Refer to the Urban Design Report by URBANAC Revision June 2024 which clarifies and details these issues and appropriate built form as setout in section 4.4 of that report.

R3 - Insert a maximum building height of 8.5 M for both the R1 and R2 zoned land

Proponent Comment:

This has been agreed from the outset, with natural surface being defined as being from the post fill stage of subdivision works to ensure the 500m freeboard required is the commencement height of buildings over the development site

R4 - Reduce the maximum lot size from 40 ha down to 500 Sq M for both the R1 and R2 zoned lands

Proponent Comment:

- Subdivision Concept PLAN Option B at Appendix J confirms this minimum lot layout
- Although the lot sizes vary, the minimum lot size is 500 Square Metres.

R5 - The Drainage lines and triangular parcel of land between these two lines are to be zoned C3 Environmental Management.

Proponent's Comments:

- Site Subdivision Concept Layout PLAN shows a number of amendments to the prior draft site layout plan as setout below and shown in Figure 8.
- The southern of the two drainage pipes discharging onto Lot 5 has been redirected to join the northern drainage pipe in Sealark Road reserve as the lowest point along Sealark Road. This results in a single open landscaped drainage channel discharging east leading to Wowly Creek as shown in Figure 8 redirected (Blue arrow) the Southern diagonal drain will be filled creating Lot C
- The proposed single drainage channel is zoned C3 - Environmental Management as required by the Panel and shown in the Proposed re-zoning and detailed in Figure 9.
- As noted in **R2**, this open channel is proposed to be included within Lot C in order to manage ongoing channel landscaping maintenance.
- The Western side of the Northern open drainage channel meets the outlet pipe at the lowest AHD level along Sealark Road. This location is prone to flooding during extreme weather events from upstream overland flows originating from the existing western residential subdivision
- The open drainage channel design will facilitate direct flows over the landscaped channel to Wowly creek. Reducing this existing flooding issue and thereby providing a substantial localised Community benefit.

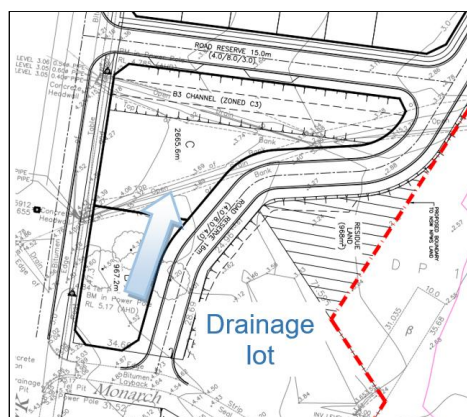


Figure 8 Lot C & B

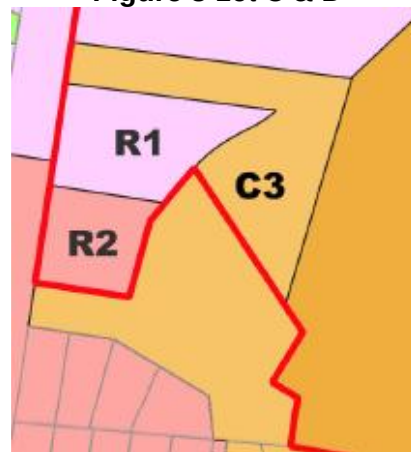


Figure 9 Detail Re-Zoning

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R6 - *The Drainage Lot secured for development immediately to the south under separate development consent should be unencumbered by any works associated with this Planning Proposal. (Figure 8 position noted)*

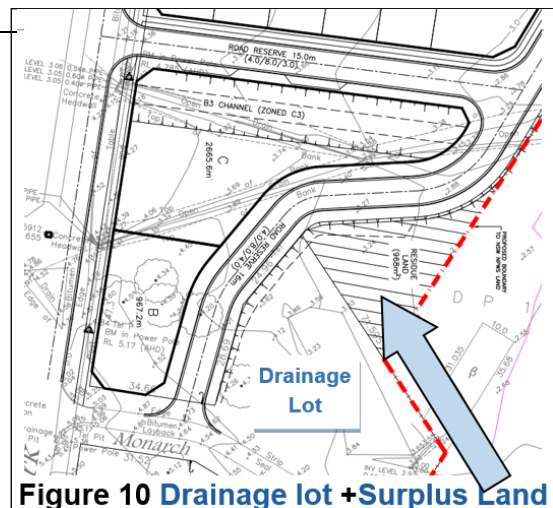
Proponent Comment:

- The project team and Agile Planning consulted to confirm this point related to the use of part of Monarch Place Road Reserve for the location of the 'RFS ring road'.
- Initial concepts located the 'RFS Ring Road' passing through the Western edge of Monarch Place Road reserve (or drainage lot), which relates to the Panel's recommendation **R6**.
- The alternative is now shown in Figure 8, which locates the entire 'ring road' within Lot 5
- The consequences however of locating the 'RFS ring road' entirely within Lot C & B combined with the required Eastern 29 metre Asset Protection Zone setback (APZ) effectively removes developable area for Lot B, making it undevelopable for any residential use, and
 - Lot B will result in a residue piece of undevelopable land and remain vacant and potentially become an overgrown bush fire hazard.
 - This bush fire hazard would be fronting the southern boundary of Lot C
 - To enable a maintenance regime of Lot B and to manage the C3-Zoned drainage channel and although Lot B would be Zoned R2 practically means Lot C and B will be one lot to maintain this open space from becoming a bush fire hazard.
- The proposed concept Layout Plan shown in Figure 10 above includes a parcel of **surplus land** abutting the northern boundary of Monarch Place Road reserve, which is available to provide for a number of future opportunities/uses:
 - 🏛️ If the drainage pond located in the Monarch Place Road Reserve ever needed to be modified as part of engineering works for the construction of the 'RFS ring road'. This small parcel of surplus land could be excluded from transfer to the NSW NP and is Zoned C3 Environmental Management.
 - 🏛️ If not required as part of the 'RFS Ring Road' works, this piece of surplus land has other community potential uses; including providing for much needed car parking which currently clogs Monarch Place during summer months when the Wowley Creek tidal pool is used by the local community and tourists for swimming and/or
 - 🏛️ A site for Public Toilets to serve the Wowley Swimming Pond use.

R7 - *An urban Design Report is to be prepared to identify and address built form outcomes having regard to flooding, earthworks – cut and fill, bushfire management and Asset Protection Zones (APZ's) and subdivision layout and road design. The Urban Design Report should also identify the need for any site specific provisions that should be applied to the site.*

Proponent Comment:

- URBANAC were engaged to undertake the above report and refer to their final Report Dated 20th June 2024 (Technical Study #9).
- URBANAC were included early in the project team and collaborated in the preparation and evaluation of concepts leading up to the final Proposed Subdivision Layout Plan.



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R8 - If required, prepare a site-specific development control plan (DCP) for the site to support the proposal, which is to be exhibited with the Planning Proposal;

Proponent Comment:

- **Built Form:** in URBANAC's report, in particular section 4.4 notes the following:
 - 'The built form for the smaller lots -A should take the form of single detached dwellings with a height limit of 8.5 M (provided for 2 storeys). Consistent with adjacent land zonings',
 - The two lots on the east of the proposed single dwelling lots (lot A) will have to be larger to avoid APZs on the land. This will be acceptable given the location of these lots, surrounded by national park at the far eastern edge of the urban settlement, and provides an extended landscape rather than built context for these dwellings.
 - The built form for the single large lot C should take the form of multi dwelling housing with a height limit of 8.5 M (providing for 2 storeys), provided for attached town houses, villas or equivalent, consistent with adjacent land zonings.'
- **Site Specific DCP:** URBANAC on this issue made the following observations at Section 4.5:
 - 'Even if a site specific DCP were to be provided it is considered highly unlikely that such a DCP would identify controls significantly different to those of the current LEP and DCP.
 - From an urban design perspective, the new proposed lots should by and large seamlessly integrate with the existing settlement of Callala Bay.
In order to achieve this outcome it is essential that new development is subject to the same planning controls and objectives as other development in the area.
This will ensure a cohesive built form outcome over time as the proposed lots are developed and older development in the neighbourhood is upgraded.
 - Buildings should be designed by architects – not by planning controls, and the level of control provided by the current LEP and DCP with regard to appropriate built form is considered satisfactory.

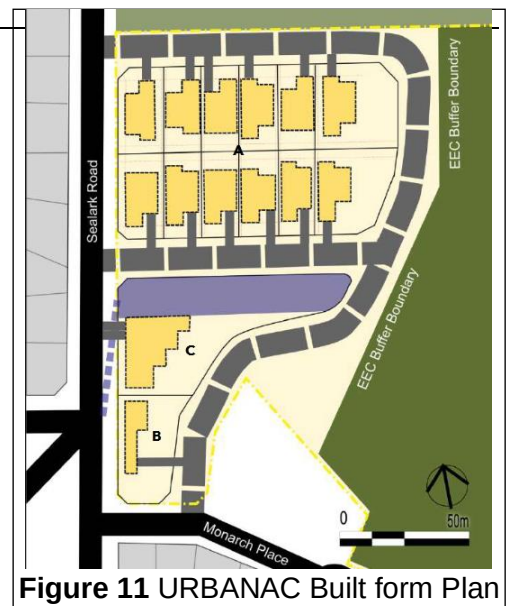


Figure 11 URBANAC Built form Plan

R9 - Provide certainty around the transfer of the conservation lands to public ownership including the mechanism and timing. This detail should accompany the Planning Proposal should it proceed to public exhibition.

Proponent Comment:

Madison Marcus Law Firm, on behalf of the clients have been progressing this agreement to transfer. Madison Marcus have advised that DPIE require the land to be dedicated by way of a deed of transfer rather than a VPA. A draft deed is being prepared and will be issued to DPIE for review prior to public exhibition of the PIPP.

R10 - The Planning Proposal's supporting studies including the biodiversity assessment, flood study, integrated water quality management assessment, Aboriginal Cultural heritage assessment, traffic Study, Stage 1 preliminary contaminated site assessment and bushfire hazard risk assessment are to be updated where required to reflect the revisions to the Planning Proposal

Proponent Comment:

- The Revised PIPP is supported by the following updated technical studies which align with the final draft site subdivision Layout Plan:

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Schedule of Technical Studies (provided separately)	
1	Biodiversity Development Assessment Report (BDAR) by Eco Logical Australia, 22nd July 2024 . Proponent managed.
2	Flood Study by Footprint (NSW) 15th July 2024 . Proponent managed.
3	Integrated Water Quality Management Study by Footprint (NSW) 15 July 2024 .
4	Aboriginal Cultural Heritage Assessment Completed by AMBS Ecology & Heritage, March 2020 . Council managed. (sensitive information redacted for public release))
5	Traffic Study by PTC, 8 January 2024 . Proponent managed.
6	Geotechnical Study (including Acid Sulfate Soils) by Terra Insight, August 2019 . Proponent managed.
7	Stage 1 Preliminary Contaminated Site Assessment by Terra Insight, August 2019 . Proponent managed.
8	Bush Fire Strategic Study by Eco Logical Australia 26th June 2024
9	Urban Design Report by URBANAC 20th June 2024 , Proponent managed

PART 1: OBJECTIVES AND INTENDED OUTCOMES

The **Objectives** of this Planning Proposal:

- **Resolve** the future land uses of the site (lot 5) and its ownership(s).
- **Where environmentally sustainable, provide for new infill residential** housing adjacent to existing residential urban footprint.
- **Contribute to diversity of affordable housing choices**, especially in locations where 'gentrification' is impacting affordable housing along prime tourist destination locations, such as Callala Bay.
- **Contribute to employment** through the implementation of the development and subsequent housing construction.
- **Formalise protections and buffers** of identified endangered ecological communities (EEC) adjacent and within the site.
- **Formalise and improve existing stormwater flooding.** Mitigate consequent flooding events from the existing residential catchment west of Sealark Road and manage water quality. Reduce risk of environmental impacts to the Wowley Creek and Hare Bay riparian zone caused by existing urban sediment feeding directly into Wowley Creek. Resolve local overland flooding issues and ongoing maintenance costs to Council.
- **Maximize use of existing Infrastructure.** By developing where services and infrastructure are established (Sealark Road; reticulated water, sewer, electricity and NBN)

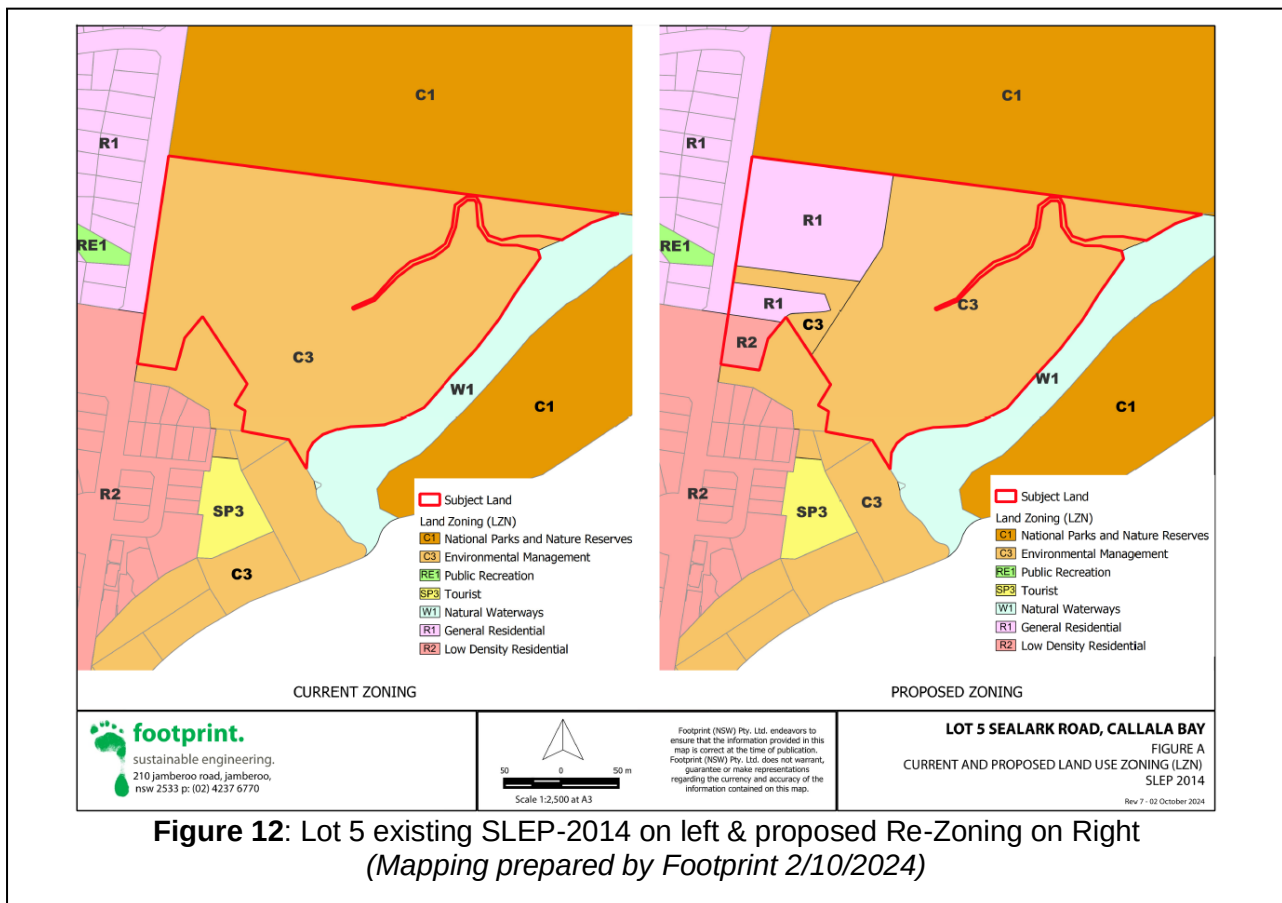
The **Intended Outcomes** (as per Figure 3 on page 5 of this report)

- The total site of 6.05 Hectares is currently zoned C3 – Environmental Management.
- This Planning Proposal seeks to rezone part of the subject land adjacent to Sealark Road R1 - General Residential and R2 Low Density Residential development with the balance of the land to remain C3 - Environmental Management which comprises approximately 4.18 Hectares or 70%.
- The residue C3 - Environmental Management Land is to be dedicated to NSW National Parks and Wildlife Services for inclusion into the Jervis Bay National Park via a deed of agreement. This land will be rezoned C1 - NSW National Park following dedication.
- The NSW Environment Minister has already agreed in writing via a letter dated **3rd August 2021** confirming the Minister will accept the landowners offer of 4.18 Hectares of Land. This agreement is subject to the landowner paying for the conveyancing, removing the current restrictions on title and management costs to transition the land to the Jervis Bay National Park.
This transfer of land will be secured by a Deed of Agreement between the existing landowner and the NSW Environment Minister. The Deed is to be signed and registered on title prior to amending the SLEP-2014.

PART 2: EXPLANATION OF PROVISIONS

The **provisions** of the Planning Proposal expect the proposed outcomes to be achieved by the following changes to Shoalhaven LEP 2014.

- Re-zone the developable part of lot 5 to a combination of R1 General Residential and R2 Low Density Residential as per Figure 12 below.
- The residue will retain its current E3 Environmental Management Zone.



Proposed Development Standards for the proposed R1 and R2 zones are as follows:

- The minimum lot size map is to be amended to reduce the minimum lot size for the land within the proposed R1 and R2 zones from 40 Ha to 500 m².
- The maximum allowable building height for the residential area is proposed to be 8.5 metres
- Mapping changes are proposed to the minimum lot sizes (LSZ) and height of buildings (HOB) maps as indicated in Figures 13 and 14 below:

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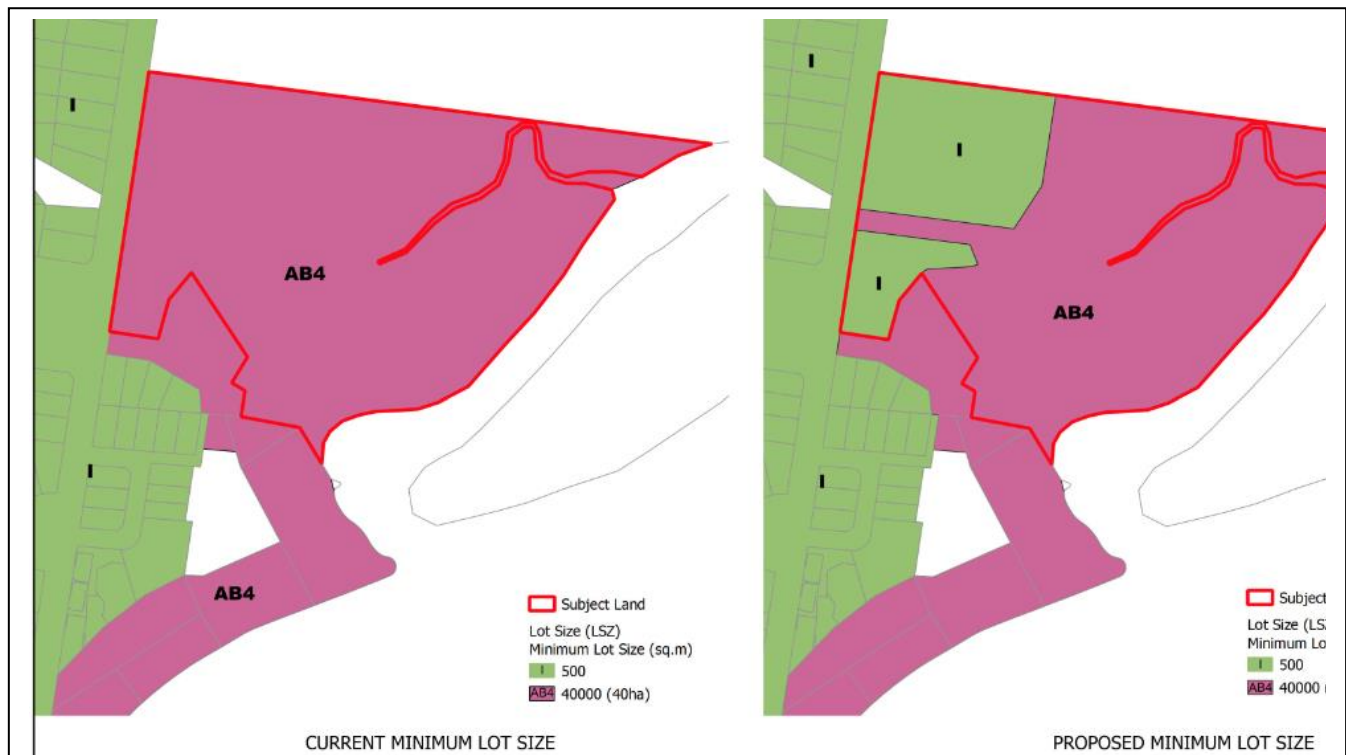


Figure 13 Changes to Lot Sizes Existing Left and Proposed on Right
Maps prepared by SCC April 2022



Figure 14 Changes to Building height (**HOB**) existing left and proposed on right
Maps prepared by footprint July 2024

PART 3. JUSTIFICATION

3.1 –SECTION A: NEED FOR THE PLANNING PROPOSAL

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

This PIPP was first initiated by a Proponent Initiated Planning Proposal dated **17th December 2018** and lodged with Shoalhaven City Council in January 2019.

At its meeting of **5th March 2019** Council resolved to:

1. *Support the proponent-initiated Planning Proposal request to re-zone Lote 5 DP 12255356, 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.*
2. *Submit the Planning Proposal to the NSW Department of Planning & Environment requesting the initial Gateway determination, noting that additional and updated studies will be undertaken post Gateway to Support the Planning Proposal.*

NSW Planning and Environment subsequently issued Gateway Determination to Proceed, subject to specific conditions dated **2nd May 2019**.

Condition 10 stated:

The time frame for completing the LEP is to be 24 months following the date of Gateway Determination.

24 months deadline would be on or about **2nd May 2021**.

However, DPIE’s wrote to Council on **17th December 2021** to terminate the Gateway (*Attachment D*) stating three significant issues:

I acknowledge that significant progress has been made on the planning proposal including completion of studies and investigations required to satisfy Gateway conditions. Unfortunately, I cannot agree to Council’s request for an extension of time due to the significant time lapsed to date and further work required to exhibit and finalise the planning proposal.

I have therefore determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 2 May 2019 for PP-2021-990 to not proceed. The Alteration of Gateway determination is enclosed.

The Department would be willing to consider a revised planning proposal on the Planning Portal when outstanding matters have been addressed. I can advise that work completed to date on the proposed rezoning of the site, including Gateway studies, will be taken into consideration by the Department should a new Gateway determination be sought.

Based upon DPEI’s stated willingness to consider a revised Planning Proposal lodged on the planning portal, the owners of Lot 5, as proponents have chosen to proceed with this Proponent Initiated Planning Proposal (PIPP).

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

The stated outcomes, which are to partially rezone Lot 5 can only be achieved by amending Shoalhaven LEP - 2014, consequently a Planning Proposal is required.

3.2 – **SECTION B: RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK**

3.2.1 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 following is an assessment of the applicable objectives and strategies of *Illawarra Shoalhaven Regional Plan 2041* against this Proposal:

Illawarra Shoalhaven Regional Plan 2041	
Objective/Strategy	Comment
Objective 2: Grow the region's regional cities	Nowra is recognised as a regional city. Callala Bay is located within approx. 20 minutes' car drive. Residents are expected to visit Nowra for higher-order services and entertainment.
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	This PIPP will facilitate the addition of the proposed 4.18 Hectares of C2 zoned land to be included within Jervis Bay National Park.
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	Environmentally sensitive land encompassing a threatened ecological community (EEC) and a buffer zone to a coastal wetland associated with Wowley Creek, will remain as C2 – Environmental Conservation . The C2 land is proposed to be dedicated to the NSW Environment Minister for addition to the Jervis Bay National Park via a draft Voluntary Planning Agreement between the landowner and the Minister to be exhibited concurrently with the PIPP. Wowley Creek is identified as a sensitive estuary in the ISRP (p 50). The Integrated Water Cycle Assessment prepared in support of this PP indicates an overall beneficial effect on water quality can be achieved. This would be achieved in two parts/stages:

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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.	Widening the open channels which currently back up and cause stormwater generated flooding from upstream from west of the site along Sealark Road Filling the proposed R1 residential land to ensure stormwater catchment to enable the treatment of Stormwater prior release into Wowley Creek
Objective 12: Build resilient places Strategy 12.1 Resilience and adaptation plans Strategy 12.2: Reduce exposure to bushfire and natural hazards	The subject R1 land is bushfire prone. A strategic bushfire assessment has been prepared. It indicates the proposal is consistent with the NSW RFS's Planning for Bushfire Protection Guidelines. Comments are being sought from the NSW RFS prior to public exhibition. The proposed R1 residential area is partly flood-affected. By importing fill over the proposed R1 residential footprint. The flood study indicates if these measures are implemented, the proposed residential area would be above the flood planning level (1 in 100-year flood level + 2100 sea level rise of 360mm + 0.5 m freeboard + RCP8.5 Rainfall increase) however part of the area would be affected by a probable maximum flood (PMF) event. The proposed residential area is not affected by coastal hazard risks.
Objective 13: Increase urban tree canopy cover 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	Street Tree Planting opportunities can be considered which do not compromise APZ requirements to accommodate trees/shrubs within the proposed development, especially along the road reserve. This concept can could be integrated at the development application stage, noting a site-specific development control plan (DCP) is not proposed to be prepared.
Objective 14: Enhance and connect parks, open spaces and bushland with walking and cycling paths. Strategy 14.1: explore new public space	The subject land is positioned between existing residential development to the west, and Wowly Creek and the shores of Jervis Bay to the east. The Creek and foreshore will continue to be accessed via Sealark Road and Monarch Place. Note: Sealark Road can be accessed directly from homes along Cronin Place to the west via a footpath through a 1,335 m ² Council reserve (Lot 45 DP734365). The proposed C2-zoned land will ultimately be added to the Jervis Bay National Park. It is unlikely that any pathways will be provided in this area due to this land being an EEC conservation enclave
Objective 15: Plan for a Net Zero region by 2050 Strategy 15.1 Strategic planning	The proposed residential area is within walking and cycling distance of local services and the beach at Callala Bay consistent with the goal of reducing transport emissions

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and local plans should consider opportunities to encourage initiatives that reduce emissions Strategy 15.2 Local plans should encourage energy efficient design for residential areas.	(reducing frequency of car trips to access local facilities, recognising higher order services will require private transport until public transport or low emission vehicle transport is provided).
Objective 17: Secure water resources Strategy 17.1 Strategic planning and local plans should consider opportunities to: 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	The Integrated Water Cycle Management Assessment (IWCMA) describes a conceptual stormwater treatment strategy to help protect the receiving waterway (Wowly Creek). 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. The IWCMA 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.
Objective 18: Provide housing supply in the right locations Strategy 18.1 Identify urban growth boundaries and facilitate opportunities to support ongoing supply of housing in appropriate locations. Strategy 18.2 Facilitate housing opportunities in existing urban areas, particularly within strategic centres.	The PP seeks to expand the existing residential area in the locality consistent with Council's resolution on 5 March 2019 (MIN19.111): <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> Note: the reference to a <i>recreation zone</i> is derived from the proponent's PP-2019 request. This PIPP agrees with Council staff that a recreation zone is not appropriate in the subject land.
Objective 19: Deliver housing that is more diverse and affordable Strategy 19.1 provide a mix of housing types and lot sizes including small lots in urban release areas	The proposed PIPP R1 Zone would enable some additional housing to be provided on the coastal fringe of Callala Bay. The land's close proximity to the shores of Jervis Bay and Wowly Creek would be expected to attract a higher market value and quality of life The PIPP provide opportunities to increase housing choices as R1 zones allow different housing types and affordability options such as detached dwellings, dual occupancies (attached and detached), group homes, multi dwelling housing, residential flat buildings etc.
Objective 22: Embrace and respect the region's local character	The Shoalhaven Local Character Assessment prepared by Roberts Day lists the following local character elements of Callala Bay to be <i>retained</i> :

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	Emmett Street as the settlement 'centre' with shops and services Spacious and green character Some pedestrian infrastructure and signs of active transport And the following elements to be <i>improved</i>: Sense of connection to the waterfront Retail centre which is slightly tired in appearance Treatment of entry points, particularly the transition from rural road to village setting Amenities and services for existing and future residents The proposal is not inconsistent with the above to the extent possible given that: It involves replacing 1.7 ha of disturbed Heath with housing, <u>and</u> This housing will result in a small increase in population and will provide economic stimulus to local shops and businesses.
Objective 23: Celebrate, conserve, and reuse cultural heritage Strategy 23.1 Strategic planning should consider opportunities to engage Traditional Owners and the community early in the planning process to understand heritage values.	The Jerrinja Local Aboriginal Land Council will be consulted during the public exhibition period. An Aboriginal Cultural Heritage Assessment (ACHA) completed by AMBS Ecology & Heritage concluded the following: <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>

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3.2.2 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?

Councils **Local Strategic Planning Statement** (LSPS) adopted by Council in September 2020 updated 27th October 2022, is summarised in the following table in relation to stated Planning Priorities and this PIPP.

Shoalhaven 2040 LSPS -September 2020	
Planning Priority schedule	Proponent Comment
1-Providing homes to meet all needs & Lifestyles	The Proposed R1 and R2 Zones will enable a wide range of housing options. Given the walkability of this site to the beach and short bike ride on flat land to the Town Centre will contribute to sustainable quality-of-life transport options for residents
2-Delivering Infrastructure	This PIPP will access existing available infrastructure
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	This site will contribute via a mix of housing types with some permanent and other tourist accommodation, which contribute the local commercial centre economy
7-Responsible visitor economy	The concept of this PIPP includes increasing carparking adjacent the popular swimming hole at Wowly creek and choices of housing with walkability to beach, & cycle riding to the commercial centre, minimising car dependence and traffic congestion, especially during peak visitor times
8-supporting Agriculture & Aquaculture	Raising the height of the Proposed R1 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 the 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. Improving flooding and sedimentation of Wowly Creek as noted also protects the environment and ensures new development does as well.
11-Adapting to	The PIPP is designed to minimise Bush Fire Risk with well

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natural hazards through building resilience	serviced access surrounding roads plus APZ's 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 designed to resolve current known hazards.
12-Managing resources	This PIPP Rezoning location, has potential to reduce car dependency and resulting 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 & Wowly creek swimming. 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	Aboriginal Heritage study does not consider this site has conflict with Aboriginal items of natural Heritage
15-Scenic & cultural landscapes	This PIPP aims to protect and enhance the conservation of 72% of this site by dedication to National Park
16-Promoting events & art	This PIPP does not impact this Planning priority

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

Integrated Strategic Plan – Shoalhaven 2027 Community Strategic Plan

This PIPP is broadly consistent with the 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, while also
- increasing protection of the environmentally sensitive land (Priority 2.3 – Protect and showcase the natural environment) directly adjacent to Wowley Creek.

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

In addition to the findings of the Regional Panel as previously set out in Part C1, the following justification comments are made to specific Sections of the JBSS-2003

Ref	Jervis Bay Settlement Strategy statements	Strategic Justification
1	Forward: <i>It is accepted that given the environmental constraints and the need to protect the Region's unique environment there will be limited opportunities to continue to expand existing urban areas into the future</i> <i>Thus, other options to accommodate growth, such as urban consolidation and higher density residential, will need to be considered if growth is to continue in the future</i>	It is accepted this proposed Re-zoning of part of Lot 5 was not considered at all during the development of the JBSS in 2003 However, it is contended:  This proposal represents another option to accommodate sustainable growth

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	Mayor – Greg Watson SCC (bold added)	
2	Forward <i>‘the Strategy contains an ambitious series of objectives and actions designed to achieve quality, well managed development and sustainable natural resource management outcomes’ and</i> <i>The Strategy’s vision and objectives are paramount to maintaining the quality of life the Region’s residents currently enjoy, and to assuring the sustainability of Jervis Bay’s natural and urban environments well into the future’</i> Craig Knowls MP Planning Minister	These words resonate and align with the intentions of this Proposal and include:  Ambitious objectives  Actions designed to achieve quality  Sustainable natural resource management  Strategic vision is paramount  Assuring sustainability In contrast: We question how the only land in Callala Bay which JBSS is endorsed for future urban growth requires the complete deforestation of the 35 Ha Halloran estate site meets any of these visions or objectives?
3	Vision for Managing Growth states (p5): <i>‘To maintain and enhance the marine, estuarine and natural resources by providing balanced future living and visiting opportunities which are environmentally, socially and economically sustainable’</i>	This Proposal aims to:  Resolve the existing stormwater flooding at Sealark Road & risk of sedimentation of Wowly Creek, which will enhance down stream water quality entering Jervis Bay  Provide Residential housing on the edge of existing infrastructure, walkable beach lifestyle and affordability with quality of life
4.1	Principles for Managing Growth states (p5) <i>‘The conservation of environmental Qualities is seen as one of the important principles in the region’</i>	This Project aims to:  Dedicate 70% of Lot 5 to NSW National Parks to ensure and EEC community has a sustainable future  The residue land will contribute to sustainable housing growth for the community
4.2	<i>‘In the longer term, given the environmental and social limits to growth in the Region, there will be a need to identify and investigate opportunities for other-forms of settlement within existing urban areas, such as infill development and urban renewal and consolidation.</i>	This proposal was not envisaged or contemplated as a possible option in JBCC:  Technical studies have now shown this part re-zoning is an opportunity as an ‘other-form’ for residential settlement given environmental limits to growth in Callala Bay.
5	Objectives & Actions (P5): <i>‘. need to be considered in a holistic manner and not read in isolation.</i> <i>It may not be possible for all the Actions to be literally complied with to the fullest extent</i>	Taking a ‘holistic approach’ is certainly a subjective process and requires an open mind to not constraining an outcome to preconceived results’ This proposal clearly was not considered in the JBCC, but achieves the Objectives
6	Strategic Principals -Callala Bay-Map 10A	If this statement represents the full extent of

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	p6 <i>'Investigate for possible expansion to the west and resolve the existing small lot rural subdivision in association with any rezoning'</i>	the ' strategic plan for Callala Bay ', then Yes, this proposal to rezone part of lot 5 is ' inconsistent ' with this single growth option.
7	White Spaces on Principles Plan (p6): <i>'These areas on the Strategy Principals Plan that are not identified as either conservation area, existing urban zoned area or are covered by a specific Strategy proposal are shown white or unshaded on the plan and retain their existing zoning under SLEP 1985'</i>	In SLEP 1985, Lot 5 was Zoned 7(f3) foreshores protection. This is not disputed. The consequence of this Zone resulted in no consideration of this option, even though this land was in private ownership. Only because the owners undertook site specific investigations has this proposal progressively evolved. This Proposal contends it is not 'inconsistent', rather it was not considered and relegated to white space
8	Environmental Opportunities and Constraints	
8.1	Water Quality and Freshwater Flow: Objective: <i>To ensure the water quality and flow of waterways and their aquatic and marine and estuarine Ecosystem is not detrimentally affected as a result of new settlements in the region'</i>	Detailed integrated water Cycle assessment and flood study technical reports have been carried out. The existing Sealark flooding and resulting sedimentation load into Wowly Creek, then Jervis Bay is addressed and reduced.
8.2	Land Based Biodiversity -Objective <i>'to ensure significant areas of land-based biodiversity, ecosystems and the function of natural process are conserved and sustainably managed as a major contribution to the achievement of ecologically sustainable development.</i>	Dedication of 70% of Lot 5, in particular the EEC Bangalee sand forest to NSW national Parks achieves this objective. This proposal proposes a ecologically sustainable development outcome for both the EEC and the residential subdivision.
8.3	Soils: Objective <i>'To ensure that soil characteristics, including potential acid sulphate soils, are identified and addressed in assessing the sustainability of new settlement in the region</i>	A detailed Geotechnical study has been undertaken over the development site noting: <i>'The area of land identified for residential re-zoning, is not impacted by ASS at a level above which it would be deemed not suitable for residential use'.</i>
8.4	Landscape: Objective <i>'To ensure the significant landscape character of the region is recognised and conserved, and that new settlement does not have a detrimental impact on natural areas or processes'</i>	The majority of the land to be dedicated to NSW National Parks is EEC-Bangalee forest' which will be preserved.
8.5	Cultural Heritage: Objective <i>To ensure that significant natural and</i>	SCC managed a Aboriginal Cultural Heritage

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	<i>cultural heritage values of the Region are recognised, conserved and Managed</i>	Assessment (ACHA) over Lot 5. No Aboriginal objects, site or areas with potential to retain subsurface archaeological deposits were identified
8.6	Bushfire: Objective <i>To ensure that settlements are protected from bushfire risk</i>	A Bush Fire Strategic study and Bush fire Constraints assessment reports completed and issued to RFS for review The proposed Residential Zone APZ layout has been designed to reflect the outcomes of these studies and designed to meet current 'best practice' residential subdivisions in Bush fire prone areas
8.7	Flooding: Objective <i>To identify and acknowledge flooding of land as a constraint to future development</i>	Technical Flood and Stormwater catchment studies have been prepared and include engineering design solutions to resolve 1% forecasted flood levels, 1 in 100 year Sea level Rise and suitability for residential development with 500m freeboard
8.8	Urban Stormwater Management-Objective <i>To ensure the protection of life and property and water quality by providing best practice stormwater management in new and existing development in the region</i>	The Flood study and companion Integrated Water Cycle assessment were undertaken and noted (FS p30) • 'The subject site flooding occurs predominately from the runoff derived from the existing residential catchments to the west of the site which discharge onto the site via two separate culverts under Sealark Road. • Integrating and increasing the area/capacity of these drainage channels will minimise the area of Sealark Road inundated by flooding
8.9	Riparian Areas-Objective <i>To ensure that riparian areas are conserved and sustainably managed, in order to provide for natural ecological and hydrological processes and to avoid detrimental impact on habitat values and water bodies immediately adjoining and downstream'</i>	The cumulative results of:  dedication of the entirety of the EEC Bangalee forest, with a substantial buffer, and  the proposed flood and water quality controls will achieve these objectives
8.10	Economic Resources -Objectives <i>To ensure the natural resources are sustainably managed in a manner that provides for long term viability and remediation</i>	This proposal has no impact upon natural resources
10	Social and Economic Context (p64) <i>'One of the issues to be tackled if</i>	This proposal aims in a small way, to identify an opportunity which provides

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	<i>settlement in the Jervis Bay Region is to continue in the long term, is the need to reach a balance between outward expansion and to identify opportunities and measures to achieve sensible urban consolidation and renewal in existing towns and villages'</i>	quality Urban Growth in a sustainable way , which was not considered by the JBSS in 2003
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3.2.4 Is the planning proposal consistent with applicable SEPP's?

This PIPP is generally consistent with the applicable state environmental planning policies (SEPPs). Consistency with relevant SEPPs is indicated below:

Consolidated SEPPs as of 1 st March 2022		
SEPP Reference	Applicable	Compliant
Housing	No	Nil
Primary production	No	Nil
Resources and Energy	No	Nil
Resilience and Hazards	Yes	Minor/compliant
Industry and Employment	No	Nil
Transport and infrastructure	No	Nil
Biodiversity and Conservation (Bushland in Urban Areas)	Yes	Compliant
Planning Systems	No	Nil
Precincts - Eastern Harbour City	No	Nil
Precincts – Central River City	No	Nil
Precincts - Western Parkland City	No	Nil
Precincts - Regional	No	Nil

Biodiversity and Conservation 2021

Chapter 2 Vegetation in non-rural areas

This Chapter currently applies and will continue to apply to the subject land.

Chapter 4 Koala habitat protection 2021

No recent records in the broader area and the proposed residential area contains marginal habitat (ELA, 2020). Subject land does contain tree species listed in Schedule 2.

State Environmental Planning Policy (Housing) 2021

The Housing SEPP provides controls for Affordable Rental Housing and Seniors Housing. This SEPP may apply in certain instances because the development area is 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, however given the location and size of the site, it is only likely if housing diversity considers housing suitable for smaller household's vs Tourist accommodation only.

This PP does not contain any provisions that are contrary to this SEPP.

SEPP (Primary Production) 2021

The supporting Integrated Water Cycle Assessment indicates the proposal would have a neutral or beneficial effect on water quality. On this basis, this PIPP is not inconsistent with Part 2.5 Sustainable Aquaculture.

SEPP (Resilience and Hazards) 2021

Chapter 2: Coastal Management

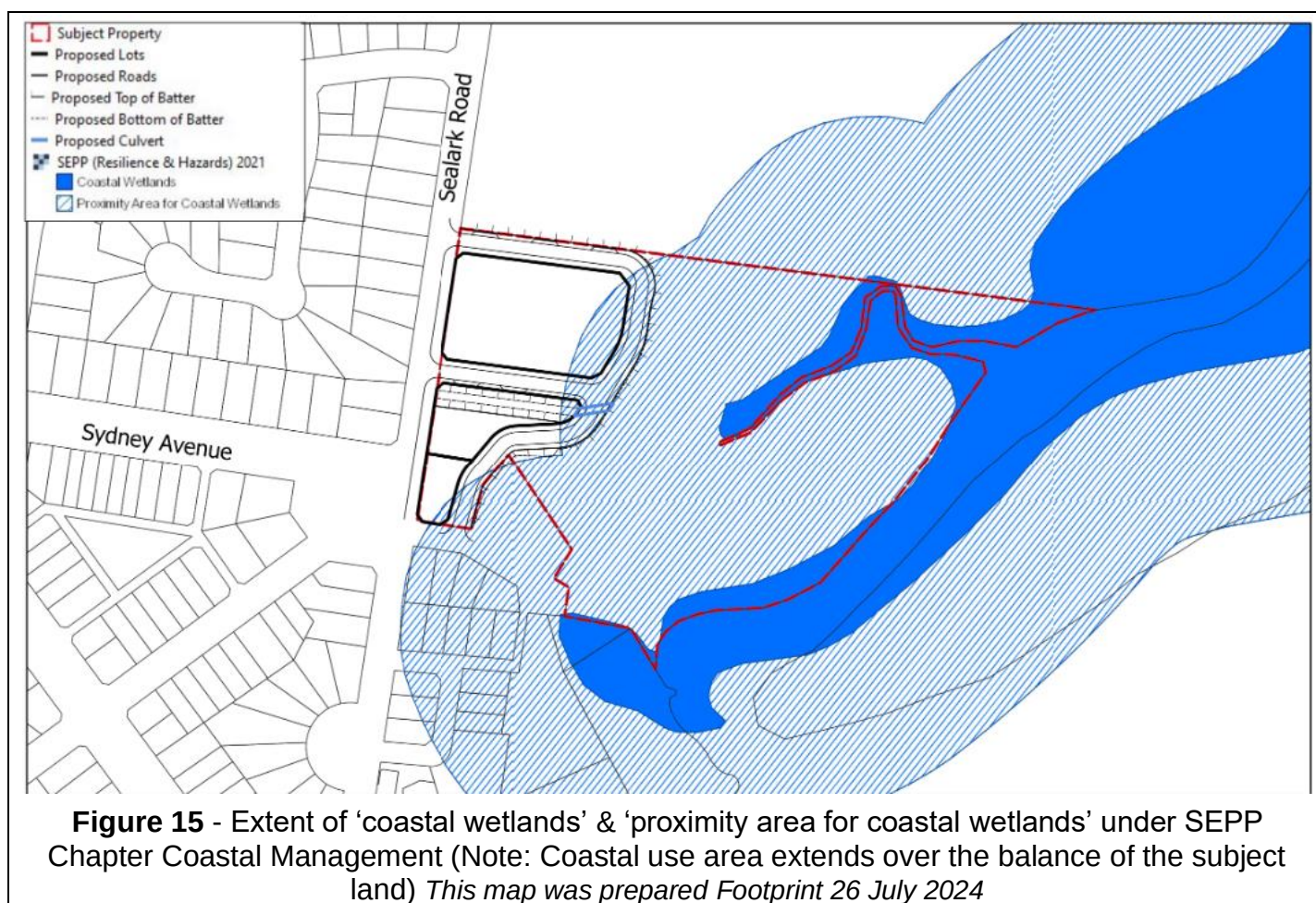
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This chapter seeks to promote an integrated and coordinated approach to land use planning in coastal areas, including managing development in the coastal zone and protecting the environmental assets of the coast, and establishing a framework for land use planning to guide decision making. It aims to protect land within the following management areas:

- coastal wetlands and littoral rainforests area;
- coastal vulnerability area;
- coastal environment area; and
- coastal use area.

The proposed residential area is largely within the 'coastal use area' and partly overlaps with the 'proximity area for coastal wetlands' – see **Figure 15** below.



Clause 2.8 - Development on land in proximity to coastal wetlands or littoral rainforest states that consent must not be issued unless development will not impact on:

The biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or

The quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

The Integrated Water Cycle Management Plan prepared by Footprint (NSW) Issued **15th July 2024** (Technical Study #3), in **Conclusion** (p37) states:

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The results of the pre and post development water quality modelling showed that the development can comply with Council's DCP and NorBE criteria and therefore should achieve a long-term beneficial effect on water quality, water quantity and the receiving environment, subject to implementation of the recommended controls outlined in the report.

Furthermore, the modelling demonstrated that stream forming flows were predicted to be very close to the pre-development state thereby minimising the potential for stream erosion.

On this basis, this PIPP is consistent, noting this would be assessed in more detail at development application stage for the subdivision.

Clause 2.11 - Development on land within the coastal use area, aims to protect public access to the foreshore area, protect views, visual amenity, Aboriginal cultural heritage etc.:

This proposal will not reduce access to the foreshore (which is accessed via Monarch Place).

The proposed 8.5M maximum height of buildings (HOB) would limit any potential impact on visual amenity and mirrors the 8.5M HOB that applies to the south-west.

The matters listed in Clause 2.11 would be considered at development application stage for the subdivision. (*SCC Noted: Complying development (footnote 1) is not restricted in the coastal use area*).

Clause 2.12 - Development in coastal zone generally—development not to increase risk of coastal hazards, states that development must not be approved on land within the coastal zone unless the consent authority is satisfied that **the proposed development is not likely to increase the risk of coastal hazards on that land or other land**.

Clause 2.13 requires a consent authority to take into consideration any certified coastal management program (required to be prepared under the Coastal Management Act) that applies to the land prior to issuing consent.

SCC Noted: SCC is in the process of preparing coastal management programs (CMP) for the Shoalhaven's coastline and estuaries, as required under the NSW Coastal Management Act.

Chapter 4: Remediation of land

This chapter provides a state-wide planning approach to the remediation of contaminated land to reduce the risk of harm to human health and to the environment. It provides matters for consideration during the rezoning of land and in the determination of development applications.

This PP is supported by Preliminary Site Investigation and Geotechnical reports (*TERRA Insight reports dated 22 August 2019*) which found minimal human related activity has occurred on the site other than passive recreational activities and has been vacant and undeveloped since the mid 1930's.

The following potential Areas of Environmental Concern (AEC) were identified:

^{#1} Complying development is a combined planning and construction approval for development that meets pre-determined development standards. Determination of a complying development certificate (CDC) relies on a code-based assessment. (source: www.planning.nsw.gov.au/Policy-and-Legislation/Exempt-and-complying-development-policy)

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- there are several drainage depressions visible on the site. These drainage depressions 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:
 - o Potential Use of herbicides around drainage depressions on the site (AEC1).
 - o Potential for illegal dumping, especially to the South and Southwest which is unfenced and well vegetated as (AEC2).
- The findings of the PSI indicate that there is a low risk of contaminants, within AEC 1 and AEC2, impacting on the site at levels which would preclude consideration of the site for residential development

SCC Noted: Further investigation including soil sampling would be undertaken at development application stage, as recommended.

The PIPP is not inconsistent with Chapter 4 – Remediation of land as detailed in the accompanying preliminary site assessment report (*TERRA Insight report dated 22 August 2019 – Technical Study #7*)

SEPP 65 Design quality of residential apartment development

The proposed 8.5 m maximum height of buildings would preclude this SEPP which applies to buildings higher than 3 storeys.

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

Following is a summary of the proponent's assessment of the PIPP against relevant Ministerial Directions under section 9.1 of the EP&A Act. Where inconsistency is identified, the PIPP seeks to justify the inconsistency for the reasons explained following the table.

MD	Subject	Applies	Relevant	Consistent
Focus Area 1: Employment & Resources				
1.1	Implementation of Regional Plans	Yes	Yes	Yes – see discussion below
1.2	Development of Aboriginal Land Council Land	No	No	N/A
1.3	Approval and Referral Requirements	No	No	N/A
1.4	Site Specific Provisions	Yes	Yes	Yes – see discussion below
1.5 – 1.17	Planning Systems (Place based)	No	No	N/A
Focus Area 2: Design and Place – Directions for this Focus Area have not been finalised to date				

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Focus Area 3: Biodiversity & Conservation				
3.1	Conservation Zones	Yes	Yes	Inconsistent but justified – see discussion below
3.2	Heritage Conservation	Yes	Yes	Yes – see discussion below
3.3	Sydney Drinking Water Catchments	No	No	
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	No	
3.5	Recreation Vehicle Areas	No	No	
Focus Area 4: Resilience & Hazards				
4.1	Flooding	Yes	No	Justified – see discussion below
4.2	Coastal Management	Yes	Yes	Yes – see discussion below
4.3	Planning for Bushfire Protection	Yes	Yes	Yes – see discussion below
4.4	Remediation of Contaminated Land	Yes	Yes	Yes – see discussion below
4.5	Acid Sulfate Soils	Yes	Yes	Yes – see discussion below
4.6	Mine Subsidence and Unstable Land	No	No	
Focus Area 5: Transport & Infrastructure				
5.1	Integrating Land Use and Transport	Yes	Yes	Yes – see discussion below
5.2	Reserving Land for Public Purposes	Yes	No	See discussion below
5.3	Development Near Regulated Airports and Defence Airfields	Yes	Yes	Yes – see discussion below
5.4	Shooting Ranges	No	No	
Focus Area 6: Housing				
6.1	Residential Zones	Yes	Yes	Yes – see discussion below
6.2	Caravan Parks and Manufactured Home	Yes	No	

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	Estates			
Focus Area 7: Industry and Employment				
7.1	Business and Industrial Zones	No	No	
7.2	Reduction in non-hosted short-term rental accommodation period	No	No	
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	No	No	
Focus Area 8: Resources and Energy				
8.1	Mining, Petroleum Production and Extractive Industries	No	No	
Focus Area 9: Primary Production				
9.1	Rural Zones	No	No	
9.2	Rural Lands	Yes	Yes	Yes – see discussion below
9.3	Oyster Aquaculture	No	No	
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	No	No	

Direction 1.1 Implementation of Regional Plans

The Illawarra Shoalhaven Regional Plan is discussed in section 3.2.1 of this PIPP, which noted, this PIPP is consistent with Objective 11 (Protect important environmental assets) and not inconsistent with Objective 19 (Deliver housing that is more diverse and affordable).

Environmentally sensitive land encompassing two threatened ecological communities and a buffer zone to a coastal wetland associated with Wowly Creek, will be zoned C2 – Environmental Conservation. 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.

This PIPP would enable some additional types of residential housing to be provided in the locality. The land's proximity to the shores of Jervis Bay and Wowly Creek with large open space vistas surrounding the proposed Site, will provide access to a high quality of lifestyle with a diverse range of housing types permissible in the R1 General Residential and R2 Low Density Residential zones, potentially adding to the supply and diversity of housing available in the locality.

Direction 1.4 Site specific provisions

No additional development standards are proposed that do not already apply to the applicable zones.

Direction 3.1 Conservation Zones

This direction requires the PP to:

1. include provisions that facilitate the protection and conservation of environmentally sensitive areas; and
2. not reduce conservation standards that apply to the land (including by modifying development standards that apply to the land).

In accordance with Direction 3.1, a PP may be inconsistent with the terms of the direction if the relevant planning authority can satisfy the Planning Secretary that the provisions that are inconsistent are justified by:

1. a strategy approved by the Planning Secretary which give consideration to the objectives of this Direction and identifies the land which is the subject of the planning proposal; or
2. a study prepared in support of the PP which gives consideration to the objectives of this direction.

The objectives of Direction 3.1 are to “protect and conserve environmentally sensitive areas”.

This PP is consistent with Direction 3.1 because it is justified by a study (BDAR dated 22 July 2024 – technical Study #1) prepared in support of this planning proposal which considers the objectives of this direction. The BDAR demonstrates that:

- the area to be rezoned to R1 and R2 does not contain any threatened species or endangered ecological communities; and
- the environmentally sensitive land, including the threatened ecological community (TEC) and land within a 100 Meters 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.

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.

Direction 3.2 Heritage Conservation

This Direction requires PPs to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

This PP is supported by an Aboriginal Cultural Heritage Assessment (ACHA). 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.

There are no items of European heritage within or adjacent to the site.

Direction 4.1 Flooding

Direction 4.1 applies to relevant planning authorities that are responsible for flood prone land when preparing a PP that created, removes or alters a zone or a provision that affects flood prone land.

There are two objectives Direction 4.1 intends to satisfy. Firstly, it is to ensure that there is consistency between the development and the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. Secondly, that the provisions of the relevant LEP that apply to flood prone land are commensurate with flood behaviour and considers potential flooding impacts both on and off the subject land.

Direction 4.1 stipulates:

- 1) *A planning proposal must include provisions that give effect to and are consistent with*
 - a). *The NSW Flood Prone Land Policy*
 - b). *The principles of the Flood plain Development Manual 2005*
 - c). *The considering flooding in land use planning guidelines 2021 and*
 - d). *Any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant Council*
- 2) *A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zone to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.*

Sections (3) and (4) of Direction 4.1 to the flood planning area and areas between the flood planning area and probable maximum flood respectively. These directions 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 PIPP is not inconsistent with sections (3) or (4) of Direction 4.1.

This PIPP proposes 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 in the following circumstances set out in either paragraphs (c) or (d) of the Direction:

(c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements

(d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.

The PIPP is supported by a Flood Study prepared by Footprint (NSW) P/L Dated **15th July 2024** (Technical Study #2) prepared in accordance with the principles of the Floodplain Development

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Manual 2005 and consistent with Shoalhaven City Council's. The Footprint Study also demonstrates that the impacts are of minor significance.

The Footprint study provides the following response in relation to sections (3) and (4) of this Direction based on the post development scenario.

Flooding on the subject site in the location of the proposed rezoning occurs predominately from the runoff derived from the existing residential catchment to the west of Sealark Road.

Currently these flows exceed the capacity of the existing channels and therefore cause flooding of variable depth within the overbanks.

Except for the channel and overbank flooding described above the area proposed for rezoning is relatively free from flooding and therefore considered suitable for residential development once proposed earthworks have been undertaken to provide for residential allotments above the flood planning level.

Although floodway's are not defined in the flood assessment, they are in areas of high flood depth and high velocity and would be limited to the drainage channel through the site in both the 1% AEP and PMF events. The channel area is to be zoned C3 Environmental Management and will be retained in a natural state, albeit with some reshaping to improve hydraulic capacity.

Figure 8.4 of the Flood Study Report demonstrates that the proposed development will not cause adverse flood impact on adjacent properties. In fact, the modelling demonstrated that the 1% AEP flood level in Sealark Road is anticipated to decrease by 20 to 140mm thereby improving serviceability to the benefit of the wider community. Similarly in the PMF event Figure 10.4 shows that the proposed development is not likely to have adverse impact on adjacent properties.

Hazard mapping for this project adopted the hazard categorisation from Australian Rainfall and Runoff (2019) rather than that from the NSW Flood Plain Development Manual (2005). The high hydraulic hazard category from Figure L2 of the NSW Floodplain Development Manual most closely aligns with the upper bound of the H3 hazard category from Australian Rainfall and Runoff (2019). The areas proposed for residential development are all located in areas of H1 maximum hazard category in both the 1% AEP and PMF events and are therefore not in high hazard areas.

The area of the site proposed for residential development is relatively flood free in the 1% AEP event and reliable access would therefore be available. In the PMF event flood hazard (H1 and H2) over areas of the site proposed for residential development, including the proposed road, would not preclude emergency access. If the sag point in Sealark Road became impassable in either event reliable access from Lot A north to Encounter Street and from Lot B south to Sydney and/or Derwent Street is available.

The requirements of Shoalhaven City Council are set out below. Clause 5.22 of the Shoalhaven LEP 2014 relates to special flood considerations and is a standard instrument clause. Development controls are also contained in Shoalhaven Development Control Plan 2014 (DCP 2014). Chapter G9 - Development on Flood Prone Land of DCP 2014 includes planning controls that apply to land affected by the PMF. Specifically, any subdivision application affecting land

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between the FPA and PMF must (P3.2) *not create new lots that are affected by a high hazard area, or floodway in today's flood conditions or in climate change conditions up to the year 2100.*

The PIPP will enable development that is capable of complying with clause 5.22 and DCP 2014 Chapter G9.

In summary, the PP is inconsistent with this Direction, but ***this inconsistency is arguably minor*** subject to completing the excavation and filling associated with the post-development scenario. (SCC April 2022)

Further Details in Response to Direction 4.1 - Scope of Flooding Issues and Proposed Works

The Footprint Flood Study identifies two stages in the flood mitigation works that will be implemented should the planning proposal be made.

Stage One: proposed works: Redirect the Southern Pipe crossing under Sealark Road North to Join a Widened open stormwater landscaped drainage Channel over Lot 5 to then discharge into Wowley Creek. (**Figure 16** - Footprint Drawing 1861 sheet C10). This stage addresses existing flooding solely generated from urban stormwater catchment West of the site directed via pipes under Sealark Road. Whilst these 'works' will occur on Lot 5, they address upstream flooding issues.

In relation to the results of the proposed **Stage 1 works**, being to excavate and widen the existing channels, the Flood Study, at Part 4.12 – Post Development Results show:

- i. *'the redirecting of flows to the northern drainage channel, widening and realigning that channel and filling the southern drainage channel **results in reductions in flood levels of between 20 and 40mm in Sealark Road***
- ii. *The **reduction in flooding within Sealark Road would result in serviceability benefits to the wider Callala Bay Community**.'*

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The photo in **Figure 17** shows the existing southern concrete headwall junction where the stormwater pipe under Sealark Road discharges into the open channel. Originally constructed in the 1980's as part of the existing residential development these open channels have become overgrown, are too small and sedimentation deposits have restricted flow towards Wowley Creek.

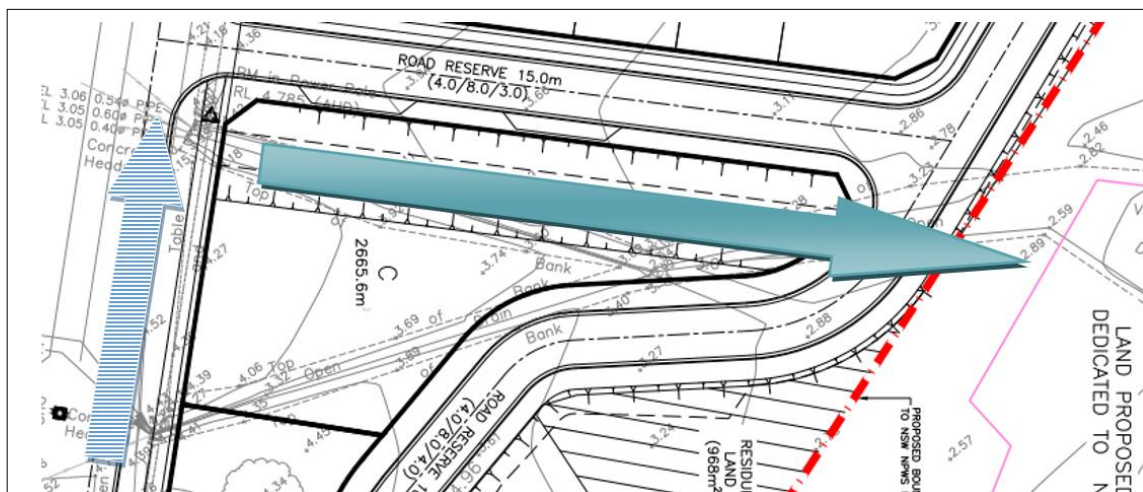


Figure 16: Pipe southern Sealark Road Stormwater Pipe at Headwall North & Create a new + enlarged Open Channel draining to Wowly Creek (North up)



Figure 17 Existing Southern Culvert/headwall at Sealark Road-North up

Stage Two proposed works: Section 4.5 of the Flood Study clarifies the long-term factors taken into consideration which were modelled over the area proposed for Residential Re-Zoning being:

- Annual Exceedance Probability in 100 years as AEP-1%, plus
- NSW Government Flood Risk Management Guide with 5% AEP catchment flooding coinciding with Oceanic Inundation in coastal Waterways, plus
- Impact of Climate Change. SCC projects reported in 2015 are that by 2100 Projected Sea Level will rise by 360mm, plus
- Increased rainfall by 2090 to RCP8.5 levels of 16.3 %, plus
- A 'freeboard' of 500mm to the ground floor level habitable residence above.

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Figure 18 adjacent shows the fill required to achieve the above results and fill to ensure fall to water quality detention system on site.

Section 5 – of the Flood Study Concludes:

‘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, **flooding occurs predominately from the runoff derived from the existing residential catchments to the west of the site** which discharge onto the site via two separate culverts under Sealark Avenue.’*

*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 channel, the investigation area is relatively free from flooding and is therefore considered suitable for residential development’

Further, the post-development modelling (after Stage 2 works) showed that 1% AEP flood levels Sealark Road would be reduced by up to 140mm thereby improving serviceability for residents

Figure 19 below is an extract from the flood study and shows flooding constraints, pre and post-development and flood planning area.

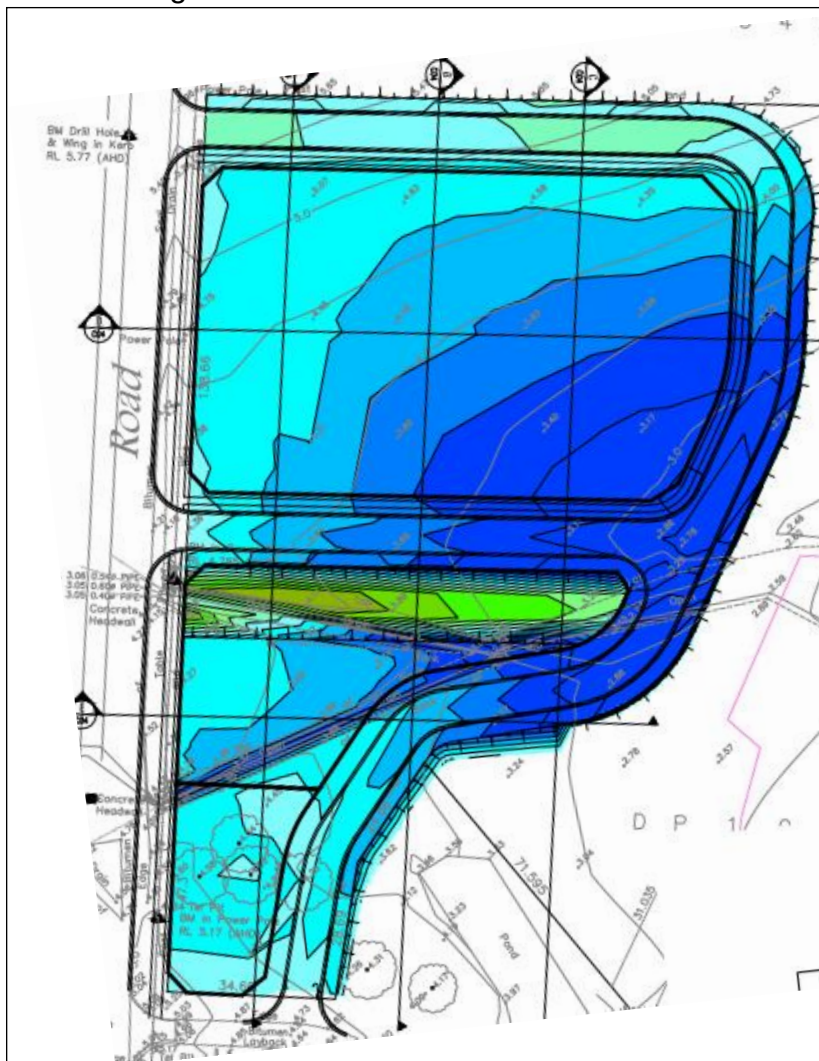


Figure 18: Fill areas noted in **BLUE**

(Footprint drawing 1861-C03-Prelim Earthworks plan)

Levels Table				
	Number	Minimum Level	Maximum Level	Color
CUT	1	-1.084	-0.750	
	2	-0.750	-0.500	
	3	-0.500	-0.250	
	4	-0.250	0.000	
FILL	5	0.000	0.250	
	6	0.250	0.500	
	7	0.500	0.750	
	8	0.750	1.830	

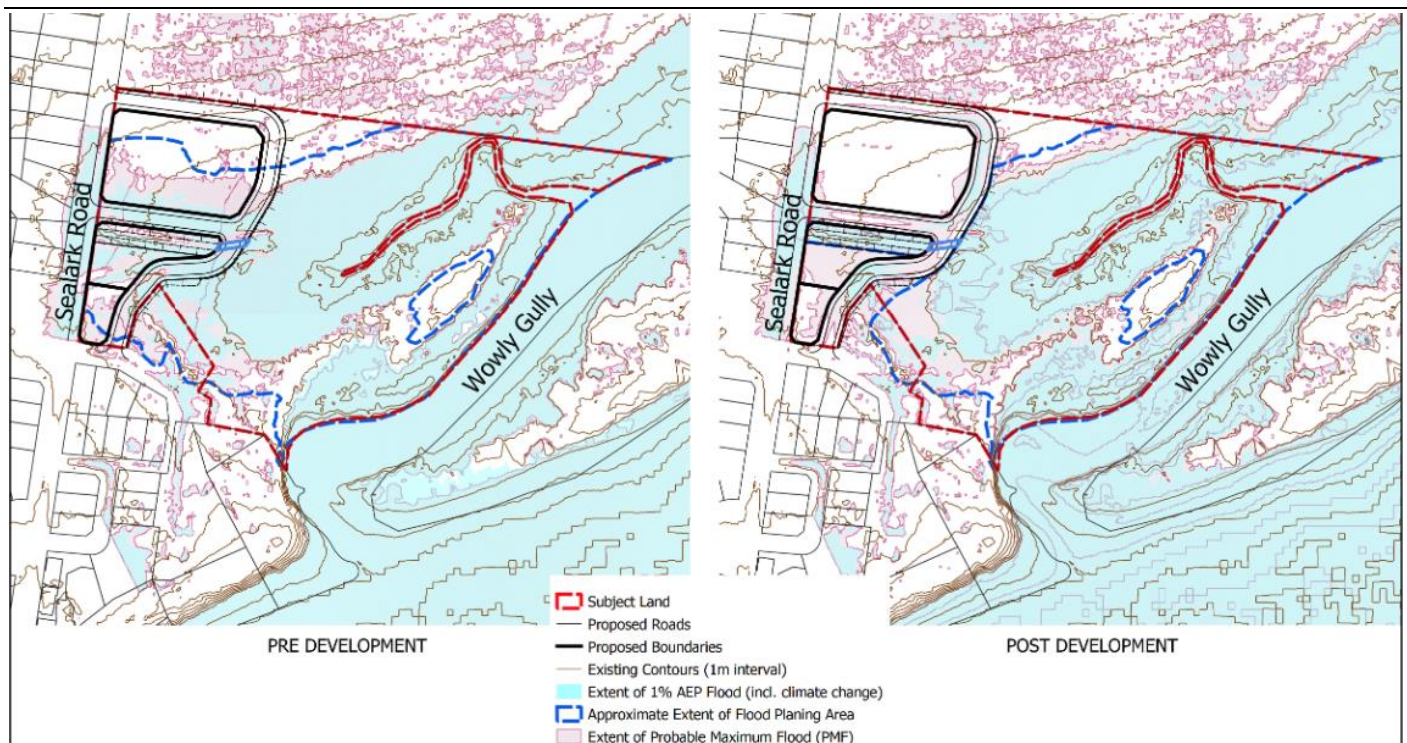


Figure 19 - Flooding constraints, pre and post-development
(Footprint provided modelling & map compiled by SCC April 2022)

Direction 4.2 Coastal Management

This Direction requires PPs within the coastal zone to be consistent with the Coastal Management Act, the NSW Coastal Management Manual and associated Toolkit; NSW Coastal Design Guidelines 2003; and any relevant Coastal Management Program. A PP must not rezone land which would increase development within a coastal vulnerability area or on land affected by a current or future coastal hazard.

The PP is not seeking to increase development within a coastal wetland, coastal vulnerability area, or land affected by a current or future coastal hazard.

Direction 4.3 Planning for Bushfire Protection

This Direction requires PPs on bushfire prone land to:

- have regard to *Planning for Bushfire Protection 2019* ("PBP 2019"),
- introduce controls that avoid placing inappropriate developments in hazardous areas, and
- ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).

Section (3) of Direction 4.3 requires a PP to comply with the following as appropriate:

- provide an APZ incorporating and inner and out protection area in accordance with PBP 2019

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- contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
- contain provisions for adequate water supply for firefighting purposes,
- minimise the perimeter of the area of land interfacing the hazard which may be developed,
- introduce controls on the placement of combustible materials in the Inner Protection Area.

The PP is supported by a bushfire assessment which incorporates a Strategic Bushfire Assessment (*Eco-logical Report Dated 26th June 2024 – Technical Study #8*). The proposal has been designed to incorporate a perimeter road, APZs which are contained entirely within the proposed R1 Zone in accordance with PBP 2019, two way public road access is readily available from Sealark Road and Monarch Place and adequate water supply for firefighting is available. Provisions Controls on combustible material can be applied at the dwelling house DA/CDC stage.

Direction 4.4 Remediation of contaminated land

The purpose of Direction 4.4 is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. This Direction applies to land that development is proposed to be carried out on for residential purposes which:

- there is incomplete knowledge as to whether development for a purpose referred to in Table 1 of the contaminated land planning guidelines has been carried out; and
- on which it would have been lawful to carry out such development during any period in respect of which there is incomplete knowledge.

Direction 4.4 requires a planning proposal authority to not include in a particular zone (in accordance with the relevant LEP) any land if the inclusion of the land in that zone would permit a change of use of the land. Exceptions to this rule are as follows:

- the planning proposal authority had considered whether the land is contaminated;
- if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state for all purposes for which land in the zone concerned is permitted to be used; and
- if remediation is required, the planning proposal authority may need to include certain provisions in the LEP.

Direction 4.4 also requires the planning proposal authority to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

The PIPP proposes to zone land as R1 and R2 which will permit a change of use of the subject land. This PP is supported by a Preliminary Site Investigation ("PSI") and Geotechnical Soil report (Technical Study #7) which found minimal human related activity has occurred on the site other than passive recreational activities.

Testing undertaken on the subject site for the PSI has indicated that the following potentially contaminating activities have occurred:

- 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.

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- Runoff from urban development to the south and south west of the site flowing into the drainage depressions on site.

The following potential Areas of Environmental Concern (AEC) were identified:

-  The drainage depression associated with the historical use of herbicides and ongoing use as stormwater drains (AEC1).
-  Areas with the potential for illegal dumping (AEC2).

The PSI recommends limited soil sampling within AEC 1 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.

The PIPP is consistent with Direction 4.4 noting that further investigation including soil sampling would be undertaken at development application stage, as recommended.

Direction 4.5 Acid Sulfate Soils

The objective of Direction 4.5 is to avoid significant environmental impacts on land that has a probability of containing acid sulfate soils.

The Direction applies to any planning proposal that affects land “having a probability of containing acid sulfate soils (‘ASS’)” as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment. The proposed R1 and R2 zone portions of the site are not identified as ASS on the map. In any event, the proponent has undertaken an ASS assessment as part of the geotechnical investigation.

Direction 4.5 requires a relevant planning authority to:

- consider the Acid Sulfate Soils Planning Guidelines (‘ASSPG’) adopted by the Planning Secretary when preparing a PP that applies to any land that contains acid sulfate soils;
- introduce provisions to regulate works in acid sulfate soils, consistent with (a) the Acid Sulfate Soils Model LEP in the ASSPG adopted by the Planning Secretary; and (b) other such provisions provided by the Planning Secretary consistent with the ASSPG
- not prepare a PP that proposes an intensification of land uses on land identified as possibly containing acid sulfate soils unless a study assessing the appropriateness of the change of land use given the presence of the acid sulfate soils has been considered;
- where provisions 2(a) and (b) have not been introduced and a PP proposes an intensification of land uses on land identified as having a probability of acid sulfate soils, the PP must contain provisions consistent with 2(a) and 2(b).

A PP may be inconsistent with Direction 4.5 if the provisions are justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction

This PIPP is supported by an Acid Sulfate Soils (ASS) Assessment (Technical Study # 6). The Study concludes that a formal ASS management plan is not required for the site based on soil sampling and analysis.

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 clayey soils encountered on the site, above which a formal management plan would be required. The Study notes that as the site is in an area with a low and

AMENDED-Proponent Initiated Planning Proposal

Site: Lot 5 DP 1225356 Sealark Road Callala Bay

sporadic potential for ASS 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 Study 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 Geotechnical Study prepared by Terra Insight August 2019.

Any future development application will have to address Clause 7.1 (Acid Sulphate Soils) of the Shoalhaven LEP 2014.

Direction 5.1 Integrating Land Use and Transport

Direction 5.1 requires a PP to locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) *Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
- (b) *The Right Place for Business and Services – Planning Policy (DUAP 2001).*

A PP may be inconsistent with this direction if, among other things, the PP is justified by a study prepared in support of the planning proposal which gives consideration to the objective of Direction 5.1.

The PP 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 cycling and walking options locally.

To the extent that the PIPP 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** carried out by PTC and updated **8th January 2024 (Technical Study #5)**. The Study considers strategic context and site specific design issues. The Study concludes at Section 5 that:

 *'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 increase in peak hour traffic generation of 15 and 16 vehicle trips in the AM and PM peaks respectively*

 *'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'.*

Direction 5.2 Reserving Land for Public Purposes

A letter dated 3/8/21 from the NSW Environment Minister to the proponent confirms NPWS will accept the proposed C3-zoned 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 after the land has been acquired.

The C3-zoned land 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 PP 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 PP is not inconsistent with this Direction.

Direction 5.3 Development Near Regulated Airports and Defence Airfields

This direction requires PPs to ensure the effective and safe operation of regulated airports and defence airfields and ensure development does not compromise aircraft operations or is adversely affected by aircraft noise.

The subject land is located approximately 15 km from the Jervis Bay Airfield which is owned and managed by the Commonwealth Department of Defence.

This PP will enable a small area to be rezoned consistent with neighbouring development.

This PP proposes to reduce the maximum building height from 11 m to 8.5 m, therefore there is no impact to nearby airfields.

Direction 6.1 Residential Zones

Direction 6.1 applies to this PIPP as it proposes the introduction of a residential zone. The Direction requires a PP to include provisions that encourage housing that will:

- (a) broaden the choice of building types and locations available in the housing market, and
- (b) make more efficient use of existing infrastructure and services, and
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
- (d) be of good design.

The PP must also:

- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- (b) not contain provisions which will reduce the permissible residential density of land.

This PIPP 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.

The R1 General Residential and R2 Low Density Residential will provide potential for diversity of housing types, styles, density and affordability with locational advantages. The R1 zone under SLEP 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.

Existing Shoalhaven LEP and DCP controls will apply to new residential development on the lots to be created by the PIPP. The Urban Design Report (Technical Study #9) concludes that the controls will provide appropriate design outcomes for these future lots.

Direction 9.2 Rural Lands

This Direction applies to a PP that:

- *will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or*
- *change the existing minimum lot size on land within a rural or conservation zone.*

The PIPP proposes to rezone land from C3 environmental management to residential zones 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 40 ha to 500 m².

Clause (1) requires a PP that applies to conservation zones to:

- be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement
- identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
- consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions
- consider the social, economic and environmental interests of the community.

Clause (2) applies to the changes to minimum lot sizes in conservation zones however the requirements that must be demonstrated relate to 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.

The Direction also requires consideration of clause 5.16(4) of Shoalhaven LEP 2014, which requires the following matters to be taken into account when determining whether to grant consent for the subdivision of land and the erection of a dwelling on land within zone C3 (among other zones). That clause will not apply to the R1 and R2 portions of the PIPP site

It is considered that the PIPP is consistent with the JBSS, regional plan and local strategic planning statement.

The PIPP identifies and protects environmental values of the site. Environmentally sensitive land identified in the supporting BDAR includes a Threatened Ecological Community (TEC) and a 100 m buffer to the coastal wetland, 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.

The PIPP 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.

3.3 – **SECTION C: ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

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

The supporting BDAR report (*Eco-logical dated 22nd July 2024*) 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 be transferred to the Jervis Bay National Park:

- Gang-gang Cockatoo
- Square-tailed Kite

- White-bellied Sea-eagle

The eastern part of the subject land also contains Bangalay Sand Forest EEC (BC Act), mature forest and associated habitats including hollow-bearing trees and good habitat connectivity with the Jervis Bay National Park.

The BDAR report 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 (ibid.).

Mitigation measures outlined in the BDAR to prevent or reduce indirect impacts from the development include:

- Temporary protective fencing with 'no-go' signage installed at the development edge
- Permanent fencing and signage at retained vegetation interface to deter access and inappropriate activities
- Installation and regular maintenance of sediment barriers, erosion controls and stormwater infrastructure
- Restriction of construction work to daylight hours
- Installation of light shields on street lighting to reduce light spill into retained vegetation
- Reduction of weed and pathogen spread through hygiene protocols for construction vehicles, prohibiting planting of weed or invasive species for landscaping, weed maintenance along interface of development and retained vegetation

3.3.2 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 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.
- **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-Bush Fire 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 as discussed in section 3.2.4 is subject to flooding in the 1% AEP future.

To resolve the flooding constraints and enable stormwater to be managed so that water quality in Wowley 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 20 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, 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 8.5 metre height proposed in spite of 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 flooding consultant, Footprint (NSW) P/L advised:

*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**. Similarity in the PMF event Figure 10.4 shows the proposed development is not likely to have adverse impact on adjacent properties.*

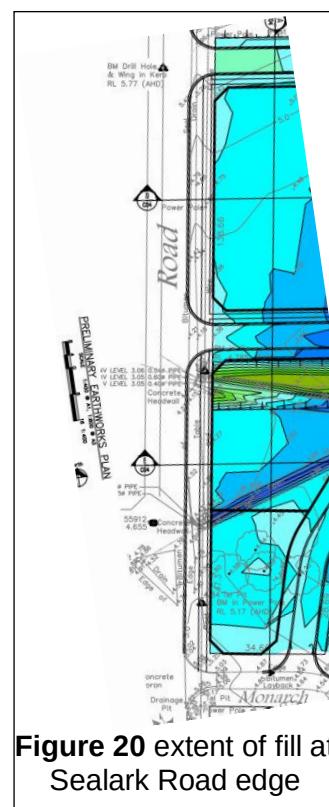


Figure 20 extent of fill at Sealark Road edge

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

The Proponent adopts the following comments on social and economic effects made by SCC strategic planning officers in their report dated April 2022:

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 has been prepared to accompany the Planning Proposal, which concluded **the proposal will not have a significant impact on Aboriginal cultural heritage.** and

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 (Note: via the economic multiplier effect)

3.4 –SECTION D: INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH)**3.4.1 Is there adequate public infrastructure for the planning proposal?**

The proposed rezone will result in a relatively modest increase in population in Callala Bay. The proposed R2 zone is expected to yield approximately 10 single detached dwelling and potentially 2 x 2 dual occupancy dwellings. The proposed R2 zone has an area of approximately 3,632.8 m², enabling roughly an additional 14 dwellings (assuming an average density of 1 dwelling per 250 m²).

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

Transport Infrastructure

The Traffic Impact Assessment report (PTC dated 16th January 2024) 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.

Public Utilities

Stormwater infrastructure is covered in the Integrated Water Cycle Management Plan (IWCMP) forming part of this PIPP (Technical Study #3).

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

With respect to the 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 obtaining servicing advice by AKH Design Services dated 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.

An email advice from Shoalhaven Water dated 23 October 2024 and indicative subdivision plan prepared by Footprint depicting the sewerage and water utilities and reflecting the above information can be found at Appendix “F”.

Augmentation of public utilities will 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 (AREC)
- Car Parking (CARP)
- Community Facilities (CFAC)
- Drainage (DRAI)
- Fire Control Centre (FIRE)
- Passive Recreation (OREC)

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- Roads/Traffic Management (ROAD)

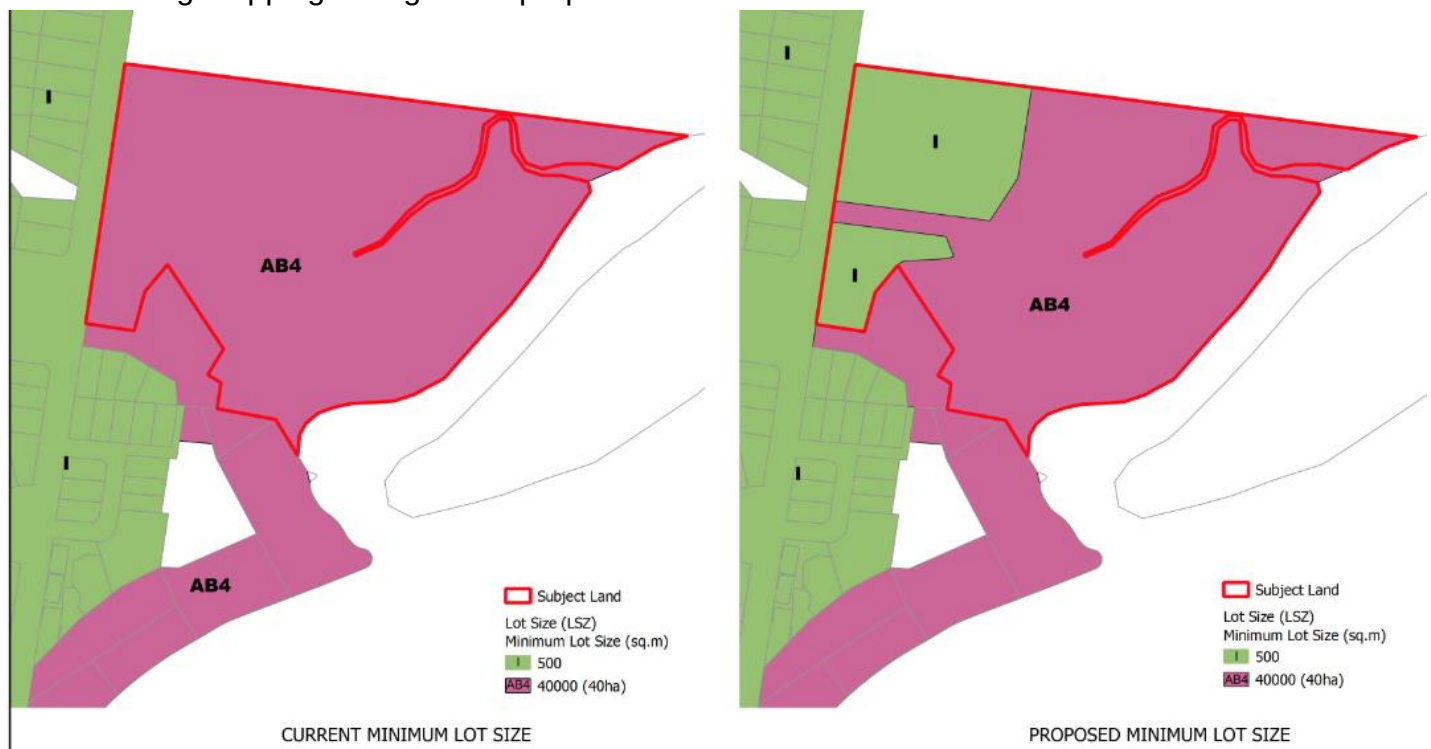
It is not expected that the proposed development will generate a demand for social infrastructure that cannot be met by the existing contributions plan. A social benefit will also be gained from dedication of a portion of the land to NSW National Parks for inclusion in the Jervis Bay National Park.

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

It is expected that the Department will consult with the relevant government agencies and the Jerrinja LALC should DPIE issue a new Gateway for this PIPP.

PART 4. MAPPING

The following mapping changes are proposed to SLEP 2014:

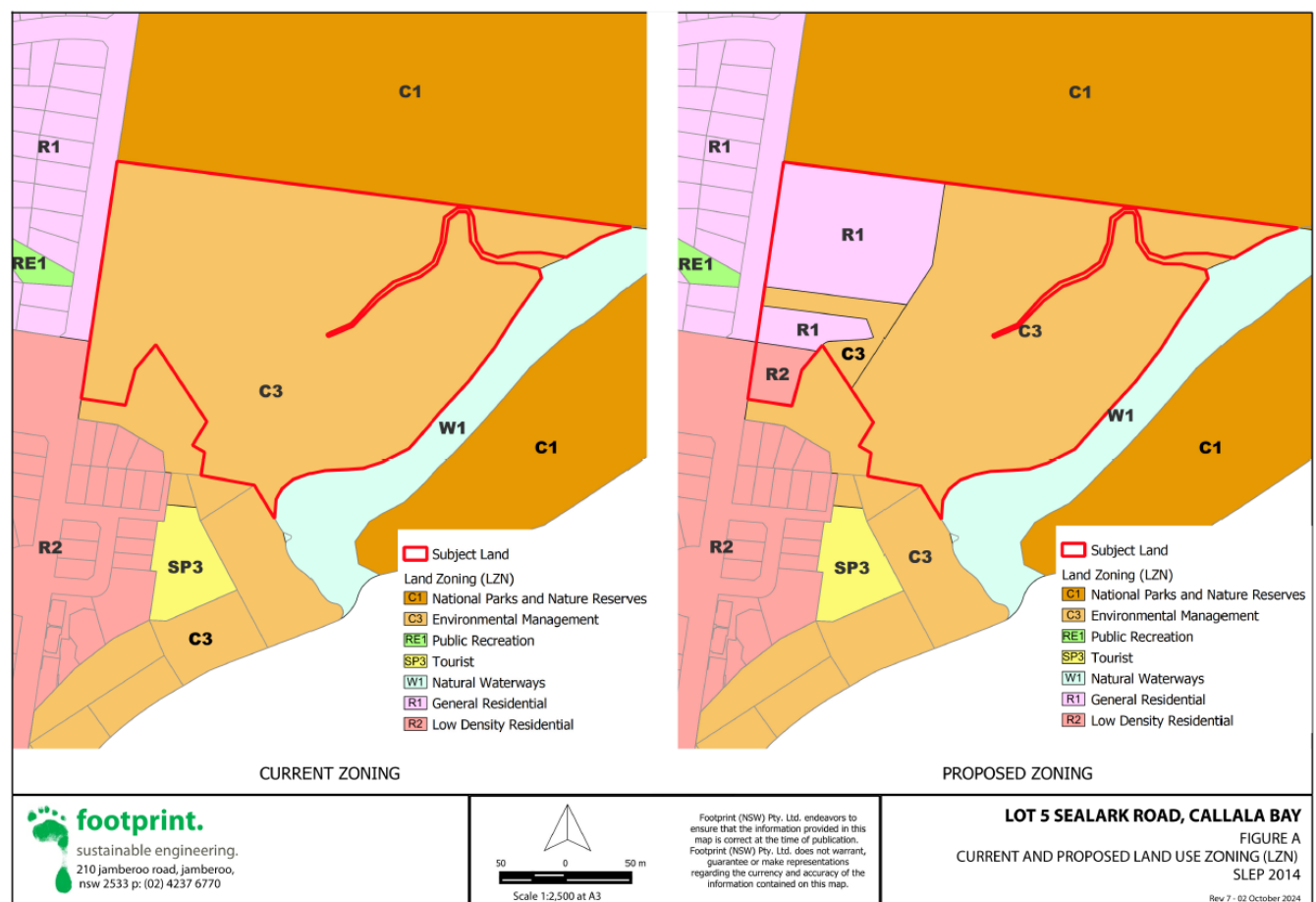
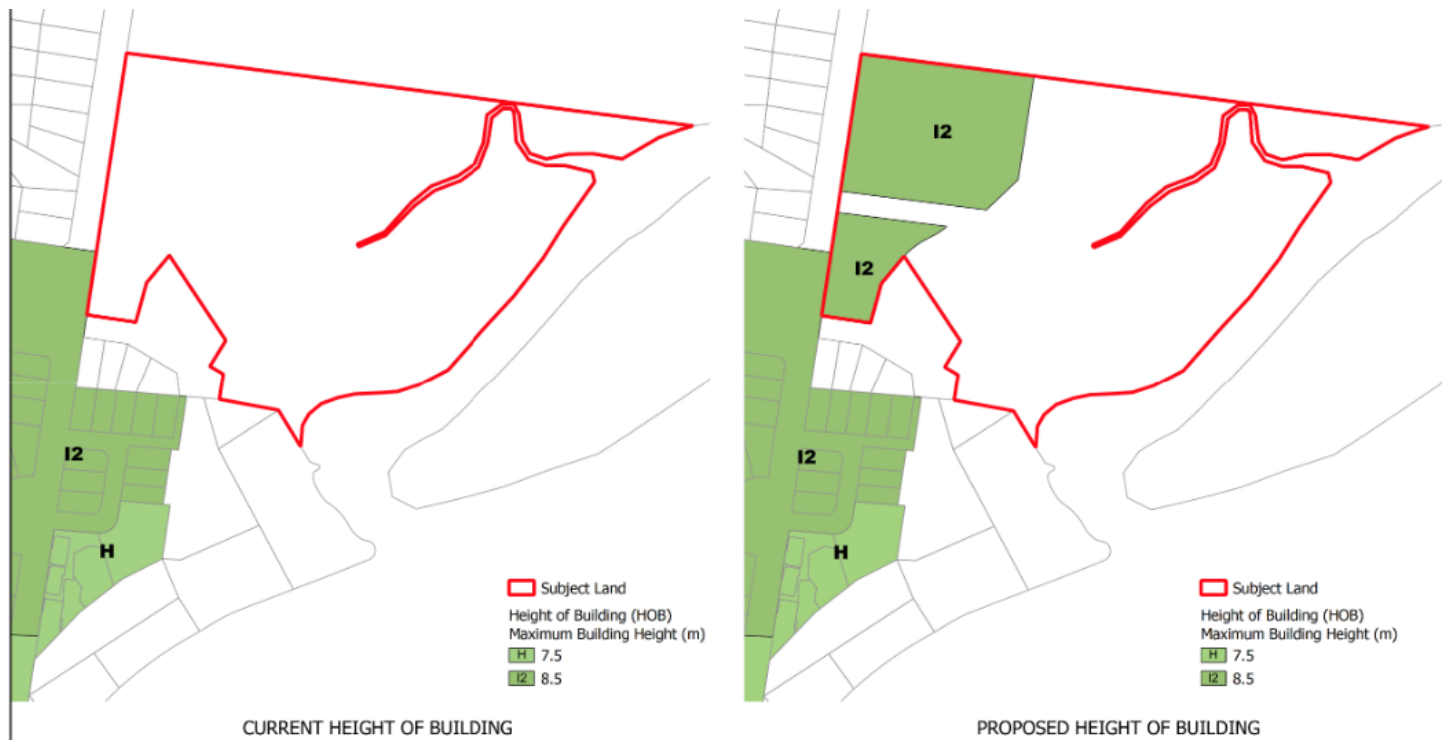


Changes to Lot Sizes Existing Left and Proposed on Right

Maps prepared by SCC April 2022

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Proposed amendment to land zoning map
Maps prepared by footprint July 2024

PART 5. COMMUNITY CONSULTATION

Community consultation will be undertaken by the Department of Planning, Housing and Infrastructure as the relevant Planning Proposal authority for the PIPP in accordance with the Community Participation Plan prepared under Part 2 of the EP&A Act.

PART 6. PROJECT TIMELINE

Stage	Timeframe and/or date
Consideration by SRPP	October 2023
SRPP decision	January 2024
Gateway determination	December 2024
Pre-exhibition	March 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

APPENDIX A



The Honourable Matt Kean MP
Minister for Energy and Environment

Ref: DOC21/299613
Your ref: MM:09210

Mr Michael Mantei
Lawyer Director
Planning Law Solutions
Level 8, 65 York Street
SYDNEY NSW 2000

michael@planninglawyer.com.au

Dear Mr Mantei

Thank you for your correspondence of 10 March 2021 about your client's offer to transfer part of Lot 5 in Deposited Plan 1225356, Sealark Road, Callala Bay to me in my capacity as the Minister for Energy and Environment.

I have considered the offer and received conservation and management advice from the National Parks and Wildlife Service (NPWS). I am prepared to accept the 4.355 hectares of land referred to as 'proposed Lot 1' in your correspondence, under a voluntary planning agreement.

I acknowledge your client will cover reasonable costs incurred conveyancing the land, including preparing the agreement. A one-off \$10,000 contribution will satisfy NPWS requirements to complete works and transition the land to a national park.

Please be advised that I do not consent to proposed Lot 1 being zoned E1 (national parks and nature reserves). If the land transfer completes, NPWS will have the land re-zoned E1 after it has been reserved under the *National Parks and Wildlife Act 1974* as an addition to Jervis Bay National Park.

I also support your client's offer to have the restriction on use created under DP 1002772 released prior to the transfer of title.

If you have any further questions about environmental planning matters, please contact Mr Daniel Robson, Senior Conservation Planning Officer, Department of Planning, Industry and Environment at Daniel.Robson@environment.nsw.gov.au.

The NPWS contact for this matter is Ms Karen Eardley, Project Officer Land Assessment, NPWS on 9585 6510 or at karen.eardley@environment.nsw.gov.au.

Thank you for submitting this proposal for my consideration.

Yours sincerely

Matt Kean MP
Minister for Energy and Environment

3.8.21

APPENDIX B



**REZONING REVIEW
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the
SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	5 October 2023
DATE OF DECISION	31 August 2023
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant and Glennis James
APOLOGIES	None
DECLARATIONS OF INTEREST	Note: Shoalhaven City Council do not have nominated local council members

REZONING REVIEW

RR-2023-10 Lot 5 Sealark Road, Callala Bay (PP-2022-4162) (As described in Schedule 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4 and the matters raised and/or observed at the site inspection and briefings listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the proposed instrument, subject to amendment:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic merit and may be capable of demonstrating site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has:
 - ☐ not demonstrated strategic merit
 - ☐ demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

Strategic Merit

The Panel agreed that the Planning Proposal had Strategic Merit given:

- The Planning 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 (Gully) which is a sensitive Intermittent Closed and Open Lakes and Lagoons (ICOLL). The ICOLL was identified in the Illawarra Shoalhaven Regional Plan 2014, May 2021 as a *sensitive coastal estuary that is susceptible to the impacts of land use development*. The Strategy seeks to *'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, with sensitive coastal lakes and estuaries prioritised. Strategic planning and local plans should support improved water quality and ecological function.'*

- The Planning 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 a priority issue for NSW across all levels of Government. The Planning 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 the Shoalhaven 2040, 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;
 - Residential development on the site would be contiguous with existing residential development; and
 - The Panel is satisfied that 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.

Site Specific Merit

The Panel agreed that the Planning Proposal should be able to achieve Site Specific Merit subject to revisions addressing site constraints noting that:

- The Planning Proposal seeks to rezone the site R1 General Residential consistent with the majority of neighbouring land, with the same Minimum Lot Size (LSZ) (consistent with the neighbouring R1 and R2 Low Density Residential zoned land), and the same Height of Building (HOB) (consistent with the neighbouring R2 zoned land). There are no Floor Space Ratio (FSR) controls for the R1 and R2 zoned land in Callala Bay;
- The proposed residential footprint is located primarily on the cleared areas of the site which have relatively low biodiversity values; and
- The site is within walking and cycling distance to local services in Callala Bay, including a public school, sporting fields, shopping centre and medical facilities.

The Panel was however, concerned about the uncertainty surrounding the built form outcomes for the site and concluded that there is a need for a more detailed design response to site constraints to ensure an appropriate lot and street layout, landform and built form outcome that complement adjoining land uses.

Panel recommendations

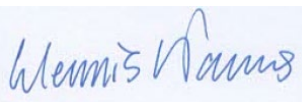
Consequently, the Panel recommends that prior to submitting the Planning Proposal for a Gateway determination, the Planning Proposal should be revised to address the following:

- All proposed development works including proposed roads are to be retained on the subject land and the masterplan and other supporting plans revised accordingly;
- Proposed Lot A on the Preliminary Earthworks Plan (dated 22/11/2020) is to be zoned R1 General Residential whilst proposed Lot B on the Plan is to be zoned R2 Low Density Residential;
- Insert a maximum building height of 8.5m for both the R1 and R2 zoned lands;
- Reduce the maximum lot size from 40ha to 500m² for both the R1 and R2 zoned lands;
- The drainage lines and triangular parcel of land between these two lines are to be zoned C3 Environmental Management;
- The drainage lot secured for development immediately to the south under separate development consent should be unencumbered by any works associated with this Planning Proposal;
- An Urban Design Report is to be prepared to identify and address built form outcomes having regard to flooding, earthworks – cut and fill, bushfire management and Asset Protection Zones (APZs), and subdivision layout and road design. The Urban Design Report should also identify the need for any site specific provisions that should be applied to the site;

- If required, prepare a site-specific development control plan (DCP) for the site to support the proposal, which is to be exhibited with the Planning Proposal;
- Provide certainty around the transfer of the conservation lands to public ownership including the mechanism and timing. This detail should accompany the Planning Proposal should it proceed to public exhibition; and
- The Planning Proposal's supporting studies including the biodiversity assessment, flood study, integrated water quality management assessment, Aboriginal cultural heritage assessment, traffic study, Stage 1 preliminary contaminated site assessment and bushfire hazard risk assessment are to be updated where required to reflect the revisions to the Planning Proposal.

The revised Planning Proposal including supporting reports and studies is to be submitted to the Panel within 3 months from the determination date of this Record of Decision. The Panel will reconvene following the receipt of the revised Planning Proposal to assess and determine whether the Proposal has met the Panel's recommendations and is suitable for submission for a Gateway determination.

Shoalhaven City Council has previously declined to progress the proposal. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the Planning Proposal Authority (PPA) for this Planning Proposal.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Glennis James	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2023-10 – Shoalhaven LGA - Lot 5 Sealark Road, Callala Bay (PP-2022-4162)
2	LEP TO BE AMENDED	Shoalhaven Local Environmental Plan (LEP) 2014
3	PROPOSED INSTRUMENT	The proposal seeks to: • Rezone the land from C3 Environmental Management to part R1 General Residential and part C2 Environmental Conservation • Reduce the minimum lot size from 40ha to 500m² (R1 zoned lands) and 4ha (C2 zoned land); and • Insert a maximum building height of 8.5m (R1 zoned lands)
4	MATERIAL CONSIDERED BY THE PANEL	• Rezoning review request documentation • Briefing report from Department of Planning and Environment, 21 August 2023
5	SITE INSPECTION AND BRIEFINGS BY THE PANEL	• Site inspection with Department of Planning and Environment (DPE): 10.00am – 10.50am, 31 August 2023

		○ Panel members in attendance: Chris Wilson (Chair), Juliet Grant and Glennis James ○ DPE staff in attendance: Graham Towers, George Curtis, Lisa Kennedy & Adam Williams ○ Key issues discussed: History of planning proposal; proposal – public benefit, zonings, Floor Space Ratio (FSR), Height of Building (HOB) & built form; site constraints – topography, flooding & native vegetation cover; character of locality - residential, National Park & Wowly Creek ● Briefing with Department of Planning and Environment (DPE): 11.50am – 12:14pm, 31 August 2023 ○ Panel members in attendance: Chris Wilson (Chair), Juliet Grant and Glennis James ○ DPE staff in attendance: Graham Towers, George Curtis, Lisa Kennedy & Adam Williams ○ Key issues discussed: ● Planning proposal history and Department’s assessment of previous planning proposal ● Strategic Planning context – Jervis Bay Settlement Strategy, Shoalhaven Local Strategic Planning Statement, Shoalhaven Growth Management Strategy, no local housing strategy ● Community benefits and Voluntary Planning Agreement with National Parks and Wildlife Service for land dedication to National Park Estate ● Site specific issues - flooding, cut and fill, bushfire management (Asset Protection Zones), proposed masterplan ● Briefing with Shoalhaven City Council: 12.16pm - 1:14pm, 31 August 2023 ○ Panel members in attendance: Chris Wilson (Chair), Juliet Grant and Glennis James ○ DPE staff in attendance: Graham Towers, George Curtis, Lisa Kennedy & Adam Williams ○ Council representatives in attendance: Coralie Bell, Jenna Teague, Eric Hollinger & Kaitlin Aldous ○ Key issues discussed: ● Subdivision & planning proposal history of site, preparation of studies ● Strategic Planning context – Illawarra Shoalhaven Regional Plan – housing, sensitive estuary, water quality; Jervis Bay Settlement Strategy; Ministerial Direction 4.1 Flooding – flood planning area, fill, flood storage ● Precedent in supporting planning proposal ● Site specific issues - flooding, cut and fill, stormwater management & water quality, Endangered Ecological Community & wetlands, bushfire management (Asset Protection Zones), proposed masterplan & draft subdivision plan, local character & amenity ● Infrastructure servicing ● Proposed R1 General Residential or R2 Low Density Residential zone – potential for medium density/dual occupancies
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		• Briefing with PMR Architects & Town Planners & Landholders (Proponent): 1:38pm – 2:49pm, 31 August 2023 ○ Panel members in attendance: Chris Wilson (Chair), Juliet Grant and Glennis James ○ DPE staff in attendance: Graham Towers, George Curtis, Lisa Kennedy & Adam Williams ○ Proponent representatives in attendance: Michael Mantei, Patrick Mahedy & Ashley Bond ○ Key issues discussed: • Planning proposal history and proponent's request that Panel is appointed PPA • Strategic Planning context – Jervis Bay Settlement Strategy; Precedent in supporting planning proposal • Ministerial Direction 4.1 Flooding – flood planning area, fill, flood storage, will need flood maps, water quality, dedication of drainage reserve • Bushfire management – road & 19m of residential properties are Asset Protection Zones • Proposed R1 General Residential or R2 Low Density Residential zone – 12 single & 18 medium density/dual occupancies • Could do a site specific Development Control Plan (DCP), haven't prepared a subdivision plan • Urban design & form – setback from Sealark Road • Public benefit offer – dedication of land to the National Park Estate, exhibition of offer with exhibition of a planning proposal • Further work to revise/complete the planning proposal • Panel Discussion: 2:06pm – 2.23pm, 31 August 2023 ○ Panel members in attendance: Chris Wilson (Chair), Juliet Grant and Glennis James ○ DPE staff in attendance: Graham Towers, George Curtis, Lisa Kennedy & Adam Williams
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APPENDIX C

PLANNING PROPOSAL AUTHORITY
RECORD OF DECISION TO SUBMIT PLANNING PROPOSAL
TO GATEWAY DETERMINATION
 STRATEGIC PLANNING PANEL of the
 SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	11 April 2024
DATE OF DECISION	19 March 2024
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant and Glennis James
APOLOGIES	None
DECLARATIONS OF INTEREST	Note: Shoalhaven City Council do not have nominated local council members

PLANNING PROPOSAL

PP-2022-4162 Lot 5 Sealark Road, Callala Bay (As described in Schedule 1)

The revised planning proposal (dated December 2023) seeks to facilitate residential development on a portion of the site and conservation of the remaining lands. Revisions have been made to address the Panel's Rezoning Review Record of Decision 5 October 2023.

The proponent (PMR Architects & Town Planners) in its letter of 12 February 2024 offered two possible development options to demonstrate what the impact of the perimeter road and asset protection zone (APZ) has on development opportunities notably:

- Option A – locating part of the perimeter road and APZ on the adjoining site owned by Shoalhaven Council. This option is inconsistent with the Panel's recommendations; and
- Option B – retains both the perimeter road and APZ within the Site's boundary. This is consistent with the Panel's original decision.

PANEL CONSIDERATION AND DECISION

The Strategic Planning Panel of the Southern Regional Planning Panel (Panel) met with the Department of Planning, Housing and Infrastructure (Department), Shoalhaven City Council (Council) and the proponent (PMR Architects & Town Planners) for a Pre-Gateway briefing.

The purpose of the briefing was to consider whether the revised Planning Proposal and additional information provided by the proponent had addressed the Panel's conditions from the Rezoning Review held on the 5 October 2023. These conditions were as follows:

- All proposed development works including proposed roads are to be retained on the subject land and the masterplan and other supporting plans revised accordingly;
- Proposed Lot A on the Preliminary Earthworks Plan (dated 22/11/2020) is to be zoned R1 General Residential whilst proposed Lot B on the Plan is to be zoned R2 Low Density Residential;
- Insert a maximum building height of 8.5m for both the R1 and R2 zoned lands;
- Reduce the minimum lot size from 40ha to 500m² for both the R1 and R2 zoned lands;
- The drainage lines and triangular parcel of land between these two lines are to be zoned C3 Environmental Management;
- The drainage lot secured for development immediately to the south under separate development consent should be unencumbered by any works associated with this Planning Proposal;
- An Urban Design Report is to be prepared to identify and address built form outcomes having regard to flooding, earthworks – cut and fill, bushfire management and Asset Protection Zones (APZs), and subdivision layout and road design. The Urban Design Report should also identify the need for any site-specific provisions that should be applied to the site;

- If required, prepare a site-specific development control plan (DCP) for the site to support the proposal, which is to be exhibited with the Planning Proposal;
- Provide certainty around the transfer of the conservation lands to public ownership including the mechanism and timing. This detail should accompany the Planning Proposal should it proceed to public exhibition; and
- The Planning Proposal's supporting studies including the biodiversity assessment, flood study, integrated water quality management assessment, Aboriginal cultural heritage assessment, traffic study, Stage 1 preliminary contaminated site assessment and bushfire hazard risk assessment are to be updated where required to reflect the revisions to the Planning Proposal.

The Panel noted that most of the Panel's Rezoning Review conditions had been met. However, the Panel does not support the Proponent's continued reliance on locating parts of the perimeter road and APZ on Council land. This has not been justified and remains inconsistent with the Panel's original decision made in response to the Rezoning Review.

As the Planning Proposal Authority (PPA), the Panel determined to:

1. Support the preliminary subdivision layout depicted in Option B outlined in PMR Architects & Town Planners letter of 12 February 2024, given it is consistent with the conditions established by the Panel. This support is subject to the following amendments:
 - The minimum lot size map and height of building map are to be updated to ensure the boundary of the development matches the footprint represented in the zoning map; and
 - The minimum lot size map is to be updated to accurately depict the existing Shoalhaven LEP 2014 controls as they apply to the area of the site zoned C2 Environmental Conservation.
2. Require the proponent to update the Planning Proposal and supporting reports and studies including updating the Urban Design Report, in accordance with point one above and the LEP Making Guidelines (August 2023);
3. Require the proponent to submit the revised Planning Proposal and supporting reports and studies to the Panel within 3 months of the date of this determination;
4. Submit the revised planning proposal package for a Gateway determination; and
5. Reconvene to consider the planning proposal package following the receipt of a Gateway determination and prior to public exhibition.

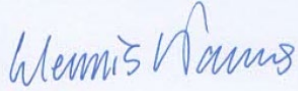
The Panel's decision was unanimous.

REASONS FOR THE DECISION

The Panel discussed the Department's Pre-Gateway Determination Briefing Report, the proponent's revised Planning Proposal, supporting reports and the letter of 12 February 2024, and Council's letter of 18 March 2024. Concerns raised by both the proponent and Council were discussed extensively especially in relation to the use of the council road reserve and stormwater drainage infrastructure, the location and management of APZs, the management of the drainage line, and the proposed site development controls.

The Panel recognised the positive community benefit arising from protecting the environmentally sensitive land and provision of additional housing on serviced land. The Panel was also cognisant of the need to avoid reliance on land beyond the subject site to satisfy future bushfire protection requirements.

As stated above, the Panel does not support the Proponent's continued reliance on locating parts of the perimeter road and APZ on Council land. Consequently, the Panel supports Option B subject to revisions for the reasons set out above and supported the revised Planning Proposal proceeding to a Gateway determination.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Glennis James	

SCHEDULE 1		
1	LGA – ADDRESS	PP-2022-4162 – Shoalhaven LGA - Lot 5 Sealark Road, Callala Bay
2	LEP TO BE AMENDED	Shoalhaven Local Environmental Plan (LEP) 2014
3	PROPOSED INSTRUMENT	The proposal seeks to: • Rezone the land from C3 Environmental Management to part R1 General Residential, part R2 Low Density Residential, part C2 Environmental Conservation and part C3 Environmental Management; • Reduce the minimum lot size from 40ha to 500m² (R1 and R2 zoned lands); and • Insert a maximum building height of 8.5m (R1 & R2 zoned lands)
4	MATERIAL CONSIDERED BY THE PANEL	• Pre-Gateway Briefing Report Department of Planning, Housing and Infrastructure, 12 March 2024 • Revised Planning Proposal, December 2023 and supporting reports • PMR Architects & Town Planners letter to Panel, 12 February 2024 • Shoalhaven City Council letter to Panel, 18 March 2024 • DPHI Pre Gateway Presentation, 18 March 2023
5	BRIEFINGS BY THE PANEL	• Briefing from Department of Planning, Housing and Infrastructure 2.00pm – 2.51pm, 19 March 2024 ○ Panel members in attendance: Chris Wilson (Chair), Juliet Grant and Glennis James ○ Department of Planning, Housing and Infrastructure (DPHI) staff in attendance: Graham Towers, Steph Wood, Ewan Reid, Louise McMahon, Doug Cunningham, Kimberley Beencke, Michael Tran, Aoife Wynter, Lisa Kennedy and Adam Williams ○ Key issues discussed: • Proponent's proposed Options A & B for the planning proposal in response to the Panel's recommended revisions • Road reserve & proposed subdivision works – APZs • Drainage lines – proposed piping & filling of southern channel; management of northern channel • Delays by the proponent in revising the planning proposal and providing information • Need for proponent to update maps to reflect correct boundaries • Further work required on the urban design study • Panel discussions with Proponent and Council: 3.00pm – 3.34pm, 19 March 2024 ○ Panel members in attendance: Chris Wilson (Chair), Juliet Grant and Glennis James ○ Department of Planning, Housing and Infrastructure (DPHI) staff in attendance: Graham Towers, Steph Wood, Ewan Reid, Louise McMahon, Doug Cunningham, Kimberley Beencke, Michael Tran, Aoife Wynter, Lisa Kennedy and Adam Williams

		○ Council staff in attendance: Coralie McCarthy, Kaitlin Aldous, Alexander Aronsson and Trevor Dando ○ Proponent members in attendance: Michael Mantei, Patrick Mahedy and Ashley Bond ○ Key issues discussed by Proponent: ● Proponent's preference for planning proposal option A with subdivision road located outside of development footprint ● Road reserve – proposed subdivision road & existing drainage works for adjoining subdivision ● Drainage lines – flood modelling, piping of southern channel, long term management of northern channel ● Urban design report and DCP – APZ, roads, flood management, cut & fill ○ Key issues discussed by Council: ● Council policy that public lands are not available to support private development ● Road reserve – intent of drainage works for adjoining subdivision; water quality works are now a council asset ● Council policy is that APZs are not permitted on Council roads or other council lands. Council does not undertake maintenance of APZ. ● Drainage lines - no issues with piping southern channel and only having northern channel ● Urban design report and DCP – visual impacts, flood management, cut & fill ● Panel Determination: 3.34pm – 3.57pm, 19 March 2024 ○ Panel members in attendance: Chris Wilson (Chair), Juliet Grant and Glennis James ○ Department of Planning, Housing and Infrastructure (DPHI) staff in attendance: Graham Towers, Steph Wood, Ewan Reid, Louise McMahon, Doug Cunningham, Kimberley Beencke, Michael Tran, Aoife Wynter, Lisa Kennedy and Adam Williams
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APPENDIX D

LOT 5 SEALARK ROAD, CALLALA BAY PLANNING PROPOSAL

PRELIMINARY CIVIL DESIGN DRAWINGS



LOCALITY PLAN
NOT TO SCALE

SHEET INDEX

DRAWING No.	DESCRIPTION
1861-C01	TITLE SHEET
1861-C02	GENERAL ARRANGEMENT PLAN
1861-C03	PRELIMINARY EARTHWORKS PLAN
1861-C04	PRELIMINARY EARTHWORKS SECTIONS
1861-C05	ROAD 1 LONGITUDINAL SECTION & CROSS SECTIONS – SHEET 1 OF 2
1861-C06	ROAD 1 CROSS SECTIONS SHEET 2 OF 2
1861-C07	ROAD 2 LONGITUDINAL SECTION & CROSS SECTIONS
1861-C08	PRELIMINARY STORMWATER MANAGEMENT PLAN
1861-C09	WATER QUALITY PRE AND POST DEVELOPMENT LAND USE PLAN
1861-C10	INDICATIVE SUBDIVISION PLAN

7	ISSUED FOR PLANNING PROPOSAL	15/07/24
6	RE-ISSUED FOR CONSULTANT REVIEW	02/06/24
5	FOR CONSULTANT REVIEW	15/05/24
4	RE-ISSUED FOR PLANNING PROPOSAL	12/01/24
3	RE-ISSUED FOR PLANNING PROPOSAL	22/11/21
2	RE-ISSUED FOR PLANNING PROPOSAL	18/10/21
1	FOR PLANNING PROPOSAL	30/10/20
ISSUE	DESCRIPTION	DATE

FOR PLANNING PROPOSAL
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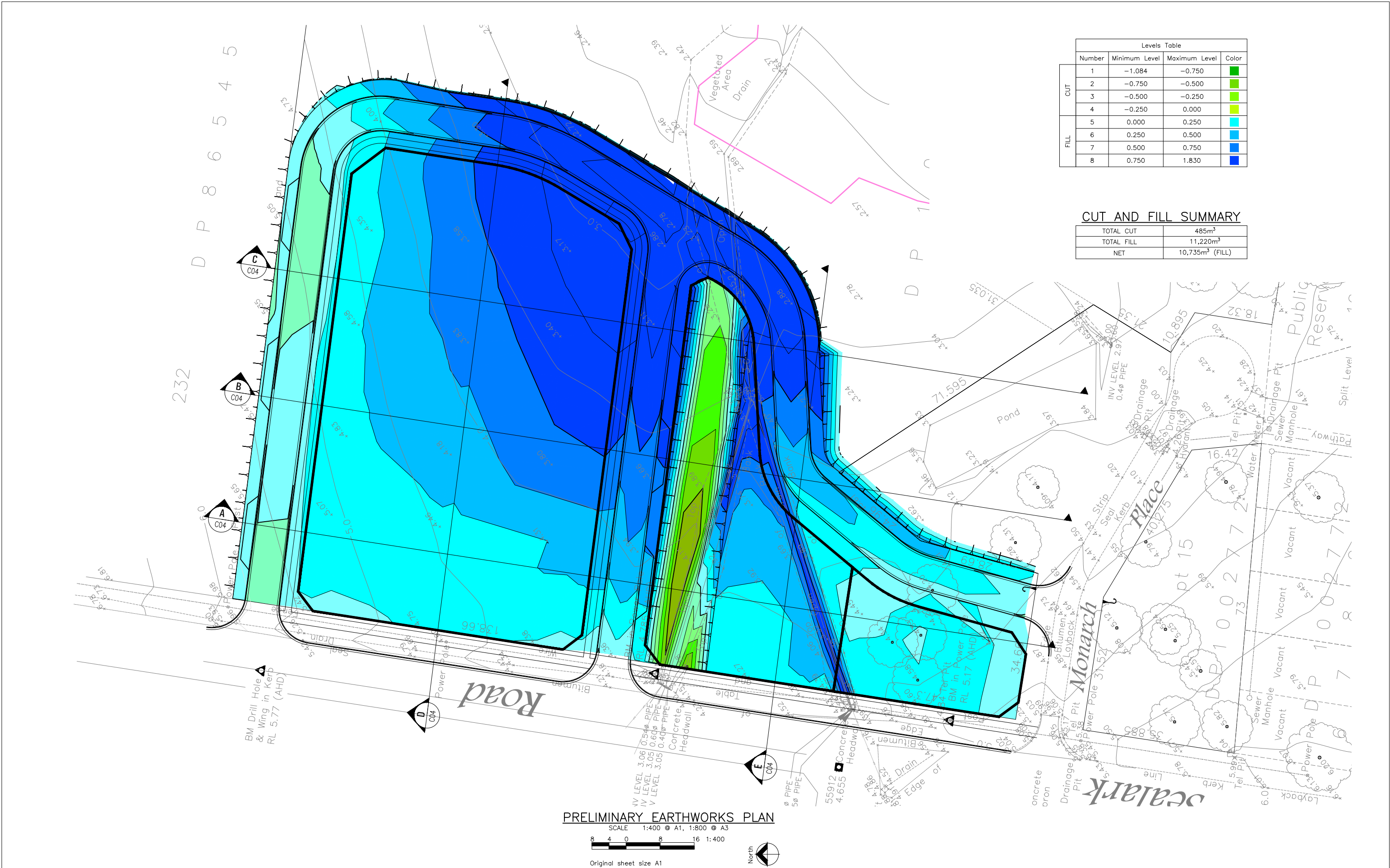
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AZIMUTH: GDA 94, MGA56	
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DESIGNED: AB	
DESIGNED DATE: JAN '24	
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LOT 5 SEALARK ROAD, CALLALA BAY
PLANNING PROPOSAL
PRELIMINARY CIVIL DESIGN
TITLE SHEET

DRAWING NO. 1861-C01
ISSUE. 7
SHEET 1 OF 10



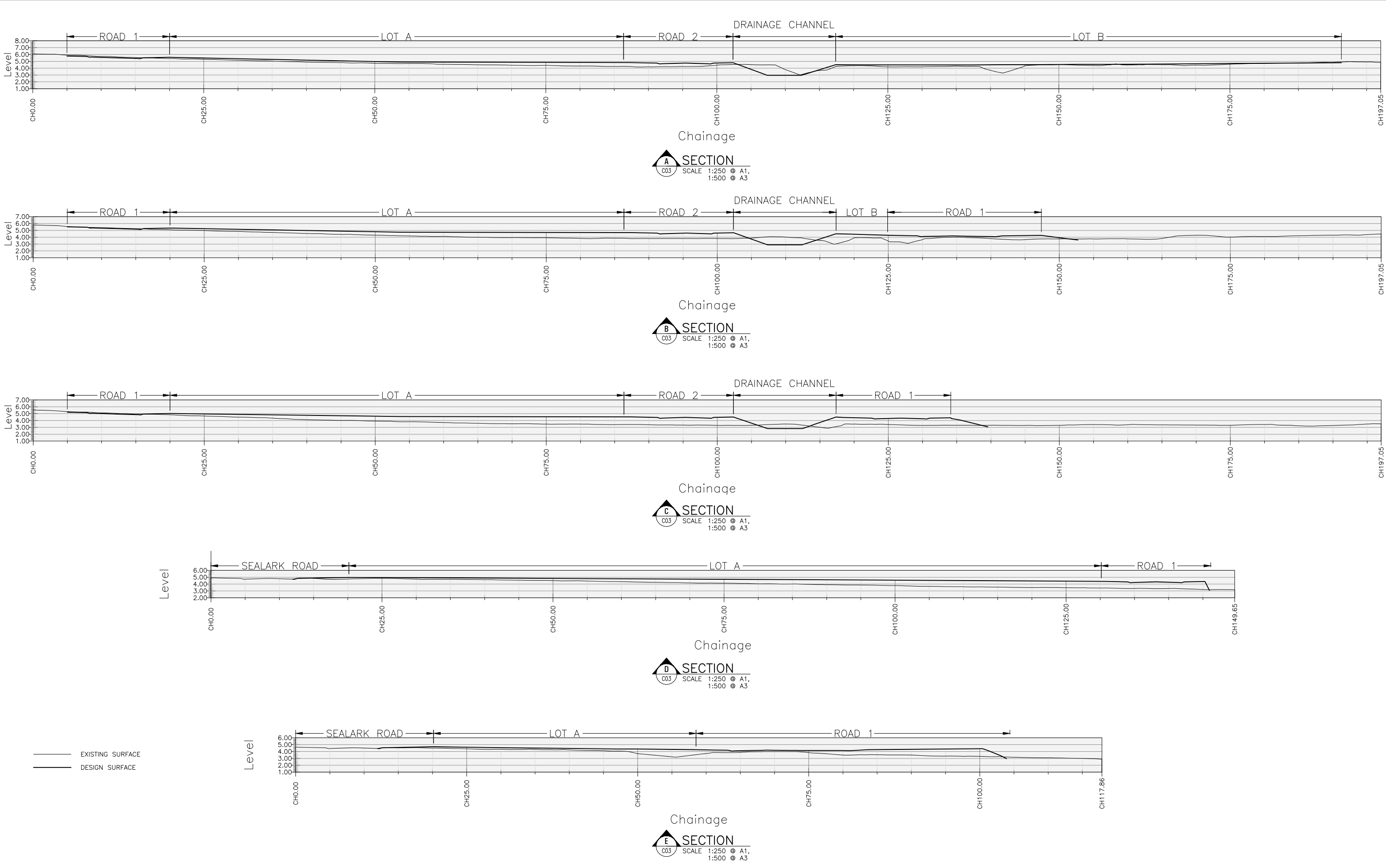
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CUT AND FILL SUMMARY

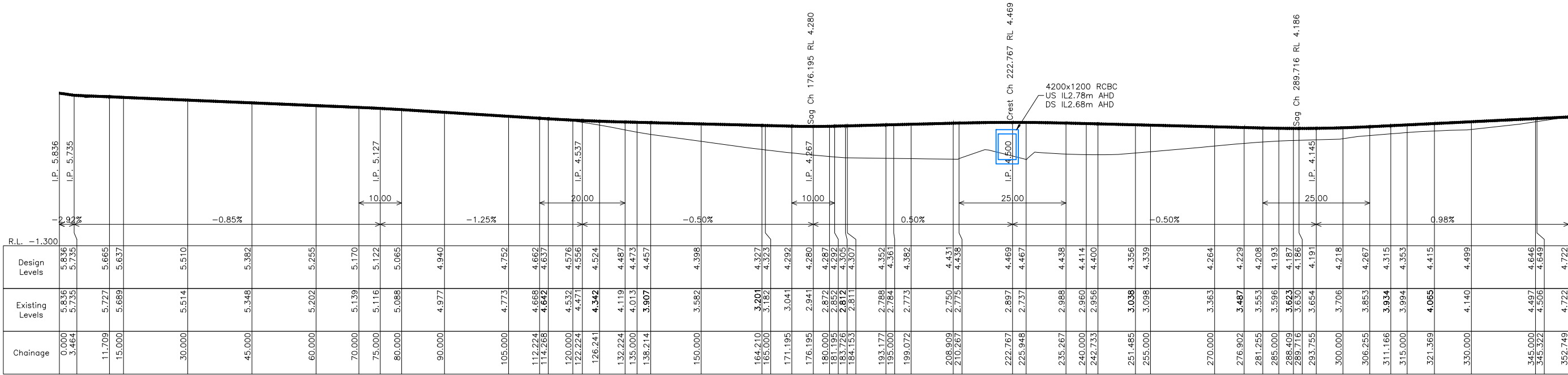
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TOTAL FILL	11,220m ³
NET	10,735m ³ (FILL)

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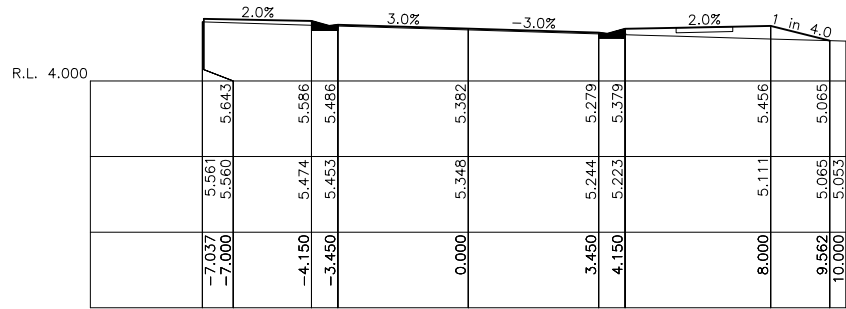


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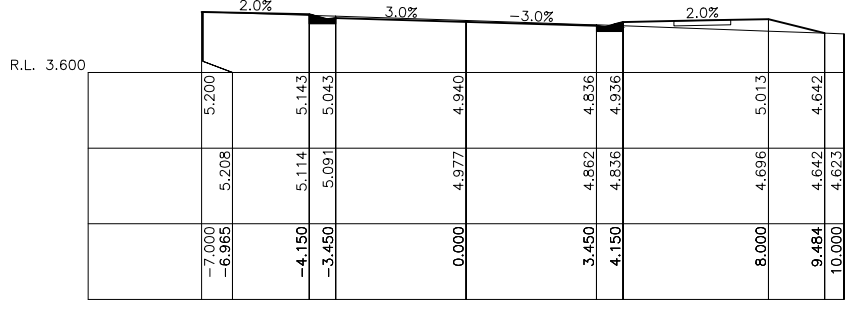


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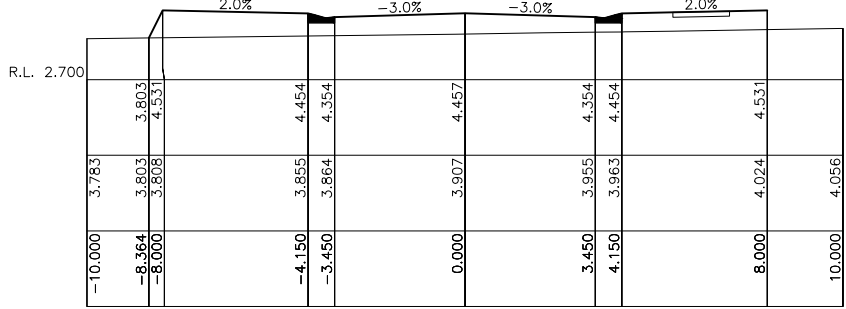
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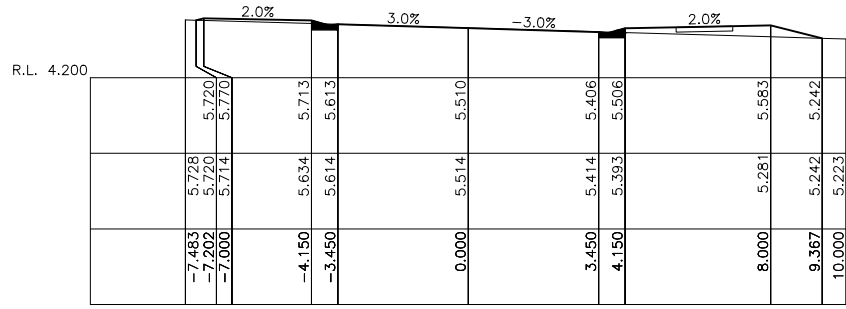
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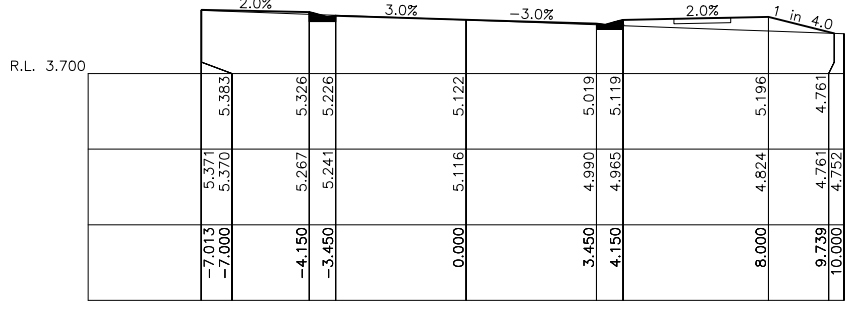
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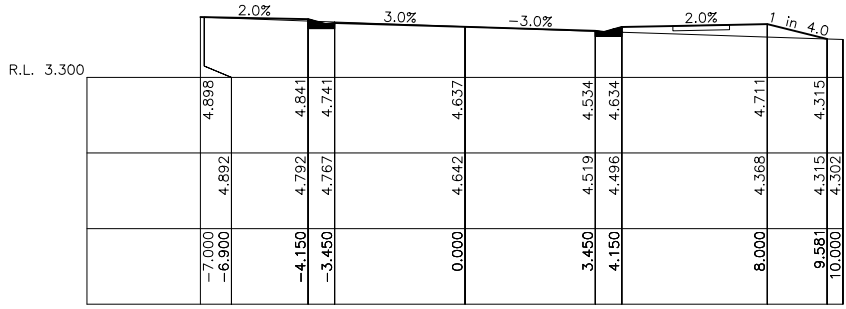
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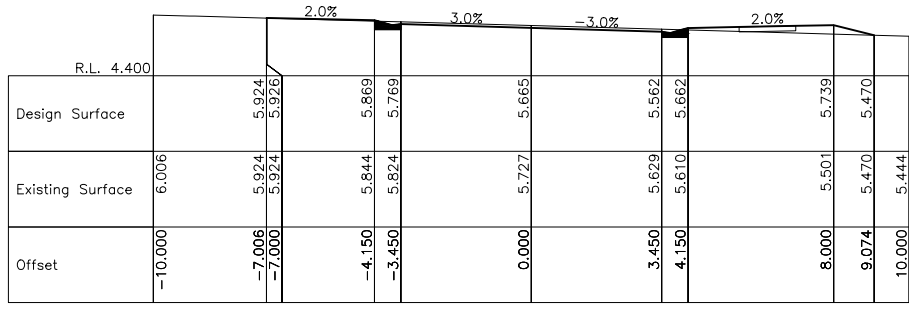
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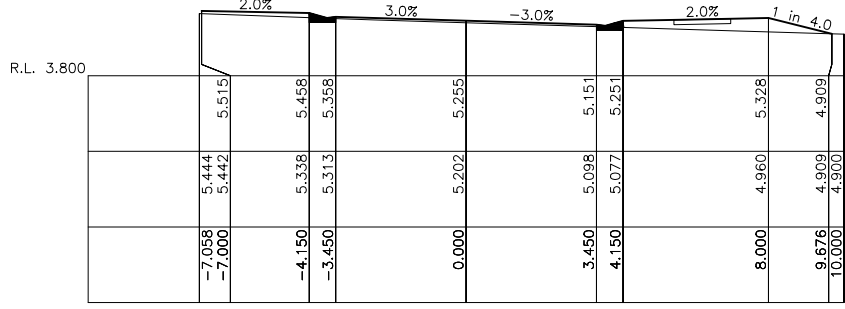
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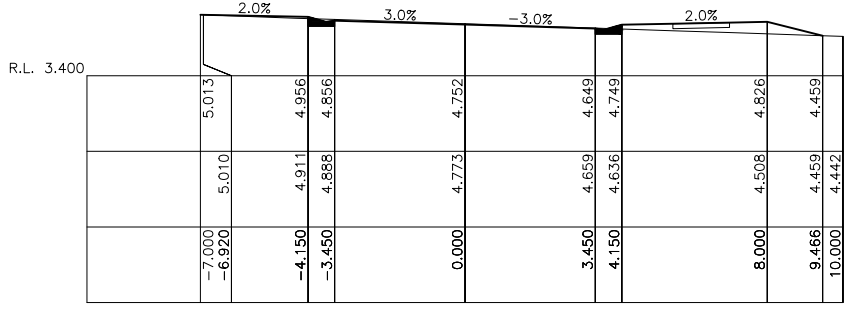
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Ch 11.709



Ch 60.000



Ch 105.000

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DESIGNED DATE:	DEC '23
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LOT 5 SEALARK ROAD, CALLALA BAY

PLANNING PROPOSAL

PRELIMINARY CIVIL DESIGN

ROAD 1 LONGITUDINAL SECTION & CROSS SECTIONS - SHEET 1 OF 2

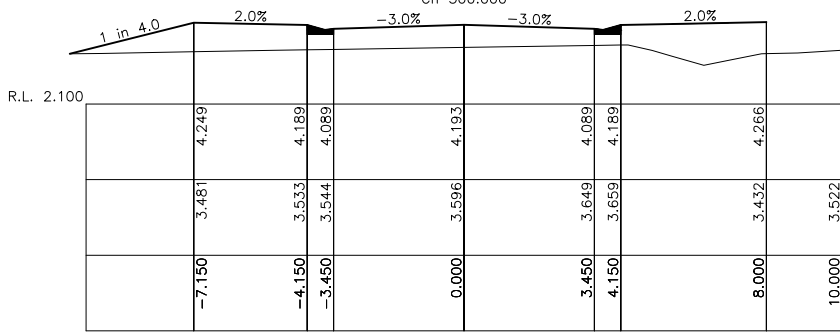
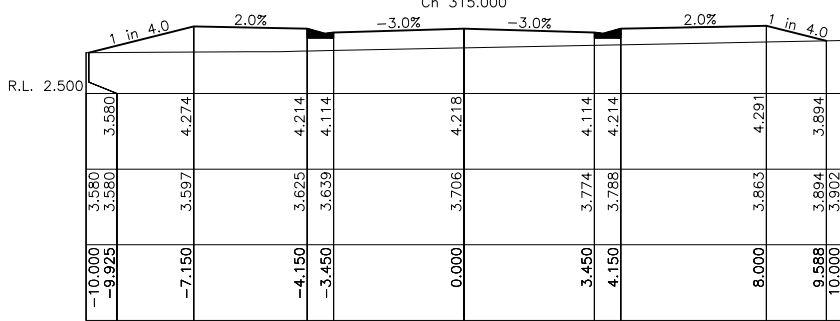
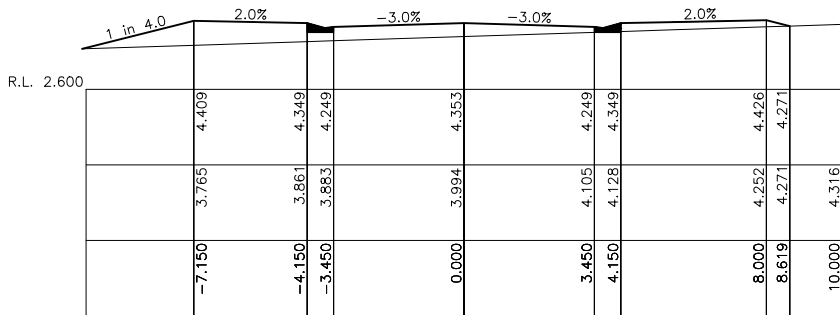
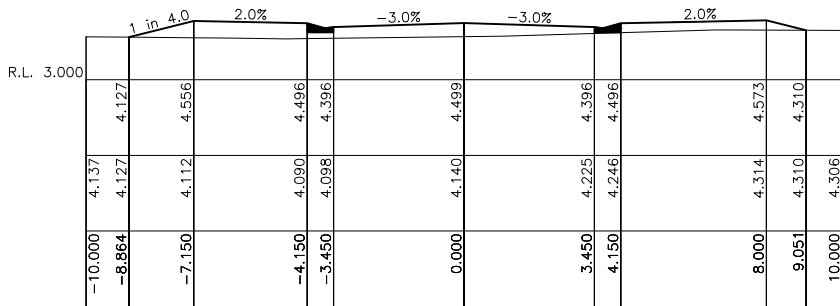
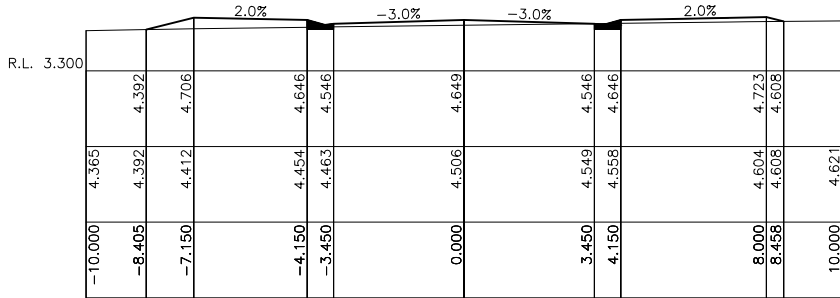
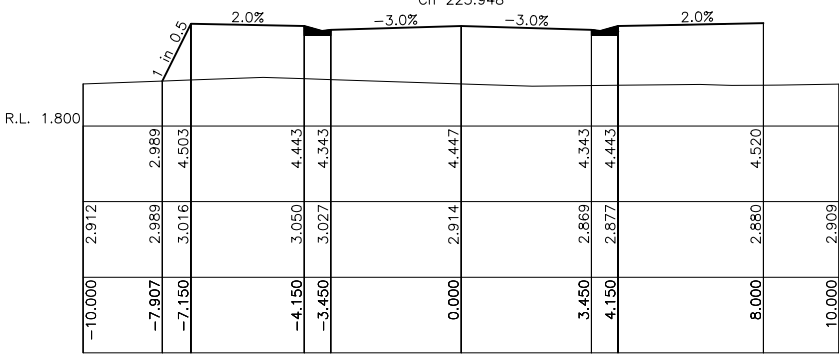
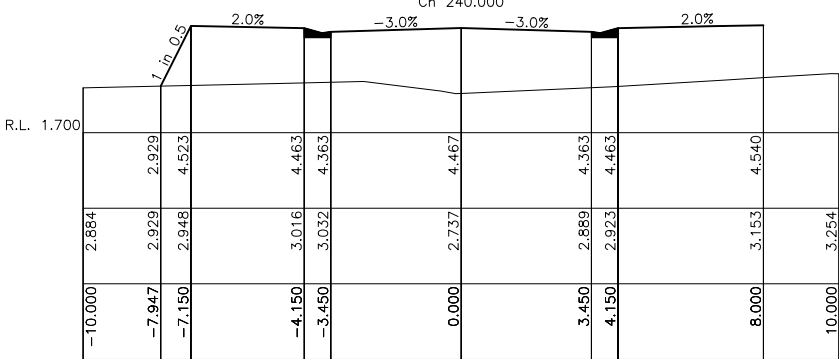
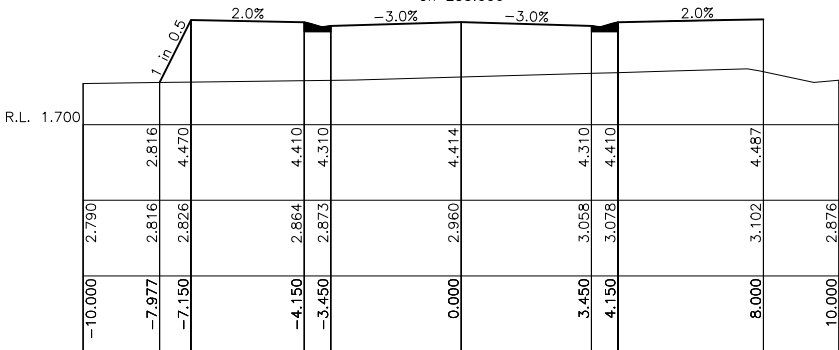
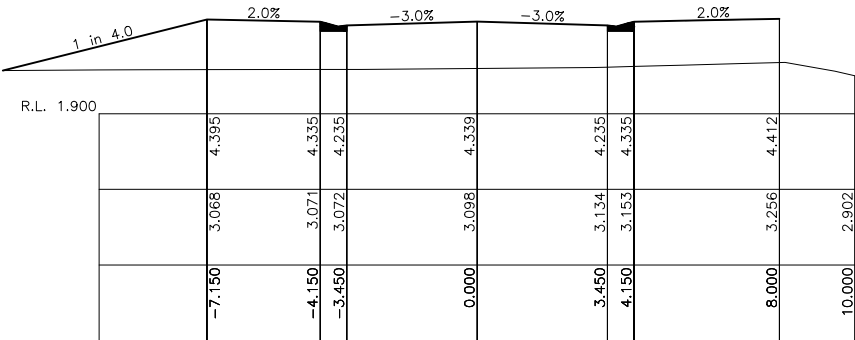
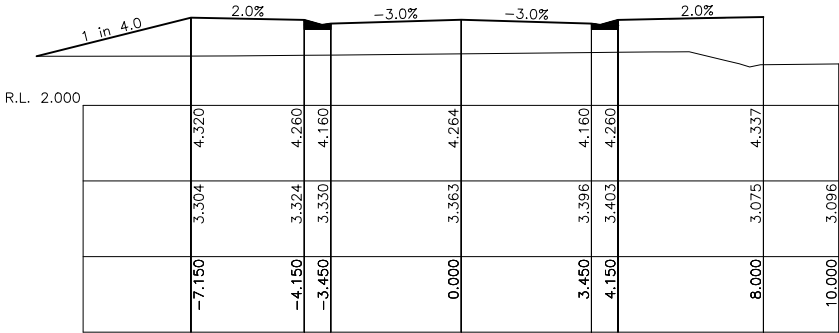
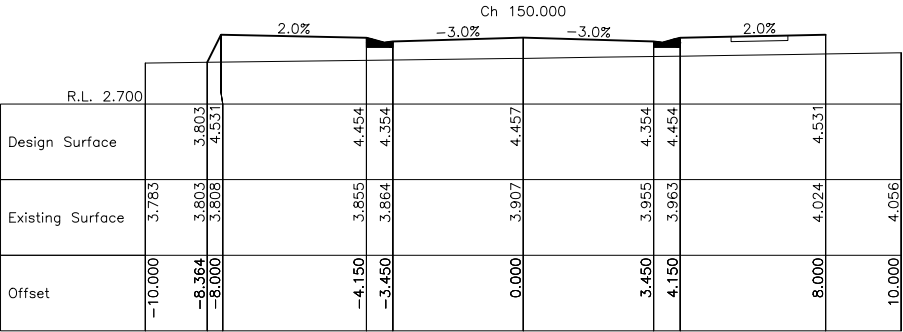
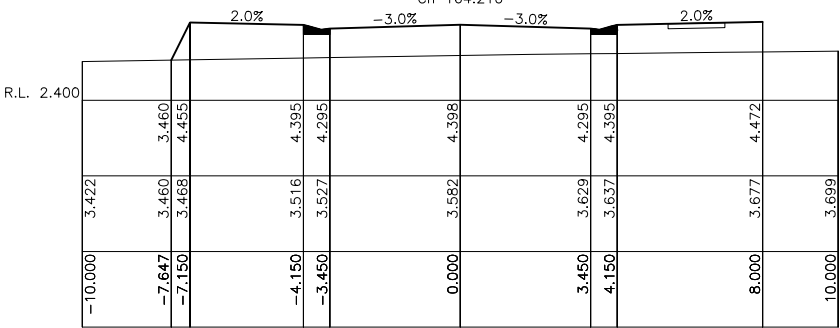
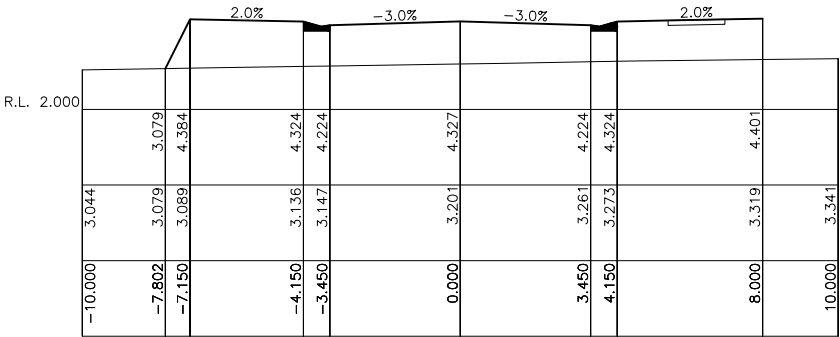
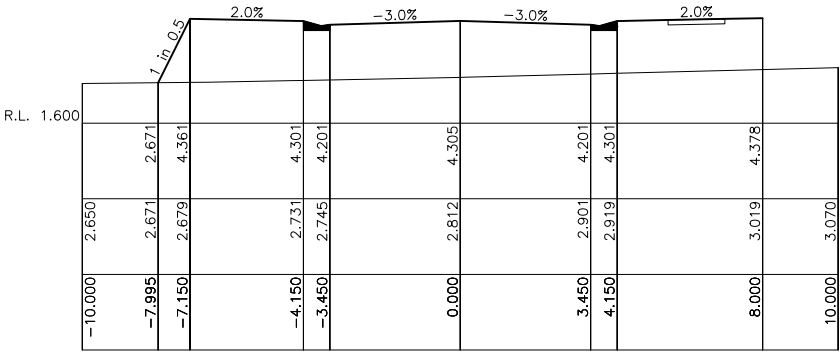
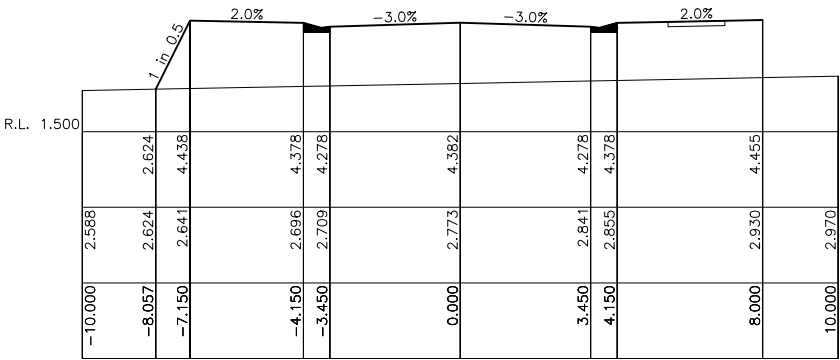
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1861-C05

ISSUE.

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SHEET 5 OF 10



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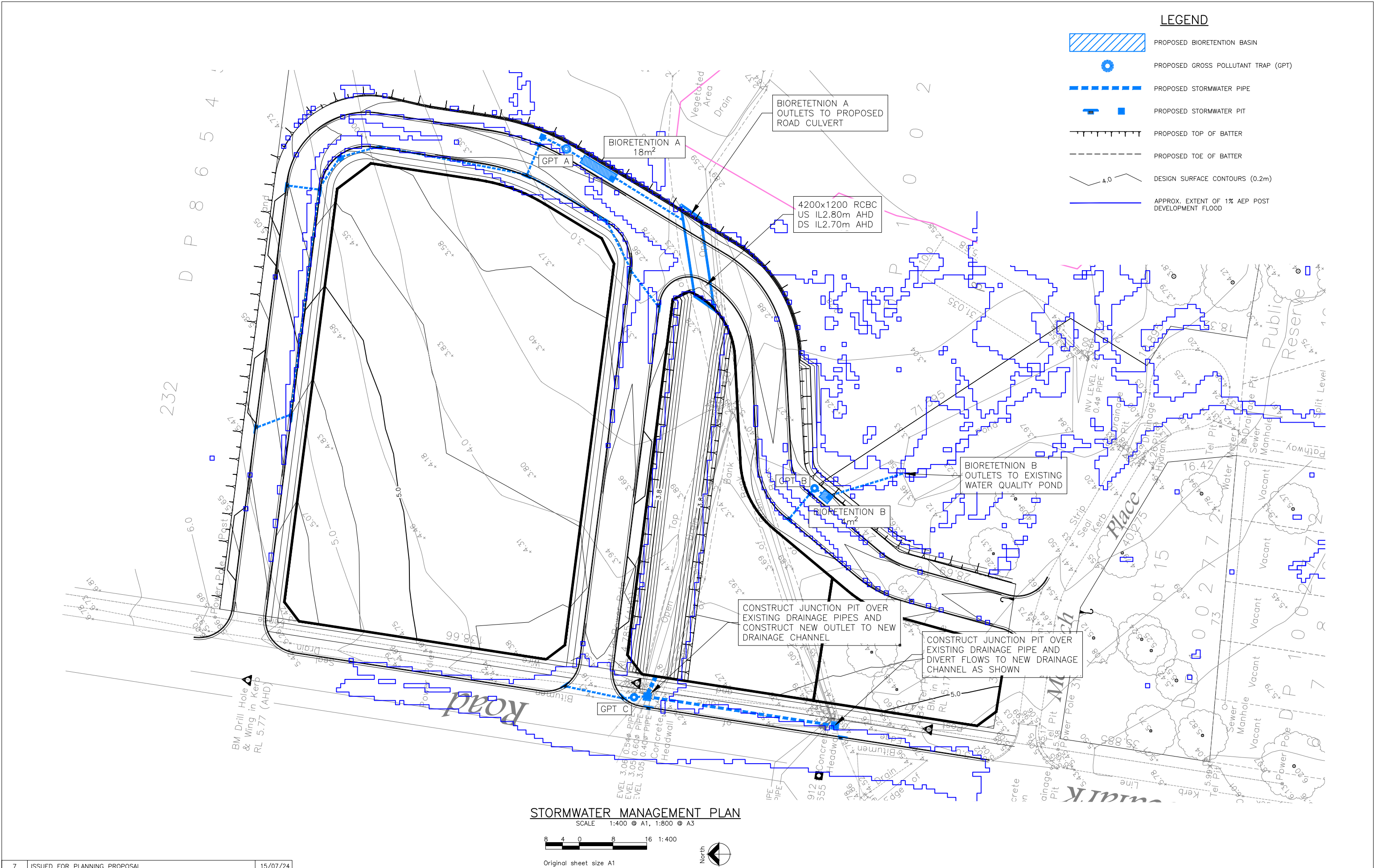
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footprint
sustainable engineering
a. 15 meehan drive
kiama downs nsw 2533
p. 02 4237 6770
f. 02 4237 8962

LOT 5 SEALARK ROAD, CALLALA BAY
PLANNING PROPOSAL
PRELIMINARY CIVIL DESIGN
ROAD 1 CROSS SECTIONS - SHEET 2 OF 2

DRAWING NO.
1861-C06
ISSUE.
7
SHEET 6 OF 10



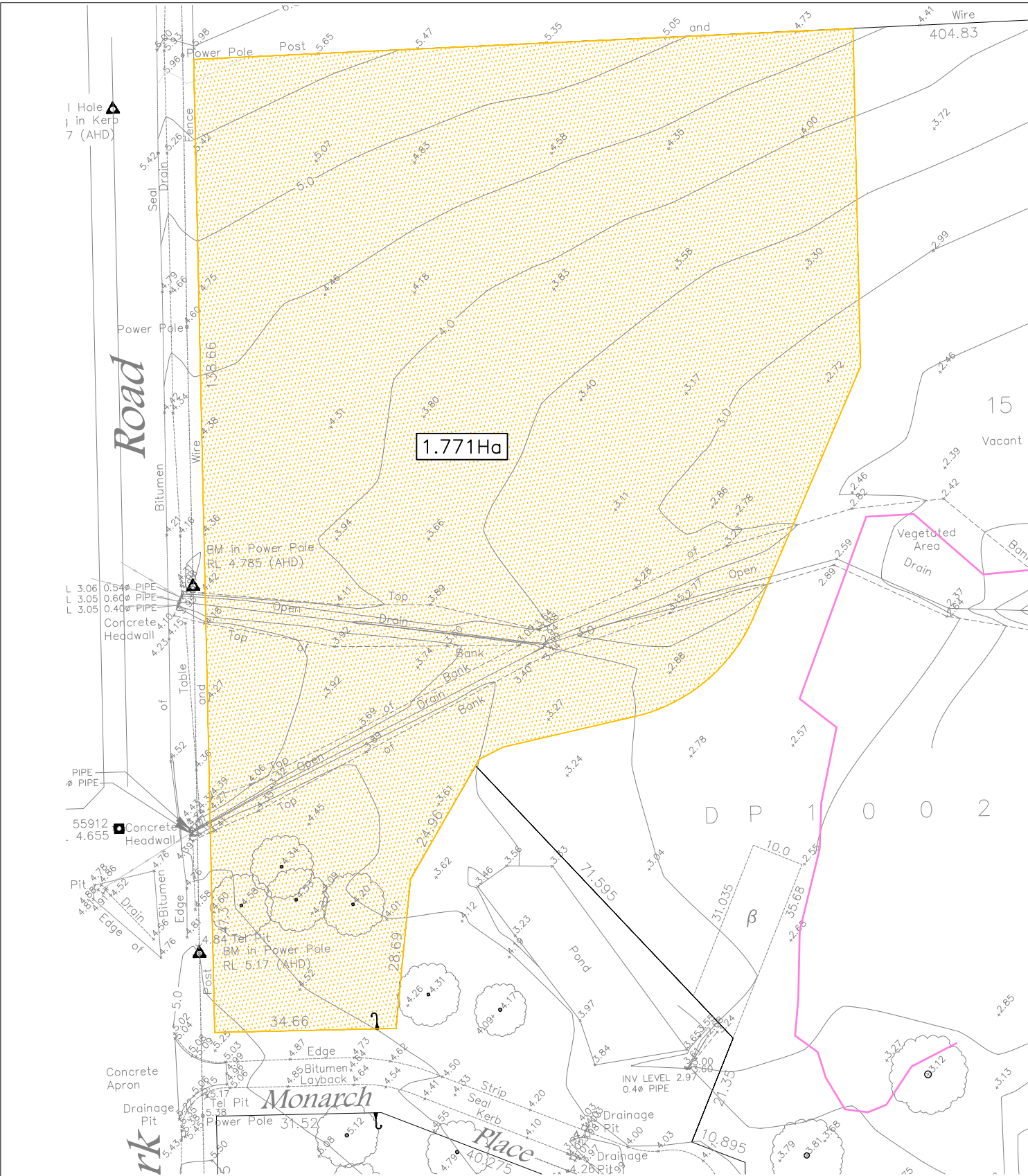
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6	RE-ISSUED FOR CONSULTANT REVIEW	02/06/24
5	FOR CONSULTANT REVIEW	15/05/24
4	RE-ISSUED FOR PLANNING PROPOSAL	12/01/24
3	RE-ISSUED FOR PLANNING PROPOSAL	22/11/21
2	RE-ISSUED FOR PLANNING PROPOSAL	22/11/21
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CLIENT: HARE BAY CONSORTIA		AZIMUTH: GDA 94, MGA56
		DRAWN: AB
		DESIGNED: AB
		DESIGNED DATE: DEC '23
		CHECKED: AB

footprint
sustainable engineering
a. 15 meehan drive
kiama downs nsw 2533
p. 02 4237 6770
f. 02 4237 8962

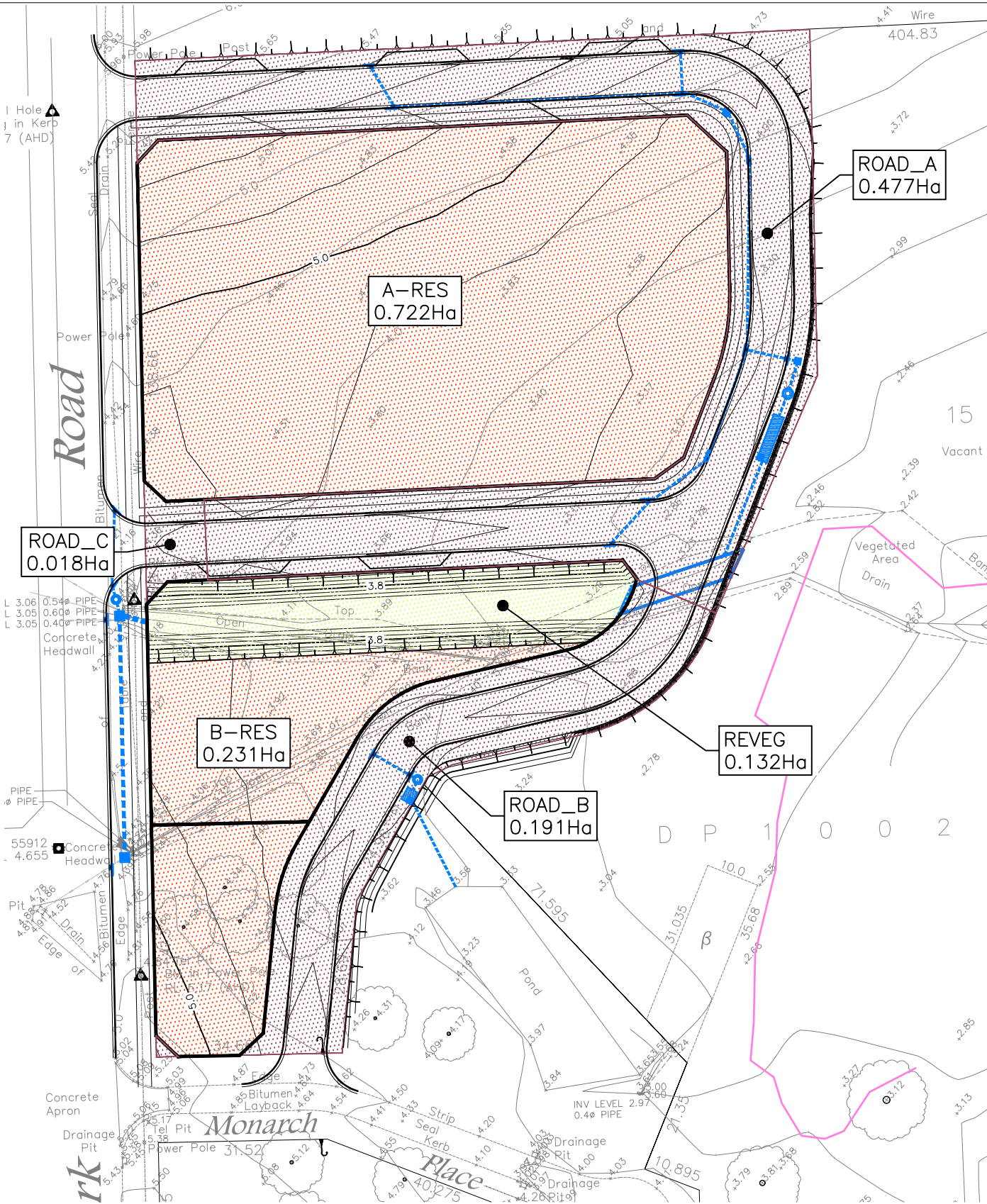
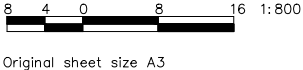
LOT 5 SEALARK ROAD, CALLALA BAY PLANNING PROPOSAL PRELIMINARY CIVIL DESIGN PRELIMINARY STORMWATER MANAGEMENT PLAN	DRAWING NO. 1861-C08 ISSUE. 7 SHEET 8 OF 10
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PRE-DEVELOPMENT - SUB-CATCHMENTS

LEGEND

RURAL RESIDENTIAL LANDUSE



POST-DEVELOPMENT - SUB-CATCHMENTS

LEGEND

REVEGETATED AREAS (RURAL RESIDENTIAL)
RESIDENTIAL LANDUSE
ROAD RESERVE

7	ISSUED FOR PLANNING PROPOSAL	15/07/24
6	RE-ISSUED FOR CONSULTANT REVIEW	02/06/24
5	FOR CONSULTANT REVIEW	15/05/24
4	RE-ISSUED FOR PLANNING PROPOSAL	12/01/24
3	RE-ISSUED FOR PLANNING PROPOSAL	22/11/21
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1	FOR PLANNING PROPOSAL	30/10/20
ISSUE	DESCRIPTION	DATE

FOR PLANNING PROPOSAL
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SURVEYOR:	ALLEN PRICE
DATUM:	AHD
AZIMUTH:	GDA 94, MGA56
DRAWN:	AB
DESIGNED:	AB
DESIGNED DATE:	DEC' 23
CHECKED:	AB



LOT 5 SEALARK ROAD, CALLALA BAY

PLANNING PROPOSAL
PRELIMINARY CIVIL DESIGN
WATER QUALITY PRE AND POST DEVELOPMENT LAND USE PLAN

DRAWING NO.	1861-C09
ISSUE.	7
SHEET	9 OF 10

APPENDIX E

Your Ref:
Our Ref: AKH24.052

16 October 2024

Ashley Bond
Footprint
210 Jamberoo Road
Jamberoo,
NSW 2533

Ashley,

**POWER REPORT FOR SUBSDIVOISN WORKS LOAD – INDUSTRIAL DEVELOPMENT –
LOT 5 DP1225356 SEALARK ROAD CALLALA BAY**

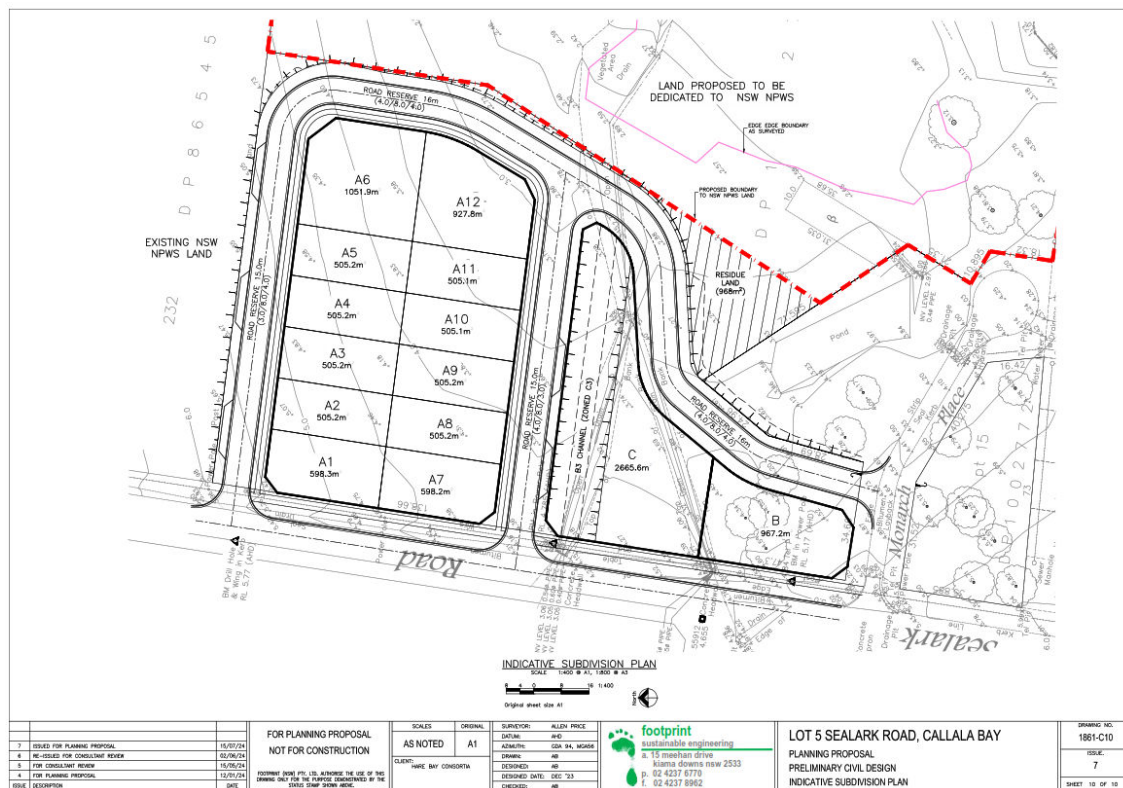
Please find enclosed AKH Design Services report for the power assessment for the proposed development on Lot 5 DP1225356 Sealark Road Callala Bay.



Aerial View



Six Maps



Developers Concept Plans

T : 02 44228004
M: 0412423520
E : paul@akhdesign.com.au

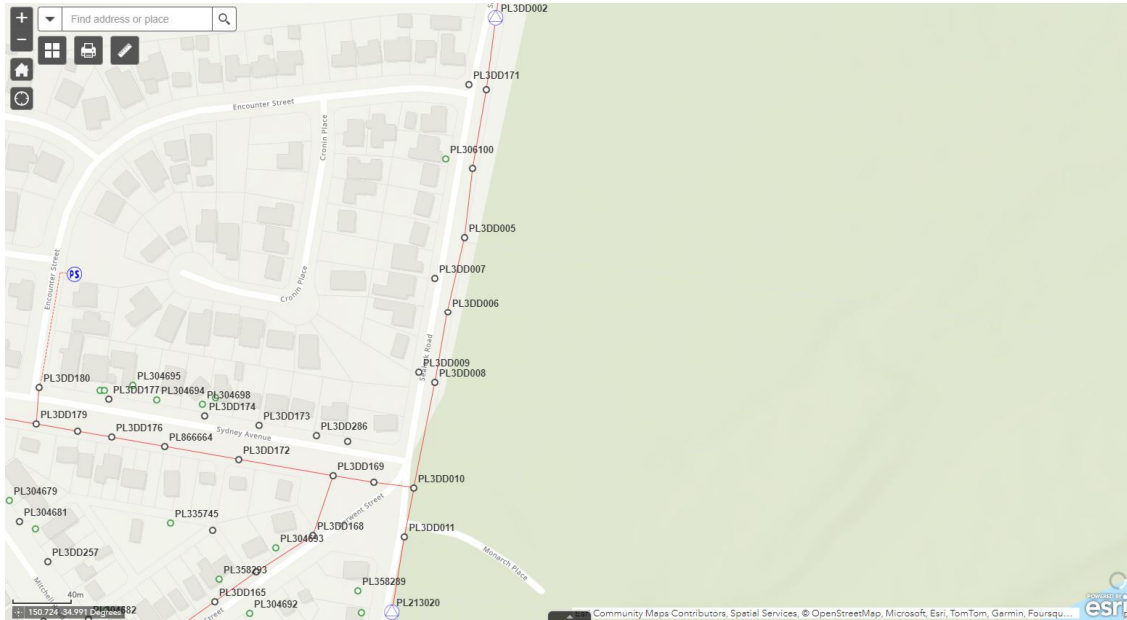
4 Barbata Grove
South Nowra, NSW 2541

The development is for a small urban subdivision of 14 lots

Lots A1-A12 12 lots
Lot B 1 Lot
Lot C 1 Lot

The site has 3 phase HV 11kV and 3 phase overhead open wire low voltage reticulation along the eastern side of Sealkark Road.

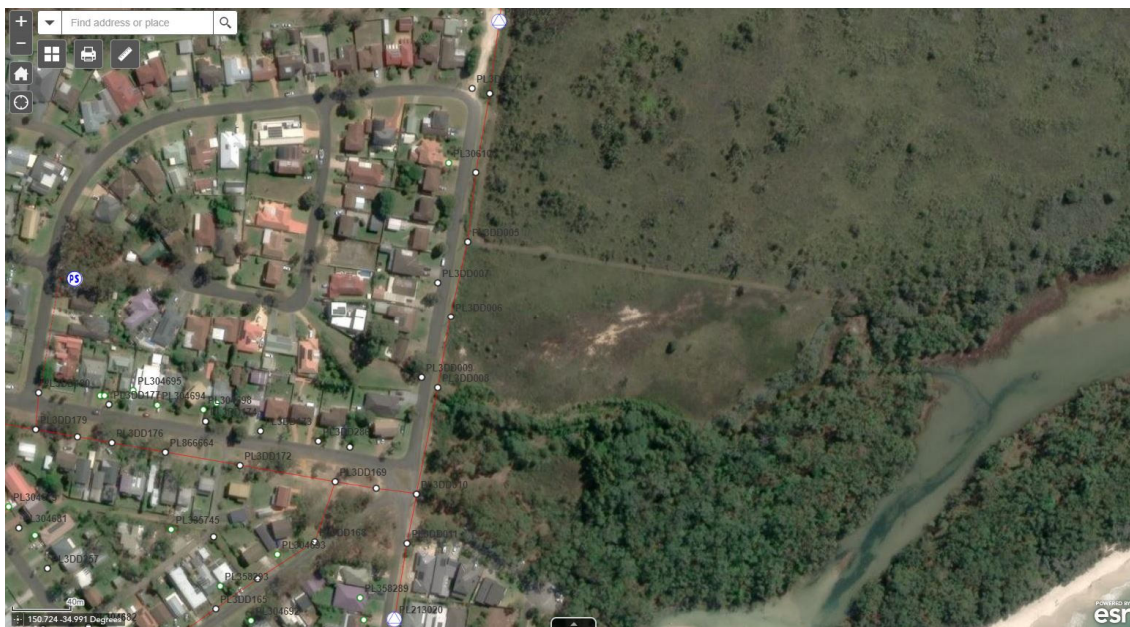
This overhead is in the standard Endeavour overhead allotment approximately 3.5m from the property boundary.



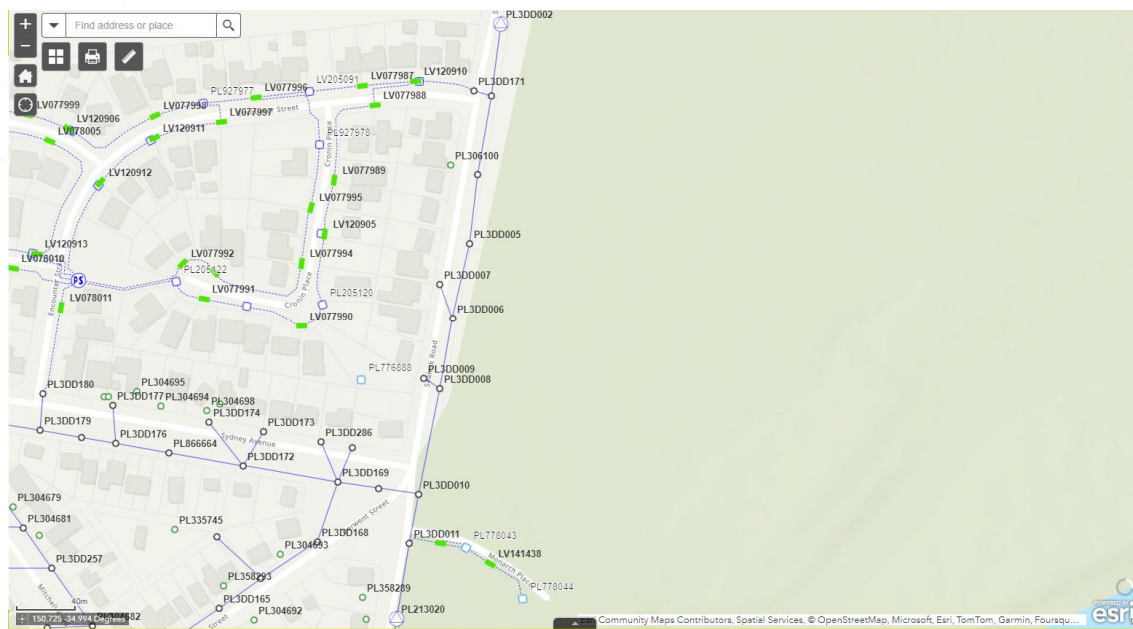
Existing High Voltage GIS

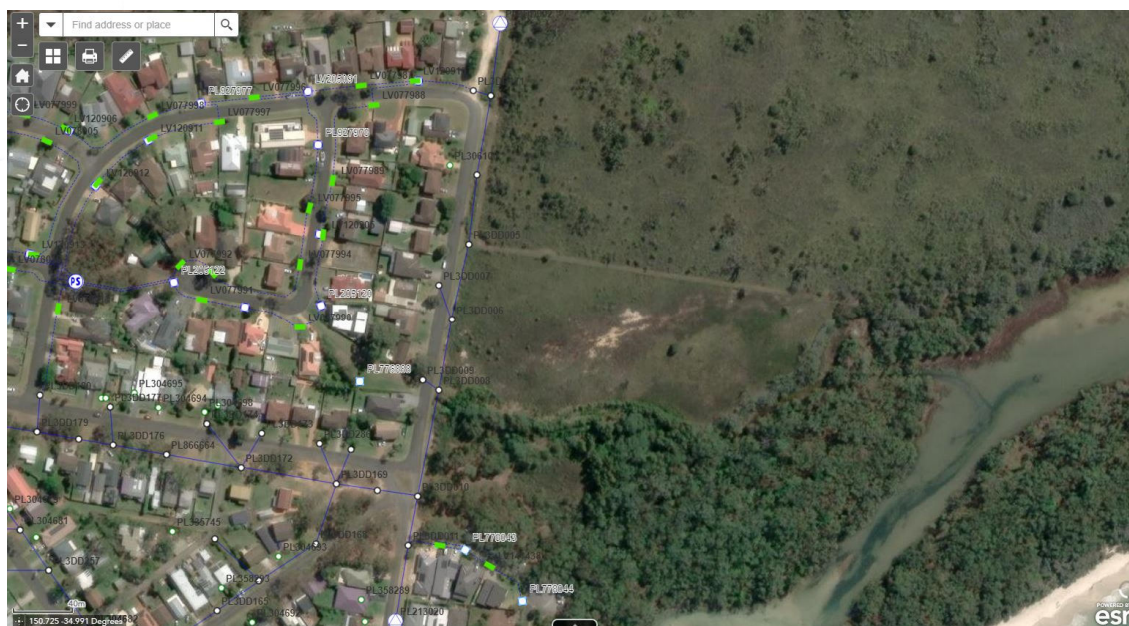


Existing High Voltage GIS



Existing High Voltage GIS with aerial overlay





Development Considerations

Endeavour Energy requires consideration of the following things for subdivision approval

1. Existing network arrangement (distribution infrastructure)
2. Available network capacity.
3. Applied Load for each new Lot.
4. Underground reticulation for urban subdivisions.
5. Voltage Drop compliance with Endeavour Energy standards
6. Public Lighting in accordance with AS1158

Existing Distribution Infrastructure and Network Capacity

The surrounding lots are supplied from the low voltage open wire electrical distribution network in Sealark Road. This is supplied from pole substation 51554 at the northern end of Sealark Road. This substation is 63kVA and supplies 10 existing customer connection points. Available Endeavour energy maximum demand loading for the substation shows the substation loaded at 30/63kVA so less than 50% loaded. There is spare capacity available.



Substation 51554



Substation 51554



Substation 51554

Substation Type	Pole
Plant Number	DS51554
Asset Number	51554
Constructed Voltage	11kV
Operating Voltage	11kV
Number of Phases	3
Fault Level (kA)	1.051
Earthing Configuration	Separate Earthing
Earth Reading Date	10/12/2014
Common Earth Resistance (Ohm)	
HV Earth Resistance (Ohm)	12.2
LV Earth Resistance (Ohm)	19
MDI Read Date	27/10/2017
MDI "A" Phase Read (Amps)	30
MDI "B" Phase Read (Amps)	60
MDI "C" Phase Read (Amps)	30
kVA Load (kVA)	30
kVA Rated (kVA)	63
Feeder Number	CLB2
Owned By	IE
Cust Connection Point Count	0
Project	
Drawing	

Substation 51554 load data

AKH Design Services Substation Assessment

Sub No: 51544 **Phase Volts** 240 V

Pole No:

Location: Saelark Road

Sub Size: 63 kVA 88 A/ph

Max Sub Load: 40 kVA 56 A/ph **Date:**

Spare Capacity: 23 kVA 32 A/ph

Total Customers: 10 **Diversity Factor** 1.20
" $=\{1+(2/n)\}$ "

ADMD/Customer 3.33 kVA ADMD

Sub Load MDI 30kVA 2017 30% increase allowed to 2024 40kVA
Total 10 CCP

(1 of 3)

Substation Type	Pole
Plant Number	DS51554
Asset Number	51554
Constructed Voltage	11kV
Operating Voltage	11kV
Number of Phases	3
Fault Level (kA)	1.051
Earthing Configuration	Seperate Earthing
Earth Reading Date	10/12/2014
Common Earth Resistance (Ohm)	
HV Earth Resistance (Ohm)	12.2
LV Earth Resistance (Ohm)	19
MDI Read Date	27/10/2017
MDI "A" Phase Read (Amps)	30
MDI "B" Phase Read (Amps)	60
MDI "C" Phase Read (Amps)	30
kVA Load (kVA)	30
kVA Rated (kVA)	63

Ther assessed load per customer connection point is 3.33kVA ADMD (After Diversity Maximum Demand)

There is a second pole substation 20214 located in Sealark Road just south of Monarch St which supplies surrounding properties up to and into Sydney Street.

This substation is 160kVA and supplies 52 existing customer connection points. Available Endeavour energy maximum demand loading for the substation shows the substation loaded at 50/160kVA so less than 32% loaded. There is spare capacity available.



Substation 20214



Substation 20214



Substation 20214

(1 of 5)

Substation Type	Pole
Plant Number	DS20214
Asset Number	20214
Constructed Voltage	11kV
Operating Voltage	11kV
Number of Phases	3
Fault Level (kA)	0.994
Earthing Configuration	Unknown
Earth Reading Date	16/09/2019
Common Earth Resistance (Ohm)	
HV Earth Resistance (Ohm)	7
LV Earth Resistance (Ohm)	6.3
MDI Read Date	23/11/2017
MDI "A" Phase Read (Amps)	60
MDI "B" Phase Read (Amps)	66
MDI "C" Phase Read (Amps)	72
kVA Load (kVA)	49.5
kVA Rated (kVA)	160
Feeder Number	CLB2
Owned By	IE
Cust Connection Point Count	0
Project	
Drawing	

Substation 20214 load data

AKH Design Services Substation Assessment

		Phase Volts	240 V	
Sub No:	20214			
Pole No:				
Location:	Saelark Road			
Sub Size:	160 kVA	222 A/ph		
Max Sub Load:	65 kVA	90 A/ph	Date:	
Spare Capacity:	95 kVA	132 A/ph		
Total Customers:	52	Diversity Factor	1.04	
			$"=(1+(2/n))"$	
ADMD/Customer	1.20 kVA ADMD			

Sub Load MDI 50kVA 2017 30% increase allowed to 2024 65kVA
Total 52 CCP

(1 of 5)	
Substation Type	Pole
Plant Number	D520214
Asset Number	20214
Constructed Voltage	11kV
Operating Voltage	11kV
Number of Phases	3
Fault Level (kA)	0.994
Earthing Configuration	Unknown
Earth Reading Date	16/09/2019
Common Earth Resistance (Ohm)	
HV Earth Resistance (Ohm)	7
LV Earth Resistance (Ohm)	6.3
MDI Read Date	23/11/2017
MDI "A" Phase Read (Amps)	60
MDI "B" Phase Read (Amps)	66
MDI "C" Phase Read (Amps)	72
kVA Load (kVA)	49.5
kVA Rated (kVA)	160
Feeder Number	CL82

The assessed load per customer connection point is 1.2kVA ADMD (After Diversity Maximum Demand)

This ADMD appears low compared with sub 51554 however the greater number of customers gives a greater diversity lowering the diversified maximum demand (ADMD) for each connection point. It is also noted that there are a large number of the premises appear to be holiday rental.

There would be sufficient 11kV HV capacity in the network to supply the existing and proposed infrastructure.

Existing Proposed load requirements

The existing load assessment for substations 51554 (3.33kVA ADMD and Sub 20214 1.20kVA ADMD) are consistent with our other load assessments in the Coastal areas of the Shoalhaven.

As the site zoning would likely be zoned R1-R3 Endeavour Energy will require the lots be designed to be allowed at 6.5kVA ADMD – Note this is 100% more than the existing customer connection points on sub-51554.

Once connected it is expected the power usage (ADMD) will be like all other existing connected lots.

The proposed loading of 14 new lots would have a load requirement of approximately 104kVA on the network.

We can see that we have 33kVA spare on Sub 51554 and 95kVA spare on Sub 20214. Total spare capacity of 138kVA. This would be sufficient to supply the subdivision requirements.

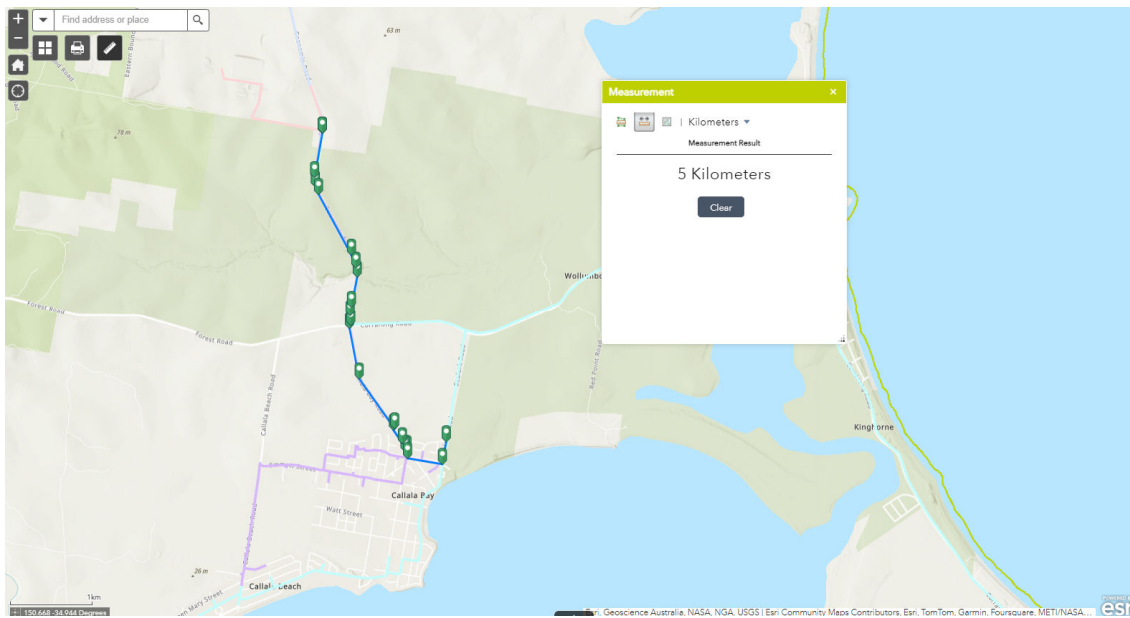
Dependent on the final Electrical design layout we would supply a portion of the subdivision from each substation to supply the lots.

Reticulation

As the site zoning would likely be zoned similar to other lots in Sealark Road Endeavour Energy will require the lots be designed to have underground reticulation.

Endeavour Energy requires low voltage supply circuits to have interconnections to other circuits. This enables the circuits to have a backup supply from another source in times of emergency or maintenance. As the site will be supplied from circuits from Sub 51554 and Sub 20214 we can achieve this required emergency backup interconnectivity

The 11kV HV route from the Zone Substation to the site is 5km



HV Feeder RL

Endeavour Energy requires low voltage circuits to comply with a maximum voltage drop of 15V the last customer connection point

Preliminary low voltage circuit design shows that voltage drop compliance <15V can be achieved to supply the lots in accordance with Endeavour Energy standards

AS1158 Public Lighting

Public lighting will be required for the subdivision in accordance with AS1158. A public lighting design brief (PLDB) will be obtained from Shoalhaven City Council Staff.

Jonathan Ash

Civil Engineer

Jonathan Ash <Jonathan.Ash@shoalhaven.nsw.gov.au>

1300 293 111 | +61 429 917 855

Bridge Road (PO Box 42) Nowra NSW 2541

shoalhaven.nsw.gov.au

A certified public lighting design based on the PLDB requirements will then be undertaken by

Fred Sluyter MIES Mast. Des. Illum. (Sydney Uni)

Senior Road Lighting Engineer

Bldg 4A Parklands Estate | 21-23 South St

Rydalmere, NSW 2116, Australia

T 1300 489 780 | **D** +61 2 9783 3376 **M** +61 416 069 117

Lighting will be columns and LED lanterns utilizing standard Endeavour Energy approved products as per standard urban subdivision construction

Conclusion

The Electrical Design and Construction process in NSW is contestable and undertaken by Accredited Companies L3 for Design and level 1 for Construction.

AKH Design Servies have been Accredited as a Level 3 since this scheme commenced in 1996. We have undertaken hundreds of small and large subdivisions as well as other projects in the Shoalhaven and Far South Coast areas.

We have always been able to supply subdivisions with power in accordance with the relevant authority requirements.

As there is

1. Two potential supply sources
2. Spare network capacity, in both the HV and LV network
3. Voltage drop compliance
4. A relatively minor low voltage underground extension into the proposed subdivision roads

We are sure the subdivision will be a straightforward design, and we envisage no issues obtaining certification and subsequent connection approvals for this small 14 lot urban subdivision

Should you require any further information regarding these matters please do not hesitate to call.

Yours Faithfully



Paul Hamilton

APPENDIX F



Theo Prakash <theo.prakash@civplan.com.au>

Shoalhaven Water comments - 24078 - Lot 5 Sealark Road Callala Bay - Preliminary Servicing Advice - Planning Proposal

1 message

Andrew Solari <Andrew.Solari@shoalhaven.nsw.gov.au>
To: Theo Prakash <theo.prakash@civplan.com.au>
Cc: John Weil <john@civplan.com.au>

Wed, Oct 23, 2024 at 11:15 AM

Theo

Thanks for the information of the Planning Proposal.

The water is straightforward and can connect to multiple points in the system as indicated. There will be adequate pressure to service the potential future lots.

The sewer is little more complex due to the low lying nature. It would be our preference to serve any lots with gravity in the first instance and where this cannot be achieved then utilise a pressure sewer option.

Connection point to the existing system to be either AD/6 or AD/7 as these mains are 225mm diameter. This will accommodate the increased flows.

Confirming there is capacity in the existing SPS for these additional lots without any upgrades.



Andrew Solari
Water Regulatory Manager

+61 2 4429 3255 | +61 402 892 102
Bridge Road (PO Box 42) Nowra NSW 2541
shoalwater.nsw.gov.au

RESPECT | INTEGRITY | ADAPTABILITY | COLLABORATION

From: Theo Prakash <theo.prakash@civplan.com.au>
Sent: Monday, 21 October 2024 2:17 PM
To: Andrew Solari <Andrew.Solari@shoalhaven.nsw.gov.au>
Cc: John Weil <john@civplan.com.au>
Subject: 24078 - Lot 5 Sealark Road Callala Bay - Preliminary Servicing Advice - Planning Proposal

EXTERNAL: Be cautious opening links or attachments.

Hey Andrew,

Thanks for your time on the phone, as discussed we're investigating sewer and water serviceability for the attached planning proposal on Lot 5 DP 1225356.

Based on the lot layout and a high level yields assessment we're estimating 20ETs for the development.

Water:

100mm PVC reticulation line on the opposite side of Sealark Road to the site, 450mm MSCL trunk on Callala Bay Road.

Option:

At the concept stage, water reticulation designs to be provided at DA. Likely HDPE or PVC network internal to the site, given the lower lying nature it is likely there is capacity.

Sewer:

From our discussion it is likely that the development would need individual E1 pump systems, however, there is a substantial amount of lot filling.

The nearest reasonable interconnection is line AD/8 - AD/7 or AD/7 to AD/6 which ranges from 2.08m to 3.55m deep. BG/A is closer, however is at 1.87m depth which may pose issues with cover/servicing with gravity but is a better option for a rising main connection.

Option A: Gravity

Assumed 270m long mains extension from MH AD/6.

LIDAR surface RL at AD/6 - 5.68m, assumed invert level: 2.13.

Gravity assumed at 1.67% for 270m + 170mm for drops = 4.679m gained

invert level at end of line - 6.809, surface levels are in the realms of RL5.0.

Gravity servicing will not work - gravity servicing checks do not pass on all lots at 1.7% + 0.75m for fittings.

Option: Pressure

Partial gravity will also not work due based on serviceability checks and the proposed fall of the lots. This option would be to extend the gravity towards lot B within the road reserve, similar to the gravity option and having that be a rising main connection point for the development. This would mean that the lots would be pressure connecting to gravity.

gravity extension - 100m

Invert level - 3.97, surface level approx invert location ~4.8, (~800mm cover) - OK

All lots are above surface R 4.0, max length of pipe ~200m.

Pressure servicing OK.

Could you please confirm capacity in the sewer network for an additional ~20ETs and if you have any concerns with the high level water/sewer serviceability of the planning proposal.

If you need to discuss this further I am free tomorrow between 10am and 2pm.

Kind regards,

Theo Prakash

Senior Civil Engineer

BEng (Civil)



1800 318 052 | 0451 782 525



theo.prakash@civplan.com.au



390 Princes HWY Bomaderry NSW



civplan.com.au



civplan



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