

SHOALHAVEN CITY COUNCIL

SPECIAL DEVELOPMENT COMMITTEE

To be held on Wednesday, 17 July, 2013
Commencing at 4.00 pm.

11 July, 2013

Councillors,

NOTICE OF MEETING

You are hereby requested to attend a meeting of the Development Committee of the Council of the City of Shoalhaven, **to be held in Council Chambers, City Administrative Centre, Bridge Road, Nowra on Wednesday, 17 July, 2013 commencing at 4.00 pm** for consideration of the following business.

R D Pigg
General Manager

Membership (Quorum – 5)

Clr White – Chairperson

All Councillors

General Manager or nominee (Assistant General Manager)

BUSINESS OF MEETING

1. Apologies

2. Declarations of Interest

3. Deputations

4. Report of the General Manager

Planning and Development – Draft Shoalhaven LEP 2013 – Consideration of Submissions – Post re-exhibition

5. Addendum Reports

Note: The attention of Councillors is drawn to the resolution MIN08.907 which states:

- a) That in any circumstances where a DA is called-in by Council for determination, then as a matter of policy, Council include its reasons for doing so in the resolution.
- b) That Council adopt as policy, that Councillor voting in Development Committee meeting be recorded in the minutes.
- c) That Council adopt as policy that it will record the reasons for decisions involving applications for significant variations to Council policies, DCP's or other development standards, whether the decision is either approval of the variation or refusal.

Note: The attention of Councillors is drawn to Section 451 of the Local Government Act and Regulations and Code of Conduct regarding the requirements to declare pecuniary and non-pecuniary Interest in matters before Council.

Cell Phones:

Council's Code of Meeting Practice states that "All cell phones are to be turned off for the duration of the meeting".

LOCAL GOVERNMENT ACT 1993

Chapter 3

Section 8(1) - The Council's Charter

(1) The council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

REPORT OF GENERAL MANAGER
SPECIAL DEVELOPMENT COMMITTEE

WEDNESDAY, 17 JULY 2013

PLANNING AND DEVELOPMENT

**1. Draft Shoalhaven Local Environmental Plan 2013 - Consideration of Submissions -
Post Re-Exhibition File 33363E & 45262E (PDR)**

PURPOSE: Delivery Program Activity: 2.2.1.9

The purpose of this report is to:

- Consider the submissions received in relation to draft Shoalhaven Local Environmental Plan (LEP) 2013 re-exhibition;
- Consider necessary changes as a result of the consideration of the submissions;
- Adoption of the draft Shoalhaven LEP 2013 (with any changes); and
- Submit the adopted draft LEP to the Director General of the Department of Planning and Infrastructure (DP&I) under Section 68 of the Environmental Planning and Assessment Act 1979 (EP&A Act) requesting commencement.

RECOMMENDED that Council:

- a) **Consider the matters in this Special Development Committee Report generally in the context of the adopted “ground rules” and the “best fit” transfer approach to draft Shoalhaven LEP 2013; and**
- b) **Consider the individual preferred options/changes to draft Shoalhaven LEP 2013 as set out in the sections of this report via the successive recommendations.**

OPTIONS

1. Consider the matters raised in the submissions on draft Shoalhaven LEP 2013 as set out in each section of this report and make required changes to the plan as part of its finalisation.

Comment:

This approach is preferable for the following reasons:

- the number and complexity of the issues arising from the re-exhibition period warrant detailed consideration;
- the EP&A Act requires consideration of all submissions received and report(s) to the relevant planning authority (which in this case is Council); and

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- it allows all stakeholder input to be discussed and considered, in the context of the overall “best fit” transfer approach and the finalisation of the plan.

2. Adopt the draft Shoalhaven LEP 2013 as re-exhibited.

Comment:

The re-exhibition of draft Shoalhaven LEP 2013 demonstrated that there is still significant community interest in the draft Plan with 702 submissions received. This approach to the consideration of the submissions may not:

- satisfy legislative requirements;
- allow all submissions to be adequately considered; or
- provide opportunity for ongoing community/stakeholder involvement in this part of the process.

It is important that there is transparency in dealing with the submissions received and in the finalisation of the plan.

DETAILS

Special Development Committee Meeting Process/Structure

As resolved on 21 May 2013, this single report will be considered by the Special Development Committee over a number of dates. The Special Development Committee has been granted delegated authority so that the decisions of this committee are considered to be resolutions of Council. This approach will enable the efficient and timely consideration of the submissions and finalisation of the plan. Additional meetings may need to be scheduled should the consideration of this report not be completed via the six scheduled meetings.

Copies of the submissions received are available to Councillors in the Councillors' rooms and at the Special Development Committee Meetings.

Pecuniary and Non Pecuniary Interests

Due to the need to consider and manage pecuniary and non pecuniary interest issues, the report has been formatted so that each key issue can be considered separately to allow Councillors to declare an interest and determine if they will still take part in discussion and voting on an issue if necessary. Therefore, individual decisions on the proposed changes to draft LEP 2013 will be required.

Total Number of Submissions

The total number of individual submissions received is 702; however, a number of individuals or groups made multiple submissions i.e. four separate submissions on four separate issues or multiple submissions on one topic. For reporting purposes, multiple submissions received by an individual have been counted as one submission, with a series of multiple issues to be addressed. Therefore, the total number of individuals or bodies that made submissions is 562.

Following is a breakdown of the submissions:

TYPE	Number
Individual	467
Petitions	1
Local, State & Federal Agencies	19
Rezoning Requests	41
CCB's & other community groups	31
Internal	3
Total	562

Consideration of submissions

In considering the submissions received Council will need to consider the significance of any potential change to avoid the need to exhibit the plan for a third time. It is important to take into account whether the change is likely to advantage or disadvantage an individual/group and whether the individual/group would have likely commented should they have had the opportunity to.

Changes that are not likely to require re-exhibition:

1. Where a change was made after the initial exhibition and as a result of the consideration of submissions, Council decides to revert back to the originally exhibited zone/control e.g reverting back to the originally exhibited zone where a change was made as the result of a rezoning request.
2. Where the change is minor, has merit and is unlikely to disadvantage anyone e.g. changing a parcel of land that has been acquired by National Parks to an E1 National Parks and Nature Reserves zone.

Changes that could potentially trigger the need to re-exhibit:

1. Spot rezonings.
2. Major changes to map overlays.

Where there is a major change that has merit and Council wishes to pursue the change, it is recommended that these "parked" for separate consideration after the completion of draft LEP 2013.

Three submissions specifically referred to the consideration of submissions and requested that the new Council not follow the ad-hoc decision making process of its predecessors and become a more inclusive representative of the Shoalhaven community.

As such, Councillors may wish to consider these comments when considering the issues outlined in the following sections.

SECTION 2- COMMUNITY CONSULTATION, AIMS OF PLAN AND LAND RECLASSIFICATION SUBMISSIONS

Issue 2.1: Community Consultation

Number of Submissions-Community Consultation

Type	Number
Individual	5
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	2
Internal	0
Total	7

Key Issues-Community Consultation

Council resolved on 28 June 2012 to:

- a) *Adopt the exhibited draft SLEP 2009 with the subsequent resolved changes resulting from the submissions made on the draft LEP during the exhibition period;*
- b) *Submit the adopted draft SLEP 2009 (with changes) to the Department of Planning and Infrastructure under S64 of the Environmental Planning and Assessment Act 1979 (pre July 2009) requesting a Section 65 Certificate to enable the 28 day re-exhibition of the adopted draft SLEP 2009.*

The re-exhibition period ran from 3 April to 10 May 2013. The re-exhibition again included the dedicated website, an official exhibition location at the Administration Building in Nowra, hardcopies for viewing at the Ulladulla Administration Building and public computer access to the website at the Nowra Library, the Sanctuary Point Library and the Bay and Basin Leisure Centre. Community drop-in sessions were held at Berry, Nowra, Pyree, Huskisson, Sussex Inlet and Ulladulla. Staff also attended several CCB meetings and fielded numerous telephone enquiries on the LEP hotline.

Table 2.1- Summary of Submissions Issues, Comments and Recommendations

Submission Issues	Comment & Recommendation
Three submissions were appreciative of the opportunity for the community to make comment on the draft LEP and one of these congratulated Council on the detailed information included on the website and the effort that was put into the re-exhibition process.	Feedback is appreciated by staff. <u>Recommendation</u> Receive these submissions for information.
One submission was concerned that major changes have been made since the first exhibition without adequate community consultation.	The intention of the re-exhibition period was to provide the community with the opportunity to comment on the changes. This period is considered to be adequate community consultation on the changes.

Submission Issues	Comment & Recommendation
	<p><u>Recommendation</u> Receive this submission for information.</p>
<p>One submission was concerned that nobody will listen and that the submissions will be tallied and then ignored as the Minister wants the LEP to be made. Believes it makes a mockery of community consultation and the community is being bludgeoned into silence by the suffocating hand of bureaucratic process.</p>	<p>The content of this submission has been noted. This reporting process is an opportunity to consider the content of submissions received and whether changes should be result.</p> <p><u>Recommendation</u> Receive this submission for information.</p>
<p>One submission is concerned that a public exhibition is not considered sufficient consultation for such a large increase in permissible land uses.</p>	<p>Two public exhibition periods with a combined total of 18 weeks provided a significant opportunity to review and comment on the plan, particularly in light of the 'best fit transfer' nature of the draft LEP. There is a perception that there has been a large increase in land uses, however, this is not necessarily the case and is due to some zones changing from 'open' to 'closed' zones.</p> <p>The range of permissible uses in each zone can be reconsidered when the submissions on this aspect are considered.</p> <p><u>Recommendation</u> Receive this submission for information.</p>
<p>SLEP Review Group implore the Council to take an inclusive position in completing the LEP, consulting with the community, and ensuring that decisions are made on merit, are transparent and in the best interest of Shoalhaven and its citizens.</p>	<p>The content of this submission has been noted.</p> <p><u>Recommendation</u> That this submission be received for information and that the Councillors take into account the SLEP Review Groups request for transparent, merit based decisions that are in the best interest of Shoalhaven in their consideration of submissions.</p>

Option 2.1

Option 1

Receive the details outlined in the key issues table on the draft SLEP 2013 community consultation submissions for information.

Option 2

Receive the submissions on community consultation for information and take into account the SLEP Review Groups request for transparent, merit based decisions that are in the best interest of Shoalhaven in considering the submissions.

Recommendation 2.1:

Receive the submissions on community consultation for information and that Council take into account the SLEP Review Groups request for transparent, merit based decisions that are in the best interest of Shoalhaven in considering submissions.

Issue 2.2: Aims of Plan

Number of Submissions-Aims of Plan

Type	Number
Individual	20
Petitions	0
Local, State and Federal Agencies	4
Rezoning requests	0
CCBs and other community groups	7
Internal	0
Total	31

Key Issues-Aims of Plan

Following the draft LEP 2009 exhibition period, Council resolved on 17 April 2012 meeting (MIN12.378) to replace the originally exhibited aims with the following ones

a) The particular aims of this Plan are as follows:

- i. to encourage the proper management, development and conservation of natural and man-made resources;*
- ii. the facilitation of the social and economic wellbeing of the community is a substantive objective;*
- iii. to ensure that suitable land for beneficial and appropriate uses is made available as required;*
- iv. to manage appropriate and essential public services, infrastructure and amenities for Shoalhaven;*
- v. to minimise the risk of harm to the community through the appropriate management of development and land use.*

Table 2.2- Summary of Submissions Issues, Comments and Recommendations

Submission Issues	Comment & Recommendation
<p>Ten submissions expressed concerns with the exhibited aims and requested that the aims previously proposed by Council staff replace the exhibited aims. Eleven submissions requested that a reference to ecological sustainability be included in the aims.</p> <p>Nine (9) submissions requested that Council insert two new aims in part 1.2 - 'to conserve, maintain and improve biodiversity and ecosystem functions including habitat, environment and riparian corridors' and 'to ensure that development is ecologically sustainable, consistent with the principles of Ecologically Sustainable Development and taking into account the impacts of climate change and sea level rise'.</p>	<p>Council can adopt a revised set of aims which are consistent with those suggested in the report to the Special Development Committee in March 2011, with minor changes to address the concerns raised by the Government Agencies or alternatively adopt the aims as exhibited.</p> <p><u>Recommendation</u> Adopt a revised set of aims that address the concerns raised in the submissions.</p>
<p>Three submissions requested that the aims should protect distinctive values of Shoalhaven communities and preserve and reinforce the village nature of the coastal and rural communities.</p>	
<p>The Sydney Catchment Authority (SCA) expressed concern that the previously exhibited aim which related to the protection and enhancement of waterway etc. within the SCAs hydrological catchment has been removed. Three NSW Department of Primary Industries offices being the Office of Water, Jervis Bay Marine Parks, and NSW Fisheries also requested the reinstatement of this aim and also reiterated their previous requests that the aim be amended to apply to all waterways and riparian land within Shoalhaven.</p>	
<p>The Office of Water further requested an additional aim to protect and conserve surface water and groundwater resources and groundwater dependent ecosystems. Clauses similar to those in the Kiama LEP 2011 were recommended.</p>	

Option 2.2

Option 1

Council receive the submissions received on the Aims of the Plan in draft SLEP 2013 for information only. This would see the aims adopted as exhibited.

Option 2

Replace the exhibited Aims of the Plan with the following one which include recognition in sub clause (i) of the issues raised by the State Government Agencies:

- a) *(a) to allow for ecologically sustainable development through the proper management, development, protection, restoration, enhancement and conservation of the environment, consistent with the principles of Ecologically Sustainable Development and taking into account the impacts of climate change and sea level rise, and*
- b) *(b) to conserve, maintain and improve biodiversity and ecosystems function, and*
- c) *(c) to consider and plan for the potential effects of natural hazards on development and infrastructure, and*
- d) *(d) to facilitate economic and business development to increase employment opportunities by providing sufficient employment lands in the City and a mix of business and industrial zones, and*
- e) *(e) to protect scenic and landscape qualities, places of cultural and heritage value, and the amenity and character of settlements, and coastal and rural areas, and*
- f) *(f) to safeguard the role and efficiency of the main road system of the region, particularly by recognising the importance of primary arterial roads, and*
- g) *(g) to ensure the consideration and protection of social wellbeing and community through responsible development, and*
- h) *(h) to maintain the agricultural use of prime crop and pasture land by minimising development which has an adverse and irreversible impact on the land's agricultural potential, and*
- i) *(i) to protect and enhance watercourses, riparian habitats, groundwater, surface water, wetlands and water quality within the City so as to enable the achievement of the water quality objectives, and*
- j) *(j) to ensure an appropriate mix of land uses that provides for housing choice and that enables easy access to employment and commercial, recreational, open space and community facilities.*

Recommendation 2.2:

Replace the exhibited draft Shoalhaven LEP 2013 Aims of the Plan with the following ones:

- a) ***to allow for ecologically sustainable development through the proper management, development, protection, restoration, enhancement and conservation of the environment, consistent with the principles of***

Ecologically Sustainable Development and taking into account the impacts of climate change and sea level rise, and

- b) To conserve, maintain and improve biodiversity and ecosystems function, and***
- c) To consider and plan for the potential effects of natural hazards on development and infrastructure, and***
- d) To facilitate economic and business development to increase employment opportunities by providing sufficient employment lands in the City and a mix of business and industrial zones, and***
- e) To protect scenic and landscape qualities, places of cultural and heritage value, and the amenity and character of settlements, and coastal and rural areas, and***
- f) To safeguard the role and efficiency of the main road system of the region, particularly by recognising the importance of primary arterial roads, and***
- g) To ensure the consideration and protection of social wellbeing and community through responsible development, and***
- h) To maintain the agricultural use of prime crop and pasture land by minimising development which has an adverse and irreversible impact on the land's agricultural potential, and***
- i) To protect and enhance watercourses, riparian habitats, groundwater, surface water, wetlands and water quality within the City so as to enable the achievement of the water quality objectives, and***
- j) To ensure an appropriate mix of land uses that provides for housing choice and that enables easy access to employment and commercial, recreational, open space and community facilities.***

Issue 2.3: Land Reclassifications

Number of Submissions-Land Reclassifications

Type	Number
Individual	0
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	0
Internal	0
Total	0

Key Issues-Land Reclassifications

Following the initial exhibition, Council resolved as follows in regard to the six reclassifications included in the draft LEP (MIN12.236):

-
- *That in regard to Lot 21 DP 252581 - Shoalhaven Heads Road, Shoalhaven Heads Council adopt the land reclassification (from community to operational) of Lot 21, DP 252581, Shoalhaven Heads Road, Shoalhaven Heads, as exhibited in Draft Shoalhaven LEP 2009.*
 - *That in regard to Lot 12 DP 617101 - Bolong Road, Coolangatta Council adopt the land reclassification (from community to operational) of Lot 12, DP 617101, Bolong Road, Coolangatta, as exhibited in Draft Shoalhaven LEP 2009.*
 - *That in regard to Lot 3 DP597223 - Bolong Road, Coolangatta Council adopt the land reclassification (from community to operational) of Lot 3, DP 597223, Bolong Road, Coolangatta, as exhibited in Draft Shoalhaven LEP 2009.*
 - *That in regard to Lot 2081 DP 216860 - Lively Street, Vincentia:*
 - a) *Council adopt the land reclassification (from community to operational) for part of the site only, being that part to the rear of 83-109 Frederick Street and 7 Sutton Street, with the remainder being retained as community land;*
 - b) *Any licensing or lease agreement to formalise access include requirements that the primary property access remain from existing legal means, and that the access be for secondary purposes only; and*
 - c) *Any costs associated with the maintenance and/or upgrade to the access be at the cost of those owners who benefit from the access.*
 - *That in regard to Lot 4 DP 550354 - Island Point Road, St Georges Basin, in the absence of a dedicated direction for the subject land or dedicated direction to proceed with a strategic project to bring the overall foreshore into public ownership, Council adopt the land reclassification (from community to operational) as exhibited in Draft Shoalhaven LEP 2009.*
 - *That in regard to Lot 35 DP 226342 - Edgewater Avenue, Sussex Inlet:*
 - a) *Council adopt the land reclassification for part of the site (from community to operational) in accordance with Council's resolution of 28 November 2006; and*
 - b) *Council develop a Management Plan for the site, including appropriate public consultation, that addresses the need for equitable access to the proposed facilities, consistent with the resolution of Council from 28 November 2006.*

Comment

No submissions were received in relation to these reclassifications. However; it is a requirement of the Local Government Act 1993 that a Public Hearing must be held post exhibition where a draft LEP proposes to reclassify land.

The Public Hearing was held on Tuesday 11 June 2013 and was independently chaired by Steve Thompson of Locale Consulting. Three people attended the hearing. The report prepared on the Public Hearing by Locale consulting is included as Attachment A and has been made available to the public on draft LEP website. The issues raised at the hearing were:

- Landowners adjoining Lot 3 DP 597223, Bolong Road, Coolangatta did not object to the reclassification but were concerned with the possible future use. Specifically, they do not want the subject land used for stockpiling or the like.
- The other attendee questioned whether the zoning of the lands being reclassified was being changed.

Recommendation 2.3:

Receive the report on the Public Hearing on the land reclassifications in draft LEP 2013 for information.

SECTION 3 – LAND USE TABLES (LUTS) AND ZONES

Note 1: the RU4 Primary Production Small Lots, R5 Large Lot Residential and the E4 Environmental Living zones will be separately addressed later as part of the discussion on rural residential zones.

Note 2: submissions related to the application of a zone to a specific town, village or area will be separately addressed later, as “area specific” issues.

Note 3: the possible inclusion of ‘air transport facilities’ in the RU1 Primary Production zone and the RU2 Rural Landscape zone will be separately addressed later as part of the discussion on Jaspers Brush airfield.

Issue 3.1: LUTs

Changes to specific LUTs were made after the initial 2011 exhibition of the draft LEP and are detailed in the issues relating to specific zones. The submissions detailed here relate to the LUTs as a whole.

Summary of Submissions - LUTs

Type	Number
Individual	8
Petitions	0
Local, State and Federal Agencies	3
CCBs and other community groups	4
Internal	0
Total	15

Key Issues - LUTs

Table 3.1- Summary of Submissions Issues, Comments and Recommendations

Key Issue	Comment & Recommendation
Ten submissions, including those from the SLEP Review Group, the Lake Wollumboola Protection Association, the Kangaroo Valley Community Association and the Huskisson & Woollamia Community Voice, expressed concerns that there have been significant increases in permissible land uses in all zones, compared to SLEP 1985. Concerned that many of the land uses are inconsistent	The Standard Instrument sets the land use terms that are to be used in the LUTs and it defines more land uses than the current LEP 1985. Many of these newly defined uses are currently permissible but fall under a broader definition in draft LEP 2013. For example, ‘home occupations’, ‘home businesses’ and ‘home industries’ which

Key Issue	Comment & Recommendation
with the zone objectives.	<p>are all now separate definitions are all covered by the single 'home activities' definition under LEP 1985.</p> <p>Further confusion may also arise from some of the rural LUTs in LEP 1985 being 'open' zones in that they list the land uses that are prohibited and all other land uses are therefore permitted with consent, including in-nominate land uses.</p> <p>The land use tables for the equivalent rural zones in the draft LEP 2013 are 'closed' zones in that they list the land uses that are permissible and all other uses, including in-nominate land uses, are therefore prohibited.</p> <p>Thus this gives the appearance that the LUTs have been expanded substantially which is not necessarily the case.</p> <p><u>Recommendation</u> Receive for information.</p>
Two submissions, including from the SLEP Review Group, commented that land uses permitted in the draft LEP are not consistent with the South Coast Regional Strategy or the Nowra Bomaderry Structure Plan.	<p>These submissions are noted in the context of the constraints of the Standard Instrument and the 'best fit transfer approach' that is now substantially advanced.</p> <p><u>Recommendation</u> Receive for information.</p>
Three of the submitters, including the SLEP Review Group and the Huskisson & Woollamia Community Voice, believe expanded LUTs will detract from the character of coastal and rural towns and villages and delay the development of Nowra and Ulladulla.	
Three submissions expressed concerns that the increased land use terms will affect land valuation.	
Three submissions including the submission from the Huskisson & Woollamia Community Voice requested additional community consultation on the LUTs.	
The SLEP Review Group also commented that the development of the type	

Key Issue	Comment & Recommendation
<p>encouraged by the combination of LUT and Height of Building provisions for the R1, R3, R5 zones will place an excessive demand on services in small villages and towns and that growth needs to be strategically located to capitalise on economies of scale and centralised services.</p> <p>Inappropriate land uses in the rural zones risk the alienation of adjacent lands and the reduction of food security in Shoalhaven. Believe that the land uses should be reduced to ensure compliance with the Standard Instrument objectives.</p>	
<p>Department of Primary Industries – Office of Water has requested that specific objectives, to protect, maintain and rehabilitate waterways and riparian land and to ensure development does not have significant adverse effects on surface and groundwater, be included in a number of rural and urban zones that include riparian land.</p>	<p>Clause 7.6 Water in the draft LEP applies to development within 50m of a waterway shown on the Water Map and has objectives relating to the protection of water quality, natural water flows, stability of waterways and groundwater. This is considered to be sufficient and consistent with the Standard Instrument approach.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Department of Primary Industries – Jervis Bay Marine Park expressed concern that the Matrix is confusing and requests some form of hierarchy in the structure to aid interpretation.</p>	<p>The Matrix is not formally part of the LEP and is prepared by the DP&I. Council is only able to edit the part of the Matrix that shows what is permissible and what is prohibited. Council is therefore unable to rectify these issues. The concerns will be raised with DP&I in ongoing discussions on the Standard Instrument LEP.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Department of Education and Communities: requests that 'Education Establishment' be included as a permissible use with development consent in accordance with the prescribed zones in SEPP Infrastructure.</p>	<p>This is contrary to advice from DP&I that uses permitted through the SEPP Infrastructure should not be included in the LUTs as the SEPP is the higher order document. There is a note at the start of the LUTs to alert people that SEPPs may apply. The note that states 'A type of development referred to in the Land Use Table is a reference to that type of</p>

Key Issue	Comment & Recommendation
	development only to the extent it is not regulated by an applicable State environmental planning policy. <u>Recommendation</u> Receive for information.

Recommendation 3.1:

Receive the general submissions made on the Land Use Tables in the draft LEP 2013 for information.

Issue 3.2: Rural zones

A number of changes to rural zones were made after the initial 2011 exhibition of the draft LEP and are outlined in the issues relating to the specific zone. The submissions detailed here relate to the rural zones as a whole.

Summary of Submissions – Rural zones

Type	Number
Individual	7
Petitions	0
Local, State and Federal Agencies	1
CCBs and other community groups	1
Internal	0
Total	9

Key Issues – Rural zones

Table 3.2- Summary of Submissions Issues, Comments and Recommendations

Key Issue	Comment & Recommendation
Office of Environment and Heritage expressed support for the amendments made to the rural zones	Comments are noted. <u>Recommendation</u> Receive for information.
Seven submissions expressed a belief that a number of the lands uses permitted in the rural zones are contrary to the objectives of the zones and that these uses have the potential to sterilise land and reduce food security in Shoalhaven.	Comments are noted. See the specific zone issues further detailed for discussion. <u>Recommendation</u> Receive LUTs for information.
One submission raised objections to 'forestry' being permitted without consent	This is consistent with the current LEP 1985. It is however noted that private

<p>in the RU1 Primary Production and RU2 Rural Landscape zones.</p>	<p>forestry is regulated by the Plantations and Reafforestation Act 1999 so it is unnecessary to require a second consent process under the draft LEP.</p> <p><u>Recommendation</u> Receive the submission relating to 'forestry' in the RU1 and RU2 zones for information.</p>
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Recommendation 3.2:

Receive the general submissions regarding rural zones in draft LEP 2013 for information.

Issue 3.3: RU1 Primary Production zone

As a result of the previous 2011 exhibition and also changes to the Standard Instrument dictionary, Council previously resolved to make the follow changes to the RU1 Primary Production zone:

1. That objective v. be amended as follows:
 - a) *The reference to the conservation and maintenance of productive "prime crop and pasture land" be made clearer; and*
 - b) *Modify the wording of the objective to read as follows: To conserve and maintain the economic potential of the land for extractive industries.*
2. 'Beekeeping' and 'forestry' become permissible without consent.
3. The following uses become permissible with consent:
 - Airstrips
 - Camping ground
 - Eco-tourist facility (and associated clause)
 - Helipads
 - Plant nursery
 - Rural workers dwellings
4. Remove 'mining' from the RU1 zone.

Summary of Submissions – RU1 Primary Production zone

Type	Number
Individual	27
Petitions	0
Local, State and Federal Agencies	2
CCBs and other community groups	6
Internal	0
Total	35

Key Issues – RU1 Primary Production zone

Table 3.3- Summary of Submissions Issues, Comments and Recommendations

Key Issue	Comment & Recommendation
<p>Thirty four submissions, including submissions from the Department of Primary Industries – Office of Water, Basin Villages Forum, Berry Alliance, SLEP Review Group, Kangaroo Valley Tourist Association, Kangaroo Valley Community Association and Huskisson & Woollamia Community Voice, expressed concerns with the number of uses permitted in the RU1 zone, particularly the following uses:</p> <ul style="list-style-type: none"> • Boat building and repair facilities • Boat sheds • Crematoria • Depots • Food and drink premises • Group homes • Helipads • Intensive livestock agriculture • Marinas • Moorings • Offensive industries • Open cut mining • Places of public worship • Recreation facilities (indoor) • Recreation facilities (outdoor) • Recreation facilities (major) • Rural industries • Tourist and visitor accommodation • Water recreation structures 	<p>The concerns highlighted in the submissions are to some degree reflected in the independent LUT Review Report that was prepared for Council in regards to the initial exhibition. It recommended the removal of a number of uses for the following reasons:</p> <ul style="list-style-type: none"> • uses not being consistent with the zone objectives, • minimise land use conflicts and fragmentation of rural lands, • uses being better suited to urban areas, • potential for the uses to be high traffic generators unsuited to rural roads. <p>Thus some uses were removed after the initial exhibition. The remaining uses however are for the most part currently permissible in the Rural 1(a) zone which is the equivalent zone under SLEP 1985 and are consistent with the ‘best fit transfer’.</p> <p>Council could however consider prohibiting the land uses or at least some of the, as requested in the submissions due to their potential impact on the RU1 zoned areas.</p> <p><u>Note:</u> should Council remove ‘Boat building and repair facilities’, there will be a need to re-instate the additional permitted use clause for Lot 2 DP 1077521, 1178 Comerong Island Road, Numbaa (Numbaa Marina).</p> <p>Offensive industries are currently only permissible where reliant on prime crop and pasture land. As Council is not permitted to use parentheses in the new land use tables, this was not able to be replicated in draft LEP 2013. Council could consider using an additional</p>

Key Issue	Comment & Recommendation
	<p>permitted use clause under Schedule 1, however, the DP&I to date have not been overly supportive of the use of Schedule 1. Alternatively should an offensive industry proposal arise in the future it could be specifically considered through a Planning Proposal.</p> <p><u>Recommendation</u></p> <p>1. a) Retain the following land uses in the RU1 zone:</p> <ul style="list-style-type: none"> • Boat sheds • Moorings • Rural industries • Tourist and visitor accommodation • Water recreation structure <p>b) Consider the removal of the following land uses in the RU1 zone:</p> <ul style="list-style-type: none"> • Boat building and repair facilities (there will be a need to re-instate the additional permitted use clause for Lot 2 DP 1077521, 1178 Comerong Island Road, Numbaa) • Crematoria • Depots • Food and drink premises (or replace with 'restaurant or café') • Helipads • Marinas • Places of public worship • Recreation facilities (indoor) • Recreation facilities (major) • Recreation facilities (outdoor) <p>2. Prohibit offensive industries in the RU1 zone and include a clause in Schedule 1 Additional permitted uses that permits 'offensive industries' in the RU1 where the use is reliant on prime crop and pasture land' as defined in Clause 4.2B or pursue any specific use of this nature in the future via a Planning Proposal.</p>
<p>Department of Primary Industries – South East Region: submission expresses concern that the 'prime crop and pasture</p>	<p>This concern is appreciated; however, this mapping has been used since the Rural Plan LEP Amendment in 1999 for</p>

Key Issue	Comment & Recommendation
land' mapping has been used to determine the RU1 Primary Production zoned area as there is a lack of precision in interpreting where the lines on the map actually rest on the ground.	<p>this purpose and is the best information that Council currently holds to inform the boundary between the RU1 and RU2 zones. As better mapping becomes available in the future the zone boundaries could be adjusted.</p> <p><u>Recommendation</u> Receive the submission concerning prime crop and pasture land for information.</p>

Recommendation 3.3:

- a) **Retain the following land uses in the RU1 zone:**
- **Boat sheds**
 - **Moorings**
 - **Rural industries**
 - **Tourist and visitor accommodation**
 - **Water recreation structure**
- b) **Consider the removal of the following land uses in the RU1 zone:**
- **Boat building and repair facilities (there will be a need to re-instate the additional permitted use clause for Lot 2 DP 1077521, 1178 Comerong Island Road, Numbaa)**
 - **Crematoria**
 - **Depots**
 - **Food and drink premises (or replace with 'restaurant or café')**
 - **Helipads**
 - **Marinas**
 - **Places of public worship**
 - **Recreation facilities (indoor)**
 - **Recreation facilities (major)**
 - **Recreation facilities (outdoor)**
- c) **Prohibit 'offensive industries' in the RU1 zone and include a clause in Schedule 1 Additional permitted uses that permits 'offensive industries' in the RU1 where the use is reliant on prime crop and pasture land' as defined in Clause 4.2B or if this is not able to be achieved consider appropriate future proposals via the Planning Proposal process.**
- d) **Receive the Department of Primary Industries submission concerning prime crop and pasture land for information.**

Issue 3.4: RU2 Rural Landscape zone

As the result of the 2011 exhibition and also changes to the Standard Instrument dictionary, Council resolved to make the follow changes to the RU2 Rural Landscape zone:

1. 'beekeeping' and 'forestry' become permissible without consent.
2. the following uses become permissible with consent:
 - Airstrips
 - Camping grounds
 - Eco-tourist facilities
 - Helipads
 - Plant nurseries

Summary of Submissions – RU2 Rural Landscape zone

Type	Number
Individual	28
Petitions	0
Local, State and Federal Agencies	1
CCBs and other community groups	6
Internal	0
Total	35

Key Issues – RU2 Rural Landscape zone

Table 3.4- Summary of Submissions Issues, Comments and Recommendations

Key Issue	Comment & Recommendation
<p>Twenty three submissions, including submissions from the Department of Primary Industries – Office of Water, Basin Villages Forum, Berry Alliance, SLEP Review Group, Kangaroo Valley Tourist Association, Kangaroo Valley Community Association and Huskisson & Woollamia Community Voice, expressed concerns with the number of uses permitted in the RU2 zone, particularly the following uses:</p> <ul style="list-style-type: none">• Backpackers' accommodation• Boat building and repair facilities• Boat sheds• Crematoria• Depots• Freight transport facilities• Group homes	<p>The concerns highlighted in the submissions are to some degree reflected in the independent LUT Review Report that was prepared for Council in regards to the initial exhibition. As with the RU1 zone, it recommended the removal of a the number of uses for the following reasons:</p> <ul style="list-style-type: none">• uses not being consistent with the zone objectives,• minimise land use conflicts and fragmentation of rural lands,• uses being better suited to urban areas,• potential for the uses to be high traffic generators unsuited to rural roads. <p>Thus some uses were removed after the</p>

Key Issue	Comment & Recommendation
<ul style="list-style-type: none"> • Hazardous industries • Helipads • Marinas • Moorings • Offensive industries • Places of public worship • Water recreation structures 	<p>initial exhibition. The remaining uses are for the most part currently permissible in the Rural 1(d) zone which is the equivalent zone under SLEP 1985 and are consistent with the 'best fit transfer'. Council could consider prohibiting the uses or some of the uses due to their potential impact on the RU2 zoned areas:</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> 1. a) Retain the following land uses in the RU2 zone: <ul style="list-style-type: none"> • Boat sheds • Moorings • Water recreation structures b) Consider the removal of the following land uses in the RU2 zone: <ul style="list-style-type: none"> • Backpackers' accommodation • Boat building and repair facilities • Crematoria • Depots • Freight transport facilities • Group homes • Hazardous industries • Helipads • Marinas • Places of public worship 2. Prohibit 'offensive industries' in the RU2 zone and include a clause in Schedule 1 Additional permitted uses that permits 'offensive industries' in the RU2 where the use is reliant on prime crop and pasture land' as defined in Clause 4.2B or if this is not able to be achieved consider appropriate future proposals via the Planning Proposal process.
<p>Twenty submissions, including submissions from the SLEP Review Group and the Red Head Villages Association, expressed concern with caravan parks being a permissible use in the RU2 Rural Landscape zone as the caravan park definition also facilitates manufactured home estates.</p> <p>The concern is that this will lead to more applications for manufactured home</p>	<p>There are valid concerns regarding 'caravan parks' being permissible in the RU2 zone given that the definition also allows for manufactured home estates under relevant SEPPs which have the potential to have an unacceptable impact in rural areas. Council has previously been faced with proposals of this nature e.g. Berringer Road, Manyana and Toolijooa.</p>

Key Issue	Comment & Recommendation
<p>estates like the ones received at Toolijooa and Manyana. There needs to be a clear separation between short term holiday accommodation and long term permanent site parks which include mobile homes.</p> <p>Noted that the State government are reviewing SEPP 21 Caravan Parks and SEPP 36 – Manufactured home estates and believe that it would be prudent to remove this use or impose a moratorium on ‘caravan parks’ in this zone whilst the review is ongoing.</p>	<p>‘Eco-tourist facilities’ and ‘camping grounds’ were included as permissible uses in the draft LEP after the 2011 exhibition and are alternatives to ‘caravan parks’ as these uses are lower key in nature and do not have the added implications under the SEPP.</p> <p><u>Recommendation</u> Removes ‘caravan parks’ as a permissible use in the RU2 Rural Landscape zone and rely on the ‘camping grounds’ and ‘eco-tourist facilities’ land uses to provide appropriate short term holiday accommodation options..</p>

Recommendation 3.4:

a) Retain the following land uses in the RU2 zone:

- **Boat sheds**
- **Moorings**
- **Water recreation structures**

b) Consider the removal of the following land uses in the RU2 zone:

- **Boat building and repair facilities**
- **Backpackers’ accommodation**
- **Crematoria**
- **Depots**
- **Freight transport facilities**
- **Helipads**
- **Marinas**
- **Places of public worship**
- **Group homes**
- **Hazardous industries**

c) Prohibit ‘offensive industries’ in the RU2 zone and include a clause in Schedule 1 Additional permitted uses that permits ‘offensive industries’ in the RU2 where the use is reliant on prime crop and pasture land’ as defined in Clause 4.2B or if this is not able to be achieved consider appropriate future proposals via the Planning Proposal process.

d) Remove ‘caravan parks’ as a permissible use in the RU2 Rural Landscape zone given that the ‘camping grounds’ and ‘eco-tourist facilities’ land uses provide appropriate additional short term holiday accommodation opportunities.

Issue 3.5: RU5 Village zone

As a result of the 2011 exhibition and also changes to the Standard Instrument dictionary, Council resolved to make the follow changes to the RU5 Village zone:

1. 'vehicle body repair stations' become prohibited.
2. the following land uses become permissible with consent:
 - Garden centre
 - Hardware and building supplies ('timber and building supplies' definition has been removed)
 - Landscaping material supplies
 - Plant nursery

Summary of Submissions – RU5 Village zone

Type	Number
Individual	7
Petitions	0
Local, State and Federal Agencies	0
CCBs and other community groups	2
Internal	1
Total	10

Key Issues – RU5 Village zone

Table 3.5- Summary of Submissions Issues, Comments and Recommendations

Key Issue	Comment & Recommendation
<p>Seven submissions, including one from the Huskisson & Woollamia Community Voice, expressed concerns with the following land uses being permitted in the RU5 Rural zone:</p> <ul style="list-style-type: none">• Group homes• Helipads• Residential flat buildings• Tourist and visitor accommodation• Sewerage systems• Water recreation structures	<p>All of these uses are currently permitted in the existing Residential 2(e) (Village) zone which is equivalent to the proposed RU5 Village zone and are consistent with the 'best fit transfer'. Council could consider prohibiting the uses or some of the uses due to their potential impact on the RU5 zoned areas:</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none">a) Retain the following land uses in the RU5 zone:<ul style="list-style-type: none">• Water recreation structures• Tourist and visitor accomodationb) Consider the removal of the following land uses in the RU5 zone:<ul style="list-style-type: none">• Group homes• Helipads

Key Issue	Comment & Recommendation
	<ul style="list-style-type: none"> • Residential flat buildings • Sewerage systems
<p>Two submissions, including one from the Bawley Point Kioloa Community Association, requested that restaurants and cafes, retail premises and emergency services be permitted in the RU5 Village zone.</p>	<p>It appears there was an error in making the changes to the LUTs after the initial exhibition which resulted in 'retail premises' and the sub-term 'restaurants and cafes' being inadvertently prohibited in the RU5 zone. 'Emergency services facilities' are permitted under the SEPP Infrastructure and thus do not need to be included in the RU5 LUT.</p> <p><u>Recommendation</u> Amend RU5 zone LUT to include 'retail premises' as permissible with consent.</p>
<p>One internal Council submission requests that cemeteries not be permitted in the RU5 Rural Village zone. Allowing cemeteries in a zone which is for all intents an urban zone with majority of lots under 5ha would breach Department of Health guidelines.</p>	<p>'Cemeteries' are currently permitted in the Residential 2(e) (Village) zone and are consistent with the 'best fit transfer'. However, given the potential to breach Department of Health guidelines, Council should consider removing 'cemeteries' as a permissible use in the RU5 zone.</p> <p><u>Recommendation</u> Amend the RU5 zone LUT to remove 'cemeteries' as a permissible use.</p>

Recommendation 3.5:

- a) Retain the following land uses in the RU5 zone:**
- **Water recreation structures**
 - **Tourist and visitor accommodation**
- b) Consider the removal of the following land uses in the RU5 zone:**
- **Group homes**
 - **Helipads**
 - **Residential flat buildings**
 - **Sewerage systems**
- c) Amend RU5 zone LUT to include 'retail premises' as permissible with consent and also remove 'cemeteries' as a permissible use.**

Issue 3.6: R1 General Residential Zone

As a result of submissions made to the 2011 exhibition and also changes to the Standard Instrument dictionary, Council resolved to make the follow changes to the R1 General Residential zone:

1. 'boat repair facilities' become prohibited.
2. 'office premises' become a permissible use with consent.

Summary of Submissions – R1 General Residential zone

Type	Number
Individual	5
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	3
Internal	0
Total	8

Key Issues – R1 General Residential zone

Table 3.6- Summary of Submissions Issues, Comments and Recommendations

Key Issue	Comment & Recommendation
Two submissions, including one from the Vincentia Ratepayers and Residents Association, support the removal of 'boat repair facilities as a permissible use in the R1 zone.	This comment is noted. <u>Recommendation</u> Receive for information.
Six submissions, including those from the SLEP Review Group and the Huskisson & Woollamia Community Voice submissions, requested the removal of uses from the R1 zone being: <ul style="list-style-type: none"> • Registered clubs • Tourist and visitor accommodation • Veterinary hospitals 	These uses are all currently permissible in the Residential 2(c) zone which is the equivalent zone under SLEP 1985 and are consistent with the 'best fit transfer'. Council could consider prohibiting the land uses or some of the uses as requested in the submissions. <u>Recommendation</u> a) Retain the following land uses in the R1 zone: <ul style="list-style-type: none"> • Veterinary hospitals b) Consider the remove of the following land uses in the R1 zone: <ul style="list-style-type: none"> • Registered clubs • Tourist and visitor accommodation

Recommendation 3.6:

- a) *The submission supporting the removal of 'boat repair facilities as a permissible use in the R1 zone be received for information; and*
- b) *i) Retain 'Veterinary Hospitals' as a land use in the R1 zone; and*
ii) Consider the removal of the following land uses in the R1 zone:
- *Registered clubs*
 - *Tourist and visitor accommodation*

Issue 3.7: R2 Low Density Residential zone

No changes were made to the R2 Low Density Residential zone as a result of the 2011 exhibition.

Summary of Submissions – R2 Low Density Residential zone

Type	Number
Individual	6
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	2
Internal	0
Total	8

Key Issues – R2 Low Density Residential zone

Table 3.7- Summary of Submissions Issues, Comments and Recommendations

Key Issue	Comment & Recommendation
<p>Seven submissions, including these from SLEP Review Group and the Huskisson & Woollamia Community Voice, requested the removal of uses from the R2 Low Density Residential zone being:</p> <ul style="list-style-type: none">• Emergency facilities• Exhibition homes• Exhibition villages	<p>These uses are not currently permissible in the Residential 2(a1) zone which is the equivalent zone under SLEP 1985 and are not consistent with the 'best fit transfer'. It is noted that 'emergency services facilities' may be carried out with consent in this zone under SEPP Infrastructure.</p> <p>Thus Council could consider removing the land uses or some of the uses as requested in the submissions.</p> <p><u>Recommendation</u></p> <p>a) Retain the following land uses in the R2 zone:</p> <ul style="list-style-type: none">• Emergency facilities• Exhibition homes

Key Issue	Comment & Recommendation
	b) Consider the remove of the following land uses in the R2 zone: <ul style="list-style-type: none"> • Exhibition villages • Emergency service facilities
One submission supports the inclusion of detached dwellings in the R2 Low Density Residential zone.	This comment is noted. <u>Recommendation</u> Receive for information.

Recommendation 3.7:

- a) ***i) Retain the following land uses in the R2 zone:***
- ***Emergency facilities***
 - ***Exhibition homes***
- ii) Consider the removal of the following land uses in the R2 zone:***
- ***Exhibition villages***
 - ***Emergency services facilities***
- b) ***Receive the submission supporting the inclusion of detached dwellings in the R2 Low Density Residential zone for information.***

Issue 3.8: R3 Medium Density Residential zone

As a result of the 2011 exhibition and also changes to the Standard Instrument dictionary, Council resolved to make the follow changes to the R3 Medium Density zone:

1. The previously exhibited 5th objective in the R3 zone, be replaced with the following:

To provide for single dwelling houses as an ancillary, integral part of a medium density development that help maintain and enhance the residential amenity of the street.

2. 'Backpackers' accommodation' becomes permitted with consent in the R3 zone.

Summary of Submissions – Rural Density Residential zone

Type	Number
Individual	4
Petitions	0
Local, State and Federal Agencies	0
CCBs and other community groups	2
Internal	0
Total	6

Key Issues – Rural Density Residential zone

Table 3.8- Summary of Submissions Issues, Comments and Recommendations

Key Issue	Comment & Recommendation
<p>Six submissions, including the ones from SLEP Review Group submission and the Huskisson & Woollamia Community Voice, requested the removal of a range of uses from the R3 zone being:</p> <ul style="list-style-type: none"> • Boat sheds • Hostels • Registered clubs • Residential flat buildings • Sewerage systems • Shop top housing • Tourist and visitor accommodation • Veterinary hospitals 	<p>These uses are for the most part currently permissible in the Residential 2(b1) and 2(b2) zones which are the equivalent zones under SLEP 1985 and are consistent with the ‘best fit transfer’. As this is the medium density zone, it is inappropriate to remove ‘residential flat buildings’ particularly as they are permitted in the R1 General Residential zone and given the intent of the R3 zone.</p> <p>Council could consider removing the land uses or some of the uses as requested in the submissions.</p> <p><u>Recommendation</u></p> <p>a) Retain the following land uses in the R3 zone:</p> <ul style="list-style-type: none"> • Residential Flat Buildings • Tourist and visitor accommodation <p>b) Consider the removal of the following land uses in the R3 zone:</p> <ul style="list-style-type: none"> • Boat sheds • Hostels • Registered clubs • Sewerage systems • Shop top housing • Tourist and visitor accommodation • Veterinary hospitals

Recommendation 3.8:

a) Retain the following land uses in the R3 zone:

- **Residential Flat Buildings**
- **Tourist and visitor accommodation**

b) Consider the removal of the following land uses in the R3 zone:

- **Boat sheds**
- **Hostels**
- **Registered clubs**
- **Sewerage systems**
- **Shop top housing**
- **Veterinary hospitals**

Issue 3.9: Business zones

As a result of the 2011 exhibition and also changes to the Standard Instrument dictionary, Council resolved to make the following changes to the B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development and B7 Business Park zones:

1. The following land uses become prohibited in the B2 zone:
 - Exhibition homes
 - Highway Service Centre
2. The word 'vehicle' be removed from the B2 Local Centre zone and replaced with 'vehicle repair station' and 'vehicle sale or hire premises'.
3. objective iv. To allow opportunities for shop top housing be removed from the B3 zone.
4. The following additional uses be listed as permitted with consent in the B3 zone:
 - Tourist and visitor accommodation; and
 - Shop top housing.
5. The following additional uses be listed as prohibited in the B3 zone:
 - Bed and breakfast accommodation;
 - Crematorium;
 - Farm stay accommodation;
 - Group homes;
 - Home industries; and
 - Residential care facilities.
6. Objective *iii*. *To ensure that retail uses do not compete with the local centre* be removed from the B4 zone.
7. 'Crematoria' become prohibited in the B4 zone.
8. Objective *ii*. *To ensure that retail uses do not compete with the local centre* be removed from the B5 zone.
9. Objective *iii*. be amended to read *To allow diversity of activities to the extent that new activities will not significantly detract from the operation of existing or proposed development.*
10. 'Boat repair facilities' become permitted in the B5 zone.
11. The following land uses become prohibited in the B7 zone:
 - Dwelling houses
 - Group homes
 - Recreation facilities major
 - Recreation facilities outdoor
 - Self storage units

Summary of Submissions – Business zones

Type	Number
Individual	3
Petitions	0
Local, State and Federal Agencies	0
CCBs and other community groups	2
Internal	0
Total	5

Key Issues – Business zones

Table 3.9- Summary of Submissions Issues, Comments and Recommendations

Key Issue	Comment & Recommendation
The Bawley Point Kioloa Community Association's submission requested that the B1 zone at the Bawley Point shops be amended to prohibit 'offensive industries' and 'offensive storage establishments'.	'Offensive industries' are a sub-term of 'industries' and 'offensive storage establishments' are a sub-term of 'heavy industrial storage establishments', both of which are prohibited in the B1 zone. <u>Recommendation</u> Receive for information.
One submission expressed support for 'residential care facilities' being removed from the B2 zone used at Vincentia shops.	'Residential care facilities' was exhibited as a permitted use in the B2 zone in draft SLEP 2013. <u>Recommendation</u> Receive for information.
Vincentia Ratepayers & Residents Association's expressed support for the change to Objective iii in the B4 zone.	This comment is noted. <u>Recommendation</u> Receive for information.
One submission requested that the B4 Mixed Use zone be modified to allow for: <ul style="list-style-type: none"> • Attached dwellings • Dual occupancies • Dwelling houses • Semi detached dwellings <p>Is consistent with the zone objectives to encourage a mixture of uses. May be appropriate to include additional residential use sites specifically in Schedule 1 as not all B4 zoned areas are suitable for a greater variety of residential uses.</p>	The B4 zone has been used close to centres to encourage a mix of uses, including residential, in accessible locations. Medium to high density forms of residential development are permitted in these areas to capitalise on the locations and the use of existing services. It would not be appropriate to allow lower density forms of housing. Council could consider permitting 'attached dwellings' as this is a form of medium density. <u>Recommendation</u> Amend the B4 Mixed Use zone to permit 'attached dwellings' with consent.

Key Issue	Comment & Recommendation
<p>One submission requests that modify the B5 land use table be modified allow for 'highway service centres'. There is a company that is investigating the development potential of land at 190-198 Princes Highway, South Nowra for a multi-use development including bulky goods, service station and fast food restaurant. All these uses are permissible under the current Industrial 4(c) zone.</p> <p>Concerned that there is no scope for a highway service centre from Nowra to Dolphin Point. Believes this undermines Shoalhaven's objective to encourage tourists to the City.</p>	<p>It was a conscious decision of Council to prohibit 'highway service centres' in all zones. This is because a this type of use is likely to a one off use located in a rural area adjacent to the highway and best dealt with as a planning proposal should the need arise.</p> <p>In urban areas the individual uses that make up a 'highway service centre' are generally permissible. Contrary to the statement made in the submission, 'takeaway food and drink premises' and 'bulky goods premises' are both permissible uses in the B5 zone, as well as 'service stations' and other commercial type uses. Thus the stand alone uses proposed under this specific proposal are permissible under the new LEP.</p> <p><u>Recommendation</u> Receive for information noting that both "service stations" and "takeaway food and drink premises" are permissible in the proposed B5 zone.</p>

Recommendation 3.9:

- a) **Receive the submissions on the B2 Local Centre and B5 Business Development zones be received for information.**
- b) **Amend the B4 Mixed Use zone to permit 'attached dwellings' with consent.**

Issue 3.10: RE1 Public Recreation zone

As a result of the 2011 exhibition and also changes to the Standard Instrument dictionary, Council resolved to make the following change to the RE1 Public Recreation zone:

'Camping grounds' and 'eco-tourist facility' (and associated clause) become permissible uses with consent in the RE1 zone.

Summary of Submissions – Public Recreation zone

Type	Number
Individual	0
Petitions	0
Local, State and Federal Agencies	1
CCBs and other community groups	1
Internal	0
Total	2

Key Issues – Public Recreation zone

Table 3.10- Summary of Submissions Issues, Comments and Recommendations

Key Issue	Comment & Recommendation
One submission from the Bawley Kioloa Community Association requested that the RE1 Public Recreation zone be amended to include 'emergency services facilities' as permitted with consent.	<p>SEPP Infrastructure permits development for the purpose of an emergency services facility with consent by or on behalf of the Ambulance Service of New South Wales, New South Wales Fire Brigades or the NSW Rural Fire Service in the RE1 zone. It is not necessary to include 'emergency services facilities' in the RE1 LUT as the SEPP is a higher order document.</p> <p><u>Recommendation</u> Receive this submission for information.</p>
NSW Office of Environment and Heritage does not support the inclusion of Eco-tourist facilities in the RE1 zone, given the inappropriate natural areas being included in this zone	<p>The nature of RE1 zoned areas throughout the City is different. The use of Council owned reserves is governed by the relevant plan of management which specifies what can and cannot be undertaken on the reserve. This would prevent inappropriate development on those areas identified as 'natural area'.</p> <p><u>Recommendation</u> Receive for information.</p>

Recommendation 3.10:

Receive the submissions relating to the RE1 Public Recreation zone be received for information.

Issue 3.11: E2 Environmental Conservation & E3 Environmental Management zones

As a result of the 2011 exhibition and also changes to the Standard Instrument dictionary, Council resolved to changes to the E2 Environmental Conservation zone as follows:

The 3rd objective in the E2 zone be reworded to read: *“To protect water quality and the ecological integrity of water supply catchments and other catchments and natural waterways”*.

No changes were made to the E3 zone.

Summary of Submissions - Environmental Conservation & E3 Environmental Management zones

Type	Number
Individual	15
Petitions	0
Local, State and Federal Agencies	5
CCBs and other community groups	2
Internal	0
Total	22

Key Issues - Environmental Conservation & E3 Environmental Management zones

Table 3.11- Summary of Submissions Issues, Comments and Recommendations

Key Issue	Comment & Recommendation
Eight submissions requested that special consideration be paid to E2 and E3 zones to be consistent with zone objectives. Inconsistent land uses will be a source of friction between the environment and the development.	Comments noted. <u>Recommendation</u> Receive for information.
Four submissions related to tourist accommodation being permitted in the E2 zone. One submission objected to the inclusion of ‘eco-tourism’ as a permissible use while one submission supported its inclusion. Two submissions requested a wider range of tourist accommodation uses to retain current the status quo. One of these submissions requested a Schedule 1 clause to reserve the right for their property if a change is not made to the whole of the E2 zone.	Given the objectives of the E2 zone, it would not be appropriate to include ‘tourist and visitor accommodation’ as a permissible use given the wide range of accommodation types it includes. However, the addition of the definition of ‘eco-tourist facilities’ to the Standard Instrument provides a compromise. It has the associated Clause 5.13 which contains matters for consideration for any application for development of this type of accommodation.

Key Issue	Comment & Recommendation
	<p><u>Recommendation</u> Amend the E2 LUT to include 'eco-tourist facility' as a permitted with consent use.</p>
<p>Two submissions commented in relation to 'caravan parks' and 'camping grounds' in the E3 zone. One submission requested that as there are separate definitions now for 'camping grounds' and 'caravan parks' that 'camping grounds' be permitted in the E3 zone.</p> <p>The second submission expressed concern that 'caravan parks' are prohibited in the E3 zone as the landowner is planning on submitting a DA for a caravan park and commented that Council should not be further restricting the development potential of the site by prohibiting uses which are presently permissible (i.e. Caravan parks) unless there is also some compensatory measure which better results in a fair and reasonable outcome</p>	<p>Given that manufactured home estates are permitted under the 'caravan park' definition, it would not be appropriate to permit this use in the E3 zone. Also the appropriateness of allowing new caravan parks on E3 zoned land needs to be weighed up. A compromise would be to allow 'camping grounds' and 'eco-tourist facilities' as permissible uses.</p> <p><u>Recommendation</u> Consider allowing 'camping grounds' and 'eco-tourist facilities' as permissible uses in the E3 zone LUT.</p>
<p>One submission expressed concern that the LEP changes would affect their ability to maintain a manageable clearing around their home and would therefore seek to include some form of allowance to retain the ability to remove trees and vegetation as necessary.</p> <p>Concern was also expressed that the E2 zoning will also conflict with the bushfire prevention protocols and could potentially cause a stalemate situation between two State agencies and leave no workable solution to the issue.</p>	<p>The E2 zone does not prevent clearing of land for bushfire purposes permitted under the Rural Fires Act.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>Four submissions requested that all uses Council have added to the E2 and E3 zones be removed i.e. only permit those uses that are mandated as permitted with consent and all others become prohibited. One submission specifically requested the removal of helipads from the E3 zone. Believe the E2 zone uses are particularly concerning as these areas are private land with environmental values assessed</p>	<p>The range of uses permitted in the E2 and E3 zones is generally consistent with the equivalent environmental protection zones under SLEP 1985, particularly considering that the eight current zones are now being compressed into two zones in the draft LEP. It would impact on the current development potential of land in these zones and potentially create a large number of existing use rights</p>

Key Issue	Comment & Recommendation
<p>as the equivalent of National Parks.</p>	<p>situations. However, some uses (e.g. helipad) need to be reconsidered.</p> <p><u>Recommendation</u> Consider prohibiting 'helipads' in the E3 zone.</p>
<p>One submission supports the adding of other water catchments to the objectives of the E2 zone.</p> <p>One submission strongly supports the inclusion of environmental zones in the current version of the draft LEP 2013, as they add significant value to the document and reflect the special nature of the landscape in the area adjacent to Berry.</p>	<p>Comments noted.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>The Department of Primary Industries - Office of Water supports zoning riparian land as E2 but reiterates concern that the E2 Zone proposes to permit with consent a range of uses such as dwelling houses, recreation areas, water recreation structures which appear to conflict with the Standard Instrument (LEP) Order 2006. The locating of such development within the riparian corridors could have significant impacts on the existing and future value and function of the waterways and riparian land that are meant to be protected by the E2 Zone.</p> <p>The draft LEP proposes to permit with consent extensive agriculture under the E3 Zone. It is not clear if extensive agriculture is an existing land use within this zone or if the draft LEP is proposing to allow it as an additional new land use. As extensive agriculture is defined to include the production of crops or fodder (including irrigated pasture and fodder crops) and may impact on water supply, the potential impact of extraction on water supply (quality and quantity), surface water and groundwater resources, the environment and existing water users needs to be adequately assessed prior to adding extensive agriculture as an</p>	<p>Clause 7.6 Water works in conjunction with the zone and sets out matters for consideration for any development proposed with 50m of a waterway identified on the Water Map. This is considered to be sufficient to prevent inappropriate development in a riparian zone.</p> <p>"Extensive agriculture" is a 'best fit' transfer from the current LEP and should be retained as the E3 zone does cover some areas which are cleared and used or could be used for grazing.</p> <p>The Standard Instrument does not permit qualifying statements to be added to land uses so Council is unable to qualify that the E3 zone only permits public water recreation structures. State Government has a role in the approval process for these structures and is able to have an influence at the application level, particularly where they are the landowner.</p> <p><u>Recommendation</u> Receive the comments from the Department of Primary Industries - Office of Water for information.</p>

Key Issue	Comment & Recommendation
<p>additional land use under the E3 zone.</p> <p>The E3 Zone could permit with consent the locating of boat sheds and water recreation structures (such as a pier, wharf, jetty, or boat launching ramps) in and along the bed and banks of waterways. The proliferation of such development on the bed and banks of waterways needs to be minimised. To minimise the proliferation of such development it is suggested the E3 zone only permits public water recreation structures and not extend to private structures.</p>	
<p>Department of Primary Industries - South East Region expressed concern that 'extensive agriculture' is not permitted in the E2 zone, where they have existing use rights, but if the land is not grazed for 12 months then they lose the right to graze. Ceasing grazing might have a negative impact on the environment as it will allow weed and pest species to invade (especially in escarpment areas). Strongly suggest that Council work with the Local Livestock Health and Pest Authority to developed practical means to manage areas zoned E2 and E3. There should be some pathway in the LEP to allow grazing in this zone for management purposes.</p> <p>DPI state that it is unclear how Council intends to assess development applications for extensive grazing within the E3 zone. Assessment of DAs for extensive agriculture will require a good understanding of grazing management for livestock under specific agronomic conditions, Council will be required to have the livestock and agronomic skills to undertake such a task. NSW DPI no longer has the resources to provide advice on such issues that involve evaluating an individual DA.</p>	<p>It is not considered appropriate to allow 'extensive agriculture' in the E2 zone, however it is noted that 'agriculture' is permissible consent in the environment protection zones in LEP 1985. The definition of 'agriculture' in LEP 1985 is much broader than the definition of 'extensive agriculture' in draft LEP 2013.</p> <p>As stated in the submission, existing use rights allow for continued use.</p> <p>The comments relating to the assessment of development applications for 'extensive agriculture' in the E3 zone are noted.</p> <p><u>Recommendation</u> Receive for information.</p>

Key Issue	Comment & Recommendation
<p>NSW Department of Primary Industries – Huskisson requests that ‘aquaculture’ be removed from Permitted with consent for the E2 & E3 zones as the permissibility of these activities is governed by SEPP 62.</p> <p>‘Natural water based aquaculture’ has been removed from the dictionary in draft LEP 2013. There is also potential for contradiction between what appears to be allowed and what would be allowed in relation to aquaculture within waterway zones.</p>	<p>Given that SEPP 62 Sustainable Aquaculture is the higher order document, it would be consistent with the approach taken in the LUTs to remove aquaculture as a permissible use in the E2 and E3 zones. Permissibility of aquaculture will then solely rest with the SEPP.</p> <p><u>Recommendation</u> Remove ‘aquaculture’ as a permissible use in the E2 and E3 zones.</p>
<p>Office of Environment and Heritage understand the difficulty in translating environmental zones from LEP 1985 to LEP 2013 and supports the other aspects of the Land Use Tables for Environmental Zones.</p>	<p>Comment noted.</p> <p><u>Recommendation</u> Receive for information.</p>

Recommendation 3.11:

- a) ***The submissions on the E2 and E3 zones be received for information;***
- b) ***Remove ‘aquaculture’ as a permissible use in the E2 and E3 zones.***
- c) ***Amend the E3 LUT to include ‘camping grounds’ and ‘eco-tourist facilities’ as uses permitted with consent.***
- d) ***Amend the E2 LUT to include ‘eco-tourist facility’ as a use permitted with consent.***
- e) ***Consider prohibiting ‘helipads’ in the E3 zone.***

Issue 3.12: Waterway zones

As a result of the 2011 exhibition and also changes to the Standard Instrument dictionary, Council resolved to make the follow changes to the W2 Recreational Waterway and W3 Working Waterway zones:

1. Remove ‘Research Stations’ from the W2 zone and W3 zones, noting that ‘Research Stations’ are still permissible in the W2 zone under SEPP Infrastructure.
2. Add ‘Jetties’ as a use that is permitted with consent in the W2 Recreational Waterways zone.
3. Add W2 as a zone to which *Clause 5.3 Development near zone boundaries* does not apply.

No changes were made to the W1 Natural Waterways zone.

Summary of Submissions – Waterway zones

Type	Number
Individual	0
Petitions	0
Local, State and Federal Agencies	3
CCBs and other community groups	0
Internal	0
Total	3

Key Issues – Waterway zones

Table 3.12- Summary of Submissions Issues, Comments and Recommendations

Key Issue	Comment & Recommendation
<p>Department of Primary Industries – Fisheries: the issues below are unresolved following the initial exhibition.</p> <p>W1 Natural Waterways object to boat launching ramps, boat sheds, jetties and moorings being permitted with consent in W1. These developments are more appropriately included in W2 recreation waterways zone. Removal of these uses from the permitted with consent category (of W1) would establish greater discrimination between the W1 and W2 zones.</p> <p>W2 Recreational waterways Object to the inclusion of restaurants as permitted with consent. Restaurants have no required association with waterways and by having them as permissible in this zone it creates a false perception about what is likely to be supported and approved.</p> <p>The Department of Primary Industries – Jervis Bay Marine Park also commented on the range of Land uses permitted in the W1 and W2 zones. The LUTs should be revised to better reflect and distinguish between the purposes of the zones as outlined in DP&I's LEP practice note.</p>	<p>Clause 36 of Shoalhaven LEP 1985 currently permits any development on land that is shown uncoloured, with the consent of Council. Given that lawfully erected boat launching ramps, boat sheds, jetties and moorings currently exist along, or in, many Shoalhaven waterways including some of those that are proposed to be zoned W1, it is considered that their permissibility should be continued.</p> <p>Given that the W2 zone is a waterway zone, it may be appropriate to consider whether 'restaurants' (new definition is 'restaurant or café') should be permitted in the W3 zone.</p> <p><u>Recommendation</u> Consider the removal or retention of 'restaurants or cafes' from the W2 zone.</p>

Key Issue	Comment & Recommendation
There is little to differentiate between these two zones. Consistent with the intent of W1, land uses in the zone should be low impact and enhance or complement the protection of ecological and scenic values. Minimal structures should be permitted.	
Office of Environment and Heritage support the amendment to exclude W2 Recreational Waterway from the operation Clause 5.3.	Receive information.

Recommendation 3.12:

- a) Receive the submissions on the E2 and E3 zones for information; and***
- b) Consider the removal or retention of 'restaurants or cafes' from the W2 zone.***

SECTION 4 –2011 ZONING CHANGES AND REQUESTS FOR ZONING CHANGE OR MINIMUM LOT SIZE CHANGE

Issue 4.1: *Objection/support for post 2011 exhibition zoning changes*


Number of Submissions

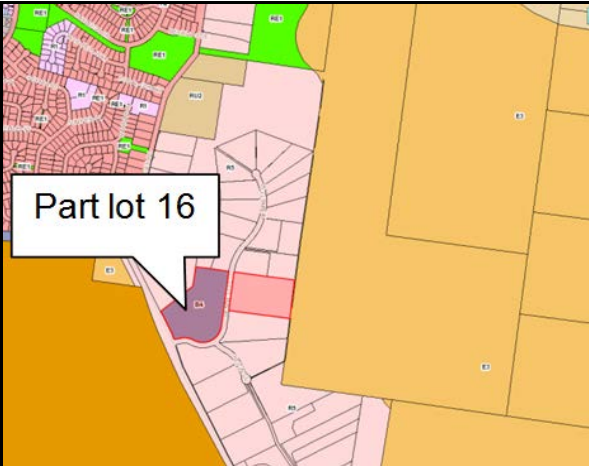
Type	Number
Individual	12
Petitions	0
Local, State and Federal Agencies	3
Rezoning requests	0
CCBs and other community groups	5
Internal	1

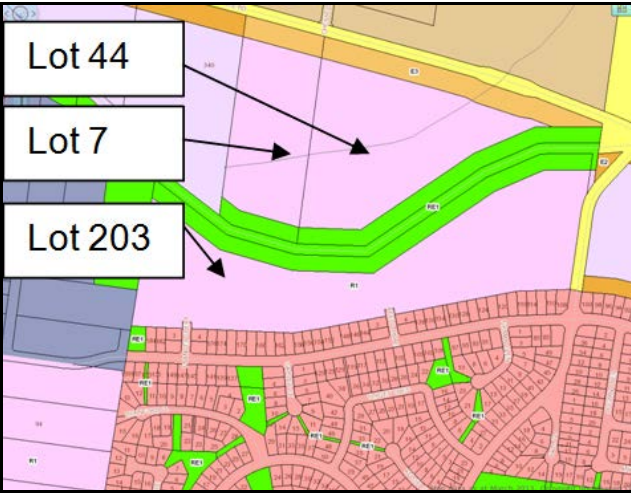
A total of twenty one (21) submissions were received which either object to or support the zoning changes made by Council post the 2011 exhibition. The submissions comment on zoning changes in general and also six specific sites which were outside the original “best fit” transfer or resulted from submissions to the 2011 exhibition.

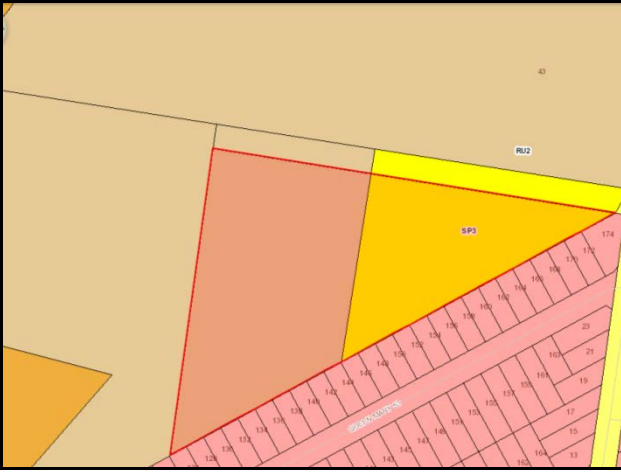
Key Issues- Objection/support for post 2011 exhibition zoning changes

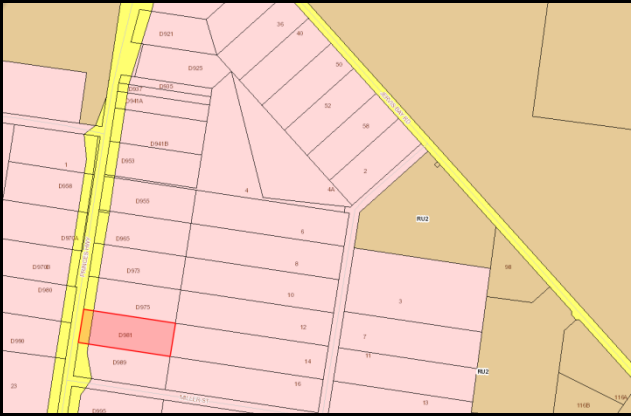
Table 4.1 – Summary of Submissions Issues, Comments and Recommendations

Key Issue	Comment & Recommendation
<p>Lot 1 DP 596037 40 Mt Scanzi Road Kangaroo Valley</p>  <p>Seven (7) submissions were received regarding this matter.</p> <p>Four (4) submissions were supportive of the exhibited R5 zoning to provide more residential access to the village They also supported the E2 zone to protect the waterway. Believes the proposal strikes a balance between preserving the rural village identity and ensuring its future.</p> <p>The submissions also supported the benefits that would result for the landowner and the environment such as reducing risk of bushfire and environmental damage.</p> <p>Three (3) submissions (two (2) individual and one (1) community group) objected to the proposed zone over Lot 1 DP 596037 Mt Scanzi Road</p> <p>Objections are based on ; proposed zoning is out of the village character and contrary to DCP 66, on the premise that the zoning will ultimately impact on the green belt corridor and Myrtle Creek within the site and cause runoff concerns for the</p>	<p>Following the initial exhibition of draft SLEP 2009, Council resolved at SDC Meeting 13 June 2012 to retain the proposed R5/E2 zones for 40 Mount Scanzi Road (Lot 1 DP 506037) as exhibited.</p> <p>This resolution was adopted based on the following:</p> <p>The various ‘exceptions to the best fit transfer’ were included prior to the exhibition of draft LEP 2009 as resolved by Council. Lot 1 DP 596037 Mount Scanzi Road was one of these ‘exceptions’. The nature of the change, as was included in the LEP 2009 exhibition material, was the result of a rezoning request from the landowner. It was supported as it is considered consistent with DCP 66 which shows the site as partially residential. It also enables the riparian corridor to be zoned E2 to protect and maintain the waterway and existing vegetation consistent with the DCP. This exception to best fit has been supported by DP&I.</p> <p>It is acknowledged that no detailed investigation has been undertaken to support the proposed zone change and it is unknown whether any additional development could be serviced by the new STP.</p> <p><u>Option 1</u> Retain the zoning proposed R5/E2 zones as exhibited in draft LEP 2009. This is consistent with the previous Council resolution.</p> <p><u>Option 2</u> Amend the zoning to RU1 to reflect a ‘best fit transfer’ from the Rural 1(a) zoning in SLEP 1985.</p>

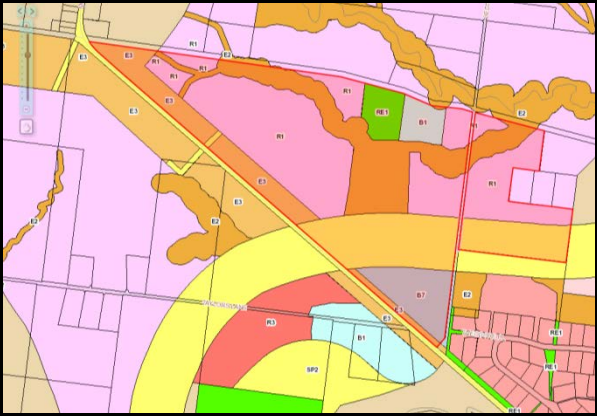
Key Issue	Comment & Recommendation
<p>Kangaroo Valley River and Bendeela Dam which is protected by the Sydney Drinking Water Catchment SEPP.</p> <p>Further development on the site may impact on the proposed walkway link between Mt Scanzi Road and Moss Vale Road which is seen as an important access to commercial areas on Moss Vale Road.</p> <p>In addition adequate sewage allowance for the site was raised in regards to the new Kangaroo Valley STP being constructed to service existing village, the village zoned land, the vacant properties and pending DA's at the time only.</p> <p>In conclusion objections suggested that areas with similar proposed lot size minimums would be situated further from Moss Vale Road, noted there was little community consultation over the rezoning decision and request that a proper zoning request be put through proper procedures with community input.</p>	<p><u>Recommendation</u></p> <p>Retain the proposed R5/E2 zones as exhibited in draft LEP 2009 for Lot 1 DP 596037.</p> <p>This is consistent with previous Council resolutions.</p>
<p>Part Lot 16 DP 861146 “Worrigea House Reception Centre”</p> <p>Council received one (1) submission of support for the B4 Mixed Use zone over Lot 16 DP 861146 “Worrigea House Reception Centre” which replaced the R5 Large Lot Residential zone previously exhibited in draft SLEP 2009.</p> 	<p>This issue was raised during the initial 2011 exhibition. Following exhibition and advice from, the DP&I the following Additional Permitted use into Schedule 1- <i>development for the purpose of Function Centres</i> and this was exhibited in draft SLEP 2013.A B4 Mixed Use zoning was also placed over the land.</p> <p>It is believed the DP&I's intention for including this clause was to retain the previously exhibited R5 zone while permitting the additional use of “Function Centres”. This was to allow for the site to continue to be used for the purposes of a function centre whilst that use is necessary, but still retain the ability for the site to retain a more appropriate zoning of R5.</p> <p>Although the submission supports the B4 Mixed Use zone over the site it is considered that the “best fit” approach and the position of DP&I should be</p>

Key Issue	Comment & Recommendation
	<p>adopted and the site retained as a R5 zoning with Function Centres being permitted through Schedule 1. The appropriateness of the range of uses allowed for under the B4 zone, in what is essentially a rural residential zone is a potential concern.</p> <p><u>Recommendation</u></p> <p>Lot 16 DP 861146 Worrigea Road Worrigea be zoned R5 as previously exhibited in draft SLEP 2009 and retain Schedule 1 inclusion to allow additional use of "Function Centres".</p>
<p>Lot 203 DP 1056358, Lot 7 DP 827728 & Part 44 DP 1072229, The Wool Road, St Georges Basin</p>  <p>Five (5) submissions including the NSW Office of Environment and Heritage (OEH) and the Basin Villages Forum objected to the residential rezoning of the subject site.</p> <p>All objections including the OEH submission were based on concerns relating to the inconsistency of this rezoning with the 'like for like' transfer of the LEP and the absence of necessary environmental and site capability studies as outlined in Jervis Bay Settlement Strategy for this site to warrant the rezoning.</p>	<p>Following the initial exhibition of draft SLEP 2009, Council resolved to support the rezoning request of the subject site (MIN12.377).</p> <p>The change rezoned 34ha from RU2 Rural Landscape to R1 Residential, RE1 Public Recreation and E3 Environmental Management.</p> <p>This zoning change is not consistent with the LEP 'ground rules' and 'best fit transfer'. This is a significant residential rezoning that has not been adequately considered. It would be more appropriate to deal with it as a separate Planning Proposal after the LEP is finalised.</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> Apply previously exhibited RU2 Rural Landscape Zone across the whole of lots 203 DP 1056358, Lot 7 DP 827728 & Part 44 DP 1072229, The Wool Road, St Georges Basin, consistent with LEP 'best fit transfer' Consider the requested rezoning via a planning proposal following the completion of the LEP.

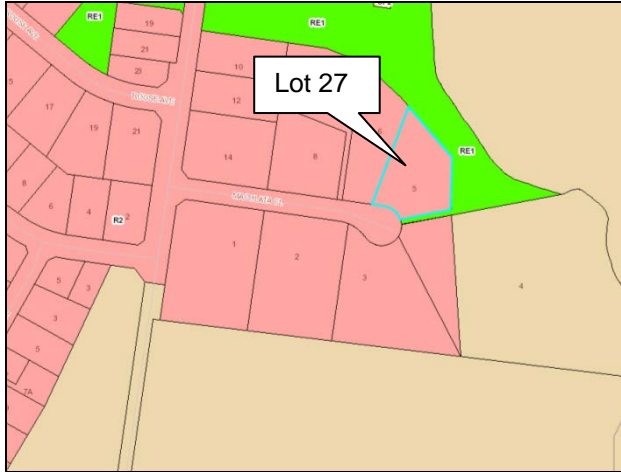
Key Issue	Comment & Recommendation
<p>Submissions also raised and supported the issue that the rezoning was not supported by council staff and recommended the rezoning go through the proper process and be dealt with as a stand-alone request.</p> <p>Further the suitability of the proposed R1 Residential zone in regards to densities while raising issues such as proximity of site to STP. The Wool Road Bypass and potential pressure on infrastructure, transport, traffic flows and no future plans to expand the local primary school were raised as potential issues.</p> <p>The submissions also suggested that the proposed E3 Environmental Management buffer was not effective in providing adequate protection from The Wool Road Bypass and habitat for native animals.</p>	
<p>Lot 21 DP 654657 Callala Beach Road, Callala Beach</p>  <p>Two (2) submissions objecting to this change were received in relation to this change including one from the OEH. The key issue raised in both submissions was the impact the change will make to vegetation protection under the Native Vegetation Act.</p> <p>It was requested that Council put in place appropriate protective measures to limit impacts on significant vegetation.</p>	<p>Council resolved (MIN12.367) after the initial SLEP 2009 exhibition to support a request to rezone Lot 21 DP 654657 Callala Beach Road, Callala Beach from RU2 Rural Landscape to SP3 Tourist Zone. The site has a current approval for a motel development.</p> <p>The SP3 zone is still included within the Native Vegetation Act and as such the Act will still potentially apply to the land. The SP3 zone will allow for a range of uses in this location area and is not in keeping with the “best fit” transfer.</p> <p><u>Recommendation</u></p> <p>Apply the RU2 Rural Landscape zone to the entire of Lot 21 DP 654657 as exhibited in SLEP 2009 and in accordance with the “best fit” rules</p>

Key Issue	Comment & Recommendation
<p data-bbox="220 237 847 412">Lot 68 and 69 DP 15507 Princes Highway Falls Creek Schedule 1 Additional Permitted Use-Industry, being manufacture of timber frames and trusses and associated uses.</p> <p data-bbox="220 454 847 562">Two (2) submissions were received on this issue. One (1) in support and one (1) objection.</p> <p data-bbox="220 602 847 779">Councils Economic Development Unit supports the Schedule 1 Clause over Lot 68 & 69 as exhibited given that the site has been used for many years for an industrial activity.</p>  <p data-bbox="220 1272 847 1563">The submission objecting to Councils resolution (MIN12.370) to include in Schedule 1 “Additional Permitted Use” allowing Lot 68 DP 15507 Princes Highway, Falls Creek to be used for the purpose of the manufacture of timber frames and trusses and associated uses, was received from the adjacent neighbour.</p> <p data-bbox="220 1603 847 1780">They believe the additional permitted use effectively rezones the land for industrial purposes which are an unreasonable land use in a rural residential zone dominated by housing.</p> <p data-bbox="220 1821 847 2027">Further, industrial development may adversely impact on the amenity of the rural residential neighbourhood through the emission of dust, noise, vibration, smoke, waste products etc with the potential to adversely impact water quality and</p>	<p data-bbox="874 237 1471 528">Lot 69 contains an existing longstanding timber business. Lot 68 was purchased relatively recently in 2007 and contains a former church structure. The proponents own both lots and were seeking to recognise the existing use and provide an expansion opportunity for the business.</p> <p data-bbox="874 568 1471 819">The LEP “ground rules” include that where practical, the new LEP will recognise existing use. As such given that the subject land (Lot 69) could be considered to be an “existing use rights” situation then there was merit in considering the zoning of this land.</p> <p data-bbox="874 860 1471 1514">As such following the 2011 exhibition Council resolved (MIN12.370) to include in Schedule 1 “Additional Permitted Use” allowing Lot 68 and 69 DP 15507 Princes Highway, Falls Creek to be used for the purpose of the manufacture of timber frames and trusses and associated uses. This decision sought to recognise the existing use of part of the land and allow limited expansion potential involving the adjacent lot. It is recognised that this is a vexed issue that involves recognising and facilitating an existing business, in what is essentially a rural residential area. Impacts on the adjoining amenity and the environment will require detailed consideration at the DA stage should the LEP proceed.</p> <p data-bbox="874 1554 1126 1592"><u>Recommendation</u></p> <p data-bbox="874 1632 1471 1843">Retain the exhibited Schedule 1 “Additional Permitted Use” allowing Lot 68 and 69 DP 15507 Princes Highway, Falls Creek to be used for the purpose of the manufacture of timber frames and trusses and associated uses.</p>

Key Issue	Comment & Recommendation
indirectly impact on an Endangered Ecological Community.	
<p data-bbox="220 344 783 454">Lot 11 DP 7025 15 Field Street Huskisson – Proposed change to B2</p>  <p data-bbox="220 1003 847 1144">Six(6) submissions were received on this issue: one (1) in support and five (5) objections including one from Huskisson & Woollamia Community Voice Inc.</p> <p data-bbox="220 1189 847 1435">The support for the proposed B2 zone was received from the landowner. He also identified that the Height of Building Mapping applying to the site is an anomaly and should be increased from 7.5m to 10 metres consistent with all of the other B2 land within the vicinity of the subject site.</p> <p data-bbox="220 1480 847 1771">The five (5) objections raised concerns with the change in zoning being opportunistic in nature. They also noted that the B2 Local Centre extends the town centre into Field street which is residential and may increase traffic and road maintenance issues and concern about the private amenity of surrounding sites.</p> <p data-bbox="220 1816 847 2018">There is a current oversupply of commercial land while other areas are under-utilised and request that the zoning be removed and conducted through a stand-alone process with community consultation.</p>	<p data-bbox="874 344 1474 600">Following the initial exhibition of draft SLEP 2009, Council resolved (MIN12.811) that Lot 11 DP 7025, 15 Field Street Huskisson be changed from R2 Low Density Residential to B2 Local Centre to allow commercial uses on the property.</p> <p data-bbox="874 645 1474 1003">The change resulted from a request to allow B2 over the whole site, enabling part of the site to be used as a proposed terminal facility associated with a tourist charter boat enterprise or utilise the provisions of Clause 2.5 to enable the subject land to be used for additional purposes - terminal facility, tourist serviced apartments and associated off street parking.</p> <p data-bbox="874 1048 1474 1368">The Height of Buildings Map Overlay of 7.5 metres is an anomaly, only if the land is retained as a B2 zone. The 7.5 metres Height of Building reflects the previous residential zone of the land. A height of buildings of 10 metres as requested by the landowner would be considered acceptable in this location if the land is retained as a B2 zone.</p> <p data-bbox="874 1413 1474 1771">However this change is not consistent with LEP ‘ground rules’ and ‘best fit transfer’. The change is also inconsistent with DCP 54 Huskisson Town Centre. The change was not the result of a strategic study or a policy. It was previously recommended that it not be supported. It may be more appropriate to pursue it as a standalone planning proposal following completion of the LEP.</p> <p data-bbox="874 1816 1126 1850"><u>Recommendation</u></p> <p data-bbox="874 1895 1474 2063">a) Retain the previously exhibited R2 Low Density Residential zone and 7.5m Height of Buildings for Lot 11 DP 7025, 15 Field Street Huskisson, consistent with LEP “best fit” transfer.</p>

Key Issue	Comment & Recommendation
<p>The rezoning will set precedence and is contrary to DCP 54.</p> <p>Concern that the B2 zone does not permit 'charter and tourism boating facilities' which was the reason for the original request.</p> <p>In addition there were objections to the smaller lots which are zoned commercial. These lots are to allow access from Field Street to Currambene Creek where a privately owned jetty was built for private residential use.</p> <p>One (1) submission indicated support for an additional use clause for 'charter and tourism boating facility' only if specific conditions are applied to control the buildable area and specific building envelope controls e.g. front, side and rear setbacks and building height.</p>	<p>b) Consider the requested changes via a planning proposal following the completion of the LEP.</p>
<p>Lot 4 DP 268209 220 Moss Vale Road, Cambewarra</p>  <p>One (1) objection from BBC Consulting Planners on behalf of Stockland Landholdings was received in relation to the proposed zoning of Lot 4 DP 268209 Moss Vale Road, Cambewarra</p> <p>Objects to the proposed B1 zoning of the site to allow for a neighbourhood centre and B7 Business Park Zone on the northern eastern side of Moss Vale Road to the north west of the site.</p>	<p>Following the initial exhibition, Council resolved (MIN12.814) to:</p> <ol style="list-style-type: none"> <i>Change the SP2 (Education Zone) to the RE1 zone;</i> <i>Change the RE1 zone to the B1 zone;</i> <i>Change the R1 zone to the B7 zone in the triangular area of the subject site excised by the SP2 (Road) zone (the proposed Wester By-pass);</i> <i>Reduce the E3 zone between Moss Vale Road and the R1 zone to 75 m along the entire boundary of the subject site and maintain a 200 metre width from the apex at the north western corner of the site;</i> <i>This rezoning is supported on the basis that the DCP will be required to meet part 6 of LEP 2009 and to achieve the Green Star Community Development principals.</i> <p>This change was made as a result of a submission made by the landowner based on a concept for the development of the site.</p>

Key Issue	Comment & Recommendation
<p>The submission refers to Special Development Committee report - community group and general submissions - remaining issues (dated 21 June 2012), where the owner of 220 Moss Vale Road requested the deletion of the RE1 and SP2 zone included as the location of these zones are hampered by inadequate access and the location of a large dam on the property and believes these factors apply equally to a proposed neighbourhood centre on the site.</p> <p>The Stockland site has been identified in the NBSP as a site for large neighbourhood/district centre and the land has been zoned for this purpose. As such, there is no justification at this stage for any other centre which has the potential to fragment shopping trips and question the viability of the primary centre in this locality. Further the proposed road network for North Nowra indicated Bells Lane as a future main road which provides a direct link from residential areas to the North of the bypass to the planned district centre at the Stockland site provides further justification that there is no need for additional zoned commercial land as proposed to the north of the bypass.</p> <p>States that the B7 business park zone is inappropriate in this residential location on the fringe of the urban area. Recommends these uses be located within the CBD or in other business zones closer to the centre of Nowra. Believes an isolated business park is inconsistent with good planning principles and would bring unwanted non-residential traffic into a residential area.</p> <p>States that the rezoning is not based on thorough economic impact analysis on the need for additional employment and local centre land. It is inconsistent with the NBSP and further it is not required to meet the minor shopping needs of residents, as there is sufficient land within the NBSP identified centre to accommodate the retail</p>	<p>These change are inconsistent with the Nowra Bomaderry Structure Plan (NBSP) which identified the new living area in this location. The NBSP process involved community consultation and the final plan was endorsed by the State government. It is further endorsed in the South Coast Regional Plan. Adequate justification was not provided for the proposed change and the concerns raised by the landowner of the B1 zoned land located on Moss Vale Road are valid.</p> <p>Neighbourhood shops are permissible in the R1 zone which is the most intensive form of commercial development the URA is likely to need given the B1 zoned land on Moss Vale Road.</p> <p>Option 1 Retain the exhibited zones for Lot 4 DP 268209, 220 moss vale Road, Cambewarra.</p> <p>Option 2 Revert back to the initially exhibited zones for Lot 4 DP 268209 Moss Vale Road, Cambewarra consistent with the Nowra Bomaderry Structure Plan.</p> <p><u>Recommendation</u> Revert back to the initially exhibited zones for Lot 4 DP 268209 Moss Vale Road, Cambewarra consistent with the Nowra Bomaderry Structure Plan.</p>

Key Issue	Comment & Recommendation
<p>needs and sufficient land within the B4 zone land closer to the Princes Highway. The B7 zone will detract from the viability of other employment locations that are more accessible by public transport and are closer to other businesses and services.</p>	
<p>Lot 27 DP 793734 5 Maculata Close, Cambewarra</p>  <p>The landowner expressed support for the change to a 1000m² minimum lot size for their property at 5 Maculata Close, Cambewarra.</p>	<p>Comment of support is noted.</p> <p><u>Recommendation</u> Receive for information.</p>
<p>The SLEP 2009 Review Group requested that all ad-hoc applications for re-zoning or lot size changes made as a result of the first Exhibition in 2011 not be approved and undergo proper consideration via specific planning reviews to ensure due process and strategic merit assessment and enabling landowners and local communities to comment.</p>	<p><u>Recommendation</u></p> <p>Note the general comment regarding draft SLEP 2013 rezoning applications for information.</p>

Option 1

Accept the recommendations outlined in Table 4.1 and amend draft SLEP 2013 accordingly and consider the options below regarding Lot 4 DP 268209 Moss Vale Road.

Option 1

Retain the exhibited zones for Lot 4 DP 268209, 220 Moss Vale Road, Cambewarra.

Option 2

Revert back to the initially exhibited zones for Lot 4 DP 268209 Moss Vale Road, Cambewarra consistent with the Nowra Bomaderry Structure Plan.

Option 2

Receive all the submission issues outlined in Table 4.1 for information.

Recommendation 4.1:

- a) **Receive all submissions within table 4.1 for information; and**
- b) **Retain the proposed R5/E2 zones as exhibited in draft LEP 2009 for Lot 1 DP 596037.**
- c) **Lot 16 DP 861146 Worrigea Road Worrigea be zoned R5 as previously exhibited in draft SLEP 2009 and retain Schedule 1 inclusion to allow additional use of “Function Centres”.**
- d) **Apply previously exhibited RU2 Rural Landscape Zone across the whole of lots 203 DP 1056358, Lot 7 DP 827728 & Part 44 DP 1072229, The Wool Road, St Georges Basin, consistent with LEP ‘best fit transfer’ and consider the requested rezoning via a planning proposal following the completion of the LEP.**
- e) **Apply the RU2 Rural Landscape zone to the entire of Lot 21 DP 654657as exhibited in SLEP 2009 and in accordance with the “best fit” rules.**
- f) **Retain the exhibited Schedule 1 “Additional Permitted Use” allowing Lot 68 and 69 DP 15507 Princes Highway, Falls Creek to be used for the purpose of the manufacture of timber frames and trusses and associated uses.**
- g) **Retain the previously exhibited R2 Low Density Residential zone and 7.5m Height of Buildings for Lot 11 DP 7025, 15 Field Street Huskisson, consistent with LEP “best fit” transfer and consider the requested changes via a planning proposal following the completion of the LEP.**
- h) **Revert back to the initially exhibited zones for Lot 4 DP 268209, 220 Moss Vale Road, Cambewarra consistent with the Nowra Bomaderry Structure Plan.**
- i) **Note the general comment regarding draft SLEP 2013 rezoning applications for information.**

Issue 4.2: E3 Zoning over Existing Caravan Parks-Submissions

Number of Submissions-E3 zoning over Caravan Parks

Type	Number
Individual	6
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	0
Internal	0
Total	7

Key Issues--E3 zoning over Caravan Parks

Table 4.2 – Summary of Submissions Issues, Comments and Recommendations

Issue	Comment and Recommendation
<p>Six(6) submissions were received by or on behalf of caravan park owners objecting to the E3 zoning of their land given it does not permit 'caravan parks'. This would mean these caravan parks would have to rely on "existing use rights".</p> <p>It is inequitable that caravan parks on nearby public land in similar locations will remain a permissible use in the proposed RE1 Public Recreation zones. Concern that the E3 zoning will impact on the value of the land.</p> <p>One (1) submission from Crown Lands raised concern with the E3 zoning at Wairo Beach – where the Bush Missionary Society Caravan Park is located.</p> <p>The existing caravan parks raised in the submissions are:</p> <ul style="list-style-type: none"> • Wairo Beach – Bush Missionary Society Caravan Park, F275A Princes Hwy, Burrill Lake (Lots 157, 160 & 161 DP 755972) • Wairo Beach Caravan Park F425 Princes Hwy, Lake Tabourie (Lots 143 & 149 DP 755972. • 285 Murramarang Road, Bawley Point. • 381 Murramurang Road, Bawley Point - Racecourse Beach Caravan Park (Lot 1 DP 579750). • 635 Murramurang Road, Kioloa - Kioloa Beach Holiday Park (Lot 128 DP 40869). • 1 Norman Street, Lake Conjola - Lake Conjola Lakeside Van Park (Lot 1 DP 1041770). <p>The submissions generally request a change of zone to RE1, RE2, SP3 or</p>	<p>The caravan parks referred to are all located in existing environment protection zones under SLEP 1985. A number of the environmental protection zones under SLEP 1985 allow 'caravan parks' with consent. In the compression of the existing 8 environmental protection zones, 'caravan parks' became a prohibited use in the E3 zone. As a result, these existing caravan parks would have to rely on existing use rights.</p> <p>An addition to Schedule 1 would avoid reliance on existing use rights and provide certainty to the landowners. This would allow continued use without widening the potential uses on the sites via a zone change, particularly to RE3 or SP3.</p> <p>The LEP "ground rules" included that where practical, the new LEP will recognise existing use. As such given that the subject land could be considered to be an "existing use rights" situation then there was merit in reconsidering the planning provisions applying to the affected properties of this land.</p> <p><u>Recommendation</u> Amend Schedule 1 development for additional purposes to include the development for the purposes of a 'caravan park' for the following properties:</p> <ul style="list-style-type: none"> • Lots 157, 160 & 161 DP 755972, F275A Princes Hwy, Burrill Lake; • Lots 143 & 149 DP 755972, F425 Princes Hwy, Lake Tabourie; • Lot 2 DP 579750, 285 Murramarang Road, Bawley Point • Lot 1 DP 579750, 381 Murramurang Road, Bawley Point; • Lot 128 DP 40869, 635 Murramurang Road, Kioloa; and • Lot 1 DP 1041770, 1 Norman Street,

the inclusion of a Schedule 1 Clause to allow the ongoing use of these sites.

- Lake Conjola.
- Other similarly affected existing caravan parks located on E3 zoned land that may be identified prior to finalising the plan.

Recommendation 4.2:

Support the recommendations in Table 4.5 and amend the draft LEP 2013 Amend Schedule 1 development for additional purposes to include the development for the purposes of a ‘caravan park’ for the following properties:

- **Lots 157, 160 & 161 DP 755972, F275A Princes Hwy, Burrill Lake;**
- **Lots 153 & 149 DP 755972, F425 Princes Hwy, Lake Tabourie;**
- **Lot 2 DP 579750, 285 Murramarang Road, Bawley Point**
- **Lot 30 DP 1183066, 381 Murramurang Road, Bawley Point;**
- **Lot 128 DP 40869, 635 Murramurang Road, Kioloa; and**
- **Lot 1 DP 1041770, 1 Norman Street, Lake Conjola;**
- **Lot 250 DP 1125372, Garrad Way, Lake Conjola; and**
- **Other similarly affected existing caravan parks located on E3 zoned land that may be identified prior to finalising the plan.**

Issue 4.3: Rezoning Requests, Minimum Lots Size Changes and Schedule 1

The Section 65 Certificate received from the NSW Department of Planning & Infrastructure (DP&I) on 19 December 2012 did not support a number of zoning changes that were included in the draft LEP as a result of submissions received on the 2011 exhibition. DP&I raised particular concern with a number of rural residential and other spot rezoning changes made by Council following its consideration of public submissions. It was advised that these changes lacked sufficient strategic justification and were inconsistent with the South Coast Regional Strategy and Section 117 Directions.

As part of the 2013 exhibition the community was informed that any rezoning requests will be handled in one of the following three ways:

- Requests that provide no justification and/or are speculative – Council is unlikely to support;
- Requests that are a correction or anomaly – Council may support inclusion in the final LEP; or
- Requests that are of a minor/major nature and have some merit – Council may place on a schedule of matters for consideration after the finalisation of the LEP and may result in a future amendment to the LEP.

In order to progress the draft SLEP 2013 to finalisation in a timely manner, it is essential at this stage that only those submitted requests that fix an anomaly or retain existing use rights are considered for change within draft SLEP 2013, all other request be identified as with or without merit. It is recognised that some rezoning requests may have merit and in this situation it is recommended in accordance with the adopted “ground rules”

that these matters be added to a schedule of matters for consideration after the finalisation of the LEP and be considered as separate planning proposals or amendments in the future.

A total of thirty nine (39) submissions were received during the draft SLEP 2013 exhibition that requested a zoning change, inclusion of Schedule 1 or minimum lot size change. These requests have been considered and detailed within table 4.3 (without merit at this stage) and 4.4 (with merit) below. Of these submissions twenty five(25) were considered not to have merit and fourteen (14) rezoning requests were considered to have merit and could be considered now (to fix anomaly etc) or in the future.

Total Number of Submissions- Rezoning Requests, Minimum Lots Size Changes and Schedule 1

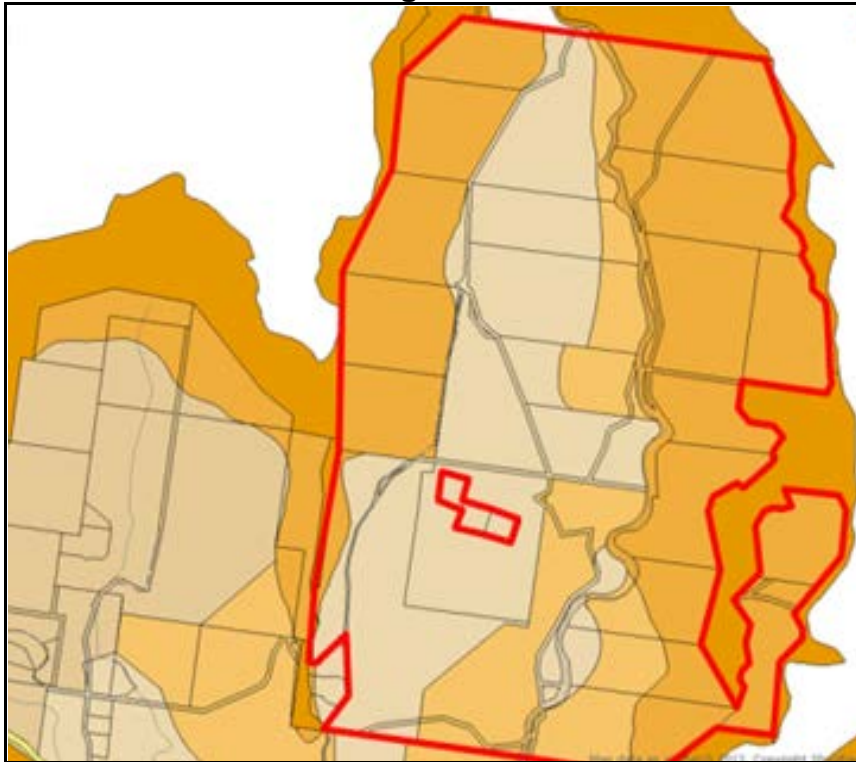
Type	Number
Individual	0
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	39
CCBs and other community groups	1
Internal	0
Total	41

Issue 4.4 – Rezoning Requests, Minimum Lots Size Changes and Schedule 1 Considered without Significant Merit/ or Justification

Request No. 1

Submission No.	Property Address	SLEP zoning 1985	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
1. D13/114722 Submitter: Allen, Price and Associates on behalf of landowners Mr Greg Scarf & Mr John Quick	Lot 14 DP1155903, Lot 24 DP 116834 & Lots 144, 145, 146, 150, 151, 152, 153, 154 DP751262 & Lots 225, 226, 227, 229, 329, 331, 333, 334 DP751302. Bunkers Hill Road Barrengarry	Rural 1(a) (Agricultural Production) Environment Protection 7(d1) (Scenic) & Environment Protection 7(e) (Escarpment)	RU1 Primary Production E2 Environmental Conservation & E3 Environmental Management	RU1 Primary Production, E2 Environmental Conservation & E3 Environmental Management

Exhibited Draft LEP Zoning



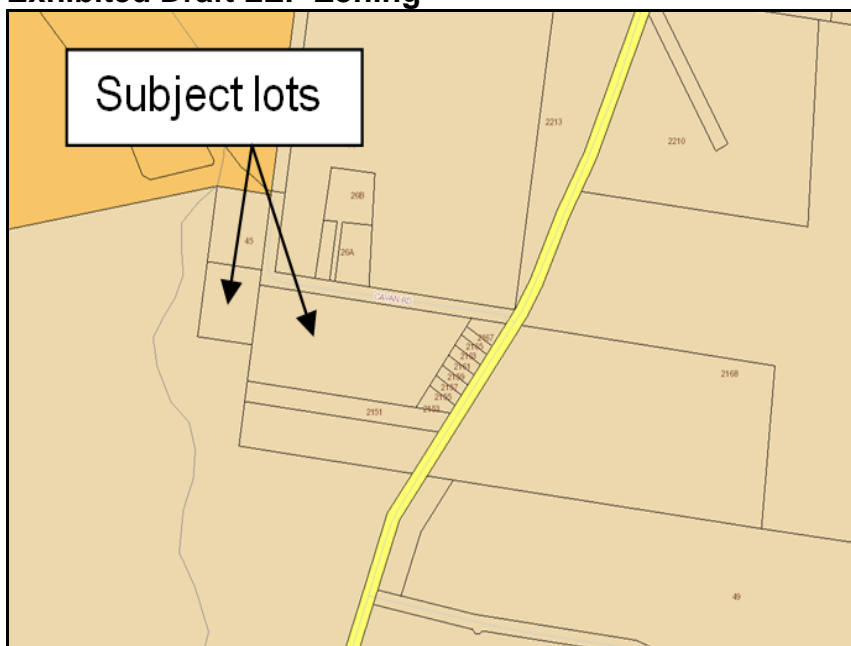
Requested Change	Comment and Recommendation
<p>Change E (2 and 3) zones to more appropriate RU (1, 2 or 3) zones to more accurately reflect the nature of the terrain and / or the activities that are carried out on the land and</p> <p>NRS overlay be reviewed across the subject lots at Bunkers Hill Road, Barrengarry</p> <p>The Owners believe that the zoning maps do not in all cases accurately reflect the nature of the terrain and / or the activities that are carried out. The NRS overlay across the subject lots, indicate Habitat corridors traversing areas of cleared pasture as opposed to vegetated links.</p> <p>The key concerns relate to the impact of the draft LEP provisions on their land holding particularly any existing use rights in relation to selective, sustainable harvesting of trees which</p>	<p>The primary purpose of the SLEP 2013 is to adopt a “best fit” transfer of like for like zones. This land is currently zoned Rural 1(a) and Environmental Management 7(d1) and 7(e). These zones have been transferred to the appropriate correlating zones within SLEP 2013.It is considered appropriate that these zones are directly transferred in this case as the known environmental values of this land has not changed.</p> <p>The habitat corridors shown on the NRS – Biodiversity Map overlay for these properties appear to generally correspond to the areas of vegetation on Council’s aerial photography. While small isolated areas of cleared land may be affected by the overlay, the associated Clause 7.5 Biodiversity does not prohibit development but sets out matters for consideration for any development application on land to which the clause applies.</p> <p>The owner’s specific concern relating to the ability to selectively harvest timber of their property is not an SLEP matter as it is</p>

Requested Change	Comment and Recommendation
<p>they believe is not reflected in the instrument or maps. Owners request that the 'existing use rights' to selectively harvest timber on their property in a periodic and sustainable manner is retained.</p>	<p>governed under the NSW Plantations and Reafforestation Act 1999. The existing use rights of the land in relation to clearing for timber harvesting are covered under this Act rather than SLEP 2013.</p> <p>As such this proposal is considered without significant justification at this time and would require detailed work to consider/justify.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>

Request No. 2

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
<p>2 D13/112042 SET Consultants for John Good</p>	<p>Lot 1 DP 657638 & Lot 1 DP 938241 Moss Vale Road Barrengarry</p>	<p>Rural 1(a) (Agricultural Production) Rural 1(b) (Arterial and Main Road Protection)</p>	<p>RU1 Primary Production</p>	<p>RU1 Primary Production</p>

Exhibited Draft LEP Zoning

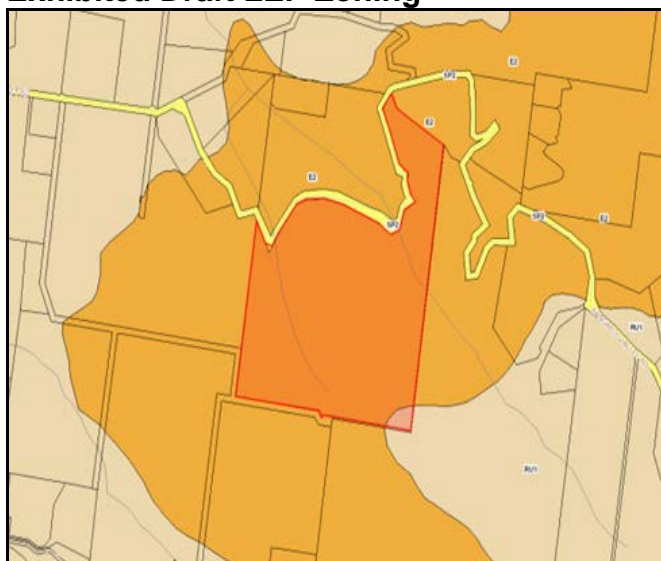


Requested Change	Comment
<p>Reduce the minimum lot size (currently 40ha) over Lot 1 DP 657638 & Lot 1 DP 938241 Carvan Barrengarry to enable dwelling permissibility.</p> <p>The owner is willing to surrender DA01/1802 for a tourist facility and to consolidate both lots as part of their request. Additional dwelling will have little effect on amenity of locality.</p>	<p>This request was previously supported by Council following the 2011 exhibition. The change to give the subject property a dwelling entitlement was included in the draft SLEP Section 65 version submitted by Council but was not supported by DP&I in the s65 certificate as it was considered without strategic justification.</p> <p>Given that DP&I have already indicated that they will not support this proposal and the precedent it could create the proposal is considered without significant justification.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>

Request No. 3

Submission No.	Property Address	SLEP zoning 1985	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
<p>3</p> <p>D13/111637</p> <p>Submitter: Paolo Giammarco</p>	<p>Lot 2 DP 634373 1361 Kangaroo Valley Road KANGAROO VALLEY</p>	<p>Environment Conservation 7(e)(Escarpment)</p> <p>1(a) Rural</p>	<p>E2 Environmental Conservation,</p> <p>RU1 Primary Production</p> <p>SP2 Infrastructure</p>	<p>E2 Environmental Conservation</p> <p>RU1 Primary Production</p> <p>SP2 Infrastructure</p>

Exhibited Draft LEP Zoning

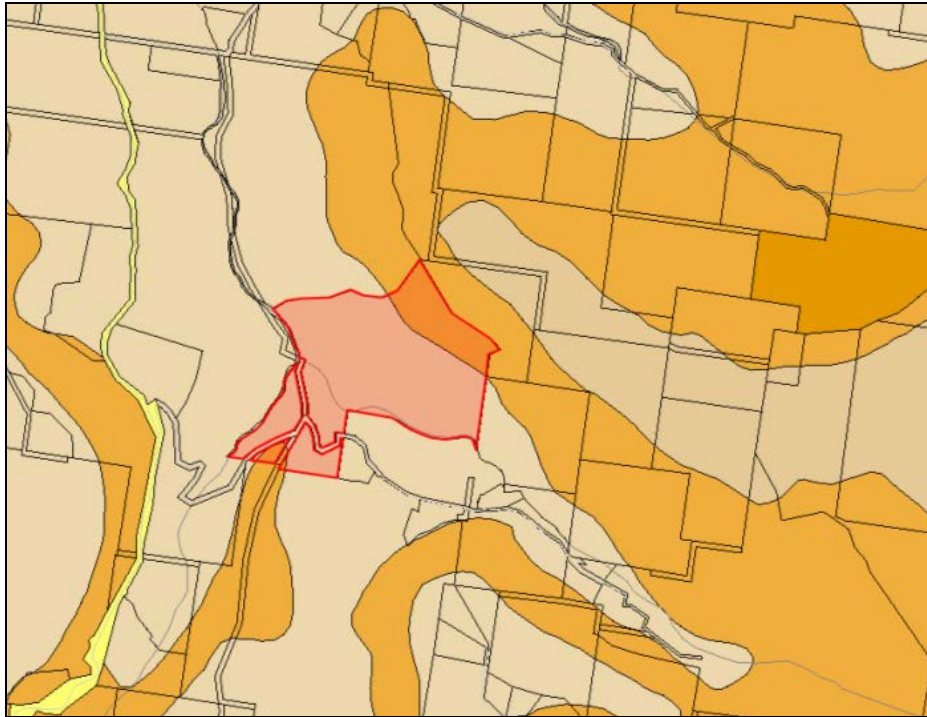


Requested Change	Comment and Recommendation
<p>That Lot 2 DP634373, 1361 Kangaroo Valley Road Kangaroo Valley be rezoned to E3, E4, RU2 and RU1</p> <p>Areas within the lot are suitable for RU2 zoning. Provided a further map outlining suggestions to rezone the property to RU1, E3 and E4.</p> <p>Object of the E2 zoning of land.</p> <p>States that land zoned E2 will not comply with the zoning objectives and hence should be zoned E3, E4 or RU2, and that properly done subdivisions into smaller holdings should be allowed.</p>	<p>The property has been zoned according to the” best fit “transfer as per the ground rules. Parts of the land are considered ecologically sensitive and unsuitable for subdivision.</p> <p>The land is located within the Sydney Drinking Water catchment and currently has a 40ha minimum lot size.</p> <p>Land on which additional growth could possibly occur within Kangaroo Valley has been identified through the draft Growth Management Strategy (GMS). These locations adjoin the existing town and are not located on the rural outskirts of Kangaroo Valley. Additional subdivision of outlying rural blocks is inconsistent with the GMS and with the South Coast Regional Strategy. In accordance with the South Coast Regional Strategy only Rural land that has been identified within</p> <p>The proposal should not be supported and is considered to be without significant justification.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>

Request 4

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
<p>4</p> <p>D13/119892</p> <p>Leonie Barker for landowners Horsfall & Keys</p>	<p>Lot 6 DP 631297, 105 Green Valley Road Beaumont</p>	<p>Rural 1(a) (Agricultural Production),</p> <p>Rural 1(b) (Arterial and Main Road Protection &</p> <p>Environment Protection 7(e) (Escarpment)</p>	<p>E2 Environment Conservation</p> <p>RU1 Primary Production</p>	<p>E2 Environment Conservation &</p> <p>RU1 Primary Production</p>

Exhibited Draft LEP Zoning



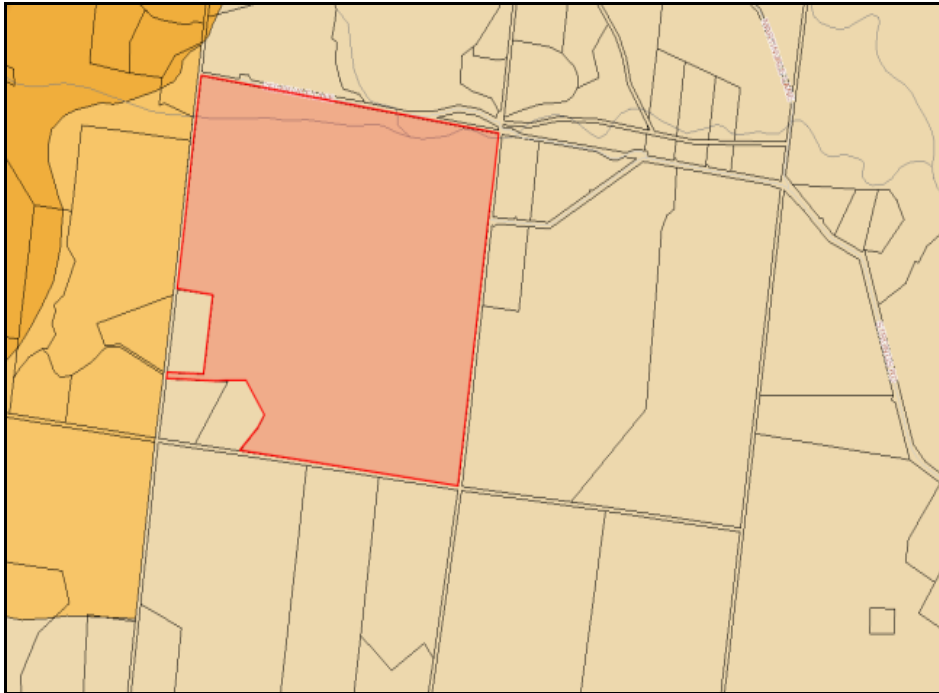
Requested Change	Comment and Recommendation
<p>Include in Schedule 1 – Additional Permitted Uses to allow creation of an allotment for tourist related purposes.</p> <p>This request is to retain a similar provision to the existing SLEP 1985 Clause 11(3) to allow an allotment to be created for a purpose other than a dwelling or agriculture, allowing a separate allotment of less than 40ha to be excised for a tourist development (2ha)</p> <p>Allowance clause would not be out of character with the amenity of the surrounding rural environment and the creation of an allotment for a permissible use is not likely to undermine Council’s planning principles or the aims and objectives of the LEP.</p>	<p>This property is approximately 45ha in area. The minimum lot size is 40HA in this location and therefore standard subdivision of this lot is prohibited. Clause 4.2A – Subdivision of land zoned RU1, RU2 or E3 is the transfer of Clause 11(3) in SLEP 1985. This Clause permits Community Title subdivision for the purpose of tourist and visitor accommodation.</p> <p>It is assumed that this submission is referring to that Clause 11(3)(a) that permits an allotment that is less than 40 hectares if the allotment proposed to be created is currently lawfully used for a purpose (other than agriculture, forestry, a dwelling-house or dwellings, or tourist accommodation under clause 20) for which it may be used without, or only with the consent of the Council, or will be used for such a purpose before the plan of subdivision or strata plan is registered. There is no approved use for this property which would permit subdivision via Clause 11(3)(a) and the proponent could use on Clause 4.2A in draft SLEP 2013 to subdivide (through community title) an approved tourist and visitor accommodation in the future.</p>

<p>Submission includes suggested draft clause for Schedule 1: <i>This clause applies to land at 105 Green Valley Road, being Lot 6 DP 631297.</i></p> <p>2. <i>Creation of an allotment of 2 hectares for the use of an approved tourist development.</i></p> <p>3. <i>Creation of an allotment of 40 hectares as a residue, containing the existing dwelling house.</i></p> <p>4. <i>No dwelling house would be permissible on the allotment created for the tourist development.</i></p>	<p>It is noted that 'tourist and visitor accommodation' including tourist cabins, eco-tourist facilities, farm stay accommodation and bed and breakfast accommodation are permitted in the RU1 zone, however only bed and breakfast accommodation is permissible in the E2 zone. Any proposed tourist development and associated community title subdivision will require detailed assessment of issues such as (but not limited to) bushfire provisions, access, native vegetation clearing and threatened species.</p> <p>A request for the minimum lot size change to 2HA is essentially seeking rural residential development. In accordance with the South Coast Regional Strategy any additional rural residential subdivision must be supported by an endorsed strategy or structure plan. This proposal is not part of any strategy. Furthermore any rural residential rezoning that were proposed as amendments following the exhibition of draft SLEP 2009 was not endorsed by DP&I.</p> <p>This proposal is therefore sufficient justification.</p> <p><u>Recommendation:</u> Not supported , retain existing exhibited controls and receive for information</p>
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Request 5

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
5 D13/109055 Submitter: Tom Bingle	L10 DP801593 400 Strongs Road, Berry	Rural 1(a)	RU1 Primary Production	RU1 Primary Production

Exhibited Draft LEP Zoning

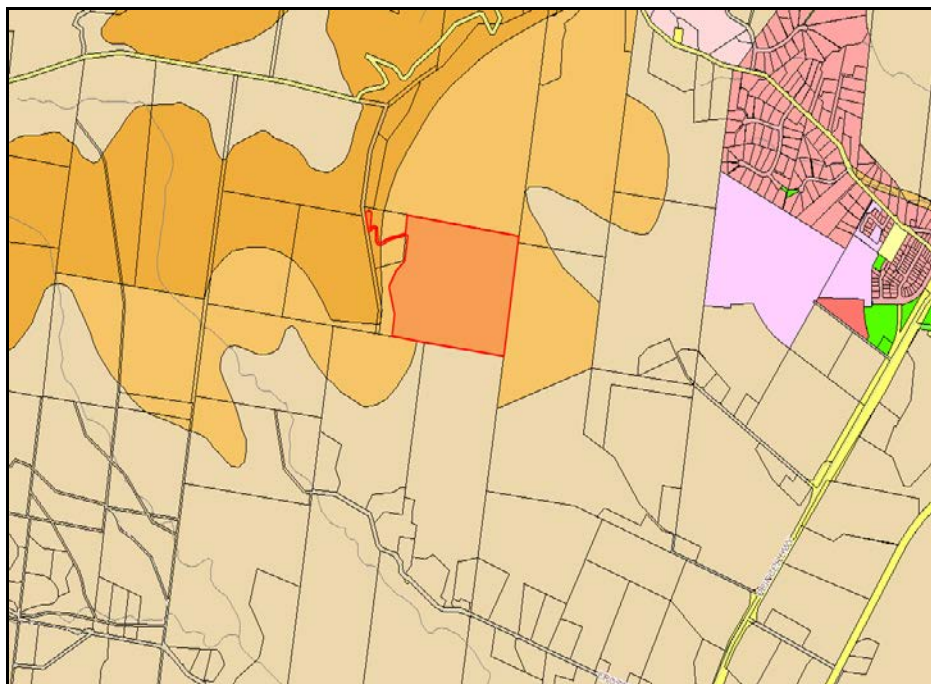


Requested Change	Comment and Recommendation
<p>Lot 10 DP 801593, 400 Strongs Road Jaspers Brush be zoned RU5 Rural Lifestyle.</p> <p>Note: Author requested RU5 rural lifestyle assuming they mean R5 large lot residential.</p> <p>The property is inundated with weeds. It is a marginal agricultural block (mainly class 4 and 5 with the remainder class 3). Because of this it will never be economic to stop the advance of Giant Parramatta Grass and Fireweed onto higher class land. Most surrounding land which is rural lifestyle are able to mow their land and stop the advance of weeds.</p>	<p>The proposal is inconsistent with the South Coast Regional Strategy which requires that any additional rural residential zones are supported by an agreed structure plan or settlement strategy. This land is not included in a strategy</p> <p>There are a number of avenues available to the owners to obtain grants and assistance for weed removal and this can be discussed further with relevant Council Departments.</p> <p>As such this request is considered without sufficient justification.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>

Request No. 6

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
6 D13/110537 Berry Mountain Organic Farm	Lot 4 DP 717728 109 Ben Dooley Road Berry	Environment Protection 7(d1) (Scenic) Environment Protection 7(e) (Escarpment)	E2 Environmental Conservation E3 Environmental Management	E2 Environmental Conservation E3 Environmental Management

Exhibited Draft LEP Zoning



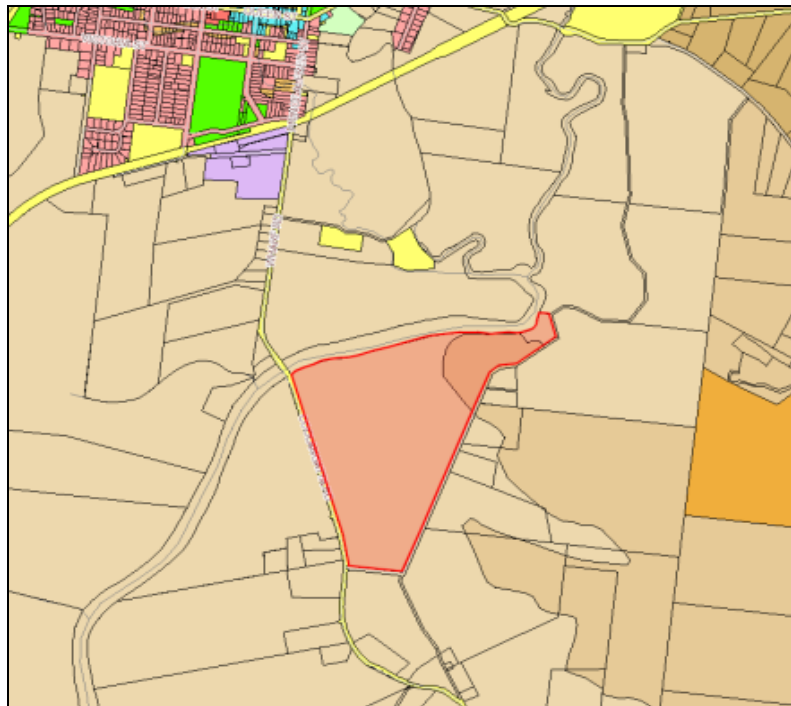
Requested Change	Comment and Recommendation
<p>Reduce 40ha Minimum Lot Size of Lot 4 DP 717728 109 Ben Dooley Road, Berry to allow subdivision.</p> <p>If subdivided, the return from the sale of the land would be reinvested in the current farm to keep it in operation, improve its food production, increase its contribution to the Shoalhaven economy and develop its role as a showcase for locally grown food in</p>	<p>In accordance with the South Coast Regional Strategy any additional rural residential rezoning must be supported by an endorsed strategy or structure plan. This proposal is not included in the draft Growth Management Strategy which identifies land within Berry which has the potential for future rezoning. Furthermore any rural residential rezoning that were proposed as amendments following the exhibition of draft SLEP 2009 was not endorsed by DP&I.</p> <p>Whilst there is some sympathy for the proponents situation and the desire to continue with and improve the current farm the issues that would be</p>

<p>Shoalhaven. They would like the opportunity to address Council on this issue and they reserve the right to add further information to support our case if required.</p>	<p>created by a change of this nature cannot be overlooked, namely precedent, the need for re-exhibition if change considered and potential for conflict with the existing agricultural activity. This proposal is therefore considered without sufficient justification.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>
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Request No. 7

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
7 Department of Sport and Recreation	Lot 1 DP 131859, 660 Coolangatta Road Berry	Rural 1(a) (Agricultural production) Rural 1 (g) (Flood Liable)	RU1 Primary Production RU2 Rural Landscape	RU1 Primary Production RU2 Rural Landscape

Exhibited Draft LEP Zoning

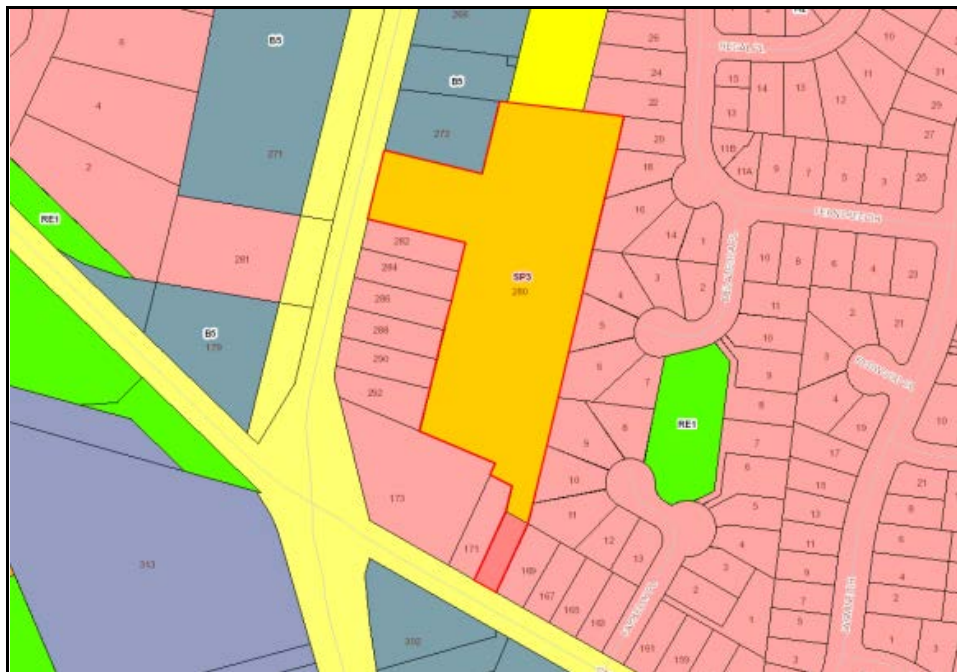


Requested Change	Comment and Recommendation
<p>Schedule 1 request for additional permitted uses and the inclusion of additional local zoned objectives in the RU1 / RU2 zone.</p> <p>Or</p> <p>Rezone to SP3 Tourist with including of Schedule 1 of SLEP 2013 additional permitted land uses and modification to zone objectives.</p> <p>The BRSC site is a clear land use anomaly which under the conversion ground rules should be addressed by Council, particularly as the land use zoning structure and range of permitted uses are made more restrictive through the conversion process. The draft RU1 and RU2 zones are inconsistent with the existing uses of the site; their ongoing development and management and how uses could have evolved under the current LEP, but may be restricted to evolve under the draft LEP.</p> <p>A more appropriate zoning is required to ensure that the ongoing operation of what is an important and essential piece of community infrastructure to the State of NSW is facilitated.</p> <p>The Objectives of proposed RU1 & RU2 zones are inconsistent with present use as NSW Sport & Recreation Centre of its scale.</p> <p>Under LEP 1985 the land uses associated with BRSC appear to be permitted with development consent, concerned that the LUTs for RU1 and RU2 are limited in flexibility and the ability to progress planning on the site. This is a particularly significant change for the broad ranging use of the Sport and Recreation Centre site and how it may seek to evolve over time.</p> <p>Concerned with accepting a zoning conversion that relies on existing use rights and/or the concept of 'ancillary' development for existing and potential uses.</p> <p>Raises concerns with the zone tables, LUT's and permissibility/ prohibitions.</p>	<p>The proposed zones are a 'best fit' transfer of the existing zones and allow the ongoing use of the Sport and Recreation Centre. The 'community facilities' definition is sufficiently broad to allow for the range of uses currently on site. A Schedule 1 clause is not necessary and unlikely to be supported by the DP&I. The SP3 zone is not appropriate as the Sport and Recreation Centre is not a tourist development. Further, such a zone change has potential to raise community concern as to the future use of the site. Should Communities NSW wish to pursue a change of zone or a Schedule 1 over this site, it should be done through a separate planning proposal process. As such this request is without sufficient justification at this time.</p> <p><u>Recommendation</u></p> <p>Not supported , retain existing exhibited controls and receive for information</p> <p>-</p>

Request No. 8

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
8 D13/103452 (Duplicate see D13/103363) Phil Olsen – Treehaven Tourist Park	Lot 1 DP 29703 280 Princes Hwy Bomaderry	Part Residential 2(a1) and 2(d)	Part R2 Low Density SP3 Tourist	Part R2 Low Density SP3 Tourist

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Small portion of land currently zoned R2 that is part of Lot 1 DP 29703 280 and fronts Cambewarra Road Bomaderry be zoned SP3 Tourist.</p> <p>The SP3 zone over this part would be consistent with the remainder of the lot, as it is integral to the caravan park. Acknowledges that the proposed zoning is consistent with the administrative transfer</p>	<p>Changes have been made consistent with the adopted Nowra Bomaderry Structure Plan. These generally relate to the creation of the new urban release areas and the like. They do not by and large relate to existing established areas. The proposed spot rezoning is not included within the structure plan and does not fit within the “best fit” transfer ground rules. An SP3 zoning, whilst consistent with the remainder of the holding may be inappropriate given the adjacent residential uses, residential lot size of the area and potential for traffic impact. As such request is considered without sufficient justification at this time.</p>

process of the LEP, however notes that the Nowra Bomaderry component has been revised substantially following adoption of the Structure Plan.

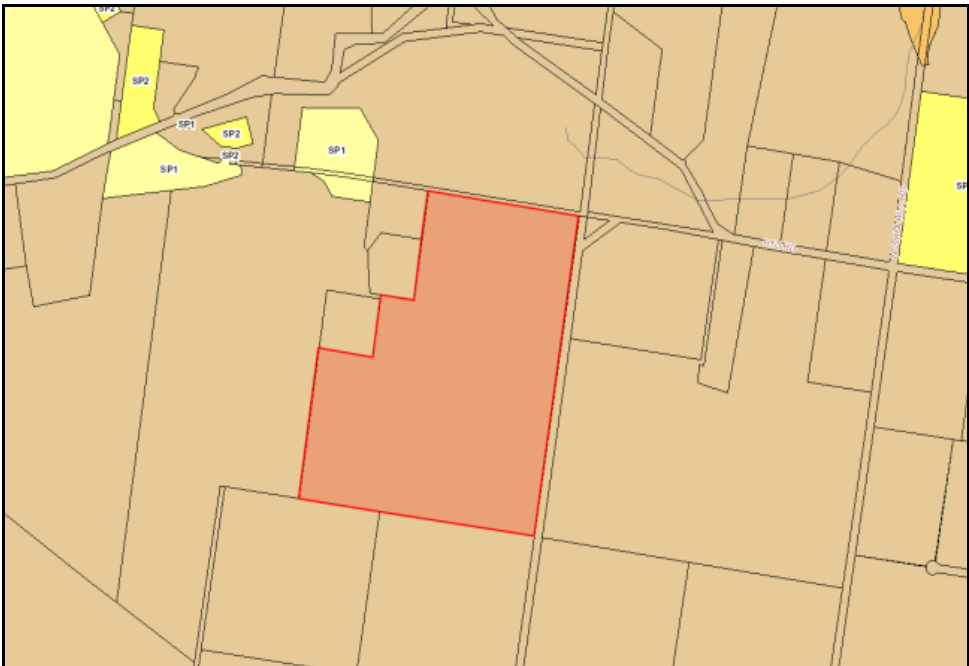
Recommendation

Not supported , retain existing exhibited controls and receive for information

Request No. 9

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
9 D13/97502 Allen Price & Associates for Bernie Gleeson	Lot 4 DP830284 183B BTU Road Nowra Hill	1(d) General Rural	RU2 Rural Landscape	RU2 Rural Landscape

Exhibited Draft LEP Zoning

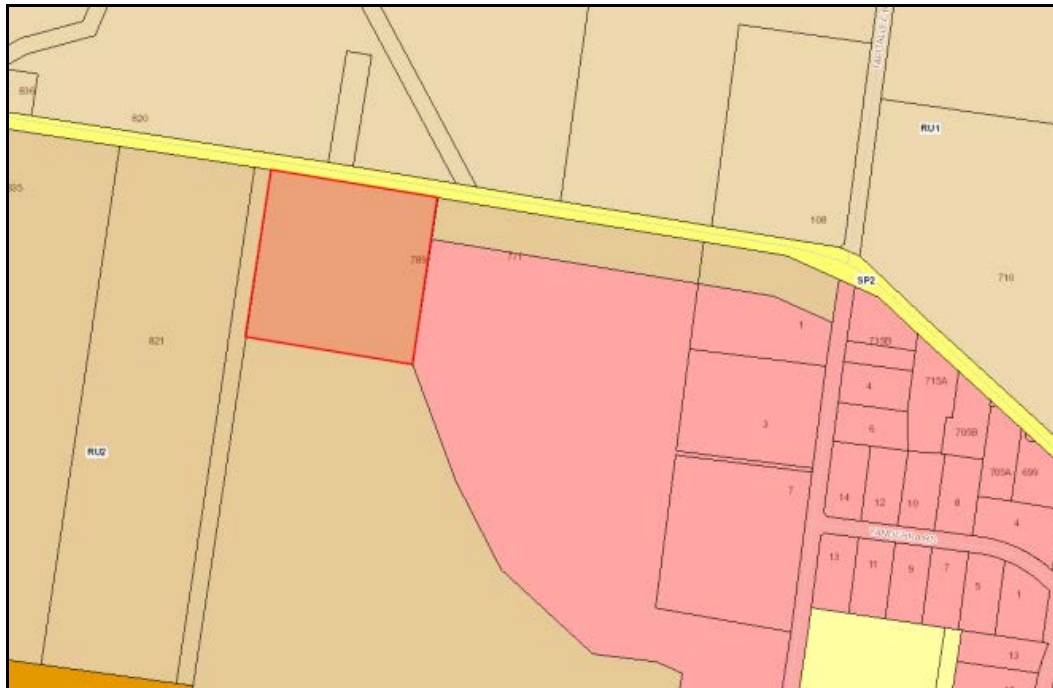


Requested Change	Comment and Recommendation
<p>Lot 4 DP 830284, 183B BTU Road Nowra Hill be zoned R5 Large Lot Residential</p> <p>The seventeen neighbouring properties are much smaller allotments ranging from 2.8ha-10ha. The area of the subject land (40.52ha) is insufficient for it to function independently for "extensive agricultural enterprise" as envisaged in the zone objectives.</p> <p>The subject land is in a narrow belt of land that is hemmed in between the Princes Highway and Nowra Airport (HMAS Albatross), in close vicinity to the urban area, therefore its long term viability for agricultural production is questionable.</p> <p>Re-zoning will not set a precedent for similar re-zonings due to its geographical location and existing surrounding subdivision pattern.</p>	<p>The South Coast Regional Strategy states that no new rural residential zones will be supported unless part of an agreed structure plan or settlement strategy. The S65 certificate received from the DP&I also clearly stated that rural residential rezoning will not be supported unless strategic justification (through studies etc). This request would also require re-exhibition of the plan if supported</p> <p>This land is not covered by an existing strategy or structure plan and does not have strategic justification for rezoning. As such it is considered without merit.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>

Request No.10

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
<p>10</p> <p>D13/111322 duplicate see also D13/110576</p> <p>LCTP - Lee Carmichael Town Planning – Nowra for Les & Anne Cornish</p>	<p>Lot A DP 379639 789 Illaroo Road Tapitallee</p>	<p>Rural 1 (d) (General Rural)</p> <p>Land of Ecological Sensitivity</p>	<p>RU2 Rural Landscape</p>	<p>RU2 Rural Landscape</p>

Exhibited Draft LEP Zoning



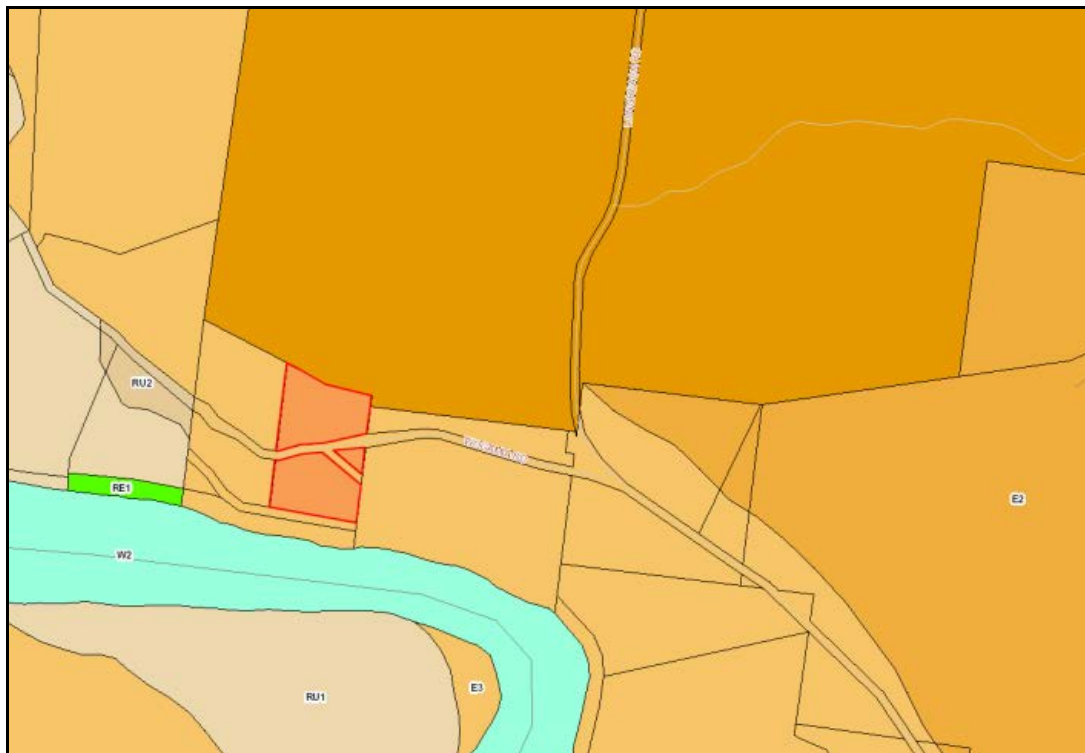
Requested Change	Comment and Recommendation
<p>Change of zoning to low density residential purposes consistent with the proposed zoning of the adjoining land to the east and a minimum lot size of 2000m² to 3000m² applied to the land.</p> <p>The subject land is considered suitable for the purposes of being zoned for more intense residential use. The property is located directly adjacent to the land that will be zoned for residential purposes. Proposal represents a logical and acceptable extension of the proposed new residential zone for the Bangalee Road West area as identified within the Nowra Bomaderry Structure Plan.</p> <p>Subject land has good opportunities for vehicular access for future lots. Meaning it could be subdivided in conjunction with the adjoining land to the east without the need for direct access to Illaroo Road.</p>	<p>A similar request was made to the 2011 exhibition of the SLEP. On the 14th March 2013 Council resolved:</p> <p><i>Not support the request and retain existing proposed zone/minimum lot size because the request will create an undesirable precedent and is contrary to the Regional Strategy that does not favour rural residential rezoning.</i></p> <p>The South Coast Regional Strategy states that only urban areas identified in endorsed strategies are supported.</p> <p>The area has been the subject of investigation as part of the Nowra Bomaderry Structure plan and it was not identified as suitable for residential zoning or increased densities. This rezoning would be considered a relatively significant residential rezoning that would require further investigation, would set a precedent and would require re-exhibition of the SLEP 2013. This submission is considered without sufficient justification at this point in time.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>

Majority of subject land is not considered of importance with respect to threatened flora and fauna as it is mostly cleared. Disposal of effluent on site for future is not anticipated to be complex. Proposed residential land use is not out of character with the adjoining land uses and will not have a detrimental impact on adjoining lands.

Request No.11

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
11 D13/106355 John Tate	Lot 4 DP589582 75 Wogamia Road Longreach	Environmental Protection 7(d1) (Scenic)	E3 Environmental Management	E3 Environmental Management

Exhibited Draft LEP Zoning

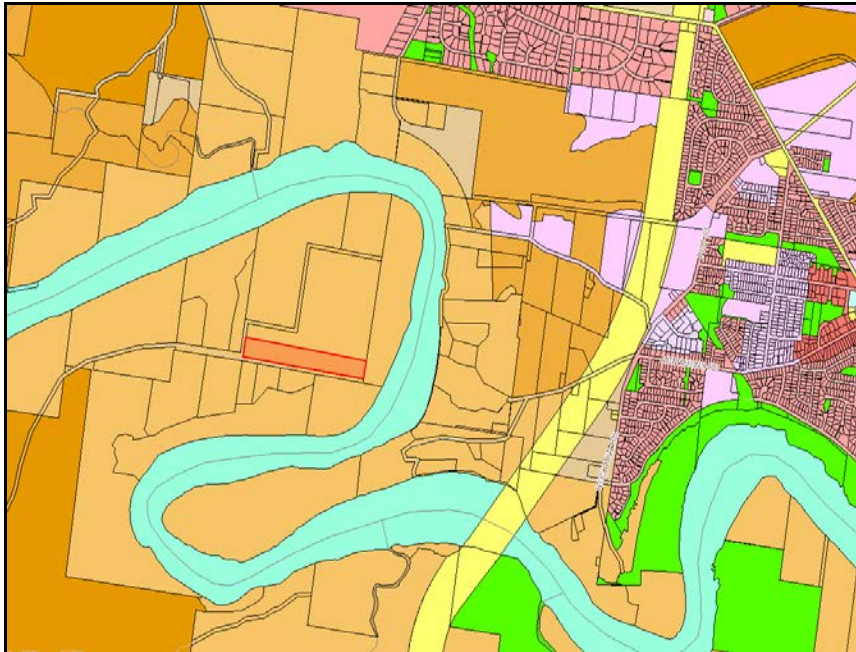


Requested Change	Comment and Recommendation
<p>Reduce the lot size minimum in E3 zones to 2ha and review of E3 zones of rural residential properties with a view of extending the E4 Environmental Living Zone.</p> <p>Many of the E3 zoned properties in the surrounding area are 2ha in size and the setting of a 40ha limit is harsh.</p>	<p>The current minimum lot size in the 7 (d1) zones is 40 ha. As such this has been transferred across to the E3 zone.</p> <p>The South Coast Regional Strategy states that no new rural residential zones will be supported unless part of an agreed structure plan or settlement strategy. The S65 certificate received from the DP&I also clearly stated that rural residential rezoning will not be supported unless strategic justification (through studies etc).</p> <p>This land is not covered by an existing strategy or structure plan and does not have strategic justification for rezoning. As such it is considered without merit.</p> <p>Any review of the E3 zone to facilitate additional development would be time consuming and may not necessarily result in a positive outcome. As such this request is considered without sufficient justification.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>

Request No. 12

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
<p>12</p> <p>D13/102897</p> <p>James & Barbara O'Donnell</p>	<p>Lot 170 DP 755952 10B Paringa Road Longreach</p>	<p>7(d1) Environmental Protection (Scenic)</p>	<p>E3 Environmental Management</p>	<p>E3 Environmental Management</p>

Exhibited Draft LEP Zoning

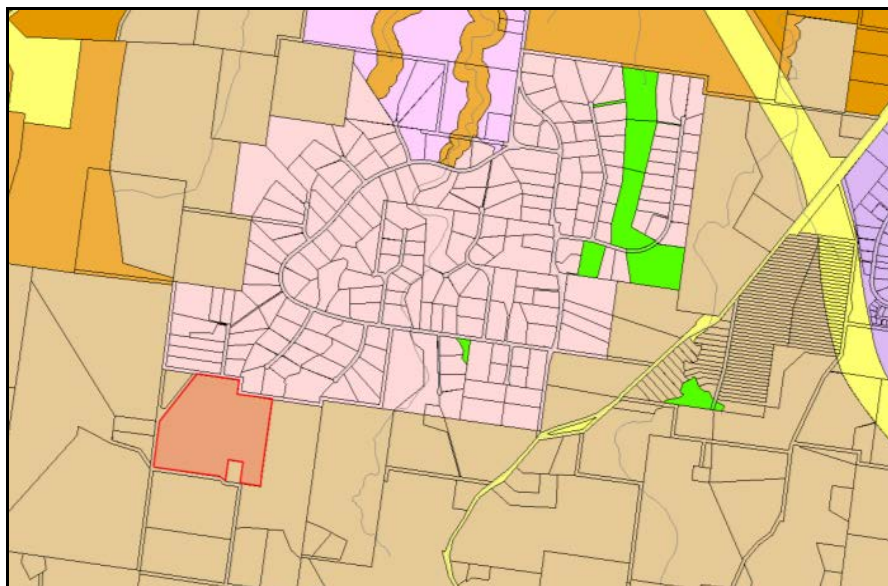


Requested Change	Comment and Recommendation
<p>Reduce the lot size minimum for Lot 170 DP 755952 10B Paringa Road Longreach to allow for a dwelling.</p> <p>The subdivision occurred in 1877 and the land is not suitable for farming. All other allotments on the "point" with the exception of one have dwellings. The opposite side of Longreach Road has 4 houses on separate lots. It is inequitable that this block cannot be built on.</p> <p>Submission includes a copy of a letter from 2004 to the General Manager in relation to a DA refusal for a dwelling, as the property did not have a dwelling entitlement.</p>	<p>The subject lot has an area of 7 ha and until 2005 was owned with the adjoining lot that has a dwelling. The lot on its own does not have an existing dwelling entitlement.</p> <p>The South Coast Regional Strategy states that no new rural residential zones will be supported unless part of an agreed structure plan or settlement strategy. The S65 certificate received from the DP&I also clearly stated that rural residential rezoning will not be supported unless strategic justification (through studies etc) .</p> <p>This land is not covered by an existing strategy or structure plan and does not have strategic justification for rezoning. Meetings have been held with the owner and it has been suggested that he pursue the possibility of a development application and SEPP1 Objection. As such the request is considered without sufficient justification.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>

Request No. 13

Submission No.	Property Address	SLEP zoning 1985	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
13 D12/221204 & D13/111367 GMS submission & draft SLEP 2013 submission Cowman Stoddart for Bruce and Carol Webster	Lot 10 DP 1056959 214 Gannet Road Nowra Hill	Rural 1(d) (General Rural)	RU2 Rural Landscape	RU2 Rural Landscape

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Council consider identifying Lot 10 DP 1056959, 214 Gannet Road Nowra Hill as a Rural Residential Lifestyle Area (R5 Large Lot Residential), with</p> <p>A minimum lots size of 2ha</p> <p>The site is suitable for rural residential rezoning as it has good access, services, adjoins rural residential properties, is cleared,</p>	<p>Council considered a similar request for rural land adjoining the R5 zone in Nowra Hill during the 2011 exhibition. Council resolved:</p> <p><i>RECOMMENDATION NO. 69</i> <i>That in regard to Lot 1 DP 593730 & Lot 1 DP 232180 211 & 263 Albatross Road, Nowra Hill, Council support the request for an R5 Large Lot Residential zone with a 1 ha minimum lot size.</i></p> <p>The conditional Section 65 Certificate received from DP&I required that Council revert the R5 zone back to the draft SLEP 2009 RU2 and revert</p>

<p>has no physical constraints. Is of similar topography to surrounding lands.</p> <p>Draft LEP mapping identifies a minor extent of sensitive areas being habitat corridors, sensitive areas being intermittent category 1 watercourses.</p> <p>The subject lot was considered by Council for rezoning for rural residential development in the consideration of the Nowra Bomaderry Structure Plan in 2008 - The recommendation detailed "adjoining Cabbage Tree Lane SRL. This SRL zoning is relatively recent, didn't identify this land which is fairly sloped. Also relatively isolated by road access not supported" - Council's decision "review in 5 year review" (LEP review). Believes this is timely to review the matter given this will generally coincide with the review period identified in the Nowra Bomaderry Structure Plan.</p>	<p>the minimum lot size map back to 40HA consistent with the exhibited draft SLEP 2009.</p> <p>The South Coast Regional Strategy states that no new rural residential zones will be supported unless part of an agreed structure plan or settlement strategy. The S65 certificate received from the DP&I also clearly stated that rural residential rezoning will not be supported unless strategic justification (through studies etc).</p> <p>At this stage Council is not in a position to review the Nowra-Bomaderry Structure Plan, which would be the prerequisite for an approach of this nature.</p> <p>This land is not covered by an existing strategy or structure plan and does not have strategic justification for rezoning. As such it is considered without sufficient justification.</p> <p><u>Recommendation</u> Not supported, retain existing exhibited controls and receive for information.</p>
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Request No. 14

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
14 D13/110912 BBC Consulting Planners for Stockland Landholdings	"Stockland Nowra" Lot 1 DP1107453 32 East Street Nowra	Business 3(g)	B3 Commercial Core	B4 Mixed Use

Exhibited Draft LEP Zoning



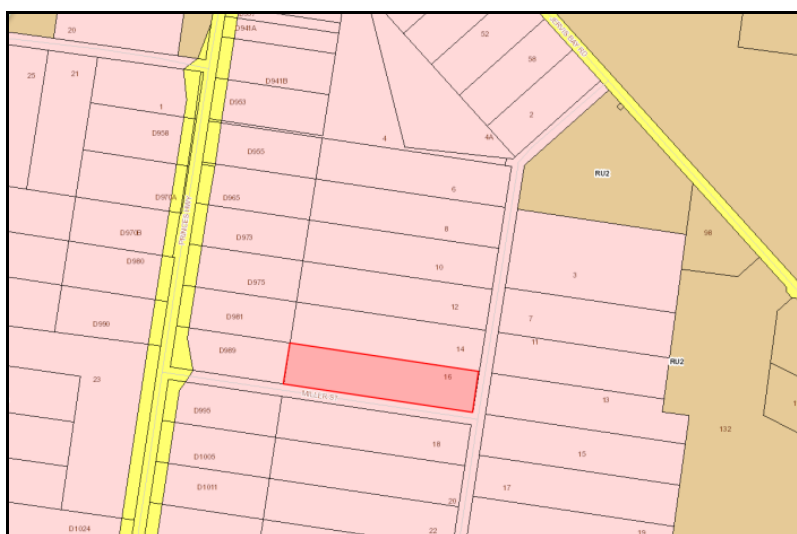
Requested Change	Comment and Recommendation
<p>Lot 1 DP 1107453 East Street Nowra (Stocklands Nowra) be zoned B3 Commercial Core as per exhibited draft SLEP 2009.</p> <p>The NBSP shows the Stockland land as being within the Nowra CBD. The inclusion of the site within the commercial core of the CBD is consistent with the NBSP, South Coast Regional Strategy and the Nowra CBD Masterplan.</p>	<p>Following the 2011 exhibition Council resolved to reduce the B3 zone to the east of the Highway and zone the rear(undeveloped portion) B4 giving greater flexibility to the site and keeping with the surrounding lands.</p> <p>Note: Stocklands received Development consent in 2008 for a New Retail Shopping Centre over this land. Their submission to the CBD Master Plan process outlined a request to ensure that the B3 Zone extends to the east of the Princes Highway; however they did not make a submission to the draft LEP 2009.</p> <p>The reduction of the B3 Commercial Core zone in Nowra was consistent with the outcomes of the more recent Nowra CBD Masterplan work.</p> <p>The CBD Masterplan showed the possible land use zone for the whole of the Stockland Nowra site as “mixed use”. It was however considered reasonable to retain the B3 Commercial Core Zone over the existing shopping centre. The currently vacant land at the rear was changed to B4 Mixed Use in accordance with the following</p> <p>Council resolved at extraordinary 13 June 2012 to</p> <p>a) Revise the draft zones for the Nowra CBD to reduce the Commercial Core zone and replace with the B4 Mixed Use zone consistent with the CBD Master</p>

	<p>Plan;</p> <p>b) Advise affected landowners of this change as part of the re-exhibition process.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>
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Request No.15

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
15 D13/119625 Allen Price & Associates for R & F Barca	Lot 51 DP 15507, 16 Gardner Road Falls Creek	Rural 1(c2) Residential Deferred Amendment No. 127	R5 Large Lot Residential	R5 Large Lot Residential

Exhibited Draft LEP Zoning



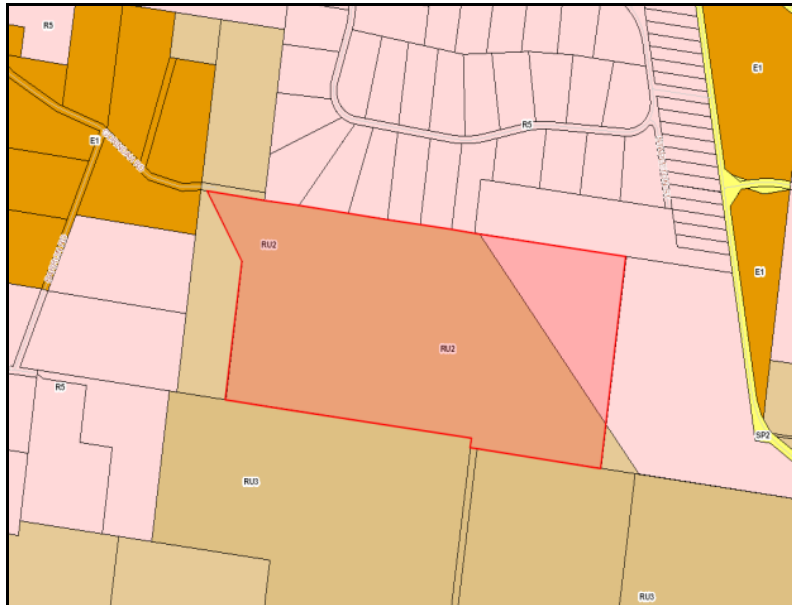
Requested Change	Comment and Recommendation
<p>Request: Include in Schedule 1 to allow creation of an allotment for the purpose of a childcare centre, with the residue lot containing the existing house.</p> <p>Lot contains an approved child care centre and a dwelling house and the owners would like to be able to sell the child care centre and remain in their house.</p>	<p>The approved child care centre (DA06/1988) does not warrant additional subdivision of this lot. There is also a slight risk that the child care centre could be returned to a dwelling house (through development consent) in the future which would be outside the standard requirements for a minimum lot size of 2Ha.</p>

<p>The use of the land has already been approved for a dwelling and a child care centre, and the centre has operated without any issue or complaint. Given that both uses are approved, and exist on the site, the land is considered suitable for this subdivision.</p> <p>Suggested wording for clause</p> <ol style="list-style-type: none"> 1. This clause applies to land at 16 Gardner Road Falls Creek, being Lot 51 DP 15509. 2. Creation of an allotment of less than 2 hectares for the use of an approved child care centre. 3. Creation of an allotment of less than 2 hectares as a residue, containing the existing dwelling house. 4. No dwelling house would be permissible on the allotment created for the child care centre. 	<p>The justification in the submission is considered insufficient to support subdivision of this property and the proposed Schedule 1 clause is not considered appropriate in this location.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>
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Request No. 16

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
<p>16</p> <p>D13/109336</p> <p>PlanMarq Pty Ltd for Paul Glekas</p>	<p>Lot 2 DP 846470 80 Gorindah Road Falls Creek</p>	<p>Part Rural 1(d) General and part deferred Rural 1(a) and Rural 1(b) via Amendment No. 127.</p>	<p>R5 Large Lot Residential RU2 Rural Landscape</p>	<p>R5 Large Lot Residential RU2 Rural Landscape</p>

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Request: Increase in the amount of land zoned R5</p> <p>As per review of SLEP 1985, Draft SLEP 2013, the Jervis Bay Settlement Strategy (JBSS), and the Gateway Application titled to the Falls Creek Woollamia Deferred Rural Residential Planning Proposal has failed to identify why the zoning line on Lot 2 DP846470 lies in its current location.</p> <p>A site inspection was undertaken to review the vegetation onsite (refer to attached Eco Constraints Report D13/109336), and it is believed the onsite vegetation did not justify the zonings as prescribed by either the current or draft LEPs. States that the site lacks any mature tree species in the eastern portion evidencing historical logging activities, and that vegetation in this area is predominantly regrowth.</p> <p>There is a central fence line that delineates both a change in vegetation and a change in gradient along the proposed change to the zoning boundary line.</p> <p>Vehicular access to the site would remain unchanged, and that the land has no value</p>	<p>The R5 portion of this site is currently being investigated through the Planning Proposal - Falls Creek/Woollamia Deferred Areas (rezoning). Council has received Gateway approval (subject to a number of conditions) for this Planning Proposal and it is hoped that this will be finalised by late 2014.</p> <p>The Woollamia/Falls Creek deferred area (outlined in the map extract from JBSS below) was identified in the Jervis Bay Settlement Strategy (JBSS) which was endorsed by the NSW Government in 2003. The exhibited zone line is consistent with the habitat corridor identified in the Jervis Bay Regional Environmental Plan (REP).</p> <p>The R5 zone in this location is mapped with a minimum lot size of 2ha consistent with adjoining zones.</p>

for agricultural uses in its current state.

Understands that sufficient services are available to the site as identified by the JBSS.

Proposed realignment of the boundary will enable the creation of regular shaped allotments should any future subdivision be proposed.

Detail Map 10B - Woollamia/Falls Creek Rural Residential Deferred Areas



The area requested to be rezoned from RU2 to R5 is an identified habitat corridor Jervis Bay REP and is mapped as 'conservation area' in the JBSS. As such this request should not be supported. The ecological constraints report attached to the submission was based on a limited analysis of the site. It is highly unlikely that DP&I would support amending the JBSS investigation area boundaries.

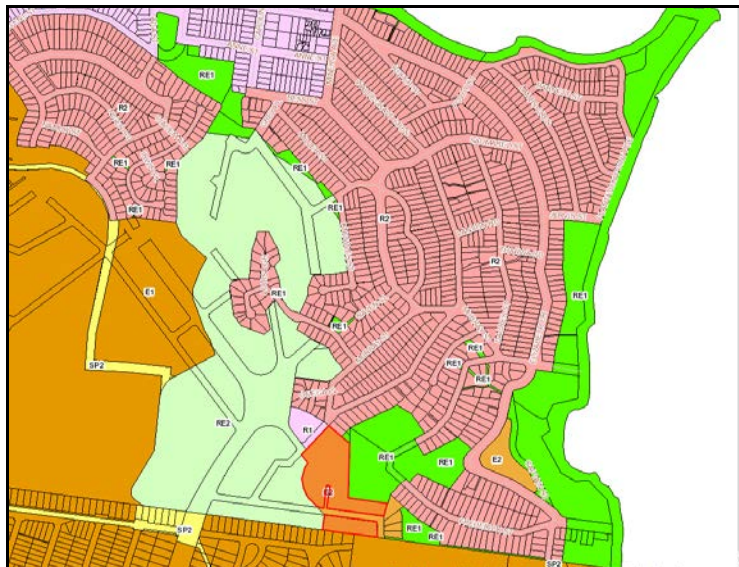
Recommendation

Not supported , retain existing exhibited controls and receive for information

Request No.17

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
17 D13/123197 Daniel McNamara Planning Solutions for Vincentia Golf Club	Lot 553 DP 1069250 Lively Street Vincentia	Environment Protection 7(d2) (Special Scenic)	E2 Environmental Conservation	E2 Environmental Conservation

Exhibited Draft LEP Zoning



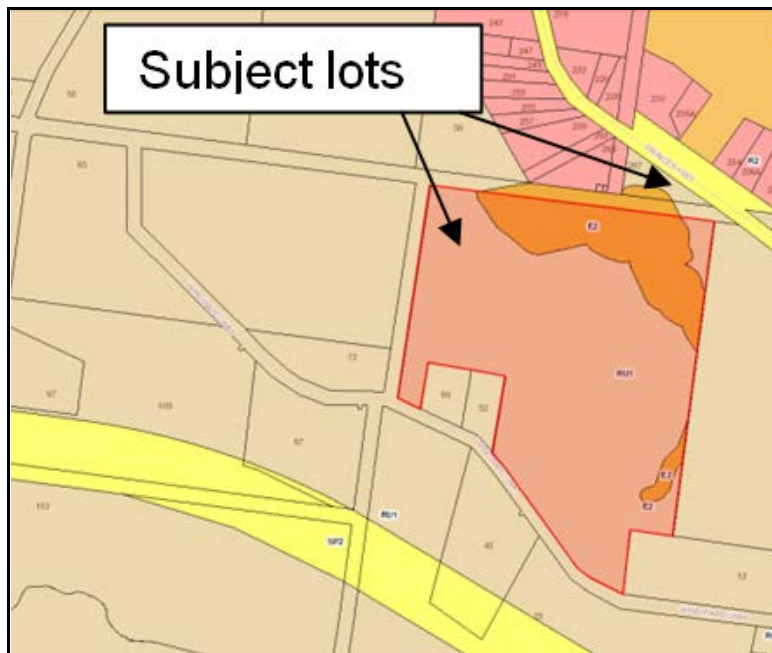
Requested Change	Comment and Recommendation
<p>Zone RE2 Private Recreation, not E2 Environmental Conservation</p> <p>The subject land is contiguous with the Vincentia Golf Club land.</p> <p>Previously requested rezoning in 2006 and were advised that as the land was only recently zoned Environment Protection 7(d2) that it would be difficult to justify a further amendment so soon after this process. Believe that now is the appropriate time.</p> <p>The timelines of this request is consistent with the Council’s published Fact Sheet 3:</p>	<p>This submission is considered insufficient to support a change from the current LEP 1985 (Environment Protection 7(d2) (Special Scenic)) and draft SLEP 2013 E2 Environmental Conservation zone. The Shoalhaven LEP 1985 was amended to add the current 7(d2) zone on 6 February 2004 via Amendment No. 205.</p> <p>The plan aims of this LEP amendment include:</p> <p>a) <i>To provide for the proper management of wetlands and lands of high scenic quality, and</i></p> <p>b) <i>To provide for the social amenity of the Vincentia district.</i></p>

<p>Ground Rules and Best Fit Transfer considered an administrative change owing to the new tenure of the land and its connectivity with the existing Vincentia Golf Club.</p> <p>The proposed change could also be considered 'a minor rezoning matter.</p> <p>Bushfire investigations have recently been undertaken on Vincentia Golf Clubland (by Bushfire Safety Solutions), and it is understood that there are constraints associated with any future development of Lot 553 DP 1069250,</p> <p>Flora and fauna management has been ongoing upon the golf course as part of its redevelopment to improve facilities and to extend the course (reports prepared by Gaia Research Pty Ltd and others.</p> <p>The propositioned RE2 – Private Recreation Zone will permit activity associated with its use by the Vincentia Golf Club, its owner, as ancillary to the principal purpose of the Vincentia Golf Club as a recreation facility (outdoor).</p>	<p>This proposal is therefore considered without merit.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>
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Request No. 18

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
<p>18</p> <p>D13/110532</p> <p>Mecone Pty Limited for land owner Charlie Blizzard</p>	<p>Lot 1 DP 780801 & Lot 1 DP 737576 Windward Way, Milton</p>	<p>Rural 1(a) (Agricultural Production),</p> <p>Environmental Protection 7(a) (Ecology) and</p> <p>Scenic Preservation Area</p>	<p>RU1 Primary Production</p>	<p>RU1 Primary Production</p> <p>E2 Environmental Conservation</p>

Exhibited Draft LEP Zoning



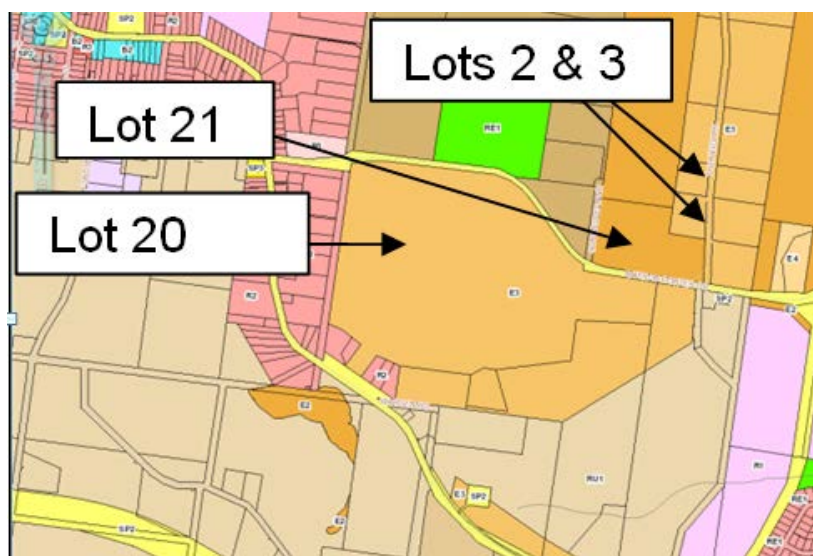
Requested Change	Comment and Recommendation
<p>Lot 1 DP 780801 & Lot 1 DP 737576 Windward Way, Milton be rezoned to R5 Large Lot residential via a planning proposal in the future and Clause 4.2B be revised to allow lot averaging (lots from 5000m² to 1ha).</p> <p>Due to sites location along key strategic corridors and adjoining residential uses, it offers an opportunity to accommodate additional population and housing. Would compliment any seniors housing on the site. R5 zoning would be more appropriate to allow for larger lot sizes.</p> <p>As such it is not appropriate to reconsider the rural residential zoning of this and surrounding areas. Clause 4.2B only applies to certain land zoned RU4, R5 or E4. Therefore both parts of this proposal to rezone the land to R5 and apply Clause 4.2B are without merit.</p>	<p>The existing specific ability under the existing LEP to pursue seniors housing and/or subdivision into 3 lots has been carried over. The subject land is included in Schedule 1 – Additional Permitted Uses in the exhibited draft SLEP 2013 to permit ‘seniors housing’. This allowance clause is currently included in Shoalhaven LEP 1985 and was only recently included via Amendment No. 236. The draft LEP was exhibited in February/March 2009 with a proposed change from Rural 1(b) to Residential 2(a3) with a minimum lot size of 4000m², primarily for detached housing. The draft Plan also included an objective to ensure the primary use of the land is for seniors housing, and removes the scenic preservation hatching affecting the subject land.</p> <p>In response to concerns raised during the public exhibition of this proposal in 2009, Council subsequently resolved not to rezone the land and apply an allowance clause to only permit ‘seniors housing’ if the consent authority is satisfied that infrastructure and traffic requirements have been met.</p> <p>In accordance with the South Coast Regional Strategy any additional rural residential subdivision must be supported by an endorsed strategy or structure plan. This proposal is not included in the Milton-Ulladulla Structure Plan. Furthermore any</p>

	<p>rural residential rezoning that were proposed as amendments following the exhibition of draft SLEP 2009 was not endorsed by DP&I.</p> <p>Council has on two previous occasions considered a rural residential zoning for the subject land. On both occasions and in response to community concerned the loss of the rural break between Milton and Ulladulla, more specific provisions eventuated, with the rural zoning being retained. As such it is not appropriate to reconsider the rural residential zoning of this and surrounding areas. This proposal is therefore considered sufficient justification.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>
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Request No. 19

Submission	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
19 D13/118862 Rygate and West for The Heights Milton	Lot 20 and 21 DP 1174684 , Lot 2 DP 232984 and Lot 3 DP 232984 The Heights Milton	Environment Protection 7(d1) (Scenic) Environment Protection 7(d2)(Special Scenic)	E3 Environmental Management Part Lot 20- E2 Environmental Conservation	E3 Environmental Management Part Lot 20- E2 Environmental Conservation

Exhibited Draft LEP Zoning

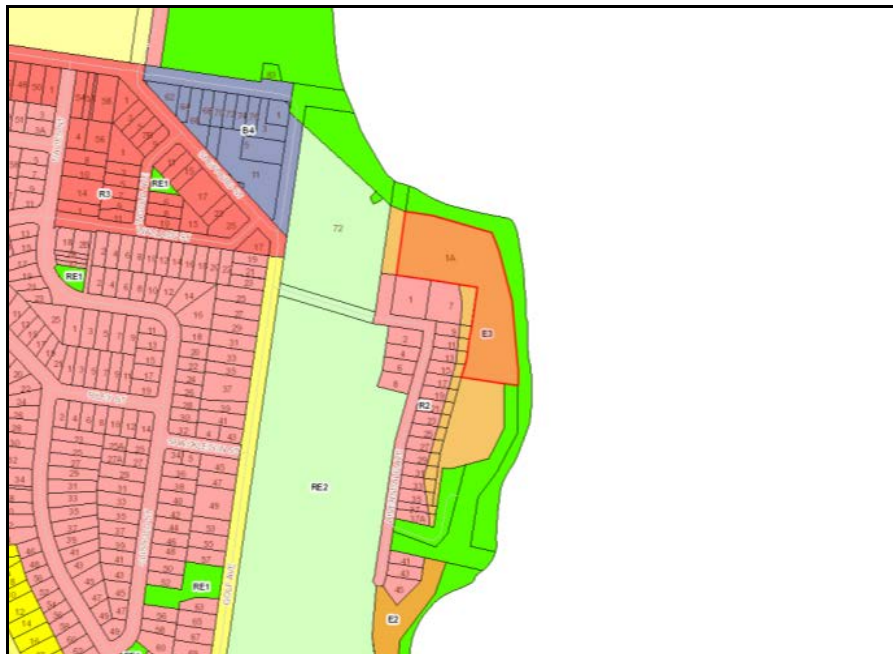


Requested Change	Comment and Recommendation
<p>Lot 20 be zoned E3 Environmental Management</p> <p>The 40ha minimum lot size minimum be removed and the following amendments be made to the lot size overlay to enable low impact residential development:</p> <p>a) Lot 20 DP 1174684 10ha minimum lot size. The site has ample access points and would allow for 4 residences on 10ha lots without a detrimental effect to scenic quality of the land.</p> <p>b) Lot 21 DP 1174684 west of "The Heights" road and having frontage to Sungrove Lane with a minimum lot size of 5ha.</p> <p>c) Lot 21 DP 1174684 east of "The Heights" road and containing the existing dwelling with a 1.5ha minimum size.</p> <p>d) Lot 2 DP 232984 with a 1ha minimum which would allow subdivision of the lot into 2 lots as currently split by 'The Heights' road.</p> <p>e) Lot 3 DP 232984 with a 0.8ha minimum which would allow subdivision of the lot into 2 lots as currently split by 'The Heights' road.</p> <p>Lot 20 does not contain the attributes associated with E2 zone as set out in the Department of Planning's practice note this is Areas with high ecological, scientific, cultural or aesthetic value. The practice note states "... Areas where a broader range of uses is required may be more appropriately zoned E3".</p> <p>Should Council not to adopt the above provisions then as a minimum, a dwelling house should be made permissible on Lot 3 DP 232984.</p>	<p>Council considered a similar request during the 2011 exhibition and resolved (in part):</p> <p>a) <i>Not support the request and retain the existing proposed zone/minimum lot size given the limited justification and inconsistency with existing strategic planning provisions.</i></p> <p>The majority of the sites are already zoned E3 Environmental Management and part E2 Environmental Conservation in accordance with the "best fit" transfer on which the LEP is based.</p> <p>This request for the minimum lot size change is essentially seeking to facilitate rural residential development. In accordance with the South Coast Regional Strategy any additional rural residential subdivision must be supported by an endorsed strategy or structure plan. The proposal is inconsistent with both the Milton-Ulladulla Structure Plan and the Rural Plan LEP Amendments and as such should not be supported. It is noted that any rural residential rezoning that was proposed following the exhibition of draft SLEP 2009 was not endorsed by DP&I.</p> <p>This proposal is therefore considered without sufficient justification.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>

Request No. 20

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
20 D13/110936 BBC Consulting Planners for Dr Hugh Taylor	Lot A DP 160818, No. 1A Riversdale Avenue Mollymook	Environment Protection 7(f1) (Coastal)	E3 Environmental management	E3 Environmental management

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Rezone part of site part R2 Low Density Residential.</p> <p>Partial zoning will permit the creation of a 1500m2 residential lot (with frontage to Riversdale Ave).</p> <p>A DA for a 35 lot caravan park was submitted in 2011 (RA11/1004) and was rejected by Council. The DA for a caravan park may be resubmitted with a reduction in site numbers to reduce associated impacts.</p>	<p>Council considered a similar request during the 2011 exhibition and resolved:</p> <p><i>that in regard to Lot A DP 160818 1A Riversdale Avenue, Mollymook Council support the request and retain the E3 zoning over the property and the minimum Lot size map be revised to provide ability for an additional Lot.</i></p> <p>The change to the minimum lot size however was not supported by DP&I in the conditional Section 65 Certificate and the minimum lot size was exhibited as 40HA accordingly.</p>

The zoning has a 40 hectare minimum subdivision size which will deny the property owner the ability to seek approval for an additional lot (contrary to the resolution of Council made in March 2012).

Draft LEP is intended to be a "roll-over" of existing planning controls into the standard template not to introduce new prohibitions (which the owners believe has occurred for the subject site).

States that Council should not be further restricting the development potential of the site by prohibiting uses which are presently permissible (i.e. Caravan parks) unless there is also some compensatory measure which better results in a fair and reasonable outcome (potential to create an additional lot, as agreed by Council in March 2012).

No justification for the E3 zoning and no environmental studies have been undertaken on the site - no explanation for the sensitive area - significant vegetation.

Submission includes boundaries of suggested new lot and minutes of Council meeting 22 March 2012.

Request that the issues raised in the submission be the subject of a public hearing pursuant to Section 57(5) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This site has been the subject of a number of rezoning considerations in recent years that have not been progressed or supported. The DP&I have previously been involved in this site and have been unsupportive of rezoning. Advice from DP&I also indicates that they are separately considering the property acquisition with the landowner. The proposal is inconsistent with the "best fit" transfer and is not supported by a Strategy.

Pursuant to Section 57(5)(b) of the EP&A Act, Council does not consider the issues raised in this submission to be of such significance that they warrant a public hearing given that this is a rezoning request that relates to one parcel of land and has the potential to benefit only one landowner. No other public hearing requests have been received regarding the subject property.

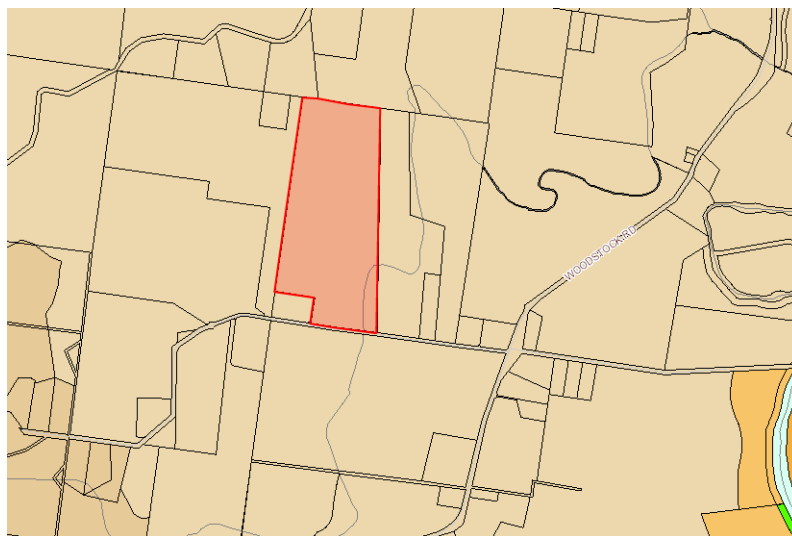
Recommendation

- a) Receive for information and retain the existing proposed zone/minimum lot size; and,
- b) Decline to hold the requested public hearing regarding Lot A DP 160818 1A Riversdale Avenue, Mollymook due to the minor significance of this matter.
- c) Any further consideration be by way of a separate Planning Proposal

Request No. 21

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
21 D13/113788 Barry Halling	Lot 60 DP 714909 78 Evans Lane Woodstock	Rural 1(a) (Agricultural Production) Part land of ecological sensitivity	RU1 Primary Production	RU1 Primary Production

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>RU4 Rural Small Holdings</p> <p>Property is 38ha, and is too small for a working farm. Want to subdivide off 2-3 large portions. Surrounded by smaller acreages. Natural Expansion of Milton High demand for smaller hobby farm allotments in the area. Consider this to be a change of a minor nature and has merit</p>	<p>The South Coast Regional Strategy states that no new rural residential zones will be supported unless part of an agreed structure plan or settlement strategy. The S65 certificate received from the DP&I also clearly stated that rural residential rezoning will not be supported unless strategic justification (through studies etc).</p> <p>This is a residential rezoning which is not supported by an existing strategy or structure plan. DP&I would not support this proposal and it would set a significant precedent. It is therefore considered without sufficient justification _</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>

Request No. 22

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
22 D13/62723 Turnbull Planning International Pty Limited for John Babington	Lot 1 and 2 DP 21597 116-118 St Vincent Street Ulladulla	Business 3(b) Transitional	B5 Business Development	B5 Business Development

Exhibited Draft LEP Zoning



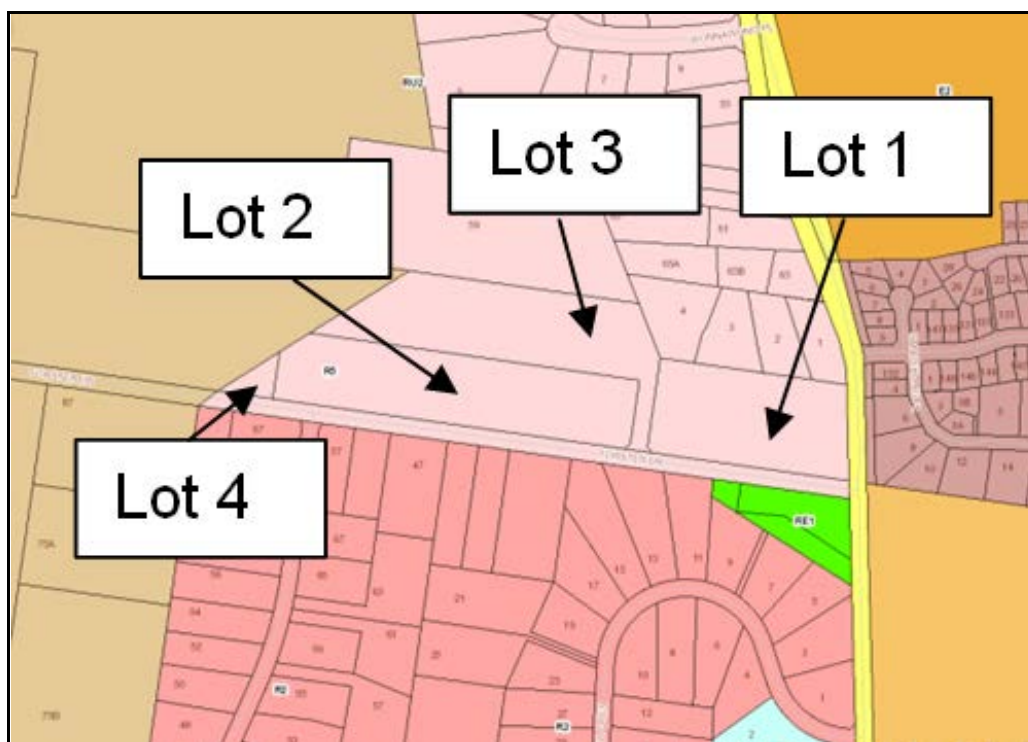
Requested Change	Comment and Recommendation
<p>Request: Rezone to B4 Mixed Use & Increase Height of Buildings</p> <p>Proposed B5 zone allows for warehouse and bulky goods retail uses that require large floor areas. The property is far too small to be able to accommodate this form of development and is therefore inconsistent with the zone objectives.</p> <p>The proposed zone restricts development potential, such that there are certain to be land use incompatibilities, given that an interblock zone boundary would be maintained and also that the land is surrounded by property where residential land use will be encouraged.</p>	<p>Council considered a similar request during the 2011 exhibition and Council resolved:</p> <p><i>RECOMMENDATION NO. 50</i> <i>That in regard to Lots 1 & 2 DP 21597 116 & 118 St Vincent Street Ulladulla, Council not support the request and retain the existing proposed B5 zone consistent with the Milton Ulladulla Structure Plan and the "ground rules".</i></p> <p>The B4 zone permits some residential uses such as multi dwelling housing, seniors housing and serviced apartments however prohibits bulky goods premises and industrial retail outlets amongst other</p>

<p>The location of the subject land, a relatively small parcel in the midst of an area where intense residential development is proposed to occur, represents poor planning and likely unsatisfactory development outcomes.</p> <p>The entire block should be zoned B4 with the logical zone boundary being Deering and St Vincent Streets. There is already an abundance of B5 zoned land in the area and rezoning this small area would not result in a shortfall of available B5 land.</p> <p>B4 zone would maximise the flexibility on the land and protect the amenity of surrounding residential land users.</p> <p>Potential to reduce future land use conflicts</p> <p>More logical stepping in scale that would occur.</p> <p>The B4 zone will have a positive economic impact on the area and will have no impact on the community, traffic or visual amenity.</p> <p>Increase 7.5m height of building limit justification:</p> <p>The 7.5m height limit is counter intuitive when compared to the permissible density and height for the B4 zone. It will also cause issues in the provision of 'big box retail' (encouraged in B5) on the land.</p>	<p>uses. The size of the land has limited bearing on the proposed zoning, as in the future lot consolidation may occur to create a development parcel and appropriate certain land use. Neither the B4 or B5 zone permit the existing industrial use of the site. A steel fabrication business currently operates on the land and therefore the land could potentially be contaminated.</p> <p>The site and adjoining land were zoned Business 3(b) (Transitional) in 2003 as part of the recommendations made by the Milton Ulladulla Structure Plan. The site is also identified in Development Control Plan 56 – Ulladulla Town Centre and Harbour Review (recently amended on 21 March 2011) as Business Development Precinct and was mapped as 7.5 metres in the DCP. As such the proposed zone and height controls reflect a “best fit” transfer.</p> <p>Therefore this proposal is considered to have limited merit.</p> <p>If Council considers that this request has merit given circumstances of the case then the zoning of the adjacent similar lots may also need to be changed. This could trigger the need for re-exhibited given that adjacent owners did not comment and may be comfortable with the exhibited B5 zone.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>
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Request No. 23

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
23 D13/118861 Rygate & West for Vella	Lots 1, 2, 3 & 4 DP 730025 Forster Drive Bawley Point	Residential 2(c) Rural 1(d)	R5 for Lots 1, 2, 3 and Pt 4. Remaining part of Lot 4 RU2. Proposed Lot Size Min - 4000m2	R5 for Lots 1, 2, 3 and Pt 4. Remaining part of Lot 4 RU2. Proposed Lot Size Min - 4000m2

Exhibited Draft LEP Zoning



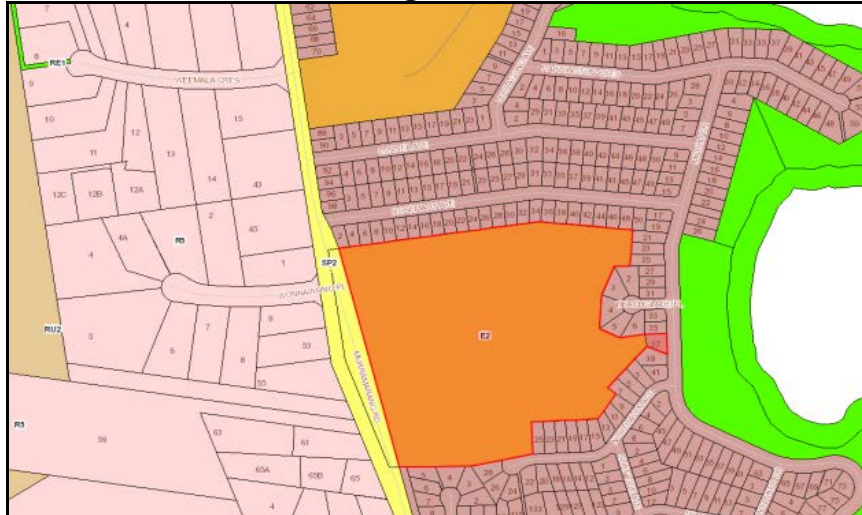
Requested Change	Comment and Recommendation
<p>Include Clause 4: Lot Averaging on R5 zone City wide.</p> <p>or</p> <p>Inclusion of Lots 1, 2, 3 & 4 DP 730025 Forster Drive Bawley Point in Schedule 1 to allow lot averaging provisions.</p> <p>The lot size map (4000m2) does not</p>	<p>Council considered this request during the 2011 exhibition and resolved:</p> <p><i>RECOMMENDATION NO. 87</i></p> <p><i>That in regard to Lots 1, 2, 3 & 4 DP 730025 Forster Dr, Bawley Point, Council:</i></p> <p>a) <i>Change the zoning of the small triangle of land in the south eastern corner of Lot 4 to R5 with a minimum lot size of 4000m2.</i></p> <p>b) <i>Retain existing proposed minimum lot size in R5 and RU2 zones as it is consistent with</i></p>

<p>reflect available lot size for the current 2(c) zone. Believes likely to be minimal development of the land and the 4 lots may be the ultimate yield with proposed 4000m² lot size min.</p> <p>Current applications with Council comprising of 25 lots & residue with lot sizes ranging from 2713m² to 4471m². Application yet to be determined and concerns regarding impact on EEC's, on-site effluent disposal and potential runoff to waterways / beach.</p> <p>Total area of 2(c) is 8.768ha capable of achieving 22 lots @ 4000m² (18 lots over what presently exists). If existing 4 lots is maximum possible outcome then a shortfall of 18 lots may occur which in context of a small village such as Bawley Point impacts on local economy & rate revenue.</p> <p>Believe the provision of lot averaging over the subject land in lieu of 4000m² lot size minimum will provide a significantly improved environmental outcome resulting in a potential yield from the land more in keeping with the expected potential of the zone.</p>	<p><i>SLEP 1985 and a change in zoning/ minimum lot size would be inconsistent with the established "ground rules".</i></p> <p>The various lots west of Murramarang Road were changed from Residential 2(c) with a 'Low Density' designation on the Shoalhaven LEP 1985 maps to R5 Large Lot Residential with a minimum lot size of 4000m² to reflect current large lot residential use.</p> <p>The justification in the submission is considered insufficient to support a change to the minimum lot size map or include lot averaging in this location. This proposal is therefore considered without sufficient justification.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p> <p>-</p>
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Request No.24

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
<p>24</p> <p>D13/101094</p> <p>Mike George Planning Pty Ltd for O'Connell & McElroy</p>	<p>Lot 270 DP 1101660 37 Malibu Drive Bawley Point</p>	<p>Residential 2(e) Environment Protection 7(a) (Wetlands)</p>	<p>Part RU5 Village Part E2 Environmental Conservation.</p>	<p>Part RU5 Village Part E2 Environmental Conservation.</p>

Exhibited Draft LEP Zoning



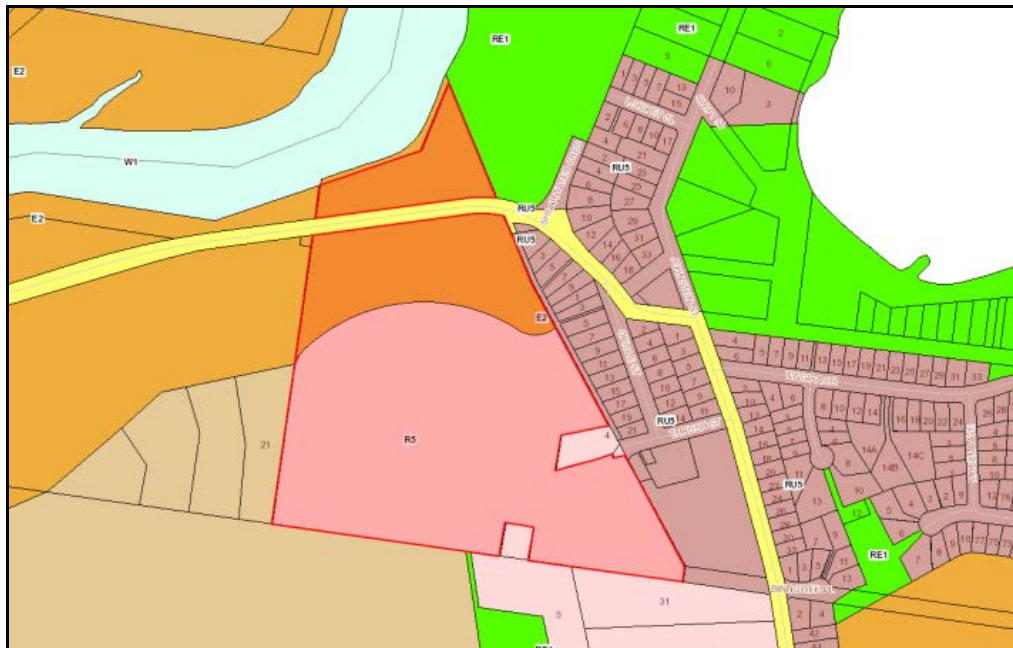
Requested Change	Comment and Recommendation
<p>E2 Environmental Conservation zone over the property become a “Deferred” Matter</p> <p>Contend that the land does not have any environmental attributes that warrant an E2 zoning.</p> <p>Notes there is a history and a series of issues associated with this land and discussions have been held with Council staff regarding the way forward where it was agreed that consideration would be given to a planning proposal.</p> <p>Intend to submit a planning proposal in the future and would be prepared to agree to a reasonable timetable to undertake the necessary studies to formalise the request for a planning proposal.</p>	<p>Council considered a similar request during the 2011 exhibition. The previous submission identified a mapping anomaly regarding the minimum lot size for that part of the land zoned RU5. Council resolved:</p> <p><i>RECOMMENDATION 21:</i></p> <p><i>That:</i></p> <p>a) <i>In regard to that part of Lot 270 DP 1001660 zoned RU5, the Minimum Lot Size overlay map be amended to 500m²; and</i></p> <p>b) <i>The submission regarding the E2 zoning of Lot 270 DP 100166, 37 Malibu Drive be received for information, and the E2 zone be retained, as exhibited in draft LEP 2009.</i></p> <p>The E2 zoning over the subject land is a ‘best-fit’ transfer from the current Environment Protection 7(a) (Ecology) zone in Shoalhaven LEP 1985. The property is heavily vegetated and approximately 50% of the south/east portion of the site is mapped as potential Endangered Ecological Communities (EEC).</p> <p>The E2 zoning should be retained at this time to ensure that this sensitive vegetation on this property is protected and it is not considered appropriate to ‘defer’ the zoning of this land at this point.</p> <p>This proposal is considered to have insufficient justification and it is recommended that the exhibited draft SLEP 2013 be retained. The owner has the ability to submit a justified planning proposal in the future to reconsider the zoning of this land. Amongst others, this proposal would need to address Section 117 Directions</p>

	<p>related to Environment Protection zones.</p> <p><u>Recommendation:</u> Not supported , retain existing exhibited controls and receive for information</p>
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Request No. 25

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
25 D13/118850 Rygate & West for	Lot 12 DP 806204 Thrush Street Bawley Point	Residential 2(c) Environment Protection 7(a) (Ecology)	R5 Large Lot Residential & E2 Environmental Conservation	R5 Large Lot Residential & E2 Environmental Conservation

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Apply Clause 4: Lot Averaging to the R5 zone</p> <p>The 4000m2 lot size provisions proposed are overly conservative and do not reflect the current available lot sizes in the 2(c) zone.</p>	<p>Council considered this request during the 2011 exhibition and resolved:</p> <p><i>RECOMMENDATION NO. 86</i> <i>That in regard to Lot 12 DP 806204 Thrush Street Bawley Point, Council not support the request and retain the existing proposed</i></p>

<p>Historically, lot sizes in subdivisions in the area have been governed by the ability to dispose of effluent onsite, not a strict area. Council have indicated that "pump outs" is now a viable option for effluent disposal which reduces the necessary size of the proposed lots as the effluent disposal fields are no longer required.</p> <p>Council has made a conscious decision to zone this land for urban expansion. If the lot size remains at 4000m2 then minimum development will occur on the parcel. This will have an impact on the local economy and Council's rate revenue.</p> <p>Recommends that Lot averaging would be appropriate for the site and would allow for clusters of housing in the unconstrained sections of the land.</p>	<p><i>zone/minimum lot size as it is consistent with SLEP 1985 and a change in zoning/ minimum lot size would be inconsistent with the established "ground rules".</i></p> <p>The various lots west of Murramarang Road were changed from Residential 2(c) with a 'Low Density' designation on the Shoalhaven LEP 1985 maps to R5 Large Lot Residential to reflect current large lot residential use. It is noted that there is currently an unresolved subdivision application over part of the land that seeks to create lots around 4000 m2 in size. The main issue with the application relates to the need for a formal request for pump out.</p> <p>The justification in the submission is considered insufficient to support a change to the minimum lot size. This proposal is therefore considered without sufficient justification.</p> <p><u>Recommendation</u> Not supported , retain existing exhibited controls and receive for information</p>
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Section 4.4. Recommendation

- a) ***That requests 1 to 24 of Section 4.4 are not supported, retain existing exhibited controls and receive for information.***
- b) ***Decline to hold the requested public hearing regarding Lot A DP 160818 1A Riversdale Avenue, Mollymook due to the minor significance of this matter.***

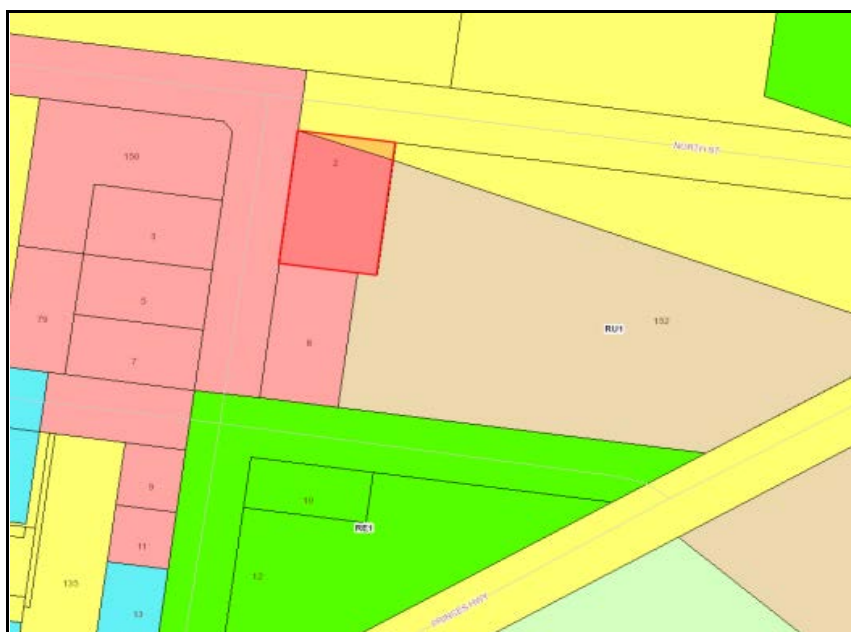
Issue 4.5: Requests for Zoning Change, Minimum Lot Size Change or Schedule 1 inclusions with merit and/or sufficient justification

A number of rezoning requests were received that have sound justification and could be investigated in the future following the completion of SLEP 2013. Council resolved following the initial exhibition period to include a number of issues and requests to a schedule of 'matters for consideration'. The requests that are considered to have merit can be included in this list and will be considered as future strategic planning projects and potential amendments to SLEP 2013.

Request A

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
A D13/109464 S.A McMullen	Lot 1 DP 550334 2 Prince Alfred Street Berry	Residential 2(a1) Special Uses 5(d) (Proposed Arterial roads Reservation)	R2 Low Density Residential SP2 Infrastructure	R2 Low Density Residential SP2 Infrastructure

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>The current 5(d) zoning be removed and the whole of Lot 1 DP 550334 2 Prince Alfred Street, Berry be zoned residential.</p> <p>The owner has been advised that the 5(d) zoned area is not required for the Berry Bypass by the RMS and is seeking written confirmation of this</p>	<p>A decision has been made on the location of the Berry bypass and the RMS in their submission has requested that the new bypass alignment be zoned SP2. However at this point in time the RMS has not advised Council that this road reservation zoning is no longer required. This matter could be considered as a separate future amendment to the adopted SLEP 2013 should advice be received that this land is no longer required for the Bypass, however if this advice is received in a timely manner it could be adjusted in the final LEP.</p> <p><u>Recommendation</u></p> <p>a) In finalising the draft LEP seek confirmation that this land and other similarly affected land at Berry is no longer required for the bypass and as such can be given the most appropriate existing or adjacent zone.</p>

	b) Should this confirmation not be received in a timely manner consider adjusting the SP2 zones at Berry via a Planning Proposal.
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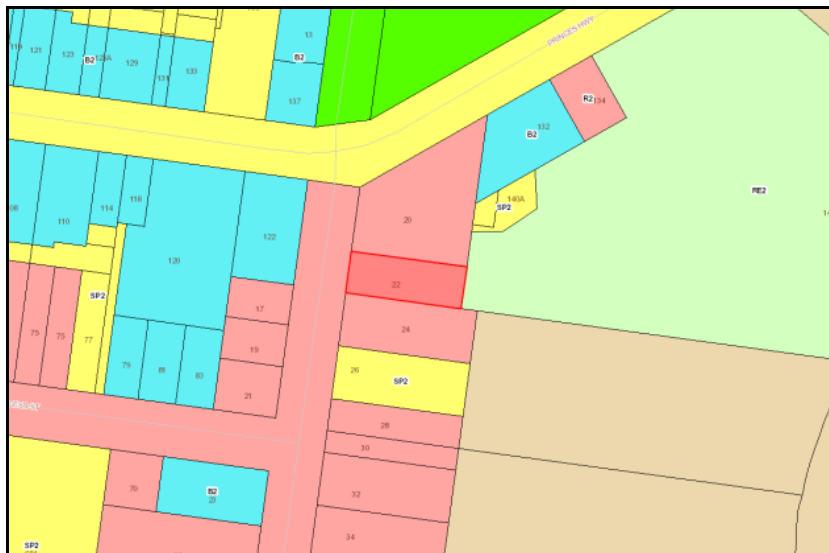
Recommendation 4.5.A

- a) *In finalising the draft LEP seek confirmation that this land and other similarly affected land at Berry is no longer required for the bypass and as such can be given the most appropriate existing or adjacent zone.*
- b) *Should this confirmation not be received in a timely manner consider adjusting the SP2 zones at Berry via a Planning Proposal.*

Request B

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
B D12/217015 Neil & Leilani Donovan – Berry Medical Centre	Lot 12 DP 816490 22 Prince Alfred St Berry	Residential 2(a1)	R2 Low Density Residential	R2 Low Density Residential

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Zone change from proposed R2 Low Density Residential to B2 Local Centre</p> <p>There is a need to continue servicing the population which is growing. Struggles to attract doctors to the area. Issues relating to parking and provision of infrastructure on the residentially zoned site. Requires an adequate facility to meet the needs of the community into the future and this cannot occur under the current zoning. Change in zone would reflect the current use for commercial purposes. Surrounding properties (Berry Smash Repairs, Berry Sourdough) have been granted B2 status and the opposite properties are B2. Enable the facility to provide for the current and ongoing medical needs of the Berry Community.</p>	<p>The subject site includes an approved professional consulting room development. As stated in the submission, the owner believes that their property have been limited by the residential zoning and it is noted that 'medical centres' are prohibited in the R2 zone, however 'health consulting rooms' are permissible in the R2 zone. This request is considered to have merit in line with the adopted draft LEP ground rules to recognise existing business uses where appropriate. However given that there is the potential for adjoining owners to be interested in this change it is difficult to make at this stage.</p> <p><u>Recommendation:</u> Include the request to amend the zoning of Lot 12 DP 816490 22 Prince Alfred St, Berry from R2 to B2 in the list of matters for consideration/review following finalisation of draft SLEP 2013.</p>

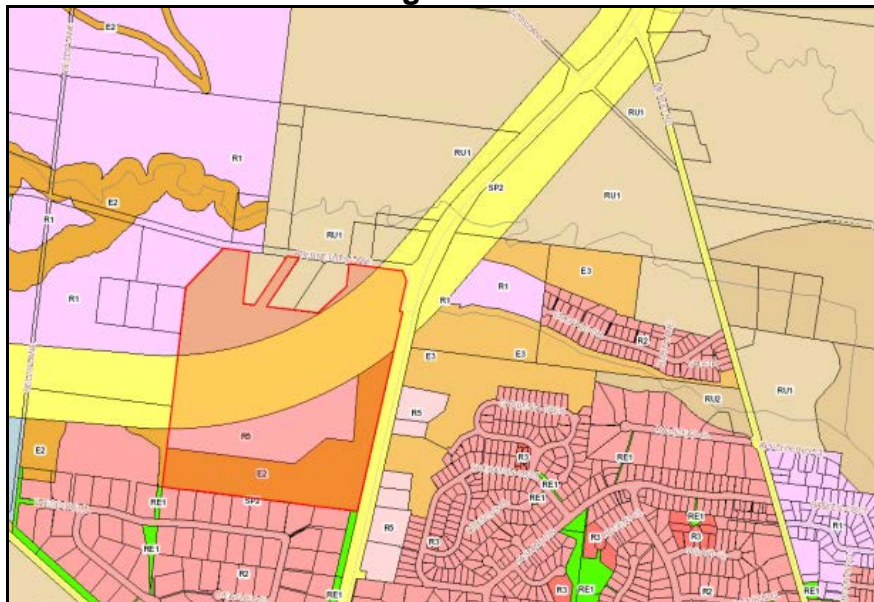
Recommendation 4.5.B

Include the request to amend the zoning of Lot 12 DP 816490 22 Prince Alfred St, Berry from R2 to B2 in the list of matters for consideration/review following finalisation of draft SLEP 2013.

Request No. C

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
C D13/112942 Allen, Price & Associates for RL & JR Reeve	Lot 2 DP 882059 Abernethys Lane Meroo Meadow	Rural 1(a) (Agricultural Production), Rural 1(b) (Arterial and Main Road Production), Environment Protection 7(d2) Special Scenic Zone	E2 Environmental Conservation, R5 Large Lot Residential, RU1 Primary Production and SP2 Infrastructure	E2 Environmental Conservation, R5 Large Lot Residential, RU1 Primary Production and SP2 Infrastructure

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Change the minimum lot size from 40ha to 2000m2 and move R5 zone from the southern side of the Western Bypass Corridor to the northern side</p> <p>Zone that part of the Lot 2 on southern side of proposed Western Bypass RU1 Primary Production.</p> <p>Remove E2 area along the Highway (Submission refers to E3 however it is</p>	<p>Council considered a similar request for this property during the 2011 exhibition. Council resolved:</p> <p><i>RECOMMENDATION NO. 83</i> <i>That in regard to Lot 2 DP 882059 Abernethy's Lane Meroo Meadow, Council not support the change as requested and retain the existing proposed zones as a change would be inconsistent with the Structure Plan and the established "ground</i></p>

assumed that the submission means E2 which is the actual zone)

The site is not readily accessible for subdivision due to SP2 and E2 zones and unlikely to gain access from the Princes Highway. Relocation provides access from Abernathy's Lane and lots could be available for housing within a short time of gazettal of the LEP. The added constraint of providing an asset protection zone limits the available building area in the current R5 location. Previous submission for proposed new R5 area to be R1 not previously supported.

While the area to the north has a greater area (6.4ha) than the southern area (5.6ha), the northern area is constrained by the zone configuration, cadastral boundaries and an easement for transition lines so is not likely to have a greater lot yield. Northern area has reduced potential asset protection zones necessary for development. This will ensure that acquisition of the land is undertaken in accordance with 5.1 of the draft LEP.

This is a direct transfer of the existing Rural 1(a) and Rural 1(b) zones. Permit the owners to continue to carry out their agri-business. There is no additional benefit to the public as there is limited scenic value of the land. The land is currently open pasture.

rules”.

Adjusting the zone boundaries as requested in the submission would be inconsistent with the Nowra Bomaderry Structure Plan, especially in relation to changing RU1 land to R1 or R5, where the Structure Plan shows a scenic protection area.

Further the inclusion of this parcel for rural residential in the Structure Plan was a last minute addition when the Plan was being adopted. There was no background work or justification at that time for the inclusion of this parcel in the Plan.

It is recognised that future development of the land may be difficult due to locational configuration of the R5 zoned area. As such moving development potential to the north adjacent to existing URA/concessional lots may have some merit but this should be considered through a separate planning proposal. As such, this request is not supported at this time.

A variation in the minimum lot size down to 2000m² is inconsistent with existing rural residential in the vicinity and is not supported.

The Structure Plan identifies need for scenic and conservation protections associated with the existing vegetation and landscape impacts when viewed from existing highway, particularly in relation to the entry to the urban area.

Recommendation

Receive for information and advise the landowners to submit a planning proposal to move the R5 zone located on Lot 2 DP 882059 Abernathys Lane, Meroo Meadow from the southern side of the Western Bypass Corridor to the northern side.

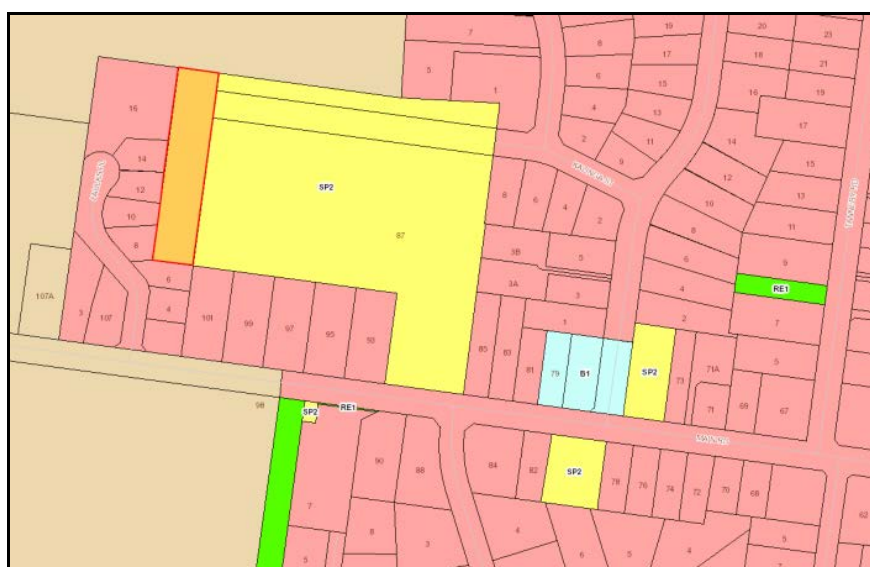
Recommendation 4.5.C

Receive for information and advise the landowners to submit a planning proposal to move the R5 zone located on Lot 2 DP 882059 Abernathys Lane, Meroo Meadow from the southern side of the Western Bypass Corridor to the northern side.

Request No. D

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
D D13/94936 Rob McLean & Kay Bowley	Lot 10 DP 859101 Main Road Cambewarra	Special Uses 5(a) School	SP2 Infrastructure (Educational Establishment)	SP2 Infrastructure (Educational Establishment)

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Lot 10 be rezoned residential to enable interested residents to purchase part of the land.</p> <p>Land was dedicated to Council for public purposes as a requirement of a Subdivision consent. It is operational land and is leased to Cambewarra Public School who currently use it as part of the playground.</p>	<p>The subject strip was zoned 5(a) as part of the rezoning that enabled the residential development located on Faulks Place. This rezoning was completed in 1995 and the strip was intended to provide an extension to the schools playing field. Given that the strip was dedicated as part of the subsequent subdivision application and has been leased by the Department of Education, this matter would require further investigation and possible negotiation with the school community. This submission is considered to have some merit but will need to be separately considered in the future.</p> <p><u>Recommendation:</u> Consider as a future planning proposal should the Department of Education have no interest in the land.</p>

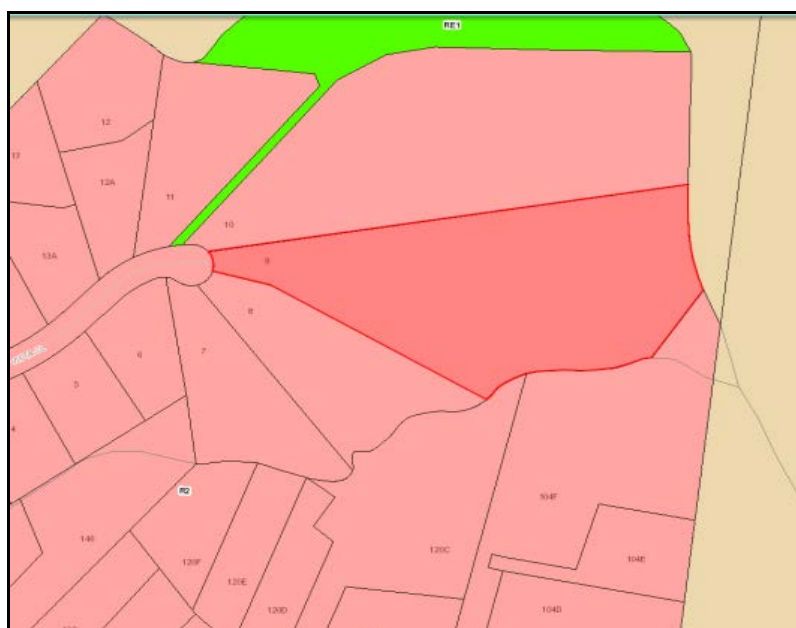
Recommendation 4.5.D

Consider any rezoning of Lot 10 DP 859101, Main Road, Cambewarra as a future planning proposal should the Department of Education have no interest in the land.

Request No. E

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
E D13/110776 RF & JA Thompson	Lot 20 DP 258913 9 Mt Vista Close Berry	Residential 2(a3) Rural 1(g) (Flood Liable)	R5 Large Lot Residential	R2 Low Density Residential

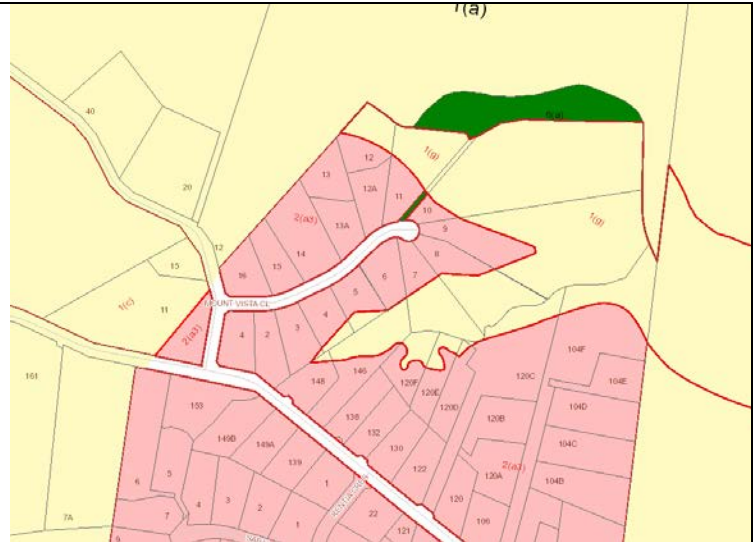
Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Lot 20 DP 258913 Mt Vista Close Berry retain dual zoning boundaries as per Shoalhaven LEP 1985 with R2 Low Density Residential and remaining land to be given a Rural zone (as per current Rural 1(g) Flood Liable zone in LEP 1985).</p> <p>Proposed R2 Area of Lot 20 DP 258913 Mt Vista Close</p>	<p>As there is no equivalent Standard Instrument zone for the current Rural 1(g) Flood Liable zone, most 1(g) areas were zoned RU1 and RU2 with the Flood Planning Area mapping and the associated clause (Clause 7.8) applied to these areas. The extract of LEP 1985 outlines the extent of the 1(g) zone in Mount Vista Close and surrounding areas. This issue appears to be a mapping oversight. The 'best fit' transfer for these properties would result in part R2 and part RU1/RU2 with the flood overlay.</p>

Berry be given an 8000m² lot size minimum on the Minimum Lot Size Map

Believe that this request is justified as land area is 2.899ha in size. Supports R2 zoning to replace 2(a3) zone. Due to 1(g) part of lot being affected by flooding owners believe a rural zoning to reflect its use as a horse stud (Mount Vista Stud) and occasional grazing would be more appropriate than a residential zone.



The most appropriate action to take at this stage is to revert the current 1(g) zoned land to RU1 Primary Production in accordance with the 'best fit' transfer. It is likely that this concern is shared by other landowners in Mount Vista Circuit and it is recommended that the current 1(g) zoned land in Mount Vista Close and surrounding areas be zoned RU1 Primary Production.

Recommendation:

Amend the zoning of part of the land currently zoned Rural 1(g) Flood Liable in LEP 1985 at Mount Vista Close, Berry from R2 Low Density Residential to RU1 Primary Production in accordance with the "best fit transfer" and include this change in the finalisation of draft SLEP 2013.

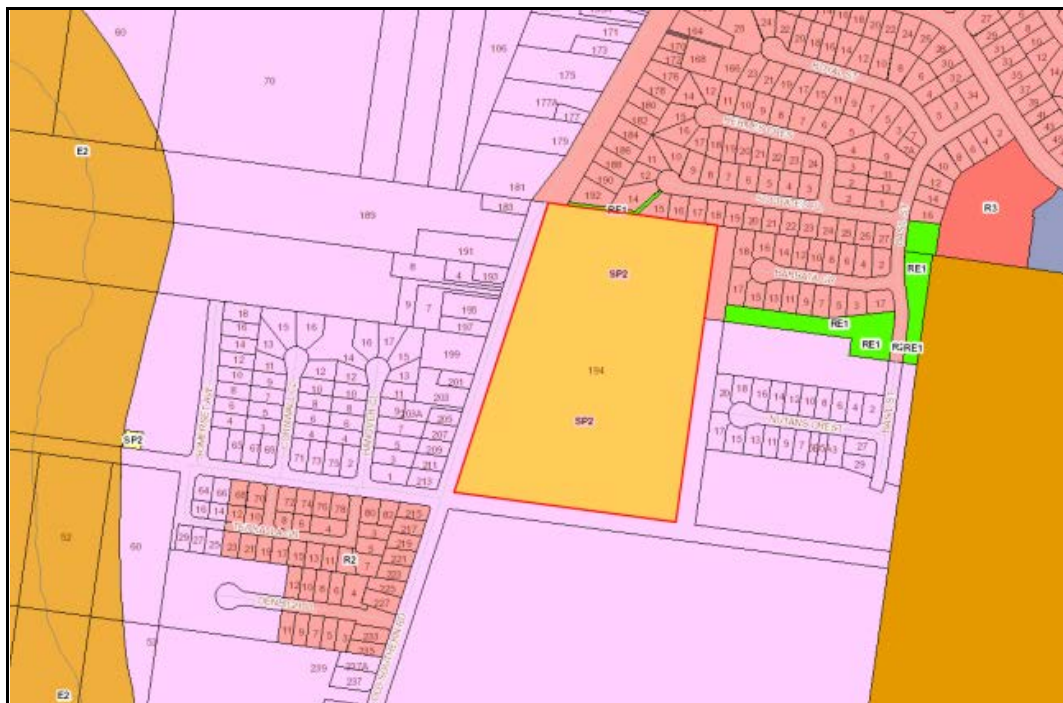
Recommendation 4.5.E

Amend the zoning of part of the land currently zoned Rural 1(g) Flood Liable in LEP 1985 at Mount Vista Close, Berry from R2 Low Density Residential to RU1 Primary Production in accordance with the "best fit transfer" and include this change in the finalisation of draft SLEP 2013.

Request No. F

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
F D13/107343 Nowra Baptist Church	Lot 241 DP755952 194 Old Southern Road South Nowra	Residential 2(c)	SP2 Educational Establishment	SP2 Infrastructure

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Zone residential</p> <p>The SP2 zone is unnecessarily restrictive and does not allow for possible future use of the land compatible with the surrounding zone. It is the approach of the Department of Planning and Infrastructure to provide for flexibility and adaptability of land used for infrastructure, and for that reason it has moved away from zoning all infrastructure as "special use". As such request R1 General Residential Zone.</p>	<p>The subject land is currently occupied by existing church facilities, including the Nowra Christian Community School. Thus for consistency with other similar schools it is proposed to be zoned SP2. It is acknowledged that it currently has a residential zoning and both schools and places of public worship would both be permissible under an R1 zone. As such the following options could be considered: retain SP2 as exhibited to ensure consistency, or change the zone to R1</p>

	<p><u>Options</u></p> <p>Option 1</p> <p>Retain SP2 zone for 194 Old Southern Rd as exhibited to ensure consistency</p> <p>Option 2</p> <p>Change the zone of 194 Old Southern Rd to R1</p> <p><u>Recommendation</u></p> <p>Adopt Option 1 or 2</p>
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Option 1

Retain SP2 zone for 194 Old Southern Rd as exhibited to ensure consistency

Option 2

Change the zone of 194 Old Southern Rd to R1 General Residential

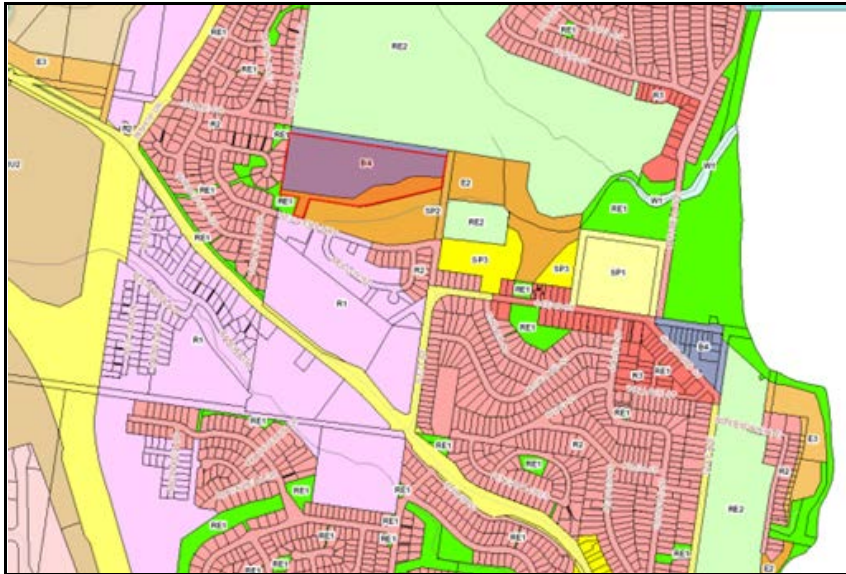
Recommendation 4.5.F

Adopt Option 1 or 2

Request No. G

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
G D13/114767 LCTP – Lee Carmichael Town Planning for Mollymook Golf Club	Lot 621 DP 804355 Maisie Williams Drive Mollymook (Golf Course situated directly north of subject land)	Part Business 3(g) (Development Area) Environmental Protection 7(a) (Ecology)	B4 Mixed Use E2 Environmental Conservation	B4 Mixed Use E2 Environmental Conservation

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Include the following in Schedule 1 of SLEP 2013:</p> <p><i>“Subdivision to allow for the creation standard residential lots with a minimum lot size of 500m² adjacent to and including the land forming Maisie Williams Drive and the future construction of dwelling houses upon such lots”.</i></p> <p>Or</p> <p>Lot 621 DP 804355 Maisie Williams Dr be zoned R1 Residential in its entirety</p> <p><i>The allowance Clause proposal is the owners preferred option of the land owner.</i></p>	<p>The Mollymook Golf Club previously requested several changes to draft SLEP 2009 exhibited in 2011. In relation to this request, Council resolved:</p> <p>RECOMMENDATION NO. 30 <i>That in regard to Lot 12 DP 1062928 & Lot 2 DP 1062604 72 Golf Ave & Lot 621 DP 804355 & Lot 1 DP 735980 Maisie Williams Drive, Mollymook, Council:</i></p> <ul style="list-style-type: none"> a) <i>Not support the request to change the zone and retain the existing proposed zone/minimum lot size to maintain consistency with the established “ground rules”;</i> b) <i>Not support the request to amend the zone as the proposed uses are not appropriate for the B4 zone citywide;</i> c) <i>Ensure that the final plan clarifies that “serviced apartments” are permissible in association with a licensed club.</i> <p>The B4 zoning of this part of the golf club holding is a best fit transfer from the 3(g) zone in LEP 1985. B4 is considered appropriate in this area and in the context of the adjacent golf course as it permits a broad range of uses including some tourist accommodation. The existing 3(g) zone was also identified or re-established through the</p>



Extract from submission – proposed use of subject land

In 2009, a development application was submitted to Council for the development of 350 residential apartments within a mix of 3 & 4 storey buildings spread over 8 building sites within the property boundaries. The development was approved in 2010

The R1 zone would allow for the proposed residential subdivision of part of the property and also allow for the approval of other forms of residential development including residential flat buildings and multi-dwelling housing at an appropriate density.

The balance of the land is proposed to be developed in accordance with the objectives of the B4 mixed use zone – most likely a range of higher density residential development.

Proposal will enable the club to create standard residential lots with frontage to Maisie Williams Drive to raise much needed funds for the Club and assist their financial positions given that the 2009 proposal has not been able to proceed at this stage due to the weak economic conditions.

Milton-Ulladulla LEP (Amendment No. 195) gazetted June 2003. It is noted that “serviced apartments” were exhibited as a permissible in the B4 zone in draft SLEP 2013. Additionally, Local Clause 7.21 was exhibited in draft SLEP 2013 which permits serviced apartments in association with a registered club.

Whilst the position of the club in this instance is noted, the request to rezone the land or add an allowance clause is not considered to have merit at this late stage in the LEP process; however the landowners may wish to submit a Planning Proposal with further detailed justification and studies for Council’s consideration in the future.

However should Council wish to support this request then a specific allowance should be considered.

Options

Option 1

Receive for information and suggest the submission of a planning proposal.

Option 2

Include an allowance in Schedule 1 of the draft ELP to enable standard residential lots in the vicinity of Maisie Williams Drive.

Recommendation

Adopt Option 1 or 2

Options

Option 1

Receive the submission on Lot 621 DP 804355, Maisie Williams Drive, Mollymook for information and suggest the submission of a planning proposal.

Option 2

Include an allowance for Lot 621 DP 804355, Maisie Williams Drive, Mollymook in Schedule 1 of the draft LEP to enable standard residential lots in the vicinity of Maisie Williams Drive.

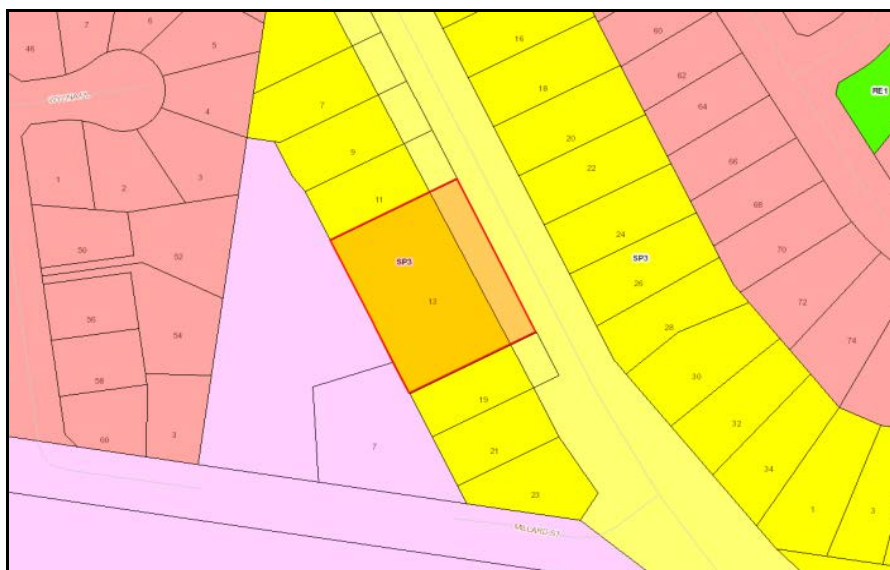
Recommendation 4.5.G


Adopt Option 1 or 2

Request No. H

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
H D13/110538 Adrian Jones Colonial Palms Hotel Ulladulla	Lot 2 DP1064296 13 Princes Highway Ulladulla	Residential 2(d)	SP3 Tourist	SP3 Tourist

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Zoned Residential</p> <p>Surrounding residential area make it undesirable for tourists. Due to distance from tourist attractions, location of motel is not attracting visitors and believe residential zoning would be more beneficial.</p>	<p>This request was considered following the 2011 exhibition. Council resolved the following:</p> <p><i>RECOMMENDATION NO. 17</i> <i>That in regard to Lot 2 DP 1064296 13 Princes Hwy Ulladulla, Council not support the request, retain the existing proposed SP3 zoning and request that the RMS (formerly RTA) advise if they still require the SP2 portion of the site.</i></p> <p>The RMS subsequently advised that they still require the SP2 zone and the required land was subsequently exhibited on the Land Reservation Acquisition Overlay marked “arterial road widening”. The marking should state “Classified Road” instead of “arterial road widening” as the relevant authority is the Roads and Traffic Authority (now Roads and Maritime Services). This will ensure that Clause 5.1 of draft SLEP 2013 applies to part of the land.</p>  <p>The subject land contains an existing motel. The proposed zones reflect the existing LEP zones that were established through Amendment No. 195 to LEP 1985 (Milton -Ulladulla Structure Plan) that was gazetted 13 June 2003. This amendment sought to retain and protect existing tourist zones. There is limited justification at this point for the requested zoning change.</p> <p><u>Recommendation:</u></p> <ol style="list-style-type: none"> Not support the request to rezone Lot 2 DP 106429, 13 Princes Highway Ulladulla; and, Amend the Land Reservation Acquisition overlay to read “classified road” over the properties Lot 1, 2 & 4 DP 25615, Lot 11 DP 1063231 and Lot 1 & 2 DP 1064296, Princes Highway, Ulladulla.

Recommendation 4.5.H:

- a) **Not support the request to rezone Lot 2 DP 1064296, 13 Princes Highway Ulladulla; and,**
- b) **Amend the Land Reservation Acquisition overlay to read “classified road” over the properties Lot 1, 2 & 4 DP 25615, Lot 11 DP 1063231 and Lot 1 & 2 DP 1064296, Princes Highway, Ulladulla.**

Request No. I

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
I D13/111479 Jacky Howarth & Paul Reents	Lot B DP 160887 51 Wason Street Milton	Residential 2(c)	R2 Low Density Residential	R2 Low Density Residential

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Rezoned from R2 Low Density Residential to B2 Local Centre.</p> <p>Subject site is adjacent to a Council car park and is in close proximity to business zones</p> <p>May open up the opportunity to restructure/ redesign the southern boundary of the car park, which could increase parking spaces and improve traffic flow.</p> <p>site surrounded on all sides by businesses & community uses, the western, northern and eastern sides of carpark</p>	<p>Council considered a similar request during the 2011 exhibition and resolved:</p> <p><i>RECOMMENDATION NO. 34 RESOLVED on a MOTION of Clr Findley, seconded Clr Soames, that in regard to Lot B DP 160887 51 Wason St Milton, Council not support the request, retain the existing proposed zone and reconsider it as a separate</i></p>

<p>mentioned above will be zoned B2 in SLEP 2013 the only commercial loading zone in Milton is located adjacent to the property, 5 metres from the residence's front door and living room, inflicting high levels of noise and pollution to the tenants Milton CBD is naturally expanding on the southern side of the Princes Highway, and there is high demand for retail space in the area similar natural expansion of business in numerous towns in the Shoalhaven has occurred. Such as Nowra, Ulladulla and Berry the Milton DCP is proposing Activity Nodes which includes the subject property the property is understood to be included in the Milton Parking Contributions catchment the adjacent neighbours at 53 Wason St, Milton, support the application and they may wish to extend the B2 Commercial zoning similar rezoning requests (specifically the Berry Hotel on the Princes Hwy, Berry) have been granted support from Council and DP&I, and the zoning of this site was changed from 2(a1) to B2</p> <p>Note: also provides submission on Draft SLEP 2009, from October 2011)</p>	<p><i>proposal in the future following any review of the DCP.</i></p> <p>The Development Control Plan covering Milton CBD is currently being reviewed and is likely to be publicly exhibited in coming months.</p> <p>This request may have some merit and the existing resolved position is still appropriate.</p> <p><u>Recommendation:</u> Retain the exhibited zoning over Lot B DP 160887, 51 Wason Street Milton and consider the request to change the zoning from R2 to B2 as a separate proposal in the future following the review of the Milton DCP.</p>
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Recommendation 4.5.1

Retain the exhibited zoning over Lot B DP 160887, 51 Wason Street Milton and consider the request to change the zoning from R2 to B2 as a separate proposal in the future following the review of the Milton DCP.

Request No. J

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
<p>J</p> <p>D13/137568</p> <p>Andy van den Oever – Owner/operator of Palm Beach Caravan Park on adjoining land.</p>	<p>Lot 80 DP 16557 101 Ethel Street Sanctuary Point</p>	<p>Residential 2(a1)</p>	<p>R2 Low Density Residential</p>	<p>R2 Low Density Residential</p>

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Request: Zone SP3 Tourist, not R2 Low Density Residential</p> <p>one change would allow for the relocation of 5 approved powered sites which surround the main residence.</p> <p>If re-zoned, land could become part of the Caravan Park and would be used for the 5 relocated powered sites.</p> <p>At present, very few tourist's like the idea of setting up their vans outside the owners Lounge, Kitchen and Dining room windows.</p> <p>Would not increase the number of approved sites - would remain at 55 sites.</p>	<p>This proposal has some merit considering the purpose of the request is to relocate 5 sites that surround the main residence. The owner/operators of Palm Beach Caravan Park own the existing seven (7) lots zoned SP3 which form part of the Caravan Park.</p> <div data-bbox="794 1227 1189 1713" data-label="Image"> </div> <p><i>Extract of Community Map/Site Plan from landowner's submission</i></p> <p>This request would effectively permit an extension of the existing Caravan Park. Appropriate community consultation is warranted for such a proposal and it is recommended that the request be considered as a future Planning Proposal.</p>

	<p><u>Recommendation</u> Receive for information and advise the landowners to submit a future Planning Proposal to amend the zoning of Lot 80 DP 16557, 101 Ethel Street Sanctuary Point from R2 to SP3.</p>
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Recommendation 4.5.J

Receive for information and advise the landowners to submit a future Planning Proposal to amend the zoning of Lot 80 DP 16557, 101 Ethel Street Sanctuary Point from R2 to SP3.

Request No. K

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
K D13/108087 LCTP – Lee Carmichael Town Planning	Lot CP SP 85166 14 Goonawarra Drive Cudmirrah	Residential 2(d)	SP3 Tourist	SP3 Tourist

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>RU5 Village or B4 Mixed Use</p> <p>The site currently has a number of uses, including 5 tourist accommodation units, together with and associated parking, the local general store with manager's residence and service station</p> <p>Neighbourhood shops are prohibited in the SP3 zone, so the general store would be operating under existing use rights. A rezoning would allow Neighbourhood shops as permissible, without having to rely on existing use rights.</p> <p>Rezoning would allow the units to be converted to permanent residential dwellings.</p> <p>The construction of the tourist units was completed in 2011 and were placed on the market immediately for sale. To date, only 2 of the 5 units constructed have been sold (the first took 12 months to sell and the second took 2 years).</p>	<p>The property contains 5 tourist accommodation units (located on the ground level at the rear of the property) together with associated parking, a general store/fuel station and a manager's residence located above the general store.</p> <p>This proposal has some merit considering the existing general store and the service station on the site and Council's adopted 'ground rules' to recognise existing business uses where appropriate. The RE1 zone to the south is Council owned Swan Lake Tourist Park. The adjoining site to the west (12 Goonawarra Drive) is also zoned SP3 tourist however it contains an existing dwelling and a granny flat.</p> <p>The appropriate zoning for this site or part of the site could be considered as part of a future review of the draft LEP or the landowner may wish to submit a planning proposal. Alternatively given that it reflects an existing approved use Council could consider the zoning change now.</p> <p><u>Options</u></p> <p>Option 1</p> <p>Include the request to amend the zoning Lot CP SP 8516614 Goonawarra Dr, Cudmirrah from SP3 to a more appropriate zone in the list of matters for consideration/review following the finalisation of draft SLEP 2013.</p> <p>Option 2</p> <p>Amend the zoning of Lot CP SP 8516614 Goonawarra Dr, Cudmirrah from SP3 to B4 given the minor nature of this change that reflects the existing approved use.</p> <p><u>Recommendation</u></p> <p>Amend the zoning of Lot CP SP 8516614 Goonawarra Dr, Cudmirrah from SP3 to B4 given the minor nature of this change that reflects the existing approved use.</p>

Options

Option 1

Include the request to amend the zoning Lot CP SP 8516614 Goonawarra Dr, Cudmirrah from SP3 to a more appropriate zone in the list of matters for consideration/review following the finalisation of draft SLEP 2013.

Option 2

Amend the zoning of Lot CP SP 8516614 Goonawarra Dr, Cudmirrah from SP3 to B4 given the minor nature of this change that reflects the existing approved use.

Recommendation 4.5.K

Amend the zoning of Lot CP SP 85166, 14 Goonawarra Dr, Cudmirrah from SP3 to B4 given the minor nature of this change that reflects the existing approved use.

Request No. L

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
L D13/91142 LCTP – Lee Carmichael Town Planning for Mr & Mrs VanBaardwyk	Lot 2 DP 874126 2 The Basin Road St Georges Basin	Business 3(f) Village	B2 Local Centre	B2 Local Centre

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p data-bbox="220 309 687 409">R2 Low Density Residential consistent with adjoining land.</p> <p data-bbox="220 454 687 521">Approved Dual Occupancy development - DA11/2028.</p> <p data-bbox="220 566 687 779">The site is no longer suitable for commercial development. The 841m2 lot is not viable to develop commercially with required car parking, service areas etc.</p> <p data-bbox="220 824 687 925">Existing use rights legislation limits the conversion to a single dwelling house.</p>	<p data-bbox="715 275 1471 633">This proposal has some merit considering the approved dual occupancy development on site established through existing use rights legislation. The request to amend the zoning from B2 Local Centre to R2 Low Density Residential should be considered as part of a future review of the draft LEP or the landowner may wish to submit a future planning proposal. Alternatively given that it reflects an existing approved use Council could consider the zoning change now.</p> <p data-bbox="715 678 834 712"><u>Options</u></p> <p data-bbox="715 745 834 779">Option 1</p> <p data-bbox="715 824 1471 1003">Include the request to amend the zoning of Lot 2 DP 874126, 2 The Basin Road, St Georges Basin from B2 to R2 in the list of matters for consideration/review following finalisation of draft SLEP 2013;</p> <p data-bbox="715 1037 834 1070">Option 2</p> <p data-bbox="715 1115 1471 1261">Amend the zoning of Lot 2 DP 874126, 2 The Basin Road, St Georges Basin from B2 to R2 given the minor nature of this change that reflects the existing approved use.</p> <p data-bbox="715 1294 978 1328"><u>Recommendation</u></p> <p data-bbox="715 1373 1471 1507">Amend the zoning of Lot 2 DP 874126, 2 The Basin Road, St Georges Basin from B2 to R2 given the minor nature of this change that reflects the existing approved use</p>

Options

Option 1

Include the request to amend the zoning of Lot 2 DP 874126, 2 The Basin Road, St Georges Basin from B2 to R2 in the list of matters for consideration/review following finalisation of draft SLEP 2013;

Option 2

Amend the zoning of Lot 2 DP 874126, 2 The Basin Road, St Georges Basin from B2 to R2 given the minor nature of this change that reflects the existing approved use.

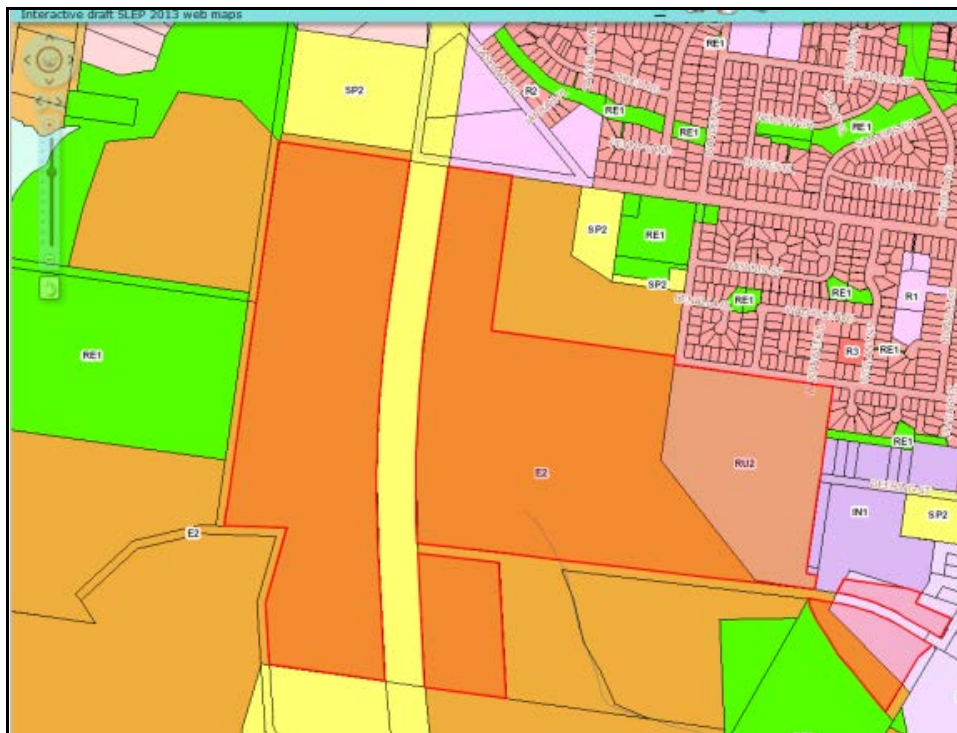
Recommendation 4.5.L

Amend the zoning of Lot 2 DP 874126, 2 The Basin Road, St Georges Basin from B2 to R2 given the minor nature of this change that reflects the existing approved use

Request No. M

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
M D13/80921 Submitter: Ulladulla Local Aboriginal Land Council	Lot 1 DP 1172613 Green Street Ulladulla	Part Rural 1(d) (General Rural), Part Industrial 4(b) (Light) Part Environment Protection 7(a) (Ecology) Part Land within a STP Buffer Area, Part Rural 1(d) deferred zoning	Part E2 Environmental Conservation, Part IN2 Light Industrial, Part RU2 Rural Landscape, Part SP2 Infrastructure	Part E2 Environmental Conservation, Part IN2 Light Industrial, Part RU2 Rural Landscape Part SP2 Infrastructure

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Proposed RU2 zone be changed to part Industrial and Part Residential</p> <p>Note: it is assumed this is the lot referred to based on the map provided as part of the submission.</p> <p>ULALC have previously had discussions with Council and DP&I representatives regarding the potential rezoning of part of this parcel of land.</p> <p>Believes the area of land zoned RU2 (approximately 14.2ha) would be better suited to be zoned part industrial and part residential, consistent with properties in the surrounding area.</p> <p>Council has been in contact with ULALC recently regarding a shortage of industrial land in Ulladulla, particularly in the vicinity of the CBD, and this parcel of land was overlooked for this purpose in the LEP process and zoned RU2.</p>	<p>Council considered this request during the 2011 exhibition. Council resolved:</p> <p><i>RECOMMENDATION 15:</i> <i>That the request to amend the zoning of Lot 392 DP 1120111, Green Street, Ulladulla be added to the matters for consideration following the completion of LEP 2009 and the submission of the required environmental study by the Ulladulla Local Aboriginal Land Council.</i></p> <p>Council previously resolved to investigate appropriate zones for the subject land in May 2002.</p> <p>The subject land (part of Lot 392 DP 1120111) is located at the western end of Deering Street and currently has a 'deferred' zoning under the Shoalhaven LEP 1985. This 'deferred' zoning arose from the Milton-Ulladulla Structure Plan and LEP process that concluded in 2003.</p> <p>Following discussions with the Lands Council the Deering Street rezoning was pursued further and the Department of Planning & Infrastructure advised in early 2007 that an Environmental Study would be required to support the rezoning – the Department specifically requested that this study address (amongst other things) potential land use conflicts with industrial use adjoining residential and a range of threatened species issues. As per established process, the required environmental study would need to be independently undertaken and funded by the Lands Council. To date this has not occurred.</p> <p>The rezoning process will not be able to be undertaken as part of the draft SLEP 2009, without substantially delaying the process at this point in time.</p> <p><u>Recommendation:</u> Retain the request to amend the zoning Lot 1 DP 1172613 Green Street Ulladulla from RU2 to part Industrial and part Residential on the list of matters for consideration/review following finalisation of draft SLEP 2013.</p>

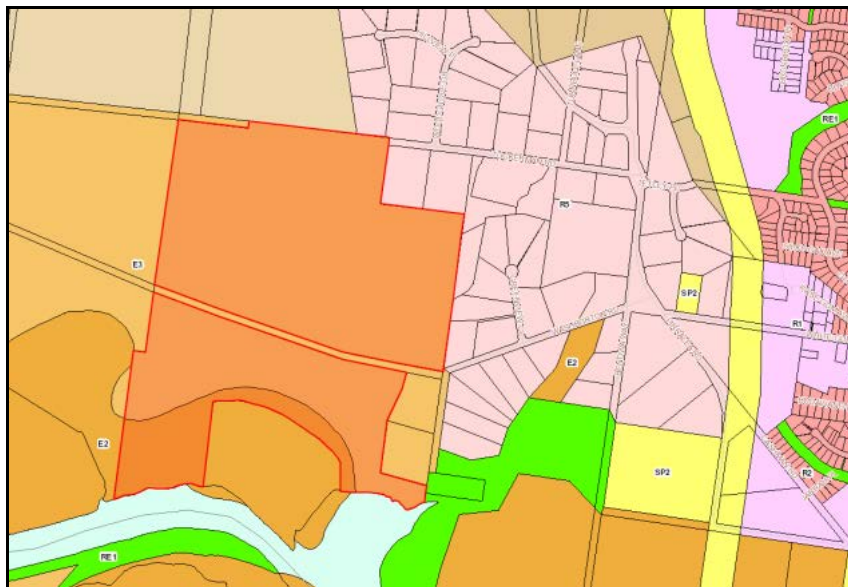
Recommendation 4.5.M

Retain the request to amend the zoning Lot 1 DP 1172613 Green Street Ulladulla from RU2 to part Industrial and part Residential on the list of matters for consideration/review following finalisation of draft SLEP 2013.

Request No. N

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
N D13/118601 Cupitt's Winery	Lot 2 DP 1048495 Washburton Road Ulladulla (Cupitt's Winery & Restaurant)	Environment Protection 7(d1) (Scenic) & Environment Protection 7(a) (Ecology)	E2 Environmental Conservation & E3 Environmental Management	E2 Environmental Conservation & E3 Environmental Management

Exhibited Draft LEP Zoning



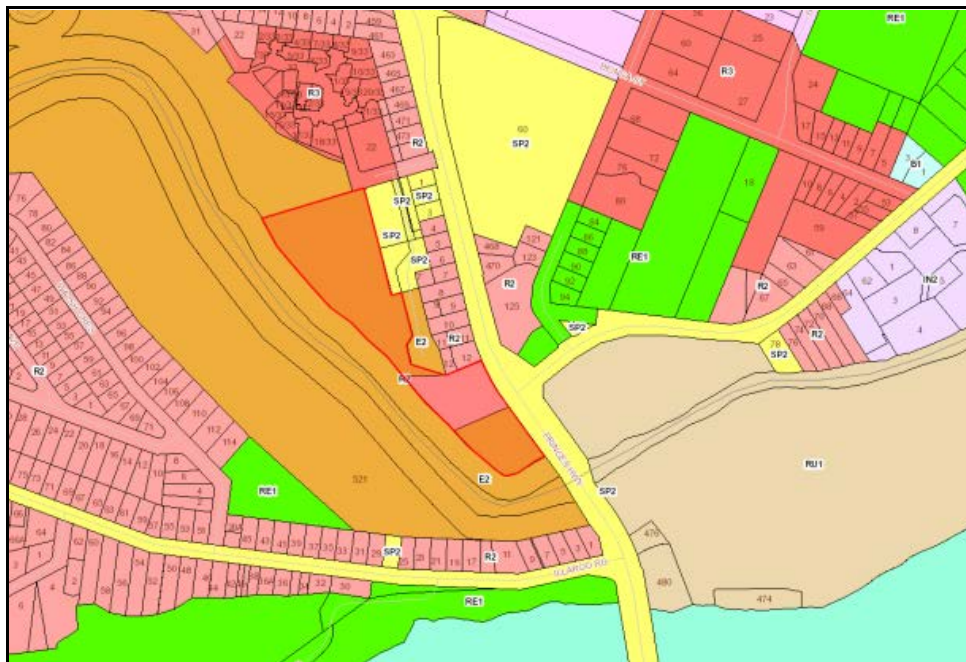
Requested Change	Comment and Recommendation
<p>Rezone the core built up area to SP3 Tourist</p> <p>SP3 zone is more appropriate for the core built up area of Lot 2 D.P. 1048495.</p> <p>The change of use will be of a minor nature and will validate existing</p>	<p>This proposal has some merit considering the winery and restaurant are in existence, however the environmental and scenic value of the site is recognised. Most wineries in Shoalhaven LGA are located in rural/environmental zones, however as detailed in the submission the expansion of Cupitt's winery is somewhat limited to uses ancillary to the winery. In January 2012, the winery received a grant under the Regional Tourism Product Developing Funding Program.</p>

<p>uses on the property. The existing tourism uses on the property are prohibited in the Zone E2 but permissible in SP3 including food and drink premises; function centres; Helipads; Information and education facilities.</p> <p>The zone will ensure that future development will not be refused on the basis that they are prohibited and will give the ability to assess applications based on the merits that it will bring to the local economy.</p> <p>The change will not create any additional impacts but it will make the existing uses on the site permissible and will assist in the process for future planning applications for new projects that will improve the quality of our tourism product.</p> <p>The submission raises concern that the current zoning and reliance on existing use rights limits the growth of the winery and tourist activities.</p> <p>The property is highly disturbed as a consequence of both tourist and farming activities.</p>	<p>The purpose of this government funding is to create, grow and enhance tourism products available across regional NSW to attract visitors to these areas.</p> <p>A development application is currently being considered by Council for a cheese making facility proposed for the existing old dairy on the subject site. The owners have previously met with Council to discuss other proposals associated with the winery including a microbrewery. As such they are obviously keen to increase the existing uses on the site.</p> <p>The winery is situated on the historic property Washburton Farm (however it is not heritage listed). Washburton Farm was originally a dairy farm with a creamery building on site to process milk from the mid 1800s. The Creamery building, built in 1851 is now used as the wine tasting room.</p> <p>It is not appropriate to rezone part of the land SP3 Tourist considering the broad range of permissible uses in the SP3 zone (e.g. serviced apartments) and also the need to justify the removal of an existing environmental zoning under the relevant Section 117 Direction. However the inclusion of an Allowance Clause to permit the current and potential uses is considered a reasonable compromise and is appropriate in this sensitive location. The wording of this Schedule 1 will require detailed consideration. As such it should be considered through a separate stand along process.</p> <p><u>Recommendation:</u></p> <ol style="list-style-type: none"> a) Receive for information and not support the requested zone change to part SP3; b) Include an Allowance clause to reflect the current winery, restaurant and tourist use of Lot 2 DP 1048495, Washburton Road, Ulladulla (Cupitt's Winery & Restaurant) in the matters for consideration/review following the finalisation of draft SLEP 2013 or via the submission of a separate planning proposal by the owner or via the submission of a separate planning proposal by the owner.
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Request No. O

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
D13/114713 Allen Price & Associates for Bruce Morton (power or attorney of estate)	Lot 23 DP 793122 501 Mattes Way Bomaderry	Environment Protection 7(d1) (Scenic) Residential 2(a1) Rural 1(g) (Flood Liabile)	E2 Environmental Conservation R2 Low Density Residential	E2 Environmental Conservation R2 Low Density Residential

Exhibited Draft LEP Zoning



Requested Change	Comment and Recommendation
<p>Insertion of an allowance Clause under Schedule 1 to allow subdivision with dwelling entitlement lots of a min area of 1 ha</p> <p>Portion of land rezoned from E2 to E4 Environmental Living</p> <p>Change minimum lot size to allow subdivision of property into 3 lots.</p> <p>Note 1: Submission provides 3 options /</p>	<p>Subject Land located on Western side of Princes Highway Bomaderry - area known as "Morton's Hill". Property has access onto Princes Highway & rear access onto Mattes Way. Heritage listed house 'Lynburn' item SHI 2390920 on site. The site has an area 5.283ha.</p> <p>The E2 zone of the site is consistent with existing 7d(1) zone and the Nowra</p>

ways draft plan could be amended in order to facilitate the desired outcome.

Note 2: Submission includes

- Draft Flora & Fauna Assessment prepared by Ecological P/L
- Drawing 25728/04 prepared by Allen Price & Assoc
- Building Inspection Report - Bacchus Partners

Believe E4 more appropriate. E2 land which follows line of Bomaderry Creek is a relatively narrow strip that lacks configuration & footprint to meet E2 zone objectives. E4 zone would allow preservation of the riparian corridor while allowing modest level of development.

Wishes to subdivided land to fund repair of heritage listed house on site. If rezoning allowed, dwellings from subdivision would be in character with surrounding area developments.

Proposed lots would be accessible form Mattes Way and would benefit from existing stormwater and sewerage infrastructure.

Based on flora & fauna assessment, proposal unlikely to have a significant effect on Threatened Species, endangered populations, ecological communities and their habitats

Proposal also unlikely to have a significant effect on matters of NES or Commonwealth land and a referral to Commonwealth Environment Minister not necessary.

Believe the proposal does not run contrary to the objectives proposed under E2 zoning.

Bomaderry Structure Plan which identifies this area as being Spotted Gum *Eucalyptus maculata* forests which have been extensively cleared from the Nowra District. Remaining stands should be preserved. The requested E4 zone is essentially a residential type zone that would possibly compromise the environmental value of the area.

Given that an existing heritage item is listed on the site, Council could use subclause (10) *Conservation incentives of Clause 5.10 Heritage Conversation* to consider and consent to a proposal should they wish to. Subclause (10) allows Council to grant consent to a use that would otherwise be prohibited if it would facilitate conservation of the heritage item. This would enable Council to consider the merits of the request through the development application and to tie the consent of the subdivision of the land to the necessary works required to the heritage item as that is the basis of the request.

Should Council change the zone and the minimum lot size at this point, there is no mechanism to ensure that the necessary works are carried out on the heritage item. Given that the conservation of the heritage item is the justification of the request, it would be inappropriate to make this change without some way of ensuring its conservation.

Recommendation

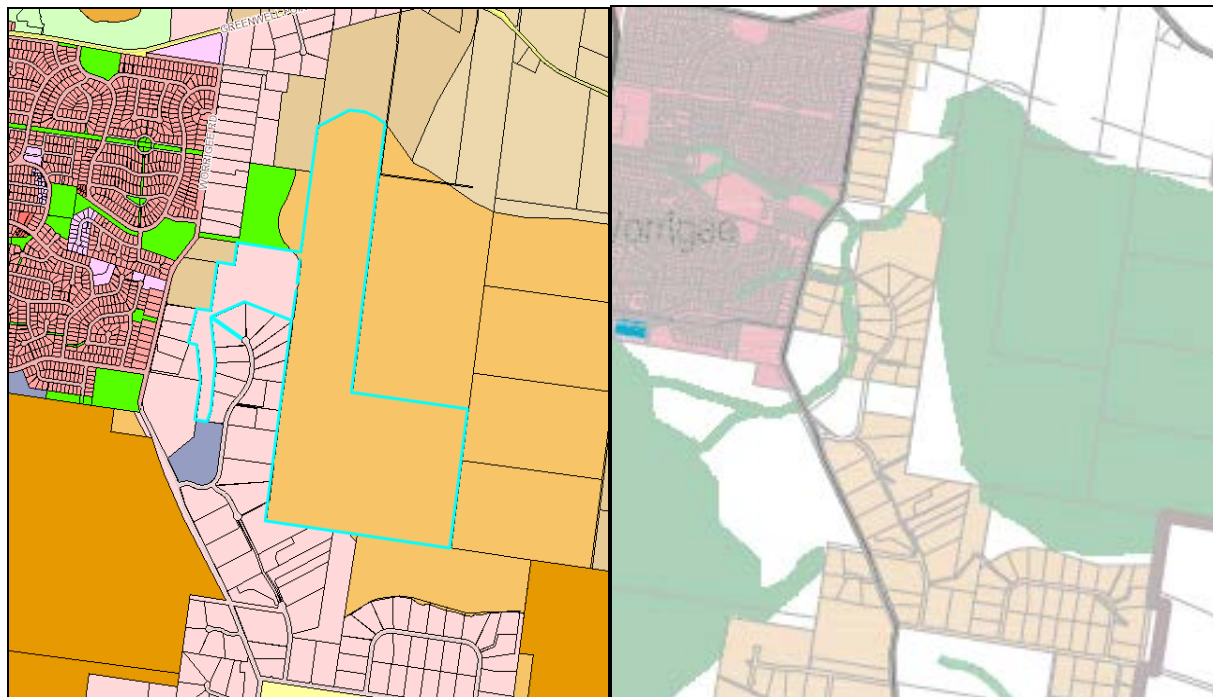
Advise the applicant to lodge an application for the proposed subdivision under Clause 5.10(10) once the draft LEP has commenced.

Request P

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
D13/111334 Mervyn and Ann Bennett	Lot 19 DP 1073776- Bennett Place Worrigee	Rural 1(d) Rural 1(g) (Flood Liable) Rural 1(c) (Rural lifestyle)	E3 Environmental Management R5 Large Lot Residential	E3 Environmental Management R5 Large Lot Residential

Exhibited Draft LEP Zoning

Adopted NBSP Map



Requested Change	Comment and Recommendation
<p>Rezone from E3 to RU2</p> <p>Council previously agreed to a request to zone an additional part of the site (south west corner) to R5. This request was not supported by DP&I.</p> <p>Requests that the land not shown with green shading</p>	<p>Council considered a request for the continuation of the R5 zone at the southern end of Lot 19 and resolved:</p> <p>RECOMMENDATION NO. 37 <i>That in regard to Lot 19 DP 1073776 Bennett Place, Worrigee, Council support the zone change as presented and adjust the rezoning to R5 and the minimum Lot size to 1 ha.</i></p> <p>The continuation of the R5 zone was not supported by DP & I in the conditional S65 Certificate.</p>

<p>noting land identified as Conservation and Riparian Area in the Nowra Bomaderry Structure Plan be rezoned from R5 to RU2.</p> <p>Believes that the request has the support of Council in accordance with previous resolutions and is consistent with the Nowra Bomaderry Structure Plan.</p>	<p>On the 18th February 2013 Council resolved:</p> <p>RECOMMENDATION NO. 8 <i>Express support for any landowner request (via a submission on the draft SELP 2013) to change that part of the land not identified in the Nowra Bomaderry Structure Plan as conservation and riparian area to RU2.</i></p> <p><u>Recommendation</u> Change the zone of that part of the Lot 19 DP 1073776-Bennett Place Worrigeer not identified in the Nowra Bomaderry Structure Plan as conservation and riparian area from E3 to RU2.</p>
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Recommendation 4.4.N

Receive for information and not support the requested zone change to part SP3;

Consider an Allowance clause to reflect the current winery, restaurant and tourist use of Lot 2 DP 1048495, Washburton Road, Ulladulla (Cupitt's Winery & Restaurant) in the matters for consideration/review following the finalisation of draft SLEP 2013 or via the submission of a separate planning proposal by the owner or via the submission of a separate planning proposal by the owner.

SECTION 5 – KANGAROO VALLEY HERITAGE PRECINCTS; BERRY CONSERVATION AREA; HUNTINGDALE PARK BERRY; JASPERS BRUSH AIRFIELD/AIR TRANSPORT FACILITIES IN RU ZONES; HERITAGE ESTATES AND ELOUERA ESTATE, EROWAL BAY

Issue 5.1: Heritage Precincts in Development Control Plan No. 66 – Kangaroo Valley

A total of twenty four (24) submissions were received in response to Council's letter requesting landowner concurrence via a voting slip to the inclusion of DCP 66 Heritage Precincts in the draft LEP 2013. All property owners within the DCP 66 boundary were unintentionally sent a voting slip during the notification process. This situation was rectified by sending additional correspondence to affected and unaffected property owners: 9 voting slips were received from landowners with the DCP 66 Heritage Precinct areas; and 15 submissions were received from property owners or their representatives outside the DCP Heritage Precinct areas (including Kangaroo Valley Public School).

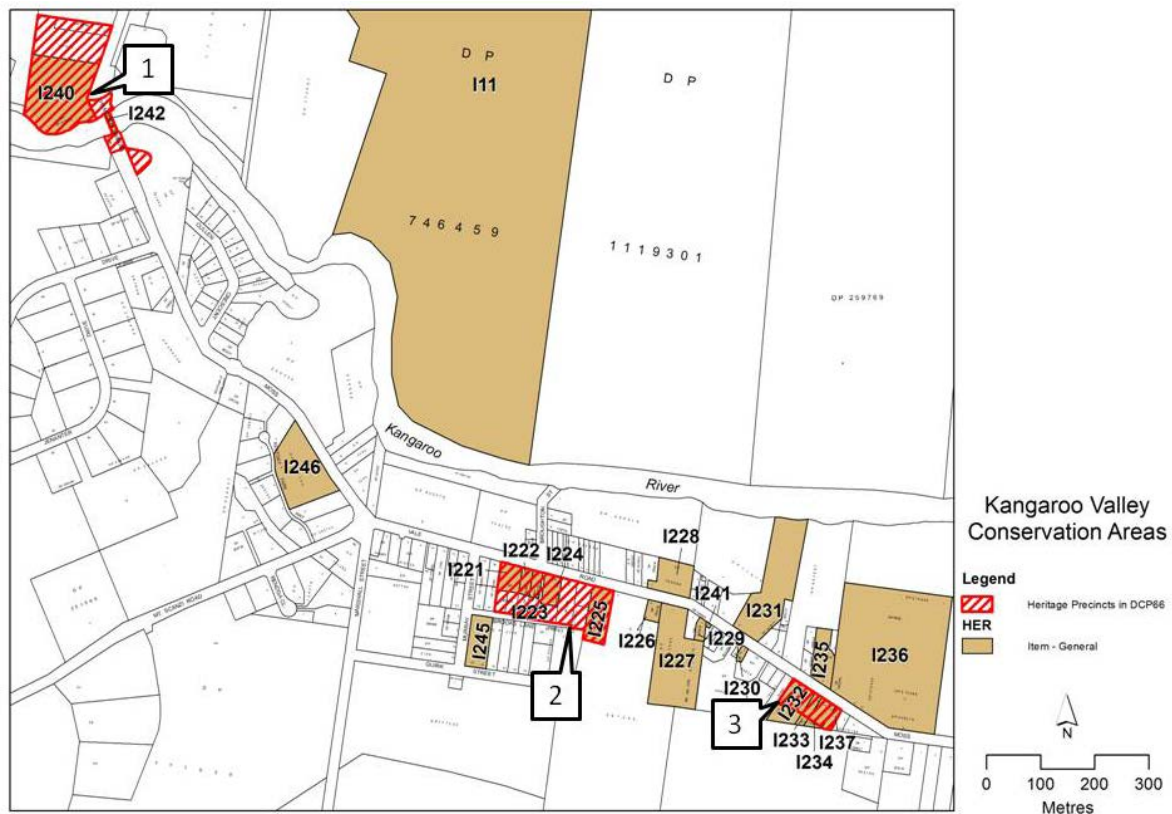
Number of Submissions- DCP 66 Kangaroo Valley

Type	Number
Individual	24
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	1
Internal	0
Total	25

Key Issues- DCP 66 Kangaroo Valley

During the draft SLEP 2009 exhibition, a number of submissions raised concerns that the draft LEP was not consistent with DCP 66 – Kangaroo Valley and specifically in regard to its heritage precincts. The Standard LEP Instrument and the hierarchy of planning instruments does not support inclusion of much of the content of DCP 66 in draft LEP 2009. Further, it needs to be recognised that DCP 66 will continue to exist and apply when this LEP is made. The planning importance of this DCP and its continued application over 12 years is recognised and will be maintained through the Citywide DCP.

Kangaroo Valley township – Heritage Items and DCP 66 Heritage Precinct areas



The heritage conservation areas identified in DCP 66 are not currently included in SLEP 1985 and were therefore not included in draft LEP 2013. Strategic justification is required for the listing of a “heritage item” or “heritage conservation area” in an LEP. The DCP and Shoalhaven Heritage Study provide some of that justification in this case.

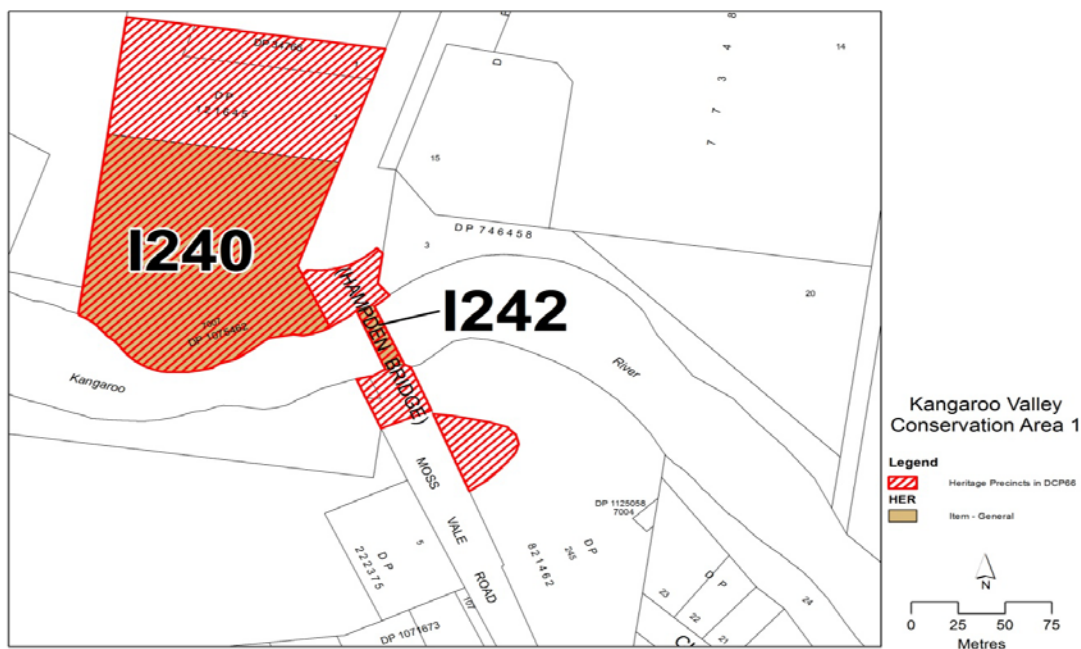
As a result of community concerns, Council resolved on 30 May 2012, to:

Include the heritage precincts in DCP 66 in draft LEP 2009, subject to concurrence by landowners (MIN12. 611).

In order to determine landowner concurrence, Council wrote to the affected landowners during the exhibition period and a voting slip was included. Landowners were requested to advise whether they agreed or disagreed with the inclusion of their property in a "Heritage Conservation Area" in the SLEP. This letter also included a number of question and answers to inform landowners what it would mean if the land is included within a "Heritage Conservation Area". Landowners were also advised that if they disagree with the proposal and the majority of landowners agree their property may still be included in the draft Shoalhaven LEP 2013.

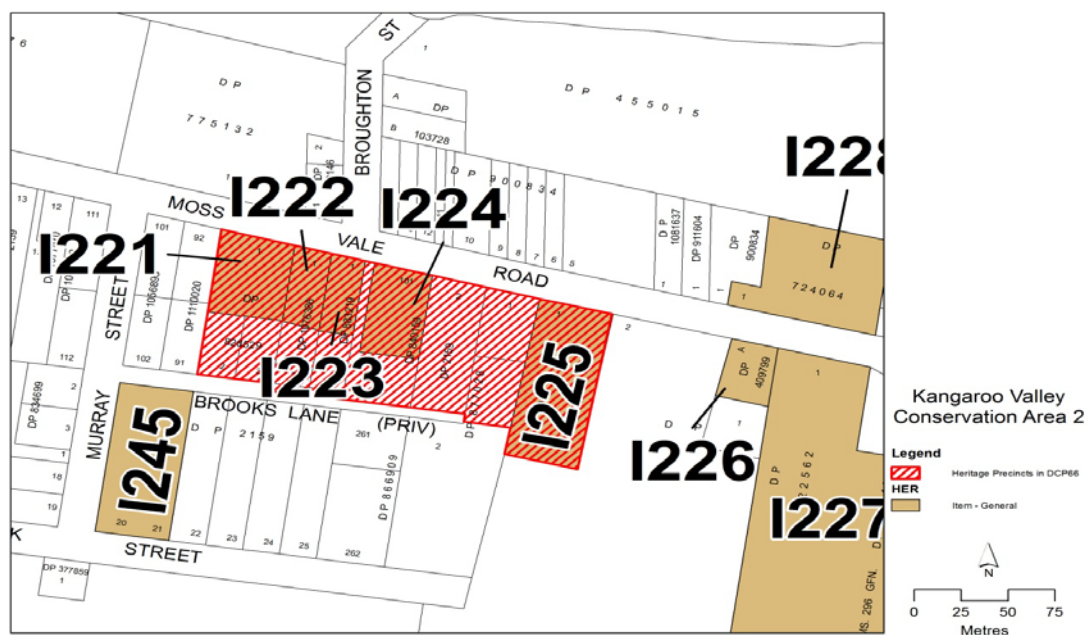
The tables below detail the results of the landowner feedback. The "Heritage Conservation Areas" are broken down for ease of navigation.

Heritage Precinct 1 – Hampden Bridge Heritage Conservation Area



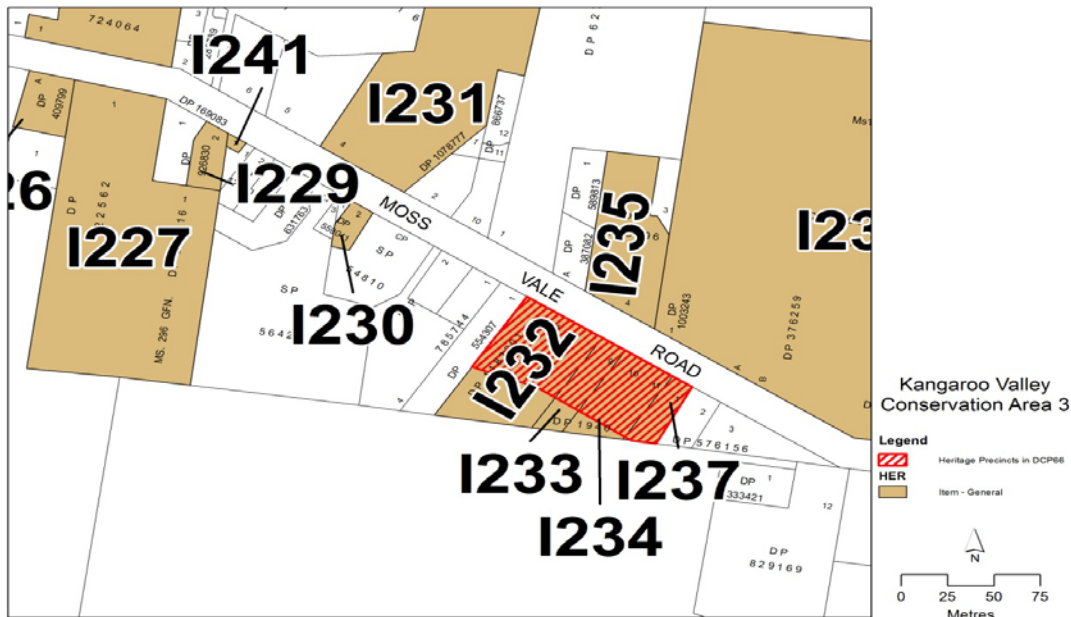
Lot and DP	Address	Heritage Item in LEP	Inclusion of property in Heritage Conservation Area?
Lot 245 DP 821462	5 Moss Vale Rd	No	Council is the Trustee of this parcel and were not notified.
Hampden Bridge	Moss Vale Rd	Yes	The Roads and Maritime supports the inclusion of Hampden Bridge.
Lot 7007 DP 1075462	2029 Moss Vale Rd	Yes	The Kangaroo Valley Pioneer Settlement Trust supports the inclusion of their property at 2029 Moss Vale Road.
Lot 1 DP 34766	2037 Moss Vale Rd	No	Disagrees with the inclusion of their property 2037 Moss Vale Road.
Lot 1 DP 121645	2031 Moss Vale Rd	No	Disagrees with the inclusion of their property 2031 Moss Vale Road.

Precinct 2 – Village Heritage Conservation Area



Lot and DP	Address	Heritage Item in draft SLEP 13	Inclusion of property in Heritage Conservation Area
Lot 2 DP 883219	11 Brooks Lane		No response received.
Lot 2 DP 1076386	9 Brooks Lane		No response received.
Lot 3 DP 828529	7 Brooks Lane		Supports the inclusion of their property 7 Brooks Lane.
Lot 2 DP 828529	5 Brooks Lane		Disagrees with the inclusion of their property 5 Brooks Lane. Does not see why the 2 neighbouring vacant lots are not included in the precinct, as they are the only 2 lots east of Brooks Lane to have been excluded. Also does not understand the heritage significance of some of the identified properties, as they are of relatively recent construction.
Lot 101 DP 840159	124 Moss Vale Rd	Yes	No response received.
Lot 102 DP 840159	122 Moss Vale Rd		No response received.
Lot 1 DP 828529	116 Moss Vale Rd	Yes	No response received.
Lot 2 DP 2159	126 Moss Vale Rd		Disagrees with the inclusion of their property 126 Moss Vale Road.
Lot 1 DP 883219	120 Moss Vale Rd	Yes	Disagrees with the inclusion of their property 120 Moss Vale Road.
Lot 1 DP 1076386	118 Moss Vale Rd	Yes	Disagrees with the inclusion of their property 118 Moss Vale Road.
Lot 1 DP 724070	130 Moss Vale Rd	Yes	No response received.
Lot 1 DP 877028	128 Moss Vale Rd		No response received.
Lot 2 DP 877028	128A Moss Vale Rd		No response received.

Heritage Precinct 3 – Village Centre Heritage Conservation Area



Lot and DP	Address	Heritage Item in draft SLEP 13	Inclusion of property in Heritage Conservation Area
Lot 1 DP 576156	178 Moss Vale Rd	Yes	Supports the inclusion of both properties 176 and 178 Moss Vale Road.
Lot 11 DP 1940	176 Moss Vale Rd	Yes	Supports the inclusion of both properties 176 and 178 Moss Vale Road.
Lot 10 DP 1940	174 Moss Vale Rd	Yes	No response received.
Lot 9 DP 1940	172 Moss Vale Rd	Yes	No response received.
Lot 1 DP 1182201	170 Moss Vale Rd	Yes	No response received.

As detailed above, some properties are existing Heritage Items in LEP 1985 and were also exhibited as such in draft LEP 2013. Based on responses from landowners and the heritage value of Hampden Bridge and the Village Centre it is appropriate to map part of the DCP 66 Heritage Precincts in the draft LEP 2013. Whilst landowner concurrence was not received for 3 of the 5 properties in the Village Centre Heritage Precinct, these properties are already existing heritage items and are therefore covered by Clause 5.10 – Heritage Conservation.

Only One (1) landowner within the Village Precinct supported the inclusion of their property 7 Brooks Lane in the Village Heritage Conservation Area; 3 landowners disagreed with the inclusion of their property and a response was not received from the remaining 9 landowners. It is not considered appropriate to map the Village Precinct as a Heritage Conservation Area without landowner support. It is noted that any proposed development within the Village Precinct would be assessed in accordance with Clause 5.10 (5) - Heritage Assessment in LEP and DCP 66.

Option 5.1

Option 1

- a) Amend Schedule 5 of the draft LEP 2013 and the Heritage Map Overlay for Kangaroo Valley Township to reflect parts of DCP 66 Heritage Areas as detailed below:
- Map the Kangaroo Valley Pioneer Museum (Lot 7007 DP 1075462, 2029 Moss Vale Road), the Hampden Bridge and the road carriageway north and south of the bridge as 'Hampden Bridge Heritage Conservation Area' (Note: two private lots removed)
 - Map the Village Centre including Lot 1 DP 576156 (No. 178 Moss Vale Road), Lot 11 DP 1940 (No. 176 Moss Vale Road), Lot 10 DP 1940 (No. 174 Moss Vale Road), Lot 9 DP 1940 (172 Moss Vale Road) and Lot 1 DP 1182201 (No. 170 Moss Vale Road) as 'Kangaroo Valley Village Centre Heritage Conservation Area' given all the individual properties are identified as "heritage items".
- b) Retain the Heritage Map Overlay for the Village Precinct as exhibited.

Option 2

Retain the Heritage Map Overlay as exhibited and receive the submissions regarding DCP 66 Heritage Precincts in Kangaroo Valley for information. This would see the three precincts retained unchanged.

Recommendation 5.1:

- a) ***Amend Schedule 5 of the draft SLEP 2013 and the Heritage Map Overlay for Kangaroo Valley Township to reflect parts of DCP 66 Heritage Areas as detailed below:***
- ***Map the Kangaroo Valley Pioneer Museum (Lot 7007 DP 1075462, 2029 Moss Vale Road), the Hampden Bridge and the road carriageway north and south of the bridge as 'Hampden Bridge Heritage Conservation Area' (Note: two private lots removed)***
 - ***Map the Village Centre including Lot 1 DP 576156 (No. 178 Moss Vale Road), Lot 11 DP 1940 (No. 176 Moss Vale Road), Lot 10 DP 1940 (No. 174 Moss Vale Road), Lot 9 DP 1940 (172 Moss Vale Road) and Lot 1 DP 1182201 (No. 170 Moss Vale Road) as 'Kangaroo Valley Village Centre Heritage Conservation Area' given all the individual properties are identified as "heritage items".***
- b) ***Retain the Heritage Map Overlay for the Village Precinct as exhibited.***

Issue 5.2: Berry Heritage Conservation Area

Eight (8) individual submissions and one (1) CCB (Berry Alliance) supported the inclusion of Berry Urban Conservation Area in LEP 2013 in line with the National Trust of Australia listing on their register.

Number of Submissions – Berry Heritage Conservation Area

Type	Number
Individual	8
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	1
Internal	0
Total	9

Key Issues- Berry Heritage Conservation Area

Submissions were received supporting Council's intentions to separately investigate Berry Urban Area as a Heritage Conservation Area (HCA) in draft LEP 2013 as a future amendment.

Council previously resolved to investigate this issue as a matter for consideration following the completion of draft LEP 2013.

The submissions raised concern that no timeframe has been set to investigate the listing and requested that a timeframe be announced before 30 June 2013.

Comment

The inclusion of the Berry Township as a Heritage Conservation Area (HCA) in Council's LEP warrants and requires further investigation, as the existing Shoalhaven Heritage Study has not assessed this entire area as having heritage significance. As such, should Council wish to investigate the listing of the Berry Township Urban Conservation Area, as a HCA in Council's LEP this should be retained as a matter for consideration following the completion of LEP, so as to not delay the LEP process at this point and/or require re-exhibition. Such an investigation would include further, more detailed liaison with relevant state agencies and all sectors of the Berry community, along with a HCA assessment and consideration of the implications on individual properties in Berry.

Following the finalisation of draft LEP 2013, Council will need to determine the Planning Works program and priorities for the list of matters to be separately considered following the finalisation of draft LEP 2013. As such the priority and timing of this matter will be considered at that point.

Recommendation 5.2:

Reaffirm Council's intention to investigate the inclusion of Berry Township Urban Area as a Heritage Conservation Area in the LEP as a matter for consideration following the completion of draft LEP 2013.

Issue 5.3: Huntingdale Park, Berry

Following submissions made to LEP 2009, Council resolved to amend the minimum lot size to 2000m² where included in DCP No. 70 – Berry (DCP 70). Eight (8) individual submissions and one (1) CCB (Berry Alliance) supported the amended minimum lot size map for Huntingdale Park, Berry.

Number of Submissions – Huntingdale Park

Type	Number
Individual	8
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	1
Internal	0
Total	9

Key Issues-Huntingdale Park

The submissions requested that Council also amend the Land Zoning Map to reflect the open space areas shown in DCP 70. As detailed in DCP 70, land denoted as open space is required for drainage reserves or as visual buffers between land uses and will be required to be dedicated to Council.

Comment

The support for the amended lot size is noted; however it is not appropriate to amend the Land Zoning Map to reflect open space areas mapped in DCP 70 in the finalisation of draft SLEP 2013. In order to achieve a suitable subdivision design with usable open space, the best option is to wait until the remaining subdivision development has occurred and consider rezoning the open space areas to RE1 Public Recreation after their dedication to Council. It is not normal practice to rezone public open space areas identified in DCPs as this removes necessary flexibility and could trigger Council acquisition obligations.

Recommendation 5.3:

Retain the exhibited draft LEP 2013 zoning for Huntingdale Park, Berry and receive the submissions for information.

Issue 5.4: Jaspers Brush Airfield and Air Transport Facilities in Rural Zones

Following the draft LEP 2009 exhibition period, Council resolved on 20 March 2012 (MIN12.238) to *retain 'air transport facilities' as a permissible use (with consent) and also insert 'airstrip' as a permissible use (with consent) in the RU1 and RU2 zones.*

Council previously discussed the proposed zoning of the Jaspers Brush Airfield and the consequences of the 'Standard LEP Instrument' at its meeting on 9 June 2009, and resolved to retain the current proposed RU1 zoning over the site (MIN09.731).

Within this zone (RU1) and the RU2 Rural Landscape zone 'air transport facilities' are listed as a land use that is permissible with consent, as exhibited in Draft LEP 2009 and Draft LEP 2013. Should the LEP be finalised as per the exhibited plan in relation to this issue, any future development application for aviation related uses would be subject to a detailed Section 79C assessment and Council would have the ability to impose conditions on any consent granted to minimise adverse impacts on the surrounding land.

Under the Standard LEP Instrument an "air transport facility", "airport" and "airstrip" are separately defined as:

- *Air transport facility means an airport or heliport that is not part of an airport, and includes associated communication and air traffic facilities or structures.*
- *Airport means a place used for the landing, taking off, parking, maintenance or repair of aeroplanes (including associated buildings, installations, facilities and movement areas and any heliport that is part of the airport).*
- *Airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.*

At the time of preparing the draft LEP 2013, 'air transport facilities' were included in the RU1 and RU2 zone as permissible with consent uses, consistent with the 'best fit transfer'.

Summary of Submissions – Air Transport Facilities

A total of 151 submissions commented on the permissibility of 'air transport facilities' and 'airstrips' in the RU1 and RU2 zones. Most submissions specifically objected to or supported the Jaspers Brush Airfield and some submissions mentioned an alleged or potential 'airstrip' at Huskisson.

Type	Total Number	Objects	Supports
Individual	146	41	105
Petitions	1 (32 signatures)	1 (32 signatures)	0
Local, State and Federal Agencies	0	0	0
Rezoning requests	0	0	0
CCBs and other community groups	4	4	0
Internal	0	0	0
Total	151	46	105

Key Issues – Air Transport Facilities

The submissions that mentioned these issues formed approximately 20% of the total submissions received, indicating strong community interest in this issue. Most of the objecting submissions raised concern with the existing Jaspers Brush Airfield and some mentioned a Huskisson airstrip. The submissions supporting Jaspers Brush Airfield were generally from members of the public who enjoy using the facility or were aviation enthusiasts and the objections were generally from residents that may be impacted by the airfield.

A number of submissions objected to 'air transport facilities' as a permissible use in the RU1 and RU2 zone and recommended that this use be replaced with 'airstrip'. The draft LEP 2013 was exhibited with 'airstrips' listed as a permissible in the RU1 and RU2 zones.

Jaspers Brush Airfield

Development Consent was issued on 23 January 2013 (DA11/1834) for the property Lot 1 DP 813335, Swamp Road Jaspers Brush. The Development Consent is for "the formalisation of the use of existing structures on-site as a Clubhouse and as an Aircraft and Equipment Storage Facility and the intensification of the existing use of the airfield by the South Coast Recreational Flying Club". This Development Consent is currently the subject of legal proceedings in the NSW Land and Environment Court.

The current use of the land at Jaspers Brush Airfield does not explicitly meet the definition of 'airstrip' or 'air transport facilities' in the draft SLEP 2013. The issue of Jaspers Brush Airfield and the definition of its current use will require further consideration with the assistance of DP&I should Council resolve that it be included, for example as an additional permitted use in Schedule 1.

Comment

The retention of 'air transport facilities' as a general permissible use (with consent) in the RU1 and RU2 zones is potentially problematic due to the related provisions in the Infrastructure SEPP. Whereby, if an air transport facility was approved by Council then the Infrastructure SEPP would potentially then permit substantial additions to an existing private air transport facility. The ancillary development permitted by the Infrastructure SEPP includes premises for retail, business, recreational, residential or industrial uses. The uses permitted by the Infrastructure SEPP are considered inappropriate within a flood prone rural land context.

Option 5.4

Option 1

Retain 'air transport facilities' and 'airstrip' as a permissible use (with consent) in the RU1 and RU2 zones, as exhibited in draft LEP 2013.

Option 2

- a) Remove 'air transport facilities' as a general permissible use (with consent) from the land use tables in the RU1 & RU2 zones;
- b) Retain 'airstrip' as a permissible use in the RU1 & RU2 zones Citywide; and
- c) Apply Clause 2.5 - Additional Permitted Uses to the eastern part of Lot 1 DP 813335, Swamp Road, Jaspers Brush (known as Jaspers Brush Airfield) by including the subject property in Schedule 1 of draft LEP 2013 - the additional permitted uses seek to enable the current recreation flying uses to continue and would be subject to final determination following advice from the Department of Planning & Infrastructure (DP&I) in regard to appropriate wording and whether Schedule 1 can be used in this circumstance.

Option 3

Retain 'air strip' in the RU1 and RU2 zones and remove 'air transport facilities' from the RU1 & RU2 zones Citywide and deal with any appropriate future proposals that fall outside the 'airstrip' definition on a case by case basis via a separate Planning Proposal (rezoning).

Recommendation 5.4:

Adopt Option A, Option B or Option C to resolve the issue of Jaspers Brush Airfield and Air Transport Facilities in the RU1 and RU2 zones in draft LEP 2013.

Issue 5.5: Heritage Estates

As Council is aware, the zoning of the Heritage Estates has a long and protracted history. Further information on the history and the voluntary land purchase project is available in the report to the Development Committee Meeting on 18 February 2013.

Prior to awarding the funding for the voluntary land purchase project, the Department of Sustainability, Environment, Water, Population and Communities sought a commitment from Council that it would rezone the land to E2 - Environmental Conservation and donate Council land to the Foundation for National Parks and Wildlife.

Council resolved on 26 February 2013 to:

- a) *Continue to work collaboratively with the NSW and Federal Governments and the Foundation for National Parks and Wildlife to help resolve the tenure of the Heritage Estates;*
- b) *Subject to discussion with and agreement from the Department of Planning & Infrastructure (DP&I) advertise Council's intent to rezone the Heritage Estates to E2 Environmental Conservation (in accordance with MIN12.544);*
- c) *Write to the affected landowners to advise them of Council's intent.*

The re-exhibition of draft LEP 2013 provided an opportunity for the community to comment on Council's intention to change the zone of the land in the Heritage Estates to E2 Environmental Conservation. It should be noted that the exhibited plans showed the proposed zone as RU2. Landowners were advised in writing during the exhibition period

that the land is proposed to be rezoned to E2 and how to make a submission during the exhibition of the draft LEP 2013. A Fact Sheet was also published on the draft LEP 2013 website which provides further details of the proposed rezoning to E2 Environmental Conservation.

It was originally preferred that the Heritage Estates be rezoned through the finalisation of LEP 2013, however recent advice from NSW Department of Planning & Infrastructure (DP&I) have advised that it would be more appropriate to rezone the Heritage Estates via a separate Planning Proposal. This advice is based on the risk that the entire LEP could potentially be ruled invalid if a challenge was successful.

Number of Submissions – Heritage Estates

Type	Number
Individual	27
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	6
Internal	0
Total	34

Key Issues- Heritage Estates

A total of 34 submissions were received that mentioned Heritage Estates. Most submissions also mentioned another paper subdivision in Erowal Bay known as Elouera Estate (see Issue 5.6).

26 of the 27 individual submissions supported the proposed E2 zoning. One submission was received from a landowner within the Heritage Estates who did not believe the proposed E2 zoning correctly reflects the long-term status of the Heritage Estates. Some of the submissions also supported the proposed rezoning of St Georges Avenue Reserve from RE1 to E2 to recognise the transfer of this Reserve to the Foundation for National Parks and Wildlife.

Six (6) CCBs support rezoning the Heritage Estates from RU2 to E2 and also support rezoning St Georges Avenue Reserve to E2. The NSW Office of Environment and Heritage (OEH) expressed strong support to the proposed E2 zoning consistent with commitments made by Council to the Australian Government in the bid for funding by the National Parks and Wildlife Foundation. OEH also requested that Council ensure that Clause 5.9(9) of the draft LEP 2013 applies to Heritage Estates.

Comment

The Voluntary HELP project allows individual owners to sell their land and has provided closure to this ongoing cause of stress and uncertainty. Rezoning the land to E2 will help remove the uncertainty that landowners may have about the future of the land and in that respect, may help to resolve the land tenure. The intention to change the zoning of the land from RU2 Rural Landscape to E2 Environmental Conservation is consistent with

previous Council resolutions (MIN12.544 and MIN13.114) and satisfies Council's long standing commitment to resolve the tenure of the land.

It is appropriate to rezone the Heritage Estates land to E2 as soon as practical, in recognition of the land's biodiversity values and to complement the HELP project. Unfortunately there is a risk that amending the zone prior to finalisation of the plan could be considered a significant change requiring re-exhibition. Hence, the most sensible approach to rezone the Heritage Estates land from RU2 to E2 is through a separate Planning Proposal.

The Heritage Estates was included in the exhibited draft LEP 2013 Clauses Map as being affected by Clause 5.9(9). This means that the provision of the current Tree Preservation Order will continue to cover the Estates.

Recommendation 5.5:

Retain the Heritage Estates zoning as exhibited and prepare a Planning Proposal without delay to rezone Heritage Estates from RU2 Rural Landscape to E2 Environmental Conservation (in accordance with MIN12.544 and MIN13.114).

Issue 5.6: Elouera Estates/North Erowal Bay Estate

In late 2012, Council became aware that a number of individual lots in the paper subdivision remnant at Erowal Bay were being marketed in a potentially misleading manner. This issue was considered by Council and it was resolved on 23 April 2013 to:

“Consider the possible rezoning of the land to an appropriate environment protection zone as part of the finalisation of draft LEP 2013, and if possible, include this resolution in the exhibition of the draft LEP 2013” (MIN13.352).

Landowners were advised in writing of this resolution on 1 May 2013. The letter advised that the land could not be rezoned as part of the finalisation of draft LEP 2013 as the draft SLEP 2013 exhibition was already underway, however the matter will be considered and land owners will be advised in due course.

Number of Submissions – Elouera Estates/North Erowal Bay Estate

Type	Number
Individual	22
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	4
Internal	0
Total	27

Key Issues- Elouera Estates/North Erowal Bay Estate

A total of 27 submissions supported and requested Council change the zone of the land from RU2 Rural Landscape to E2 Environmental Conservation.

The NSW Office of Environment and Heritage (OEH) requested that the North Erowal Bay Estate be zoned E2 to reflect the significant environmental values of the site. The land has significant environmental values and forms a significant parcel with a strategic landscape position that forms part of the Jervis Bay REP disturbed habitat vegetation corridor. The site was identified as part of the conservation network in the original "Jervis Bay Our Heritage Our Future" released by the NSW Government in 1992.

OEH understands that the Minister for Planning & Infrastructure recently wrote to the General Manager of Council, supporting the decision by Council to zone Heritage Estates E2 and suggesting that Council can "consider a similar approach for the North Erowal Bay Estate". OEH also stated that they did not believe this change would require re-exhibition of draft LEP 2013 as it is consistent with advice from the NSW Government.

Comment

Due to timing the above resolution (MIN13.352) was not able to be implemented as part of the LEP 2013 re-exhibition process, which was already underway before Council resolved to reconsider the zoning of the land. The subject land was exhibited as a proposed RU2 zone and is mapped on the Biodiversity Overlay as 'Sensitive area – habitat corridors' and 'disturbed habitat and vegetation'. The subject land is therefore affected by Clause 7.5 and Clause 7.15 in draft SLEP 2013. In order to provide suitable environmental protection to the paper subdivision at Erowal Bay known as Elouera Estates it is appropriate that Council commit to preparing a Planning Proposal following the finalisation of this LEP. It is unfortunately not possible to amend the zone prior to finalisation of the plan as this would be a significant change requiring re-exhibition.

Recommendation 5.6:

Following the finalisation of SLEP 2013, Council prepare a Planning Proposal to rezone the paper subdivision at Erowal Bay known as Elouera Estates to E2 Environmental Conservation.

SECTION 6 – RURAL RESIDENTIAL ZONES (RU4, R5, E4), LOT AVERAGING PROVISIONS AND RURAL SUBDIVISION

Thirty-eight (38) submissions commented on the Rural Residential zones, lot averaging and rural subdivision. This excludes submissions that have been addressed in other sections of the report including rezoning requests and the area specific section relating to Kangaroo Valley. The submissions included in the table below relate primarily to Wandandian, and also Tapitallee, Tomerong, Little Forest, Yatte Yattah, Bawley Point and Berry and surrounds.

Number of Submissions

Type	Number
Individual	34
Petitions	0
Local, State and Federal Agencies	2
Rezoning requests	0
CCBs and other community groups	2
Internal	0
Total	38

Note – The Wandandian Progress Association submission stated that it represented the views of fifty (50) people who were in attendance at a meeting in relation to the rural residential zones and the proposed application at Wandandian.

Issue 6.1: Rural Residential Zones at Wandandian

The Wandandian Progress Association submission and ten (10) individual submissions were received in regard to the proposed rural residential zones at Wandandian. All the submissions support the proposed RU4 zone but raise concern with and objected to the proposed E4 zone. The main concerns raised with the E4 zone are impact on potential sale of land/ land values, impact on farming and a perceived inability to keep farm animals e.g. chickens, horses, dogs etc. Specifically the submission from the Progress Association refers to a meeting that was attended by fifty (50) people, and advised that all those present indicated support for the current Rural 1(c) zoned land being all RU4 (rather than part RU4 and part E4) in draft SLEP 2013.

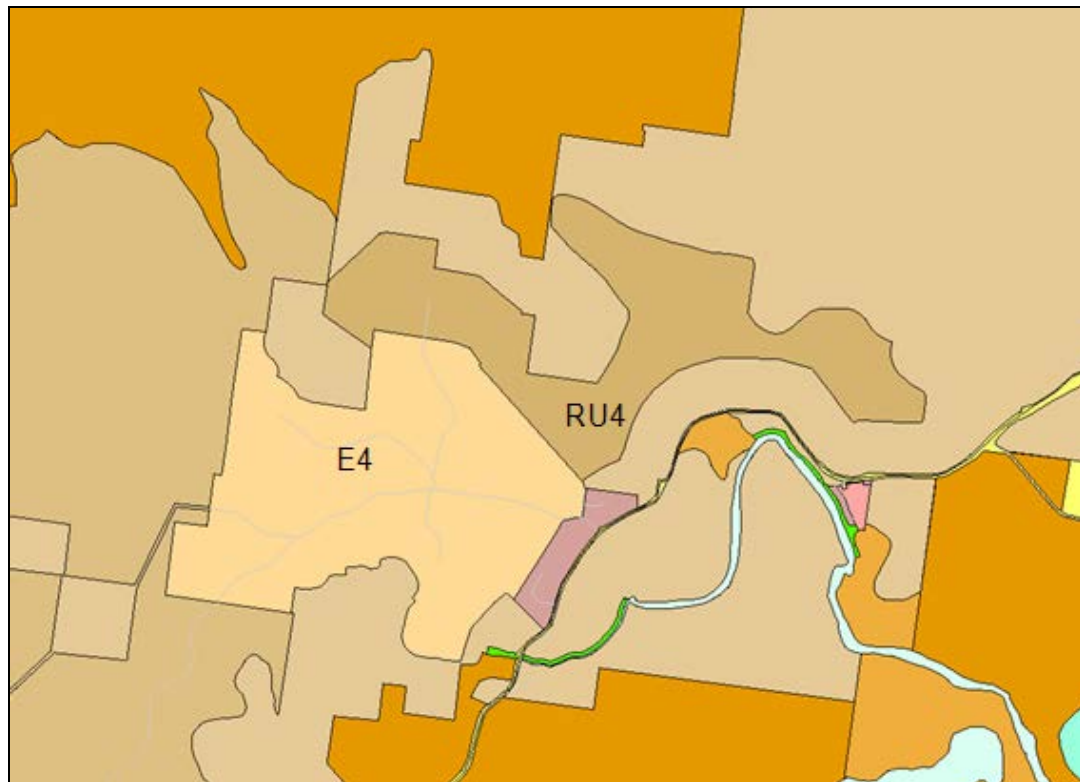
Comment

As a result of the submissions received an external rural planning consultant undertook an assessment of R5 zoned land in draft LEP 2009, after the initial exhibition in 2011 and as a result of the submissions received. This assessment identified proposed boundaries between the proposed RU4 and E4 zones at Wandandian as shown on the map below. The proposed RU4 and E4 zones at Wandandian were based on the following commentary from the consultant's assessment:

Lots in the north of this area are typically large and used for agricultural purposes. Although there are numerous watercourses and a remnant patch of melaleuca biconvexa, the RU4 zone objectives will be satisfied by ensuring compatibility with surrounding RU1 Primary Production land and minimising the potential for land use conflict between the two zones. Application of the provisions of draft SLEP 2009 should ensure that adverse environmental impacts are avoided or mitigated.

Land in the south of this area is environmentally sensitive due to the presence of threatened species and EECs and a category 1 watercourse. Development is primarily for rural lifestyle on small lots. This is consistent with the objectives of DCP 72 to provide for low density development on cleared and wooded sites within this area. The E4 zone objectives will be satisfied by continuing to enable residential development that does not compromise environmental values.

It should be noted that nothing in the draft SLEP 2013 prohibits the keeping of animals for domestic purposes in any rural or environmental zone. In addition, as a result of the submissions received after the initial exhibition, extensive agriculture is now a permissible use with consent in the R5 zone.



Exhibited draft LEP 2013 zoning map

Options 6.1

Option 1

Adopt the RU4 and E4 zones at Wandandian as exhibited in draft LEP 2013.

Option 2

Apply the proposed RU4 zone to the total area of the current 1(c) zone at Wandandian.

Option 3

Apply the proposed RU4 zone to the total area of the current 1(c) zone at Wandandian, and apply the NRS Biodiversity map overlay (habitat corridors) to the vegetated parts of the area currently shown as E4. This option represents the best compromise.

Recommendation 6.1

Adopt either Option 1, 2 or 3 above.

Issue 6.2: Tapitallee - Rural Residential Zones and Lot Averaging

Two submissions commented on the proposed rural residential zones at Tapitallee. One submission supported the exhibited draft LEP 2013 in relation to the transfer of the Rural 1(c) zone to RU4 and E4 (rather than R5 as exhibited in 2011) but raised concern with

the land use table for the E4 zone in relation to ongoing “extensive agriculture”. The other submission did not support the use of the E4 zone at Tapitallee due to the E4 land use table and objectives. Further, this submission challenges the approach to realising any subdivision potential in the area, and requests that lot averaging be removed from the LEP and associated DCP 72 be changed.

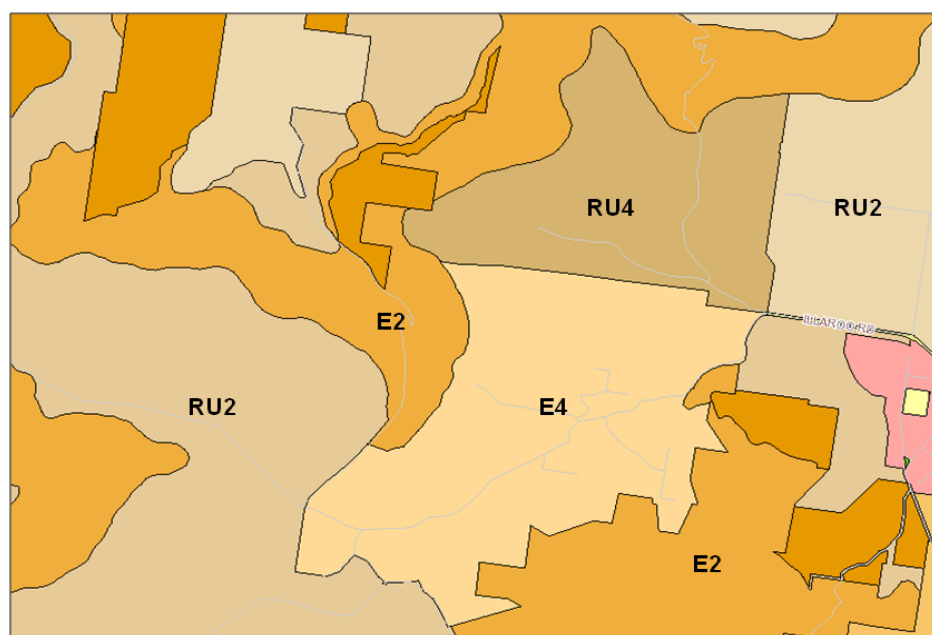
Comment

The external rural planning consultant also reviewed this area after the initial exhibition in 2011. Those findings informed the proposed boundary between the RU4 and E4 zone at Tapitallee as shown on the map below. The proposed RU4 and E4 zones at Tapitallee were based on the following commentary from the consultant’s assessment:

Land in the northern part is generally characterised by large lots that are currently used for agricultural purposes. This is consistent with the objectives of DCP 72 to provide for small scale farming on the prime crop and pasture land and to maintain the agricultural landscape. It also satisfies the objectives of the zone to encourage primary production and promote diversity and employment through agricultural use.

Land in the southern part is dominated by lifestyle development on smaller lots that have scenic values and significant environmental qualities. It also adjoins land that is to be zoned for environmental protection. This is consistent with the objectives of DCP 72 to provide for non-agricultural development and the objectives of the E4 zone to provide for low impact residential development on land that has special ecological and aesthetic values.

In addition, the inclusion of lot averaging provisions in draft SLEP 2013 ensures that the pattern of rural subdivision can be matched to landscape features or characteristics, such as biodiversity, valuable agricultural land or topographic features. Without lot averaging provisions, the loss of prime crop and pasture land and environmentally sensitive lands is much higher through the possible future fragmentation of rural land.



Exhibited draft SLEP 2013 zoning map

Options 6.2

Option 1

Retain the RU4 and E4 zones at Tapitallee and maintain the approach to lot averaging in this area as exhibited in draft LEP 2013.

This is the preferred option as this is the approach that was applied following the initial exhibition and resulting detailed report on this issue. This is also supported by DP&I.

Option 2

Apply the proposed RU4 zone to the total area of the current 1(c) zone at Tapitallee.

Option 3

Apply the proposed RU4 zone to the total area of the current 1(c) zone at Tapitallee, and apply the NRS Biodiversity map overlay (habitat corridors) to the vegetated parts of the area currently shown as E4.

Option 4

Apply the R5 zone to the proposed RU4 and E4 zones at Tapitallee as initially exhibited in 2011 in draft LEP 2009.

This option is not preferred and may require a further public exhibition of draft SLEP 2013.

Recommendation 6.2

Adopt the RU4 and E4 zones at Tapitallee and maintain the approach to lot averaging in this area as exhibited in draft LEP 2013.

Issue 6.3: Little Forest/ Yatte Yattah - Rural Residential Zones

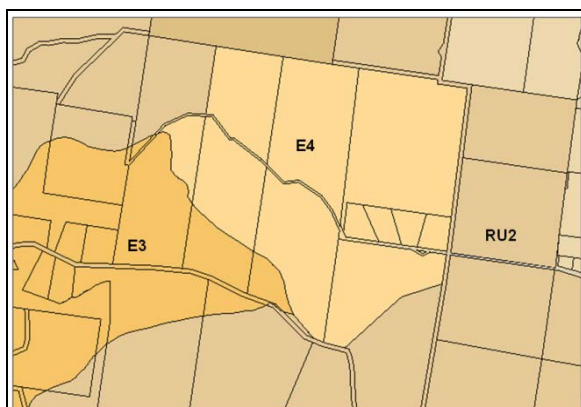
Two (2) submissions commented on the rural residential zones at Little Forest/ Yatte Yattah. One submission supported the exhibited draft LEP 2013 and the transfer of the Rural 1(c) zone to E4 (rather than R5 as exhibited in 2011) at Yatte Yattah, but raised concerns with possible subdivision and development on adjoining properties. This is due to possible land use conflict as their property is used for bee keeping, with up to 100,000 bees in each hive during peak honey season. The submission requests the draft LEP include a buffer around the subject land. The other submission supports the transfer of the Rural 1(c) zone to RU4 and E4 (rather than R5 as exhibited in 2011) at Little Forest and asks that minimum subdivision/ lot averaging requirements in the draft LEP are adhered to.

Comment

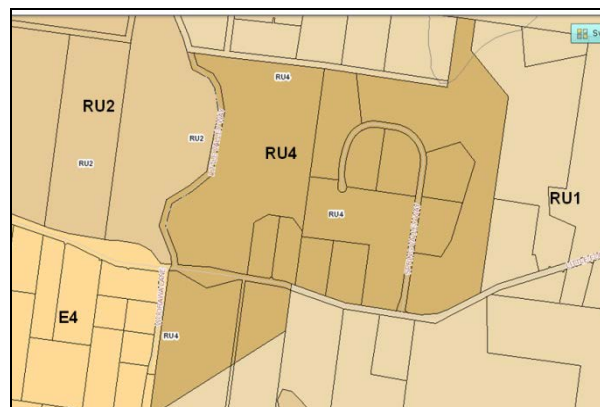
The support for the proposed RU4 and E4 zones in Yatte Yattah and Little Forest is noted. The request for a buffer around one property (bee keeping operation) is not consistent with the approach to buffers in the Standard LEP Instrument and is not considered necessary as any development applications will require a Section 79C assessment when consideration of adjoining land uses will occur. In this regard there is

currently a DCP buffer around the piggery that is located to the north of the proposed E4 zone at Yatte Yattah.

The areas of Yatte Yattah and Little Forest were rezoned to Rural 1(c) (Rural Lifestyle) as part of the Rural Plan in 1999 as Amendment No. 127 to SLEP 1985. This allowed a smaller minimum lot size in some of these areas. It is noted that there are already currently three existing rural residential lots adjacent to the bee keeping operation. In addition, Clause 4.2B applies to the adjoining properties and as such limits the subdivision potential of these lots to a minimum lot size of 1 hectare to a maximum of 1 lot per 10 hectares.



Yatte Yattah



Little Forest

Extract of draft LEP 2013 zoning map

Options 6.3

Option 1

Receive the submissions regarding the rural residential zones at Little Forest/ Yatte Yattah for information.

Option 2

Investigate options for the creation of an LEP buffer around the bee keeping operation at Yatte Yattah; however it should be noted that this is unlikely to be successful.

Recommendation 6.3

Receive the submissions regarding the rural residential zones at Little Forest/ Yatte Yattah for information.

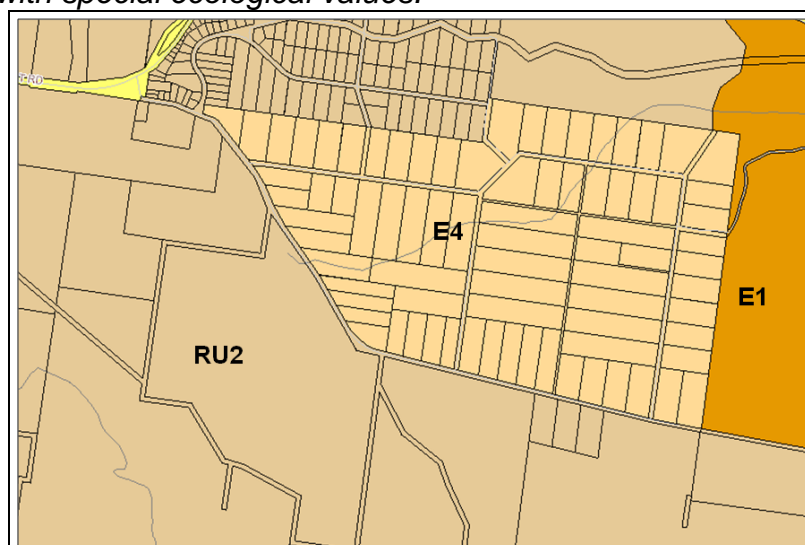
Issue 6.4: Tomerong - Rural Residential Zones

One (1) submission commented on the rural residential zones at Tomerong. The submission from the landowner objects to the proposed E4 zoning of their land in Evelyn Road, Tomerong. This is based on the rural nature of the land and potential impact on land value.

Comment

The external rural planning consultant also reviewed this area after the initial exhibition in 2011. Those findings informed the placement of the proposed E4 zone at Evelyn Road, Tomerong as shown on the map below. The proposed E4 zone at Tomerong was based on the following commentary from the consultant's assessment:

Although most properties are occupied, this area presents as relatively undeveloped in terms of vegetation retention and separation between dwellings. It is remote, constrained by watercourses and threatened species/EECs, and adjoins environmentally sensitive land zoned E1 and the Jerberra Estate paper subdivisions. This satisfies the zone objective to provide for low impact housing in an area with special ecological values.



Extract of draft LEP 2013 zoning map

Options 6.4

Option 1

Retain the E4 zone at Evelyn Road, Tomerong and maintain as exhibited in draft LEP 2013.

This is the preferred option as this is the approach that was applied following the initial exhibition and resulting detailed report on this issue. This is also supported by DP&I.

Option 2

Apply the proposed RU4 zone to the total area of the current 1(c) zone at Tomerong in draft LEP 2013.

Option 3

Apply the proposed RU4 zone to the total area of the current 1(c) zone at Tomerong in draft LEP 2013, and apply the NRS Biodiversity map overlay (habitat corridors) to the vegetated parts of the area currently shown as E4.

Option 4

Apply the R5 zone to the proposed RU4 and E4 zones at Tomerong as initially exhibited in 2011 in draft LEP 2009.

This option is not preferred and may require a further public exhibition of draft LEP 2013.

Recommendation 6.4

Retain the E4 zone in Tomerong and maintain as exhibited in draft SLEP 2013.

Issue 6.5: Berry and surrounds – Rural Residential zones and Lot averaging

The Berry Alliance and thirteen (13) of the individual submissions support the proposed zoning of the Rural 1(c) land on the outskirts of Berry to E4 and RU4, rather than R5 as was initially proposed in draft LEP 2009. However the inclusion of lot averaging is not supported as it will result in further subdivision and potential loss of amenity. Further, one submission requested the it be made more clear in the draft LEP that 'prime crop and pasture land' zoned E4, RU4 or R5 has a minimum lot size of 10ha as this is not shown on the lot size map overlay and may not be obvious to potential landowners.

Comment

The support for the proposed E4 and RU4 zones is noted. The inclusion of lot averaging in this location is consistent with the "best fit transfer" from LEP 1985 to draft LEP 2013 and therefore should be retained. The lot averaging provisions specifically arose from the Rural LEP and detailed considerations at that time. They recognise the need for the protection/inclusion of specific attributes in future subdivisions. Any future subdivision would be considered via the Section 79C assessment process, including impact on amenity. The draft LEP does require that 'prime crop and pasture land' zoned E4, RU4 or R5 has a minimum lot size of 10ha and the way it is worded in the clause is a requirement of the Standard LEP Instrument. As with any LEP, the instrument and maps function together and as such should be read together.

Options 6.5

Option 1

Receive the submissions regarding the proposed E4 and RU4 zones on the outskirts of Berry for information and retain the zoning as exhibited in draft LEP 2013.

Option 2

Receive the submissions regarding the proposed E4 and RU4 zones on the outskirts of Berry and retain the zoning as exhibited in draft LEP 2013, but remove the lot averaging from draft LEP 2013 for these areas.

Recommendation 6.5

Receive for information and retain the zoning as exhibited in draft LEP 2013.

Issue 6.6: General Support for Rural Residential zones

Five (5) submissions generally support the inclusion of the E4 zone in draft LEP 2013, without referencing a locality. The OEH submission also supports the proposed application of the R5, RU4 and E4 zones in areas formerly exhibited as R5.

Comment

The support for the inclusion of the R5, RU4 and E4 zones in draft LEP 2013 is noted.

Recommendation 6.6

Receive the submission regarding the inclusion of the R5, RU4 and E4 zones in draft LEP 2013 for information.

Issue 6.7: General Comments on Lot Averaging

One submission objected to lot averaging being applied in Shoalhaven and does not support its inclusion in draft LEP 2013. The OEH submission however noted that lot averaging can provide a means for subdivision layouts to protect sensitive environmental areas.

Comment

Lot averaging provisions currently exist in LEP 1985 and its inclusion in draft LEP 2013 is consistent with the “best fit transfer” approach taken to the preparation of the LEP.

Recommendation 6.7

Receive the general submissions regarding lot averaging for information.

Issue 6.8: Lot Averaging in R5 Zones

Two (2) submissions request Council give consideration to including a clause in Part 4 of draft LEP 2013 to enable lot averaging in the R5 zone City wide. This would be in line with Eurobodalla LEP 2012 and other Councils across the State, and would achieve better merit based subdivision that would allow clustering of development in the unconstrained parts of environmentally restricted land.

Comment

Lot averaging currently exists in LEP 1985 for specific parts of the City and its inclusion in draft LEP 2013 for the R5 zone City wide would be inconsistent with the “best fit transfer” approach to the preparation of the LEP.

Recommendation 6.8

Receive the submissions regarding lot averaging in the R5 zone for information.

Issue 6.9: Lot 1 DP 828093, 2 Roseville Road, Bomaderry – Rural Subdivision

One (1) submission supported the proposed R1 and RU2 zoning of the subject land, but raises concern with the minimum allotment size for the RU2 portion of the land which could form a residue allotment should the land be developed in the future. An existing dwelling is centrally located on the lot and appears to be sited within the proposed RU2 zone. The submission requests a clause be included in the draft LEP to enable the creation of a residue allotment.

Comment

The issue raised is valid, specifically as this lot was rezoned as the result of a request received during the 2011 exhibition period. It can be addressed by amending the minimum lot size overlay for the subject land or by the inclusion of a clause or Schedule 1 listing in draft LEP 2013 for the subject land.

Recommendation 6.9

Amend draft LEP 2013 to ensure the creation of a residue allotment is possible for Lot 1 DP 828093, 2 Roseville Road, Bomaderry after the future subdivision of the R1 zoned land.

Issue 6.10: Bawley Point - Rural Subdivision

One (1) submission commented on the subdivision potential of 285 Murramarang Road, Bawley Point. The submission from the landowner requests that Clause 4.1 of draft LEP 2013 be expanded to retain the potential to subdivide under the same terms as are currently provided by Clause 11(3) and 11(3A) of LEP 1985.

Comment

Clause 4.1 in draft LEP 2013 is generally a 'best fit' transfer from Clause 11(3) and 11(3A) of LEP 1985. Clause 4.2A permits community title subdivision for the purpose of tourist and visitor accommodation under certain circumstances. It should be noted that the subdivision potential of 285 Murramarang Road will remain the same under LEP 2013 as in LEP 1985. There is no strategic justification to support the requested change and the exhibited subdivision clause is broadly accepted by DP&I. Should the landowner wish to pursue this matter further, a separate Planning Proposal at the landowner's expense could be considered after completion of LEP 2013.

Recommendation 6.10

Receive the submission regarding rural subdivision at Bawley Point in draft SLEP 2013 for information.

SECTION 7 – HEIGHT OF BUILDINGS, URBAN RELEASE AREAS, BOMADERRY REGIONAL PARK, WESTERN BYPASS, AND YERRIYONG

Issue 7.1: Height of Buildings

Currently Shoalhaven does not have a city wide maximum height of buildings, however, the Illawarra Regional Environmental Plan (REP) (now a deemed State Environmental Planning Policy (SEPP)) requires that any building that is proposed to be higher than 11m obtains concurrence from the State Government. LEP 1985 also includes a provision that requires buildings that are 2 storeys or greater to obtain development consent.

Some of Council's existing DCPs set lower maximum height of buildings based on locality (e.g. Kangaroo Valley) or development type (e.g. single or specific dwelling houses).

Where an existing DCP sets a maximum height of buildings for a certain area, this is reflected in draft LEP 2013. The draft LEP also sets a maximum height limit of 8.5m for all R2 Low Density Residential and RU5 Rural Village zoned land and 7.5m for residential foreshore areas. The maximum height of buildings for areas of the City that are not shown on the Height of Building map remain at a maximum of 11m via a clause within draft LEP2013.

Number of Submissions – Height of Buildings

Type	Number
Individual	28
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	6
Internal	0
Total	34

Key Issues- Height of Buildings

Thirty Four (34) submissions were received in relation to height of buildings including submissions from Kangaroo Valley Tourist Association, Lake Wollumboola Protection Association, Basin Villages Forum, Kangaroo Valley Community Association, Huskisson & Woollamia Community Voice and Jervis Bay Regional Alliance. A summary of the issues raised in the submissions and comments/recommendations are detailed in the table below.

Table 7.1- Summary of Submissions Issues, Comments and Recommendations

Submission Issues	Comments and Recommendations
Thirteen (13) submissions request all rural and environmental protection zones be restricted to 8.5m maximum height of buildings.	Generally submissions assume that the 11m maximum building height as exhibited represents an increase from LEP 1985.
Concerned that Council will lose control of	The 11m height limit included in the exhibited draft LEP 2013 is taken from the

Submission Issues	Comments and Recommendations
<p>development and 11m buildings can be approved as complying development without the need to consult with Council or the local community. Developments above 8.5m should require development consent.</p> <p>11m development in these areas is out of character and will have a significant impact on surrounding areas.</p>	<p>concurrence requirement in the Illawarra REP which currently applies to Shoalhaven with the exception of Jervis Bay (which currently has no maximum height control in either the LEP or in the Jervis Bay REP).</p> <p>LEP 1985 does not set a maximum height of building and height limits are generally controlled by DCP controls for certain land uses (i.e. Single Dwellings etc). These DCP controls will continue to apply to development in these areas. The current LEP does require development that is 2 storeys or greater to obtain consent.</p> <p>While there is concern that 11m buildings will be approved without Council or community input, all buildings above 8.5m or 2 storeys will still need to apply for development consent, as complying development only applies to buildings up to 8.5m in height.</p>
<p>Ten (10) submissions commented that Height of buildings in all coastal and rural villages and towns should be capped at 8.5m, except where specific DCPs set heights at different levels.</p> <p>Development should be focused in the Nowra CBD.</p> <p>Precedents already exist for capping of height of buildings for all coastal & rural, villages and towns. Berry has ALL zones within its urban centre capped at 8.5m in the draft LEP.</p>	<p>Following the 2011 exhibition and in response to submissions, the Council did make a number of specific changes in regard to heights, including mapping the Berry urban area at 8.5m.</p> <p>Development controls in Council's land use DCPs will continue to apply and where building heights are identified in an area specific DCP, these heights have been reflected in the draft LEP.</p>
<p>Ten (10) submission request that Council restrict building heights to 8.5m in all R1, R3 and R5 zones to protect the amenity of residents and the character of the Shoalhaven.</p> <p>Concerns that Council has increased the height limits to 11m.</p>	<p>Currently there is no maximum building height under LEP 1985 with building heights generally determined by land use DCPs (i.e. medium density code). The proposed 11m maximum height is based on the concurrence requirement in the Illawarra REP (deemed SEPP) and is considered a best fit transfer.</p> <p>The R1 and R3 zones generally allow flexibility in residential development or</p>

Submission Issues	Comments and Recommendations
	<p>increased densities. Thus restricting development to 8.5m may also restrict flexibility.</p> <p>Development controls in DCPs will continue to apply.</p>
<p>Four (4) submissions request that Council return Clause 4.3 of LEP 2013 to a maximum height of 8.5m and remove the statement "and desired future character" from the Objective of this clause.</p>	<p>These requests are generally based on the assumption that Council has increased the maximum height limit to 11m. As discussed above, the current LEP does not set a maximum height of buildings and an 11m height limit is considered consistent with a best fit transfer.</p> <p>The concern also stems from the identification of a maximum height at 11m and the concern that this will lead to assumptions that this height limit is permissible everywhere.</p>
<p>Four (4) submissions commented the LEP should be amended to reflect DCP height limits throughout Shoalhaven.</p> <p>R3 Medium Density zones should reflect existing DCP71 - Medium Density Housing, and be height-mapped to 8.5m, with consolidation height bonus managed via the DCP.</p>	<p>All building heights identified and established in area specific DCPs have been reflected in the LEP 2013.</p> <p>Some land use DCPs set maximum building heights or storeys (i.e. medium density code). These height limits have not been reflected in draft LEP 2013 because they restrict certain land uses and not zones or areas. Nevertheless, these DCP controls will continue to apply.</p> <p>The LEP height limits are an absolute maximum and as such cannot provide for a bonus. A DCP can require a lower building height through maximum storeys or building envelopes but cannot allow for bonus heights for consolidation etc. Where bonus heights are identified in DCPs, the maximum height has been mapped in the draft LEP with the DCP determining the requirements for building heights.</p>
<p>One (1) submission raised concerned that building heights are against community advice and there is a real risk of heights going to 13m in medium density zones as part of the City-wide DCP (as yet unseen).</p>	<p>The draft LEP clearly sets a maximum building height of 11m in R3 zones via the Citywide clause, unless a building height is identified in an area specific DCP.</p>

Submission Issues	Comments and Recommendations
This scale of development is considered inconsistent with the objectives of the Plan, and will not "ensure buildings are compatible with the height, bulk and scale of existing character" and will not "minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing developments".	The draft LEP does not allow for 13m buildings in medium density zones. The objectives of the plan will need to be considered when assessing future development.
One (1) submission supports for changes to height of building maps, particularly 8.5m within R2 and RU5 zones, foreshore heights, and area specific DCP heights.	Comment noted.
One (1) submission comments that the :EP creates unrealistic expectations for development and it is better to map 8.5m heights and only permit a realistic range of uses. This would place the onus back onto developers to demonstrate compliance with performance criteria of residential amenity, shading, privacy and overlooking.	As discussed above, the draft LEP does not increase the height of building limits. An 11m building height is considered a best fit transfer from the existing situation under LEP1985 and Illawarra REP (deemed SEPP). It does not assume that all development will now come in at 11, but allows some flexibility.
One (1) submission supports all points in relation to Clause 4.3 height of buildings and its objectives.	Comment noted

The consistent theme throughout the submissions was that all rural and environmental protection zones should be restricted to 8.5m maximum height of buildings. Alternatively, Clause 4.3 should be amended to set a maximum building height of 8.5m for all land not shown on the Height of Building map overlay.

There is no consistent approach to this issue in other Council areas where the Standard LEP Instrument process has been completed. Several other Councils have only mapped maximum building heights for lower density residential areas and in relation to maximum buildings heights being established on all land, some Councils have set a maximum and some have not. For example, Kiama Council has mapped its lower density residential zones and some of its medium density zones at 8.5 metres and its business/industrial zones and some of its medium density zones at 11 metres. All other zones/areas do not have a maximum mapped height and as such the whole of the Kiama LGA does not have height of buildings maps.

Maximum height limits in business/ commercial zones, where existing contemporary DCPs or strategic planning work does not exist, warrant further investigation. For example, Nowra CBD is currently the subject of extensive strategic planning work, via the masterplanning and DCP process. The findings of this work, in relation to building heights and other matters, will lead a future amendment to this LEP. This is the

approach that was agreed to with DP&I as they have an expectation that Nowra CBD, as our key regional centre, will have detailed building height controls that are soundly based.

The 11 metre maximum height limit, as stated, is consistent with the “best fit” transfer approach, but it is reasonable to expect different height limits on differently zoned land, not just residential. This has been one of the consistently vexed issues over both exhibitions of the draft LEP. As such Council has the following options.

Option 7.1

Option 1

Adopt the Height of Building Clause (4.3) and map overlay as exhibited in draft SLEP 2013.

Comments/Implications:

This is the preferred option and is consistent with the “best fit” transfer approach. Council could continue to update the height of building map overlay as strategic planning projects provide support/ evidence for such changes (e.g. Nowra CBD DCP or amendments to existing DCPs).

Option 2

Amend the Height of Building overlay to map all Rural, Environmental Protection and R5 Large Lot Residential zoned land at a maximum building height of 8.5m.

Comments/Implications:

While this option would allay concerns raised by some members of the community, it is not preferred as it would significantly limit flexibility in these zones. Should Council set a maximum height of buildings in these zones, all buildings would then have to comply with the 8.5m height limit. This may significantly restrict some developments which are otherwise permissible in the zone. For example, community facilities and churches, which are permissible in the RU2 zone, would be required to keep architectural features within the LEP height limit.

Some of Council’s DCPs currently set height limits through maximum storeys or building envelopes for specific types of development, and these controls will continue to apply.

Option 3

Amend Clause 4.3 to set a maximum building height of 8.5m for all land not shown on the Height of Building map overlay.

Comments/Implications:

While this option would allay concerns raised by some members of the community, it is not preferred for reasons outlined under Option 2.

Recommendation 7.1:

Adopt the Height of Building Clause (4.3) and map overlay as exhibited in draft SLEP 2013.

Issue 7.2 Area Specific Height of Buildings – Northern

Number of Submissions- Area Specific Height of Buildings- Northern

Type	Number
Individual	24
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	2
Internal	0
Total	26

Table 7.2- Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comments and Recommendations
<p>One(1) submission was received from BBC Consulting on behalf of Stockland Nowra which objected to the building height control of 11 m applying to the Stockland Nowra site because it does not reflect to existing approvals or conventional expectations of a two storey retail development.</p> <p>The DA approval granted a height limit of 12.4m excluding lift overruns and architectural features. A height limit of 15 metres would allow for two storey retail development and/or a multi-deck car parking station. Requested to replace the overall building height of 11 metres with a 15 metre height limit.</p>	<p>A study is currently being undertaken to determine the appropriate height limit for the Nowra CBD. This study is still being undertaken and the outcomes are not yet known. It is expected that the results of this study will be reported to Council in due course. Should the outcomes of the study be accepted then an amendment to the SLEP 2013 can be made via a separate planning proposal at that time.</p> <p>It is more appropriate for the height limit for the Nowra Stockland site to be established in conjunction with the remainder of the Nowra CBD, as part of ongoing investigations, rather than a specific height limit being implemented at this time.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Thirteen (13) individuals and the Kangaroo Valley Community Association KV objected to the Height of Buildings being 11 metres in many zones.</p> <p>Concerned that the unique character of Kangaroo Valley' quaint village, the rural aspect, escarpment view and heritage buildings will be destroyed. Request that all DCP height limits throughout Kangaroo Valley be honoured and that all rural and environmental zones are restricted to 2 storey (8.5m) limits</p>	<p>SLEP 1985 does not set a maximum height of buildings. Where an area specific DCP sets a maximum height of buildings, these have been reflected in the LEP.</p> <p>The 11m height limit included in the exhibited draft SLEP 2013 is taken from the concurrence requirement in the Illawarra Regional Environmental Plan (REP) (deemed SEPP) which currently applies to Shoalhaven.</p> <p>The provisions of DCP 66 currently set height limits through maximum storeys or</p>

	<p>building envelopes for specific types of development, and these controls will continue to apply.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Ten (10) individual submissions and one (1) submission from Berry Alliance strongly supports the decision by Council to limit the heights in Berry urban area to 8.5m.</p> <p>Believes that a number of parcels that are zoned rural, such as land between Pulman Street and Princes Highway, land along Princes Albert Street, land between North Street and Albert Street, land bound by Victoria Street and the Princes Highway, land in Mt Vista Close and land in Bundewallah road zoned R5 should also be included as 8.5m.</p>	<p>The support for the 8.5 m height limit in Berry urban area is noted.</p> <p>Should Council set a maximum height of buildings in rural zones, all buildings would then have to comply with the 8.5m height limit. This may significantly restrict some developments which are otherwise permissible in the zone. For example, community facilities and churches, which are permissible in the RU2 zone, would be required to keep architectural features within the LEP height limit. This it is not preferred as it would significantly limit flexibility in these zones</p> <p><u>Recommendation:</u> Receive for information.</p>

Recommendation 7.2

Receive the submissions regarding height of buildings in the Northern area for information.

Issue 7.3 Area Specific Height of Buildings – Central

Number of Submissions- Area Specific Height of Buildings- Central

Type	Number
Individual	30
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	2
Internal	0
Total	2

Key Issues- Area Specific Height of Buildings- Central

Table 7.3- Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comments and Recommendations
<p>Seven (7) submissions raised concern with the 11m building heights in R1 and R3 zoned areas in Huskisson. Requests that this be capped at 8.5m or 2 storeys in line with Berry and Vincentia.</p> <p>The Huskisson Wollamia Community Voice raised concerns that 3 to 4 storeys for R3 zones, exceeds the design criteria within the NSW Coastal Design Guidelines 2003, which inform SEPP 71, for a coastal Village of less than 3,000 permanent residents. Huskisson has closer to 800 residents. Under the Coastal Design Guidelines (CDG), two storeys is the appropriate maximum for residential areas surrounding the village centre.</p>	<p>Currently there is no maximum building height under LEP 1985 with building heights generally determined by land use DCPs (i.e. medium density code). The proposed 11m maximum height is based on the concurrence requirement in the Illawarra REP (deemed SEPP) and is considered a “best fit” transfer.</p> <p>The R1 and R3 zones generally allow flexibility in residential development or increased densities. Thus restricting development to 8.5m may also restrict flexibility.</p> <p>Medium density development in the R1 and R3 zones, will still need to comply with the building envelopes in DCP 71 – Medium Density Code. The 11m building height in these zones is a maximum building height for all buildings, where there is currently no maximum building heights in these areas.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Support 8.5m height limits in R2 zones in Huskisson and height of buildings reflecting DCP 54 heights. There is a need to fix parking problems before considering additional heights.</p>	<p>Support is noted.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Two (2) submissions raised concerns that current infrastructure is not sufficient to deal with increased heights in Huskisson.</p>	<p>While the content of these submissions is noted, the maximum height of buildings has not increased under the draft LEP.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Three (3) submissions raised concerns with maximum height of buildings in areas covered by DCP No. 54 - Huskisson Tourist Town Centre and DCP No. 99 - Huskisson Business 3(g) Zone Precincts:</p> <ul style="list-style-type: none"> • Objects to 13m height proposed for 	<p>The height of buildings for Huskisson reflect the building heights in DCP 54 and DCP 99.</p> <p>The heights shown on the Height of Building map overlay in the draft LEP</p>

Submission Issue	Comments and Recommendations
<p>the B4 area of Beach Street, Huskisson.</p> <ul style="list-style-type: none"> Concerned that B4 zoned land adjacent to the RSL has a maximum HOB of 13m. Height of Buildings should be held to 10 metres on the north side and 13 metres on the south side of Owen Street, with provision for a bonus storey managed by DCP54. Construction of 13m 4 storey apartment blocks is inconsistent with the objectives of the Plan, and will not "ensure buildings are compatible with the height, bulk and scale of existing character" and will not "minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing developments". <p>One(1) submission supported the height of buildings on B2 land in Own Street Huskisson.</p>	<p>represent a maximum height to which Council can approve a building. Where a DCP allows for bonus heights, the LEP needs to reflect the bonus height with the DCP determining how and when those maximum heights are achievable.</p> <p>Consistent with other areas covered by area specific DCPs, it is recommended that the height of buildings for Huskisson be adopted as exhibited, with the DCPs to determine how and when those maximum heights can be achieved.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Three (3) submissions commented that increases in building heights, and densities and persistence with development at all costs will have a significant impact on the character of the area and on tourism.</p>	<p>While the content of these submissions is noted, the maximum height of buildings has not increased under the draft LEP.</p> <p><u>Recommendation:</u> Receive these submissions for information.</p>
<p>Two (2) submissions support the exhibited height of building maps for Vincentia.</p>	<p>Support for height of buildings map overlay is noted.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Two (2) submissions support the exhibited height of buildings for the R1 zone (Minerva to Edwards) being reduced from 11m to 8.5m.</p>	<p>Support for height of buildings map overlay is noted.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>One (1) individual opposes development above 2 storeys in Jervis Bay.</p>	<p>LEP 1985 does not set a maximum height of buildings. Where an area specific DCP sets a maximum height of buildings, these have been reflected in the LEP.</p> <p>The 11m height limit included in the exhibited draft LEP 2013 is taken from the</p>

Submission Issue	Comments and Recommendations
	<p>concurrence requirement in the Illawarra Regional Environmental Plan (REP) (deemed SEPP) which currently applies to Shoalhaven with the exception of Jarvis Bay (which currently has no height control in either the LEP or in the Jarvis Bay REP).</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Four (4) individual submissions and one (1) CCB (Basin Villages Forum) raised concern that the maximum height of buildings has changed for Lots 1 and 6 DP 1082382 St Georges Basin. Believes this is inconsistent with the LEP process and the DCP which is relatively contemporary and included community consultation.</p> <p>To make a change of this magnitude without appropriate community consultation and in complete opposition to the LEP ground rules cannot be supported.</p>	<p>Council resolved to change the maximum height of buildings to 13m for Lots 1 and 6 DP 1082382, St Georges Basin to facilitate the feasibility of higher density development on the site. This change was a result of a submission from the landowner to the 2011 exhibition and is not consistent with DCP No. 17 Village Centre – Island Point Road, St Georges Basin. The submission received from the landowner on draft LEP 2013 is correct in stating that part of Lot 1 DP 1082382 was unintentionally mapped with an 8m HOB rather than a 13m HOB as per the Council resolution.</p>
	<p>DCP 17 is a relatively contemporary DCP which was adopted in 2008 and involved community consultation. It sets a maximum height of buildings in the village centre of 8 metres with a potential 2 metre bonus height for medium density development. The majority of Lot 1 is located outside the Village Centre identified in the DCP excluding the western portion of Lot 1 (discussed above) and Lot 6 is outside of the boundary of the DCP. Council has consistently applied the maximum Height of Buildings prescribed in DCPs throughout the city. It is appropriate to retain the exhibited 8m HOB for part of Lot 1 consistent with DCP 17.</p>
<p>One (1) submission was also received on behalf of the landowners who requested that the maximum HOB for Lot 1 DP 1082382 be increased from 13m to 14m to enable buildings up to four storeys and to include a commercial component consistent with the existing and future zoning provisions applying to the land. Also requested that Council amend an apparent mapping anomaly that exists for</p>	<p>In order to allow suitable assessment of any proposed development on its merits and to allow community consultation, it may be appropriate to remove the Height of Building overlay for the eastern portion of Lot 1 DP 1082382 and entirely from Lot 6 DP 1082382. This will mean that any</p>

Submission Issue	Comments and Recommendations
<p>the HOB mapping over part of Lot 1 DP 1082382 with an 8m HOB rather than a 13m HOB (see exhibited map above).</p>	<p>proposed development will be assessed against the relevant controls including Clause 4.3(3) which sets a maximum height of building at 11m if no HOB overlay applies. Any request for a building height higher than 11m would require detailed justification and concurrence from the Director-General under Clause 4.6 – Exceptions to development standards.</p> <p>Alternatively a justified planning proposal could be considered in the future to increase the height and allow detailed community consultation.</p> <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> a) Retain the exhibited maximum 8 metre Height of Building overlay for the eastern portion of Lot 1 DP 1082382; and b) Remove the Height of Building overlay from the remaining western portion of Lot 1 DP 1082382 and entirely from Lot 6 DP 1082382.
<p>Also raised in two (2) submissions, one individual and one from the Lake Wollumboola Protection Association (LWPA), was the issue of the Height of buildings in the Culburra Expansion Area, with an objection to the proposed 7.5m height limit for development. It was suggested that the 7.5m height limit for the area is misleading, as this should only apply to the first lot from the foreshore.</p>	<p>The 7.5m is due to the lot being the first residential lot from the foreshore. The development of this area is being considered via a major project application which will determine the height</p> <p><u>Recommendation:</u> Receive for information</p>
<p>Three (3) objections were received in relation to the 11m maximum building height for the Burton Street Shops. The submissions requested an 8.5m maximum building height for the area so as to not pre-empt future planning options and to be consistent with the existing use of the site.</p>	<p>An 11m height limit for the Burton Street shops is considered a best fit transfer for the B2 land, consistent with the provisions of the Illawarra REP (noting the REP does not apply to the Jervis Bay area). Any change/reduction in building heights should be addressed through a more detailed planning exercise for the site consistent with the previous Council resolution. Council also resolved to include a DCP provision to maintain commercial/ retail use on the ground floor.</p>

Submission Issue	Comments and Recommendations
	<p>Council generally has two options in regards to the maximum height of buildings for Burton St shops.</p> <p><u>Option 1</u> Adopt the 11m height of buildings for the Burton Street shops as exhibited in draft LEP 2013.</p> <p><u>Option 2</u> Reduce the maximum height of building for the Burton Street shops to 8.5m.</p> <p><u>Recommendation:</u> Adopt the 11m height of buildings for the Burton Street shops as exhibited in draft LEP 2013.</p>

Options 7.3:

Option 1

Accept the recommendations outlined in Table 12.1 and amend draft SLEP 2013 accordingly.

Option 2

Receive all the submission issues outlined in Table 12.1 for information

Recommendation 7.3:

- a) ***Receive the submissions regarding height of Buildings in Central Area for information; and***
- b) ***Retain the exhibited maximum 8 metre Height of Building overlay for the eastern portion of Lot 1 DP 1082382; and Remove the Height of Building overlay from the remaining western portion of Lot 1 DP 1082382 and entirely from Lot 6 DP 1082382.***


Issue 7.4- Area Specific Height of Buildings – Southern

Number of Submissions- Area Specific Height of Buildings- Southern


Type	Number
Individual	12
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	4
Internal	0
Total	16


Key Issues - Area Specific Height of Buildings- Southern

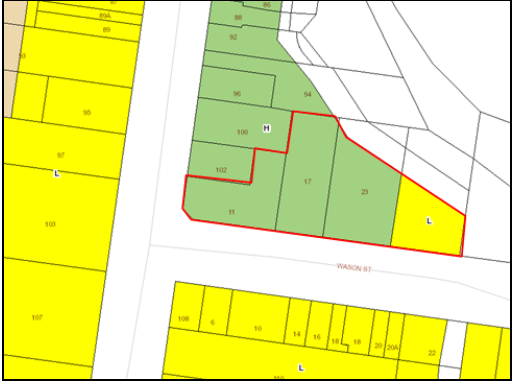
Table 7.4 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comments and Recommendations
<p>Cudmirrah Berrara Swanhaven Progress Association Inc requests that for the villages of Sussex Inlet and surrounds that height of buildings be limited to 8.5 metres and include provision for flood heights in flood prone areas, such as CBD Sussex Inlet.</p> 	<p>As previously resolved by Council and exhibited in draft SLEP 2013, areas zoned R2 are mapped of 8.5 metres and maximum Height of Buildings have also been mapped in accordance with area specific Development Control Plans (DCP) i.e. Sussex Inlet Town Centre has been mapped at 10 metres. The maximum 10 metre Height of Building is appropriate for Sussex Inlet CBD to allow for flood control provisions.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Five (5) submissions made various recommendations on height of buildings for the Kylor land including:</p> <ul style="list-style-type: none"> • Requests an 8.5m height of building limit for the Kylor land. • Requests the R1 zoned land be capped at 8.5m. • Requests that land zoned E3 be capped at 7.5 m consistent with coastal property building heights for the district. 	<p>Council resolved on 20 June 2012 to “Amend the Height of Buildings map overlay to show a maximum overall Height of Buildings of 8.5 metres within the Manyana, Bendalong, Cunjurong Point and Berringer Lake areas.” It would appear that the R1 zoned land was inadvertently not mapped with a maximum 8.5m Height of Buildings and this error should be rectified in the final maps.</p> <p>Residential foreshore areas throughout Shoalhaven have been mapped at 7.5m</p>

Submission Issue	Comments and Recommendations
	<p>maximum height of buildings consistent with DCP 62. The proposed E3 land is not covered by DCP 62 and therefore, does not restrict the height of buildings for this site. Council did not previously resolve to set building heights in the E zones.</p> <p><u>Recommendation:</u> Amend the draft LEP 2013 Height of Buildings Map overlay for R1 zoned land at Lot 2 DP 1161638 and Lot 106 DP 755923 (Por 106), Manyana to 8.5 metres.</p>
<p>Six (6) submissions requested that an 8.5m maximum height of building in line with community expectations and to ensure that development is of a scale and type compatible with the character of the surrounding residential environment.</p>	<p>Council resolved on 20 June 2012 to “Amend the Height of Buildings map overlay to show a maximum overall Height of Buildings of 8.5 metres within the Manyana, Bendalong, Cunjurong Point and Berringer Lake areas.” It would appear that the B2 zoned land was inadvertently not mapped with a maximum 8.5m Height of Buildings and this error should be rectified in the final maps.</p> <p><u>Recommendation:</u> Amend the Height of Buildings Map overlay for B2 zoned land at Lot 1 DP 1161638 to 8.5 metres.</p>
<p>Red Head Villages Association recommends that the proposed zoning of Lot 7 DP111567, 7 Alaska Street Cunjurong Point should have should have a specified height of buildings of 7.5 metres consistent with the surrounding landscape.</p>	<p>Council resolved on 20 June 2012 to: <i>Amend the Height of Buildings Map overlay to show a maximum overall height of buildings of 8.5 metres within the Manyana, Bendalong, Cunjurong Point and Berringer Lake urban areas</i></p> <p>It appears that this change was inadvertently not made to the Height of Building Map and therefore was not exhibited in draft LEP 2013.</p> <p>Commercial zones are not covered by the foreshore area DCP provisions and are therefore not mapped in the draft LEP 2013.</p> <p><u>Recommendation:</u></p>

Submission Issue	Comments and Recommendations
	Map the maximum Height of Building for Lot 7 DP111567, 7 Alaska Street Cunjurong Point at 7.5 metres consistent with the adjoining lots.
<p>Red Head Villages Association (Inc) and one individual submission recommended that Lot 24 DP 1180149, North Bendalong retain the proposed E3 zoning but change the height of buildings from 7.5m to 5.5m as Lot 24 is an iconic headland at North Bendalong.</p> 	<p>This request raises legitimate concerns regarding this headland site, however it is not appropriate to reduce the height of buildings map from the exhibited 7.5m maximum to 5.5m through the finalisation of the draft LEP 2013 and without site specific assessment.</p> <p><u>Recommendation:</u> Map the maximum Height of Building for Lot 24 DP 1180149, North Bendalong at 6.0 metres consistent with the approved development and sensitive visual location.</p>
Supports 8.5m Height of buildings for Manyana.	<p>Comments noted.</p> <p><u>Recommendation:</u> Receive for information.</p>
Height Code - Recommend that North Bendalong be included in the list of villages.	<p>Council resolved on 20 June 2012 to: <i>Amend the Height of Buildings Map overlay to show a maximum overall height of buildings of 8.5 metres within the Manyana, Bendalong, Cunjurong Point and Berringer Lake urban areas</i></p> <p>North Bendalong urban area was exhibited with a 8.5m maximum Height of Building excluding foreshore areas which are mapped with a 7.5m maximum Height of Building.</p> <p><u>Recommendation:</u> Receive for information.</p>
Ulladulla and Districts Community Forum supports changes to HOB maps, particularly 8.5m within R2 and RU5 zones, foreshore heights, 8-10m Ulladulla South Business Precinct and 8m Ulladulla South Harbour	<p>Comments noted.</p> <p><u>Recommendation:</u> Receive for information.</p>

Submission Issue	Comments and Recommendations
Precinct.	
Also supports FSR and HOB mapping within Ulladulla Town Centre as reflected DCP 56.	<p>Comments noted.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Ulladulla & Districts Community Forum raised the Flood Space Ratios (FSR) for the deferred area in <i>DCP 56 – Ulladulla Town Centre and Harbour Review</i>. Recommend that the deferred area that has still not been finalised should remain unshaded on the FSR map.</p>	<p>The exhibited FSR map for the subject land is based on DCP 56 (Amendment No. 4). Council resolved to update FSR and HOB overlay maps to reflect DCP 56 (Amendment No. 5), however the subject land was deferred from the recent amendment.</p>
	<p>Council resolved (in part) on 28 June 2012 that:</p> <p><i>The FSR and HOB overlay maps for the Ulladulla Harbour Triangle and Burrill Street South Precincts be changed as required following the outcome of the separate strategic planning projects being carried out in relation to these precincts.</i></p> <p>Council commissioned Locale Consulting to undertake a review of DCP 56 – Deferred Lands. This review was received in August 2012 however is yet to be considered by Council.</p> <p>Thus, there are two options to address this issue at this point in the LEP process. These are:</p> <p><u>Option 1:</u> Retain the exhibited FSR overlay for the DCP 56 deferred area (Lot 1 DP 529128, Lot 54 DP 263391, Lot 53 DP 263391, Lot 52 DP 263391, Lot 50 DP 263391 and Lot 51 DP 263391) as exhibited.</p> <p><u>Option 2:</u> Remove the FSR overlay for the DCP 56 deferred area (Lot 1 DP 529128, Lot 54 DP 263391, Lot 53 DP 263391, Lot 52 DP 263391, Lot 50 DP 263391 and Lot 51 DP 263391) and reconsider once the detailed work is completed.</p>

Submission Issue	Comments and Recommendations
<p>One submission was received from the landowners of 11-25 Wason Street, Ulladulla NSW.</p>  <p>The proponents are concerned that the draft planning controls do not provide any financial incentive to alter the existing building stock for the majority of lots. Incentives for the consolidation of lots through increased FSR & height limits must be provided if development activity is to be generated to allow buildings to redevelop and redress the harbour foreshore and boardwalk.</p> <p>A possible solution to achieve connectivity from the foreshore to the main shopping district would be to provide FSR/ Height incentives if through-site links are provided.</p> <ul style="list-style-type: none"> - Supports the proposed B4 Zone. - Proposed height of buildings is considered far too restrictive and will stagnate development, irrespective of FSR controls. <p>Requests a floor space ratio of 2.0:1 to stimulate redevelopment in the precinct without significant effect on the resultant built form. This FSR is also consistent with other properties in the Ulladulla CBD & the similar zoned property fronting Wason Street.</p> <p>Requests the height limit be increased to 12m to allow for 4 storeys and provides the</p>	<p><u>Recommendation:</u> Adopt Option 1 or Option 2.</p> <p>As discussed above, Council resolved (in part) on 28 June 2012 that:</p> <p><i>The FSR and HOB overlay maps for the Ulladulla Harbour Triangle and Burrill Street South Precincts be changed as required following the outcome of the separate strategic planning projects being carried out in relation to these precincts.</i></p> <p>The exhibited maximum Height of Building for No. 11, 17 and 23 Wason Street is 7.5 metres and the maximum Height of Building for No. 25 Wason Street is 11 metres. The exhibited Floor Space Ratio for the subject land is 1.5:1. The exhibited HOB and FSR overlays reflect the adopted provisions in DCP 56 (Amendment No.5).</p> <p>To date a separate strategic planning exercise has not been completed for the Ulladulla Harbour Triangle area as per the above Council resolution.</p> <p>Should there be a justified need, supported by a strategic direction, in the future then the FSR and HOB overlay could be amended as part of a separate planning proposal process.</p> <p><u>Recommendation:</u> Receive this submission for information.</p>

Submission Issue	Comments and Recommendations
<p>following justification:</p> <ul style="list-style-type: none"> - The topography or fall of the land will considerably affect built form and accessibility from Wason St to the boardwalk. An increased height will permit larger consistent floor planes with greater efficiencies for retail areas, pedestrian links and carparking positioned under, without significant affect on streetscape. - Low scale streetscape could be maintained through setbacks above 7.5m. - Views from any site beyond the Harbour Triangle will be limited to distant views of the outer harbour, ocean & coastline beyond, irrespective of any built form on the land. An increase in height limit on the subject site is justified for the benefit of residents and holiday-makers at the expense of commercial office uses. - 12m height limit will not result in overshadowing. 	
<p>Bawley Point Kioloa Community Association Inc and two (2) Individuals objected to the maximum Height of Building being 11m for areas in the vicinity of Bawley Point including:</p> <ul style="list-style-type: none"> • HOB in RU2 zones west of Murramarang Rd and also coastal areas east of Murramarang Rd between Bawley Point and Kioala should be reduced to 8.5m. • 11m maximum HOB for the RU2 zone in the vicinity of Bawley Point. Believe it is inappropriate as the RU2 zone in the vicinity of Bawley Point includes a prominent ridgeline known locally as the Green Belt. This area should be mapped as 8.5m height limit. Request that an additional restriction should be inserted to prohibit future buildings to project beyond the ridgeline. • R5 Large Lot Residential zone (north of Forster Drive, Bawley Point) 	<p>It is not considered appropriate change the Height of Buildings in rural zoned areas as rural uses often require taller structures i.e. farm sheds, silos, windmills etc.</p> <p>Council could consider amending the Height of Building overlay for the R5 zone area west of Murramarang Road to 8.5 metres as requested by some of the submissions.</p> <p>Essentially there are two options to resolve this issue:</p> <p><u>Option 1:</u> Retain the Height of Buildings map for Bawley Point and Kioloa as exhibited.</p> <p><u>Option 2:</u> Map the R5 zone at Bawley Point at a maximum of 8.5 metres on the Height of Buildings overlay and map the vegetated ridgeline to the west of the Bawley Point</p>

Submission Issue	Comments and Recommendations
<p>- 11m building height is not appropriate along the prominent ridgeline within this area. Should be reduced to 8.5m.</p>	<p>village on the Natural Resources Sensitivity – Scenic Protection (NRS) overlay.</p> <p><u>Recommendation:</u> Map the R5 zone at Bawley Point at a maximum of 8.5 metres on the Height of Buildings overlay and map the vegetated ridgeline to the west of the Bawley Point village on the Natural Resources Sensitivity – Scenic Protection (NRS) overlay.</p>

Options 7.4:

Option 1

That Council support the recommendations outlined in Table 6.3, and consider the options presented regarding DCP 56 Deferred Area and Bawley Point/ Kioloa and amend the draft LEP 2013 accordingly.

DCP 56 Deferred Area

Option 1:

Retain the FSR overlay for the DCP 56 deferred area (Lot 1 DP 529128, Lot 54 DP 263391, Lot 53 DP 263391, Lot 52 DP 263391, Lot 50 DP 263391 and Lot 51 DP 263391) as exhibited.

Option 2:

Remove the FSR overlay for the DCP 56 deferred area (Lot 1 DP 529128, Lot 54 DP 263391, Lot 53 DP 263391, Lot 52 DP 263391, Lot 50 DP 263391 and Lot 51 DP 263391) and reconsider once the detailed work is completed

Bawley Point/Kioloa

Option 1:

Retain the Height of Buildings map for Bawley Point and Kioloa as exhibited.

Option 2:

Map the R5 zone at Bawley Point at a maximum of 8.5 metres on the Height of Buildings overlay and map the vegetated ridgeline to the west of the Bawley Point village on the Natural Resources Sensitivity – Scenic Protection (NRS) overlay.

Recommendation 7.4:

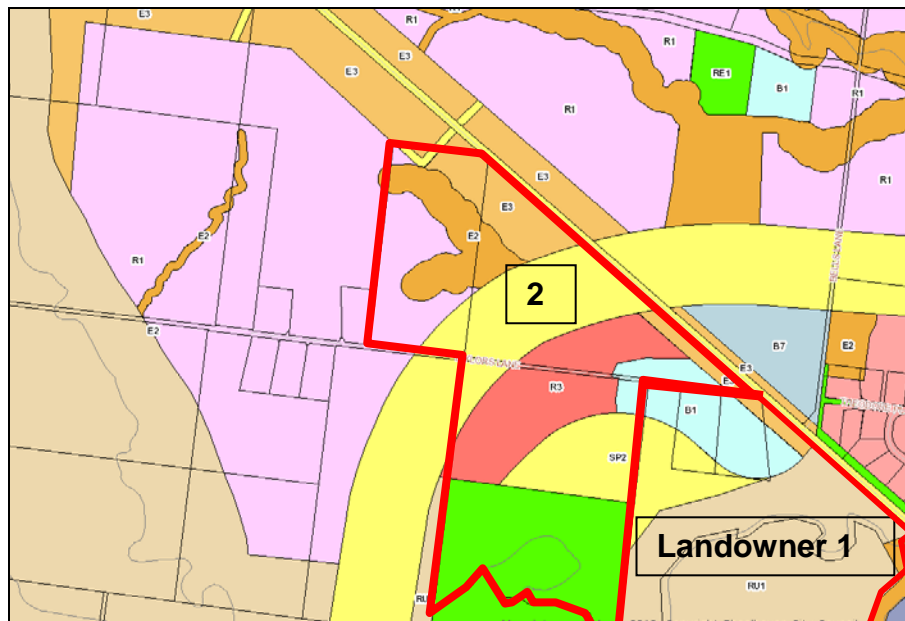
- a) *Receive various submissions regarding Height of Buildings – Southern Area for information***

- b) ***Amend the Height of Buildings Map overlay for R1 zoned land at Lot 2 DP 1161638 and Lot 106 DP 755923 (Por 106), Manyana to 8.5 metres;***
- c) ***Amend the Height of Buildings Map overlay for B2 zoned land at Lot 1 DP 1161638, Manyana to 8.5 metres***
- d) ***Map the maximum Height of Building for Lot 7 DP111567, 7 Alaska Street Cunjurong Point at 7.5 metres consistent with the adjoining lots.***
- e) ***Map the maximum Height of Building for Lot 24 DP 1180149, North Bendalong at 6.0 metres consistent with the approved development and sensitive visual location.***
- f) ***Adopt Option 1 or Option 2 regarding the FSR Overlay for the DCP 56 deferred area at Burill Street South.***
- g) ***Map the R5 zone at Bawley Point at a maximum of 8.5 metres on the Height of Buildings overlay and map the vegetated ridgeline to the west of the Bawley Point village on the Natural Resources Sensitivity – Scenic Protection (NRS) overlay.***

Issue 7.5 Moss Vale Road South Urban Release Area (URA)

Following the 2011 exhibition, Council resolved in relation to the Moss Vale Road South URA to:

Amend the NRS – Scenic Protection overlay to align with the E3 zone to the west, north and east of the Moss Vale Road South URA.



Extract from the draft LEP 2013 LZN Map

Number of Submissions- Moss Vale Road South URA

Type	Number
Individual	4
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	0
Internal	0
Total	4

Key Issues- Moss Vale Road South URA

The submissions on this issue were made by affected land owners.

Landowner 1

Objects to the proposed E3 zone affecting part of the site along Moss Vale Road in front of the proposed B1 zone. A shopping centre requires exposure to Moss Vale Road and the buffer of non-urban land zoned E3 is not warranted or substantiated in this location. Lands to the south-east do not contain such a buffer.

The site is earmarked as neighbourhood/district centre in Nowra Bomaderry Structure Plan (NBSP) which provides predicated "success factors" for new neighbourhood centres, one being "a location offering high degree of visibility to passing traffic". Requests that Council delete the E3 zone and extend the B1 zone to the road with any future requirement for landscaped setback and perimeter trees to be achieved through the DCP.

Also requests that the proposed B1 zoned land be changed to B2. Council should support this zoning due to B2 and range of permissible uses being more consistent with the role and function of this centre as identified in the NBSP.

Landowner 2

Objects to the zoning of their properties and are concerned that their land is overrepresented in contributing land for infrastructure projects.

Concerned that the E2 and E3 zoned land to the west of the proposed bypass has reduced the potential for residential development, and feels the size of these areas is excessive. Requests the E2 and E3 zones be reduced to match the width of similarly zoned areas elsewhere. Notes that the visual impact concerns of Cambewarra residents should not be an issue, as the subject land is below the line of sight from Cambewarra.

Supports the R3 zoned area, but is unsure why it is not identified in any other maps (e.g. Urban Release Areas Map, or Minimum Lot Size Map).

Landowner 3 opposes the proposed URA. The residents of the western end of Taylors Lane chose to live on larger lots with a rural atmosphere. However, the character of this

rural-residential lifestyle lot will not be maintained by the implementation of the proposed draft LEP.

Comment

The proposed future commercial centre facilitated by the proposed B1 zone will also have frontage to a new access road linking back to North Nowra. As such, while it may be desirable from a retail, urban designed traffic perspective for the new centre to be viable from Moss Vale Road its primary frontage will be the new access road.

Moss Vale Road South URA is highly visible from Moss Vale Road and NBSP identifies buffer areas to minimise the impact of future development on this high scenic value area. The buffer areas are one of the planning and design principles for the URA and should be retained in the LEP.

The proposed B1 zone is consistent with similar neighbourhood centres in Nowra, North Nowra and Bomaderry and is considered the most appropriate for the site to effectively implement the NBSP.

The proposed Western Bypass is an essential piece of long term infrastructure and it is important that this be reflected in the LEP. The proposed route will impact on some land owners more than others; however this cannot be avoided due to the need to protect a viable route for the future bypass.

The minimum lot size overlay does not apply to R3 zoned land as density is controlled via the DCP. However, the URA overlay should apply to the R3 land in Moss Vale Road South to ensure that the land is included in the DCP that is required for the area under Part 6 of the LEP.

The Moss Vale Road South URA was identified in the NBSP to provide longer term growth options and has been the subject of extensive community consultation. The URA's are essential to accommodate the expected increase in population in the Nowra Bomaderry area, and become more important as other URA land is identified as being environmentally constrained.

The proposed E2 zones within the URA are based on a detailed riparian study and should also be retained in the LEP.

One submission requested that the E3 areas along Moss Vale Rd and Main Rd be rezoned to E2. There is no justification for an E2 zone in this location. The intention of the E3 zone in this location is to a vegetated scenic buffer between the URA and Moss Vale Road.

Option 7.5

Option 1

Retain the zones for the Moss Vale Road South URA as exhibited in draft LEP 2013 and include the R3 zoned land within the URA on the Urban Release Area overlay.

Option 2

Remove or reduce the E3 zoned buffers along Moss Vale Road and retain all other zones for the Moss Vale Road South URA as exhibited in draft LEP 2013.

Option 3

Change the zone of the proposed neighbourhood centre from B1 to B2 and retain all other zones for the Moss Vale Road South URA as exhibited in draft LEP 2013.

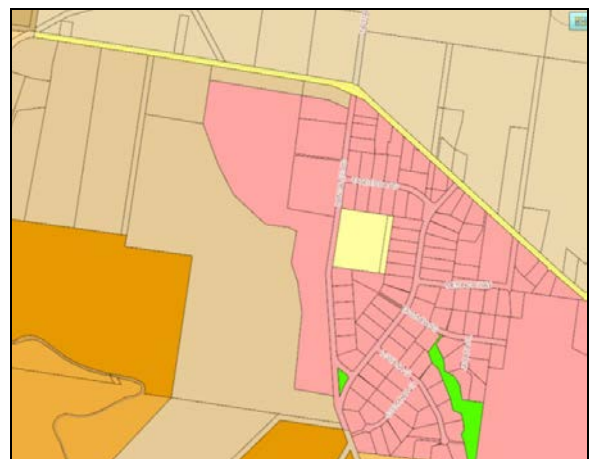
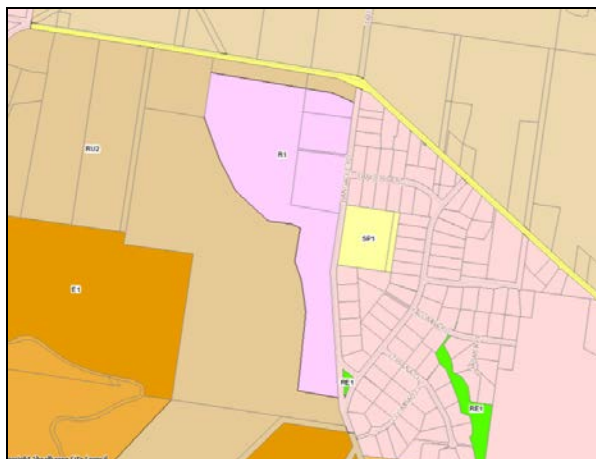
Recommendation 7.5:

Retain the zones for the Moss Vale Road South URA as exhibited in draft LEP 2013 and include the R3 zoned land within the URA on the Urban Release Area overlay.

Issue 7.6: Bangalee Road West URA

Following the 2011 exhibition, Council resolved in relation to Bangalee Road West URA to:

Amend the zoning of the urban release area (URA) to R2 Low Density Residential, and amend the minimum lot size of the URA to 4000m2 consistent with adjoining established area.



Extract from draft LEP 2009 LZN Map Extract from draft LEP 2013 LZN Map

Number of Submissions- Bangalee Road West URA

Type	Number
Individual	2
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	0
Internal	0
Total	3

Key Issues- Bangalee Road West URA

Three (3) submissions were received in relation to this issue, including 1 from the NSW Office of Environment and Heritage (OEH) and 1 from the land owner. The OEH submission and 1 other submission supported the proposed 4,000m² minimum lot size.

The land owner supported the increase in lot sizes from 500m², however, requests the minimum lot size be changed to 3,000m². This would still allow for effluent disposal, and retain the semi rural character of the area. Also requests that the buffer along Illaroo Road be removed. Considers that since the minimum lot size has changed, there is no need to retain the buffer zone.

The land owner also requests that the URA be released early as there will be minimal impact on infrastructure, amenities and traffic. Recommends Council consider whether the Bangalee West URA should be treated as a normal URA, and therefore whether Section 6 of the LEP should apply.

Comment

The NBSP outlines the desired future character of the Bangalee Road West URA as low density development in a natural setting, similar to the adjoining urban area. It is considered appropriate to retain the 4,000m² minimum lot size to remain consistent with the adjoining urban area. This position is also supported by the OEH.

The NBSP outlined the need for visual screening and a layout that avoids the continuous visual aspects of ribbon development along Illaroo Road. The buffer along Illaroo Road will assist in achieving this desired outcome. Given that this is a new residential area the buffer will also enable future direct access to Illaroo Road in this location, which is also undesirable from a traffic perspective to be restricted. The landowner has not sufficiently justified removing this buffer and it is recommended to be retained in the draft LEP 2013.

Given the change in zone and minimum lot size, this area is not dependent on the provision of services (namely water and sewer) and will have a much smaller impact on the surrounding area. However, the area should remain on the URA overlay to ensure that the land is subject to Part 6 of the LEP, which requires a DCP to be prepared for the site prior to any development occurring.

Options 7.6

Option 1

Adopt the minimum lot sizes for Bangalee West URA as exhibited in draft LEP 2013.

Option 2

Adopt the minimum lot sizes for Bangalee West URA as exhibited in draft LEP 2013 and remove the area from the URA Map overlay.

Option 3

Amend the minimum lot sizes to 3,000m² for the Bangalee West URA in accordance with the request of the landowner.

Option 4

Remove the rural buffer along Illaroo Road and expand the residential area of Bangalee West URA up to Illaroo Road.

Recommendation 7.6:

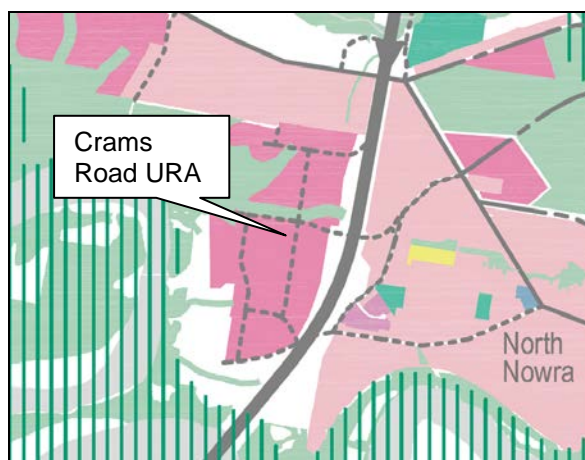
Recommended that:

- a) **Adopt the minimum lot sizes for Bangalee West URA as exhibited in draft LEP 2013.**
- b) **Retain the rural buffer along Illaroo Road as exhibited in draft LEP 2013.**

Issue 7.7: Crams Road URA

Following the 2011 exhibition, Council resolved to extend the area zoned for residential development on Lot 24 DP 714096 as part of the Crams Road URA back to an area consistent with the NBSP. However, as part of the conditional s65 Certificate, the DP&I required that the land revert back to the previously exhibited zone boundaries. In considering the S65 Certificate, Council resolved on 26 February 2013 that in regard to Crams Road URA, Council:

- a) *Proceed to exhibition with the reduced area of R1 General Residential as required in the S65 certificate;*
- b) *Continue dialogue with the landowner and State Government on this matter during the exhibition period;*
- c) *Place on exhibition with the draft SLEP 2013 a notice stating that the zone boundaries in this location may be subject to change post exhibition; and*
- d) *Consider the need for a deferred zoning after the exhibition of the draft LEP and prior to the final submission of the LEP.*



Extract from NBSP



Extract from draft SLEP 2013

Number of Submissions- Crams Road URA

Type	Number
Individual	14
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	2
Internal	0
Total	17

Key Issues- Crams Road URA (Lot 24 DP714096)

During the exhibition period, seventeen (17) submissions were received in this regard, including submissions from OEH, the SLEP Review Group, the Lake Wollumboola Protection Association, and the landowner.

All of the individual submissions strongly supported the environmental zones as exhibited in the draft LEP and the following issues were raised:

- Environmental studies and threatened species assessments have demonstrated the site as a high conservation value area and has threatened species habitat which should be protected through environmental zones.
- The development should be in line with existing residential development, with larger minimum lot sizes.
- The development will be out of character with the remainder of Bangalee, which consists of 2000-8000m² allotments.
- Existing infrastructure does not support the current population. New development could lead to further traffic congestion.
- Concern that Council are considering a new subdivision in North Nowra/Bangalee without building the Link Road.
- Opposed to a deferred zone or boundary.
- Concern about the impact of the development on surrounding property prices.

Six (6) submissions also raised significant concerns about alleged recent illegal and possibly pre-emptive clearing of the site and the precedent that will be set if Council increases the size of the residential zone.

The LEP Review Group and Lake Wollumboola Protection Association recommend that appropriate environmental zones apply for high conservation value sites as requested by the Minister for Planning and Infrastructure for Crams Road.

NSW Office of Environment and Heritage Submission

After considering the environmental assessments carried out to date, consider that there may be some scope to expand the residential zone in the eastern end of the parcel (Lot 24 DP714096). However, this would require additional field surveys and validation on site, rather than the desktop assessment of the four existing reports.

To resolve this matter and to confirm the recommended boundaries between the R1 and E2 zones, OEH would be supportive of an independent review of all available information, and a field-based assessment.

OEH has received reports of alleged illegal clearing on the site, and this may have impacted on areas identified as being of moderate-high conservation value. OEH is currently investigating these reports to establish whether or not there has been a breach of the *Native Vegetation Act 2003* (NV Act), and the *National Parks and Wildlife Act 1974* (NPW Act).

The alleged illegal clearing, whilst still being investigated, may have affected the ability to conduct a field-based assessment. If it is established that the clearing has been in breach of the NV or NPW Acts, it may take two years or more to conclude any action arising from the breach. One potential outcome is a direction to carry out remedial work, and such a direction (if issued) could be in place for up to 15 years.

OEH recommends:

1. That an independent field-based assessment be conducted to determine appropriate boundaries between the R1 and E2 zonings within the Crams Road 'Future Living (Investigation) Area'.
2. That this assessment be deferred until the outcomes of OEH investigation into alleged breaches of the NV and NPW Acts are concluded.
3. That the R1 zone on the site, as shown in the exhibited draft LEP, be deferred until the OEH investigation into alleged breaches of the Native Vegetation Act is complete, and the field-based assessment can be undertaken.

Landowner Submission

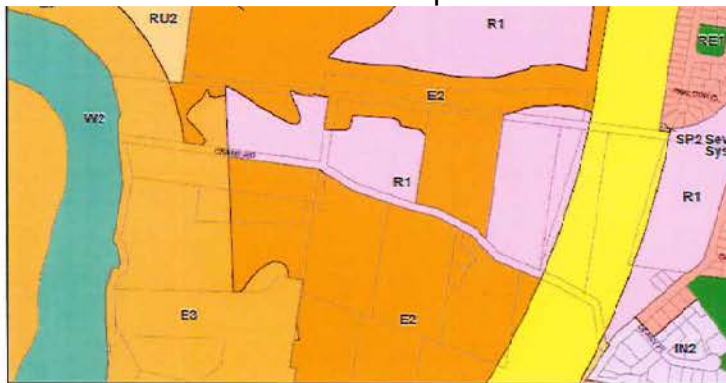
An extensive submission was received from the owner of the subject property (Lot 24 DP 714096) that notes that there will be a review of the recommendation in the S65 certificate from December 2012 to reduce the area designated for residential use.

The submission outlines the following reasons for the required review:

1. Achievement of dwelling targets.
2. Proximity to existing centres and services.
3. Availability of Infrastructure.
4. No Aboriginal archaeological constraints based on Mary Dallas Consulting Archaeologists reports.
5. No flooding issues.
6. Ecological issues:
 - High constraint areas should be excluded from most development but may support some ancillary functions.
 - Rezoning of medium constraint areas to support residential development is appropriate.
 - Low constraint areas have been subject to significance disturbance and have limited habitat value for threatened flora and fauna.
 - The low and medium constraint areas are suitable for development. This is also the site proposed under the initial draft plan and recommended by the proponent and Council to be reinstated for residential use.

The landowner opposes OEH's argument that the Warra Rd site is of high conservation value based on presence of hollow bearing trees (HBTs). The landowner suggests to argue the loss of 130 HBTs is a major / or significant loss is not justified given the HBT resources that are preserved in the immediate area and this site should not be sterilised by this minor environmental issue.

Recommends the Council amend the draft LEP to ensure the extent of the R1 zone reflects the recommended urban footprint as shown on the map below.



Submitted map

Comment

There is community support from the submissions received for the environmental zones as exhibited in the draft LEP. The landowner has however requested that the R1 zoned area be increased and has commissioned environmental studies to support this request.

OEH has reviewed the environmental assessments carried out to date, and consider there may be some scope to expand the R1 zone in the eastern end of the parcel. However, this would require additional independent field surveys and validation on site.

OEH support a deferred zone over the site pending the outcome of the independent studies and their investigation into alleged illegal clearing of the site.

It is recommended that whole of the proposed Crams Road New Living Area identified in the NBSP, being the R1 land shown on the above map, be deferred from the draft LEP to enable it to be further investigated. Under this approach the E2 zone will be retained over the remainder of the land, consistently as a E zone. It is considered that a separate Planning Proposal would be the appropriate vehicle to resolve the biodiversity value/development potential of this site (shown R1 in above map).

Options 7.7

Option 1

Defer the R1 area identified in the Nowra Bomaderry Structure Plan as the 'Crams Road New Living Area' from the draft LEP 2013 and consider a Planning Proposal over the deferred area after the investigations are complete.

This option has the support of OEH and will allow for the future use of the site to be properly determined via a separate Planning Proposal.

Option 2

Adopt the zones for Crams Road URA as exhibited in draft LEP 2013 (i.e. reduced area);

This option will allow for some development to occur within the exhibited R1 areas. A future Planning Proposal could then reconsider the appropriate zoning of the adjoining land.

Option 3

Revise the R1 zone over Crams Road URA to show an expanded area consistent with the Nowra Bomaderry Structure Plan and proponents submission.

This option does not properly consider the identified constraints of the land and is unlikely to be supported by DP&I.

Recommendation 7.7:

- a) ***Defer the area identified in the Nowra Bomaderry Structure Plan as the 'Crams Road New Living Area' from the draft LEP 2013 to enable further specific consideration.***
- b) ***Remove the deferred area from all relevant overlays.***
- c) ***Consider a planning proposal for the site after the completion of the investigations into alleged illegal clearing.***

Issue 7.8: Cabbage Tree Lane URA

Cabbage Tree Lane will provide a large area of residential housing within close proximity to the Nowra campus of Wollongong University, HMAS Albatross and it is relatively close to Nowra CBD.

Number of Submissions- Cabbage Tree Lane URA

Type	Number
Individual	0
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	0
Internal	0
Total	1

Key Issues- Cabbage Tree Lane URA

One (1) submission was received in this regard from Forestry NSW. Major concerns were raised with the rezoning of Cabbage Tree Lane URA as it will create an incompatible land use with the adjoining State forest. Extensive consultation was requested before any rezoning occurs.

Comment

The Cabbage Tree Lane URA was first identified in the NBSP several years ago. The preparation and subsequent endorsement of the NBSP included extensive community consultation, and Forestry NSW were invited to provide comments as part of the public exhibition process. The response from Forestry NSW at that time was that the proposed rezoning of the State Forest at Cabbage Tree Lane was not inconsistent with their long term aspirations for this area due to its marginal value for timber production. Forestry NSW were again invited to provide comment into the initial exhibition of the draft Plan but no submission was received. It is concerning that they are now raising major concerns in this regard. It is however recommended that the proposed rezoning proceed.

Recommendation 7.8:

Adopt the zones for Cabbage Tree Lane URA as exhibited in LEP 2013.

Issue 7.9: Worrigeer URA

The Worrigeer URA was identified as a New Living Area in the NBSP. No changes were made to the draft Plan for the Worrigeer URA following the initial exhibition.

Number of Submissions- Worrigeer URA

Type	Number
Individual	0
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	0
Internal	0
Total	1

Key Issues- Worrigeer URA

One (1) submission was received in this regard from Forestry NSW, which noted that the location of the Worrigeer URA may be a high fire risk zone from potential bush fires in nearby forest.

Comment

The URA is generally not identified as bush fire prone land. Any constraints, such as bush fire prone land, can be addressed through future development proposals for the site and controls that would need to be incorporated into any future development.

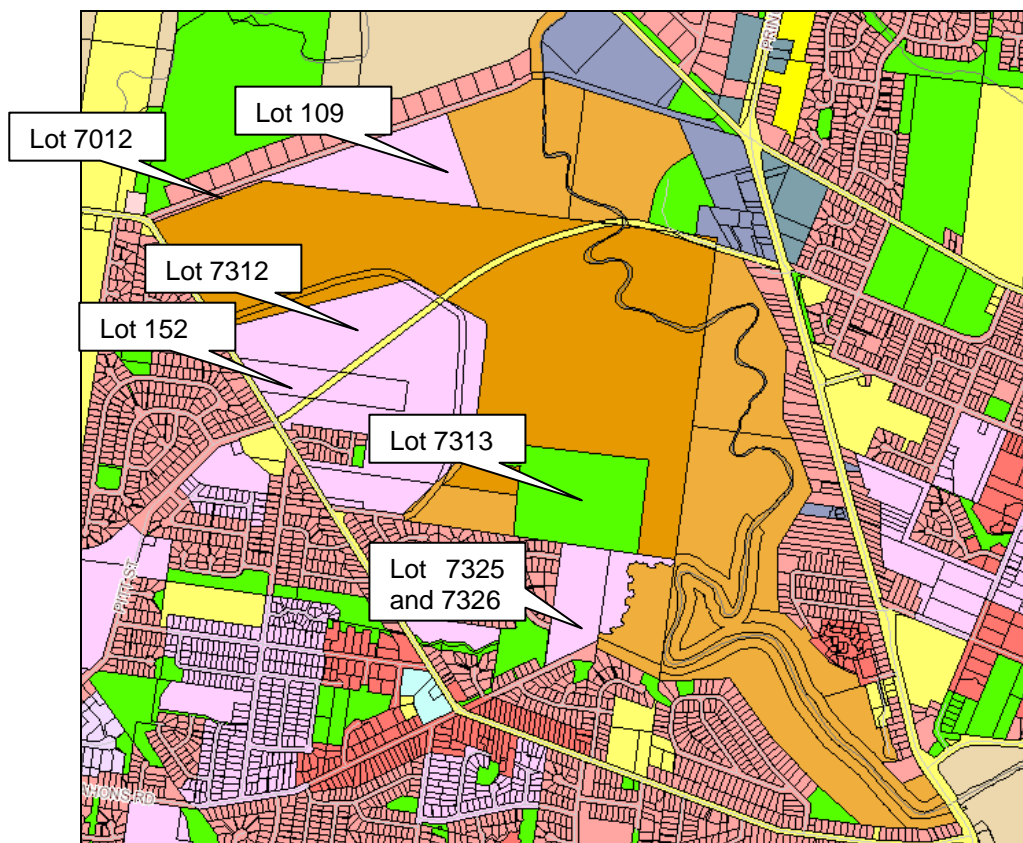
Recommendation 7.9:

Adopt the zones for the Worrigeer URA as exhibited in draft LEP 2013.

Issue 7.10 Bomaderry Creek Regional Park

Following the 2011 exhibition, Council resolved the following in relation to Bomaderry Creek Regional Park:

- a) *Retain the R1 General Residential zone over Lot 109 DP 3060, Lot 7312 DP 1153421, Lot 152 DP 751258 and Lots 7325 & 7326 DP 1161962, as exhibited in Draft Shoalhaven LEP 2009.*
- b) *Retain the proposed Western Bypass alignment, as exhibited in draft Shoalhaven LEP 2009.*
- c) *Continue the dialogue with Roads & Maritime Services to ensure they commit to being the acquisition authority for the future Western Bypass.*



Extract from draft LEP 2013 LZN Map

Number of Submissions- Bomaderry Creek Regional Park

Type	Number
Individual	10
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	1
Internal	0
Total	12

Key Issues- Bomaderry Creek Regional Park

Twelve (12) submissions were received in this regard, including submissions from the NSW Office of Environment and Heritage (OEH), and the Australian Conservation Foundation - Shoalhaven Branch.

Ten (10) submissions, including the submission from the Australian Conservation Foundation - Shoalhaven Branch, supported the E1 and E2 zonings for Bomaderry Creek Bushland. However, the following concerns were raised:

- Objects to the R2 zone for Lot 7012 DP 1069243, and believes this is an anomaly as it has no residential potential whatsoever.
- Objects to the R1 zoning for part of Lot 109 DP 3060 as there are threatened species recorded here, and the Concept Plan for the North Nowra Link Road shows the road passing through part of the lot, restricting residential development potential. Suggests E2 as a more suitable zone.
- Objects to the R1 zoning proposed for Lot 7312 DP 1153421, Lot 152 DP 751258 and Lots 7325 & 7326 DP 1161962, as threatened species have been recorded here, and National Parks and Wildlife Service have identified this land as appropriate for addition to the Bomaderry Creek Regional Park. Suggests E2 as a more suitable zone.
- Requests the SP2 zoning for the North Nowra Link Road (NNLR) should be shown in the location approved by NSW Planning Assessment Commission.

One (1) submission supports the RE1 zone over Lot 7313 DP 1153421 to allow wider public use of the site, including sports fields, club houses etc.

OEH notes that the central option for the NNLN was refused by the Planning Assessment Commission (PAC) and should be zoned appropriately on the LEP map.

Comment

The areas around Bomaderry Creek zoned R1 are consistent with the adopted NBSP, which is endorsed via the South Coast Regional Strategy. The majority of the parcels zoned R1 in draft LEP 2013 are Crown land with pending Aboriginal land claims (ALCs) over them. Without knowing the outcome of the ALCs, and as the Crown support the R1 zoning, it is appropriate to retain the current zoning for the time being. Should future

strategic planning work or ALC outcomes determine a different appropriate zone for the subject land, the LEP can be amended at that time via a Planning Proposal.

The central option for the NNLR was refused by the PAC, and this should no longer be zoned SP2. There is no reason to show a preferred route on the LEP as the Standard LEP Instrument mandates that “roads” are permissible in all zones and therefore, once the final alignment of the proposed NNLR is known, permissibility in the LEP will not be an issue.

Lot 7012 DP 1069243 is a small strip of Crown land along the southern side of West Cambewarra Road adjoining the Bomaderry Creek Regional Park. The land has no likely residential development potential given the size and shape of the lot and will most likely remain undeveloped regardless of the zone. However, the land cannot be zoned E1 consistent with the adjoining lots as it is not National Park. An E1 zoning would have implications for acquisition. The Department of Lands has not provided comment on a preferred zone for the site and an R2 zone is consistent with a best fit transfer. The zoning of this land could be considered in a later amendment to the LEP, when the preferred use of the site is determined. It is noted that the strip was left out of the Regional Park to provide for future options associated with the proposed link road.

Options 7.9

Option 1

Remove the SP2 Infrastructure zone for the proposed North Nowra Link Road and replace with the surrounding/ adjacent zone; and adopt all other zones as exhibited in draft LEP 2013.

Option 2

Rezone R1 and R2 land, known as Lot 109 DP 3060, Lot 7312 DP 1153421, Lot 152 DP 751258, Lots 7325 & 7326 DP 1161962 and Lot 7012 DP 1069243, to an E2 zone.

Recommendation 7.10:

- a) ***Retain the R1 General Residential zone over Lot 109 DP 3060, Lot 7312 DP 1153421, Lot 152 DP 751258 and Lots 7325 & 7326 DP 1161962, as exhibited in draft LEP 2013.***
- b) ***Remove the SP2 Infrastructure zone for the proposed North Nowra Link Road, as exhibited in draft LEP 2013, and replace with the surrounding/adjacent zone.***
- c) ***Retain the R2 zone over Lot 7012 DP 1069243 as exhibited in draft LEP 2013.***
- d) ***Retain the RE1 Zone over Lot 7313 DP 1153421 as exhibited in draft LEP 2013.***

Issue 7.11: Western Bypass Alignment

Following the 2011 exhibition, Council resolved the following in relation to the Western Bypass Alignment:

- a) *Retain the proposed Western Bypass alignment, as exhibited in draft Shoalhaven LEP 2009.*
- b) *Continue the dialogue with Roads & Maritime Services to ensure they commit to being the acquisition authority for the future Western Bypass.*

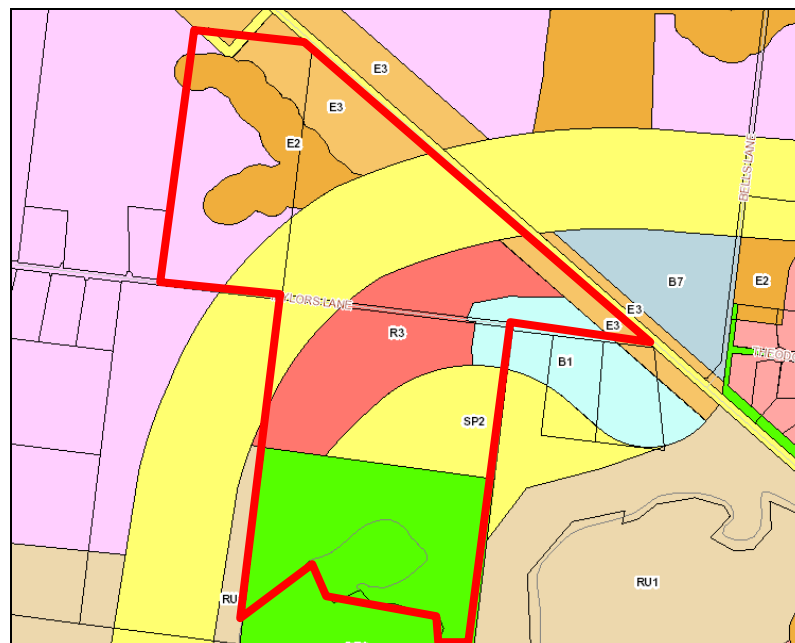
Number of Submissions- Western Bypass Alignment

Type	Number
Individual	1
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	0
Internal	1
Total	2

Key Issues- Western Bypass Alignment

One (1) submission was received on this issue from a land owner in the Moss Vale Road South URA.

The land owner raised concerns that their land is overrepresented in contributing land for infrastructure projects.



Extract from draft LEP 2013 LZN Map

Comment

The proposed Western Bypass is an essential piece of long term infrastructure and it is important that this be reflected in the LEP so as the NBSP can be realised. The proposed route will impact on some land owners more than others; however this cannot be avoided due to the need to identify and protect a viable route.

The original alignment of the bypass, adopted in the NBSP, was changed due to concerns by landowners of the impact on their property. However, the preferred route does not encroach onto these lots.

Options 7.11

Option 1

Amend the draft LEP 2013 to reflect the alignment of the Western Bypass adopted in the Nowra Bomaderry Structure Plan, to pass through Lot 4 DP268209 and without directly impacting Lot 51 DP1011824 or the three adjacent northern lots being Lot 3 DP 847399 and Lots 21 & 22 DP 854369.

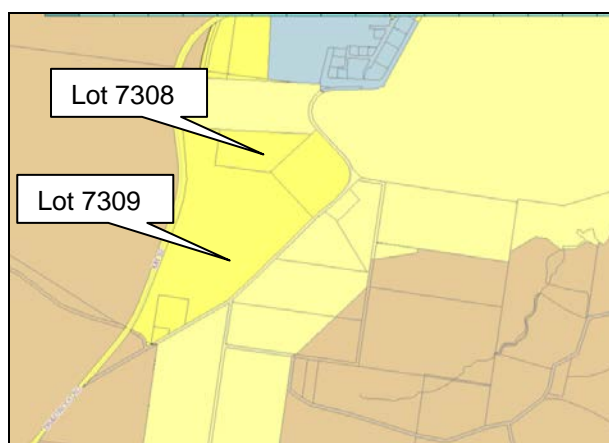
Recommendation 7.11:

Retain the alignment of the Western Bypass as exhibited in draft LEP 2013.

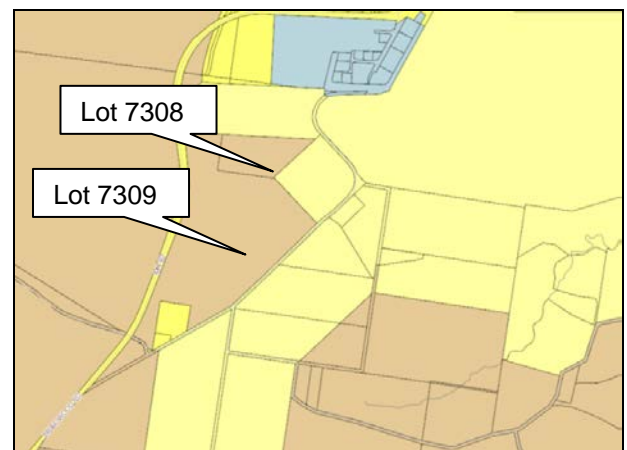
Issue 7.12: Yerriyong Crown Land

Following the 2011 exhibition, Council resolved the following in relation to Crown Land at Yerriyong:

That in regard to the zoning of land to support a Motorsport Facility at Lot 7309 DP 1148878 and 7308 DP 1147573, Yerriyong, Council rezone the part of the land proposed to be zoned SP2 to RU2.



Extract from 2011 exhibition map (LZN)



Extract from 2013 exhibition map (LZN)

Number of Submissions- Yerriyong Crown Land

Type	Number
Individual	28
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	1
Internal	1
Total	31

Key Issues- Yerriyong Crown Land

Thirty-one (31) submissions commented on this issue, including submissions from Department of Defence, Parma Yerriyong Community Group, Motorcycling NSW and the Nowra District Motorcycle Club. Submissions were largely opposed to the RU2 zone due to the belief that a number of permitted uses under the zone would have a significant impact on threatened species.

A total of 27 submissions, including a submission from the Parma Yerriyong Community Group, opposed the zone change. These submissions referred to a report by resident Ms Melinda Norton BSc (Hons) MSC, titled "Threatened Species in the Yerriyong Area, Shoalhaven LGA, NSW", which states that there are 21 threatened species within a 5km radius of the property. Ms Norton states that "the Parma/Yerriyong area is a threatened species hotspot and needs to be protected from large scale development projects", and likely impacts include: land clearing, noise disturbance, light disturbance, increased traffic and increased human activity.

Council received submissions from Motorcycling NSW and the Nowra & District Motorcycle club that were strongly supportive of the RU2 zone. The zone change would make land available for a motorsports facility well within the residential noise buffer zone, and be complimentary to the desire to establish a long term site where urban encroachment is avoided. The change is considered consistent with the process of repealing special use zones where they are not required.

One internal submission was also received from Council's Economic Development section which supported the RU2 zone to allow a greater range on activities, consistent with the long established active sports recreation area on the adjacent land.

The Department of Defence raised concerns that whilst having the land rezoned as RU2 would allow the development of a motor sports facility, it would also enable a number of possible inappropriate noise sensitive uses i.e. Caravan parks, dual occupancies and dwelling houses. The use of an "additional permitted uses clause" in addition to the existing zoning of the subject site may be a more appropriate approach.

Comment

A motorsport facility would most likely be defined as a 'recreational facility (major)' under draft LEP 2013 and is permissible with consent in the RU2 zone. The proposed RU2 zone would allow for a range of uses (other than recreational facilities (major)) that may

be inappropriate for the site, however, this would be considered through the development application process.

It may be more appropriate to revert back to an SP2 zone as a best fit transfer, until there is certainty that a motorsport facility is to be pursued on the site. At which stage, a Planning Proposal could properly consider the appropriate zone for the land. Alternatively, Council could allow for a motorsport facility on the site via an allowance clause in Schedule 1 of the draft LEP. This would allow for a motorsport facility on the site, however it would significantly reduce the range of uses permissible under an RU2 zone.

The majority of submissions raised concerns about the impact of rezoning the land on potential threatened species in the area. Rezoning the land does not automatically allow for development of the site and potential threatened species and other impacts would be fully considered should a development application be lodged for a motorsport facility. It should also be noted that the current Special Uses 5(a) zone allows for large scale development of the site.

Options 7.12

Option 1

Revert back to the previously exhibited SP2 and RU2 zones over Lot 7309 DP 1148878 and 7308 DP 1147573; and, when there is certainty that a motorsport facility is to be pursued on the site, a separate planning proposal consider the appropriate zone.

Option 2

Adopt the proposed RU2 zones as exhibited over Lot 7309 DP 1148878 and 7308 DP 1147573, acknowledging that any threatened species and other impacts would be fully considered should a development application be lodged for a motorsport facility.

Option 3

Revert back to the previously exhibited SP2 and RU2 zones over Lot 7309 DP 1148878 and 7308 DP 1147573, and include an allowance clause in Schedule 1 of the LEP to allow for a motorsport facility on the site.

Recommendation 7.12

Adopt the proposed RU2 zone as exhibited over Lot 7309 DP1148878 and Lot 7305 DP114573 to provide an opportunity for the proposed motorsports facility to be considered, acknowledging that any impacts (threatened species etc) will be fully considered should a development application be lodged.

SECTION 8 – ENVIRONMENTAL MANAGEMENT CLAUSES & OVERLAYS, CLAUSES 5.9 PRESERVATION OF TREES OR VEGETATION, E2 ZONING OF COUNCIL RESERVES, AND SHORT TERM RENTAL ACCOMMODATION CLAUSE.

Issue 8.1: Clause 7.5 Biodiversity

Number of Submissions – Clause 7.5 Biodiversity

Type	Number
Individual	16
Petitions	0
Local, State and Federal Agencies	3
Rezoning requests	0
CCBs and other community groups	1
Internal	0
Total	20

Council resolved on 17 April 2012 that:

- a) *The report regarding Draft Shoalhaven Local Environmental Plan 2009 – Natural Resource Management Clauses and Mapping Submissions be received for information; and*
- b) *Council adopt all the relevant clauses and mapping as exhibited.*

Key Issues - Clause 7.5 Biodiversity

Table 8.1 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
One (1) submission from the Office of Environment and Heritage (OEH) supported Clause 7.5 Biodiversity, and requested that this Clause apply to Environmental (E) zones (E2, E3 and E4).	<p>Currently, the Biodiversity Clause does not apply to lands that are proposed to be zoned for environmental protection, as this zoning provides greater environmental protection than Clause 7.5. Significant biodiversity characteristics do extend within E zones, and it may be prudent to apply Clause 7.5 to E zoned land to avoid confusion for landowners.</p> <p>The clause does not prohibit development and outlines considerations prior to development applications being determined.</p> <p><u>Recommendation:</u> Apply Clause 7.5 Biodiversity to lands zoned for environmental protection zones E2 and E3.</p>

Submission Issue	Comment & Recommendation
<p>OEH also requested that Clause 7.5 apply to urban areas, as per the 2011 exhibition, as it provides transparency to landholders.</p>	<p>The Biodiversity Clause 7.5 applies to land identified on the natural resources sensitivity maps, so for the Clause to apply to urban areas, the Biodiversity Map Overlay must be applied or reinstated over these areas.</p> <p>The previous removal of the biodiversity layer over some areas zoned rural, residential or business is dealt with in detail later in the report. It is however not considered appropriate to apply this clause to all urban zones irrespective of biodiversity significance.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>One (1) submission from the Department of Primary Industries – Jervis Bay Marine Park requested:</p> <ul style="list-style-type: none"> • Clause 7.5 Biodiversity be amended to properly recognise, identify and protect factors for consideration in relation to: <ul style="list-style-type: none"> ○ Aquatic and riparian habitats ○ Ecological processes within waterways and riparian areas ○ Threatened aquatic species, communities, populations and their habitats ○ Catchment protection to prevent increased sedimentation of waterways ○ Scenic and cultural heritage values of waterways and riparian areas. • For land that this clause applies to, amending the Clause so it has to meet one, not all three of the criteria. • Amend the structure and wording of the Clause so that it applies to land that meets [either] or the [two] criteria. • Review the ambiguity between 7.5.2(c) and 7.6.2(b) as it is unclear whether the water bodies identified include watercourses with banks marked with red, green and blue lines to indicate a watercourse category or whether it relates 	<p>The changes suggested to the clause may have merit however it is unlikely that such changes would be made as Clause 7.5 is a Standard Clause provided by the DP&I. It is optional to include this clause in LEP 2013. Any changes to the Clause would have to be made at State Government level. As such the Department of Primary Industries should address their concerns with this clause directly with DP&I</p> <p><u>Recommendation:</u> Receive for information</p>

Submission Issue	Comment & Recommendation
<p>only to the 'sensitive areas' shown by green filling.</p> <ul style="list-style-type: none"> • Important that the provisions of Clause 7.5 is triggered to apply to the Jervis Bay and Batemans Bay Marine Parks by, amend by removing (b) & (c) or altering (c) to state "before granting consent... the consent authority must be satisfied that: where and impact cannot be avoided, and having taken into consideration feasible alternatives, the proposed design, construction and operational management of the development will mitigate and minimise those impacts to a satisfactory extent, including restoration of any existing disturbed area on site". • Amend the LEP to apply Clause 7.5 to the Jervis Bay region by referencing those Clauses in 7.15 in 7.5.2. 	
<p>One (1) submission from the Department of Primary Industries – Office of Water requested that Council make the following amendments to Clause 7.5:</p> <ul style="list-style-type: none"> • State that "the objective of this Clause is to protect, maintain and improve terrestrial, riparian and aquatic biodiversity". • Before determining a development application in an area relating to Clause 7.5, the consent authority must consider potential adverse impacts on: <ul style="list-style-type: none"> ○ A native ecological community ○ A regionally significant species of flora, fauna or habitat, and ○ Habitat elements providing existing or potential connectivity 	<p>Whilst these wording changes are reasonable and riparian issues should be considered along with addressing existing and potential habitats, it is unlikely that these changes will be included in the Clause as the Biodiversity Clause is a Standard Model Clause and changes should be addressed at a State Government Level.</p> <p>Council has previously advised DP&I of concerns with Clause 7.5 however no changes have been made to the Clause by the Department.</p> <p><u>Recommendation:</u> Receive for information. _</p>
<p>Ten (10) submissions were received, including one (1) from Berry Alliance Inc. concerned that Clause 7.5.4 assumes consent would be granted. Recommended that the Clause be replaced with another stronger Biodiversity Clause provided within the submissions.</p>	<p>Whilst the suggested wording changes to Clause 7.5 Biodiversity are reasonable and address the weaknesses that currently exist within the Clause, it is unlikely that these changes will be included as the Biodiversity Clause is a Standard Model Clause and changes would need to be</p>

Submission Issue	Comment & Recommendation
	<p>considered at a State Government Level and resolved outside the context of this LEP.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Six (6) submissions requested Clause 7.5 Biodiversity be amended to say that any development applications that would block wildlife movement through habitat corridors shown in the overlay will be rejected.</p>	<p>As part of the current development application process, each application and its potential to inhibit wildlife movement and isolate populations is addressed, as this has the potential to trigger a 'significant impact' pursuant to section 5a of the EP&A Act 1979.</p> <p>It is possible to mitigate some of the minor impacts of development on wildlife movement, such as erecting fencing that does not restrict the movement of wildlife, rehabilitating disturbed vegetation on properties and planting a wildlife corridor.</p> <p>It is not appropriate to reject all development applications that have potential to block wildlife movement, when this should be assessed on a case-by-case basis, highlighting the need for review at the development application stage. If a development application restricts wildlife movement to the extent that it is likely to have a significant impact on threatened species, the development application is able to be refused, or if possible, modified.</p> <p><u>Recommendation:</u> Receive for information.</p>

Options 8.1

Option 1

Receive various submissions regarding Clause 7.5 Biodiversity for information and apply the clause to areas zoned for E2 and E3.

Option 2

Receive various submissions regarding Clause 7.5 Biodiversity for information and not apply the clause to areas zoned for environmental protection (E2, E3 and E4).

Recommendation 8.1

Receive the submissions regarding Clause 7.5 Biodiversity for information and apply the clause to areas zoned E2 and E3.

Issue 8.2: Biodiversity Map Overlay

Number of Submissions – Biodiversity Map Overlay

Type	Number
Individual	34
Petitions	0
Local, State and Federal Agencies	3
Rezoning requests	0
CCBs and other community groups	6
Internal	0
Total	43

Council resolved on 28 June 2012:

- a) *To remove the NRS – Biodiversity Map Overlay from all urban zoned land in the Draft LEP 2009 including industrial and business zoned land*
- b) *That the minor edits identified by staff to remove required extracts be made to the NRS - Biodiversity Map.*
- c) *That the Natural Resource Sensitivity - Biodiversity map be amended to include a label identifying the ‘disturbed habitat and vegetation’ areas derived from the Jervis Bay Regional Environmental Plan.*
- d) *That the verified high biodiversity value parts of those properties that have a Conservation Property Vegetation Plan or a Voluntary Conservation Agreement on the title be included on the Natural Resource Sensitivity – Biodiversity map.*
- e) *That the verified environmental data resulting from studies commissioned by Council be included or reflected on the NRS - Biodiversity Map Overlay*

During the exhibition period, forty-three (43) submissions received related to the application of the Biodiversity Map Overlay in LEP 2013, specifically the removal of the overlay from a range of zones, as summarised in Table 8.2. This section addresses only the broader issues that apply to the Biodiversity Map Overlay; any submissions that relate to specific properties or areas will be dealt with in Sections 8.3 and 8.4 of this report.

Key Issues - Biodiversity Map Overlay

Table 8.2 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
<p>Twenty-three (23) submissions requested that the Biodiversity Map Overlay be reinstated for rural, residential, business and industrial zones. Submissions on this matter were received from:</p> <ul style="list-style-type: none"> • NSW OEH • Berry Alliance Inc • SLEP 2009 Review Group • Lake Wollumboola Protection Association Inc • Basin Villages Forum 	<p>The Biodiversity Map Overlay identifies significant vegetation and habitat corridors, which are made up of:</p> <ul style="list-style-type: none"> • Endangered Ecological Communities (EECs) • Areas of Ecological Sensitivity • Vegetation linkage • Riparian corridors and buffers including: <ul style="list-style-type: none"> ○ Illawarra REP Wildlife Corridor ○ Jervis Bay REP Habitat Corridor ○ South Coast Regional Strategy ○ Habitat Corridors ○ Brundee Wetland and Saltwater Swamp <p>The Biodiversity Map Overlay does not prohibit development on a site, however it provides an early indication that a site has environmental values and any development application will need to address and consider the environmental attributes of the site. The Biodiversity Overlay also calls up the Biodiversity Clause 7.5.</p> <p>It is prudent for areas that have identified biodiversity constraints to be identified upfront in the planning process where relevant information is held. This enables clear identification of considerations in investment and development decisions.</p> <p>As such Council should consider the reinstatement of the biodiversity overlay in appropriate areas.</p> <p>Option 1 – Reinstatement the Biodiversity Overlay in relevant areas zoned rural, residential, business or industrial that were renamed following the 2011 exhibition.</p> <p>Option 2 – receive the issue for information. This would see the overlay adopted as exhibited (ie. No overlay)</p>

Submission Issue	Comment & Recommendation
	<p><u>Recommendation:</u> Option 1 or 2.</p>
<p>Seven (7) submissions requested that the habitat corridors defined by the Southern Rivers Catchment Management Authority be identified in the Biodiversity Map Overlay</p>	<p>The current Biodiversity Map Overlay was provided to Council by OEH. OEH (not Southern Rivers Catchment Management Authority) are currently working on validating the current Biodiversity Overlay as part of the review of the South Coast Regional Strategy. They are examining the existing condition and/or degradation of the vegetation on land, current land use, likely future land use informed by LEP zonings and provisions, and local knowledge regarding the general suitability of the land as a corridor. The new overlay mapping will incorporate these factors to provide more detail and accuracy when mapping vegetative corridors and significant vegetation.</p> <p>It is considered that Council will receive this mapping when it is complete; however it will not be completed with enough time to be included in the LEP 2013. The greater detail provided, when received, may need to be considered in a future amendment to the LEP to increase the accuracy of the Biodiversity Map Overlay.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Two (2) submissions requested that the Biodiversity Map Overlay be applied to all vegetated lands and one (1) submission from OEH and recommended that the Biodiversity Map Overlay apply to all Environmental (E2, E3 and E4) zones.</p>	<p>Currently, the Biodiversity Map Overlay does not cover lands zoned for environmental protection. This zoning provides greater environmental protection than the Biodiversity Map Overlay, superseding the need for the Biodiversity Map Overlay on these lands.</p> <p>The significant vegetation corridors do extend into and through E zones, however, given that the Biodiversity Map Overlay does not extend over these lands it appears that there are “holes” in the corridor. To avoid confusion, application of the Biodiversity Map Overlay to land zoned for environmental protection (E2, E3 and</p>

Submission Issue	Comment & Recommendation
	<p>E4) has merit and is recommended in Section 8.1.</p> <p><u>Recommendation:</u> Receive for information given that the application of the Biodiversity overlay to the E zones is dealt with under Issue 8.1.</p>

Option 8.2

Option 1

Receive various submissions regarding the Biodiversity Overlay for information and reinstate the Biodiversity Map Overlay in areas zoned for rural, residential, business, and industrial use.

Option 2

Receive various submissions for information and not reinstate the Biodiversity Map Overlay in areas zoned for rural, residential, business, industrial use.

Recommendation 8.2

- a) **Receive the submissions regarding the Biodiversity Map Overlay for information; and**
- b) **Regarding requests to reinstate the Biodiversity Map Overlay in areas zoned rural, residential, business or industrial use, adopt option 1 or 2 in Table 8.2.**

Issue 8.3: Area Specific Biodiversity Map Overlay - Central

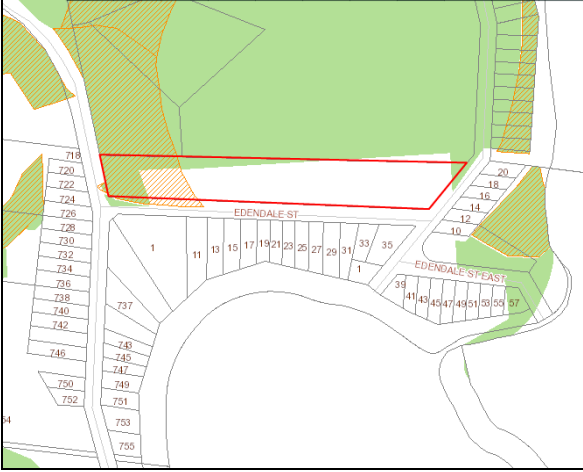
Number of Submissions – Area Specific Biodiversity Map Overlay Central

Type	Number
Individual	4
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	0
Internal	0
Total	4

During the exhibition period, four (4) submissions were received regarding the application of the Biodiversity Map Overlay to specific areas within the Central region. These are outlined in Table 8.3 below.

Key Issues - Area Specific Biodiversity Map Overlay Central

Table 8.3 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment & Recommendation
<p>One (1) submission supports the changes to the Ecological Sensitivity overlay applied at Falls Creek.</p>	<p>Support is noted.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>Two (2) submissions requests that Lot 14 DP 1045217, Edendale Street, Woollamia be recognised as having 'sensitive area - habitat corridor' and 'Sensitive area - significant vegetation'.</p>  <p>It is habitat to yellow bellied gliders and many animals travel through this block to access grazing on the creekside reserve.</p> <p>Adjoining lots are recognised on the NRS – Biodiversity overlay and this lot should be too, as it contains the same vegetation and environmental attributes.</p> <p>Seven (7) vulnerable fauna species have been found on the block or within 3km and 21 different native orchids are found on adjoining land.</p> <p>Also identified as floodway - the removal of large trees in a floodway is known to increase flooding.</p>	<p>The western part of the land has recognised environmental values and has been identified on the NRS - Biodiversity overlay.</p> <p>There is an existing subdivision consent over the property for 12 residential lots. The environmental values of this land will be assessed as part of any future development application for individual dwellings. The subject land is also flood prone which will have an impact on the nature and intensity of any future development.</p> <p>This request was also previously considered following the 2011 exhibition.</p> <p><u>Recommendation:</u> Receive for information.</p>

Submission Issue	Comment & Recommendation
One (1) submission raised concerns with how habitat corridors were decided on, particularly in relation to 36 Streamside Street, Woollamia.	Concerns are noted. Where land has recognised environmental values, this has been reflected on the NRS - Biodiversity overlay. <u>Recommendation:</u> Receive for information.

Recommendation 8.3

Receive the submissions regarding the Biodiversity Map Overlay for information.

Issue 8.4: Area Specific Biodiversity Map Overlay – Southern

Number of Submissions - Area Specific Biodiversity Map Overlay Southern


Type	Number
Individual	3
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	3
Internal	0
Total	7


During the exhibition period, seven (7) submissions were received regarding the application of the Biodiversity Map Overlay to specific areas within the Southern region. These are outlined in Table 8.4 below.


Key Issues - Area Specific Biodiversity Map Overlay Southern

Table 8.4 - Summary of Submissions Issues, Comments and Recommendations

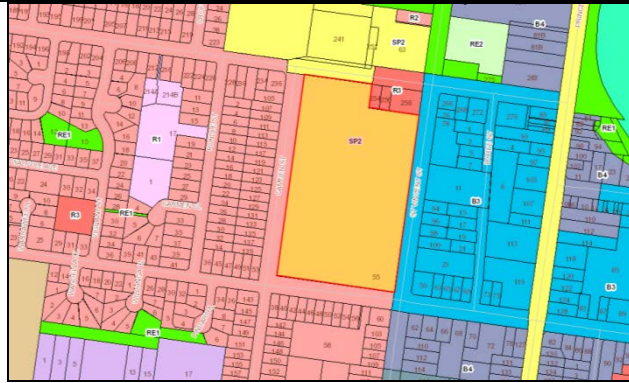
Submission Issue	Comment & Recommendation
One (1) landowner objected to the application of the Biodiversity Overlay to part of Lots 1-3 DP 1158140, Tom Davis Road, Tomerong for the following reasons: (1) Each of these lots has an approval for the erection of a residence. (2) On application to council for a dwelling to be erected, the bush fire authority will require extensive clearing of the proposed area which will take in nearly all of the five acres. (3) On inspection by a Flora & Fauna expert, the area of each five acres did not	The subject land appears to be fully vegetated. The sensitive area- significant vegetation area mapped in the Biodiversity Overlay is the result of this land being currently mapped as “Land of Ecological Sensitivity” in LEP 1985. As such inclusion on the overlay represents a “best fit” from the current LEP. The justification provided is insufficient to warrant removal of this overlay and the application of Clause 7.5 to the subject land. The width of the overlay on the rear of

Submission Issue	Comment & Recommendation
<p>reveal any endangered species.</p> <p>(4) The owner of the property is very concerned that a bush fire would not only destroy a dwelling as well as all the flora & fauna if any.</p> <p>(5) Believe that an inspection with Council officers & myself should take place before the LEP is finalised.</p> 	<p>the 3 lots is approximately 70m, with the full width of the lots being approximately 210m. As such there is sufficient remaining area on the lots to enable the erection of dwellings and bushfire protection without impacting on the mapped areas.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>OEH objected to the removal of the NRS maps for Badgee Lagoon as environmental studies confirm these areas have high conservation value.</p> <p>Lake Wollumboola Protection Association Inc and the LEP Review Group request that part of Badgee Lagoon be zoned E2 as recommended by South Coast Sensitive Urban Lands Review and South Coast Regional Strategy.</p> <p>Cudmirrah Berrara Swanhaven Progress Association Inc request that Sussex Inlet Golf Course currently zoned as RU2 be allowed to become a full 18 hole golf course with surrounding development and that the current zoning be changed to suit this usage.</p>	<p>The zoning of Badgee Lagoon expansion area was recently amended via Shoalhaven LEP 1985 (No. 242).</p> <p>The new zones will be reflected in the final LEP (see map below). The amendment is the culmination of a number of years of work between Council, the State Government and the proponent (Lucas Properties) that provides for a significant future urban expansion opportunity for Sussex Inlet and also the protection of environmental attributes consistent with the Sussex Inlet Settlement Strategy & South Coast Regional Strategy.</p>

Submission Issue	Comment & Recommendation
	 <p data-bbox="863 748 1458 1187">A large portion of this site was zoned Environment Protection 7(a) (Ecology) in the recent LEP amendment and this zone will be reflected as E2 Environment protection in the final LEP 2013. The amended zoning also included a deferred area to enable further detailed investigation for the proposed golf course extension. The deferred areas will be the subject of a future Planning Proposal to enable suitable assessment and community consultation to occur.</p> <p data-bbox="863 1227 1458 1848">Council resolved on 20 June 2012 (in part) to remove any NRS layer from the Badgee Lagoon site. There are known environmental values on this site that are recognised in the Sussex Inlet Settlement Strategy & South Coast Regional Strategy. The significant value of this site is recognised via the environmental protection zone in Amendment No. 242. The draft LEP 2013 will be amended to reflect the recent zoning changes made to the Shoalhaven LEP 1985 and therefore the application of the biodiversity overlay is not required. However, it is appropriate to reinstate the NRS – Water Overlay as previously exhibited in draft LEP 2009.</p> <p data-bbox="863 1888 1458 2029"><u>Recommendation:</u> Amend the zoning and associated overlays for the Badgee Lagoon expansion area in draft LEP 2013 to</p>

Submission Issue	Comment & Recommendation
	<p>reflect the recent amendment made to Shoalhaven LEP 1985 (Amendment No. 242); and reinstate the NRS – Water Overlay as previously exhibited in draft LEP 2009.</p>
<p>One individual submission and OEH objected to the removal of the NRS – Biodiversity Overlay over the vacant residential zoned land at Manyana, as environmental studies have proven high conservation value vegetation exists on the property.</p> <p>Requests that the NRS – Biodiversity Overlay, be maintained consistent with the previously exhibited draft 2009 LEP.</p>  <p>Extract from 2011 exhibition map (NRB).</p>	<p>Following the 2011 exhibition, Council resolved the following in relation to land owned by Kylor Pty Ltd at Manyana:</p> <p><i>1. Remove the NRS – Biodiversity overlay from the zoned residential zones on this land.</i></p> <p>The NRS – Biodiversity overlay was removed at the request of the landowner and was not justified by any environmental investigations. The overlay data was provided by OEH and generally reflects habitat corridors and significant vegetation identified in the SCRS and other relevant strategy documents.</p> <p>It is considered appropriate for Council to consider reinstating the NRS – Biodiversity Overlay as previously exhibited in draft LEP 2009.</p> <p><u>Recommendation:</u> Reinstate the NRS – Biodiversity Overlay over the Kylor land as previously exhibited in draft LEP 2009 and shown on the above map.</p>
<p>Ulladulla and Districts Community Forum and 1 individual submission raised the zoning of the Ulladulla High School Site, Lot 1 DP 595313, South Street, Ulladulla.</p>	<p>The rezoning of the vegetated area on the school site to RE1 Public Recreation or the application of the NRS – Biodiversity mapping would require environmental studies, to justify the mapping and consideration by owners in regard to rezoning the land.</p> <p>The NRS – Biodiversity overlay does not currently cover this site because it has been applied where identified strategies or where ground truthing has occurred. At this point of time, neither of these has occurred on this site and it therefore</p>

Submission Issue



A large portion of the north eastern corner of the site is heavily vegetated. This is a significant piece of land in terms of biological and environmental science and a unique and wonderful asset for the school for educational purposes, which must be protected, preserved and enhanced.

Recommended that Council consults with the owners of the land to have this part of their land zoned RE1 or RE2 and/or the Local Biodiversity Clause 7.5 is applied to the land.

Comment & Recommendation

inappropriate to map the NRS – Biodiversity overlay without further environmental studies.




Ulladulla High School was exhibited as SP2 Infrastructure in draft LEP 2013. As the vegetated area of land is within the Ulladulla High School boundary and the Department of Education & Communities owns the land, it is not possible to zone the land RE1 Public Recreation, as there is no plan for Council to acquire this land. The RE2 zone is not considered to be an appropriate zone for an area within school grounds and is generally used for freehold land.

Any future development proposals will be considered on a case by case basis and any clearing of vegetation will require detailed assessment.

Recommendation:
Receive for information.

Ulladulla and Districts Community Forum and 2 individuals raised concern with the removal of the NRB overlay from the R1 site at Maisie Williams Drive, Mollymook. Suggests this is part of a longstanding “South Coast Regional Corridor”.

It is assumed that these submissions relate to Lot 621 DP 804355, Maisie Williams Drive, Mollymook which was exhibited with a B4 zoning (as the NRB – habitat corridor overlay has been removed from the western portion of the site) following the 2011 exhibition.

Submission Issue	Comment & Recommendation
	 <p data-bbox="868 568 1445 678">The areas of the NRB overlay that were renamed were relatively minor slivers on the western and southern edge.</p> <p data-bbox="868 719 1426 972">The content of this submission is noted and the Citywide issue regarding the application of the Biodiversity Overlay and its removal from urban zones following the 2011 exhibition has been addressed earlier in this section of the report.</p> <p data-bbox="868 1012 1206 1081"><u>Recommendation:</u> Receive for information.</p>

Recommendation 8.4

- a) ***Receive the submissions regarding the Biodiversity Map Overlay for information;***
- b) ***Amend the zoning and associated overlays for the Badgee Lagoon expansion area in draft LEP***
- c) ***2013 to reflect the recent amendment made to Shoalhaven LEP 1985 (Amendment No. 242);***
- d) ***Reinstate the NRS – Water overlay for the Badgee Lagoon area as previously exhibited in draft LEP 2009.***
- e) ***Reinstate the NRS – Biodiversity overlay over the Kylor land as previously exhibited in draft LEP 2009;***

Issue 8.5: Clause 7.6 Water and Water Overlay

Council resolved on 17 April 2012 that:

- a) *The report regarding Draft Shoalhaven Local Environmental Plan 2009 – Natural Resource Management Clauses and Mapping Submissions be received for information; and*

b) Council adopt all the relevant clauses and mapping as exhibited.

Council also resolved on 15 May 2012 that:

Identify the waterways that form a gazetted part of the Jervis Bay Marine Park, with the exception of Currambene Creek, Moona Moona Creek, Currarong Creek and other waterways where the 40m will inhibit development, and Batemans Marine Park on the Natural Resource Sensitivity – Water overlay map in draft SLEP 2009.

During the exhibition period, eleven (11) submissions commented on Clause 7.6 – Water and the application of the associated Water Overlay, as summarised in Table 8.5 below.

Number of Submissions - Clause 7.6 Water and Water Overlay

Type	Number
Individual	5
Petitions	0
Local, State and Federal Agencies	5
Rezoning requests	0
CCBs and other community groups	1
Internal	0
Total	11

Key Issues - Clause 7.6 Water and Water Overlay


Table 8.5 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment and Recommendation
<p>The submission received from the Department of Primary Industries – Office of Water recommended:</p> <ul style="list-style-type: none">• The LEP include a separate “Waterways and Riparian land” clause, rather than its inclusion in Clause 7.5 and Clause 7.6.• Include separate clauses for ‘groundwater’ and ‘groundwater dependent ecosystem’ in the LEP rather than combining groundwater issues with waterways and riparian land. The LGA includes high quality and yielding aquifers which provide water supply and are important for groundwater dependent ecosystems and baseflow to creeks and rivers. Draft subclause 7.6.4 should be incorporated in a separate groundwater clause. The watercourse categories and any sensitive groundwater areas should be	<p>The Department is concerned with the lack of protection for riparian land – this can be addressed by using the new draft model Riparian and Waterway Clause provided by DP&I.</p> <p>Separate mapping of groundwater areas is difficult given the limited data available in this area. Addition of wording to include “protect, maintain and improve” is covered in the draft DP&I Clause. The draft DP&I Clause goes some way to addressing these concerns.</p> <p><u>Recommendation:</u> Receive for information.</p>

Submission Issue	Comment and Recommendation
<p>identified on separate map sheets rather than combining on the Water map sheet.</p> <ul style="list-style-type: none"> • Requested that a number of amendments be incorporated in Clause 7.6. <p>Also referred to the former DWE S62 consultation submission and the comments provided in relation to groundwater. While draft Clause 7.6 refers to the protection of groundwater systems, recommended that the LEP include separate provisions to protect groundwater resources in accordance with NSW State groundwater policy, enhance groundwater quality and protect groundwater dependent ecosystems (GDEs).</p>	
<p>The submission received from the Department of Primary Industries – Jervis Bay Marine Park requested that:</p> <ul style="list-style-type: none"> • Jervis Bay Marine Park and Batemans Marine Park be identified in the 'Natural Resources Sensitivity – Water' Map Overlay. • Jervis Bay Marine Park be identified in the local Clause overlay relating to Clause 7.15 regarding development within the Jervis Bay region. However: <ul style="list-style-type: none"> ○ A) The Jervis Bay region local clause would not capture Batemans Marine Park ○ B) would not invoke the provisions of clauses 7.6 ○ That the original recommendation is addressed in a more beneficial manner • Amend Clause 7.6 to properly recognise, identify and protect factors for consideration in relation to: <ul style="list-style-type: none"> ○ Aquatic and riparian habitats ○ Ecological processes within waterways and riparian areas ○ Threatened aquatic species, communities, populations and their habitats ○ Catchment protection to prevent 	<p>This Clause is a Standard Model Clause provided by the DP&I. As such the Department of Primary Industries should address their concerns direct to DP&I and changes be made at a State Government level.</p> <p>It is recognised that it would be beneficial to be able to appropriately recognise the two existing Marine Parks in the new LEP. However, given the standardised provisions this is difficult to achieve.</p> <p><u>Recommendation:</u> Receive for information.</p>

Submission Issue	Comment and Recommendation
<p>increased sedimentation of waterways</p> <ul style="list-style-type: none"> ○ Scenic and cultural heritage values of waterways and riparian areas. ● For the land the clause applies to, amending the Clause so it has to meet one, not all three of the criteria. ● Amend the structure and wording of the Clause so that it applies to land that meets [either] or the [two] criteria. ● Important that the provisions of Clause 7.6 is triggered to apply to the Jervis Bay and Batemans Bay Marine Parks by, amend by removing (b) & (c) or altering (c) to state “before granting consent... the consent authority must be satisfied that: where and impact cannot be avoided, and having taken into consideration feasible alternatives, the proposed design, construction and operational management of the development will mitigate and minimise those impacts to a satisfactory extent, including restoration of any existing disturbed area on site”. ● Amend the LEP to apply Clause 7.6 to the Jervis Bay region by referencing those Clauses in 7.15 in 7.6.2. ● Review the Land Use Matrix and dictionary terms as it is confusing as to what land uses are and are not permitted. ● Requests that riparian corridors (7.6.2I which was removed) be included in the LEP map layers and be appropriately referenced in 7.6.2. 	
<p>The submission received from the Department of Primary Industries – Huskisson states:</p> <ul style="list-style-type: none"> ● The objectives of clause 7.6 be emphasised to maintain the hydrological and ecological functions of the riparian land, waterways and aquifers ● There are numerous discrepancies in 	<p>Whilst these changes are considered reasonable, it is unlikely that these changes will be included in the Clause as the Water Clause is a Standard Model Clause and changes should be addressed at a State Government Level.</p> <p><u>Recommendation:</u> Receive for information.</p>

Submission Issue	Comment and Recommendation
<p>the water map in clause 7.6.2(b). Mapping the 50m buffer to waterways accurately, starting at the bank of both sides of the river will reduce these discrepancies.</p> <ul style="list-style-type: none"> • Fish passage should be included as a matter for consideration in Clause 7.6.3. • Request that Council not list <i>land based pond/tank aquaculture</i> or <i>oyster aquaculture</i> in the zoning tables as these activities are governed by SEPP 62. 	
<p>Two (2) submissions, (one from Department of Primary Industries – Jervis Bay Marine Park and one from Department of Primary Industries – Huskisson), requested a review of the mapping in Clause 7.6.2(b), as it is unclear whether the water bodies identified include watercourses with banks marked with red, green and blue lines to indicate a watercourse category; or whether it relates only to the ‘sensitive areas’ shown by green filling.</p>	<p>The submissions raise concern that the “sensitive area” mapping is unclear, and should be reworded to indicate that the sensitive area relates to red/green/blue lines and the green highlight. This change is supported as the current wording could present as a legal ‘loophole’ and protection could be avoided.</p> <p><u>Recommendation:</u> Support the rewording of Clause 7.6.2(b) to clarify all areas that are included within the “sensitive area mapping”.</p>
<p>The OEH submission supports the change of zone and water mapping in relation to Willinga Lake, Bawley Point.</p>	<p>Support is noted.</p> <p><u>Recommendation:</u> Receive for information.</p>
<p>The Sydney Catchment Authority submission supports the application of the SP2 Infrastructure (water supply system) zone to Tallowa Dam, Bendeela pondage, Bendeela recreation areas and Kangaroo pipeline.</p> <p>They request that the following be added to Clause 7.6.5:</p> <ul style="list-style-type: none"> • (d) The development must have a neutral or beneficial effect on water quality if proposed to be carried out on land to which this clause applies that is in the Sydney Drinking Water Catchment. 	<p>Whilst this requested change is considered reasonable, it is unlikely that it will be included as the Water Clause is a Standard Model Clause and changes should be addressed at a State Government Level.</p> <p>Council could however resolve to include this wording into Clause 7.6 in the final draft LEP in recognition of the Sydney Drinking Water Catchment.</p> <p><u>Recommendation:</u> Receive for information.</p>

Submission Issue	Comment and Recommendation
<p>Five (5) submissions, including those from the Basin Villages Forum, the Department of Primary Industries – Huskisson and the Department of Primary Industries – Jervis Bay Marine Park requested that Council identify the waterways that form a gazetted part of the Jervis Bay Marine Park, and rectifying the following discrepancies and omissions from the Water Overlay:</p> <ul style="list-style-type: none"> ○ Foreshore of Curley's Bay ○ Pig Island ○ Goodnight Island ○ Numbaa Island ○ Lake Wollumboola ○ Right bank of Broughton Creek downstream of Wharf Road ○ Estuarine creek west of Berry's Bay ○ Currambene Creek ○ St Georges Basin and Sussex Inlet ○ Willinga Lake ○ Durras Lake ○ Land in the western half of the LGA 	<p>These areas were removed from the Water Overlay for the Jervis Bay Marine Park following the Council resolution of 15 May 2012 (Min12.492). All waterways should be equally identified and protected in this area, as inappropriate development can have a significant impact on the water quality and aquatic ecosystems of these waterways that drain into the Jervis Bay Marine Park.</p> <p>By including the additional waterways, plus those that were previously removed in Jervis Bay, on the Water Overlay, it does not necessarily inhibit development on private lands where these waterways occur, merely indicates that impacts of development to these waterways must be considered. Inclusion of these waterways will maintain the integrity of the Marine Park and ensure that all areas are gazetted equally.</p> <p><u>Recommendation:</u> Support the inclusion of these waterways in the Water Overlay.</p>
<p>Two (2) submissions commented that the tidal estuary that flows under Edendale Street and Woollamia Road should be identified on the NRS - Water Map.</p>  <p>This tidal estuary is the main way water is released from the Woollamia Wetlands into Currambene Creek and should be identified as Riparian corridor.</p>	<p>It appears that this waterway was not included in the riparian corridor mapping undertaken by the former NSW Department of Natural Resources (now part of Office of Environment and Heritage) on which the NRS-Water map overlay is based.</p> <p>This issue was previously considered by Council following the 2011 exhibition and Council resolved to receive the submissions for information. It is considered appropriate to include this waterway on the NRS-Water Map overlay to ensure that any development in its vicinity considers possible impacts on the waterway.</p> <p><u>Recommendation:</u> The tidal estuary that flows under Edendale Street and Woollamia Road, Woollamia be included on the NRS-Water Map overlay in draft LEP2013.</p>

Options 8.5

Option 1

Accept the recommendations outlined in Table 8.5 and amend draft LEP 2013 accordingly.

Option 2

Receive submissions outlined in Table 8.5 for information.

Recommendation 8.5

- a) Receive the submissions regarding Clause 7.6 and the Water Overlay for information;**
- b) Support the rewording of Clause 7.6.2(b) to clarify all areas that are included within the “sensitive area mapping”;**
- c) Support the re-instatement or inclusion of the following waterways in the Water Overlay:**
 - i) Foreshore of Curley’s Bay**
 - ii) Pig Island**
 - iii) Goodnight Island**
 - iv) Numbaa Island**
 - v) Lake Wollumboola**
 - vi) Right bank of Broughton Creek downstream of Wharf Road**
 - vii) Estuarine creek west of Berry’s Bay**
 - viii) Currambene Creek**
 - ix) Moona Moona Creek**
 - x) Currarong Creek**
 - xi) Batemans Bay Marine Park**
 - xii) St Georges Basin and Sussex Inlet**
 - xiii) Willinga Lake Durras Lake**
 - xiv) Land in the western half of the LGA; and**
 - xv) Include the tidal estuary that flows under Edendale Street and Woollamia Road, Woollamia in the Water Overlay in draft LEP 2013.**

Issue 8.6: Clause 5.9 Preservation of trees or vegetation

Number of Submissions - Clause 5.9 Preservation of trees or vegetation

Type	Number
Individual	3
Petitions	0
Local, State and Federal Agencies	2
Rezoning requests	0
CCBs and other community groups	5
Internal	0
Total	10

Council resolved on 17 April 2012 to:

- a) *Request the support of DP&I for the inclusion of a local provision in LEP 2009 to ensure that Clause 5.9 applies to the paper subdivisions.*

This has been done by adding a subclause to Clause 5.9 *Preservation of trees or vegetation*, to ensure it applies to any existing paper subdivision, e.g. Heritage, Jerberra, Nebraska and Verons Estates.

Ten (10) submissions were received in regard to Clause 5.9 *Preservation of trees or vegetation*, as summarised in Table 8.6.

Key Issues - Clause 5.9 Preservation of trees or vegetation

Table 8.6 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment and Recommendation
Two (2) submissions, including one from Jervis Bay Regional Alliance Inc, requested that Clause 5.9 be reworded as it is not easy to understand.	No specific recommendations were provided with these submissions or particular areas of concern. It is difficult to clarify Clause 5.9 without explanation of why or what particular parts are difficult to understand. This clause is a compulsory one and its wording is set by the State Government. <u>Recommendation:</u> Receive for information.
One (1) submission was received from the NSW Department of Primary Industries – Office of Water requesting that Clause 5.9 include a provision to protect rehabilitated riparian land.	It is very difficult to identify and map rehabilitated riparian areas on private land. It would be unrealistic to expect that a mapping system could be developed for these lands.

Submission Issue	Comment and Recommendation
	<u>Recommendation:</u> Receive for information.
Six (6) submissions were received that requests the inclusion of subclause 5.9.9 to ensure protection of trees in all Residential, Rural, and Environmental Protection zones and for this to be applied Citywide	Subclause 5.9(a) is an optional provision in the Standard Instrument that essentially requires approval for potentially any tree clearing in proposed R5, E2, E3 and E4 zones. Given the Council has flagged a desire to review its Tree Management Policy it may be desirable to consider the inclusion of this sub clause late amendment after this review. <u>Recommendation</u> Consider the inclusion of Sub clause 5.9(a) into the LEP as a future amendment following the review of Council's Tree Management Policy.

Recommendation 8.6:

- a) **Receive the submission regarding Clause 5.9 Preservation of trees or vegetation for information and**
- b) **Consider clause 5.9.9 into the LEP as a late amendment following the review of the Tree Management Policy.**

Issue 8.7: Council Foreshore Reserves – Request E2 Zone

Number of Submissions - Council Foreshore Reserves – Request E2 Zone

Type	Number
Individual	11
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	5
Internal	0
Total	17

Council resolved on 17 April 2012 that:

- a) *The proposed zoning, as exhibited in draft LEP 2009, be retained for Council reserves.*

Seventeen (17) submissions were received requesting that Council Reserves be rezoned E2 Environmental Conservation. These are outlined in Table 8.7 below.

Key Issues – Council Foreshore Reserves – Request E2 Zone

Table 8.7 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment and Recommendation
<p>All seventeen submissions, including those from OEH, LEP Review Group, Basin Villages Forum, Shoalhaven Riverwatch, Lake Wollumboola Protection Association and Jervis Bay Regional Alliance requested that Council-owned lands or “Community Lands”, and Foreshore Reserves with a high conservation value be zoned either E2 or E3 for greater environmental protection. Many submissions related to specific lands. Some reoccurring specific properties included Pelican Point, Tallyan Point, Wrights Beach, Gurumbi Creek, reserves along the Shoalhaven River and many more.</p>	<p>Council has commenced a project to review the zoning of all Council Reserves in Shoalhaven. This will ensure a holistic approach to the possible environmental zoning of Council’s reserves and foreshores. At this stage, it would be premature to change the zonings of Council reserves and foreshores without first reviewing the range of factors that come into play (eg. future desired uses). In the meantime, most reserves of this nature are “community” land under the Local Government Act and the relevant plans of management provide an additional level of control on their use.</p> <p>It is recommended that Council await completion of the overall review project before considering changing the zoning of any individual Council Reserve.</p> <p><u>Recommendation:</u> Receive for information.</p>

Recommendation 8.7

- a) Receive the submissions requesting E2 Environmental Conservation zoning for Council Reserves for information and the proposed zonings, as exhibited in draft LEP 2013, be retained for Council Reserves; and**
- b) The zoning of Council’s reserves be considered as part of the ongoing review of Council land and as a possible future planning proposal.**

Issue 8.8: Clause 7.3 Short-term Rental Accommodation

Number of Submissions - Clause 7.3 Short-term Rental Accommodation

Type	Number
Individual	5
Petitions	0
Local, State and Federal Agencies	0
Rezoning requests	0
CCBs and other community groups	1
Internal	0
Total	6

Clause 7.3 Short-term Rental Accommodation was effectively added to the LEP in 2006 as a result of a court decision (outside this area) and allows for the longstanding practice of renting a dwelling for short periods to continue without the need for Council approval. Six (6) submissions were received regarding Clause 7.3 *Short-term rental accommodation*, as summarised in Table 8.8 below.

Key Issues - Clause 7.3 Short-term Rental Accommodation

Table 8.8 - Summary of Submissions Issues, Comments and Recommendations

Submission Issue	Comment and Recommendation
Three (3) submissions, including one from the Kangaroo Valley Tourist Association Inc., requested that Council change their policy on short term rental accommodation. The Tourist Association also believe this could effectively release more housing for long term residence.	Short term rental accommodation is an extremely important component of Shoalhaven's tourist accommodation market, particularly in our coastal settlements and other popular tourist destinations. Clause 7.3 ensures that this form of tourist accommodation may continue and without the need for Council intervention. This situation will continue to be monitored and if necessary it can be reported back to Council in the future for specific reconsideration. <u>Recommendation:</u> Retain Clause 7.3 in LEP 2013 and receive for information.
Two (2) submissions requested wording changes to Clause 7.3.2, as they are concerned about the effect that short-term rentals have on residents and the lack of effective management control. Requests that Clause 7.3.2 be adjusted to read: "Despite any other provision of this plan, development consent is not required for the use of a dwelling as short-term rental	The requested wording is generally consistent with that in Kiama's finalised LEP. It enables the Council to essentially intervene in problematic rentals. Kiama's LEP is also backed up by a DCP that identifies maximum occupancy etc. A change of this nature should be discussed with the Shoalhaven Tourism Board and others.

Submission Issue	Comment and Recommendation
accommodation for visitors (except for bed and breakfast accommodation), if the use is only short-term and does not interfere generally with the neighbourhood in any way, including by noise or traffic”.	<p>If the request was to be accepted, monitoring what is considered to “interfere generally with the neighbourhood in any way” is subjective and difficult to police. It would require detailed DCP controls to support its operation.</p> <p><u>Recommendation:</u> Retain Clause 7.3.2 as exhibited, and receive these submissions for information.</p>
One submission requests that short term rental accommodation remains explicitly allowed under the new LEP.	<p><u>Recommendation:</u> Receive for information.</p>

Options 8.8

Option 1

Receive the submissions outlined in Table 8.8 for information and retain Clause 7.3 as exhibited.

Option 2

Modify Clause 7.3.2 to read:

“Despite any other provision of this plan, development consent is not required for the use of a dwelling as short-term rental accommodation for visitors (except for bed and breakfast accommodation), if the use is only short-term and does not interfere generally with the neighbourhood in any way, including by noise or traffic”;

and include a chapter in the proposed Citywide DCP to support the operation of the amended clause.

Recommendation 8.8

Receive the submissions regarding Clause 7.3 Short-term rental accommodation for information.