

# EXPLANATORY STATEMENT

## Planning Proposal PP054 – Rezoning of Riparian Land at Taylors Lane, Cambewarra (part of Lot 1 DP 949932)



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Shoalhaven  
City Council

### Overview


The Planning Proposal (PP) seeks to reclassify a watercourse and rezone land currently identified as a riparian corridor from E2 Environmental Conservation to R1 General Residential to enable residential development of approximately 30 residential lots. The subject land adjoins the eastern boundary of the existing Moss Vale Road South Urban Release Area (URA) and is part of Lot 1 DP 949932. If the PP proceeds the land will become part of the Moss Vale Road South URA.

### Background

The PP applies to the land outlined red in **Figure 1** (the subject land) that is currently zoned E2 Environmental Conservation and is identified in the LEP as a category 2 watercourse and riparian area as shown in **Figure 2**.



#### Legend

 Subject Land

PP054  
Planning Proposal

Aerial Photo

Part of Lot 1  
DP 949932

Taylors Lane  
CAMBEWARRA

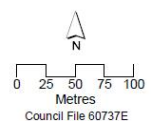
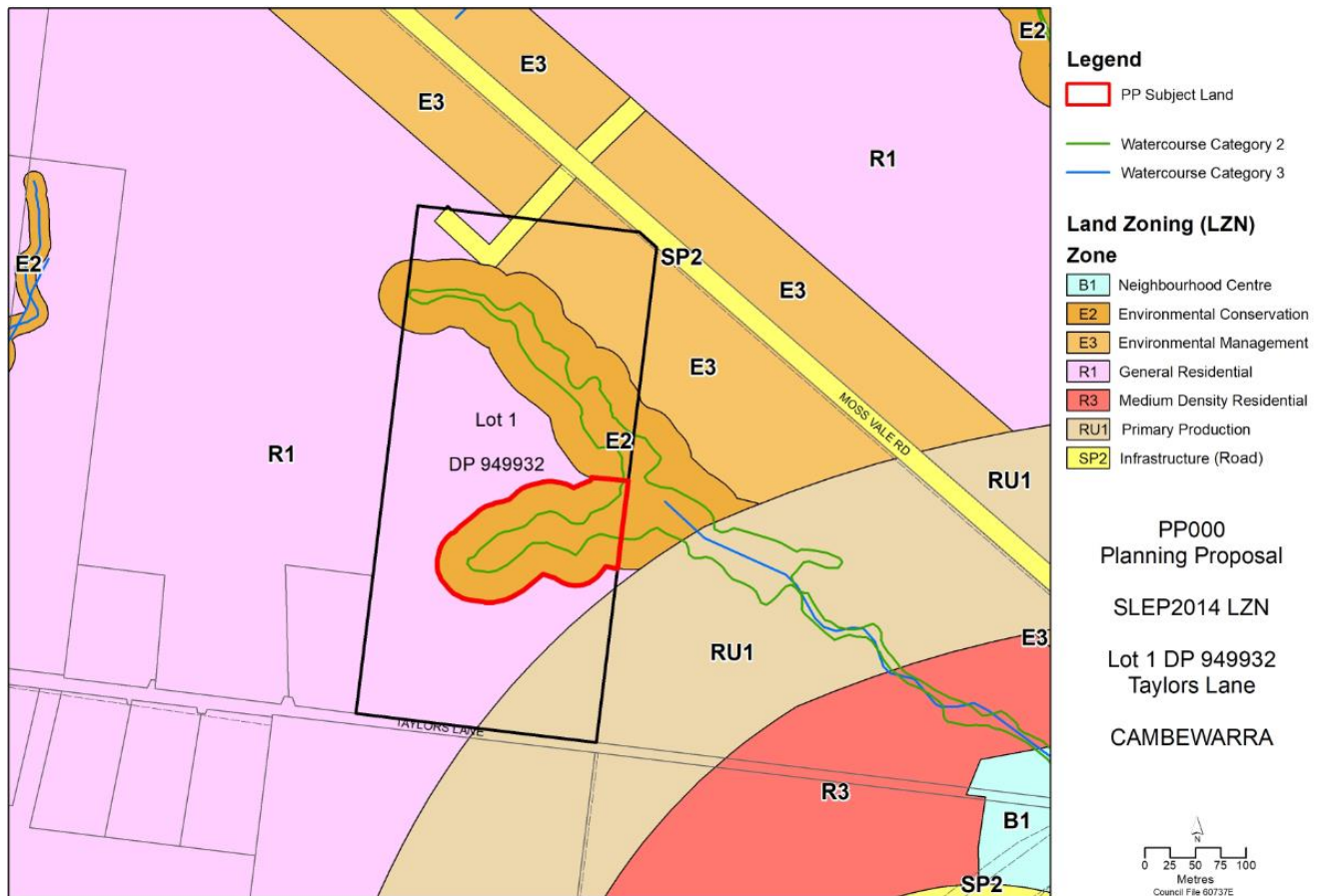


Figure 1: Subject land



**Figure 2: Existing LEP zoning & watercourse classification**

Biara Grove Developments Pty Ltd (the Proponent) submitted a PP request to Council to rezone the land in March 2019. The PP request argued that the watercourse is incorrectly classified and zoned and requested that the watercourse classification be removed and the land rezoned to R1 General Residential. The surrounding R1 zoned land has development approval for a proposed 50 lot residential subdivision which is being undertaken in two stages (stages 1a and 1b) by the Proponent. Dependent on the progression of this PP, the subject land is the proposed future third stage (1c) of this subdivision.

Council's preliminary assessment of the PP request noted that further investigation into the classification and function of the identified watercourse was needed in order to determine whether or not the PP had merit to proceed. Council engaged consultants Niche Environment & Heritage Pty Ltd to undertake an independent assessment of the watercourse. The completed Riparian Lands Study (the Study) is included in the exhibition documents.

The Study concluded that the subject land contains a lower category of watercourse than that which is identified in the LEP and that not all of the subject land has riparian land characteristics. Thus there would be merit in updating the classification of the watercourse and rezoning some, but not all, of the subject land from environmental conservation to residential. The Study concluded that the remaining riparian corridor should remain zoned E2 Environmental Conservation.

Council considered a [report](#) on the PP request and the Study at its Development & Environment Committee meeting on 2 June 2020 (item DE20.50) where it resolved (in part) to prepare a PP and

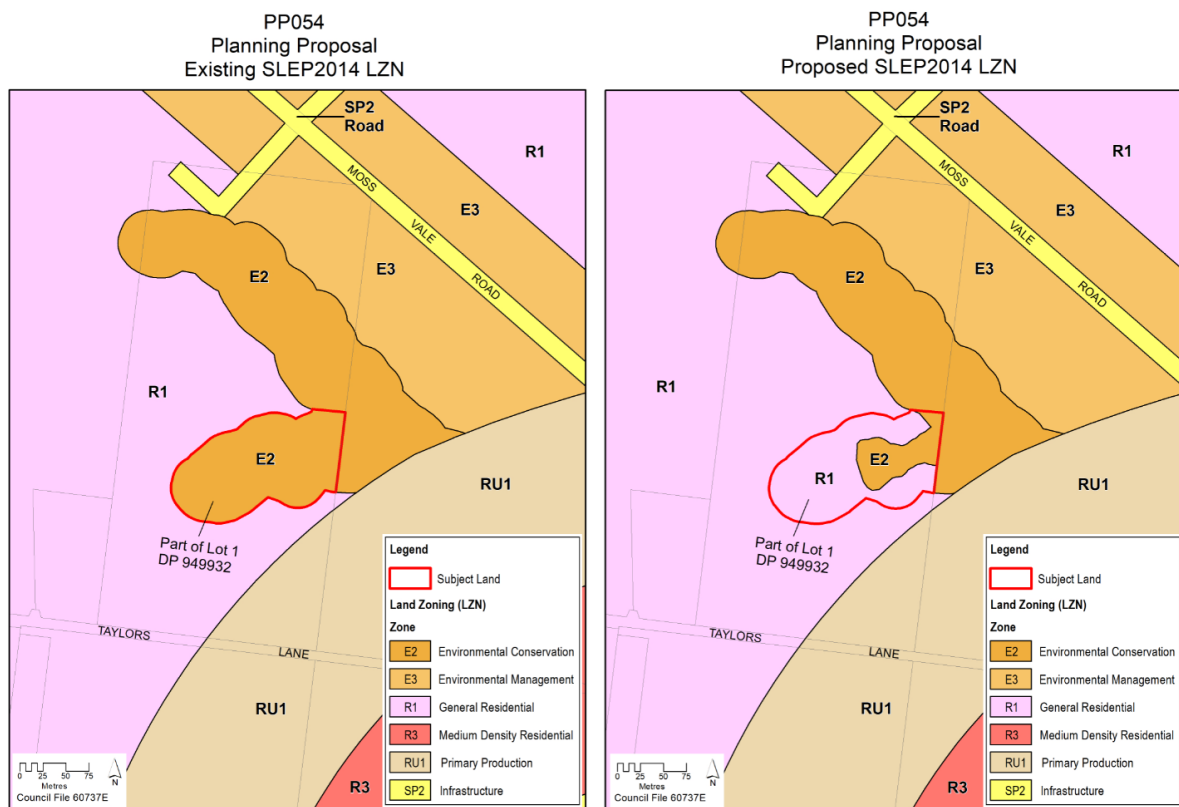
submit it to the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway determination. The full Council resolution can be viewed [here](#) (MIN20.386).

The PP received a favourable Gateway determination from DPIE on 23 July 2020 authorising the PP to proceed, subject to consultation with several public authorities and public exhibition.

## The Planning Proposal

The exhibited PP proposes to make the following amendments to Shoalhaven LEP 2014:

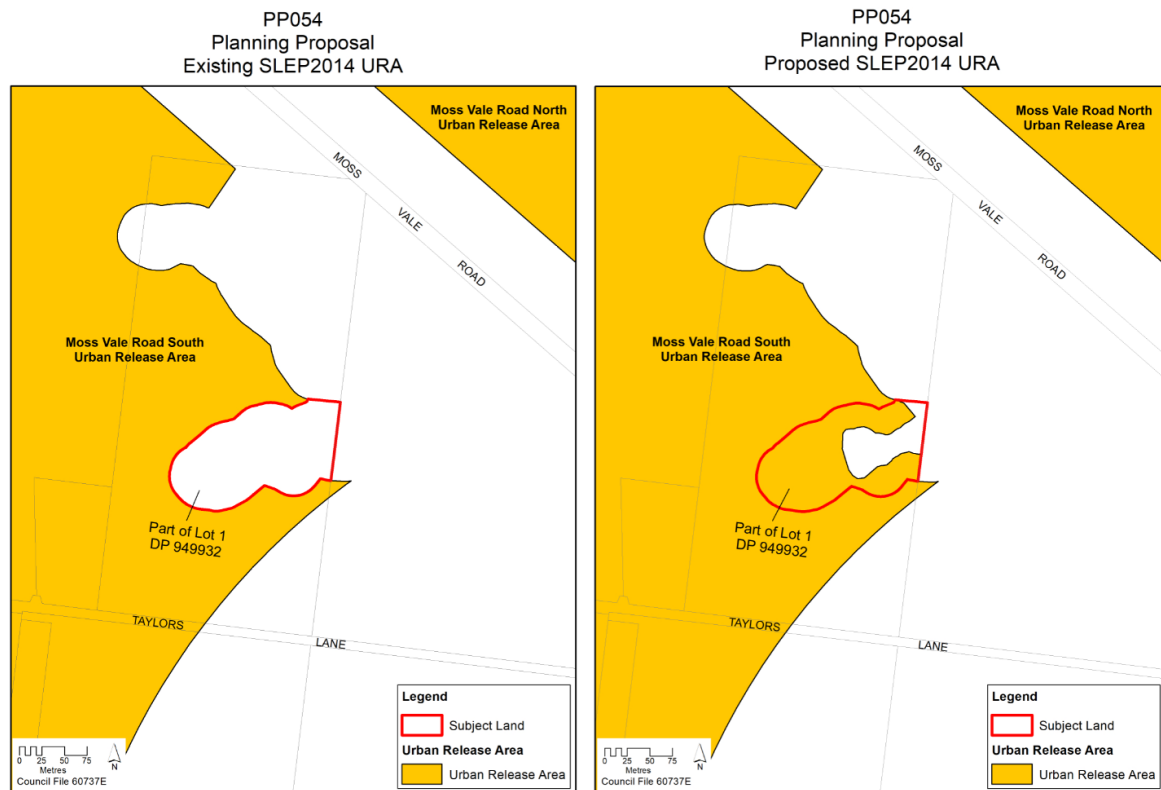
1. **Land Zoning Map:** Rezone part of the subject land from zone E2 Environmental Conservation to zone R1 General Residential (**Map 1**).



**Map 1: Existing (left) and Proposed (right) Land Zoning Map**

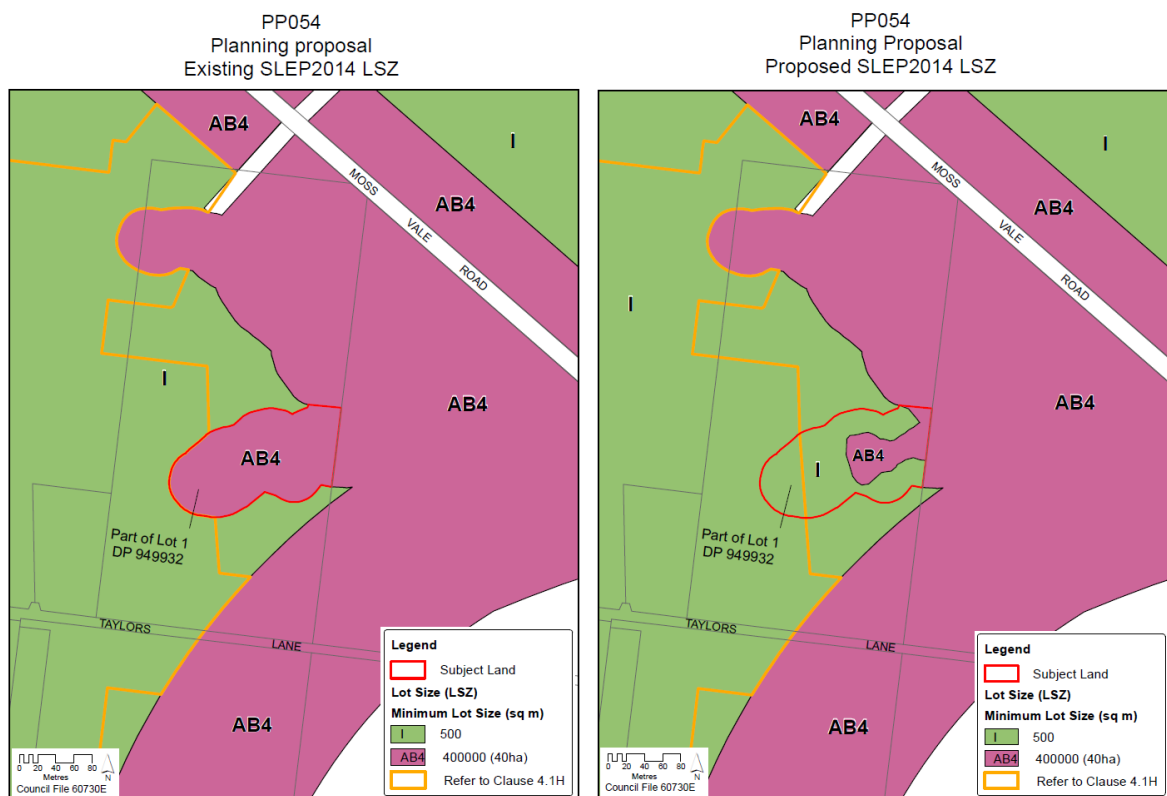


2. **Urban Release Area Map:** Extend the Moss Vale Road South URA boundary to include the rezoned land (**Map 2**).



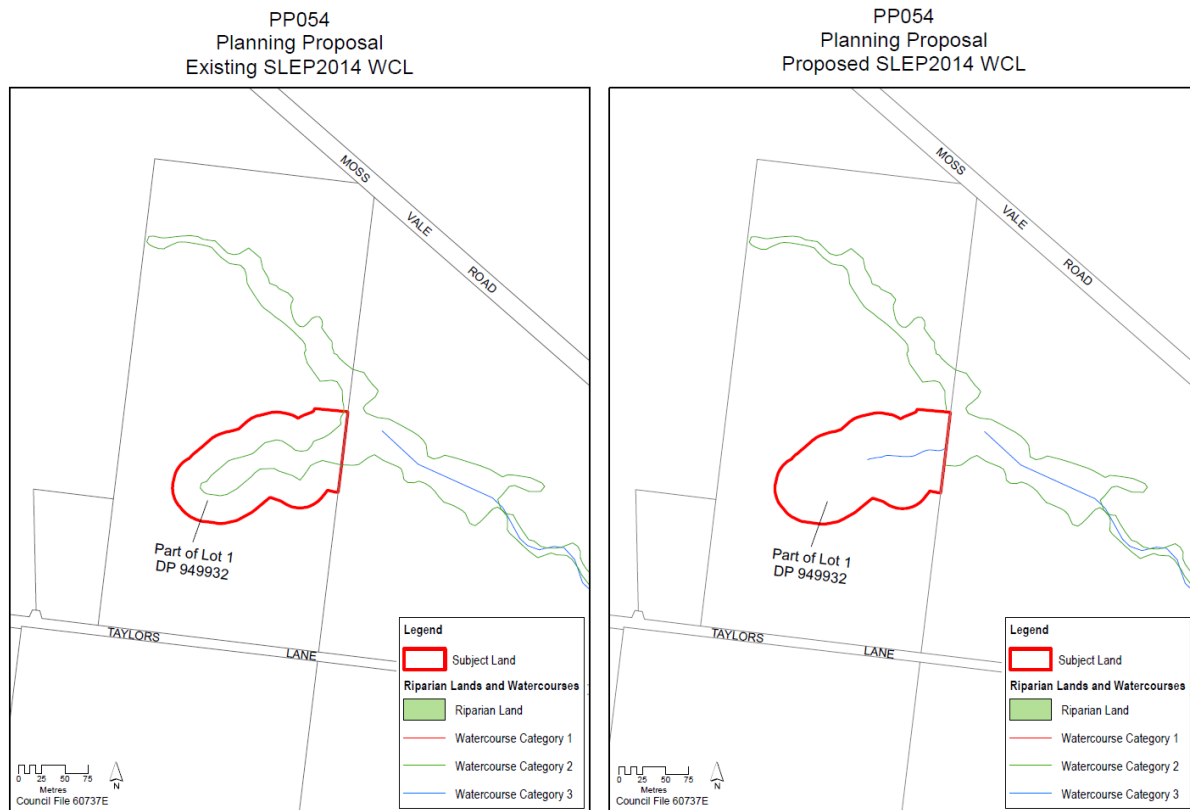
**Map 2: Existing (left) and Proposed (right) Urban Release Area Map**

3. **Lot Size Map:** Reduce the minimum lot size of the rezoned land (currently 40ha) to allow subdivision from 500sqm generally and from 300sqm in certain high amenity locations under LEP Clause 4.1H (**Map 3**).



**Map 3: Existing (left) and Proposed (right) Lot Size Map**

4. **Riparian Lands & Watercourses Map:** Change the classification of the watercourse from Category 2 to Category 3 and redefine its position/extent on that map (**Map 4**).



**Map 4: Existing (left) and Proposed (right) Riparian Lands and Watercourses Map**

### Consultation with Public Authorities

Consistent with the Gateway determination, the PP was referred to the following public authorities for comment in August 2020:

- Natural Resource Access Regulator (NRAR);
- NSW Department of Premier and Cabinet - Aboriginal Cultural Heritage Regulator (ACHR);
- Transport for NSW (TfNSW);
- Shoalhaven Water; and
- Endeavour Energy

TfNSW, Shoalhaven Water and Endeavour Energy raised no objection to the PP in their submissions. No submission was received from ACHR.

NRAR's submission of October 2020 raised concern that the proposed riparian corridor was not wide enough and that the layout of proposed subdivision stage 1c may need to be reconsidered. In response, the proposal was amended to increase the overall width of the area to remain in the E2 zoned riparian corridor. The proposed Land Zoning, Lot Size and Urban Release Area LEP Maps were updated to reflect this change and are shown above at **Maps 1-4**. NRAR subsequently advised that it supported the amended PP and that its concerns had been satisfactorily addressed. It acknowledged that the layout of the future proposed subdivision and associated infrastructure (roads, drainage etc) will be considered in detail at the development application stage, should the PP proceed.

Further details of Council's consultation with public authorities is included in section 4.4.2 of the PP. Copies of public authority submissions and Council's response is included in the exhibition package.

## Consequential Amendments to the Development Control Plan, Integrated Water Cycle Assessment and Contributions Plan for Moss Vale Road South URA

### Shoalhaven DCP 2014 Chapter NB3: Moss Vale Road South URA

A draft amendment to DCP Chapter NB3 has been prepared to include the rezoned land in the indicative layout plan, staging plan and other relevant sections. The draft amended DCP chapter is included in the exhibition package. The subject land is included in the 'medium density/integrated housing' area on the draft amended indicative layout plan, consistent with the designation of the adjoining residential zoned land.

### Shoalhaven Contributions Plan (CP) 2019 projects

A draft amendment to the CP 2019 has been prepared to include the subject land in the catchment area for roads, drainage and public open space projects in Moss Vale Road South URA. The draft amendment to the CP 2019 projects is included in the exhibition package.

### Integrated Water Cycle Assessment (IWCA) for Moss Vale Road South URA

A draft addendum to the IWCA report has been prepared to include the subject land in the Moss Vale Road South URA drainage and water quality management system. Note: the IWCA and CP 2019 drainage project will be subject to a future update to incorporate additional drainage infrastructure in the approved subdivision of stage 1a and 1b.

## Exhibition Documents

Electronic copies of the Planning Proposal, supporting material and proposal amendments to related plans/documents will be on public exhibition from **Wednesday 24 March to Friday 23 April 2021** (inclusive) on Council's website at <https://www.shoalhaven.nsw.gov.au/Council/Access-to-Information/Documents-on-Exhibition>

Electronic copies of the Planning Proposal and supporting material can also be viewed at the City Administration Centre, Bridge Road, Nowra and at the Ulladulla Service Centre, Deering Street, Ulladulla, during normal business hours (9am-5pm).

The PP exhibition package includes:

1. Public Notice of Exhibition
2. This Explanatory Statement
3. Planning Proposal (PP054) – Rezoning of Riparian Land at Taylors Lane, Cambewarra
4. Riparian Lands Study (Niche Environment & Heritage, 2020)
5. Aboriginal Cultural Heritage Assessment (Biosis, 2018)
6. Flora and Fauna Assessment (Ecoplaning, 2017)
7. Submissions from public authorities
8. Gateway Determination dated 23 July 2020
9. Draft Amendment to Shoalhaven DCP Chapter NB3: Moss Vale Road South URA
10. Draft Amendment to Shoalhaven Contributions Plan 2019 projects

## 11. Draft Addendum to the Integrated Water Cycle Assessment for Moss Vale Road South URA (SEEC 2021)

### Have Your Say

You are encouraged to view the documents and provide a written submission during the exhibition period. Submissions should be made in writing and include Council's reference **60737E**. All submissions must be received in writing by **5pm, Friday 23 April 2021**.

**Post:** The Chief Executive Officer, Shoalhaven City Council, PO Box 42, Nowra NSW 2541

**E-mail:** [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

**Website:** via the form on the Exhibition page at [www.shoalhaven.nsw.gov.au/Council/Access-to-Information/Documents-on-Exhibition](http://www.shoalhaven.nsw.gov.au/Council/Access-to-Information/Documents-on-Exhibition)

### Further Information

Enquiries should be directed to Ryan Jameson, City Futures Directorate, on (02) 4429 3139. Quote Council's reference 60737E.