

**Shoalhaven Local Environmental Plan 1985  
(Amendment No )**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

*Kristina Keneally MP  
(Minister for Planning )*

## **Shoalhaven Local Environmental Plan 1985 (Amendment No )**

Under the Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Shoalhaven Local Environmental Plan 1985 (Amendment No )*.

### **2 Aim of plan**

This plan aims to:

- (a) Rezone the subject land to 2(a3) Residential A3 Zone which allows for residential development with a minimum allotment size of 4000 square metres, primarily for low density detached housing;
- (b) Include an objective via Clause 40N within the Plan to ensure that the primary use of the land is for seniors housing, which provides support services for seniors or people with a disability; and;
- (c) Remove the scenic hatching from the LEP map.

### **3 Land to which plan applies**

This plan applies to certain land situated in the City of Shoalhaven, being Lot 1 DP 780801 and Lot 1 DP 737576, Princes Highway, Milton as shown edged heavy black on the maps marked "Shoalhaven local Environmental Plan 1985 (Amendment No.)" deposited in the office of the Shoalhaven City Council.

### **4 Amendment of City of Shoalhaven Local Environmental Plan 1985**

*Shoalhaven Local Environmental Plan 1985* is amended as set out in Schedule 1.

**Schedule 1 Amendments**

**[1] Clause 6 Interpretation**

Insert in appropriate order in the definition of *the map* in clause 6 (1)  
Shoalhaven Local Environmental Plan 1985 (Amendment No. )

**[2] Clause 40N Development of Certain Land at Milton**

Insert after Clause 40M the following clause:

**40N Development of Certain Land at Milton**

- (1) The objective of this clause is to ensure that the primary use of the land is for seniors housing, which provides support services for seniors or people with a disability.
- (2) This clause applies to land described as Lot 1 DP 737576 and Lot 1 DP 780801, Princes Highway Milton, as shown edged heavy black the map marked "Shoalhaven Local Environmental Plan 1985 (Amendment No. )".
- (3) Notwithstanding any other provision of this plan, the Council may consent to development on the subject land for the purpose of seniors housing, but only if Council is satisfied that the seniors housing is comprised of residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability and consists of:
  - (a) a residential care facility, or
  - (b) a hostel, or
  - (c) a group of self-contained dwellings (serviced self-care housing or in-fill self-care housing), or
  - (d) a combination of these,but does not include a hospital.



*Strategic Planning and Infrastructure  
Group*

**Explanatory Statement**

**Draft Local Environmental Plan No. LP371  
Milton Meadows Retirement Village  
Lot 1 DP 780801 and Lot 1 DP 737576, Princes Highway, Milton**

**File No. 30978-03**

**Background**

Council has prepared the draft Local Environmental Plan (LEP) over Lot 1 DP 780801 and Lot 1 DP 737576, Princes Highway, Milton, as illustrated on the draft LEP map forming part of this exhibition

The subject land is currently zoned 1(b) (Rural "B" (Arterial and Main Road Protection) zone), and is affected by scenic preservation hatching as shown on the zoning map pursuant to Shoalhaven Local Environmental Plan 1985 (SLEP).

The subject land is vacant, mostly cleared rural land containing some isolated trees with an extensive stand of trees along the creek. The subject land is bordered by the Princes Highway and the town of Milton to the north; a caravan park to the east; a local road named Windward Way to the south and rural land to the west.

The draft LEP proposes to rezone the subject land from Rural 1(b) (Arterial and Main Road Protection) to Residential 2(a3) (Residential A3) zone which has the objective of providing for low-density residential development with a minimum allotment size of 4000 square metres, primarily for detached housing. The draft Plan also includes an objective to ensure the primary use of the land is for seniors housing, and removes the scenic preservation hatching affecting the subject land.

Background documents are available on request for viewing as part of the draft LEP exhibition material.

**SEPPs, REPs and Section 117 Directions**

The following Environmental Planning Instruments and other government policies form the context for the draft LEP:

- Shoalhaven LEP 1985, Division 5A: Other Development and Division 6: Development in Scenic Preservation Areas;
- State Environmental Planning Policies: 14, 21, 44, 50, 55, 64, 65, SEPP Housing for Seniors or People with a Disability, BASIX 2004, Major Projects, Mining, Petroleum Production and Extractive Industries, Temporary Structures and Places of Public Entertainment, Infrastructure and Rural Lands;
- Illawarra Regional Environmental Plan No. 1 Clauses 11, 16, 18, 24, 25, 26, 29-31, 32, 34, 43, 58 – 64, 66, 67, 69-73;

Development Committee 4 August 2009  
Item 1

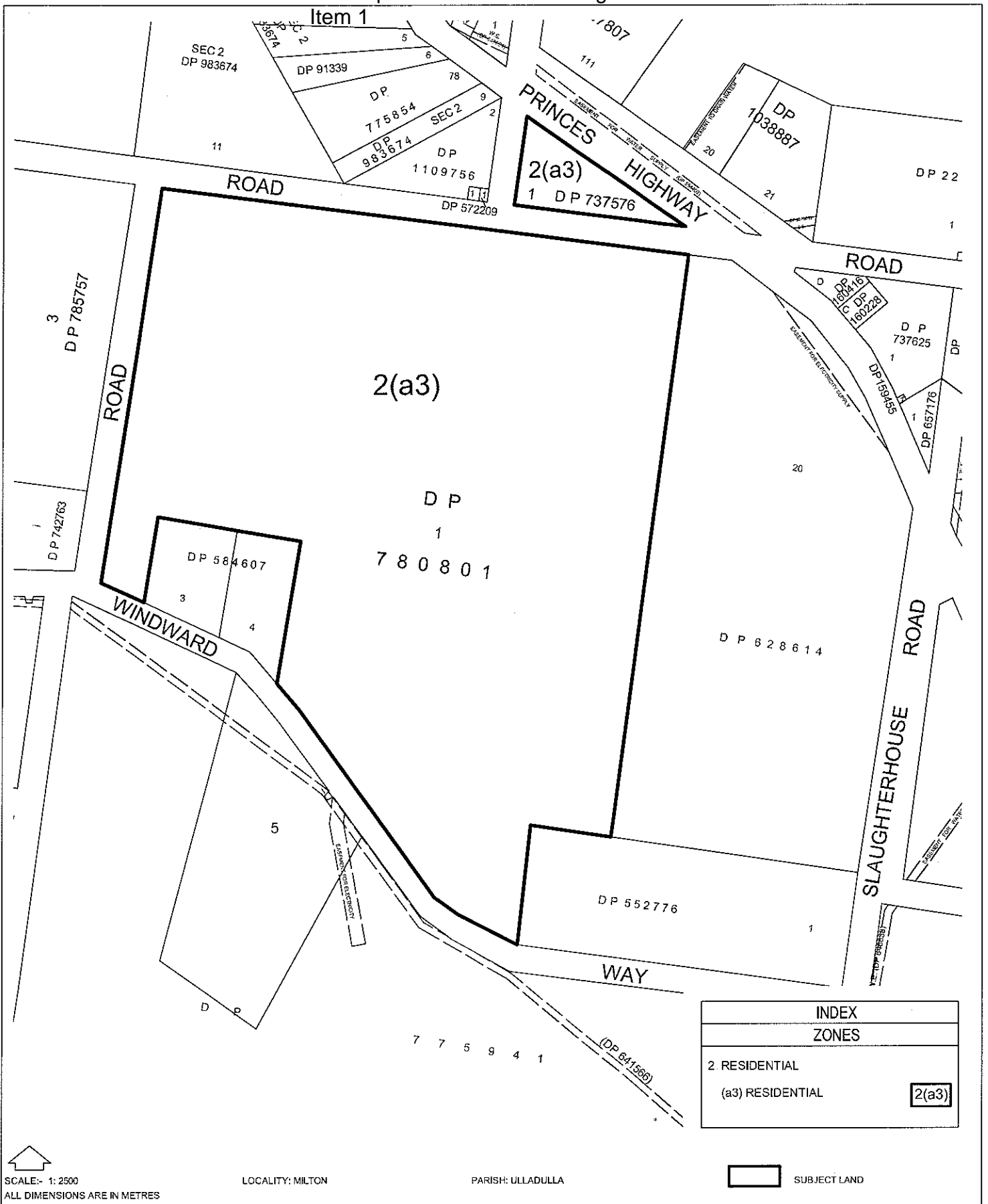
- Ministerial Directions under Section 117 of the *Environmental Planning & Assessment Act 1979*, No 1 2, 1 5, 2 1, 2 3, 2 4, 3 1, 3 2, 3 3, 3 5, 4 3, 4 4, 5 1, 5 2, 6 1, 6 2, 6 3;
- South Coast Regional Strategy; and,
- Environmental Planning & Assessment Model Provisions

These documents are available for viewing with the draft LEP and any submissions made to Council during the exhibition period should take these documents into consideration.

A handwritten signature in black ink, appearing to read 'Ernie Royston', with a stylized flourish at the end.

Ernie Royston  
**Director Strategic Planning & Infrastructure**

Item 1




INDEX	
ZONES	
2 RESIDENTIAL	
(a3) RESIDENTIAL	2(a3)

SCALE:- 1: 2500  
ALL DIMENSIONS ARE IN METRES

LOCALITY: MILTON PARISH: ULLADULLA

SUBJECT LAND

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979		
<b>SHOALHAVEN</b>		
<b>DRAFT LOCAL ENVIRONMENTAL PLAN</b>		
DRAWN BY: J GRANT	DATE : 24 JULY 2008	COUNCIL FILE NO. 30978
SUPERVISING DRAFTSPERSON <i>Jane Adams</i>	DEPT FILE NO.	
PLANNING OFFICER <i>J. Grant</i>	DWG FILE : Graphics/Projects/City/LEP/IDlep371	
CERTIFICATE PLAN NO. LP371	CERTIFICATE ISSUED UNDER SEC 65 E.P.A.ACT DATE	

STATEMENT OF RELATIONSHIPS WITH OTHER PLANS
THIS PLAN AMENDS LOCAL ENVIRONMENTAL PLAN 1985.
 GENERAL MANAGER
30 - 1 - 09 DATE

2009 No 192



New South Wales

## **Shoalhaven Local Environmental Plan 1985 (Amendment No 235)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (W06/00070/PC)

KRISTINA KENEALLY, MP  
Minister for Planning

**2009 No 192**

Clause 1 Shoalhaven Local Environmental Plan 1985 (Amendment No 235)

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**Shoalhaven Local Environmental Plan 1985  
(Amendment No 235)**

under the

Environmental Planning and Assessment Act 1979

**1 Name of plan**

This plan is *Shoalhaven Local Environmental Plan 1985 (Amendment No 235)*

**2 Aims of plan**

This plan aims to amend *Shoalhaven Local Environmental Plan 1985*:

- (a) to rezone the former Ulladulla Sewerage Treatment Works to allow the site to be appropriately redeveloped and to enable the natural environmental values of the site to be recognised and maintained, and
- (b) to provide for a wider range of potential uses of part of the former Ulladulla Sewerage Treatment Works site, by allowing development that is permitted with or without consent on land within Zone No 6 (a) (Open Space—Recreation “A” (Existing) Zone) on that land that is rezoned as Zone No 4 (b) (Industrial “B” (Light) Zone), and
- (c) to remove the 30 metre building line that applies to certain industrial land at South Ulladulla and allow the building line to be determined and applied under the relevant development control plan, and
- (d) to amend the definition applying to bulky goods retailing to also include premises used primarily for the sale of electrical appliances and to allow the ancillary sale of foodstuffs or clothing, and
- (e) to allow certain community events to be held on public reserves or other public land without the need for development consent.

**3 Land to which plan applies**

- (1) In respect of the aims referred to in clause 2 (a)–(c), this plan applies to land shown edged heavy black on Sheets 1 and 2 of the map marked “Shoalhaven Local Environmental Plan 1985 (Amendment No 235)”, deposited in the office of the Council of the City of Shoalhaven.



2009 No 192

Shoalhaven Local Environmental Plan 1985 (Amendment No 235)

Clause 4

- 
- (2) In respect of the aims referred to in clause 2 (d) and (e), this plan applies to all land to which *Shoalhaven Local Environmental Plan 1985* applies.

**4 Amendment of Shoalhaven Local Environmental Plan 1985**

*Shoalhaven Local Environmental Plan 1985* is amended as set out in Schedule 1.

**2009 No 192**

Shoalhaven Local Environmental Plan 1985 (Amendment No 235)

Schedule 1 Amendments

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**Schedule 1 Amendments**

(Clause 4)

**[1] Clause 6 Interpretation**

Omit the definition of *bulky goods* from clause 6 (1). Insert instead:

*bulky goods premises* means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

**[2] Clause 6 (1), definition of “the map”**

Insert in appropriate order:

Shoalhaven Local Environmental Plan 1985 (Amendment No 235)—Sheets 1 and 2

**[3] Clause 9 Zone objectives and development control table**

Omit “bulky goods retailing” from the Table to clause 9, wherever occurring, except in the matters relating to Zone No 3 (b) (Business “B” (Transitional) Zone), Zone No 3 (c) (Business “C1” (Neighbourhood) Zone), Zone No 4 (a) (Industrial “A” (General) Zone), Zone No 4 (b) (Industrial “B” (Light) Zone), and Zone No 4 (c) (Industrial “C” (Special) Zone)

Insert instead “bulky goods premises”.

**[4] Clause 9, Table**

Omit “bulky goods retailing” from the matters relating to Zone No 3 (b) (Business “B” (Transitional) Zone), Zone No 4 (a) (Industrial “A” (General) Zone), Zone No 4 (b) (Industrial “B” (Light) Zone), and Zone No 4 (c) (Industrial “C” (Special) Zone)

Insert instead “retailing of bulky goods”.

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**[5] Clause 9, Table**

Omit "shops used for bulky goods retailing" from the matter relating to Zone No 3 (c) (Business "C1" (Neighbourhood) Zone).

Insert instead "bulky goods premises".

**[6] Clause 40M**

Insert after clause 40L:

**40M Development of certain land at Ulladulla**

- (1) This clause applies to certain land at Ulladulla that is within Zone No 4 (b) (Industrial "B" (Light) Zone), as shown edged heavy black on Sheet 2 of the map marked "Shoalhaven Local Environmental Plan 1985 (Amendment No 235)";
- (2) Despite any other provision of this plan, development that may be carried out with development consent on land in Zone No 6 (a) (Open Space—Recreation "A" (Existing) Zone) may also be carried out with development consent on this land.
- (3) Despite clause 9 (3), in determining an application for development consent for development pursuant to subclause (2), the Council must take into account the aims and objectives of this plan and the objectives of Zone No 6 (a) (Open Space—Recreation "A" (Existing) Zone).

**[7] Clause 51A**

Insert after clause 51:

**51A Development without consent on public reserves or other public land**

Despite any other provision of this plan, development consent is not required for the carrying out of development for the purpose of a community event that is open to the general public on a public reserve or on other public land owned or controlled by the Council, unless:

- (a) the community event includes the use of an adjoining body of water, or
- (b) the community event includes the use of air space by fireworks, aeroplanes, helicopters, hot air balloons, skydivers or the like, or
- (c) the community event includes or comprises a market or auction, or

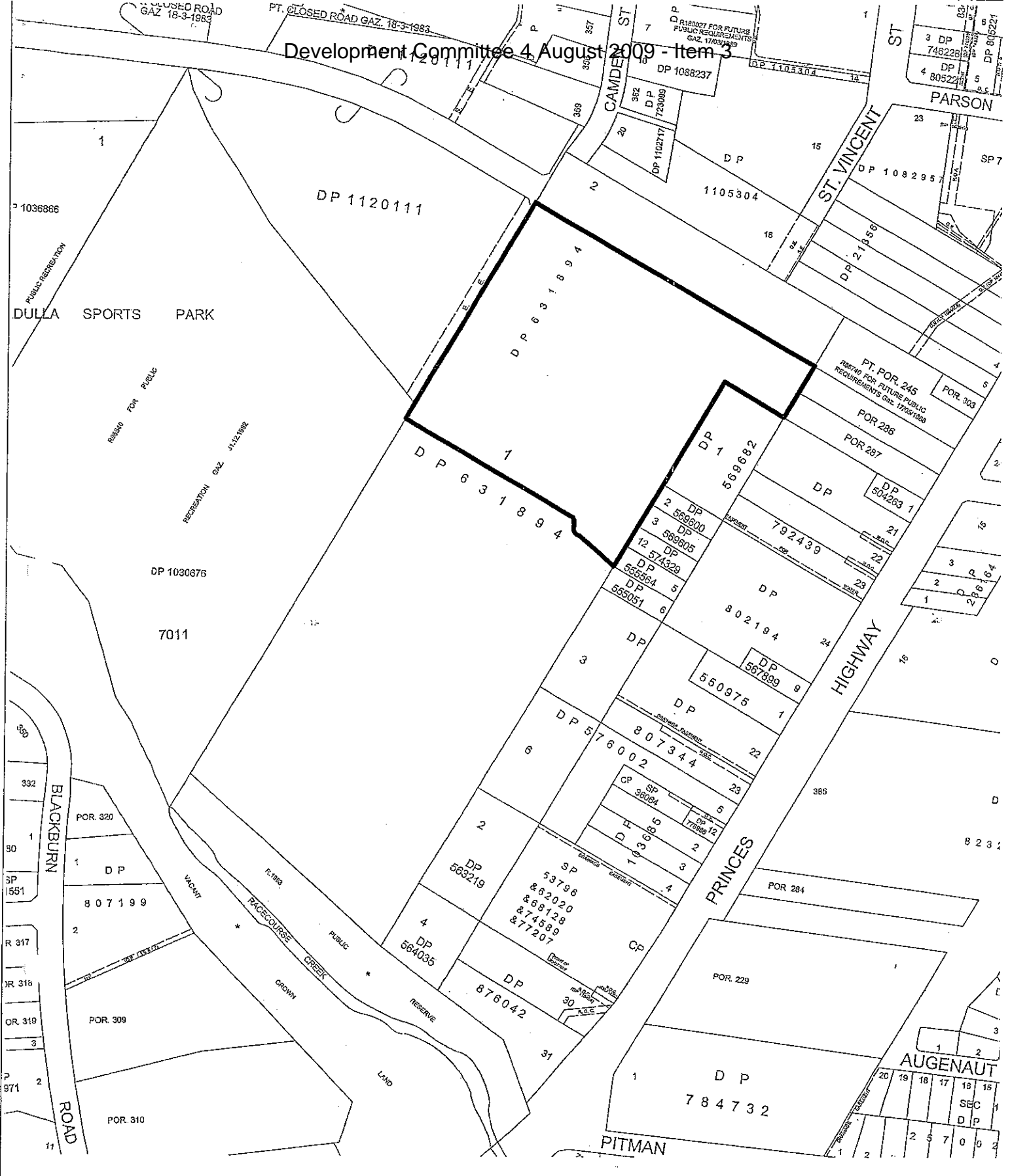
**2009 No 192**

Shoalhaven Local Environmental Plan 1985 (Amendment No 235)

Schedule 1 Amendments

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- (d) the public reserve or other public land will be occupied for longer than 48 hours, including the set up and removal of any temporary structures or equipment, or
- (e) the community event is likely to cause interference with the amenity of neighbouring properties because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.



SCALE: 1:3000  
ALL DIMENSIONS ARE IN METRES

LOCALITY: ULLADULLA

PARISH: ULLADULLA

 SUBJECT LAND

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

SHOALHAVEN  
LOCAL ENVIRONMENTAL PLAN 1985  
(AMENDMENT NO. 235)

STATEMENT OF RELATIONSHIPS WITH OTHER PLANS

THIS PLAN AMENDS SHOALHAVEN  
LOCAL ENVIRONMENTAL PLAN 1985

DRAWN BY: S. GRAY      DATE: 13TH JANUARY 2009

COUNCIL FILE NO: 30286 & 34208  
AUTOCAD FILE: I:\Lep\Lep235\Lep235\_B&W

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL  
PLANNING & ASSESSMENT ACT 1979, & REGULATIONS

SUPERVISING DRAFTSMAN *John Adams*

DEPT. FILE NO

PLANNING OFFICER *Glan Warkley*

GOVT GAZETTE OF

*[Signature]*  
ACTING GENERAL MANAGER

DATE 14/1/09

INDEX

ZONES

Development

Committee 4 August 2009 - Item 5

3. BUSINESS

(b) BUSINESS (Transitional)

3(b)

4. INDUSTRIAL

(b) INDUSTRIAL (Light)

4(b)

6 OPEN SPACE

(a) OPEN SPACE (Existing)

6(a)

7. ENVIRONMENT PROTECTION

(a) ENVIRONMENT PROTECTION (Ecology)

7(a)

DULLA SPORTS PARK

RESERVE FOR PUBLIC

RECREATION 09/2 31/2/1992

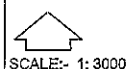
DP 1030676

7011

BLACKBURN ROAD

RACECOURSE CREEK

PRINCES HIGHWAY



SCALE:- 1:3000  
ALL DIMENSIONS ARE IN METRES

LOCALITY: ULLADULLA

PARISH: ULLADULLA



SUBJECT LAND

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

SHOALHAVEN  
LOCAL ENVIRONMENTAL PLAN 1985  
(AMENDMENT NO. 235)

STATEMENT OF RELATIONSHIPS WITH OTHER PLANS

THIS PLAN AMENDS SHOALHAVEN  
LOCAL ENVIRONMENTAL PLAN 1985.

DRAWN BY: S. GRAY DATE: 13TH JANUARY 2009

COUNCIL FILE NO: 30286 & 34208  
AUTOCAD FILE: I:\Lep\Lep235\Lep235\_B&W

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL  
PLANNING & ASSESSMENT ACT 1979 & REGULATIONS

SUPERVISING DRAFTSMAN *Jane Adams*

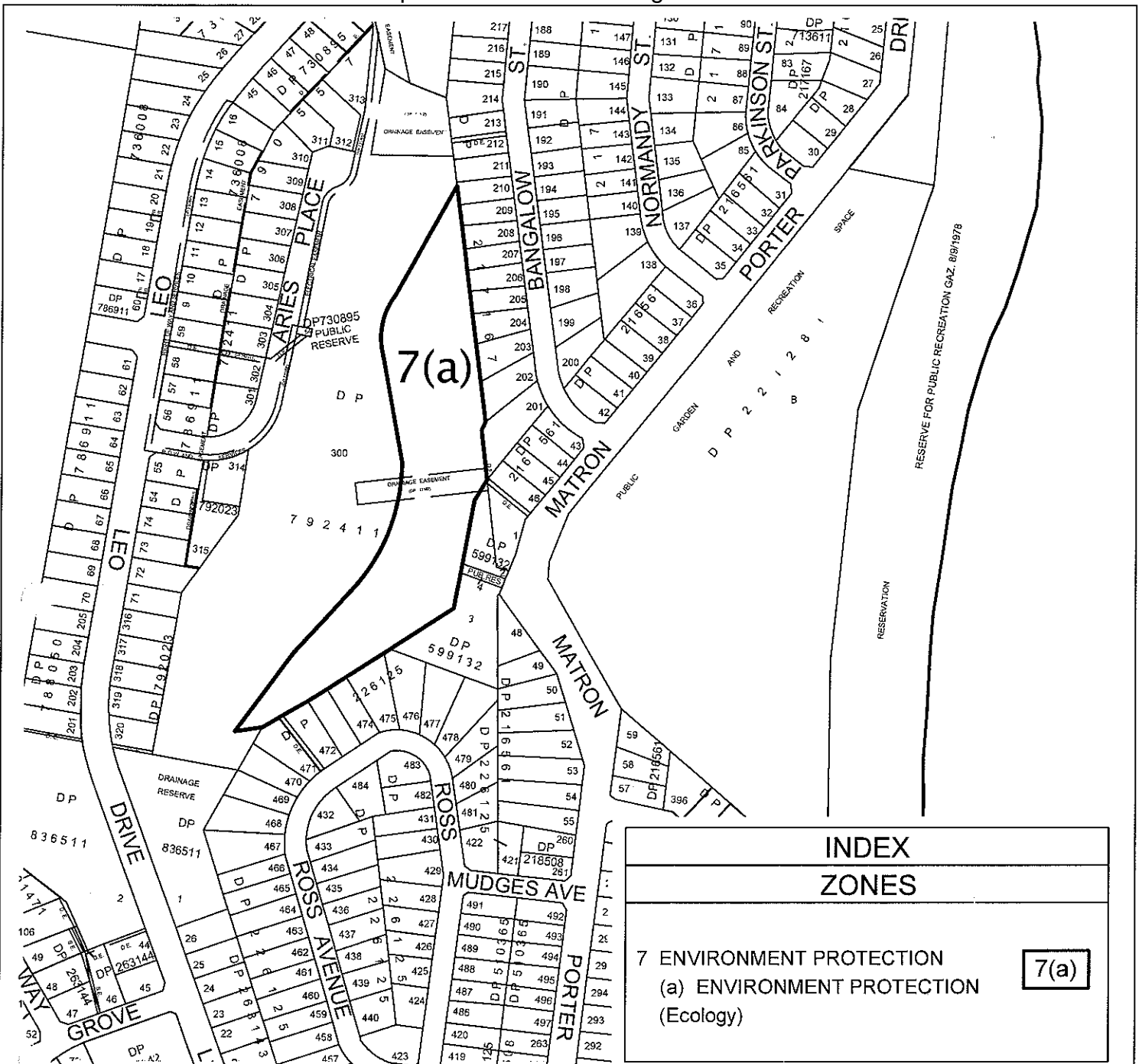
DEPT FILE NO

PLANNING OFFICER *Glen Wehley*

GOVT. GAZETTE OF

ACTING GENERAL MANAGER

DATE 14/1/09



SCALE:- 1: 4000



SUBJECT LAND

LOCALITY : NARRAWALLEE

PARISH : ULLADULLA

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF SHOALHAVEN

DRAFT LOCAL ENVIRONMENTAL PLAN

DRAWN BY : J GRANT

DATE : 27/01/2004

SUPERVISING DRAFTSPERSON

PLANNING OFFICER

CERTIFICATE PLAN NO LP338

COUNCIL FILE NO 26448

AUTOCAD FILE :Graphics\Projects\City\Lep\Dlep\DraftLP338

DEPT FILE NO

CERTIFICATE ISSUED UNDER SEC 65 E P A ACT  
DATE

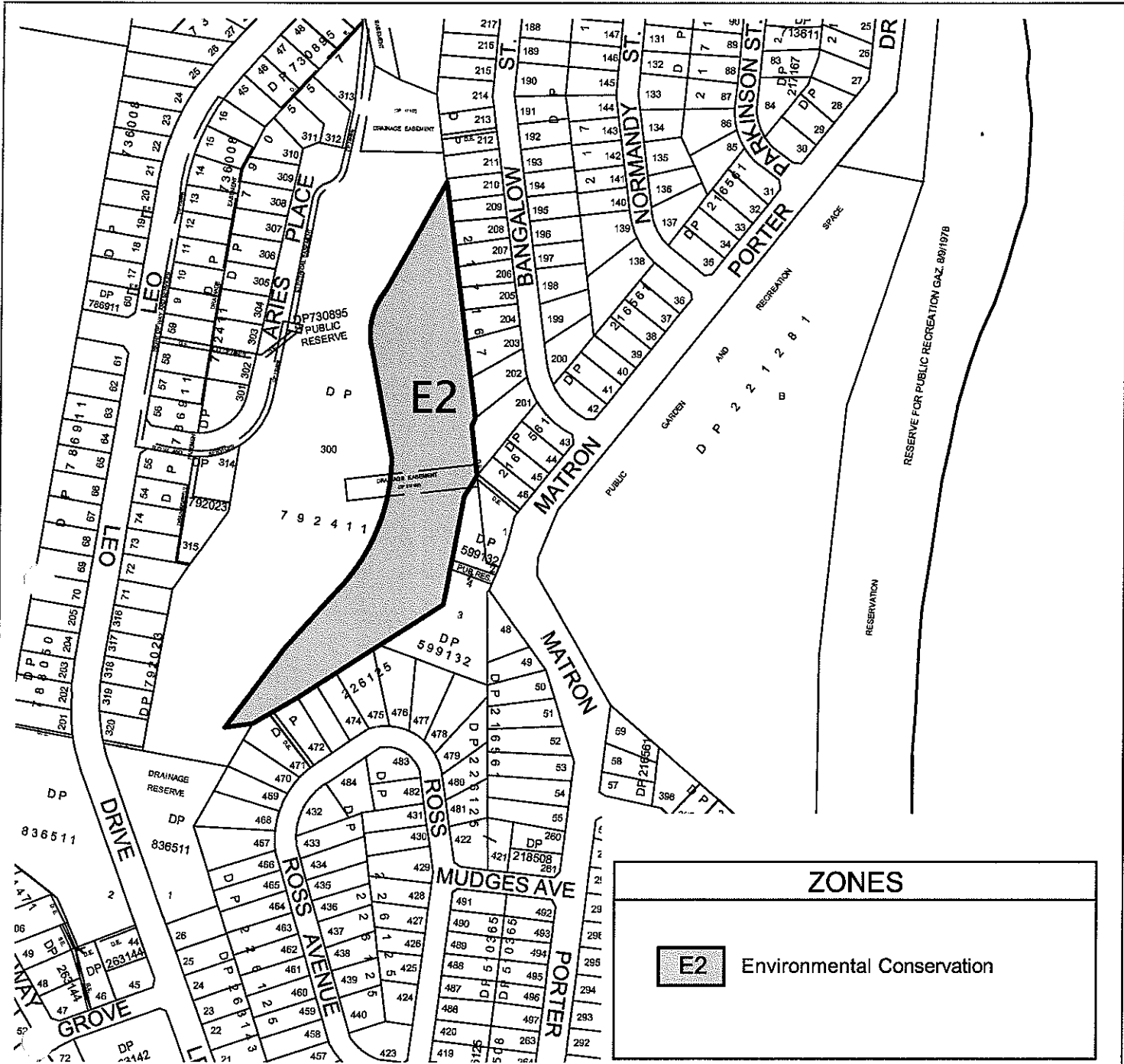
STATEMENT OF RELATIONSHIPS WITH OTHER PLANS

THIS PLAN AMENDS LOCAL ENVIRONMENTAL PLAN 1985.

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 & REGULATIONS.

GENERAL MANAGER

DATE



SCALE:- 1: 4000

LOCALITY : NARAWALLEE

PARISH : ULLADULLA

**PROPOSED ZONES  
IN SHOALHAVEN LOCAL ENVIRONMENTAL  
PLAN 2009  
LAND ZONING MAP  
(LZN)**



## **Shoalhaven Local Environmental Plan 1985 (Amendment No )**

under the

### **Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

*Kristina Keneally, M.P.  
(Minister for Planning)*

## **Shoalhaven Local Environmental Plan 1985 (Amendment No )**

Under the Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Shoalhaven Local Environmental Plan 1985 (Amendment No )*.

### **2 Aim of plan**

This plan aims to rezone part of Lot 300 DP 792411 from Residential 2(c)(Living Area) to Environment Protection 7(a)(Ecology).

### **3 Land to which plan applies**

This plan applies to land situated in Shoalhaven City, being part of Lot 300 DP 792411 Ross Avenue, Narrawallee, as shown edged heavy black on the map marked "Shoalhaven Local Environmental Plan 1985 (Amendment No )" deposited in the office of the Council of Shoalhaven City.

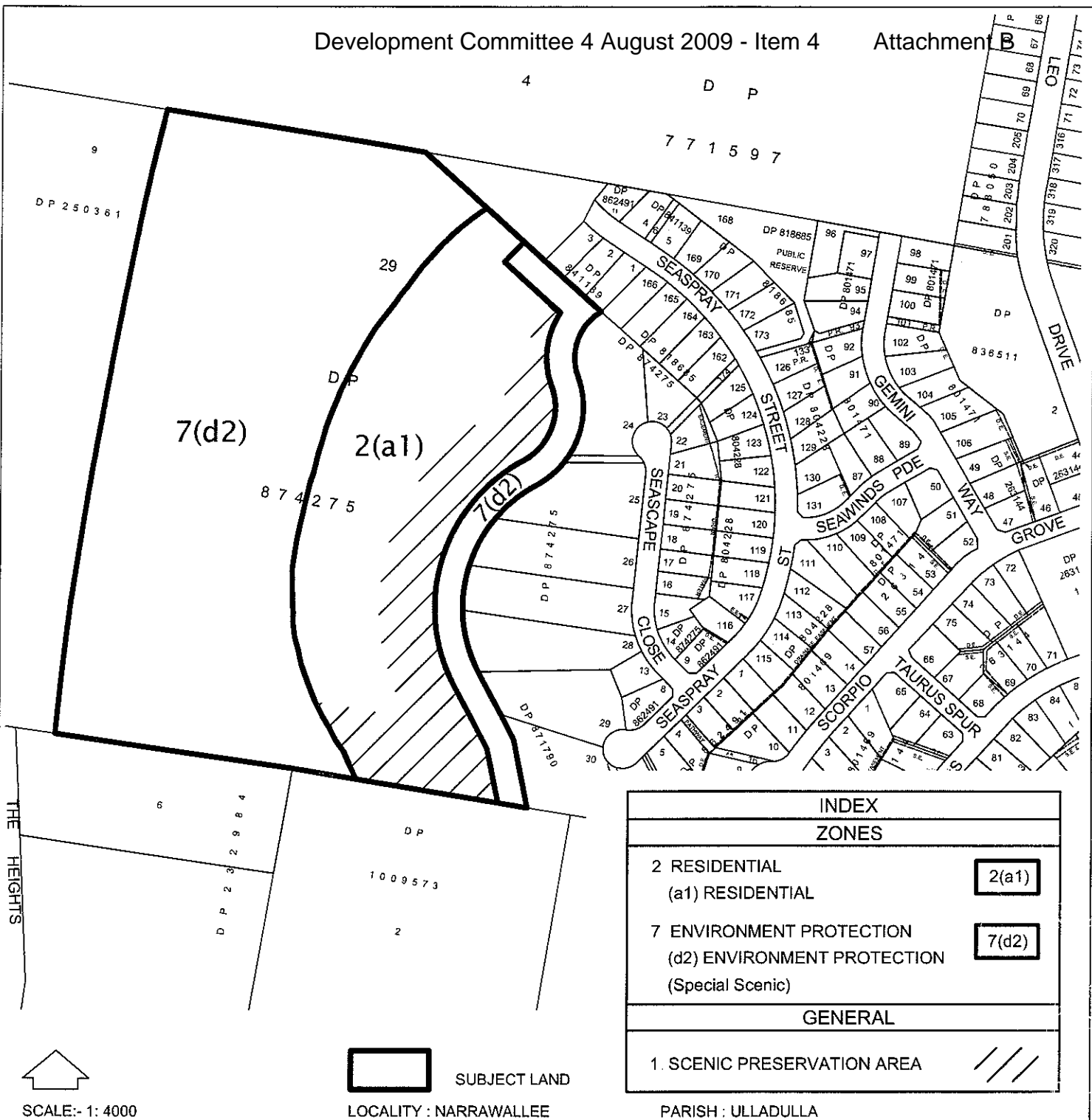
### **4 Amendment of Shoalhaven Local Environmental Plan 1985**

*Shoalhaven Local Environmental Plan 1985* is amended as set out in Schedule 1

**Schedule 1 Amendments****[1] Clause 6 Interpretation**

Insert in appropriate order in the definition of *the map* in clause 6 (1)

*Shoalhaven Local Environmental Plan 1985 (Amendment No.)*



INDEX	
ZONES	
2 RESIDENTIAL (a1) RESIDENTIAL	2(a1)
7 ENVIRONMENT PROTECTION (d2) ENVIRONMENT PROTECTION (Special Scenic)	7(d2)
GENERAL	
1. SCENIC PRESERVATION AREA	///



SCALE:- 1: 4000



SUBJECT LAND

LOCALITY : NARRAWALLEE

PARISH : ULLADULLA

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF SHOALHAVEN

DRAFT LOCAL ENVIRONMENTAL PLAN

DRAWN BY : J. GRANT & D. J. ADAMS	DATE : 03/04/2002
SUPERVISING DRAFTSPERSON	<i>Kate Bond</i>
PLANNING OFFICER	<i>Tom Jello</i>
CERTIFICATE PLAN NO. LP225	
COUNCIL FILE NO 1787	
AUTOCAD FILE \\P:\Graphics\Projects\City\LEP\DLEP\Draft\LP225	
DEPT. FILE NO.	
CERTIFICATE ISSUED UNDER SEC 65 E P A. ACT	
DATE	

STATEMENT OF RELATIONSHIPS WITH OTHER PLANS

**THIS PLAN AMENDS LOCAL ENVIRONMENTAL PLAN 1985.**

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, & REGULATIONS.

GENERAL MANAGER \_\_\_\_\_ DATE \_\_\_\_\_

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979****CITY OF SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 1985****(AMENDMENT No. )**

I, the Minister for Urban Affairs and Planning, in pursuance of section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder. ( )

Minister for Urban Affairs and Planning.

Sydney, 2001.

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**Citation**

1. This plan may be cited as City of Shoalhaven Local Environmental Plan 1985 (Amendment No. ).

**Aims, objectives etc.**

2. The aims of this plan are to:
- (a) to rezone part of the land from the Environmental Protection "D2" (Special Scenic) zone to the Residential "A1" zone under City of Shoalhaven Local Environmental Plan 1985; and
  - (b) to permit a small residential subdivision in the vicinity of Seaspray Street, Narrawallee; and
  - (b) to protect landscape values; and
  - (c) to ensure that the habitat of the Powerful Owl is generally protected; and
  - (c) to ensure that the risk to life and property from bush fire is minimised; and
  - (d) to ensure that the visual impact of development is reduced through the protection and establishment of appropriate landscaping; and
  - (e) to provide sites with sufficient area to accommodate a dwelling house, effluent disposal, vehicular access, water quality control and drainage within the Residential 2(a1) zone.

**Land to which plan applies**

3. This plan applies to land situated in the City of Shoalhaven, being Lot 29 DP 874275, shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No. )" deposited in the office of the Council of the City of Shoalhaven.

**Relationship to other environmental planning instruments**

4. This plan amends the City of Shoalhaven Local Environmental Plan 1985 in the manner set out in clause 5.

**Amendment of City of Shoalhaven Local Environmental Plan 1985**

5. City of Shoalhaven Local Environmental Plan 1985 is amended by:
  - a. inserting in appropriate numeric sequence within the definition of "the map" in clause 6(1) the following words:

City of Shoalhaven Local Environmental Plan 1985  
(Amendment No. )

- b. inserting after clause 39BB the following clause :

**Development in the vicinity of Narrawallee**

39BC (1) This clause applies to land shown edged heavy black on the map marked "City of Shoalhaven Plan 1985 (Amendment No. ).

(2) The Council shall not consent to an application to subdivide or otherwise carry out development of land to which this clause applies unless:

- (a) it has considered a plan of management showing how the fire management issues are conducted as a result of carrying out development in the allotments to be created by the proposed subdivision or from carrying out other development; and
- (b) Council has taken into consideration a landscape management plan that is of a standard satisfactory to the Council. The landscape plan must show how the visual quality of the land is to be protected through the retention of existing vegetation.
- (c) it is satisfied that issues relating to visual quality, drainage control, building bulk and scale, threatened species and habitat and control of erosion are adequately addressed and provided for as part of any development; and

- (d) all buildings above the 35 metre contour are no higher than 8.5 meters above natural ground level.
- (e) a road is located on the western edge of the subdivision within the Residential 2(a1) zone.
- (f) all development including ancillary development shall be located wholly within the Residential 2(a1) zone.

c. inserting in schedule 9:

Part lot 29, DP 874275, off Seaspray Street, Narrawallee being part of the land shown edged heavy black on the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No ) and designated as 7(d2) Environmental Protection "D2" (Special Scenic) Zone on the eastern boundary – subdivision of less than 40 hectares provided measures are taken to the satisfaction of Council to preserve vegetation and the land to which the subdivision applies forms part of an allotment in the adjoining 2(a1) zone on which any building will be located.

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**ATTACHMENT 'A'****Road projects that result in Development Contributions  
exceeding the \$20,000 threshold**

<b>Project code</b>	<b>Contribution area code (refer to maps)</b>	<b>Description</b>	<b>Contribution rate per ET 08/09 fin. year</b>
01ROAD0007	1	Beach (Tannery) Rd	\$13,435.90
01ROAD0025	1	Lilly Pilly Lane	\$12,685.28
01ROAD0026	1	Ironbark Rd	\$18,172.26
01ROAD0027	1	Flannery Lane	\$15,877.30
01ROAD0028	1	Browns Mountain Rd	\$18,756.80
01ROAD0043	1	Brogers Creek Rd	\$20,292.95
01ROAD0045	1	Wattamolla Rd (2)	\$20,848.85
01ROAD0053	1	Kangaroo River Bridge	\$25,558.39
01ROAD0068	1	Green Valley Rd	\$28,634.53
01ROAD0072	1	Grahams Rd	\$21,796.81
01ROAD0073	1	Emerys Rd	\$22,391.10
01ROAD0077	1	Selbys Rd	\$11,596.47
01ROAD0078	1	Lower Budgong Rd	\$28,792.19
01ROAD0079	1	Bundanon Rd	\$45,752.63
01ROAD0081	1	Hughs Rd	\$34,105.19
01ROAD0082	1	Budgong Rd	\$20,599.72
01ROAD0090	1	Parma Rd (Western End)	\$25,180.03
01ROAD0091	1	Parma Rd (Eastern End)	\$10,475.21
01ROAD0128	1	Riversdale Road	\$21,865.93
01ROAD0129	1	Spotted Gum Drive	\$14,234.04
02ROAD0007	1	Dcp 41Callala Bay Rd Const	\$13,906.66
03ROAD0009	1	Watt Rd Pt 2	\$11,841.83
03ROAD0011	1	Watt Rd Pt 1	\$14,431.28
03ROAD0012	1	Sinclair Rd Pt 4	\$26,942.14
03ROAD0013	1	Sinclair Rd Pt 3	\$13,157.40
03ROAD0027	1	Bollerong Rd	\$26,467.61
03ROAD0027	2	Bollerong Rd	\$18,412.26
03ROAD0029	1	Tolwong Rd	\$21,917.25
03ROAD0030	1	Touga Rd	\$23,996.52
03ROAD0032	1	Douglas Paddock Rd	\$23,271.33
05ROAD0001	3	Northern Link Rd	\$14,159.54
05ROAD0013	1	Bendalong Mountain Rd	\$19,552.56
05ROAD0023	1	Pointer Rd	\$22,423.12
05ROAD0023	2	Pointer Rd	\$17,618.17
05ROAD0025	1	Little Forest Rd	\$10,380.72
05ROAD0029	1	Garrads Lane - South	\$10,128.07





## Review of Local Contributions

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### Local Contributions Review Panel - Summary Assessment Report

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Council: Shoalhaven City

DoP / Council meeting date: 08 May 2009

Consultant: JBA

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#### Summary Assessment: Shoalhaven City Council Contributions Plan 1993, as amended

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- Council has a single Section 94 Plan which was adopted in 1993.
- This Plan has 100 amendments which address a series of specific issues and all of which sit as separate documents. The document is too complex to be publicly available on Council's website
- There has been no holistic review of the plan undertaken since it was first adopted and Council is managing the plan and accompanying amendments via an internal computer register
- Variations are being sought for 37 areas, 19 of which where the roads contribution alone is over the \$20,000 threshold.
- All variations sought relate to the provision of roads for rural residential developments.
- Council have advised that all other contributions fall well below the \$20,000 limit. Based on information provided we have not been able to confirm this due to the complexity of the Plan with its 100 separate amendments.
- The report by JBA highlights the problems with the complex nature of the Plan and its amendments
- However, its analysis concludes, however that the nexus, cost estimation and apportionment methods applied by Council to those areas that are the subject of this request are reasonable.
- The proper analysis of impact of these contributions has been hampered by the highly complex nature of the plan and its amendments. This undermines the transparency of the plan and indicates a plan that has outlived its life.

#### Matters for consideration

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1. The request submitted by Council appears reasonable in relation to the 37 areas identified
  2. The review of information provided by Council has highlighted the need urgent need for Council to undertake a holistic review the Plan to ensure relevance, reasonableness and transparency. This review should be undertaken immediately by Council.
  3. This review should be completed by the 31 December 2009, with regular reports to and oversight by the Department of Planning.
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NSW

The Hon **Kristina Keneally** MP

Minister for Planning | Minister for Redfern Waterloo

Mr Russell Pigg  
General Manager  
Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541

Y09/1910

Attention: James Harris

Dear Mr Pigg

I refer to Council's letter dated 27 February 2009 containing an application for an approval under clause 4 of my direction under s94E of the Environmental Planning and Assessment Act 1979 (Act) dated 13 January 2009 (Direction).

I have considered the Council's application and the recommendations of the Local Contributions Review Panel and have decided to give the Council the attached further direction under s94E of the Act (Further Direction).

I may decide to revoke or substitute the Further Direction at any time. In that regard, the Council should be aware that I would consider doing so if the administrative arrangements set out in the Notes at the end of the Further Direction are not complied with to the satisfaction of my Department.

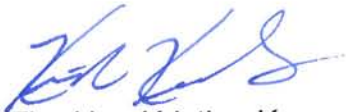
My summary reasons for issuing the Further Direction include:

- Contributions for access roads required to service rural residential areas under the *Shoalhaven City Council Contributions Plan 1993* ("**Shoalhaven Contributions Plan**") result in contributions required in connection with residential development in certain areas exceeding the maximum amount set out in the Direction.
- The Shoalhaven Contributions Plan includes commendable detail regarding the operation of the Plan and the spatial nexus of the works are generally well defined and reasonably demonstrated given the dispersed nature of settlement in the Shoalhaven. Nevertheless, it is considered that the causal nexus, particularly the need for the high standard of road, is not justified. Further, the age, compilation and operation of the Plan do not meet contemporary tests of accessibility and transparency and require review.
- Accordingly, it is appropriate that Council be requested to undertake a review of the Shoalhaven Contributions Plan. However, it is considered that while the review of the Plan is completed, it is reasonable for Council to be exempted from the maximum amount in the Direction in relation to development consents requiring

monetary contributions for residential development on the land to which the Shoalhaven Contributions Plan applies.

Should you have any further enquiries about this matter, I have arranged for Mr Brett Whitworth, Local Contributions Review Panel Secretariat, to assist you. Mr Whitworth may be contacted on telephone number (02) 4224 9455.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kristina Keneally', is written over the typed name.

The Hon Kristina Keneally MP

10 JUL 2009

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### DIRECTION UNDER SECTION 94E

#### 1. INTRODUCTION

- 1.1. I, the Minister for Planning (**Minister**), being the Minister administering the *Environmental Planning and Assessment Act 1979 (Act)*, having considered an application from the Council under clause 4 of the Existing Direction, pursuant to section 94E of that Act:
  - (a) direct the Council to comply with the requirements set out in this Direction;
  - (b) revoke any previous direction under section 94E to the extent of any inconsistency with this Direction.
- 1.2. This Direction takes effect seven (7) days after the date of this Direction.
- 1.3. Notes do not form part of this Direction.

#### 2. DEFINITIONS

- 2.1. Words and expressions used in this Direction have the same meaning as in the Act except where otherwise indicated.
- 2.2. The following definitions apply in this Direction:

**'Contributions Plan'** means a contributions plan referred to in section 94EA of the Act.

**'Council'** means Shoalhaven City Council in its capacity as a *consent authority* as defined in section 4(1) of the Act.

**'Development Consent'** means consent under Part 4 of the Act to carry out development and includes a complying development certificate.

**'Dwelling'** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**'Existing Direction'** means my direction under section 94E of the Act dated 13 January 2009.

**'Interim Exemption Direction'** means my direction under section 94E of the Act dated 28 April 2009.

**'Monetary Contribution'** means a monetary contribution required by a condition of Development Consent imposed under s94(1) or s94(3) of the Act, excluding any indexation provided for in the condition.

**'Residential Development'** means development, or any part of development, for the purpose of one or more Dwellings.

**Note:**

1. Development is defined in section 4(1) of the Act to include, amongst other things, *the subdivision of land* as defined in s4B of the Act.

**'Shoalhaven Land'** means the land to which the Contributions Plan titled *Shoalhaven City Council Contributions Plan 1993* as in force at the date of this Direction applies.

**3. INTERIM EXEMPTION DIRECTION DOES NOT APPLY TO THE COUNCIL**

- 3.1. The Interim Exemption Direction ceases to apply to the Council.

**4. DIRECTIONS TO THE COUNCIL**

- 4.1. The Existing Direction ceases to apply to a Development Consent in respect of Residential Development on the Shoalhaven Land requiring Monetary Contributions imposed under any Contributions Plan in force at the date of this Direction.

**MINISTER FOR PLANNING****DATE:**

10/7/09

**Notes:**

1. This Direction may be revoked or substituted at any time by the making of a further direction under s94E of the Act.
  2. The Council is to undertake a review of the Shoalhaven Contributions Plan. The review, and any necessary amendment of the Plan consequent upon that review, is to be completed by the end of 2009 and monthly progress reports are to be provided to the Department of Planning pending completion of the review. The review, amongst other things, is to:
    - a. assess the standard of roads servicing rural residential areas to determine whether a lesser standard is possible having regard to market viability, including consideration of the cost of different standards of roads and the consequent impact on the viability of development in the rural residential areas;
    - b. address the pooling of funds for road projects in the rural residential areas having regard to the dispersed pattern of settlement; and
    - c. produce an amended Contributions Plan that is clear and concise, and is publicly available, including on the Council's webpage.
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Development Committee 4 August 2009 - Item 6  
1993 Contribution Plan – Council Resolution Amendment Summary

Attachment A

1993 Plan Amendment Number	Locality	Brief Project Description	Current Status	Proposed Action
<b>(a) RESOLUTIONS NO LONGER REQUIRED</b>				
S94-CP019	Callala Bay	Open Space	Amend Plan to allow dedication of public reserve in lieu of monetary contribution for subdivision SF 7583. Amendment not required.	Rescind previous Council resolution (Min94.2956) as amendment is not required.
S94-CP031	West Nowra	Open Space	Amend Plan to include the total area of open space as provided for in subdivision approval SF7999. Withdrawn by Council from Planning Services work program (Min03.428). Amendment not required.	Rescind previous Council resolution (Min95.2796) as amendment is not required.
S94-CP042	St Georges Basin	Island Pt Rd Perimeter Road	Amend Plan to include perimeter road acquisition and construction. Withdrawn by Council from Planning Services work program (Min03.428). Amendment not required.	Rescind previous Council resolution (Min96.1760) as amendment is not required.
S94-CP050	Berry	Berry Bypass Kangaroo Valley Rd Access Road	Amend Plan to include provision for the alternate road access onto Kangaroo Valley Road, adjoining the northern Berry bypass option. Withdrawn by Council from Planning Services work program (Min03.428). Amendment not required as now a RTA Project.	Rescind previous Council resolution (Min98.1177) as amendment is not required.
S94-CP057	Vincentia District Centre	Roads, Drainage, Open Space and CFAC	Amend Plan to include infrastructure provision for the Vincentia District Centre and	Rescind previous Council resolution (Min00.1434) as amendment is not required.



1993 Plan Amendment Number	Locality	Brief Project Description	Current Status	Proposed Action
			surrounding development and since made redundant by recent Stockland Part 3A approval. Amendment not required.	
S94-CP059	Nowra	Road	Amend Plan to include the construction of Brereton Street and negotiations be finalised with the RTA in relation to the traffic lights relocation to North Street/Princes Highway. Withdrawn by Council from Planning Services work program (Min03.428). Amendment not required.	Rescind previous Council resolution (Min00.1673) as amendment is not required
S94-CP082	Ulladulla	Community Facilities And Public Access Within Ulladulla Harbour Foreshore	Amend Plan to include community facilities and public access within Ulladulla Harbour and foreshore area. Facilities identified in Ulladulla Town Centre Development Control Plan and Superseded by Amendment 99 - Ulladulla Town Centre Contribution Plan. Amendment not required.	Rescind previous Council resolution (Min03.1618E) as amendment is not required.
S94-CP083	Ulladulla	Ulladulla CBD Traffic Lights And Drainage	To be Superseded by Amendment 99 - Ulladulla Town Centre Contribution Plan	Rescind previous Council resolution (Min 03.1671) as amendment is not required.
<b>(b)RESOLUTIONS FOR FURTHER CONSIDERATION</b>				
S94-CP007	Sussex Inlet	Jacob Drive car parking and road	Amend Plan to include review car parking within the town centre be reviewed to support the Development Control Plan; and	Amendment to be considered in new Plan and future Contributions Plan Amendment

1993 Plan Amendment Number	Locality	Brief Project Description	Current Status	Proposed Action
			to fund the acquisition of land and the construction of the service road to the south of retail properties fronting Jacobs Drive (Min 94.202).	
S94-CP010	Huskisson	Roads, car parking and Drainage in the Town Centre	Huskisson Town Centre Contribution Plan adopted by Council (Min09.720) for public exhibition in July 2009.	Pending outcome of public exhibition. Amendment to be incorporated into new Plan.
S94-CP035	Manyana	Open Space and Community Facilities	Amend Plan pending finalisation of a deed of agreement with Kylor Pty (Min95.3053).	Amendment to be considered in future Contributions Plan Amendment.
S94-CP040	St Georges Basin	Drainage and Water Quality	Pending completion of a Development Control Plan (Tasman Park) to be prepared in the area.	Amendment to be considered in future Contributions Plan Amendment.
S94-CP044	Milton	CBD Car Parking	Amend Plan to reflect negotiations with the owner of the Star Hotel to purchase land at the rear for car parking (Min97.392)	Amendment to be considered in new Plan.
S94-CP063	South Nowra	Drainage - Browns Rd & Quinns Lane	Amend Plan to include to industrial land between Browns Road and Quinns Lane, South Nowra. Withdrawn by Council from Planning Services work program (Min03.428). Amendment now required and pending completion of a design.	Amendment to be considered in new Plan.
S94-CP073	Citywide	Active Recreation Review	Amendment to be included in the Shoalhaven Contribution Plan 2010	Amendment to be incorporated into new Plan.



1993 Plan Amendment Number	Locality	Brief Project Description	Current Status	Proposed Action
S94-CP077.1.2	Nowra	Nowra CBD Traffic Facilities Sub-arterial Road (ENSA)	ENSA proposal under current investigation.	Amendment to be considered in future in new Plan.
S94-CP077.2	Shoalhaven	Roads Area 2 Review	Adopted by Council (Min09.872) for public exhibition in August 2009.	Pending outcome of report to Council. Amendment to be incorporated into new Plan.
S94-CP077.3	Shoalhaven	Roads Area 3 Review	Proposed to be presented to Council in August 2009 for public exhibition endorsement.	Pending outcome of report to Council. Amendment to be incorporated into new Plan.
S94-CP077.4	Shoalhaven	Roads Area 4 Review	Adopted (Min09.872) for public exhibition in August 2009.	Pending outcome of report to Council. Amendment to be incorporated into new Plan.
S94-CP084	Milton	Milton CBD Traffic Controls And Street Treatments	Pending completion of a Development Control Plan to be prepared in the area.	Amendment to be considered in future Contributions Plan Amendment.
S94-CP085	Ulladulla	Ulladulla Proposed Public Car Park	Amend Plan (Project 05 CARP 001) in accordance with the proposal over part Lot 11 DP748839.	Amendment to be incorporated into new Plan.
S94-CP087	Mollymook/ Ulladulla	Possible Medium Density Zones Infrastructure	Pending outcome of rezoning and traffic modelling investigation.	Amendment to be considered in future Contributions Plan Amendment
S94-CP092	Shoalhaven	Northern Leisure Centre	Pending outcome of current investigation.	Amendment to be considered in future Contributions Plan Amendment
S94-CP093	South Ulladulla	South Ulladulla Business Precinct Plan For Roads, Drainage And Carparking	Amend Plan to include infrastructure requirements of Draft Development Control Plan No.12 South Ulladulla Business Precinct and in the interim planning (developer) agreements be negotiated.	Amendment to be considered in future Contributions Plan Amendment

1993 Plan Amendment Number	Locality	Brief Project Description	Current Status	Proposed Action
S94-CP095	Manyana	Increase Infrastructure	Amend Plan to include portions 106 and 204 Parish of Conjola and Lot 1070 DP 836591 (Kylor Development site), to cater for increased infrastructure.	Amendment to be considered in future Contributions Plan Amendment.
S94-CP097	Sussex Inlet	Service Road Adjacent To Sussex Inlet Road	Amend Plan to include a service road adjacent to Sussex Inlet Road, Sussex Inlet (Min07.161). Proposal under investigation.	Amendment to be considered in future Contributions Plan Amendment
S94-CP098	South Nowra	Warra Warra Rd Roundabout	Amend Plan to include contributions towards the proposed Warra Warra Road Roundabout, Princes Highway. Exhibited but never reported to Council. Amendment not required as now a RTA Project.	Rescind previous Council resolution (Min07.1524) as amendment is not required.
S94-CP099	Ulladulla	Ulladulla Town Centre Contribution Plan	Adopted (Min09.874) for public exhibition in August 2009.	Pending outcome of report to Council. Amendment to be incorporated into new Plan