


Summary of submissions

No.	Relevant Mapping/ Instrument change	Submission Summary
1.	Instrument Change 2 – Battle-axe lots & Instrument Change 4 – Boundary adjustment clause	<p>Submission from a consultancy firm.</p> <p>Instrument Change 2 A 650m² minimum lot size battle-axe lots (ex handle) is inappropriate in the LEP and inconsistent with other coastal Council LEP provisions. Most have a minimum lot size of 450 or 500m² and there are two which explicitly exclude the area of the access handle from the calculation of the lot size under the development standards.</p> <p>Instrument Change 4 Without detailed wording it is difficult to know the impact of the changes, however Clause 11C under Shoalhaven LEP 1985 did not work and is not appropriate. There are other similar coastal Councils which maintain flexibility in their LEP with the type of boundary adjustment clause that Shoalhaven should be adopting, eg Ballina, Port Macquarie and Kempsey.</p>
2.	Instrument Change 2 – Battle-axe lots & Instrument Change 4 – Boundary adjustment clause	<p>Submission from a consultancy firm, comments reflect the firm's opinions and also those expressed by their clients.</p> <p>Instrument Change 2 Would like the minimum size for battle-axe lots to remain in the DCP as an acceptable solution and the LEP to retain a 500m² minimum lot size for all residential subdivision. Believe that the inclusion of 650m² as a minimum lot size for battle-axe lots in the LEP is inappropriate as part of a housekeeping amendment without more extensive consultation. Would like the current approach to be maintained which is consistent with surrounding Councils and other coastal Councils. If such a clause is to be included in the LEP, battle-axe lot needs to be defined in the LEP.</p> <p>Instrument Change 4 Clause 11C of Shoalhaven LEP 1985 was very constraining; a clause based on former 11C would severely restrict the number of circumstances where a boundary adjustment could occur. Of particular concern is the requirements relating to watercourses given the prevalence of watercourses throughout rural areas. Council should adopt policies similar to Kempsey, Port Macquarie and Ballina which provide the facility and flexibility to undertake Boundary adjustments between existing lots with lawful dwellings or dwelling entitlements in a manner that the general community and industry seeks.</p>

No.	Relevant Mapping/ Instrument change	Submission Summary
3.	Instrument Change 4 – Boundary adjustment clause	Strongly supports inclusion of a boundary adjustment clause. Applied for boundary adjustment in the past was denied.
4.	Instrument Change 4 – Boundary adjustment clause	<p>Submission from a consultancy firm.</p> <p>Welcomes the inclusion of this clause into the LEP but recommends a clause that is more similar to the clauses in the LEPs of Coffs Harbor 2013, Kempsey 2013 and Port Macquarie Hastings 2011. Believes these have greater flexibility and allow for boundary adjustments to be dealt with in the DA process. In the suggested LEPs the boundary adjustments are dealt with in the DA process which allows for greater flexibility and more permissibility of projects.</p>
5.	Instrument Change 4 – Boundary adjustment clause	Requests Council does not insert a similar clause to that of 11C of the Shoalhaven LEP 1985 as they will not ever be able to lodge an application for a boundary adjustment. Wants a more flexible boundary adjustment and let the development assessment process assess the merits of the proposal.
6.	Instrument Change 4 – Boundary adjustment clause	Requests Council does not insert a similar clause to that of 11C of Shoalhaven LEP 1985 as they will not ever be able to lodge an application for a boundary adjustment. Wants a more flexible boundary adjustment and let the development assessment process assess the merits of the proposal.
7.	Instrument Change 4 – Boundary adjustment clause	Agrees that boundary adjustment clause is necessary but does not want to see a policy similar to former Clause 11C implemented as it is not flexible enough. Would like to see a clause similar to Lismore's LEP. Can be granted consent if: (a) the subdivision will not result in the creation of an additional lot or the opportunity for additional dwelling entitlements on any of the lots, and (b) the subdivision will not adversely impact on the long-term agricultural production potential of the lots and the surrounding locality.
8.	Instrument Change 4 – Boundary adjustment clause	Does not want former Clause 11C included in Shoalhaven LEP 2014 as it will not allow them to lodge an application due to its prohibitions. Feels each application should be assessed on a more individual and flexible process.
9.	Instrument Change 6 - Dual Occupancies in the R3 zone, Instrument Change 11 - Short-term rental accommodation, Instrument Change 12 - Permanent occupation in mixed use developments & Instrument Change 14 - Community events	<p>Rural Fire Service (RFS) Submission</p> <p>Instrument Change 6 Raised concern that dual occupancies on lots that are less than 800m² may have difficulty achieving bush fire requirements in areas that are bushfire prone.</p> <p>Instrument Change 11 Recognises that Council does not require consent for short-term holiday rental accommodation but wishes that Council considers RFSs position in regard to short-term holiday rental</p>

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		<p>accommodation is that it constitutes a special fire protection purpose and requires the issue of a Bush Fire Safety Authority.</p> <p>Instrument Change 12 Raised concern similar to that for Instrument Change 6 that dual and multiple occupancies and secondary dwellings may have difficulty achieving bush fire requirements in areas that are bushfire prone.</p> <p>Instrument Change 14 Requests that Council vary this component of the PP to provide that where 'community events' are located on bushfire prone land, they are not considered as exempt development under schedule 2 of Shoalhaven LEP 2014, ensuring adequate provision is provided.</p>
10.	Instrument Change 7 - Lot averaging clause - Termeil	Reduce the total allotment size for lots at Termeil to 15ha, allowing subdivided lot sizes of 5 or 7ha rather than 10ha. Allows people to downsize their property and creates a more manageable rural lifestyle.
11.	Instrument Change 10 - Minor development in Urban Release Areas (URAs)	<p>Consultancy firm believes the amendment will severely limit the possibility of minor subdivisions, which does not fit into the criteria outlined in Clause 6.3 (4) (a)-(c)</p> <p>Proposes a revised version of the modified clause: 6.3 (4) "<i>development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated and will not constrain the development of the URA</i>"</p>
12.	Map Change 1 - Woorin Close, Bomaderry	Fully supports amendments to zoning and caveats proposed for Woorin Close, Bomaderry.
13.	Map Change 4 - bonus heights in Huskisson	Opposed to 4 storey development in Huskisson. Feels building heights limit opportunity for solar powering due to shadowing. Developments in Currambene Street have all been little cottages, feels this is more appealing to tourists than other East Coast towns.
14.	Map Change 4 - bonus heights in Huskisson	Believes that PP will negatively impact the heritage feel of Huskisson and therefore opposes the PP. Also disagrees with the development application on 12 Currambene Street as it casts shadows on 14 Currambene Street and is worried about any development at 16 Currambene Street.
15.	Map Change 9 - Cypress Street and North Bendalong Road, Bendalong	Agrees with the rezoning all of Lot 468 and Lot 7317 as E2 from R2 EXCEPT the 20m strip running across the western end of Belah Glen which should be sold as R2 such that it can connect to the fire trail up the southern side of the Belah Glen subdivision and thence west to Cypress Street. The submitter would be pleased to work with council and the affected residents of Belah Glen on a plan to buy the 20m strip at a fair price, create the fire trail and clear the strip for better fire protection. Also so residents can clear the area

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		of rubbish and weeds and consider with the RFS putting in a fire trail to Pine St.
16.	Map Change 9 - Cypress Street and North Bendalong Road, Bendalong	Supports the zoning of the whole of Lot 468 as E2 to ensure that there is no future residential development on the lot and would support the creation of a fire trail or APZ on the lot.
17.	Map Change 9 - Cypress Street and North Bendalong Road, Bendalong & Map Change 13 - Princes Highway, Ulladulla	<p>Department of Primary Industries (DPI) – Lands</p> <p>Map Change 9 Over parts on Crown lot 468 DP 755923 (Lot 468) and 7317 DP 1168554 DPI – Lands raises no objection to the amendment of zone boundaries shown in Map Change 9.</p> <p>Map change 13 DPI – Lands raises no objection to the amendment of zone boundaries shown in Map Change 13, around the Sewerage Pumping Station in the vicinity of 418 Princes Highway at Ulladulla.</p>
18.	Map Change 11 - Surfers Avenue, Tallwood Avenue and Bannister Head Road, Narrawallee	Concerned that the map change will lead to them needing to do a Geotech survey on their land prior to lodging their DA. Asks for hasty response as they are lodging their DA.
19.	Map Change 11 - Surfers Avenue, Tallwood Avenue and Bannister Head Road, Narrawallee	Believe the reduction of this complex issue (cliff instability) to a single map overlay will result in an inability to identify variation in effect within the area which will have a negative impact. On this basis they object to the change and request that any future planning proposal allows for variation in the level of risk for the different properties in this area.
20.	Map Change 15 – Private conservation agreements	<p>Not all of the property (Lot 1 DP 706564) at Flannery Lane, Tapitallee is included in the conservation area, there is a large excluded area. The PP shows the whole are as being conservation, it should remove the excluded area.</p>  <p>Image from the private conservation agreement.</p>

No.	Relevant Mapping/ Instrument change	Submission Summary
21.	Map Change 15 – Private conservation agreements	Does not present any problems. Only concern is if it affects their Council approved DA for a dwelling which is under construction.
22.	Overall PP	Roads and Maritime Services (RMS) RMS does not object to the planning proposal.

PLANNING PROPOSAL – PP011

Shoalhaven Local Environmental Plan 2014 Housekeeping Amendment - Stage 3

Prepared by

Planning & Development Services Group

Shoalhaven City Council

File: 50828E

Version 3 – Final Version

Date: April 2016

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Table of Contents

Introduction.....	5
Background.....	5
Part 1 – Objectives or intended outcomes.....	6
Part 2 – Explanation of provisions	9
Table 1 –Instrument Changes	9
Map Change 1 – Change to Lot Size Map – Bomaderry	18
Map Change 2 – Change to Land Zone Map - Nowra	20
Map Change 3 – Change of zone – Culburra Beach	22
Map Change 4 – Inclusion of Incentives Height of Buildings Map – Huskisson Town Centre ..	24
Map Change 5 - Change to Height of Buildings Map – Huskisson.....	26
Map Change 6 – Change to Land Zone Map –Grange Road, St Georges Basin.....	28
Map Change 7 – Change to Lot Size Map – The Wool Rd, St George Ave, and Excellent St, Vincentia	30
Map Change 8 – Removal from Land Reservation Acquisition Map - Vincentia	32
Map Change 9 – Change to Land Zone Map - Bendalong.....	34
Map Change 10 – Change to Land Zone Map - Mollymook.....	36
Map Change 11 – Addition to Natural Resource Sensitivity – Land Map – Narrawallee	38
Map Change 12 – Change of zone - Narrawallee.....	40
Map Change 13 – Change to Land Zone Map – Princes Highway, Ulladulla	42
Map Change 14 – Change to Lot Size Map – Bawley Point	44
Map Change 15 – Additions to Terrestrial Biodiversity Map – Various properties Citywide.....	46
Part 3 – Justification.....	59
Section A - Need for the Planning Proposal	59
Is the Planning Proposal a result of any strategic study or report?	59
Is the Planning Proposal the best means of achieving the objectives or intended outcomes? ..	59
Section B – Relationship to strategic planning framework.....	59
Is the Planning Proposal consistent with the objectives and actions of the South Coast Regional Strategy and the Draft Illawarra Regional Growth and Infrastructure Plan?	59
Is the Planning Proposal consistent with Shoalhaven 2023?	60
Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?	61
Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)? ..	61

Section C – Environmental, social and economic impact.....	70
Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?	70
Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?	70
Has the Planning Proposal adequately addressed any social or economic effects?	70
Section D – State and Commonwealth interests	71
Is there adequate public infrastructure for the Planning Proposal?	71
What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?	71
Part 4 – Mapping	72
Part 5 – Community consultation	73
Part 6 – Project timeline	74
Table 2 - Planning Proposal Project Timeline	74
Attachment A – Council Report and Resolution	75
Attachment B – Checklist of State Environmental Planning Policies	83
Attachment C – Checklist of Ministerial Directions	84

Introduction

The Planning Proposal (PP) *Shoalhaven Local Environmental Plan (LEP) 2014 - Housekeeping Amendment - Stage 3 (PP011)* explains the intent of, and justification for, an amendment to Shoalhaven LEP 2014.

This PP is the second major housekeeping amendment and seeks to amend Shoalhaven LEP 2014 to improve the operation and accuracy of the LEP by making a range of amendments to respond to issues that have arisen over the first year of operation of Shoalhaven LEP 2014.

Background

Shoalhaven LEP 2014 commenced on 22 April 2014. The LEP consolidated previous planning controls into the one local environmental plan and also transitioned existing controls into the NSW Government's Standard Instrument Local Environmental Plan format.

As part of the completion, and also since Shoalhaven LEP 2014 has been in force, Council has identified a number of housekeeping amendments needed to improve the operation and accuracy of the plan. Council continuously reviews Shoalhaven LEP 2014 to ensure it aligns with strategic documents, is improved where necessary, and delivers positive outcomes for the community.

In accordance with advice received from NSW Planning & Environment, the overall housekeeping amendment has been divided into the following separate amendments to assist its processing:

- Stage 1 (PP008) inserts 'shop top housing' as permitted with consent in the B3 Commercial Core zone, and inserts a provision to enable subdivision of split zoned land to create a residue lot that is smaller than the minimum lot size (Note: this stage is completed);
- Stage 2 (PP003) included all of the heritage map and schedule changes, Land Use table changes and the majority of the minor mapping changes (Note: this stage is completed);
- Stage 3A (PP015) clarifies when strata and community title subdivision must comply with the minimum lot size map and that dual occupancies (attached) in certain zones are subject to the same provisions as dwelling houses;
- Stage 3 (PP011) includes instrument changes, rezoning's, and more complex mapping changes; and **(Note: this Planning Proposal)**
- Stage 4 (PP012) will update the flood mapping for Broughton Creek, St Georges Basin, Lake Conjola, and Burrill Lake.

Part 1 – Objectives or intended outcomes

The Planning Proposal intends to:

- add or amend provisions in the instrument to improve the operation of the LEP and address issues that have arisen through development applications; and
- amend a number of maps and insert a new map to achieve Council's desired outcomes.

The Planning Proposal intends to amend the instrument as follows:

1. Insert 'industrial retail outlets', 'multi dwelling housing', and 'storage premises' as permitted with consent in the RU5 Village zone;
2. Battle axe blocks – set a minimum lot size of 650m² in certain residential zones and exclude the access handle from the calculation for lot size for battle axe lots;
3. Remove reference to the R3 Medium Density Residential zone in Clause 4.1A Exceptions to minimum lot sizes for dual occupancies and multi dwelling housing and Clause 4.1C Exceptions to minimum subdivision lot sizes for certain residential development;
4. Include an additional clause in similar to *Clause 11C Subdivision – boundary adjustments* of Shoalhaven Local Environmental Plan (SLEP) 1985 in Shoalhaven LEP 2014. This will allow for boundary adjustments of properties which are both less than the minimum lot size and/or the change in lot size is greater than a 10% increase/decrease of the original size of the property;
5. Insert a provision to restrict the subdivision of tourist and visitor accommodation to only strata or community title subdivision;
6. Amend *Clause 4.1B Dual Occupancy Development in Zone R3* to reflect the intention of the clause to only permit 'dual occupancies' on R3 Medium Density Residential zoned lots that are less than 800m² as the current clause only allows them when the lot is larger than 800m²;
7. Amend the wording of subclause (3)(f) of *Clause 4.2B Subdivision of certain land in Zone RU1, Zone RU2, Zone RU4, Zone R5 and Zone E4* which sets a density control for a specific area at Termeil to clarify the intent of the clause. The current wording has created some confusion around lot averaging;
8. Include zone RU4 Primary Production Small Lots and zone E4 Environmental Living in *Clause 4.2C Subdivision of land fronting a watercourse* given that these zones front watercourses;
9. Amend the wording in *Clause 4.2E Exceptions to minimum subdivision lot sizes for certain rural and environmental protection zones* from 'existing development consent' to 'existing lawful use' as some forms of agriculture do not require consent which then excludes certain land from the operation of the clause;
10. Amend *Clause 6.3 Development control plan* to make it clear that subdivision is not considered of a minor nature for the purpose of subclause (4) (d). This is to prevent pre-emptive subdivisions in urban release areas;
11. Include a note under *Clause 7.13 short-term rental accommodation* to the effect that function centres are not permitted in residential zones;
12. Insert a provision in Schedule 1 Additional permitted uses to allow 'residential accommodation' and 'tourist and visitor accommodation' on land to which clause 7.14

applies as part of a 'mixed use development'. This is to rectify drafting changes made to Clause 7.14 prior to finalisation.

13. Insert a clause to set out when bonus heights may be considered for Huskisson Town Centre (with associated mapping – See Map Change 4); and
14. Include 'Community Events' as exempt development in *Schedule 2 – Exempt Development*.

And make the following map changes:

1. Amend the Lot Size Map for 1-21 Woorin Cl & 91, 93, 95, 97, 99 & 101 Lyndhurst Dr, Bomaderry to prevent subdivision;
2. Rezone the part of 54 Osborne St, Nowra zoned SP2 Infrastructure Facilities (Housing & Group Homes) and the adjacent road reserve to B4 Mixed Use, consistent with adjoining land;
3. Rezone a small area of 210 Penguins Head Rd, Culburra Beach that is privately owned from RE1 Public Recreation to R3 Medium Density;
4. Map the bonus heights of 13 and 16 metres in Huskisson Town Centre as per the DCP on a Incentives Height of Buildings Map (with associated clause – See Instrument Change 13);
5. Amend the Height of Buildings Map for 15 Field St, Huskisson to map a maximum height of buildings at 8m across the whole of the property;
6. Rezone part of Grange Rd, St Georges Basin from RU2 Rural Landscape to SP2 Infrastructure;
7. Amend the Lot Size Map to include the properties at 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, & 32 The Wool Rd, 4, 6, 8, 10, 10A, & 12 St George Ave, and 36, 38, 42, 44, 46, 48, & 50 Excellent St within Area 1 for the purposes of Clause 4.1A to allow subdivision of dual occupancies;
8. Amend the Land Reservation Acquisition Map to remove properties that have been acquired by State Government at Vincentia;
9. Rezone part of Crown Land at Cypress St and North Bendalong Road, Bendalong from R2 Low Density Residential to E2 Environmental Conservation;
10. Rezone part of a closed road adjacent to the Mollymook Golf Course from E2 Environmental Conservation to B4 Mixed Use as per the adjoining land;
11. Amend the Natural Resource Sensitivity - Land Map overlay to show all properties in Surfers Ave, Tallwood Ave and Bannister Head Rd, Narrawallee to which the Coastal Risk Planning Map overlay currently applies;
12. Zone all of the bio-banking site at Leo Dr and Garrads Lane, Narrawallee as E2 Environmental Conservation as per the Council resolution of 3 September 2013.
13. Amend the zone boundaries in the vicinity of 418 Princes Highway, Ulladulla to align with the cadastre and zone the sewerage pumping station SP2 Infrastructure (Sewerage System);
14. Amend the Lot Size Map for 132 Forster Dr, Bawley Point to show 80ha to prevent further subdivision; and
15. Amend the Terrestrial Biodiversity Map to include the eleven properties which have a voluntary conservation or bio-banking agreement over them as 'Biodiversity – habitat corridor' and 'Excluded land'.

Draft Planning Proposal PP011 – Shoalhaven LEP 2014 - Housekeeping Amendment – Stage 3 (File Number: 50828E)

A detailed explanation, and justification for each proposed amendment is included in Part 2 – Explanation of provisions section of this PP.

The PP has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning Guidelines, including A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals.

Part 2 – Explanation of provisions

To achieve the proposed objectives, The PP proposes to amend the provisions of Shoalhaven LEP 2014 as shown in Table 1.

Table 1 –Instrument Changes

Item	Clause	Proposed Amendment
1.	RU5 Village Land Use Table (LUT) - additions	<p>Issue:</p> <p>‘Industrial retail outlets’, ‘multi dwelling housing’, and ‘storage premises’ are currently prohibited in the RU5 Village zone but were permissible under the previous SLEP 1985.</p> <p>Proposed amendment:</p> <p>Insert ‘industrial retail outlets’, ‘multi dwelling housing’, and ‘storage premises’ as uses that are permitted with consent in the RU5 Village zone.</p> <p>Justification:</p> <p>Residential flat buildings are currently a permitted use in the RU5 zone and these are considered to be a more intensive use than multi dwelling housing. Multi dwelling housing should be included as a permissible use consistent with the original ‘best fit transfer’ to Shoalhaven LEP 2014 and also to encourage diversity in housing types in the village zone.</p> <p>Light industry is in the process of being included as permitted in the RU5 zone (through the Stage 2 Housekeeping PP) - industrial retail outlets and storage premises are complimentary uses to light industry and likely to have less of an impact on the amenity of the RU5 Village zone. This issue was raised in a submission to Stage 2 Housekeeping Amendment and Council resolved to consider it through a later housekeeping stage. The addition of these complimentary uses is considered to be reasonable.</p>
2.	Clause 4.1 Minimum Subdivision Lot Size	<p>Issue:</p> <p>This clause requires proposed subdivision to be carried out in accordance with the Lot Size Map which sets out minimum lot sizes. Where subdivision involves the creation of a battle axe lot, Council (through its DCP) requires that the lot size of the battle axe lot to be a minimum 650m² and that this area excludes the access handle to ensure the lot is of an adequate development size. There is a need to clarify in the LEP that although the Lot Size Map specifies a minimum lot size for subdivision, that battle axe blocks are to be a minimum 650m² and the calculation for lot size for battle axe lots is to exclude the access handle.</p> <p>It also been requested that a definition of battle-axe block be included in the LEP.</p> <p>Proposed amendment:</p>

Item	Clause	Proposed Amendment
		<p>Insert a new sub-clause in Clause 4.1 to make it clear that when a battle axe block is created by subdivision, that the minimum lot size of the battle axe block must be 650m², and the area of the access handle is not to be included as part of the lot for the purpose of meeting any designated minimum lot size for the lot. Potential wording of the subclause is given below:</p> <p>Suggested wording: <i>In calculating the area of any lot resulting from a subdivision of land, if the lot is a battle axe lot or other lot with an access handle, the area of the access handle is not to be included as part of the area of the lot.</i> <i>Where subdivision for the purpose of creating a battle axe lot is carried out in Zone RU5 Village, R1 General Residential and R2 Low Density Residential, the battle axe block must be a minimum of 650m².</i></p> <p>Request that the following definition from the State Environmental Planning Policy (SEPP) (Exempt and Complying Codes) 2008 be included in the LEP Dictionary:</p> <p><i>battle-axe lot</i> means a lot that has access to a road by an access laneway.</p> <p>Justification:</p> <p>Setting a minimum lot size for battle axe blocks and the exclusion of access handles from the calculation of lot size ensures that lots have sufficient area to accommodate future development including requirements for setbacks, private open space, car parking etc. A number of other Councils Standard Instrument LEP's contain a similar clause.</p>
3.	<p>Clause 4.1A Exceptions to minimum lot sizes for dual occupancies and multi dwelling housing and</p> <p>Clause 4.1C Exceptions to minimum subdivision lot sizes for certain residential development</p>	<p>Issue:</p> <p>These two clauses set minimum lot sizes for certain types of residential development and are intended to encourage housing diversity. The R3 Medium Density Residential zone has been included in these clauses but as there is no minimum lot size allocated on the Lot Size Map for R3 zones, the inclusion of this zone in these clauses actually restricts housing diversity.</p> <p>Proposed amendment:</p> <p>Remove reference to the R3 Medium Density Residential zone in Clause 4.1A <i>Exceptions to minimum lot sizes for dual occupancies and multi dwelling housing</i> and Clause 4.1C <i>Exceptions to minimum subdivision lot sizes for certain residential development</i></p> <p>Justification:</p> <p>These clauses have been causing issues for a number of proposed developments in the R3 Medium Density Residential zone. This amendment will ensure that multi dwelling housing can be developed and subdivided as intended in the R3 zone to</p>

Item	Clause	Proposed Amendment
		encourage housing diversity, which is particularly important given Shoalhaven's aging population.
4.	Boundary adjustment clause	<p>Issue:</p> <p>The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) allows for boundary adjustment subdivisions, however, it is restricted to subdivision where the resulting lots are greater than the minimum lot size or if a lot is smaller than the minimum lot size prior to the boundary adjustment, the lot will not be decreased in size through the subdivision. This means that Council cannot consider any application for a boundary adjustment that involves the reduction in the size of a lot that is smaller than the mapped lot size. Under the former Clause 11C of SLEP 1985, Council was able to consider this type of application on merit. It is desirable that this consideration be available into the future.</p> <p>Proposed amendment:</p> <p>Inclusion of a boundary adjustment clause similar to that of Clause 4.2C of the Port Macquarie-Hastings LEP 2011 that:</p> <ul style="list-style-type: none"> • Applies to land in zones: <ul style="list-style-type: none"> ○ RU1 Primary Production ○ RU2 Rural Landscape ○ E2 Environmental Conservation ○ E3 Environmental Management <p>And also includes the following provisions:</p> <ul style="list-style-type: none"> • each original lot has been lawfully created; • each original lot complies with Clause 4.2D; • the subdivision does not create additional lots; • the subdivision does not create or remove any dwelling entitlements; and • the subdivision does not affect connectivity of riparian and vegetation corridors. <p>Justification:</p> <p>Clause 11C of SLEP 1985 was not carried over into Shoalhaven LEP 2014 as it was believed that the Codes SEPP covered the content of this clause. It has become clear through the operation of Shoalhaven LEP 2014 in conjunction with the Codes SEPP that this is not the case. Council needs the ability to consider boundary adjustment subdivisions on their merit, for example, a situation where a farmer wishes to expand farming operations through a boundary adjustment with a neighbouring property which results in a larger lot used for agriculture and a lot smaller than the lot size. A number of other Councils Standard Instrument LEP's contain a similar clause.</p>

Item	Clause	Proposed Amendment
5.	Subdivision of a tourist development (cabins)	<p>Issue:</p> <p>The current LEP does not restrict the Torrens title subdivision of tourist and visitor accommodation. However strata or community subdivision should be utilised and required to ensure that the tourist use is retained and managed under a single plan of management.</p> <p>Proposed amendment:</p> <p>Insert a provision to restrict the subdivision of tourist and visitor accommodation to only strata or community title subdivision.</p> <p>Justification:</p> <p>Strata or community title subdivision ensures that the tourist use is retained and managed under a single plan of management. There is currently no minimum lot size and no requirement for the subdivision to be strata or community title. Although most developments could not meet the BCA requirements to permit Torrens title, there are likely to be some exceptions and this would be potentially undesirable.</p>
6.	Clause 4.1B Dual occupancy development in Zone R3	<p>Issue:</p> <p>It was the intention that this clause only permit dual occupancies on land in the R3 Medium Density Residential zone where medium density development is not feasible. The wording in the current LEP has changed the intent of the clause to only permit “dual occupancies” on zone R3 Medium Density Residential lots that are greater than 800m², rather than lots smaller than 800m².</p> <p>Proposed amendment:</p> <p>Amend the wording of the clause 4.1B to the following :</p> <p><i>2) Development consent must not be granted to development for the purpose of a dual occupancy on a lot in Zone R3 Medium Density Residential unless the area of the lot is less than 800 square metres and the consent authority is satisfied that amalgamation of the lot with other land in that zone is not feasible.</i></p> <p>Justification:</p> <p>The clause was changed prior to the final commencement of the plan which had the effect of the clause doing the opposite of what was intended. The clause is intended to allow dual occupancy development on lots that are not feasible of being developed for medium density. The clause as it stands effectively prohibits dual occupancy on lots smaller than 800m² and permits them on larger lots which compromises the objectives of the R3 Medium Density Residential zone which is to achieve higher densities.</p>
7.	Clause 4.2B(3)(f) Subdivision of certain land in zone RU1, zone RU2, zone	<p>Issue:</p> <p>The current wording of this clause, related to lot averaging, has caused confusion around whether in calculating the average density, if the density of the lot itself should be used for the</p>

Item	Clause	Proposed Amendment
	RU4, zone R5 and zone E4 (Lot Averaging)	<p>calculation, or instead if the density of the whole nominate area should be used.</p> <p>It was also identified during the exhibition period that lots created by subdivision under this subclause do not have a clear link to clause 4.2D 4.2D Erection of dwelling houses on land in certain rural, residential and environment protection zones.</p> <p>Proposed amendment:</p> <p>Omit the words ‘an overall maximum’ from Clause 4.2B(3)(f) as follows:</p> <p><i>f) land identified as “Locality 6” on the Lot Size Map (in the vicinity of Termeil) may be subdivided into lots with a an overall maximum density of one lot per 10 hectares if the vehicular access to each lot is from a road other than the Princes Highway</i></p> <p>Insert a subclause under 4.2D (3) to reference lots created under clause 4.2B.</p> <p>(cb) is a lot created under clause 4.2B, or</p> <p>Justification:</p> <p>This clarifies that it is the density of the lot being subdivided that is relevant and not the density of the whole area. Otherwise, it creates a first in, first served situation where those lots subdivided first have the opportunity to create more lots and potentially take up all the additional density.</p>
8.	Clause 4.2C Subdivision of land fronting a watercourse	<p>Issue:</p> <p>Clause 4.2C restricts the creation of additional lots fronting a watercourse. However Zone RU4 Primary Production Small Lots and E4 Environmental Living have not been included in the clause as they were later additions to the plan, but, both zones front watercourses and should be included in this clause to minimise the creation of lots fronting a watercourse.</p> <p>Proposed amendment:</p> <p>Insert zones RU4 Primary Production Small Lots and E4 Environmental Living Clause 4.2C.</p> <p>Justification:</p> <p>The RU4 and E4 zones were not initially included in the draft LEP but were added after the re-exhibition. It was an oversight that these two zones were not included in this clause. As such this should be rectified.</p>
9.	Clause 4.2E Exceptions to minimum subdivision lot sizes for certain rural and	<p>Issue:</p> <p>The intent of the clause is to allow subdivision to create lots of an appropriate size for permitted uses. However, the clause uses the wording ‘existing development consent’ which excludes any uses that are exempt development such as extensive agriculture, for example.</p>

Item	Clause	Proposed Amendment
	environmental protection zones	<p>Proposed amendment:</p> <p>Amend Clause 4.2E (3) to replace ‘existing development consent’ with wording that includes exempt development e.g. ‘existing lawful use’.</p> <p>Justification:</p> <p>Clause 4.2 allows land in rural zones to be subdivided to create a lot smaller than the minimum lot size shown on the Lot Size Map but not where an existing dwelling house will be located on the lot. Clause 4.2E allows land in rural zones to be subdivided to create a lot smaller than the minimum lot size shown on the Lot Size Map where there is an existing development consent on the land (other than a dwelling house or dual occupancy). Clause 4.2E also allows for a dwelling house to be located on the lot being created which makes it more flexible than Clause 4.2. However, the wording ‘existing development consent’ excludes any exempt development that may be undertaken on the land such as extensive agriculture.</p> <p>Given that the clause relates to rural zones where the primary production is a dominant existing use, existing exempt development such as extensive agriculture and forestry should be able to be considered under this clause.</p>
10.	Part 6 Urban Release Areas Clause 6.3 Development control plan Subclause (4)	<p>Issue:</p> <p>Council has received a number of requests for pre-emptive subdivisions within the Urban Release Areas (URA's) included in the LEP within the Nowra-Bomaderry Area. It has been argued that these subdivisions are consistent with Clause 6.3(4) in that they are of a ‘minor nature’. Council's position has been that as subclauses (4)(a) – (c) outlines the types of subdivision that are exempt from subclause (2) (requirement to have a DCP in place), however subclause (4)(d) which relates to development of a minor nature does not include subdivision. A minor amendment to subclause 6.3(4)(d) will clarify the situation.</p> <p>Proposed amendment:</p> <p>Amend subclause 6.3(4)(d) through the addition of the text in bold italics below:</p> <p>d) development on land that is of a minor nature only (<i>not including the subdivision of land</i>), if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated <i>and will not constrain the development of the URA.</i></p> <p>Justification:</p> <p>This additional wording will provide community transparency and prevent requests for pre-emptive subdivision which could ultimately impact on the orderly and efficient development of the URA's.</p>
11.	Clause 7.13 Short-term rental accommodation	<p>Issue:</p>

Item	Clause	Proposed Amendment
		<p>Clause 7.13 allows for the short term rental of dwelling houses (holiday houses) without the need to gain consent. Council has received a number of complaints from members of the community about dwelling houses being regularly hired out for functions, particularly for weddings. The hire of these houses for short term accommodation does not require consent as per the clause, however, the regular use of these properties for functions is not the intent of Clause 7.13 and has an unacceptable impact on neighbouring properties through noise, parking and waste issues.</p> <p>Proposed amendment: Insert an advisory note that function centres are not permissible in residential zones in the Shoalhaven LEP 2014.</p> <p>Justification: While short term rental of dwelling houses is an important form of tourist accommodation in Shoalhaven, it needs to be balanced with the rights of residents to the quiet enjoyment of their properties. The proposed amendment will make it clear that regularly holding weddings or other functions cannot be carried out in short term rental properties as this constitutes a function centre which is not permissible in residential zones.</p>
12.	Clause 7.14 Permanent occupation in mixed use developments	<p>Issue: Clause 7.14 applies to a limited number of properties in the Milton Ulladulla area to allow mixed use developments to occur on these properties. However, the wording of the clause does not allow a proposed development in an SP3 zone to carry out a reasonable mixed use development as was previously permitted in Clause 20B in SLEP 1985. Under subclause 2(a) only a dwelling house can be approved as part of a mixed development in zone SP3 as a dwelling house is the only form of residential accommodation permitted in the SP3 zone through the land use table.</p> <p>Proposed amendment: Insert a provision in Schedule 1 Additional permitted uses to allow 'residential accommodation' and 'tourist and visitor accommodation' on land to which clause 7.14 applies as part of a 'mixed use development'.</p> <p><i>Suggested wording:</i> <i>Use of certain land in the Milton Ulladulla area</i> <i>(1) This clause applies to land identified as CI 7.14 on the Clauses Map, being land in the Milton Ulladulla area.</i> <i>(2) Development for the purposes of residential accommodation and tourist accommodation as part of a mixed use development is permitted with development consent but must be consistent with Clause 7.14.</i></p> <p>Justification: The amendment will enable the clause to operate as intended to allow a range of housing types on the identified sites as long as they form part of an overall mixed use development.</p>

Item	Clause	Proposed Amendment
13.	Bonus building heights in Huskisson Town Centre.	<p>Issue:</p> <p>The DCP for Huskisson Town Centre allows a bonus height of 3 metres in certain circumstances (not including the hotel site which has a set 14m height limit) but the LEP does not reflect these bonus heights as was intended. Council is unable to approve bonus heights in accordance with the DCP without requiring the use of LEP <i>Clause 4.6 Exceptions to development standards</i>.</p> <p>Proposed Amendment:</p> <p>Insert a clause in Part 7 of the LEP to allow bonus heights in Huskisson Town Centre (plus associated map – see Map Change 4).</p> <p>Suggested wording:</p> <p><i>Development in Huskisson Town Centre</i></p> <p><i>(1) The objective of this clause is to encourage the development of the Huskisson Town Centre incorporating the business centre with a tourist town focal point</i></p> <p><i>(2) This clause applies to land in Huskisson Town Centre as defined in Shoalhaven Development Control Plan 2014.</i></p> <p><i>(3) The consent authority may approve development with a height that does not exceed the increased building height identified on the Incentive Height of Buildings Map, but only if the consent authority is satisfied that:</i></p> <p><i>(a) the increase building height only applies to 50% of the building footprint, and</i></p> <p><i>(b) lot on which the development is proposed is over 2000m² or the development includes consolidate 2 more lots over 1200m², and</i></p> <p><i>(c) the development includes basement car parking which allows two way traffic flow and turning movement; and</i></p> <p><i>(d) the development follows good urban design practice, including contributing quality design to the public domain and minimises overshadowing of the public domain and residential properties.</i></p> <p>Justification:</p> <p>The DCP controls were the subject of an extensive consultation process and have been accepted by the Huskisson community. The LEP should enable the DCP chapter for Huskisson Town Centre to be fully realised by allowing Council to approve additional heights when warranted without being required to</p>

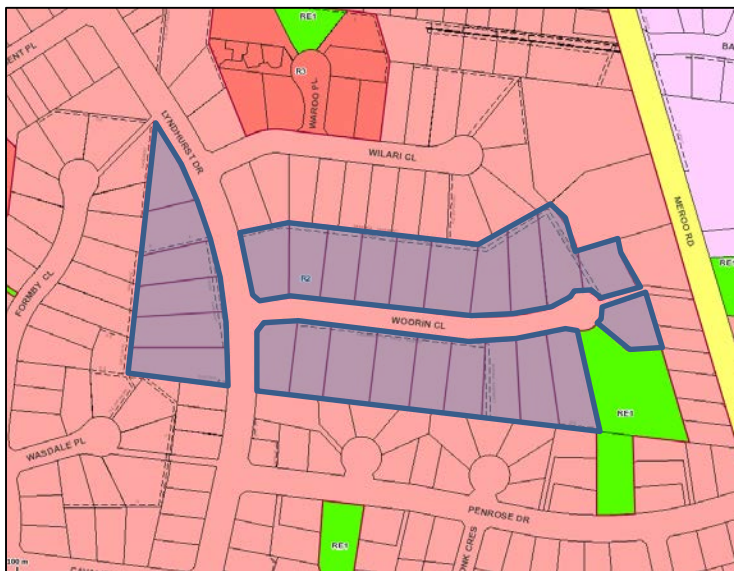
Item	Clause	Proposed Amendment
		justify the additional height through the use of <i>Clause 4.6 Exceptions to development standards</i> .
14.	Schedule 2 – Exempt Development	<p>Issue:</p> <p>‘Community events’ were removed from Schedule 2 Exempt Development in the finalisation of Shoalhaven LEP 2014. This means that community events still require consent under the EP&A Act and also a licence under the Local Government Act, which requires a duplication of effort and resources.</p> <p>Proposed amendment:</p> <p>Insert the following in Schedule 2 Exempt development:</p> <p>Community events Must not include provision of overnight accommodation on bushfire prone land.</p> <p>Justification:</p> <p>‘Community Events’ were removed during the overall LEP preparations as it was assumed that the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 permitted ‘community events’. However, it only covers the structures that may be used, e.g. tents and marquees, but not the actual event itself.</p>

Map Change 1 – Change to Lot Size Map – Bomaderry

Properties	Owners	Current Lot Size	Proposed Lot Size
1-21 Woorin Cl & 91, 93, 95, 97, 99 & 101 Lyndhurst Dr, Bomaderry	Various, including Russ Pigg (GM of Council)	500m ²	1000m ²



Aerial photo – Bomaderry



Land Zone Map - Woorin Cl & Lyndhurst Dr, Bomaderry

Issue:

Council resolved on 28 October 2014, to restrict future development along Woorin Cl and Lyndhurst Dr, Bomaderry by increasing the minimum lot size and prohibiting dual occupancy subdivision.

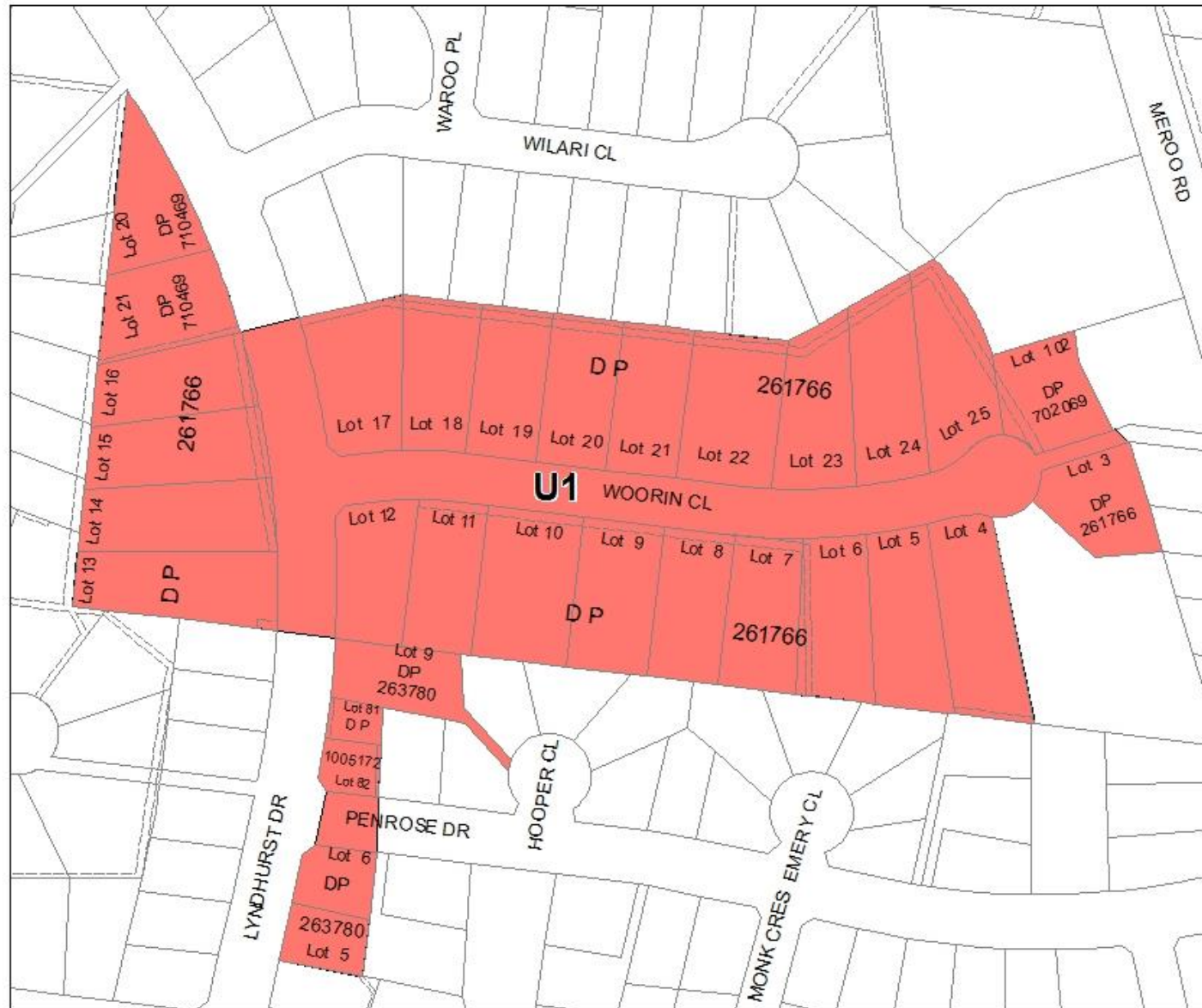
Proposed amendment:

For 1-21 Woorin Cl & 91, 93, 95, 97, 99 & 101 Lyndhurst Dr, Bomaderry, as shown on the map:

- Amend the Lot Size Map to change the minimum lot size from 500m² to 1,000m²; and
- Amend the Lot Size Map to remove the 'Area 1' layer and effectively prohibit dual occupancy subdivision on the subject land.

Justification:

Woorin Cl and an adjacent area on Lyndhurst Dr consists of larger residential lots zoned R2 Low Density Residential zone which range in size from 1399m² to 1923m² which sets it apart from the surrounding area and creates a distinct low density character for the area. The original subdivision that created the lots was specifically marketed as larger lots. The residents wish to protect this character from what they consider inappropriate development, such as subdivision and subdivision of dual occupancies.



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Map Change 2 – Change to Land Zone Map - Nowra

Property	Owner	Current zone	Proposed zone
Lot 1 DP 714910 54 Osborne Street, Nowra, and adjacent road reserve	Uniting Church Property Trust	SP2 Infrastructure - Facilities (Housing & Group Homes)	B4 Mixed Use



Aerial Photo - Nowra

Land Zone Map – 54 Osbourne St, Nowra

Issue:

The land owner expressed concern that the zoning of this aged care facility is inconsistent with the zoning of other aged care facilities in Shoalhaven, and also DP&E's position in regards to the zoning of infrastructure in Standard Instrument LEP's.

Proposed Amendment:

Amend Land Zone Map Sheet – LZN_013E to change the zone of the part of Lot 1 DP 714910 zoned SP2 Infrastructure Facilities (Housing & Group Homes) and the adjacent road reserve to B4 Mixed Use.

Justification:

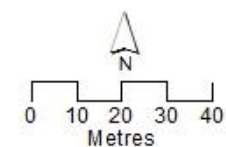
Under SLEP 1985, the subject land was zoned Special Uses 5(a), and as a result was zoned SP2 Infrastructure zone under Shoalhaven LEP 2014 as a 'best fit transfer'. The proposed change is consistent with the DP&E's approach to zoning of infrastructure as set out in Practice Note PN 10-001 Zoning for Infrastructure in LEP's and also the zoning of other retirement villages in Shoalhaven. It is noted that seniors housing is permissible in the B4 Mixed Use zone.

**Legend
Zone**

B4 Mixed Use

PP011
Planning Proposal
Proposed LZN
Part of Lot 1 DP 714910
and Adjacent Road
Reserve

NOWRA

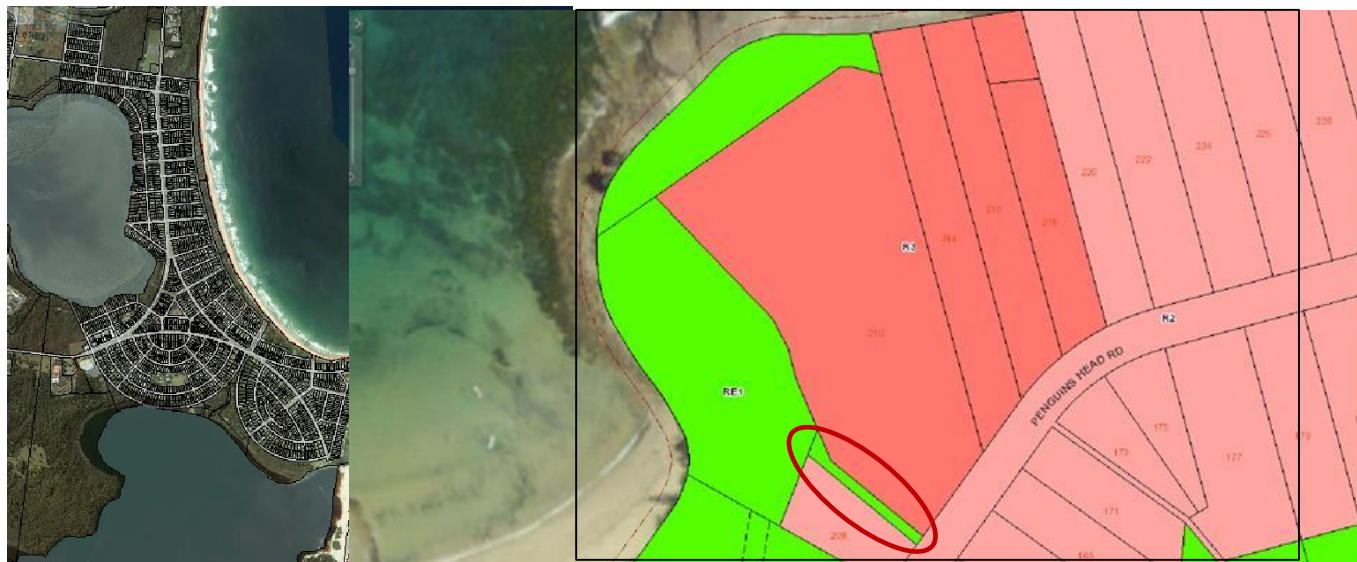


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Map Change 3 – Change of zone – Culburra Beach

Property	Owner	Current zone	Proposed zone
210 Penguins Head Road, Culburra Beach Lot CP SP 56839	Proprietors of SP 56839	R3 Medium Density RE1 Public Recreation	R3 Medium Density



Aerial photo - Culburra

Land Zone Map – 210 Penguins Head Road, Culburra Beach

Issue:

Part of the lot is zoned RE1 Public Recreation, however, the land is privately owned and not required for public open space.

Proposed Amendment:

Amend the Land Zone Map to rezone part of Lot CP SP 56839 from RE1 Public Recreation to R3 Medium Density.

Justification:

The subject land, together with the Council owned land to the west, were identified in SLEP 1985 for acquisition for open space. At a point in the past, Council acquired the adjoining land but not the subject land. The subject land is not required for open space or for access to the Council land as it is accessed via a right of way over the adjoining land (which is also Council owned). As the subject land is privately owned and not required for public recreation, the zone should be the same as the remainder of the lot, being R3 Medium Density.



Map Change 4 – Inclusion of Incentives Height of Buildings Map – Huskisson Town Centre

Area	Owners	Current HOB	Proposed Incentives HOB
Huskisson Town Centre	Various Note: Council has now purchased Lot 2 DP 571682, 59 Owen Street, Huskisson.	10m (K) 13 (N1)	13m (N1) 16 (O) To be mapped on an Incentives Height of Buildings Map with an associated clause.



Locality Map

Aerial photo

Issue:

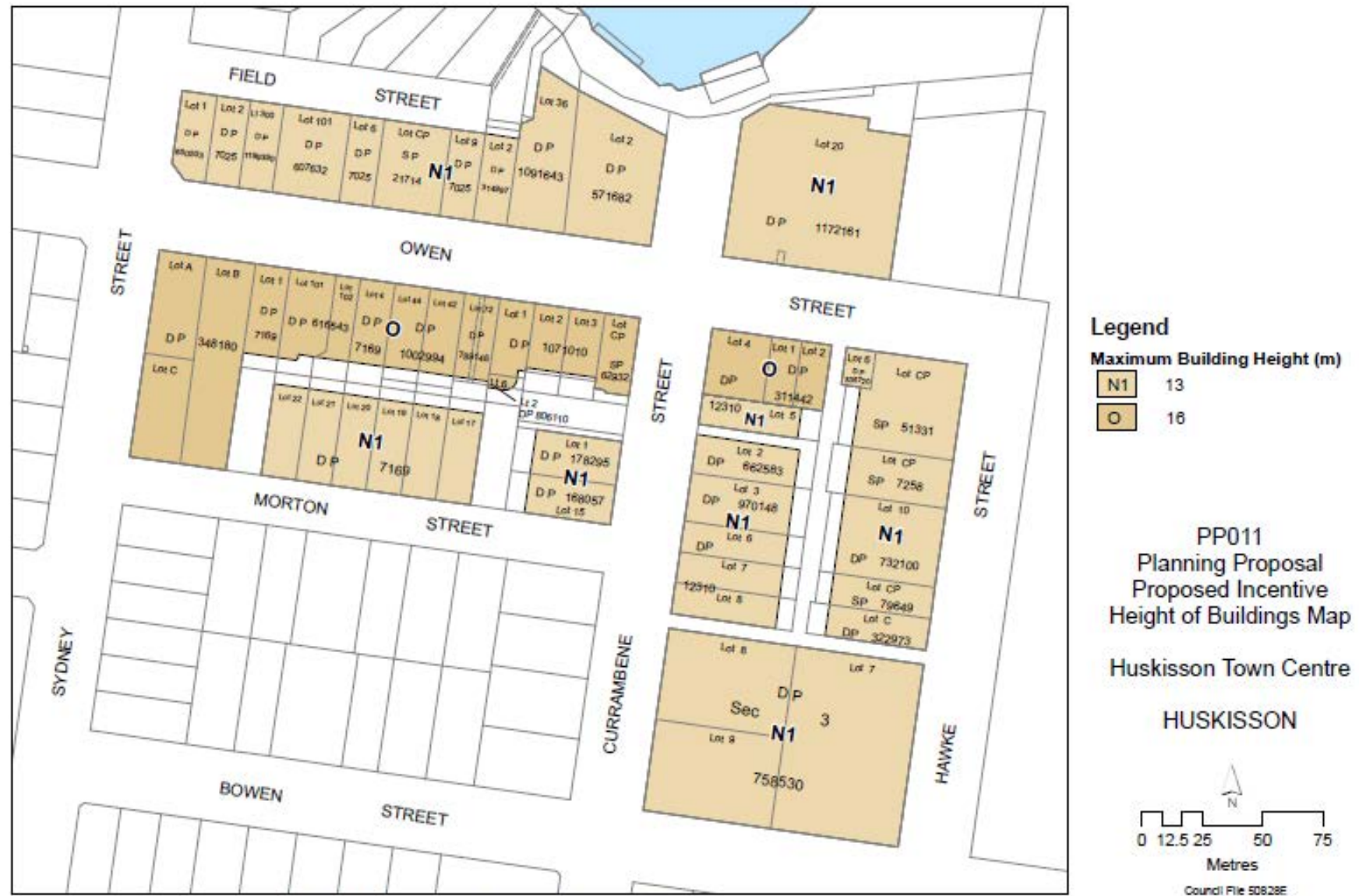
The DCP for Huskisson Town Centre allows a bonus height of 3 metres in certain circumstances (not including the hotel site which has a set 14m height limit) but the LEP does not reflect these bonus heights as was intended. Council is unable to approve bonus heights in accordance with the DCP without requiring the use of LEP *Clause 4.6 Exceptions to development standards*.

Proposed Amendment:

Map the bonus heights of 13 and 16 metres on an Incentives Height of Buildings Map for the Huskisson Town Centre (plus associated clause – see Instrument Change 14).

Justification:

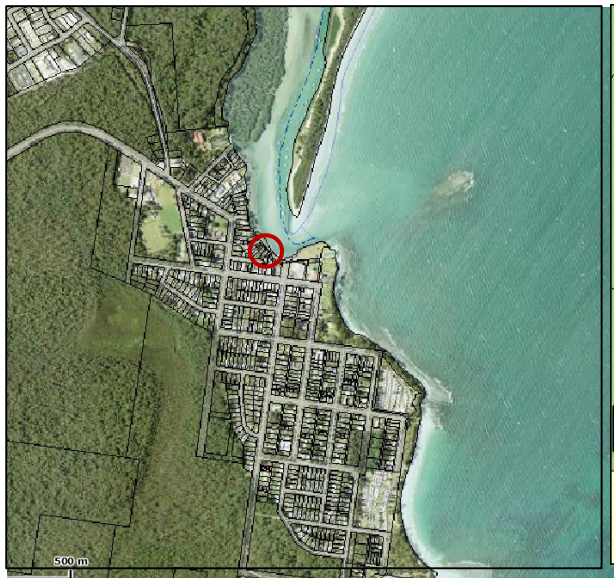
The DCP controls were the subject of an extensive consultation process and have been accepted by the Huskisson community. The LEP should enable the DCP chapter for Huskisson Town Centre to be fully realised by allowing Council to approve additional heights when warranted without being required to justify the additional height through the use of *Clause 4.6 Exceptions to development standards*.



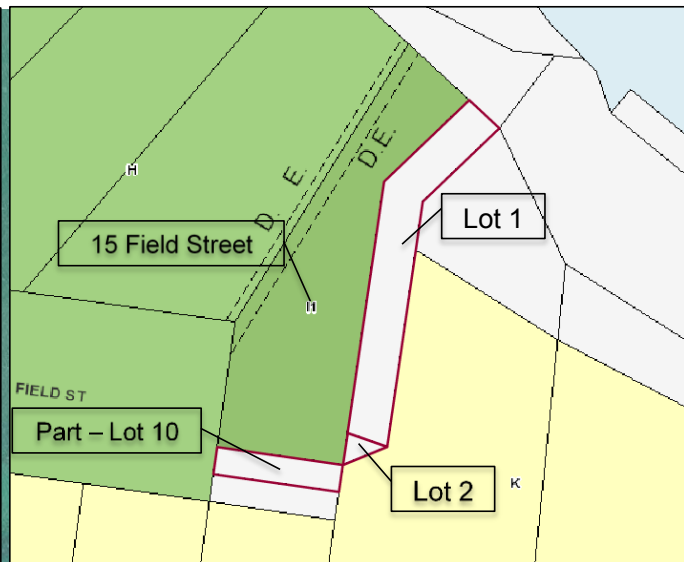
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Map Change 5 - Change to Height of Buildings Map – Huskisson

Area	Owner	Current HOB	Proposed HOB
Lots 1 and 2 DP 526254 & Part - Lot 10 DP 7025, Field Street Huskisson	BJ Aulsebrook	Not mapped so relies on Clause 4.3 - 11m	8m (I1)



Aerial photo - Huskisson



Height of Buildings Map – 15 Field St, Huskisson

Issue:

Council resolved to map the height of buildings (HOB) for 15 Field St, Huskisson at 8m. The majority of the site was mapped at this height, however, the three smaller lots that make up part of 15 Field St were inadvertently not included and so have not been included on the HOB Map.

Proposed amendment:

Amend the Height of Buildings Map for Lots 1 and 2 DP 526254 & Part - Lot 10 DP7025, Field St, Huskisson to show a maximum height of buildings of 8m consistent with the remainder of the property.

Justification:

The mapping should be amended to map all of 15 Field St at a maximum height of buildings of 8m as resolved by Council. This will ensure a consistent maximum height of buildings for the whole of the site. This is particularly important given the site's prominent waterfront location.

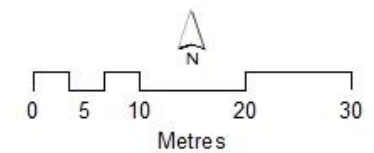
**Legend**

Maximum Building Height (m)

11	8
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PP011
Planning Proposal
Proposed HOB
Field Street

HUSKISSON

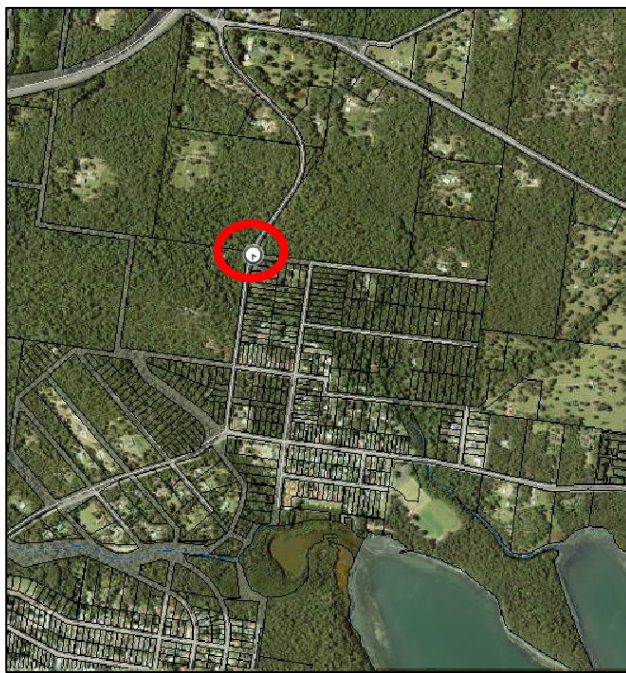


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Map Change 6 – Change to Land Zone Map –Grange Road, St Georges Basin

Area	Owner	Current zone	Proposed zone
Road reserve Grange Road, St Georges Basin	Council	RU2 Rural Landscape	SP2 Infrastructure Road



Aerial photo – St George Basin



Land Zone Map – Grange Road, St Georges Basin

Issue:

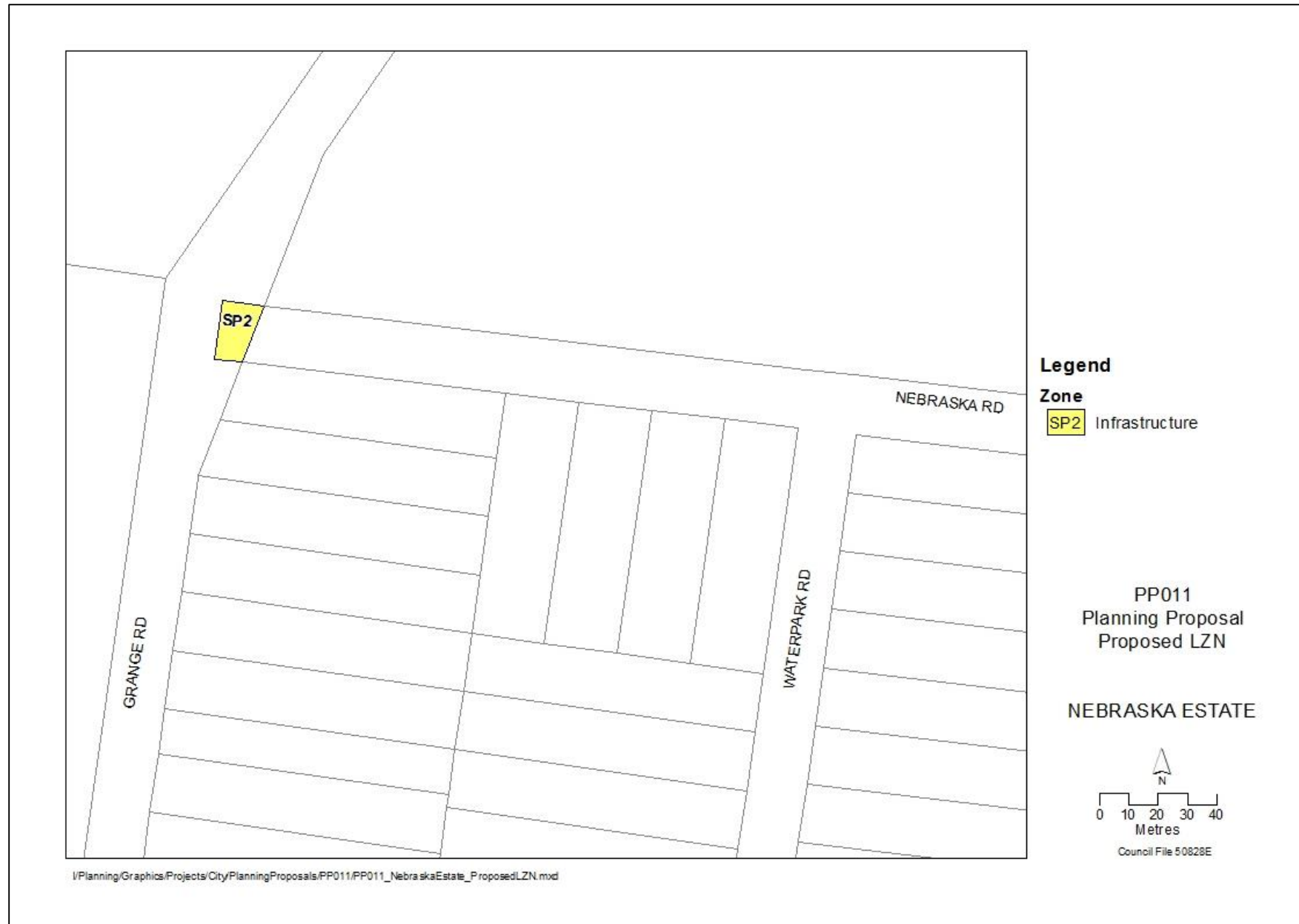
Land that forms part of the road reserve is wrongly zoned RU2 Rural Landscape.

Proposed amendment:

Amend the boundary of the SP2 Infrastructure (Road) zone to be consistent with the road boundary. The subject land is an unformed portion of Nebraska Road that is owned by Council and overlaps with Grange Road.

Justification:

The proposed change ensures that the map accurately reflects the road boundary in this location



Map Change 7 – Change to Lot Size Map – The Wool Rd, St George Ave, and Excellent St, Vincentia

Area	Owner	Current Lot Size Mapping	Proposed Lot Size Mapping
12, 14, 16, 18, 20, 22, 24, 26, 28, 30, & 32 The Wool Rd, 4, 6, 8, 10, 10A, & 12 St George Ave, and 36, 38, 42, 44, 46, 48, & 50 Excellent St, Vincentia	Various	500m ² and not mapped as Area 1 to allow subdivision of dual occupancies under Clause 4.1A.	500m ² and mapped as Area 1 to allow subdivision of dual occupancies under Clause 4.1A.



Aerial photo - Vincentia



Lot Size Map – Vincentia Shopping Centre

Issue:

The subject properties are not identified as being within Area 1 on the Lot Size Map for the purpose of *Clause 4.1A Exceptions to minimum lot sizes for dual occupancies and multi dwelling housing*. This means that the subdivision of dual occupancies is not permissible on these lots. This was an oversight in the finalisation of the plan as initially it was intended to zone these lots B2 Local Centre. In response to community concerns raised during the preparation of the LEP, the zoning of these lots was changed to R1 General Residential and a minimum lot size of 500m² applied, but the Area 1 designation was missed.

Proposed amendment:

Amend the Lot Size Map to include the properties at 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, & 32 The Wool Rd, 4, 6, 8, 10, 10A, & 12 St George Ave, and 36, 38, 42, 44, 46, 48, & 50 Excellent St within Area 1 for the purposes of Clause 4.1A.

Justification:

The Lot Size Map should be amended to include all of these properties as it was an oversight that these properties were not included when Shoalhaven LEP 2014 commenced. This area was identified as an area to which subdivision of dual occupancies applied immediately prior to the commencement of the LEP.

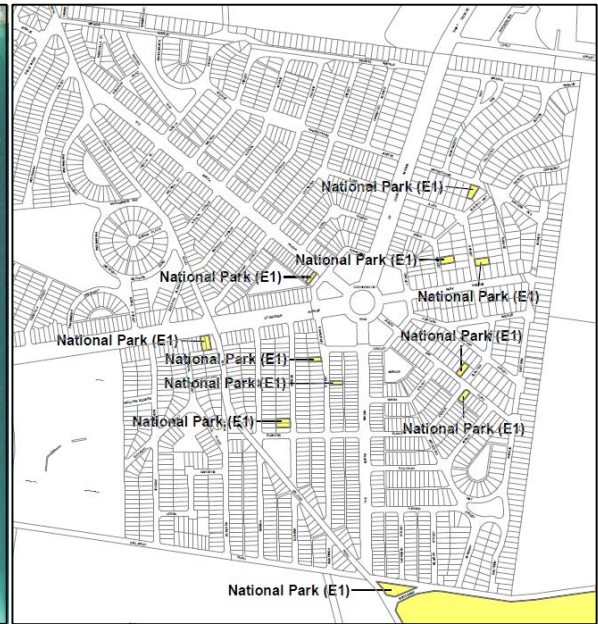


Map Change 8 – Removal from Land Reservation Acquisition Map - Vincentia

Area	Owner	Current LRA designation	Proposed LRA designation
Lot 81 DP 1206578, Naval College Road, Vincentia	National Parks and Wildlife Services	National Park (E1)	None



Aerial photo - Vincentia



Land Reservation Acquisition Map prior to consolidation of lots

Issue:

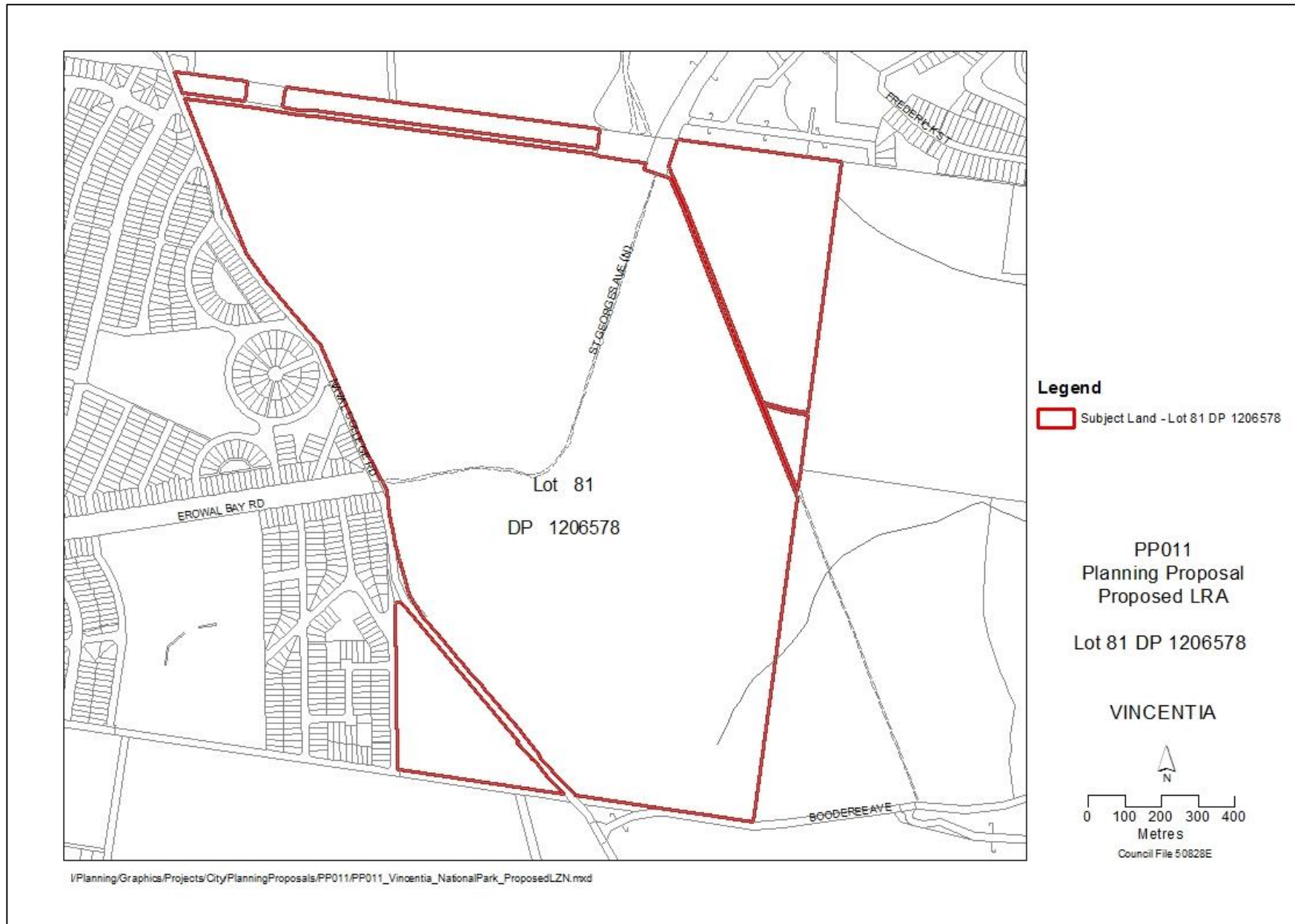
The State Government has now acquired the remaining lots in the 'paper subdivision' that now forms part of Jervis Bay National Park. The lots have also been consolidated into one lot. The Land Reservation Acquisition Map, however, still identifies lots for acquisition which is now no longer the case.

Proposed amendment:

Remove the 'National Park (E1)' mapping from the Land Reservation Acquisition Map for Lot 81 DP 1206578.

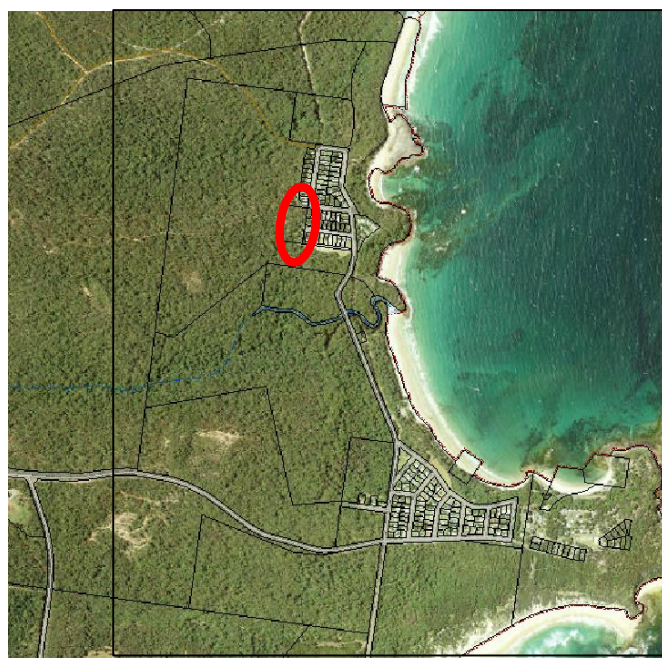
Justification:

Given that the individual properties have been acquired and now form part of a larger lot, the Land Reservation Acquisition Map should be updated.

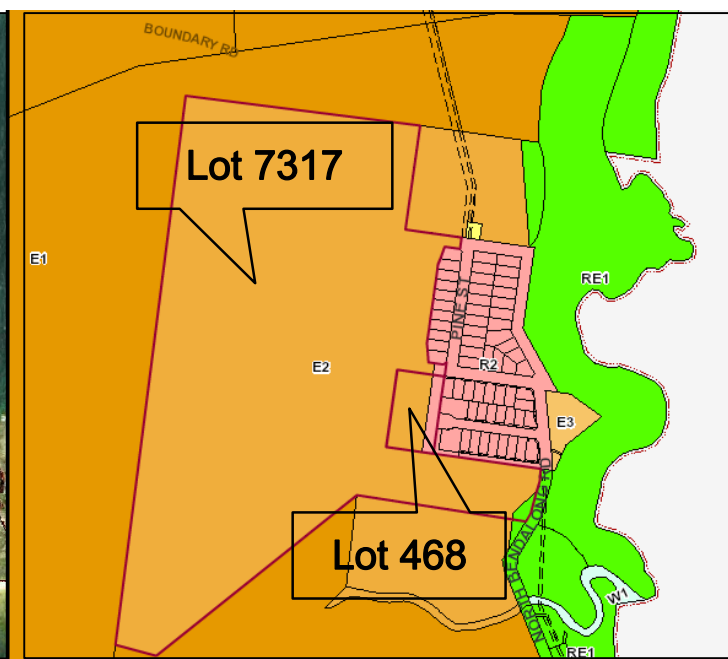


Map Change 9 – Change to Land Zone Map - Bendalong

Area	Owner	Current zone	Proposed zone
Lot 468 DP 755923 (Por 468) Cypress St & Lot 7317 DP 1168554 North Bendalong Road, Bendalong	Crown Lands	R2 Low Density Residential E2 Environmental Conservation	E2 Environmental Conservation



Aerial photo - Bendalong



Land Zone Map – Cypress St & North Bendalong Rd, Bendalong

Issue:

The 20m strip zoned R2 Low Density Residential in this location on Lot 468 & Lot 7317 was to enable the possible construction of a perimeter road to connect back up to Cypress St. This was to achieve the intent of the Sensitive Urban Lands Review Panel findings, including providing better protection against bushfire risk.

However, the subdivision of the adjoining land was approved with a different configuration and as a result the 20m strip zoned R2 Low Density Residential was not required for a perimeter road. Crown Lands have Lot 468 listed for sale and Council has received numerous enquiries regarding its possible future development of dwelling(s) within the 20m strip.

Proposed Amendment:

Amend the LZN Map to change the R2 Low Density Residential zoned area of Lot 468 DP 755923 (Por 468) Cypress St & Lot 7317 DP 1168554 North Bendalong Road, Bendalong to E2 Environmental Conservation.

Justification:

Retaining the R2 Low Density Residential zone raises expectations that it is likely that the land can be developed for residential purposes when in reality, it would be difficult to develop given the constraints. It also was not the intention of the zone configuration in that area to allow for additional lots but rather to achieve better bushfire protection for North Bendalong, via a perimeter access road.



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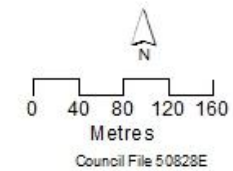
Legend**Zone**

E2	Environmental Conservation
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PP011
Planning Proposal
Proposed LZN

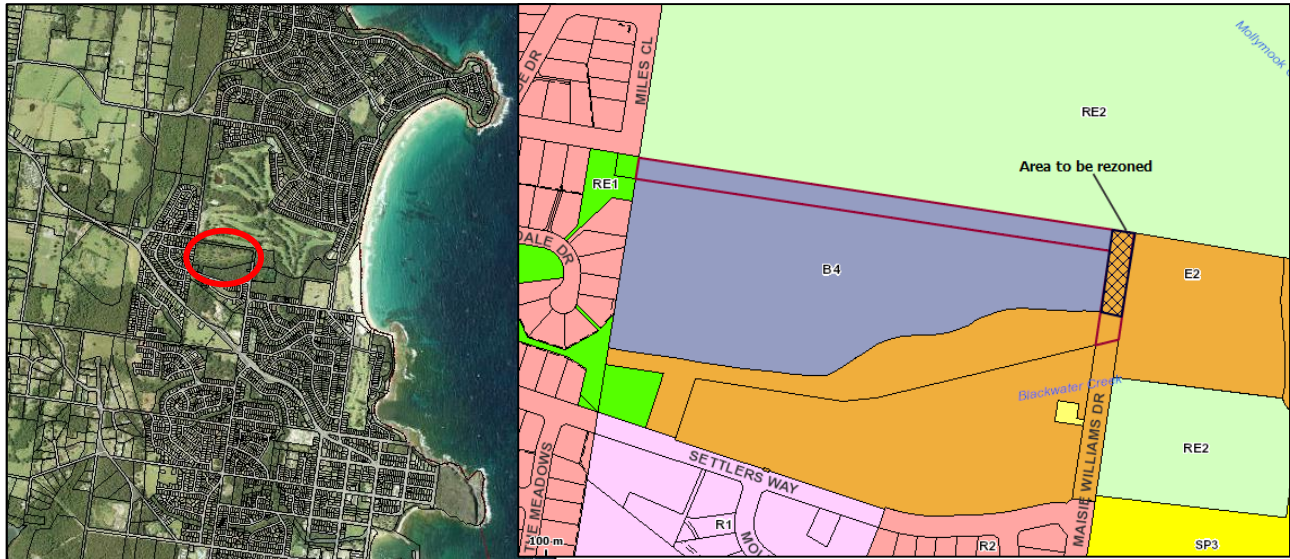
Lot 468 DP 755923 (Por 468)
Lot 7317 DP 1168554

BENDALONG



Map Change 10 – Change to Land Zone Map - Mollymook

Property	Owner	Current zone	Proposed zone
Lot 8 DP 1206432 Maisie Williams Dr, Mollymook	Council (closed road)	B4 Mixed Use & E2 Environmental Conservation	B4 Mixed Use



Aerial photo - Mollymook

Land Zone Map – Maisie Williams Dr, Mollymook

Issue:

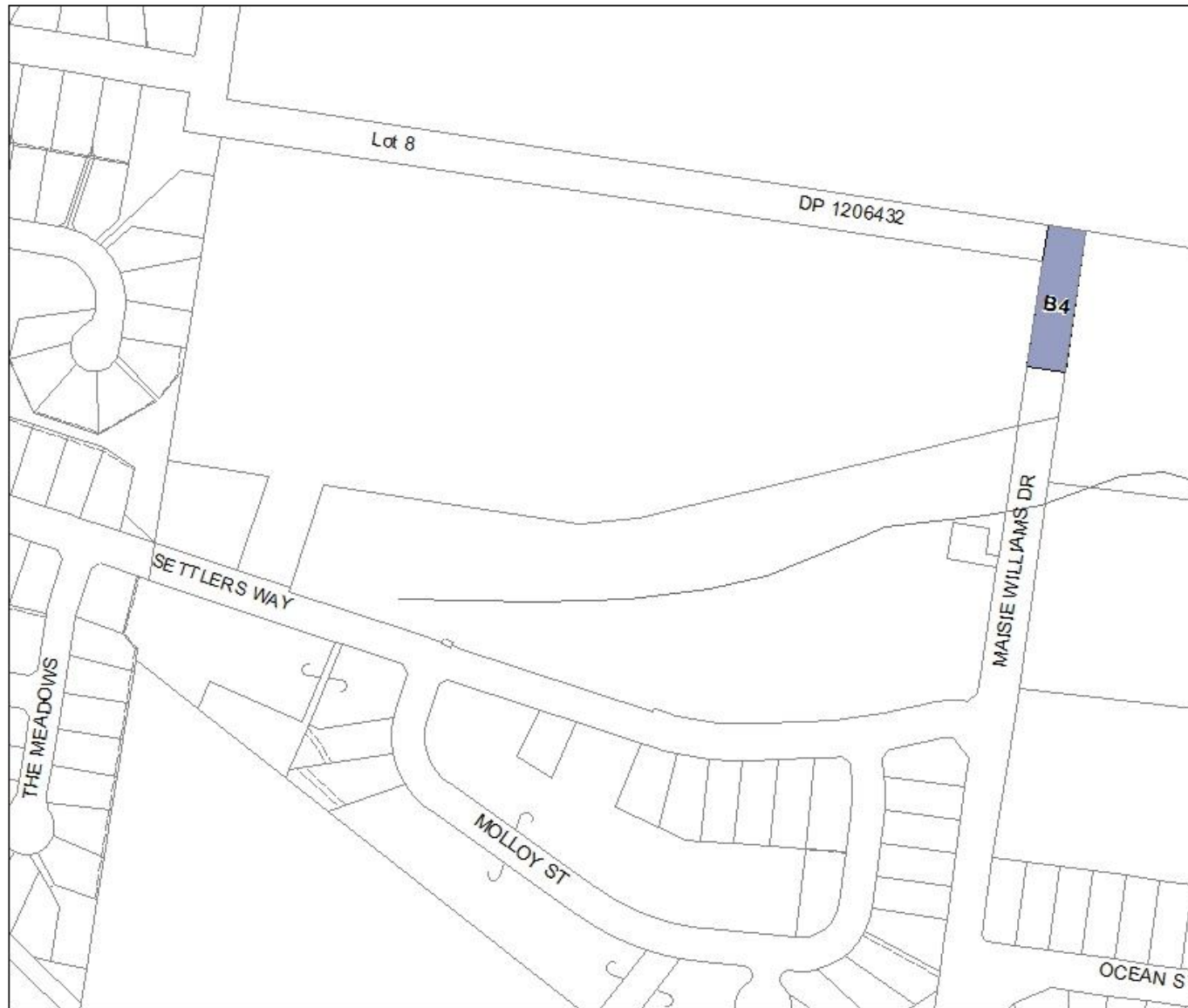
The Mollymook Golf Club owns the B4 Mixed Use zoned land to the west of this closed road. Proposed future plans for the Golf Club site involve the possible purchase of the closed road and its use as asset protection zone for any development of the site. This proposed use is inconsistent with the E2 Environmental Conservation zone.

Proposed amendment:

Amend the Land Zoning Map to change the zoning of the affected land from E2 Environmental Conservation to B4 Mixed Use.

Justification:

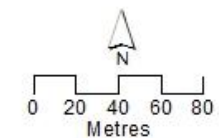
The subject lot is a closed Council road. The E2 Environmental Conservation zone limits the possible use of the closed road reserve as an Asset Protection Zone (APZ). This in turn restricts the potential development for the adjoining site. The vegetation on the lot is disturbed due to ongoing informal use of a gravel track running along the former road reserve.

**Legend****Zone**

B4 Mixed Use

PP011
Planning Proposal
Proposed LZN
Lot 8 DP1206432

MOLLYMOOK

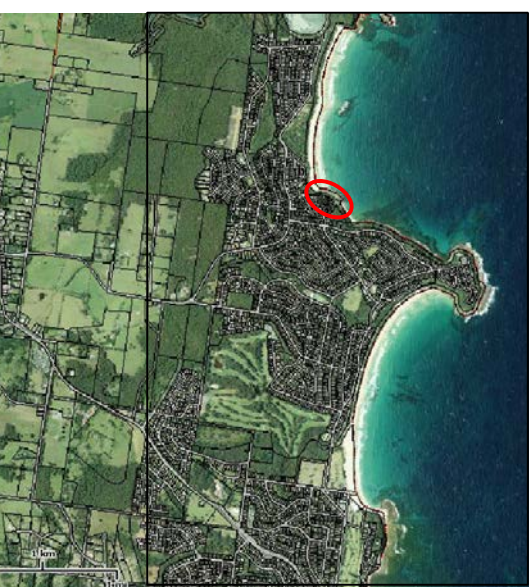


Council File 50828E

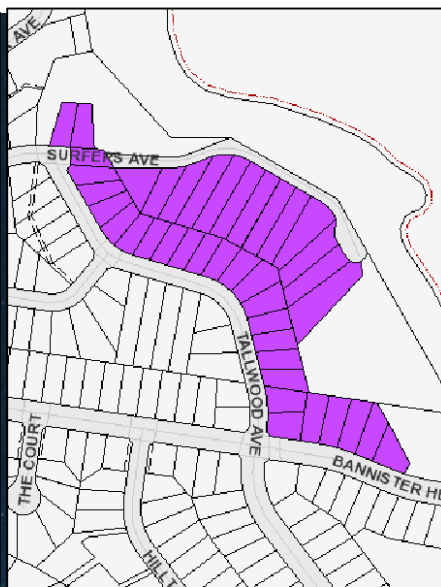
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Map Change 11 – Addition to Natural Resource Sensitivity – Land Map – Narrawallee

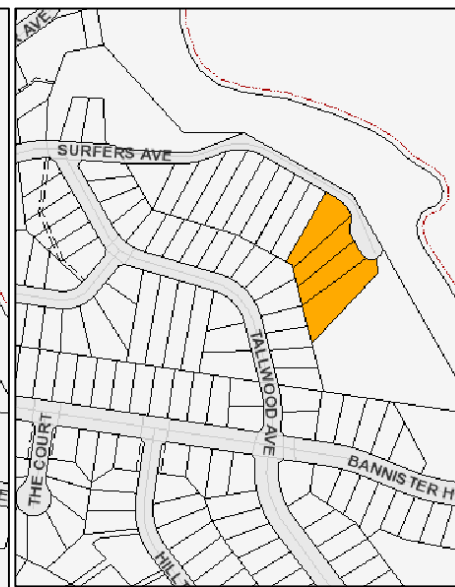
Area	Owners	Current NRS designation	Proposed NRS designation
Surfers Ave, Tallwood Ave, Bannister Head Rd, Narrawallee	Various	Coastal Risk Planning Area	Coastal Risk Planning Area Natural Resource Sensitivity – Land



Aerial photo - Narrawallee



Coastal Risk Planning Map



NRS – Land Map

Issue:

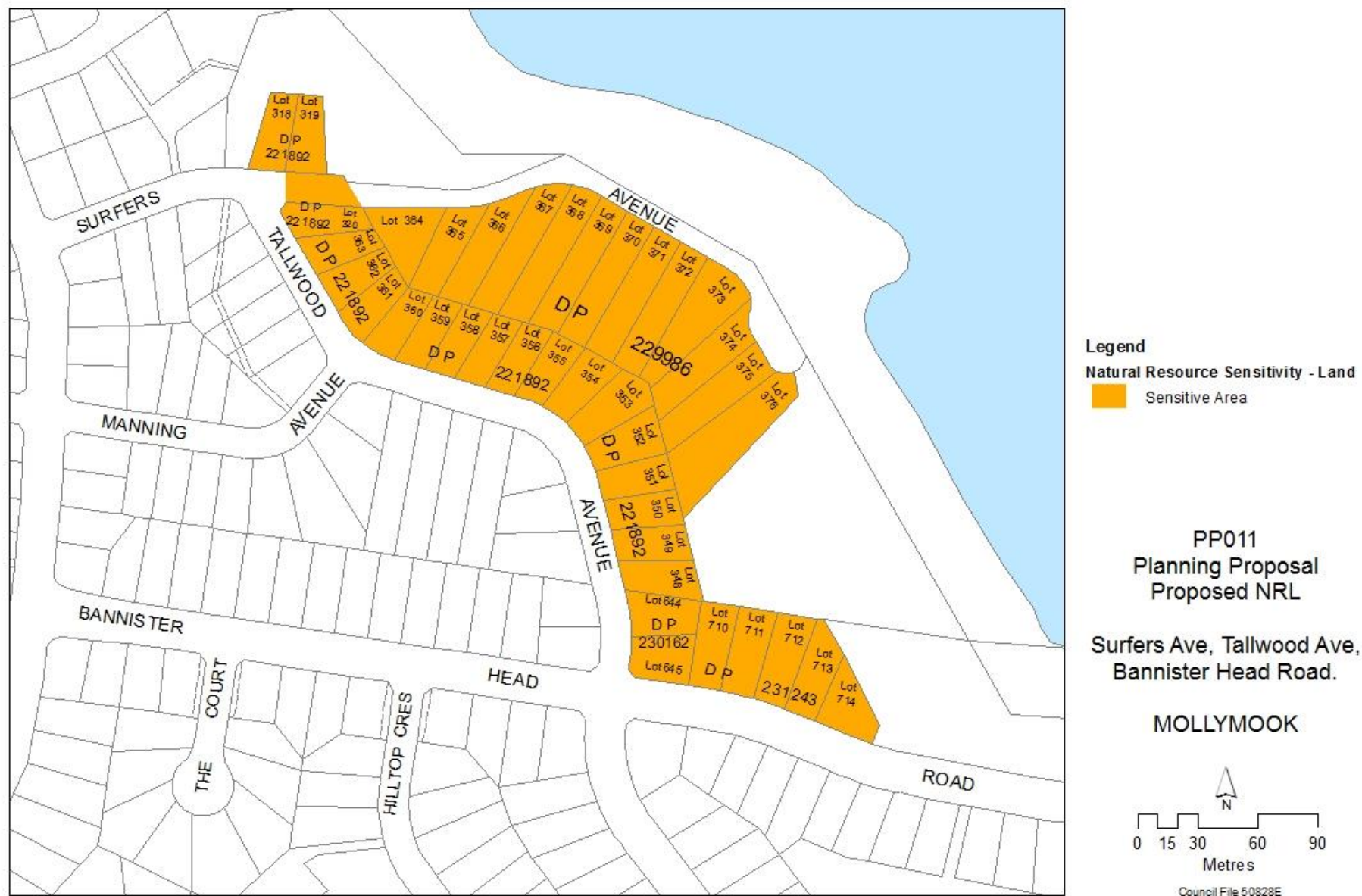
Council resolved as part of the preparation of the LEP that properties at Narrawallee that have been identified as at risk due to coastal hazards should be included in any relevant mapping overlay. These properties were included on the Coastal Risk Planning Map but not on the Natural Resource Sensitivity – Land Map which is also a relevant overlay.

Proposed amendment:

Amend the Natural Resource Sensitivity - Land Map overlay to show all properties in Narrawallee to which the Coastal Risk Planning Map overlay currently applies.

Justification:

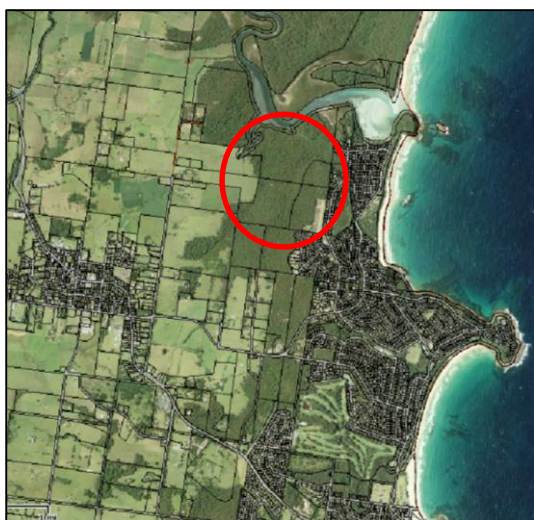
The properties are identified as being at risk of cliff instability. It is appropriate that they are identified on both maps so that the clauses relating to coastal risk (Clause 7.4) and geotechnical risk (Clause 7.7) both apply to ensure that both aspects are adequately considered for any proposed development.



I:\Planning\Graphics\Projects\City\PlanningProposals\PP011\PP011_Mollymook_SurfersAve_TallwoodAve_BannisterHd_ProposedNRL.mxd

Map Change 12 – Change of zone - Narrawallee

Area	Owner	Current zones	Proposed zones
Part Lot 2 DP 1087105, Part Lot 5 DP 1087106, Lot 146 DP 718994, Lot 52 DP 730895 Leo Dr and Garrads Lane, Narrawallee	Council	RU1 Primary Production RE1 Public Recreation E2 Environmental Conservation	E2 Environmental Conservation



Aerial photo - Narrawallee



Land Zone Map - Leo Dr and Garrads Lane, Narrawallee

Issue:

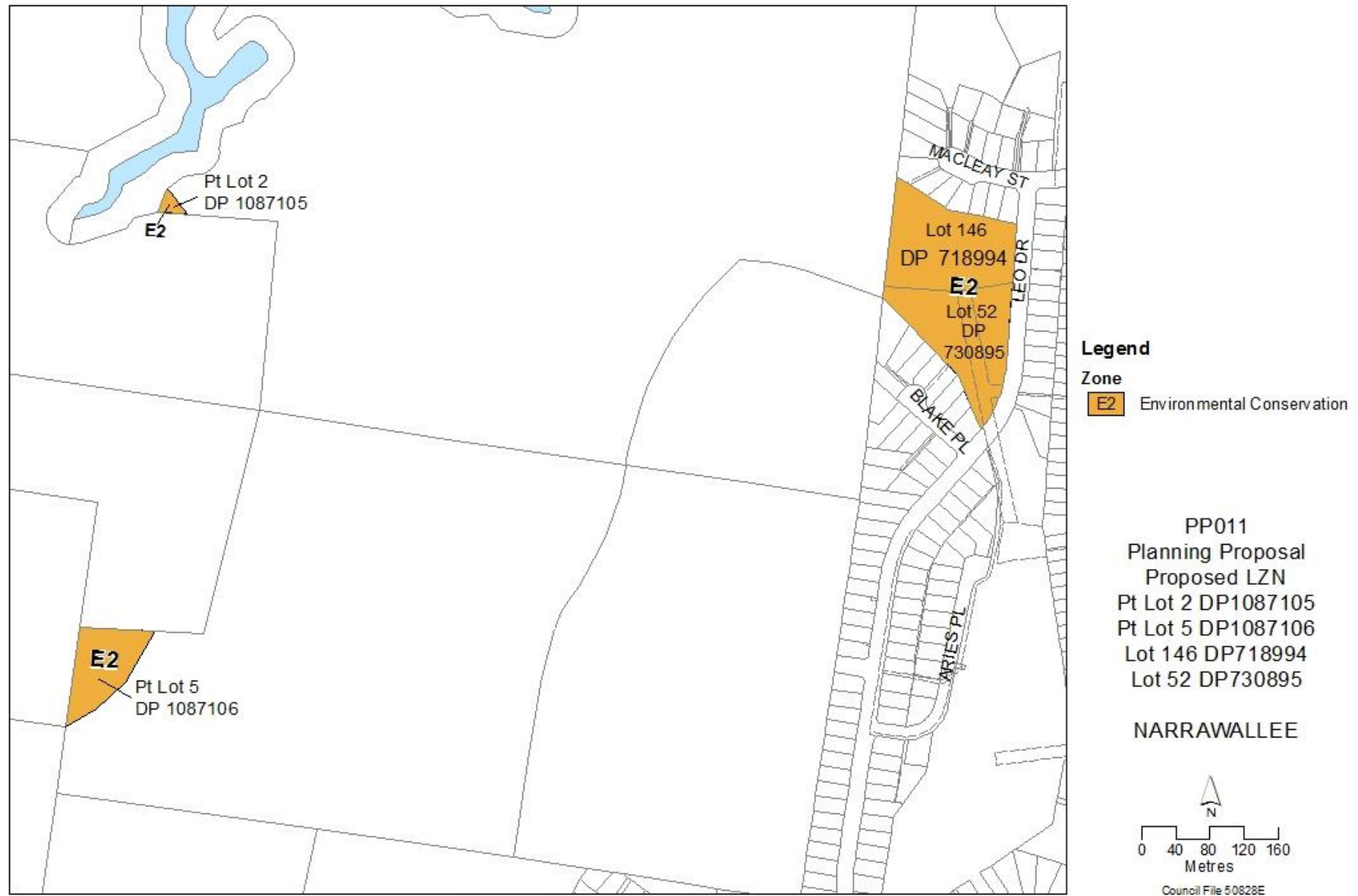
Council has a bio-banking a site at Narrawallee. While the majority of the site is zoned E2 Environmental Conservation, there are some small areas that are zoned either RU1 Primary Production zone or RE1 Public Recreation. These areas should be rezoned to E2 Environmental Conservation to reflect the conservation status of the bio-banking site, consistent with the Council resolution of 3 September 2013.

Proposed amendment:

Amend the zoning boundaries of the 4 lots to zone E2 Environmental Conservation.

Justification:

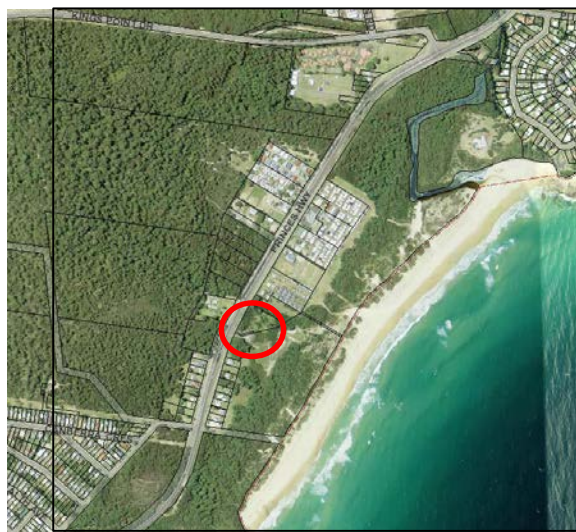
As the site is to be managed into the future to secure conservation outcomes, it is appropriate that the whole site has the most stringent environmental protection zone available under the LEP (excluding E1 National Parks and Nature Reserves).



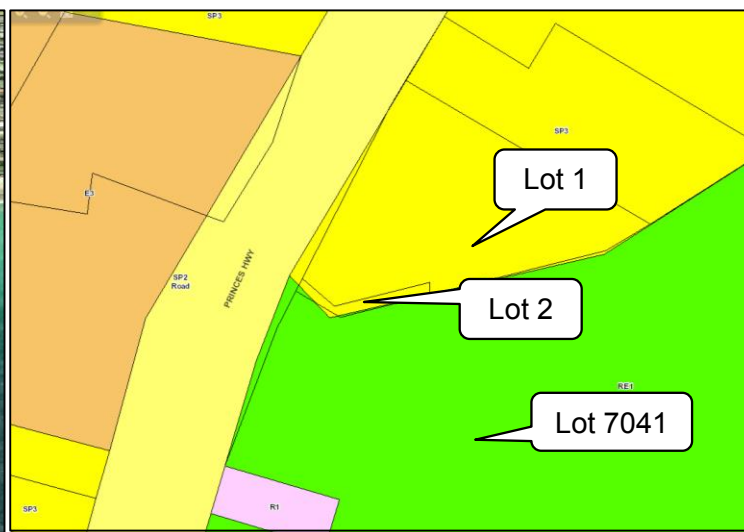
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Map Change 13 – Change to Land Zone Map – Princes Highway, Ulladulla

Area	Owners	Current zones	Proposed zones
Lots 1 & 2 DP 1161380, Lot 7041 DP 1059893 418 Princes Highway and Princes Highway, Ulladulla	Council, Crown Lands Office, Roads and Maritime Services, and Gondorff Pty Ltd.	SP3 Tourist, RE1 Public Recreation	SP3 Tourist, RE1 Public Recreation, SP2 Infrastructure (Road), SP2 Infrastructure (Sewerage System)



Aerial photo – South Ulladulla



Land Zone Map - 418 Princes Highway, Ulladulla

Issue:

The zone boundaries do not follow the cadastre in this location and there is a sewerage pumping station located on part of Lot 7041 which should be zoned SP2 Infrastructure.

Proposed amendment:

Amend the Land Zone Map so that the zone boundaries follow the cadastre and the sewerage pumping station is zoned SP2 Infrastructure (Sewerage System)

Justification:

The cadastre in this location does not correlate to the zone lines and this should be rectified. There is an area of private property and the Princes Highway road reserve zoned RE1 Public Recreation, and there are parts of the Crown Reserve and the Princes Highway zoned SP3 Tourist. Further, there is a Council sewerage pumping station on the Crown Reserve that should be zoned SP2 Infrastructure.

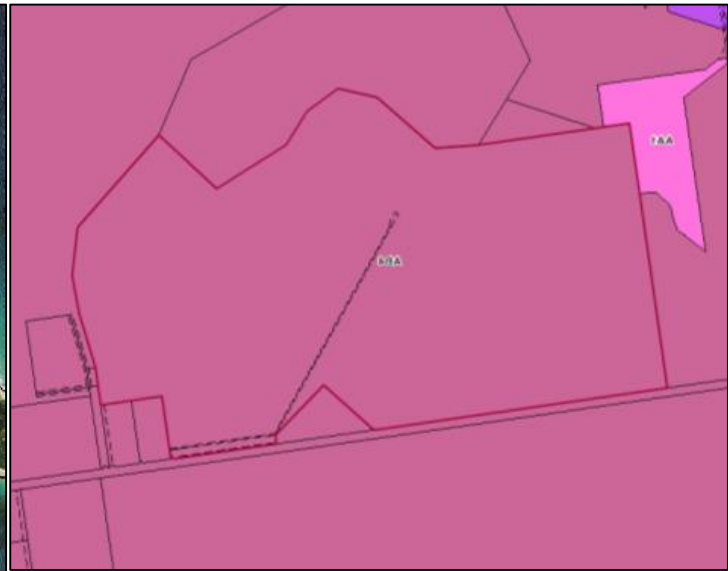


Map Change 14 – Change to Lot Size Map – Bawley Point

Area	Owner	Current Minimum Lot Size	Proposed Minimum Lot Size
Lot 2 DP 1186575 132 Forster Dr, Bawley Point	Capital Property Corp PTY LTD	40ha (AB4)	80ha (AC1)



Aerial photo – Bawley Point



Lot Size Map - 132 Forster Dr, Bawley Point

Issue:

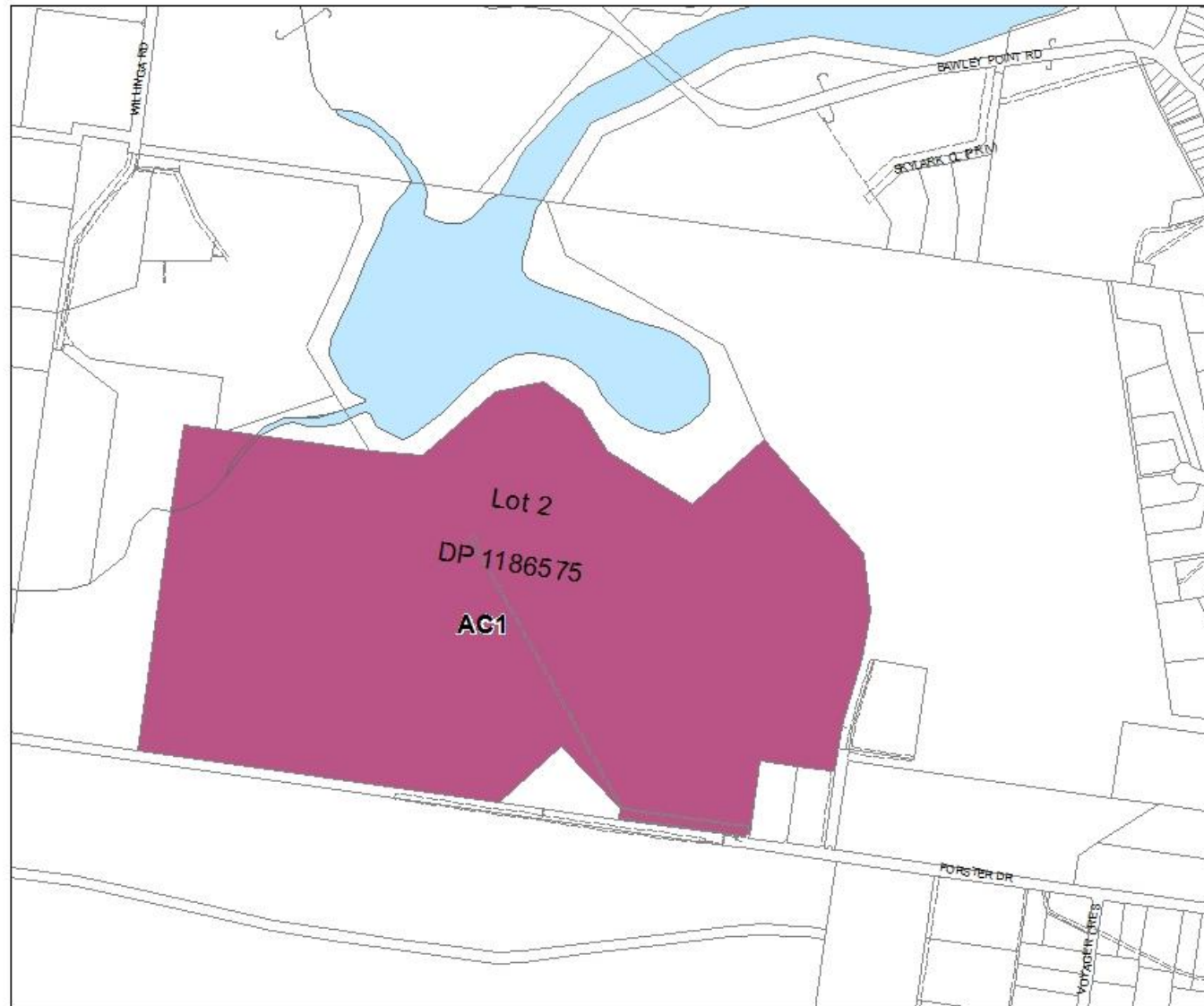
The current lot was created via a boundary adjustment that was approved under State Environmental Planning Policy (SEPP) No. 1 – Development Standards. In granting concurrence for the subdivision, the DP&E recommended that the minimum lot size be changed to prevent further subdivision. The 88B Instrument also contains a restriction as to user which prevents further subdivision.

Proposed amendment:

Amend the Lot Size Map for Lot 2 DP 1186575, 132 Forster Dr, Bawley Point to show 80ha.

Justification:

The boundary adjustment changed the lot configuration from 2 lot larger lots (with no subdivision potential) into one very large lot which due to its size could be subdivided and one very small lot. The intent of the subdivision, however, was to create a larger lot to facilitate the agricultural use of the site and a smaller lot with an existing dwelling. The minimum lot size should be adjusted to prevent any expectation of future subdivision and potentially an additional dwelling.



Legend

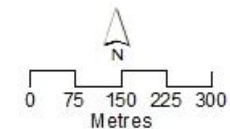
Minimum Lot Size (sq m)

AC1 800000 (80ha)

PP011
Planning Proposal
Proposed LSZ

Lot 2 DP 1186575
Forster Drive

BAWLEY POINT



Council File 50828E

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Map Change 15 – Additions to Terrestrial Biodiversity Map – Various properties Citywide

Area	Owners	Proposed change
Various	Various	Addition of properties to the Terrestrial Biodiversity overlay where there is a voluntary conservation or bio-banking agreement on title.

Issue:

Council has been notified of a number of voluntary conservation or bio-banking agreements that have been entered into by private landowners.

Proposed amendment:

Amend the Terrestrial Biodiversity Map to include the eleven properties which have a voluntary conservation or bio-banking agreement over them as 'Biodiversity – habitat corridor' and 'Excluded land'.

Note: any area of 'significant vegetation' currently shown on the Shoalhaven LEP 2014 Terrestrial Biodiversity Map will be retained even if not shown on the following maps.

Justification:

These properties have a voluntary conservation or bio-banking agreement over them in perpetuity. Mapping the entirety of the properties as Biodiversity – habitat corridor' and 'Excluded land' on the Terrestrial Biodiversity Map will ensure the environmental values of these properties are adequately considered through any DA. It will also make it clear that complying development may not be undertaken on these properties.



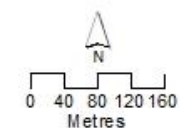
Terrestrial Biodiversity

- Biodiversity - habitat corridor
- Excluded Land

PP011
Planning Proposal
Proposed BIO

Lot 6 DP 1000262

BUDGONG



Council File 50828E

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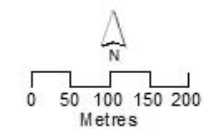
**Terrestrial Biodiversity**

- Biodiversity - habitat corridor
- Excluded Land

PP011
Planning Proposal
Proposed BIO

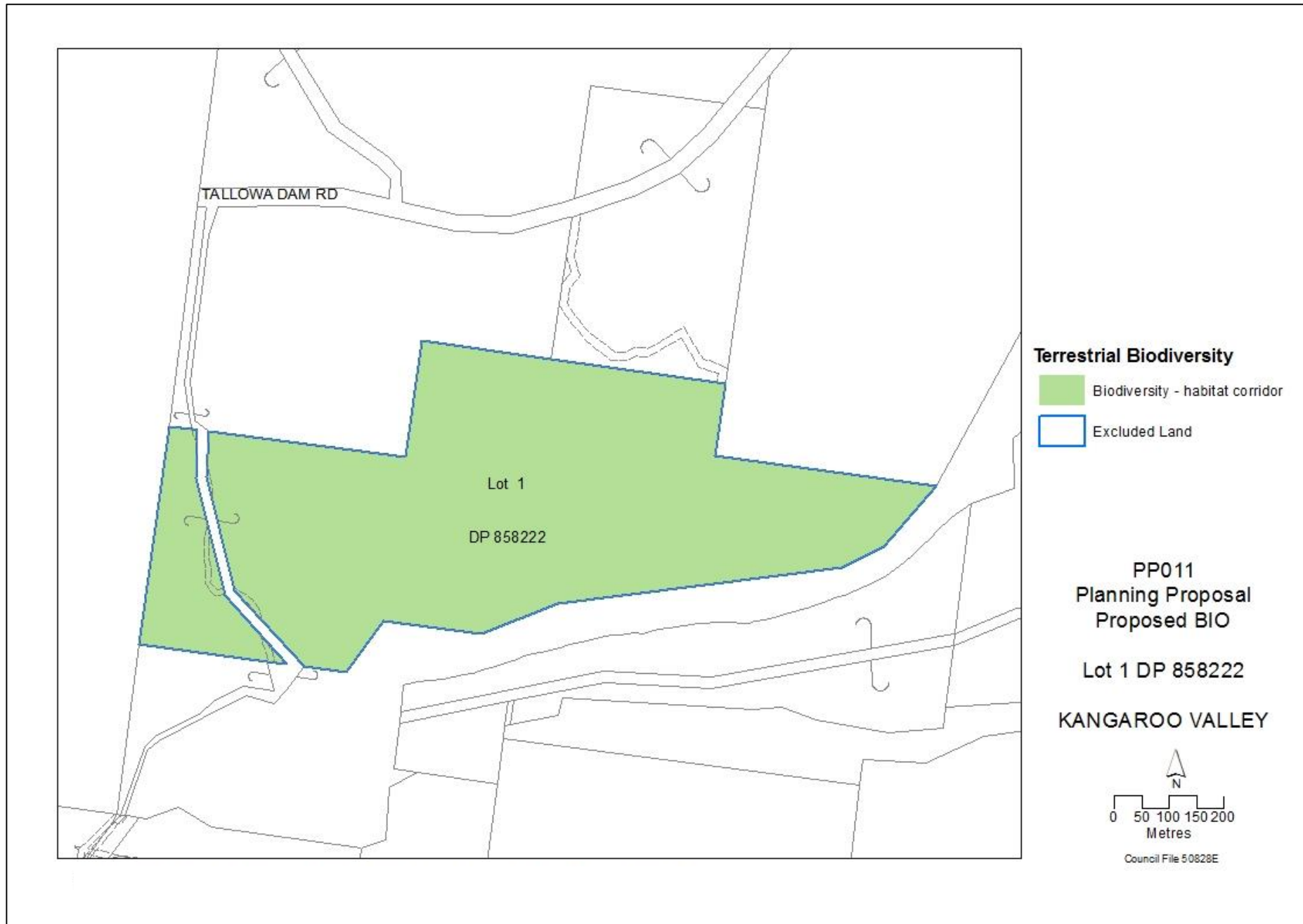
Lot 219 DP 751255

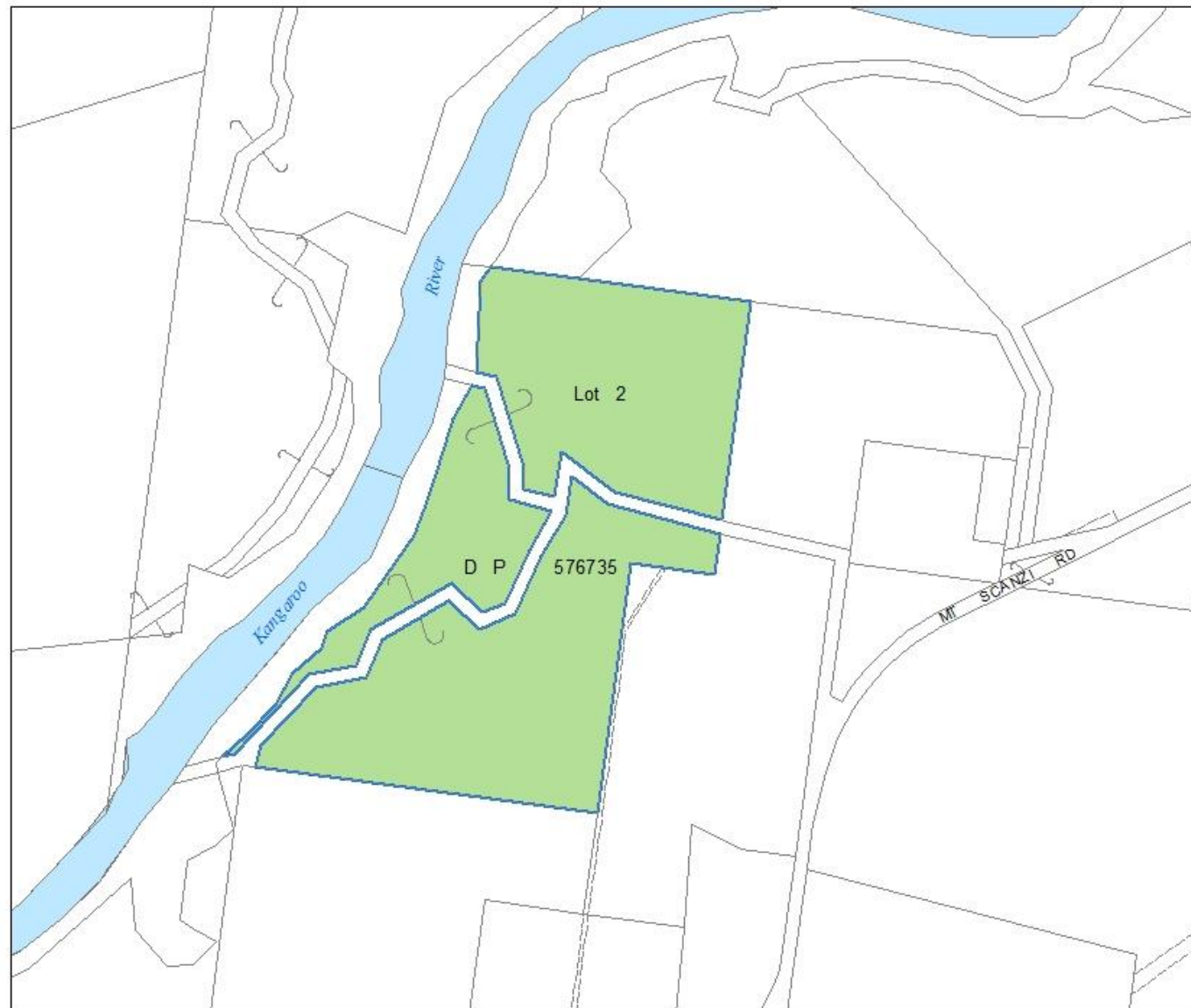
BUDGONG



Council File 50828E

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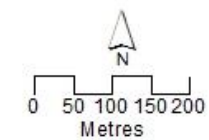
Terrestrial Biodiversity

-  Biodiversity - habitat corridor
-  Excluded Land

PP011
Planning Proposal
Proposed BIO

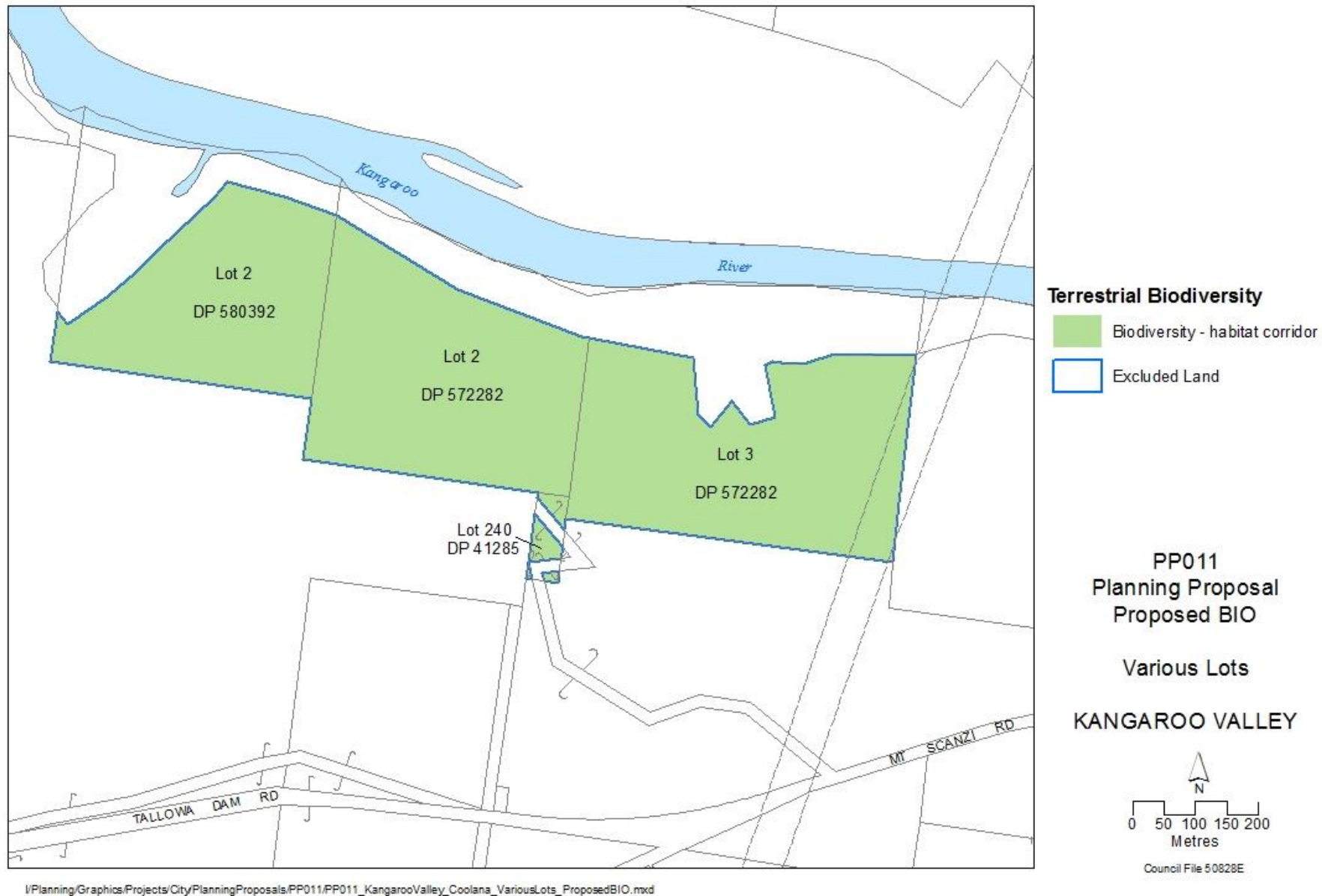
Lot 2 DP 576735

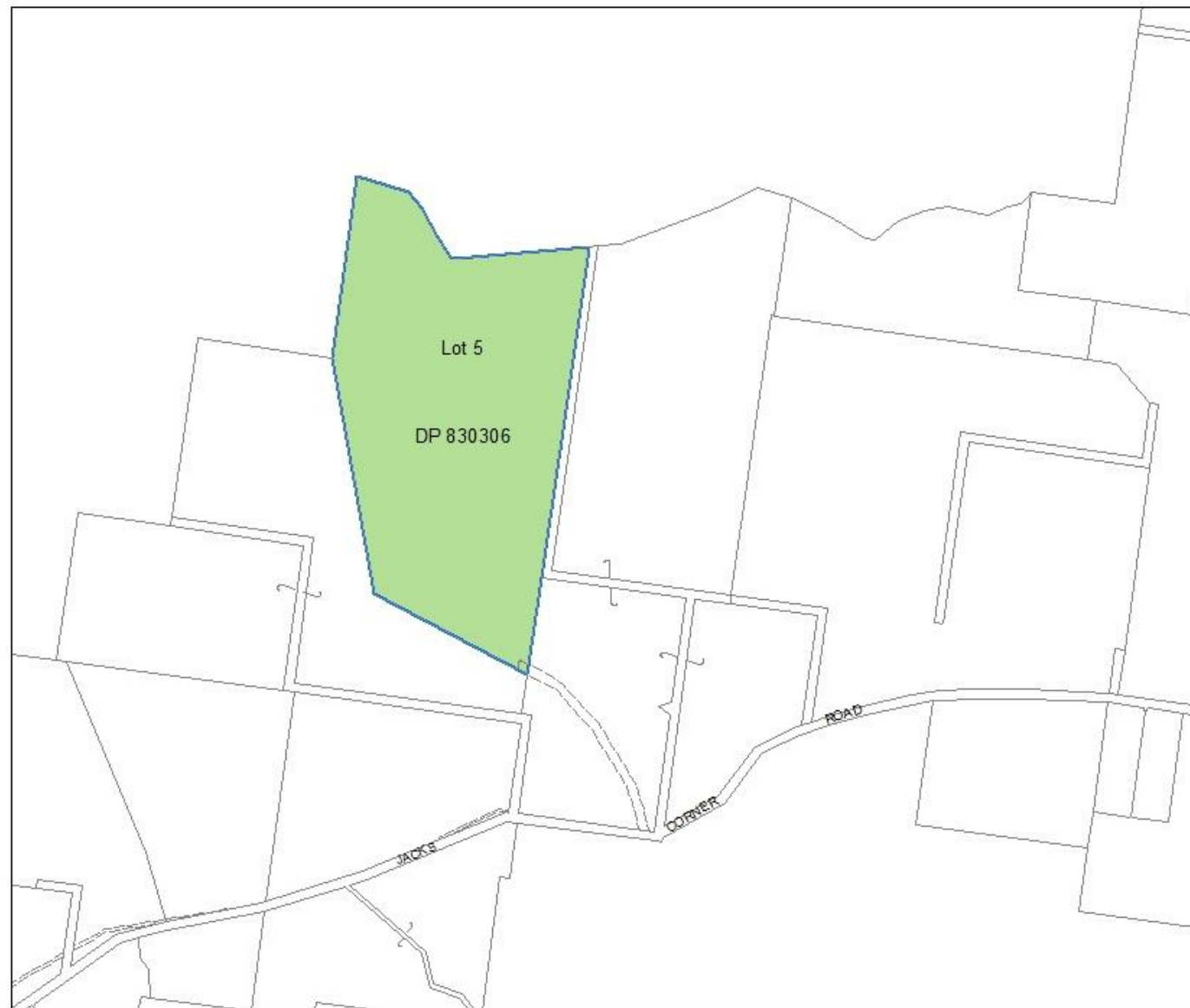
KANGAROO VALLEY




Council File 50828E

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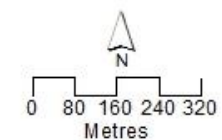
Terrestrial Biodiversity

-  Biodiversity - habitat corridor
-  Excluded Land

PP011
Planning Proposal
Proposed BIO

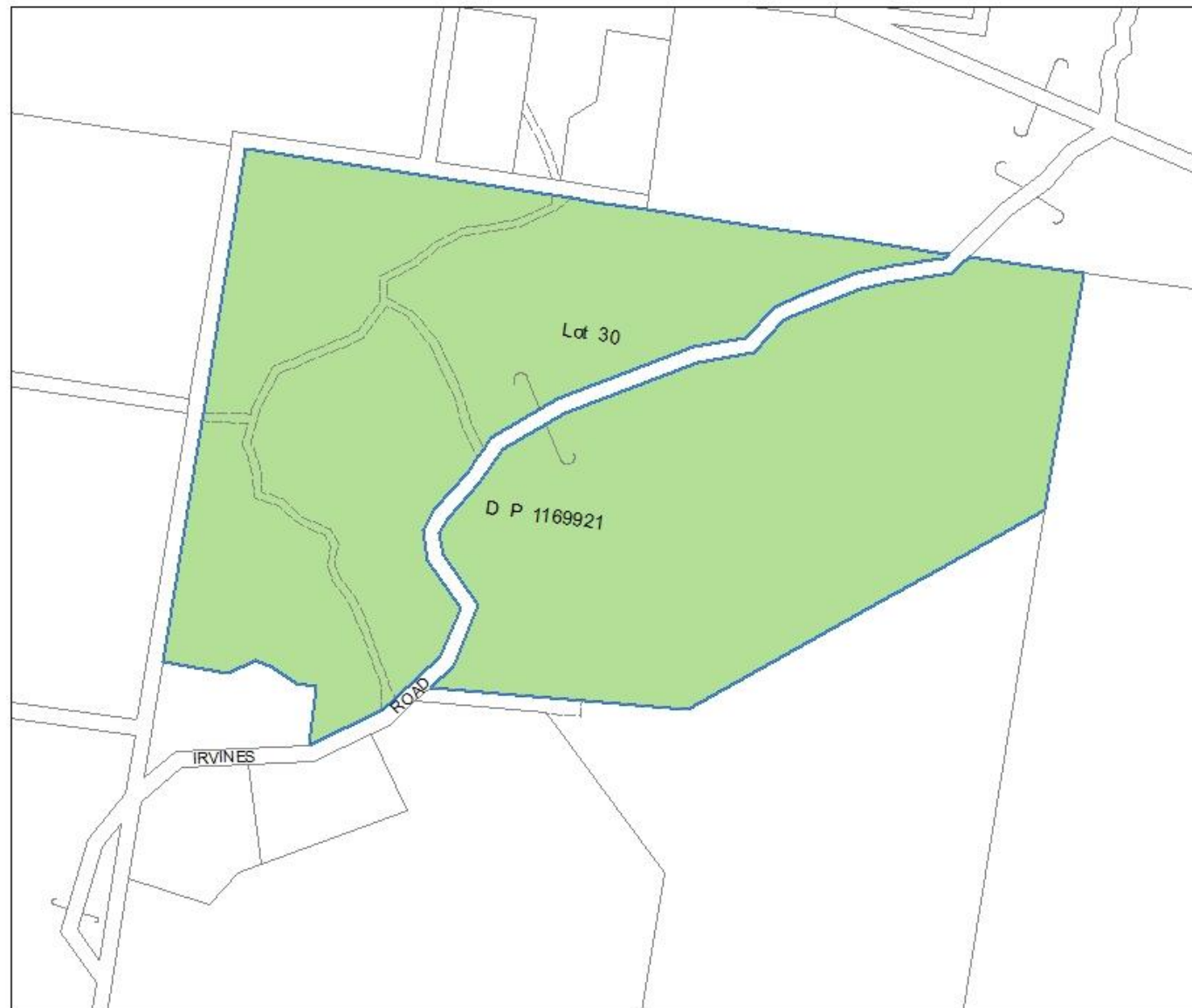
Lot 5 DP 830306

KANGAROO VALLEY



Council File 50828E

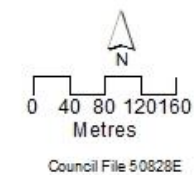
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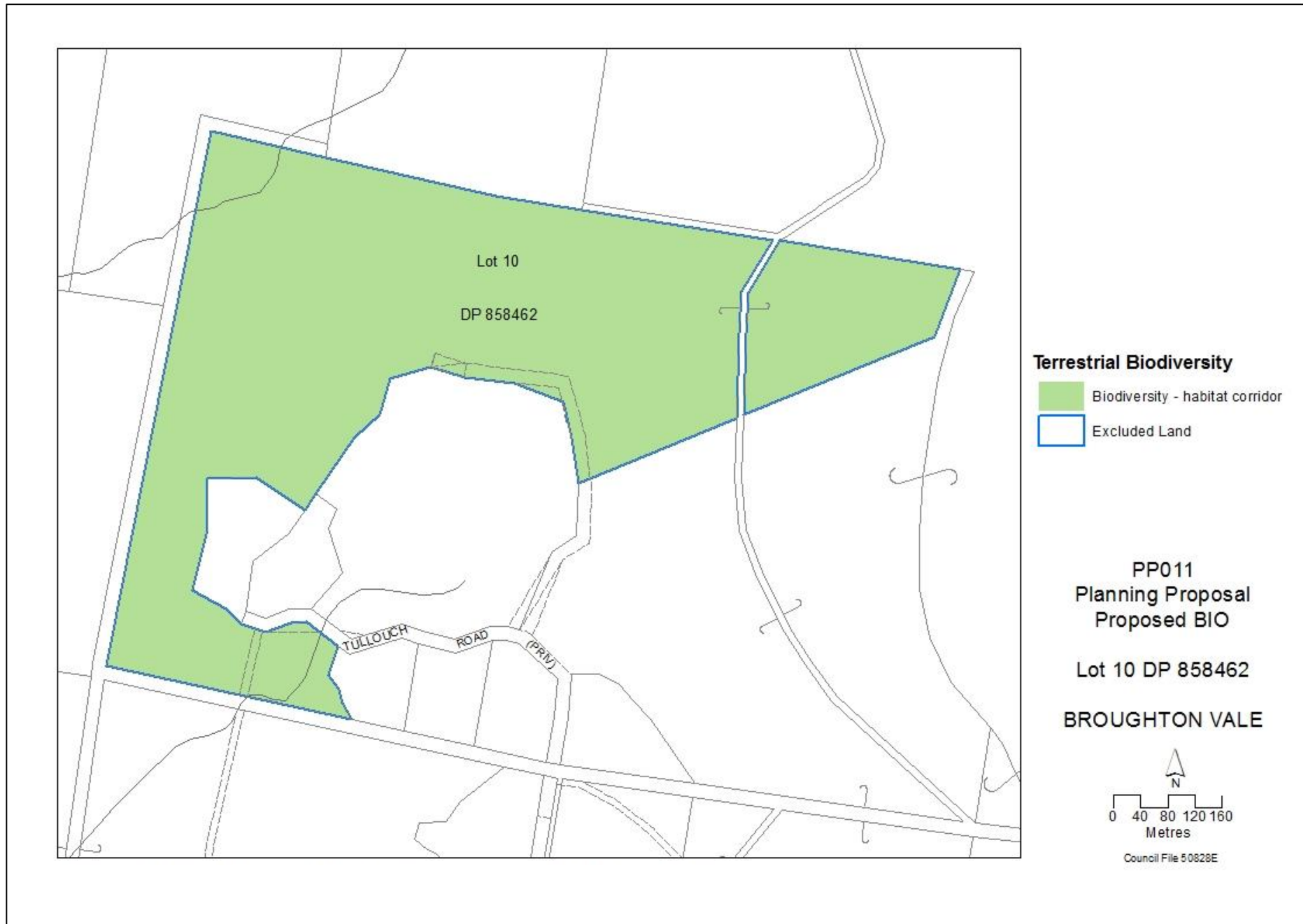
Terrestrial Biodiversity

- Biodiversity - habitat corridor
- Excluded Land

PP011
Planning Proposal
Proposed BIO
Lot 30 DP 1169921
BELLAWONGARAH



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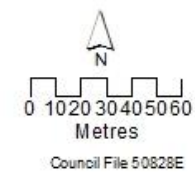
Terrestrial Biodiversity

-  Biodiversity - habitat corridor
-  Excluded Land

PP011
Planning Proposal
Proposed BIO

Various Lots

ST GEORGES BASIN



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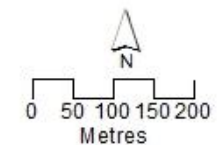
Terrestrial Biodiversity

-  Biodiversity - habitat corridor
-  Excluded Land

PP011
Planning Proposal
Proposed BIO

Various Lots

NARRAWALLEE



Council File 50828E

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Part 3 – Justification

Section A - Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

No.

The PP has arisen from the notification of the LEP in 2014 which replaced SLEP 1985. The proposed amendments included in this PP have been identified as housekeeping issues that need to be addressed to ensure that the LEP operates as originally intended or to improve its operations.

Thus, while these amendments are not the result of a strategic study or report, they are consistent with Council's policy position and will help achieve the expected outcomes of Council's new LEP.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes?

Yes.

A PP is the only means of amending and including clauses, addressing the mapping errors and making spot rezoning changes to the LEP.

There is no other way to achieve the required outcomes.

Section B – Relationship to strategic planning framework

Is the Planning Proposal consistent with the objectives and actions of the South Coast Regional Strategy and the Draft Illawarra Regional Growth and Infrastructure Plan?

Yes.

The PP is consistent with the objectives and actions of the South Coast Regional Strategy and the Draft Illawarra Regional Growth and Infrastructure Plan (the Draft IRGIP). Both of these plans apply to Shoalhaven Local Government Area (LGA) and aim to grow the economy, provide affordable housing, secure agricultural land, build infrastructure and protect natural and cultural environments.

The proposed amendments will better align Shoalhaven LEP 2014 with the aims of these plans and cater for future development more effectively by way of improving the efficiency and operational integrity of the instrument which will enable for more streamlined processes.

South Coast Regional Conservation Plan (2010)

The South Coast Regional Conservation Plan (SCRCP) provides direction to local government on planning and development decision-making so that the biodiversity of the South Coast can be maintained or improved. The PP is consistent with the SCRCP.

Is the Planning Proposal consistent with Shoalhaven 2023?

Yes.

The PP is consistent with Shoalhaven City Council's Community Strategic Plan, Shoalhaven 2023 and the relevant objectives and strategies below:

Place*Objectives:*

- 2.1 A city which values, maintains and enhances its natural and cultural environments
- 2.2 Population and urban settlement growth that is ecologically sustainable and carefully planned and managed
- 2.4 Community infrastructure that is environmentally responsible and ecologically sustainable
- 2.5 Major town centres that are attractive, vibrant and popular destinations

Strategies:

- 2.1.1 Support and enable the sustainable use of the natural environment for education, research and recreation.
- 2.1.2 Ensure that the natural ecological and biological environments and the built and cultural heritage of Shoalhaven are protected and valued through careful management.
- 2.4.2 Develop land use and related plans for the sustainable growth of the City which use the core principles of the Growth Management Strategy and ESD principles, also carefully considering community concerns and the character of unique historic townships.
- 2.5.1 Develop the City's major town centres of Nowra, Ulladulla and Vincentia to include attractive public spaces, retail shopping, entertainment and recreation options for the community.

Prosperity*Objectives:*

- 3.1 An economy with growing employment opportunities based on Shoalhaven's distinct characteristics, advantages and natural qualities
- 3.2 An economy that supports and is supported by growing, diverse and changing communities

Strategies:

- 3.1.1 Implement strategies to support and increase agricultural production
- 3.1.2 Develop Shoalhaven River waterfront and surrounds to make the River a feature of the Shoalhaven region, a place to gather and a place which provides for a range of community uses

Draft Planning Proposal PP011 – Shoalhaven LEP 2014 - Housekeeping Amendment – Stage 3 (File Number: 50828E)

3.2.1 Encourage the development of a range of tourist facilities and accommodation which meet the future needs of Shoalhaven's visitors

3.2.4 Plan and advocate for infrastructure improvements to support economic activity and investment

Leadership

Objectives:

4.4 A Council that is accountable and ecologically and financially sustainable.

Strategies:

4.1.1 Ensure genuine and representative community engagement in Council's decisions, based on Community Engagement Policy principles

4.2.1 Continue to develop and maintain productive relationships with the community, Government and other organisations

Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Yes.

The PP is consistent with the applicable state environmental planning policies (SEPP's). Please see Attachment "B" – Checklist of State Environmental Planning Policies.

Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

Yes. The PP is consistent with the majority of applicable Ministerial Directions. There are minor inconsistencies with the following directions:

2.1 Environmental Protection Zones, however this inconsistency is justified as it is considered to be of minor significance.

The PP is consistent with the applicable Ministerial Directions as shown in Attachment 'C' – Checklist of Ministerial Directions. Those that are relevant are discussed below.

1.1 Business and Industrial Zones

This direction applies as the PP affects land within an existing or proposed business or industry zone. PP011 intends to alter existing business and industrial zones through the following changes:

Instrument Change 12	Clause 7.14 Permanent Occupation in Mixed Use Developments
Map Change 2	Uniting Church Site, 54 Osborne St, Nowra - Addition
Map Change 4	Huskisson Town Centre – Incentives Height of Buildings Map

Map Change 10	Mollymook Golf Club - Addition
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The PP is consistent as it:

- Gives effect to the objectives of Direction 1.1 Business and Industrial Zones;
- Retains the areas and locations of existing business and industrial zones;
- Does not propose to reduce the total potential floor space area for employment uses and related public services in business zones; and
- Does not propose to reduce the total potential floor space area for industrial uses in industrial zones.

1.2 Rural Zones

This direction applies as the PP affects land within an existing or proposed rural zone. PP011 intends to alter provisions for existing rural zones through the following changes:

Instrument Change 1	RU5 Village Land Use Table
Instrument Change 2	Clause 4.1 (4) Minimum subdivision lot size
Instrument Change 3	Clause 4.1A (2) Exceptions to minimum lot sizes for dual occupancies and multi dwelling housing & 4.1C for Exceptions to minimum lot sizes for certain residential development.
Instrument Change 4	Boundary Adjustment Clause – addition of clause
Instrument Change 7	4.2B(3)(f) Subdivision of certain land in zone RU1, zone RU2, zone RU4, zone RU5 and zone E4
Instrument Change 8	Clause 4.2C Subdivision of land fronting a watercourse
Instrument change 9	Clause 4.2E Exceptions to minimum subdivision lot sizes for certain rural and environmental protection zones
Map Change 6	Road Reserve - Grange Road, St Georges Basin
Map Change 12	Leo Dr and Garrads Lane, Narrawallee – rezoning to E2 Environmental Conservation

The PP is consistent as it:

- Does not propose to rezone land from a rural zone to a residential, business, industrial, village or tourist zone; and
- Does not contain provisions that will increase the permissible density of land within a rural zone

1.5 Rural Lands

This direction applies as the PP affects land within an existing or proposed rural or environmental zone and proposing to change the existing minimum lot size on land within a rural or environmental protection zone through the following changes:

Instrument Change 1	RU5 Village Land Use Table
Instrument Change 2	Clause 4.1 Minimum subdivision lot size
Instrument Change 3	Clause 4.1A (2) Exceptions to minimum lot sizes for dual occupancies and multi dwelling housing & 4.1C for Exceptions to minimum lot sizes for certain residential development.
Instrument Change 4	Boundary Adjustment Clause – addition of clause
Instrument Change 7	4.2B(3)(f) Subdivision of certain land in zone RU1, zone RU2, zone RU4, zone RU5 and zone E4
Instrument Change 8	Clause 4.2C Subdivision of land fronting a watercourse
Instrument change 9	Clause 4.2E Exceptions to minimum subdivision lot sizes for certain rural and environmental protection zones
Map Change 6	Road Reserve - Grange Road, St Georges Basin
Map Change 12	Leo Dr and Garrads Lane, Narrawallee – rezoning to E2 Environmental Conservation

The PP is consistent as it:

- is consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*; and
- is consistent with the Rural Subdivision Principles listed in the *State Environmental Planning Policy (Rural Lands) 2008*

2.1 Environmental Protection Zones

This direction applies as PP affects land within an environment protection zone or land otherwise identified for environment protection purposes through the following changes:

Instrument Change 2	Clause 4.1 Minimum subdivision lot size
Instrument Change 3	Clause 4.1A (2) Exceptions to minimum lot sizes for dual occupancies and multi dwelling housing & 4.1C for Exceptions to minimum lot sizes for certain residential development.
Instrument Change 4	Boundary Adjustment Clause – addition of clause
Instrument Change 7	4.2B(3)(f) Subdivision of certain land in zone RU1, zone RU2, zone RU4, zone RU5 and zone E4
Instrument Change 8	Clause 4.2C Subdivision of land fronting a watercourse
Instrument change 9	Clause 4.2E Exceptions to minimum subdivision lot sizes for certain rural and environmental protection zones

Map Change 8	Naval College Road, Vincentia
Map Change 9	Cypress St & North Bendalong Road, Bendalong
Map Change 10	Mollymook Golf Club
Map change 11	Natural Resource Sensitivity Map
Map Change 12	Leo Dr and Garrads Lane, Narrawallee
Map Change 15	Terrestrial Biodiversity Map - Additions

The PP is consistent with this direction with the exception of item Map Change 10. However, this inconsistency is considered to be justified as the proposed change is of minor significance. Item map Change 10 Mollymook Golf Club proposes to reduce the environmental protection that applies to a road easement at Mollymook which is zoned E2 Environmental Conservation. Item Map Change 10 proposes to rezone the road reserve from Zone E2 Environmental Conservation to be an extension of the adjoining zone B4 Mixed Use to allow for its use as an asset protection zone. This inconsistency is considered to be minor as the area to be rezoned is only a narrow area that formed part of a road reserve and it has already been significantly disturbed.

2.2 Coastal Protection

This direction applies as the PP affects land in the coastal zone through the following changes:

Instrument Change 8	Clause 4.2C Subdivision of land fronting a watercourse
Map Change 3	Penguins Head Road, Culburra Beach
Map Change 11	Natural Resource Sensitivity Map

The PP is consistent as it:

- Captures provisions in the LEP that give effect to and are consistent with the *NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997*, the *Coastal Design Guidelines 2003*, and the manual relating to the management of the coastline for the purposes of section 733 of the *Local Government Act 1993* (the NSW Coastline Management Manual 1990)

2.3 Heritage Conservation

This direction applies and the PP is consistent as it does not propose any changes to provisions that conserve the environmental or indigenous heritage significance of items, areas, objects or places.

2.4 Recreational Vehicle Area

This direction applies and the PP is consistent as it:

- does not enable land within an environmental protection zone to be developed for the purpose of a recreation vehicle area;
- does not enable land that comprises a beach or a dune adjacent to or adjoining a beach to be developed for the purposes of a recreation vehicle area;
- does not enable land to be developed for the purpose of a recreation vehicle without consideration towards the provisions of the *Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas 1985*, *Recreation Vehicle Act 1983*, and *Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas 1985*

3.1 Residential Zones

This direction applies as the PP affects land within an existing or proposed residential zone through the following changes:

Instrument Change 2	Clause 4.1(4) Minimum subdivision lot size
Instrument Change 3	Clause 4.1A(2) Exceptions to minimum lot sizes for dual occupancies and multi dwelling housing & Clause 4.2E Exceptions to minimum subdivision lot sizes for certain rural and environmental protection zones
Instrument Change 4	Boundary Adjustment Clause
Instrument Change 5	Subdivision of a tourist development
Instrument Change 6	Clause 4.1B Dual occupancy development in zone R3
Instrument Change 7	Clause 4.2B(3)(f) Subdivision of certain land in zone RU1, RU2, RU4, R5 and E4
Instrument Change 10	Part 6 Urban Release Areas Clause 6.3 Development Control Plan Subclause 4
Instrument Change 11	Clause 7.13 Short-term rental accommodation
Instrument Change 12	Clause 7.14 Permanent occupation in mixed use developments
Map Change 1	Woorin CI & Lyndhurst Dr, Bomaderry
Map Change 3	Penguins Head Road, Culburra Beach
Map Change 4	Huskisson Town Centre - Incentives Height of Buildings Map

Map Change 5	Field St Huskisson, Height of Buildings Map
Map Change 7	The Wool Road, St George Ave & Excellent St, Vincentia – Change to Lot Size Map
Map Change 9	Cypress St & North Bendalong Road, Bendalong
Map Change 14	Forster Dr, Bawley Point – Change to Lot Size Map

With the exception of item Map Change 1, the PP supports provisions that encourage the provision of:

- housing that broadens the choice of building types and locations available in the housing market;
- makes more efficient use of existing infrastructure and services;
- reduces the consumption of land for housing and associated urban development on the urban fringe; and
- good design and improved neighbourhood amenity

Item map change 1 proposes to restrict future development by way of increasing the minimum lot size and prohibiting dual occupancy along Woorin Close and Lyndhurst Dr, Bomaderry. The Nowra Bomaderry Structure Plan identifies the desired future character of the area to *enable greater use of existing infrastructure, providing areas for increased development with lower costs than new subdivision areas with the intention of having approximately 11 hectares of medium density housing such as terraces, townhouses and villas built to allow for a more diverse range of housing stock.*

With relation to land which this direction applies, the PP captures provisions in the LEP that contain subdivision clause changes related to residential accommodation, however they do not reduce the permissible residential density of land.

3.3 Home Occupations

This direction aims to permit home occupations that are low-impact small businesses in dwelling houses without the need for development consent. It applies to the PP which is consistent as it does not propose any changes to home occupations.

3.4 Integrating Land Use and Transport

This direction applies as the PP proposes to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes through the following amendments:

Instrument Change 1	RU5 Village Land Use Table (LUT)
Instrument Change 2	Clause 4.1 Minimum Subdivision Lot Size
Instrument Change 3	Clause 4.1A Exceptions to minimum lot sizes for dual occupancies and multi dwelling housing &

Draft Planning Proposal PP011 – Shoalhaven LEP 2014 - Housekeeping Amendment – Stage 3 (File Number: 50828E)

	Clause 4.1C Exceptions to minimum subdivision lot sizes for certain residential development
Instrument Change 4	Boundary adjustment clause
Instrument Change 5	Subdivision of a tourist development
Instrument Change 6	Clause 4.1B Dual occupancy development in Zone R3
Instrument Change 7	Clause 4.2B(3)(f) Subdivision of certain land in zone RU1, zone RU2, zone RU4, zone R5 and zone E4
Instrument Change 8	Clause 4.2C Subdivision of land fronting a watercourse
Instrument Change 9	Clause 4.2E Exceptions to minimum subdivision lot sizes for certain rural and environmental protection zones
Instrument Change 10	Part 6 Urban Release Areas. Clause 6.3 Development control plan Subclause (4)
Instrument Change 11	Clause 7.13 Short-term rental accommodation
Instrument Change 12	Clause 7.14 Permanent occupation in mixed use developments
Map Change 1	Woorin Cl & Lyndhurst Dr, Bomaderry
Map Change 2	Uniting Church Site Osborne St, Nowra
Map Change 3	Penguins Head Rd, Culburra Beach
Map Change 4	Huskisson Town Centre - Incentives Height of Buildings Map
Map Change 5	Field St, Huskisson, Height of Buildings Map
Map Change 6	Road Reserve - Grange Rd, St Georges Basin
Map Change 7	The Wool Road, St George Ave & Excellent St, Vincentia – Change to Lot Size Map
Map Change 9	Cypress St & North Bendalong Road, Bendalong
Map Change 10	Mollymook Golf Club
Map Change 13	Princes Highway, Ulladulla – Change to Land Zone Map
Map Change 14	Forster Dr, Bawley Point – Change to Lot Size Map

The PP is consistent as it captures provisions in Shoalhaven LEP 2014 that locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and

principles of *Improving Transport Choice – Guidelines for planning and development 2001*, and *The Right Place for Business and Services – Planning Policy 2001*

4.1 Acid Sulphate Soils

This direction applies as the PP captures land that has a probability of containing acid sulphate soils as shown on the Acid Sulphate Soils Planning Maps and is consistent as it:

- Does not propose to introduce provisions to regulate works in acid sulphate soils; and
- Does not propose to intensify land uses on land identified as having a probability of containing acid sulphate soils on the Acid Sulphate Soils Planning Maps.

4.3 Flood Prone Land

This direction applies as the PP creates, removes or alters a zone or a provision that affects flood prone land through item instrument change 9: Clause 4.2C Subdivision of land fronting a watercourse which will minimise the creation of lots fronting a watercourse and is consistent as it:

- Does not alter provisions under the LEP that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005;
- Does not propose to rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection to a Residential, Business, Industrial, Special Use or Special Purpose zone;
- Does not permit development in floodway areas;
- Does not permit development that will result in significant flood impacts to other properties;
- Does not permit a significant increase in the development of flood prone land;
- Is unlikely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services;
- Does not permit development to be carried out without development consent except for the purposes of agriculture, roads or exempt development;
- Does not impose flood related development controls above the residential flood planning level for residential development on land; and
- Does not determine a flood planning level this is inconsistent with the Floodplain Development Manual 2005.

4.4 Planning for Bushfire Protection

This direction applies as the PP affects land across the LGA that is (or is in proximity to) land mapped as bushfire prone land and is consistent as it:

- Has regard to *Planning for Bushfire Protection 2006*;
- Does not affect controls that avoid placing inappropriate development in hazardous areas; and
- Does not affect controls that ensure that bushfire hazard reduction is not prohibited within the APZ.

5.1 Implementation of Regional Strategies

This direction applies as the South Coast Regional Strategy and the Draft Illawarra Regional Growth and Infrastructure Plan apply to Shoalhaven City Council LGA. The PP is consistent with both the South Coast Regional Strategy and the Draft Illawarra Regional Growth and Infrastructure Plan.

5.2 Sydney Drinking Water Catchment

This direction applies as the PP applies to land within the Sydney drinking water catchment within Shoalhaven LGA. The PP is consistent with the following principles:

- water quality within the Sydney drinking water catchment must be protected;
- new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality;
- future land use in the Sydney drinking water catchment should be matched to land and water capability;
- the ecological values of land within a Special Area that is either reserved under the *National Parks and Wildlife Act 1974*; declared as a wilderness area under the *Wilderness Act 1987* or owned or under the care control and management of the Sydney Catchment Authority should be maintained; and
- does not zone land with the Special Areas owned or under the care control and management of Sydney Catchment Authority as set out in the direction.

Section C – Environmental, social and economic impact

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

The likelihood that critical or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal is very low. The PP proposes to make amendments that are of a housekeeping nature to the LEP.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are no other likely environmental effects as a result of the PP.

Has the Planning Proposal adequately addressed any social or economic effects?

The PP is likely to have positive social and economic effects due to the LEP operating in a more efficient manner which will better align the objectives of the instrument with appropriate development.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the Planning Proposal?

The PP does not create additional requirements for public infrastructure. It facilitates development in areas that already have an urban zone; the public infrastructure requirements have or will be considered as these areas are considered for development.

What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council has not consulted with any State or Commonwealth public authorities in relation to PP011. Council will be guided by the consultation requirements specified in the DP&E's Gateway Determination.

Draft Planning Proposal PP011 – Shoalhaven LEP 2014 - Housekeeping Amendment – Stage 3 (File Number: 50828E)

Part 4 – Mapping

The proposed mapping changes are included in Part 2 Explanation of Provisions.

Part 5 – Community consultation

Council proposes to exhibit the PP in accordance with the requirements of Section 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and any other requirements as determined by the Gateway process. It is intended that an exhibition period of 28 days apply, acknowledging the wide range and the complexity of some of the amendments.

Public notification of the exhibition would include notification in the local newspapers, and a notice on Council's website. Hard copies of the PP would be made available at Council's Administrative Buildings in Nowra and Ulladulla.

Part 6 – Project timeline

The following milestone timeframes are anticipated; they will be revised if any significant delays are encountered.

Table 2 - Planning Proposal Project Timeline

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	November 2015
Completion of Gateway determination requirements	December 2015
Public exhibition	January 2016
Consideration of submissions	February 2016
Post exhibition consideration of PP	March 2016
Finalisation and notification of Plan	June 2016

Attachment A – Council Resolution and Report

MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY, 3 NOVEMBER 2015 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.00 PM

1. Planning Proposal – Shoalhaven LEP 2014 – Housekeeping Amendment Stage 3 (PP011) File 50828E (PDR)
-

Conflict of Interest Declaration – Russ Pigg – Item 8, Planning Proposal – Shoalhaven LEP 2014 – Housekeeping Amendment Stage 3 (PP011), page 51 - pecuniary interest – he is a land owner in Woorin CI – left the room, and did not take part in the discussion or vote.

Note: Cllr Anstiss and Cllr Tribe returned to the meeting.

MOTION:

Moved: Findley / Second: Baptist

RESOLVED, in accordance with the Committee's delegated authority from Council, that the Planning Proposal – Shoalhaven LEP 2014 Housekeeping Amendment – Stage 3 (PP011) be submitted to the Department of Planning and Environment for Gateway determination.

CARRIED

FOR: Cllr White, Gash, Robertson, Tribe Kearney, Anstiss, Baptist, Wells, Findley, Watson, Kitchener, McCrudden

AGAINST: Nil

REPORT OF DIRECTOR PLANNING & DEVELOPMENT SERVICES

DEVELOPMENT COMMITTEE

TUESDAY, 3 NOVEMBER 2015

PLANNING AND DEVELOPMENT

ITEMS TO BE DEALT WITH UNDER DELEGATION OF COUNCIL

1. **Planning Proposal – Shoalhaven LEP 2014 – Housekeeping Amendment Stage 3 (PP011)** **File 50828E**

SECTION MANAGER: Gordon Clark.

The General Manager has declared a pecuniary interest in this matter as he is a land owner in Woorin Close, Bomaderry that is affected by the planning proposal. The General Manager has consulted with the Mayor and determined that the Director, Planning & Development Services needs to deal with this matter.

PURPOSE:

To progress the Shoalhaven Local Environmental Plan (LEP) 2014 Housekeeping Amendment – Stage 3 Planning Proposal (PP) to undertake a range of necessary housekeeping adjustments or changes to Shoalhaven LEP 2014.

RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the Planning Proposal – Shoalhaven LEP 2014 Housekeeping Amendment – Stage 3 (PP011) be submitted to the Department of Planning and Environment for Gateway determination.

OPTIONS

1. As recommended - since the commencement of Shoalhaven LEP 2014, a number of anomalies and issues have arisen that need to be resolved in a timely manner including policy changes, rezoning's and more complex mapping changes. Continuous improvement to Shoalhaven LEP 2014 is required to ensure the LEP remains current. This is the preferred option.
2. Revise the amendments to be undertaken - if any items are removed or changed these issues will potentially remain unresolved. It is also important to address the changes proposed in this amendment so that the identified issues, which include policy changes, rezonings and more complex mapping changes, are resolved efficiently.

DETAILS

Housekeeping Amendments – Overview

On 3 June 2014, the Development Committee resolved to commence the process of preparing a PP to make necessary housekeeping amendments to Shoalhaven LEP 2014 and report these for consideration prior to proceeding further.

The housekeeping amendments are being undertaken in the following stages:

- Stage 1 (PP008) inserts 'shop top housing' as permitted with consent in the B3 Commercial Core zone, and a provision to enable subdivision of split zoned land to create a residue lot that is smaller than the minimum lot size (Note: currently being finalised for commencement);
- Stage 2 (PP003) includes heritage map and schedule changes, minor Land Use table changes and the majority of the minor mapping changes (Note: currently with Parliamentary Counsel for final drafting);
- Stage 3A (PP015) clarifies when strata and community title subdivision must comply with the minimum lot size map and that dual occupancies (attached) in certain zones are subject to the same provisions as dwelling houses (Note: currently with State Government awaiting Gateway determination);
- Stage 3 (PP011) includes more detailed instrument changes, rezoning's, and more complex mapping changes (Note: this report); and
- Stage 4 (PP012) updates the flood mapping for Broughton Creek, St Georges Basin, Lake Conjola, and Burrill Lake (Note: in early preparation).

Housekeeping Amendment - Stage 3

The draft PP details 28 issues to be resolved or adjusted – see (Attachment "A" – Draft Planning Proposal). The proposed changes in the draft PP are required to bring into effect policy changes, rezonings, and complex mapping changes that have been identified as needing resolution in Shoalhaven LEP 2014. The individual issues are summarised below and outlined in detail in the attached PP document.

Instrument changes	
No.	Change
1.	RU5 Village Zone Insert 'industrial retail outlets', 'multi dwelling housing', and 'storage premises' as permitted with consent uses in the RU5 Village zone;
2.	Battle axe blocks Set a minimum lot size of 650m ² in certain residential zones, and exclude the access handle from the lot size calculation for battle axe lots;
3.	R3 Medium Density Residential zone Remove reference to the R3 Medium Density Residential zone in Clause 4.1A Exceptions to minimum lot sizes for dual occupancies and multi dwelling housing and Clause 4.1C Exceptions to minimum subdivision lot sizes for certain residential development;
4.	Boundary adjustment clause

Instrument changes	
No.	Change
	Include an additional clause that is similar to Clause 11C Subdivision – boundary adjustments in Shoalhaven LEP 1985. This will allow for boundary adjustments of properties which are both less than the minimum lot size and/or the change in lot size is greater than a 10% increase/decrease of the original size of the property;
5.	Subdivision of tourist and visitor information Insert a provision to restrict the subdivision of tourist and visitor accommodation to strata or community title subdivision;
6.	Dual occupancy in R3 Medium Density Residential zone Amend Clause 4.1B Dual Occupancy Development in Zone R3 to reflect the intention of the clause to only permit 'dual occupancies' on R3 Medium Density Residential zoned lots that are less than 800m ² . The current clause only allows them when the lot is larger than 800m ² ;
7.	Lot density - Termeil Amend the wording of subclause (3)(f) of Clause 4.2B Subdivision of certain land in Zone RU1, Zone RU2, Zone RU4, Zone R5 and Zone E4 which sets a density control for a specific area at Termeil to clarify the intent of the clause;
8.	Subdivision of land fronting a watercourse Include zone RU4 Primary Production Small Lots and zone E4 Environmental Living in Clause 4.2C Subdivision of land fronting a watercourse as these zones front watercourses and should be included;
9.	Exceptions to minimum subdivision lot sizes for certain RU and E zones Amend the wording in Clause 4.2E Exceptions to minimum subdivision lot sizes for certain rural and environmental protection zones from 'existing development consent' to 'existing lawful use' as some forms of agriculture do not require consent which then excludes certain land from the operation of the clause;
10.	Urban Release Areas Amend Clause 6.3 Development control plan to make it clear that subdivision is not considered to be of a 'minor nature' for the purpose of subclause (4) (d). This will prevent pre-emptive subdivisions in urban release areas;
11.	Restriction of weddings/functions in holiday rentals Including a subclause under Clause 7.13 short-term rental accommodation to specifically restrict weddings/functions;
12.	Permanent occupation in mixed use developments Amend the wording of Clause 7.14 Permanent occupation in mixed use developments to allow a range of housing types on land effected by this clause. This is to rectify drafting changes made to Shoalhaven LEP 2014 prior to finalisation;
13.	Bonus heights in Huskisson Town Centre Insert a clause to detail when bonus heights may be considered for Huskisson Town Centre (with associated mapping – See Map Change 4); and
14.	Exempting community events Include 'Community Events' as exempt development in Schedule 2 – Exempt Development to reflect the situation that existed previously under Shoalhaven LEP 1985.
Map changes	

No.	Change
1.	Change to Lot Size Map – Woorin Cl and Lyndhurst Dr, Bomaderry Amend the Lot Size Map for 1-21 Woorin Cl & 91, 93, 95, 97, 99 & 101 Lyndhurst Dr, Bomaderry to prevent subdivision (including dual occupancy subdivision); consistent with Council's resolution.
2.	Change to Land Zone Map – Osbourne House, Nowra Rezone the part of 54 Osborne St, Nowra zoned SP2 Infrastructure Facilities (Housing and Group Homes) and the adjacent road reserve to B4 Mixed Use, consistent with adjoining land;
3.	Change to zone – Culburra Beach Rezone a small area of 210 Penguins Head Rd, Culburra Beach from RE1 Public Recreation to R3 Medium Density given that the land is privately owned;
4.	Inclusion of an Incentives Height of Buildings Map – Huskisson Town Centre Map the bonus heights of 13 and 16 metres in Huskisson Town Centre as per the DCP on a Incentives Height of Buildings Map (with associated clause – See Instrument Change 14);
5.	Change to height of buildings – 15 Field St, Huskisson Amend the Height of Buildings Map for 15 Field St, Huskisson to map a maximum height of buildings of 8m across the whole of the property;
6.	Change to zone for Grange Rd, St Georges Basin Rezone part of Grange Rd, St Georges Basin from RU2 Rural Landscape to SP2 Infrastructure;
7.	Allow subdivision of dual occupancies – The Wool Rd, St George Ave, and Excellent St, Vincentia Amend the Lot Size Map to include the properties at 12 to 32 The Wool Rd; 4 to 12 St George Ave; and 36 to 50 Excellent St within Area 1 for the purposes of Clause 4.1A to allow subdivision of dual occupancies;
8.	Removal from Land Reservation Acquisition Map – Paper subdivision, Vincentia Amend the Land Reservation Acquisition Map to remove properties that have been acquired by State Government at Vincentia;
9.	Change to Land Zone Map – Crown land at Bendalong Rezone part of Crown Land at Cypress St and North Bendalong Rd, Bendalong from R2 Low Density Residential to E2 Environmental Conservation;
10.	Change to Land Zone Map – Mollymook (adjacent to Mollymook Golf Club) Rezone part of a closed road adjacent to the Mollymook Golf Course from E2 Environmental Conservation to B4 Mixed Use as per the adjoining land;
11.	Addition to Natural Resource Sensitivity – Land Map – Narrawallee Amend the Natural Resource Sensitivity - Land Map overlay to show all properties in Surfers Ave, Tallwood Ave and Bannister Head Rd, Narrawallee to which the Coastal Risk Planning Map overlay currently applies;
12.	Change of zone – Bio-banking site at Narrawallee Zone all of the bio-banking site at Leo Dr and Garrads Lane, Narrawallee to E2 Environmental Conservation as per the Council resolution of 3 September 2013;
13.	Change to zone – Princes Highway, Ulladulla Amend the zone boundaries in the vicinity of 418 Princes Hwy, Ulladulla to align with the cadastre, and zone the sewerage pumping station SP2 Infrastructure (Sewerage System);
14.	Increase to minimum lot size – 132 Forster Dr, Bawley Point

	Amend the Lot Size Map for 132 Forster Dr, Bawley Point to show 80ha to prevent further subdivision, consistent with the approval issued for the site; and
15.	Additions to Terrestrial Biodiversity Map – Various properties Citywide Amend the Terrestrial Biodiversity Map to include eleven properties which have a voluntary conservation or bio-banking agreement over them as 'Biodiversity – habitat corridor' and 'Excluded land'.

Relevant Matters

Timing

The timing of some of the proposed changes are more sensitive than others, such as the boundary adjustment clause which has potential development applications awaiting the inclusion of this clause. Should certain issues in the PP delay its progress, the more time sensitive changes will be progressed separately and ahead of the rest of the PP, if necessary.

Map Change 1 - Woorin Cl and Lyndhurst Dr

The original Council resolution, to prevent subdivision in this area, included lots which were not part of the original subdivision and are not of the larger size the amendment is seeking to maintain. These additional lots have been removed from PP and are shown in green on the map below.



Woorin Cl and Lyndhurst Dr

Map Change 9 - Crown land at Bendalong

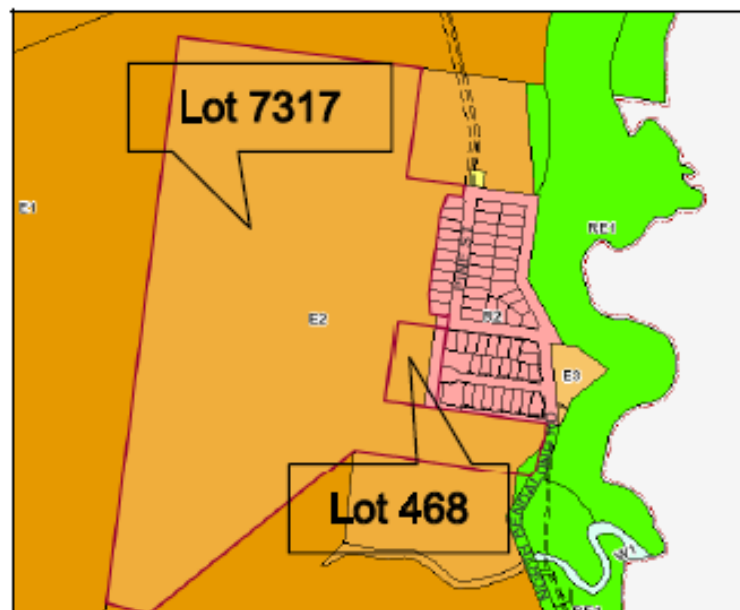
This change proposes to rezone part of the Crown Land, at Lot 468 DP 755923 (Por 468) Cypress St and Lot 7317 DP 1168554 North Bendalong Rd (see map below), from R2 Low Density Residential to E2 Environmental Conservation.

This land has been the subject of a number of Council reports in relation to a subdivision application over the adjoining land. While the land is owned by the Crown, the landowner of the adjoining land was in discussions with Crown Lands to purchase Lot 468 to include in his subdivision application. This did not eventuate as the State Government refused to grant the required 'master plan waiver' under SEPP 71 - Coastal Protection. The landowner also made submissions during the preparation of Shoalhaven LEP 2014 that the whole of Lot 468 be rezoned to residential; this was not supported by Council as it was contrary to the findings of the State Government's Sensitive Urban Lands Review.

The 20m strip zoned R2 Low Density Residential on Lots 468 and 7317 was to enable the possible construction of a perimeter road to connect back up to Cypress St. This was to achieve the intent of the Sensitive Urban Lands Review Panel findings, including providing better protection against bushfire risk.

However, the subdivision of the adjoining land was approved with a different configuration and as a result the 20m strip zoned R2 Low Density Residential was not utilised as a perimeter road. Crown Lands have listed Lot 468 for sale and Council has received enquiries regarding the possible future development for a dwelling or dwellings within the 20m strip given its R2 zoning.

This proposed zone change may be contentious and Council may wish to not include this change in this PP.



Lot 468 DP 755923 (Por 468) Cypress St and Lot 7317 DP 1168554
North Bendalong Rd, Bendalong

CONCLUSION

Should the recommendation be adopted, the PP will be submitted to the State Government for Gateway determination. Should Gateway approval be given, the PP will

then proceed to be publically exhibited. Further reports will be provided as this matter moves through the PP process.

FINANCIAL IMPLICATIONS:

The PP is being resourced within the existing Strategic Planning budget.

COMMUNITY ENGAGEMENT:

Should the PP be granted Gateway approval, the PP will be exhibited for comment in accordance with Council's Community Engagement Policy at Level 1 to 'inform' and 'consult', and in accordance with the relevant legislative requirements. The Gateway approval will specify the minimum exhibition period and any government agencies who should be consulted. Any directly affected landowners will also be advised of the exhibition arrangements, as will all CCB's.

Tim Fletcher

PLANNING & DEVELOPMENT SERVICES

Attachment B – Checklist of State Environmental Planning Policies

Draft LEP Checklist – State Environmental Planning Policies – Stage 3 LEP Housekeeping Amendment

SEPP	Date	Name	Applicable	Not inconsistent
1	17.05.02	Development Standards	✓	✓
14	12.12.85	Coastal wetlands	✓	✓
15	14.01.11	Rural Land sharing Communities	✗	n/a
19	22.02.14	Bushland in Urban Areas	✗	n/a
21	24.04.92	Caravan parks	✓	✓
26	05.02.88	Littoral rainforests	✓	✓
30	08.12.89	Intensive agriculture	✓	✓
32	15.11.91	Urban consolidation (Redevelopment of urban land)	✓	✓
33	13.03.92	Hazardous and Offensive development	✓	✓
36	16.07.93	Manufactured home estates	✓	✓
44	06.01.95	Koala habitat protection	✓	✓
50	10.11.97	Canal estate development	✓	✓
55	28.08.98	Remediation of land	✓	✓
62	25.09.00	Sustainable aquaculture	✓	✓
64	16.03.01	Advertising and signage	✓	✓
65	26.07.02	Design quality of residential flat development	✓	✓
71	01.11.02	Coastal protection	✓	✓
--	31.03.04	Housing for Seniors or People with a Disability 2004	✓	✓
--	25.06.04	BASIX : 2004	✓	✓
--	01.08.05	Major Development 2005	✓	✓
--	16.02.07	Mining, Petroleum Production and Extractive Industries 2007	✓	✓
--	26.10.07	Miscellaneous Consent Provisions 2007	✓	✓
--	01.01.08	Infrastructure 2007	✓	✓
--	09.05.08	Rural Lands 2008	✓	✓
--	12.12.08	Exempt and Complying Development Codes 2008	✓	✓
--	31.07.09	Affordable Rental Housing 2009	✓	✓
--	15.12.10	Urban Renewal 2010	✗	n/a
--	21.01.11	Sydney Drinking Water Catchment 2011	✓	✓
--	28.09.11	State and Regional Development 2011	✓	✓

Attachment C – Checklist of Ministerial Directions

Draft LEP Checklist – Section 117(2) Directions – Stage 2, Part 2 – Housekeeping Amendment

Direction		Applicable	Relevant	Consistent
1 Employment and Resources				
1.1	Business and Industrial Zones	✓	✓	✓
1.2	Rural Zones	✓	✓	✓
1.3	Mining, Petroleum Production and Extractive Industries	✓	✗	n/a
1.4	Oyster Aquaculture	✓	✗	n/a
1.5	Rural lands	✓	✓	✓
2 Environment and Heritage				
2.1	Environmental Protection Zones	✓	✓	✗
2.2	Coastal Protection	✓	✓	✓
2.3	Heritage Conservation	✓	✓	✓
2.4	Recreation Vehicle Area	✓	✓	✓
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	✓	✓	✓
3.2	Caravan Parks and Manufactured Home Estates	✓	✓	✓
3.3	Home Occupations	✓	✓	✓
3.4	Integrating Land Use and Transport	✓	✓	✓
3.5	Development Near Licensed Aerodromes	✗	n/a	n/a
3.6	Shooting Ranges	✗	n/a	n/a
4 Hazard and Risk				
4.1	Acid Sulphate Soils	✓	✓	✓
4.2	Mine Subsidence and Unstable Land	✗	n/a	n/a
4.3	Flood Prone Land	✓	✓	✓
4.4	Planning for Bushfire Protection	✓	✓	✓
5 Regional Planning				
5.1	Implementation of Regional Strategies	✓	✓	✓
5.2	Sydney Drinking Water Catchments	✓	✓	✓
5.3	Farmland of State & Regional Significance Far North Coast	✗	n/a	n/a
5.4	Commercial & Retail Development Far North Coast	✗	n/a	n/a
5.8	2 nd Sydney Airport: Badgerys Creek	✗	n/a	n/a
5.9	North West Rail Link Corridor Strategy	✗	n/a	n/a
6 Local Plan Making				
6.1	Approval and Referral Requirements	✓	✗	n/a
6.2	Reserving Land for Public Purposes	✓	✗	n/a
6.3	Site Specific Provisions	✗	n/a	n/a

Draft Planning Proposal PP011 – Shoalhaven LEP 2014 - Housekeeping Amendment – Stage 3 (File Number: 50828E)