

Scoping Proposal Template

For 'standard' and 'complex' Planning Proposals in the
Shoalhaven Local Government Area

Attention: This template is generic, therefore it does not preclude Council from requiring any additional information and/or studies not identified, if Council considers it will assist the pre-lodgement process.

Disclaimer: This scoping proposal template is provided for guidance purposes only in the preparation of a draft PP. Proponents should do their own research and pay particular attention to local planning controls, guidelines, and conditions.

Contents

1	Background.....	2
2	Essential information	3
2.1	Preliminary.....	3
2.2	Site Characteristics.....	3
2.3	Proposal Details	4
2.3.1	Concept Plans	4
2.3.2	Metrics.....	5
2.4	Supporting Planning Mechanisms	5
2.4.1	Development Control Plan (DCP)	5
2.4.2	Contributions Plan (CP).....	5
2.4.3	Planning agreement (VPA).....	5
2.4.4	Biodiversity certification.....	5
2.5	Justification.....	6
2.5.1	Strategic merit	6
2.5.2	Site merit	6
2.6	Proposed supporting technical studies.....	8
2.7	Consultation.....	8
2.8	Discussion Points	8
3	Digital files and quality control	9
3.1	File size	9
3.2	Accuracy and quality	9
3.3	Privacy.....	9
4	Fees.....	9

1 Background

Sections 3.31 to 3.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) set out the process to amend an LEP via the preparation of a **planning proposal (PP)**. Council follows the pre-lodgement framework as set out in DPE's [Local Environmental Plan Making Guideline](#). If the PP is a standard or complex PP, a scoping proposal will need to be submitted and reviewed by Council before a pre-lodgement meeting can be arranged.

A **scoping proposal** is a document developed in the early stages of a draft PP to outline the proposal, key issues, completed and expected consultation with agencies as part of the development and progression of a PP. The level of detail provided in the scoping proposal should be tailored to and commensurate with the scale and complexity of the planning proposal and potential impacts.

This Scoping Proposal Template sets out information to assist proponents preparing a scoping proposal ahead of preparing/submitting a draft planning proposal (PP) to Council. It is a guide only and is not exhaustive. Some topics may require more detail and others may not be relevant.

The information provided will be used by Council and the relevant authorities and government agencies (as required) to identify key issues or matters that need to be addressed during preparation of a PP, as well as the need for supporting technical studies. Based on the information provided, PP requirements will then be developed by Council for a proponent-initiated proposal.

The information included in the scoping proposal will also be used by Council to inform its initial view as to whether a proponent-initiated PP as both strategic merit and site merit.

This template is to be used for 'standard' and 'complex' PPs. It provides guidance on the detail required including:

- a summary of the proposed changes to the LEP and the intended development outcome.
- identification and discussion of key issues/matters that would need to be addressed in the PP.
- an assessment of both strategic and site merit.
- identification and scope of supporting studies, already completed or proposed to be completed.
- agencies and authorities that have been or may need to be consulted during preparation of the PP.
- Any associated planning mechanisms that might be needed to support the PP, e.g. development control plan, contributions plan, planning agreement, biodiversity certification.

This template should be read in conjunction with Council's [Guideline for Proponent-Initiated Planning Proposals](#) and the Department of Planning & Environment's¹ [Local Environmental Plan Making Guideline](#) and [supporting resources](#) which include:

Attachment A – Scoping Proposal Template¹

Attachment B – Interim Authority and Government Agency Planning Proposal Pre-lodgement referral checklist

Attachment C – Supporting Technical Information

Further information on the PP process and resources are available on [DPE's¹ website](#) and from the [Planning Proposal page](#) on Shoalhaven City Council's website:

2 Essential information

The following details must be included in a Scoping Proposal.

2.1 Preliminary

This section should provide a basic introduction to the proposal, including:

- Proponent's details – include your preferred courtesy title; your full name and your company name (if relevant); at least one regularly monitored email address; at least one contact mobile phone number; and your full mailing address including street, number, street name and suburb, state and postcode.
- Subject land / site details – include all of the following: street number, street name, lot number(s), section number (if relevant), DP number(s), suburb/town/village/locality and the area of the land in m² or hectares.
- Brief description of Proposal – nominate the anticipated proposal type, whether 'standard' or 'complex' and identify the applicable LEP(s) proposed to be amended:
 - Shoalhaven Local Environmental Plan 2014
 - Shoalhaven Local Environmental Plan (Jerberra) 2014
 - Shoalhaven Local Environmental Plan 1985; and/or
 - Shoalhaven IDO No. 1

Briefly describe the proposed LEP amendment.

- Background and context (if relevant) – include details of any prior discussions with DPE or Council. Include outcomes of previous consultation (if relevant) with NSW Government authorities, agencies and/or service providers.

2.2 Site Characteristics

This section should explain the characteristics of the site and surrounds and include a high level opportunities and constraints analysis.

¹ This Template is focused on local planning issues in the Shoalhaven LGA. It should be used by proponents in lieu of Appendix A – Scoping Proposal Template, DPE Local Environmental Plan Making Guidelines. Appendix A has been included here for the sake of completeness only.

Describe the characteristics of the site and its surrounds that may warrant additional impact assessment through supporting studies and investigations for the PP. Examples of key site-specific issues are provided below:

- Historical and existing development and land use(s)
- Surrounding development and land uses(s)
- Important site features:
 - Topography and hydrology
 - Ecological characteristics and values
 - Heritage (Aboriginal and non-Aboriginal)
 - Scenic and culturally important landscapes
 - Local character (refer to the [Shoalhaven Character Assessments Report 2020](#) Note this has not been endorsed by Council)
 - Access and Transport
 - Major infrastructure (roads, rail, pipelines, transmission lines)
 - Services (water, wastewater, stormwater, etc) and utilities (gas, electricity, NBN, etc)
 - Community and social services

2.3 Proposal Details

This section should provide a detailed overview of the proposal using supporting maps, site plans, aerial photographs, figures and tables (as relevant).

Describe the land use and activities proposed to be carried out on site and distribution of those uses, and the LEP changes needed to facilitate this. Specify the LEP changes and explain the anticipated development outcomes with reference to:

- Existing and proposed zones
- Existing and proposed lot sizes
- Additional permitted uses
- Heights of buildings – Existing and proposed, both on the site and adjoining/adjacent properties
- Map overlay(s) – Specify any/all affected overlays and proposed changes, e.g. urban release area, heritage, terrestrial biodiversity
- Clause changes – specify the relevant clauses and describe the proposed change
- Other – specify any other proposed changes to the relevant LEP

Include map(s) to illustrate the proposed changes to the LEP map overlays.

2.3.1 Concept Plans

In some situations, for example a proposal to rezone land for **residential accommodation**, it may be helpful to provide a conceptual layout of the site and/or concept details (as relevant).

2.3.2 Metrics

- Specify expected lot and/or dwelling yield (if relevant).
- Provide details of anticipated job creation where relevant.

2.4 Supporting Planning Mechanisms

Does the proposed LEP amendment require any supporting planning mechanisms such as those outlined below?

2.4.1 Development Control Plan (DCP)

Identify any provisions of [Shoalhaven Development Control Plan 2014](#) that would need to be amended to facilitate the proposal. For example, is there an area specific chapter that applies or any existing development standards in a generic chapter that would limit or preclude the development proposal that would need to be amended.

Are there any aspects of the PP including anticipated development outcomes that could be facilitated by the introduction of new development controls in the DCP. Outline these and provide maps/plans to assist Council to understand your proposal.

Please provide this information in tabular format and reference all relevant map and clause changes.

2.4.2 Contributions Plan (CP)

Identify any provisions of the [Shoalhaven Contributions Plan 2019](#) that may be necessary or desirable. Outline any changes required or new proposals and provide this information in tabular format.

2.4.3 Planning agreement (VPA)

Local planning agreements are negotiated between a developer and a council, for the provision of infrastructure to support communities under Part 7 of the Environmental Planning and Assessment Act 1979.

Are there any aspects of the proposal that would best be delivered by way of a Developer Infrastructure Agreement, eg the dedication of land to Council for a local park, public road, carpark, buffer zone or easement, streetscaping, road upgrading etc. Refer to [Council's Planning Register](#) for examples where infrastructure and land has been delivered to Council by a planning agreement.

2.4.4 Biodiversity certification

Does the proposal involve the clearing of environmentally sensitive land for residential development? Has a threatened species assessment been undertaken? Is bio-certification and/or a biodiversity stewardship agreement being considered in order to deliver development outcomes? Provide details and refer to 'Site Merit' below for further information.

2.5 Justification

The scoping proposal should include a preliminary assessment of the proposal's strategic merit and site merit, as PPs must have both to progress. An outline of matters to be addressed is provided below.

2.5.1 **Strategic merit**

Strategic merit means a proposal has alignment with the NSW strategic planning framework and government priority as per p72 of the DPIE Local Environmental Plan Making Guideline.

This section of the scoping proposal should include a summary of how the proposal aligns with or gives effect to the strategic planning framework, which currently includes:

- [Illawarra Shoalhaven Regional Plan 2041](#)
- [State Environmental Planning Policies](#)
- [Ministerial \(Local\) Planning Directions](#)
- NSW Government – [Shoalhaven Regional Economic Development Strategy 2018-2022](#)
- Any other relevant DPE endorsed or approved district or local planning strategy
- Council's Local Strategic Planning Statement (LSPS) – [Our Strategic Land-use Planning Statement \(Shoalhaven 2040\)](#)
- [Shoalhaven Growth Management Strategy](#) incorporating
 - [Nowra-Bomaderry Structure Plan](#)
 - [Jervis Bay Settlement Strategy](#)
 - [Milton-Ulladulla Structure Plan](#)
 - [Sussex Inlet Settlement Strategy](#)
- [Shoalhaven 2032 Community Strategic Plan](#)
- [Shoalhaven Affordable Housing Strategy 2017](#)

Outline any key objectives/actions in the above documents to which the proposal either strongly aligns, or is potentially inconsistent with. The above list is not exhaustive and due diligence should be followed. If there are inconsistencies, explain why these are acceptable and justified. This information should be presented in a tabular format.

The scoping proposal should also identify any potential inconsistencies with the Local Planning Directions issued under section 9.1 of the EP&A Act or any State Environmental Planning Policies ("SEPPs").

See pages 72-78 of DPE's [Local Environmental Plan Making Guideline](#) for further information.

2.5.2 **Site merit**

DPE's Local Environmental Plan Making Guideline describes site merit as:

A proposal's demonstrated environmental, social and economic impact on the site and surrounds and ability to be accommodated within the capacity of the current and/or future infrastructure and services.

In this section, identify key impact assessment considerations (including risks and hazards) to be addressed as part of the PP documentation. Further guidance on key issues that frequently occur in the Shoalhaven LGA is provided below.

Biodiversity

The Shoalhaven LGA is a unique area with outstanding biodiversity values. Vast intact natural areas stretching from the escarpment to the coast, include complex and diverse native vegetation communities that support a wide range of threatened plants and animals and endangered ecological communities (EECs).

A snapshot taken in 2020 identified that 153 threatened species and 16 EECs were known to occur. Ninety (90) threatened fauna were listed under the *NSW Biodiversity Conservation Act 2016* (BC Act) and 56 species under the [Cwlth Environment Protection and Biodiversity Conservation Act 1999](#) (EPBC Act). All 16 EECs are listed under the BC Act and 11 under the EPBC Act. A further +40 species of threatened flora are listed under the BC Act, more than half of these are also protected under the EPBC Act.

If native vegetation is likely to be impacted, a flora and fauna assessment will be required to demonstrate that no significant impact (direct and indirect) will result to threatened entities, specifically (but not limited to) EECs and threatened hollow-dependent fauna species, as a result of the proposed development.

Any surveys must be undertaken in accordance with [Surveying threatened plants and their habitats \(DPIE 2020\)](#).

For the purposes of assessing impacts on threatened species, the locations of any identified features of high habitat value such as hollow-bearing trees, must be shown on a site plan as being proposed for removal or retention.

Survey methods and effort must be consistent with [Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities - working draft \(DEC 2004\)](#).

The BioNet Threatened Biodiversity Profiles data collection contains information about NSW and nationally listed threatened entities and key threatening processes in NSW. For more information see:

<https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/nsw-bionet/about-bionet-atlas/threatened-biodiversity-profiles>

Aboriginal and non-Aboriginal heritage values

The Shoalhaven is a unique natural and cultural environment with rich Aboriginal history spanning more than 40,000 years. Throughout, there are significant markers of Indigenous occupation, with many cutting and scraping stones found in key areas, shell middens along the rivers and coast and secret and sacred sites in key landscape formations.

Aboriginal oral history records the sighting of Cook's voyage and the First Fleet. First contact is believed to have occurred in 1797 with survivors from the Sydney Cove shipwreck travelling overland from Point Hicks (Victoria) to Sydney.

White settlement of the area occurred in 1822 when Alexander Berry was granted 10,000 acres and 100 convicts to establish a settlement on the south coast of New South Wales. The rapid development of white settlement in the region is illustrated in the many historical structures still standing and in use today.

Aboriginal Cultural Heritage is protected under Section 90 of the *National Parks and Wildlife Act 1974*. If Aboriginal Cultural Heritage may be impacted, an Aboriginal Cultural Heritage Assessment (ACHA) would be required.

Are there any items of State or local heritage significance on the site? If so, how might these be impacted? Is a heritage assessment required? Refer to [Shoalhaven LEP 2014 – Schedule 5](#) for a list of local items.

2.6 Proposed supporting technical studies

Describe the scope and depth of any studies proposed to support the PP. Matters that may need to be investigated if a PP is pursued will depend on the nature of the proposal, but can include:

- Threatened Biodiversity Assessment
- Aboriginal Cultural Heritage Assessment / Heritage Assessment
- Strategic Bushfire Assessment consistent with Planning for Bushfire Protection 2019
- Flood study
- Preliminary land contamination assessment
- Hydrological / geotechnical study
- Coastal erosion assessment
- Other technical studies
- Economic impact
- Social impact

2.7 Consultation

Provide details of any consultation that has been or is proposed to be carried out with the local community to inform the preparation of the PP.

2.8 Discussion Points

In this section identify:

- particular scoping issues that need to be discussed with Council, DEP and NSW Government agencies or authorities; and
- specific issues that need to be discussed with internal specialist officers within Council, in order to support their attendance at the scoping meeting.

3 Digital files and quality control

All digital files (forms, plans, reports, submissions, evidence, etc) must be lodge as individual files in readable, unlocked, PDF digital format. Plans must be drawn to scale and rotated to landscape. If Council cannot access the data, the scoping proposal may not be able to be assessed.

3.1 File size

All documents must be A4 formatted and individual files must not exceed 20mb for on-line publication and distribution purposes. Files larger than 20mb must be separated into logical parts supplied as separate files and numbered appropriately.

3.2 Accuracy and quality

Accuracy – care must be taken to ensure that electronic files replicate the correct versions of all documents and plans. Quality must be readable, not scans of scans, etc.

3.3 Privacy

Care must be taken to ensure that personal and private financial information, such as credit card and bank details, is not contained within electronic files submitted to Council for assessment.

4 Fees

Please note that assessment of a scoping proposal is part of the pre-lodgement process for a PP. Fees apply. Please refer to [Council's Fees and Charges](#).