

FOR ACTION

DEVELOPMENT & ENVIRONMENT COMMITTEE

01/10/2019

TO: Strategic Planning Manager (Clark, Gordon)

Subject:	Proponent Initiated Planning Proposal - <u>Danjera</u> Dam Camping & Recreation Area - Gateway determination / Public exhibition
Target Date:	31/10/2019
Notes:	
HPERM Reference	61178E
Related Report	D19/309365
Item Number	DE19.103

RESOLVED (Clr Watson / Clr Kitchener)

MIN19.724

That Council:

1. Support the Planning Proposal request for the Danjera Dam Camping & Recreation Area submitted for Shoalhaven Water.
2. Prepare and submit the required Planning Proposal documentation to the NSW Department of Planning, Industry and Environment for Gateway determination, and dependent on the outcome proceed to exhibit the PP and report back to Council post-exhibition.
3. Advise the proponent of this resolution.

FOR: Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Aldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.103 Initial Consideration - Proponent Initiated Planning Proposal - Danjera Dam Camping & Recreation Area

HPERM Ref: D19/309365

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Danjera Dam - Concept Site Plan

Purpose / Summary

Present a proponent initiated Planning Proposal (PP) request for the Danjera Dam Camping and Recreation Area for initial consideration to enable a Gateway determination to be obtained.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Support the Planning Proposal request for the Danjera Dam Camping & Recreation Area submitted for Shoalhaven Water.
2. Prepare and submit the required Planning Proposal documentation to the NSW Department of Planning, Industry and Environment for Gateway determination, and dependent on the outcome proceed to exhibit the PP and report back to Council post-exhibition.
3. Advise the proponent of this resolution.

Options

1. Support the PP request, request a Gateway determination and should a favourable determination be received proceed to publicly exhibit the proposal. This is the preferred approach and the matter will be reported back to Council through the process as needed or if issues arise.

Implications: This is consistent with Councils previous resolution to proceed with a PP to assist with the resolution and management of the camping area in this location.

2. Not proceed further with the PP.

Implications: This would be inconsistent with the previous resolution of Council in this regard and would effectively limit future management options.

3. Take an alternative course of action.

Implications: This will depend on the nature of any decision.

Background

The subject land is Part Lots 1, 4 and 5 DP252338 and Lot 1 DP217080. The land is owned by Council, classified as “operational” land under the Local Government Act 1993, and administered by Shoalhaven Water. The land is currently zoned E2 Environmental Conservation under Shoalhaven Local Environmental Plan (LEP) 2014 which does not permit “camping grounds”.

In 2002, a Schedule 9 - Allowance Clause was inserted into then Shoalhaven LEP 1985 to enable tourist facilities at the site. However, in the process of preparing Shoalhaven LEP 2014, the provision in LEP 1985 was not transferred as a result of a request from the NSW Government that ‘Additional Permitted Uses’ be kept to a minimum.

In 2015 Council resolved to support a PP over the subject land to again provide for ‘camping grounds’ in the LEP. This PP received a favourable Gateway determination but was discontinued in 2017.

Following a detailed report on the possible redevelopment of the Danjera Dam Camping Area, Council resolved (in part) on 13 November 2018 to:

Prepare a new planning proposal based on limiting camping to the main camping area adjacent to the dam, as outlined in the Future Directions Report and conceptualised in the attachment to the report.

The attachment referred to in this resolution is provided as **Attachment 1**.

Planning Proposal Request

Shoalhaven Water submitted a PP request in May 2019, seeking to permit “camping grounds” as a defined use at the Council owned Danjera Dam camping area located at Yalwal to enable this use to be formalised/managed.

This report presents the PP request for initial Council consideration to enable a Gateway determination to be obtained.

The PP request received from Shoalhaven Water can be viewed on the internet at:

<http://doc.shoalhaven.nsw.gov.au/DisplayDoc.aspx?record=D19/163677>

The PP request is supported by detailed attachments covering bushfire, biodiversity and onsite sewerage management.

An initial review of the PP request was undertaken by relevant staff. One issue that was raised at this point is whether the proposed use is a ‘primitive campground’ or a ‘campground’ under Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. However, at this point, the relevant LEP Dictionary Definition is ‘camping ground’. The issue raised can be further considered/resolved as part of the subsequent processes following the amendment of the LEP.

Whilst a range of detailed assessments have been prepared to support this PP request, it is likely that detailed issues could emerge through the Gateway determination and PP process.

Early consultation will thus be undertaken with relevant NSW Government Agencies including NSW Rural Fire Service, NSW Office of Environment & Heritage and NSW Crown Lands (or their new equivalents) and prior to the formal public exhibition of the PP. This could raise matters that will require detailed consideration in association with Shoalhaven Water. Any

additional studies that are required as a result will also need to be funded by Shoalhaven Water.

Given both the history of use and previous planning background (the provision previously existed in the LEP) this request is considered minor given this context and has sound justification.

Community Engagement

The PP will be formally exhibited for community comment at the appropriate point consistent with the requirements of the Gateway determination. Adjacent landowners will be directly advised of the public exhibition arrangements to give them the opportunity to review and comment on the PP.

Policy Implications

The LEP does not currently allow for the requested use which is part of the management solution for the Danjera Dam Camping and Recreation Area. As such the PP is the only way to adjust the LEP to assist with this solution.

Financial Implications

This PP request is being managed in accordance with Councils Planning Proposal (rezoning) Guidelines on a cost recovery basis. Shoalhaven Water paid the required initial lodgement fee for this request and will be required to pay the necessary processing/management fees in accordance with Council's Fees & Charges.

Risk Implications

If the PP is not supported, it will be difficult to implement the management solutions for the area that has been a problematic location for Council.