

EXPLANATORY DOCUMENT

Public Exhibition – Revised Planning Proposal (PP005) and Biodiversity Certification Application - Lots 21-24 DP 714096, Warrah Road, Bangalee

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Shoalhaven
City Council

Affected Land

PP005 applies to: Lots 21 to 24 DP 714096 and approximately 300 linear metres of Council road at Warrah Road, Bangalee - See Figure 1.



Figure 1 - Subject land and aerial photo

Overview – Revised Proposal

Council is seeking community feedback on a revised version of this Planning Proposal (PP005) to resolve the long term development potential of Lots 21 to 24 DP 714096, Bangalee. A previous version of this PP was exhibited in May-June 2021. Since then, the PP has been substantially reshaped in response to community and Government agency feedback, and achieves better environmental, bushfire protection and planning outcomes than the previously exhibited version. The current version of the PP, which is now on exhibition, was endorsed by Council on 14 March 2022 (MIN22.170).

The previous and current proposed land use zoning Local Environmental Plan (LEP) map overlays are compared in Figure 2.

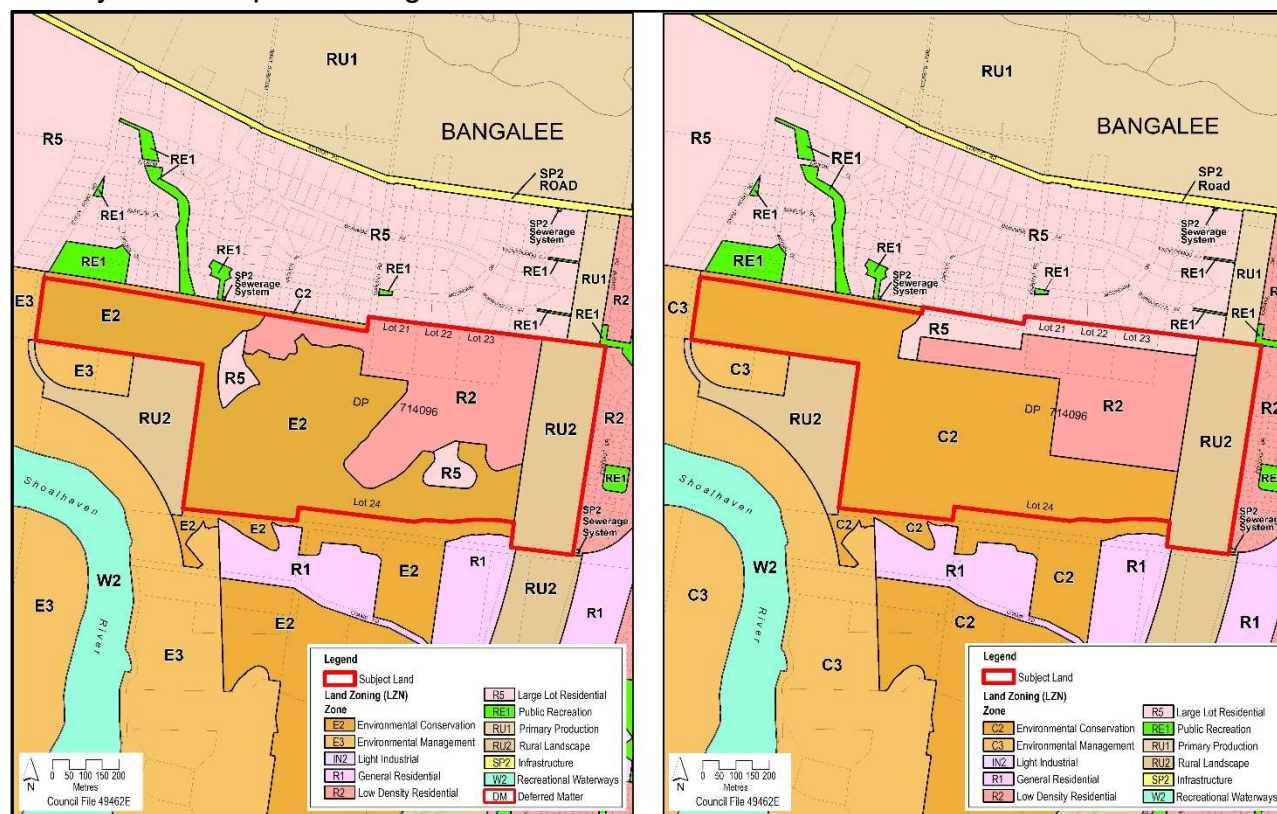


Figure 2 – Previously exhibited land use zoning (left) and revised land use zoning (right) on exhibition

The key differences between the previously exhibited and revised proposal are described below:

- A more rectangular boundary and manageable interface between the proposed residential zones and environmental land. This is more consistent with the NSW Rural Fire Service’s Planning for Bushfire Protection 2019 guidelines and Ministerial Direction 4.3.
- Two small pockets of R5 zoned land with dwelling entitlements have been removed. The R5 land had been proposed to accommodate dwellings associated with three (3) ‘caretaker lots’ for the C2 land. Caretaker lots are no longer proposed because the C2 land is now proposed to be transferred to Council as a fully-funded stewardship site.
- A more effective buffer/transition of R5-zoned land with a minimum lot size of 2,000 m² is proposed between the existing development to the north and the proposed R2 zoned area within the subject land.
- Approx. 300 linear metres of the Council road situated between the proposed residential area on Lot 24 DP 714096 west of Warrah Road and the existing residential land to the north is proposed to be included in the R5 – Large Lot Residential zone. This road reserve is intended to accommodate perimeter road access to the development.
- A minimum lot size of 700 m² is proposed to apply along the R2/C2 interface to ensure that the bushfire Asset Protection Zones (APZs) can be accommodated within the lots adjoining the bushland.
- The proposed C2 land has been increased from 43 ha to 45 ha.

Background

Lots 21-24, DP 714096 are part of the Crams Road Investigation Area (CRIA) that was identified in the Nowra-Bomaderry Structure Plan 2008 (NBSP). While other parts of the CRIA were rezoned

through the Shoalhaven LEP 2014 process, Lots 21-24 were 'deferred' and as such, are still zoned Rural 1(d)(General Rural) under [Shoalhaven LEP 1985](#).

The PP has a long and complex history dating back to 2013 when the proponent made a submission on the then draft Shoalhaven LEP 2013. The full history of the PP and Gateway process is documented in the previously exhibited PP: <https://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=D21/189510>.

In addition, copies of all Gateway determinations and relevant Council reports are available in the document library on Council's [Get Involved webpage](#) for this project.

Proposed LEP Amendment

It is proposed to incorporate this land into the Shoalhaven LEP 2014. The Council road is currently zoned C2 Environmental Conservation under Shoalhaven LEP 2014. The following map overlays are proposed to be amended:

1. Land Use
2. Minimum lot size
3. Urban Release Area
4. Height of Buildings
5. Local Clauses
6. Land Application Map
7. Riparian Lands and Watercourses
8. Acid Sulfate Soils

The subject land boundary has been updated in all of the above maps to include the 300 linear metres of Council road adjoining the northern boundary of Lot 24, DP 714096.

PP maps 1-4 above have also been modified to reflect a new development footprint as adopted by Council on 14 March 2022 (MIN22.170).

With the exception of the subject land boundary, maps 5, 6, 7 & 8 are unchanged from the exhibited proposal.

The existing (left) and proposed (right) zone boundaries are shown in Figure 3.

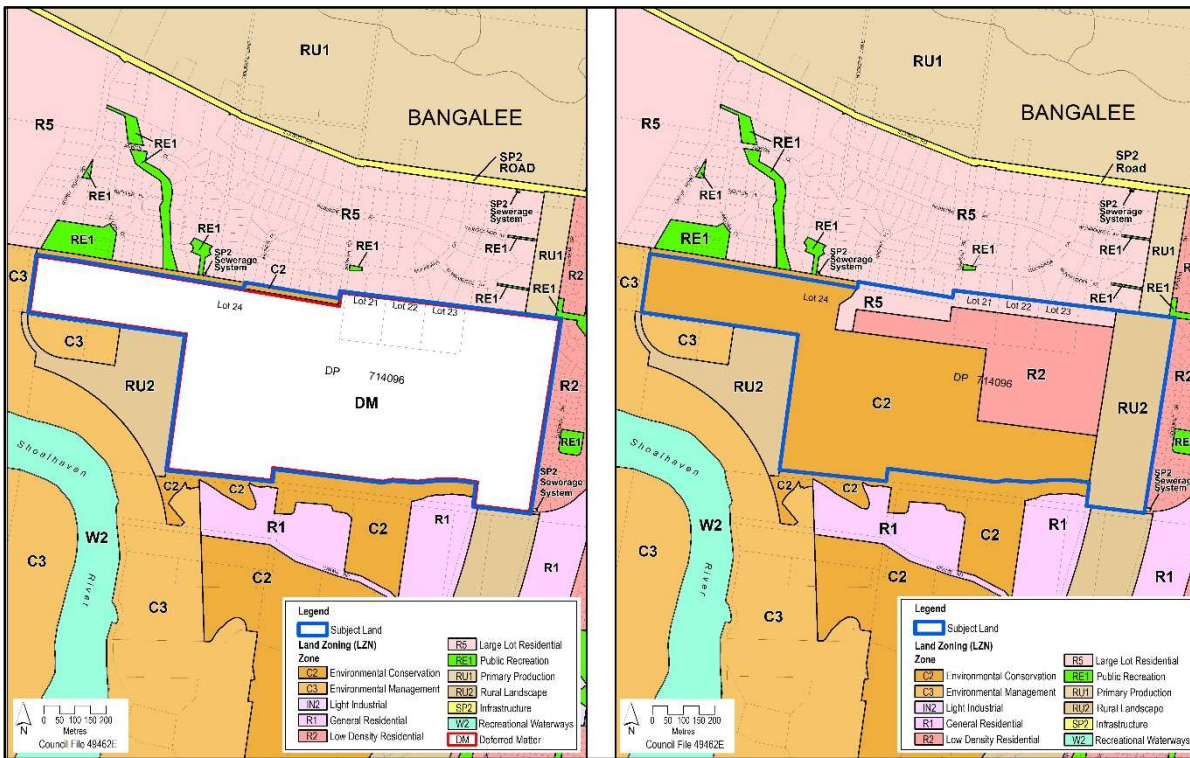


Figure 3 – Proposed Zoning Change - existing (left) and proposed (right) (LZN)

The minimum lot size map (below) is proposed to be changed to provide for a smaller range of future minimum lot sizes as shown in Figure 4.

Note: For a comparison of the previously exhibited and revised minimum lot size LEP map overlays please refer to Figure 6 (p.14) of the PP.

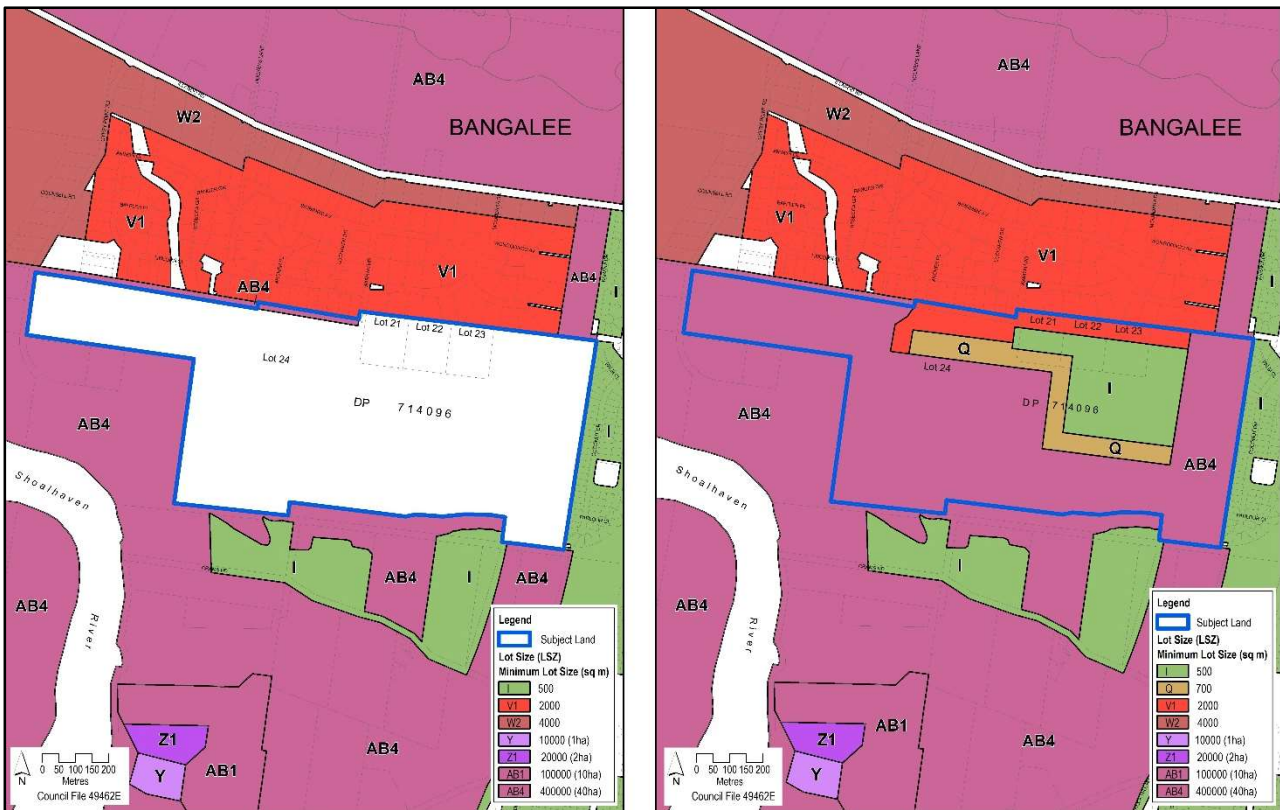


Figure 4 – Existing (left) and proposed (right) Minimum Lot Sizes (LSZ)

The minimum lot sizes proposed for each zone are:

- R2 Low Density Residential: 500m², 700m²
- R5 Large Lot Residential: 2000m²
- RU2 Rural Landscape: 40ha
- C2 Environmental Conservation: 40ha

A full set of proposed LEP maps is provided in Part 4 of the PP.

Biodiversity Certification Application

The Planning Proposal is accompanied by a Biodiversity Certification Application (the Application) and supporting Biodiversity Conservation Assessment Report (BCAR) lodged by the proponent with the NSW Department of Planning & Environment (Biodiversity & Conservation Division) under the NSW *Biodiversity Conservation Act 2016* (the Act).

Biodiversity certification offers a streamlined biodiversity assessment process for areas of land that are proposed for development. Certified areas can be developed without the need for further site assessment, subject to securing the required biodiversity offsets. The biodiversity offsets are determined using the NSW Biodiversity Assessment Methodology (BAM).

The proponent's BCAR has been updated to reflect the revised proposal. Notably, the proposed C2 Environmental Conservation zoned land is now proposed to be dedicated to Council as a fully-funded stewardship site rather than being divided into three privately owned 'caretaker' lots.

The Application and BCAR are being exhibited concurrently with this PP in accordance with Section 8.6(6) of the *Biodiversity Conservation Act 2016* (BC Act). The Application will be assessed and determined in accordance with the biodiversity certification provisions of the Act and will be determined by the NSW Minister for Environment and Heritage.

Further information is available on Council's [Documents on Exhibition](#) page.

Exhibition Documents

The Planning Proposal (PP005) and Biodiversity Certification Application are on public exhibition from **Wednesday, 15 June 2022** to **Monday, 18 July 2022** (inclusive) and available for viewing online at:

www.shoalhaven.nsw.gov.au/MyCouncil/Public-exhibition/Documents-on-exhibition.

Electronic copies of the exhibited package will be available at Council's City Administration Centre (Bridge Road, Nowra) and at the Ulladulla Administration Building (Deering Street, Ulladulla) during business hours (9am-5pm) for the duration of the exhibition period.

The exhibition package includes:

1. Explanatory Document
2. Planning Proposal PP005 and updated Bushfire Assessment Report
3. Frequently Asked Questions (FAQs)
4. Public Notice
5. Gateway Determination
6. Biodiversity Certification Application (BCA) and Biodiversity Certification Assessment Report (BCAR)

Have Your Say

Submissions relating to the Planning Proposal are invited during the exhibition period and should be made:

Online: www.shoalhaven.nsw.gov.au/Council/Access-to-Information/Documents-on-Exhibition

Email: council@shoalhaven.nsw.gov.au

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

All submissions must be received in writing by **5 pm Monday, 18 July 2022**, quoting Council's reference **49462E**.

Comments on the Biodiversity Certification Application are also invited but should be made separately to comments on the Planning Proposal. A separate feedback form is provided on Council's [Get Involved webpage](#) for this project to facilitate this. If you have any feedback on the proponent's Biodiversity Certification Application, please use this separate form.

Please note that submissions may become public documents and may be viewed by other persons on request. Pre-printed form letters, which have been individually signed will be considered but not formally acknowledged. . All persons who lodge a submission are required to declare any relevant political donations and/or gifts in accordance with Section 10.4(5) of the *Environmental Planning and Assessment Act 1979*.

Further Information

Enquiries should be directed to either:

- Eric Hollinger, Co-ordinator Special Projects on (02) 4429 3320 or eric.hollinger@shoalhaven.nsw.gov.au.
- Maggie Chapman, Strategic Planner on (02) 4429 3485 or maggie.chapman@shoalhaven.nsw.gov.au (Monday-Wednesday).