



# 2011 EXHIBITION MAJOR ISSUES: Draft Shoalhaven LEP 2013

## Introduction

Over 3000 submissions were received as a result the first exhibition of the draft Shoalhaven Local Environmental Plan (LEP).

From these submissions, a number of issues emerged as being key or major items of interest. This document outlines the major issues that emerged from the initial exhibition of the draft LEP held in 2011, and details how these issues were considered.

## The Major Issues

The major issues outlined in this document are shown in the table below.

Issue 1	Aims of the LEP
Issue 2	Height of Buildings
Issue 3	Jaspers Brush Airfield
Issue 4	Bulky goods retailing & office premises in Industrial zones
Issue 5	Biodiversity clause & mapping
Issue 6	Zoning of Heritage Estates
Issue 7	R5 Large Lot Residential zone
Issue 8	Lot averaging in Rural Residential zones
Issue 9	LUT Rural zones
Issue 10	LUT Environmental zones
Issue 11	Zoning of reserves with environmental values
Issue 12	Clause 5.9 Preservation of trees and vegetation
Issue 13	Kangaroo Valley
Issue 14	Nomination of Berry as a Heritage Conservation Area
Issue 15	Lot sizes – Huntingdale Park, Berry
Issue 16	Shoalhaven Heads
Issue 17	Bangalee West Urban Release Area
Issue 18	Zoning of Lake Wollumboola catchment
Issue 19	Crown Land at Currarong
Issue 20	Edendale Street, Woollamia
Issue 21	B4 zoned land at Huskisson
Issue 22	Height of Buildings – Huskisson
Issue 23	Zoning of Burton Street Shops, Vincentia
Issue 24	Height of Buildings – Vincentia
Issue 25	Hyams Beach
Issue 26	Bendalong & Manyana
Issue 27	Rezoning requests

For more detailed information about each of these issues, and for any other submission issues not discussed here, please refer to the relevant Council report. The Council reports can be found on the draft LEP website at [www.slep2013.shoalhaven.nsw.gov.au](http://www.slep2013.shoalhaven.nsw.gov.au)

## ISSUE 1: AIMS OF THE LEP

The 'Aims of the Plan' was one of the key issues raised during the initial exhibition period, with fifty nine submissions received on this matter.

The 'Aims of the Plan' were originally formulated by a consultant in consultation with Council staff, to incorporate the relevant objectives and aims of the current Shoalhaven LEP 1985 into aims of the draft Shoalhaven LEP, while removing redundant text, updating relevant terms and consolidating the aims/objectives. These were then taken to a series of Councillor briefings where further changes were made, and this was the form in which the draft "Aims of Plan" were exhibited.

Specifically, it is also noted that Clause 1.2(2)(a) was added at the Extraordinary meeting in November 2010, in the context of discussion about viability of industrial uses in Shoalhaven.

### Submission issues

The submissions generally requested that the aims be changed as follows:

- Two aims to be listed first, in relation to the protection and conservation of biodiversity, and to ensure ecological sustainability;
- The reference to Sydney Catchment Authority in Clause 1.2(2)(h) be removed so the aim applies to the whole of the Shoalhaven, with the addition of groundwater and surface water protection.

There were also a number of submissions that requested the aims be reordered so that "(a) to encourage economic and business development to increase employment opportunities" be moved down the list.

The relevant report was considered at the Special Development Committee Meeting held on 19 March 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

### Outcome

Council adopted a new set of aims on 17 April 2012 that reflect and maintain the intention of the exhibited 'Aims of Plan', as follows:

- a) ***The particular aims of this Plan are as follows:***
  - i) ***to encourage the proper management, development and conservation of natural and man-made resources;***
  - ii) ***the facilitation of the social and economic wellbeing of the community is a substantive objective;***
  - iii) ***to ensure that suitable land for beneficial and appropriate uses is made available as required;***
  - iv) ***to manage appropriate and essential public services, infrastructure and amenities for Shoalhaven;***
  - v) ***to minimise the risk of harm to the community through the appropriate management of development and land use.***

## ISSUE 2: HEIGHT OF BUILDINGS

The approach to managing the maximum Height of Buildings is different under the draft LEP 2013 than under the current LEP. The major difference is that Council is now required to include maximum building heights in the draft LEP.

Therefore, the issue of Height of Buildings was a major community concern prior to and during the initial exhibition period, resulting in approximately 270 submissions.

### Current Height Controls – Shoalhaven LEP 1985

*The current height controls that apply in Shoalhaven are as follows:*

**Shoalhaven City** (with the exception of Jervis Bay Region) – The Illawarra Regional Environmental Plan (REP) sets a maximum height of 11 metres at which point State Government concurrence is required for any development application proposing the build above this height.

**Jervis Bay Region** - no maximum height control exists in the area to which the Jervis Bay REP exists.

**Specific DCP Areas** - a number of existing DCPs include height controls. The majority of these controls are development specific and some apply to specific geographic areas. The DCPs for Ulladulla (DCP No. 56), Huskisson (DCP No. 54) and the Nowra Civic Precinct (DCP No. 119) set area specific height controls, i.e. apply to all development within a defined area regardless of the zone or type of development. The height limits in the existing DCPs are generally specified in metres, but are sometimes set in storeys.

### Height Controls – draft Shoalhaven LEP

*The initially exhibited draft Shoalhaven LEP set a maximum height of buildings in two ways:*

**1.** Clause 4.3 Height of buildings in the draft written instrument sets a maximum height of buildings of 11 metres across the City, except where mapped on the Height of Buildings maps.

**2.** Draft Height of Building maps exist where there is a current location specific height control in an existing Development Control Plan that is greater than 11 metres - Nowra Civic Precinct, Huskisson CBD and Ulladulla CBD.

As a result of community representation regarding the new approach to “height of buildings”, Council resolved on 14 April 2011, prior to the initial exhibition, that:

- a) Council proceed to the exhibition of the draft LEP 2009 with the current approach to “height of buildings”;
- b) As part of the exhibition, state Council’s intention to map and include a maximum building height of 8.5 metres in the proposed R2 Low Density Residential and RU5 Village zones in the plan as part of its finalisation;

- c) Height in all other areas be managed through appropriate DCP controls, as either storeys or three dimensional building envelopes;
- d) As part of the exhibition, detail the existing site specific building heights that are set in existing DCPs, and state Council’s intention to incorporate these site specific DCP height limits in the LEP 2009 “height of buildings” maps and include them in the plan as part of its finalisation.

Information regarding this resolution was included on the draft LEP website during the initial public exhibition period.

### Height Controls – site specific Development Control Plan height limits

As per Council’s resolution, the following table details the site specific DCP height limits that have been incorporated in the “height of buildings” maps.

Development Control Plan	Maximum height of buildings
Berry Town Centre (As per DCP No. 49)	8.5 metres
Cambewarra Village (As per DCP No. 84)	5 metres
Lot 6 DP 806082, Woolstencraft Street, Shoalhaven Heads	8 metres
Culburra Beach – The Marina	7.5 metres (currently 6 to 7.5m so a maximum height limit of 7.5 metres will be mapped)
Huskisson Business Development Zone 3(g) Duncan, Bowen, Fegen and Nowra Streets	<p><b>Precinct 1</b> 10m Bound by Duncan, Fegen, Nowra and Bowen Streets</p> <p><b>Precinct 2</b> 13m Bound by part Fegen Street, Nowra Street, Beach Street and Winnima Lane.</p> <p><b>Precinct 3</b> 13m Bound by an unformed road reserve of Tapalla Avenue, Beach Street, Jervis Street and an unformed and an unnamed lane.</p> <p><b>Precinct 4</b> 13m Located in the south eastern part of the land zoned Business 3(g), on the south eastern edge of the Huskisson locality on the foreshores of Moona Creek.</p>
Kangaroo Valley (As per DCP No. 66)	5.5 to 8 metres
Nowra - East Street	11 metres
St Georges Basin Village Centre Island Point Road	8 metres
Sussex Inlet Town Centre	10 metres
Ulladulla South Business Precinct	8 to 10 metres
Ulladulla South Harbour Precinct	8 metres

### Additional issues and outcomes

In addition to the above changes, a number of other changes have been incorporated into the draft LEP 2013 based on the many submissions received during the exhibition period.

Issue	Outcome
Support mapping maximum height of buildings in the R2 and RU5 zone (on the HOB overlay map) at 8.5 metres (as per Council Resolution 14 April 2011).	Council's HOB map includes a maximum building height of 8.5m in the proposed R2 Low Density Residential and RU5 Village zones in the plan.
Support mapping maximum height of buildings included in relevant DCPs (as per Council Resolution 14 April 2011).	Existing site-specific building heights that are set in existing DCPs incorporated into the 'height of buildings' maps included in the plan (see table above).
Support mapping maximum height of buildings for foreshore land at 7.5 metres (as per Council Resolution 14 April 2011).	Foreshore residential lots (first residential lot back from the waterfront of the sea, bays, rivers and lakes) mapped at 7.5 metres.
Oppose inclusion of a maximum building height of 11 metres in the written instrument and request the reference to '11 metres' in Clause 4.3(2) be removed.	Retain the maximum 11 metre height limit (via Clause 4.3(2)) for all areas that are not mapped on the final HOB map, consistent with the 'ground rules'; and  Continue to update the HOB map as strategic planning projects provide support/evidence for such changes (e.g. Nowra CBD DCP).
Request Council to produce HOB and FSR overlay maps for all areas within Shoalhaven.	Not create HOB and FSR overlay mapping for all land in the City; Retain the existing Clause 4.4 as per the exhibited draft LEP; Height of buildings issues raised in regards to specific villages were addressed separately. Refer to <i>Post Exhibition 2011 Changes</i> document for area specific changes.
The draft R1 General Residential and R3 Medium Density zoned areas in Hyams Beach be mapped as 8.5m on the draft LEP 2013 Height of Buildings map.	The draft R1 General Residential and R3 Medium Density zoned areas in Hyams Beach be mapped as an 8.5m on the height of buildings map.

The relevant report was considered at the Special Development Committee Meeting held on 8 March 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

### ISSUE 3: JASPERS BRUSH AIRFIELD

During the initial LEP exhibition period, the inclusion of ‘air transport facilities’ in the draft plan was a key item of interest and comment, particularly surrounding the land known as ‘Jaspers Brush Airfield’. Council received sixty five individual submissions, 1249 form letters and one petition with thirty signatures on this issue.

#### Current and proposed zoning

The Jaspers Brush Airfield is currently zoned Rural 1(g) (Flood Liable) under Shoalhaven LEP 1985. As there is no equivalent zone for the Rural 1(g) zone under the State Government’s ‘Standard LEP Instrument’, the land is proposed to be zoned RU1 Primary Production, with a ‘flood prone area’ layer. This is the most appropriate ‘best fit’ zone for the rural area in this location, given that it is partly ‘prime crop & pasture land’ that also floods.

Within this zone and the RU2 Rural Landscape zone, ‘air transport facilities’ were listed as a land use that is permissible with consent, in the initially exhibited draft LEP.

#### Definitions

Under the Standard LEP Instrument, ‘air transport facility’, ‘airport’ and ‘airstrip’ are separately defined as:

***Air transport facility*** means an airport or heliport that is not part of an airport, and includes associated communication and air traffic facilities or structures.

***Airport*** means a place used for the landing, taking off, parking, maintenance or repair of aeroplanes (including associated buildings, installations, facilities and movement areas and any heliport that is part of the airport).

***Airstrip*** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

At the time of preparing the initially exhibited draft LEP, ‘air transport facilities’ were included in the RU1 and RU2 zone as a ‘best fit transfer’, as ‘airports’ are currently a permissible use in the Rural 1(a) and Rural 1(d) zone in SLEP 1985.

#### Submission issues

Community comment was received both for and against the inclusion of ‘air transport facilities’ in the RU1 & RU2 zones. Most of these submissions related to the implications of the draft LEP in regard to the Jaspers Brush Airfield.

The relevant report was considered at the Special Development Committee Meeting held on 8 March 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

## Outcome

Council resolved on 20 March 2012 to retain ‘air transport facilities’ as a permissible use with consent, and also insert ‘airstrip’ as a permissible use with consent in the RU1 and RU2 zones.

## ISSUE 4: BULKY GOODS RETAILING & OFFICE PREMISES IN INDUSTRIAL ZONES

The permissibility of ‘bulky goods retailing’ and ‘office premises’ in industrial zones, particularly at South Nowra and South Ulladulla, was raised in the various submissions as a key issue.

### Current and proposed zones

The existing Industrial 4(a) (General) and Industrial 4(b) (Light) zones in Shoalhaven LEP 1985 both permit ‘bulky goods premises’ with consent. Further, both of these zones have a specific objective which relates to bulky goods retailing in the zone.

‘Bulky goods premises’ are defined in both the Shoalhaven LEP 1985 and the draft LEP 2013 as:

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

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

‘Office premises’ currently fall under the general definition of ‘commercial premises’ in Shoalhaven LEP 1985 and are prohibited in both the Industrial 4(a) (General) and Industrial 4(b) (Light) zones.

‘Office premises’ are now separately defined in the draft LEP 2013 as:

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

The equivalent zones under the existing LEP and the draft LEP 2013 are:

SLEP 1985	Draft LEP 2013
Industrial 4(a) General	IN1 General Industrial
Industrial 4(b) Light	IN2 Light Industrial

The draft LEP was originally exhibited with ‘bulky goods premises’ permitted in the IN1 zone, but not in the IN2 zone. Its exclusion from the IN2 zone was an oversight which was

brought to the attention of the Department of Planning and Infrastructure (DP&I). The DP&I advised they were prepared to support Council's request to remove 'bulky goods premises' as prohibited in the IN2 Light Industrial zone (i.e. make them permissible) subject to Council providing justification to the DP&I to retain 'bulky goods premises' in the IN2 zone.

The initially exhibited draft LEP also listed 'office premises' as a land use that is permissible with consent in both IN1 and IN2. While the inclusion of 'office premises' in the industrial zones is not a 'best fit' transfer from the current LEP 1985, in the preparation of the draft LEP it was felt that this was an important land use to be allowed in industrial zones, given the changing nature of industrial enterprises as a result of the decline in the traditional manufacturing base.

Under LEP 1985, there is no separate definition for 'office premises' so it falls under 'commercial premises' which includes other business and commercial uses. 'Commercial premises' as a broader definition was not seen as an appropriate permissible use in the industrial zones; however now that there is a separate definition for 'office premises' it was considered to be appropriate to add this as a permissible use, particularly as there are a number of offices already operating in the industrial areas which were approved as 'ancillary'.

### Submission issues

The submissions on this issue were either for or against, 'bulky goods retailing' and/or 'office premises' being permissible uses in the IN1 and IN2 zones.

Those for 'bulky goods retailing' and/or 'office premises' in these zones were concerned with the possible restriction on retail sales options in industrial zones.

Those opposed to 'bulky goods retailing' and/or 'office premises' in these zones were concerned that retailing and offices in the industrial zones would have a negative impact on the viability of the Nowra CBD.

The relevant report was considered at the Special Development Committee Meeting held on 12 March 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

### Outcome

**Council resolved on 20 March 2012 that:**

- a) 'bulky goods retailing' retained as a permissible use in the IN1 and IN2 zones;**
- b) 'office premises' removed as a permissible use from the IN1 and IN2 zones as it is inconsistent with the "ground rules";**
- c) A review of the potential permissibility of 'office premises' in industrial zones has been included on the schedule of matters for consideration after the finalisation of the draft SLEP 2009; and**
- d) Council will consider including additional controls in relation to 'bulky goods retailing' in the industrial component of the Citywide DCP.**



## ISSUE 5: BIODIVERSITY CLAUSE & MAPPING

During the initial exhibition period, sixty one submissions were received that related to draft Clause 7.5 Biodiversity (and the associated map). This number included individual submissions, form letters, State Government submissions, community group submissions and internal Council staff comments.

### Current situation & proposed situation

Under Shoalhaven LEP 1985, land that is known to be of high biodiversity value either has either an environmental protection zone or is identified on the map as '*land of ecological sensitivity*' which has an associated clause.

The draft LEP 2013 contains a *Natural Resource Sensitivity (NRS) – Biodiversity Clause and map overlay*. The NRS - Biodiversity Map shows two attributes being 'significant vegetation' and 'habitat corridors' and is made up of:

- Endangered Ecological Communities - sourced from Council's GIS layer;
- LEP 1985 Area of Ecological Sensitivity;
- LEP 1985 Vegetation Linkage;
- Riparian Corridor Objective Setting Study Category 1 Riparian Corridors and Buffers;
- Illawarra REP Wildlife Corridor;
- Jervis Bay REP Habitat Corridor and Disturbed Habitat & Vegetation;
- South Coast Regional Strategy Habitat Corridors (from the South Coast Regional Conservation Plan (RCP)); and
- Brundee Wetland and Saltwater Swamp.

The NRS - Biodiversity Map overlay has been removed from cleared areas and does not apply to land that has an environmental protection zoning.

The NRS - Biodiversity mapping generally does not apply to urban zoned land as most of this land has been cleared and developed. The initially exhibited draft LEP showed relatively limited areas of land that have an urban zoning, but have not yet been developed and contain significant vegetation or form part of a habitat corridor on the NRS - Biodiversity Map. This could act as an early indicator that any development application over such a site will need to consider the environmental attributes of the site.

## Submission issues

The submissions on this issue:

- Supported the inclusion of a biodiversity clause and mapping, or did not support Biodiversity clause with current wording. Concern was also raised with the strength of the proposed clause.
- Suggested cleared land in habitat corridors should be covered by biodiversity mapping to foster corridor regeneration and connectivity.

In considering these issues, Council requested an additional report on the *NRS - Biodiversity Map* in regards to its application to urban zoned land. This further report included a number of recommended additional changes.

The relevant reports were considered at the Special Development Committee Meeting held on 2 April and 27 June 2012. The reports can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

## Outcomes

Council resolved on 28 June 2012 to:

- **Retain the *NRS – Biodiversity Clause* as exhibited.**
- **Remove the *NRS – Biodiversity Map* overlay from all urban zoned land in the Draft LEP 2009, including industrial and business zoned land.**
- **Minor edits identified by staff to remove required extracts have been made to the *NRS - Biodiversity Map*.**
- **The *NRS - Biodiversity Map* has been amended to include a label identifying the ‘disturbed habitat and vegetation’ areas derived from the *Jervis Bay Regional Environmental Plan*.**
- **The verified high biodiversity value parts of those properties that have a Conservation Property Vegetation Plan or a Voluntary Conservation Agreement on the title have been included on the *NRS – Biodiversity Map*.**
- **The verified environmental data resulting from studies commissioned by Council has been included or reflected on the *NRS - Biodiversity Map* overlay.**

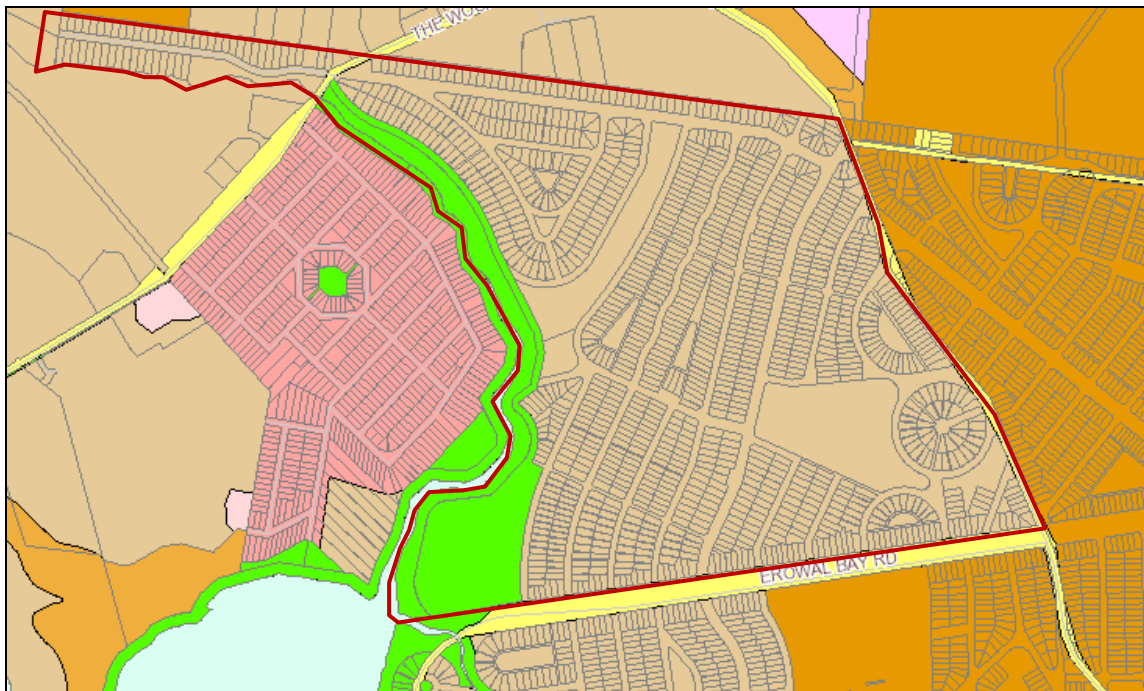
## ISSUE 6: HERITAGE ESTATES

Various submissions to the initially exhibited LEP raised the proposed zoning of the 'Heritage Estates' at Worrowing Heights.

### Current and proposed zoning

The 'Heritage Estates' at Worrowing Heights are currently zoned Rural 1(d)(General) under the Shoalhaven LEP1985 and are proposed to be zoned RU2 Rural Landscape under the draft LEP as a 'best fit' transfer. This includes the St George Avenue Reserve which is discussed separately below.

The St George Avenue Reserve, which adjoins the Worrowing Waterway is currently zoned Open Space 6(a) (existing recreation) under Shoalhaven LEP 1985. The reserve is owned by Council and classified 'community land' (Natural Area - Bushland) under the Local Government Act 1993. Under the draft LEP it is proposed to be zoned RE1 Public Recreation in accordance with the 'best fit' transfer approach.



Extract from the Land Zoning Map showing RE1 (green) and RU2 (tan)

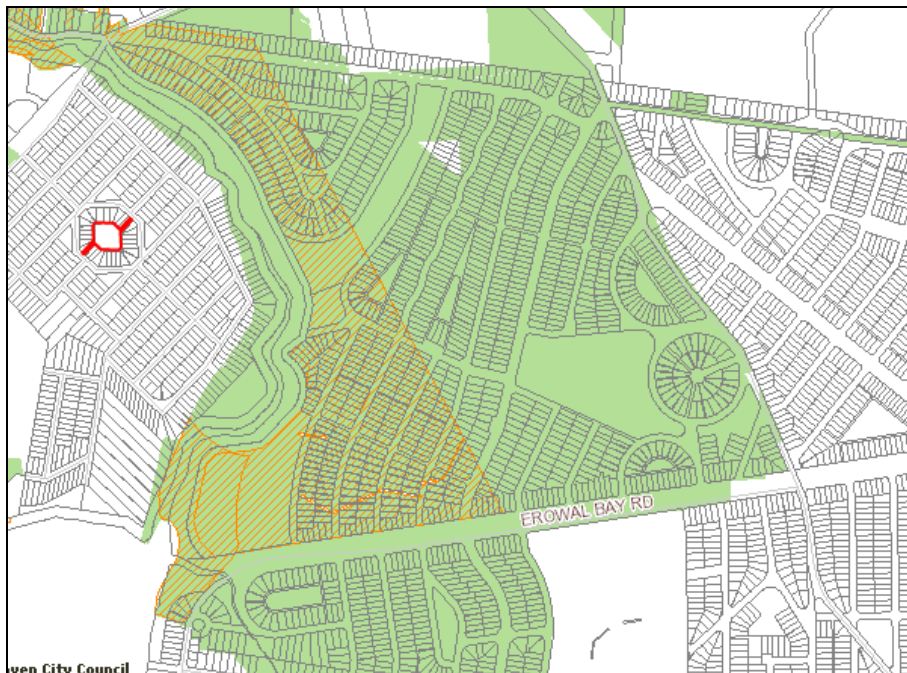
### Biodiversity

Under the existing LEP 1985, part of the 'Heritage Estates' and the St George Avenue Reserve is also identified as being 'land of ecological sensitivity' and the relevant provisions apply.

The area currently mapped in the LEP corresponds with the area identified in the Jervis Bay Regional Environmental Plan (deemed SEPP) as 'disturbed habitat and vegetation'.

As a result this area is also shown in the draft LEP 2013 as part of the draft Natural Resource Sensitivity - Biodiversity overlay. The area covered by this overlay has been specifically extended to reflect the known extent of EEC's, significant threatened species

habitat, etc. that have been identified through detailed investigations on the subject land. As a result, this overlay and its associated clauses will essentially apply to the full extent of the 'Heritage Estates' and the St. George Avenue Reserve.



Extract from NRS - Biodiversity overlay

## Submission issues

Submissions to the initially exhibited draft LEP requested that the 'Heritage Estates':

- Be rezoned from RU2 Rural Landscape to E2 Environmental Conservation;
- Be consistent with verified values and Australian Government Environment Minister's decision not to allow rezoning for residential development;
- Reflect habitat corridor and the high conservation values of the site; and
- Reflect environmental studies that have been undertaken on the site.

Also, it was requested that the land adjoining 'Heritage Estates' and the Worroving Waterway, known as the St Georges Avenue Reserve, be rezoned from RE1 Public Recreation.

The relevant report was considered at the Special Development Committee Meeting held on 12 March 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

## Decision after exhibition

Council resolved to:

- Retain the existing proposed RU2 Rural Landscape zone for 'Heritage Estates' Worroving Heights.
- Adjust the zoning of the 'Heritage Estates' as part of the ongoing attempts to resolve the land tenure and, should it ultimately be added to the National Park estate, rezone it E1 National Park at the appropriate point.
- Retain the existing proposed RE1 Public Recreation zone for the land adjoining 'Heritage Estates' know as St Georges Avenue Reserve.

## Further decision of Council

The Federal Environment Minister subsequently allocated \$5,493,400 to assist with resolving the tenure of the Heritage Estates given the Minister's decision that the rezoning investigations could not proceed. The Foundation for National Parks & Wildlife is managing a Voluntary Heritage Estates Land Purchase (HELP) project to acquire the land for addition to the National Park estate.

The funding has been provided on the basis that Council will donate its land within the 'Heritage Estates' to the National Park estate, and will rezone the land that comprises the Estates to E2 – Environmental Conservation at the appropriate point, as resolved on 15 May 2012 (MIN12.544). An update report on the project was considered by Council's Development Committee on 18 February 2013 and on 26 February 2013, Council resolved to commence the process of rezoning the land to E2.

**It is Council's intention that this be done by amending the zone to E2 Environmental Conservation for Heritage Estates in the draft LEP 2013 as part of the finalisation of the plan.**

## ISSUE 7: R5 LARGE LOT RESIDENTIAL ZONE

The use of some land in the proposed R5 Large Lot Residential zone for rural residential land emerged as a major issue during the exhibition, with sixty three individual submissions, sixty one form letters, one petition with 119 signatures, and was raised in nine community group submissions.

## Current situation

The Shoalhaven LEP 1985 contains the following low density residential or rural residential zones:

- Rural 1(c) (Rural Lifestyle)
- Residential 2(a2)
- Residential 2(a3)

These three zones are characterised by a limited range of permissible uses and relatively large lot sizes. A minimum lot size of 2,000m<sup>2</sup> currently applies to zone 2(a2) and 4,000m<sup>2</sup> to zone 2(a3). The minimum lot size for 1(c) zoned land is generally 1 hectare but this varies area to area, and in some cases is greater than this minimum.

### The R5 Large Lot Residential zone

The Standard Instrument zone R5 Large Lot Residential was applied to these three zones in the initial draft LEP, following advice from DP&I that this was the most appropriate zone. Maps accompanying the draft plan set minimum lot sizes for these areas consistent with those that currently apply. Minimum lot sizes can vary within the same Standard Instrument zone.

LEP practice note *PN 11-002 Preparing LEPs using the Standard Instrument: standard zones* contains the following overview of the general purpose of zone R5:

*This zone is intended to cater for development that provides for residential housing in a rural setting, often adjacent to towns or metropolitan areas. The allocation of large lot residential land should be justified by Council's housing/ settlement strategy prepared in accordance with planning principles set out in regional and subregional strategies, s.117 directions and relevant SEPPs. Access to reticulated sewerage and water systems should be considered when determining appropriate minimum lot sizes. Lot sizes can be varied within the zone depending on the servicing availability and other factors such as topography, native vegetation characteristics and surrounding agricultural land uses.*

### Submission issues

Submissions on this issue:

- General supported transfer of zones 2(a2) and 2(a3) to R5 Large Lot Residential.
- Objected to the application of the R5 zone to land currently zoned 1(c) for the following reasons:
  - Impacts on community, lifestyle, recreation and employment opportunities, amenity and landscape values due to potential for overdevelopment through further subdivision, lot averaging and the range of permitted uses.
  - Change of a rural zoning to a residential zoning is inconsistent with the South Coast Regional Strategy and does not satisfy the ground rules of administrative transfer or best fit by creating additional residential land.
  - Loss of buffers between urban residential and agricultural uses, and between environmentally sensitive areas and agricultural uses. Potential for land use conflict due to complaints about agricultural uses and home industries by incoming residents to new subdivisions.
  - Loss of agricultural land and the potential for future farm amalgamations. Does not support agricultural use of prime crop and pasture land and other small scale activities. Loss of agriculture as a permitted use, e.g. plant

nurseries, grazing, poultry farms, horticulture and hobby farming, and consequent decline in ability to live sustainably.

- Requested inclusion of some key elements of Commissioner Cleland’s report and Shoalhaven LEP 1985 (Amendment No. 321), e.g. protection of riparian corridors, native vegetation and water quality.

Many of the submissions requested that 1(c) zoned land be zoned RU4 Primary Production Small Lots with the same zone objectives and permitted uses, or E4 Environmental Living, depending on current land uses, minimum lot sizes and proximity to land of high conservation value. It is noted that the RU4 zone was not included in the initially exhibited draft LEP.

The relevant reports were considered at the Special Development Committee Meetings held on 10 April and 27 June 2012. The reports can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

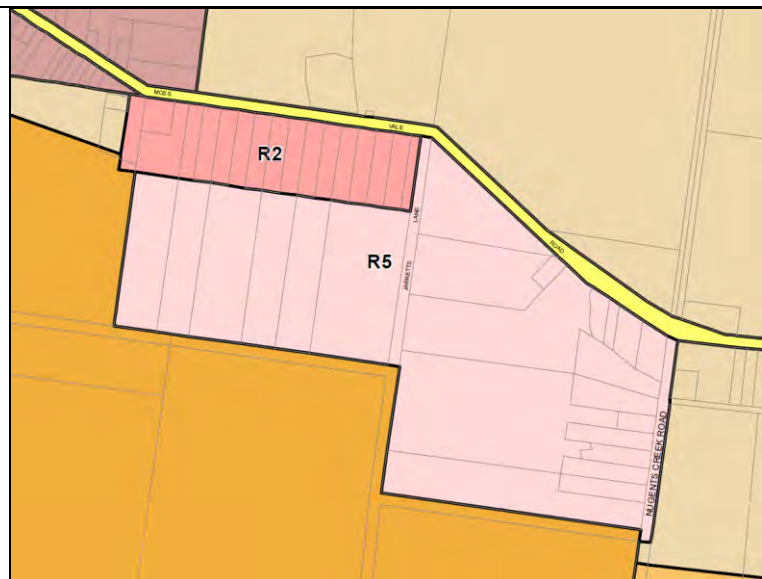
## Outcomes

As a result of the issues raised, Council engaged a consultant to review the proposed zoning of the current Rural 1(c) zones and the possible use of either the R5, RU4 or E4 zones. Following consideration of the submissions and the consultant review, Council resolved that:

- The R2 Low Density Residential zone be applied to land currently zoned 2(a2) and 2(a3) under Shoalhaven LEP 1985, and lot size maps be amended to show minimum lot sizes of 2,000m<sup>2</sup> applying to 2(a2) land and 4,000m<sup>2</sup> applying to 2(a3) land.
- The following changes were adopted for the current Rural 1(c) zones and their proposed zoning:

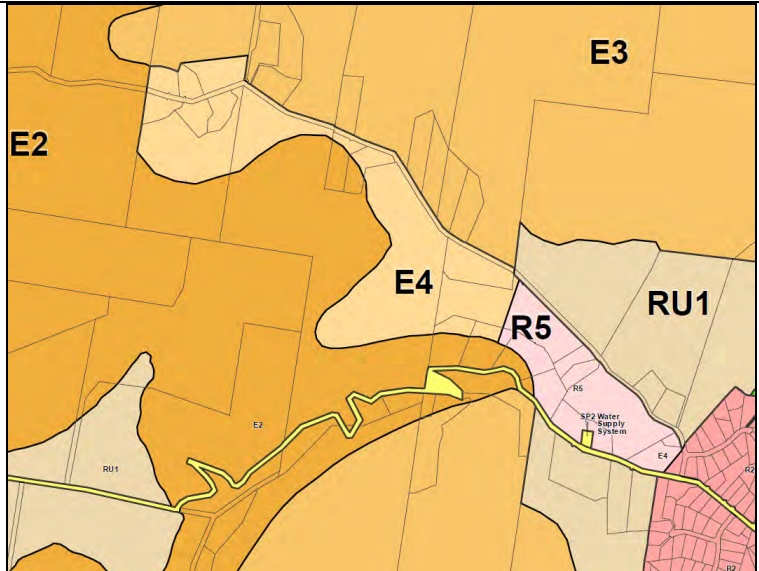
### **Kangaroo Valley**

The Rural 1(c) zoned land at Kangaroo Valley be retained as a R5 Large Lot Residential zone.



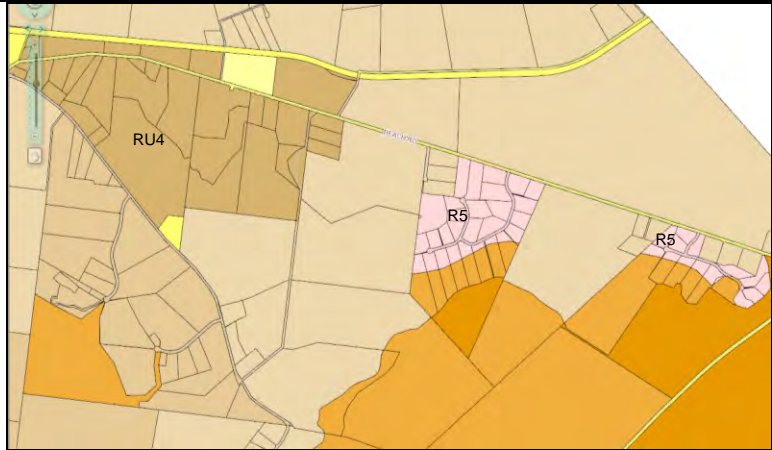
Extract from the Land Zoning Map (LZN)

**Bundewallah**  
 The Rural 1(c) zoned land at Bundewallah be zoned part R5 Large Lot Residential and part E4 Environmental Living.



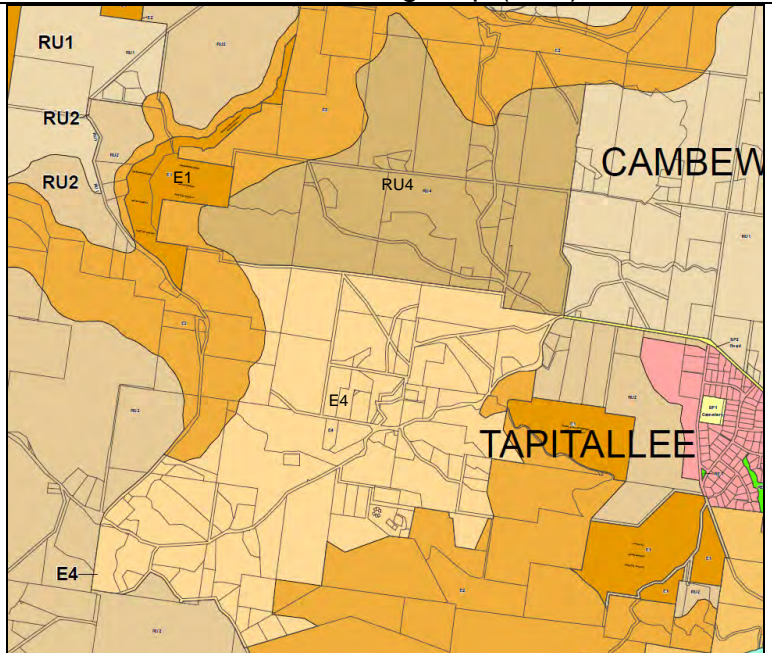
Extract from the Land Zoning Map (LZN)

**Berry**  
 The Rural 1(c) zoned land at Berry be zoned part RU4 Primary Production Small Lots zone and part R5 Large Lot Residential



Extract from the Land Zoning Map (LZN)

**Tapitallee**  
 The Rural 1(c) zoned land at Tapitallee be zoned part RU4 Primary Production Small Lots and part E4 Environmental Living.

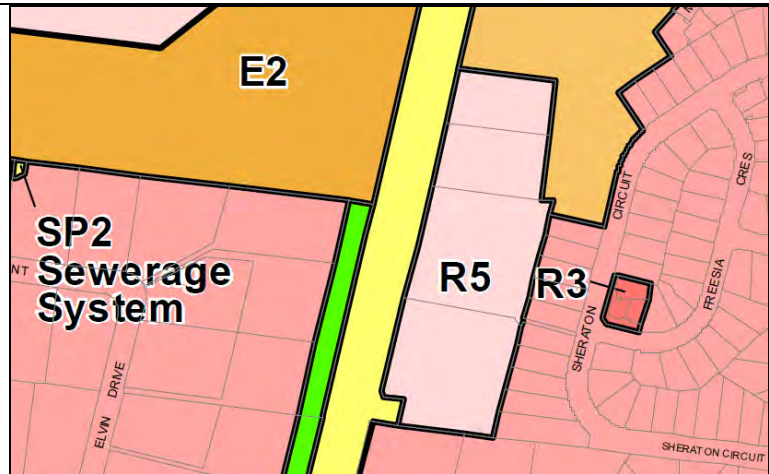


Extract from the Land Zoning Map (LZN)



**Bomaderry**

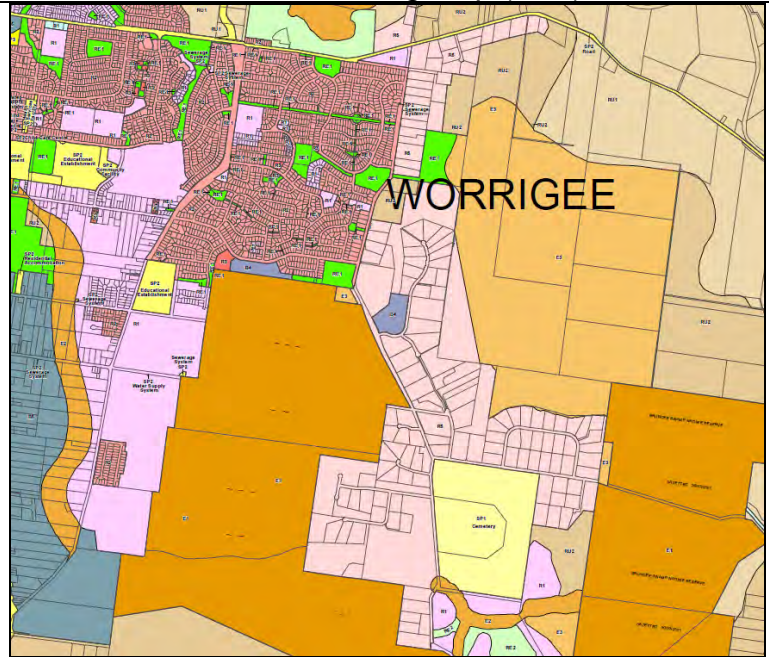
The Rural 1(c) zoned land at Bomaderry be retained as a R5 Large Lot Residential zone.



Extract from the Land Zoning Map (LZN)

**Worrigeer**

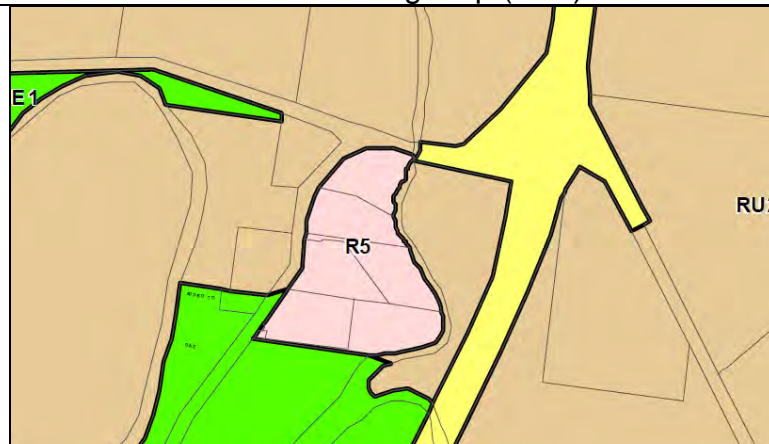
The Rural 1(c) zoned land at Worrigeer be retained as a R5 Large Lot Residential zone.



Extract from the Land Zoning Map (LZN)

**Falls Creek – Parma Rd**

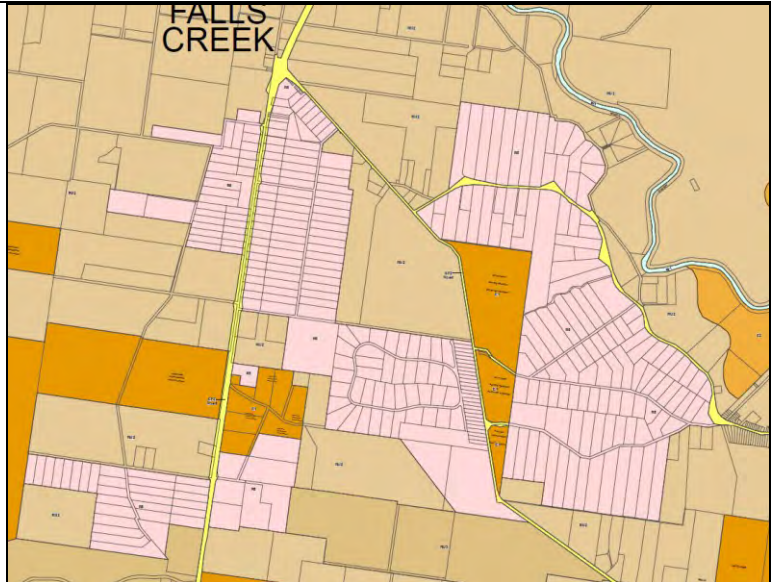
The Rural 1(c) zoned land at Falls Creek – Parma Road be retained as a R5 Large Lot Residential zone.



Extract from the Land Zoning Map (LZN)

**Falls Creek - Woollamia**

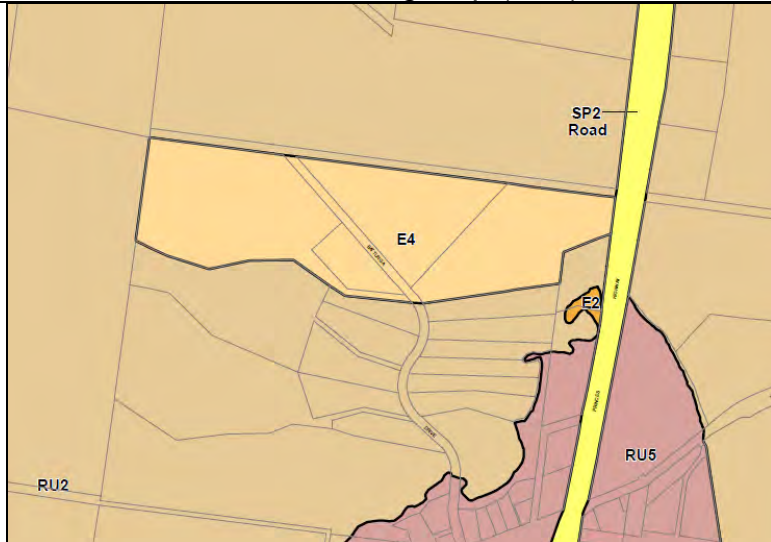
The Rural 1(c) zoned land at Falls Creek – Woollamia be zoned R5, and the zoning be reconsidered once future detailed investigation into increased densities is complete.



Extract from the Land Zoning Map (LZN)

**Tomerong**

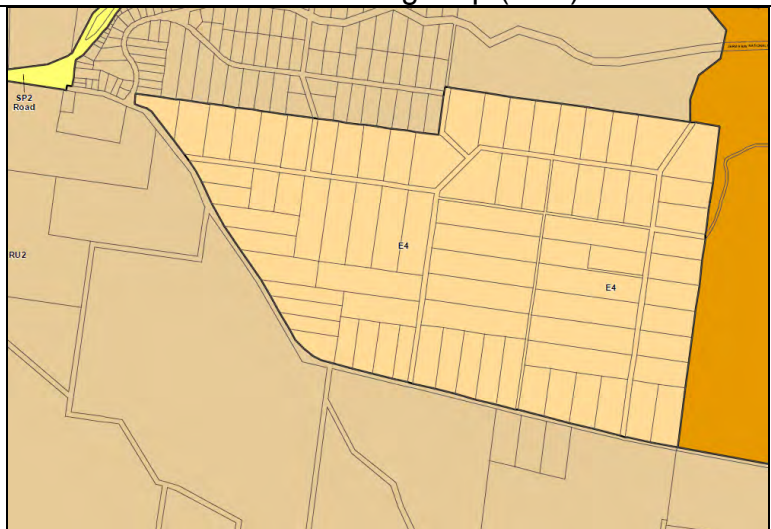
The Rural 1(c) zoned land at Tomerong be zoned E4 Environmental Living.



Extract from the Land Zoning Map (LZN)

**Port Jervis**

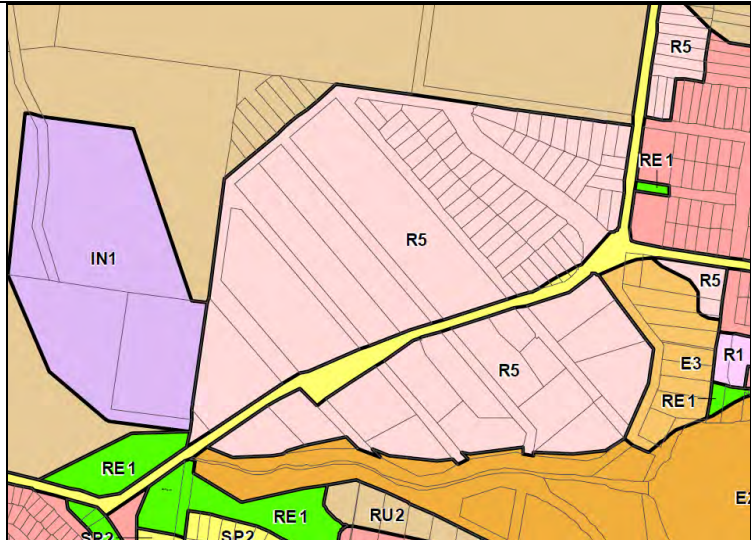
The Rural 1(c) zoned land at Port Jervis (adjacent to Jerberra Estate) be zoned E4 Environmental Living.



Extract from the Land Zoning Map (LZN)

**Basin View**

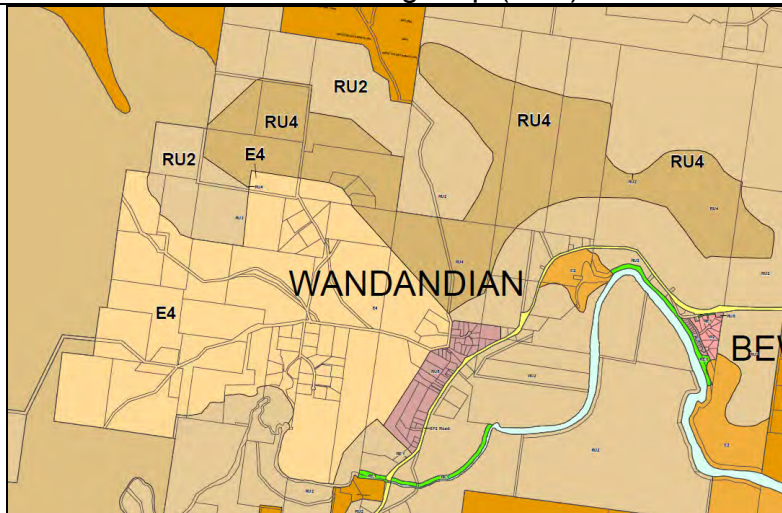
The Rural 1(c) zoned land at Basin View be retained as a R5 Large Lot Residential zone.



Extract from the Land Zoning Map (LZN)

**Wandandian**

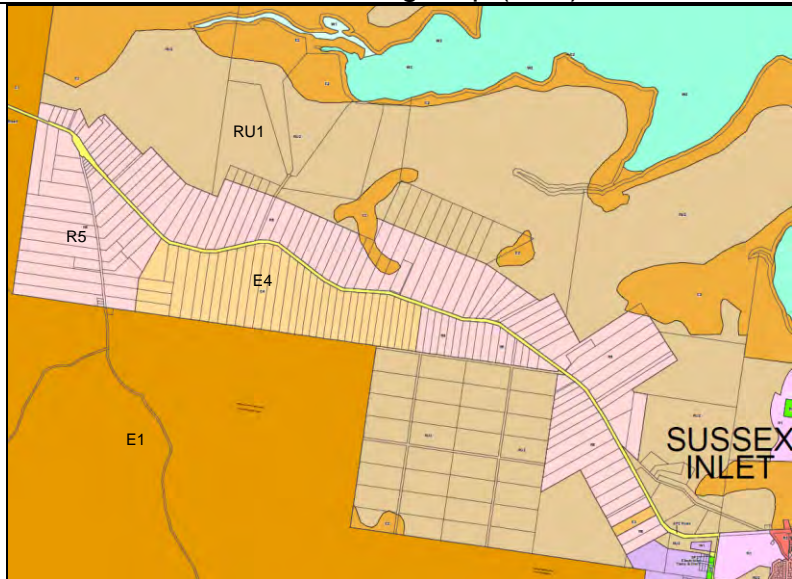
The Rural 1(c) zoned land at Wandandian be zoned part RU4 Primary Production Small Lots and part E4 Environmental Living.



Extract from the Land Zoning Map (LZN)

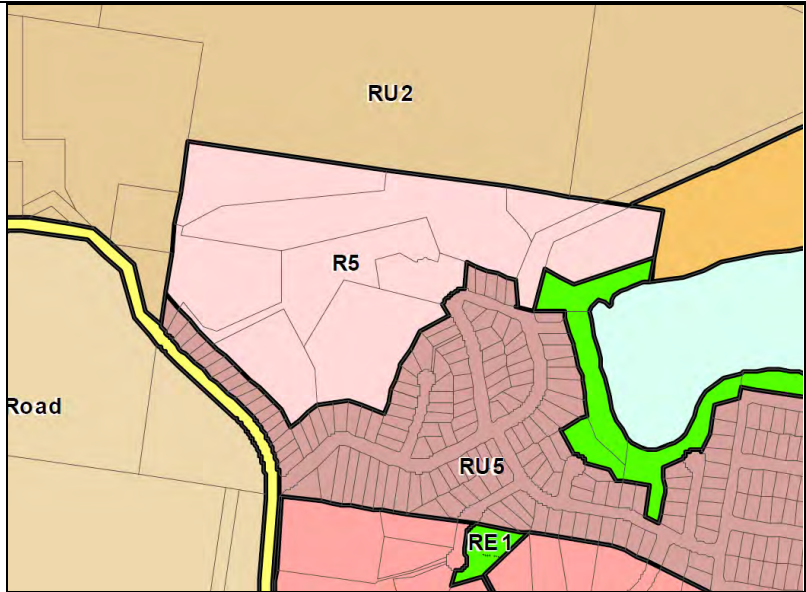
**Sussex Inlet**

The Rural 1(c) zoned land at Sussex Inlet be zoned part R5 Large Lot Residential, with the exception of the part of this area in the Swan Lake Catchment to be zoned E4.



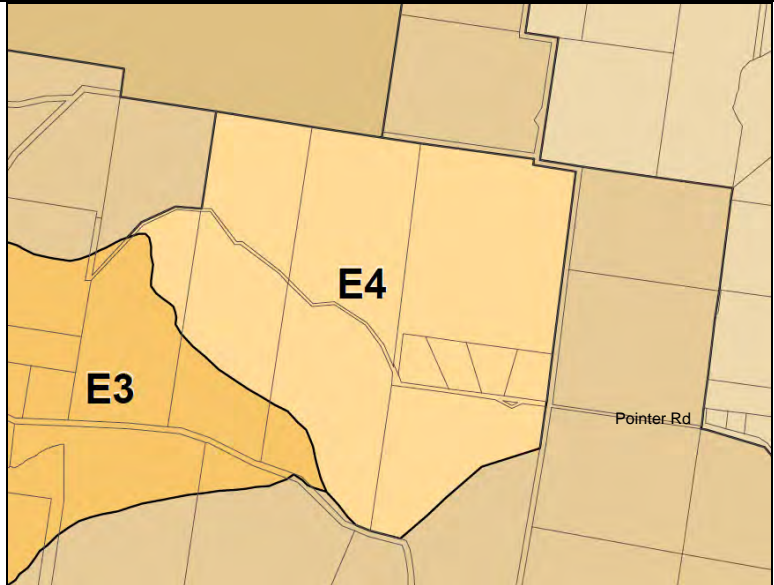
Extract from the Land Zoning Map (LZN)

**Conjola Park**  
 The Rural 1(c) zoned land at Conjola Park be retained as a R5 Large Lot Residential zone.



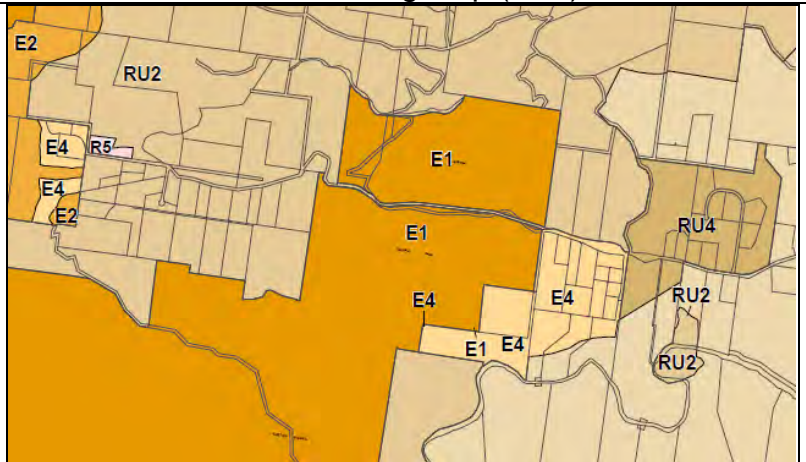
Extract from the Land Zoning Map (LZN)

**Yatte Yattah**  
 The Rural 1(c) zoned land at Yatte Yattah be zoned E4 Environmental Living.



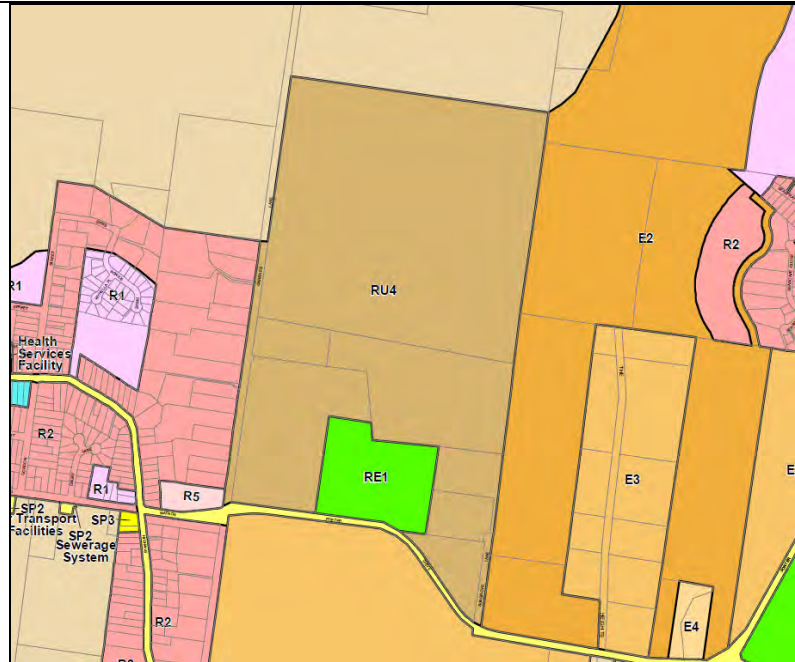
Extract from the Land Zoning Map (LZN)

**Little Forest**  
 a) The Rural 1(c) zoned land at Little Forest Road East be zoned part RU4 Primary Production Small Lots and part E4 Environmental Living; and  
 b) The Rural 1(c) zoned land at Little Forest Road West be zoned E4 Environmental Living.



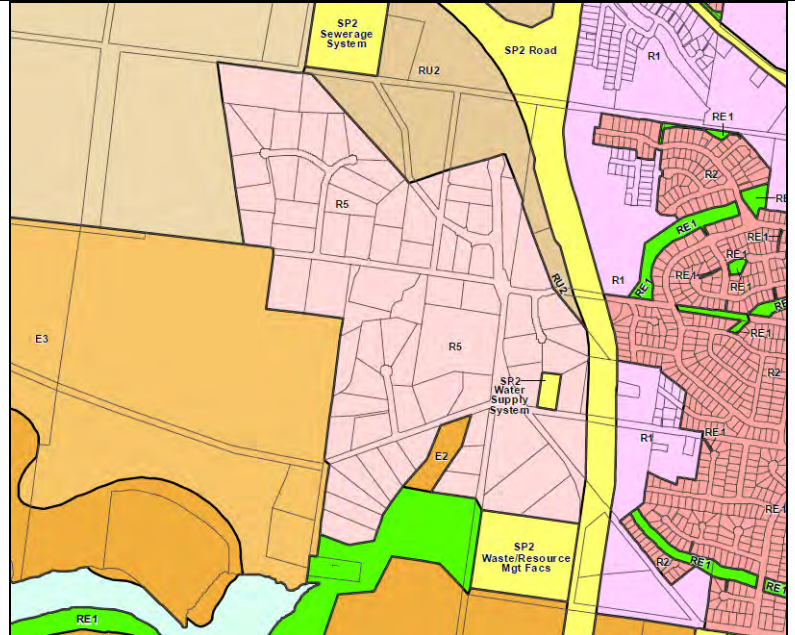
Extract from the Land Zoning Map (LZN)

**Milton/Narrawallee**  
 The Rural 1(c) zoned land at Milton/Narrawallee be zoned part RU4 Primary Production Small Lots, part R5 Large Lot Residential and part E4 Environmental Living.



Extract from the Land Zoning Map (LZN)

**West Ulladulla**  
 The Rural 1(c) zoned land at West Ulladulla be retained as a R5 Large Lot Residential zone.



Extract from the Land Zoning Map (LZN)

**ISSUE 8: LOT AVERAGING IN RURAL RESIDENTIAL ZONES**

The proposed removal of lot averaging provisions from certain rural residential areas was a major issue arising from the initially exhibited draft LEP with fifteen individual submissions received and thirty five form letters.

**Current situation**

Lot averaging provisions are currently included in Shoalhaven LEP 1985 for a number of specific locations. They provide a more flexible method of rural subdivision whereby a variety of lot sizes of a specified average area is achieved, and a residual area of environmentally sensitive or agricultural land is set aside for protection or continued use.

The aim is to match the pattern of subdivision to landscape features or environmental characteristics, such as biodiversity (flora, fauna, wetlands etc), valuable agricultural land or topographic features.

### Removal from draft LEP

As part of the preparation of the draft LEP, Council initially submitted a draft LEP to the NSW Department of Planning & Infrastructure (DP&I) that maintained the current approach to future subdivision via lot averaging in the relevant areas. DP&I advised that as a general policy position they do not support the use of 'lot averaging' in the draft LEP. Council did not agree with this approach, but were required by the DP&I to place the modified draft LEP on exhibition, without the continued inclusion at that stage of lot averaging in the draft Plan.

DP&I advised that it was continuing to work to refine its State-wide position on 'lot averaging' in rural zones. At that point, staff considered that investigation of all options available in relation to 'lot averaging' in the draft LEP was necessary and Council invited specific feedback from affected landowners to help inform any final decision in relation to 'lot averaging' as part of the initial exhibition.

DP&I then provided feedback in support of lot averaging and, along with support from affected landowners, it is considered appropriate to ensure that lot averaging provisions in the draft LEP 2013 to ensure consideration of rural subdivision is based on the protection of high value agricultural lands; as well as the avoidance of the economic, environmental and social consequences of unplanned rural and rural residential subdivision.

The retention of lot averaging provisions similar to the existing Shoalhaven LEP 1985 will allow a measured strategic planning approach to this issue, that is consistent with the 'best fit' transfer.

### Submission issues

The submissions received objected to the removal or loss of lot averaging provisions in the exhibited draft LEP, and supported the retention of the existing lot averaging provisions from Shoalhaven LEP 1985.

The relevant report was considered at the Special Development Committee Meeting held on 12 March 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

### Outcome

**Council has resolved to retain the status quo and include lot averaging provisions in draft LEP 2009 based on existing provisions in Shoalhaven LEP 1985.**

**The following clause has thus been included in the draft Shoalhaven LEP 2013 (with associated mapping):**

**4.2B Subdivision of certain land zoned RU4, R5 or E4**

- (1) *This clause applies to land within zones RU4, R5 and E4.*
- (2) *Despite clause 4.1, land identified on the Local Clauses Map as 'Prime Crop and Pasture; may only be subdivided if the consent authority is satisfied that each newly created lot contains at least 10 hectares of 'Prime Crop and Pasture Land'.*
- (3) *Despite clause 4.1, the following restrictions apply to certain land within zones RU4, R5 or E4:*
  - (a) *land identified on the Lot Size Map as 'Area 1' in the vicinity of Bundewallah Road, Berry may be subdivided to a minimum lot size of 1 hectare to a maximum of 4 lots per 10 hectares;*
  - (b) *land identified on the Lot Size Map as 'Area 2' in the vicinity of Little Forest Road, Little Forest may be subdivided to a minimum lot size of 1 hectare to a maximum of 1 lot per 10 hectares north of Little Forest Road and to a maximum of 3 lots per 10 hectares south of Little Forest Road;*
  - (c) *land identified on the Lot Size Map as 'Area ' in the vicinity of Wandean Road, Wandandian may be subdivided to a minimum lot size of 2 hectares to a maximum of 1 lot per 10 hectares, or in the case of an allotment of between 4 and 19 hectares in area, into no more than 2 lots;*
  - (d) *land identified on the Lot Size Map as 'Area 4' in the vicinity of Illaroo Road, Tapitallee may be subdivided to a minimum lot size of 1 hectare to a maximum of 1 lot per 10 hectares north of Illaroo Road and to a maximum of 4 lots per 10 hectares south of Illaroo Road, or in the case of an allotment of between 3 and 5 hectares in area located south of Illaroo Road, into no more than 2 lots;*
  - (e) *land identified on the Lot Size Map as 'Area 5' in the vicinity of Yatte Yattah may be subdivided to a minimum lot size of 1 hectare to a maximum of 1 lot per 10 hectares;*
  - (f) *land identified on the Lot Size Map as 'Area 6' in the vicinity of Termeil may be subdivided into lots having an overall maximum density of one lot per 10 hectares provided that the vehicular access to any lot is via a road other than the Princes Highway; and*
  - (g) *land in identified on the Lot Size Map as 'Area 7' the vicinity of Conjola Park may be subdivided into a maximum of fourteen lots with a minimum lot size of 1 hectare provided that dwellings are constructed at least 100m from any land zoned as E2 Environmental Conservation.*
  - (h) *land identified on the Lot Size Map as 'Area 8' at Windward Way, Milton being Lot 1 DP 780801 may be subdivided into a maximum of 3 lots with a minimum lot size of 2 hectares.*
- (4) *For the purposes of this clause 'Prime Crop and Pasture Land' is defined as land identified as Class 1, 2 or 3 on the NSW Department of Primary Industries' agricultural land classification maps.*

## ISSUE 9: LAND USE TABLES – RURAL ZONES

A number of submitters raised concerns over the range of uses permitted in the land use tables (LUTs) for the rural zones.

Under the 'best fit' approach to the preparation of the draft LEP, generally the range of development types permissible under the Shoalhaven LEP 1985 zoning were also made permissible under the exhibited draft LEP. However, due to the transfer of seven existing rural zones into four rural zones under the Standard Instrument (or LEP Template), there have been some changes to the permissible uses for those zones that do not have a directly equivalent zone.

Also, the LUTs in Shoalhaven LEP 1985 for the Rural 1(a) (Agricultural Production), Rural 1(b) (Arterial and Main Road Protection) and Rural 1(d) (General Rural) are 'open' zones, which means that they list the land uses that are prohibited, and all other land uses are therefore permitted with consent, including innominate land uses.

The land use tables for the equivalent rural zones in the draft LEP 2013, being RU1 Primary Production and RU2 Rural Landscape, are however 'closed' zones, which means that they list the land uses that are permissible, and all other uses, including innominate land uses, are therefore prohibited. This has also led to what appear to be expanded land use tables.

### Submission issues

Requested that Council remove the second part of the added RU1 zone objective "for economic extraction of hard rock, mineral sand or gravel resources".

Concern about the wide range of activities now allowed in rural zones RU1 and RU2 and the range of allowable developments will make achieving the zone objectives very difficult. The changes to go beyond a 'best fit' transfer.

Remove all land uses in the RU1 and RU2 zones that were previously stated as prohibited or NOT stated as permissible.

The number of permissible uses in the Rural 1(a) zone is being reduced under the draft LEP. All areas currently zoned Rural 1(a) should be zoned RU1 Primary Production, and the land uses currently available in 1(a) be retained.

Council should prohibit the following uses in rural zones: Air transport facilities, Boat repair facilities, Business identification signs, Crematoria, Caravan parks, Depots, Dual occupancies, Entertainment facilities, Food and drink premises, Funeral homes, Hazardous industries, Home industries, Marinas, Offensive industries, Recreation facilities (major), Rural worker's dwellings, Vet hospitals, Water recreation structures, and Tourist accommodation (but allow B&B, Farm stay and backpackers).

Council should permit the following uses in rural zones: Animal boarding or training establishment, Caravan park, Camping ground, Earthworks, Flood mitigation works, Rural workers dwelling, Secondary dwelling, Viticulture, Water storage facility.



Allow landowners to request an RU2 or E3 zone if they wish.

The relevant report was considered at the Special Development Committee Meeting held on 26 March 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

## Outcomes

**Council adopted the following changes to the RU1 and RU2 zones on 17 April 2012:**

- **The RU1 zone objective v. has been amended as follows:**
  - **The reference to the conservation and maintenance of productive “prime crop and pasture land” be made clearer; and**
  - **Modify the wording of the objective to read as follows: To conserve and maintain the economic potential of the land for extractive industries.**
- **Include ‘rural workers dwellings’ as permissible with consent in the RU1 zone with an additional local Clause.**
- **‘Forestry’ and ‘beekeeping’ became permissible without consent in the RU1 & RU2 zones.**
- **The following uses became permissible with consent in the RU1 & RU2 zones:**
  - **Camping ground**
  - **Eco-tourist facility (and associated clause)**
  - **Plant nursery**
- **Council removed ‘mining’ from the RU1 zone.**

## ISSUE 10: LAND USE TABLE – ENVIRONMENTAL ZONES

During the exhibition period, ninety six submissions were received that related to, or mentioned, the proposed Environment Protection zones and their land use tables.

Shoalhaven is characterised by large areas of land which have significant environmental values. These may be ecological, scenic, coastal, escarpment or location within a water catchment area. Much of this land is zoned to protect and maintain these areas, and to ensure that permissible development does not detract from this significance.

The ‘best fit’ transfer from Shoalhaven LEP 1985 to the exhibited draft LEP was particularly complex in the case of the environment protection zones, as there are some key differences in the LUTs between the existing environment protection zones under SLEP 1985, and those in the draft LEP under the LEP Standard Instrument (template). Typically this means the draft LEP as exhibited could not maintain the status quo for all the environment protection zones in SLEP 1985.

This has resulted in some land uses no longer being permissible or prohibited on certain land. This change was somewhat unavoidable due to the combining of several zones to fit within the LEP template.

## Submission issues

Object to the reduced number of environmental protection zones.

The E2 zone should be more restrictive. Object to all other land uses, other than those that are mandated as being permitted with consent, in the E zones.

Concerned with number of land uses permitted with consent in the E2 zone and suggests that the only land uses permitted with consent in this zone should be: 'Environmental facilities', 'Environmental protection works' and 'Recreation areas'.

Concerned with the number of land uses permitted in the E3 zone and suggested that the only land uses permitted with consent in this zone should be: 'Dwelling houses', 'Environmental facilities', 'Environmental protection works', 'Home businesses', 'Home industries', 'Recreation areas', 'Roads', 'Roadside stalls' and 'Water recreation structures'.

Suggested that 'water supply' be deleted from the 3rd objective of the E2 zone, to broaden the application of the objective to catchments generally.

The relevant report was considered at the Special Development Committee Meeting held on 4 April 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

## Outcomes

**Council resolved as follows in regards to the E2 & E3 zones:**

- **Retain the zone transfer as exhibited in draft SLEP 2009 and therefore the current extent of the E2 and E3 zones across the City remains as exhibited.**
- **Retain the E3 Land Use Table as exhibited in draft SLEP 2009.**
- **Reword the 3rd objective in the E2 zone to read as follows: "To protect water quality and the ecological integrity of water supply catchments and other catchments and natural waterways". Otherwise the E2 LUT was retained as exhibited in draft SLEP 2009.**

**Council also resolved to include the E4 Environmental Living zone in the Shoalhaven LEP 2013 (refer to Issue 8: Lot Averaging in Rural Residential Zones).**

## ISSUE 11: ZONING OF RESERVES WITH ENVIRONMENTAL VALUES

A number of submissions raised concerns about the zoning of Council or Crown reserves with environmental attributes.

Public reserves are generally zoned Open Space 6(a) under SLEP 1985 and RE1 Public Recreation under draft LEP 2013. Council-owned reserves are governed/protected by their classification under the Local Government Act 1993 and resulting Plans of Management. Community land categorised as "Natural Area Bushland" is managed in

accordance to the relevant Plan of Management, which sets out what can and can not be done on this land and how it is to be managed.

### Submission issues

Requested that “community land” categorised as “natural area” under the Local Government Act be zoned E2, including land along the Shoalhaven River.

The relevant report (Environmental Protection Zones) was considered at the Special Development Committee Meeting held on 4 April 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

### Outcome

**Council resolved that the zonings exhibited in draft SLEP 2009 be retained for Council reserves.**

## ISSUE 12: CLAUSE 5.9 PRESERVATION OF TREES AND VEGETATION

Clause 5.9 Preservation of trees or vegetation is a compulsory clause in the Standard LEP Instrument, except subclause (9) which is optional. Subclause (9) ensures that the clause applies to land in the R5, E2, E3 and E4 zone.

### Submission issues

The NSW Office of Environment and Heritage (OEH) and the Southern Rivers Catchment Authority supported the inclusion of this subclause, as did a number of community groups and members. It would also address concerns raised by Council’s Development and Environmental Services Group. OEH has also requested that a local provision be included that links to a map or a schedule to ensure that this clause applies to land within the ‘paper subdivisions’ such as Heritage, Jerberra, Nebraska and Verons Estates. It was recommended that subclause 5.9.9 be included and that Council request the support of DP&I for the inclusion of a local provision to ensure that clause 5.9 applies to the paper subdivisions. A number of the community submissions also requested that the subclause be amended to include the RU2 zone.

The relevant report was considered at the Special Development Committee Meeting held on 19 March 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

### Outcome

**Council did not adopt the optional subclause 5.9(9), but an additional subclause has been added which ensures the clause applies to the paper subdivisions. The additional subclause is linked to the *Local Clauses Map* which identifies the specific areas to which the subclause applies.**

## ISSUE 13: KANGAROO VALLEY

Council received a number of submissions relating to specific Kangaroo Valley issues; thirty three individual submissions, three Agency submissions, and four community group submissions. These submissions covered a variety of issues and the major issues are covered here.

### Submission issues

#### Height of buildings

DCP 66 height limits should be acknowledged and maintained in the LEP. This DCP was hard fought and has protected the character of the village for 10 years.

#### Heritage Conservation Areas

Objection to the non-inclusion of two heritage precincts from DCP 66 in the exhibited draft LEP.

#### Proposed Zoning of 40 Mount Scanzi Road (Lot 1 DP 506037)

A number of submissions expressed concern with the proposed change of zone for this property from Rural 1(a) to R5 Large Lot Residential.

#### Permissibility of Helipads

A number of submissions raised specific concern with the permissibility of 'helipads' in Kangaroo Valley, specifically in the proposed RU5 Village zone.

The relevant report was considered at the Special Development Committee Meeting held on 29 May 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

### Outcomes

**Council resolved as follows:**

#### **Height of buildings**

**DCP 66 heights have been included on the *Height of Building Map*.**

#### **Heritage Conservation Areas**

**The heritage precincts in DCP 66 will be included in draft LEP 2013, subject to concurrence by the landowners. Letters to this effect will be sent to affected landowners during the re-exhibition period.**

#### **Proposed Zoning of 40 Mount Scanzi Road (Lot 1 DP 506037)**

**The proposed R5/E2 zones for 40 Mount Scanzi Road (Lot 1 DP 506037) have been retained as exhibited in draft LEP 2009.**

#### **Permissibility of Helipads**

**Helipads have been retained as a permissible use (with consent) in the RU1, RU2 and RU5 zones.**

## ISSUE 14: NOMINATION OF BERRY AS HERITAGE CONSERVATION AREA

A number of submissions, including community groups (two received), a petition (nineteen signatures) and a form letter (fifty five received), commented on this issue.

The National Trust of Australia (NSW) notified Council in June 2011 of the listing of the Berry Township Urban Conservation Area on the National Trust Register.

### Submission issue

The submitters supported the National Trust of Australia's nomination of Berry Township Urban Conservation Area for inclusion in the exhibited draft LEP Schedule of Heritage Conservation Areas. They suggested that the qualities that make Berry a special place require recognition and protection through heritage listing.

The relevant report was considered at the Special Development Committee Meeting held on 10 May 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

### Outcomes

**Council decided to investigate the inclusion of Berry Township Urban Conservation Area as a Heritage Conservation Area in Council's LEP as a matter for consideration following the completion of draft LEP.**

## ISSUE 15: LOT SIZES - HUNTINGDALE PARK, BERRY

A number of submitters expressed concern that minimum lot sizes for the Huntingdale Park development in Berry.

The Lot Size Overlay Map in the exhibited draft LEP shows the R1 zoned land in "Huntingdale Estate" as having a minimum lot size of 500m<sup>2</sup>. Development Control Plan (DCP) No. 70 applies to the Estate and the DCP map designates some of the R1 zoned land as "Larger Lots 2000m<sup>2</sup>". This land is primarily located on only the north western edges of the Estate.

### Submission issues

Concern that minimum lot sizes for the Huntingdale Park development in Berry in the draft LEP are not consistent with those set through DCP No. 70. The idea was that lot sizes would gradually increase as you got further from the town. The Berry Alliance and local residents fought hard to have lot sizes in "Huntingdale Estate" reflect existing patterns of development, via the DCP.

The relevant report was considered at the Special Development Committee Meeting held on 10 May 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

## Outcome

**That in relation to the land known as “Huntingdale Estate”, the Lot Size Map be amended to change the minimum lot size to 2000m<sup>2</sup> where included in DCP No. 70.**

## ISSUE 16: SHOALHAVEN HEADS

Council received a number of submissions on Shoalhaven Heads specific issues; twelve individual submissions, two form letters, six petitions and one community group submission. These submissions covered a variety of issues but only the major issues are covered here.

### Submission issues

#### Zoning of Lot 7010 DP 1035145, Scott Street

A number of submissions expressed concern with the proposed zoning of this property. Many of the submissions supported a residential zoning that does not allow medium to higher density housing, but does allow seniors housing. A smaller number of submissions support an environmental zoning (such as E2 Environmental Conservation) for the land, and referenced the Crown Lands Assessment and the Bangalay Sand Forest EEC that has been identified on the site.

#### Zoning of Caravan Parks

Concerned that there are three different zones covering at least 5 caravan parks in Shoalhaven Heads. The R1 and RU1 zones do not permit caravan parks, and thus several of the zones proposed for Shoalhaven Heads Caravan Parks do not permit caravan parks. Only the Council Park is appropriately zoned as RE1.

#### Offensive Industries

Object to the inclusion of ‘offensive industries’ as a permitted land use for any land within Shoalhaven Heads.

#### Zoning of Lot 73 DP 257068, McIntosh Street

This property is zoned 2(d) and is proposed to be zoned SP3. Remove dwelling houses from SP3 zone as they do not retain or enhance the strategic value of the site for tourism purposes.

#### Council land - Golden Hill Avenue

Should rezone Council land on Golden Hill Avenue from RE1 Public Recreation to residential zone to enable a more suitable use for the town.

The relevant report was considered at the Special Development Committee Meeting held on 12 June 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

## Outcomes

### Zoning of Lot 7010 DP 1035145, Scott Street

Retain the R1 General Residential zone as exhibited in draft LEP 2009, rezone the area occupied by the golf course to RE1 Public Recreation and remove the NRS biodiversity overlay from the residential zoned land and golf course.

### Zoning of Caravan Parks

Retain the zonings of the caravan parks in Shoalhaven Heads, as exhibited in draft LEP 2009.

### Offensive Industries

No change in permissibility in 'offensive industries'.

### Zoning of Lot 73 DP 257068, McIntosh Street

An additional objective has been added to the SP3 zone to make it clear the dwellings are only permissible as part of a tourist development.

### Council land - Golden Hill Avenue

Investigate the possible rezoning and reclassification of Lot 35 DP 506007, Golden Hill Avenue, as a matter for consideration following the completion of the LEP.

## ISSUE 17: BANGALEE WEST URBAN RELEASE AREA

The Bangalee West Urban Release Area (URA) was raised in fourteen submissions, with nine general submissions, four form letters and one landowner submission.

The endorsed Nowra Bomaderry Structure Plan (NBSP) identifies the proposed Bangalee Road West Living Area as having an area of 16.3 ha, with a potential development capacity of 200 dwellings at 12 dwellings/ha. The NBSP detailed that the desired future character will be integrated into the existing urban fabric and identity of Tapitallee, with a future subdivision layout of low density development in a natural setting, similar to the adjoining urban area. All URAs in the exhibited draft LEP were initially proposed to zoned R1 General Residential, and had a prescribed minimum lot size of 500m<sup>2</sup> to enable flexibility in their future development. This consistent approach seeks to maximise development potential given the difficulties faced in identifying developable land for the future, and allows for the DCP process to provide more detailed development guidelines.

## Submission issues

Object to the URA and its associated rezoning to residential.

Concerned with:

- the Bangalee West URA not being in line with the NBSP;
- high density which is now semi-rural, peaceful and full of wildlife;
- increased vehicle numbers impacting on Illaroo Road;
- impact of high density housing on property values in this area; and
- possible increase in crime.

Should maintain large lots in Tapitallee and Bangalee. 500m<sup>2</sup> lot sizes are not in keeping with the area and there are associated effluent disposal issues, recommend lot sizes over 4000m<sup>2</sup>.

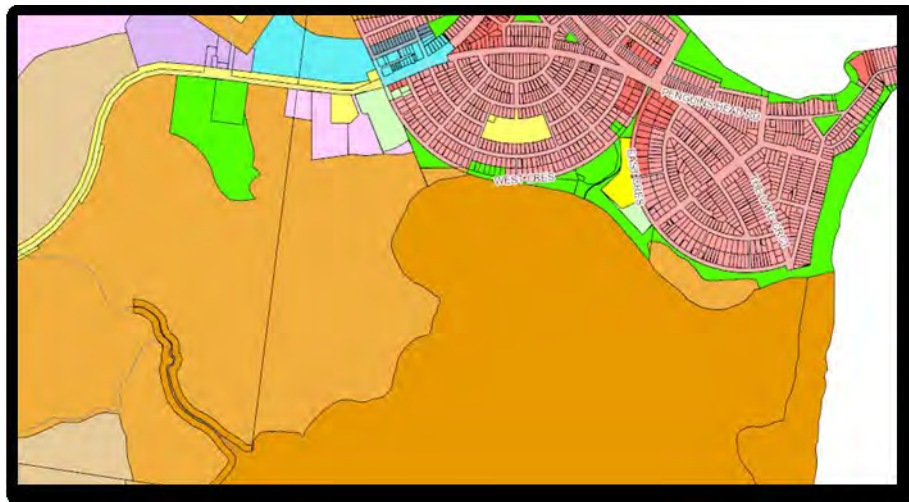
The relevant report was considered at the Special Development Committee Meeting held on 12 April 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

## Outcomes

The zoning of the URA to has been amended from R1 General Residential to R2 Low Density Residential and the minimum lot size has been changed from 500m<sup>2</sup> to 4000m<sup>2</sup> consistent with the adjoining established area.

## ISSUE 18: ZONING OF LAKE WOLLUMBOOLA CATCHMENT

There was concern with the proposed zonings in the Lake Wollumboola catchment and surrounds, with thirty five submissions being received.



Extract from the *Land Zoning Map* of draft LEP

The part of Lots 5 and 6 DP 1065111 that are south of Culburra Road within the Lake Wollumboola catchment are also the subject of a current development application for an eighteen hole golf course, including car park areas, access road, club house, pro-shop, change rooms and green keeper's shed. The development application is still under assessment at this point in time.

Lake Wollumboola and its catchment have been recognised as a unique and sensitive waterway of national and international importance. A Commission of Inquiry was held in 1996 to investigate the proposed development of the Culburra expansion area, which included Lot 5 and 6 DP 1065111. The Inquiry recommended refusal of the proposal due to its likely unacceptable environmental impacts on Lake Wollumboola. This area was also included in the Sensitive Urban Lands Review (SULR) to review the Residential 2(c) zoning over the land. The SULR's recommendation was that land within the catchment of Lake Wollumboola is unsuitable for urban development, principally on the grounds of the potential negative impacts on the Lake. It recommends that land in the catchment of Lake Wollumboola be zoned for conservation purposes.



Based on the recommendations of the SULR, which are reflected in the South Coast Regional Strategy (SCRS), the land within the catchment of the Lake, south of Culburra Road, had an E2 Environmental Conservation zone in the exhibited draft LEP.

### Submission issues

Submissions on the issue can roughly be separated into two distinct categories; either supporting the E2 zoning of part of the catchment and requesting additional environment protection zones for the catchment, or opposing the E2 zoning and expressing support for the proposed golf course being located in the area.

The relevant reports were considered at the Special Development Committee Meeting held on 8 May and 29 May 2012. The reports can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

### Outcome

Council resolved to change the zone of Lot 5 and 6 DP 1065111 from the exhibited E2 Environmental Conservation zone to a zone which allows for a golf course

However, DP&I's response, as part of the S65 Certificate (19 December 2012), was that the change to a rural zone was not consistent with recommendations of three independent Government inquiries (South Coast SULR, Commission of Inquiry and the Coastal Lakes Inquiry). The proposal for a golf course is inappropriate due to the clearing and runoff impacts on Lake Wollumboola (a potential RAMSAR wetland) and the number of endangered ecological communities on the land.

**Council at this point has resolved that the E2 Environmental Conservation Zone be retained.**

## ISSUE 19: CROWN LAND AT CURRARONG

A number of submissions were made in regard to land at Currarong. The majority of the concerns raised in these submissions related to the zoning of undeveloped Crown Land around the village. Thirty five general submissions, four separate form letters (each received five times) and one State agency commented on, or expressed concerns with, the proposed R1 zoning of the Crown Land located north of Kinghorn Road between Nowra and Cambewarra Roads.

This land is Crown Land that is currently zoned Residential 2(c) under Shoalhaven LEP 1985. The Department of Lands undertook a Crown Land Assessment of their lands in and around Currarong in 1999. This assessment indicated that the area had some potential for residential development. Therefore, the 'best fit' transfer was applied to part of the site and it was exhibited with an R1 zoning.

### Submission issues

Object to the proposed R1 zoning of the Crown Land that fringes the western side of Currarong. It is inconsistent with adjacent built zonings (R2). Urge Council to zone the land

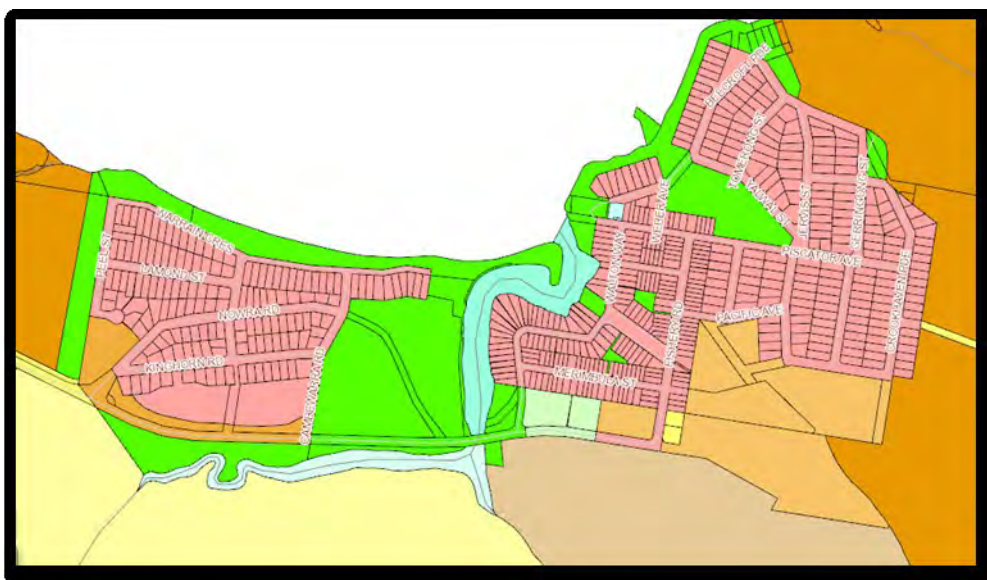
appropriately to E2, as it acts as a buffer to the main road traffic, is prone to bushfire and connects to the extensive wetlands adjacent to the built areas.

The Department of Land and Water Conservation judged it to be unsuitable for development because of its poor drainage and possible acid sulfate soils. For the reasons in the Crown Lands Assessment of Currarong dated 1999, it is suggested that both proposed R1 zoned sections in Currarong should be zoned E2.

The relevant report was considered at the Special Development Committee Meeting held on 8 May 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

## Outcome

The areas shown on Figure 4 of the Currarong Crown Land Assessment as No 3 be given an E3 zone, and that the remainder of the site be zoned R2 Low Density Residential (see map below). Specific comment will be sought on this zoning from the Crown Lands Division during the re-exhibition.



Extract from the *Land Zoning Map* of draft SLEP 2013

## ISSUE 20: EDENDALE STREET, WOOLLAMIA

A number of submissions raised concerns with various aspects of the exhibited draft LEP in the vicinity of Edendale Street, Woollamia.

### Submission issues

#### Lot 14 DP1045217 Edendale Street, Woollamia

Eight submissions and one form letter, which was received 21 times, raised concerns with the zoning and environmental attributes this property. These concerns were regarding:

- Capacity for subdivision or large development would impact on the environment in that region.

- Requests that all of Lot 14 be zoned as ‘Sensitive Area-Habitat Corridor’ and ‘Sensitive Area-Significant Vegetation’.
- Requests rezoning of Lot 14, also known as the northern side of Edendale Street, Woollamia, to RU2 Rural Landscape.

Lot 7309 DP 1153643 & Lot 1 DP 510429 Edendale Street East, Woollamia

Two submissions and 14 form letters raised concerns with the heritage attributes of these properties. Believe they should be placed on the Heritage Schedule to protect Aboriginal Middens.

Waterway at Edendale Street, Woollamia

Four submissions, including a form letter received 17 times, commented on the tidal estuary that flows under Edendale Street and Woollamia Road. Requested that the tidal estuary that flows under Edendale Street and Woollamia Road be identified on the Natural Resources Sensitivity - Water map for the following reasons:

- This tidal estuary is vital in releasing water from the Woollamia Wetlands into Currumbene Creek.
- It is a natural waterway that is full of marine life including mangroves, crabs, prawn and fish hatchlings and birdlife including the Azure Kingfisher.
- This land is identified as a Floodway; the removal of large areas of vegetation on a floodway is known to exacerbate flooding which will have a detrimental effect on the existing residents.
- Increased water diversion into the tidal tributary will intensify the risk to current residents.

The relevant report was considered at the Special Development Committee Meeting held on 24 May 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

## Outcomes

**Following Council consideration of the submissions, the following outcomes arose:**

**Lot 14 DP1045217 Edendale Street, Woollamia**

**Retain the zoning of this site as originally exhibited in the draft LEP.**

**Lot 7309 DP 1153643 & Lot 1 DP 510429 Edendale Street East, Woollamia**

**These properties have not placed on the Heritage Schedule.**

**Waterway at Edendale Street, Woollamia**

**The tidal waterway has not been included on the NRS – Water map.**

## ISSUE 21: B4 ZONED LAND AT HUSKISSON

Eighteen submissions were received in relation to the zoning of the Crown Land and the adjoining road reserve located to the south and west of Berry Street, Huskisson.

The proposed zone for this parcel of land was B4 Mixed Use, based on a ‘best fit’ transfer from the current Business 3(g) zone; however this area was subject to separate work on DCP No. 99 - Huskisson 3(g) Zone Precincts, which was under preparation during

exhibition of the draft LEP. Draft DCP No. 99 subsequently adopted a much smaller area suitable for development based on an environmental assessment of this area. The assessment found a small area of Bangalay Sand Forest, an endangered ecological community (EEC). It was also found that the remainder of the site may provide habitat for threatened flora and fauna, and provide a valuable buffer to Moona Moona Creek and Jervis Bay National Park.

### Submission issues

Concerned with the B4 zoning and 13m maximum height of buildings for the bushland bound by Currambene, Berry and Moona Streets, Huskisson. Request it be zoned E2 Environmental Conservation or RE1 Public Recreation as it contains wetlands, is flood prone and bushfire prone.

The current Open Space 6(c) (proposed recreation) land should be zoned RE1 not B4. It provides a buffer to the R2 land from high bushfire prone land.

Much of this area is below the 1 in 100 year flood area and other areas adjoin threatened ecological community areas and are extreme fire zone areas.

The relevant report was considered at the Special Development Committee Meeting held on 21 May 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

### Outcome

**Lot 7037 DP 1094569 and the adjoining road reserve to the south and west have been changed from B4 Mixed Use to an E2 Environmental Conservation zone.**



Extract from the *Land Zoning Map* of draft LEP 2013

## ISSUE 22: HEIGHT OF BUILDINGS – HUSKISSON

Sixteen submissions made comment on the height of buildings in Huskisson, with most concerned about the bonus heights from DCP No. 54 - Huskisson Tourist Town Centre, being shown on the Height of Buildings maps.

The heights shown on the Height of Building map in the draft LEP represent a maximum height to which Council can approve a building. This is necessary if Council is to be able to consider the bonus heights set out in DCP No. 54, as the LEP carries legal or statutory weight. The maximum bonus heights need to be in the LEP, as the DCP cannot contradict the LEP. The LEP sets maximum heights, with the DCP setting out the detail of how and when those maximum heights will be considered.

### Submission issues

Object to the increase of building heights on Owen Street, Huskisson. The exhibited draft LEP has automatically awarded bonus heights through the increase of maximum heights, by 3 metres over those set by DCP No. 54.

Should reduce the maximum height in HOB Map for Huskisson CBD, to levels in DCP No. 54. Bonus height for 'lot consolidation' should be applied as a storey in the Citywide DCP, not in the LEP.

Height limits for R3 should remain at 8.5 metres.

The relevant report was considered at the Special Development Committee Meeting held on 21 May 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

### Outcome

**Council resolved to retain the *Height of Buildings Map* as exhibited.**

## ISSUE 23: ZONING OF BURTON STREET SHOPS, VICENTIA

A large number of submissions expressed concerns with the proposed B4 Mixed Use zoning of the Burton Street shopping centre.

The intention of the change of zone for the Vincentia neighbourhood shops, and some of the adjacent residential properties, to the B4 Mixed Use zone was to enable the centre to diversify and adapt once the new Vincentia District Centre is constructed, rather than become unviable and contain empty shops. The B4 zone allows for more flexibility in the types of land uses that are permissible, but also requires any new development to be a mixture of land uses such as business, office, residential and retail. It should be noted that existing dwellings in the zoned area would benefit from existing use rights.

## Submission issues

Concerned with loss of neighbourhood shops at Vincentia.

Vincentia Village shops are a vital community resource and rezoning to B4 should not be considered until a detailed Town Plan has been prepared for Vincentia and discussed with all landowners and the community.

On a 'best fit' basis, the existing 3(c) neighbourhood zone should be translated into B1 Neighbourhood Centre.

Believes that B4 is not an appropriate zone as this could lead to changes and the demise of the shopping centre. Would like to see the area zoned more appropriately.

The relevant report was considered at the Special Development Committee Meeting held on 24 May 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

## Outcome

**Following consideration of the submissions, Council resolved that:**

- a) The proposed zone for the shopping centre has been changed to B2 Local Centre, including the privately owned car park;**
- b) The surrounding dwellings have been given an R1 General Residential zone consistent with the 'best fit' transfer; and**
- c) Council will consider revisiting the zones as a future amendment following a more detailed planning exercise related to the future use of the Vincentia shopping centre.**

## ISSUE 24: HEIGHT OF BUILDINGS - VINCENTIA

Fourteen submissions, including a form letter and a petition, raised concerns with the proposed height of buildings for Vincentia.

## Submission issue

A number of submissions raised concerns with the general 11 metre height control in the draft LEP applying to Vincentia and requested 7.5m for foreshore properties and 8.5m for the remainder of the town.

The relevant report was considered at the Special Development Committee Meeting held on 24 May 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

## Outcome

The *Height of Buildings Map* for Vincentia has been amended to map those areas zoned R1 General Residential as 8.5m

Note: Foreshore areas and the R2 zone are covered by the general Height of Building changes.

## ISSUE 25: HYAMS BEACH

A number of submissions raised concerns regarding the zoning of certain areas in the village of Hyams Beach.

### Submission issues

Concerned with the 11 metre maximum building height

Objection to the R1 Residential zone at Hyams Beach - inappropriate and possible development would be contrary to the character of the village.

Concerned with the R3 Medium Density zone in Hyams Beach

The relevant report was considered at the Special Development Committee Meeting held on 21 May 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

### Outcomes

**The draft R1 General Residential and R3 Medium Density zoned areas in Hyams Beach have been mapped as 8.5m on the *Height of Buildings Map*.**

*Note: The foreshore residential properties will also be mapped at the lower 7.5m as per the DCP No. 62 Residential Development in Foreshore Areas.*

**The R1 General Residential zone at Hyams Beach has been changed to R2 Low Density Residential and the affected landowners will be advised during the re-exhibition process.**

**The R3 Medium Density Residential zone at Hyams Beach has been changed to R1 General Residential and the affected landowners will be advised during the re-exhibition process.**

*Note: This change will still allow/facilitate medium density development, but not tourist accommodation uses.*

## ISSUE 26: BENDALONG AND MANYANA

A large number of submissions were made on various issues relating to Bendalong/Manyana and the surrounding area.

### Height of buildings

Request that 2 storey building heights be retained throughout the district, especially on the land owned by Kylor.

### Zoning of Crown Land, Inyadda Drive/ Bendalong Road (Lot 7051 DP 1101639)

Fifty one submissions expressed concern in relation to this matter. Request that this area be protected and further development limited by allocating this land an E2 Environmental Conservation zone. The Crown Land on the eastern side of Inyadda Drive and the southern side of Bendalong Road is zoned RU2 Rural Landscape, which permits many uses including caravan parks. The area has already been mapped as having high biodiversity and scenic values as well as serving as a major east-west habitat corridor from the coast to Conjola National Park.

### RU5 zone at Berringer Lake

Forty three submissions expressed concern in relation to this. Concerned that Village is being zoned RU5 not R2. Berringer Lake and the sixteen landowners need to be protected from the facilities and services outlined in RU5.

### W2 zoning of Berringer Lake

Forty submissions expressed concern in relation to this matter. Request that all of Berringer Lake be zoned W1 to provide greater environmental protection.

### Commercial site - Lot 1 DP 1161638, Curvers Drive, Manyana (Manyana Shops)

Forty two submissions expressed concern in relation to this matter. Request that Manyana shops be changed from B2 to B1 to make development compatible with surrounding area.

### Goodsell Graves

Thirty three submissions expressed concern in relation to this matter. Request that the Goodsell grave site (Kylor land) be added to the Heritage Schedule and heritage overlay map for Manyana.

### Zoning of Green Island - Lot 7026 DP 1031114

Forty Five submissions expressed concern in relation to this matter. Green Island needs stronger protection and should be zoned E2. It is Crown Land and is proposed to be zoned E3 - Environmental Management. This iconic island has no buildings on it and has good coastal biodiversity qualities. Other islands within Lake Conjola, some having structures on them, have been zoned E2 - Environmental Conservation.

The relevant report was considered at the Special Development Committee Meeting held on 12 June 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>



## Outcomes

### Height of buildings

The *Height of Buildings Map* has been amended to show a maximum overall height of buildings of 8.5 metres within the Manyana, Bendalong, Cunjurong Point and Berringer Lake urban areas.

### Zoning of Crown Land, Inyadda Drive/ Bendalong Road (Lot 7051 DP 1101639)

The zoning of this parcel has been retained as RU2 as initially exhibited.

### RU5 zone at Berringer Lake

The zone proposed for Berringer Lake village has been changed from RU5 Village to R2 Low Density Residential.

### W2 zoning of Berringer Lake

The proposed zone for Berringer Lake has been changed from W2 to W1 Natural Waterway.

### Commercial site - Lot 1 DP 1161638, Curvers Drive, Manyana (Manyana Shops)

The zoning of this site has been retained as B2 Local Centre consistent with the 'best fit' transfer.

### Goodsell Graves

That, following acceptance from the land owner, Council include the Goodsell graves located at Lot 2 DP 1161638 as a heritage item in the draft LEP.

*Note: The landowner has not agreed to this change, so the Goodsell graves have not been included on the Heritage Schedule.*

### Zoning of Green Island - Lot 7026 DP 1031114

The E3 zoning has been retained as initially exhibited.

## ISSUE 27: REZONING REQUESTS

A number of specific rezoning requests were received. These requests are detailed in the table below with the resulting outcome.

The relevant reports were considered at the Special Development Committee Meetings held on 14 March (Rezoning Requests 1 – 49), 15 March (Rezoning Requests 50-95) and 22 March (1A Riversdale Ave, Mollymook) 2012. The reports can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

No.	Rezoning request	Outcome
1.	<u>Lots 3 &amp; 5 DP 619493, Princes Highway Bomaderry</u> Rezone from proposed R5 Large Lot Residential to B5 Business Development to enable continued improvement of the property which contains a 20 suite motel.	Council supported the request for Lot 3 and rezoned to B5 Business Development. RMS did not support the change of zone for Lot 5 as the site is still required for road widening, thus SP2 Infrastructure zone retained as exhibited.
2.	<u>Lots 219, 220, 221, 224 DP 1141763, Halloran St, Vincentia</u> Rezone to allow a medical centre.	Council supported the request and rezoned land to R1 General Residential.
3.	<u>Lot 1 DP 130825, No. C130 Princes Highway Meroo Meadow</u> Additional areas of R1 General Residential and reduced areas of SP2 Road and E3 Environmental Management	Council supported realignment of the western R1 boundary, however DP&I have advised the property is located within the study area for the Princes Highway upgrade. Request not supported by DP&I; zone boundaries retained as exhibited.
4.	<u>Lot B DP 404845, Lot 16 DP 21954, No. 199-201 Kinghorne St, Nowra</u> Rezone the subject land to B4 Mixed Use as it has previously been a service station, shop, and restaurant but is currently vacant. Due to previous use as a service station, it is potentially contaminated and therefore not suitable for residential use.	Council resolved to rezone the site B5 Business Development. This was considered to be a more appropriate zone than requested B4 Mixed Use, which also allows residential development.
5.	<u>Lot 1 DP 602736, 176 McMahons Rd, North Nowra</u> Rezone the 2 ha parcel from proposed E2 Environmental Conservation to R5 Large Lot Residential with a 2000m <sup>2</sup> minimum lot size. Reduce SP2 Western Bypass corridor to 100m.	Not supported by Council, zone retained as exhibited.
6.	<u>Lot 1 DP 1061565, Lots 69, 70, 92, 151, 152 &amp; 156 DP 755965, Princes Hwy &amp; Oldham Close, Tomerong</u> Rezone part of the proposed RU2 Rural Landscape parcel to R5 Large Lot Residential with a minimum lot size of 2ha.	Not supported by Council at this stage. Added to list of matters for consideration following the completion of LEP 2013.

No.	Rezoning request	Outcome
7.	<u>Lot 218 DP 1071257, The Wool Lane St Georges Basin</u> Rezone part of the subject land from the proposed IN2 zone to residential.	Not supported by Council at this stage. Added to list of matters for consideration following the completion of LEP 2013.
8.	<u>Lot 21 DP 654657, Callala Beach Rd, Callala Beach</u> Rezone part of the 3.6ha site from proposed RU2 Rural landscape to SP3 Tourist, to facilitate approved development on the site.	Council supported the request and rezoned part of the site to SP3 Tourist.
9.	<u>Lot 42 DP 842326, Princes Hwy, South Nowra</u> Rezone from proposed IN2 Light Industrial to B5 Business Development to allow for bulky goods development or similar.	Not supported by Council, zone retained as exhibited.
10.	<u>Lot 8 DP 8058 Sec 11, 122 North St, Berry</u> Rezone from proposed R2 Low Density Residential to R3 Medium Density Residential to allow construction of 3 units on the site. The property is adjacent to existing R3 zoned land.	Not supported by Council, zone retained as exhibited.
11.	<u>Lot 6 DP 618525, 47 Bryces Rd; Lot 514 DP 836383, 65 Coolangatta Rd; Lot 51 DP 1083628, Bryces Rd; Lot 4 DP 714402, Bryces Rd, Far Meadow</u> Change the minimum lot size for the 4 adjoining blocks at Far Meadow from 40ha to 10ha to enable subdivision to provide 'lifestyle' properties.	Not supported by Council at this stage. Added to list of matters for consideration following the completion of LEP 2013.
12.	<u>Lot 60 DP 714909, 78 Evans Rd, Woodstock</u> Rezone the rear of the 38ha parcel from proposed RU1 Primary Production, to allow subdivision into 2 – 3 lots as land is not viable for agriculture.	Not supported by Council, zone and minimum lot size retained as exhibited.

No.	Rezoning request	Outcome
13.	<p><u>Lot A DP 160818, 1A Riversdale Ave, Mollymook</u>  Rezone part of the property from E3 Environmental Management to residential, to allow for one lot subdivision.</p>	<p>Council supported request to revise the minimum lot size to provide ability for an additional lot. DP&amp;I did not support this change. Zone and minimum lot size retained as exhibited.</p>
14.	<p><u>Lot 1 DP 342913, 83 Princess St, Berry</u>  Rezone from proposed R2 Low Density Residential to B2 Local Centre, consistent with adjoining Lot 1 DP 578257, which is in the same ownership.</p>	<p>Council supported the request and rezoned the site B2 Local Centre.</p>
15.	<p><u>Lot 204 DP 771030, Marshall St and Mount Scanzi Rd, Kangaroo Valley</u>  Requests residential expansion opportunity through a future small scale rezoning</p>	<p>Council supported the request, and this matter is to be considered in the future as part of the Growth Management Strategy.</p>
16.	<p><u>Part of Lot 11 DP 1057861, 1269 Illaroo Rd, Tapitallee</u>  Rezone the proposed RU2 Rural Landscape portion of the property to R5 Large Lot Residential to be consistent with the zoning on the northern portion of the lot.</p>	<p>Not supported by Council, zone retained as exhibited.</p>
17.	<p><u>Lot 2 DP 1064296, 13 Princes Hwy, Ulladulla</u>  Rezone the proposed SP3 Tourist zone to R1 General Residential to allow townhouses or similar in the future. Remove current Special Uses 5(d) (Road Widening) zone (proposed SP2 Infrastructure) if no longer required by RMS.</p>	<p>Not supported by Council, zone retained as exhibited.  RMS advised they still require area zoned SP2 Infrastructure for potential road widening, and did not support the request.</p>
18.	<p><u>Lots 68 &amp; 69 DP 15507, Princes Hwy, Falls Creek</u>  Schedule 1 inclusion to allow the continued existing use of manufacture of timber frames &amp; trusses and associated uses</p>	<p>Council supported the request and included in Schedule 1 Additional permitted uses.</p>

No.	Rezoning request	Outcome
19.	<p><u>Part of Lot 1 DP 784506, 431 Princes Hwy, Bomaderry</u> Schedule 1 inclusion to allow vehicle access and car-parking associated with the adjoining commercial development.</p>	<p>Council supported the request and included in Schedule 1 Additional permitted uses.</p>
20.	<p><u>Lot 1 DP 784506, Lot B DP 373529, Lots A &amp; B DP 382880, 431-437 Princes Hwy, Bomaderry</u> Rezone from proposed R2 Low Density Residential to R1 General Residential to allow for medium density development.</p>	<p>Not supported by Council, zone retained as exhibited.</p>
21.	<p><u>Lot 14 DP 773481, Moss Vale Rd, Kangaroo Valley</u> Rezone from proposed RU1 Primary Production to R5 Large Lot Residential, with minimum lot sizes ranging from 4000m<sup>2</sup> to 1ha, to allow subdivision and residential development.</p>	<p>Not supported by Council at this stage. Zone retained as exhibited, and consider as part of the Growth Management Strategy.</p>
22.	<p><u>Lot 1 DP 828093, 2 Roseville Rd, Bomaderry</u> Rezone from proposed RU1 Primary Production to R1 General Residential to allow for residential development.</p>	<p>Council supported the requested zone change. DP&amp;I did not support the rezoning of flood affected land to R1 General Residential. As such the flood affected land is retained as exhibited, with the remaining 0.2ha rezoned R1 General Residential.</p>
23.	<p><u>Lot 11 DP 1059382, No. 181 Wire Lane, Berry</u> Subdivision application in process, relying on SEPP1 provisions. Should this be unsuccessful, a future change to the minimum lot size is requested, to allow creation of a 6ha parcel.</p>	<p>Not supported by Council at this stage, retain zone as exhibited. Await outcome of SEPP1 application and, if necessary, consider the matter separately following finalisation of the LEP.</p>
24.	<p><u>Lot 35 DP 805372, Little Forest Rd, Little Forest</u> Rezone part of proposed RU2 Rural Landscape &amp; E2 Environmental Protection to R5 Large Lot Residential with a 1ha minimum lot size.</p>	<p>Council supported requested zone and minimum lot size change. DP&amp;I did not support the request, zone and minimum lot size retained as exhibited.</p>

No.	Rezoning request	Outcome
25.	<p><u>Lot 1 &amp; 2 DP 1099054 &amp; Lot 3 Sec 2 DP 193024, 72-74 Jervis St and 117 East St, Nowra</u></p> <p>Rezone the proposed SP2 Infrastructure portion of the property to R3, consistent with the remainder of the site.</p>	<p>Council supported the request, subject to advice from RMS.</p> <p>RMS confirmed that SP2 portion of the affected site is still required, and did not support the request.</p> <p>Thus, zone retained as exhibited.</p>
26.	<p><u>Lot 3 DP 1070867, Princes Hwy, Berry and Lot 76 DP 4468, Hitchcocks Lane, Berry</u></p> <p>Rezone from proposed RU1 Primary Production to R1 General Residential to form an extension to Huntingdale Park and Berry Township.</p>	<p>Not supported by Council at this stage. Zone retained as exhibited, and consider as part of the Growth Management Strategy.</p>
27.	<p><u>Lot 7 DP 618693, Bells Lane, Meroo Meadow</u></p> <p>Rezone entire property R1 General Residential, consistent with the rest of the subject site. (Note: Property is located in Moss Vale North Urban Release Area)</p>	<p>Not supported by Council, zone retained as exhibited.</p>
28.	<p><u>Callala Bay Foreshore/Jervis Bay</u></p> <p>Rezone part of the Callala Bay foreshore to IN4 Working Waterfront, and the water to W3 Working Waterway to allow for a marina proposal. (Note: The bed and waters of Jervis Bay are not covered by the Draft LEP 2013).</p>	<p>Not supported by Council at this stage. Added to list of matters for consideration following the completion of LEP 2013, should this Marina Proposal advance.</p>
29.	<p><u>Lot 113 DP 1123551, Sanctuary Point Rd; and Lot 115 DP 1123551, Lamer Ave, Sanctuary Point</u></p> <p>Rezone part of the lot to SP3 Tourist and part to R2 Low Density Residential to allow a minimum lot size for residential subdivision of 2000m<sup>2</sup>.</p>	<p>Not supported by Council, zones and minimum lot size retained as exhibited.</p> <p><i>(Note: this resolution refers to Lot 115 DP 1123551, however the affected property, as mapped on the report to Council, is intended to be Lot 1151 DP 1159783.)</i></p>

No.	Rezoning request	Outcome
30.	<p><u>Lot 12 DP 1062928 &amp; Lot 2 DP 1062604, 72 Golf Ave &amp; Lot 621 DP 804355 &amp; Lot 1 DP 735980, Maisie Williams Drive Mollymook</u></p> <ol style="list-style-type: none"> <li>1. Rezone the proposed E2 Environmental Conservation to E3 Environmental Management.</li> <li>2. Add “dwelling houses” and “recreational facilities (outdoor)” to permitted with consent in the B4 Mixed Use zone.</li> <li>3. Add “nightclubs”, “places of public entertainment”, “telecommunication facilities” and “water storage facilities” to permitted with consent in the RE2 Private Recreation zone.</li> </ol>	<ol style="list-style-type: none"> <li>1. Not supported by Council, zones and minimum lot size retained as exhibited.</li> <li>2. Not supported by Council, as proposed uses are not appropriate for the B4 zone citywide.</li> <li>3. Council resolved to ensure that the final plan clarifies that “serviced apartments” are permissible in association with a licensed club (defined as ‘registered club’ in LEP 2013). Refer to Clause 7.21 Development of serviced apartments in association with registered clubs in draft LEP Instrument.</li> </ol>
31.	<p><u>Lot 3 DP 576975, 299 Millbank Rd, Worrigee</u></p> <p>Rezone the 2.2ha property from proposed Ru1 Primary Production and RU2 Rural Lifestyle to R5 Large Lot Residential as per the property directly across Millbank Lane, which will allow for the creation of one additional lot.</p>	Not supported by Council, zones and minimum lot size retained as exhibited.
32.	<p><u>Lot 8 DP 877094, 44 Jack Reid Road, Termeil</u></p> <p>Change minimum lot size from 40ha to 10ha</p>	Not supported by Council, minimum lot size retained as exhibited.
33.	<p><u>Lot 2 DP 1071300, 53 Wilfords Lane, Milton</u></p> <p>Rezone from proposed RU1 Primary Production to R5 Large Lot Residential, with minimum lot sizes of 4000-10000<sup>2</sup>.</p>	Not supported by Council, zone and minimum lot size retained as exhibited.
34.	<p><u>Lot B DP 160887, 51 Wason St, Milton</u></p> <p>Rezone to B2 Local Centre to allow for a range of business uses on the site given its proximity, and the impact of, existing commercial uses.</p>	<p>Not supported by Council, zone retained as exhibited.</p> <p>Reconsider as a separate proposal in the future, following any review of the DCP.</p>

No.	Rezoning request	Outcome
35.	<u>Lot 7300 DP 1128666 &amp; Lot 7007 DP 1125394, Frank Lewis Way, Woollamia</u> Rezone a 50m x 50m area of Crown Land adjacent to Woollamia Boat Ramp from proposed E1 National Parks & Nature Reserves to SP2 Infrastructure or IN4 Working Waterfront, to permit the installation of a slipway & hardstand area.	Council supported the request to rezone the land; however DP&I advised the land is identified for acquisition by National Parks and Wildlife Service for addition to Jervis Bay National Park. Zone retained as exhibited.
36.	<u>Lot 101 DP 1078215, 359B Coolangatta Rd, Far Meadow</u> Change the proposed RU1 Primary Production zoning to enable subdivision of the 59ha parcel for rural residential or smaller agricultural properties.	Zone retained as exhibited, Consider this matter further after the LEP process.
37.	<u>Lot 19 DP 1073776, Bennett Place, Worrigeer</u> Rezone part of the 100ha parcel that is proposed to be E3 Environmental Management to RU2 Rural Landscape, in line with “best fit transfer”, or rezone the subject area to R5 Large Lot Residential in line with the existing rezoning of Lot 16 DP 861156.	Council supported the rezoning request as submitted (R5 zone), however DP&I did not support either the rezoning or the change to minimum lot size. Zones and minimum lot size retained as exhibited.
38.	<u>Part of Lot 16 DP 861146, Bennett Place, Worrigeer</u> Rezone from proposed R5 Large Lot Residential to B4 Mixed Use, to enable function centre and restaurant to continue without having to rely on existing use rights.	Council partially supported the request, and rezoned the portion to the east of Bennett Place B4 Mixed Use, while retaining the R5 Large Lot Residential zone over the remainder of the site. DP&I added a clause in Schedule 1 to allow for function centres on this site.
39.	<u>Lot 76 DP 751258 (Por 76), 303B Tourist Road, Beaumont</u> Rezone the cleared areas that are proposed E2 Environmental Conservation to RU1 Primary Production.	Not supported by Council, zone retained as exhibited.
40.	<u>Lot 131 DP 1018370, 1087A Meroo Rd, Meroo Meadow</u> Rezone from proposed RU2 Rural Landscape to a zone that allows for subdivision and increased density.	Not supported by Council, zone and minimum lot size retained as exhibited.



No.	Rezoning request	Outcome
41.	<u>Lot 23 DP 1168007, Riversdale Rd, Tapitallee</u> Request an additional dwelling entitlement for the 3.2ha portion of the site that is currently zoned 1(c) Rural Lifestyle (proposed to be R5 Large Lot Residential), and a 1ha minimum lot size for that additional dwelling entitlement.	Not supported by Council, zone and minimum lot size retained as exhibited.
42.	<u>Lot A DP 379639, 789 Illaroo Rd, Tapitallee</u> Rezone from proposed RU2 Rural Landscape to R5 Large Lot Residential.	Not supported by Council, zone and minimum lot size retained as exhibited.
43.	<u>Lot 1 DP 781046, 18 Haigh Avenue, Nowra</u> Rezone from proposed B5 Business Development to B3 Commercial Core.	Not supported by Council, zone retained as exhibited.
44.	<u>Haigh Avenue, Nowra</u> Rezone from proposed B5 Business Development to B3 Commercial Core.	Not supported by Council, zone retained as exhibited.
45.	<u>Part of Lot 203 DP 883494, 14 Reservoir Lane (Main Rd), Cambewarra</u> Rezone the small irregular portion south of Reservoir Lane (approx. 1700m <sup>2</sup> ) from proposed RU1 Primary Production to R1 General Residential, as the area is not able to be used for agricultural purposes.	Not supported by Council at this stage, zone retained as exhibited. Reconsider the request as a separate proposal in the future.
46.	<u>Lot 4 DP 712095, Jule Park, 130 Bugong Rd, Budgong</u> Amend the boundary of the proposed E2 Environmental Conservation zone to RU2 Rural Landscape, to better reflect the location of the escarpment.	Not supported by Council, zone retained as exhibited.
47.	<u>Parts of Lot 1000 DP 557683, 60 Forest Way, Mollymook Beach</u> Rezone from proposed RE2 Private Recreation to R2 Low Density Residential, to allow for subdivision and sale of surplus land.	Not supported by Council at this stage. Added to list of matters for consideration following the completion of LEP 2013.
48.	<u>Lot 57 DP 755965, 14 Peterson Rd, Falls Creek</u> Rezone from proposed RU2 Rural Landscape to R5 Large Lot Residential, as per adjoining land.	Not supported by Council, zone and minimum lot size retained as exhibited.

No.	Rezoning request	Outcome
49.	<u>Lot 104 DP 1043266, Princes Highway, Milton</u> Rezone a strip of approximately 30ha of the working dairy farm from proposed RU1 Primary Production to R5 Large Lot Residential to provide a transition from the township to farming activity.	Council publicly exhibited this proposal. The request received minimal public support and, as such, the zones and minimum lot size have been retained as exhibited.
50.	<u>Lots 1 &amp; 2 DP 21597, 116 &amp; 118 St Vincent Street, Ulladulla</u> Rezone from proposed B5 Business Development to B4 Mixed Use, consistent with adjoining land.	Not supported by Council, zone retained as exhibited.
51.	<u>Lot 17 DP 847482 &amp; Lot 4 DP 249049, Pointer Road, Yatte Yattah</u> Rezone from RU1 Primary Production & RU2 Rural Lifestyle to R5 Large Lot Residential.	Not supported by Council, zone and minimum lot size retained as exhibited.
52.	<u>Part of Lot 15 DP 1002772, Sealark Road, Callala Bay</u> 1) Rezone southern part of lot from proposed E3 Environmental Management to R2 Low Density Residential, consistent with adjoining properties. 2) Rezone further northern area of lot from proposed E3 Environmental Management to R2 Low Density Residential.	Council supported both requests., however: <ol style="list-style-type: none"> <li>1. DP&amp;I supported the rezoning of the southern portion of the lot only, and rezoned to R2 Low Density Residential.</li> <li>2. DP&amp;I did not support the rezoning of the northern area, zone retained as exhibited.</li> </ol>
53.	<u>Lot 1519 DP 25205, The Wool Road, Vincentia</u> Allow professional office premises, health consulting rooms and health service facilities as permitted uses in this area, which is proposed to be zoned R1 General Residential.	Council supported the request, and added “office premises” as a permissible use with consent to the R1 General Residential citywide.
54.	<u>Lot 203 DP 1056358, Lot 7 DP 827728, Part 44 DP 1072229, The Wool Rd, St Georges Basin</u> Rezone from proposed RU2 Rural Landscape to R1 General Residential, consistent with the Jervis Bay Settlement Strategy that identified the site within an “urban expansion area”.	Council supported the request and rezoned the majority of the subject land R1 General Residential.

No.	Rezoning request	Outcome
55.	<u>Lot 11 DP 20321, 83 Golf Avenue, Mollymook</u> Rezone from proposed R2 Low Density Residential to SP3 Tourist or R3 Medium Density, consistent with adjoining properties.	Not supported by Council at this stage. Added to list of matters for consideration following the completion of LEP 2013.
56.	<u>Lot 5 DP 864481 &amp; Lots 2 &amp; 3 DP 232984, 8 &amp; 25 The Heights, Narrawallee</u> Rezone the 55ha site from E2 Environmental Conservation and E3 Environmental Management to E4 Environmental Living, with a smaller minimum lot size.	Not supported by Council, zones retained as exhibited.
57.	<u>Lot 140 DP 755961, 77 River Road, Lake Tabourie</u> Rezone from proposed RU2 Rural Landscape to RU5 Village to allow a transition to the village.	Not supported by Council at this stage. Consider the request as part of the Growth Management Strategy process.
58.	<u>Lots 212-216 DP 15648, Princes Highway, Burrill Lake</u> Reduce the area proposed to be zone SP2 and rezone to SP3, consistent with the remainder of the site. Allow “shops” as a permissible use in the SP3 zone via a Schedule 1 clause.	Request to allow “shops” as a permissible use in the SP3 zone not supported. RMS had previously supported the reduction in the amount of SP2 zoned land. This change was reflected in the initial exhibition.
59.	<u>Lot 12 DP 810738, Lake Edge Holiday Units 27 Balmoral Rd, Burrill Lake</u> Rezone from proposed SP3 Tourist to R3 Medium Density Residential, as the existing holiday units are no longer viable on the site.	Not supported by Council, zone retained as exhibited.
60.	<u>Lots 5 – 7 DP 1123774, Dolphin Point Road, Burrill Lake</u> Request that Clause 7.4 “Permanent occupation of tourist and visitor accommodation” not apply to the land, which will allow for residential development instead of tourist development.	<ol style="list-style-type: none"> <li>1. Council supported the request to remove Lots 5 &amp; 6 from Clause 7.4. (<i>Note: This change was overlooked in finalising the plan for exhibition, however will be rectified after re-exhibition.</i>)</li> <li>2. Council supported staff recommendation to rezone Lots 5 &amp; 6 from B4 Mixed Use to R3 Medium Density Residential.</li> <li>3. Council did not support any change in provisions to Lot 7.</li> </ol>

No.	Rezoning request	Outcome
61.	<u>Part of Lot 2 DP 827370, 23 Rock Hill Road, North Nowra</u> Rezone part of the site from E3 Environmental Management to R2 Low Density Residential.	Not supported by Council at this stage. Added to list of matters for consideration following the completion of LEP 2013.
62.	<u>Lot 24 DP 1045418, 995D Bolong Rd, Coolangatta</u> Rezone part of site proposed to be RU1 Primary Production to R5 Large Lot Residential, or include the site in Schedule 1 “Additional permitted uses”, in exchange for dedication of E3 Environmental Management portion of site to E1 National Parks.	Not supported by Council at this stage. Added to list of matters for consideration following the completion of LEP 2013.
63.	<u>Lot 5 DP 1115338, 64 Schofields Lane, Berry</u> Rezone from proposed RU1 Primary Production to R1 General Residential.	Not supported by Council at this stage. Consider the request as part of the Growth Management Strategy process.
64.	<u>Lot 1 DP 657638 &amp; Lot 1 DP 938241, Cavan Rd, Barrengarry</u> Reduce minimum lot size to 4ha, to enable construction of a dwelling.	Council supported the request; however DP&I did not. Zones and minimum lot size retained as exhibited.
65.	<u>Lot 6 DP 260281, Princes Hwy/North Street, Nowra</u> Realign the boundary between the SP2 Infrastructure and the B4 Mixed Use zones as the constructed building has encroached marginally over the existing zoning line.	Council and RMS supported the minor boundary adjustment, and have rezoned to B4 Mixed Use.
66.	<u>Lots 1-3 DP 38625; Lot 1 DP 998019; Lot 1 DP 199094; Lot 1 DP 194540; Lot 1 795458; Lots 17-19 DP193024; Lots 22-24 DP 260344; Lots 4-5 DP38625; Lot 6 DP998980; Lot 7 DP 1099625, St Anns Street, View street &amp; East Street Nowra</u> Rezone from proposed R1 General Residential to R3 Medium Density Residential to provide greater development potential.	Not supported by Council, as the R1 General Residential zone already provides the flexibility to allow for medium density development among the permissible residential uses.
67.	<u>Lot 3 DP 613029, 1420 Kangaroo Valley Rd, Kangaroo Valley</u> Amend the minimum lot size to enable the subdivision of a 1-2 ha parcel.	Not supported by Council at this stage, consider after the LEP process as part of the Growth Management Strategy Version 2.

No.	Rezoning request	Outcome
68.	<p><u>Lot 37 DP 805372, 632 Little Forest Rd, Milton</u> Change the minimum lot size to 10ha to enable the landowner to subdivide a 10ha block from the property.</p>	Not supported by Council, zones and minimum lot size retained as exhibited.
69.	<p><u>Lot 1 DP 593730 &amp; Lot 1 DP 232180, 211 &amp; 263 Albatross Road, Nowra Hill</u> Rezone from proposed RU2 Rural Landscape to R5 Large Lot Residential, consistent with adjoining Cabbage Tree Lane Special Rural Lifestyle Area.</p>	Council supported the request to rezone to R5 Large Lot Residential with a 1ha minimum lot size. Request not supported by DP&I; zone and minimum lot size retained as exhibited.
70.	<p><u>Lot 1 DP 24022; Lot 3 DP 536479; Lot A DP 406319; Lot 7 DP 403469; Lot 4 DP 536479; Lot 2 DP 211355; Lot 192 &amp; 193 DP 30301, 1 Shepherd St; 54, 56 &amp; 58 Ocean St; 4, 8 &amp; 10 Davies St, Mollymook</u> Request that 'dwelling houses' and 'semi detached dwellings' be permitted on the site either through inclusion in the R3 Medium Density Residential zone in general, or through a Schedule 1 clause for the site.</p>	Not supported by Council, zone retained as exhibited.
71.	<p>71a. <u>Lot 1 DP531751, 13 Wilfords Lane Milton</u> Include the 3060m<sup>2</sup> IN2 Light Industrial zoned site in Schedule 1 to allow a 'concrete batching plant' to reflect existing use and possible future expansion.</p>	Council supported the request and included in Schedule 1 Additional permitted uses.
	<p>71b. <u>Lot 3 DP 1154597, 50 BTU Road, Nowra Hill</u> Include the 37ha site in Schedule 1 to allow 'sawmills and log processing works' with consent and 'forestry' without consent, to reflect exiting use and possible future expansion.</p>	Majority of SP2 zoned land now in ownership of RMS. "Forestry" is now permitted without consent in the RU2 zone. "Sawmills and log processing works" are permitted with consent in the RU2 zone.

No.	Rezoning request	Outcome
72.	<u>Lot 6 DP 264336, 49 Moss Vale Road, Kangaroo Valley</u> Requests that 'seniors housing' be included as a permitted use in the RU1 Primary Production zone.	Not supported by Council, zone retained as exhibited.  Council to consider appropriate locations for seniors housing in Kangaroo Valley as part of the ongoing Growth Management Strategy process.
73.	<u>Lot 1 DP 1130415, Isa Road, Worrige</u> Rezone from proposed B4 Mixed Use to R3 Medium Density Residential, as the site was identified in DCP43 as a preferred location for medium density development and has been subdivided for medium density use.	Council supported the request and rezoned the land R3 Medium Density Residential.
74.	<u>Lot 103 DP 1043266, 63 Stony Hill Lane, Milton</u> Rezone the proposed RU1 Primary Production and E3 Environmental Management to E4 Environmental Living, with a minimum lot size of 2ha.	Not supported by council, zone and minimum lot size retained as exhibited.
75.	<u>Lot 1 DP 605825, 66 Princess St, Berry</u> Rezone from proposed SP2 Place of Public Worship to R2 Low Density Residential, consistent with the site's existing use as a private dwelling.	Council supported the request and rezoned the subject site, in conjunction with adjacent property Lot 20 DP 840778, to R2 Low Density Residential.
76.	<u>Lots 29-31 DP 793734, 1-3 Maculata Close, Cambewarra Village</u> Revise the minimum lot size for these 3 lots from 4000m <sup>2</sup> to 2000m <sup>2</sup> , consistent with adjoining properties.	Council supported the request and revised the minimum lot size to 2000m <sup>2</sup> .
77.	<u>Lot 27 DP 793734, 5 Maculata Close, Cambewarra Village</u> Revise the minimum lot size from 2000m <sup>2</sup> to 1000m <sup>2</sup> to allow further subdivision.	Council supported the request and revised the minimum lot size to 1000m <sup>2</sup> .

No.	Rezoning request	Outcome
78.	<p><u>Lot 1 DP 1137716, 188 Camden St, Ulladulla</u>  Rezone part of the former Ulladulla Sewage Treatment Plant from proposed IN2 Light Industrial to RE1 Public Recreation, to enable its conversion to a sustainable aquaculture research and production facility.</p>	<p>Council resolved to support the request to zone the site RE1 Public Recreation and E2 Environmental Conservation.</p> <p>As part of the conditional Section 65 certificate, DP&amp;I required the zone of IN2 to be retained, and added an additional clause to allow for aquaculture on the site.</p>
79.	<p><u>Lots 1, 4, 11, 14, 30, 34 &amp; 38 DP 751283 &amp; Lots 1, 9, 20, 36, 185 &amp; 203 DP 751255, Lower Bugong Road, Bugong</u>  Rezone all lots to exclusively RU2 Rural Landscape, alternatively “agriculture” be a permissible use in the E2 Environmental Conservation zone.</p>	<p>Not supported by Council, zones retained as exhibited.</p>
80.	<p><u>Lot 460 DP 1062117, 96 Albatross Rd, South Nowra</u>  Request that the Nowra Racecourse Complex be included in Schedule 1 to allow the additional use of ‘registered clubs’ and ‘tourist and visitor accommodation’.</p>	<p>Council supported the request and included in Schedule 1 Additional permitted uses.</p>
81.	<p><u>Lot 12 DP 708513, Meroo Rd, Bomaderry</u>  Modify the zoning boundary and Lot Size Map to align the R1 General Residential zone boundary with the boundary of the residential lots approved under SF10102.</p>	<p>Council supported the request to adjust the zoning boundary, and rezoned part of the proposed lots to R1 General Residential consistent with the approved lots.</p>
82.	<p><u>Lot 20 DP 1034024, 663B Little Forest Rd, Little Forest</u>  Change the minimum lot size of the 5.12ha property, proposed to be zoned RU2 Rural Landscape, to allow the landowner to subdivide.</p>	<p>Not supported by Council, zones and minimum lot size retained as exhibited.</p>

No.	Rezoning request	Outcome
83.	<p><u>Lot 2 DP 882059, Abernethy's Lane, Meroo Meadow</u> Adjust zone boundaries to:</p> <ol style="list-style-type: none"> <li>1. provide additional R1 zoned land</li> <li>2. reduce the width of the SP2 zone</li> <li>3. remove the RU1 zone and replace with R1 or R5</li> <li>4. amend the E2 zone location.</li> </ol> <p>The SP2 land should be included on the land acquisition overlay map.</p>	Not supported by Council, zones retained as exhibited.
84.	<p><u>Lot 33 DP 791918, 780 Croobyar Rd, Croobyar</u> Rezone the land from proposed RU2 Rural Landscape to one with a smaller minimum lot size, to allow a 4-5ha parcel to be subdivided.</p>	Council supported the request; however DP&I did not. Zones and minimum lot size retained as exhibited.
85.	<p><u>Lot 7202 DP 1127668, 130 Princes Highway, Milton</u> Rezone the SP2 Infrastructure portion of the land to R1 General Residential, as it allows a wider range of permissible uses.</p>	Council supported the request and rezoned the SP2 portion of the site to R1 General Residential.
86.	<p><u>Lot 12 DP 806204, Thrush Street, Bawley Point</u> Reduce the minimum lot size on the proposed R5 Large Lot Residential portion of the lot from 4000m<sup>2</sup> to 2500m<sup>2</sup>.</p>	Not supported by Council, zone and minimum lot size retained as exhibited.
87.	<p><u>Lots 1,2,3&amp;4 DP 730025 (assumed as Lots &amp; DP provided in submission does not exist) Forster Dr, Bawley Point</u></p> <ol style="list-style-type: none"> <li>1. Reduce the minimum lot size on the proposed R5 Large Lot Residential portion of the lot from 4000m<sup>2</sup> to 2500m<sup>2</sup>.</li> <li>2. Reduce the minimum lot size in the RU2 Rural Lifestyle zone from 40ha to 2ha.</li> <li>3. Rezone the south-eastern corner of Lot 4, proposed RU2 Rural Lifestyle, to R5 Large Lot Residential, consistent with SLEP 1985.</li> </ol>	<ol style="list-style-type: none"> <li>1. Not supported by Council, minimum lot size retained as exhibited.</li> <li>2. Not supported by Council, minimum lot size retained as exhibited.</li> <li>3. Council supported the change and rezoned the small triangle of land in the south-eastern corner of Lot 4 to R5 Large Lot Residential, with a minimum lot size of 4000m<sup>2</sup>.</li> </ol>



No.	Rezoning request	Outcome
88.	<u>Lot 7 DP 851466</u> <u>146 Slaughterhouse Rd</u> <u>Ulladulla</u> Rezone from proposed RU2 Rural Landscape to a zone that allows for smaller rural residential lots, or amend the minimum lot size from 40ha to 1ha.	Not supported by Council, zones and minimum lot size retained as exhibited.
89.	<u>Part of Lot 1 DP 745962, 69 Albert St, Berry</u> Rezone from SP2 Infrastructure to either R1 General Residential or R3 Medium Density Residential.	Council supported the request and rezoned the site R2 Low Density Residential.
90.	<u>Lots 2 &amp; 3 DP 342913, 79 &amp; 81 Princess Street, Berry</u> Rezone from proposed R2 Low Density Residential to B2 Local Centre, as it is identified as a future investigation area under DCP 49.	Council supported the request and rezoned the sites B2 Local Centre.
91.	<u>Lot 11 DP 7025, 15 Field St, Huskisson</u> Rezone from proposed R2 Low Density Residential to B2 Local Centre, or include in Schedule 1 to allow “terminal facility”, “tourist serviced apartments” and “associated off-street parking”.	Council supported the request and rezoned the land to B2 Local Centre.
92.	<u>Lot 1 DP 385145; Lot 1 DP 838753; Lot 241 DP1130535; Lot 2 DP 538289, Bolong Rd, Bomaderry</u> Rezone areas of site proposed to be RU1 Primary Production and RU2 Rural Landscape to IN1 General Industrial, consistent with remainder of the site, and to reflect current industrial use.	Council supported the request and rezoned the land to IN1 General Industrial.
93.	<u>Lot 4 DP 1069770, 263 Woollamia Rd, Woollamia</u> Amend the E2 Environmental Conservation boundary to reflect SEPP 14 wetlands.	Not supported by Council at this stage. Added to list of matters for consideration following the completion of LEP 2013.
94.	<u>Lot 2 &amp; 3 DP 8362, St George Ave, Erowal Bay</u> Rezone from proposed E1 National Parks to a zone that will allow construction of a dwelling on the site.	Not supported by Council at this stage. Added to matters for consideration following the completion of LEP 2013.

No.	Rezoning request	Outcome
95.	<u>Lot 20 DP19407, 28 Central Ave, South Nowra</u> Rezone from IN1 General Industrial and E2 Environmental Conservation to B5 Business Development, to allow a greater range of permissible uses on the site.	Council supported the request, and rezoned the land immediately south of Central Avenue, between the creek and the Princes Highway, to B5 Business Development.

## Definitions and Abbreviations

**Zone** – a defined mapped area in which land uses are specified as permitted or prohibited in order to separate one set of land uses from another.

**Rezoning** – changing the zoning of a parcel of land or of an area from one zone to another which in turn changes the permitted and prohibited land uses.

**DP&I** – Department of Planning & Infrastructure.

**SEPP** – State Environmental Planning Policy.

**REP** – Regional Environmental Plan.

**DCP** – Development Control Plan.

**EEC** – Endangered Ecological Community.

**SULR** – Sensitive Urban Lands Review.

## Further information

For further details relating to the information in this document and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at [www.slep2013.shoalhaven.nsw.gov.au](http://www.slep2013.shoalhaven.nsw.gov.au) or contact the LEP Project Team on (02) 4429 5377 or via email [slep2013@shoalhaven.nsw.gov.au](mailto:slep2013@shoalhaven.nsw.gov.au).