

DRAFT SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2013 EXHIBITION

MAJOR ISSUES,
CRAMS ROAD,
FACT SHEETS





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

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>Precinct 1 10m Bound by Duncan, Fegen, Nowra and Bowen Streets</p> <p>Precinct 2 13m Bound by part Fegen Street, Nowra Street, Beach Street and Winnima Lane.</p> <p>Precinct 3 13m Bound by an unformed road reserve of Tapalla Avenue, Beach Street, Jervis Street and an unformed and an unnamed lane.</p> <p>Precinct 4 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.**

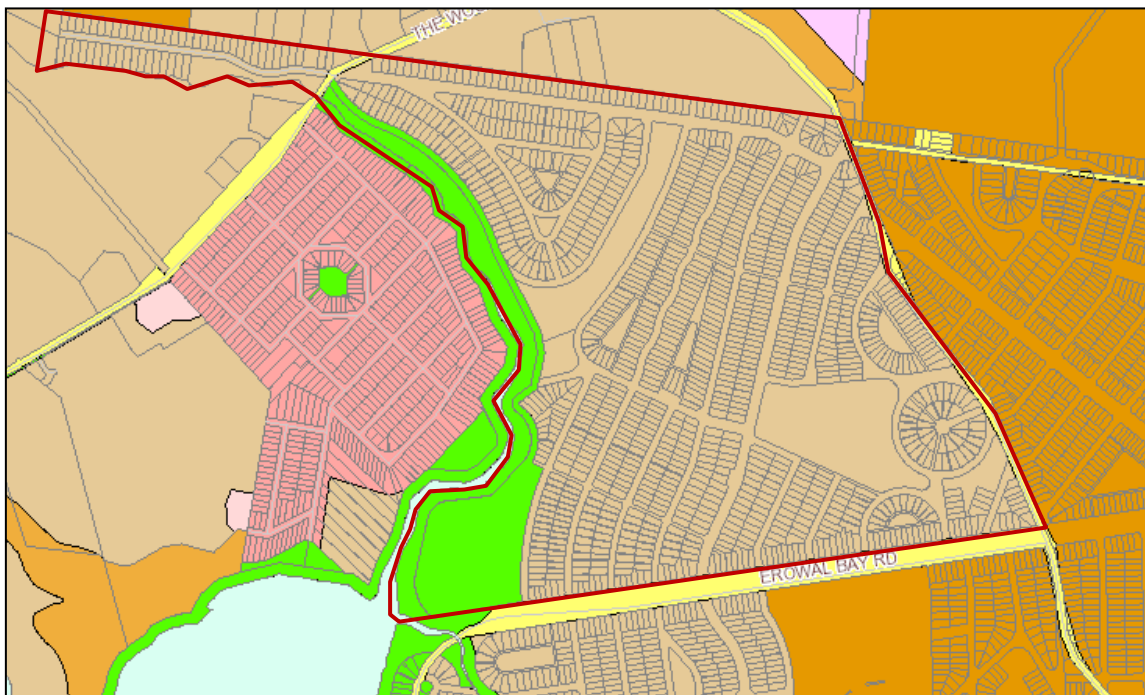
ISSUE 6: HERITAGE ESTATES

Various submissions to the initially exhibited LEP raised the proposed zoning of the ‘Heritage Estates’ at Worroving Heights.

Current and proposed zoning

The ‘Heritage Estates’ at Worroving 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 Worroving 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)

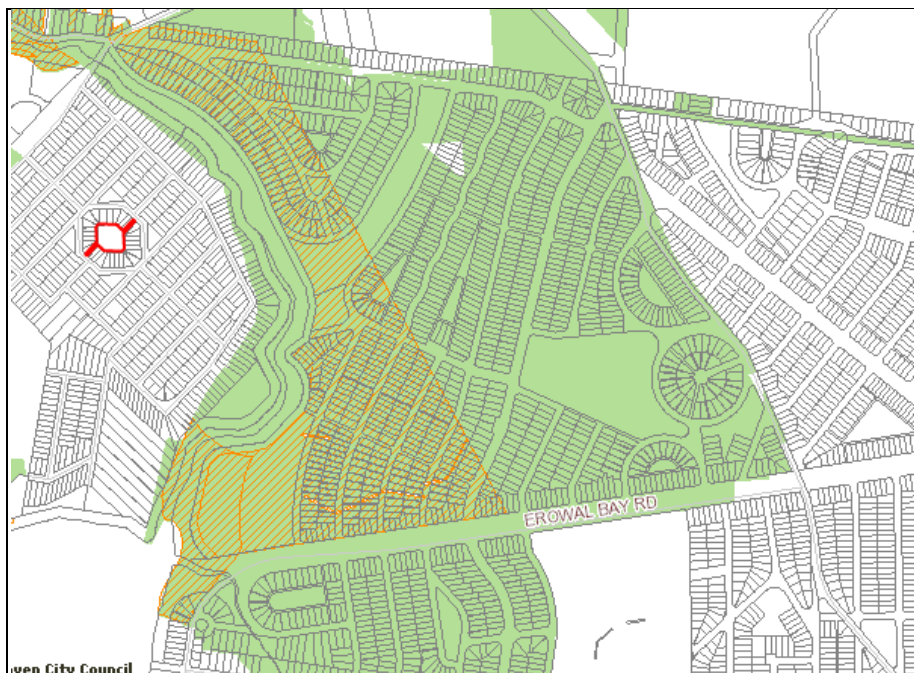
Biodiversity

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 2,000m² currently applies to zone 2(a2) and 4,000m² 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.

- o 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.

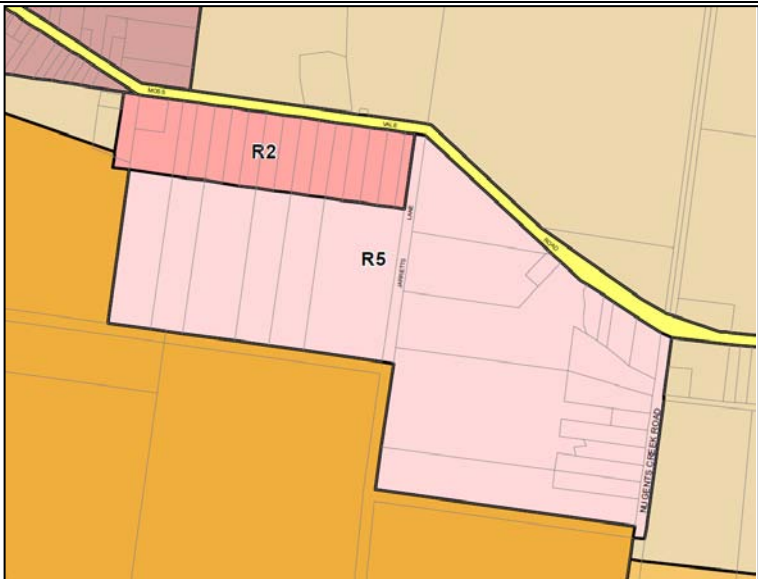
Many of the submissions requested that 1(c) zoned land be zoned RU4 Primary Production Small Lots with the same zone objectives and permitted uses, or E4 Environmental Living, depending on current land uses, minimum lot sizes and proximity to land of high conservation value. It is noted that the RU4 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

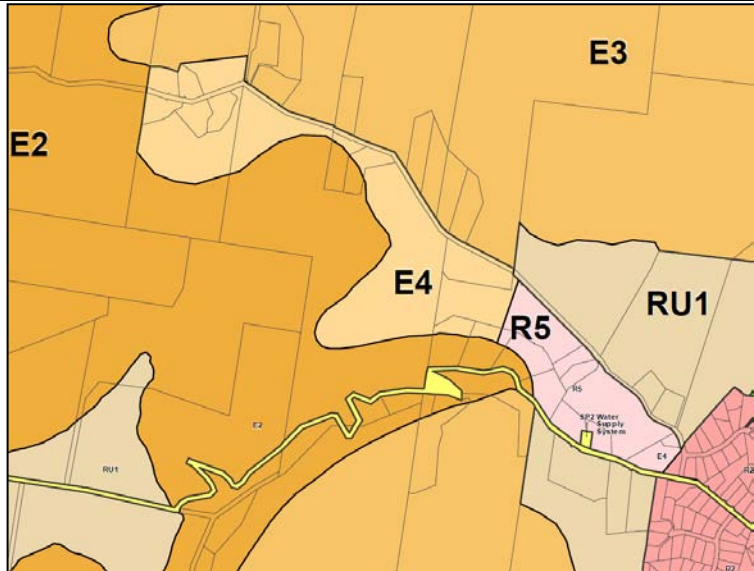
As a result of the issues raised, Council engaged a consultant to review the proposed zoning of the current Rural 1(c) zones and the possible use of either the R5, RU4 or E4 zones. Following consideration of the submissions and the consultant review, Council resolved that:

- 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 2,000m² applying to 2(a2) land and 4,000m² applying to 2(a3) land.
- The following changes were adopted for the current Rural 1(c) zones and their proposed zoning:

<p><u>Kangaroo Valley</u> The Rural 1(c) zoned land at Kangaroo Valley be retained as a R5 Large Lot Residential zone.</p>	 <p>Extract from the Land Zoning Map (LZN)</p>
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Bundewallah

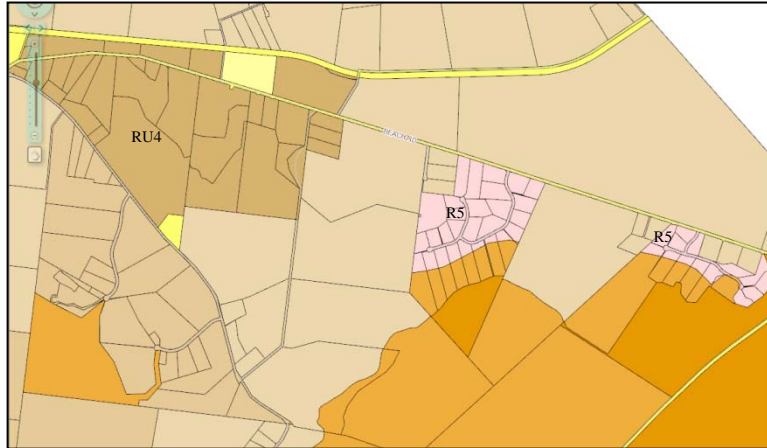
The Rural 1(c) zoned land at Bundewallah be zoned part R5 Large Lot Residential and part E4 Environmental Living.



Extract from the Land Zoning Map (LZN)

Berry

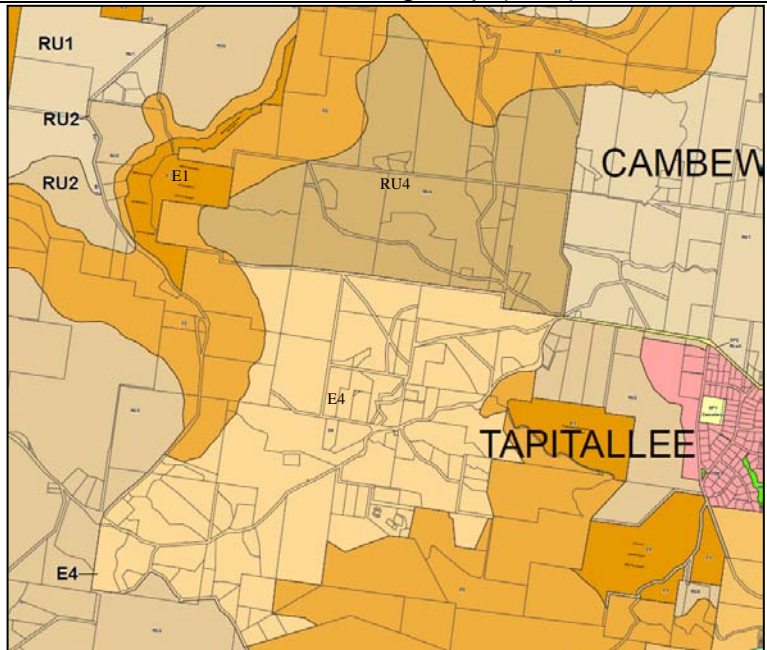
The Rural 1(c) zoned land at Berry be zoned part RU4 Primary Production Small Lots zone and part R5 Large Lot Residential



Extract from the Land Zoning Map (LZN)

Tapitallee

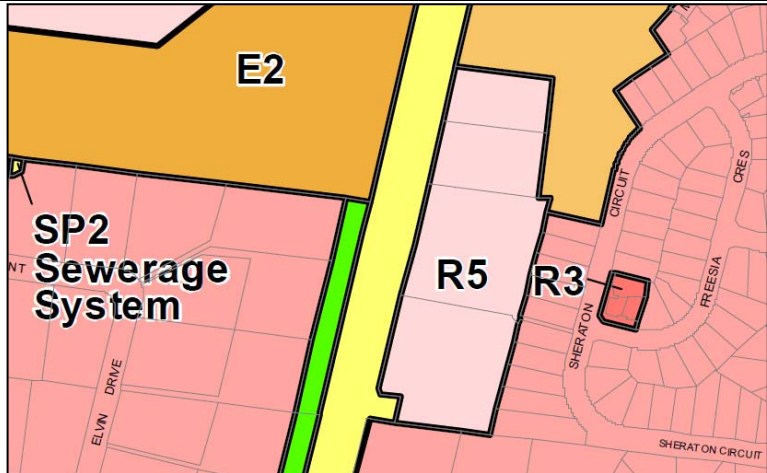
The Rural 1(c) zoned land at Tapitallee be zoned part RU4 Primary Production Small Lots and part E4 Environmental Living.



Extract from the Land Zoning Map (LZN)

Bomaderry

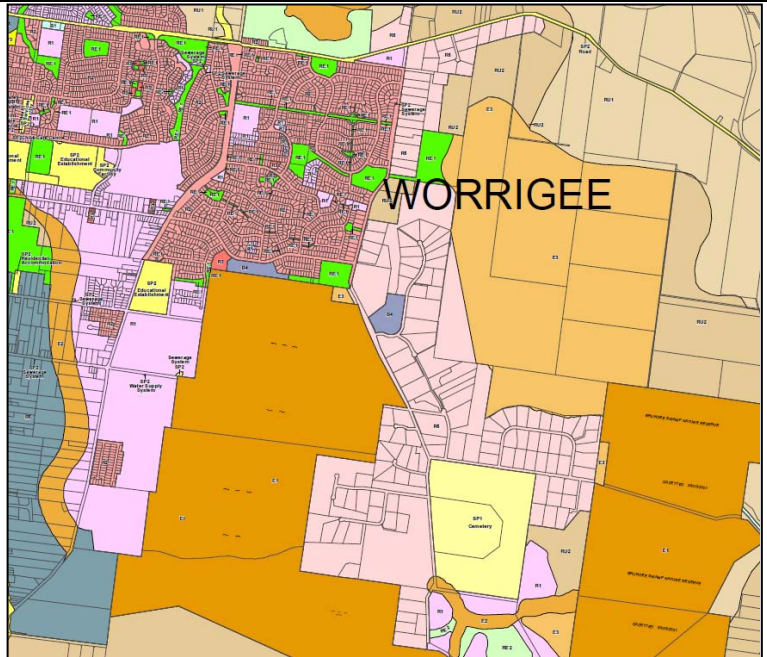
The Rural 1(c) zoned land at Bomaderry be retained as a R5 Large Lot Residential zone.



Extract from the Land Zoning Map (LZN)

Worrigee

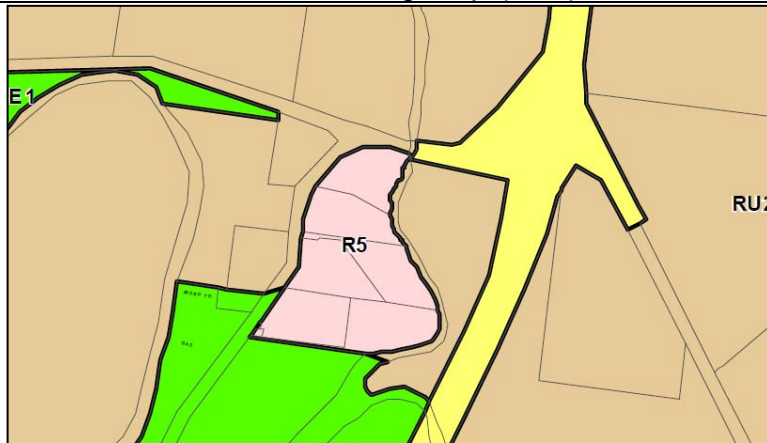
The Rural 1(c) zoned land at Worrigee be retained as a R5 Large Lot Residential zone.



Extract from the Land Zoning Map (LZN)

Falls Creek – Parma Rd

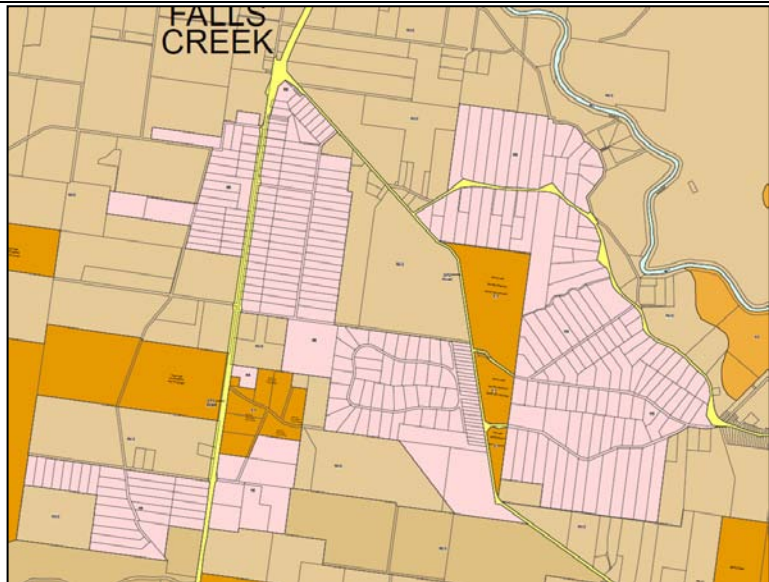
The Rural 1(c) zoned land at Falls Creek – Parma Road be retained as a R5 Large Lot Residential zone.



Extract from the Land Zoning Map (LZN)

Falls Creek - Woollamia

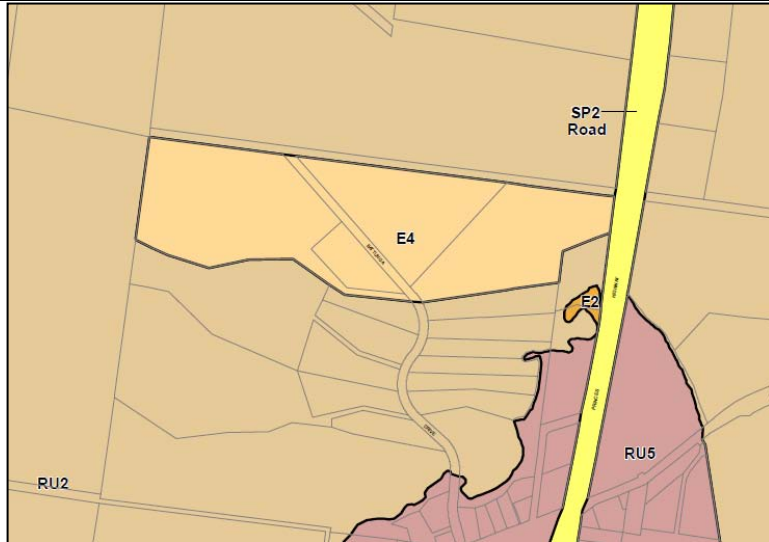
The Rural 1(c) zoned land at Falls Creek – Woollamia be zoned R5, and the zoning be reconsidered once future detailed investigation into increased densities is complete.



Extract from the Land Zoning Map (LZN)

Tomerong

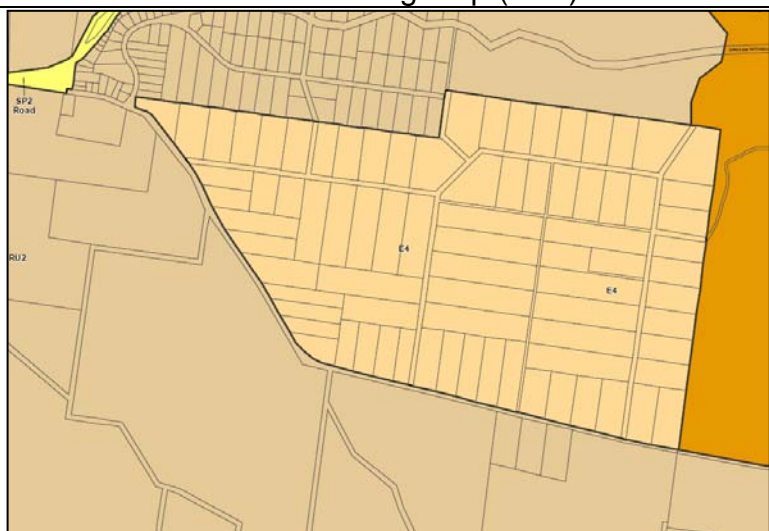
The Rural 1(c) zoned land at Tomerong be zoned E4 Environmental Living.



Extract from the Land Zoning Map (LZN)

Port Jervis

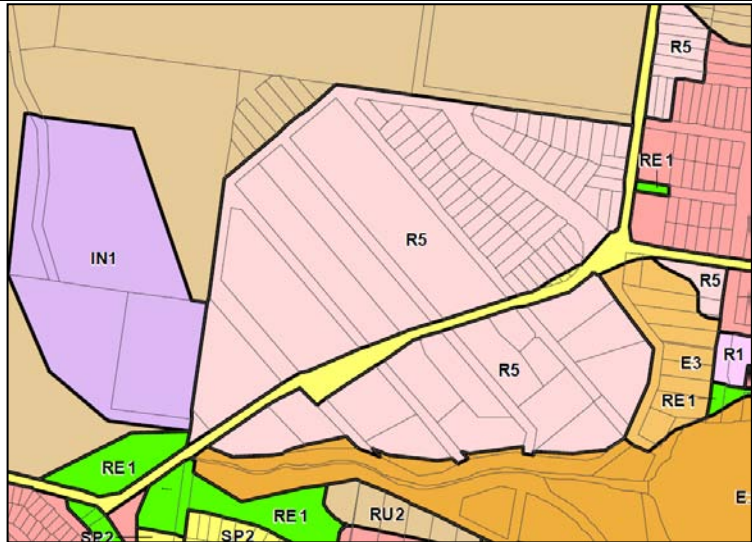
The Rural 1(c) zoned land at Port Jervis (adjacent to Jerberra Estate) be zoned E4 Environmental Living.



Extract from the Land Zoning Map (LZN)

Basin View

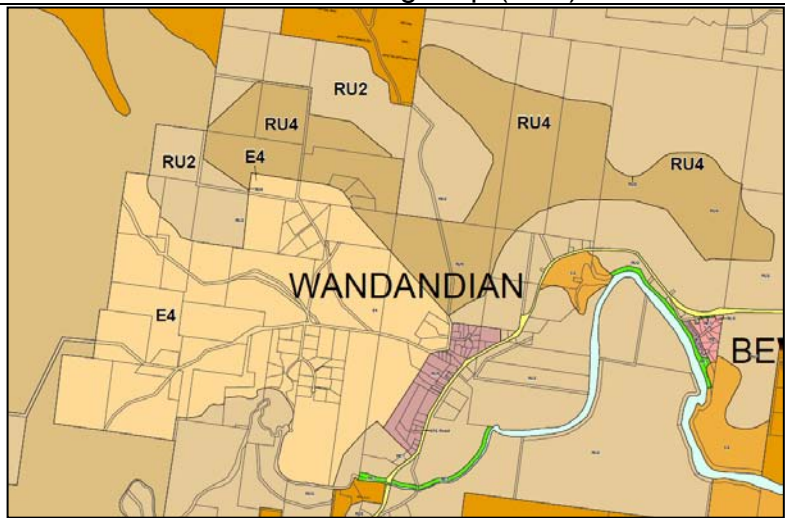
The Rural 1(c) zoned land at Basin View be retained as a R5 Large Lot Residential zone.



Extract from the Land Zoning Map (LZN)

Wandandian

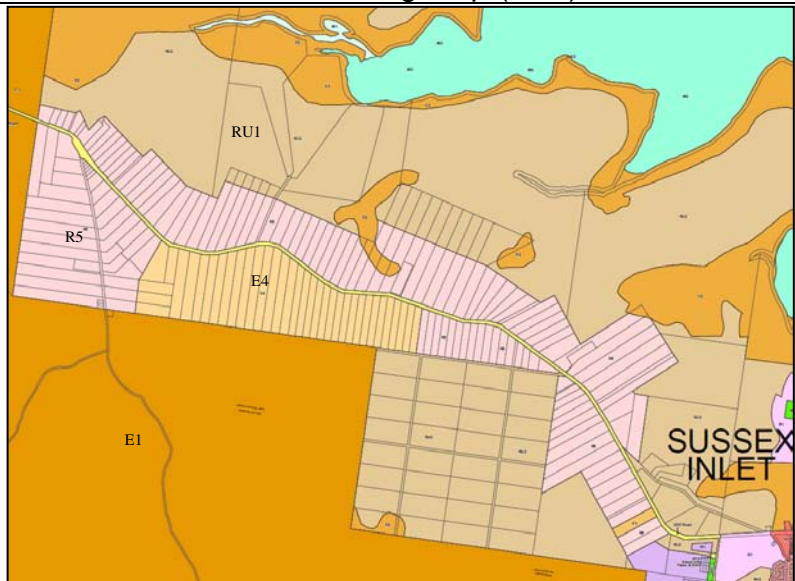
The Rural 1(c) zoned land at Wandandian be zoned part RU4 Primary Production Small Lots and part E4 Environmental Living.



Extract from the Land Zoning Map (LZN)

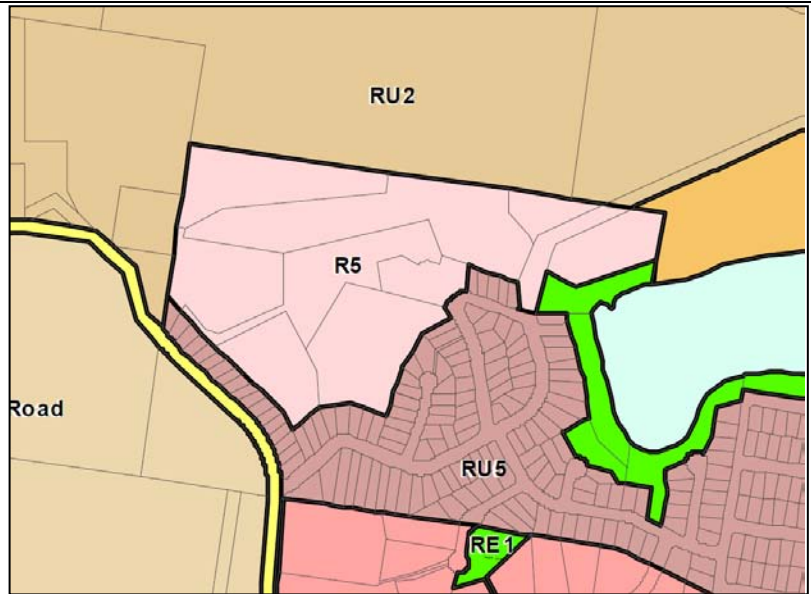
Sussex Inlet

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.



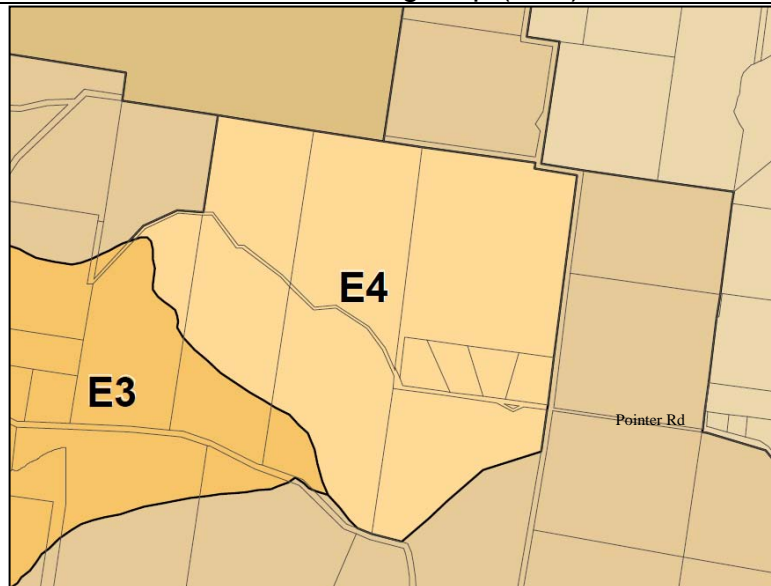
Extract from the Land Zoning Map (LZN)

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



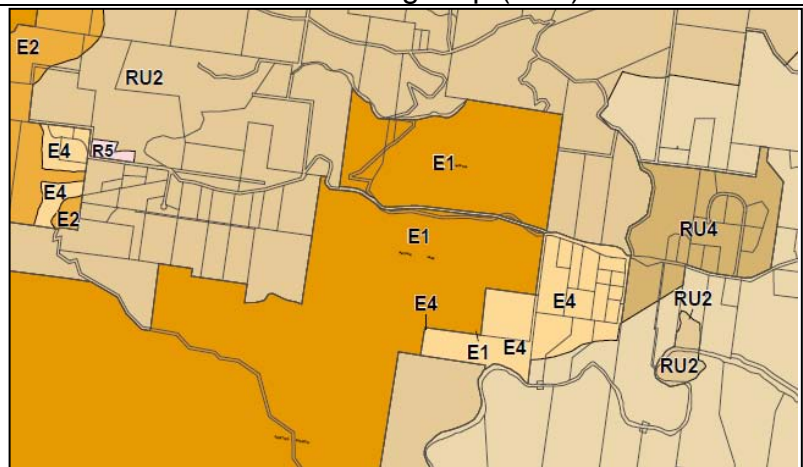
Extract from the Land Zoning Map (LZN)

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



Extract from the Land Zoning Map (LZN)

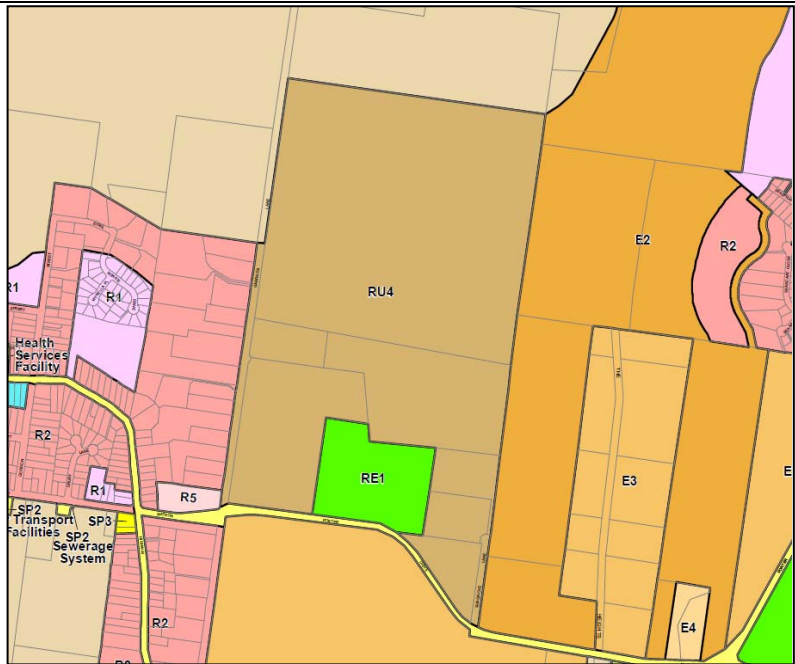
Little Forest
 a) The Rural 1(c) zoned land at Little Forest Road East be zoned part RU4 Primary Production Small Lots and part E4 Environmental Living; and
 b) The Rural 1(c) zoned land at Little Forest Road West be zoned E4 Environmental Living.



Extract from the Land Zoning Map (LZN)

Milton/Narrawallee

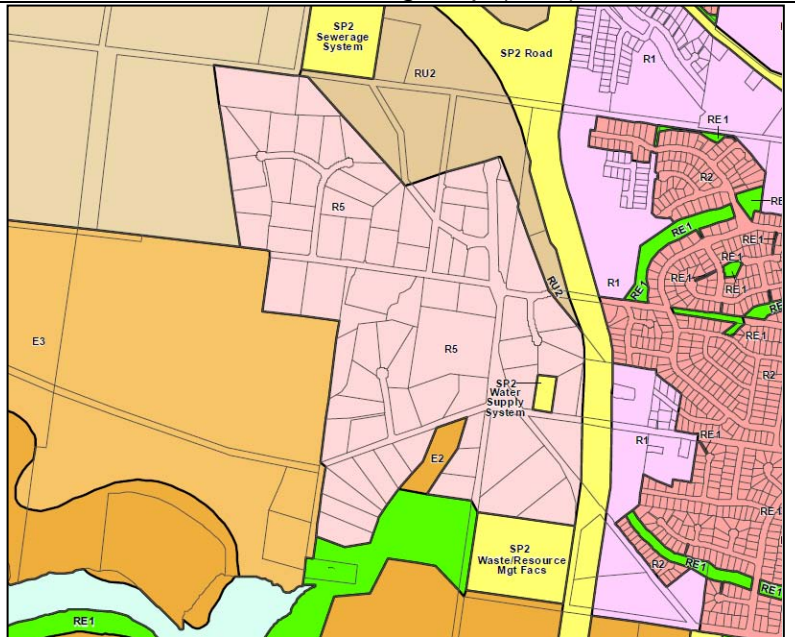
The Rural 1(c) zoned land at Milton/Narrawallee be zoned part RU4 Primary Production Small Lots, part R5 Large Lot Residential and part E4 Environmental Living.



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 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 500m². Development Control Plan (DCP) No. 70 applies to the Estate and the DCP map designates some of the R1 zoned land as "Larger Lots 2000m²". 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 2000m² 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 500m² 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. 500m² lot sizes are not in keeping with the area and there are associated effluent disposal issues, recommend lot sizes over 4000m².

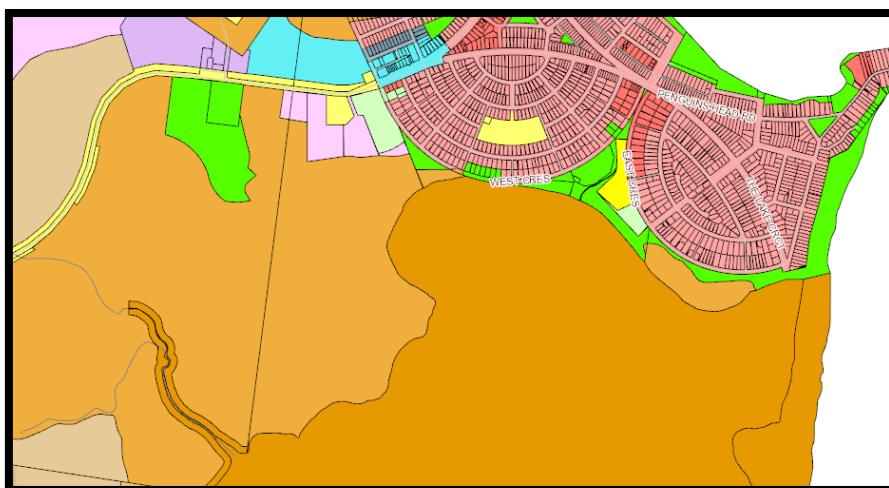
The relevant report was considered at the Special Development Committee Meeting held on 12 April 2012. The report can be viewed at <http://slep2013.shoalhaven.nsw.gov.au/content/council-reports>

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 500m² to 4000m² 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

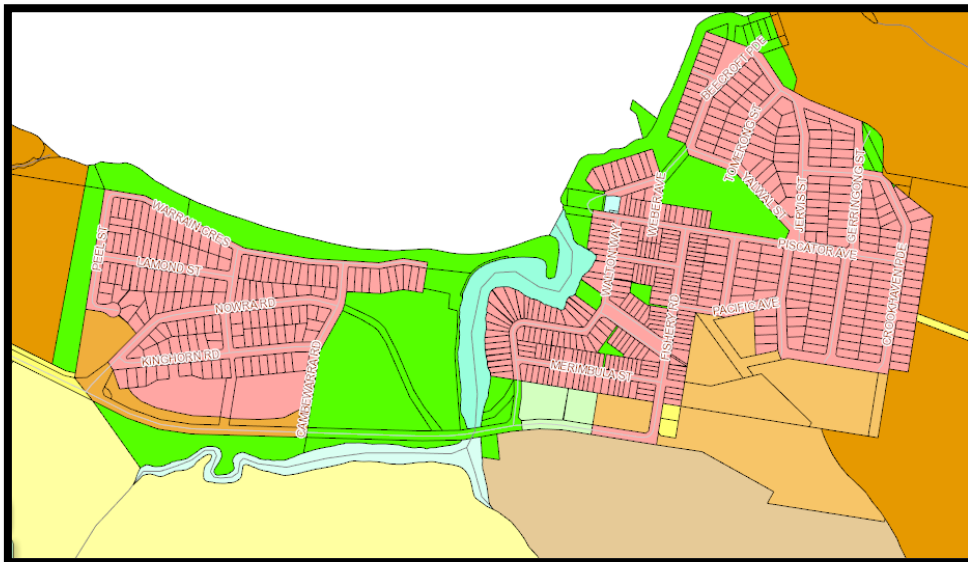
appropriately to E2, as it acts as a buffer to the main road traffic, is prone to bushfire and connects to the extensive wetlands adjacent to the built areas.

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 Currumbene, 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.

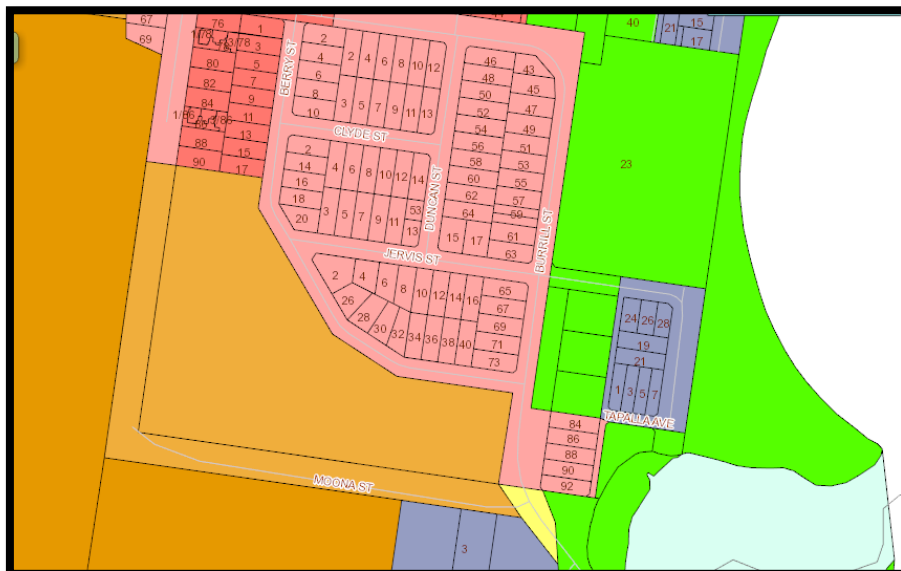
The current Open Space 6(c) (proposed recreation) land should be zoned RE1 not B4. It provides a buffer to the R2 land from high bushfire prone land.

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.	<p><u>Lots 3 & 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.</p>	<p>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.</p>
2.	<p><u>Lots 219, 220, 221, 224 DP 1141763, Halloran St, Vincentia</u> Rezone to allow a medical centre.</p>	<p>Council supported the request and rezoned land to R1 General Residential.</p>
3.	<p><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</p>	<p>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.</p>
4.	<p><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.</p>	<p>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.</p>
5.	<p><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 2000m² minimum lot size. Reduce SP2 Western Bypass corridor to 100m.</p>	<p>Not supported by Council, zone retained as exhibited.</p>
6.	<p><u>Lot 1 DP 1061565, Lots 69, 70, 92, 151, 152 & 156 DP 755965, Princes Hwy & 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.</p>	<p>Not supported by Council at this stage. Added to list of matters for consideration following the completion of LEP 2013.</p>

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&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 & 69 DP 15507, Princes Hwy, Falls Creek</u> Schedule 1 inclusion to allow the continued existing use of manufacture of timber frames & 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>	Council supported the request and included in Schedule 1 Additional permitted uses.
20.	<p><u>Lot 1 DP 784506, Lot B DP 373529, Lots A & 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>	Not supported by Council, zone retained as exhibited.
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 4000m² to 1ha, to allow subdivision and residential development.</p>	Not supported by Council at this stage. Zone retained as exhibited, and consider as part of the Growth Management Strategy.
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>	Council supported the requested zone change. DP&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.
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>	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.
24.	<p><u>Lot 35 DP 805372, Little Forest Rd, Little Forest</u> Rezone part of proposed RU2 Rural Landscape & E2 Environmental Protection to R5 Large Lot Residential with a 1ha minimum lot size.</p>	Council supported requested zone and minimum lot size change. DP&I did not support the request, zone and minimum lot size retained as exhibited.

No.	Rezoning request	Outcome
25.	<p><u>Lot 1 & 2 DP 1099054 & Lot 3 Sec 2 DP 193024, 72-74 Jervis St and 117 East St, Nowra</u> 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. RMS confirmed that SP2 portion of the affected site is still required, and did not support the request. 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> 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> 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> 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> 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 2000m².</p>	<p>Not supported by Council, zones and minimum lot size retained as exhibited. <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 & Lot 2 DP 1062604, 72 Golf Ave & Lot 621 DP 804355 & Lot 1 DP 735980, Maisie Williams Drive Mollymook</u></p> <ol style="list-style-type: none"> 1. Rezone the proposed E2 Environmental Conservation to E3 Environmental Management. 2. Add “dwelling houses” and “recreational facilities (outdoor)” to permitted with consent in the B4 Mixed Use zone. 3. Add “nightclubs”, “places of public entertainment”, “telecommunication facilities” and “water storage facilities” to permitted with consent in the RE2 Private Recreation zone. 	<ol style="list-style-type: none"> 1. Not supported by Council, zones and minimum lot size retained as exhibited. 2. Not supported by Council, as proposed uses are not appropriate for the B4 zone citywide. 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.
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 4000-10000².</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 & 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 ²) 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 & 2 DP 21597, 116 & 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 & 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"> 1. DP&I supported the rezoning of the southern portion of the lot only, and rezoned to R2 Low Density Residential. 2. DP&I did not support the rezoning of the northern area, zone retained as exhibited.
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 & Lots 2 & 3 DP 232984, 8 & 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"> 1. Council supported the request to remove Lots 5 & 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> 2. Council supported staff recommendation to rezone Lots 5 & 6 from B4 Mixed Use to R3 Medium Density Residential. 3. Council did not support any change in provisions to Lot 7.

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 & 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 & 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.	<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.	Not supported by Council, zones and minimum lot size retained as exhibited.
69.	<u>Lot 1 DP 593730 & Lot 1 DP 232180, 211 & 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.	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.	<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 & 193 DP 30301, 1 Shepherd St; 54, 56 & 58 Ocean St; 4, 8 & 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.	Not supported by Council, zone retained as exhibited.
71.	71a. <u>Lot 1 DP531751, 13 Wilfords Lane Milton</u> Include the 3060m ² IN2 Light Industrial zoned site in Schedule 1 to allow a 'concrete batching plant' to reflect existing use and possible future expansion.	Council supported the request and included in Schedule 1 Additional permitted uses.
	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.	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 ² to 2000m ² , consistent with adjoining properties.	Council supported the request and revised the minimum lot size to 2000m ² .
77.	<u>Lot 27 DP 793734, 5 Maculata Close, Cambewarra Village</u> Revise the minimum lot size from 2000m ² to 1000m ² to allow further subdivision.	Council supported the request and revised the minimum lot size to 1000m ² .

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&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 & 38 DP 751283 & Lots 1, 9, 20, 36, 185 & 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"> 1. provide additional R1 zoned land 2. reduce the width of the SP2 zone 3. remove the RU1 zone and replace with R1 or R5 4. amend the E2 zone location. <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 4000m² to 2500m².</p>	Not supported by Council, zone and minimum lot size retained as exhibited.
87.	<p><u>Lots 1,2,3&4 DP 730025 (assumed as Lots & DP provided in submission does not exist) Forster Dr, Bawley Point</u></p> <ol style="list-style-type: none"> 1. Reduce the minimum lot size on the proposed R5 Large Lot Residential portion of the lot from 4000m² to 2500m². 2. Reduce the minimum lot size in the RU2 Rural Lifestyle zone from 40ha to 2ha. 3. Rezone the south-eastern corner of Lot 4, proposed RU2 Rural Lifestyle, to R5 Large Lot Residential, consistent with SLEP 1985. 	<ol style="list-style-type: none"> 1. Not supported by Council, minimum lot size retained as exhibited. 2. Not supported by Council, minimum lot size retained as exhibited. 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 4000m².

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 & 3 DP 342913, 79 & 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 & 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

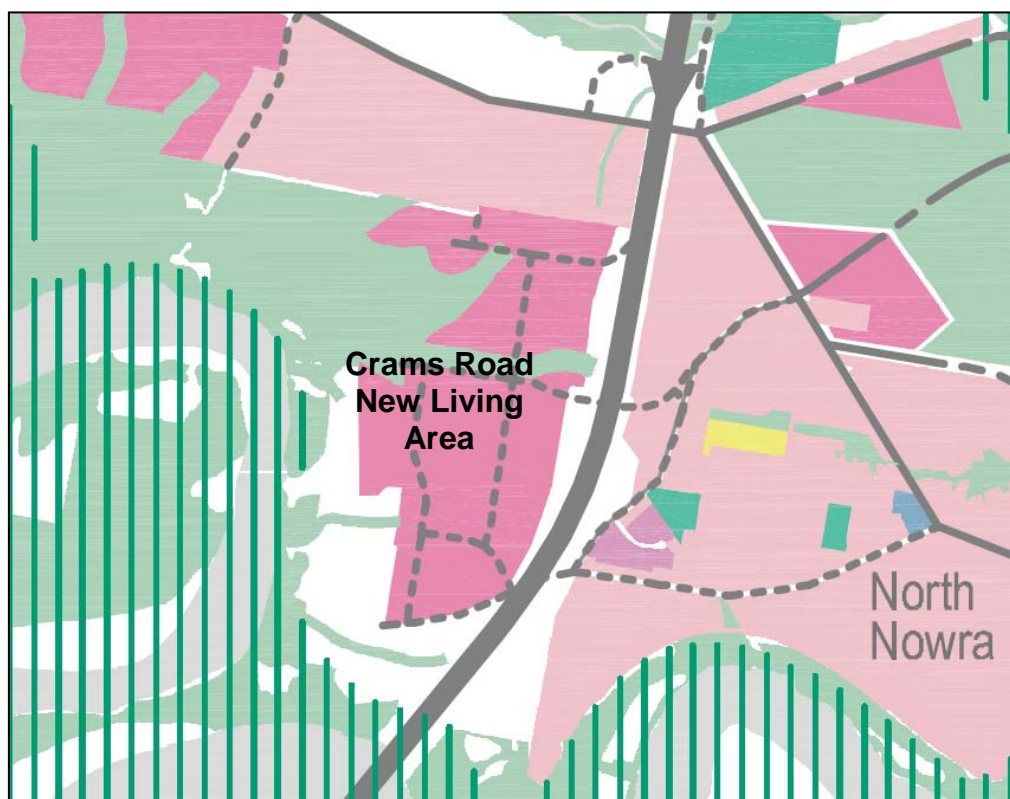
For further details relating to the information in this document and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact the LEP Project Team on (02) 4429 5377 or via email slep2013@shoalhaven.nsw.gov.au.



POTENTIAL POST RE-EXHIBITION CHANGE: Lot 24 DP 714096 Warrah Road, North Nowra

Overview

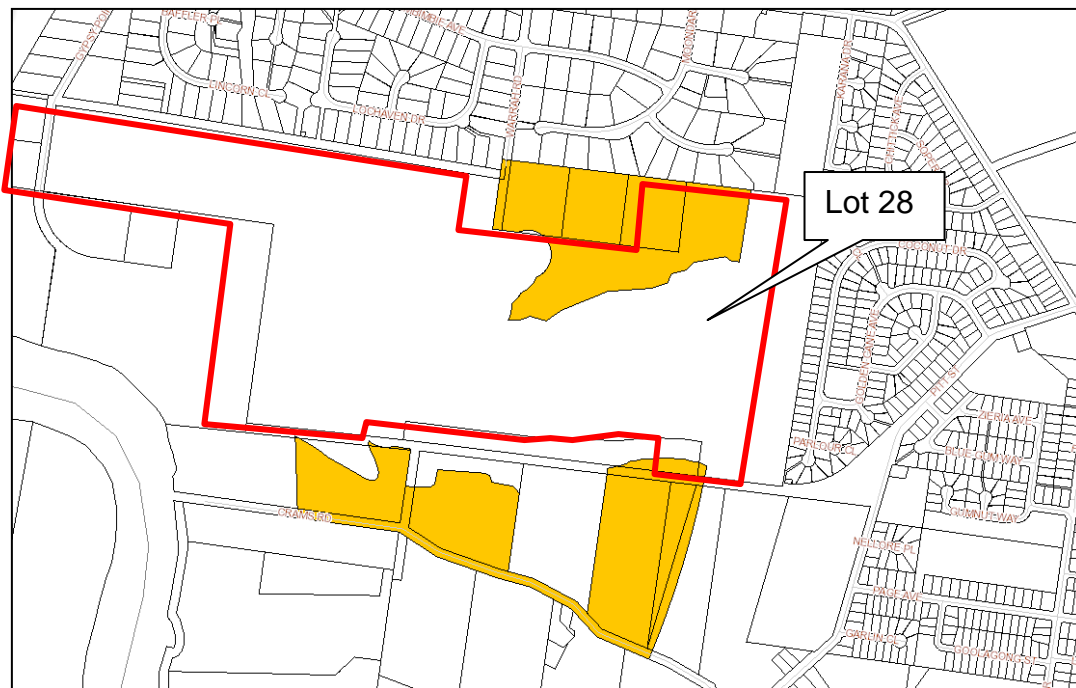
The Crams Road Urban Release Area (URA) is one of the new urban release areas identified in the State Government endorsed Nowra Bomaderry Structure Plan (NBSP). It is identified in the NBSP as New Living Area No. 4 and straddles the localities of North Nowra and Bangalee. The new living area is shown on Map 1 below.



Map 1 - Extract from the Nowra Bomaderry Structure Plan Map

The NBSP identified the need for further studies to be undertaken for this area to determine its suitability for residential development, including consideration of threatened species and an assessment of the biodiversity of the proposed new living area.

Council commissioned a detailed Threatened Biodiversity Assessment Report for this and other new living areas. As a result of this report, the area proposed to be zoned for the Crams Road URA was reduced in the previously exhibited (2011) draft Shoalhaven LEP. This change was supported by the Office of Environment and Heritage.



Map 2 - Extract from the draft Shoalhaven LEP Urban Release Area (URA) Map

The initial exhibition outcome

A submission was received from the landowner during the initial exhibition requesting that Council review and reconsider the zone boundaries for the URA. In considering this submission, Council resolved revise the zone boundaries back to the original NBSP new living area for this property.

Department of Planning and Infrastructure Response

In issuing the Section 65 to allow for the re-exhibition of the draft Shoalhaven LEP, the Department of Planning & Infrastructure required that the previously exhibited zone boundary be retained for this area as shown in Map 2. As such the currently exhibited map shows a reduced URA in this location.

Council decision

Council resolved on 26 February 2013 that in regard to Lot 24 DP 714096 Warrah Road, North Nowra, Council:

- a) Proceed to exhibition with the reduced area of R1 General Residential as required in the S65 certificate;
- b) Continue dialogue with the landowner and State Government on this matter during the exhibition period;
- c) Place on exhibition with the draft SLEP 2013 a notice stating that the zone boundaries in this location may be subject to change post exhibition; and
- d) Consider the need for a deferred zoning after the exhibition of the draft LEP and prior to the final submission of the LEP.

This means the zone boundary in this area may change after exhibition (e.g. a larger URA than currently exhibited) or the zoning in this area may be deferred from the draft

Shoalhaven LEP 2013 to enable further detailed consideration, depending on the outcome of action (b) in the resolution

You may wish to comment on this potential change during the re-exhibition period.

Further information

For further details relating to the information contained in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact the LEP Project Team on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au



FACT SHEETS: Index

Introduction

A number of fact sheets have been prepared to assist the community in interpreting the draft Shoalhaven Local Environmental Plan (LEP) 2013. Each fact sheet focuses on a specific aspect of the draft LEP and may provide references to further information relating to that topic.

Index of Fact Sheets

Number	Topic
Fact Sheet 1	Draft Shoalhaven LEP 2013 User Guide
Fact Sheet 2	Standard Instrument LEPs
Fact Sheet 3	Best Fit Transfer and Ground Rules
Fact Sheet 4	Map Overlays
Fact Sheet 5	Rezoning Requests/ Proposals
Fact Sheet 6	Zone Conversion Tables
Fact Sheet 7	Rural Zones
Fact Sheet 8	Residential Zones
Fact Sheet 9	Business Zones
Fact Sheet 10	Industrial Zones
Fact Sheet 11	Special Purpose Zones
Fact Sheet 12	Recreation Zones
Fact Sheet 13	Environmental Protection Zones
Fact Sheet 14	Waterway Zones
Fact Sheet 15	Clause Transfers
Fact Sheet 16	Exempt and Complying Development
Fact Sheet 17	Subdivision and the Minimum Lot Size Map
Fact Sheet 18	Permissibility of Dwelling Houses
Fact Sheet 19	Height of Buildings and Floor Space Ratios
Fact Sheet 20	Exceptions to Development Standards
Fact Sheet 21	Preservation of Trees or Vegetation
Fact Sheet 22	Heritage Conservation
Fact Sheet 23	Urban Release Areas
Fact Sheet 24	Protection of the Environment
Fact Sheet 25	Coastal Risk Planning
Fact Sheet 26	Sex Services Premises
Fact Sheet 27	Nowra Bomaderry Structure Plan Changes
Fact Sheet 28	Reclassifications of Public Land
Fact Sheet 29	What Happens After the Exhibition?
Fact Sheet 30	Group Terms
Fact Sheet 31	Places of Public Worship



FACT SHEET 1: Draft Shoalhaven LEP 2013 User Guide

Introduction

The draft Shoalhaven Local Environmental Plan (LEP) 2013 is made up of a written document (called the 'Instrument'), zoning maps and a number of other map overlays.

The Instrument

The Shoalhaven LEP 2013 has been prepared to comply with the State Government's Standard Instrument (Local Environmental Plans) Order 2006 which prescribes a standard format and sets much of the content of LEPs prepared by councils in NSW.

The diagram below demonstrates how the draft Instrument (or written document) should be read and interpreted.

Part 4 Principal development standards

4.1 Minimum subdivision lot size [optional]

(1) The objectives of this clause are as follows:

- (a) to ensure that subdivision is compatible with and reinforces the predominant or historic subdivision pattern and character of an area,
- (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
- (c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1A Exceptions to Minimum Lot Sizes for dual occupancies and multi dwelling housing

(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.

(2) Despite clause 4.1, development consent may be granted to the subdivision of land on which development for the purpose of a dual occupancy has been carried out if the area of each resulting lot is equal to or greater than the area specified for that purpose:

- (a) 350m², if the land is identified as Area 1 on the Minimum Lot Size Map,
- (b) 400m², if the land is identified as Area 2 on the Minimum Lot Size Map.

(3) Subclause (2) does not apply to land to which clause 7.8 Flood Planning Land and clause 7.11 Coastal Risk Planning applies.

(4) Despite clause 4.1, development consent may be granted to the subdivision of land:

- (a) in Zone R1 General Residential or Zone R3 Medium Density Residential, and
- (b) on which development for the purpose of multi dwelling housing has been carried out, if the area of each resulting lot is equal to or greater than 350m².

4.1B Dual occupancy development in Zone R3

(1) The objective of this clause is to encourage greater dwelling densities on land zoned R3.

(2) The Council shall not grant consent to dual occupancy development on an allotment of land zoned R3 unless:

- (a) the area of the allotment is less than 800 square metres; and
- (b) it is satisfied that amalgamation of the allotment with other land in that zone is not feasible

28/01/2011 32

Clauses are marked [compulsory], [optional] or [local]. Compulsory and optional clauses cannot be altered. Council may, however, add to the clauses with State approval.

Black text denotes mandated content that is included in the Standard Instrument and cannot be altered.

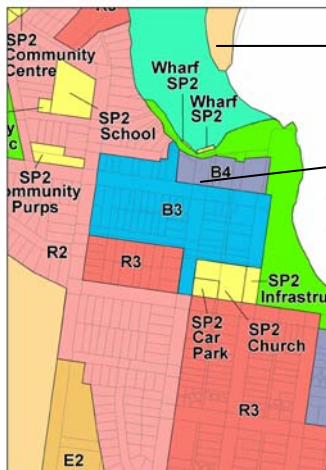
Red text denotes content that is additional to the Standard Instrument. These clauses were added by Council.

Note. The instrument also contains notes which provide guidance but do not form part of the draft Shoalhaven LEP. See Clause 1.6 Notes [Compulsory].

The instrument can be viewed on the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or at any of the exhibition locations.

The maps

The zones contained in the draft LEP are shown graphically on the associated zone map overlay (extract below). A number of development standards and other planning provisions in the draft Shoalhaven LEP are also illustrated in a series of map overlays e.g. building height. The City has been broken up into 73 map sheets with each map sheet being a separate map. Not all map sheets are affected by each map overlay, therefore the number of map sheets in each map overlay will vary. For example, the draft LEP ‘Scenic Protection’ map overlay contains 34 out of a possible 73 map sheets, as only 34 map sheets are affected by an area of scenic protection.



Waterways are no longer able to be left unzoned and are now zoned one of 3 Waterway zones.

Roads are no longer able to be left unzoned and are zoned the same as adjoining land, other than major roads e.g. the Princes Highway

This standardised mapping system is a requirement of the State Government.

Extract of zoning map overlay (LZN)

The maps can be viewed on the draft SLEP exhibition website at www.slep2013.shoalhaven.nsw.gov.au or at any of the exhibition locations.

Exhibition locations

- Nowra Administration Building
- Nowra Library
- Bay and Basin Leisure Centre
- Sanctuary Point Library
- Ulladulla Administration Building

Definitions

Instrument - a formal legal document, in this case the written document that forms part of the draft Shoalhaven LEP 2013.

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. For example, a residential zone will allow for dwellings and associated uses while prohibiting commercial and industrial uses that are incompatible with the residential nature of the zone.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 2: Standard Instrument LEPs

Introduction

Local environmental plans (LEPs) are legal documents which guide planning decisions in local government areas. They are prepared by local councils within a process set by State Government to control the form and location of new development and also protect open space and environmentally sensitive areas. LEPs set zoning and development controls which allow councils and other consent authorities to manage the way in which land is used.

On 31 March 2006, the NSW Government gazetted a 'Standard Instrument' for preparing new LEPs, also known as the LEP Template. All councils in NSW must now prepare new LEPs within set timeframes using this Standard Instrument or LEP Template.

The Standard Instrument

The Standard Instrument is a 'template' for the preparation of LEPs and contains:

- Zone names – for instance R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential, B1 Neighbourhood Centre and IN1 General Industrial.
- Zone objectives – for instance one of the objectives of the B3 Commercial Core zone is to 'encourage appropriate employment opportunities in accessible locations'
- Planning provisions – these are either compulsory, optional or local and provide basic rules for issues such as heritage conservation, bush fire hazard reduction and coastal zone development
- Definitions – these are standard definitions contained in the dictionary for developments across the State, such as dwelling house, farm building, extractive industry or hospital.

Localising the Standard Instrument or LEP Template

When preparing new LEPs using the 'template', Council can:

- Decide which zones to use and where zones should be placed.
- Add local objectives which provide greater explanation and detail to the standard zone objectives.
- Add additional permitted or prohibited land uses for each zone in the land use table. For instance, a council may decide that neighbourhood shops and churches should be allowed in low density residential zones, while others may decide that they should not be allowed.
- Request additional local controls to address local planning issues and to reflect the outcomes of local and regional strategies. These often take the form of 'model local provisions' which are standard clauses prepared by the Department of Planning and Infrastructure for use by any council that wishes to include a clause on a certain issue e.g. flooding.

- Specify what will be permitted as ‘exempt and complying development’ for development that is not specified in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- Insert local criteria or standards into some compulsory clauses.
- Prepare maps that specify the lot sizes, building heights and floor space ratios (FSRs) appropriate for their local area. This can include having different heights and FSRs in different streets or suburbs.

Amendments to the Standard Instrument

The Standard Instrument provisions can be amended by State Government, which will in turn amend all council LEPs that are based on the Standard Instrument. For example, if in the future the State Government amends the definition *community facility* in the Standard Instrument, then the *community facility* definition will then automatically be amended in all Standard Instrument LEPs in NSW.

Making submissions on Standard Instrument LEPs

It is important to note that Council cannot change any part of the Standard Instrument or LEP Template. The text coloured black in the draft Shoalhaven LEP 2013 forms part of the Standard Instrument template and cannot be changed. A limited number of clauses in the Standard Instrument are optional and Council has the choice to include them or not e.g. Clause 5.6 Architectural roof features [optional]. Therefore, submissions on the draft Shoalhaven LEP 2013 instrument should relate only to the text in red (shaded in grey in the black & white version) and whether optional clauses should or should not be included.

Definitions

Instrument - a formal legal document, in this case the written document that forms part of the draft Shoalhaven LEP 2013.

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. For example, a residential zone will allow for dwellings and associated uses while prohibiting commercial and industrial uses that are incompatible with the residential nature of the zone.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 3: Ground Rules and Best Fit Transfer

Introduction

The draft Shoalhaven Local Environmental Plan (LEP) 2013 has been largely been prepared based on 'ground rules' set by Council and as an administrative change over or 'best fit' transfer from the current LEP (Shoalhaven LEP 1985) to the Standard Instrument or LEP Template provided by the State government.

Ground rules

In preparing the current draft, the following 'ground rules' were adopted and used by Council:

- LEP review will largely be based around an administrative change over from the current LEP concentrating on achieving a 'best fit'.
- Consider and incorporate relevant provisions coming out of the South Coast Regional Strategy, South Coast Independent Review Panel etc when the Regional Strategy has been finalised. This is likely to be a detailed requirement of the State Government.
- As part of the review we will consider which zones, optional clauses etc are relevant and Council wishes to utilise.
- There will be no major addition of residential/commercial/business zoned land unless it is already identified in Structure Plans (e.g. Nowra-Bomaderry) or similar.
- Minor rezoning matters and anomalies will be considered where appropriate – a schedule of one off matters will be compiled for consideration.
- Will aim to retain as much of the spirit of the current LEP Instrument as possible (e.g. flexibility).
- As part of the review process decide on an appropriate placement of controls in either the LEP or DCP.
- Will not revisit rural residential rezoning other than deferred zones – this is a position of the Department of Planning and is reinforced in the draft regional Strategy.
- The current LEP schedules will be reviewed and considered – “allowance clauses” will be rationalised without negating development potential.
- The opportunity to broaden the list of permissible uses to overcome the recent removal of non conforming uses will be investigated – as many conforming uses as possible in each zone will be investigated.
- The use of building height controls and floor space ratios and whether or not they are mandatory will be investigated in detail.
- As far as practical the LEP include Spot Business Zones that recognise existing use.

Best fit transfer

The ‘best fit’ transfer is aimed at largely retaining the current range of controls contained in the existing Shoalhaven LEP 1985. For example, landowners should be able to do the same or similar types of development on their land as they can under the current LEP, and parks and environmentally sensitive land should still be designated and protected as parks and environmentally protected land. Where possible, this best fit approach has been used across the City, however, there are instances where a best fit transfer was not appropriate and has not occurred. These exemptions are outlined below.

Exceptions to the best fit transfer

As the draft Shoalhaven LEP has been prepared using the State Government’s LEP Template or Standard Instrument, it has not always been possible to achieve a best fit transfer. For example, the existing LEP has 47 zones and the LEP template only contains 35 zones, of which only 28 were considered suitable for a draft LEP based on a ‘best fit’ transfer for Shoalhaven. This may mean changes to some of the permissible uses for those zones that do not have a directly equivalent zone. For more information on zone transfers, please see Fact Sheet 6: Zone Transfers.

Other exceptions to the best fit transfer may be:

- To implement the South Coast Regional Strategy,
- As a result of an adopted Council strategy for an area e.g. the Nowra Bomaderry Structure Plan,
- A rezoning request that was considered to have merit, to rectify an anomaly, or to reflect the approved existing use of a parcel of land.

For more information, please refer to the *Exceptions to ‘Best Fit’: Key specific changes* document which can be viewed at any of the exhibition locations or on the draft Shoalhaven LEP exhibition website.

Post exhibition changes

In addition to the exceptions to the ‘best fit’ transfer, Council resolved on a number of changes to the draft LEP as a result of the submissions made to the initial exhibition in 2011. These changes range from the introduction of new standard instrument zones e.g. E4 Environmental Living to mapping of lower building heights to a number of spot rezonings.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 4: Map Overlays

Introduction

The draft Shoalhaven Local Environmental Plan (LEP) 2013 mapping is significantly different to the current Shoalhaven LEP 1985 mapping. The current LEP only contains a single map layer which shows zonings and various other attributes. The new mapping is made up of a number of individual map overlays which each relate to a clause or clauses in the draft LEP.

The map format

The new mapping has been prepared consistent with the Department of Planning & Infrastructure's Mapping Guidelines and requirements. The draft LEP maps are based on a State-wide standard scaling system in the form of a grid pattern. 73 map sheets cover the City, in a variety of scales to accommodate different local characteristics.

In addition to the *Land Zoning Map*, there are various sets of maps or map overlays that relate to a clause or clauses within the written instrument. The number of map sheets in a map overlay varies. Only map sheets affected by a particular clause with a corresponding map overlay have been produced. For example, the draft LEP *Natural Resource Sensitivity - Scenic Protection map* contains 34 out of a possible 73 map sheets, as only 34 map sheets are affected by an area of scenic protection.

The map layers

Draft Shoalhaven LEP 2013 has 16 map overlays and each has an acronym. The map overlays are outlined in the table below.

Map Acronym	Map Name	LEP Clause	Purpose
LZN	Land Zoning	Part 2 Land Use Table	Shows where each zone applies.
LSZ	Lot Size	Clause 4.1 & Clause 4.2D	Sets the minimum lot size for subdivision. May also show whether a rural or environmental protection zoned lot has a specific dwelling entitlement
HOB	Height of Buildings	Clause 4.3	Shows the locations where there is a different maximum height limit from the standard 11 metre height limit currently set in the written document. There are currently 3 map sheets in this map overlay - Nowra, Huskisson and Ulladulla.
FSR	Floor Space Ratio	Clause 4.4	Shows the locations where there is an area specific maximum floor space ratio. There are currently only 2 map sheets in this overlay - Huskisson and Ulladulla.

Map Acronym	Map Name	LEP Clause	Purpose
LRA	Land Reservation Acquisition	Clause 5.1	Shows land that Council and other State Government Agencies have identified for acquisition.
HER	Heritage	Clause 5.10	Shows the location of the Heritage Items and Heritage Conservation Areas listed in Schedule 5.
URA	Urban Release Areas	Part 6	Shows the new urban release areas.
CLS	Local Clauses	Clauses 7.4, 7.14, 7.15 and Schedule 4	Shows the areas to which specific local clauses apply.
NRB	Natural Resource Sensitivity - Biodiversity	Clause 7.5	Shows areas of sensitive biodiversity outside of National Parks and environmental protection zones.
NRW	Natural Resource Sensitivity - Water	Clause 7.6	Shows sensitive waterways and water bodies.
NRS	Natural Resource Sensitivity – Scenic Protection	Clause 7.7	Shows the areas which have been identified for scenic protection.
FLD	Flood Planning Area	Clause 7.8	Shows the land identified as within a Flood Planning Area.
CRP	Natural Resource Sensitivity – Coastal Risk	Clause 7.9	Shows lands identified as subject to coastal hazards.
NRL	Natural Resource Sensitivity - Land	Clause 7.11	Shows land that has been identified as potentially unstable.
ASS	Acid Sulphate Soils	Clause 7.10	Shows the predicted location and class of acid sulfate soils.
BFR	Buffers	Clause 7.12 & Clause 7.16	Shows the buffers that apply to certain land uses such as quarries, sewerage treatment plants and to HMAS Albatross.

Viewing the maps

There are 521 map tiles in total which are produced in PDF format. These can be viewed at the exhibition locations and online. In addition, Council has developed an online mapping system to enable people to search their property or an area of interest. The mapping system is available on the exhibition website at www.slep2013.shoalhaven.nsw.gov.au.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 5: Rezoning Requests/ Proposals

Introduction

It is likely that some landowners will want to seek a rezoning of their land as part of the draft Shoalhaven Local Environmental Plan (LEP) 2013 to allow for a different type or range of permissible land uses.

Details

The overall intent of the new draft Shoalhaven LEP 2013, where possible, is to replicate the current LEP while still complying with State Government's requirements. This process has involved a 'best fit' transfer of current zones and LEP clauses and provisions. A limited number of rezonings have been included in the draft LEP.

Due to the 'best fit' approach to preparing the draft Shoalhaven LEP 2013 and the timeframes the State Government has given to complete the draft LEP, there is little opportunity available for 'rezonings' to be included as a result of submissions made during the exhibition period. Should a landowner feel that there is justification for a rezoning of their land though the draft LEP, they should make a submission to Council during the exhibition period for consideration.

Making a rezoning request

Rezoning requests should be justified and not speculative. Details on why Council should support the rezoning should be included in any submission. You are strongly recommended to discuss any request with Council staff prior to proceeding to prepare a detailed submission.

Rezoning requests - urban zoned land

For urban zoned land (residential, business, industrial), the following information should be included:

- Ownership and location of the subject land.
- Existing zone, proposed zone under the draft LEP and requested zone.
- Current and proposed use of the subject site and adjoining lands.
- Vegetation cover and any impacts on flora and fauna.
- Means of vehicular and pedestrian access to and from the site and any traffic issues.
- Any flooding or coastal hazard issues.
- Services available – water, sewerage, electricity, drainage etc.

Rezoning requests - rural zoned land

For rural zoned land, the following information should be included:

- Ownership and location of the subject land.
- Existing zone, proposed zone under the draft LEP and requested zone.
- Current and proposed use of the subject site and adjoining lands.
- Vegetation cover and any impacts on flora and fauna.
- Slope assessment, landform and drainage.
- Waterways or wetland areas and possible impacts on water quality.
- Means of vehicular and pedestrian access to and from the site and any traffic issues.
- Impact on agricultural uses on the land and on adjoining lands.
- Soil erosion/capability.
- Any flooding or coastal hazard issues.
- Bushfire hazard.
- Visual analysis.
- Archaeological significance.
- Services available – water, sewerage, electricity, drainage etc.

Consideration of rezoning requests

All submissions made on the draft LEP will be considered by Council after the exhibition period has ended. Rezoning requests are likely to be handled in one of the following three ways:

1. requests that provide no justification and/or are speculative - Council is unlikely to support;
2. requests that are of a minor nature and have merit, or are a correction or anomaly – Council may support inclusion in the final LEP; or
3. requests that are of a more major nature and have some merit – Council may place on a schedule of matters for consideration after the finalisation of the LEP. Those requests that are supported by Council may result in a future amendment to the LEP.

Definitions

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 6: Zone Conversion Tables

Introduction

The overall intent of the new draft Shoalhaven Local Environmental Plan (LEP) 2013, where possible, is to replicate the current Shoalhaven LEP 1985 while still complying with State Government's requirements.

Details

This process has involved a 'best fit' transfer of current zones and LEP clauses and provisions. However, due to the new Standard Instrument or LEP Template setting the zones to be used in all LEPs, this has not always been possible. For example, the Standard Instrument does not have an equivalent zone for the Rural 1(g)(Flood Liable) zone in Shoalhaven LEP 1985. Therefore, all land currently zoned Rural 1(g) will be given an appropriate rural zone (either RU1 Primary Production or RU2 Rural Landscape) and will also be mapped as flood prone on the Flood Planning Area maps.

All zone names and numbers have changed under the Standard Instrument or LEP Template. In addition, a number of new zones have been introduced. The following table gives a general indication of what the Shoalhaven LEP 1985 zone is likely to be under the draft Shoalhaven LEP 2013.

NOTE: These tables are to be taken as a guide only.

Rural Zones	
Shoalhaven LEP 1985	Draft Shoalhaven LEP 2013
Rural 1(a)(Agricultural Production)	RU1 Primary Production
Rural 1(b)(Arterial & Main Road Protection)	RU1 Primary Production or RU2 Rural Landscape
Rural 1(c)(Rural Lifestyle)	RU4 Primary Production Small Lots or R5 Large Lot Residential or E4 Environmental Living
Rural 1(d)(General Rural)	RU2 Rural Landscape
Rural 1(e)(Extractive & Mineral Resources)	RU1 Primary Production
Rural 1(f)(Forest)	RU3 Forestry
Rural 1(g)(Flood Liable)	Rural zone plus flood overlay & associated clause

Residential Zones	
Shoalhaven LEP 1985	Draft Shoalhaven LEP 2013
Residential 2(a1)	R2 Low Density Residential
Residential 2(a2)	R5 Large Lot Residential
Residential 2(a3)	R5 Large Lot Residential
Residential 2(a4)(Restricted Development)	Residential zone plus overlay & associated clause

Residential Zones	
Residential 2(b1)	R3 Medium Density Residential
Residential 2(b2)	R3 Medium Density Residential
Residential 2(c)(Living Area)	R1 General Residential
Residential 2(d)	SP3 Tourist
Residential 2(e)(Village)	RU5 Village or R1 General Residential

Business Zones	
Shoalhaven LEP 1985	Draft Shoalhaven LEP 2013
Business 3(a)(Retail)	B3 Commercial Core
Business 3(b)(Transitional)	B5 Business Development
Business 3(c)(Neighbourhood)	B1 Neighbourhood Centre
Business 3(d)(Commercial)	B3 Commercial Core
Business 3(f)(Village)	B2 Local Centre
Business 3(g)(Development Area)	B4 Mixed Use or SP3 Tourist
Business 3(h)(Restricted Development)	Business zone plus overlay & associated clause

Industrial Zones	
Shoalhaven LEP 1985	Draft Shoalhaven LEP 2013
Industrial 4(a)(General)	IN1 General Industrial
Industrial 4(b)(Light)	IN2 Light Industrial
Industrial 4(c)(Special)	B5 Business Development
Industrial 4(d)(Waterfront)	IN4 Working Waterfront
Industrial 4(e)(Restricted Development)	Industrial zone plus overlay & associated clause

Special Use Zones	
Shoalhaven LEP 1985	Draft Shoalhaven LEP 2013
Special Uses 5(a)	SP1 Special Activities or SP2 Infrastructure
Special Uses 5(b)(Railways)	SP2 Infrastructure
Special Uses 5(c)(Reservation)	SP2 Infrastructure plus Land Reservation Acquisition overlay
Special Uses 5(d)(Arterial Roads Widening)	SP2 Infrastructure plus Land Reservation Acquisition overlay
Special Uses 5(e)(Local Roads Widening)	SP2 Infrastructure plus Land Reservation Acquisition overlay

Open Space Zones	
Shoalhaven LEP 1985	Draft Shoalhaven LEP 2013
Open Space – Recreation 6(a)(Existing)	RE1 Public Recreation
Open Space – Recreation 6(b)(Private)	RE2 Private Recreation
Open Space – Recreation 6(c)(Proposed)	RE1 Public Recreation
Open Space – Recreation 6(d)(Reserve)	RE1 Public Recreation

Environmental Protection Zones	
Shoalhaven LEP 1985	Draft Shoalhaven LEP 2013
Environment Protection 7(a)(Ecology)	E2 Environmental Conservation

Environmental Protection Zones	
Environment Protection 7(c)(Water Catchment)	E2 Environmental Conservation
Environment Protection 7(d1)(Scenic)	E3 Environmental Management
Environment Protection 7(d2)(Special Scenic)	E2 Environmental Conservation
Environment Protection 7(e)(Escarpment)	E2 Environmental Conservation
Environment Protection 7(f1)(Coastal)	E3 Environmental Management
Environment Protection 7(f2)(Coastal Reservation)	E2 Environmental Conservation
Environment Protection 7(f3)(Foreshores Protection)	E3 Environmental Management

Other Zones	
Shoalhaven LEP 1985	Draft Shoalhaven LEP 2013
National Parks & Nature Reserves 8(a)	E1 National Parks & Nature Reserves
Natural Hazards 9(a)(Urban Flooding)	E2 Environmental Conservation plus flood overlay

Zones deferred from the Rural Plan	
Zones deferred from the Rural Plan (Amendment No. 127 to Shoalhaven LEP 1985) which was gazetted in July 1999 and their corresponding LEP Template zone.	
Shoalhaven LEP 1985 prior to 1999 (pre Rural Plan)	Draft Shoalhaven LEP 2013
Rural Residential 1(c1)	RU4 Primary Production Small Lots or R5 Large Lot Residential or E4 Environmental Living
Rural Residential 1(c2)	
Rural Residential 1(c3)	

IDO Zones	
Zones under Interim Development Order No 1 and their corresponding LEP Template zone.	
Interim Development Order No 1	Draft Shoalhaven LEP 2013
Non-urban (a)	RU1 Primary Production or RU2 Rural Landscape
Non-urban (b)	RU2 Rural Landscape
2. Village or Township	RU5 Village
3. Special Uses	SP2 Infrastructure
Rural Environmental Protection 7(f1) Coastal Lands Protection	E3 Environmental Management
Rural Environmental Protection 7(f2) Coastal Lands Acquisition	E3 Environmental Management plus Land Reservation Acquisition map

Definitions

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 7: Rural Zones

Introduction

Much of Shoalhaven is characterised by rural zoned land used for agricultural activities, providing the rural landscape backdrop, and also many smaller rural-residential or rural lifestyle lots. As part of the transfer to the new draft Shoalhaven Local Environmental Plan (LEP) 2013, it is particularly important that the character of these rural areas is maintained.

Details

The table below gives a general indication of what the Shoalhaven LEP 1985 zone is likely to be under the draft Shoalhaven LEP 2013. The draft LEP is based on a 'best fit' approach from the current LEP using the State Government's LEP Template or 'Standard Instrument'.

NOTE: this table is to be taken as a guide only.

Shoalhaven LEP 1985	Shoalhaven LEP 2013
Rural 1(a)(Agricultural Production)	RU1 Primary Production
Rural 1(b)(Arterial & Main Road Protection)	Zone rural – RU1 for prime crop and pasture land RU2 for other rural land
Rural 1(c)(Rural Lifestyle)	RU4 Primary Production Small Lots or R5 Large Lot Residential or E4 Environmental Living
Rural 1(d)(General Rural)	RU2 Rural Landscape
Rural 1(e)(Extractive & Mineral Resources)	RU1 Primary Production
Rural 1(f)(Forest)	RU3 Forestry
Rural 1(g)(Flood Liable)	Zone rural – RU1 for prime crop and pasture land RU2 for other rural land Plus flood prone land overlay & associated clauses

Generally, the range of development types permissible under the Shoalhaven LEP 1985 zoning will also be permissible under the 'best fit' zone transfer approach. However, due to the transfer of seven existing rural zones to four rural zones under the Standard Instrument or LEP Template, there may be changes to some of the permissible uses for those zones that do not have a directly equivalent zone.

For example, the Standard Instrument does not have an equivalent zone for the Rural 1(g)(Flood Liable) zone in Shoalhaven LEP 1985. Therefore, all land currently zoned Rural 1(g) will be given an appropriate rural zone (either RU1 Primary Production or RU2 Rural Landscape) and will also be mapped as flood prone on the *Flood Planning Area Map*.

This may mean that the areas affected will have a wider range of development types permissible under draft Shoalhaven LEP 2013 than under the Shoalhaven LEP 1985.

Intent of zones

The general intention of each of the rural zones under the Standard Instrument or LEP Template is provided in the table below. Please note that not all template zones have been used in the draft Shoalhaven LEP 2013. The RU6 Transition zone has not been used so is not listed below.

Zone	General Intent
<i>RU1 Primary Production</i>	Rural land used for primary industry production, including: <ul style="list-style-type: none"> • extensive agriculture, • horticulture, • intensive livestock agriculture, • mining, • forestry, and • extractive industries. The zone is aimed at maintaining and enhancing the natural resource base.
<i>RU2 Rural Landscape</i>	Rural land with general landscape values or that has reduced agricultural capability due to gradient, soil type, vegetation, rock outcrops, salinity etc. but which is suitable for grazing and other forms of extensive agriculture.
<i>RU3 Forestry</i>	Specifically identifies and protects land that is to be used for long-term forestry use i.e. logging and owned by State Forests.
<i>RU4 Primary Production Small Lots</i>	Land which is to be used for commercial primary industry production, including emerging primary industries and agricultural uses that operate on smaller rural holdings. It is an agricultural industry/food production focus and not a rural residential lifestyle zone.
<i>RU5 Village</i>	Rural villages where a mix of residential, retail and other uses are established or maintained i.e. Kangaroo Valley, Woollamia, Tomerong, Wandandian, Fishermans Paradise, Conjola Park, Lake Conjola, Lake Tabourie, Bawley Point, Kioloa, Depot Beach and North Durras.

Definitions

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 8: Residential Zones

Introduction

Residential zones are areas where the dominant land uses are dwelling houses and other types of housing rather than business or industrial uses. Different residential zones provide for differing densities of residential development. For example, the R2 Low Density Residential zone is aimed primarily at single detached houses and also allows for dual occupancy development. In contrast, the R3 Medium Density Residential zone is aimed at a variety of housing types such as town houses, villas and residential flat buildings.

Details

The table below gives a general indication of what the Shoalhaven LEP 1985 zone is likely to be under the draft Shoalhaven LEP 2013. The draft LEP is based on a 'best fit' approach from the current LEP using the State Government's LEP Template or 'Standard Instrument'.

NOTE: this table is to be taken as a guide only.

Shoalhaven LEP 1985	Shoalhaven LEP 2013
Residential 2(a1)	R2 Low Density Residential
Residential 2(a2)	R2 Large Lot Residential
Residential 2(a3)	R2 Large Lot Residential
Residential 2(a4)(Restricted Development)	Residential zone plus overlay & associated clause
Residential 2(b1)	R3 Medium Density Residential
Residential 2(b2)	R3 Medium Density Residential
Residential 2(c)(Living Area)	R1 General Residential
Residential 2(d)	SP3 Tourist
Residential 2(e)(Village)	RU5 Village or R1 General Residential

The majority of the current Residential 2(e)(Village) areas will become R1 General Residential, and the remainder RU5 Village. It is proposed to use the RU5 zone where the existing low density rural character of the area is important to retain. An example where Residential 2(e) land is proposed to become RU5 is through the Main Street (Moss Vale Road) of Kangaroo Valley Village where the RU5 zone will retain the low density village and rural character of the area.

Generally, the range of development types permissible under the Shoalhaven LEP 1985 zones will also be permissible under the new proposed 'best fit' zone transfer. However, there may be changes to some of the permissible uses for those zones that do not have a directly equivalent zone. For example, the Residential 2(b1) zone and the Residential 2(b2) zone have been combined under the R3 Medium Density zone. This may mean that the areas affected will have a wider range of development types permissible under draft Shoalhaven LEP 2013.

Intent of zones

The general intention of each of the residential zones under the Standard Instrument or LEP Template is provided in the table below. Please note that not all template zones have been used in the draft Shoalhaven LEP 2013. The R4 High Density Residential zone has not been used so is not listed in the table.

Zone	General Intent
<i>R1 General Residential</i>	Provides for a variety of residential housing types and densities, including dwelling houses, multi-dwelling housing, residential flat buildings, boarding houses and seniors housing. The zone also allows additional uses to provide facilities or services to residents, including neighbourhood shops and child care centres.
<i>R2 Low Density Residential</i>	Land where primarily low density housing i.e. standard size house lots, are to be established or already exist. The zone objectives also encourage the provision of facilities or services that meet the day-to-day needs of residents.
<i>R3 Medium Density Residential</i>	Land where a variety of medium density accommodation exists or can be considered. Other residential uses (including higher or lower density uses) can also be permitted in the zone where appropriate. The zone also allows additional uses to provide facilities or services to residents, including neighbourhood shops and child care centres.
<i>R5 Large Lot Residential</i>	Provides for residential housing in a rural or semi-rural setting.

Definitions

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 9: Business Zones

Introduction

Shoalhaven supports a wide range of business and commercial centres which serve the needs of the local and wider community. A variety of business zones provide suitable land for business parks, mixed use developments, commercial cores, local centres and village shops.

Details

The table below gives a general indication of what the Shoalhaven LEP 1985 zone is likely to be under the draft Shoalhaven LEP 2013. The draft LEP is based on a 'best fit' approach from the current LEP using the State Government's LEP Template or 'Standard Instrument'.

NOTE: this table is to be taken as a guide only.

Shoalhaven LEP 1985	Draft Shoalhaven LEP 2013
Business 3(a)(Retail)	B3 Commercial Core
Business 3(b)(Transitional)	B5 Business Development
Business 3(c)(Neighbourhood)	B1 Neighbourhood Centre
Business 3(d)(Commercial)	B3 Commercial Core
Business 3(f)(Village)	B2 Local Centre
Business3(g)(Development Area)	B4 Mixed Use or SP3 Tourist
Business3(h)(Restricted Development)	Business zone plus overlay & associated clause

These zones allow for a diverse range of potential developments from neighbourhood shops, food and drink premises and retail premises to hotel/motel accommodation, registered clubs, function centres and light industries.

Generally, the range of development types permissible under the Shoalhaven LEP 1985 zones will also be permissible under the new proposed 'best fit' zone transfer. As indicated in the table above the existing seven business zones are reasonably consistent to those of the Standard Instrument or LEP Template; however there may be changes to some of the permissible uses for those zones that do not have a directly equivalent zone.

Intent of zones

The general intention of each of the business zones under the Standard Instrument or LEP Template is provided in the table below. Please note that not all template zones have been used in the draft Shoalhaven LEP 2013. The B6 Enterprise Corridor has not been used so is not listed in the table.

Zone	General Intent
<i>B1 Neighbourhood Centre</i>	Small neighbourhood centres that include small scale convenience retail premises, business premises or community uses that serve the needs of the surrounding area e.g. Lyndhurst Centre in Bomaderry, North Nowra Shops.
<i>B2 Local Centre</i>	Centres that provide a range of retail, business, entertainment and community functions that typically service a wider catchment than a neighbourhood centre e.g. Shoalhaven Heads, Greenwell Point.
<i>B3 Commercial Core</i>	Major centres that provide a wide range of uses including retail, employment, entertainment and community uses. The zone can be applied in major metropolitan centres or major regional centres i.e. Nowra CBD and Ulladulla CBD. Land which is zoned B3 Commercial Core could be surrounded by other business zones such as B4 Mixed Use, where a variety of supporting uses provide a transition to the major centre.
<i>B4 Mixed Use</i>	Land where a range or mix of land uses are encouraged, including retail, employment, residential, community and other uses.
<i>B5 Business Development</i>	Land where employment generating uses such as offices, warehouses and retail premises (including those with large floor areas) are encouraged. The zone is applied to areas that are located close to existing or proposed centres, and which will support (and not detract from) the viability of centres e.g. South Nowra.
<i>B7 Business Park</i>	Primarily accommodates office and light industrial uses, including high technology industries in an overall business park setting. The zone also permits a range of facilities and services to support the day-to-day needs of workers, such as child care centres and neighbourhood shops. This zone has only been applied to the current Albatross Aviation Technology Park and an area off Moss Vale Road.

Definitions

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 10: Industrial Zones

Introduction

Industrial land uses are an important part of the economy of Shoalhaven. There is a recognised need to protect and define industrial land to ensure that employment land supply is not lost to other land uses which should be accommodated elsewhere.

The draft Shoalhaven Local Environmental Plan (LEP) 2013 proposes the use of three separate industrial zones in order to protect industrial land and to achieve an appropriate separation of conflicting land uses.

Details

The table below gives a general indication of what the Shoalhaven LEP 1985 zone is likely to be under the draft Shoalhaven LEP 2013. The draft LEP is based on a 'best fit' approach from the current LEP using the State Government's LEP Template or 'Standard Instrument'.

NOTE: this table is to be taken as a guide only.

Shoalhaven LEP 1985	Draft Shoalhaven LEP 2013
Industrial 4(a)(General)	IN1 General Industrial
Industrial 4(b)(Light)	IN2 Light Industrial
Industrial 4(c)(Special)	B5 Business Development
Industrial 4(d)(Waterfront)	IN4 Working Waterfront
Industrial 4(e)(Restricted Development)	Industrial zone plus overlay & associated clause

Intent of zones

The general intention of each of the industrial zones under the Standard Instrument or LEP Template is provided in the table below. Please note that not all template zones have been used in the draft Shoalhaven LEP 2013. IN3 Heavy Industrial has not been used so is not shown in the table.

Zone	General Intent
<i>IN1 General Industrial</i>	Land where a wide range of industrial and warehouse uses can be located. The existing mandated industrial and warehouse uses can be supplemented by permitting heavy, and offensive or hazardous industries, if appropriate.
<i>IN2 Light Industrial</i>	Land that provides for light industry and warehouse and distribution type uses.
<i>IN4 Working Waterfront</i>	Industrial and maritime uses that require waterfront access. The zone can be applied to port facilities (particularly small commercial fishing or other ports) as well as other maritime industrial uses e.g. Ulladulla Harbour.

Zoning additional Industrial land

Future predictions for Shoalhaven envisage an increasing demand for industrial land with the current supply expected to be exhausted by 2016. The Nowra Bomaderry Structure Plan identifies approximately 92 hectares of suitable industrial expansion land to the south of the existing Flinders Industrial Estate in South Nowra. The proposed industrial expansion in South Nowra is required to provide sufficient industrial land to meet future demands, to encourage economic diversification and to expand the long term employment opportunities of Nowra Bomaderry's industrial base. It is proposed to rezone this area as part of the draft LEP to accommodate this future growth in the City's major regional centre.

A minor extension to the existing industrial area at Sussex Inlet is also proposed to be rezoned through the draft LEP consistent with the Sussex Inlet Settlement Strategy.

Definitions

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 11: Special Purpose Zones

Introduction

Special purpose zones are used to identify sites for special activities such as the Naval Base HMAS Albatross, for infrastructure such as water treatment plants, major roads and community centres, or for specific tourist sites.

Details

The table below gives a general indication of what the Shoalhaven Local Environmental Plan (LEP) 1985 zone is likely to be under the draft Shoalhaven LEP 2013. The draft LEP is based on a 'best fit' approach from the current LEP using the State Government's LEP Template or 'Standard Instrument'.

NOTE: this table is to be taken as a guide only.

Shoalhaven LEP 1985	Draft Shoalhaven LEP 2013
Special Uses 5(a)	SP1 Special Activities or SP2 Infrastructure
Special Uses 5(b)(Railways)	SP2 Infrastructure
Special Uses 5(c)(Reservation)	SP2 Infrastructure plus Land Reservation Acquisition overlay
Special Uses 5(d)(Arterial Roads Widening)	SP2 Infrastructure plus Land Reservation Acquisition overlay
Special Uses 5(e)(Local Roads Widening)	SP2 Infrastructure plus Land Reservation Acquisition overlay

Intent of zones

The general intention of each of the special purpose zones under the template is given below.

Zone	General Intent
<i>SP1 Special Activities</i>	Special land uses or significant sites with characteristics that can not be accommodated in other zones. Some examples of where this zone can be applied are: <ul style="list-style-type: none"> • a major scientific research facility, • a major defence or communications establishment e.g. HMAS Albatross, or • an international sporting facility.
<i>SP2 Infrastructure</i>	Covers a wide range of physical and human infrastructure uses such as transport (e.g. roads and railways), utility undertakings and works, community uses, educational establishments (e.g. schools) and hospitals. This zone is used for some facilities where previously a special uses zone may have applied.
<i>SP3 Tourist</i>	Locations where a variety of tourist-orientated land uses are to be permitted, and includes uses such as tourist and visitor accommodation and function centres.

Changes to the zoning of infrastructure

The traditional approach for zoning infrastructure such as schools, hospitals, churches, cemeteries and electricity generating works, has been to give them as ‘special purpose’ or ‘special use’ zone. This recognises the current or proposed use of the site. While this approach provides security for the use of the site for its intended purpose, it can also be restrictive should the site no longer be required for that use. A rezoning is often required to change the zone to enable the site to be redeveloped or sold.

To provide greater flexibility and adaptability of land used for the provision of public or private infrastructure, the Department of Planning & Infrastructure (DP&I) have developed a new approach which moves away from zoning all infrastructure land as ‘special use’ or ‘special purpose’ (SP). This approach is based on zoning land as a special purpose site only where it is a site unlikely to change e.g. cemeteries, waste depots, or where it is not permitted in the adjoining zone or under the *State Environmental Planning Policy (Infrastructure) 2007*. Otherwise, these sites should be zoned as per the adjoining zone. Further information on the DP&I’s approach can be found in their LEP Practice Note PN 10-001 which can be viewed on their website www.planning.nsw.gov.au.

As part of the preparation of the draft LEP, the DP&I’s new approach has been used for some special purpose sites which have been given a zone the same as the adjoining land. However, most have been retained in an SP zone for the public exhibition. The zoning of these sites will be revised to be consistent with the DP&I’s Practice Note as part of the finalisation of the draft LEP once the land use table are more set. This will enable Council to confidently make decisions on whether to zone a site as an SP zone or the same as an adjoining zone based on whether the proposed use is permitted in the adjoining zone.

There is some concern about applying this approach in all circumstances. This may be an aspect of the draft LEP on which you as a community member may consider making comments.

Definitions

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 12: Recreation Zones

Introduction

Shoalhaven consists of many areas that are reserved from major forms of development to allow for public or private open space, recreational uses and to protect the natural environment. Much of this land has a recreation zone in order to protect and maintain these areas.

Details

The table below gives a general indication of what the Shoalhaven Local Environmental Plan (LEP) 1985 zone is likely to be under the draft Shoalhaven LEP 2013. The draft LEP is based on a 'best fit' approach from the current LEP using the State Government's LEP Template or 'Standard Instrument'.

NOTE: this table is to be taken as a guide only.

Shoalhaven LEP 1985	Draft Shoalhaven LEP 2013
Open Space – Recreation 6(a)(Existing)	RE1 Public Recreation
Open Space – Recreation 6(b)(Private)	RE2 Private Recreation
Open Space – Recreation 6(c)(Proposed)	RE1 Public Recreation
Open Space – Recreation 6(d)(Reserve)	RE1 Public Recreation plus Land Reservation Acquisition map

Generally, the range of development types permissible under the Shoalhaven LEP 1985 zoning will also be permissible under the new proposed 'best fit' zone transfer. However, due to the transfer of four existing recreation zones to two template public/private recreation zones, there may be changes to some of the permissible uses for those zones that do not have a directly equivalent zone.

Typically this will mean that these areas will have a wider range of development types permissible under the draft Shoalhaven LEP 2013 than under Shoalhaven LEP 1985.

Intent of zones

The general intention of each of the recreation zones under the template is given below.

Zone	General Intent
<i>RE1 Public Recreation</i>	Public recreation areas and activities, including local and regional open space. This is the zone given to Council reserves including sportsgrounds, showgrounds, foreshore areas and parks.
<i>RE2 Private Recreation</i>	Recreation areas and facilities on land that is privately owned or managed e.g. licensed clubs.

Definitions

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 13: Environmental Protection Zones

Introduction

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

Details

The table below gives a general indication of what the Shoalhaven Local Environmental Plan (LEP) 1985 zone is likely to be under the draft Shoalhaven LEP 2013. The draft LEP is based on a 'best fit' approach from the current LEP using the State Government's LEP Template or 'Standard Instrument'.

NOTE: this table is to be taken as a guide only.

Shoalhaven LEP 1985	Draft Shoalhaven LEP 2013
Environment Protection 7(a)(Ecology)	E2 Environmental Conservation
Environment Protection 7(c)(Water Catchment)	E2 Environmental Conservation
Environment Protection 7(d1)(Scenic)	E3 Environmental Management
Environment Protection 7(d2)(Special Scenic)	E2 Environmental Conservation
Environment Protection 7(e)(Escarpment)	E2 Environmental Conservation
Environment Protection 7(f1)(Coastal)	E3 Environmental Management
Environment Protection 7(f2)(Coastal Reservation)	E2 Environmental Conservation plus Land Reservation Acquisition overlay

These zones still allow for a varied range of development including dwelling houses in certain circumstances, however, careful consideration will be given to the environmental attributes of the land during any development assessment to ensure the long term management and preservation of these special areas.

Generally, the range of developments permissible under the Shoalhaven LEP 1985 zoning will also be permissible under the new proposed 'best fit' zone transfer. However, as a result of the transfer of eight existing environmental protection zones to two Standard Instrument environmental conservation/management zones, there may be changes to some of the permissible uses for those zones that do not have a directly equivalent zone.

Typically this will mean that the areas affected will have a wider range of development types permissible under draft Shoalhaven LEP 2013 than under Shoalhaven LEP 1985.

Intent of zones

The general intention of each of the environmental protection zones under the Standard Instrument or LEP template is provided in the table below. Please note that not all template zones have been used in the draft Shoalhaven LEP 2013.

Zone	General Intent
<i>E1 National Parks and Nature Reserves</i>	Covers existing National Parks and Nature Reserves. All uses currently authorised under the <i>National Parks and Wildlife Act 1974</i> will continue to be permitted without consent within this zone.
<i>E2 Environmental Conservation</i>	Protects land that has high conservation value and a number of land uses considered to be inappropriate for this zone have been mandated as prohibited uses.
<i>E3 Environmental Management</i>	Land that has environmental or scenic values or hazard risk and where a limited range of development including dwelling houses and other uses can be permitted. This zone is also used as a transition between areas of high conservation value and other land uses such as rural or residential.
<i>E4 Environmental Living</i>	Generally intended for land with special environmental or scenic values, and accommodates low impact residential development. This zone may be applicable to areas with existing residential development in a rural setting, which still has some special conservation values.

Definitions

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 14: Waterway Zones

Introduction

The zoning of waterways under the draft Shoalhaven Local Environmental Plan (LEP) 2013 represents a new approach and is a change to the way waterways are dealt with under Shoalhaven LEP 1985.

Zoning of waterways under Shoalhaven LEP 1985

Under Shoalhaven LEP 1985, large bodies of water are uncoloured on the zoning maps and therefore do not have a zone. Development of uncoloured land is governed by Shoalhaven LEP 1985 *Clause 36 Development of land shown uncoloured on the map*. This requires a merit based approach to any development assessment as the LEP does not identify any land uses as either permissible or prohibited.

Zoning of waterways under draft Shoalhaven LEP 2013

Under the draft Shoalhaven LEP 2013, relevant water bodies will be given one of the three Standard Instrument or LEP Template waterway zones:

- W1 Natural Waterways;
- W2 Recreational Waterways; or
- W3 Working Waterways.

This will give greater clarity as to what uses are allowable in each type of waterway as each of the zones set permissible and prohibited uses. The zone objectives will also clearly identify the nature of the zone. This will reduce any uncertainty over what the water body can be used for. Smaller waterways will continue to be zoned the same as adjoining land.

Where a water body is part of a National Park or Nature Reserve, it will be zoned E1 National Parks and Nature Reserves rather than a waterway zone. An example of this is Lake Wollumboola which is proposed to be zoned E1 as it is part of the Jervis Bay National Park.

Intent of zones

The general intention of each of the waterway zones under the template is given below.

Zone	General Intent
<i>W1 Natural Waterways</i>	Waterways that are to be protected due to their ecological and scenic values, where a limited number of low-impact uses that do not have an adverse effect on the natural value of the waterway are permitted in this zone.
<i>W2 Recreational Waterways</i>	Waterways that are used primarily for recreational purposes such as boating, fishing and waterskiing, but which may also have ecological, scenic or other values that require protection.
<i>W3 Working Waterways</i>	Waterways that are primarily used for shipping, port, transport and other working uses e.g. Ulladulla Harbour. The zone recognises that there may also be recreational uses.

Development within waterways

The zoning of waterways does not change the need to obtain consent prior to carrying out any activity. Please note that whilst Council is the consent authority for any activity carried out within a waterway zone, additional approvals may also be required from other Government Agencies. For example, should an applicant wish to carry out natural water-based aquaculture within a waterways zone, the NSW Land and Property Management Authority is first required to give their consent as the land owner to allow for the lodgement of the application with Council. Such an application may also be classified as 'Integrated Development' and during the assessment of the application consent would also be required from the Department of Primary Industries – Fisheries. This reflects the same process which is currently followed under Shoalhaven LEP 1985.

Definitions

Waterway - means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 15: Transfer of clauses

Introduction

The overall intent of the new draft Shoalhaven Local Environmental Plan (LEP) 2013, where possible, is to replicate the current Shoalhaven LEP 1985 while still complying with State Government's requirements.

Details

This process has involved a 'best fit' transfer of current LEP clauses and provisions as much as possible using the new Standard Instrument or LEP Template. See *Fact Sheet 2: Standard Instrument LEPs* for more details on the Standard Instrument.

For example, *Clause 1 Citation* has become *Clause 1.1 Name of Plan* in the draft Shoalhaven LEP 2013. Both clauses essentially serve the same purpose.

Where clauses have not been transferred

The new 'Standard Instrument' or LEP template mandates a number of clauses required to be used in all LEPs; therefore it has not always been possible to achieve a straight transfer.

In some instances a clause has not been transferred where a map can be used instead. For example, the setting of minimum lot sizes for subdivision in certain areas has been achieved using the Minimum Lot Size map overlay instead of a clause in the written document.

In other instances, the clause has been removed all together. This may be because:

- The clause replicates control in an existing State Government policy. For example, *Clause 24A Development within the hydrological catchment comprising intensive plant growing* has been removed as it is now covered by the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*.
- The clauses are no longer needed. For example, clauses that enable development on a specific site where the development has occurred or where the development is no longer likely to occur.

For a detailed comparison of how the clauses have been transferred from the current Shoalhaven LEP 1985 to the draft Shoalhaven LEP 2013, please see the *Clause Comparison* document which can be viewed on the website (www.slep2013.shoalhaven.nsw.gov.au) or at the exhibition locations.

Definitions

Provision – a condition or stipulation formally incorporated in a document, in this case the draft Shoalhaven LEP 2013.

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 16: Exempt & Complying Development

Introduction

Exempt and complying development provides a streamlined assessment process for development that complies with specified standards, removing the need for a formal development application.

Exempt development allows for certain low impact development, such as building a pergola or garden shed, to be carried out without the consent of Council.

Complying development allows for a 10 day approval process for development such as building a house or an addition to a house, with a Complying Development Certificate being issued by Council or an accredited certifier.

Details

Most exempt and complying development is now set by State Government through the *State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008*. However, Council is also able to include additional types of exempt and complying development in the draft Shoalhaven Local Environmental Plan (LEP) 2013.

The draft Shoalhaven LEP 2013 lists the following types of development in *Schedule 2 Exempt development*:

- Community events
- Dairying (pasture based)
- Horticulture
- Lighting (external)
- Private electricity service pole/post
- Solid fuel heaters
- Signs, advertising structures and displays

Schedule 3 Complying development of the draft LEP does not currently list any complying development. All complying development must be in accordance with *SEPP (Exempt and Complying Development) Codes 2008*.

The Exempt and Complying DCP

Council's exempt and complying development is currently set through *Development Control Plan (DCP) No. 89: Exempt and Complying Development*. Once the draft Shoalhaven LEP 2013 commences, the DCP will no longer apply.

Definitions

Exempt Development - low impact development that must comply with relevant legislation, regulations and standards but does not require consent from Council. Some examples of exempt development are solar hot water systems, carports, decks and garden sheds.

Complying Development - a streamlined approval process for routine types of development such as dwelling houses, which are approved by Council or an accredited certifier issuing a Complying Development Certificate (CDC). Complying development must meet the predetermined standards listed in the *SEPP (Exempt and Complying Development Codes) 2008*.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 17: Subdivision and the Minimum Lot Size Map

Introduction

The draft Shoalhaven Local Environmental Plan (LEP) 2013 controls the subdivision of land through the *Minimum Lot Size map*. This is different to the current approach under the existing Shoalhaven LEP 1985 where some minimum lots sizes are set out through written clauses in the LEP (particularly for rural and environmental protection zoned areas) with the remaining minimum lot sizes being set through a separate development control plan.

Consent required for subdivision

Clause 2.6 Subdivision – consent requirements states that land to which this draft LEP applies can be subdivided but only with consent. It also lists a small number of circumstances where consent is not required. They are:

- (a) widening a public road,
- (b) a minor realignment of boundaries that does not create:
 - (i) additional lots or the opportunity for additional dwellings, or
 - (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned,
- (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
- (d) rectifying an encroachment on a lot,
- (e) creating a public reserve,
- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

Minimum subdivision lot sizes

Clause 4.1 Minimum subdivision lot size requires any lot resulting from a subdivision of land is to be no smaller than the size shown on the *Minimum Lot Size map*.

The general objectives of Clause 4.1 of the draft LEP are:

- to ensure that subdivision is compatible with and reinforces the predominant or historic subdivision pattern and character of an area,
- to minimise any likely impact of subdivision and development on the amenity or neighbouring properties, and,
- to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.

The *Minimum Lot Size map* show the minimum lot sizes for residential zones (with the exception of R3 Medium Density), rural zones and environmental protection zones.

As minimum lot sizes are now mapped, Council has the ability to vary the minimum lot size based on area rather than based on a zone. For example, Council could set 450m² as the minimum lot size for part of one of the new urban release areas and set 500m² as the minimum lots for the rest of the area even though they both have the same R1 General Residential zone.

Exceptions to minimum lot size

Clauses 4.1A *Exceptions to Minimum Lot Sizes for dual occupancies and multi dwelling housing* and 4.1C *Exceptions to minimum lot sizes for certain residential development* outline certain exceptions to the minimum lot size.

These exceptions are for area and development specific subdivisions. For example, Clause 4.1A allows for the subdivision of dual occupancies in certain areas. These areas are shown on the *Minimum Lot Size map*. Clause 4.1C allows for subdivision below the minimum lot size for medium density developments in certain zones.

Clause 4.2B Subdivision of certain land zoned RU4, R5 or E4 has been included in the draft LEP after the initial 2011 exhibition. It carries over the 'lot averaging' provisions from Shoalhaven LEP 1985 and applies to specific areas identified on the *Lot Size Map*. The sets density standards that apply to subdivision of these areas as well as the lot size shown on the *Lot Size Map*.

Definitions

Subdivision - the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition.

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 18: Permissibility of Dwelling Houses

Introduction

The approach to the permissibility of dwelling houses under the draft Shoalhaven Local Environmental Plan (LEP) 2013 is similar to the current Shoalhaven LEP 1985. It is Council's intention that no existing dwelling entitlements are lost through the draft Shoalhaven LEP 2013.

Residential zones

Dwelling houses are permitted in all residential zones with the exception of the R3 Medium Density residential zone where higher density forms of housing are permissible e.g. multi dwelling housing, residential flat buildings.

In the R5 Large Lot Residential zone, lots are required to meet the minimum lot size shown on the *Minimum Lot Size map* and as outlined in *Clause 4.2D Erection of dwelling houses in certain zones* to enable the erection of a dwelling.

Rural and Environmental Protection zones

The draft LEP carries over the existing requirement for land in the rural and environmental protection zones to have a minimum lot size of 40 hectares. This requirement is now shown on the *Minimum Lot Size map*. There are still some exceptions to this minimum lot size as shown on the *Minimum Lot Size map* and as outlined in *Clause 4.2D Erection of dwelling houses in certain zones*. The purpose of this clause is to minimise unplanned rural residential development, maintain existing entitlements and enable the replacement of lawfully erected dwelling houses in certain zones.

Commercial and Mixed Use zones

While single dwelling houses are generally not permitted in the commercial and mixed use zones, other forms of housing such as 'shop top housing' may be permissible. This is to encourage residential development close to the places that people work, shop and socialise to reduce reliance on cars and to create active and vibrant town centres.

Definitions

Dwelling - means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Dwelling house - means a building containing only one dwelling.

Multi dwelling housing - means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Residential flat building - means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Shop top housing - means one or more dwellings located above ground floor retail premises or business premises.

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 19: Height of Building & Floor Space Ratios

Introduction

The approach to setting maximum height of buildings and floor space ratios is different under the draft Shoalhaven Local Environmental Plan (LEP) 2013 than under the current Shoalhaven LEP 1985.

Background

Currently Shoalhaven does not have a Citywide maximum height of buildings, however, the Illawarra Regional Environmental Plan (now a deemed State Environmental Planning Policy) requires that any building that is proposed to be higher than 11 metres obtains concurrence from State Government.

Some of Council's existing development control plans (DCPs) set lower maximum heights for buildings based on area (e.g. Kangaroo Valley) or type (e.g. single dwelling houses).

Some of Council's DCPs contain floor space ratios (FSRs). These are generally specific to a type of development but some may be relate to defined areas.

The exhibited LEP height of buildings

The originally exhibited draft LEP proposed a maximum height of buildings limit in two ways. *Clause 4.3 Height of buildings* set a maximum height of buildings of 11 metres across the City, except where mapped on the *Height of Buildings map*. *Height of Building map* existed where there was a current location specific height control in a development control plan (DCP) greater than 11 metres - Nowra Civic Precinct, Huskisson CBD and Ulladulla CBD. This meant that the exhibited draft Shoalhaven LEP 2013 had only three Height of Building map sheets – for Nowra, Huskisson and Ulladulla.

The re-exhibited LEP height of buildings

Numerous submissions were made in regards to maximum height of buildings during the original exhibition of the draft LEP. As a result, a number of changes were made to this aspect of the draft LEP. The re-exhibited draft Shoalhaven LEP 2013 now sets a new maximum height limit for the R2 Low Density Residential and the RU5 Rural Village zone and also any maximum height specified in an area specific development control plan (DCP) e.g. DCP No. 66 Kangaroo Valley. This means that there are a greater number of areas shown on the *Height of Building map*. The maximum height of buildings for areas of the City that are not shown the *Height of Building map* remains at 11m.

FSRs

There are only currently two areas within the City which have area specific FSRs. Therefore the draft Shoalhaven LEP 2013 contains only two Floor Space Ratio map sheets – for Huskisson and Ulladulla. Where a floor space ratio does not exist, a

development shall otherwise comply with applicable building setbacks, floor space area restrictions and/or building envelopes.

Exceptions to Clause 4.3

The maximum height limit of a building may be varied in some circumstances, primarily through *Clause 5.6 Architectural roof features*. Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by Clause 4.3 may be carried out but only with development consent. Consent for any such development may only be granted if the architectural roof feature:

- comprises a decorative element on the uppermost portion of a building; and
- is not an advertising structure; and
- does not include floor space area and is not reasonably capable of modification to include floor space area; and
- will cause minimal overshadowing.

Both height of buildings and floor space ratios are 'development standards' that can be varied under *Clause 4.6 Exceptions to development Standards*. See *Fact Sheet 20: Exceptions to Development Standards* for more detail.

Definitions

Floor Space Ratio – The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 20: Exceptions to Development Standards

Introduction

The draft Shoalhaven Local Environmental Plan (LEP) 2013 sets a number of development standards such as height of buildings, floor space ratios and minimum lot sizes. In some circumstances, these standards may be considered to be unreasonable or unnecessary. *Clause 4.6 Exceptions to Development Standards* allows for some flexibility in the application of these standards.

Background

State Environmental Planning Policy 1 – Development Standards (SEPP 1) currently allows for exceptions to development standards if they are considered unreasonable or unnecessary. Generally the agreement of the Director-General of the Department of Planning and Infrastructure (DP&I) is required to allow the exception.

An example of when SEPP 1 might be used is where a rural property has 39 hectares but requires 40 hectares to have a dwelling house. The landowner may argue that it is unreasonable to not allow a dwelling house when the property is only just smaller than the required minimum size standard.

Exceptions to development standards in the draft LEP

When Shoalhaven LEP 2013 commences, SEPP 1 will no longer apply to the Shoalhaven local government area. Instead Clause 4.6 will apply to provide some flexibility in relation to development standards. Exceptions will still need the concurrence of the Director-General of the DP&I. This new approach is a direction of the State Government.

Should an exception or variation to a development standard be required for a particular development, the applicant must seek approval from the consent authority via a written request to justify the variation of the specific development standard. This must demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify varying the development standard.

Certain clauses in the draft LEP specify a development standard that cannot be varied. For example, *Clause 5.3 Development near zone boundaries* cannot be varied using Clause 4.6.

Definitions

State Environmental Planning Policy (SEPP) - an environmental planning instrument which addresses planning issues at a State level and are prepared by the State government. SEPPs are a higher order planning document so generally override LEPs.

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 21: Preservation of trees or vegetation

Introduction

It is important to preserve and maintain, in safe and healthy condition, those trees and vegetation which are currently or which will become visually, historically, horticulturally or environmentally valuable to the community.

Details

The preservation of trees and vegetation in Shoalhaven is currently controlled by Council's Tree Preservation Order (TPO).

Clause 5.9 Preservation of trees or vegetation of the draft Shoalhaven Local Environmental Plan (LEP) 2013 replaces the TPO. The objective of Clause 5.9 is to preserve the amenity of the area through the preservation of trees and other vegetation. It outlines necessary requirements that are to be met in order to remove trees or vegetation within Shoalhaven. This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by Council.

This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna, or is a risk to human life or property.

Should a person wish to ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which the clause applies, they should seek approval from the consent authority via development consent or permit.

This clause does not apply to or in respect of:

- (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*,
- (b) the clearing of vegetation on State protected land that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997*,
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*,
- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

If it is unclear whether any trees or other vegetation on a property are affected by the clause, it is strongly encouraged that you consult Council prior to undertaking any works.

Paper subdivisions

Clause 5.9 also applies the paper subdivisions which are shown on the Local Clauses map and marked CI 5.9. This means that consent or a permit from Council is required before removal of trees or vegetation in these areas.

Definitions

Native vegetation - any of the following types of indigenous vegetation:

- (a) trees (including any sapling or shrub, or any scrub),
- (b) understorey plants,
- (c) groundcover (being any type of herbaceous vegetation),
- (d) plants occurring in a wetland.

Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.

Native vegetation does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the Fisheries Management Act 1994 applies.

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 22: Heritage Conservation

Introduction

Heritage refers to something that we have inherited from the past and can be perceived in many ways. Like many other Local Government Areas, Shoalhaven contains a significant number of heritage items and areas.

Details

Similar to the current Shoalhaven Local Environmental Plan (LEP) 1985, the draft Shoalhaven LEP 2013 proposes to manage and maintain heritage through a series of clauses which clearly detail which activities may or may not be carried out to items or areas of heritage significance. *Clause 5.10 Heritage conservation* outlines a number of requirements that must be considered when seeking consent for development in relation to a heritage item. This includes impact statements, conservation management plans, archaeological sites, places of aboriginal significance, demolition and development within the vicinity of a heritage item which may otherwise detract from its significance.

Schedule 5 of the draft LEP lists items of environmental heritage within Shoalhaven. Heritage items and heritage conservation areas are also mapped on the Heritage map overlay.

The objectives of Clause 5.10 are:

- (a) to conserve the environmental heritage of Shoalhaven; and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views; and
- (c) to conserve archaeological sites; and
- (d) to conserve places of Aboriginal heritage significance.

Changes to Clause 5.10

Since the original exhibition of the draft Shoalhaven LEP 2013, some minor changes have been made to *Clause 5.10 Heritage conservation*. These changes are due to the Standard Instrument or LEP template changing which in turn changes all Standard Instrument LEPs. The changes to the clause are described below.

- The clause has been amended to clarify the terminology to separate out Aboriginal place of heritage significance and Aboriginal object from other heritage items that need to be described in Schedule 5.
- Documentation required is generally made broader and more flexible through a heritage management document
- There is now clarification about development consent being required for non structural changes to anything inside a heritage listed item that is specified in Schedule 5.
- New directions have been added regarding what needs to be mapped and what may be mapped, as well as the use, layout and content of Schedule 5.

Changes to the Heritage Schedule

Minor changes have been made to the Heritage Schedule. The majority of these changes have been to update the property details after subdivisions or boundary adjustments have occurred, to change the name, or to change the significance from 'local' to 'state'.

A limited number of more major changes have been made with several items removed from the Schedule and additional items included. These more major changes are outlined in the table below.

Item	Change	Reason
Nowra Gas Works Lamonds Lane, Nowra	Removed	The gas works site was contaminated and as part of the decontamination process, the heritage items were demolished or removed.
37 Beecroft Pde, Currarong	Removed	Request from the landowner supported by a heritage assessment. The DP&I have agreed to the removal.
Tree located on 2 & 4 McDonald Pde, Burrill Lake	Removed	Tree has been removed.
62 Millbank Drive, Terara	Addition	Request from landowner, supported by Council and DP&I.
Terara Village – Conservation Area	Addition	Request from Terara community, supported by Council and DP&I.

Definitions

Heritage conservation area - means an area of land:

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

Heritage Item - means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Heritage Significance - means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.

FACT SHEET 23: Urban Release Areas

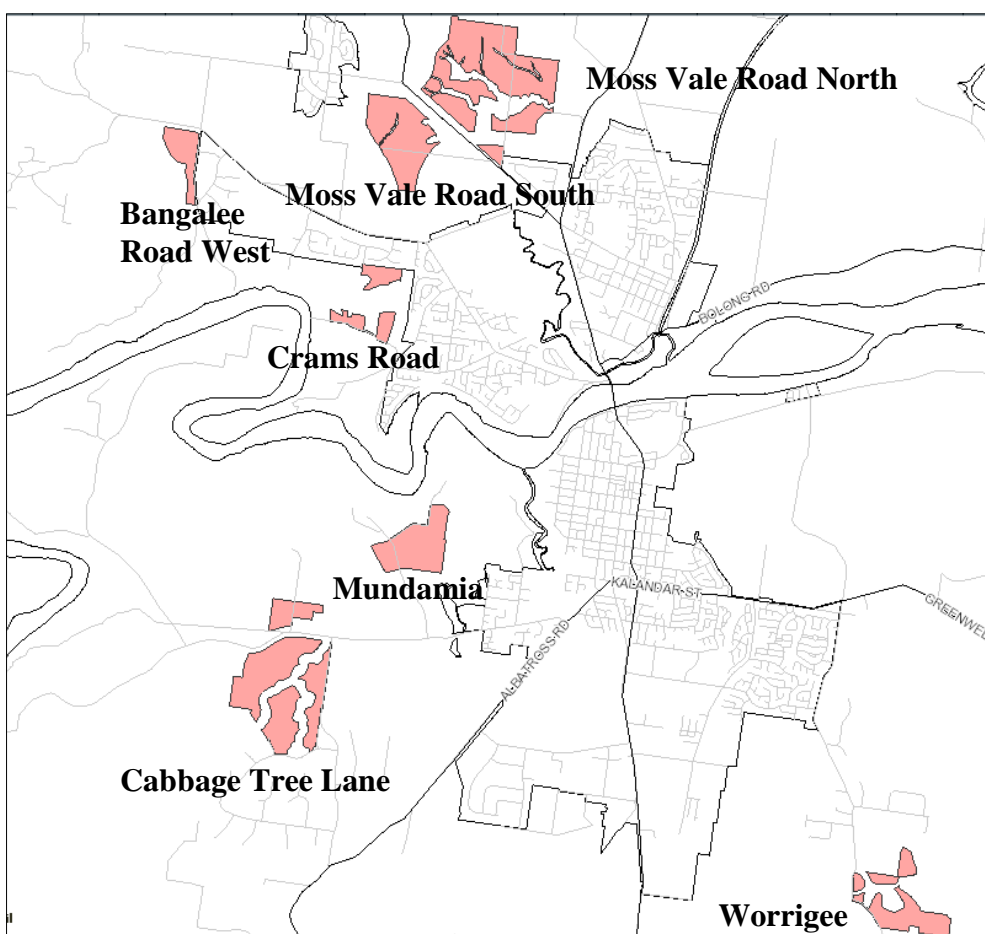
Introduction

The Nowra Bomaderry Structure Plan (NBSP) was adopted by Council in 2006 and endorsed by State Government in 2008. The NBSP provides the framework for growth, development opportunities and conservation measures in the Nowra Bomaderry area for the next 20 years. It identifies seven new living areas which are to be rezoned as part of the draft Shoalhaven Local Environmental Plan (LEP) 2013.

Details

While the majority of the draft Shoalhaven LEP 2013 is based on a 'best fit' transfer approach, this does not apply to the Nowra Bomaderry area which will have new zones based on the NBSP (see Fact Sheet 27: Nowra Bomaderry Structure Plan Changes).

Seven new living areas are identified in the NBSP to be investigated for rezoning. The boundaries of some of these areas have been revised based on further investigations. These revised areas make up the urban release areas (URA) which will be rezoned in the draft Shoalhaven LEP 2013.



Extract from Urban Release Area map

The release of each URA is controlled by Part 6 of the draft LEP which ensures that the release of land is phased to meet the needs of the community in a manner that is economically and environmentally efficient and sustainable. It requires the preparation of a Development Control Plan (DCP) for each area prior to the release of the land. The DCP will relate to factors such as traffic movement, landscaping, recreation areas, water quality and detailed urban controls.

Proposed phasing

The proposed phasing is based on a number of factors such as existing land availability, provision of infrastructure and demand for land.

Indicative Phasing – Nowra Bomaderry URAs

Phase 1	Mundamia Worrige
Phase 2	Moss Vale Road South
Phase 3	Cabbage Tree Lane
Phase 4	Crams Road Bangalee Road West
Phase 5	Moss Vale Road North

The proposed phasing may be altered provided all the requirements of Part 6 of the draft LEP are met.

Definitions

Urban Release Area – means an area of land shown hatched and lettered “Urban Release Area” on the Urban Release Areas Map.

Urban Release Area Map – means the Shoalhaven Local Environmental Plan 2013 Urban Release Area Map.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 24: Protection of the Environment

Introduction

The Shoalhaven Local Environmental Plan (LEP) 1985 contains a number of clauses relating to natural resource management which are aimed at protecting important natural environments, scenic and landscape qualities, water quality and native vegetation. The draft Shoalhaven LEP 2013 carries on the current LEP's recognition of the importance of ecological well being within Shoalhaven with a heavy focus on the management of natural resources within the City.

The clauses

Part 7 Additional Local Provisions of the draft Shoalhaven LEP 2013 contains a number of clauses that address the matters to be considered when proposing development in certain environmentally sensitive areas. The following clauses are located in Part 7 of the draft LEP and relate to natural resource management:

- 7.5 Biodiversity** – The objective of this clause is to maintain terrestrial and aquatic biodiversity, including:
- (a) protecting native flora and fauna,
 - (b) protecting the ecological processes necessary for their continued existence , and
 - (c) encouraging the recovery of native flora and fauna, and their habitats.
- 7.6 Water** – The objective of this clause is to maintain the hydrological functions of riparian land waterways and aquifers, including protecting:
- (a) water quality,
 - (b) natural water flows,
 - (c) stability of the bed and banks of waterways, and
 - (d) groundwater systems.
- 7.7 Scenic Protection**– The objective of this clause is to protect the natural environmental and scenic amenity of land that is of high scenic value.
- 7.8 Flood Planning Land** – The objectives of this clause are:
- (a) to maintain the existing flood regime and flow conveyance capacity,
 - (b) to enable safe occupation and evacuation of land subject to flooding,
 - (c) to avoid significant adverse impacts on flood behaviour,
 - (d) to avoid significant effects on the environment that would cause avoidable erosion, siltation , destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
- 7.9 Land** – The objective of this clause is to maintain soil resources and the diversity and stability of landscapes, including protecting land:
- (a) with steep slopes, and
 - (b) susceptible to other forms of land degradation.

7.10 Acid sulfate soils – The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

7.11 Coastal risk planning – The objectives of this clause are:

- (a) to maintain existing coastal processes and to avoid significant adverse impacts from those coastal processes; and
- (b) to enable safe evacuation of coastal risk areas in an emergency; and
- (c) to avoid significant adverse effects on the environment; and
- (d) to ensure uses are appropriate and compatible with coastal risks including projected sea level rise.

The maps

These clauses apply to land identified by the following map overlays:

Map Acronym	Map Name	LEP Clause	Purpose
NRB	Natural Resource Sensitivity - Biodiversity	Clause 7.5	Shows areas of sensitive biodiversity that are outside of National Parks and environmental protection zones.
NRW	Natural Resource Sensitivity - Water	Clause 7.6	Shows the City's sensitive waterways and waterbodies.
NRS	Natural Resource Sensitivity – Scenic Protection	Clause 7.7	Shows the areas in the City which have been identified for scenic protection.
FLD	Flood Planning Area	Clause 7.8	Shows the land identified as within a Flood Planning Area.
ASS	Acid Sulfate Soils	Clause 7.10	Shows the predicted location and class of acid sulfate soils
NRL	Natural Resource Sensitivity - Land	Clause 7.9 &	Shows land that has been identified as potentially unstable.
CRP	Coastal Risk Planning	Clause 7.11	Shows land that has been identified as lands subject to coastal hazards.

Definitions

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 25: Coastal Risk Planning

Introduction

Coastal hazard studies have shown that the City's coastline is affected by severe erosion. Erosion will worsen in the future, particularly as a result of sea level rise, creating major challenges.

Details

To reduce the potential impacts of coastal sea level rise, Council has undertaken substantial studies to identify the areas of our coastline that are subject to coastal hazards such as erosion, tidal inundation and coastal flooding. These studies incorporate the sea level planning benchmarks for the NSW coastline specified in the *NSW Sea Level Rise Policy Statement* released by State Government in 2009 (now repealed). These benchmarks predict an increase above 1990 mean sea levels of 40 centimetres by 2050 and 90 centimetres by 2100.

The draft Shoalhaven Local Environmental Plan (LEP) 2013 maps those areas of the coastline that have been identified as at risk from coastal hazards on the *Coastal Risk Planning Map*. *Clause 7.11 Coastal Risk Planning* also applies to these areas.

The objectives of Clause 7.11 are:

- (a) to maintain existing coastal processes and to avoid significant adverse impacts from those coastal processes; and
- (b) to enable safe evacuation of coastal risk areas in an emergency; and
- (c) to avoid significant adverse effects on the environment; and
- (d) to ensure uses are appropriate and compatible with coastal risks including projected sea level rise.

The clause requires consideration of coastal hazards for any development in an identified 'coastal risk area' and may require development to be able to be relocated or modified in the future to adapt to sea level rise.

Definitions

Coastal risks - include coastal erosion, tidal inundation and coastal flooding.

Projected sea level rise - the 2050 and 2100 sea level rise planning benchmarks as specified in the NSW Government's *Sea Level Rise Policy Statement 2009* (now repealed).

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 26: Sex Services Premises

Introduction

The State Government has directed that sex services premises should be permissible across at least one zone in each local government area in NSW. This has meant that Council has had to change its approach to where sex services premises are permissible.

Details

Under the current Shoalhaven LEP 1985, sex services premises are only permissible in two small defined areas within the industrial zoned land at South Nowra and South Ulladulla. These areas are proposed to be zoned IN1 General Industrial zone. Council considered making sex services premises permissible in the overall IN1 zone. However, as it is proposed to use the IN1 zone at Bomaderry, Berry, South Nowra, South Ulladulla, Sussex Inlet and Woollamia, this change would significantly increase the possible locations sex services premises would potentially be permissible.

As an alternative, it is proposed that sex services premises be permitted in the B3 Commercial Core zone as this is only proposed to apply to the Nowra and Ulladulla CBDs. This limits the locations where sex services premises would be permissible to two defined areas rather than in locations throughout the City.

Clause 7.18 Location of sex services premises has also been inserted which requires Council to consider whether the proposed sex services premises is on land that adjoins or is separated by a road from, land:

- (a) in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R3, Medium Density Residential, RE1 Public Recreation, or
- (b) used for the purpose of a child care centre, for community or school uses, or place of public worship, and
- (c) whether the proposed sex service premises have any impact on any place likely frequented by children. .

This clause will considerably reduce the areas of the two B3 zones that could be considered for this use.

Definitions

Brothel - means premises:

- (a) habitually used for the purposes of prostitution, or
- (b) that have been used for the purposes of prostitution and are likely to be used again for that purpose, or
- (c) that have been expressly or implicitly:
 - (i) advertised (whether by advertisements in or on the premises, newspapers, directories or the internet or by other means), or
 - (ii) represented as being used for the purposes of prostitution, and that are likely to be used for the purposes of prostitution.

Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution.

Sex services premises - means a brothel, but does not include home occupation (sex services).

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 27: Nowra Bomaderry Structure Plan Changes

Introduction

The draft Shoalhaven Local Environmental Plan (LEP) 2013 has been largely been prepared as an administrative change over or 'best fit' transfer from the current Shoalhaven LEP 1985 to the Standard Instrument or LEP Template provided by the State Government.

The main exception to this is the strategic direction contained within the Nowra Bomaderry Structure Plan (NBSP). The NBSP provides the framework for growth, development opportunities and conservation measures in the Nowra Bomaderry area for the next 20 years. It also identifies potential areas for new living areas and industrial expansion.

The NBSP

The NBSP was adopted by Council in 2006 and endorsed by State government in 2008. The NBSP is recognised as one of the strategies that supports the State Government's South Coast Regional Strategy. The draft Shoalhaven LEP 2013 will implement the NBSP. The NBSP recommends rezoning of certain areas to provide for employment and living areas, including future industrial expansion adjoining the Flinders Industrial Estate in South Nowra and seven new living areas throughout Nowra Bomaderry. The NBSP can be found in the background section on the draft Shoalhaven LEP 2013 website.

Changes

The draft Shoalhaven LEP 2013 will rezone the urban release areas (URAs) and industrial expansion area to allow for future growth. The proposed urban release and industrial areas identified in the NBSP have been further investigated for flora and fauna issues and to identify riparian corridors. These investigations have determined the actual zone boundaries for the URAs and the industrial expansion area in the draft Shoalhaven LEP 2013 which may differ from those shown in the NBSP.

The NBSP contains a staging plan for the release of the new living areas to ensure that new residential land is released in an economically and sustainable way. Part 6 of the draft Shoalhaven LEP 2013 relates to the URAs and contains requirements to be met for the release of land. Please refer to *Fact Sheet 23: Urban Release Areas* for more information. The draft LEP also proposes rezoning land associated with the URAs to provide to local shops, schools and recreation areas for these new living areas.

The NBSP identifies the need to increase housing densities in appropriate locations within the existing urban areas. The draft Shoalhaven LEP 2013 proposes to rezone areas in close proximity to local shopping centres, such as North Nowra shops, from low density to R3 Medium Density to encourage medium density development. The area around the Nowra CBD is also proposed to be rezoned to allow for increased densities.

The NBSP also identified the important scenic qualities of the Shoalhaven River which have been protected in the draft Shoalhaven LEP 2013 on the *Natural Resource Sensitivity – Scenic Protection map*.

The draft Shoalhaven LEP 2013 increases the protection of various areas that have been identified in the NBSP as conservation areas. These areas have been rezoned to either an E2 Environmental Conservation or E3 Environmental Management zone.

For more detail on the changes in the Nowra Bomaderry area, please see the “Explanatory documents and Facts sheets’ page of the website (www.slep2013.shoalhaven.nsw.gov.au) and the *Exceptions to ‘best fit’: Key specific changes (2011 exhibition version)* document.

Definitions

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.

Riparian corridor - land which adjoins, directly influences, or is influenced by, a body of water, and is required to ensure effective catchment function of the waterway.

South Coast Regional Strategy - the NSW Government's 25-year land use strategy to guide local planning in the three local government areas of Shoalhaven, Eurobodalla and Bega Valley.

Urban Release Area - land shown on the URA map as land being rezoned for future residential development.

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.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 28: Reclassifications

Introduction

Council has the ability to reclassify public land through the draft Shoalhaven Local Environmental Plan (LEP) 2013, but has kept these reclassifications to a minimal number of minor changes. 'Reclassification' of public land refers to the process of changing the classification of 'operational' land to 'community' land or from 'community' land to 'operational' land. This is required to be done through an LEP process when the land is being changed from community to operational land (see Part 2 of Chapter 6 of the *Local Government Act 1993*).

Reclassifications

It is proposed to reclassify six parcels of land under draft Shoalhaven LEP 2013 as per the table below.

These reclassifications are being undertaken consistent with the Department of Planning and Infrastructure's *LEP Practice Note PN 09-003 – Classification and reclassification of public land through a local environmental plan* which is included with the background documents for this exhibition or can be viewed on the DP&I's website www.planning.nsw.gov.au. Please note that the left hand column in Attachment 1 of the Department's Practice Note applies to the draft Shoalhaven LEP 2013.

Lot 21 DP 252581 Shoalhaven Heads Road, Shoalhaven Heads

The Council intends to dispose of the land to achieve its planning objectives for the area. Council is only entitled to sell operational land. Therefore, Council needs to reclassify the land to effect the sale.

Current Classification	Community
Proposed Classification	Operational
Reasons for Reclassification	Reserve adjoins and is currently leased to holiday park.
Ownership	Council
Council's interests in land - when and how acquired	Created as Public Reserve in Plan of Subdivision DP252581 as a condition of consent dated 29/10/1974.
Any Agreements over the land	Licence to Coastal Palms Holiday Park. Term – 5 years.
Financial loss or gain of reclassification	Small financial gain through possible sale of land, however possible loss of ongoing income from licensing agreement.
Asset management objectives	Dispose of surplus land through investigation of sale of land to adjoining land owner.
Any agreements for sale or lease of land	No

Lot 12 DP 617101 & Lot 3 597223 Bolong Road, Coolangatta

The Council intends to dispose of the land to achieve its planning objectives for the area. Council is only entitled to sell operational land. Therefore, Council needs to reclassify the land to effect the sale.

Current Classification	Community
Proposed Classification	Operational
Reasons for Reclassification	Small roadside reserves that no longer have any purpose.
Ownership	Council
Council's interests in land - when and how acquired	Unknown
Any Agreements over the land	No
Financial loss or gain of reclassification	Small financial gain if sold to adjoining land owner. Comparable rural land has been valued in the vicinity of \$3 - \$3.5 per m ² .
Asset management objectives	Dispose of surplus land through investigation of sale of land to adjoining land owner.
Any agreements for sale or lease of land	No

Part of Lot 2081 DP 216860 Lively Street, Vincentia

The Council intends to grant licences or a right of way over part of the land to achieve its planning objectives for the area. Licence agreements and right of ways are inconsistent with the current community land classification. Therefore, Council needs to reclassify the part of the land.

Current Classification	Community
Proposed Classification	Operational
Reasons for Reclassification	To allow the adjoining property owners to obtain legal access from Council by negotiating a Licence or Right-of-Carriageway.
Ownership	Council
Council's interests in land - when and how acquired	Unknown
Any Agreements over the land	No
Financial loss or gain of reclassification	Small financial gain through licence agreements.
Asset management objectives	Dispose of surplus land through investigation of licensing of land to adjoining land owner(s).
Any agreements for sale or lease of land	No

Lot 4 DP 550354 Island Point Road, St Georges Basin

The Council intends to dispose of the land to achieve its planning objectives for the area. Council is only entitled to sell operational land. Therefore, Council needs to reclassify the land to effect the sale.

Current Classification	Community
Proposed Classification	Operational
Reasons for Reclassification	Isolated foreshore reserve that can only be accessed by water or over private property.
Ownership	Council
Council's interests in land - when and how acquired	1971 by dedication
Any Agreements over the land	No
Financial loss or gain of reclassification	Small financial gain if sold to adjoining land owner(s).
Asset management objectives	Dispose of surplus land through investigation of sale of land to adjoining land owner(s).
Any agreements for sale or lease of land	No

Lot 35 DP 226342 Edgewater Ave, Sussex Inlet

The Council intends to enter into licence agreements over the land to allow private jetties. Council needs to reclassify the land to be able to enter into private licensing agreements and to approve development applications for private jetties.

Current Classification	Community
Proposed Classification	Operational
Reasons for Reclassification	Canal requires reclassification to allow for the provision of long term licensing of jetties and moorings.
Ownership	Council
Council's interests in land - when and how acquired	Unknown
Any Agreements over the land	No
Financial loss or gain of reclassification	Financial gain through licence agreements for jetties and moorings.
Asset management objectives	Management of canal system. Enter into licence agreements for jetties and moorings.
Any agreements for sale or lease of land	No

Public Hearings

Council is required to hold a public hearing for any reclassifications of public land from community to operational. As this hearing is required to be held after the completion of the exhibition, Council will provide further information on the timings of the hearing once the draft Shoalhaven LEP re-exhibition has concluded.

Definitions

Community land – Council owned land which should be kept for use by the general public and would ordinarily comprise land such as a public park. The use and management of community land is to be regulated by a plan of management.

Operational land – Council owned land held as a temporary asset or as an investment, land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot or a council garage.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



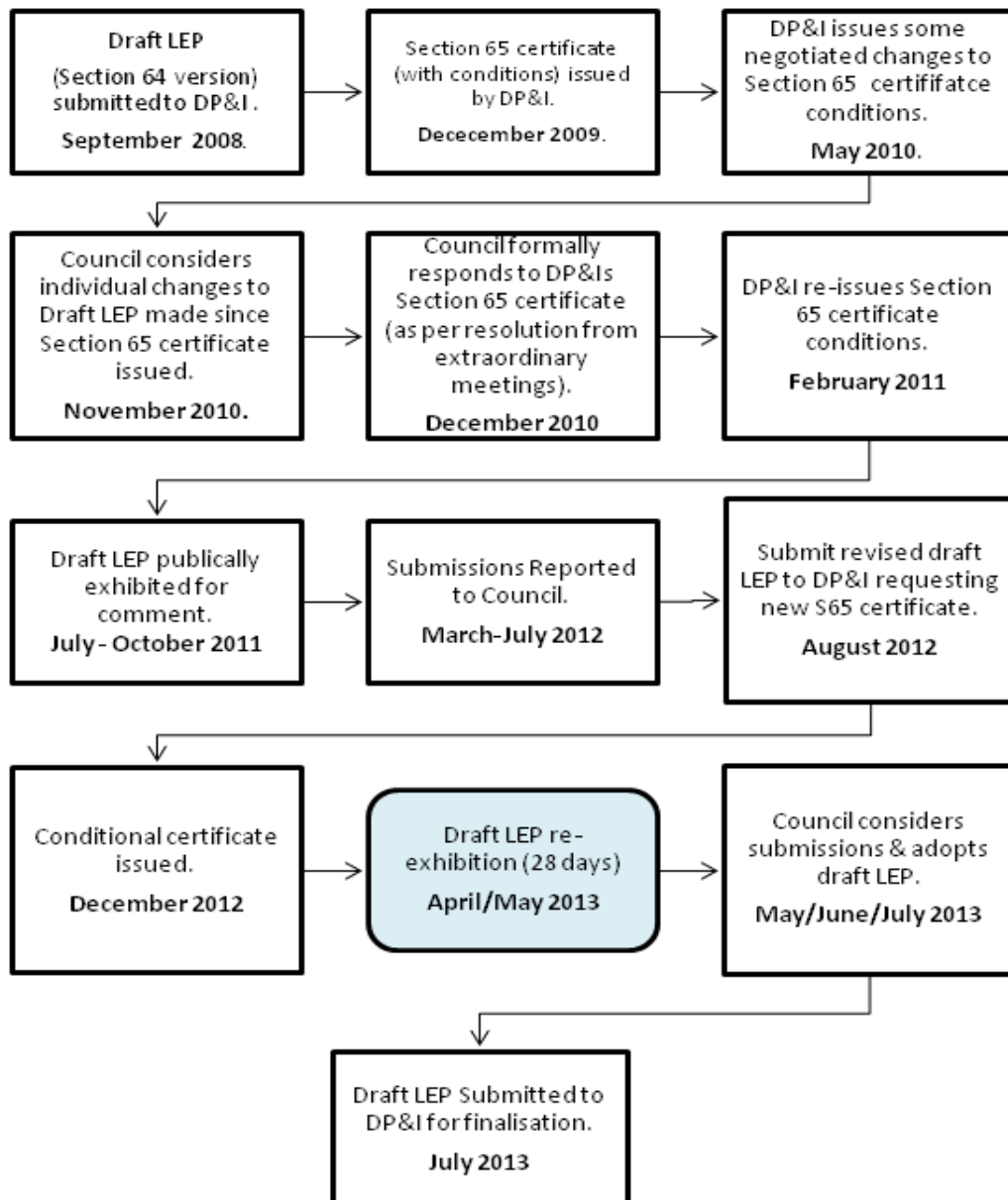
FACT SHEET 29: What Happens After the Re-Exhibition?

Introduction

The re-exhibition of the draft Shoalhaven Local Environmental Plan (LEP) 2013 is only one part of the process of preparing the draft LEP.

The LEP process

The diagram below shows the LEP process. The shaded box indicates the current step in the process being the re-exhibition of the draft LEP.



Consideration of submissions

Once the exhibition of the draft LEP is finished, all submissions received will be summarised and reported to a Council meeting or series of meetings. Council has the opportunity at this point to decide if any further changes should be made to the draft LEP and what those changes should be.

Finalisation of the draft LEP

Once any re-exhibition is completed and all agreed changes are made, Council will adopt the final draft LEP and submit it to the Department of Planning and Infrastructure (DP&I). The DP&I will review the draft LEP and may recommend that the Minister for Planning and Infrastructure make changes before making the LEP. These changes may be wording changes to ensure that the draft LEP is legally correct or they may be changes relating to the content of the draft LEP.

Commencement of the LEP

Once the Minister for Planning and Infrastructure approves the LEP, it is notified on the NSW Legislation website. It is given a commencement date which is usually the same date as it is notified. On the commencement date, the draft Shoalhaven LEP 2013 will legally replace the current Shoalhaven LEP 1985 and will become the statutory planning instrument for Shoalhaven.

Definitions

Instrument - a formal legal document, in this case the written document that forms part of the draft Shoalhaven LEP 2013.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 30: Group terms

Introduction

The Standard Instrument or LEP Template Dictionary includes a number of ‘groups’ of land use terms that are broadly related by type of use. The intent of these ‘group terms’ is to minimise the length of Land Use Tables (LUTs) by enabling the LUTs or other provisions to easily refer to a number of land uses without needing to list them individually.

For example if the term ‘industry’ is used in the LUTs, it includes ‘general industry’, ‘heavy industry’ and ‘light industry’. If the term ‘rural industry’ is used, it includes all types of rural industrial land uses, avoiding the need to specifically list ‘agricultural produce industry’, ‘livestock processing industry’, ‘sawmill or log processing works’ etc.

The tables below set out the group terms and their sub terms. Some group terms are also sub terms for another group term. For example, ‘aquaculture’ is a group term that includes ‘natural water based aquaculture’, ‘pond-based aquaculture’ and ‘tank-based aquaculture’ but it is also a sub term of the ‘agriculture group term’.

Group terms are shown in capital letters in the tables below with their sub terms listed directly to the right.

The group terms

AGRICULTURE	Aquaculture	
	EXTENSIVE AGRICULTURE	Bee keeping
		Dairying (pasture based)
	INTENSIVE LIVESTOCK AGRICULTURE	Feedlots
		Dairies (restricted)
	INTENSIVE PLANT AGRICULTURE	Horticulture
		Turf farming
	Viticulture	

AIR TRANSPORT FACILITIES	Airport
	Heliport

COMMERICAL PREMISES	BUSINESS PREMISES	Funeral homes	
	Office premises		
	RETAIL PREMISES	Bulky goods premises	
		Cellar door premises	
		FOOD AND DRINK PREMISES	Pubs
			Restaurants or cafes
			Take-away food and drink premises
		Garden centres	
		Hardware and building supplies	
		Kiosks	
		Landscaping material supplies	
		Markets	
		Plant nurseries	
		Roadside stalls	
		Rural supplies	
		SHOPS	Neighbourhood shops
Timber yards			
Vehicle sales or hire premises			

EDUCATIONAL ESTABLISHMENTS	Schools
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HEALTH SERVICES FACILITIES	Hospitals
	Medical centres
	Health consulting rooms

HEAVY INDUSTRIAL STORAGE ESTABLISHMENTS	Hazardous storage establishments
	Liquid fuel depots
	Offensive storage establishments

INDUSTRIES	HEAVY INDUSTRIES	Hazardous industries
		Offensive industries
	LIGHT INDUSTRIES	High technology industries
		Home industries
	General industries	

RESIDENTIAL ACCOMMODATION	Attached dwellings	
	Boarding houses	
	DUAL OCCUPANCIES	Dual occupancies (attached)
		Dual occupancies (detached)
	Dwelling houses	
	GROUP HOMES	Group homes (permanent)
		Group homes (transitional)
	Hostels	
	Multi dwelling housing	
	Residential flat building	
	Rural worker's dwelling	
	Secondary dwellings	
	Semi-detached dwellings	
	SENIORS HOUSING	Residential care facilities
Shop top housing		

RURAL INDUSTRIES	Agricultural produces industries
	Livestock processing industries
	Sawmill or log processing industries
	Stock and sale yards

SIGNAGE	Advertising structures
	Building identification signs
	Business identification signs

SEWERAGE SYSTEMS	Biosolids treatment facilities
	Sewerage reticulation systems
	Sewerage treatment plants
	Water recycling facilities

STORAGE PREMISES	Self storage units
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TOURIST AND VISITOR ACCOMMODATION	Backpackers' accommodation
	Bed and breakfast accommodation
	Farm stay accommodation
	Hotel or motel accommodation
	Serviced apartments

WASTE OR RESOURCE MANAGEMENT FACILITIES	Resource recovery facilities
	Waste disposal facilities
	Waste or resource transfer stations

WATER SUPPLY SYSTEMS	Water reticulation systems
	Water storage facilities
	Water treatment facilities

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.



FACT SHEET 31: Places of Public Worship

Introduction

All councils in NSW are required to prepare new Local Environmental Plans (LEPs) consistent with the State Government's Standard LEP Instrument. Shoalhaven's new draft LEP has been prepared based on a "best fit" transfer from the current Shoalhaven LEP 1985 and was initially publicly exhibited for comment in July-October 2011.

This fact sheet gives an overview of the provisions of draft Shoalhaven LEP 2013 in relation to 'places of public worship'.

Details

The Standard LEP Instrument includes a definition for 'places of public worship' within its Dictionary. This definition will be consistent across all Local Government Areas in NSW once they have prepared new LEPs.

The definition is the same as was contained in the EP&A Model Provisions 1980 that are reflected in Shoalhaven LEP 1985. The specific references to a "church" or a "chapel" were removed from this definition in 1999.

Proposed zones

The Standard LEP Instrument as makes it mandatory for 'places of public worship' to be permissible with consent in the following zones:

- R1 General Residential
- R3 Medium Density Residential
- R4 High Density Residential (**Note:** at present this zone is not used in draft LEP2013)
- RU5 Village

The use is not mandated as either permissible or prohibited development in other land use zones but is left to each Council to determine what is appropriate depending on local circumstances. The draft Shoalhaven LEP 2013 thus proposes to also make 'places of public worship' permissible with consent in the following additional rural, residential and business zones:

- RU1 Primary production
- RU2 Rural Landscape
- R2 Low Density Residential
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development

This will ensure that 'places of public worship' can continue to be located in the local community and operate as neighbourhood services.

Industrial zones

At this stage it is not proposed to make them permissible in industrial zones due to potential land use conflict issues and the need to preserve industrial land supply. This is also consistent with the existing provisions of Shoalhaven LEP 1985 under which the use is not permissible in a number of the industrial zones.

Should specific sites be identified in the future that are not appropriately zoned to allow 'places of public worship' then they could be considered through the Planning Proposal process, subject to the agreement of Council and the NSW Department of Planning & Infrastructure. This will enable relevant factors including the following to be considered:

- Consistency with, and impact on, the existing zone
- Environmental impacts – noise, parking, vehicle movements and hours of operation.

Use of Special Purpose zones

In addition to the provisions that are proposed to apply across the City, a number of existing and long established 'places of public worship' are at this stage proposed to be zoned (Special Purpose) SP2 Place of Public Worship. This zoning is consistent with their existing zone as Special Uses 5(a)(church) under the current Shoalhaven LEP 1985 and also reflects their existing longstanding nature or "heritage significance". Examples in Nowra include: Presbyterian Church on Kinghorn Street, Uniting Church on Berry Street and Catholic Church on North Street

However, one of the State Government's principles in regard to special purpose zones is that they should not be used where the surrounding zone (e.g. residential) permits the proposed use. This is to avoid the need for a spot rezoning should a use cease or is downsized in the future. As such a number of the proposed SP2 Place of Public Worship may be reconsidered in the finalisation of the plan in accordance with this principal.

Definitions

Place of Public Worship means:

'a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training'

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.