

BAWLEY POINT KIOLOA PROGRESS ASSOCIATION INC.



General Manager
SLEP 2009 Submission,
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Copy to: SLEP 2009 Review Group
C/- Alan Burrows, and SLEP Group Members

Date 10 October.2011

Shoalhaven Local Environment Plan 2009 (SLEP2009)

The Bawley Point Kioloa Progress Association wishes to confirm that it supports the SLEP 2009 Groups findings which were submitted by the SLEP 2009 Review Group.

We acknowledge the work put into this review and the agree with the SLEP 2009 Review Group recommendations quoted below.

Topic 1

Failure of the adopted process .. Not an Administrative Changeover

- a. The Draft SLEP2009 should be returned to Council with instructions that a proper Community Engagement be carried out to enable community input and aspirations to structure the ultimate document. **alternatively**
- b. The Draft SLEP2009 be changed in line with controls in existing DCP's and /or in line with the detail included in the following submissions or as the majority of submissions provided by the Shoalhaven community would request.

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Topic 2

Clause 4.3, in that a default height has been set rather than Map all zones in accordance with existing height controls

Recommendation:

1. Remove the “optional” statement from Clause 4.3
 - 11 metres except where
2. Remove the following words in the Objective:
 - and desired future character of a
3. Building heights for all zones in the Shoalhaven to be clearly and ONLY stated on Maps
 - **Map all zones (HOB and FSR) in the Shoalhaven to reflect existing maximum heights and FSR** whether they are set by site specific DCP or generic DCP or convention / precedence for the specific zone or village.
 - No other heights are to be Mapped for zones until the Shoalhaven City Council conforms with DoP requirements and declares its “strategic centres” and enters into serious Community Engagement to establish a plan that brings stability and sustainability for the future of the Shoalhaven

Topic 3

Increase in Land Use in residential and rural zones, contrary to the Objectives of the zone

Recommendation:

1. Recognising that the new zones are a compilation of a number of existing zones, that in all new zones, the land uses inserted by Shoalhaven City Council,
 - that were previously prohibited .. OR ...
 - not previously stated as a permitted land use in one of the existing zones are removed from the particular new zone.
 - That Council be instructed to carry out Community Engagement to collaborate with the community in determining the most appropriate land uses for each zone

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Recommendation;

2. Remove all land uses in the **R3 zone** that were previously stated as prohibited or NOT stated as permissible
 - a. Remove all land uses that are not subservient to a family life style in a medium density residential area located in a small rural or coastal environment

Recommendation;

3. Remove all land uses in the **RU1 and RU2 zones** that **were previously stated as prohibited or NOT stated as permissible**
 - a. Remove Caravan Parks as a land use in the Ru2 zone.
 - b. This is unacceptable in many rural landscape areas and should be withdrawn until the completion of the review of SEP21 (State Environmental Planning Policy-Caravan Parks) and SEP36 (State Environmental Planning Policy-Manufactured Homes Estates) is completed by the NSW Government. Kiama has not included Caravan Parks in RU2 in their LEP

Recommendation;

4. Adopt zones **RU4 Primary Production Small Lots** and **E4 Environmental Living** as outlined in LEP Practice Note PN11-002 in LEP2009 and move land previously zoned as 1(c) Rural Lifestyle in LEP1985 into these zones depending on their current land use, minimum lot sizes and proximity to land of high conservation value.
 - b. That the SLEP2009 include the RU4 and RU6 zones as stated in the DoP Practice Notes.
 - c. Remove the existing zone 1(c) from the R5 Large Lot Residential zone

Recommendation;

5. That the SLEP2009 include the RU4 and RU6 zones as stated in the DoP Practice Notes.

Recommendation;

6. R1, General Residential zone needs mapping as a “strategic centre” subsequent to intensive community engagement
 - d. Land adjacent to the Vincentia Neighbourhood Shops currently zoned 2(c) should be zoned R2 due to the low density residential nature of the existing development



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Topic 4

Loss of small-lot rural land due to it being zoned Residential R5

Recommendation:

- Adopt zones RU4 Primary Production Small Lots and E4 Environmental Living as outlined in LEP Practice Note PN11-002 in LEP2009 and move land previously zoned as 1(c) Rural Lifestyle in LEP1985 into these zones depending on their current land use, minimum lot sizes and proximity to land of high conservation value.
- That the SLEP2009 include the RU4 and RU6 zones as stated in the DoP Practice Notes.

Zone RU6 Transitional

Objectives of Zone

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

The transition zone is to be used in special circumstances only in order to provide a transition between rural land uses (including intensive agriculture, landfills, mining and extractive industries) and other areas supporting more intensive settlement or environmental sensitivities. This zone is not to be used to identify future urban land. Councils intending to use this zone should approach the Department of Planning at the earliest opportunity during LEP preparation to determine whether or not it is appropriate in each particular instance.

Recommendation;

- That the SLEP2009 include the RU4 and RU6 zones as stated in the DoP Practice Notes.

In Support;

(Bawley Point, Termeil, Kioloa and other similar rural villages have 1(c) zoned land that has specifically been zoned as a transition between more intense primary production activities specified for RU1 and RU2 zones. This zone should be used as the transition between residential (R1, R2, R3, R5) zones and rural zones RU1, RU2, RU3 and RU4 zones.)

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Topic 5

Part 4 Principal development standards.

4.1- Minimum subdivision lot size.

Recommendation;

- That all clauses in the SLEP2009 are reviewed and contradictions removed.
- Reference to “predominant or historic subdivision” to be removed and replaced with concise guidelines that will prevent further degradation of village character
- Ensure that the Min Lot size as shown on the Map is not diluted by contradictory statements in other parts of the SLEP2009
- Remove the arbitrary allocation of Area1 and Area2 (350 and 400sq m) variations to minimum lot size which contradict the value shown on the Map
- Remove the contradiction to the mandatory clause 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.* Insertion of a contradictory condition on the table describing each lot is contrary to the clause 3 Objective
- Revise the conditions for subdivision of rural and environmentally sensitive land as part of the reduction in excessive land uses for these zones

Topic 6

Environment and Natural Resource Management issues in the Draft SLEP 2009 Part A

Recommendation 1.

That the SLEP Aims 2a and 2b be redrafted as follows,

- “to conserve, maintain and improve biodiversity and ecosystem functions,” and
- “to ensure that development is ecologically sustainable, consistent with the principles of Ecologically Sustainable Development and taking into account the impacts of climate change and sea level rise.”

Recommendation 2.

That SCC reconsiders the inclusion of an E4 Environmental Living zone in the SLEP2009.

Recommendation 3.

That the E 2 zone uses permit “Environmental Protection Works” and “Environmental Facilities” as the only two land uses permitted with consent.

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Recommendation 4.

That the E3 Environmental Management zone permit Environmental facilities, Dual occupancies (attached), Visitor Information Centre and Roads in addition to the Standard permitted uses.

Recommendation 5.

The mapping of Significant Vegetation and Habitat corridors in the draft SLEP is recognised as a significant step forward in protecting the Shoalhaven environment. However amendments should be made to improve the levels of protection and connectivity as follows;

- Cleared land in habitat corridors should be covered by Biodiversity mapping to foster corridor regeneration and connectivity and control development that impedes species movement.
- The Biodiversity Clause provided by the Department of Planning and Infrastructure should be revised to ensure that the development application procedures applying to mapped Significant Vegetation and Habitat corridor areas are rigorous and would
- maintain biodiversity values and ecosystem functions. A revision process should take into account the criteria and draft biodiversity clause.

Recommendation 6.

Community Land gazetted as “Natural Areas” under the Local Government Act should be zoned E 2.

Recommendation 7.

The width of the Riparian zones should be increased to 50 M Zone widths on each side of water courses.

Recommendation 8.

The Water Clause 7.6 provided by the Department of Planning and Infrastructure should be revised to ensure that the development application procedures applying to areas covered by the clause are rigorous and would maintain biodiversity values and ecosystem functions. The Clause should incorporate assessment criteria as follows, and the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000 consistent with COAG decisions.

The Assessment criteria should include;

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- any substantial and measurable adverse change in the hydrological regime eg volume, timing, duration and frequency of ground and surface water flows.
- maintenance of the habitat and lifecycle of species dependent on the water body, including aquatic vegetation, and fauna such as birds, invertebrate fauna and fish species.
- substantial and measurable changes in the water quality ie level of salinity, pollutants, or nutrients or water temperature that may adversely impact on water body biodiversity, ecological integrity, social amenity or human health and the potential for invasive species.

Recommendation 9.

That the appropriateness of the proposed Water zones and associated uses as they have been applied to particular coastal lakes be reviewed.

Recommendation 10.

That the proposed Coastal Zone Protection clause be retained in the SLEP together with the details and background information from the Jervis Bay Regional Environment Plan being included in the Generic Shoalhaven DCP.

Recommendation 11.

That the SLEP include a clause to prohibit development in “Sensitive Coastal Locations” within 100 m of the bank of a Coastal Lake etc as defined in Schedule 1 of SEPP 71.

Recommendation 12.

That the same coverage to land use zones as the existing Shoalhaven City Council Tree Preservation Order is maintained in the SLEP, including consideration of the following options;

- a) adoption of the existing Tree Preservation Order, or
- b) adoption of amendments to optional Clause 5.9 “Preservation of trees or vegetation” to ensure that it applies to all zones covered by the Tree Preservation Order, or
- c) adoption of the optional Clause 5.9 “Preservation of trees or vegetation” with the addition of clause 5.9.9 included in the Standard Instrument version of 5.9 issued on 13th July 2011, together with inclusion of the RU 2 Rural Landscape zone.



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Recommendation 13.

The proposed zoning of B2 Lands Crown lands identified on Map 17 "Specified Land of high conservation value" in the South Coast Regional Conservation Plan as B2 lands, should be zoned "E 1 National Park/Nature Reserve in the SLEP with "other Crown lands to be considered," zoned either E 1 or E 2 in accordance with advice from the Office of Environment and Heritage.

Topic 7

Culburra Beach-Lake Wollumboola and Crookhaven River catchment.

- **SLEP Review Group Recommended zoning. E 2 for undeveloped privately owned parts of Lake Wollumboola catchment. "Limited" urban development and E 2 in Crookhaven River catchment. E 2 northern Lake shore, Kinghorn Point and Crookhaven Headland.**
- **Current zoning. 2 C Residential and 7. Environment Protection, Rural and Public open space.**
- **Draft SLEP zoning. E 2 Long Bow Point and parts of shore. Lake catchment also E3, RE 1, RU 2 and IND 1. Crookhaven River catchment. R 1 Residential and E 2 shore and wetlands,**

Comberton Grange.

- **SLEP Review Group Recommended zoning. E 2 Environment conservation for eastern portion.**
- **Current zoning. Rural.**
- **Draft SLEP zoning. E 3 and RU 1.**

Heritage Estates.

- **SLEP Review Group Recommended zoning. E 2 Environment Conservation.**
- **Current zoning. Rural and 6 a Open Space.**
- **Draft SLEP zoning. RU2 Rural Landscape for privately owned majority of site. RE 1 for site owned by Shoalhaven City Council.**

One Tree Bay, St Georges Basin.

- **SLEP Review Group Recommended zoning. E 2**
- **Current zoning. Rural.**
- **Draft SLEP zoning. E 2 around St Georges Basin shore, RU 2 for the majority of the site.**

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Badgee Lagoon.

- SLEP Review Group Recommended zoning. E 2
- Current zoning. Various.
- Draft SLEP zoning. E 2.

Cudmirrah Berrara.

SLEP Review Group recommended zoning. E 2 and amendments to W 2 zoning for Swan Lake.

Current zoning. Various

Draft SLEP zoning. E 2 and W 1 and 2 for Swan Lake.

North Bendalong (Crown Land)

- SLEP Review Group recommended zoning. E 1
- Current zoning 2 e Area under investigation.
- Draft SLEP zoning. E 2.

Bendalong (Crown Land).

- SLEP Review Group Recommended zoning. E 1
- Current zoning 2 e Area under investigation.
- Draft SLEP zoning. Part R 2 and E 2.

Berringer/Manyana (Crown land)

Recommended zoning E2

Current Zoning 2e Area Under Investigation

Draft Zoning Part R2 and E2

Topic 8

Business Zones in SLEP2009 comparison with SLEP1985.

Recommendations;

- The restrictions on B4 and B5 are not precise, clarification is required
- Neighbourhood shops should be zoned B1, Neighbourhood Shops

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- Height of Buildings in the B1 and B2 zones should be restricted to 8.5 meters until SCC has submitted any proposed change for Community Engagement to ascertain the real impact of their proposal
- All Business zones should be Mapped for both HOB and FSR in line with existing DCP's
- The building heights in DCP56 (Ulladulla) have been reduced. This change is not reflected in the HOB Map and must be corrected

Mariah Beckett

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