

APPENDIX C: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) and State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP)

The proposal was declared SSD under the EP&A Act following advice from the IPC on the State significance of the proposal. The proposal has been assessed in accordance with the requirements of Part 4 of the EP&A Act. The Minister for Planning is the consent authority for the proposal.

State Environmental Planning Policy No. 14 – Coastal Wetlands (SEPP 14)

SEPP 14 aims to ensure coastal wetlands are preserved and protected in the environmental and economic interests of NSW. Two SEPP 14 wetlands are located immediately adjacent to the site where Downs and Wattle Creeks enter Lake Wollumboola, see **Figure 9**. The Applicant's EA concluded the proposal would not impact on the SEPP 14 wetlands. The Department's consideration of potential impacts on the wetland is provided in **Section 6.2**.

State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)

SEPP 71 applies to the site as it is within the coastal zone. SEPP 71 aims to protect and manage the NSW coast through improving public access, protecting Aboriginal cultural heritage, protecting visual amenity and coastal habitats and managing the scale, bulk and height of development along the coast. The Department considers the proposal is inconsistent with the aims of SEPP 71 and other matters for consideration in SEPP 71. The proposal would remove 32 ha of high quality native vegetation and is likely to result in irreversible, flow-on impacts on Lake Wollumboola, which has been identified as having high ecological significance for the State of NSW.

Coastal Protection Act 1979

The *Coastal Protection Act 1979* aims to protect the coastal environment of NSW for the benefit of present and future generations. In particular, the Act aims to protect and restore ecosystems, biological diversity and water quality whilst balancing utilisation of the coastal region to benefit urban communities. The Act prescribes the requirements for the preparation of coastal zone management plans for each region. Shoalhaven City Council prepared a Coastal Zone Management Plan (CZMP) for the Shoalhaven Coastline in 2012. The CZMP is in draft form and has not been certified by the Minister for the Environment, therefore it does not strictly apply to the proposal.

The *Coastal Protection Act 1979* will be repealed by the *Coastal Management Act 2016*, once it is enacted, which is expected in mid 2018.

Coastal Management Act 2016 and State Environmental Planning Policy (Coastal Management) 2016

The *Coastal Management Act 2016* aims to manage the coastal environment of NSW in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of NSW.

The Act repeals the *Coastal Protection Act 1979* and the SEPP replaces SEPP 14, SEPP 26 and SEPP 71. The savings provisions in the draft SEPP note it does not apply to DAs lodged prior to commencement of the SEPP. Whilst the SEPP does not apply to the proposal, it reflects the future strategic direction for the management of coastal land within NSW. Lake Wollumboola is identified in the SEPP as a sensitive coastal lake and within a coastal environment area. The SEPP includes development controls for land within a 'coastal environment area', stating that development must not cause adverse impacts on the biophysical, hydrological and ecological environment, including water quality, native vegetation and fauna and Aboriginal cultural heritage. The Act also amends Section 4.15 of the EP&A Act to remove the requirement for a consent authority to consider Coastal Zone Management Plans.

Jervis Bay Regional Environmental Plan 1996 (JBREP)

The JBREP was repealed in 2016 but was in force at the time the application was lodged. The aims of the JBREP are to protect the natural and cultural values of Jervis Bay and allow proposals that contribute to the natural and cultural values of the area. The JBREP details requirements for new proposals to evaluate including catchment protection, landscape quality, cultural heritage and habitat protection. The Department has evaluated these components in its assessment of the application, throughout **Section 6** and concludes the development is not consistent with the aims of the JBREP.

Shoalhaven Local Environmental Plan 1985 (SLEP)

The SLEP aims to provide for orderly and timely development of land, to enhance community well-being now and for future generations and work towards an ecologically sustainable future through a proper balance of development and conservation.

SLEP 1985 has now been superceded by SLEP 2014, however the site is listed as 'deferred matter' under SLEP 2014, therefore SLEP 1985 still applies. The site is zoned residential under SLEP 1985. Council is currently considering a Planning Proposal for the Halloran landholdings, including the Long Bow Point site, to provide a balance of urban development and conservation outcomes.

The Department has consulted with Shoalhaven City Council throughout the assessment process and considered the relevant provisions of SLEP 1985 and those matters raised by Council in its assessment of the proposal.

The Department notes the proposal is permissible with consent under SLEP 1985, and is consistent with the objectives of the residential zoning. However the proposal is not consistent with the broader aims of SLEP 1985 as it does not provide an appropriate balance of development and conservation.