

May 2022

## Callala Bay, Wollumboola and Kinghorne Planning Proposal (Rezoning) – PP-2021-406

*This public exhibition relates to the planning proposal PP-2021-406 (rezoning) to amend planning controls for land in Callala Bay, Wollumboola and Kinghorne*

### What is a planning proposal?

A planning proposal (or “PP”) explains the intended effect of a proposed Local Environmental Plan (LEP) or proposed amendments to an LEP. It describes the intended outcomes and proposed LEP provisions, identifies and addresses the potential impacts that the changes may have and provides justification for making the LEP.

A planning proposal is a key part of the LEP making process because it describes how a new or amended LEP will ‘give effect’ to strategic and site-specific planning outcomes. It is the first step in making the statutory link between strategic plans and planning controls which apply to development.

*Note: Any physical development of the land occurs under separate planning processes.*

### What is a Local Environmental Plan (LEP)?

An LEP provides a statutory framework for the way land can be developed and used.

An LEP contains land use zones which establish where residential, commercial, recreation and other uses can occur. It has development controls for buildings and land, including controls for maximum building heights, floor space, subdivision and lot size.

LEPs also include provisions which address local matters, hazards and constraints, such as flooding, protection of biodiversity, heritage conservation, or land that is being reserved by the government to build more public infrastructure in the future.

An LEP is made under the *Environmental Planning and Assessment Act 1979*. It is reviewed every 7 to 10 years to ensure that the LEP is forward looking and suitably addresses current and emerging planning issues.

A copy of the Shoalhaven LEP 2014 can be found [here](#).

### What are the Department’s and Council’s role in the process?

A landowner, developer or individual seeking to amend the zoning or development standards that apply to land may initiate a planning proposal. A planning proposal may also be initiated by a Council.

Council is usually the Planning Proposal Authority (PPA) unless otherwise directed by the Minister for Planning and Homes.

## Frequently Asked Questions

### **What is a Planning Proposal Authority?**

In the planning proposal process, the PPA is responsible for preparing the package of planning proposal documents and submitting them to the Department for a Gateway determination.

A Gateway determination is an approval required before the proposal can proceed to public exhibition. This approval is usually subject to conditions.

The PPA is responsible for satisfying the conditions of the Gateway determination, public exhibition of the planning proposal, and finalisation.

An alternate PPA may be appointed under certain circumstances, where directed by the Minister.

### **Proponent's role for this planning proposal**

A proponent is a developer, landowner or third party who initiates a proposal, prepares a planning proposal and submits it to the relevant council.

This planning proposal was initiated by the landowner (Sealark Pty Ltd, which is owned by the Halloran Trust).

The proponent has commissioned several technical studies in support of the planning proposal, with the exception of the Aboriginal cultural heritage assessments which was commissioned by Council. The other technical studies were also overseen by Council.

The technical studies include a concept plan and a biodiversity certification assessment report as part of a biodiversity certification application which was granted separate approval under the *Environment Protection and Biodiversity Conservation Act 1999*. The concept plan has not been endorsed by Council or the Department and would be required to undergo a separate planning process following the finalisation of the planning proposal.

### **Council's role for this planning proposal**

This planning proposal originally formed part of a larger planning proposal which included land at Culburra. Council was appointed as the PPA.

In September 2017, Council resolved to split the planning proposal in two. The Culburra land could then undergo more detailed studies, while the land at Callala Bay, Wollumboola and Kinghorne Point could proceed. This was supported by the Department, and a Gateway determination to proceed to exhibition was issued on 13 June 2018.

Council has overseen preparation of technical studies to satisfy the Gateway conditions and has prepared the draft LEP maps included in the Planning Proposal. Note: all the technical studies (except the Aboriginal cultural heritage assessments) were commissioned by the proponent under Council's oversight.

### **The Department's role for this planning proposal**

At the end of 2021, the Department considered the timing of the planning proposal. Options were provided to the former Minister for Planning and Public Spaces (Robert Stokes) to accelerate exhibition of the planning proposal.

The former Minister confirmed that the planning proposal is of regional significance and that its finalisation is in the public interest. The former Minister appointed the Secretary of the Department as the PPA.

Accordingly, the Department is leading the public exhibition of the planning proposal with support from Shoalhaven City Council. The Department will review and respond to public submissions on

# Callala Bay, Wollumboola and Kinghorne Planning Proposal (rezoning)

## Frequently Asked Questions

the planning proposal. (Note: Council is responsible for exhibiting the biodiversity certification application.)

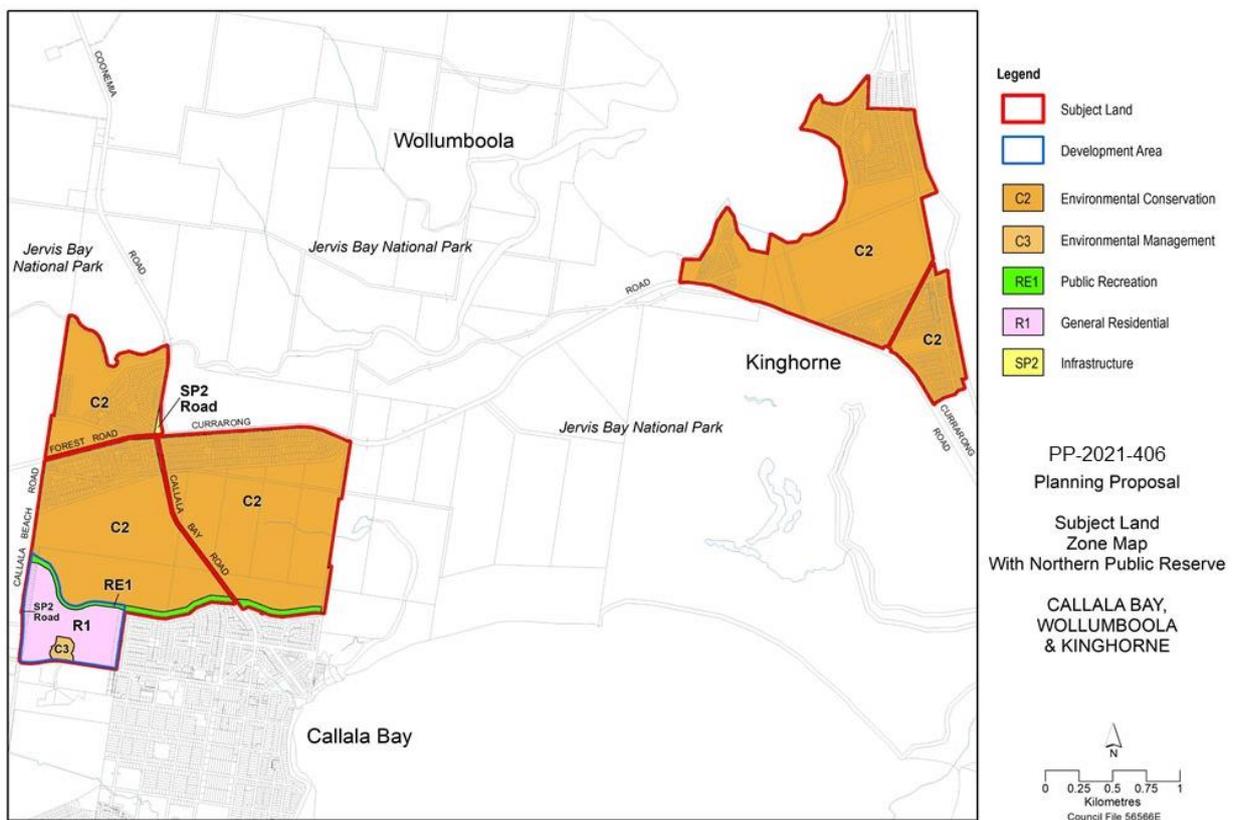
A final assessment of the planning proposal will be undertaken after the public exhibition. At this stage further amendments may be made to respond to matters raised by community members or public authorities.

### What does the planning proposal seek to do?

The planning proposal seeks to amend the maps of the *Shoalhaven LEP 2014* to facilitate delivery of additional housing and to preserve the environmental values of the land shown in Figure 1. Additionally, the subject land will be incorporated into the *Shoalhaven LEP 2014*. Currently most of this land is identified as a 'deferred matter' and is subject to the *Shoalhaven LEP 1985*.

Approximately 517 hectares of land will be preserved under C2 Environmental Conservation zoning and in future will be incorporated into the Jervis Bay National Park. An additional 2 hectares of bushland will be rezoned to C3 Environmental Management to help protect a population of endangered Bauer's Midge Orchid (*Genoplesium baueri*).

The planning proposal will support the delivery of up to 380 homes in the proposed residential development area in Callala Bay.



**Figure 1: Proposed Zoning Map (Source: Shoalhaven City Council, 2022)**

The maps prepared as an attachment to this planning proposal outline the changes sought to the Shoalhaven LEP 2014. These maps act as development controls which will guide future planning applications. In accordance with the Urban Release Area (URA) provisions in the LEP, a site-specific development control plan (DCP) will also need to be prepared before the land can be

## Frequently Asked Questions

subdivided and developed. This DCP will be prepared by Council in consultation with the community once the planning proposal is finalised.

The Department and Council have not endorsed any subsequent planning applications (i.e. for the subdivision of land, or built forms), applying the provisions proposed under this planning proposal.

A future planning application will be required to be submitted to Council (or the relevant consent authority) to enable development under the proposed development controls.

### What land does the planning proposal apply to?

This planning proposal applies to land in the Callala Bay, Wollumboola and Kinghorne localities within the Shoalhaven Local Government Area (LGA), approximately 18 km south-east of Nowra.

A list of properties is provided at the end of this FAQ document.

### Why is land being zoned C2 Environmental Conservation?

The planning proposal seeks to zone approximately 517 hectares of land C2 Environmental Conservation. Under the *Shoalhaven LEP 2014*, the objectives of the C2 Environmental Conservation are:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect water quality and the ecological integrity of water supply catchments and other catchments and natural waterways.
- To protect the scenic, ecological, educational and recreational values of wetlands, rainforests, escarpment areas and fauna habitat linkages.
- To conserve and, where appropriate, restore natural vegetation in order to protect the erosion and slippage of steep slopes.

The C2 Environmental Conservation zone is the highest level environmental protection zone that can be applied to land in private ownership. Land cannot be zoned C1 National Parks and Nature Reserves unless it is owned by NSW National Parks and Wildlife.

Acquisition or dedication of the land does not form part of this planning proposal and if this occurs rezoning to C1 would be through a separate process.

### Why are there small lot subdivisions shown in the areas proposed to be zoned C2 Environmental Conservation?

The maps on exhibition show that there are currently hundreds of small lots within the areas to be zoned C2 Environmental Conservation. These lots are known as 'paper subdivisions'.

"Paper subdivision" is a term used to describe land containing lots that only have recognition on paper and, in most cases, have no formed roads, drainage, reticulated water, sewer or electricity. Most paper subdivisions have been in existence for many years, some originating as long ago as the late 1800s or early 1900s.

The paper subdivisions shown on the maps were created in the 1920s by Henry Halloran but never physically developed nor serviced by infrastructure. Importantly, the zoning and minimum lot size applying to these lots does not allow for residential development to occur.

## Frequently Asked Questions

The planning proposal does not seek to facilitate development on this land. It seeks to zone the land for conservation purposes under the C2 Environmental Conservation zone in the *Shoalhaven LEP 2014*.

### Is the planning proposal supported by technical studies?

The planning proposal is supported by the following technical studies:

- Aboriginal Cultural Heritage Assessment Report
- Archaeological Assessment Report
- Biodiversity Certification Assessment Report
- Bushfire Hazard Study
- Contamination Assessment
- Infrastructure Assessment;
- Integrated Water Cycle Management Plan
- Traffic Impact Assessment

### What happens after the public exhibition?

The Department will review the public submissions and prepare a post-exhibition report. This report will summarise and provide responses to key issues raised by the community and public authorities.

The post-exhibition report is part of the Department's final assessment of the planning proposal.

Based on the final assessment, a recommendation will be made to the Secretary of the Department (as delegate of the Minister for Planning and Homes) whether the LEP should be made.

A copy of the finalisation report will be made available on the NSW Planning Portal.

### How can I make a submission?

Any person may make a written submission on the planning proposal during the exhibition period.

Submissions should be made online via the Planning Portal. Go to [www.planningportal.nsw.gov.au/CallalaBayPP](http://www.planningportal.nsw.gov.au/CallalaBayPP).

Your submission must be lodged by **5pm on Friday, 17 June 2022** and must include:

- whether it relates to the planning proposal (i.e. draft LEP maps such as land use zoning) or the Biodiversity Certification Application, or both;
- a statement on whether you support or object to the proposal; and
- the reasons why you support or object to the proposal.

Persons lodging submissions must declare reportable political donations (including donations of \$1000 or more) made in the previous two years.

Your personal information is protected under the *Privacy and Personal Information Act 1998* (PIIP Act).

When you make a submission, we collect your:

- name (including title);
- address and email (if provided); and
- any other personal information in a political donations disclosure statement (if provided).

Making a submission is entirely voluntary and you are under no obligation to provide us with any of your personal information, except as otherwise required by law.

## Frequently Asked Questions

### How will my personal information be used?

We may publish online:

- Your submission;
- Your name (and any other information that could identify you (unless you state that you want your personal information withheld);
- Your suburb; and
- Any political donations disclosure statement.

We may publish any personal information you have included in your submissions on a proposal. Do not include any personal information in your submission that you do not want published.

We may use your contact details to send you notifications on the particular proposal that you have made a submission on.

We may forward your submission to third parties including other public authorities and Government agencies, local government, or an applicant.

**If you do not want your name and address to be made public, please ensure you tick the relevant box and clearly state this on the front page of your submission.**

For more information on the Department's Privacy Policy go to [www.planningportal.nsw.gov.au/privacy-statement](http://www.planningportal.nsw.gov.au/privacy-statement)

### Where can I find more information?

The planning proposal, supporting technical studies and frequently asked questions can be found on the NSW Planning Portal. Go to [www.planningportal.nsw.gov.au/CallalaBayPP](http://www.planningportal.nsw.gov.au/CallalaBayPP).

For other information or queries relating to the **Planning Proposal**, please contact George Curtis on (02) 4247 1824, or Rachel Hughes on (02) 9995 5936.

## Other related Information:

### What is a biodiversity certification application?

The planning proposal is supported by a Biodiversity Certification Assessment Report. The Report is part of an application to certify the proposed development area. See the **Biodiversity Certification Fact Sheet** and [Council's website](#) for more information.

The Biodiversity Certification Application is on exhibition with the planning proposal so that these two related matters can be considered in context of each other.

Council is responsible for exhibiting the biodiversity certification application.

### Where can I view documents about potential ecological impacts?

Information on potential ecological impacts of this PP is available in the following exhibition documents:

- The Planning Proposal (see Part 3 Justification)  
[A1 – Final Planning Proposal \(March 2022\) Updated 13.04.2022](#)
- The Biodiversity Certification Assessment Report  
[Attachment H – Biodiversity Certification Assessment](#)

## Frequently Asked Questions

- Australian Government approval under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*  
[Attachment G – Approval under the EPBC Act 1999](#)  
For more information, see “What was approved under the Federal environmental law?” below.

As discussed above, information on the Biodiversity Certification Application is available on [Shoalhaven City Council’s website](#). Council is responsible for exhibiting the biodiversity certification application.

### What was approved under the Federal environmental law?

In 2020 the proponent referred a concept proposal for the Callala Bay residential expansion area to the Federal Department of Agriculture, Water and the Environment (DAWE) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The proposal was determined to be a ‘controlled action’ in June 2020, and was approved with conditions in June 2021. In general terms, the EPBC approval involves:

- The retention of 2.1 ha of bushland around 35 known individuals of the endangered Yellow-Gnat Orchid (also known as the Bauer’s Midge Orchid – *Genoplesium baueri*).
- The removal of one known individual of the threatened *Genoplesium baueri*.

Further information on the EPBC assessment is available at:  
<http://epbcnotices.environment.gov.au/referralslist/> and search by referral number 2020/8637.

### Where can I find more information?

The biodiversity certification application can be viewed online at:

- [www.planningportal.nsw.gov.au/CallalaBayPP](http://www.planningportal.nsw.gov.au/CallalaBayPP)
- [www.shoalhaven.nsw.gov.au/MyCouncil/Public-exhibition/Documents-on-exhibition](http://www.shoalhaven.nsw.gov.au/MyCouncil/Public-exhibition/Documents-on-exhibition)

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

Enquiries on the Biodiversity Certification Application should be directed to either Eric Hollinger on (02) 4429 3320 or email [eric.hollinger@shoalhaven.nsw.gov.au](mailto:eric.hollinger@shoalhaven.nsw.gov.au) in Council’s Strategic Planning Section.

# Callala Bay, Wollumboola and Kinghorne Planning Proposal (rezoning)



## Frequently Asked Questions

### List of properties this planning proposal applies to:

Lot/s	DP	Description	Current Zone	Proposed Zone/s
<b>Callala Bay and Wollumboola properties</b>				
20	1263402	North of Emmett Street, north & west of properties in Stott Crescent, Callala Bay.	DM, RU2	R1, C3, RE1, C2
599 - 628	11388	Paper subdivision lots facing Callala Beach Rd.	DM	R1, RE1, C2
9 – 11, 17, 18	253793	Lots adjacent to Callala Beach Rd	DM	R1, RE1, C2
53	772178	Lot directly north of existing Callala Bay residential area, split by Callala Bay Rd.	DM	RE1, C2
503 – 509	877900	Lots surrounding northern paper subdivision area.	DM	C2, SP2 (Road)
443 – 474, 481 – 656, 664 – 693, 696 - 698	14958	Northern paper subdivision lots - east of Callala Bay Rd and south of Currarong Rd.	DM	C2
18 – 88, 90 – 162, 165 -167, 169 – 187, 197 – 208, 221 – 222, 229 – 273, 177 – 281, 293 – 358, 373 – 404, 410 - 438	14959	Northern paper subdivision lots - north of Forest Rd and west of Coonemia Rd	DM	C2
28, 29, Part 30	755971	Lots between Callala Bay Road and Wowly Lagoon.	DM	C2
104 – 112, 158 – 163, 165 – 178, 180 - 189	877898	Various lots including small paper subdivision lots north of Callala Bay.	DM	C2
8 - 23	877899	Paper subdivision lots.	DM	C2
Part 555	1254135	Paper subdivision road reserves.	DM, RU2	C2
UPNs: 103896, Part 108327, 105080, 102651, 103835	-	Paper subdivision road reserves zoned RU2 in the east	DM, RU2, SP2 (Road)	SP2 (Road), C2, RE1
UPNs: 106499, 102555, 102646, 102650, 102645	-	Road reserve (Crown) south of Forest Road and Currarong Roads.	DM	C2
Coonemia Creek	Coonemia Creek	Coonemia Creek	RU2	C2
<b>Kinghorne Properties</b>				
3411, 3412	1104686	Lots in central part of subject land (2)	DM	C2
2560 - 2576				

# Callala Bay, Wollumboola and Kinghorne Planning Proposal (rezoning)



## Frequently Asked Questions

2572 - 2734	12720	Paper subdivision lots, south-east area, between Currarong Rd and Warrain Beach.	DM	C2
2736 - 2757				
2759 - 2838				
2840 - 2915				
2917- 2939				
2941 - 2945				
1 - 27	13393	Paper subdivision lots and surrounds in northern area, between Lake Wollumboola and Warrain Beach. Excludes paper subdivision lots already zoned E3.	DM	C2
62 - 109				
138 - 206				
222 - 335				
337 - 338				
340				
342 - 344				
2559				
2456 - 2472	16366	Paper subdivision lots in south-west, between Currarong Rd and Lake Wollumboola.	DM	C2
2499 - 2555				
31	861840	Lot in central area.	DM	C2
25, 26	863737	Lot in central area and lot next to Sewage Pumping Station.	DM	C2
8	1255835	Council-owned land Sewerage Pumping Station	DM	SP2 – Sewerage System
27	863737	Council-owned land Sewerage Pumping Station	DM	SP2 – Sewerage System
6831	877474	Lot in south-west, surrounding paper subdivision lots.	DM	C2
888	1254136	Paper subdivision road reserves south-west.	DM	C2
7	1255835	Paper subdivision road reserves central and north. Paper subdivision road reserves south-east.	DM	C2
9				
3411	1104686	Tiny lot containing trig point. Council-owned.	DM	C2

© State of New South Wales through Department of Planning and Environment 2022. Information contained in this publication is based on knowledge and understanding at the time of writing, May 2022, and is subject to change. For more information, please visit [dpie.nsw.gov.au/copyright](https://dpie.nsw.gov.au/copyright)