



Premise

SHOALHAVEN CITY COUNCIL

Proposed Sanctuary Point Library

STATEMENT OF ENVIRONMENTAL EFFECTS

Report No: 321167/SEE01




FINAL

20 January 2022

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Prepared By		Reviewed By		Authorised By	
E Lawson		David Walker		David Walker	

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1. INTRODUCTION

The redevelopment of Sanctuary Point Library project was initiated to meet user requirements and expectations. Shoalhaven City Council (SCC) has developed a masterplan which recommended uses and activities including a long-term strategy and management of the Centre. The strategy focused on providing a Centre which would offer expanded facilities and services catering to the changing demographic within the region.

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) seeking consent for construction of a new Library located at Paradise Beach Road, Sanctuary Point.

Premise has prepared this SEE on behalf of SCC, as the owner and developer of the Sanctuary Point Library.

This SEE should be read in conjunction with the following supporting documentation accompanying the DA:

- **Appendix A** - Site Survey Plan
- **Appendix B** - Architectural Plans
- **Appendix C** - Architectural Design Statement
- **Appendix D** - Notification Plan
- **Appendix E** - Landscape Report and Plans
- **Appendix F** - Civil Engineering and Stormwater Management Plans
- **Appendix G** - BCA Report
- **Appendix H** - Traffic and Parking Impact Assessment Report
- **Appendix I** - Acoustic Assessment
- **Appendix J** - Geotechnical Report
- **Appendix K** - Quantity Surveyor Report
- **Appendix L** - Structural Engineers Statement
- **Appendix M** - Civil Engineers Statement
- **Appendix N** - Landscape Statement
- **Appendix O** - Services Engineers Statement
- **Appendix P** - DCP Assessment
- **Appendix Q** - Arborist Report
- **Appendix R** - Waste Management Plan

This SEE has been prepared pursuant to Clause 50 and Part 1 of Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* and provides an assessment against the relevant matters for consideration under Section 4.15(1) of the *Environmental Planning and assessment Act 1979* (EP& A Act).

The SEE is provided in the following format.

- **Section 2** of this report provides a description of the subject Site and its locality.
- **Section 3** outlines the proposed development.
- **Section 4** details the planning framework applicable to the subject Site and proposed development.
- **Section 5** identifies the impacts of the proposed development.
- **Section 6** provides a conclusion to the SEE.

1.1 Community Consultation

SCC has held multiple community engagement sessions to inform the community about the project and any concerns they would like to raise. The following sets out those matters raised and how they are relevant to this application and the response prepared from relevant disciplines.

In December 2020, the community was notified on the project through SCC's website which sought commentary from the community. Three (3) workshops were held to discuss the project, one (1) external stakeholder workshop and two (2) with the wider community. The workshops raised the following points:

- External Stakeholder Workshop
 - Building footprint and typology
 - Carparking
 - Safety of the library
 - Significance of the library's context in the overall picture of Sanctuary Point Town Centre
 - Internal and external design should reflect the district and natural environment
- Community Workshop
 - Carparking
 - Technology
 - Outdoor space
 - Budget
 - Meeting rooms
 - Areas for children, youth, and families
 - Performance space
 - Community centre
 - Incorporation of history/culture
 - Early literacy needs
 - Exterior design

Additional comments were provided through SCC's website:

- Involvement of High School students in workshops
- Proposed inclusion of a "pink box" vending machine for needs of the homeless and at-risk women and girls.

The above initial commentary has been taken under consideration for the design phase of the project. The common key points in all three (3) workshops were:

- Car parking to be addressed since the proposed location of the library will be where the current at-grade parking is located along Kerry St and Paradise Beach Road
- Safety of the library and surrounds
- Children's needs
- Significance of the library in terms of context to the Sanctuary Point Town Centre
- Internal and External design should reflect the district and including indigenous consultation, local artwork, and the natural environment.

Two subsequent workshops were held with concept plans on 13th of April and 20th of April 2021. The following key points were discussed at each of the workshops:

- The building design was supported
- Concerns still raised over the carparking
- The needs for better access and connections between the library and the rear car park
- Safety of the library and surroundings
- Loss of trees
- Timing and impact of construction.

The comments received across all five (5) community workshops have been taken onboard and have influenced the current design and accessibility to ensure all concerns would be mitigated prior to lodgement. The aims of the engagement process are to generate a community engagement strategy and coordinate the community activity. The objective of the engagement sessions is to canvas the community and receive feedback on their views of the district library, ideas on a future library, the use and access of the library whilst ensuring the community felt involved throughout the process.

2. THE SITE & ITS LOCALITY

2.1 The Site

The site is known as 192 - 198 Kerry Street, Sanctuary Point being legally defined as the following lots:

- Lot 944 in DP27857.
- Lot 945 in DP27857.
- Lot 946 in DP27857.
- Lot 947 in DP27857; and
- Lot 3 in DP806393.

The site has an area of approximately 2,485 sqm and is bounded by Paradise Beach Road to the North and Kerry Street to the West. To the north of the site is The Country Club St Georges Basin, the east is low density commercial and the Bay and Basin Boutique Hotel. To the south is Bendigo Bank and Australia Post, which abuts Francis Ryan Reserve to the rear of the adjacent shopping precinct.

Minor Vegetation is present on site.

2.2 Topography

The natural topography of the immediate locality falls from the north to the south-west:

- From the Paradise Beach Road to Kerry Street by approximately 3.98m as depicted in the survey plan provided in **Appendix A**.

2.3 The Locality

The site is located within the Sanctuary Point Town Centre, with various retail and commercial business occupying the street frontage of Paradise Beach Road. Sanctuary Point is accessible from the Wool Road which intersects with St Georges Basin to the Northwest, and Vincentia to the Northeast. Nowra is the nearest major centre which is located approximately 30km North of Sanctuary Point.

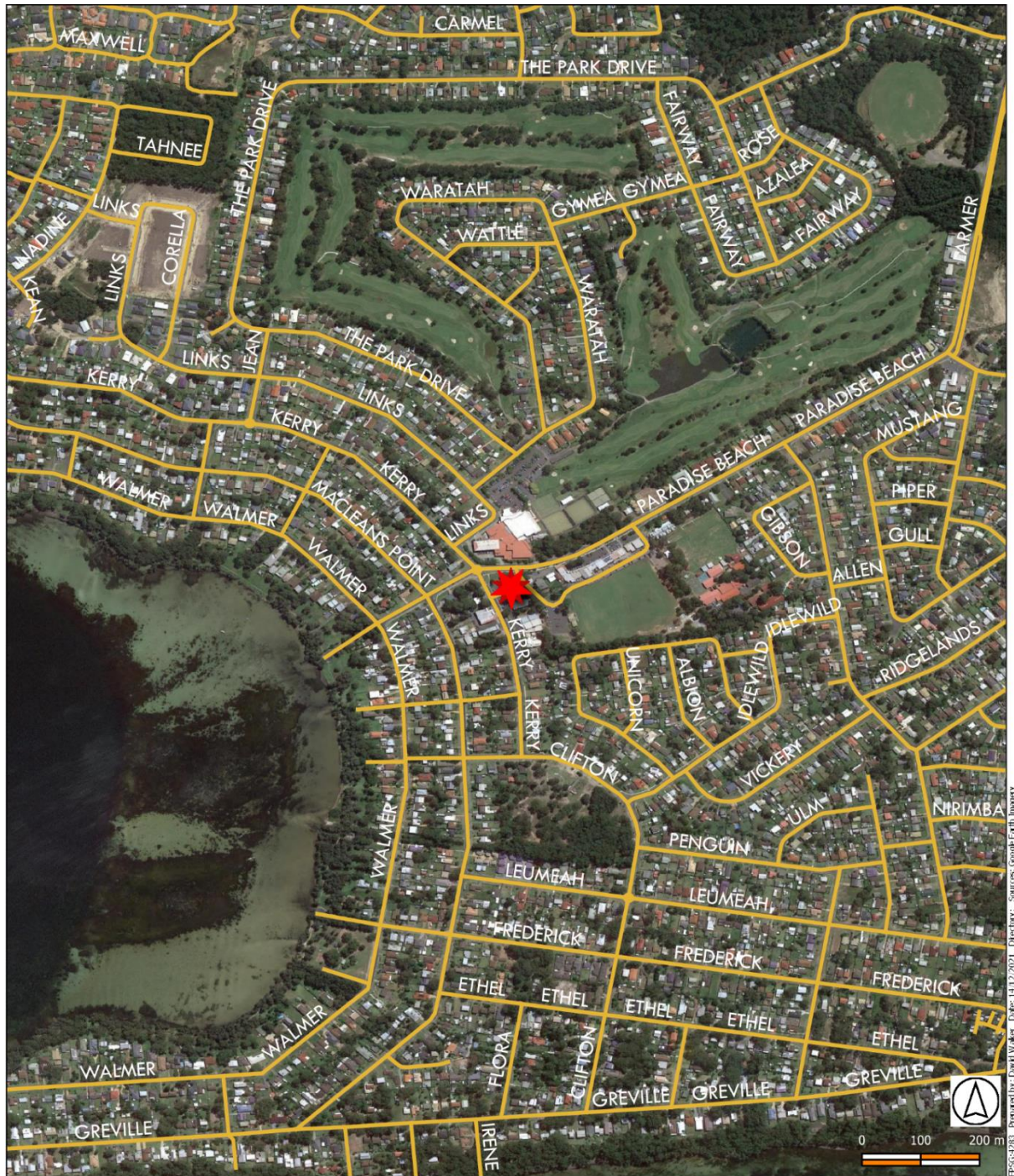
Figure 1 – The Site (Source: NearMaps 2021)



LEGEND

-  Subject Site
-  Lot
-  roadsegment

Figure 2 – Locality



LEGEND

-  Subject site
-  Roads

2.4 Existing Development

The site is currently used as at-grade parking with primary vehicular access provide off Kerry Street and secondary access provided off Paradise Beach Road.

Figure 3 – Existing Street Frontage



3. THE DEVELOPMENT

3.1 Aims and objectives of the Development

The proposal seeks to facilitate the provision and construction of a new Library for Sanctuary Point. The purpose of the new building is to offer expanded facilities and services catering to the changing demographic and needs of the area, including upgrade in technology, community spaces, young children and youth areas and local research points. The following objectives are also identified as forming the basis of the proposed development:

- Ensure minimal environmental and amenity impact.
- Support employment generating development.
- Ensure the proposal is compatible with surrounding development and local context.
- Ensure the development positively contributes to the amenity of the streetscape.

3.2 Development Description

The proposed development seeks consent for the construction of the new Sanctuary Point Library. The development is intended to proceed as follows:

- Demolition of the following:
 - Removal at-grade parking
 - Removal of existing footpath
 - Removal of existing steps and pavers
 - Removal of light pole
 - Removal of existing motel driveway
 - Removal of existing carpark structures
 - Removal of thirty-three trees.
- Construction of Sanctuary Point Library which consists of:
 - Two Storey Library with the following:
 - Ground Floor consisting of:
 - Foyer
 - Customer Service Area
 - Multi-purpose Room
 - Kitchen
 - Store
 - Amenities
 - Children's Library
 - Lending Library
 - Technology
 - Internal Courtyard
 - Lift
 - Lunchroom
 - Public Meeting Room
 - Copy centre
 - Level One consisting of:
 - Youth area

- Lounge area
 - Green Wall
 - Research area
 - Amenities
 - Outdoor Terrace
 - Plant Room
 - Solar panels to the Roof of the Site
- Reconfiguration and Extension of at-grade parking adjacent to Francis Ryan Reserve from sixty-four spaces to 142 spaces
- Construction of new at-grade parking at the front of the library including Mobile Library Parking Bay including vehicular access point from Kerry Street.
- Construction of stair and accessible pathway for new public connection link
- Green trellis art-wall
- Associated Site works including:
 - Civil works comprising of drainage works, and adjustment/augmentation of existing services.
 - Landscaping.
 - Earthworks.

The proposed operating hours of the library are as follows:

- Monday to Friday 9:30am – 5:00pm.
- Saturday 9:30am- 12:00pm
- Sunday – Closed

Lot consolidation is currently being undertaken separately from this application and is expected to have registration end of January 2022.

Figure 4 – Proposed Facade from Kerry Street



4. STATUTORY PLANNING FRAMEWORK

4.1 Objects of the EP&A Act

In New South Wales (NSW), the relevant overarching planning legislation is the *Environmental Planning and Assessment Act 1979* (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning & Environment (DP&E). In 2017, the Act was amended to provide a range of updated objects. The objects of the EP&A Act are:

- (a) *To promote the social and economic welfare of the community and a better environment by the proper management, development, and conservation of the State's natural and other resources,*
- (b) *To facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment,*
- (c) *To promote the orderly and economic use and development of land,*
- (d) *To promote the delivery and maintenance of affordable housing,*
- (e) *To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities, and their habitats,*
- (f) *To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *To promote good design and amenity of the built environment,*
- (h) *To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *To provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is not considered to be antipathetic to the above objects. It is consistent with the intended development of the locality. Furthermore, an assessment against the related strategic documents has been undertaken within this report, identifying the proposal would not be antipathetic of the strategic directions applicable to the site.

4.2 Section 4.15

Section 4.15(1) of the EP&A Act specifies the matter which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15(1) are addressed in Table 2 below.

Table 1 – Section 4.15 Assessment

Section	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of all relevant environmental planning instruments are addressed within this section.
Section 4.15(1)(a)(ii) Any proposed instrument	Not applicable to this application
Section 4.15(1)(a)(iii) Any development control plan	Consideration of the SDCP is addressed within Section 4.5.7 and provided in Error! Reference source not found..
Section 4.15(1)(a) (iia) Any planning agreement	Not relevant to this application.

Section	Comment
Section 4.15(1)(a)(iv) The Regulations	Considerations of the regulations is addressed in Section 5 .
Section 4.15(1) (b-3)	Refer to Section 5 .

4.3 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act is to maintain a healthy, productive, and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The BC Act is supported by several regulations, including the *Biodiversity Conservation Regulation 2017* (BC Regulation). The objectives of the Act are:

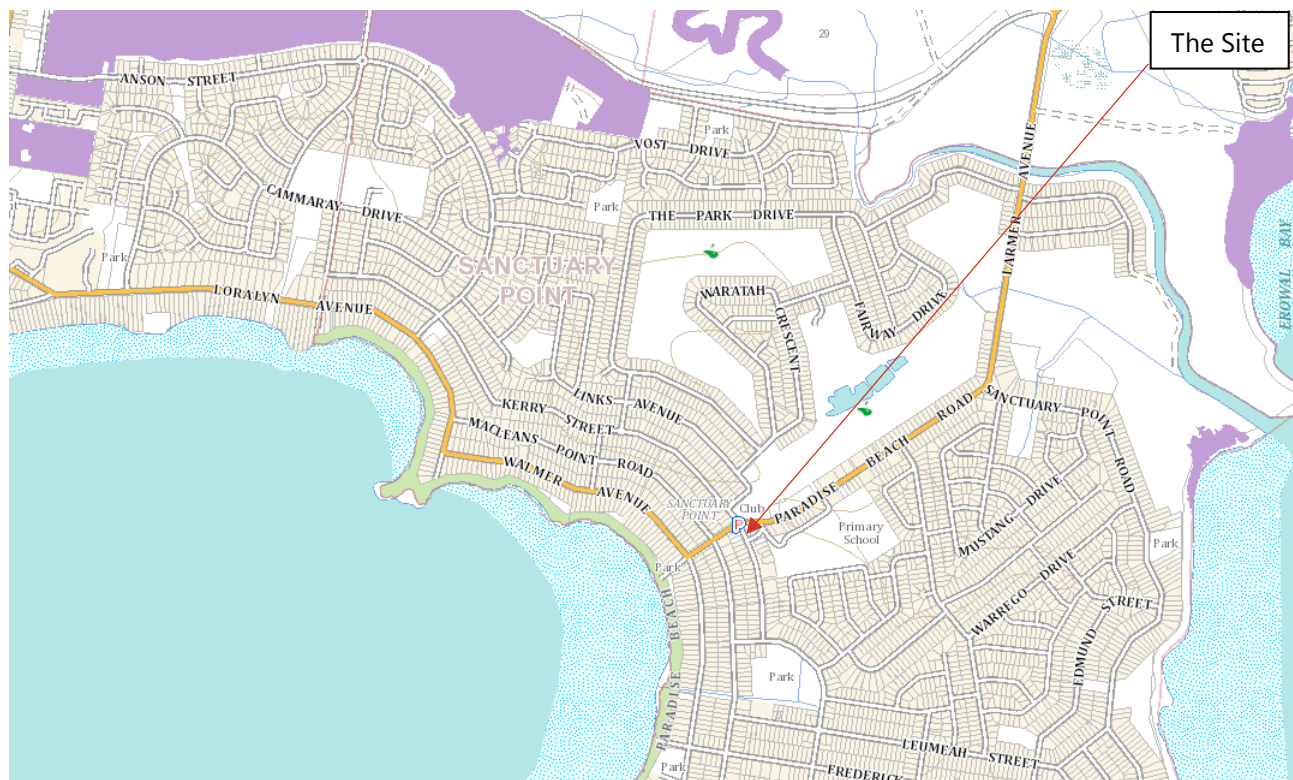
- (a) to conserve biodiversity at bioregional and State scales, and*
- (b) to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and*
- (c) to improve, share and use knowledge, including local and traditional Aboriginal ecological knowledge, about biodiversity conservation, and*
- (d) to support biodiversity conservation in the context of a changing climate, and*
- (e) to support collating and sharing data, and monitoring and reporting on the status of biodiversity and the effectiveness of conservation actions, and*
- (f) to assess the extinction risk of species and ecological communities, and identify key threatening processes, through an independent and rigorous scientific process, and*
- (g) to regulate human interactions with wildlife by applying a risk-based approach, and*
- (h) to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature, and*
- (i) to support and guide prioritised and strategic investment in biodiversity conservation, and*
- (j) to encourage and enable landholders to enter into voluntary agreements over land for the conservation of biodiversity, and*
- (k) to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity, and*
- (l) to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity values, and*
- (m) to establish market-based conservation mechanisms through which the biodiversity impacts of development and land use change can be offset at landscape and site scales, and*
- (n) to support public consultation and participation in biodiversity conservation and decision-making about biodiversity conservation, and*
- (o) to make expert advice and knowledge available to assist the Minister in the administration of this Act.*

The BC Act requires consideration of whether a development or an activity is likely to significantly affect threatened species. Prescribed biodiversity impacts are defined under Clause 6.1 of the BC Regulation and includes impacts on the biodiversity values in addition to, or instead of, impacts from clearing vegetation and/or loss of habitat.

Under the BC Act, any development which is being assessed under Part 4 of the EP&A Act which occurs within areas mapped on the Biodiversity Values Map is required to enter into the Biodiversity Offset Scheme (BOS). A

review of the Biodiversity Values Map and Threshold Tool does not depict the site as being mapped containing Biodiversity Values, and therefore does not require to enter into the BOS.

Figure 5 – Biodiversity Values Map and Threshold Tool



4.4 Subordinate Legislation

The EP&A Act facilitates the preparation of subordinate legislation, consisting of:

- Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP), Local Environmental Plans (LEP), and deemed EPIs; and
- Development Control Plans (DCP).

In relation to the proposed development, the relevant subordinate legislation includes:

- *State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55)*
- *State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)*
- *State Environmental Planning Policy (Vegetation in Non-Rural Area) 2019 (Vegetation SEPP)*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy (State and Regional Development) 2011 (SEPP SRD)*
- *Shoalhaven Local Environmental Plan 2014 (SLEP)*
- Shoalhaven Development Control Plan 2014 (SDCP).

This is discussed within **Section 4.5** of this Statement.

The following Regional and Local Strategic plans have also been reviewed in relation to the proposed development:

- Illawarra Shoalhaven Regional Plan 2041; and
- Shoalhaven 2027 Community Strategic Plan

Their provisions as relevant to this proposed development are discussed at section 4.6 of this Statement.

4.5 Environmental Planning Instruments

4.5.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires the determining authority to consider whether the land subject to any development application is contaminated. Should the land require remediation, the determining authority, must be satisfied the land can and will be remediated prior to the utilisation of the land for development purposes.

A Geotechnical Site Assessment for Site Classification was undertaken by Terra Insights (refer Error! Reference source not found.). The scope of work included the following:

- A review of geological maps and aerial photography covering the site.
- A visit to site to make observations of site surface conditions by a Geotechnical Engineer.
- A subsurface investigation comprising:
 - Clearance of the test locations by an accredited Telstra service clearance agent.
 - Four (4) boreholes to 4m depth or refusal on weathered material if shallower using a drilling rig.
 - Regular standard penetration testing (SPT) in the boreholes to TC refusal depth.
 - Logging and sampling of the materials encountered by a geotechnical engineer.
- Laboratory testing of a samples of near surface material to include:
 - Acid Sulfate soil (ASS) field testing.
 - Chromium suite testing if identifies potential presence of ASS on the site.
 - Atterberg limit testing to assess soil plasticity; and
 - Soil aggressivity testing

A review of the EPA Contaminated Land Register did not find the site, or sites which reside within 5km of the proposal listed a being contaminated. As the site has previously been developed for the purposes of at-grade carparking, it may be deemed not necessary for further investigations pertaining to whether the site is contaminated.

4.5.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure through the state. Clause 104 and Schedule 3 of the ISEPP requires certain development be referred to Transport for NSW (formerly Roads and Maritime Services) for comment if the relevant schedule 3 triggers for traffic generating development are met.

The existing use of the site as an at-grade parking facility is not listed as a purpose of development within Column 1 of Schedule 3 and is not identified as being Traffic generating development which requires referral. Further, the proposal does not include two hundred or more car parking spaces and is not located within 90m of a classified road. As such, the proposal it is not considered to be traffic generating development and does not require referral to Transport for NSW.

4.5.3 STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

The aims of the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP) is to protect the biodiversity values of trees and other vegetation in non-rural areas of the state. As the site is located within a zone B2 Local Centre, pursuant to Clause 5 (1)(b), the Vegetation SEPP is applicable.

An Arborist Report (0) provides an assessment of impacts associated with the removal of thirty-three trees to facilitate the proposed development. Trees identified on site are of a native species and therefore approval is required pursuant to Part 3 of the Vegetation SEPP.

The trees in question are planted trees established within public landscaping/garden areas in association with the current car parking use of the site. These are not remnant trees and, whilst they have a value to the character of the locality landscape, this value will be replicated/compensated for by the proposed landscaping (Error! Reference source not found.).

Pursuant to Clause 10, it states:

10 Council may issue permit for clearing of vegetation

(1) A council may issue a permit to a landholder to clear vegetation to which this Part applies in any non-rural area of the State.

(2) A permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold.

(3) A permit under this Part cannot allow the clearing of vegetation—

(a) that is or forms part of a heritage item or that is within a heritage conservation area, or

(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,

unless the council is satisfied that the proposed activity—

(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and

(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

(4) A permit may be granted under this Part subject to any conditions specified in the permit.

Council is able to approval the removal of vegetation as long as it does not contravene subclause (3) of Clause 10. As the site does not resides within a heritage conservation are or contain a heritage item, or within a place of aboriginal significance, the removal of native trees on site is permitted subject to any specified conditions of consent.

4.5.4 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The site is mapped as Coastal Environment Area on the NSW Government's Coastal Management Mapping. *The State Environmental Planning Policy (Coastal Management) 2018* (SEPP Coastal) states:

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,

(b) coastal environmental values and natural coastal processes,

(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the

sensitive coastal lakes identified in Schedule 1, (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands, and rock platforms,

(e) existing public open space and safe access to and along the foreshore, beach, headland, or rock platform for members of the public, including persons with a disability,

(f) Aboriginal cultural heritage, practices, and places,

(g) the use of the surf zone.

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited, and will be managed to avoid an adverse impact referred to in subclause (1), or

(b) if that impact cannot be reasonably avoided—the development is designed, sited, and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The proposed development would not impede upon marine vegetation, exiting public open space along the foreshore, beach or headland, or an area deemed as use of the surf zone. Furthermore, the consent authority, SCC, can be satisfied the proposal has been designed and sited to ensure minimal impact to the area is achieved including, ecological, amenity, and privacy.

4.5.5 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

The *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) outlines development which is declared to be state or regionally significant development for the purposes of the EP&A Act.

A review of Schedule 1 and 2 of SRD SEPP confirms the development does not satisfy the triggers for the State Significant Development.

Part 4 of the SRD SEPP outlines the following:

20 Declaration of regionally significant development: section 4.5(b)

*(1) **Development specified in Schedule 7 is declared to be regionally significant development for the purposes of the Act.***

(2) However, the following development is not declared to be regionally significant development—

(a) complying development,

(b) development for which development consent is not required,

(c) development that is State significant development,

(d) development for which a person or body other than a council is the consent authority) development within the area of the City of Sydney.

A review of Schedule 7 of SRD SEPP confirms the development does satisfy the triggers for regionally significant development under sub clause 3 of Schedule 7 *Council Related Development over \$5million*. The clause states:

3 Council related development over \$5 million

Development that has a capital investment value of more than \$5 million if—

(a) a council for the area in which the development is to be carried out is the applicant for development consent, or

(b) the council is the owner of any land on which the development is to be carried out, or

- (c) the development is to be carried out by the council, or*
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

As SCC is the landowner and the development is to be conducted by SCC, the proposal meets the triggers for Regionally Significant Development. Thus, the consent authority is the applicable regional panel.

4.5.6 SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014

The *Shoalhaven Local Environmental Plan 2014* (LEP) is the applicable local planning instrument. The aims of the LEP are:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage the proper management, development, and conservation of natural and man-made resources,*
- (b) to facilitate the social and economic wellbeing of the community,*
- (c) to ensure that suitable land for beneficial and appropriate uses is made available as required,*
- (d) to manage appropriate and essential public services, infrastructure, and amenities for Shoalhaven,*
- (e) to minimise the risk of harm to the community through the appropriate management of development and land use.*

The proposed development is not antipathetic to the aims of the LEP. The projects aim to increase the existing public facilities within Sanctuary Point and will provide further employment opportunities to the local area through the construction and operation phases.

Under the LEP, the site is zoned B2 Local Centre. The objectives of the zone are:

- *To provide a range of retail, business, entertainment, and community uses that serve the needs of people who live in, work in, and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The proposed development is permissible with consent in the B2 Local Centre zone and is defined as *Information and Education Facility*:

information and education facility mean a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

4.5.6.1 Clause 7.1 Acid Sulfate Soils

The site is not identified as being land shown on the Acid Sulfate Soils Map and investigations conducted by Terra Insights did not encounter Holocene aged alluvium, within which ASS are typically located. As mentioned within their report (Error! Reference source not found.), the site is underlain by Wandrawandian Formation, which can contain acidic rock. As such, a Chromium Suite test was completed to assess for any potential this rock may be present on site.

The Chromium testing indicated the residual soil on site has some acidity (0.15%) with the level of net acidity in the soil due to soluble sulfate measured at 0.03%. This indicates in term of pyrite, the level is below the laboratory level of detection, which means the source of acidity is not from pyrite. This is consistent with the site being observed as underlain by residual soils with no alluvium being present.

It is determined no formal treatment plan is required on site and the development complies with subclause 7.1 (4)(a).

4.5.6.2 Clause 7.2 Earthworks

Clause 7.2 Earthworks states the following:

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*
- (2) Development consent is required for earthworks unless—*
 - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
 - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*
- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—*
 - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
 - (b) the effect of the development on the likely future use or redevelopment of the land,*
 - (c) the quality of the fill or the soil to be excavated, or both,*
 - (d) the effect of the development on the existing and likely amenity of adjoining properties,*
 - (e) the source of any fill material and the destination of any excavated material,*
 - (f) the likelihood of disturbing relics,*
 - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
 - (h) any appropriate measures proposed to avoid, minimise, or mitigate the impacts of the development.*

As the proposal includes the development involving ancillary earthworks, SCC must take in consideration the matters listed under subclause (3). Through the imposition of standard controls throughout the construction phase, it is determined the proposal would not disrupt or have detrimental effects on soil stability or drainage patterns.

The proposed development would not impede on future use of the site, as it intends to redevelop underutilised land for community purposes, whilst ensuring the impacts the development would have on surrounding properties are minimal.

The proposal would be considered acceptable in the context of Clause 7.2 of the SLEP.

4.5.7 SHOALHAVEN DEVELOPMENT CONTROL PLAN 2014

An assessment against the *Shoalhaven Development Control Plan 2014* (SDCP) is provided by reference to the relevant sections pertaining to the development and is provided within **Appendix P**. In overview, the assessment has found the proposed satisfies the applicable DCP requirements.

4.6 Strategic Planning Documents

4.6.1 ILLAWARRA SHOALHAVEN REGIONAL PLAN 2041

The Illawarra Shoalhaven Regional Plan was released in 2021 and identified the vision and future of the region in terms of housing, jobs, infrastructure, environment, and connected communities. The Regional Plan sets out

a strategic framework to protect and enhance the regions asset and plans for a sustainable future. It intends to inform SCC's land use planning, inform infrastructure agencies, and plan for growth and change through providing and creating a connected, sustainable, and innovative vibrant Shoalhaven and Illawarra region.

The following key objectives contained in the plan which are relevant to the proposal are discussed below.

- **Objective 21** – Respond to the changing needs of local neighbourhoods

Through 2020 and 2021 a shift in working from home, and the transition to online learning allowed for more people to engage with their local neighbourhood centres, which provides Councils the opportunity to acknowledge the change in communities and the opportunity to respond to this change. Through this behavioural shift, the role local establishments, such as libraries, play, are vital for the continued growth and support to the changing needs of locals. An objective of the proposed library project is to provide additional educational and technological resources to support the urban growth Sanctuary Point is experiencing.

Figure 6 – Kerry St Facade (Source: Architectural Plans)



- **Objective 22** – Embrace and respect the region's local character

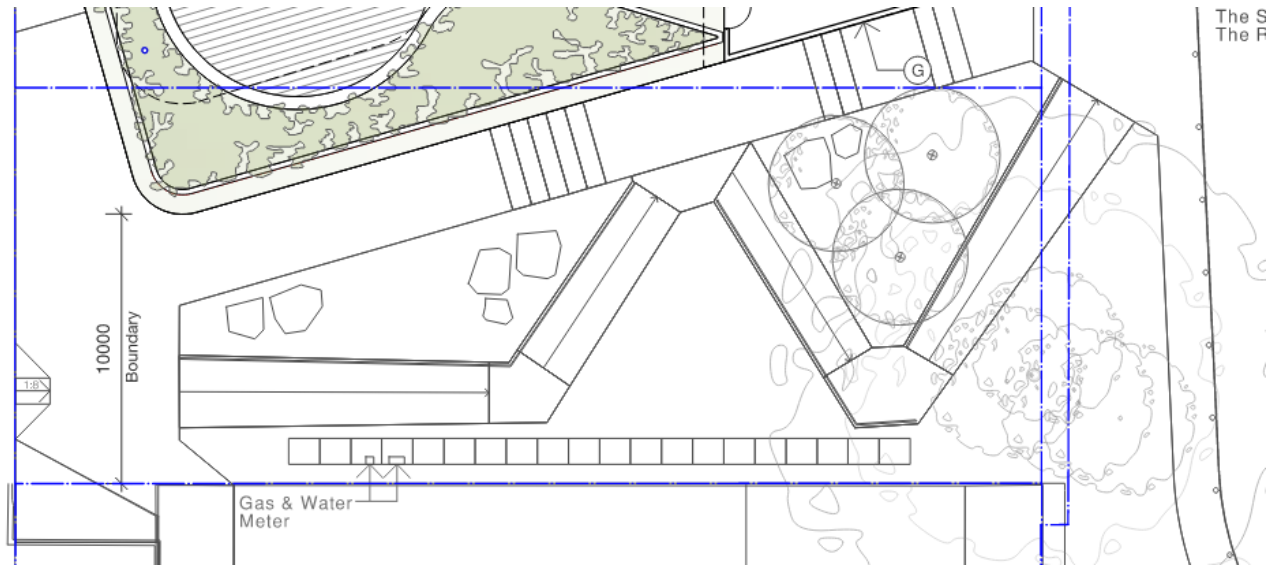
The proposed development includes the provision of local artworks, including signage and graphics, both internally and externally, referencing local flora, fauna, and Aboriginal heritage. The external sunshade proposed facing Kerry Street will provide shading whilst also including local artworks for interpretation. The external public connection link will display a green art-wall of local artworks.

- **Objective 28**- Create connected and accessible walking and cycling networks

Through the provision of a new public connection link from the library to Francis Ryan Reserve and the rear at-grade car park, the project will provide a physical separation from motorised traffic, and wayfinding for residents to use the rear parking area and access the library and surrounding commercial properties along Kerry Street.

The design of the connection link includes the provision of a green wall with local artwork and integrated seating - refer **Figure 7**.

Figure 7 – Site Plan illustrating connection link



4.6.2 2027 COMMUNITY STRATEGIC PLAN

The Shoalhaven 2027 Community Strategic Plan (CSP) was prepared by SCC as a guide to Councils community plan over a ten-year period which endeavours to achieve community aspirations for the Shoalhaven region. The CSP will be used as a guide for other strategic plans, including for State Agencies to develop their own strategic documents for the region.

Five (5) key principles have been identified to assist in the preparation of the CSP. They are as follows:

- Ecologically Sustainable Development
- Social Justice Principles
- Effective Governance
- Customer Service Excellence; and
- Financial Sustainability.

5. IMPACTS, SITE SUITABILITY & THE PUBLIC INTEREST

Pursuant to Schedule 1 of the EP&A Regulation, this section of the report outlines the environmental impacts of the proposal and any measures required to protect the environment or lessen the harm to the environment.

The impacts have been identified through an assessment of the proposed development against the provisions of section 4.15(1)(b) and the former NSW Department of Urban Affairs and Planning's (nd) *Guide to Section 79C*.

This section also addresses the consideration at Section 4.15(c) and Section 4.15(e) of the Act which relate to the suitability of the Site for the development and the public interest.

5.1 Context and Setting

The proposed Sanctuary Point Library is considered compatible with the surrounding land uses. The proposal would not cause any undue impacts and provides an adequate level of amenity, which will be maintained to all surrounding land uses.

The proposal will not result in any significant environmental impacts and therefore would be considered compatible with the site context. The following environmentally sustainable measure will be included on site:

- Undertaking of a JV3 Performance Solution to understand the thermal envelope of the building.
- Installation of new downpipes into the existing rainwater tanks will enable the reuse of rainwater for toilet flushing and/or irrigation.
- Renewable energy will be used where possible and viable.

5.2 Public Domain

The proposed Sanctuary Point Library would create a positive development, reactivating a parcel of land currently used as at-grade parking into a prime education and technological central node within Sanctuary Point CBD. It will provide positive value to the public domain through the revitalisation of the southern portion of Paradise Beach Road, the increase in provision of at-grade parking to the surrounding commercial premises and Franics Ryan Reserve, whilst ensuring connectivity to these areas is maintained.

5.3 Flora and Fauna

The site contains existing landscaping, which has been assessed with an Arborist Report prepared and provided within **Appendix Q** outlining the appropriate methodology and recommendations for the design and construction alternatives in order to reduce the impacts on trees located on site.

The report identifies sixty-four trees in total, thirty-three trees are to be removed and thirty-one trees are to be retained.

A Landscape Plan has been prepared by Taylor Brammer Landscape Architects and is provided within **Appendix E**. The plan depicts the following:

- Street tree planting
- Planting on the site's boundaries
- Screen planting

Landscaping proposed is intended to create an attractive streetscape which provides passive surveillance to the street whilst enhancing the amenity of the street. The proposed landscaping has been designed with a

range of species which are to be used as creating a screen to privacy and increased amenity to surrounding commercial premises to the site.

The proposed landscaping will assist to integrate the proposal within the subject site and compensate for the removal of existing vegetation. On balance, the proposal is considered acceptable in the context of impacts to flora and fauna.

5.4 BCA Report

A BCA Assessment Report was prepared by Accredited Inspection Services Pty Ltd and is provided in Error! Reference source not found.. The report concludes the proposal would meet the BCA code subject to recommendations outlined throughout the report. They are summarised below:

1. The proposal is required to have the following building elements as non-combustible materials:
 - a. External walls and common walls, including all components incorporated in them including façade covering, framing and insulation.
 - b. The flooring and floor framing or lift pits
 - c. Non load bearing internal walls where they are required to be fire resisting
 - d. A shaft, being a lift
 - e. A load bearing internal wall and a load bearing fire wall
2. A detailed list of materials is to be provided for assessment against fire hazard properties, including the provision of a sprinkler system.
3. The building is to not have any ancillary elements attached to the external wall of the building which is required to have a non-combustible external wall.
4. All emergency equipment switchgear is to be separated from non-emergency equipment switchgear by metal partitions designed to minimise the spread of a fault from non-emergency equipment switchgear.

5.5 Access, Transport and Traffic

A Traffic and Parking Assessment has been prepared by TEF Consulting and is provided at Error! Reference source not found..

The assessment characterises the traffic conditions in the locality, traffic volumes, and provision of additional modes of transport near the site and provides an assessment of the potential impacts the proposed alterations and additions to the existing centre have on the surrounding road network.

The site is universally accessible by car, bus, pedestrian, and cycle, making it suitable for the development. A parking survey was undertaken in December 2020, which identified the following:

- Survey results:
 - Thursday 3 December 2020
 - All areas excluding area 1 as it will be redeveloped
 - Peak demand occurred at 11:00 a.m. (with 169 cars parked).
 - There were at least 117 spaces vacant (to a maximum of 220 spaces) during the day.
 - All areas
 - Peak demand occurred at 11:00 a.m. (with 189 cars parked).
 - There were at least 140 spaces vacant (to a maximum of 263 spaces) during the day.
 - Saturday 5 December 2020

- All areas excluding area 1 as it will be redeveloped
 - Peak demand occurred at 10:30 a.m. (with 111 cars parked)
 - There were at least 175 spaces vacant (to a maximum of 237 spaces) during the day.
- All areas
 - Peak demand occurred at 10:30 a.m. (with 117 cars parked).
 - There were at least 212 spaces vacant (to a maximum of 263 spaces) during the day

It is to be noted on both survey days the total actual car parking demand was substantially less than the availability of on-street car parking capacity.

A bus stop is within close walking distance to the site, being approximately 300m north. The site is serviced by Bus Route 102 Bomaderry to Vincentia via Nowra and St George Basin.

The proposal includes the addition of 43 car parking spaces which is supported by the surveying of the at-grade parking surrounding the site providing a substantial number of vacant spaces during operational hours.

Additional traffic generated by the proposed development will be well within the existing street capacities.

5.6 Noise

A Noise Impact Assessment was prepared by Acoustic Logic and is submitted within **Appendix I**. The nearest noise receivers around the project site include:

Closest Residential Receivers

- R1: Single storey residence building located 97m south of the project site at 205 Kerry Street.
- R2: Single storey residence building located 50m north of the project site at 185 Kerry Street.
- R3: Double Storey hotel building located approximately 25 metres to the east from the site.

Non-Residential Receivers

- NR1: Single Storey Bendigo Bank located immediately south of the project site, at 198 Kerry Street.
- NR2: Single Storey commercial buildings located approximately 25 metres on the western side of Kerry Street from the site.
- NR3: Double Storey Country Club building located approximately 30 metres on the northern side of Paradise Beach Road from the site.
- NR4: Francis Ryan Reserve located approximately 75 metres to the southeast from the site.

Noise monitoring was undertaken between the 4th of May 2021 and 14th of May 2021 using an unattended noise monitor. The monitor was installed at the southern boundary of Sanctuary Point – Francis Ryan Reserve. The site location was chosen as it is a site more indicative of local residential premises.

The report provides a recommendation to assist in mitigating noise emission from the library. The recommendations state:

- Glazing
 - All glazing along the façades shall be fitted with minimum 6.38mm laminate glazing, with both glass and frame to achieve a minimum Rw rating of 31.
- Amplified music is not permitted in any external areas.

- Conduct a detailed acoustic review of mechanical plant at CC stage to determine acoustic treatments to control noise emissions to satisfactory levels (following final equipment selections)

The report concludes the proposal would not have significant acoustic impacts to surrounding receivers subject to the implementation of the above measures. It is confirmed the recommended glazing treatment is incorporated into the architectural drawings; no external speakers are proposed and further assessment of adopted plant would ensure compliance with applicable noise criteria.

5.7 Soil

The Geotechnical Report prepared by Terra Insights (refer Error! Reference source not found.) investigation found the site is elevated above areas likely to be impacted by Acid Sulfate Soils, whilst the site is underlain by Wandrawandian Formation which contains acidic rock, a Chromium Suite test was completed to assess the potential for this rock to be present.

The investigation concluded the site investigation and classification is as follows:

- The site is located within Climatic Zone 1.
- The site is gently sloping to near level.
- Mature trees are present on the site and trees are proposed as part of the landscaping plan for the site.
- The site is paved, which may cause short to moderate term abnormal moisture conditions when this seal is removed, especially where the footprints of the sealed pavement areas and proposed building envelope do not overlap.
- As a basement is proposed for the site, most of the footings for the library are deemed likely to penetrate any fill material on the site. Any remaining fill underneath parts of the building, where excavation is not occurring, will need to be compacted in situ.
- Based on the conditions of the site on the day of investigation the movements for the site have been calculated to be between 30mm to 40mm at the ground surface, based on a shrink swell index in the range of 2.0% to 3.0%.
- These movement will be impacted by changes to the site such as earthworks and/or removal and/or establishment of vegetation. For example:
 - If trees (up to 6m tall) can grow within their mature height of the proposed building, maximum movements could increase up to 55mm.
 - Removal of trees is likely to result in swelling of the clayey soils underlying the site, potentially in the range of 10 to 15mm.

5.8 Construction Management

The construction of the proposed development will be in accordance with conditions of consent and managed to ensure Site safety and minimisation of environmental impacts occurs.

5.9 Waste

A Waste Management Plan has been prepared by Brewster Hjorth and is provided within **Appendix R**. Waste associated with the proposed development will be managed in accordance with a Waste Management Plan.

Demolition and construction waste will be classified in accordance with appropriate guidelines prior to removal, transportation, and disposal to an approved waste management facility. During construction phase on site waste will be managed by the builder through the use of a skip bin with an approved licensed contractor transporting waste away, with the aim to recycle as much as possible.

The waste associated with the development will be collected on site as per the existing arrangement.

5.10 Safety, Security and Crime Prevention

The guidelines prepared by the NSW Department of Urban Affairs and Planning (DUAP 2001) identify four (4) Crime Prevention Through Environmental Design (CPTED) principles to be considered in a Development Application to ensure developments do not create or exacerbate crime risk. The four key principles of the guidelines include surveillance, access control, territorial reinforcement, and space management. A CPTED Assessment has been conducted against the Architectural Plans and Landscape Plans Report and is summarised below under each key principle. The findings are summarised below:

- Surveillance
 - Pedestrian walkways/paths be obvious, open and provide clear sight lines.
- Lighting and Technical Supervision
 - All lighting provided within and around the development, should meet the minimum Australian Lighting Standard AS/NZ 1158 for outdoor, pedestrian areas, and publicly accessible space, specifically addressing crime and fear reduction.
 - Lighting is recommended to achieve a minimum of thirty lux and a minimum lighting uniformity of 0.3 Uo. Lighting for the external back of house areas, should achieve a minimum of fifty lux and a minimum lighting uniformity of 0.4 Uo. Outdoor lighting should have a minimum Colour Rendering Index (CRI) of sixty. External lighting should also aim to minimise light pollution and light spill on to adjacent land.
 - A CCTV network adequately covers all entrances, car parks, back of house areas includes waste areas, staff areas and any recessed areas.
- Territorial Reinforcement
 - Maintain building entrances to remain free of clutter to ensure entry points are highly visible from the street.
 - Display CCTV security notice signs to convey the site is under constant surveillance.
 - Ensure pathways are always unobstructed to avoid blind spots.
- Design, Definition and Designation
 - Clear wayfinding signage be provided throughout the proposed development. Way finding signage should be provided in all publicly accessible areas.
 - "Park Smarter" signage be displayed in the car parks to remind people to secure their vehicles.
- Environmental Maintenance
 - Ensure mechanisms are in place to facilitate the ongoing maintenance of the site, including the implementation of a rapid removal policy for vandalism repair and removal of graffiti.
 - Consistently manage vegetation so sight lines are maintained and opportunities for concealment are minimised, particularly for vegetation located within the at-grade car park.
 - Consideration should be given to graffiti resistant materials/surfaces in potentially high graffiti risk areas.
- Access Control
 - All non-public areas of the centre (including external back of house areas) be appropriately secured to stop access by the public.
 - All windows should be lockable to prevent after hours break and enter.

5.11 Social and Economic Impact

As defined by the NSW Government Office on Social Policy, social impacts are significant events experienced by people as changes in one or more of the following are experienced:

- peoples' way of life (how they live, work, or play and interact with one another on a day-to-day basis).
- their culture (shared beliefs, customs, and values); or
- their community (its cohesion, stability, character, services, and facilities).

The proposal redevelopment of the Sanctuary Point Library would result in a positive impact on the community as it provides the following:

- Additional recreational facilities catering to the increase of population within the LGA
- The generation of new jobs, providing a positive economic impact for the local community; and facilitate the continued operation of the facility.
- The proposal will ensure the creation of a focal point within the surrounding community, which services community needs and becomes a recreational destination precinct

The facility will add to the wide variety of educational and community-based options available in the local government area and will assist in encouraging a higher proportion of residents to participate in education, leisure, and technological opportunities.

In summary the proposal is considered to be justified on the basis:

- It is consistent with the zoning of the area and represents an approved use.
- It is designed and sited to minimise impacts to the local receiving environment.
- Mitigation measure will be implemented for surrounding residential receivers to ensure minimal impacts from noise emissions.
- The site is suitable for the proposal; and
- It is consistent with the principles of ecologically sustainable development

5.12 Suitability of the Site

The site is suitable for the proposal for the following reasons:

- The site is located within a walking and public transport catchment for many residents. The site is universally accessible and can be accessed by staff and visitors by various means of public transport including buses and trains.
- The site does not accommodate soil or water contaminants which pose a risk to human health, terrestrial ecology, or in-ground structures. As such, the site does not require any significant remediation to accommodate the proposed development, and construction and site preparation works can readily commence.
- The proposal does not increase the intensity of the site so there will not be any additional acoustic, traffic or built form impacts arising from the proposal. Overall, the site is suitable for the proposal for the reasons mentioned previously in this report.

5.13 The Public Interest

The public interest may be determined by consideration of relevant national, state, and local government goals, as well as community priorities, which are expressed through a range of documentation. Relevant strategic documents are considered in **Section 4.5**.

The proposed development of the library is considered to be in the public interest on the basis it:

- Presents an excellent opportunity to the local region to provide local employment opportunities in an area of high demand.
- Has been designed with appropriate to the consideration to social, environmental and sustainability interests of the community.
- Aims to minimise impacts to the surrounding locality; and
- No significant impacts on surrounding properties in terms of access, views, vistas, or acoustic privacy.

6. CONCLUSION

The proposed development is a significant opportunity to provide a modern library, which will facilitate access to all user groups and the long-term operations of a key community facility.

The proposed scheme has been developed and refined following extensive consultation by SCC. The proposal will facilitate an orderly and economic use of the land by providing a much-needed community facility.

The proposal been assessed against state and local government planning policies and this assessment confirms the facility will add to the wide variety of recreation and community-based options available in the local government area and will assist in encouraging a higher proportion of residents to participate in education, recreational and leisure opportunities.

The proposal meets the key statutory planning controls and is generally consistent with SCC's planning policies and the site's zone objectives. Of particular note:

- Traffic impacts are assessed to be satisfactory with acceptable impacts to the local road network. Parking demands will be accommodated by on-street parking with opportunities to use the adjacent at-grade car park. The site is situated within close proximity to public transport and will encourage use of sustainable forms of travel.
- Acoustic amenity to neighbouring residents will be required to be managed in accordance with the recommendations of the acoustic assessment.
- The construction phase will be undertaken having regard to construction management practices to minimise impacts and the removal of hazardous building materials.

On balance, the development is considered acceptable in the context of the site and subject to the application of recommended mitigation measures, would not lead to any unacceptable negative impacts. The positive benefits of the project far outweigh any minor residual negative impacts.



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