



Planning Proposal

Amendment to Shoalhaven LEP 2014 to Rezone Land

149 and 151 Larmer Avenue, Sanctuary Point
Lot 1519 and Lot 1520 DP 236518

10 February 2015
Reference: L103173

SET Consultants Pty Ltd

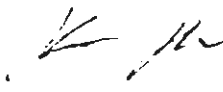
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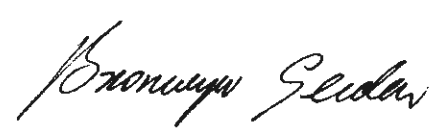
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AMENDMENT TO SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014 TO REZONE LAND


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Date: 10 February 2015

This report has been prepared for and in accordance with the scope of services provided by John Macey for the purpose of preparing a Planning Proposal in accordance with s55 of the Environmental Planning and Assessment Act 1979. The Planning Proposal seeks to rezone two (2) adjoining lots within the Shoalhaven Local Government Area being Lot 1519 and Lot 1520 DP 236518 known as 149 and 151 Larmer Avenue, Sanctuary Point.

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1 Statement of Objectives or intended outcomes

The objective of this planning proposal is to amend the Shoalhaven Local Environmental Plan (LEP) 2014 to rezone land adjoining an existing petrol station on Larmer Avenue at Sanctuary Point to allow for improved vehicle flow into the petrol station and extension of the service area.

2 Explanation of Provisions

The proposed outcome will be achieved by amending the Shoalhaven LEP 2014 as detailed below for Lots 1519 and 1520 in DP 236518.

Specifically the Shoalhaven LEP will be amended in the following manner:-

1. Amend the Land Zoning Map – Sheet LZN_020D applying to Lots 1519 and 1520 DP 236518 from zone R2 to zone B5.
2. Amend the Lot Size Map – Sheet LSZ_020D applying to Lots 1519 and 1520 DP 236518 from a minimum lot size of 1 500sqm and Refer to Clause 4.1A to no minimum lot size and no reference to Clause 4.1A.
3. Amend the Height of Buildings Map – Sheet HOB_020D applying to Lots 1519 and 1520 DP 236518 from a maximum height of 12 8.5m to no maximum building height.

Lots 1519 and 1520 DP 236518 are currently zoned for residential purposes and have principal development standards consistent with the southern adjoining residential land. These amendments would rezone Lots 1519 and 1520 DP 236518 to business land and remove principal development standards as is consistent with the northern adjoining business land.

3 Justification

3.1 Need for a Planning Proposal

3.1.1 Is the Planning proposal the result of any strategic study or report?

The Planning Proposal is the result of a need for improved traffic flow and service to customers of an existing petrol station. Peak times and holiday periods result in vehicles queuing onto the road. This need has been observed by operators of the petrol station but has not been identified in any strategic study or report although the in 2013 an

Action Plan for Sanctuary Point did identify that “*there is generally a large dependency on private transport services within Sanctuary Point*”¹.

3.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The best means of achieving the stated objective is to expand the business onto the southern adjoining property. To improve traffic flow, service to customers and prevent queuing onto the public road, improved access into the site and additional bowers are required. Additional bowers cannot be provided to the north of the existing bowers due to the location of the existing underground tanks and the need to maintain adequate flow. Extending the left in access from Larmer Avenue and cannot occur without extending onto the southern adjoining site. Furthermore, taking into consideration CPTED principles, the design of the existing building can be more easily modified to allow for counter surveillance of new bowers to the south rather than the north. For these reasons it is considered preferable to extend to the service station onto the southern adjoining site in order to achieve the desired outcome.

The southern adjoining property is zoned R2 Low Density Residential and Service Stations are prohibited. Amending Schedule 1 of SLEP 2014 to add ‘Service Stations’ as an additional permitted use for southern adjoining site was considered. This was determined not to be the best option as the residential zoning which would remain would not provide a clear indication of the sites proposed use. The Planning proposal therefore aims to achieve the stated objective by way of rezoning the southern adjoining land to a zone in which Service Stations are permissible. The existing service station is on land zoned B5 Business Development. Rezoning the site to the same zone as this adjoining property is considered the best way to achieve the desired outcome.

3.2 Relationship to Strategic Planning Framework

3.2.1 Is the planning proposal consistent with objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan and exhibited draft strategies)?

The sites are all located within the Shoalhaven LGA. The Shoalhaven LGA falls outside the scope of the current Sydney Metropolitan Plan known as the ‘Metropolitan Plan for Sydney 2036’ which was released in December 2010. Similarly the LGA is not within the

¹ Shoalhaven City Council, *Sanctuary Point Place Making Action Plan*, Adopted by Council September 2013 – Page 29

scope of the exhibited draft Metropolitan Strategy currently being prepared by the NSW Government known as the 'Draft Metropolitan Strategy for Sydney to 2031' but is included within the 'Draft Regional Growth and Infrastructure Plan' for the Illawarra.

The currently applicable regional strategy for the area is the South Coast Regional Strategy (SCRS). The vision detailed in the SCRS involves increasing the amount of housing in existing centres to ensure the needs of future households are met. Specifically the Strategy states that *"an additional 26 300 dwellings will be required in the Shoalhaven over the next 25 years, of which 15 800 can potentially be accommodated within existing vacant urban land and existing investigation areas. The majority of this land is located around the major centre of Nowra-Bomaderry and the major towns of Ulladulla and Vincentia (which includes the Jervis Bay – St Georges Basin area)."*² The service station is located within the Jervis Bay – St Georges Basin area. The SCRS also addresses the economic development and employment growth areas and presents a Centres Hierarchy for the south coast. The Vincentia district is classed in the SCRS as a major town under the hierarchy and the key functions listed for a major town are all consistent with the need for a petrol station.

Four (4) service stations currently service the Vincentia District. The subject service station is currently the only service station for the Sanctuary Point area. Only four (4) bowers are provided at the petrol station which during a normal (non-holiday) week serves approximately 68 vehicles per hour in the morning and 49 vehicles per hour in the afternoon. The next closest service station is located in St Georges Basin (5.4km to the west by road). Increasing the service available to current and future residents of the area as well as for business operators is consistent with the SCRS.

3.2.2 Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

Shoalhaven Community Strategic Plan - Shoalhaven 2023 was adopted by Council in May 2013. This Plan sits at the top of Council's planning hierarchy and identifies the community's main priorities and expectations for the future. The Planning Proposal is consistent with this Strategic Plan. Specifically the Planning Proposal satisfies Objective 3.2 and corresponding strategy 3.2.4 as detailed below:

Objective 3.2 – An economy that supports and is supported by growing, diverse and changing communities.

² New South Wales Department of Planning, *South Coast Regional Strategy*, Published January 2007 – Page 20

Strategy 3.2.4 – Plan and advocate for infrastructure improvements to support economic activity and investment

The Jervis Bay Settlement Strategy does not have the importance of the Community Strategy but provides relevant direction and guidance for the Jervis Bay Region and was developed by Council in partnership with the State Government with the endorsed document released in 2003. The Strategy identifies land at the intersection of Wool Road and Jervis Bay/Navel College Road as the future District Centre for the area. The Strategy also lists and maps St Georges Basin-Sanctuary Point as a Town and notes that Larmer Avenue is a collector road. The Planning Proposal is to allow for the expansion of an existing business on this collector road that will improve the service provided to the township. The Planning Proposal is consistent with this Strategy.

3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs) as detailed below.

SEPP 55 – Remediation of Land

SEPP 55 aims to provide a planning approach to the remediation of contaminated land for the purposes of reducing risk of harm to human health or any other aspect of the environment. Specifically relevant is that SEPP 55 specifies certain matters to be considered when rezoning land.

The Planning Proposal relates to land currently used for residential purposes. A search of Council's file does not show any record of, and site inspection does not reveal any evidence of the site being used for activities listed in Table 1 of 'Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land'. Given the low risk of site contamination it is considered that the Stage 1 Preliminary Investigation Report required under Clause 6 of SEPP 55 and detailed in 'Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land' should not be required until after the Gateway determination.

SEPP 71 – Coastal Protection

SEPP 71 aims:-

- to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and

- to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and
- to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and
- to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and
- to ensure that the visual amenity of the coast is protected, and
- to protect and preserve beach environments and beach amenity, and
- to protect and preserve native coastal vegetation, and
- to protect and preserve the marine environment of New South Wales, and
- to protect and preserve rock platforms, and
- to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the *Protection of the Environment Administration Act 1991*), and
- to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
- to encourage a strategic approach to coastal management.

All the sites are within the SEPP 71 Coastal Zone. None of the proposed sites are within a 'sensitive coastal location' as defined by SEPP 71. Matters to be considered when preparing a draft Local Environmental Plan are detailed under Clause 8. These are addressed in the table below.

Table 1: SEPP 71 Matters for consideration

Matters for consideration	Consistency with Planning Proposal
a) aims of the policy set out in clause 2,	The Planning Proposal is consistent with the aims set out in Clause 2 of the SEPP.
b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,	The site are well setback from foreshore areas does not provide any direct public access paths to or along the foreshore.
c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,	No significant opportunities given the setback of the site from the coastal foreshore area.

Matters for consideration	Consistency with Planning Proposal
d) the suitability of development given its type, location and design and its relationship with the surrounding area,	The planning proposal involves the rezoning of a site to a zone consistent with the northern adjoining property.
e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,	Given the setback of the site from the coastal foreshore there will be no overshadowing of the foreshore and no significant loss of views from a public place to the coastal foreshore.
f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,	Given the setback of the site from the coastal foreshore development involving the extension of an existing service station would not affect the scenic qualities of the coast.
g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,	The site is not mapped as Biodiversity land. The site has been previously developed for residential purposes and is largely open mowed grass land. Some planted vegetation of a domestic nature is located on the site. This vegetation is not considered to be significant. The Planning Proposal would not impact the large vegetation area located to the north of the site.
h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats	The site is significantly setback from areas of marine life. A number of Category 3 watercourses are mapped in the vicinity of the site but significantly setback from the site. The closest of these watercourses is located on the golf course to the west of the site. This water course was not visible during a site inspection and may have been piped or controlled/alterd by earthworks associated with the golf course. The water course further to the north was

Matters for consideration	Consistency with Planning Proposal
	clearly visible and passes under Larmer Avenue approximately 150m from the site. The Planning Proposal is unlikely to impact on fish, marine vegetation or their habitats.
i) existing wildlife corridors and the impact of development on these corridors,	The site does not contain areas mapped as Biodiversity land or provide for any significant wildlife corridor. The site contains a residential dwelling and is dominated by open mowed grass land.
j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,	Given the setback of the site from the coastal foreshore the change of use of the site from residential to business would not adversely impact on coastal processes and coastal hazards.
k) measures to reduce the potential for conflict between land-based and water-based coastal activities,	The Planning Proposal will not result in any conflicts between land and water based coastal activities.
l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,	The proposal will not impact on any items of known cultural importance of Aboriginals.
m) likely impacts of development on the water quality of coastal waterbodies,	Future development of the site would be subject to development assessment and sediment control and waste management measures will be required where needed.
n) the conservation and preservation of items of heritage, archaeological or historic significance,	The site contains no items of known heritage, archaeological or historic significance.
o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,	The Planning proposal aims to reclassify and rezone land to allow for the expansion of and improved service provided for local residents and visitors to the area. The proposal would utilise existing infrastructure and is connected to an established residential community. This supports the generation of compact

Matters for consideration	Consistency with Planning Proposal
	towns.

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

The following table identifies the proposal's consistency with the relevant Ministerial Directions.

Table 2: Applicable s117 directions

s.117 Direction Title	Consistency of Planning Proposal
1.1 Business and Industrial Zones A planning proposal must: a) give effect to the objectives of this direction, b) retain the areas and locations of existing business and industrial zones, c) not reduce the total potential floor space area for employment uses and related public services in business zones, d) not reduce the total potential floor space area for industrial uses in industrial zones, and e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.	The Planning Proposal is consistent with the objectives of the direction and proposes to extend an existing business area to allow the expansion of an existing business. The Planning Proposal is consistent with Direction 1.1 – Business and Industrial Zones.
2.1 Environmental Protection Zones A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection	The site is not zoned for Environmental Protection Zone. The site is within the Jervis Bay region. Clause 7.20 contains provisions relating to natural and cultural values of this region. The Planning Proposal does not seek to alter the provisions made for Environmental Protection Zones nor the controls contained with Clause 7.20.

s.117 Direction Title	Consistency of Planning Proposal
standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.	The Planning Proposal is consistent with Direction 2.1 – Environmental Protection Zones.
<u>2.2 Coastal Protection</u> A planning proposal must include provisions that give effect to and are consistent with: a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and b) the Coastal Design Guidelines 2003, and c) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).	The site is within the Coastal Zone. Clause 5.5 of SLEP contains provisions relating to development within the coastal zone. Clause 5.5 is consistent with the relevant Coastal policy, guidelines and manual. The Planning Proposal does not seek to alter the provisions of Clause 5.5. The Planning Proposal is consistent with Direction 2.2 – Coastal Protection.
<u>2.3 Heritage Conservation</u> A planning proposal must contain provisions that facilitate the conservation of: a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, b) Aboriginal objects or Aboriginal places that are protected under the	The land to which the Planning Proposal applies does not contain any known items of heritage significance. Clause 5.10 of SLEP contains provisions relating to heritage conservation. The Planning Proposal does not seek to alter provisions of Clause 5.10. The Planning Proposal is consistent with Direction 2.3 – Heritage Conservation.

s.117 Direction Title	Consistency of Planning Proposal
National Parks and Wildlife Act 1974, and c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	
3.1 Residential Zones A planning proposal must include provisions that encourage the provision of housing that will: a) broaden the choice of building types and locations available in the housing market, and b) make more efficient use of existing infrastructure and services, and c) reduce the consumption of land for housing and associated urban development on the urban fringe, and d) be of good design. A planning proposal must, in relation to land to which this direction applies: a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and b) not contain provisions which will	The Planning Proposal does not result in the creation of any residential land. Residential accommodation is prohibited under the proposed B5 zoning. Part 4 of the SLEP Development Standards. The Planning Proposal does not seek to alter provisions of Part 4 of the SLEP as it applies to Residential Zones. The Planning Proposal is consistent with Direction 3.1 – Residential Zones.

s.117 Direction Title	Consistency of Planning Proposal
reduce the permissible residential density of land.	
<u>3.4 Integrated Land Use and Transport</u> A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	The Planning Proposal provides for the expansion of an existing service station. The service station is located on a through road and services the local area. The planning proposal will not significantly increase the number of trips made in the locality. The Planning Proposal is consistent with Direction 3.4 – Integrated Land Use Transport.
<u>4.1 Acid Sulfate Soils</u> The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present. When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: • the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or • such other provisions provided by the Director-General of the Department of Planning that are	The site is mapped as Class 5 on the Acid Sulfate Soils Map. Clause 6.1 of the SLEP contains provisions relating to acid sulphate soils. The Planning Proposal does not seek to alter the provisions of Clause 7.1. The Planning Proposal is consistent with Direction 4.1 – Acid Sulfate Soils.

s.117 Direction Title	Consistency of Planning Proposal
consistent with the Acid Sulfate Soils Planning Guidelines. A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act. Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).	
<u>4.3 Flood Prone Land</u> A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation,	Part of the proposed site is classed as Flood Planning Area. The proposal does not seek to rezone land that is zoned Special Use, Special Purpose, Recreation, Rural or Environmental Protection. Clause 7.3 of the SLEP contains provisions relating to flood planning. The Planning Proposal does not seek to alter the provisions of Clause 7.3 and does not

s.117 Direction Title	Consistency of Planning Proposal
Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. A planning proposal must not contain provisions that apply to the flood planning areas which: a) permit development in floodway areas, b) permit development that will result in significant flood impacts to other properties, c) permit a significant increase in the development of that land, d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is	seek to add any additional flood planning controls. The SLEP lists no uses permitted without consent under the proposed B5 zone. Future development of the site would require development consent and be assessed in accordance with Clause 7.3. The Planning Proposal is consistent with Direction 4.3 – Flood Prone Land.

s.117 Direction Title	Consistency of Planning Proposal
inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	
<u>4.4 Planning for Bushfire Protection</u> In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made, A planning proposal must: a) have regard to Planning for Bushfire Protection 2006, b) introduce controls that avoid placing inappropriate developments in hazardous areas, and c) ensure that bushfire hazard reduction is not prohibited within the APZ. A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: a) provide an Asset Protection Zone (APZ) incorporating at a minimum: (i) an Inner Protection Area bounded by a perimeter road or	The majority of the site is mapped as Buffer with a small area to the west mapped as Vegetation Category 2 and a smaller area to the east not mapped as Bushfire Prone. Consultation with the NSW Rural Fire Service will occur following a gateway determination. This shall occur prior to community consultation. The site is currently Zoned R2 – Low Density Residential and is used for residential purposes. Rezoning the land to B5 – Business Development is likely to result in future development of the site being of a business nature. With regards to bushfire, business uses are considered to be a less sensitive receptor than residential land use (see Section 3.3.2 below). The Planning Proposal is consistent with Direction 4.4 – Planning for Bushfire Protection.

s.117 Direction Title	Consistency of Planning Proposal
reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with, c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, d) contain provisions for adequate water supply for firefighting purposes, e) minimise the perimeter of the area of land interfacing the hazard which may be developed, f) introduce controls on the	

s.117 Direction Title	Consistency of Planning Proposal
placement of combustible materials in the Inner Protection Area.	
<u>5.1 Implementation of Regional Strategies</u> Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	The Planning Proposal is consistent with the South Coast Regional Strategy (see Section 3.2.1 of this report). The Planning Proposal is therefore consistent with Direction 5.1 – Implementation of Regional Strategies.
<u>6.1 Approval and Referral Requirements</u> A planning proposal must: a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section	The Planning Proposal does not include any additional provisions to the LEP which would require the concurrence, consultation or referral of future development applications to a Minister or public authority. The Planning Proposal is consistent with Direction 6.1 – Approval and Referral Requirements.

s.117 Direction Title	Consistency of Planning Proposal
57 of the Act, and c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	
<u>6.2 Reserving Land for Public Purposes</u> A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of	The site proposed to be rezoned is currently zoned residential and is not used for any public purposes. This Planning Proposal does not seek to rezone and reclassify public land currently reserved for public purposes. The Planning Proposal is consistent with Direction 6.2 – Reserving Land for Public Purposes.

s.117 Direction Title	Consistency of Planning Proposal
Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must: a) reserve the land in accordance with the request, and b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and c) identify the relevant acquiring authority for the land. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must: a) include the requested provisions, or b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for	

s.117 Direction Title	Consistency of Planning Proposal
acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.	
6.3 Site Specific Provisions A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: a) allow that land use to be carried out in the zone the land is situated on, or b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. A planning proposal must not contain or refer to drawings that show details of the development proposal.	The Planning Proposal seeks to rezone the land to an existing zone within the Shoalhaven LEP 2014. The Planning Proposal does not seek to impose any additional development standards or requirements than already apply to this zone. While a concept site layout for the site has been prepared, this is not formally part of the Planning Proposal. This concept and has been prepared only to illustrate one method of satisfying the objective of the Planning Proposal. The Planning Proposal is prepared under Part 3 of the EP&A Act and seeks only to amend the Shoalhaven LEP. Any development thereafter would be subject to the Development Assessment process under Part 4 of the EP&A Act. The Planning Proposal is consistent with Direction 6.3 – Site Specific Provisions.

3.3 Environmental, Social and Economic Impact

3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Shoalhaven LEP contains Biodiversity and Riparian Lands & Watercourses maps which link with Clause 7.5 Terrestrial Biodiversity and Clause 7.6 Riparian Land and Watercourses containing controls for development occurring on or within close proximity of identified land. Clause 5.9 provides controls for the preservation of trees and vegetation also. The planning proposal does not seek to change the Biodiversity and Riparian maps nor Clause 5.9, 7.5 or 7.6 of the Shoalhaven LEP. These clauses would apply to any future development of the land.

The site is not mapped as containing biodiverse land or riparian land. A small number of Category 3 watercourses are mapped in the vicinity however none are mapped within the subject site. A site inspection reveals that the site is predominately mowed grass with limited landscape vegetation along the side boundaries and in the front and rear yard. The existing vegetation is not considered to be significant.

Limited vegetation exists on the adjoining golf course near the western (rear) boundary. A larger area of vegetation is located approximately 60m to the north of the subject site and connects with other vegetation and habitat corridors in the locality. Land to the east of the site contains open grassland with increasing vegetation density as it approaches and connects into this corridor. Larmer Avenue separates this eastern land from the subject site. The land to the north is buffered from the subject site by a tyre service centre and the petrol station. The Planning Proposal intends to extend the business zone to the south, away from this vegetation area.

The site is located in a row of properties located along the western side of Larmer Avenue. Properties to the south of the site have been developed for residential purposes; properties to the north of the site have been developed for business uses. Changing the zoned land use from residential to business is not likely to adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

3.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Flooding

Part of the subject site is classed as Flood Planning Area under the Shoalhaven LEP 2014. The site is currently Zoned R2 – Low Density Residential and is used for residential purposes. Rezoning the land to B5 – Business Development is likely to result in future development of the site being of a business nature. Risk to life resulting from flooding is considered lower for a business use than a residential use. It is proposed that

development of this site would be managed through the provisions of Clause 7.3 of the Shoalhaven LEP 2014.

Bushfire

The site is bushfire prone according to the Bushfire Prone Land map certified by the Commissioner of the NSW Rural Fire Service for Shoalhaven City Council. The majority of the site is mapped as Buffer with a small western portion of the site mapped as Vegetation Category 2 and a smaller portion to the east not mapped as bushfire prone.

Planning for Bushfire Protection (RFS, 2006) is primarily concerned with the protection of various types of dwellings (e.g. residential, tourist, nursing homes, motels, mobile home estates etc.). As the Planning Proposal intends to rezone land from residential to business, which is considered to be a less sensitive land use receptor, PBP (RFS, 2006) will no longer strictly apply. It should be recognized that while PBP 2006 and AS3959 provide a consistent and transparent basis for determining minimum requirements for Asset Protection Zones (APZs) and construction requirements for residential and special purpose developments in bush fire prone areas in NSW, industrial/commercial developments are not required to achieve the same APZ/construction requirements as residential or special purpose development sited at the same location. Therefore as a business development (Class 5,6,7 and 8), the *Building Code of Australia* (BCA) bushfire performance requirements i.e AS3959-2009 – *Construction of Buildings in Bushfire Prone Areas* will not apply however the aims and objectives of *Planning for Bushfire Protection* (NSW RFS 2006 and 2010) will continue to apply, particularly the provisions relating to access, services and defensible space.

3.3.3 Has the Planning Proposal adequately addressed any social and economic effects?

Economic Impact

The Planning Proposal will not have an adverse economic impact on other business zoned land in the locality. The Sanctuary Point business centre is located 700m-1km to the south of the site. This land is Zoned B2 – Local Centre and contains a variety of goods and services including an IGA. Shops and businesses are primarily located along Paradise Beach Road and Kerry Street. Off street parking is provided and the shops and businesses form a strong community hub. No petrol station is currently located within this local business centre.

In accordance with the Jervis Bay Settlement Strategy (see Section 3.2.2), land approximately 3.2km to the north-east of the site at the intersection of Wool Road and Jervis Bay/Navel College Road is also zoned B2. No petrol station is currently located on this land.

The three (3) other petrol stations existing within the Vincentia area are on land zoned B2 – Local Centre. The Planning Proposal does not seek to rezone the land to B2, rather to extend the existing B5 zone. The objective of the B2 and B5 zones are significantly different.

In addition to the zoning, the land size between the B5 and B2 zones is also significantly different. The Planning Proposal would rezone 1,114.8m² of land to B5. This would create a B5 zone with a total area of 3,344.4m² (including the land proposed for rezoning, the existing petrol station and tyre service centre). This is significantly smaller than the Sanctuary Point and Wool Road B2 zoned land.

As a result of the different business zoning and the land size, the Planning Proposal will not create land that would compete economically with the B2 land at Sanctuary Point or Wool Road. The Planning Proposal is likely to have a positive impact on the local economy by providing land suitable of supporting the existing Business Centre and residential area. The vehicle queuing observed at the existing service station is testament to the demand for greater service provision in the locality and the proposal will allow for improved vehicle flow into the petrol station and extension of the service area.

Residential Impact

Any queuing for the southern entrance of the petrol station currently occurs across the frontage of the adjoining residential land. The objective of the Planning Proposal is to improve flow onto the site so that this will not occur.

Land use conflicts can occur where zoning boundaries change. There is an existing change from an R2 zone to a B5 zone along the southern boundary of the existing service station. The Planning Proposal will relocate this zone interface 30m to the south. Any land use conflicts associated with this interface would need to be managed as part of the Development Assessment process. Notwithstanding the role of the Development Assessment process, the relocation of the zone boundary 30m to the south will have the potential to impact on the residential dwelling located at 151-153 Larmer Avenue, Sanctuary Point. In this regard the following points are made:-

- The Planning Proposal seeks to improve the operation of the service station to avoid queuing onto Larmer Avenue as currently occurs. This is likely to have a positive impact on the R2 land.

- The relatively recently constructed dwelling located at 151-153 Larmer Avenue has been designed with a driveway and double garage on the northern side thereby providing a separation between the main habitable areas of this dwelling and the proposed B5 land.
- The concept master plan illustrates how a future development application for the site would be able to provide landscaping along the southern boundary.

3.4 State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

The Planning Proposal seeks to rezone land from residential to business. The land has an area of 1,114.8m² and the objective of the Planning Proposal is to allow for the expansion of an existing service station. The site has a frontage to Larmer Avenue and access to adequate infrastructure.

Development of the land for uses permitted under the B5 zone and at a scale determined by the land size would not adversely impact on existing public infrastructure.

3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

No State or Commonwealth authorities have been consulted as part of the preparation of this Planning Proposal.

It is requested that the Gateway determination confirm the following list of State authorities to be consulted and nominate any other State or Commonwealth authorities required for consultation.

- NSW Rural Fire Service (As per s117 Direction 4.4)

4 Mapping

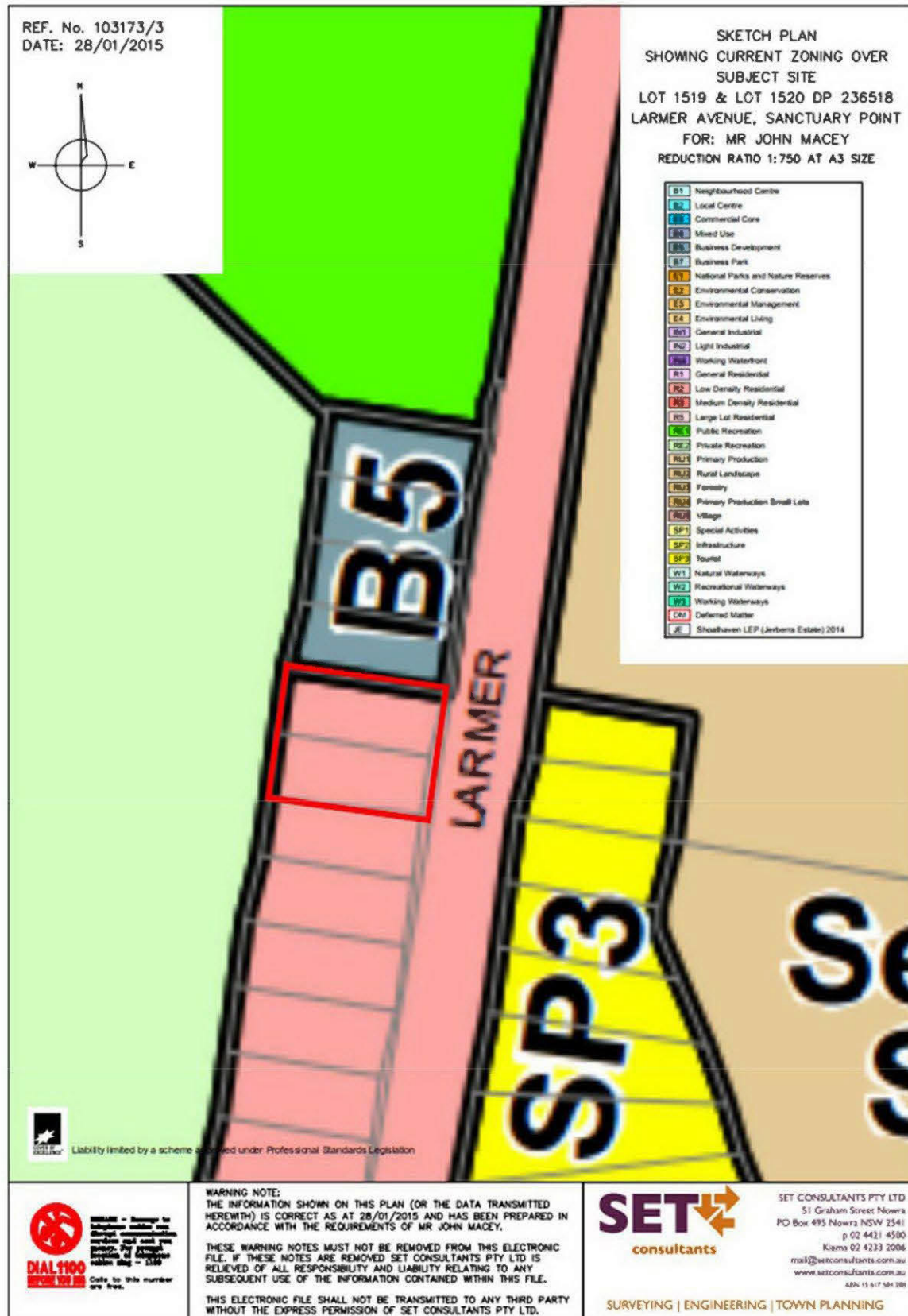
The following images illustrate the subject sites current land use zoning and proposed land use zoning amendments to the Shoalhaven LEP 2014. Changes to the Principal Development Standards are outlined in Section 2. These changes will be mapped after the gateway determination. The maps below are reproduced in the Appendix on the

paper size mentioned on the scale. Aerial photographs of the sites are also included in the Appendix.

4.1 Land the subject of the Planning Proposal



4.2 Current Land Use Zone under the Shoalhaven Local Environmental Plan 2014



4.3 Proposed Land Use Zone under this Planning Proposal



5 Community Consultation

Following the Gateway determination and approval from the Director-General (or delegate), the Planning Proposal will be exhibited for a minimum period of 28 days and include:

- Notification in local newspaper;
- Hard copies made available at the Council Administration Building;
- Link to an electronic copy on Council's website;
- Notification letters to adjoining and surrounding property owners;
- Letters to any State and Commonwealth Public Authorities identified in the gateway determination; and
- Any other consultation methods deemed appropriate for the proposal.

6 Project Timeline

The following table outlines the anticipated timeline for the project.

Table 3: Project Timeline

Stage	Anticipated Timeframe	Possible Dates
Planning Proposal to the Department	Following Council meeting March 2015	March 2015
Gateway determination	4 weeks from Council forwarding the Planning Proposal to the Minister	April 2015
Completion of any technical information or studies as determined by Gateway	4 – 6 weeks from the gateway determination	May 2015
Consultation with State / Commonwealth agencies	4 weeks from the completion of any technical information or studies	June 2015
Exhibition of Planning Proposal (assuming Director General's approval for community consultation was issued with the Gateway determination)	4 weeks	July 2015
Review of submissions and report to Council	First available Council meeting after review of submissions.	August 2015

Stage	Anticipated Timeframe	Possible Dates
Report to Council		August 2015
Submission to the department to finalise (unless function was delegated)	4 - 6weeks from Council meeting	September 2015
Anticipated date LEP will be notified		October 2015

7 Appendix

Appendix - Photographs for Larmer Avenue, Sanctuary Point



Figure 1: Subject site (No.149-151 Larmer Avenue).



Figure 2: Existing vegetation on eastern (front) portion of subject site.

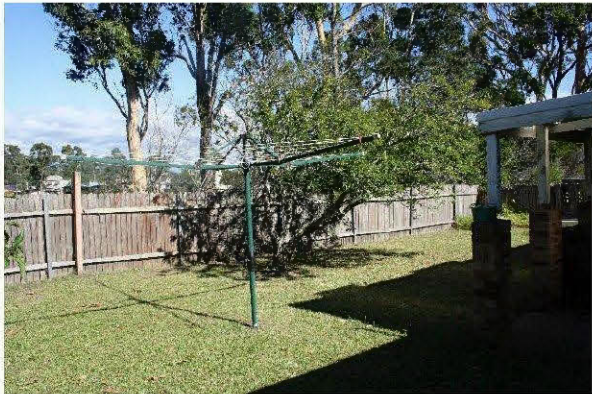


Figure 3: Existing vegetation on western (rear) portion of subject site.

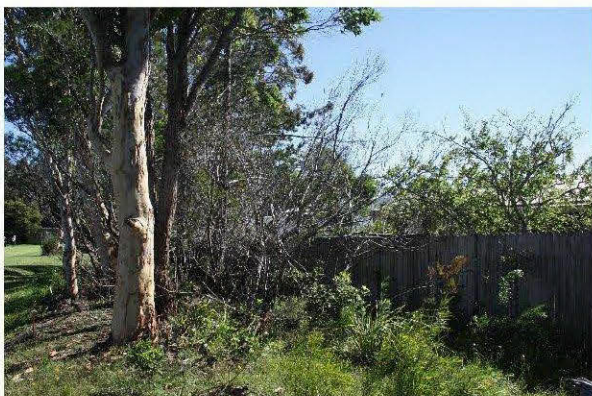


Figure 4: Trees located on adjoining golf course near western boundary of subject site.

Appendix - Photographs for Larmer Avenue, Sanctuary Point



Figure 5: Existing petrol station at 145-147 Larmer Avenue.



Figure 6: Subject site and adjoining properties on Larmer Avenue.

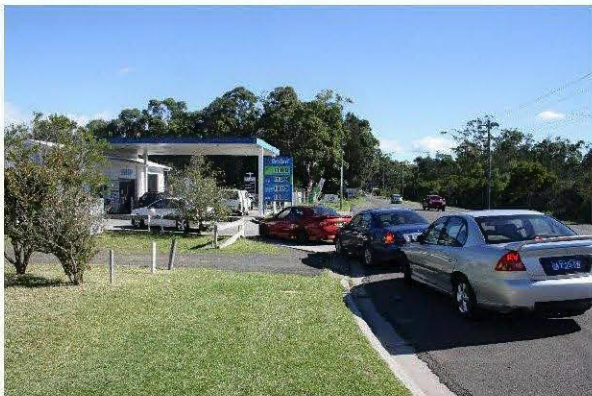


Figure 7: Cars using the southern left in entry to existing petrol station

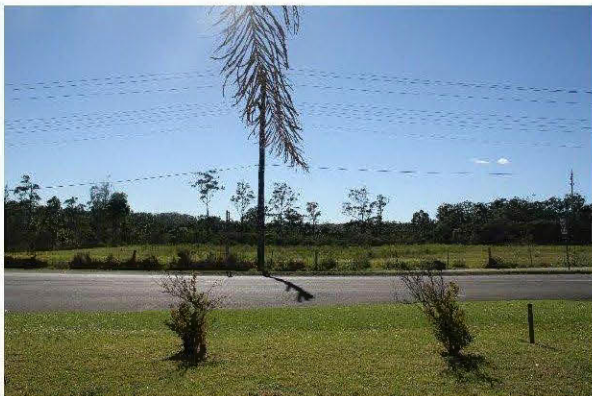


Figure 8: Land on eastern side of Larmer Avenue (opposite the subject site)

Appendix - Photographs for Larmer Avenue, Sanctuary Point

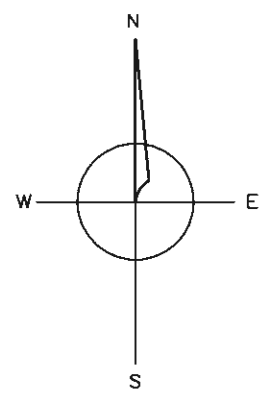


Figure 9: Existing petrol station and tyre service centre located land currently zoned Business.



Figure 10: Vegetation located north of the business land on Larmer Avenue.

REF. No. 103173/3
DATE: 28/01/2015



GOLF COURSE

PUBLIC RESERVE

SKETCH PLAN
SHOWING SUBJECT SITE
LOT 1519 & LOT 1520 DP 236518
LARMER AVENUE, SANCTUARY POINT
FOR: MR JOHN MACEY
REDUCTION RATIO 1:400 AT A3 SIZE



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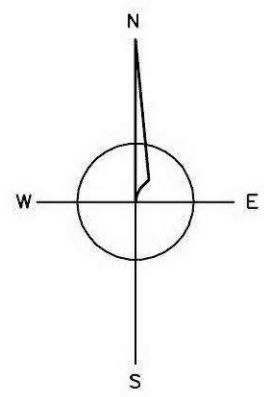
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REF. No. 103173/3
DATE: 28/01/2015



SKETCH PLAN SHOWING
AERIAL MAP OVER SUBJECT SITE
LOT 1519 & LOT 1520 DP 236518
LARMER AVENUE, SANCTUARY POINT
FOR: MR JOHN MACEY
REDUCTION RATIO 1:400 AT A3 SIZE



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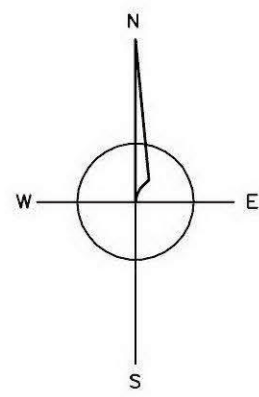
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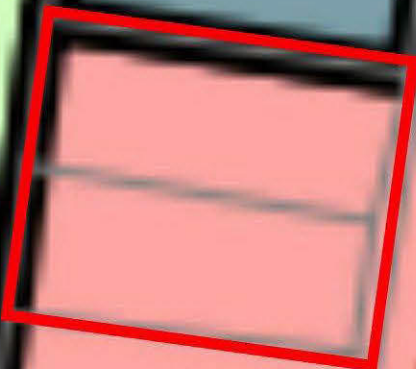
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REF. No. 103173/3
DATE: 28/01/2015



SKETCH PLAN
SHOWING CURRENT ZONING OVER
SUBJECT SITE
LOT 1519 & LOT 1520 DP 236518
LARMER AVENUE, SANCTUARY POINT
FOR: MR JOHN MACEY
REDUCTION RATIO 1:750 AT A3 SIZE

B1	Neighbourhood Centre
B2	Local Centre
B3	Commercial Core
B4	Mixed Use
B5	Business Development
B7	Business Park
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
E4	Environmental Living
IN1	General Industrial
IN2	Light Industrial
IN4	Working Waterfront
R1	General Residential
R2	Low Density Residential
R3	Medium Density Residential
R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU2	Rural Landscape
RU3	Forestry
RU4	Primary Production Small Lots
RU5	Village
SP1	Special Activities
SP2	Infrastructure
SP3	Tourist
W1	Natural Waterways
W2	Recreational Waterways
W3	Working Waterways
DM	Deferred Matter
JE	Shoalhaven LEP (Jerberra Estate) 2014



LARMER

SP3

Se



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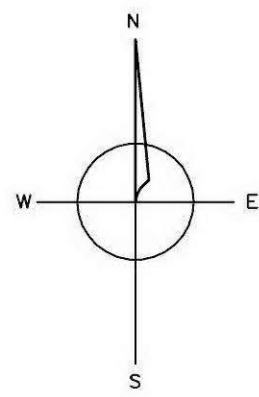
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SURVEYING | ENGINEERING | TOWN PLANNING

REF. No. 103173/3
DATE: 28/01/2015



SKETCH PLAN
SHOWING PROPOSED ZONING OVER
SUBJECT SITE
LOT 1519 & LOT 1520 DP 236518
LARMER AVENUE, SANCTUARY POINT
FOR: MR JOHN MACEY
REDUCTION RATIO 1:750 AT A3 SIZE

B1	Neighbourhood Centre
B2	Local Centre
B3	Commercial Core
B4	Mixed Use
B5	Business Development
B7	Business Park
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
E4	Environmental Living
IN1	General Industrial
IN2	Light Industrial
IN4	Working Waterfront
R1	General Residential
R2	Low Density Residential
R3	Medium Density Residential
R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU2	Rural Landscape
RU3	Forestry
RU4	Primary Production Small Lots
RU5	Village
SP1	Special Activities
SP2	Infrastructure
SP3	Tourist
W1	Natural Waterways
W2	Recreational Waterways
W3	Working Waterways
DM	Deferred Matter
JE	Shoalhaven LEP (Jerberra Estate) 2014

B5

LARMER

SP3

SP3



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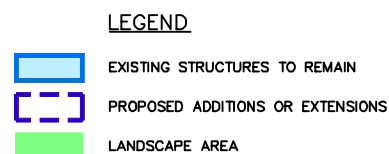
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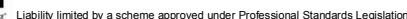
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DEVELOPMENT OF SITE
SUBJECT TO FUTURE D.A.
BEING APPROVED BY COUNCIL

GOLF COURSE



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