

Planning Proposal PP030

Proposed amendments to *Shoalhaven Local Environmental Plan 2014* to:

- 1) Increase the maximum permissible building height in the southern part of Ulladulla Town Centre, and
- 2) Rezone 116-126 St Vincent Street and 37-41 Deering Street, Ulladulla (9 properties) from B5 Business Development to B4 Mixed Use.

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Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Shoalhaven City Council's website: www.shoalhaven.nsw.gov.au

Contact:

Strategic Planning Team

Phone: (02) 4429 3111

e-mail: council@shoalhaven.nsw.gov.au

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- 3 Gateway Determination(s)
4. Consistency with Local Planning Directions
5. Consistency with State Environmental Planning Policies
6. Consistency with Council's Community Strategic Plan

Supporting Technical Studies

- 1 Ulladulla Building Height Review Report 2017

Other Documents

1. A Guide to Preparing Planning Proposals
2. A Guide to Preparing Local Environment Plans
3. Local Planning Directions
4. State Environmental Planning Policies
5. Shoalhaven Local Environmental Plan 2014
6. Shoalhaven Development Control Plan 2014

Introduction

This Planning Proposal recommends amendments to *Shoalhaven Local Environmental Plan 2014* (the LEP) to:

1. Increase the maximum permissible building height in the southern part of Ulladulla Town Centre, and
2. Rezone the 9 properties at 116-126 St Vincent Street and 37-41 Deering Street, Ulladulla from B5 Business Development to B4 Mixed Use.

These changes are intended to encourage the redevelopment of the southern part of Ulladulla Town Centre with mixed-use development including apartments, shops, and commercial premises. New development will contribute to economic activity in this location, helping to support local businesses. It also provides opportunities to activate local streets and improve the pedestrian environment.

This Proposal applies to the land identified with a red boundary in Figure 1. This land, consisting of about 90 properties, is in the southern part of the Town Centre and is generally bounded by St Vincent Street, Parson Street, Burrill Street South, Jubilee Avenue, Deering Street and the Princes Highway. Appendix 1 provides a full list of properties. This land is occupied by a broad range of commercial, industrial and residential development including steel fabrication, offices, vehicle mechanics, shops, and detached dwellings.

The smaller area proposed to be rezoned at 116-126 St Vincent Street and 37-41 Deering Street has been developed with a range of light industrial uses, including some storage premises. This land is highlighted in blue in Figure 1 and includes the following nine properties:

No.	Address	Property Description
1	116 St Vincent Street	Lot 1 DP 21597
2	118 St Vincent Street	Lot 2 DP 21597
3	120 St Vincent Street	Lot 3 DP 21597
4	122 St Vincent Street	Lot 4 DP 21597
5	124 St Vincent Street	Lot 5 DP 21597
6	126 St Vincent Street	Lot 6 DP 21597
7	37 Deering Street	Lot 7 DP 21597
8	39 Deering Street	Lot CP SP 42583
9	41 Deering Street	Lot 9 DP 21597

Table 1 – Land proposed to be rezoned

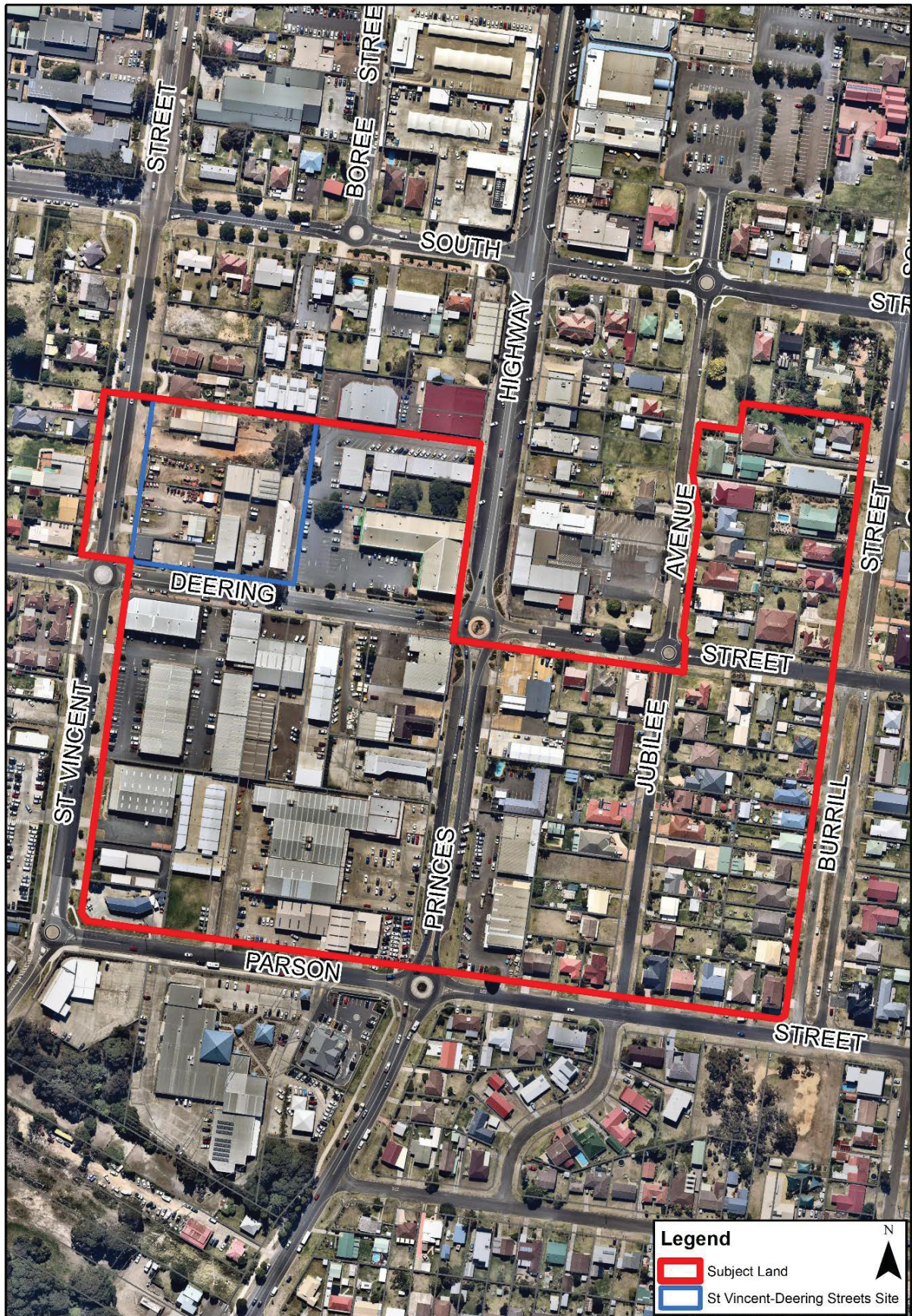


Figure 1 – Land affected by this planning proposal

A Planning Proposal is the key document in the process, known as the *Gateway Process*, for making and amending local environmental plans. It explains the intended effect of and sets out the justification for the proposed changes. The NSW Department of Planning and Environment has published detailed guidance on the Gateway Process. The Department's *Guide to Preparing Local Environmental plans* and *Guide to Preparing Planning Proposals* are available on its website.

The Gateway Process has several steps, set out in Table 2, that require this document to be updated as it progresses to the next step. This version of the proposal has been prepared for community consultation.

No.	Step	Explanation
1	Planning Proposal	Council prepares a document explaining the intended effect of and justification for amending a local environmental plan.
2	Gateway Determination	The Minister for Planning, acting as a checkpoint, determines whether a Planning Proposal should proceed.
3	Community Consultation	The Planning Proposal is publicly exhibited.
4	Assessment	Council considers the submissions received in response to the exhibition, varying the Planning Proposal as necessary. It can also determine not to proceed with the Proposal.
5	Drafting	The NSW Parliamentary Counsel Office prepares a draft local environmental plan.
6	Decision	The Minister for Planning approves the local environmental plan, making it law. In this instance, the Minister has delegated his decision-making powers to Council.

Table 2 – Gateway Process

The current Gateway Determination requires Council to exhibit the proposal for a minimum of 28 days and complete it by 1 November 2019. It also requires the following technical studies to be prepared to support the proposed rezoning of the St Vincent-Deering Street site:

- Economic feasibility analysis
- Visual impact assessment
- Preliminary land contamination assessment.

The remainder of this document is split into the following parts:

Part	Description
1	The objectives and intended outcome of the Planning Proposal
2	An explanation of the provisions (or clauses) to be included in the LEP
3	Justification for the objectives and intended outcomes
4	Maps identifying the changes to the planning controls
5	Details of the intended community consultation
6	Projected timeline

Table 3 – Parts of a Planning Proposal

Part 1 – Objectives and Intended Outcomes

The objective of this Planning Proposal is to encourage the redevelopment of the southern part of Ulladulla Town Centre with mixed-use development including apartments, upgraded shops, and commercial premises. New development will:

- Contribute to the Town Centre's role as a strategic centre in the Shoalhaven.
- Provide a range of housing with good access to the Town Centre and the jobs, shops and services it provides.
- Generate new jobs.
- Increase activity in this location, helping to support local businesses.
- Activate local streets and improve the pedestrian environment.
- Enhance the Town Centre's appearance.
- Serve as a catalyst for further investment and development in the Town Centre.

This objective can be achieved by:

1. Increasing the maximum permissible building height in the identified part of the Town Centre to provide an incentive for new development, and
2. Allowing a greater mix of development types or uses on the St Vincent-Deering Street site.

The current planning controls limit the height of buildings to 7.5 metres, or 2-storeys. The St Vincent-Deering Street site is currently zoned B5 Business Development, permitting its development with business and warehouse uses, and shops requiring a large floor area for bulky goods.

The intended outcome of this proposal is to amend the current planning controls to:

1. Increase the range of maximum heights to between 11 and 14 metres, or about 3-4-storeys, and
2. Rezone the St Vincent-Deering Street site to encourage its development with a compatible mix of businesses, offices, shops and residential apartments.

Part 2 – Explanation of Provisions

The intended outcome can be delivered by changing the planning controls applying to the site in *Shoalhaven Local Environmental Plan 2014*. This includes:

- Clause 4.3 *Height of Buildings*, and the *Height of Buildings Map*, and
- The *Land Zoning Map*.

Clause 4.3 *Height of buildings*, and the associated map, function by setting a limit, or development standard, for the height (in metres) of new buildings. The current development standard in the identified part of the Town Centre is set at 7.5 metres or 2 storeys.

The *Land Zoning Map* applies various land use zones to land within the Shoalhaven. Each zone has a set of objectives to guide future development outcomes and list of the permitted and prohibited types of development. The *Land Zoning Map* zones the St Vincent-Deering Street site *B5 Business Development*, which permits its development with business and warehouse uses, and shops requiring a large floor area for bulky goods.

To achieve the intended outcome, this Planning Proposal recommends:

1. Increasing the height of building development standard on the *Height of Buildings Map* to 11 metres (3-storeys) and, for some selected sites, 14 metres (4-storeys), and
2. Identifying the St Vincent-Deering Street site as *B4 Mixed Use* on the *Land Zoning Map*. This zone will encourage the development of the site with a mix of businesses, offices, shops and residential apartments.

Part 4 – Mapping of this Proposal identifies the changes to the *Height of Buildings Map* and *Land Zoning Map*.

All other planning controls applying to the identified sites will remain unchanged.

Part 3 – Justification

This part of the Planning Proposal is split into the following sections:

Section Title	
A	Need for the Planning Proposal
B	Consistency with the Strategic Planning Framework
C	Environmental, Social and Economic Impacts
D	State and Commonwealth Interests

Table 4 – Sections in Part 3 of the Planning Proposal

Section A – Need for the Planning Proposal

This Planning Proposal implements the recommendations of the *Ulladulla Building Height Review Report* commissioned by Council in June 2017. This report reviewed the built form permitted by current planning controls and identified the changes required to encourage new development consistent with the adopted:

- *Milton-Ulladulla Structure Plan 1998*, and
- *Chapter S8 Ulladulla Town Centre of Shoalhaven Development Control Plan 2014*.

These two strategic planning documents plan the continued development of the Town Centre as a vibrant, mixed-use centre with a diversity of shops and businesses and quality residential and holiday apartments. New development will:

- Deliver new homes, including more affordable options such as one- and two-bed apartments,
- Support and promote the use of existing public transport and other infrastructure by locating new homes and businesses in the Town Centre,
- Create new jobs, including construction jobs,
- Increase activity, spending and demand for new shops and services across the Town Centre because of the increased workforce and new residents, and
- Be better designed, activating local streets and improving the public domain.

The building height review report, provided as a supporting technical study, recommends increasing the height limit from 7.5 metres (2-storeys) to 11 metres (3-storeys) and, in a small area, 14 metres (4-storeys). These heights would encourage a transition, or step, in height from the core of the Town Centre to the surrounding

lower density residential development. Figure 2 indicates the recommended building heights.



Figure 2 – Recommended building heights

This Proposal also responds to a request from the owners of the St Vincent-Deering Street site (via a rezoning application) to rezone the site from *B5 Business Development* to *B4 Mixed Use* and increase the maximum permissible building height from 7.5 metres to 14 metres. The owners are seeking these changes as they wish to take advantage of the site's proximity to the Town Centre and develop it with a mixed-use development providing space for shops and business on the ground floor with residential apartments above.

While the current *B5 Business Development* zone would permit this outcome, the *B4 Mixed Use* provides greater flexibility in the mix and type of compatible land-uses. The recommended zone would also allow the site to be developed solely for residential purposes, potentially reducing the impact of new development on existing residential development on the opposite side of St Vincent Street.

The requested building height control, at 14 metres, is 3 metres more than the height recommended in the *Ulladulla Building Height Review Report* (11 metres). An economic feasibility analysis and visual impact assessment support the recommended changes in zone and building height.

Section B – Relationship to the Strategic Planning Framework

Illawarra-Shoalhaven Regional Plan 2015

This Planning Proposal is consistent with the NSW Department of Planning & Environment's *Illawarra-Shoalhaven Regional Plan 2015*.

This Plan sets a vision of “[...] a sustainable future and a resilient community, capable of adapting to changing economic, social and environmental circumstances.” To achieve this, the Plan highlights the importance of:

- Strengthening the economic role of established centres, including the identified *Milton-Ulladulla Regional Centre*.
- Providing new homes close to existing jobs, shops, and services, and
- Contributing to greater housing affordability by providing a range of housing options to meet the needs of different households (singles, families, aged) and satisfy the demand for visitor accommodation.

The Plan implements the Vision through a set of Goals, Directions, and Actions. The Goals are centred around:

- A strong, resilient, and diversified economy,
- A variety of housing choices,
- Strong, healthy and well-connected communities,
- The appropriate use of agricultural and resource lands, and
- Protection and enhancement of the natural environment.

The Plan identifies Ulladulla as part of the *Milton-Ulladulla Regional Centre*, a major town centre servicing the local area and surrounding suburbs. The Plan recognises the Town Centre's role in providing a range of business, retail and entertainment uses, including supermarkets, health and other services, as well as opportunities for higher density residential development.

This Proposal responds to the Goals, Directions, and Actions of the Regional Plan and helps the Town Centre respond to its identified role by facilitating:

- Commercial and retail floor space to provide new employment opportunities.

- Residential development to help meet current demand and increase housing diversity with apartments.
- New housing close to existing services and jobs helping to reduce travel times and car dependency, whilst enabling more walking and cycling.
- Improved public domain, pedestrian amenity and street-level activity.
- Focussed growth in existing urban areas to avoid impacts on the natural environment and agricultural and resource lands.

Local Planning Directions

The NSW Minister for Planning has issued *Local Planning Directions* for Council to follow when preparing a Planning Proposal. These Directions cover:

- Employment and resources
- Environment and heritage
- Housing. Infrastructure and urban development
- Hazard and risk
- Regional planning
- Local plan making

This Planning Proposal is consistent with all applicable Local Planning Directions. The most important Directions for this proposal are considered below. Appendix 4 provides a summary of the consistency of this Proposal with all relevant Directions.

1.1 Business and Industrial zones

This Direction encourages employment growth in suitable locations, protects employment land in business zones, and supports the viability of identified centres. This Proposal needs to consider this Direction as it affects land in an existing business zone.

This Proposal is consistent with this direction as the recommended amendments:

- Encourage the development of existing urban land with employment generating uses by offering an incentive through increased building heights for new development,
- Retain the amount of land zoned for business purposes (the B4 and B5 zones are both business zones), and
- Support the viability of Ulladulla Town Centre.

2.2 Coastal Management

This Direction protects and manages coastal areas of NSW. This Proposal needs to consider this Direction as a small area of the land affected by the Proposal (19 properties) is located within the identified *coastal use area*. The addresses of the 19 properties are:

- 6-16 Jubilee Ave (6 properties)
- 90-94 South Street (3 properties)
- 35-53 Burrill Street South (8 properties)
- 59-61 Deering Street (2 properties)

The recommended increase in building height is consistent with the various documents listed in this Direction as these documents were considered and addressed during the preparation of the *Shoalhaven Local Environmental Plan 2014*, *Shoalhaven Development Control Plan 2014*, and *Ulladulla Building Height Review Report 2017*. In addition, the recommended amendments do not affect land within a coastal vulnerability area or affected by a current or future coastal hazard.

3.1 Residential Zones

This Direction encourages housing variety, and the location of new residential development to make use of existing infrastructure and services and minimise impacts on environment and resource lands. This Proposal needs to consider this Direction as it affects land in an existing residential zone.

The recommended amendments are consistent as they will:

- Broaden the choice of housing within the Town Centre by facilitating smaller types of dwellings, including apartments,
- Encourage housing development within the Town Centre close to existing infrastructure, jobs, shops and services, and
- Focus development within the existing urban area, reducing the need to develop environmentally sensitive and resource land.

State Environmental Planning Policies

The NSW Government publishes State Environmental Planning Policies (SEPPs). These documents deal with matters of State or Regional planning significance. The most important SEPPs are considered below. Appendix 5 provides an assessment of the consistency of this Proposal with published SEPPs. This Planning Proposal is consistent with all applicable State Environmental Planning Policies.

State Environmental Planning Policy No. 55 – Remediation of Land

This SEPP addresses the management of contaminated land. The SEPP sets several considerations for rezoning potentially contaminated land, including:

- Identifying whether the land is contaminated,
- If the land is contaminated, it is suitable in its contaminated state (or will be suitable, after remediation) for the uses permitted by the proposed zone, and
- If the land requires remediation to be made suitable for any uses permitted by the proposed zone, the land can be remediated.

This Proposal needs to follow the instructions of this SEPP as it recommends changing the zone (from B5 Business Development to B4 Mixed Use) applying to the St Vincent-Deering Street site, a potentially contaminated site because of its current or previous use. Although residential development in the form of shop-top housing is currently permitted on this site, the recommended zone allows flat buildings with units on the ground floor. This requires further investigation to ensure there are no risks to any future residents.

This Proposal is supported by a preliminary investigation carried out in accordance with the *Managing Land Contamination Planning Guidelines 1998*. This investigation found the St Vincent-Deering Street site suitable for the range of uses allowed in the B4 Mixed Use zone.

The recommended increase in building heights across the larger area does not need a similar investigation as it does not change the zone or the permitted types of development. The issue of any land contamination and remediation will still be addressed, albeit during the consideration of development application(s) for the land.

State Environmental Planning Policy (Coastal Management) 2018

This SEPP addresses land use planning and development in the identified *coastal zone* and a range of subsequent *coastal areas*. This Proposal needs to consider the requirements of this SEPP as it applies to a small area (19 properties) located within the *coastal use area*.

The SEPP sets planning controls for development on land within the coastal use area that needs to be considered whenever a development application is lodged. These controls are supported by the *Shoalhaven Local Environmental Plan 2014* and *Shoalhaven Development Control Plan 2014*. They were also considered during the preparation of the *Ulladulla Building Height Review Report 2017*.

Council's Strategic Planning Framework

This Proposal is consistent with Council's *Integrated Strategic Plan* consisting of the Community Strategic Plan, Delivery Program, and Operational Plan. It is consistent with the adopted *Milton-Ulladulla Structure Plan 1998*, which sets principles to manage the appropriate growth and development of the Milton-Ulladulla area.

Integrated Strategic Plan

Council's Integrated Strategic Plan is based on the community's long-term aspirations for the Shoalhaven, as captured in the *Community Vision Statement*.

We will work together in Shoalhaven to foster a safe and attractive community for people to live, work, stay and play; where sustainable growth, development and environmental protection are managed to provide a unique and relaxed lifestyle.

These aspirations have been translated into the following 4 broad *Themes*, with each Theme supported by a set of *Priorities*, *Goals*, and *Actions* that deliver the vision statement:

1. Resilient, safe and inclusive communities
2. Sustainable, liveable environments
3. Prosperous communities
4. Responsible governance

The changes to the planning controls recommended by this Proposal will principally assist in achieving the outcomes of Themes 1-3.

The recommended changes will encourage investment and create new jobs in the Town Centre, primarily through new mixed-use development. New development will help stimulate the Town Centre, including the night-time economy, with new residents and the activity generated by commercial uses. New residents will support existing shops and services and create demand for new shops and services.

New residential development will assist in meeting the current demand for dwellings and the form of the housing, apartments, will provide increased housing diversity. Any new homes will also be close to existing services and jobs helping to reduce travel times and car dependency, whilst enabling more walking and cycling.

The future built form outcomes will be settled through the development consent process, which will ensure that development responds to the location and enhances the Town Centre's appearance.

Appendix 6 provides an assessment this Proposal's consistency with Council's Integrated Strategic Plan.

Milton-Ulladulla Structure Plan 1998

This Structure Plan underpins the current zoning of the land and establishes a set of principles to manage appropriate growth and development. This Plan identifies the Town Centre as a sub-regional retail core and the commercial hub of the southern part of the Shoalhaven Region. It identifies the desired outcome for the land to which

this Proposal applies – *tourist orientated retail* and *fringe commercial- industrial*. This Plan also outlines the demand for appropriate housing in the Milton-Ulladulla area, addressing both the amount and type of housing required to meet the community's needs.

The recommended increase in building height will provide flexibility in the planning controls to:

- Promote the development of shop-top housing and higher density residential development, generally providing smaller dwellings to meet the needs of smaller families and households, and
- Deliver contemporary floor-to-ceiling heights for each storey within a new development.

The proposed rezoning of the St Vincent-Deering Street site to B4 Mixed Use zone enables the provision of commercial, business and retail premises, meeting the tourist orientated retail aims.

Council's Local Planning Documents

Shoalhaven Local Environmental Plan 2014 (the LEP) implements the Milton-Ulladulla Structure Plan by setting the land use zones for the area affected by this Proposal. These zones include the B4 Mixed Use zone, B5 Business Development zone, and the R3 Medium Density Residential zone. Apart from the St Vincent-Deering Street site, no change is proposed to these zones.

The LEP also applies several other planning controls dealing with matters such as height of buildings and floor space ratio. This Proposal is only recommending the amendment of the height of building control. All other controls will remain unchanged.

Shoalhaven Development Control Plan 2014 (the DCP) applies to the area affected by this Proposal. *Chapter S8 Ulladulla Town Centre* of the DCP sets detailed development controls for:

- Bulk, scale and design of new buildings,
- Pedestrian amenity,
- Access, parking and services,
- Sustainable development.

No changes are proposed to the DCP.

Section C – Environmental, Social and Economic Considerations

This section reviews the challenges and opportunities presented by the land and how future development can be managed.

Biodiversity

It is unlikely this proposal will affect any critical habitat or threatened species, populations or ecological communities or their habitats as the land is developed and within an urban area.

Bulk and scale of development and overshadowing

The bulk and scale of new development and potential overshadowing were considered in the building heights report. These matters, along with urban design, visual connections, views and local character are managed by the development control plan.

The visual assessment supporting the proposed changes to zone and building height for the St Vincent-Deering Street site demonstrates the increase in permissible building height will have a minimal impact on views towards and in the Town Centre.

Contamination

The preliminary land contamination report identifies the site is suitable for the types of development and uses permitted in the proposed zone, providing detailed investigation and any necessary remediation is undertaken prior to any development.

Traffic and Transport

Any future development proposal will need to provide suitable car parking arrangements and demonstrate the existing road network can accommodate the traffic generated by the proposal.

Social Considerations

Urban renewal opportunities in the Town Centre have the potential to create considerable social and economic benefits. New mixed-use development will contribute to the overall liveability and productivity of the Town Centre by:

- Supporting the Town Centre's existing functions,
- Delivering housing close to services, jobs and transport,
- Diversifying the range of businesses and employment opportunities, and
- Increasing the activity and vibrancy of the Town Centre.

The pressure that new development places on existing community facilities is balanced with extra development contributions towards existing and planned facilities in accordance with Council's *Development Contribution Plan 2019*.

Additional housing, including a greater diversity of homes, will help provide more affordable homes.

Economics

The feasibility analysis confirms the proposed zone and controls will provide the financial stimulus for the redevelopment of the St Vincent-Deering Street site.

Section D – State and Commonwealth Interests

Infrastructure Provision

The site is within an urban area and should be adequately serviced by all required infrastructure and utilities, including public transport.

State and Commonwealth Public Authorities

The Gateway Determination confirms the consultation of public authorities is not required for this planning proposal.

Part 4 – Mapping

To achieve the intended outcome, this Planning Proposal recommends:

1. Increasing the height of building development standard on the *Height of Buildings Map* to 11 metres (3-storeys) and, for some selected sites, 14 metres (4-storeys), and
2. Identifying the St Vincent-Deering Street site as *B4 Mixed Use* on the *Land Zoning Map*.

This recommendation requires the amendment of the following map tiles in *Shoalhaven Local Environmental Plan 2014* (current and draft maps are provided in Appendix 7).

- Height of Buildings Map – Tile no. 16D, and
- Land use Zone Map – Tile no. 16D.

These changes are identified in Figures 3 and 4.

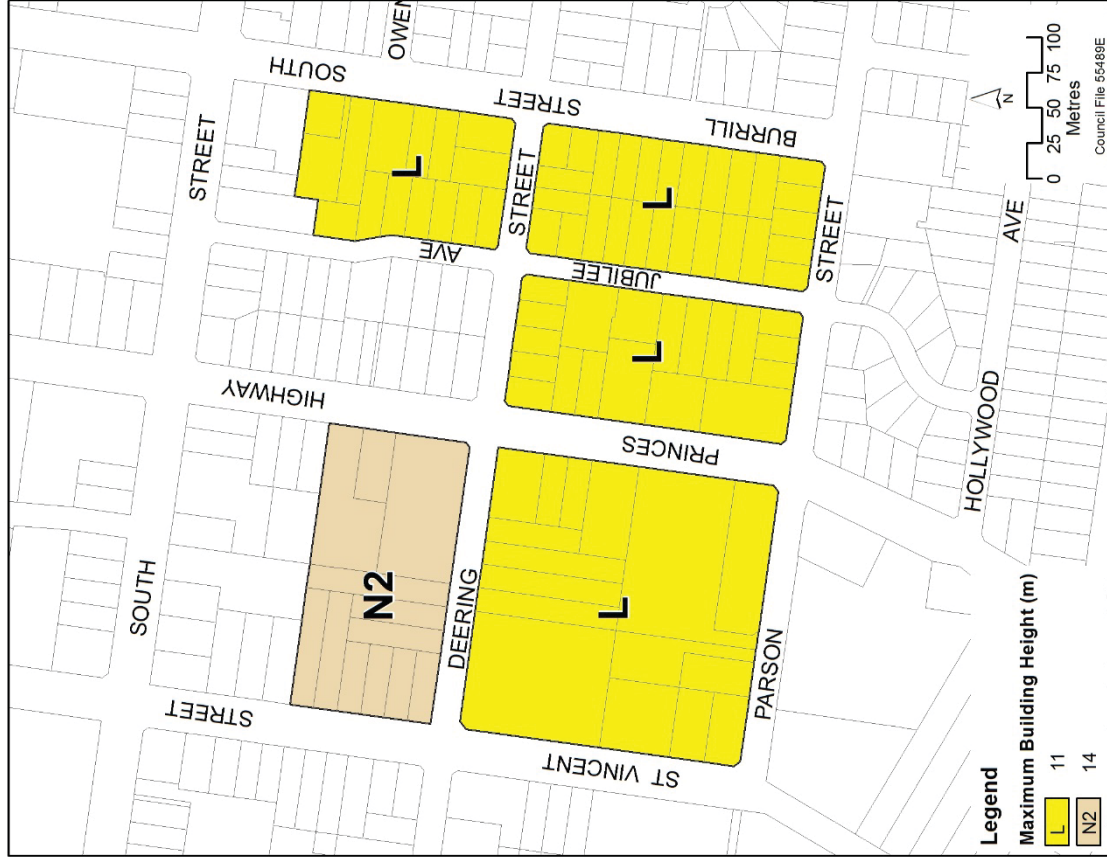
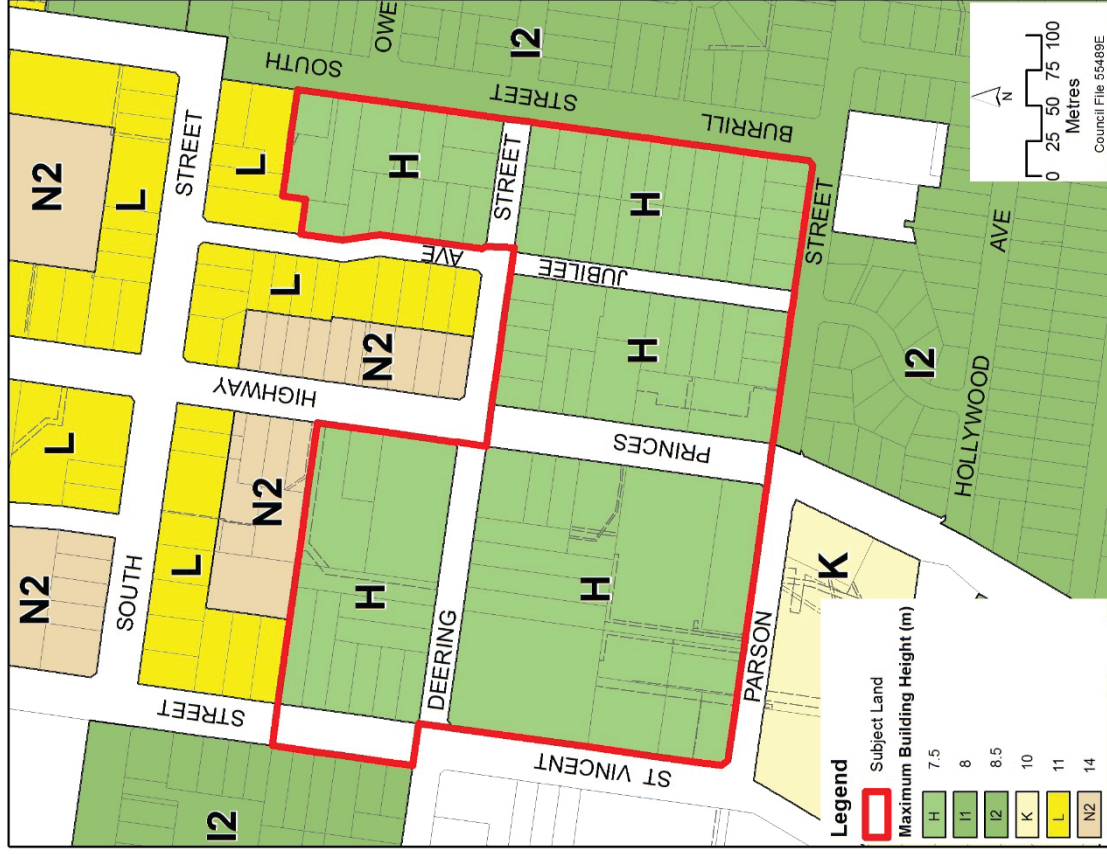


Figure 3 – Current and proposed height of buildings

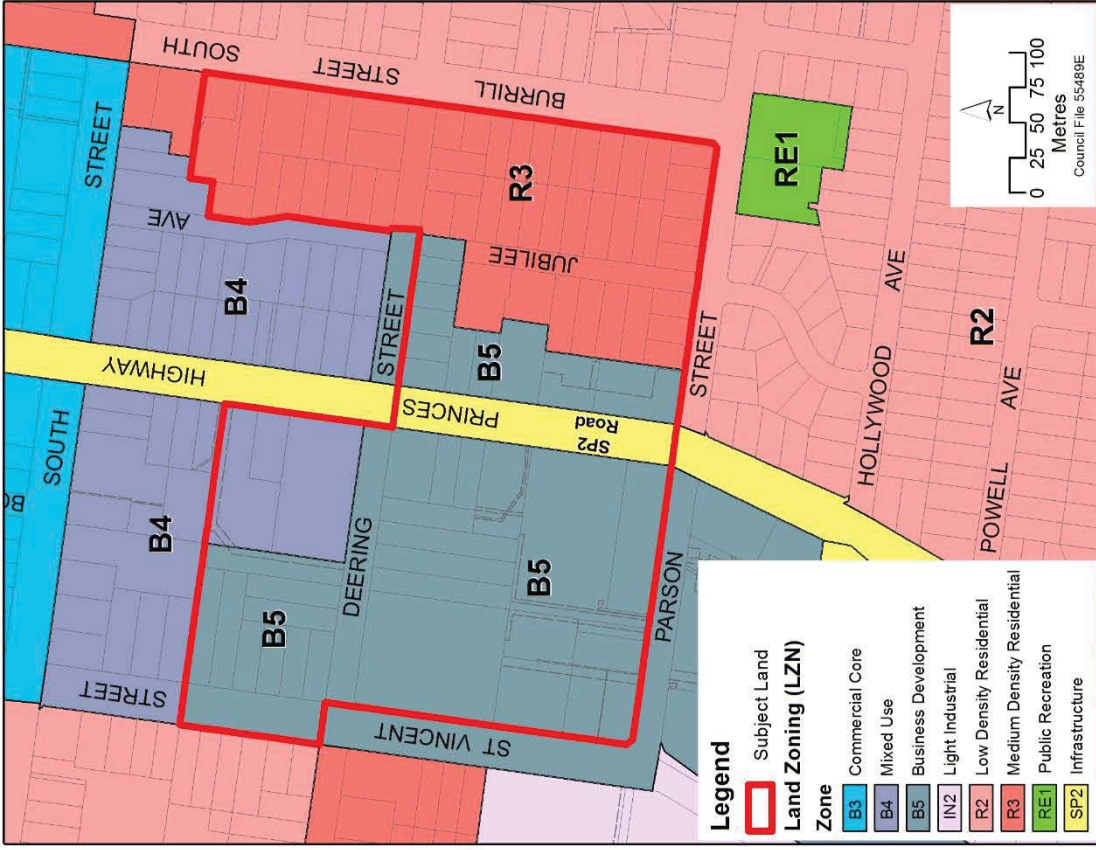


Figure 4 – Current and proposed land use zones

Part 5 – Community Consultation

The Gateway Determination requires this Planning Proposal to be publicly exhibited for a minimum of 28 days.

The exhibition venues will be Council's Nowra Administration Office and Ulladulla Service Centre. Copies of the exhibition material will also be available at Ulladulla Civic Centre.

All exhibition material will be available on Council's website.

Notice of the public exhibition will be given in local papers and on Council's website and social media outlets. A notification letter will also be sent to the owners and occupiers of the properties directly affected by this proposal.

Part 6 Project Timeline

Note: The project timeline may be updated as the Planning Proposal progresses through the Gateway Process.

No.	Action	Date
1	Council considers the planning proposal	<ul style="list-style-type: none"> • 27 February 2018 • 13 February 2018 • 14 November 2017 • 5 June 2017
3	Gateway Determination	<ul style="list-style-type: none"> • February 2019 • May 2018 • August 2017
4	Completion of conditions in Gateway Determination	August 2019
5	Public Exhibition	October 2019
6	Consideration of Submissions	November 2019.
7	Finalisation of Planning Proposal	December 2019
8	Publication of recommended amendments to <i>Shoalhaven Local Environmental Plan 2014</i>	January 2020

Table 5 – Indicative Project Timeframe

Appendix 1 – Affected Properties

Address	Lot & DP	Address	Lot & DP
41 Burrill Street South	Lot 21 DP 632881	56 Deering Street	Lot 7 DP 19708
43A Burrill Street South	Lot 22 DP 632881	58 Deering Street	Lot 8 DP 19708
45 Burrill Street South	Lot 2 DP 346168	59 Deering Street	Lot 16 DP 25900
47 Burrill Street South	Lot 20 DP 25900	60 Deering Street	Lot 382 DP 1231220
51 Burrill Street South	Lot 19 DP 25900	61 Deering Street	Lot 17 DP 25900
53 Burrill Street South	Lot 18 DP 25900	62 Deering Street	Lot 11 DP 228578
55 Burrill Street South	Lot 1 DP 204774	62A Deering Street	Lot 12 DP 228578
57 Burrill Street South	Lot 2 DP 204774	64 Deering Street	Lot 13 DP 228578
59 Burrill Street South	Lot 11 DP 26469	66 Deering Street	Lot 14 DP 228578
61 Burrill Street South	Lot 12 DP 26469	68 Deering Street	Lot 15 DP 228578
63 Burrill Street South	Lot 13 DP 26469	72 Deering Street	Lot 6 DP 592737
65 Burrill Street South	Lot 14 DP 26469	74 Deering Street	Lot 7 DP 26469
67 Burrill Street South	Lot 1 DP 240662	76 Deering Street	Lot 8 DP 26469
69 Burrill Street South	Lot 2 DP 240662	6 Jubilee Avenue	Lot 2 DP 551266
71 Burrill Street South	Lot 3 DP 240662	8 Jubilee Avenue	Lot 10 DP 25900
73 Burrill Street South	Lot 4 DP 240662	10 Jubilee Avenue	Lot 11 DP 25900
75 Burrill Street South	Lot 5 DP 240662	12 Jubilee Avenue	Lot 12 DP 25900
62 Princes Highway	Lot 70 DP 840916	14 Jubilee Avenue	Lot 13 DP 25900
137 Princes Highway	Lot 4 DP 524007	16 Jubilee Avenue	Lot 14 DP 25900
139 Princes Highway	Lot 3 DP 524007	18 Jubilee Avenue	Lot 15 DP 25900
141 Princes Highway	Lot 1 DP 509202	21 Jubilee Avenue	Lot 60 DP 623248
147 Princes Highway	Lot 110 DP 865998	22 Jubilee Avenue	Lot 5 DP 592737
151 Princes Highway	Lot 12 DP 19708	24 Jubilee Avenue	Lot 4 DP 26469
152 Princes Highway	Lot 10 DP 228578	26 Jubilee Avenue	Lot 3 DP 26469
153 Princes Highway	Lot 13 DP 19708	27 Jubilee Avenue	Lot 2 DP 717239
154 Princes Highway	Lot 9 DP 228578	28 Jubilee Avenue	Lot 2 DP 26469
155 Princes Highway	Lot 381 DP 1231220	30 Jubilee Avenue	Lot 1 DP 26469
156 Princes Highway	Lot 1 DP 717239	31 Jubilee Avenue	Lot 11 DP 239967
161 Princes Highway	Lot CP SP 74967	32 Jubilee Avenue	Lot 13 DP 240662
166 Princes Highway	Lot 71 DP 840916	33 Jubilee Avenue	Lot 10 DP 239967
169 Princes Highway	Lot 51 DP 1047471	34 Jubilee Avenue	Lot 12 DP 240662
Parson Street	Lot 5 DP 805221	35 Jubilee Avenue	Lot 9 DP 239967
Parson Street	Lot 6 DP 805221	36 Jubilee Avenue	Lot 11 DP 240662
5 Parson Street	Lot 5 DP 239967	37 Jubilee Avenue	Lot 8 DP 239967
7 Parson Street	Lot 6 DP 239967	38 Jubilee Avenue	Lot 10 DP 240662
9 Parson Street	Lot 7 DP 239967	116 St Vincent Street	Lot 1 DP 21597
11 Parson Street	Lot 9 DP 240662	118 St Vincent Street	Lot 2 DP 21597
15 Parson Street	Lot 7 DP 240662	120 St Vincent Street	Lot 3 DP 21597
13 Parson Street	Lot 8 DP 240662	122 St Vincent Street	Lot 4 DP 21597
17 Parson Street	Lot 6 DP 240662	124 St Vincent Street	Lot 5 DP 21597
37 Deering Street	Lot 7 DP 21597	126 St Vincent Street	Lot 6 DP 21597
39 Deering Street	Lot CP SP 42583	140 St Vincent Street	Lot 12 DP 834367
41 Deering Street	Lot 9 DP 21597	144 St Vincent Street	Lot 3 DP 746228
44 Deering Street	Lot 1 DP 844532	146 St Vincent Street	Lot 4 DP 805221
54 Deering Street	Lot 6 DP 19708	Part St Vincent Street Road Reserve	

Appendix 2 – Council Meetings: Reports & Minutes

DE19.82 Planning Proposal - Land Use Zones & Building Height Controls - Ulladulla Town Centre

HPERM Ref: D19/261192

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Location Map

Purpose / Summary

Provide an update on the Planning Proposal (PP) that proposes changes to land use zones and building height controls for certain land in the Ulladulla Town Centre.

Endorsement is also sought to take the PP forward and complete the next stage of the PP process, including its exhibition for community feedback.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Resubmit the Planning Proposal proposing changes to the planning controls in part of the Ulladulla Town Centre to the NSW Department of Planning, Industry and Environment as required by the Gateway Determination.
2. Proceed to place the Planning Proposal on public exhibition and invite community feedback in accordance with the Gateway Determination.
3. Receive a subsequent report on the outcome of the public exhibition period and to enable the Planning Proposal to be finalised.

Options

1. As recommended

Implications: This option is consistent with Council's earlier decision to proceed with the PP to implement the *Ulladulla Building Height Review (2017)* and an owner-initiated rezoning request over part of the area. It enables the PP to progress through the administrative process for amending local environmental plans, including the required community consultation.

2. Make an alternative resolution.

Implications: Subject to the nature of any alternative, this may delay or prevent the finalisation of the PP.

3. Not proceed with the PP.

Implications: This would be inconsistent with previous Council decisions.

Background

Council has commenced the process to amend the Shoalhaven Local Environmental Plan (LEP) 2014 to:

1. Increase the maximum permissible building height in the southern part of Ulladulla Town Centre in the LEP from 7.5 metres (2 storeys) to 11 metres (3/4 storeys) and, for some selected sites, 14 metres (4/5 storeys). **Note:** *the reference to ‘storeys’ is not part of the LEP and is only provided in this report as an indication of the nature of development that could result.*
2. Rezone the nine (9) properties at 116-126 St Vincent Street and 37-41 Deering Street from B5 Business Development to B4 Mixed Use and increase the maximum permissible building height from 7.5 metres to 14 metres.

The proposed general changes to building height implement the recommendations of Council’s 2017 *Ulladulla Building Height Review* while the change in zone and building height for the St Vincent–Deering Street site responds to a PP request made by the owners of the St Vincent Street–Deering Street site. The proponent has supported its PP request with additional work, including a visual impact assessment and an analysis of development feasibility.

The proposed changes will assist with the continued development and redevelopment of the southern part of the Town Centre and ensure that planning controls are soundly based. New development will contribute to economic activity, helping to support local businesses. It also provides opportunities to activate local streets and improve the pedestrian environment.

The current PP document (and supporting material, excluding preliminary contamination report) is available at the following weblink:

<http://doc.shoalhaven.nsw.gov.au/DisplayDoc.aspx?record=D19/280751>

The PP applies to approximately ninety (90) properties in the southern part of the Town Centre generally bounded by St Vincent Street, Parson Street, Burrill Street South, Jubilee Avenue, Deering Street and the Princes Highway. **Attachment 1** shows the area covered by this PP. The land is occupied by a range of commercial, industrial, and residential development including dwellings, offices, shops, steel fabrication, and mechanics. The area proposed to be rezoned at 116-126 St Vincent Street and 37-41 Deering Street has been developed with a range of light industrial uses, including some storage premises.

Council considered the changes covered by this PP at several meetings in 2017-18 and resolved to take it forward through the NSW Governments Gateway process for PPs (for amending local environmental plans).

The Gateway determination received for this PP requires:

- Preparation of technical studies to support the rezoning of the St Vincent Street–Deering Street site and proposed increased height in this location beyond the general review outcome – preliminary contamination report, visual assessment, and development feasibility analysis.
- Exhibition of the PP for 28-days.

The required technical studies have now been completed, working with the initiator of the St Vincent Street–Deering Street zoning and height review, and support the proposed changes. They do not identify any site-specific considerations preventing the continued consideration of the proposed rezoning and height changes for this site.

The preliminary land contamination report identifies that the site is suitable for the types of development and uses permitted in the proposed B4 zone, provided detailed investigation and any necessary remediation is undertaken prior to any development.

The visual assessment demonstrates that the increase in permissible building height in this location will have a minimal impact on views towards and within the Town Centre.

The feasibility analysis confirms the proposed B4 zone and height controls will provide the financial stimulus for the redevelopment of the site.

Conclusion

It is recommended that Council now:

1. Progress the PP by seeking the NSW Department of Planning, Infrastructure & Environment's agreement to the findings of the technical studies and their authorisation to proceed to exhibit the proposal (as required by the Gateway determination); and
2. Assuming the response to the above is positive, proceed to formally exhibited the PP for formal community feedback in accordance with the Gateway determination. The outcome of the exhibition will be reported to Council to then enable the PP to possibly proceed to finalisation.

Community Engagement

Detailed community engagement occurred as part of the preparation of the *Ulladulla Building Height Review* work completed in 2017 and informing this PP.

The community will be invited to provide feedback on the PP during the formal 28-day public exhibition period required by the Gateway Determination. The PP exhibition will be advertised in local newspapers and affected landowners and relevant Community Consultative Bodies (CCB's) will be directly advised of the exhibition arrangements.

Policy Implications

This project is identified on Council's adopted 2019-2020 Strategic Planning Works Program. Its progression will assist with setting the policy direction for the future development of the relevant part of the Ulladulla Town Centre.

Financial Implications

The progression of this PP is being undertaken within the existing Strategic Planning budget.

It is acknowledged the visual assessment and feasibility analyses for the St Vincent Street–Deering Street site was completed by the initiator of the rezoning/building height review request. The adequacy of this work has been reviewed by Council staff and will also be considered by DPIE prior to proceeding further.

MINUTES OF THE DEVELOPMENT & ENVIRONMENT COMMITTEE

Meeting Date: Tuesday, 3 September 2019
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr Amanda Findley
Clr Joanna Gash - Chairperson
Clr Patricia White
Clr John Wells
Clr John Levett
Clr Nina Digiglio
Clr Annette Alldrick
Clr Kaye Gartner
Clr Mitchell Pakes
Clr Greg Watson
Clr Bob Proudfoot
Mr Stephen Dunshea - Chief Executive Officer

Apologies / Leave of Absence

Apologies were received from Clr Kitchener and Clr Guile.

Confirmation of the Minutes

RESOLVED (Clr White / Clr Pakes) MIN19.609

That the Minutes of the Development & Environment Committee held on Tuesday 06 August 2019 be confirmed.

CARRIED

Declarations of Interest

Nil.

Call Over of the Business Paper

The following items were called up for debate:

DE19.78, DE19.79, DE19.80, DE19.81, DE19.82, DE19.83, DE19.84, DE19.85, DE19.86, DE19.87, DE19.88, DE19.90, DE19.91.

The remaining item (DE19.89) was resolved en bloc (Clr Wells / Clr Gash) at this time. It is marked with an asterisk (*) in these Minutes.

DEPUTATIONS AND PRESENTATIONS

DE19.78 - Notice of Motion - Gravel Quarry - Termeil & Tomerong (Page 11)

Ms Kate Child, representing Tomerong Community Forum, addressed the meeting and spoke in favour of the recommendation.

DE19.79 - Notice of Motion - Support for Shoalhaven Netball Association - Court Refurbishment (page 13)

Sue Malley, representing Shoalhaven Netball Association, addressed the meeting and spoke in favour of the recommendation.

DE19.86 - Proponent Initiated Planning Proposal - Lot 1 DP 949932 - Taylors Lane, Cambewarra (Page 47)

Mr Michael Park, representing Cambewarra Ventures, addressed the meeting and spoke in favour of the recommendation.

Mr Terry Barratt, representing the Shoalhaven Branch of the Australian Conservation Foundation, addressed the meeting and spoke in favour of the recommendation.

DE19.88 - Presentation of petition in opposition to exploratory drilling/mining for fossil fuels in the Great Australian Bight (Page 76)

Ms Monica Mudge, representing Treading Lightly in the Mud, wishes to address the meeting and spoke in favour of the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Pakes / Clr Wells)

MIN19.610

That the following matters be brought forward for consideration:

- DE19.79 - Notice of Motion - Support for Shoalhaven Netball Association - Court Refurbishment
- DE19.88 - Presentation of petition in opposition to exploratory drilling/mining for fossil fuels in the Great Australian Bight
- DE19.78 - Notice of Motion - Gravel Quarry - Termeil & Tomerong
- DE19.86 - Proponent Initiated Planning Proposal - Lot 1 DP 949932 - Taylors Lane, Cambewarra

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

DE19.79 Notice of Motion - Support for Shoalhaven Netball Association - Court Refurbishment**HPERM Ref:
D19/296544****Recommendation (Item to be determined under delegated authority)**

That it be noted that the Chief Executive Officer will provide a letter of support for the Shoalhaven Netball Association grant applications to the Office of Sport Clubs Grant and an infrastructure grant with the NSW Government, for the refurbishment of their courts located at the corner of Park Road and John Purcell Way, Nowra.

RESOLVED (Clr Gash / Clr Pakes)

MIN19.611

That it be noted that the Chief Executive Officer will provide a letter of support for the Shoalhaven Netball Association grant applications to the Office of Sport Clubs Grant and an infrastructure grant with the NSW Government, for the refurbishment of their courts located at the corner of Park Road and John Purcell Way, Nowra.

CARRIED

DE19.88 Presentation of petition in opposition to exploratory drilling/mining for fossil fuels in the Great Australian Bight**HPERM Ref:
D19/289312****Recommendation (Item to be determined under delegated authority)**

That having considered the petition and background information presented in the report, Council determine its position on the matter.

RESOLVED (Clr Findley / Clr Proudfoot)

MIN19.612

That Council:

1. Join other councils to protect the Great Australian Bight and oppose all exploratory drilling and mining for fossil fuels in the Great Australian Bight;
2. Write to relevant State and Federal Members of Parliament;
3. Write to Victorian councils that have already opposed this to express Council's support for their position;
4. Request that the Federal Government treat Shoalhaven City Council as a stakeholder and inform us duly of the progress of Equinor's application; and
5. Write to all Coastal Councils in NSW, NSW Coastal Council (NSW Department of Planning, Industry and Environment) and the Australian Coastal Councils Association Incorporated to advise them of Council's decision and encourage their support.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.78 Notice of Motion - Gravel Quarry - Termeil & Tomerong

**HPERM Ref:
D19/293256**

Recommendation (Item to be determined under delegated authority)

That Staff compile a report on the following in relation to the Non Designated Extractive Industry – Gravel Quarry at Portion 42, Parish of Termeil, Monkey Mountain Road, Termeil and the mooted intention of the Operators of that Quarry to begin gravel extraction at Tomerong Quarry Lot 4 DP 775296 Parnell Road Tomerong under existing DA90/1912:

1. Monkey Mountain Road Quarry DA 95/3365

Consent to operate was apparently for five years from 29th April 1996 to 29th April 2001 with an extraction rate not to exceed 30,000 cubic metres per annum.

- a. Is an EPA Licence required for crushing and grinding at this or any quarry if the extraction rate exceeds 30,000 cubic metres per annum.
- b. What evidence does Council have that this extraction rate was not exceeded at the Monkey Mountain Quarry in any 12 month period since approval was given in April 1996.
- c. On what legal basis or consent was the Quarry operating after 29th April 2001.
- d. Is the Council satisfied that there has been no illegal clearing of trees on the site.
- e. Given the proximity of the site to Termeil Creek, are particular licences required from the Office of Water or the EPA to protect the catchment.
- f. Can Council provide assurance that the operators are complying with all Approved Regulatory Authority documents.
- g. Can Council confirm that the Quarry has not operated beyond the 2 hectare extraction area described in the General Conditions of Consent.

2. Tomerong Quarry DA90/1912

Tomerong Quarry ceased operating in July 2017 and the DA and EPA Licence were surrendered in February 2018.

- a. Can Council give written assurance that compliance with DA90/1912 and subsequent modifications will be strictly enforced before any operator is permitted to resume extraction of material at the Tomerong site.
- b. Can Council provide an update on the progress of rehabilitation at the Quarry as required in the original consent, and has the former operator of the quarry, Shoalhaven Quarries, been subject to enforcement of this condition as was promised in a report to Council at the Strategy and Assets Committee Meeting on 15th May 2018 in response to a resolution at the Strategy and Assets Committee Meeting on 23rd January 2018.
- c. Can Council provide a summary of investigation and testing for pollution in and around the Tomerong Quarry site including the dumping of asbestos and in particular an allegation brought to Council in April 2018 that a significant amount of asbestos has been buried under a long mound on the south eastern side of the quarrying area and other places.
- d. Have the owners of Lot 4 DP 775296 Parnell Road Tomerong been informed of this alleged illegal asbestos dumping outside the quarry area on their land and can Council confirm that the site has been registered as contaminated.

MOTION (Clr Levett / Clr Digiglio)

That Staff compile a report on the following in relation to the Non Designated Extractive Industry – Gravel Quarry at Portion 42, Parish of Termeil, Monkey Mountain Road, Termeil and the mooted intention of the Operators of that Quarry to begin gravel extraction at Tomerong Quarry Lot 4 DP 775296 Parnell Road Tomerong under existing DA90/1912:

1. Monkey Mountain Road Quarry DA 95/3365

Consent to operate was apparently for five years from 29th April 1996 to 29th April 2001 with an extraction rate not to exceed 30,000 cubic metres per annum.

- a. Is an EPA Licence required for crushing and grinding at this or any quarry if the extraction rate exceeds 30,000 cubic metres per annum.
- b. What evidence does Council have that this extraction rate was not exceeded at the Monkey Mountain Quarry in any 12 month period since approval was given in April 1996.
- c. On what legal basis or consent was the Quarry operating after 29th April 2001.
- d. Is the Council satisfied that there has been no illegal clearing of trees on the site.
- e. Given the proximity of the site to Termeil Creek, are particular licences required from the Office of Water or the EPA to protect the catchment.
- f. Can Council provide assurance that the operators are complying with all Approved Regulatory Authority documents.
- g. Can Council confirm that the Quarry has not operated beyond the 2 hectare extraction area described in the General Conditions of Consent.

2. Tomerong Quarry DA90/1912

Tomerong Quarry ceased operating in July 2017 and the DA and EPA Licence were surrendered in February 2018.

- a. Can Council give written assurance that compliance with DA90/1912 and subsequent modifications will be strictly enforced before any operator is permitted to resume extraction of material at the Tomerong site.
 - b. Can Council provide an update on the progress of rehabilitation at the Quarry as required in the original consent, and has the former operator of the quarry, Shoalhaven Quarries, been subject to enforcement of this condition as was promised in a report to Council at the Strategy and Assets Committee Meeting on 15th May 2018 in response to a resolution at the Strategy and Assets Committee Meeting on 23rd January 2018.
 - c. Can Council provide a summary of investigation and testing for pollution in and around the Tomerong Quarry site including the dumping of asbestos and in particular an allegation brought to Council in April 2018 that a significant amount of asbestos has been buried under a long mound on the south eastern side of the quarrying area and other places.
 - d. Have the owners of Lot 4 DP 775296 Parnell Road Tomerong been informed of this alleged illegal asbestos dumping outside the quarry area on their land and can Council confirm that the site has been registered as contaminated.
3. That staff investigate the possibility of introducing a planning proposal to rezone so that "extractive industries" are no longer permissible at the site.
 4. That Council communicate regularly with the community with respect to developments at the Tomerong quarry site.

AMENDMENT **(RESOLVED)** (Clr Watson / Clr Wells)

MIN19.613

That:

1. Staff compile a report on the following in relation to the mooted intention of the Operators of the Quarry to begin gravel extraction at Tomerong Quarry Lot 4 DP 775296 Parnell Road Tomerong under existing DA90/1912:

Tomerong Quarry ceased operating in July 2017 and the DA and EPA Licence were surrendered in February 2018.

- a. Can Council give written assurance that compliance with DA90/1912 and subsequent modifications will be strictly enforced before any operator is permitted to resume extraction of material at the Tomerong site.

- b. Can Council provide an update on the progress of rehabilitation at the Quarry as required in the original consent, and has the former operator of the quarry, Shoalhaven Quarries, been subject to enforcement of this condition as was promised in a report to Council at the Strategy and Assets Committee Meeting on 15th May 2018 in response to a resolution at the Strategy and Assets Committee Meeting on 23rd January 2018.
 - c. Can Council provide a summary of investigation and testing for pollution in and around the Tomerong Quarry site including the dumping of asbestos and in particular an allegation brought to Council in April 2018 that a significant amount of asbestos has been buried under a long mound on the south eastern side of the quarrying area and other places.
 - d. Have the owners of Lot 4 DP 775296 Parnell Road Tomerong been informed of this alleged illegal asbestos dumping outside the quarry area on their land and can Council confirm that the site has been registered as contaminated.
2. Staff investigate the possibility of introducing a planning proposal to rezone so that “extractive industries” are no longer permissible at the site.
 3. Council communicate regularly with the community with respect to operations at the Tomerong quarry site.

FOR: Clr Wells, Clr Gash, Clr White, Clr Pakes, Clr Watson and Stephen Dunshea

AGAINST: Clr Findley, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner and Clr Proudfoot

CARRIED on the CASTING VOTE of the Chair

The AMENDMENT became the MOTION.

THE MOTION WAS PUT

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

Against: Nil

CARRIED

DE19.79 Notice of Motion - Support for Shoalhaven Netball Association - Court Refurbishment

**HPERM REF:
D19/296544**

Item dealt with earlier in the meeting see MIN19.611.

REPORTS

Note: Clr Gartner left the meeting at 6.57pm.

DE19.86 Proponent Initiated Planning Proposal - Lot 1 DP 949932 - Taylors Lane, Cambewarra

**HPERM Ref:
D19/271794**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Accept the proponent initiated Planning Proposal for land within Lot 1 DP 949932, Taylors Lane, Cambewarra as a possible ‘major’ Planning Proposal that Council will take forward dependent of the outcome of Part (2) of this resolution.

2. Undertake an independent Riparian Lands Study for the subject land, at the proponent's expense, that includes rigorous assessment of the riparian land function and watercourse classification.
3. If the outcome of the Riparian Lands Study shows the PP has merit to proceed, develop a Planning Proposal in Council's format, for submission to the NSW Department of Planning, Industry and Environment (DPIE) for initial Gateway determination, and report back to Council when a response is received.
4. Receive a further report to determine how to proceed, if the Riparian Lands Study does not provide clear justification for the Planning Proposal.

RESOLVED (Clr Wells / Clr Pakes)

MIN19.614

That Council:

1. Accept the proponent initiated Planning Proposal for land within Lot 1 DP 949932, Taylors Lane, Cambewarra as a possible 'major' Planning Proposal that Council will take forward dependent of the outcome of Part (2) of this resolution.
2. Undertake an independent Riparian Lands Study for the subject land, at the proponent's expense, that includes rigorous assessment of the riparian land function and watercourse classification.
3. If the outcome of the Riparian Lands Study shows the PP has merit to proceed, develop a Planning Proposal in Council's format, for submission to the NSW Department of Planning, Industry and Environment (DPIE) for initial Gateway determination, and report back to Council when a response is received.
4. Receive a further report to determine how to proceed, if the Riparian Lands Study does not provide clear justification for the Planning Proposal.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

Note: Clr Levett left the meeting at 6.58pm.

DE19.80 Exhibition - Proposed Development Control Plan and Contribution Plan Amendments - St Georges Basin Village Centre

**HPERM Ref:
D19/150814**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the preparation of the housekeeping amendment to Chapter N23: St Georges Basin Village Centre of Shoalhaven Development Control Plan (DCP) 2014 (Attachment 1) which in part includes the changes resolved by Council on 7 May 2019 (MIN19.287).
2. Exhibit the following for a minimum period of 28 days in accordance with legislation:
 - a. Housekeeping amendments to Chapter N23: St Georges Basin Village Centre of Shoalhaven DCP 2014 (Attachment 1).
 - b. Deletion of the Shoalhaven Contributions Plan 2019 project 03ROAD2113 (St Georges Basin Village Centre Service Lane).
3. Receive a further report following the public exhibition to consider submissions received and to consider finalisation of the draft Amendment.

4. Notify affected landowners and the Basin Villages Forum of this resolution and future exhibition arrangements.

RESOLVED (Clr Proudfoot / Clr White)

MIN19.615

That Council:

1. Endorse the preparation of the housekeeping amendment to Chapter N23: St Georges Basin Village Centre of Shoalhaven Development Control Plan (DCP) 2014 (Attachment 1) which in part includes the changes resolved by Council on 7 May 2019 (MIN19.287).
2. Exhibit the following for a minimum period of 28 days in accordance with legislation:
 - a. Housekeeping amendments to Chapter N23: St Georges Basin Village Centre of Shoalhaven DCP 2014 (Attachment 1).
 - b. Deletion of the Shoalhaven Contributions Plan 2019 project 03ROAD2113 (St Georges Basin Village Centre Service Lane).
3. Receive a further report following the public exhibition to consider submissions received and to consider finalisation of the draft Amendment.
4. Notify affected landowners and the Basin Villages Forum of this resolution and future exhibition arrangements.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Digiglio, Clr Alldrick, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.81 Draft Low Density Residential Amendment - Shoalhaven DCP 2014 (DCP2014.25) - Post Exhibition Consideration and Finalisation

HPERM Ref: D19/256782

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the draft Low Density Residential Amendment (the Amendment) as exhibited, with the inclusion of the changes to draft Chapter G12 as highlighted in Attachment 1 and shown in Attachment 2.
2. Notify the adoption of the Amendment in local newspapers in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
3. Rescind existing Chapter G12: Dwelling Houses, Rural Worker's Dwellings, Additions and Ancillary Structures of Shoalhaven Development Control 2014 when the Amendment is made effective.
4. Advise key stakeholders, including relevant industry representatives, of this decision, and when the Amendment will be made effective.

Note: Clr Gartner returned to the meeting at 6.58pm and Clr Levett returned to the meeting at 6.59pm.

RESOLVED (Clr Pakes / Clr White)

MIN19.616

That this Item be deferred to a Councillor briefing to allow consideration and discussion of Clr Pakes' proposed amendments prior to the next Council meeting.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Digiglio

CARRIED

DE19.82 Planning Proposal - Land Use Zones & Building Height Controls - Ulladulla Town Centre

HPERM Ref: D19/261192

Recommendation (Item to be determined under delegated authority)

That Council:

1. Resubmit the Planning Proposal proposing changes to the planning controls in part of the Ulladulla Town Centre to the NSW Department of Planning, Industry and Environment as required by the Gateway Determination.
2. Proceed to place the Planning Proposal on public exhibition and invite community feedback in accordance with the Gateway Determination.
3. Receive a subsequent report on the outcome of the public exhibition period and to enable the Planning Proposal to be finalised.

RESOLVED (Clr Proudfoot / Clr Wells)

MIN19.617

That Council:

1. Resubmit the Planning Proposal proposing changes to the planning controls in part of the Ulladulla Town Centre to the NSW Department of Planning, Industry and Environment as required by the Gateway Determination.
2. Proceed to place the Planning Proposal on public exhibition and invite community feedback in accordance with the Gateway Determination.
3. Receive a subsequent report on the outcome of the public exhibition period and to enable the Planning Proposal to be finalised.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Alldrick

CARRIED

DE19.83 Update - The Review of Subdivision Provisions Planning Proposal (PP027)

HPERM Ref: D19/262580

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the continuation of the Review of Subdivision Provisions Planning Proposal (PP027) and proceed to exhibit PP027 (as amended by the Gateway determination) as per the legislative and Gateway determination requirements.
2. Receive a further report following the conclusion of the public exhibition period.
3. Receive a further report on the outcomes of the review being undertaken by Professor Ryan and the options available (if any) to progress the exclusion of Greenwell Point, Kangaroo Valley, Bawley Point, Kioloa, Depot Beach, Durras North from the Low-Rise Medium Density

Housing Code.

4. Advise key stakeholders of this decision and the resultant exhibition arrangements, including relevant Community Consultative Bodies and Development Industry representatives.

RESOLVED (Clr Proudfoot / Clr Findley)

MIN19.618

That Council:

1. Endorse the continuation of the Review of Subdivision Provisions Planning Proposal (PP027) and proceed to exhibit PP027 (as amended by the Gateway determination) as per the legislative and Gateway determination requirements.
2. Receive a further report following the conclusion of the public exhibition period.
3. Receive a further report on the outcomes of the review being undertaken by Professor Ryan and the options available (if any) to progress the exclusion of Greenwell Point, Kangaroo Valley, Bawley Point, Kioloa, Depot Beach, Durras North from the Low-Rise Medium Density Housing Code.
4. Advise key stakeholders of this decision and the resultant exhibition arrangements, including relevant Community Consultative Bodies and Development Industry representatives.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

**DE19.84 Proposed Housekeeping Amendment - Shoalhaven
Development Control Plan 2014 - Chapter G2:
Sustainable Stormwater Management and
Erosion/Sediment Control**

**HPERM Ref:
D19/263024**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the initial draft Housekeeping Amendment to Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control and the Dictionary of Shoalhaven Development Control Plan 2014 (draft Amendment) at Attachment 1 and support the exhibition of the draft Amendment for a period of at least 28 days as per legislative requirements.
2. Advise key stakeholders, including relevant industry representatives, of this decision and the exhibition arrangements in due course.
3. Receive a further report on the draft Amendment following the conclusion of the public exhibition period to consider feedback received, any necessary adjustments and the finalisation of the amendment.

RESOLVED (Clr Proudfoot / Clr Alldrick)

MIN19.619

That Council:

1. Endorse the initial draft Housekeeping Amendment to Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control and the Dictionary of Shoalhaven Development Control Plan 2014 (draft Amendment) at Attachment 1 and support the exhibition of the draft Amendment for a period of at least 28 days as per legislative requirements.
2. Advise key stakeholders, including relevant industry representatives, of this decision and the exhibition arrangements in due course.

3. Receive a further report on the draft Amendment following the conclusion of the public exhibition period to consider feedback received, any necessary adjustments and the finalisation of the amendment.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.85 Biosecurity Act 2015 - Weed Management Plans

**HPERM Ref:
D19/268306**

Recommendation (Item to be determined under delegated authority)

That Council endorse the following Weed Management Plans:

1. Alligator weed
2. Blackberry
3. Coolatai Grass
4. Giant Parramatta Grass
5. Salvinia
6. Bitou bush
7. Boneseed
8. Fireweed
9. Lantana
10. Water hyacinth

RESOLVED (Clr Digiglio / Clr Wells)

MIN19.620

That Council:

1. Endorse the following Weed Management Plans:
 - a. Alligator weed
 - b. Blackberry
 - c. Coolatai Grass
 - d. Giant Parramatta Grass
 - e. Salvinia
 - f. Bitou bush
 - g. Boneseed
 - h. Fireweed
 - i. Lantana
 - j. Water hyacinth
2. Continue to look for alternative methods to improve weed management that are safer into the future.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

**DE19.86 Proponent Initiated Planning Proposal - Lot 1 DP 949932
- Taylors Lane, Cambewarra**

**HPERM REF:
D19/271794**

Item dealt with earlier in the meeting see MIN19.614.

**DE19.87 Novation Request - Voluntary Planning Agreement -
Seaspray Close - Narrawallee**

**HPERM Ref:
D19/279715**

Recommendation (Item to be determined under delegated authority)

That Council agree to the amended Deed of Novation, presented as Attachment 1 to this report, related to the Voluntary Planning Agreement that is in place for land at Narrawallee owned by Hanson South Coast Pty Ltd.

RESOLVED (Clr Findley / Clr Wells)

MIN19.621

That Council:

1. Agree to the amended Deed of Novation, presented as Attachment 1 to this report, related to the Voluntary Planning Agreement that is in place for land at Narrawallee owned by Hanson South Coast Pty Ltd.
2. Approach the Biodiversity Conservation Trust to seek the purchase of Seaspray Close, Narrawallee as an addition to the Garrads Reserve.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

**DE19.88 Presentation of Petition in Opposition to Exploratory
Drilling/Mining for Fossil Fuels in the Great Australian
Bight**

**HPERM REF:
D19/289312**

Item dealt with earlier in the meeting see MIN19.612.

Items marked with an * were resolved 'en block'.

DE19.89 Grant application - Grey Headed Flying Fox Berry Camp

**HPERM Ref:
D19/259892**

RECOMMENDATION* (Clr Wells / Clr Gash)

That Council:

1. Accept the maximum grant of \$50,000 from Local Government NSW, if the application is successful.
2. Provide an in-kind contribution from existing operational budgets, a maximum of \$50,000, of Environmental Services officers time; and

3. Write to Local Government NSW thanking them for the grant funding, if the application is successful.

DE19.90 West Culburra Development Proposal - NSW Land & Environment Court Matter

**HPERM Ref:
D19/292580**

Recommendation (Item to be determined under delegated authority)

That Council consider the separate confidential report on this matter in accordance with Section 10A(2)(g) of the NSW Local Government Act 1993.

RESOLVED (Clr Pakes / Clr White)

MIN19.622

That Council consider the separate confidential report on this matter in accordance with Section 10A(2)(g) of the NSW Local Government Act 1993.

CARRIED

DE19.91 Drought Impact on Shoalhaven Water Supplies

**HPERM Ref:
D19/277621**

Recommendation (Item to be determined under delegated authority)

That Council note:

1. The current water supply situation with Shoalhaven storages and Shoalhaven River flows.
2. The proposed strategy to implement Level 1 water restrictions on 23 September 2019, in accordance with Council's Drought Management Plan, should no significant rainfall be experienced and the outlook for rain remains low.

RESOLVED (Clr Findley / Clr Wells)

MIN19.623

That Council:

1. Note the current water supply situation with Shoalhaven storages and Shoalhaven River flows.
2. Note the proposed strategy to implement Level 1 water restrictions on 23 September 2019, in accordance with Council's Drought Management Plan, should no significant rainfall be experienced and the outlook for rain remains low.
3. Write to the Hon Shelley Hancock, MP, Member for South Coast and the Hon Gareth Ward, MP, Member for Kiama seeking their support in approaching the Minister for Water, Property and Housing with respect to the Shoalhaven Water Sharing Plan.
4. At the appropriate time, write to the Hon Melinda Pavey, MP, Minister for Water, Property and Housing, requesting a meeting to discuss aspects of the review of the Shoalhaven Water Sharing Plan.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

Procedural Motion - Matters of Urgency

MOTION (Clr Findley / Clr Gash)

That the following additional items be introduced as a matter of urgency:

1. The following Development Applications:
 - a. DA19/1102 - 252 Princes Hwy Ulladulla (Cnr of Pitman Ave) – Manufactured Home Estate
 - b. DA19/1692 - Princes Hwy Ulladulla (Cnr of Ilett St Mollymook) – Aged Care Facility
2. Intersection of Pitman Avenue and Princes Highway.

The Chairperson ruled the matters as urgent due to the level of public interest.

DE19.92 Additional Item - Development Applications - Ulladulla - Extension of public submission period

RESOLVED (Clr Findley / Clr Pakes) MIN19.624

That Council extend the public submission period on the following Development Applications for 21 days AFTER the Roads and Maritime Service have issued their response to the applications:

- DA19/1102 - 252 Princes Hwy Ulladulla (Cnr of Pitman Ave) – Manufactured Home Estate
- DA19/1692 - Princes Hwy Ulladulla (Cnr of Ilett St Mollymook) – Aged Care Facility

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.93 Additional Item - Intersection of Pitman Avenue and Princes Highway, Ulladulla

RESOLVED (Clr Findley / Clr Gash) MIN19.625

That the Chief Executive Officer undertake an investigation into historical correspondence in respect to the Pitman Ave and Princes Hwy intersection treatment. The purpose of the investigation is to give background to the Roads and Maritime Service to build their understanding of the community's desires for a safe and passable intersection with some consideration for a roundabout or other treatment that makes access and egress from Pitman Ave timely and safe.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

CONFIDENTIAL REPORTS

Pursuant to Section 10A(4) the public were invited to make representation to the meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No members of the public made representations.

RESOLVED (Clr Wells / Clr Pakes)

MIN19.626

That the press and public be excluded from the Meeting, pursuant to section 10A(1)(a) of the Local Government Act, 1993, to consider the following items of a confidential nature.

CDE19.1 West Culburra Development Proposal - NSW Land & Environment Court Matter

Advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 10(A)(2)(g)

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings or prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness.

CARRIED

The meeting moved into confidential the time being 7.47pm.

The meeting moved into open session, the time being 7.57pm.

REPORT FROM CONFIDENTIAL SESSION

The following resolutions of the meeting, whilst closed to the public, were made public.

CDE19.1 West Culburra Development Proposal - NSW Land & Environment Court Matter

**HPERM Ref:
D19/277454**

RESOLVED

MIN19.627C

That Council:

1. Not proceed to apply to join the Land and Environment Court (LEC) proceedings regarding the refusal of the West Culburra development proposal.
2. Be represented at the Conciliation Conference on 14/15 November 2019 by senior member(s) of Council Staff or Councillor Watson. The focus of such representation is to reflect the presentation previously made to the Independent Planning Commission.
3. Continue to work cooperatively with the applicant on solutions required to achieve stated outcomes in regard to the subject proposal and subsequent reports be provided to Council if needed in this regard.

FOR: Clr Gash, Clr White, Clr Wells, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Findley, Clr Levett, Clr Digiglio, Clr Alldrick and Clr Gartner

CARRIED

There being no further business, the meeting concluded, the time being 7.59pm.

Clr Gash
CHAIRPERSON

DE17.40 Planning Proposal (Rezoning) - St Vincent and Deering Streets, Ulladulla (Your Urban Designer)

HPERM Ref: D17/91270

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Planning Proposal - Your Urban Designer (under separate cover)

Purpose / Summary

Obtain direction on a Planning Proposal (PP) that has been received for Lots 1-7, 9 DP 21597 and Lot CP SP 42583, St Vincent and Deering Streets, Ulladulla.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Give in principle support for the proposed rezoning and building height review for Lots 1-7, 9 DP 21597 and Lot CP SP 42583, St Vincent and Deering Streets, Ulladulla; and submit a Planning Proposal to the NSW Department of Planning and Environment for Gateway determination upon receipt of the final outstanding owners consent.
2. Request that the following be required as a condition of the Gateway determination:
 - a. Additional visual impact assessment and/or modelling for the planning proposal site following completion of the Review of Building Heights Study (part of Ulladulla CBD) as required by Council.
 - b. Economic feasibility analysis to consider the proposed heights following completion of the Review of Building Heights Study (part of Ulladulla CBD).
 - c. Stage 1 Contamination Assessment for Lots 3-7, 9 DP 21597 and Lot CP SP 42583.
3. Require the proponent to pay pro rata costs associated with the preparation of the Review of Building Heights Study.
4. Advise the proponent, adjacent land owners and relevant community groups of this decision, noting the opportunity for formal consultation later in the process.
5. If necessary, receive a further report following receipt of the Gateway determination.

Options

1. Support the PP as per the recommendation.

Implications: This will enable staff to prepare and submit the PP to the Department of Planning & Environment (DP&E) for the initial Gateway determination. Appropriate consideration of contamination, economic feasibility and building height will be required and facilitated through the process.

2. Support the proposed rezoning, but reduce the height limit for consideration.

Implications: While this option could reduce the impact of the proposed development on adjoining properties and be more aligned with community expectation, it may impact on development feasibility.

3. Not support the PP.

Implications: This option is not preferred as the proposed rezoning will potentially allow for a better development outcome for the wider site and could provide greater retail/commercial and residential opportunities for the Ulladulla Town Centre.

Background

This matter was the subject of a number of submissions as part of the Citywide LEP process where the subject rezoning was sought. Given that it was outside the 'like for like' zoning intent of that process it was resolved that the matter be considered via a proponent initiated PP.

Council has now received a PP (Attachment 1) from 'Your Urban Designer' on behalf of one of the landowners (Mr J Babington of Techmah Pty Ltd) to rezone land on the corner of St Vincent and Deering Streets, Ulladulla (Lots 1-7, 9 DP 21597 and Lot CP SP 42583) (See Figure 1 – Subject Land) from B5 Business Development (See Figure 2 – Current Zoning) to B4 Mixed Use under Shoalhaven LEP2014 to enable higher density residential development on the site.

The proponents PP also proposes to increase the maximum building height from 7.5 metres (current mapped maximum height) to 14 metres (proposed specific mapped height for this site) to facilitate the proposed development.

A copy of the proponents PP has been made available on Council's website at the following link: <http://doc.shoalhaven.nsw.gov.au/DisplayDoc.aspx?record=D17/85957>.



Figure 1: Aerial Map



Figure 2: Current Zoning

Prior to receiving the proponents PP, a pre-lodgement meeting was held between the proponent and Council staff over Lot 1 and 2 DP 21597 St Vincent Street, Ulladulla only (the Babington site). Staff advised that rezoning the entire B5 zoned area within the block would be preferable rather than the two lots in isolation. Additionally, it was advised that potential contamination of the site would need to be considered. The requested change in height was not proposed or discussed at the pre-lodgement meeting.

At the time of writing this report, owner's consent for all land within the PP subject area has been provided, with the exception of one. Council staff formally accepted the PP on the basis that this remaining signature would be required before the PP could be sent to DP&E for a Gateway determination. As such, the report recommendation reflects this requirement.

Planning Proposal

The proponents PP seeks to rezone the subject land from B5 Business Development to B4 Mixed Use under the Shoalhaven Local Environmental Plan (LEP) 2014 to enable higher density residential development on the site, most likely in the form of residential flat buildings/shop top housing with at grade parking. The rezoning would extend the existing B4 Mixed Use zone that currently applies to the rest of the land within the wider block. This is essentially a change from one business zone to another.

The current B5 Business Development zone was implemented as part of the Citywide LEP as a 'like for like' transfer from the previous Business 3(b)(transitional) zoning of the site under Shoalhaven LEP 1985. The previous 3(b) zone reflected the ongoing historical land uses associated with the site (manufacturing/steel fabrication/boat building).

Whilst the current B5 zoning of the site permits mixed use development as 'shop top housing', it would also essentially require the entire ground floor to be commercial in nature. It is noted that the surrounding adjacent land to the north and east in the same block does not have this restriction due to the B4 zoning. The proponent has indicated that a B4 Mixed Use zone would enable an element of flexibility resulting in a better design outcome, as shop

top housing would require at grade parking (behind a commercial or residential façade) to ensure feasibility. Further, a limited amount of commercial floor space would better compliment the adjoining residential development along the western side of St Vincent Street.

The proponents PP also proposes to increase the maximum mapped building height limit of 7.5 metres to 14 metres to enable the development to achieve a more desirable (and feasible) outcome for the proponent. Within the current maximum height of 7.5 metres a two storey development could be expected, however with a 14 metre height a 4 storey development could potentially be achieved.

Relevant Strategies

The following existing planning strategies are relevant to this location and their consistency with the PP is discussed below.

Milton-Ulladulla Structure Plan

This plan applies to the Milton-Ulladulla area and establishes a set of principles to manage appropriate growth in the area and it underpins the current zonings in the area. It identifies Ulladulla CBD as the sub regional retail core and commercial hub of southern Shoalhaven.

The subject site has been identified in the Structure Plan as 'tourist orientated retail' with 'preferred off-street parking' (Figure 3). It is noted that the land to the south and east of the subject site, also earmarked for tourist orientated retail, have not been developed for this purpose. Development mostly consists of general/service retail (including bulky goods) and commercial land uses.

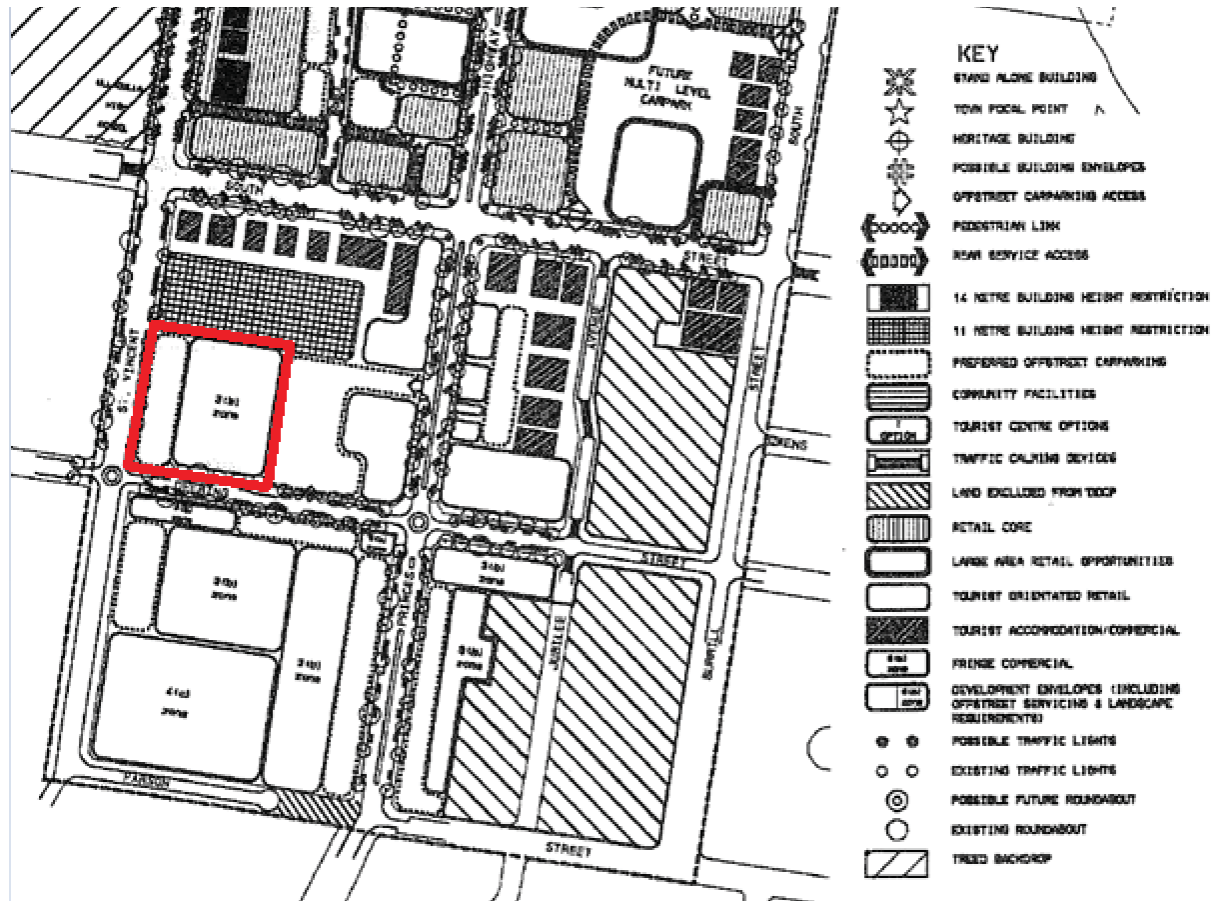


Figure 3: Excerpt of Milton-Ulladulla Structure Plan (Ulladulla CBD)

The Structure Plan outlines the demand for appropriate housing within the Milton-Ulladulla area to respond to population growth and future demographics (e.g. aged population).

The requested rezoning will still enable the provision of retail and commercial floor space within the Ulladulla CBD and would not diminish the opportunity for tourism orientated retail should the demand be present. Further, the provision of supplementary residential development in this location does not hinder this opportunity, but seeks to cater for the growing demand of higher density residential development close to centres.

The PP is thus considered to be broadly consistent with the Structure Plan and enables an appropriate level of flexibility.

Illawarra-Shoalhaven Regional Plan

This Plan aims to encourage a variety of housing choices to meet the Regions changing housing demands over the next 20 years. Direction 2.2 of the Plan seeks to 'support housing opportunities close to existing services, jobs and infrastructure in the region's centres' and the PP is consistent with this direction. Ulladulla is one centres identified where increased housing activity should be focussed.

The PP is considered to be broadly consistent with the Regional Plan.

Community Strategic Plan, Shoalhaven 2023 (CSP)

This Plan (currently under review) identifies objectives and strategies for prosperity in Shoalhaven and creating opportunities for growth to existing services. The following objectives and strategy are directly relevant to this PP:

- Objective 1.5 - Major town centres that are attractive, vibrant and popular destinations.
- Objective 2.2 - Population and urban settlement growth that is ecologically sustainable and carefully planned and managed.
- Strategy 2.2.1 - Develop land use and related plans for the sustainable growth of the City which use the core principles of the Growth Management Strategy and ESD principles, also carefully considering community concerns and the character of unique historic townships.
- Strategy 2.2.2 - Facilitate the provision of housing that meets the changing needs and expectations of the community.

The PP is not inconsistent with the CSP.

Key Issues

The initial review of the proponents PP has identified the following key issues related to height (amenity) and contamination impacts. Consideration of these issues will need to be conditioned as part of the Gateway determination should Council support the advancement of the PP.

Height - Amenity Impact

Currently the site is surrounded by:

- Low, medium and higher density residential development to the west, south west and north.
- One and two storey retail and commercial premises to the east and south.

It is acknowledged that the change in one business zone to another to enable residential flat development would be more complementary to the surrounding residential area than the current manufacturing/boat building business on the site. However, the requested increase in

height is perhaps the issue that requires closer scrutiny as it is likely to impact on the streetscape and character of the surrounding residential area, and will potentially have a significant impact on adjacent low density residential properties that have a maximum building height of 7.5 or 8.5 metres. Further, the prominence of the site, being located on a ridgeline, could result in future development being visible from beyond the immediate vicinity. Figure 4 shows the site and the current mapped LEP heights on adjoining land.



Figure 4: Height of Surrounding Land

The original intent of the current height controls for the site were to ensure that any development along the ridge of Deering Street would not have an adverse impact on the appearance of the town centre from the civic centre/harbour area.

The proponents PP does not provide any discussion on possible visual impacts and broader visibility of future development.

The proponents PP does not attempt to justify the increase in height with the provision of any supporting documentation. The justification for the proposed 14m height is that “the proposed development would have the height in-line with existing maximum height with the adjoining lots on the northeast of the subject land” and that a 14 metre height limit would enable an economically feasible 4 storey mixed use development that will allow at grade parking. The proponent considers basement car parking to be cost prohibitive. The proponents PP does not provide any discussion on the impact of the increase in height on the streetscape and character of the adjoining area.

On 28 March 2017, Council considered DA16/2412 for a three (3) storey office building comprising ground floor car parking and two levels of office space at Parson Street, Ulladulla. The application sought a 46% (3.5m) variation to the 7.5m height limit. Following the resolution to not support the proposed variation, Council also resolved (part MIN17.218(2)) to:

Undertake a review of the 7.5m building heights in this part of the Ulladulla Town Centre in the next 6 months which is limited to the area south of Deering Street and the B5 and R3 zones.

Council staff have recently commenced the process to engage consultants for the Review of Building Heights Study and have expanded the study area to strategically encompass the two adjacent 7.5m blocks immediately north of Deering Street as shown in Figure 5.

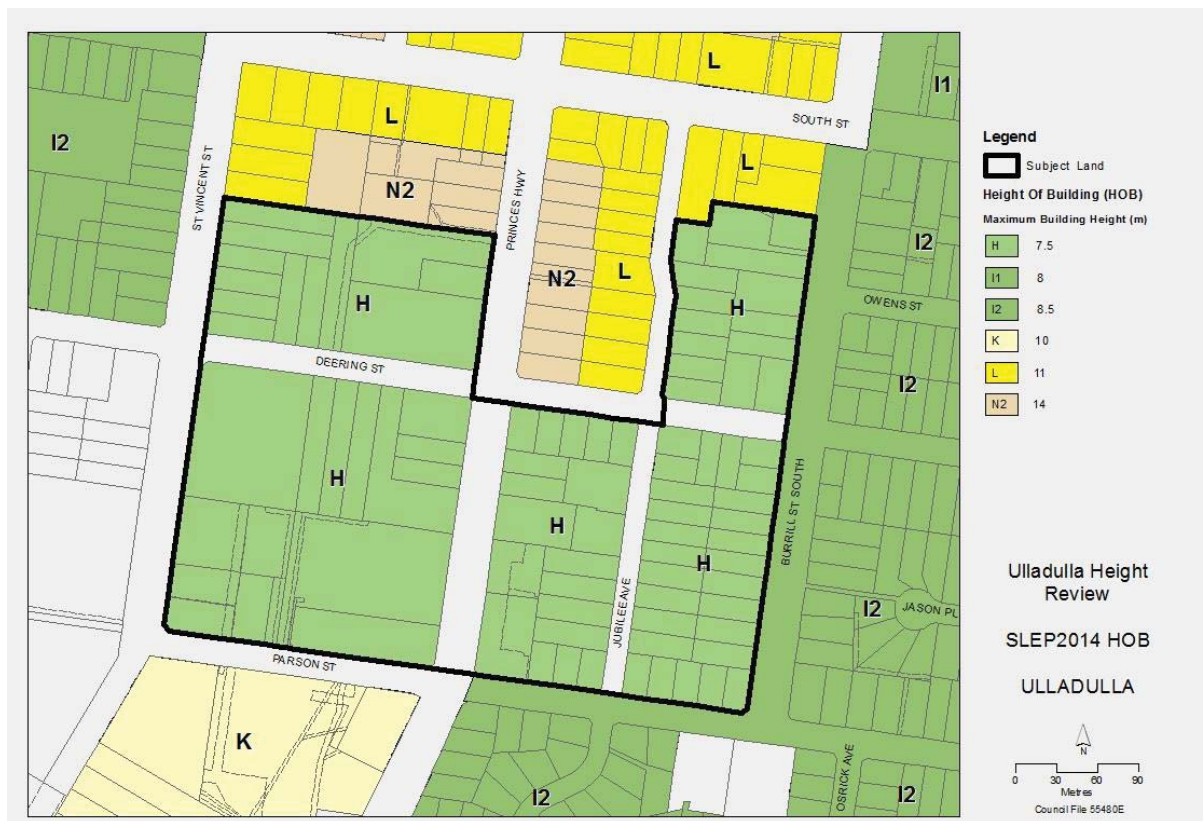


Figure 5: Study Area - Review of Building Heights Study

The subject land for this PP is included in this broader study area. It is expected that the Review of Building Heights Study will inform any change to heights within the study area and will consider the PP subject land as part of the wider precinct rather than in isolation, thus resulting in a better strategic outcome. The proponent will directly benefit from this study and it is thus recommended that relevant costs be recovered via a pro rata arrangement.

Further visual impact assessment and/or modelling may be required in addition to the Review of Building Heights Study to consider the visibility of future development when viewed from the surrounding area. This should be undertaken as required by the proponent to Council's satisfaction following the Gateway determination.

As economic viability is one of the proponent's key justifications for an increase in height, it is recommended that the feasibility of the proposed heights be considered through an economic analysis following the Review of Building Heights Study.

Contamination Impact

Due to the industrial/manufacturing history of the site, there is a risk of contamination. In response to this, the proponent has supplied statements within their PP constituting a Stage 1 Contamination Assessment for 116-118 St Vincent Street which has been considered by Council staff to be acceptable at this stage.

A Stage 1 Contamination Assessment has not been provided for the remaining lots subject to the planning proposal (Lots 3-7, 9 DP 21597 and Lot CP SP 42583). It is recommended that a Stage 1 Contamination Assessment be requested as a condition of the Gateway determination.

This issue is considered relevant at this stage as the rezoning will effectively enable additional residential development on the site and at ground level.

It is noted that contamination also will need to be considered further as part of any future development application.

CONCLUSION:

The proponents PP seeks to rezone the subject land from B5 Business Development to B4 Mixed Use under Shoalhaven LEP 2014. The PP also seeks to increase the maximum height from 7.5 metres to a specific mapped height of 14 metres.

The rezoning proposal is generally consistent with the relevant strategies and will enable the development of higher density residential development in line with the rest of the block. The change from one business zone to another is supported.

Support for the increase in maximum building height from 7.5 metres to 14 metres needs to be considered in the context of the site, its surroundings and visual prominence. The issue of proposed building heights in the Ulladulla CBD has been a vexed issue over a long period of time. As such, the inclusion of the site in the Review of Building Height Study and requirement for additional visual impact and economic feasibility analysis will assist in tailoring the mapped building height as the PP advances.

Community Engagement

The PP has been made available on Council's pre-Gateway Planning Proposal website for information purposes and the adjoining land owners and Ulladulla & Districts Forum were notified accordingly. No submissions were received at the time of writing this report.

Council staff and the proponent were invited to discuss the planning proposal at the Ulladulla & Districts Forum's meeting on 1 May 2017. Concern was raised by Forum Members about the height and potential for residential flat buildings associated with the B4 Mixed use zone.

The PP submission included letters of support from a number of stakeholders (including landowners in proximity to the subject land and the Member for South Coast, Shelley Hancock MP), however it is noted that the support was for the initial scope of the planning proposal being 116-118 St Vincent Street only, not the current 9 lot proposal. A number of the letters note that the current industrial type activity is now not appropriate in this location and the rezoning will allow its relocation. A copy of the letters of support will be available for viewing in the Councillors Room prior to the Development Committee meeting.

If the PP receives Gateway determination, the determination will outline the statutory exhibition requirements in accordance with the relevant legislation. This will involve notifying all adjoining landowners, relevant community groups and other interested parties. There will also most likely be the opportunity for community involvement and input into the broader Review of Building Height Study that has commenced for this area.

Financial Implications

The proponent has paid the initial PP lodgement fee in accordance with Council's Fees and Charges. The proponent will be required to fund or undertake any studies associated with the PP following the Gateway determination. Staff resources are also required to progress the proposal.

Fees for the remaining stages of the PP will be charged in accordance with Council's Fees and Charges.

Due to the direct benefit the proponent will gain from the Review of Building Height Study, it is recommended that the proponent pays pro rata costs associated with the preparation of the Study.

INFORMATION ONLY

DEVELOPMENT COMMITTEE

05/06/2017

Subject: Planning Proposal (Rezoning) - St Vincent and Deering Streets, Ulladulla - Lot 1 to 7
9 DP 21597 Lot C SP 42583 - Gateway Determination - Building Heights Study Review

RESOLVED (Clr Gash / Clr Findley)

MIN17.476

That Council:

1. Give in principle support for the proposed rezoning and building height review for Lots 1-7, 9 DP 21597 and Lot CP SP 42583, St Vincent and Deering Streets, Ulladulla; and submit a Planning Proposal to the NSW Department of Planning and Environment for Gateway determination upon receipt of the final outstanding owners consent.
2. Request that the following be required as a condition of the Gateway determination:
 - a. Additional visual impact assessment and/or modelling for the planning proposal site following completion of the Review of Building Heights Study (part of Ulladulla CBD) as required by Council, which considers up to 14 mts on the subject site.
 - b. Economic feasibility analysis to consider the proposed heights following completion of the Review of Building Heights Study (part of Ulladulla CBD).
 - c. Stage 1 Contamination Assessment for Lots 3-7, 9 DP 21597 and Lot CP SP 42583.
3. Require the proponent to pay pro rata costs associated with the preparation of the Review of Building Heights Study.
4. Advise the proponent, adjacent land owners and relevant community groups of this decision, noting the opportunity for formal consultation later in the process.
5. If necessary, receive a further report following receipt of the Gateway determination.

FOR: Clr White, Clr Gash, Clr Wells, Clr Findley, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Guile, Clr Pakes, Clr Watson, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

DE17.79 Outcomes - Building Height Review - Southern Part of Ulladulla CBD

HPERM Ref: D17/333579

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Review of Building Heights Report (Part Ulladulla CBD) (under separate cover)
2. PP025 Gateway Determination 29 August 2017 (under separate cover)

Purpose / Summary

To present the outcomes of the Building Heights Review relating to the southern part of the Ulladulla CBD as per MIN17.218.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Prepare a Planning Proposal to amend Shoalhaven Local Environmental Plan 2014 to increase the height across the Study Area (excluding land subject to PP025) to part 11 metres and part 14 metres as per the Review of Building Heights Report.
2. Prepare an amendment to Chapter S8: Ulladulla Town Centre of Shoalhaven Development Control Plan 2014 to reflect proposed height modifications and address resulting implications across the Study Area, including land subject to PP025.
3. Consider a further report/s that contains the detail of the Planning Proposal for submission to the NSW Department and Planning and Environment for Gateway determination and the associated amendments to Chapter S8: Ulladulla Town Centre of Shoalhaven Development Control Plan 2014.
4. Notify Ulladulla & Districts Community Forum, affected landowners and workshop attendees of this decision and of further opportunities to be involved as this matter progresses.

Options

1. Adopt the recommendation.

Implications: This is the preferred option as it will commence the process to amend the heights in Shoalhaven Local Environmental Plan (LEP) 2014 relating to the Study Area (excluding land subject to PP025) to reflect the outcomes of the review. It will also facilitate the required amendments to Shoalhaven Development Control Plan (DCP) 2014 to reflect the proposed change in height across the Study area and enable good design and built form outcomes.

2. Adopt an alternative recommendation.

Implications: Depending on its nature, an alternative recommendation could delay the revision and updating of height provisions in Shoalhaven LEP 2014 and could result in

provisions that do not facilitate appropriate development outcomes within the Study Area.

3. Not amend the height of building provisions in Shoalhaven LEP 2014 across the Study Area.

Implications: Given the review that has been undertaken and its recommendations, this is not a preferred option as the existing height provisions in Shoalhaven LEP 2014 will not be amended and it will be difficult to stimulate and facilitate development consistent with a CBD location.

Background

On 14 March 2017, Council's Development Committee considered a development application (DA16/2412) for a three (3) storey office building at proposed Lot 15 Parson Street, Ulladulla.

The proposal sought a 46% (3.5 metre) variation to the 7.5 metre height prescribed in the Shoalhaven LEP 2014 for the land. Although the Committee originally resolved to support the variation (MIN17.183), a rescission motion was considered at the 28 March 2017 Ordinary Meeting (MIN17.217) and it was resolved to not support the proposed variation (MIN17.218). As part of this resolution, Council also resolved (part 2) to:

Undertake a review of the 7.5 metre building heights in this part of the Ulladulla Town Centre in the next 6 months which is limited to the area south of Deering Street and the B5 and R3 zones.

It is noted that the area of the review was expanded beyond that of the Council resolution to ensure a holistic review of land in this vicinity with a building height of 7.5 metres in the LEP.

The Study Area (Figure 1) is located within the southern precinct of the Ulladulla CBD and is generally bounded by St Vincent Street, Parson Street, Burrill Street South, Jubilee Avenue, Deering Street and the Princes Highway, Ulladulla. The Study Area includes all land with a building height currently mapped at 7.5 metres (Figure 2) as indicated in Shoalhaven LEP 2014 and is zoned B4 Mixed Use, B5 Business Development and R3 Medium Density Residential.



Figure 1: Study Area

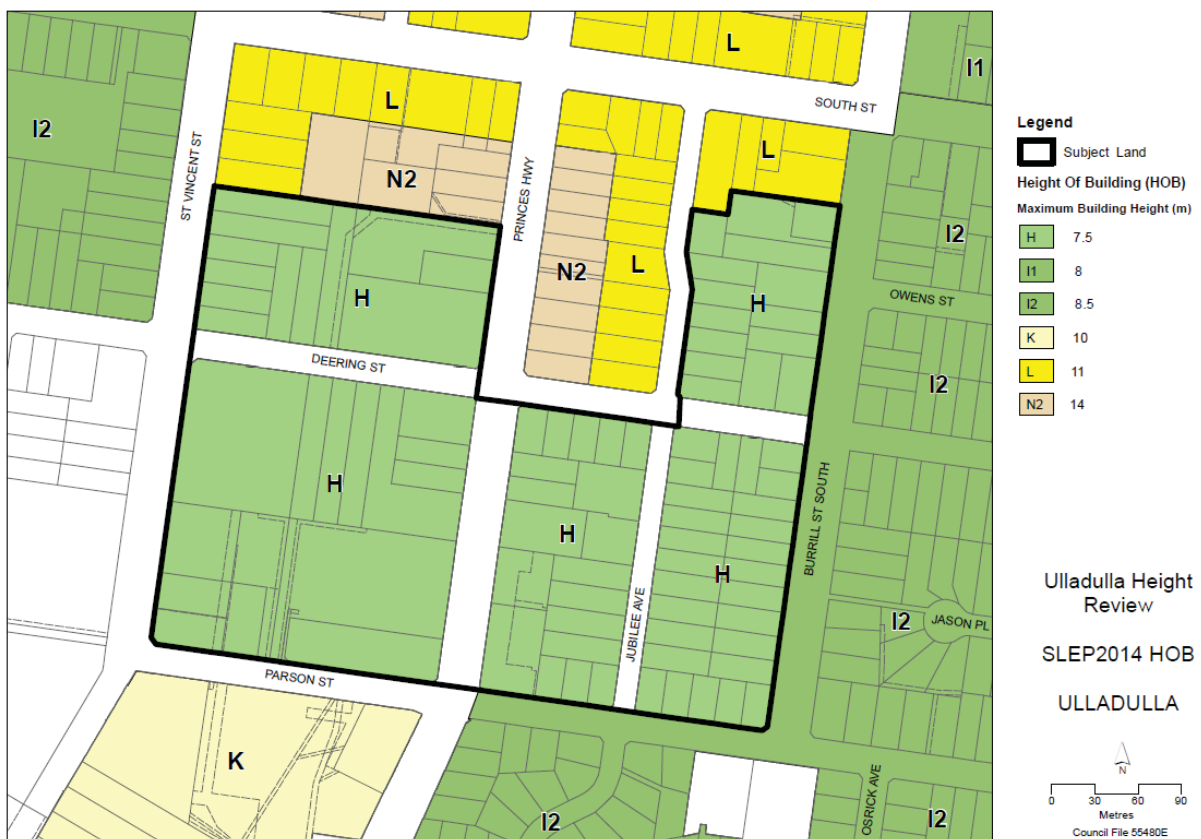


Figure 2: Existing Height of Buildings

Consultants, City Plan Services and Atlas Urban were engaged in June 2017 to undertake a Building Height Review as an urban design and strategic planning exercise to investigate and reconsider the urban form height controls for the Study Area. The Review is based on a detailed analysis of the Study Area and context, as well as targeted consultation with the Ulladulla & Districts Community Forum, community and Council representatives.

Community Consultation

On 31 July 2017, two consultation workshop sessions were held; one with the Ulladulla & Districts Community Forum and community (approximately 30 attendees), and another with Councillors. The purpose of the workshops was to enable stakeholders to provide feedback on the height strategy proposed by the consultants. Generally, there were varying opinions as to what the planned heights should be, from no change to up to 17 metres. Other key themes included relationship to the existing neighbourhood character and height, preservation of views, affordable housing opportunities and the ability to stimulate economic growth and job opportunities.

It was identified during the CCB/community workshop that certain members of the community were unable to attend the workshop due to work commitments, and as a result, the consultant's workshop presentation was made available for public review for a period of one week between 2 and 9 August 2017. As a result of this, seven (7) submissions were received:

- Three (3) were in support of an increase in height, two (2) specifying a height of 17m.
- Three (3) did not support any increase in height.
- One (1) considered a height increase appropriate only where existing amenity and character is maintained and quality design controls are provided.

Refer to the Review of Building Heights Report at **Attachment 1** for more detail.

Outcomes of the Building Height Review

Balancing the outcomes of the targeted consultation and the strategic, statutory and physical parameters of the Study Area, the Review of Building Heights Report prepared by the consultants (**Attachment 1**) recommends considering an increase in height across the Study Area from 7.5 metres to part 11 metres and part 14 metres as shown in Figure 3 below.

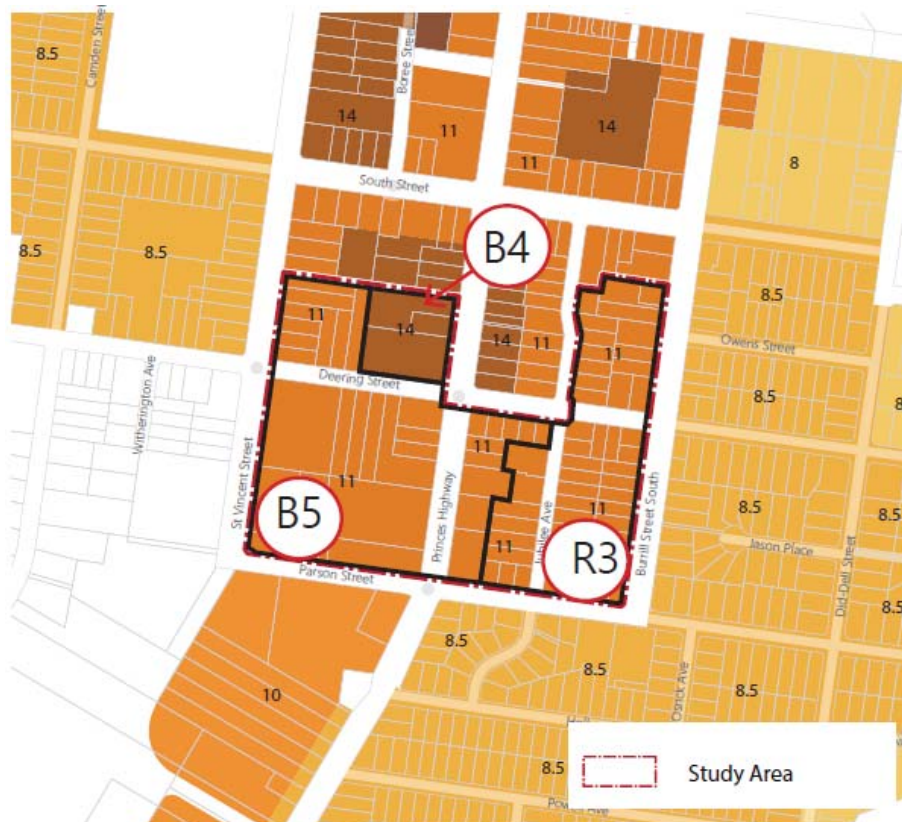


Figure 3: Proposed Height of Buildings

The recommended change in height enables a modest transition to lower density development to the south, east and west and reflects the height of the Ulladulla CBD core to the north of the Study Area. It also will enable the stimulation and facilitation of development consistent with the vision and strategic direction of the:

- Milton-Ulladulla Structure Plan; and
- General future desired character and amenity expectations as outlined in Chapter S8: Ulladulla Town Centre of Shoalhaven DCP 2014.

Proposed approach

Should Council be comfortable with the changes recommended by the consults, to enable the change in building height across the Study Area, a formal amendment to Shoalhaven LEP 2014 will be required. This would be facilitated via a Planning Proposal (PP).

In this regard, on 5 June 2017, the Development Committee resolved (MIN17.476) to give in principle support for a proposed rezoning and building height review for a site located within the Study Area (Figure 4), known as Lots 1-7, 9 DP 21597 and Lot CP SP 42583, St Vincent and Deering Streets, Ulladulla.

The Gateway determination (**Attachment 2**) for this Planning Proposal (PP025) included a condition requiring the final height for the site to be shaped by the outcomes of the Review of Building Heights Report. PP025 is proponent initiated and it is considered, in the interest of clarity and transparency, that:

- The land subject to the proponent PP (identified as pink in Figure 4) be excluded from the Building Height Review Planning Proposal; and
- The proponent PP should continue to progress independently to any future PP relating to the Review of Building Heights Report.

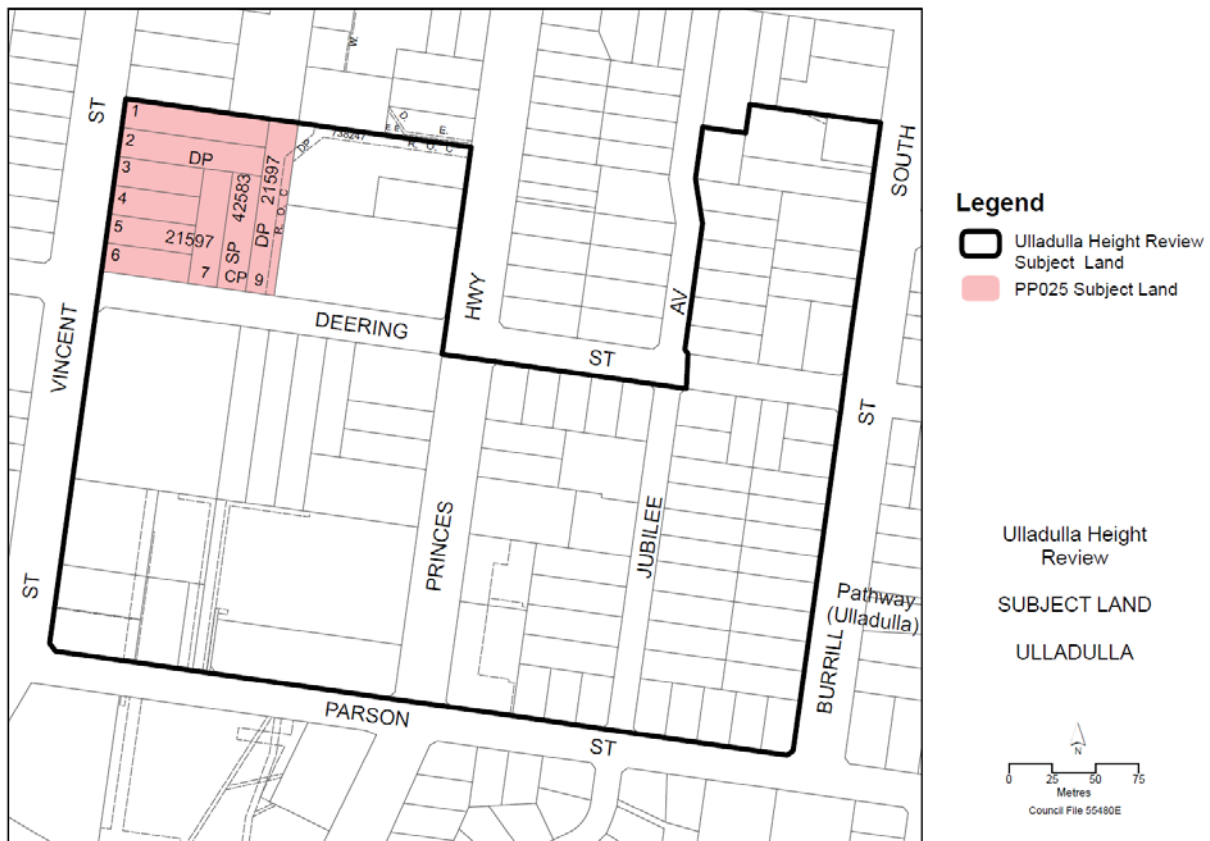


Figure 4: Study Area and PP025 Area

The Review of Building Heights Report recommends that Chapter S8: Ulladulla Town Centre of Shoalhaven DCP 2014 also be amended to reflect the proposed change in height across the overall Study Area (including PP025 area). This would facilitate good design and built form outcomes and would relate (not exclusively) to the general context, built form and character, views and vistas, setbacks and height references in the area.

Any associated amendments to the Shoalhaven DCP 2014 would be exhibited concurrently with the PP and PP025 to ensure a strategic approach to planning provisions across the broader Study Area.

Conclusion

The Review of Building Heights Report discussed in this report recommends an increase in height across the Study Area from 7.5 metres to part 11 metres and part 14 metres. It is considered that an amendment to Shoalhaven LEP 2014 and Shoalhaven DCP 2014 would effectively facilitate this increase in height.

Community Engagement

The community engagement undertaken as part of the Review of Building Heights Report is outlined above.

Any future PP would be subject to the exhibition requirements set out in the Gateway determination in accordance with the relevant legislation. This will involve notifying all affected landowners, adjoining landowners, relevant community groups and other interested parties.

Any amendments to Shoalhaven DCP 2014 would be exhibited concurrently with the PP's, in accordance with the relevant legislation.

Policy Implications

The existing height provisions in Shoalhaven LEP 2014 are dated and somewhat inconsistent with the proposed direction of the Milton-Ulladulla Structure Plan and general future desired character and amenity expectations outlined in Chapter S8: Ulladulla Town Centre of Shoalhaven DCP 2014.

The proposed height increase would assist in facilitating development and resolve the current inequitable and inconsistent building height controls that exist - the adjacent lower density residential areas currently has a greater height limit (8.5 metres) than the Subject Area (7.5 metres).

Should a PP be prepared to amend the height, then amendments will also be required to Shoalhaven DCP 2014 to reflect new heights and to resolve any inconsistencies resulting from the modifications.

Financial Implications

As per MIN17.476, the funding for the Building Heights Review is based on a pro rata arrangement between the Strategic Planning budget and the proponent of PP025.

Any future amendments to Shoalhaven LEP 2014 and Shoalhaven DCP 2014 would be managed within the existing Strategic Planning budget.

Fees for the remaining stages of PP025 will be charged in accordance with Council's Fees and Charges.

INFORMATION ONLY

DEVELOPMENT COMMITTEE

14/11/2017

Subject: Planning Proposal - Shoalhaven DCP Amendment - Building Height - Preparation - Southern Part of Ulladulla CBD

RESOLVED (Clr Cheyne / Clr Findley)

MIN17.954

That Council:

1. Prepare a Planning Proposal to amend Shoalhaven Local Environmental Plan 2014 to increase the height across the Study Area (excluding land subject to PP025) to part 11 metres and part 14 metres as per the Review of Building Heights Report.
2. Prepare an amendment to Chapter S8: Ulladulla Town Centre of Shoalhaven Development Control Plan 2014 to reflect proposed height modifications and address resulting implications across the Study Area, including land subject to PP025.
3. Consider a further report/s that contains the detail of the Planning Proposal for submission to the NSW Department and Planning and Environment for Gateway determination and the associated amendments to Chapter S8: Ulladulla Town Centre of Shoalhaven Development Control Plan 2014.
4. Notify Ulladulla & Districts Community Forum, affected landowners and workshop attendees of this decision and of further opportunities to be involved as this matter progresses.

FOR: Clr Findley, Clr Gash, Clr White, Clr Gartner , Clr Wells, Clr Levett, Clr Cheyne, Clr Watson and Clr Kitchener

AGAINST: Clr Alldrick and Clr Proudfoot

CARRIED

DE18.11 Planning Proposal - Building Height Review - Southern Part of Ulladulla CBD

HPERM Ref: D18/17734

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Planning Proposal - Building Height Review - Southern Part of Ulladulla CBD - Pre-Gateway Version (under separate cover)
2. Report to Development Committee on 14 November 2017

Purpose / Summary

Obtain endorsement to submit the Planning Proposal (PP) in this regard to the NSW Department of Planning & Environment (DP&E) to obtain initial Gateway determination.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse Planning Proposal (PP030) Building Height Review – Southern Part of Ulladulla CBD (**Attachment 1**) and submit to the NSW Department of Planning & Environment for a Gateway determination.
2. Notify Ulladulla & Districts Community Forum, affected landowners and key stakeholders of this decision and of further opportunities to be involved as this matter progresses.

Options

1. Adopt the recommendation.

Implications: This is the preferred option as it will enable the initial lodgement of the PP (**Attachment 1**) to advance an amendment to the height of building controls in the southern part of the Ulladulla CBD (subject land). On 14 November 2017, Council's Development Committee provided in principle support for the preparation of the PP (MIN17.954).

2. Adopt an alternative recommendation.

Implications: Depending on its nature, an alternative recommendation could delay an amendment to Shoalhaven Local Environmental Plan (LEP) 2014 to increase the height of building controls for the subject land.

3. Not amend the height of building provisions in Shoalhaven LEP 2014 for the subject land.

Implications: Given the Height of Buildings Review that has recently been undertaken, its recommendations and Council's recent recommendation (MIN17.954) to prepare a PP to increase heights for the subject land, this is not a preferred option as the existing height provisions in Shoalhaven LEP 2014 will not be amended and it will be difficult to stimulate and facilitate development consistent with a CBD location.

Background

On 14 November 2017, Council resolved (MIN17.954 – part 1 & 3) to:

1. Prepare a Planning Proposal to amend Shoalhaven Local Environmental Plan 2014 to increase the height across the Study Area (excluding land subject to PP025) to part 11 metres and part 14 metres as per the Review of Building Heights Report.
3. Consider a further report/s that contains the detail of the Planning Proposal for submission to the NSW Department and Planning and Environment for Gateway determination ...

The report to Councils Development Committee on 14 November 2017 is provided at **Attachment 2**.

The initial PP document has now been prepared for submission to DP&E for Gateway determination and is included as **Attachment 1** to this report. In line with the above recommendation:

- The subject land has been refined to exclude the land that is covered by the proponent initiated PP025 (i.e. land known as Lots 1-7, 9 DP 21597 and Lot CP SP 42583, St Vincent and Deering Streets, Ulladulla). This land will be progressed through an independent PP; and
- The proposed height of building map shows an increase in height from 7.5m to part 11m and part 14m (see Figure 2 below).

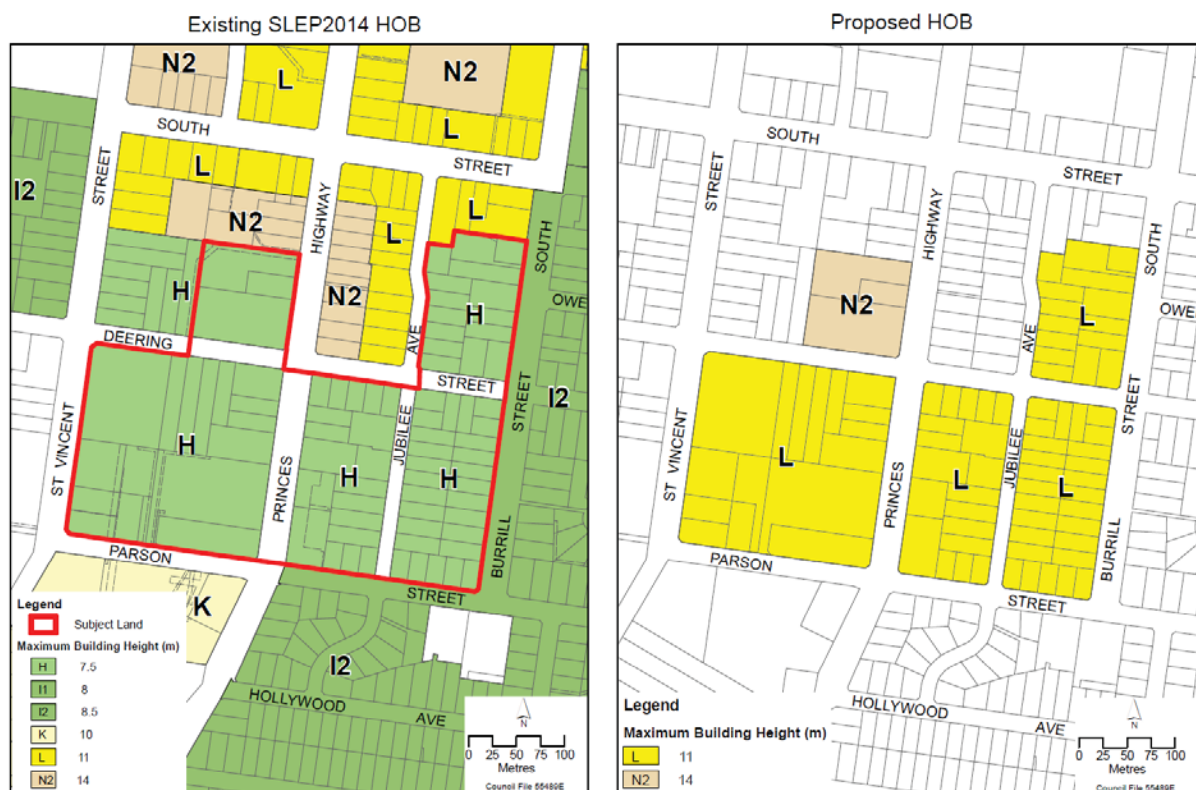


Figure 2 - Existing and Proposed Shoalhaven LEP 2014 Height of Building Mapping

Community Engagement

The PP will be exhibited for comment in accordance with Council's Community Engagement Policy at Level 1 to 'inform' and 'consult', and in accordance with the relevant legislative requirements. The Gateway determination will also specify the minimum exhibition period and any government agencies with whom Council must consult. Community Consultative Bodies and other interest groups will also be advised of the future formal exhibition arrangements.

Policy Implications

The existing height of buildings provisions in Shoalhaven LEP 2014 are dated and somewhat inconsistent with the proposed direction of the Milton-Ulladulla Structure Plan and general future desired character and amenity expectations outlined in Chapter S8: Ulladulla Town Centre of Shoalhaven DCP 2014.

The proposed height increase will assist in facilitating development and resolve the current inequitable and inconsistent building height controls that exist. In this regard the adjacent lower density residential areas currently have a greater height limit (8.5m) than the study area (7.5m).

Financial Implications

Based on the recommended approach, there are no immediate financial implications as this matter is being resourced within the existing Strategic Planning budget.

INFORMATION ONLY

DEVELOPMENT COMMITTEE

13/02/2018

Subject: Endorse - Planning Proposal - PP030 - Building Height Review - Southern Part of Ulladulla CBD - with amendments

RESOLVED (Clr White / Clr Gash)

MIN18.81

That Council:

1. Endorse Planning Proposal (PP030) Building Height Review – Southern Part of Ulladulla CBD (**Attachment 1**) with the following change:
 - a) Include the land that is covered by the proponent initiated PP025 (i.e. land known as Lots 1-7, 9 DP 21597 and Lot CP SP 42583, St Vincent and Deering Streets, Ulladulla) with a mapped height of 11m in line with the outcomes of the Review of Building Heights Report endorsed by Council on 14 November 2017 (MIN17.954).
2. Submit the modified Planning Proposal to the NSW Department of Planning & Environment for a Gateway determination.
3. Notify Ulladulla & Districts Community Forum, affected landowners and key stakeholders of this decision and of further opportunities to be involved as this matter progresses.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Gartner, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

CL18.36 Notice of Motion - Planning Proposal (PP030) - Gateway Application - Building Heights - LEP Southern Ulladulla CBD - Rezoning B4 Over Land Contained in Planning Proposal (PP0250)

HPERM Ref: D18/58589

Submitted by: Cllr Greg Watson

Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

Recommendation

That Council request revised conditions from the Department of Planning for the Gateway application for the Planning Proposal 030, to include a 14m height and a rezoning to B4 over the land contained in Planning Proposal 025.

Note by the General Manager

Planning Proposal (PP) 030 relates to the review of the building heights in the LEP in the southern part of the Ulladulla CBD and was initiated by Council.

PP 025 relates to a specific zone and a building height change in the LEP for land on the corner of St.Vincent Street and Deering Streets. This PP was proponent initiated.

On 28 March 2017 Council resolved (MIN17.218) to:

Undertake a review of the 7.5 metre building heights in this part of the Ulladulla Town Centre in the next 6 months which is limited to the area south of Deering Street and the B5 and R3 zones.

It is noted that the area of the review was expanded beyond that of the Council resolution to ensure a holistic review of all land in the vicinity with a building height of 7.5 metres in Shoalhaven LEP 2014. This is the land subject to PP030.

Also in March 2017, Council received a proponent (My Urban Designer for Babington and others) initiated Planning Proposal request (PP025) for land at the corner of St Vincent and Deering Streets, Ulladulla (Lots 1-7, 9 DP 21597 and Lot CP SP 42583) to rezone the land from B5 Business Development to B4 Mixed Use with an increase in the maximum building height from 7.5 metres (current mapped maximum height) to 14 metres (proposed specific mapped height for this site). Council resolved on 5 June 2017 (MIN17.476) to:

1. *Give in principle support for the proposed rezoning and building height review for Lots 1-7, 9 DP 21597 and Lot CP SP 42583, St Vincent and Deering Streets, Ulladulla; and submit a Planning Proposal to the NSW Department of Planning and Environment for Gateway determination upon receipt of the final outstanding owners consent.*
2. *Request that the following be required as a condition of the Gateway determination:*
 - a. *Additional visual impact assessment and/or modelling for the planning proposal site following completion of the Review of Building Heights Study (part of*

Ulladulla CBD) as required by Council, which considers up to 14 mts on the subject site.

- b. Economic feasibility analysis to consider the proposed heights following completion of the Review of Building Heights Study (part of Ulladulla CBD).*
- c. Stage 1 Contamination Assessment for Lots 3-7, 9 DP 21597 and Lot CP SP 42583.*

As such, PP025 was initially submitted to the NSW Department of Planning and Environment and a Gateway determination was received on 29 August 2017. Consistent with Council's resolution, Condition 1 of the Gateway Determination requires:

The preparation of an economic feasibility analysis and additional visual impact assessment following completion of Council's Review of Building Heights Study (Part of the Ulladulla CBD).

On 14 November 2017, Council's Development Committee considered the outcomes of the Building Heights Review. The Report, prepared by independent consultants City Plan Services and Atlas Urban, recommended an increase in height across the Study Area from 7.5 metres to part 11 metres and part 14 metres as shown in Figure 1. It is noted that the review identified that the height control on the land subject to PP025 should be increased to 11 metres. Further, a key component of the Review was targeted community consultation consisting of:

- Workshops on 31 July 2017 (one with the Ulladulla & Districts Community Forum and community (approximately 30 attendees), and another with Councillors); and
- A public review of the consultant's workshop presentation in August 2017.

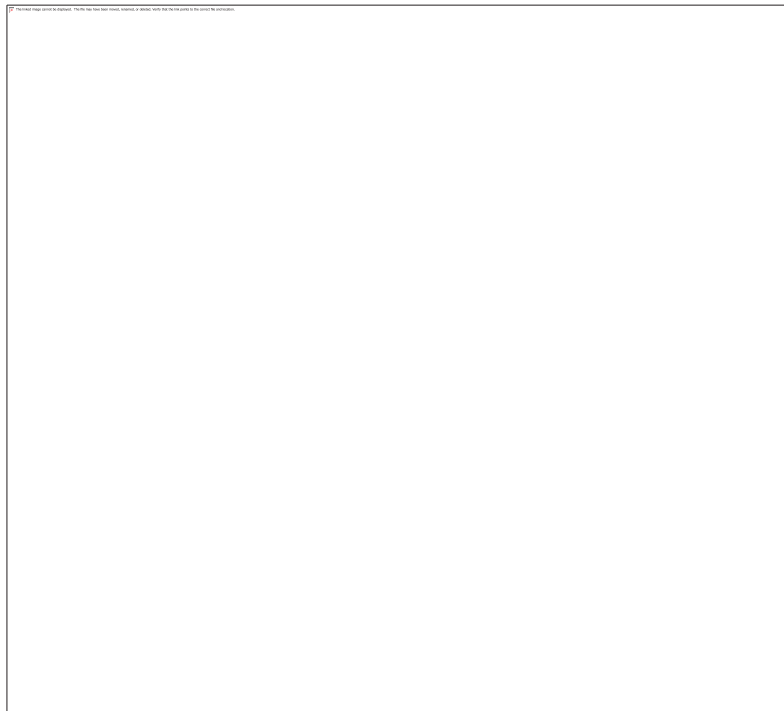


Figure 1: Proposed Height of Buildings

Council ultimately resolved on 14 November 2017 (MIN17.954) to:

1. *Prepare a Planning Proposal to amend Shoalhaven Local Environmental Plan 2014 to increase the height across the Study Area (excluding land subject to PP025) to part 11 metres and part 14 metres as per the Review of Building Heights Report.*

Council considered the draft PP (030) in this regard at the Development Committee on 13 February 2018 and it was resolved to"

1. *Endorse Planning Proposal (PP030) Building Height Review – Southern Part of Ulladulla CBD (**Attachment 1**) with the following change:*

- a) *Include the land that is covered by the proponent initiated PP025 (i.e. land known as Lots 1-7, 9 DP 21597 and Lot CP SP 42583, St Vincent and Deering Streets, Ulladulla) with a mapped height of 11m in line with the outcomes of the Review of Building Heights Report endorsed by Council on 14 November 2017 (MIN17.954).*
2. *Submit the modified Planning Proposal to the NSW Department of Planning & Environment for a Gateway determination.*
3. *Notify Ulladulla & Districts Community Forum, affected landowners and key stakeholders of this decision and of further opportunities to be involved as this matter progresses.*

Thus, adopting a height of 14m for the land subject to PP025 is inconsistent with the outcomes of the Council adopted Review of Building Heights Report. However, it remains appropriate for the proponent of PP025 to demonstrate whether a height of 14 metres is appropriate following the preparation of an economic feasibility analysis and additional visual impact assessment. The appropriate mechanism for this is via PP025, rather than PP030, as PP030 is a Council initiated Planning Proposal and as such should remain transparent and reflect the outcomes of the Review of Building Heights Report as adopted by Council. It is also noted that PP030 only deals with height of buildings and it may be confusing and create additional requests for zoning changes if one specific zone change (corner of St.Vincent and Deering Streets) is included in this larger PP.

FOR ACTION

ORDINARY MEETING

27/02/2018

Subject: Notice of Motion - Planning Proposal PP030 - Ulladulla Town Centre Building Heights - Gateway Application - Revised conditions - 14m height - Rezoning B4 Land Contained in PP0250

RESOLVED (Clr Watson / Clr Pakes)

MIN18.112

That Council request revised conditions from the Department of Planning for the Gateway application for the Planning Proposal 030, to include a 14m height and a rezoning to B4 over the land contained in Planning Proposal 025.

FOR: Clr Gash, Clr Wells, Clr White, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Clr Findley, Clr Gartner, Clr Cheyne, Clr Alldrick and Clr Levett

CARRIED

Appendix 3 – Gateway Determinations



Gateway Determination

Planning Proposal (Department Ref: PP_2017_SHOAL_004_00): to rezone land located at the intersection of St Vincent and Deering Streets, Ulladulla from B5 Business Development Zone to B4 Mixed Use Zone under the Shoalhaven Local Environmental Plan 2014 and to investigate potential changes to the height of building controls to provide the opportunity for high density residential development on the site.

I, Fatima Abbas the Director Regions, Southern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under Section 56(2) of the *Environmental Planning and Assessment Act, 1979* that an amendment to the Shoalhaven Local Environmental Plan (LEP) 2014 as described above should proceed subject to the following conditions:

1. The preparation of an economic feasibility analysis and additional visual impact assessment following completion of Council's Review of Building Heights Study (part of the Ulladulla CBD).
2. A Stage 1 Preliminary Assessment is to be prepared for Lots 3-7, and 9 in DP 21597 and Lot CP SP 42583 in accordance with the "Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land 1998, Department of Urban Affairs and Planning and Environment Protection Authority".
3. The Planning Proposal is to be revised following the completion of the studies and investigations to update the explanation of provisions, particularly in relation to height of building controls. The revised Planning Proposal is to be provided to the Department prior to public exhibition.
4. The planning proposal and associated studies and reports including the Economic Feasibility Analysis, additional visual impact assessment and Stage 1 Contamination Assessment will be made available for community consultation.

5. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
6. No consultation is required with public authorities under Section 56(2)(d) of the Act.
7. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated

29th day of August

2017



Fatima Abbas
Director Regions, Southern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Shoalhaven City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_SHOAL_004_00	Planning Proposal to rezone land located at the intersection of St Vincent and Deering Streets, Ulladulla from B5 Business Development Zone to B4 Mixed Use Zone under the Shoalhaven Local Environmental Plan 2014 and to investigate potential changes to the height of building controls to provide the opportunity for high density residential development on the site.

In exercising the Minister's functions under Section 59 of the Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 29 August 2017

Fatima Abbas
Director Regions, Southern
Planning Services
Department of Planning and Environment

**Delegate of the Secretary
of the Department of Planning and Environment**



Mr Gordon Clark
Strategic Planning Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Attention: Jenna Tague

Dear Mr Clark

Planning Proposal PP_2017_SHOAL_004_00 to amend Shoalhaven Local Environmental Plan 2014

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* and additional information provided on 11 August 2017 in respect of the Planning Proposal to rezone land comprising nine lots located at the intersection of St Vincent and Deering Streets, Ulladulla from B5 Business Development Zone to B4 Mixed Use Zone and to investigate changes to the building height controls under the Shoalhaven Local Environmental Plan 2014 to provide the opportunity for higher density residential development on the site.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistency with Section 117 Direction 1.1 Business and Industrial Zones is of minor significance and/or is justified by the Milton-Ulladulla Structure Plan. No further approval is required in relation to this Direction.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr George Curtis, Senior Planner, Southern Region to assist you. Mr Curtis can be contacted on telephone 4224 9465.

Yours sincerely


Fatima Abbas 29.8.17
Director Regions, Southern
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template



Our ref: PP_2017_SHOAL_004_01 (IRF18/2023)
Your ref: 55480E (D18/91561)

Ms Jenna Tague
Team Coordinator – Strategy Planning South
Shoalhaven City Council
By email: jenna.tague@shoalhaven.nsw.gov.au

Dear Ms Tague

Planning proposal no. PP_2017_SHOAL_004_01 – Alteration of Gateway determination

I refer to your letter in relation to revisions to planning proposal no. PP_2017_SHOAL_004_00 for Planning Proposal - Shoalhaven Local Environmental Plan 2014 - St Vincent and Deering Streets, Ulladulla.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 29 August 2017 for PP_2017_SHOAL_004_00. The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr George Curtis, Senior Planner to assist you. Mr Curtis can be contacted on telephone 4224 9465.

Yours sincerely

14 May 2018

Sarah Lees
Director Regions, Southern
Planning Services

Encl: Alteration of Gateway determination

Alteration of Gateway Determination

Planning proposal (Department Ref: no. PP_2017_SHOAL_004_01)

I, Sarah Lees, Director Regions, Southern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 29 August 2017 for the proposed amendment to the Shoalhaven Local Environmental Plan 2014 as follows:

1. Change the name of the planning proposal

from "Planning Proposal – PP025 Shoalhaven Local Environmental Plan 2014 St Vincent and Deering Streets, Ulladulla".

to "Planning Proposal – PP030 Shoalhaven Local Environmental Plan 2014 Building Height Review – Southern Part of Ulladulla CBD."

2. Delete:

"condition 8"

and replace with:

a new condition 8 "The timeframe for completing the LEP is to be **18 months** following the date of the Gateway determination"

3. Delete:

"condition 1"

and replace with:

new condition 1 "The preparation of an economic feasibility analysis and additional visual impact assessment for Lots 1-7, 9 DP 21597 and Lot CP SP 42583, St Vincent and Deering Streets, Ulladulla following completion of Council's Review of Building Heights Study (part of the Ulladulla CBD)."

4. Insert:

new condition 9 "The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:

- a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
- b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
- c. there are no outstanding written objections from public authorities."

Dated 14th day of May 2018.

A handwritten signature in blue ink, appearing to read 'Sarah Lees', is positioned above the printed name and title.

Sarah Lees
Director Regions, Southern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning



PP_2017_SHOAL_004_02 (IRF19/1253)

Mr Gordon Clark
Strategic Planning Manager
Shoalhaven City Council
By email: council@shoalhaven.nsw.gov.au

Attention: Ms Lauren Turner

Dear Mr Clark

**Planning proposal PP_2017_SHOAL_004_02 – Alteration of Gateway
Determination**

I refer to your request for an extension of time to complete planning proposal
PP_2017_SHOAL_004_02 Building Height Review - Southern Part of Ulladulla CBD.

I have determined as the acting delegate of the Minister, in accordance with section
3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the
Gateway determination dated 29 August 2017 for PP_2017_SHOAL_004_02. The
Alteration of Gateway determination is enclosed and extends the timeframe for
completion until 1 November 2019.

If you have any questions in relation to this matter, I have arranged for Mr George
Curtis to assist you. Mr Curtis can be contacted on 42471824.

Yours sincerely

27/2/19

Graham Towers
Acting Director Regions, Southern
Planning Services

Encl: Alteration of Gateway Determination



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2017_SHOAL_004_02)

I, Graham Towers, Acting Director Regions, Southern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 29 August 2017 (since altered) for the proposed amendment to the Shoalhaven Local Environmental Plan 2014 as follows:

1. Delete:

“condition 8”

and replace with:

a new condition 8 “The time frame for completing the LEP is to be 27 months following the date of the Gateway determination being 1 November 2019”.

Dated 27th day of February 2019.

**Graham Towers
Acting Director Regions, Southern
Planning Services
Department of Planning and
Environment**

Delegate of the Minister for Planning

Appendix 4 – Consistency with Local Planning Directions

Direction	Applicable	Consistent	Comment
1. Employment and Resources			
1.1 Business and Industrial Zones	Yes	Yes	This Proposal recommends amendments to the planning controls to encourage employment growth in a suitable location, protect land in an existing business zone, and support the viability of an identified centre.
1.2 Rural Zones	No	-	-
1.3 Mining, Petroleum Production and Extractive Industries	Yes	TBD	The Director-General of the Department of Primary Industries will be consulted on this Proposal.
1.4 Oyster Aquaculture	No	-	-
1.5 Rural Lands	No	-	-
2. Environment and Heritage			
2.1 Environment Protection Zones	Yes	Yes	This Proposal does not recommend amendments to the planning controls that protect and conserve environmentally sensitive areas, nor would the recommended amendments reduce the environmental protection standards that apply to the site.
2.2 Coastal Management	Yes	Yes	<p>This Proposal applies to 19 properties that are located within the <i>coastal use area</i>, as defined under the <i>Coastal Management Act 2016</i>, and as identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>. These properties include:</p> <ul style="list-style-type: none"> • 6-16 Jubilee Ave (6 properties) • 90-94 South Street (3 properties) • 35-53 Burrill Street South (8 properties) • 59-61 Deering Street (2 properties) <p>The recommended amendments to the planning controls applying to these properties (increase in building heights) are consistent with the:</p>

Appendix 4 – Consistency with Local Planning Directions

Direction	Applicable	Consistent	Comment
			<ul style="list-style-type: none"> • <i>Coastal Management Act 2016</i>, • NSW Coastal Management Manual, • NSW Coastal Design Guidelines 2003, and • Council's Coastal Zone Management Plan 2018. <p>The objectives of each of these documents were considered and addressed in detail during the preparation of the <i>Shoalhaven Local Environmental Plan 2014</i>, <i>Shoalhaven Development Control Plan 2014</i>, and <i>Ulladulla Building Height Review Report 2017</i>.</p> <p>In addition, the recommended amendments do not affect land within a coastal vulnerability area or affected by a current or future coastal hazard.</p>
2.3 Heritage Conservation	Yes	Yes	This Proposal does not recommend the deletion of any heritage items or places or the amendment of existing controls that facilitate the conservation of heritage items or places.
2.4 Recreation Vehicle Areas	Yes	Yes	This Proposal does not recommend amendments to the planning controls that would enable the site to be developed for a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPS	No	-	-
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Yes	This Proposal recommends amendments to the planning controls that encourage the provision of housing, broaden the choice of dwelling types and locations, make use of existing infrastructure and services, and help reduce development beyond existing urban areas.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to caravan parks and manufactured home estates.

Appendix 4 – Consistency with Local Planning Directions

Direction	Applicable	Consistent	Comment
3.3 Home Occupations	Yes	Yes	This Proposal does not recommend the amendment of planning controls that permit home occupations to be carried out in homes without the need for development consent.
3.4 Integrating Land Use and Transport	Yes	Yes	This Proposal recommends amendments that will enable the delivery of new dwellings close to jobs, shops, services and public transport, helping to increase transport choices, and reduce travel demand. An increased residential population also allows us to advocate for improved public transport to service the Town Centre.
3.5 Development Near Regulated Airports and Defence Airfields	No	-	-
3.6 Shooting Ranges	No	-	-
3.7 Reduction in non-hosted short-term rental accommodation period	No	-	-
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Yes	Yes	The land is identified as <i>Class 5 Acid Sulfate Soils</i> . This Proposal does not seek to introduce new planning controls to regulate works in acid sulfate soils, nor will the recommended amendments (increase in height) intensify the land uses.
4.2 Mine Subsidence and Unstable Land	No	-	-
4.3 Flood Prone Land	No	-	-
4.4 Planning for Bushfire Protection	Yes	TBD	The NSW Rural Fire Service will be consulted on this Proposal.
5. Regional Planning			
5.1 Implementation of Regional Strategies	No	-	-

Appendix 4 – Consistency with Local Planning Directions

Direction	Applicable	Consistent	Comment
5.2 Sydney Drinking Water Catchments	No	-	-
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	-	-
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	-	-
Directions 5.5-5.8 Revoked			
5.9 North West Rail Link Corridor Strategy	No	-	-
5.10 Implementation of Regional Plans	Yes	Yes	Refer to 3. <i>Justification, B. Relationship to the strategic planning framework</i> of this Proposal.
5.11 Development of Aboriginal Land Council Land	No	-	-
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	This Proposal does not recommend planning controls that require additional concurrence, consultation, or referral of development applications to a Minister or a public authority.
6.2 Reserving Land for Public Purposes	Yes	Yes	This Proposal does not recommend creating, altering, or reducing existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	Yes	Yes	This Proposal does not recommend additional, site-specific planning controls.
7. Metropolitan Planning – Not applicable			

Appendix 5 – Consistency with State Environmental Planning Policies

SEPP	Applicable	Consistent	Comment
State Environmental Planning Policy No 1 - Development Standards	No	-	-
State Environmental Planning Policy No 19 - Bushland in Urban Areas	No	-	-
State Environmental Planning Policy No 21 - Caravan Parks	Yes	NA	This Proposal does not relate to caravan parks.
State Environmental Planning Policy No 33 - Hazardous and Offensive Development	Yes	NA	This Proposal does not recommend the amendment of planning controls relating to hazardous and offensive development.
State Environmental Planning Policy No 36 - Manufactured Home Estates	No	-	-
State Environmental Planning Policy No 44 - Koala Habitat Protection	Yes	NA	This Proposal does not affect koala habitat.
State Environmental Planning Policy No 47 - Moore Park Showground	No	-	-
State Environmental Planning Policy No 50 - Canal Estate Development	Yes	Yes	This Proposal does not recommend making canal estate developments permissible.
State Environmental Planning Policy No 55 - Remediation of Land	Yes	Yes	This Proposal recommends changing the zone (from B5 Business Development to B4 Mixed Use) applying to the St Vincent-Deering Street site, a potentially contaminated site because of its current or previous use. Although residential development in the form of shop-top housing is currently permitted, the recommended zone allows flat buildings with units on the ground floor. This Proposal is supported by a preliminary investigation carried out in accordance with the <i>Managing Land Contamination Planning Guidelines 1998</i> . This

Appendix 5 – Consistency with State Environmental Planning Policies

SEPP	Applicable	Consistent	Comment
			investigation found the St Vincent-Deering Street site suitable for the range of uses allowed in the proposed zone.
State Environmental Planning Policy No 64 - Advertising and Signage	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to advertising and signage.
State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to the design quality of residential apartment development.
State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)	Yes	NA	An affordable housing development contribution scheme does not apply to the land.
State Environmental Planning Policy (Aboriginal Land) 2019	No	-	-
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to affordable rental housing.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to the building sustainability index.
State Environmental Planning Policy (Coastal Management) 2018	Yes	Yes	The aims and objectives of this SEPP were considered during the preparation of the <i>Ulladulla Building Height Review Report 2017</i> . The planning controls set by the SEPP are also supported by the <i>Shoalhaven Local Environmental Plan 2014</i> and <i>Shoalhaven Development Control Plan 2014</i> , which will continue to apply to the site.
State Environmental Planning Policy (Concurrences) 2018	No	-	-
State Environmental Planning Policy (Educational	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to educational establishment and child care facilities.

Appendix 5 – Consistency with State Environmental Planning Policies

SEPP	Applicable	Consistent	Comment
Establishments and Child Care Facilities) 2017			
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to exempt and complying development.
State Environmental Planning Policy (Gosford City Centre) 2018	No	-	-
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to housing for seniors or people with a disability.
State Environmental Planning Policy (Infrastructure) 2007	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to the delivery of infrastructure.
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	-	-
State Environmental Planning Policy (Kurnell Peninsula) 1989	No	-	-
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to mining, petroleum production or extractive industries.
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to temporary structures.
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	-	-

Appendix 5 – Consistency with State Environmental Planning Policies

SEPP	Applicable	Consistent	Comment
State Environmental Planning Policy (Primary Production and Rural Development) 2019	Yes	NA	This Proposal does not affect rural land.
State Environmental Planning Policy (State and Regional Development) 2011	Yes	NA	This Proposal does not relate to State Significant development, State Significant infrastructure, or critical State Significant infrastructure.
State Environmental Planning Policy (State Significant Precincts) 2005	No	-	-
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	-	-
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	-	-
State Environmental Planning Policy (Three Ports) 2013	No	-	-
State Environmental Planning Policy (Urban Renewal) 2010	No	-	-
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes	NA	The land does not contain any significant vegetation that could assist with the aims of this policy; and this Proposal does not propose any clearing of vegetation.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	No	-	-
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	-	-

Appendix 6 –Consistency with Community Strategic Plan

Theme	Priority	Consistent
1. Resilient, safe and inclusive communities	1.1 Build inclusive, safe and connected communities	Yes: The changes recommend in this Proposal will facilitate the delivery of new residential development in the form of apartments (including shop-top housing). These forms of residential development will increase housing diversity in the Town Centre helping to meet the needs of smaller families and households.
	1.2 Activate communities through arts, culture and events	Not applicable
	1.3 Support active, healthy liveable communities	Yes: The changes recommended in this Proposal will facilitate the delivery of new residential development close to existing jobs, shops and services, enabling more walking and cycling trips and reducing travel times and car dependency.
2. Sustainable, liveable environments	2.1 Improve and maintain road and transport infrastructure	Not applicable
	2.2 Plan and manage appropriate and sustainable development	Yes: The changes recommended in this Proposal will facilitate the delivery of new residential development helping to meet demand from population growth. It will also help to activate the Town Centre with new pedestrian activity, support existing shops and services, and create demand for new shops and services.
	2.3 Protect and showcase the natural environment	Not applicable
3. Prosperous communities	3.1 Maintain and grow a robust economy with vibrant towns and villages	Yes: The changes recommended in this Proposal will encourage investment in the Town Centre, primarily the development of land with new mixed-use development. New development will generate new jobs and new residents will support existing shops and businesses, and potentially demand new shops and businesses.
4. Responsible governance	4.1 Deliver reliable services	Not applicable
	4.2 Provide advocacy and transparent leadership through effective government and administration	Not applicable
	4.3 Inform and engage with the community about the decisions that affect their lives	Yes: The proposed community consultation to be undertaken on this Proposal (see Part 5) will include a public exhibition and provide people the opportunity to make a submission and have their feedback considered prior to any decision to finalise the Proposal.