

ALL ABOUT
PLANNING

PO BOX 2196
PORT MACQUARIE
NSW 2444
PH 02 6583 1305
FAX 02 6583 1368

Planning Proposal to Rezone Part of Site to R2 Low Density Residential, Amend Schedule 1 and the Height of Buildings Map of the Shoalhaven Local Environmental Plan 2014

Rezone the existing part SP2 area of the site to R2 Low Density Residential, amend Schedule 1 to add Multi Dwelling Housing as an additional permitted land use and amend the Height of Buildings Map, to increase the maximum permitted height on part of the site to 11m, for Lot 80 in DP817353 and Lot 921 in DP27856, 48-54 Paradise Beach Road, Sanctuary Point

Prepared for:

Container Group Investments Pty Limited (as trustee)

Prepared by:

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Version 3 / Date: April 2024

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**SANCTUARY POINT PLANNING PROPOSAL
INCLUDING THE FORMER ANGLICAN CHURCH SITE
48-54 PARADISE BEACH ROAD, SANCTUARY POINT**
Lot 80 in DP817353 and Lot 921 in DP27856

AAP Reference: 2022 – 036
April 2024

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This report has been prepared in accordance with an agreement between All About Planning Pty Ltd (AAP) and Container Group Investments Pty Limited (as trustee).

In preparing this report, All About Planning Pty Ltd has used and relied on data, plans and information provided by the various parties as detailed in this document.

The role of each party is as follows:

- All About Planning Pty Ltd – Town Planners
- Container Group Investments Pty Limited (as trustee) - Land Owner
- Kann Finch Architects - Architectural Concept Plans dated July 2023 Rev A.
- Urbanac Pty Ltd - Urban Design Review, dated August 2023

Version	Purpose of Document	Author	Date
1	Gateway Recommendation by Southern Planning Panel	SPP	24/03/23
2	Redraft of Planning Proposal, post Southern Planning Panel Recommendation, for submission for Gateway Determination to NSW Department of Planning and Environment (DPE)	MC/AAP	08/08/23
2a	DPE Requested Amendments	AAP	28/08/23
3	PP Amendments resolved by Southern Planning Panel at Determination of PP	AAP	11/04/24

For enquiries in respect of regarding this Planning Proposal, please contact All About Planning Pty Ltd on (02) 6583 1305 or (0419) 632 293.

Michelle Chapman, PIA Fellow
MPIA, Registered Planner
Master Town Planning
Bachelor Urban and Regional Planning (Hons)
Director
ALL ABOUT PLANNING



I. Introduction

This Version 2 Revised Planning Proposal (herein known as the Sanctuary Point Planning Proposal (PP)) has been prepared by All About Planning Pty Ltd on behalf of Container Group Investments Pty Limited (as trustee). Container Group Investments Pty Ltd are the land owners of the subject ex-Anglican Church site, being Lot 80 in DP817353 and the adjacent Lot 921 in DP27856 at Sanctuary Point, within the Shoalhaven Local Government Area (LGA).

The PP has been revised to reflect the findings of a Rezoning Review lodged with the Southern Planning Panel. The Panel resolved on the 2nd March 2023 to support a rezoning of the part SP2 zoned area of the site to R2 Low Density Residential, to permit Multi Dwelling Housing as a new land use for the site via an LEP Schedule 1 Additional Uses clause, to support an overall building height of 11m (including that part of the site that doesn't already have an 11m HOB limit), with a 3-storey built form and appropriate transitions to adjoining residential development.

Key supporting documentation has been updated in line with the Panel's resolution, being the Concept Architectural Plans, Shadow Diagrams and Urban Design Report.

The Revised PP has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant NSW Department of Planning and Environment (Department) Guidelines, including the *Local Environmental Plan Making Guideline, September 2022*.

This PP outlines the intended effect of and justification for the proposed part rezoning of the site to R2 Low Density Residential, the proposed Schedule 1 Amendment to the *Shoalhaven Local Environmental Plan 2014* (SLEP 2014) and a proposed change to the height of buildings LEP map, to increase building height over part of the site from the current 8.5m to 11m. Currently part of the site is zoned "Special Purpose – Church" and part is zoned R2 Low Density Residential and has a split height of buildings control of both 11m and 8.5m.



Figure 1: Aerial photograph of site and surrounds

The subject site comprises two separate parcels of land, as detailed above, being Lot 80 in DP817353 and Lot 921 in DP 27856, as shown on in Figures 1 and 3. The combined site area is 2,415m².

The zoning and height provisions of the SLEP 2014 as they presently relate to the site are no longer relevant, as the Anglican Church sold the site and vacated the premises. As such, the current land use zone (Special Purpose – Place of Public Worship) is no longer appropriate and the immediately adjoining land to the north east was also acquired by the new owners with the view of consolidating this lot into the former church site to deliver a new housing opportunity for the local area.

Any development proposal for the subject site will require lodgement of a development application for the proposed multi dwelling housing use, should the Version 2 Planning Proposal as described within this report, be endorsed.

This PP demonstrates there are clear strategic and site-specific justifications for the site to be used for the proposed purpose of multi dwelling housing, together with the modest increase to the height of building provisions of the SLEP 2014 over part of the site to 11m. Part of the current height limit for the site is already 11m and it is proposed to increase the permitted maximum height of the current residential zoned portion by 2.5m, to 11m, in order to achieve a consistent height of building control across the subject housing development site.

To assist stakeholders in understanding the intended effects of the Version 2 Planning Proposal, new detailed concept architectural plans and an updated Urban Design Report have been prepared demonstrating how the proposed planning controls could be applied for purposes of a future development application.

The Southern Planning Panel, as delegate of the Minister for Planning, has determined to appoint itself as the Plan Making Authority for this Planning Proposal.

Relevant Background to this Planning Proposal

The subject Planning Proposal 2022-2027 – Shoalhaven LGA – RR-2023-1 (PP) was originally lodged with Shoalhaven City Council proposing a zone change to Medium Density Residential R3 and a height of buildings up to 13m above natural ground level. That Version 1 PP was considered by Shoalhaven City Council with key elements not being supported.

A Rezoning Review of Council's Determination was subsequently lodged by the proponents with the NSW Department of Planning and Environment. In summary, the Southern Planning Panel resolved to support Multi Dwelling Housing as a new land use for the site via a Schedule 1 Additional Uses clause, a rezoning of part of the site to R2 Low Density Residential and to support an overall building height of 11m, to permit a 3-storey built form on the site.

That PP was considered by the Southern Planning Panel on 2nd March 2023, who advised their decision on 24th March 2023, stating:

“The Strategic Planning Panel of the Southern Planning Panel has determined that the proposal should proceed to Gateway determination because the proposal has demonstrated strategic merit and subject to minor changes, site specific merit.

The Panel's recommendation that the planning proposal be supported and proceed to gateway determination is subject to the following qualifying minor changes to the planning proposal."

The Southern Planning Panel's Rezoning Review Record of Decision is included in full at Appendix A with key points extracted as below:

- rezone the land from R2 Low Density Residential and SP2 Infrastructure (Place of Public Worship) to R2 Low Density Residential
- utilise the provisions of Schedule 1 Additional Permitted Uses to introduce multi dwelling housing as a permitted land use with consent on the site
- change the maximum height of the buildings from part 8.5m (R2 zoned land) to 11m and introduce a 11m building height for the area currently zoned SP2 zoned land.
- utilise the provisions of Schedule 1 Additional Permitted Uses, and include the following objectives to this new development type and standard:
 - a. To provide for the housing needs of the community within a multi dwelling housing environment.
 - b. To ensure a desirable transition in building height from the site to the adjoining low density residential properties (west/south west to the east/south east). The building height shall transition to a lower height adjacent to the adjoining low density residential properties.

As set out above, the Panel's changes included a transition in height to the east/south east to ensure that any resultant built form appropriately addresses the low-density residential properties adjoining the eastern/south eastern boundary of the site. The Panel suggests that this height control could be achieved by a Schedule 1 Additional use provision that contains an appropriately worded objective to achieve the desired transitions in height to these common boundaries. The Panel concluded that any such rezoning could be complemented by appropriate setbacks for the site either through a DCP or in assessment of any DA submitted for the development of the site.

This Version 2 Planning Proposal (PP) is the updated document that reflects the Panel's Rezoning Review Record of Decision. Key supporting documentation has also now been updated, being the concept architectural design, urban design report and shadow diagrams to reflect the lower 11m maximum height of buildings provision and Multi Dwelling Housing as the new permitted use.

The Southern Planning Panel as delegate of the Minister for Planning, determined to appoint itself as the PPA for this Planning Proposal.

2. Description of Site and Surrounds

The subject rezoning site is located within Sanctuary Point, a village within the Shoalhaven Local Government Area (LGA) (refer Figure 2). Sanctuary Point is a significant village centre which includes a local primary school, library, child care centre and shops comprising banking, retail, food and drink premises, together with a police station, various medical uses and a golf club in immediate proximity.

The subject site is situated at the north eastern edge of the Sanctuary Point village, immediately adjacent to the community library and within close walking distance to all Sanctuary Point village retail/commercial uses and services (as depicted in Figure 3).



Figure 2: The position of Sanctuary Point, as indicated in red, within the Shoalhaven Local Government Area. Map Extract from the Shoalhaven 2032 Community Strategic Plan

The site comprises two parcels of land, being Lot 80 in DP817353 and Lot 921 in DP 27856. The combined site area is 2,416m². The site benefits from wide street frontage to Paradise Beach Road and the site rises 1.5m to 2.0m to the rear.

As mentioned earlier, the subject site is shown in Figures 1, 3 and 9.

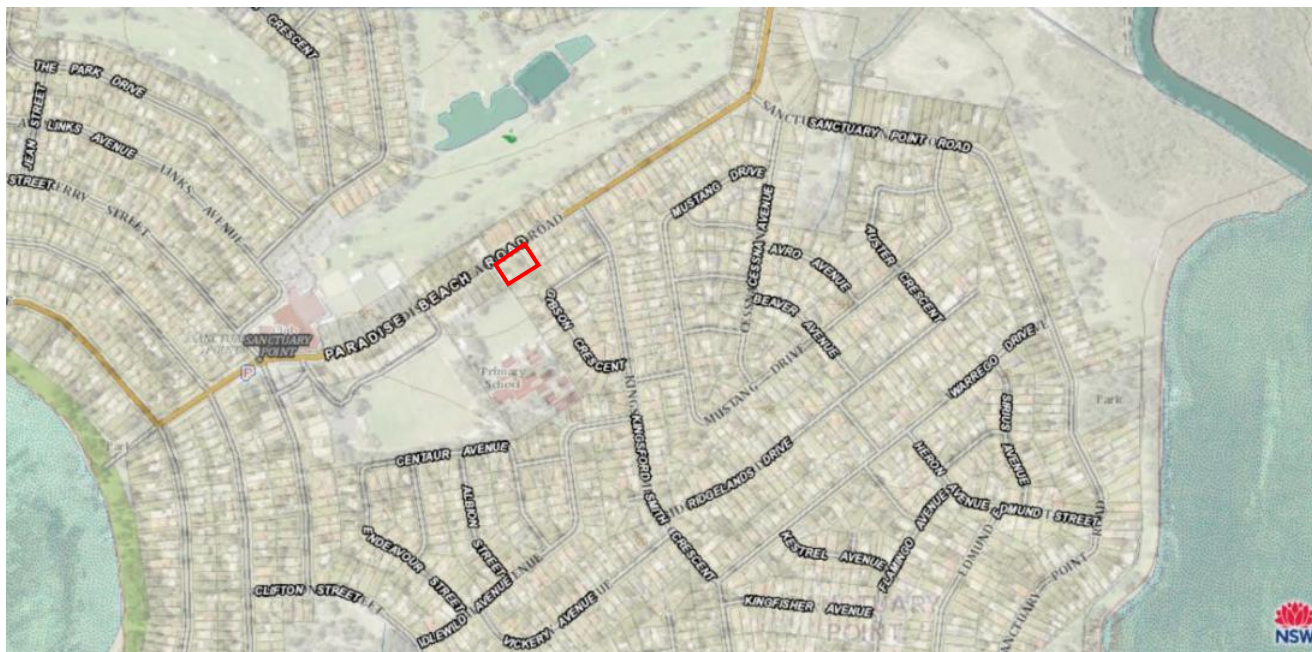


Figure 3: Location of the subject site, accessed off Paradise Beach Road, Sanctuary

The existing low density residential site is surrounded by both medium density residential uses and a medium density land use zone including existing townhouse and dual occupancy development (directly opposite the site) and a low density residential zone to the immediate south and east (refer Figure 11).



Figure 4: Subject site viewed from Paradise Beach Road, looking north east



Figure 5: Subject site looking south west



Figures 6 The adjacent dwelling (no.13) to rear of the site fronting Gibson Crescent



Figures 7 & 8: Site photos of the rear elevation of No.15 Gibson Crescent to the rear of subject site



Figure 9: Aerial Site Detail & Surrounds Source: SIX Maps

3. Objectives and Intended Development Outcomes

A Multi Dwelling Housing development is intended to be facilitated in this revised PP. As stated earlier, this reflects the findings of a Rezoning Review by the Southern Planning Panel. The Panel resolved to support Multi Dwelling Housing as a new land use for the site via an LEP Schedule 1 Additional Uses clause, to support an overall building height of 11m (including the part of site that doesn't already have this HOB limit), with a 3-storey built form and appropriate transitions to the adjoining development.

No other changes to the planning controls are proposed.

An updated concept architectural design for the site has been developed by Kahnn Finch Architects. The extract from the concept design at Figure 10 below shows the street perspective of the proposed development outcome.



Figure 10: Concept Architectural Development Outcome for Lot 80 in DP817353 and Lot 921 in DP 27856

The site design was reworked to satisfy the resolution of the Southern Planning Panel, to allow Multi Dwelling Housing as an additional land use in the low density zone, up to height of 11m above natural ground level and successfully incorporates the Panel's requirement to achieve a transition in building height with the adjoining residential land. The Urban Design Analysis for the Planning Proposal (prepared by Urbanac) has also been redrafted to reflect the amended Planning Proposal.

Section 4.1 of the Revised Urban Design Analysis has the following helpful description for the new envisaged development outcome for the site:

"It is proposed to demolish all existing development on the land construct an Architecturally designed multi dwelling development with a three storey terrace style building form along the street frontage, and two smaller two storey built forms towards the rear of the site, separated by a shared path pedestrian and vehicle access."

The proposed development provides:

- 14 Townhouses
 - Eight 3-Bedroom plus Study
 - Six 2-Bedroom plus Study
- Parking for 26 cars in a half level below ground basement

The three storey form of the front building is articulated to express individual terraces each of which has a direct street entry. The top floor of this building is a contemporary expression of an attic space with an expression referencing a roof space rather than appearing as a full floor.

The rear buildings are two and a half storeys with a smaller overall massing, set above a half level below ground parking basement.

The basement level does not extend more than 1m above the natural ground level at the rear of the site. Between the front and rear buildings, the top of the half level basement is a landscaped roof element providing private open space areas, communal open space areas and high quality building separation.

A variety of building materials are proposed drawing on references to the local area, which will ensure a positive contribution is made to the streetscape.

Vehicular access to the site is proposed via two vehicle crossings to Paradise Beach Road, the only street frontage.”

The Urban Design Analysis also includes the following assessment regarding the above anticipated development outcomes arising from the subject PP:

The assessment has found the proposal:

- *Will help to deliver residential growth to Sanctuary Point (noting redevelopment pressure from Huskisson and Vincentia is starting to spread into the area) in a building that exhibits good design having regard to the objectives of the planning controls*
- *Is on a site well suited to increased density being within walking distance of all local services, with flow-on economic benefits to the local shopping strip.*
- *Is a good fit for the character of the area capable of producing a contemporary town house development that can achieve a good scale relationship and interface with existing lower density development and likely future development*
- *Can result in a building that uses a range of techniques to competently manage the impacts of increased density*
- *Can result in a building with:*
 - *A high level of internal amenity for its occupants with excellent solar access and exceptional cross ventilation for its dwellings*
 - *Acceptable impact on solar access to adjacent development between 9am and 3pm in midwinter*
 - *Good separations to existing adjacent development*
- *Can deliver a high quality landscape design*
- *Competently manages the nine design principles embodied in State Environmental Planning Policy 65*
- *Responds well to the Shoalhaven DCP 2014*
- *Demonstrates good design quality*

The proposed design is considered to be compatible with the character of the area and will be a harmonious addition to the area.

The proposed design is accordingly recommended to Council and the Department of Planning for approval.

4. Planning Proposal Details

Part I - Objectives and Intended Outcomes

(s.3.33(2)(a) A statement of the objectives or intended outcomes of the proposed instrument)

The objective of the Planning Proposal is to change the statutory land use controls over Lot 80 in DP 817353 and Lot 921 in DP 27856, (being 48-54 Paradise Beach Road, Sanctuary Point, the “subject site”) by rezoning the part existing SP2 zoned area of the site to R2, the making of Multi Dwelling Housing as a permissible use on the site and the setting of the 11m height of buildings control over the existing SP2 zoned part of the site to achieve a consistent 11m with the surrounding area.

The intention is to amend the SLEP 2014 by:

- Rezoning part Lot 80 in DP 817353 currently zoned SP2 Place of Public Worship to R2 Low Density Residential as shown below in Figures 11 & 12 .

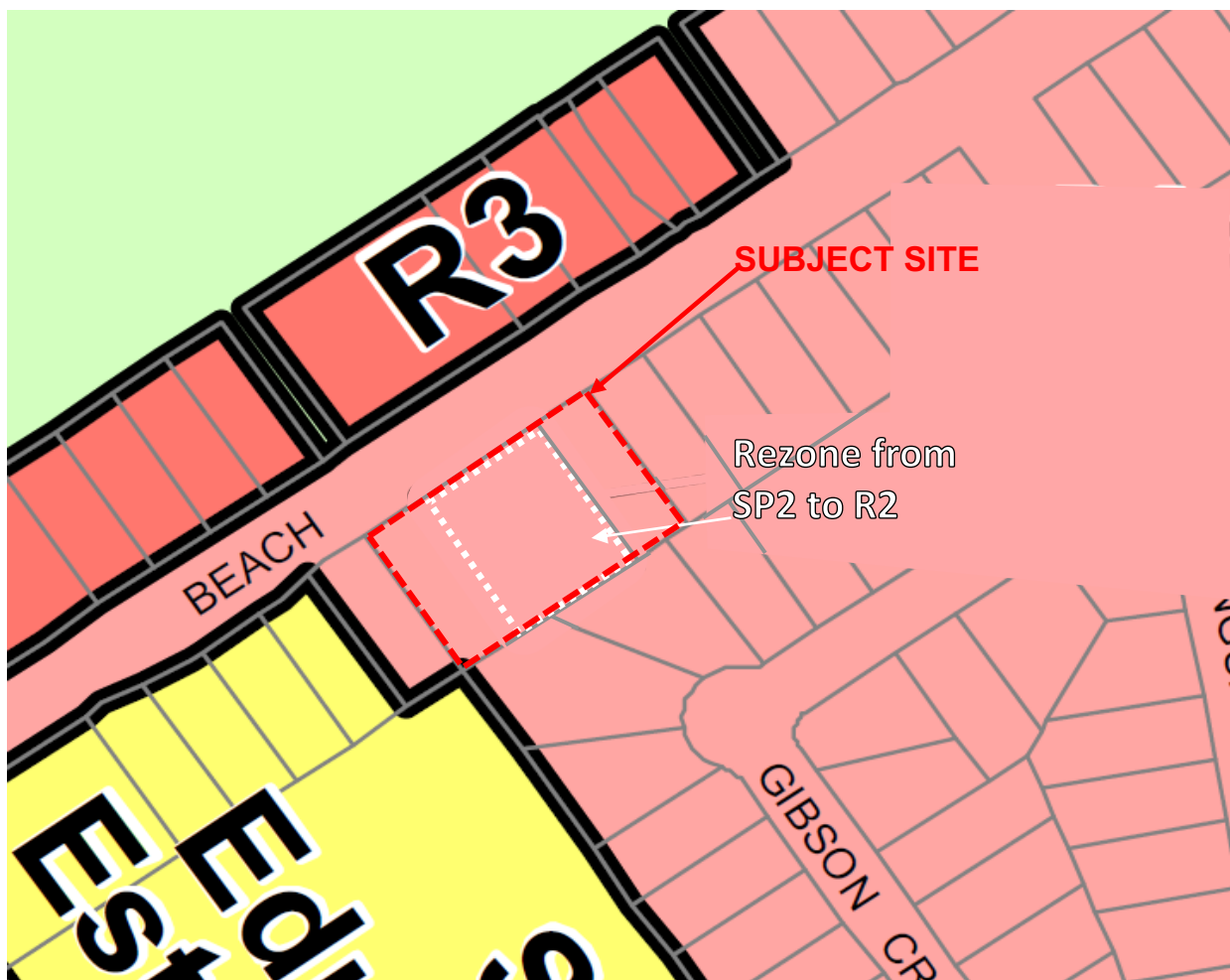


Figure 11: Proposed change to Existing Council's LEP2014 Zoning Map, rezoning part SP2 zone portion of subject site to R2 Low Density Residential

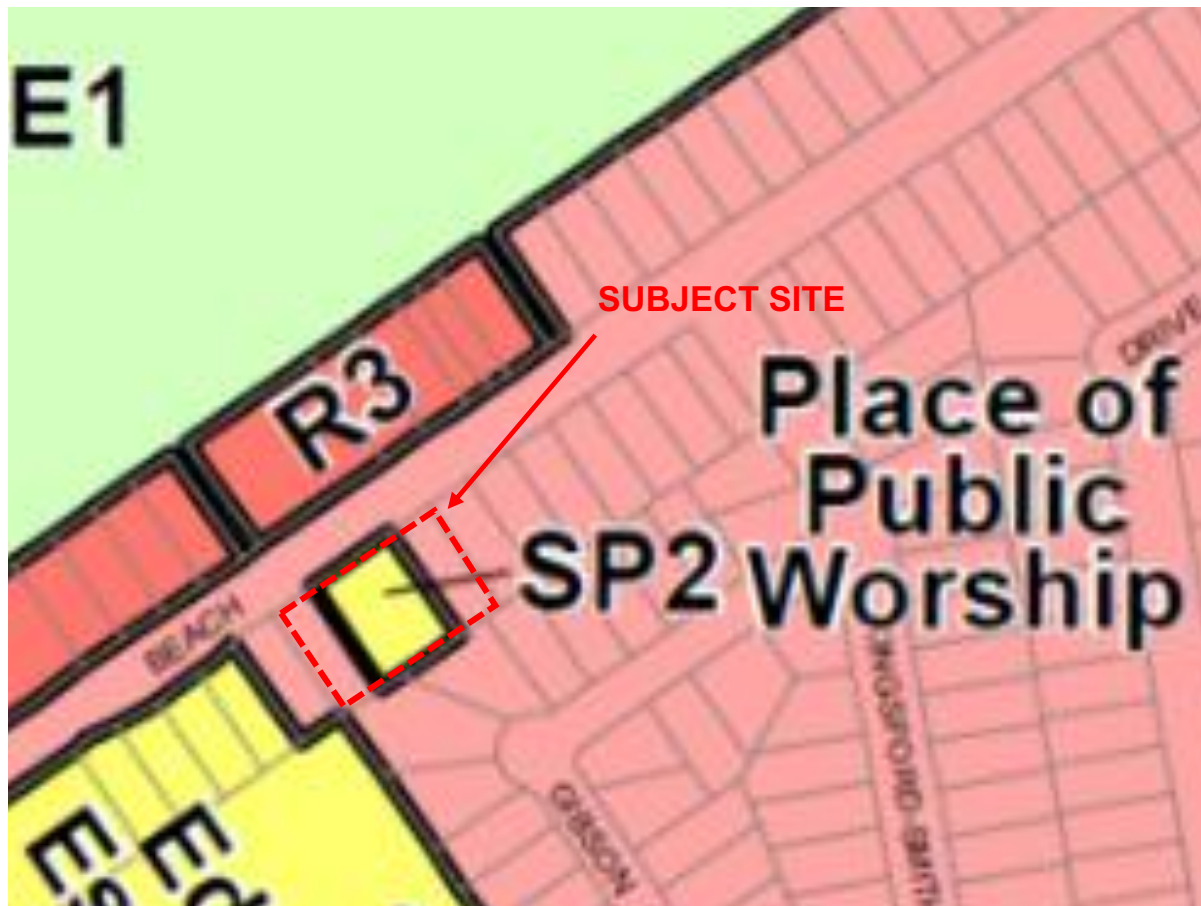


Figure 12: Extract from Existing Council's LEP 2014 Zoning Map

- Adding Clause 29 as a Schedule 1 amendment to permit Multi Dwelling Housing with development consent on land at Lot 80 in DP 817353 and Lot 921 in DP 27856 together with the addition of the site development objectives recommended by the Southern Planning Panel.
- Add the Schedule 1 additional land use on the subject site to the SLEP 2014 Clauses Map - Sheet CLS_020D as illustrated below in Figure 13.
- Change the Height of Buildings Map to permit a standard height of buildings of 11m above NGL over both Lot 80 in DP817353 and Lot 921 in DP 27856 as illustrated below in Figure 14.

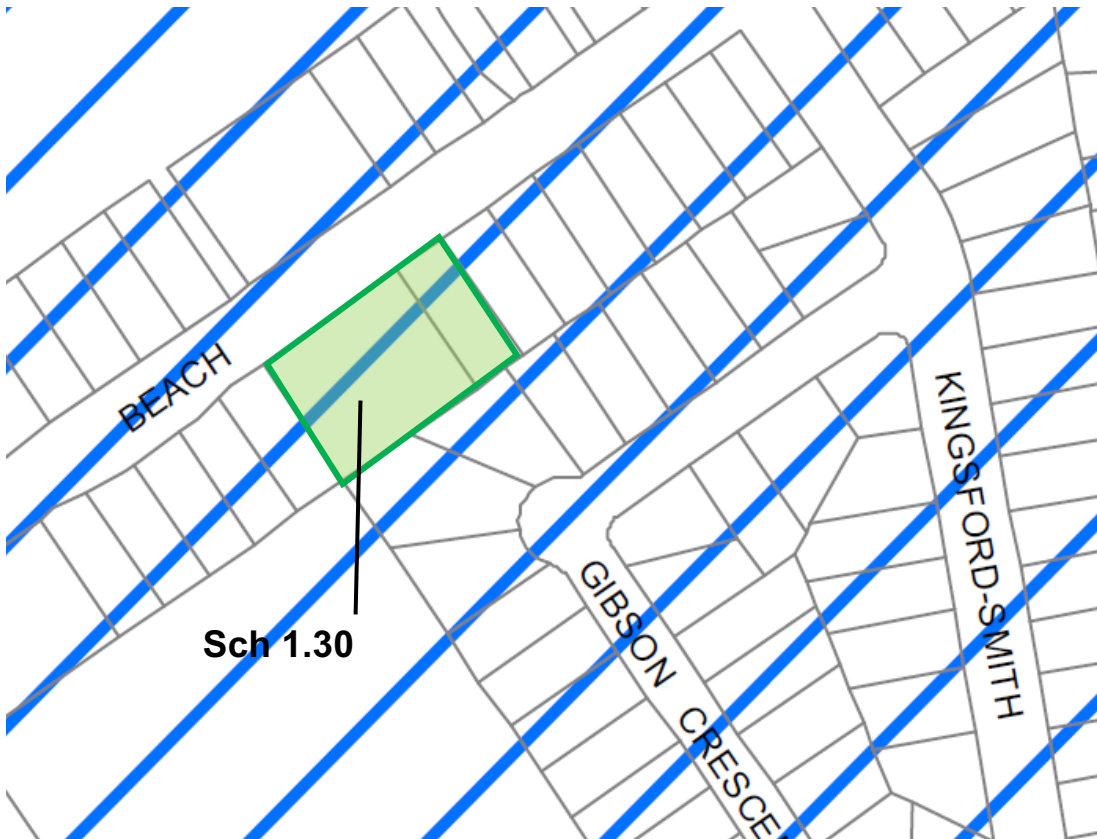


Figure 13 Proposed addition of Schedule I additional land use on the subject site to the SLEP 2014 Clauses Map - Sheet CLS_020D

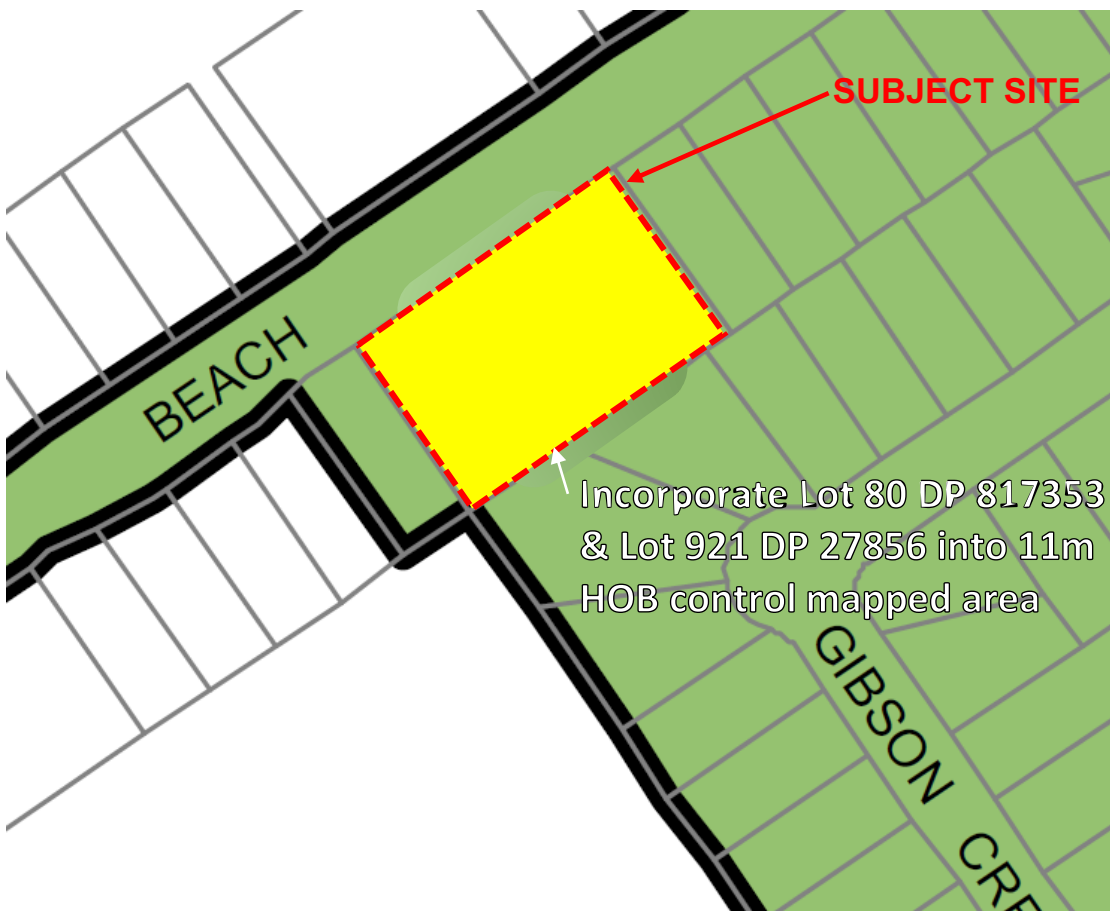


Figure 14 Proposed change to SLEP 2014 HOB Map - Sheet HOB_020D to permit 11m HOB over Lot 80 DP 817353 and Lot 921 DP 27856

Part 2 - Explanation of Provisions

(s.3.33(2)(b) An explanation of the provisions that are to be included in the proposed instrument)

The objectives and intentions are to be achieved by the following:

- Rezone that part of Lot 80 in DP 817353 which is currently zoned SP2 Place of Public Worship, to R2 Low Density Residential.
- Add a Schedule 1 amendment to the SLEP 2014 to permit Multi Dwelling Housing with development consent on the site and which references the requirement to achieve an appropriate transition in height to the low density residential properties adjacent. This is to be achieved by amending Schedule 1 of the SLEP 2014 as outlined below:
 - Amend Schedule 1 Additional permitted uses by adding:
29 Use of certain land at 48-54 Paradise Beach Road, Sanctuary Point
(1) *This clause applies to land identified as “Sch 1.30” on the [Clauses Map](#).*
(2) *Development for the purposes of Multi Dwelling Housing is permitted with development consent if the consent authority is satisfied that —*
 - (a) *The proposed development will provide for the housing needs of the community within a multi dwelling housing environment and,*
 - (b) *To ensure a desirable transition in building height from the site to the adjoining low density residential properties (west/south west to the east/south east). The building height shall transition to a lower height adjacent to the adjoining low density residential properties.*
- Amend the SLEP 2014 Additional Permitted Uses Map to add Item 29.
- Amend the Height of Buildings Map for the subject site in the SLEP 2014 from the current 11m and 8.5m nominated height above natural ground level to a consistent 11m.

Part 3 - Justification

(s.3.33(2)(c) Justification for the objectives or intended outcomes and the process for their implementation)

Section A – Need for the Planning Proposal

3.A.1 Is the Planning Proposal a result of any strategic study or report?

No.

3.A.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, a Planning Proposal is the best means of achieving the intended outcome, being to permit Multi Dwelling Housing on this significant Sanctuary Point site.

The intent of the PP is to deliver medium density housing on the site, as the current R2 and SP2 zone provisions do not permit multi dwelling housing. It is additionally intended to permit a consistent height of buildings for the site of 11m, this being a maximum 3 storey built form outcome.

Section B – Relationship to Strategic Planning Framework

3.B.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The Planning Proposal is consistent with relevant objectives and actions contained within the *Illawarra Shoalhaven Regional Plan 2041 (ISRP 2041)*.

The subject Planning Proposal is consistent with the following relevant objectives of the ISRP 2041:

A productive and innovative region

- Objective 2: Grow the region's Regional Cities

A region that values its people and places

- Objective 18: Provide housing supply in the right locations
- Objective 19: Deliver housing that is more diverse and affordable
- Objective 21: Respond to the changing needs of local neighbourhoods
- Objective 22: Embrace and respect the region's local character

Comment: The Planning Proposal is consistent with the above ISRP 2041 objectives in that it will:

- Supplement the current supply of housing in Sanctuary Point
- Deliver much needed housing variety in a very accessible and desirable location
- Provide for the changing needs of the community that is ageing and having reduced household sizes that will require more variety of dwelling types
- Promote the economic vibrancy of the Sanctuary Point Village
- Deliver economically sustainable new investment and construction opportunities
- Support ongoing employment opportunities through additional population density in the Sanctuary Point village edge area

3.B.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Shoalhaven 2040 Land Use Planning Statement

The primary local Strategic Land Use Planning Statement (LSPS) is **Shoalhaven 2040**, which is a roadmap for Shoalhaven LGA's future, that outlines the land-use planning and related work Council has identified is required in order to meet community needs and expectations over the next 20 years.

The plan also identifies the community's vision for the future, long-term goals, strategies to get there and how to measure progress towards that vision.

Shoalhaven 2040 LSPS identifies that:

- a. The number of people living in Shoalhaven is expected to grow by over 23,000 people by 2041. Shoalhaven's communities are also ageing, and the average household or family size is predicted to get smaller.*
- b. Areas of compact homes like medium density, apartments and townhouses are required in and around Nowra City Centre and Ulladulla Town Centre and other infill locations.*
- c. Existing suburbs and villages with limited expansion opportunities need in-fill development to support the supply of housing types and allow people to change homes as their needs change. Smaller, more easily maintained homes allow communities to age-in-place and young adults to live close to the family home. However, change needs to be managed to ensure development contributes to neighbourhood character.*
- d. There is a need to focus 'place-making' and management activities on key centres requiring revitalisation, redevelopment, or a change in their primary role(s) to increase activity, economic growth, and vibrancy.*
- e. Potential outcomes should all work to create places where people want to spend time. Examples include, expanding the types of retail and associated experiences, improving the public domain, better transport connections, and providing co-working spaces. Increasing the number of people living in and around centres also supports shops and businesses.*

Comment: The Planning Proposal is consistent with the above Shoalhaven 2040 LSPS objectives in the following ways:

- The proposal contributes to the provision of additional housing to meet the needs of the growing and aging population, in a very well serviced locality.
- The proposal will provide for additional medium density housing in an established location which is considered suitable for additional residential density.
- The proposal will contribute to much needed place making for Sanctuary Point village.
- The proposal will increase the number of people living in and around the Sanctuary Point village centre.

Shoalhaven 2032 Community Strategic Plan

The Shoalhaven 2032 Community Strategic Plan states that it “*reflects the community's vision for the city and is our guide for action over the next 10 years. It tells:*

- What the community is striving to achieve*
- Strategies to achieve the plan*
- Outcomes that will indicate when key goals are reached*

Council takes a lead role in the implementation of this Plan, however they note that responsibility for achieving long-term goals rests with all levels of government, business, industry groups, community organisations and individuals.

Each of the key themes and priorities have been identified by the community as well as a broad range of issues that are important them.”

The Community Vision Statement of the Community Strategic Plan is the following:

“We will work together in the 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.”

The PP is consistent with the Objectives and Vision of Council’s Community Strategic Plan and the strategy and actions listed below (as demonstrated in the overall assessment provided in this PP):

- Theme 3 – Prosperous Communities including creating jobs and invest in Tourism.
- Objective 3.1 maintain and grow a robust economy with vibrant towns and villages

3.B.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes. The PP is consistent with the applicable State Environmental Planning Policies (SEPPs) as follows:

SEPP	Consistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The land is not of Biodiversity significance.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency. The Indicative Concept Design has been designed with building massing and orientation that would facilitate future BASIX compliance, which will be documented in any future DA.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N/A
State Environmental Planning Policy (Housing) 2021	Not inconsistent.
State Environmental Planning Policy (Industry and Employment) 2021	N/A
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	SEPP 65 provides a statutory framework to guide the design quality of residential developments of 3 or more storeys and 4 or more dwellings. The envisaged planning outcome will be consistent with SEPP 65, as demonstrated in the updated Urban Design Analysis.
State Environmental Planning Policy (Planning Systems) 2021	Not inconsistent.

State Environmental Planning Policy (Precincts—Central River City) 2021	N/A
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	N/A
State Environmental Planning Policy (Precincts—Regional) 2021	N/A
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	N/A
State Environmental Planning Policy (Primary Production) 2021	N/A
State Environmental Planning Policy (Resilience and Hazards) 2021	<p>This SEPP, among other matters, provides the planning framework for the management of contaminated land in NSW. There is no reason to believe that the site suffers from any form of contamination. To AAP's knowledge, no activities have ever occurred on the land that would have caused contamination.</p> <p>The land has not been identified by Council as being affected by contamination.</p> <p>In relation to Coastal Wetlands and Littoral Rainforest management under this SEPP, the subject site is not located within a mapped Coastal Wetland, Littoral Rainforest or 100m Proximity Buffer of either.</p> <p>In relation to Coastal Management under this SEPP, the subject site is not within a mapped Coastal Use Area or Coastal Environment Area.</p>
State Environmental Planning Policy (Resources and Energy) 2021	N/A
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>The scale & intensity of the proposed development outcome from the subject PP will not trigger a referral under the Transport & Infrastructure SEPP.</p> <p>Refer also to the assessment of traffic later in this PP in Section 3.C.2 (<i>Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?</i>).</p>

The Planning Proposal is not inconsistent with any of the relevant State Environmental Planning Policies.

3.B.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The PP is consistent with the applicable Ministerial Directions as shown in Checklist of Ministerial Directions below:

S. 9.1 Direction Applying	Issues	Consistent?
1.1 Implementation of Regional Plans	No	Yes. As identified within this report, the proposal is consistent with relevant Regional Plans.
1.4 Site Specific Provisions	No	Yes. The PP will allow the proposed landuse to be carried out in the zone the land is situated on.
3.1 Conservation Zones	No	Yes. The land is not within an area identified by an EPI as being with an area needing conservation.
3.2 Heritage Conservation	No	The site does not contain any heritage items.
4.1 Flooding	No	The site is not flood liable.
4.2 Coastal Management	No	The site is not within an area impacted upon by SEPP Coastal Management.
4.3 Planning for Bushfire Protection	No	The site is not mapped as bushfire prone land.
4.5 Acid Sulfate Soils	No	The site is mapped as having only Class 5 acid sulfate soils.
5.1 Integrating Land Use and Transport	No	<p>Yes. Traffic and transport considerations have been addressed – refer Section 3.B.3 and Section 3.C.2.</p> <p>The subject PP seeks to pursue a multi dwelling housing opportunity for Sanctuary Point village area with sufficient on-site parking and in a location that is eminently walkable.</p>
6.1 Residential Zones	No	<p>Yes. The proposal will:</p> <ol style="list-style-type: none"> 1) Broaden the choice of housing types. 2) Provide housing in a well serviced location in close proximity to local shops and public transport 3) Reduce consumption of housing on the urban fringe 4) Be of good design.

Section C – Environmental, Social and Economic Impact

3.C.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site has a long history of community and residential use and is highly disturbed through regular occupation and property maintenance, including mowing and slashing, the parking of vehicles, as well as construction of a church and subsequent use a church and for other residential purposes.

The site does not contain significant areas of native vegetation communities or other significant features. The Planning Proposal will not impact on critical habitat, threatened species, populations or ecological communities.

3.C.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The site is intended to be developed for purposes of multi dwelling housing and does not contain significant natural environmental features. The Planning Proposal will provide for an increase in the permissible residential density on the site as well as increasing the height of buildings to a maximum 11m across the entire site.

Built Form and Scale & Relationship to Adjoining Development

Updated architectural concept plans including cross sections, elevations, shadow diagrams and a site analysis plan have been provided by Kann Finch Architects, refer new concept architectural plan set. These plans are consistent with the SPP's recommendation, demonstrating how a suitable transition of height can be achieved to protect the residential amenity of adjoining low density residential properties to the west/ south west and to the east/ south east.

Urbanac's updated Urban Design Analysis, revised to reflect the envisaged development outcome arising from the PP, makes the following assessment and comments at Section 5.2 regarding the built form and scale of the proposed development outcome and the adequacy of its relationship to the adjoining and surrounding context of existing development and its future character:

The site has good dimensions sufficient to support a town house style development with three major forms – a front building addressing Paradise Beach Road and two lower buildings at the rear of the site separated by a wide landscaped space and set back from side and rear boundaries.

Front setbacks of 6m at the ground level are provided, exceeding the DCP minimum requirement and broadly matching the prevailing front setbacks along Paradise Beach Road. This allows for landscaped front gardens that will ensure a landscaped setting for the building in keeping with the character of its context.

In order to ensure a satisfactory transition to adjacent R2 zones dwellings on Paradise Beach Road, most of which are 2 storey with pitched roofs, is it recommended that the side and rear boundary setbacks be increased above the DCP minimum size to 3m providing a suitable space for a scale transition that includes screening planting.

The height of up to 11m is sufficient to provide for a front building that provides a high quality streetscape response complying with all DCP built form controls and presenting as a three storey form. At the rear of the site, where there is a need for a more sensitive interface to lower rise dwellings a 2½ storey form is provided taking advantage of the fall in the site with parking in a half-basement, together with 3m landscaped setbacks above the DCP minimum requirements.

This partly below ground semi-basement is supported as it will manage onsite and offsite vehicle noise and other impacts and will be screened by landscaping at its edges.

This semi-basement element is also covered with rooftop planting providing private open space and communal open space circulation areas for the development's dwellings.

Above the carpark level, built form setbacks to side and rear boundaries are increased to 6m mitigating against potential visual privacy impacts and achieving the high level of separation normally only required by the higher design standards of the NSW Apartment Design Guide between habitable room windows.

Building length on the front and rear buildings is managed by clear building breaks providing well designed access for occupants and visitors.

Accordingly it is considered the proposed design can deliver an appropriate built form and scale for its location, achieving a harmonious fit with well managed impacts.

Traffic

The 14 Townhouses/Multi Dwelling Housing proposal for the site, comprises:

- Eight 3-Bedroom plus Study
- Six 2-Bedroom plus Study
- Parking for 28 cars in a half level below ground basement

A traffic impact assessment report (prepared by Lyle & Associates) was submitted with the Version 1 PP, which included an analysis of likely traffic impacts associated with the then proposed medium density development of the site. No traffic or transport issues of significance were identified then that would preclude approval. The subject amended Version 2 PP involves a lower residential yield and therefore less traffic generated and will not result in any unreasonable impacts on the local road system.

Lyle & Associates confirmed the subject land has a frontage to Paradise Beach Road of approximately 60 metres. Paradise Beach Road itself is 12.8 metres wide and has a kerbside parking lane and one lane for moving traffic in each direction. Kerbside parking is not time restricted. Paradise Beach Road is a collector road.

Shoalhaven City Council provided Lyle & Associates the following data from traffic counts made in December 2014 at a location 110 metres east of Kerry Street and approximately 480 metres west of Kingsford Smith Crescent.

- Average Daily (AD): 6141 (Both directions)
- Average Weekday (AWD): 6392
- Busiest weekday (BWD): 6967
- 85th Percentile Speed: 46.1 km/hr
- Heavy vehicles (Class 3 and above): 3.3%
- Eastbound traffic 49.3%

Peak hour traffic volumes in the morning and afternoon commuter peak hours were assumed to be 10% of the daily traffic volume, which amounts to about 350 vehs/hr in each direction.

2 car spaces for each 3 bedroom unit are required under the Shoalhaven DCP 2014. The total requirement for the reduced 14 units now proposed is therefore 25 spaces not including visitor parking. 28 total car spaces are now proposed in the updated architectural design, which satisfies the parking standards.

Separate ingress and egress driveways are still proposed as required in Clause A 10.3 and A 10.4 in the Shoalhaven DCP 2014. Lyle & Associates previously confirmed that the driveways met the sight distance requirements for pedestrians on the frontage footpath. The straight road alignment providing adequate sight distance of 69 metres for a desirable 5 second gap and a frontage road speed of 50 km/hour.

The proposed parking area has been designed by Registered Architects to satisfy AS/NZS 2890.1.

Aboriginal Heritage

An up to date search has been completed for this Version 2 PP using the AHIMS database and no Aboriginal recordings of Aboriginal sites or places exist in vicinity of the site. Refer also Appendix 2.

Infrastructure

The following site infrastructure requirements & servicing parameters are noted:

- The provision of all essential services (water, sewer, electricity) are on readily available to the site and will not be a constraint to the timing or delivery of development.
- Sewer will predominantly be private gravity draining to existing gravity reticulation subject to calculations during the construction certificate phase supporting that the site will drain in its entirety via gravity.
- Water reticulation is available. The developer is to verify the connections to the existing mains will be adequate to serve the proposed development.
- Endeavour Energy is able to supply the expected electrical demand through its existing network. The developer is to make application for connection during the construction. A pad mount sub-station would be required.
- Waste services will not be a constraint to development proceeding.
- Telecommunications will not be a constraint to development as Government compliant telecommunications providers will supply the necessary services to the development.
- Gas services will not be a constraint to development as they are non-essential service and are proposed to be delivered by private bulk tank.

It follows therefore that there are no significant issues with respect to the provision of critical services for future development of the site.

Any development impacts will also be examined in further detail at the DA stage by Shoalhaven City Council.

3.C.3 Has the Planning Proposal adequately addressed any social and economic effects?

The proposal to permit multi dwelling housing as a new residential land use within the Sanctuary Point village area will enable the transformation of an under utilised site, into a site that will deliver an increase in both housing availability and choice within the area. The development of the site for Multi Dwelling Housing will generate economic investment, additional local vibrancy and new housing opportunity.

New places of public worship are a permissible land use within most land use zones in the Shoalhaven area and the loss of a site that is currently zoned Special Purposes – Place of Public Worship is a change that will not hinder the ability for new churches to be established within the locality.

The subject PP will have a long term small positive social and economic effect on the Shoalhaven LGA and the Sanctuary Point area. In particular, local businesses within the Sanctuary Point village will benefit from increased residential density in close proximity to established retail, commercial and community land uses, through increased business patronage and extra pedestrian footfall, all of which will add vibrancy of the existing village centre.

Council's Community Plan 2032 (refer Figure 15 below) confirms that Council anticipates sustained demand for new dwelling opportunities within the Shoalhaven LGA, including in Sanctuary Point. In the 2021 Census, there were 108,531 people in the Shoalhaven LGA, living in 58,798 dwellings with an average household size of 2.31 persons.¹ By contrast, in 2016 the population of the Shoalhaven was 99,650 persons, which represents an 8.8% growth in the overall resident population.²

In the Shoalhaven, 10.4% of dwellings were medium to high density, compared to 17% in Regional NSW.³

Of the 2021 population, 49.5% were male and 50.5% were female. Aboriginal and/or Torres Strait Islander people made up 6.5% of the population and the median age of people in the Shoalhaven Council Area was 48 years.

The subject Planning Proposal will enable a new housing opportunity that is eminently well suited for occupation by both existing locals or new residents seeking an alternative to the predominant detached housing of the area, in a highly walkable location.

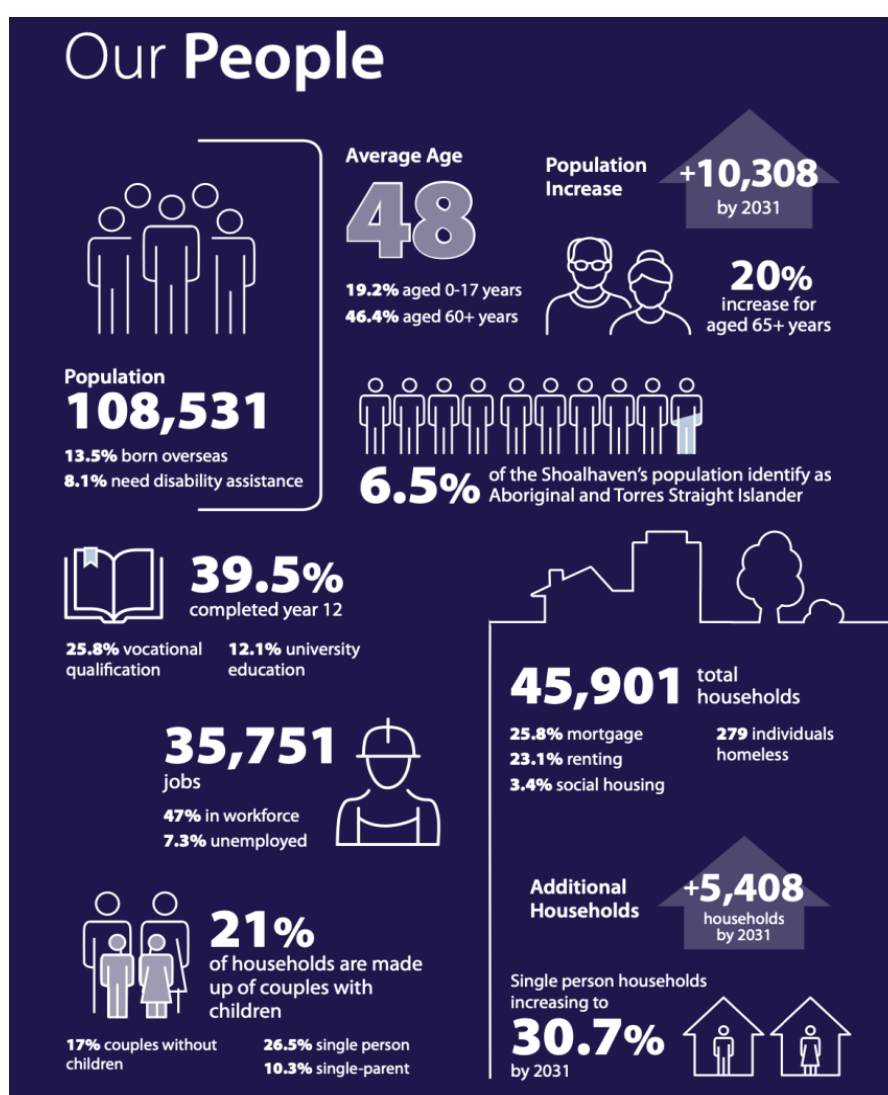


Figure 15 Extract from Council's Community Plan 2032

¹ <https://abs.gov.au/census/find-census-data/quickstats/2021/LGA16950> and <https://profile.id.com.au/shoalhaven/population>

² https://facs-web.squiz.cloud/_data/assets/pdf_file/0004/725845/llawarra-Shoalhaven-District-Data-Profile.pdf

³ <https://profile.id.com.au/shoalhaven/dwellings>

Section D – State and Commonwealth Interests

3.D.1 Is there adequate public infrastructure for the Planning Proposal?

The PP does not trigger the need for additional infrastructure, as per the earlier discussion in Part 3.C.2 of this report.

Shoalhaven City Council staff confirmed in their PP Assessment Report to Council dated 31 October 2022, that there is suitable capacity in the water and sewer systems for the Sanctuary Point area to cater for the requirements for the site.

3.D.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

The NSW Department of Planning and Environment will undertake further consultation with any relevant identified public authorities once a Gateway Determination has been provided.

Part 4 – Mapping

(s.3.33(2)(d) Maps to be adopted by the proposed instrument)

The proposed map amendments are:

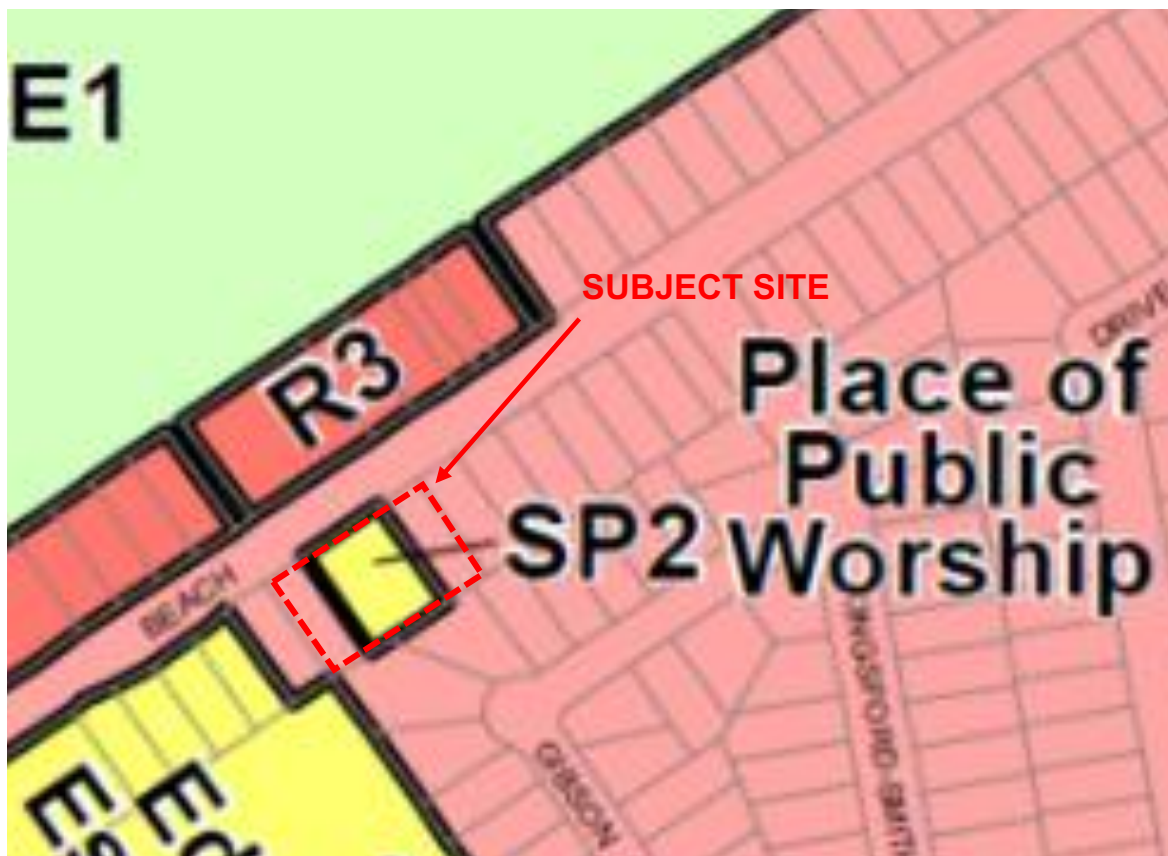


Figure 16 Extract from Existing Council's LEP 2014 Zoning Map

- Rezone part Lot 80 in DP 817353 which is currently zoned SP2 Place of Public Worship, to R2 Low Density Residential, as shown below in Figures 16 & 17.

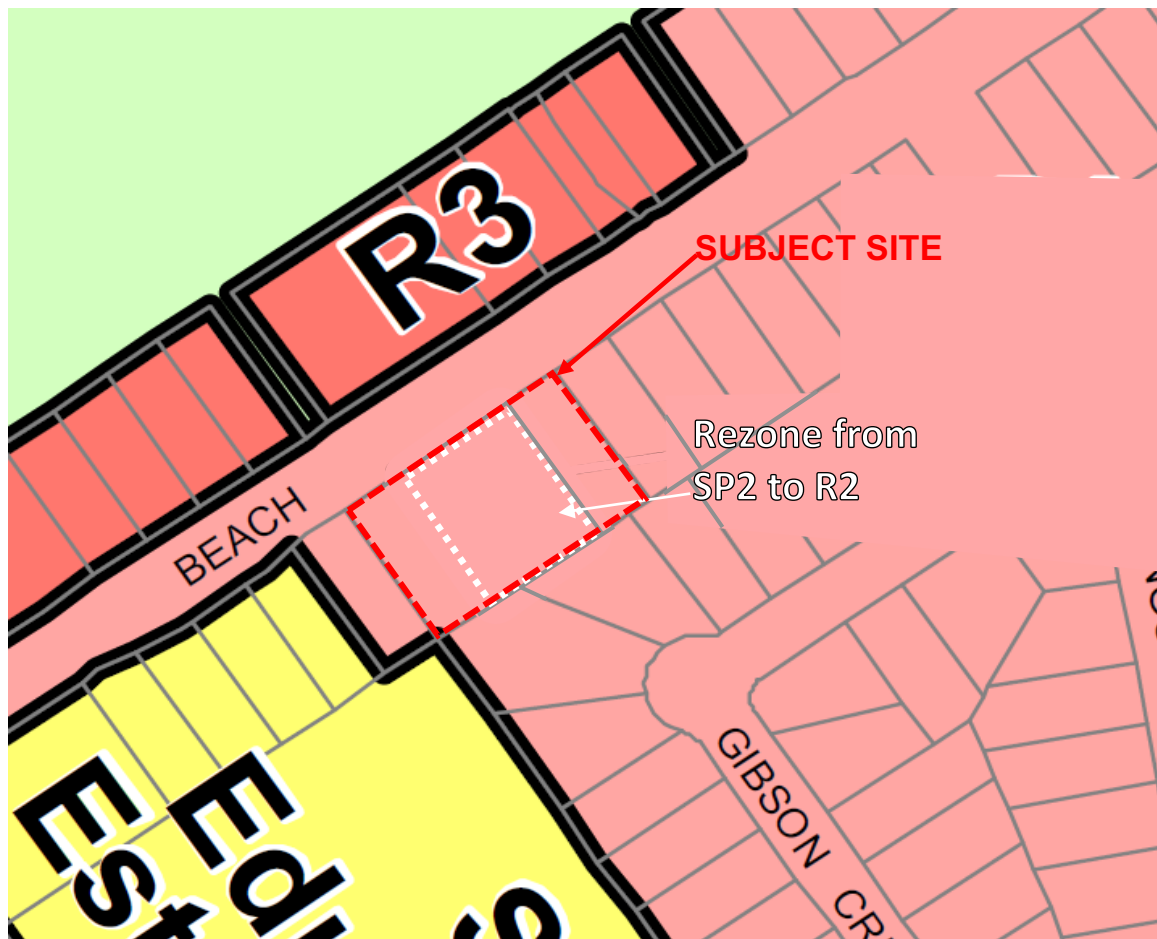


Figure 17: Proposed change to Existing Council's LEP2014 Zoning Map rezoning part SP2 zone portion of subject site to R2

- Add an additional land use, being for Multi Dwelling Housing, to be permitted with development consent, in Schedule I of the SLEP 2014 as below. Consistent with the Southern Planning Panels decision, the Schedule I Additional Permitted Uses provision will include the following objectives for this new development type:
 - a. To provide for the housing needs of the community within a multi dwelling housing environment.
 - b. To ensure a desirable transition in building height from the site to the adjoining low density residential properties (west/south west to the east/south east). The building height shall transition to a lower height adjacent to the adjoining low density residential properties.

The draft Schedule I Additional Use clause is below:

29 Use of certain land at 48-54 Paradise Beach Road, Sanctuary Point

(1) This clause applies to land identified as "Sch 1.30" on the [Clauses Map](#).

(2) Development for the purposes of Multi Dwelling Housing is permitted with development consent if the consent authority is satisfied that—

(a) The proposed development will provide for the housing needs of the community within a multi dwelling housing environment and,

(b) To ensure a desirable transition in building height from the site to the adjoining low density residential properties (west/south west to the east/south east). The building height shall transition to a lower height adjacent to the adjoining low density residential properties.

- Add the above Schedule I additional landuse on the subject site, to the SLEP 2014 Clauses Map - Sheet CLS_020D as illustrated below in Figure 18

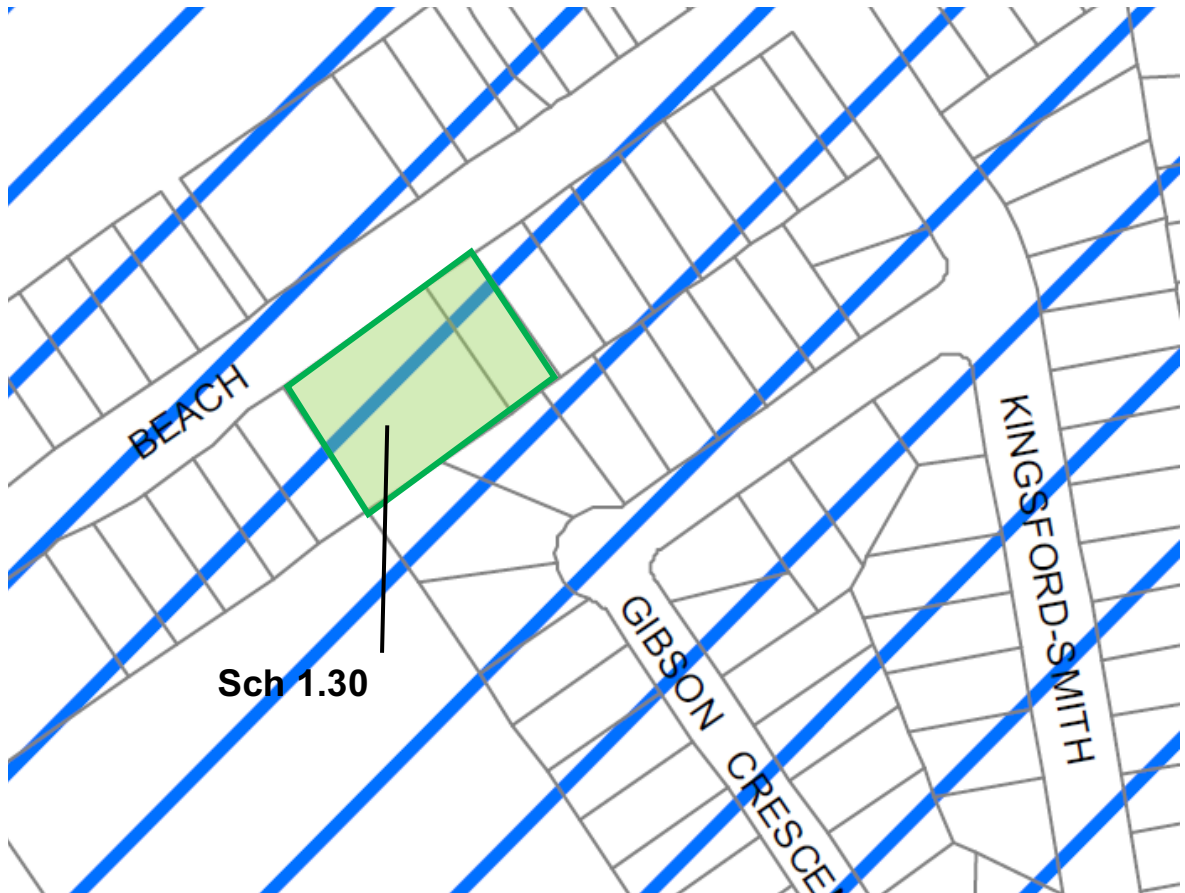


Figure 18 Proposed addition of Schedule I additional land use on the subject site to the SLEP 2014 Clauses Map - Sheet CLS_020D

- To change the height of building map in the SLEP 2014 from the current 11m and 8.5m nominated height above natural ground level to 11m, as per Figures 19 and 20 below.

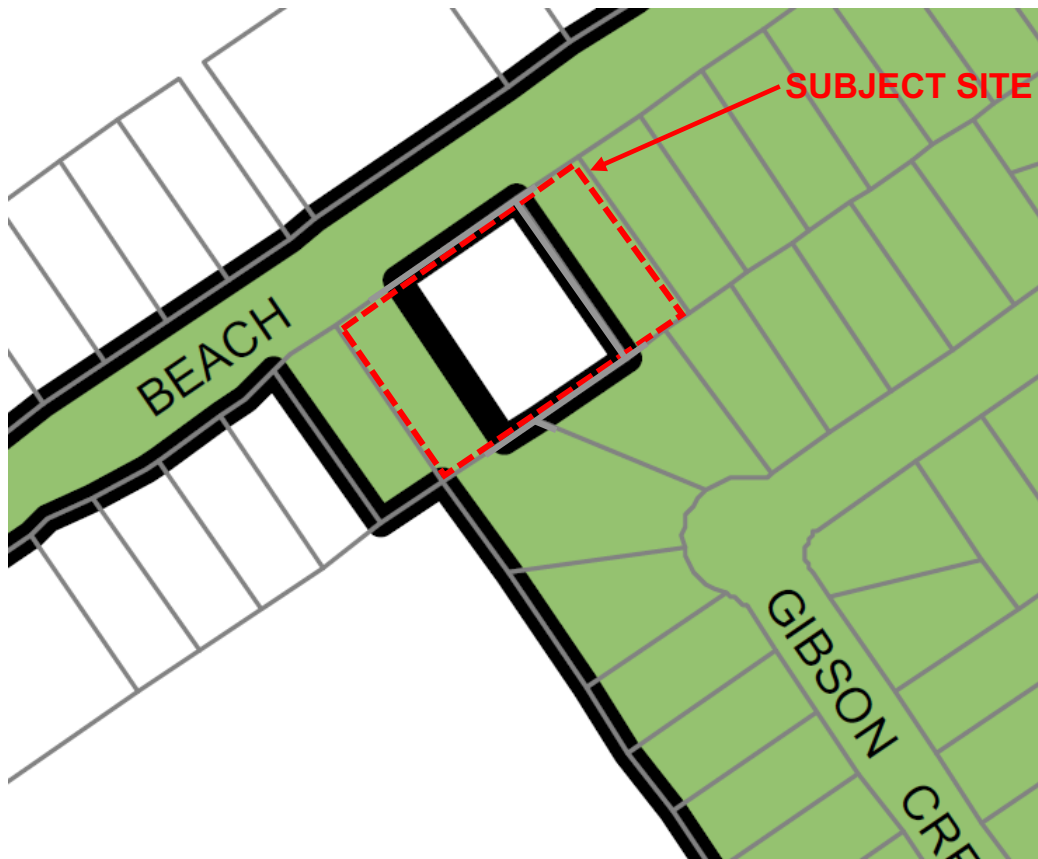


Figure 19 Existing SLEP 2014 HOB Map - Sheet HOB_020D with subject site highlighted

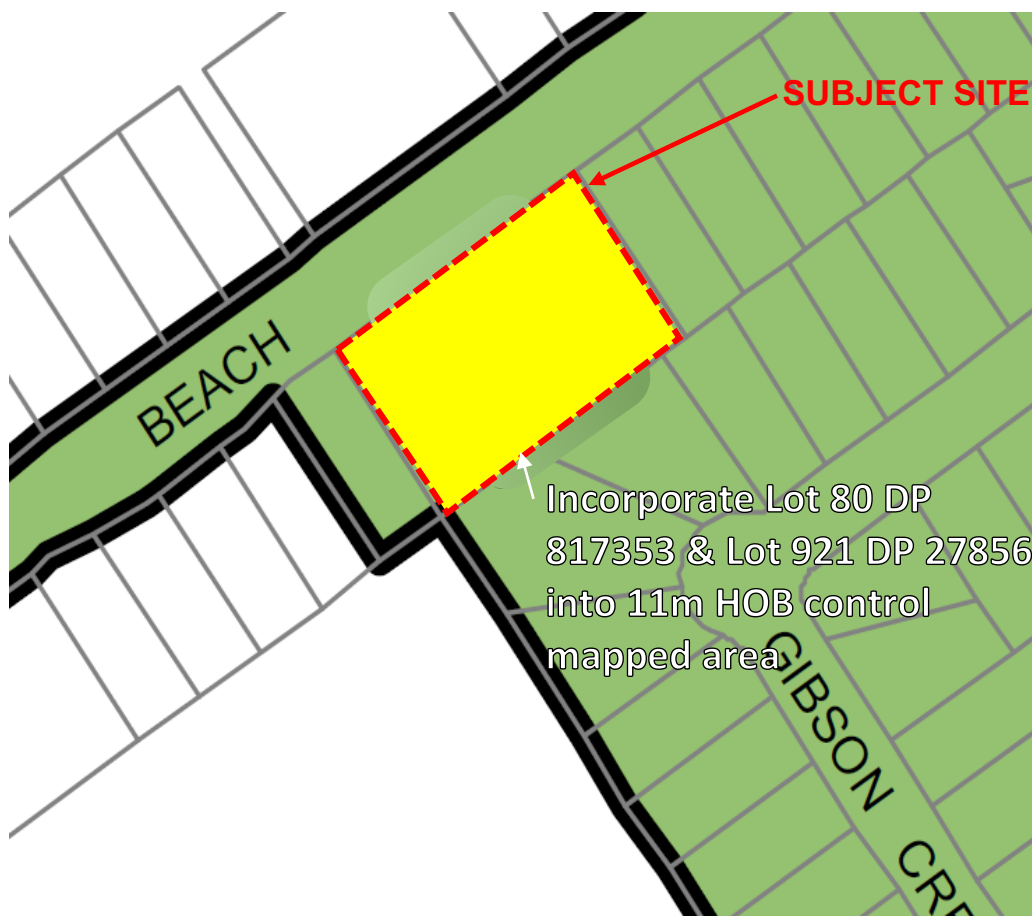


Figure 20 Proposed change to SLEP 2014 HOB Map - Sheet HOB_020D to permit 11m HOB over Lot 80 DP 817353 and Lot 921 DP 27856

Part 5 - Community Consultation

(s.3.33(2)(e) details of community consultation)

Community consultation will be undertaken by the NSW Department of Planning and Environment in accordance with the Gateway Determination, which will specify that the PP must be made publicly available for a minimum of 14 days.

After Gateway Determination, subject to any completion of any matters as required beforehand, the amended Planning Proposal (Version 2) will be placed on public exhibition. The Planning Proposal will be notified to the public by way of:

- Notice in the local newspaper (2 notifications anticipated);
- Publishing on Council's website during the exhibition period;
- Exhibition material and relevant consultation documents to be made available at Council's Administration Building and libraries; and
- Consultation documents made available on Council's website; and
- Letters advising of the Planning Proposal and how to submit comments will be sent to adjoining landowners and other stakeholders that Council deem relevant to the matter.

During the exhibition period the following material will be available for inspection:

- The Planning Proposal, as approved by the Director General and as amended where requested;
- The Gateway Determination; and
- All supporting specialist studies.

It is not anticipated nor intended that a public hearing will be held.

At the close of the consultation process, the NSW Department of Planning and Environment will assess all submissions received and present a report to the Southern Planning Panel, as the Ministers delegate, for their endorsement before proceeding to finalise the Version 2 Planning Proposal.

It is noted that this process could possibly require additional assessment of issues and results, studies and the like associated with the additional assessment will be attached to the final Planning Proposal presented to Council.

The consultation process as outlined above does not prevent any additional consultation measures that may be determined appropriate as part of the "gateway" determination process.

Part 6 - Project Timeline

In accordance with the NSW Department of Planning and Environment guidelines, the following timeline is provided, which includes the tasks deemed necessary for the making of this Local Environmental Plan.

Task	Responsibility	Timeframe	Date (approximate)
Southern Planning Panel decision to support the Planning Proposal	Southern Planning Panel/ NSW Department of Planning & Environment	Completed	March 2023
Lodgement of Version 2a Planning Proposal and updated supporting documentation, for Gateway Determination	Proponent	Completed	August 2023
Gateway Determination Issued	Minister for Planning or delegate	1 month	September 2023
Consultation with Public Authorities in accordance with Gateway Determination	NSW Department of Planning & Environment	Minimum 21 days	November 2023
Completion of additional technical information	Proponent	4 weeks	January 2024
Public exhibition of Planning Proposal	NSW Department of Planning & Environment	Minimum 28 days	January/February 2024
Report to Southern Planning Panel	NSW Department of Planning & Environment	3 months (including Christmas Period)	March 2024
Lodgement of Planning Proposal (with any amendments as a result of submissions)	NSW Department of Planning & Environment	2 weeks	March/April 2023
Making of local environmental plan	Minister for Planning or delegate	6 – 8 weeks	April 2024

5. Conclusion

The subject site is very well located in close proximity to key land uses within the Sanctuary Point village precinct. A redevelopment of the site for multi dwelling housing is capable of delivering a high amenity, low impact new housing outcome for the site that will satisfy Council's identified need for a variety of new dwellings in walkable locations. As such, the subject Version 2 PP is warmly supported for both its strategic and site specific merit.

This updated PP demonstrates Strategic Merit given that:

- The SP2 Infrastructure zoning, which in part applies to the site, is now redundant
- The site is located partly on R2 zoned land and opposite R3 residentially zoned land. Under these circumstances the renewal of the site for a medium density residential outcome is consistent with both the existing and future desired character of the area
- The uplift would also provide for a transition of land use from the institutional and commercial and retail uses to the west and south west to the lower residential densities to the east and south

The PP demonstrated Site Specific Merit given:

- The transitional nature of the site and its juxtaposition between the R2 Low Density Residential and R3 Medium Density Residential zones in immediate proximity
- The 8.5m (R2) and 11m (R3) height controls applicable to those zones. In this respect the Panel considered that the site should be rezoned R2 with an Additional Permitted Use of 'Multi Dwelling Housing' to enable multi-dwelling housing with a 11m height limit (consistent with the existing 11m height limit covering approximately 50% of the site currently zoned SP2), to be achieved by a Schedule 1 Additional Permitted Use provision with incorporation of an appropriate objective to achieve a desired transition in height to the east and south/east boundaries.
- The rezoning can also be complimented by appropriate setbacks for the site either through a development control plan or in assessment of any development application submitted for the development of the site.

Appendix A

Planning Proposal 2022-2027 – Shoalhaven LGA – RR-2023-1

**Southern Planning Panel's Rezoning Review Advice of Decision and
Record of Decision 24th March 2023**

Ms Michelle Chapman, AllAboutPlanning
Via email: michelle@allaboutplanning.com.au

24 March 2023

Dear Michelle,

RR-2023-1 48-54 Paradise Beach Road, Sanctuary Point

I refer to the request for a Rezoning Review for a proposal at 48-54 Paradise Beach Road, Sanctuary Point to amend the Shoalhaven Local Environmental Plan 2014 by rezoning the land from R2 Low Density Residential and SP2 Infrastructure (Place of Public Worship) to R3 Mixed Use Business and change the height of building from 8.5m to 13m.

The Strategic Planning Panel of the Southern Planning Panel has determined that the proposal should proceed to Gateway determination because the proposal has demonstrated strategic merit and subject to minor changes, site specific merit. In making this decision, the Panel considered the request and advice provided by Council. A copy of the Panel's decision is attached.

The Panel's recommendation that the planning proposal be supported and proceed to gateway determination is subject to the following qualifying minor changes to the planning proposal:

- rezone the land from R2 Low Density Residential and SP2 Infrastructure (Place of Public Worship) to R2 Low Density Residential
- utilise the provisions of Schedule 1 Additional Permitted Uses to introduce multi dwelling housing as a permitted land use with consent on the site
- change the maximum height of the buildings from part 8.5m (R2 zoned land) to 11m and introduce a 11m building height for the area currently zoned SP2 zoned land.
- utilise the provisions of Schedule 1 Additional Permitted Uses, and include the following objectives to this new development type and standard:
 - a. To provide for the housing needs of the community within a multi dwelling housing environment.
 - b. To ensure a desirable transition in building height from the site to the adjoining low density residential properties (west/south west to the east/south east). The building height shall transition to a lower height adjacent to the adjoining low density residential properties.

Please contact Mr Kendall Clydsdale, Specialist Planning Officer, Agile Planning and Programs at the Department of Planning and Environment (Kendall.Clydsdale@dpie.nsw.gov.au) to discuss revisions to the planning proposal prior to its submission for a Gateway determination.

In accordance with the Local Environmental Plan Making Guideline, September 2022, the Panel as delegate of the Minister for Planning has considered the matter and determined to appoint itself as the Planning Proposal Authority (PPA) under section 3.32(1) of the Environmental Planning and Assessment Act 1979 to finalise this matter. Mr Clydsdale will be your point of contact for any enquiries regarding the Panel's role as the PPA.

Planning Panels Secretariat

4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 |
www.planningportal.nsw.gov.au/planningpanels

As an alternative PPA has been appointed, an additional fee of \$25,000 and any additional charges to recover the Panel's costs on a proposal-specific basis is now payable. Ms Stephanie Woods, Planning Officer, Southern Region at the Department will contact you to arrange an invoice for payment of this PPA fee.

Please note the outstanding fee is to be paid to the Department within 21 days of the date of the invoice. The planning proposal will not be forwarded for Gateway determination until the outstanding fee has been provided. If the outstanding fee is not provided by the designated date, then the proposal will not be progressed and will be returned to you.

If you have any queries on the Rezoning Review, please contact Lisa Kennedy, Senior Case Manager, Strategic Planning Panels Secretariat on (02) 4247 1827 or via email to lisa.kennedy@planning.nsw.gov.au

Yours sincerely,



Chris Wilson
Chair, Strategic Planning Panel of
the Southern North Planning Panel

encl. Rezoning Review Record of Decision



DATE OF DECISION	24 March 2023
DATE OF BRIEFING	2 March 2023
PANEL MEMBERS	Chris Wilson (Chair), Sue Francis and Glennis James
APOLOGIES	None
DECLARATIONS OF INTEREST	Note: Shoalhaven City Council do not have nominated local council members

REZONING REVIEW

PP-2022-2027 – Shoalhaven LGA – RR-2023-1- at 48-54 Paradise Beach Road, SANCTUARY POINT (AS DESCRIBED IN SCHEDULE 1)

The proposal seeks to rezone the land from R2 Low Density Residential and SP2 Infrastructure (Place of Public Worship) to R3 Medium Density Residential (Shop Top Housing) and proposes an increase of the maximum permissible building height control from 8m and 11m to 13m. The proposal also seeks to activate the ground level with commercial uses.

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at the site inspection and briefings listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic merit and, subject to minor changes, site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
 - ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

Strategic Merit

The Panel agreed that the Planning Proposal to rezone the site to enable greater residential density had Strategic Merit given that:

- The SP2 Infrastructure zoning, which, in part, applies to the site is generally redundant;
- The site is located partly on R2 zoned land and located opposite R3 residentially zoned land. Under these circumstances the renewal of the site for residential development would be consistent with both the existing and future desired character of the area;
- The uplift would also provide for a transition of land use from the institutional and commercial and retail uses to the west and south west to the lower residential densities to the east and south east;

- The Planning Proposal would provide additional housing and housing choice within an existing urban framework with access to services; and
- The Planning Proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include the Illawarra Shoalhaven Regional Plan, the Shoalhaven 2032 Community Strategic Plan, the Shoalhaven 2040 Local Strategic Planning Statement, and the Jervis Bay Settlement Strategy, 2003.

Site Specific Merit

The Panel also agreed that the proposal had Site Specific merit, subject to minor changes. The Panel did not support the development of a residential flat building on the site with a 13m height limit. The Panel agreed that such a built form would have adverse amenity impacts on adjoining residences immediately to the east and south east of the site and would generally be out of character with the existing and future desired character of the area. In addition, the Panel did not support the proposed retail activity at ground level of the proposed residential flat building given its distance from Sanctuary Point and its potential to undermine the retail and community core of Sanctuary Point village.

The Panel did however note the transitional nature of the site and its juxtaposition between the R2 Low Density Residential and R3 Medium Density Residential zones and the 8m (R2) and 11m (R3) height controls applicable to those zones. In this respect the Panel considered that the site should be rezoned R2 with an Additional Permitted Use of multi dwelling housing to enable multi-dwelling housing with a predominant 11m height limit (consistent with the existing 11m height limit on approximately 50% of the site currently zoned SP2) but with a transition in height to the east/south east to ensure any resultant-built form appropriately addresses the low-density residential properties adjoining the eastern/south eastern boundary of the site. This height control could be achieved by a Schedule 1 Additional Permitted Use provision with an appropriate objective to achieve the desired transitions in height to the boundaries.



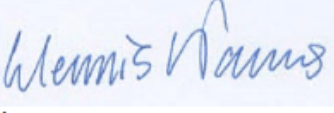
The Panel further concluded that any such rezoning could be complimented by appropriate setbacks for the site either through a development control plan or in assessment of any development application submitted for the development of the site.

The Panel sought the Council's and proponent's view on these minor changes at the Panel briefing.

Given the above, the Planning Panel recommends the following qualifying minor changes to the planning proposal for the proposal to proceed to Gateway determination.

- rezone the land from R2 Low Density Residential and SP2 Infrastructure (Place of Public Worship) to R2 Low Density Residential
- utilise the provisions of Schedule 1 Additional Permitted Uses to introduce multi dwelling housing as a permitted land use with consent on the site
- change the maximum height of the buildings from part 8.5m (R2 zoned land) to 11m and introduce a 11m building height for the area currently zoned SP2 zoned land.
- utilise the provisions of Schedule 1 Additional Permitted Uses, and include the following objectives to this new development type and standard:
 - a. To provide for the housing needs of the community within a multi dwelling housing environment.
 - b. To ensure a desirable transition in building height from the site to the adjoining low density residential properties (west/south west to the east/south east). The building height shall transition to a lower height adjacent to the adjoining low density residential properties.

Shoalhaven City Council has previously refused to progress the proposal. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this planning proposal.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Sue Francis
 Glennis James	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	PP-2022-2027 – Shoalhaven LGA – RR-2023-1- at 48-54 Paradise Beach Road, SANCTUARY POINT
2	LEP TO BE AMENDED	Shoalhaven Local Environmental Plan 2014
3	PROPOSED INSTRUMENT	The proposal seeks to change the land use zone from R2 Low Density Residential and SP2 Infrastructure (Place of Public Worship) to R3 Mixed Use Business and change the height of building from 8.5m to 13m.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning and Environment
5	SITE INSPECTION AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing with Department of Planning and Environment (DPE): 9:15am-9.45am, 2 March 2023 <ul style="list-style-type: none"> Panel members in attendance: Chris Wilson (Chair), Sue Francis, Glennis James Department of Planning and Environment (DPE) staff in attendance: Graham Towers, Stephanie Wood & Lisa Kennedy Key issues discussed: <ul style="list-style-type: none"> Sanctuary Point village centre – existing commercial development. Development of R3 land across the road, adjoining the golf club. Amenity for adjoining neighbours, overshadowing along eastern boundary Zoning of isolated lot containing Sanctuary Point library Briefing with Proponent (All About Planning): 10:15am – 10.50am, 2 March 2023 <ul style="list-style-type: none"> Panel members in attendance: Chris Wilson (Chair), Sue Francis, Glennis James DPE staff in attendance: Graham Towers, Stephanie Wood & Lisa Kennedy Proponent representatives in attendance: Michelle Chapman

		<ul style="list-style-type: none"> ○ Key issues discussed: character of the locality and Sanctuary Point village centre; proposed built form development – potential land uses, height, over shadowing; minor changes to the Planning Proposal – R2 zone and HOB 11m in order to achieve intent of establishing townhouse/ multi-dwelling housing on the site • Briefing with Shoalhaven City Council: 11:25am – 12:15pm, 2 March 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Chris Wilson (Chair), Sue Francis, Glennis James ○ DPE staff in attendance: Graham Towers, Stephanie Wood & Lisa Kennedy ○ Council representatives in attendance: Gordon Clark & Eric Hollinger ○ Key issues discussed: mapping of heights in Shoalhaven LEP 2014 & height clause; clause 48 Shoalhaven LEP 2014 use of redundant SP lands; community concerns with height; isolated lot next to school; affordable housing; VPAs; zoning and development of R3 land across the road; proposed built form development – potential land uses, height, over shadowing; minor changes to the Planning Proposal – R2 zone and HOB 11m in order to achieve intent of establishing townhouse/ multi-dwelling housing on the site • Panel Discussion: 12.18pm – 12.30pm, 2 March 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Chris Wilson (Chair), Sue Francis, Glennis James ○ DPE staff in attendance: Graham Towers, Stephanie Wood & Lisa Kennedy
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Appendix B

NSW Aboriginal Heritage Information Management System Search

Date: 03rd August 2023



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : Paradise Beach Rd

Client Service ID : 806207

All About Planning

Date: 03 August 2023

PO Box 2196

PORT MACQUARIE 2444

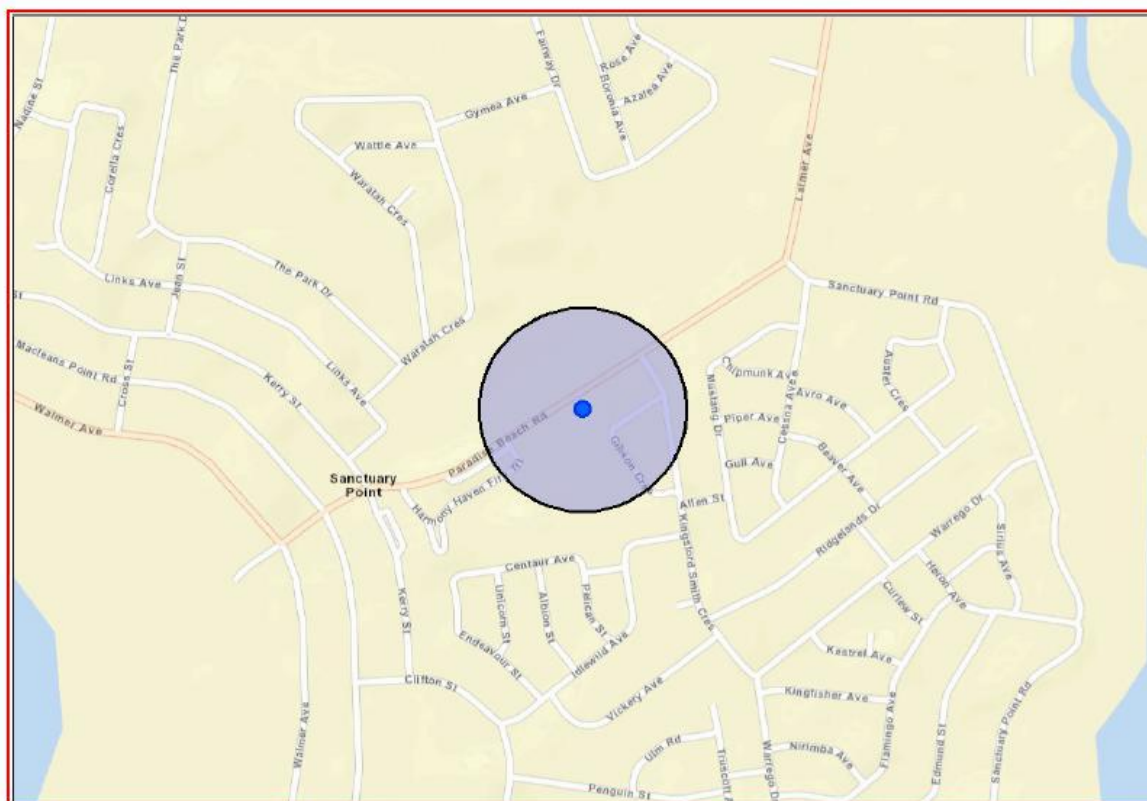
Attention: All About Planning

Email: allaboutplanning1@gmail.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 48-52 PARADISE BEACH ROAD SANCTUARY POINT 2540 with a Buffer of 200 meters, conducted by All About Planning on 03 August 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *