



IRF24/1998

Gateway determination report – PP-2024-109

Mixed Use Development, 131 Vincent Street, Ulladulla

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Draft Planning Proposal, SMEC, Project Number 3002793, June 2024
Appendix A: Architectural Drawings, Cox Architecture, June 2024
Appendix B: Proposed Zoning Maps, SMEC, June 2024
Appendix C: Traffic Impact Assessment, Transport Traffic Planning Associates, June 2024
Appendix D: Acoustic Assessment, Rodney Stevens Acoustics, 1 July 2024
Appendix E: Preliminary Site Investigation, Terra, October 2023
Appendix F: Air and Odour Assessment, Todoroski Air Science, 9 July 2024
Appendix G: Urban Design and Visual Impact Assessment, Cox Architecture, June 2024
Appendix H: Economic Impact Assessment, Gap Advisory, July 2024
Appendix I: Social Impact Assessment, Judith Stubbs and Associates, 4 July 2024
Appendix J: Development Feasibility Assessment, Egan National Valuers (ACT), 9 December 2023
Appendix K: Draft Letter of Offer- Voluntary Planning Agreement, Mills Oakley, 22 December 2023
Appendix L: Council Report and Resolution, 20 May 2024
Appendix M: Referral comments from Transport for NSW, 13 August 2024
Appendix N: Referral comments from Rural Fire Service, 29 June 2023

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Shoalhaven City Council
PPA	Shoalhaven City Council
NAME	Mixed Use Development, 131 St Vincent Street, Ulladulla
NUMBER	PP-2024-109
LEP TO BE AMENDED	Shoalhaven Local Environmental Plan 2014
ADDRESS	131 St Vincent Street, ULLADULLA
DESCRIPTION	Lot 1, Section 26, DP 759018 Lot 14, DP 1105304
RECEIVED	23/07/2024
FILE NO.	IRF24/1998
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Modify the land zoning to permit a mixed-use development comprising:
 - Commercial uses 5,750 m²
 - Shop top housing.
 - Centre based childcare.
 - Commercial premises.
- Amend Clause 4.3 to increase permitted Height of Buildings to allow:
 - Two buildings with heights of 15 m and 17 m located in the northern portion of the Site and designed to allow for a gradual transition in height from the existing R3 Medium Density Residential zone located to the north of the Site. These are to contain residential units, key worker (affordable) accommodation and a childcare centre.

- Two buildings with heights of 21 m located in the southern portion of the Site. These are intended to be shop top housing.
- Implement a Floor Space Ratio of 3.5:1
- Facilitate the delivery of housing in an area within walking distance to commercial and social infrastructure, employment opportunities, goods and services.
- Provide additional affordable housing to provide diversity in housing choice and flexibility in unit design to provide for people.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Shoalhaven LEP 2014 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	E4 – General Industrial R3 – Medium Density Residential	MU1 – Mixed Use
Maximum height of the building	11m	Split Controls as per Figure 4: 21m, 17m and 15m
Floor space ratio	N/A	3.5:1
Number of dwellings	N/A	182
Number of jobs	60 FT jobs	257 FT jobs

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site is located at 131 St Vincent Street, Ulladulla and is identified as Lot 26 DP759018 and Lot 14 DP1105304 and is located approximately 350 m south of the Ulladulla CBD (Figure 1). The Site is square in shape, with an area of 1 hectare.

The site has a frontage of 100 m to St Vincent Street and a rear (western) boundary dimension of 100 m. The northern boundary has a length of 100 m, adjoining residential properties within an R3 Medium Density zoning. The southern boundary has a length of 100 m, with the adjoining land occupied by the Dunn Lewis Community Centre.

The site presently contains a bulky goods premises occupied by Bunnings Warehouse. Two vehicular access points are provided from St Vincent Street, with rear lane access via Witherington Avenue.

The surrounding area (Figure 2) is a range of industrial to the west and south, bulky goods premises to the east, and medium density residential to the north, with low density beyond. The general built form surrounding the site comprises of one to three level buildings. Approximately 350m to the north of the site is Ulladulla High School and the Ulladulla commercial core. The Princes Highway sits approximately 220m east of the site, providing one lane of traffic in each direction.



Figure 1 Subject site (source: Council Report, pg9)

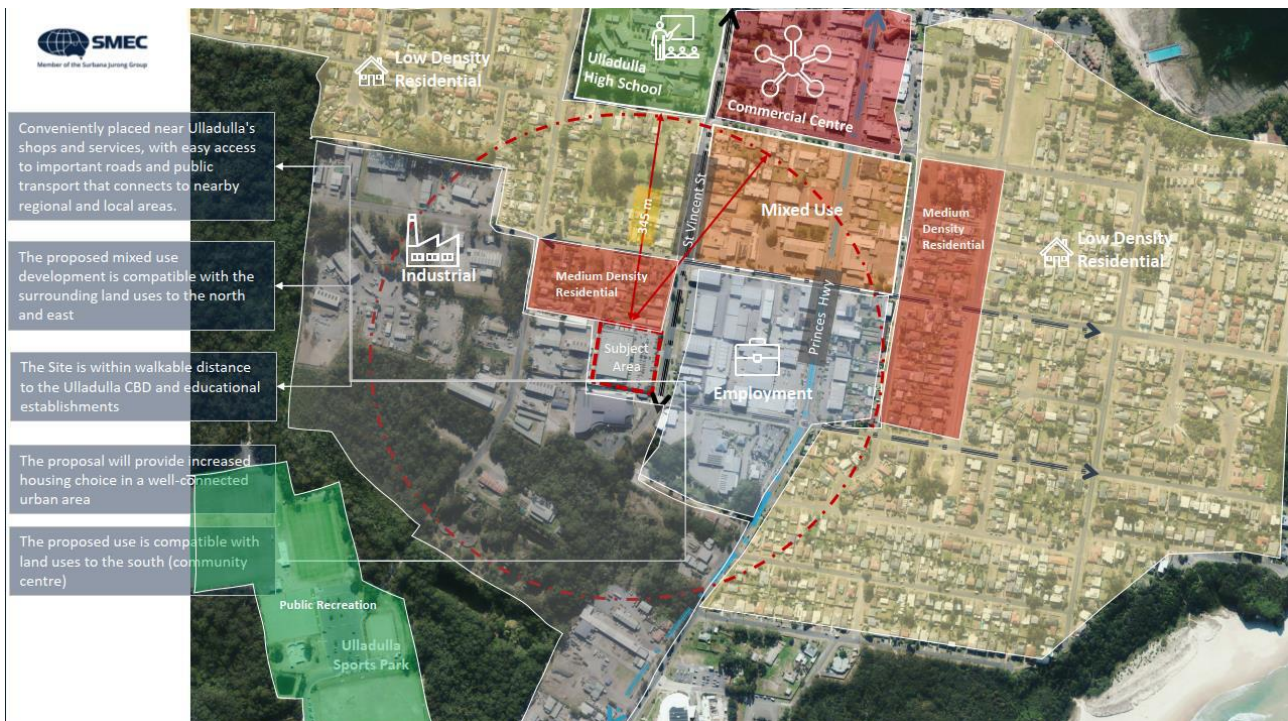


Figure 2 Site context (source: Draft Planning Proposal, pg11)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the following maps, which are suitable for community consultation. However prior to public exhibition, the proposed maps should be amended to clearly outline the subject site for clarity.

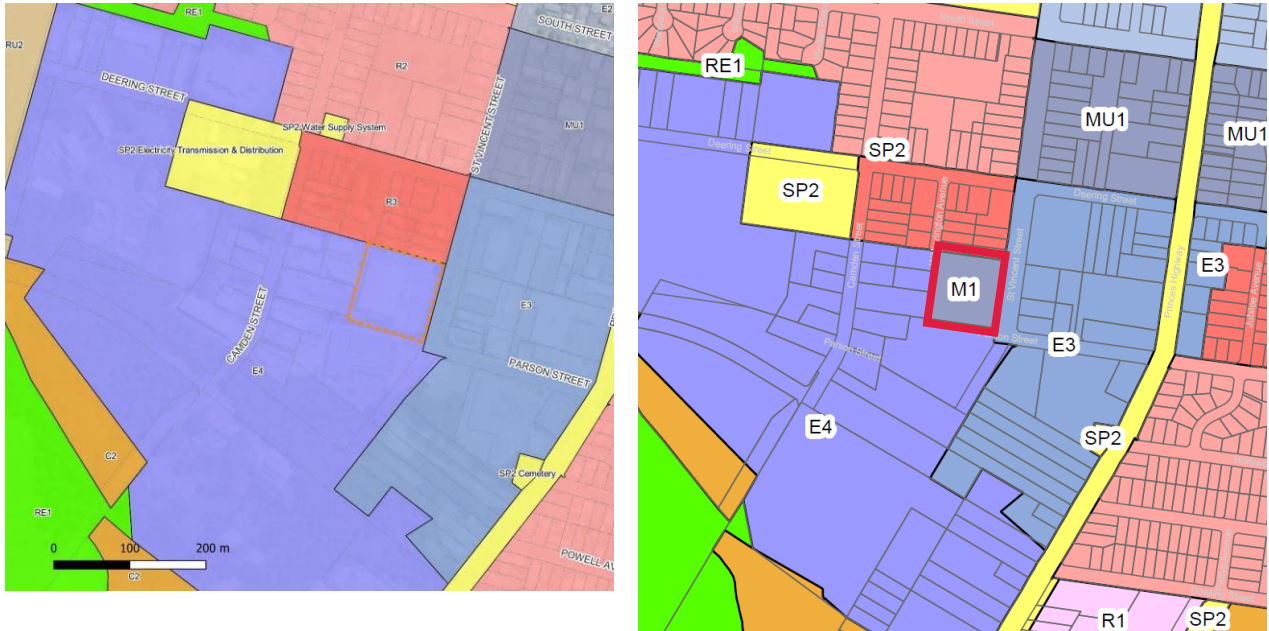


Figure 3: Current and Proposed Zoning Map (Source: Draft Planning Proposal, Pg 21 & 69)



Figure 4: Current and Proposed Height of Building Map (Source: Draft Planning Proposal, Pg 23 & 70)



Figure 5: Current and Proposed Floor Space Ratio Map (Source: Draft Planning Proposal, Pg 23 & 71)

1.6 Indicative Masterplan

The Planning Proposal includes an indicative masterplan for the future development of the site, which is comprised of four (4) separate buildings connected by high-quality and active public domain.

The proposed development is expected to provide approximately 182 dwellings across 1-, 2- and 3-bedroom residential apartment typologies and complementary commercial uses.

Commercial uses are proposed to meet the needs of residents within the development and will likely comprise food and beverage premises and small commercial tenancies for local professional services businesses, providing additional employment opportunities for the local community.

The initial intent of the masterplan (Figure 6) for the site is to provide the following variety of uses:

- Building 1: Mixed Use (shop top housing), approximately 5 - 6 storeys, indicative building height 21m, with commercial use at ground level and residential use above.
- Building 2: Mixed Use (shop top housing), approximately 5 - 6 storeys, indicative building height 21m, with commercial use at ground level and residential use above, including a component of affordable housing.
- Building 3: Mixed Use, approximately 3 storeys, indicative building height 15m, with commercial use including a childcare centre.
- Building 4: Exclusively dedicated to key worker accommodation/affordable housing (silver star rated) of approximately 60 apartments over 4 storeys, indicative building height 17m. 50 of the proposed units within this building are to be dedicated affordable housing units, dedicated to key worker housing, managed by CHP for a 15-year period. The remaining 10 units are proposed to be sold to households with at least one key worker for an affordable price.



Figure 6: Indicative render of proposed development (Source: Draft Planning Proposal, Pg 18)

2 Need for the planning proposal

The Planning Proposal is not the result of an endorsed planning strategy, strategic study, or report.

The proponents PP acknowledges that it is best to avoid spot rezonings and they made a submission to Council on the Milton-Ulladulla Structure Plan (MUSP) review on 19 December 2022, seeking to have the site considered for infill residential development. The proponent's submission included a suggestion for the broader precinct, encompassing the adjacent industrial land to the west, to be considered. Submissions on the MUSP Review will be considered as part of preparing Council's new land use planning scheme, after September 2024. This would allow the future of subject land to be strategically planned and consider the issues identified in the preliminary assessment.

Council considers that until the broader strategic planning for the MUSP has been completed, a proponent-initiated PP is the only, but not the best or most appropriate, means of achieving the objectives and intended outcomes in the short term.

At this time the PP is the best and most effective means of achieving the intended outcome, given that the 'Mixed Use' development is prohibited in the current E4 Commercial Core Zone, and height limits are restricted to 11m.

The PP identifies the need to urgently increase the availability of housing within the Shoalhaven LGA. The Regional Plan notes that an additional 58,000 new houses are required to support the Region's housing needs to 2041, and a recent analysis by Business Illawarra confirms a current shortfall of 3,280 affordable dwellings in Shoalhaven. As the second largest regional centre in the Shoalhaven LGA, the Regional Plan emphasises how important the timely provision of housing will be to support the continued population and economic growth of Milton-Ulladulla.

The intended development from this Planning Proposal provides a diversity of medium and high-density housing stock, including affordable housing and key worker accommodation, within close proximity to existing services and employment opportunities in the Ulladulla CBD. The housing

typologies can accommodate lone households, young families and can provide facilities for ‘aging in place’. The Planning Proposal responds to the objectives set out by the Regional Plan which notes that the provision of affordable housing must be supported by measures including strong leadership and collaboration with industry and community housing providers.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Illawarra Shoalhaven Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
<p>Objective 4: Activate regionally significant employment precincts to support new and innovative economic enterprises.</p> <p>Strategy 4.1 Support new and innovate economic enterprises.</p>	<p>The PP is considered consistent with Objective 4, Strategy 4.1, as the Regional Plan identifies Milton-Ulladulla as a regionally significant centre. The proposed development is located approximately 350m from the Ulladulla CBD and would facilitate economic benefits.</p> <p>See further discussion in Section 4.2.</p>
<p>Objective 5: Create a diverse visitor economy Strategy.</p> <p>Strategy 5.1: Create an environment for a diverse visitor economy.</p>	<p>The PP is considered consistent with Objective 5, Strategy 5.1, as the proposed development aims to provide a range of commercial uses, including food and beverage premises, commercial space, and a childcare centre are intended to support local residents, along with affordable and key worker housing to support additional economic activity.</p> <p>See further discussion in Section 4.2.</p>
<p>Objective 7: Respond to the changing nature of retail.</p> <p>Strategy 7.1: Respond to the changing nature of retail.</p> <p>Strategic planning and local planning should consider opportunities</p>	<p>The PP is considered generally consistent with Objective 7, Strategy 7.1, as it intends to provide a range of retail and commercial uses, along with accommodation for employees. It is acknowledged that the subject site is not within the existing retail core, however there is the opportunity for positive social and economic benefit to the wider community.</p> <p>See further discussion in Section 4.2.</p>
<p>Objective 18: Provide housing supply in the right locations.</p> <p>Strategy 18.2: Facilitate housing opportunities in existing urban areas, particularly within strategic centres.</p>	<p>The PP is considered consistent with Objective 18 and 19, as the Regional Plan identifies Milton-Ulladulla as a regionally significant centre. The proposed development is located approximately 350m from the Ulladulla CBD and would provide a variety of housing</p>

Regional Plan Objectives	Justification
<p>Objective 19: Deliver housing that is more diverse and affordable.</p> <p>Strategy 19.1 Continue to provide for and encourage a range of housing choices.</p>	<p>typologies within walking distance to the existing commercial core and provide additional services to the wider community.</p> <p>The proponent's PP includes a letter of offer to enter into a Voluntary Planning Agreement (VPA) to provide 50 affordable housing rental units for a period of 15 years, which will need to be further assessed by Council, to determine the viability.</p> <p>See further discussion in Section 4.2.</p>
<p>Objective 21: Respond to the changing needs of local neighbourhoods</p>	<p>The PP is considered consistent with Objective 21, as it has been identified that the Shoalhaven region as a whole has an aging population, and a high proportion of people on low incomes. The proposed development offers a variety of housing typologies to suit a variety of demographics within the area. Furthermore, the proposed development intends to provide public domain enhancements, increased amenity and a variety of retail and commercial opportunities.</p> <p>See further discussion in Section 4.2.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
<p>Local Strategic Planning Statement: Shoalhaven 2040</p>	<p>The PP is considered consistent with the LSPS as discussed below.</p> <p>Planning Priority 1: Providing homes to meet all needs and lifestyles</p> <p>The PP proposes a variety of housing typologies including the provision for 50 affordable housing units, to be managed by a CHP, for dedicated key worker housing for a period of 15-years. An additional 10 units are to be sold to key workers at an affordable price.</p> <p>Planning Priority 2: Delivering Infrastructure</p> <p>The PP includes a 120-place childcare facility on-site, to support the local community.</p> <p>Planning Priority 3: Providing jobs closer to home</p> <p>The proposed mixed-use zoning will provide additional retail and commercial space to support the local community.</p> <p>Planning Priority 5: Ulladulla Town Centre</p> <p>The proposed mixed-use will provide additional retail and commercial floor space, creating additional employment opportunities.</p> <p>Planning Priority 6: Strengthening commercial centres</p> <p>The subject site is located approximately 350m from the existing commercial core, separated primarily by an existing mixed-use zone,</p>

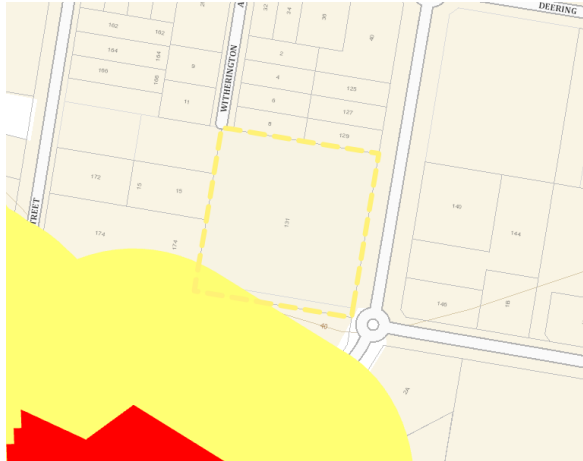
Local Strategies	Justification
	<p>medium density residential and a low-density residential zone. The proposal includes a child-care facility, retail and commercial premises in addition to residential. The additional retail and commercial would provide for jobs and services.</p>
<p>Shoalhaven Affordable Housing Strategy 2017</p>	<p>The PP is considered consistent with the AHS as discussed below.</p> <p>Approximately 50 apartments in the proposed development will be dedicated to key worker accommodation and affordable housing. The Site is consistent with the key locational requirements of the Affordable Housing Strategy and is located within 350 m of the Ulladulla CBD providing the opportunity for residents to access essential services within an easy walking distance.</p> <p>Research undertaken to support the Affordable Housing Strategy shows that providing a mix of affordably priced housing for different target groups in well-located areas improves social outcomes and reduces the stigma that can be associated with such accommodation. As such, the Affordable Housing Strategy focuses on providing affordable housing options in precincts within 400-600 m of the urban areas of Nowra-Bombaderry, Vincentia and Milton-Ulladulla. The affordable housing contribution would be subject to the registration of a restrictive covenant, in accordance with section 88E of the <i>Conveyancing Act 1919</i> against the title of 50 dwellings to be provided as affordable housing.</p>
<p>Shoalhaven Growth Management Strategy 2014</p> <p>Draft Shoalhaven Growth Management Strategy 2019-2041</p>	<p>The PP is considered consistent with the GMS and draft GMS as discussed below.</p> <p>The PP would facilitate the delivery of approximately 180 1-, 2- and 3-bedroom apartment dwellings, of which, 50-60 dwellings identified as affordably/key worker housing (as previously discussed), a childcare centre and ancillary commercial/retail space. The GMS identifies that the Shoalhaven has an aging population which will require homes that are adaptable to their changing needs. Housing affordability is another area of concern within the Shoalhaven in part due to net migration from capital cities and general coastal movement for people retiring from inland locations. The proposal is considered to provide the delivery of housing stock that will diversify the existing housing market across the Milton-Ulladulla area.</p> <p>Furthermore, the PP would facilitate the development of employment-generating activity during construction and ongoing operation, through the operation of the proposed childcare and commercial uses.</p>
<p>Milton-Ulladulla Structure Plan 1996</p>	<p>The MUSP provides a framework for the future development of the Milton-Ulladulla area. The MUSP identifies the need to strengthen the retail and commercial role of the CBD within Ulladulla.</p> <p>The proponent argues that the site would further support the changing needs of the area, the MUSP is now 27 years old and the urban structure and community needs of Milton-Ulladulla have changed significantly, and</p>


Local Strategies	Justification
	<p>the MUSP does not reflect the current community sentiment to land uses and densities in Ulladulla.</p> <p>It is understood that Council is reviewing the strategic framework for Ulladulla and the age of the MUSP is noted. While the proposal may not be entirely consistent with the MUSP, it will not weaken the retail and commercial role of the Ulladulla CBD.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.1 Implementation of Regional Plans:	Consistent	See discussion in section 3.1.
4.3 Planning for Bushfire Protection	Further justification required	<p>The subject site is partially identified as Bush fire prone land – Buffer area (Figure 7).</p>  <p>Figure 7: Bushfire mapping (Source: eplanning spatial viewer)</p> <p>A Bushfire Report has not been submitted as part of the proposal. It is considered that the risk in this location is low and can be further considered at DA stage. Evacuation routes would not be impeded by impacted land. Council consulted with NSW Rural Fire Service during the scoping stage (Appendix N), and no concerns were raised with the proposal.</p> <p>However, this direction requires that RFS is consulted following the receipt of a Gateway determination therefore this has been added as a condition of the Gateway.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.4 Remediation of Contaminated Land	Consistent	<p>A Preliminary Site Investigation has been prepared (Appendix E). The previous development on the site, Bunnings warehouse, was approved in 2006 and reports undertaken during construction were reviewed as part of the Preliminary Site Investigation, which indicated that the site had been contaminated with asbestos, and that there is the potential for an encapsulated area containing asbestos affected material buried on the site. During construction of the Bunnings development, cut and fill was undertaken on-site. The report indicates that any VENM certificates for any imported fill or the exact location of the asbestos encapsulation were provided. The report concludes that additional works will need to be undertaken to confirm the above, prior to engineering design works.</p> <p>A revised report will be required at DA stage, however the submitted report is considered suitable for the PP.</p> <p>Further consultation with the Environment Protection Authority is required.</p>
4.5 Acid Sulphate Soils	Inconsistency justified	<p>The subject site is identified as Acid Sulphate Soils Class 5 (Figure 8). The Preliminary Site Investigation (Appendix E) discussed above. The report states that “ASS soils typically occur in low-lying coastal areas, typically at elevations below 5m AHD, in rare cases it can be observed up to 12m AHD. Given the mapping and the Site’s elevation, further assessment for ASS is not deemed necessary” (pg.2). The statement made in the report can be justified by reviewing the Site Report for the previous Bunnings DA on the site (as referred to in the Preliminary Site Investigation Report) which states that Acid Sulphate Soils were not found on the site. A revised report will be required at DA stage.</p>  <p>Figure 8: Acid Sulphate Soil mapping (Source: eplanning Spatial Viewer)</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>The direction requires that a planning proposal for any intensification of land uses on Acid Sulphate Soils land must be supported by an Acid Sulphate Soils Study assessing the appropriateness of the change of land use given the presence of acid sulphate soils. It is noted that this study has not been provided. However previous investigations has concluded that Acid Sulphate Soils are not present on the site therefore any inconsistency with this direction is considered to be of minor significance.</p>
5.1 Integrated land Use and Transport	Consistent	<p>A Transport Impact Assessment, prepared by Transport Traffic planning Associates (Appendix C), has been submitted to support the proposal. The report identifies that the additional dwelling density, and commercial/retail uses sought can be accommodated within the existing road network and there is no net increase in traffic movements.</p> <p>The site is within 500m of the Ulladulla CBD, Ulladulla harbour and foreshore, Ulladulla High School, Dunn Lewis Community Centre, and Ulladulla Sporting Complex.</p> <p>Given the proximity of the Site to the employment, commercial and retail services provided in the Ulladulla CBD, the intended development is likely to result in a reduced number of impromptu vehicle movements to and from the Site. Existing shared pathways along the Princes Highway, St. Vincent Street, and Collins Street, encourage active travel, including walking and cycling, increasing urban mobility. Existing public transport links are provided along the Princes Highway and are also within walking distance to the site (400 m).</p> <p>It is recommended that the Planning Proposal is referred to Transport for NSW for consultation.</p>
6.1 Residential Zones	Consistent	<p>While the Direction does not technically apply as the MU1 Mixed Use is proposed, the provision of housing is a recognised priority across all levels of government. The proposal will deliver diverse housing stock, including affordable and key worker housing, which is an identified need within the Shoalhaven LGA.</p> <p>This Planning Proposal provides an opportunity for additional dwellings in an appropriate location to support the growing population of the Shoalhaven LGA, and to address identified housing needs. The in-fill development proposed utilises land that is already adequately serviced and under single ownership, providing the opportunity for “precinct scale” development, in a timely manner.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
7.1 Business and Industrial Zones	Inconsistency justified	<p>The PP proposes rezoning of the site from E4 General Industrial (Employment) to MU1 Mixed Use. This direction seeks to encourage employment growth in suitable locations, protect land in employment zones and support the viability of identified centres.</p> <p>However, the proposal is inconsistent with this direction as it will reduce the total potential floor space area for industrial uses in an E4 zone.</p> <p>An Economic Impacts Assessment (EIA), prepared by Gap Advisory (Appendix H), has been provided to support the proposal. Ulladulla has an existing supply of developable industrial and employment lands available to support future general industrial uses (see further discussion in section 4.2.2).</p> <p>Any inconsistency with this direction is considered to be justified as of minor significance for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development will create an additional 197 full-time equivalent jobs above the existing 60 full-time jobs currently accommodated on the site. • The site is adjacent to existing residential, community facilities and bulky goods stores and is not considered a suitable site for industrial development, particularly heavy industrial activity. • The PP proposes a mixed use which includes, commercial and retail opportunities which will complement the existing surrounding commercial and business uses.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Housing 2021	Chapter 2 Affordable Housing	Consistent	The masterplan includes the potential for key worker accommodation and/or affordable housing of up to 60 apartments. Further details will be required as DA stage and will be thoroughly assessed during the assessment process.
Planning Systems 2021	Chapter 2 State	Consistent	As stated above the masterplan for the site has the potential to trigger State Significant Development requirements, however until a

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
	Significant Development		formal DA is lodged it remains an uncertainty. Any future DA would be subject to assessment in accordance with the EP&A Act 1979.
Resilience and Hazards 2021	Chapter 4 Remediation of land	Consistent	As stated previously in section 3.3, there is no known contamination of the site, however if further investigation reveals potential contamination, remediation will need to be undertaken.
Transport and Infrastructure 2021	Chapter 3 Educational establishments and childcare facilities	Consistent	The masterplan includes the potential for a childcare facility. As previously stated, further details will be provided at DA stage, and a thorough assessment undertaken in accordance with relevant legislation.

4 Site-specific assessment

4.1 Environmental

The PP seeks to rezone the subject land from E4 General Industrial to MU1 Mixed Use to facilitate a mixed-use development incorporating mid- to high-rise residential development.

The site is already cleared and has been used as a bulky good warehouse (Bunnings). The site is not burdened by any existing biodiversity or environmental values, with the closest identified biodiversity area approximately 500m south of the site along Racecourse Creek at the southern boundary of Ulladulla Sports Complex. Critical habitat or threatened species, populations or ecological communities, or their habitats, are unlikely to be impacted by the proposal.

4.1.1 Land Use Conflict

Concerns have been raised by Council staff about locating residential development adjacent to existing industrial lands. The surrounding development to the north is existing residential, whilst to the south of the site is the existing Dunn Lewis Community Centre, a not-for-profit foundation aimed at enriching the lives of the local youth community. To the east and west of the site is existing employment lands, comprising of existing bulky goods retailers, warehouses, small manufacturing premises, and a Concrete batching facility adjacent to the south-west portion of the site. The existing surrounding and established development is not considered to be detrimental to the proposed future use of the subject site, with the existing surrounding uses considered generally complementary to the proposed development, the subject of the PP. Adjoining land owners will be consulted on the proposal enabling them to raise any concerns.

Site Contamination

As previously discussed in section 3.3, a Preliminary Site Investigation Report, prepared by Terra (Appendix E), has been submitted to support the application. The submitted report is a review of existing site reports and general desktop review. Site investigation works have not been undertaken at this stage as the site is currently still being tenanted by Bunnings. Should the land be rezoned, further investigations can be undertaken at DA/CC stage.

The initial report determined that the site soils are deemed suitable to support the proposal. Excavations for basement levels will mostly be within fill material and are unlikely to encounter large volumes of groundwater. Suitable foundation conditions exist at a relatively shallow depth and there is an opportunity for the basement slab to be partly founded on rock.

Acoustics

An Acoustic Assessment, prepared by Rodney Stevens Acoustics (Appendix D) evaluates noise levels to sensitive "receptors," such as homes and the childcare centre. This seeks to gauge potential disturbances from noise generating activities, including adjoining 'industrial' operation, road traffic and the predicted indoor and outdoor play activities associated with a future childcare centre on the site. The acoustic report recommends noise control measures to ensure the childcare centre is compliant with noise criteria and states the mixed-use component is able to achieve compliance with the SEPP (Transport and Infrastructure) 2021 by implementing recommendations set out by the report.

The proposed acoustic treatments include solid sound barrier fencing without any gaps or penetrations, glazing of windows and the restriction of outdoor play time for children. The assessment also concludes that the noise generated by the adjacent concrete batching plant has been assessed to comply with the SEPP. Further assessment of Acoustic treatments can be undertaken at DA stage and are not considered to impact upon the PP.

Air Quality and Odour

An Air and Odour Assessment, prepared by Todoroski Air Science (Appendix F) has been submitted to support the application. Residential and childcare uses are sensitive receptors to dust and air quality changes.

The subject land is adjacent to a concrete batching plant and other industrial activities, including an engineering and fabrication workshop and earthmoving businesses. These activities could potentially create dust, air toxins and odour through their usual operations. Operations identified with potential to generate air emissions located within a 500 m radius of the site were investigated to determine the potential for dust, emissions and odour to the site and included industrial and commercial premises.

An access road is proposed on the western boundary however, the location of the tallest residential building (nine storey apartment building) is located closest to the concrete batching plant. Potential particulate matter and dust may be a cause of future land use conflict.

The report recommends a range of measures to mitigate air quality impacts on future development, including, plan for the least sensitive land uses to be located nearest to the industrial uses; orientate buildings to provide adequate air flow around the building and design buildings to encourage air flow in a particular direction (e.g. away from outdoor living areas); build continuous dense landscaping (bunds and vegetation) to assist in air dispersion; and, consider air conditioning and ventilation, and design buildings so living and workspaces such as bedrooms and offices do not face industrial sources.

Further assessment of air quality and odour can be undertaken at DA stage, and are not considered to impact upon the PP, as the submitted report highlights there are mitigation options available to any future development.

4.1.2 Built Form

The PP proposes four (4) towers to be constructed on the subject site, of varying heights, 15m, 17m, and 21m. The additional height and density proposed to occur on site has the potential to impact upon the existing surrounds, as the site is located within an existing urban area.

Housing 2041 represents a 20-year vision for housing in NSW. The four pillars of the strategy are, Supply – deliver housing supply in the right locations at the right time; Diversity – provide housing

that is diverse and meets varied and changing needs; Affordability – provide housing that is affordable and secure; and Resilience – deliver enduring and resilient housing. The proposal aims to deliver on these housing pillars by providing a diverse range of apartments within close proximity to a regional centre, the dedication of apartments for affordable and key worker housing, and apartments which are designed to address the local environment, natural hazards and the dynamic character and demographic profile of a local area.

An Urban Design & Visual Impact Assessment, prepared by Cox Architects (Appendix G) has been submitted to support the application. Conditions of the site such as solar aspect, sea breezes and views have been considered in the design & layout of the proposal.



Figure 9: St. Vincent Street Render (Source: Urban Design & Visual Impact Assessment, pg. 25)

Visual Impact, Local Amenity and Character

The site is situated on elevated land at the top of Ulladulla's existing residential areas. As a result of the increased density, the future development is visible from the local roads surrounding the site, including Deering Street, Princes Highway and St Vincent Street. A high-level architectural concept (Appendix A) has been prepared for the site, adopting a gradual height progression from north to south.

View locations identified in the report were selected and approved by Council. Views of the development heading north along the Princes Highway are generally fleeting as vehicles are traveling to the Ulladulla CBD or passing through. Given the distance of the site from the Princes Highway, the development has low visibility from this angle and is further obscured by the existing built form and established vegetation in the area.

The Visual Impact Assessment confirms that the proposed height and density are not visible from key tourist viewpoints in and around Ulladulla, including Warden Head Lighthouse and Dolphin Point.

Overshadowing and Access to Sunlight

The Urban Design & Visual Impact Assessment provides a series of shadow diagrams (Figure 10) highlighting compliance with *Apartment Design Guide* for solar access and overshadowing of neighbouring properties during mid-winter. The main sites affected are the Dunn Lewis Centre and Project Lighting, both of which do not contain any residential dwellings and therefore the extent of the shadows would be considered acceptable.

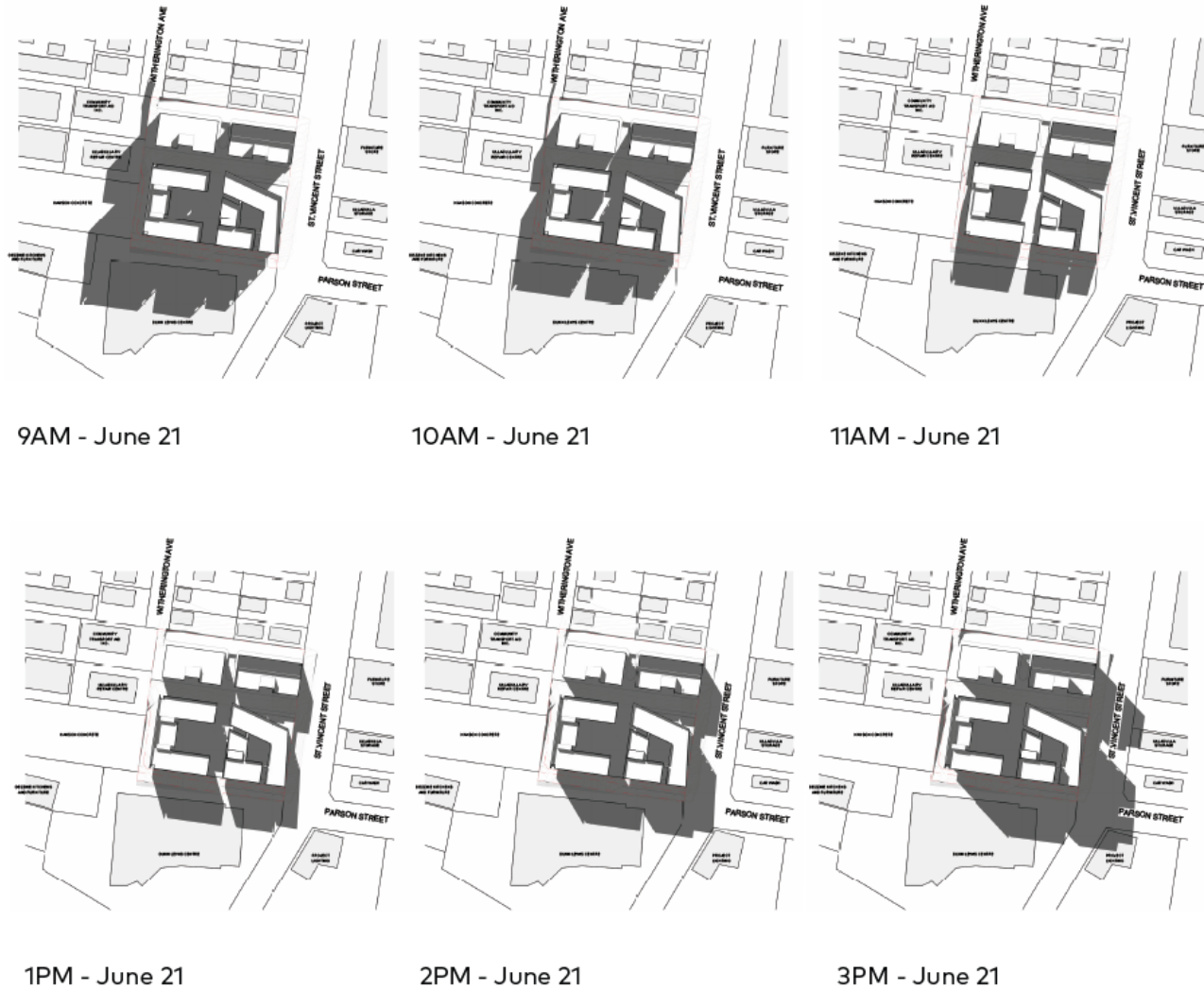


Figure 10: Shadow diagrams for proposed development (Source: Urban Design & Visual Impact Assessment, pg. 28)

Vehicular Access

A Traffic Impact Assessment (TIA), prepared by Transport Traffic Planning Associates (Appendix C), has been submitted to support the application. Two vehicular access points are provided from St Vincent Street, with rear lane access via Witherington Avenue.

The proposed development includes a circulation roadway looping around the site's northern, southern and western boundaries with one-way ingress from Witherington Avenue; access driveways for the car park (ingress/egress) from the centre of the northern and southern laneways with the refuse collection area provided at the south of Building 1 (Figure 11). The projected increase in traffic generation would be approximately 120 -151 vtp, during peak periods, more than the existing on-site Bunnings. An assessment of the increased traffic flows, along with proposed road upgrades, revealed a satisfactory operational performance will be maintained, and operational performance of the assessed intersections will be more than satisfactory, at peak vehicle flows.

The site will benefit from required surrounding road upgrades required for the new Bunnings site (Figure 11), which will extend St Vincent Street to connect to a new access roadway connecting into the Princes Highway and Dowling Street intersection.

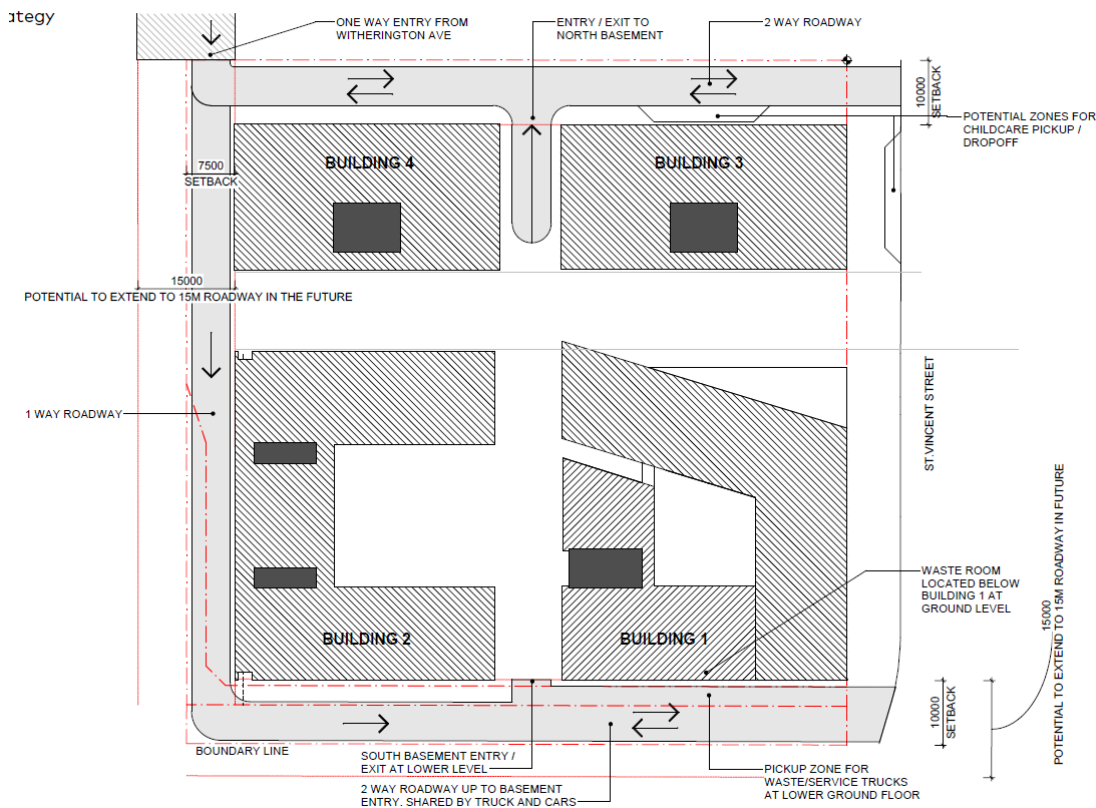


Figure 11: Vehicle movement Masterplan (Source: Urban Design & Visual Impact Assessment, pg. 15)

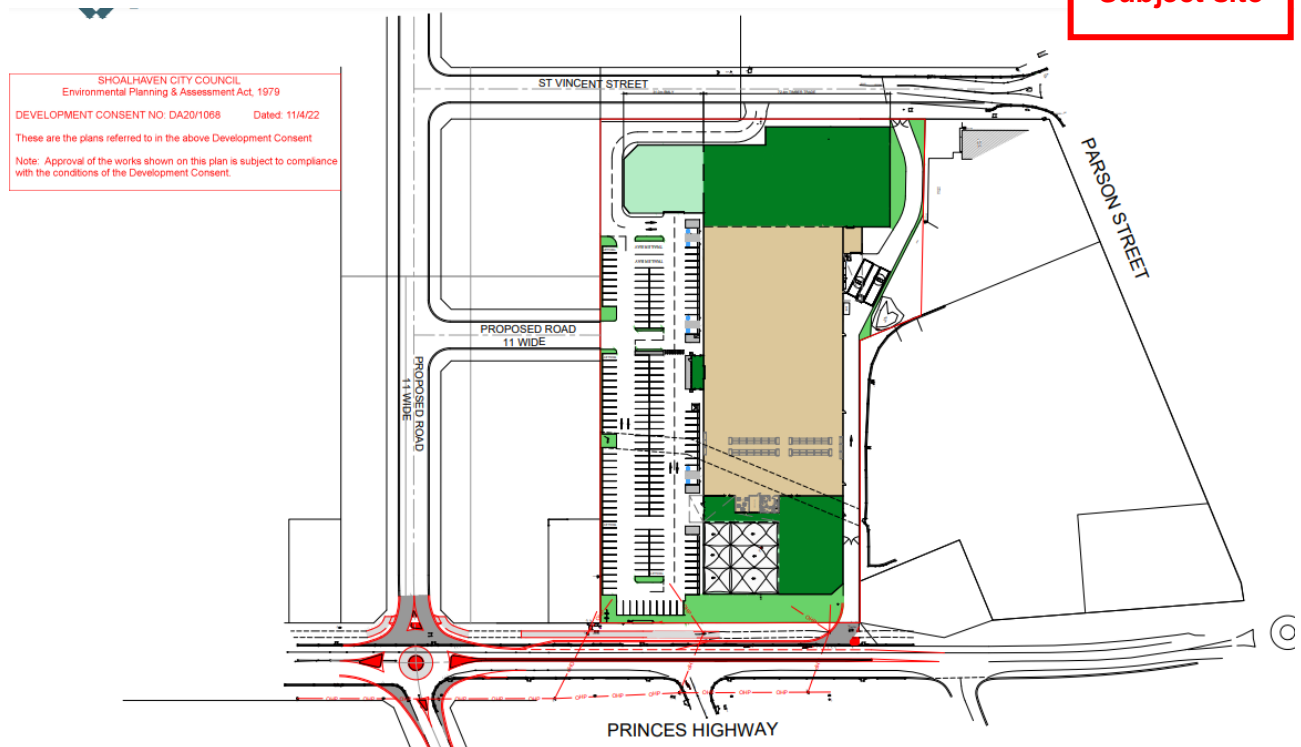


Figure 11: Location of New Bunnings and required road upgrades (Source: Shoalhaven City Council DA20/1065)

The report concludes that, there will be no unsatisfactory traffic implications as a result of the modified use of the site; the envisaged parking provision will be adequate and comply with Council's DCP; and the envisaged vehicle access, internal circulation and servicing provisions will be suitable and appropriate for the circumstances.

Furthermore, the application was sent to Transport for NSW for review, who determined that the proposed development 'will not have a significant impact to the state road network and therefore has no objections to the proposal' (Appendix M).

4.2 Social and Economic

The PP seeks to rezone the subject land from E4 General Industrial to MU1 Mixed Use to facilitate a mixed-use development incorporating mid- to high-rise residential development.

4.2.1 Social Impacts

A Social Impact Assessment (SIA), prepared by Judith Stubbs and Associates (Appendix I) has been submitted to support the application which states that the proposed development, '(I)n the context of Ulladulla as a 'Strategic Centre' within the Illawarra Shoalhaven Region, this is likely to provide enormous benefit in this locality. This includes the provision of much needed housing diversity at a scale that can assist in meeting the needs of an older and rapidly ageing population, the predominance of smaller households, and a large local workforce that is concentrated in lower paid essential services jobs' (pg.5).

Demographics

At the time of the 2021 Census, 383 people lived in the immediate locality, with 7,262 living in Ulladulla suburb. The median age was much older than average, and almost one-quarter of residents were aged 70+ years (double the State average), with a much higher rate of lone person and couple only households. There is also predicted to be a significant ageing of the population to 2041.

The median income was much lower, likely related to the older age structure, and the high relative level of disadvantage on the SEIFA Indexes of Socio-economic Disadvantage, and Education and Occupation. The much older age profile and predicted aging of the population, predominance of smaller households and decreasing household size, and nature of employment and jobs growth in the locality, have significant implications for the future provision of housing, particularly the need for diverse, affordable and lower cost housing types.

Housing Affordability

'Workers in essential service or 'key worker' jobs are critical to the functioning of the local economy but are increasingly unable to find affordable and/or appropriate accommodation, or indeed anything to rent at all, in an increasingly constrained local housing market' (pg46). The lack of housing that is affordable to very low and low income renters, and low and moderate income purchasers in the locality and the LGA is also of serious concern, as are recent unprecedented increases in the real cost of rent and purchase prices.

The proposed development includes 50 affordable housing units and 10 affordable sale units for key workers, a total of 60 units, aimed at very low, low and moderate income, households. The proposal includes a Draft Letter of Offer Voluntary Planning Agreement (Appendix K) which proposes to provide 50 affordable rental units for 15 years to be managed by a registered community housing provider.

The SIA concluded that '(T)here are important implications for the need to increase the supply of affordable, lower cost and more diverse housing types in the locality, given the profile of employed people who live and work locally, as well as the profile of local jobs' (pg.46).

4.2.2 Economic Impacts

An Economic Impacts Assessment (EIA), prepared by Gap Advisory (Appendix H) and a Development Feasibility Assessment (FA), prepared by Egan National Valuers (Appendix J), have been submitted to support the application.

The EIA addresses the projected population growth within the LGA and proposes the Ulladulla area would see a projected population increase of an additional 5,000 people by 2051. With an average dwelling occupancy rate of 2.3-2.4, this would equate to an additional 2,100 – 2,200 dwellings required by 2051. A shift towards smaller housing, requires greater diversity of housing to meet the changing household needs, size and structure. The development would also increase the residential population within walking distance to the existing town centre and support existing businesses.

The Ulladulla town centre has limited existing availability of commercial premises. ‘The proposed development presents an opportunity to contribute to the revitalisation of the town centre by generating increased population within the immediate vicinity of the town centre’ (pg.10).

The Ulladulla area has approximately 35ha of land zoned E4 – General Industrial in the southern Ulladulla area. An Industrial Estate in Kings Point provides an additional 34ha (Figure 12), a significant portion of which is yet to be developed. A potential future subdivision of the existing Ulladulla Sewage Treatment Plant would add an additional 10ha. The subject site would remove a total of 1ha of E4 zoned land. The EIA states that the “need” for industrial land within the area is low, and a shift towards white-collar occupations, is changing the structure of the workforce to more commercial land use requirements. The removal of the 1ha parcel of land is not considered to impact upon the total availability of industrial land within the Ulladulla area.

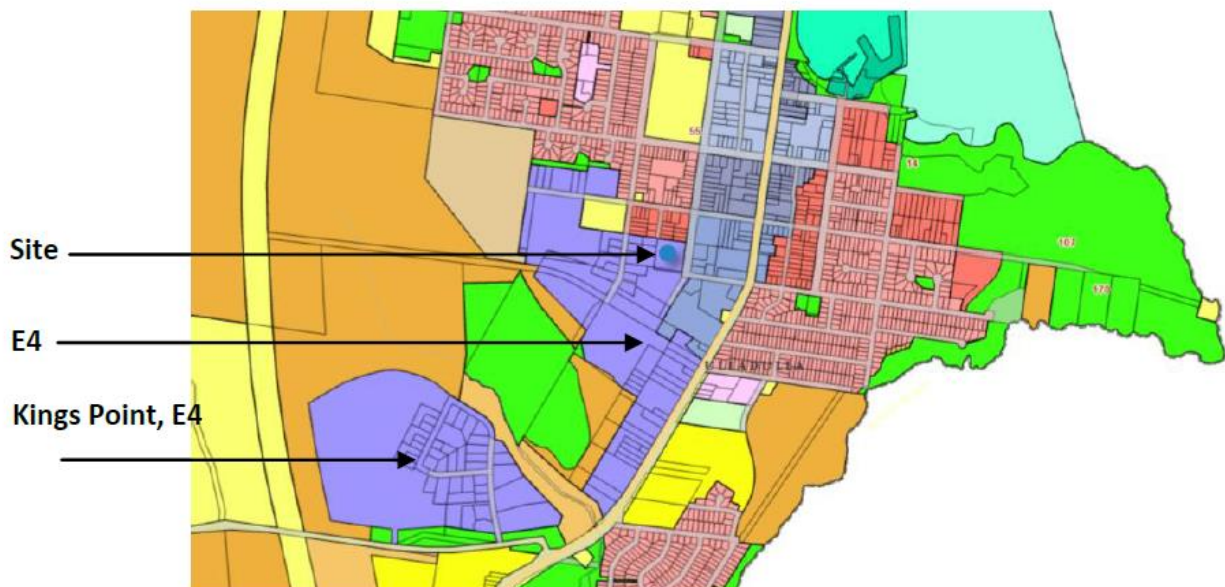


Figure 12: Ulladulla E4: General Industrial zoned land (Source: Economic Impact Assessment, pg.28)

The EIA concludes that the proposed development would; ‘increase the total number of people employed in the municipality; increase gross regional product; add considerably to the total value of construction in Ulladulla; and enable the number of businesses that employ one or more people to increase’ (pg.32). Furthermore, the report states that the proposed development would ‘make a positive contribution to the endowments of the Region identified in the Economic Strategy by: broadening the Location, Accessibility and Lifestyle Benefits available to residents and visitors; and improving the options available for labour resources, both through the provision of on-site employment opportunities and the increased diversity and flexibility of housing that will be provided by the completed project, at a location close to jobs’ (pg.41).

The FA has reviewed the anticipate growth within the Shoalhaven LGA, increasing Defence sector, and potential increased demand in core health, retirement and human services sectors. Furthermore, the report states that there is a lack of affordable units, located within proximity to existing services, within the greater Ulladulla area. The report found that there was a gap within the market, and the proposed development could meet increasing needs within the community.

4.3 Infrastructure

The PP seeks to introduce a significant density increase with expansion most likely required to the water, sewer, electricity and gas networks to support the development. To ensure supply networks can accommodate the increased demand for services, consultation with the utility providers (Endeavour Energy, Jemina Gas, and Shoalhaven Water) will be required to be undertaken during the exhibition stage.

Consideration will also need to be given to the potential impacts associated with the proposed Milton-Ulladulla bypass and how this will impact traffic movements to and from the site. As previously noted, the PP was sent to Transport for NSW for comment during the Gateway Assessment, with Transport providing advice that the PP would not impact on the existing state infrastructure.

The submitted SIA and EIA reports both made comment to the existing local services within the vicinity, including the proximity of existing footpaths, bus stops, Community Centre, High school, medical centres, parks, Ulladulla Sporting Complex and existing CBD within an approximately 500m proximity to the development. The proposed development also anticipates the inclusion of an additional public service childcare facility to service the wider Ulladulla area.

5 Consultation

5.1 Community

The planning proposal is categorised as standard under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for NSW
- Rural Fire Service
- Endeavour Energy
- Jemina Gas
- Shoalhaven Water
- Environment Protection Authority

6 Timeframe

The Planning Proposal proposes a 12-month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion of 12-months in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal is standard, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The PP is considered to have strategic and site merit.
- The PP is consistent with current local and regional strategic plans.
- The PP will deliver housing, potentially including affordable/key worker housing.
- The PP will potentially deliver services to the wider community including a potential childcare centre.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 4.5 Acid Sulphate Soils and 7.1 Business and Industrial Zones are justified as minor and
- Note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to public exhibition, the proposed maps should be amended to clearly outline the subject site.
2. Prior to public exhibition, the Rural Fire Service is to be consulted on the planning proposal in relation to Direction 4.3 Planning for Bushfire Protection and take into account any comments made.
3. Consultation is required with the following public authorities:
 - Transport for NSW
 - Endeavour Energy
 - Jemina Gas
 - Shoalhaven Water
 - Environment Protection Authority
4. The planning proposal should be made available for community consultation for a minimum of 20 working days.

5. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 12-months be included on the Gateway.
6. The timeframe for the LEP to be completed is within 12 months from the Gateway determination.



3/9/24

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10/9/2024

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