



Planning Proposal

28 BOWEN STREET & 34-38 HAWKE STREET
HUSKISSON

Reference: JB053



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Attachments:

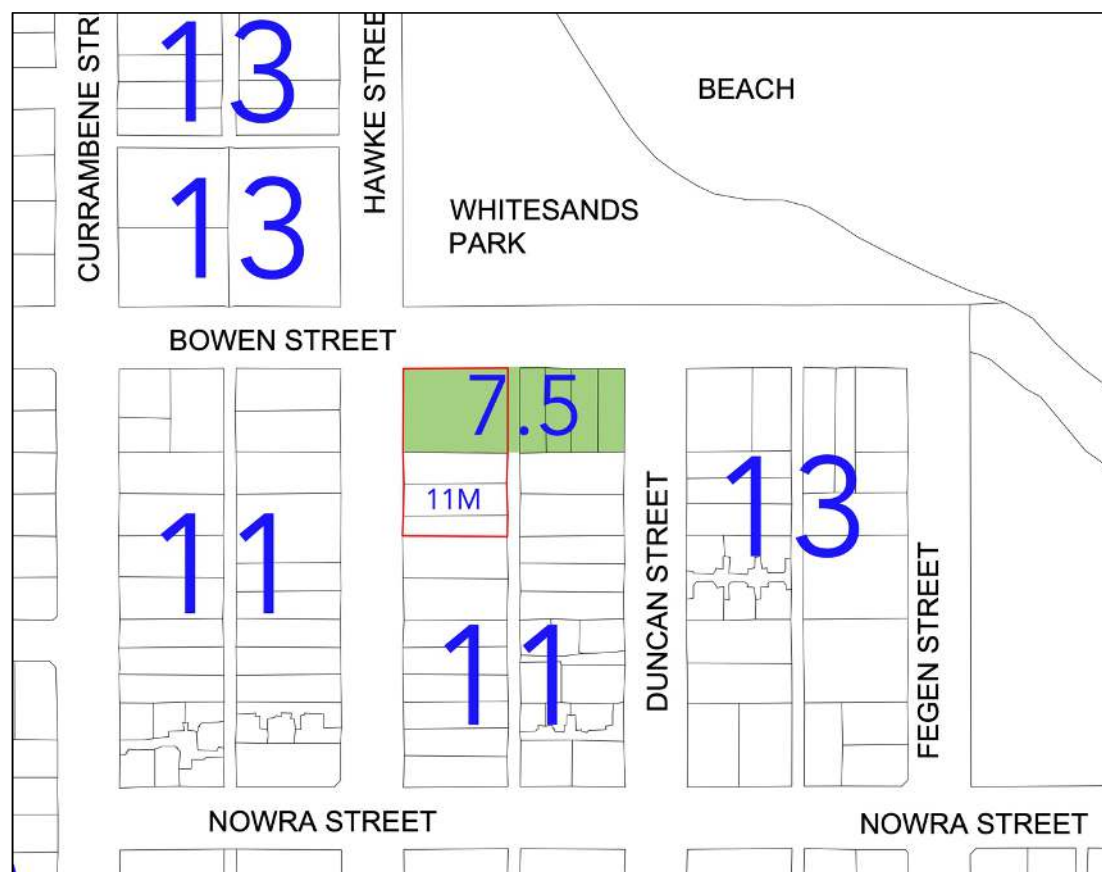
- A) Schematic Architectural Plan Set including Solar Access Diagrams
- B) Aboriginal Due Dilligence Assessment
- C) Statement of Heritage Impact
- D) Visual Impact Assessment



Introduction

The planning proposal will outline the justification for an amendment to the Shoalhaven Local Environmental Plan 2014 height of building maps.

Specifically, this report seeks to justify an amendment to the maps which would propose a maximum building height limit of 12m for the entire site. The current controls specify a part 7.5m and 11m height limit.



Above: Illustration of current Height of Building Controls.

The increase in height limit is proposed to facilitate the construction of a landmark hotel and tourist resort on the site.

This PP explains the intent of, and justification for, an amendment to the SLEP 2014.

In summary, the proposal to amend the HOB map has strategic merit because:



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- a. It will enable the site to be developed consistent with the vision for Huskisson described within the Shoalhaven Character Assessments 2020.
- b. It is not inconsistent with the Illawarra Shoalhaven Regional Plan 2041.
- c. It is entirely consistent with the Jervis Bay Settlement Strategy.
- d. It is entirely consistent with the Shoalhaven Growth Management Strategy (GMS)
- e. It is consistent with the Shoalhaven Destination Management Plan 2018-2033
- f. It is a large, generally constraint free site within walking distance to the Huskisson Village Centre.

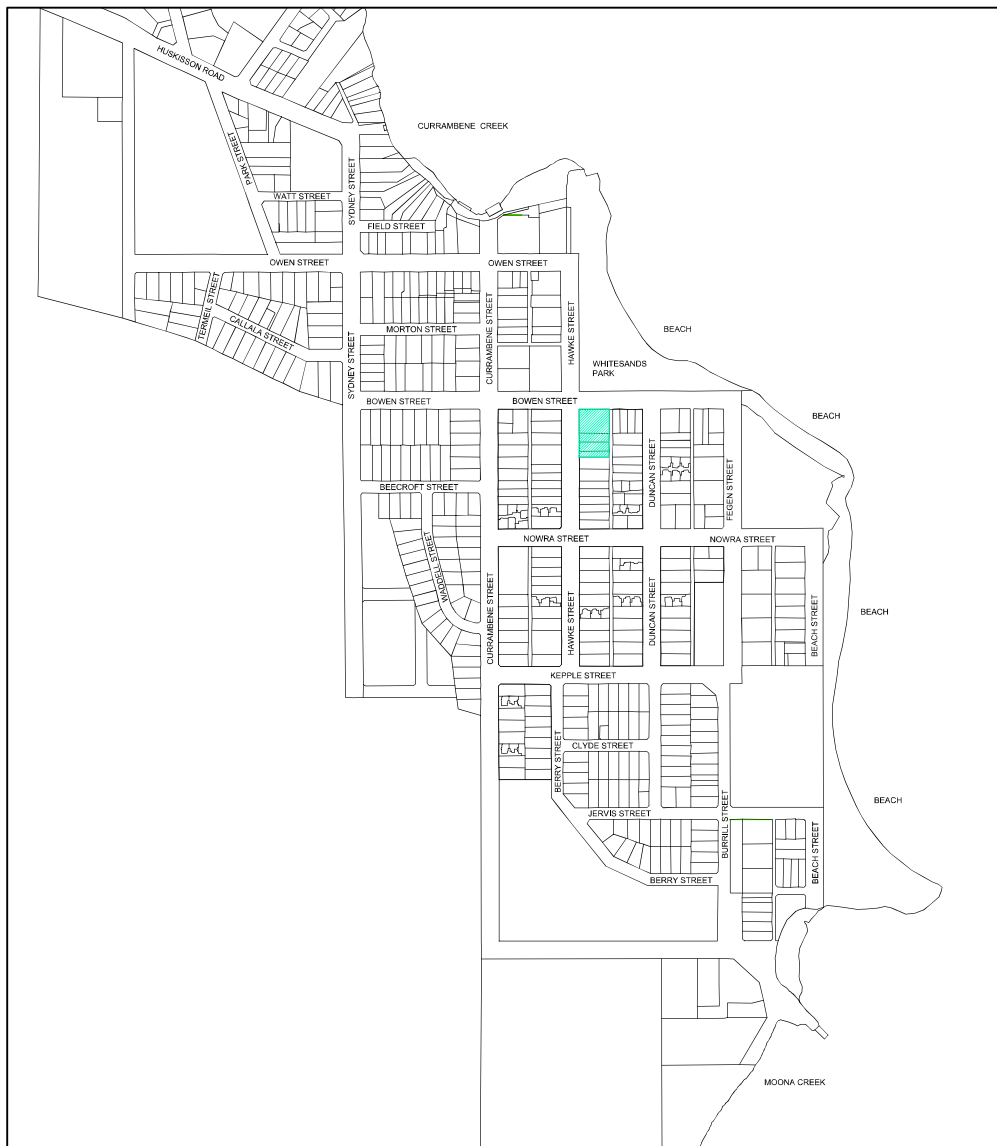
The Subject Land

The site comprises four parcels of land - Lot 1 Sec 5 DP 758530 and Lots A, B & C DP 33476 located at 28 Bowen St and 34-38 Hawke St, Huskisson. The area of the site is 4223m² 52m wide and 80m deep.

The proponent for this proposal is Jervis Bay Town Planning who are acting on behalf of the owners of the land.



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Above: Locality Sketch

The site contains an older style, two storey brick motel (Bayside Resort) with restaurant, pool, at grade parking, detached brick garage. Vehicular access is available from both street frontages for resort parking which is located on site. The site has frontage to Bowen Street (north), Hawke Street (west) and an unnamed, unformed laneway (east). All three streets are public roads. Bowen and Hawke streets are bitumen sealed, two-way roads with wide road verges. The site slopes to the east, toward the unnamed public laneway on the eastern boundary, with a high point running through the centre of the site.



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Above: Contextualised site plan



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Above: Aerial photograph of locality



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Above: Aerial photograph of site

Part 1 – Objectives and intended outcomes

The objective of this PP is to amend the Height of Building map affecting the land, so it regulates a maximum height of building control of 12m for the entire property. The current LEP stipulates a partial 11m height limit and partial 7.5m height limit for the site.

The intended outcome of this PP is to facilitate the construction of a landmark 3 / 4 storey hotel and tourist resort on the site.

Part 2 – Explanation of provisions

The proposed outcome will be achieved by:



- amending the SLEP 2014 Height of building map so that a 12m height limit applies to the land.

Part 3 – Justification of strategic and site-specific merit

The proposal has strategic and site-specific merit for the following reasons:

- 1) The proposal has strategic merit because:
 - a. It will enable the site to be developed consistent with the vision for Huskisson described within the Shoalhaven Character Assessments 2020.
 - b. It is not inconsistent with the Illawarra Shoalhaven Regional Plan 2041.
 - c. It is entirely consistent with the Jervis Bay Settlement Strategy.
 - d. It is entirely consistent with the Shoalhaven Growth Management Strategy (GMS)
 - e. It is consistent with the Shoalhaven Destination Management Plan 2018-2033
- 2) The site specific merits are summarised as follows:
 - a. The site is relatively unconstrained. It is not within a bushfire prone or flood prone area. It does not contain any native vegetation.
 - b. The site is relatively level.
 - c. The current R3 land use zone permits hotel development.
 - d. Essentially all other R3 zoned land in Huskisson has an 11m height limit – almost all of this is used for residential purposes.
 - e. Other land in the immediate vicinity of the site has height limits greater than 11m, being 13m
 - f. The imposition of the current heights limit over part of this well located and unconstrained site acts as an unreasonable restriction for future development.



- g. Save for current height limits, the site has the capacity to deliver significant and much needed purpose built tourist accommodation for Huskisson.
- h. The site is located on the fringe of the Huskisson Village Centre. Within Huskisson, there is no land available of a size scale, of suitable geometry and with the same vehicular access opportunities for a large hotel development.
- i. The site is not heavily vegetated.
- j. The site is within short walking distance to the Huskisson village centre.
- k. The site is adjacent to White Sands Park, close to the beach and other recreation areas.
- l. The property is of sufficient size to accommodate a multi-storey building of a commercial nature without having devastating impacts on adjoining land.
- m. There are limited areas within Huskisson and the Bay and Basin area suitable for such development.

Shoalhaven Character Assessments 2020

The Shoalhaven Local Character Assessment prepared by Roberts Day for the Shoalhaven City Council sets out the future desired character of Huskisson as follows:

The ideal future character of Huskisson will continue to be a desired tourist destination and maintain the existing character qualities. In addition:

- The town will provide “a range of housing options for both tourists and permanent residents including the potential for higher-density development clustered around the town centre.”
- Future development will relate to the existing built environment in material and colour palette “while introducing a contemporary flair which updates the settlement’s appearance.”



- "Tall trees and vegetation will continue to contribute to the natural atmosphere."

The proposal to apply a uniform 12m height limit over the site is consistent with future character of Huskisson. The alteration to the height maps will allow for greater density around the town centre whilst enabling the surrounding vegetated border of the village to remain as the dominant feature of the skyline.

Illawarra Shoalhaven Regional Plan 2041

The Shoalhaven Regional Plan 2041 has a strong focus on tourism and it adopts specific objectives to harness the region's full potential as a tourist destination.

The proposal is consistent with the following objectives of the plan:

Objective 5 – Create a diverse visitor economy

There is an overreliance on residential accommodation in the Jervis Bay region to cater for tourist accommodation. The proposal will further diversify the visitor economy through providing greater choice of accommodation options.

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

The proposal embraces and respects the character of Huskisson. The 12m height limit proposed is consistent with both current and future desired character.

Objective 24 – Support major events, public art and cultural activities.

The proposal aligns with Objective 24 as it will facilitate the provision of a substantial number of professionally operated tourist accommodation suites that will promote the success of major events held in the area.

Jervis Bay Settlement Strategy

The Jervis Bay Settlement Strategy establishes principles to manage growth in the Region.

The JBSS identifies Huskisson as an urban renewal area. The strategy aims to Promote Huskisson as a gateway to the Jervis Bay Region by providing a variety of housing opportunities through a combination of urban consolidation and higher densities.



The strategy acknowledges Huskisson as a key focal point for tourism in the Region. It notes that outward expansion is limited. It suggests potential exists to increase densities and promote urban consolidation. The strategy states that "as the town is also a major tourist precinct, there is a demand for development sites to accommodate tourist and residential uses."

Shoalhaven Growth Management Strategy

The Shoalhaven Growth Management Strategy designates Huskisson as a 'Coastal Town' with the following characteristics:

- Mid sized urban settlements;
- High median age;
- Medium vacant dwelling rate;
- Some commercial activity / services via outreach/council provision; and
- Tourist development potential via caravan parks, resort style developments and other tourist specific developments.

Coastal Town growth considerations:

- Development within settlement boundaries must be compatible with existing building forms and subdivision pattern;
- Outward expansion of settlements must protect and maintain landscape vistas for their visual and cultural heritage values;
- Minimise adverse impacts in terms of hazards and environmental values; and
- Commercial development to enrich tourism potentials.

Shoalhaven Destination Management Plan 2018-2033

The Shoalhaven Destination Management Plan is a strategic document which outlines current and future visitor demands, and the role tourism has in the success of the Shoalhaven local government area. The focus areas of the management plan include:

- Destination Management
- Destination Marketing
- Events
- Local Industry and advocacy
- Infrastructure and investment
- Visitor services

The visions outlined by the plan for tourism in the Shoalhaven region are;



“To be recognised as a year-round destination, valued for its quality environment and visitor experiences. A strong and vibrant tourism industry will be built on a diverse asset base that contributes to employment, economic benefit and the protection and enhancement of Shoalhaven’s natural environment.”

The strategy identifies a series of gaps in the region’s accommodation supply, including:

- high end boutique / eco / farmstay visitor accommodation of varying size;
- large scale visitor accommodation (50 – 150 rooms) – particularly needed in Berry, Nowra, **Bay and Basin**;
- resort style accommodation that has the flexibility to cater for large groups or traditional peak season couple and family market;
- quality low cost short-stay accommodation such as backpackers, small dormitories (4–6 persons); and
- low cost camping options to address summer overflow e.g. dump points and legal camping areas.

The proposal aims to facilitate a larger scale tourist hotel in the Bay and Basin area of the magnitude identified in the Destination Management Plan.

Shoalhaven Local Strategic Planning Statement

The *Shoalhaven 2040 Our Strategic Land-use Planning Statement*, published in September 2020 has been reviewed. No part or element of this Planning Proposal is inconsistent with the document. Of note is Priority 13 which seeks to protect and enhance neighborhoods. The proposed increase to height limit will have no unacceptable or negative impacts on the amenity of Huskisson. This has been demonstrated through submission of a detailed visual impact assessment report.

Future Development Potential

Within the R3 zone, hotel accommodation is permissible with consent. The height limit as proposed would enable the construction of a part 3 & 4 storey motel building with circa 90 rooms.

Consistency with R3 zone objectives

The objectives of the R3 zone are as follows:



- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide opportunities for development for the purposes of tourist and visitor accommodation where this does not conflict with the residential environment.*

The PP is entirely consistent with these objectives because the proposal would facilitate the construction of a tourist and visitor accommodation building of a scale similar to all other nearby R3 zoned land which has an 11m height limit. Building height is a main determiner of character. The proposal to bring this site into conformity with the balance of R3 zoned land in Huskisson would not therefore provide any source of conflict with the residential environment.

Is the planning proposal a result of any strategic study or report?

No.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the Planning Proposal is the best means of achieving the intended outcomes. Alternate methods could include a development application with a Clause 4.6 Variation Request to breach the height limit with a proposed building, however, this undermines the integrity of the Shoalhaven local Environmental Plan due to the extent of the required variation.

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



Illawarra Shoalhaven Regional Plan 2041

The Shoalhaven Regional Plan 2041 has a strong focus on tourism and it adopts specific objectives to harness the region's full potential as a tourist destination. The proposal is consistent with the following objectives of the plan:

Objective 5 – Create a diverse visitor economy

There is an overreliance on residential accommodation in the Jervis Bay region to cater for tourist accommodation. The proposal will further diversify the visitor economy through providing greater choice of accommodation options.

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

The proposal embraces and respects the character of Huskisson. The 12m height limit proposed is consistent with both current and future desired character.

Objective 24 – Support major events, public art and cultural activities.

The proposal aligns with Objective 24 as it will facilitate the provision of a substantial number of professionally operated tourist accommodation suites that will promote the success of major events held in the area.

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

Consistency with relevant State Environmental Planning Policies (SEPPs)	
SEPP	Consistency
SEPP (Resilience and Hazards) 2021	This Policy requires the assessing authority to consider matters with regard to coastal management, hazardous and offensive development and remediation of land. In relation to coastal management, the site is not within the coastal zone. In relation to the remediation of land provisions of the policy, there is no reason to believe the site suffers from any form of contamination. It is currently used for residential purposes and the PP will not change this.
SEPP (Biodiversity and Conservation) 2021	The PP is not incompatible with this SEPP. Refer to submitted biodiversity assessment report.

Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The most relevant Ministerial Directions are discussed below.



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Consistency with relevant section 9.1 Directions by the Minister for Planning		
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans		
Application: This direction applies to land to which a Regional Plan has been released by the Minister for Planning.	Objective: The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	Consistency: The PP does not undermine the vision, land use strategy, goals or directions of the relevant regional plan. It, in a small way, contributes towards the overall goals of relevant strategy plans.
1.3 Approval and Referral Requirements		
Application: This Direction provides that a LEP shall minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or Public Authority, not contain these provisions unless Council has obtained approval from the relevant Authority and not identify development as designated development unless certain prerequisites can be met.	Objective: The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistency: This PP does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
1.4 Site Specific Provisions		
Application: A LEP that amends another environmental planning instrument in order to allow a particular development proposal shall either allow that land use to be carried out in the zone that the land is situated on or rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already existing or allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal planning instrument being amended.	Objective: The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.	Consistency: There is no reason for any site-specific planning controls to be applied to the subject site. This PP seeks to amend the HOB only and is consistent with the terms of this direction.
Focus Area 3: Biodiversity and Conservation		
3.2 Heritage Conservation		



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Application: A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area. Including the protection of Aboriginal objects and Aboriginal places that are protected under the National Parks and Wildlife Act 1974 (NSW).	Objective: The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and Indigenous heritage significance.	Consistency: There are no known items, areas, objects or places of environmental heritage or Indigenous heritage significance on this site. Aboriginal due diligence study has been completed. Further to this a Statement of Heritage Impact has been prepared in reference to the desired outcome / future development of the site. This accompanies the PP.
3.6 Strategic Conservation Planning		
Application: This direction applies to all relevant planning authorities when preparing a PP that relates to land the, under the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> , is identified as avoided land or a strategic conservation area.	Objective: The objective of this directive is to protect, conserve or enhance areas with high biodiversity value.	Consistency: The land is not within an area identified by the SEPP as avoided land or a strategic conservation area.
Focus area 4: Resilience and Hazards		
4.2 Coastal Management		
Application: This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.	Objective: The objective of this direction is to protect and manage coastal areas of NSW.	Consistency: The PP is in no way inconsistent with any provisions of this direction.
Focus area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport		
Application: This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.	Objective: The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning	Consistency: The PP is in no way inconsistent with any provisions of this direction. The site is conveniently located and this will encourage walking and cycling both to and from the site.



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	objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	Intensification of development on the site to the extent proposed is not inappropriate in this regard.
Focus area 6: Housing		
6.1 Residential Zones		
Application: This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.	Objectives: The objectives of this direction are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands.	Consistency: The PP is in no way inconsistent with any provisions of this direction. The land will retain its residential zone. The proposal is to alter the HOB map so it is largely consistent with the balance of R3 and mixed use zoned land in the locality.

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?

No.



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

The proposal will have no effects on the natural environment.

With respect to built environmental impacts, the proposal is sound. Additional impacts on acoustic and visual privacy are appropriately dealt with at development application stage.

With respect to additional overshadowing and impacts on view sharing, the following position is reached:

In relation to view sharing, the following is noted:

- 1) The proposal will not inhibit, restrict or limit available views from any property towards the water. Water views are the most valued in the Huskisson area.
- 2) Trees within White sands park are estimated to be approx. 20m in height and block all views towards the water for all residential dwellings in the locality.
- 3) The photos below were taken from No. 29 Hawke St. This property was selected as it is the most likely to be impacted upon with respect to view loss in the event increased height limits were applied.

This property has a two storey dwelling with balcony to its frontage overlooking the subject land and White Sands Reserve. This clearly demonstrates that:

- a. There are no current water views available from the site and;
- b. The proposal for a 12m height limit will not affect current views.



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Above: Photo taken from second storey balcony of 29 Hawke St looking towards water / White Sands Park



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Above: Photo taken from second storey balcony of 29 Hawke St looking towards water / Existing Motel



Above: Photo taken from footpath area in Hawke St looking towards water / White Sands Park

In relation to solar access considerations, approximately half of the subject land already has an 11m height limit. The impacts associated with a 12m height limit for the entire site in relation to Solar access would not be unacceptable. Residential land to the south of the property would not experience any material increased overshadowing as a result of the proposal. The southern portion of the subject land already has an 11m height limit. The additional 4.5m of building height for the northern portion of the land would not exacerbate overshadowing of adjoining residential land.

Shadow diagrams have been prepared to demonstrate this and these are submitted for assessment along with this report.



Has the planning proposal adequately addressed any social and economic effects?

The PP will facilitate positive and social economic benefits as it aims to facilitate the development of a site which would increase the supply of professionally operated and purpose built tourist accommodation of which there is a documented undersupply.

The vision for this site is for it to be the home of a professionally operated 5-star hotel which compliments Huskisson as a key NSW tourist destination. The proposed modest height limit increase will facilitate the construction of a future building that will deliver opportunities up market accommodation, food and beverage experiences for the public and conference facilities.

The economic and social impacts include:

- The delivery of additional professionally operated tourist accommodation that will support existing businesses in the town centre.
- Support opportunities for the general public to visit the site and enjoy the facilities on offer.
- Increase activation of the foreshore reserve by introducing up market tourist accommodation along Bowen St and Hawke St.
- Provide additional opportunities for casual surveillance of the public domain
- Provide increased hospitality employment and career opportunities for school leavers.
- Provide high-end professionally managed visitor accommodation in Huskisson per the needs identified in the Shoalhaven Destination Management Plan.

Is there adequate public infrastructure for the planning proposal?

Yes. All essential services (water, sewer, electricity) are readily available to the site.

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

No consultation deemed necessary due to the minor nature of the application.



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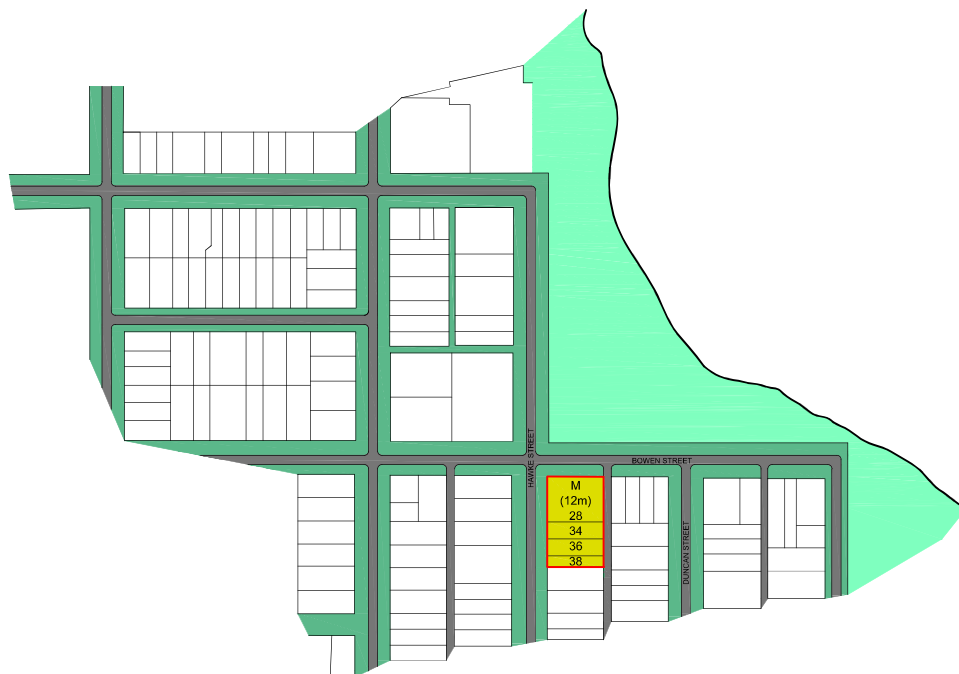
Part 4 – Maps



Above: Current SLEP 2014 minimum lot size map



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Above: Proposed SLEP 2014 minimum lot size map

Part 5 – Community consultation

Community consultation is expected to be undertaken in accordance with the Gateway Determination which specifies that the PP must be made publicly available for a minimum of 14 days.

Part 6 – Project timeline

The proposed timeframe is as follows:

- Commencement date (date of Gateway determination) – December 2024
- Completion of Gateway determination requirements – February 2025
- Report outcomes of studies to Council to confirm details of the PP – April 2025
- Public exhibition – April 2025
- Consideration of submissions – May 2025
- Post exhibition consideration of PP – May 2025
- Finalisation and notification of Plan – June 2024