

Joint Regional Planning Panel (Southern Region) 21/22 October 2010

JRPP Reference No:	2010STH017
DA No:	RA10/1006
Proposed Development:	Tourist Accommodation - Four Single Storey Two Bedroom Tourist Cabins, No.284 River Road, Sussex Inlet (Lot 1 DP 9075)
Applicant:	David Kirkwood
Report By:	Craig Crompton, Shoalhaven City Council

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

Reason for Consideration by Joint Regional Planning Panel

The submitted development application (DA) has been referred to the Joint Regional Planning Panel (JRPP) pursuant to Clause 13 C (a) (i) of the State Environmental Planning Policy (Major Development) 2005 as the development will provide additional tourist accommodation for 10 persons or more on a parcel of land that is in a sensitive coastal location outside of the metropolitan coastal zone.

Proposal

The DA seeks approval for tourist accommodation comprising:

- a) Four (4) single-storey tourist cabins. Each cabin will contain two bedrooms, a bathroom, living area, laundry, kitchen and a deck area; and
- b) Associated car parking, landscaping and drainage works.

Permissibility

The site is zoned 2(d) (Residential "D" Zone) pursuant to the Shoalhaven Local Environmental Plan 1985 (SLEP 1985). The proposal is a permissible land use within the zone with development consent.

Consultation

The application was notified in accordance Council's Community Consultation Policy. One (1) submission was received by Council during the notification period. Additional details on this submission are contained in the attached Assessment Report.

RECOMMENDATION

It is recommended that RA10/1006 (JRPP Reference 2010STH017) be approved subject to the conditions contained in Attachment 'A'.

ASSESSMENT REPORT

1. Background

The following provides details on pre-lodgement discussions, post lodgement actions and general site history:

- a) Pre-lodgement: No pre-lodgement meeting (i.e. Development Advisory Unit (DAU) meeting) was had with Council staff prior to the lodgement of the application.
- b) Post Lodgement: The current application was lodged on 11 June 2010. Council officers during the assessment of the application have requested additional information from the applicant on one occasion (i.e. letter dated 18 June 2010 advising of requirement for Controlled Activity Permit and confirmation that no additional vegetation will be removed). The requested additional information was subsequently submitted by the applicant on 23 June 2010.
- c) Site History: A review of Councils computer records and files indicate that three (3) previous development applications have been lodged on the subject site. A summary of each application is provided below:
 - DA08/1390 – Second Storey Addition to Existing Dwelling, Triple Garage and Studio. Approved 8 May 2008;
 - DA09/1856 – Relocation of existing jetty from Lot 1 DP 9075 to Lot 4 DP 9075. Approved 28 August 2009; and
 - DA10/1706 – 4 Single Storey Tourist Cabins. Withdrawn 15 June 2010. This application was withdrawn as it was incorrectly registered as a development application (i.e. should have been registered as a regional development application).

2. Subject Site and Surrounds

The subject site:

- Is located approximately 750 metres south of the Sussex Inlet town centre;
- Is adjoined to the north and east by Crown land (Lot 7030 DP 1052682) zoned 6(a), to the south by a two-storey detached dwelling (286 River Road, Sussex Inlet – Lot 2 DP 9075 Sec 1) and to the west by River Road to which the site has direct vehicular access;
- Is zoned 2(d) (Residential “D” Zone) under SLEP 1985;
- Has a total area of approximately 8,302 m²;
- Slopes from west to east. An embankment is located along the southern portion of the site and varies between 2 and 5 metres in fall;
- Is identified as flood prone land in its south eastern corner;
- Currently contains a two-storey dwelling-house approximately 200 metres east of the River Road frontage, plus a detached studio and garage; and

- Has been partially cleared of native vegetation around the existing dwelling and garage which are located towards the centre of the site, but is screened by vegetation around all site boundaries.

Refer to **Attachment 'B'** for additional details on the site's location.

In summary, it is considered that the site has no significant features that would inhibit the construction of the proposed development.

3. Proposal

The submitted DA proposes the construction of tourist accommodation consisting of (summary only);

- Four (4) tourist cabins containing two bedrooms per cabin with a living area, kitchen, bathroom, laundry and deck area. Each cabin to have a floor space of 61.5m² per cabin (floor space of four cabins combined is 246m²);
- Car parking for six (6) vehicles;
- One (1) new 4000L rainwater tank, and the relocation of an existing 4000L rainwater tank currently located in the proposed building footprint of Cabin 4; and
- Landscaping including garden beds between the cabins featuring mixed native shrubs, and the planting of tall native shrubs south-east of Cabin 4 to provide additional screening from the neighbouring property (286 River Road).

Each proposed cabin will have a height of 5.2 metres above natural ground (2.4 metres from floor to ceiling) and be constructed from fibre cement sheet wall cladding, colorbond roof sheeting, treated pine slats, weatherboard wall cladding, and a glass balustrade around the deck area. Refer to **Attachment 'C'** for a copy of the development application plans.

4. Community Consultation

In accordance with Council's Community Consultation Policy, the development application was notified as follows:

- Individual property owners within a 100 metre radius of the site were notified of the proposal (15 letters sent). The notification period was from 30th June 2010 to 22nd July 2010 (23 days);
- The proposal was advertised in the local press on two occasions (South Coast Register on 30th June 2010 and 7th July 2010); and
- The application and supporting documentation were on display at Council's City Administrative Centre, Nowra as well as on Council's website.

One (1) submission was received by Council during the community consultation period. The submission received did not specifically object to the proposed development. Additional details on the submission received are provided in Section 6 (Statement of Compliance/Assessment) of this report.

5. Statutory Considerations

The following planning instruments and controls apply to the proposed development:

- i. State Environmental Planning Policy (Major Development) 2005;
- ii. State Environmental Planning Policy No.55 – Remediation of Land;
- iii. State Environmental Planning Policy No.71 – Coastal Protection;
- iv. State Environmental Planning Policy (BASIX) 2004;
- v. Deemed State Environmental Planning Policy – Illawarra Regional Environmental Plan;
- vi. Shoalhaven Local Environmental Plan 1985 (as amended);
- vii. Development Control Plan No.18 – Car Parking;
- viii. Development Control Plan No.62 – Residential Development in Foreshore Areas;
- ix. Development Control Plan No.93 – Waste Minimisation and Management; and
- x. Shoalhaven City Council Section 94 Contributions Plan (as amended).

Additional information on the proposal's compliance with the above documents is detailed below in Section 6 (Statement of Compliance/Assessment) of this report.

6. Statement of Compliance / Assessment

The following provides an assessment of the submitted application against the matters for consideration under Section S79C of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Any planning instrument, draft instrument, DCP and regulations that apply to the land:

- i. State Environmental Planning Policy (Major Development) 2005 (SEPP 2005): The provisions of SEPP 2005 apply to the proposed development. The clauses/matters contained in SEPP 2005 that have relevance to this application are overviewed below:
 - a) Clause 13C (Coastal developments to which this part applies): As indicated previously, in accordance with the requirements of Clause 13C (a) (i), the submitted application is classified as 'regional development' with the determining authority for the application being the JRPP (Southern Region).
- ii. State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55): The provisions of SEPP 55 apply to this site. Consideration has been given to the requirements of Clause 7 (Contamination and remediation to be considered in determining development application) of SEPP 55. As the current application does not involve a change in land use as specified by the requirements of SEPP 55 and as

Council is not aware of any previous investigations about contamination on the land (i.e. no records exist at Council to indicate/identify the land is contaminated), Council is not required to consider a Stage 1 Preliminary Contaminated Land Assessment /Investigation Report. There is no reason to suspect contamination and it is considered that the land is suitable from a contamination perspective for the proposed development/use.

In summary, it is considered that the proposed development does not conflict with the aims and applicable provisions of SEPP 55.

iii. State Environmental Planning Policy No.71 - Coastal Protection (SEPP 71): The provisions of SEPP 71 apply to the site as it is located within the 'coastal zone' and within a 'sensitive coastal location' as defined by the SEPP. SEPP 71 requires Council to take certain matters into account when determining a development application that is located within the coastal zone. The clauses/matters contained in the SEPP71 that have relevance to this application are overviewed below:

- a) Part 2 (Matters for consideration), Clause 7 (Application of clause 8 matters): In accordance with subclause (b) as SEPP 71 applies to the site, the matters in Clause 8 are to be taken into consideration in determining this application;
- b) Part 2 (Matters for consideration), Clause 8 (Matters for consideration): It is considered that the proposal is consistent with the requirements of this clause as:
 - : It is not inconsistent with the aims of the policy (i.e. (a) to (l) in Clause 2);
 - : It does not impact or impinge on public access to or along the coastal foreshore. No existing access points are being blocked/closed and no new access points are proposed;
 - It is considered to be suitable development having regard to surrounding land uses;
 - It will not lead to excessive overshadowing of foreshore areas or loss of views from a public place due to the existing natural topography;
 - It will not diminish the scenic qualities of the area/adjacent coast;
 - The proposal will result in the removal of some established vegetation (3 established trees as per landscape plan) however this will not adversely impact upon flora/fauna;
 - It will not impact upon wildlife corridors;
 - It will not impact upon items of heritage, archaeological or historical significance;
 - It will not lead to a conflict between land based and water based coastal activities;
 - It will not impact upon the water quality of coastal waterbodies; and
 - The proposal, will not impact upon known aboriginal heritage.
- c) Part 4 (Development Control) Clause 13 (Flexible zoning provisions): Flexible zoning provision clauses in the Shoalhaven Local Environmental Plan do not impact upon/apply to this development site;
- d) Part 4 (Development Control) Clauses 14 (Public access): The subject site adjoins Crown land (Crown Reserve 69668 for Public Recreation) to the north and east which fronts onto the Sussex Inlet channel. The proposed development will not impact or impinge on public access to the Crown land and foreshore to the Sussex Inlet channel;

- e) Part 4 (Development Control) Clause 15 (Effluent disposal): Effluent disposal is to be via an existing reticulated system and, as such, it is not considered that it will have a negative impact on water quality of the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform. Any issued consent will condition the applicant to provide a drainage diagram to demonstrate that the proposed development can drain to the existing network. Additionally, the proposed development will be subject to the imposition of sewer supply developer charges; and
- f) Part 4 (Development Control) Clause 16 (Stormwater): Stormwater is proposed to be collected into two (2) 4,000 litre rainwater tanks, and any stormwater overflow will drain into the existing system. The application was provided to Council's Development Engineer for comment where it has been recommended that stormwater runoff be discharged by pipework or grassed swale/overland flow to an infiltration trench and dispersal structure. Subject to appropriate stormwater and drainage conditions as outlined above being imposed on any development consent, it is considered the proposed development would not result in untreated stormwater being discharged into the sea, a beach, an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.

Other parts of SEPP 71 which relate to "significant coastal development" and "master plans" do not apply to the proposed works. In summary, it is considered that the proposed development does not conflict with the aims and applicable provisions of SEPP 71.

- iv. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX): The provisions of SEPP BASIX apply to the proposed development due to the Building Code of Australia classification of the buildings. In accordance with the requirements of this SEPP, BASIX Certification (Certificate No.20857373) has been provided with applicable requirements being shown on the DA plans.

The proposed development does not conflict with the aims and applicable provisions of SEPP (BASIX).

- v. Deemed State Environmental Planning Policy - Illawarra Regional Environmental Plan (IREP): The subject land is affected by the provisions of IREP. An assessment against the requirements of the IREP has indicated that the subject land is not identified as a wildlife corridor, land of prime crop and pasture potential, land supporting rainforest vegetation, land containing extractive materials, land containing coal resources, land affected by a service corridor or land that is part of the sub regional commercial centre. It is however identified as land with landscape or environmental attributes.

The clauses/matters contained in the IREP that have relevance to this application are overviewed below:

- a) Clause 3 of the IREP contains the aims and objectives of the plan. It is considered that the submitted proposal does not conflict with the general aims and objectives as outlined in this clause; and
- b) The Regional Landscape and Environmental Study: The IREP contains no specific provisions that apply to land with “landscape and environmental attributes”. The Regional Landscape and Environmental Study that supports the IREP provides specific recommendations for broad areas of the south coast, including the Sussex Inlet area. In terms of the area within which the subject site is located, the study identifies the area as ‘IC/e’ High Priority Protection-Preservation. In addition, the Environmental Attribute Scenic Quality Map provides a ranking for this area as II which is the second lowest ranking. As the development is within the existing urban zoned area and outside of any wetland area no concerns are raised.

In summary, it is considered that the proposal does not conflict with the relevant provisions of the IREP and will achieve the applicable outcomes.

vi. Shoalhaven Local Environmental Plan 1985 (SLEP 1985): The provisions of SLEP 1985 apply to this site. The clauses/matters contained in SLEP 1985 that have relevance to this application are overviewed below:

- a) Clause 2 (Aims and objectives): It is considered that the proposed development satisfies the general aims and objectives as outlined in subclause 1(a) to 1(c), 2(a) to 2(w), and 3(a), 3(c) and 3(d) of this clause;
- b) Clause 9 (Zone objectives and development control table): The subject land is zoned 2(d) (Residential “D” Zone) under SLEP 1985. In accordance with clause 9(3) of SLEP 1985 in determining this development application Council has taken into account the objectives of the zone within which the development is proposed. The proposal is considered to fit the definition of a ‘tourist facility’ under SLEP 1985 which in part means an establishment for providing holiday accommodation. It is therefore considered to satisfy the objectives of the zone which encourage the provision of tourist accommodation. In terms of permissibility a ‘tourist facility’ is listed as a permissible use with development consent with land zoned 2(d).
- c) Clause 26 (Soil, water and effluent management): The proposed development is located in an area that has sewer and water services/infrastructure and therefore satisfies the requirements of this clause. Measures have been incorporated in the development to reutilise storm water. No details have been provided in relation to sediment and erosion control. If approved, and issued development consent will be conditioned to require an Erosion and Sediment Control Plan prior to the issue of a Construction Certificate. Having regard for the above it is considered that the development will not adversely impact upon public health, surface water, ground water or community amenity;
- d) Clause 29 (Development on flood liable land): Council’s mapping indicates that the south eastern portion of the site is affected by flooding. As the subject land is within an urban zone the Council may consent to the carrying out of development on flood liable land. A detailed flood assessment has not been submitted as part of the application and is considered unnecessary as the Flood Certificate for the property

indicates a Flood Planning Level (FPL) of 2.7m AHD, with the proposed cabins to be positioned at the top of the existing bank which is 8.25m AHD well above the FPL. As such, flooding will not impact the proposed development; and

- e) **Clause 37A (Notification of certain development):** The submitted application was notified in accordance with Council's Community Consultation Policy. Refer to Section 4 (Community Consultation) for further details

In summary, it is considered that the proposed development does not conflict with the aims and relevant provisions of SLEP 1985.

- vii. **Development Control Plan No.18 - Car Parking Code (DCP 18):** The provisions of DCP 18 apply to this development. An assessment against the relevant requirements of DCP 18 is provided below:

- a) ***Car Parking Requirement Schedule:*** The table below summarises the proposed developments car parking provision and what should be provided in accordance with the numerical requirements of DCP 18.

<i>Proposed land use</i>	<i>DCP 18 requirement</i>	<i>Spaces required</i>	<i>Spaces provided</i>	<i>Compliance with DCP 18</i>
<i>Holiday Cabins</i>	2 car space per guest room. 1 space per employee/manager.	8 car spaces. 1 (no staff to be employed as advised by applicant – owner operator)	9 car spaces (6 new open spaces and 3 in the existing garage).	Yes
Total		9	9	Yes

As outlined above, the submitted application proposes to provide car parking which satisfies the numerical requirements of DCP 18. While it is acknowledged that 3 of the proposed spaces identified by the applicant are contained within an existing garage on the site and are unlikely to be used by occupants of the tourist facility, (i.e. leaving 6 car spaces for the proposed development), it is considered that there is sufficient space adjacent to car space 6 to provide an additional two car spaces as well as adjacent to the existing driveway.

- b) ***Parking Layout and Dimensions:*** In terms of car space dimensions and manoeuvring, the submitted proposal has been designed so as to provide car space dimensions and aisle widths/manoeuvring areas which are in excess of the requirements specified in DCP 18.
- c) ***Access:*** One access point into the development is proposed off River Road. The access provided allows for vehicles to enter and leave the site in a forward direction and subject to the widening of the existing driveway crossing will achieve sufficient site distances in accordance with AS2890.1 and will allow two vehicles to pass each other at the sites entrance removing the potential for vehicle conflicts on River Road.
- d) ***Drivers with a Disability:*** No disabled car parking space is proposed. In accordance with the Building Code of Australia (BCA) as each dwelling is classified as a Class 1A

building, they are not required to cater/provide facilities for disabled persons. As each proposed dwelling has not been designed to provide disabled facilities the provision of a disabled space is not considered necessary. However, it should be noted that sufficient space is available on site should it be considered that a disabled space is required.

- e) *Construction Requirements:* Construction details for the car parking areas within the site, driveway and manoeuvring areas have been provided and are generally in compliance with Council requirements. A portion of the existing driveway is gravel (approximately 120m). Given the additional vehicle movements that the development if approved will generate it is considered reasonable to require this section of the driveway to be upgraded to at minimum a two coat bitumen seal standard. Any development consent, if issued, to be conditioned in relation to construction requirements (i.e. upgrading of a portion of the internal driveway).

In summary, it is considered that the proposed development does not conflict with the aims and relevant provisions of DCP 18.

- viii. *Development Control Plan No. 62 – Residential Development in Foreshore Areas (DCP 62)*: The provisions of DCP 62 apply as the site under the DCP is classified as foreshore land with the controls applying to all forms of residential development. An assessment against the requirements of DCP 62 is provided in **Attachment ‘D’**.

In summary, it is considered that the proposed development complies with the applicable requirements of DCP 62. Any issued development consent will be conditioned to reinforce some of the requirements (i.e. salt tolerant materials, fencing of existing vegetation to be retained, etc).

- ix. *Development Control Plan No. 93 - Waste Minimisation and Management (DCP 93)*: The provisions of DCP 93 apply to this development. A waste minimisation and management plan (WMMP) for the construction and the on-going use of the proposed development was submitted with the development application. The methods of disposal and re-use of waste materials as identified in the submitted WMMP are considered acceptable and a condition will be imposed in any issued consent regarding compliance with the submitted WMMP.

- x. *Shoalhaven City Council Section 94 Contribution Plan 1993 (as amended)*: The provisions of Council's Section 94 Plan apply to the proposed development. Having regard for the works proposed, the following Section 94 projects are applicable to the application:

- a) 04ROAD2001: Sussex Inlet Road Network;
- b) CW FIRE 0001: Citywide Fire & Emergency Services;
- c) CW FIRE 0002: Shoalhaven Fire Control Centre; and
- d) CWMGMT 2001: Section 94 Administration

The four tourist cabins as proposed as part of the application would be levied based on 1.6 Equivalent Tenements (ET's) (i.e. 0.4 ET per holiday cabin). The total contribution

applicable to the proposed development is \$2,022.74. If the application is approved, any development consent issued should be conditioned to reflect the above.

Likely impact of that development on the natural and built environment and social and economic impacts in the locality.

i. Construction Materials: The applicant has indicated on the submitted plans proposed construction materials and colours as follows:

- a) Face brickwork at base of cabins;
- b) Colorbond custom orb roof sheeting – Manor Red;
- c) Fibre cement sheet wall cladding – Dulux Smooth Cream;
- d) Glass balustrade;
- e) Treat pine slats at base of cabins – Dulux Manor Red; and
- f) Weatherboard wall cladding – Dulux Barrister White;

The above colours and materials matching those used in the existing dwelling and garage. It is considered that the proposed construction materials and colours are appropriate and retain the existing character of the property. Any development consent issued will impose conditions in line with the above (i.e. building to constructed in accordance with the submitted schedule of colours and building materials).

ii. Context and Setting: The proposed works are located approximately 140m from the River Road boundary (western boundary), a minimum of 7.5m to the southern boundary, 7.5m to the eastern boundary (public reserve frontage) and 50m to the northern boundary. The subject site is identified in a sensitive coastal location, and is zoned 2(d) Residential which in accordance with SLEP 1985 aims to identify land for tourist infrastructure and to encourage tourist accommodation facilities.

Given nearby sites (i.e. 288 River Road, Sussex Inlet) contain approved tourist cabins, the proposed development/use would be in keeping with the surrounding area. In addition, the proposed cabins would be screened from the adjoining Crown land and be of minimal impact.

iii. Economic Impacts: It is anticipated that the proposed development would have a positive economic impact during the construction phase with regard to short-term employment opportunities. In the longer term, it is considered that additional short-term accommodation stock would provide a positive benefit to the economy of the local community.

iv. Flooding: Part of the subject site is identified under SLEP 1985 as flood affected. A Flood Certificate was lodged with the application and referred to Council's Natural Resources and Flooding Unit for comment. It was deemed that the proposed cabins would be sited well above the Flood Planning Level and that no further flood assessment was required.

- v. Noise: It is expected that some noise will be created during the construction phase of the development. However, this would be of short duration and would be in accordance with relevant guidelines for construction site noise contained within the EPA Environmental Noise Control Manual. In this regard, construction noise levels will not exceed these guidelines and construction would only occur during the hours of 7.00 am to 6.00 pm. The nearest residential property is located approximately 11m south-west from the proposed tourist cabins. As a measure to minimise potential impacts generated from construction noise, a condition will be imposed in any issued consent limiting construction hours.

In terms of the ongoing use of the development it is acknowledged that noise will be created as the number of people using the subject land will increase, however it is considered that given the size of each of the cabins the noise generated will be minimal and should not adversely impact upon adjoining lands. However any adverse impact can be minimised through the imposition of a condition on any issued development consent limiting noise levels to no greater than 5dba above the background noise at the boundary of the closest sensitive noise receiver.

- vi. Sediment and Erosion Control: The proposed works will result in soil disturbance and as such, there will be a need to ensure that during construction the site is adequately managed to control water and soil. No erosion or sediment control plan (ESCP) has been submitted with the development application. As such, any issued development consent will be conditioned to require an ESCP to be prepared by a suitably qualified/experienced person in accordance with the Landcom manual *"Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004"* and should be approved prior to the issue of a Construction Certificate. In addition, to ensure that no sediment and/or contaminated material leaves the site, a condition would be imposed requiring the proposed erosion control measures to be installed prior to the commencement of any works.
- vii. Social Impacts: The proposed development will provide additional accommodation options in the town of Sussex Inlet. Traffic and visual impacts would be marginal, and the proposed cabins do not restrict access to the adjoining Crown land. Based on the submitted information, it is considered that the proposed development would have minimal adverse social impact.
- viii. Threatened Species: A review of Council records has indicated that there is two Endangered Ecological Communities (EEC) and a SEPP 14 wetland (Wetland No.305) within 400m of the development site. The EEC's being Swamp Oak Floodplain Forest which is located approximately 190m to the south from the southern boundary of the site and Coastal Saltmarsh which is located approximately 130m to the east of the site (eastern side of the adjoining waterway). A pro-forma Threatened Species Preliminary Site Assessment and Assessment of Significance has been undertaken by Council staff as part of this application and has confirmed that as the site given the minimal disturbance to existing vegetation and the separation that exists between the development site and the above identified flora and fauna species that no threatened

species or their habitats will be impacted on directly or indirectly as a result of this development.

- ix. **Traffic and Access:** Access to the development site is provided via a 200 metre long unsealed driveway from River Road. Sufficient site distances exist at the access point to enable safe entry and exit from the site. Currently, the residential dwelling-house on site would generate 9 daily vehicle trips. It is anticipated that each proposed cabin would generate 3 daily vehicle trips (an additional 12 daily vehicle trips in total).

The surrounding road network is considered able to handle the increase of traffic expected to be generated by the proposed development/use however, a condition will be imposed to upgrade the internal driveway to a sealed standard.

- x. **Visual/Scenic Impact:** A site inspection was undertaken to visually assess any impacts that may arise from the proposed development. Located along the southern side of the subject site, and positioned approximately 4 metres above the southern adjoining property some 18 metres south-west, the proposed cabins has the potential to incur visual and privacy impacts. However, thick vegetation is positioned between the proposed cabins and the rear veranda of No.286 River Road and provides adequate screening. In addition, the applicant has proposed to plant additional species between the cabins and the adjoining dwelling to further improve visual impact and privacy measures.

Thick vegetation also screens views from the adjoining Crown land to the developed portion of the subject site. It is considered that the proposed development would not have a significant impact on adjoining land and provides sufficient screening to negate privacy impacts.

Suitability of the site for the development

With regard to zoning permissibility, surrounding land uses and topographical constraints, the subject site is considered suitable for the proposed development and will not adversely impact upon adjoining lands.

Submissions made in accordance with the Act or Regulations

The application was notified by way of public notification in accordance with Council's Community Consultation Policy. Council received one (1) submission during the notification period from the Land and Property Management Authority (LPMA).

The LPMA did not object to the proposed development provided that the applicant did not impact on the adjoining Crown land. No works are proposed in close proximity to the adjoining Crown Land and as such it is anticipated that there will be no impact. Conditions shall be imposed in any issued consent ensuring that the proposed development/use does not impact on Crown land.

The public interest

While the proposed tourist cabins will result in an intensification of development on the subject site, it is unlikely the public will be impacted given the proposed development:

- a) Complies with the zone and does not impact on the local character;
- b) Does not impede public access to adjoining Crown land;
- c) Will not result in a significant increase in traffic; and
- d) Does not impact on the privacy of adjoining properties.

7. Other Issues:

- i. Climate Change: No cumulative impacts are expected in regards to the proposed development that could further contribute to climate change. Furthermore, there are no risks relevant to the site that could potentially be exacerbated by climate change.
- ii. Safety and Security: The proposed design provides opportunities for natural surveillance from both within (i.e. windows provided to 3 of the 4 elevations for each cabin) and external to the building (i.e. sight lines maintained, use of new low level vegetation, opportunity for additional passive surveillance over the adjoining public reserve area, entrance points to each cabin adjacent). Limited opportunities also exist for hiding although lighting will need to be provided to the entrance areas. It is therefore considered that the proposed works have been designed having regard for Crime Prevention Through Environmental Design (CPTED) principles and strategies subject to the imposition of conditions on any issued development consent (i.e. lighting).
- iii. Landscaping: A concept landscape plan has been provided with the application, however limited details have been provided in relation to pot sizes, plant species and quantities of additional plantings. As outlined above the landscape plan does identify the need to removed three existing trees in those areas identified for additional landscaping. No concerns are raised with the general landscape details provided as part of this application so long as any issued development consent is conditioned so as to require the submission of a detailed landscape plan that provides the above details prior to the issue of a Construction Certificate. In addition, given the established vegetation that exists in the vicinity of the proposed works any consent issued will be conditioned so as to require protective fencing to be installed around all existing trees identified to be retained on the landscape plan prior to the commencement of any works.

8. Referrals

Internal:

- Building Surveyor: No objection to the proposal subject to the imposition of recommended conditions on any issued development consent (i.e. Section 68 Approval under the Local Government Act required, provision of smoke detectors in accordance with the BCA).

- Development Engineer: No objection to the proposal subject to the imposition of recommended conditions on any issued development consent (i.e. construction standards, drainage requirements, general site works requirements).
- Strategic Planning Group (Natural Resources and Flooding Unit): No objection to the proposal in terms of flooding as the cabins are to be constructed well above the Flood Planning Level (FPL) of 2.7 metres.
- Shoalhaven Water: No objection to the proposal subject to the imposition of recommended conditions (i.e. compliance with all requirements of the Shoalhaven Water Development Application Notice prior to the issue of a Construction Certificate and Occupation Certificate) and the attachment of the provided Shoalhaven Water Development Application Notice to any issued development consent.
- Waste Management Manager: Additional information requested in relation to how on-going waste will be handled. Any consent will be conditioned to provide a revised Waste Minimisation and Management Plan prior to the issue of a Construction Certificate.

External:

- NSW Office of Water (NOW): Advice provided that a Controlled Activity Approval is not required from NOW given the site of the proposed cabins is beyond 40 metres from a watercourse. As such, this department made no objection to the proposal.

9. Conclusion

This application has been assessed having regard to the Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979. Following a detailed assessment, it is considered that Development Application No. RA10/1006 may be supported subject to suitable conditions (refer to **Attachment 'A'**) being imposed on any issued development consent.

10. Recommendation

RECOMMENDED that, in respect of RA10/1006 (2010STH017) for four two bedroom tourist cabins at Lot 1 in DP 9075 Section 1 (No.284) River Road, Sussex Inlet, the application be approved as an operational development consent subject to conditions as contained in **Attachment 'A'**.

Signed

Craig Crompton
Development Planner
Development and Environmental Services - SCC

ATTACHMENT 'A'

NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION DEVELOPMENT CONSENT

**Environmental Planning and Assessment Act, 1979
RA10/1006**

TO:

David Kirkwood
284 River Road
SUSSEX INLET NSW 2540

**being the applicant(s) for RA10/1006 relating to:
284 River Rd, SUSSEX INLET - Lot 1 DP 9075**

APPROVED USE AND OR DEVELOPMENT:

Tourist Accommodation - Four (4) Single Storey Two Bedroom Tourist Cabins and associated car parking, landscaping and drainage works

BCA CLASSIFICATION(s):

1a

DETERMINATION DATE:

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM:

CONSENT TO LAPSE ON:

DETAILS OF CONDITIONS

The conditions of consent and reasons for such conditions are set out as follows:

PART A

CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT

General

1. This consent relates to **Tourist Accommodation - Four (4) Single Storey Two Bedroom Tourist Cabins and associated car parking, landscaping and drainage works** as illustrated on the plans, specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.

Plan	Job No.	Sheet No.	Date
Site Plan/Analysis & Landscaping Plan	1014	1 of 4	June 2010
Elevations & Floor Plan Cabins 1 & 3	1014	2 of 4	June 2010
Elevations & Floor Plan Cabins 2 & 4	1014	3 of 4	June 2010
Sections	1014	4 of 4	June 2010

Notes:

- § *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
- § *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*

2. The **Tourist Accommodation - Four (4) Single Storey Two Bedroom Tourist Cabins and associated car parking, landscaping and drainage works** shall not be occupied until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security).

Occupation Certificate

3. An Occupation Certificate shall be issued by the Principal Certifying Authority (PCA) before the building(s) is used or occupied.

Note: Refer to Part F of this development consent for additional requirements in relation to the above condition.

BASIX

4. All the commitments listed in relevant BASIX Certificates for the development (Certificate No. 317188M) must be fulfilled in accordance with Clause 97A of the Environmental Planning & Assessment Regulation 2000. A relevant BASIX Certificate means:
- A BASIX Certificate that was applicable to the development when this development consent (or if the development consent is modified under section 96 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

PART B

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE

Principal Certifying Authority/Construction Certificate

5. The following must be undertaken **before any building works can commence**:
- a) A Principal Certifying Authority (PCA) must be appointed; and
 - b) A Construction Certificate must be obtained from either Council or an accredited certifier.

Notice of Commencement

6. Notice must be given to Council **at least two (2) days prior to the commencement of building work**. (The attached form '*Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority*' is to be completed and returned to Council.)

Residential Building Work

7. Any licensed contractor(s) *performing **residential building work valued at \$12,000 or more*** must obtain indemnity insurance as required by the Home Building Act 1989. Evidence of such insurance must be provided to the Principal Certifying Authority (PCA) before building works commence.

Notes:

- *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

- *If appointed as PCA, **Shoalhaven City Council WILL NOT INSPECT any building work unless evidence of indemnity insurance has been provided.** A copy of the Certificate of Insurance will suffice.*

Builders' Toilet

8. Before commencing building operations, a builder's water closet accommodation must be provided to Council's satisfaction.

A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational.

Under no circumstances will pit toilets or similar be accepted by Council.

Existing Services/Damage to Public Assets

9. Prior to the commencement of any work(s) associated with this development:
 - a) The developer or his agent must check that the proposed works are not affected by any Council, Integral Energy, telecommunications, gas service or other services. Any required alterations to services as a consequence of undertaking works under this consent will be at the developer's expense. In addition any repair or damage to services will be at the developers expense; and
 - b) The developer or his agent must undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. Any damage to the adjacent kerbs, gutters, footpaths (formed or unformed), walkways (formed or unformed), carriageway, reserves and the like, that occurs during development works shall be repaired by the applicant. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the building work being repaired at the applicant's expense.

Supervision of Works

10. Prior to the commencement of works, Council shall be advised in writing of the name of a designated person/company nominated by the applicant to be responsible for construction of all engineering works including erosion and sediment control measures.

Disposal of Excavated Material

11. All excavated surplus material shall be hauled to an approved landfill site. Details of fill storage and/or disposal and haulage routes shall be submitted to Council for approval prior to the commencement of works.

Soil and Water Management

12. The relevant sedimentation and erosion controls required by this consent (refer to condition 17) shall be implemented, inspected and approved by the PCA **prior to**

commencement of any work and maintained until the work is completed and the site stabilised.

Vegetation to Be Retained

13. Prior to the commencement of any works, all existing trees/vegetation that are identified on the approved plans to be retained (refer to drawing with reference Job No. 1014, Sheet 1, Part Site/Landscape Plan, Dated: June 2010) are to be marked with temporary barrier fencing (i.e. external to the base of the tree). This must be inspected and approved by the Principal Certifying Authority.

PART C

**CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION
CERTIFICATE CAN BE ISSUED**

Landscaping

14. a) The applicant must lodge a detailed landscape plan with Council prior to the issue of a Construction Certificate. The plan may be approved by Council or an accredited certifier. The detailed landscape plan must include the following additional works/details:
- The planting of two (2) 75 litre pot size trees to the north east of cabin 4 in the general location as shown on the landscape plan with reference Job No. 1014, Sheet 1, Part Site/Landscape Plan, Dated: June 2010. Species used must be suitable for the site, locally endemic and grow to a sufficient size to provide screening between cabin 4 and the adjoining dwelling at No.286 River Road with a minimum setback of 5m from development sites southern boundary. The tree to be planted must have a single straight trunk to a minimum of 1m before branching occurs and have a minimum calliper size of 60cm. The location and species (including height at maturity) is to be detailed on the approved plan;
 - The planting of locally endemic shrub species that grow no less than 1,000mm high mixed with ground covers planted at 1.5 metres centres in all garden bed areas as identified on the landscape plan with reference Job No. 1014, Sheet 1, Part Site/Landscape Plan, Dated: June 2010;
 - Details on the location of the planting proposed, species, number of plants and pot sizes;
 - The location of all common tap/taps/irrigation system to permit all landscape works to be adequately watered;
 - Mulching of all landscaped areas to a depth of 75mm;
 - A maintenance plan for a 26 week period.

- b) All Landscaping, including plantings, mulch, watering systems must be carried out in accordance with the approved plan.

Contributions for Additional Services and/or Facilities

15. This development will generate a need for additional services and/or facilities as described in Council's Contributions Plan 1993, as itemised in the following table.

Project	Description	Calculation	Amount
04ROAD2001	Sussex Inlet Road Network	\$453.79 * 1.6	\$726.06
CWFIRE0001	Citywide Fire & Emergency services	\$161.25 * 1.6	\$258.00
CWFIRE0002	Shoalhaven Fire Control Center	\$211.11 * 1.6	\$337.78
CWMGMT2001	Section 94 Administration	\$438.06 * 1.6	\$700.90
			\$2,022.74

Contribution rates are adjusted annually on 1st July in accordance with the indexation formula indicated in the Contributions Plan (currently the implicit price deflator) and the total contribution levied **will be adjusted accordingly at the time of payment** (i.e. contributions are calculated on the rate applicable at the date of payment, **not** the date of development consent.)

A total contribution, currently assessed at the sum of \$2,022.72 (i.e.2010/2011 rate) or as indexed in future years, shall be paid to Council **prior to the issue of a Construction Certificate.**

Contributions Plan 1993 may be inspected at the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

Shoalhaven Water

16. All conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water prior to the issues of a Construction Certificate (for each stage if staged). The authority issuing the Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued.

Note: Relevant details, including monetary contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.

For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.

Erosion Sediment Control Plan

17. An Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified/experienced person and based on the Landcom manual "*Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004*", shall be lodged for approval with the

application for a construction certificate. The ESCP controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold. The ESCP shall include, but not be limited to:

- a) Location and type of proposed erosion and sediment control measures;
- b) Clearance of sediment traps on a regular basis and after major storms;
- c) Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;
- d) Standard construction drawings for proposed erosion and sediment control measures.

PART D

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

Building Code of Australia

18. All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Note: *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

19. A suitable smoke detection and alarm system must be installed in accordance with Part 3.7.2 of the Building Code of Australia – Housing Provisions and AS 1670 - Automatic Fire Detection and Alarm System.

Road Reserve, Footpath & Gutters

20. The road, kerb and gutter and footpath area adjacent to and nearby the site shall be kept clear of soil and debris.

Design and Construction to DCP 100

21. All design and construction shall be in accordance with DCP 100 – Subdivision Code.

Colour Schedule/Exterior materials

22. a) The building(s) must be constructed in accordance with the approved schedule of colours and building materials and finishes as indicated on the plan with reference Floor and Elevation Plans, Sheets 2 and 3, Job No. 1014, dated June 2010; and

- b) Exterior materials (excluding windows and other glazing but including roofing) are to be non-reflective and are to have no impact upon adjoining developments (i.e. glare). Metal roofing and wall cladding shall be pre-coloured at the manufacturing stage. Zincalume materials shall not be used. Water tanks shall be painted to match either the roof or walls, or a dark green or brown colour.

Soil and Water Management

23. All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur.

In particular, a silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). The fence must be regularly inspected and cleaned out and/or repaired as necessary and all collected silt must be disposed of to the satisfaction of the Principal Certifying Authority (PCA).

Unnecessary disturbance of the site (e.g. excessive vehicular access) must not occur.

All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.

Crown Land

24. The subject site adjoins Crown Reserve 69668 for Public Recreation. The proponent must not:
- a. Encroach upon the adjacent Crown land;
 - b. Fence across the Crown reserve as a continuation of their freehold boundary;
 - c. Remove and vegetation from the adjacent and adjoining Crown land;
 - d. Stockpile materials, equipment or machinery on the adjacent and adjoining Crown land;
 - e. Use the adjoining Crown land as access;
 - f. Direct stormwater discharges, septic or contaminated waste on the adjacent and adjoining Crown land; or
 - g. Use the adjacent and adjoining Crown land as effluent management zones or as asset protection zones.

Internal Driveway and Car Park

25. The internal driveway and off street car parking area shall:
- a. Be constructed to one of the following:
 - i. Two coat bitumen seal standard: With a minimum compacted pavement thickness of 200mm; or
 - ii. Asphaltic concrete (AC): With a minimum compacted pavement thickness of 200mm, surfaced with 25mm of AC10 asphaltic concrete; or

- iii. Coloured/patterned/plain 25MPa concrete: Suitable for light vehicular loading having a minimum thickness of 100mm reinforced with SL72 mesh. The slab is to be located over 75mm of compacted fine crushed rock; and
 - b. Provide no fewer than six (6) car parking spaces on site (4 spaces for the tourist cabins, 2 spaces for the existing dwelling-house). These spaces must be constructed as follows:
 - i. The car parking shall be designed, constructed, line marked and signposted in accordance with Council's Car Parking Code (Part 2.10 of Development Control Plan No 18).
 - ii. Car parking spaces shall not be less than 2.6m x 5.5m.
26. A standard concrete vehicular gutter layback and a standard/colour concrete footpath crossing 6 Metres wide at the property boundary splaying to 7 Metres wide at the kerb line shall be constructed at the driveway entrance to allow two vehicles to pass entering and exiting the property in accordance with Council's Plan Nos. G202603 and G202605. The levels and formwork shall be inspected and approved by Council's Subdivision Manager or their nominee prior to pouring.

Site Drainage

27. Stormwater drainage works shall be designed and constructed to comply with the following engineering requirements:
- a. The levels of the car park and landscaped areas adjacent to the building must be designed so as to prevent the 1 in 100 year stormwater runoff from overland flows or pipe blockages from entering the building.
 - b. Stormwater runoff from the development shall be discharged by pipework/grassed swale/overland flow to an infiltration trench and dispersal structure in accordance with the following requirements:
 - i. The trench shall be positioned parallel to the contours of the site (i.e. level), at least 5 metres from any property boundary and 3 metres below any effluent disposal area and from the footings of any structure;
 - ii. The trench shall be fitted with minimum 450mm diameter half-round PVC dome sections or similar, backfilled with crushed or round river gravel to within 150mm of surface level surrounded with suitable geofabric and finished with topsoil;
 - iii. A suitably designed litter and coarse sediment minimum 450mm square grated arrestor pit is to be provided immediately upstream of the trench;
 - iv. Constant head and/or falling head permeability tests to AS1289.6.7 are to be undertaken to determine the ability for stormwater to infiltrate into the soil based on the proposed method of disposal. The trench must be large enough to retain the ARI 10 year design storm event and dissipate the stormwater within 48 hours;

- v. The trench is not to require excavation beneath the drip-line of any trees to be retained unless approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s);
 - vi. The design of the trench shall include a documented maintenance program, copies of which are to be submitted to Council in hardcopy and digital format.
 - vii. The designer of the trench is to certify that it was constructed in accordance with the approved design; and
 - viii. A positive covenant shall be placed on the title of the property to maintain the system in accordance with the documented maintenance program.
- c. All drainage works within the site shall be designed and constructed for a 10 year average recurrence interval unless otherwise specified.

Construction Hours

28. To limit the impact of the development on adjoining owners, *all* construction work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No construction work shall take place on Sundays or Public Holidays.

Waste Minimisation and Management

29. All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

Compliance with the WMMP shall be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

Note: *"Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.*

Lighting

30. Lighting is to be provided to the car parking area and main entry points to each cabin in accordance with AS/NZS 1158 - Road Lighting Pedestrian Area, Category P Lighting, Performance and Installation Design Requirements. Particular attention shall be given to all entry/exit points as well as the general interior lighting levels and all pedestrian areas.

PART E

CONDITIONS THAT RELATE TO ONGOING MANAGEMENT OF THE PROPOSED DEVELOPMENT

Site Management and Maintenance

31. The proprietor shall at all times be responsible for on-going site management and maintenance in accordance with the following:

- a) Loading and unloading in relation to the use of the premises must occur within the subject site;
- b) Goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the carpark or drive way areas;
- c) Activity on the site must not impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise;
- d) Maintenance and replacement (if necessary) of all landscaping in accordance with the approved Landscape Plan;
- e) Maintenance of all:
 - vehicular movement areas including driveways, carparking, manoeuvring areas and line marking to the standard specified in this consent;
 - stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan;
 - buildings, fencing, signage/markings to the standards outlined in the development application and/or specified in this consent.

Noise

32. Noise levels from the premises/approved development (measured using the L₁₀ noise level descriptor) must not exceed the background noise level in any octave band (measured using the L₉₀ noise level descriptor) by more than 5 dB(A) when measured at the boundary of the closest residential premises.

Landscaping - Noxious and Environmental Weeds

33. The planting of plant species listed on the Weeds Australia NSW weeds list (www.weeds.org.au) is prohibited for the life of the development.

34. No exotic perennial grasses listed on the Final Determination of the NSW Scientific Committee for the key threatening process *Invasion of native plant communities by exotic perennial grasses*, shall be sown within the outer protection area or the asset protection zone for the life of the development. Native grasses must be sown in these areas, as this is the interface between disturbed areas and the remaining native vegetation for the life of the development.

Roof Structures

35. Any structures that are ancillary to the use/operation of the buildings that are to be positioned on the roof are to be sited/positioned so as not to be visible from any adjoining public spaces (i.e. crown/public reserve to the east). If they cannot be positioned so as they are not visible, they are to be suitably screened so as not to be visible from any adjoining public spaces.

Note: A separate development consent/modification to this development consent may need to be obtained prior to their implementation if screening is required.

Advertising Signage

36. No signs or advertising structures (except those exempted under Council's Advertising Sign Code) shall be erected on or in conjunction with the proposed tourist accommodation without prior consent to Council.

Visitor Occupation

37. The occupation of any of the approved tourist cabins by any one individual is limited to a maximum period of occupancy in any one year of 150 days including a maximum period of 42 days consecutive occupancy.

PART F

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED

38. Prior to the issue of an Occupation Certificate for the approved development the following must be complied with and completed:
- a. The requirements of conditions 14b (Landscaping), 22 (Colour Schedule/ Exterior Materials), 24 (Crown Land), 25, 26 (Internal Driveway and Carpark), 27 (Site Drainage), 30 (Lighting), 33, 34 (Landscaping – Noxious and Environmental Weeds and 35 (Roof Structures); and
 - b. A Certificate of Compliance must be obtained from Shoalhaven Water.

PART G

REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.

2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

PART H

OTHER COUNCIL APPROVALS AND CONSENTS

Section 68 Local Government Act, Section 138 Roads Act

Approval for Sewerage, Plumbing and Stormwater Drainage

1. Approval for Sewerage, Plumbing and Stormwater Drainage is granted subject to the following conditions:

General

- a) This approval is granted on the condition that the attached *Application to Carry Out Plumbing and Drainage Works* under the Plumbing and Drainage Code of Practice is completed by the licensed contractor carrying out the work.

Such application is to be completed in full and returned to Council prior to the commencement of any work.

- b) All plumbing and drainage shall comply with the requirements of Australian Standard AS 3500 "National Plumbing and Drainage Code", and the relevant NSW amendments.

Inspections

- c) Council must be given at least 24 hour's notice to allow for the inspections of:

<i>Type of Inspection:</i>	<i>Stage of Construction:</i>
Internal drainage	All internal drainage pipework installed and under hydraulic test, including any required bedding material,

	and prior to backfilling.
Hot and cold water service	All pipework installed and under hydraulic test.
External drainage	Pipework installed and under hydraulic test, septic tank installed or sewer connected (which ever applicable)
Final inspection of drainage works	All drainage works including stormwater

Both the internal and external drainage lines are to be under Hydraulic test at the time of the inspection.

Before Commencing Construction

- d) The builder should locate the position and depth of the sewer junction before commencing construction, to ensure that the top of the overflow gully is a minimum of 900mm above the soffit of the sewer main. Copies of sewer main diagrams issued by Council must be treated as a guide only when locating the junction position.

Yard Gully

- e) A minimum height of 150mm shall be maintained between the top of the overflow yard gully riser and the lowest fixture connected to the drain. The height shall be measured vertically from the overflow level of the gully riser, or from the invert level of the overflow pipe, to the appropriate point given in Table 4.3 of AS3500. The minimum height between the top of the overflow yard gully riser, or the invert of the overflow pipe, and the surrounding ground surface level shall be 75mm, except where the gully riser is located in a path or a paved area where it shall be finished at a level so as to prevent the ponding and ingress of water into the drainage system.

PART I

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Development Determination under Environmental Planning and Assessment Act, 1979

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a complying development certificate, designated development or integrated development. The request must be made **within twelve (12) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within twelve (12) months** after receipt of this notice.*

Approvals under Local Government Act, 1993

Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.

*Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within **twelve (12) months** of the date of determination.*

PART J

ADVICE ABOUT WHEN THIS CONSENT LAPSES

This consent is valid for five years from the date hereon.

In accordance with Section 95 of the Act, development consent of the erection of a building does not lapse if building, engineering or construction work relating to the building or work is physically commenced on the land to which the consent applies before the lapse date.

PART K

GENERAL ADVICE TO APPLICANT

PRIVACY NOTIFICATION

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the *Government Information (Public Access) (GIPA) Act 2009*.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on

- a) A matter of national environmental significance (NES) matter; or
- b) Commonwealth land

without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.

It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application.

The Commonwealth Act may have application and you should obtain advice about this matter.

There are severe penalties for non-compliance with the Commonwealth legislation.

Disability Discrimination Act 1992

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

Disclaimer – s88B restrictions on the use of land

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under clause 37 of Shoalhaven Local Environmental Plan 1985 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

NSW Native Vegetation Act 2003

The Native Vegetation Act 2003 requires consent for the clearing of remnant native vegetation or protected regrowth from the Southern Rivers Catchment Management Authority. In the Shoalhaven City Council area, this requirement generally applies to land that is zone Rural (Zone 1), Special Use (Zone 5), Open Space (Zone 6), Environment Protection (Zone 7) and Natural Hazards (Zone 9). If your development consent relates to land in such a zone then you may need to get a further separate approval from the Southern Rivers Catchment Management Authority for the clearing of remnant native vegetation or "protected" regrowth.

This development application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this development application has **not** involved any assessment of the proposed development in regard to the NSW Native Vegetation Act 2003.

It is the proponent's responsibility to consult the Southern Rivers Catchment Management Authority to determine the need or otherwise for their approval and you should not construe

the granting of this development consent as notification to you that the NSW Native Vegetation Act does not apply. The NSW Native Vegetation Act 2003 may have direct application to your proposal and you should obtain advice about this matter directly from the Southern Rivers Catchment Management Authority. You can contact them on 4429 4446 or by email southern@cma.nsw.gov.au.

There are severe penalties for non-compliance with the Native Vegetation Act 2003.

DBYD Enquiry - 'Dial Before You Dig'

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or www.dialbeforeyoudig.com.au prior to any excavation works taking place to ascertain the location of underground services.

Inspections

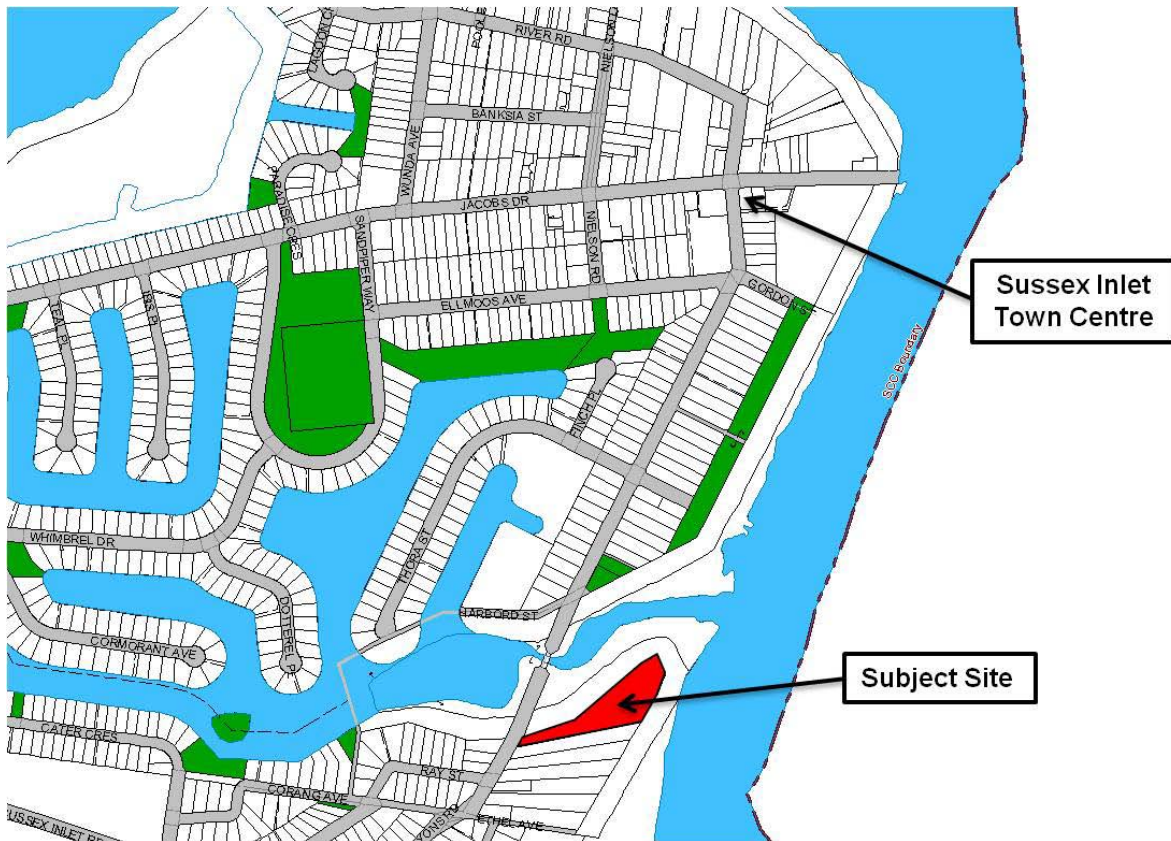
Council PCA

If Council is the appointed PCA for this project, a minimum twenty-four (24) hours notice must be given to Council to make an inspection of the work.

SIGNED on behalf of Shoalhaven City Council:

Signature

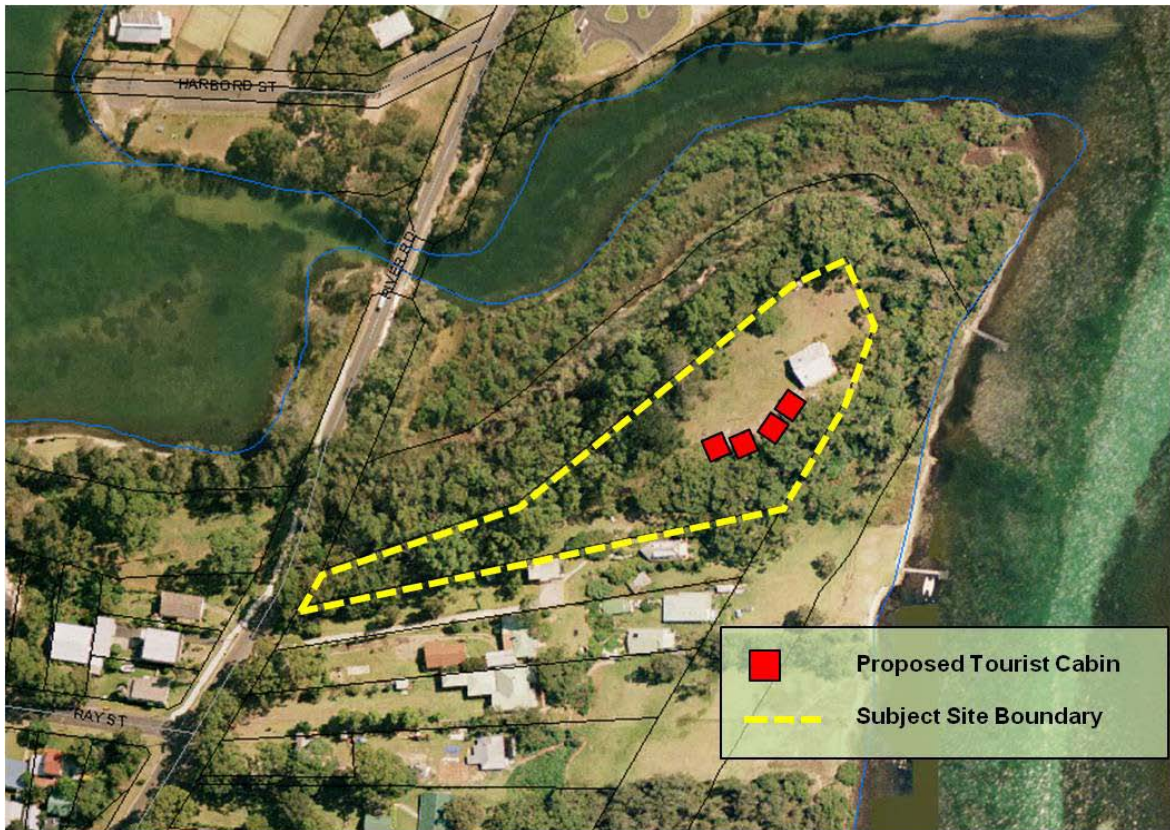
**Name Craig Crompton
Development Planner
Development & Environmental Services Group**



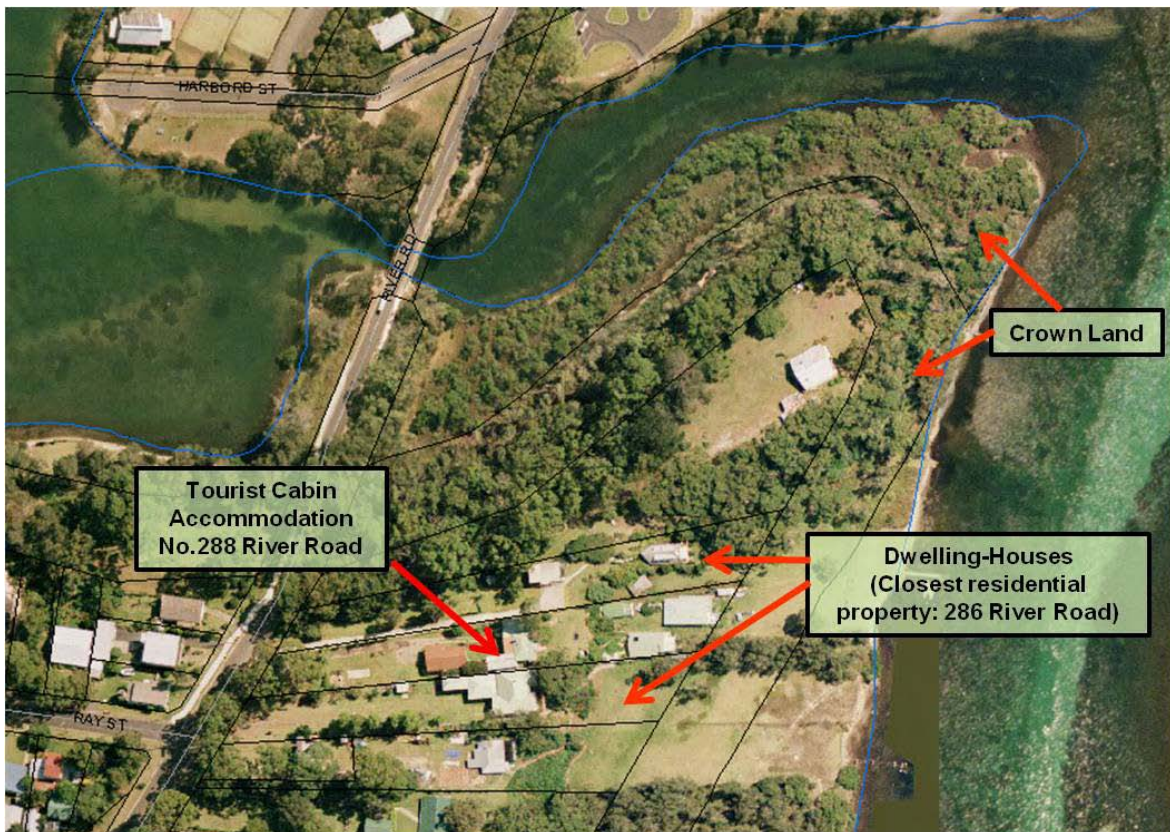
MAP OF SUBJECT SITE IN CONTEXT OF LOCALITY



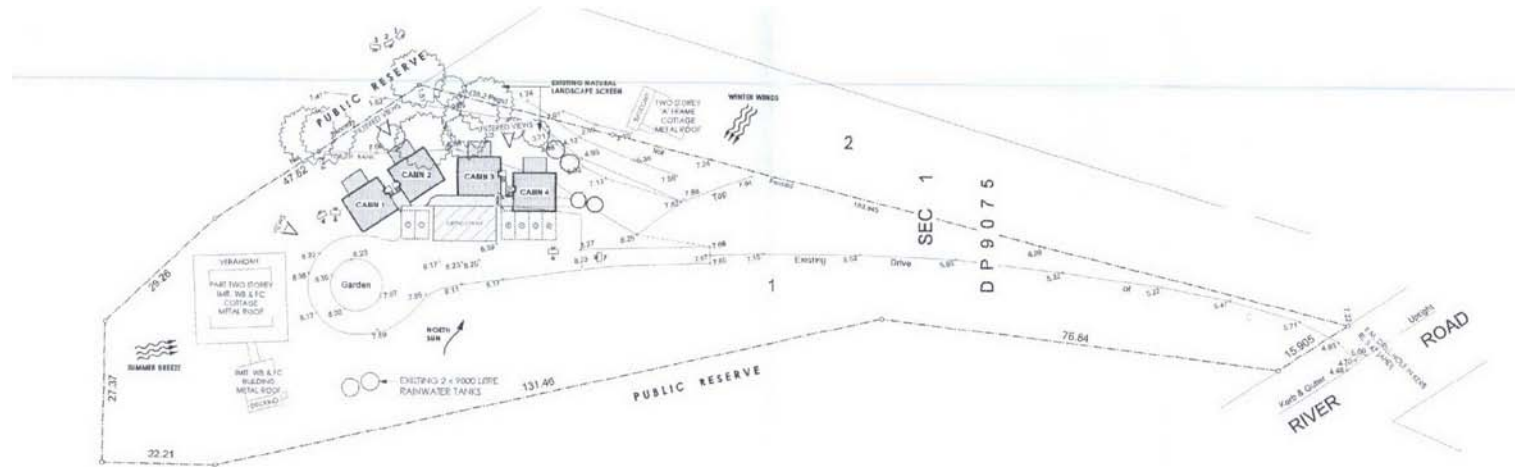
ZONING MAP OVERLAY



DEVELOPMENT AREA

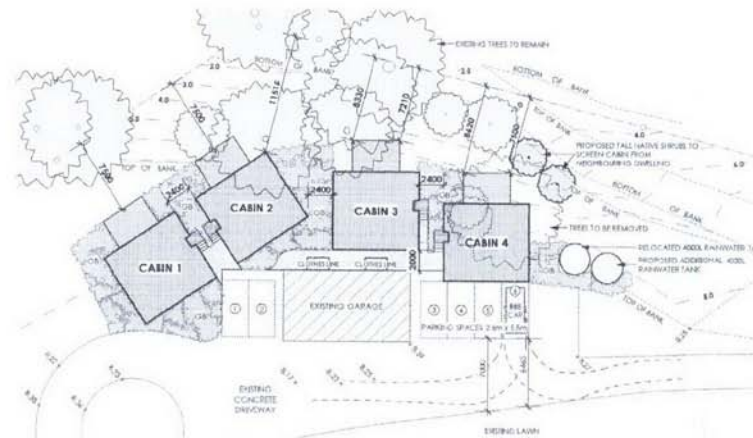


ADJOINING LAND USES



Site Plan / Analysis

Scale: 1:100 @ A3



Part Site / Landscaping Plan

Scale: 1:100 @ A3

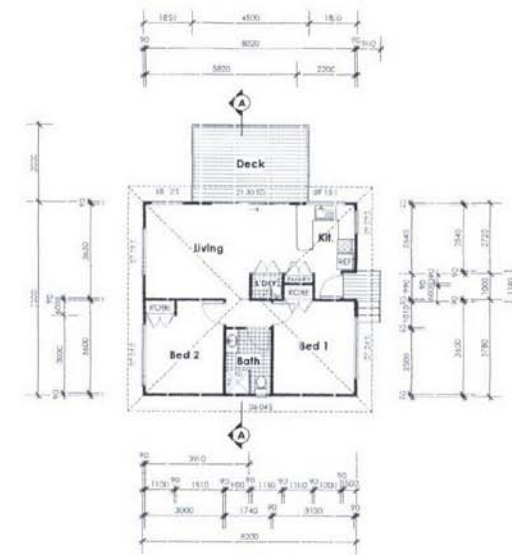
- EXISTING TREES TO REMAIN
- TREES TO BE REMOVED
- CANDY BUD - MERRY HAVES SHRUBS
- CONCRETE PAVEMENT

GENERAL NOTES

1. CONSTRUCTION TO BE IN ACCORDANCE WITH S.T.A. & RELEVANT AUSTRALIAN STANDARDS
2. STRUCTURAL INFORMATION TO OBTAIN DETAILS
3. DO NOT SCALE OFF DRAWING, USE FIGURED DIMENSIONS
4. ALL DIMENSIONS & LEVELS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION
5. ALL FABRICATED IRON TO BE HOT DIP GALVANIZED AFTER FABRICATION
6. THE REFERENCE TO HARDWOOD MEANS BLACKBUTT, KWILA, MERBAUL, RIVER RED GUM, DEVIL-TOP ASH, SPOTTED GUM OR SURFINGUM

 Art House P.O. Box 204, Victoria 3181, Australia Phone: 03 9440 7000 Fax: 03 9440 7001 Email: info@art-house.com.au Web: www.art-house.com.au	PROJECT Proposed 4 x Cabins		FOR NO. 1014
	ADDRESS 284 River Rd., Sussex Inlet		NCL IN SET 4
	CLIENT Mr. D. & Mrs. C. Kirkwood		SHEET NO. 1
	BY 7/09	SCALE As Shown	DATE June 2010

SITE/LANDSCAPING PLAN



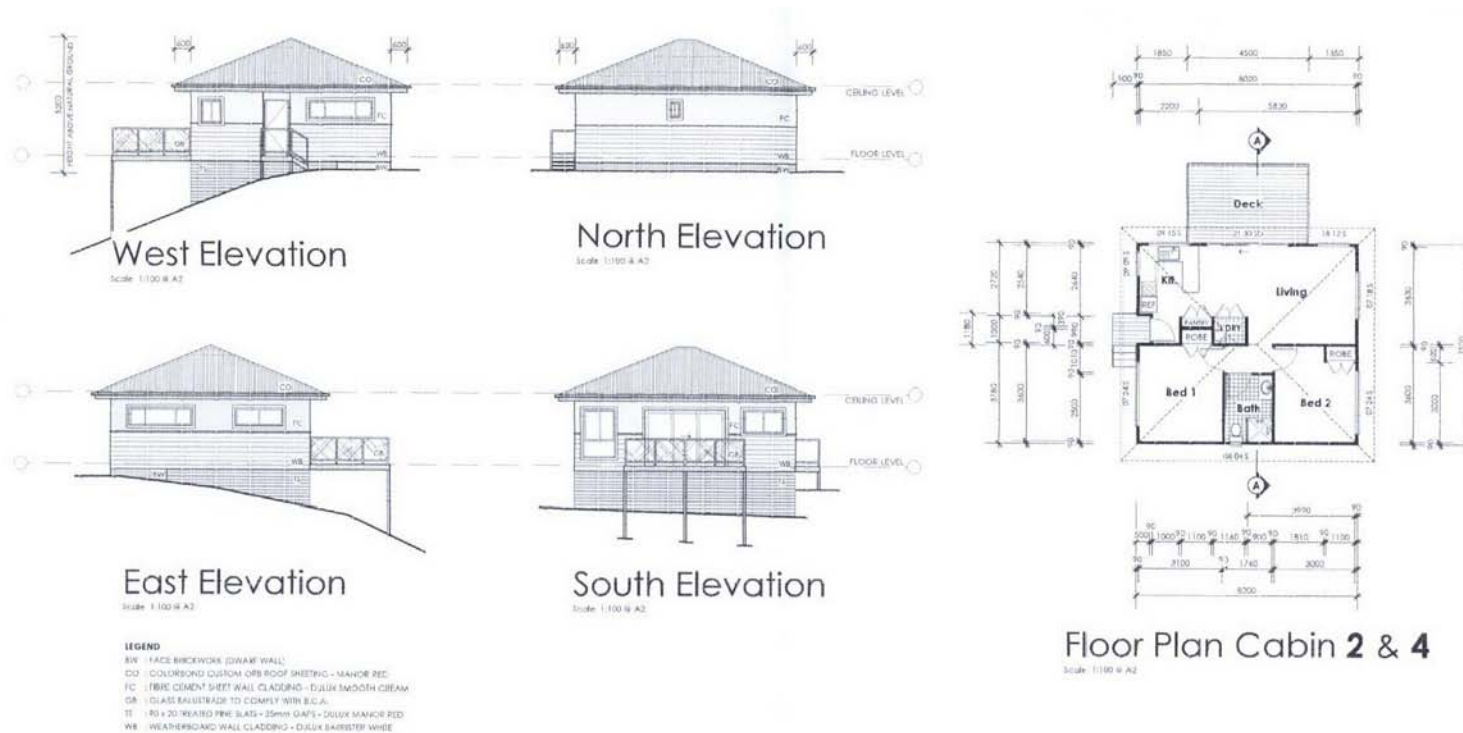
Floor Plan Cabin 1 & 3

Scale: 1:100 @ A2

- GENERAL NOTES**
1. CONSTRUCTION TO BE IN ACCORDANCE WITH B.C.A. & RELEVANT AUSTRALIAN STANDARDS
 2. STRUCTURAL INFORMATION TO ENGINEERS (TABLE 1)
 3. DO NOT SCALE OR DRAWING. USE FIGURED DIMENSIONS
 4. ALL DIMENSIONS & LEVELS TO BE CHECKED CAREFULLY PRIOR TO COMMENCEMENT OF CONSTRUCTION
 5. ALL FABRICATED STEEL TO BE HOT-DIP GALVANIZED AFTER FABRICATION
 6. THE REFERENCE TO 'HARDWOOD' MEANS BLACKBUTT, FYWLA (TERRACE), WHITE RED CLUM, BURRATA, AND SPOTTED SLAT (OR EQUIVALENT)

		PROJECT		JOB NO.
		Proposed 4 x Cabins		1014
ADDRESS		284 River Rd., Sussex Inlet		APL IN SET
OWNER		Mr. D. & Mrs. C. Kirkwood		4
LOT/DP		REVIS	DATE	2
Lot 1, Dp 9075		As Shown	April 2010	

FLOOR PLANS/ELEVATIONS CABINS 1 & 3



FLOOR PLANS/ELEVATIONS CABINS 2 & 4

<p>NORTH</p> <p>Art House</p> <p>P.O. BOX 9999, WILSONIA NSW 2571 Phone: (02) 4443 7888 (04) 75 7 601 Fax: (02) 4443 7980 Email: art@artshouse.com.au Web: artshouse.com.au</p>	<p>PROJECT</p> <p>Proposed 4 x Cabins</p>		<p>JOB NO.</p> <p>1014</p>
	<p>ADDRESS</p> <p>284 River Rd., Sussex Inlet</p>		<p>NO. IN SET</p> <p>4</p>
	<p>CLIENT</p> <p>Mr. D. & Mrs. C. Kirkwood</p>		<p>SHEET NO.</p> <p>3</p>
	<p>LOT / BP</p> <p>Lot 1, Cp 9075</p>	<p>REMARKS</p> <p>A1, B1, B2</p>	<p>DWG. DATE</p> <p>June 2010</p>

RESIDENTIAL DEVELOPMENT IN FORESHORE AREAS (ASSESSMENT OF DCP 62)

PART 2.0 DESIGN ELEMENTS			
2.1 Site Planning			
Objectives O1 To encourage development that considers the characteristics of adjacent sites at the outset of the design process. O2 To ensure that site attributes and constraints are carefully considered and reflected in the design of residential development in foreshore areas.			
<i>Performance Criteria</i>	<i>Acceptable Solutions</i>	<i>Proposal</i>	<i>Compliance</i>
P1 A site analysis is undertaken which includes – <ul style="list-style-type: none"> • Topographical features such as slope, existing natural vegetation and opportunities for the creation of views. • Opportunities to orientate buildings and open space having regard to solar access, wind and views. • The character and nature of surrounding development. • The likely impact on surrounding developments, particularly with regard to over shadowing, privacy and obstruction of views. 	There are no recommended Acceptable Solutions for this design element. It is required that as part of the development application a detailed site analysis plan will be submitted which addresses the matters outlined within the performance criteria.	A site analysis plan was submitted as part of the application. The design and siting of cabins is appropriate in that it considers topographic features, character of surrounding development and does not impact on the nearby foreshore area.	Yes.
2.2 Site Planning and Layout			
Objectives O1 To achieve a site layout that provides a pleasant, attractive, manageable and resource efficient living environment. O2 To encourage development that considers the environmental attributes of a subject site.			

<i>Performance Criteria</i>	<i>Acceptable Solutions</i>	<i>Proposal</i>	<i>Compliance</i>
<ul style="list-style-type: none"> • The site layout integrates with the surrounding environment through buildings, streetscape and landscape design relating to topography and to the surrounding neighbourhood character. • The site layout takes into account on-site features identified by the site analysis. • Dwellings are sited and designed to maximise solar access to living areas. 	<p>A1 It is expected as part of the development application that a detailed site development plan will be submitted addressing the issues outlined within the Performance Criteria and the Design Elements of this DCP.</p>	<p>The proposed development is located on part of the site that is already heavily disturbed and does not incur any environmental impacts. The cabins are setback away from street level and are designed to maximise views of the foreshore whilst are north-facing to take advantage of summer breezes.</p>	<p>Yes.</p>

2.3 Siting and Design

Objective

01 To enable flexibility and innovation in the siting and design of buildings while protecting reasonable neighbour amenity expectations, maintaining appropriate residential character and visual bulk, as well as protecting the visual amenity of foreshore areas.

<i>Performance Criteria</i>	<i>Acceptable Solutions</i>	<i>Proposal</i>	<i>Compliance</i>
<p>Building Envelope & Siting</p> <p>P1 Buildings are so located, and are of such length and height that there is no significant loss of amenity to foreshore areas, and adjoining development. This can be achieved through –</p> <ul style="list-style-type: none"> • Building siting and height that are related to land form, with minimal cut and fill. • Building bulk that is generally distributed to reduce impact on foreshore areas, adjoining properties and the public street. • Building heights similar to those in 	<p>Building Envelope</p> <p>A1 Buildings are sited within a building envelope determined by the following method. Planes are projected at 45 degrees from a height of 3.5 metres above natural ground level at the front, side and rear boundaries, to a maximum height of six (6) metres above natural ground level.</p> <p>Allowable Encroachments to Envelopes</p> <p>A2 Provided the distance to the boundary is not less than 900 mm for a wall and 675 mm for a gutter, fascias, gutters, downpipes, eaves up to 0.6 m,</p>	<p>Proposed height of cabins = 5.2 metres above natural ground level.</p> <p>No encroachments proposed.</p>	<p>Yes.</p> <p>N/A</p>

<p>the public streetscape, with higher components of buildings setback, and out of direct view from the street and foreshore area.</p> <ul style="list-style-type: none"> • Building forms that enable a sharing of views with neighbours. • Walls, limited in length and height, to minimise the impacts on foreshore areas, adjoining development and public street. <p>P2 To make provision for innovative design, as well as giving consideration to difficulties that may arise in connection with steeply sloping properties, buildings may encroach the general building envelope, but only where it is demonstrated that the proposal will not adversely affect the visual amenity of the area in general; and</p> <ul style="list-style-type: none"> • The proposed development will not adversely impact on adjoining development having regard to overshadowing and/or solar access. 	<p>masonry chimneys, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services may encroach beyond the building envelope. The following may encroach without restriction –</p> <ul style="list-style-type: none"> • Screens or sunblinds, light fittings, electricity or gas meters, aerials; and • Unroofed terraces, landings, steps or ramps not more than 1 metre in height. <p>A3 Variations will be considered where minimum floor levels are required in flood prone areas. Where such levels may necessitate two storey construction or elevated construction, consideration will still be required to be given to issues of privacy, overshadowing, and visual impact.</p> <p>A4 Encroachments of the standard building envelope will be permitted within a concessional zone, where it is demonstrated that such an encroachment will enhance the development and not impact on the amenity of the surrounding area. The concessional zone shall consist of buildings sited within a building envelope where, planes are projected at 45 degrees from a height of 3.5 metres above natural ground level at the front, side and rear boundaries, to a maximum height of 7.5 metres above ground level (see Diagram 5). Such encroachments will only be considered by Council</p>	<p>N/A</p> <p>No encroachments into the standard building envelope proposed.</p>	<p>N/A</p> <p>Yes.</p>
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	<p>where the following details are provided –</p> <ul style="list-style-type: none"> • A visual analysis, including a photographic assessment, that outlines how the proposal will not be visually prominent from the foreshore, or adversely affect the visual amenity of the locality. • Details outlining how the proposal will not adversely affect the privacy of adjoining development. • Details, including a shadow diagram outlining that excessive overshadowing is not likely to occur as a result of the proposal. In this regard it would be expected that living areas as well as useable open space areas of neighbouring dwellings do not have their sunlight reduced to less than 3 hours between 9.00 am and 3.00 pm on June 21. 		
<p>Side Setbacks</p> <p>P1 Buildings are so located, and are of such width so as to provide opportunities for intermittent views from the public street through to the water.</p>	<p>A1 The building is to be sited to provide one minimum side setback equivalent to 10% of the width of the allotment, and up to a maximum of 3.5m in any case. In cases where allotments are irregular in shape and the width varies, the width of the allotment for the purposes of calculating the side setback is the average width of the allotment over the length of the building. If possible, side setbacks should be provided along a side boundary with an adjoining dwelling which has a similar corresponding side</p>	<p>The subject site is of varying width, ranging from 15 metres wide at the western boundary to 85 metres wide at the eastern boundary of the site. The closest setback from the proposed tourist cabins (namely Cabin 3) to the nearest boundary is 7.21 metres.</p> <p>Views of the foreshore (Sussex Inlet channel) cannot be seen from street level due to topography. In addition, no built structures can be seen from street level.</p>	<p>Yes.</p>

	setback, so as to maximise the viewing corridor. This side setback is not to be built out with any structure.		
2.4 Privacy			
Objective O1 To site and design buildings to meet projected user requirements for privacy and to protect the privacy of surrounding residents in their dwellings and private open space.			
<i>Performance Criteria</i>	<i>Acceptable Solutions</i>	<i>Proposal</i>	<i>Compliance</i>
<p>P1 The privacy of buildings and outdoor private spaces is protected taking into account projected community expectations.</p> <p>P2 Direct overlooking of main internal living areas and private open spaces of other dwellings is minimised by building layout, location and design of windows and balconies, screening devices and landscape or by remoteness.</p>	<p>A1 Direct views between living area windows of adjacent dwellings are screened or obscured where ground and first floor windows are within an area described by taking a 9-metre radius from any part of the window of the adjacent dwelling. An area so defined is described as a “privacy sensitive zone”. For the Purposes of these solutions, a living area includes living, dining entertainment or other recreation areas or rooms, but does not include bedrooms, studies, bathrooms or other amenities.</p> <p>A2 Direct views from living rooms of dwellings into the principal area of private open space of other dwellings are screened or obscured within a privacy sensitive zone described by a 12m radius.</p> <p>A3 Direct views described by A1 and A2 may be obscured by one of the following measures –</p> <ul style="list-style-type: none"> • 1.8 metre high solid fence or wall between ground floor level windows 	<p>The nearest adjoining residential building is located approximately 18 metres from the closest proposed tourist cabin (i.e. No.286 River Road).</p> <p>In addition, the applicant proposes to embellish the existing vegetation through the planting of two (2) tall native shrubs to provide a privacy screen between the cabins and the adjoining residential development.</p> <p>It is considered that the privacy of the users of the tourist cabins, and of neighbouring premises will be adequately maintained.</p> <p>Refer to comments above.</p> <p>Refer to comments above.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

	<p>or between a dwelling and open space.</p> <ul style="list-style-type: none"> • Screening that has a maximum area of 25 % openings, is permanently fixed and is made of durable materials; and /or • Landscape screening either by existing dense vegetation or new planting that can achieve sufficient screening effectiveness within three (3) years. 		
2.5 Building Materials			
<p>Objectives</p> <p>O1 To ensure that development integrates with the landscape.</p> <p>O2 To encourage the use of building materials and colours that complement the natural landscape.</p> <p>O3 To ensure that materials are suitable to withstand coastal weather conditions</p>			
<i>Performance Criteria</i>	<i>Acceptable Solutions</i>	<i>Proposal</i>	<i>Compliance</i>
<p>P1 Where developments are located in essentially native bushland situations, consideration should be given to utilising materials and colours that reflect the characteristics of the native vegetation that surround the development site.</p> <p>P2 Materials should be salt tolerant.</p>	<p>A1 There are no acceptable solutions for this issue. It is expected however, that details should be submitted with the development application of the intended materials and colours to be used for a proposed development.</p>	<p>Details have been submitted with the development application. Materials will match that of adjoining buildings (garage, dwelling) and is consistent with the character of the surrounding area.</p> <p>No details on compliance with this requirement provided.</p>	<p>Yes (condition to be imposed in any issued development consent).</p> <p>Yes (condition to be imposed in any issued development consent).</p>

2.6 Trees and Vegetation

Objectives

O1 To preserve, where possible, trees and vegetation along foreshore areas.

O2 To minimise excessive clearing of vegetation along foreshore areas.

<i>Performance Criteria</i>	<i>Acceptable Solutions</i>	<i>Proposal</i>	<i>Compliance</i>
<p>P1 Development should be sited in a manner which minimises the removal of trees and native vegetation on the site.</p> <p>P2 No clearing of the site is to be undertaken until such time as plans and specifications have been approved.</p> <p>P3 No vegetation located on public land shall be damaged, disturbed or removed.</p> <p>P4 Mangroves, salt marsh, casuarinas and riparian vegetation are to be preserved in their natural state.</p>	<p>A1 Details shall be provided with any application (see Site Analysis – Section 1) to Council outlining existing vegetation on the site, and indicating what vegetation is required to be removed and retained.</p> <p>A2 Measures including the use of plastic type fencing should be utilised for the protection of vegetation during construction phase.</p> <p>Note: A Tree Preservation Order covers the City of Shoalhaven. Prior to clearing trees, advice should be sought from Council as to whether an approval under the Tree Preservation Order is required.</p>	<p>Two (2) trees to be removed as part of the proposed development will be replaced by two (2) tall native shrubs as a landscaping and screening measure. The impacts to trees and vegetation will be negligible.</p> <p>No details on compliance with this requirement provided.</p>	<p>Yes (condition to be imposed in any issued development consent).</p> <p>Yes (condition to be imposed in any issued development consent).</p>

2.7 Landscaping

Objectives

O1 To minimise the use of exotic species, and maximise the use of indigenous native species.

O2 Provide essential stability and ground cover to highly erodible and unstable soils.

O3 To improve the appearance of development in foreshore areas.

<i>Performance Criteria</i>	<i>Acceptable Solutions</i>	<i>Proposal</i>	<i>Compliance</i>
<p>P1 Exotic species of vegetation should be limited to feature trees or shrubs within a native setting.</p> <p>P2 Following construction exposed areas are required to be stabilised by</p>	<p>A1 A concept landscape plan should be submitted with development/building applications, particularly where it is proposed to develop sites which have been undeveloped, and consist largely of native bushland foreshore vegetation.</p>	<p>Asides from tall native shrubs proposed as a screening measure, native ground shrubs are to be planted around the cabins as indicated in the submitted Landscaping Plan. No details on species, pot size or quantities have been provided. All landscaping works is</p>	<p>Yes (condition to be imposed in any issued development consent).</p>

<p>the use of ground covering plants or mulches to minimise the effects of erosion.</p> <p>P3 Access to public land by members of the public is to be preserved.</p>	<p>Such a concept landscape plan should detail proposed landscaping, retention of existing vegetation and maintenance procedures.</p> <p>Note: Council has prepared suitable plant species lists for the various towns and villages within the City. Advice regarding these lists is available from Council's Development and Environmental Services Group.</p> <p>A2 Access to public foreshore reserves by the public is not to be restricted by the extension of landscaping, or other works, onto public land from private property.</p> <p>All work associated with a proposal are to be confined on private property.</p>	<p>confined within the subject site.</p> <p>Proposed landscape works will not restrict public access to foreshore. Currently no general public access to foreshore area is provided.</p>	<p>Yes.</p>
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2.8 Site Stability, Excavation & Soil and Water Management

Objectives

O1 To minimise the use of exotic species, and maximise the use of indigenous native species.

O2 Provide essential stability and ground cover to highly erodible and unstable soils.

O3 To improve the appearance of development in foreshore areas.

<i>Performance Criteria</i>	<i>Acceptable Solutions</i>	<i>Proposal</i>	<i>Compliance</i>
<p>P1 Developments shall be designed to utilise construction techniques which reflect the slope of the land, and not introduce measures which require excessive disturbance to the natural slope of a site.</p> <p>P2 Developments shall be designed and constructed to reflect specific</p>	<p>A1 Where a development is proposed to be located on steeply sloping land, in excess of 20% slope, or in areas already known to experience stability problems, Council may require the submission of a geotechnical report, prepared by a suitably qualified and currently practising Geotechnical Engineer.</p> <p>Such a report will be required to examine</p>	<p>Development site is located on land with less than 20% slope.</p> <p>An Erosion and Sediment Control Plan is to be submitted by the applicant prior to the issue of a Construction Certificate.</p>	<p>Yes (condition to be imposed in any issued development consent).</p>

<p>geotechnical difficulties that may exist in an area.</p> <p>P3 Measures shall be utilised both during and after construction to control erosion and sedimentation of local water courses and drainage systems.</p>	<p>the stability of the site; whether the development of the site will adversely affect the stability of the site; the stability of adjoining land; and whether the site stability could have adverse effects on the proposed development.</p> <p>A2 A Soil and Water Management Plan shall be submitted with the development/building application detailing measures to minimise erosion and trap sediments occurring as a result of development or building activity. Such a plan should be consistent with Council's guidelines Environmental Protection on Construction Sites.</p> <p>A3 Maximum cut and fill permitted for a site is one (1) metre. Details will be required detailing cut and fill, and indicating how cut and fill areas will be stabilised (see Diagram 10).</p> <p>A4 Excavated fill or other material is not to be placed or fall onto adjoining lands.</p> <p>A5 All stormwater quality controls are to be contained within the development site, and discharge is not to be concentrated onto adjoining lands.</p>	<p>Refer to comments above.</p> <p>No cut and fill works are proposed as part of the application. Conditions restricting the use of adjoining lands for discharge of stormwater and as excavated fill sites are to be imposed in any issued consent.</p> <p>No details provided. Sufficient separation exists between works and property boundaries to ensure no impact.</p> <p>All stormwater controls contained within development site.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes (condition to be imposed in any issued development consent).</p>
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