

**PROPOSED CONCEPT MASTER PLAN  
FOR A STAGED DEVELOPMENT APPLICATION**  
For a  
**MIXED USE DEVELOPMENT**  
comprising  
**RESIDENTIAL FLAT BUILDINGS, COMMERCIAL  
PREMISES AND SHOP TOP HOUSING**  
and  
**ASSOCIATED MINOR BOUNDARY ADJUSTMENT SUBDIVISION**

**LOTS 1 AND 6 DP 1082382  
ANSON STREET  
ST GEORGES BASIN**

Prepared for

**D. De Battista**

March 2017



Prepared by:

***COWMAN STODDART PTY LTD***

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St Georges Basin

Ref. 11/70

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- Annexure 7** Utilities Investigation Report prepared by Allen Price & Scarratts

## **1.0 INTRODUCTION**

This Statement of Environmental Effects (SEE) supports a development application that seeks Shoalhaven City Council's consent for a Concept Master Plan for a mixed use development comprising residential flat buildings, commercial premises and shop top housing at Lots 1 and 6 DP 1082382, Anson Street St Georges Basin. The subject land, comprises an area of 3.59 hectares, fronts Anson Street and is adjacent to St Georges Basin town centre.

The application seeks approval for a staged development application pursuant to Section 83B of the Environmental Planning & Assessment Act 1979. This initial development application seeks approval for an overall Concept Master Plan (CMP) which outlines the conceptual details of the proposal for the site. The CMP outlines the layout of future buildings and includes minor adjustments to property boundaries to facilitate the siting of proposed buildings. Future development applications will need to be submitted, and approved, for each of the buildings identified in the Concept Master Plan associated with this application. The future development applications will contain detailed plans for the individual buildings for the relevant subsequent stages of the application.

The proposal does not include the strata subdivision of the proposed developments – it is expected that this will be the subject of the separate future applications. Furthermore the CMP is based upon the existing approved subdivision layout. The approved subdivision layout has not yet been registered. The proposal also seeks approval for minor boundary adjustments to the approved subdivision layout to facilitate the siting of proposed buildings.

The CMP makes provision for a total of 15 new buildings:

- two buildings comprising a mixture of lower level commercial (retail and business premises) & upper level shop top housing and four residential flat buildings and on Lot 1 (approved Lots 26 - 29); and
- nine buildings on Lot 6 (approved lots 22 - 25), containing a mixture of 2 and 3 bedroom residential apartments.

The buildings will vary in height between 7 metres (2 storeys) to 13 metres (4 storeys).

The land associated with this CMP is partly zoned Mixed Use Business B4 and partly General Residential R1 under the Shoalhaven Local Environmental Plan (SLEP) 2014. The proposal is permissible under the planning provisions that apply to the land.

It should be noted that a development application (DA16/1830) has already been submitted to Shoalhaven City Council for two of the buildings (Buildings A & B) located on proposed Lot 25 in SF 10111 of Lot 6 and which form part of this CMP. This development is presently the subject

of an appeal which has been lodged with the NSW Land & Environment Court in response to Council's refusal of this application.

The zoning provisions reflect the suitability of the land for higher density residential development. Higher density residential development can provide broader housing options for the community and plays an important role in responding to the future changing house needs of the Shoalhaven area.

The subject land is considered eminently suitable for higher density residential development given its location adjacent to the St Georges Basin commercial area and its location within proximity of transport infrastructure and other services.

Development with a height limit of four storeys (or 13 metres) for the subject land is considered the only economically feasible development option for the subject land. This application is supported by an economic assessment that confirms setting a building height limit less than 13 metres on the subject land will render the development of the land financially unviable. A 13 metre building height limit applies to the subject land under the planning provisions that apply to the land the subject of this application.

The project team for this development application includes:

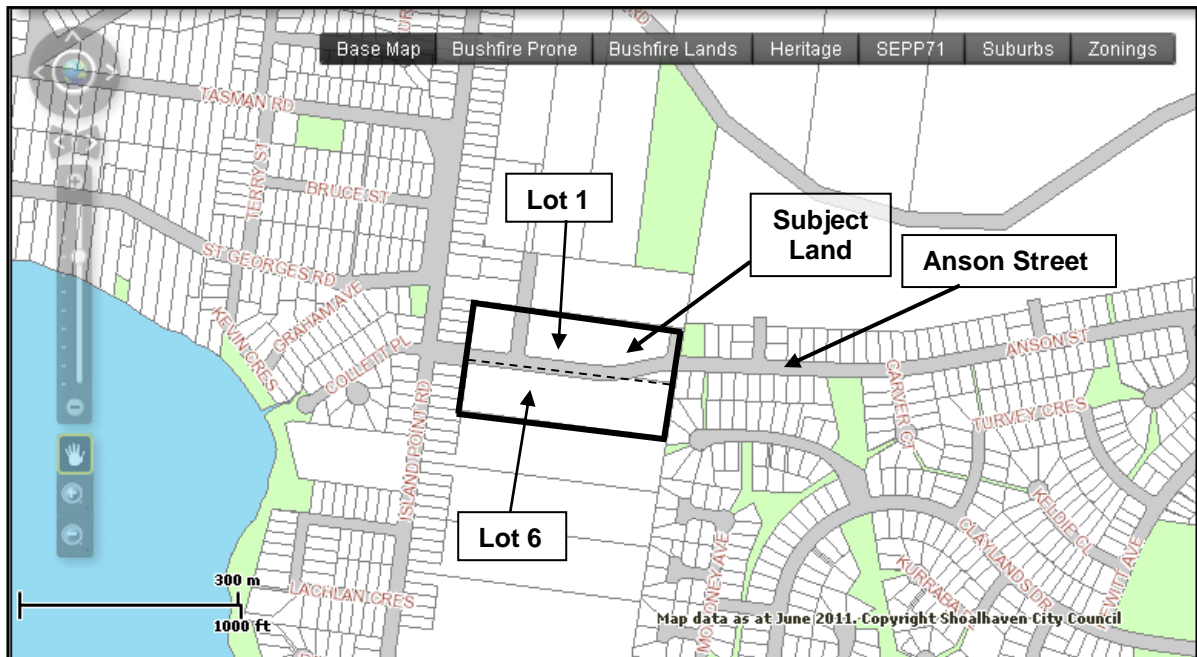
Proponent	:	David de Battista
Town Planning Consultants	:	Cowman Stoddart Pty Ltd
Architect	:	Shobha Design Architects
Bushfire Protection Assessment	:	Eco Logical Australia
Ecological Assessment	:	Kevin Mills & Associates
Traffic	:	Traffic Solutions Pty Ltd
Infrastructure	:	Allen Price & Scarratts
Economic Assessment	:	Opteon (South East Regional NSW) Pty Ltd

Relevant extracts from reports prepared by these expert consultants are incorporated into the body of this SEE.

This SEE considers the site, the surrounding locality, the proposed development and relevant town planning controls. The SEE includes an assessment of the proposal having regard to the matters for consideration as listed under Section 79C of the Environmental Planning and Assessment Act, 1979. The assessment concludes that the development, within its local context, is satisfactory and should be approved.

## 2.0 THE SUBJECT LAND AND SURROUNDS

The subject land comprises Lot 1 and 6 DP 1082382, and comprises two parcels of land that are severed by Anson Street (refer **Plates 1 and 2**). The site is situated adjacent to the St Georges Basin town centre, which is located generally north of the subject land and along Island Point Road. The subject land comprises an area of 3.59 hectares (Lot 1 being 1.62 ha and Lot 6 being 1.97 ha). **Figure 1** is a site locality plan while **Figure 2** is an aerial photograph over the site and surrounding locality.



**Figure 1: Site Locality Plan.**

Shoalhaven City Council has previously issued development consent for a Manufactured Home Estate comprising thirty (30) manufactured home sites on Lot 1 in 2000. The land owner advises that work has subsequently commenced in accordance with that consent, and Shoalhaven Council have issued written confirmation in relation to this commencement.

A metal shed is located adjacent towards the western boundary of Lot 1. This metal shed was subsequently approved in conjunction with the Manufactured Housing Estate that was approved by Shoalhaven Council on Lot 1 in 2000.

Most of the land has been cleared of its original forest vegetation. There are no watercourses within the subject land. The subject land is approximately 400 m east from the water's edge of Homes Bay, which is part of St Georges Basin.



Properties fronting Island Point Road, along the western boundary of the subject land (Lot 1), comprise a mix of commercial and industrial development with buildings limited to two storeys in height (refer **Plates 3, 4 and 5**), while to the west of Lot 6 are predominantly detached single dwelling-houses (refer **Plate 6**).

Land to the east of the subject land comprises residential development with the predominant residential housing form being typified by single detached dwellings on individual allotments (refer **Plate 7**). To the north of the subject land comprises forested vegetation and to the south of the site is a manufactured home estate (see **Figure 2**).



**Figure 2: Aerial photograph over site and surrounds.**



**Plate 1:** View looking west across Lot 6 on the southern side of Anson Street.



**Plate 2:** View looking west across Lot 1 on the northern side of Anson Street.



**Plate 3:** View of existing industrial development to west of site.



**Plate 4:** View of commercial development along Island Point Road.



**Plate 5:** View of IGA Supermarket to north of site.



**Plate 6:** View of existing residential development to west of Lot 6.



**Plate 7:** View of existing residential development to east of subject site.

### **3.0 THE PROPOSAL**

The CMP makes provision for a mixed use development comprising a total of 15 building envelopes located over the two parcels of land (Lots 1 and 6). The buildings on Lot 1 will contain two (2) mixed use buildings containing ground floor commercial & shop top housing and four (4) residential flat buildings; while Lot 6 will contain nine (9) residential flat buildings.

The development also proposes minor adjustments to the approved subdivision boundaries to facilitate the layout of the proposed development.

Application is made for a staged development application pursuant to Section 83B of the Environmental Planning & Assessment Act 1979. This initial development application seeks approval for an overall CMP for the subject site. The CMP provides conceptual details of the proposal for the site, outlines the location of buildings, and the three dimension envelopes of the buildings associated with this proposal and details minor boundary adjustments to the approved subdivision layout to better facilitate the siting of these buildings within the site. Detailed proposals for each of the buildings identified in the CMP will be the subject of separate development applications and will contain more details associated with these subsequent stages of the application. Such will include detailed plans, elevations and sections for each of these stages within the proposal.

#### *Proposed Mixed Use Development*

The CMP makes provision for a total of 15 new building envelopes over Lots 1 and 6:

- two (2) building envelopes on Lot 1, comprising a mixture of commercial premises and shop top housing and four (4) building envelopes comprising residential flat buildings;
- nine (9) building envelopes on Lot 6, comprising residential flat buildings.

The building envelopes vary in height between 7 metres (2 storeys) to 13 metres (4 storeys). The buildings on Lot 6 are proposed to be a maximum of 13 metres high. The maximum height of buildings on Lot 1 will vary in height between 7 to 13 metres.

The proposal incorporates measures to minimise the overall bulk and scale of the development with upper floor levels set back further compared to lower floor levels and set back from the street frontage, and rear and side boundaries.

In total, the 15 building envelopes identified in the CMP are estimated to provide:

- 88 x 2 bedroom apartments;
- 292 x 3 bedroom apartments;
- A total of 380 apartments;
- 2233 sqm commercial use (GFA);
- 783 parking spaces.

Each of the proposed building envelopes will gain vehicular access directly to Anson Street with the exception of buildings K and L on approved Lot 28 which will be accessed from the newly constructed village access road.

Further details of the proposed building envelopes and their uses are provided in **Tables 1 and 2** below.

**Table 1: Schedule of Buildings – Lot 6**

<i><b>Building</b></i>	<i><b>Approved Lot</b></i>	<i><b>Maximum Height (m)</b></i>	<i><b>Apartment Mix</b></i>	<i><b>Parking</b></i>
A	25	13	2 Beds x 9 3 Beds x 20	107 parking spaces
B	25	13	2 Beds x 9 3 Beds x 20	
C	24	13	2 Beds x 5 3 Beds x 18	44 parking spaces
D	24	13	2 Beds x 5 3 Beds x 9	26 parking spaces
E	23	13	2 Beds x 4 3 Beds x 24	54 parking spaces
F	23	13	2 Beds x 4 3 Beds x 24	54 parking spaces
G	22	13	2 Beds x 5 3 Beds x 12	32 parking spaces
H	22	13	2 Beds x 9 3 Beds x 24	62 parking spaces
I	22	13	2 Beds x 4 3 Beds x 16	38 parking spaces

**Table 2: Schedule of Buildings – Lot 1**

<i><b>Building</b></i>	<i><b>Approved Lot</b></i>	<i><b>Maximum Height (m)</b></i>	<i><b>Apartment Mix</b></i>	<i><b>Parking</b></i>
J	29	7	2 Beds x 5 3 Beds x 17 1433sqm Commercial (GFA)	82 parking spaces
K	28	13	2 Beds x 8 3 Beds x 27800 sqm Commercial (GFA)	89 parking spaces
L	28	13	2 Beds x 4 3 Beds x 8	22 parking spaces
M	28	13	2 Beds x 5 3 Beds x 25	58 parking spaces
N	27	13	2 Beds x 5 3 Beds x 24	56 parking spaces
O	27	13	2 Beds x 7 3 Beds x 24	59 parking spaces

Boundary Adjustment Subdivision

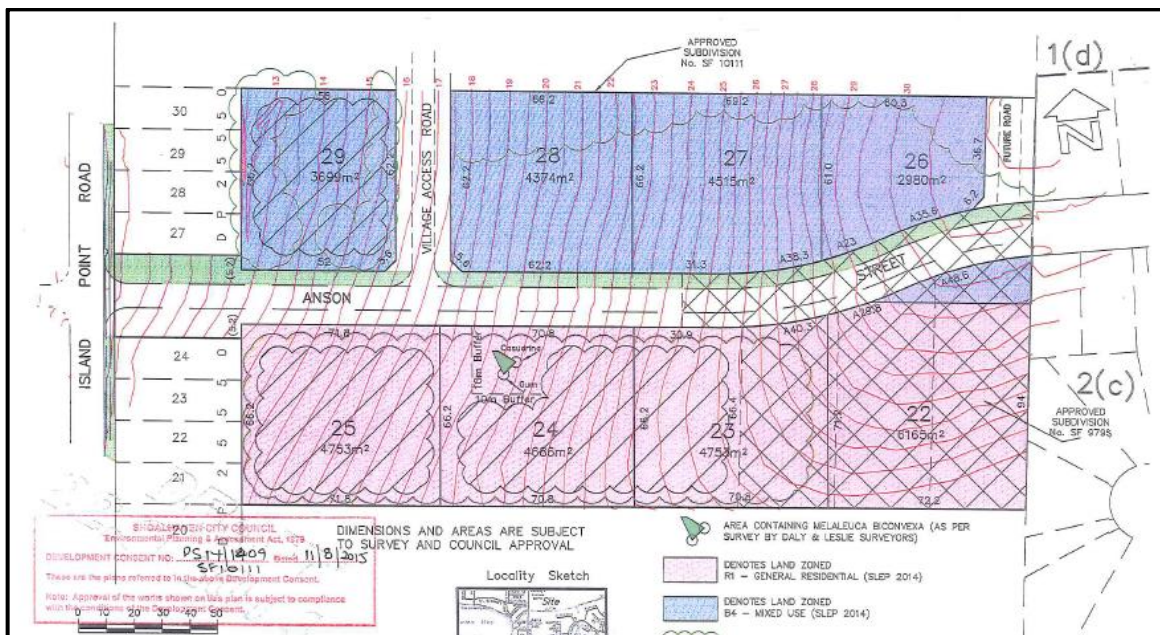
Subdivision Application SF 9795 was approved by Council on the 8 February 2007 subdivided Lots 1 and 6 into five separate lots. This subdivision was subsequently modified (DS 14/140) to create three lots instead of five.

A further subdivision application (SF 10111) was approved by Council on the 30 May 2011 and subdivided the land into eleven lots. This subdivision plan was modified in 2014 (DS 14/1410) reducing the number of lots from eleven to seven lots. These approved subdivisions have not been registered.

The approved subdivision plan makes provision for eight (8) lots:

- Lots 22 to 25 are located on Lot 6;
- Lots 26 - 29 are located on Lot 1.

The CMP is based on the approved subdivision layout as outlined above and shown below in **Figure 3**.



To ensure appropriate building separation is achieved and resident amenity is protected, it is proposed to slightly modify the approved boundaries to Lots 22, 23, 26, 27 and 28 as shown on the CMP site plan (**Annexure 1**). **Table 3** below details the resultant changes to the approved lots.



**Table 3**  
**Proposed Boundary Adjustments**

<b>Approved Lot</b>	<b>Change Proposed</b>	<b>Current Area</b>	<b>Proposed Area</b>
22	Boundary between Lots 22 & 23 moved approximately 2.809m to the west	6165 m <sup>2</sup>	6362 m <sup>2</sup>
23	Boundary between Lots 22 & 23 moved approximately 2.809m to the west	4753 m <sup>2</sup>	4554 m <sup>2</sup>
24	No changes proposed	4686 m <sup>2</sup>	4686 m <sup>2</sup>
25	No changes proposed	4753 m <sup>2</sup>	4753 m <sup>2</sup>
26	Boundary between Lots 26 & 27 moved approximately 0.689m to the west	2980 m <sup>2</sup>	3024 m <sup>2</sup>
27	Boundary between Lots 26 & 27 moved approximately 0.689 m to the west	4515 m <sup>2</sup>	4420 m <sup>2</sup>
28	Boundary between Lots 27 & 28 moved approximately 0.805 m to the east	4374 m <sup>2</sup>	4428 m <sup>2</sup>
29	No changes proposed	3699 m <sup>2</sup>	3699 m <sup>2</sup>

The CMP is supported by a Traffic Assessment prepared by Traffic Solutions Pty Ltd. This report demonstrates the proposed development will not adversely impact the carrying capacity of local roads or traffic safety within this locality.

The CMP is also supported by a Bushfire Protection Assessment prepared by Eco Logical Australia. This report describes the bushfire protection standards that form part of the Concept Master Plan and states the standards outlined are consistent with the 'Planning for Bushfire Protection' (NSW Rural Fire Service 2006) requirements.

The CMP is also supported by an Ecological Assessment prepared by Kevin Mills & Associates. This report demonstrates that there are no significant flora and fauna effects that would result as a consequence of the development proposal. The report notes the proposal makes provision for the protection of a small remnant of *Melaleuca biconvexa* that occurs on the site.

The CMP is also supported by a Utilities Investigation Report prepared by Allen Price & Scarratts, which addresses sewerage, water supply, stormwater drainage, electricity supply and telecommunications.

**Annexure 1** includes plans of the proposed Concept Master Plan prepared by Shobha Design (Architects).

*Development Application DA 16/1830*

Development application (DA16/1830) has already been submitted to Shoalhaven City Council for two of the buildings (Buildings A & B) located on proposed Lot 25 in SF 10111 of Lot 6 and which form part of this CMP. This development is presently the subject of an appeal which has

been lodged with the NSW Land & Environment Court in response to Council's refusal of this application.

## 4.0 CONSULTATION

The formulation of this CMP has had a protracted history including past consultation with Council staff. Prior to our firm's involvement with this project the Proponent and a previous Project Architect undertook extensive consultation with Council staff including:

- Attendance at Council's Development Advisory Unit on the 5<sup>th</sup> August 2009.
- Meeting with Council staff on the 23<sup>rd</sup> November 2009.
- Meeting with Senior Council staff on the 3<sup>rd</sup> December 2009.
- Meeting with Council staff on the 21<sup>st</sup> December 2009.
- Meeting with Council staff to discuss ecological issues with Dr Kevin Mills on the 6<sup>th</sup> July 2010.
- Further meeting with Council staff on the 13<sup>th</sup> September 2010.
- Development Advisory Unit Meeting on 2nd March 2011;

Consultation with Council that has involving our firm included:

- Meeting with Council staff and Cowman Stoddart on 31st May 2011; and
- Meeting with Council staff and Cowman Stoddart on 6th June 2011.

**Tables 4 to 6** summarise the main issues raised during the consultation meetings. Where relevant, **Tables 4 to 6** identify the corresponding sections of this SEE that address each issue.

**Table 4**  
**Consultation - Development Advisory Unit Meeting (2 March 2011)**

<i>Issues raised</i>	<i>Concept Master Plan reference</i>
A Development Application/Master Plan is required and must include a detailed Statement of Environmental Effects (SEE) and associated plans including all stages that are proposed for the development, that addresses (but is not limited to) those listed below.	This document comprises the SEE for the CMP and addresses the relevant matters for consideration listed under Section 79C of the Environmental Planning & Assessment Act (refer to Section 6.0).
<b>STATUTORY REQUIREMENTS</b>	
State Environmental Planning Policy (SEPP) – Major Projects – Clause 13(B) – Regional Development.	SEPP - Major Projects has been subsequently repealed. This SEE has addresses SEPP State and Regional Development 2011, which is addressed in Section 6.1.1.1.
SEPP 71 – Coastal Protection	Refer to Section 6.1.1.1.
SEPP 65 – Design Quality of Residential Flat Development	Refer to Section 6.1.1.1.
Jervis Bay Regional Environmental Plan (JBREP)	Pursuant to clause 1.8 of the Shoalhaven LEP 2014, the provisions of the Jervis Bay Regional Environmental Plan no longer apply to the subject land.

**Table 4 (continued)**

<i>Issues raised</i>	<i>Concept Master Plan reference</i>
Shoalhaven Local Environmental Plan 1985	The SLEP 1985 was replaced by the SLEP 2014. Refer to Section 6.1.1.3.
Development Control Plan 18 – Car Parking Code (DCP 18)	Now replaced by Shoalhaven DCP 2014, Chapter G21 relates to Car Parking. Refer to Sections 6.1.1.4 and 6.3.4 of the SEE.
DCP 17 – Village Centre – Island Point Road, St Georges Basin	Now replaced by Shoalhaven DCP 2014. Chapter N23 replaced DCP 17. Refer to Section 6.1.1.4.
DCP 93 – Waste Minimisation and Management	Now replaced by Shoalhaven DCP 2014. Chapter G7 replaced DCP 17. Refer to Section 6.1.1.4.
DCP 100 – Subdivision code – (Car Park Construction)	This detail will be provided with future development applications that will be submitted for each of the separate buildings. The Shoalhaven DCP 2014 has replaced individual DCPs. Chapter G11 replaced DCP 100. Development applications will be assessed against the provisions of the SDCP 2014.
Building Code of Australia	This detail will be provided with future development applications that will be submitted for each of the separate stages.
<b>DOCUMENTATION</b>	
<p>A detailed site analysis and Statement of Environmental Effects is to be submitted with the Development Application which must address all the relevant planning issues in accordance with Section 79C of the EP&amp;A Act 1979, including the items listed below:</p> <ul style="list-style-type: none"> <li>• Completed Development Application Form including owners consent.</li> <li>• Detailed Statement of Environmental Effects that addresses all the relevant Section 79C issues in accordance with the NSW EP&amp;A Act 1979.</li> <li>• Fully dimensioned plans, drawn to scale.</li> <li>• Details of all lift shafts to be included on the plans.</li> <li>• Shadow diagrams that clearly show sunlight penetration into the building and how this is achieved under SEPP 65.</li> <li>• Plans showing levels relative to AHD.</li> <li>• Contour Plan including spot levels relative to AHD.</li> </ul>	<p>This SEE addresses the relevant matters for consideration listed under Section 79C of the Environmental Planning &amp; Assessment Act (refer to Section 6.0).</p> <p>A detailed site analysis is included in <b>Annexure 1</b>.</p> <p>Submitted separately to this Master Plan.</p> <p>Refer to Section 6.0.</p> <p>The CMP is included within <b>Annexure 1</b> to this SEE. The plan outlines the siting of buildings and includes three dimensional building envelopes for each of the future buildings.</p> <p>This detail will be provided with future development applications that will be submitted for each of the separate buildings.</p> <p>Shadow diagrams are included in <b>Annexure 1</b>.</p> <p>An assessment against SEPP 65 is provided in Section 6.1.1.1.</p> <p>The CMP is included within <b>Annexure 1</b> to this SEE.</p> <p>The CMP is included within <b>Annexure 1</b> to this SEE.</p>

**Table 4 (continued)**

<i>Issues raised</i>	<i>Concept Master Plan reference</i>
<ul style="list-style-type: none"> <li>• Conceptual landscape plan identifying all areas available for additional landscape treatment.</li> <li>• Car parking Plan in accordance with DCP18 and AS2890.01</li> </ul>	<p>This detail will be provided with future development applications that will be submitted for each of the separate buildings.</p> <p>Shoalhaven DCP 2014 has replaced DCP18. Chapter G21 outlines the requirements of car parking. Future development applications will be assessed against these provisions and the AS2890.1. A Traffic and Parking Assessment has been prepared for the CMP (Annexure 6). The Traffic Assessment details the number of car parking proposed for the CMP. Car parking is discussed further in Section 6.3.4 of the SEE</p>
<ul style="list-style-type: none"> <li>• Visual Impact Assessment.</li> </ul>	<p>An assessment of Urban Character and Residential Amenity is provided in Section 6.3.</p>
<ul style="list-style-type: none"> <li>• Stormwater Concept Plan.</li> </ul>	<p>This CMP is supported by a Utilities Investigation Report prepared by Allen Price &amp; Scarratts, which addresses stormwater drainage in relation to the proposed CMP. Stormwater drainage is also discussed in Section 6.3.5 of this CMP.</p>
<ul style="list-style-type: none"> <li>• Waste Minimisation and Management Plan including ongoing waste management.</li> </ul>	<p>A Waste Minimisation and Management Plan will be provided with subsequent Development Applications for individual buildings.</p>
<ul style="list-style-type: none"> <li>• A Section 68 Application will be required for any works involving water, sewage, storm water and drainage and should be lodged with the Development Application.</li> </ul>	<p>This application will be provided with subsequent Development Applications for individual buildings. The CMP is supported by a Utilities Investigation Report prepared by Allen Price &amp; Scarratts (<b>Annexure 7</b>).</p>
<ul style="list-style-type: none"> <li>• Drainage layout plan required.</li> </ul>	<p>This information will be provided with subsequent Development Applications for individual buildings.</p>
<ul style="list-style-type: none"> <li>• Details to show compliance with Building Code of Australia.</li> </ul>	<p>This information will be provided with subsequent Development Applications for individual buildings.</p>
<ul style="list-style-type: none"> <li>• Hydraulic calculations to be supplied (Section 68 Approval).</li> </ul>	<p>The CMP is supported by a Utilities Investigation Report which addresses water supply requirements for the proposed project (<b>Annexure 7</b>).</p>
<ul style="list-style-type: none"> <li>• Section 94 Contributions will/may be levied on any new development.</li> </ul>	<p>Section 94 contributions are addressed in the Utilities Investigation Report that accompanies this CMP (<b>Annexure 7</b>).</p>
<ul style="list-style-type: none"> <li>• Flora and fauna Assessment is required (7 Part Test). This should also include trees that are to be retained.</li> </ul>	<p>The CMP is supported by a Flora and Faunal Assessment prepared by Kevin Mills &amp; Associates (<b>Annexure 3</b>). Refer to Section 6.3.2 of this SEE.</p>
<ul style="list-style-type: none"> <li>• Bushfire Protection Assessment will be required.</li> </ul>	<p>The CMP is supported by a Bushfire Protection Assessment prepared by Eco Logical Australia (<b>Annexure 4</b>). Bushfire issues are discussed in Section 6.3.3 of this SEE.</p>

**Table 4 (continued)**

<i>Issues raised</i>	<i>Concept Master Plan reference</i>
<b>STRATEGIC PLANNING</b>	
Draft LEP 2009: a new draft LEP is being prepared for the entire Shoalhaven City area. Once the draft LEP is on public exhibition it will then be taken into consideration in the assessment of development applications.	SLEP 2014 has now commenced. The CMP has been assessed against these provisions as discussed in 6.1.1.3 of this SEE.
Any variations to the DCP must be justified (length/height of buildings).	The SDCP 2014 is reviewed in Section 6.1.1.4 of this SEE.
Section 94 contributions will be levied.	Section 94 contributions are addressed in the Utilities Investigation Report that accompanies this CMP ( <b>Annexure 7</b> ).
<b>ENGINEERING</b>	
A Stormwater Concept Plan is to be submitted with the Development Application. Car parking is required to comply with DCP 18 – Car parking Code and AS2890.	This CMP is supported by a Utilities Investigation Report prepared by Allen Price & Scarratts, which addresses stormwater drainage in relation to the proposed CMP. Stormwater drainage is also discussed in Section 6.3.5 of this SEE.  Detailed plans of car parking will be provided with subsequent Development Applications for individual buildings.
Manoeuvrability and access requirements for the largest vehicle (i.e. garbage truck or car with trailer/boat must be able to enter and exit the property in a forward motion).	This level of detail will be provided with subsequent Development Applications for individual buildings.
Traffic Impact Assessment required, including SIDRA modelling.	The CMP is supported by a Traffic Impact Assessment prepared by Traffic Solutions Pty Ltd ( <b>Annexure 6</b> ). Traffic impacts are discussed in Section 6.3.4 of this SEE.
<b>SHOALHAVEN WATER</b>	
Section 64 (water and sewer) Contributions will apply. Contact should be made with Shoalhaven water Department for comprehensive figures with regards to Section 64 Contributions. Section 64 Contributions must be paid prior to the release of a Construction Certificate. Staging the development may result in staging of monetary contributions payable.	Section 64 contributions are addressed in the Utilities Investigation Report that accompanies this CMP ( <b>Annexure 7</b> ).
Possible building over sewer issues.	This CMP is supported by a Utilities Investigation Report prepared by Allen Price & Scarratts ( <b>Annexure 7</b> ), which addresses sewerage infrastructure.
<b>BUILDING</b>	
A Construction Certificate must be obtained from either Council or an accredited certifier before any building work can commence for each stage of the development.	Construction Certificates will be obtained prior to commencement of construction.

**Table 4 (continued)**

<i>Issues raised</i>	<i>Concept Master Plan reference</i>
Details of how the development will comply with the Building Code of Australia.	This level of detail will be provided with subsequent Development Applications for buildings at subsequent individual stages.
Section 68 approval required. Application should be submitted concurrently with each development application.	This level of detail will be provided with subsequent Development Applications for individual buildings
A post-meeting note identified that it may be desirable to engage an Economic Business Analyst to assess the viability of the proposal.	The CMP is supported by an Economic Feasibility Analysis prepared by Opteon Pty Ltd ( <b>Annexure 2</b> ). Development feasibility is discussed in Section 6.3.1 of this SEE.

**Table 5**

**Consultation - Council Meeting (31 May 2011)**

<i>Issues raised</i>	<i>Concept Master Plan reference</i>
Concern was raised regarding how the proposed mix of uses (residential and commercial) would function.	That part of the development which comprises ground floor commercial and upper floor residential is situated within the B4 zone. This component of the project is entirely consistent with the objectives of the B4 zone which seek to provide for both a variety of uses and for varying combinations of such uses including higher density residential and commercial combinations.
How to determine compliance with SEPP 65	SEPP 65 is addressed in Section 6.1.1.1.
Compliance with DCP 17 and building heights	DCP 17 has now been replaced by the Shoalhaven DCP 2014. Chapter N23 replaced DCP 17. Refer to Section 6.1.1.4 (Building heights are addressed in Section 6.3.1.)

**Table 6**

**Consultation - Council Meeting (6 June 2011)**

<i>Issues raised</i>	<i>Concept Master Plan reference</i>
<p>The option to lodge a concept level application for the proposed development was discussed. Such an application should include consideration of:</p> <ul style="list-style-type: none"> <li>• building heights;</li> <li>• traffic;</li> <li>• infrastructure;</li> <li>• flora and fauna</li> <li>• bushfire;</li> <li>• NSW Coastal Design Guidelines;</li> <li>• water supply;</li> <li>• sewerage;</li> <li>• drainage.</li> </ul>	<p>This SEE describes a CMP for the proposed development and addresses each of the issues raised during the meeting:</p> <ul style="list-style-type: none"> <li>• building heights (refer Section 6.3.1);</li> <li>• traffic (refer Section 6.3.4);</li> <li>• infrastructure (refer Section 6.3.5);</li> <li>• flora and fauna (refer Section 6.3.2);</li> <li>• bushfire (refer Section 6.3.3);</li> <li>• NSW Coastal Design Guidelines (refer Section 5.3.2);</li> <li>• water supply (refer Section 6.3.5);</li> <li>• sewerage (refer Section 6.3.5);</li> <li>• drainage (refer Section 6.3.5).</li> </ul>

**Table 6 (continued)**

<i>Issues raised</i>	<i>Concept Master Plan reference</i>
The meeting concluded that a window of opportunity currently exists for lodging an application of this nature.	Noted
Any application should consider undertaking an economic feasibility analysis.	An Economic Feasibility Analysis was prepared by Opteon Pty Ltd ( <b>Annexure 2</b> ). Development feasibility is discussed in Section 6.3.1 of this SEE.
Any application should consider height, bulk and scale of the proposed development	Building heights are discussed in Section 6.3.1, and this includes an assessment of Urban Character and Residential Amenity.
For any application, it was suggested that a submission should be lodged in response to the Draft LEP 2009 and its proposed provisions regarding building heights.	The CMP assesses the proposed building heights against the provisions of the SLEP 2014. See Section 6.1.1.3 of the SEE. Building heights are further addressed in Section 6.3.1 of the CMP.



## 5.0 STATUTORY SITUATION

### 5.1 COMMONWEALTH LEGISLATION

#### 5.1.1 Environment Protection and Biodiversity Conservation Act

The Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* specifies that approval is required from the Commonwealth Minister for the Environment for actions that have, will have or are likely to have a significant impact on a matter of “*national environmental significance*”, including:

- (i) declared World Heritage Areas;
- (ii) declared Ramsar wetlands;
- (iii) listed threatened species and ecological communities;
- (iv) listed migratory species;
- (v) nuclear actions; and
- (vi) the environment of Commonwealth marine areas.

Actions on or outside Commonwealth land that have, will have or are likely to have a significant impact on the environment on or outside Commonwealth land must also be referred to the Commonwealth Minister for assessment and approval.

The Department of Environment and Heritage (2005) has published guidelines to assist in determining whether an action will have or is likely to have a significant impact on a matter of national environmental significance and, hence, whether a referral should be submitted to the Department for a decision by the Minister on whether assessment and approval is required under the EPBC Act.

This SEE is supported by an Ecological Assessment prepared by Kevin Mills & Associates (**Annexure 3**). The assessment identifies the threatened plant species *Melaleuca biconvexa* as being associated with the subject land.

With respect to the provisions of the EPBC Act the ecological assessment concludes that:

- *“This study has assessed a development scenario shown on a Masterplan for a site around Anson Street, St Georges Basin. The land is essentially cleared of natural vegetation and habitats. The remaining small area of natural bushland containing Melaleuca biconvexa is to be retained within the proposed development.*
- *Based on the current condition of the site, cleared following an earlier approval from council, we believe that the Melaleuca biconvexa plants will not survive into the long term. The stand is partly composed of root suckers and the number and size of the plants has changed little in the*

*nine years that we have been looking at it. Additionally, the plants are not flowering or producing seed. This stand of plants in our view is not significant to the long term survival of the species in the locality.*

- *Neither the preparation of a Species Impact Statement nor referral to the Commonwealth for assessment are, in our opinion, warranted.”*

## **5.2 STATE LEGISLATION**

### **5.2.1 Environmental Planning & Assessment Act**

#### **Section 79(C) – Matters for Consideration**

Section 79C(1) of the Environmental Planning & Assessment Act 1979 outlines those matters that a consent authority must take into consideration when it considers and determines a development application. Section 79C(1) stipulates:

#### **79C Evaluation**

- (1) *Matters for consideration-general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*
- (a) *the provisions of:*
    - (i) *any environmental planning instrument, and*
    - (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*
    - (iii) *any development control plan, and*
    - (iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
    - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
    - (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

*that apply to the land to which the development application relates,*
  - (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
  - (c) *the suitability of the site for the development,*

- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

The above matters are addressed in detail in Section 6.0 of this SEE.

### **Section 83B Staged Development Applications**

Section 83B of this Act reads:

- (1) *For the purposes of this Act, a "**staged development application**" is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The application may set out detailed proposals for the first stage of development.*
- (2) *A development application is not to be treated as a staged development application unless the applicant requests it to be treated as a staged development application.*
- (3) *If consent is granted on the determination of a staged development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:*
  - (a) *consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
  - (b) *the staged development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*
- (4) *The terms of a consent granted on the determination of a staged development application are to reflect the operation of subsection (3).*

The Proponent, land owner and Applicant, Mr David De Battista, requests that the development application to which this SEE relates be treated as a staged development application pursuant to Section 83B of the EP&A Act.

The application seeks approval for a CMP that sets out a concept proposal for the development of the subject land. It is proposed that subsequent detailed development applications will be submitted separately for the individual parcels identified in the CMP.

### **State Significant and Regional Development**

Section 89C to the Environmental Planning & Assessment Act 1979, and the introduction of *State Environmental Planning Policy (State & Regional Development (the "State & Regional Development SEPP))*, have brought about a change in the regime concerning the assessment of state significant development (SSD). Pursuant to Section 89C of the

Act, development that is declared to be SSD is referred within the State and Regional Development SEPP. The Minister for Planning is the consent authority for SSD. The provisions of the State and Regional SEPP as they apply to this proposal are addressed in Section 6.1.1.1.

Regional Developments, for which the Joint Regional Planning Panels are the consent authority, are listed in Schedule 4A of the EP&A Act. Schedule 4A includes development with a capital investment value (CIV) of more than \$20 million.

The overall project will have an anticipated Capital Investment Value of over \$ 116 million. The project under these circumstances will trigger the criteria for a 'Regional Development'.

The Southern Joint Region Planning Panel will be the consent authority for this proposal.

***Integrated Development***

Pursuant to Section 91 of the Act, Integrated Development is development that, in order for it to be carried out, requires development consent and one or more of the following approvals:

**Table 7**  
**Integrated Development – Section 91 EP&A Act**

<b>Act</b>	<b>Section</b>	<b>Approval</b>
<i>Fisheries Management Act 1994</i>	s 144	Aquaculture permit.
	s 201	Permit to carry out dredging or reclamation work.
	s 205	Permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or leases
	s 219	Permit to a) set a net, netting or other material, or(b) construct or alter a dam, floodgate, causeway or weir, or(c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat.
<i>Heritage Act 1977</i>	s 58	Approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1).
<i>Mine Subsidence Compensation Act 1961</i>	s 15	Approval to alter or erect improvements within a mine subsidence district or to subdivide land therein.
<i>Mining Act 1992</i>	ss 63, 64	Grant of mining lease.
<i>National Parks and Wildlife Act 1974</i>	s 90	Consent to knowingly destroy, deface or damage or knowingly cause or permit the destruction or defacement of or damage to, a relic or Aboriginal place.
<i>Petroleum (Onshore) Act 1991</i>	s 9	Grant of production lease.

**Table 7 (continued)**

<b>Act</b>	<b>Section</b>	<b>Approval</b>
<i>Protection of the Environment Operations Act 1997</i>	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.
	ss 43 (b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).
	ss 43 (d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.
<i>Roads Act 1993</i>	s 138	consent to(a) erect a structure or carry out a work in, on or over a public road, or(b) dig up or disturb the surface of a public road, or(c) remove or interfere with a structure, work or tree on a public road, or(d) pump water into a public road from any land adjoining the road, or(e) connect a road (whether public or private) to a classified road.
<i>Rural Fires Act 1997</i>	s 100B	Authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes.
<i>Water Management Act 2000</i>	ss 89, 90, 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3.

The CMP includes minor adjustments to the boundaries of the approved subdivision layout. As such the proposal includes subdivision of land that is identified as bushfire prone and that could be lawfully be used for residential purposes. Under the provisions of Section 100B of the Rural Fires Act 1997, authorisation is required with respect to bushfire safety by the NSW RFS for this proposal. The development proposal therefore constitutes integrated development pursuant to the provisions of Section 91 of the Act.

### **5.2.2 Threatened Species Conservation Act 1995**

This legislation was introduced with the objectives of conserving threatened species, populations and ecological communities of animals and plants. The Act amends the Environmental Planning & Assessment Act and the National Parks & Wildlife Act. With respect to this proposal, the legislation introduces the need for a proposal to address certain matters in respect of threatened species and their habitats.

The seven part test is the informal title for the process set out in Section 5A of the *Threatened Species Conservation Act 1995*. It details how to determine where there is likely to be a ‘significant effect’ on threatened species, endangered populations or

communities or their habitats. If a 'significant effect' is forecast, a more specific Species Impact Statement report will be required.

The CMP is supported by an ecological assessment carried out by Kevin Mills & Associates (KMA) (**Annexure 3**). With respect to this legislation the report concludes that the proposed development is not likely to have a significant effect on any threatened species, populations or communities listed under the Threatened Species Conservation Act 1995, or their habitats. KMA therefore conclude the preparation of a Species Impact Statement is not warranted.

Ecological issues are further addressed in Section 6.3.2 of this CMP.

### **5.2.3 Native Vegetation Conservation Act**

The Native Vegetation Conservation Act 2003 (NVC) came into force on 11<sup>th</sup> December 2003 to control the removal of native vegetation. The associated Regulations came into force on 1<sup>st</sup> December 2005. This legislation operates separately to the Environmental Planning and Assessment Act, 1979 (EP&A), and requires that approval be obtained for the clearing of remnant native vegetation or protected regrowth unless the clearing is a permitted activity. Schedule 1 of the NVC outlines those areas where the Act does not apply, and clause 14 of this schedule outlines the following:

*“Land within a zone designated “residential” (but not “rural-residential”), “village”, “township”, “industrial” or “business” under an environmental planning instrument or, having regard to the purpose of the zone, having the substantial character of a zone so designated, not being land to which a property vegetation plan applies.”*

The subject site is zoned B4 Mixed Use and R1 General Residential under the provisions of the Shoalhaven LEP 2014. The subject site is therefore not subject to the provisions of this legislation.

### **5.2.4 Water Management Act**

The Water Management Act 2000 (WMA) is the main piece of water legislation for NSW ensuring that water is provided for the environment and more secure access to water users. A controlled activity approval under the WMA is required for certain types of developments and activities that are carried out in or near a river, lake or estuary. The WMA replaces the Rivers and Foreshores Improvements Act.

Section 91 of the WMA specifies that:

*“(1) There are two kinds of activity approvals, namely, controlled activity approvals and aquifer interference approvals.*

- (2) *A controlled activity approval confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land.*

Under the WMA, a controlled activity is defined as:

- “(a) the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or*
- (b) the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or*
- (c) the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or*
- (d) the carrying out of any other activity that affects the quantity or flow of water in a water source.”*

For the purposes of the WMA, “waterfront land” means:

- (a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or*
- (a1) the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or*
- (a2) the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or*
- (b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,*

The WMA outlines that a “river” includes:

- (a) any watercourse, whether perennial or intermittent and whether comprising a natural channel or a natural channel artificially improved, and*
- (b) any tributary, branch or other watercourse into or from which a watercourse referred to in paragraph (a) flows, and*
- (c) anything declared by the regulations to be a river,*
- whether or not it also forms part of a lake or estuary, but does not include anything declared by the regulations not to be a river.*

There are no watercourses within the subject land. The nearest water body is St Georges Basin itself, which lies approximately 400 m west and 700 m south of the subject land.

Under these circumstances the proposal does not require a controlled activity under this legislation.

### **5.2.5 Rural Fires Act**

Under the provisions of Section 100B of the Rural Fires Act 1997, authorisation is required with respect to bushfire safety for subdivision of land that is identified as bushfire prone and that could either be lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes.

The subject land is mapped as bushfire prone by Shoalhaven City Council. The CMP includes minor adjustments to the approved boundaries of the subdivision layout. The CMP therefore includes the subdivision of land that is identified as bushfire prone and that could be lawfully be used for residential purposes. The proposal therefore requires authorisation under this legislation.

The CMP is supported by a Bushfire Protection Assessment prepared by Eco Logical (**Annexure 4**). Bushfire is further addressed in Section 6.3.3 of this SEE.

## **5.3 STATE POLICIES AND STRATEGIES**

### **5.3.1 NSW Coastal Policy**

The NSW Coastal Policy 1997 applies:

- *three nautical miles seaward of the mainland and offshore islands;*
- *one kilometre landward of the open coast high water mark;*
- *a distance of one kilometre around:*
  - ⇒ *all bays, estuaries, coastal lakes, lagoons and islands;*
  - ⇒ *tidal waters of coastal rivers to the limit of mangroves, as defined by NSW Fisheries (1985) maps or the tidal limit whichever is closer to the sea.*

#### Comment

The subject site is identified by mapping supporting the NSW Coastal Policy as being affected by the provisions of the Policy.

Following a review of the policy, the relevant objectives as they would apply to this proposal include:

- To improve water quality in coastal and estuarine waters and coastal rivers where it is currently unsatisfactory and to maintain water quality where it is satisfactory.
- To manage the coastline and estuarine environments in the public interest to ensure their health and vitality.



- To give the impacts of natural processes and hazards a high priority in the planning and management of coastal areas.
- To identify and protect areas of high natural or built aesthetic quality.
- To design and locate development to complement the surrounding environment and to recognise good aesthetic qualities.
- To effectively manage and conserve cultural heritage places, items and landscapes.
- To identify and facilitate opportunities for the sustainable development and use of resources.
- To develop land use and management plans which ensure the sustainable development and use of resources.

An assessment of relevant matters raised by this policy in relation to this proposal is addressed within **Annexure 5** of this CMP. In summary however, it is considered that the proposal is not inconsistent with the objectives and provisions of the policy.

### **5.3.2 Coastal Design Guidelines**

The Coastal Design Guidelines 2003 for NSW were prepared by the NSW State Government with reference to the NSW Government's Coastal Policy 1997 and complement the Government's Coastal Protection Package (which included SEPP No. 71). The Coastal Design Guidelines are based upon the principles of ecologically sustainable development. The Guidelines provide additional direction to supplement the limited design matters contained in the Coastal Policy and are broad brush guidelines that support the place-based planning approaches espoused in PlanFirst, the NSW Government's plan making reform package released in 2002.

The Guidelines operate by firstly applying the hierarchy of coastal settlements, which provides seven different settlement types ranging in size from coastal cities down to isolated coastal dwellings on large rural allotments.

Part 1 of the Guidelines outlines the relevant issues, opportunities, and desired future character which apply to each of the seven settlement types.

Part 2 of the Guidelines outlines the 5 Design Principles that should apply to each of the Settlements, providing a series of 'desirable' and 'undesirable' practices that are to be applied to five principles for coastal settlements. The 5 Design Principles relate to:

- defining the footprint and boundary of settlements;
- connecting open spaces;

- protecting the natural edges;
- reinforcing the street pattern;
- appropriate buildings in a coastal context.

Part 3 concludes the document and outlines how the Guidelines are to be implemented.

The following addresses the 5 Design Principles contained with the NSW Coastal Design Guidelines that are considered to have relevance to this proposal.

#### Principle 1 - Defining the Footprint and Boundary of Settlements

The subject land is zoned partly B4 Mixed Use Commercial and partly General Residential R1 under the Shoalhaven LEP 2014. These zoning provisions identify the subject land as being suitable for higher density residential development. The zoning provisions clearly reflect the land's proximity to commercial, community, recreational and transport facilities and the opportunities that the land enjoys for higher density residential development.

The footprint of the development has been resolved through consideration and balancing the ecological constraints associated with the land as well as the need to provide sufficient bushfire protection to development. In particular, a population of the threatened plant *Melaleuca biconvexa* is present on the subject land; the population consists of 22 plants covering an area of approximately 32 m<sup>2</sup>. The proposed development will retain this population and provide a 10 metre buffer around the area where the plants are located.

#### Principle 2 - Connecting Open Space Networks

The proposal provides more than ample on-site landscaped and open space areas within the site. In particular careful attention has been given to providing comfortable setbacks between the development and adjoining properties. Given the nature and use of adjoining parcels of land there is no scope to make provision for open space connection through the site.

#### Principle 3 - Protecting the Natural Edges

Adjoining lands comprise commercial and residential uses to the west and residential uses to the south and to the east. Although the subject land would be cleared of the existing modified forest, this forest is poorly connected to other local forested areas located to the north and south of the subject land. The integrity of nearby forested areas to the north and south is therefore unlikely to be affected by the proposed development.

#### Principle 4 - Reinforcing the Street Pattern

The proposal will not require any new road system, and simply reinforces the pattern already established by the alignment of Island Point Road and the extension of Anson Street.

#### Principle 5 - Appropriate Buildings for a Coastal Context

It is considered that the proposal allows for suitable residential development:

- The scale and design of the individual buildings reflect the scale of development anticipated by the zoning and planning provisions that applies to the land; the zone objectives applying to the subject land seek higher density residential development. A 13 metre maximum building height limit also applies to the majority of Lot 1 and all of Lot 6 under Council's planning provisions.
- The proposal will not degrade public domain through significant overshadowing, encroachment on public places, or create unsafe streets.
- The proposal pays due regard to natural hazards and drainage.
- The proposal will not result in future development which is visually unacceptable from key public places.

It is considered that the proposal is consistent with the NSW Coastal Design Guidelines 2003. Further consideration will be given to the Coastal Design Guidelines when future development applications are submitted for each of the buildings identified in the CMP.

## **5.4 REGIONAL STRATEGIES**

### **5.4.1 South Coast Regional Strategy**

The primary purpose of the South Coast Regional Strategy 2006-2031 (SCRS) is to ensure that adequate land is available and appropriately located to sustainably accommodate projected housing and employment needs for the South Coast Region for the next 25 years.

In summary the aims of the strategy include:

- *Protect high value environments including pristine coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring that no new urban development occurs in these important areas and their catchments.*
- *Cater for a housing demand of up to 45,600 new dwellings by 2031 to accommodate the additional 60,000 people expected in the Region over the next 25 years.*

- *Increase the amount of housing in existing centres to ensure the needs of future households are better met, in particular the needs of smaller households and an ageing population.*
- *Prioritise and manage the release of future urban lands to ensure that new development occurs in and around existing well serviced centres and towns.*
- *Use the recommendations of the Sensitive Urban Lands Panel to guide the finalisation of the development form and environmental management of the 17 'sensitive urban lands'.*
- *Manage the environmental impact of settlement by focusing new urban development in existing identified growth areas such as Nowra-Bomaderry, Milton-Ulladulla, Batemans Bay and Bega.*
- *Only consider additional development sites if it can be demonstrated that they satisfy the Sustainability Criteria (Appendix 1).*
- *No new towns or villages will be supported unless compelling reasons are presented and they can satisfy the Sustainability Criteria.*
- *No new rural residential zones will be supported unless as part of an agreed structure plan or settlement strategy.*
- *Ensure an adequate supply of land to support economic growth and provide capacity to accommodate a projected 25,800 new jobs, particularly in the areas of finance, administration, business services, health, aged care and tourism.*
- *Limit development in places constrained by coastal processes, flooding, wetlands, important primary industry resources and significant scenic and cultural landscapes.*
- *Protect the cultural and Aboriginal heritage values and visual character of rural and coastal towns and villages and surrounding landscapes.*

*Where development or rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution to the provision of such infrastructure, having regard to the State Infrastructure Strategy and equity considerations.*

According to this Regional Strategy an additional 26,300 dwellings will be required within the Shoalhaven over the next 25 years, of which approximately 15,800 can potentially be accommodated within existing urban land.

Specific actions; detailed within Section 6 "Housing and Settlement" which have relevance to this project include:

- *Infill housing and new residential subdivisions located adjacent to existing well services centres and towns will be given priority in land release planning.*

### Comment

The proposal represents a form of infill housing providing for an increase in residential density within relatively close proximity of the commercial centre of St Georges Basin.

- *Appropriate housing mix targets will be developed between councils and the Department of Planning to ensure that new housing meets the needs of future households, in particular the needs for smaller households and an ageing population.*
- *Planning provisions will ensure that appropriate housing mix targets can be achieved, in particular the need to provide medium-density housing in and around major regional centres and major towns.*
- *Council's will plan for a range of housing types of appropriate densities, location and suitability, capable of adapting and responding to the ageing population.*

### Comment

The proposal provides an alternative housing option to the surrounding mainly single detached dwellings and is capable of responding to changing housing demands within this locality.

#### **5.4.2 Shoalhaven Housing Strategy**

The Shoalhaven Housing Strategy was adopted by Shoalhaven City Council on the 27<sup>th</sup> June 2006. The Strategy has six broad objectives:

- I. Increase the supply of housing appropriate for people whose needs are poorly met by the existing stock (eg aged, disabled, youth);*
- II. Manage local housing supply to minimise unsustainable peaks and troughs in dwelling prices;*
- III. Support local providers to increase the supply of housing for special needs groups;*
- IV. Increase the supply of affordable housing in the Shoalhaven and retain existing affordable housing.*
- V. Ensure maximum accessibility of available community services and facilities to Shoalhaven residents, particularly those with special needs.*
- VI. Pursue an active housing strategy for the Shoalhaven.*

The Strategy outlines a range of "Actions" to provide a means of implementing the above broad strategies. With respect to this project the following "Actions" have relevance:

- I. Increase the supply of housing appropriate for people whose needs are poorly met by existing stock.*

6. *Permit villa and integrated development in portions of the larger Bay and basin centres (including St Georges Basin).*
  8. *Design planning controls to achieve viable redevelopment within approximately 200 m of retail and community centres, in areas of dwelling stock over 30 years old.*
- IV. *Increase the supply of affordable housing in the Shoalhaven and retain existing affordable housing.*
28. *LEPs applying to residential development in the Milton/Ulladulla and Nowra Bomaderry urban areas and the Bay and Basin district to be amended to include the objectives of retention and also expansion of affordable housing.*

### Comment

A review of the Shoalhaven Housing Strategy and in particular the above actions reveal that the strategy seeks to increase the supply of more affordable housing and broader housing options that are more appropriate for people with special needs within the City; and in particular within the Bay and Basin area and on land within proximity of shops and services.

The subject site directly adjoins the existing St Georges Basin commercial centre. This shopping centre includes a range of retail and other services including supermarket, chemist, tavern and other retail and medical services. Island Point Road also provides public transport (bus) opportunities and direct access to the St Georges Basin Road bypass and link with major transport routes including the Princes Highway and Jervis Bay Road.

Clearly enabling this land to be developed for higher density residential development consistent with existing and proposed zoning provisions at a location which is suitable for providing higher density housing options and is within proximity of commercial and community facilities would be consistent with the objectives of the Shoalhaven Housing Strategy.

### **5.4.3 Jervis Bay Settlement Strategy**

The Jervis Bay Settlement Strategy (JBSS) provides a strategic planning framework for the future of the Jervis Bay region (including the St Georges Basin locality). The JBSS does not zone land; rather it informs the formulation of subsequent LEPs.

The JBSS identifies the importance of the principle of urban renewal and consolidation as a positive move towards sustainability. The strategy identifies the challenge to ensure that future demands for housing and accommodation can be achieved without detrimental impacts on the Region's natural attributes, and are consistent with urban servicing and

infrastructure capabilities, and designed to complement the Region's character. The JBSS identifies that outward urban expansion is limited within the region however there is the potential to increase densities and promote urban consolidation within appropriate areas.

Comment

The CMP is consistent with the principle of urban consolidation and increasing densities within proximity of commercial and service centres. The subject land is considered eminently suitable for higher density residential development given its location and proximity to existing commercial, retail and transport infrastructure.

## 6.0 ASSESSMENT

### 6.1 SECTION 79C(1)(A) – ENVIRONMENTAL PLANNING PROVISIONS

#### 6.1.1 Environmental Planning Instruments

##### 6.1.1.1 *State Environmental Planning Policies (SEPPs)*

###### SEPP No. 14 – Coastal Wetlands

SEPP 14 ensures coastal wetlands are preserved and protected for environmental and economic reasons. Land clearing, levee construction, drainage work or filling may only be carried out within these wetlands with the consent of the local council and the agreement of the Director General of the Department of Planning. Such development also requires an environmental impact statement to be lodged with a development application.

There are no SEPP 14 Coastal Wetlands located within the subject land and therefore the provisions of this policy do not apply to the proposal.

###### SEPP No. 44 – Koala Protection

The Shoalhaven is one of the local government areas in which *State Environmental Planning Policy No. 44 - Koala Habitat Protection* (SEPP 44) (New South Wales 1995) applies. SEPP 44 encourages the conservation and management of natural vegetation that provides habitat for Koalas, to ensure a permanent free-living population over the species' present range and to reverse the current trend of Koala population decline.

SEPP 44 aims to identify "*potential Koala habitat*", which means "*areas of native vegetation where the trees of the types listed in Schedule 2 [of SEPP 44] constitute at least 15% of the total number of trees in the upper or lower strata of the tree component*". If no Schedule 2 tree species are present or if they constitute less than 15% of the total number of trees present, then no further provisions of the Policy apply.

If more than 15% of the trees in the area are Schedule 2 tree species, then an assessment must be made by a qualified person to determine whether the area contains "*core Koala habitat*", a term applied to "*an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population*".

The Ecological Assessment carried out by Kevin Mills & Associates indicates that the subject site is characterised by bare earth following clearing. Regrowth vegetation with weeds occurs across parts of the land, while in the west some trees have been retained, north and south of the road. According to KMA these trees are not important habitat trees



as they are isolated from forest, have no hollows and are not especially important for any threatened species.

Given the above the subject site is unlikely to be considered to be "potential Koala habitat". No further provisions of the Policy apply to the proposal.

*SEPP 65 – Design Quality of Residential Flat Development*

This policy seeks to improve the design of residential flat development (which is defined as buildings of 3 or more storeys and containing 4 or more self-contained dwellings). This development is required to be assessed in accordance with the provisions of this SEPP.

The policy requires good design involving a process where design quality principles are fundamental to outcomes.

The principles to be considered are context, scale, built form, density, resource, energy and water efficiency, landscape, amenity, safety and security, social dimensions and aesthetics.

Under the provisions of the SEPP the application is normally required to be referred to a "Design Review Panel" for assessment. As Council has not formed such a panel a formal review in accordance with the Policy is not possible.

Clause 50 of the Environmental Planning and Assessment regulations stipulates that an application for residential flat development must be accompanied by verification from a qualified designer, being a statement in which the qualified designer verifies that they designed, or directed the design of the residential flat development, and the design quality principles set out in SEPP 65 are achieved for the residential flat development.

Clause 70B of the Environmental Planning and Assessment Regulations however stipulates:

***70B Staged development applications – residential flat development***

*Clause 50 (1A) applies in relation to a staged development application only if the application sets out detailed proposals for the development or part of the development.*

Since this proposal is for a staged development application with the first stage comprising a CMP only; and does not include detailed proposals for the future buildings; verification against SEPP 65 design principles is not required to be provided at this stage pursuant to clause 70B of the Regulations as outlined above, but will be required with subsequent development applications for individual buildings identified by this CMP. However, as far as possible, each of the design principles have been assessed within this CMP, as set out in **Table 8**.

**Table 8**  
**SEPP 65 Assessment**

<b>Matters for Consideration</b>	<b>Proposal Assessed Under SEPP 65</b>
<p><b><u>Aims and Objectives:</u></b></p> <p>a) contribute to sustainable development</p> <p style="padding-left: 20px;">i) by providing sustainable housing in social and environmental terms</p> <p style="padding-left: 20px;">ii) by being a long-term asset to its neighbourhood</p> <p style="padding-left: 20px;">iii) by achieving the urban planning policies for its regional and local contexts.</p> <p>b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define.</p> <p>c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities</p> <p>d) to maximise amenity, safety and security for the benefit of its occupants and the wider community.</p> <p>e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions.</p> <p>f) to contribute to the provision of a variety of dwelling types to meet population growth</p> <p>g) to support housing affordability</p> <p>h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies</p>	<p>The proposal will provide higher density residential development. The subject land is considered eminently suitable for this type of development given its location adjacent to the St Georges Basin commercial area, transport infrastructure and other services.</p> <p>The development is consistent with the zoning objectives for the land.</p> <p>Higher density residential development can provide more affordable and broader housing options for the community and plays an important role in responding to the future changing housing needs of the Shoalhaven area.</p> <p>The development is likely to support the economic viability of the St Georges Basin commercial area.</p>
<p><b><u>Design Principals</u></b></p> <p>Principle 1 – <b><u>Context</u></b></p> <p><input type="checkbox"/> identification of desirable elements of locations current (or future) character</p> <p><input type="checkbox"/> contribution to quality and identify of the area</p>	<p>The development is consistent with the zoning objectives for the land.</p> <p>The development is likely to support the economic viability of the St Georges Basin commercial area.</p> <p>This type of higher density residential development is responding to future requirements for more affordable and broader housing options.</p>
<p>Principle 2 – <b><u>Built Form and Scale</u></b></p> <p><input type="checkbox"/> response to scale of existing buildings</p> <p><input type="checkbox"/> appropriate bulk and height suitable to street and buildings</p>	<p>The development proposes a bulk and scale that reflects the nature of development envisaged by the zones that apply to the land. The proposal for higher density development across both zones is considered</p>

**Table 8 (continued)**

<i><b>Matters for Consideration</b></i>	<i><b>Proposal Assessed Under SEPP 65</b></i>
<ul style="list-style-type: none"> <li><input type="checkbox"/> definition of public domain</li> <li><input type="checkbox"/> contribution to character of streetscape</li> <li><input type="checkbox"/> internal amenity</li> </ul>	<p>appropriate given that the affected R1 land is immediately adjacent to the B4 zoned land and the development in its entirety will provide a consistent form of building across the site.</p> <p>The higher density nature of the proposed development will contrast with the existing single storey and two storey buildings in the vicinity of the development. However, the relatively under-developed nature of much of the land within the vicinity of the site means that the development is unlikely to present conflicts with adjoining properties.</p> <p>A change in scale is of course to be expected for higher density residential development. The proposal is consistent with zoning objectives for the subject land. A contrast in streetscape is unavoidable if the land is to be developed as higher density residential development.</p> <p>Where possible, consideration will be given to responding to contrasts in streetscape when future development applications are submitted for each of the separate buildings. For example, building materials, colours and landscaping could be developed to minimise the contrast between the different types of development. The stepping back of upper levels; and the use of articulation and modulation in building form will also reduce the apparent visual bulk and scale of the development.</p> <p>Further information on building heights is provided in Section 6.3.1.</p> <p>A new road system will not be required; the proposal will reinforce the street pattern established by the alignment of Island Point Road and the extension of Anson Street.</p>
<p>Principle 3 – <b><u>Density</u></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> density appropriate to the site and its context</li> <li><input type="checkbox"/> sustainable and consistent with existing density; or</li> <li><input type="checkbox"/> consistent with stated future density</li> <li><input type="checkbox"/> respond to regional context, availability of infrastructure, public transport, community facilities and environmental quality.</li> </ul>	<p>Relevant zoning objectives identify the subject land as being suitable for higher density development.</p> <p>The subject land is considered eminently suitable for higher density residential development given its location adjacent to the St Georges Basin commercial area and to transport infrastructure and other services.</p> <p>As stated above, this type of higher density residential development is responding to future requirements for more affordable and broader housing options.</p>
<p>Principle 4 – <b><u>Sustainability</u></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> recycling of materials</li> <li><input type="checkbox"/> appropriate and sustainable materials</li> <li><input type="checkbox"/> passive thermal design</li> <li><input type="checkbox"/> natural cross ventilation</li> <li><input type="checkbox"/> passive solar design principles</li> <li><input type="checkbox"/> deep soil zones for vegetation</li> <li><input type="checkbox"/> reuse of materials and waste</li> </ul>	<p>Further details regarding resource, energy and water efficiency will be provided with future development applications that will be submitted for each of the separate buildings.</p>

**Table 8 (continued)**

<b>Matters for Consideration</b>	<b>Proposal Assessed Under SEPP 65</b>
<p>Principle 5 – <b><u>Landscape</u></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> water and soil management coordination</li> <li><input type="checkbox"/> solar access</li> <li><input type="checkbox"/> habitat values</li> <li><input type="checkbox"/> tree canopy values</li> <li><input type="checkbox"/> micro climate suitability</li> <li><input type="checkbox"/> preserving green networks</li> <li><input type="checkbox"/> neighbourhood character</li> <li><input type="checkbox"/> long term management</li> <li><input type="checkbox"/> privacy</li> <li><input type="checkbox"/> amenity</li> <li><input type="checkbox"/> equitable access</li> </ul>	<p>Landscape planting is recommended to include substantial plantings of Black She-oak <i>Allocasuarina littoralis</i> and other local native species. These will provide potential foraging habitat for Glossy black-cockatoos.</p> <p>Landscaping will also retain and protect an existing population of the threatened species <i>Melaleuca Biconvexa</i> that exists on the subject land.</p> <p>Further information on landscaping will be provided in future development applications for each of the separate buildings. These development applications will contain more details for the relevant subsequent stages of the proposal.</p>
<p>Principle 6 – <b><u>Amenity</u></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>appropriate room dimensions and shapes</i></li> <li><input type="checkbox"/> <i>access to sunlight</i></li> <li><input type="checkbox"/> natural ventilation</li> <li><input type="checkbox"/> visual and acoustic privacy</li> <li><input type="checkbox"/> storage</li> <li><input type="checkbox"/> indoor/outdoor space</li> <li><input type="checkbox"/> efficient layouts</li> <li><input type="checkbox"/> service areas</li> <li><input type="checkbox"/> outlook</li> <li><input type="checkbox"/> ease of access</li> </ul>	<p>Further information on amenity will be provided in future development applications for each of the separate buildings. These development applications will contain more details for the relevant subsequent stages of the proposal.</p>
<p>Principle 7 – <b><u>Safety</u></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> overlooking public/communal spaces</li> <li><input type="checkbox"/> internal privacy</li> <li><input type="checkbox"/> well lit / visible areas</li> <li><input type="checkbox"/> street activity</li> <li><input type="checkbox"/> clear, safe access points</li> <li><input type="checkbox"/> quality public spaces</li> <li><input type="checkbox"/> appropriate lighting</li> <li><input type="checkbox"/> clear definition between public and private spaces</li> <li><input type="checkbox"/></li> </ul>	<p>Further information on safety and security will be provided in subsequent development applications for each of the separate buildings. These development applications will contain more details for the relevant subsequent stages of the proposal.</p>
<p>Principle 8 – <b><u>Housing Diversity and Social Integration</u></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> suit social mix and needs in the neighbourhood</li> <li><input type="checkbox"/> provision of housing choice for different demographics, living needs and household budgets</li> <li><input type="checkbox"/> provision of practical and flexible features</li> </ul>	<p>The varying apartment configurations are aimed at providing for a social mix. This will provide for either singles or couples accommodation as well for smaller families who seek the advantages of living within proximity of Jervis Bay as well as nearby commercial areas such as St Georges Basin, Sanctuary Point, Huskisson and Vincentia.</p> <p>The proposal provides an alternative housing option to the surrounding mainly single detached dwellings and is capable of responding to changing housing demands</p>

**Table 8 (continued)**

<b>Matters for Consideration</b>	<b>Proposal Assessed Under SEPP 65</b>
<input type="checkbox"/> communal spaces to provide opportunity for social interaction	<p>within this locality. It provides 2 and 3 bedroom apartments catering to the diverse needs of the population.</p> <p>Further information on communal spaces and features of apartment buildings will be provided in subsequent development applications for each of the separate buildings.</p>
<p>Principle 9 – <b><u>Aesthetics</u></b></p> <input type="checkbox"/> balanced composition of building elements <input type="checkbox"/> variety of textures and colours <input type="checkbox"/> variety of materials <input type="checkbox"/> response to the environment	<p>Further information on aesthetics will be provided in subsequent development applications for each of the separate buildings. These development applications will contain more details for the relevant subsequent stages of the proposal.</p>
<p><b><u>CONCLUSION:</u></b></p> <p><i>The CMP for high density development is considered consistent with the requirements of SEPP 65, subject to further design details being provided as part of future development applications for each of the separate buildings.</i></p> <p><i>Key elements of the above assessment under SEPP 65 are:</i></p> <ul style="list-style-type: none"> <li>• <i>The development proposes a bulk and scale that reflects the nature of development envisaged by the zoning that applies to the land.</i></li> <li>• <i>The subject land is considered eminently suitable for higher density residential development given its location adjacent to the St Georges Basin commercial area and to transport infrastructure and other services.</i></li> <li>• <i>This type of higher density residential development is responding to future requirements for more affordable and broader housing options.</i></li> <li>• <i>The development approach is consistent with development in other similar zoned B4 Mixed Use lands at Huskisson.</i></li> </ul> <p><i>The proposed scale of the development is considered appropriate for the type of development (i.e. higher density residential). A building height of four storeys (13 metres) is proposed and is considered the only economically feasible option for the subject land. Further information on building heights is provided in section 6.3.1.</i></p>	

**SEPP No. 71 – Coastal Protection**

On the 1st November 2002 the State Government gazetted SEPP No. 71. This policy includes the following relevant matters:

- *“identifies State significant development in the coastal zone, and*
- *requires development applications to carry out development in sensitive coastal locations to be referred to the Director-General for comment, and*
- *identifies master plan requirements for certain development in the coastal zone.”*

The coastal zone has the same meaning as in the Coastal Protection Act 1979. This Act essentially maps the area of land and waters that lie to the west of coastal waters. From

a perusal of this mapping it is evident that the coastal zone covers the subject land. Under these circumstances, the subject site would be affected by the provisions of this Policy.

The proposal is consistent with the objectives of the Policy and the matters for consideration, as detailed in clause 8 of the Policy for the following reasons:

- The proposal does not affect or impinge on public access to or along the coastal foreshore.
- The proposed development is situated adjacent to existing residential and commercial areas and is considered to be suitable development given its type, location and design.
- The development will not lead to overshadowing of foreshore areas.
- The scenic qualities of the area will not diminish. Visual impact is further addressed in Section 6.3.1 of this CMP.
- The proposal will not lead to adverse impacts on threatened fauna and flora (refer **Annexure 3**).
- The proposal does not propose any structures that are likely to impact on fish, marine vegetation or their habitats.
- The site is not identified as a wildlife corridor.
- It is considered that the proposal will not lead to conflict between land based and water based coastal activities.
- It is not anticipated that the proposal will impact on Aboriginal heritage.

The subject site is not situated within a Sensitive Coastal Location as defined by the SEPP. Under these circumstances the provisions of Part 3 of the SEPP do not apply to this development.

In terms of the provisions of Part 4 of the SEPP (clauses 13 – 16) the following comments are made:

- The proposed development will not impede or diminish public access to coastal foreshore areas.
- The development will be connected to reticulated sewer.
- The development will not impact upon local stormwater quality (refer Section 6.3.5).

### SEPP Building Sustainability Index (BASIX)

This SEPP was introduced in order to ensure consistency throughout the state in applying the BASIX scheme which aims to encourage sustainable residential development. Given that this proposal is for an initial CMP only at this stage, it is anticipated that BASIX Certification will be provided with subsequent staged Development Applications for each of the separate buildings.

### SEPP State and Regional Development 2011

The NSW Government has introduced from the 1<sup>st</sup> October 2011 a new regime for assessing and determining state significant development. Included within this new regime was the introduction of SEPP (State and Regional Development) 2011 or the State and Regional Development SEPP.

The aims of this SEPP are:

- a) *To identify development that is State significant development,*
- b) *To identify development that is State significant infrastructure and critical State significant infrastructure,*
- c) *To confer functions on joint regional planning panels to determine development applications.*

Schedules 1 and 2 of the SEPP outline those developments that are considered state significant development for the purposes of the SEPP. The proposal does not trigger any of the criteria listed within these schedules. The project is therefore not a state significant development.

The SEPP also makes provisions for Regional Development for which the Joint Regional Planning Panel are the consent authority. The SEPP stipulates that development referred to within Schedule 4A of the EP&A Act are Regional Development. The proposal is listed within Schedule 4A of the Act and therefore does constitute Regional Development.

The consent authority for this development application therefore is the Joint Regional Planning Panel.

### SEPP Infrastructure

SEPP (Infrastructure) was made by the NSW Government on the 21<sup>st</sup> December 2007. The stated aims of the SEPP are to facilitate the effective delivery of infrastructure across the State by:

- (a) *improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*

- (b) *providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) *allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) *identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

Clause 104 of the SEPP deals with traffic generating development and reads:

***“Traffic-generating Development***

***104 Traffic-generating development***

- (1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*
  - (a) *new premises of the relevant size or capacity, or*
  - (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) *In this clause, “relevant size or capacity” means:*
  - (a) *in relation to development on a site that has direct vehicular or pedestrian access to any road – the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
  - (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90 m of the connection – the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
  - (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
  - (b) *take into consideration:*
    - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*



- (ii) *the accessibility of the site concerned, including:*
    - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
    - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
  - (iii) *any potential traffic safety, road congestion or parking implications of the development.*
- (4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.”*

Schedule 3 of this SEPP includes:

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Apartment or residential flat building	300 or more dwellings	75 or more dwellings
Parking	200 or more motor vehicles	50 or more motor vehicles

The proposal, once developed, will comprise 380 dwellings and 783 parking spaces. Shoalhaven City Council are therefore required to consult with the RTA in accordance with the process described above.

Traffic matters are further addressed in Section 6.3.4 of this CMP.

#### **6.1.1.2 Deemed SEPPs (former Regional Planning Provisions)**

##### ***Jervis Bay Regional Environmental Plan 1996***

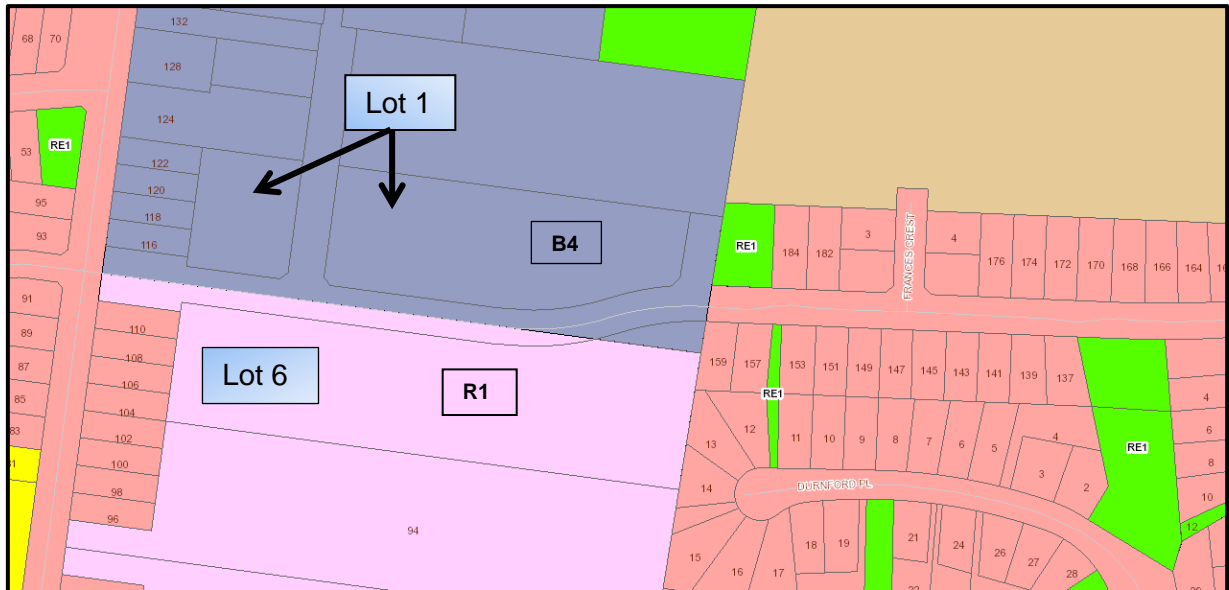
The subject site was located within the area affected by the provisions of the Jervis Bay Regional Environmental Plan (JBREP), the aims of which are to protect the natural and cultural values of Jervis Bay, and to allow proposals that contribute to the natural and cultural values of the area. Clause 1.8 of the Shoalhaven LEP 2014 indicates that the provisions of the Jervis Bay Regional Environmental Plan no longer apply to the subject land.

#### **6.1.1.3 Local Environmental Plans**

##### ***Shoalhaven Local Environmental Plan 2014***

###### *Zone and Zone Objectives*

The subject land is partly zoned Mixed Use B4 and partly General Residential R1 under the Shoalhaven Local Environmental Plan (SLEP) 2014 (see **Figure 4**).



**Figure 4: Zoning under Shoalhaven LEP 2014**

### ***Shoalhaven Local Environmental Plan 2014***

The objectives of the B4 zone state:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The objectives of the R1 zone seek:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To identify land suitable for future urban expansion.*

Clearly the subject land has been identified by the planning provisions as being suitable for higher density residential development given the lands proximity to commercial, community, recreational and transport facilities.

The following developments are listed as permitted with consent for zone B4:

*Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; **Residential flat buildings**; Respite day care centres; Restricted premises; Roads; Seniors*

*housing; **Shop top housing**; Tourist and visitor accommodation; Any other development not specified in item 2 or 4*

The following developments are listed as prohibited for zone B4:

*Agriculture; Air transport facilities; Airstrips; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Wharf or boating facilities*

The following developments are listed as permitted with consent for zone R1:

*Attached dwellings; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Home-based child care; Home businesses; Home industries; Hostels; Jetties; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Registered clubs; **Residential flat buildings**; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Sewerage systems; Shop top housing; Tourist and visitor accommodation; Veterinary hospitals; Water supply systems*

The following developments are listed as prohibited for zone R1:

*Farms stay accommodation; Any other development not specified in item 2 or 3.*

“Commercial premises” are permissible within the B4 zone. Commercial premises by definition include:

*commercial premises means any of the following:*

- (a) business premises,*
- (b) office premises,*
- (c) retail premises.*

Commercial premises, which include “business premises” and “retail premises”, will be permissible within the proposed B4 zone. The commercial floor space component located upon Lot 1 will therefore be permissible upon this land subject to Council’s consent.

Both the B4 and R1 zones both permit with consent Residential Flat Buildings. The B4 zone also permit “Shop Top Housing”.

Residential flat buildings are defined for the purposes of the SLEP 2014 as meaning:

***residential flat building*** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

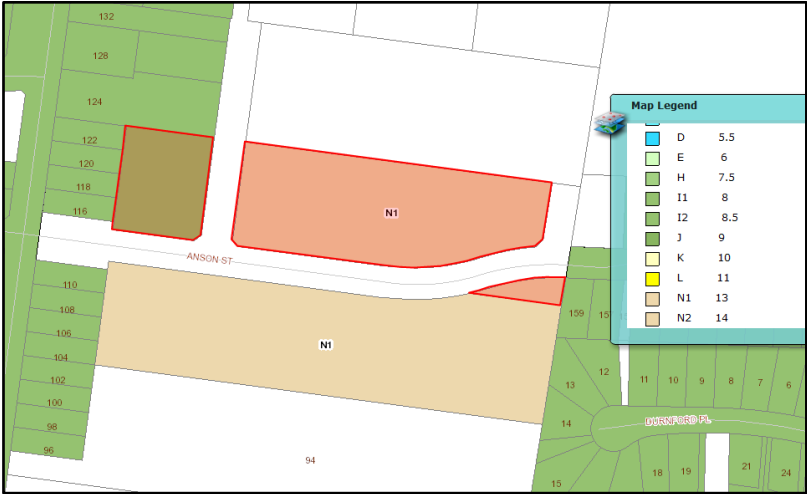
Shop top housing is defined for the purposes of the SLEP 2014 as meaning:

***Shop top housing*** means one or more dwellings located above ground floor retail premises or business premises.

Housing provided above the proposed retail and business premises on Lot 1 will be permissible as shop top housing.

SLEP 2014 also has a number of specific provisions that will apply to the land, including provisions that relate to building heights. The implications that these provisions have in relation to this proposal are discussed in **Table 9** below.

**Table 9**  
**Shoalhaven LEP 2014 Provisions**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
<p>4.3 <i>Height of Buildings</i></p>	<p>(1) <i>The objectives of this clause are as follows:</i></p> <p>(a) <i>to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,</i></p> <p>(b) <i>to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</i></p> <p>(c) <i>to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.</i></p> <p>(2) <i>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</i></p> <p>(2A) <i>If the Height of Buildings Map does not show a maximum height for any land, the height of a building on the land is not to exceed 11 metres.</i></p>	<p>The <i>Height of Buildings Map</i> that accompanies the SLEP 2014 identifies a maximum building height of 13 m for the majority of Lot 1 and all of Lot 6. That portion of Lot 1 to the west of the north-south service road has a building height limit of 8 metres</p>  <p style="text-align: center;"><b>Figure 5: Building Height SLEP 2014</b></p> <p>The CMP proposes building envelopes that will be compliant with this requirement.</p>
<p>5.5 <i>Development within the coastal zone</i></p>	<p>(1) <i>The objectives of this clause are as follows:</i></p> <p>(a) <i>to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,</i></p>	<p>The subject land is located within the coastal zone. The CMP is not considered to adversely affect the coastal zone based on the following:</p> <ul style="list-style-type: none"> <li>• The CMP proposal does not affect or impinge on public access to or along the coastal foreshore.</li> </ul>

**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
5.5 continued	<p>(b) to implement the principles in the NSW Coastal Policy, and in particular to:</p> <p>(i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and</p> <p>(ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and</p> <p>(iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and</p> <p>(iv) recognise and accommodate coastal processes and climate change, and</p> <p>(v) protect amenity and scenic quality, and</p> <p>(vi) protect and preserve rock platforms, beach environments and beach amenity, and</p> <p>(vii) protect and preserve native coastal vegetation, and</p> <p>(viii) protect and preserve the marine environment, and</p> <p>(ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</p> <p>(x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and</p> <p>(xi) protect Aboriginal cultural places, values and customs, and</p> <p>(xii) protect and preserve items of heritage, archaeological</p>	<ul style="list-style-type: none"> <li>• The CMP proposal is situated adjacent to existing mixed use and residential areas and is considered to be suitable development given its type, location and design. The development is also consistent with the zoning objectives for the land.</li> <li>• The CMP proposal will not lead to overshadowing of foreshore areas.</li> <li>• The scenic qualities of the area will not diminish. Scenic impact is further addressed in Section 6.3.1 of this SEE.</li> <li>• The CMP proposal will not lead to adverse impacts on threatened fauna and flora.</li> </ul> <p>The subject site is connected to reticulated town water and sewerage. It would be anticipated that future development application for individual components of the project would be the subject of soil and water management plans.</p>

**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
5.5 continued	<p>(2) <i>Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:</i></p> <p style="margin-left: 20px;">(a) <i>existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:</i></p> <p style="margin-left: 40px;">(i) <i>maintaining existing public access and, where possible, improving that access, and</i></p> <p style="margin-left: 40px;">(ii) <i>identifying opportunities for new public access, and</i></p> <p style="margin-left: 20px;">(b) <i>the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:</i></p> <p>(3) <i>Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:</i></p> <p style="margin-left: 20px;">(a) <i>the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and</i></p> <p style="margin-left: 20px;">(b) <i>if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and</i></p>	

**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
5.5 continued	<p>(c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and</p> <p>(d) the proposed development will not:</p> <p style="margin-left: 20px;">(i) be significantly affected by coastal hazards, or</p> <p style="margin-left: 20px;">(ii) have a significant impact on coastal hazards, or</p> <p style="margin-left: 20px;">(iii) increase the risk of coastal hazards in relation to any other land.</p>	
5.10 Heritage Conservation	<p>(1) The objectives of this clause are:</p> <p style="margin-left: 20px;">(a) to conserve the environmental heritage of Shoalhaven; and</p> <p style="margin-left: 20px;">(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views; and</p> <p style="margin-left: 20px;">(c) to conserve archaeological sites; and</p> <p style="margin-left: 20px;">(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p> <p>(2) Development consent is required for any of the following:</p> <p style="margin-left: 20px;">(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</p> <p style="margin-left: 40px;">(i) a heritage item,</p> <p style="margin-left: 40px;">(iii) a building, work, relic or tree within a heritage conservation area,</p>	<p>The <i>Heritage Map</i> that supports the SLEP 2014 identifies that there are <u>no heritage items</u> within the subject land nor within the immediate vicinity of the subject land.</p> <p>The provisions of this clause therefore do not apply to the subject site.</p>



**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
5.10 continued	<ul style="list-style-type: none"> <li>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</li> <li>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</li> <li>(d) disturbing or excavating an Aboriginal place of heritage significance,</li> <li>(e) erecting a building on land:               <ul style="list-style-type: none"> <li>(i) on which a heritage item is located or that is within a heritage conservation area;</li> <li>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</li> </ul> </li> <li>(f) subdividing land:               <ul style="list-style-type: none"> <li>(i) on which a heritage item is located or that is within a heritage conservation area, or</li> <li>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</li> </ul> </li> <li>(ii) an Aboriginal object,</li> </ul>	
7.1 Acid sulfate soils	<ul style="list-style-type: none"> <li>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</li> <li>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works, except as provided by this clause.</li> </ul>	<p>The subject site is assessed as Class 5 Acid Sulfate Soil. Excavation works may the required to be undertaken below 5 metres Australian Height Datum and possibly will be undertaken within 500 metres of Class 2 soils</p>

**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>												
7.1 continued	<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;"><i>Class of Land</i></th> <th style="text-align: center;"><i>Works</i></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td><i>Any works.</i></td> </tr> <tr> <td style="text-align: center;">2</td> <td><i>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</i></td> </tr> <tr> <td style="text-align: center;">3</td> <td><i>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</i></td> </tr> <tr> <td style="text-align: center;">4</td> <td><i>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</i></td> </tr> <tr> <td style="text-align: center;">5</td> <td><i>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i></td> </tr> </tbody> </table> <p>(3) <i>Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</i></p>	<i>Class of Land</i>	<i>Works</i>	1	<i>Any works.</i>	2	<i>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</i>	3	<i>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</i>	4	<i>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</i>	5	<i>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i>	<p>An assessment will be undertaken to determine whether ASS Soils are present on the site as part of the individual applications for individual developments when the final design details of individual projects are known. If the site is found to contain ASS soils an Acid Sulfate Management Plan will be prepared for the affected site.</p>
<i>Class of Land</i>	<i>Works</i>													
1	<i>Any works.</i>													
2	<i>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</i>													
3	<i>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</i>													
4	<i>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</i>													
5	<i>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i>													

**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.1 continued	<p>(4) <i>Despite subclause (2), development consent is not required under this clause for the carrying out of works if:</i></p> <p style="margin-left: 20px;">(a) <i>a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and</i></p> <p style="margin-left: 20px;">(b) <i>the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</i></p> <p>(5) <i>Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):</i></p> <p style="margin-left: 20px;">(a) <i>emergency work, being the repair of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,</i></p> <p style="margin-left: 20px;">(b) <i>routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil).</i></p> <p style="margin-left: 20px;">(c) <i>minor work, being work that costs less than \$20,000 (other than drainage work).</i></p> <p>(6) <i>Despite subclause (2), development consent is not required under this clause to carry out any works if:</i></p>	

**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.1 <i>continued</i>	<ul style="list-style-type: none"> <li>(a) <i>the works involve the disturbance of less than 1 tonne of soil, and</i></li> <li>(b) <i>the works are not likely to lower the watertable.</i></li> </ul>	
7.3 <i>Flood planning land</i>	<ul style="list-style-type: none"> <li>(1) <i>The objectives of this clause are as follows:</i> <ul style="list-style-type: none"> <li>(a) <i>to minimise the flood risk to life and property associated with the use of land,</i></li> <li>(b) <i>to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</i></li> <li>(c) <i>to avoid significant adverse impacts on flood behaviour and the environment.</i></li> </ul> </li> <li>(2) <i>This clause applies to:</i> <ul style="list-style-type: none"> <li>(a) <i>land identified as "Flood Planning Area" on the Flood Planning Area Map, and</i></li> <li>(b) <i>other land at or below the flood planning level.</i></li> </ul> </li> <li>(3) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</i> <ul style="list-style-type: none"> <li>(a) <i>is compatible with the flood hazard of the land, and</i></li> <li>(b) <i>will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</i></li> <li>(c) <i>incorporates appropriate measures to manage risk to life from flood, and</i></li> <li>(d) <i>will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</i></li> </ul> </li> </ul>	<p>The subject land is not identified as a <i>Flood Planning Area</i> by mapping supporting the SLEP 2014.</p> <p>The provisions of this clause therefore do not apply to the subject land.</p>

**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.3 continued	<p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and</p> <p>(f) will not affect the safe occupation or evacuation of the land.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.</p> <p>(5) In this clause:  <b>flood planning level</b> means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.</p>	
7.4 Coastal Risk Planning	<p>(1) The objectives of this clause are as follows:</p> <p>(a) to avoid significant adverse impacts from coastal hazards,</p> <p>(b) to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,</p> <p>(c) to enable the evacuation of land identified as coastal risk in an emergency,</p> <p>(d) to avoid development that increases the severity of coastal hazards.</p> <p>(2) This clause applies to the land identified as “Coastal Risk Planning Area” on the Coastal Risk Planning Map.</p>	<p>The Coastal Risk Planning Map that accompanies the SLEP 2014 does <u>not</u> identify the subject land as a “Coastal Risk Planning Area”.</p> <p>The provisions of this clause therefore do not apply to the subject site.</p>

**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.4 continued	<p>(3) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</i></p> <ul style="list-style-type: none"> <li>(a) <i>will avoid, minimise or mitigate exposure to coastal processes, and</i></li> <li>(b) <i>is not likely to cause detrimental increases in coastal risks to other development or properties, and</i></li> <li>(c) <i>is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and</i></li> <li>(d) <i>incorporates appropriate measures to manage risk to life from coastal risks, and</i></li> <li>(e) <i>is likely to avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards, and</i></li> <li>(f) <i>provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards, and</i></li> <li>(g) <i>has regard to the impacts of sea level rise.</i></li> </ul> <p>(4) <i>A word or expression used in this clause has the same meaning as it has in the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this clause.</i></p> <p>(5) <i>In this clause, coastal hazard has the same meaning as in the Coastal Protection Act 1979.</i></p>	

**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.5 <i>Terrestrial Biodiversity</i>	<p>(1) <i>The objective of this clause is to maintain terrestrial biodiversity, by:</i></p> <ul style="list-style-type: none"> <li>(a) <i>protecting native flora and fauna,</i></li> <li>(b) <i>protecting the ecological processes necessary for their continued existence, and</i></li> <li>(c) <i>encouraging the recovery of native flora and fauna, and their habitats.</i></li> </ul> <p>(2) <i>This clause applies to land:</i></p> <ul style="list-style-type: none"> <li>(a) <i>identified as “Biodiversity—habitat corridor” or “Biodiversity—significant vegetation” on the Terrestrial Biodiversity Map, and</i></li> <li>(b) <i>situated within 40m of the bank (measured horizontally from the top of the bank) of a natural waterbody</i></li> </ul> <p>(3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider:</i></p> <ul style="list-style-type: none"> <li>(a) <i>whether the development is likely to have:</i> <ul style="list-style-type: none"> <li>(i) <i>any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i></li> <li>(ii) <i>any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i></li> <li>(iii) <i>any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i></li> <li>(iv) <i>any adverse impact on the habitat elements providing connectivity on the land, and</i></li> </ul> </li> <li>(b) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></li> </ul>	<p>The <i>Terrestrial Biodiversity Map</i> that accompanies the SLEP 2014 does <u>not</u> identify the subject land as including areas of <i>Biodiversity - habitat corridor</i> and/or <i>Biodiversity - significant vegetation</i>.</p> <p>There are no natural waterbodies located within the subject land.</p> <p>This SEE is supported by an ecological assessment undertaken by Kevin Mills &amp; Associates (KMA). This assessment concludes that there will be no significant effects on flora and fauna. A copy of this assessment forms <b>Annexure 3</b> to this SEE. Biodiversity is further addressed in Section 6.3.2 of this SEE.</p>

**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.5 continued	<p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p>(5) For the purpose of this clause:</p> <p><b>bank</b> means the limit of the bed of a natural waterbody.</p> <p><b>bed</b>, of a natural waterbody, means the whole of the soil of the channel in which the waterbody flows, including the portion that is alternatively covered and left bare with an increase or diminution in the supply of water and that is adequate to contain the waterbody at its average or mean stage without reference to extraordinary freshets in the time of flood or to extreme droughts.</p>	
7.6 Riparian land and watercourses	<p>(1) The objective of this clause is to protect and maintain the following:</p> <p>(a) water quality within watercourses,</p> <p>(b) the stability of the bed and banks of watercourses,</p> <p>(c) aquatic and riparian habitats,</p>	<p>The Riparian Lands and Watercourses Map that accompanies the SLEP 2014 does not identify any riparian land or watercourses within the subject site.</p> <p>The provisions of this clause therefore do not apply to the subject land.</p>



**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.6 continued	<p>(d) <i>ecological processes within watercourses and riparian areas.</i></p> <p>(2) <i>This clause applies to all of the following:</i></p> <p>(a) <i>land identified as “Riparian Land” on the Riparian Lands and Watercourses Map,</i></p> <p>(b) <i>land identified as “Watercourse Category 1”, “Watercourse Category 2” or “Watercourse Category 3” on that map,</i></p> <p>(c) <i>all land that is within 50 metres of the top of the bank of each watercourse on land identified as “Watercourse Category 1”, “Watercourse Category 2” or “Watercourse Category 3” on that map.</i></p> <p>(3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider:</i></p> <p>(a) <i>whether or not the development is likely to have any adverse impact on the following:</i></p> <p style="margin-left: 20px;">(i) <i>the water quality and flows within the watercourse,</i></p> <p style="margin-left: 20px;">(ii) <i>aquatic and riparian species, habitats and ecosystems of the watercourse,</i></p> <p style="margin-left: 20px;">(iii) <i>the stability of the bed and banks of the watercourse,</i></p> <p style="margin-left: 20px;">(iv) <i>the free passage of fish and other aquatic organisms within or along the watercourse,</i></p> <p style="margin-left: 20px;">(v) <i>any future rehabilitation of the watercourse and its riparian areas, and</i></p> <p>(b) <i>whether or not the development is likely to increase water extraction from the watercourse, and</i></p>	

**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.6 continued	<p>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p>(5) For the purpose of this clause:  <b>bank</b> means the limit of the bed of a watercourse.  <b>bed</b>, of a watercourse, means the whole of the soil of the channel in which the watercourse flows, including the portion that is alternatively covered and left bare with an increase or diminution in the supply of water and that is adequate to contain the watercourse at its average or mean stage without reference to extraordinary freshets in the time of flood or to extreme droughts.</p>	
7.8 Scenic protection	<p>(1) The objective of this clause is to protect the natural environmental and scenic amenity of land that is of high scenic value.</p> <p>(2) This clause applies to land identified as “Scenic Protection” on the Scenic Protection Area Map.</p>	<p>The subject land is <u>not</u> identified as being within a “Scenic Protection” area by <i>Scenic Protection Area Mapping</i> that accompanies the SLEP 2014. The provisions of this clause therefore do not apply to the subject site.</p>

**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.8 continued	<p>(3) <i>In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must:</i></p> <p>(a) <i>consider the visual impact of the development when viewed from a public place and be satisfied that the development will involve the taking of measures that will minimise any detrimental visual impact, and</i></p> <p>(b) <i>consider the number, type and location of existing trees and shrubs that are to be retained and the extent of landscaping to be carried out on the site, and</i></p> <p>(c) <i>consider the siting of the proposed buildings.</i></p>	
7.20 Development in the Jervis Bay Region	<p>(1) <i>The objectives of this clause are as follows:</i></p> <p>(a) <i>to protect the natural and cultural values of the Jervis Bay region,</i></p> <p>(b) <i>to ensure that development in the region contributes to the natural and cultural values of the region.</i></p> <p>(2) <i>This clause applies to land in the Jervis Bay region identified as “CI 7.20” on the Clauses Map.</i></p> <p>(3) <i>Development consent must not be granted to development in a coastal sand dune area, on a rocky headland or on a flat, well-drained area along a major creekline unless the consent authority is satisfied that there will be no significant adverse impact on the natural or cultural values of the area.</i></p> <p>(4) <i>Development in the vicinity of the Point Perpendicular lighthouse group (including the lighthouse, generator, annexe, three residences and ancillary structure), being land to which this clause applies, must be compatible with that group and be complementary to that group in terms of design and external colour.</i></p>	<p>The <i>Clauses Map</i> that accompanies the SLEP 2014 identifies that the subject land is located within the Jervis Bay Region.</p> <p>There are not considered to be any significant effects on the natural and cultural values of the subject land as a result of the proposal.</p> <p>The site does not consist of a coastal sand dune, rocky headland or flat, well drained area along a creek.</p> <p>The subject land is not located within the vicinity of either the Point Perpendicular lighthouse group or the Huskisson Tapalla Point rock platform.</p>

**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.20 continued	<p>(5) <i>Development in the vicinity of the Huskisson Tapalla Point rock platform, being land to which this clause applies, must be compatible with that geological site.</i></p> <p>(6) <i>Development on land to which this clause applies and identified as “Biodiversity—habitat corridor” on the Terrestrial Biodiversity Map must be designed to:</i></p> <p style="margin-left: 20px;">(a) <i>minimise disturbance to the existing structure and species composition of native vegetation communities, and</i></p> <p style="margin-left: 20px;">(b) <i>allow native fauna and flora to feed, breed, disperse, colonise or migrate (whether seasonally or nomadically), and</i></p> <p style="margin-left: 20px;">(c) <i>regenerate and revegetate degraded lands with local native species.</i></p> <p><i>Evidence of how these criteria are achieved is to be submitted with any application to develop land that is subject to this subclause.</i></p> <p>(7) <i>If a development application for development on land to which this clause applies involves a public utility undertaking, or a public or private access road through land identified as “Biodiversity — habitat corridor” on the Terrestrial Biodiversity Map, development consent must not be granted for the development unless the consent authority is satisfied that there will be no significant adverse impacts on the ecology of that habitat corridor.</i></p> <p>(8) <i>Development consent must not be granted for development on land to which this clause applies and specifically identified as “Disturbed habitat and vegetation Cl 7.20” on the Terrestrial Biodiversity Map unless the consent authority is satisfied that the development is designed to maximise the retention of native vegetation and the rehabilitation of degraded areas.</i></p>	<p>The <i>Terrestrial Biodiversity Map</i> that accompanies the SLEP 2014 does <u>not</u> identify the subject land as including areas of <i>Biodiversity - habitat corridor</i> and/or <i>Biodiversity - significant vegetation</i>.</p> <p>Development does not involve a public utility undertaking or private or public access road through land identified as “<i>Biodiversity — habitat corridor</i>” nor is the subject land identified as “<i>Disturbed habitat and vegetation Cl 7.20</i>” on the <i>Terrestrial Biodiversity Map</i>.</p> <p>Land identified as “<i>Disturbed habitat and vegetation Cl 7.20</i>” on the <i>Terrestrial Biodiversity Map</i> does not apply to site.</p>

**Table 9 (continued)**

<b>SLEP 2014 Clause</b>	<b>Provisions</b>	<b>Comments</b>
7.20 continued	<p>(9) <i>Development consent must not be granted for development for tourist and visitor accommodation and ancillary facilities on land to which this clause applies unless the consent authority is satisfied that the development will contribute to:</i></p> <p>(a) <i>the variety of activities and accommodation for visitors, and</i></p> <p>(b) <i>visitor appreciation of the natural and cultural values of the region.</i></p>	The proposal is not a tourism development.

#### **6.1.1.4 Development Control Plans (DCP) and Policies**

##### ***Shoalhaven Development Control Plan 2014***

The proposed development is affected by the provisions of the Shoalhaven Development Control Plan (DCP) 2014. The Shoalhaven DCP 2014 is divided into a series of chapters which outline controls in detail.

Having regard to this proposal, the following chapters of the Shoalhaven DCP 2014 are considered to have relevance to this application:

- Chapter 2 – General and Environmental Considerations;
- Chapter G1 – Site Analysis, Sustainable Design and Building Materials in Rural and Coastal Areas;
- Chapter G2 – Sustainable Stormwater Management and Erosion/Sediment Control;
- Chapter G3 – Landscaping Design Guidelines;
- Chapter G5 – Threatened Species Impact Assessment;
- Chapter G7 – Waste Minimisation and Management;
- Chapter G14 – Other Residential; Development; and
- Chapter G21 – Car Parking and Traffic.

##### ***Chapter 2 – General and Environmental Considerations***

This chapter of the DCP sets out requirements in relation to potentially contaminated land, European heritage and Aboriginal cultural heritage. The proposal complies with these requirements.

##### ***Chapter G1 – Site Analysis, Sustainable Design and Building Materials in Rural and Coastal Areas***

Chapter G1 sets out controls for the management of the natural and built environment including site analysis, energy efficiency and solar access. The proposal complies with the requirements of this chapter and in particular the following comments are made:

- A Site Plan is submitted in support of the development application that shows the key features of the site and the proposed development (see **Annexure 1**).

### ***Chapter G2 – Sustainable Stormwater Management and Erosion/Sediment Control***

Chapter G2 stipulates the controls for stormwater measure which must be applied to development. This CMP is supported by a Utilities Investigation Report prepared by Allen Price & Scarratts, which addresses stormwater drainage in relation to the proposed CMP. Stormwater drainage is also discussed in Section 6.3.5 of this SEE.

### ***Chapter G3 – Landscaping Design Guidelines***

Conceptual landscape plans will be provided with future development applications that will be submitted for each of the separate buildings.

### ***Chapter G5 – Threatened Species Impact Assessment***

The purpose of this Chapter is to provide information and assistance to applicants, who may be required to consider the effect of a proposed development, activity or action on threatened species.

Kevin Mills & Associates (KMA) were engaged to undertake a Flora and Fauna Assessment of this proposal. This land has been investigated on several occasions. In 2000 Kevin Mills & Associates (KMA) prepared a report with a detailed description of the flora, fauna, ecological communities and habitat on Lot 1. KMA later prepared a supplementary report (2006a, 2006b) and a targeted survey report for the Yellow-bellied Glider and Glossy Black-Cockatoo, respectively. The presence of the threatened plant *Melaleuca biconvexa* has been investigated on several occasions (KMA 2001, 2010a, 2010b), and a similar Masterplan was assessed by KMA (2012). The original natural vegetation on the subject land was previously described in the reports by the consultant noted above. Most of this vegetation has, with approval from Shoalhaven City Council, been removed in the intervening years. Today, little vegetation occurs on the land. The current assessment by KMA is based upon the condition of the land as it is today. This assessment is provided in **Annexure 3** to this SEE

Flora and Fauna is further discussed in Section 6.3.3 of the SEE

### ***Chapter G7 – Waste Minimisation and Management***

Chapter G7 provides information in relation to Waste Minimisation and Management Controls. The key feature of this chapter is the requirement that a Waste Minimisation and Management Plan accompany a development application. The Waste Management Plan is required to specify waste by type, volume and nominate reuse and recycling potential. A Waste Minimisation and Management Plan will be provided with subsequent Development Applications for individual buildings.

### ***Chapter G14 – Other Residential Development***

This chapter specifies controls for medium density developments such as multi dwelling housing and residential flat buildings. Section 5.3 specifies controls for residential flat buildings. These controls are limited as, due to the provisions of *SEPP 65 - Design Quality of Residential Apartment Development*, the development will be subject to the design provisions of the NSW Apartment Design Code.

Since this proposal is for a staged development application with the first stage comprising a CMP only; and does not at this stage include detailed proposals for the future buildings; verification against SEPP 65 design principles is not required to be provided at this stage but will be provided with subsequent development applications for individual buildings. A SEPP 65 verification statement which includes a compliance checklist of the development against the provisions of the Apartment Design Guide will be prepared by project architects and provided with the development applications of individual buildings.

### ***Chapter G21 – Car Parking Requirements***

The objectives of this Chapter are to:

- i. Ensure that adequate off street parking is provided in conjunction with development throughout the City.*
- ii. Discourage the use of streets for parking vehicles associated with traffic generated by new development.*
- iii. Ensure that car parking areas are functional and operate efficiently.*
- iv. Ensure that car parking areas visually attractive.*
- v. Ensure that car parking facilities are safe and meet the needs of users.*
- vi. Ensure that all vehicles enter and leave a site in forward direction and that the manoeuvring of vehicles does not take place within the road reserve, but within the subject site.*
- vii. To encourage developments, that through their operations, contribute to the vitality and liveability within CBD areas.*
- viii. Address the principles of ecologically sustainable development.*
- ix. To ensure the traffic and road safety implications of development are adequately assessed in accordance with current guidelines and standards.*
- x. To ensure that measures are put in place to offset any adverse traffic and road safety impacts of development.*

The proposal provides for 783 off-street parking spaces. Specific car parking plans for each building proposed will be submitted with future development applications that will be or each of the separate buildings. These plans will be assessed against the provisions of



Chapter G21. A calculation of the car parking requirements for the proposed buildings has been undertaken and is provided in section 6.3.4 of the CMP.

***Chapter N23 – St Georges Basin Village Centre***

Chapter N23 refers to the St Georges Basin Village Centre. The purpose of this Chapter is to guide development of a neighbourhood shopping village to service the requirements of residents in the vicinity of Island Point Road St Georges Basin. This site-specific chapter of the Shoalhaven Development Control Plan 2014 applies to Lot 1 of the subject site (except for the north-eastern corner of Lot 6).

Lot 6 is largely not located within the area affected by that chapter so it does not apply to that section of the subject land.

**Table 10** addresses those provisions of this chapter of the DCP that have relevance to this CMP.

**Table 10**  
**Chapter N23: St Georges Basin Village Centre**

<i>Performance Criteria</i>	<i>Acceptable Solutions</i>	<i>Comments</i>
<b>5.1 Neighbourhood Centre</b>		
<b>5.1.2 Traffic facilities, access, pedestrians and car parking</b>		
P1 Major pedestrian pathways connecting retail anchor developments with specialty shops should be wide enough to allow passing by of a variety of users, i.e, pedestrians, scooters for the aged or disabled, shopping trolleys, wheelchairs etc	A1.1 Major pedestrian desire lines should have footpaths a minimum of 2.5m wide.  A1.2 Where major pedestrian desire lines occur between development modules (as shown on the supporting map), footpaths should be designed to not exceed 3% grades over their longitudinal length. Scissor type ramps are to be discouraged.  A1.3 Location of footpaths is shown indicatively on the supporting map.	The plan supporting Chapter N23 shows a shared cycling/footpath along the Anson Street frontage of Lot 1, as well as along the eastern side of the Village Access Road. The CMP makes provision of this cycleway/footpath along these road frontages.
P2 Traffic movements are to minimise conflicts with traffic flows along the major collector road of Island Point Road.	A2.1 Access where possible should be to the minor access roads and service roads rather than Island Point Road, unless shown on the supporting map.	All vehicle access is either from Anson Street or the Village Access Road. No direct access to Island Point Road is proposed.
<b>5.1.3 Service Lanes</b>		
P6 Onsite car parking is to be provided to meet the needs of future development.	A6.1 Generally, off-street car parking is to be provided on-site in accordance with <i>Chapter G21: Car Parking and Traffic</i> .	The CMP has calculated anticipated offstreet car parking for the overall development based upon the provisions of Chapter G2. Future development applications will need to demonstrate compliance with these requirements.
<b>5.2 Civic Domain</b>		
P4 Minimise overshadowing to publicly accessible open spaces.	A4.1 Buildings are to be designed to minimise shadowing to publicly accessible open spaces.	The proposal will not result in overshadowing of the public domain.

**Table 10 (continued)**

<i>Performance Criteria</i>		<i>Acceptable Solutions</i>		<i>Comments</i>
<b>5.3 Other Requirements</b>				
<b>5.3.1 Land Use Considerations</b>				
P1	The land adjoining the Neighbourhood Centre may be used for a number of uses which support the economic viability of the area.	A1.1	Appropriate land use activities may include Seniors Living, Tourist accommodation establishments, Tourist and Recreation Facilities, Higher Density and Medium Density Housing	The CMP proposes a mixed use development on Lot 1 on the western side of the Village Access Road; and higher density residential development on the eastern side of the Village Access Road consistent with this part of the DCP. The lower level retail and business premises will be permissible under the B4 zone that applies to this land.
<b>5.3.2 Building Requirements</b>				
P1	Height of development within the Neighbourhood Centre is to be of a bulk and size that relates to the existing surrounding development and the natural attributes of the area	A1.1	The maximum height of any building must comply with clause 4.3 of the Shoalhaven LEP 2014.	The CMP has been formulated in a manner that is consistent with the Building Height Map that supports the SLEP 2014.
		A1.2	Development within the Neighbourhood Centre is limited to 2 storeys as measured from existing ground level.	
P2	Building Lines will ensure that: 1) Existing parking areas can be made more effective; 2) Future traffic requirements can be provided, i.e. roundabouts, service lanes, perimeter roads; 3) Adequate open space can be provided to maintain the objectives of the Plan; 4) Adequate landscaped buffers can be provided to maintain residential amenity, and/or the environment.	A2.1	Future development shall comply with buildings lines shown on the supporting map.	No building lines apply to Lot 1.  Appropriate setbacks have been provided to adjoining boundaries consistent with the NSW Apartment Design Guide.

**Table 10 (continued)**

<i>Performance Criteria</i>	<i>Acceptable Solutions</i>	<i>Comments</i>
<b>5.3.3 Building Design</b>		
<p>P4 Development should be sustainable and reinforce the general neighbourhood character while promoting good innovative design which delights and interests the local community and adds architectural quality to the area.</p> <p>Physical qualities of texture, colour and space are important character building elements in St Georges Basin. The vegetation types, the water bodies and the sand all influence the design of new elements.</p>	<p>A4.1 Development is to demonstrate how the proposed design has a relationship to the natural features of the area in terms of materials, colours, roof form and texture. A schedule of colour finishes and materials is to be submitted with any development application.</p>	<p>Future development applications for staged development will need to demonstrate compliance with this requirement.</p>
	<p>A4.2 Very shiny surfaces and large expanses of reflective glass are generally inappropriate in this area.</p>	<p>Future development applications for staged development will need to demonstrate compliance with this requirement.</p>
	<p>A4.3 Any future development is to be designed in accordance with ecologically sustainable design principles.</p>	<p>Future development applications for staged development will need to demonstrate compliance with this requirement.</p>
<b>5.3.4 Bulk and Scale</b>		
<p>P5 As the majority of buildings in St Georges Basin have small frontages, new development should be designed to reflect this built scale.</p>	<p>A5.1 Infill development, particularly on Island Point Road, should be compatible with the existing bulk and scale of development in the street frontage and building mass to the rear.</p> <p>A5.2 Building mass and scale should be designed to complement rather than dominate its natural surroundings.</p>	<p>The building envelopes have been designed with the setting back of upper floors from front and rear setbacks to reduce the visual bulk of development. Future development applications for staged development will need to further demonstrate compliance with this requirement.</p>
<b>5.3.5 Landscaping</b>		
<p>P1 Landscape measures are to be designed to soften paved areas, provide shade to car parks and introduce colour to the Centre. Site planning should incorporate as many of the existing trees into the development, particularly within off-street car parking areas. Development should allow the landscape to dominate rather than the structures.</p>	<p>A1.1 Existing trees are to be identified with development proposals, and where significant tree clearing is required, landscape plans shall ensure that additional tree planting is provided that maintains the principle of allowing the landscape to dominate over the built structures.</p>	<p>Little in the way of existing vegetation remains on the site.</p>

**Table 10 (continued)**

<i>Performance Criteria</i>	<i>Acceptable Solutions</i>	<i>Comments</i>
	<p>A1.2 Exotic species should be used for feature planting or access to winter sun, thereby allowing native species to predominate.</p> <p>A1.3 Built elements by way of colour and material finishes shall blend with the natural treed landscape.</p>	Future development applications for staged development will need to demonstrate compliance with this requirement.
<b>5.3.7 Water quality, wastewater and stormwater drainage</b>		
<p>P1 To minimise impacts of development on the natural stream systems ensure that the water quality of discharges to surface and underground receiving waters, including St Georges Basin, is maintained both during and after construction.</p> <p>P2 Prepare appropriate <b>Water quality management strategies</b> based on the principles of ecological Development Principles and Water Sensitive Urban Design.</p>	<p>A1.1 Development should comply with <i>Chapter G2: Sustainable Stormwater Management &amp; Erosion/Sediment Controls</i>.</p> <p>A1.2 Preparation of a <b>Water Quality Management Strategy</b> (detailed below) showing how the water quality in St Georges Basin will be maintained and improved.</p> <p>A1.3 Hard engineering solutions involving overly large piped drainage systems should be avoided.</p> <p>A1.4 Reduce runoff from area to predeveloped levels up to 1:100 year event by on site detention.</p> <p>A1.5 Adequate provision is to be made during construction to ensure that landform is stabilised and erosion is controlled.</p> <p>A1.6 Drainage easements in favour of Council may be required to be dedicated and constructed by the developer.</p> <p>A1.7 Overland flow of stormwater across part of Lot 2 DP 785956 (132 Island Point Rd) is to be retained through the Village Green.</p>	The SEE is supported by an Infrastructure Assessment prepared by Allen Price & Scarratts ( <b>Annexure 7</b> ) and this issue is further discussed in Section 6.3.5 of this SEE.

**Table 10 (continued)**

<i>Performance Criteria</i>	<i>Acceptable Solutions</i>	<i>Comments</i>
	<p>A1.8 Natural floodway of all creek and drainage systems are not to be altered except where alterations are required to ameliorate problems caused by existing development to clear restrictions in natural watercourses.</p> <p>A1.9 No untreated stormwater from any future development within subject area boundaries will directly enter any creek or drainage line, which ultimately drains into St Georges Basin.</p>	
<b>5.3.8 Waste management</b>		
P1 To ensure that waste management issues are appropriately assessed and catered for in new development.	<p>A1.1 Waste management issues for any development are to take into account, appropriate storage and collection areas, satisfactory access for garbage vehicles and minimising street litter from garbage receptacles.</p> <p>A1.2 Development should comply with <i>Chapter G7: Waste Minimisation and Management Controls</i>.</p>	This issue is to be addressed as part of future staged development applications.
<b>5.3.9 Recreation tourist accommodation and higher density residential land use: environmental requirements</b>		
P1 This section provides opportunities for other development uses outside the Neighbourhood Centre. This area is surrounded by natural bushland and is considered to be a high risk bushfire area, as well as having many natural bushland attributes, particularly, habitat for the endangered Yellow Bellied Glider. Part of the land below the ridgeline to the north contains a watercourse. Any development should minimise the environmental impacts	<p>A1.1 An open space buffer area is to be retained in its natural state from The Old Wool Road road reserve as shown on the supporting map.</p> <p>A1.2 Development in these areas is subject to meeting bushfire regulations and appropriate retention of vegetation to provide habitat for Yellow Bellied Gliders and treed amenity and maintaining the treed ridgeline as per the supporting map.</p>	The SEE is supported by a Flora & Fauna Assessment prepared by Kevin Mills & Associated ( <b>Annexure 3</b> ). This issue is further addressed in Section 6.3.2 of this SEE.

**Table 10 (continued)**

<b><i>Performance Criteria</i></b>	<b><i>Acceptable Solutions</i></b>	<b><i>Comments</i></b>
on these natural attributes. A section of this land fronting Island Point Road is suitable for medium or higher density housing.	A1.3 The remaining B4 zoned lots north of the northern perimeter road are proposed for medium density residential development. However, vehicular access should be limited to a future access road at the rear of the lots rather than from Island Point Road (see details on the supporting map).	

## 6.2 PRESCRIBED MATTERS UNDER THE REGULATIONS

Clause 92 of the Environmental Planning & Assessment Regulations sets out those additional matters that a consent authority must take into account when determining a development application.

Clause 92 reads:

**92 What additional matters must a consent authority take into consideration in determining a development application?**  
*(cf clause 66 of EP&A Regulation 1994)*

(1) *For the purposes of section 79C(1)(a)(iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*

(a) *in the case of a development application for the carrying out of development:*

(i) *in a local government area referred to in the Table to this clause, and*

(ii) *on land to which the Government Coastal Policy applies,*

*the provisions of that Policy,*

(b) *in the case of a development application for the demolition of a building, the provisions of AS 2601.*

### **NSW Coastal Policy**

The subject site is identified by mapping supporting the NSW Coastal Policy as being affected by the provisions of the Policy.

An assessment of relevant matters raised by this policy in relation to this proposal is addressed within **Annexure 5** of this CMP. In summary however, it is considered that the proposal is not inconsistent with the objectives and provisions of the policy.

### **Demolition of a Building**

No demolition work is proposed in this CMP.

## 6.3 THE LIKELY IMPACTS OF THE DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY

### 6.3.1 Building Heights

The *Height of Buildings Map* that accompanies the SLEP 2014 identifies a maximum building height of 13 m for the majority of Lot 1 and all of Lot 6. That portion of Lot 1 to the west of the north-south service road has a building height limit of 8 metres.



The CMP proposes building envelopes that will be compliant with this requirement.

The height limits described above in our view reflect the planning objectives of the B4 Mixed Use Business and R1 General Residential zones which seek higher density residential development for the subject land. The proposed higher density residential development comprises buildings up to 13 metres high (four storeys). An economic feasibility undertaken for the subject site has demonstrated that a height limit of 13 metres is the only economically feasible option for the subject land

The subject land is eminently suitable for higher density residential development given the zoning of the land, its proximity to commercial, retail, and transport infrastructure and Council's long term planning strategies.

Utilising sites such as the subject land for higher density residential development consistent with the principles of urban consolidation to meet future housing needs is a key aspect of housing strategies within the Shoalhaven that seek to provide more affordable housing and broader housing options for the community. This is discussed in Sections 5.4.1; 5.4.2 and 5.4.3 of this CMP.

### ***Development Feasibility***

The proponent has previously engaged Opteon Pty Ltd ("Opteon") property advisors to carry out an economic feasibility analysis for the development of the subject land. A copy of Opteon's assessment forms **Annexure 2** to this CMP.

Opteon's assessment was based on five different development scenarios comprising four different floor space ratios ranging from 0.6:1 to 1.4:1. The difference between Option D and E both having a floor space ratio of 1.4:1 is that Option D is built over three stories and Option E is built over four stories.

The development scenarios that were examined by Opteon for this land included:

- Option A – 0.6 FSR, 3 storey height limit
- Option B – 0.8 FSR, 3 storey height limit
- Option C – 1.0:1 FSR, 3 storey height limit
- Option D – 1.4:1 FSR, 3 storey height limit
- Option E – 1.4:1 FSR, 4 storey height limit

Opteon's assessment was also based on proposed dwelling unit configuration supplied by our client; and having regard to land values within the St Georges Basin area. The St Georges Basin area is an area of average housing and therefore a construction cost of

the unit has been applied considering the target market and the end sale value, and the rate per square meter is inclusive of professional fees and contingency.

The results of the feasibility assessment (included in **Annexure 2**) were:

Option A	unfeasible
Option B	profit of \$38,078 – a 1.5% return (mdc)
Option C	profit of \$122,826 – a 3.96% return (mdc)
Option D	profit of \$334,183 – a 7.99% return (mdc)
Option E	profit of \$523,360 – a 13.1% profit (mdc)

According to Opteon's assessment, having regard to the above, only option E would be capable of being developed as this is the only option which returns a profit in excess of 10% and therefore the first four options would not be entertained by a developer nor would they be funded by a financial institution.

According to Opteon only option E (that is a 4 storey development (ie. 13 metres)) is financially feasible and capable of being developed with the backing of a financial institution.

The analysis summarised above and included in **Annexure 2** demonstrates that the only economically viable option for the development of the subject land would involve a 4 storey height limit (ie. 13 metres). Development involving a lesser height (such as 11 metres) is simply not economically viable.

A fundamental object of the EP&A Act is to encourage the orderly and economic use and development of land. Enabling higher density residential developments on the land, with a height at least 13 metres, is likely to result in a more orderly and economic use of these parcels of land consistent with the objects of the EP&A Act and the planning strategies that apply to this land.

### ***Urban Character***

The subject land at present is undeveloped (with the exception of a shed on the western portion of Lot 1). At present the predominant residential housing form within the locality comprises single detached dwellings on individual allotments. The exception is the commercial town centre which comprises a mixture of building forms generally limited to two storeys in height. A manufactured housing estate is also located on land to the south of Lot 6.

Given the current undeveloped nature of much of this land any future development will result in the introduction of a new scale and character of development within this locality. The introduction of such development however will fit with the planning strategies which seek a higher density of residential development. There may however be initial resistance from the local community to such increased building height.

To reduce this community resistance, measures should be introduced in the design approach adopted with any future development proposals which limit the size of upper storeys to reduce the apparent bulk and scale of development. The upper floors of the development could be set back from the street frontage and to the rear of the site of Lot 6. Incorporated design measures which articulate and provided modulation in the building elevations will also assist in reducing the visual bulk of the development. Development could be undertaken on the subject land with a 13 metre building height incorporating measures to minimise the overall bulk and scale of the development.

The adoption of design measures as outlined above could ensure the impact of development on the character of the locality will be minimised.

### ***Residential Amenity***

As outlined above any proposal that sought to increase the height or density of development may face some initial community resistance. Such development would however be entirely consistent with the thrust and objectives of the planning strategies that apply to this site.

Increasing the height of development has the potential to raise concerns with respect to impacts on the amenity of surrounding residential properties particularly through the loss of sunlight and privacy.

Given the relatively under-developed nature of much of the land within the vicinity of the site it is unlikely that development of the site would at present introduce conflicts with adjoining properties.

Notwithstanding this any proposal for the site would need to reflect and give due consideration to potential impacts on the amenity of surrounding residential properties.

To minimise impacts on surrounding and adjoining properties the building envelopes have been set back off side and rear boundaries. This will ensure that the proposed buildings are set back considerably from adjoining development and considerably more than that which would be currently permitted by Council's medium density guidelines.

In addition, development involving apartments of up to 4 storeys in height would be subject to the design requirements of State Environmental Planning Policy No. 65 which insist on the implementation of design measures to protect the privacy of adjoining properties.

Setting upper floors back; and buildings of adjoining boundaries will also ensure sufficient sunlight to neighbouring properties will be preserved.

The development of the subject site, with a height of buildings of 13 metres can be undertaken in a manner that will protect the amenity of surrounding residences.

### **6.3.2 Ecological Impacts**

Kevin Mills & Associates (KMA) were engaged to undertake an Ecological Assessment of this proposal. This land has also been investigated on several occasions since 2000. Kevin Mills & Associates (KMA) (2000) prepared a report with a detailed description of the flora, fauna, ecological communities and habitat on Lot 1 (KMA 2006a, 2006b) and later prepared a supplementary report and a targeted survey report for the Yellow-bellied Glider and Glossy Black-Cockatoo, respectively. The presence of the threatened plant *Melaleuca biconvexa* has been investigated on several occasions (KMA 2001, 2010a, 2010b). The original natural vegetation on the subject land was previously described in the reports by the consultant noted above. Most of this vegetation has, with approval from Shoalhaven City Council, been removed in the intervening years. Today, little vegetation occurs on the land. The land is characterised by much bare earth following clearing. The current assessment by KMA is based upon the condition of the land as it is today. This assessment is provided in **Annexure 3** to this CMP. This section of the CMP is based on the findings of the Ecological Assessment.

#### **6.3.2.1 Native Vegetation and Habitats**

As noted above the original natural vegetation on the subject land was previously described in the previous ecological reports. Most of this vegetation has, with approval from Shoalhaven City Council, been removed in the intervening years. Today, little vegetation occurs on the land.

The land is characterised by bare earth following clearing. Regrowth vegetation with weeds occurs across parts of the land, while in the west some trees remain, north and south of the road. According to KMA these trees are not important habitat trees as they are isolated from forest, have no hollows and are not especially important for any threatened species. KMA notes the small patch of vegetation around the *Melaleuca biconvexa* plants remains mostly natural. The proposed development would require all trees, other than those in the *Melaleuca* stand, to be removed from the site.

The land will therefore have no significant habitat for native biota. KMA indicates the only significant feature is the handful of plants of the threatened species *M. biconvexa*.

### **6.3.2.2 Threatened Species**

#### ***Melaleuca biconvexa***

The population of *Melaleuca biconvexa* on the land has been known for a long time and is shown on plans supporting the Concept Master Plan. According to KMA the population has little changed in the past few years. Twenty-two (22) plants were counted in 2008, in an area about six metres by five metres. The plants ranged in height from 50 cm to 1.8 metres. In mid-2011, the same number of plants was found and their height ranged up to two metres tall; most plants are below 1.2 metres tall.

In February 2017 KMA advises the population still consists of 22 stems, covering about 32 m<sup>2</sup>. KMA notes some are root suckers so the actual number of genetically distinct individuals is unknown but somewhat less than 22.

The ecological assessment carried out by KMA concludes with respect to this proposal:

*“This study has assessed a development scenario shown on a Masterplan for a site around Anson Street, St Georges Basin. The land is essentially cleared of natural vegetation and habitats. The remaining small area of natural bushland containing Melaleuca biconvexa is to be retained within the proposed development.*

*Based on the current condition of the site, cleared following an earlier approval from council, we believe that the Melaleuca biconvexa plants will not survive into the long term. The stand is partly composed of root suckers and the number and size of the plants has changed little in the nine years that we have been looking at it. Additionally, the plants are not flowering or producing seed. This stand of plants in our view is not significant to the long term survival of the species in the locality.*

*Neither the preparation of a Species Impact Statement nor referral to the Commonwealth for assessment are, in our opinion, warranted.*

### **6.3.3 Bushfire**

The subject land is mapped as bushfire prone by Shoalhaven City Council.

The CMP is supported by a Bushfire Protection Assessment prepared by Eco Logical Australia (ELA) (**Annexure 4**). The assessment has been undertaken in accordance with Section 79BA of the *Environmental Planning and Assessment Act 1979* and ‘*Planning for Bush Fire Protection*’ (RFS 2006) (referred to as PBP).

This section of the CMP is based on the findings of the Bushfire Protection Assessment.

### 6.3.3.1 Bushfire Threat Assessment

ELA state that in accordance with PBP, the predominant vegetation class has been calculated for a distance of at least 140 m out from the proposed development and the slope class 'most significantly affecting fire behaviour' has been determined for a distance of at least 100 m in all directions. The predominant vegetation and effective slope assessments are shown in **Table 11** (reproduced from **Annexure 4**).

**Table 11**  
**Threat assessment, APZ and category of bushfire attack**  
(reproduced from Annexure 4)

<i>Direction from envelope</i>	<i>Slope</i>	<i>Vegetation</i>	<i>PBP required APZ</i>	<i>Proposed APZ</i>	<i>AS3959 Construction Standard</i>	<i>Comment</i>
<b>Buildings J - O</b>						
North	All upslopes and flat land	Forest	20 m	≥ 26 m	BAL-29	First 6 m of APZ is on subject land; remaining 20 m is located within a bushfire easement on the adjoining allotments to the north
South	> 0 - 5 degrees downslope	Forest	25 m	> 100m	BAL-LOW (but BAL-12.5 – BAL-29 due to above)	APZ is located within subject land and within adjoining manufactured home estate to the south
All other directions	Managed land					
<b>Buildings A - I</b>						
North	All upslopes and flat land	Forest	20 m	> 100m	BAL-LOW (but BAL-12.5 due to below)	APZ within subject land and bushfire easement on adjoining allotments to the north
South	> 0-5 degrees downslope	Forest	25 m	81 m	BAL-12.5	First 6 m of APZ located within subject land; remaining 75 m is located within adjoining manufactured home estate to the south
All other directions	Managed land					

There are areas of dry sclerophyll forest to the north and south of the subject land. ELA state that this vegetation is classified as 'forest' by PBP. The forest to the south of the subject land is located beyond an adjoining manufactured home estate which has been cleared of vegetation and is managed to Asset Protection Zone standards.

The forest to the north of the proposed development is slightly upslope (in the PBP slope category 'all upslopes and flat land'), while the forest to the south is on slight downslopes (in the PBP slope category 'downslope > 0 - 5 degrees').

To the west and east of the proposed development ELA advise there are managed lands in the form of existing residential and commercial development.

### **6.3.3.2     *Asset Protection Zones (APZs)***

ELA state that PBP has been used to determine the width of Asset Protection Zones (APZs) using the vegetation and slope data for the subject land (as described above).

**Table 10** shows the proposed APZs.

The proposed APZs for the proposed commercial/residential buildings on the northern side of the development will be partly contained within the subject land (the first 6 m), but the majority of the APZ (the remaining 20 m) will be contained within a bushfire easement on adjoining allotments to the north – Lots 1 and 4 DP 785956. The management of the portion of the APZ within the allotments to the north will be ensured via a Section 88B instrument (see Appendix 1 of **Annexure 4**).

### **6.3.3.3     *APZ Maintenance Plan***

According to ELA, the portion of the proposed APZs within the subject land and the bushfire easement to the north are not currently in place and tree removal and vegetation clearance will be required to support the proposed development. ELA recommend that fuel management within these portions of the APZ is to be as follows:

- No tree or tree canopy is to occur within 2 m of building rooflines;
- The presence of a few shrubs or trees in the APZ is acceptable provided that they:
  - are well spread out and do not form a continuous canopy;
  - are not species that retain dead material or deposit excessive quantities of ground fuel in a short period or in a danger period; and
  - are located far enough away from buildings so that they will not ignite the buildings by direct flame contact or radiant heat emission.

- Any landscaping or plantings should preferably be local endemic mesic species or other low flammability species;
- A minimal ground fuel is to be maintained to include less than 4 tonnes per hectare of fine fuel (fine fuel means ANY dead or living vegetation of < 6 mm in diameter e.g. twigs less than a pencil in thickness. 4 t/ha is equivalent to a 1 cm thick layer of leaf litter); and
- Any structures storing combustible materials such as firewood (e.g. sheds) must be sealed to prevent entry of burning debris.

#### **6.3.3.4 Construction Standard**

In response to the predicted bushfire attack, ELA recommend that the buildings within Lot 1 or the northern portion of the proposed commercial/residential development (buildings J - O) are to be constructed to a combination of BAL-29, BAL-19 and BAL-12.5 under Australian Standard AS 3959-2009 'Construction of buildings in bushfire-prone areas' (Standards Australia 2009).

The buildings within the southern portion of the proposed development on Lot 6 (A - I) are to be constructed entirely to BAL-12.5 construction.

Furthermore, ELA state the provisions of Section 3 'Construction General' of AS3959-2009 and the ember protection provisions outlined on Page 10 of the 2010 Appendix 3 Addendum to PBP will be required for the proposed buildings where applicable.

#### **6.3.3.5 Water Supply**

The subject land will be serviced by reticulated water. According to ELA, the furthest point from any future buildings to a hydrant will be less than 90 m as required by PBP. ELA advise no additional provisions are required to support the proposed development.

#### **6.3.3.6 Gas and Electrical Supplies**

In accordance with PBP, the electricity supply to the proposed development will be underground.

Any gas services are to be installed and maintained in accordance with AS/NZS 1596:2008 (Standards Australia 2008).

#### **6.3.3.7 Access**

##### **Public roads**

According to ELA the proposed public roads to the proposed development comply with all of the requirements of PBP.



### ***Property Access Roads***

The commercial/residential buildings within the proposed development will be accessed via standard residential driveways and each building will be located entirely within 90 m of the nearest hydrant.

According to ELA, a fire involving any of the proposed buildings within the development will be attended to by fire appliances from the hardstand surface of adjacent public roads. This complies with PBP and no additional provisions are required to support the proposed development.

### ***Perimeter Fire Trail***

According to ELA, perimeter access between the proposed development on Lot 1 and the forest hazard to the north will be provided by a 6 m wide fire trail on the southern side of the northern APZ easement. This trail will link in with public roads at its western and eastern ends and will be constructed to comply with all PBP design specifications

#### **6.3.3.8 *Environmental Issues***

At the time of assessment, ELA state the only known significant environmental feature, threatened species or Aboriginal relic identified under the Threatened Species Conservation Act 1995 or the National Parks Act 1974 present within the subject land is a small stand of *Melaleuca biconvexa* on Lot 24. ELA state this stand of *M. biconvexa* and the buffer surrounding it are too small to affect the bushfire protection proposals in this report and will be fenced off and excluded from APZ maintenance to protect this threatened species.

#### **6.3.3.9 *Conclusion***

According to ELA, the bushfire protection requirements listed in this assessment provide an adequate standard of bushfire protection for the proposed commercial/residential development, a standard that is consistent with 'Planning for Bush Fire Protection' (RFS 2006).

### **6.3.4 *Traffic***

The CMP is supported by a Traffic & Planning Assessment prepared by Traffic Solutions (TS) Pty Ltd (**Annexure 6**). This section of the SEE is based upon the findings of this assessment.

#### ***Existing Conditions***

According to TS the following routes are classified a regional road which is under the care and control of Council:

- Wool Road from Princes Highway to Island Point Road;
- Island Point Road from Wool Road to Loralyn Avenue;
- Loralyn Avenue, Walmer Avenue and Larmer Avenue between Island Point Road and Wool Road;
- Wool Road east of Lamer Avenue.

Island Point Road, south of Wool Road roundabout serves a major collector road function whilst Anson Street serves a minor collector road function in this area.

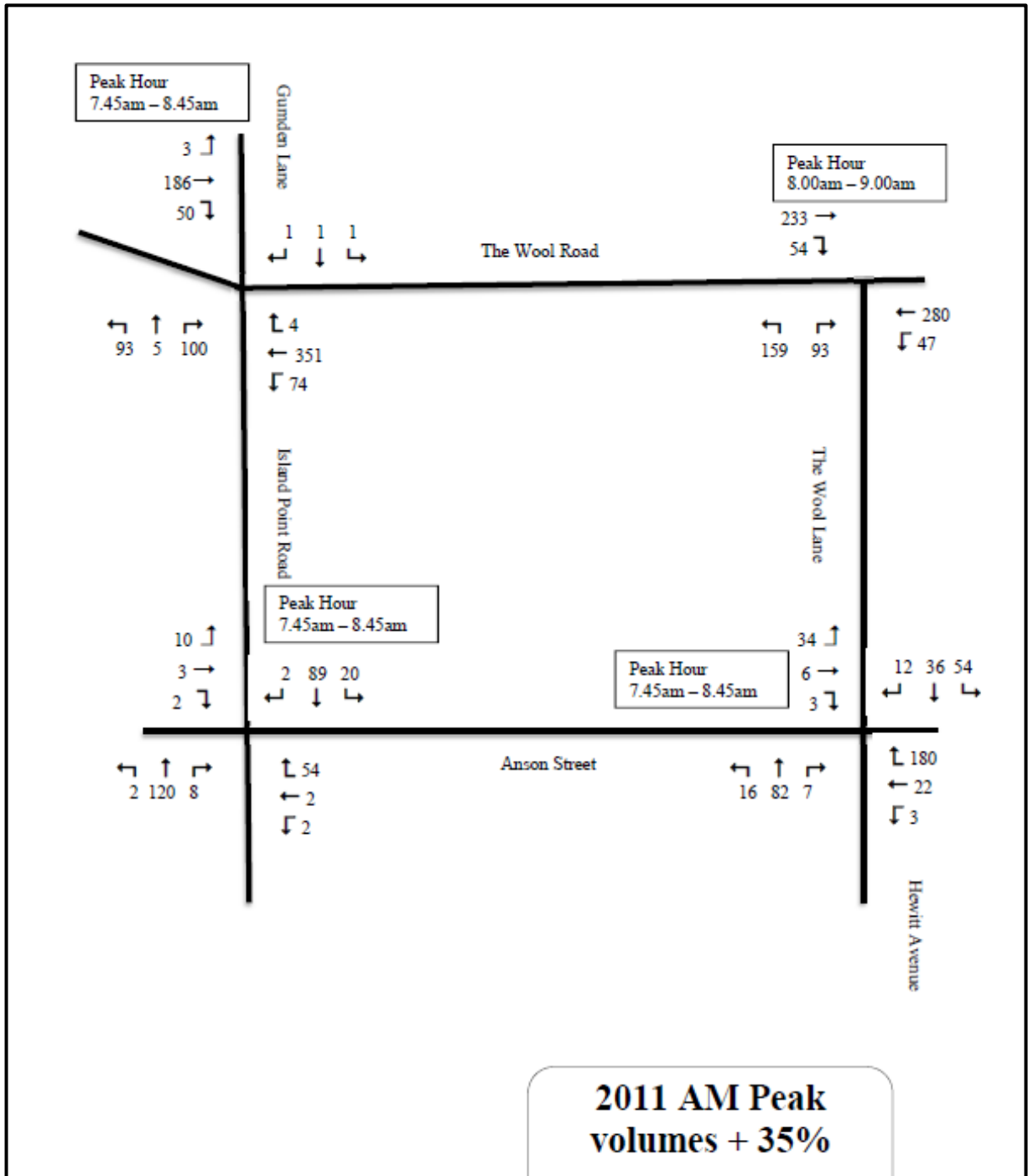
The main features of the existing traffic controls in the vicinity of the site are:

- Slow points along Anson Street at the eastern end of the site.
- A 50 Km/h speed limit exists along Island Point Road, Anson Street and Wool Lane.
- Island Point Road east of Wool Road is 60 km/h.
- Wool Road west of Island Point Road is 80 km/h.

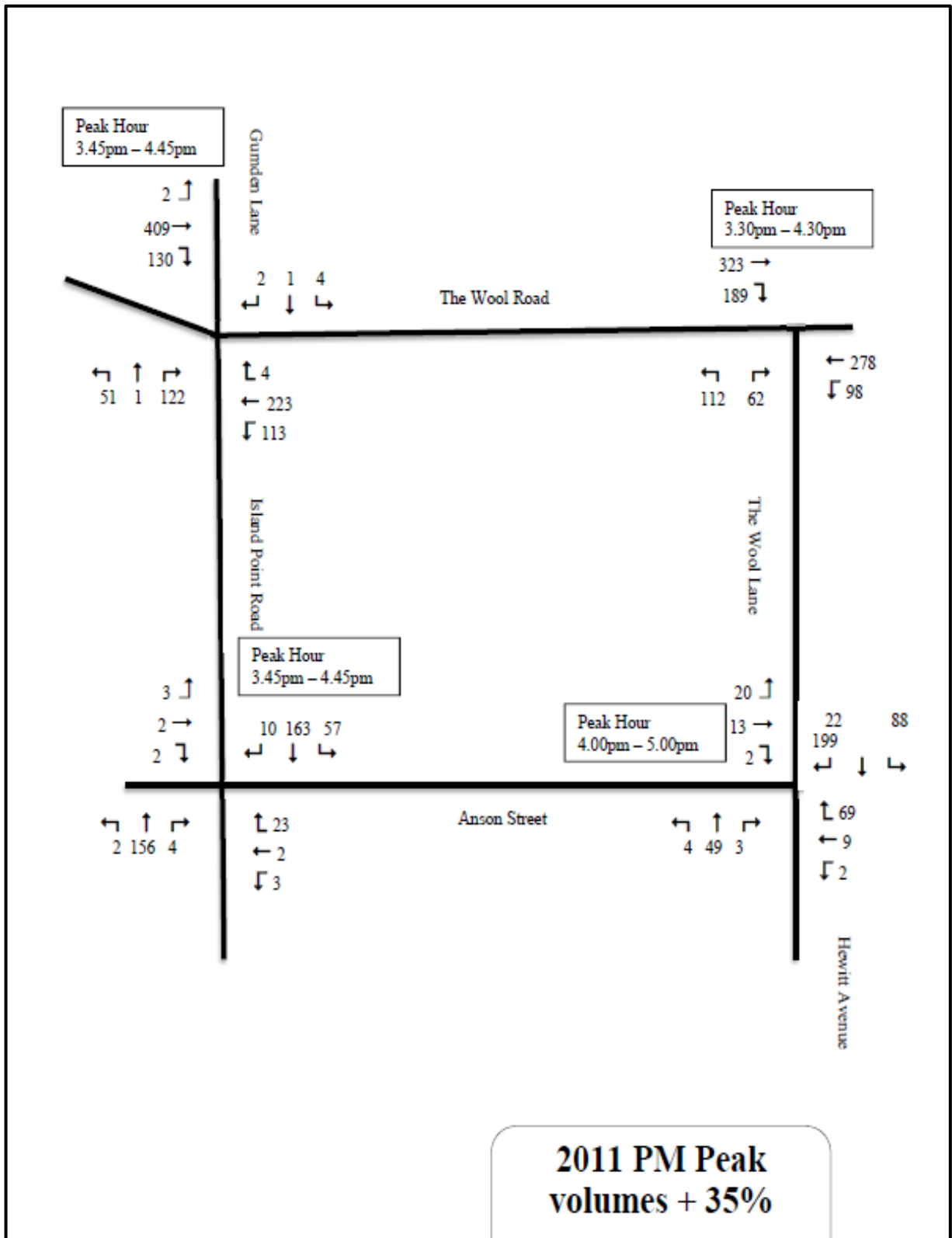
Island Point Road is approximately 12.8 m wide and has been provided with barrier kerb and gutter on both sides and centre line marking. Anson Street is 12.8 m wide along the frontage of the Masterplan buildings reducing to 6 m wide to the east with roll top kerbing widening at the slow points where barrier kerbing is provided to aid deflection.

There are no restrictions on parking in the immediate vicinity of the subject site.

The recorded flows with an allowance for growth and seasonal influence are depicted on **Figures 6 and 7** below.



**Figure 6: AM Peak volumes with allowance for growth and seasonal influence.**



**Figure 7: PM Peak volumes with allowance for growth and seasonal influence.**

## **Key Issues**

### Access and Parking

Vehicular access to the buildings in the development is proposed directly from Anson Street, with the exception of Buildings K and L which will have driveways coming off the Village Access Road. TS state the proposed vehicle access locations will provide good sight distance in both directions along Anson Street and the Village Access Road.

It is a recommendation of the traffic report that the design of the off street car parking areas and driveways comply with the minimum requirements of the 'Australian/New Zealand Standards, Parking Facilities Part 1; Off Street Car Parking (AS/NZS 2890.1) of 2004.

According to TS the AS/NZS 2890.1:2004 classifies each of the buildings in the Masterplan as Class 1 offstreet car parking facilities requiring a Category 1 or 2 driveway (due to the number of spaces provided). Category 1 and 2 driveways should be 3 – 5.5 m and 6 – 9 m wide respectively.

The following table (**Table 12**) provides details of the driveway requirements for each building.

**Table 12**  
**Driveway Requirements**

<b>Proposed Lot</b>	<b>Buildings</b>	<b>Parking facility</b>	<b>Category of Driveway</b>	<b>Driveway width required</b>
22 (Lot 6)	G, H & I	one underground car parking facility with one driveway – combined car parks <b>132</b>	2	6 - 9 m
23 (Lot 6)	E & F	one underground car parking facility with one driveway – combined car parks <b>108</b>	2	6 - 9 m
24 (Lot 6)	C & D	one underground car parking facility with one driveway – combined car parks <b>70</b>	1	3 - 5.5 m
25 (Lot 6)	A & B	one underground car parking facility with one driveway – combined car parks <b>107</b>	2	6 - 9 m
26 (Lot 1)	O	one underground car parking facility with one driveway – combined car parks <b>59</b>	1	3 - 5.5 m
27 (Lot 1)	M & N	one underground car parking facility with one driveway – combined car parks <b>114</b>	2	6 - 9 m
28 (Lot 1)	K & L	one underground car parking facility with one driveway – combined car parks <b>111</b>	2	6 - 9 m
29 (Lot 1)	J	one underground car parking facility with two driveways – combined car parks <b>82</b>	1	3 - 5.5 m

Shoalhaven City Council has constructed a single lane roundabout at the intersection of Island Point Road, Collett Place and Anson Street. The operation of this roundabout has been assessed by TS.

The splitter islands of the roundabout has been constructed as pedestrian refuge islands to complement the existing and future planned pedestrian footways.

Chapter N23 of the SDCP also proposes a shared pedestrian/cycleway along the northern side of Anson Street and eastern side of the village access road.

Chapter G21 of the *SDCP 2014* specifies the following requirements applicable to the proposed development:

Commercial use:	1 space per 40 m <sup>2</sup> GFA.
Retail use:	1 space per 24 m <sup>2</sup> GLFA- Shop; and 1 space per 40 m <sup>2</sup> – designated storage area.
Residential Apartments:	1 space per small dwelling (< 55 m <sup>2</sup> ); 1.5 spaces per medium dwelling (56 m <sup>2</sup> - 85 m <sup>2</sup> ); and 2 spaces per large dwelling (> 86 m <sup>2</sup> ).

Although not indicated on the plan supporting the CMP it is envisaged that the proposed, 2 bedroom units will be of medium size whilst the 3 bedroom units are large dwellings. These buildings will also provide the following floor space breakup:

<b>Building J</b>	Commercial	=	718m <sup>2</sup>
	Retail	=	358m <sup>2</sup>
	Retail storage	=	357m <sup>2</sup>
<b>Building k</b>	Commercial	=	400m <sup>2</sup>
	Retail	=	200m <sup>2</sup>
	Retail storage	=	200m <sup>2</sup>

The following table (**Table 13**) provides the off-street parking required for this development under Shoalhaven City Council's DCP:

**Table 13**  
**Car Parking Requirement and Provision**

<i>Building</i>	<i>Number of 2 bedroom units @ 1.5 spaces/unit</i>	<i>Number of 3 bedroom units @ 2 spaces/unit</i>	<i>Commercial GFA @ 1 space/40 m<sup>2</sup></i>	<i>No. of car spaces required</i>	<i>No. of car parking spaces proposed</i>	<i>Complies</i>
<b>A</b>	9 x 1.5 = 13.5	20 x 2 = 40	n/a	53.5	107	√
<b>B</b>	9 x 1.5 = 13.5	20 x 2 = 40	n/a	53.5		√
<b>C</b>	5 x 1.5 = 7.5	18 x 2 = 36	n/a	43.5	44	√
<b>D</b>	5 x 1.5 = 7.5	9 x 2 = 18	n/a	25.5	26	√
<b>E</b>	4 x 1.5 = 6	24 x 2 = 48	n/a	54	54	√
<b>F</b>	4 x 1.5 = 6	24 x 2 = 48	n/a	54	54	√
<b>G</b>	5 x 1.5 = 7.5	12 x 2 = 24	n/a	31.5	32	√
<b>H</b>	9 x 1.5 = 13.5	24 x 2 = 48	n/a	61.5	62	√
<b>I</b>	4 x 1.5 = 6	16 x 2 = 32	n/a	38	38	√
<b>J</b>	5 x 1.5 = 7.5	17 x 2 = 34	Commercial 718 m <sup>2</sup> = 18 Retail Shop 358 m <sup>2</sup> = 14.9 Retail Storage 357 m <sup>2</sup> = 7.1	81.5	82	√
<b>K</b>	8 x 1.5 = 12	27 x 2 = 54	Commercial 400 m <sup>2</sup> = 10 Retail Shop 200 m <sup>2</sup> = 8.3 Retail Storage 200 m <sup>2</sup> = 4	88.3	89	√
<b>L</b>	4 x 1.5 = 6	8 x 2 = 16	n/a	22	22	√
<b>M</b>	5 x 1.5 = 7.5	25 x 2 = 50	n/a	57.5	58	√
<b>N</b>	5 x 1.5 = 7.5	24 x 2 = 48	n/a	55.5	56	√
<b>O</b>	7 x 1.5 = 10.5	24 x 2 = 48	n/a	58.5	59	√
<b>TOTAL</b>	88 x 1.5 = 132	292 x 2 = 584	4502 m <sup>2</sup> /40 = 1112.6	778.3	783	√

The development will exceed Council's minimum parking requirements with the provision of **783** off-street parking spaces. Any parking provided on site, exceeding the minimum requirements will be provided as visitor spaces

Provision will also be made for disabled car parking in the car parking areas of all buildings

Traffic

TS advise an estimation of the traffic generation of the proposed development can be calculated by reference to the Roads and Maritime Services Technical Direction (TDT 2013/04).

'Guide to Traffic Generating Developments – Updated traffic surveys'. This technical direction provides the following average peak hour traffic generation rates for high density residential flat dwellings and commercial offices in regional areas:

- **High Density residential flat buildings in Regional Areas**

Weekday AM peak hour vehicle trips = 0.53 per dwelling

Weekday PM peak hour vehicle trips = 0.32 per dwelling

- **Commercial**

Weekday AM peak hour vehicle trips = 1.085/100 m<sup>2</sup> GFA

Weekday PM peak hour vehicle trips = 0.86/100 m<sup>2</sup> GFA

Accordingly, the estimated traffic generation of this development calculates as:

- **AM Peak**

380 units @ 0.53 trips/unit = 201.4 peak hour trips

2283 m<sup>2</sup> GFA of commercial/retail @ 1.085 trips/100 m<sup>2</sup> = 24.8 peak hour trips

*POTENTIAL TOTAL TRIPS = 226 peak hour trips*

- **PM Peak**

380 units @ 0.32 trips/unit = 121.6 peak hour trips

2283 m<sup>2</sup> GFA of commercial/retail @ 0.86 trips/100 m<sup>2</sup> = 19.6 peak hour trips

*POTENTIAL TOTAL TRIPS = 141 peak hour trips*

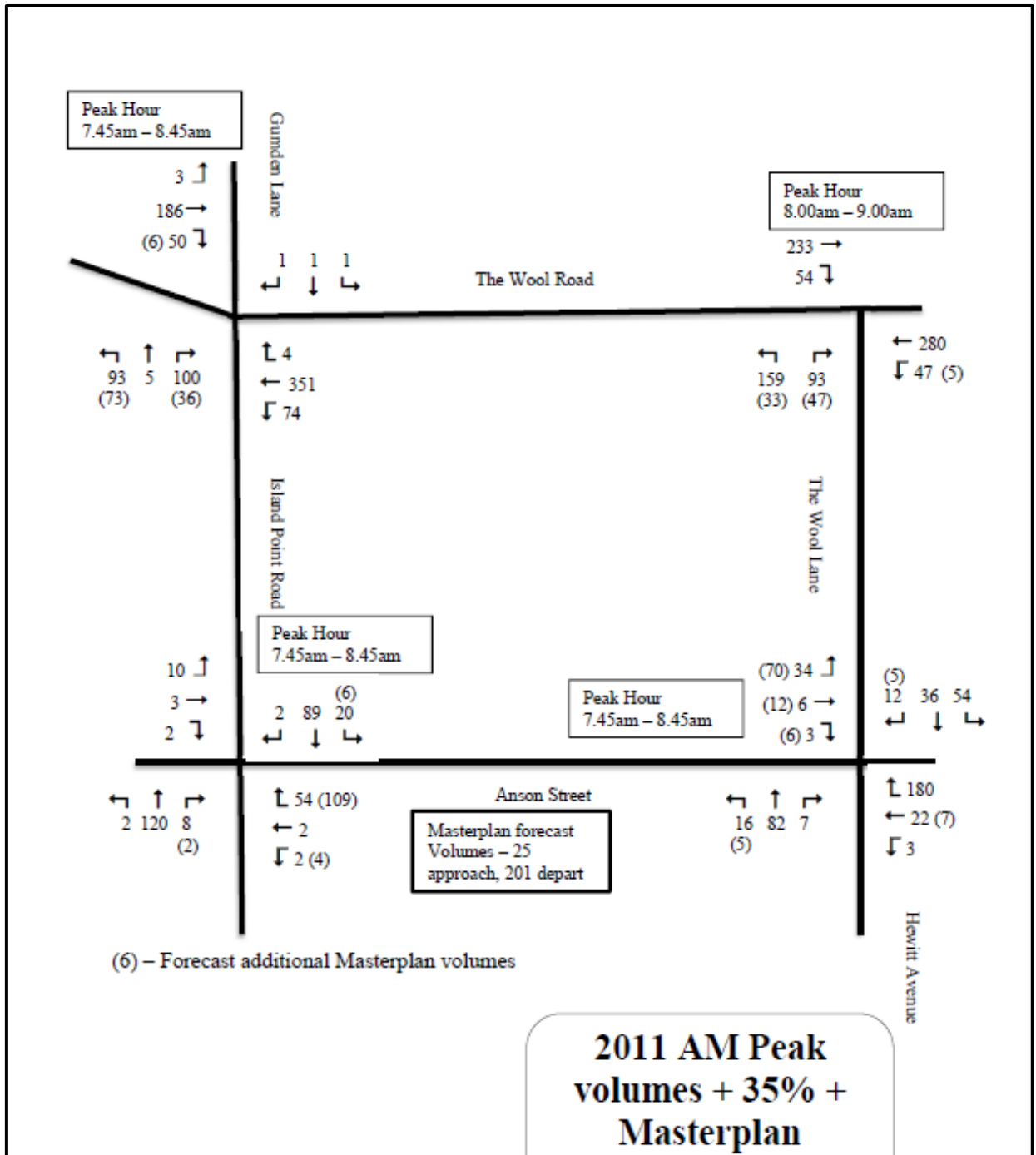
Accordingly, the potential combined traffic generation of the proposed developments is approximately **226 and 141** vehicle trips in the morning and evening peak hours respectively.

For the purposes of this assessment TS has assumed that the residential component of this development will depart the site in the morning peak hour and the commercial component will approach the site, and that this situation will reverse in the evening peak hour. The 35% increase in flows are depicted along with the additional traffic flows (approaching and departing the area) in **Figures 8 and 9**.

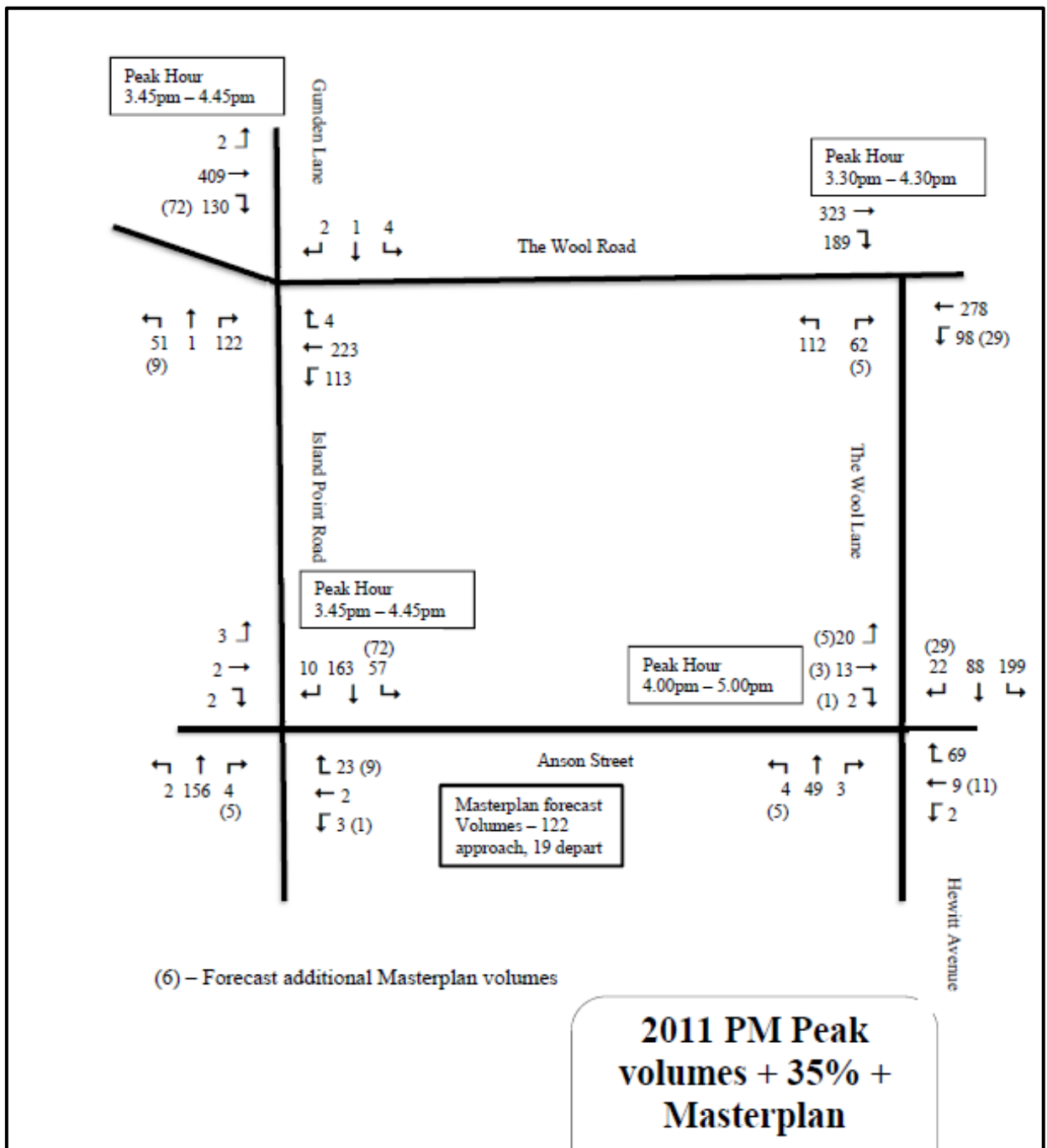
The estimated morning and evening peak hour approach and departure vehicle trips have been assigned proportionally to the road system on the basis of existing flows approaching



and departing the area that were recorded at the key intersections counted. **Figures 8** and **9** depicts the modelled morning and afternoon peak hour traffic volumes.



**Figure 8: Modelled Morning Peak Hour Traffic Volumes**



**Figure 9: Modelled Afternoon Peak Hour Traffic Volumes.**

Using SIDRA a software programme developed by for the purpose of analysing signalised, roundabout and sign controlled intersections, the effect of the estimated traffic generation of this development on the intersections of Island Point Road with Wool Road and Anson Street plus the intersections of Wool Lane with Wool Road and Anson Street has been modelled by TS. **Table 14** details the results of the intersection modelling.

**Table 14**  
**Intersection Analysis**

<b>SIDRA Analysis, Island Point Road, Gumden Lane and The Wool Road (roundabout)</b>				
<b>Operation Indicator</b>	<b>2011 volumes + 35%</b>		<b>2011 volumes + 35% + Masterplan</b>	
	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>
<b>Level of Service</b>	A	A	A	A
<b>Degree of Saturation</b>	0.306	0.424	0.310	0.478
<b>Total Average Delay (sec/veh)</b>	6.6s	6.2s	6.7s	6.4s

<b>- SIDRA Analysis, The Wool Road and The Wool Lane (Give Way controlled 'T' intersection)</b>				
<b>Operation Indicator</b>	<b>2011 volumes + 35%</b>		<b>2011 volumes + 35% + Masterplan</b>	
	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>
<b>Level of Service</b>	A	A	A	A
<b>Degree of Saturation</b>	0.151	0.174	0.208	0.174
<b>Total Average Delay (sec/veh)</b>	2.7s	3.3s	3.2s	3.5s
<b>Total Average delay for right turn from The Wool Lane (sec/veh)</b>	7.9s	10.0s	8.1s	10.2s

<b>- SIDRA Analysis, Anson Street, The Wool Lane and Hewitt Avenue (roundabout)</b>				
<b>Operation indicator</b>	<b>2011 volumes + 35%</b>		<b>2011 volumes + 35% + Masterplan</b>	
	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>
<b>Level of Service</b>	A	A	A	A
<b>Degree of Saturation</b>	0.155	0.212	0.165	0.234
<b>Total Average Delay (sec/veh)</b>	5.3s	4.2s	5.2s	4.4s

<b>SIDRA Analysis, Island Point Road, Collett Place and Anson Street extension (roundabout)</b>				
<b>Operation indicator</b>	<b>2011 volumes + 35%</b>		<b>2011 volumes + 35% + Masterplan</b>	
	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>
<b>Level of Service</b>	A	A	A	A
<b>Degree of Saturation</b>	0.107	0.154	0.147	0.205
<b>Total Average Delay (sec/veh)</b>	4.4s	3.9s	5.5s	4.0s

**Table 15** below evaluates the results of SIDRA Analysis.

**Table 15**  
**Evaluation of the results of SIDRA Analysis**

<b>Level of Service</b>			
The Level of Service for traffic signals, roundabouts and sign control intersections is shown below, this is based on the average delay in seconds per vehicle:			
<i>Average Delay per Vehicle</i>	<i>Level of Service</i>	<i>Traffic Signals and roundabouts</i>	<i>Sign Control</i>
< 14	A	Good	Good
15 – 28	B	Good with minimal delays and spare capacity	Acceptable delays and spare capacity
29 – 42	C	Satisfactory with spare capacity	Satisfactory but accident study required
43 – 56	D	Satisfactory but operating near capacity	Near capacity and accident study required
57 – 70	E	<b>At capacity:</b> at signals incidents will cause excessive delays, roundabouts require another control mode	At capacity and requires another control mode
> 70	F	Unsatisfactory	Unsatisfactory
<b>Degree of Saturation</b>			
The Degree of Saturation is another measure of the operational performance of individual intersections.			
For traffic signal controlled intersections both queue length and delay increase rapidly as the Degree of Saturation approaches 1.0, and it is usually attempted to keep it below 0.9.			
For roundabouts or sign controlled intersections, oversaturation is indicated by a value in excess of 0.8.			
<b>Average Vehicle Delay</b>			
The average vehicle delay provides a measure of the operational performance of an intersection as indicated in the above table. The average vehicle delays in the table should be used as a guide only as longer delays could be tolerated in some locations.			

According to TS the results of the SIDRA analysis reveals:

- The very good Level of Service at each of the intersections modelled will not change with the estimated additional traffic generation of the proposed development.
- The additional traffic demand on the intersections modelled, as a consequence of the proposed development will only alter the Degree of Saturation and Total Average Delays minutely.

### Building Servicing

TS indicated the servicing of each individual building will need to be assessed with each individual development application.

Chapter G21 does not require any loading facilities for medium or high density residential unit developments. However the DCP does require access for a Small Rigid Vehicle (SRV) if the Commercial floor space is less 500m<sup>2</sup> GFA and Large Rigid vehicle if over 500 m<sup>2</sup>. The CMP proposes Buildings J and K with commercial/retail floor spaces which exceed 500 m<sup>2</sup>.

A SRV is not as big as a garbage truck, but does require a 3.5 m head clearance. The Medium Rigid Vehicle (MRV) is equivalent to a garbage truck whilst the Heavy Rigid Vehicle (HRV) is larger than a garbage truck. Both the MRV and HRV require a 4.5 m head clearance in accordance with AS 2890.2:2002. Generally, the provision of any truck on any site will not be practical in the basement due to head clearances.

Therefore, TS advise all servicing is likely to be at ground level. TS note that whilst it is preferred to have service areas separate from car parking areas and to have every individual lot able to be serviced by a garbage truck that can enter and leave each site in a forward direction, this is not always possible or practical.

TS suggest that the development application for each lot should be assessed on its merits unless Council provides an appropriate direction or guideline.

### **Conclusions and Recommendations**

The Traffic & Parking Assessment carried out by TS demonstrates:

- *The vehicle access points proposed to serve the individual development is suitably located and will provide very good sight distance in each direction along Anson Street and the side Village access Road.*
- *The off-street parking is proposed to comply with the requirements specified by Shoalhaven City Council's Development Control Plan.*
- *It is **recommended** that the design of the off street car parking be to a minimum of the Australian Standards for off - street parking and vehicular access AS/NZS 2890.1:2004.*
- *It is **recommended** that shared pedestrian/cycleway proposed in Chapter N23 of the SDCP 2014 along the northern side of Anson Street and eastern side of the Village Access Road be provided on the Masterplan drawing.*
- *The very good level of Service at each of the intersections modelled will not change with the estimated additional traffic generation of the proposed development.*

- *The additional traffic demand on the intersections modelled, as a consequence of the proposed development will only alter the Degree of Saturation and Total Average Delays minutely.*
- *The potential combined traffic generation of the proposed developments of 226 and 141 vehicle trips in the morning and evening peak hours respectively will not have any unacceptable impacts upon the surrounding road network..*
- *Direct vehicle access onto Anson Street is appropriate and will not create any unacceptable delays.*
- *It is **recommended** that servicing of each site for deliveries and garbage collection be assessed on the merits of each development application for each lot or Council develop an appropriate guideline.*

### **6.3.5 Services**

The CMP is supported by a Utilities Investigation Report prepared by Allen Price & Scarratts (APS) that addresses sewerage, water supply, stormwater drainage, electricity supply and telecommunications. A copy of this report forms **Annexure 7** to this CMP. Provided below is a summary of the key findings of the Utilities Investigation Report.

#### ***Sewerage Infrastructure***

According to APS the site is currently partially serviced with sewerage reticulation and there is an approved design to fully service the remainder of the site. If the land to the north of Anson Street is subdivided, additional sewer will be required to be provided to cater for this. As part of Shoalhaven Water's Development Servicing Plans for Sewerage Services (November 2005), no upgrading or augmentation of the existing sewerage pumping station (SPS) at the end of Collett Place or gravity mains (GM) leading into this SPS is proposed.

An assessment of the capacity of the existing GM upstream, through and downstream of the development has been undertaken by APS based upon design information provided by Shoalhaven Water and Public Works Department sewer design.

The results are that the line immediately upstream of the development has a maximum capacity of 223 ETs but an expected load of 229.9 ETs and is adequate to cater for orderly development permissible within the current zonings. The existing sewer downstream of the development site typically has a maximum capacity of 284 ETs (but in some locations is as low as 164 ETs) but an expected load from development (other than the proposed development) well above these values for all but one line thus indicating that even without the proposed development the existing sewer is inadequate to cater for orderly development permissible for the current zonings. It has also been determined that were

the site to be developed with single storey mixed commercial/medium density buildings the GM outside the site will still be inadequate to cater for this basic level of development.

The capacity of the sewer lines will not be exceeded as a result of this development alone, and in fact even without the proposed development the sewer will be inadequate to cater for orderly development permissible for the current zonings. It is APS's view that the sewer lines from the existing manhole EA/9 to the Collett Place SPS require upgrading by Shoalhaven Water independent of this development. This has been raised with Shoalhaven Water by APS in a letter dated 10 November 2011. At the time of finalising this CMP, Shoalhaven Water have not replied to APS's correspondence. However APS advised that in a telephone conversation with staff from Shoalhaven Water on 2 March 2017 it was indicated to APS that there was no proposal under the current Development Servicing Plans for sewerage Services (2013) for any other upgrading within this system other than that noted above.

In conclusion, according to APS the sewerage infrastructure that is proposed to be installed by the developer will adequately service the development and provides no constraints to the development proceeding. APS note however that the existing sewerage infrastructure downstream of the site will not adequately service either the development or for that matter any other development permissible in the zone (even single storey mixed commercial/medium density buildings). The inadequacies of the existing sewerage infrastructure are the responsibility of Shoalhaven Water and need to be addressed as this inadequacy will restrict development for the whole precinct from proceeding.

### ***Water Supply Infrastructure***

According to APS the site is currently serviced with water supply via an existing DN250 main located along the southern side of Anson Street.

Water supply reticulation to each building will be the responsibility of the developer. Water mains are assumed to be adequately sized to cater for the necessary requirements of Shoalhaven Water for pressure and flow including provision of fire hoses to the buildings in accordance with AS2419.1 to ensure suitable water is available for fire fighting purposes.

According to APS the existing water supply infrastructure, installed by Shoalhaven Water, and the proposed water supply infrastructure to be installed by the developer will adequately service the development and provides no constraints to development.

### ***Road and Stormwater Drainage Infrastructure and Waste Services***

The road link connecting Anson Street and Island Point Road, including roundabout at the intersection of Anson Street and Island Point Road as well as a link to the IGA shopping complex is constructed and includes the provision of sealed residential access and associated stormwater drainage

APS advise that consultation with Shoalhaven City Council indicates that this piped drainage system has been designed to cater for the 1:5 year event, on the assumption that the surrounding properties are undeveloped. Consequently the proposed development will be required to provide stormwater detention to limit the discharge from the site to the pre-developed case in accordance with DCP2014. APS advise no additional road network infrastructure is proposed or required for the development.

It is assumed the roads constructed by Shoalhaven City Councils contractor through the development are to an acceptable standard for public road and will be suitable for waste collections services and access. A noted exception is the provision of street lighting which has not been constructed with the road network (see section 3.4) and will be required to be constructed as part of this application.

According to APS, the road and stormwater drainage infrastructure currently under construction is adequate to serve the development (including waste collection services) and provides no constraint to the development. On-site detention will be a requirement of any development, in accordance with DCP 2014, limiting the post-developed flows to the pre-developed case.

### ***Electricity Infrastructure***

The site has access to existing overhead electrical cables infrastructure in Island Point Road, to the west, and underground electrical cables infrastructure in Anson Street, to the east, all owned and operated by Endeavour Energy (EE). Design and construction of street lighting and internal underground reticulation (including provision of pad mount substation(s) as required) within the development will be fully funded by the developer.

APS note no correspondence with Endeavour Energy (EE) as regards the expected load for the development has been made, or is possible, until such time as the development has been determined. Application to EE to determine the requirements will be made once the development is approved. APS anticipate there will be the need for a level 3 Service provider to undertake a design for the Electrical supply. This will determine whether the existing system does or does not have the capacity to cater for the full expected load. Funding arrangements for this will be determined at design stage.



APS indicate that the electrical infrastructure that is proposed to be installed by the developer will adequately service the development.

### ***Telecommunications Infrastructure***

The site is currently serviced with telecommunications services.

Telstra has a statutory requirement to service all developments with telecommunications services. The pit and pipe infrastructure for this is provided 100% by the Developer and the cables/fibre optic provided 100% by NBNco (if within the footprint) or Telstra (at no cost to the developer) under the current operating practices. To that end, during the installation of the electrical infrastructure, the Developer will arrange for supply of labour and materials (pit and pipe) to service the development, with the final infrastructure installation to be scheduled by either NBNco or Telstra (as applicable) to suit the requirements for supply at construction stage.

The development will be registered with Telstra and NBNco to determine which authority the development falls under and to allow the appropriate organisation to provide the necessary pre-provisioning services. Closer to the construction phase, a design will be undertaken, at the developers expense and an Application for Reticulation will be made to enable Telstra (if applicable) to allow any works required outside the development to be completed.

In conclusion APS indicate the telecommunications infrastructure will be installed partially by the developer and partially by Telstra or NBNco and will service the development to current requirements. Hence, telecommunications infrastructure provides no constraints to development proceeding.

### ***Conclusion***

The Utilities Investigation Report prepared by APS concludes:

*“Assessment of the existing gravity sewer indicates that the sewer transportation system is inadequate for orderly development permissible for the current zonings for the whole precinct. There is no proposal currently to upgrade the gravity lines outside the development site (both upstream and downstream of the site). The inadequacy of the existing downstream gravity lines is a constraint to the development, however as this affects the development for the whole precinct these works are the responsibility of Shoalhaven Water.*

*Gravity reticulation will be provided within the site by the developer, designed to cater for the proposed development, and is not a constraint to development proceeding.*

*Correspondence with Shoalhaven Water indicates that the water trunk main is currently available to the development. Any additional Water reticulation will be provided throughout the development by the developer.*

*Residential standard road access is available and is suitable to service the development. Stormwater drainage associated with the road construction is suitable for the site in a pre-developed state and consequently on-site detention will be required to be provided to cater for the proposed development.*

*Electrical reticulation infrastructure will be provided throughout the development by the developer.*

*Waste services will not be a constraint to development proceeding as all roads are public roads to Council standards.*

*Telecommunications will not be a constraint to development as Telstra has a statutory obligation to supply the necessary services to the development.”*

#### **6.4 THE SUITABILITY OF THE SITE FOR DEVELOPMENT**

In our view the site is suitable for the development envisaged by the CMP:

- The zone objectives applying to the subject land seek higher density residential development.
- The subject land is eminently suitable for higher density development given its proximity to St Georges Basin commercial centre and transport infrastructure.
- The proposal provides an alternative housing option to the surrounding mainly single detached dwellings and would therefore respond to changing housing demands within the locality.
- The proposal has given due consideration to residential amenity through setbacks to minimise overshadowing effects.
- The proposed higher density residential development is likely to support the economic viability of the adjoining St Georges Basin commercial area.
- There are no significant flora and fauna effects that would result as a consequence of the development proposal. The development will include the retention and protection measures for the existing population of *Melaleuca biconvexa* located within Lot 6.
- The development will be connected to reticulated sewer.
- The proposed development will not adversely impact the carrying capacity of local roads or traffic safety within this locality.
- Stormwater drainage systems will be developed to limit post-developed flows to the pre-developed case.

- The development includes bushfire protection standards that are consistent with PBP.

Given these circumstances it is our view that the subject site is suitable for the proposed development.

## **6.5 SUBMISSIONS**

It is envisaged that the development application once submitted to Council will be placed on public exhibition; and the general public will be afforded an opportunity to review the documentation supporting the application.

Any public submissions made following the exhibition will need to be taken into consideration by Council when it determines the application

## **6.6 THE PUBLIC INTEREST**

It is our view that the proposal is in the public interest:

- The proposal is consistent with the zoning objectives that apply to the land.
- The subject land is considered eminently suitable for higher density development given its location adjacent to the St Georges Basin commercial area, to transport infrastructure and other services.
- The proposal will provide more affordable and broader housing options for the local community and the Shoalhaven area.
- The provision of alternative housing options will enable the community to respond to changing housing demands.
- The proposal will support the neighbouring St Georges Basin commercial area.
- The proposal will not result in any adverse impacts on flora and fauna or their habitats.
- The application is supported by a Bushfire Protection Assessment that demonstrates that the proposed subdivision will be able to comply with relevant bushfire guidelines.

## **7.0 CONCLUSION**

This SEE supports a development application that seeks approval for a staged development application comprising a CMP for the subject site. The CMP provides for mixed residential apartment and commercial uses. The CMP outlines the layout of buildings and building envelopes for future development and proposes minor modifications to the boundaries of the approved subdivision of the site to better facilitate the siting of this future development. The development application is made pursuant to Section 83B of the Environmental Planning & Assessment Act.

Should Council grant consent to this CMP; separate development applications will be required to be made for the future buildings identified by the Master Plan.

The planning provisions that apply to the subject land are consistent with the proposed CMP for mixed use commercial and higher density residential development. The proposal is permissible subject to Council's consent. The Southern Joint Regional Planning Panel is the consent authority.

The subject land is eminently suitable for higher density residential development given the current zoning of the land, its proximity to commercial, retail, and transport infrastructure and the NSW Government's and Council's broader planning strategies that have sought higher density residential development for this land.

Enabling higher density residential developments on the land will result in a more orderly and economic use of these parcels of land consistent with the objectives of the EP&A Act and state and local planning strategies.

Future development under the CMP will be subject to the design requirements of State Environmental Planning Policy No. 65.

The development application is supported by expert assessments addressing bushfire, ecology, traffic and utility infrastructure. These expert assessments conclude that the proposed CMP will not adversely affect the environment; amenity of the locality; or the carrying capacity or safety of the local road system.

The CMP considers the site, surrounding locality and relevant town planning controls. The CMP provides an assessment of the proposal having regard to the matters for consideration as listed under Section 79C of the Environmental Planning & Assessment Act. The assessment concludes the development, within its local context is satisfactory (subject to Council's response regarding a request for an increase in height restrictions).

Council's approval is therefore sought.



**STEPHEN RICHARDSON**  
TOWN PLANNER CPP MPIA

**ANNEXURE 1**

**Concept Master Plan**

**prepared by**

**Shobha Design (Architect)**

**ANNEXURE 1**

**ANNEXURE 2**

**Economic Assessment**

**prepared by**

**Opteon (South East Regional NSW) Pty Ltd**

**ANNEXURE 3**

**Ecological Assessment**

**prepared by**

**Kevin Mills & Associates**



**ANNEXURE 4**

**Bushfire Protection Assessment**

**prepared by**

**Eco Logical Australia**

**ANNEXURE 4**

**ANNEXURE 5**

**NSW Coastal Policy Compliance Checklist**

**prepared by**

**Cowman Stoddart Pty Ltd**

**ANNEXURE 5**

**ANNEXURE 6**

**Traffic Assessment**

**prepared by**

**Traffic Solutions Pty Ltd**

**ANNEXURE 6**

**ANNEXURE 7**

**Utilities Investigation Report**

**prepared by**

**Allen Price & Scarratts**