

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-142
DA Number	RA22/1001
LGA	Shoalhaven City Council
Proposed Development	Demolition of existing structures, removal of trees, construction of two-storey public library building, associated landscaping works and extension of adjacent Council-owned car park.
Street Address	192 Kerry Street, SANCTUARY POINT – Lot 944 DP 27857 194 Kerry Street, SANCTUARY POINT – Lot 945 DP 27857 196 Kerry Street, SANCTUARY POINT – Lot 946 DP 27857 198 Kerry Street, SANCTURAY POINT – Lot 947 DP 27857 Paradise Beach Road, SANCTUARY POINT – Lot 3 DP 806393 Kerry Street, SANCTUARY POINT – Lot 4 DP 806393
Applicant/Owner	Applicant: Shoalhaven City Council c/- Premise Owner: Shoalhaven City Council
Date of DA lodgement	9 February 2022
Total number of Submissions Number of Unique Objections	Nil
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)	Schedule 6 Section 3(b) – Council related development over \$5 million The development has a capital investment value (CIV) of more than \$5 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Shoalhaven Local Environmental Plan 2014 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • Shoalhaven Development Control Plan 2014
List all documents submitted with this report for the Panel's consideration	Attachment 1 - Section 4.15 Assessment Report Attachment 2 - Determination Document – Approval subject to conditions Attachment 3 - Plans
Section 4.6 requests	N/A
Summary of key submissions	N/A
Report prepared by	Consultant Planners: Planning Ingenuity
Report date	1 March 2023

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative sections requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

Section 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not
applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

No

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Executive Summary

The subject site is located on the southeast corner of the intersection with Kerry Street and Paradise Beach Road, Sanctuary Point.

The land is legally identified as Lots 944 to 947 DP 27857 (known as 192-198 Kerry Street, Sanctuary Point), Lot 3 DP 806393 (known as Paradise Beach Road, Sanctuary Point) and Lot 4 DP 806393 (known as Kerry Street, Sanctuary Point).

The subject DA, Development Application No. RA22/1001, initially sought approval for the following works:

- (a) Demolition of existing structures and features on the site including removal of trees,
- (b) Construction of a two-storey public library building including foyer, customer service area, multi-purpose room, kitchen, store, amenities, children's library and lending library, technology space, internal courtyard, lift, lunchroom, public meeting room, copy centre, youth area, research area, outdoor terrace and plant room.
- (c) Reconfiguration and extension of at-grade parking adjacent to Francis Ryan Reserve from 64 spaces to 142 spaces.
- (d) Construction of new at-grade parking along the Kerry Street frontage of the library including mobile library parking bay,
- (e) Construction of stairs and accessible pathway for new outdoor public connection link and public open space area, and
- (f) Associated site works, including civil works, landscaping and earthworks.

During the assessment of the development application, the proposal has been amended to reconfigure the at-grade parking adjacent to Francis Ryan Reserve from 64 spaces to 106 spaces in order to protect a number of significant native trees located in this area and optimise parking including parking for buses and accessible parking spaces.

The land is zoned B2 Local Centre and RE1 Public Recreation under the *Shoalhaven Local Environmental Plan 2014* (SLEP 2014), under which “community facilities” are permitted with development consent.

The application is regionally significant development as the development involves a capital investment value (CIV) of more than \$5 million and the applicant, owner and developer of the development application is Shoalhaven City Council (per section 3(a), (b) and (c) of Schedule 6 of State Environmental Planning Policy (SEPP) (Planning Systems) 2021). Accordingly the Southern Regional Planning Panel (‘the Panel’ or SRPP) is the determining authority for the application.

The development application has been assessed against the following relevant environmental planning instruments and demonstrates compliance with the relevant provisions:

- *Shoalhaven Local Environmental Plan 2014*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*

The application has been assessed against the following chapters of the Shoalhaven Development Control Plan 2014 (SDCP 2014):

- G2: Sustainable Stormwater Management and Erosion/Sediment Control
- G3: Landscaping Design Guidelines
- G4: Tree and Vegetation Management
- G5: Biodiversity Impact Assessment
- G7: Waste Minimisation and Management Controls
- G11: Subdivision of Land
- G18: Streetscape Design for Towns and Village Centres
- G21: Car Parking and Traffic
- N22: Sanctuary Point Local Centre

The development demonstrates general compliance with each chapter of SDCP 2014. In relation to Chapter N22 Sanctuary Point Local Centre, the proposed development is not consistent with the Structure Plan within Local Centre Map for Sanctuary Point with the proposed building located within an area designated for a future car park. Despite this however the assessment has concluded that the proposal is considered to support the objectives of the DCP with the development creating a multi-purpose community facility and shared public parking complementary to the business centre of Sanctuary Point. The scale of the building is in keeping with the anticipated built form, with adequate car parking and pedestrian links to improve amenity within the shopping centre.

The DA was notified in accordance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regs) and Council's Community Consultation Policy for Development Applications. The notification period was from 23 February 2022 to 25 March 2022. No submissions were received in response to notification.

The site is suitable for the proposed development in its present form and is in the public interest. The assessment concludes that the proposal is considered worthy of support and recommends that the application be approved in accordance with the reasons for approval and recommended conditions provided with this report.

1. Detailed Proposal

The proposal initially submitted involved the demolition, tree removal and the construction and operation of the new two storey Sanctuary Point library, including:

- Demolition of all existing structures
- Removal of trees;
- Two storey library building and associated facilities;
- Reconfiguration and extension of at-grade car park adjacent to Francis Ryan Reserve from 64 to 142 spaces;
- Construction of new at-grade parking area at the front of the library including mobile library parking bay; and
- Construction of stairs and accessible pathway for public connection link and public open space;
- New landscaping.

Refer to **Attachment B** for a copy of the DA plans.



Figure 1. Ground Floor Plan

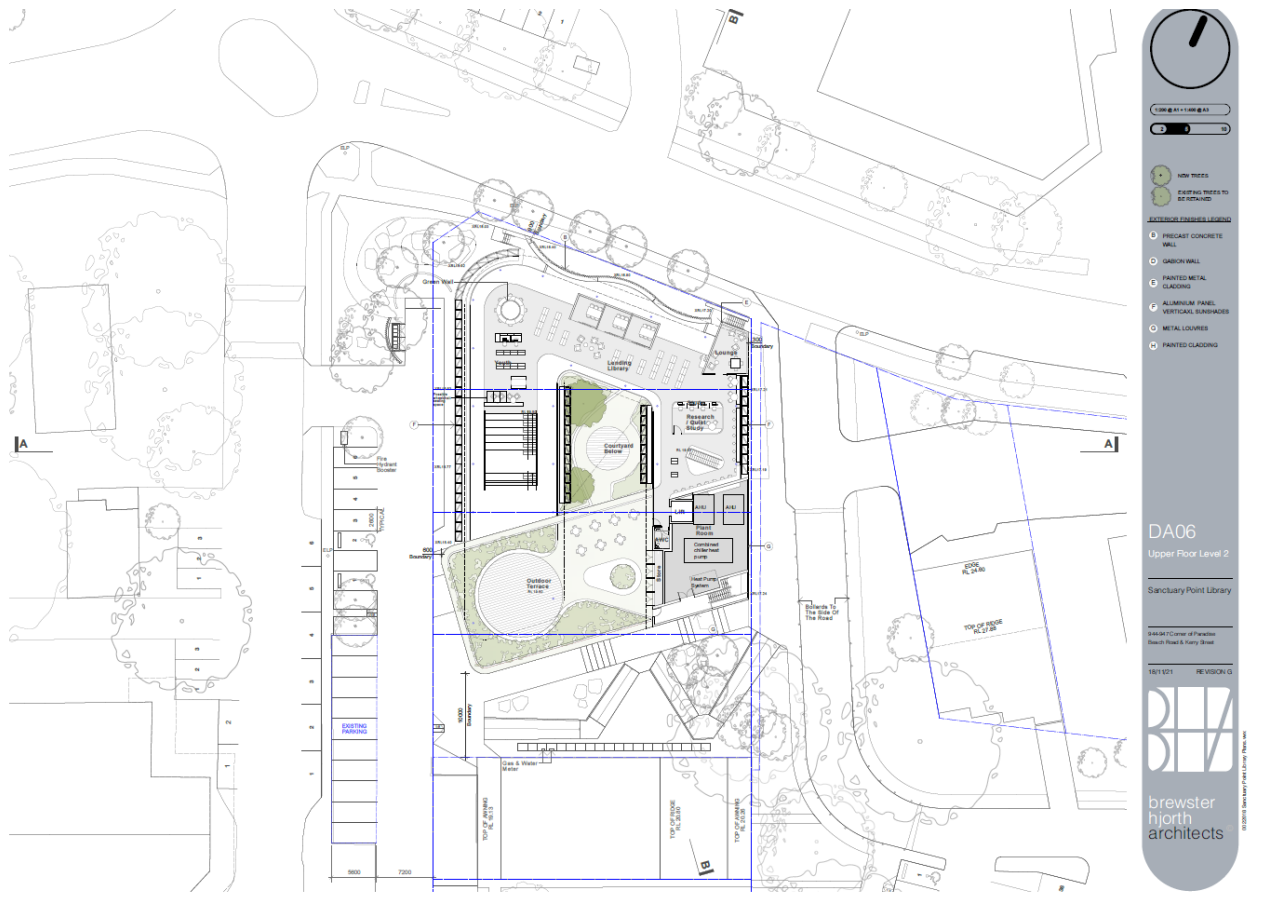


Figure 2. First Floor Plan

2. Subject Site and Surrounds

The subject site:

- Is within the Sanctuary Point local centre.
- Is zoned B2 Local Centre and RE1 Public Recreation.
- Is not mapped as Bushfire Prone Land or affected by any flood hazard.
- Surrounding land to the east and west is zoned B2 Local Centre. Properties to the northwest of the site are zoned R2 Low Density Residential.



Figure 3. Location Map

The site comprises both:

- land for the proposed library building; and
- the land adjacent to Francis Ryan Reserve which will provide for additional carparking spaces to offset those that will be displaced by construction of the library building; and
- publicly accessible vehicle routes (not public roads) used to access public parking, Francis Ryan Reserve and commercial premises fronting Paradise Beach Road and Kerry Street .

The site contains several native trees of various species and ages including Water gum, Swamp oak, River oak, Spotted gum, Bloodwood, Sydney peppermint, White stringybark and Scribbly gum. A large number of these trees are of high and medium retention value, particularly Tree 7 which is a visually prominent Spotted gum adjacent to Paradise Beach Road.

Figure 4 indicates the location of the existing trees on the site and their respective retention values. Further discussion on the assessment of tree removal and retention is provided later in this report.



Figure 4. Tree Retention Values

3. Background

Pre-Lodgement

Shoalhaven City Council exhibited a Concept Design for the Sanctuary Point District Library between 31 March and 30 April 2021.

Council held community consultations and information sessions to receive feedback in addition a 'Get Involved' [webpage](https://getinvolved.shoalhaven.nsw.gov.au/sanctuarypoint-library)¹ to inform the public on the new proposed Regional Library. Information received to this consultation was used to provide input into the final design of the Sanctuary Point Regional Library to be submitted for development consent.

The public exhibition identified the key issues for the community with this project. Despite significant support for the library project, a major concern was the loss of public carparking within the Sanctuary Point local centre. The Concept Design provided for the replacement of all carparking displaced by creating an extension to the carparking area adjacent to Francis Ryan Reserve and retaining all car parking spaces located near Kerry Street.

Post-Lodgement

- This subject application was lodged on 9 February 2022. The description of the application at lodgement was as follows:

¹ <https://getinvolved.shoalhaven.nsw.gov.au/sanctuarypoint-library>

“Construction of the new two storey Sanctuary Point Library including:

- *Demolition including existing car park and associated structures, including removal of 33 trees.*
- *Construction of Sanctuary Point Library which consists of:*
 - *Two Storey Library Building and associated facilities.*
 - *Reconfiguration and Extension of at-grade parking adjacent to Francis Ryan Reserve from sixty-four spaces to 142 spaces.*
 - *Construction of new at-grade parking at the front of the library including Mobile Library Parking Bay including vehicular access point from Kerry Street.*
 - *Construction of stair and accessible pathway for new public connection link.*
 - *Green trellis art-wall.*
- *Associated site works including Civil works comprising drainage works and adjustment/augmentation of existing services; Landscaping; and Earthworks.”*

The property description was Lots 944-947 DP 27857 (known as 192-198 Kerry Street Sanctuary Point and Lots 3-4 DP 806393 Paradise Beach Road Sanctuary Point).

- Council briefed the SRPP on 25 May 2022. There were a number of issues discussed, including:
 - (a) Accuracy of the Landscape Plan,
 - (b) Tree removal from the site,
 - (c) Retention of bus bay to service sports fields,
 - (d) Lighting and security for users of the new building and the adjoining open space and car park,
 - (e) Accessibility of the building including provision of storage space in building entry foyer.
- Request for Further Information (No 1) was sent to the applicant on 4 March 2022. The letter requested the applicant provide the following information:
 - “1. Written response and documentation addressing Council’s Development Engineer requirements and referral comments (D22/59817), accessible via Council’s DA Tracking System.*
 - 2. Long section of the existing sewer that highlights the bottom level of the building slab and its offset to the existing sewer. If the slab is impacting on the sewer, then either a sewer re-alignment will be required or building levels adjusted.*
 - 3. Revised owners consent to be completed by a council officer with delegation to sign”*
- Request for Further Information (No 2) was sent to the applicant on 2 June 2022. The letter requested the applicant provide the following information:
 - “1. Landscape Plan*
 - 2. Impacts on Tree and Vegetation and consideration of tree retention*
 - 3. Safety and Security*
 - 4. Relationship between site and adjoining properties*
 - 5. Accessible car parking*
 - 6. External design*

7. *Internal design*
8. *Electricity infrastructure*
9. *Consolidation plan*
10. *Other matters”.*

In particular, the applicant was requested to consider an alternative design that could enable the retention of Trees #9, #10 and #11 located adjacent to Paradise Beach Road.

A response to this request was provided on 20 June 2022.

The response indicated that the retention of Trees #9, #10 and #11 was considered during the design phase of the development where it was identified that these trees could not be retained due to a number of project constraints including:

- reconfiguration of the internal vehicle routes, swept paths for larger vehicles such as buses which require a wider turning circle and unavoidable impacts on the TPZ and SRA of these trees due to road pavement and footpath construction. Noting that internal vehicle routes include the need for a safe movement route to the southern boundaries of commercial properties with frontage to Paradise Beach Road as well as vehicle routes for the new public car parking area;
- installation of utilities and services and limitations to the location of the vehicle crossing point in Paradise Beach Road due to the separation distances from the intersection with Kerry Street and the pedestrian crossing refuge.

The response concluded that for the reasons outlined above, the removal of the trees is essential and replacement of these three trees is a viable alternative. Swept path analyses and critical turning paths for buses were considered by Council's Development Engineer as well as alternative designs for the vehicle crossing and crossing location. It was determined that the engineering design requirements for vehicle access and egress require the removal of the trees.

A design with a basement car parking area was cost-prohibitive and beyond the scope of the design brief.

- Request for Further Information (No 3) was sent to the applicant on 11 August 2022. The letter requested the applicant provide information regarding the following items:

- “1. *Impacts on trees and vegetation and consideration of retaining trees,*
2. *Safety and Security, and*
3. *Accessible car parking”*

In particular, the applicant was requested to consider an alternative design that could enable the retention of Trees #7, #9-11 and #57. The applicant was advised that the Panel was concerned that insufficient justification has been provided for the extent of tree removal that is proposed.

The applicant was requested to reduce the footprint of the rear carpark to avoid impact to trees (particularly Tree #57). In respect of Tree #7, Council's assessment indicates that its location and size make it non-viable to retain in proximity to the building footprint.

A response to this request was provided by the applicant on 14 October 2022.

The response provided further justification for the removal of the specific trees. The response states that alternative design options were considered to facilitate the retention of Trees #9 to #11 in consultation with the project arborist. Based on the advice of the arborist with respect to the Tree Protection Zones, tolerance for disturbance and consideration of alternative design options for vehicle access and movement routes, installation of utilities and services including stormwater drainage management of the paved surfaces, the removal of these trees was found to be the most feasible outcome.

The applicant advised Council that two (2) alternative design options for the rear carpark were developed and assessed. The first option involved the reduction of the southern end of the carpark to provide adequate distance from Tree #57. This option involves the loss of 8 car spaces compared to the original proposed layout, a 17.7% encroachment of the Tree Protection Zone (TPZ) and no encroachment of the Structural Root Zone (SRZ) of Tree #57.

A second option was also considered that involved the southern end of the carpark being retracted north to provide sufficient distance from Tree #57. This option would result in the loss of 18 car spaces compared to the original proposed layout and a 17.7% encroachment of the TPZ and no encroachment of the SRZ.

The assessment found Option 1b was the preferred option to provide protection of Trees #49, 56 and 57 and maintain appropriate carparking numbers. Council's support for this option would require the retention of the bus parking space adjacent to the amenities building of Francis Ryan Reserve.

- Request for Further Information (No 4) This was sent to the applicant on 2 December 2022. The letter requested the applicant provide the following information:

- “1. Rear lane access to adjacent shops facing Kerry Street*
- 2. Retaining trees at Southern end of new carpark*
- 3. Replacement trees near Paradise Beach Road”.*

In particular, the applicant was requested to retain a bus parking space adjacent to the amenities building at Francis Ryan Oval by requiring the amendment of the car park plan without loss of car parking capacity and without any further loss of trees.

The applicant was also requested to demonstrate that the proposed development would not prevent vehicle access to the rear of the commercial properties at Nos. 200 to 206 Kerry Street. Plans were requested demonstrating that satisfactory service vehicle access could be maintained to these properties without restriction from the proposed development as well as adequate space for future vehicle access and egress with future redevelopment of these sites.

A response to this request was provided on 22 February 2023.

The response provided an updated design that retained Trees #56 and #57 and included the bus bay adjacent to the north of Francis Ryan Reserve amenities building. It also facilitates the provision of 106 car spaces within the main carpark and an additional 0.5m apron at the southern end of the carpark for a bus/waste vehicle to make a three-point turn.

The applicant's response regarding rear access to the commercial properties on Kerry Street was that such access would not be prevented. Plans indicating adequate dimensions available in setback to the rear of these properties for a 10m long waste vehicle have been provided including

maintaining vehicle crossing laybacks and maintaining accessible pedestrian pathways to the edge of the new parking area.

All outstanding matters particularly tree retention, on-site parking and vehicle access and egress for buses and waste vehicles and future vehicle access for adjoining commercial premises with frontage to Kerry Street have been investigated and satisfactorily addressed by the applicant.

4. Consultation and Referrals

Internal Referrals		
Referral	Recommendation Summary	Comment
Development Engineer	No objections subject to recommended conditions of consent (dated 5/04/2022).	<p>Conditions to be imposed.</p> <p>See the following conditions in the draft determination:</p> <ul style="list-style-type: none"> Part B: 'Private Use of Public Parking Spaces'; Part C: 'Works within the Road Reserve', 'Construction Traffic Management Plan', 'Run-off and Erosion Controls' and 'Dilapidation Report'; Part D: 'Design Standards - Works Within Road Reserve', 'Existing Infrastructure', 'Soil and Water Management Plans (SWMP)', 'Road Design Standards (Urban) – Development', 'Access Driveway Design Standards – Urban', 'Cycleway and Footpath Design Standards', 'Car Parking Design Standards', 'Design Standards – Traffic Committee Referral', 'Lighting Design - Internal Driveway and Carparking', 'Stormwater Drainage Design Standards (Urban)', 'WSUD Measures – Water Quality, Retention and Reuse', 'Water Sensitive Urban Design Operation and Maintenance Manual', 'Water Sensitive Urban Design Checklists'; Part F: 'CCTV Inspection of Stormwater Pipes' and 'Redundant Driveways and Crossings'. Part G: 'Works as Executed Plans', 'Works in the Road Reserve - Evidence of Completion', 'Maintenance Period of WSUD Devices' and 'Handover of WSUD Assets to Council'.
Environmental Health Officer	No objections subject to recommended conditions of consent (dated 7/04/2022).	<p>Conditions to be imposed.</p> <p>See the following conditions in the draft determination:</p> <ul style="list-style-type: none"> Part D: 'Noise' and 'Noise Management'.
Building Surveyor	No objections subject to recommended conditions of	<p>Conditions to be imposed.</p> <p>See the following conditions in the draft determination:</p>

	consent (dated 19/02/2022).	<ul style="list-style-type: none"> Part A: 'Prescribed Conditions' and 'Occupation / Use'; Part C: 'Construction Certificate', 'Appointment of Principal Certifier', 'Notice of Commencement' and 'Toilet Facilities - Temporary'; Part D: 'Long Service Levy', 'Retaining Walls - Design' and 'Hydraulic Engineering Details for Water, Sewer & Drainage'; Part G: 'Fire Safety', 'Retaining Walls - Certification', 'Works as Executed - Stormwater Drainage', 'Section 68 of the Local Government Act' and 'Accessible Carparking'; Part I: 'Fire Safety - Annual Statement' and 'Overland Stormwater Flow, Redirecting and/or Concentrating Stormwater'.
City Services (Waste, Trees, Property)	No objections subject to recommended conditions of consent (dated 17/02/2022).	<p>Conditions to be imposed.</p> <p>See the following conditions in the draft determination:</p> <ul style="list-style-type: none"> Part C: 'Tree Management' Part D: 'Amended Landscape Design Plans' Part F: 'Waste Management Plan'; Part I: 'Site Maintenance – Commercial/Industrial Development'.
Shoalhaven Water	Notice provided (dated 24/05/2022).	<p>Conditions to be imposed.</p> <p>See the following conditions in the draft determination:</p> <ul style="list-style-type: none"> Part A: 'Shoalhaven Water - Certificate of Compliance'; Part C: 'Shoalhaven Water – Prior to the Commencement of Any Works'; Part G: 'Shoalhaven Water – Certificate of Compliance'.
City Futures	No objections.	<p><u>General comments</u></p> <p>DCP Chapter N22 envisages this prominent site as a 'focal point' (landscaped pedestrian court) in Sanctuary Point village centre, however, the site is an ideal location for this proposed major community facility. It will draw people into the village centre, helping to activate and revitalise it, and will help to consolidate uses in the village centre in line with the objectives of the DCP. Despite this inconsistency in intended use of the site, we consider that the proposal meets the overall intent of DCP N22.</p> <p>The proposal is well designed, incorporating innovative and interesting architectural features befitting this prominent site in the village centre. We support the inclusion of good quality landscaping in the spaces around the building to soften its appearance and complement the natural vegetated character of Sanctuary Point.</p>

		<p><u>Rear service lanes</u></p> <p>Acceptable solution A1.1 in DCP Chapter N22 generally requires retail and commercial premises in Sanctuary Point Local Centre to be provided with rear service access. The proposal appears to remove the ability for retail/commercial premises on Kerry Street to be serviced with a rear lane in the future as shown in Supporting Map 1 – Sanctuary Point Local Centre. The proposal appears to remove an existing service access for the premises at 204 and 206 Kerry St. We accept that more recent community-led plans deviate from the village centre masterplan in Supporting Map 1, however the implications of the proposal on rear access and servicing needs to be considered in the DA assessment.</p>
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External Referrals		
Agency	Recommendation	Comment
Endeavour Energy	No objections subject to recommendations and comments (dated 09/03/2022).	<p>Conditions and advisory note to be imposed.</p> <p>See the following conditions in the draft determination:</p> <ul style="list-style-type: none"> Part D: 'Asset Relocation – Endeavour Energy' and 'Network Connection – Endeavour Energy'
NSW Police	Recommended approval subject to conditions of consent relating to lighting, CCTV, removal of graffiti and placement of landscaping.	<p>Conditions to be imposed.</p> <p>See the following in the draft determination:</p> <ul style="list-style-type: none"> Part D: 'Crime Prevention'.

5. Other Approvals

There are no other approvals required.

6. Statutory Considerations

This report assesses the proposed development and use against relevant State, Regional and Local Environmental Planning Instruments and policies in accordance with Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The following planning instruments and controls apply to the proposed development:

- Shoalhaven Local Environmental Plan 2014
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021

Planning Report – S4.15 Assessment – 192-198 Kerry Street, SANCTUARY POINT Lots 944-947 DP 27857, Paradise Beach Road SANCTUARY POINT Lot 3 DP 806393 & Kerry Street, SANCTUARY POINT Lot 4 DP 806393

- *State Environmental Planning Policy (Planning Systems) 2021*

Additional information on the proposal's compliance with the above planning instruments is detailed below in Section 7 (Statement of Compliance/Assessment) of this report.

7. Statement of Compliance/Assessment

Environmental Planning and Assessment Act 1979

The following provides an assessment of the submitted application against the matters for consideration under Section 4.15 of the EP&A Act.

(a) Any planning instrument, draft instrument, DCP and regulations that apply to the land

i) Environmental planning instrument

SEPP (Planning Systems) 2021

The proposal, being Council related development having a capital investment value of more than \$5 million, is triggered as regionally significant development for the following reasons:

- Council is the applicant for the development,
- The Council is the owner of the land, and
- The development is to be carried out by the Council.

The application is therefore referred to the SRPP for determination.

SEPP (Transport and Infrastructure) 2021

Section 2.48(1)(b)(iii) (formerly clause 45(1)(b)(iii) of SEPP (Infrastructure) 2007) is applicable and the application was referred to the *electricity supply authority for the area* (Endeavour Energy) on 10/03/2021 for comment.

A response was provided (as detailed under the 'Referrals' section of this report) and has been considered. The response provided by Endeavour Energy does not raise any significant issues and all matters raised have been adequately addressed by conditions of consent.

SEPP (Biodiversity and Conservation) 2021

This SEPP contains the mechanism for the removal of vegetation in a non-rural area. Council may issue a permit or development consent for the clearing of vegetation within a non-rural zone under Part 2.3 of the SEPP.

In this instance, vegetation to be removed is being considered ancillary to this development proposal and is subject to relevant controls contained within Chapters G4 and G5, Shoalhaven DCP 2014, addressed later in this report.

The requirements of the Biodiversity and Conservation SEPP are satisfied by the proposed development with regard to tree removal and retention as discussed above.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is situated within the Coastal Environment Area and as such clause 2.10 applies. The proposed development is acceptable having regard to each of the relevant matters for consideration within this clause.

Chapter 4 – Remediation of Land

The requirements of this SEPP apply to the development. In accordance with Section 4.6(1), the consent authority must consider if the land is contaminated, and if the land is contaminated, it must be satisfied that the land is suitable in its contaminated state or will be suitable, after remediation, for the purpose for which the development is proposed to be carried out. If the land requires remediation in order to be made suitable for the development to be carried out, the consent authority must be satisfied that the land will be remediated before the land is used for that purpose. The following table outlines the assessment of these requirements:

Question	Yes		No	
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?		Proceed to Question 3	X	Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?	X	Proceed to Question 3		Assessment under SEPP and DCP not required.
3. Does the application proposed a new: <ul style="list-style-type: none"> ▪ Childcare facility ▪ Educational use ▪ Recreational use ▪ Health care use ▪ Place of public worship ▪ Residential use in a commercial or industrial zone 		Proceed to Question 5	X	Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?		Proceed to Question 5	X	The site was inspected and there is no evidence of contamination. Proposal satisfactory under SEPP and DCP.
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?		Request contaminated site assessment		Proposal satisfactory under SEPP and DCP.

Shoalhaven LEP 2014

Land Zoning

The land for the proposed library building is zoned B2 Local Centre and the land to be used for the extension of the carpark is zoned RE1 Public Recreation under the SLEP 2014.

Characterisation and Permissibility

The proposal fits the definition of a *Community Facility* under the SLEP 2014. The proposal is permitted within the B2 Local Centre zone with the consent of Council. Carparks are a permissible land use within Zone RE1 Public Recreation.

Overall, the proposal is permitted within both zones with development consent.

B2 Zone objectives

Objective	Comment
<ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. 	Satisfies the nominated objective as a new community use will be provided.
<ul style="list-style-type: none"> To encourage employment opportunities in accessible locations. 	Satisfies the nominated objective. The proposal will support employment in the local community.
<ul style="list-style-type: none"> To maximise public transport patronage and encourage walking and cycling. 	Satisfies the nominated objective. The proposal will encourage library patrons to walk and cycle where possible with new accessible pathways connecting to the building and storage for bicycles and prams.

RE1 Zone objectives

Objective	Comment
<ul style="list-style-type: none"> To enable land to be used for public open space or recreational purposes. 	Satisfies the nominated objective. Work within the RE1 zone is limited to the extension of the public carparking that will be shared between users of the public reserve and library and to replace public parking located within the works footprint for the new library and open space link.
<ul style="list-style-type: none"> To provide a range of recreational settings and activities and compatible land uses. 	Not applicable.
<ul style="list-style-type: none"> To protect and enhance the natural environment for recreational purposes. 	Satisfies the nominated objective. The proposal will retain some mature native trees and other vegetation where possible. The continuous rows of mature trees along the southern and eastern edges of the site will be retained. Conditions are recommended for compensatory planting of equivalent species.

SLEP 2014 Sections

Section	Comments	Complies/Consistent
Part 2 Permitted or prohibited development		
2.7 Demolition requires development consent	Consent sought as part of this application.	Yes

Part 4 Principal development standards		
4.3 Height of buildings	The subject site has a maximum permitted building height of 11m as per sub-section (2A). The proposed development does not exceed the height limitation.	Yes
Part 7 Additional local provision		
7.1 Acid sulfate soils	The subject site is identified as Class 5 land and the works proposed to facilitate the development are not likely to lower the watertable. Accordingly, an acid sulfate soils management plan not required.	N/A
7.2 Earthworks	The provisions of subsection (3) have been considered. The proposed earthworks will have no detrimental effect on use of the subject site or the existing and likely amenity of adjoining properties, subject to recommended conditions of consent.	Yes
7.11 Essential services	All essential services are available.	Yes
7.20 Development in the Jervis Bay region	The proposal satisfies the objectives of this section. The natural and cultural values of the Jervis Bay region are protected.	Yes

ii) Draft Environmental Planning Instrument

None relevant.

iii) Any Development Control Plan

Shoalhaven DCP 2014

Generic Chapters
G2: Sustainable Stormwater Management and Erosion/Sediment Control
<p>Satisfactory.</p> <p>The provisions of this chapter have been considered and Council's Engineers have raised no objections in relation to the proposed stormwater management, ongoing and construction erosion and sediment control measures, subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report).</p> <p>The submitted stormwater plan is acceptable and would be conditioned with any consent granted (refer Development Engineering comments at Part 4 of this report).</p>

G3: Landscaping Design Guidelines

Satisfactory subject to conditions.

The submitted landscape plan prepared by TaylorBrammer has been considered and is satisfactory subject to amendments being made to include details of required replacement and compensatory trees with a new landscaping plan and updated planting schedules around the perimeter of the facility, within the new public open space area south of the library building and new street trees. (See 'Amended Landscape Design Plans' condition under Part D and 'Landscaping Compliance' under Part G of the draft determination).

G4: Tree and Vegetation Management

Satisfactory subject to conditions.

The proposal requires the removal of 33 trees from the site (refer Figure 4 below) to accommodate the proposed library building and the additional carparking spaces in Francis Ryan Reserve. Through the recommended conditions of consent (see comment above), the proposal will provide sufficient compensatory tree planting to offset the removal of these trees.

The provisions of this chapter have been considered and Council's Environmental Assessment Officer has raised no objections subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report) and as shown in the recommended draft conditions of consent.

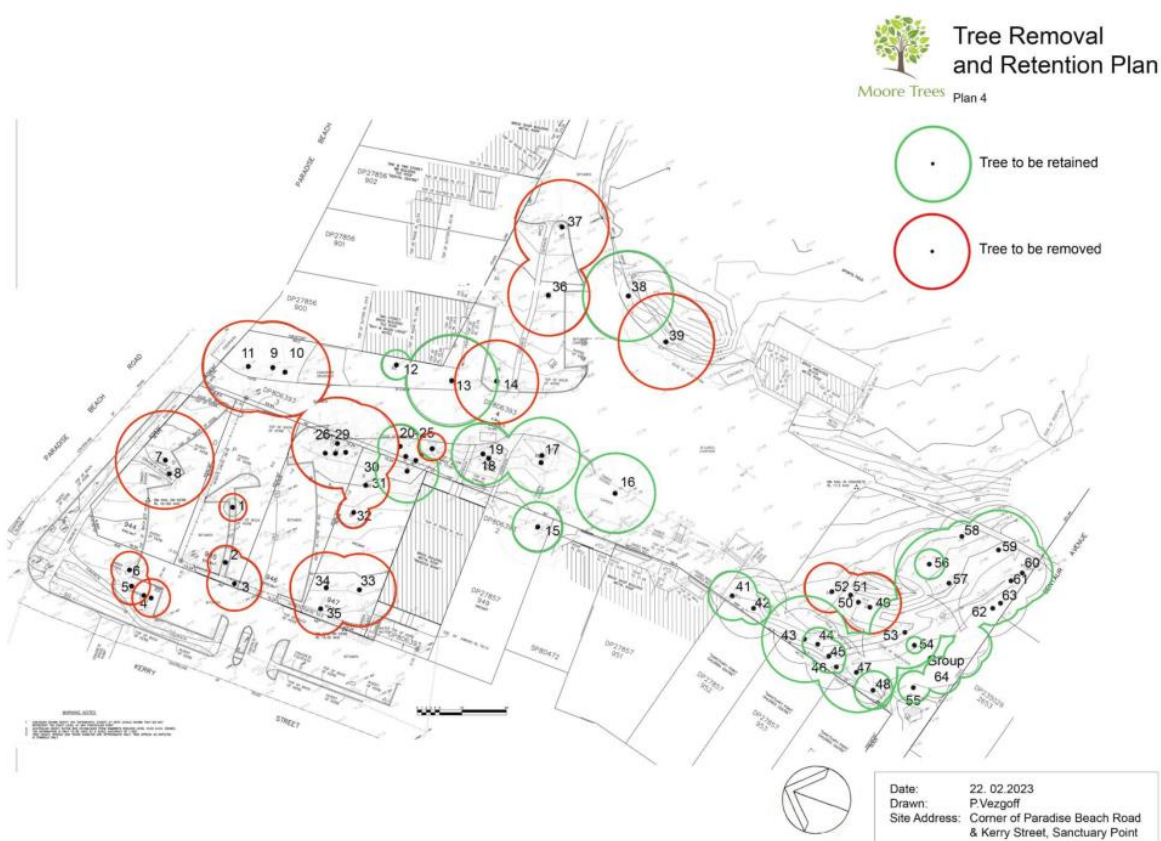


Figure 4 – Tree Removal and Retention Plan (Arboricultural Report & Tree Protection Specification) (Moore Trees, 23/2/2023)

It is noted that the Landscape Concept Plan shows tree replacement planting, with the applicant noting that trees are to be replaced at a ratio of 2:1 including:

- 18 x Spotted Gum trees to replace trees T7, T9, T10, T11, T14, T36, T37, T39 and T49.
- 4 x Water Gum trees to replace trees T1 & T2.

Recommended condition 'Amended Landscape Design Plans' in Part D of the draft condition includes a requirement for replacement planting in accordance with this proposed ratio.

G5: Biodiversity Impact Assessment

Satisfactory.

The provisions of this chapter have been considered and Council's Environmental Assessment Officer has raised no objections subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report).

G7: Waste Minimisation and Management Controls

Satisfactory subject to conditions.

A Waste Management Plan (WMP) prepared by *Brewster Hjorth* was provided with this application. Demolition and construction waste materials will be removed from the site for recycling or disposal at landfill.

A formal WMP is to be submitted with the Construction Certificate regarding the waste management of the development and ongoing waste collection and subject to a condition of consent being imposed. The conditions included in the recommended draft consent, require this prior to the issue of a Construction Certificate.

(See 'Waste Management Plan' condition under Part D of the draft determination)

G11: Subdivision of Land

Satisfactory subject to conditions.

The development application indicates that consolidation of the individual parcels comprising the subject site is being undertaken separate to the development application. In June 2002, Council wrote to the applicant requiring consolidation of the lots to ensure any built development sits over a single allotment. The applicant's response indicated that amalgamation of lots was under consideration and will be finalised prior to an Occupation Certificate being issued. As the permissibility of the development is not reliant on lot consolidation occurring, it is appropriate to require this as a condition of consent prior to Occupation Certificate (refer 'Lot Consolidation' condition under Part G of the draft determination).

G18: Streetscape Design for Towns and Village Centres

Satisfactory subject to conditions.

The DCP requires development to improve the quality of the streetscape in nominated town and village centres and subject streets. Additional landscaping and other streetscape works are to be provided surrounding the new building and car parking areas to enhance the streetscape, subject to a condition of consent being imposed.

(See 'Streetscape Works' condition under Part D of the draft determination)

G21: Car Parking and Traffic

Satisfactory.

A Traffic and Parking Assessment has been provided with the application. Preparation of this report involved undertaking parking surveys of the site to determine an appropriate level of carparking needed for the proposed development.

The report indicated that the proposal would provide 35 car spaces to meet the parking needs of both library staff and visitors. It will also replace the 43 spaces displaced by closure of the public carpark where the library will be developed.

The initial DA plans indicate that this was to be achieved by the provision of an additional 78 spaces within a carparking area adjacent to Francis Ryan Reserve increasing the capacity of the carparking area to 142 spaces in total (combining the existing parking to the sports field with the 78 spaces arising from the library development).

During the course of the assessment of the DA, the plans have been amended to reflect the need to retain significant existing trees, maintain bus access to Francis Ryan Reserve and allow for continued service vehicle access to the commercial properties on Kerry Street and to the rear of those commercial premises fronting Paradise Beach Road. The resulting car parking layout and vehicle movement spaces and ancillary accessible pathways provides for 106 car spaces in the rear carpark plus one bus parking space and a further 5 spaces (of which 4 are accessible spaces) on the Kerry Street side of the library with a dedicated space for the mobile library van. Condition 'Vehicle Access to Rear of 204 and 206 Kerry Street' in Part F of the draft consent has been recommended to ensure access to adjacent priorities during construction.

Based on a target to provide for 138 car spaces (targeting "no net loss of publicly accessible off-street parking"), the proposed development provides a total of 111 car spaces, being a shortfall of 27 spaces compared to the target "no net loss".

Having regard to the overall availability of carparking in the precinct surrounding the proposed development, the anticipated carparking is considered unlikely to result in adverse impacts. The proposal significantly increases the quality of the car parking area including pavement design and swept path manoeuvrability compliant with Australian Standards, accessible parking spaces and safe grade-separated pedestrian pathways. Accordingly, the proposed development will provide an acceptable level of carparking necessary to comply with the general objectives of the DCP.

N22: Sanctuary Point Local Centre

Satisfactory.

While the development is consistent with the aims and objectives under the DCP, the proposed development is not consistent with the Structure Plan within Chapter N22 Local Centre Map for Sanctuary Point (see Figure 5). This Structure Plan in the DCP identifies the subject site as being a 'future public car park'. Notwithstanding this, the proposal is generally consistent with the requirements of this DCP in terms of the spatial movement pathways and access arrangements of the precinct, building height and streetscape design and any future works and vehicle access proposed with the redevelopment of commercial properties south of the site.

The proposal is consistent with the 5.1 General Requirements of the DCP with the development providing the village focal point with a publicly accessible multi-functional building and a landscaped open space and through link to the south of the library building. The building design allows for visual corridors to the west and water views to St Georges Basin. While the building as proposed is not envisaged in the DCP, it will contribute to the gateway elements of 5.1.4 of the DCP with the architecture of the building reinforcing the natural character of the area through of the choice of materials and finishes and landscaped setting of the building. The view corridors and viewpoints from the building and the open central courtyard space are available to the general public.

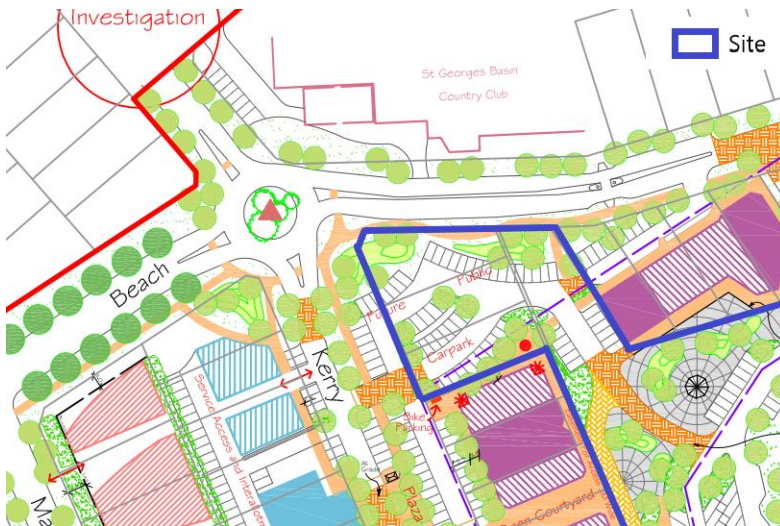


Figure 5 – Sanctuary Point Local Centre – Chapter N22

Section 5.1.3 of the DCP requires a two-storey maximum height and encourages buildings to reduce the apparent mass when viewed from the street. The proposal complies with this through the varying materials and angles within the built form and large areas of glazing allowing visual links to and from the building to the public realm.

The proposal has been considered against 5.2.5 *Traffic* and 5.2.6 *Servicing and building egress requirements*. Traffic and Access has been assessed by Council's City Futures Directorate (refer Part 4 of this report) and is supported.

5.2.8 *Water quality, waste water and storm water drainage* has furthermore been assessed by Council's Development Engineers who have recommended conditions under Part D and G of the consent (refer Part 4 of this report for specific conditions).

Overall, the proposal is considered to support the objectives of the DCP with the development creating a multi-purpose community facility and shared public parking complementary to the business centre of Sanctuary Point. The scale of the building is in keeping with the anticipated built form, with adequate car parking and pedestrian links to improve amenity within the shopping centre.

iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

Nil

iv) Environmental Planning and Assessment Regulation 2021

It is noted per Schedule 6 of the EP&A Regs 2021 that “the 2000 Regulation continues to apply instead of this Regulation to a development application and an application for a complying development made but not finally determined before 1 March 2022.”

No parts of the EP&A Regulation 2000 are specifically applicable. No areas of concern are raised as a result of a review of the Regulations.

v) Any coastal zone management plan

Not applicable.

Section 7.11 - Shoalhaven Contribution Plan 2019

The proposed development is not considered to trigger Shoalhaven Contribution Plan 2019 as it is to be provided by Council for a Council project that is to provide non-profit community facilities.

(b) The Likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality

Head of Consideration	Comment
Natural Environment	Subject to recommended conditions of consent as detailed in this report, it is considered that there will be no adverse impacts upon the natural environment. The proposal will have a balanced and acceptable impact on the natural environment with compensatory tree planting and improvements to the quality of landscaped open space and stormwater management.
Built Environment	Subject to recommended conditions of consent as detailed in this report, it is considered that there will be no adverse impacts upon the built environment. The proposal significantly improves the standard of vehicle and pedestrian movement pathways, the quality of stormwater management and the quality and ease of long-term maintenance of landscaped areas. Adequate separation distances and vehicle access and egress points have been provided to maintain and account for future changes to the use of adjoining commercial sites to the south along Kerry Street and to the northeast along Paradise Beach Road.
Social Impacts	It is considered that there will be net positive social impacts. The development of a contemporary library facility with multi-use spaces in the Sanctuary Point/Sussex Inlet area has been identified by Council as a much-needed item of community infrastructure.
Economic Impacts	It is considered that there will be no adverse economic impacts. The proposal will have positive economic impacts with regard to construction and economic development and potential increased quality and diversity of visitation to the Sanctuary Point village centre.

(c) Suitability of the site for the development

The proposal is for a community facility and ancillary car parking in an established town centre. The proposal has been subject to extensive strategic review of its design and location and community engagement prior to the submission of the DA. With regard to site suitability, the DA is compliant with the relevant site analysis and location requirements of Shoalhaven DCP 2014 and a more efficient and high value use of public space within the Sanctuary Point Town Centre than envisaged by the DCP Chapter N22. Subject to recommended conditions of consent, it is considered that the site is suitable for the development.

(d) Submissions made in accordance with the Act or the regulations

The DA was notified in accordance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regs) and Council's Community Consultation Policy for Development Applications from 23 February 2022 to 25 March 2022.

No submissions were received by Council in response to the notification of the development application.

(e) The Public Interest

The proposed development generally complies with the provisions of SLEP 2014 and is broadly consistent with the SDGP 2014. Subject to conditions of consent the development is not expected to have any unacceptable negative impacts on the environment, or the amenity of the locality as detailed in this report that would warrant refusal of the development.

The proposal will provide an important community facility for the Sanctuary Point community.

Delegations

Guidelines for use of Delegated Authority

The Guidelines for use of Delegated Authority have been reviewed and the assessing officer does not have the Delegated Authority to determine the Development Application.

Given the proposal is regionally significant development as satisfying the criteria of section 3(b) of Schedule 6 of SEPP (Planning Systems) 2021, the application must be determined by the Panel.

Recommendation

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the Environmental Planning and Assessment Act 1979.

This application has been subjected to detailed analysis of the main issues identified in this report. These issues have been resolved during assessment of the application including the submission of amended documentation by the applicant and detailed investigation of design and layout options for improved tree retention. Conditions are recommended for new landscaping to demonstrate the provision of replacement trees at a ratio of 2:1 matching species and planted to reach appropriate height at maturity.

The current proposal is considered to meet the provisions of relevant state environmental planning policies and the relevant provisions and objectives under SLEP 2014 applying to the site.

The departure from the Structure Plan contained within Chapter N22 of the DCP is supported as it will achieve an improved outcome in terms of the delivery of a high value, multi-functional community facility and relocate carparking behind the building which provides a positive streetscape impact. Potential impacts have been adequately addressed via conditions of consent.

Design changes that have been made during the course of the assessment have reduced the capacity of the carpark at the rear of the site from 142 to 106 spaces. Despite this shortfall, the project provides for an acceptable balance between the need to provide sufficient off-street carparking for the community and the retention of significant native trees. It is noted that the proposal will encourage the use of alternative transport options including bus, bicycle and walking.

The application is considered capable of support as there are no substantive planning reasons to warrant refusal. As such, it is recommended that Development Application No. RA22/1001 be approved subject to appropriate conditions of consent.