



Statement of Environmental Effects

124 Island Point Road, St Georges Basin (Lot 1 DP785956) &
Lot 11 DP1143842
Proposed Re-Development of the Cooee Hotel
Reference: JB008
January 2022
Amended 16th October 2023



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Introduction

A development application has been submitted to Shoalhaven City Council to redevelop the Cooee Hotel in St Georges Basin.

The proposal involves the complete demolition of the existing buildings on the site and the construction of a new hotel.

Accompanying the development application are the following documents and plans:

- 1) Architectural plans
- 2) Civil Engineering plans
- 3) Water cycle management study
- 4) Landscaping plan
- 5) Acoustic Report
- 6) Disabled access report
- 7) NCC compliance report
- 8) Bushfire Report
- 9) Traffic and Car Parking Assessment report
- 10) This Statement of Environmental Effects
- 11) Clause 4.6 Variation report
- 12) Quantity Surveyors report.

Site

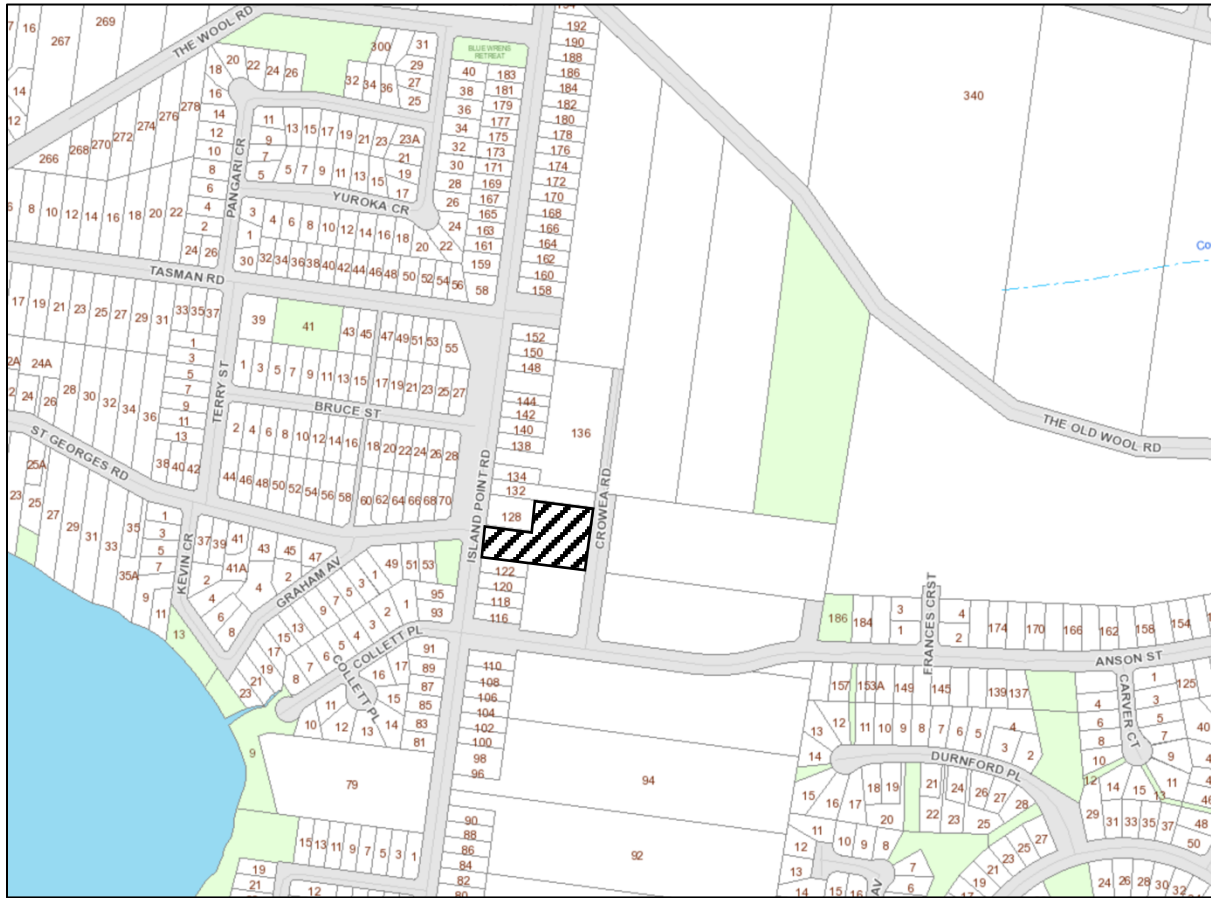
The property is located in St Georges Basin on Island Point Road at No. 124. The site for the development comprises two allotments of land being Lot 1 DP785956 & Lot 11 DP1143842.

It is within the St Georges Basin mixed use commercial area.

The site contains an existing hotel (pub) which is known as the Cooee Hotel.



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Above: Site and Locality Sketch



Above: Aerial Photo of Site



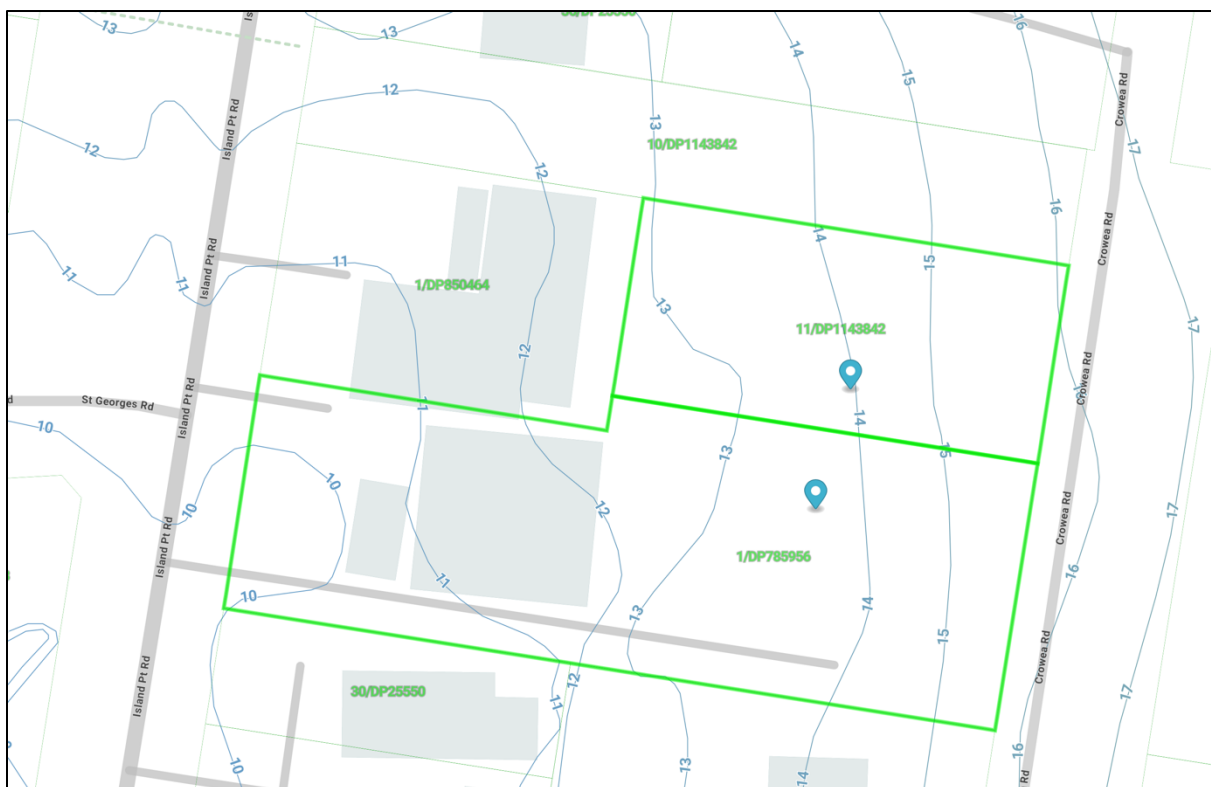
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The total area of land subject of the application is 4806m².

The land is burdened by a number of easements. These are largely confined to within the driveway area and are not affected by the proposal.

There is an easement to drain stormwater 3 wide which runs parallel to the western boundary of Lot 11. This easement has no infrastructure within it and has never been used for drainage purposes. The easement is redundant and can be expunged.

The land slopes from the north / north east boundaries towards island point road as shown on the contour map below.



Above: Contour Information

The Proposal

The development application submitted to Shoalhaven City Council for assessment proposes the following:

- 1) Demolition of all existing structures on the land



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- 2) Construction of a new hotel with tourist accommodation
- 3) Construction of a new car parking area
- 4) Installation of all required services and stormwater drainage
- 5) Landscaping of the site.

The new hotel will feature:

- 1) 45 off street car parking spaces
- 2) A terrace overlooking the car parking area and Island Point Road
- 3) A bistro
- 4) A bar lounge area
- 5) A sports bar
- 6) A gaming room
- 7) A children's Play area
- 8) A drive through bottle shop
- 9) 22 accommodation rooms
- 10) A commercial kitchen
- 11) A series of offices, store rooms and amenities.

Key Data

Floor area Calculations:

Existing Pub: 795m²

Proposed Pub: 962m²

Proposed Hotel (Ground): 482m²

Proposed Hotel (First): 400m²

Total floor area = 1,868m² which is equal to a Floor Space Ratio of 0.39:1

Setbacks:

Pub building

N (Side): Built-On Boundary ~ 3000mm (Adjacent Village Green)

E (Rear): 12,120mm from Boundary (Crowea Rd)

S (Side): 7,000mm (Front) ~ 6,000mm (Drive-Through) from Boundary

W (Front): 45,720mm from Boundary (Island Point Rd)

Hotel Building



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N (Side): 3000mm
E (Front): Ground at 12,120mm from Crowea Rd)
S (Side): 3,8700mm from pub building
W (Rear): Built-On Boundary (Adjacent No 128)

The new building is a single storey structure with a two storey element (tourist accommodation) located to the rear of the site.

45 car parking spaces are proposed. Vehicular access to the hotel will be via Island Point Road and Crowea Road. One way traffic from the site will be permitted from Island Point Road. Vehicles will exit the site via Crowea Road.

The proposed drive-through bottle shop is located to the south of the building and utilises two drive through lanes.

The new hotel (pub) has a total floor area of 962m².

The accommodation proposed comprises of 22 rooms designed to accommodate up to 2 staying guests.

The number of staff employed on site is anticipated at 30 in both full, part time and casual positions.

Hotel trading hours will remain as per current operations which are:

- Monday, Tuesday, Thursday, Sunday: 10am to 10pm
- Wednesday, Friday, Saturday: 10am to midnight.

The new hotel has been designed by ERA Architects.

The maximum patronage of the new pub building will be 290 people within licenced areas. It is stressed that this is a maximum number and this capacity would not be reached under normal operating conditions. The projected average peak patronage for the hotel is 127 adults on a Saturday night.



Planning Legislation and Policy Considerations

NSW Environmental Planning and Assessment Act 1979

In New South Wales, planning and development is carried out under the *Environmental Planning and Assessment Act 1979 (EPA Act)* and *Environmental Planning and Assessment Regulation 2000 (EPA Regulation)*.

Under the provisions of the EPA Act, the proposal represents development that requires consent pursuant to the provisions of section 4.2 of the Act.

The Council will be required to assess this development application pursuant to the provisions of Section 4.15 of the EPA Act.

Section 4.47 Integrated Development

Section 4.47 of the EPA Act sets out development of a type that is *integrated development*.

Integrated development seeks to link the development application approval process to other approval processes required by other NSW legislation relating to the development of land and their inherent requirements for certain permits, licences or authorities' consent, permission or permit required before certain types of development can take place.

The idea of integrated development is to encourage a whole of Government approach to the assessment of development in NSW. Development in NSW is integrated development if any of the following approvals, permits or licences is required in addition to development consent:

Act	Provision	Approval	Required?
<i>Coal Mine Subsidence Compensation Act 2017</i>	s 22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	No
<i>Fisheries Management Act 1994</i>	s 144	aquaculture permit	No
	s 201	permit to carry out dredging or reclamation work	No
	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 lease	No
	s 219	permit to: (a) set a net, netting or other material, or	No



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		(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)	No
<i>Mining Act 1992</i>	ss 63, 64	grant of mining lease	No
<i>National Parks and Wildlife Act 1974</i>	s 90	grant of Aboriginal heritage impact permit	No
<i>Petroleum (Onshore) Act 1991</i>	s 16	grant of production lease	No
<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.	No
	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").	No
	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.	No
<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	No
<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	Yes
<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	No

As can be seen from a review of the above table, the proposal is integrated development. This is due to tourist accommodation being proposed on land that is mapped as being bushfire prone. Accordingly, a Section 100B Bushfire Safety Authority is to be obtained from the NSW Rural Fire Service pursuant to the provisions of the NSW Rural Fires Act 1997.

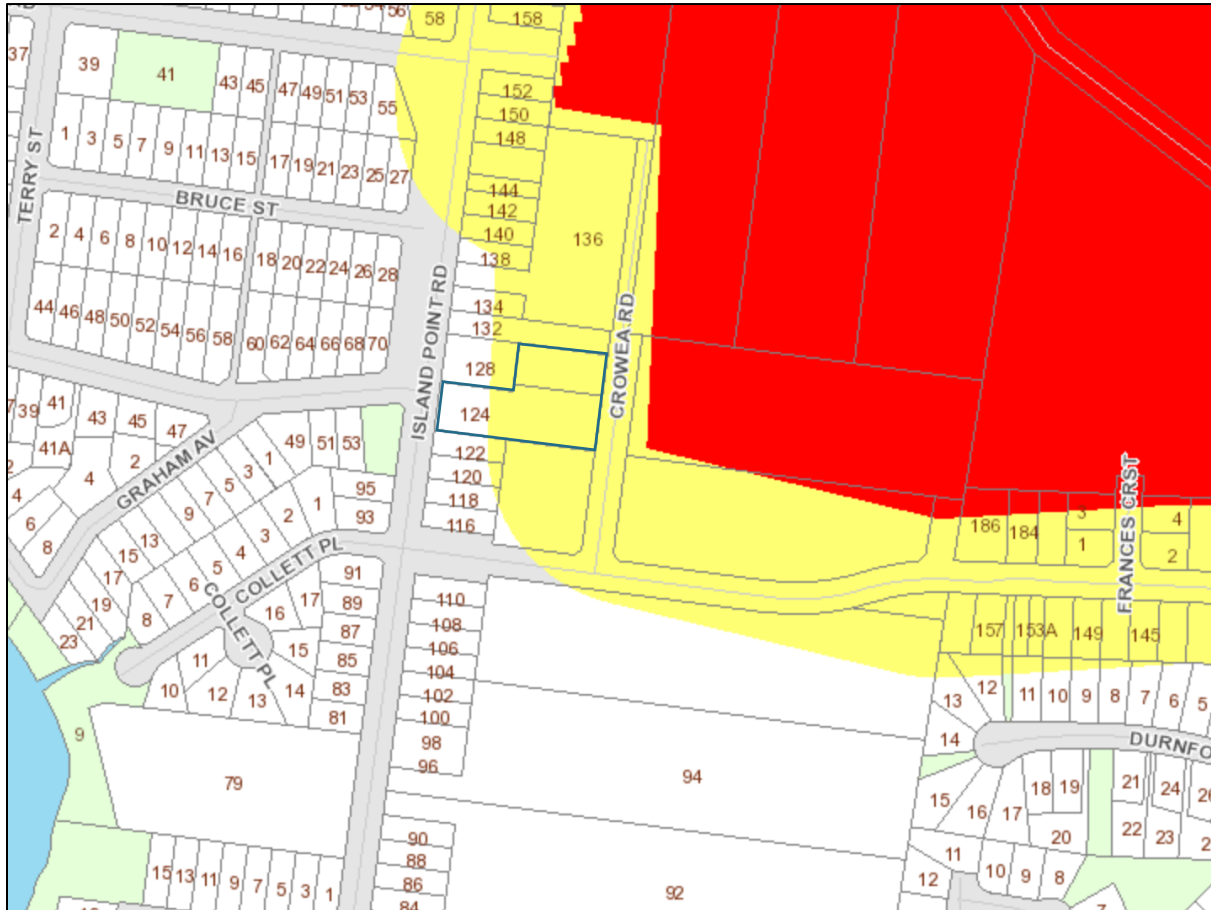


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The Council should note that all matters in the NSW Development Referrals Guide has been considered.

NSW Rural Fires Act 1997

The property is identified by Council as being Bushfire Prone land.



Due to the status the subject land carries as bushfire prone land, and as the proposal incorporates tourist accommodation, it represents an integrated development application. Accordingly, a Section 100B Bushfire Safety Authority Application has been prepared which makes various recommendations as to Asset Protection Zones and the like. The Section 100B Bushfire Safety Authority Application (bushfire report) is attached to this report for the consideration of council and the NSW Rural Fire Service. A Section 100b permit is requested in this regard.



Biodiversity Conservation Act 2016 & Biodiversity Conservation Regulation 2017

The purpose of the *NSW Biodiversity Conservation Act 2016 (BC Act)* is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6 (2) of the *Protection of the Environment Administration Act 1991*), and in particular:

- a) to conserve biodiversity at bioregional and State scales, and
- b) to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and
- c) to improve, share and use knowledge, including local and traditional Aboriginal ecological knowledge, about biodiversity conservation, and
- d) to support biodiversity conservation in the context of a changing climate, and
- e) to support collating and sharing data, and monitoring and reporting on the status of biodiversity and the effectiveness of conservation actions, and
- f) to assess the extinction risk of species and ecological communities, and identify key threatening processes, through an independent and rigorous scientific process, and
- g) to regulate human interactions with wildlife by applying a risk-based approach, and
- h) to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature, and
- i) to support and guide prioritised and strategic investment in biodiversity conservation, and
- j) to encourage and enable landholders to enter into voluntary agreements over land for the conservation of biodiversity, and
- k) to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity, and
- l) to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity values, and
- m) to establish market-based conservation mechanisms through which the biodiversity impacts of development and land use change can be offset at landscape and site scales, and
- n) to support public consultation and participation in biodiversity conservation and decision-making about biodiversity conservation, and
- o) to make expert advice and knowledge available to assist the Minister in the administration of this Act.

When a development application is made to a Council, an indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats is to be provided (see Act Reg).

Part 7 of the BC Act sets out provisions relating to Biodiversity assessment and approvals under the EPA Act.



Section 7.2 sets out what development or activity that is “likely to affect threatened species”. It reads as follows:

- 1) *For the purposes of this Part, development or an activity is likely to significantly affect threatened species if:*
 - a. *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
 - b. *the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
 - c. *it is carried out in a declared area of outstanding biodiversity value.*
- 2) *To avoid doubt, subsection (1) (b) does not apply to development that is an activity subject to environmental impact assessment under Part 5 of the Environmental Planning and Assessment Act 1979.*

In response to section 7.2 the following comments are made:

In response to 7.2 (a), section 7.3 is addressed below. It is considered in this instance that the proposed development would not likely significantly affect threatened species or ecological communities, or their habitats.

In response to 7.2 (b), the biodiversity offset scheme has not been exceeded.

In response to 7.2 (c), Part 3 of the BC Regulation does not list the land as an area of outstanding Biodiversity Value.

Section 7.3 of the Act sets out the relevant criteria for determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. The test is addressed in the table below.

7.3 (1) (a) In the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction	Comment: The site does not contain any habitat for threatened species. It does not contain any significant vegetation.
7.3 (1) (b) In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity: (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or	Comment: The site does not contain any EECs



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(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction	
7.3 (1) (c) In relation to the habitat of a threatened species or ecological community: (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality	Comment: There is no habitat on site for threatened species.
7.3 (1) (d) Whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),	Comment: No.
7.3 (1) (e) Whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.	Comment: No.
7.3 (2) The Minister may, by order published in the Gazette with the concurrence of the Minister for Planning, issue guidelines relating to the determination of whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. Any such guidelines may include consideration of the implementation of strategies under the Biodiversity Conservation Program.	Comment: Noted.

On the basis of the above, it is considered that the proposal is acceptable with respect to relevant considerations as set out within the BC Act. There should be no need for any further specialist studies or reports with respect to biodiversity considerations.

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 commenced on the 1st of March 2022. It sets out provisions in relation to coastal management, hazardous and offensive development and remediation of land.

In relation to coastal management, the site is within the Coastal Environment Area defined by the SEPP, however no adverse impacts are associated with the proposed residential development.



Clause 2.10 require the consent authority to consider the impacts of proposed development on specified matters prior to issuing development consent.

Table 1: Response to Clause 2.10

13 Development on land within the coastal environment area	
(i) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:	
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	The new building will not impact on the biophysical, hydrological or ecological environment.
(b) coastal environmental values and natural coastal processes	The site is located in an urban area away from the coastline. There is no reasonable prospect of the development as proposed impacting on these matters.
(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	Stormwater and sewage will be directed to Council's existing infrastructure. Soil erosion and sediment controls will be in place during construction.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	No marine vegetation is located on site. The proposal will not have a detrimental impact on any native vegetation and fauna.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	Access to the beach / foreshore will not be impacted.
(f) Aboriginal cultural heritage, practices and places,	The proposal being to develop land in an established urban zoned area should not impact on these matters
(g) The use of the surf zone	N/A

No hazardous or offensive development as described within Chapter 3 of the SEPP are proposed.

In relation to the remediation of land provisions of the policy, there is no reason to believe the site suffers from any form of contamination. The site is currently used for commercial purposes and is located within an urban zone. There is no history of any industrial or other contaminating land uses ever occurring on the land.

Shoalhaven Local Environmental Plan 2014

Shoalhaven Local Environmental Plan 2014 (SLEP 2014) commenced in April 2014 and is the principal planning document within the City of Shoalhaven. The SLEP zones the majority of land in the Shoalhaven and details the permitted and prohibited development types. It also sets various standards in relation to a broad

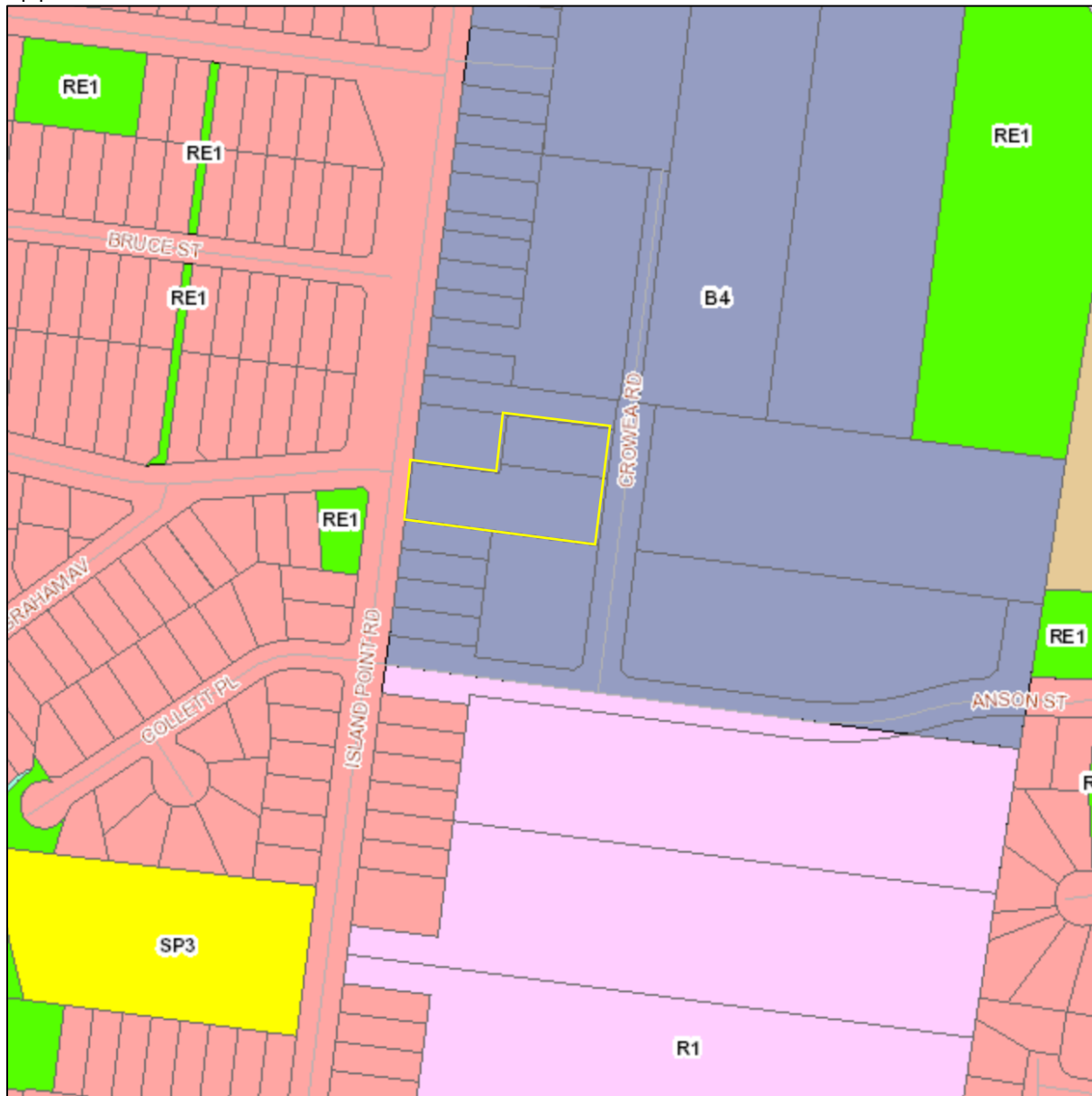


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range of issues including subdivision, environmental management and other miscellaneous matters.

Land Use Table

Pursuant to the provisions of the SLEP 2014, the land subject of this development application is within the B4 Mixed use zone.



The objectives of this zone are:

- *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 development proposed is not inconsistent with these objectives.

Within the B4 mixed use business zone, 'pubs' (a type of food and drink premises) and 'Hotel or motel' accommodation are permissible land uses.

Principle Development Standards

Clause 4.3 of the SLEP 2014 sets an 8m building height limit for the site. This height limit has been exceeded. Accordingly, a Clause 4.6 Variation report has been prepared to justify the height of the finished development.

Miscellaneous Provisions

Clause 5.20 sets standards that cannot be used to refuse consent—playing and performing music. The Clause states:

- (1) *The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—*
 - a. *the playing or performance of music, including the following—*
 - i. *the genre of music played or performed, or*
 - ii. *whether the music played or performed is live or amplified, or*
 - iii. *whether the music played or performed is original music, or*
 - iv. *the number of musicians or live entertainment acts playing or performing, or*
 - v. *the type of instruments played,*
 - b. *whether dancing occurs,*
 - c. *the presence or use of a dance floor or another area ordinarily used for dancing,*
 - d. *the direction in which a stage for players or performers faces,*



- e. the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.*

- (2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.*

The development application is supported by an acoustic report which addresses a number of issues including how to manage noise from music.

Additional Local Provisions

Clause 7.11 relates to essential services. The Clause reads as follows:

- (1) Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—*
 - a. the supply of water,*
 - b. the supply of electricity,*
 - c. the disposal and management of sewage.*
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any of the services referred to in subclause (1).*

The site has existing connections to water supply, electric and the sewerage network.

Clause 7.20 of the SLEP is relevant as this is concerned with development in the Jervis Bay Region. The provisions of Clause 7.20, which relate to coastal dune areas, development near Point Perpendicular Lighthouse, the Huskisson Tapalla Point rock platform, and biodiversity mapped land, are not impacted upon by the proposal.



There are no other provisions in the Shoalhaven LEP that have an impact on the application.

Shoalhaven Development Control Plan 2014

The Shoalhaven DCP generally contains performance-based provisions for a range of development types including new residential dwellings and subdivision. Performance based provisions are used instead of prescriptive development controls.

Performance criteria cover a range of matters that need to be addressed in order to achieve a desired result (called the objective). Acceptable solutions are provided as examples of what is considered acceptable to enable the performance criteria to be achieved. Acceptable solutions should not be interpreted as an alternative prescriptive form of regulation. They are within the DCP as examples of what is considered acceptable, but they do not preclude other solutions which achieve the desired performance.

The Shoalhaven DCP 2014 indicates that alternatives to the acceptable solution examples may be proposed by applicants if it can be demonstrated to the satisfaction of Council that the alternative will meet performance criteria.

The performance criteria and acceptable solutions for the relevant sections of each Chapter of the DCP are addressed below.

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

Chapter G1 of the SDCP 2014 insofar as it relates to this proposal requires the submission of a site analysis plan. Such a plan has been prepared and this accompanies the development application.

Chapter G2 – Sustainable Stormwater Management and Erosion/Sediment Control

To address the provisions of Chapter G2, stormwater concept design plans have been prepared to accompany the development application.

Chapter G3 – Landscaping Design Guidelines

To address the provisions of Chapter G3, landscaping plans have been prepared which accompany the development application.



Chapter G7 - Controls for Waste Minimisation and Management

The requirements of Chapter G7 for construction and demolition have been addressed in the submitted waste minimisation management plan.

Adequate bin storage is provided within the building's loading zone. This is where private contractors will service the facility.

Chapter G17 – Business, Commercial and Retail Activities

The purpose of this Chapter is to set out guidelines for the establishment and operation of all business, commercial and retail activities, as well as the specific uses of markets and the commercial use of footpaths.

The objectives are to:

- i. *Encourage the growth and development of business and employment opportunities within defined limits and in a socially and economically responsible manner.*
- ii. *Safeguard the amenity of the area and, in particular, immediately adjoining and adjacent property owners.*
- iii. *Moderate environmental impacts.*
- iv. *Clarify and make provision for business, commercial and retail development in urban, environmental, rural and coastal locations.*

The provisions of this DCP as they are relevant to this proposal are addressed below.

Performance Criteria	Acceptable Solutions	Response
Section 5.1 Business, Commercial and Retail Development		
P1 Buildings provide legibility and definition to the streetscape.	A1.1 Where a front setback is applied, the area forward of the building line (towards the kerb) may function as a private extension of the elements used in the public domain/ streetscape. All private elements within the setback shall contribute to interest and amenity (e.g. alfresco use, feature garden).	Refer to plans.
	A1.2 When a setback is applied, the area forward of the building line integrates the desired streetscape design and materials in line with the Chapter G18 Streetscape Technical Manual , where applicable.	Complies.
	A1.3 Developments on intersections must consider pedestrian safety, including sight lines, street signage and Council's desired crossing threshold pavement in line with the	N/A



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	Chapter G18 Streetscape Technical Manual , where applicable.	
P2 Building exteriors, structures, awnings and fences are robust, complementary of the existing character and make a positive contribution to the streetscape, especially pedestrian thoroughfares and public spaces.	A2.1 Building materials and finishes must be durable, low maintenance and suitable in the context of the adjoining local streetscape and existing and/or future desired character. A2.2 Blank walls and solid fencing that inhibit natural surveillance and encourage graffiti are avoided.	Complies.
	A2.3 Fence heights are compatible with the adjoining local streetscape context.	N/A
	A2.4 Where awnings are provided/proposed: - The design considers and avoids negative impacts on heritage, views and visual amenity. - Awnings are consistent with the surrounding context and match surrounding awnings in character, height and depth. - Pedestrian lighting is incorporated where suitable. - The location of any posts associated with awnings considers proposed/future use of the footway and allowances required for reasonable pedestrian accessibility (minimum clearance of 2.6m). - Awnings are setback a minimum of 0.5m from the street edge to avoid conflict with vehicles utilising the adjoining roadway.	N/A
P3 Commercial development in town and village centres contributes to street activity and provides engaging and safe streetscapes.	A3.1 Active uses are included at the ground level along: - The primary frontage. - The secondary frontage/s on corner allotments. An adjacent lane or path.	Complies.
	A3.2 Service vehicle access and parking facilities shall be provided away from the primary frontage, where possible.	Complies.
	A3.3 Service vehicle access shall prioritise pedestrian safety by maintaining clear sight lines and providing pedestrian crossing threshold pavement (vehicular threshold and pedestrian crossings) in line with the Chapter G18 Streetscape Technical Manual .	Complies.
P4 Amenity and safety of existing streets, lanes, paths and through-site links is enhanced.	A4.1 Development shall not obstruct: - Sight lines from each end of a laneway. - Through-site links.	Complies.
	A4.2 Developments adjoining or including streets, laneways, paths and through site	Complies.



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	links shall consider CPTED principles as outlined in Chapter 2: General and Environmental Considerations of this Development Control Plan.	
P5 The proposed development and/or use does not generate emissions that could adversely affect the amenity of neighbouring premises.	A5.1 The proposal shall not cause unacceptable levels of perceptible odours (including cooking odours), fumes, smoke, gas, vapours, steam, soot, ash, dust or grit.	No such odours are expected. The site is already used for commercial cooking purposes. The new facilities will be an improvement compared to the current situation.
P6 The development and/or use does not discharge any unregulated waste that may damage the environment or adversely affect the amenity of the area.	A6.1 The proposal shall not generate any contaminated waste.	No such waste will be generated.
	A6.2 The activity shall not cause soil or ground water contamination by the release or deposition of any liquid or solid wastes (including oil products and chemicals or their compounds) on to the soil.	Noted. No such activities proposed.
P7 The development and / or use provides adequate provision for on-site collection, storage and disposal of waste products in a way that does not adversely affect neighbouring premises or the environment.	A7.1 Collection and disposal of waste should be through Council's regular collection service and/or a private waste contractor.	Private service to be utilised.
	A7.2 If waste is to be collected by a private waste contractor, the site design must be able to accommodate the manoeuvring requirements of that vehicle for onsite collection.	Complies.
	A7.3 Waste storage and recycling areas should be of a size to meet the current and future needs of tenants. This includes potential waste and recycling requirements of a future change of use.	Complies.
	A7.4 Waste storage and recycling areas should be sited to minimise negative amenity impacts (noise, visual amenity and odour).	Complies.
	A7.5 Development applications should be accompanied by a waste management plan.	Complies.
P8 The hours of operation: - Do not have an unreasonable adverse impact on any neighbouring premises. - Encourage employment and street activation outside of standard business hours, in appropriate locations.	A8.1 Hours of operation and trading days are appropriate for the location and type of business.	Refer to earlier in this SOEE. The trading hours are to remain as is.
	A8.2 Despite A8.1, Council will consider variations to usual trading hours for the location and type of business if all of the following is satisfied: - The proposed hours are required for the standard operation of the proposed business. - The proposed hours are compatible with surrounding development and will not result in negative impacts on residential amenity.	N/A



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	- Extended trading hours will encourage employment, street activation and provide employment opportunities. - Security and safety of employees and customers has been addressed.	
P9 A change of use meets relevant fire safety requirements.	A9.1 All existing fire safety measures, and those that are proposed to satisfy the fire safety requirements of the new use, are to be described as part of the change of use development application.	Complies.
Section 5.1.1 Shopping Trolleys – Not Applicable to this Development Application		
Section 5.1.2 Security Grilles and Gates in the Nowra CBD – Not Applicable to this Development Application		
Section 5.1.3 Local Shops in Coastal Villages – Not Applicable to this Development Application		
Section 5.1.4 Solar Access		
Performance Criteria	Acceptable Solutions	Response
P17 The building design encourages energy efficient development and good solar access to the development and surrounding development.	A17.1 Direct solar access must be maintained for at least 3 hours between 9am and 3pm on June 21 to: - Existing rooftop solar systems; 10m² of north facing roofs where a rooftop solar system is not yet in place.	Complies – refer to shadow diagrams.
	A17.2 A reliable and accurate shadow diagram may be required to demonstrate the impact of shadows resulting from existing and proposed building works between 9am and 3pm on June 21.	Complies – refer to shadow diagrams.
Section 5.2 Markets – Not Applicable to this Development Application		
Section 5.3 Commercial Use of Footpaths – Not Applicable to this Development Application		

Chapter G21 – Car Parking

The development application is supported by a traffic and parking impact report. This, in accordance with the provisions of the DCP makes a site / development specific assessment of the car parking requirements.

With respect to the design and layout of the car parking area, this meets the relevant provisions of the Australian Standard 2890.1.

One way vehicular access to the site is proposed via Island Point Road. Vehicles will be required to leave the site via Crowea Road. Entry to the site will be available via Crowea Road also. Service vehicles can enter the site via Crowea road and leave in a forward direction.



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The largest service vehicle to attend the site would be a beer delivery truck which is a large rigid vehicle. The parking / servicing area proposed caters for this vehicle's safe entry and exit.

Chapter N23 - St Georges Basin Village Centre

This Chapter applies to land in the St Georges Basin, Island Point Road area zoned B4 Mixed Use, R1 General Residential, R2 Low Density Residential and RE1 Public Recreation.

This area is shown on the map below.



The objectives of the chapter are to:



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- i. *Encourage and develop a special identity for the neighbourhood centre and adjoining B4 areas by establishing an appropriate scale of urban development which is in keeping with the surrounding natural features.*
- ii. *Facilitate an integrated pedestrian precinct/retail core.*
- iii. *Make adequate provision for safe vehicular and pedestrian movements.*
- iv. *Make provision for adequate landscaped buffer areas to existing residences and proposed industrial developments.*
- v. *Make provision for adequate off-street car parking and service areas.*
- vi. *Integrate the neighbourhood centre into the fabric of the surrounding development areas.*
- vii. *Identify a staging plan which will allow for the progressive implementation of infrastructure and particularly drainage and road construction which in turn will facilitate development within the Development Control Plan area.*
- viii. *Implement ecologically sustainable development principles.*

Provisions

Mandatory Control

Proposed land use activities in the Neighbourhood Centre are to conform to the land use precincts shown on Supporting Map 1.

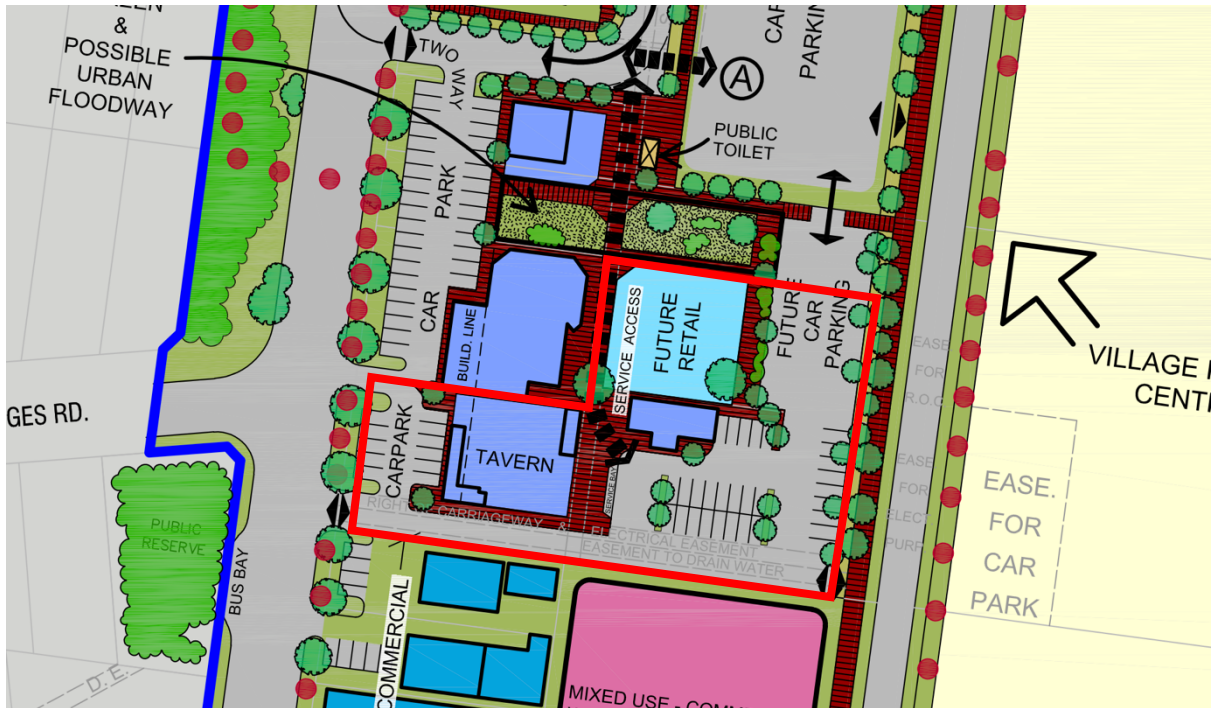


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In relation to the map above and the 'mandatory control', it is noted that the site is mapped as a future retail area and partly for future car parking.

The development proposed on the area referenced 'future retail' is tourist and visitor accommodation. In response to this the following comments are made:

- 1) The subject land is zoned B4 mixed use pursuant to the provisions of the Shoalhaven LEP 2014. Within this zone, a large number of land uses are permissible one of which includes hotel or motel accommodation.
- 2) Division 3.6, Section 3.43, Clause (5) of the Environmental Planning and Assessment Act states that:

(5) A provision of a development control plan (whenever made) has no effect to the extent that—

- (a) it is the same or substantially the same as a provision of an environmental planning instrument applying to the same land,
- (b) it is inconsistent or incompatible with a provision of any such instrument.



Given that the DCP and accompanying map set a 'mandatory' control that is inconsistent with the provisions of the Shoalhaven LEP 2014, i.e. seeks to significantly 'rule out' many of the permissible land uses within the B4 zone, it has no effect by virtue of Division 3.6, Section 3.43, Clause (5) of the EPA Act. It seeks to prohibit land uses that the Shoalhaven LEP allows for within the zone.

- 3) Despite the DCP 'mandatory' control having no effect, when the application is assessed pursuant to s 4.15(3A)(b) of the EPA Act the consent authority is required to be flexible in applying the provisions and "allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development". The Council, in exercising the functions of the consent authority, must therefore take a flexible approach and have regard to the objects of the standard.

The objectives of the DCP Chapter are to :

- *Encourage and develop a special identity for the neighbourhood centre and adjoining B4 areas by establishing an appropriate scale of urban development which is in keeping with the surrounding natural features.*
- *Facilitate an integrated pedestrian precinct/retail core.*
- *Make adequate provision for safe vehicular and pedestrian movements.*
- *Make provision for adequate landscaped buffer areas to existing residences and proposed industrial developments.*
- *Make provision for adequate off-street car parking and service areas. Integrate the neighbourhood centre into the fabric of the surrounding development areas.*
- *Identify a staging plan which will allow for the progressive implementation of infrastructure and particularly drainage and road construction which in turn will facilitate development within the Development Control Plan area.*
- *Implement ecologically sustainable development principles.*

The proposal to construct motel accommodation on the land identified for future retail is in no way a barrier to the above objectives of the DCP being achieved.

- 4) The elected Council has resolved the following in relation to the DCP map and associated controls:

On the 5th of October 2021:

That Council:



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1. *Resolve to reclassify 132 Island Point Road, St Georges Basin (Lot 10 DP1143842) from operational to community land, following the registration of a sewer easement to Shoalhaven Water on the northern boundary.*
2. *Undertake house-keeping amendments to the DCP/LEP as required to remove the future proposed car-parking and other services and adjust the zoning if necessary, at an appropriate time determined by Council staff.*
3. *Notify Basin Villages Forum of the changes.*

On the 3rd of November 2020:

That Council, with respect to 132 Island Point Road, St Georges Basin (Lot 10 DP 1143842):

1. *Retain the current operational classification for the Village Green*
2. *Has no intent or plans to change the current use of the Village Green area as green space*
3. *In a future review of the broader St Georges Basin DCP, review the Village Green DCP including the requirement for car parking and other controlled service access and to further enhance the Village Green space.*

The vehicular and pedestrian access features of the supporting map have therefore, by way of Council resolution, have effectively been set aside.



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Comment:



Traffic facilities, access, pedestrians and car parking		
Performance Criteria	Acceptable Solutions	Applicant's Response
P1 Major pedestrian pathways connecting retail anchor developments with specialty shops are 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.	There are no desire lines through the site.
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 the private road rather than Island Point Road, unless shown on Supporting Map 1. A2.2 Upon redevelopment of Lot 45 DP 25550 (152 Island Point Road), vehicle access will not be permitted from Island Point Road. Access shall be provided via the CBD	Vehicular access for the site is shown on Supporting map 1 via Island Point Road. N/A



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	perimeter road or the private road at the rear of the site.	
	A2.3 Private road access to the major retail anchor is to be one way north to south.	N/A
	A2.4 Service access is to be negotiated and provided between Lots 1 DP 785956 (124 Island Point Road), Lot 1 DP 850464 (128 Island Point Road) and Lot 10-11 DP 1143842 (132 Island Point Road and Lot 11 Island Point Road) on development of the lots. This shall be a shared pedestrian/service access with limited vehicle access. Service bays will be provided at either end of this access way.	N/A
	A2.5 Mountable roundabouts are to be provided on Island Point Road at the intersection of Tasman Road and at Collett Place and are to accommodate safe pedestrian movements on all legs.	N/A
	A2.6 At Tasman Road, the design must accommodate left, right and through movements of a 19m articulated vehicle from all directions. This will require a minor splayed area to be acquired off the north west corner of Lot 45 DP 25550 (152 Island Point Road), approximately 1.6m x 1.6m, however the roundabout can proceed on a temporary basis with the splay being dedicated on future redevelopment of that land.	N/A
	A2.7 At Collett Place, the roundabout is to be designed to accommodate 19m articulated vehicle movements on the north leg (left and through), south leg (through and right) and east leg (left and right). At the Collett Place leg, all movements are to accommodate a standard 8.8m service vehicle.	N/A
P3 Onsite car parking is provided to meet the needs of future development.	A3.1 Generally, car parking is to be provided on-site in accordance with Chapter G21: Car Parking and Traffic.	Refer to submitted traffic report which addresses car parking needs in detail.
	A3.2 Future redevelopment of: - Lot 1 DP 785956 (124 Island Point Road) - Lot 1 DP 850464 (128 Island Point Road). is to comply with the building line shown on Supporting Map 1 to ensure that additional car parking can be provided.	The building line is complied with.
	A2.8 The CBD perimeter roads must be designed and constructed to accommodate a 19m articulated vehicle in both directions, have minimum 20m road reserves and a minimum 12.8m total carriageway.	N/A
	A3.3 Upon redevelopment of Lot 45 DP 25550 (152 Island Point Road), development is to be set back 14m from the footpath adjoining the private road to allow for offstreet parking, access and landscaping (min width 2m).	N/A



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	A3.4 The easement for car parking over Lot 4 DP 785956 (Island Point Road) shall remain in favour of the hotel development on Lot 1 DP 785956 (124 Island Point Road) unless a satisfactory alternative is approved or the development consent condition for the hotel is amended by Council.	The easement has been expunged.
Civic Domain		
Performance Criteria	Acceptable Solutions	Applicant's Response
P4.1 The Neighbourhood Centre provides for shops to be arranged around a central open space focal point, part of which acts as a floodway.	A4.1 Larger retail developments such as the retail anchor site or sites having in excess of 100 car parking spaces shall provide for public amenity blocks as part of their development.	N/A
P4.2 Public amenity block should be provided to serve the needs of shoppers.	A4.2 Safer by Design Principles shall be implemented with regards to: • Lighting. • Landscaping. • Footpaths. • Walkways. • Fencing. • Surveillance. • Maintenance.	N/A – these controls apply to a public amenity block.
P4.3 Safer by design principles are utilised when designing the open space precinct.	A4.3 Shop fronts should be provided to activate the public open spaces where development fronts onto such areas.	The building addresses the public domain and has been positioned as per building lines shown on the Supporting Map.
P5 Overshadowing of publicly accessible open spaces is minimised.	A5.1 Buildings shall be designed to minimise shadowing of public open spaces.	The new building will not overshadow public open space.
P6 The public enjoyment of the Neighbourhood Centre is safe and accessible	A6.1 Adequate external lighting shall be provided to any publicly accessible footpath or car parking area. The civic domain is to be totally accessible in accordance with the relevant Australian Standards.	Lighting to be provided to these spaces within the site.
P7 Future development is integrated with adjoining development.	A7.1 Cut and fill between adjoining development is not to exceed 600mm.	The part of the site to be filled (motel accommodation) does not immediately adjoin other development.
Design and Siting		
Performance Criteria	Acceptable Solutions	Applicant's Response
P8 Height, bulk and scale of development within the Neighbourhood Centre relates to the existing surrounding development and the natural attributes of the area	A8.1 The maximum height of any building must comply with clause 4.3 of SLEP 2014.	Refer to submitted Clause 4.6 variation request. Part of the building exceeds the 8m height limit.
	A8.2 Development within the Neighbourhood Centre is limited to 2 storeys as measured from ground level (existing).	The building is 2 storeys.
P9 Building lines ensure that: • Existing car parking areas can be made more effective. • Future traffic requirements can be	A9.1 Future development shall comply with building lines shown on Supporting Map1	The proposal complies with the building lines as shown on the Supporting Map



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provided, i.e. roundabouts, private road, perimeter roads. - Adequate open space can be provided to maintain the objectives of the Chapter. - Adequate landscaped buffers can be provided to maintain residential amenity, and/or the environment.		
P10 Utility installations have a minimal impact on the natural environment.	A10.1 New public and private utility installations (i.e. electricity and telephone) are to be underground.	Noted.
P11 Development is sustainable and reinforces the general neighbourhood character while promoting good innovative design that delights and interests the local community and adds architectural quality to the area.	A11.1 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.	Refer to materials and finishes board. Coastal themes have been proposed.
	A11.2 Any future development is to be designed in accordance with ecologically sustainable design principles.	
P12 As the majority of buildings in St Georges Basin have small frontages, new development is designed to reflect this built scale.	A12.1 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.	Complies.
	A12.2 Building mass and scale should be designed to complement rather than dominate its natural surroundings.	Complies.
P13.1 Landscape measures soften paved areas, provide shade to car parks and introduce colour to the Neighbourhood Centre.	A13.1 Existing trees are to be identified on the site plan, and where significant tree clearing is required, a landscape plan shall ensure that additional tree planting is provided that maintains the principle of allowing the landscape to dominate over the built structures.	No significant trees are located on the property.
Landscaping		
Performance Criteria	Acceptable Solutions	Applicant's Response
P13.2 Site planning incorporates as many of the existing trees into the development, particularly within off-street car parking areas.	A13.2 Exotic species should be used for feature planting or access to winter sun, thereby allowing native species to predominate.	Refer to submitted landscaping plan
P13.3 Development allows the landscape to dominate rather than the structures.	A13.3 The colour and material finishes of built elements shall blend with the natural treed landscape.	Refer to materials and finishes board. Coastal themes have been proposed.
	A13.4 Landscaping at the rear of Lot 41 DP 740714 (144 Island Point Road), Lot 1 DP 1006836 (Island Point Road) and Lots 43 – 45	N/A



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	DP 25550 (148-152 Island Point Road) is to be generally 2m in width and provided as shown on Supporting Map 1.	
P14.1 The water quality of discharges to surface and underground receiving waters, including St Georges Basin, is maintained both during and after construction.	A14.1 A Water Quality Management Strategy (refer to Section 6.2) shall be prepared showing how the water quality in St Georges Basin will be maintained and improved.	Water quality reporting submitted with the development application.
P14.2 Appropriate Water quality management strategies are prepared based on the principles of ecologically sustainable development and water sensitive urban design.	A14.2 Hard engineering solutions involving overly large piped drainage systems should be avoided.	Refer to submitted engineering information and water quality assessment report.
	A14.3 The proposal shall reduce the runoff from the area to pre-developed levels up to a 1:100 year event by on site detention.	
	A14.4 Overland flow of stormwater across part of Lot 10 DP 1143842 (132 Island Point Road) is to be retained through the Village Green.	
	A14.5 The natural floodway of all creek and drainage systems is not to be altered except where alterations are required to ameliorate problems caused by existing development to clear restrictions in natural watercourses.	
	A14.6 No untreated stormwater from any future development will directly enter any creek or drainage line, which ultimately drains into St Georges Basin.	
Recreation tourist accommodation and higher density residential land use: environmental requirements		
Performance Criteria	Acceptable Solutions	Applicant's Response
P15 The development minimises the environmental impacts on these natural attributes. A section of this land fronting Island Point Road is suitable for medium or higher density housing.	A15.1 An open space buffer area is to be retained in its natural state from The Old Wool Road road reserve as shown on Supporting Map 1.	N/A
	A15.2 Development in this area is to meet the requirements for Planning for Bushfire Protection.	The area around the property has been extensively cleared.
	A15.3 Development is to ensure the appropriate retention of vegetation to: • Provide habitat for Yellow Bellied Gliders. • Provide treed amenity. • Maintain the treed ridgeline. As per Supporting Map 1.	No such habitat is located on the property.
	A15.4 The proposed medium density residential precinct to the north of the perimeter road must ensure vehicular access is limited to the future access road at the rear of the lots, rather than from Island Point Road (see details on Supporting Map 1).	N/A



Other Considerations

Impact of Building Works on Neighbouring Trees

An arborists report has been supplied with the development application. This details the extent to which the development will impact on the trees within the adjoining public reserve to the north.

Only one tree within the reserve may be adversely impacted upon as a result of the building works.

There is no proposal to remove this tree, and it will be the decision of the council through the assessment of this development application as to the future of the affected tree.

In the event the tree needs to be replaced, in time, compensatory tree planting can take place.

Crime Prevention Through Environmental Design

In terms of crime prevention, the proposal is not regarded as being inappropriate. In fact, it is considered that the proposal will represent an improvement to the locality with respect to crime prevention and safety. The proposal is consistent with the established principles of Crime Prevention Through Environmental Design (CPTED) as follows:

Access Control: The pub and motel will be secure premises. Motel guests are provided with room keys. The car parking area will be well defined and signposted accordingly to limit access to pub patrons and motel guests only.

Territorial Re-Enforcement: The layout of the development is such that there is a clear delineation between public spaces and the proposed commercial uses. There is no ambiguity as to what will be a public space versus the proposed commercial uses.

Surveillance: The proposal is one that will provide additional opportunities for casual surveillance of the public domain after normal business hours. Conversely, the area is a busy place there are plenty of opportunities for casual surveillance of the motel and pub grounds from the public domain.



Lighting will be provided within the car parking areas, along pedestrian pathways and to the exterior of all buildings.

Space Management: The new building will be of sound construction and in a good state of repair. The physical appearance of the buildings on the site will improve as a result of this proposal compared to the current situation.

The location and nature of the proposed landscaping is appropriate with respect to CPTED principles.

Hours of Operation

Hotel trading hours will remain as per current operations which are:

- Monday, Tuesday, Thursday, Sunday: 10am to 10pm
- Wednesday, Friday, Saturday: 10am to midnight.

Stormwater Drainage

Stormwater is to be dealt with as per the submitted stormwater concept plan.

Natural Hazards

Aside from bushfire, the proposal is not one that will be sensitive to potential natural hazards flooding.

Heritage

There are no known items of either European or Aboriginal Heritage located within the subject land.

Noise Impacts

The development application is supported by an Acoustic report prepared by Koikas Acoustics. The report presents the results of an acoustical assessment conducted for the proposed redevelopment of the premises.

Conclusion

Development consent from Shoalhaven City Council is sought for the construction of a modern, hotel with tourist accommodation upon the subject land.



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The development application submitted to Shoalhaven City Council is a comprehensive one. Information submitted to Council for its consideration addresses in detail those matters considered to be of importance to the proposal.

It is considered that the proposed development is entirely consistent with Council's adopted codes and policies in addition to relevant State planning legislation and controls. Further, it has been demonstrated that the development will have minimal unacceptable impacts on either the built or natural environment and that the site is suitable for the proposed development.

For reasons outlined within this report, it is considered that the proposal is within the public interest and Council should approve the application as submitted.

Jervis Bay Town Planning
December 2023