

Development Committee

Meeting Date: Tuesday, 14 August, 2018

Location: Council Chambers, City Administrative Building, Bridge Road, Nowra

Attachments (Under Separate Cover)

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Heritage Assessment Report

**Bangalee Motel
A10 Princes Highway
BERRY NSW**

**Proposed Additions to Existing
Motel Development**

For

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February 2018

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DE18.50 - Attachment 4

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PREFACE

(a) Scope

This limited report has been prepared to support a Development Application (DA 17/1359) to Shoalhaven City Council (SCC) for a proposed development to include additions to the existing complex known as Bangalee Motel.

The report has been prepared based on drawings prepared by Infinite Designs and Building Consultancy for built form and Mark Spence Environmental and Landscape Services for site beautification.

(b) Objectives

The site is an irregular shape and accommodates an existing Motel complex built probably in the late 1960's to early 1970's. The zoning is permissible for tourist and visitor accommodation under SCC LEP 2014 SPJ Tourist. The existing building is located at the northern approach to the Berry township and contains 10 motel rooms, laundry, administration offices and carparking in an established landscaped setting. The building is single storey to the Princes Highway frontage and from the Tannery Road approach appears 2 storeys (sub floor space included) disguised by landscaping. The site topography falls sharply from a level section along the Princes Highway down to the east boundary and adjacent rural open space.

An addition to the Motel complex is proposed and is subject to planning controls as expressed in a Statement of Environmental Effects report by Peter Marczuk Town and Country Planning.

Proposed works generally:

- i. Located to the side (north) of the existing Motel complex when viewed from the Princes Highway frontage.
- ii. Visual presence from Tannery Road has the two proposed building forms separate and articulated adopting some architectural elements and colour schemes to address building impact.
- iii. Adopt simple form, fenestration, roof forms when viewed from Princes Highway and Tannery Road frontages.
- iv. Of a design which is compatible with, but does not compete with the architectural character of the existing neighbourhood.
- v. External facing materials and finishes to be adopted are taken from existing surrounding roof, walling and painted surfaces.
- vi. Maximise the sites potential for affordable and accessible accommodation.
- vii. Address site constraints for traffic, complying carparking, flooding, view corridors and heritage impact.

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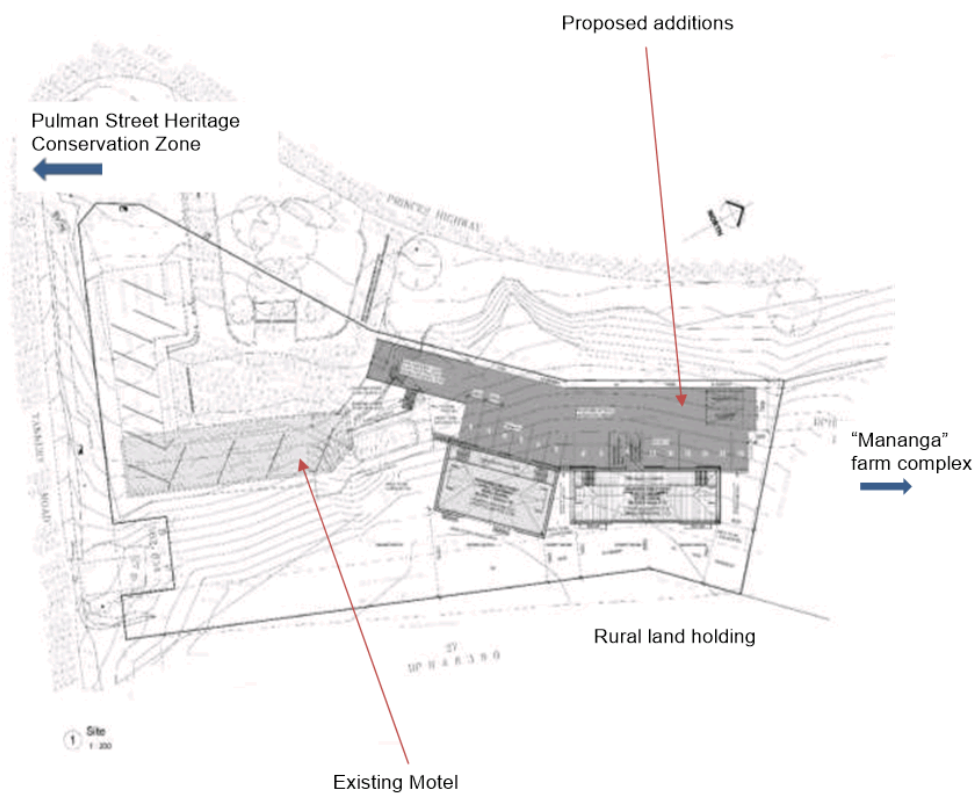


Fig 1 Site Plan (reference Infinite Designs and Building Consultancy 21.08.17)

(c) Heritage Status

The existing Motel complex and site are identified to be adjacent the Pulman Street Heritage Conservation Area. The motel is not listed as a heritage item, however the SCC LEP requires a heritage assessment report for development within or adjacent to a heritage conservation area and neighbouring heritage items. SCC has requested a "basic assessment".

The main objective of this report is to determine the suitability of the proposed development and its impact on the established conservation area and adjacent heritage and landscape items.

This report is limited to the description and interpretation of the site for European use.

This report supports the proposed construction of the two buildings for additional tourist and visitor accommodation and associated parking of vehicles.

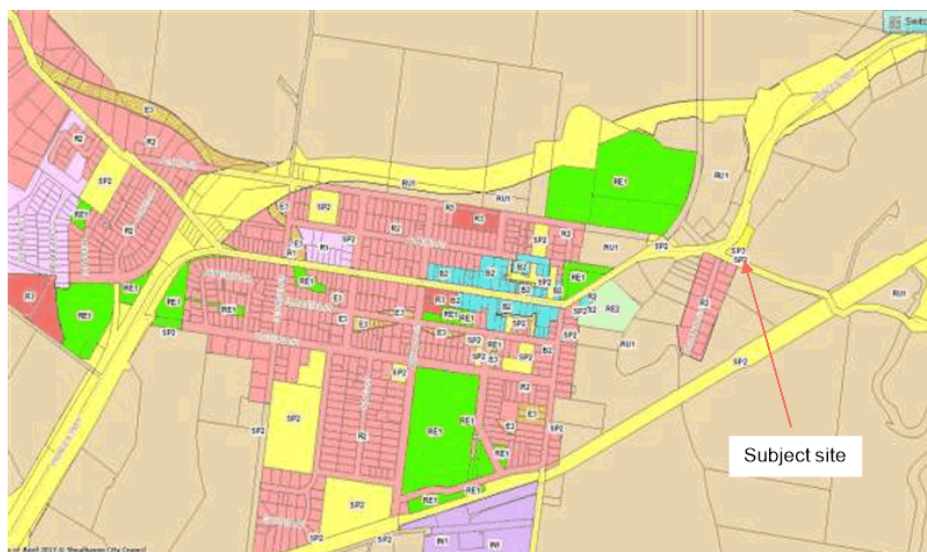


Fig 2 Planning Map (nts – Shoalhaven City Council accessed October 2017)

(d) Authorship

This report has been prepared by Geoffrey Borst, Borst & Co Architecture Pty Ltd, Chartered Architect and Heritage Architect.

(e) Methodology

This limited Heritage Assessment Report has been prepared in accordance with information taken from the SCC Local Environmental Plan 2014 Heritage (HER) and Statement of Environmental Effects (SEE).

(f) Copyright

This report is the copyright of Borst & Co Architecture Pty Ltd and was prepared specifically for the owner of the site, HDP Solutions Pty Ltd. It shall not be used for any other purposes and shall not be transmitted in any form without written permission of the authors.

1.0 INTRODUCTION

1.1 Site Description

The site is described as RP: Lot 100, DP 1057897, No A10 Princes Highway, Berry NSW.

- (a) The subject site is located on the eastern side of Princes Highway near the intersection with Tannery Road.
- (b) The site is bounded to the west (other side of the highway) with a single heritage dwelling. (No. 62 – Constables cottage).
- (c) Adjacent and south of the subject site, there is a combination of heritage and non-heritage dwellings on individual allotments in the Pulman Street Heritage Conservation Area.
- (d) Adjacent and north of the subject site, there is a single dwelling and outbuildings on a rural acreage. (No. 63 “Mananga” – farm complex).
- (e) East of the subject site there is rural land fronting Tannery Road together with a row of listed poplars (*Populus nigra italica*)
- (f) The site is adjacent the Pulman Street Heritage Conservation Area, eastern approach to the Berry Town Centre.
- (g) The subject site contains an existing motel building, primarily single storey but appears double storey (subfloor) from the east due to site topography. The building was probably built in the late 1960’s and early 1970’s a time when heritage and heritage conservation was non-existent.

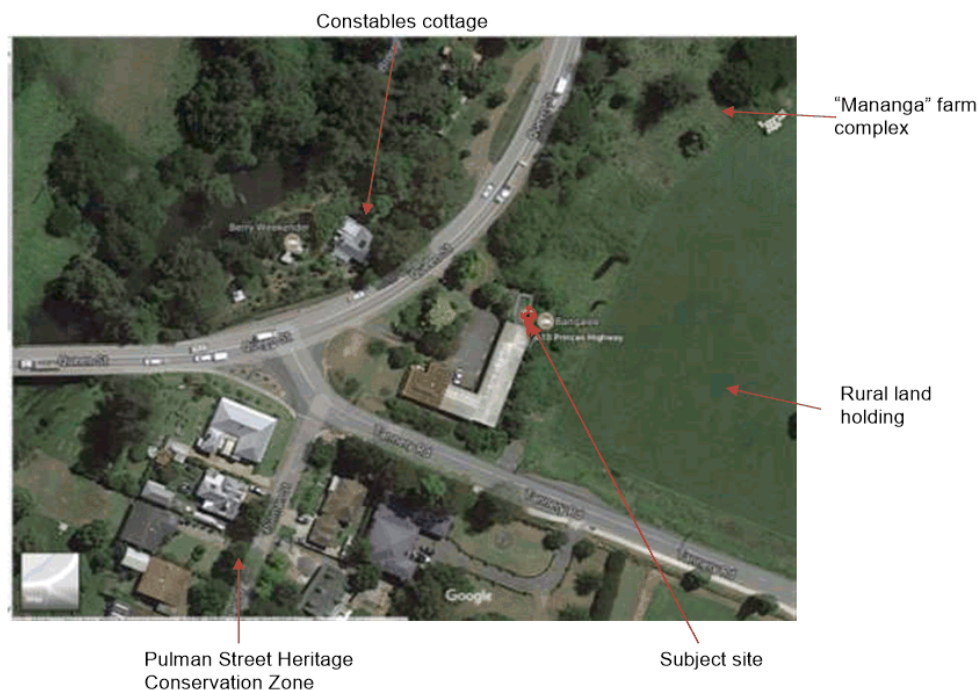


Fig 3 Location Map (nts – Google Maps accessed October 2017)

2.0 STATEMENT OF HERITAGE ASSESSMENT

2.1 Proposed Buildings Works

Notes on Elevational and Material Treatment

- i. Background
The visual design of a new building is as important as the *building bulk and scale*. The arrangement of openings in walls is visually important, particularly the placement of windows, doors, balconies and terraces. The design of the building should respond to the rhythms established by the character of the existing building and neighbourhood or conservation zone.
- ii. Objectives
Building elevations and materials where visible from the public domain:
 - a. Should complement the prevailing character of the neighbourhood
 - b. Are human in scale and in proportion
 - c. Provide a high level of architectural quality, visual interest and articulation; and
 - d. Provide a high level of engagement between the public and private realm if applicable, in particular by activating the street level public realm
- iii. Controls
Building facades may be:
 - a. Divided into vertical bays consistent with the dimensions established by elements on adjoining developments and within the neighbourhood.
 - b. Divided into horizontal bandings that clearly delineate each storey and align with elements on adjoining developments such as eaves, balconies, roofs and plinths.

New buildings shall be designed to provide a high level of architectural and visual presentation to all elevations, avoiding blank, unarticulated side and rear elevations.

Materials and finishes are compatible with those prevailing in the streetscape and the period of construction of the existing building and neighbourhood or conservation zone.

Generally, the proposed works are based on the following concepts.

- i. Location of new works is north of the existing building, away from the heritage conservation zone but adjacent a large site with a heritage building and out buildings.
- ii. Construction of 2 separate articulated buildings with small footprints, with gable roof forms.

2.2 When is a Development Application Required?

1. A Development Application is required for proposed development involving any of the following:

- (a) Demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,

Comment: Not Applicable

- (b) Altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,

Comment: Not Applicable

- (c) Altering a heritage item that is a building by making structural changes to its interior,

Comment: Not Applicable

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- (d) *Disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*

Comment: Not Applicable. Low potential for discovery of artefacts

- (e) *Disturbing or excavating in a heritage conservation area that is a place of Aboriginal heritage significance,*

Comment: Not Applicable

- (f) *Erecting a building on land on which a heritage item is located or that is within a heritage conservation area,*

Comment: Applicable. Separated additions to existing Motel complex including construction of 2 buildings are proposed, adjacent a heritage conservation zone and heritage item.

- (g) *Subdividing land on which a heritage item is located or that is within a heritage conservation area.*

Comment: Not Applicable.

2. *State significant heritage items listed on the NSW State Heritage Register. Any development affecting a state significant heritage item will require the lodgement of either an Integrated Development Application pursuant to Section 91 of the Environmental Planning and Assessment Act 1979 where the concurrence from the NSW Heritage Council is required under Section 60 of the Heritage Act 1977 or alternatively, a separate application is made to the NSW Heritage Office of the NSW Department of Planning under Section 60 of the Heritage Act 1977, prior to the lodgement of a Development Application with Council.*

Comment: Not Applicable.

2.3 Proposed Buildings

This statement comprises the assessment of the proposed buildings in 2 parts.

1. **Investigation of the range of values of the proposed buildings under the following headings:**

Criteria	Comment
(a) Association with an historical person, event phenomena or institution	N/A
(b) A building illustrating scientific cultural and/or social values	N/A

2. **Interpretation of the comparative values of the proposed buildings**

Criteria	Comment
(a) Is a good example of building design.	The proposed buildings are designed to be of lesser impact than the existing building, ie smaller footprints, separate articulated buildings, use of similar and traditional materials.
(b) A particular style	The proposed buildings employ a usage of building elements within a simple traditional style.
(c) Does it form part of a: Township, a landmark, or focal point	No. New works will be located north of the existing building and which will not dominate the existing main streetscape. (Princes Highway)

2.4 General Heritage Provisions

Background

This section sets out general objectives and controls for various types of work and is applicable to all Heritage Items, **Heritage Conservations Areas**, Potential Heritage Items (Built Environments, Cultural and Visual Landscapes, European Archaeological Sites) and for development in the vicinity of Heritage Places.

Objectives

Conservation:

1. Retain and conserve significant elements and settings.

Comment: The existing building and established landscaping will be retained. The streetscape will remain primarily undisturbed. New landscaping will be introduced to the front and rear and the proposed buildings.

2. Retain and conserve where possible, the significant character of heritage conservation areas, and of the cultural and visual landscapes.

Comment: Heritage Conservation Area and streetscape: not affected. Note new road construction and road deviation in immediate area has had a visual impact on the immediate area.

3. Retain original elements such as verandas, balconies, characteristic roof forms, traditional materials, finishes and associated details and traditional planting schemes.

Comment: Not Applicable

4. Retain and conserve potential heritage items if they are found to have heritage significance.

Comment: Not Applicable

5. Encourage new uses of buildings to conserve their heritage significance.

Comment: Not Applicable. Note, existing motel use to be continued upon completion of the proposed buildings to the north of the existing building.

6. Protect and conserve heritage in accordance with the principles of the Burra Charter. This is a document prepared by the Australian National Committee of the International Charter for the Conservation and Restoration of Monuments and Sites (Australia ICOMOS). It provides guidance for the conservation and management of places of heritage significance.

Comment: Not Applicable

7. Ensure that development is undertaken in a manner that acknowledges and/or protects sites of archaeological significance.

Comment: Not Applicable

8. Encourage routine maintenance for the ongoing conservation of heritage places.

Comment: Not Applicable. Note, full time use of the existing Motel complex will ensure maintenance and upkeep of buildings and therefore retain a sense of orderliness within the neighbourhood.

9. Ensure that adequate consideration is given to the significance of a heritage place and all alternative options, where the demolition of a heritage place is proposed.

Comment: Not Applicable

Compatibility of new work:

10. Ensure development is based on, and sympathetic to, an understanding of the heritage conservation area.

Comment: New works are physically separated or located "adjacent" the existing building and shall be articulated to minimise bulk and scale at the site.

11. Ensure that any development within a heritage conservation area is compatible with and sympathetic to the significant characteristics of the area as a whole and make a positive contribution to the area.

Comment: Roof pitch and form, colour, type and finish of external materials and scale are compatible with those of the existing and surrounding buildings within the heritage conservation area.

12. Ensure that the development in the vicinity of a heritage place is undertaken in a manner that does not detract from the heritage significance of the place.

Comment: The proposed buildings are to the north of the site and therefore are further away from the Pulman Street Heritage Conservation Area. Visually the proposal is separated from "Mananga" to the north by existing landscaping and mature trees.

Development details:

13. Ensure the integrity of the heritage conservation area is retained by the careful design, scale and siting of new buildings.

Comment: New works are physically separated or located "adjacent" the existing building. The proposed work is outside of the Pulman Street Heritage Conservation area.

14. Encourage the removal of inappropriate work and the reinstatement of significant missing details and building elements.

Comment: Not Applicable

15. New development may use contemporary design, materials and construction techniques; but must maintain the significant qualities that make up the character of the heritage conservation area and must not detract from this character.

Comment: New buildings will exhibit smaller footprints and use traditional materials and colour scheme to complement the existing building and the neighbourhood or conservation zone.

16. Promote the use of high quality design, materials, finishes and detailing which is appropriate to the architectural style, building type and historic context.

Comment: New buildings will exhibit traditional materials, colours scheme and form to be compatible with the existing building and the neighbourhood or conservation zone.

17. Promote the use of colour schemes that are appropriate to the character of the individual building, group of buildings and the historic context.

Comment: New colours will be recessive and taken from existing colour palette of neighbourhood or conservation zone.

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Associated details:

18. Ensure that fences and gates are in character with and do not detract from the streetscape or heritage conservation area.

Comment: Not Applicable

19. Promote landscaping that is consistent with the character of the heritage conservation area.

Comment: Landscaping will enhance the streetscape and will complement the character of the existing building, setting and proposed development adjacent to the existing building. Landscaping is proposed to soften the visual impact of the rear of the proposed building as viewed from Tannery Road.

20. Minimise the impact of new driveways on the streetscape; and retain an active street frontage.

Comment: Driveways are to remain so as to retain the existing two cross overs to Princes Highway.

Controls

Design:

1. New buildings shall be of a simple, contemporary design that avoids “heritage style” replication of architectural or decorative detail.

Comment: Roof forms and materials will not match the existing building but will adopt aspects from the surrounding heritage buildings. New walls will be painted bagged or cement rendered brickwork and weatherboard and roofing in a colorbond finish. There will be no “decorative” detail.

2. New work must complement the existing building, but it should be possible to tell the new from the old.

Comment: The new building will be physically separated and different in appearance to the existing Motel building and shall complement adjacent heritage items.

3. When alterations or additions are proposed, the removal of any existing unsympathetic elements is encouraged.

Comment: Not Applicable

4. New development must be designed reflecting the general form, bulk, scale, height, architectural elements and other significant elements of the surrounding heritage conservation areas.

Comment: New roof forms and materials will match existing surrounding forms, materials and profiles. New walls will be painted bagged or cement rendered brickwork and weatherboard. Roof shall be colorbond finish. There will be no “decorative” detail.

5. Where an addition is not visible from a street or public place, greater flexibility in design may be considered.

Comment: Not Applicable. Note, the buildings have considered the impact they will have from Tannery Road and this is subject to a visual impact assessment. Proposed landscaping shall soften and visually reduce scale and bulk of buildings.

Siting:

6. Additions to existing building will be sited and designed to retain the intactness and consistency of the streetscape and retain elements that contribute to the significance of the heritage conservation area.

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Comment: The existing building is currently a one off structure facing this section of the Princes Highway. The proposed addition shall be sited to the north of the existing building and outside of a heritage conservation zone. This collection of 3 buildings will create a streetscape.

7. Additions are to be predominantly to the rear of the existing building.

Comment: Not Applicable.

8. Additions to the side of existing buildings will be considered where it is substantially set back from the front building alignment and the style and character of the building will not be compromised.

Comment: Not Applicable. The existing building is not in a conservation zone and is far enough removed from identified heritage items. The proposed buildings are set back substantially from the Princes Highway and staggered to the existing building.

9. Where there is a uniform building front setback, new development must recognise this.

Comment: Staggered setback to existing building and road frontage.

10. The existing informal and irregular pattern of rear property building alignments is to be retained.

Comment: Not Applicable

Roofs and Roofscape:

11. The existing pattern, pitch, materials and details of original roof forms within the heritage conservation area shall be retained.

Comment: Proposed buildings shall adopt features from neighbouring heritage items.

12. Secondary roof forms should be subservient in form, such as low skillion extensions and verandah roofs

Comment: Not Applicable

13. Missing roof elements shall be reinstated when unsympathetic roofs are replaced.

Comment: Not Applicable

Materials and Finishes:

14. Surviving original materials, finishes, textures and details shall be retained and conserved where appropriate.

Comment: Not Applicable

15. Materials, finishes, and textures must be appropriate to the historic context of the original significant buildings within the streetscape.

Comment: Proposal will comply with similar materials and colour palettes adopted from neighbouring heritage items and adjacent heritage conservation zone.

16. Contemporary materials are permitted where their proportions, detailing and quantities are in keeping with the character of the area. Large expanses of glass and reflective wall and roof cladding are not appropriate.

Comment: The proposed building will comply.

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Colours:

17. New buildings need not employ traditional colour schemes, but should use colours sympathetic to surrounding development and contribute to the cohesiveness of the heritage conservation area.

Comment: Colour schemes for the proposed buildings will be muted and recessive. Refer to colour and material schedule attached and included on drawings.

18. Colour schemes can be used to enhance significant building features and to reduce intrusive elements.

Comment: Refer to colour and material schedule attached and included on drawings.

19. Original significant brickwork that is unpainted or unfinished must not be rendered, bagged, painted or otherwise refinished in a manner inappropriate to the architectural style of the building.

Comment: Not Applicable

Fences and Gates:

20. Where possible, existing fences that have been identified as being significant or that contribute to the overall setting or character of a heritage place are to be retained, rather than replaced.

Comment: Not Applicable

21. New fences should match as closely as possible the original fencing in terms of design, materials, colour and height. If the original fence type is not known, it should relate to the architectural period of the heritage building. Old photographs or inspection of remaining fabric can often reveal the original fence type.

Comment: Not Applicable

22. Traditionally fence heights and styles do not obscure heritage items or dominate heritage conservation areas.

Comment: Not Applicable.

23. On sloping sites fences and retaining walls should be stepped down the slope.

Comment: Not Applicable

Landscaping:

24. Front gardens should predominately be landscaped in a style appropriate to the building type and to embellish the street front elevation.

Comment: The landscape plan will take this into account.

25. Landscaping should, where possible, retain the original design elements, paths, significant trees and plantings.

Comment: The landscape plan will take this into account.

Generally, the landscaping shall be compatible with the existing and natural endemic vegetation species.

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Garages, Carports and Outbuildings:

26. Garages, carports and outbuildings shall be simple, ancillary structures, that are designed and placed so that they do not dominate the principal building and not detract from the heritage conservation area.

Comment: Not Applicable

27. Parking structures are generally not appropriate in the front setback area.

Comment: Carparking spaces only provided.

Vehicle Access:

28. Vehicle access shall not impact adversely upon the architectural character and significance of buildings or the streetscape.

Comment: The landscape plan will take this into account.

29. Driveways should be constructed of gravel, crushed sandstone, bricks or plain concrete or be designed as separated wheel strips. Stencilled concrete is generally not appropriate.

Comment: The landscape plan will take this into account.

30. Hard stand areas should be kept to a minimum.

Comment: The landscape plan will take this into account.

Associated structures:

31. Where shutters and grills are considered necessary for property protection, they shall be designed to suit the character of the building, be set back from the face of the surrounding wall, be of an open nature and have minimal impact on the existing building fabric.

Comment: Not Applicable

32. Appropriate external lighting may be used to highlight the architectural features of significant buildings.

Comment Not Applicable

33. Skylights, air conditioning units, antennas, solar panels, satellite dishes etc. shall not be visible from the street.

Comment: Not Applicable

3.0 DESCRIPTION OF PROPOSED BUILDING WORKS

3.1 The Proposal

The proposed development at A10 Princes Highway Berry shall be the construction of a two level separate and articulated addition to the existing motel development. The proposal shall contain 2 buildings to the north of the existing building, associated carparking, traffic controls measures and site beautification.

The building shall adopt a simplified contemporary appearance adopting traditional cladding materials and colour schemes taken from existing surrounding buildings in the Pulman Street Heritage Conservation Zone.

Associated site beautification shall contribute to the proposed development and complement the existing development when viewed from the Princes Highway. To the rear of the site and facing Tannery Road, landscaping has been included to soften and reduce the scale of the buildings.

As the development is to meet certain design controls to minimise any adverse visual impact upon the streetscape and impact within the heritage conservation area, the following external fabric and forms are included.

- (a) Roofing: Colorbond custom orb to match existing adjacent corrugated roofs to traditional gable profiles.
- (b) Cladding: Combination of traditional cladding materials (eg cement rendered brick, horizontal fibre cement weatherboards) which is consistent with cladding types of original surrounding fabric.
- (c) Architectural elements of building form and roof shape of simplified traditional forms in a contemporary style are taken from existing surrounding buildings.
- (d) Colour schemes are generally muted.

3.2 Streetscape Setting and Impact

The proposed development will be partially visible from the Princes Highway and shall be an addition to an already familiar feature. However, will be most visible from the east at Tannery Road due to site topography. The articulation of building form, the adaption of some traditional building forms and colour pallet from the surrounding buildings and the landscape design shall help address the initial visual impact. Proposed landscaping and new driveway materials shall complete the street facing position of the development.

All new works are to be constructed adjacent to the existing building and set down within the site by excavating ground levels for best locations. The proposed building shall adopt materials, building forms and colours from the existing building and the surrounding buildings so as to provide a coherent development of 3 buildings within a landscaped site.



Fig 4 Bangalee Motel – existing entry point, Motel in distance to right and construction site to left of sign.

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4.0 ASSESSMENT OF HERITAGE IMPACT

It is considered, given the foregoing that the impact of the proposed development upon the adjacent heritage conservation area and on surrounding original fabric of existing heritage buildings and the established landscape and streetscapes are acceptable.

5.0 SUMMARY

The proposed development is to be constructed adjacent to an existing motel complex which has been part of the Princes Highway scene since the late 1960's early 1970's. The existing motel has become a familiar feature to the northern approach into Berry. Visual impact shall be minimised with the retention of the existing landscaping and the inclusion of additional landscaping (including to the rear of the new buildings).

The zoning of the land permits the development of the site for tourist accommodation. The new works including building form, colour pallet and materials to be used are considered to be sympathetic to the surrounding area and the completed development shall enhance and contribute to this portion of the Pulman Street Heritage Conservation Area and Princes Highway precinct. While at the same time provide for additional tourist and visitor accommodation in a town which has redefined its existence to cater for the tourist and visitor trade.



Geoff Borst AIA
director | heritage architect

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BIBLIOGRAPHY

1. Shoalhaven City Council LEP 2014 Heritage (HER) maps.
2. Statement of Environmental Effects

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APPENDIX 1 – Photographs



Photo 1: north-east view of existing Motel and construction site to right taken from Tannery Road



Photo 2: north view of "Mananga" farm complex and construction site to left taken from Tannery Road



Photo 3: east view of existing Motel (left), construction site (centre) and "Mananga" farm complex (right) from rural land holding

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Photo 4: south-east view of existing Motel (left), construction site (centre) and south end of "Mananga" farm complex (Norfolk pine) taken from rural land holding



Photo 5: north view of Norfolk Pine ("Mananga") taken from construction site

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Photo 6: looking north along Pulman Street to Motel



Photo 7: looking south west to Pulman Street from Tannery Road intersection



Photo 8: looking south to dwelling opposite Motel and fronting Tannery Road



Photo 9: looking north to Motel opposite dwelling and fronting Tannery Road

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Heritage Assessment Report
A10 Princes Highway Berry

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APPENDIX 2 – Colour and Material Schedule

External Walls Option 1	Cement Australia "Beige" oxide for bagged finish
External Walls Option 2	Bagged finish, Pascol heritage and traditional colours "Warm Grey"
Balcony Posts	Powder coated galvanised steel, Pasco "Bone"
Balustrades	Powder coated aluminium, Dulux "Light Grey"
Roof and gutters	Colorbond "Dune"
Windows and doorframes	Powder coated aluminium, Dulux "White Birch" (Gloss)
Horizontal bands	Painted cement render, Pascol "Camouflage Green"
Scyon Linea fibre cement boarding	Pascol "Pale Olive"



Pascol "Warm Grey"



Pascol "Bone"



Pascol "Camouflage Green"



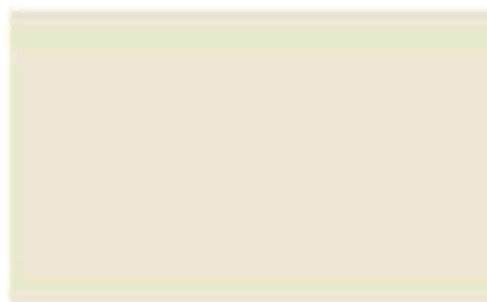
Pascol "Pale Olive"

BORST & Co ARCHITECTURE

Z:\01 NEW SERVER Z FILING\02. PROJECTS\2017\17-18 Berry Motel\01. ADMINISTRATION\SoHi Bangalee Motel.docx



Colorbond "Dune"



Dulux "White Birch" (Gloss)




Dulux "Light Grey"



Cement Australia "Beige" Oxide

DE18.50 - Attachment 4

Planning Report – Development Application No. DA17/1359

	Planning Report Section 4.15 Environmental Planning & Assessment Act 1979
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DA Number	DA17/1359
Property	180 Queen Street (formerly A10 Princes Hwy, BERRY) - Lot 100 DP 1057897
Applicant(s)	Infinite Designs & Building Consultancy
Owner(s)	HDP Solutions Pty Limited
Consultation	The Development Application was notified in accordance with Council's Community Consultation Policy. 108 Submissions were received during the notification period.
Recommendation	Approval, subject to conditions.

1. Subject Site and Surrounds

The subject site is located on the north-eastern corner of Queen Street (formerly the Princes Highway) and Tannery Road in the village of Berry. The site is legally identified as Lot: 100 DP: 1057897 and is described as 180 Queen Street, Berry (formerly A10 Princes Highway). The site is an irregular shaped allotment which has dual frontages of 57.5m to Tannery Road and 107.3m to the Queen Street. The lot has a total land area of 3,684m². the subject site is identified in the local context in **Figure 1**.

The site is benefited by dual access points on the Queen Street frontage. The northern access functions as an entry and the southern as an exit. However, this does not appear to have been strictly administered. The site drains steadily from the Queen Street frontage in the west to the eastern boundary. The site is not benefitted by an easement to drain water.

The subject site has a number of scattered trees and shrubs across the site in addition to the ornate landscaping around the curtilage of the existing motel and forecourt. The site is not identified as containing any endangered ecological community (EEC) or critically endangered ecological community (CEEC).

The subject property currently accommodates a motel building, known as the Bangalee Motel, comprising ten (10) accommodation units, a laundry and administrative offices. An in-ground swimming pool for motel guests has been provided on the northern side of the motel building. A car parking area adjoining the motel building has also been constructed.

The site is adjoined by rural/residential land uses to the north and east. To the south, the site is bound by Tannery Road and on the southern side of the road the land has been developed for detached residential dwellings running along Pullman Street. To the west, the site is bound by the Queen Street and on the western side of Queen Street is further detached residential development and the Berry Sports fields, which are located on the western side of Woodhill Mountain Road. The broader context of the site is characterised by a mix of rural/residential land uses and extensive agricultural. Much of the land surrounding the Berry Township is prime crop and pasture land.

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Figure 1 - Subject site in the local context.

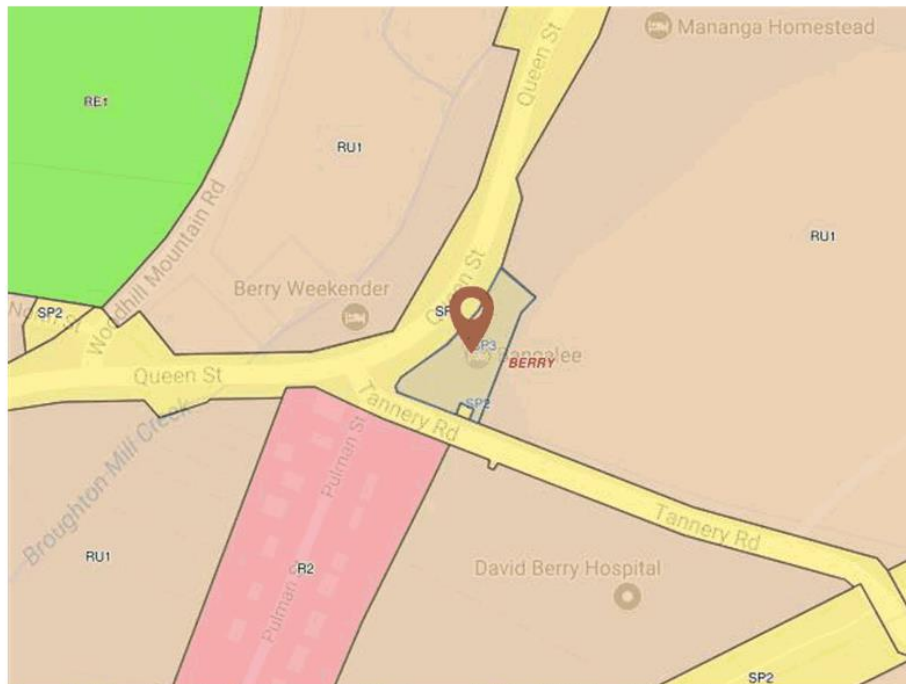


Figure 2 - Extract from the Shoalhaven Local Environmental Plan 2014 - Land Use Table.

2. Proposal Details

The application seeks development consent to extend the existing motel “Bangalee Motel”, to the north, with the addition of sixteen (16) new units.

The application proposes the construction of two x two-storey buildings - each comprising a total of eight (8) units located within the upper and lower levels. Four of the units are proposed to be located on each of the levels of the buildings. At least one of the proposed new motel units will be designed to be accessible for persons with a disability and are to be accessible from the proposed ramped access to building 2.

The proposed development includes the extension of the existing driveway and the provision of an additional sixteen (16) car parking spaces, including an accessible space adjoining the motel extensions.

Car parking is to be provided in front (on the western side) of the new buildings, with modifications to the existing vehicles entry/exit onto the Queen Street to comply with AS 2890.1 requirements. An additional car parking area will be provided to accommodate oversize vehicles on-site.

The new buildings will be serviced from the existing motel facilities. No additional service or employee parking is proposed.

Deposited Plan and 88B Instrument

There are no easements or restrictions on the subject site that would preclude the grant of development consent. It is noted that the subject lot is burdened by a right of carriageway 6m wide on the eastern boundary of the site. The right of carriageway benefits (A40 Princes Highway) Lot 101 DP 1057897. The right of carriage way is currently unused and is largely unmanaged.

The development is clear of the right of carriageway and no building works are proposed within the right of carriageway.



Figure 3 - Extract from Deposited Plan 1057897 relating to the subject site.

3. Background

Post-Lodgment

The Development Application was notified in accordance with Council's Community Consultation Policy. A total of 108 submissions were received to the Development Application during the three (3) notification periods.

A site visit was conducted to view the site and surrounds on 25 August 2017. There were no matters that presented during the site visit that required additional information or clarification from the applicant.

Site History and Previous Approvals

- The site has been historically used for purpose a motel accommodation since the 1960's. over the years the motel has been altered to accommodate additional guestrooms (BA69/0357). A guest swimming pool was also constructed in the 1980's in accordance with Building Application No. BA80/0212. Further commercial additions were approved by Council on 14 November 1989 pursuant to Building Application No. BA89/3096;
- There have been no development applications lodged with Council for development on the site since the withdrawal of an application for an advertising sign/structure on 17 August 2004 pursuant to Development Application No. DA04/2319;
- No pre-lodgment meeting was conducted in relation to this Development Application prior to lodgment;
- On 5 April 2017, Development Application No. DA17/1359 was lodged with Council for development described on the Development Application Form as "*Construction of an additional 16 motel rooms to existing Bangalee Motel*";
- On 13 April 2017, additional information was requested from the applicant. Council formally request the submission of additional information on eight (8) separate occasions on: 12 June 2017, 21 June 2017, 3 August 2017, 27 September 2017, 6 October 2017, 8 November 2017, 8 December 2017, 9 February 2017;
- On 4 September 2017, the Development Application was notified in accordance with Council's Community Consultation Policy for a period of fourteen (14) days. A total of thirteen (13) submissions were received to the application during this period and shortly thereafter as a result of extensions granted by the assessing. It is noted that a total of four (4) submissions were received to the application prior to the notification period commencing;
- On 18 October 2017, the applicant lodged amended photomontages of the Development application and a Heritage Impact Assessment;
- On 23 October 2017 the Development Application was re-notified in accordance with Council's Community Consultation Policy for a period of fourteen (14) days following the submission of amended plans to the Development Application. No submissions were received to the application during this period and shortly thereafter as a result of extensions granted by the assessing officer to enable late submissions to be made;
- On 8 February 2018, the applicant lodged amended; architectural, landscape and engineering plans for the Development Application in response to the substantive issues raised during the notification process and matters raised by Council's Heritage Advisor;
- On 20 February 2018, the Development Application was re-notified in accordance with Council's Community Consultation Policy for a period of fourteen (14) days following the submission of amended plans to the development application. A total of six (6) submissions

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were received to the application during this period and shortly thereafter as a result of extensions granted to enable late submissions to be made;

- An additional 85 submissions were received to the Development Application following the close of the notification period on 7 March 2018;
- On 10 April 2018, the Development Committee resolved (MIN 18.264) *“that DA17/1359 – Bangalee Motel – A10 Princes Highway, Berry Lot 100 DP 1057897 be called in to Council for determination due to significant public interest.”*

4. Consultation and Referrals

Internal Referrals			
Referral	Required	Recommendation	Comment
Development Engineer	☒	Conditions have been recommended including conditions to address: access, storm water disposal and civil works.	Conditions are recommended to be imposed to reflect the conditions recommended by the Development Engineer.
Building Surveyor	☒	The building surveyor has recommended conditions to address: building, fire safety, universal access and section 68 requirements (No approval sort under s68 of the <i>Local Government Act 1993</i>).	Conditions are recommended to be imposed to reflect the conditions recommended by the building surveyor.
Shoalhaven Water	☒	Shoalhaven Water has issued the <i>Notice of Approval</i> for the proposed development.	The Shoalhaven Water Notice will be issued with the development consent and forms part of any future Development Consent if approved.
Tourism Manager	☒	No comments or conditions.	No further action required.
Heritage Consultant	☒	On 4 September 2017, Council referred the Development Application to Council Heritage Advisor, Louise Thom for her consideration. On 23 October 2017, Council referred additional information (<i>Heritage Assessment Report</i> prepared by Borst & Co. Architecture dated October 2017) to the Heritage Advisor. On 27 October 2017, the Heritage Advisor issued their Heritage Referral Response. The Heritage	Comments noted.

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	<p>Advisor recommends on page 3 of the response as follows:</p> <p><i>“Recommendation</i></p> <p><i>Not supported in its current configuration due to the potential adverse heritage impact on heritage items and HCA in the vicinity. It is recommended that the recommendations above be taken into consideration to minimise the impact on the heritage character of Berry and its heritage items in close proximity to the subject site.”</i></p> <p>Following consultation with the applicant, resubmitted the plans and supporting information in February 2018.</p> <p>On 20 February 2018, Council referred the amended plans and updated supporting information to the Heritage Advisor.</p> <p>On 13 April 2018, the Heritage Advisor issued her second Heritage Referral Response. The Heritage Advisor discussed the heritage impact on each item and the Berry Township.</p> <p>The Heritage Advisor has supported the application with no ‘special’ conditions.</p>	
Road and Asset Manager	<p>The following comments were made:</p> <ul style="list-style-type: none"> • <i>“The proposed development may require RMS concurrence being a classified road.</i> • <i>A clear driveway relocation plan may be submitted to ensure safety near the intersection (driveway widths etc.).</i> • <i>Is there any provision of footpath across the frontage? as there is a swale drain along Tannery Road frontage. A plan may be provided if yes.”</i> 	<p>The RMS consider that with the opening of the Berry bypass and future reclassification of this portion of Queen Street to a local road, that the assessment of the potential traffic and safety issues is best determined by Council</p> <p>An appropriate condition can be imposed for the driveway relocation and footpath design and location to be submitted prior to the issue of a</p>

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			Construction Certificate for the proposed development.
Traffic and Transport Unit		<p>Following a review of the Development Application and submitted <i>Traffic Impact Assessment</i> prepared by Aztec Design, the Traffic Unit recommended draft conditions to be incorporated into any approval, if issued. It has been recommended that the development provide the following:</p> <ul style="list-style-type: none"> • A Basic Auxiliary Left Turn (BAL) facility from Queen Street into the vehicular entry to the development in accordance with Austroads Guidelines and based on a 60km/h design speed. • A 1.2m wide concrete footpath across the Queen Street frontage of the development from the northern driveway access with Queen Street to the intersection with Tannery Road. • A revised site plan is required to show kerb and gutter along the Princes Highway/Queen Street frontage of the development and around and into Tannery Road past the tangent point for a pram ramp to be constructed. This will enable a concrete pedestrian footpath link to be constructed to tie into the existing footpath on the western side of Pullman St and into the developments internal footpath. 	Conditions are recommended to be imposed to reflect the conditions recommended by the Traffic Unit.
Natural Resources - Flood Plain		The updated flood assessment report has been assessed and found to satisfactory. The flood assessment has addressed the concerns raised in the previous referral comments provided by Natural Resources. No further information is required.	No further action required.

External Referrals

Agency	Required	Recommendation	Comment
RMS	<input checked="" type="checkbox"/>	The RMS was initially consulted due to the Princess Highways previous alignment bounding the subject site to the north with access proposed to the former Princes Highway from the site. The RMS raised initial concerns with sight distances and turning movements to and from the site onto the State Road.	No further action required.

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		<p>Upon completion of the Berry Bypass RMS revised their involvement with the assessment of the application and issued the following comments to the application:</p> <p><i>"With the Berry Bypass now constructed and operational, RMS advises the classification of Queen Street at this location will change from a state road to a local road in the near future. On this basis, RMS continued involvement in the assessment of this DA is not required and advises this DA is a matter for Council."</i></p>	
Endeavour Energy	☒	Endeavour energy has provided general comments to the servicing of the site.	No further action required.
NSW Police	☒	<p>On 11 September 2017, the Shoalhaven Local Area Command commented as follows:</p> <p><i>"At this time Police have no issues in relation to the aforementioned Development Application and are happy to be involved in any further consultation as the proposal develops if required, as long as the applicant commits to the following crime prevention strategies."</i></p> <p><i>A. CCTV cameras installed to cover the outside perimeter of the building as well as the car park, Stairs and Common balcony's.</i></p> <p><i>B. That the CCTV which is installed is of such quality that it would aid in the identification of offenders or offences if required by the authorities. Also, the CCTV system is able to be downloaded to DVD or Thumb Drive easily.</i></p> <p><i>C. Suitable lighting to be installed to aid in better quality footage for CCTV cameras at night and safer navigation by users and staff to and from vehicles. Lighting to be as per the Australian Standards</i></p> <p><i>D. Guest room corridors/stair ways to be well-lit and without areas in which a person might hide.</i></p> <p><i>E. Building entrances are easily identified, providing easy access to all users, affording visibility to and from the street and minimising the potential for hiding spots.</i></p> <p><i>F. Access below floor level to be restricted to persons except tradesmen and staff by way of a physical barrier to the owners specifications such as slats etc. Sensor lighting to be used under floor."</i></p>	Appropriate conditions could be incorporated into a consent to reflect the recommendations of the NSW Police.

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5. Other Approvals

Integrated Approvals and Concurrences N/A.

6. Statutory Considerations

This report assesses the proposed development/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:

Instrument	Relevant	Instrument	Relevant
Shoalhaven LEP 2014	<input checked="" type="checkbox"/>	State Environmental Planning Policy (Infrastructure) 2007	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	<input checked="" type="checkbox"/>	State Environmental Planning Policy No 55 - Remediation of Land	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Coastal Management) 2018	<input checked="" type="checkbox"/>		

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

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

Environmental Planning and Assessment Act 1979

Section 4.46 – Integrated Development N/A

i) Environmental planning instrument

SEPP (Infrastructure) 2007

Development immediately adjacent to rail corridors (Clause 87) & classified roads (Clause 101-102) – impact for noise and vibration.

Considerations	Comments
Classified Roads	
Developments potentially affected by noise and vibration:	"Hotel or motel accommodation" is not listed in the table as a development potentially

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<p>(a) a building for residential use, (b) a place of public worship, (c) a hospital, (d) an educational establishment or child care centre.</p>	<p>affected by noise and vibration. Furthermore, this section of Queen Street is to be reclassified as local road and is unlikely to see the volume of vehicle movements previously experienced passing the site when the Princes Highway went through the Berry Township.</p>
<p>2. Development consent must not be granted unless: (a) Where practicable, vehicular access to the land is provided by a road other than the classified road, (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of: (i) the design of the vehicle access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land.</p>	<p>Practical access to the site is only achievable via the Queen Street frontage. This portion of Queen Street will be reclassified to a local road in the future. The RMS have raised no concern with Council considering the traffic and access issues associated with the site.</p>

SEPP 55 Remediation of Land

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)?	Proceed to Question 3	X Assessment under SEPP 55 and DCP not required.
3. Does the application proposed a new: ▪ Child care facility ▪ Educational use ▪ Recreational use ▪ Health care use ▪ Place of public worship ▪ Residential use in a commercial or industrial zone	Proceed to Question 5	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	Proposal satisfactory under SEPP 55 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 55 and DCP.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (SEPP Veg)

Pursuant to clause 26(2), an application for a permit to remove vegetation under an environmental planning instrument that has not been determined on the commencement of this Policy may continue to be dealt with as if it had been made under this Policy.

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SEPP Veg, commenced upon publication on the Legislation Website on 25 August 2017. Therefore, the provision of clause 5.9 of SLEP 2014 continue to apply to the application.

State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management)

SEPP Coastal Management commenced on 3 April 2018 following the lodgement of the Development Application with Council.

The former provisions of *State Environmental Planning Policy No 71—Coastal Protection* (SEPP 71) do not apply to the subject site.

Shoalhaven LEP 2014 (SLEP 2014)

Land Zoning

The land is zoned SP3 Tourist under the SLEP 2014.

Characterisation and Permissibility

The proposal is best characterised as “*hotel or motel accommodation*” under SLEP 2014. The proposal is permitted within the zone with the consent of Council.

“*Hotel or motel accommodation*” is defined in the Dictionary to SLEP 2014 as follows:

‘Hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests’ vehicles,

but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note. *Hotel or motel accommodation* is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.’

Zone objectives

Objective	Comment
• To provide for a variety of tourist-oriented development and related uses.	The proposed development is considered to enable the continued provision of tourist and temporary accommodation to the travelling public.
• To enable compatible residential and recreational uses.	The proposed development is not incongruous to this objective.
• To provide for dwelling houses that form an integral part of tourist-oriented development.	The proposed development is not incongruous to this objective.

SLEP 2014 Clauses

Clause	Relevant	Comments	Complies/ Consistent
Part 4 Principal development standards			
4.3	☒	<p>4.3 Height of buildings</p> <p>(1) <i>The objectives of this clause are as follows:</i></p> <p>(a) <i>to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,</i></p> <p>(b) <i>to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</i></p> <p>(c) <i>to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.</i></p> <p>(2) <i>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</i></p> <p>(2A) <i>If the Height of Buildings Map does not show a maximum height for any land, the height of a building on the land is not to exceed 11 metres.</i></p> <p><u>Comment:</u></p> <p>The proposed development is consistent with the objectives of the height of building development standard. The height of the proposed buildings is compatible with the height, bulk and scale of the existing and desired future character of the locality.</p> <p>The visual impact of the development has been mitigated through; a redesign of the development to reduce the finished of the buildings and removal of the exaggerated vertical elements from the eastern elevation. Greater design emphasis has been placed on the horizontal elements of the design to reduce the perceived height of the development – particularly from the Tannery Road frontage.</p> <p>It is not considered that the development will result in privacy or loss of solar access to existing development.</p> <p>The development is proposed to be constructed to a maximum height of 9.93m (Block 1) and 9.27m (Block 2)</p>	Yes.

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		above natural ground level (as measured from the rear of the development).	
		The proposed development is consistent with the maximum building height of 11m for the subject site.	
4.4	☒	<p>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p><u>Comment:</u></p> <p>There is no relevant Floor Space Ratio Map that relates to the subject site.</p>	N/A.
Part 5 Miscellaneous provisions			
5.9	☒	<p>The Development Application is supported by a <i>Tree Report</i> prepared by Consultant Arborist, Mark Spence. The <i>Tree Report</i> has made the following observations in relation to the proposed tree clearing:</p> <p><i>“The tree population at the Bangalee Motel can be described as belonging to two distinct groups.</i></p> <p><i>The first group of trees are located between the motel and the Princes Highway. These trees are a mix of exotic species that are surrounded by well-manicured lawns.</i></p> <p><i>The second group of trees are located at the sides and rear of the motel property. These areas are very poorly maintained. Most trees are undesirable species that are surrounded by a dense population of environmental weeds.</i></p> <p><i>The proposed expansion of the motel complex will use lands that are currently poorly maintained and covered with the above noted environmental weeds. Regardless of the success of the development application, the large areas of land that are covered with undesirable tree species and environmental weeds needs to be cleaned up.</i></p> <p><i>The proposed expansion of the Bangalee Motel complex would provide a means to better utilise the currently poorly maintained land that surrounds the existing motel.</i></p> <p><i>Trees nominated for removal</i></p> <p><i>If the development is to proceed as planned, then Trees Groups numbered 6, 10 & 26 will need to be removed. Tree number 7 should also be removed.</i></p> <p><i>Regardless of the DA outcome, trees numbered 14, 18, 19, 23, 24 & 25 should be considered for removal.</i></p>	Yes.

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		<p><i>Tree Group 12 should also be considered for removal."</i></p> <p><u>Comment:</u></p> <p>Council has considered the proposed clearing and notes that the proposed vegetation and clearing does not:</p> <ul style="list-style-type: none"> (a) form part of a heritage item or that is within a heritage conservation area, or (b) form part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity: (c) mount to the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and (d) adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area. <p>The proposed development is consistent with clause 5.9 and the vegetation is recommended for removal subject to compensatory planting and retention of existing vegetation as identified by the Tree Report and the Landscape Plan prepared by Mark Spence.</p>	
5.9AA	☒	<p>This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 or by a development control plan made by the Council. The non-prescribed species proposed to be removed may be removed without development consent</p>	Yes.
5.10	☒	<p>In accordance with clause 5.10(5)(c), Council has requested a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p> <p>The Development Application is supported by a <i>Heritage Assessment Report</i>, prepared by Borst & Co Architecture (as amended). The Heritage Report and submitted plans have been reviewed by Council's Heritage Advisor following the initial lodgment of the application and subsequent modifications to the design throughout the assessment process.</p> <p>Council's Heritage Advisor has made the following comments following the lodgment of the applicant's amended plans on 8 February 2018:</p>	Yes.

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		<p>Heritage Context</p> <p><i>“The subject site is located in the area of the original private town of Broughton Creek which pre-dated the Town of Berry. It is the oldest area of settlement and has some very significant heritage listed properties along with the Pulman Street heritage conservation area. In the immediate vicinity of the subject site are:</i></p> <ul style="list-style-type: none"> <i>• Adjoining the northern boundary is ‘Mananga’ – Berry Estate Manager’s Farm Complex. This property includes the house and a number of out buildings including a silo and milking bails. At the southern end of the property is part of the archaeological evidence of the Berry Estate Saw Mill and the original Mananga house.</i> <i>• Opposite the site across the Princes Highway is “Constable’s Cottage”, a Victorian Georgian style weatherboard cottage and garden built close to the front boundary and screened by trees.</i> <i>• Diagonally opposite is a Colonial style weatherboard store (former Wilson and Co store), and two Araucaria heterophylla (Norfolk Island Pines) at 1 Pulman Street.</i> <i>• Immediately to the south east of the site is a grouping of Lombardy Poplars in Tannery Road.</i> <i>• And to the South east is the Pulman Street HCA.</i> <p><i>The property at A10 Princes Highway, Berry is located at the gateway into Berry from the north. As well as being visually prominent on the historic approach from along Tannery Road.</i></p> <p>Heritage Impact on each item</p> <ul style="list-style-type: none"> <i>• There is sufficient space between the adjoining property Mananga (Local heritage item 63) and the development site so there will be an acceptable degree of heritage impact.</i> <i>• The Lombardy Poplars along Tannery Road, Road reserve, (Local heritage item 97) will not be impacted by the hotel development. They are located on the southern side of the road and can still be appreciated regardless of the new development.</i> <i>• “Constable’s Cottage” and garden A15 Princes Highway (Local heritage item 62) is located across the highway from the proposed development. On this side of the highway there will be negligible difference to the appearance of the property as much of the existing</i> 	
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		<p>vegetation is within the road reserve and the height of the new building will not substantially increase.</p> <ul style="list-style-type: none"> • Likewise, the Colonial Weatherboard building at 3 Pulman Street (local heritage item 71) is removed from the area affected by the development. • The Pulman Street Heritage Conservation Area is an important precinct with historic and aesthetic value. The western side of Pulman Street is particularly significant and is also well removed from the proposed development. The buildings at the corner of Tannery Road and along the eastern side of Pulman Street have negligible heritage value and screen the HCA from the proposed development. <p>In summary the heritage significance of each of the items is not adversely impacted by the proposed development.</p> <p>Heritage Impact upon Berry Township</p> <p>The Township of Berry has large number of heritage buildings and landscapes that collectively contribute to the ambiance and atmosphere of the village. However, the village itself is not listed as a heritage item or a Heritage Conservation Area. The heritage provisions of the LEP therefore do not apply outside the areas designated as heritage items or HCA. The clause of relevance in the SLEP is 5.10(5)(c) which requires the consent authority to require submission of a heritage management document for land within the vicinity of the development.</p> <p>The revised plans have addressed much of the visual impact from along Tannery Road. The applicant has incorporated all my previous recommendations in order to reduce the heritage impact of the building when viewed from the east. Overall the amendments to the design have improved the appearance of the building so that it will have less impact upon the aesthetic value of surrounding heritage items and the approach to the town of Berry along Tannery Road."</p> <p>Based on the advice of the Heritage Advisor it is considered that the proposed development will not have a significant detrimental impact on the heritage significance of the heritage items and heritage conservation area in the vicinity of the subject site.</p>	
Part 7 Additional local provisions			
7.1	☒	The site is mapped as containing class 5 acid sulfate soils (ASS). Works are not proposed within 500m of adjacent class 1, 2, 3 or 4 land. Council is satisfied that the proposed	Yes

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		<p>development will not encounter ASS as a result of excavation works.</p> <p>However, if ASS are identified or exposed to the atmosphere on or adjacent to the work site during the construction work, a condition could be imposed to the effect that all work is to cease immediately, and no further work is to take place until an acid sulfate soil management plan has been prepared by a suitably qualified person.</p>	
7.2	☒	<p>Earthworks will be required to facilitate the proposed development and are considered to be ancillary to the redevelopment of the site. Earthworks can be managed and controlled by soil and sediment management measures in accordance with the "Blue Book".</p>	Yes
7.3	☒	<p>The subject land is identified as a Flood Planning Area in mapping supporting SLEP 2014.</p> <p>The Development Application is supported by a <i>Flood Affection and Compliance Report</i> prepared by Inglis Engineering, dated 13 November 2017, which states that the flood characteristics for the site are as follows:</p> <p>"Site Flood Information</p> <p>4.1. Flood Planning Level (Projected 2050) RL 6.7 AHD. 4.2. 1% AEP Flood Level (Existing) RL 6.2 AHD. 4.3. 1% AEP Flood Level (Projected 2050) RL 6.2 AHD. 4.4. Flood Velocity (1% AEP) 0.1 m/s. 4.5. PMF (Existing) RL 7.8 AHD. 4.6. PMF (Projected 2050) RL 7.8 AHD. 4.7. Hazard Category (Projected 2050) HIGH. 4.8. Hydraulic Category (Projected 2050) Flood Storage. 4.9. The structures are required to withstand the forces of floodwaters including debris and buoyancy forces up to the 0.2% AEP flooding scenario. 4.10. The structures must not become floating debris during a 1% AEP flooding scenario. 4.11. The structures must be constructed from flood compatible materials.</p> <p>Existing Construction – Finished Levels</p> <p>Reference item 3.1 above 5.1. Existing motel ground floor level Varies: RL 12.01 AHD Approx. 5.2. Existing ground surface levels Varies: RL 13.5 AHD (front – west). RL 8.00 AHD (mid lot). RL 4.50 AHD (rear – east).</p>	Yes

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		<p>Proposed Development and Finished Levels</p> <p><i>The proposal is to construct two new two storey blocks, each containing eight self-contained motel rooms. Reference item 3.1 and 3.4 above</i></p> <p>6.1. Proposed Motel Block 1</p> <ul style="list-style-type: none"> • Ground Floor RL 8.90 AHD • First Floor RL 11.90 AHD <p>6.2. Proposed Motel Block 2</p> <ul style="list-style-type: none"> • Ground Floor RL 8.50 AHD • First Floor RL 11.50 AHD" <p>The development was referred to Council's Flood Engineers for consideration.</p> <p>Council accepts the applicant's proposed flood evacuation and assessment against SLEP 2014 and has determined that the proposed development is compliant with Clause 7.3 as it relates to flooding.</p>	
7.11	<input checked="" type="checkbox"/>	All appropriate services are provided to the existing site and will be augmented as required to meet the additional dwellings.	Yes.

ii) **Draft Environmental Planning Instrument**

No relevant draft environmental planning instruments relate to the proposed development.

iii) **Any Development Control Plan**

Shoalhaven DCP 2014

Generic Chapters	Relevant
<p>G1: Site Analysis, Sustainable Design and Building Materials in Rural and Coastal Areas</p> <p>A site analysis is provided with the Development Application that shows the following key constraints and opportunities: Constraints (including but not limited to):</p> <ul style="list-style-type: none"> • Location of services such as power, sewer, water and drainage lines. • Existing vegetation within and adjacent to the land being developed. • Flooding at the rear and lower portion of the site. • Site topography. 	<input checked="" type="checkbox"/>
<p>G2: Sustainable Stormwater Management and Erosion/Sediment Control</p> <p>5.1 Stormwater</p> <p>5.1.1 Minor and Major Systems Design</p> <p><u>Comment:</u> Council's Engineer has reviewed the proposed drainage arrangement. It is generally satisfactory. The inclusion of appropriate conditions of consent (if approval is issued) will ensure that stormwater is properly managed.</p>	<input checked="" type="checkbox"/>

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5.1.2 Climate Change Controls

Comment: Noted. No concerns arise.

5.1.3 Onsite Stormwater Detention (OSD)

Comment: No issues arise.

5.2 Stormwater Reuse

This section applies to all development that is not subject to BASIX.

Comment: The water collected from the roof of the buildings will be managed so that it does not cause nuisance to neighbouring properties (see Sustainable Stormwater Technical Guidelines).

5.3.1 Erosion and Sediment Control

Comment: The application is supported by an erosion and sediment control plan that the Development Engineer has reviewed and deemed satisfactory for the development application.

5.3.2 Stormwater Retention – General

Comment: No issues arise.

5.3.3 Small/medium scale development – Site Discharge Index

Comment: No issues arise.

5.4 Waterfront Land

Comment: N/A.

G3: Landscaping Design Guidelines



5 Controls

A1.1 Existing trees and landscape elements which make a positive contribution to the character of the area should be retained and integrated into the redevelopment of the land. Proposals to remove existing trees and landscape elements must propose suitable landscaping to retain streetscape character.

Comment: Suitable landscaping is proposed (with minor amendments required).

A2.1 For development other than a new dwelling house, alterations and additions to a dwelling house or a dual occupancy, landscaping must be in accordance with an approved landscape plan for the site, prepared by a qualified landscape architect or designer. The plans should meet the performance criteria and show:

- The street reserve, carriageway, parking bays, footpaths, cycleway systems, street lighting and driveways;
- Existing vegetation and proposed general character of tree planting and landscape treatment (including proposed species);
- Existing trees and significant vegetation on the site and identify those to be retained and those proposed to be removed;
- General arrangement of hard landscaping elements and major earth cuts, fills and mounding;
- Indicative treatment of any floodway and drainage lines; and

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- General information on fencing, access points furniture, pavement materials and on-going maintenance requirements.

Comment: The control refers to residential development. However, the submitted plan is satisfactory (subject to amendment) and can be incorporated into an approval, if issued.

A3.1 A landscape plan must be submitted with the Development Application illustrating the following landscape principles:

- The location, height and species of all existing and proposed vegetation;
- Methods employed to minimise soil erosion; and
- Cross section through entire site indicating major level changes, existing retained and proposed landscaping that demonstrates the proposed finished landscape (hard and soft).

Comment: The submitted plan is satisfactory subject to the imposition of a condition to require additional landscape planting along the western and northern property boundary to the extent of the proposed car parking area.

G4: Removal and Amenity of Trees



The applicant has identified a limited number of remnant and regrowth tree and shrubs for removal to the curtilage of the existing motel and within the footprint of the proposed development to be removed as part of the application. The vegetation is not mapped as forming part of a CEEC or EEC. Standard conditions are recommended for the removal and mulching of the trees.

G5: Threatened Species Impact Assessment



This chapter applies to all development proposals in Shoalhaven that propose to remove native vegetation (including native grasses, shrubs or trees that may provide habitat for threatened species) or are close to an area of native bushland or known threatened species habitat.

Comment:

The Development Application is supported by a *Tree Report* prepared by Consultant Arborist, Mark Spence. The tree report recommends that:

- trees groups numbered 6, 10 & 26 will need to be removed.
- Tree number 7 should also be removed.
- Regardless of the DA outcome, trees numbered 14, 18, 19, 23, 24 & 25 should be considered for removal.
- Tree Group 12 should also be considered for removal.

The tree groups recommended to be removed are detailed below:

- Tree Group 6 - *Ligustrum lucidum* (Broad-Leaf Privet) – weed
- Tree Group 7 - *Jacaranda mimosifolia* (Jacaranda)
- Tree Group 10 - *Ligustrum lucidum* (Broad-Leaf Privet), *Gleditzia tricanthos* (Honey Locust) and *Lantana camara*.
- Tree Group 14 - *Gleditzia tricanthos* 'Sunburst' (Honey Locust)
- Tree Group 18 - *Cupressus macrocarpa* (Monterey Cypress)
- Tree Group 19 - *Syagrus romanzoffiana* (Queen or Cocos Palm)
- Tree Group 23 - *Lagerstroemia indica* (Crepe Myrtle)
- Tree Group 24 - *Pittosporum undulatum* (Sweet Pittosporum)
- Tree Group 25 - *Robinia pseudoacacia* 'Frisia' (Golden Robinia)
- Tree Group 26 – a range of environmental weeds

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It is considered that the proposed species to be removed do not constitute significant native species, with the majority of species being either weeds or introduced ornate species.	
G7: Waste Minimisation and Management Controls	<input checked="" type="checkbox"/>
A waste minimisation and management plan (WMM) has been submitted with the application. The WMMP does not detail the intended site of landfill. An updated WMMP is recommended to be provided prior to the issue of a Construction Certificate as a condition of consent.	
G9: Development on Flood Prone Land	<input checked="" type="checkbox"/>
<p>This Chapter applies to all development on flood prone land within Shoalhaven. The subject land is identified as a Flood Planning Area in mapping supporting SLEP 2014.</p> <p>The application is supported by a <i>Flood Affection and Compliance Report</i> prepared by Inglis Engineering, dated 13 November 2017.</p> <p>Council's Flood Engineers consider the proposed development to be acceptable.</p>	
G15: Tourist and Visitor Accommodation	<input checked="" type="checkbox"/>
This Chapter does not apply to short term rental accommodation, boarding houses, hostels, camping grounds, caravan parks or manufactured home estate, hotel or motel accommodation uses. (See page 3 of the chapter, section 2.)	
G21: Car Parking and Traffic	<input checked="" type="checkbox"/>
<p>The table to clause 5.1 of Chapter G21 sets out car parking requirements for a range of specified uses and their equivalent uses under the SLEP 2014 as follows:</p> <p><i>Motel Accommodation: 1 space per room plus 1 space per employee and/or manager.</i></p> <p>A total of sixteen (16) new motel rooms are required, sixteen (16) additional car parking spaces are to be conditioned to be provided forward of the front building line. It is noted that this includes the provision of one (1) accessible car parking space.</p> <p>It is further noted that the new development will be managed and serviced from the existing motel/manager, laundry and staff room. In this regard an additional car parking space for employees or a manager is not warranted.</p> <p>5.2 Traffic</p> <p><u>Comment:</u> The Development Application is supported by a <i>Traffic Impact Assessment</i> prepared by Aztec Design (as amended) that has been prepared in accordance with RMS and AUSTROADS guidelines to the satisfaction of Council.</p> <p>5.3 Parking Layout and Dimensions</p> <p><u>Comment:</u> Car parking spaces are provided on-site and are readily accessible from the road frontage of the development. An appropriate condition is recommended to ensure parking spaces are clearly marked with line marking and signage and installed in accordance with relevant standards. Where signs and lines are required on a public road or road related area to make safe and efficient the development, approval of the Shoalhaven Traffic Committee must be obtained.</p> <p>Vehicles can enter and leave the parking space in no more than two maneuvers.</p>	

5.4 Access

Comment: The adequacy of the existing vehicular entry and exit driveways has been reviewed and, as a result, it is proposed to upgrade these driveways to satisfy: AS2890.1 and required sight distances. Appropriate conditions have been recommended by Council's Traffic Unit to address access and egress and pedestrian links to the existing shared pathway on the western side of Tannery Road.

5.5 Maneuverability

Comment: Adequate space is provided for the maneuvering of passenger and service vehicles. It is not considered that the development will require vehicle maneuvering exceeding a small rigid truck.

5.6 Service Areas

Comment: The existing car parking area and servicing arrangements are appropriate. No additional servicing spaces are considered necessary for the additional rooms. All vehicles will continue to enter and leave the site in a forward direction.

5.7 Landscape Design

A9.1 The application must include detailed landscape plans indicating dimensions, levels and drainage, existing vegetation as well as location, type and character of proposed plantings.

Comment: Satisfied (subject to the recommended conditions for additional landscaping).

A10.1 Perimeter planting to screen the proposed car park is to be defined in your landscape plan. The minimum width of perimeter planting is 3m and 1m for driveways.

Note: Council may consider a reduction in the minimum width of perimeter planting around car parks on smaller sites from 3m to 1m where it can be justified by the applicant that the reduction in landscaping will not create any adverse impacts on surrounding development/amenity.

Comment: A 1m landscaped strip is provided to the Queen Street Frontage. To provide a 3m landscaped setback to the car parking space would be impractical and would not result in the most efficient use of the land. The proposed 1m landscaped setback is practical and can be appropriately landscaped to enable visual screening of the building whilst not compromising the safety of the pedestrians or obscuring the view of the drivers when reversing out of the parking space.

A10.2 Internal plantings of car parking areas are to be of a nature to shade cars and soften the impact of hard paved surfaces without obscuring visibility.

Comment: Further plantings are not warranted or practical within the proposed car parking area.

A10.3 Consideration should also be given to the types of trees planted within car parks. Plants which have a short life, tend to drop branches, gum or fruit or plants which interfere with underground pipes are not suitable for car parks.

Comment: Noted.

A10.4 Car parks should be located to complement existing streetscape qualities. Consideration should be given to the streetscape qualities of the locality and the possibility of locating a car park to the rear of a site, or the provision of suitable landscaping to minimise any visual intrusion.

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Comment: Suitable landscaping is to be provided. The location of car parking to the rear of the site is impractical and unsuitable due to: the flood affectation, the location of a right of carriage way on the eastern boundary and limited area for the provision of 16 car parking spaces.

A10.5 Consideration should be given to incorporating stormwater control measures in the design of landscaped areas, to control and reduce the level of stormwater which enters Council's stormwater drainage systems.

Comment: Stormwater control measures are proposed to be incorporated.

A11.1 Planting is to be designed appropriately so as not to impact upon minimum sight distance requirements (at access points, intersections, and around curves), clearance requirements (horizontal and vertical), and clear zone requirements.

Comment: Satisfied.

5.8 Drivers with a disability

Comment: The development and design will comply with the requirements of Part D3 of the Building Code of Australia. One (1) accessible car parking space is provided in the application compliant with AS2890.6.

5.9 Construction Requirements

Comment: No issues arise.

5.10 Design of Driveways

Comment: Subject to Council's Development Engineer recommended conditions of consent, as amended.

5.11 Miscellaneous
N/A

G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines



5.1 Acid Sulfate Soils

If the development site is within an area identified as having a probability of containing ASS by NSW Department of Land and Water Conservation (Soil Conservation Service – Acid Sulfate Soil Risk Map) an Acid Sulfate Soil management plan must be prepared and submitted to Council with applications for development. Such investigation and management plan preparation should be undertaken in accordance with the Acid Sulfate Soil Management Advisory Committee (ASSMAC) Guidelines August 1998.

Comment: It is unlikely that the proposed works would disturb, drain or expose ASS to the atmosphere to cause environmental damage.

The subject works are proposed to be undertaken on Class 5 ASS land at a distance of approximately 50 metres from land that is subjected to Class 4 ASS. The works would not involve disturbing the earth at a depth of 5 metres.

An appropriate condition is recommended in the event that ASS are encountered.

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Area Specific Chapters N/A.

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

there is no planning agreement that relates to the subject site.

iv) **Environmental Planning and Assessment Regulation 2000**

Clause 92 Additional matters that consent authority must consider	The matters for consideration under clause 92(1)(a)-(d) have been considered. The proposal is not contrary to the Coastal Policy.
Clause 93 Fire safety and other considerations	The proposal does not involve a change of use.
Clause 94 Consent authority may require buildings to be upgraded	In determining a development application to which this clause applies, Council has taken into consideration whether it would be appropriate to require the existing buildings to be brought into total or partial conformity with the Building Code of Australia. Appropriate conditions have been recommended by Council's Building Surveyor to addresses this matter (where appropriate).
Clause 96 Imposition of conditions—ancillary aspects of development	Ancillary conditions are recommended in relation to entry and exit treatments on Queen Street and the provision of pedestrian pathway connections to the existing network. An appropriate timeframe has been set for compliance with these ancillary matters.
Division 8A Prescribed conditions of development consent	Prescribed conditions are to be imposed as required under this Division.

i) **Any coastal zone management plan**

Council has adopted the Draft Coastal Zone Management Plan (the Plan) for the Shoalhaven Coastline 2018 and has referred the Plan to the NSW Minister for Environment, Heritage and Local Government, Hon Gabrielle Upton, to have the plan formally certified.

Once the Plan has been certified, it will be gazetted in the NSW Government Gazette.

Shoalhaven Contribution Plan 2010

The proposed development is considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2010 (the Plan). The development is most aptly characterised as an Caravan Park/Tourist Accommodation development for the purpose of calculating contributions under the Plan.

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Section 94 ET Calculations - DA17/1359 (UPN: 93804)

Close Reset Print Return Calc

☒ Residential ☐ Non-Residential

Calculation Type: Caravan Park/Tourist Accommodation

Caravan Park/Tourist Accommodation

Proposed: 16 Dwellings
Existing: 0 Dwellings
Total ETs: 6.4

NOTE:
Prior to the issue of development consent which requires contributions in accordance with this Plan, credit of the respective ETs or m2 is given to recognise the original approved land use of the development site (i.e. dwelling / building / subdivision).

Project	Description	Rate	Qty	Total	GST	GST Incl
01 AREC 2006	Northern Shoalhaven Sports Stadium	\$563.30	6.4	\$3,605.12	\$0.00	\$3,605.12
01 AREC 2008	Planning Area 1 - Active recreation facility upgrades	\$205.94	6.4	\$1,318.02	\$0.00	\$1,318.02
01 AREC 3007	Nowra Swimming Pool Expansion	\$400.98	6.4	\$2,566.27	\$0.00	\$2,566.27
CW AREC 2004	Synthetic Hockey Field Facility	\$81.98	6.4	\$524.67	\$0.00	\$524.67
CW FIRE 2001	Citywide Fire & Emergency services	\$133.68	6.4	\$855.55	\$0.00	\$855.55
CW FIRE 2002	Shoalhaven Fire Control Centre	\$195.57	6.4	\$1,251.65	\$0.00	\$1,251.65
CW MGMT 3001	Contributions Management & Administration	\$555.90	6.4	\$1,165.02	\$0.00	\$1,165.02
CW OREC 2001	Embellishment of Icon and District Parks and Walking Tracks	\$238.89	6.4	\$1,528.90	\$0.00	\$1,528.90
Sub Total:						\$12,815.20
GST Total:						\$0.00
Estimate Total:						\$12,815.20

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

A total contribution, currently assessed at the sum of **\$12,815.20** or as indexed in future years must be paid to Council **before the issue of a Construction Certificate.**

Nowra Bomaderry Structure Plan 2008

The proposed development is not inconsistent with the aims and objectives of the Nowra Bomaderry Structure Plan 2008.

(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 significant adverse impacts upon the natural environment.

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Head of Consideration	Comment
Built Environment	<p>The proposed development is considered to have acceptable impacts on the built environment and on neighbouring properties when considered against the relevant provisions of SDCP 2014 and the planning principle for assessing impacts on neighbouring properties, established by Senior Commissioner Moore of the Land and Environment Court in the case of <i>Davies v Penrith City Council</i> [2013] NSWLEC 1141, this case revised the planning principle in <i>Pafburn v North Sydney Council</i> [2005] NSWLEC 444.</p> <p>The revised planning principle for assessing impact on neighbouring properties is stated below as follows:</p> <p><i>The following questions are relevant to the assessment of impacts on neighbouring properties:</i></p> <ul style="list-style-type: none"> • <i>How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?</i> • <i>How reasonable is the proposal causing the impact?</i> • <i>How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?</i> • <i>Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?</i> • <i>Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?</i> <p>Furthermore, the proposed development is considered to have an acceptable height, bulk and scale for the site. The assessing officer has considered the proposed development in respect to SLEP 2014, SDCP 2014 and the planning principle for the assessment of height, bulk and scale established by Senior Commissioner Roseth of the Land and Environment Court in the case of <i>Veloshin v Randwick Council</i> [2007] NSWLEC 428. The planning principle is stated at paragraph [32] of the judgement as follows:</p> <ul style="list-style-type: none"> • <i>The appropriateness of a proposal's height and bulk is most usefully assessed against planning controls related to these attributes, such as maximum height, floor space ratio, site coverage and setbacks. The questions to be asked are:</i> <p><i>Are the impacts consistent with impacts that may be reasonably expected under the controls? (For complying proposals this question relates to whether the massing has been distributed so as to reduce impacts, rather than to increase them. For non-complying proposals the question cannot be answered unless the difference between the impacts of a complying and a non-complying development is quantified.) How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?</i></p>

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Head of Consideration	Comment
	<ul style="list-style-type: none"> Where the planning controls are aimed at preserving the existing character of an area, additional questions to be asked are: Does the area have a predominant existing character and are the planning controls likely to maintain it? Does the proposal fit into the existing character of the area? Where the planning controls are aimed at creating a new character, the existing character is of less relevance. The controls then indicate the nature of the new character desired. The question to be asked is: Is the proposal consistent with the bulk and character intended by the planning controls? Where there is an absence of planning controls related to bulk and character, the assessment of a proposal should be based on whether the planning intent for the area appears to be the preservation of the existing character or the creation of a new one. In cases where even this question cannot be answered, reliance on subjective opinion cannot be avoided. The question then is: Does the proposal look appropriate in its context? Note: the above questions are not exhaustive; other questions may also be asked. <p><u>Comment:</u></p> <p>Applying the above planning principle to the proposed development, it is noted that the amended plans reduce the height of the development to between 9 – 10m for the two (2) buildings. This is fully compliant with Clause 4.3 of SLEP 2014.</p> <p>There is no Floor Space Ratio Map that relates to the subject site. It is noted that the FSR of the existing and proposed development on the site is 0.22:1. The proposed density of development is considered to be appropriate for the site.</p> <p>The proposal is considered to fit into the existing character of the area. The existing character of the area is established to the South of the site through the Pullman Heritage Conservation Area and other heritage items within the vicinity of the subject site. The dominant built form in the surrounding area is low density single storey rural/residential dwelling houses. The existing use of the site as a motel is distinguished from the surrounding residential land uses. It would be inappropriate and unrealistic to expect that development on the subject site would be of a low density residential built form, bulk or scale.</p> <p>The proposed development would be highly visible from the Tannery Road frontage; however, it is considered that the scale of the development is consistent with the scale of development on the site with the finished levels of the two (2) buildings reduced to a</p>

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Head of Consideration	Comment
	<p>height generally consistent with the finished height of the existing motel.</p> <p>The development should be considered in the context of the site and the constraints that otherwise limit the location of development on the site and any compensatory landscape screening that can be established. Due to the narrow shape of the block and the presence of the 6m right of carriageway on the eastern portion of the site, development is limited to the construction of a longitudinal building. Sufficient space to the west of the building has been provided for on-site car parking and manoeuvring area to the Queen Street frontage. To require access and car parking to the rear of the site is unrealistic, due to the sites' topography, flood affectation and right of carriageway. With this in mind it is considered that the two buildings are an effective response to the constraints of the site and enable the built form to be broken into two masses to reduce the overall bulk and unbroken facades.</p>
Social Impacts	<p>The proposed development is unlikely to result in any significant negative social impacts.</p> <p>The application was referred to the NSW Police for their comments on the application. No concerns were raised with the application subject to crime prevention, lighting, and restriction on access to areas below the ground floor.</p>
Economic Impacts	<p>The proposed development will have minor positive economic impact during site preparatory and construction works on the site. The operation of the motel will provide beneficial additional accommodation within walking distance of the Berry Township.</p>

(c) Suitability of the site for the development

site is suitable for the proposed development for the following reasons:

- The proposal is permitted with development consent within the zone.
- The proposal is consistent with the objectives of the zone.
- The proposal is consistent with the context of the area.
- There will be no significant adverse environmental impacts resulting from the development.
- There are no known physical impediments to facilitate the development.

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

The DA was notified in accordance with Council's Community Consultation Policy for Development Applications. Submissions were received by Council objecting to the proposal. The concerns raised are outlined below:

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Summary of Public Submissions	
Objection Raised	Comment
<i>The Motel currently is currently 10 units and associated car parking, we are now getting an additional 16 units and parking this can hardly be referred to as minor alteration or extension to the existing motel.</i>	The application has not been lodged as a minor alteration or extension. The application has been assessed on its merits in accordance with Section 4.15 of the EP&A Act.
<i>\$800,000 is an unrealistic construction cost, and accordingly I believe the intention of the owner is to suggest this is a minor extension of the existing motel to avoid appropriate investigation. The structure is more than double the existing motel</i>	The applicant's construction costs are considered to be reasonable for the proposed development.
<i>The ROW is to my property and accordingly I have rights relative to vehicular access to my property which is why it was initially obtained. Therefore, there would be setbacks required relative to substantial construction such as constructional columns supporting a substantial structure. The applicant's landscaping drawings shows they intent to block my ROW with trees. I do not consent to my ROW being developed to facilitate this development. It is there to provide access to my Post Masters Cottage and paddock, and Mananga.</i>	The applicant's plans provide for all works associated with landscaping and building works to be clear of the ROW located on the eastern boundary of the site. An additional setback to the ROW for development is not required. Access for service and maintenance of the building is capable based upon the submitted plans.
<i>Comments in the Statement of Environmental Effects in relation to stormwater state that the "addition is less than 10% of the existing footprint, or 50% of impervious surfaces. I question this as no actual numbers relative to the development at any part of the report are provided.</i>	This appears to be a typographical error or mis description by the applicant. The application is supported by stormwater concept plans for the disposal and treatment of stormwater from the site which have been reviewed and deemed to be satisfactory by Council's Development Engineer.
<i>Proposal is the gateway and must reflect the historic village character in form and materials. Unless this property is under new management there can be little comfort that the existing property and new extension will add to the ambiance of Berry as it is not well kept or attractive.</i>	Council cannot control the individuals that own and manage a property. however, site management conditions are recommended for the continued operation and management of the site.
<i>This substantial depletion of natural vegetation due to new road and bridge construction both here and Bomaderry has seen the recent relocation to Berry of a major Bat Colony opposite Mananga, this resulting in further depletion of vegetation around the east side of the creek and surrounding areas. This will contribute to the Gateway Vistas being reduced and contributing to changed flood plain patterns.</i>	<p>The Development Application is supported by a Tree Report prepared by Consultant Arborist, Mark Spence. The vegetation proposed to be removed has been identified as being largely introduced species or weeds. It is not considered that the proposed development and clearing will result in a significant impact on native flora and fauna on the site or in the locality.</p> <p>The impacts of the clearing on hydrology and the flood plain is not considered to be significant and has not been identified as a point of concern by Council's Flood Engineer.</p>
<p><i>Scenic and Gateway Corridors</i></p> <p><i>Princes Highway Gateway Entering Berry from the north we see a substantial standard of Beautiful Trees which the community fought hard to maintain. So, as you exit the bypass and entry we will now see the trees and we should see The Pulman Precinct. Sadly if approved we will see a substantial tared and</i></p>	<p>It is not considered that the proposed development will have a significant impact on the Pulman Street Heritage Conservation Area, due to the following factors:</p> <ul style="list-style-type: none"> the topography of the site (steadily sloping from the west to the east); inclusion of landscaping along the Queen Street frontage and the existing vegetation

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<p>concrete carpark and the old motel. This is to compounded by the addition of the new structure which has a design totally out of keeping with the Pulman Conservation Precinct.</p> <p>Entering from the East as you pass the Railway Bridge we have a distinct Green Corridor running the extent of Berry from South to North. No structures currently breach this with the exclusion of the existing Motel. Its intrusion is limited due to its size and being engulfed by the un maintained gardens.</p>	<p>within the road reserve and neighbouring property to the north (A40 Princes High Way);</p> <ul style="list-style-type: none"> Reduction in the overall height of the development through the redesign of the motel units. Limited views into the site when travelling north due to the existing landscaping on the site and proposed landscaping; <p>Council's Heritage Advisor has considered the application and concluded that: "Pulman Street Heritage Conservation Area is an important precinct with historic and aesthetic value. The western side of Pulman Street is particularly significant and is also well removed from the proposed development. The buildings at the corner of Tannery Road and along the eastern side of Pulman Street have negligible heritage value and screen the HCA from the proposed development."</p>
<p>I wish to point out an error in the Statement of Environmental Effects D17/110767, Part 5, Miscellaneous Provisions, Cl.5.10 Heritage Conservation, extract from SLEP 2014.</p> <p>This extract which contains a map showing the Pulman Heritage Conservation Area and its proximity in relation to the DA property does not include the Constable's Cottage, (Lot 1/558065) which should be included and shaded as part of the conservation area only a vacant land parcel Lot 5/600374 has been shaded). This error, could have some impact on consideration of the environmental impact on the heritage of the area by this DA.</p>	<p>Noted.</p>
<p>Traffic impacts from the development will be unacceptable and lead to potential accidents.</p>	<p>Following a review of the Development Application and submitted Traffic Impact Assessment prepared by Aztec Design, Council's Traffic Unit have recommended traffic and access conditions to address such concerns.</p>
<p>If Council grants this redevelopment it will see a major precedent established for all adjoining properties to breach the scenic corridors that have been established for some time and further cause many will reconsider continued participation in Berry's Historic Nature by conserving old buildings</p>	<p>The subject site is not identified as a Heritage Item under Schedule 5 or identified as "Scenic Protection" on the Scenic Protection Area Map under clause 7.8 of SLEP 2014.</p> <p>The application has been assessed by Council Heritage Advisor and deemed to be satisfactory.</p>
<p>The redevelopment of Bangalee Motel will see most native vegetation removed. It is interesting that Council and the RMS have chosen to leave the invasive Lantana on the Bangalee property, we can only assume this is to assist the Wren population that exists. As this does making walking impossible there and asthma attacks.</p> <p>The new development plans show little if any native landscape being replaced, and in fact the property will be substantially out of character in design and landscape.</p>	<p>The Development Application is supported by a Tree Report prepared by Consultant Arborist, Mark Spence. The vegetation proposed to be removed has been identified as being largely introduced species or weeds. It is not considered that the proposed development and clearing will result in a significant or substantially long-term impact on native flora and fauna on the site or in the locality.</p> <p>Additional landscaping is proposed to the Queen Street frontage and to the rear and northern side of the development. The proposed landscaping is considered to be satisfactory subject to the inclusion</p>

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	<p>of additional mid-storey/shrubs along the Queen Street frontage.</p> <p>The selection of species has been considered by Council to be appropriate and consistent with the Shoalhaven Species List for Berry.</p>
<i>The cost of the development and the financial resources of the developer should not form the basis of a decision to approve or not to approve a development.</i>	Noted.
<i>The Council's heritage report, which advises that the development has an acceptable level of heritage impact, treats each heritage item as a separate entity. It decides that the impact is acceptable because the space between particular heritage items and the development is sufficient or because there is enough vegetation in between the two. This ignores the fact that they are a part of a continuous settlement and that the retention of the relationship of Pulman Street with the Princes Highway is historically important due to it being originally a continuous strip of settlement. The development sits in the centre of this area and will disrupt the heritage nature of the area.</i>	<p>The Heritage Referral Response prepared by Council's Heritage Advisor has considered the impact of the development: on the Heritage Items, the Pulman Street Heritage Conservation Area and the Berry Township.</p> <p>It is considered that the assessment of the application from the Heritage Advisor is sound and the methodology of the Heritage Referral Response is not flawed.</p>
<i>The heritage report only considers the effect of the motel when looking from each of the heritage items. It does not consider the effect of the development on them when approaching the area and driving through it. It also does not consider the effect when approaching along Tannery Road from where the heritage nature of the development along the whole ridge can be appreciated.</i>	<p>The Heritage Referral Response prepared by Council's Heritage Advisor has considered the impact of the development of on the relevant Heritage Items in the vicinity of the development which have the potential to be impacted by the development. The response has provided further examination of the visual impact from along Tannery Road.</p> <p>It is considered that the assessment of the application from the Heritage Advisor is sound and the methodology of the Heritage Referral Response is not flawed.</p>
<i>The development is totally out of character with the heritage nature of the area from both perspectives. This is particularly significant for a town which is visited for its heritage. Each change that decreases the town's heritage nature decreases its ability to draw visitors to the Shoalhaven and tourism is one of the main industries supporting the Shoalhaven.</i>	<p>It is not considered that the proposed development is out of character with the site or the broader locality. It is considered that the proposed development is visually compatible with its context.</p> <p>The built form is consistent with the surrounding area without being the same as the surrounding development. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance. It is considered that the built form is appropriate in the context of surrounding development in terms of the: building height, setbacks and landscaping.</p> <p>Furthermore, Council has not sort to include the site within the Pulman Street Heritage Conservation Area or resolved to adopt a Development Control Plan to control the architectural style and materials for development in the northern entry to Berry.</p>

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<i>The size of the buildings and the size of the carpark in front of the building is out of perspective with the other buildings in the area when viewed from the highway and from Tannery Road.</i>	The proposed car parking and manoeuvring area to the west of the proposed motel development is consistent with Chapter G21: Car parking and Traffic under SDCP 2014 to allow for an appropriate number car parking spaces, servicing and manoeuvring. Furthermore, subject site is zoned SP3 Tourist under SLEP 2014 and has historically been used for the purpose of motel accommodation.
<i>The bulk and scale is excessive. The existing motel is already large, especially from Tannery Road. To add the extra two buildings and the car parking makes the development way out of scale with the surroundings when viewed from the highway. It is even more so when viewed from Tannery Road as all three storeys will be visible with little screening planned or possible. The amount of screening on the Highway side will be limited by the development's need for significant signage.</i>	<p>It is considered that the bulk and scale of the development is compatible with the locality and development on the site. The bulk of the building has been reduced through the splitting of the development into two (2) structures as opposed to one single unbroken mass. The height of the development has been reduced to reflect the height of the existing hotel development. The use of horizontal design elements increased landscaping to the Tannery Road elevation and the use of natural and earthy colours in the materials and finishes further reduces the bulk and scale of the development.</p> <p>Furthermore, it is considered that the proposed development is consistent with the planning principle for assessing height and bulk established by Senior Commissioner Roseth in <i>Veloshin v Randwick Council</i> [2007] NSWLEC 428. Relevantly, SC Roseth at [32] states that the: "appropriateness of a proposal's height and bulk is most usefully assessed against planning controls related to these attributes, such as maximum height, floor space ratio, site coverage and setbacks."</p> <p>The proposed development is consistent with the relevant planning controls relating to maximum height and setbacks. There are no controls relating to FSR or site coverage which relate to the site or the proposed development.</p>
<i>The development is not compatible with the residential and heritage nature of the area. The existing motel is already out of character and the development will greatly increase this impact through the look and size of the buildings and the amount of car parking. It is jarring, unattractive, inconsistent and incompatible with the nature of the area.</i>	<p>It is not considered that the proposed development will greatly increase this impact through the look, size of the buildings or the amount of car parking.</p> <p>Matters of design and material finishes, and colour schedules are considered to be subjective. However, Council agrees with the opinion of Council Heritage Advisor and the applicants Design Review Statement for the amended design which was prepared by a Registered Architect, specialising in heritage architecture (Geoffrey Russel Borst – Reg No. 4898).</p>
<i>Doubling of the car park and the motel extensions substantially increases the impervious area, to use existing pipes is not logical as without proper analysis they may be undersized.</i>	The applicant's amended stormwater concept plan has been assessed by Council's Development Engineer to be acceptable.
<i>The flood storage on the existing site will be smaller --- meaning that the excess of the water which was</i>	The implications of the development on the flood planning area mapped on the site has been

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there stored before-will be pushed somewhere else by the additional new volume.	considered by Council's Flood Engineers to be acceptable.
A stormwater management plan with calculations is required not a mere "trust me", this is necessary as the ramifications could affect any party that shares the existing system. Accordingly, a further benchmark should be applied to the consultant certifying that they carry enough insurance to protect council and owners when damage occurs.	The applicant's amended stormwater concept plan has been assessed by Council's Development Engineer to be acceptable.
In relation to flooding, this is a permanent structure of a substantial nature, to focus on the building's floor levels alone is not normal practice. It is evident that a full flood study should be undertaken to ascertain reality not conjecture.	The implications of the development on the flood planning area mapped on the site has been considered by Council's Flood Engineers to be acceptable.
It is evident that there is no civil information to actually work out what is to be moved where which contributes further to flood impact and velocity of the flood. The actual cut and fill impacts on a variety of factors, again no calculations are included.	The implications of the development on the flood planning area mapped on the site has been considered by Council's Flood Engineers to be acceptable.
In relation to the waste storage and "new material" stockpile is this during construction or long term in which case how do large reticulated vehicles enter and leave the site for pick up garbage? If the above two items are permanent how does one use the disabled car parks let alone get compliance for such.?	Waste storage during the construction phase is marked in the car parking area and will not be retained in this location during the operation of the motel if approved.
Can council guarantee that supplies of water and its pressure will not be compromised by this increased consumption of the motel.	Shoalhaven Water has assessed the application and granted their Notice of Approval to the development subject to conditions. Servicing and pressure concerns have not been raised by Shoalhaven Water.
I note there is a sewer drawing attached but no obvious connection to the motel. Is there a connection? If not how is the new septic tank to be protected in case of flooding. As we understand no sewer connection is available to me or others as the system is at full capacity so how is the extension of the motel to achieve this with such a substantial increase in population. Accordingly, all services supplied will have a potential impact of up to minimum of 30 persons especially if families are accommodated. Will the developer be responsible for increased infrastructure costs?	The proposed development is to be connected to reticulated sewerage and has been conditioned in accordance with the Shoalhaven Water Notice.
The report makes mention to acid sulphur soils we do not believe this is adequately addressed.	The site is mapped as containing class 5 acid sulfate soils (ASS). Works are not proposed within 500m of adjacent class 1, 2, 3 or 4 lands. Council is satisfied

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<p><i>The report in this area attempts to get a condition of management for the Construction Certification.</i></p>	<p>that the proposed development will not encounter ASS as a result of excavation works.</p> <p>However, in the event that acid sulfate is identified or exposed to the atmosphere on or adjacent to the work site during the construction work, all work must cease immediately, and no further work is to take place until an acid sulfate soil management plan has been prepared by a suitably qualified person and is approved by Council's Environmental Services Manager.</p> <p>In this regard, all measures required to minimise adverse environmental impact due to the release of acid into the environment (whether at the work site or elsewhere on the property) will be implemented to Council's satisfaction before any construction work on the motel extensions resumes.</p> <p>An appropriate condition is recommended in this regard.</p>
<p><i>The report refers to significant species reporting, and in general makes comment that there is nothing to worry about.</i></p> <p><i>No mention is made to the adjoining riparian, biodiversity habitat and wetlands, yet if there is a flood emergency, septic overflow etc these are the areas that will get immediate damage.</i></p> <p><i>The bat colony across the road no comment. The bird corridor through my property no comment. Due to the RMS works this ridge has become a Haven for much bird and small animal life.</i></p> <p><i>The developer ignores or chooses to ignore these aspects.</i></p>	<p>Council has considered that the supporting information and assessment and considers the level of information to be satisfactory for the proposed development. The development is located approximately 90m from Broughton Creek (the most proximate mapped watercourse to the development). It is unlikely that the development would be likely to impact on any areas of wetlands.</p> <p>The site is separated from the bat colony located on the northern side of Queen Street and limited native vegetation is proposed to be disturbed as a result of the development.</p> <p>It is not considered that a flora and fauna assessment is warranted for the proposed development.</p>
<p><i>Scenic View corridors, these are totally ignored. This development is part of the Mananga Vista when entering from Tannery Road this new development will establish an out of character development. It creates a precedent which destroys what Berry is a historic village.</i></p> <p><i>Many like myself are currently spending large amounts to maintain historic buildings and precincts. If Council allows this development, it lays a precedent which will ensure Berry develops in an unheritage manner.</i></p>	<p>The subject land is not mapped as "Scenic Protection" on the Scenic Protection Area Map under clause 7.8 of SLEP 2014.</p> <p>Furthermore, it is not considered that the development will result in a development that is out of character in the locality or result in an undesirable precedent. The built form has been broken up into two building elements which offer differing depth and orientation. The colours and landscaping proposed will assist in minimising the visual obtrusiveness of the development.</p>
<p><i>The Historical Society, in collaboration with various community groups and Shoalhaven City Council, have made considerable efforts to highlight the</i></p>	<p>The development is not considered to significantly or adversely impact upon the items of heritage significance surrounding the subject site or the</p>

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<i>heritage character of the town through its green plaques project and the application for a brown heritage sign. It is our view that future developments should be visually consistent with the historic character of the town, especially at its point of entry.</i>	Pulman Street Heritage Conservation Area. This is supported by the outcomes of the Heritage Referral Response prepared by Council's Heritage Advisor.
<i>The application does not address its context – ie its affect on the heritage area and the visual amenity for those entering Berry from the highway or Tannery Road. The applicant should be asked to provide composite images of the proposed building overlaid on a photograph (similar to those I have provided) looking South entering from the Highway and looking North West from Tannery Road.</i>	The application is supported by \photomontages that place the development in the context of the site and provide a sufficient level of detail for the assessment of the application. Further information for the assessment of the application is not warranted.
<i>The whole structure should be lowered so that it is no higher than the existing motel (by approximately 2.3m, ie 16.8m? being the top of the building less 14.5M? being the top of the motel). This would require the pillars to be reduced in height and access to the bottom level to be down stairs from the car park.</i>	The overall height of the development has been reduced to a height not exceeding that of the existing finished ridge height of the Bangalee Motel.
<i>Special provision should be made to landscape the North end of the building and car park to hide it from the road.</i>	The western and northern boundaries of the site have been provided with landscaping. Additional landscaping along the western and northern frontage of the site is proposed to address mid storey and lower level landscaping.
<i>In view of its potential effect on the heritage precinct the application should be presented to a public meeting in Berry.</i>	Noted.
<i>Berry is a small village - this large-scale motel design would be more suited to Goulburn or Nowra.</i>	The current application has been lodged with Shoalhaven City Council. The applicant may also seek to develop in other local Government Areas in the future.
<i>This development would service a portion of the accommodation market that is significantly underrepresented in Berry.</i> <i>This expanded facility will bring more visitors to our area by the virtue of the fact that it exists. The additional motel rooms at Bangalee Motel will generate flow-on business and employment – building contractors, laundry business, provision of flowers, overflow wedding guests needing accommodation, or simply employment of on-site staff. There are many ways that a facility such as this will benefit the local economy.</i>	Noted.
<i>Could not the landscape planting in front of the buildings be denser to hide the buildings completely?</i>	The extent of landscaping that is capable of being located forward of the eastern elevation is limited due to the presence of a Right of Carriageway benefiting to the property to the north (A40 Princes High Way). The extent of landscaping is considered to be appropriate and allows for partial screening of the eastern elevation and enables views from the rear of the units to the surrounding farming areas off Tannery Road.
<i>The view of the buildings from Tannery Road, although much improved, is still unacceptable. The applicant states that it is difficult to plant along the</i>	It is not considered that the height and bulk of the buildings are unsatisfactory or inconsistent with the local context. Furthermore, The Land and

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boundary due to the right-of-carriageway there. Perhaps they should consider that the development is too large for the site and build something smaller so there is room to plant.	Environment Court has previously stated that the purpose of landscaping should be to soften the appearance of a building, not to conceal it. If a building is unacceptable in terms of bulk and scale, it is not appropriate that this be dealt with by requiring landscaping. Instead, the problem should be addressed by controls relating to the building itself (<i>Lim v Pittwater Council [2005] NSWLEC 239</i>)
The Heritage Consultants say that this development is well away from historical Pulman Street, Mananga and the Constable's Cottage so as not to have an impact. They then complete their report with the statement that this development will enhance and contribute to the Pulman Street Heritage Conservation Area and the Princes Highway Precinct. I dispute this.	Noted.
<p>Council's current Heritage Advisor in approving this DA with no conditions (subsequent to her first brief report) has made a big mistake.</p> <p>Firstly, by not recognizing that the HCA extends to opposite the northern entry of the motel and that the motel is in fact surrounded by Heritage dwellings and archaeological importance.</p> <p>Secondly, by viewing heritage items individually, thereby ignoring what is surely a tenet of a historian/architect, to consider designs within their context or curtilage.</p> <p>A heritage architect might for example provide an imaginative and appropriate alternative, such as a series/row of small cottage type units which would allow the vista to the meadow and the David Berry Hospital to be glimpsed between and which could echo the development of the past.</p> <p>I believe she has not only failed Council in this regard, but more importantly, she has failed the people of Berry, by approving the potential imposition of an ugly and inappropriate construction at the gateway to our historic town.</p>	Council Heritage Advisor has provided feedback throughout the assessment process that has led to a reduction in the height, finishes and façade details of the development. It is considered that that the efficacy and validity of the advice provided to date is not in question.
The applicant rebuilds the motel and in due course sells and maximizes his return- that is his right, but we and the next generations of residents and tourists are left to live with what he builds.	The applicant may seek to sell the site following determination of the application, this is not a matter for Council to consider.
No attempt has been made to design something in scale or sympathetic to the historic site. Berry is known for its timber homes-there is a reason that local builders design new homes that mirror the style of for example	The design of the development is considered to be appropriate subject to conditions.
Road widening adjacent to Constable' Cottage (approx 1.5M?) is unacceptable. This would take the edge of the road up to the hedge which provides	Road widening through the construction of a vehicle slow down lane is proposed on the eastern side of the road on the northern entry to the site. It is not

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<i>screening for the Cottage. If there is to be widening it should be on the opposite, or eastern, side.</i>	considered appropriate or necessary for road widening on the western side of the road at the Constable's Cottage.
<i>There is a new turning bay in the NW corner of the car park. As I have submitted before this is the most critical area for hiding the proposed buildings from traffic entering Berry. This NW corner should have the maximum number of plantings possible, but here we have previously proposed trees removed.</i>	Additional landscaping is proposed along the western boundary of the site. No additional vehicle entry points are proposed. The proposed landscaping is considered to be appropriate and effective to make a positive contribution to the streetscape, whilst breaking up the western elevation of the building as viewed from Queen Street.
<i>The traffic lane on the eastern side of the highway: detracts from the heritage aesthetic in a heritage conservation area, in particular by providing a wider route close to an existing road width entry from mananga in addition to a two-lane road.</i>	The minor amendments to the road networks associated with the proposed development are considered necessary for the efficiency and safety of the development and local roads adjoining the site. The road works proposed to provide the vehicle deceleration (slow down lane on the eastern side of Queen Street are not considered to detract from the surrounding heritage items or the Pulman Street Heritage Conservation Area.
<i>The proposed turning bay at the northern end of the proposed building: seems to be unmasked by foliage and is an inappropriate vista for traffic entering Berry at its northern gateway and within an area of heritage.</i>	Landscaping is proposed to be installed to the western and north-western elevations to provide appropriate screening along the Queen Street frontage. Furthermore, due to the sloping nature of the site it is not considered that the car parking area will be highly visible from the Queen Street frontage. The location of the car parking and vehicle circulation areas is the most appropriate location for the site - granted that access and car parking cannot be provided to the rear of the site, due to the location of a right of carriageway on the eastern boundary. The lot benefiting from the ROW is unwilling to legally remove the ROW and therefore the design of the development is a response to the constraints and natural features of the site.
<i>Tourist drive: the old Princes Highway, now renamed Queen Street is the promoted beginning of the tourist drive. the view for motorists of concrete carparking spaces and this overlarge development will not provide a pleasant tourist driving experience.</i>	The "Tourist Drive" is 27km stretch of driving road commencing at the northern extent of Queen Street in Berry and extends through to Nowra in the south via the Kangaroo Valley Road. The frontage of the development site constitutes a fraction of the entire route and will be largely screened from the view of the passing motorist entering Berry from the north or leaving Berry. It is not considered that the building or hardstand areas of the development are likely to compromise the visual integrity of the drive or diminish the overall beauty of the landscapes viewed along the route.
<i>The proposed heavy vehicle parking area: situated opposite constable's cottage and almost adjacent to Wilson's store detracts from the heritage aesthetic of a heritage area.</i> <i>The Council's heritage report, which advises that the development has an acceptable level of heritage impact, treats each heritage item as a separate entity. It decides that the impact is acceptable because the space between particular heritage items</i>	The proposed oversized vehicle parking area is proposed to be located on the right-hand side of the proposed vehicle exit driveway. The location will be largely shielded by the existing landscaping and south-western wing of the existing hotel. The impact of this parking area is unlikely to have a significant impact on surrounding heritage items or the Pulman Street Heritage Conservation Area.

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<p><i>and the development is sufficient or because there is enough vegetation in between the two.</i></p> <p><i>This ignores the fact that they are a part of a continuous settlement and that the retention of the relationship of Pulman Street with the Princes Highway is historically important due to it being originally a continuous strip of settlement. The development sits in the centre of this area and will disrupt the heritage nature of the area.</i></p>	<p>While it is acknowledged that the Heritage Referral Response dated 13 April 2018 has identified the individual heritage items and conservation area, it would be erroneous to conclude that the assessment has not considered all items and the conservation area.</p> <p>Furthermore, it is not considered that the site and the surrounding heritage items and the Pulman Street Heritage Conservation Area represent a continuous settlement. The existing motel development on the site cannot be considered as contributing to the heritage value of the Pulman Street Heritage Conservation Area or the surrounding heritage items. The development on the site should be considered on its merits as a site which is neither a heritage item or forming part of a conservation area under Schedule 5 of SLEP 2014.</p>
<p><i>The heritage report also only considers the effect of the motel when looking from each of the heritage items. It does not consider the effect of the development on them when approaching the area and driving through it. It also does not consider the effect when approaching along Tannery Road from where the heritage nature of the development along the whole ridge can be appreciated.</i></p> <p><i>The development is totally out of character with the heritage nature of the area from both perspectives. This is particularly significant for a town which is visited for its heritage. Each change that decreases the town's heritage nature decreases its ability to draw visitors to the Shoalhaven and tourism is one of the main industries supporting the Shoalhaven.</i></p>	<p>The Heritage Referral Response, prepared by the Heritage Advisor dated 13 April 2018 considers the development in its surrounds, impacts on the surrounding heritage items and along key roads around the site (Pulman and Queen Street and Tannery Road). Once again, it would be flawed to assume that the report has failed to consider the impacts of the development to and from: the heritage item; conservation area; or road, simply by assuming that by the choice of drafting adopted in the report.</p> <p>It is considered that the Heritage Referral Response has appropriately considered the impact of the development on the items, areas and key vistas along the adjoining local road network.</p> <p>The character of the development is consistent with the development of the site for tourist accommodation. The applicant has amended the design of the proposal to address the initial concerns raised by Council as to the height, bulk and design of the development relative to the site and surrounding heritage context. It is considered that the design is compatible with the character of the site and the locality without seeking to replicate or imitate the surrounding heritage items.</p>
<p><i>The Broughton Creek Village area is recognised at the State level as having such exceptional heritage importance, that the need to protect it resulted in a major change to a major multi-million dollar infrastructure project. This action by the State government set an unquestionable precedent for protection of the area against any action that would disrupt the cohesive character of the area.</i></p> <p><i>The siting of the Bangalee Motel in the centre of this area in the 1960's was clearly a very unfortunate aberration. The proposal to further exaggerate its</i></p>	<p>The decision of the RMS to relocate the proposed Berry by-pass to its current location should be distinguished from the present development for obvious reasons. The development will not fragment the heritage conservation area or the surrounding heritage items. The Bangalee Motel and the extension represent an opportunity to redevelop a site at the northern entry to the Berry without compromising the heritage value of Berry for residents and visitors.</p>

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<p><i>negative impact disregards the precedent set by the State government, which has recently made a significant investment in signage on the Highway that leverages the town's historic character to attract visitors to Berry.</i></p>	
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(e) The Public Interest

The development, based on the information provided, is not expected to have any significant adverse impact on the environment, the amenity of the locality or public health/safety. The development has: been appropriately designed having regard to the development type, site constraints and adjoining development and will provide additional short term and holiday accommodation within a suitable location in the close to services and facilities in the Berry Township.

Recommendation

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the *Environmental Planning and Assessment Act 1979*. It is recommended that Development Application No. DA17/1359 be approved subject to appropriate conditions of consent.



Bridge Rd, Nowra NSW 2541 02 4429 3111
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Address all correspondence to
The General Manager, PO Box 42, Nowra NSW 2541 Australia
DX5323 Nowra Fax 02 4422 1816

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
DEVELOPMENT CONSENT
Environmental Planning and Assessment Act, 1979
DA17/1359**

TO:

Infinite Designs & Building Consultancy
PO Box 48
LAKE HEIGHTS NSW 2502

being the applicant(s) for **DA17/1359** relating to:

180 Queen Street, BERRY - Lot 100 - DP 1057897

APPROVED USE AND OR DEVELOPMENT:

Sixteen (16) motel rooms to be contained within two x 2 storey buildings with associated parking at the Bangalee Motel

DETERMINATION DATE:

Pursuant to the Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM:

CONSENT TO LAPSE ON:

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

In accordance with Section 4.53 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.

DETAILS OF CONDITIONS:

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

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

1. General

This consent relates to the **sixteen (16) motel rooms to be contained within two x 2 storey buildings with associated parking at the Bangalee Motel** as illustrated on the plans (referenced in the table below), specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development must be carried out in accordance with this consent.

STAMPED DOCUMENTS/PLANS	REF/SHEET NO.	PREPARED BY	DATED
Site Plan, Site/Waste Management Plan	Drawing No. A101 Project No. 16052 Issue C	Infinite Design and Building Consultancy	21/08/17
Floor Plans, Sections	Drawing No. A102 Project No. 16052 Issue C	Infinite Design and Building Consultancy	21/08/17
Elevations	Drawing No. A103 Project No. 16052 Issue C	Infinite Design and Building Consultancy	21/08/17
Long Elevations	Drawing No. A104 Project No. 16052 Issue C	Infinite Design and Building Consultancy	21/08/17
3D Views	Drawing No. A105 Project No. 16052 Issue C	Infinite Design and Building Consultancy	21/08/17
Landscape Design	Project No. MS2017008	Mark Spence Environmental & Landscape Services	9/2/2018
Tree Report	N/A	Mark Spence Environmental & Landscape Services	May 2017

Notes:

- *Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under Section 4.55 of the Act, or a fresh development application. No works, other than those approved under this consent, must be carried out without the prior approval of Council.*
- *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions must prevail to the extent of that inconsistency.*

2. The approved development must not be occupied or the use must not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Council (i.e. a security).

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3. **Occupation Certificate**

An **Occupation Certificate** must be issued by the Principal Certifying Authority (PCA) before any of the approved development can be used or occupied.

PART B
CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE

4. **Principal Certifying Authority, Construction Certificate and Notice of Commencement**

The following must be undertaken prior to the commencement of any construction works:

- a) a Principal Certifying Authority (PCA) must be appointed,
- b) a Construction Certificate must be obtained from either Council or an accredited certifier,
- c) notice must be given to Council at least two (2) days prior to the commencement of any works, and
- d) Council must be advised in writing of the name and 24hr contact number of the designated person/company nominated by the developer or their agent to be responsible for construction of all engineering works including erosion and sediment control measures and their maintenance.
- e) Any clearing of vegetation approved under this consent is not permitted unless:
 - i) The erosion and sediment control measures required by this consent have been implemented and inspected by Council;
 - ii) Evidence of an application for a Construction Certificate is provided to Council;
 - iii) The clearing is carried out in accordance with the relevant conditions of consent and the approved Waste Minimisation and Management Plans.

5. **Builders' Toilet**

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

A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational. Under no circumstances will pit toilets or similar be accepted by Council.

6. **Existing services/damage to public assets (Dilapidation Report)**

Prior to the commencement of any work(s) associated with this development, the person benefitting from this consent must:

- a) Check that the proposed works are not affected by any Council, electricity, telecommunications, gas or other services. All services, existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services as a consequence of undertaking works under this

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consent or any repair to services will be at the expense of the person benefitting from this consent; and

- b) Undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. Any damage to the adjacent kerbs, gutters, footpaths (formed or unformed), walkways (formed or unformed), carriageway, reserves and the like, that occurs during development works must be repaired by the person benefitting from this consent. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the building work being repaired at the expense of the person benefitting from this consent. A copy of the inspection documentation is to be submitted to Council prior to the commencement of works.

7. Works within the Road Reserve

Prior to undertaking any works within an existing road reserve, the contractor must obtain the consent of Council under Section 138 of the *Roads Act, 1993* and have a set of council approved plans and the letter of approval as per the development consent conditions. The following details must be submitted to Council to obtain the s.138 consent:

- a) Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the vehicular and pedestrian public. The TCP must comply with the current RMS's manual Traffic Control at Work Sites. Warning and protective devices must comply with the provisions of Australian Standard AS 1742.3 – 2002 *Traffic Control Devices for Works on Roads*. The plan must be prepared, signed and certified by a person holding the appropriate RMS accreditation, a copy of which is to be submitted with the plan.
- b) Insurance details.
- c) Name and contact information of the person/company appointed to supervise the construction.
- d) Should the contractor want a single 138 approval to cover works additional to road, drainage and site regrading (e.g. water supply, sewerage, landscaping, etc), details of such works should be forwarded to the designer of the Traffic Control Plan. Copies of the layout plans and work method statements of these additional works are to be submitted to the Development Manager in conjunction with the 138 application for road and drainage works.
- e) Where the Traffic Control/Management Plan requires a reduction of the speed limit, a 'Direction to Restrict' must be obtained from the RMS - Traffic Operations Unit for RMS roads or Council for other roads and submitted with the section 138 application.

8. Erosion and Sediment Control

Prior to the commencement of works, an amended Soil and Water Management Plan (SWMP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified and experienced person and based on the Landcom manual - *Soils and Construction, Managing Urban Stormwater*, Vol 1, 4th Edition, March 2004", must be submitted to the PCA (for works within the development lot) and Council (for works within the road reserve) for approval.

- 9. Prior to the commencement of any works, the approved erosion and sediment control measures must be implemented by the contractor, and inspected and approved by the PCA prior to the commencement of any other site works. The erosion and sediment measures

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must be maintained for the life of the construction period and until runoff catchments are stabilised.

10. Sign – Supervisor Contact Details

A sign must be erected in a prominent position on any site where of any building or demolition work is being carried out:

- a) Showing the name, address and telephone number of the PCA for the work;
- b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) Stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work is being carried out.

11. Public Safety and Protection of Public Property

The building site/area where works are being undertaken is to be fenced (in accordance with Safework NSW (formerly WorkCover) requirements), prior to the commencement of works, suitable for keeping members of the public and unauthorised people out.

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

12. Shoalhaven Water

Prior to the issue of a Construction Certificate, all conditions listed on the Shoalhaven Water Development Application Notice under the heading "Prior to the Issue of a Construction Certificate" must be complied with and accepted by Shoalhaven Water. The authority issuing the Construction Certificate for the development must obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued.

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

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

13. Contributions for Additional Services and/or Facilities

This development will generate a need for additional services and/or facilities as described in Council's *Contributions Plan 2010*, as itemised in the following table.

Project	Description	Rate	Qty	Total	GST	GST Incl
01 AREC 2006	Northern Shoalhaven Sports Stadium	\$563.30	6.4	\$3,605.12	\$0.00	\$3,605.12
01 AREC 2008	Planning Area 1 - Active recreation facility upgrades	\$205.94	6.4	\$1,318.02	\$0.00	\$1,318.02
01 AREC 3007	Nowra Swimming Pool Expansion	\$400.98	6.4	\$2,566.27	\$0.00	\$2,566.27
CW 2004 AREC	Synthetic Hockey Field Facility	\$81.98	6.4	\$524.67	\$0.00	\$524.67
CW FIRE 2001	Citywide Fire & Emergency services	\$133.68	6.4	\$855.55	\$0.00	\$855.55
CW FIRE 2002	Shoalhaven Fire Control Centre	\$195.57	6.4	\$1,251.65	\$0.00	\$1,251.65

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CW 3001	MGMT	Contributions Management & Administration	\$555.90	6.4	\$1,165.02	\$0.00	\$1,165.02
CW 2001	OREC	Embellishment of Icon and District Parks and Walking Tracks	\$238.89	6.4	\$1,528.90	\$0.00	\$1,528.90
						Sub Total:	\$12,815.20
						GST Total:	\$0.00
						Estimate Total:	\$12,815.20

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

A total contribution, currently assessed at the sum of **\$12,815.20** or as indexed in future years must be paid to Council **before the issue of a Construction Certificate.**

Contributions Plan 2010 may be inspected at the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

14. **Survey to confirm location of building**

Prior to the issue of any Construction Certificate for the development, the boundaries of the existing right of carriageway on the eastern boundary of the subject site shall be clearly marked out on site by a registered surveyor and a plan clearly identifying the proximity of the proposed works to this right of carriageway shall be submitted to Council or the nominated Accredited Certifier for approval.

15. **Amended Landscape Plans**

A detailed landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by Council or a nominated Accredited Certifier prior to the release of the Construction Certificate. This plan must include the following:

- All existing and proposed site structures.
- All existing vegetation.
- Details of proposed earthworks including mounding, retaining walls and planter boxes.
- Location, number and type of proposed plant species
- Details of planting procedure and maintenance.
- Details of drainage and watering systems
- Provision of only native species in accordance with the Shoalhaven Plant Species List in relation to Berry.
- Details of compliance with the landscaping requirements of other conditions of this consent.
- Landscaping within the new car parking area shall be amended to accommodate a total of 16 car parking spaces.
- Additional mid-storey plantings along the western and northern extent of the proposed car parking area between the edge of the hardstand manoeuvring area and the boundary with Queen Street and the adjoining property to the north (A40 Princes Highway, Berry - Lot 101 DP 1057897). The additional landscaping shall be of a sufficient maturity to provide screening to the development.

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16. Design Standards

Engineering design plans and specifications for civil works within the road reserve must be submitted to Council for approval, prior to the issue of a Construction Certificate. All work must be carried out in accordance with the approved plans.

***Note:** Plan checking, and inspection fees will be required to be paid for the works within the road reserve as per Council's standard fees and charges.*

17. Engineering design plans and specifications for all internal civil works referred to in this consent must be submitted to the nominated accredited certifier for approval with the Construction Certificate.

18. All civil works are to be in accordance with Council's Engineering Design Specifications and Development Construction Specifications current at the time of construction unless otherwise specified in this consent.

19. Construction Management Plan (Traffic & Parking)

Details of the proposed method of dealing with construction traffic are to be submitted to Council for approval by the Council's Development Engineer or Delegate. The details must include but are not limited to the following.

- a) Stabilised site construction access location.
- b) Proposed haulage routes for delivery of materials to the site and spoil disposal from the site.
- c) Estimated timing of construction works in the form of a Gant chart or similar.
- d) Parking arrangements for construction employees and contractors.

20. Road Design

Concrete integral kerb and gutter with either a minimum 30mm thick 10mm asphaltic concrete on a primer seal or 2 coat bitumen seal with 14mm & 7mm aggregate surfaced shoulder (to match the existing seal) and associated drainage must be designed across the Old Princes Highway (Queen Street) frontage and around into Tannery Road and end similar to the existing kerb and gutter on the opposite side past the intersection of Pulman Street.

- a) The kerb and gutter must have a standard upright profile.
- b) The kerb alignment will need to match into the existing sealed width unless specified.
- c) The shoulder crossfall to the lip of the gutter must be no less than 2% and no greater than 5%. A minimum width of 1m is to be constructed adjacent to the lip of the gutter to facilitate compaction of the new pavement.
- d) The shoulder seal is to overlap the existing pavement by a minimum of 300mm with the existing seal to be saw cut and the exposed pavement is to have a tack coat or prime seal if finished with AC.
- e) A Basic Auxiliary Left Turn (BAL) facility from Queen Street into the vehicular entry to the development in accordance with Austroads Guidelines and based on a 60km/h design speed.
- f) The kerb and gutter must have a minimum grade of 0.5% and the longitudinal design must extend a minimum of 30 metres each end of the development and at least 60m

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if the grade is $<0.5\%$ or $\geq 0.3\%$. This is to ensure the proposed works will be compatible with the existing longitudinal pavement grade and allow future extension of the kerb without unnecessary modification of existing works.

- g) The road shoulder pavement must be designed in accordance with Council's Engineering Design Specifications section D2.04.
 - h) The road table drain on the Tannery Road side of the proposed development is to be reconstructed as required to match the kerb and gutter and to prevent ponding of water, including any adjustment or reconstruction of nearby driveways and service covers.
 - i) Subsoil drainage is to be provided behind the kerb line where an outlet to existing underground drainage (or other alternative suitable to Council) is available. Subsoil drainage is to be placed on the high side of the road or both sides if the cross-fall is neutral.
21. The concrete gutter layback and footpath crossings must be as per AZTEC Draft & Design Plan Drawing no T120 Dated Oct 17 REV D designed at the driveway entrances and generally in accordance with Council's Standard Drawings Plan Nos. 5104-07, 2026-05 and 2026-09.
22. A 1.2 metres wide concrete footpath must be designed for the Old Princes Highway (Queen Street) frontage into the development from the northern driveway access to the intersection of Tannery Road and Pulman Street eastern side. Details are to be shown on the engineering design plans and must incorporate the following:
- a) Footpath levels must comply with a 3% cross fall from the boundary to top of kerb;
 - b) The level of the footpath must match existing footpath levels of adjoining property frontages and be a uniform grade over the length of the development site frontage, or where this cannot be achieved, a longitudinal section must be designed;
 - c) Perambulator gutter crossing kerb ramps must be provided at the Tannery Road end in accordance with AS 1428.1-2009 Design for Access and Mobility section 10.7 Figure 23/24.

23. Structural Design

Detailed design 'where required' of the following works must be certified by an NPER-III registered practising engineer and submitted for acceptance by Council's Development Engineer or Delegate.

- a) Major drainage structures, including pre-cast concrete culverts, headwalls, wing walls and stormwater pits / structures that require steel reinforcement.
- b) Retaining walls greater than 0.6 metre in height
- c) Other structural design (e.g. safety barrier/fencing for culverts over 1 metre to invert).

Note: A NPER-III registered practising engineer will be required to certify that construction of the above structures has been completed in accordance with the approved plans prior to the release of the occupation certificate.

24. Zone of Influence

To prevent differential settlement of the proposed/existing structures adjacent to deep pipe lines, pier and beam footings must be provided to at least the depth of the invert level of the pipe or solid rock. All other foundations must be located so that buildings are founded

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below the zone of influence of the drainage line. The drainage line must be able to be repaired or replaced at any time without affecting the stability of the building. It may also be necessary to concrete encase the drainage pipe.

25. Stormwater Drainage Design

Major and minor drainage systems must be designed by a qualified practising engineer in accordance with Council's Engineering Design Specifications, section D5 (Stormwater Drainage Design) and Chapter G2, Shoalhaven Development Control Plan 2014. The minor and major systems must be designed for 10% AEP for residential areas and also have consideration for the 1% AEP rainfall events respectively.

26. On-site detention storage for stormwater runoff from the site must be provided such that the discharge from the site for design storm events up to and including the 100 year average recurrence interval does not exceed the pre-developed conditions. Details must be submitted to Council or an accredited certifier for approval prior to the issue a Construction Certificate. All flow discharging from on-site detention is to be via gravity flow to an approved discharge location. Automatic pump out systems from on-site detention will not be allowed.

27. Carpark Design

The car park must be generally in accordance with Inglis Engineering Stormwater Drainage Plan Job No 2016080 Rev 1 Dated 27/10/17 & Infinite Designs Site Plan approved in accordance with Condition 1 of the Consent.

The internal driveway and car park must be designed:

- a) for Light vehicular loading; and
- b) with a flexible compacted pavement minimum thickness of 200mm, surfaced with 30mm of AC10 asphaltic concrete or two coat bitumen seal using 14mm and 7mm aggregate; OR
- c) to a concrete standard; and
- d) Access in and out of the development will be required in a forward direction generally in accordance with the turning movements as per A.S. 2890.1 for the 99th % vehicle.
- e) A total of sixteen (16) car parking spaces (including one (1) accessible persons parking space) shall be provided to service the proposed additional motel units.

28. Local Government Act 1993 – Section 68 Approval

Approval for water, sewer and drainage works is required to be obtained under Section 68 of the Local Government Act prior to the issue of a Construction Certificate.

29. Waste Minimisation and Management

A Waste Minimisation and Management Plan (WMMP) must be prepared in accordance with Chapter G7, Shoalhaven Development Control Plan 2014. The WMMP must be approved by Council or an accredited certifier prior to the issue of a Construction Certificate.

In addition to those essential matters, the WMMP must detail if excavated material is to be reused at other sites, the WMMP must provide relevant details i.e. Development Consent approval numbers and address details. All waste must be taken to an approved site, which

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must be nominated on the WMMP. Furthermore, the WMMP must estimate quantities nominate a lawful location for all waste generated including tiles, floor coverings etc.

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

PART D
CONDITIONS RELATING TO THE APPROVED WORK AND SITE
MANAGEMENT

30. Building Code of Australia

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

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

31. Access for People with Disabilities

Access for people with disabilities must be provided to one of the proposed motel buildings in conformity with Part D3.2 of the Building Code of Australia and *Australian Standard AS1428.1-2009 "Design for access and mobility Part 1: General requirements for access – New building work"*.

32. Colours and Materials

The development must be constructed in accordance with the approved schedule of colours and building materials and finishes approved in accordance with Condition 1 of the Consent unless otherwise agreed to by Council in writing.

Exterior materials (excluding windows and other glazing) are to be non-reflective, metal roofing shall be pre-coloured at the manufacturing stage and zincalume materials shall not be used unless it can be demonstrated that it will not have an adverse impact and/or create a glare nuisance.

33. Rainwater Facility – Aboveground

Water stored in the tank must be plumbed into the building such that it is supplied to each of the fixtures listed in the BASIX Certificate for the property. Plumbing must be in accordance with the current edition of the *Australian New Zealand Standard AS/NZS 3500 National Plumbing & Drainage Code*.

34. It will be necessary to install, maintain and repair the facility so that it functions in a safe and efficient manner in accordance with the current editions of *Australian New Zealand Standard AS/NZS 3500 National Plumbing & Drainage Code*, the New South Wales Code of Practice Plumbing and Drainage and in accordance with the following:

- a) The tank inlet must be located a minimum of 500mm below the outlet of the eave gutter.
- b) The tank is to be installed on a firm flat and stable platform in accordance with manufacturer's recommendations. Tanks located over fill material should be placed on a concrete slab.

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- c) Pumps must be located and installed to minimize any potential noise nuisance to surrounding residents, and in the case of a permanent electric pump, must be installed by a licensed electrician. Pump performance must achieve a minimum 300 Kpa output.
- d) Overflow from the tank must be directed into the approved storm water system.
- e) Any town water top-up of the tank must be by indirect connection by means of a visible "air gap", external to the rainwater tank, in accordance with the provisions of the *National Plumbing and Drainage Code, AS/NZS 3500 – Minimum air gap requirements*.
- f) Marking and labelling of rainwater services must be in accordance with *Australian Standard AS 1345 – Identification of the contents of pipes, conduits and ducts*, including distribution pipes, rainwater pipes and tank outlets.
- g) The charged line to the above ground rainwater tank is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm pit to enable the line to be flushed. This is to prevent the line becoming blocked.

35. Tree Removal

Trees to be cleared must be felled into the development area carefully so as not to damage trees to be retained in or beyond the development footprint.

36. Overland Stormwater Flow

Stormwater runoff occurs when water flows along a natural gradient over properties on its way to a watercourse.

All excavation, backfilling and landscaping works must not result in any change to the overland stormwater flow path on your property and or a neighbouring property. If any change to the overland flow path occurs on a property, the stormwater runoff shall be collected and directed to a legal point of discharge.

37. Redirecting and/or Concentrating Stormwater

All excavation, backfilling and landscaping works must not result in the redirection and/or concentration of stormwater flows onto neighbouring properties.

Note: A property owner cannot be held liable when surface or seepage water flows naturally onto an adjoining property. However, a property owner may be held liable if the actions undertaken cause or are likely to cause damage to property.

38. Crime Prevention Measures

In accordance with the Recommendations of the NSW Police, the following measures are to be implemented on the new buildings:

- a) CCTV cameras installed to cover the outside perimeter of the building as well as the car park, stairs and common balcony's.
- b) The CCTV is to be of such quality that it would aid in the identification of offenders or offences if required by the authorities. Also, the CCTV system is able to be downloaded to DVD or Thumb Drive easily.
- c) Suitable lighting to be installed to aid in better quality footage for CCTV cameras at night and safer navigation by users and staff to and from vehicles. Lighting to be as per the Australian Standards

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- d) Guest room corridors/stair ways to be well-lit and without areas in which a person might hide.
- e) Building entrances are easily identified, providing easy access to all users, affording visibility to and from the street and minimising the potential for hiding spots.
- f) Access below floor level to be restricted to persons except tradesmen and staff by way of a physical barrier to the owner's specifications such as slats etc. Sensor lighting to be used under floor.

39. Earthworks

Documentation from the supplier that certifies that imported fill material is not contaminated based on analyses of the material is to be provided to Council. Sampling and analysis of the imported fill material must be conducted in accordance with the EPA Sampling Design Guidelines.

- 40. Details of fill storage, disposal and materials haulage routes to and from the site must be submitted to Council for approval. All surplus excavated material must be taken to an approved landfill site.

41. Acid Sulfate Soils

In the event that acid sulfate soils are identified or exposed to the atmosphere on or adjacent to the work site during the construction work, all work shall cease immediately, and no further work shall take place until an acid sulfate soil management plan has been prepared by a suitably qualified person and is approved by Council.

In this regard, all measures required to minimise adverse environmental impact due to the release of acid into the environment (whether at the work site or elsewhere on the property) will be implemented to Council's satisfaction before any construction work on the motel extensions resumes.

42. Building not encroach on right of carriageway

There shall be no encroachment of any part of the building (or landscaping), including foundations and eaves overhang, within the right of carriageway on the eastern boundary of the subject site.

43. Heritage

Should any historical relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the *Heritage Act 1977*.

- 44. Should any Aboriginal relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 89A of the *National Parks and Wildlife Act, 1974*.

45. Waste Minimisation and Management Plan

All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste must be placed in any location

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or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

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

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

46. Road Reserve, Footpath & Gutters

The road reserve adjoining the development site must be kept clear of soil and debris.

47. Erosion and Sediment Control

The approved erosion and sediment control measures must be maintained for the life of the construction period and until runoff catchments are stabilised.

48. Work Hours and Noise

The following must be complied with during demolition and construction works:

- a) To limit the impact of the development on adjoining owners, all demolition and construction work must be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No work is to take place on Sundays or Public Holidays unless otherwise approved by Council in writing; and
- b) The noise from all activities associated with the demolition works and construction of the approved development must comply with the guidelines as outlined in the NSW Environment Protection Authority's *Environmental Noise Control Manual* (Chapter 171). The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

PART E

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

49. Certificate of Compliance – Shoalhaven Water

A Certificate of Compliance (CC) under Section 307 of Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application Notice and prior to the issue of an Occupation Certificate.

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

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

Development Consent - Page 14 of 17 DA17/1359**50. Survey to confirm height of building**

The height of the highest point of the new motel buildings shall not exceed at any point:

- a) 9.93m above natural ground level (highest ridge RL14.133) in relation to Building 1 (southern building); and
- b) 9.27m above natural ground level (highest ridge RL13.722) in relation to building 2 (northern building).

Prior to any occupation of the development or the issue of any Occupation Certificate for the building, certification of compliance with this condition shall be provided by a registered surveyor to the Principal Certifying Authority

51. Retaining Walls

Prior to the issue of an Occupation Certificate, all retaining walls must be designed and certified by a suitably qualified structural engineer. Retaining walls must be designed to meet long term serviceability requirements and must be provided with effective drainage systems.

52. Verification of Works

Prior to the issue of an Occupation Certificate, certification must be obtained from Council to verify that all works in the road reserve have been completed in accordance with the approved plans and construction specifications.

53. Damage to public assets

Prior to the issue of an Occupation Certificate, any infrastructure within the road reserve along the frontage of the subject site or within close proximity, which has been damaged as a result of construction works, is to be repaired by the person benefitting from this consent and to the satisfaction of Council.

54. Fire Safety

The owner is to supply Council with a Final Safety Certificate for the fire safety measures specified in the Fire Safety Schedule. The fire safety measures must be implemented or installed in the building prior to its occupation. The building must not be occupied without a final Fire Safety Certificate being issued and an Occupation Certificate being issued.

55. Landscaping

Prior to the issue of an Occupation Certificate, landscaping is to be installed in accordance with the approved plan. The landscaping must be maintained in accordance with the details provided on that plan at all times.

PART F
CONDITIONS THAT RELATE TO THE ONGOING MANAGEMENT OF THE
APPROVED DEVELOPMENT

56. Fire Safety – Annual Statement

At least once in every twelve month period an annual Fire Safety Statement is to be submitted to Council and to the Fire Commissioner of the NSW Fire and Rescue, Fire Safety Division in relation to the fire safety measures listed in the Fire Safety Schedule.

57. Site Maintenance

The owner or operator must at all times be responsible for on-going site management and maintenance in accordance with the following:

- c) Loading and unloading in relation to the use of the premises must occur in the designated loading areas;
- d) Maintenance and replacement (if necessary) of all landscaping in accordance with the approved landscape plan;
- e) Maintenance of vehicular movement areas including driveways, carparking, manoeuvring areas, line marking, pedestrian facilities, lighting, to the standard specified by this consent;
- f) Ongoing waste and recycling is to be managed in accordance with the approved Waste Management Plan (Operational). Waste bins are not to be stored within the loading area/space that is visible from a public place;
- g) Maintenance of stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan;
- h) Maintenance of buildings, fencing, signage/markings to the standards specified in this consent; and
- i) The removal of all graffiti within a maximum of 14 days of being notified by Council.

58. Noise

The use of the approved development must not give rise to transmission of unacceptable vibration or an offensive noise to any place of different occupancy or the public in accordance with the NSW Environment Protection Authority's *Industrial Noise Policy 2000* and the *Protection of the Environment Operations Act 1997* (NSW).

59. Lighting

Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of Council it is considered there to be have adverse effects on the amenity of the area.

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PART G STATEMENT OF REASONS

1. Conditions of consent have been imposed to:
Ensure the proposed development:
 - a) achieves the objects of the *Environmental Planning and Assessment Act, 1979*;
 - b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

PART H ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Development Determination under Environmental Planning and Assessment Act, 1979

Under Division 8.2 – Reviews of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a Complying Development Certificate, Designated Development or Crown development. The request must be made **within three (3) months** of the date of the receipt of the determination to allow Council time to undertake the review within the prescribed period of six (6) months and be accompanied by the prescribed fee.

Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act, 1979 confer on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within 6 months after the applicant has been notified of the decision.

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An appeal under Division 8.3 of the Environmental Planning and Assessment Act 1979 by an objector may be made only within 28 days after the date the objector is notified of the decision.

**PART I
GENERAL ADVICE TO APPLICANT*****Privacy Notification***

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

Disability Discrimination Act 1992

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

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

The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *Australian Standard AS1428.1 - "Design for Access and Mobility"*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

Disclaimer –Conveyancing Act 1919 – Division 4 – Restrictions on the Use of Land

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

Under Clause 1.9A of *Shoalhaven Local Environmental Plan 2014* agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

DBYD Enquiry - 'Dial Before You Dig'

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or www.dialbeforeyoudig.com.au prior to any excavation works taking place to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.

Inspections

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

SIGNED on behalf of Shoalhaven City Council:

Assets & Works Group



To: Steve Barry- Project Manager

Copy: Martin Uptis, Roslyn Holmes

From: Geoff Young - Environmental Operations Officer

Subject: Environmental Constraints Synopsis – proposed service road – Quinns Lane to Warra Warra Road

Date: 24/02/2016

File: 48945E (D16/52842) CONTACT: Geoff Young Ext: 3399

This is an environmental constraints analysis to inform a detailed design of a proposal by Council for a new service road between Quinns Lane and Warra Warra Road, South Nowra. This report is based on the conceptual plans shown in Attachment A.

Permissibility

- The road would be constructed predominantly on private lands. Council would need to acquire land to construct the road.
- The road project could be undertaken as '*development permitted without consent*' through clause 94 of *State Environmental Planning Policy (Infrastructure) 2007*. An environmental assessment (review of environmental factors) must be prepared in accordance with Part 5 of the NSW *Environmental Planning and Assessment Act 1979* prior to construction.
- Quinns Lane, Ballina Street, Commercial Road, Old Southern Road, and Warra Warra Road are not classified roads as described in the NSW *Roads Act 1993*. Notification to Roads and Maritime Services is therefore not required.
- SEPP No. 14 (Coastal Wetlands), SEPP No.71 (Coastal Protection), SEPP 44 (Koala Habitat Protection) and SEPP No.26 (Littoral Rainforest) do not apply to the site and/or activity.
- The provisions of the *Native Vegetation Act 2003* would not apply to the activity.
- The road may go through Lot 3 DP 74678 which is owned by Shoalhaven City Council as *Community Land – General Community Use* (Figure 1 below). The ability to construct and dedicate a public road through this land may be constrained or governed through the provisions of the NSW *Local Government Act 1993*, particularly Sections 35 to 47F.

Figure 1: Location of community land Lot 3 DP746784



Flora and Fauna

A comprehensive flora and fauna constraints report is attached as Attachment B and lodged in TRIM as D16/30696. The report identified a number of constraints and issues relating to the presence of endangered ecological communities (EEC), Green and Golden Bell Frogs and potential habitat for the Illawarra Greenhood orchid and Bushstone Curlew. Importantly this includes providing buffers to the areas identified as the EEC *Swamp Sclerophyll Forest on Coastal Floodplains* in 'Project Area 3'.

Heritage

The proposed activity would not come within proximity to items of local heritage significance or any items on the state and commonwealth heritage lists or listed in the SLEP 2014. No further consideration is required.

Aboriginal Heritage

There are no Aboriginal Places or objects recorded anywhere near the proposed service road. AHIMS basic search results for this area is provided as Attachment C.

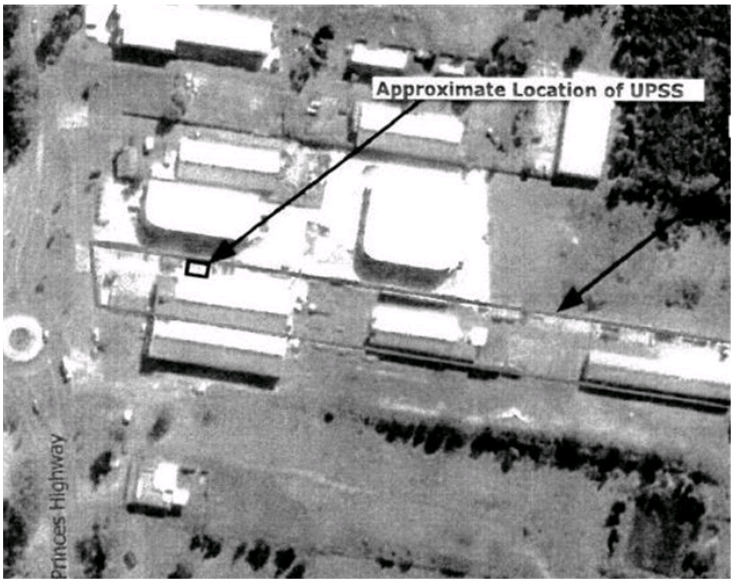
The site of the proposed service road also does feature undisturbed lands within landform features that have a higher probability for artefacts.

Potentially Contaminated Lands

The service road may pass through a number of properties that have a GIS 'potential contaminated land' layer over the land (Table 1 below). Although not likely to constrain the development of the service road, there may be geotechnical implications and implications for

waste management. Importantly, the uncontrolled landfilling on Lot 4 DP 627249 (Figure 2) and Lot G DP 405059 (Figure 3) is likely to be deep and unconsolidated with a range of materials within the fill. The presence of asbestos is likely and the presence of other hazardous materials cannot be ruled out. If the service road is constructed in these areas, any waste generated by the activity would need to be tested and classified and disposed of accordingly.

Table 1: Potentially Contaminated Lands

Lot / DP and address	PCL no.	Contamination description
101/603500	PCL434	<p>Council's records indicate that this land may have underground petroleum storage. Documents, however, show that these were / are located in the eastern end of the property towards the Princes Highway and not in the vicinity of the proposed service road.</p> 
17/598678	PCL241	<p>Council's records indicate that this is or may have been a service station site. It is still currently a service station (Enhance), however the operations and underground storage tanks appear to be fronting the Princes Highway and therefore not important to this investigation.</p>
4/627249	PCL408	<p>Council's records indicate that this property may have been an unlawful landfill site (domestic waste and general building waste including asbestos contamination of soil). It has been reported that "a large quantity of toxic and/or hazardous demolition waste i.e. specifically asbestos, has been unlawfully deposited on a parcel of land known as Lot 4 DP 627249, 214 Princes Highway, South Nowra. Further it is alleged that other demolition type waste such as timber,</p>

Lot / DP and address	PCL no.	Contamination description
		<i>metal, plastic, concrete, bricks and other materials are being deposited on the land...</i> No further information is available.
J/414323	PCL284	Council's records indicate that this may have been a concrete works and a nursery (Parkview) and therefore may have associated contamination. There however have been no studies to confirm or quantify any contamination.
G/405059 262 Princes Hwy	PCL380	<p>Council's records indicate that this property may have been a unlawful landfill site (domestic waste and general building waste including asbestos contamination of soil).</p> <p>The land was subject to proceedings against the owner and an earthmoving contractor for the unlawful disposal of 'fill' and building type waste. This disposal area is likely to include where the service road is proposed to be routed (Figure 3)</p> <p>A preliminary contamination assessment conducted in 2001 by Douglas Partners concluded that the levels of tested heavy metals and hydrocarbons, benzene, toluene, xylene, ethylene in the discrete samples obtained from the site were all within the human health-based investigation threshold levels for commercial and industrial development. The assessment however detected fill material that may not be structurally sound such as vegetation waste, timber, plastic and rubber. The assessment did not involve detecting the presence of asbestos.</p> <p>A Stage 2 assessment conducted Network Geotechnics Pty Ltd in 2003 identified localised hydrocarbon contamination above investigation levels in the vicinity of several pallets of oil containers, some without caps. Remaining test results were below investigation level values. The assessment also identified areas of structural deleterious material in the fill including plasterboard and carpet and assumed that the fill material did not meet any engineering standards.</p> <p>Although there are a number of recommendations to clean up the hydrocarbon contamination and remove the structural deleterious material and improve compaction it is not known as to whether these recommendations were undertaken.</p>
3/746784 and 4/746784 282 Princes Hwy	PCL339	Council's records indicate that this is or may have been an automotive dismantler site and may have petroleum hydrocarbon contamination. There is no other information about the contamination of this site.

Figure 2: Potential location of uncontrolled filling on Lot 4 DP627249



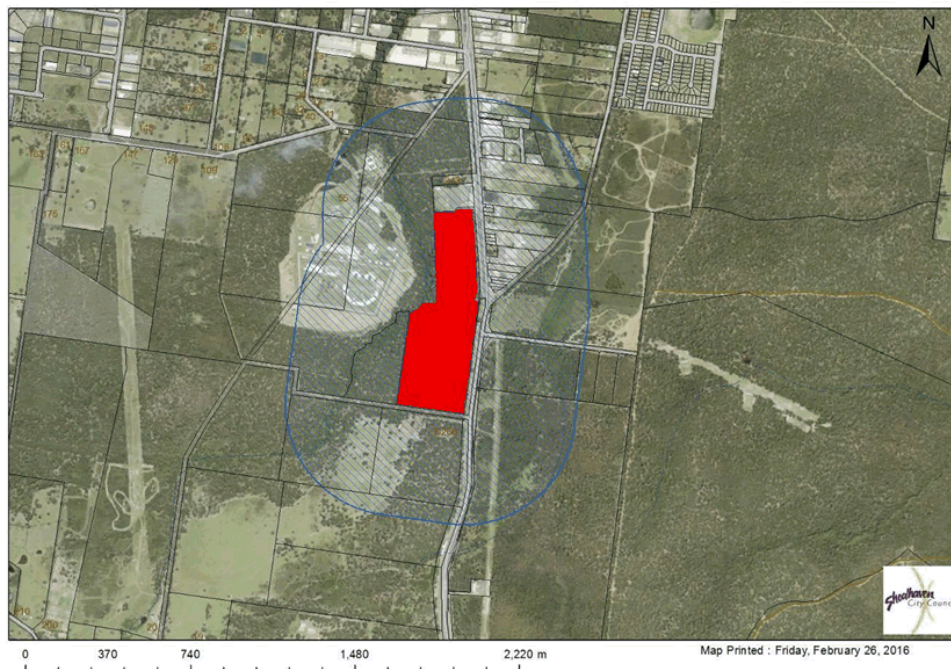
Figure 3: Potential location of uncontrolled filling on Lot G DP405059



Mineral Resources

The service road is likely to be in the 'Transition Area' for the SCCCR shale quarry (Figure 4) and therefore possibly subject to clause 13 (*compatibility of proposed development with mining, petroleum production or extractive industry*) of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*. Although the service road is unlikely to affect or restrict current or potential future operations of the quarry, any development in this area should be referred to the Resources and Energy section of NSW Trade and Investment for comment as is the case for any development in this area.

Figure 4: Extent of Mineral Resource Transition Area (blue hatching around the SCCR quarry in red)



Other

- No areas are identified as risk for acid sulfate soils or potential acid sulfate soils.
- The current route appears to avoid encroachment into the flood planning area.
- It is understood that a number of development consents have been issued on private lands on the premise that the proposed service road would be located as per the conceptual diagram (Attachment A). In the event of proposed deviations, development consents applicable to that land should be reviewed to assess the implications of the deviation.

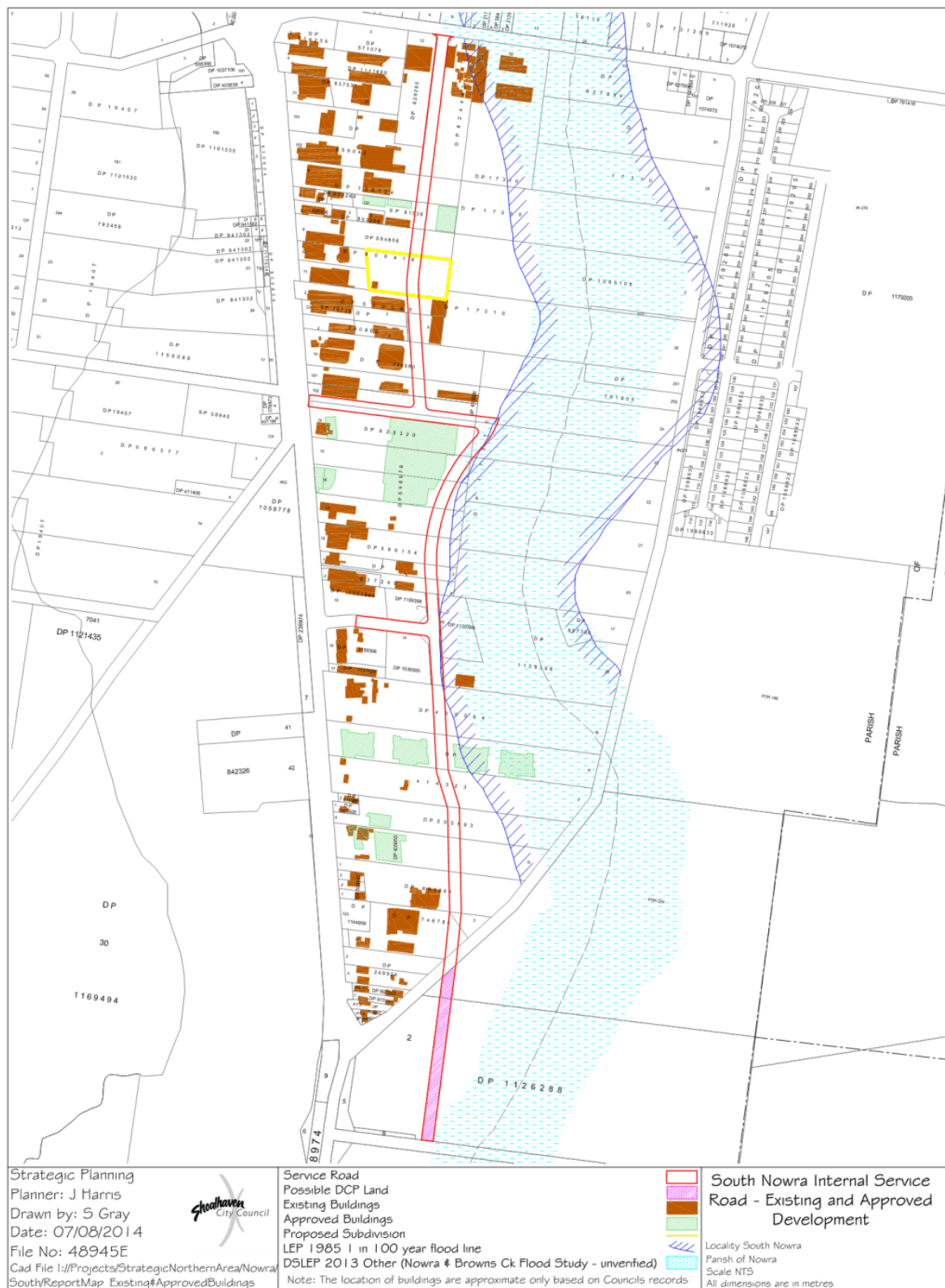
If you have any enquiries in relation to any of the matters listed above, please give me a call on ext.3399.

Geoff Young
Environmental Operations Officer

Attachments

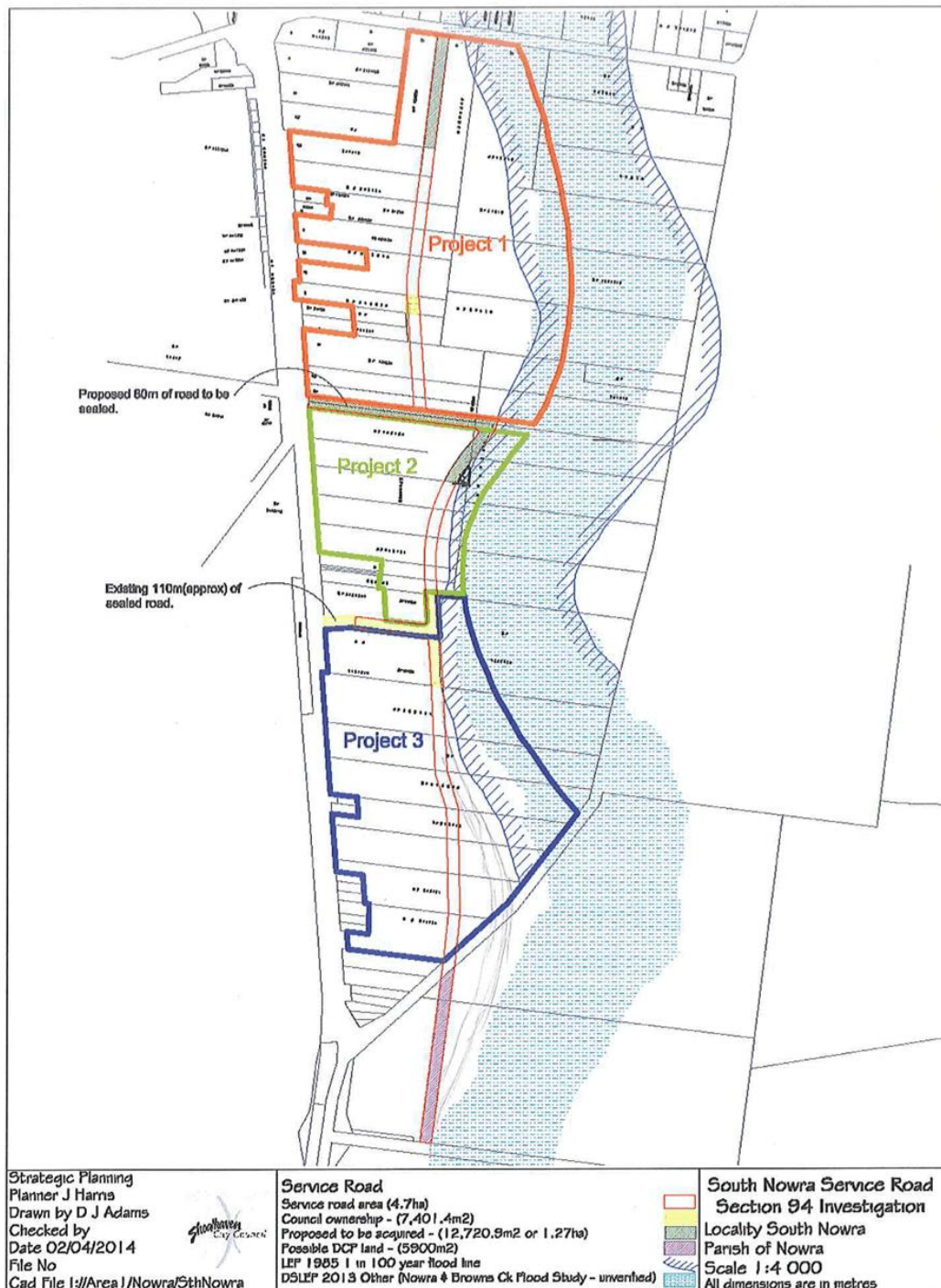
A – conceptual plans

B – flora and fauna investigations
C – AHIMS basic search



Development Committee 7 October 2014 - Item 12

ATTACHMENT 'A'



DE18.52 - Attachment 2

South Nowra Service Road

Flora & Fauna Constraints Report February 2016

Aim

This report documents the probable flora and fauna constraints, based on a desktop assessment and surveys along the proposed route, in relation to the proposed South Nowra Service Road as depicted in Figure 1. The route is divided into 4 sections; Projects 1 to 3, and Possible DCP Land. The constraints are for inclusion in an environmental appraisal of the project.

For the purposes of identifying constraints, the report takes into account the resolution of the Development Committee on 7 October 2014 (TRIM reference D14/261253) to “redesign the road alignment” in;

- “Project Area 3 to be closer to the mapped flood liable land.”
- “Possible DCP Land to be closer to the mapped flood liable land.”

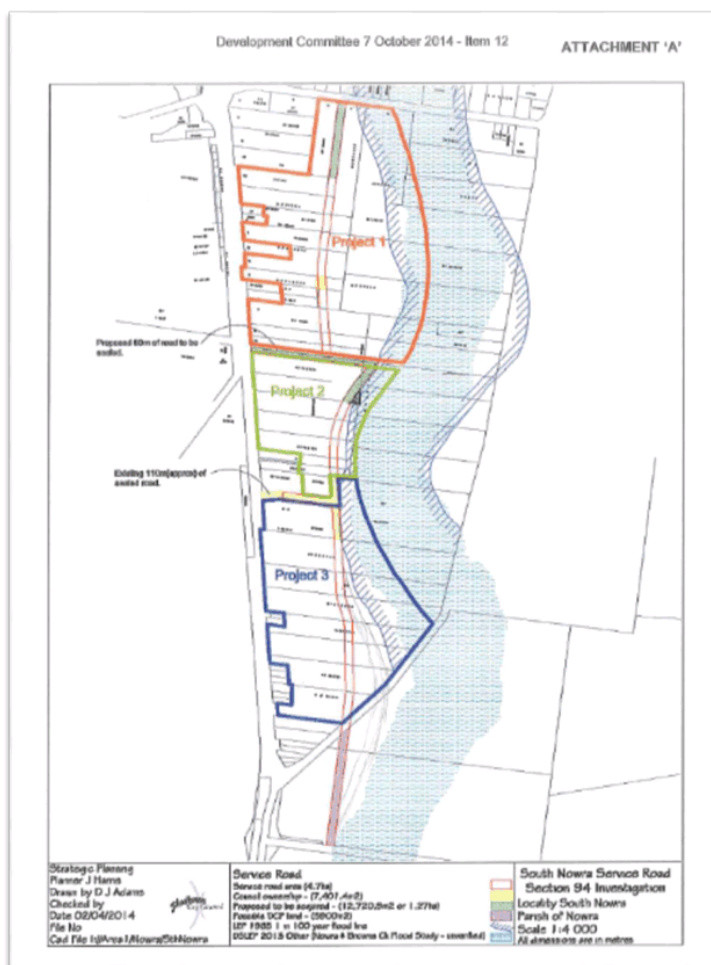


Figure 1 Proposed service road route pre investigation of Project 3 and DCP land and flood area

Methods

Desktop Assessment

A search of Threatened Species Wildlife Atlas records and environmental layers on Council's GIS was conducted prior to the inspection and surveys of the proposed route to identify known threatened species and ecological communities in and near the proposed Service Road.

Site inspections and targeted surveys

Targeted surveys were conducted under Scientific Licence SL100128 by Council's Environmental Planning & Assessment Unit.

Following a review of the desktop assessment data two environmental assessment officers (ecologists) walked the route with a hand-held GPS on Thursday 2 April 2015 (4 person hours) to verify vegetation along the route and search for habitat features such as hollow-bearing trees, fauna foraging resources and shelter sites.

Based on the findings of the initial site survey targeted surveys for two threatened species (Illawarra Greenhood Orchid and Bushstone Curlew) were conducted.

Two targeted surveys for the Illawarra Greenhood Orchid (*Oligochaetochilus gibbosus*) were conducted along southern portion of the proposed route. Surveys were conducted by two ecologists following a search for the species flowering at a known reference site within nearby Worrigee Nature Reserve. Surveys were conducted on Monday 13 September and Monday 12 October 2015 with the two ecologists walking in parallel along the proposed route (within Project Area 3 and south to Warra Warra Road – areas identified as potential habitat) utilising a hand-held GPS. On both occasions the surveys effort was two and half person hours.

Two targeted surveys for Bushstone Curlew were conducted on Monday 26 October 2015 and Tuesday 19 January 2016. The first survey involved two ecologists listening for calling Bushstone Curlew in an area of potential habitat in the Project Area 3 and Possible DCP Land of the proposed route. The timing of the surveys coincided with the period around the full moon when the species is known to call more frequently (OEH threatened species website accessed 2015). The 26 October 2015 survey effort was 4 person hours (7:30 to 9:30pm). Calls of the species were broadcast through a hand-held loud speaker on 4 occasions during the survey period followed by listening and later spotlighting. The 19 January 2016 Bushstone Curlew survey followed the same methodology with a survey effort of 80 minutes (2 people 09:10 to 09:50pm). There had been anecdotal reports of Bushstone Curlews in the Nowra area just prior to Christmas 2015 (Michael Smith pers comm with a Shoalhaven Birdlife member).

An additional survey of the floodplain area within Project Area 3 and Possible DCP Land was conducted on Tuesday 19 January 2016 following notification of the Development Committee resolution (TRIM reference D14/261253). Two ecologists with hand-held GPS walked the floodplain to map the edge of Swamp Sclerophyll Forest on Coastal Floodplains Endangered Ecological Community (EEC) known to occur in the locality (Figure 2 page 11). The edge of the EEC was delineated on the ground by a visual assessment of the vegetation noting where the regenerating and remnant Paperbarks (*Melaleuca sp.*) joined the regenerating Tick Bush (*Kunzea ambigua*). Visual identification of the EEC was assisted by the OEH identification guidelines (http://www.environment.nsw.gov.au/resources/threatenedspecies/EEC_Swamp_Sclerophyll_Forest_241207_Low_Res.pdf).

No vegetation plots were conducted as the existence of the EEC is known from previous survey work in the area by a number of environmental consultancies and ecologists.

Results

Desktop search results

A search of the NSW Wildlife Atlas threatened species records for the locality (within approximately 10km of the proposed road) obtained from Council's GIS under licence from the NSW Office of Environment & Heritage (OEH) produced over 1000 threatened fauna records and 448 threatened flora records. The individual species, both NSW and Commonwealth listed, are provided in Table 1, page 3, except for marine species for which there is no potential habitat along the proposed Service Road route. Habitat notes within table 1 are taken from individual species profiles on the OEH threatened species website accessed in 2015 and 2016.

Table 1 – Threatened species (NSW and Commonwealth listed) recorded in the locality with habitat notes and potential to occur along the proposed Service Road route.

Threatened Species and conservation status	Number of records	Habitat notes from OEH website	Potential to occur
FAUNA			
Giant Burrowing Frog <i>Heleioporus australiacus</i> Vulnerable EPBC Act Vulnerable NSW TSC Act	4	Found in heath, woodland and open dry sclerophyll forest on a variety of soil types except those that are clay based. Spends more than 95% of its time in non-breeding habitat in areas up to 300 m from breeding sites. Breeding habitat of this species is generally soaks or pools within first or second order streams. They are also commonly recorded from 'hanging swamp' seepage lines and where small pools form from the collected water.	Highly unlikely due to clay soils in the area and along the proposed route.
Green and Golden Bell Frog <i>Litoria aurea</i> Vulnerable EPBC Act Endangered NSW TSC Act	100+	Heath, woodland and open dry sclerophyll forest on a variety of soil types except clay based. Whilst in non-breeding habitat it burrows below the soil surface or in the leaf litter. Breeding frogs will call from open spaces, under vegetation or rocks or from within burrows in the creek bank. Egg masses are laid in burrows or under vegetation in small pools. After rains, tadpoles are washed into larger pools where they complete their development in ponds or ponded areas of the creekline. Tadpole development ranges from Breeding habitat of this species is generally soaks or pools within first or second order streams. They are also commonly recorded from 'hanging swamp' seepage lines and where small pools form from the collected water.	Likely and known to move through the area with records or author observations from Browns Creek north and south of the proposed route.
Australasian Bittern <i>Botaurus poiciloptilus</i> Endangered EPBC Act Endangered NSW TSC Act	4	Occurs in terrestrial freshwater wetlands and, rarely, estuarine habitats. It favours wetlands with tall, dense vegetation, where it forages in still, shallow water up to 0.3 m deep, often at the edges of pools or waterways, or from platforms or mats of vegetation over deep water. The species favours permanent and seasonal freshwater habitats, particularly those dominated by sedges, rushes and/or reeds.	Possible along Browns Creek though unlikely. Only small pools except when Browns Creek floods across flood plain.
Black Bittern <i>Ixobrychus flavicollis</i> Vulnerable NSW TSC Act	3	Occurs in terrestrial and estuarine wetlands generally in areas of permanent water and dense vegetation that may comprise grassland, woodland forest rainforest and mangroves. Roosts in trees or on ground amongst dense reeds, nests in branches overhanging water.	Possible along Browns Creek though unlikely. Only small pools except when Browns Creek floods across flood plain.
Broad-headed Snake <i>Hoplocephalus bungaroides</i> Vulnerable EPBC Act Endangered NSW TSC Act	1	The Broad-headed snake is largely confined to Triassic and Permian sandstones, including Hawkesbury, Narrabeen and Shoalhaven groups, within the coast and ranges in an area within	Highly unlikely. No suitable habitat.

		approximately 250 km of Sydney. They are a nocturnal species that shelters in rock crevices and under flat sandstone rocks on exposed cliff edges during autumn, winter and spring. It moves from the sandstone rocks to shelter in crevices or hollows in large trees within 500 m of escarpments in summer. Feeds mostly on geckoes and small skinks; will also eat frogs and small mammals occasionally.	
Freckled Duck <i>Stictonetta naevosa</i> Vulnerable NSW TSC Act	3	Found primarily in south-eastern and south-western Australia, occurring as a vagrant elsewhere. It breeds in large temporary swamps created by floods in the Bulloo and Lake Eyre basins and the Murray-Darling system, particularly along the Paroo and Lachlan Rivers, and other rivers within the Riverina. The species may also occur as far as coastal NSW and Victoria during such times. Prefer permanent freshwater swamps and creeks with heavy growth of Cumbungi, Lignum or Tea-tree. During drier times they move from ephemeral breeding swamps to more permanent waters such as lakes, reservoirs, farm dams and sewage ponds.	Highly unlikely. No suitable habitat. Known as an occasional visitor to Flatrock Dam approximately 5km to the west.
White-throated Needletail <i>Hirundapus caudacutus</i> Migratory EPBC Act	3	Almost exclusively aerial, from heights of less than 1 m up to more than 1000 m above the ground. Because they are aerial, it has been stated that conventional habitat descriptions are inapplicable, but there are, nevertheless, certain preferences exhibited by the species. Although they occur over most types of habitat, they are probably recorded most often above wooded areas, including open forest and rainforest, and may also fly between trees or in clearings, below the canopy, but they are less commonly recorded flying above woodland. They also commonly occur over heathland, but less often over treeless areas, such as grassland or swamps. When flying above farmland, they are more often recorded above partly cleared pasture, plantations or remnant vegetation at the edge of paddocks. In coastal areas, they are sometimes seen flying over sandy beaches or mudflats, and often around coastal cliffs and other areas with prominent up draughts, such as ridges and sand-dunes. They are sometimes recorded above islands well out to sea.	Possible though only likely to be flying over.
Cattle Egret <i>Ardea ibis</i> Migratory EPBC Act	20+	Typical habitat occurs in tropical and temperate grasslands, wooded lands and terrestrial wetlands.	Possible though unlikely along Browns Creek floodplain.
Glossy Ibis <i>Plegadis falcinellus</i> Migratory EPBC Act	2	The Glossy Ibis' preferred habitat for foraging and breeding are fresh water marshes at the edges of lakes and rivers, lagoons, flood-plains, wet meadows, swamps, reservoirs, sewage ponds, rice-fields and cultivated areas under irrigation. The species is occasionally found in coastal locations such as estuaries, deltas, saltmarshes and coastal lagoons. The species is sometimes recorded in wooded swamps, artificial wetlands (such as irrigated fields), and in mangroves for breeding. Glossy Ibis roost in trees or shrubs usually near, but sometimes far, from water bodies.	Possible though unlikely along Browns Creek floodplain.

Little Eagle <i>Hieraaetus morphnoides</i>	1	Occupies open eucalypt forest, woodland or open woodland. She-oak or acacia woodlands and riparian woodlands of interior NSW are also used. Nests in tall living trees within a remnant patch, where pairs build a large stick nest in winter.	Possibly hunt in the area though highly unlikely to nest due to a lack of tall trees and fragmented canopy.
Square-tailed Kite <i>Lophoictinia isura</i>	22	Summer breeding migrant to the south-east, including the NSW south coast, arriving in September and leaving by March. Found in a variety of timbered habitats including dry woodlands and open forests. Shows a particular preference for timbered watercourses. Has large hunting ranges of more than 100km ² Nest within fork or large horizontal branches of large trees generally within 200m of riparian areas.	Possibly hunt in the area though highly unlikely to nest due to a lack of tall trees and fragmented canopy.
Bush Stone-curlew <i>Burhinus grallarius</i>	1	Inhabits open forests and woodlands with a sparse grassy ground layer and fallen timber. Largely nocturnal, being especially active on moonlit nights. Nest on the ground in a scrape or small bare patch.	Potential to occur based on nearby record and available habitat near Warra Warra Rd.
Gang-gang Cockatoo <i>Callocephalon fimbriatum</i>	14	Tall mountain forests and woodlands, particularly in heavily timbered and mature wet sclerophyll forests. In winter, may occur at lower altitudes in drier more open eucalypt forests and woodlands, and often found in urban areas, preferring more open eucalypt forests and woodlands, particularly in box-ironbark assemblages, or in dry forest in coastal areas. Favours old growth attributes for nesting and roosting.	Possibly forages in trees along the proposed route but highly unlikely to nest due to a lack of tree hollows.
Glossy Black-Cockatoo <i>Calyptrorhynchus lathami</i>	50	Inhabits open forest and woodlands of the coast where stands of she-oak occur. In the Jervis Bay region they feed almost exclusively on the seeds of the black she-oak <i>Allocasuarina littoralis</i> , shredding the cones with their bill. Breeds in tree hollows close to foraging areas.	Possibly forages in black she-oaks along the route but no evidence found and highly unlikely to nest due to a lack of tree hollows.
Little Lorikeet <i>Glossopsitta pusilla</i>	2	Forages primarily in the canopy of open Eucalyptus forest and woodland, yet also finds food in Angophora, Melaleuca and other tree species. Riparian habitats are particularly used, due to higher soil fertility and hence greater productivity. Roosts in treetops, often distant from feeding areas. Nests in proximity to feeding areas if possible, most typically selecting hollows in the limb or trunk of smooth-barked Eucalypts. Entrance is small (3 cm) and usually high above the ground (2–15 m). These nest sites are often used repeatedly for decades, suggesting that preferred sites are limited. Riparian trees often chosen, including species like <i>Allocasuarina</i> .	Possibly forages in trees along the proposed route but highly unlikely to nest due to a lack of tree hollows.
Swift Parrot <i>Lathamus discolor</i>	1	Migrates to the Australian south-east mainland between March and October. On the mainland they occur in areas where eucalypts are flowering profusely or where there are abundant lerp (from sap-sucking bugs) infestations. Favoured feed trees include winter flowering species such as Swamp Mahogany (<i>Eucalyptus robusta</i>), Spotted Gum (<i>Corymbia maculata</i>), Red Bloodwood (<i>C. gummifera</i>), Mugga Ironbark (<i>E. sideroxylon</i>), and White Box (<i>E. albens</i>). Commonly used lerp infested trees include Inland Grey Box <i>E. microcarpa</i> , Grey Box <i>E. moluccana</i> and Blackbutt <i>E. pilularis</i> . Return to some foraging sites on a cyclic basis depending on food	Could potentially forage in trees along the proposed route in winter only.

		availability. Following winter they return to Tasmania where they breed from September to January, nesting in old trees with hollows and feeding in forests dominated by Tasmanian Blue Gum <i>Eucalyptus globulus</i> .	
Turquoise Parrot <i>Neophema pulchella</i>	3	Lives on the edges of eucalypt woodland adjoining clearings, timbered ridges and creeks in farmland. Prefers to feed in the shade of a tree and spends most of the day on the ground searching for the seeds or grasses and herbaceous plants, or browsing on vegetable matter. Nests in tree hollows, logs or posts, from August to December. It lays four or five white, rounded eggs on a nest of decayed wood dust.	Possibly forages along the proposed route but highly unlikely to nest due to a lack of tree hollows.
Powerful Owl <i>Ninox strenua</i>	16	Found in coastal woodland, dry sclerophyll forest, wet sclerophyll forest and rainforest. Can occur in fragmented landscapes. Roosts in dense vegetation comprising species such as Turpentine <i>Syncarpia glomulifera</i> , Black She-oak <i>Allocasuarina littoralis</i> , Blackwood <i>Acacia melanoxylon</i> , Rough-barked Apple <i>Angophora floribunda</i> , Cherry Ballart <i>Exocarpus cupressiformis</i> and a number of eucalypt species. Requires old growth elements-hollow bearing tree resources for nesting and prey resource. Nests in large tree hollows in large eucalypts that are at least 150yrs old. Often in riparian areas. Large home range.	Possibly hunts in the area on occasion but no suitable breeding habitat (large hollow-bearing trees).
Masked Owl <i>Tyto novaehollandiae</i>	9	Found in dry eucalypt forests and woodlands from sea level to 1100 m. Inhabits forest but often hunts along the edges of forests, including roadsides. The typical diet consists of tree-dwelling and ground mammals, especially rats. Pairs have a large home-range of 500 to 1000 hectares. Roosts and breeds in moist eucalypt forested gullies, using large tree hollows or sometimes caves for nesting. Requires old growth elements-hollow bearing tree resources for nesting and prey source.	Possibly hunts in the area on occasion but no suitable breeding habitat (large hollow-bearing trees).
Sooty Owl <i>Tyto tenebricosa</i>	8	Occurs in rainforest, including dry rainforest, subtropical and warm temperate rainforest, as well as moist eucalypt forests. Roosts by day in the hollow of a tall forest tree or in heavy vegetation; hunts by night for small ground mammals or tree-dwelling mammals such as the Common Ringtail Possum (<i>Pseudocheirus peregrinus</i>) or Sugar Glider (<i>Petaurus breviceps</i>). Nests in very large tree-hollows.	Unlikely to utilise the habitats available given the species' habitat preferences and the lack of roosting and suitable breeding sites (large hollow-bearing trees).
Rainbow Bee-eater <i>Merops ornatus</i>	4	Occurs in mainly open forests and woodlands, shrub lands and in various semi-cleared habitats, including farmland and areas of human habitation/ it usually occurs in open, cleared or lightly-timbered areas that are often, but not always, located in close proximity to permanent water. Nests in tunnel up dug into sandy bank or bare flat ground.	Potentially feeds in the area on occasion but highly unlikely to breed in the area given habitat available and conditions.
Spotted-tailed Quoll <i>Dasyurus maculatus</i>	3	Recorded across a range of habitat types, including rainforest, open forest, woodland, coastal heath and inland riparian forest, from the sub-alpine zone to the coastline. Individual animals use hollow-bearing trees, fallen logs, small caves, rock outcrops and rocky-cliff faces as den sites. Mostly nocturnal, although will hunt during the day; spends most of the time on the	Highly unlikely to be in the area based on habitat condition and urbanisation of the locality. Vegetation along the proposed route fragmented and degraded.

		ground, although also an excellent climber and will hunt possums and gliders in tree hollows and prey on roosting birds. Use communal 'latrine sites', often on flat rocks among boulder fields, rocky cliff-faces or along rocky stream beds or banks. Such sites may be visited by multiple individuals and can be recognised by the accumulation of the sometimes characteristic 'twisty-shaped' faeces deposited by animals. Females occupy home ranges up to about 750 hectares and males up to 3500 hectares. Are known to traverse their home ranges along densely vegetated creeklines.	
Varied Sittella <i>Daphoenositta chrysoptera</i>	8	Sedentary and inhabits most of mainland Australia except the treeless deserts and open grasslands. Inhabits eucalypt forests and woodlands, especially those containing rough-barked species and mature smooth-barked gums with dead branches, mallee and Acacia woodland. Builds a cup-shaped nest of plant fibres and cobwebs in an upright tree fork high in the living tree canopy, and often re-uses the same fork or tree in successive years.	Highly unlikely to be in the area based on habitat condition and urbanisation of the locality. Vegetation along the proposed route fragmented and degraded.
Scarlet Robin <i>Petroica boodang</i>	5	Primarily a resident in dry forests and woodlands, but some adults and young birds disperse to more open habitats after breeding. Scarlet Robin habitat usually contains abundant logs and fallen timber: these are important components of its habitat. The Scarlet Robin breeds on ridges, hills and foothills of the western slopes, the Great Dividing Range and eastern coastal regions; this species is occasionally found up to 1000 metres in altitude.	Highly unlikely to be in the area based on species' habitat requirements.
Koala <i>Phascolarctos cinereus</i>	2	Eucalypt woodland and forest Home range sizes vary with quality of habitat ranging from less than two to several hundred hectares. Preferred tree species on the south coast are <i>Eucalyptus amplifolia</i> , <i>E. viminalis</i> , & <i>E. tereticornis</i> but numerous other species also known food trees.	Highly unlikely to occur due to lack of preferred feed trees, landscape position and condition of the habitat available.
Eastern Pygmy-possum <i>Cercartetus nanus</i>	3	Found in a variety of habitats including rainforest, sclerophyll forest, woodland & heath, but heath & woodland preferred. Forages on banksias, eucalypts & bottlebrushes. Considered hollow-dependent.	Highly unlikely to occur based on the species' habitat requirements, condition and urbanisation of the area.
Yellow-bellied Glider <i>Petaurus australis</i>	100+	Forest with old growth elements. Large eucalypt hollows for denning. Inhabits mature or old growth Blackbutt-Bloodwood forest with heath understorey in coastal areas. Spotted gum also favoured habitat. Prefers mixed species stands with a shrub or acacia mid storey. Feed primarily on plant and insect exudates, including nectar, sap, honeydew and manna with pollen and insects providing protein. Extract sap by incising (or biting into) the trunks and branches of favoured food trees, often leaving a distinctive 'V'-shaped scar. Very mobile and occupy large home ranges between 20 to 85 ha to encompass dispersed and seasonally variable food resources.	Highly unlikely to occur based on the species' habitat requirements, condition and urbanisation of the area. No suitable hollow bearing trees along the proposed route.
Grey-headed Flying-fox <i>Pteropus poliocephalus</i>	~20	Occur in subtropical and temperate rainforests, tall sclerophyll forests and woodlands, heaths and swamps as well as urban gardens and cultivated fruit crops. Roosting camps are generally located within 20km of a regular food source and are	Likely to forage in the vegetation at times given the proximity to nearest known

		commonly found in gullies, close to water, in vegetation with a dense canopy.	roosting camp at Bomaderry Creek.
Yellow-bellied Sheath-tail-bat <i>Saccolaimus flaviventris</i>	2	Roosts singly or in groups of up to six, in tree hollows and buildings; in treeless areas they are known to utilise mammal burrows. When foraging for insects, flies high and fast over the forest canopy, but lower in more open country. Forages in most habitats across its very wide range, with and without trees; appears to defend an aerial territory. Breeding has been recorded from December to mid-March, when a single young is born. Seasonal movements are unknown; there is speculation about a migration to southern Australia in late summer and autumn.	Potential to forage in the area though highly unlikely to roost or breed due to a lack of tree hollows.
Eastern Freetail-bat <i>Mormopterus norfolkensis</i>	2	Uses small tree hollows/fissures in bark for roosting in dry sclerophyll forest, woodland, swamp forests and mangrove forests east of the Great Dividing Range.	Potentially forages in the area though roosting habitat not available.
Large-eared Pied Bat <i>Chalinolobus dwyeri</i>	4	Found mainly in areas with extensive cliffs and caves, from Rockhampton south to Bungonia in the NSW Southern Highlands. It is generally rare with a very patchy distribution in NSW. Roosts in caves (near their entrances), crevices in cliffs, old mine workings and in the disused, bottle-shaped mud nests of the Fairy Martin (<i>Petrochelidon ariel</i>), frequenting low to mid-elevation dry open forest and woodland close to these features.	Highly unlikely given the lack of cliffs etc along the proposed route.
Eastern Bentwing-bat <i>Miniopterus schreibersii oceanensis</i>	14	Specific caves are known maternity sites with other caves being primary roosting habitat outside breeding period. Also uses derelict mines, storm-water tunnels, buildings and other man-made structures. Hunts in forested areas, catching moths and other flying insects above the tree tops.	Potentially forages in the area though roosting habitat not available.
Southern Myotis <i>Myotis macropus</i>	1	This species predominantly roosts in caves, however, is known to roost in trees and man-made structures close to water. Roosts are generally located close to water, where the bats forage in small groups of three or four. They have a strong association with streams and permanent waterways in areas that are vegetated rather than cleared.	Potentially forages in the area due to nearby Browns Creek though unlikely with roosting habitat not available.
Greater Broad-nosed Bat <i>Scoteanax rueppellii</i>	4	Found mainly in gullies and river systems that drain the Great Dividing Range, it utilises a variety of habitats from woodland through to moist and dry eucalypt forest and rainforest, below 500m, though it is most commonly found in tall wet forest. Although this species usually roosts in tree hollows, it has also been found in buildings. Forages after sunset, flying slowly and directly along creek and river corridors at an altitude of 3 - 6 m.	Unlikely to utilise the area given the species' habitat requirements and the absence of tree hollows.
FLORA			
<i>Hibbertia stricta</i> subsp. <i>Furcatula</i> Endangered NSW TSC Act	1	Habitat of the Southern Sydney population is broadly dry eucalypt forest and woodland. This population appears to occur mainly on upper slopes and above the Woronora River gorge escarpment, at or near the interface between the Lucas Heights soil landscape and Hawkesbury sandstone. Toelken & Miller (2012) note that the species usually grows in 'gravelly loam or clay soil in heath under open woodland'. Habitat of the South Coast population is poorly recorded, but	No suitable habitat. No heath and clay soils.

		appears to be dry sclerophyll forest or woodland associations in sandy soils over sandstone.	
Downy Wattle <i>Acacia pubescens</i> Vulnerable NSW TSC Act Vulnerable EPBC Act	1	Occurs on alluviums, shales and at the intergrade between shales and sandstones. The soils are characteristically gravelly soils, often with ironstone. Occurs in open woodland and forest, in a variety of plant communities	No suitable habitat. Clay soils.
<i>Eucalyptus langleyi</i> population north of the Shoalhaven River <i>Eucalyptus langleyi</i> NSW TSC Act Endangered Populations	10	Occurs north of the Shoalhaven River in the Shoalhaven LGA. The population occurs as a series of fragmented stands across approximately 1.3 km ² and occurs on both sides of Bomaderry Creek Regional Park and land owned by Shoalhaven City Council.	No suitable habitat. Proposed route is south of the Shoalhaven River.
Albatross Mallee <i>Eucalyptus langleyi</i> Vulnerable NSW TSC Act Vulnerable EPBC Act	10	Found in Mallee shrub land on poorly drained, shallow, sandy soils on sandstone.	No suitable habitat. Clay soils.
Ettrema Mallee <i>Eucalyptus sturgissiana</i> Vulnerable NSW TSC Act	1	The Ettrema Mallee is mostly restricted to the Northern Budawang Range in Morton National Park, with a few occurrences on the nearby coastal plain. Usually grows as an emergent in low shrub-heath. Grows on sandy, swampy soils. Little is known of this species' ecology.	No suitable habitat. Clay soils.
Biconvex Paperbark <i>Melaleuca biconvexa</i> Vulnerable EPBC Act Vulnerable NSW TSC Act	3	Generally grows in damp places, often near streams or low-lying areas on alluvial soils of low slopes or sheltered aspects.	Potential habitat although the species was not observed. Unlikely to occur there.
Magenta Lilly Pilly <i>Syzygium paniculatum</i> Vulnerable EPBC Act Endangered NSW TSC Act	3	On the south coast the Magenta Lilly Pilly occurs on grey soils over sandstone, restricted mainly to remnant stands of littoral (coastal) rainforest.	No suitable habitat.
Nowra Heath Myrtle <i>Triplarina nowraensis</i> Endangered NSW TSC Act Endangered EPBC Act	200+	Nowra Heath Myrtle occurs on poorly drained, gently sloping sandstone shelves or along creek lines underlain by Nowra Sandstone. The sites are often treeless or have a very open tree canopy due to the impeded drainage.	No suitable habitat. Clay soils.
Leafless Tongue Orchid <i>Cryptostylis hunteriana</i> Vulnerable EPBC Act Vulnerable NSW TSC Act	1	Occurs in a wide variety of habitats from moist sandy soil to dense heathland, sedgeland and verges of fire trails. The larger populations typically occur in woodland dominated by Scribbly Gum (<i>Eucalyptus sclerophylla</i>), Silvertop Ash (<i>E. sieberi</i>), Red Bloodwood (<i>Corymbia gummifera</i>) and Black Sheoak (<i>Allocasuarina littoralis</i>); appears to prefer open areas in the understorey of this community and is often found in association with the Large Tongue Orchid (<i>C. subulata</i>) and the Tartan Tongue Orchid (<i>C. erecta</i>).	No suitable habitat. Clay soils in a disturbed area.
Bauer's Midge Orchid <i>Genoplesium baueri</i> Endangered EPBC Act Endangered NSW TSC Act	8	Grows in dry sclerophyll forest and moss gardens over sandstone.	No suitable habitat. Clay soils.
Illawarra Greenhood <i>Pterostylis gibbosa</i> Endangered EPBC Act Endangered NSW TSC Act	66	All known populations grow in open forest or woodland, on flat or gently sloping land with poor drainage. In the Illawarra region, the species grows in woodland dominated by Forest Red Gum <i>Eucalyptus tereticornis</i> , Woollybutt <i>E. longifolia</i> and White Feather Honey-myrtle <i>Melaleuca decora</i> . Near Nowra, the species grows in an open forest of Spotted Gum <i>Corymbia maculata</i> , Forest Red Gum and Grey Ironbark <i>E. paniculata</i> . In the Hunter region, the species grows in open woodland dominated by Narrow-leaved Ironbark <i>E. crebra</i> , Forest Red Gum and Black Cypress Pine <i>Callitris endlicheri</i> .	Potential habitat toward the Warra Warra Road section of the proposed route only. Known population in nearby Worrigeer NR.

<i>Pterostylis ventricosa</i> Critically endangered NSW TSC Act	1	Predominantly in more open areas of tall coastal eucalypt forest often dominated by one or more of the following tree species:- Turpentine, Spotted Gum, Grey Ironbark, Blackbutt, White Stringybark, Scribbly Gum and Sydney Peppermint. Often favours more open areas such as along powerline easements and on road verges where the tree over storey has been removed or thinned. Grows in a range of groundcover types, including moderately dense low heath, open sedges and grasses, leaf litter, and mosses on outcropping rock. Soil type ranges from moisture retentive grey silty loams to grey sandy loams. Sometimes found in skeletal soils on sandstone rock shelves.	No suitable habitat. Clay soils in a disturbed landscape.
<i>Pterostylis vernalis</i> Critically Endangered EPBC Act Critically Endangered NSW TSC Act	15	<i>Pterostylis vernalis</i> grows in open sites in shallow soil over sandstone sheets, in heath and heathy forest.	No suitable habitat. Clay soils in a disturbed landscape.
Eastern Australian Underground Orchid <i>Rhizanthella slateri</i> Endangered EPBC Act Vulnerable NSW TSC Act	1	Habitat requirements are poorly understood and no particular vegetation type has been associated with the species, although it is known to occur in sclerophyll forest. Highly cryptic given that it grows almost completely below the soil surface, with flowers being the only part of the plant that can occur above ground. Therefore usually located only when the soil is disturbed. Flowers September to November.	Highly unlikely to occur based on the habitat for the few records in the Shoalhaven and the degraded condition of the habitat available along the proposed route.
Bomaderry Zieria <i>Zieria baeuerlenii</i> Endangered NSW TSC Act Endangered EPBC Act	15	Occurs on skeletal sandy loam overlaying sandstone, on a rocky plateau amongst sandstone boulders in either shrubby open forest, shrubby woodland or closed shrub.	No suitable habitat. Clay soils in a disturbed landscape.
<i>Solanum celatum</i> Endangered NSW TSC Act	3	Grows in rainforest clearings or in wet sclerophyll forests. Flowers August to October and produces fruit between December and January. Normally recorded in disturbed margins and clearings.	No suitable habitat.

A review of Council's Environmental layers on the GIS depicts Swamp Sclerophyll Forest on Coastal Floodplains Endangered Ecological Community occurring within the Flood Planning Area (Figure 2)

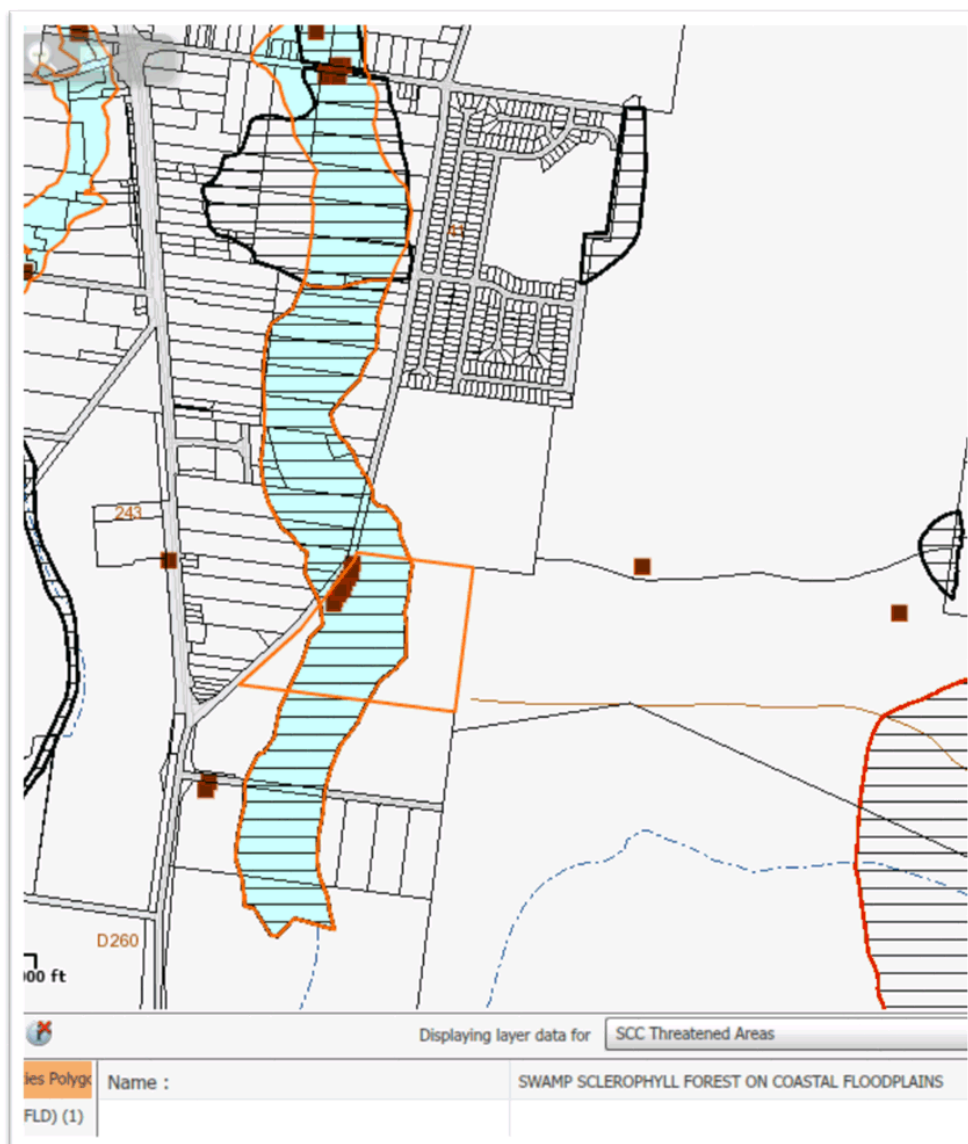


Figure 2 EEC and Flood Planning Area mapping for Browns Creek from Councils GIS

Site inspections and targeted survey results

Fauna habitats

Surveys along the route found the majority of the site has been subject to historic and continued disturbance with a paucity of hollow-bearing trees, numerous gaps in the vegetation (refer to Figure 4, page 14), with the remaining fragments degraded by weeds, rubbish dumping and fences. Due to the conditions of the vegetation and its position in a developed and semi-rural area, it is likely many native fauna species are locally extinct.

In terms of arboreal mammals, only Sugar Glider was recorded at the southern end of the route in the regrowth Spotted Gum where a limited number of small tree hollows were observed (refer to Figure 4, page 14). The lack of tree hollows and a discontinuous canopy means the vegetation along the route is mostly unsuitable for threatened tree dependant fauna species such as Koala and Yellow-bellied Glider.

For terrestrial fauna, numerous Eastern Grey Kangaroo or signs (scats) were observed along route in cleared and grassy areas. Whilst there may be the occasional Antechinus or Bush Rat it is more likely the fragmented and degraded native vegetation in close proximity to development harbours exotic and adaptive terrestrial species such as Black Rat, Red Fox and Rabbits (scats observed).

For amphibians, the route passes through vegetation in Project Areas 1 and 2 mapped as Swamp Sclerophyll Floodplain Forest Endangered Ecological Community (EEC) that is a known movement corridor for the endangered Green & Golden Bell Frog (GGBF). During surveys, no GGBF were observed though weather conditions were not suitable for GGBF to be moving through the landscape. Only *Litoria fallax* were observed in the potential breeding habitat (dam east of the Central Avenue roundabout, now believed to have been removed for DA13/2064). The movement corridor for GGBF is likely to be a major environmental constraint for the proposed route with individuals of the species killed on the roads recognised as a significant impact, along with the treatment of stormwater along the proposed Service Road (Green & Golden Bell Frog Environmental Assessment Guidelines <http://www.environment.nsw.gov.au/resources/nature/GAndGbellfrogEia0703.pdf>).

GGBF also being listed under the Commonwealth EPBC Act with major threats listed including;

- habitat removal
- habitat degradation (which includes siltation, changes to aquatic vegetation diversity or structure reducing shelter, increased light and noise, grazing, mowing, fire)
- habitat fragmentation
- reduction in water quality and hydrological changes (for example, pollution, siltation erosion and changes to timing, duration or frequency of flood events)
- introduction or intensification of public access to Green and Golden Bell Frog habitats.

http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=1870

For threatened bird species, it is possible the endangered Bushstone Curlew could utilise the area for foraging and breeding. The species is extremely rare in the Shoalhaven with one Wildlife Atlas record of the species in the South Nowra area and recent anecdotal reports of birds being detected nearby. Given the habits of the species (ground nesting) it could potentially be a constraint that is mitigated by appropriate measures before and during construction.

Other threatened bird species are unlikely to pose a constraint to the proposal based on the habitats available and the position in the landscape.



Figure 3 Environmental Constraints mapping



Figure 4 Hollow-bearing trees and EEC in Project Area 3 and Possible DCP Land

Endangered Ecological Communities

The Flood Planning Area (FPA - refer to Figure 2, page 11 and Figure 3, page 13) approximates vegetation that is mapped as Swamp Sclerophyll Forest on Coastal Floodplains Endangered Ecological Community (EEC).

Within Project Areas 1 and 2 remnants of the floodplain EEC extend beyond the FPA (Figure 2, page 11) but are so fragmented, mostly being isolated paperbarks or degraded patches, it is unlikely the EEC is a viable functioning ecosystem for the suite of species (fauna and flora) that would be found in the EEC if in good condition (refer to Photo 1, page 15, Photo 2, page 16, Photo 3, page 16 & Photo 4, page 177).



Photo 1 Fragmented EEC towards Quinns Lane end of Project Area 1



Photo 2 Degraded and isolated patch of EEC at the southern end of Project Area 1



Photo 3 Degraded and fragmented vegetation within Project Area 2



Photo 4 Degraded vegetation near Ballina St within Project Area 2

At the southern end of the proposed Service Road (Project Area 3 and Possible DCP Land), the location of the route is constrained by the proximity of better quality EEC that is also a known movement corridor for the endangered Green & Golden Bell Frog (GGBF). The EEC edge was mapped as following approximately the FPA (Figure 3, page 13 and Figure 4, page 14).

A route that impacts on this portion of the EEC and the GGBF movement corridor would be a major constrain for the project., *Figure 4 Hollow-bearing trees and EEC in Project Area 3 and Possible DCP Land*, page 14 includes a 25 and 50m buffer to the EEC and it is recommended a route and design for Service Road is situated outside the buffer areas. Buffer areas are required because;

- The EEC “edge” is not clearly evident on the ground.
- The EEC includes vegetation known as an ecotone that has elements of the EEC. Ecotones fall under the EEC definition based on NSW Land & Environment Court case law (Larkin, 2009).
- They provide protection for migrating GGBF which will move through the area during their breeding season when climatic conditions are appropriate (after heavy rains).

Flora habitats

Surveys along the proposed route identified habitat for one threatened flora species; the endangered Illawarra Greenhood (*Oligochaetochilus gibbosus* also known as *Pterostylis gibbosa*). Habitat was identified within the southern portion of Project Area 3 and the Possible DCP Land (Photo 5, page 18). Surveys were conducted at the appropriate times in 2015, however it was poor flowering season and whilst no specimens were recorded, the surveys were inconclusive in terms of determining if the proposed route contains known habitat. At a nearby reference site within Worrigee Nature Reserve,

on 13 September 2015 only 6 rosettes without flowers were visible and on 12 October only one plant with a withered flower was visible. Given the species is listed under NSW and Commonwealth legislation, it is recommended Project Area 3 and the Possible DCP Land be resurveyed during the 2016 flowering season to meet Council's obligation under those pieces of legislation, and the approved Recovery Plan

(<http://www.environment.nsw.gov.au/resources/nature/approvedPetrostylisGibbosa.pdf>). Given the late notification to the Environmental Planning and Assessment Unit of the Development Committee resolution to move the route closer to the Flood Planning Area, it is likely not all areas of potential habitat were surveyed in 2015.

The outcomes of the 2016 survey, provided the plant flowers at the known local reference site, should be used to finalise the route of the proposed Service Road.

Surveys along the proposed route did not detect any habitat or other threatened plant species.



Photo 5 Illawarra Greenhood Orchid habitat north of Warra Warra Road

Constrains summary and recommendations

The following constraints are based on a desktop assessment and surveys conducted in 2015 and January 2016. Depending on the timeframe for the project, additional targeted surveys and assessment may be required to address the legislative requirements at the time of an application for the project. Recognition of the constraints and implementing the recommendations below within detailed design work should limit the environmental impact of the proposal and facilitate the assessment and approvals process.

1. Swamp Sclerophyll Forest on Coastal Floodplains Endangered Ecological Community (EEC)

- Whilst degraded and fragmented along the proposed route, the southern portions are in reasonable condition and of significant ecological value, particularly as a movement corridor for the endangered Green & Golden Bell Frog (*NSW TSC Act*).
- Areas of the EEC in Project Area 3 and the Possible DCP Land should be buffered from the Service Road by 50metres where possible and 25metres as a minimum. Where the Flood Planning Area is wider than the EEC the buffer should be measured from the FPA.
- The proposed route through Project Areas 1 & 2 is mostly through cleared or highly disturbed and fragmented sections of the EEC with no alternative route available.

2 Green & Golden Bell Frog (GGBF)

- Known to the area with numerous records north and south along Browns Creek.
- The EEC provides a movement corridor along the floodplain for the species and should be buffered, as per the EEC, to protect the GGBF from mortality due to vehicle strike and comply with NSW State issued Environmental Impact Assessment Guidelines (<http://www.environment.nsw.gov.au/resources/nature/GAndGbellfrogEia0703.pdf>).
- Based on the threats listed under the Commonwealth's EPBC Act, http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=1870 locating the Service Road in close proximity to the Flood Planning Area / EEC will likely lead to a referral to the Federal Minister for the Environment. Buffering the movement corridor for the species (as per the EEC recommendations above), should negate the requirement for a referral under the *EPBC Act*.

3 Illawarra Greenhood Orchid (*Oligochaetochilus gibbosus* also known as *Pterostylis gibbosa*)

- Likely habitat has been identified along the proposed route through Project Area 3 and the Possible DCP Land. Due to 2015 being a poor flowering season it is recommended additional surveys in 2016 be completed prior to a final road design being completed. Finding this species on site will be a major constraint to the project requiring a referral to the NSW and Commonwealth Governments.

4 Bushstone Curlew

- Potential habitat for nesting occurs along the route through Project Area 3 and the Possible DCP Land. Whilst the species was not detected during targeted surveys in the spring of 2015 and January 2016 (known breeding season), it is recommended additional surveys be conducted prior to construction or any construction be excluded from September to January inclusive.

Council's Environmental Planning & Assessment Unit can provide an ArcGIS Shapefile of the buffered EEC in Project Area 3 and the Possible DCP Land to assist with any design work.

REFERENCES

Larkin, P. W. (2009). *Bright lines on fuzzy boundaries? How the law of New South Wales deals with the existence and extent of endangered ecological communities*. Pages S35 to S43 in *Ecological Management & Restoration* Vol 10 No S1 May 2009. Ecological Society of Australia.

NSW National Parks and Wildlife Service. (2002). *Pterostylis gibbosa* (R.Br) Illawarra Greenhood Orchid Recovery Plan. NSW National Parks and Wildlife Service. Hurstville.



**AHIMS Web Services (AWS)
Search Result**

Purchase Order/Reference : quinn2warra
Client Service ID : 213154

Shoalhaven City Council
PO Box 42 Bridge Rd
Nowra New South Wales 2541
Attention: Geoffrey Young
Email: geoff.young@shoalhaven.nsw.gov.au

Date: 24 February 2016

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 281017 - 281511, Northings : 6132377 - 6134524 with a Buffer of 50 meters, conducted by Geoffrey Young on 24 February 2016.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Shoalhaven Development Control Plan 2014

DRAFT Chapter G13: Medium Density and Other Residential Development

DRAFT Chapter G13: Medium Density and Other Residential Development

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Note: Yellow highlighting indicates additions, yellow highlighted strikethrough indicates deletion.

Amendment history			
Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1			Draft

Shoalhaven Development Control Plan 2014

DRAFT Chapter G13: Medium Density and Other Residential Development

1 Purpose

This purpose of this Chapter is to ensure that **development** is compatible with the bulk and **scale** of the existing and likely future residential **development** of adjacent lands to ensure a high standard of **development** throughout the Shoalhaven Local Government Area.

Note: The controls in this Chapter are supplementary to Shoalhaven Local Environmental Plan (LEP) 2014, Shoalhaven LEP (Jerberra Estate) 2014 and area specific Chapters of this **Development Control Plan**. Shoalhaven LEP 2014, Shoalhaven LEP (Jerberra Estate) 2014 and the area specific Chapters will prevail where there is an inconsistency with a provision in this Chapter.

2 Application

This Chapter applies to land where **dual occupancy**, **multi dwelling housing**, **multi dwelling housing (terraces)**, **attached dwellings**, **semi-detached dwellings**, **manor houses**, **integrated housing development**, **residential flat buildings**, **shop top housing**, **seniors housing**, **boarding houses**, **group homes** and **hostels** are permissible with **development consent**.

Note: Separate controls apply to **dwelling houses**, **rural workers dwellings** and **secondary dwellings**. See Chapter G12: Dwelling Houses, Rural Worker's Dwellings, Additions and Ancillary Structures for more information.

Dual occupancy development may take the form of:

- Converting part of an existing **dwelling** to a second **dwelling**.
- Additions to an existing **dwelling** for the purpose of a second **dwelling**.
- Construction of a detached second **dwelling**.
- Construction of two **dwellings** that are attached.
- Construction of two detached **dwellings**.

3 Context

The **development** of land for residential purposes has become complex due to an increasing number of constraints and controls. Over time, minimum lot sizes have often been reduced while **owner** and occupant needs and aspirations have increased. There are also competing demands by the **community** and neighbourhood for a pleasant environment with high levels of privacy and minimal adverse impacts.

The impact of a proposal on the amenity of adjoining properties is to be a principal consideration of applicants when preparing a development application.

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4 Objectives

The **objectives** are to:

- i. Ensure a comprehensive design-oriented approach to housing resulting in high quality urban design, **development** and residential amenity.
- ii. Set appropriate environmental criteria for energy efficiency, solar access, light spill, privacy, noise, vehicular access, parking and open space.
- iii. Allow for efficient use of existing services and facilities, including utility services, transport systems and community facilities.
- iv. Maintain and enhance the amenity of existing and future residential areas.
- v. Promote wider and more **affordable housing** choice in Shoalhaven.
- vi. Allow opportunities for home **owners** to receive rental income or provide relatives with self-contained accommodation.
- vii. Implement agreed strategic directions and respond to demographic needs (e.g. the ageing population).

5 Medium Density Development

Medium density development is generally considered to be development between the scale of a dwelling house and a residential flat building. This section applies to the following forms of medium density development: **This section applies to dual occupancy, multi dwelling housing, multi dwelling housing (terraces), attached dwellings, semi-detached dwellings, manor houses and integrated housing development.** All provisions will apply unless additional provisions are specified for a specific land use.

Note: If the **development** does not meet the requirements of this Section (e.g. car parking, accessibility/adaptability, **setbacks**), it may not be appropriate for the site.

5.1 Principle Controls

5.1.1 Minimum Lot Size

The specific **objectives** are to:

- i. Ensure the **development** site is of a sufficient size and shape to achieve required **Development Control Plan** provisions (e.g. **landscaped areas**, **private open space**, car parking, **building** separation, on-site **effluent** disposal (where required), services and the like) in a practical and efficient way.
- ii. Ensure that any **lot** consolidation/ amalgamation avoids the isolation of smaller **lots** surrounded by larger **developments**.
- iii. Encourage **development** that responds to the site and surrounding streetscape characteristics.
- iv. Encourage high amenity streetscapes with wider street frontages.

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- v. Preserve and enhance the amenity and environmental character of the **locality** and minimise adverse impacts on residents and neighbours.
- vi. Encourage the sharing of facilities and services such as car parking and **waste** collection.

Mandatory Controls:

1. A development application for a **dual occupancy** in the R3 Medium Density Residential zone must be accompanied by supporting written evidence to **Council's** satisfaction, showing that **lot** consolidation/amalgamation is not feasible as a result of negotiations and reasonable financial offers. Written evidence should include (not exclusively) current market valuations, letters of offer and written refusals.

Note: If the proposed **dual occupancy** is located in the R3 zone, Clause 4.1B of Shoalhaven LEP 2014 requires the applicant to satisfy **Council** that the amalgamation of the **lot** with other land in the R3 zone for the purpose of medium density **development** is not feasible.

2. The **development** site for **multi dwelling housing**, **multi dwelling housing (terraces)** or a **manor house** must be:
 - Of an appropriate size and dimension; or

Note: A site may need to be a product of amalgamation with other land in the zone to be considered an appropriate size and dimension.

- Accompanied by supporting written evidence to **Council's** satisfaction, showing that **lot** consolidation/ amalgamation is not feasible as a result of negotiations and reasonable financial offers. Written evidence should include (not exclusively) current market valuations, letters of offer and written refusals.

General Controls:

Performance Criteria	Acceptable Solutions
P1 To create lots of an appropriate size for the purpose including: <ul style="list-style-type: none"> • Provision for building footprint, landscaping, car parking, driveway, private recreation areas, manoeuvring on sites, setbacks, services and the like. • Preservation of the integrity of existing or desired future streetscape and neighbourhood character to enable consistent and visually harmonious development within the locality. 	<i>Additional Provisions - Dual Occupancy</i> A1.1 The minimum lot size of the development site meets the requirements of Shoalhaven LEP 2014, and the following minimum standards: <ul style="list-style-type: none"> • Dual occupancy (attached) - 500m². • Dual occupancy (detached) - 700m². • Dual occupancy (battle-axe lots) - 1000m².

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- Provision of high quality amenity for residents and neighbours.
- Accommodating on-site **sewage** storage and disposal where a reticulated sewerage scheme is not available.

Note: Despite **A1.1** above, the minimum lot size of the existing **lot** for the purpose of a **dual occupancy development** in the R3 zone must comply with Clause 4.1B of Shoalhaven LEP 2014.

- A1.2 Minimum **lot** sizes, where a reticulated sewerage scheme is not available, must be increased to accommodate on-site disposal of **effluent** in accordance with Chapter G8: Onsite Sewage Management of this **Development Control Plan**.

5.1.2 Density

The specific **objectives** are to:

- Minimise adverse impacts of higher density **development** in residential areas.
- Ensure that the bulk and **scale** of new **development** is compatible with existing streetscape amenity and the existing or desired future character of the area.

Performance Criteria	Acceptable Solutions
<p>P2 The bulk and scale of new development, particularly on the perimeter of the development site, or where that locality or development site has heritage significance and/or distinctive character, is:</p> <ul style="list-style-type: none"> • Compatible, consistent and sympathetic to the bulk and scale of existing development in the locality. • Sympathetic with the streetscape and complements the existing and desired future character of the area. 	<p>A2.1 The maximum floor space ratio or gross floor area complies with Table 1 below.</p> <p>Note:</p> <ul style="list-style-type: none"> • Where an area is mapped on the floor space ratio map in Shoalhaven LEP 2014, the Shoalhaven LEP 2014 provisions for these sites prevail. • For guidance when calculating floor space ratio (including exclusions), refer to: <ul style="list-style-type: none"> - Figure 1. - Gross floor area definition. - Clause 4.5 of Shoalhaven LEP 2014 and Shoalhaven LEP (Jerberra Estate) 2014. • A maximum of 50m² for the combined total garage floor area in a dual occupancy development may be excluded from the gross floor area calculation where the garages are located within the dwellings.

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Table 1: Floor space ratio and gross floor area provisions

	Lot Size or Zone	Floor Space Ratio or Gross Floor Area
Dual occupancy	<1,000m ²	0.5:1
Semi-detached dwellings	>1,000m ² – <20,000m ² (2ha)	500m ²
Integrated housing development	>20,000m ² (2ha) in rural and environmental zones	600m ²
Multi dwelling housing	RU5 Village	0.5:1
Multi dwelling housing (terraces)	R1 General Residential	0.5:1
Manor house	R3 Medium Density Residential	0.7:1
Attached dwellings	B4 Mixed Use	0.7:1

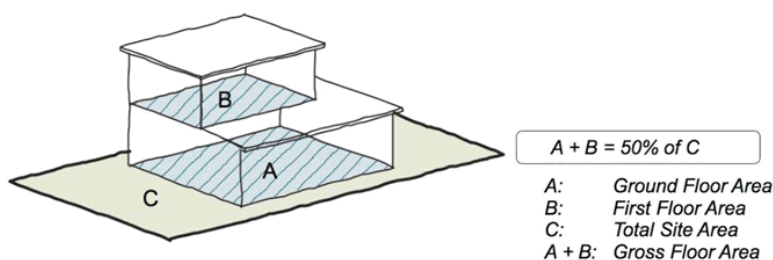


Figure 1: How to calculate floor space ratio (example FSR of 0.5:1)

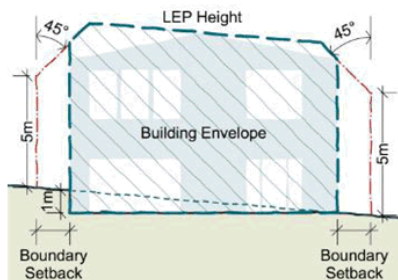
5.1.3 Building Envelope, Heights and Setbacks

The specific objectives are to:

- Provide practical building envelopes for development to ensure that the height and scale of new development is not excessive, relates well to the local context/streetscape and is compatible with the existing or desired future environmental character within the locality.
- Minimise the visual impacts of elements of the development that exaggerate the built form and impacts negatively on desired future streetscapes.
- Encourage design that creates desirable living conditions and ensures that the amenity of surrounding properties is properly considered and not adversely impacted.
- Allow adequate separation between dwellings (within the development) and adjoining properties to promote natural light, solar access, ventilation, landscaping and privacy.
- Retain the amenity of the public domain.

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Performance Criteria	Acceptable Solutions
<p>P3.1 The bulk and scale of development is compatible with the existing or desired future character of the area and minimises adverse amenity impacts on neighbours, the streetscape and public domain.</p> <p>P3.2 Development enables view sharing with neighbours and the public domain.</p>	<p>A3.1 Buildings are sited within a building envelope determined by the following method: planes are projected at 45 degrees from a height of 5m above ground level (existing) at the front, side and rear boundary. See Figure 2.</p>  <p>Figure 2: Building envelope</p> <p>Note:</p> <ol style="list-style-type: none"> Exemptions to building envelope encroachments include gutter, fascias, downpipes, eaves up to 0.6m, aerials and masonry chimneys. For site slopes of up to greater than 10%, or involving cut, fill or site excavations, the ground level (existing) and proposed building levels must be clearly identified on the plans and verified by a registered surveyor. <p>P4 The height of development:</p> <ul style="list-style-type: none"> Is compatible with the existing or desired future character of the area. Minimises adverse amenity impacts associated with overlooking and overshadowing of adjoining properties. Relates to the land form, with minimal cut and fill. <p>A4.1 Building heights must comply with Clause 4.3 of Shoalhaven LEP 2014 or Shoalhaven LEP (Jerberra Estate) 2014.</p> <p>A4.2 Development on wedged-shaped lots within cul-de-sacs shall maintain a single dwelling street presentation.</p> <p>A4.3 Any two-storey dwelling component is to be located to minimise the shading of adjacent private open space.</p> <p>A4.4 The difference in building height between existing buildings and new development is compatible when viewed from the public domain.</p>

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Additional Provisions - Dual Occupancy

- A4.5 For dual occupancy (detached), the dwelling furthest from the street (or adjacent to a side street for a corner lot) shall be of single storey construction unless it can be demonstrated that there will be no adverse amenity impacts (i.e. overlooking and overshadowing).
- A4.6 For dual occupancy development on a battle-axe lot, both dwellings are to be of single storey construction.

- P5.1 The front setback is generally consistent with adjoining development and does not undermine the integrity of the prevailing building lines.
- P5.2 The location and siting of the building complements the existing setbacks in proximity to the site, foreshore (if applicable) and the streetscape.
- P5.3 The proposed development is setback and of a scale that is relative to the street reserve width, in such a way to ensure pedestrians do not feel buildings are overbearing.
- P5.4 Setbacks avoid loss of view, undue overshadowing and provide/maintain privacy (visual and acoustic) and traffic safety.
- P5.5 Setbacks are progressively increased to reduce bulk and overshadowing while maintaining adequate daylight and sunlight.
- P5.6 Adequate levels of light and ventilation to adjoining buildings, landscaping, services and infrastructure are protected.
- P5.7 The proposal maintains adequate provision for on-site car parking.

Note:

- The acceptable solutions for setbacks may need to be increased or modified depending upon factors such as:
 - Slope of the land.
 - Requirements for asset protection zones.
 - Foreshore setbacks.
 - The requirement for effluent disposal areas to be contained wholly within the lot boundaries on unsewered residential lots.
 - Location of existing buildings.
 - The shape of the lot.
 - Desire to create streetscape and visual interest.
- Down pipes, fascias, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services, screens or sunblinds, light fittings, electricity or gas meters may encroach into the side or rear setback.
- Additional building line and setback controls are included in the following Chapters of this Development Control Plan:
 - Chapter G6: Coastal Management Areas.
 - Chapter V2: Building Lines.
 - Chapter V3: Miscellaneous Site Specific Issues.
 - Other area specific chapters.

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Additional Provisions - Dual Occupancy

- A5.1 **Dual occupancy development** in the R1, R2, R3 and RU5 zones shall comply with the **setback** provisions in **Table 2** and **Figure 3** below.

Note: Greater front **setbacks** are required where **tandem** parking is proposed within the front **setback**. Refer to **A28.2** and **Figure 9**.

- A5.2 **Dual occupancy development** in the RU1, RU2, RU4, E3, E4 and R5 zones shall comply with the **setback** provisions in **Table 3** below.
- A5.3 Garages must be **setback** a further 1m behind the front **building line**.

Additional Provisions - Multi Dwelling Housing, Multi Dwelling Housing (Terraces), Attached Dwellings, Semi-Detached Dwellings, Manor Houses and Integrated Housing Development

- A5.4 **Setbacks** shall comply with the provisions in **Table 4** below. Refer also to **Figure 4**.

Additional Provisions - Integrated Housing Development

- A5.5 Despite, **A5.4** above, walls may be built to internal side and rear boundaries where:
- Maximum wall height is 3.5m unless matching an existing or simultaneously constructed wall.
 - Maximum wall length is 50% of each of the abutting property boundaries.

Note: Internal side and rear boundaries refer to those boundaries that are proposed within an **integrated housing development**, but does not include those boundaries located on the periphery of the site.

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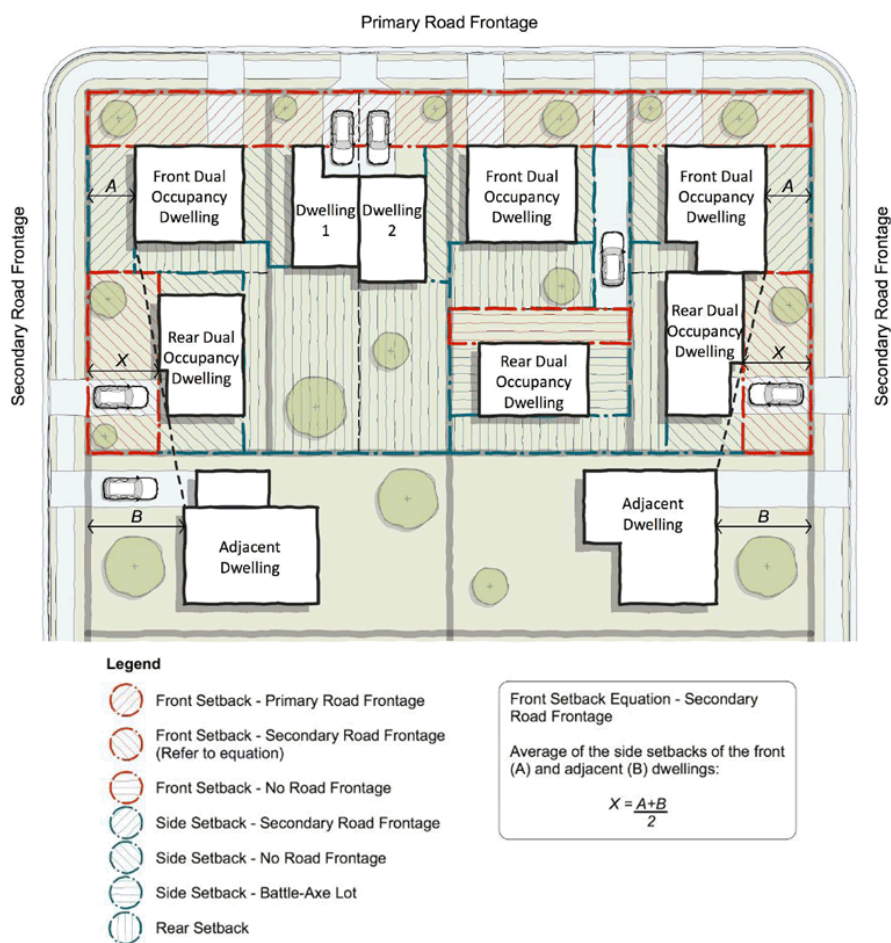


Figure 3: Dual occupancy setbacks

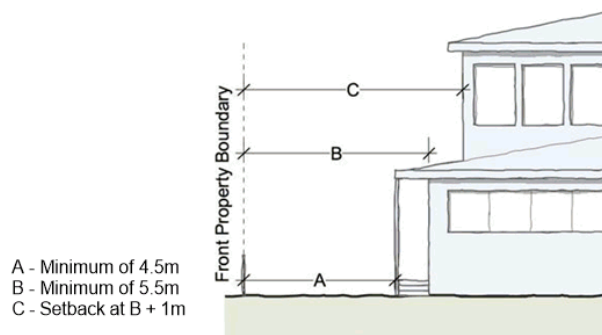


Figure 4: Multi dwelling housing, multi dwelling housing (terraces), attached dwellings, semi-detached dwellings, manor houses and integrated housing development

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Table 2: Setbacks for dual occupancy development in the R1, R2, R3 and RU5 Zones

Category of subject land	Front Setback <i>Primary road frontage</i>	Front Setback <i>Secondary road frontage</i>	Front Setback <i>No road frontage</i>	Side Setback <i>Secondary road frontage</i>	Side Setback <i>No road frontage and to public reserve</i>	Rear setback <i>Including to public reserve</i>	Rear/side setback to foreshore reserve
Infill development	6m for lot depth of less than 30.5m. 7.5m for lot depth of 30.5m or more.	Average of the side setbacks of the front and adjacent dwelling: $X = \frac{A + B}{2}$	N/A	3.5m	1.2m to dwellings for wall lengths less than 50% of side the boundary. 2m to dwellings for wall lengths greater than 50% of side boundary. 900mm to detached non-habitable outbuildings.	4m to dwellings. 900mm to detached non-habitable outbuildings.	7.5m to dwellings and detached outbuildings.
New subdivisions approved on or after 18 February 2002 - Lots up to 600m ² . Lots in groups or clusters in subdivisions approved prior to 18 February 2002 - Lots up to 600m ² .	5.0m to dwellings. 4.5m to verandahs, awnings and patios.	Refer to Figure 3 for clarification.		3m			
New subdivisions approved on or after 18 February 2002 - Lots over 600m ² . Lots in groups or clusters in subdivisions approved prior to 18 February 2002 - Lots over 600m ² and less than 650m ² .	6.0m to dwellings. 5.0m to verandahs, awnings and patios.			3.5m			
Battle-axe lots	N/A	N/A	3m to dwellings.	N/A	3m to dwellings.		
Note: <ol style="list-style-type: none"> 1. Lots are classified in this table based on the nature of the surrounding area. Infill lots are lots in an area that has been established for many years. If a dwelling is proposed on a newly subdivided lot in an infill area, then the lot would be classified as infill. The new subdivision categories are for lots that are created as part of large scale subdivisions that create new residential areas. 2. The setback to a verandah, awning or patio is measured from the posts, or in the case of a cantilevered structure, the furthest most point. 3. Setbacks to a dwelling includes attached outbuildings, garages, carports and the like. 4. Detached non-habitable outbuildings includes swimming pools. 5. Wall length includes the entire length of the wall, regardless of modulation and transitions. 							

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Table 3: Setbacks for dual occupancy development in the RU1, RU2, RU4, E3, E4 and R5 zones

Dual occupancy development in the RU1, RU2, RU4, E3, E4 and R5 zones	Front Setback <i>Primary road frontage</i>	Side Setback <i>Secondary road frontage</i>	Side Setback <i>No road frontage, public reserve or right of way</i>	Side Setback <i>To foreshore reserve</i>	Rear setback
For lots up to 4,000m ²	12.5m	6m	3m	7.5m	7.5m
For lots between 4,000m ² and 10,000m ²	20m	10m	5m		
For lots greater than 10,000m ² (1ha)	30m	15m	7.5m		

Table 4: Multi dwelling housing, multi dwelling housing (terraces), attached dwellings, semi-detached dwellings, manor houses and integrated housing development

	Front Setback <i>Primary road frontage</i>	Side Setback <i>Secondary road frontage</i>	Side Setback <i>No road frontage and to public reserve</i>	Rear setback <i>Including to public reserve</i>	Rear/side setback to foreshore reserve
Multi dwelling housing, multi dwelling housing (terraces), attached dwellings, semi-detached dwellings, manor houses and integrated housing development	Ground level – <ul style="list-style-type: none"> 4.5m to verandahs, awnings and patios. 5.5m to dwellings. First storey - A further 1m from the dwelling setback at the ground level. Refer to Figure 4 .	3m	1.2m to dwellings for wall lengths less than 50% of side the boundary. 2m to dwellings for wall lengths greater than 50% of side boundary. 900mm to detached non-habitable outbuildings.	4m to dwellings. 900mm to detached non-habitable outbuildings.	7.5m to dwellings and detached outbuildings.
Note: <ol style="list-style-type: none"> 1. The setback to a verandah, awning or patio is measured from the posts, or in the case of a cantilevered structure, the furthest most point. 2. Setbacks to dwellings includes attached outbuildings, garages, carports and the like. 3. Wall length includes the entire length of the wall, regardless of modulation and transitions. 					

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5.1.4 Landscaping

The specific **objectives** are to:

- i. Ensure that landscaping maximises amenity for future residents, neighbouring **dwelling**s and the public domain.
- ii. Ensure the provision of adequate and appropriate landscaping that is sympathetic to the local character.

Note:

- Refer to Chapter G3: Landscaping Design Guidelines of this **Development Control Plan** for further information on landscaping requirements.
- In bushfire prone areas, careful plant selection is required to meet bushfire requirements for **asset protection zones**. Plant selection must be clearly specified on the landscape plan.

Performance Criteria	Acceptable Solutions
P6.1 Sufficiently dimensioned landscaping provides amenity to residents, effective screening and enables tree and large shrub planting.	A6.1 At least 10% of the site area is to include high quality formal landscaping , which: <ul style="list-style-type: none"> • Has a minimum dimension of 1.5m in any direction. • Consists of 100% deep soil planting. • Is provided with an automated watering system.
P6.2 A suitably sized deep soil planting area encourages: <ul style="list-style-type: none"> • Mature tree and shrub growth. • Opportunity for surface water to infiltrate naturally to groundwater. 	A6.2 In addition to the formal landscaping area required at A6.1 , a further landscaped area of at least 20% of the site is to be provided, which: <ul style="list-style-type: none"> • Has a minimum dimension of 1m in any direction. • Is inclusive of 40% deep soil planting.
P6.3 Unpaved or unsealed areas are maximised and are designed to facilitate on-site infiltration of stormwater run-off subject to soil/ drainage conditions.	A6.3 At least 35% of the front setback is to be landscaped.
P6.4 Major existing trees are retained wherever practicable through appropriate siting of dwelling s, structures and driveways.	A6.4 The landscaping provided at A6.1 , A6.2 and A6.3 excludes any encroachments (i.e. any part of a building or structure), hardstand areas and any areas used for storage, clothes drying, and water tanks.
P6.5 Provision is made for appropriate street tree planting having regard to the appearance and role of the street, solar access requirements and utility services.	
P6.6 The visual impact of ancillary landscaping or retaining structures is considered.	

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- A6.5 Retaining walls greater than 0.6m within the front setback are to be softened by planting for a minimum depth of 600mm on the low side of the retaining wall, for the entire length of the retaining wall.

5.2 Siting the Development

5.2.1 Local Character and Context

The specific objectives are to:

- Ensure that development enhances and makes a positive contribution to the character of existing buildings and streetscapes.
- Ensure that development is sensitive to the landscape, built form and environmental conditions of the locality, particularly where there is a distinctive character, view or heritage significance.
- Retain, incorporate and sympathetically treat existing dwellings or buildings that contribute to streetscape character (including items of heritage or conservation significance).
- Encourage the sharing of views, while not restricting the reasonable development potential of a site.
- Minimise the impact on adjoining or adjacent properties by considering the cumulative impacts of development (including cluster or grouped development).

Performance Criteria	Acceptable Solutions
<p>P7 The scale and appearance of new development is compatible with, and sympathetic to, existing and future desired:</p> <ul style="list-style-type: none"> Development in the locality; and Amenity and character of the locality; <p>Particularly where the development site or its surrounds has some heritage significance or distinctive character.</p>	<p>A7.1 The development must consider/ address the following:</p> <ul style="list-style-type: none"> The local character/context of the area and streetscape. How the proposal is sympathetic and compatible with the existing or future desired character, development, and amenity and character of the locality. <p>Note: Where planning controls anticipate a change of character for an area, compatibility with the desired future character of the area should be regarded as more relevant than compatibility with the existing character.</p>

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		<ul style="list-style-type: none"> How the visual appearance and articulation of the development contributes to the existing streetscape and character of the local area.
	A7.2	<p>The development must demonstrate that items of heritage or conservation significance are retained and sympathetically treated.</p> <p>Note: If the property is a heritage item, within a heritage conservation area or in the vicinity of a heritage item, the applicant must comply with Clause 5.10 Heritage Conservation of Shoalhaven LEP 2014. Area Specific chapters of this Development Control Plan may also include additional provisions relating to heritage (e.g. Kangaroo Valley, Berry, Milton).</p>
P8	Existing views from the private or public domain (including heritage or familiar dominant landmarks that are recognised and valued by the community) are not substantially or unreasonably affected where it is possible to design for the sharing of views.	<p>A8.1 Any reduction in views from existing dwellings or the public domain is not to be severe or devastating based on the following NSW Land & Environment Court Planning Principles:</p> <ul style="list-style-type: none"> Views – General principles. Views - Impact on public domain views.
P9	The number, location and distribution of existing and proposed developments do not significantly alter the amenity and character of the area through concentrated localised areas of higher density development.	<p><i>Additional Provisions - Dual Occupancy, Multi Dwelling Housing, Multi Dwelling Housing (Terraces) and Manor Houses</i></p> <p>A9.1 With the exception of land in the R3 Medium Density Residential zone, the cumulative impact of the development must be considered where:</p> <ul style="list-style-type: none"> More than three (3) consecutive dual occupancy, multi dwelling housing, multi dwelling housing (terraces) or manor house developments (total, not per development type) are proposed within a street, including in a cul-de-sac; and/or Neighbouring dual occupancies or multi dwelling housing is proposed in the head of a cul-de-sac.

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Note:

- **Secondary dwellings** under State Environmental Planning Policy (Affordable Rental Housing) 2009 are considered a **dual occupancy** for the purpose of limiting clusters of **development**.
- **Cul-de-sac** in this context also includes the entire street leading to and including the turning area of the **cul-de-sac**.

- A9.2 A development application that proposes clustering of **development** must satisfy **Council** that **waste** servicing, parking and amenity considerations can be achieved.
- A9.3 **Building** design shall attempt to reduce the impact of clustering by providing individual **dwelling** architecture that is sympathetic with the existing or desired future streetscape.

5.2.2 Orientation and Siting

The specific **objectives** are to:

- Encourage the concurrent planning of the subdivision layout and the **dwelling** siting and design.
- Allow flexibility in the siting of **dwellings**.
- Ensure that design and site placement of **dwellings** is compatible with and enhances the existing and future streetscape.
- Locate **dwellings** to ensure minimal loss of amenity (e.g. privacy, **views**, overshadowing, solar access or the like) to adjoining **development**.
- Achieve a site layout that provides a pleasant, attractive, manageable and resource efficient living environment.

Performance Criteria	Acceptable Solutions
P10.1 The site analysis informs the site design and layout.	A10.1 A site analysis plan is submitted with the development application which:
P10.2 The site layout integrates with the surrounding environment through: <ul style="list-style-type: none"> Adequate pedestrian, cycle and vehicle links to street and open space networks. 	<ul style="list-style-type: none"> Meets the requirements of Chapter G1: Site Analysis, Sustainable Design and Building Materials Rural, Coastal and Environmental Areas of this Development Control Plan.

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<ul style="list-style-type: none"> • Buildings that face and address streets and the public domain. • Buildings, streetscape and landscape design that relates to the site topography and to the surrounding neighbourhood character. <p>P10.3 The site layout enhances personal safety and minimises potential for crime and vandalism.</p>	<ul style="list-style-type: none"> • Clearly provides the following detail for the site and adjoining/adjacent development: <ul style="list-style-type: none"> - Height and use of buildings. - Front setbacks. - Driveways. - Boundary treatments (including retaining walls). - Geology. - Easements. - Stormwater management. <p>A10.2 The proposed site layout responds to and implements the findings of the site analysis prepared in accordance with A10.1.</p>
<p>P11.1 The frontage, entries and habitable room windows of dwellings address the street.</p> <p>P11.2 The design and orientation of the dwellings:</p> <ul style="list-style-type: none"> • Enhance the streetscape. • Complement existing development in the vicinity. • Provide visual interest. • Allow casual surveillance of public or communal streets or public domain. 	<p>A11.1 Each dwelling adjacent to the street frontage must:</p> <ul style="list-style-type: none"> • Address the street by having a front door facing the street at the ground level where dwellings are adjacent to the primary frontage. • Ensure that any walls facing a street frontage (including secondary frontages) include a window to a habitable room on each level. • Ensure upper level windows, balconies or terraces overlook the public domain. • Provide surveillance of the street and entrance to the development. <p>A11.2 In addition to A11.1 and where practical, the front door of all other dwellings are to be visible from the street.</p> <p><i>Additional Provisions - Dual Occupancy</i></p> <p>A11.3 On corner lots, one dwelling is to address the primary frontage and the other dwelling is to address the secondary frontage.</p>

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5.2.3 Vehicle and Pedestrian Access

Note:

- Refer to Chapter G21: Car Parking and Traffic of this [Development Control Plan](#) for additional information.
- All works in the [road](#) reserve require approval from [Council](#) (s138 of the *Roads Act 1993*).
- Vehicular access (driveway and associated footpath crossing) must be designed in accordance with the relevant Australian Standards.

The specific [objectives](#) are to:

- Allow service vehicles access where necessary.
- Encourage driveway design that minimises visual impact, stormwater runoff and retains established [trees](#) and vegetation.
- Encourage an approach to access design that considers the site and its elements holistically (e.g. landscaping).
- Provide adequate and safe vehicular and pedestrian access from the street to the site, all [dwellings](#) and [parking spaces](#).

Performance Criteria	Acceptable Solutions
P12.1 Access arrangements are suitable for the development .	A12.1 The site is designed to encourage pedestrian access by providing a continuous path of travel from the street to each dwelling.
P12.2 The design of the site and driveways, including manoeuvring areas, has regard to the safety of pedestrians, cyclists and vehicles.	<i>Additional Provisions - Dual Occupancy</i>
P12.3 Multiple driveways are avoided.	A12.2 In sites with a single frontage, both dwellings are to utilise a common access point from the public road unless Council is satisfied (in non-rural areas) that separate access points would result in a better design outcome.
P12.4 Vehicles are able to enter and exit the site in a forward direction.	A12.3 For corner allotments , each dwelling is to have a separate road presentation and driveway access.
	A12.4 Unless a proposed dual occupancy is located on an access street or laneway , the applicant must be able to demonstrate that vehicles can enter and exit the site in a forward direction.

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P13.1 The visual dominance of driveways is minimised by:

- The selection of paving materials e.g. decorative paving and brick banding.
- Breaking up the appearance of driveways with landscaping and screen planting.

P13.2 Driveways are designed to:

- Minimise the volume of stormwater runoff.
- Increase the area available for landscaping.
- Retain established trees and vegetation.
- Accommodate public services and infrastructure.

A13.1 Driveways must be designed to:

- Be all-weather and service every dwelling.
- Minimise the hardstand/paved footprint.
- Be setback a minimum of 0.5m from the side and/or rear boundary to accommodate appropriate landscape elements.
- Retain adjacent trees by locating the driveway outside the drip line. Established shrubs and vegetation shall also be retained wherever possible.
- Accommodate all public services and infrastructure (e.g. street gully pits).
- Avoid a gun-barrel effect down the side boundary. Where a gun-barrel driveway cannot be avoided, the driveway must be curved and landscaped to Council's satisfaction to break up the appearance of the gun-barrel design.
- A grade no greater than 20%.
- Maximise the availability of on-street parking.
- Achieve minimum sight lines for pedestrian safety in accordance with AS2890.1 (Figure 3.3).

Note:

- A long section of the driveway (including the secondary frontage on corner lots) must be provided prior to the issue of the construction certificate.
- Refer to **Figure 5** for images of good driveway design.

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Figure 5: Examples of good driveway design

5.3 Amenity

5.3.1 Building Separation and Visual/Acoustic Privacy

Note: Building separation is measured between the walls of buildings within the site and also across lot boundaries.

The specific objectives are to:

- i. Enable adequate solar access, natural ventilation and landscaped areas between dwellings.
- ii. Ensure the design of the site and buildings minimises impacts on the amenity of future and adjoining residents in relation to visual privacy, overlooking and noise.
- iii. Ensure the thoughtful location of noise generating plant, equipment and sources.

Performance Criteria	Acceptable Solutions
P14.1 Adequate separation between buildings is provided in proportion to the height and scale of the building.	A14.1 All dwellings shall be designed and orientated to minimise overlooking of adjoining/ surrounding dwellings and private open space.
P14.2 Direct overlooking of main internal living areas and private open space of other dwellings and adjoining properties is minimised by building layout, location and design of windows, balconies, screening devices, landscaping or other effective means.	<p>A14.2 Habitable windows shall not be located adjacent to a shared driveway at the ground level.</p> <p>A14.3 Direct views between living area windows of adjacent dwellings shall be screened or obscured where:</p> <ul style="list-style-type: none"> Ground and first floor windows are located within the privacy sensitive zone area, being a 9m radius from any part of the window of the adjacent dwelling (Figure 6).

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Note:

- Direct views may be obscured by fencing, dense landscape screening (effective in 3 years), offsetting or splaying windows, 1.7m sill heights, fixed translucent glazing and/or vertical or horizontal fixed louvres or the like.
- Privacy screens can also provide a screen or visual barrier between a window of a habitable room or an outdoor area and will only be considered when building separation and orientation cannot reduce privacy impacts. Privacy screens are to be up to a maximum 1.5m high to avoid restricting minimum daylight/solar access requirements or natural ventilation.
- Refer also to the Privacy Screen Development Standards in Clause 2.62 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

- In the case of a dwelling with three or more storeys, windows are within the privacy sensitive zone described by a 12m radius (Figure 6).

A14.4 Direct views from living areas of dwellings into the principal area of private open space of adjacent dwellings shall be screened or obscured where located within a privacy sensitive zone within a 12m radius from the living area windows (Figure 7).

A14.5 Separation distances for dwellings with three or more storeys shall meet the following minimum standards:

- 9m between walls with windows to habitable rooms, where adequate privacy and solar access is demonstrated.
- 12m between walls with windows to habitable rooms.

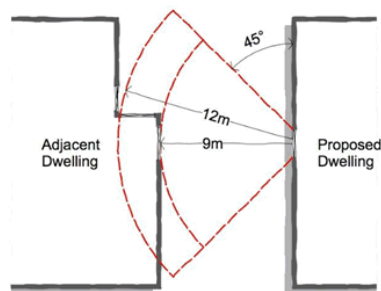


Figure 6: Privacy sensitive zone between living area windows

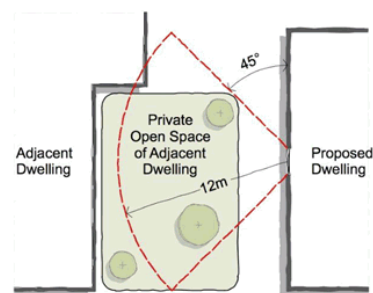


Figure 7: Privacy sensitive zone from living area windows to private open space

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- P15 Site layout and building design protects the amenity of residents and/or adjoining properties by minimising noise transfer and nuisance.
- A15.1 Dwellings adjacent to high levels of external noise shall be designed to minimise the entry of that noise.
- A15.2 The following shall be located away from the habitable rooms and private open space of dwellings:
- Communal swimming pools and ancillary facilities.
 - Communal open space areas.
 - Parking areas and vehicle access.
- A15.3 Shared walls and floors between dwellings shall be constructed to limit noise transmission and, where possible, bedrooms of one dwelling are not to adjoin living area or garages of adjacent dwellings.
- A15.4 All noise generating (mechanical) plant and equipment must:
- Not exceed an LAeq (15min) of 5dB(A) above background noise at the property boundary.
 - Be acoustically screened (where appropriate).
 - Be sited to minimise noise impacts.
 - Be located at least 3m away from bedroom windows.

Note: Noise generating equipment includes, but is not limited to, air conditioning units, swimming pool filters, hot water systems, fixed vacuum systems, driveway entry shutters, plant rooms, service areas, building services and the like.

Additional Provisions - Multi Dwelling Housing and Manor Houses

- A15.5 Where visitor parking areas are required, they are to be located at least 3m away from bedroom windows or the affected windows are to be provided with double glazing or other suitable acoustic treatments.

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5.3.2 Solar and Daylight Access

The specific **objectives** are to:

- i. Ensure that appropriate levels of solar and daylight access are provided to residents and maintained for surrounding **development**.

Performance Criteria	Acceptable Solutions
P16 Dwellings are sited and designed to maximise solar access to living areas and private open space .	A16.1 Dwellings are to be: <ul style="list-style-type: none">• Oriented to make appropriate use of solar energy by maximising solar access to north-facing windows.• Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.• Designed to locate living areas and private open space on the northern side of the development and non-habitable areas to the south and west of dwellings. A16.2 The number of single aspect south facing dwellings shall be limited.

5.3.3 Ceiling Heights

The specific **objectives** are to:

- i. Ensure sufficient natural ventilation, solar access, spatial quality and opportunity for long term adaptability is provided to **habitable rooms**.

Performance Criteria	Acceptable Solutions
P17 Ceiling heights are designed to: <ul style="list-style-type: none">• Achieve sufficient natural ventilation and daylight access.• Improve spatial quality for residents.• Contribute to the local streetscape and architectural quality.	A17.1 Measured from finished floor level to finished ceiling level, minimum ceiling heights are to be: <ul style="list-style-type: none">• 2.7m to all ground floor habitable rooms.• 2.7m to upper level living rooms.

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5.3.4 Dwelling Size and Layout

The specific objectives are to:

- i. To ensure dwellings are of a sufficient size to accommodate the functions of contemporary living.
- ii. To maximise internal amenity for future residents.

Performance Criteria	Acceptable Solutions
P18 Large multi dwelling housing developments include a range of dwelling sizes and types.	<p><i>Additional Provisions - Multi Dwelling Housing</i></p> <p>A18.1 Developments with 8 or more dwellings shall include a mix of dwellings with different numbers of bedrooms.</p> <p>Note: The term bedroom includes rooms capable of adaptation for use as a bedroom (e.g. study, media room).</p>
P19 Dwellings are of a sufficient area to ensure the layout of rooms are functional and provide a high standard of amenity.	<p>A19.1 Dwellings shall have the following minimum internal areas:</p> <ul style="list-style-type: none"> • Studio: 35m². • 1 bed: 60m². • 2 bed: 90m². • 3 bed: 115m². • 4+ bed: 127m², plus a further 12m² for each additional bedroom. <p>A19.2 The location of the kitchen does not compromise the functionality of habitable areas.</p> <p>A19.3 A window shall be visible from any point in a habitable room.</p>
P20 Dwelling layouts accommodate a variety of household activities and needs, and are appropriate for the number of residents.	<p>A20.1 Bedrooms are to have a minimum dimension of 3m, with the following minimum internal areas (excluding wardrobes):</p> <ul style="list-style-type: none"> • Master: 10m². • All other bedrooms: 9m². <p>A20.2 Combined living and dining rooms are to have a minimum area of:</p> <ul style="list-style-type: none"> • Studio, 1 and 2 bed: 24m². • 3+ bed: 28m².

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A20.3 Living, dining or lounge rooms are to have a minimum dimension of 4m (excluding fixtures) in any direction.

5.3.5 Private Open Space

The specific objectives are to:

- i. Ensure that the private open space provided for a dwelling is useable and meets user requirements for privacy, safety, access, active and passive outdoor recreational activities and landscaping.
- ii. Locate private open space to take account of outlook, natural features of the site, solar access and neighbouring buildings or public domain.

Mandatory Controls:

1. Private open space must be located behind the front building line and not within the front setback of a dwelling.

General Controls:

Performance Criteria	Acceptable Solutions
<p>P21 Private open space is:</p> <ul style="list-style-type: none"> Functional and useable for residents all year round. Dimensioned to suit the projected requirements of the residents, and to accommodate outdoor recreational needs and service functions. Capable of serving as an extension of the function of the dwelling for relaxation, dining, entertainment, active recreation and children's play. Located to take advantage of outlook and natural features of the site. Located to mitigate against external noise. Designed to take account of the impact of adjoining dwellings on privacy and overshadowing. 	<p>A21.1 A minimum area of private open space shall be provided for each dwelling in accordance with Table 5.</p> <p>A21.2 Private open space shall have direct access from a living area.</p> <p>A21.3 Where the private open space of a dwelling is provided at the ground level, it shall:</p> <ul style="list-style-type: none"> Include a defined hardstand area (e.g. concrete, paving, decking) of usable space which: <ul style="list-style-type: none"> Is setback at least 1.2m from an external boundary. Has a minimum dimension of 5m x 4m, of which 50% shall be covered to provide protection from the elements. Have a minimum dimension of 2m for all other areas. Have a gradient no steeper than 1:20. Be adequately screened to provide privacy to residents.

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Note: The usable private open space area excludes obstructions such as stairs, storage areas, clothes drying facilities, bin storage areas, hot water systems, effluent disposal, above ground rainwater tanks and the like.

A21.4 Where the private open space of a dwelling is provided at an upper level, it shall have a minimum dimension of 2m x 3m which is covered to provide protection from the elements.

Table 5: Private open space provisions

	Private Open Space for dwellings with a ground floor component – Ground Level	Private Open Space for dwellings without a ground floor component – Upper Levels <i>Example: Upper floor dwellings in a manor house or 'one above the other' dual occupancy development</i>
Dual occupancy	50m ² or 50% of the gross floor area, whichever is the lesser	<ul style="list-style-type: none"> • Studio/1bed – 10m² • 2 bed – 14m² • 3+ beds – min 18m²
Multi dwelling housing	35m ²	
Multi dwelling housing (terraces)		
Attached dwellings		
Semi-detached dwellings		
Manor Houses		
Integrated housing development		

5.3.6 Communal and Open Spaces

The specific objectives are to:

- Ensure that communal open space is provided for multi dwelling housing developments of a certain size to provide opportunities for communal outdoor activities.
- Ensure communal open space is useable and meets user requirements for privacy, safety, access and landscaping.
- Locate communal open spaces and open spaces to take account of outlook, natural features of the site, solar access and neighbouring buildings or public domain.
- Ensure communal and open spaces are safe and well lit.

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- v. Ensure communal open space does not adversely impact upon the amenity of adjacent and adjoining dwellings.

Mandatory Controls:

1. Communal open space areas must be designed to address equitable access for persons with disabilities and obligations under Australian Standard 1428 the Access to Premises Standard and Disability Discrimination Act 1992.

Note: Communal open space is an important amenity resource that provides outdoor recreation opportunities for residents, connection to the natural environment and valuable 'breathing space' between dwellings in larger medium density developments. Well-designed communal open spaces provide easily identifiable and usable areas co-located with landscaped areas, and a variety of facilities for a range of age groups.

General Controls:

Performance Criteria	Acceptable Solutions
<p>P22.1 Open space:</p> <ul style="list-style-type: none"> • Provides adequate amenity. • Promotes adequate personal/property security for residents and visitors. • Promotes social interaction. <p>P22.2 Open space around dwellings is allocated to individual units as far as practicable to facilitate management and to minimise communal space and associated body corporate maintenance costs (where relevant).</p>	<p>A22.1 Adequate artificial lighting is provided to all pedestrian paths, shared areas, parking areas and building entries.</p> <p>Note: Lighting should be of low level bollard type with louvres to control light spill.</p> <p>A22.2 Daylight and natural ventilation is provided to all common circulation areas above ground.</p>
<p>P23.1 Larger medium density developments include sufficient areas of communal space to enhance resident amenity.</p> <p>P23.2 Communal open space areas:</p> <ul style="list-style-type: none"> • Are functional and of adequate size. • Maximise safety. • Contribute to the character of the development. • Provide for a range of activities. 	<p><i>Additional Provisions - Multi Dwelling Housing</i></p> <p>A23.1 Developments with 8 or more dwellings must incorporate communal open space at a rate of 5m² per dwelling.</p> <p>Note: The communal open space area excludes drying facilities, waste storage and recycling areas and storage areas.</p> <p>A23.2 The communal open space area/s must:</p> <ul style="list-style-type: none"> • Have a minimum dimension of 5m in any direction.

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- Promote social interaction between residents.
- Are cost-effective to maintain.
- Contribute, wherever possible, to stormwater management.
- Maintain visual and acoustic privacy for dwellings.
- Provide outlook for as many dwellings as practicable.
- Be designed to protect any natural features on the site.
- Be accessible and useable.
- Consider location of the habitable rooms and private open space areas of adjoining/adjacent dwellings.

A23.3 At least 50% of the communal open space area must receive at least 3 hours of direct sunlight between 9am and 3pm on June 21.

A23.4 Dwellings shall be designed to be clustered around the central communal space area.

5.3.7 Storage and Laundry Facilities

The specific objectives are to:

- i. Improve the functionality of dwellings by ensuring adequate storage areas are provided.
- ii. Ensure that the location of storage areas does not impact on amenity, accessibility or the functionality of other spaces associated with the dwelling.
- iii. Ensure laundry and clothes drying facilities are integrated into the development, can be conveniently reached, require minimal maintenance and do not detrimentally impact the streetscape.
- iv. Ensure internal storage of an appropriate size is provided to each dwelling.

Performance Criteria	Acceptable Solutions
P24.1 External clothes drying facilities are provided for each dwelling that are: <ul style="list-style-type: none"> Adequate and easily accessible. Well located. Visually screened from the public domain. 	<p>A24.1 Separate laundry and external clothes drying facilities shall be provided for each dwelling.</p> <p>A24.2 External clothes drying facilities are to be: <ul style="list-style-type: none"> Provided at a rate of 16m of line per dwelling. Located behind the front building line. Screened from view from the public domain. </p>
P24.2 A laundry is provided within each dwelling.	

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P25 Adequate space is provided to accommodate the laundry facilities, vehicle/s and associated circulation space in a garage.

A25.1 Where laundry facilities are provided in a garage, a clear space of at least 1.2m must be provided between any fixed laundry benches/appliances and the car space (minimum of 5.5m long) as shown in Figure 8.

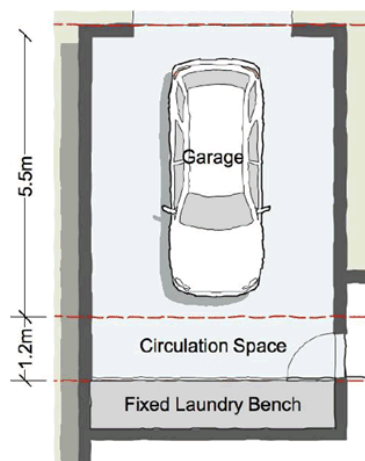


Figure 8: Circulation space required for laundry facilities in garages

P26.1 Adequate, well-designed storage areas are provided for each dwelling.

P26.2 Storage areas are sympathetically integrated into the building design.

A26.1 In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided per dwelling:

- 1 bed: 6m³.
- 2 bed: 8m³.
- 3+ bed: 10m³.

A26.2 At least 50% of the required storage in A26.1 is to be located within the dwelling (excluding the garage).

A26.3 Storage areas not located in a dwelling are to be secure and clearly allocated to specific dwellings if in a common area.

A26.4 Where located in a garage or basement car park, storage areas must not encroach upon allocated car parking spaces.

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5.3.8 Car and Bicycle Parking

The specific objectives are to:

- i. Provide convenient, accessible and safe parking to meet the needs of residents and visitors.

Performance Criteria	Acceptable Solutions
P27 Parking is suitable for the development.	<p>A27.1 Car parking is:</p> <ul style="list-style-type: none"> • Provided in accordance with Chapter G21: Car Parking and Traffic of this Development Control Plan. • Wholly accommodated within the site. <p>Note: Bedrooms and rooms capable of adaptation for bedrooms (e.g. study, media room) will be counted for parking and contributions requirements.</p> <p>A27.2 For open car spaces, the maximum allowable grades are:</p> <ul style="list-style-type: none"> • Longitudinal - 5%. • Cross fall - 6.25%. <p><i>Additional Provisions - Multi Dwelling Housing, Multi Dwelling Housing (Terraces) and Manor Houses</i></p> <p>A27.3 Secure undercover bicycle parking/storage shall be provided at a rate of 1 bicycle per dwelling.</p> <p>Note: This space may be included in the storage space required at A26.1 and A26.2.</p>
P28 Car parking arrangements are suitable for, and consider, the surrounding road network.	<p><i>Additional Provisions - Dual Occupancy</i></p> <p>A28.1 To mitigate the adverse impacts on the surrounding road network, tandem parking in a dual occupancy development shall be limited to access streets and laneways only.</p>

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A28.2 Where **tandem** parking is proposed within the front **setback**, the **setback** must be increased to at least 7.2m to promote accessibility and accommodate the front vehicle wholly within the site (**Figure 9**).

A28.3 A vehicle parked in a **tandem parking space** must not impede access to an approved **parking space** for another dwelling.

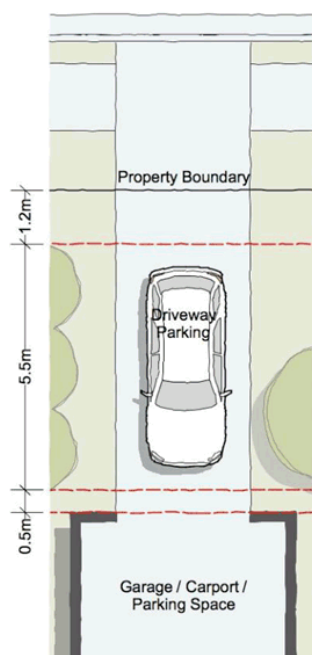


Figure 9: Tandem parking requirements

5.4 Configuration and Design

5.4.1 Building Form, Design and Materials

The specific **objectives** are to:

- Ensure the provision of low maintenance **development** that will retain an attractive appearance.
- Ensure that new **development** enhances and makes a positive contribution to the character of existing **buildings** and streetscapes and reinforces the built form and environmental conditions of the locality.

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- iii. Ensure that in rural/environmental areas or areas of scenic value, **buildings** complement the existing landscape value rather than detracting from it, particularly where visible from public vantage points.
- iv. Ensure mailboxes are designed to be conveniently reached and require minimal maintenance.

Performance Criteria	Acceptable Solutions
P29.1 A dual occupancy (attached) appears as a single dwelling .	<i>Additional Provisions - Dual Occupancy (Attached)</i>
P29.2 Within rural and environmental protection zones, buildings are of a size and bulk that is compatible with the surrounding rural or environmental context in which they are located.	<p>A29.1 A dual occupancy (attached) is physically attached by a shared wall or connected by a roofed over structure that provides an all-weather link between the dwellings, and integrates the total development giving the outward appearance of a single dwelling. A covered walkway/breezeway will not be supported as an attachment.</p> <p>A29.2 In the RU1, RU2, RU4, E3, E4 and RU5 zones and in addition to A29.1, both dwellings must form an integrated building design. The linkage shall form part of the roofline and result in a continuous roof profile with identical pitch and continuity of design for the whole building.</p> <p>A29.3 Despite A29.2, any extension to an existing dwelling to enable a dual occupancy (attached) in the RU1, RU2, RU4, E3, E4 and RU5 zones must have a compatible design relationship with the existing dwelling. This shall be characterised by a continuous or complementary roof profile with similar pitch and continuity of design for the whole building.</p>
P30.1 The selection of building materials and design complements existing development , and is sympathetic to the streetscape and existing landscape.	A30.1 New development , including alterations and additions, shall complement existing built form and be sympathetic to the streetscape.
P30.2 Roof treatments are integrated into the building design and make a positive contribution to the streetscape.	A30.2 Roof design is to be integrated harmoniously with the overall building form through the incorporation of:
P30.3 Building walls use modulation and articulation , and are limited in length to minimise massing and bulk issues as	<ul style="list-style-type: none"> • Complimentary building materials.

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	well as impact on neighbours and the public domain/streetscape.	<ul style="list-style-type: none"> • Design proportionate to overall building size, scale and form. • Balanced composition of solid and void elements. • Integration of service elements.
P30.4	The building design, detailing and finish provide an appropriate scale to the street, add visual interest and enable differentiation between dwelling s when viewed from the public domain.	
P30.5	External metallic wall and roof materials are suitable and minimise reflectivity.	A30.3 Building design shall use detail, modulation and articulation of building elements to:
P30.6	The development incorporates passive environmental design.	<ul style="list-style-type: none"> • Enable each dwelling to be identified from a public road. • Articulate facades and to minimise the length of unbroken walls and glazed areas.
		A30.4 Buildings shall have a maximum unarticulated length of 15m to a public street frontage.
		A30.5 In rural/environmental areas or areas of scenic value, the external building materials and colours are to blend with the surrounding landscape.
		A30.6 External metallic walls and roof surfaces shall consist of colours and finishes that will minimise the reflectivity of the surface when viewed from the public domain or another dwelling .
		<i>Additional Provisions - Dual Occupancy</i>
		A30.7 Variation to each dwelling must be provided to present different but compatible design elements.
		A30.8 Mirror reversed facades fronting the street are to be avoided.
		A30.9 Both dwelling s in a dual occupancy (attached) shall be constructed using the same materials and colours. Where a second dwelling is attached to an existing dwelling , similar materials and colours shall be used if identical materials are unavailable.
P31	Garages and parking structures are sited and designed to: <ul style="list-style-type: none"> • Add visual interest. • Provide opportunity for passive surveillance. 	A31.1 Garages are compatible with design of the building .

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<ul style="list-style-type: none"> Not dominate the street frontage. 	<p><i>Additional Provisions - Dual Occupancy</i></p> <p>A31.2 The cumulative width of garage facades addressing the street must not exceed 9m or 50% of the length of the frontage, whichever is the lesser.</p> <p>A31.3 Co-joining of double garages is not supported unless one double garage is offset from the other by at least 2m.</p>
P32 Mailboxes, numbering and external storage facilities, as well as associated signage, are sited and designed for attractive visual appearance and efficient and convenient use.	<p>A32.1 Individual mailboxes shall be located close to each dwelling entry, or a mailbox structure located close to the major pedestrian entry to the site, that complies with the requirements of Australia Post.</p> <p>A32.2 Adequate numbering system and signage is to be provided.</p>

5.4.2 Fences and Walls

Note:

- Certain fencing is considered exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. If the proposal does not meet the exempt criteria, consent is required from Council and the proposal is to comply with the standards below.
- Figure 12 illustrates examples of good fence design.

The specific objectives are to:

- To ensure boundary fencing is of a high quality, promotes safety and surveillance and does not detract from the streetscape or public domain.

Performance Criteria	Acceptable Solutions
<p>P33.1 Front fences and walls:</p> <ul style="list-style-type: none"> Enable some outlook from buildings to the street for safety and surveillance. Do not impede the safety of pedestrians and cyclists with the movement of vehicles between the property and the roadway. 	<p>A33.1 Front fences and walls along the primary frontage (see Figure 10), shall be no higher than 1.2m (averaged for sloping sites).</p> <p>A33.2 On a corner lot, the fence or wall along the secondary frontage, behind the front building line (see Figure 10), shall be no higher than 1.8m.</p>

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- | | |
|--|--|
| <ul style="list-style-type: none"> • Avoid negatively impacting on the aesthetic and spatial quality of the street. • Assist in highlighting entrances and in creating a sense of communal identity within the streetscape. • Are designed and detailed to provide visual interest to the streetscape. • Are constructed of materials compatible with the proposed development and with examples of fences and walls in the streetscape to offer a sense of continuity. • Are compatible with facilities in the street frontage area, such as mailboxes and waste collection areas. • Do not impede safe sight distances for road users and pedestrians along the adjoining roadway. | <p>A33.3 Despite A33.2, the front fence or wall for a rear dual occupancy dwelling on a corner lot shall be no higher than 1.2m (see Figure 11).</p> <p>A33.4 A fence or wall along a primary or secondary frontage must contain:</p> <ul style="list-style-type: none"> • Open elements that make it at least 50% transparent; or • Where there are solid panels, articulated elements such as landscape screening, setbacks and varied materials. <p>A33.5 Despite A33.1 and A33.3, front fences and walls higher than 1.2m will only be supported where all the following is satisfied:</p> <ul style="list-style-type: none"> • The site is located on a classified road with high traffic volumes. • The site is not located in an area with an established heritage character. • The fence and/or wall does not exceed 10m in length without some articulation or detailing to provide visual interest. • Landscape planting is included within a 1.5m setback between the fence/wall and the boundary to achieve mature heights of at least 1.5m. <p>A33.6 Fences and walls along a primary or secondary frontage shall maintain appropriate sight distances for road users and pedestrians in accordance with the relevant Australian Standards.</p> <p>A33.7 The design and materials of front fences or walls is to be compatible with the surrounding streetscape.</p> <p>A33.8 Solid metal fencing shall not be erected along a primary or secondary frontage.</p> |
|--|--|
- P33.2 The use and/or design of fences and walls in streetscapes of significance are appropriate to the heritage or environmental context.

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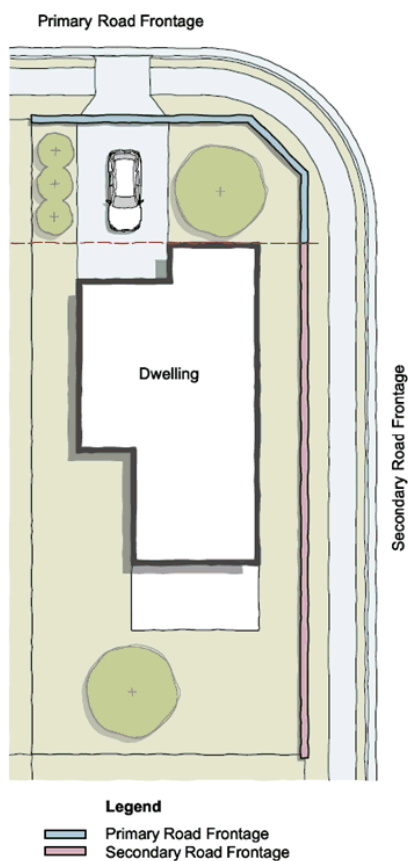


Figure 10: Primary and secondary frontages for fencing

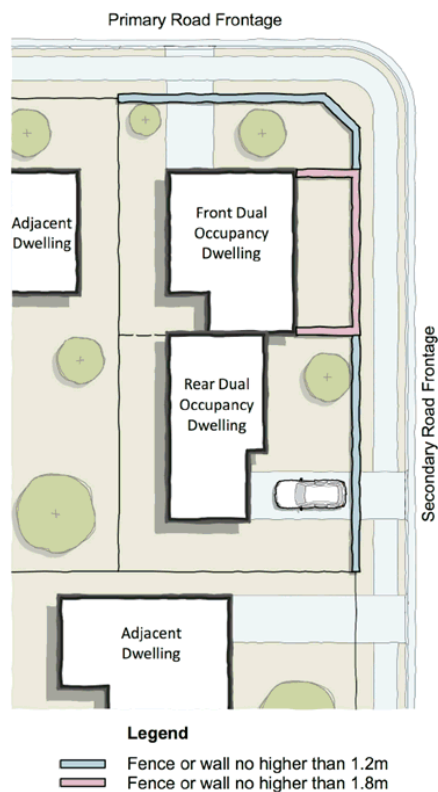


Figure 11: Fencing for dual occupancy development on a corner lot



DE18.56 - Attachment 1

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Figure 12: Examples of good fence design

5.4.3 Universal Design

The specific **objectives** are to:

- i. Ensure a suitable proportion and wider variety of **dwelling**s include layouts and design features to accommodate the changing access and mobility requirements of residents and visitors.
- ii. Promote ageing in place by extending the usability of **dwelling**s to meet 'whole of life' needs of the **community**.

Mandatory Controls:

1. All Class 1a and 2 **developments**, as defined in the **Building Code of Australia**, must provide **accessible** or **adaptable** housing at the following rate:
 - **Developments** containing 1-10 **dwelling** – 1 **dwelling**.
 - **Developments** containing 11 – 40 **dwelling**s – 2 **dwelling**s.
 - **Development** containing 41 – 60 **dwelling**s – 3 **dwelling**s.
 - **Development** containing 61 – 80 **dwelling**s – 4 **dwelling**s.
 - **Developments** containing 81 – 100 **dwelling**s – 5 **dwelling**s.

General Controls:

Performance Criteria	Acceptable Solutions
<p>P34.1 The required proportion of new Class 1a or 2 dwellings achieve appropriate levels of accessibility or are designed to be 'easily and affordably adaptable'.</p> <p>Note: 'Easily and affordably adaptable' includes the future installation or alterations of inclusions to comply with the requirements of a gold standard as outlined in the 'Livable Housing Design</p>	<p>A34.1 The required proportion of new Class 1a or 2 dwellings, must:</p> <ul style="list-style-type: none"> • Be designed to meet a gold standard for accessibility as outlined in the 'Livable Housing Design Guidelines'. <p>OR</p>

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[Guidelines](#). It does not include alterations and additions resulting in a change to the configuration of a room but may include, for example, the installation of a future domestic elevator or lift meeting compliance with a gold standard as outlined in the ['Livable Housing Design Guidelines'](#).

- Be designed in accordance with an alternative solution report prepared by an accredited access consultant or an A1 accredited building surveyor that specifies how the proposal can be 'easily and affordably adaptable' at a gold standard as outlined in the ['Livable Housing Design Guidelines'](#).

Note: The alternative solution report is to be submitted with the development application.

P34.2 Access is provided from the car parking space located on the premises to the principal entrance of the dwelling and access to and within the following areas:

- A bedroom.
- Laundry.
- A bathroom that includes a shower, WC and vanity.
- Kitchen.
- A living area.
- An external private open space.

5.5 Environment

5.5.1 Water Management and Conservation

Note: Refer to Chapter G2: Sustainable Stormwater Management and Erosion Sediment Control of the [Development Control Plan](#) for further information on stormwater management, and erosion and sediment control.

The specific objectives are to:

- Ensure the protection of public health, surrounding land and the natural environment including soils, groundwater and surface waters.
- Encourage harvesting of rainwater and the incorporation of pervious areas.

Performance Criteria	Acceptable Solutions
<p>P35 Stormwater is appropriately accommodated in the design including:</p> <ul style="list-style-type: none"> • Stormwater from roofed areas is collected, stored and/ or conveyed to appropriate discharge points or disposal areas. 	<p>A35.1 Roof water is to be collected by gutter and downpipe systems, or other equivalent means, and conveyed to an approved discharge point in accordance with the requirements of Part 3.1.2 of the Building Code of Australia. This could be:</p>

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- Paved areas associated with buildings and driveways are graded and drained to minimise the discharge of surface water onto adjoining land.
 - Permeable areas are utilised to reduce stormwater runoff.
- a) A gutter or table drain in a road reserve, or
 - b) A stormwater easement or easement to drain water, or
 - c) A disposal/absorption trench, where (a) and (b) above are not available, and soil conditions are suitable, or
 - d) A water tank / on-site detention system with an overflow connected to a disposal method in (a), (b) or (c) above.

A35.2 Surface water from paved areas including driveways is to be directed to an approved discharge point (see A35.1) that minimises impact on adjoining land.

Note: The method selected for the discharge point in A35.1 and A35.2 above will be assessed against the suitability and hydraulic capability including pipe size and/or soil type.

A35.3 Where the area of buildings, pavement and other impervious areas exceeds 65% of the site area, the proposal is to include details of the methods to be used to harvest rainwater and minimise increased runoff to surrounding land and public stormwater infrastructure. The details are to include assessment of pre-development and post development stormwater flows.

5.5.2 Servicing

The specific objectives are to:

- i. Ensure residential areas are provided with essential services in a timely, cost effective and efficient manner.

Performance Criteria	Acceptable Solutions
P36.1 Development is adequately and safely serviced.	A36.1 Services and utilities including electricity, gas, water, sewer, roads and drainage must be available for the initial development and ongoing development needs.
P36.2 The design and provision of public utilities, including sewerage, water, electricity, street lighting, telecommunication/ internet and gas	

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services conform to the cost-effective performance measures of the relevant servicing authority.	A36.2 Where connection to the services outlined in A36.1 is not available, the development application must provide alternatives to Council's satisfaction.
P36.3 Compatible public utility services are co-ordinated in common trenching in order to minimise construction costs for underground services.	<p>Note: Refer to Chapter G8: Onsite Sewage Management of this Development Control Plan for further details on the management of sewerage in areas without reticulated services.</p>
P36.4 Water supply for domestic and firefighting purposes is appropriate for the location and development type.	
A36.3 Individual water meters will be required to assist the individual billing of each dwelling .	<p><i>Additional Provisions - Dual Occupancy</i></p>
A36.4 In the case of dual occupancy (detached) , the electricity service to the dwelling furthest from the street is to be underground (excluding corner lots).	

5.5.3 Waste Management

The specific **objectives** are to:

- Ensure **waste storage and recycling areas** are designed to be conveniently reached and require minimal maintenance.
- Ensure **waste storage and recycling areas** are attractive and compliment the streetscape.
- Ensure appropriate kerbside frontage is provided for bin presentation and collection.

Performance Criteria	Acceptable Solutions
<p>P37.1 Bin storage, presentation and collection arrangements:</p> <ul style="list-style-type: none"> Are appropriate for the nature of the development. Consider site configuration and adequate street frontage, especially lots at the head of cul-de-sacs and battle-axe lots. 	<p>A37.1 For each dwelling in a development, the kerbside frontage required for waste collection is at least 1m per bin, 0.5m separation between bins and 1m behind each bin.</p> <p>Note: If kerbside bin collection is not a suitable option, alternative waste collection options must be considered including an onsite storage and collection area (including safe access and/or turning circle). Refer to Chapter G7: Waste Minimisation and Management Controls of this Development Control Plan for more information.</p>
P37.2 Bin storage is sited and designed for attractive visual appearance and for efficient and convenient use.	

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A37.2 Bin storage area/s are required and must be identified on the site plan for all developments, regardless of whether waste is collected from the kerbside or via alternative waste servicing options.

A37.3 Bin storage areas must be located behind the front building line and where visible from the street, must be appropriately screened to conceal the contents from the public domain and adjacent properties.

A37.4 Where a bin storage area is also the waste collection area or where a communal waste storage and recycling area is provided, it shall be:

- Provided with a water tap for wash down purposes and drained to connect to the main sewer.
- Roofed to comply with Council's requirements.
- Readily accessible from within the site and serviceable from the adjoining roadway.

A37.5 Bins must be able to be easily manoeuvred from the bin storage area for presentation at the kerbside.

6 Residential Flat Buildings and Shop Top Housing

This Section applies to residential flat buildings and shop top housing. The specific objectives are to:

- i. Increase the supply and diversity of dwelling types across Shoalhaven.
- ii. Make efficient use of existing infrastructure and services.
- iii. Feature good design.
- iv. Ensure that the open space provided for dwellings is useable and meets user requirements for privacy, safety, access, outdoor activities and landscaping.
- v. Locate open spaces to take account of outlook, natural features of the site, solar access and neighbouring buildings or public domain.

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Performance Criteria	Acceptable Solutions
P38.1 Development responds appropriately to the character of the area, landscape setting and surrounding built form.	A38.1 The development is designed in accordance with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide.
P38.2 Development is liveable, protects surrounding amenity and promotes resident amenity.	A38.2 Where SEPP 65 does not apply (see clause 4 of SEPP 65), the development must be designed in accordance with the Apartment Design Guide.
P39 Telecommunications/TV antennas do not detract from the streetscape.	A39.1 Only one telecommunications/TV antenna will be permitted per building . Where possible, common antennas shall be utilised.

7 ~~Seniors Housing~~ Housing for Seniors or People with a Disability

This Section applies to **seniors housing development** and housing for people with a **disability**. The specific **objectives** are to encourage the provision of housing (including **residential care facilities**) that will:

- Increase the supply and diversity of residences that meet the needs of seniors or people with a disability.
- Make efficient use of existing infrastructure and services.
- Feature good design.

Performance Criteria	Acceptable Solutions
P40.1 The development is designed for use by seniors or people with a disability.	A40.1 The development is designed in accordance with Part 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
P40.2 The development does not adversely impact on the amenity of adjoining development .	

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8 Boarding Houses, Group Homes and Hostels

This Section applies to **boarding houses**, **group homes** and **hostels**. The specific **objectives** are to encourage the provision of housing that will:

- i. Increase the supply and diversity of **affordable housing**.
- ii. Make efficient use of existing infrastructure and services.
- iii. Feature good design.

Performance Criteria	Acceptable Solutions
P41 Boarding houses are designed to be compatible with surrounding development and caters for the amenity of residents.	A41.1 The boarding house is designed in accordance with Part 2 Division 3 of State Environmental Planning Policy (Affordable Rental Housing) 2009.
P42 Group homes are designed to provide for the needs of people with a disability or who are socially disadvantaged.	A42.1 The group home is designed in accordance with Part 2 Division 7 of State Environmental Planning Policy (Affordable Rental Housing) 2009.
P43 Hostels are designed to be compatible with surrounding development , liveable, protect surrounding amenity and promote resident amenity.	A43.1 The hostel is designed in accordance with the relevant parts of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

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9 Advisory Information

9.1 Other legislation or policies you may need to check

Note: This Section is not exclusive and the applicant may be required to consider other legislation, policies and documents with the development application.

Council Policies & Guidelines	<ul style="list-style-type: none"> • Shoalhaven Contributions Plan
External Policies & Guidelines	<ul style="list-style-type: none"> • Access to Premises Standard • Apartment Design Guide • Building Code of Australia • Livable Housing Design Guidelines • NSW Land & Environment Court Planning Principles • Relevant Australia Standards
Legislation	<ul style="list-style-type: none"> • Disability Discrimination Act 1992 • Roads Act 1993 • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Affordable Rental Housing) 2009 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • Shoalhaven Local Environmental Plan 2014 • Shoalhaven Local Environmental Plan (Jerberra Estate) 2014



Overview

The proposed Medium Density Amendment (Amendment) to Shoalhaven Development Control Plan (DCP) 2014 seeks to deliver medium density provisions that holistically consider local character and context, appropriate density, good quality design, amenity, universal design and more broadly the public interest.

The Amendment focuses on a review/update of the following existing chapters (and supporting information):

- [Chapter G13: Dual Occupancy Development.](#)
- [Chapter G14: Other Residential Development.](#)
- [Dictionary.](#)

The Amendment considers the more complex issues relating to medium and higher density residential development arising from the:

- NSW Government's Low Rise Medium Density Housing Code and Design Guide.
- Outcomes of Council's Dual Occupancy Review.
- Resolutions of Council.
- Operational issues or matters that need clarification that have been identified since the Shoalhaven DCP 2014 became effective on 22 October 2014.

Draft Package and Land Application

The Amendment package includes the following proposed draft Chapter (and supporting changes to the Dictionary):

- Draft Chapter G13: Medium Density Development and Other Residential Development; and
- Draft Dictionary.

The Amendment proposes to combine the coverage of the current Chapters G13 and G14.

Draft Chapter G13 applies to land where dual occupancy, multi dwelling housing, multi dwelling housing (terraces), attached dwellings, semi-detached dwellings, manor houses, integrated housing development, residential flat buildings, shop top housing, seniors housing, boarding houses, group homes and hostels are permissible with development consent. As such the proposed chapter will apply to residential developments above a single dwelling.

Explanatory Statement – Medium Density Amendment to SDCP 2014

Summary of Notable Components

The Amendment includes the following key notable components:

Theme	Proposed content
General	<ul style="list-style-type: none"> Consolidation of Chapter G13 and Chapter G14 content to streamline the provisions relating to medium density development (above a single dwelling). The content has been refined to reduce redundancy, bring the chapter in line with current DCP requirements and modernise the content to current industry standards. Expansion of applicable land uses to include the following new terms: multi dwelling housing (terraces) and manor houses.
Medium Density: Principle Controls	<ul style="list-style-type: none"> Introduction of amalgamation and feasibility requirements. Supporting written evidence is required demonstrating that lot consolidation/amalgamation is not feasible as a result of negotiations and reasonable financial offers for certain development (e.g. dual occupancy in the R3 Medium Density Residential zone). Introduction of more appropriate floor space ratio (density) provisions of 0.5:1 to 0.7:1 depending on the land use and zone. Refinement and expansion of setback provisions. Refinement of landscaping provisions: <ul style="list-style-type: none"> 10% of the site area is to include high quality formal landscaping. 20% of the site area is to include general landscaping. At least 35% of the front setback is to be landscaped. Refinement of driveway provisions, including avoidance of a 'gun-barrel' effect down a side boundary.
Medium Density: Siting the Development	<ul style="list-style-type: none"> More comprehensive provisions to address public domain interface as well as local character and context. Requirement to consider cumulative impact of clustering development in certain contexts.
Medium Density: Amenity	<ul style="list-style-type: none"> Greater consideration of building separation and visual and acoustic privacy. Introduction of requirements for laundry facilities placed in garages, communal open space provisions for multi dwelling housing and tandem parking requirements for dual occupancy development. Introduction of minimum ceiling heights and provisions relating to dwelling size and layout. Private open space: <ul style="list-style-type: none"> Requirement that private open space must be located behind the front building line. Refinement of minimum areas of private open space.
Medium Density: Configuration and Design	<ul style="list-style-type: none"> Reintroduction of provisions clarifying attachment of dual occupancy. General design considerations such as variation, materials, co-joining of double garages and fencing.

Explanatory Statement – Medium Density Amendment to SDCP 2014

	<ul style="list-style-type: none"> Universal design (adaptability and accessibility): Introduction of rates for provision of accessible and adaptable housing. New class 1a or 2 dwellings to meet a gold standard as per the Livable Housing Design Guidelines. Note: feedback is specifically sought as to whether a ‘silver’ or ‘platinum’ standard would be more appropriate.
Medium Density: Environment	Detailed provisions for bin storage, presentation and collection arrangements.
Residential flat buildings, seniors housing, boarding houses and group homes	New objectives, performance criteria and acceptable solutions tying back to the relevant State Environmental Planning Policies.
Dictionary	Introduction of new terms to support draft Chapter G13: accessible, adaptable, communal open space, external clothes drying facilities, formal landscaping, laneway, primary frontage, secondary frontage, stacked parking and tandem parking.

Further Information

The Amendment is on exhibition for a period of 30 days from Wednesday 30 May to Friday 29 June 2018.

Written comments are invited and should be addressed to the General Manager, Shoalhaven City Council, PO Box 42, Nowra 2541 or emailed to council@shoalhaven.nsw.gov.au by **Friday 29 June 2018** quoting Council's reference 51670E.

Enquiries to Jenna Tague on (02) 4429 3553.

Exhibition Documents

1. Explanatory Statement
2. Draft Chapter G13: Medium Density Development and Other Residential Development
3. Draft Dictionary
4. Newspaper advertisement

Copies of the Exhibition Documents are available at the City Administration Centre, Bridge Road, Nowra and on Council's website at: www.shoalhaven.nsw.gov.au/MyCouncil/Publicexhibition



Summary of Submissions

Amendment 9: Chapter G13 and Dictionary

Public Exhibition: 30 May – 29 June 2018

Submission Number	Summary of Submission	Comments
1.	Section 5.4.2 Fences and Walls Include additional provisions for all boundary fencing to ensure that fences and walls do not impede safe sight distance for road users along the adjoining roadway.	Supported. An addition performance criteria and acceptable solution relating to safe sight distance would increase safety within the road network and public footpath/verge.
2.	General, Chapter Consolidation Chapter G13 and G14 should remain as separate chapters with the proposed amendments incorporated in these chapters as required.	Not supported. Combining all the medium density provisions in one comprehensive chapter rationalises the provisions and enables Council to effectively continue with its ongoing process to reduce duplication. This will reduce the overall size of the DCP and will make the development application process more streamlined for Council staff, applicants and the industry. Draft Chapter G13 has been set out in a way that clearly sets apart land use specific provisions from generic medium density provisions. It is noted that combining medium density provisions is an approach that has also been adopted by the NSW Government in the Low Rise Medium Density Housing Code and Design Guide.
	General Requests a 'period of grace' for projects that have been under preparation for a period of time.	Not supported. To ensure consistency across the DCP as a whole, no savings or transitional provisions are proposed. As such, the new provisions will apply at the date the amendment is made effective. Any application lodged before the commencement of this amendment will be assessed in accordance with the DCP as effective at that date.
3.	5.1.3 Building Envelope, Heights and Setbacks Seeks retention of the 11m height limit at 8-12 Princes Highway, Mollymook (Ocean View Motel).	Not supported. This amendment is not seeking to change LEP heights, and as such, this submission is beyond the scope of the Medium Density DCP Review. It is noted that this matter more appropriately relates to the SP3 Tourist Review Planning Proposal which is subject to a separate planning process as per the adopted Strategic Planning Works Program.

	<p>5.1.3 Building Envelope, Heights and Setbacks Seeks a 3.5m front setback rather than the proposed 9m setback as parking of future development will be provided at the rear.</p>	<p>Not supported. The submission raises concern about the setbacks of future multi dwelling housing development on the site. It is noted that the SP3 Tourist Review Planning Proposal seeks to rezone the site to R1 General Residential. Multi dwelling housing would become permissible with consent upon finalisation of that Planning Proposal, however the land use is currently prohibited in the SP3 Tourist zone.</p> <p>The 9m front setback mentioned in the submission relates to the current multi dwelling housing setback provision for development over one storey. The proposed front setback (Table 4 as exhibited), is 4.5m to verandahs, awnings and patios, and 5.5m to dwellings (with a further 1m setback for the first storey – i.e. 6.5m). A setback of 3.5m is not considered appropriate as it reduces the amount of landscaping which conflicts with Section 5.1.4 Landscaping of the draft Chapter and is contrary to the Dual Occupancy Review.</p>
	<p>5.1.3 Building Envelope, Heights and Setbacks Seeks an 8m setback rear setback rather than the proposed 12m setback to enable better circulation on site for a future multi dwelling housing development. The setback is too restrictive due to the steep slope at 8-12 Princes Highway, Mollymook (Ocean View Motel).</p>	<p>Not supported. The Draft Chapter does not propose a 12m rear setback. Table 4, as exhibited, proposes a 4m rear setback to dwellings and 900mm rear setback to detached non-habitable outbuildings. The proposed setbacks in the draft Chapter are less restrictive.</p>
4.	<p>Section 5.1.3 Building Envelope, Heights and Setbacks, note 2 below A3.1 Note 2 in the note box under A3.1 should read 'For site slopes greater than 10%...', not up to.</p> <p>Section 5.3.5 Private Open Space, Table 5 Add clarification to Table 5 so that it is clear that:</p> <ul style="list-style-type: none"> Column one only applies to private open space for dwellings with a ground floor component; and Column two only applies to dwellings without a ground floor component where private open space can only be provided in the form of a balcony or the like (e.g. upper floor dwellings in a manor house or 'one above the other' dual occupancy development). <p>It should be clear that a two storey town house, for example, is not required to provide private open space at both the ground and upper levels.</p>	<p>Supported. It is the intent of the note to require plans and verification by a registered surveyor when the slope is greater than 10%, not less. Relatively flat sites are not a concern.</p> <p>Supported. This is the intent of the provisions and greater clarity would assist readability and interpretation.</p>
5.	<p>General Concern for residential character on the fringe of the Nowra CBD and the extent of the CBD itself.</p>	<p>Not supported. Whilst this submission discusses medium density development in a general sense, it specifically focuses on the Nowra CBD Fringe Medium Density Study and CBD Masterplan.</p>

	<p>Nowra CBD Fringe Medium Density Study should be focused on the whole of the Nowra CBD.</p> <p>Concern that the CBD Masterplan has not been realised.</p>	<p>The area specific nature of the Nowra CBD and fringe is beyond the scope of the generic medium density DCP amendment.</p> <p>The Nowra CBD Fringe Medium Density Study is being considered through a separate planning processes as per the adopted Strategic Planning Works Program.</p>
6.	<p>Section 5.4.3, Universal Design</p> <p>Strongly recommends that the Platinum Standard within the Liveable Housing Design Guidelines be adopted. This provides home owners with the option of staying in their own home and aging in place; accessible living for someone living with an injury or disability; and gives peace of mind that whatever access issues a person may face throughout their lifetime, they have 'future proofed' their home. This is a whole of life approach. This is important as:</p> <ul style="list-style-type: none"> • 1 in 5 Australians have a disability. • Of Australians aged 65 and over, the incidence of disability rises from 1 in 5, to 2 in 5; increasing to 9 in 10 people by the age of 90. 	<p>Not supported. The Explanatory Statement that formed part of the exhibition package clearly sought feedback as to whether a 'silver' or 'platinum' standard would be more appropriate than the exhibited 'gold' standard.</p> <p>Only this and one other submission was made regarding the standard. This submission strongly recommends the 'platinum' standard be adopted based on the need for whole of life consideration, and more specifically the rates of Australians with a disability and the increasing aging population. The other submission strongly suggested that the 'silver' standard be adopted based on affordability and practicality.</p> <p>As a result, it is recommended that a gold standard be retained, as exhibited, which balances both requests.</p>
	<p>Section 5.3.6, Communal and Open Spaces</p> <p>In addition to the platinum guidelines, the communal open space areas (P23.2) should be accessible to wheelchair users. If communal areas have a playground then the playground must be designed to allow inclusion and use by people of all abilities. This includes adequate seating for grandparents and carers who increasingly look after young children.</p>	<p>Not supported. Mandatory Control 1 in Section 5.3.6 of exhibited draft Chapter G13 requires compliance with the Access to Premises Standard and <i>Disability Discrimination Act 1992</i>. As recommended below (see submission 8), the Standard and Act should be replaced with AS 1428. It is considered that this standard will accommodate the needs of a range of ages and abilities including but not limited to persons with a disability or a vision impairment, parents with prams and pet owners.</p>
	<p>Section 7, Seniors Housing</p> <p>Request that 'Seniors Housing' be changed to Universal Housing Design or accessible and inclusive housing.</p>	<p>Supported in part. The terminology 'Seniors Housing' is derived from the NSW Government's State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP) and the Standard Instrument term 'Seniors Housing'.</p> <p>It would be appropriate to:</p> <ul style="list-style-type: none"> • Rename Section 7 from 'Seniors Housing' to 'Housing for Seniors or People with a Disability' in line with the terminology of the SEPP. • Note within the Section that the Section applies to people with a disability, as well as seniors housing (i.e. seniors housing and residential care facilities). • Highlight the term 'residential care facility' blue to note it is a Shoalhaven LEP 2014 definition.
	<p>Dictionary</p>	<p>Not supported. The DCP Dictionary only defines terms used within the DCP. In draft Chapter G13, the following terms are not used in relation to universal</p>

	Request that Council include a definition for 'Inclusive', "Universal Design", 'Liveable Housing', 'Barriers' and 'Lift and Change facilities' in the dictionary.	design: 'Inclusive', 'barriers' and 'lift and change facilities'. As such, the terms should not be included in the Chapter at this point in time. The term 'liveable housing' is only used within the title of the Livable Housing Design Guidelines. It is considered that an applicant can review the Guidelines for clarification of the term in that context. The term 'universal design' is only used as the 5.4.3 heading. It is considered that the objectives of the Section define Council's intent.
	General, Universal Design The type of kerbing used in developments and access to driveways should have no step or lip which creates access issues for many people with mobility issues. New playgrounds should include an adult lift and change facility, inclusive play equipment and be fully fenced.	Not supported. These matters are beyond the scope of this DCP amendment.
7.	General, Chapter Consolidation The consolidation of Chapters G13 and G14 is a welcome change and assists in preparing related development applications and for interpretation of related development options.	Noted.
	General, Modernising Controls A general review and modernising of the controls within the DCP is welcomed for these very popular forms of development.	Noted.
	Section 5, Medium Density Development The term medium density development relates to different development types which are listed under Section 5 of the Chapter, however, there is no introduction/summary of what medium density development is.	Supported. There would be merit in including an explanation of medium density development in Section 5 of the Chapter.
	General, Mandatory Controls Mandatory controls are a new requirement. It is not clear what this is and how it differs to other control requirements i.e. normal controls, performance criteria, acceptable solutions, etc. To avoid unnecessary confusion, it is suggested that all mandatory controls be removed and the specific controls be incorporated into each relevant control / performance criteria / acceptable solution.	Not supported. Mandatory controls are a new requirement in relation to medium density and other residential development, however mandatory controls are located in multiple chapters throughout the DCP. The Introduction Chapter of the DCP explains the role of Mandatory Controls, being specific, prescriptive measures required for achieving the desired objectives. They differ from performance criteria and acceptable solutions which are performance based.
	Section 5.1.1 Minimum lot size, objective iv The following objective seems to be going against the intent of medium density and other residential development where it involves subdivision of land which in most circumstances results in a reduced frontage for each dwelling:	Not supported. The draft Chapter encourages site consolidation to ensure the development site is of a sufficient size and shape to achieve required DCP provisions. Resulting lot sizes following subdivision is addressed in other parts of the DCP.

'Encourage high amenity streetscapes with wider street frontages'	
<p>Section 5.1.1 Minimum lot size, Mandatory Control 2</p> <p>The control notes that the site must be "Of an appropriate size and dimension". As a control, this statement can be widely interpreted and does not itself provide a control that can be easily measured. Perhaps more information / connection needs to made what Council sees as appropriate by meeting setbacks, private open space needs, etc?</p>	<p>Not supported. The requirement for a site to be of an appropriate size for multi dwelling housing, multi dwelling housing (terraces) and manor houses ties directly back to the objectives of the Section, most appropriately objective i. being:</p> <p>Ensure the development site is of a sufficient size and shape to achieve required Development Control Plan provisions (e.g. landscaped areas, private open space, car parking, building separation, on-site effluent disposal (where required), services and the like) in a practical and efficient way.</p>
<p>Section 5.1.2 Density, Table 1</p> <p>The floor space ratio increase for multi dwelling housing is a welcomed incentive to provide an increase in housing stock for the Shoalhaven.</p>	<p>Noted.</p>
<p>Section 5.1.3 Building Envelope, Heights and Setbacks, A4.5 and A4.6</p> <p>The acceptable solution requires 'single storey construction' which does not consider an existing double storey dwelling (on a lot) and the ability to provide another detached dwelling on the land which becomes a subsequent detached dual occupancy development. The location of the existing dwelling will affect the ability to meet acceptable solutions, and the impact of retaining an existing dwelling to achieve a dual occupancy development needs to be considered. The impact / outcome of retaining an existing dwelling needs to be reviewed in the document.</p>	<p>Not supported. An existing two storey dwelling that would form half of a detached dual occupancy would not be required to comply with these provisions. Only the new component of the dual occupancy (i.e. the construction of the detached second dwelling) would need to comply with A4.5 and A4.6 as appropriate.</p>
<p>Section 5.1.3 Building Envelope, Heights and Setbacks, A5.3</p> <p>It is not practical to achieve an acceptable solution such as A5.3 if an existing dwelling has a garage on the building line. The impact/outcome of retaining an existing dwelling needs to be reviewed in the document.</p>	<p>Not supported. The requirement to setback a garage 1m behind the front building line would only apply to new development. An existing garage setback would not be affected.</p>
<p>Section 5.1.3 Building Envelope, Heights and Setbacks, Table 2</p> <p>The increase in the rear setback for dual occupancies from 3m to 4m does not necessarily consider if more than 900mm is achieved to a side boundary which is often the case where side courtyard areas are provided. This increase in rear setback seems unnecessary and likely to result in loss of side courtyards which often take advantage of solar access. Consideration of the benefits of increased side setbacks over rear setbacks needs to be reviewed in the document.</p>	<p>Not supported. The rear setback has been increased from 3m to 4m to enable substantial deep soil zones in the rear setback, the opportunity for vegetation corridors and to consider amenity of surrounding development. The general rear setback provision has been brought in line with the existing rear setback to a public reserve for consistency. The greater setback will also assist in the ability of the applicant to meet landscaping and private open space requirements for the dwelling.</p> <p>Consideration of solar access, courtyard location and dwelling design would be undertaken on a site by site basis for each dwelling by the designer.</p>

	<p>Section 5.1.4 Landscaping, A6.1 and A6.3</p> <p>In general, the landscaping requirements are too prescriptive and unlikely to be achieved onsite due to requirements such as A6.1 [i.e. formal landscaping].</p> <p>The requirement to achieve at least 35% of the front setback as landscaping is almost impossible to achieve when Chapter G21: Car Parking and Traffic is requiring vehicles to manoeuvre on site and leave in a forward direction.</p>	<p>Not supported. It is unclear why/how the formal landscaping requirements are too prescriptive. The provision was established to ensure that a formal landscaped area is of an appropriate and adequate size to maximise amenity for medium density development and provide for tree and large shrub planting. This was one of the outcomes of the Dual Occupancy Review.</p> <p>There is no requirement in Chapter G21: Car Parking and Traffic, or draft Chapter G13, for manoeuvring to be undertaken within the front setback. Setbacks in draft Chapter G13 are a minimum and can be increased for manoeuvring areas if required.</p>
	<p>Section 5.2.1 Local Character and Context, A7.1 dot point 2</p> <p>This provision will be difficult to achieve when the intent of the draft Chapter is to increase density and it subsequently results in amenity and character of the locality changing.</p>	<p>Supported in part. It is acknowledged that the amenity and character of existing development/areas will experience a level of change as a result of a medium density development. The acceptable solution seeks to promote medium density development that is sympathetic and compatible to existing development, not to replicate existing character.</p> <p>It would be helpful to clarify Council's expectations in areas that are undergoing a significant transformation in density. As such, it is recommended that the provision be amended to be 'sympathetic and compatible with the existing or future desired character of the locality'. A new note and amendment to P7 would assist in reflecting the recommended changes to A7.1.</p>
	<p>Section 5.2.2 Orientation and Siting, A10.1</p> <p>These requirements are currently covered in DCP Chapter: G1 - Site Analysis, Sustainable Design and Building Materials in Rural, Coastal and Environmental Area and is an unnecessary double up and potentially confusing.</p> <p>Furthermore, additional requirements such as geology and stormwater management (normally provided in separate plans – if required and site dependent) seem an unnecessary requirement for site plans.</p>	<p>Supported in part. It is acknowledged that a site analysis plan is required in Chapter G1. A10.1 draws additional attention to the requirement for a site analysis plan as quality site analysis plans are often not provided with medium density development applications. Site analysis plans are an important assessment tool.</p> <p>Dot point 2 of A10.1 includes additional site plan requirements that are not addressed in Chapter G1 (i.e. height and use of buildings, front setbacks, driveways, boundary treatments (including retaining walls), geology, easements and stormwater management). These items were included as per the approach of the local character and context requirements in the NSW Government's draft Low Rise Medium Density Design Guide (2016).</p> <p>It is noted that the Low Rise Medium Density Design Guide came into force on 6 July 2018. The Guide differs from the draft in that geology is no longer required to be considered in the design criteria. As such, it is recommended that geology be removed from A10.1.</p> <p>The remaining items in A10.1 have been retained in the Guide and are considered relevant and essential in identifying the development footprint, layout and scale of the proposed development/site and relationship to the scale of the streetscape and surrounding development.</p>

	<p>Section 5.2.3 Vehicle and Pedestrian Access, A12.4</p> <p>The requirement for dual occupancy vehicles to manoeuvre on site and leave in a forward direction is not practical for small dual occupancy sites. In quieter residential streets, it is normal practice for every dwelling to reverse onto the street.</p> <p>Dual occupancy development should not be required to provide reversing bays (which are almost never used or used to store a vehicle off street) on a relatively small lot that is already being developed to a more intense land use. It is far more practical to reduce the amount of hardstand to what is practical. However, it is accepted that on busy roads, or for medium density where more than 2 dwellings are utilising one driveway that a forward manoeuvre to exit the site should be required.</p>	<p>Not supported. A12.4 specifies that where a dual occupancy is proposed on a site with access to a local street or above, it will need to be able to enter and exit a site in a forward direction.</p> <p>This provision has been included to support A5.1 of Chapter G21: Car Parking and Traffic, which applies to all development (including all medium density development types), whilst providing additional clarification that this provision should not apply to a dual occupancy development on an access street or laneway. A5.1 of Chapter G21 specifies that:</p> <p style="padding-left: 40px;">Development must be designed so that vehicles enter and leave the premises in a forward direction.</p> <p>It is considered that access streets and laneways can better accommodate additional movements resulting from increased density, however roads above this status are not able to accommodate additional movements as easily. This will avoid vehicles reversing down long driveways and ensure that the road network is able to handle the additional vehicular and reversing movements.</p> <p>If a development on a small site cannot accommodate turning areas to enable a vehicle to enter and exit the site in a forward direction, it may be an indication that the site is not appropriate for such development.</p>
	<p>Section 5.2.3 Vehicle and Pedestrian Access, A13.1 dot point 2</p> <p>This acceptable solution is not practical on a small site or where vehicle manoeuvring and onsite rubbish collection is required. This requirement needs to be reviewed for small and constrained sites.</p>	<p>Not supported. The intent of this provision is to minimise hardstand/paved areas that are unnecessary to the function of the driveway. These areas could be better utilised for landscaping and the retention of trees and vegetation, as per P13.2.</p> <p>As with all development, an applicant would need to consider whether the proposed development is appropriate for the site should the concept not meet principle controls such as landscaping, for example.</p>
	<p>Section 5.2.3 Vehicle and Pedestrian Access, A13.1 dot point 4</p> <p>In most circumstances medium density development results in significant site changes and subsequently it is very difficult and not practical to retain some existing trees, therefore such acceptable solution statements need to be considered; “where appropriate”.</p>	<p>Not supported. It is acknowledged that avoiding the drip line of all trees may not be practicable, however it is important that mature trees are retained where possible in line with industry standards and MIN16.949(8):</p> <p style="padding-left: 40px;">“In any future review of DCP’s, Council consider the value of the contribution of mature trees’ to providing shade and reducing the heat island effect.”</p> <p>It is noted that this provision only relates to siting of driveways, and not dwellings.</p> <p>If a development proposes the driveway to be located within the drip line of a tree, consideration should first be given to the redesign the development footprint.</p>

	<p>5.3.8 Car and Bicycle Parking, A27.2</p> <p>The requirement for secure undercover bicycle parking/storage to be provided at a rate of 1 bicycle per dwelling seems an unnecessary requirement when trying to keep development affordable and also acknowledging the Shoalhaven is heavily car dependent and safe dedicated bike linkages between villages and towns are not provided.</p>	<p>Supported in part. The requirement for bicycle parking for all forms of medium density development was based on the provisions within the NSW Government's draft Low Rise Medium Density Design Guide (2016). The Guide differs from the draft in that bicycle parking is now only required for manor houses and multi dwelling housing, not dual occupancy.</p> <p>As such, it is recommended that the requirement for bicycle parking only be applied to multi dwelling housing, multi dwelling housing (terraces) and manor houses.</p> <p>It is acknowledged that Shoalhaven is largely car dependant, however this provision enables alternative forms of transport which should not be discounted.</p> <p>Further, the affordability of a dwelling would not be impacted by this provision, as the note associated with A27.2 specifies that the bicycle space may be included in the storage space required in Section 5.3.7 of the Chapter.</p> <p><i>It is noted that A27.2 has been renumbered to A27.3 to reflect this recommendation.</i></p>
	<p>Section 5.4.3 Universal Design</p> <p>The application of universal design across all types of medium density development is not fair and equitable and its application is primarily constraining and limiting for smaller scale developments. Also, most medium density and other residential development currently occurring in the Shoalhaven is in vicinity of 2 to 30 dwelling developments. The application of this requirement needs to be reviewed when understanding that smaller development is primarily providing/funding the majority of universal design across all types of medium density development.</p> <p>The document shouldn't refer to one dwelling, as one dwelling is not medium density development.</p> <p>The NSW Government Low Rise Medium Density Code does not mandate such requirements.</p>	<p>Not supported. The majority of surrounding and comparable Councils have adaptable/accessible provisions in relation to medium density development. Ratios vary from 1 adaptable/accessible unit per 3 dwellings to 1 adaptable/accessible unit per 10 dwellings.</p> <p>The ratios, as exhibited, reflects Council's current intent that only one dual occupancy dwelling is adaptable, not both which is the current requirement of current Chapter G13: Dual Occupancy Development. The provisions also ensure that other forms of medium density development are required to consider universal design as there are currently no relevant provisions.</p> <p>The Low Rise Medium Density Design Guide requires implementation of universal design in at least:</p> <ul style="list-style-type: none"> • One ground floor dwelling in a manor house, dual occupancy (one above the other) development; and • 30% of dwellings in a multi-dwelling housing (terraces). <p>Due to the fact that Shoalhaven has a significant aged population (which continues to increase) and 1 in 5 Australian's have a disability, it is considered important that a high standard is applied and that a rate is applied to all medium density development. It is noted that the Access and Inclusion Advisory Committee is supportive of universal design provisions being applied to dual occupancy development.</p> <p>The rates assist Council in meeting Strategy 23 of the recently adopted Shoalhaven Affordable Housing Strategy which states that Council will</p>

		<p>mandate a proportion of adaptable dwellings in certain medium density development.</p> <p>The required rate for accessible or adaptable housing is based on the ratio required for Class 3 buildings in the Building Code of Australia. The number of dwellings addressed in the rates goes up to 100 dwellings to capture larger developments that may occur in the future.</p> <p>The submission requests that the reference to 1-10 dwellings should be changed to 2-10 dwellings as one dwelling is not medium density. One dwelling is not medium density development in itself, however the rate is applicable for an application for a new second dwelling (to create a dual occupancy). If the existing dwelling does not already provide for accessibility or adaptability, the new dwelling would be captured.</p>
8.	<p>Section 5.1.1 Minimum Lot Size, A1.1</p> <p>The 1000m² minimum lot size for dual occupancy development on battle axe lots acts as a prohibition for smaller dual occupancy developments that would otherwise meet DCP provisions. There are no minimum lot size controls for multi dwelling housing.</p>	<p>Not supported. This provision has been in Shoalhaven DCP 2014 since 22 October 2014. It is generally acknowledged that a larger site area is required for dual occupancy development on a battle-axe lot, than required for a standard dwelling house, or a dual occupancy with street frontage. A larger site area enables amenity, privacy, private open space and access/circulation requirements to be appropriately considered for any future development. Such a provision is not uncommon, with Kiama Municipal Council specifying an 1000m² minimum lot size for certain battle-axe lots where a dual occupancy is proposed. It is noted that this matter is being considered as part of the proposed Subdivision Review Planning Proposal which will be reported to Council in due course.</p>
	<p>Section 5.1.2 Density, Table 1</p> <p>The floor space ratio provisions are supported.</p>	<p>Noted.</p>
	<p>Section 5.1.3 Building Envelope, Heights and Setbacks, Figure 3 and Table 2</p> <p>The average setback provisions for a dual occupancy on a secondary road frontage is generally supported and the aim of achieving average setbacks is understood.</p> <p>Suggests that the maximum setback to a secondary frontage should be no greater than 5m for a detached dual occupancy. Larger setbacks, especially where the rear dwelling adjoins a dwelling with a large setback, may not result in logical development.</p> <p>The front setback to the rear dwelling in an attached dual occupancy development should be 3.5m. An average rear setback should not be applied.</p>	<p>Not supported. The general support for the average setback provisions is noted.</p> <p>The front setback equation for the rear dwelling (secondary road frontage) is the average of the side setbacks of the front dual occupancy dwelling (A) and the adjacent dwellings (B):</p> $X = \frac{A+B}{2}$ <p>The average setback provisions for a rear dual occupancy dwelling have been in effect since 2010. Building and Compliance have advised that the provision still works well, and results in a good built form outcome. It is important to have a transition between the front dual occupancy dwelling and the adjoining development to integrate the rear dwelling into the streetscape. In the rare</p>

		<p>case that the adjacent dwelling has an overly large setback, a capped 5m setback would look out of context.</p> <p>A 3.5m setback is not considered deep enough to provide effective landscaping and appropriate interface between the dwelling and the public domain.</p>
<p>Section 5.1.3 Building Envelope, Heights and Setbacks, Table 2 and Table 4</p> <p>The rear setback of 4m for dual occupancies and multi-dwelling housing is not supported.</p> <p>It is suggested that proponents will design private open space within the rear setback which is an efficient use of the land but may not result in good design where the rear has a southerly aspect.</p> <p>Rear setback provisions have not been required for multi dwelling housing before.</p>	<p>Not supported. The rear setback for medium density development has been set at 4m to enable substantial deep soil zones in the rear setback, the opportunity for vegetation corridors and to consider amenity of surrounding development. The setback will also assist in the ability of the applicant to meet landscaping and private open space requirements for the dwelling. The general rear setback provision has been brought in line with the existing rear setback to a public reserve for consistency. It is noted that the existing dual occupancy setbacks are 3-4m, and multi dwelling housing 1m-1.5m and up to 3m.</p> <p>Consideration of solar access, courtyard location and dwelling design would be undertaken on a site by site basis for each dwelling by the designer.</p>	
<p>Section 5.1.4 Landscaping, A6.2</p> <p>The 30% landscaping requirement [A6.1 and A6.2 combined] is too high. The 20% landscaped area in A6.2 should be referred to as an 'area' where decks, terraces, alfresco areas, swimming pools or other recreation areas/ structures are supported. The landscaped area in the LEP is very restrictive and not reflective of the provisions in the DCPs prior to Shoalhaven DCP 2014.</p>	<p>Not supported. The area described would more appropriately meet the definition of private open space area which is already considered in Section 5.3.5 of the draft Chapter. Such duplication is would be confusing and unnecessary.</p> <p>This outcome would only require 10% of the site to be landscaped which would result in adverse amenity impacts.</p> <p>A landscaped area of at least 30% is not uncommon in DCPs across the state. The Standard Instrument LEP definition of landscaped area specifically excludes any building, structure or hard paved area to ensure that the area is used for growing plants, grasses and trees.</p>	
<p>Section 5.2.2 Orientation and Siting, A11.1</p> <p>The requirement for each dwelling adjacent to the street frontage (at the primary frontage) to have a front door facing the street at ground level is too restrictive. A living room window can be as effective.</p>	<p>Not supported. Crime Prevention Through Environmental Design (CPTED) incorporates basic design principles which contribute to the safety and security of a development and the public domain. There are four broad principles of CPTED: surveillance, access control, territorial re-enforcement and space management. The use of an entrance (i.e. front door) as a passive surveillance technique is well documented and results in activation of the streetscape. For more information on CPTED, refer to Chapter 2: General and Environmental Considerations of Shoalhaven DCP 2014.</p>	
<p>Section 5.2.2 Orientation and Siting, A11.3</p> <p>Suggests the addition of the words 'where practicable' at the end of the provision to take into account situations where the secondary road might be a</p>	<p>Not supported. This provision requires one dwelling to address the primary frontage and the other dwelling to address the secondary frontage, where the site is located on a corner.</p>	

	<p>heavily trafficked street, access might be steep or unsuitable, or there could be issues with natural hazards, for example.</p>	<p>This acceptable solution is one way that the following related performance criteria can be achieved:</p> <ul style="list-style-type: none"> • The frontage, entries and habitable room windows of dwellings address the street. • The design and orientation of the dwellings, enhance the streetscape, complement existing development in the vicinity, provide visual interest and allow casual surveillance of public or communal streets or public domain. <p>The acceptable solution caters for the vast majority of sites.</p>
	<p>Section 5.3.3 Ceiling Heights</p> <p>Provisions relating to ceiling heights are not supported. Additional ceiling heights do nothing for the streetscape, the additional ceiling height adds to the cost of new development and is over and above the BCA requirements.</p>	<p>Not Supported. It is considered that ceiling height affects the amenity of a dwelling and the perception of space and is directly linked to receiving sufficient natural ventilation and daylight access to habitable rooms. The inclusion of ceiling height controls will present opportunities for better planning outcomes and improved amenity. Increased heights can add visual interest when viewed from the public domain through variable approaches to elevation and configuration of the front façade which can contribute to the quality of the streetscape.</p> <p>It is noted that this provision is included in the Low Rise Medium Density Design Guide and is considered valuable as there is currently a policy gap in this regard.</p>
	<p>Section 5.3.4 Dwelling Size and Layout</p> <p>Provisions relating to dwelling size is not supported. The market should decide how many bedrooms each dwelling contains within a complex. Room sizes do not need to be controlled by the DCP.</p>	<p>Not Supported. It is noted that the majority of the content within this Section is included in the Low Rise Medium Density Design Guide and is considered valuable as there is currently a policy gap in this regard. The content is not word for word but offers a balance between the provisions of the different land uses in the Low Rise Medium Density Design Guide.</p> <p>Generally, dwelling size is proportionate to the number of bedrooms. The provision of adequate living areas and other common spaces (kitchen, dining, bathroom, etc.) is also commensurate to the number of occupants, providing a higher standard of functionality and amenity for residents.</p>
	<p>Section 5.3.5 Private Open Space, Table 5</p> <p>The provisions in this section are generally supported, however the requirement of 50m² of private open space for a dual occupancy development is unsophisticated. Private open space should have a minimum of 50% of the GFA or 50m², whichever is the lesser. This would be a more appropriate allocation of private open space for smaller dual occupancy dwellings (e.g. 60m² one-bedroom examples) where a 50m² private open space area would be disproportionate.</p>	<p>Supported. The requirement for private open space to be a minimum of 50% of the GFA or 50m², whichever is the lesser, would provide a more proportionate relationship between dwelling size and private open space. Using this scenario, a dwelling with a GFA of 100m² or above would be required to provide 50m² of private open space.</p>

	<p>Section 5.3.6 Communal and Open Spaces, Mandatory Control 1 The <i>Disability Discrimination Act 1992</i> and the Access to Premises Standard does not apply to Class 1a buildings. Clarification would be appreciated.</p>	<p>Supported in part. It would be appropriate to replace reference to the <i>Disability Discrimination Act 1992</i> and the Access to Premises Standard with compliance with Australian Standard 1428. The Australian Standard more appropriately achieves Council's intent in relation to accessible communal open space areas.</p>
	<p>Section 5.3.6 Communal and Open Spaces, P23.1 – P23.2, A23.1 – A23.4 The requirement for communal open space is not supported. This adds additional ongoing costs to the maintenance of the complex which impacts upon ability to provide affordable housing. The communal open space is also inconsistent with Section 5.15 of Chapter G11: Subdivision of land of the DCP, notably:</p> <ul style="list-style-type: none"> • P93 Limit the range and extent of owner corporation activities as far as practical. • A93.2 Limit communal land to driveways only. • A93.4 Ensure cost-effective management of communal open space or shared facilities. 	<p>Not supported. Communal open space is an important component of larger medium density development as it provides outdoor recreation opportunities, connections to the natural environment, valuable 'breathing space' between dwellings, opportunities for casual social interaction among residents and increased amenity. The provision of communal open space is a common requirement for medium density development across the state. A number of surrounding and comparable local government areas have communal open space provisions including Kiama, Wollongong, Eurobodalla, Palerang-Queanbeyan, Newcastle and Tweed, for example.</p> <p>Performance criteria P93 and associated acceptable solutions in Chapter G11: Subdivision of Land look to rationalise communal land to provide for the effective and efficient management of common or shared facilities and to allow separate titles to be created for parts of a development.</p> <p>The provisions do not exclude the creation of intentional communal open space within a development. Council is looking to avoid small areas of communal space that are difficult for residents to maintain.</p>
	<p>Section 5.3.8 Car and Bicycle Parking, A28.2 The 7.2m setback to accommodate a tandem parking space should be reduced to 5.5m to make it clear that only one car can fit on the driveway within the property boundaries. Larger front setbacks will be at the expense of rear yards.</p>	<p>Not supported. Of concern is the visual and practical impact of vehicles parked in tandem forward of the building line in a dual occupancy development. Such an arrangement can result in:</p> <ul style="list-style-type: none"> • Pedestrian access issues – access to and from the dwellings can be obstructed. • Obstructions forward of the street frontage – larger vehicles parked forward of the building line can extend into the verge impeding pedestrian access and reducing sight lines. • Aesthetic considerations – tandem parking arrangements can dominate the street frontage and the streetscape. <p>These impacts can be alleviated by encouraging a greater setback to accommodate a tandem arrangement. To ensure that a vehicle parked in a tandem parking space will not impede access to an approved parking space for another occupancy, or result in an obstruction to the verge, a greater front setback is required. The setback needs to be of a sufficient depth to:</p> <ul style="list-style-type: none"> • Accommodate a vehicle parked in the tandem parking space.

	<ul style="list-style-type: none"> • Maintain sufficient room for pedestrian access between the vehicle and any part of the building. • Allow for the vehicle to be parked so that it is no closer to the front property boundary than 1.2 metres. <p>This means that the total depth required between the building and the property boundary should be an effective minimum of 7.2m (i.e. 5.5m car, 0.5m additional pedestrian access, 1.2m setback from property boundary).</p>
<p>Section 5.4.3 Universal Design, A34.1 dot point 2</p> <p>The requirement for an access consultant to prepare an ‘alternate solutions’ report is not supported. There is no need for a specialist report to demonstrate compliance with any level of adaptable housing. Any qualified draftsman or architect should have the skillset to demonstrate compliance. As such, dwellings should be designed to be easily and affordably adaptable at a later date.</p>	<p>Not supported. Accredited access consultants and A1 accredited building surveyors are best placed to prepare an alternative solution report as they can undertake performance assessments. Draftspersons and architects cannot.</p> <p>It is recommended that A34.1 dot point 2 be amended to include A1 Accredited Building Surveyors as an alternative to an Accredited Access Consultant.</p> <p>It is noted that by choosing the option to make a proposal ‘easily and affordably adaptable’, one is designing the dwelling to be easily and affordably adaptable at a later date.</p>
<p>Section 5.4.3 Universal Design</p> <p>Adaptable housing for dual occupancy development should be encouraged, not mandated. Gold standard should be encouraged, not mandated. A silver standard, in line with the Codes SEPP should be applied.</p> <p>The provisions should apply to developments with three or more dwellings.</p>	<p>Not supported. The Explanatory Statement that formed part of the exhibition package clearly sought feedback as to whether a ‘silver’ or ‘platinum’ standard would be more appropriate than the exhibited ‘gold’ standard.</p> <p>Only this and one other submission was made regarding the standard. This submission strongly recommends the ‘silver’ standard be adopted based on affordability and practicality. The other submission strongly suggested that the ‘platinum’ standard be adopted based on the need for whole of life consideration, and more specifically the rates of Australians with a disability and increasing aging population.</p> <p>As a result, it is recommended that a gold standard be retained, as exhibited, which balances both requests.</p> <p>Due to the fact that Shoalhaven has a significant aged population (which continues to increase) and 1 in 5 Australian’s have a disability, it is considered important that a high standard is applied and that a rate is applied to all medium density development. It is noted that the Access and Inclusion Advisory Committee is supportive of universal design provisions being applied to dual occupancy development.</p> <p>The rates assist Council in meeting Strategy 23 of the recently adopted Shoalhaven Affordable Housing Strategy which states that Council will mandate a proportion of adaptable dwellings in certain medium density development.</p>

PLANNING PROPOSAL – PP026

Shoalhaven Local Environmental Plan 2014

Coastal Hazards Review

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Shoalhaven City Council

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This PP does not create additional need for infrastructure as it is administrative in nature.	13
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Consultation with State and Commonwealth public authorities will be undertaken in accordance with Gateway Determination requirements and the EP&A Act. The Office of Environment and Heritage will be consulted with as a minimum.	13
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Attachment B – Council’s Development Committee report and minutes, 14 August 2018

Attachment E – State Environmental Planning Policies

Attachment F – S9.1 Directions

DE18.57 - Attachment 1

1 Introduction

This Planning Proposal (PP) seeks to amend Shoalhaven Local Environmental Plan 2014 (SLEP 2014) to remove the Coastal Risk Planning (CRP) Map. This will enable SLEP 2014 to rely on the most up to date coastal hazard data that Council holds and avoid delays in updating coastal risk mapping by having to undertake a PP process each time Council receives new or refined coastal hazard data. The PP will also allow Clause 7.4 of SLEP 2014 to be applied to those properties at risk from coastal hazards that are outside the limited number of areas where Council has undertaken coastal risk studies.

The PP applies to any land within Shoalhaven that is at risk from coastal hazards.

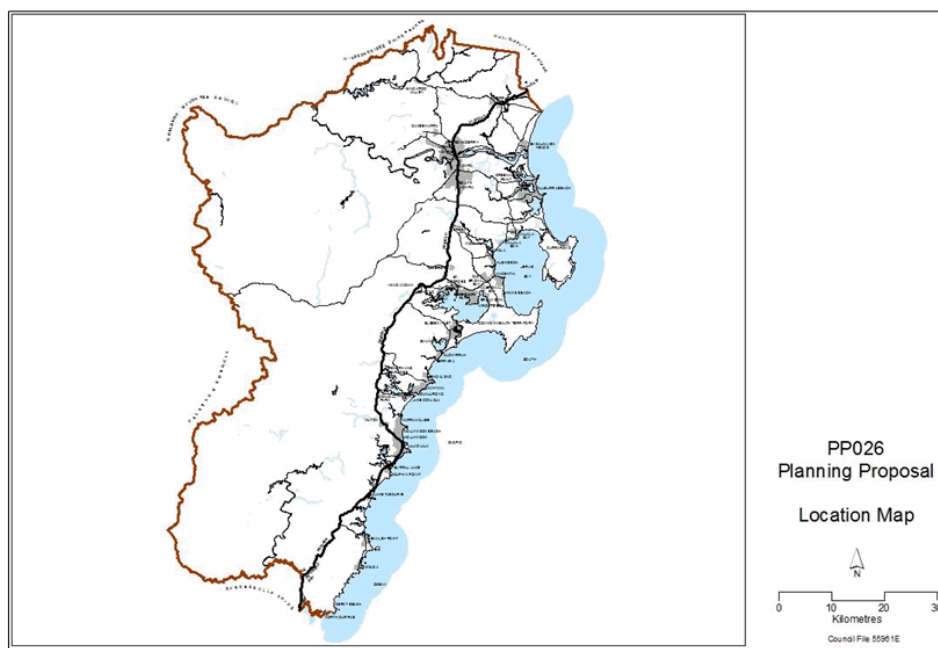


Figure 1: Location Map

It is requested that Council be given delegation for plan making functions for this PP. The evaluation criteria for delegation is located at **Attachment A**.

This PP has been prepared in line with 'A Guide to preparing Local Environmental Plans' and 'A Guide to preparing planning proposals'.

1.2 Background

Shoalhaven's coastal zone extends 165 km along the NSW south coast, from north of Shoalhaven Heads in the north to North Durras in the south. It includes 109 beaches, bays

and headlands, the Shoalhaven River estuary, 15 coastal lakes, and numerous small coastal creeks.

Shoalhaven coastal towns are situated to capture coastal views and provide access to the coast; being located at the mouths of coastal lakes, on coastal dunes, and adjacent headlands. This pattern of settlement means that there are a number of public and private properties and assets at risk from coastal hazards such as beach erosion, shoreline recession, coastal entrance instability, sand drift, coastal inundation, storm water erosion, and slope instability; all of which may be exacerbated by climate change.

Council has undertaken a number of studies of at risk areas, including nine beaches and several headlands. The data from these studies has recently been updated to incorporate Council's adopted sea level rise projections and will continue to be updated and refined as better information becomes available. Additional areas may be studied in the future as funding is made available.

The CRP Map in SLEP 2014 is based on the data from the studies available at the time of the preparation of SLEP 2014 but is now out of date. As a result of the ongoing program of updates, Council currently has a need to continuously update the SLEP 2014 maps to ensure that the most up to date data is relied upon for development assessment. Given that SLEP 2014 maps can only be amended via a planning proposal, lengthy delays in the updating of the map will be experienced. Further, as the current SLEP 2014 Clause 7.4 only applies to the areas identified on the CRP Map, the only areas captured are those where studies have been undertaken. Given the extensive nature of the Shoalhaven coast line and the limited number of studies that have been undertaken, Clause 7.4 should be broadened to apply to all areas that may be at risk of coastal hazards to ensure consistent assessment of potential risks at the development application stage.

On 14 August 2018, Council's Development Committee resolved (*Insert Minute*) to:

Insert Resolution

Council's Development Committee report and minutes can be found at **Attachment B**.

2 Part 1 –Intended Outcome

The intended outcome of this PP is to remove the CRP Map from SLEP 2014 and amend Clause 7.4 Coastal risk planning to apply to all land at risk of coastal hazards. It is intended that the coastal risk mapping will be made publicly available as part of Council's online mapping system.

This amendment will also necessitate a change to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) to remove the following

11 maps sheets in Schedule 5 Land excluded from the Housing Code, which are based on the superseded coastal hazard data:

- SEPP_ECD_6950_LCD_001_20101022
- SEPP_ECD_6950_LCD_002_20101022
- SEPP_ECD_6950_LCD_003_20101022
- SEPP_ECD_6950_LCD_004_20101022
- SEPP_ECD_6950_LCD_005_20101022
- SEPP_ECD_6950_LCD_006_20101022
- SEPP_ECD_6950_LCD_007_20101022
- SEPP_ECD_6950_LCD_008_20101022
- SEPP_ECD_6950_LCD_009_20101022
- SEPP_ECD_6950_LCD_010_20101022
- SEPP_ECD_6950_LCD_011_20101022

Clause 7.4 of SLEP 2014, Shoalhaven Development Control Plan 2014 (SDCP 2014) and the Shoalhaven Coastal Zone Management Plan (CZMP) 2018 can be relied upon to exclude the use of the Codes SEPP for complying development in these areas as per Clause 1.19 of the Codes SEPP.

3 Part 2 – Explanation of Provisions

SLEP 2014 is proposed to be amended as follows to achieve the intended outcome.

3.1 Instrument change

It is intended to amend Clause 7.4 Coastal risk planning to remove the reference to the CRP Map and to reword the clause so that it applies to all land at risk of coastal hazards.

Suggested wording

The changes are shown in red.

7.4 Coastal risk planning

(1) *The objectives of this clause are as follows:*

- (a) *to avoid significant adverse impacts from coastal hazards,*
- (b) *to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,*
- (c) *to enable the evacuation of land identified as coastal risk in an emergency,*
- (d) *to avoid development that increases the severity of coastal hazards.*

(2) *This clause applies to the land identified as “Coastal Risk Planning Area” on the Coastal Risk Planning Map being at risk of coastal hazards.*

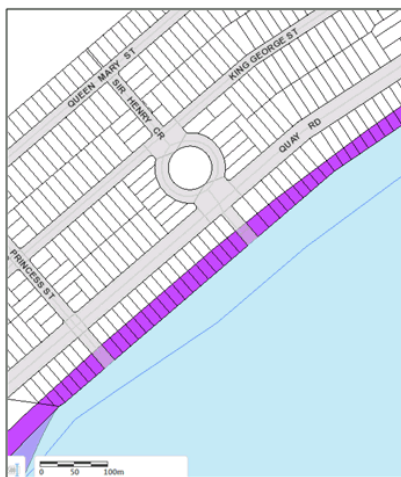
(3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*

- (a) *will avoid, minimise or mitigate exposure to coastal processes, and*

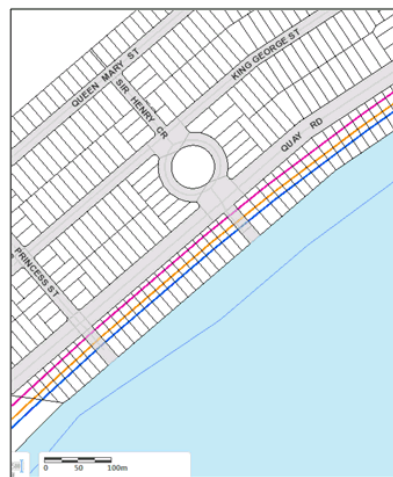
- (b) *is not likely to cause detrimental increases in coastal risks to other development or properties, and*
- (c) *is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and*
- (d) *incorporates appropriate measures to manage risk to life from coastal risks, and*
- (e) *is likely to avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards, and*
- (f) *provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards, and*
- (g) *has regard to the impacts of sea level rise.*
- (4) A word or expression used in this clause has the same meaning as it has in the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this clause.
- (5) In this clause:
coastal hazard has the same meaning as in the [Coastal Protection Act 1979](#).

3.2 Map change

It is intended to remove the CRP Map from SLEP 2014. Council's adopted coastal hazard mapping will be made available on Council's website as part of the online mapping system. The online mapping system allows searching for individual properties and is at a scale to enable meaningful interrogation of the data at a property level. It will also be able to provide more detailed information by showing the multiple projections i.e. 2030, 2050, 2100 scenarios rather than being constrained by having to show a polygon as required for SLEP 2014 mapping (see example below). It will be updated as and when Council adopts new or updated coastal risk data.



CRP Map



Example of online mapping

4 Part 3 – Justification

4.1 Need for the Planning Proposal (Section A)

4.1.1 Is the Planning Proposal a result of any strategic study or report?

The PP is a result of Council's recently adopted Shoalhaven Coastal Hazard Review that forms part of the Shoalhaven CZMP 2018. The Coastal Hazard Review has updated the data which forms the basis of the CRP Map in SLEP 2014. As a result, the CRP Map is now outdated.

4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

As the CRP Map forms part of SLEP 2014, the only way of amending or removing it is via a PP. In order to provide the most up-to-date coastal hazard data, moving the coastal hazard mapping to sit outside SLEP 2014 is the only way to ensure that Council is not bound by the PP process in updating the mapping relied on by Clause 7.4 of SLEP 2014.

4.2 Relationship to strategic planning framework (Section B)

4.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The applicable regional strategy is the Illawarra-Shoalhaven Regional Plan. The relevant Direction and Action is outlined below.

- Direction 5.2 Build the Illawarra-Shoalhaven's resilience to natural hazards and climate change.
 - Action: 5.2.1: Apply contemporary risk management to coastal and other hazards.

The PP is consistent as it will prevent delays in incorporating the best available natural hazard and climate change information into development assessment by removing the need for PPs to be processed to amend SLEP 2014 mapping.

4.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Shoalhaven Integrated Strategic Plan

The PP is consistent with Council's Community Strategy Plan, which forms part of the Shoalhaven Integrated Strategic Plan. The relevant themes and priorities are identified below:

- Theme 2 - Sustainable, liveable environments
 - Priority 2.2 Plan and manage appropriate and sustainable development
 - Priority 2.3 Protect and showcase the natural environment
- Theme 4 - Responsible governance

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- Priority 4.3 Inform and engage the community about decisions that affect their lives

Shoalhaven Coastal Zone Management Plan 2018

The PP is consistent with Council's CZMP 2018 and the relevant strategies and actions are provided below:

CZMP 2018 Strategies and Actions	Comment
<p>Strategy 1: Integrate management of the entire coastal zone</p> <ul style="list-style-type: none"> C1.3 Work with all sections of Council to improve integration of coastal zone risk management and protection. 	<p>The PP will enable strategic planning requirements to be integrated in a timely manner.</p>
<p>Strategy 3: Implement Planning System Controls</p> <ul style="list-style-type: none"> Action C3.1 Update notation to section 10.7(5) certificates for properties affected by coastal hazards consistent with NSW Government legislation. 	<p>This action applies to 'whole of coast' and the intention of the PP to remove the mapping from and update Clause 7.4 of SLEP 2014 is consistent with this approach.</p>
<ul style="list-style-type: none"> Action C3.2 Implement and maintain planning system controls, in Shoalhaven Local Environmental Plan 2014 and Shoalhaven Development Control Plan 2014 G6 Coastal Management Areas, which requires specific information and assessment for proposed development in coastal hazard areas. 	<p>The PP acts to maintain the SLEP 2014 and broaden the coverage of Clause 7.4 to all land affected by coastal hazards (there are associated changes proposed to SDCP 2014).</p>
<ul style="list-style-type: none"> Action c3.4 Make Necessary amendments to Shoalhaven Local Environmental Plan 2014 and Shoalhaven Development Control Plan 2014, including: <ul style="list-style-type: none"> All risk areas to be included in the appropriate locations in Shoalhaven Local Environmental Plan 2014 and/or Shoalhaven Development Control Plan 2014 Mapping in Shoalhaven Development Control Plan and SLEP 2014 (Coastal Risk Planning) to be updated to reflect the revised Risk Assessment Maps (Advisan, 2016) 	<p>The PP intends to remove the CRP Mapping from SLEP 2014 to broaden the reach of Clause 7.4 of SLEP 2014 to include all risk areas. Furthermore, removing the mapping will allow for more timely updates of new risk data in perpetuity.</p>
<p>Strategy 7: Implement adaptive management procedures</p>	<p>Removing the mapping from SLEP 2014 enables consistency with this strategy.</p>

4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The PP is consistent with the applicable State Environmental Planning Policies (SEPPs) – please see checklist at **Attachment C**. SEPP (Coastal Management) 2018 is particularly relevant and is discussed below.

SEPP (Coastal Management) 2018

The SEPP sets out matters for consideration for development in the coastal zone. The application of the SEPP is addressed in the table below.

Matters for consideration	Consistency
<p>Part 1: Aims</p> <p>Aim of the policy:</p> <p>The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:</p> <p>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</p> <p>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</p> <p>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</p>	<p>The PP is consistent with the aims of the SEPP as it will enable the provision of the most up-to-date coastal hazard data to assist in managing development in the 4 coastal management areas within the coastal zone.</p>
<p>Part 2 Development controls in specific coastal management areas</p> <p>Division 1 Coastal wetlands and littoral rainforests</p> <p>Part 2 Division 2 Coastal vulnerability area</p> <p>Part 2 Division 3 Coastal environment area</p> <p>Part 2 Division 4 Coastal Use Area</p> <p>Part 2 Division 5 General</p>	<p>The PP will enable decisions to be made in relation to future development using the most up to date data on current and future coastal hazards.</p>
<p>Part 3 Miscellaneous</p>	<p>The PP will not interfere with the application of this part.</p>

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The PP is not inconsistent with the Ministerial Directions under s.9.1 – refer to checklist at **Attachment D**. Direction 2.1 Environmental Protection Zones and Direction 2.2 Coastal Protection are particularly relevant and are discussed below.

Direction 2.1 Environment Protection Zones

This PP seeks to remove CRP mapping from SLEP 2014 and amend Clause 7.4 to apply to all land at risk of coastal hazards. As such, the PP will facilitate better protection and conservation of environmentally sensitive areas. The environmental protection standards applying to an environmental protection zone will not be reduced, and in fact will capture a wider range of environmentally sensitive areas within the coastal zone. As such, the PP is not inconsistent with this direction.

Direction 2.2 Coastal Management

The direction applies as the PP affects land within the coastal zone, as defined under the Coastal Management Act 2016, comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use areas as identified.

The PP is not inconsistent with the Coastal Management Act 2016 objectives, the NSW Coastal Management Manual and associated Toolkit or the NSW Coastal Design Guidelines 2003 as the PP seeks to remove the CRP mapping and amend Clause 7.4 of SLEP 2014 to apply to a wider range of environmentally sensitive areas within the coastal zone.

The PP is also consistent with the Shoalhaven CZMP 2018.

As such, the PP is not considered to be inconsistent with this direction.

4.3 Environmental, Social and Economic Impact (Section C)

4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The PP is very unlikely to impact on any critical habitat or threatened species, populations or ecological communities, or their habitats as it proposes to remove the CRP Map from SLEP 2014 and reword associated Clause 7.4 so that Council is relying on the most up to date mapping available. In effect, this may create a layer of de facto protection of critical habitat and threatened species over a larger area of Council's coastline.

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

It is not anticipated that the PP will result in any negative environmental effects as it proposes to remove the CRP Map from SLEP 2014 and reword associated Clause 7.4 so that Council is relying on the most up to date mapping available.

4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

The PP is likely to have positive social and economic effects as it will remove uncertainty resulting from the differences between the CRP Map and the adopted coastal hazard data.

4.4 State and Commonwealth Interests (Section D)**4.4.1 Is there adequate public infrastructure for the Planning Proposal?**

This PP does not create additional need for infrastructure as it is administrative in nature.

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

Consultation with State and Commonwealth public authorities will be undertaken in accordance with Gateway Determination requirements and the EP&A Act. The Office of Environment and Heritage will be consulted with as a minimum.

5 Part 4 – Mapping

The CRP Maps will be revoked by the making of this PP. The most up to date coastal hazard information will be made available to the public via Council's online mapping system.

6 Part 5 - Community Consultation

Council proposes to exhibit the PP in accordance with the requirements of Schedule 1 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and any other requirements as determined by the Gateway determination. It is intended that an exhibition period of 28 days apply. Council will also be exhibiting associated changes to Shoalhaven Development Control Plan 2014 Chapter G6: Coastal Management Areas with the PP to ensure that the community can see the relevant suite of changes.

Public notification of the exhibition would include notification in the local newspapers, and a package of exhibition materials on Council's website. Hard copies of the PP would be made available at Council's Administrative Buildings in Nowra and Ulladulla.

7 Part 6 – Project Timeline

The anticipated timeline for the Planning Proposal is as follows.

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	September 2018
Completion of Gateway determination requirements	October 2018
Public exhibition	November/ December 2018
Consideration of submissions	December 2018/ January 2019
Post exhibition consideration of PP	February 2019
Finalisation and notification of Plan	March-May 2019

Attachment A - Evaluation criteria for delegation of Plan Making Functions

Checklist for the review of a request for delegation of plan making functions to Councils

Local Government Area:

Shoalhaven City Council

Name of draft LEP:

Shoalhaven Local Environmental Plan 2014
PP026 – Review of Coastal Hazards

Address of Land (if applicable):

The PP applies to all land at risk of coastal hazards with the Shoalhaven LGA.

Intent of draft LEP:

The Planning Proposal seeks to amend Shoalhaven Local Environmental Plan (LEP) 2014 to remove the Coastal Risk Planning (CRP) Map and broaden the coverage of Clause 7.4.

Additional Supporting Points/Information:

- The LEP will rely on the most up to date coastal hazard data that Council holds and will not subject to delays in updating coastal risk mapping by having to undertake a PP process each time Council receives new or refined coastal hazard data.
- The coastal hazard data will be made publicly available on Council's online mapping system.
- Clause 7.4 will be amended to reflect the removal of the maps.
- This amendment will allow the clause to be applied to those properties at risk from coastal hazards that are outside the limited number of areas where Council has undertaken coastal risk studies.

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council Response		Department Assessment	
	Y/N	Not relevant	Agree	Not agree
Is the Planning Proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the Planning Proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?		X		

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Does the Planning Proposal contain details related to proposed consultation?	Y			
Is the Planning Proposal compatible with an endorsed regional or sub-regional strategy or local strategy endorsed by the Director-General?	Y			
Does the Planning Proposal adequately address any consistency with all relevant S9.1 Planning Directions?	Y			
Is the Planning Proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments				
Does the Planning Proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		X		
Heritage LEPs				
Does the Planning Proposal seek to add or remove a local heritage item and is it supported by a strategy / study endorsed by the Heritage Officer?		X		
Does the Planning Proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		X		
Does the Planning Proposal potentially impact on item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		X		
Reclassifications				
Is there an associated spot rezoning with the reclassification?		X		
If yes to the above, is the rezoning consistent with an endorsed Plan Of Management (POM) or strategy?		X		
Is the Planning Proposal proposed to rectify an anomaly in a classification?		X		
Will the Planning Proposal be consistent with an adopted POM or other strategy related to the site?		X		
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act, 1993?		X		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the Planning Proposal?		X		
Has the council identified that it will exhibit the Planning Proposal in accordance with the Department's Practice Note (PN09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guidelines for LEPs and Council Land?		X		

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Has council acknowledged in its Planning Proposal that a Public Hearing will be required and agree to hold one as part of its documentation?		X		
Spot Rezoning				
Will the proposal result in a loss of development potential for the site (i.e. reduced FSR or building height) that is not supported by an endorsed strategy?		X		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		X		
Will the Planning Proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		X		
If yes, does the Planning Proposal contain sufficient documented justification to enable the matter to proceed?		X		
Does the Planning Proposal create an exception to a mapped development standard?		X		
Section 3.22 matters				
Does the proposed instrument:		X		
<ul style="list-style-type: none"> a. Correct an obvious error in the principal instrument consisting of a mis description, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary works or a formatting error?; b. Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; c. Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? 				
(NOTE – the Minister (or delegate) will need to form an Opinion under section 3.22(1)(c) of the Act in order for a matter in this category to proceed).				

Any other relevant documentation e.g. letters of support from State Government agencies.
Nil.

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Attachment B – Council's Development Committee report and minutes - 14 August 2018

INSERT

DE18.57 - Attachment 1

Attachment C – State Environmental Planning Policies

SEPP	Date	Name	Applicable	Not inconsistent
1	17.10.80	Development standards	x	N/A
19	24.10.86	Bushland in Urban areas	x	N/A
21	24.04.92	Caravan parks	✓	✓
30	08.12.89	Intensive agriculture	✓	✓
33	13.03.92	Hazardous and Offensive development	✓	✓
36	16.07.93	Manufactured home estates	✓	✓
44	06.01.95	Koala habitat protection	✓	✓
47	17.11.95	Moore Park Showground	x	N/A
50	10.11.97	Canal estate development	x	N/A
52	31.07.98	Farm Dams and Other Works in Land and Water Management Plan Areas	x	N/A
55	28.08.98	Remediation of land	✓	✓
62	25.08.00	Sustainable aquaculture	✓	✓
64	16.03.01	Advertising and signage	✓	✓
65	26.07.02	Design quality of residential flat development	x	N/A
70	31.05.02	Affordable Housing (Revised Schemes)	x	N/A
--	31.07.09	Affordable Rental Housing 2009	✓	✓
--	25.06.04	Building Sustainability Index: BASIX 2004	✓	✓
--	03.04.18	Coastal Management 2018	✓	✓
--	01.09.17	Educational Establishments and Child Care Facilities 2017	✓	✓
--	27.02.09	Exempt and Complying Development Codes 2008	✓	✓
--	31.03.04	Housing for Seniors or People with a Disability 2004	✓	✓
--	01.01.08	Infrastructure 2007	✓	✓
--	10.06.16	Integration and repeals 2016	x	N/A
--	12.12.07	Kosciuszko National Park – Alpine Resorts 2007	x	N/A
--	30.06.89	Kurnell Peninsula 1989	x	N/A
--	16.02.07	Mining, Petroleum Production and Extractive Industries 2007	✓	✓
--	26.10.07	Miscellaneous Consent Provisions 2007	✓	✓
--	21.11.86	Penrith Lakes Scheme 1989	x	N/A
--	09.05.08	Rural Lands 2008	✓	✓
--	01.10.11	State and Regional Development 2011	✓	✓
--	25.05.05	State Significant Precincts 2005	✓	✓
--	01.03.11	Sydney Drinking Water Catchment 2011	✓	✓
--	28.07.06	Sydney Region Growth Centres 2006	x	N/A
--	31.05.13	Three Ports 2013	x	N/A
--	15.12.10	Urban Renewal 2010	x	N/A
--	25.08.17	Vegetation in Non-Rural Areas	✓	✓
--	21.08.09	Western Sydney Employment Area 2009	x	N/A
--	06.03.09	Western Sydney Parklands 2009	x	N/A

Attachment D – S9.1 Directions

Direction	Applicable	Relevant	Not inconsistent
1 Employment and Resources			
1.1 Business and Industrial Zones	✓	×	N/A
1.2 Rural Zones	✓	×	N/A
1.3 Mining, Petroleum Production and Extractive Industries	×	×	N/A
1.4 Oyster Aquaculture	×	×	N/A
1.5 Rural lands	✓	×	N/A
2 Environment and Heritage			
2.1 Environmental Protection Zones	✓	✓	Refer to Section 4.2.4
2.2 Coastal Management	✓	✓	Refer to Section 4.2.4
2.3 Heritage Conservation	✓	×	N/A
2.4 Recreation Vehicle Area	✓	×	N/A
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	×	×	N/A
3 Housing, Infrastructure and Urban Development			
3.1 Residential Zones	✓	×	N/A
3.2 Caravan Parks and Manufactured Home Estates	✓	×	N/A
3.3 Home Occupations	✓	×	N/A
3.4 Integrating Land Use and Transport	✓	×	N/A
3.5 Development Near Licensed Aerodromes	×	N/A	N/A
3.6 Shooting Ranges	×	N/A	N/A
4 Hazard and Risk			
4.1 Acid Sulphate Soils	✓	×	N/A
4.2 Mine Subsidence and Unstable Land	×	N/A	N/A
4.3 Flood Prone Land	✓	×	N/A
4.4 Planning for Bushfire Protection	✓	×	N/A
5 Regional Planning			
5.2 Sydney Drinking Water Catchments	×	N/A	N/A
5.3 Farmland of State & Regional Significance Far North Coast	×	N/A	N/A
5.4 Commercial & Retail Development Far North Coast	×	N/A	N/A
5.8 2 nd Sydney Airport: Badgerys Creek	×	N/A	N/A
5.9 North West Rail Link Corridor Strategy	×	N/A	N/A
5.10 Implementation of Regional Plans	✓	✓	✓
6 Local Plan Making			
6.1 Approval and Referral Requirements	✓	✓	✓

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6.2	Reserving Land for Public Purposes	✓	✗	N/A
6.3	Site Specific Provisions	✗	N/A	N/A
7 Metropolitan Planning				
7.1	Implementation of A Plan for Growing Sydney	✗	N/A	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation	✗	N/A	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	✗	N/A	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	✗	N/A	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	✗	N/A	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	✗	N/A	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	✗	N/A	N/A

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Table of Changes

Section	Category	Recommended Change	Reason
Throughout	Editorial	Highlight all terms in the DCP Dictionary green and terms in LEP Dictionary blue .	The highlighting will indicate the location of the definition and enhance readability.
		Update spelling, formatting, acronyms and numbering throughout.	To correct errors, enhance readability and reflect changes proposed as part of this amendment.
		Replace phrases 'coastal instability', 'erosion and shoreline recession' and 'beach erosion and/or coastal instability' with 'coastal hazard risk' throughout.	The term 'coastal hazard risk' is more inclusive of the 4 risk types.
		Ensure consistent reference to new mapping as "Shoalhaven Coastal Hazard Interactive Mapping", including replacement of reference to SMEC 2009 Coastal Hazard Maps in Section 5.1.1.	For consistency. Note, effective version will include hyperlink.
		Update the title of Chapter G4, from "Removal and Amenity of Trees" to "Tree and Vegetation Management".	To reflect the effective name of the chapter.
		Update all existing figures and captioning.	To reflect proposed changes to the Chapter and efforts to standardise the DCP image.
		Rephrase performance criteria to specify how a development should perform so that the desired objectives can be achieved, rather than being phrased as acceptable solutions.	To ensure uniformity across the DCP which enhances readability.
		Replace references to 2025 with 2030 throughout in relation to zone of reduced foundation capacity.	To resolve inconsistencies between the Chapter and Council's adopted sea level rise projections and Shoalhaven Coastal Hazard Review Report.
1	Deletion, Addition	Remove note regarding the adopted sea level rise benchmarks and incorporation into coastal hazard/flood mapping.	The Shoalhaven Coastal Hazard Interactive Mapping will include the relevant sea level rise benchmarks.
		Include reference to Shoalhaven Coastal Hazard Interactive Mapping in the existing note.	To enhance usability of the Chapter.

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Section	Category	Recommended Change	Reason
3	Addition	Include additional commentary relating to Shoalhaven's coast and adaptive management approach.	To provide additional context as background to the Chapter in line with the Shoalhaven Coastal Zone Management Plan 2018.
4	Addition	Include the following objective: Preserve the appearance and amenity of the foreshore through consideration of the siting and design of development.	Amenity is addressed throughout the Chapter but not considered in the broader Chapter objectives.
5.1	Amendment	Amend objective iv to include reference to wave runup.	To include reference to the fourth type of risk relevant to the Chapter.
	Addition	In the dot points below the Section 5.1 heading, insert the word 'known' in front of 'areas' in relation to beach erosion and/or oceanic inundation and cliff/slope instability.	To clarify that these are the known areas of risk, not all of them.
		Include Bendalong Boat Harbour Beach in list of known areas of beach erosion and/or oceanic inundation.	To update known areas based on Council's ongoing work in this area.
		Include reference to Narrawallee Beach as a known area of cliff/slope instability	
		In the dot points below the Section 5.1 heading, expand references to other areas of coastal hazard risk to mean those not previously identified as high risk in previous coastal hazard studies.	To clarify Council's intent in this regard.
	Amendment	Replace reference to SMEC 2009 Coastal Hazard Maps in relation to other areas of potential coastal hazard risk, with the 2016 Advisian hazard mapping	The Advisian maps are up to date and most relevant.
	Amendment	In the specific objectives, change the word 'Maintain' existing coastal processes, to 'Accommodate'.	The current wording is confusing as it infers that we have control over coastal process.
5.1.1	Amendment	Amend title of precinct 3 from no restriction, to limited restriction.	To acknowledge possible risk in this location.
	New	Acknowledge there are four different levels of risk and include new precinct 4 to reflect wave runup risk.	To acknowledge wave runup is an area of coastal hazard risk.
	Amendment	Clarify that in relation to A1.2, a suitably qualified person could include a coastal engineer.	To ensure that engineering reports are prepared by suitably qualified

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Section	Category	Recommended Change	Reason
			and experienced coastal engineers.
	New	Add new provision in Precinct 1 relating to wave runup and requirement for an inundation management plan.	To ensure wave runup is appropriately addressed at the development application stage.
		Add new provision in Precinct 2 requiring all new development to have a floor level above wave runup level and no obstructions to wave runup.	
	Addition	Insert reference to wave runup in relation to the Precinct 3 provision.	
	New	Add provisions relating to public infrastructure on public land in relation to Precinct 1 and 2.	To include provisions relating to public infrastructure as outlined in the former draft DCP 118. There is a gap in policy in this regard.
5.1.2 and 5.1.3	New and addition	Include a new provision relating to interallotment drainage and discharge.	To clarify drainage arrangements.
	New	Include note box that refers to Council's Generic Community Lands Plan of Management – Natural Areas and Foreshore Reserves Policy, and also conditions of consent relating to storm water arrangements.	To provide additional advisory information to assist the applicant.
5.1.3	Addition	Insert note box to clarify other areas of potential instability.	To clarify where these provisions apply.
		Insert the following at new iv) in A2.1: <i>Royal Haskoning DHV Report – Shoalhaven Coastal Cliffs and Slopes Risk Management Program – 2018</i>	To ensure the newly adopted study relating to coastal cliffs and slopes is considered when preparing a geotechnical report.
5.2	Amendment	Amend Section 5.2, as relevant, to remove specific reference to residential development.	To expand the application of the section to all development, not just residential development, to acknowledge that non-residential development may occur in coastal areas.
		Amend objective i) to include consideration of solar access, siting and scale.	To address gaps in policy.
	New	Add new figure to outline the general application of the section.	To enhance readability.

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Section	Category	Recommended Change	Reason	
5.2.2	Amendment	Note 2 in note box should read 'For site slopes greater than 10%...', not up to.	It is the intent of the note to require plans and verification by a registered surveyor when the slope is greater than 10%, not less. Relatively flat sites are not a concern.	
	New	Include new acceptable solution relating to building height relative to mature tree cover.	To include remaining content from POL12/217 Coastal Areas – Planning and Development in relation to height, amenity and overshadowing of beaches or adjacent waterfront reserves.	
	Amendment	Expand P5.1 to expand on the themes of bulk and low profile.		
	New	Include new performance criteria to ensure beaches and adjacent waterfront reserves are not overshadowed.		
	Relocation	Move relevant content of A5.3 to an advisory note.	The content is more appropriate as an advisory note than acceptable solution which is consistent with the recent approach of the DCP in this regard.	
5.2.3	Amendment	Clarification of application of the subsection, both text and in the associated figure.	To clarify that this subsection applies to lots landward side of an unformed road.	
	Relocation	Move A6.2 to an advisory note.	Content more appropriate as advisory note than acceptable solution.	
5.2.4	New	Include new provisions relating to materials and colours being appropriate to the local landscape.	To include remaining content from POL12/217 Coastal Areas – Planning and Development in relation to sympathetic colours and materials.	
5.2.5	Relocation	Move P8.2 to an advisory note.	Content more appropriate as advisory note than performance criteria.	
	Deletion	Delete note box below A8.1.	Already addressed in the note box below the section heading.	
5.2.5 P8.3	5.2.5 P8.2	Deletion	Delete reference to 'plastic type' fencing.	Other types of fencing may be suitable. The deletion of 'plastic type' adds flexibility in this regard.
5.2.5 P8.4	5.2.5 P8.3	Amendment	Amend provision to relate to all marine vegetation, not just specific types.	All estuarine/marine vegetation should be protected in its natural state. The NSW <i>Fisheries Management Act 1994</i> has clear laws in relation to the damage of this type of vegetation.
5.2.6	Relocation	Move P9.2 above existing A9.2 and note requirement for inclusion in a concept landscape plan.	Provision more appropriate as an acceptable solution, rather than performance criteria.	

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Section	Category	Recommended Change	Reason
	Addition	Add hyperlink to the Shoalhaven Plant Species List in the note box below A9.1.	To assist with the usability of the Chapter.
5.3.1	Addition	Add reference to the NSW Coastal Dune Management Manual in the note box below A11.1.	A11.1 refers to the recommended species list for planting bare dunes, and the manual provides additional information in relation to the correct techniques for revegetation and stabilisation of dunes.
		In the note box below A11.4, add reference to the fact that reshaping dunes can lead to an increased risk of coastal inundation from wave runup.	This highlights the risk and supports inclusion of wave runup in the chapter.
5.3.2	Deletion, Addition	Delete existing list of species recommended for planting on dunes and replace with industry best practice species.	To ensure species planted on sand dune are appropriate and meet industry best practice.
6.1	Addition	Require plans to identify the position and configuration of the proposed development in relation to coastal risks, including wave runup.	To ensure wave runup is appropriately addressed at the DA stage and documented appropriately.
6.2	Addition	<p>Insert the following as legislation, policies and studies that may need to be considered:</p> <ul style="list-style-type: none"> • Royal Haskoning DHV Report – Shoalhaven Coastal Cliffs and Slopes Risk Management Program – 2018 • Council's Generic Community Lands Plan of Management – Natural Areas and Foreshore Reserves Policy. • Fisheries Management Act 1994. • Shoalhaven Plant Species List. • NSW Coastal Dune Management Manual. • Shoalhaven Coastal Zone Management Plan 2018 	To ensure Section 6.2 'Other legislation or policies you may need to check' is comprehensive.

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Amendment history			
Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	14 October 2014	22 October 2014	New
2	23 June 2015	1 July 2015	Amendment
3	7 November 2016	30 November 2016	Amendment
4			Draft

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1 Purpose

The purpose of this Chapter is to provide guidelines for areas of coastal management throughout Shoalhaven. This Chapter specifically addresses:

- **Development** in areas of coastal management;
- **Development** in foreshore areas; and
- **Building** on sand dunes.

Advisory note:

In addition to the provisions outlined in this chapter, you must refer to the:

- Supporting documentation on [Council's website](#); and
- Shoalhaven Coastal Hazard Interactive Mapping.

2 Application

This Chapter applies to areas of Shoalhaven coastline as defined in different Sections of this Chapter.

3 Context

Shoalhaven's **coastal zone** extends 165 km along the NSW south coast, from Shoalhaven Heads to North Durras. It includes 109 beaches, bays and **headlands**, the Shoalhaven River **estuary**, 15 **coastal lakes**, and numerous small coastal creeks.

Shoalhaven coastal towns are situated to capture coastal **views** and access to the coast, being located at the mouths of **coastal lakes**, on coastal dunes, and adjacent **headlands**. This pattern of settlement means that there are a number of public and private properties and assets at **risk** from **coastal hazards** such as beach erosion, shoreline recession, coastal entrance instability, sand drift, coastal inundation, storm water erosion, and slope instability; all of which may be exacerbated by climate change.

The Shoalhaven coastline has evolved over the past 120,000 years with beaches and lakes formed by landward sand movement (marine transgression) driven by sea level rise. Coastal dynamics are complicated and unpredictable and will include periods of accretion where dunes grow and where beaches widen then periods of catastrophic storm erosion leading to the whole beach receding landward.

Sand dune systems are nature's buffer strip between the sea and land and they are vital as a defence mechanism against the erosional actions of the sea and the inland drifting of sand caused by wind erosion. Wind can blow away sand from de-vegetated beach-dune systems, cause recession of the shoreline and deplete sand reserves. This and the **removal** of **vegetation** may lead to undermining of **buildings** during extreme storm events.

Human interference with sand dunes by the **removal** of **vegetation** and the construction of **roads** and houses can have a substantial effect on dunal stability. The **removal** of **vegetation** coupled with exposure to the wind can lead to the erosion of the sand dune and can undermine the foundations under **buildings**. Once this action commences, immediate

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engineering works are required to stabilise the situation to prevent possible collapse of a building. Vegetation plays a vital role in keeping sand dunes stable by holding the sand together and shielding it from the wind.

Enabling a balance between the use and protection of foreshore areas, both for the present day and future generations, is important to enabling a sustainable future for Shoalhaven's coastline.

The Shoalhaven Coastal Zone Management Plan 2018 outlines an adaptive management framework that seeks to:

- Manage uncertainty, incomplete data and changing coastal systems.
- Improve and refine management responses over time.
- Reduce known coastal risk.

Council will continue to monitor the condition of the coast and shoreline responses to major storm or extreme water level events. This will ensure that Council and local communities have the best available knowledge to evaluate, review and adapt management actions.

4 Key objectives

The objectives are to:

- i. Ensure that future development in areas of coastal management considers the risks associated with coastal processes and is sympathetic to the physical constraints.
- ii. Consider local physical coastal processes and hazards to avoid significant adverse impacts from these processes.
- iii. Consider ecological processes and avoid significant adverse effects on the environment.
- iv. Ensure that future development in the coastal zone considers the risks associated with local coastal hazards such as coastal erosion, shoreline recession, coastal inundation, coastal entrance migration, slope instability and stormwater erosion and their potential increase with projected Sea Level Rise.
- v. Provide correct management techniques for coastal management.
- vi. Preserve the appearance and amenity of the foreshore through consideration of the siting and design of development.

5 Controls

5.1 Areas of coastal hazard risk

Note: This section is supplementary to Clause 7.4 Coastal Risk Planning in Shoalhaven Local Environmental Plan (LEP) 2014.

This section applies to land affected by coastal hazard risk. The main areas of risk are identified in coastal hazard studies and are shown on the Shoalhaven Coastal Hazard Interactive Mapping.

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- Known areas of beach erosion and/or oceanic inundation include:
 - Collers Beach
 - Shoalhaven Heads
 - Culburra Beach
 - Warrain Beach
 - Currarong Beach
 - Callala Beach
 - Collingwood Beach
 - Bendalong Boat Harbour Beach
 - Narrawallee Beach
 - Mollymook Beach
- Known areas of cliff/slope instability include:
 - Penguin Head
 - Plantation Point
 - Hyams Beach
 - Berrara Bluff
 - Inyadda Point
 - Narrawallee
 - Bannisters Point
 - Collers Beach Headland
 - Rennies Beach
 - Racecourse Beach
- Other areas of potential coastal hazard risk include:
 - Properties identified but studies not yet undertaken (e.g. 2016 Advisian hazard mapping at Appendix 1 of the Shoalhaven Coastal Zone Management Plan); and
 - Other areas subjected to coastal hazard risk not previously identified as high risk in previous coastal hazard studies.

Note: If individual site investigations reveal that subsurface conditions are other than sand, the hazard lines can be reviewed with geotechnical and coastal engineering advice.

The specific objectives are to:

- i. Accommodate existing coastal processes and to avoid significant adverse impacts from those coastal processes.
- ii. Enable safe evacuation of coastal risk areas in an emergency.
- iii. Avoid significant adverse effects on the environment.

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- iv. Ensure that future **development** in the **coastal zone** considers the **risks** associated with coastal processes such as coastal inundation, slope instability, coastal erosion and wave runoff and that the resilience to such events is maximised.
- v. Guide foreshore **development** in areas of **risk** from **coastal hazards** identified in this Chapter.
- vi. Ensure minimal **risk** to **buildings**, private property, other public assets and existing natural features arising from coastal **risks** identified in this Chapter.
- vii. Ensure that the predicted impacts of climate change are recognised, reasonable **risk** management is observed and measures put in place in order to protect lives and assets.

5.1.1 Areas of beach erosion and/or oceanic inundation

The areas identified as being affected by beach erosion and/or oceanic inundation can be broken into four different levels of **risk**:

- Precinct 1 High **Risk** - Foreshore **building** exclusion areas (seaward of the 2030 zone of reduced foundation capacity (ZRFC)), where no new **development** within that part of an **allotment** of land is permitted, except for minor alterations to existing **buildings** or **structures**.
- Precinct 2 Moderate **Risk** – Restricted **development** area (landward of Precinct 1 between the 2030 and the 2100 ZRFC), where prescribed alterations to existing **buildings**, demolition and erection of new replacement **buildings** (where existing **buildings** are **lawful**) and **outbuildings**, located wholly or in part within Precinct 2, may be considered.
- Precinct 3 Low **Risk** – Sites landward of Precinct 2 (landward of 2100 ZRFC), limited restrictions.
- Precinct 4 – Sites outside of Precinct 1-3 at **risk** of oceanic inundation, below wave runoff levels.

These precincts are shown by the mapped **hazard** lines on the Shoalhaven Coastal Hazard Interactive Mapping.

Where **buildings** lie partly in both high **risk** and moderate **risk** areas, the controls that relate to that particular **risk** area will apply to that part of the **building** within that area. A summary of the controls for various **risk** areas is shown in **Figure 1**.

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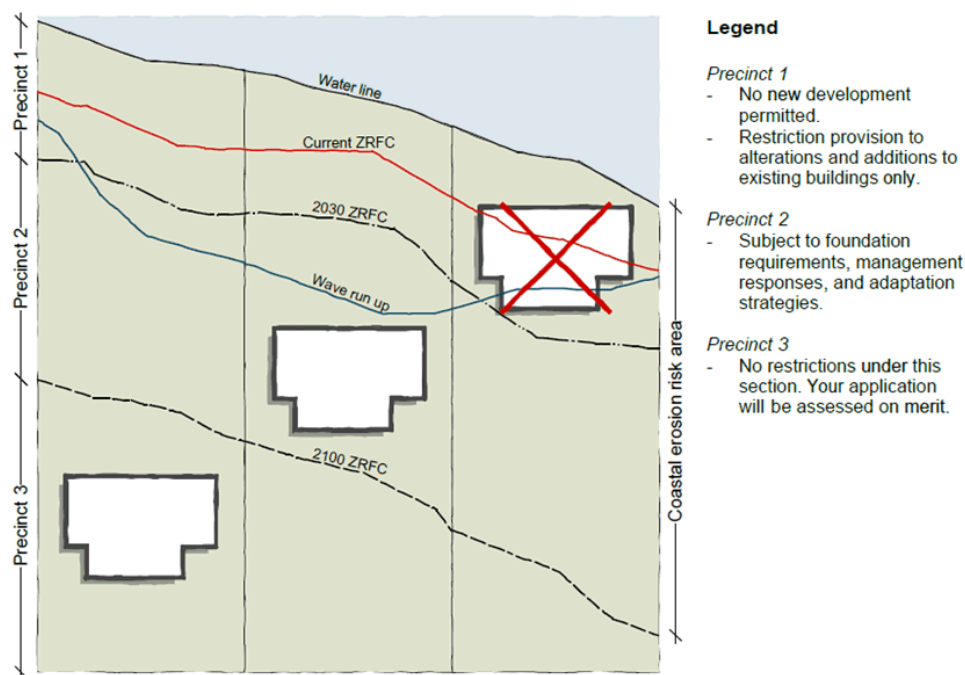


Figure 1: Summary of acceptable solutions for beach erosion and/or oceanic inundation areas

Performance Criteria	Acceptable Solutions
P1.1 Development avoids or minimises exposure to immediate coastal risks within the immediate hazard area.	Precinct 1 High Risk – Seaward of the 2030 ZRFC
P1.2 Development provides for the safety of residents, workers or other occupants on-site from risks associated with coastal processes.	A1.1 No new development is permitted.
P1.3 Development does not increase coastal risks to properties adjoining or within the locality of the site.	A1.2 Development that includes internal fit outs; and/or minor alterations; and/or additions or extensions to existing buildings or structures that are landward of the seaward alignment of existing buildings or structures (refer to Figure 2) must:
P1.4 Infrastructure, services and utilities on-site maintain their function and achieve their intended design performance.	<ul style="list-style-type: none"> • Demonstrate how the proposal meets performance criteria P1.1-P1.7.
P1.5 Development accommodates natural coastal processes including those associated with projected sea level rise.	<ul style="list-style-type: none"> • Include a coastal engineering report that has been prepared by a suitably qualified person (e.g. coastal engineer). The report is to also address the development application information requirements outlined in Section 6.1 of this Chapter.
P1.6 Coastal ecosystems are protected from development impacts.	

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Performance Criteria	Acceptable Solutions
P1.7 Existing public beach, foreshore or waterfront access and amenity is maintained.	<ul style="list-style-type: none"> Not include a net increase in floor area for that part of the building in the high-risk area of greater than 10% (refer to Figure 3) with no increase in floor area seaward of current ZRFC. <p>Note: In some circumstances it may not be possible to increase the floor area due to the specific site risks.</p>
	<p>A1.3 A management response and adaption strategy relevant to the proposal is to be submitted with the development application that addresses this Chapter's objectives and the NSW Coastal Planning Guideline: Adapting to Sea Level Rise August 2010 (eg. planned retreat, relocatable structures, lightweight materials/construction etc.).</p> <p>A1.4 A current condition report is to be submitted for the existing building prepared by a suitably qualified person that addresses:</p> <ul style="list-style-type: none"> The general condition of the building. The presence of any building defects associated with or due to deterioration of building members or materials or pests such as subterranean termites. Any non-compliances with current Building Code of Australia requirements, including footings, slabs, termite barriers, subfloor, walls and roof framework, structural steel, and any other structural elements such as posts or columns. <p>Note: The current condition report is to specifically address those parts of the existing building that are proposed to be retained.</p> <p>A1.5 Where the development is below the level of wave runup as shown on the Shoalhaven Coastal Hazard Interactive Mapping, an inundation management plan shall be provided that includes:</p> <ul style="list-style-type: none"> No new habitable floor areas below the level of wave runup.

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Performance Criteria	Acceptable Solutions
	<ul style="list-style-type: none"> No increase in the obstruction to wave runup. Wave runup hazard mitigation measures for any existing habitable floor area below wave runup level.
A1.6	<p>A development application for the purpose of public infrastructure on public land, including community facilities (e.g. surf clubs), shall:</p> <ul style="list-style-type: none"> Specify any coastal hazard protection works required. Specify the community benefit of maintaining and redeveloping the infrastructure. Include an economic assessment of the proposal in relation to the initial capital costs and the likely long-term costs of maintaining and protecting the infrastructure, considering the particular coastal hazard risks at the location.
	<p><i>Precinct 2 Moderate Risk – Land between the 2030 and 2100 ZRFC</i></p>
A1.7	<p>Foundations for new development are to be designed by a professional structural engineer to carry all foundation loads into the 2100 Safe Foundation Zone (SFZ) except where inappropriate due to management responses and adaption strategies incorporated into the design.</p>
A1.8	<p>All new development must be designed with a floor level above wave runup level and no obstructions to wave runup.</p>
A1.9	<p>A management response and adaption strategy relevant to the proposal is to be submitted with the development application that addresses this Chapter's objectives and the <i>NSW Coastal Planning Guideline: Adapting to Sea Level Rise August 2010</i> (e.g. planned retreat, relocatable structures, lightweight materials/construction etc.).</p>
A1.10	<p>Development applications will be assessed on their merits against the performance criteria P1.1-P1.7 for</p>

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Performance Criteria	Acceptable Solutions
	<p>internal fit outs, minor alterations, additions or extensions to existing buildings or structures.</p> <p>Note: Additional coastal engineering studies are unlikely to be required for development landward of 2050 ZRFC. This will be at the discretion of Council.</p>
	<p>A1.11 A development application for the purpose of public infrastructure on public land, including community facilities (e.g. surf clubs), shall:</p> <ul style="list-style-type: none"> Specify any coastal hazard protection works required when the proposed infrastructure is partially or fully seaward of the 2050 ZRFC. Specify the community benefit of maintaining and redeveloping the infrastructure. Include an economic assessment of the proposal in relation to the initial capital costs and the likely long-term costs of maintaining and protecting the infrastructure, considering the particular coastal hazard risks at the location. <p><i>Precinct 3 Low Risk – Land beyond the 2100 ZRFC</i></p>
	<p>A1.12 All development is to be designed to have all floor levels above wave runup levels and not to deflect or displace wave runup. A development application will be assessed on merit.</p>

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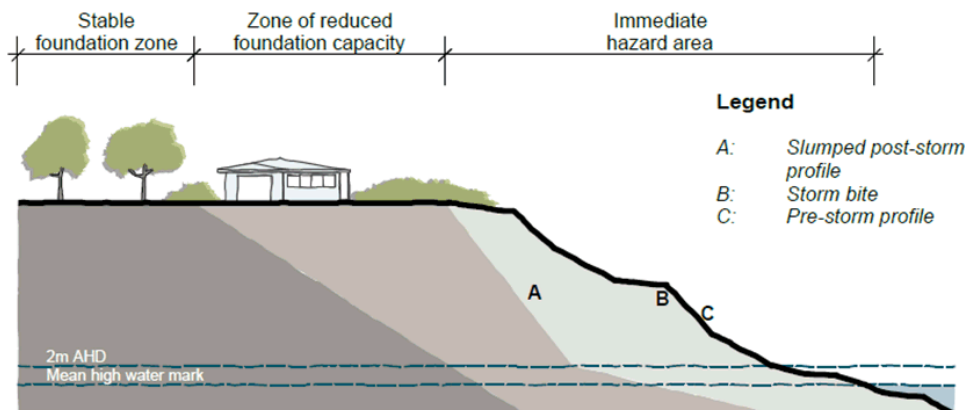


Figure 2: A typical cross-section of a sand dune
(Based on the Coastal Risk Management Guide, Department of Environment, Climate Change and Water NSW 2010)

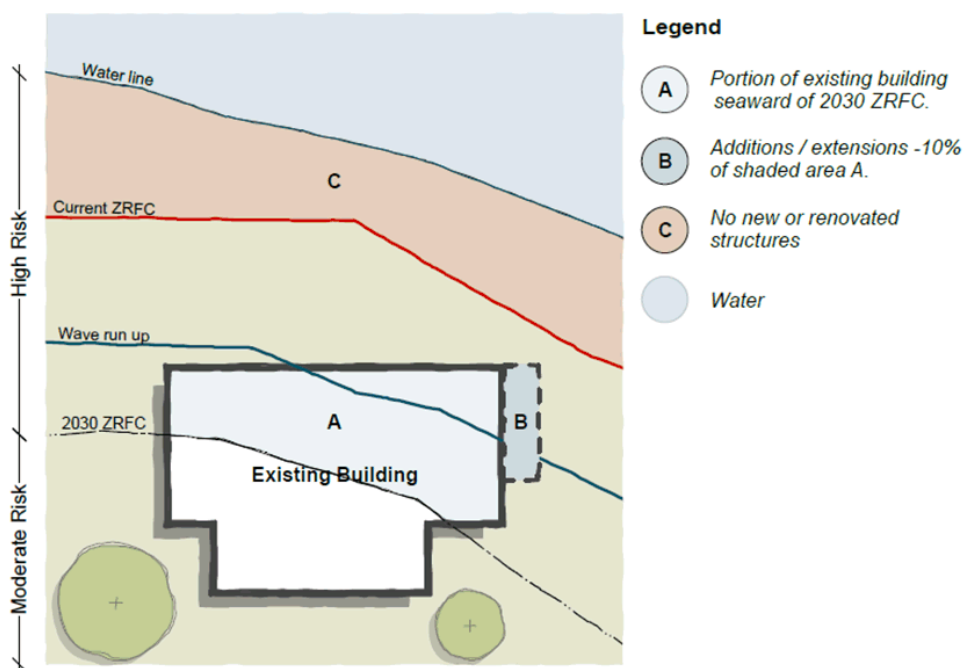


Figure 3: Plan indicating acceptable solutions area of building in high risk area

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5.1.2 Areas of cliff/slope instability

The areas identified as being affected by cliff/slope instability are identified on the Shoalhaven Coastal Hazard Interactive Mapping.

Performance Criteria	Acceptable Solutions
P2.1 Development avoids or minimises exposure to immediate coastal risks within the immediate hazard area or floodway .	A2.1 A geotechnical report prepared by a professional geotechnical engineer is to be submitted with the development application. The report is to: <ul style="list-style-type: none"> a. Analyse the existing site stability and the suitability of the proposed development and its likely impact on that site stability. The report is to make reference to: <ul style="list-style-type: none"> i. Shoalhaven City Council Coastal Zone Management Study and Plan – Coastal Slope Instability Hazard Study Final Report (SMEC August 2008); and ii. Douglas Partners Report – Supplementary Geotechnical Observations Project 72051-1 July 2011; and iii. Douglas Partners Report – Scoping Study and Stability Assessment Project 78319 – Dec 2011; and iv. Royal Haskoning DHV Report – Shoalhaven Coastal Cliffs and Slopes Risk Management Program – 2018. b. Provide recommendations for engineering design of the proposal. This is to include building foundation design and stormwater drainage design and be prepared in accordance with the Guideline for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning Accompanying Commentaries and Practice Note (Australian Geomechanics Society, 2007).
P2.2 Development provides for the safety of residents, workers or other occupants on-site from risks associated with coastal processes.	
P2.3 Development does not increase coastal risks to properties adjoining or within the locality of the site.	
P2.4 Infrastructure, services and utilities on-site maintain their function and achieve their intended design performance.	
P2.5 Development accommodates natural coastal processes including those associated with projected sea level rise.	
P2.6 Coastal ecosystems are protected from development impacts.	
P2.7 Existing public beach, foreshore or waterfront access and amenity is maintained.	A2.2 Stormwater from adjoining development shall be managed via interallotment drainage and discharged directly into a stormwater facility of Council (pit, drain, channel, pipe etc.).

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Performance Criteria	Acceptable Solutions
	<p>A2.3 Piping of stormwater through/over Council foreshore land to a stable location on the top of the slope will be only be considered where:</p> <ul style="list-style-type: none"> The proposed development will not result in an increase in geotechnical risk; and Other options for stormwater disposal have been exhausted (e.g. charged system, use of stormwater pump); and The applicant is able to demonstrate that the discharge of collected stormwater from their property through the community land will not compromise the core objectives of the plan of management applying to the land. <p>Note:</p> <ul style="list-style-type: none"> For additional information, refer to Council's Generic Community Lands Plan of Management – Natural Areas and Foreshore Reserves Policy. Council may require that stormwater arrangements be maintained as a condition of consent.

5.1.3 Other areas of potential coastal hazard risk

Note: Other areas of potential coastal hazard risk are those areas which may be at risk of coastal hazards but are outside of those areas that have been studied and therefore included on the Shoalhaven Coastal Hazard Interactive Mapping. An example would be a headland in a non-urban zone.

If the site is located in an area of potential coastal hazard risk, a site specific coastal hazard study and/ or geotechnical report must be carried out to identify the coastal hazard risks and to enable the relevant development standards of this Section to be applied.

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Performance Criteria	Acceptable Solutions
P3.1 Development avoids or minimises exposure to immediate coastal risks within the immediate hazard area or floodway .	A3.1 A site specific coastal hazard study and/or geotechnical report is to be submitted with a development application that: <ul style="list-style-type: none"> Identifies the coastal hazard risks. Addresses performance criteria P3.1-P3.7 for assessment based on merit.
P3.2 Development provides for the safety of residents, workers or other occupants on-site from risks associated with coastal processes.	
P3.3 Development does not increase coastal risks to properties adjoining or within the locality of the site.	A3.2 Stormwater from adjoining development shall be managed via interallotment drainage and discharged directly into a stormwater facility of Council (pit, drain, channel, pipe etc.).
P3.4 Infrastructure, services and utilities on-site maintain their function and achieve their intended design performance.	
P3.5 Development accommodates natural coastal processes including those associated with projected sea level rise.	A3.3 Piping of stormwater through/over Council foreshore land to a stable location on the top of the slope will only be considered where: <ul style="list-style-type: none"> The proposed development will not result in an increase in geotechnical risk. Other options for stormwater disposal have been exhausted (e.g. charged system, use of stormwater pump). The applicant is able to demonstrate that the discharge of collected stormwater from their property through the community land will not compromise the core objectives of the plan of management applying to the land.
P3.6 Coastal ecosystems are protected from development impacts.	
P3.7 Existing public beach, foreshore or waterfront access and amenity is maintained.	
Note: <ul style="list-style-type: none"> For additional information, refer to Council's Generic Community Lands Plan of Management – Natural Areas and Foreshore Reserves Policy. Council may require, as a condition of consent, that stormwater arrangements are to be maintained. 	

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5.2 Development in Foreshore Areas

This section applies to all **development** located on land that is the first lot back from a **waterfront**, including lots landward side of an unformed road (**Figure 4**).

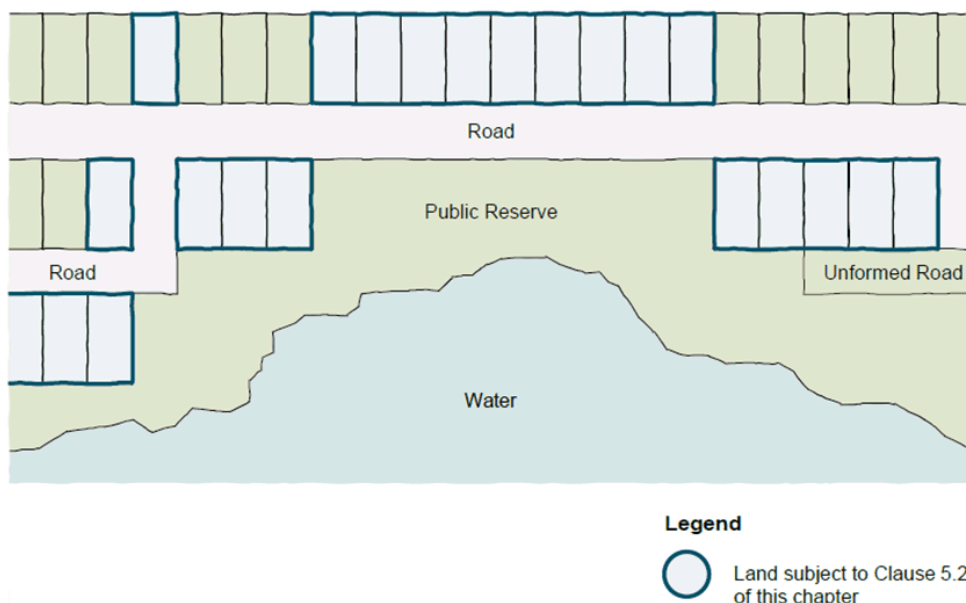


Figure 4: Example of land where Section 5.2 applies

The specific **objectives** are to:

- i. Preserve the appearance and amenity of the foreshore, including solar access, through the careful consideration of siting, height, bulk and **scale**.
- ii. Ensure that **development** is sympathetic to the physical constraints encountered along foreshore areas.
- iii. Encourage innovative design which reflects the need to preserve the amenity of foreshore areas, whilst having due regard to the physical constraints encountered in these areas.
- iv. Set appropriate environmental criteria for **development** in foreshore areas.
- v. Provide a comprehensive design-oriented approach to **development** in foreshore areas.
- vi. Achieve a site layout that provides a pleasant, attractive, manageable and resource efficient living environment.
- vii. Encourage **development** that considers the environmental attributes of a subject site.
- viii. Ensure that **development** integrates with the landscape.
- ix. Encourage the use of **building** materials and colours that complement the natural landscape and foreshore environment.

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- x. Ensure that materials are suitable to withstand coastal weather conditions.
- xi. Preserve, where possible, **trees** and **vegetation** along foreshore areas.
- xii. Minimise excessive **clearing of vegetation** along foreshore areas.
- xiii. Provide essential stability and **groundcover** to highly erodible and unstable soils.
- xiv. Improve the appearance of **development** in foreshore areas through landscape works.

5.2.1 Site Planning and Layout

Performance Criteria	Acceptable Solutions
P4.1 The site layout integrates with the surrounding environment through buildings , streetscape and landscape design relating to topography and to the surrounding neighbourhood character.	<p>A4.1 A detailed site plan should be prepared that addresses the issues outlined within this Chapter and reflects the site analysis plan.</p> <p>Note: Refer to Chapter G1: Site Analysis, Sustainable Design and Building Materials in Rural, Coastal and Environmental Areas for information on the preparation of a site analysis plan.</p>
P4.2 The site layout takes into account on-site features identified by the site analysis.	
P4.3 Where proposed, dwelling s are sited and designed to maximise solar access to living areas .	

5.2.2 Building Envelope and Siting

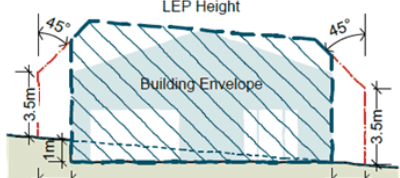
Performance Criteria	Acceptable Solutions
<p>P5.1 Buildings are located, and are of such length, bulk and height, that there is no significant loss of amenity to foreshore areas, and adjoining development. This can be achieved through:</p> <ul style="list-style-type: none"> • Building siting and height that are related to land form, with minimal cut and fill. • Building bulk that is low profile and generally distributed to reduce impact on foreshore areas, adjoining properties and the public road. 	<p>A5.1 Buildings are sited within a building envelope determined by the following method: planes are projected at 45 degrees from a height of 3.5m above ground level (existing) at the front, side and rear boundary. See Figure 5.</p> 

Figure 5: Building envelope

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<ul style="list-style-type: none"> • Building heights similar to those in the public streetscape, with higher components of buildings setback, and out of direct view from the street and foreshore area. • Building forms that enable a sharing of views with neighbours. • Walls, limited in length and height, to minimise the impacts on foreshore areas, adjoining development and public road. 	<p>Note:</p> <ol style="list-style-type: none"> 1. Exemptions to building envelope encroachments include gutter, fascias, downpipes, eaves up to 0.6m, aerials and masonry chimneys. 2. For site slopes greater than 10%, or involving cut, fill or site excavations, the ground level (existing) and proposed building levels must be clearly identified on the plans and verified by a registered surveyor.
<p>P5.2 To make provision for innovative design, as well as giving consideration to difficulties that may arise in connection with steeply sloping properties, buildings only encroach outside of the general building envelope where it is demonstrated that the proposal will not adversely affect the visual amenity of the area in general.</p>	<p>A5.2 Where there is mature tree cover on or adjacent to the site, no structure shall be higher than the tree canopy.</p> <p>A5.3 Despite A5.1, variations will be considered where minimum floor levels are required in flood prone land. Where such levels may necessitate two storey construction or elevated construction, consideration will still be required to be given to issues of privacy, overshadowing, and visual impact.</p>
<p>P5.3 The proposed development does not adversely impact on adjoining development and has regard to privacy, overshadowing and/or solar access.</p>	<p>A5.4 Any proposed two storey building will require the following additional detail:</p> <ul style="list-style-type: none"> • A visual analysis, including a photographic assessment, that outlines how the proposal will not be visually prominent from the foreshore, or adversely affect the visual amenity of the locality.
<p>P5.4 The development does not result in the overshadowing of beaches or adjacent waterfront reserves.</p>	<ul style="list-style-type: none"> • Details outlining how the proposal will not adversely affect the privacy of adjoining development. • Details, including a shadow diagram, outlining that excessive overshadowing is not likely to occur as a result of the proposal. In this regard, it would be expected that living areas as well as useable open space areas of neighbouring dwellings receive at least 3 hours of direct sunlight between 9am and 3pm on June 21. <p>Note: Where a two storey building is proposed, it is recommended that preliminary consultation is undertaken with Council. Applicants are urged also to consult with adjoining land owners likely to be affected by their proposal prior to lodging a development application with Council. Such</p>

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consultation will allow the concerns of affected parties to be taken into account during the design process and may thereby minimise the delays in the processing of the application.

5.2.3 Side Setbacks

The provisions in this subsection do not apply to foreshore blocks that are located on the landward side of a **road** that is opposite a **waterfront** reserve, as shown in **Figure 6**, the exception being lots landward side of an unformed road.

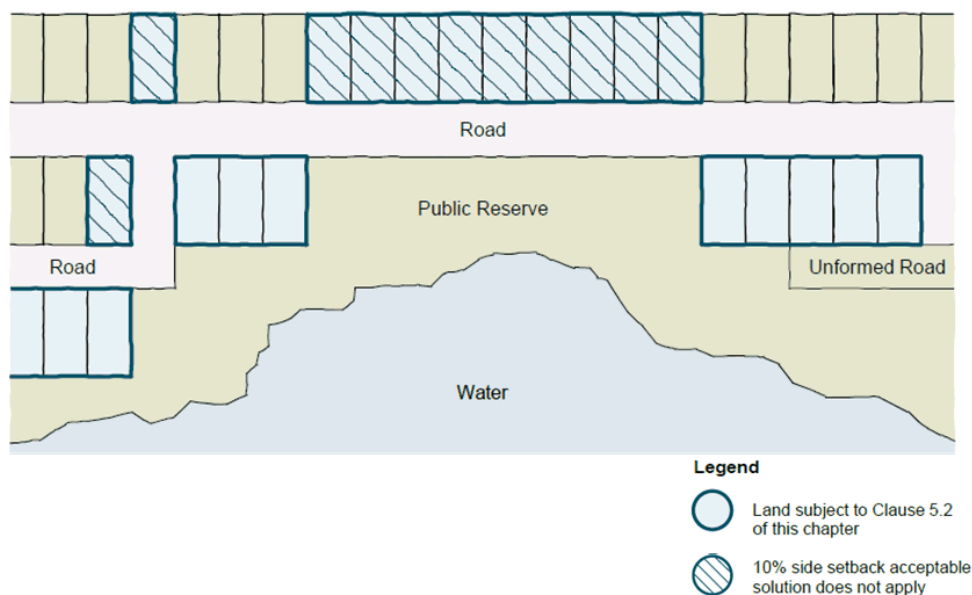


Figure 6: Example of land where side setback controls do not apply

Performance Criteria	Acceptable Solutions
P6.1 Buildings are located and are of a width that provides opportunities for intermittent views from the public road through to the water.	A6.1 The building is to be sited to provide one minimum side setback equivalent to 10% of the width of the allotment , and up to a maximum of 3.5m in any case (Refer to Figure 7).

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Performance Criteria	Acceptable Solutions
	<p>Note: In cases where allotments are irregular in shape and the width varies, the width of the allotment for the purposes of calculating the side setback is the average width of the allotment over the length of the building.</p> <p>A6.2 Where possible, side setbacks should be provided along a side boundary with an adjoining building which has a similar corresponding side setback, so as to maximise the view corridor. This side setback is not to be built out with any structure.</p>

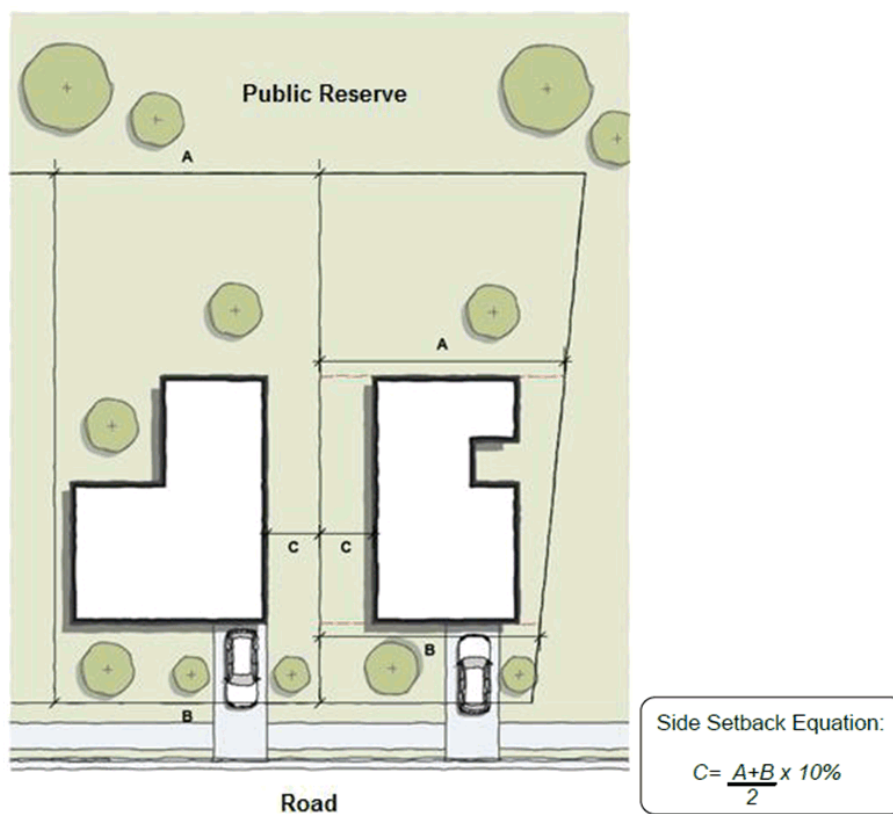


Figure 7: Side setback calculation

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5.2.4 Building Materials

Performance Criteria	Acceptable Solutions
P7.1 All materials and colours used are appropriate to the local landscape.	A7.1 Details of the intended materials and colours to be used for a proposed development shall be submitted with the development application.
P7.2 Where development is located in essentially native bushland situations, consideration is given to utilising materials and colours that reflect the characteristics of the native vegetation that surround the development site.	<p>Note: Highly reflective materials are not acceptable in most situations.</p> A7.2 In locations with a high quality natural landscape value, structures should not strongly contrast with the background, whether by location, colour or choice of materials.
P7.3 Materials are salt tolerant.	

5.2.5 Trees and Vegetation

Note:

- Refer to Chapter G1: Site Analysis, Sustainable Design and Building Materials in Rural, Coastal and Environmental Areas and Chapter G4: Tree and Vegetation Management for more information on site analysis and tree management.
- No clearing of the site is to be undertaken until such time as plans and specifications have been approved.

Performance Criteria	Acceptable Solutions
P8.1 Development is sited in a manner which minimises the removal of trees and native vegetation on the site.	A8.1 Details are to be provided with any development application outlining existing vegetation on the site, and indicating what vegetation will be removed and retained
P8.2 No vegetation located on public land is damaged, disturbed or removed.	
P8.3 All vegetation that is classified as marine vegetation in Part 7 of the <i>Fisheries Management Act 1994</i> is protected in its natural state.	A8.2 Measures including the use of fencing should be utilised for the protection of vegetation during construction phase.

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5.2.6 Landscaping

Note: The controls in this section are in addition to those detailed in the following Chapters:

- Chapter G3: Landscaping Design Guidelines;
- Chapter G4: Tree and Vegetation Management; and
- Chapter G5: Threatened Species Impact Assessment.

Performance Criteria	Acceptable Solutions
P9.1 Exotic species of vegetation are limited to feature trees or shrubs within a native setting.	A9.1 A concept landscape plan shall be submitted with the development application, particularly where it is proposed to develop sites which have been undeveloped and consist largely of native bushland foreshore vegetation .
P9.2 Access to public land by members of the public is preserved.	<p>Note: Council has prepared suitable Shoalhaven Plant Species Lists for the various towns and villages within Shoalhaven. Advice regarding these lists is available from Council.</p> <p>A9.2 Following construction, any exposed areas must be stabilised by the use of ground covering plants or mulches to minimise the effects of erosion. This information shall be included on the concept landscape plan.</p> <p>A9.3 All work associated with a proposal are to be confined on private property.</p> <p>A9.4 Access to public foreshore reserves by the public is not to be restricted by the extension of landscaping, or other works, onto public land from private property.</p>

5.2.7 Site Stability, Excavation and Soil and Water Management

Note: The controls in this Section are in addition to those outlined in Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control and Chapter G26: Acid Sulfate Soils and Geotechnical (Site Stability) Guidelines of this DCP.

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Performance Criteria	Acceptable Solutions
P10.1 Development is designed to utilise construction techniques that reflect the slope of the land and does not introduce measures that require excessive disturbance to the natural slope of a site.	A10.1 Maximum cut and fill permitted for a site is 1m. Details of cut and fill must be provided as part of the development application, indicating how cut and fill areas will be stabilised. Refer to Figure 8 .
P10.2 Development is designed and constructed to reflect specific geotechnical difficulties that may exist in an area.	A10.2 Excavated fill or other material is not to be placed or fall onto adjoining lands.
P10.3 Measures are utilised, both during and after construction, to control erosion and sedimentation of local water courses and drainage systems.	A10.3 All stormwater quality controls are to be contained within the development site, and discharge is not to be concentrated onto adjoining lands.

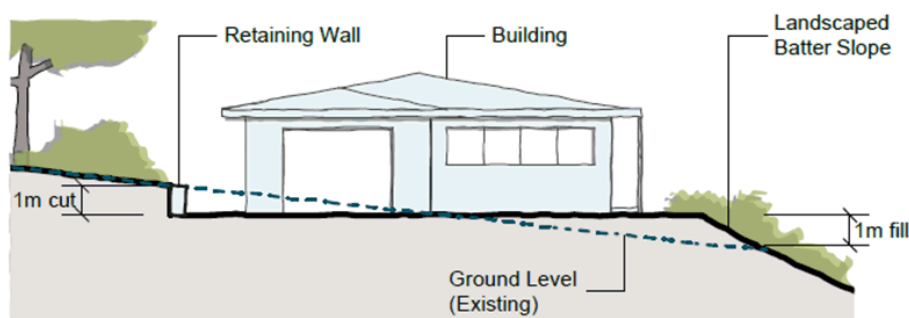


Figure 8: Cut and fill

5.3 Building on Sand Dunes

This Section applies to all land on a sand dune area where **development** is permissible with development **consent**.

The specific **objectives** are to:

- Make people aware of the problems and **risks** associated with sand dunes.
- Outline the importance of sand dune systems to the coastal environment.
- Provide details for the placement of houses on sand dunes.
- Detail the correct management techniques for the short and long-term stability of sand dune systems.

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5.3.1 General

Performance Criteria	Acceptable Solutions
P11.1 Development has a minimal effect on the dune and adjoining properties.	A11.1 Bare dune areas should be replanted with recommended species and other vegetation that is not appropriate (bitou bush, asparagus fern, lantana etc) should be gradually removed.
P11.2 Areas of dunal vegetation are protected and replanted.	<p>Note: Refer to the NSW Coastal Dune Management Manual for correct techniques for revegetation and stabilisation of dunes</p> <p>This work should only be done in consultation with Council's Environmental Services Section and the NSW Office of Environment and Heritage.</p>
	A11.2 Buildings should be sited in an area which will have minimal effect on the dune and adjoining properties. Sufficient space should be left between the building and the dividing boundary to allow vegetation to assist in stabilising the dune.
	A11.3 Batters should not exceed 1:4.
	A11.4 Reshaping of dunes is not permitted unless you have obtained approval from Council and the NSW Office of Environment and Heritage.
	<p>Note: Only pathways set aside by Council should be used for access to the beach. Additional access points should not be cut into the dune as this will destabilise the dune and cause sand to drift inland.</p> <p>Reshaping dunes can lead to an increased risk of coastal inundation from wave runup.</p>
	A11.5 Access roads should be kept to an absolute minimum and access ways should be shared where practical.
	A11.6 New and innovative building designs which may be more compatible with the topography and risk should be considered in the design of new buildings/structures .
	<p>Note: Buildings using pole or demountable construction are suggested.</p>

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5.3.2 Species Recommended for Planting on Sand Dunes

The **vegetation** between **development** and the beach (usually within a reserve) is particularly vital for dune stabilisation and care should be taken not to disturb this area. Replanting of bare areas on the dune is recommended for dune stability and habitat protection.

Council recommends the following species when planting or replanting a sand dune area.

Table 1: Recommended species for planting or replanting

Primary (Plant First)	Secondary Planting (Plant Second)	Tertiary Planting (Plant Last)
<i>Carpobrotus glaucescens</i> (Pig Face)	<i>Acacia longifolia</i> subsp. <i>Longifolia</i> (Sydney Golden Wattle)	<i>Casuarina glauca</i> (Casuarina)
<i>Dianella caerulea</i> (Native Lily)	<i>Correa alba</i> (White Correa)	<i>Leptospermum leavigatum</i> (Coastal Tea Tree)
<i>Ficinia nodosa</i> (Knobby Club Rush)	<i>Acacia longifolia</i> subsp <i>sophorae</i> (Coastal Wattle)	<i>Banksia integrifolia</i> (Coastal Banksia)
<i>Lomandra longifolia</i> (Spiny Matt Rush)	<i>Myoporum acuminatum</i> (Boobialla)	<i>Glochidion ferdinandi</i> (Cheese Tree)
<i>Spinifex sericus</i> (Spinifix Grass)	<i>Rhagodia candolleana</i> (Seablite)	<i>Eucalyptus botryoides</i> (Southern Mahogany)

6 Advisory Information

6.1 Development Application requirements

In addition to application requirements outlined throughout this Chapter, an application for **development** in a **coastal hazard** area must also show that:

- The proposal meets the **objectives** of this Chapter; and
- Complies with the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* August 2010.

Applications for **development** in areas of **coastal hazard** must show that the proposal satisfies the relevant **performance criteria** in this Chapter. In order to do so, the following information is to be submitted with the development application, as part of the Statement of Environmental Effects, as appropriate to the **scale** and location of the proposal:

1. Information outlining the type of proposed **development** including:
 - Nature, bulk, **scale** and location of proposed **development**.
 - Proposed use and occupation of **buildings**, and those on adjoining land.

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2. Plans illustrating the position and configuration of the proposed **development** in relation to coastal **risks** including:
 - Position of the 2100, 2050 and 2030 ZRFC lines and wave run-up lines in relation to the property boundaries prepared by a registered Land Surveyor.
 - Position of the existing and proposed **buildings**.
 - Existing ground levels related to **Australian Height Datum (AHD)** around the perimeter of the **building**.
 - Existing or proposed floor levels related to **AHD**.
 - Foundation type.
 - Topographic levels of the site to an accuracy of 0.1m, and **structures** to an accuracy of 0.01m, showing relative levels related to **AHD**.
 3. A report on the following **hazards** (if relevant) at the site and their potential increase in the future due to projected sea level rise:
 - Projected increase in sea level rise and its influence (if any) on the local tidal range.
 - Soft coast erosion – beach and fore dune loss and/or migration, shoreline recession, beach realignment.
 - Coastal **flooding**.
 - Coastal entrance behaviour.
 - Reconfiguration of intermittently open and closed lakes and lagoons.
 - Cliff and slope instability.
 - Ground water elevation and/or salinisation.
- The report should also demonstrate whether the **development** proposal:
- Is consistent with the relevant coastline or **flood risk management plan**;
 - Is consistent with any relevant section of this plan that relates to coastal or **flood** issues;
 - Meets the coastal protection and **flood risk** management requirements of Shoalhaven LEP 2014; and
 - Incorporates appropriate management responses and adaptation strategies.

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6.2 Other legislation or policies you may need to check

Note: This section is not exclusive, and you may be required to consider other legislation, policies and other documents with your application

Council Planning Studies, Policies & Guidelines	<ul style="list-style-type: none"> • SMEC, August 2008, Shoalhaven City Council Coastal Slope Instability Hazard Study – Final Report • Umwelt, August 2008, Draft Shoalhaven Coastal Zone Management Plan – Priorities for a Sustainable Shoalhaven Coastline • SMEC, December 2007, Shoalhaven Coastal Hazard Study – Summary Report -Report No. 3001209-018 • SMEC, January 2008, Shoalhaven Coastal Hazard Study – Summary Report • SMEC, 2003, Callala Beach Erosion Study • Shoalhaven Coastal Zone Management Plan: Coastal Hazard Study Summary Report (July 2009) • SMEC 2009 Coastal Hazards Maps • Report on Scoping Study and Stability Assessment on Various Lots Surfers Ave, Tallwood Ave and Bannister Head Rd Narrawallee -Douglas Partners – 78319 January 2012 • Report on Supplementary Geotechnical Observations – Coastal Slope Instability Hazard Study Various Sites Shoalhaven City Council LGA – Douglas Partners – Project 72051-1 July 2011 • Council's adopted sea level rise position MIN15.39612 • Royal Haskoning DHV Report – Shoalhaven Coastal Cliffs and Slopes Risk Management Program – 2018 • Council's Generic Community Lands Plan of Management – Natural Areas and Foreshore Reserves Policy • Shoalhaven Plant Species List. • Shoalhaven Coastal Zone Management Plan 2018.
External Policies & Guidelines	<ul style="list-style-type: none"> • NSW Coastal Planning Guidelines: Adapting to Sea Level Rise (August 2010) • NSW Coastal Policy 2009 • Guideline for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning Accompanying Commentaries and Practice Note (Australian Geomechanics Society, 2007) • NSW Coastal Dune Management Manual
Legislation	<ul style="list-style-type: none"> • Coastal Management Act 2016 • Shoalhaven Local Environmental Plan 2014 • Fisheries Management Act 1994



**COLLINGWOOD BEACH DUNE VEGETATION ACTION
TWO-YEAR TRIAL PLAN**

Document Number: D18/59947 • **Adopted:** • **Minute Number:** • **File:** 9929E •
Produced By: Planning, Environment & Development Group • **Review Date:**

Reserve Name:	Collingwood Beach Foreshore Reserve
Reserve Number:	R64234
Land Tenure:	Crown Lands
Land Type:	Foreshore

Why are we doing this Action Plan?

The dune vegetation at Collingwood Beach, Vincentia, has been the subject of varying public opinions for many years. There has been extensive unapproved tree removal and poisoning of vegetation throughout the years. Shoalhaven City Council's tree vandalism signs have not been effective in deterring offenders from committing further damage.

Council has adopted a more collaborative approach to manage the dune vegetation vandalism issue by receiving advice from the Minister for the Environment, Minister for Local Government, Minister for Heritage, NGH Environmental Consultancy and Manly Hydraulics Laboratory. In view of this advice and the objectives of the Coastal Management Act 2016, Council established a Reference Group to develop this Action Plan steered by a Council resolution (Refer to Appendix 2).

The Plan provides a framework for the restoration and future management of the Collingwood Beach dune vegetation system using two trial study sites. The aim is to achieve a positive outcome in terms of both protecting the health and resilience of the dune system and also meeting the desires and expectations of the community and other key stakeholders.

Background information can be found at: <https://shoalhaven.nsw.gov.au/Environment/Coastal-Landscape/Collingwood-Beach-Dune-Vegetation-Management/Collingwood-Beach-Dune-Vegetation-Reference-Group/portalid/3>

1. GOALS

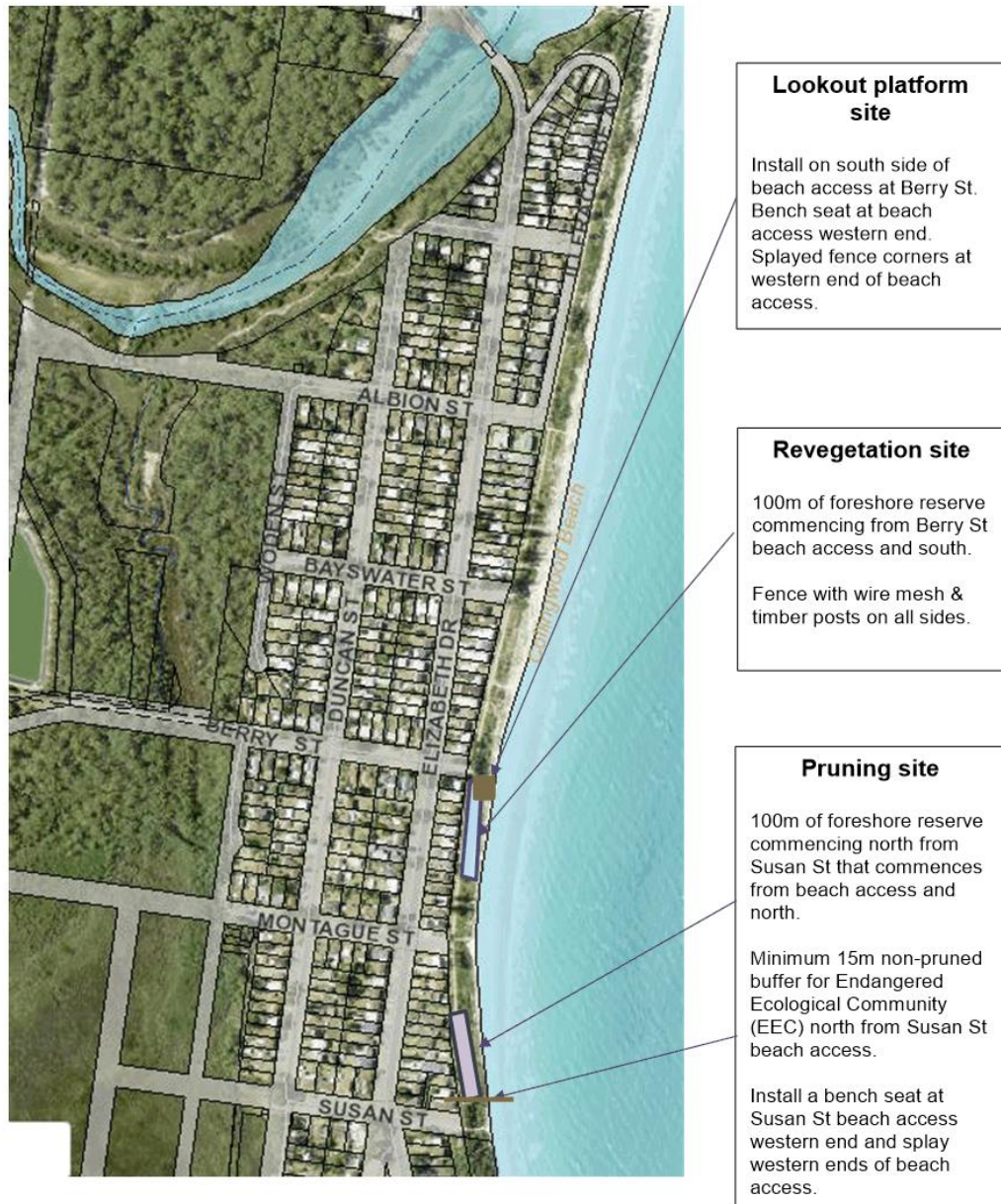
Purpose

The purpose of the trial is to:

- Assess foreshore management outcomes through implementation of two trial sites; one rehabilitation site and one filtered views site to be monitored over a two-year period. The trial aims to develop recommendations leading to a long-term sustainable management plan for dune vegetation for Collingwood Beach to deter vegetation vandalism.
- Recognise the recommendations and proposed management and communication methods compiled by the former Collingwood Beach Dune Vegetation Reference Group (Chaired by Allan Baptist in the former Council – Referred to as the “Baptist Plan” in this document).
- A full copy of the recommendations of the reference group chaired by Allan Baptist is contained within Appendix 1. *Collingwood Beach Dune Vegetation Reference Group Draft Recommendations - Collingwood Beach Dune Vegetation Management 2015-2020*.
- Install viewing platform in accordance with Manly Hydraulic Laboratory (MHL) report.

Management Objectives

- 1.1 Diversified natural species;
- 1.2 Provide a wedge effect on the dune;
- 1.3 Provide filtered views at appropriate locations;
- 1.4 Provide a range of experiences for beach and walkway users;
- 1.5 Vegetation maintained and managed sustainably;
- 1.6 Develop a communication plan about the benefits of vegetation and the complexities of managing natural areas in an urban setting.
- 1.7 Develop a monitoring and evaluation plan/program;
- 1.8 Reduce/deter vegetation vandalism; and
- 1.9 Work with the community to achieve positive outcomes.



DE18.59 - Attachment 2

Revegetation Site 100m – Berry St to Montague St

Note: Lines indicate the section of dune the above photo corresponds to.

South



Central



North



Pruning site – Susan Street

Note: Lines indicate the section of dune the above photo corresponds

Looking east from road reserve



Looking east from path



Viewing Platform Location
East end of Berry St - Foredune

Looking west from beach

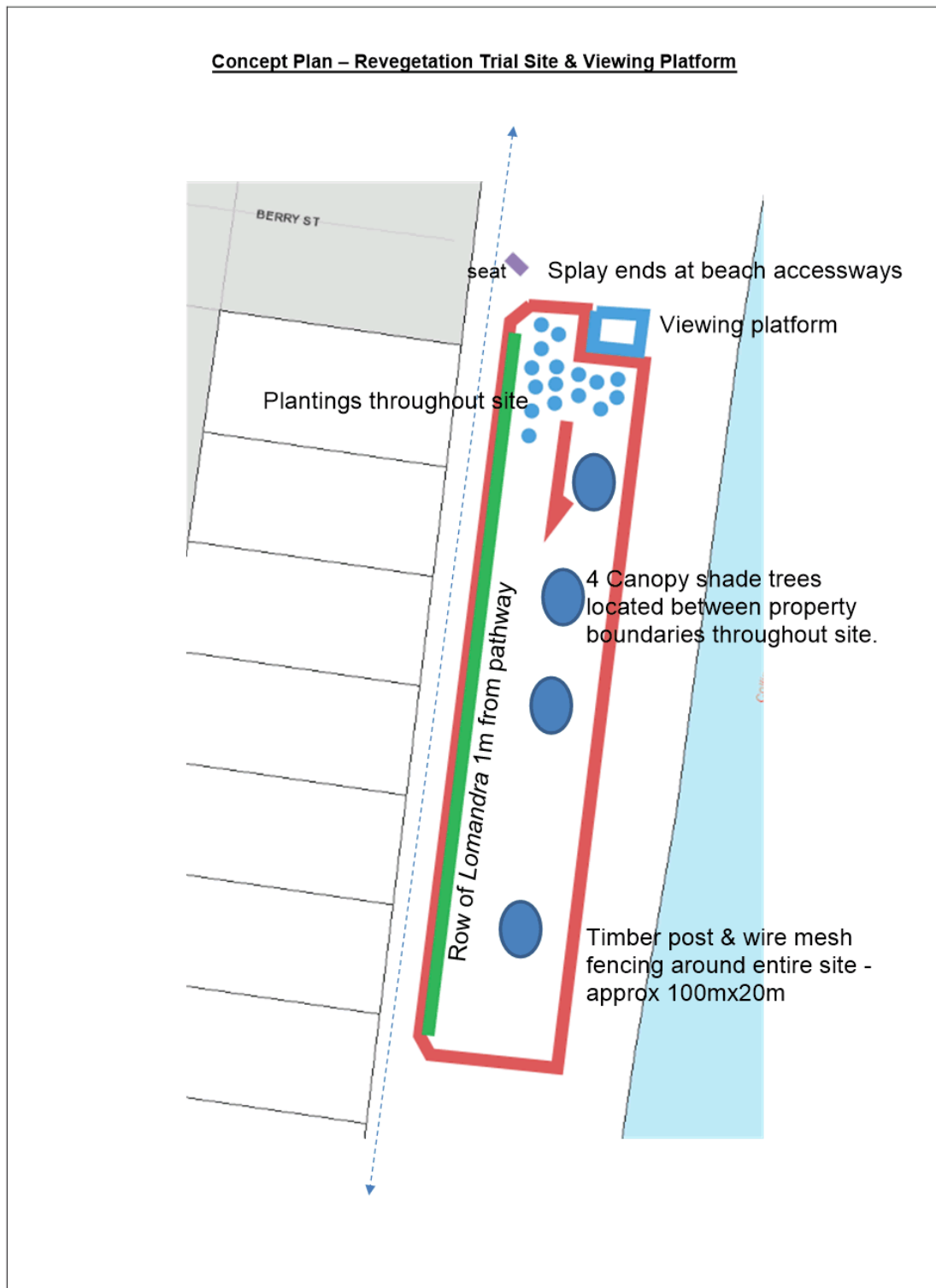


Looking east from beach access way



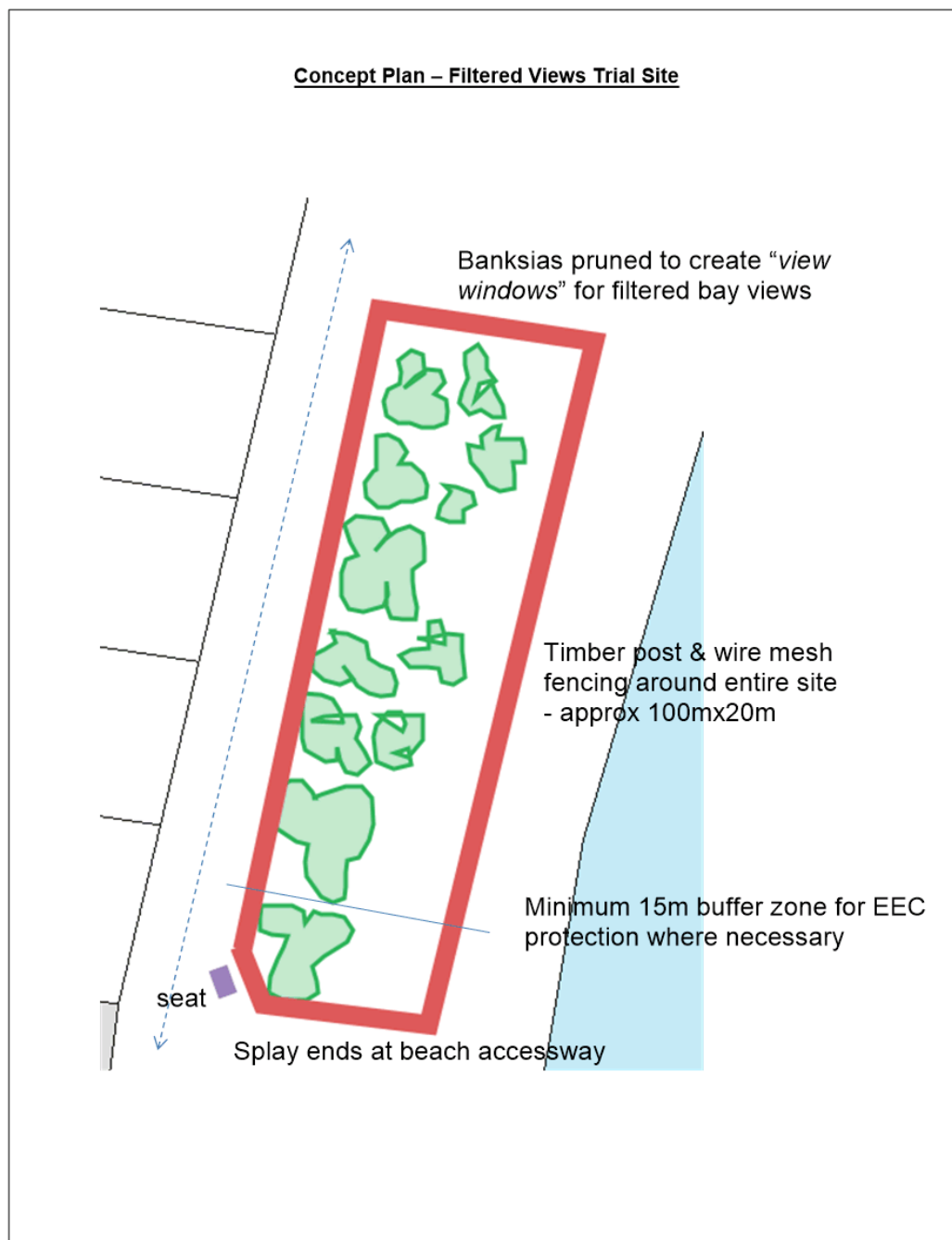
2. ACTIONS

ACTION 1 – Revegetation Trial Site (100m in length) from Berry St, south towards Montague Street	NOTES	TIMEFRAME
<i>Trial Site One - a damaged and denuded section of the foreshore to be revegetated progressively over time throughout the planting season) in accordance with the five management objectives of the "Baptist" draft recommendation. Works to include appropriate plants, excluding banksia species but including occasional tall canopy shade trees (maximum 4) in accordance with an agreed revegetation plan (Refer to Appendix 3). Dead standing wood to be felled and timber spread throughout the fore dune reserve in recognition of its value as habitat.</i>	Refer to Concept Plan Revegetation Site following page.	August 2018
Complete a Review of Environmental Factors (REF).	To include all trial sites. If done externally, obtain contractor quote.	August 2018
Undertake weed control prior to any work and routine site maintenance throughout trial period. An existing site vegetation species inventory can be found in Appendix 4.	Obtain contractor quotes and/or Bushcare group.	August 2018 and on-going
Fell and spread of dead wood on selected sites.	Obtain contractor quotes.	August 2018
Install wire mesh fencing with timber posts, around the perimeter of the site and maintain throughout trial period and include splayed fence corners at western end of Berry St beach access.	Obtain contractor quotes.	August 2018
Organise community planting event e.g. schools, adjoining property owners and community members.	Contact local schools, invite community, liaise with property owners and contact high profile promotional person/s for event (e.g. Illawarra Dragons players).	August 2018
Plant out site in accordance with plant species list (Appendix 5). No Banksia species to be planted. Nothing to be planted within 1m of the shared pathway.	Refer to species list (attached).	August 2018
Lomandra to be planted along boundary with shared pathway at a distance of at least 1m.		August 2018
Replace failed plants with similar plant form.	Inspect/monitor prior to planting season to determine replacement plants.	April to August for 2 years.



ACTION 2 – Viewing platform at Berry Street beach access	NOTES	TIMEFRAME
Conduct environmental assessments including due diligence assessment of Aboriginal cultural heritage.	Refer to Concept Plan Viewing Platform previous page. Obtain contactor quotes. Ensure remains in accordance with MHL's report.	July 2018
Develop concept design and costing for viewing platform at the selected site on south side and adjacent to Berry Street beach access.	Obtain contactor quotes (approximately 3m x 4m size).	July 2018
Finalise design in consultation with the reference group	Liaise with reference group.	August 2018
Install infrastructure.		August 2018
ACTION 3 – Filtered View Trial Site (up to 100m in length) from Susan Street, north towards Montague St	NOTES	TIMEFRAME
<i>Trial Site Two - a current vegetated area of Banksia species to be trimmed over time to maintain 'view windows' that provide filtered views of the Bay.</i>	Refer to Concept Plan Filtered Views 2 pages below.	
Engage a suitably qualified arborist to: <ul style="list-style-type: none"> Select suitable Banksia trees and pruning method to protect the health of the trees in accordance with AS4373 and to also protect nesting animals. Identify branches to be pruned that are contained within the canopy to create a view window effect to provide filtered views to the Bay from the shared pathway. No under-pruning to be undertaken. 	Obtain contactor quotes.	August 2018
Undertake weed control throughout the site.	Either SCC or contactor quotes.	On-going
Subject to positive REF implement the pruning strategy in accordance with AS4373.		When REF accepted
Cut felled branches and spread throughout selected sites on foreshore reserve.		August 2018
Install wire mesh fencing, with timber posts, around the perimeter of the site and maintain throughout trial period.	Obtain contactor quotes.	August 2018

Maintain original view window size progressively over timeframe of the trial.	Determined by monitoring outcomes.	When required throughout trial period
Assess health of pruned trees.		6 monthly
Install bench seat at western end of Susan St beach access adjacent to pathway.		
Splay ends of western end of Susan St beach access.		
ACTION 4 - Overall Collingwood Beach Foreshore Actions - Susan to Illfracombe Street.	NOTES	TIMEFRAME
Remove all existing tree vandalism signs from Collingwood Beach.		August 2018
Implement a new signage program to be developed in the new Vegetation Vandalism Policy.		December 2018
Investigate potential for CCTV camera installations to monitor vandalism activities.		December 2018



3. MAINTENANCE

Revegetation Trial Site	Timeframe
Weed control	Throughout 2 year trial period
Repair damage to fencing	Throughout 2 year trial period
Pest control (eg. Rabbits, plant pests)	As required
Plant specimens maintenance -fertilising/watering	As required
Banksia Pruning Trial Site	
Weed control	Throughout 2 year trial period
Repair damage to fencing	Throughout 2 year trial period

4. MONITORING

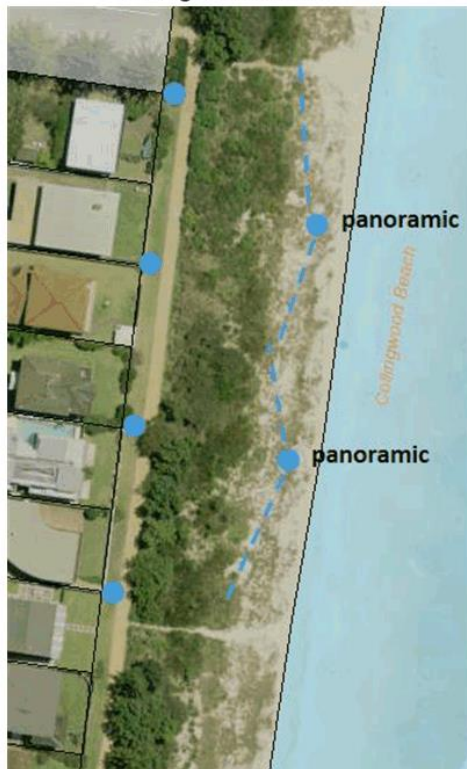
Action	Timing
<i>Develop a monitoring and evaluation program.</i>	<i>During the 2-year trial implementation period.</i>
Implementation	
Pictorial records will be made of the beachfront from the land and air (aerial photography) in order to have a means of measurement of outcome. Refer to map of photo monitoring points for land monitoring locations on following page.	Prior to commencement of management actions; during implementation of management actions; at completion of management actions and at 8 weekly intervals.
Quadrats through each site to monitor plant species diversity and species natural recruitment and to specifically include natural regeneration of banksias in revegetation trial site.	Before and after implementation of management actions and at 6 monthly intervals.
Survival of planted specimens.	Before and after implementation of management actions and at 3 monthly intervals. Replacement specimens will be planted in the next appropriate planting season.
Vandalism	Before and after implementation of management actions and at 2 monthly intervals. A volunteer network (e.g. Bushcare) will monitor vandalism weekly and report findings/observations to Council via Council's public contact links.

4. MONITORING continued...

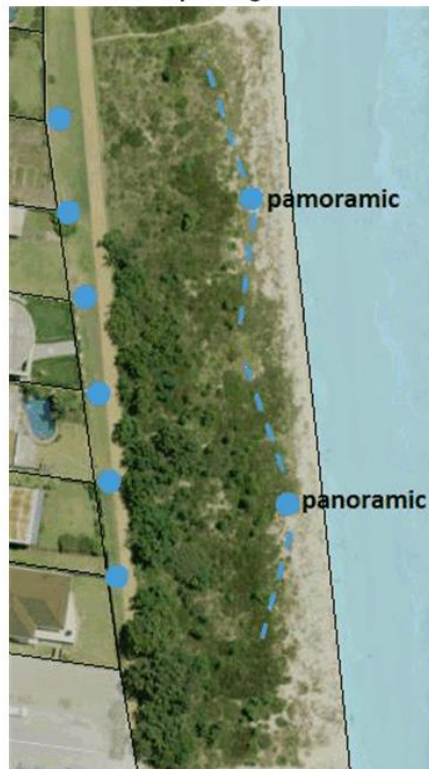
<p>The health condition of trees that have been pruned including;</p> <ul style="list-style-type: none"> • Decline in health eg. dieback, increased fungal &/or insect attack, branch failure. • Regrowth patterns • Vandalism 	<p>Before and after implementation of management actions and at 6 monthly intervals.</p>
<p>Abundance and diversity of weed species at trial sites.</p>	<p>Before and after implementation of management actions and at 12 monthly intervals.</p>
<p>Photo monitoring of pruned banksia regrowth. Before and after pruning & throughout trial period.</p>	<p>Photo comparison over time to determine created Bay views – 2 month photo periods</p>
<p>Costs associated with implementing & maintaining trial sites.</p>	<p>Throughout implementation trial.</p>

Map of photo monitoring points

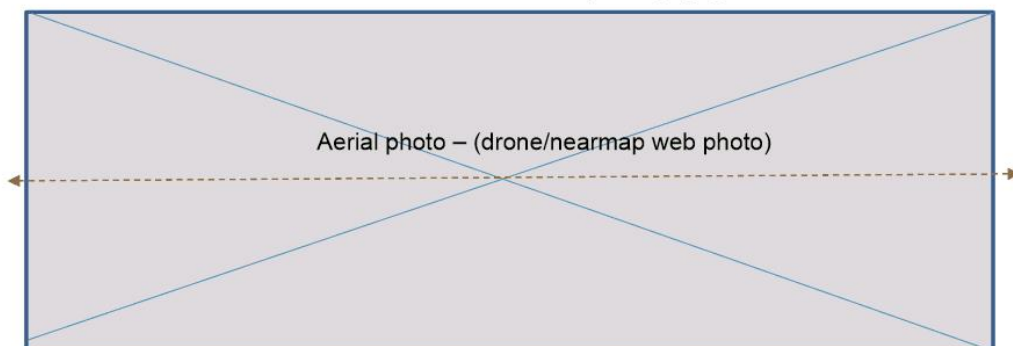
Revegetation Site:



Banksia pruning site:



Both Trial Sites - Aerial photography



5. EVALUATION

Success	Measure
Pruned Banksia's in good health.	Assessment by arborist at 6 monthly intervals and prior to pruning.
Surviving plant specimens.	Percentage of survival of planted specimens.
Positive social response.	Number and opinion of unsolicited posts, letters, etc.
Plant diversity.	Number of weed vs native species.
Filtered views.	Cost effectiveness of view window maintenance - time and money spent.
Decreased vandalism on trial sites. - A control site in Vincentia will be chosen for comparison.	Percentage of known vandalism decreasing over time across trial sites.
Acceptance by the community of the outcome of the trial.	Community survey to be undertaken (web-based)

6. COMMUNICATION STRATEGY

Action	Strategy
Develop a strong engagement and communication strategy with identified stakeholders including a program of public consultation and education throughout trial period.	Incorporate multi-media, information displays and signage and/or presentations.
Implementation	
Meet with adjacent property owners.	Letter contact and invite to owners of properties adjacent to trial sites to meet with Councillors and staff.
Website and Facebook updates to Vincentia and Huskisson communities.	Liaise with SCC website developers.
Information posters in local villages.	Display information posters at local shopping centres and notice boards.
Erect explanatory signs at trial sites.	Encourage the local community to take ownership of the plan.
Planting day.	Inclusion of local schools, liaise with property owners and contact high profile promotional person/s for event (e.g. Illawarra Dragons players, 'Wombat' from 'The Block') with assistance from SCC media team.
Progress Report to Council	6 month reporting period. Final report to be available in Dec 2020 after the 2-year trial period has expired.

7. IMPLEMENTING ON-GROUND WORKS

- Arborist - pruning works & felling dead trees
- Bush revegetation crew – planting & weeding
- Construction contractor – viewing platform

Type of Activity	Who
Pruning	Contractor
Felling deadwood & scattering	Shoalhaven City Council/Contractor
Manual weed control	Shoalhaven City Council/Contractor
Replacement planting	Shoalhaven City Council/Contractor
Construction (viewing platform)	Contractor
Monitoring	Shoalhaven City Council
Education (school groups, field days etc)	Shoalhaven City Council

8. FUNDING

Project	Funding source
Trial site fencing	The current Collingwood Beach budget
Review of Environmental Factors (REF)	The current Collingwood Beach budget
Aboriginal Heritage assessment/Due diligence	The current Collingwood Beach budget
Bush revegetation and pruning works	The current Collingwood Beach budget
Community liaison: <ul style="list-style-type: none"> • Interpretative signs • Local relationship workshop • Pop-up stall • Awareness campaign • 	The current Collingwood Beach budget
Trial sites monitoring	The current Collingwood Beach budget
Future maintenance and monitoring	Grant funding and Council budget at quarterly reviews
Future community liaison	Grant funding and Council budget at quarterly reviews
Project Implementation	Community Grants – State Government - Local Member

9. OTHER LOCAL OR REGIONAL MANAGEMENT PLANS OR STRATEGIES THAT THIS PLAN RELATES TO

Name of document	Year produced	Produced by
Shoalhaven Council Foreshore Reserves Policy	2005	Shoalhaven City Council
Community Land Generic Plan of Management – Natural Areas	2001	Shoalhaven City Council
Draft Coastal Zone Management Plan for the Shoalhaven Coastline	2012	Shoalhaven City Council (Umwelt)
Noxious and Environmental Weed Control Handbook	6th Edition	NSW Department of Primary Industries
NSW Coastal Dune Management Manual	2001	NSW Dep. Of Land and Water Conservation
Jervis Bay Regional Environmental Plan	1996	NSW Department of Urban Affairs and Planning
Coastal Zone Management Plan for the Shoalhaven Coastline – Draft	2018	Shoalhaven City Council
Collingwood Beach Dune Vegetation Mgt Plan Review	2017	Manly Hydraulics Laboratory

10. PLAN WILL BE REVIEWED IN TWO YEARS

Next review due:

...31st Dec2020

11. APPENDICES:**Appendix One:*****Collingwood Beach Dune Vegetation Reference Group – Draft
Recommendations*****Collingwood Beach Dune Vegetation Management 2015-2020**

1. That Council develop a plan for the management of the Collingwood Beach dune vegetation on a 5 year trial basis in accordance with the following objectives:

Management Objectives

- 1.1 The dune vegetation needs to be diversified by natural seeding and planting of local natives species to support a healthy and resilient dune system; and
 - 1.2 The dune vegetation needs to provide a wedge effect to ensure the retention of sand on the beach and to protect assets (public and private) located at the back of the dune; and
 - 1.3 The dune vegetation needs to be managed in a way that maximises filtered views at appropriate locations; and
 - 1.4 The dune vegetation provides from the walkway and from the beach a range of experience, with filtered views, thickets, healthy vegetation, tall occasional shade trees
 - 1.5 The dune vegetation needs to be managed and maintained in a sustainable way, meaning it will need to be legally, financially, and environmentally, acceptable for present and future generations.
2. That Council, with the community, actively communicate, educate and engage with relevant parties, including but not limited to tourists, residents, property owners, interest groups and bushcare groups on dune vegetation management at Collingwood Beach, in accordance with the objectives of these recommendations.

Communication Objectives

- 2.1 Community understands the role of vegetation on dunes in particular with regard to protection of public and private assets;
- 2.2 Community sees the dune and its vegetation as a community asset providing benefits to many;
- 2.3 Community members have opportunities to have a say and be involved in the dune vegetation plan of management activities; and
- 2.4 Community understands the complexities of managing a natural active system in an urban tourism setting, and supports the balanced approach put forward by the plan of management of the Collingwood Beach dune vegetation.

Appendix Two: Council Motion

STRATEGY & ASSETS COMMITTEE

21/11/2017

TO: Environmental Services Manager (Kelie Clarke)

Subject: CL17.225 - Collingwood Beach Dune Vegetation Management - Two Trial areas - Man Plan - Signs - Funding - Tree Vandalism Policy
Target Date: 21/12/2017
Notes:
HPERM 9929E D17/368902
Reference

RESOLVED (Clr White / Clr Levett)

MIN17.974

That Council:

1. Receive the advice received from the Office of the Hon. Gabrielle Upton MP, Minister for the Environment, Minister for Local Government, and Minister for Heritage.
2. In view of advice from Manly Hydraulics Laboratory (MHL), Government agencies and NGH Environmental and the objectives of the Coastal Management Act, adopt the following:-
 - a. Recognise the final draft recommendations and proposed management and communication methods compiled by the Collingwood Beach Dune Vegetation Reference Group (Chaired by Allan Baptist in the former Council) were adopted as a broad framework on which to build and should be utilised as a reference document.
 - b. Develop two trial sections at Collingwood Beach beachfront, each of approximately 50 mtrs in length, to be monitored over a two year period:-
 - i. Section One will be a damaged and denuded section to be revegetated in accordance with an agreed plan and with appropriate plants (not of the banksia species) in accordance with the five management objectives of the "Baptist" draft recommendation. The first stage of restoration will include the cutting down and spreading of dead wood on the selected site in recognition of its value as habitat.
 - ii. Section Two will be a current vegetated area of Banksia species to be trimmed progressively over time to provided filtered views of the Bay.
 - iii. Identifies location for 1 viewing platforms in accordance with MHL's report; and
 - iv. Includes a monitoring and evaluation program during the 2-year trial implementation period.
 - v. The aim of the trial is to show good foreshore management.
 - c. Prior to any implementation of the trial:-
 - i. A Management plan for the two sites be developed;
 - ii. Pictorial records will be made of the beachfront from the land and air in order to have a means of measurement of outcomes;

- d. All existing signs regarding tree vandalism will be removed from Collingwood Beach and a new signage program developed in the new Tree Vandalism policy.
 - e. All Management planning and assessments of the Trial to be managed by:-
 - i. Council staff
 - ii. Reference Group - Community members;
Bruce McKenzie, Noel Ross-Kelly, Dawn Thompson and Barbara Liddle
 - iii. Councillors –
 - iv. Jo Gash, Kaye Gartner, Patricia White, John Levett, Mitch Pakes and other interested Councillors.
 - f. A strong engagement and communication strategy be established with identified stakeholders including a program of public consultation and education throughout the trial period and ongoing. Explanatory signs should be erected to encourage the local community to take ownership of the plan.
3. Pursue funding options of:-
- a. The current Collingwood budget
 - b. Grant funding
 - c. Council budget at quarterly reviews
4. Develop a robust Shoalhaven Tree Vandalism policy to be rolled out across the Shoalhaven. In the interim Council immediately adopt the anti-vandalism strategy as outlined in this report be adopted and implemented to mitigate against continuing vandalism.
- FOR: Clr Wells, Clr Gash, Clr White, Clr Gartner, Clr Cheyne, Clr Findley,
 Clr Levett, Clr Pakes, Clr Kitchener, Clr Proudfoot and Russ Pigg
- AGAINST: Clr Watson
- CARRIED

Appendix Three: Revegetation Site Plan

**Undertaken in accordance with REF recommendations.*

Weed Control

Contractor bush regeneration crew to target identified weed species occurring throughout trial site using integrated control techniques as per label and APVMA permits advice.

Current Weed Species	Common Name
<i>Asparagus densiformis</i>	Prickly asparagus fern
<i>Conyza albida</i>	Fleabane
<i>Stenotaphrum secundatum</i>	Buffalo grass
<i>Ehrharta sp.</i>	Ehrharta grass
<i>Solanum sp.</i>	Solanum
<i>Sonchus sp.</i>	Sow thistle
<i>Ammophila arenaria</i>	Marram grass
<i>Oxalis sp.</i>	Wood sorrels
<i>Agonis flexuosa</i>	WA pepper tree
<i>Bryophyllum sp.</i>	Mother-of-millions
<i>Other exotic species</i>	

Standing Deadwood

Standing dead wood to be felled and spread throughout trial site to provide habitat.

Fencing

As described in Action 1 - Install wire mesh fencing, with timber posts, around the perimeter of the site and maintain throughout trial period.

Planting

- Banksia species NOT to be planted.
- Only occasional tall canopy shade trees to be included (maximum 4)
- Shrubs and understorey endemic plants to be planted.

Appendix Four: Revegetation Site – Existing Dominant Native Species List

OVERSTORY SPECIES	
Botanical	Common
<i>Banksia integrifolia</i>	Coastal banksia
<i>Eucalyptus botryoides</i>	Bangalay (1 only)
SHRUBS	
Botanical	Common
<i>Ficinia nodosa</i>	Knobby club rush
<i>Acacia longifolia</i> var. <i>sophorae</i>	Coastal wattle
<i>Leucopogon parviflorus</i>	Coast beard-heath or native currant
<i>Pelargonium australe</i>	Austral stork's bill
UNDERSTOREY (grasses, herbs, climbers)	
<i>Carpobrotus glaucescens</i>	Pigface
<i>Correa alba</i>	White correa
<i>Imperata cylindrica</i>	Blady grass

Appendix Five: Recommended Revegetation Species List (subject to availability)

**Height is assessment for species when occurring on exposed dune environment.
Some species have potential to grow taller in sheltered locations.*

OCCASIONAL CANOPY SPECIES		*Estimated Height (m)
Botanical	Common	
<i>Eucalyptus botryoides</i>	Bangalay	~30
SHRUBS		
Botanical	Common	
<i>Acacia longifolia</i> var. <i>sophorae</i>	Coastal wattle	0.5 – 2
<i>Breynia oblongifolia</i>	Coffee bush	2
<i>Correa alba</i>	White correa	~1.5
<i>Leucopogon parviflorus</i>	Coastal bearded heath	0.5 - 2
<i>Monotoca elliptica</i>	Tree broom-heath	2 - 3
<i>Pittosporum revolutum</i>	Rough fruit daphne	~2
<i>Ricinocarpus pinifolius</i>	Wedding bush	1 - 2
<i>Notelaea longifolia</i>	Long-leaved olive	~2
UNDERSTOREY (grasses, herbs, climbers)		
Botanical	Common	
<i>Actites megalocarpa</i>	Coastal sowthistle	0.2
<i>Austrofestuca littoralis</i>	Coastal fescue	0.5
<i>Billardiera scandens</i>	Apple berry	0.5
<i>Carex longibrachiata</i>	Bergalia Tussock	0.5
<i>Carpobrotus glaucescens</i>	Pig Face	Creeper
<i>Cassytha pubescens</i>	Devils twine	Creeper
<i>Commelina cyanea</i>	Scurvy weed	0.1
<i>Desmodium gunnii</i>	Slender tick trefoil	Creeper
<i>Dianella caerulea</i> var. <i>caerulea</i>	Blue Flax Lily	~ 0.75
<i>Dianella congesta</i>	Coastal flax lily	1
<i>Dianella crinoides</i>	Flax lilies	0.8
<i>Dichondra repens</i>	Kidney Weed	Creeper
<i>Entolasia marginata</i>	Panic grass	0.3
<i>Ficinia nodosa</i>	Nodding rush	1
<i>Geranium potentilloides</i>	Geranium	0.3
<i>Glycine clandestina</i>	Love creeper	Creeper
<i>Hardenberia violacea</i>	False sasparilla	Creeper
<i>Hibbertia scandens</i>	Golden guinea flower	Creeper
<i>Imperata cylindrica</i> var. <i>major</i>	Blady grass	0.5
<i>Kennedia rubicunda</i>	Dusky coral pea	Creeper
<i>Lepidosperma concavum</i>	Sandhill Sword-sedge	~0.5
<i>Lomandra longifolia</i>	Spiny mat-rush	0.5 – 1
<i>Marsdenia rostrata</i>	Milk vine	Creeper
<i>Microlaena stipoides</i> var. <i>stipoides</i>	Weeping grass	~0.5
<i>Parsonsia straminea</i>	Common silkpod	Creeper
<i>Pelargonium australe</i>	Coastal geranium	0.3
<i>Pratia purpurascens</i>	Whiteroot	Creeper

<i>Rhagodia candolleana</i>	Seaberry saltbush	0.5
<i>Rubus parvifolius</i>	Native raspberry	Creeper
<i>Scaevola calendulacea</i>	Fan flower	Creeper
<i>Senecio lautus</i>	Coastal senecio	0.5
<i>Solanum pungetium</i>	Eastern nightshade	0.3
<i>Spinifex sericeus</i>	Spinifex	0.5
<i>Stephonia japonica</i>	Snake vine	Creeper
<i>Themeda australis</i>	Kangaroo grass	0.8
<i>Viola hederacea</i>	Violet	0.1

- All plants will be planted with water crystals and fertiliser tablets.
- Plants can have guards placed around each to protect against wind, salt and rabbit damage. An alternative option is to install rabbit proof mesh around perimeter fence (site to be assessed).
- Tree guards (if used) will be removed once plant is assessed to be strong enough to survive unprotected.

Appendix Six: Pruning Site - Existing Dominant Native Species List

OVERSTORY SPECIES	
Botanical	Common
<i>Banksia integrifolia</i>	Coast banksia
<i>Leucopogon parviflorus</i>	Coast beard-heath or native currant
SHRUBS	
Botanical	Common
<i>Acacia longifolia</i> var. <i>sophorae</i>	Coastal wattle
<i>Commelina cyanea</i>	Scurvy weed
<i>Correa alba</i>	White correa
<i>Ficinia nodosa</i>	Knobby club rush
<i>Geranium</i> sp.	Geranium
<i>Leptospermum laevigatum</i>	Coastal tea tree
UNDERSTOREY (grasses, herbs, climbers)	
<i>Carpobrotus glaucescens</i>	Pigface
<i>Lomandra longifolia</i>	Spiny-head Mat-rush
<i>Spinifex sericius</i>	Spinifex grass

Appendix Seven: Pruning Site Existing Weed Species List

Current Weed Species	Common Name
<i>Ammophila arenaria</i>	Marram grass
<i>Asparagus densiformis</i>	Prickly asparagus fern
<i>Conzys albida</i>	Fleabane
<i>Ehrharta</i> sp.	Ehrharta grass
<i>Oxalis</i> sp.	Wood sorrels
<i>Solanum</i> sp.	Solanum
<i>Sonchus</i> sp.	Sow thistle
<i>Stenotaphrum secundatum</i>	Buffalo grass