

Regional Development Committee

Meeting Date: Tuesday, 26 April, 2022

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

Attachments (Under Separate Cover)

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Planning Report – S4.15 Assessment – Island Point Rd, ST GEORGES BASIN - Lot 1 DP 1082382

COUNCIL ASSESSMENT REPORT

Panel Reference	PPS-2017STH009
DA Number	RA17/1000
LGA	Shoalhaven City Council
Proposed Development	Concept masterplan for a mixed-use development (comprising of residential flat buildings, commercial premises and shop top housing) and associated minor boundary adjustment subdivision
Street Address	Anson Street, St Georges Basin
Applicant/Owner	Eastern Grey Developments Pty Ltd / David DeBattista
Date of DA lodgement	30 March 2017
Total number of Submissions Number of Unique Objections	Council received 250 submissions objecting to DA in 2017 and 83 submissions objecting to the amended DA in 2020 when the amended proposal was renotified as part of the LEC Court proceedings.
Recommendation	Refusal
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021	General development over \$30 million: Development that has a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021; • State Environmental Planning Policy (Planning Systems) 2021; • State Environmental Planning Policy (Resilience and Hazards) 2021; • State Environmental Planning Policy (Transport & Infrastructure) 2021; • State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building; • Shoalhaven Local Environmental Plan 2014; and • Shoalhaven Development Control Plan 2014.
List all documents submitted with this report for the Panel's consideration	Attachment 1 - Section 4.15 Assessment Report Attachment 2 – Concept Masterplan Plans
Clause 4.6 requests	N/A
Summary of key submissions	<ul style="list-style-type: none"> • Development is out of character with the Basin area. • Traffic impacts – safety, increased volume. • Lack of public transport. • Adverse visual impact. • Appearance. • Unsuitable development that sets a precedent. • Adverse environmental impacts on the Basin and local flora and fauna. • Adverse social impacts due to significant population increase in the area • Lack of adequate utilities and facilities including water supply, sewage, transport, school and roads. • Increase and changes in flow of storm water that would adversely impact the Basin. • Does not meet the requirement of SEPP 65 in that the proposed development does not respond to or enhance the quality and identity of the area. • Does not meet the requirements of SEPP 71. • Adverse impact on the visual amenity and scenic qualities of the area. • Overshadowing on neighbouring properties. • Inadequate parking for residents and visitors. • Loss of privacy.

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Report prepared by	Rebecca Lockart, Lead Development Services (North)
Report date	18 April 2022
Summary of s4.15 matters	
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	No
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not applicable
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not applicable
Conditions	
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	No Recommendation of refusal

1. Executive Summary

The subject site is located to the south of the St Georges Basin Village, some 300m to the north/north east of St Georges Basin. The land is legally identified as Lots 1 and 6 DP 1082382, Anson Street St Georges Basin.

The site is predominantly cleared with the exception of minor strands of trees and bushes including around 10m² of Commonwealth threatened plant species *Melaleuca biconvexa*. Historically, the site was heavily vegetated, with the site cleared in 2017. The site at lodgement was identified as being entirely bush fire prone land however recent change to mapping after 14 October 2021 has reduced the bushfire vegetation category applying to the site. Despite this as this application was lodged prior to this date, the old mapping applies, on which the site was not identified as 'Category 1' and 'buffer' bush fire prone land.

The site is surrounded by low density residential development to the west and east, manufactured housing estate to the south, low-rise village town centre and a new residential subdivision to the north.

The subject DA was lodged on 30 March 2017. The application is described as a staged development application (DA) per Section 4.22 of the *Environmental Planning and Assessment Act* (EP&A Act) for a concept masterplan for a mixed-use development (comprising of residential flat buildings, commercial premises and shop top housing) and associated minor boundary adjustment subdivision at Anson Street, St Georges Basin (Lots 1 and 6 DP 1082382).

Since lodgement, the application was the subject of a "Deemed Refusal" appeal in the Land and Environment Court. The proceedings were however discontinued, leaving the application undetermined. To resolve the application, the application is now reported to the Regional Planning Panel to finalise the matter.

The land is zoned R1 General Residential and B4 Mixed Use under the *Shoalhaven Local Environmental Plan 2014* (SLEP 2014), under which mixed-use and residential flat development are permitted with the consent of Council.

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As the development has a capital investment value (CIV) is more than \$30 million, in accordance with section 2 of Schedule 6 of SEPP (Planning Systems) 2021, the application constitutes a regional development application, and the Southern Regional Planning Panel is the determining authority for the application.

The proposal has failed to satisfy the critical matters for assessment and determination for the development the subject of the concept DA per Section 4.22(5) of the EP&A Act including:

- Compliance with the respective environmental planning instruments applying to the site;
- The visual compatibility of the development to surrounding development and neighbourhood character;
- Traffic impacts from the proposed parking spaces and the development's siting within the road network;
- The impact of the development on surrounding properties and the public domain;
- Social impacts of the development;
- The streetscape and urban design issues relating to the building heights, footprints and separations, traffic, accessibility and safety; and
- The shadow impacts of the development on the public domain and private properties.

The development application has been assessed against the following relevant environmental planning instruments:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)*
- Shoalhaven Local Environmental Plan 2014

There are areas of noncompliance and environmental impacts in relation to a number of these environmental planning instruments, including SEPP 65 and the accompanying Apartment Design Guidelines, and SLEP 2014 in relation to consistency with the objectives of the applicable zoning, provision of services and the maximum height of buildings.

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

Generic Chapters

- Chapter 2: General Environmental Considerations
- G1: Site Analysis, Site Design and Building Materials
- G3: Landscaping Design Guidelines
- G4: Removal and Amenity of Trees
- G5: Biodiversity Impact Assessment
- G6: Coastal Management Areas
- G7: Waste Minimisation and Management
- G13: Medium Density and Other Residential Development
- G17: Business, Commercial and Retail Activities
- G21: Car Parking and Traffic
- G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines

Specific Chapters

- N23: St Georges Basin Village Centre

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The development is considered noncompliant with a number of these SDCP 2014 particularly Chapter N23 St Georges Basin Village Centre. These matters form reasons for the recommendation of the refusal of the DA.

The DA was notified in accordance with the *Environmental Planning & Assessment Regulation 2000* (the EP&A Regs) and Council's Community Consultation Policy for Development Applications on two occasions, the first being from 12 April to 15 May 2017 (Rev A plans). In response 250 submissions were received by Council, objecting to or raising concerns with the proposal. A further notification of the amended proposal was undertaken from 11 August 2020 to 11 August 2020 (Rev B plans).

Key objections in both instances relate to:

- Development is out of character with the Basin area.
- Traffic impacts – safety, increased volume.
- Lack of public transport.
- Adverse visual impact.
- Appearance.
- Unsuitable development that sets a precedent.
- Adverse environmental impacts on the Basin and local flora and fauna.
- Adverse social impacts due to significant population increase in the area
- Lack of adequate utilities and facilities including water supply, sewage, transport, school and roads.
- Increase and changes in flow of storm water that would adversely impact the Basin.
- Does not meet the requirement of SEPP 65 in that the proposed development does not respond to or enhance the quality and identity of the area.
- Does not meet the requirements of SEPP 71.
- Adverse impact on the visual amenity and scenic qualities of the area.
- Overshadowing on neighbouring properties.
- Inadequate parking for residents and visitors.
- Loss of privacy.

These matters have been addressed in this report and form reasons for the recommendation of this application.

The site is considered unsuitable for the proposed development in its present form, out of character with the existing and desired character of the St Georges Basin village. Approval of the proposal would not be in the public interest.

This report recommends that the application is refused for the reasons outlined in this report.

2. Application Details

Applicant: Eastern Grey Developments Pty Ltd

Owner: Mr David De Battista

Capital Investment Value: \$116, 000, 000 million inc. GST (as at 2017 lodgement)

Disclosures: No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made by any persons.

Note: The applicant for the DA at lodgement was Cowman Stoddart Pty Ltd, and the owner was and currently is Mr David De Battista.

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The application was subject of a Class 1 Deemed Refusal appeal, filed on 28 June 2017 by Mr De Battista. As Mr De Battista commenced the appeal on the basis that he was the 'applicant' who was dissatisfied with the deemed refusal (refer s.97(1) now s.8.7(1) of the *Environmental Planning and Assessment Act 1979*), Council has assumed Cowman Stoddart Pty Ltd submitted the DA in 2017 as Mr De Battista's agent. Court proceedings were discontinued by Mr De Battista on 6 May 2021.

The same amended plans as those (Revision P2, dated 30 June 2020) were submitted by the owner on 13 May 2021 with a request to amend the applicant of the subject development application to 'Eastern Grey Developments Pty Ltd'. Confirmation has been received by Cowman Stoddart Pty Ltd confirming their agreement for the change of applicant.

3. Detailed Proposal

(a) Concept Development Application

The application as lodged sought consent for a staged development application under then section 83B of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) seeking consent for maximum building envelopes, land uses including estimated apartment unit mix, allocation of parking across the site and minor adjustments to property boundaries to facilitate the siting of proposed buildings.

Since lodgement of the DA, this section of the Act is now Section 4.22 of the EP&A Act and the application is considered a concept development application ('concept DA') as follows:

4.22 Concept development applications (cf previous s 83B)

- (1) *For the purposes of this Act, a **concept development application** is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.*

Comment: The application seeks consent for the Concept Master Plan (CMP) across the site for 15 new buildings as shown at **Figure 1**. The submitted Statement of Environmental Effects (SEE) states, "*detailed proposals for each of the buildings identified in the [concept DA to] be the subject of separate development applications and will contain more details associated with these subsequent stages of the application*" (p.9).

- (2) *In the case of a staged development, the application may set out detailed proposals for the first stage of development.*

Comment: The application has not set out detailed proposals for the first stage of development nor does it seek consent for the staging of any future development for the site.

- (3) *A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.*

Comment: The applicant has requested that the proposal be treated as a concept DA

- (4) *If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless—*

- (a) *consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*

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(b) *the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*

The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.

Comment: This is further addressed later in this report, no consent is sought for the first or subsequent stages of the subsequent carrying out of the development.

(5) *The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.*

Note—

The proposals for detailed development of the site will require further consideration under section 4.15 when a subsequent development application is lodged (subject to subsection (2)).

Comment: The Land and Environment Court has provided guidance in the form of a Planning Principle, handed down as part of the court hearing in relation to *Anglican Church Property Trust v Sydney City Council* [2003] NSWLEC 353. The judgement states that:

“Multi-stage applications are useful for large or controversial projects as they provide the applicant with certainty about the major parameters of a proposal before it embarks on the expensive exercise of preparing detailed drawings and specifications for a development application. The critical issue is: how much detail should be provided in the Stage 1 application as against the Stage 2 application?”

The principle we have adopted is that in multi-stage applications the information provided in Stage 1 should respond to all those matters that are critical to the assessment of the proposal. Where traffic generation is the critical issue, Stage 1 should include information on the precise number of cars accommodated on a site. Where the floor space is critical, Stage 1 should include the precise FSR. Where the major issue is the protection of vegetation, the footprints of the proposed buildings may be sufficient.”

Accordingly, to clarify the limitations of the subject concept DA, this application includes the conceptual details for the development of the site including the distribution of proposed buildings across the site, maximum building heights and minimum setbacks and envelopes, the approximate unit mix and parking provided, landscaped areas and vehicular access/egress.

It is noted that the built forms depicted on the plans may not necessarily be the same as the final form of the buildings which would normally be considered in the subsequent ‘Stage 2 development applications’. The plans subject to this application generally indicate the building envelopes within which the future buildings will be contained. The actual shapes of the buildings, including the number of floors, the elevations, the external finishes and the colours are to be shown in the subsequent development applications which follow the approval of the concept DA consent.

The critical matters to be assessed and determined are:

- Compliance with the respective environmental planning instruments applying to the site;
- The visual compatibility of the development to surrounding development and neighbourhood character;
- Traffic impacts from the proposed parking spaces and the development’s siting within the road network;
- The impact of the development on surrounding properties and the public domain;

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- Social impacts of the development;
- The streetscape and urban design issues relating to the building heights, footprints and separations, traffic, accessibility and safety; and
- The shadow impacts of the development on the public domain and private properties.

The subject application does not approve tree removal which would be addressed and assessed under each subsequent DA. The application is however accompanied by an Ecological Assessment (Kevin Mills & Associates Pty Limited, dated February 2017, ref: 14/27/2) to provide a flora and fauna assessment of the subject proposal.

In addition to this the DA does not describe the stages in which the development is proposed to be carried out., nor have accurate 'proof-of-concept' floor plans for all proposed building envelopes showing the layout, number of units and intended uses of each building to demonstrate the workability of the concept and to allow amenity impacts to be properly considered against relevant controls. The number of apartments and mix shown in the Masterplan Yield table [Rev D] are unable to be verified.

It is considered that the level of supporting information inadequately responds to those matters that are regarded as being critical to the assessment of the proposal. Nonetheless, Council has sufficient information to form a view as to the appropriateness of the concept DA in its current form.

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Figure 1. Site Plan of proposed development with Building Footprint (Dwg No. M02, Revision D, 17-Jul-20)

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(b) Proposed concept masterplan (as amended)

The concept masterplan makes provision for a total of 15 buildings:

- One building comprising a mixture of lower level commercial (retail and business premises) & upper level shop top housing (Building J); and
- Fourteen residential flat buildings containing a mixture of 1, 2 and 3 bedroom apartments.

The two buildings which form part of the concept masterplan, described as Buildings A & B, have received separate development consent (Development Consent No DA16/1830). These buildings are four storey residential apartment buildings comprising a total of 54 residential units (2 x 1 bedroom units, 19 x 2 bedroom units, and 33 x 3 bedroom units) and two levels of basement parking providing car parking for 100 vehicles and 2 car wash bays.

The other 13 buildings are estimated to provide :

- i) approximately 14 x 1 bedroom apartments;
- ii) approximately 92 x 2 bedroom apartments;
- iii) approximately 131 x 3 bedroom apartments;
- iv) an approximate total of 237 apartments;
- v) one ground floor level of retail/commercial use, approximately 1990m² in gross floor area;
- vi) 485 car parking spaces (419 residential, 66 retail/commercial).

Further details of the proposed building envelopes and their uses are provided at **Table 1 & 2**.

The indicative buildings will vary in height between 2 storeys to 4 storeys. as follows:

- i) Buildings A and B (approved) - 4 storeys;
- ii) Buildings C, D, E, F, G, H, I, K, L, M, N, O – 3 storeys;
- iii) Building J – 2 storeys.

The proposal also includes minor boundary adjustments of the subdivision allotments approved under SF10111. **Table 3** provides an outline of the change to the approved lot areas that is proposed under the concept DA. These adjustments are proposed to ensure building separation compliance under the Apartment Design Guideline (ADG).

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Table 1. Schedule of Buildings - Lot 6 (south of Anson St)

Building	Approved Lot	Maximum Building Height (m)	Number of Storeys	Number of apartments	Apartment Mix	Parking spaces
A (DA16/1830)	25	13	4	29	1 bed: 0 2 bed: 9 3 bed: 20	107
B (DA16/1830)	24	13	4	29	1 bed: 0 2 bed: 9 3 bed: 20	
C	24	8.5	3	14	1 bed: 2 2 bed: 6 3 bed: 6	23
D	23	8.5	3	19	1 bed: 0 2 bed: 8 3 bed: 11	34
E	23	8.5	3	24	1 bed: 2 2 bed: 10 3 bed: 12	41
F	22	8.5	3	20	1 bed: 2 2 bed: 8 3 bed: 10	34
G	22	8.5	3	20	1 bed: 2 2 bed: 9 3 bed: 9	34
H	22	8.5	3	13	1 bed: 3 2 bed: 4 3 bed: 6	21
I	22	8.5	3	17	1 bed: 3 2 bed: 6 3 bed: 8	28
Total (excl. Building A&B)		8.5	3	127	1 bed: 14 2 bed: 51 3 bed: 62	215
Total (incl. Building A&B)		8.5 - 13	3 – 4	185	1 bed: 14 2 bed: 69 3 bed: 102	537

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Table 2. Schedule of Buildings - Lot 1 (north of Anson St)

Building	Approved Lot	Maximum Building Height (m)	Number of Storeys	Number of apartments	Apartment Mix / Land use	Parking spaces
J	29	8	2	10	1 bed: 0 2 bed: 9 3 bed: 1 Commercial /Retail: 1990sqm	Residential: 20 Retail/ Commercial 66
K	28	8.5	3	24	1 bed: 0 2 bed: 9 3 bed: 15	44
L	28	8.5	3	16	1 bed: 0 2 bed: 6 3 bed: 10	29
M	28	8.5	3	21	1 bed: 0 2 bed: 9 3 bed: 12	38
N	27	8.5	3	17	1 bed: 0 2 bed: 5 3 bed: 12	32
O	27	8.5	3	22	1 bed: 0 2 bed: 3 3 bed: 19	41
Total:		8 - 8.5	2 - 3	110	1 bed: 0 2 bed: 41 3 bed: 69 Commercial /Retail: 1990sqm	270
Combined Totals (excl A&B)		8 - 13	2 - 3	237	1 bed: 14 2 bed: 92 3 bed: 131 Commercial /Retail: 1990sqm	485
Combined Totals (incl A&B)		8 - 8.5	3 - 4	295	1 bed: 14 2 bed: 110 3 bed: 151 Commercial /Retail: 1990sqm	592

Table 3. Proposed boundary adjustments

Approved Lot	Current Area – SF10111	Proposed Area (Rev D)
22	6165 m ²	6311 m ²
23	4753 m ²	4427 m ²
24	4686 m ²	4800 m ²
25	4753 m ²	No change
26	2980 m ²	3024 m ²
27	4515 m ²	4420 m ²
28	4374 m ²	4428 m ²
29	3699 m ²	3699 m ²

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4. Subject Site and Surrounds

Site Description



Figure 2. Aerial site photo

Street address:	Anson Street, St George Basin, NSW.
Title details:	Lots 1 and 6 DP 1082382. These lots are separated by Anson Street.
Zoning:	The site is partly zoned Mixed Use Business B4 and partly General Residential R1 under the <i>Shoalhaven Local Environmental Plan 2014</i> (SLEP).
Site dimensions:	The subject land comprises two rectangular parcels of land that are severed by Anson Street. The site comprises an area of 3.59 hectares (lot 1 being 1.62 ha and lot 6 being 1.97 ha).
Topography	Land sloping to the west.
Vegetation:	Largely cleared of understorey vegetation and most trees. There are scattered trees and isolated patches of undisturbed vegetation. The site contains a local population of <i>Melaleuca Biconvexa</i> , a threatened species under the NSW <i>Biodiversity Conservation Act 2016</i> .
Existing buildings:	There are no buildings on the site except a metal shed which is located on the western boundary of lot 1.
Bushfire:	The site at lodgement was identified as being entirely bush fire prone land however recent change to mapping after 14 October 2021 has reduced the bushfire vegetation category applying to the site. Despite this as this application was lodged prior to this date, the old mapping applies, on which the site was not identified as 'Category 1' and 'buffer' bush fire prone land.

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Figure 3. Lot 6 - Looking south-south east from Anson Street towards the site of approved Buildings A and B.



Figure 4. Lot 6 - Looking south-south west from Anson Street towards the approx. location of proposed Buildings C and D



Figure 5. Lot 6 - Looking west along Anson Street with St Georges Basin in the distance



Figure 6. Lot 6 - Looking south-south east from Anson Street towards the approx. location of proposed Buildings E and F



Figure 7. Lot 1 - Looking north-west from Anson Street towards the approx. location of proposed Buildings K & M



Figure 8. Lot 1 - Looking north from Anson Street towards the approx. location of proposed Buildings N & M

RD22.1 - Attachment 1

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Figure 9. Lot 1 - Looking north-north east towards the approx. location of proposed Buildings N & O



Figure 10. Lot 1 - Looking north-east towards the approx. location of proposed Building N & O

Surrounding Site



Figure 11. Aerial photo of site showing site context

The site is located adjacent to the St Georges Basin town centre which is located generally north of the subject land along Island Point Road.

The surrounding development comprises of the following:

- To the north: Forested vegetation.
- To the east: Residential development with the predominant residential housing being typified by single detached dwellings on individual allotments.
- To the south: A manufactured home estate.
- To the west of Lot 6: Predominantly detached single dwelling houses.
- To the west of Lot 1: A mix of commercial and industrial development with buildings limited to two storeys in height.

The photographs below outline the typical typology of development in the surrounding area.

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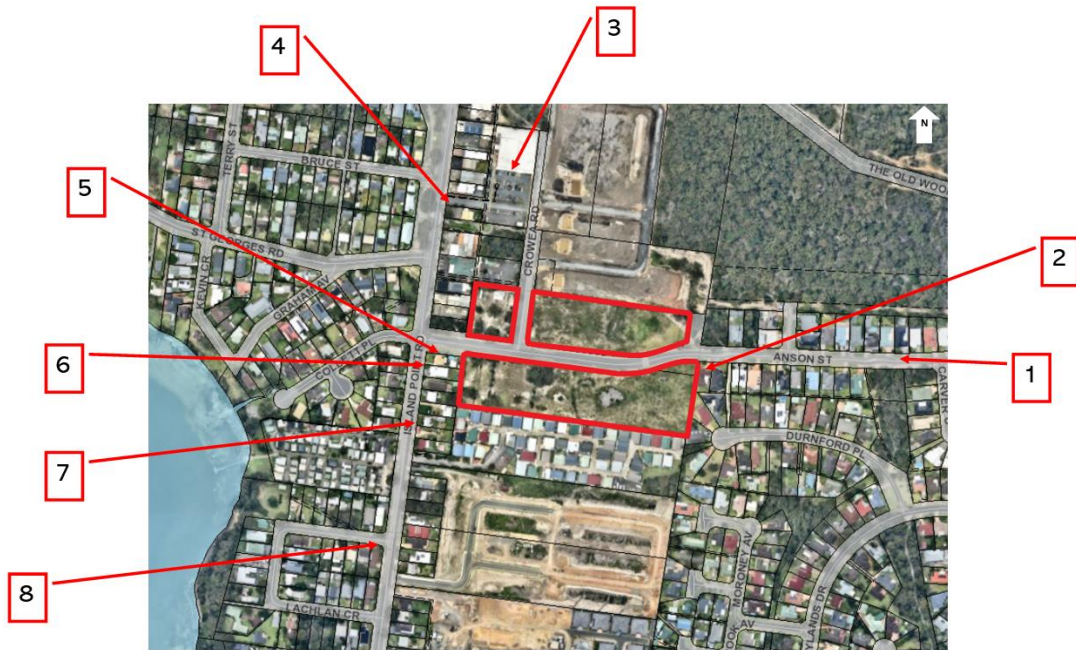


Figure 12. Site photo indicating position photos in Figure 13 - 21 are taken.



Figure 13. Surrounding Context Photo – Location 1



Figure 14. Surrounding Context Photo - Location 2

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Figure 15. Surrounding Context Photo - Location 3



Figure 16. Surrounding Context Photo - Location 4



Figure 17. Surrounding Context Photo- Location 5



Figure 18. Surrounding Context Photo - Location 6



Figure 19. Surrounding Context Photo - Location 7



Figure 20. Surrounding Context Photo - Location 7

Figure 21. Surrounding Context Photo - Location 8

[illegible]

Previous Approvals

The only notable determination is Development Application no. SF10111 approved 30 May 2011 which approved the subdivision of eleven lots over Lots 1 and 6 DP 1082382. This application was modified under subsequent section 96 (now s4.55) applications to reduce the number of lots to seven lots and to amend the staging of the subdivision (DS14/1409 and DS16/1334 respectively).

The two buildings which form part of the concept masterplan, described as Buildings A & B, have received separate development consent (Development Consent No DA16/1830). The approval was issued by the Land and Environment Court. These buildings are four storey residential apartment buildings comprising a total of 54 residential units (2 x 1 bedroom units, 19 x 2 bedroom units, and 33 x 3 bedroom units) and two levels of basement parking providing car parking for 100 vehicles and 2 car wash bays refer sales photomontages at **Figure 24 and 25**.

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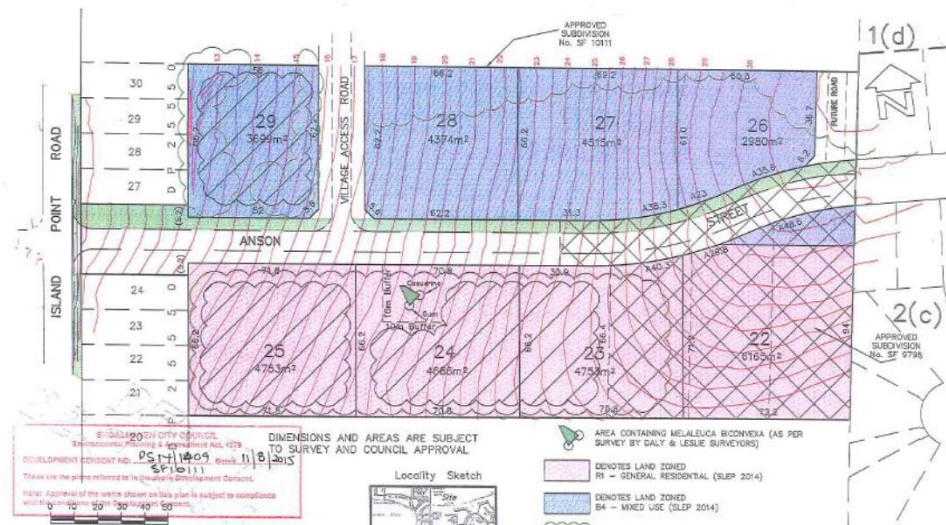


Figure 23. Approved subdivision plan of the subject site



Figure 24. Sales photomontage of approved Buildings A and B (Source: Realestate.com.au)¹

¹ Source Figures 24 and 25: <https://www.realestate.com.au/property-apartment-nsw-st-georges-basin-138180678> Accessed 13/4/22.

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Figure 25. Sales photomontage of approved Buildings A and B (Source: Realestate.com.au)¹

5. Background Development Application and Site History

Date(s)	Action(s)
25 October 2016	Council at its Ordinary meeting resolved (MIN16.785): That the General Manager prepare a report in respect to options that consider reducing the height limits at Lot 1 & 6 DP1082382 Anson Street, St Georges Basin.
6 December 2016	Council's Development Committee resolved (MIN 16.943): That Council retain the current 8m building height control over the western part of Lot 1 DP 1082382 and prepare a planning proposal to amend the height of buildings map over the remainder of Lot 1 and the whole of 6 DP 1082382 Anson, Street, St Georges Basin and remove the current 13m height and replace with 8.5m mapped height.
24 March 2017	Development application received. The development application was received and assigned application number RA17/1000 (the DA). The application as lodged (Rev A) was for: <i>Concept Master Plan mixed use development being residential flat buildings and commercial development. Comprising 15 buildings up to 13m in height The buildings estimated to provide 88 x 2 bedroom apartments, 292 x 3 bedroom apartments, 2,233 square metres of commercial floor space and 783 parking spaces</i>
28 March 2017	Council submitted a Planning Proposal to the Department of Planning for a Gateway Determination in accordance with resolution MIN 16.943 (Planning Proposal 023).

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Date(s)	Action(s)
4 April 2017	Email from the Council to the Applicant requesting a Social Impact Assessment and Concept Landscape Plan.
5 April 2017	DA registered with the NSW Planning Panels and assigned reference number 2017STH009.
Dates as specified opposite.	<p>Referral to concurrence and integrated approval bodies</p> <p>Council referred the DA to:</p> <ul style="list-style-type: none"> - Shoalhaven Water Group: SW Development Unit – 6 April 2017 - NSW Rural Fire Service - 6 April 2017 - NSW Police - 6 April 2017 - Endeavour Energy - 6 April 2017 - NSW Fire Brigades - 6 April 2017 - NSW Roads and Maritime Services– 3 May 2017 - NSW Department of Education- School Asset Planning – 21 June 2017 <p>Final responses from referral authorities were received as follows:</p> <ul style="list-style-type: none"> - NSW Rural Fire Service – 1 May 2017 - NSW Roads and Maritime Services – 16 May 2017
12 April 2017 – 3 July	<p>Notification Period</p> <p>The DA was advertised on Council's DA Tracking website in accordance with Council policy.</p> <p>A total of 250 submissions were received.</p>
1 May 2017	Email from Council to Applicant requesting additional information regarding bushfire assessment.
5 May 2017	Email from Council to Applicant requesting further information regarding the Flora and Fauna Assessment, particularly the critically endangered <i>Pterostylis Ventricosa</i> .
19 May 2017	Email from Council to the Applicant requesting further information regarding traffic and transport issues.
15 June 2017	Residents Briefing Meeting held at the St Georges Basin Community Centre for all interested members of the public to attend.
19 June 2017	Email from Council to the Applicant requesting further information regarding a Flora and Fauna Assessment of the adjoining land.
6 July 2017	Email from Council to Applicant requesting further information on various matters including a social impact assessment, updated and revised flora and fauna assessment, clarification of the staged concept masterplan and an assessment of the proposals design relationship and contextual setting to the existing neighbourhood.
10 July 2017	Email from Council to Applicant requesting further information on electronic traffic modelling files.
28 June 2017	Class 1 Application filed by the Applicant.

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Date(s)	Action(s)
12 October 2017	Council submitted further supporting material for Planning Proposal PP023 to the Department.
29 November 2017	In a Gateway Determination, the delegate of the Minister for Planning determined that Planning Proposal PP023 should proceed. The delegate also provided authorisation to Council to amend the LEP in accordance with the Gateway Determination.
17 December 2017	The Court granted leave for the Applicant to amend the DA. (Rev B)
20 December 2017 to 2 February 2018	Planning Proposal PP023 was publicly exhibited by Council.
10 August 2020	The Court granted leave for the Applicant to amend the DA. (Rev D) This amended the proposed concept to that which is assessed under this report.
11 August – 10 September 2020	Council notified the further amended plans. 83 submissions were received.
7 May 2021	The Court proceedings were discontinued by the applicant.
13 May 2021	The same amended plans as those (Revision P2, dated 30 June 2020) were submitted by the owner along with a request to amend the applicant of the subject development application to Eastern Grey Developments Pty Ltd.
10 June 2021	Council wrote to the Applicant requested written confirmation that Cowman Stoddard Pty Ltd were no longer the applicant for the DA, an ASIC search on Eastern Grey Constructions Pty Ltd, and for a statement of the particulars changed in the application per (previous) cl. 55 of the EP&A regs 2000 to be submitted to Council along with an updated Statement of Environmental Effects to outline the amendments and compliance with eh relevant planning controls. No response was received to this letter.
4 April 2022	Council emailed the applicant to advise of Council's intention to report the application to the Southern Regional Planning Panel for determination.

6. Consultation and Referrals

Internal Referrals

Internal referrals were provided in response to the development application as lodged and as amended in November 2017.

Instructions for the November 2017 referrals were for conditions of consent to be issued for the purpose of a Court hearing.

Internal referral comments are referred to as required in the s4.15 assessment throughout this report in addition to expert advice provide to Council during the court hearing.

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External Referrals

Agency	Comment
Rural Fire Service	GTAs issued dated 1/5/2017
Roads & Maritime Services	Response received 16/5/2017. No issues with regard to traffic generation or impacts on highway.
Endeavour Energy	The application was referred to Endeavour Energy however a response was not received.
NSW Police	No issues subject to the following: A full review of CCTV and lighting can be done at a later date. However it should be mentioned that all car parks should be adequately lit as per the Australian Standards. Security alarms would also be advantageous to reduce criminal entry to any residence and CCTV to be of a such quality that it would aid in the identification of offenders or offences if required by the authorities. Also that the CCTV be such that it is readily able to be downloaded to DVD or Thumb Drive.

It is noted that the application was not renotified to the State Agency referrals as part of the court proceedings.

7. Statutory Considerations

This report assesses the proposed development/use against relevant Commonwealth, 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:

(a) Environmental Protection and Biodiversity Conservation Act 1999

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

The application is supported by an Ecological Assessment prepared by Kevin Mills & Associates in addition to supplementary reports. The assessment identifies the threatened plant species *Melaleuca biconvexa* as being associated with the subject land (refer **Figure 26**). This plant species is proposed to be protected and retained on the site.

A Plan of Management has been prepared for the population of *Melaleuca biconvexa* on the site to set out the management approach to protect the species through construction and in the long term (prepared by Kevin Mills, October 2017).

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

“The proposed action is not likely to have a significant impact on matters of national environmental significance listed under the Environment Protection and Biodiversity Conservation Act. Referral to the Commonwealth Minister for the Environment for assessment and approval is therefore not warranted.”

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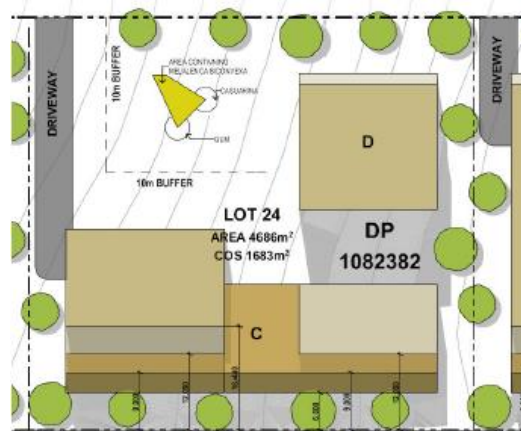


Figure 26. Indicative location of *Melaleuca bioconvexa* on the site (based on Rev B Masterplan)
(Source: LEC Expert Ecology Supplementary Report, Dr Kevin Mills, November 2017)

Through the court proceedings, the applicant undertook a review of the site for *Pterostylis ventricosa* (Orchidaceae) which is a critically endangered orchid species known to occur within the area. No evidence of the species was found on the site.

(b) Environmental Planning and Assessment Act 1979

Section 1.7 - Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017

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

Part 6 of the Act provides tools to avoid, minimise and offset biodiversity impacts from development and clearing through the Biodiversity Offsets Scheme (BOS). The BOS applies to development and clearing when;

- The thresholds under s.7.1 of the Regulation are exceeded;
 - The clearing of native vegetation of an area declared by cl. 7.2
 - The clearing of native vegetation on land included on the Biodiversity Values Map (BV map)
- A proposed development is likely to significantly affect threatened species based on the Test of Significance in section 7.3 of the Act
 - Area of clearing;
 - Biodiversity Values Map and Threshold Tool; and
 - Test of significance.

The proposed area of clearing is based off the minimum lot size. There is no minimum lot size for Lot 1 and the minimum lot size for Lot 6 subject site is 500m². Reference to the clearing thresholds provided under s.7.1 of the BC Regulation the clearing threshold is 0.25ha. The clearing required for the proposed development is minimal, and less than the nominated 0.25ha threshold as much of the site is already cleared.

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An Ecological Assessment (prepared by Kevin Mills & Associates) has been submitted as part of the application, in conjunction with an Expert Ecology Supplementary Report (the Report) by Dr Kevin Mills (dated November 2017) written for the applicant in the Land and Environment Court No. 19159 of 2017. In particular, Attachment F of the Report being a “*Report on hazard reduction area on land to north*” and Attachment G of the Report being a “*Management Plan for Melaleuca biconvexa*”. which shows the proposed development does not trigger the Biodiversity Offsets Scheme (BOS).

The reports conclude the proposed development is unlikely to have a significant impact. This has been reviewed by Council’s Threatened Species officers who have concluded that the application is capable of support subject to conditions of consent (outlined earlier in this report).

Section 1.7 - Fisheries Management Act 1994

The proposed development would not have a significant impact on the matters for consideration under Part 7A of the *Fisheries Management Act 1994*.

Section 4.4 - Concept development applications

As indicated earlier within this report, the application specifically requests that the proposal be treated as a concept development application and the proposal meets the requirements of this section.

Section 4.24(2) however states that: (2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.

Council’s expert Urban Designer has provided the following concerns in relation to the information submitted with the subject Concept DA and the ability for the future development applications (i.e. ‘Stage 2’ applications) to comply with the Concept DA as proposed:

“I consider that the building envelopes would not be capable of providing sufficient certainty that the ‘determination of any further development application in respect of the site (would not) be inconsistent with the consent for the concept proposals for the development of the site’ (EP&A Act 4.24(2)). Whilst it is always possible to modify a Stage 1 development consent if required in the future, the issue is that the building envelopes as proposed may be used to justify undesirable non-compliances with a Stage 2 development application if the issues are inherent in the building envelope design. As an example, if the approved building envelopes do not permit for adequate solar access to units, the attempt may be made at Stage 2 to argue that the building envelopes as approved were acceptable, therefore the deficient solar access permitted by those envelopes must also be acceptable”.

Accordingly, while section 4.55(5) requires only the likely impact of the concept proposals to be assessed, it is considered that the development application as proposed has not adequately demonstrated that the future applications are capable of complying with critical elements of environmental planning instruments and guides, including SEPP 65 (ADG matters) and maximum building heights (under SLEP 2014) and thus comply with the requirements of section 4.24(2).

Despite this however per section 4.22(5) of the EP&A Act, the critical matters to be assessed and determined are:

- Compliance with the respective environmental planning instruments applying to the site;
- The visual compatibility of the development to surrounding development and neighbourhood character;

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- Traffic impacts from the proposed parking spaces and the development's siting within the road network;
- The impact of the development on surrounding properties and the public domain;
- Social impacts of the development;
- The streetscape and urban design issues relating to the building heights, footprints and separations, traffic, accessibility and safety; and
- The shadow impacts of the development on the public domain and private properties.

These are further addressed below:

Compliance with the respective environmental planning instruments applying to the site

This report assesses the compliance of the proposal with the relevant provisions of section 4.15 of the EP&A Act. It is noted that there are multiple areas of noncompliance or where compliance cannot be established due to inadequate information. These form reasons for the refusal of the application.

The visual compatibility of the development to surrounding development and neighbourhood character

The proposal for three storey residential flat building development in this location is incompatible with the desired future character of the locality and will have a significant impact on the neighbourhood character of the St Georges Basin village. Fifteen (15) substantial residential flat buildings of the scale proposed by this application is distinctly out of character with the village character of the local areas.

The proposed building envelopes will not facilitate building design that are of a compatible bulk and scale with the locality and when viewed as a collective the development reads as something suitable for an inner-city metro area not a coastal south coast village.

In relation to the future desired character of the area, Council's DCP 2014 Chapter N23: St Georges Basin, Village Centre of SDCP 2014 applies to Lot 1 DP 1082382 on the northern side of Anson Street. SDCP outlines the desired future character of the village. While Lot 6 on the southern side of Anson is not within the N23 Chapter of the SDCP 2014, this serves to highlight that the scale of development proposed within this area of St Georges Basin, is inappropriate being outside of a village centre.

SDCP 2014 outlines Performance Criteria which development is required to meet, and provides Acceptable Solutions to identify how a development can meet the Performance Criteria. Performance Criteria P8 of Chapter N23, SDCP 2014 states:

Height, bulk and scale of development within the Neighbourhood Centre relates to the existing surrounding development and the natural attributes of the area.

Acceptable Solution A8.1 specifies:

The maximum height of any building must comply with clause 4.3 of SLEP 2014.

The proposed development, including buildings on both Lots 1 and 6 are out of character with the desired character of the St Georges Basin Village Centre. 15 residential flat buildings of significant bulk and scale has no relationship with the existing surrounding development and natural attributes of the area. The height of the proposed buildings are unlikely to be capable of complying with the maximum height control under SLEP 2014.

The submitted SEE prepared by Cowman Stoddart states with regard to this control:

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“The CMP has been formulated in a manner that is consistent with the Building Height Map that supports the SLEP 2014”

While compliance with the maximum height control is contended, the proposal has ignored the context in which is situated and aimed to squeeze as much height and bulk as possible within the site with no consideration of surrounding development.

Performance Criteria P12 of Chapter N23, SDCP 2014 states:

As the majority of buildings in St Georges Basin have small frontages, new development is designed to reflect this built scale.

Acceptable Solutions A12.1 and A12.2 state:

*A12.1 Infill development, particularly on Island Point Road, should be compatible with the existing bulk and scale of development in the street frontage and building mass to the rear.
A12.2 Building mass and scale should be designed to complement rather than dominate its natural surroundings*

The submitted SEE prepared by Cowman Stoddart states with regard to this control:

“The building envelopes have been designed with the setting back of upper floors from front and rear setbacks to reduce the visual bulk of development. Future development applications for staged development will need to further demonstrate compliance with this requirement”.

20m+ wide residential flat buildings on 40m+ frontages does not reflect the built scale of St Georges Basin. The building mass and scale will significantly dominate within the neighbourhood and the natural surroundings the site is situated. Setbacks are insufficient to minimise the dominance of 15 large residential flat buildings which are out of character with the village.

The proposed development if approved, will have significant impact on the character of the St Georges Basin area and the broader Bay and Basin locality.

Traffic impacts from the proposed parking spaces and the development’s siting within the road network

Council’s Principal Traffic Engineer has reviewed the additional Traffic Report provided to Council on 27 November 2017 as part of the court proceedings (prepared by Traffic Solutions, 27/11/2017, ref 16.17.084) and has raised the following issues with the proposal as modified. The key issue is that there is insufficient information to satisfy the consent authority that the likely future traffic generated by the development will not have an adverse impact on the surrounding road network, which would be necessary to be conditioned in the event of any consent of the proposal.

- *“The traffic report that accompanied the application is inadequate to assess the likely traffic impacts of the development. The traffic report did not provide a realistic assessment of base traffic conditions prior to assessing the developments impacts. Notwithstanding, it is considered that the likely adverse traffic impacts associated with the proposal could be adequately resolved by conditions. The conditions would need to detail the extent of external works required to ensure safe traffic and pedestrian conditions could be provided along all frontages of the development, to the satisfaction of Council.*
- *The DA shows proposed roundabouts on Anson Street at the intersections with the Village Access Road and the eastern future road. The size of the roundabouts is of concern (appear very small). This may be addressed by including a condition specifying the appropriate standard for the construction of the roundabouts in accordance with*

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AUSTROADS. Conditions would also need to address the need to obtain Local Traffic Committee approval required for all external traffic and pedestrian facilities, including the proposed roundabouts. The current masterplan drawings show diagrammatically very small circles that were intended to represent roundabouts, but the drawings significantly under-represent the more realistically larger scope of works that would be required to construct roundabouts at the proposed locations in accordance with standards, and sufficient to obtain approval from local Traffic Committee and Council. This will need to be addressed with conditions.

- *There is insufficient information to show that the “future road” located on the eastern boundary of the development will be constructed (in full or in part) to facilitate access between the proposed eastern roundabout and the driveway to Lot 26 (Block O). The current masterplan drawings do not indicate any proposed works within the future eastern road reservation, not even indicating how access is proposed to be provided to Block O.*
- *There is insufficient information to show that the width of the “future road” will be consistent with the width of access required in accordance with AS2890.1 + 1m (east side) for pavement protection, and it is contended that this road should be built wider at the southern end to facilitate a satisfactory connection to the proposed roundabout in accordance with Council standards. Kerb and guttering should be provided along the western side of the road for the full frontage of the development, and along the eastern side sufficient to facilitate a satisfactory connection to the proposed roundabout in accordance with Council standards. The current masterplan drawings do not indicate any proposed works within the future eastern road reservation, not even indicating how access is proposed to be provided to Block O. Conditions would need to specify the extent of works required to construct the roundabout in accordance with standards, and sufficient to obtain approval from local Traffic Committee and Council. Conditions would need to further detail the minimum extent of works required within the eastern road reservation to provide satisfactory access to Block O (whilst ensuring that roadworks within the eastern road reservation is consistent with, and will not hinder, the future extension of the road).*
- *There is insufficient information in the application to show that the 1.5m footpath network (located on the northern side of Anson Street) will be maintained and extended along all frontages of the development (including along both sides of the Village Access Road) and connect with existing path networks. The current masterplan drawings now indicate the required footpath works along the northern side of Anson Street, and on both sides of the Village Access Road, but the plans are not dimensioned. Accordingly, conditions would need to confirm the extent of the works and specify the required 1.5m footpath width for the northern network of footpaths.*
- *There is insufficient information in the application to show that a 2m shared path network will be provided along the southern side of Anson Street, including along all frontages of the development and extended both to the east and west to connect with existing path networks. The current masterplan drawings now indicate the required shared path works along the southern side of Anson Street, but the plans are not dimensioned. Accordingly, conditions would need to confirm the extent of the works and specify the required 2m shared path width for the southern shared path network.*
- *There is insufficient information in the application to show that to all internal footpaths within the development will connect with the external footpath network. The current masterplan drawings appear to have been amended to address some of the locations where the internal footpaths were previously shown not connecting to the external path networks, but not all. For example, this doesn't appear to have been addressed for the northern Blocks J, K, L, M, N, O. Further, this also does not appear to have been*

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addressed for Blocks A & B (subject to current DA approval), which is considered could also be addressed by conditioning the master plan development accordingly. Conditions would need to address these pedestrian connections to ensure seamless access will be provided for all pedestrians between the development and the proposed external path networks.

- *The application does not provide sufficient provision for pedestrian crossings. Raised pedestrian crossings should be provided both on Anson Street (to the east of the Village Access Road) and on the Village Access Road (to the immediate north of the development's boundary).. The current masterplan drawings appear to have been amended to show a proposed pedestrian crossing on Anson Street (to the east of the Village Access Road), but not a raised facility, and further, does not show a pedestrian crossing on the Village Access Road. Accordingly, conditions would need to specify the scope of these pedestrian crossing improvements, and further, address the Local Traffic Committee approval required for the pedestrian crossings.*
- *The existing speed table located approximately 145m to the east of the Village Access Road should be removed and the road pavement reinstated to match the adjoining Anson Street pavement, to Council satisfaction. Due to the proximity of the existing device to the proposed eastern roundabout. The current masterplan drawings do not appear to have addressed this. Accordingly, a condition would need to specify the works required to address the removal of the existing speed threshold.*
- *The application does not show adequate street lighting improvements for the roundabout intersections and pedestrian crossings required in accordance with AUSTROADS this whoever can be conditioned as part of any concept approval.*
- *The proposed service bays should be supported by swept path plans demonstrating they can be efficiently accessed by an 8.8m service vehicle from either direction (AUSTROADS swept path templates, including all required clearances). In accordance with Council's DCP, the service bays and associated driveway cross overs are to be constructed of differing pavement material texture or colour (to be in contrast with the proposed footpaths and shared paths) to Council satisfaction, to ensure pedestrian safety is not compromised by the proposed service bays, pursuant to Council's DCP and NSW Road Rules. A preliminary review of the amended masterplan drawings has identified that the plans appear to have satisfied the minimum AUSTROADS swept path templates, but not all required clearances (which could lead to poor traffic and pedestrian safety outcomes, if not addressed). similarly, this issue can be conditioned to ensure amended plans are prepared that address this".*

Additionally it is noted that the Masterplan Yield table [D] provides indicative car parking numbers along with estimated units. The car parking numbers for Buildings C, D, E, F, G, H, I, K, and L do not provide any visitor car spaces. Building O provides 2 less resident car spaces than required under the ADG and SDCP2014 G21 5.1.

Further to this, given the broad nature of the 'commercial' land use proposed in Building J, the parking for commercial uses within this building may not provide sufficient car parking for its 'retail/commercial' component depending on proposed land use (SDCP2014 G21 5.1). Any consent for the proposed concept DA would include a condition that parking for future 'Stage 2' DAs be provided in accordance with the ADG and SDCP 2014 parking rates.

The impact of the development on surrounding properties and the public domain

Impacts on the surrounding properties and public domain relates to compatibility within the urban environment, which is an issue that has been given detailed consideration by the Land and

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Environment Court. In the decision of *Project Ventures Development Pty Limited and Pittwater Council*, the Senior Commissioner of the Court was asked to consider the process of deciding whether a building is compatible with its surroundings. This led to the development of a Planning Principle as a guide on this issue. The planning principle states there are two important aspects of compatibility that need to be satisfied:

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

The physical impacts of the development on the surrounding development are considered to be unacceptable.

Advice from Council's expert urban designer Michael Zanardo has stated:

"... the three storey height of the building envelopes in the form proposed will not be compatible with the existing or desired future character of the locality and would have an unacceptable negative visual impact on the amenity of the surrounding development, contrary to the objectives of SLEP2014 Clause 4.3 Height of buildings".

While the impact on character is detailed thought this report, the matter of overshadowing (as addressed below) have been unable to be accurately assessed. Other aspects of this consideration include overshadowing and bulk and scale which are further addressed elsewhere in this report and considered to have a negative impact on surrounding properties, the village character of the area and the public domain (refer in particular to ADG Assessment at **Appendix A**) .

Social impacts of the development

The DA is supported by a Social Infrastructure Assessment prepared by Cardno (November 2017) which conducted an analysis of social infrastructure in the St Georges basin Area in relation to the proposed development as lodged (i.e. Rev A). This review states that, "*Cardno has undertaken a review of the availability and capacity of community and social infrastructure within the Bay and Basin area, which demonstrates there is a significant oversupply both now and at 2036.*" Further, it states, "*spatial analysis of community and social infrastructure was completed, which demonstrated the suitability of the site for medium density development in relation to the proximity and density of community infrastructure and services*".

This report was reviewed by Council's Social Planning expert, Judith Stubbs as part of the Court appeal process, in which it is stated that the submitted report inadequately addresses the social impacts of the development having regard to existing and future social infrastructure within the locality , such as schools, road, and health care services. The review by Dr Stubbs states, "*there is no proper analysis of current or future capacity, demand or adequacy of such social infrastructure to meet the needs of future residents because the Social Infrastructure Assessment does not undertake the detailed investigations required, has not consulted with service providers, and has not done any demographic profiling of current or future residents to understand the nature and quantum of likely need or demand for key services*"

Further to this, the site and immediate locality are not suitable to a development of the size and with the (arguably high density) density proposed, and with the likely demography, given the lack of employment opportunities, major retail, recreational community and specialist health services, and relatively poor public transport to Nowra/Bomaderry, and is poor social planning practice in this regard. The reasons for this are numerous:

- The size and nature of the proposed development increased the risk of social isolation for older and more frail residents, and of disengagement from the labour force for lower income workers and unemployed residents.

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- The development encourages car dependency, and is not a sustainable urban practice, particularly for the majority of residents who will be low income, and for older people facing increased rates of driving cessation. However, it is also noted that public transport is not to the same standard in larger metropolitan or regional centres and residents are heavily reliant on their cars. This warrants the provision of adequate parking but also promotes and encourages car dependency.
- The size and density of the development and the uniformity of housing typology does not provide for social and urban integration with surrounding development, for example, with regard to lack of housing mix and diversity, and graduated urban form.
- A development of the size, scale and housing typology of the proposed development is distinctly out of character with the type of development typical for the area and will have an adverse impact on the social amenity and way of life of the local community.
- It is considered that the proposed development is poor social planning practice and will result in poor social outcomes in the context of the locality and the likely demography of the proposed development.

The streetscape and urban design issues relating to the building heights, footprints and separations, traffic, accessibility and safety

Each of these individual elements of this critical element are addressed throughout this report. Building heights is of key concern with the development, not only as it is not considered a future 'Stage 2' DA would be capable of complying with the Concept DA, but due to the bulk and scale this type of development will present to Anson Street and the impacts this will have on the character of the neighbourhood. **Figure 27** shows the appearance of the proposed buildings (building envelopes and potential development) in the streetscape with **Figure 28** depicting the current character of the neighbourhood at this location. The dominance of the development as a whole will cause detrimental impacts to the streetscape and from an urban design perspective is not consistent with the vision intended for the St Georges Basin area as outlined in SDCP 2014.

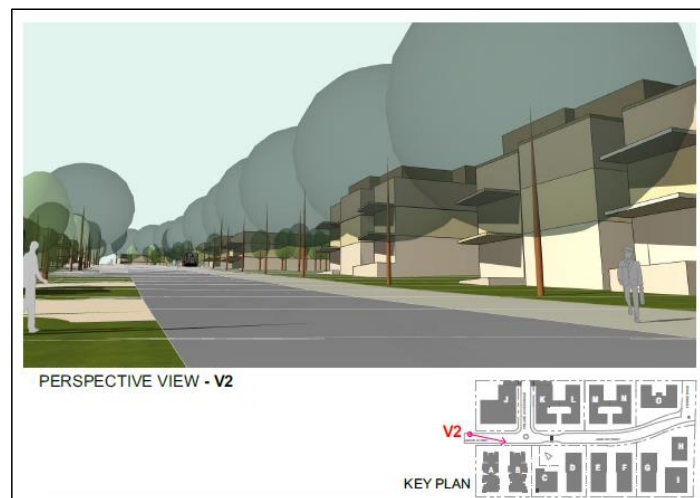


Figure 27. Perspective View plan looking east along Anson Street [M11D]

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Figure 28. Site photo of similar position on Anson Street

The shadow impacts of the development on the public domain and private properties.

Council's expert urban designer has provided comment on this matter specifically stating:

*"The Shadow Analysis [M04D and M05D] technique (e.g. **Figure 29**) is unclear and does not assist in the assessment of building amenity. 'View from the sun' diagrams should be provided at half hour intervals.*

The public domain and neighbouring development should be included in the diagrams, particularly the site to the south. (m) The Shadow Diagrams [M06D to M09D] show that proposed Buildings J, K, L, M, N and O overshadow the northern footpath of Anson Street (SDCP2014 N23 5.2 A5.1). This is not consistent with minimising shadowing of publicly accessible open spaces (SDCP2014 N23 5.2 A4.1)"



Figure 29. Excerpt of 3D View with shadow analysis plan [M05D] - Northern side of Anson Street at 11am and 3pm

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Section 4.46 – Integrated Development

The subject development is considered integrated development as separate approvals are required to undertake the subject development.

A Rural Fires Act 1997 authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes is required. As detailed earlier in this report, General terms of Approval (dated 1/5/2017) have been issued by the RFS satisfying the provisions of Section 4.46 of the EP&A Act.

Section 7.11 - Shoalhaven Contribution Plan 2019

The proposed development is considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019 (the Plan). In accordance with the Plan:

“Development contributions requirements for staged developments proposed under Division 4.4 of Part 4 of the EP&A Act shall only be imposed as a condition on development consent where that consent also authorises the carrying out of stage 1 of that development. Consents for subsequent stages of the development shall be levied contributions commensurate with the increase in demand for community infrastructure attributable to each stage.”

As no Stage 1 proposal is included in the DA, no contributions are to be levied with this application, however any determination by way of approval would include a condition per the above.

8. 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

i) Environmental Planning Instruments

The following Environmental Planning Instruments apply to the assessment of the subject DA:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
- Shoalhaven Local Environmental Plan 2014

State Environmental Planning Instruments Policies

On 1 March 2022, the thematic State Environmental Planning Policies (SEPPs) commenced with 11 new SEPPs introduced which re-organised and repealed 45 former SEPPs. Former SEPPs which applied at the time of the lodgement of this DA, now exist as ‘Chapters’ within the new instruments.

There are no savings and transitional provisions contained in the new instruments. Rather, each instrument contains a ‘transferred provision’ clause which states that section 30A of the Interpretation Act 1987 is taken to apply. This means that the transfer of clauses to the new instruments will not affect their operation, and the clauses should be construed as if they had not been transferred.

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Accordingly the following assessment assesses the proposal under the new SEPPs as the former SEPPs no longer apply to existing development applications and consents, and the new SEPPs apply instead. The operation and meaning of the transferred provisions has not changed, unless modified in the new SEPPs – this is identified where required in this assessment.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This SEPP replaced 11 previous SEPPs, including:

- SEPP (Vegetation in Non-Rural Areas) 2017,
- SEPP (Koala Habitat Protection) 2020 (which repealed SEPP (Koala Habitat Protection) 2019, which repealed and replaced SEPP No. 44 – Koala Habitat Protection which applied at the time of the lodgement of this DA); and
- SEPP (Koala Habitat Protection) 2021.

The following provides an assessment of the applicable sections of the SEPP (Biodiversity and Conservation) 2021 as it applies to the subject DA.

Chapter 3 Koala habitat protection 2020

The subject site has an area of greater than 1ha and is in relation to land in which a DA has been made. The site however is not considered 'potential koala habitat' as areas of native vegetation where trees of the types listed in Schedule 2 of the SEPP (feed tree species) do not constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

The proposal is accordingly considered satisfactory under the SEPP.

Chapter 4 Koala habitat protection 2021

The subject site does not have an approved koala management plan for the site and is not located within the South Coast Koala Management Area (KMA 3) which extends from the Shoalhaven region to the Victorian border on the New South Wales south coast.

Being lodged before the commencement of this SEPP, information has not specifically been provided to Council by a suitably qualified consultant to demonstrate that the land the subject of the development application:

- a) Does not include any trees belonging to the koala use tree species listed in Schedule 2 of the SEPP for the relevant koala management area, or
- b) Is not core koala habitat, or
- c) There are no trees with a diameter at breast height over bark of more than 10cm, or
- d) The land only includes horticultural or agricultural plantations

Despite this however, the submitted Flora and Fauna Assessment (Kevin Mills & Associates, February 2017) concludes that "*The land is essentially cleared of natural vegetation and habitats, with only a few scattered trees remaining in the west and south.... These trees are not important habitat trees; they are isolated from forest, have no hollows and are not especially important for any threatened species*". Further, none of the species identified as being on site are feed tree species or koala use species for the South Coast koala management area.

The proposal is accordingly considered satisfactory under the SEPP.

State Environmental Planning Policy (Planning Systems) 2021

The proposal is categorised as a 'General Development over \$30 million' under Schedule 6 of the above planning instrument. The project will have a CIV of \$116 million as advised at the time of lodgement in 2017. As such the proposal is required to be determined by the Southern Planning Panel in accordance with Section 4.7 of the EP&A Act.

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State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP repealed and replaced:

- SEPP 33 – Hazardous and Offensive Development;
- SEPP (Coastal Management) 2018; and
- State Environmental Planning Policy 55 – Remediation of Land.

The latter two apply to the subject development and have been replaced with Chapter 2 and 4 of the new SEPP respectively.

Chapter 2 Coastal management

In accordance with **Figure 30** below, the site is mapped as being located within the 'Coastal Environment Area' but not within the 'Coastal Use Area' in accordance with the SEPP (Resilience and Hazards) 2021.

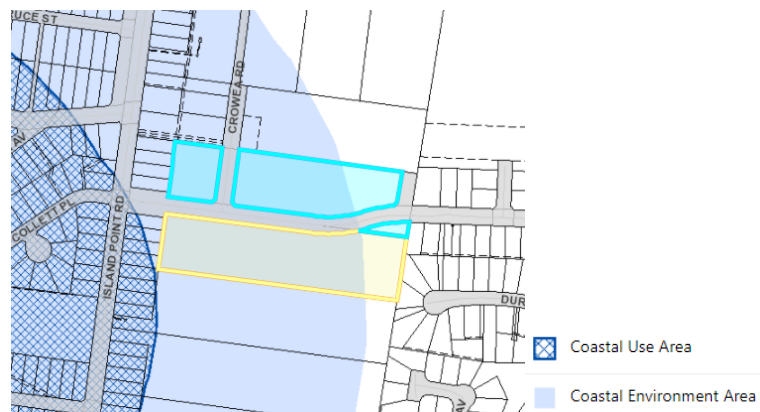


Figure 30 - Coastal Management SEPP Mapping

Section 2.10 – Development on land within the coastal environment area

Development consent is not permitted to be granted to development on land within the 'coastal environment area' unless the consent authority has considered whether the proposal is likely to have an adverse impact upon the following:

- the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- coastal environmental values and natural coastal processes,*
- the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- Aboriginal cultural heritage, practices and places,*
- the use of the surf zone.*

It is noted that the works are proposed to take place within the part of the site mapped as coastal environment area. Whilst the works are proposed within the part of the site mapped as a coastal

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environment area, works are proposed in an already disturbed area. As such there would be minimal impact upon the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment beyond that already undertaken. Further, the site is not mapped on Council's system as being of significant Aboriginal Cultural Heritage. In the event of an approval, standard conditions of consent could be applied for unexpected finds.

The submitted Flora and Fauna Assessment (Kevin Mills & Associates, February 2017) identifies there is unlikely to be adverse impacts on native vegetation with the site is already largely disturbed with clearing already undertaken on the site. *Melaleuca biconvexa* site is the only valuable vegetation on the site in Anson Street, for which provision is made in the development plan to retain the site and for which a draft Plan of Management has been submitted as part of the DA (Kevin Mills, October 2017).

Additionally, the proposal does not give rise to concern per subclause 2.10(g) as there is no existing safe access to the beach / foreshore area to the south through the site which would be otherwise adversely impacted by the proposal.

Section 2.11 – Development on land within the coastal use area

Development consent must not be granted to development on land that is within the coastal use area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

- (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) *(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) *Aboriginal cultural heritage, practices and places,*
- (v) *cultural and built environment heritage,*

The proposed works are not within the coastal use area, though about it to the south-west. The works are adjoining an existing urban area and are not likely to have any further impact upon visual amenity and scenic qualities of the coast. The works would not impact upon safe access to the foreshore, beach, etc, given the site is not adjacent to the water and are not proposed to take place within the vicinity of any items of aboriginal or European cultural heritage significance. Standard conditions would apply in the event of a determination by way of approval with regard to unexpected finds for heritage.

Chapter 4 Remediation of land: Section 4.6 – Contamination and remediation to be considered in determining development application

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

The site was zoned Residential 2(c) under Shoalhaven LEP 1985, and has had various subdivisions approved for residential purposes however no development has been undertaken in this time. The assessment officers report for the recent approval of a four-storey apartment building on Lot 6 under DA16/1830 states:

“The previous land use, vacant undeveloped land, was assessed at the time of subdivision and was deemed as being suitable for residential use. In this regard, an evaluation of the

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subject site has indicated that there is no obvious visual evidence of any land contamination being present, and Council has no record of former uses referred to in Table 1 to the contaminated land planning guidelines known to have been carried out on site.

It is considered that the proposed development does not conflict with the aims and applicable provisions of the SEPP and further assessment is not required”.

Despite this however the considerations under the Resilience & Hazards SEPP require further considerations to be addressed in consideration of a DA to that required under DA16/1830. Subsection (2)-5 states:

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

- (4) The land concerned is—*
- (a) land that is within an investigation area,*
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—*
land—
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Table 1 of the *Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land* includes asbestos disposal, landfill sites, and agricultural/horticultural activities. Residential 2(c) (Residential “C” (Living Area) Zone) under Shoalhaven LEP 1985 permitted the following land uses outlined at **Figure 31**.

Zone No 2 (c) (Residential “C” (Living Area) Zone)	
1 Objectives of zone	The objectives are to provide for new residential areas with a range of housing types with provision for urban facilities to serve the local community.
2 Without development consent	Nil.
3 Only with development consent	Any purpose other than a purpose for which development is prohibited.
4 Prohibited	Advertising structures; amusement parks; animal boarding establishments; bulk stores; bulky goods premises; car repair stations; caravan parks; drive-in theatres; industries (other than those specified in Schedule 6); intensive animal husbandry; junk yards; liquid fuel depots; motor showrooms; retail plant nurseries; road transport depots; roadside stalls; sawmills; sexual services premises; timber yards; transport terminals; turf farming; warehouses.

Figure 31. Excerpt from Shoalhaven LEP 1985 Land Use Table for Zone No 2 (c)

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Schedule 6 (Clause 9) as mentioned under 'industries' included the following land uses:

- | | | |
|--|--|-----------------------------------|
| - Aerated water and cordial manufacture. | - Furniture storage and repairing. | - Printing (Jobbing). |
| - Boot and shoe repairing. | - Ice works Joinery workshop. | - Radio and television repairing. |
| - Cabinet making. | - Laundry. | - Signwriting. |
| - Cycle repairing. | - Lawn motor repairing. | - Tailoring. |
| - Dressmaking. | - Musical, surgical and scientific instrument and apparatus repairing. | - Toy making. |
| - Electrical appliance repairing | | - Upholstering |

While it is noted that laundry is listed as a permissible use, which is also within Table 1 of the *Managing Land Contamination Planning Guidelines*, it is considered that due to the vacant state of the site (see **Figure 32**), and no record of previous approvals for this land use type, that it is unlikely for this use to have been undertaken on the site. Further, there is no evidence of land fill having occurred on the site or visible disposal of asbestos. Accordingly the preconditions of SEPP (Resilience and Hazards) 2021 are considered to be adequately met and land is suitable for residential purposes. Standard conditions would apply to any 'Stage 2' consent in relation to unexpected finds for contamination or the like.



Figure 32. Aerial photo of the site circa 2001

State Environmental Planning Policy (Transport and Infrastructure) 2021

This SEPP repealed and replaced SEPP (Infrastructure) 2007. Under the new SEPP (Transport and Infrastructure) 2021, section 2.121 relates to *Traffic-generating development* and applies to development specified in Column 1 of the Table to Schedule 3.

Schedule 3 identifies residential accommodation of 300 or more dwelling with access to a road (generally) is development specified for the purpose of Section 2.121.

The proposal (as amended) includes 237 residential units within the proposed Buildings C to O, with 54 approved under existing approvals for Buildings A and B, totalling 291 residential units under the Concept DA.

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Accordingly this section does not apply to the subject development. It is noted that Council's Traffic Engineers have identified significant concerns in relation to traffic impacts associated with the subject development application which are addressed later in this report.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) applies to the development as the proposal is for new buildings, is 3 storeys in height and would have more than 4 units. SEPP 65 requires that residential flat buildings satisfactorily address 9 design quality principles, be reviewed by a Design Review Panel (where applicable), and consider the recommendations in the Apartment Design Guide.

It is noted that Shoalhaven City Council does not have a design review panel. The following accordingly provides an assessment of the Design Quality Principles of the SEPP and the Apartment Design Guide per Section 29(2)(b) & (c).

It is specifically noted that Section 30(2) of the SEPP states:

- (2) *Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to—*
(a) *the design quality principles, and*
(b) *the objectives specified in the Apartment Design Guide for the relevant design criteria.*

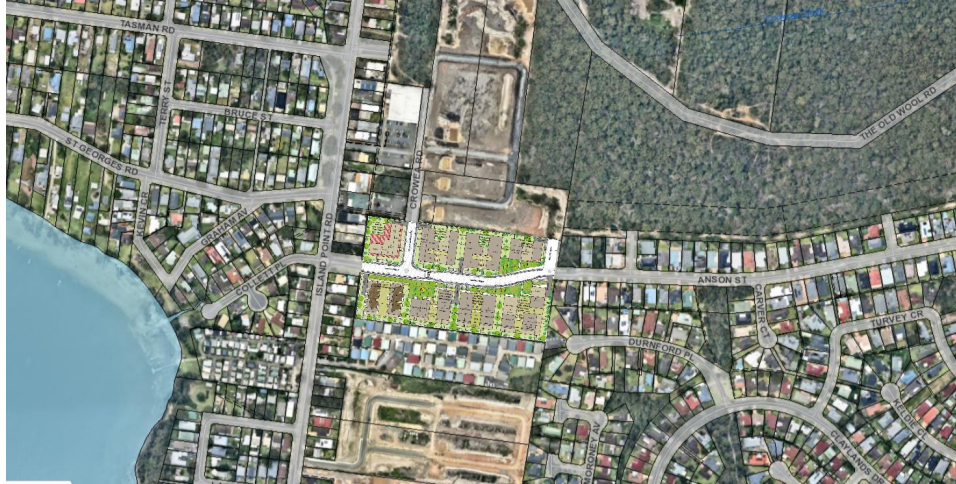
As demonstrated in this report, the opinion of Council is that the proposal has not given adequate regard to either the design quality principles or the objectives of the ADG, and it is therefore recommended that development consent must not be granted in accordance with this section.

Design Quality Principles

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The proposal is considered to be inconsistent with the design principles for the reasons outlined below:

Requirement	Council Officer Comments
Principle 1: Context and Neighbourhood Character	<p>It is considered that the proposed development would be out of character with the existing character of the local area. The three storey heights of 14 buildings within the village locality is incompatible with the existing character of the locality. The overlay of the concept DA masterplan over a current aerial photograph highlights the incongruity of the proposal within the neighbourhood, which currently has no density of this scale, nor are any proposed within the subdivisions of nearby and adjoining approved developments.</p> <p>The building envelope footprints are excessively large when compared to all other buildings in St Georges Basin. In this regard, it is considered the proposal will not be compatible with the existing character of the local area due to the bulk of the massing and relatively large scale of the building envelopes.</p>

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Requirement	Council Officer Comments
 <p>Figure 33. Aerial photograph with proposed masterplan overlay</p>	
Principle 2: Built Form and Scale	<p>St George's Basin and the broader Bay and Basin area are typified by low density residential housing – predominantly single detached dwellings on individual allotments. The town centre has a range of commercial and industrial developments with a maximum of two storeys in height. There are no apparent examples of three storey development.</p> <p>Planning controls of 8.5m in Mixed Use Business B4 and General Residential R1 residential zoning, envisages maximum 2 storey development (i.e. ground and first floor) taking into consideration 3.1m floor to floor heights, services, clearance heights for parking/loading and potential loft overruns.</p> <p>The proposal for a three storey residential flat building development of this scale is inconsistent with the zoning and height controls applying to the site and is conspicuously out of character with the St Georges Basin village.</p> <p>Chapter N23: St Georges Basin, Village Centre of SDCP 2014 outlines the desired future character of the village. The proposal's built form and scale does not meet the relevant controls of the DCP for St Georges Basin and the proposed building envelopes do not reflect that which is envisaged for St Georges Basin. Being some 300m from the St Georges Basin shoreline, the proposed buildings will dominate the locality and diminish the quality of the natural surroundings within which the site is situated.</p> <p>The proposed development if approved, will have significant impact on the character of the St Georges Basin area and the broader Bay and Basin locality.</p>
Principle Density	<p>3: The proposal demonstrates poor design that is out of context with the locality. The proposal is not an example of a density appropriate to the site and its context.</p>

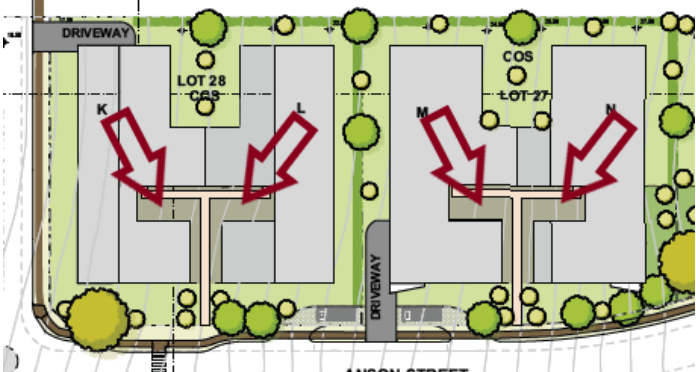
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Requirement	Council Officer Comments
	<p>Per Schedule 1 of the SEPP: <i>“Appropriate densities are consistent with the area’s existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment”.</i></p> <p>The 2016 ABS Population Census and Housing identifies 47.8% of the St Georges Basin – Basin View are over the age of 50. Seniors aged 70-84 are the largest population change from the 2011 and 2016 census – from 13.4% to 15.8% of the total population.</p> <p>The proposed type of development will not meet the needs of the existing and emerging population demographics of the locality. The site has poor public transport options, uneven and steep topography and generally poor access to major services needed by these age groups.</p> <p>The concentration of 54 (existing approved) plus 237 (indicative proposed) residential units within this location is inappropriate and does not provide for positive ‘aging in place’.</p> <p>The proposed densities are unable to be sustained by existing and proposed infrastructure (refer Cl. 7.11 of SLEP 2014 assessment) and has inadequate access to public transport particularly for the demography likely to be serviced within this type of development.</p>
Principle Sustainability	<p>4: Good design combines positive environmental, social and economic outcomes. The proposed development does not achieve a balance of environmental, social and economic outcomes. The proposed impacts of the development on the character of the locality are compromised by the proposed al to fit high yields on the site with little consideration of the compatibility of the proposal.</p> <p>Inadequate information has been submitted with the proposal at this stage to demonstrate the detailed design of the proposed residential flat buildings.</p>
Principle Landscape	<p>5: The Concept Landscape Plan [M10D] does not appear to have been prepared by a suitably qualified landscape professional in accordance with SDCP2014 Chapter G3 5, Acceptable Solution A2.1.</p> <p>Despite this the application states that a total of 9,409m² of Communal Open space and 12,677m² of deep soil zone are proposed across Lots 22 to 29 (excluding Lot 25 with has existing approved Buildings A and B). This represents 26.2% and 35.3% respectively.</p> <p>Despite this representing a large component of the development the high level ‘master plan document’ is high level, showing only rectangular boxes for building envelopes and no clear indication of the usability or functionality of the proposed landscaping and communal open space area or how the landscape will contribute to the landscape character of the streetscape and neighbourhood.</p> <p>In addition to this, Council’s expert Urban Designer Michael Zanardo in this regard states:</p> <p><i>“I have confirmed that the ‘Anson Street - South Streetscape’ elevation on the ‘Sections and Elevations’ drawing (M03 Issue D)</i></p>

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Requirement	Council Officer Comments
	<i>show that there are large level changes between Buildings C and D and between Buildings E and F. These spaces are identified as 'communal open spaces' shared between these pairs of buildings and are also the location of building entry pathways as shown on the 'Building Envelope Plan' (M02 Issue D). In my opinion, these large level changes are undesirable in this location and raise questions about the usability of the communal open space and the accessibility of the entry paths".</i>
Principle 6: Amenity	<p>The three storey height of the building envelopes as proposed will not be compatible with the existing or desired future character of the locality and would have an unacceptable negative visual impact on the amenity of the surrounding development. Insufficient information has been submitted with the application to demonstrate that the internal and external amenity for residents and neighbours can be achieved.</p> <p>Council's expert Urban Designer Michael Zanardo in this regard states:</p> <p><i>"I acknowledge that the concept of 'compatibility' is different from 'sameness', and that buildings 'can exist together in harmony without having the same density, scale or appearance' (planning principle in Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191 22), however in this instance, in my opinion, the difference in the number of storeys proposed (three storeys as compared to the predominant one or two), combined with the bulk of the massing and relatively large scale of the footprints (as compared to all other buildings in St Georges Basin), and the disparity in appearance that this will cause means that the difference in these attributes will be significant and detrimental such that the desired 'harmony' would not be able to be achieved."</i></p> <p>The amenity impacts for the broader neighbourhood and character of the Village are considered to be unacceptable.</p>
Principle 7: Safety	<p>The proposed concept DA contains high-level information that makes the assessment of 'safety' difficult to ascertain. This Principle states: <i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p>The position of driveways and entry points appear to provide opportunity for concealment particularly the corner access arrangements proposed for Buildings K, L, M & N as shown at Figure 34.</p>

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Requirement	Council Officer Comments
	 <p data-bbox="531 745 1279 786"><i>Figure 34. Excerpt of Urban Design Strategy & Building Envelope Plan [M0, Rev D] indicating areas of concealment</i></p> <p data-bbox="531 808 1279 902">It is considered that the lack of due consideration of this design principle has resulted in building envelopes which, in order for future DAs to 'not be inconsistent with' would result in poor design outcomes for the future Stage 2 DAs.</p>
Principle 8: Housing diversity and social interaction	<p data-bbox="531 913 1279 1014">The size and density of the development and the uniformity of housing typology does not provide for social and urban integration with surrounding development, for example, with regard to lack of housing mix and diversity, and graduated urban form;</p> <p data-bbox="531 1037 1279 1111">A development of the size, scale and housing typology of the proposed development will have an adverse impact on the social amenity and way of life of the local community</p>
Principle 9: Aesthetics	<p data-bbox="531 1122 1279 1142">This Principle provides the following considerations:</p> <p data-bbox="603 1164 1279 1265"><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p data-bbox="603 1288 1279 1366"><i>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p> <p data-bbox="531 1388 1279 1489">There are no clear examples of three storey developments within St George's Basin and the broader Bay and Basin area. In this area, single detached dwellings on individual allotments, or two storey commercial and industrial developments are the typical development type in the area.</p> <p data-bbox="531 1512 1279 1693">The proposal for three storey residential flat building development is at odds with the zoning and height controls applying to the site and inconsistent with the SDCP 2014 design controls for the locality. Fifteen (15) substantial residential flat buildings of the scale proposed by this application is distinctly out of character with the village character of the local area and is out of proportion with the type of development typified in the village context. The proposal's bulk and scale will have a negative impact on the overall</p>

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Requirement	Council Officer Comments
	aesthetics of the area, and are also a poor representation of the buildings themselves which will be distinctly out of place.

Apartment Design Guide

The relevant provisions of the ADG are considered within the table at Appendix A of this report.

Shoalhaven LEP 2014

Land Zoning

The site is partly zoned Mixed Use Business B4 and partly General Residential R1 under the LEP as shown at **Figure 35**.

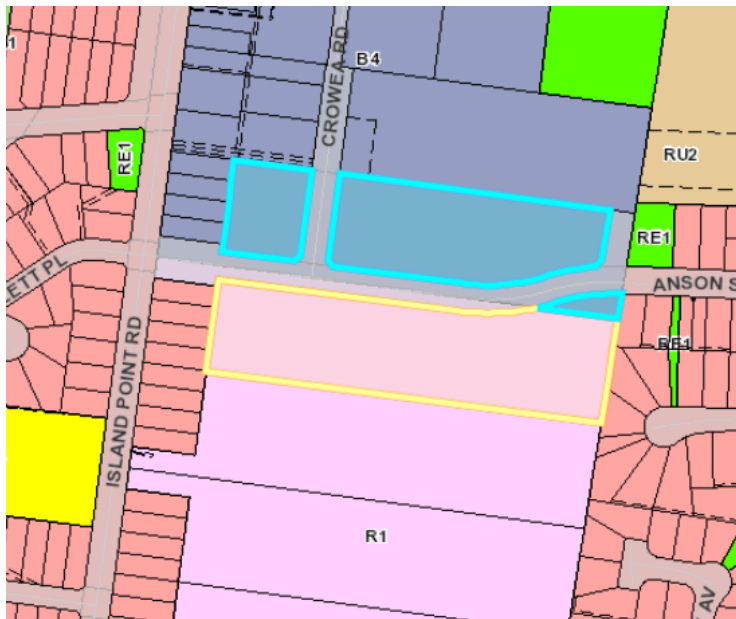


Figure 35. Shoalhaven LEP 2014 zoning map excerpt

Characterisation and Permissibility

The proposal is best characterised as mixed-use development (comprising of residential flat buildings, commercial premises and shop top housing) and associated minor boundary adjustment subdivision under the SLEP 2014. The proposal is permissible in both zones, with commercial premises proposed only within the Mixed Use Business B4 zone.

Clause 2.3 - Zone objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the Mixed Use Business B4 and partly General Residential R1 zones are outlined in the tables below.

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R1 General Residential

Objective	Comment
To provide for the housing needs of the community.	<ul style="list-style-type: none"> The proposed development does not meet the needs of the community with regard to the size and uniformity of housing typology. The proposed development does not provide for the needs of the much higher than average proportion of people with a disability with regard, for example, with accessibility of the site, adaptable housing and design.
To provide for a variety of housing types and densities.	<ul style="list-style-type: none"> This is a general residential zone in which a range of different housing types and densities are permissible including dwelling houses, attached dwellings, semi-detached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and shop top housing. With a total area of 3.59 hectares, this site provides an excellent opportunity for the provision of a variety of housing types in close proximity to the St Georges Basin shopping centre. The applicant proposes the construction of residential flat buildings containing a mixture of 1, 2 and 3 bedroom apartments. While residential flat buildings are a permissible use in the zone, the development of only residential flat buildings on such a large site is contrary to the zone objective of providing a variety of housing types and densities. A development over such a large site as this should provide for a variety of housing types and densities – not development of the same typology to the highest density possible over the entire site.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	<ul style="list-style-type: none"> The proposal is for a mixed use and commercial concept development in proximity to an existing village. The proposal includes 1990sqm of commercial floor space within Building J. The proposal is considered consistent with this objective.
To identify land suitable for future urban expansion.	<ul style="list-style-type: none"> The site proposes permissible uses within an area identified to support future urban expansion. To this effect the proposal complies with the objective of the zone, however the intensity and scale of the development is not in keeping with the character of the area and the type of urban expansion envisaged under the DCP.

B4 Mixed Use

Objective	Comment
To provide a mixture of compatible land uses.	<ul style="list-style-type: none"> It is not considered that the proposed development will provide land uses that are compatible with the surrounding character of the locality. The proposed density is incompatible with the village character of St Georges Basin and with the development types typified within the neighbourhood
To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	<ul style="list-style-type: none"> The site has poor public transport options, uneven and steep topography and generally poor access to major services needed by the age groups most likely to reside in St Georges Basin.

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SLEP 2014 Clauses

Clause	Comments	Compliance
Part 2 Permitted or prohibited development		
2.6 Subdivision Consent requirements	The application does not seek consent for the subdivision of the site, however, seeks concept approval for the future development of the site which includes subdivision of the site generally in accordance with the building configuration under the Concept DA Masterplan.	Complies.
2.7 Demolition requires development consent	Concept DA only. The site is vacant with no existing structures onsite.	Complies.
Part 4 Principal development standards		
4.3 Height of buildings	Refer detailed assessment below this table.	Does not comply.
4.4 Floor space ratio	Not applicable.	N/A
4.6 Exceptions to development standards	A Clause 4.6 variation has not been submitted with the application which is unlikely to comply with the maximum height of building development standard under Clause 4.3(2).	None submitted.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	The site is not heritage significant nor is it within a heritage conservation area or nearby a heritage item.	N/A
5.21 Flood planning	The site is not within a flood planning rea.	N/A
Part 7 Additional local provisions		
7.1 Acid sulfate soils	<p>This clause requires the consideration of an acid sulfate soils management plan for <u>works</u> undertaken below the water table.</p> <p>The site is identified as being Class 5 land for the purpose of this clause, which identifies that Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p> <p>The subject site is within 500m of adjoining Class 2 and 4 lands however no works are sought under this DA, being for a concept DA only.</p> <p>In the event of an approval of the DA, this would be required to be considered at each DA stage, and relevant conditions would be imposed on a concept DA outlining matters to be considered at subsequent DAs.</p>	Capable of complying via condition.

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7.2 Earthworks	The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The impacts of the earthworks would be capable of being managed by conditions of consent in the event of an approval.	Capable of complying via condition.
7.4 Coastal planning	<i>risk</i> This clause applies to the land identified as "Coastal Risk Planning Area" on the Coastal Risk Planning Map. The site is not identified on the map and accordingly this clause does not apply.	N/A
7.5 Terrestrial biodiversity	This clause applies to land— (a) identified as "Biodiversity—habitat corridor" or "Biodiversity—significant vegetation" on the Terrestrial Biodiversity Map, and (b) situated within 40m of the bank (measured horizontally from the top of the bank) of a natural waterbody. The site is not identified on the map nor is it within 40m of a natural waterbody. Accordingly, this clause does not apply.	N/A
7.11 Essential services	This clause states: (1) Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage. (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any of the services referred to in subclause (1). A Utilities Investigation Report has been submitted with the DA (prepared by Allan Price & Scarratts, Rev 03, 6/3/17). The conclusion of this report identifies that "Assessment of the existing gravity sewer indicates that the sewer transportation system is inadequate for orderly development permissible for the current zonings for the whole precinct. There is no proposal currently to upgrade the gravity lines outside the development site (both upstream and downstream of the site). The inadequacy of the existing downstream gravity lines is a potential constraint to the development, however as this affects development for the whole precinct these works are the responsibility of Shoalhaven Water. Gravity sewer reticulation will be provided within the site by the developer, designed to cater for the proposed development,	Not compliant.

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	<p><i>and is not a constraint to development proceeding.”</i></p> <p>Accordingly, while sewer connections within the site are not of concern, the applicants report identifies that the sewer transportation system is inadequate for the orderly development of the development. Accordingly, it cannot be satisfied the disposal and management of sewer is available or that adequate arrangements have been made to make them available when required.</p>	
<p>7.20 Development in the Jervis Bay region</p>	<p>The subject site is mapped within the Jervis Bay Region. The proposed development is not suitable for the Jervis Bay region given it is considered that the proposed development may threaten the natural or cultural values of the Jervis Bay region.</p> <p>Accordingly, the proposed Concept DA is not considered to meet the objectives of this clause. The bulk, scale and density proposed within the development will have a detrimental impact on the natural and cultural values of the region. The development is at odds with the existing and desired future character of the area by condensing the scale of residential apartments in a singular location, only 300m from the St Georges Basin foreshore, the proposed concept DA will have a poor outcome on the character and enjoyment of the natural values of the region.</p> <p>It is noted that:</p> <ul style="list-style-type: none"> • The site is not located on a rocky headland, in a coastal sand dune or on an area along a major creek line. • The site is not within the vicinity of the Point Perpendicular lighthouse group or the Huskisson Tapalla Point rock platform. • The site is not identified on the Terrestrial Biodiversity map nor does the development dissect any identified habitat or disturbed habitat. • The proposal does not seek consent for development for tourist and visitor accommodation. 	<p>Not compliant.</p>

Clause 4.3 – Height of building

The maximum height of buildings for the site under SLEP 2014 accommodating proposed Buildings C, D, E, F, G, H, I, K, L, M, N and O is 8.5m. The maximum height of buildings for the site on which proposed Building J is located is 8m as shown at **Figure 36**.

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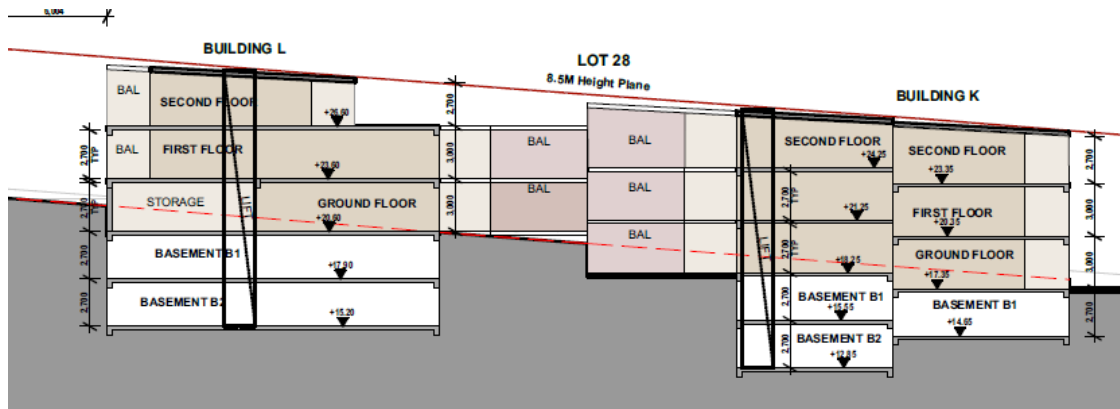
Figure 36. Shoalhaven LEP 2014 Height of Building Map Excerpt

This height control was amended under SLEP 2014 (Amendment No 25) which adopted Height of Building Map - Sheet HOB_014, applying to the Site on 19 December 2017. The proposal has been amended during the LEC Court proceedings to comply with the new height control.

Buildings C, D, E, F, G, H, I, K, L, M, N and O are proposed to be three storeys in height per the Masterplan Yield table [D] and Building Envelope Plan [M02D] (comprised of ground, first and second floor levels) (refer **Figure 1**). Building J is proposed to be two storeys in height.

The Sections and Elevations Plan [M03D] shows a typical floor-to-floor height of 3m Buildings C, D, E, F, G, H, I, K, L, M, N and O. An excerpt of Buildings L and K is shown below at **Figure 37**, noting the 3m floor to floor heights shown.

It is noted that a survey of the land which accurately reflects existing ground levels of the site has not been submitted so that the Height Plane [M09D] can be verified and the overall maximum height of the building envelopes can be accurately assessed.



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The Apartment Design Guide (ADG) Design Criteria 2C-1 1 and ADG Figure 4C.5 specifies a floor-to-floor height of 3.1m is required to achieve the required floor-to-ceiling height of 2.7m (ADG 4C-1 1). Floor-to-floor heights of 3m are insufficient to fit the required services bulkhead for a residential flat building, and reduced floor to ceiling height results in reduced and unacceptable amenity for future apartments.

If the floor-to-floor height is increased to 3.1m, this produces a total overall height of 9.3m and exceeds the 8.5m maximum building height under SLEP 2014.

No Clause 4.6 request accompanies the application to vary the maximum height control. It is not considered that there would be reasonable environmental planning grounds to justify exceeding the height control under the concept plan.

It is considered however the proposed concept DA is unable to comply with the maximum height control under SLEP 2014, and any future DA would not be able to be consistent with the building envelopes approved under the concept DA.

Further, per *MS Windsor St Pty Ltd v Hawkesbury City Council* [2021] NSWLEC 1223, *Michael Brown Planning Strategies Pty Ltd v Wingecarribee Shire Council* [2020] NSWCA 137 and *Ballina Shire Council v Palm Lake Works Pty Ltd* [2020] NSWLEC 41, a condition cannot not be used to satisfy a development standard as the determination of a DA needs to be based on the information contained in the application. Accordingly a condition to require design changes to be made to the concept DA approval is accordingly not considered possible in the circumstances.

Alternatively to comply with the SLEP 2014 maximum height and provide adequate floor-to-ceiling heights, while providing 3 storeys, the proposal could sink the buildings some 0.8m below existing ground level. This would reduce yield and/or create subterranean units. Subterranean units raises related amenity issues (such as restricting solar access and cross ventilation), poor amenity for associated private open space for these units, excessive excavation below natural ground level and potential for failure of waterproofing for units below existing ground level.

Numerous buildings are shown on the Sections and Elevations Plan [M03D] to 'touch' the height plane as shown in the example at **Figure 37**. Three sections are provided on the Sections and Elevations Plan [M03D], which over a development of this scale and site area is insufficient to give an accurate representation of the actual heights of the buildings given the minimal margin for error. Additionally, lift overruns are not indicated and are likely to further increase overall building heights, and the roof of Building J for instance touches the 8m height limit, with no allowance for lift overruns. It is likely the lift overrun will exceed the maximum height control.

The objective (a) of Clause 4.3 of SLEP 2014 clause is as follows—
to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality.

An 8.5m maximum building height is considered to anticipate a maximum of two storeys plus roof rather than full three storeys, the same can be said of 8m for Building J being a mixed use development. Three storey residential buildings of this scale is not in keeping with the existing and desired future character of the area. Furthermore, any exceedance of the maximum building height will exacerbate the visual impacts of the proposal in the context of the site. The proposal is not consistent with the objective of the maximum height of buildings LEP clause.

Buildings C, D, E, F, G, H, I, K, L, M, N and O cannot achieve the minimum floor to ceiling heights under the ADG and are likely to exceed the SLEP 2014 maximum building height of 8.5m, and Building J, 8m, for the reasons outlined above, and the proposal is recommended to be refused.

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ii) Draft Environmental Planning Instrument

None applicable.

iii) Any Development Control Plan

Shoalhaven DCP 2014

The following chapters of Shoalhaven Development Control Plan 2014 apply to the subject development application assessment:

Generic Chapters

- Chapter 2: General Environmental Considerations
- G1: Site Analysis, Site Design and Building Materials
- G3: Landscaping Design Guidelines
- G4: Removal and Amenity of Trees
- G5: Biodiversity Impact Assessment
- G6: Coastal Management Areas
- G7: Waste Minimisation and Management
- G13: Medium Density and Other Residential Development
- G17: Business, Commercial and Retail Activities
- G21: Car Parking and Traffic
- G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines

Specific Chapters

N23: St Georges Basin Village Centre

These chapters are assessed in **Table 4** and **Table 5** below.

Table 4. Chapter 2 SDCP 2014 Assessment

Chapter 2 General and Environmental Considerations		Achieved
Potentially Contaminated Land	<p>The site is within an established town centre and in the area has been largely developed, but the site has not been disturbed and was well vegetated until it was cleared in 2017. The application was assessed under the table relating to SEPP (Resilience and Hazards) 2022 and further assessment under the SEPP and SDCP 2014 is not required.</p> <p>A precautionary condition would be recommended to apply on any consent during site works should contaminated land be found, to ensure compliance.</p>	Yes, subject to standard conditions
European Heritage	<p>The site is not a heritage item nor is it within a heritage conservation area. The nearest listed heritage items are about 280m away and there are no conservation areas in the vicinity. The proposed development will not have an adverse impact on those items.</p> <p>A precautionary condition would be recommended to apply during site works should European heritage be found, to ensure compliance.</p>	Yes, subject to standard conditions
Aboriginal Cultural Heritage	<p>A search of the OEH register of notified Aboriginal objects and declared Aboriginal places in NSW (AHIMS) revealed no Aboriginal sites are recorded in or near the site and no Aboriginal places have been declared in or near the location. The site is not identified as containing any Aboriginal cultural heritage, practices or places.</p> <p>A precautionary condition would be recommended to apply during site works should Aboriginal cultural heritage be found, to ensure compliance.</p>	Yes, subject to standard conditions

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Crime Prevention Through Environmental Design (CPTED)	While the proposal is for concept building envelopes only, the proposed arrangements of the proposed buildings is of concern, with corners proposed in the buildings to provide areas of concealment and no clear line of sight for pedestrian access to building entrances. As detailed within this report the proposed concept DA if approved, would facilitate future development of residential flat buildings which would struggle to meet the CPTED principles. Any consent of the DA however would include a requirement for a professional CPTED report to accompany the lodgement of any subsequent 'Stage 2' DA.	No
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Table 5. Generic chapters assessment SDCP 2014

Generic Chapters	Achieved
G1: Site Analysis, Sustainable Design and Building Materials	
A plan labelled 'site analysis' was lodged with the amended plans. The plan does not provide any indication as to why the development has been designed in the way it has, or how the objectives of the controls are met. Specifically, the plan does not include: <ul style="list-style-type: none"> • Clear location/heights of dwellings on adjoining land; • Identification of constraints and opportunities; • Identification of potential noise sources; or • The likely impact on surrounding development, particularly regarding overshadowing, privacy and obstruction of views. 	No
G3: Landscaping Design Guidelines	
The proposed landscaping is concept only. While numerically the provision of open space appears to meet the requirements of the ADG, subsequent 'Stage 2' DAs will be required to provide further details that the application meets the minimum requirements. In accordance with the provisions of Chapter NB3 of this Plan, a landscape strategy, prepared by a suitably qualified person, will be required for each 'Stage 2' DA. The strategy is to include as a minimum a landscape plan as per the requirements of this chapter. In the event of the approval of the Concept DA, conditions of consent would include a requirement for this to occur with the lodgement of each DA.	Can be achieved via conditions.
G4: Removal and Amenity of Trees	
The site is largely cleared with only minor strands of trees to be removed. The provisions of this chapter have been considered and Council's Environmental Assessment Officer has raised no objections subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report) and as shown in the recommended draft conditions of consent.	Yes
G5: Biodiversity Impact Assessment	
The provisions of this chapter have been considered and Council's Environmental Assessment Officer (EAO) has raised no objections subject to conditions of consent being imposed should the DA be approved.	Yes, subject to conditions
G6: Coastal Management Areas	
Refer SEPP (Resilience and Hazards) 2021 above.	Yes
G7: Waste Minimisation and Management Controls	
Council's Waste Section considered the subject DA as part of the assessment of the Rev B plans. These have not changed substantially in Rev D. Comments raised the following concerns:	Yes, subject to conditions to be demonstrated with each

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<p><i>"My primary concern with the Master Plan for this area is the lack of detail with particular reference to how waste will be managed at each of the development sites indicated in the Master Plan.</i></p> <p><i>As it is not indicated in the MP how waste would be management then I would prefer that any conditions of consent regarding waste management for the proposed sites be in accordance with the proposed Waste Minimisation and Management Guidelines (October 2017) which will be placed on exhibition with the Shoalhaven City Council DCP in early 2018".</i></p> <p>Any consent would include the following conditions:</p> <p><i>"All waste collection must occur on site either within the individual property boundary or in the basement area. Further, each of buildings indicated on the MP must be able to accommodate in a basement area or on a site close to the street frontage but within the property boundary, an area for the collection of bins.</i></p> <p><i>The Council kerbside collection service would not be suitable for this proposed development. A Waste collection service would need to be provided using a rear or front lift collection truck currently operated in the Shoalhaven by a number of private waste contractors. Further, if the service is provided by a private waste collection company then that service MUST still comply with the DCP conditions and the Guidelines. The applicant MUST also take into consideration WHS and contract requirements associate with the service conditions for a service provided separately and by a private provider".</i></p>	<p>subsequent 'Stage 2' DA.</p>
<p>G11: Subdivision of Land</p>	
<p>Minor boundary adjustment is proposed as part of the concept DA proposal to be undertaken with each subsequent 'Stage 2' DA. This subdivision generally complies with the provisions of this chapter with only minor amendments to the original approved subdivision.</p>	<p>Yes</p>
<p>G13: Medium Density and other Residential Development</p>	
<p>Refer to detailed assessment in the Appendix C.</p>	<p>Yes.</p>
<p>G17: Business, Commercial and Retail Centres</p>	
<p>The matters required to be addressed by G17 are similar to those regarding <i>G13: Medium Density and other Residential Development</i> and <i>N23: St Georges Basin Village Centre</i> and have been discussed extensively in the Tables in Appendices 1 and 2 (specifically regarding landscape and built form). The proposed commercial / retail uses on Building J would provide active uses at the ground level at the street (primary) frontage. The 'Stage 2' DA for Building J would be required to address this DCP chapter in more detail.</p>	<p>No concerns raised.</p>
<p>G21: Car Parking and Traffic</p>	
<ul style="list-style-type: none"> Commercial /Retail: 1 space / 40sqm Residential Flat Building Parking Rate: <ul style="list-style-type: none"> 1 bed: 1 Space 2 bed: 1.5 Spaces 3 bed: 2 Spaces Any parking above this is to be provided as visitors spaces. <p>A full assessment of proposed and required parking per building is shown in the table below. In summary, Building O provides 2 fewer resident car spaces than required for the development mix proposed to satisfy the parking rate. Further to this, the general parking rate of 1 space per 40sqm for Building J may not provide sufficient car parking for its 'Commercial/Retail' component to satisfy the parking rate of SDCP2014 G21 5.1 depending on the particular retail use proposed. No specific retail use has been nominated in the documentation which raises questions about the sufficiency of the proposed car parking given the rate of parking can vary depending on the retail use proposed.</p>	<p>No</p>

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Building	Proposed Units / sqm	Required	Total	Proposed	Compliance
A	1 bed: 0 2 bed: 9 3 bed:20	1 bed: 0 2 bed: 13.5 3 bed: 40	53.5	107	Approved
B	1 bed: 0 2 bed: 9 3 bed:20	1 bed: 0 2 bed: 13.5 3 bed: 40	53.5		
C	1 bed: 2 2 bed: 6 3 bed:6	1 bed: 1 2 bed: 9 3 bed: 12	23	23	✓
D	1 bed: 0 2 bed: 8 3 bed: 11	1 bed: 0 2 bed: 12 3 bed: 22	34	34	✓
E	1 bed: 2 2 bed: 10 3 bed: 12	1 bed: 1 2 bed: 15 3 bed: 24	40	41	✓ +1
F	1 bed: 2 2 bed: 8 3 bed:10	1 bed: 1 2 bed: 12 3 bed: 20	33	34	✓ +1
G	1 bed: 2 2 bed: 9 3 bed: 9	1 bed: 1 2 bed: 13.5 3 bed: 18	22.5	24	✓ +1.5
H	1 bed: 3 2 bed: 4 3 bed: 6	1 bed: 1.5 2 bed: 6 3 bed: 12	19.5	21	✓ +1.5
I	1 bed: 3 2 bed: 6 3 bed: 8	1 bed: 1.5 2 bed: 9 3 bed: 16	26.5	29	✓ +2.5
J	1 bed: 0 2 bed: 9 3 bed: 1 Commercial /Retail: 1990sqm	1 bed: 0 2 bed: 13.5 3 bed: 2 Commercial /Retail: 49.75	15.5 50	20 66	✓ +4.5 ✓ +16
K	1 bed: 0 2 bed: 9 3 bed: 15	1 bed: 0 2 bed: 13.5 3 bed: 30	43.5	44	✓
L	1 bed: 0 2 bed: 6 3 bed: 10	1 bed: 0 2 bed: 9 3 bed: 20	29	29	✓
M	1 bed: 0 2 bed: 9 3 bed: 12	1 bed: 0 2 bed: 13.5 3 bed: 24	37.5	38	✓
N	1 bed: 0 2 bed: 5 3 bed: 12	1 bed: 0 2 bed: 7.5 3 bed: 22	29.5	32	✓ +2.5
O	1 bed: 0 2 bed: 3 3 bed: 19	1 bed: 0 2 bed: 4.5 3 bed: 38	42.5	41	✗ -1.5
Total (excl. A & B)	237 1 bed: 14 2 bed: 92 3 bed: 131 Commercial /Retail: 1990sqm	1 bed: 0 2 bed: 13.5 3 bed: 40	502 residential 50 retail/ commercial	517 66 retail/ commercial	✓ +15 ✓ +16

RD22.1 - Attachment 1

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G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines	
Refer SLEP 2014 Clause 7.1 above.	Yes, subject to standard condition

Area specific Chapters – North Shoalhaven
N23: St Georges Basin, Village Centre
Refer Appendix B .

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

None applicable.

iv) Environmental Planning and Assessment Regulation 2000

Environmental Planning & Assessment Regulation 2021 was introduced 17 December 2021. Schedule 6 Savings, transitional and other provisions, clause 3 states:

3 Development applications and applications for complying development certificates
The 2000 Regulation continues to apply instead of this Regulation to a development application and an application for a complying development made but not finally determined before 1 March 2022.

This applies to the subject DA.

Section 49 (1) Persons who can make development applications

Section 49(1) of the *EP&A Regulation 2000* which applied at the time of lodgement of the subject DA stated that :

- (1) A development application may be made—
(a) by the owner of the land to which the development application relates, or
(b) by any other person, with the consent of the owner of that land.

The subject DA was lodged on 30 March 2017

The applicant for the DA at lodgement was Cowman Stoddart Pty Ltd, and the owner was and currently is Mr David De Battista.

The application was subject of a Class 1 Deemed Refusal appeal, filed on 28 June 2017 by Mr De Battista. As Mr De Battista commenced the appeal on the basis that he was the 'applicant' who was dissatisfied with the deemed refusal (refer s.97(1) now s.8.7(1) of the *Environmental Planning and Assessment Act 1979*), Council has assumed Cowman Stoddart submitted the DA in 2017 as Mr De Battista's agent. Court proceedings were discontinued on 6 May 2021.

During the court proceedings, the Court granted the applicant leave to amend the DA on 17 December 2017 and then again on 10 August 2020. Accordingly, as the Court exercises the functions on behalf of the consent authority under former cl.55 of the *Environmental Planning and Assessment Regulations 2000* (now cl. 37 of the EP&A Regs 2021) when an application is made to amend the DA, and no further amendments have been made to the application since this time.

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The same amended plans as those (Revision P2, dated 30 June 2020) were submitted by the owner on 13 May 2021 with a request to amend the applicant of the subject development application to 'Eastern Grey Developments Pty Ltd'. The email from Mr De Battista stated:

"The applicant's name has changed; it is no longer Cowman and Stoddard.

The applicant's name is now Eastern Grey Developments Pty Ltd

Contact name David De Battista".

...

"The Master Plan DA has been modified to comply with the current requirements. Please find the Modified Plan below.

Council and applicants consultants to enter into Mediation to determine what additional information is required. In particular the collection of waist.

Please respond with a date to meet thank you".

In relation to the matter of the applicant of the DA Council has emailed Mr De Battista on 10/6/2021, 20/7/2021, and 4/4/2022 requesting he confirm in writing that Eastern Grey Developments Pty Ltd is acting as his agent in respect of the DA. There has been no response from Mr De Battista to these requests. A response was however received from an email sent to Cowman Stoddard Pty Ltd (Stephen Richardson) on 8/4/2022 requesting they provide written consent to the change of the applicant from Cowman Stoddard Pty Ltd to Eastern Grey Developments Pty Ltd, or to confirm that Cowman Stoddard is no longer the DA applicant. The email from Stephen Richardson on 11/4/2022 stated "Cowman Stoddard Pty Ltd gives consent to change the Applicant for the above application from Cowman Stoddard Pty Ltd to Eastern Grey Developments Pty Ltd".

An ASIC Current Company Extract for Eastern Grey Developments Pty Ltd (ACN 113 566 260) identifies Mr David DeBattista as the sole Director, Secretary and Member of the Company with a company address the same as that listed by Mr De Battista in his email of 13 May 2021.

As the request to amend the applicant for the DA came from Mr David De Battista as owner, the consent from the owner of the land per (1)(b) is considered to be given.

Section 50 (1A) Design verification statement

Section 50 (1A) of the EP&A Regulation 2000 stated that :

(1A) If a development application that relates to residential apartment development is made on or after the commencement of the Environmental Planning and Assessment Amendment (Residential Apartment Development) Regulation 2015, the application must be accompanied by a statement by a qualified designer.

(1AB) The statement by the qualified designer must:

- (a) verify that he or she designed, or directed the design, of the development, and*
- (b) provide an explanation that verifies how the development:*
 - (i) addresses how the design quality principles are achieved, and*
 - (ii) demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.*

(1B) If a development application referred to in subclause (1A) is also accompanied by a BASIX certificate with respect to any building, the design quality principles referred to in that subclause need not be verified to the extent to which they aim:

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- (a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or
(b) to improve the thermal performance of the building.

In response, the submitted SEE (prepared by Cowman Stoddard Pty Ltd Ref 11/70 Mar 17) stated:

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

70B Staged development applications – residential flat development

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

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

It is noted that this same clause applies similarly under Section 33 of EP&A Regulation 2021 to have the effect of excluding concept DAs from requiring a design verification statement by a qualified designer.

v) REPEALED

(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	<p>Council's Threatened Species Officers / Environmental Assessment Officers have reviewed the subject DA and advised there is unlikely to be impacts on significant elements of the natural environment, subject to conditions of consent.</p> <p>The impacts on the natural surroundings of the site however cannot be overlooked particularly in relation to the impacts on cl7.20 of SLEP 2014 and the Jervis Bay region. Being some 300m from the Basin waterfront, the proposed building bulk and scale will detract from the natural character of the area and have a detrimental impact on the natural environment.</p>
Built Environment	<p>The proposed development will have significant impacts on the built environment. The development is inconsistent with the existing and desired future character and does not meet the LEC planning principle for <i>Compatibility of proposal with surrounding development</i>.</p> <p>The proposal has also submitted insufficient information for the traffic impacts to be adequately assessed and to adequately demonstrate no impacts arise on the local network as a result of the DA.</p> <p>Refer detailed assessment under the Section 4.22 of the E&A Act assessment earlier in this report on both these matters.</p>

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Head of Consideration	Comment
Social Impacts	The proposed development not suitable to a development of the size and with the density proposed, and with the likely demography, given the lack of employment opportunities, major retail, recreational community and specialist health services, and relatively poor public transport to Nowra/Bomaderry, and is poor social planning practice in this regard and will have poor outcomes and social impacts. Refer detailed assessment under the Section 4.22 of the E&A Act assessment earlier in this report..
Economic Impacts	The economic impacts of the development are not considered to be significant or warrant the refusal of the DA.

(c) Suitability of the site for the development

The site is considered unsuitable for the proposed development for the following reasons:

- The proposed buildings are noncompliant with the SEPP 65 and ADG Design Principles and Guidelines;
- The proposal is non-compliant with objectives and requirements of SLEP 2014 particularly in relation to the maximum height of building control and provision of utilities to the site;
- Inconsistent with objectives and acceptable solutions outlined in SDCP 2014, particularly Chapter N23;
- The proposal will have significant impacts on the existing and desired future character of the Bay and Basin area;
- The proposal is incompatible with surrounding land uses;
- The site is poorly serviced by public transport;
- The proposal raises concerns in relation to social impacts, the lack of housing variety proposed for a site of this size, and proposes a development that will not provide for the housing needs of the community; and
- Details of the traffic impacts associated with the future traffic generation of the development has not been adequately provided to confirm the development will not have an adverse impact on the surrounding road network.

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

Council received 250 submissions objecting to DA in 2017 and 83 submissions objecting to the amended DA in 2020 when the amended proposal was renotified as part of the LEC Court proceedings. These submissions have raised concerns about the following:

Issues raised	Comment
<i>Development is out of character with the Basin area</i>	Council agrees with this submission as outlined in this report.
<i>Traffic impacts – safety, increased volume</i>	Council's Traffic Engineer has raised concerns with traffic impacts as a result of the proposal.
<i>Lack of public transport</i>	It is recognised that the site has poor public transport. The only public transport to the site consists of busses which operate to and from Bay & Basin to Nowra via Nowra Coaches (Routes 102 and 103), with a bus stop at St Georges Basin Shops some 450m from the site in an uphill direction. These services operate four times a day weekdays and once a day on weekends in each direction.
<i>Adverse visual impact</i>	The proposal for three storey residential flat building development is inconsistent with the SLEP 2014 zone objectives and height controls applying to the site and will have an adverse impact on the village character of the area.

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Issues raised	Comment
<i>Appearance</i>	It is agreed that the proposed building envelopes will not facilitate building design that with a compatible bulk and scale with the locality.
<i>Unsuitable development that sets a precedent</i>	While each applications must be assessed on its merits, it is considered the concentration of 15 residential flat buildings is out of scale with the area and any approval may set precedents for future development which would further erode the village character of the local area.
<i>Adverse environmental impacts on the Basin and local flora and fauna</i>	Council's Threatened Species Officer has reviewed the subject application and supporting documentation and concluded that subject to conditions, the DA is satisfactory. The site is in an existing cleared state and the only pocket of flora of noteworthy preservation is to be retained.
<i>Adverse social impacts due to significant population increase in the area</i>	<p>The 2016 ABS Population Census and Housing identifies 47.8% of the St Georges Basin – Basin View are over the age of 50. Seniors aged 70-84 are the largest population change from the 2011 and 2016 census – from 13.4% to 15.8% of the total population.</p> <p>The proposed type of development will not meet the needs of the existing and emerging population demographics of the locality. The site has poor public transport options, uneven and steep topography and generally poor access to major services needed by these age groups.</p> <p>The concentration of 54 (existing approved) plus 237 (indicative proposed) residential units within this location is inappropriate and does not provide for positive 'aging in place'.</p>
<i>Lack of adequate utilities and facilities including water supply, sewage, transport, school and roads</i>	No analysis has been provided to identify if the locality and supporting infrastructure can service an increase in density of this scale in a concentrated location.
<i>Increase and changes in flow of storm water that would adversely impact the Basin</i>	Council's Development Engineers have reviewed the subject DA and raised no concerns with relation to stormwater management.
<i>Does not meet the requirement of SEPP 65 in that the proposed development does not respond to or enhance the quality and identity of the area</i>	Agreed. Refer SEPP 65 assessment.
<i>Does not meet the requirements of SEPP 71</i>	SEPP No. 71 – Coastal protection, was repealed by the SEPP (Coastal management) 2019 which has been repealed by SEPP(Resilience and Hazards) 2021. The proposal is considered adequate when assessed under this SEPP (refer earlier in this report).
<i>Adverse impact on the visual amenity and scenic qualities of the area</i>	Agreed. Refer assessment of bulk and scale earlier in this report.
<i>Overshadowing on neighbouring properties</i>	The submitted shadow diagrams [M05-M09 Rev D] identifies that the impacts of the heights of the buildings will not be unacceptable.
<i>Inadequate parking for residents and visitors</i>	Building O provides 2 fewer resident car spaces than required for the development mix proposed to satisfy the parking rate of SDCP2014

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Issues raised	Comment
	G21 5.1. and Building J may not provide sufficient car parking for its 'Commercial/Retail' component to satisfy the parking rate of SDCP2014 G21 5.1 depending on the particular retail use proposed. No specific retail use appears to have been nominated in the documentation which raises questions about the sufficiency of the proposed car parking.
<i>Loss of privacy.</i>	Setbacks of 6m to the ground floor and first floor; and 12m to the second for to neighbouring low density residential properties are proposed. This complies with the relevant setbacks required under the ADG, however as the proposed uses of these levels is unknown (i.e. habitable or non-habitable), it is unable to be ascertained if future development will strictly comply with the building separation and setback proposed, while being compliant with ADG setback requirements.

(e) The Public Interest

The public interest has been taken into consideration, including assessment of the application against applicable planning controls, public notification and significant public opposition to the proposed development, internal referrals, and consideration of relevant policies. The assessment identified the development does not comply with:

- SEPP 65 as it relates to the specified Design Quality Principles outlined above.
- SLEP 2014 as it relates to compliance with the zone objectives, maximum height of building control and provision of services; and
- SDCP 2014 as it relates to CPTED principles, site specific controls of Chapter N23, site analysis controls and overshadowing impacts.

Accordingly, the proposal does not promote good design and amenity of the built environment and is not considered to be in the public interest.

9. Delegations

Guidelines for use of Delegated Authority

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

Given the proposal is regionally significant development under Schedule 6 of SEPP (Planning Systems) 2021, the application must be determined by the Southern Regional Planning Panel.

10. Recommendation

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the Environmental Planning and Assessment Act 1979. As such, it is recommended that Development Application No. RA17/1000 be refused.

This application has been assessed having regard for section 4.15 (Matters for consideration) under the Environmental Planning and Assessment Act 1979. As such, it is recommended that Development Application No. RA17/1000 be refused for the following reasons:

1. The application will have adverse impacts when considering the likely impacts of the critical matters to be assessed for the subject concept development application (s4.22(5) of the EPA Act).

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- (a) Compliance with the respective environmental planning instruments applying to the site;
 - (b) The visual compatibility of the development to surrounding development and neighbourhood character;
 - (c) Traffic impacts from the proposed parking spaces and the development's siting within the road network;
 - (d) The impact of the development on surrounding properties and the public domain;
 - (e) Social impacts of the development;
 - (f) The streetscape and urban design issues relating to the building heights, footprints and separations, traffic, accessibility and safety; and
 - (g) The shadow impacts of the development on the public domain and private properties.
2. Non-compliance with SEPP 65 in relation to the Design Quality Principles and Apartment Design Guide (s4.15(1)(a)(i) of the EPA Act).
 - (a) The development does not meet the design quality principles per section 28(2)(b) of SEPP 65 (Principle 1: Context and Neighbourhood Character, Principle 2: Built form and scale; Principle 3: Density; Principle 4: Sustainability; Principle 5: Landscape; Principle 6: Amenity, Principle 7: Safety, Principle 8: Housing Diversity and social interaction and Principle 9: Aesthetics),
 - (b) The development fails to satisfy the preconditions of clause 30(2)(a) and (b) of SEPP 65, in that the development does not demonstrate that adequate regard has been given to:
 - i. the design quality principles; and
 - ii. the objectives specified in the Apartment Design Guide for the relevant design criteria (3A-1 Site Analysis; 3B-1 and 3B-2 – Orientation; 3C-1 and 3C-2 Public Domain Interface, 3D-3 Communal and Public Open Space, 3E-1 Deep Soil Zones, 3F-1 Visual Privacy, 3G-1 and 3G-2 Pedestrian Access and Entries, 3H-1 Vehicle Access, 3J-4 Bicycle and Car Parking, 4A-1, 4A-2 and 4A-3 Solar and Daylight Access, 4B-1 and 4B-2 Natural Ventilation, 4C-1 and 4C-2 Ceiling Heights, 4E-1 Private Open Space and Balconies, 4D-1 and 4D-2 Apartment Size and Layout, 4H-1 Acoustic Privacy, 4K-1 and 4K-2 Apartment Mix, 4L-1 and 4L-2 Ground Floor Apartments and 4W-1 Waste Management).
3. The proposed concept development application proposes a development which will be unable to comply with the maximum building height development standard under clause 4.3 of SLEP 2014. No written request to vary the maximum building height development standard under clause 4.6 of SLEP 2014 has been submitted. (s4.15(1)(a)(i) of the EPA Act).
4. The proposed development does not meet the zone objectives of the SLEP 2014 B4 Mixed Use and R1 General Residential (s4.15(1)(a)(i) of the EPA Act).
5. The proposed development is not consistent with the objectives of SLEP 2014 clause 7.20 Development in the Jervis Bay Region as it is considered the development will have a detrimental impact and will not contribute to the natural and cultural values of the Jervis Bay Region (s4.15(1)(a)(i) of the EPA Act).
6. The proposed concept development application has not demonstrated it is able to provide all essential services under clause 7.11 of SLEP 2014. (s4.15(1)(a)(i) of the EPA Act).
7. The proposed development is inconsistent with the Objectives, Performance Criteria and Acceptable Solutions as they relate to the following provisions of Chapter G21: Car Parking and Traffic Shoalhaven Development Control Plan 2014 (SDCP 2014) (s4.15(1)(a)(iii) of the EPA Act):
 - (a) 5.1 Car Parking Schedule.

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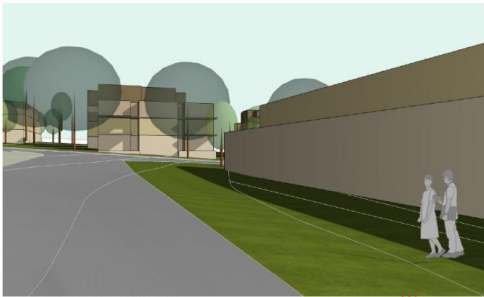

8. The proposed development is inconsistent with the Objectives, Performance Criteria and Acceptable Solutions as they relate to the following provisions of Chapter N23: St Georges Basin Village Centre Shoalhaven Development Control Plan 2014 (SDCP 2014) (s4.15(1)(a)(iii) of the EPA Act):
 - (a) 5.1.1 Traffic, facilities, access, pedestrians and car parking
 - (b) 5.2 Civic Domain
 - (c) 5.3.1 Design and siting
 - (d) 5.3.2 Landscaping
9. The development is likely to have adverse impacts on the built environment (s4.15(1)(b) of the EPA Act).
10. The site is not suitable for the development as proposed (s4.15(1)(c) of the EPA Act).
11. The development is not in the public interest (s4.15(1)(e) of the EPA Act).

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Appendix A - Apartment Design Guide Compliance Table

Objective	Assessment	Achieved?
Apartment Design Guide Part 3 - Siting the development		
3A-1 Site Analysis <i>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.</i>	<p>The 'Site and Analysis Plan' (M01 Issue D) provided does not meet ADG 3A-1 or its Design Guidance and therefore it has not been demonstrated that the proposal responds and contributes to its context positively".</p>	No
3B-1 Orientation <i>Building types and layouts respond to the streetscape and site whilst optimising solar access within the development.</i>	<p>The proposed building envelopes strongly define Anson Street. 20m+ wide residential flat buildings on 40m+ frontages does not reflect the built scale of St Georges Basin. The building mass and scale will significantly dominate within the neighbourhood and the natural surroundings the site is situated. Setbacks are insufficient to minimise the dominance of 15 large residential flat buildings which are out of character with the village.</p> <p>Insufficient information has been provided with regard to the ability for individual buildings to achieve sufficient solar access and cross ventilation.</p>	No
3B-2 Orientation <i>Overshadowing of neighbouring properties is minimised during mid-winter.</i>	<p>As noted earlier, a survey of the land is required which accurately reflects existing ground levels of the site so that the Height Plane [M09D] depicted height planes [M09] can be verified.</p> <p>The Shadow Analysis [M04D] technique is unclear and does not assist in the assessment of building amenity. In particular to demonstrate that the proposed buildings do not overshadow each other or neighbouring buildings, 'View from the sun' diagrams should be provided at half hour intervals, with the public domain and neighbouring development should be included in the diagrams.</p> <p>The Shadow Diagrams [M06D to M09D] show that the proposed Buildings J, K, L, M, N and O overshadow the northern footpath of Anson Street. This is not consistent with minimising shadowing of publicly accessible open spaces per Shoalhaven DCP 2014 Chapter N23 5.2 A4.1.</p>	No
3C-1 Public Domain Interface <i>Transition between private and public domain is achieved without compromising safety and security.</i>	<p>The proposed setbacks to Anson Street of all buildings and the design and layout of buildings do not promote suitable transitions between private and public domain spaces without compromising safety and security. The setback distances, building envelope designs and landscaped areas proposed would provide areas of concealment and discourage pedestrian connectivity to the street.</p>	No
3C-2 Public Domain Interface <i>Amenity of the public domain is retained and enhanced.</i>	<p>The bulk and scale of the proposed buildings are contrary to the existing and desired future character of St Georges Basin. The proposed buildings will dominate the street and public domain (refer Figure 38</p>	No

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	<p>with Buildings C and B in the distance and J on the right). The amenity of the public domain will not be retained or enhanced by the proposed development.</p>  <p>PERSPECTIVE VIEW - V4</p>  <p>KEY PLAN</p> <p>Figure 38. Perspective view of proposed built form as viewed down the Village Access Road (now known as Crowea Rd)</p>	
<p>3D-1 Communal and Public Open Space</p> <p><i>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</i></p> <p><i>Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)</i></p> <p><i>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</i></p>	No design information provided at Concept DA stage.	N/A
<p>3D-2 Communal and Public Open Space</p> <p><i>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</i></p>	No design information provided at Concept DA stage.	N/A
<p>3D-3 Communal and Public Open Space</p> <p><i>Communal open space is designed to maximise safety.</i></p>	<p>Communal open spaces (COS) between buildings at the ground level would be visible from habitable rooms and balconies of units facing into the communal area.</p> <p>Insufficient information regarding safety and design is provided at Concept DA stage.</p>	No

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<p>3E-1 Deep Soil Zones</p> <p><i>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</i></p> <p><i>Deep soil zones are to meet the following minimum requirements: Minimum dimension: 6m Percentage of site area: 7%</i></p>	<p>The concept landscape plan does not provide details of how the numerical compliance of the proposed development has been calculated. Plan M01 includes a compliance table for each proposed lot, however how this number has been arrived at is not demonstrated. The total area of deep soil landscaping of the development as modified has not been provided and cannot be ascertained based on the high level detail provided with the concept DA.</p>	<p>Inadequate information provided</p>
<p><i>On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:</i></p> <ul style="list-style-type: none"> <i>• 10% of the site as deep soil on sites with an area of 650m² - 1,500m²</i> <i>• 15% of the site as deep soil on sites greater than 1,500m²</i> 	<p>The site exceeds 1500m² Deep Soil Zone (DSZ) and therefore it may be appropriate to require 15% of the site as deep soil landscaped area</p> <p>Plan No. M01 have been provided which states there would be numerical compliance, however these are not prepared by a suitably qualified landscape architect and are of a high-scale that the actual demonstration of compliance cannot be ascertained.</p>	<p>No.</p>
<p>3F-1 Visual Privacy</p> <p><i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</i></p> <p><i>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows (for building heights up to 12m):</i></p> <ul style="list-style-type: none"> <i>– Habitable rooms and balconies: 6m</i> <i>– Non-habitable rooms: 3m</i> <p><i>Note: Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)</i></p>	<p>Setbacks under this control for up to 4 storeys require 6m between habitable rooms and balconies and 3m between habitable rooms. A note is included in this Design Criteria stating <i>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2 – reproduced at Figure 39).</i></p> <p>While the building envelopes are generally compliant, the uses of the adjoining units e.g. habitable or non-habitable rooms, is unknown as the 'proof-of-concept' plans are not able to be reconciled with the proposed masterplan layout. For instance the separation between Building H and I is 9m. This would assume that one building has non-habitable uses facing the other building while habitable rooms could be within the other building.</p> <p>Without adequate 'proof-of-concept' plans being provided, the ability for a future DA to comply with this, and not require variations or future modifications cannot be assessed.</p>	<p>No</p>

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Figure 39. Figure 3F.2 of the ADG showing required building separation distances

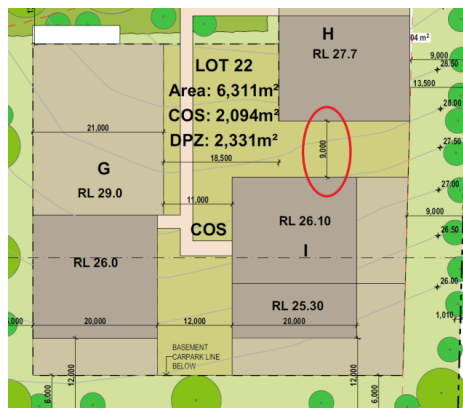


Figure 40. Building Envelope Plan of Buildings G, H and I [M02, Rev D] identifying setbacks between buildings that have not been adequately addressed.

<p>3F-2 Visual Privacy</p> <p><i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</i></p>	<p>This level of detail would be assessed with any subsequent 'Stage 2' DA.</p>	<p>N/A</p>
<p>3G-1 Pedestrian Access and Entries</p> <p><i>Building entries and pedestrian access connects to and addresses the public domain.</i></p>	<p>Pedestrian entry points for buildings are in some instances (e.g. Building I) some 56m from the street frontage at Anson Street. This design does not connect to or address the public domain. Other instances such as Buildings K&L and M&N, the pedestrian entrances are tucked behind the courtyard design of the buildings, creating areas of potential concealment and a maze like navigation to reach the front entry points of the buildings.</p>	<p>No</p>

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<p>3G-2 Pedestrian Access and Entries</p> <p><i>Access, entries and pathways are accessible and easy to identify.</i></p>	<p>As noted under the Design Quality principles assessment earlier in this report. The proposed pedestrian entrances are poorly designed with areas of concealment and maze-like access from the street – particularly Buildings K, L, M & N (refer Figure 34).</p>	<p>No</p>
<p>3H-1 Vehicle Access</p> <p><i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</i></p>	<p>The Concept Landscape Plan [M10D] and 3D Illustrative Views [‘V1’ M11D and ‘V6’ M12D] shows ‘slip lanes for service vehicles’ [M01D] within the front setback, and driveways within side and rear setbacks. This will prevent trees being planted and will not enhance the appearance of the streetscape through provision of substantial landscaping to the street frontage or integrate the development into the streetscape ((SDCP2014 G3 5 A2.2/P2.1) or maintain the principle of allowing landscape to dominate over built structures (SDCP2014 N23 5.3.2 A13.1).</p> <p>Furthermore, the ‘slip lanes for service vehicles’ within the front setback implies that waste bins (for 237 apartments) will also be located at the street edge to enable collection.</p> <p>Inadequate detail has been provided to demonstrate how waste collection of the proposed buildings will function. Basement building heights and access arrangements approved under a Concept DA would be difficult to be ‘not be inconsistent with’ at a Stage 2 DA without resulting in poor design outcomes.</p>	<p>No & Inadequate Information</p>
<p>3J-1 Bicycle and Car Parking</p> <p><i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</i></p>	<p>The applicable parking rate is that of SDCP 2014.</p> <p>485 car parking spaces (419 residential, 66 retail/commercial).are proposed within proposed Buildings C to O.</p> <p>The Masterplan Yield table [D] provides indicative car parking numbers along with estimated unit numbers. The car parking numbers for Buildings C, D, E, F, G, H, I, K and L do not provide any visitor car spaces. Building O provides 2 fewer resident car spaces than required under the ADG and SDCP2014 G21 5.1. Building J may not provide sufficient car parking for its ‘retail/commercial’ component depending on proposed land use (SDCP2014 G21 5.1).</p> <p>Any consent would provide conditions requiring parking to comply with SDCP 2014 Chapter G21 for the respective land uses as they are proposed.</p>	<p>No</p>
<p>3J-2 Bicycle and Car Parking</p> <p><i>Parking and facilities are provided for other modes of transport.</i></p>	<p>No design information provided at Concept DA stage.</p>	<p>N/A</p>
<p>3J-3 Bicycle and Car Parking</p> <p><i>Car park design and access is safe and secure.</i></p>	<p>No design information provided at Concept DA stage.</p>	<p>N/A</p>

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<p>3J-4 Bicycle and Car Parking</p> <p><i>Visual and environmental impacts of underground car parking are minimised.</i></p>	<p>Insufficient information provided to outline how basement parking, and semi-basement parking will be provided and any necessary mitigation of visual and environmental impacts would be addressed.</p> <p>Semi basement parking and level changes are proposed within the concept DA which, with no site survey to demonstrate existing levels makes the assessment of potential visual impacts difficult.</p>	<p>Insufficient detail.</p>
<p>Apartment Design Guide Part 4 - Designing the building</p> <p>It is noted that 'proof-of-concept' floor plans for all proposed building envelopes showing the layout, number of units and intended uses of each building have been provided to demonstrate the workability of the concept and to allow amenity impacts to be properly considered against relevant controls, including the ADG. However, the 'proof-of-concept' plans provided on 19 December 2017 for all proposed building envelopes showing the layout, number of units and intended uses of each building are not reconcilable with the current Building Envelope Plan [M02D] (with the exception of Building J).</p> <p>The number of apartments and mix shown in the Masterplan Yield table [D] are unable to be verified. For instance, the 'Lot 24' proof-of-concept plan shows only a single floor plan of Building C with six units (1 x 1 bedroom, 2 x 2 bedroom and 3 x 3 bedroom). The Yield table Indicates 14 units overall (2 x 1 bedroom, 6 x 2 bedroom and 6 x 3 bedroom). The plans thus cannot usefully assist with current assessment, accordingly the current documentation does not provide any certainty or comfort that future development applications submitted will be capable of being approved per section 4.22(4) of the EP&A Act.</p> <p>The following provides an assessment of the proposal based on the information provided to date recognising the deficiencies in information.</p>		
<p>4A-1 Solar and Daylight Access</p> <p><i>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</i></p> <ol style="list-style-type: none"> <i>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</i> <i>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight</i> <i>3. between 9 am and 3 pm at mid-winter. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</i> 	<p>The '3D View with Shadow Analysis' drawings (M04 and M05 Issue D) are unclear and do not assist in the assessment of solar access.</p>	<p>Insufficient detail.</p>
<p>4A-2 Solar and Daylight Access</p>	<p>The submitted 'proof-of-concept' plans are reconcilable with the proposed footprints shown in the Building Envelope Plan [M02D] and access to daylight</p>	<p>Insufficient detail.</p>

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Daylight access is maximised where sunlight is limited.	of units within the nominated building envelopes are unable to be confirmed.	
4A-3 Solar and Daylight Access Design incorporates shading and glare control, particularly for warmer months.	N/A - Concept DA. This is design details for a future building.	N/A
4B-1 Natural Ventilation All habitable rooms are naturally ventilated.	The ability for natural ventilation of each room within the nominated building envelopes are unable to be confirmed. Which this may be considered to be design details for a future DA, the 'proof-of-concept' plans are not reconcilable with the proposed building envelopes and compliance with this control us unable to be confirmed.	Insufficient detail.
4B-2 Natural Ventilation The layout and design of single aspect apartments maximises natural ventilation.	The final orientation and configuration of units within the nominated building envelopes are unable to be confirmed. This is something that future 'Stage 2' DAs would be required to demonstrate.	Insufficient detail.
4B-3 Natural Ventilation The number of apartments with natural cross ventilation is maximized to create a comfortable indoor environment for residents.	The submitted 'proof-of-concept' plans are reconcilable with the proposed footprints shown in the Building Envelope Plan [M02D] and satisfaction of cross ventilation targets for future buildings within the nominated building envelopes are unable to be confirmed.	Insufficient detail.
1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	This is something that future 'Stage 2' DAs would be required to demonstrate, however it remains unclear whether the proposed concept building envelopes can accommodate future buildings with the proposed unit mix as proposed.	
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line		
4C-1 Ceiling Heights Ceiling height achieves sufficient natural ventilation and daylight access.	The proposal includes 3m floor-to-floor heights which is inconsistent with the ADG requirements, and does not provide sufficient room for services and bulkheads within the development to provide 2.7m floor-to-ceiling heights.	No.
4C-2 Ceiling Heights Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.		No.

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<p>4D-1 Apartment Size and Layout</p> <p><i>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</i></p> <p><i>Apartments are required to have the following minimum internal areas:</i> Studio: 35m² 1 Bedroom: 50m² 2 Bedroom: 70m² 3 Bedroom: 90m² <i>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</i></p> <p><i>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</i></p>	<p>N/A - Concept DA. This is design details for a future building.</p>	<p>N/A</p>
<p>4D-2 Apartment Size and Layout</p> <p><i>Environmental performance of the apartment is maximized.</i></p> <ol style="list-style-type: none"> <i>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</i> <i>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</i> 	<p>The submitted 'proof-of-concept' plans are reconcilable with the proposed footprints shown in the Building Envelope Plan [M02D] and satisfaction of the apartment layout for future buildings within the nominated building envelopes are unable to be confirmed.</p>	<p>No</p>

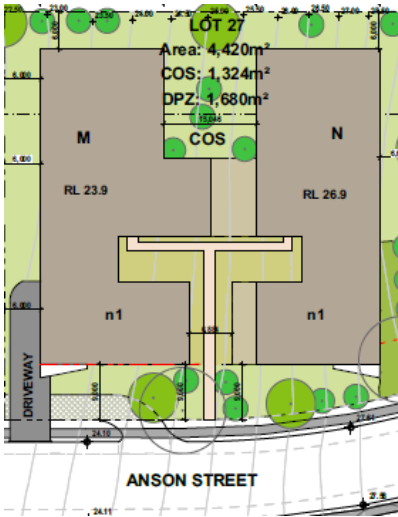
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<p>4D-3 Apartment Size and Layout</p> <p><i>Apartment layouts are designed to accommodate a variety of household activities and needs.</i></p> <ol style="list-style-type: none"> <i>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m (excluding wardrobe space)</i> <i>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)/.</i> <i>3. Living rooms or combined living/dining rooms have a minimum width of:</i> <ul style="list-style-type: none"> <i>• 3.6m for studio and 1-bedroom apartments</i> <i>• 4m for 2- and 3-bedroom apartments</i> <i>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</i> 	<p>N/A - Concept DA. This is design details for a future building.</p>	<p>N/A</p>
<p>4E-1 Private Open Space and Balconies</p> <p><i>Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</i></p> <p><i>1. All apartments are required to have primary balconies as follows:</i></p> <p><i>Studio: 4m²</i></p> <p><i>1 Bedroom: 8m², 2m minimum depth</i></p> <p><i>2 Bedroom: 10m², 2m minimum depth</i></p> <p><i>3 Bedroom: 12m², 2.4m minimum depth</i></p> <p><i>The minimum balcony depth to be counted as contributing to the balcony area is 1m</i></p> <p><i>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</i></p>	<p>N/A - Concept DA. This is design details for a future building.</p> <p>What remains unresolved however is whether the positioning of apartments within the envelopes would be capable of siting proposed balconies within the building envelopes nominated while still complying with relevant solar access and cross ventilation requirements of the ADG.</p>	<p>Insufficient information.</p>

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4E-2 Private Open Space and Balconies <i>Primary private open space and balconies are appropriately located to enhance liveability for residents.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4E-3 Private Open Space and Balconies <i>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4E-4 Private Open Space and Balconies <i>Private open space and balcony design maximizes safety.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4F-1 Common Circulation and Spaces <i>Common circulation spaces achieve good amenity and properly service the number of apartments.</i> 1. The maximum number of apartments off a circulation core on a single level is eight 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	N/A - Concept DA. This is design details for a future building.	N/A
4F-2 Common Circulation and Spaces <i>Common circulation spaces promote safety and provide for social interaction between residents.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4G-1 Storage <i>Adequate, well designed storage is provided in each apartments.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4G-2 Storage <i>Additional storage is conveniently located, accessible and nominated for individual apartments.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4H-1 Acoustic Privacy <i>Noise transfer is minimized through the siting of buildings and building layout.</i>	The design of Buildings M and N, with the central courtyard design is of concern of noise reverberation and transmission. While the 'proof-of-concept' plans have been submitted, these are not able to be reconciled with the development as proposed under the current revision of plans, and thus the amenity	No

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	<p>impacts of the proposed building envelopes not adequately assessed.</p>  <p>Figure 41. Building Envelope Plan of Buildings M And N [M02, Rev D] identifying courtyard portion of the buildings likely to cause acoustic impacts</p>	
<p>4H-2 Acoustic Privacy</p> <p>Noise impacts are mitigated within apartments through layouts and acoustic treatments.</p>	<p>N/A - Concept DA. This is design details for a future building. IN any event a condition could be imposed with regard to benchmarks to demonstrate vertical and horizontal noise transition can be adequately mitigated within buildings.</p>	N/A
<p>4K-1 Apartment Mix</p> <p>A range of apartment types and sizes is provided to cater for different household types now and into the future.</p>	<p>The overall proposed development consists of the following units mix across the proposed 13 new buildings:</p> <ul style="list-style-type: none"> approximately 14 x 1 bedroom apartments; approximately 92 x 2 bedroom apartments; approximately 131 x 3 bedroom apartments; and an approximate total of 237 apartments. <p>While the number of apartments and mix shown in the Masterplan Yield table [D] are unable to be verified, the proposed development does not meet the needs of the community with regard to the size and uniformity of housing typology.</p> <p>The proposed development does not provide for the needs of the much higher than average proportion of people with a disability with regard to, for example, with accessibility of the site, adaptable housing and design.</p> <p>The assessment provided by Council's Social Planning Expert, Judith Stubbs, states:</p> <p><i>"The first issue related to mismatch is that of bedroom number to meet projected need. As noted, there will be</i></p>	No.

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	<p>around 291 apartments across the masterplan area. Of these</p> <ul style="list-style-type: none"> • 6% are 1 bedroom apartments; • 38% are 2 bedroom apartments; and • 56% are 3 bedroom apartments. <p>However, as discussed, 47% of future growth is projected to come from lone person households, and 41% of growth from couple only households (88% of projected demand in total). As such, projected need would indicate that there should be significantly more 1 bedroom dwellings, and also more 2 bedroom dwellings, in the mix, and less 3 bedroom dwellings.</p> <p>Despite this, it is also noted that 12% of household growth will be from couples and single parents with children, and from multi-family and group households. It is therefore important to provide for some dwellings that are appropriate for families, such as townhouses, villas and separate houses in the mix of dwellings, noting also that some older singles and couples may prefer to downsize into a villa or townhouse that still has the opportunity to provide a small garden or ground floor outdoor area, and that this may also be needed for visiting grandchildren or more flexible living arrangements.</p> <p>For these reasons, it would be preferable that there were at least 15-20% of dwellings provided as villas, townhouses and separate houses on smaller lots to provide for diversity of need and some degree of social mix”.</p>	
<p>4K-2 Apartment Mix</p> <p><i>The apartment mix is distributed to suitable locations within the building.</i></p>	N/A - Concept DA. This is design details for a future building.	N/A
<p>4L-1 Ground Floor Apartments</p> <p><i>Street frontage activity is maximized where ground floor apartments are located.</i></p>	The submitted ‘proof-of-concept’ plans are reconcilable with the proposed footprints shown in the Building Envelope Plan [M02D] and the design of ground floor apartments not able to be considered. While this could be considered design details for a future building, the setting and context of each building envelope is to be set within this DA, which will affect the future ability of a DA to comply with these controls.	Insufficient information
<p>4L-2 Ground Floor Apartments</p> <p><i>Design of ground floor apartments delivers amenity and safety for residents.</i></p>		Insufficient information
<p>4M-1 Facades</p> <p><i>Building facades provide visual interest along the street while respecting the character of the local area.</i></p>	N/A - Concept DA. This is design details for a future building.	N/A
<p>4M-2 Facades</p> <p><i>Building functions are expressed by the façade.</i></p>	N/A - Concept DA. This is design details for a future building.	N/A

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4N-1 Roof Design <i>Roof treatments are integrated into the building designed and positive respond to the streets.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4N-2 Roof Design <i>Opportunities to use roof space for residential accommodation and open space are maximized.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4N-3 Roof Design <i>Roof design incorporates sustainability features.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4O-1 Landscape Design <i>Landscape design is viable and sustainable.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4O-2 Landscape Design <i>Landscape design contributes to the streetscape and amenity.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4P-1 Planting on Structures <i>Appropriate soil profiles are provided.</i>	N/A - Concept DA. This is design details for a future building. It is noted that the COS for Buildings C & D, D&F, and G, H & I are shown to be over the basement levels for these buildings. Conditions would be included on any consent requiring the planting over these basement levels to demonstrate compliance with these controls.	N/A
4P-2 Planting on Structures <i>Plant growth is optimized with appropriate selection and maintenance.</i>		N/A
4P-3 Planting on Structures <i>Planting on structures contributes to the quality and amenity of communal and public open spaces.</i>		N/A
4Q-1 Universal Design <i>Universal design features are included in apartment design to promote flexible housing for all community members.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4Q-2 Universal Design <i>A variety of apartments with adaptable designed are provided.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4Q-3 Universal Design <i>Apartment layouts are flexible and accommodate a range of lifestyle needs.</i>	N/A - Concept DA. This is design details for a future building.	N/A

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Part 4S – Mixed Use <i>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</i>	The commercial component of the proposed development within Building J is of a scale and in a located that is not considered unsuitable for its location and will provide convenience for the local community. Active frontages and pedestrian access to the commercial use has not been demonstrated and would be required to provide further detail with a 'Stage 2' DA.	Yes.
Part 4S – Mixed Use <i>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</i>	Residential units are integrated within the Building J development. The consideration of safety and amenity in relation to this control is something to be considered under a future 'Stage 2' DA(s).	Yes.
Part 4T – Awnings <i>Awnings are well located and complement and integrate with the building design</i>	N/A - Concept DA. This is design details for a future building.	N/A
Part 4T – Awnings <i>Signage responds to the context and desired streetscape character</i>	N/A - Concept DA. This is design details for a future building.	N/A
4U-1 Energy Efficiency <i>Development incorporates passive environmental design.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4U-2 Energy Efficiency <i>Development incorporates passive solar design to optimize heat storage in winter and reduce heat transfer in summer.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4U-3 Energy Efficiency <i>Adequate natural ventilation minimises the need for mechanical ventilation.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4V-1 Water Management and Conservation <i>Potable water use is minimised.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4V-2 Water Management and Conservation <i>Urban stormwater is treated on site before being discharged to receiving waters.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4W-1 Waste Management <i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</i>	Insufficient information provided to outline how waste collection points will be positioned within future buildings and to demonstrate that the layout and position of service lanes will not cause future 'Stage 2' to be incompatible with this control.	Insufficient detail.

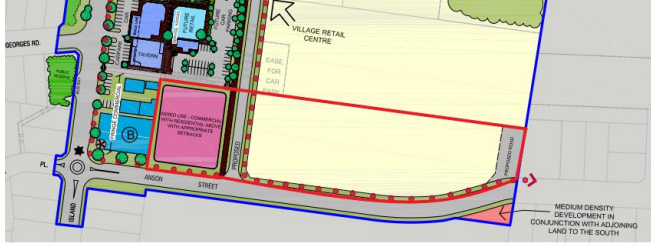
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4W-2 Waste Management <i>Domestic waste is minimised by providing safe and convenient source separation and recycling.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4X-1 Building Maintenance <i>Building design detail provides protection from weathering.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4X-2 Building Maintenance <i>Systems and access enable ease of maintenance.</i>	N/A - Concept DA. This is design details for a future building.	N/A
4X-3 Building Maintenance <i>Material selection reduces ongoing maintenance costs.</i>	N/A - Concept DA. This is design details for a future building.	N/A

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Appendix B – Shoalhaven DCP 2014 - Chapter N23. St Georges Basin Village Centre

It is noted that only the Lot 1 (to the north of Anson Street) is subject to this DCP chapter.

Principle Controls			
5.1.1 Traffic facilities, access, pedestrians and car parking			
Performance Criteria	Acceptable Solutions	Comment	Achieved
P1 Major pedestrian pathways connecting retail anchor developments with specialty shops are wide enough to allow passing by of a variety of users, pedestrians, scooters for the aged or disabled, shopping trolleys, wheelchairs etc	<p>A1.1 Major pedestrian desire lines should have footpaths a minimum of 2.5m wide.</p> <p>A1.2 Where major pedestrian desire lines occur between development modules (as shown on the supporting map), footpaths should be designed to not exceed 3% grades over their longitudinal length. Scissor type ramps are to be discouraged.</p> <p>Note: The location of footpaths is shown indicatively on Supporting Map 1.</p>	The location of the site in relation to Supporting Map 1 is shown at Figure 42 . These show a shared cycleway/footpath along the site frontage on Anson Street and Crowea Road. These design standards that can be required as conditions of consent with information to be provided with any 'Stage 2' DA.	Yes, subject to conditions to require a footpath across the frontage of the site at developer expense.
 <p>Figure 42. Supporting Map 1</p>			

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	<p>A2.1 Access, where possible, should be to the minor access roads and the private road rather than Island Point Road, unless shown on Supporting Map 1.</p> <p>A2.4 Service access is to be negotiated and provided between Lots 1 DP 785956 (124 Island Point Road), Lot 1 DP 850464 (128 Island Point Road) and Lot 10-11 DP 1143842 (132 Island Point Road and Lot 11 Island Point Road) on development of the lots. This shall be a shared pedestrian /service access with limited vehicle access. Service bays will be provided at either end of this access way.</p> <p>A2.5 - A2.8 N/A</p>	<p>Access to the site will be via Anson Street and Crowea Road (for Buildings J and K).</p> <p>A future road is nominated to the east of Building O as shown in the location shown on Supporting Map 1.</p> <p>The proposal is not inconsistent with these controls.</p>	Yes
P3 Onsite car parking is provided to meet the needs of future development.	<p>A3.1 Generally, car parking is to be provided on-site in accordance with Chapter G21: Car Parking and Traffic.</p> <p>A3.2-A3.4 N/A</p>	Refer to discussion at P21 in Table 5 in the report regarding car parking provision.	No
5.2 Civic Domain			
<p>P4.1 The Neighbourhood Centre provides for shops to be arranged around a central open space focal point, part of which acts as a floodway.</p> <p>P4.2 Public amenity block should be provided to serve the needs of shoppers.</p> <p>P4.3 Safer by design principles are utilised when designing the open space precinct.</p>	<p>A4.1 N/A</p> <p>A4.2 Safer by Design Principles shall be implemented with regards to:</p> <ul style="list-style-type: none"> • Lighting. • Landscaping. • Footpaths. • Walkways. • Fencing. • Surveillance. • Maintenance. <p>A4.3 N/A</p>	<p>Conditions would be applied to any consent for a CPTED report to be submitted with each 'Stage 2 DA' to address how compliance is met. The proposed building envelopes however are not considered to provide safe pedestrian pathways from the street to the entry points particularly of Buildings K&L and M&N.</p>	No
P5 Overshadowing of publicly accessible open spaces is minimised.	A5.1 Buildings shall be designed to minimise shadowing of public open spaces.	Overshadowing plans are insufficient to provide an accurate assessment of overshadowing. Notwithstanding this, no areas of public open space are directly adjoining the subject site..	Yes

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P6 The public enjoyment of the Neighbourhood Centre is safe and accessible	A6.1 N/A	Relates to the design of the public domain.	N/A
P7 Future development is integrated with adjoining development.	A7.1 Cut and fill between adjoining development is not to exceed 600mm.	The submitted plans do not provide adequate information of the cut and fill between adjoining development in order to draw a conclusion on this matter. Any 'Stage 2' DA would be required to demonstrate compliance with this condition. The issue this raises however is that where the building heights are touching the overall building height plane, where levels are unable to be ascertained, subsequent DAs may not be able to be generally consistent with the approved Concept DA and will be noncompliant with the maximum height control. Without further detail of site levels, this DCP control cannot be satisfied.	No. Inadequate information.
5.3 Other requirements			
5.3.1 Design and Siting			
P8 Height, bulk and scale of development in the Neighbourhood Centre relates to the existing surrounding development and the natural attributes of the area	<p>A8.1 The maximum height of any building must comply with clause 4.3 of SLEP 2014.</p> <p>A8.2 Development within the Neighbourhood Centre is limited to 2 storeys as measured from ground level (existing).</p> <p>Note: The Neighbourhood Centre is defined by the area contained within Island Point Road and the three proposed roads shown on Supporting Map 1</p>	<p>Refer clause 4.3 of SLEP 2014 assessment in report.</p> <p>Building J falls within the Neighbourhood Centre area and is a maximum of 2 storeys.</p> <p>The proposed development, including buildings on both Lots 1 and 6 are out of character with the desired character of the St Georges Basin Village Centre. 15 residential flat buildings of significant bulk and scale has no relationship with the existing surrounding development and natural attributes of the area. The height of the proposed buildings are unlikely to be capable of complying with the maximum height control under SLEP 2014.</p>	No.
<p>P9 Building lines ensure that:</p> <ul style="list-style-type: none"> Existing car parking areas can be made more effective. Future traffic requirements can be provided, i.e., roundabouts, private road, perimeter roads. Adequate open space can be provided to maintain 	A9.1 Future development shall comply with building lines shown on Supporting Map 1.	No Building lines shown for building other than Building J, the building lines for Building J are not inconsistent with the layout shown at Supporting Map 1.	Yes.

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the objectives of the Chapter. • Adequate landscaped buffers can be provided to maintain residential amenity, and/or the environment.			
P10 Utility installations have a minimal impact on the natural environment.	A10.1 New public and private utility installations (i.e., electricity and telephone) are to be underground.	The plans do not show the location of utilities. It is recommended a condition be imposed to ensure compliance with this requirement at future 'Stage 2' DAs.	Yes, subject to condition re location of utilities for future 'Stage 2' DAs.
P11 Development is sustainable and reinforces the general neighbourhood character while promoting good innovative design that delights and interests the local community and adds architectural quality to the area. Note: Physical qualities of texture, colour and space are important character-building elements in St Georges Basin. The vegetation types, the water bodies and the sand all influence the design of new elements.	A11.1 Development is to demonstrate how the proposed design has a relationship to the natural features of the area in terms of materials, colours, roof form and texture. Note: A schedule of colour finishes, and materials is to be submitted with any development application. Very shiny surfaces and large expanses of reflective area. A11.2 Any future development is to be designed in accordance with ecologically sustainable design principles.	No details of materials, colours and roof shown at this concept DA stage. To be conditions on any consent.	Yes, subject to condition re location of utilities for future 'Stage 2' DAs.
P12 As the majority of buildings in St Georges Basin have small frontages, new development is designed to reflect this built scale.	A12.1 Infill development, particularly on Island Point Road, should be compatible with the existing bulk and scale of development in the street frontage and building mass to the rear. A12.2 Building mass and scale should be designed to complement rather than dominate its natural surroundings.	20m+ wide residential flat buildings on 40m+ frontages does not reflect the built scale of St Georges Basin. The building mass and scale will significantly dominate within the neighbourhood and the natural surroundings the site is situated. Setbacks are insufficient to minimise the dominance of 15 large residential flat buildings which are out of character with the village. The proposed development if approved, will have significant impact on the character of the St Georges Basin area and the broader Bay and Basin locality.	No

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5.3.2 Landscaping			
<p>P13.1 Landscape measures soften paved areas, provide shade to car parks and introduce colour to the Village Centre.</p> <p>P13.2 Site planning incorporates as many of the existing trees into the development, particularly within off-street car parking areas.</p> <p>P13.3 Development allows the landscape to dominate rather than the structures.</p>	<p>A13.1 Existing trees are to be identified on the site plan, and where significant tree clearing is required, a landscape plan shall ensure that additional tree planting is provided that maintains the principle of allowing the landscape to dominate over the built structures.</p> <p>A13.2 Exotic species should be used for feature planting or access to winter sun, thereby allowing native species to predominate.</p> <p>A13.3 The colour and material finish of built elements shall blend with the natural treed landscape.</p> <p>A13.4 N/A.</p>	<p>The Concept Landscape Plan [M10D] and 3D Illustrative Views ['V1' M11D and 'V6' M12D] shows 'slip lanes for service vehicles' [M01D] within the front setback, and driveways within side and rear setbacks. This will prevent trees being planted and will not enhance the appearance of the streetscape through provision of substantial landscaping to the street frontage or integrate the development into the streetscape ((SDCP2014 G3 5 A2.2/P2.1) or maintain the principle of allowing landscape to dominate over built structures (SDCP2014 N23 5.3.2 A13.1).</p>	No
5.3.3 Water quality, wastewater and stormwater drainage			
<p>P14.1 The water quality of discharges to surface and underground receiving waters, including St Georges Basin, is maintained both during and after construction.</p> <p>P14.2 Appropriate water quality management strategies are prepared based on the principles of ecologically sustainable development and water sensitive urban design.</p>	A14.1 - A14.6 N/A	<p>A water quality management strategy was not submitted with the application. This can be conditions to be submitted with any ' Stage 2' DA.</p> <p>Council's Development Engineer raised no issues with the proposal subject to conditions.</p>	Yes, subject to condition.

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Appendix C – Shoalhaven DCP 2014 - Chapter G13 Medium Density and Other Residential

6. Residential flat buildings and shop top housing			
Performance Criteria	Acceptable Solutions	Comment	Achieved
<p>P32.1 Development responds appropriately to the character of the area, landscape setting and surrounding built form.</p> <p>P32.2 Development is liveable, protects surrounding amenity and promotes resident amenity.</p> <p>P33 Telecommunications /TV antennas do not detract from the streetscape.</p>	<p>A32.1 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.</p> <p>A32.2 Where SEPP 65 does not apply (see clause 4 of SEPP 65), the development must be designed in accordance with the Apartment Design Guide.</p>	<p>SEPP 65 does not apply and the ADG does not apply to Building J, being less than 3 storeys in height. The remaining buildings A-I and K-O have been assessed under Appendix A above.</p> <p>There are some areas of noncompliance as outlined in Appendix A which form reasons for the refusal of the DA.</p> <p>Building J would be required to be designed in accordance with the ADG per A32.2 regardless of SEPP 65 not strictly applying.</p>	Yes
	<p>A33.1 Only one telecommunications/ TV antenna will be permitted per building. Where possible, common antennas shall be utilised.</p>	<p>The plans do not show antenna. It is recommended a condition be imposed to ensure compliance with this requirement with any 'Stage 2' DA.</p>	Yes, subject to conditions

MASTERPLAN – REV D – APPROXIMATE YIELD_DRAFT

BUILDING	A	B	C	D	E	F	G	H
ZONING	AS PER DA	AS PER DA	ZONE R1 GENERAL RESIDENTIAL	ZONE R1 GENERALRESIDENTIAL	ZONE R1 GENERAL RESIDENTIAL	ZONE R1 GENERAL RESIDENTIAL	ZONE R1 GENERAL RESIDENTIAL	ZONE R1 GENERAL RESIDENTIAL
SITE AREA(M ²)			4800		4427		6311	
LOT NO	LOT 25		LOT 24		Lot 23		Lot 22	
BUILDING ENVELOPE FOOTPRINT AREA (M ²)			925	1060	1040	1040	1091	732
HEIGHT			3 STOREYS	3 STOREYS	3 STOREYS	3 STOREYS	3 STOREYS	3 STOREYS
TOTAL ENVELOPE AREA			2602	3050	3020	3025	2560	1753
DEVELOPMENT MIX			1 BED – 2 2 BED – 6 3 BED - 6	1 BED – 0 2 BED – 8 3 BED - 11	1 BED – 2 2 BED – 10 3 BED - 12	1 BED – 2 2 BED – 8 3 BED - 10	1 BED – 2 2 BED - 9 3 BED - 9	1 BED – 3 2 BED – 4 3 BED - 6
TOTAL UNITS			14	19	24	20	20	13
RESIDENTIAL PARKING SPACES			23	34	41	34	34	21
RETAIL/COMMERCIAL PARKING SPACES	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

BUILDING	I	J	K	L	M	N	O
ZONING	ZONE R1 GENERAL RESIDENTIAL & B4 MIX USE	ZONE B4 MIX USE	ZONE B4 MIX USE	ZONE B4 MIX USE	ZONE B4 MIX USE	ZONE B4 MIX USE	ZONE B4 MIX USE
SITE AREA(m2)	6311	3699	4428		4420		3024
LOT NO	Lot 22	Lot 29	Lot 28		Lot 27		Lot 26
BUILDING ENVELOPE FOOTPRINT AREA(m2)	885	1990	1113	1113	1113	1113	1321
HEIGHT	3 STOREYS	2 STOREYS	3 STOREYS	3 STOREYS	3 STOREYS	3 STOREYS	3 STOREYS
TOTAL ENVELOPE AREA (m2)	2260	3164	3340	2866	3340	2866	3570
DEVELOPMENT MIX	1 BED – 3 2 BED – 6 3 BED - 8	2 BED – 9 3 BED – 1 COMMERCIAL/RETAIL –1990sqm	1 BED – 0 2 BED – 9 3 BED – 15	2 BED – 6 3 BED - 10	2 BED – 9 3 BED – 12	2 BED – 5 3 BED - 12	1 BED – 0 2 BED – 3 3 BED - 19
TOTAL UNITS	17	10	24	16	21	17	22
RESIDENTIAL PARKINGSPACES	28	20	44	29	38	32	41
RETAIL/COMMERCIAL PARKING SPACES	N/A	66	N/A	N/A	N/A	N/A	N/A



DRAFT

LOT	Site Area m²	COS	DPZ
LOT22	6,311m ²	2094m ²	2331m ²
LOT23	4,427m ²	1,280m ²	1489m ²
LOT24	4,800m ²	1565m ²	2269m ²
LOT25	As Per Approved DA		
LOT26	3,024m ²	1013m ²	1374m ²
LOT27	4,420m ²	1324m ²	1680m ²
LOT28	4,428m ²	1188m ²	1698m ²
LOT29	3,699m ²	945m ²	1605m ²



LEGEND - BUILDING HEIGHT

	Ground Floor Level		DPZ - Deep Soil Zone
	First Floor Level		Dense Urban Planting
	Second Floor Level		COS Communal Open Space
	Retail/Commercial on Ground Floor Level		
	Site Boundary		

NOTES:

- n1 - 2 STOREY COMPONENT ON ANSON STREET. MAY HAVE DISTINCTIVE ROOF FORM, BUT NOT TO EXCEED 8.5 M HEIGHT PLANE
- n2 - BALCONIES FACING ANSON ST. CAN PROJECT UP TO 3M INTO 9M FRONT SETBACK

DRAFT

FOR REVIEW AND INFORMATION

SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan Rd, Gladstone NSW 2111 PHONE : 02 96700000 MOBILE : 0418112077 EMAIL : shobha@shobhadesigns.com.au	PROJECT MASTER PLAN - BUILDING ENVELOPE AND MASSING FOR LOTS 22 TO 29, DP 1082382, ANSON STREET, ST. GEORGES BASIN NSW	CLIENT David De Battista	Drawing Name URBAN DESIGN STRATEGY & BUILDING ENVELOPE PLAN	Drawn By MM	Check By MM	Date 24-Jun-2022	Comments For Client Review For Client Review with revised first floor setback to Building E.F. G & I	State of Issue Drawing Scale @ A1 1:500	Revision M02 P2



Section A - Longitudinal Section Through Lot 26 to Lot 29
1:500

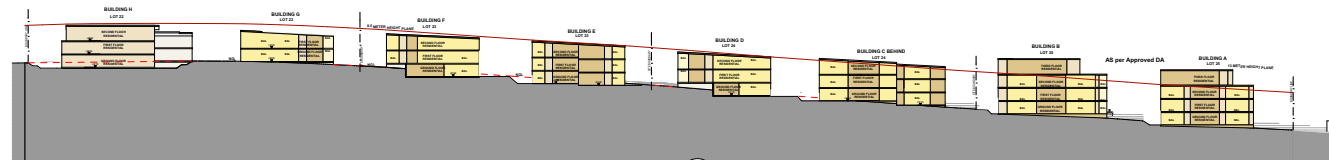


Section B - Longitudinal Section Through Lot 22 to Lot 25
1:500

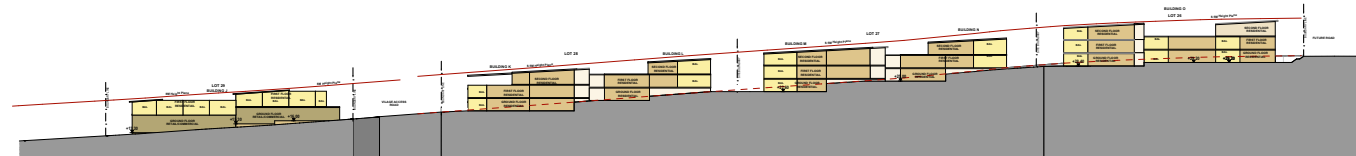
DRAFT



Section C - Cross Section Through Lot 24 and Lot 28
1:500



Anson Street - South Streetscape - Taken along Boundary - Lot 26 to Lot 29
1:500



Anson Street North Streetscape - Taken along Boundary - Lot 22 to Lot 25
1:500

FOR REVIEW AND INFORMATION

SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan Rd, Gladstone NSW 2111 PHONE : 02 96790222 MOBILE : 0418112077 EMAIL : shobha@shobhadesigns.com.au	PROJECT MASTER PLAN - BUILDING ENVELOPE AND MASSING FOR LOTS 22 TO 29, DP 1082382, ANSON STREET, ST. GEORGES BASIN NSW CLIENT David De Battista	Drawing Name SECTIONS AND ELEVATIONS Drawn By : MUNIRA M & JACK D Checked By : NILESH MUNOT	Issue No. P1 P2 Amendments For Client Review For Client Review with revised first floor setback to Building E.F. G & I	Drawn By MM MM Date 24-Jun-2022 30-Jun-2022	Comments 	State of Issue Drawing Scale @ A1 1:500 Layout ID M03	Revision P2



Shadow Analysis - 9AM



Shadow Analysis - Noon



Shadow Analysis - 10 AM



Shadow Analysis - 1 PM



Shadow Analysis - 11 AM



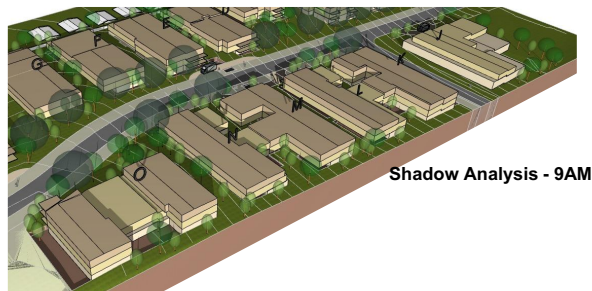
Shadow Analysis - 2 PM



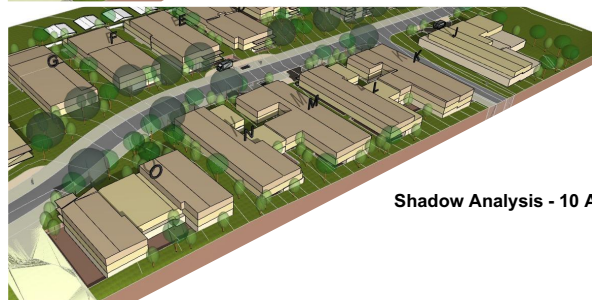
Shadow Analysis - 3 PM

DRAFT

SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan Rd, Gladstone NSW 2111 PHONE : 02 96790020 MOBILE : 0418112077 EMAIL : shobha@shobhadesigns.com.au	PROJECT MASTER PLAN - BUILDING ENVELOPE AND MASSING FOR LOTS 22 TO 29, DP 1082382, ANSON STREET, ST. GEORGES BASIN NSW CLIENT David De Battista	Drawing Name 3D VIEW WITH SHADOW ANALYSIS - SOUTHERN SIDE OF ANSON STREET Drawn By : MUNIRA M & JACK D Checked By : NILESH MUNOT	Issue No. P1 P2 For Client Review For Client Review with revised first floor setback to Building C.F. G & I	Drawn By MM MM Date 24-Jun-2020 30-Jun-2020 Comments	State of Issue 20-Jun-20 NTS Layout ID M04 Revision P2



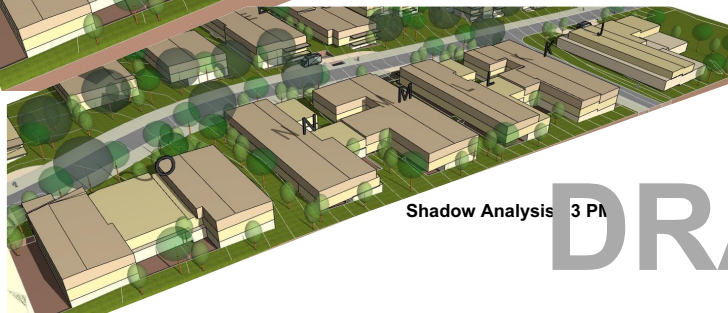
Shadow Analysis - 9AM



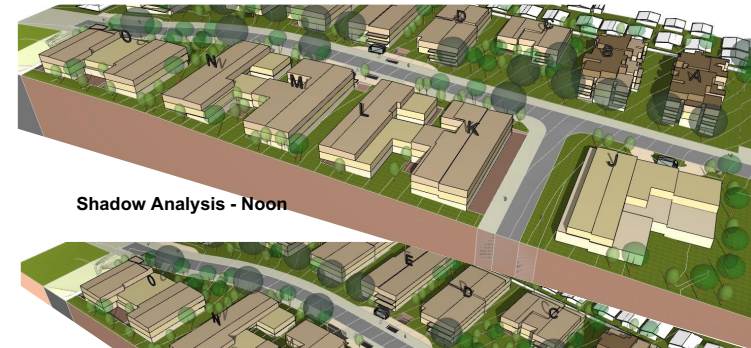
Shadow Analysis - 10 AM



Shadow Analysis - 11 AM



Shadow Analysis - 1 PM



Shadow Analysis - Noon



Shadow Analysis - 1 PM



Shadow Analysis - 2 PM

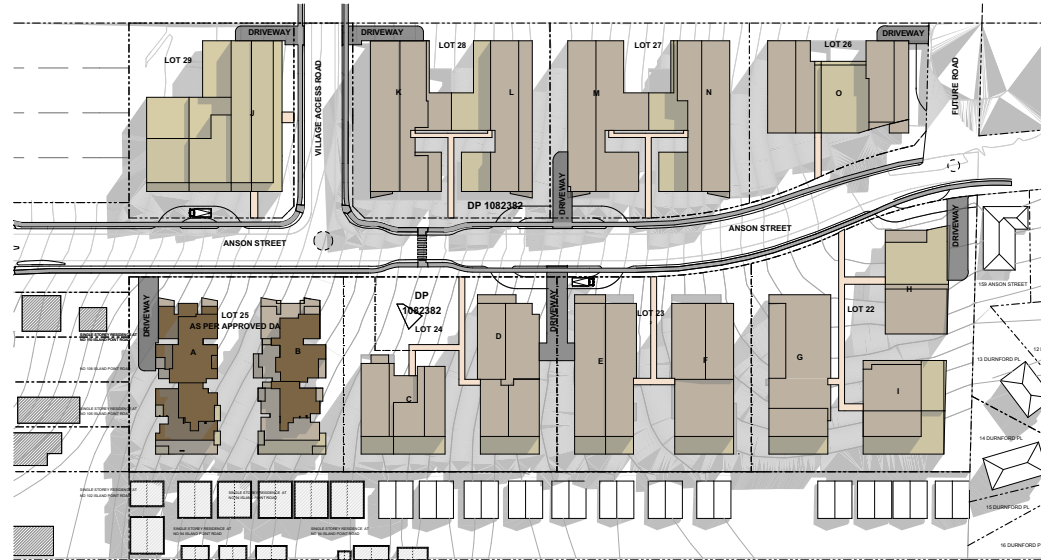
DRAFT

RD22.1 - Attachment 2

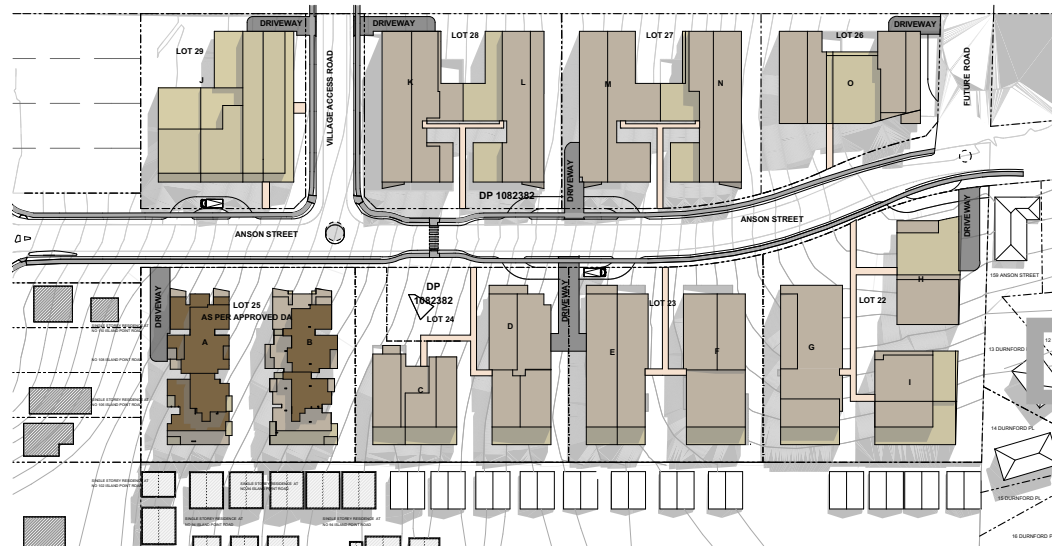
<div>SHOBHA DESIGNS</div> <div>ARCHITECTS & URBAN DESIGNERS</div> <div><div>Suite 21, 1-7 Jordan Rd, Gladstone NSW 2111</div><div>PHONE : 02 96790029</div><div>MOBILE : 0418112077</div><div>EMAIL : shobha@shobhadesigns.com.au</div></div> <div>shobha</div>		<div>PROJECT</div> <div>MASTER PLAN - BUILDING ENVELOPE AND MASSING FOR LOTS 22 TO 29, DP 1082382, ANSON STREET, ST. GEORGES BASIN NSW</div>		<div>Drawing Name</div> <div>3D VIEW WITH SHADOW ANALYSIS - NORTHERN SIDE OF ANSON STREET</div>		<div>Issue No.</div> <div>P1 For Client Review</div> <div>P2 For Client Review with revised first floor setback to Building E.F. G & I</div>		<div>Drawn By</div> <div>MM</div> <div>MM</div>		<div>Date</div> <div>24-Jun-2022</div> <div>30-Jun-2022</div>	<div>Comments</div>	<div>State of Issue</div> <div>20-Jun-2022</div> <div>Drawing Scale @ A1</div> <div>Layout ID</div> <div>M05</div> <div>Revision</div> <div>P2</div>
		<div>CLIENT</div> <div>David De Battista</div>		<div>Drawn By</div> <div>MUNIRA M & JACK D</div> <div>Checked By</div> <div>NILESH MUNOT</div>		<div>N</div> <div>⊕</div>						

LEGEND - BUILDING HEIGHT

- Ground Floor Level
- First Floor Level
- Second Floor Level
- Retail/Commercial on Ground Floor Level
- Site Boundary



Shadow Diagram - 21 June - 9 AM
1:750



Shadow Diagram - 21 June - 10 AM
1:750

DRAFT

RD22.1 - Attachment 2

SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan Rd, Gladstone NSW 2111 PHONE : 02 96790020 MOBILE : 0418112077 EMAIL : shobha@shobhadesigns.com.au	PROJECT MASTER PLAN - BUILDING ENVELOPE AND MASSING FOR LOTS 22 TO 29, DP 1082382, ANSON STREET, ST. GEORGES BASIN NSW CLIENT David De Battista	Drawing Name SHADOW DIAGRAMS - 21 JUNE - 9AM & 10AM Drawn By : MUNIRA M & JACK D Checked By : NILESH MUNOT	Issue No. P1 For Client Review P2 For Client Review with revised first floor setback to Building E.F. G & I	Drawn By MM Date 24-Jun-2020 30-Jun-2020	Comments State of Issue Drawing Scale @ A1 1:750 Layout ID M06 Revision P2
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LEGEND - BUILDING HEIGHT

- Ground Floor Level
- First Floor Level
- Second Floor Level
- Retail/Commercial on Ground Floor Level
- Site Boundary



Shadow Diagram - 21 June - 11 AM
1:750

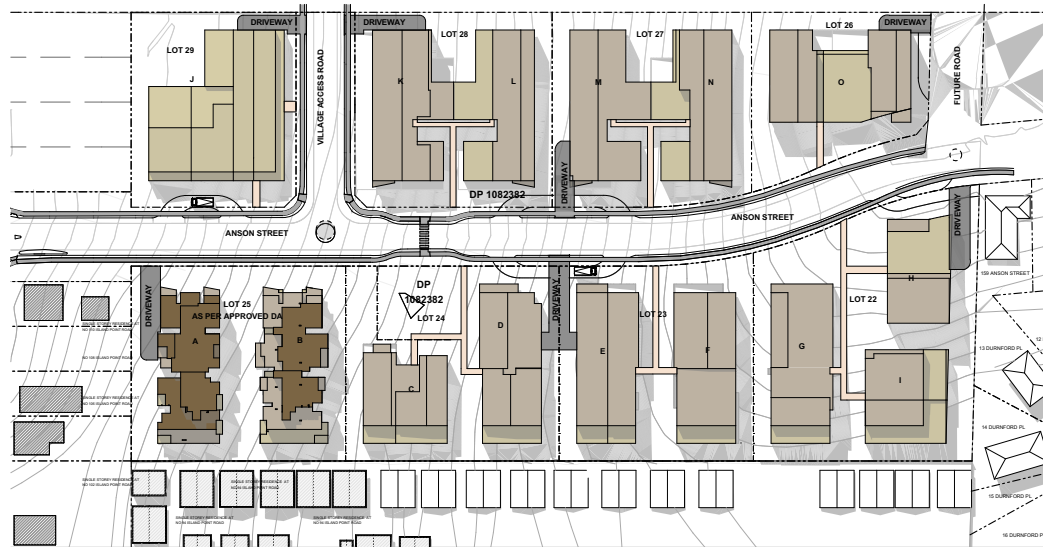
Shadow Diagram - 21 June - 12 Noon
1:750

RD22.1 - Attachment 2

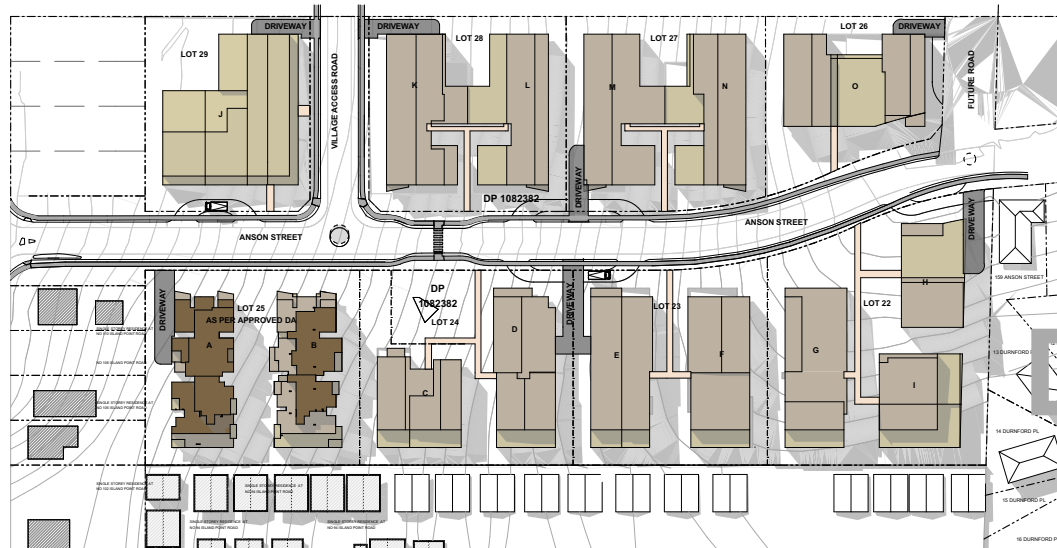
SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan Rd, Gladstone NSW 2111 PHONE : 02 96790020 MOBILE : 0418112077 EMAIL : shobha@shobhadesigns.com.au	PROJECT MASTER PLAN - BUILDING ENVELOPE AND MASSING FOR LOTS 22 TO 29, DP 1082382, ANSON STREET, ST. GEORGES BASIN NSW CLIENT David De Battista	Drawing Name SHADOW DIAGRAMS - 21 JUNE - 11AM & 12 NOON Drawn By : MUNIRA M & JACK D Checked By : NILESH MUNOT	Issue No. P1 For Client Review P2 For Client Review with revised first floor setback to Building E.F. G & I	Drawn By MM Date 24-Jun-2020 Comments For Client Review with revised first floor setback to Building E.F. G & I	State of Issue Drawing Scale @ A1 1:750 Layout ID M07 Revision P2
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LEGEND - BUILDING HEIGHT

- Ground Floor Level
- First Floor Level
- Second Floor Level
- Retail/Commercial on Ground Floor Level
- Site Boundary



Shadow Diagram - 21 June - 1 PM
1:750



Shadow Diagram - 21 June - 2 PM
1:750

SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan St, Gladstone NSW 2111 PHONE : 02 96790020 MOBILE : 0418112077 EMAIL : shobha@shobhadesigns.com.au	PROJECT MASTER PLAN - BUILDING ENVELOPE AND MASSING FOR LOTS 22 TO 29, DP 1082382, ANSON STREET, ST. GEORGES BASIN NSW CLIENT David De Battista	Drawing Name SHADOW DIAGRAMS - 21 JUNE - 1PM & 2PM Drawn By : MUNIRA M & JACK D Checked By : NILESH MUNOT	Issue No. P1 P2 For Client Review For Client Review with revised first floor setback to Building E.F. G & I	Drawn By MM MM Date 24-Jun-2020 30-Jun-2020	Comments 	State of Issue 20-Jun-20
						Drawing Scale @ A1 1:750 Layout ID M08 P2

LEGEND - BUILDING HEIGHT

- Ground Floor Level
- First Floor Level
- Second Floor Level
- Retail/Commercial on Ground Floor Level
- Site Boundary



Shadow Diagram - 21 June - 3 PM
1:750



3d View with Height Plane

DRAFT

RD22.1 - Attachment 2

SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan St, Gladstone NSW 2111 PHONE : 02 96790020 MOBILE : 0418112077 EMAIL : shobha@shobhadesigns.com.au	PROJECT MASTER PLAN - BUILDING ENVELOPE AND MASSING FOR LOTS 22 TO 29, DP 1082382, ANSON STREET, ST. GEORGES BASIN NSW CLIENT David De Battista	Drawing Name SHADOW DIAGRAMS - 21 JUNE - 3PM & 3D SHOWING HEIGHT PLANE		Issue No. P1	For Client Review	Drawn By MM	Date 24-Jun-2022	Comments For Client Review with revised first floor setback to Building E.F. G & I	State of Issue 20-Jun-22
		Drawn By : MUNIRA M & JACK D Checked By : NILESH MUNOT							Drawing Scale @ A1 1:750 Layout ID M09



- LEGEND**
- TYPICAL LARGE TREE**
Height - 13-18m
Spread - 16m
Soil Volume - 80m³
 - TYPICAL MEDIUM TREE**
Height - 9-12m
Spread - 8m
Soil Volume - 35m³
 - TYPICAL SMALL TREE**
Height - 6-8m
Spread - 4m
Soil Volume - 15m³
 - PRIVATE PATHWAY**
 - NATURE STRIP ON STREET**
 - SHARED BICYCLE WAY/FOOTPATH**
 - MASSED SHRUBS**
HEIGHT 1.5M TO 2M
 - COS OVER BASEMENT**
 - DEEP SOIL ZONE**
 - URBAN PLANTING STRIP/DEEP SOIL AREA**

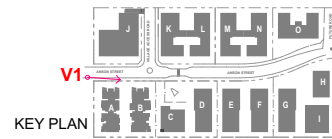
DRAFT

RD22.1 - Attachment 2

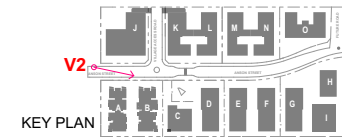
SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan St, Gladstone NSW 2111 PHONE: 02 96790020 MOBILE: 0418112077 EMAIL: shobha@shobhadesigns.com.au	PROJECT MASTER PLAN - BUILDING ENVELOPE AND MASSING FOR LOTS 22 TO 29, DP 1082382, ANSON STREET, ST. GEORGES BASIN NSW CLIENT David De Battista	Drawing Name CONCEPT LANDSCAPE PLAN Drawn By : MUNIRA M & JACK D Checked By : NILESH MUNOT	Issue No P1 P2 For Client Review For Client Review with revised first floor setback to Building C.F. G & I	Drawn By MM Date 24-Jun-2020 Comments 	Scale of Plans Drawing Scale @ A1 1:500 Layout ID M10 Revision P2
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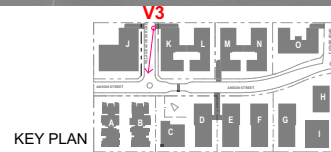
PERSPECTIVE VIEW - V1



PERSPECTIVE VIEW - V2



PERSPECTIVE VIEW - V3



PERSPECTIVE VIEW - V4



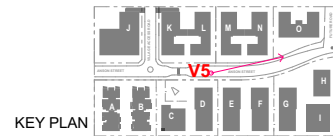
DRAFT

RD22.1 - Attachment 2

SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan St, Gladstone NSW 2111 PHONE : 02 95790020 MOBILE : 0418112077 EMAIL : shobha@shobhadesigns.com.au	PROJECT MASTER PLAN - BUILDING ENVELOPE AND MASSING FOR LOTS 22 TO 29, DP 1082382, ANSON STREET, ST. GEORGES BASIN NSW CLIENT David De Battista	Drawing Name 3D ILLUSTRATIVE VIEWS		Issue No. P1	Revisions For Client Review	Drawn By MM	Date 24-Jun-2022	Comments For Client Review with revised first floor setback to Building E.F. G & I	State of Issue 20-Jun-22
		Drawn By : MUNIRA M & JACK D Checked By : NILESH MUNOT		P2		MM	30-Jun-2022		Revision M11 P2



PERSPECTIVE VIEW - V5



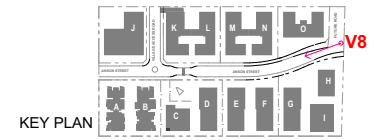
PERSPECTIVE VIEW - V6



PERSPECTIVE VIEW - V7



PERSPECTIVE VIEW - V8



DRAFT

SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan St, Gladstone NSW 2111 PHONE : 02 96790027 MOBILE : 0418112077 EMAIL : shobha@shobhadesigns.com.au	PROJECT MASTER PLAN - BUILDING ENVELOPE AND MASSING FOR LOTS 22 TO 29, DP 1082382, ANSON STREET, ST. GEORGES BASIN NSW	Drawing Name 3D ILLUSTRATIVE VIEWS	Issue No P1 For Client Review P2 For Client Review with revised first floor setback to Building E.F. G & I	Drawn By MM Date 24-Jun-2022 Comments 30-Jun-2022	State of Issue 30-Jun-2022 Drawing Scale @ A1 Layout ID M12 Revision P2

Planning Report – S4.15 Assessment – 169 Hockeys Lane, CAMBEWARRA - Lot 10 DP 1256748,
121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124 & Taylors Lane, CAMBEWARRA - Lot 5 DP
1256748

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-137
DA Number	SF10633
LGA	Shoalhaven City Council
Proposed Development	Staged residential subdivision to create 126 Torrens Title allotments, including: <ul style="list-style-type: none"> 124 residential allotments; One (1) drainage reserve; One (1) residue lot; and Provision of roads, drainage and utility infrastructure along with associated landscaping works.
Street Address	169 Hockeys Lane, CAMBEWARRA - Lot 1 DP 1281124 121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124 Taylors Lane, CAMBEWARRA - Lot 5 DP 1256748
Applicant/Owner	Applicant: Makereng P/L Owner: Q & J Brown (Lots 1 & 2) & Shoalhaven City Council (Lot 5)
Date of DA lodgement	23 November 2017
Total number of Submissions Number of Unique Objections	Three (3) unique objections
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)	Schedule 6 Section 3(b) – Council related development over \$5 million The development has a capital investment value (CIV) of more than \$5 million and includes bulk earthworks encroaching Council-owned land.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> Shoalhaven Local Environmental Plan 2014 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021 Shoalhaven Development Control Plan 2014
List all documents submitted with this report for the Panel's consideration	Attachment 1 - Section 4.15 Assessment Report Attachment 2 - Determination Document – Approval subject to conditions Attachment 3 - Plans
Section 4.6 requests	N/A
Summary of key submissions	The concerns raised in submissions particularly related to the following: <ul style="list-style-type: none"> Design of proposed allotments with no small allotments to be permitted; Lack of existing infrastructure; Tree removal and proposed removal of tree nominated as No. 20 which should be retained as significant due to species and age; Noise and amenity impacts; Lack of area for visitor parking; Housing density is too high; Timing of the development to be deferred to the last stage of the URA to allow completion of the loop road.

Planning Report – S4.15 Assessment – 169 Hockeys Lane, CAMBEWARRA - Lot 10 DP 1256748, 121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124 & Taylors Lane, CAMBEWARRA - Lot 5 DP 1256748

	<ul style="list-style-type: none"> • Construction traffic and use of Taylors and Hockeys Lanes; • Importation of fill and flooding requirements. 	
Report prepared by	Andre Vernez, Senior Development Planner	
Report date	6 April 2022	
Summary of s4.15 matters		
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?		Yes
Legislative sections requiring consent authority satisfaction		
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?		Yes
Section 4.6 Exceptions to development standards		
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?		Not applicable
Special Infrastructure Contributions		
Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>		Yes
Conditions		
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>		Yes

Planning Report – S4.15 Assessment – 169 Hockeys Lane, CAMBEWARRA - Lot 10 DP 1256748, 121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124 & Taylors Lane, CAMBEWARRA - Lot 5 DP 1256748

Executive Summary

The subject site is at least approximately 1km southeast of the edge of Cambewarra village and is within Stage 3 of the Moss Vale Road South Urban Release Area (URA). The site contains scattered trees and vegetation. Historically, the site has been used for agricultural purposes, predominantly grazing. Good Dog Creek, identified as "Watercourse Category 1", traverses the southern section of the site.

The land is legally identified as Lot 2 DP 1281124 (known as 121 Taylors Lane, Cambewarra), Lot 1 DP 1281124 (known as 169 Hockeys Lane, Cambewarra) and Lot 5 DP 1256748 (known as Taylors Lane, Cambewarra).

The site is identified as being bush fire prone land. However, this follows a recent change to mapping. The current mapping is to only be used in the assessment of applications lodged on or after 14 October 2021. As this application was lodged prior to this date, the old mapping applies, on which the site was not identified as bush fire prone land.

The site is also identified as being flood prone land and of aboriginal cultural heritage significance.

The subject DA, Development Application No. SF10633, seeks approval for staged residential subdivision to create 126 Torrens Title allotments, including 124 residential allotments; one (1) drainage reserve; one (1) residue lot; and provision of roads, drainage and utility infrastructure along with associated landscaping works.

The land is zoned R1 General Residential and RU1 Primary Production under the *Shoalhaven Local Environmental Plan 2014* (SLEP 2014), under which "*subdivision of land*" including associated "*roads*" and "*water supply systems*" are permitted with the consent of Council.

As the development includes bulk earthworks that encroach Council-owned land (being Lot 5 DP 1256748) and the capital investment value (CIV) is more than \$5 million, in accordance with section 3(b) of Schedule 6 of SEPP (Planning Systems) 2021, the application constitutes a regional development application, and the Southern Regional Planning Panel is the determining authority for the application.

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

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

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

- G2: Sustainable Stormwater Management and Erosion/Sediment Control
- G3: Landscaping Design Guidelines
- G4: Tree and Vegetation Management
- G5: Biodiversity Impact Assessment

Planning Report – S4.15 Assessment – 169 Hockeys Lane, CAMBEWARRA - Lot 10 DP 1256748, 121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124 & Taylors Lane, CAMBEWARRA - Lot 5 DP 1256748

- G7: Waste Minimisation and Management Controls
- G11: Subdivision of Land
- NB3: Moss Vale Road South Urban Release Area

The development demonstrates general compliance with each chapter of SDCP 2014.

The DA was notified in accordance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regs) and Council's Community Consultation Policy for Development Applications from 20 December 2017 to 2 March 2018.

Three (3) submissions were received by Council, objecting to or raising concerns with the proposal. Key objections relate to the design of proposed allotments, lack of existing infrastructure, tree removal and proposed removal of tree nominated as No. 20, noise and amenity impacts, lack of area for visitor parking, housing density, timing of the development to allow completion of the loop road, construction traffic and use of Taylors and Hockeys Lanes; and importation of fill and flooding requirements. These issues have been assessed as being either acceptable matters on their merits or matters that are capable of being resolved via conditions.

The site is suitable for the proposed development in its present form, taking into consideration the proposal before Council. Furthermore, it is considered that the proposal is in the public interest.

The proposal is considered worthy of support. This report recommends that the application be approved in accordance with the reasons for approval attached to this report.

Planning Report – S4.15 Assessment – 169 Hockeys Lane, CAMBEWARRA - Lot 10 DP 1256748, 121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124 & Taylors Lane, CAMBEWARRA - Lot 5 DP 1256748

1. Detailed Proposal

Staged residential subdivision to create 126 Torrens Title allotments, including:

- 124 residential allotments;
- One (1) drainage reserve;
- One (1) residue lot; and
- Provision of roads, drainage and utility infrastructure along with associated landscaping works.

The subdivision is proposed to be staged as follows:

- Stage 1 – Creation of 72 residential allotments (Lots 1-62 and Lots 103-112) and residue allotment, and provision of roads, drainage and utility infrastructure along with associated landscaping works; and
- Stage 2 – Creation of 52 residential allotments (Lots 63-102 and Lots 113-124) from residue allotment, provision of roads, drainage and utility infrastructure along with associated landscaping works, and creation of residue allotment.

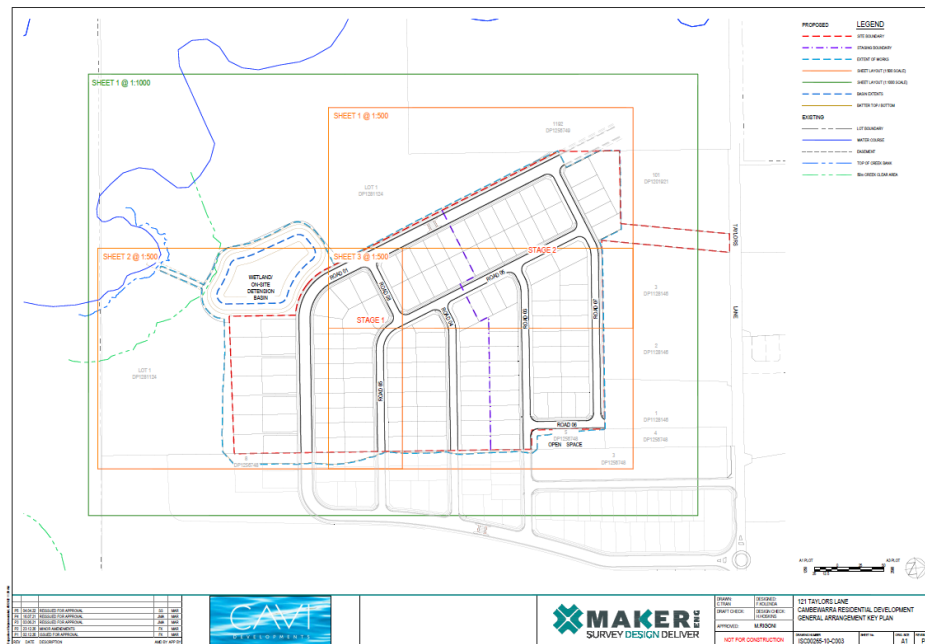


Figure 1 – General Arrangement Key Plan by Maker ENG (dated 04/04/2022)

Planning Report – S4.15 Assessment – 169 Hockeys Lane, CAMBEWARRA - Lot 10 DP 1256748, 121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124 & Taylors Lane, CAMBEWARRA - Lot 5 DP 1256748

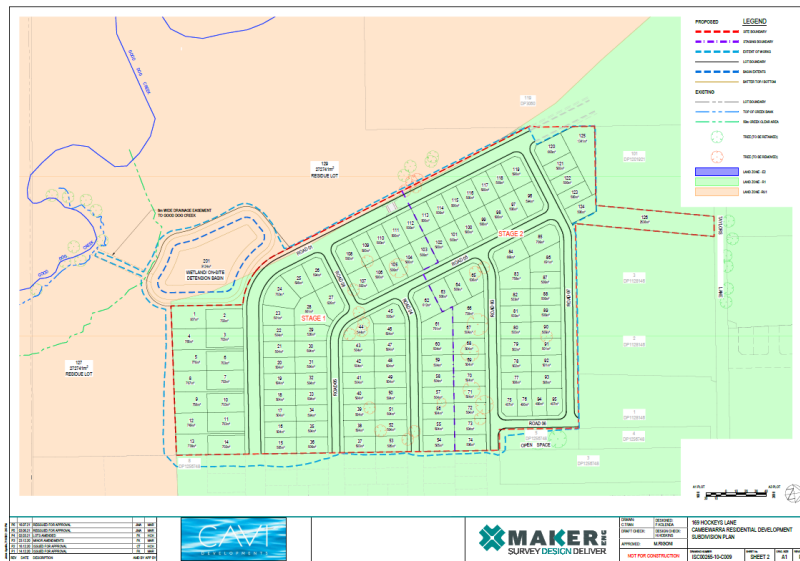


Figure 2 – Subdivision Plan (with zoning overlay) by Maker ENG (dated 16/07/2021)

2. Subject Site and Surrounds

The subject site:

- Is within Stage 3 of the Moss Vale Road South Urban Release Area (URA) and contains scattered trees and vegetation. Historically, the site has been used for agricultural purposes, predominantly grazing. Good Dog Creek, identified as "Watercourse Category 1", traverses the southern section of the site.
- Is zoned R1 General Residential and RU1 Primary Production. Only the R1 zoned portion of the site is within the Urban Release Area.
- Is identified as bush fire prone land. However, this follows a recent change to mapping. The current mapping is to only be used in the assessment of applications lodged on or after 14 October 2021. As this application was lodged prior to this date, the old mapping applies, on which the site was not identified as bush fire prone land.
- Is also identified as being flood prone land and of aboriginal cultural heritage significance.
- Has frontage to Taylors Lane, however, access to Taylors Lane is proposed via the roads approved under the adjoining subdivision to the east, being Development Consent SF10656 for "Residential subdivision to create 57 Torrens Title allotments, including 55 residential allotments, one (1) drainage reserve, one (1) residue lot, and provision of roads, drainage and utility infrastructure along with associated landscaping works".
- Adjoins land zoned R1 General Residential and RU1 Primary Production.

Planning Report – S4.15 Assessment – 169 Hockeys Lane, CAMBEWARRA - Lot 10 DP 1256748,
121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124 & Taylors Lane, CAMBEWARRA - Lot 5 DP
1256748



Figure 3 – Location Map

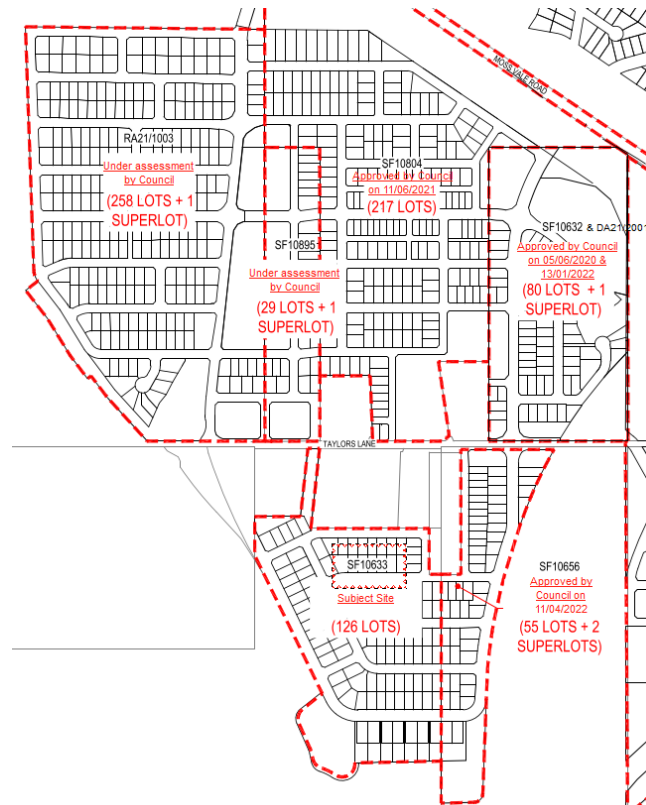


Figure 4 – Excerpt from Moss Vale Road South Urban Release Area Lot Layout Plan
by Maker ENG (dated 04/03/2022) (edited by Council)

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3. Background

Post-Lodgement

- This application was lodged on 23 November 2017.

The description of the application at lodgement was as follows:

“Staged residential subdivision to create 142 Torrens Title allotments, including:

- 141 residential allotments;
- One (1) drainage lot containing water detention and treatment infrastructure;
- One (1) residue lot containing the rural portion of the site containing an existing dwelling;
- One (1) open space lot; and
- Provision of roads, drainage and utility infrastructure along with associated landscaping works.”

The property description was Lot 102 DP 1201921 (known as 169 Hockeys Lane Cambewarra).

It is noted that the following plans were adopted by Council post-lodgement, on 28 August 2018 and commenced on 26 September 2018:

- Amendment No. 19 to Shoalhaven Development Control Plan 2014 (SDCP 2014) (*Chapter NB3: Moss Vale Road South Urban Release Area*)
- Amendment No. 9 to Shoalhaven Contributions Plan 2010 (SCP 2010)

The development proposed at lodgement was non-compliant with these plans.

Accordingly, the below actions reflect Council’s requests for general compliance with Chapter NB3, SDCP 2014 and SCP 2010, and the reason for such a protracted assessment.

- On 23 June 2020, Council resolved to defer a decision on the upgrade of Taylors Lane as part of the Far North Collector Road project and undertake a review of the zoning and planning controls applicable to land around Taylors Lane (MIN20.419 as below). The review that is currently underway will consider options for how the existing trees along Taylors Lane could be retained and integrated into future urban development. At this stage the outcomes of the review are unknown. It is acknowledged that the proposed layout plan has been prepared generally on the basis of the indicative layout plan for Moss Vale Road South URA and may or may not be consistent with the outcomes of the review.

“That Council:

1. *Undertake the following reviews, with the assistance of consultants if required given current Council staff commitments, considering both the required road project and desire for retention of the trees:*
 - a. *Review Shoalhaven Development Control Plan 2014 Chapter NB3: Moss Vale Road South Urban Release Area*
 - b. *Review the existing zoning and potential planning controls for the area between Moss Vale Road and the edge of the Urban Release Area*
2. *As part of the reviews consider all relevant options to retain the existing trees that are currently a feature of Taylors Lane and how they could be successfully retained and integrated into the future urban development enabled by the existing zones;*

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3. *Reconsider the current appropriateness of the existing R3 Medium Density, B1 Neighbourhood Centre and SP2 Infrastructure (educational establishment) zones at the eastern end of Taylors Lane as part of the review process.*
4. *Receive a briefing, if appropriate/needed, and a subsequent report on the reviews and to enable decisions to be made regarding the interrelated Taylors Lane issues.*
5. *Defer the decision on the proposed upgrading of Taylors Lane, Cambewarra in association with the Far North Collector Road pending the reviews and further community consultation as part of them.” (MIN20.419)*

- Council amended the applicant for this application from Cardno Pty Ltd to Indesco Southcoast Pty Ltd on 18 August 2020 as per the applicant’s request dated 14 August 2020.

It was noted that Lot 102 DP 1201921 (known as 169 Hockeys Lane Cambewarra) no longer existed and that since lodgement of this application, it had been subdivided to create Lots 10 and 5 of DP 1256748 (known as Taylors Lane Cambewarra).

Note: The applicant has provided confirmation (with official documentation) of a change in company name to Maker Eng Pty Ltd.

- Council amended the description of this application again on 27 January 2021 to the following as per the applicant’s request dated 12 January 2021.

“Staged residential subdivision to create 131 Torrens Title allotments, including:

- *130 residential allotments;*
- *One (1) residue lot; and*
- *Provision of roads, drainage and utility infrastructure along with associated landscaping works.”*

- On 11 May 2021, Council resolved to approve Development Application SF10804 for residential subdivision and associated works at Lot 3 DP 851823 (known as 104 Taylors Lane, Cambewarra) within Stage 2 of the URA but that:

“No access is to be permitted to Taylors Lane at this time and that a suitable turning head is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate for all road termination points.” (MIN21.245)

- Draft conditions of consent were forwarded to the applicant for comment on 4 March 2022.
- The applicant provided comments on the draft conditions of consent by email dated 7 March 2022.
- Council briefed the Southern Regional Planning Panel on 9 March 2022. There were a number of issues discussed, including the background to this application becoming regionally significant development, road access being dependent on staging of nearby development, tree removal and contamination.

The Panel sought further information and clarification of the following issues:

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- An explanation of the open space arrangements is required in the Council Assessment report. The panel seeks to understand how open space will be provided to this subdivision particularly given it is likely to be built well in advance of the other stages of the urban release area, including open space facilities.
 - A description of how Tree #20 will be retained on site to comply with the findings of the BDAR is required.
 - Confirmation of the low contamination likelihood for the site, with an explanation regarding the different classification given to this land compared with nearby (adjacent) sites.
 - A clear description of the relationship with and impact of this development on the nearby Cambewarra Village.
- Council reviewed the applicant's comments on draft conditions and amended the draft conditions (where considered necessary) and description of this application again on 1 April 2022 to the following as per the applicant's request dated 9 March 2022.

"Staged residential subdivision to create 126 Torrens Title allotments, including:

- 124 residential allotments;
- One (1) drainage reserve;
- One (1) residue lot; and
- Provision of roads, drainage and utility infrastructure along with associated landscaping works."

The property description of this application was also amended to be Lot 2 DP 1281124 (known as 121 Taylors Lane, Cambewarra), Lot 1 DP 1281124 (known as 169 Hockeys Lane, Cambewarra) and Lot 5 DP 1256748 (known as Taylors Lane, Cambewarra).

- On 11 April 2022, Council resolved to grant partial approval of Development Application SF10656 for residential subdivision and associated works to the east of the subject site. Council also resolved to defer consideration of proposed allotments fronting Taylors Lane and any construction within the Taylors Lane road reserve until a decision has been made on the upgrade of Taylors Lane as part of the Far North Collector Road project and completion of a review of the zoning and planning controls applicable to land around Taylors Lane, as previously resolved by Council (per MIN20.419).

The consent required that:

"No access is permitted to Taylors Lane, with the exception of access across Road 01, at this time given Council's resolution to defer a decision on the upgrade of Taylors Lane as part of the Far North Collector Road project and undertake a review of the zoning and planning controls applicable to land around Taylors Lane." (MIN22.260)

4. Consultation and Referrals

Internal Referrals		
Referral	Recommendation Summary	Comment
Development Engineer	No objections subject to recommended conditions of consent (dated 04/02/2022).	Conditions to be imposed with amendments to address landscaping works and street trees.

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		It is also noted that the applicant has provided an amended subdivision plan with Lots 125 and 126 consolidated into a residue lot. This lot is not to be developed until such time that a public road frontage is available to service this lot.
Road Asset Manager	Concerns raised and additional information requested (dated 26/02/2018).	Conditions to be imposed, as recommended by Council's Development Engineer.
Traffic & Transport Unit	Concerns raised and additional information requested (dated 13/04/2018).	Conditions to be imposed, as recommended by Council's Development Engineer.
Drainage Engineer	Concerns raised and additional information requested (dated 12/06/2019).	Conditions to be imposed, as recommended by Council's Development Engineer.
Floodplain & Stormwater Quality Engineer	No objections subject to recommended conditions of consent (dated 14/04/2021).	Conditions to be imposed only in relation to flooding.
Environmental Assessment Officer	No objections subject to recommended conditions of consent (dated 22/11/2021).	Conditions to be imposed.
Waste	No objections subject to recommended conditions of consent (dated 13/02/2018).	Conditions to be imposed, only in relation to the requirement for a WMP.
Shoalhaven Water	Notice provided (dated 19/05/2021).	Conditions to be imposed.
Environmental Health Officer	No objections subject to recommended conditions of consent (dated 31/03/2022).	Conditions to be imposed.
Landscape Architect	No objections subject to recommendations (dated 22/02/2018).	Conditions to be imposed, with the requirement for a landscape strategy.
Property Unit	Additional information requested with recommended condition of consent (dated 09/08/2021).	Condition to be imposed.
Community & Recreation	No objections subject to recommendations (dated 27/02/2018).	Conditions to be imposed.

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External Referrals		
Agency	Recommendation	Comment
Transport for NSW (formerly Roads & Maritime Services)	No objections subject to recommended conditions of consent (dated 01/08/2021).	Conditions to be imposed with amendment to not reference plans approved as part of SF10656.
Endeavour Energy	No objections subject to recommendations and comments (dated 11/03/2021).	Conditions and advisory note to be imposed.
NRAR (formerly DPI - Water)	General Terms of Approval issued (dated 04/10/2018).	Conditions to be imposed.
Heritage NSW (formerly NSW OEH)	General Terms of Approval issued (dated 10/09/2018).	Conditions to be imposed.
NSW Police	No objections (dated 27/09/2017).	Noted.
DPIE (formerly DOP)	<p>Illawarra Shoalhaven SIC has been finalised.</p> <p>Accordingly, Council is required to place a condition of consent on any determination to require payment of the SIC to the Department. This would be the mechanism for the Department to collect State contributions in this case.</p> <p>The wording of the condition is in the <i>Ministerial Direction</i>.</p>	Condition to be imposed.
Nowra Local Aboriginal Land Council	No response.	Noted.

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5. Other Approvals

Integrated Approvals and Concurrences		
Agency	Recommendation	Comment
NRAR (formerly DPI - Water)	General Terms of Approval issued (dated 04/10/2018).	Conditions to be imposed.
Heritage NSW (formerly NSW OEH)	General Terms of Approval issued (dated 10/09/2018).	Conditions to be imposed.

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:

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

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

i) Environmental Planning and Assessment Act 1979

Section 1.7 – Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017

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

Part 6 of the Act provides tools to avoid, minimise and offset biodiversity impacts from development and clearing through the Biodiversity Offsets Scheme (BOS). The BOS applies to development and clearing when:

- The thresholds under s.7.1 of the Regulation are exceeded;

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- The clearing of native vegetation of an area declared by cl. 7.2
- The clearing of native vegetation on land included on the Biodiversity Values Map (BV map)
- A proposed development is likely to significantly affect threatened species based on the Test of Significance in section 7.3 of the Act
 - Area of clearing;
 - Biodiversity Values Map and Threshold Tool; and
 - Test of significance.

The proposed area of clearing is based off the minimum lot size. The minimum lot size for the subject site is 500m². Reference to the clearing thresholds provided under s.7.1 of the Regulation the clearing threshold is 0.25ha. The clearing required for the proposed development is 0.78ha which is over the clearing threshold.

Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply
Less than 1 ha	0.25ha or more
1ha to less than 40 ha	0.5ha or more
40ha to less than 1000ha	1ha or more
1000ha or more	2ha or more

A Biodiversity Development Assessment Report (BDAR) has been submitted as part of this application and reviewed by Council's Environmental Assessment Officer. As part of this review a site inspection has been undertaken.

All the trees within the URA boundary are proposed for removal, with the exception of those within the Council reserve. The latest plans show 24 trees to be removed and two (2) trees to be retained on Council land. The BDAR does not provide an exact number of trees to be removed or retained but assesses the removal of all native vegetation within the lot and road footprint, which they have calculated as 0.78ha. This vegetation loss mostly comprised of the removal of the remnant canopy trees, as there are very few native understory species recorded at the site.

The BDAR has assessed the removal of 16 hollow-bearing trees, containing approximately 10 small hollows (<15cm diameter), six (6) medium (15-30cm diameter) hollows, 10 large hollows (>30cm diameter) and 16 fissured branches (suitable for microbats).

The Environmental Assessment Officer has noted that the proposed residential subdivision will result in change in the use of the land and a large increase in human activity. Many of the species that would use the hollows (including Threatened microbat species) are sensitive to urban development. The majority of the hollow-bearing trees are within the central part of the residential area and would be indirectly impacted and possibly become unusable for the threatened species.

As the URA boundary and the indicative lot layout is determined in the DCP, there is little room to revise the lot layout to retain these trees and provide adequate buffers to trees to avoid indirect impacts. Therefore, the impacts to these trees are to be assessed as removal of habitat within the BDAR.

In accordance with section 7.1 of the Biodiversity Conservation Regulation, if proposed development is or involves the subdivision of land, the subdivision is taken to involve the clearing of native vegetation that, in the opinion of the relevant consent authority or other planning approval body, is required or likely to be required for the purposes for which the land is to be subdivided.

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The assessment for this subdivision is to take into account impacts that would result from the construction of dwellings within the lots as well as works proposed by this application.

With regard to impacts, it was confirmed in the BDAR that the proposal will impact vegetation consistent with Plant Community Type (PCT) 1212 – Spotted Gum – Grey Ironbark – Woollybutt grassy open forest on coastal flats, southern Sydney Basin Bioregion and South East Corner Bioregion. The PCT with the subject site does not conform with any associated Threatened Ecological Communities.

Biodiversity Assessment Method (BAM) plots were completed to assess the vegetation and habitat values affected by the proposal. The data gathered was input into the BAM Credit Calculator by an accredited assessor. No Ecosystem Credits are required for PCT 1212, given the low vegetation integrity score (being less than 17/100).

Habitat survey was undertaken for a number of potentially occurring Species Credit Species. Targeted survey was not undertaken for some candidate species of concern, due to a high likelihood of occurrence and seasonal or budgetary restrictions as indicated in the BDAR. These species were therefore assumed to be present. The results require 36 Species Credits inclusive of Glossy Black-cockatoo, Gang-gang Cockatoo, Large-eared Pied Bat, Little Eagle, Square-tailed Kite, Southern Myotis, Barking Owl, Powerful Owl and Masked Owl habitat. No threatened flora species were recorded as part of this assessment.

As stated in the BDAR:

“While it has been assessed that the Subject Land will be cleared in its entirety, additional avoidance and mitigation measures will be undertaken to reduce the severity of these impacts on the local biodiversity. These measures include an ecologist pre-clearance survey, felling supervision of the habitat bearing trees, installation of compensatory nest boxes and a native species landscaping plan. A Construction and Environmental Management Plan will also be prepared to ensure no further impact during the construction phase.”

No concerns or objections were raised by Council's Environmental Assessment Team with the submitted BDAR subject to recommended conditions of consent being imposed (if approved), as detailed under the 'Referrals' section of this report.

Section 1.7 – Fisheries Management Act 1994

The proposed development would not have a significant impact on the matters for consideration under Part 7A of the *Fisheries Management Act 1994*.

Section 4.46 – Integrated Development

The subject development is considered integrated development as separate approvals are required to undertake the subject development as outlined below.

Act	Provision	Approval	Determination details
Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval	General Terms of Approval issued (dated 10/09/2018). Recommendation

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		or activity approval under Part 3 of Chapter 3	
National Parks and Wildlife Act 1974	s90	Grant of Aboriginal heritage impact permit	General Terms of Approval issued (dated 04/10/2018).

Section 7.11 – Developer Contributions: Shoalhaven Contribution Plan 2019

The proposed development is considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019 (the Plan). The development is most aptly characterised as a Subdivision development for the purpose of calculating contributions under the Plan. Contributions are to be subject to a recommended condition of consent and payment required prior to the issue of a Subdivision Certificate.

The number of proposed lots for this calculation is 124.

The proposed stages for creation of the residential allotments are as follows:

Stage 1: 72 residential allotments (with one (1) residue lot added, and one (1) lot credit (existing) applied)

Subdivision

	Existing	Proposed
Lots	1	73
Total ET		72
		0

Project	Description	Rate	Qty	Total	GST	GST Incl
01 AREC 5006	Northern Shoalhaven Sports Stadium	\$706.53	72	\$50,870.16	\$0.00	\$50,870.16
01 AREC 5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$547.93	72	\$39,450.96	\$0.00	\$39,450.96
01 AREC 5009	Planning Area 1 recreational facilities upgrades (various locations)	\$739.61	72	\$53,251.92	\$0.00	\$53,251.92
01 CFAC 0002	Community Hall North Nowra	\$145.51	72	\$10,476.72	\$0.00	\$10,476.72
01 CFAC 5012	Nowra Integrated Youth Services Centre (Cnr Kinghorn & Plunkett Streets)	\$30.25	72	\$2,178.00	\$0.00	\$2,178.00
01 DRAI 5006	Moss Vale Road South URA Drainage	\$3,289.75	72	\$236,862.00	\$0.00	\$236,862.00
01 OREC 6015	Moss Vale Road South URA Passive Recreation	\$10,592.85	72	\$762,685.20	\$0.00	\$762,685.20
01 ROAD 5154	Moss Vale Road South URA Roads	\$5,588.40	72	\$402,364.80	\$0.00	\$402,364.80
CW AREC 5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$1,949.31	72	\$140,350.32	\$0.00	\$140,350.32
CW CFAC 5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,473.26	72	\$106,074.72	\$0.00	\$106,074.72
CW CFAC 5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,292.05	72	\$93,027.60	\$0.00	\$93,027.60
CW CFAC 5007	Shoalhaven Regional Gallery	\$70.93	72	\$5,106.96	\$0.00	\$5,106.96
CW FIRE 2001	Citywide Fire & Emergency services	\$139.37	72	\$10,034.64	\$0.00	\$10,034.64
CW FIRE 2002	Shoalhaven Fire Control Centre	\$203.89	72	\$14,680.08	\$0.00	\$14,680.08

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CW MGMT 3001	Contributions Management & Administration	\$579.56	72	\$41,728.32	\$0.00	\$41,728.32
					Sub Total:	\$1,969,142.40
					GST Total:	\$0.00
					Estimate Total:	\$1,969,142.40

Stage 2: 52 residential allotments

Subdivision

	Existing	Proposed
Lots	0	52
Total ET		52
		0

Project	Description	Rate	Qty	Total	GST	GST Incl
01 AREC 5006	Northern Shoalhaven Sports Stadium	\$706.53	52	\$36,739.56	\$0.00	\$36,739.56
01 AREC 5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$547.93	52	\$28,492.36	\$0.00	\$28,492.36
01 AREC 5009	Planning Area 1 recreational facilities upgrades (various locations)	\$739.61	52	\$38,459.72	\$0.00	\$38,459.72
01 CFAC 0002	Community Hall North Nowra	\$145.51	52	\$7,566.52	\$0.00	\$7,566.52
01 CFAC 5012	Nowra Integrated Youth Services Centre (Cnr Kinghorn & Plunkett Streets)	\$30.25	52	\$1,573.00	\$0.00	\$1,573.00
01 DRAI 5006	Moss Vale Road South URA Drainage	\$3,289.75	52	\$171,067.00	\$0.00	\$171,067.00
01 OREC 6015	Moss Vale Road South URA Passive Recreation	\$10,592.85	52	\$550,828.20	\$0.00	\$550,828.20
01 ROAD 5154	Moss Vale Road South URA Roads	\$5,588.40	52	\$290,596.80	\$0.00	\$290,596.80
CW AREC 5005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$1,949.31	52	\$101,364.12	\$0.00	\$101,364.12
CW CFAC 5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,473.26	52	\$76,609.52	\$0.00	\$76,609.52
CW CFAC 5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,292.05	52	\$67,186.60	\$0.00	\$67,186.60
CW CFAC 5007	Shoalhaven Regional Gallery	\$70.93	52	\$3,688.36	\$0.00	\$3,688.36
CW FIRE 2001	Citywide Fire & Emergency services	\$139.37	52	\$7,247.24	\$0.00	\$7,247.24
CW FIRE 2002	Shoalhaven Fire Control Centre	\$203.89	52	\$10,602.28	\$0.00	\$10,602.28
CW MGMT 3001	Contributions Management & Administration	\$579.56	52	\$30,137.12	\$0.00	\$30,137.12
					Sub Total:	\$1,422,158.40
					GST Total:	\$0.00
					Estimate Total:	\$1,422,158.40

ii) Environmental planning instrument

SEPP (Planning Systems) 2021

The proposal is triggered as regionally significant development as the capital investment value (CIV) is more than \$5 million and the DA involves works on Council owned land. The applicant submitted a detailed cost report prepared by a registered quantity surveyor that verified the cost of the development.

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During assessment of this application, the applicant amended proposed bulk earthworks to encroach Council-owned land (being Lot 5 DP 1256748 an open space lot). The proposed earthworks comprise some cut of the existing levels within the lot to facilitate the construction of Road 06 and the associated compliant batter. This is considered acceptable by Council from both an owner's consent perspective, with owners' consent obtained, and from an engineering/design perspective as assessed throughout this report.

As the proposal involves Council-owned land, the provisions of this Policy have been considered, having regard to section 3(b) of Schedule 6.

SEPP (Transport and Infrastructure) 2021

Section 2.48(1)(b)(iii) (formerly clause 45(1)(b)(iii) of SEPP (Infrastructure) 2007) is applicable and the application referred to the *electricity supply authority for the area* (Endeavour Energy) on 10/03/2021 as required for comment. A response was provided (as detailed under the 'Referrals' section of this report) and has been considered.

SEPP (Biodiversity and Conservation) 2021

The SEPP contains the mechanism for the removal of vegetation in a non-rural area. Council may issue a permit for the clearing of vegetation within the subject zone under Part 2.3 of the SEPP. In this instance, vegetation to be removed is being considered ancillary to this development proposal and is subject to any controls contained within Chapters G4 and G5, Shoalhaven DCP 2014, addressed later in this report.

SEPP (Resilience and Hazards) 2021

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

Question	Yes	No
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	X Proceed to Question 3	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	Assessment under SEPP and DCP not required.
3. Does the application proposed a new: <ul style="list-style-type: none"> 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	X Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding	X Proceed to Question 5	Proposal satisfactory under SEPP and DCP.

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Question	Yes	No
lands. Is there any evidence that the land has been used for a listed purpose?		
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?	X Request contaminated site assessment	Proposal satisfactory under SEPP and DCP.

The site was inspected on 8 February 2018, with there being no evidence of obvious contamination. However, it is apparent that there is potential for contamination from agricultural uses on this site (predominantly grazing).

Council's Environmental Health Officer reviewed the submitted Environmental Risk and Planning Report and Statement of Environmental Effects (in particular Sections 4.2.8.2 and 5.6) in relation to assessment for contaminated land. Assessment found that the potential for subsurface contamination to be present at the site is low due to the absence of current or historical potential sources of significant contamination risk. No potential Areas of Environmental Concern (AECs) were identified. The historical agricultural land use is considered to pose little to no risk to site users or the surrounding environment.

The following conditions of consent were recommended:

1. *If potentially contaminated material is encountered an Unexpected Discovery of Contaminated Land Procedure will be required to be submitted to Council and implemented on site as soon as practicable.*
2. *Works in the vicinity of suspected contaminated waste will be stopped or modified and will not recommence until the material has been analysed and management measures developed.*
3. *Owners of land who become aware, or ought reasonably to be aware, that the land has been contaminated must notify the Environmental Protection Agency (EPA) as soon as practicable after becoming aware of the contamination, if the contamination meets criteria for significant risk of harm to public health or the environment.*

Accordingly, no objections were raised subject to the Environmental Health Officer's recommended conditions of consent as above with amendments to reflect updated standard conditions being imposed with any consent granted. It is considered that the proposal is satisfactory under this SEPP and SDCP 2014.

Shoalhaven LEP 2014

Land Zoning

The land is zoned R1 General Residential and RU1 Primary Production under the SLEP 2014.

Characterisation and Permissibility

The proposal is best characterised as *Subdivision of land* including associated *Roads* and *Water supply systems* under the SLEP 2014. The proposal is permitted within the zones with the consent of Council.

The subdivision is proposed predominantly within the R1 zoned portion of the subject land (being the extent of the URA) with the residue lot to be split between this zone and the RU1 zoned portion.

Roads (including associated earthworks) are proposed within the R1 zoned portion of the land.

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The water supply system (being the proposed wetland/on-site detention basin and associated drainage works) is proposed predominantly within the RU1 zoned portion of the land, however, is also located within the R1 zoned portion.

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

R1 Zone objectives

Objective	Comment
• To provide for the housing needs of the community.	Satisfies the nominated objective as new residential lots will be created.
• To provide for a variety of housing types and densities.	Satisfies the nominated objective. The zone and design of the subdivision will influence the housing types.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Satisfies the nominated objective. The zone will influence land uses.
• To identify land suitable for future urban expansion.	Satisfies the nominated objective through delivering residential development in line with the strategic intent for the URA.

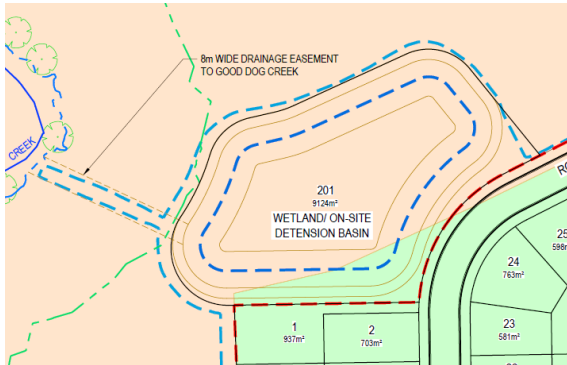
RU1 Zone objectives

Objective	Comment
• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	Satisfies the nominated objective. Work within the RU1 zone is limited to the proposed wetland/on-site detention basin and associated drainage works, with the remainder of land within the zone to remain as primary agricultural land as anticipated by Chapter NB3 of the DCP and the URA.
• To encourage diversity in primary industry enterprises and systems appropriate for the area.	Not applicable.
• To minimise the fragmentation and alienation of resource lands.	Satisfies the nominated objective. The proposed subdivision minimises fragmentation through minimising land subdivision within the RU1 zoned land to limit it to excising the URA R1 zoned land.
• To minimise conflict between land uses within this zone and land uses within adjoining zones.	Satisfies the nominated objective though proposing residential subdivision of adjoining R1 zoned land to the intended staging and residential lot layouts as envisaged by the DCP.

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• To conserve and maintain productive prime crop and pasture land.	Satisfies the nominated objective through conserving the residue lot as RU1 zoned land.
• To conserve and maintain the economic potential of the land within this zone for extractive industries.	Satisfies the nominated objective. The residue RU1 lot is of suitable size and orientation to facilitate the continued agricultural uses of this land.

SLEP 2014 Sections

Section	Comments	Complies/Consistent
Part 2 Permitted or prohibited development		
2.6 Subdivision – Consent requirements	Consent sought as part of this application. Torrens Title subdivision proposed.	Yes
Part 4 Principal development standards		
4.1 Minimum subdivision lot size	All proposed allotments except for Lot 201 (as containing land outside of the URA and not meeting the relevant minimum lot size of 40ha) and Lots 75-76 and 94-95 (as subject to the provisions of section 4.1H) meet the minimum lot size of 500sqm.	Yes
4.1E Minimum lot size for certain split zone lots	<p>Proposed Lot 201 is to contain land in an urban zone that has an area that is not less than the relevant minimum lot size of 500sqm and contains all of the land in the RU1 zone that was in the original lot (the subject site, being Lot 2 DP 1281124) as shown in Figure 5 below.</p>  <p>Figure 5 – Excerpt from Subdivision Plan (with zoning overlay) by Maker ENG (dated 16/07/2021)</p> <p>Therefore, this lot meets the relevant criteria of subsection (3).</p>	Yes

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	The 'wetland/on-site detention basin' and any associated infrastructure will be located within a dedicated drainage reserve.	
4.1H Exceptions to minimum subdivision lot sizes for dual occupancies and dwelling houses on certain land in Moss Vale Road South urban release area	<p>This section applies as part of the subject land is identified as "Clause 4.1H" on the Lot Size Map.</p> <p>Despite the provisions of section 4.1(3) of this Plan, subdivision within this area is permitted to result in lots less than 500sqm in area, provided they meet the following requirements under subsection (2):</p> <p><i>(a) the lot has a primary street frontage,</i> <i>(b) the size of the lot is at least 300 square metres,</i> <i>(c) if the size of the lot is less than 400 square metres—the lot is accessed by vehicle using a rear lane or shared driveway.</i></p> <p>Proposed Lots 75-76 and 94-95 are applicable and less than 500sqm in area. They meet the criteria of subsection (2) as they each have primary street frontage and exceed 300sqm in area (i.e. ranging from 400-407sqm).</p>	Yes
Part 5 Miscellaneous provisions		
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	Satisfied. The existing and approved uses of land in the vicinity of the development have been considered and the development is unlikely to have a significant impact nor be incompatible with the proposed subdivision of land and future erection of dwellings, subject to recommended conditions of consent.	Yes
5.21 Flood planning	<p>Council's Floodplain & Stormwater Quality Engineer found the development to be satisfactory subject to recommended conditions of consent (dated 14/04/2021).</p> <p>Flood modelling for the existing and proposed scenario has been undertaken using the TUFLOW hydraulic model developed for the Bomaderry Creek FRMS&P. The proposed development extent is mostly outside the 1% AEP flood extent, with the exception of the proposed wetland and OSD basin which is located in an area south of the URA boundary and mapped as comprising a shallow flood depth, low velocities, Low Hazard Flood Fringe and a H1 Hazard category. It is considered that a wetland would be suitable in an area with these flood parameters. The hydraulic modelling also demonstrates that flood impacts in a 1% AEP event are relatively minor and localised.</p> <p>The provisions of subsection (2) have been satisfied and the provisions of subsection (3) have been considered.</p>	Yes

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Part 6 Urban release areas		
6.1 Arrangements for designated State public infrastructure	<p>Subsection (4) specifies that this section does not apply to land in an urban release area if all or any part of the land is in a special contributions area, as is the case for this application.</p> <p>The Department of Planning and Environment confirmed that the Illawarra Shoalhaven SIC has been finalised.</p> <p>Accordingly, Council is required to place a condition of consent on any determination to require payment of the SIC to the Department. This would be the mechanism for the Department to collect State contributions in this case.</p> <p>The wording of the condition is in the <i>Ministerial Direction</i>.</p>	Yes
6.2 Public utility infrastructure	Satisfied. Public utility infrastructure essential for the development is either available or adequate arrangements have been made to make that infrastructure available when required.	Yes
6.3 Development control plan	Satisfied. Chapter NB3 of SDCP 2014 has been prepared.	Yes
6.5 Exceptions to minimum lot size—subdivision of land in approved land use zones	<p>This section applies as the original lot (subject site) is in an urban release area and in an approved land use zone, being the RU1 zone.</p> <p>Development consent is able to be granted to create a residual lot of a size that is less than the minimum lot size shown on the Lot Size Map in relation to the land comprising the residual lot if the residual lot is wholly within an approved land use zone.</p> <p>This is not applicable as proposed Lot 201 is not wholly within the RU1 zoned portion of the subject site, being Lot 2 DP 1281124.</p>	N/A
Part 7 Additional local provision		
7.1 Acid sulfate soils	The subject site is identified as Class 5 land and the works proposed to facilitate the development are not likely to lower the watertable. Accordingly, an acid sulfate soils management plan not required.	N/A
7.2 Earthworks	<p>The provisions of subsection (3) have been considered.</p> <p>The proposed earthworks will have no detrimental effect on use of the subject site or the existing and likely amenity of adjoining properties, subject to recommended conditions of consent.</p>	Yes

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7.5 Terrestrial biodiversity	<p>The subject site is identified as “Biodiversity – habitat corridor” and “Biodiversity – significant vegetation” on the Terrestrial Biodiversity Map, and situated within 40m of the bank of Good Dog Creek.</p> <p>Following consideration of the provisions of subsection (3), the proposal is unlikely to have any adverse impact, subject to recommended conditions of consent.</p> <p>Accordingly, the proposal is designed, sited and will be managed to avoid any significant adverse environmental impact.</p>	Yes
7.6 Riparian land and watercourses	<p>Good Dog Creek, identified as “Watercourse Category 1”, traverses the southern section of the site.</p> <p>The subject site is not identified as “Riparian Land”.</p> <p>The development is to be sited and will be managed to avoid any significant adverse environmental impact on this watercourse.</p>	Yes
7.11 Essential services	Services are available.	Yes
7.21 Development on land in the vicinity of the Western Bypass Corridor	<p>The impact of noise, vibrations and other emissions from any future construction and ongoing use of the Western Bypass Corridor as a road has been considered.</p> <p>It is considered that the development would not prejudice or otherwise restrict the future construction (including the provision of any public utility infrastructure) and operation of the future road.</p>	Yes

iii) Draft Environmental Planning Instrument

None relevant.

iv) Any Development Control Plan

Shoalhaven DCP 2014

Generic Chapters
G2: Sustainable Stormwater Management and Erosion/Sediment Control
<p>The provisions of this chapter have been considered and Council’s Engineers have raised no objections in relation to the proposed stormwater management, ongoing and construction erosion and sediment control measures, subject to conditions of consent being imposed (as detailed under the ‘Referrals’ section of this report).</p> <p>A number of drainage lines on the eastern side of the site rely on connection to the adjacent development (SF10656) and therefore a condition would be applied with any consent granted to</p>

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<p>ensure that a capacity check of the drainage infrastructure is provided prior to the issue of a Subdivision Works Certificate and installed prior to a Subdivision Certificate.</p> <p>The submitted Water Cycle Management Strategy is acceptable and would be conditioned with any consent granted.</p>
<p>G3: Landscaping Design Guidelines</p> <p>In accordance with the provisions of Chapter NB3 of this Plan, a landscape strategy, prepared by a suitably qualified person, is required. The strategy is to include as a minimum a landscape plan as per the requirements of this chapter. The recommended draft conditions of consent include a requirement for this to occur prior to the issue of a Subdivision Works Certificate.</p>
<p>G4: Removal and Amenity of Trees</p> <p>The provisions of this chapter have been considered and Council's Environmental Assessment Officer has raised no objections subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report) and as shown in the recommended draft conditions of consent.</p>
<p>G5: Biodiversity Impact Assessment</p> <p>The provisions of this chapter have been considered and Council's Environmental Assessment Officer has raised no objections subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report).</p>
<p>G7: Waste Minimisation and Management Controls</p> <p>No Waste Management Plan (WMP) was provided with this application.</p> <p>A formal WMP is to be submitted regarding the waste management of the development and ongoing waste collection and subject to a condition of consent being imposed. The conditions included in the recommended draft consent, require this prior to the issue of a Subdivision Works Certificate.</p>
<p>G11: Subdivision of Land</p> <p>The development generally complies with the provisions of this chapter (refer to Appendix A).</p>
<p>NB3: Moss Vale Road South Urban Release Area</p> <p>The development generally complies with the provisions of this chapter (refer to Appendix B). However, there is a non-compliance with Mandatory Control (4) of Control 7.3 Subdivision Design and the design of the street blocks. The blocks are to be rectangular in shape with the length and width (excluding road verges) to be a maximum of 100m x 70m in areas where small lots are proposed and rear lane access or shared driveways are located; and 200m x 70m in all other areas.</p> <p>The street block length encompassing Lots 96-119 is approximately 206m long (as indicated by the applicant).</p>

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Figure 6 – Excerpt from Lot Layout Plan by Maker ENG (dated 04/04/2022)

The applicant has provided the following justification in the submitted Design Verification Statement (dated 16/07/2021) for the proposed variation:

“Road 08 has been located to allow sufficient separation between the intersections along Road 05.”

It is considered that the variation proposed to the design of the street blocks is still consistent with the objectives of this chapter and the relevant performance criteria. The integrity of the outcome envisaged is maintained. Council’s Development Engineer has raised no concerns in relation to this matter.

Accordingly, this variation can be supported by Council.

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

Nil

v) Environmental Planning and Assessment Regulation 2021

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

No specific parts of the EP&A Regulation 2020 are specifically applicable to the proposed subdivision. No areas of concern are raised as a result of a review of the Regs.

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vi) Any coastal zone management plan

Not applicable.

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

Head of Consideration	Comment
Natural Environment	Subject to recommended conditions of consent as detailed in this report, it is considered that there will be no adverse impacts upon the natural environment. The proposal will have a balanced and acceptable impact on the natural environment as outlined in the submitted BDAR and to satisfy the relevant biodiversity legislative requirements.
Built Environment	Subject to recommended conditions of consent as detailed in this report, it is considered that there will be no adverse impacts upon the built environment.
Social Impacts	It is considered that there will be minimal social impacts. The proposal delivers much needed land release for future housing within the Shoalhaven LGA as envisaged by the URA.
Economic Impacts	It is considered that there will be no adverse economic impacts. The proposal facilitates further residential development in a region with significant housing pressures. The proposal will have positive economic impacts with regard to construction and economic development.

(c) Suitability of the site for the development

The proposal is for residential subdivision in a URA area which has been subject to extensive strategic review of its design and location. With regard to site suitability the DA is compliant with the relevant site analysis and location requirements of Shoalhaven DCP 2014. Subject to recommended conditions of consent, it is considered that the site will be suitable for the development.

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

The DA was notified in accordance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regs) and Council's Community Consultation Policy for Development Applications from 20 December 2017 to 2 March 2018. It is noted this is prior to changes to the development application submitted during the assessment process. It was considered however that further notification of the proposal was not warranted due to the minor extent of the changes and positive nature of the changes as they related to the issues and concerns raised.

Three (3) submissions were received by Council either objecting to or raising concerns with the proposal as originally lodged. The concerns raised are outlined below:

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Summary of Public Submissions	
Objection Raised	Comment
Design of proposed allotments with no small allotments to be permitted.	<ul style="list-style-type: none"> Four (4) small lots are proposed as part of this application. <p>The development complies with the residential density targets required by Chapter NB3, SDCP 2014, and Council is supportive of the applicant's justification in the submitted Design Verification Statement (dated 16/07/2021):</p> <p><i>"The lot layout provides 4 minimum 400m2 medium density lots fronting open space to the north portion of the site complying with section 4.1H of the LEP.</i></p> <p><i>There are 14 large residential lots south of Road 01 ranging in size (702-937m2) achieving a density of 10 lots/ha.</i></p> <p><i>There is 1 x large lot 2538m2 (lot 126) between Lot 101 DP1201921 and Lot 3 DP1128146. This is required due to the constraints of the site layout.</i></p> <p><i>There is 1 x large lot 1341m2 (lot 125), backing onto proposed lots 120 to 124. This is required due to the constraints of the site layout.</i></p> <p><i>The remaining 106 lots are standard residential generally, minimum 500m2."</i></p>
Lack of existing infrastructure	<ul style="list-style-type: none"> Public utility infrastructure essential for the development is either available or adequate arrangements have been made to make that infrastructure available when required.
Tree removal and proposed removal of tree nominated as No. 20 which should be retained as significant due to species and age.	<ul style="list-style-type: none"> Council's Environmental Assessment Officer (EAO) confirmed that 'Tree 20' is shown in the original Arborist Development Assessment Report by Moore Trees. <p>This tree is a Turpentine (<i>Syncarpia glomulifera</i>) as stated in the arborist assessment. The tree was not identified as containing any hollows in the Flora and Fauna Assessment by EcoPlanning or the BDAR by Lodge Environmental. No obvious hollows were identified within the tree during the site inspection, however due to the size and age of the tree there is still habitat potential for Threatened microbats.</p> <p>The tree is of a significant size and age, as are the majority of the remnant trees at the site. This is why the site contains a high density of hollows. The tree is not very tall but has a large trunk diameter.</p> <p>The tree is just south of proposed Road 07 and within Lot 90. The tree is indicated for removal on the latest plans; however, the plans do underestimate the size of the tree. It is also noted that there is little opportunity for a redesign to successfully retain this tree. The tree has been assessed</p>

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	for removal within the BDAR and is supported by Council's EAO.
Noise and amenity impacts	<ul style="list-style-type: none"> Council is satisfied that there will be no adverse noise or amenity impacts resulting from this development, subject to recommended conditions of consent in relation to construction works.
Lack of area for visitor parking	<ul style="list-style-type: none"> Car parking requirements would be the subject of future development of the proposed allotments. It is considered that each lot has the appropriate area and dimensions for the siting and construction of a dwelling and minimum required area for private open space, vehicle access and parking, and any ancillary outbuildings, as required by Chapters G12, G13 and NB3, SDCP 2014.
Housing density is too high	<ul style="list-style-type: none"> As detailed in this report, the development complies with the residential density targets required by Chapter NB3, SDCP 2014 and as envisaged by the URA strategic planning.
Timing of the development to be deferred to the last stage of the URA to allow completion of the loop road.	<ul style="list-style-type: none"> The staging of the URA is to be undertaken in accordance with Figure 3 of Chapter NB3, SDCP 2014. <p>The subject site lies within Stage 3 of the URA, and the proposed development has been designed to occur following construction of that approved as part of Development Consent SF10632 (as modified).</p>
Construction traffic and use of Taylors and Hockeys Lanes	<ul style="list-style-type: none"> Access is required via Moss Vale Road. Construction access is not proposed via Taylors Lane.
Importation of fill and flooding requirements	<ul style="list-style-type: none"> As detailed in this report, Council's Floodplain & Stormwater Quality Engineer found the development to be satisfactory subject to recommended conditions of consent (dated 14/04/2021). <p>Flood modelling for the existing and proposed scenario has been undertaken using the TUFLOW hydraulic model developed for the Bomaderry Creek FRMS&P. The proposed development extent is mostly outside the 1% AEP flood extent, with the exception of the proposed wetland and OSD basin which is located in an area south of the URA boundary and mapped as comprising a shallow flood depth, low velocities, Low Hazard Flood Fringe and a H1 Hazard category. It is considered that a wetland would be suitable in an area with these flood parameters. The hydraulic modelling also demonstrates that flood impacts in a 1% AEP event are relatively minor and localised.</p>

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(e) The Public Interest

The proposed development generally complies with the provisions of SLEP 2014 and is broadly consistent with the SDCP 2014 (albeit for the variation to design of street blocks under Mandatory Control (4) of Control 7.3 *Subdivision Design*, Chapter NB3). Subject to conditions of consent the development is not expected to have any unacceptable negative impacts on the environment, or the amenity of the locality as detailed in this report warranting refusal of the development.

The proposal will provide additional housing supply and variety of housing.

Delegations

Guidelines for use of Delegated Authority

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

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

Recommendation

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

This application has been subjected to detailed analysis of the main issues identified in this report. These issues have been resolved during and in assessment of the application including the submission of amended documentation by the applicant.

Council is satisfied that the current proposal meets the provisions of relevant state environmental planning policies and the relevant provisions and objectives under SLEP 2014 and SDCP 2014 applying to the site. Any potential impacts can be adequately addressed via conditions of consent.

The application is considered capable of support as there are no substantive planning reasons to warrant refusal. As such, it is recommended that Development Application No. SF10633 be approved subject to appropriate conditions of consent as recommended at Attachment 2.

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Appendix A – Assessment Checklist: Chapter G11 - Subdivision of Land

5.9 – Utility Services

A66.1 Design and provision of utility services, including broadband, conforms to the requirements of the relevant service authorities.

Comment: Subject to recommended conditions of consent.

A67.2 Compatible services are located in common trenching.

Comment: Noted.

A67.3 Subdivisions are located where there is adequate water for domestic and fire-fighting purposes.

Comment: Satisfied.

A67.4 Subdivision is staged to ensure that each stage is fully serviced before a new area is released.

Comment: Noted. The proposed subdivision will be delivered in line with the staging anticipated under Chapter NB3 of the DCP.

A67.5 Water supply and sewerage networks are accessible, easy to maintain and cost effective based on life cycle costs.

Comment: Satisfied.

A67.6 Adequate buffers between utilities and houses are provided, to protect residential amenity and health.

Comment: Satisfied.

A67.7 Underground electricity supply is provided to residential areas, except where major technical difficulties are encountered, such as the presence of significant rock.

Comment: Satisfied.

A67.8 Provision of reticulated gas is subject to requirements of the service provider.

Comment: Noted. This matter would be determined through discussions between the developer and service provider.

A67.9 Underground telecommunications service, including NBN, is to be installed where underground electricity is to be provided.

Comment: Noted.

A67.1 Where required, the subdivider is to provide, at no cost to Council:

- Suitable easements for water and sewer rising main;
- An agreed area of land for pumping stations;

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- Easements or land for access to pumping stations;

Comment: Subject to the requirements of Shoalhaven Water and their Notice.

5.10 – Stormwater Drainage

A68.1 Design and construction of systems is in accordance with the requirements of this Section and Council's *Engineering Design Specifications - D5 Stormwater Drainage Design*.

Comment: Subject to recommended conditions of consent.

A69.2 Detention basins may be considered/required where downstream systems are inadequate. Design is to be based on the 1% AEP storm event.

Comment: Not applicable.

A69.1 Provide an overland flow path capable of containing the 1% AEP rainfall event and/or provide adequate detention storage.

Comment: Not applicable.

A70.2 Connection of a new system to an existing system with capacity less than 1% AEP:

- Satisfies the requirement of the 1% AEP event; and
- Provides a suitable transition between the systems.

Comment: Not applicable.

A70.1 Habitable floor levels are consistent with the requirement in Chapter G9: Development on Flood Prone Land of this DCP.

Comment: Not applicable.

A71.2 Subdivision and engineering plans show minimum floor levels adjacent to drainage paths, including roads where they are used as overland flow paths in the design concept.

Comment: Not applicable. No buildings are proposed as part of this application.

A71.1 Waterways and riparian/wetland vegetation, where they exist, are incorporated into the drainage design, with respect to threatened species and their habitats.

Comment: Satisfied in relation to Good Dog Creek, subject to compliance with the General Terms of Approval issued by NRAR.

A72.2 Sports grounds and other less flood sensitive land uses are incorporated into the local drainage corridor.

Comment: Not applicable.

A72.3 Detention basins, where necessary, are located to control stormwater subject to preserving and/or enhancing the natural integrity of the stream.

Comment: Satisfied.

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A72.4 System design ensures there are no flow paths that increase the risk to public safety and property.

Comment: Satisfied following consideration by Council's Development Engineer.

A72.1 Design and construction of minor storm drainage systems is in accordance with this Section and *Engineering Design Specifications Section D5 Stormwater Drainage Design*.

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

A73.2 Drainage networks are well defined to ensure there are no hidden flow paths that could reduce their capacity to convey design flows.

Comment: Satisfied following consideration by Council's Development Engineer.

A73.3 Design of minor systems takes full account of existing downstream systems.

Comment: Satisfied following consideration by Council's Development Engineer.

A73.1 Minor road drainage systems are designed for the 20% AEP event.

Comment: Satisfied following consideration by Council's Development Engineer.

A74.2 Low flow pipes within public reserves contain 25% of the 10% AEP flow.

Comment: Satisfied following consideration by Council's Development Engineer.

A74.1 Design and construction of minor storm drainage systems is in accordance with this Section and *Engineering Design Specifications Section D5 Stormwater Drainage Design*.

Comment: Subject to recommended conditions of consent.

A75.2 Access for maintenance is available where a portion of the minor system lies within a site.

Comment: Satisfied.

A75.3 Selection of materials is based on their suitability, durability, maintainability and cost effectiveness.

Comment: Noted.

A76.1 Where site topography prevents the discharge of stormwater directly to the street gutter or a Council controlled piped system, inter-allotment drainage is provided to accept runoff from all existing or future impervious areas that are likely to be directly connected.

Comment: Subject to recommended conditions of consent.

A77.2 Easements favouring the benefiting allotments are created over inter-allotment drainage.

Comment: Subject to recommended conditions of consent.

A77.3 Stormwater discharge from a development site, including inter-allotment drainage, is in accordance with *Engineering Design Specifications Section D5 Stormwater Drainage Design*.

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Comment: Subject to recommended conditions of consent.

5.11 – Stormwater Quality Management

Comment: The proposal is considered to satisfy the requirements of Chapter G2, with Council's Development Engineers and Senior Floodplain Engineer supportive of the stormwater quality management systems proposed subject to recommended conditions of consent.

5.12 – Residential Streetscape

Comment: A revised landscape plan is required and subject to recommended condition of consent.

5.13 – Residential Allotment Layout

General

A78.1 Minimum standard residential lot size in any residential subdivision is 500m².

Comment: Satisfied, except for proposed Lots 75-76 and 94-95, which meet the criteria of subsection (2) of section 4.1H of SLEP 2014, relating to an exception to minimum subdivision lot sizes for dwelling houses to be constructed on certain land in urban release areas.

A79.2 Lot shape and dimension:

Rectangular non-corner lots

16m square width minimum
30m minimum depth

Rectangular corner lots

Square width 20 metres
Depth 30 metres

Irregular shaped lots

Square width 12m
Width at building line 16m
Mean width 18 m
Depth 30m

Corner Splays 4m minimum

Comment: Satisfied.

A79.3 Small scale infill subdivision on flood prone land – For small scale infill subdivisions a nominal building envelope of approximately 15m wide and 21m deep, sited in accordance with the requirements of Chapter G12: Dwelling Houses, Rural Worker's Dwellings, Additions and Ancillary Structures be provided above the 1% flood level on each proposed lot in the subdivision.

Comment: Not applicable.

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A79.1 The subdivision lot design positively responds to:

- Slope and desirability of minimising earthworks/retaining walls associated with dwelling construction.
- Natural or cultural features;
- Soil erosion and bushfire risk;
- Special features such as trees and views, including identification of mature stands of trees to be retained and supplementary planting.

Comment: Satisfied. The proposed lot areas and dimensions have taken into account the subject site's natural opportunities and constraints.

A80.1 Each lot is to have coincidental legal and practical access in a rural and/or residential subdivision.

Comment: Satisfied.

Battle-axe lots

A81.1 Battle-axe lots to have a minimum lot size of 650m², excluding access handle.

Comment: Satisfied in relation to proposed Lots 1, 4, 5, 8, 9, 12 and 13.

A82.1 Multiple use access corridor as follows:

Access Minimum	No. of Lots	Pavement Width
4.0m	1 to 2	3.0m
6.0m	3 to 6	5.0m

Comment: Subject to recommended conditions of consent.

A83.2 The right of way pavement to be of reinforced concrete for 3 or more lots as detailed in Council's *Engineering Design Specification*, chapter D1.

Comment: Not applicable.

A83.1 Rectangular building envelope with minimum dimensions of 15m x 15m is available.

Comment: Suitable building area is available on this allotment.

A84.1 Side boundary building setbacks of 5m to adjoining property boundaries, except where a lesser dimension is provided.

Comment: Noted.

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Appendix B – Assessment Checklist: Chapter NB3 - Moss Vale Road South Urban Release Area

7.1 – Indicative Layout Plan

7.1.2 Performance Criteria and Acceptable Solutions

A1.1 Development within the URA is in accordance with the ILP (Figure 2).

Note: Variations to the ILP may be considered where the applicant provides sound justification and can demonstrate that the proposed development meets Sections 5, 6 and 7 of this Chapter.

Comment: Satisfied. The subdivision is generally in accordance with the ILP.

Further to this, the applicant's following justification for the layout in the submitted Design Verification Statement (dated 16/07/2021) is noted and supported:

"A bend has been added to streets running east-west and intersecting with the street along the diagonal western boundary. The bend in the street allows the streets to follow the natural lay of the land and meet at an angle of 90 degrees at the intersection allowing for a more suitable T-junction arrangement.

The nominated open space is shown in accordance with the DCP. The space has been purchased by Council and is registered as Lot 5 DP 1256748. Council will be responsible for the open space works."

A1.2 Subdivision must demonstrate consistency with the following of the below residential density targets in relation to the ILP:

- Large Lot Residential: 10-14 dwellings per hectare.
- Standard Lot Residential: 15-20 dwellings per hectare.
- Small Lot Residential and Medium Density/Integrated Housing: 21-35 dwellings per hectare.

Comment: Satisfied.

Council is supportive of the applicant's justification in the submitted Design Verification Statement (dated 16/07/2021):

"The lot layout provides 4 minimum 400m2 medium density lots fronting open space to the north portion of the site complying with section 4.1H of the LEP.

There are 14 large residential lots south of Road 01 ranging in size (702-937m2) achieving a density of 10 lots/ha.

There is 1 x large lot 2538m2 (lot 126) between Lot 101 DP1201921 and Lot 3 DP1128146. This is required due to the constraints of the site layout.

There is 1 x large lot 1341m2 (lot 125), backing onto proposed lots 120 to 124. This is required due to the constraints of the site layout.

The remaining 106 lots are standard residential generally, minimum 500m2."

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7.2 – Staging

7.2.2 Performance criteria and acceptable solutions

A2.1 The staging of the URA is undertaken in accordance with Figure 3.

Comment: Satisfied. The subject site lies within Stage 3 of the URA, and the proposed development has been designed to occur following construction of that approved as part of Development Consent SF10632 (as modified) and then Development Consent SF10656.

The development is reliant on access being provided as part of Development Consent SF10656, as shown at Figure 7 below.

The applicant has requested that Council make provision in any consent granted in the event that construction of this development commences prior to legal and practical access being provided to the subject site.



RD22.2 - Attachment 1



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The following conditions are considered appropriate following detailed assessment by relevant Council staff.

Subdivision Works Certificate

33. *In the event that construction of the development approved under this consent commences prior to legal and practical access being provided to the subject site, the following conditions are to be complied with:*

- a. *Prior to the issue of a Subdivision Works Certificate, evidence that an easement has been registered over the area of Road 01 (up to Road 03) and Road 03, approved as part of Development Consent SF10656, to allow temporary construction access via Lot 8 DP 1256748 from Taylors Lane, must be provided in accordance with Condition 33(b) to the satisfaction of the Certifier.*
- b. *Prior to the issue of a Subdivision Works Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The temporary construction access design must comply with the following:*
 - i. *Constructed to an all-weather gravel standard including associated drainage. The pavement must be a minimum 6 metres wide including 0.5m shoulders having a compacted pavement depth of 200mm minimum, subject to geotechnical testing based on the expected traffic loading.*
- c. *Prior to the issue of a Subdivision Works Certificate and the commencement of any clearing on Lot 8 DP 1256748, evidence that the biodiversity offset credit obligation required by Development Consent SF10656 has been met, must be provided to Council.*

Subdivision Certificate

90. *In the event that construction of the development approved under this consent commences prior to legal and practical access being provided to the subject site, the following condition is to be complied with:*

- a. *Prior to the issue of a Subdivision Certificate, Road 01 (up to Road 03) and Road 03, approved as part of Development Consent SF10656 must be constructed and dedicated as public road.*

A2.2 Sub-stages within the stages identified in Figure 3 is acceptable where infrastructure delivery has not been compromised.

Comment: Noted.

7.3 – Subdivision Design

7.3.2 Mandatory Controls

1) Subdivision applications require the lodgement of a Design Verification Statement in support of the application.

Note: See Section 8.1 of this Chapter for guidelines to preparing a Design Verification Statement.

Comment: Satisfied. A Design Verification Statement has been submitted with the DA that suitably addresses the requirements of the DCP.

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2) Lot widths are to be relative to the lot area as per Table 1 below:

Table 1 - Lot width requirements

Lot size (m ²)	Minimum Width (m)
300 – 399	>8 and <12
400 - 499	Equal to or >12 and <15
500+	In accordance with Chapter G11: Subdivision of Land

Comment: Satisfied in relation to proposed Lots 75, 76, 94 and 95.

3) Subdivision of small lots must have varying lot widths. No more than three consecutive lots shall have the same lot width. A minimum variation of 10% of the adjacent lot width is required.

Comment: Satisfied.

4) Street blocks are designed to be rectangular in shape to enable permeability. The length and width of street blocks (excluding road verges) are a maximum of:

- 100m x 70m in areas where small lots are proposed and rear lane access or shared driveways are located.
- 200m x 70m in all other areas.

Comment: **Non-compliance.** Discussed earlier in the report, the proposed variation is supported on its merits.

5) The subdivision layout is designed to maximise the number of north facing dwellings as per the indicative subdivision patterns demonstrated in Figures 4 to 6. In the case of certain forms of medium density housing and zero-allotments, preference will be given to an east-west orientation in order to maximise solar access along the longest dwelling elevation.

Comment: Satisfied.

6) Subdivision of small lots in accordance with Shoalhaven LEP 2014 must:

- Have a primary street frontage;
- Adjoin land reserved for public open space (either directly or separated by a road) or be located along a tree-lined boulevard; and
- Access is provided via a rear laneway or shared driveway arrangement, except for lots equal to or greater than 400m².

Comment: Satisfied. There are four (4) small lots facing Road 6 opposite land identified for a future public open space.

7) Lots less than 400m² include a restriction as to user via a Section 88B instrument that restricts vehicular access from the primary road frontage.

Comment: Not applicable. No >400sqm lots.

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8) Battle-axe lots are avoided unless the access handle provides rear access to small lots.

Comment: Not applicable.

7.3.3 Performance criteria and acceptable solutions

A3.1 The location of zero lot lines are based on orientation and topography. The zero lot line should be located on the most southern side of the lot (refer to Figure 7) to maximise solar access.

Comment: Not applicable.

A3.2 The location of proposed zero lot lines must be demonstrated on the subdivision plan.

Comment: Not applicable.

A4.1 Corner lots shall allow for a minimum splay of 2m x 2m to allow for pedestrian and vehicular sight distance.

Comment: Satisfied. Council's Development Engineer has not raised any concern with regard to this control.

A5.1 Where residential development adjoins public spaces (excluding laneways) the subdivision design enables the configuration of dwellings or other residential accommodation uses to front the public space.

Comment: Satisfied.

A6.1 The street layout enables view lines to be established to open space areas within the URA, and to escarpment and pastoral landscapes beyond the URA as per Figure 8.

Comment: Satisfied.

A6.2 The subdivision layout considers views into the URA from Moss Vale Road, Main Road, Taylors Lane and North Nowra.

Comment: Satisfied.

7.4 – Street Network and Hierarchy

7.4.2 Mandatory Controls

1) The street network is to be provided in accordance with Figure 2 and Figure 9. Where a variation to the residential street network is proposed, achievement of the following principles must be demonstrated:

- Establish a defined street hierarchy and permeable street network as per the key development outcomes,
- Encourage walking and cycling by ensuring allotments are within 400m walking distance from the Collector Road,
- Maximise connectivity between residential areas and open space,
- Take account of topography and improve connectivity between significant and remnant vegetation through revegetation,

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- Optimise solar access opportunities for dwellings,
- Provide frontage to and maximise surveillance of open space and riparian corridors,
- Provide views and vistas to key landscape features,
- Maximise the use of water sensitive urban design measures,
- Minimise the use of four-way intersections, and
- Minimise the use of cul-de-sacs.

Comment: Satisfied, although variation to the residential street network is proposed, noting the omission of the roundabout at the southern end of the western open space area as indicated by the applicant. The applicant removed the roundabout from the design, as confirmed with Council in a meeting dated 12 August 2020. Council's Development Engineer has raised no concerns in relation to this matter.

2) Streets are designed in accordance with Tables 2 to 6 and Figures 10 to 14. Carriageway widths are measured from lip to lip. Where roads are adjacent to a public open space area, the verge widths may be reduced to a minimum of 1.5m subject to adequate provision of footpaths, utilities, fencing, required Asset Protection Zones or buffers to riparian corridors.

Comment: Satisfied.

3) No direct vehicular access or waste collection is permitted on Tree-lined Boulevards, except for the area to the far-west of the western Collector Road (as illustrated by the dashed line in Figure 9).

Comment: Satisfied.

4) The Collector Road is designed to allow for a future public transport route as per Figure 15.

Comment: Satisfied.

5) All streets must be designed to produce a low speed environment primarily governed by the road geometry, traffic management and calming devices may be considered if required. Such traffic management devices are to be identified at subdivision DA stage.

Comment: Satisfied.

6) Street trees are required on all streets and are to be placed within the verge as per Figures 10 to 14, and Tables 2 to 6. Placement of street trees will consider underground services, driveways and easements in accordance with Figure 16. Street tree species are to be selected from the Moss Vale Road South Species List in order to establish a distinct identity for the URA. Street trees are planted with appropriate root guards to protect underground infrastructure, pathways, kerb and gutters. Street tree planting is alternated with street lighting.

Comment: Subject to condition of consent.

7) Construction of verges provide adequate space for underground service allocation and street trees as per Figure 16.

Comment: Noted.

8) All construction access is to be provided via Moss Vale Road. Taylors Lane will be suitable for use after the completion of the Far North Collector Road project.

Comment: Noted and subject to Transport for NSW recommended conditions of consent.

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7.5 – Laneways
<u>Comment:</u> Not applicable. No laneways proposed.
7.6 – Shared Driveways
<u>Comment:</u> Not applicable. No shared driveways proposed.
7.7 – Pedestrian and Cycle Routes
<p>7.7.2 Performance criteria and acceptable solutions</p> <p>A9.1 Shared user paths are located within the verge except for where located within the open space areas as per Figure 18.</p> <p>Note: The location of shared user paths in the verge is to avoid any water supply mains.</p> <p><u>Comment:</u> Satisfied.</p> <p>A9.2 The location of shared user paths in open space areas avoid any existing, established vegetation to ensure retention.</p> <p>Note: The location of shared user paths within open space areas in Figure 18 are indicative only.</p> <p><u>Comment:</u> Satisfied.</p> <p>A9.3 Shared user paths are 2m wide except for the shared path parallel to Moss Vale Road which is to be 2.5m wide.</p> <p>Note: Refer to Section 7.4 of this Chapter for locations and minimum widths.</p> <p><u>Comment:</u> Satisfied.</p> <p>A9.4 Shared user paths are constructed as per Chapter G11: Subdivision of Land.</p> <p><u>Comment:</u> Satisfied.</p>
7.8 – Open Space System
<p>7.8.2 Performance criteria and acceptable solutions</p> <p>A10.1 Open spaces areas are located in accordance with the ILP at Figure 2.</p> <p><u>Comment:</u> Satisfied.</p> <p>It is noted that the open spaces in the URA are contributions projects, as such delivery is generally dependent on the timing of development. Council acquired the reserves upfront and is preparing an open space masterplan with funding from the Low Cost Loan Initiative with completion due in the second half of 2022. The detailed design and embellishment of reserves will be development dependent or alternatively, may be undertaken by Council using further grant opportunities.</p> <p>Further to this, a masterplan design for the URA has been put on hold pending the receipt from property owners/developers of post road layout and road reserve construction WAE survey detail</p>

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plans. This information is required to ensure design work is consistent with boundaries, finished ground levels, existing tree retention and drainage solutions.

It is intended that the landscape masterplan will provide indicative recreational and play embellishments and show how the open space area is integral to the entire URA and not specific stages or super lot developments.

Where super lots within URA are being constructed and the developer intends to install play facilities the masterplan will provide guidance on the look and feel of the recreational areas.

Upon completion of the overall masterplan for the URA, more detailed design plans for play structures, linkage pathways, landscape and access to WSUD features will be developed. It is intended that Council will be responsible for implementing the vision of the masterplan and subsequent detailed design and the installation of the works for all but subdivisions where private works is indicated.

A10.2 Open space areas incorporate facilities such as seating, playgrounds, BBQs, paved areas and landscape planting.

Comment: As indicated above, embellishment of open space areas is not proposed as part of this application.

A10.3 The open spaces act as gateways marking connections and transitions to adjoining areas.

Comment: Noted.

A10.4 Open space areas are provided in accordance with Chapter G11: Subdivision of Land.

Comment: Satisfied.

A11.1 Significant areas of natural and environmental value are retained, enhanced and incorporated into the open space network.

Comment: Satisfied.

7.9 – Landscape Strategy

A12.1 A landscape strategy, prepared by a suitably qualified person, is submitted at the subdivision DA stage. The landscape strategy is to include as a minimum:

- Landscape Plan as per Chapter G3: Landscaping Design Guidelines;
- Entry treatment (only for stages that include entry from Moss Vale Road and Taylors Lane);
- Extensive landscaping and street tree planting that incorporates deep rooted canopy trees as per the Moss Vale Road South Species List;
- Protection of remnant vegetation and established trees primarily in the public domain (as per Figure 19);
- Protection of riparian corridors (See P15 and A15.1 below);
- Provision of landmark tree planting along the two tree-lined boulevards;
- Establishment of a street lighting and furniture palette;
- Inclusion of any relevant signage detailing local history, Aboriginal cultural values, environmental education themes and the like;
- Deep soil planting to enable a substantial tree cover to be created over time;
- Removal of existing noxious and environmental weed species; and

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- Rehabilitation of E3 Environmental Management zones.

Comment: Subject to a condition of consent (see proposed condition 25) as only a landscape plan has been provided with this application. It is noted that this plan was provided with the original application and has not been revised to reflect the latest design.

A12.2 Provision of landscaping does not impact sight distances for traffic and pedestrians. Minimum safe sight distances must be maintained.

Comment: Noted.

A13.1 Landscaping is designed in consideration of existing established trees through their retention in the public domain, including road reserves and open spaces. Sufficient space around existing established trees is provided to minimise potential hazards to structures.

Comment: Noted. However, as detailed earlier in this report, the subject site will be cleared in its entirety. Any established trees within the site are unable to be retained.

A13.2 Flora and fauna assessment considers any trees for removal for risk and safe useful life expectancy (SULE).

Comment: Satisfied. The submitted BDAR has considered this matter.

7.10 – Environment

7.10.2 Performance criteria and acceptable solutions

A14.1 Significant and remnant vegetation (including native vegetation) within the public domain, including in open space areas, is retained and opportunities for enhancement are included.

Note: Threatened species have been identified in this URA. A comprehensive Flora & Fauna assessment is to be prepared by a suitably qualified and experienced person and is to include an analysis of constraints and opportunities, identify/map areas for rehabilitation and assessment to consider any trees for removal for risk and safe useful life expectancy.

Comment: Satisfied, subject to recommended conditions of consent.

It is noted that the provisions of this solution (and other solutions within this section) have been appropriately addressed. As detailed earlier in this report, a BDAR has been submitted as part of this application.

As stated in the BDAR:

"While it has been assessed that the Subject Land will be cleared in its entirety, additional avoidance and mitigation measures will be undertaken to reduce the severity of these impacts on the local biodiversity. These measures include an ecologist pre-clearance survey, felling supervision of the habitat bearing trees, installation of compensatory nest boxes and a native species landscaping plan. A Construction and Environmental Management Plan will also be prepared to ensure no further impact during the construction phase."

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No concerns or objections were raised by Council's Environmental Assessment Team with the submitted BDAR subject to recommended conditions of consent being imposed (if approved), as detailed under the 'Referrals' section of this report.

A14.2 Identify impact mitigation and management measures to protect threatened species including but not limited to bats.

Comment: Satisfied (as above).

A15.1 Continuous riparian zones are provided along Bomaderry Creek, Good Dog Creek and unnamed creek.

Comment: Satisfied, subject to recommended conditions of consent.

A15.2 Riparian zones and associated buffers are to be retained and enhanced using local native species to improve the ecological functions of the watercourses.

Comment: Satisfied, subject to recommended conditions of consent.

A15.3 Buffers are vegetated to protect the integrity of the riparian zone from weed invasion, littering, sedimentation, erosion control pollution and impacts of climate change.

Comment: Satisfied, subject to recommended conditions of consent.

A15.4 Fencing within riparian corridors are minimised and across watercourses is not permitted. Where fencing is required for safety purposes, the design must allow terrestrial and aquatic fauna to pass through.

Comment: Satisfied, subject to recommended conditions of consent.

A16.1 An Aboriginal Cultural Heritage Assessment is submitted at the subdivision DA stage.

Comment: Satisfied.

A16.2 Where culturally appropriate and acceptable any Aboriginal cultural heritage identified through the Aboriginal Cultural Heritage Assessment is used to develop interpretive signage to be located in the public spaces of the URA.

Comment: Not applicable.

7.11 – Stormwater Management and Flood Minimisation

The proposal is considered to satisfy the requirements of Chapter NB3, with Council's Development Engineers and Senior Floodplain Engineer supportive of the stormwater management and floodplain management proposed subject to recommended conditions of consent.

7.11.2 Performance criteria and acceptable solutions

A17.1 Development Applications must be supported by a Concept Stormwater Plan. The Concept Stormwater Plan must demonstrate:

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- WSUD principles (including on-site stormwater detention/retention) as per Chapter G2: Sustainable Stormwater Management and Erosion and Sediment Control.
- Stormwater management primarily within the street network.

Comment: Satisfied.

It is noted that the provisions of this solution (and other solutions within this section) have been appropriately addressed.

No concerns or objections were raised by Council's Development Engineer with the submitted stormwater management details subject to recommended conditions of consent being imposed (if approved), as detailed under the 'Referrals' section of this report.

A17.2 Stormwater management is to be designed and implemented within the URA boundaries unless the following can be demonstrated:

- suitable topography;
- good access to the WSUD/drainage infrastructure;
- ability to be combined with an adjacent WSUD element;
- ensure that flow rates and water quality do not adversely impact the waterway reach from the site to the offsite WSUD element; and
- WSUD element is increased in size to cater for the additional catchment.

Comment: Satisfied.

A17.3 WSUD measures are operational no earlier than 90% completion to avoid any bio-retention/filtration basins or wetlands being compromised.

Comment: Satisfied.

A18.1 'Minor' flows are managed using piped systems for the 18.13% Annual Exceedance Probability (AEP) (5 year Average Recurrence Interval) (residential accommodation) and 10% AEP (10 year Average Recurrence Interval) (mixed use development/commercial premises). Management measures shall be designed to:

- control stormwater to minimise localised flooding and reduce nuisance flows;
- provide sufficient on-site storage to match pre peak flow rates for the 50% AEP (1.5 year), 18.13% AEP (5 year) and 5% AEP (20 year) rain events;
- ensure that the duration of stream forming flows are no greater than 2 times the pre-development duration of stream forming flows at the site discharge point;
- encourage the installation of rainwater tanks for residential accommodation that meet a portion of supply such as outdoor use, toilets, laundry;
- capture and retain a high level of urban water run-off pollutants to protect local watercourses;
- include sufficient WSUD elements to achieve the water quality targets listed in the table below.

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Pollutant	Reduction
Gross pollutants	90%
Total Suspended Solids	85%
Total Phosphorus	65%
Total Nitrogen	45%
Total Hydrocarbons	0%

Comment: Satisfied.

A18.2 Major 'flows' are managed using dedicated overland flow paths such as open space areas, roads and riparian corridors for all flows in excess of the pipe drainage system capacity and above the 18.13% AEP (5 year Average Recurrence Interval). Management measures shall be designed to:

- prevent both short term and long term inundation of habitable dwellings;
- control localised flooding from storm events to maintain access to lots, maintain the stability of the land form and to control erosion;
- habitable floor levels to have a minimum of 0.5m freeboard above the 1% AEP (100 year) flood level;
- ensure that any proposed filling does not cause unacceptable afflux to adjacent properties for all events up to and including the probable maximum flood;
- provide for the orderly and safe evacuation of people away from rising floodwaters by providing reliable access ensuring that the water depth – velocity product is no greater than 0.3m²/s for events up to 1% AEP (100 year) storm;
- provide sufficient on-site storage to match pre development peak flow rates for the 1% AEP (100 year) rain event. This will be achieved using detention storage within water quality features and detention basins.

Comment: Satisfied.

A18.3 Management measures for minor and major flows (including WSUD elements) must not result in obstruction/redirection of flood waters as per Chapter G9: Development on Flood Prone Land.

Comment: Satisfied.

A19.1 Stormwater outlets include an appropriate flow spreader/energy dissipater to replicate pre development flow conditions.

Comment: Satisfied.

A20.1 Stormwater discharge is designed to achieve targeted reductions as per Chapter G2: Sustainable Stormwater Management and Erosion and Sediment Control.

Comment: Satisfied.

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7.12 – Residential Development

Comment: Not applicable. Only subdivision proposed.

7.13 – Fencing

Comment: Not applicable. No fencing proposed.

8.1 – Information required with subdivision applications

Subdivision Plans

Must demonstrate the location of proposed or potential zero-allotments.

Comment: Not applicable.

Staging Plans

All subdivision applications must demonstrate consistency with the indicative staging plan at Figure 3 in this DCP Chapter. Staging plans must identify the indicative dwelling yield and provision of infrastructure to be delivered for that stage of the development.

Comment: Satisfied.

Design Verification Statement (DVS)

A DVS is a document that provides clear and sound reasoning on how the proposed development meets the relevant objectives, performance criteria and acceptable solutions of this Chapter. A DVS is required to support a subdivision DA which includes small lots as per Shoalhaven LEP 2014. The DVS must include but is not limited to:

- A description of the proposed development (except for where the DVS is contained within a Statement of Environmental Effects).
- A robust explanation of the design of the subdivision and how it meets the individual key development outcomes (refer to Section 6 of this Chapter).
- Identify and justify any variations to the ILP.

Comment: Satisfied.



Address all correspondence to: The Chief Executive Officer,
PO Box 42, Nowra NSW 2541 Australia
shoalhaven.nsw.gov.au/contact | 1300 293 111
shoalhaven.nsw.gov.au     

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
DEVELOPMENT CONSENT**

Environmental Planning and Assessment Act, 1979
SF10633

TO:

Maker Eng Pty Ltd
Level 4, 25 Atchison Street
WOLLONGONG NSW 2500

being the applicant(s) for SF10633 relating to:

169 Hockeys Lane, CAMBEWARRA - Lot 1 DP 1281124
121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124
Taylors Lane, CAMBEWARRA - Lot 5 DP 1256748

APPROVED USE AND OR DEVELOPMENT:

Staged residential subdivision to create 126 Torrens Title allotments, including 124 residential allotments, one (1) drainage reserve, one (1) residue lot, and provision of roads, drainage and utility infrastructure along with associated landscaping works

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:

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PART A: GENERAL CONDITIONS

1. General

The consent relates to **Staged residential subdivision to create 126 Torrens Title allotments, including 124 residential allotments, one (1) drainage reserve, one (1) residue lot, and provision of roads, drainage and utility infrastructure along with associated landscaping works** as documented on the stamped plans/documentation, or as modified by the conditions of this consent. The development must be carried out in accordance with this consent. If there is inconsistency between the stamped plans/documentation and the conditions of consent, the conditions prevail to the extent of that inconsistency.

Stamped plans/documents	Ref/sheet no.	Prepared by	Dated
Lot Layout Plans	Reference No. ISC00265-10-C005, ISC00265-10-C006 & ISC00265-10-C007 Sheet No. 1-3	Maker ENG	04/04/2022 (Revision P5 & P6) 16/07/2021 (Revision P4)
Subdivision Plan	Reference No. ISC00265-10-C008	Maker ENG	16/07/2021 (Revision P6)
Concept General Arrangement Plans	Reference No. ISC00265-10-C010 to C012 Sheet No. 1-3	Maker ENG	16/07/2021 (Revision P4, P5 & P6)
Bulk Earthworks Plan	Reference No. ISC00265-10-C020	Maker ENG	16/07/2021 (Revision P5)
Stormwater Layout Plans	Reference No. ISC00265-10-C110 to C112 Sheet No. 1-3	Maker ENG	16/07/2021 (Revision P4 & 6)
Water Cycle Management Strategy	Reference No. ISC00265	Maker ENG	16/07/2021 (Version 3)
Biodiversity Development Assessment Report	Reference No. LE1315	Lodge Environmental	21/09/2021 (Revision 1)
Aboriginal Cultural Heritage Assessment Report	Reference No. 25363	Biosis	28/10/2021 (Version 1)

Note: 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 Environmental Planning and Assessment Act, or a new development application.

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2. **Staged Development**

Consent is given for the approved development in the following stages:

- Stage 1 – Creation of 72 residential allotments (Lots 1-62 and Lots 103-112) and residue allotment, and provision of roads, drainage and utility infrastructure along with associated landscaping works; and
- Stage 2 – Creation of 52 residential allotments (Lots 63-102 and Lots 113-124) from residue allotment, provision of roads, drainage and utility infrastructure along with associated landscaping works, and creation of residue allotment.

Note: *The conditions of this consent apply to all stages unless specified.*

3. **Prescribed Conditions**

The development must comply with the [Prescribed Conditions of Development Consent](#), Division 8A, *Environmental Planning and Assessment Regulation 2000*, as applicable.

4. **Native Vegetation and Habitat**

The removal and/or disturbance of native vegetation and habitat on the property, including canopy trees, understorey and groundcover vegetation, is restricted to that required to construct and maintain the development in accordance with the approved plans and documents per Condition 1 of this consent.

PART B: INTEGRATED DEVELOPMENT AND CONCURRENCE CONDITIONS

5. **Natural Resources Access Regulator**

The conditions of the General Terms of Approval issued by Natural Resources Access Regulator, Reference No. IDAS1104864, dated 4 October 2018, are included as conditions of this consent (as attached) and must be complied with.

6. **Heritage NSW (formerly NSW Office of Environment & Heritage)**

The conditions of the General Terms of Approval issued by NSW Office of Environment & Heritage, Reference No. DOC18/659834, dated 10 September 2018, are included as conditions of this consent (as attached) and must be complied with.

PART C: PRIOR TO THE COMMENCEMENT OF WORKS

7. **Subdivision Works Certificate**

A Subdivision Works Certificate must be obtained from either Council or an accredited certifier prior to commencement of any subdivision work.

8. **Appointment of Principal Certifier**

Prior to the commencement of building or subdivision work, a Principal Certifier must be appointed.

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9. **Notice of Commencement**

Notice must be given to Council at least two (2) days prior to the commencement of building or subdivision work by completing and returning the form ['Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority'](#)

10. **Notice of Commencement – Responsible Person Subdivision**

Prior to the commencement of works, written notice must be given to Council (at least two days prior) that includes the name and contact number of a professional engineer, (as defined in the National Construction Code) / surveyor responsible for all subdivision works.

11. **Controlled Activity Approval Required**

Where required by a concurrence authority listed in Part B of this determination, a Controlled Activity Approval (CAA) is to be obtained from that authority prior to those works commencing.

12. **Waste Management Plan**

A Waste Management Plan (WMP) must be prepared in accordance with Chapter G7 of Shoalhaven Development Control Plan 2014. The WMP must be approved by Council or the Certifier prior to the commencement of any works.

13. **Toilet Facilities - Temporary**

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.

14. **Public Safety and Protection of Public Property - Hoarding**

Prior to the commencement of works a Class A temporary hoarding must approved under section 138 and erected between the work site and adjoining lands in accordance with SafeWork NSW guidelines and AS 2601 *Demolition of structures*. The hoarding must be kept in place until completion of the works.

15. **Construction Traffic Management Plan**

Prior to the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council.

Details must include, but are not limited to:

- a) Avoid direct construction access to the intersection of Taylors Lane / Moss Vale Road.
- b) Stabilised site construction access location
- c) Proposed haulage routes for delivery of materials to the site

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- d) Proposed haulage routes for spoil disposal from the site
- e) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction
- f) Parking arrangements for construction employees and contractors
- g) Proposed maintenance of the haulage routes and the name of the person responsible for such maintenance
- h) Loading / unloading areas
- i) Requirements for construction or work zones
- j) Pedestrian and cyclist safety
- k) Speed zone restrictions.

16. Runoff and Erosion Controls

Prior to the commencement of site works, runoff and erosion controls must be implemented and maintained during construction to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- a) diverting uncontaminated runoff around cleared or disturbed areas.
- b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties.
- c) preventing the tracking of sediment by vehicles onto roads.
- d) stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.

17. Dilapidation Report

The developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage.

The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 0.9 metres of the shared boundary.

Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. The repairs must be completed by the developer at the developer's cost.

Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work.

18. Works within the Road Reserve

Prior to undertaking any works within an existing road reserve, the developer must obtain the consent of Council under *section 138 of the Roads Act, 1993*.

The following details must be submitted to Council as part of the application:

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- a) Any civil works design required by this consent.
- b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million.
- c) Name and contact information of the person responsible for all relevant works.
- d) A Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.
- e) Where the Traffic Control Plan requires a reduction of the speed limit, a 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority.

19. Fauna Boxes

Prior to the commencement of any clearing work, a total of 12 fauna nest boxes must be installed as directed by a suitably qualified ecological consultant. The nest boxes are to be appropriate size to provide suitable replacement habitat for the hollows that are to be removed. Installation of the nest boxes is to be incorporated in the Construction Environment Management Plan (CEMP). Shoalhaven City Council must inspect and certify in writing the nest boxes are in place prior to works commencing.

20. Clearing of Hollow Bearing Trees - Supervision

Prior to the commencement of work, a suitably qualified and licensed ecological consultant with wildlife handling experience must be engaged to guide and supervise the clearing work and protection of environmental features on the site. Evidence of engagement must be submitted to Council.

21. Identification of Vegetation to be Retained

Prior to the commencement of work, the developer must identify the boundary between the extent of the works and the trees and vegetation to be retained. To protect vegetation within the reserve, a temporary protective barrier or similar visible material must be installed in accordance with the survey identification and retained until all work are complete.

PART D: PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

NIL

PART E: PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

22. Compliance with Conditions

A Subdivision Works Certificate must not be issued until the Certifier has received evidence that all relevant conditions have been met.

23. Design Standards - Subdivision Works

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National

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Construction Code) or surveyor in accordance with Council's Engineering Design and Construction Specifications and approved by the Certifier. Specifications can be found on Council's website.

24. Soil and Water Management Plans (SWMP)

Prior to the issue of a Subdivision Works Certificate, a Soil and Water Management Plan must be prepared by a Professional Engineer, (as defined in the National Construction Code) in accordance with the Landcom Manual – Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition March 2004 to the satisfaction of the Certifier.

All implemented measures must:

- a) ensure to not cause water pollution as defined by the [Protection of the Environment Operations Act](#) (POEO).
- b) be maintained at all times.
- c) not be decommissioned until at least 70% revegetation cover has been established and permanent water quality measures are implemented.

25. Landscape Design Strategy

A landscape strategy, prepared by a suitably qualified person, must be submitted to Council for approval prior to the issue of a Subdivision Works Certificate. The landscape strategy is to include as a minimum:

- a) A landscape plan as per Chapter G3, Shoalhaven Development Control Plan 2014;
- b) Entry treatment (including entry from Taylors Lane);
- c) Extensive landscaping and street tree planting that incorporates deep rooted canopy trees as per the Moss Vale Road South Species List;
- d) Provision of landmark tree planting along the tree-lined boulevard (Taylors Lane);
- e) Establishment of a street lighting and furniture palette;
- f) Inclusion of any relevant signage detailing local history, Aboriginal cultural values, environmental education themes and the like;
- g) Deep soil planting to enable a substantial tree cover to be created over time; and
- h) Removal of existing noxious and environmental weed species.

26. Landscape Design Plan

The required landscape plan prepared by a suitably qualified landscape professional must be submitted to Council for approval prior to the issue of a Subdivision Works Certificate. The plan must be consistent with the approved Landscape Strategy and meet the objectives and performance criteria of Chapter G3, Shoalhaven Development Control Plan 2014 and include:

- a) All existing and proposed infrastructure including underground services;
- b) Existing site conditions (contours, vegetation, drainage, etc.);
- c) Botanic and common names of plantings (and cultivar name if applicable);
- d) Type of grass seed or turf to be used;

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- e) The planting of street trees provided at the rate of one (1) tree located within the public road reserve centrally to each lot;
- f) All trees are to have a minimum 75 litre pot size with a clear trunk of 1.2m. Details of the mature height and spread along with years to maturity is to be included (to determine possible restriction to sight distance at intersections and other locations as necessary);
- g) Each tree is to be protected by a braced structure comprising 4 timber posts with 75mm x 75mm minimum dimensions;
- h) Root barriers are to be placed between the trees and above or below ground civil infrastructure to a minimum depth of 1m, at least twice the pot size away from the tree and extend along the service for a minimum length of half the mature drip line; and
- i) Maintenance requirements.

The street trees must be shown on the engineering plans for approval by Council with the Subdivision Works Certificate.

27. Design Standards – Works Within Road Reserve

Prior to the issue of a Subdivision Works Certificate, all subdivision works proposed within road reserves must be approved by Council.

28. Subdivision Entry and Signage

Prior to the issue of a Subdivision Works Certificate, details of approved signs, fencing, and landscaping must be shown on the Subdivision Works Certificate plans and approved by Council or an accredited certifier.

29. Existing Services

Prior to the issue of a Subdivision Works Certificate, the developer must check that the proposed works are not affected by or do not affect any Council electricity, telecommunications, gas, or other service. 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 will be at the developer's expense.

30. Site Filling Design Standards - Subdivision

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The site filling design must comply with the following:

- a) The must be regraded generally in accordance with the concept bulk earthworks plan by Maker ENG (Reference No. ISC00265-10-C020, Revision P5, dated 16/07/2021) having an absolute minimum grade of 0.5%.
- b) The filling specification must be approved by Council and require all allotment filling to be placed in accordance with AS 3798 Guidelines on earthworks for commercial and residential developments and compacted at least to the minimum relative compaction listed in the standard applicable to the type of development / subdivision.

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31. Design Standards – Traffic Committee Referral

Prior to the issue of a Subdivision Works Certificate details of proposed traffic management and traffic control devices must be submitted to the satisfaction of Council for referral and endorsement of the Shoalhaven Traffic Committee.

Note: This process can take six to eight weeks.

32. Construction Access

Prior to the issue of a Subdivision Works Certificate, the developer must ensure access to the development site is available for all construction vehicles via the approved central roundabout at Moss Vale Road.

33. In the event that construction of the development approved under this consent commences prior to legal and practical access being provided to the subject site, the following conditions are to be complied with:

- a) Prior to the issue of a Subdivision Works Certificate, evidence that an easement has been registered over the area of Road 01 (up to Road 03) and Road 03, approved as part of Development Consent SF10656, to allow temporary construction access via Lot 8 DP 1256748 from Taylors Lane, *must be provided in accordance with Condition 33(b)* must be provided to the satisfaction of the Certifier.
- b) Prior to the issue of a Subdivision Works Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The temporary construction access design must comply with the following:
 - i) Constructed to an all-weather gravel standard including associated drainage. The pavement must be a minimum 6 metres wide including 0.5m shoulders having a compacted pavement depth of 200mm minimum, subject to geotechnical testing based on the expected traffic loading.
- c) Prior to the issue of a Subdivision Works Certificate and the commencement of any clearing on Lot 8 DP 1256748, evidence that the biodiversity offset credit obligation required by *Development Consent SF10656 has been met, must be provided to Council.*

34. Road Design Standards (Urban) – Greenfield Subdivision

Prior to the issue of a Subdivision Works Certificate, certified road design engineering plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The road design must comply with the following:

- a) Council's Engineering Design Specifications sections D1 – Geometric Road Design and D2 – Flexible Pavement Design.
- b) AUSTROADS Design Requirements and Specifications.
- c) In accordance with the concept general arrangement plans by Maker ENG (Reference No. ISC00265-10-C010 (Revision P5), ISC00265-10-C011 (Revision P6) & ISC00265-10-C012 (Revision P4), Sheet No. 1-3, dated 16/07/2021) except where specified by relevant conditions of consent.
- d) Design Vehicles – 14.5m rigid bus for all temporary and permanent bus routes. All other roads to be 8.8m service vehicle.

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- e) Local Area Traffic Management (LATM) devices to be provided on all roads that exceed the maximum street leg lengths outlined within Council's DCP Chapter G11. All LATM devices must be designed with consideration of the road's status as a bus route where relevant, and be in accordance with Chapter G11, Shoalhaven Development Control Plan 2014, Austroads Guidelines and/or AS1742.13.
- f) Integral kerb and gutter / layback kerb and gutter in accordance with Council's Standard Drawings.
- g) Frontages of all open space lots to be constructed with upright kerb and gutter.
- h) Subsoil drainage behind the kerb line on the high side of the road or both side if the cross fall is neutral or the road is in cut.
- i) A temporary vehicle turning area must be provided at the end of each stage. The turning area must be designed to have a 9.5m radius and a minimum pavement thickness of 200mm. The turning area is to be delineated by the use of guide posts at maximum 5m spacing with a D4-4A sight board at the end on the centreline. The northern termination of Road 01 is to be terminated by concrete barriers and D4-4A signage to prevent unauthorised access.
- j) Property boundaries at road intersections must have minimum 2m x 2m corner splays. The dimensions of splays on local access roads and other roads of a higher hierarchy must be based on the size of kerb returns needed to cater for the appropriate design vehicle.

35. Right of Way Design Standards – Urban

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The right of way design must comply with the following:

- a) Council's Engineering Design Standard Drawings.
- b) Centrally placed and constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 75mm compacted fine crushed rock base with minimum:
 - i) 3 metre width for access to 1-2 lots,
 - ii) 3.5 metres with for access to 3-4 lots, and
 - iii) 5 metres width for access to 5-6 lots.
- c) Installation of conduits for services for the full length of the driveway.
- d) Ensure stormwater runoff is not concentrated on to adjoining lots.
- e) Provision of a turning facility suitable for manoeuvring of the Australian Standard 99% design vehicle located at the furthest end of the driveway from the public road.

36. Cycleway and Footpath Design Standards

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The cycleway and footpath design must comply with the following:

- a) Councils Engineering Design Specifications Section D8 – Cycleway and Footpath Design.
- b) Locations shown on the concept general arrangement plans by Maker ENG (Reference No. ISC00265-10-C010 (Revision P5), ISC00265-10-C011 (Revision P6) & ISC00265-10-C012 (Revision P4), Sheet No. 1-3, dated 16/07/2021) with:

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- i) A 2.0m width on the western and southern side of Road 01 and the northern side of Road 07 and 1.5m width elsewhere.
 - ii) 3% cross fall from the boundary to top of kerb.
 - iii) match existing footpath levels of adjoining footpaths and be a uniform grade or where this cannot be achieved, a longitudinal section must be designed.
 - iv) kerb ramps at intersections in accordance with Council's Engineering Design Specifications.
 - v) A safe crossing point for the shared user path on Road 07 to cross to the western side of Road 01 such as a wombat crossing or alternative as agreed by Council.
 - vi) Constructed on a 75mm compacted fine crushed rock base with minimum 100mm thick 25MPa concrete and SL72 steel reinforcement mesh.
- c) Cross section design to be provided from road centreline to the boundary at each driveway access point.

37. Lighting Design – Street Lighting on Public Roads

Prior to the issue of a Subdivision Works Certificate, the developer must request a Public Lighting Design Brief from Council as per the requirements of the authority (Endeavour Energy).

38. Structural Design – Major Structures

Prior to the issue of a Subdivision Works Certificate, a detailed structural design for the following works must be certified professional engineer, (as defined in the National Construction Code) and approved by Council.

- a) Bridges and other major drainage structures, including pre-cast concrete culverts, headwalls, wing walls and stormwater pits / structures that require steel reinforcement.

The structural design must comply with the Council's Engineering Design Specification – Chapter 3 – Structures/Bridge Design and relevant Australian Standards.

39. Stormwater Drainage Design Standards (Urban)

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The stormwater drainage design must comply with the following:

- a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines.
- b) The minor and major systems must be designed for a 20% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.
- c) Generally, in accordance with concept stormwater layout plans by Maker ENG (Reference No. ISC00265-10-C110 (Revision P4), ISC00265-10-C111 (Revision P6) & ISC00265-10-C112 (Revision P4), Sheet No. 1-3, dated 16/07/2021) except where specified by relevant conditions of consent.
- d) Where a pipe drains a public road through land adjoining the road, the pipe is to be designed to cater for the 1% AEP event with an overland flow path to provide for bypass/surcharge in the event of the pipe or pit inlet being 50% blocked.

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- e) Inter-allotment drainage is to be provided for all lots within the subdivision which do not achieve fall to the street.
- f) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.

40. On-Site Detention – Greenfield Subdivision

Prior to the issue of a Subdivision Works Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approve by the Certifier.

The on-site stormwater detention (OSD) design must comply with the following:

- a) Demonstrate compliance with Chapters NB3 (including the supporting Integrated Water Cycle Management Plan) and G2, Shoalhaven Development Control Plan 2014.

41. Stormwater Drainage Design – Trunk Drainage

Prior to the issue of a Subdivision Works Certificate, a detailed design including certified engineering plans, specifications and DRAINS model (or an approved alternative) for any major trunk drainage must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines and approved by Council Specifications can be found on Council's website.

42. WSUD Measures – Water Quality, Retention and Reuse

Prior to the issue of a Subdivision Works Certificate, a detailed design of permanent water quality, retention and reuse devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and is to be approved by Council. Specifications can be found on Council's website.

The stormwater treatment, retention and reuse design must comply with the following:

- a) The design must comprise of rainwater tanks in accordance with BASIX requirements and an end-of-line stormwater facility that comprises a trash rack, sediment basin and constructed wetland and generally comply with concept stormwater layout plans by Maker ENG (Reference No. ISC00265-10-C110 (Revision P4), ISC00265-10-C111 (Revision P6) & ISC00265-10-C112 (Revision P4), Sheet No. 1-3, dated 16/07/2021) and the concept Water Cycle Management Strategy by Maker ENG (Reference No. ISC00265, Version 3, dated 16/07/2021).
- b) No additional stormwater infrastructure is permitted within the rural zoned land above what is shown on the approved plans. Any additional area required for stormwater infrastructure must be accommodated within the residential zoned land.
- c) Rainwater tanks in accordance with BASIX requirements.
- d) The WSUD strategy must be able to remove 80% of Total Suspended Solids (TSS), 45% of Total Nitrogen (TN) and 45% of Total Phosphorus (TP) for the total site area as demonstrated using MUSIC software. The detailed MUSIC model must be provided to Council for acceptance. These pollutant reduction targets must be met using the stormwater treatment

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measures listed in a) above and not rely on any other measures including but not limited to buffer strips

- e) The WSUD strategy must have appropriate stormwater retention storage that is equal to or greater than 10mm for increases in all impervious surfaces compared to the pre-development condition.
- f) The 50% AEP pre-development peak discharge must be maintained.

43. **WSUD Measures – Constructed Wetlands**

Prior to the issue of a Subdivision Works Certificate, a detailed design of constructed wetland stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications is to be approved by Council. Specifications can be found on Council's website.

The constructed wetland design must comply with the following:

- a) The constructed wetland must be located in a treatment train configuration immediately downstream of a trash rack / GPT and sediment basin that is offline from the stormwater network to allow flows exceeding an approximately 1 exceedances per year (EY) event to bypass the trash rack / GPT and sediment basin, but not the wetland.
- b) A graduated trash rack configuration is required to prevent litter overtopping the trash rack if it becomes fully blocked. The trash rack must be designed to retain litter greater than 40mm for flows up to the 4 EY event. The invert of the trash rack must be located above the permanent water level of the sediment basin.
- c) The sediment basin must be designed to capture "coarse" sediment prior to entering the constructed wetland. All stormwater outlets proposed to be treated by the device must be diverted upstream of the sediment basin.
- d) The constructed wetland must be designed in accordance with the latest version of the Melbourne Water Wetland Design Manual or a demonstrated equivalent approved by Council and be sized for the entire contributing catchment, whether part of the subdivision or not.
- e) The constructed wetland must have a maximum extended detention depth (EDD) of 500mm and a 72 hour notional detention time.
- f) All inflows (via the sediment basin) must enter the upstream end of the constructed wetland to ensure flows pass through the full length of the treatment device without any dead spots or the ability for flows to short-circuit the constructed wetland. A deeper pool is required in the location of both inflow and outflow pipes. A length to width ratio of approximately 8:1 is required.
- g) The constructed wetland must be established offline from inflows until it is fully established.
- h) Land must be retained around the stormwater system to allow Council to access stormwater infrastructure and conduct maintenance activities. A minimum 5m average width buffer around the stormwater devices (measured from the top of batter) are required for access, landscaping and safety requirements unless an alternative setback is approved by Council. All surfaces with a grade steeper than 1V:4H must be planted.
- i) Batter slopes for the sediment basin and constructed wetland that are steeper than 1V:4H, including vertical retaining walls, are not permitted unless approved by Council.
- j) A vehicle access ramp must be provided to all trash rack, sediment basin and constructed wetland treatment devices for maintenance and operation requirements, such as debris, litter and sediment removal and vegetation reinstatement. Access slopes for maintenance vehicles should not exceed 1V:12H for trucks and 1V:5H for excavators and other maintenance

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vehicles. Access turnings paths must be demonstrated to comply with AS2890.2 for a medium rigid vehicle (MRV).

- k) Landscape details for the constructed wetland and surrounds are to be included on the Landscape Plan and submitted to Council for approval.
- l) Stormwater detention is to be provided above the constructed wetland footprint. The maximum permitted depth of stormwater detention above the treatment EDD is 500mm. Stormwater flows exceeding the 1 EY event entering the wetland must have adequate energy dissipation to avoid damage to the wetland and its vegetation. The DRAINS model (or approved alternative software accepted by Council) must be provided to Council for acceptance of the OSD modelling.
- m) Councils Engineering Design Specification where relevant.

44. Water Sensitive Urban Design Operation and Maintenance Manual

Adopted WSUD Management, Operation, Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to Council prior to issue of the Subdivision Works Certificate. The manuals must be prepared by a suitably qualified professional in accordance with the objectives and criteria identified in the approved Integrated Water Cycle Management Plan.

45. Water Sensitive Urban Design Checklists

Compliance checklists are to be prepared by the WSUD Designers and submitted to Council prior to issue of the relevant Subdivision Works Certificate. The checklists must incorporate all checks and certifications that are required to be carried out during the civil construction phase, asset protection phase, landscape practical completion phase and final compliance inspection prior to final handover.

46. Exclusion fencing map

Prior to the issuing of a Subdivision Works Certificate the developer must submit a site map showing exclusion fencing such as parra-webbing or similar surrounding the drip line of all trees and adjacent areas of native vegetation to be retained including the Council reserve.

47. Retirement of Biodiversity Offset Scheme Credits

The *NSW Biodiversity Conservation Act 2016* requires that a condition to retire credits is to be complied with before any development that would impact on biodiversity values is carried out (*BC Act* s7.13(5)). Evidence that credit obligations have been met must be provided to Council prior to the issue of a Subdivision Works Certificate. A private certifier cannot assume the role of the consent authority in confirming compliance with offset conditions. The following credits are required to be retired.

Biodiversity credit obligation options

Species Credits

Species	Number of Credits	Like for options	Like	Variation options
Gang-gang Cockatoo	4	Any Gang-gang Cockatoo in NSW		Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and

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<i>Callocephalon fimbriatum</i>			Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Glossy-black Cockatoo <i>Calyptorhynchus lathami</i>	4	Any Glossy-black Cockatoo in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Large-eared Pied Bat <i>Chalinolobus dwyeri</i>	6	Any Large-eared Pied Bat in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Southern Myotis <i>Myotis Macropus</i>	4	Any Southern Myotis in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Little Eagle <i>Heiraetus morphnoides</i>	3	Any Little Eagle in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Square-tailed Kite <i>Lophoictina isura</i>	3	Any Square-tailed Kite in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Barking Owl <i>Ninox connivens</i>	4	Any Barking Owl in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Powerful Owl <i>Ninox strenua</i>	4	Any Powerful Owl in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of the outer edge of the impacted site.
Masked Owl <i>Tyto novaehollandiae</i>	4	Any Masked Owl in NSW	Any vulnerable fauna in the IBRA subregions Illawarra, Jervis, Moss Vale Sydney Cataract and Northern Basalts or any IBRA subregion that is within 100km of

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			the outer edge of the impacted site.
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Like for like credit obligations may be achieved through either:

- The purchase and retirement of credits

Evidence must be provided in the form of a credit retirement report issued by NSW Office of Environment and Heritage (OEH) confirming credit transactions. The credit transaction must correspond to the required like for like credits from an appropriate location.

- Payment into the Biodiversity Conservation Fund (BCF) administered by the Biodiversity Conservation Trust (BCT)

Evidence must be provided in the form of a section 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund issued by the Biodiversity Conservation Trust. The payment transaction must correspond to the appropriate class and number of credits required.

Note that the use of variation rules to utilise the “Variation options” under the *Biodiversity credit obligation options*, can only be approved following demonstration of reasonable steps to locate like for like offsets. Actions that constitute ‘reasonable steps’ are outlined in the ancillary rules (<https://www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf>).

48. **Construction Environment Management Plan**

Prior to the issue of a Subdivision Works Certificate, a Construction Environmental Management Plan (CEMP) is to be prepared outlining all measures to protect and minimise impacts to the natural features on the property, including native vegetation, fauna and waterways, during construction. The CEMP is to include relevant measures prescribed by these consent conditions and the recommendations outlined in the Biodiversity Development Assessment Report by Lodge Environmental (Reference No. LE1315, Revision 1, dated 21/09/2021). The CEMP is to be approved by Council prior to the issue of a Subdivision Works Certificate and the start of any works, including clearing works.

49. **Microbat Management Plan**

Prior to the issue of a Subdivision Works Certificate, a Microbat Management Plan is to be prepared by a suitably qualified ecologist that outlines how impacts to Threatened microbats are minimised during construction. The plan is to include protocols to protect and minimise harm to any roosting or breeding microbats located within trees to be removed. Replacement habitat is to be provided. The plan is to be approved by Council prior to the commencement of any works.

50. **Vegetation Management Plan**

Prior to the issue of a Subdivision Works Certificate, a Vegetation Management Plan is to be prepared by a suitably qualified ecologist. The Vegetation Management Plan is to outline how the 50m riparian buffer of Good Dog Creek on Lot 127 is to be restored to a native vegetated corridor. The VMP is to include a schedule of works and suitable performance measures. Any revegetation works are to be completed prior to the issue of a Subdivision Certificate. The plan is to be approved by Council prior to the commencement of any works.

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51. Flooding – Subdivision Works Certificate Requirements

Prior to the issue of a Subdivision Works Certificate, a professional engineer, (as defined in the National Construction Code) must submit to the satisfaction of the Certifier, certification that the following items have been detailed on the construction drawings:

- a) All roads will be constructed at or above the 1% Annual Exceedance Probability (AEP) event flood level as documented on a Flood Certificate obtained from Council that is based on the latest flooding information held or site specific flood modelling.
- b) All new lots are constructed at or above the 1% AEP event flood level as documented on a Flood Certificate obtained from Council that is based on the latest flooding information held or site specific flood modelling.

PART F: DURING WORKS**52. Hours for Construction**

Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.

53. Excavation

Excavation must be carried out in accordance with *Excavation Work: Code of Practice (ISBN 978-0-642-78544-2)* published by Safe Work Australia in October 2018.

54. Aboriginal Objects Discovered During Excavation

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) All excavation or disturbance of the area must stop immediately.
- b) Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing the affected area(s) based on the nature of the discovery.
- c) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- d) The Heritage NSW must be advised of the discovery in accordance with section 89A of the [National Parks and Wildlife Act 1974](#).

55. Archaeology Discovered During Excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work:

- a) All work must stop immediately in that area.
- b) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- c) In accordance with the *Heritage Act 1997*, the Heritage NSW must be advised of the discovery.

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56. Contamination - Unexpected Finds

- a) If unexpected contaminated soil and/or groundwater is encountered during any works:
 - i) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.
 - ii) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.
- b) If unexpected contaminated soil or groundwater is treated and/or managed on-site; an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines prior to recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Council prior to the recommencement of any works.
- c) If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).

Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).

57. Earthworks Cut, Fill and Grading

The maximum grading of cut or fill must be 2H:1V where there is no retaining wall or no other method of stabilising cut or fill during construction. The maximum depth of cut or fill on any portion of the allotment must be 2.0 metres except where identified within the concept bulk earthworks plan by Maker ENG (Reference No. ISC00265-10-C020, Revision P5, dated 16/07/2021).

58. CCTV Inspection of Stormwater Pipes

Prior to the completion of works, all stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be inspected by CCTV and submitted to the Certifier for approval. The CCTV must be carried out in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia Version 3.1 after all earthworks and adjacent road pavement works have been completed.

Damaged pipes must either be replaced or repaired to the satisfaction of the Certifier prior to the issue of a Subdivision Certificate.

59. Stormwater Connections in Road Reserve

Prior to completion of works, the site supervisor must ensure that stormwater connections between the property boundary and the new kerb and gutter are inspected and approved by Council and backfilled as soon as possible. Kerb connections are only to be made using adaptors/convertors approved by Council.

Note: A section 138 approval under the Roads Act 1993 will be required for any works within the road reserve.

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60. Lot Filling

Prior to completion of works, the developer must ensure that the following requirements are met in relation to lot filling:

- a) The site supervisor must ensure that all fill outside the allotment areas must be placed in accordance with Council's Engineering Construction Specification.
- b) Performed under Level 1 supervision by a professional engineer, (as defined in the National Construction Code).
- c) A Level 1 Supervision Report is to be approved by Council prior to the release of the Subdivision Certificate.
- d) Obtain a lot classification, in accordance with *AS 2870 Residential slabs and footings*, of no worse than 'H'; a lot classification must be submitted to Council prior to the release of the Subdivision Certificate.
- e) Any fill must:
 - i) have a maximum batter of 25% (1v:4h) at any location.
 - ii) not encroach onto adjoining land.
 - iii) not cause the diversion or concentration of natural overland stormwater runoff onto adjoining property.
 - iv) be protected against erosion, with measures incorporated in the erosion and sediment control plan.
 - v) include adjustment of services (manholes, inter-allotment drainage, etc.) in the scope of works.

61. Waste Management Plan

All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Management Plan (WMP) or removed to an authorised waste disposal facility. Waste must not be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site. Compliance with the WMP must be demonstrated by the submission of tip receipts to the Certifier.

Note: "Waste" is defined in the Dictionary to the Protection of the Environment Operations Act 1997 (POEO Act).

62. Maintenance of Site and Surrounds

During works, the following maintenance requirements must be complied with:

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.
- d) The developer must maintain the approved soil water management measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised.
- e) During construction:

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- i) all vehicles entering or leaving the site must have their loads covered, and
 - ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- f) At the completion of the works, the work site must be left clear of waste and debris.

63. Imported Fill - VENM or ENM Only

Where fill is imported to the site it must be characterised as virgin excavated natural material (VENM) or excavated natural material (ENM) as defined in Part 3 of schedule 1 of the *Protection of the Environment Operations Act 1997 (POEO Act)*

Documentation must be provided to the Certifier certifying that imported fill material is not contaminated and does not contain contaminants such as asbestos, chemicals or building waste.

64. Felling of trees

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.

65. Hollow bearing tree removal protocols

All Hollow bearing trees and trees containing nests are to be removed in accordance with the following protocols.

- a) A suitably licensed ecologist (who is vaccinated for Australian Bat Lyssavirus) is to supervise the removal of the Hollow-bearing trees and any tree containing nests to minimise the chance of harm to fauna, and to rescue or relocate any fauna displaced during the clearing process.
- b) All trees and hollows are to be checked for resident fauna prior to felling by the supervising ecologist.
- c) If nests are present, they are to be carefully relocated in nearby nest boxes or as directed by the supervising ecologist.
- d) Non-hollow bearing trees are to be removed before the removal of hollow-bearing trees. Hollow-bearing trees are to be removed at least day following all other vegetation removal to allow sheltering fauna time to leave on their own.
- e) The hollow-bearing tree must be gently nudged several times with felling equipment prior to felling to encourage safe fauna evacuation.
- f) The tree must be then be felled carefully in sections to allow the rescue of native fauna. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna.
- g) Once the tree has been felled the hollows are to be inspected again for fauna and relocated in an appropriate location determined by the ecologist.
- h) If any wildlife is disoriented or injured during clearing works, works must stop immediately, and the consultant ecologist is to advise and responsibly rescue and relocate the animal(s). Injured animals will need to be assessed and either taken to the nearest veterinary clinic or placed into care with South Coast Wildlife Rescue.
- i) In the event that a breeding or nesting threatened species is observed in the vegetation to be removed, works must stop immediately, and the developer and consultant ecologist must consult with Council's Environmental Assessment Officer to determine what steps are to be taken to avoid harm or disruption to the nesting Threatened species.

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- j) Where possible, logs from felled trees should be distributed into areas of vegetation to be retained so that they can continue to provide habitat for fauna.

66. Pruning or Trimming

Pruning or trimming of any trees to be retained must be undertaken in accordance with AS 4373 *Pruning of amenity trees*.

67. Parking and storing of building equipment and materials

The parking of machinery and vehicles or the storing of building or landscaping materials, soil, spoil, or rubbish, within the fenced area around trees and vegetation to be retained is prohibited.

68. Construction Environmental Management Plan

Works must be undertaken in accordance with the approved Construction Environmental Management Plan.

69. Timing of works

To protect hollow-nesting fauna, the removal of hollow-bearing trees must be undertaken outside of spring and summer months.

70. Vegetation Management Plan

Construction works must be undertaken in accordance with the approved Vegetation Management Plan prior to the issue of a Subdivision Certificate.

PART G: PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

NIL

PART H: PRIOR TO THE ISSUE OF A SUBDIVISION / STRATA CERTIFICATE

71. Subdivision Certificate

A Subdivision Certificate must be obtained from Council or an accredited certifier prior to lodgement of the Final Plan of Survey with NSW Land Registry Services.

72. Schedule of Compliance

The Subdivision Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with Council (i.e. a security). A schedule of compliance in table format must be submitted with the application for a Subdivision Certificate. The schedule must provide evidence of how all relevant conditions of development consent have been fulfilled.

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73. Special Infrastructure Contribution

A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Illawarra Shoalhaven) Determination 2021 (as in force when this development consent takes effect).

A person may not apply for a Subdivision Certificate, Construction Certificate or Occupation Certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning, Industry and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

More information

A request for assessment by the Department of Planning, Industry and Environment of the amount of the contribution that is required under this condition can be made through the NSW planning portal (<https://www.planningportal.nsw.gov.au/special-infrastructure-contributions-online-service>). Please refer enquiries to SIContributions@planning.nsw.gov.au.

74. Local Infrastructure Contributions - Subdivision

This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and itemised in the following table:

Stage 1:

Project	Description	Calculation	Amount
01AREC5006	Northern Shoalhaven Sports Stadium	\$706.53 * 72	\$50,870.16
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$547.93 * 72	\$39,450.96
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$739.61 * 72	\$53,251.92
01CFAC0002	Community Hall North Nowra	\$145.51 * 72	\$10,476.72
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$30.25 * 72	\$2,178.00
01DRAI5006	Moss Vale Road South URA Drainage	\$3,289.75 * 72	\$236,862.00
01OREC6015	Moss Vale Road South URA Passive Recreation	\$10,592.85 * 72	\$762,685.20
01ROAD5154	Moss Vale Road South URA Roads	\$5,588.40 * 72	\$402,364.80
CWAREC5005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$1,949.31 * 72	\$140,350.32
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,473.26 * 72	\$106,074.72
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,292.05 * 72	\$93,027.60
CWCFAC5007	Shoalhaven Regional Gallery	\$70.93 * 72	\$5,106.96

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CWFIRE2001	Citywide Fire & Emergency services	\$139.37 * 72	\$10,034.64
CWFIRE2002	Shoalhaven Fire Control Centre	\$203.89 * 72	\$14,680.08
CWMGMT3001	Contributions Management & Administration	\$579.56 * 72	\$41,728.32
			\$1,969,142.40

Stage 2:

Project	Description	Calculation	Amount
01AREC5006	Northern Shoalhaven Sports Stadium	\$706.53 * 52	\$36,739.56
01AREC5007	Nowra Swimming Pool Expansion (Scenic Drive)	\$547.93 * 52	\$28,492.36
01AREC5009	Planning Area 1 recreational facilities upgrades (various locations)	\$739.61 * 52	\$38,459.72
01CFAC0002	Community Hall North Nowra	\$145.51 * 52	\$7,566.52
01CFAC5012	Nowra Integrated Youth Services Centre (Cnr Kinghorne & Plunkett Streets)	\$30.25 * 52	\$1,573.00
01DRAI5006	Moss Vale Road South URA Drainage	\$3,289.75 * 52	\$171,067.00
01OREC6015	Moss Vale Road South URA Passive Recreation	\$10,592.85 * 52	\$550,828.20
01ROAD5154	Moss Vale Road South URA Roads	\$5,588.40 * 52	\$290,596.80
CWAREC5005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$1,949.31 * 52	\$101,364.12
CWCFAC5002	Shoalhaven Entertainment Centre (Bridge Road Nowra)	\$1,473.26 * 52	\$76,609.52
CWCFAC5006	Shoalhaven City Library Extensions (Berry Street, Nowra)	\$1,292.05 * 52	\$67,186.60
CWCFAC5007	Shoalhaven Regional Gallery	\$70.93 * 52	\$3,688.36
CWFIRE2001	Citywide Fire & Emergency services	\$139.37 * 52	\$7,247.24
CWFIRE2002	Shoalhaven Fire Control Centre	\$203.89 * 52	\$10,602.28
CWMGMT3001	Contributions Management & Administration	\$579.56 * 52	\$30,137.12
			\$1,422,158.40

The total contribution, identified in the above table or as indexed in future years, must be paid to Council prior to the issue of a Subdivision Certificate. Evidence of payment must be provided to the Certifying Authority.

Contributions Plan 2019 can be accessed on Councils website www.shoalhaven.nsw.gov.au or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

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75. Road Connection to Moss Vale Road

Prior to the issue of a Subdivision Certificate, the developer is to provide sufficient evidence to the Certifier that the public road dedication over the adjacent lots to the subdivision within this approval have been constructed in accordance with the conditions of the consent.

76. Intersection of Taylors Lane and Moss Vale Road

Prior to the issue of a Subdivision Certificate, the developer/site owner must ensure the cul-de-sac to the east of Road 01 as approved as part of Development Consent SF10656 or other appropriate measures have been implemented to the satisfaction of Council to ensure vehicular traffic from the development does not use the intersection of Taylors Lane and Moss Vale Road.

Note: The prevention of access to the east of the Road 01 connection with Taylors Lane is to be maintained until Taylors Lane has been upgraded as part of the Far North Collector Road upgrade and/or access to and from the development site to Moss Vale Road via Taylors Lane is no longer available.

77. Moss Vale Road Roundabout

All access to the development site for ongoing access post lot registration must be via the central roundabout in the approved location at Moss Vale Road.

78. Detailed Engineering Survey Plan

Prior to the issue of a Subdivision Certificate, the developer is to submit to Council a Detailed Engineering Survey Plan for Lot 5 DP 1256748 (known as Taylors Lane, Cambewarra).

79. Agreement for Provision of Stormwater Infrastructure

Prior to the issue of a Subdivision Certificate, the developer is to provide sufficient evidence to the Certifier that the developer has entered into a satisfactory agreement and arrangements with Council for the provision of stormwater infrastructure as required under Chapter NB3, Shoalhaven Development Control Plan 2014 and Contribution Plan 01DRAI0006.

80. Verification of Works

Prior to issue of a Subdivision Certificate, the developer is to provide the following documentation to the Certifier for approval:

- a) Notification from the developer verifying that all subdivisions works have been constructed in accordance with the approved plans and construction specifications.
- b) Written evidence from a suitably qualified landscape professional that all landscape works have been completed in accordance with the approved landscape plans.
- c) Completion of Works within the Road Reserve notification letter from Council.
- d) Certification from Council or an accredited certifier to verify that all inspections required by the Certifier have been completed in accordance with the approved plans and construction specifications.

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- e) A structural certificate from a professional engineer, (as defined in the National Construction Code) submitted to Council to certify that all structural elements have been constructed in accordance with the approved plans and relevant Australian Standards.
- f) Level 1 Supervision Report and Lot Classification Report.
- g) Final pavement tests to confirm material depth and compaction complies with the pavement design.

81. Works as Executed Plans

Prior to the issue of a Subdivision Certificate, Works as Executed Plans must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and be submitted to council and the Certifier demonstrating compliance with the approved design plans.

The Works as Executed dimensions and levels must be shown in red on a copy of the approved Subdivision Works Certificate plans and comply with the following requirements:

- a) Council's Development Engineering Construction Specification.
- b) Show compliance with the approved design plans of all road and drainage works.
- c) Certify that all storm water pipes, and other services are wholly within an appropriate easement.
- d) Show the extent, depth and final levels of filling.
- e) Show any retaining walls including footings and agricultural drainage lines.
- f) Show the location of all underground service conduits.
- g) Include all deviations from the approved Civil Engineering Plans.

82. Handover of WSUD Assets to Council

The following conditions are required to be met for WSUD devices to be handed over to Council.

- a) The WSUD infrastructure has been designed and constructed in accordance with Council guidelines, the approved design drawings and specifications.
- b) All WSUD infrastructure has been maintained in accordance with the approved WSUD Operation and Maintenance Manual. This includes but is not limited to, the removal of all sediment and litter from trash racks / GPT devices, removal of any weeds and reinstatement of any dead or unhealthy plants.
- c) Any accumulated sediment has been removed to the as-built invert levels of sediment basins/forebays, constructed wetlands / water quality ponds and lakes.
- d) Any identified defects have been rectified to the satisfaction of Council at the developers cost.
- e) Work as executed (WAE) drawings have been provided to and accepted by Council.

83. Maintenance Bond – Subdivision Works

Prior to the issue of a Subdivision Certificate, the developer must submit a cash bond or irrevocable bank guarantee equal to 5% (or other agreed to amount) of the cost of the civil works (excluding water supply and sewerage) and landscaping works to Council to provide security and assurance that the developer will for a period of 12 months, repair any defective works or re-establish ground cover and landscaping where this has not become established.

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84. Maintenance Bond – Subdivision Signs

Prior to the issue of a Subdivision Certificate, the developer must submit a cash bond or irrevocable bank guarantee to Council to cover the cost of removal of any approved estate signs installed by the developer. The bond amount must also include restoration of the area to Council's satisfaction.

85. Property Addressing

Road naming and property addressing, whether for a public or private road within an urban, rural or community subdivision, must comply with the NSW Address Policy and NSW Addressing User Manual administered by the NSW Geographical Names Board and Council's Road Naming Policy and/or Property Addressing Policy.

An Application for Road Naming and/or an Application for Property Addressing must be submitted to Council and approved prior to submission of a Subdivision Certificate Application. For further information see Council's website or contact Council's GIS Group on (02) 4429 3479.

86. Utility Services

Prior to the issue of a Subdivision Certificate, utility services must be provided in accordance with the following:

- a) The provision of electricity to service allotments and street lighting in the subdivision must be in accordance with the requirements of Endeavour Energy who are to confirm in writing that conditions of supply have been met.
- b) The submission of a Telecommunications Infrastructure Provisioning Confirmation from an approved telecommunications carrier to the Certifier or Council (as applicable) confirming that satisfactory arrangements have been made for the provision of telecommunication services to all individual lots.
- c) A Certificate of Compliance 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 Notice of Requirements and prior to the issue of a Subdivision Certificate, as the case may be.
- d) If development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.

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 3547.

87. Restrictions – Easements and Restrictions on Use of Land

An Instrument must be prepared under section 88B of the Conveyancing Act 1919 which will provide for the following Restrictions on the land when the subdivision is registered:

- a) where there is a shared access or common driveway, reciprocal rights of carriageway must be provided inclusive of any maintenance responsibilities and financial apportionments, where necessary.

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- b) where there is shared infrastructure, landscaping, structures, and the like, arrangements must be made for access and maintenance.
- c) all corner lots which have access to Road 01 and a minor road to have access prohibited to Road 01.
- d) The planting of plant species listed in the *South East Regional Strategic Weed Management Plan 2017 – 2022* is prohibited for the life of the development.
- e) The nest/microbat roost boxes must be maintained for the life of the development including repair and replacement where required, as instructed by a suitably qualified ecological consultant.

The Instrument must contain a provision that it cannot be varied, modified or released without the consent of the relevant parties as appropriate and without the consent of the Shoalhaven City Council.

The Instrument must not contain any restriction that prohibits development on the site allowed under the relevant environmental planning instruments.

A draft 88B Instrument must be submitted to the Certifier for approval before a Subdivision Certificate is issued.

88. Maintenance Period of WSUD Devices

The developer is responsible for all maintenance of the stormwater infrastructure; including trash racks, GPT devices, sediment basins / forebays, constructed wetlands, bioretention basins, water quality ponds, infiltration basins, swales etc for a period of 3 years up until Council's acceptance that the WSUD devices and associated stormwater assets are of a satisfactory condition at the end of the 3-year maintenance period.

Approaching hand over at the conclusion of the 3-year maintenance period, a site meeting with Council must be arranged by the developer. The objective of the meeting will be to identify any outstanding actions that require rectification by the developer before asset hand over. Annual reports documenting implementation measures and containing all monitoring results are to be submitted to Council during this phase.

89. Landscaping

The approved landscaping works including street trees are to be installed prior to the issue of the Subdivision Certificate and must be maintained until the end of the maintenance period and the trees are established. Any tree not established upon expiry of the subdivision maintenance period is to be replaced and maintained until established. A bond must be provided for the maintenance of any replaced or non-established trees, to be held until the trees are established, or for a period of six (6) months.

90. Site Access

In the event that construction of the development approved under this consent commences prior to legal and practical access being provided to the subject site, the following condition is to be complied with:

- a) Prior to the issue of a Subdivision Certificate, Road 01 (up to Road 03) and Road 03, approved as part of Development Consent SF10656 must be constructed and dedicated as public road.

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PART I: ONGOING USE OF THE DEVELOPMENT**91. Landscaping**

The planting of plant species listed in the *South East Regional Strategic Weed Management Plan 2017 – 2022* is prohibited for the life of the development.

92. Nest Boxes

The nest/microbat roost boxes must be maintained for the life of the development including repair and replacement where required, as instructed by a suitably qualified ecological consultant.

PART J: OTHER COUNCIL APPROVALS AND CONSENTS

NIL

PART K: REASONS FOR CONDITIONS

The application has been assessed as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* and has been determined by the granting of conditional development consent.

Statutory requirements

The development proposal, subject to the recommended conditions, is consistent with:

- a) the objects of the Environmental Planning and Assessment Act, 1979.
- b) the aims, objectives and provisions of the applicable environmental planning instruments,
- c) the aims, objectives and provisions of Shoalhaven Development Control Plan 2014 (SDCP 2014).
- d) the aims, objectives and provisions of relevant Council policies.

Public notification

The application was publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2000* and Council's Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (POL 16/230).

Submissions

Any submissions received during the public notification period are available on [DA Tracking](#)

Community views

Issues and concerns raised by the community in submissions have been considered in the assessment of the application and, where appropriate, conditions have been included in the determination to mitigate any impacts.

Suitability of the Site

The application has been approved because the development proposal is considered to be suitable for the site.

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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.

The increased demand for public amenities and services attributable to the development has been addressed by the requirement to pay contributions in accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and Council's Contribution Plan 2019. Contributions under Section 307 of the Water Management Act 2000 have been applied as required.

Impacts of the Development

The application was considered to be suitable for approval. Conditions have been imposed to ensure that:

- a) the development will not result in unacceptable adverse impacts on the natural and built environments.
- b) the amenity and character of land adjoining and in the locality of the development is protected.
- c) any potential adverse environmental, social or economic impacts of the development are minimised.
- d) all traffic, car parking and access arrangements for the development will be satisfactory.
- e) the development does not conflict with the public interest.

PART L: RIGHTS OF REVIEW AND APPEAL

Determination under Environmental Planning and Assessment Act, 1979

Division 8.2 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request and determination of the review must be undertaken within the prescribed period.

Division 8.3 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within the prescribed period.

An appeal under Division 8.3 of the EP&A Act, 1979 by an objector may be made only within the prescribed period.

PART M: GENERAL ADVICE

In this consent the term developer means any person or corporation who carries out the development pursuant to that consent.

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 *AS1428.1 - Design for Access and Mobility*.

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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.

SIGNED on behalf of Shoalhaven City Council: