

Development & Environment Committee

Meeting Date: Tuesday, 03 December, 2019

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

Attachments (Under Separate Cover)

Index

8. Reports

DE19.126	Exhibition Outcomes and Proposed Finalisation - Planning Proposal: LEP Clause 6.5 Amendment	
	Attachment 1 Submission Summary.....	2
DE19.127	Post Exhibition Consideration and Finalisation - Shoalhaven DCP 2014, Draft General and Generic Amendment (DCP2014.7)	
	Attachment 1 External Consultation Submission Summary	16
	Attachment 2 Proposed Post Exhibition Changes to the Draft Dictionary, Chapter G1, Chapter G8 and the Waste Guidelines	25
DE19.128	Proponent Initiated Planning Proposal (Rezoning) - Lot 1 DP 1246435, 55 Wire Lane, Berry	
	Attachment 3 Summary of Submissions - 55 Wire Lane Berry	85
DE19.131	2018 -2019 State of the Environment Report Cards	
	Attachment 1 2018/19 State of the Environment Report Cards	122

Clause 6.5 Planning Proposal – Submissions Summary & Review

Submitter and Record No.	Submission Summary	Comment
1. D19/311972	<ul style="list-style-type: none"> Submission from Allen Price & Scarratts on behalf of McDonald Jones Homes (MJH) in relation to Lot 4 DP 708356, 91B Bells Lane, Cambewarra. The lot has an existing dwelling within the E2 zoned portion (not within the URA) and associated outbuildings in the R1 zone (within the URA). Supportive of an amendment that will allow: <ol style="list-style-type: none"> The E2 riparian land to be separated from the R1 land as part of the delivery of open space within the URA; and The existing dwelling and surrounding land in the E2 riparian zone being separated from the balance of the E2 land – despite both lots being on land that would be less than the mapped minimum lot area. Supportive of a change to the wording as the current Clause 6.5 does not apply to land outside the URA. Much of the subject site falls outside the URA and therefore Clause 6.5 in its current form cannot be used to facilitate two parcels to be created within the E2 zoned land – 1 for the existing dwelling and the other to be dedicated as open space. Not convinced that the proposed wording will permit the forms of subdivision that are needed to achieve the intended outcome for this site. Concerned that the wording is too simple and may lead to outcomes that are not desirable. <ul style="list-style-type: none"> The proposed wording uses the words “a lot” and “the lot” and it is not clear whether this relates to the existing/parent lot or the resultant lot. The clause also uses the words “the residual lot” in the singular form and the meaning is ambiguous. 	<ul style="list-style-type: none"> Noted The amendment will facilitate the development scenario outlined in item 1 and 2, enabling the dwelling to be subdivided off, retaining its existing dwelling entitlement under 4.2D(5), and then the rest of the E2 lands being subdivided off from the R1 as part of the delivery of open space. It should be noted that Part 6 of the LEP only applies to land mapped as an URA, so once a non-URA residue lot is created, Part 6 would cease to apply and further residue lots could not be created from an existing residue under the clause. References to ‘a lot’ and ‘the lot’ in the proposed wording refer to the resultant lot. Although the proposed clause uses the words “the residual lot” in the singular form, Council’s legal advice is that it

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	<ul style="list-style-type: none"> The clause needs to be flexible to facilitate subdivision occurring in a number of different ways. The E2 riparian land (less the dwelling lot) could be created early in the development process or late in the development process subject to timing of other factors in the URA roll out. Does the clause need to apply to land that is wholly within the URA? If not, the reference to this land should be removed. Wouldn't land that is wholly within the URA simply be subdivided in accordance with the residential zone? 	<p>does not restrict the number of lots that may be created. This would be subject to merit assessment at DA stage.</p> <ul style="list-style-type: none"> Noted. The current wording of the clause is considered suitably flexible, however the wording could be restructured to assist in readability. It is recommended that Council liaise with Parliamentary Counsel as part of the legal drafting process to enhance the readability of the proposed Clause, potentially following a similar structure to other clauses which outline: <ol style="list-style-type: none"> 1) The objective of the clause; 2) Land to which the clause applies; and 3) The specific provisions of the clause. The phrase 'partly or wholly within an urban release area' is to enable the clause to be applicable to all URAs. The Badgee URA includes non-urban zones within the URA and therefore the amended Clause needs to also mention land that is wholly within the URA.

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	<ul style="list-style-type: none"> Does 4.1E still apply? Does 4.1E (1)(a) also need to be amended to include a reference to Clause 6.5 to prevent 4.1E applying? Or does the sentence “Despite any provision of this plan...” mean that Clause 4.1E does not apply? Does the clause need to provide separate requirements for “the resultant lot” and the “residue lot”? As a dwelling entitlement clearly exists within the E2 zone already the removal of Clause 6.5(2) is not relevant for the land owned by MJH. Request further consultation with Council to ensure that the wording covers all necessary permutations and combinations of the current situations across all URA’s. 	<ul style="list-style-type: none"> Where the land is in an Urban Release Area, Part 6 of the LEP would be the appropriate mechanism, and the wording “Despite any provision of this plan” implies that 4.1E would not be a consideration. This is not considered necessary. Noted. The existing dwelling is considered to meet 4.2D(5) for a dwelling entitlement as long as it is a lawful dwelling. Agreed – staff have spoken further with the submitter.
2. D19/313927	<ul style="list-style-type: none"> Submission from Allen Price & Scarratts on behalf of Tarajjel Pty Ltd in relation to Lot 7 DP 618693, Bells Lane, Meroo Meadow (on the periphery of the Moss Vale Road North URA) The land is currently vacant and does not contain a dwelling. Supportive of an amendment that will allow: <ol style="list-style-type: none"> The RU1 land to be separated from the balance of the site despite the rural residue land not meeting the mapped minimum lot area; The E2 (riparian land) being further separated as part of the delivery of open space within the URA and never needing to be attached to the RU1 land (despite both portions of land being outside the URA); and The erection of dwelling house on any residual rural portion of the land that falls outside the URA. Not convinced that the proposed wording will allow the realisation of these outcomes. Do not support the removal of Clause 6.5(2). The current wording provides the opportunity to construct a dwelling house on the RU1 portion of the subject land. The proposed wording does not appear to provide that same opportunity. Any changes to the wording that removes value from the land will clearly not be supported by 	<ul style="list-style-type: none"> Noted The proposed wording contained in the PP would enable the development scenario outlined in item 1 and 2 to occur. The clause does permit multiple residue lots to be created as long as the residual lots contain only land that is within one or more of the following zones: RU1, RU2, E2, E3. The current clause does not provide a dwelling entitlement

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	<p>any landowner.</p> <ul style="list-style-type: none"> • The current wording of Clause 6.5 does not apply to land outside the URA. Much of the subject land falls outside the URA and therefore Clause 6.5 cannot be used in its current form to facilitate the separation of the RU1 land from the other portions of the site. We support a change to the wording. • However, the current Clause does permit a dwelling to be constructed on the residue lot and we are not supportive of the removal of this part of the clause. • We note Council's letter dated 10 September 2015 which confirms the RU1 portion of the subject land has a dwelling entitlement under Clause 4.2(3). A copy of this letter is attached. • We are conscious that a dwelling can be constructed on the land now, but if it was separated from the R1 land, a dwelling may not be able to be constructed on the RU1 portion and that is not equitable. 	<p>for the subject lot, however 4.2D does. The current PP would require that the DE be secured over the residue portion prior to any subdivision taking place. This is potentially an onerous and inflexible approach to development.</p> <ul style="list-style-type: none"> • Correct – the clause has no application to the subdivision of land that is not within an 'urban release area'. • The current clause does not permit a dwelling to be constructed on a residue lot (apart from Badgee URA) as it has no application to land that is not mapped as an URA. • The dwelling entitlement currently enjoyed by the site applies to the current lot only and would need to be secured prior to any further subdivision. • Noting that the lot has an existing dwelling entitlement, and to respond to this submission, Council could consider amending the PP to include a change to minimum lot size map for the RU1 portion of the lot to 7ha to

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	<ul style="list-style-type: none"> • Our reading of the proposed wording does not provide clarity to us that the desired outcomes will result. • Does the clause need to apply to land that is wholly within the URA? If not, the reference to this land should be removed. • Wouldn't land that is wholly within the URA simply be subdivided in accordance with the residential zone? • Does 4.1E still apply? Does 4.1E (1)(a) also need to be amended to include a reference to Clause 6.5 to prevent 4.1E applying? Or does the sentence "Despite any provision of this plan..." mean that Clause 4.1E does not apply? • Does the clause need to provide separate requirements for "the resultant lot" and the "residue lot"? • Request further consultation with Council to ensure that the wording covers all necessary permutations and combinations of the current situations across all URA's. 	<p>enable a more flexible approach for the development of the lot. This would enable the future residue lot to continue to meet the requirements of clause 4.2D for a dwelling. This is recommended in the report.</p> <ul style="list-style-type: none"> • The current proposed wording has been prepared through legal advice and Council are comfortable that it will achieve its intended outcome. • It's readability could be improved, so it is recommended that Council liaise with Parliamentary Counsel as part of the legal drafting process to better structure the proposed clause. • Same question addressed above. • Same question addressed above. • Same question addressed above. • Agreed – staff have spoken further with the submitter.

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3. D19/314171	<ul style="list-style-type: none"> Submission from Allen Price & Scarratts on behalf of Moss Vale Road North Owners Group (MVRNOG) in relation to the Moss Vale Road North URA. The MVRNOG supports an amendment that would allow: <ol style="list-style-type: none"> The RU1 land (being outside the URA) to be separated from the balance of each site (and separated from any riparian zones) despite the rural residue land not meeting the mapped minimum lot area; The E2 (riparian land) being further separated as part of the delivery of open space within the URA and never needing to be attached to the RU1 land (despite both portions of land being outside the URA); and The protection of the existing dwelling house provisions. We are not convinced that the proposed wording will allow the realization of the subdivision outcomes that we understand SCC wishes to achieve and that it is overly simplistic and may lead to undesirable outcomes. <ul style="list-style-type: none"> Does the clause need to apply to land that is wholly within the URA? If not, the reference to this land should be removed. Wouldn't land that is wholly within the URA simply be subdivided in accordance with the residential zone? Does 4.1E still apply? Does 4.1E (1)(a) also need to be amended to include a reference to Clause 6.5 to prevent 4.1E applying? Or does the sentence "Despite any provision of this plan..." mean that Clause 4.1E does not apply? 	<ul style="list-style-type: none"> Noted The proposed wording contained in the PP would enable the development scenario outlined in item 1 and 2 as long as the clause still applies to the lot (i.e. it is still within an URA). Once a residue lot has been created that is entirely outside an urban release area, Part 6 and clause 6.5 no longer apply and so further 'residue' lots could not be created under the clause. Existing dwelling house provisions are provided within 4.2D and these are not proposed to change. There are no existing dwelling house provisions for residue lots under clause 6.5 as it has been found to have no legal effect to URAs apart from Badgee. Same question addressed above. Same question addressed above.

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	<ul style="list-style-type: none"> Does the clause need to provide separate requirements for “the resultant lot” and the “residue lot”? Strongly object to the removal of any dwelling entitlement on the residue portion of the land that falls outside the URA boundary. Whilst the original wording of the subdivision clause may not operate satisfactorily, the wording of Clause 6.5(2) is abundantly clear and has already been accepted by DPE and SCC. It was acknowledged by the authorities that dwellings could be constructed on those residue rural parcels. These provisions cannot be eroded without significant loss of value of those parcels. We do not support the removal of Clause 6.5(2). The current wording provides the opportunity to construct a dwelling house on the RU1 portion of the subject land. The proposed wording does not appear to provide that same opportunity. Any changes to the wording that removes value from the land will clearly not be supported by any landowner. Request further consultation with Council to ensure that the wording covers all necessary permutations and combinations of the current situations across all URA’s. 	<ul style="list-style-type: none"> Same question addressed above. The dwelling entitlement provisions contained in the current wording of Clause 6.5 only apply to Badgee URA and have no legal effect in the Moss Vale Road North URA. The legal advice is clear that clause 6.5 has no application to the subdivision of land that is not within an ‘urban release area’. The PP does not affect dwelling entitlement provisions under 4.2D. Noted The current wording of clause 6.5 has no legal effect to any URA apart from Badgee, and therefore does not enable the opportunity to construct a dwelling house on the RU1 portion of the subject land. Agreed – staff have spoken further with the submitter.
4. D19/314225	<ul style="list-style-type: none"> Submission from Allen Price & Scarratts as a general comment to the proposed amendment. Supportive of an amendment that will allow: <ol style="list-style-type: none"> Land outside the URA to be separated from land within the URA to facilitate appropriate development outcomes including separation of “developable land” from either rural, environmental, riparian or infrastructure despite the residue land not meeting the mapped minimum lot area; 	<ul style="list-style-type: none"> Noted The proposed wording contained in the PP would enable the development scenario outlined in item 1. Clause 6.5(2) only applies to

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	<p>2. The protection of the existing dwelling house provisions in Clause 6.5(2).</p> <ul style="list-style-type: none"> • Subdivision concerns – that the proposed wording is overly simplistic and will not allow the forms of subdivision that are needed to achieve the optimal planning outcome for the land that is inside and outside the URA, and may lead to outcomes that are not desirable. • Question: Does the clause need to apply to land that is wholly within the URA? If not, the reference to this land should be removed. Wouldn't land that is wholly within the URA simply be subdivided in accordance with the residential zone? • Question: Does 4.1E still apply? Does 4.1E (1)(a) also need to be amended to include a reference to Clause 6.5 to prevent 4.1E applying? Or does the sentence "Despite any provision of this plan..." mean that Clause 4.1E does not apply? • Question: Does the clause need to provide separate requirements for "the resultant lot" and the "residue lot"? Can more than one "resultant lot" or "residual lot" also be created? • Question: Would a variation to the mapped URA's provide further flexibility for the interpretation of this clause. For example: should the URA cover the riparian zones that lie within the outer perimeter of any URA? • We strongly object to the removal of any dwelling entitlement on the residue portion of the land that falls outside the URA boundary. Whilst the original wording of the subdivision clause may not operate satisfactorily, the wording of Clause 6.5(2) is abundantly clear and has already been accepted by DPE and SCC. • It was acknowledged by the authorities that dwellings could be constructed on those residue rural parcels. These provisions cannot be eroded without significant loss of value of those parcels. 	<p>land mapped as an URA, which does not include potential RU1, RU2, E2 or E3 residue lots. Clause 4.2D provides the circumstances where a dwelling house may be erected in certain rural, residential and environment protection zones.</p> <ul style="list-style-type: none"> • Same question addressed above. • Same question addressed above. • Same question addressed above. • This has been discussed with the Department of Planning and Environment and an amendment to the wording of the clause was considered more appropriate than extending the URA boundary mapping. • The current wording does not provide the opportunity to construct a dwelling house on the RU1 portion of the subject land, apart from land in the Badgee URA. • Clause 6.5(2) only applies to land mapped as an URA, which

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	<ul style="list-style-type: none"> • We do not support the removal of Clause 6.5(2). • The current wording provides the opportunity to construct a dwelling house on the RU1 portion of the subject land. The proposed wording does not appear to provide that same opportunity. • Any changes to the wording that removes value from the land will clearly not be supported by any landowner. • Request further consultation with Council to ensure that the wording covers all necessary permutations and combinations of the current situations across all URA's. 	<p>in most URAs does not include RU1, RU2, E2 or E3 land. Clause 4.2D provides the circumstances where a dwelling house may be erected in certain rural, residential and environment protection zones.</p> <ul style="list-style-type: none"> • Noted • The current wording of clause 6.5 has no legal effect to any URA apart from Badgee, and therefore does not enable the opportunity to construct a dwelling house on the RU1 portion of the subject land. • Agreed – staff have spoken further with the submitter.
5. D19/328266	<ul style="list-style-type: none"> • Submission from PDC Lawyers & Planners / John Timbs in relation to Lot 5 DP 618693, 202 Bells Lane, Meroo Meadow (part of the Moss Vale Road North Urban Release Area). • Objection to the Planning Proposal. • Support an amendment which will enable dwellings on 'split zoned' rural residue lots. 	<ul style="list-style-type: none"> • Clause 6.5 does not currently permit dwellings on 'split zoned' rural residue lots in any URA apart from Badgee URA. The PP seeks to create a legal mechanism for the subdivision of residual lots. The PP does not take any dwelling entitlement away as it does not exist in the first place. Once a residue lot is created, Part 6 of the LEP ceases to apply to the residue lot and dwelling entitlement potential is

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	<ul style="list-style-type: none"> The meaning and intended purpose of Clause 6.5 is controversial; many if not most outside Council thought it enabled a RU1 lot of less than the minimum lot size on subdivision to secure a dwelling house. Exchanges with Council have elicited views that <ul style="list-style-type: none"> (a) the clause applies only to lots wholly within the URA (b) it has no application to RU1 “residue” rural lots resulting from a subdivision of land partly within a URA R1 zoning (“split zoning”) (c) Its application is limited to certain lots within the Bandee (sic) precinct; (d) Part 6 of the LEP exclusively defines all entitlements relating to subdivision of land wholly or partly within the URA-including split zoned land (e) LEP Part 4 has no application to lots within the URA In my view clause 6.5(2) in fact confers a dwelling entitlement on the RU1 rural residue lot of my land which the proposed amendment will negate. There are anomalies/uncertainties in the presently worded Clause 6.5 which the proposed amendment is designed to remove. My submission is that Part 6 should provide such a dwelling entitlement on RU1 rural residue lots, and that Clause 6.5, appropriately worded, is a convenient and practicable means of doing so. Background of how the property was purchased, intended use, etc. not summarised here. Councillors can view the entire submission in the Councillors information folder. Throughout my tenure I understood that, notwithstanding the “split zoning” of my property into R1 and RU1, I could subdivide the RU1 portion from the R1 portion and construct a dwelling (farmhouse) on the RU1 section of 4.08 ha. This would enable the continued use of the RU1 	<p>captured under Clause 4.2D of SLEP 2014.</p> <ul style="list-style-type: none"> Noted This is correct. Council’s legal advice does not support this view. The clause has no application to land outside of an Urban Release Area. The original PP submitted in early 2018 sought to achieve this. OEH and DPE were not supportive of introducing additional dwelling entitlements and would not issue a Gateway determination for that version of the PP. Noted The current wording of clause 6.5 has no legal effect to any URA apart from Badgee, and

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	<p>portion as a self-contained farm (or any other use approved within/by the RU1 zoning), with farmhouse.</p> <ul style="list-style-type: none"> • Many worthwhile and commercially viable agricultural/horticultural activities can be conducted on small acreage such as mine. • The onsite farmhouse is integral and essential to the operation of a farm. It has a different configuration and composition to an urban dwelling. It is inappropriate to locate the rural dwelling among urban dwellings of whatever size and configuration. • A fundamental reason for locating a dwelling on a rural farm lot is site security. The presence of the farm proprietor and his/her family and their ready accessibility to the farm, provides the best form of security for the farm and its products. The cost of providing 24hr on site security as the alternative would be very substantial, and an obvious impact on the bottom line of any small acreage /boutique farm operation. • It is also easy to see that farm insurance premiums would be impacted. • Council proposes to amend cl 6.5 by omission of sub-clause 2).The justification for this is that some lots within the URA sector are not “ suitable for a dwelling entitlement” (after a review by Council which to my knowledge has not been released),that the State Office of Environment and Heritage had concerns that the existing cl 6.5 “encouraged dwellings in and subdivision in environmentally sensitive areas (Environmentally zoned land that is prone to flood /bushfire- which does not apply to my land) ,and that “certain residue lots” are enabled a dwelling entitlement under cl 4(2) D of the LEP (which has no application in my case due to my RU1 “residue lot “on subdivision being of an area less than the Minimum Lot Size). I have assumed that Council, in these conclusions, has reached conclusions about the viability of small acre farms with which, for reasons outlined above, I respectfully disagree. 	<p>therefore does not enable the opportunity to subdivide a split zoned lot below the minimum lot size and construct a dwelling house on the RU1 portion of the subject land.</p> <ul style="list-style-type: none"> • Noted. • Noted. • Sub clause 2 has no legal effect once the parent lot has been subdivided unless the residue lot is mapped as an URA. The provisions for the erection of dwelling houses are contained within Clause 4.2D. • To respond to this submission, Council could amend the PP to map a minimum lot size of 3ha over the RU1 portion of the site to enable the future residue lot to continue to meet the requirements of clause

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	<ul style="list-style-type: none"> Under the present cl 6.5 as I viewed it, I could apply to Council for approval to locate the farmhouse and adjunct buildings (garage/shed/hayshed) in any position over the 4.08 ha, and to design/locate such buildings to service the activities carried on in the RU1` portion. It is easy to see that I, and any other subsequent owner, would want his/her residence to be away from the urbanised R1 portion of the lot as there is little or no compatibility between R1 and RU1 dwellings. 4.6 Either the boundaries of the URA be amended to reflect existing property boundaries to eradicate 'split zonings', or Clause 6.5(2) be left in place and its general application to MVRN split zonings confirmed by amendment if necessary. 	<p>4.2D for a dwelling. This is recommended in the report.</p> <ul style="list-style-type: none"> As long as the property has a dwelling entitlement, the existing dwelling on the R1 portion could be relocated to the RU1 portion (subject to development consent). The URA boundaries have already been set and are unable to be amended. If the current Clause 6.5 is left as is, there remains no legal mechanism to subdivide a split zoned lot or erect a dwelling house on a residual lot in any URA apart from Badgee URA.
6. D19/357517	<ul style="list-style-type: none"> Submission from Allen Price & Scarratts on behalf of Jennifer Dickerson in relation to Lot 4 DP 268209, 220 Moss Vale Road, Cambewarra. Our reading of the proposed wording does not provide clarity that the desired outcomes will result. We support an amendment to the LEP which will allow: <ol style="list-style-type: none"> The land outside the URA to be separated from the balance of the site (and separated from any riparian land) despite that land not meeting the mapped minimum lot area; The E2 (riparian land) and E3 land being further separated as part of the delivery of open space within the URA and never needing to be attached to the RU1 land (despite both portions of land being outside the URA); and The erection of dwelling house on any residue portion of the land that falls outside the URA. 	<ul style="list-style-type: none"> Noted The proposed wording contained in the PP would enable the separation of land outside the URA as long as the clause applies. Once a residue lot has been created, the clause would cease to apply as it would no longer be in an URA. Clause 4.2D provides the circumstances where a dwelling

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	<ul style="list-style-type: none"> • Question: Does the clause need to apply to land that is wholly within the URA? If not, the reference to this land should be removed. Wouldn't land that is wholly within the URA simply be subdivided in accordance with the residential zone? • Question: Does 4.1E still apply? Does 4.1E (1)(a) also need to be amended to include a reference to Clause 6.5 to prevent 4.1E applying? Or does the sentence "Despite any provision of this plan..." mean that Clause 4.1E does not apply? • Question: Does the clause need to provide separate requirements for "the resultant lot" and the "residue lot"? Can more than one "resultant lot" or "residual lot" also be created? • Strongly object to the removal of any dwelling entitlement on the residue portion of the land that falls outside the URA boundary. Whilst the original wording of the subdivision clause may not operate satisfactorily, the wording of Clause 6.5(2) is abundantly clear and has already been accepted by DPE and SCC. • It was acknowledged by the authorities that dwellings could be constructed on those residue rural parcels. These provisions cannot be eroded without significant loss of value of those parcels. 	<p>house may be erected in certain rural, residential and environment protection zones. The current clause and the proposed amendment does not provide for item 3 to be carried out unless it meets clause 4.2D.</p> <ul style="list-style-type: none"> • Same question addressed above. • Same question addressed above. • Same question addressed above. • The current wording does not provide the opportunity to construct a dwelling house on the residue portion of the subject land, apart from land in the Badgee URA. • Clause 6.5(2) only applies to land mapped as an URA, which does not include potential RU1, RU2, E2 or E3 residue lots in the MVRN URA. Clause 4.2D provides the circumstances where a dwelling house may be erected in certain rural, residential and environment protection zones.

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	<ul style="list-style-type: none"> • We do not support the removal of Clause 6.5(2). • The current wording provides the opportunity to construct a dwelling house on the RU1 portion of the subject land. The proposed wording does not appear to provide that same opportunity. • Any changes to the wording that removes value from the land will clearly not be supported by any landowner. • Request further consultation with Council to ensure that the wording covers all necessary permutations and combinations of the current situations across all URA's. 	<ul style="list-style-type: none"> • Noted • The current wording of clause 6.5 has no legal effect to any URA apart from Badgee, and therefore does not enable the opportunity to construct a dwelling house on the RU1 portion of the subject land. • Agreed – staff have spoken further with the submitter.



Summary of Submissions

Amendment 7: General and Generic Chapters

Public Exhibition: 7 August – 6 September 2019

No.	Submitter	Summary of Submission	Comments
1	Allen Price and Scarratts Pty Ltd	Chapter 1: Introduction <p>Welcome the removal of the Matrix from the document for the reasons given which enable the Matrix to be kept up to date without a housekeeping amendment - good to remove for future revision purposes.</p> <p>Appreciate the clarification of the clarification of demarcation of DCP chapters that are contradictory with regards to area specific chapters.</p> <p>Support the change to variation statement directives which now include "(as appropriate)" in part c and requires only relevant criteria to be addressed.</p>	Support noted.
		Chapter 1: Introduction <p>Unsure of the introduction of "mandatory controls". Are there examples within the DCP?</p>	<p>No change recommended. The proposed amendments reflect Council's resolution (MIN18.947) of 4 December 2018, to:</p> <ol style="list-style-type: none"> 1. <i>Retain existing mandatory controls within Shoalhaven Development Control Plan (DCP) 2014 and continue the use of mandatory controls as required in future amendments to the DCP.</i> 2. <i>Amend Chapter 1: Introduction of Shoalhaven DCP 2014 to make it clearer that a mandatory control can be varied subject to an applicant demonstrating to Council's satisfaction that the objectives of the relevant section/subsection and chapter have been met by the development and the inclusion of a note where there is a mandatory control to refer to the definitions. This matter is to be addressed as part of the next appropriate housekeeping amendment to the Chapter.</i> <p>Mandatory controls are currently included in the following Shoalhaven DCP 2014 Chapters, given the nature of the areas/uses covered:</p> <ul style="list-style-type: none"> • Chapter G10: Caravan Parks in Flood Prone Areas.

			<ul style="list-style-type: none"> Chapter NB2: Worrigee Urban Release Area. Chapter NB3: Moss Vale Road South Urban Release Area. Chapter G20: Jerberra Estate. Chapter S2: Badgee Urban Release Area.
		<p>Dictionary</p> <p>The <i>Continuous accessible path of travel (CAPT)</i> definition was difficult to interpret due to the length and punctuation of the single sentence</p>	<p>Change recommended. Suggest breaking the paragraph into two sentences to assist readability as follows:</p> <p><i>Continuous accessible path of travel (CAPT) means a walkway for pedestrians along a footpath extending along the building line, where possible. The CAPT is to have, with no barriers, obstructions or projections to provide the best possible guidance line to provide a safe, clear and consistent pathway to meet the needs of all users (including people with a vision impairment and people of all ages and abilities).</i></p>
		<p>Dictionary</p> <p>It is unclear why the definition of <i>flood planning level</i> is removed from the dictionary, whereas <i>ground level (natural)</i> definition remains with a reference to SLEP2014.</p>	<p>Change recommended. The terms <i>ground level (natural)</i> and <i>natural ground level</i> remain in a number of chapters in the DCP including (not exhaustively):</p> <ul style="list-style-type: none"> Chapter N2: Berry Town Centre Chapter N12: Culburra Beach – The Marina Chapter N18: Huskisson Town Centre Chapter N19: Huskisson Mixed Use Zones Chapter N22: Sanctuary Point Local Centre <p>Until these chapters can be amended as part of a future (and appropriate) housekeeping process, it is considered prudent to retain the amended definition in the Dictionary.</p> <p>There would be merit, however, in expanding the term name to <i>Ground level (natural)</i> or <i>natural ground level</i> to capture all dated terms that meet the LEP definition of <i>ground level (existing)</i>.</p>

	<p>Chapter G1: Site Analysis, Sustainable Design and Building Materials in Rural, Coastal and Environmental Areas</p> <p>This chapter now applies to all development. This would include any proposed works on a site.</p> <p>The requirement of a full site analysis plan to be prepared for all development applications is considered an unnecessary and expensive requirement for minor applications which were previously only required to address the suitability of the development to the site constraints.</p> <p>It is noted that in recent times a number of applications have been subject to a request for further information from Council officers with regards to the site plans - Particularly lot dimensions.</p> <p>Reference in these requests is made to Schedule 1, clause 2 of the Environmental Planning and Assessment Regulation 2000:</p> <p><i>(2) The site plan referred to in subclause (1) (a) must indicate the following matters:</i></p> <p><i>(a) the location, boundary dimensions, site area and north point of the land,</i></p> <p><i>(b) existing vegetation and trees on the land,</i></p> <p><i>(c) the location and uses of existing buildings on the land,</i></p> <p><i>(d) existing levels of the land in relation to buildings and roads,</i></p> <p><i>(e) the location and uses of buildings on sites adjoining the land.</i></p> <p>Suggested changes</p> <ol style="list-style-type: none"> 1. The sample site plans in this DCP chapter should perhaps at minimum include the lot dimensions, area and north point of the land, as required in the regulations, to avoid a request for further information that is simply not relevant. 2. Where appropriate to a DA and is interpretation, additional requirements should be considered such as existing vegetation & trees, existing buildings (both on site or adjacent land) and existing levels of the land. This reduces at times unnecessary costs for the applicant. 	<p>Change recommended.</p> <p>Suggested Change 1: There is merit in updating Figures 1-3 to include the boundary dimensions and area of the lot to assist applicants. It is noted that Figures 1-3 already include a north point.</p> <p>Suggested Change 2: It is recommended that A1.1 and A1.2 be amended to note 'where appropriate'. This allows the site analysis plan to be tailored to the type of development without being overly onerous to an applicant. It also provides a mechanism for an assessing officer to request further detail as appropriate to the development.</p>
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	<p>Chapter G1: Site Analysis, Sustainable Design and Building Materials in Rural, Coastal and Environmental Areas</p> <p>The revision of A1.1 refers to this information being introduced as per Chapter G13 site analysis requirements. If this is the case – could Chapter G13 be included in this current housekeeping process to prevent duplication.</p>	<p>No change recommended at this point in time.</p> <p>Once the amendments to this chapter, Chapter G2 and Chapter G21 (part of current housekeeping processes) are finalised, Chapter G13 and Chapter G12 will be amended to remove all duplication. This is the most streamlined approach considering staff resources and the desire to reduce the number of amendments made to the DCP.</p>
	<p>Chapter G3: Landscaping Design Guidelines</p> <p>The amendment to those suitable to prepare the landscape plan is noted.</p>	<p>Noted.</p>
	<p>Chapter G5: Threatened Species Impact Assessment</p> <p>It is noted that the extensive amendments in this chapter are indicative of the recent Biodiversity reforms.</p>	<p>Noted.</p>
	<p>Draft Waste Minimisation and Management Guidelines</p> <p>Some of these amendments are improvements on the previous waste minimisation guidelines.</p>	<p>Support noted.</p>
	<p>Draft Waste Minimisation and Management Guidelines</p> <p>Sections 3.1.6 and 3.1.7 apply to ALL development. The construction and management requirements are aimed at the permanent garbage collection and storage areas for dwellings/buildings. It is not feasible that a hardstand area would be constructed as part of subdivision works prior to the design of a future proposed development.</p> <p>The requirements for Subdivisions are worthy of their own entire section rather than be grouped together with other types of development.</p>	<p>Change recommended to the Guidelines.</p> <p><i>Note, the Draft Waste Guideline sits outside the DCP. No changes were suggested to draft Chapter G7 of the DCP.</i></p> <p>It is recommended that Section 3.1.6 of the Draft Waste Minimisation and Management Guidelines be amended to specifically note that it applies “to development that requires construction of any waste storage area”. This should resolve the problem for development where a waste storage area does not need to be constructed (e.g. subdivision only).</p> <p>No change is recommended in relation to Section 3.1.7. This Section already states “Unless otherwise outlined in an approved Waste Management Plan” which allows the applicant to specify an alternate arrangement for bin management in the waste management plan.</p>

	<p>Draft Waste Minimisation and Management Guidelines</p> <p>The specific requirements for subdivision are relying on an unknown future development of each site – e.g. medium density, units, single dwelling with regards to garbage collection. Whilst garbage collection is important to be considered – the plan would be very much an educated estimate of a hypothetical development. This is also the case with the estimation of cut/fill required for the civil works – which would be estimated after DA approval for the subdivision of the land.</p>	<p>No change recommended to the Guidelines.</p> <p><i>Note, the Draft Waste Guideline sits outside the DCP. No changes were suggested to draft Chapter G7 of the DCP.</i></p> <p>The guidelines have been prepared so that an applicant can use one Waste Management Plan form (available here) to cover a variety of developments. The revised wording in section 3.1.6 (see above) and existing wording in 3.1.7 should allow the applicant to comply with the Guidelines by providing relevant information in the one Waste Management Plan form (noting that for some parts of the form the response may be “not applicable”).</p>
	<p>Draft Waste Minimisation and Management Guidelines</p> <p>The proposed waste management plan is very extensive and largely unnecessary at DA approval and more relevant at CC.</p> <p>A clear directive of the requirements for a waste plan at DA stage as opposed to CC stage should be provided.</p>	<p>No change recommended to the Guidelines.</p> <p><i>Note, the Draft Waste Guideline sits outside the DCP. No changes were suggested to draft Chapter G7 of the DCP.</i></p> <p>The Waste Management Plan at the DA stage allows for improvements to be made to the development plans that may not have been considered by the applicant. This approach will assist in reducing/eliminating future problems on the site to safely manage all waste services.</p>
	<p>Chapter G8: Onsite Sewage Management</p> <p>The amendments are noted.</p>	<p>Noted.</p>
	<p>Chapter G17: Business, Commercial and Retail Activities</p> <p>The amendments which reflect the developing business practices of those affected by the chapter are noted.</p> <p>The CAPT is better demonstrated in this chapter by the diagram.</p>	<p>Support noted.</p>
	<p>Chapter G19: Home Based Business Activities</p> <p>The amendments seem practical and clarify terms. Changes to the hours of operation are reasonable.</p>	<p>Support noted.</p>
	<p>Chapter G28: Design Guidelines for Permanent Occupation of Caravan Parks</p> <p>The amendments seem reasonable.</p>	<p>Support noted.</p>

		<p>DCP as a whole</p> <p>Development Application requirements are increasing in complexity with each housekeeping amendment (eg Chapters G1 and G7) and require much more information to be provided at the application stage. We believe that this comes at a cost which must be passed on to our clients/wider community, thus making the process less affordable and more restrictive for simple applications like minor alterations and additions. The DCP should therefore provide flexibility for the variety and scale of development applications.</p>	<p>No changes recommended. It is acknowledged that some DCP amendments do result in more information being required in support of certain development applications. This is not across the board however, as housekeeping amendments also seek to remove overly onerous provisions as well.</p> <p>Regardless, the DCP is drafted in a flexible fashion and the flexibility of specific items can be considered on merit through the amendment process as relevant.</p>
2	Cowman Stoddart Pty Ltd	<p>Chapter G8: Onsite Sewage Management</p> <p>Section 5, Note under A5.8</p> <p><i>"More than one type of effluent application system can be achieved for each allotment."</i></p> <p>Make this a separate acceptable solution for cases where allotments are being created through subdivision.</p>	<p>Change recommended. There is merit in retaining this wording as an acceptable solution (proposed A5.9) and relating specifically to subdivision.</p>
		<p>Chapter G8: Onsite Sewage Management</p> <p>Section 5, A10.3</p> <p><i>"The use of effluent for fruit trees shall comply with AS/NZ 1547."</i></p> <p>There is no specific reference to this matter in AS/NZ 1547.</p>	<p>No changes recommended. AS/NZ 1547 refers to allowances to be made regarding food crops (which includes fruit trees).</p>
		<p>Chapter G8: Onsite Sewage Management</p> <p>Section 5, Note under A10.3</p> <p><i>"Effluent disposal under trees is not prohibited."</i></p> <p>Suggest emphasis here is changed to productive/crop/ornamental/ exotic trees.</p> <p>Clarify that effluent disposal under native trees/vegetation is a different matter subject to other considerations. For example, providing a 1m setback from the dripline of trees nominated for retention as part of a flora and fauna assessment.</p>	<p>Change recommended. The purpose of the note is not to emphasise the type of trees under which irrigation can occur, rather to clarify that disposal under trees is not prohibited.</p> <p>There is merit in specifying an effluent application setback area (proposed A5.10) as follows:</p> <p><i>A5.10 The effluent application area is to be setback at least 1m from the dripline of trees and vegetation of biodiversity value identified for retention (such as hollow-bearing trees or vegetation).</i></p> <p>It would also be helpful to amend the note under A10.3 to include the following additional text: "but must be in accordance with A5.10 and AS/NZS 1547".</p>

	<p>Chapter G8: Onsite Sewage Management Section 5, A13.1</p> <p><i>"A separate on-site sewage management system is to be provided for each occupancy/dwelling."</i></p> <p>For clarification, suggest wording is changed to:</p> <p><i>"A separate on-site sewage management system (including tanks and application areas) is to be provided for each occupancy/dwelling."</i></p>	<p>Change recommended. There is merit in providing this clarification, however it is suggested that the word 'treatment' replaces 'tanks' to better reflect the process that is being undertaken in the tanks.</p>
	<p>Chapter G8: Onsite Sewage Management Section 5, Table 1</p> <p>Include link to the 2018 Norbe Guidelines.</p>	<p>No change recommended. The 2018 guidelines do not contain the buffer distances and therefore are not relevant for inclusion in this table.</p> <p>A link to this document is already provided in Section 6.1 of the Chapter (Other legislation or policies you should check).</p>
	<p>Chapter G8: Onsite Sewage Management Section 7.2.1</p> <p>The second half of Section 7.2.1 requires details of system components to be included as part of a development application.</p> <p>Previous correspondence with Council staff indicated that this would be removed from the DCP as it forms part of a Section 68 Drainage Application and not a Development Application. This has been changed with respect to item 28 of <i>Table 2</i>, but still remains in Section 7.2.1.</p>	<p>Change recommended. Most people will submit the s68 application with the DA so it is helpful to have this information in the DCP; however it should be made clear that it is for the purpose of the s68 approval, and not the DA.</p> <p>Recommendation: move the paragraph to a note box and add reference to the s68 process and the Local Government Act 1993 for clarity.</p>
	<p>Chapter G8: Onsite Sewage Management Section 7.2.2, Table 2, row 11</p> <p>Chapter G8 requires the following soil chemistry information to be provided for small scale projects (ie. standard dwellings/small subdivision applications – 4 lots or less):</p> <ul style="list-style-type: none"> • Cation Exchange Capacity (CEC); • Phosphorous sorption capacity; and • Sodicity assessment. 	<p>Consider as part of a separate (major) review of Chapter G8.</p> <p>This is not a minor change and should form part of a separate consultation exercise and amendment process.</p>

	<p>This information can only be acquired via laboratory analysis of soil samples.</p> <p>The same information is also required for larger scale developments (ie. subdivisions of more than 4 lots, tourist developments, dual occupancies etc).</p> <p>Strict application of Chapter G8 requires laboratory analysis of soil samples for all projects where onsite effluent disposal is proposed, regardless of their scale.</p> <p>Despite the above requirement, our experience over many years to date is that the above soil chemistry information for small scale projects has not been necessary.</p> <p>Based on the above, it is requested that for small scale developments, Council make provision to enable use of soil chemistry data from similar soils on similar geology.</p>	
	<p>Chapter G8: Onsite Sewage Management Section 7.2.2, Table 2, row 11</p> <p>Fourth paragraph, typo: change to adsorb.</p>	<p>Change recommended. This is a typographical error and should be amended.</p>
	<p>Chapter G8: Onsite Sewage Management Section 7.2.2, Table 2, row 12</p> <p><i>"Test holes are to be used to specify groundwater depth. The estimated depth of water table in the vicinity may only be utilised to confirm depth with high permeable soils."</i></p> <p>This paragraph is not relevant to sodicity assessment.</p>	<p>Change recommended. This paragraph should be moved to the paragraph for the row relating to Depth to ground water (row 7).</p>
	<p>Chapter G8: Onsite Sewage Management Section 7.2.2, Table 2, row 12</p> <p><i>References to dispersive soils.</i></p> <p>Dispersive soils are a separate matter to sodic soils. Suggest consideration of dispersive soils as a separate issue.</p>	<p>No change recommended. This approach is consistent with AS/NZS 1547 which considers both dispersive soils and sodicity together in Appendix F.</p>

	<p>Chapter G8: Onsite Sewage Management Section 7.2.2, Table 2, row 12 <i>Sodicity assessment.</i></p> <p>For Development type A, provision should be made to enable use of data from similar soils on similar geology (see comments above).</p>	<p>Consider as part of a separate (major) review of Chapter G8.</p> <p>This is not a minor change and should form part of a separate consultation exercise and amendment process.</p>
	<p>Chapter G8: Onsite Sewage Management Section 7.2.2, Table 2, row 17 <i>Assessment of native vegetation off-site – “Proximity and impact of effluent applications areas to native vegetation downstream of the site (particularly riparian vegetation)”.</i></p> <p>This is a very broad requirement, especially for Development type A . Assessing the impact on such areas is a complicated matter requiring ecological expertise.</p> <p>Suggest that this requirement is removed as it effectively addressed by the minimum buffer distance requirements in <i>Table 1</i> of Chapter G8.</p>	<p>Consider as part of a separate (major) review of Chapter G8.</p> <p>This is not a minor change and should form part of a separate consultation exercise and amendment process.</p> <p>However, it is noted that this requirement is only applicable to Type B development and not Type A.</p>
	<p>Chapter G8: Onsite Sewage Management Section 7.2.2, Table 2, row 30 <i>“Position of tanks and application areas and their proximity to boundaries, rivers, watercourses, dwellings and recreation areas (excluding subdivision applications – unless otherwise requested by Council).”</i></p> <p>Position of tanks is generally a plumbing matter to be advised by the system installer.</p> <p>Suggest allowing provision for tank locations to be indicative and subject to confirmation in a Section 68 Drainage Application.</p> <p>Regarding subdivision applications: our recent experience is that Council expectations are to provide a plan showing indicative locations for application areas and reserve areas.</p>	<p>No change recommended. The general potential location (i.e. position of the tank) is required to demonstrate that a suitable area is available.</p> <p>Location of detailed components of the system is provided with an application to install under Section 68 of the Local Government Act 1993.</p>

Shoalhaven Development Control Plan 2014
Draft Dictionary

Exhibited changes within the Dictionary have been highlighted **yellow** for convenience.
All post-exhibition changes are highlighted **green.**

Amendment history			
Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	14 October 2014	22 October 2014	New
2	23 June 2015	1 July 2015	Amendment
3	7 November 2016	30 November 2016	Amendment
4	11 December 2017	20 December 2017	Amendment
5	8 May 2018	23 May 2018	Amendment
6	28 August 2018	31 October 2018	Amendment
7	6 November 2018	14 December 2018	Amendment
8			Amendment

Shoalhaven Development Control Plan 2014

Draft Dictionary

Draft Dictionary

Note.

This dictionary must be read in conjunction with the *Shoalhaven Local Environmental Plan (SLEP) 2014*. Terms excluded from the *Shoalhaven Development Control Plan (DCP) Dictionary 2014* are as defined in *SLEP 2014*.

Where not identified in this document, definitions are based on the ordinary Australian dictionary meaning or other relevant legislation.

For information on the SLEP 2014 Dictionary, please view the [SLEP 2014 document](#).

'A' board sign means any style of portable self-supporting/free-standing sign.

Above awning sign means any sign located on top of an awning or verandah where no part of the sign projects above the roof, parapet or ridge-line, or beyond the awning edge.

Absorption when used in reference to *Chapter G8: Onsite Sewage Management* means the uptake of effluent or sullage or both into the soil.

Acceptable solutions or controls you must comply with are provided as examples of what is considered acceptable to Council to enable the performance criteria **and objectives** to be achieved.

Access street means a **sub-category of local** street providing local residential access with shared traffic, pedestrian and recreation use with local traffic priority, where the residential environment is dominant, traffic is subservient, speed and volume are low and pedestrian and cycle movements are facilitated.

Accessible means a dwelling designed to meet the needs of people requiring higher level access from the outset, and usually designed and built with a specific person's needs in mind. An accessible house meets the requirements of the '[Livable Housing Design Guidelines](#)', and is able to accommodate wheelchair users in all areas of the dwelling.

Active shop front means a frontage for retail or similar activity where the activity within is visible because the shop frontage is transparent or open, or where the window display occupies the full width of the shop frontage and provides visual interest to the street.

Adaptable means a dwelling design that is capable of being modified easily and affordably in the future to become **accessible**.

Adult Shop means: A shop or commercial premises used for the purposes of selling sexually explicit products in which:

- a) publications classified Categories 1 and/or 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are

Shoalhaven Development Control Plan 2014

Draft Dictionary

shown, exhibited, displayed, sold or otherwise rendered accessible or available to the public; or

- b) a business to which section 578E of the *Crimes Act 1900* applies is conducted on the premises; or
- c) a business is conducted, an object of which is the display or exhibition of any product (such as articles, compounds, preparations or devices, but not printed matter) within the meaning of that Act, that is primarily concerned with sexual behaviour.

Advertisement or **sign** has the same meaning as in the **Act Environmental Planning and Assessment Act 1979**.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

Advertising sign has the same meaning as Advertisement.

Aerated waste treatment system (AWTS) means a system that uses the processes of aeration, clarification and disinfection to treat effluent from septic tanks to a standard that complies with the requirements of the relevant regulatory authorities.

Allotment or **lot** means an area of topographical space shown on an approved plan of subdivision and on which it is intended to construct a dwelling or dwellings.

Amenities include staff and public toilets as well as staff rooms/rest areas.

Amenity block when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means a community building used as a shower block, toilet block or laundry block.

Annexe when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. The term is defined as a moveable dwelling that:

- a) *is an attachment to a relocatable home or caravan, and*
- b) *is used as an extension of the habitable area of the relocatable home or caravan, and*
- c) *is capable of being erected or removed within 24 hours.*

Annual exceedance probability (AEP) means the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage.

Appropriate engineer means:

- a) a suitably experienced and qualified professional including: someone with experience and qualifications leading to recognition on the National Engineering Register (NER) in Civil or Structural Engineering (Institution of Engineers, Australia); or other professionals with good standing in the fields of flood risk management, flood studies and/or emergency management; and
- b) acting at all times within their experience and qualifications; and
- c) able to demonstrate to Council that they have the experience and qualifications to act as required. This normally means being able to provide documentation to Council indicating they have acted in the required capacity on at least three occasions in the

Shoalhaven Development Control Plan 2014

Draft Dictionary

last three years, and that the work was carried out to a high standard and was recognised by Council or another local council.

Arboreal means found dwelling within the crown of trees

Arboriculture means cultivating and managing trees as individuals and in small groups for amenity purposes.

Arborist means a person with training (minimum Australian Qualification Framework Level 3 in Arboriculture or equivalent) with relevant experience that enables the person to perform tasks required by Australia Standard 4373-2007.

Arterial road means roads of major state or metropolitan significance, catering for relatively high volume and/or long distance travel. In rural areas, they comprise the main interstate routes and roads connecting the larger provincial cities to the large metropolitan centres. In urban areas, they comprise the high volume routes serving the major transport corridors that link the larger activity centres. Arterial roads are sometimes called primary arterial roads.

Articulation or **building articulation** is the treatment of a façade of a building and how it is emphasised architecturally by using distinctive building elements such as:

- a) Balconies
- b) Verandahs
- c) Recessed terraces
- d) Bay windows and external shading devices
- e) Variations in setbacks
- f) Fenestration
- g) Materials and detailing
- h) Patterned and featured walls.

Asset protection zone (APZ) is an area between a bushfire hazard and a building, which is managed to minimise fuel loads, inhibit a fire path and reduce the effects of heat, flame, ember and smoke attack.

Associated structure when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government Act 1993*.

Note. The term is defined as follows:

- a) a carport, garage, shed, pergola, verandah or other structure designed to enhance the amenity of a moveable dwelling and attached to or integrated with, or located on the same site as, the dwelling concerned, or
- b) a separating wall between 2 moveable dwellings.

Australian height datum (AHD) is a common national surface level datum corresponding approximately to mean sea level.

Awning means a permanent, roof-like structure attached to, and projecting from, the wall of a building and generally designed or constructed to provide pedestrians with protection against the weather.

Awning face/fascia sign means any sign painted on or attached to the front face of an awning that does:

Shoalhaven Development Control Plan 2014

Draft Dictionary

Building Code of Australia (BCA) is as defined in the *Environmental Planning & Assessment Act 1979*.

Note. This term means the document, published by or on behalf of the Australian Building Codes Board, that is prescribed for purposes of this definition by the regulations, together with:

- a) such amendments made by the Board, and
- b) such variations approved by the Board in relation to New South Wales, as are prescribed by the regulations.

Building envelope means a three dimensional zone determined by height, width, depth and setbacks that defines the buildable area on a site.

Building height plane means a plane projected at an angle of 45 degrees over the actual land to be built upon from a-the prescribed distance of (5 metres if not specified) above ground level at the side boundaries of the site. Where the site is more than 20 metres in width or two or more lots are amalgamated or the common boundaries built over, Council shall determine the location of the Building Height Plane to for that particular property.

Building line when used in reference to *Chapter S1: Verons Estate, Sussex Inlet*, means the line within which the dwelling and associated buildings should be located.

Bulky goods mean large goods that are, in the opinion of Council, of such a size and shape as to require:

- a) a large area for handling, storage or display; and
- b) easy and direct vehicular access to enable the goods to be collected by customers after the sale;

but does not include foodstuffs or clothing whether or not sold in association with any such goods.

Bunting means and includes decorative flags, pennants and streamers.

Bushland means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and/or floristics of the natural vegetation.

Bushland Conservation Area (BCA) when used in reference to *Chapter N20: Jerberr Estate* means an area in which no development is allowed must be fenced and retained as native bushland. If the land is currently cleared, it must be allowed to regenerate and/or be rehabilitated.

Bushland Management Area (BMA) when used in reference to *Chapter N20: Jerberr Estate* has the same controls as BCA, except that driveways are allowed.

Business owner when used in reference to *Chapter G17: Business, Commercial and Retail Activities* means the operator or trader of the business conducted within a business or commercial premises. It may be different to the owner of the premises building.

Bypass channels redirect a portion of floodwater away from areas under threat from flooding, and so reduce flood levels along the channel downstream of the diversion.

Cambium/Cambial layer means the living part of a tree trunk that allows the movement of water and nutrients up and down the stem.

Shoalhaven Development Control Plan 2014

Draft Dictionary

Collector road means roads that connect the local road system to the arterial and sub-arterial road system, and which serve both through and local traffic, although through traffic should be discouraged as far as practicable.

Commercial use when used in reference to *Chapter G17: Business, Commercial and Retail Activities* includes the display of goods, an advertising A-board or menu board, and alfresco dining within a defined public footpath area.

Common effluent system means a system in which septic tank effluent in a gravity reticulation system is piped from a number of residences to a central treatment and/or application system.

Communal open space means useable shared open space located within the proposed development for the recreation and relaxation of all residents of the development.

Community means a group of people living in the same locality or having common interests.

Community building when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. This term is defined as a building (such as a shower block, toilet block or laundry block) that is used or intended to be used in connection with a community amenity, and includes a building that is to be used as a manager's or caretaker's office or residence.

Community map when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. This term is defined as:

- a) in relation to a manufactured home estate – means a scale map that accurately shows the road reserves, the community amenities and the dwelling sites within the manufactured home estate, and
- b) in relation to a caravan park or camping ground – means a scale map that accurately shows:
 - i. the access roads, community amenities and community buildings within the caravan park or camping ground, and
 - ii. the number, size, location and dimensions of dwelling sites or camp sites within the caravan park or camping ground, and
 - iii. in relation to a dwelling site or camp site within the caravan park or camping ground, the particular off-site parking space or spaces (if any) designated for use by the occupier of the dwelling site or camp site.

Community title subdivision means a subdivision under the *Community Land Development Act 1989*.

Companion animal means companion animal as defined under the *Companion Animals Act 1998*.

Note. This term is defined as:

- a) a dog,
- b) a cat,
- c) any other animal that is prescribed by the regulations as a companion animal.

Shoalhaven Development Control Plan 2014

Draft Dictionary

Note. *The fact that an animal is not strictly a “companion” does not prevent it being a companion animal for the purposes of this Act. All dogs are treated as companion animals, even working dogs on rural properties, guard dogs, police dogs and corrective services dogs.*

Complex when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means a caravan park, camping ground or manufactured home estate.

Compliance report when used in reference to *Chapter G9 Development on Flood Prone Land* and *Chapter G10: Caravan Parks in Flood Prone Areas* is a document prepared by a suitably qualified engineer, detailing how a proposed development complies with the requirements of those chapters.

Compostable material means vegetative material capable of being converted to humus by a biological decay process e.g. compost.

Composting toilet means a ‘waterless’ effluent treatment system that treats toilet wastes by composting as a result of natural decomposer organisms in the composting chamber.

Consent means an approval granted by Council following the lodgement of a Development Application in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979*.

Conservation property vegetation plan (Conservation PVP) when used in reference to *Chapter S1: Verons Estate, Sussex Inlet* is a voluntary, legally binding agreement between a landholder and the Local Land Services (LLS) that describes how vegetation on your land will be managed.

Continuous accessible path of travel (CAPT) means a walkway for pedestrians along a footpath extending along the building line, where possible. The CAPT is to have, with no barriers, obstructions or projections to provide the best possible guidance line to provide a safe, clear and consistent pathway to meet the needs of all users (including people with a vision impairment and people of all ages and abilities).

Conveyance or flood conveyance means a direct measure of the flow carrying capacity of a particular cross-section of a stream or stormwater channel. (For example, if the conveyance of a channel cross-section is reduced by half, then the flow carrying capacity of that channel cross section will also be halved).

Council means the Shoalhaven City Council or any officer authorised to act on behalf of the Shoalhaven City Council.

Crown maintenance pruning is as defined in *Australian Standard AS 4373, 1996 “Pruning of Amenity Trees”* and is considered to involve a reduction in tree foliage and branches by up to 10 percent in any one (1) year with no reduction in the height of the main trunk.

Cul-de-sac refers to a street, lane etc. closed at one end. The cul-de-sac head is the closed end and is designed to allow a turning area for vehicles.

Demolition means the complete or partial dismantling of a building by pre-planned and controlled methods, and including the removal of any whole or part of a building from a site.

Shoalhaven Development Control Plan 2014

Draft Dictionary

Design Solutions mean solutions considered acceptable to Council to enable the objectives to be achieved.

Designated development is development listed in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* for which an environmental impact statement is required.

Designated stock storage area means an area within the internal faces of the walls of a building, which is purposely designed and constructed for storage only, physically separated from the retail floor area and out of sight of customers.

Destroy when used in reference to vegetation means any activity leading to the death, disfigurement or mutilation of a tree.

Detached habitable room means a room or suite of rooms which are used in association with the rooms of a dwelling as a single dwelling occupancy.

Development has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

Note. The term is defined as follows:

- d) the use of land, and
- e) the subdivision of land, and
- f) the erection of a building, and
- g) the carrying out of a work, and
- h) the demolition of a building or work, and
- i) any other act, matter or thing referred to in section 26 that is that may be controlled by an environmental planning instrument,

but does not include any development of a class or description prescribed by the regulations for the purposes of this definition. However, development does not include any act, matter or thing excluded by the regulations (either generally for the purposes of this Act or only for the purposes of specified provisions of this Act).

Development control plan (DCP) is a written document that supports the *SLEP 2014*. The DCP provides detailed planning controls and guidelines for certain types of development and/or localities.

Dilapidation/defects report when used in reference to *Chapter G6: Coastal Management Areas* means a report prepared by a "suitable qualified person" detailing the existing condition of a building and identifying building defects and non-compliances with current building requirements, including the Building Code of Australia and associated Australian Standards.

Disinfection when used in reference to *Chapter G8: Onsite Sewage Management* means the process by reducing all pathogenic and other harmful organisms to safe levels in secondary treated effluent. Processed effluent is only suitable for non-potable purposes such as irrigation.

Display when used in reference to *Chapter G22: Advertising Signs and Structures* may include clothing racks, fences, merchandise on display/sale, moveable bollards, pot plants, planter boxes, screens, stands, stalls, tables, umbrellas, and any similar movable object (not including an 'A' board sign), associated with the advertising of commercial premises.

Shoalhaven Development Control Plan 2014

Draft Dictionary

Dog-proof fencing means fencing provided around the perimeter of the asset protection zone (APZ) on each property, to prevent dogs from escaping.

Double-sided sign means two signs, back to back, on a single structure, where both sides of the sign are identical in sign face area, dimensions and content.

Dwelling site when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. The term is defined as follows:

- a) in relation to a manufactured home estate – means an area of land within the manufactured home estate that is designated as a dwelling site by the approval for the manufactured home estate, and
- b) in relation to a caravan park – means an area of land within the caravan park on which a moveable dwelling may be installed and that is designated as a dwelling site by the approval for the caravan park.

Economic activity zones in relation to *Chapter N1: Kangaroo Valley* include the defined retail core, tourist precinct and craft industry precinct as shown on the **Supporting Map in Appendix 4** of that chapter.

Eddies mean small whirls caused by movement in a flowing stream of liquid.

Effective warning time when used in reference to flooding means the time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to move farm equipment, move stock, raise furniture, evacuate people and transport their possessions.

Effluent when used in reference to *Chapter G8: Onsite Sewage Management* means liquid discharge from a septic tank, sullage treatment farm or aerated wastewater treatment system.

Effluent application area means the area of land where it is intended to dispose of or apply effluent and any by-products of sewage from the management facility.

Effluent disposal absorption means the uptake of effluent or sullage or both into the soil.

Employee when used in reference to *Chapter G19: Home Based Business Activities* means a person that works on the premises but does not reside there, and may include relatives.

Ensuite facility when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. This term is defined, in relation to a dwelling site, means a building, part of a building or an associated structure that contains at least a shower, toilet and hand basin, is provided for the exclusive use of the occupiers of the site and is located on or adjacent to the site.

Environmental planning instrument has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

Note. The term is defined as an environmental planning instrument (including a **state environmental planning policy (SEPP)** or **local environmental plan (LEP)** but not including

Shoalhaven Development Control Plan 2014

Draft Dictionary

a **development control plan (DCP)** made, or taken to have been made, under Part 3 and in force.

EP&A Act or **the Act** means the *Environmental Planning and Assessment Act 1979*.

Epicormic bud means dormant emergency buds located just beneath the bark that shoot when stimulated by a stress event such as pruning, burning, etc.

Epidermis when used in reference to vegetation means the outer layer of a plant (bark).

Epiphytic means a tree dwelling plant.

Equivalent population when used in reference to *Chapter G8: Onsite Sewage Management* means the number of persons deemed to be accommodated must be calculated in accordance with the requirements of Part D of the Building Code of Australia (BCA) in conjunction with design requirements from the Department of Public Works "Manual of Practise (Sewer Design)" (1987).

Evacuation capability when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means the ability of a park manager and staff to evacuate people and to remove all the towable on-site moveable dwellings and other assets identified to be relocated (e.g. tourists' vans, vehicles, boats) from the flood-prone area to a location above the probable maximum flood (PMF), having regard to the number of moveable dwellings and assets to be moved, the available resources with which to move them (caravan park staff and equipment, without recourse to the emergency services), the required time to move them, the capacity and suitability (e.g. in terms of impacts on traffic) of the evacuation route and intended storage location, and the effective warning time.

Evapotranspiration means the loss of moisture to the atmosphere by direct evaporation and also by transpiration through a plant's leaves.

Exempt development is development that may be carried out without the consent of Council, subject to compliance with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and *SLEP 2014*.

Existing sign when used in reference to *Chapter G22: Advertising Signs and Structures* means any sign that was lawfully displayed on a building or site as at the date of adoption of this DCP, or any sign approved by Council at that date, but not yet displayed or erected.

External clothes drying facilities means an external area allocated to each dwelling which is principally used for the purpose of drying clothes and the like.

Fence means a structure or posts, rails, palings, metal, wire, profiled fibrous cement, masonry or other materials enclosing or bounding land and includes any foundation, foundation wall or retaining wall but does not include a wall which is part of a house or other building or structure.

Fence Sign means a sign painted on or otherwise affixed to a fence that is:

- a) designed and constructed to permanently delineate and identify a boundary alignment or enclosure.

Shoalhaven Development Control Plan 2014

Draft Dictionary

- b) purpose built and designed as a backdrop to a display area (eg motor vehicle sales yard) and is not more than
 - i. 4 m in height; and
 - ii. not within 20 m of a front property boundary
- c) a temporary fence or hoarding to delineate and protect a construction site.

Flexible annexe when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. The term is defined as an annexe that (apart from any rigid support frame and any floor, or any door, window or other securable opening, constructed of non-flexible material) consists entirely of canvas or other flexible material.

Flood means a relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flooding associated with major drainage before entering a watercourse, and/or coastal inundation resulting from super-elevated sea levels and/or waves overtopping coastline defences excluding tsunami (Floodplain Development Manual, 2005).

Flood affected means that a parcel of land is either fully or partly within the floodplain.

Flood assessment report is a document prepared by a suitably qualified hydraulic engineer, detailing existing flood risk for a catchment.

Flood certificate is a document providing flood information for a particular parcel of land - it can be obtained from Council.

Flood compatible building components means a combination of measures incorporated in the design and/or construction and alteration of individual buildings or structures subject to flooding, and the use of flood compatible materials for the reduction or elimination of flood damage.

Note. A list of typical flood compatible building components is provided in **Schedule 4 Supporting Document 1 of Chapter G9: Development on Flood Prone Land**.

Flood compatible materials include those materials used in building that are resistant to damage when inundated. A list of flood compatible materials is contained in **Schedule 4 Supporting Document 1 of Chapter G9: Development on Flood Prone Land**.

Flood conveyance is a direct measure of flow carrying capacity of a particular cross-section of a stream or stormwater channel.

Flood free land means land above the probable maximum flood level.

Flood fringe is that part of the floodplain remaining after the floodway and flood storage areas have been defined.

Flood marker post is a structure erected in a prominent position which depicts the height of known significant floods of record and predicted floods.

Shoalhaven Development Control Plan 2014

Draft Dictionary

Flood planning area is the area of land below the flood planning level (FPL) and thus subject to flood related development controls. The concept of flood planning area generally superseded the “flood liable lands” concept in the 1986 Manual.

Flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

Flood prone land is the land susceptible to flooding by the probably maximum flood (PMF) event. Flood prone land is synonymous with flood liable land.

Flood proofing means a combination of measures incorporated in the design, construction and alteration of individual buildings or structures subject to flooding, to reduce or eliminate flood damages.

Flood storage areas are those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of a flood.

Flood study is a technical investigation of flood behaviour. It defines the nature of flood risk by establishing the extent, level and velocity of floodwaters. The study also provides information on the distribution of flood flows across various sections of the flood plain for the full range of flood events up to and including the probable maximum flood (PMF).

Floodplain means the area of land which is subject to inundation by floods up to and including the probable maximum flood event, that is, flood prone land.

Floodplain risk management plan is a plan developed in accordance with the principles and guidelines contained in the NSW Government Floodplain Management Manual. Usually includes both written and diagrammatic information describing how particular areas of flood prone land are to be used and managed to achieve defined objectives.

Floodplain risk management study is a study that identifies and compares various risk management options. This includes an assessment of their social, economic, ecological and cultural impacts, together with opportunities to maintain and enhance river and floodplain environments.

Floodway means those parts of the floodplain where a significant discharge of water occurs during floods. They are often aligned with natural defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels (and/or velocities).

Floor area means, in relation to a room, the area of the room measured within the finished surfaces of the walls, and includes the area occupied by any cupboard or other built-in furniture, fixture or fitting.

Floor area of a guestroom or tourist cabin when used in reference to Chapter G15: Tourist and Visitor Accommodation means the area of a guestroom or tourist cabin, measured within the finished surfaces of the walls, and includes the area occupied by any cupboard or other built-in furniture, fixture or fitting and all decks and verandahs.

Fluvial geomorphology is the branch of geology that examines the formation and structure of the features of the surface of the earth which is created by flowing rivers.

Shoalhaven Development Control Plan 2014

Draft Dictionary

Gross leaseable floor area means the sum of the areas at each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors, parking areas and designated stock storage areas.

Groundcover means any type of herbaceous vegetation, but it is only to be regarded as native vegetation that occurs in an area where not less than 50% of the herbaceous vegetation covering the area comprises indigenous species. In determining that percentage, not less than 10% of the area concerned must be covered with herbaceous vegetation (whether dead or alive).

Ground level (natural) or natural ground level means the natural level of a site at any point before any filling, excavation or building work has commenced, the same as ground level (existing) as defined in SLEP 2014.

Ground water means water that exists under the surface and within the soil.

Group when used in reference to *Chapter G15: Tourist and Visitor Accommodation* means a collection of two or more tourist cabins.

Guesthouse means a building or buildings used for temporary visitor accommodation of up to twenty accommodation rooms in a domestic scale of architecture, where the building or buildings incorporate a common facility for the provision of meals either to people temporarily resident or to the general public, whether or not those facilities are licensed.

Guestroom is a room or suite of rooms within a guesthouse used for tourist accommodation.

Habitable floor area means the floor areas and rooms used within a dwelling for normal domestic use, including a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom.

Habitable room has the same meaning as in the *Building Code of Australia*.

Note. The term is defined as a room used for normal domestic activities, other than a bathroom, laundry, toilet, pantry, walk in wardrobe, hallway, lobby, clothes drying room or other space of a specialised nature that is not occupied frequently or for extended periods.

Habitat when used in reference to vegetation means vegetation that is capable of being used for the nectar feeding, roosting or nesting of birds, arboreal marsupials, micro-bats or vegetation which supports the growth of locally indigenous epiphytic plants such as orchids.

Hazard when used in reference to flooding, is a source of potential harm or a situation with the potential to cause loss.

Hazardous waste means any waste that, because of its physically, biologically or chemically damaging properties, is capable of causing a danger to the life or health of any living thing if it is released into the environment, and is, or contains, a substance specified in Schedule 1 of the Waste Minimisation and Management Regulation 1996.

Height of building means the vertical distance measured in metres from the top most point of the building, roof or parapet (including plant and lift overruns, but excluding architectural roof features and communication devices) to the natural surface area immediately below that point (architectural roof features are non-habitable, minor decorative features).

Shoalhaven Development Control Plan 2014

Draft Dictionary

Intermittent watercourse or **stream** means any stream, channel, canal or surface water drainage depression that forms a waterbody that flows during periods of rainfall or flooding.

Irrigation area when used in reference to *Chapter G8: Onsite Sewage Management* means an area of prepared soil and aggregate through which a network of either perforated pipes is laid or spray irrigators are provided. Effluent is either sprayed or permitted to percolate into the soil bed and is removed primarily by evaporation and transpiration by plants. The area outlined within these guidelines incorporates sufficient area of land to provide for the resting of effluent disposal areas through a rotational schedule.

Land capacity study means a study that examines the potential environmental impacts of on-site effluent disposal and includes detailed soil survey topographical analysis and drainage assessment.

Land filling means to place, or allow to fall, upon any land any ballast, rock, stone, shingle, gravel, sand, clay, earth, cinders, debris or any other matter or thing so as to alter the contours or levels of the land.

Landscape plan when used in reference to *Chapter G11: Subdivision of Land* means a plan outlining the extent, type and location of landscaping proposed for subdivision development generally within the street, and may include public reserves that are to be dedicated.

Laneway means a **sub-category of local street road** that is similar to an Access Street, however is of a lower order in the road hierarchy and may require specific traffic regulations depending on the scale of development and servicing arrangements.

Lawful when used in reference to building development in Shoalhaven means that the building or structure has development consent and a construction certificate, complying development certificate or building approval; or was erected prior to 28 February 1964 [commencement of Interim Development Order (IDO) No. 1].

Licensed floor area means that area of a development which is licensed for the purposes of the *Liquor Act 2007*.

Lightweight materials mean structural and cladding materials incorporating timber, steel and the like, but do not include masonry such as bricks and concrete blocks.

Likely habitat tree means any tree which has developed hollows in the trunk or limbs suitable for nesting birds, or arboreal marsupials or mammals, or is supporting the growth of locally indigenous epiphytic plants such as orchids.

Living area means a living, dining, entertainment or other recreation area or room, but does not include bedrooms, studies, bathrooms or other amenities.

Local development means development, not being exempt development, complying development or State significant development, which is permissible with consent of Council under *SLEP 2014*.

Local distributor road means roads that are busier than normal 'collector' roads (carrying more traffic than usually accepted as the threshold for a local collector road). Depending on the road hierarchy these may/or may not be arterial or sub-arterial roads, and there is often

Shoalhaven Development Control Plan 2014

Draft Dictionary

little difference in traffic volume and function (between distributor roads and arterial/sub-arterial roads).

Local drainage means small scale inundation in urban areas outside the definition of major drainage as defined in the Floodplain Development Manual. Local drainage problems invariably involve shallow depths (less than 0.3m) with generally little danger to personal safety.

Local drainage management plan means a plan that examines all elements of drainage including storm drainage water quality management and stormwater harvesting.

Local overland flooding means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

Locality means an area so named and gazetted by the Geographical Names Board.

Local road means roads that are neither arterial, sub-arterial nor collector roads, and which predominantly cater for local, short distance travel and access to abutting property.

Long term occupation means the occupation of a dwelling site for more than one hundred and fifty (150) days in any twelve (12) month period.

Long-term site when used in reference to Chapter G10: Caravan Parks in Flood Prone Areas and Chapter G28: Design Guidelines for Permanent Occupation of Caravan Parks is as defined by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005.

Note. The term is defined as a dwelling site that is specified in the approval for a caravan park as being a long-term site.

Lopping means the unacceptable practice of cutting between branch unions or at internodes on young trees.

Low and moderately trafficked footpaths mean those footpaths which receive a low to moderate flow of pedestrians on any given day, including; Wason, Kinghorne and Berry Streets.

Low hazard when used in reference to Chapter G9: Development on Flood Prone Land and Chapter G10 Caravan Parks in Flood Prone Areas is as defined in the NSW Floodplain Development Manual 2005.

Note. The term is defined as if necessary, truck could evacuate people and their possession; able-bodied adults would have little difficulty in wading to safety.

Main road frontage in relation to land means the frontage of that land to a main or arterial road; or a road connecting with a main or arterial road, if the whole or any part of the frontage is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the main or arterial road.

Mainstream means the inundation of normally dry land occurring when water overflows the natural or artificial banks of a stream, river, estuary, lake, or dam.

Shoalhaven Development Control Plan 2014

Draft Dictionary

Mandatory control means specific, prescriptive measures required for achieving the desired objectives. A mandatory control can be varied subject to an applicant demonstrating to Council's satisfaction that the objectives of the relevant section/subsection and chapter have been met by the development.

Manufactured home is as defined by the *Local Government Act 1993*.

Note. The term is defined as a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- a) that comprises one or more major sections, and
- b) that is not a registrable vehicle within the meaning of the Road Transport (Vehicle Registration) Act 1997, and includes any associated structures that form part of the dwelling.

Manufactured home estate is as defined by the *Local Government Act 1993*.

Note. The term is defined as land on which manufactured homes are, or are to be, erected.

Merit approach when used in reference to flooding is an approach, the principles of which are embodied in the Floodplain Development Manual, which weighs social, economic, ecological and cultural impacts of land use options for different flood prone areas together with flood damage, hazard and behaviour implications, and environmental protection and well-being of the State's rivers and floodplains.

Motor vehicle sign means any sign fitted to, placed upon or beside a motor vehicle, caravan or trailer stopped on a public road or private property for the primary purpose of displaying such sign but does not include any sign on a motor vehicle which is able to be driven on public roads with the sign displayed.

Moveable dwelling is as defined by the *Local Government Act 1993*:

- a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- b) a manufactured home, or
- c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.

Moving sign means any sign, either illuminated or non-illuminated, including rotating, trivision, carousel, animated, computer controlled, moving display or message signs with a single or variable message.

Named river when used in reference to *Chapter G8: Onsite Sewage Management* means any waterbody that has been specifically identified by Sydney Water or Shoalhaven City Council as being an important resource within a drinking water catchment.

Native vegetation is as defined in Part 5A of the *Local Land Services Act 2013*.

Note: this means any of the following types of plants native to New South Wales:

- a) trees (including any sapling or shrub or any scrub),
- b) understorey plants,

Shoalhaven Development Control Plan 2014

Draft Dictionary

c) ~~groundcover (being any type of herbaceous vegetation),~~

d) ~~plants occurring in a wetland~~

Native Vegetation Panel means the Native Vegetation Panel established under section 60ZE of the *Local Land Services Act 2013*.

Normal business hours mean:

- Monday to Friday – 8.00 am to 5.00 pm.
- Saturdays 8.00 am to 1.00 pm.
- No work on Sundays or Public Holidays.

NSW Coastal Policy means the publication titled NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast, published by the Government.

Objectives are a general statement of the overall intention of applying a design element.

Operational land has the same meaning as in the *Local Government Act 1993*.

Orchid management area when used in reference to *Chapter S1: Verons Estate, Sussex Inlet* means areas where the Leafless Tongue Orchid (*Cryptostylis hunteriana*) and/or the greenhood orchid species *Pterostylis ventricosa* occur (refer to supporting map of Chapter S1). Note that potential habitat for *Pterostylis ventricosa* in Swan Lake has not been surveyed.

Orphan site when used in reference to *Chapter S8: Ulladulla Town Centre* means a site in the retail area where maximum development in accordance with that chapter has occurred on at least two adjoining sites. Note. This control only relates to floor space ratio (see definition in *SLEP 2014*).

Other advertised development means any development that is identified as advertised development in a local environmental plan or DCP.

Outbuilding means any of the following:

- a) Balcony, deck, patio, pergola, terrace or verandah, carport or garage that is attached or free-standing,
- b) Cabana, cubby house, fernery, garden shed, gazebo or greenhouse, shed or shade structure,
- c) Rainwater tank,
- d) Above ground swimming pool

Outdoor dining eating area means an approved sit down, un-enclosed, open-air (al-fresco) dining area with associated furniture located on either a public footpath or on private property. The area is defined by that area occupied by the furniture with sufficient room for diner manoeuvrability and any associated menu boards, pot plants, planter boxes and/or screens or crash barrier.

Owner is as defined in the *Local Government Act 1993 No. 30*.

Note. The term is defined as:

- a) in relation to Crown land, means the Crown and includes:
 - i. a lessee of land from the Crown, and

Shoalhaven Development Control Plan 2014

Draft Dictionary

- ii. a person to whom the Crown has lawfully contracted to sell the land but in respect of which the purchase price or other consideration for the sale has not been received by the Crown, and
- b) in relation to land other than Crown land, includes:
 - i. every person who jointly or severally, whether at law or in equity, is entitled to the land for any estate of freehold in possession, and
 - ii. every such person who is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits of the land, whether as beneficial owner, trustee, mortgagee in possession, or otherwise, and
 - iii. in the case of land that is the subject of a strata scheme under the [Strata Schemes \(Freehold Development\) Act 1973](#) or the [Strata Schemes \(Leasehold Development\) Act 1986](#), the owners corporation for that scheme constituted under the [Strata Schemes Management Act 1996](#), and
 - iv. in the case of land that is a community, precinct or neighbourhood parcel within the meaning of the [Community Land Development Act 1989](#), the association for the parcel, and
 - v. every person who by this Act is taken to be the owner, and
- c) in relation to land subject to a mining lease under the [Mining Act 1992](#), includes the holder of the lease, and
- d) in Part 2 of Chapter 7, in relation to a building, means the owner of the building or the owner of the land on which the building is erected.

Parallel development when used in reference to Chapter G15: Tourist and Visitor Accommodation means development for Bed & Breakfast Accommodation and Tourist Cabins carried out on the same land.

Parapet means a low wall projecting from the edge of a platform, terrace or roof.

Park van when used in reference to Chapter G10: Caravan Parks in Flood Prone Areas is as defined by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005.

Note. The term is defined as a moveable dwelling (other than a tent), whether or not capable of being registered under the Road Transport (Vehicle Registration) Act 1997, that:

- a) is or usually is continuously located on a short-term site, and
- b) is provided for hire, and
- c) is used by a site occupier other than the owner of the moveable dwelling primarily for holiday purposes.

Pathway when used in reference to Chapter G18: Streetscape Design for Town and Village Centres refers to the part width areas (various widths) of pavement on the road reserve between the property boundary and the street kerb and gutter.

Performance criteria Identify how a development should perform so that the desired objectives can be achieved. Is a general statement of the means of achieving the intent. They provide designers and developers an opportunity to work through a variety of design criteria. Not all performance criteria will be applicable to every development.

Permeability when used in reference to Chapter G8: Onsite Sewage Management means the ability of the soil to 'absorb' and transmit effluent through its profile.

Shoalhaven Development Control Plan 2014

Draft Dictionary

Permeable paving means paving construction using impervious materials that are physically shaped and/or arranged to allow infiltration through gaps in the pavement material.

Permit means a permit issued by Council under *Chapter G4: Tree & Vegetation Management* for the removal or pruning of trees or other vegetation.

pH means the measure of acidity or alkalinity measured on a scale of 0 to 14 with 7 as a neutral point. From 0 to 7 is acid; from 7 to 14 is alkaline.

Phosphorous sorption capacity when used in reference to *Chapter G8: Onsite Sewage Management* means the ability of the soil to take up phosphorous from the effluent.

Plan of survey or **survey plan** means a plan prepared in accordance with survey practice and prepared by a registered surveyor.

Pond-based aquaculture means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include natural water-based aquaculture. Note. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

Porous paving permits water to pass through the paving material by virtue of the properties of that material.

Potential building area when used in reference to *Chapter N20: Jerberra Estate* means the area identified on Figure 11 of that chapter, where dwellings and associated structures should be located so that your property and neighbouring properties can be safely and appropriately developed. Some flexibility is provided within the bushfire asset protection zones (APZs), however locating your dwelling and associated structures within the potential building area will make the development approval process more straightforward.

Potential building area/line when used in reference to *Chapter S1: Verons Estate, Sussex Inlet*, means the area or line identified on the supporting map in Chapter S1 within which dwellings and associated buildings should be located so that your property and neighbouring properties can be safely and appropriately developed.

Potential development area when used in reference to *Chapter S1: Verons Estate, Sussex Inlet*, encompasses the potential building area and bushfire asset protection zones (APZ) and on-site effluent treatment and application area.

Potentially hazardous food means food that has to be kept at certain temperatures to minimise the growth of any pathogenic microorganisms that may be present in the food or to prevent the formation of toxins in the food. Examples of potentially hazardous food includes; meat, poultry, seafood, rice, dairy, eggs etc.

Prescribed waters mean any waterbody that has been specifically identified by Sydney Water or Shoalhaven City Council as being an important resource within a drinking water catchment.

Primary frontage means:

Shoalhaven Development Control Plan 2014

Draft Dictionary

- a) a human waste storage facility; or
- b) a waste treatment device intended to process sewage, and includes a drain connected to such a facility or device.

Short-term site when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* and *Chapter G28: Design Guidelines for Permanent Occupation of Caravan Parks* is as defined by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Note. The term is defined as a dwelling site on which a moveable dwelling that is ordinarily used for holiday purposes may be installed and that is specified in the approval for a caravan park as being a short-term site

Sign face area means the area bounded by the framework of a manufactured panel, hoarding or illuminated sign case and is calculated by the sign face height and sign face width.

Single storey when used in reference to *Chapter N1: Kangaroo Valley* means a single storey construction with pitched roofs and being no greater than 5.5 metres in height as measured from any point on the natural surface below a structure.

Site specific flood warning system is where the following is provided:

- a) an alarm system which alerts occupants to the need to evacuate, sufficiently prior to likely inundation to allow for the safe evacuation of pedestrians and vehicles; and
- b) signage to identify the appropriate procedure and route to evacuate.

SLEP 1985 means the *Shoalhaven Local Environmental Plan 1985*.

SLEP 2014 means the *Shoalhaven Local Environmental Plan 2014*.

Slow point or local area traffic management device (LATM) when used in reference to *Chapter G11: Subdivision of Land* means sections of a street which have geometric features which limit the travel speed of vehicles. These include bends, constrictions to carriageway width etc.

Sodicity means the level or presence of exchangeable sodium salts in the soil. Effluent contains high levels of sodium that may act to disperse clay particles, resulting in a significant reduction in the permeability of the soil.

Soil profile means the different layers (horizons) of different soil types with depth.

Special waste means a waste that posed or is likely to pose an immediate or long-term risk to human health or the environment. This includes hazardous waste, clinical waste and contaminated waste. Special arrangements need to be made for the management of these wastes.

Split systems when used in reference to *Chapter G8: Onsite Sewage Management* means where black and grey water are split into separate waste streams at the source. Full on-site split systems dispose of both streams on-site but into separate disposal systems. Partial on-site split systems dispose of grey water on-site and rely on a cart-away system for the black water stream.

Shoalhaven Development Control Plan 2014

Draft Dictionary

Stability analysis report or **geotechnical report** means a report that examines the geological profile of the site and includes the soil and moisture condition and watertable and bedrock characteristics.

Stacked parking means a parking arrangement with two parking spaces arranged one behind the other either in separate or same ownerships (may be self-managing and a management plan or arrangement may be required).

State significant development is development that is declared to be State significant development by a State Environmental Planning Policy, Regional Environmental Plan, Local Environmental Plan or the Minister as the case may be in a range of particular circumstances.

Structurally independent when used in reference to Chapter G6: Coastal Management Areas means in relation to parts of a building located in Precinct 2 (of beach erosion/oceanic inundation hazard area), does not provide structural support to any portion of the building located in Precinct 3, and should the portion of the building be removed on the future (by either natural or man-made processes), will not result in significant structural damage or collapse of any part of the building located in Precinct 3.

Stormwater infiltration trench or **bioretention system** means a purpose built absorption trench designed to store and filter stormwater runoff from dwelling and associated structures.

Structure (not including an 'advertising structure') means a construction, not necessarily roofed, which performs a function or functions requiring rigidity and includes a fence.

Sub-arterial road means roads of lesser importance than the arterial roads, but which still cater for relatively high volume and/or long distance travel, and on which through traffic predominates. In rural areas they comprise routes of state-wide or regional significance, and in urban areas they comprise routes of metropolitan-wide or regional significance. Sub-arterial roads are sometimes called secondary arterial roads.

Sufficient time/access means the ability to safely evacuate to an area above the PMF prior to the onset of flooding, within the effective warning time, having regard to the suitability of the route and the possible prevailing environmental conditions including the depth and velocity of floodwaters, and without reliance on a private flood warning facility.

Suitably qualified hydraulic engineer means an experienced and qualified professional engineer, recognised as a chartered professional engineer by the Institution of Engineers Australia in the field of civil engineering, flood risk management, emergency management, structural engineering or similar, acting at all times within their experience and qualifications, and able to demonstrate to Council that they have the experience and qualifications to act as required.

Suitably qualified person means any of the following:

- a) Professional engineer as defined above,
- b) Licenced builder,
- c) Level 1 or 2 Accredited Certifier – Building Surveying,
- d) Registered Architect

Shoalhaven Development Control Plan 2014

Draft Dictionary

Tandem parking means a parking arrangement with two parking spaces arranged one behind the other and in the same ownership (self-managing).

Temporary sign means an advertisement for short term promotional purposes that:

- a) announces any local event of a religious, educational, cultural, social or recreational character or relates to any matter in connection with such an event; and
- b) the event is organised by a charitable organisation, sporting association or public authority; and
- c) does not include advertising of a commercial nature (except for the name(s) of an event's sponsor(s)).

Tertiary treatment means the process by which disinfection and additional Biological Oxygen Demand (BOD) removal are achieved upon secondary treated wastewater. Disinfection should reduce all pathogenic and other harmful organisms to safe levels. Processed effluent is only suitable for non-potable purposes such as irrigation.

Top of bank means the point closest to the boundary of the active floodplain of a stream where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres measure perpendicularly from the break.

Topping means cutting away part, or all, of the tree canopy leaving a trunk and stubbed main branches.

Tourist accommodation sites means short term camping or caravan sites within a caravan park, used for the provision of holiday accommodation, not permanent occupation.

Tourist accommodation unit means a dwelling used, designed, constructed or adapted to be used for the provision of holiday accommodation, not permanent occupation, being one of a group of similar dwellings forming part of a tourist facility.

Tourist and camping site when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means a short-term or camping site in a caravan park or a camping site in a camping ground that is available for hire by tourists and does not have or usually have a moveable dwelling continuously located on site.

Tourist cabin means a freestanding building used to provide short-term self-contained holiday accommodation.

Note: *Tourist cabin is a type of tourist and visitor accommodation as defined in SLEP 2014 Shoalhaven Local Environmental Plan 2014.*

Tourist resort means a building or buildings containing more than twenty (20) accommodation units providing for short term visitor accommodation and recreation, which building or buildings may include a refreshment room and space capable of being used for functions such as receptions, conventions and may provide other recreational facilities incidental to such accommodation.

Towable on-site moveable dwelling when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means a moveable dwelling (including a caravan or annexe) that is or usually is continuously located on site and is designed, installed and maintained in

Shoalhaven Development Control Plan 2014

Draft Dictionary

a manner so as to be removed from the flood-prone area within the effective warning time (e.g. quick-release tie-down, draw-bar and wheels attached and serviceable, services readily detachable, not attached to non-towable moveable dwellings or associated structures). Experience indicates that moveable dwellings located on long-term sites tend to lose their mobile status and so would not generally qualify as towable on-site moveable dwellings. Similarly, holiday vans tend to lose their mobile status, and their removal could place unreasonable burdens on the park manager and emergency services, so these also would not generally qualify as towable on-site moveable dwellings.

Town activity node means concentration of a high level of human activity and social interaction at a particular point in the town, or at that point where human activity is concentrated in the town.

Trade waste means refuse or waste material arising from any trade or industry but excludes liquid waste, demolition waste, building waste, special waste, contaminated waste, green waste or recyclable waste.

Traffic generating development means development that requires in excess of three off-street car parking spaces and/or frequent vehicle access by a large rigid truck or bus containing over twelve seats.

Tree means a perennial plant with at least one self-supporting woody or fibrous stem, being:

- a) more than 5m tall, or
- b) more than 5m wide across the foliage crown or
- c) having a trunk circumference of more than 500mm measured 1m above ground level.

Tree dripline or zone means the area defined, under a tree, by the outer edge of the tree canopy projected to ground level.

Two storey when used in reference to *Chapter N1: Kangaroo Valley* means a two storey construction with pitched roofs and being no greater than eight metres in height as measured from any point on the natural surface.

Under awning sign means a sign suspended from underneath an awning or verandah.

Undesirable species means plants that have characteristics which may lead to poisoning, weed infestation, brittle and dangerous wood, excessive spread of roots or bushland invasion.

Urban area means any land zoned Residential, Commercial or Industrial under SLEP 2014.

Urban design master plan means a comprehensive Plan for an area of renewal where particular attention must be paid to design and layout principles required in the Plan and for consultation with the local community.

Variation statement means a written statement accompanying a development application demonstrating how the:

- Objectives and relevant performance criteria will be achieved if an alternative to **an the 'acceptable solutions'** is proposed.
- **Objectives will be achieved if an alternative to a 'mandatory control' is proposed.**

Shoalhaven Development Control Plan 2014

Draft Dictionary

- d) *any processed, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or*
- e) *any substance prescribed by the regulations to be waste.*

A substance is not precluded from being waste for the purposes of this Act merely because it is or may be processed, recycled, re-used or recovered.

Waste cupboard means a storage area within each dwelling (usually in the kitchen) of a size sufficient to enable source separation of a single days work into garbage, recyclables and compostable material.

Waste management plan means a plan prepared in accordance with the Waste Minimisation and Management Guidelines [\[hyperlink\]](#). A waste management plan would typically include a table showing the volume and type of waste to be generated, stored and treated on site, how the residual is to be disposed of and how ongoing management will operate.

Waste minimisation and management plan means a table showing the volume and type of waste to be generated, stored and treated on site, how the residual is to be disposed of and, if required, how ongoing management will operate.

Waste storage and recycling area means a designated area or a combination of designated areas upon the site of a building for the housing of approved containers to store all waste material (including recyclable material) likely to be generated by the building's occupants.

Water cycle management study means a study examining:

- a) the existing volumes of water and pollutant levels leaving the site and predict any changes which might result from the development. This information must be provided for both wet and dry weather conditions;
- b) how the development will maintain or improve existing water quality;
- c) how the management systems which used to control impact on water quality will be able to operate properly over the life of the development;
- d) how the development will achieve any water quality objectives for rivers and streams;
- e) the effect of the development on the waterbodies to which it discharges;
- f) the outline management strategies and practices to control those affects;
- g) how the performance of water quality control systems will be monitored over time.

Water sensitive urban design (WSUD) is the integration of urban town planning and development with the management, protection and conservation of the water cycle as a whole.

Waterbody means:

- a) a natural waterbody including
 - i. a lake or lagoon either naturally formed or artificially modified; or
 - ii. a river or stream, whether perennial or intermittent, flowing in a natural channel or bed or in a natural channel artificially modifying the course of the stream; or
 - iii. tidal waters including any bay, estuary or inlet; or

Shoalhaven Development Control Plan 2014

Draft Dictionary

b) ~~an artificial waterbody, including any constructed waterway, canal, inlet, bay, channel, dam, pond or lake, but does not include a detention basin or other construction that is only intended to hold water intermittently.~~

Waterfront means the sea, bays, rivers and lakes (as defined by the 1:25,000 Topographic Map series as prepared by the NSW Land and Property Information).

Wholesale supplies mean a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the A New Tax System (Australian Business Number) Act 1999 of the Commonwealth.

Wildlife friendly fencing when used in reference to *Chapter N20: Jerberra Estate and S1: Verons Estate, Sussex Inlet* means fencing provided in the bushland conservation area (BCA) or bushland management area (BMA) to limit disturbance whilst not impeding the movement of wildlife, comprising posts and plain wires.

Window includes a roof skylight, glass panel, glass brick, glass louvre, glazed sash, glazed door, translucent sheeting or other device which transmits natural light directly from outside a building to the room concerned.

Zero lot line means a dwelling with no side boundary setback on one side of the lot – i.e. the dwelling is built to the boundary. The wall of the dwelling on the lot line has no windows and is constructed in accordance with the Building Code of Australia.

Shoalhaven Development Control Plan 2014

Draft Chapter G1: Site Analysis, Site Design and Building Materials

Draft Chapter G1: Site Analysis, Site Design and Building Materials

Contents

1	Purpose.....	2
2	Application.....	2
3	Context.....	2
4	Objectives	2
5	Controls.....	3
5.1	Site Analysis	3
5.2	Building Materials and Site Design in Rural, Coastal and Environmental Areas.....	8
6	Advisory Information.....	9
6.1	Other legislation or policies you may need to check	9

Figures

Figure 1:	Example of a site analysis plan.....	5
Figure 2:	Example of a site analysis plan.....	6
Figure 3:	Site Development Plan	7

All post-exhibition changes are shown **highlighted** (including changes in Figures 1-3).

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

Shoalhaven Development Control Plan 2014

Draft Chapter G1: Site Analysis, Site Design and Building Materials

1 Purpose

The purpose of this Chapter is to outline controls for the management of the natural and built environment. This Chapter provides controls particularly for:

- Site analysis plans.
- Building materials and site design in rural, coastal and environmental areas.

2 Application

This Chapter applies to all development in Shoalhaven.

3 Context

A site analysis assists in considering the characteristics of the site and adjacent or adjoining sites at the outset of the design process, as well as any constraints or opportunities to ensure that these are reflected in the design. An effective site analysis plan can assist in implementing long-lasting sustainable building design principles, such as solar passive design to increase energy efficiency and solar access, ultimately resulting in long-term environmental and financial savings.

The type and quality of materials in environmental, coastal and rural areas is also important. The location of a building and choice of materials help to maintain and protect views and provide amenity to surrounding residents.

4 Objectives

The objectives are to:

- i. Consider the constraints and opportunities of the site for the proposed development.
- ii. Ensure compatibility between the site and the proposal.
- iii. Maximise the potential for energy efficiency and conservation in building design.
- iv. Minimise overshadowing impacts of a development on adjoining dwellings.
- v. Preserve solar access to north facing solar collectors serving adjoining dwellings e.g. solar hot water panels, photovoltaic cells.
- vi. Ensure development is compatible with the natural landscape and any identified natural hazards.
- vii. Ensure buildings are constructed of such materials and finishes and are not intrusive upon the landscape.
- viii. Ensure that views from public roads, public places and private properties are protected from highly reflective building materials.

Shoalhaven Development Control Plan 2014

Draft Chapter G1: Site Analysis, Site Design and Building Materials

5 Controls

5.1 Site Analysis

Performance Criteria	Acceptable Solutions
<p>P1.1 The characteristics of the site and its surrounds have been adequately considered through preparation of a thorough site analysis plan.</p> <p>Note: Refer to examples at Figures 1 and 2.</p> <p>P1.2 The site analysis informs the site design and layout.</p> <p>P1.3 The site layout integrates with the surrounding environment through:</p> <ul style="list-style-type: none"> Adequate pedestrian, cycle and vehicle links to street and open space networks. Buildings that face and address streets and the public domain. Buildings, streetscape and landscape design that relates to the site topography and to the surrounding neighbourhood character. <p>P1.4 The site layout enhances personal safety and minimises potential for crime and vandalism.</p>	<p>A1.1 A site analysis plan is provided with a development application that shows the following, as appropriate:</p> <ul style="list-style-type: none"> Constraints (including but not limited to): <ul style="list-style-type: none"> Location of services such as power, sewer, water and drainage lines. Existing trees and vegetation within and adjacent to the land being developed. Natural hazards which are likely to impact upon the development such as bush fire prone land, coastal hazard areas or flood prone land. <p>Note: Refer to:</p> <ul style="list-style-type: none"> Clauses 7.5 Terrestrial biodiversity and 7.6 Riparian land and watercourses of SLEP 2014. The Office of Water's Guidelines for Riparian Corridors on Waterfront Land. Opportunities (including but not limited to): <ul style="list-style-type: none"> Views from the site. Solar access. Existing mature trees and vegetation. Context information for the site and adjoining/ adjacent development (including but not limited to): <ul style="list-style-type: none"> Height and use of buildings. Front setbacks. Driveways.

Shoalhaven Development Control Plan 2014

Draft Chapter G1: Site Analysis, Site Design and Building Materials

- Boundary treatments (including retaining walls).
- Easements.
- Stormwater management.

A1.2 For development other than for a single dwelling house and associated structures, a development application must detail, as appropriate:

- Topographical features such as slope, existing natural trees and vegetation and opportunities for the creation of views and vistas.
- Opportunities to orientate buildings and private open spaces having regard to solar access, winds and views.
- The character of the surrounding development, particularly to setbacks and subdivision layout.
- The likely impact on surrounding development, particularly with regard to overshadowing, privacy and obstruction of views.
- The extent to which driveways and/or parking areas are likely to dominate the appearance of the development.
- The visibility, width and design speed of proposed roads and/or driveways.
- Bush fire, flooding and drainage constraints, easements for services and extent of contaminated land.
- The character of any adjacent public land/reserves, particularly the location of mature trees in relation to the proposed development

A1.3 The proposed site layout responds to and implements the findings of the site analysis plan prepared in accordance with A1.1 and A1.2 (see example at Figure 3).

Shoalhaven Development Control Plan 2014

Draft Chapter G1: Site Analysis, Site Design and Building Materials

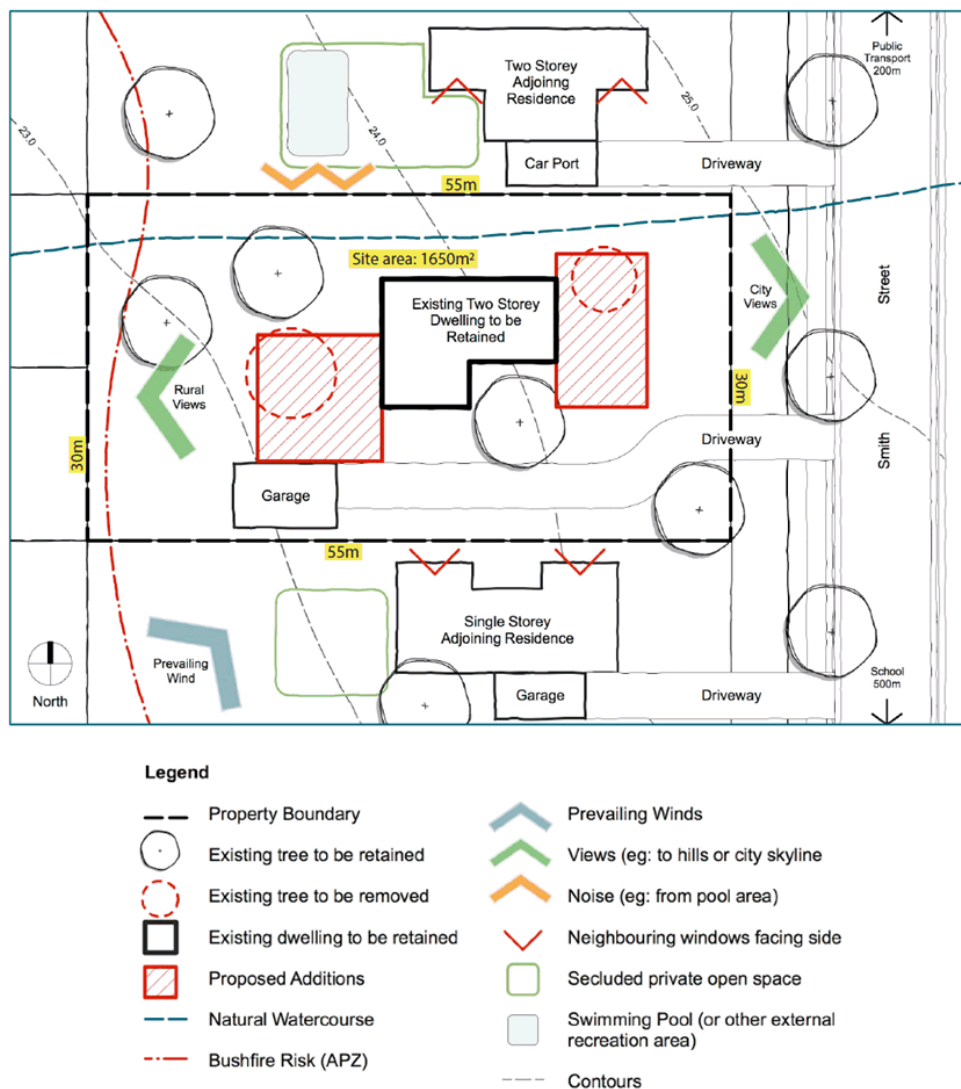


Figure 1: Example of a site analysis plan

DE19.127 - Attachment 2

Shoalhaven Development Control Plan 2014

Draft Chapter G1: Site Analysis, Site Design and Building Materials

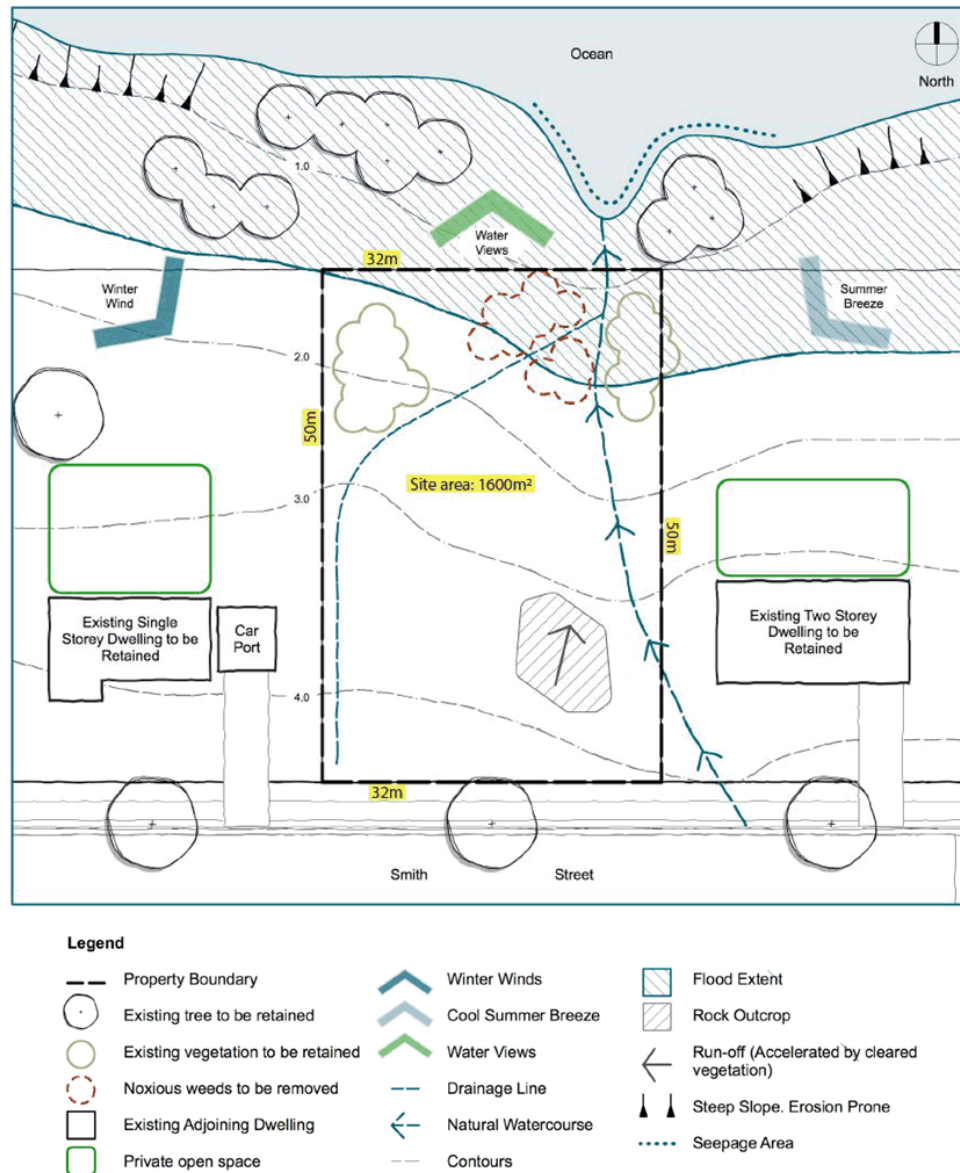


Figure 2: Example of a site analysis plan

Shoalhaven Development Control Plan 2014

Draft Chapter G1: Site Analysis, Site Design and Building Materials

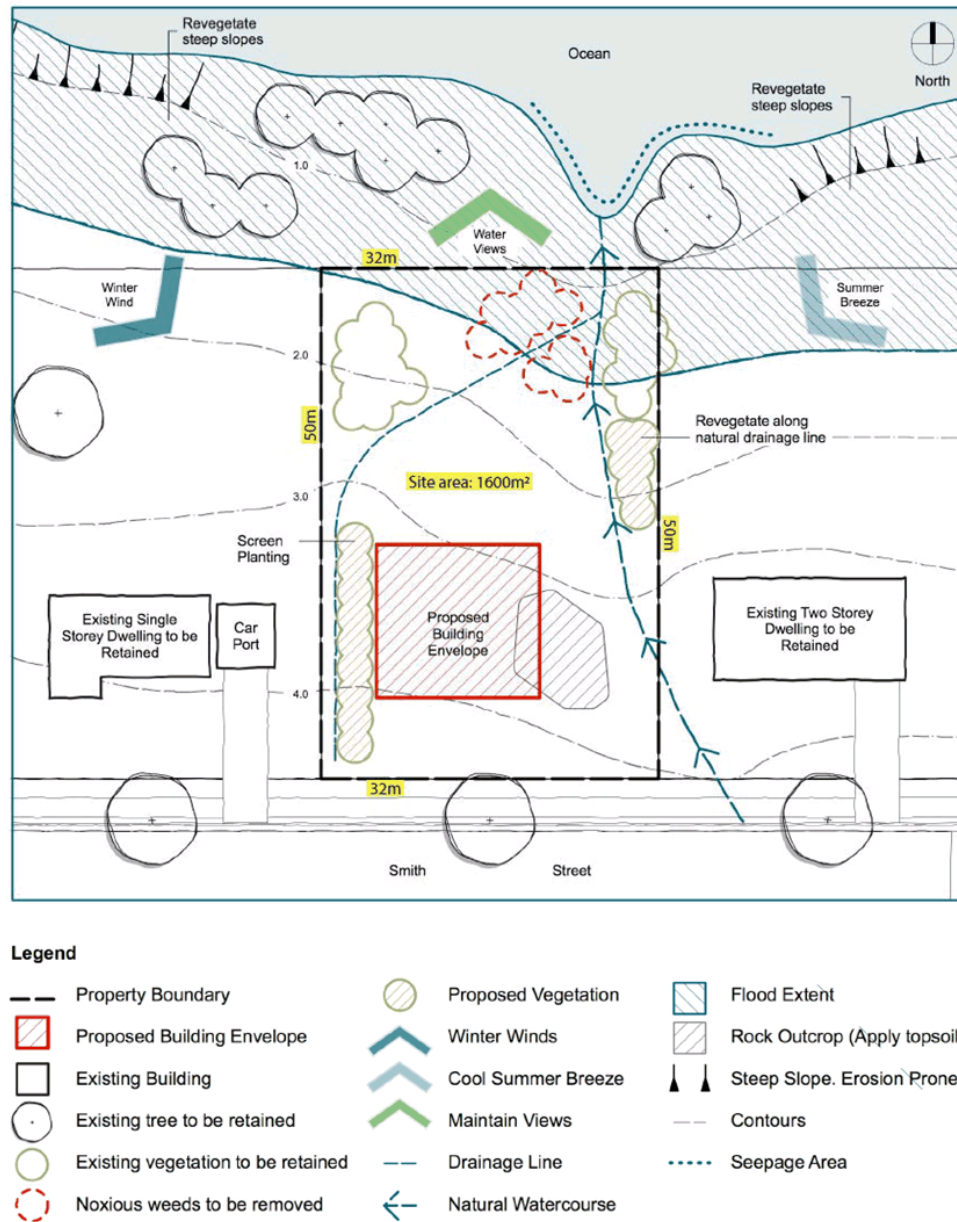


Figure 3: Site Development Plan

DE19.127 - Attachment 2

Shoalhaven Development Control Plan 2014

Draft Chapter G1: Site Analysis, Site Design and Building Materials

5.2 Building Materials and Site Design in Rural, Coastal and Environmental Areas

This Section provides guidelines to ensure that appropriate choice of **building** materials and site design are used in new **developments** and additions to existing **structures**, when in **Council's** opinion, they are of a substantial nature. This Section applies to all **development** in Shoalhaven's rural and environmental zones and all coastal areas.

Note: A site mapped in **SLEP 2014** as 'Scenic Protection' on the Scenic Protection Area Map, must demonstrate compliance with Clause 7.8 of **SLEP 2014**.

Performance Criteria	Acceptable Solutions
P2 Buildings are designed, constructed and sited to compliment the landscape and minimise impacts on visual amenity when viewed from public places and private property.	<p>A2.1 The building design satisfies the following to ensure the development does not detract from the scenic-value of the landscape:</p> <ul style="list-style-type: none"> Siting – buildings shall be suitably sited (i.e. below ridgelines and/or knolls) in a location which does not unreasonably impact on the outlook of any other dwelling or a vista from a public road, public place or place frequented by the public. <p>Note: Development, including subdivisions, will not be supported on headlands or other prominent coastal features; other than those which have already been subdivided and zoned for urban purposes</p> <ul style="list-style-type: none"> Screening – existing trees and vegetation shall be utilised to provide a backdrop and/or for screening of buildings. Additional landscaping may also be used to implement screening. Design – roof pitch and orientation shall be designed to minimise or mitigate glare. Access roads and services shall be designed and located to minimise soil and tree/vegetation disturbance and visual impact.

Shoalhaven Development Control Plan 2014

Draft Chapter G1: Site Analysis, Site Design and Building Materials

		<ul style="list-style-type: none"> <i>Materials and colours</i> shall be appropriate to the local landscape and or background to ensure that the building does not significantly detract from the scenic value of that landscape. Structures should not strongly contrast with the background whether by location, colour or choice of materials.
P3	The use of highly reflective building materials (e.g. galvanised steel) is minimised to protect views and the natural character of environmental, rural and coastal areas.	<p>A3.1 A visual assessment shall be prepared which demonstrates that the building will not have a significant visual impact when viewed from any public road, public place, private property to which the public has access, National Park, walking trail or other dwelling.</p> <p>Note: The use of traditional building materials, such as galvanised steel, may be permitted in certain circumstances if it is justified in the context of the design of the building and/or it complements the heritage character of the building or area.</p> <p>Some lighter colours in the range of pre-coloured metal products are usually not acceptable in prominent locations. The use of zincalume is generally not supported by Council.</p>

6 Advisory Information

6.1 Other legislation or policies you may need to check

Note: This section is not exclusive and you may be required to consider other legislation, policies and other documents with your application

Council Policies & Guidelines	<ul style="list-style-type: none"> Nil
External Policies & Guidelines	<ul style="list-style-type: none"> Guidelines for Riparian Corridors on Waterfront Land
Legislation	<ul style="list-style-type: none"> State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Shoalhaven Local Environmental Plan 2014

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

Draft Chapter G8: Onsite Sewage Management

Contents

1	Purpose	3
2	Application	3
3	Context	3
4	Objectives	4
5	Controls	4
6	Advisory Information	11
6.1	Other legislation or policies you may need to check	11
6.2	Development in the Sydney Drinking Water Catchment	12
6.2.1	Requirements under the SEPP	13
6.2.2	Neutral and beneficial effect guidelines and tool	13
6.2.3	Water cycle management study	13
6.3	Effluent pumpout	13
6.4	Other effluent disposal codes and requirements	14
6.5	Post approval effluent treatment/application issues	14
6.5.1	Installation	14
6.5.2	Operation	14
6.5.3	Council monitoring	15
7	Application and Technical Information	16
7.1	Applications – roles and responsibilities	16
7.2	Additional information to be submitted with applications	16
7.2.1	Plan Details	17
7.2.2	Information required to install, construct or alter a sewage management system	18
7.3	Site Assessment	23

Tables

Table 1: Required minimum buffer distances for on-site systems	10
Table 2: Application Documentation	18

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

All post-exhibition changes are shown **highlighted**.

Amendment history			
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1	14 October 2014	22 October 2014	New
2	23 June 2015	1 July 2015	Amendment
3			Draft

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

1 Purpose

The purpose of this Chapter is to set out the environmental and public health requirements for the on-site storage, processing, re-use or discharge of **sewage** or by-products of **sewage**.

2 Application

This Chapter applies to all land in Shoalhaven or as specified under the various controls.

Table: This Chapter does not apply to land where the following exemptions apply:

1. Activities identified in Clause 48(a)-(b) of the *Local Government (General) Regulation 2005*.
2. Lands reserved or dedicated under the *National Parks and Wildlife Act 1974*, with the exemption of karst conservation reserves (Clause 163B of the *National Parks and Wildlife Act 1974*).
3. The diversion of domestic **grey water** in accordance with the requirements detailed in clause 75A(2) of the *Local Government (General) Regulation 2005*.
4. An exemption approved by **Council** resolution.

3 Context

This Chapter outlines the provisions that must be addressed in an application for a **sewage management system**.

A **sewage management system** also includes **grey water** systems. The whole on-site **sewage management system** is comprised of three phases using:

- Phase 1** drains capturing wastewater from the fittings and conveying the wastewater to the storage or treatment device. Drains may be absent for a **waterless composting toilet**.
- Phase 2** a human waste storage facility or treatment device.
- Phase 3** drains representing the method of application or disposal of treated wastewater.

If not managed properly, the on-site application of **effluent** has the potential to degrade the environment and create a public **risk**. **Waterways** may not only suffer environmental degradation from a large individual point source, but also as a result of incremental pollution from multiple sources.

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

Note: As an example of the above, a subdivision or development proposal need not be located adjacent to a waterway to be impacted by effluent. Physical features such as poor soils, steep slopes and fractured bedrock can aid the rapid transmission of effluent to a waterbody, even though the site may be quite distant. It is therefore important that such features are identified and managed so that effluent cannot pollute the natural environment.

4 Objectives

The objectives are to:

- i. Minimise the risk to public health. Contact with effluent, particularly by children, the elderly and immune-compromised members of our community, is to be minimised or eliminated. The application of effluent and its by-products is to be managed carefully.
- ii. Prevent the deterioration of land and decline in tree and vegetation quality through soil structure degradation, salinisation, waterlogging, chemical contamination or soil erosion.
- iii. Protect surface waters from contamination from any flow from treatment systems and land application areas.
- iv. Protect ground water from contamination from any flow from treatment systems and land application areas.
- v. Conserve water resources and reuse domestic wastewater (including nutrients, organic matter and water) where possible and within the constraints of other performance objectives.
- vi. Protect community amenity by not unreasonably interfering with quality of life and by giving consideration to aesthetics, odours, dust, vectors and excessive noise which may impact on the local amenity.

5 Controls

Note: Refer to Section 7 for application and technical information.

The following controls apply to all applications to install or construct whole or part of a sewage management system, including:

- Applications associated with a dwelling house, tourist/commercial developments and subdivisions;
- Applications for temporary facilities; and
- Applications to alter an existing sewage management system.

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

Performance Criteria	Acceptable Solutions
<p>P1 The system is designed and located to:</p> <ul style="list-style-type: none"> Protect the quality of water bodies. Provide adequate separation between effluent application areas and water bodies. <p>Note: A buffer distance is measured as a ground surface flow line and is not based on the closest measured distance.</p>	<p>A1.1 A minimum buffer distance of 100 metres is provided between effluent application areas (particularly land application areas) and any perennial watercourse or waterbody.</p> <p>A1.2 A minimum buffer distance of 40 metres is provided between effluent application areas and any intermittent watercourse or waterbody.</p> <p>Note: Refer to Table 1 and Section 6.2 for information and legislation relating to land in Sydney's Drinking Water Catchment.</p>
<p>P2 The system is designed and located to:</p> <ul style="list-style-type: none"> Protect the quality of groundwater. Provide adequate separation between effluent application areas and ground water. 	<p>A2.1 The minimum depth to ground water is:</p> <ul style="list-style-type: none"> 1.2 metres for absorption trenches; or 0.6 metres for application of secondary quality effluent with disinfection and from the base of a mound system. <p>A2.2 The minimum soil depth to bedrock (of low strength or harder) or other confining layer is:</p> <ul style="list-style-type: none"> 1.2 metres for absorption trenches; or 0.5 metres for application of secondary quality effluent with disinfection and from the base of a mound system. <p>Note: AS/NZS 1547:2012 provides a range of acceptable depths depending on a number of factors, including, but not limited to, soil type, quality of the effluent and application method</p>
<p>P3 The system is designed and located to ensure adequate separation between the application areas and property boundaries, pools, other buildings and other effluent application areas.</p> <p>Note: A buffer distance is measured as a ground surface flow line and is not based on the closest measured distance</p>	<p>A3.1 A minimum horizontal setback distance from the perimeter of any application area is provided in accordance with Table 1.</p>

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

	A3.2	In the case of allotments being created through subdivision, an additional horizontal setback distance applies where a plan has been submitted showing the proposed location of on-site systems. A minimum buffer distance between potential effluent application areas and proposed diversion drains on separate allotments is to be 40 metres.
P4 Wastewater treatment systems and application areas are not adversely affected during flood periods.	A4.1	All wastewater treatment systems and application areas shall be located above the 1 in 20 year flood level. Systems with electrical components shall be located above the 1 in 100 year flood level.
Note: Where the land identified for wastewater treatment or application is flood prone land , a flood certificate is required and the projected 2050 flood levels are to be adopted.		Note: Sealed submerged pumping facilities may be located below the 1 in 100 year flood levels with appropriate flood protection.
P5 Catchment-wide consideration is incorporated in the selection, design, siting, construction, operation and maintenance of wastewater management systems.	A5.1	Irrigation areas shall be as level as possible, with a maximum slope of 12% in areas used for spray irrigation. Sub-surface irrigation systems shall be utilised on steeper slopes where site stability is not compromised and surfacing of effluent will not occur.
Note: Council encourages the use of sub-surface application of effluent in lieu of surface spray irrigation due to the higher potential risk to the environment and public health associated with the latter.		A5.2 Sites shall be contoured to direct surface water flow away from application areas.
	A5.3	The construction of a sewage management system shall be in accordance with AS/NZS 1546.1 – “On-Site Domestic Wastewater Treatment Units”.
	A5.4	The minimum size of septic tanks and holding tanks shall be in accordance with AS/NZS 1547 and Water NSW's requirements, where the property is located within Sydney's Drinking Water Catchment.
	A5.5	Effluent application areas (in a location where they can meet the objectives) shall be designed and constructed in accordance with the provisions of AS/NZS 1547 and this policy. Textural classification of the soil profile is to be examined to determine the long-term acceptance rate and to assist in the design of the sewage management system .

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

	<p>A5.6 Where soils exhibit a high permeability (greater than 3.5 m/day), the application shall demonstrate through further investigation that pollution of groundwater will not occur.</p> <p>A5.7 A reserve (secondary) area of 100% of the design area is to be identified upon the site for expansion and contingencies. The reserve area is to be protected from any development that would prevent its use in the future.</p>
	<p>Note:</p> <ul style="list-style-type: none"> Reserve area is based upon hydraulic calculations. On small allotments it may not be possible to provide a reserve area. The designer, in consultation with Council, is to assess the options available for the site. The designer is to propose an appropriate design that provides security in the case of unsatisfactory performance.
	<p>A5.8 The application shall demonstrate that the proposed and future development of the allotment/s can be accommodated.</p> <p>Note: For example, a proposal may include a dwelling, outbuildings, driveways, sealed areas and primary recreation area in addition to the on-site sewage management area. More than one type of effluent application system can be achieved for each allotment.</p>
	<p>A5.9 For subdivisions, more than one type of effluent application system can be achieved for each allotment.</p>
	<p>A5.10 The effluent application area is to be setback at least 1m from the dripline of trees and vegetation of biodiversity value identified for retention (such as hollow-bearing trees or vegetation).</p>
<p>P6 Sufficient area is provided for sub-surface absorption and irrigation of effluent so that effluent is not transported off the site.</p>	<p>A6.1 To determine suitable application areas, a minimum available irrigation area shall be calculated utilising water balance and nutrient balances, as specified within the Environmental Health Protection Guidelines (1998) and AS/NZS 1547.</p>

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

<p>P7 Appropriate provision is made for wet weather storage of treated effluent during wet weather periods when it is inappropriate to spray irrigate.</p> <p>Note: Assessment of the need for wet weather storage is based upon an accepted standard and criteria. Population, rainfall, evaporation, soil permeability, soil depth and effluent quality must be used.</p>	<p>A7.1 Wet weather storage is provided for surface irrigation systems in accordance with the recommendations of the <i>Environment and Health Protection Guidelines</i> (1998), for periods of wet weather and when soils in the application area will become saturated.</p> <p>Note: Systems designed for wet weather storage may range from impervious storage either above or below ground, to subsurface storage/disposal systems. Details of the wet weather storage is to be submitted to Council for approval.</p>
<p>P8 Effluent is wholly contained within the boundaries of the site and the application area is designed to ensure that ponding of effluent or waterlogging of the soil profile does not occur.</p>	<p>A8.1 Irrigation areas are designed in accordance with this Chapter and/or AS/NZS 1547 and may be either surface or sub-surface systems.</p> <p>Note: Sub-surface systems are generally preferable.</p> <p>A8.2 In the case of allotments created through subdivision, the minimum size for an allotment is 2500m².</p> <p>Note:</p> <ul style="list-style-type: none"> The minimum lot size has been determined after considering areas required for elements such as buildings, outbuildings, set-back distances and unimpeded open space for private recreation. Allotments located in Sydney's drinking water catchment area that are proposed to be subdivided, are to be referred to Water NSW.
<p>P9 People, their pets or other objects to which people may be exposed are not to come into contact with non-disinfected wastewater, including grey water.</p>	<p>A9.1 Land application and treatment systems shall be installed in accordance with the former NSW Health <i>Advisory Note 4 Sewage Management Facility Accreditation Criteria Based on the Final Application of Treated Effluent and Risk of Disease Transmission</i> (April 2008).</p> <p>A9.2 Wastewater, that has not been disinfected, shall not applied to the ground surface.</p> <p>A9.3 Effluent application areas are not used as the primary recreation areas for a property.</p>

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

P10 Areas used for spray irrigation are not used for recreation purposes or the growing of vegetables.	<p>A10.1 Where effluent is applied via spray irrigation, the application area is to be isolated so as not to be used for passive or active recreation purposes (fenced off, delineated garden etc.). Such areas are also to be stock proof, during and immediately after application.</p> <p>A10.2 The application area shall not be used to grow vegetables for human consumption.</p> <p>A10.3 The use of effluent for fruit trees shall comply with AS/NZS 1547.</p> <p>Note: Effluent disposal under trees is not prohibited but must be in accordance with A5.10 and AS/NZS 1547.</p>
P11 Surface application/reuse areas are adequately signposted.	A11.1 Warning signs shall be erected within the effluent application area in accordance with the provisions of AS/NZS 1547 and AS 1319.
P12 Designs that incorporate alternative technology demonstrate best practice.	A12.1 System designs (new or existing) that incorporate alternative technology shall not prejudice the integrity of the system.
P13 Where permissible, each dual occupancy site includes a separate system that is designed to incorporate best practice and adequate separation between systems.	A13.1 A separate on-site sewage management system (including treatment and application areas) is to be provided for each occupancy/dwelling.
<p>P14 New development in the Sydney Drinking Water Catchment must have a neutral or beneficial effect on water quality.</p> <p>Note: Refer to Section 6.2 for further information.</p>	<p>A14.1 All development must comply with the 'Neutral or Beneficial Effect on Water Quality Assessment Guidelines' and 'Neutral and Beneficial Effect on Water Quality Assessment Tool'.</p> <p>A14.2 All development in the Sydney Drinking Water Catchment must be accompanied by a Water Cycle Management Study.</p>
P15.1 New subdivisions do not propose (or install) new pumpout systems.	<p>A15.1 A sufficient effluent disposal area, in accordance with the requirements of this Chapter, shall be maintained for effective effluent disposal, including required buffer distances.</p> <p>A15.2 New pumpout services shall only be considered:</p>
P15.2 New multi dwelling housing development does not propose pumpout systems unless the land is designated for future reticulated services.	
P15.3 Residential or business zoned land does not rely upon new pumpout systems unless the system was approved before	

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

the adoption of Council's former Effluent Pumpout Policy on 28 August 2007.

Note: Refer to **Section 6.2** for further information.

- On lots within unsewered residential or business zoned land that was registered before the adoption of Council's former Effluent Pumpout Policy on 28 August 2007.
- For multi dwelling housing development in villages designated for future reticulation services.

Table 1: Required minimum buffer distances for on-site systems

System	Minimum buffer distances ¹
All land application systems	<ul style="list-style-type: none"> • 100 metres to permanent surface waters (eg river, streams, lakes, etc) • 100 metres to any groundwater bores² • 40 metres to other waters (eg farm dams, intermittent waterways; street drainage including gutters, swales and table drains and drainage channels, etc)
All land application systems located on land within Sydney's Drinking Water Catchment.	<ul style="list-style-type: none"> • Refer to the buffer distances within the Sydney Catchment Authorities Neutral or Beneficial Effect on Water Quality Assessment Guideline.
Surface spray irrigation <i>Secondary treated effluent⁵ with disinfection or higher</i> (irrigation systems to conform to AS/NZS 1547) ³	<ul style="list-style-type: none"> • 6 metres if area⁴ up-gradient and 3 metres if area⁴ down-gradient of driveways and property boundaries • 15 metres to dwellings • 3 metres to paths and walkways • 6 metres to swimming pools and buildings
Surface drip and trickle irrigation <i>Secondary treated effluent⁵ with disinfection or higher</i>	<ul style="list-style-type: none"> • 6 metres if area⁴ up-gradient and 3 metres if area⁴ down-gradient of swimming pools, property boundaries, driveways and buildings, including dwellings.
Sub-surface irrigation <i>Secondary treated effluent⁵ or higher</i>	<ul style="list-style-type: none"> • 6 metres if area⁴ up-gradient and 3 metres if area⁴ down-gradient of swimming pools, property boundaries, driveways and buildings, including dwellings.
Absorption system <i>Primary treated effluent⁵ or higher</i>	<ul style="list-style-type: none"> • 12 metres if area⁴ up-gradient and 6 metres if area⁴ down-gradient of property boundary • 6 metres if area⁴ up-gradient and 3 metres if area⁴ down-gradient of swimming pools, driveways and buildings, including dwellings.

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

Table 1 Notes:

- ¹ The buffer distance is measured as a ground surface flow line and is not based on the closest measured distance.
- ² Where a bore is within 100 metres of a proposed effluent management area the application is to include a statement from the owner that the bore is not used for potable domestic water supply. Alternatively, a ground water drawdown analysis is to be completed using an appropriate methodology such as Cromer, Gardner and Beavers', 2001 "An improved viral die-off method to estimate setback distances"
- ³ Irrigation systems must conform to AS/NZS 1547, in particular:
 - Bury distribution lines to a minimum depth of 100mm
 - Use sprinklers that throw no more than 2m and produce coarse droplets, with a maximum plume height of 400mm above finished ground level (commercial systems will need to demonstrate method of compliance)
 - Do not use standard household hose taps and garden fittings
 - At least two (2) warnings signs installed on the property near the irrigation area to highlight the reuse of effluent. The signs must have a green background with black or white lettering at least 20 mm high (visible from a distance of 3 metres) in accordance with AS1319. The warning signs must state:
Recycled Water
Avoid Contact
DO NOT DRINK
 - Subsurface systems are to comply with Appendix M of AS/NZS 1547. It is recommended that the surface irrigation line for semi-fixed systems is no longer than 6 m.
- ⁴ 'Area' means 'effluent disposal area'.
- ⁵ Refer to [primary treatment](#) and [secondary treatment](#) definitions in the DCP Dictionary.

6 Advisory Information

6.1 Other legislation or policies you may need to check

Note: This section is not exclusive and you may be required to consider other legislation, policies and other documents with your application.

Council Policies & Guidelines	<ul style="list-style-type: none"> • Liquid Trade Waste Discharge to Sewerage System Policy • Shoalhaven Local Approvals Policy 2017 • Council brochures and pamphlets
External Policies & Guidelines	<ul style="list-style-type: none"> • AS/NZ 1547 On-site domestic wastewater management • AS/NZ 1546 On-site domestic wastewater treatment units • Environmental Guidelines for Industry – The Utilisation of Treated Effluent by Irrigation (Draft) EPA 1995 • Environment and Health Protection Guidelines - On-site Sewage Management for Single Households 1998 • Interim NSW Guidelines for Management of Private Recycled Water Schemes 2008 • NSW Guidelines for Greywater Reuse in Sewered, Single Household Residential Premises 2008

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

- Designing and Installing On-site Wastewater Systems. A Sydney Catchment Authority Recommended Practice, Sydney Catchment Authority 2012
- Neutral or Beneficial Effect on Water Quality Assessment Guideline (NorBE), Sydney Catchment Authority 2011
- [Developments in Sydney's Drinking Water Catchment. Water Quality Information Requirements, WaterNSW 2018](#)
- Manual of Practice, Sewer Design (Department of Public Works, 1984)
- Various advisory notes from the NSW Ministry of Health

Legislation

- *NSW Biodiversity Conservation Act 2016*
- *Environment Protection & Biodiversity Conservation Act 1999*
- *National Parks and Wildlife Act 1974*
- *Protection of the Environment Operations Act 1997*
- *Roads Transport (Vehicle Registration) Act 1997*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.*
- *Environmental Planning & Assessment Act 1979* (Section 91 – Integrated Development) and Regulation (Schedule 3 – Designated Development).

6.2 Development in the Sydney Drinking Water Catchment

Water NSW manages and protects the Sydney Drinking Water Catchment through the regulation of **development** in the catchment, consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP). **Development** requiring **consent** in the Sydney Drinking Water Catchment must have a neutral or beneficial effect on water quality in accordance with the requirements of the SEPP.

Note: In Shoalhaven, the SEPP applies to land at Kangaroo Valley and parts of the Sassafras area.

The SEPP aims to:

- Provide for healthy water catchments that will deliver high quality water, while permitting **development** that is compatible with that goal; and
- Provide that a consent authority must not grant **consent** to a proposed **development** unless it is satisfied that the proposed **development** will have a neutral or beneficial effect on water quality; and
- Support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

6.2.1 Requirements under the SEPP

Under the SEPP, Council cannot grant development consent unless it is satisfied the development will have a neutral or beneficial effect on water quality. A neutral or beneficial effect on water quality is satisfied if the development:

- Has no identifiable impact on water quality, or
- Will contain any water quality impact on the development site and stop it from reaching any watercourse, waterbody or drainage depression on the site, or
- Will transfer any water quality impact outside the site where it is treated and disposed of to standards approved by the consent authority.

6.2.2 Neutral and beneficial effect guidelines and tool

The [Neutral or Beneficial Effect on Water Quality Assessment Guidelines](#) (NorBE Guideline) and accompanying software application the Neutral and Beneficial Effect on Water Quality Assessment Tool (NorBE Tool) assists councils in the assessment of whether a development has a neutral or beneficial effect on water quality.

The consent authority must refer more complex development applications to Water NSW for concurrence before it can approve the development. Developments that require concurrence are determined by applying the NorBE Tool.

6.2.3 Water cycle management study

All development in the Sydney Drinking Water Catchment must be accompanied by a [Water Cycle Management Study](#). The level of information contained in the [Water Cycle Management Study](#) will vary depending on the complexity and the risk to water quality. The NorBE Guidelines and publication [Developments in the Sydney Drinking Water Catchment – water quality information requirements](#) categorise development into five modules according to the complexity and risk to water quality posed by a development. Applicants and consultants should refer to these publications for further information and modelling required.

6.3 Effluent pumpout

Pumpout services are made available in towns and villages in Shoalhaven where reticulated sewerage services are not available. Council may approve of pumpout services in other circumstances, for example for protection of the environment.

Pumpout services are not cost effective or efficient compared to on-site sewage management or reticulated sewerage. Transportation of effluent by truck (tanker) creates traffic and pollution issues. In addition, the transport of tradewaste prevents Council from entering and implementing good management practices outlined in Council's [Liquid Trade Waste Discharge to Sewerage System Policy](#).

The following is required to ensure that the installation of pumpout systems is environmentally and economically efficient:

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

- New pumpout services must be generally allowed on existing lots within unsewered residential or commercially zoned land within Shoalhaven that was existing before the adoption of Council's former Effluent Pumpout Policy on 28 August 2007.
- New pumpout services are not to be provided to new subdivisions or new rezonings.
- Pumpout services are not to be provided to multi dwelling housing in villages not designated for future reticulation services. Future reticulation services are identified in Council's adopted 20 year financial and capital works forward plan.

For proposed multi dwelling housing and subdivisions in villages identified for future reticulation services, pumpout services may only be provided by resolution of Council. Where approved, the applicant is to meet all associated costs in relation to provision of the service including the reticulation services within and outside the land (to properly serve the land) and pay the full calculated developer charge for any newly created dwellings and/or lots.

Further to the above, in regard to the provisions of new pumpout services, Council resolved on 19 December, 1995 that if Council resolves to allow a new effluent pumpout service for a particular circumstance which is not in accordance with policy, then the pumpout service be at the full cost of providing the pumpout service and this will be noted on the Section 10.7 Certificate and Title Deeds.

6.4 Other effluent disposal codes and requirements

From time to time, site-specific studies are conducted to determine capability to accept development. These studies examine all aspects of a site and its receiving environment and establish site-specific effluent disposal criteria. These criteria may be outlined in further detail in this Development Control Plan (for example, Chapter N11: Nowra Hill – Cabbage Tree Lane and Chapter G20: Jerberra Estate), as conditions of development consent or listed as "restrictions-as-to-user" pursuant to Section 88B of the Conveyancing Act, 1919. These sources should be checked to determine if specific effluent disposal criteria apply to a parcel of land.

6.5 Post approval effluent treatment/application issues

6.5.1 Installation

Installation must be considered and approved in conjunction with development/sewage management applications.

Effluent application systems are not to be used until the effluent application area /irrigation area has been inspected and approved by Council.

6.5.2 Operation

Householders must have approval from Council to operate a system of sewage management and maintain the renewal of this approval. Please refer to Chapter 7 of the Local Government Act, 1993 for details on the legal requirements for operating a system of sewage management: www.legislation.nsw.gov.au.

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

All systems must be serviced and maintained in accordance with the conditions of approval to install and operate a **sewage management system**. Good operation and use of the system is important for protecting the overall condition of the system.

All domestic **effluent** treatment/disposal systems rely on natural decomposer micro-organisms to break down the **effluent**. These organisms can be adversely affected by certain chemicals, such as bleaches, in some cleaning agents.

The washing powders and detergents used can also influence how an **effluent** disposal system works and the potential pollution which is generated. In this regard, **Council** encourages the use of readily biodegradable low sodium content washing powders and detergents.

Brochures outlining how to ensure that a domestic **effluent** treatment and disposal system works satisfactorily can be found on [Council's website](#).

In relation to water conservation measures, **Council** supports and recommends the installation of the following devices and maintenance procedure:

- a) Toilets to be fitted with a 6/3 litre dual flush system; and
- b) Devices to Australian Water Conservation Rating 'AA' or better, including shower flow restrictors, tap aerators, water-conserving washing machines.

6.5.3 Council monitoring

Council will undertake routine inspections of all **sewage management systems** as part of the process of obtaining approval to operate a system of sewage management. **Council** will notify the owner, or occupier of the property where the system is operated, the result of the inspection. Any defect or non-conformance with NSW Health accreditation of an on-site **sewage management system** may be reported by **Council** to NSW Health.

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

7 Application and Technical Information

7.1 Applications – roles and responsibilities

The key stakeholders identified in the application process for approval to install or construct a **sewage management system** are defined below. Definitions of other persons who may have a role to play in managing and implementing processes that lead to the effective and sustainable performance of on-site systems are outlined in AS/NZS 1547.

Person	Responsibility
Regulatory authority	Reviews all stages of the process and ensures compliance with this policy and relevant guidelines and standards.
Site evaluators and soil assessors	Complete a site assessment and recommend a proposed treatment system(s) and application area(s) as well as identifying any constraints.
Designers and installers	Complete a detailed design and effluent disposal field layout plan. The designer of the effluent application area must have professional indemnity insurance for the system design. Install the system in accordance with the design and certify to Council in writing that the wastewater management and effluent disposal systems have been constructed and installed as per the conditions of approval and that the systems have been tested and are functioning properly.
Property owners	Consent to the application and confirm which system is to be installed on the property; and ensure that the requirements for operation, maintenance and monitoring are met.

7.2 Additional information to be submitted with applications

Where **development consent** is required, a **development** application is to be made in accordance with **Shoalhaven LEP 2014** and this **Development Control Plan**.

An application for approval to install or construct a **sewage management system** is to accompany a **development** application and is also to be submitted for the construction or alteration of any on-site **sewage management system**. Documents to accompany an application are specified in Clause 26 of the *Local Government (General) Regulation 2005*. The documents listed under Clause 26 are also to be used as a guide for applications to alter a **sewage management system** and when the applicant declares in the application that the facility will remain on the premises for no more than 12 months.

In order for **Council** to be able to evaluate a proposed on-site **sewage management system** and its potential impact on the environment, the information listed in this Section is also to accompany any application for:

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

- **Development** (including new **dwelling**s, **dual occupancy** and where there is either; a proposed change to the type of **sewage management system**; or there is a proposed increase in the occupational capacity of the **building**);
- Subdivision;
- Rezoning proposal; or
- A **sewage management system** that proposes the use of alternative technology.

Upon request by **Council**, the information listed in **Table 2** at **Section 7.2.2** of this Chapter is required for any application to install, construct or alter a **sewage management system**.

Any report required to be submitted to **Council** in accordance with these controls or any other SEPP is to be prepared by a **professional engineer** or environmental/soil scientist with appropriate indemnity insurance.

7.2.1 Plan Details

In accordance with Clause 26 of the *Local Government (General) Regulation 2005*, the plan must be to scale and show the location of:

- a) The **sewage management facility** proposed to be installed or constructed on the premises; and
- b) Any related **effluent application areas**; and
- c) Any existing buildings or facilities and any environmentally sensitive areas located on land within 100 metres of the **sewage management facility** or related **effluent application areas**; and
- d) Any related drainage lines or pipework (whether natural or constructed).

Note: In addition, an effluent disposal field layout plan that has been prepared by the system designer (which may be combined with the detail above to form one plan), is to be submitted with the **Section 68** application (*Local Government Act 1993*). The effluent disposal field layout plan must include the following details:

- A hydraulic balance of effluent application components (for example balance between pump size and number of sprinklers for an **aerated waste treatment system**);
- All components of the system, including, but not limited to; the treatment tank, irrigation lines, the exact number of sprinklers proposed, **absorption** trenches, diverter valves, rotor valves and moisture sensors;
- Areas of land on which effluent will be applied;
- Reserve area(s);
- Detail of any proposed levelling of the site;
- Slope direction and gradient;

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

- Buffer distances; and
- Water courses and drainage lines (including stormwater diversion drains/berms).

7.2.2 Information required to install, construct or alter a sewage management system

Note:

- Refer to Chapter G11: Subdivision of Land of this [Development Control Plan](#).
- Should the site display extraordinary topographic, geological or other characteristics, or drain to a sensitive receiving environment (eg. [wetland](#)), Council may seek further information.
- Representative climate data for a number of suitable weather stations within the Shoalhaven Local Government Area are listed in [Shoalhaven Local Approvals Policy 2017](#).
- To treat the waste as a resource, please consider opportunities for the reuse of treated [effluent](#).

Table 2: Application Documentation

Development Application Documentation to be Submitted	A	B
A – Standard dwelling/smaller subdivision applications Applications for proposals involving less than 12 persons capacity or subdivisions involving the creation of 4 allotments or less in areas that are not environmentally sensitive. B - Larger dwelling/ subdivision or other applications Applications for subdivisions of more than 4 lots, tourist developments, dual occupancy, developments of more than 12 person capacity and any development or subdivision application located in an environmentally sensitive area.	Documentation Required?	
1. Details outlining how the proposal complies with Section 5 of this Chapter Including specific details regarding the SEPP (Sydney Drinking Water Catchment) 2011 requirements – Refer to Section 6.2.	✓	✓
2. Costing analysis - where a development proposal is located within close proximity (relative to the size of the development) of a reticulated sewerage system, costing analysis is to be made. The costing analysis is to compare the total cost to install, run and maintain the on-site effluent application option compared to the cost		✓

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

	of providing reticulated sewerage to the proposal (over a substantial period eg. 20 years).		
3.	An assessment as to the overall impact of the proposal both in the long and short term In the case of rezoning, it must be proved that the cumulative long-term impact of the proposal, plus other activities within the catchment, will not result in unacceptable changes to the receiving environment.		✓
4.	Details of soils and geology (soil profile) – types and description of soil horizons are necessary. Sufficient bore holes are to be constructed to provide a representative picture of the soil horizons that exist across the site. Bore logs are to be submitted with the application and each soil horizon is to be classified according to its texture, eg sandy clay. See AS 1547 Section 4.1 A4.	✓	✓
5.	Underlying geology and extent of fracturing – based on field examination and relevant geology text. General Information about soils and geology particular to the site should be noted, eg Hazelton, 1992.		✓
6.	Depth to bedrock is to be determined after field tests. The minimum soil depth to bedrock (of low strength or harder) or other confining layer is 1.2 m (for absorption trenches) or 0.5 m (for application of secondary quality effluent with disinfection and from the base of a mound system). Sometimes rock may be of extremely low strength and act like a soil, considerations such as depth to bedrock may be estimated to ensure adequate depth is achieved for a particular method of effluent disposal.	✓	✓
7.	Depth to ground water – this will be determined after field tests or by local knowledge. For example, mottling of the soil can indicate the existence of a high water table from time to time. Test holes are to be used to specify ground water depth. The estimated depth of water table in the vicinity may only be utilised to confirm depth within high permeable soils.	✓	✓
8.	Details of soil suitability for the proposed method of application	✓	
9.	Erosion potential – an assessment is required of the potential of the soils to erode. This must include both an assessment of the soil's properties as they relate to erosion (see Hazelton, 1992) as well as landscape properties such as slope gradient and rainfall characteristics.		✓
10.	Permeability – is to be determined using the procedure specified in AS/NZS 1547. The standard specifies the circumstance when the procedure is to be adopted.	✓	✓

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

<p>11. Cation exchange capacity (CEC)/phosphorous sorption capacity and an assessment made as to the suitability of the soil for removing pollutants, such as phosphorous.</p> <p>The CEC is the total number of cations a soil can retain on its adsorbent complex at a given pH, and is therefore a good measure of a soil's ability to retain specific pollutants. The most abundant cations in soil are calcium, magnesium, potassium and sodium, and hydrogen and aluminium in acid soils.</p> <p>A CEC of 15cmol+/kg or less creates limitations for land application systems.</p> <p>The capacity of a soil to absorb adsorb phosphorus is determined from its phosphorus sorption capacity. P sorption (mg/kg) is used to calculate the P balance using the procedure specified in the "Environment and Health Protection Guidelines (1998)". Phosphorus sorption by the soil is expected to occur up to about a quarter to a half of the phosphorus sorption capacity. Beyond this, leaching of phosphorus not utilised by vegetation uptake may occur. A soil having a phosphorus sorption ability of 50 years (in terms of mg P/g soil), based upon the expected phosphorus load, is required for land application areas. Rayment and Higginson (1992) provides a simple test to distinguish soils on the basis of low and high phosphorus retention.</p>	✓	✓
<p>12. Sodicity Assessment to determine the suitability of the soils to accept effluent in the long term. Test holes are to be used to specify ground water depth. The estimated depth of water table in the vicinity may only be utilised to confirm depth within high permeable soils.</p> <p>Each soil horizon must be tested to determine if it is prone to dispersion. This testing must be quantitative and must be conducted as per Appendix F of AS/NZS 1547. Please note that as well as the classification of dispersive given in AS/NZS 1547, Northcote and Skene (1972) note that the exchangeable sodium percentage at which Australian soils tend to disperse is as low as 6 units (reported in Patterson (1993)). Northcote and Skene (1972) give the following classifications:</p> <p>Non-Sodic < 6.0 me % Sodic 6–14 me % Strongly Sodic > 14 me %</p>	✓	✓
<p>13. pH – many soils in the Shoalhaven have a low pH (are acidic). pH levels lower than 6.0 or 6.5 may limit the ability of plants to take up nitrogen and phosphorous. Where acidic soils are encountered in a proposed effluent disposal area their pH should be raised so that it falls within the range of 6.0 to 7.5. The effect of acidic soils on infrastructure, such as concrete tanks, is also to be considered.</p>	✓	✓
<p>14. Location of ground water recharge areas – application of effluent in such areas should be avoided.</p>		✓

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

<ul style="list-style-type: none"> • Location, environment and impact at local ground water discharge points. • Depth to ground water. • Location of existing wells on site and adjacent to the site. <p>Current use of ground water. Current status of regional ground water (for example, is it potentially high yielding with low salinity – details may be obtained from NSW Office of Water).</p>		
15. Identification of existing vegetation – identify any vegetation to be removed or retained	✓	✓
16. Presence of biodiversity: <ul style="list-style-type: none"> • Species which are sensitive to moisture or nutrients; • Threatened flora and fauna species; • Proximity of native vegetation to effluent application areas; • Impact on native vegetation; • Proximity to riparian vegetation buffers. 	✓	✓
17. Assessment of native vegetation off-site – Proximity and impact of effluent application areas to native vegetation downstream of the site (particularly riparian vegetation).	✓	✓
18. Description of climate Rainfall Median (5 Decile) figures must be utilised. Actual figures from the nearest Bureau of Meteorology Recording Station should be used where possible.	✓	✓
19. Evapotranspiration – calculated utilising pan evaporation multiplied by the representative crop factor.	✓	✓
20. Flood potential – note the location of the projected 2050 1:20 year and 1:100 year flood level on the contour plan, if appropriate.	✓	✓
21. Location of any bores within 100 m of a proposed effluent management area.	✓	✓
22. Topography - ground slope including contour plan – hatch areas greater than 12%. The contours must be at such intervals so as to allow a thorough assessment of the site. In many cases the 10 metre contours from the 1:25,000 topographical map will not be sufficient. The topography of the land surrounding the effluent application area should be evaluated for its potential to add stormwater runoff to the site.	✓	✓
23. Surface waters <ul style="list-style-type: none"> • Proposed surface water management. • Proximity • Current Use • Flow characteristics 	✓	✓

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

<ul style="list-style-type: none"> • Presence of wetlands with conservation significance 		
24. Details of compliance/performance of existing systems upon the development site and subdivided land including the residue.	✓	✓
25. Hydraulic (effluent) load (related to population loads at 100% occupancy. Tourist facilities may demonstrate seasonal variations if appropriate): <ul style="list-style-type: none"> • Precipitation • Evapotranspiration • Percolation through to soil (if any) • Run-off (if any) Used to determine the size of effluent disposal areas and volume of wet weather storage.	✓	✓
26. Water balance calculation <ul style="list-style-type: none"> • Risk of run-off/percolation outside the site. • Relevant calculations must be included within the report and conform to the requirements of “Environmental & Health Protection Guidelines” (1998). 	✓	✓
27. Impact of Nutrients The escape of nutrients from effluent disposal areas is a major concern as nutrients pose perhaps the biggest threat to our local waterways. The main nutrients of concern are nitrogen and phosphorous. Both of these nutrients are in high concentrations in treated effluent. Nitrogen will be in a number of forms in effluent. Unless it can be removed, it will enter the ground water system and eventually surface waters. The main removal mechanisms are: <ul style="list-style-type: none"> • Ammonia volatilisation (which is pH dependant and will be significantly less in acidic conditions – as is the case with many Shoalhaven soils). • Denitrification • Plant uptake Removal, however is dependant upon the vegetation being removed from the site as, if the vegetation is cut and left on the irrigation area, it will merely cycle back to the soils and thus the ground water and surface waters. Calculations have shown that unless the vegetation is removed from the site (which is extremely difficult to police) more nitrogen will be applied to the “system” than can be removed and thus the siting of a development will need particular care to ensure nutrient pollution is not a problem. Phosphorous will be removed from the effluent via: <ul style="list-style-type: none"> • Chemical precipitation • Adsorption onto soil particles 	✓	✓

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

<ul style="list-style-type: none"> Plant uptake <p>A thorough assessment of the potential impact of nutrients and a site nutrient balance from the proposed development must therefore be undertaken. This will require a soil chemical analysis to analyse the ability for phosphorus and nitrogen to be removed from the soil.</p> <p>A nutrient assessment is not required for proposed septic absorption and septic pumpout systems.</p>		
28. The type of wastewater treatment and effluent application system.	✓	✓
29. Site information including areas unsuitable for effluent application and possible area(s) suitable for effluent application purposes (display area in square metres (m ²) and show setback distances).	✓	✓
30. Position of tanks and application areas and their proximity to boundaries, rivers, watercourses, dwellings and recreation areas (excluding subdivision applications – unless otherwise requested by Council).	✓	✓
31. Proposed wet weather storage facilities and management procedures; <ul style="list-style-type: none"> Details of wet weather storage. Alternatively if wet weather storage is not provided, supporting documentation must be supplied which indicates the soils have the ability to remove pollutants without adverse impact on the receiving environment. Details of methods to calculate storage are obtained in "Environmental Guidelines for Industry - The Utilisation of Treated Effluent by Irrigation" EPA (1995). 	✓	✓
32. The treatment/construction of the application area including materials, size and ground preparation (excluding subdivision applications – unless otherwise requested by Council).	✓	✓
33. Landscaping treatment of application areas including plants, shrubs and ground cover (excluding subdivision applications – unless otherwise requested by Council).	✓	✓
34. Proposed maintenance contracts and servicing (excluding subdivision applications – unless otherwise requested by Council).	✓	✓

7.3 Site Assessment

After all of the abovementioned issues have been taken into consideration, an application may propose to include measures aimed at improving the quality of the site for the application of **effluent**. This may include importing suitable soil or other material for the **effluent application area** due to the poor "in-situ" soils or the sensitivity of the receiving environment. The effectiveness of such measures is difficult to quantify. In these situations, a much reduced scale of **development** or alternatively the "do nothing" option may be the best option for the receiving environment.

Shoalhaven Development Control Plan 2014

Draft Chapter G8: Onsite Sewage Management

Where site works such as those noted above are proposed, so as to make the proposal acceptable, such works should be installed at subdivision stage. This will allow quality control to be maximised (being an important issue for successful operation).

Should the site display extraordinary topographic, geological or other characteristics, or drain to a sensitive receiving environment (e.g. wetland) Council may seek further information.



Draft Waste Minimisation and Management Guidelines

Policy Number: POL18/42
Adopted: [Click here to enter date]
Minute Number: [Click here to enter Minute number]
File: 53132E
Produced By: Assets & Works Group
Review Date: [Click here to enter date]

All post-exhibition changes are shown **highlighted**.

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Shoalhaven City Council – Draft Waste Minimisation and Management Guidelines



Figure 3.5 - Examples of integrated design solutions with positive street presentation

3.1.6. Construction Requirements

- For development that requires construction of any waste storage area, the floor of Floors of waste storage areas shall be of concrete construction to an appropriate engineering standard, providing for unimpeded access (i.e. with no steps or stairs) and walls Walls of waste storage areas shall be constructed of robust materials and be easy to clean and maintain.
- Where applicable, floors shall drain to an approved drainage fitting located within the space.
- Where applicable, ceilings of waste storage areas shall be constructed of a rigid, non-absorbent and easily cleaned material.
- Where a waste storage area is proposed within a building (for example residential flat buildings):
 - Either a self-closing door openable from within the storage area must be fitted, or other access arrangement to the satisfaction of Council;
 - Signage is to be erected in a prominent location stating that the doors must be kept closed at all times when not in use;
 - Appropriate signage is to be used to ensure that bins are correctly utilised;
 - Rooms must be constructed in a way that prevents access by vermin and pests;
 - Rooms must be ventilated by permanent, unobstructed natural ventilation to a minimum equivalent of 5% of the total floor space of the storage area, or, be provided with mechanical ventilation to the satisfaction of Council;
 - Rooms must be provided with artificial light controlled from both outside and inside the room; and

Wire Lane Planning Proposal – Summary of Submissions

Sub. #	Submitter	Concern
1.	Neighbour	<p>Object to proposal.</p> <p>Proposal does not represent rural infill. The land is part of a farming and wildlife corridor that extends from Coomonderry Swamp in the east to farming land north of Beach Road.</p> <p>The proposal makes reference to transfer of Coomonderry Swamp into public ownership. The land does not adjoin Coomonderry Swamp; unsure of how such transfer would occur.</p> <p>Concerns about the market analysis, which does not factor in the availability of local rural properties and homes that are currently on the market. Demand for vacant land should not be the primary deterrent for rezoning.</p> <p>No geotechnical report has been completed.</p> <p>Surprised about the statement that there is no permanent water on this property,</p> <p>Changing the minimum lot size of the land to 1ha would drastically change the nature of Beach Rd and impact markedly on wildlife.</p>
2.	Berry Resident	<p>Objects to proposal.</p> <p>The land is prime agricultural land that was previously advertised as “fertile farmland regularly pasture improved”.</p> <p>The proposal does not align with the GMS.</p> <p>The land is in the middle of a wildlife corridor.</p> <p>There are many 40ha lots around Berry; this land would be close to the best from a prime production perspective.</p> <p>1ha minimum lot size is far too small.</p>
3.	Berry Resident	<p>Objects to proposal.</p> <p>The land is prime agricultural land that was previously advertised as “fertile farmland regularly pasture improved”.</p>

		<p>The proposal does not align with the GMS.</p> <p>The land is in the middle of the Berry Wildlife Corridor.</p> <p>There are many 40ha lots around Berry; this land would be close to the best from a prime production perspective.</p> <p>1ha minimum lot size is far too small.</p>
4.	Berry Resident	<p>Objects to the proposal.</p> <p>Concerned that the proposed larger lots could be developed for multi-dwelling housing in the future, and that further subdivision would alter the character of Berry and surrounds.</p> <p>Alternative types of primary industry activities could be considered for the site.</p> <p>Concerned about potential adverse impacts on the Environmental Conservation Area, National Parks and Nature Reserve and the Berry Corridor Project. Extended vegetation linkages would be desirable to allow the movement of fauna. Native animal corridors are not as effective once residential development has occurred.</p> <p>The assumption that public transport will follow as a result of the development is just that, an assumption not a reality.</p>
5.	Neighbour	<p>Objects to proposal.</p> <p>Due to the length and detail of this submission, it is provided in its entirety at the end of this Summary Table.</p>
6.	Berry Resident	<p>Objects to proposal.</p> <p>The land is incongruous with the GMS.</p> <p>The land is in the middle of the Berry Wildlife Corridor.</p> <p>The land is prime agricultural land and the applicant has not considered all options available for commercial farming on the site. There are many 40ha sites that operate as farms around Berry.</p>

		<p>Zoning provides certainty to current and future residents, and protects amenity and local character for future generations. Therefore it cannot be changed simply to allow a developer to make a one off profit at the expense of current and future residents and visitors to the area.</p> <p>Visitors to the area are attracted to the rural atmosphere of Berry. Concerned about the impact of the proposed development on tourism and the viability of small businesses in Berry.</p> <p>The application has not addressed issue around local infrastructure.</p> <p>Concerned about the cumulative impact of rural residential development in this area.</p> <p>The proposed small lot sizes are more like an urban community rather than rural land, which will have impacts on wildlife corridors, pest and weed control, and water management.</p> <p>The proposal is on an environmentally sensitive site does not adequately address on-site water and wastewater management.</p>
7.	Berry Resident	<p>Objects to proposal.</p> <p>Berry is traditionally a rural community and many residents who have moved here today have done so because of its rural nature and amenity. The landscape between the Kiama Bends and Orient Point is a landscape of outstanding natural beauty and should be retained as such. There are other areas in Shoalhaven that could accommodate additional residential development.</p> <p>There is no reason to rezone all of the rural land along Beach Road just because Campbells Run and Berry Beach have set a precedent for this type of development in the area.</p> <p>40ha is a reasonable amount of land to carry out agricultural pursuits. The argument that this land is too small to farm appears to be invalid.</p> <p>Concerned about the ability of Berry's infrastructure to accommodate additional residents.</p> <p>Concerned about the impacts of the development on the Berry Wildlife Corridor.</p>
8.	Berry Resident	<p>Objects to proposal.</p>

		<p>The land is prime agricultural land that was previously advertised as “fertile farmland regularly pasture improved”. The whole purpose of the Rural zoning is to prevent fragmentation of good agricultural land.</p> <p>There are many 40ha lots around Berry; this land would be close to the best from a prime production perspective.</p> <p>The proposal does not align with the GMS.</p> <p>The land is in the middle of the Berry Wildlife Corridor.</p> <p>1ha minimum lot size is far too small.</p> <p>We do not understand the statement within the PP about bringing Coomonderry Swamp into public ownership.</p>
9.	Neighbour	<p>Objects to proposal.</p> <p>This proposal totally goes against the landscape and heritage values of Berry as a rural area.</p> <p>We are concerned about the negative impact of this proposal on Berry’s rural identity, its aesthetics and scenic natural beauty.</p>
10.	Berry Resident	<p>Objects to proposal.</p> <p>Concerned about the impacts on the wildlife corridor.</p> <p>The location of this land adjacent to the Campbell’s Run development would have a significant impact on the movement of wildlife from the escarpment to coastal habitats.</p>
11.	Berry Resident	<p>Objects to the proposal.</p> <p>The proposal does not accord with the GMS.</p> <p>The site is in a key location for the Berry Wildlife Corridor. Concerned about recent removal of old growth trees at the Beach Rd / Gerroa Rd intersection – don’t compound this error by approving this proposal.</p>

		Such incremental development should not be allowed to further impact the services and infrastructure of Berry.
12.	Berry Resident	<p>Objects to the proposal.</p> <p>The land is in the middle of a wildlife corridor, areas of which have already been threatened through the removal of trees for the Beach Road realignment.</p> <p>The land is prime agricultural land that was previously advertised as “fertile farmland regularly pasture improved”.</p> <p>There are many 40ha lots around Berry; this land would be close to the best from a prime production perspective.</p>
13.	Berry Resident	<p>Objects to proposal.</p> <p>The landscape around Berry is one of rolling green hills and stands of native timber. At the core of the local Berry culture and identity is that it is essentially a rural area. People have chosen to live here because they wish to live in this type of environment and enjoy this type of lifestyle.</p> <p>The landscape and heritage values of Berry as a rural area must be considered against this rezoning proposal. The land is prime agricultural land that was previously advertised as “fertile farmland regularly pasture improved”. The whole purpose of the Rural zoning is to prevent fragmentation of good agricultural land.</p> <p>There are many 40ha lots around Berry; this land would be close to the best from a prime production perspective.</p> <p>The proposal does not align with the GMS.</p> <p>The land is in the middle of the Berry Wildlife Corridor.</p> <p>1ha minimum lot size is far too small.</p> <p>The development will not just be “infill”. It will be a blight on the landscape and change the nature and character of the Berry area.</p> <p>Fertile farmland SHOULD NOT be developed as residential areas. There are other areas of infertile land in Shoalhaven that are suited to residential development.</p>
14.	Berry Resident	Objects to proposal.

		<p>Berry is a rural destination and rezoning productive farmland contradicts what makes Berry attractive to tourists.</p> <p>The land is prime agricultural land that was previously advertised as “fertile farmland regularly pasture improved”.</p> <p>The proposal does not align with the GMS.</p> <p>The land is in the middle of a wildlife corridor.</p> <p>There are many 40ha lots around Berry; this land would be close to the best from a prime production perspective.</p> <p>1ha minimum lot size is far too small.</p> <p>Perhaps the owner should sell the land intact rather than pretending it is unproductive.</p>
15.	Neighbour	<p>Objects to proposal.</p> <p>There are many reasons why this proposal should not be supported, including:</p> <ul style="list-style-type: none"> Section 4.2 of the Shoalhaven River Estuary Management Plan (REMP) acknowledges that “<i>The visual quality of the landscape formed by the Shoalhaven River estuary and its coastal floodplain is highly regarded by local residents and visitors</i>” and that “<i>It has also been recognised in both National Heritage listings (Coomonderry Swamp Nature Reserve) and in the NSW National Trust Register</i>”. It states that “<i>the NSW National Trust has classified the Berry Landscape Conservation Area. This area includes the coastal landscape south from Kiama to Greenwell Point. The lower Shoalhaven River estuary and associated coastal floodplain are key elements of this valued rural landscape</i>”. The Shoalhaven REMP acknowledges that “<i>the key qualities of the landscape of the Shoalhaven that are valued by the community include Natural or rural outlooks</i>” The Plan states that “<i>The Berry Landscape Conservation area comprises a mix of natural areas (often in National Park management), historic villages and rural lands (dairying and horticulture)</i>” and that they “<i>contribute to the heritage value of the landscape as well as its scenic character</i>”. A rezoning of this agricultural land would be contrary to these sentiments and therefore not be consistent with intention of this management plan. Such Landscape values would be further undermined by a likely ‘Domino Effect’ of a decision to Re-zone and allow subdivision, as the owners of similar properties, adjacent to 55 Wire Lane, seek to also

		<p>subdivide, with the potential to change the nature of the whole area between Beach Road and Coollangatta Road and severely threaten the rural amenity of the area.</p> <ul style="list-style-type: none"> • The community members who participated actively in the preparation of the SLEP did so with the expectation that the locality would be protected from ad hoc decisions that would change the nature of the landscape. Such a decision to re-zone would represent a betrayal of the community participation in the preparation of the SLEP. • The South Coast Regional Conservation Plan calls for a green corridor between Barren Grounds and Seven Mile Beach National Parks, which is being realised through the Berry Wildlife Corridor. The land is within that corridor and re zoning to allow subdivision would make it more difficult to achieve connections between Harley Hill Cemetery and Moeyan Hill Reserve, (both of which contain Endangered Ecological Communities) with nearby Coomonderry Swamp and Seven Mile Beach National Park. • The proposal does not align with the GMS or the South Coast Regional Strategy.
16.	Neighbour	Does not object to the proposal; however, does have concerns about increased traffic on Wire Lane being a single lane road and unsealed.
17.	Neighbour	<p>Objects to proposal.</p> <p>The property has already exhausted its concessional allotments with 21, 11 and 5 Wire Lane respectively. We purchased our property with the knowledge that there would be no further development around our home, which raises further concerns about the potential impacts on property values.</p> <p>Concerned about the dangerous precedent that could be set, allowing other rural properties to follow suit. This would completely undermine real estate values around Berry.</p> <p>Concerned about the impact of the proposal on biodiversity / wildlife corridors and stands of vegetation that are known to by habitat for a wide range of animals.</p> <p>This proposal adversely affects our home. We would lose all aspects of our privacy with neighbours on every fence line, and also our rural outlook that we paid handsomely for.</p> <p>The site is a major visual delight for both locals and visitors as they travel to and from Seven Mile Beach.</p>

		<p>The current landowner's inexperience with cattle raising should not be a reason to rezone an entire area that will affect Berry in its entirety, its native wildlife and vegetation.</p> <p>There has been no contemporary review of rural lands, housing supply and supporting infrastructure in the Shoalhaven. We strongly suggest a strategic framework is developed which can determine suitable land and release of housing supply while still maintaining Berry's unique characteristics. Berry is extremely unique with it's close proximity to Sydney and rightly deserves its moniker 'Town of Trees' – when does the breaking up of the beautiful vista of Berry stop.</p> <p>Concerned about the impacts on local infrastructure, including traffic and waste collection. There are additional concerns about road safety due to the 90km/hour on Beach Road, and the country lane conditions of Wire Lane.</p>
18.	Neighbour	<p>Objects to proposal.</p> <p>The land is identified as prime crop and pasture and the proposal would set an adverse precedent for permitting rural residential development in the areas surrounding Berry and elsewhere in the Shoalhaven. Concerned that rezoning the subject land will establish an expectation or precedent that other land zoned RU1 Primary Production could or should be rezoned.</p> <p>This risk is exacerbated by the absence of strategic identification of regionally important agricultural lands and the absence of strategy to identify preferred locations for rural residential subdivisions.</p> <p>The proposed density is not consistent with the rural character of the variety of large lot sizes in the adjoining R5 zoned land to the east. The density of lots needs to reflect environmental constraints and the rural character.</p> <p>The proposed development will heighten visual impacts, noise impacts and traffic impacts – Beach Road is again currently undergoing refurbishment and is in adequate in its current state to handle potentially another minimum of 100 car movements per day.</p> <p>Concerned about servicing the site with water supply and wastewater treatment.</p> <p>The proposal is inconsistent with the advice of the JRPP for the proposed rezoning at 510 Beach Road, and also the letter from council staff to the proponent dated Tue 2 April 19 (in which council does not recommend proceeding to prepare a Planning Proposal).</p>

		<p>The Berry area is much loved by locals and visitors alike for its rural ambience – too many ad hoc subdivisions like this one will only create a satellite “town” with no infrastructure.</p>
19.	Community Group	<p>Objects to proposal.</p> <p>Due to the length and detail of this submission, it is provided in its entirety at the end of this Summary Table.</p>
20.	Berry Resident	<p>Objects to proposal.</p> <p>Concerned that ad hoc small-scale development proposals like this PP fly under the radar and are made in absence of robust strategic master plans for the whole Shoalhaven. There is no foundation or referral to a comprehensive local strategy plan for the rural farm lands of the area. These proposals risk destroying the intrinsic rural farming integrity of the area by a pepper scatter of small hamlet developments disconnected from existing village networks and community infrastructure. They would only serve the landowner-developers, with no regard to the land’s potential for current and future young farmers whose continuum in agriculture is so important to the future of the biodiversity of land and food security in Australia.</p> <p>Concerned about the inconsistency of the proposal with the recommendations of the JRPP.</p> <p>Disagree with the findings of some of the technical studies, particularly in relation to the agricultural capabilities of the land and the environmental values of Coomonderry Swamp. To suggest a future land swap in the future is not an appropriate trade-off considering the loss of good productive land.</p> <p>Concerned about the potential precedent such a proposal would set, if approved.</p> <p>The proposal is out of character and not appropriate for the location. The number of potential lots that would be located next to Campbells Run would create a whole new village, without strategic justification.</p> <p>Council needs to prepare a comprehensive and fully consulted rural land use strategy before any further rural residential proposals should be considered.</p>
21.	Neighbour	<p>Objects to proposal.</p> <p>Further investigation is required regarding:</p>

		<ul style="list-style-type: none"> • Road safety and traffic • Water management and runoff, particularly in relation to the site's natural springs and onsite effluent disposal. • Environment and biodiversity • Loss of prime agriculture pastured land. <p>It would be very sad to see this beautiful prime farm turned into a housing estate. The paddocks on this property always have lush green pasture all year – something I'm sure the farmers out west would live to have.</p>
22.	Neighbour	<p>Objects to proposal.</p> <p>Main point of objection is the lack of consistency between this proposal and existing policies, strategic plans and recent decisions of the JRPP, as follows:</p> <ul style="list-style-type: none"> • Two of the key factors raised in the JRPP Report in relation to the Beach Road PP – being the earlier considerations of the planning controls for the site, and the positive biodiversity outcomes for Coomonderry Swamp – are not present for the Wire Lane PP. • Reiterates the recommendation to prepare a rural residential strategy – this has not yet occurred and there is no suitable framework to determine whether the removal of further agricultural land is appropriate. • The proposal is inconsistent with the comments made in the GMS Discussion Paper regarding the supply of rural residential land and the importance of revisiting the need for a strategic assessment of agricultural lands in Shoalhaven. • The proposal is inconsistent with the Illawarra Shoalhaven Regional Plan, particularly in relations to Goals 2, 4 and 5. There is nothing that can be found within the ISRP that supports the proposal. • Council's planning staff specifically advised the proponent not to proceed with the proposal due to the lack of alignment with Council and State Government policies and strategies.
23.	Neighbour	<p>Objects to proposal.</p>

		The proposal will destroy the rural feel of Berry that is unique and special. There are also issues with drainage and sewerage, noise, traffic, population pollution, and the loss of prime agricultural land.
24.	Neighbour	<p>Objects to proposal.</p> <p>Due to the length and detail of this submission, it is provided in its entirety at the end of this Summary Table.</p>
25.	Berry Forum	<p>Objects to proposal.</p> <p>Reiterates the findings and recommendations of the JRPP Report, noting that the “Beach Road PP” was to be considered an exception.</p> <p>The site is identified as prime crop and pasture, which was previously advertised as “fertile farmland regularly pasture-improved”.</p> <p>The proposal would set an adverse precedent for further rural residential development, with the potential to change the nature of the whole area between Beach Road and Coolangatta Road and severely threaten the rural amenity of the area.</p> <p>The proposal does not align with the Shoalhaven GMS 2014 or the South Coast Regional Strategy and is not the result of any strategic plan or report.</p> <p>The South Coast Regional Conservation Plan calls for a green corridor between Barren Grounds and Seven Mile Beach National Park, which is being released through the Berry Wildlife Corridor. The property in question sits within that corridor.</p> <p>Community participation in preparation of the SLEP was based on an expectation of protection from ad hoc decision that would change the nature of the landscape</p>
26.	Berry Resident	<p>Objects to proposal.</p> <p>The land is prime agricultural land that was previously advertised as “fertile farmland regularly pasture improved”. The whole purpose of the Rural zoning is to prevent fragmentation of good agricultural land.</p> <p>There are many 40ha lots around Berry; this land would be close to the best from a prime production perspective.</p>

		<p>The proposal does not align with the GMS.</p> <p>The land is in the middle of the Berry Wildlife Corridor.</p> <p>1ha minimum lot size is far too small.</p>
27.	Neighbour	<p>Objects to proposal.</p> <p>Concerned that this proposal will destroy the rural character of Berry.</p> <p>Concerned about the impact on the town's infrastructure and services for parking and shopping.</p>

15 October 2019

Chief Executive Office
Shoalhaven City Council
PO Box 42
NOWRA. NSW. 2541
council@shoalhaven.nsw.gov.au
Council Reference: 50572E

Dear Sir,

RE: ADVICE OF PLANNING PROPOSAL (REZONING) APPLICATION – LOT 1 DP1246435, 55 WIRE LANE BERRY (REF 50572E)

I have reviewed the September 2019 Planning Proposal document by Indesco (on behalf of Mervielleux Pty Ltd) seeking the rezoning of Lot 1 DP1246435, 55 Wire Lane, Berry from R1 (rural) to R5 (rural residential). I strongly urge the Shoalhaven City Council ('the Council') to REJECT the Proposal in its entirety.

The information, evidence and claims in the planning proposal (rezoning) application and the technical reports attached to as appendices with regard to land capability, agricultural assessment, water quality and drainage and ecological constraints, to support the case for rezoning are incorrect and misleading. The information and analyses contained in the planning proposal (rezoning) application do not accurately reflect facts, are not based on sufficient evidence and do not accurately reflect the current and future situation and impacts of the proposal.

The planning proposal (rezoning) also goes against a number of Ministerial Directions (s.9.1 directions) regarding rural zones, rural lands and environmental protection zones. The proposal also runs the risk of setting a precedent for future applications for rezoning which without a strategic plan for rural residential development in the Shoalhaven would result in continued ad hoc planning into the future.

Following is an outline of my specific concerns regarding the planning proposal (PP) (rezoning) application of Lot 1 DP1246435, 55 Wire Lane, Berry from R1 (rural) to R5 (rural residential). Each will be addressed separately in my submission.

- Claim that the land is not suitable for agriculture
- Water quality, management and drainage issues
- Ecological assessment issues and constraints
- Land use context and conflicts
- Social and community issues
- Traffic and road safety issues
- Impact on rural amenity and loss of aesthetics
- Section 9.1 Directions

CLAIM THAT THE LAND IS NOT SUITABLE FOR AGRICULTURE

It is claimed in the PP for rezoning in 'Appendix D - Agricultural Assessment' that "the physical characteristics of the site, including the slope, soil fertility and lack of permanent water supply result in significant constraints to the agricultural use of the site."

In fact, the subject land at 55 Wire Lane, Berry is prime agricultural land.

Slope

The land is in the large part predominantly gently undulating (4% slope) sloping from the north east to a low ridge in the south west. The land is 100% accessible by all forms of rural machinery, stock and people. Slope is not limiting to agriculture.

Photo 1 shows the gently undulating land in the north and north-east of the block. Photo 2 shows the low ridge in the south west of the block.

Management

The previous owners to the current owners undertook many years of pasture improvement and fertilising as well as extensive weed control measures. Many in the community will confirm that the subject land contains is some of the best improved pastures in the district and is some of the only land around free from significant invasion by fireweed due to the extensive weed control practices carried out in the past (Photo 3). The PP in 'Appendix D – Agricultural Assessment' itself states "The pasture has been extensively improved for many years with the addition of fertiliser on a regular basis."



Photo 1: Looking west from Sunnymede Lane showing gently sloping land suitable for agriculture



Photo 2: Looking south west from Sunnymede Lane showing low ridge line suitable for agriculture

Soil fertility

In the PP 'Appendix D – Agricultural Assessment' the paid agricultural 'experts' assess the soils as being a combination of three profiles, the majority of which is classed as moderate to high fertility. Yet they claim that soil fertility is constraining the lands use for agriculture. IN FACT - a significant portion of the land in this block has been identified as being BSAL.

Biophysical Strategic

Agricultural Land (BSAL) is land with high quality soil and water resources capable of sustaining high levels of productivity. Mapped by the NSW Government in 2014, the 2.8 million hectares of BSAL in NSW encompasses the State's best quality soil and water resources, and are critical to protect and sustain the State's \$12 billion agricultural industry.

Suitability for other agricultural pursuits

The PP 'Appendix D – Agricultural Assessment' states that the agricultural use of the land is limited to cattle grazing and the land area is significantly smaller than the area needed to allow for a viable agricultural operation on the site.

"The size of the subject land is 40 ha and is too small to make a sustainable profit from cattle grazing, which is the only form of agriculture that can be practised on the property given the physical constraints and limitations of the land."



Photo 3: Looking south west from Sunnymede Lane showing improved pastures and land free of fireweed invasion.

Looking at the latest ABARES (Australian Bureau of Agricultural Resource Economics and Statistics) report on the Southern Highlands and Shoalhaven region (2016-17), we can see that the major agricultural operations in the region are beef cattle (36%), dairy farming (27%), horse farming (15%) and floriculture production (outdoors) (5%). NONE of the other

major agricultural operations in the region were investigated as possible alternatives to the current cattle grazing operation. For example, in the local region around Berry there is a growing equine industry and this would be a viable alternative agricultural pursuit for this land. In addition to this other livestock or cropping enterprises that could be considered would be alpaca farming, viticulture or other horticultural activities. The ONLY alternatives considered to demonstrate 'unsuitability' of land for agriculture by the 'experts' and that form the basis for the claims in the PP technical report 'Appendix D – Agricultural Assessment' were pig and poultry farming and protected cropping.

Lifestyle block

In 2014 the subject land changed hands to the current owner. In the 'Property Description' sale advertisement at the time the land was described as:

"Kullaroo features 99.36 acres of fertile farmland regularly pasture improved, with 4 dams, and stands of beautiful Melaleuca, Turpentine and Gum trees.", "Perfect for anyone who wishes to run a few cattle and enjoy the country"

The current land owner purchased the land as a LIFESTYLE block. Claiming now that they are unable to profitably farm the land is nonsense.

Water supply

The PP 'Appendix D – Agricultural Assessment' technical report states that the lack of permanent water is limiting to agriculture:

"There are a number of intermittent drainage lines joining at a dam on the northern boundary which are spring fed and only run after a prolonged period of rain. There are four dams along the drainage lines. Three of them are used for watering the cattle, however, the drainage is intermittent and therefore is not a permanent source of water."



Photo 4: Image from realestate.com of the spring-fed permanent dam in the north east corner of the block.

In fact, during prolonged periods of low rainfall the spring-fed dam (dam 1 in the PP report) in the north eastern corner of the block (Photo 4) has never dropped water level. In the past 9 years of personal observation this dam has been permanently full despite low rainfall. The block is also connected to the town water supply with troughs for watering if required so therefore there is no risk of there being lack of water for stock.

Therefore, contrary to the claims in the technical report 'Appendix D – Agricultural Assessment' of the PP, the subject land at 55 Wire Lane, Berry IS suitable for agricultural operations due to its slope, fertile soils, pasture improvement and plentiful water supply.

WATER QUALITY, MANAGEMENT AND DRAINAGE ISSUES

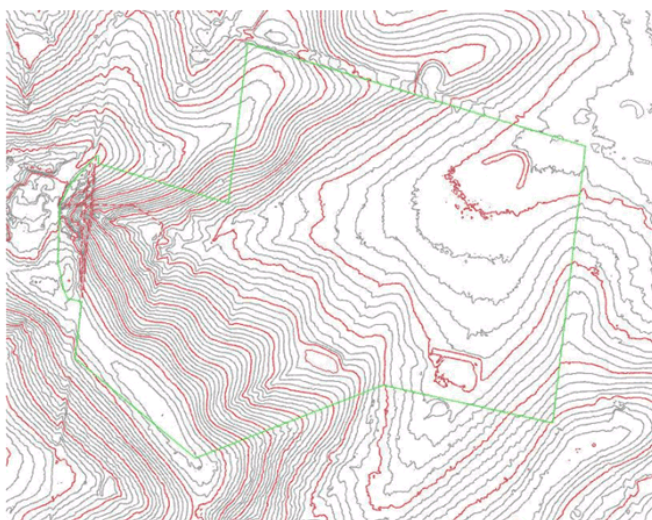


Figure 1: Topography map from PP technical report 'Appendix F – Water Cycle Management Plan'

Drainage

The PP technical report 'Appendix F – Water Management Study', describes the watercourses on the subject land as such:

"Due to the topography (Figure 1) almost all of the site drains to the dam in the north-east corner (dam 1, Figure 2). NSW LPI maps identify four watercourses on the site (see Figure 2). There is an intermittent watercourse running roughly west to north-east across the site

(stream A), in a vegetated gully on the western end of the site. The watercourse furthest to the east (stream B) originates in the upstream property (Lot 15 DP 253806) and is intercepted by a dam (dam 2) near the boundary. The overflow from this dam then flows north toward dam 1. The other two watercourses (stream C and stream D) flow north from inside the property to intercept with stream A. 'Dam 1' overflows through a culvert under Beach Road (Photo 5) to the adjoining site to the north (Lot 1 DP 1111012) where the flow is spread and sheets across paddocks, eventually draining to Foys Swamp, a degraded freshwater wetland."

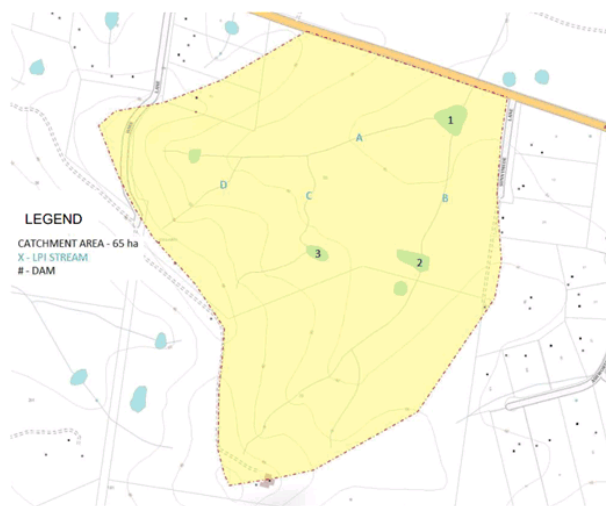


Figure 2: Watercourses map from PP technical report 'Appendix F – Water Cycle Management Plan' showing



Photo 5: Photo taken on Beach Road of the culvert mentioned in PP technical report 'Appendix F – Water Cycle Management Plan' which is UPHILL from gully and 'Dam 1' overflow. In fact water would likely flow in the opposite direction to that stated in the PP.

creates the deep and wide road-side drain that runs along the southern edge of Beach Road (Photo 7) before eventually entering a culvert approx 500m to the east in front of the Campbells Run Estate and dispersing into the land to the north. In times of heavy or constant rainfall, the drain is unable to cope with the magnitude of water resulting in overflow from the drain onto land at the bottom of Sunnymede Lane and along all adjoining properties fronting Beach Road this privately owned land becomes flooded and waterlogged.



Photo 6 : Photo taken from Beach Road looking south at floodgate and gully from Dam 1 crossing boundary from the subject land at 55 Wire Lane DP 1246435 onto roadside land and creating a drain along the south side of Beach Road

Of particular interest is the statement in this 'expert' report that 'Dam 1' overflows through a culvert under Beach Road to the adjoining site to the north' (Figure 2 and Photo 5).

The analysis of water flow and drainage on this land is critically incorrect.

Anyone who knows this area of land will tell you that the overflow from this Dam 1 has cut a gully toward the north eastern corner of the block (Picture 6) and that this gully



Photo 7 : Photo taken from Beach Road looking south at road side drain created by gully entering from the subject land at 55 Wire Lane DP 1246435 running along the southern edge of Beach Road draining

**Waste
water/effluent
management
issues**

Rezoning of the land to R5 for rural residential subdivision with minimum lot size of 1ha (2.2 acres) as proposed in the PP and the associated increase in impervious surfaces such as houses, garages, sheds, pergolas, public roads, driveways, entertaining areas, paths etc will

INCREASE run off and exacerbate an already significant problem of drainage and low lying flooding along the land to the south of Beach Road.

Effluent management and runoff is a significant issue with this PP. I believe there is insufficient space on 1ha lots for efficient absorption from onsite sewage management systems. This will create an issue with water quality and runoff into neighbouring properties. Water quality would be impacted by runoff from development combined with overflowing natural springs on the subject and surrounding land.

ECOLOGICAL ASSESSMENT ISSUES AND CONSTRAINTS

The technical report 'Appendix E - Ecological Constraints Assessment' in the PP for rezoning states that "The study area consists predominantly of land that is of low ecological value (i.e. cleared land and weeds/exotics). However, due to the presence of Blackbutt – Turpentine – Bangalay moist open forest on sheltered slopes and gullies, southern Sydney Basin (PCT 694), a 2nd order stream and farm dams, there are areas that were considered to have 'moderate' ecological constraint."

Inadequacy of Assessment and Site Inspection

In forming this conclusion in the Appendix E technical report that the "study area consists predominantly of land that is of low ecological value" the 'technical experts' undertook a Desktop Assessment of historic mapping of vegetation and a 'site inspection' on 9 February 2019 of approximately 1 hour duration.

Importantly the timing and duration of the 'site inspection' is completely INADEQUATE to form any opinion or conclusion about the existence of Endangered Ecological Communities (EEC) or Threatened Ecological Communities (TEC). I have been advised that in order to adequately assess the ecology of a site, a site inspection over a number of days and NIGHTS and at a more favourable time of the year than mid-summer such as spring or early-summer would present a much different light as to the presence of EEC and TEC.

In my opinion, the technical report that has been prepared for the PP 'Appendix F – Ecological Constraints Assessment' is of such a crude and cursory nature that it is questionable that it has been prepared by an individual or organisation with any knowledge in the field.

It is obvious that it would be impossible in a 1 hour the site inspection to assess the structure and condition of vegetation in the 40ha study area, determine the extent of vegetation impacted by the proposed works, and record fauna habitat features, record indirect signs of fauna use and record the existence of any threatened flora or fauna on the site'. That is utterly ridiculous.

Threatened Species

The technical report in the PP 'Appendix F - Ecological Constraints Assessment' determines that "No threatened flora or fauna species listed under the BC Act or EPBC Act were recorded during the site inspection." (NOTE: the ONE hour site inspection). The technical report also states that "a further (NOTE: single) database search (Atlas of NSW Wildlife, OEH 2019a) did not identify any previous records of threatened flora or fauna species within the 40ha study area." The report then goes on to state that "Twenty-eight (28) threatened species (25 fauna and three flora species) have previously been recorded within a 5 km radius of the study area". Despite this, after a short 1 hour field assessment **all** threatened flora and fauna species were considered to have a 'low' likelihood of occurrence within the study area.

As a nearby landholder I can confirm the personal observation of a number of these threatened species along the boundary of the subject land including the 'Glossy Black Cockatoo', the 'Yellow Bellied Glider', the 'Grey Headed Flying Fox', and the 'Greater Broad Nosed Bat'. Importantly as the report records in their assessment, there have been 19 recorded observations of the 'Green or Golden Bell Frog' a mere 700 meters from the subject land, the most recent recorded less than 12 months ago in December 2018, yet the report concludes that there is a LOW likelihood of occurrence of this and ALL other species on the subject land.

The assessment also fails to elaborate on the one significant (estimated in the technical report) approx. 8 hectare segment of remnant vegetation remaining on the block other than identifying it as "Blackbutt – Turpentine – Bangalay moist open forest on sheltered slopes and gullies, southern Sydney Basin (PCT 694)" and to say that they consider it to have 'moderate' ecological constraint. While Tozer et al. (2010) regional vegetation mapping identified three significant vegetation types in the study area, the 1 hour site inspection dismissed this and classified it all as one type (see above) in an "intact/disturbed" state. In fact, the supporting photograph that accompanied the technical report shows just an edge of an apparently vegetated area (Figure 3) which is not a true reflection of the quality, quantity and type of remnant vegetation that exists on the subject land. I would love to see

a photograph taken from within this identified remnant vegetation and see how the true picture differs from the one in this report.



Figure 3: Photo contained in PP technical report 'Appendix F – Ecological Constraints Assessment' which does not accurately reflect the extent, density or significance of the remnant vegetation on the subject land.

Aquatic and riparian ecology

From the 1 hour site inspection the technical report 'Appendix E - Ecological Constraints Assessment' in the PP also claims that there was no discernible bed and bank on the two northerly-flowing 1st order streams in the south-west of the study area, nor the easterly-flowing 2nd order drainage line after exiting the forested area. The report then concluded that the "reclassification of the easterly flowing 2nd order stream to a 1st order stream and that both northerly-flowing 1st order streams be deleted from mapping".



Photo 8: Photo taken from Sunnymede Lane looking west to permanent spring-fed dam (Dam 1) with significant aquatic and riparian ecological habitat.



Photo 9: Image from realestate.com of the spring-fed permanent dam in the north east corner of the block.

In fact, this is contradicted by the technical report in the PP 'Appendix F – Water Management Plan' which refers to four watercourses 'Stream A', 'Stream B', 'Stream C' and 'Stream D', it also refers to "vegetated gully's". No mention of, or assessment is made of the ecological significance of the permanent spring-fed dam in the north western corner of the block (Photo 8 and Photo 9) as a habitat for

water bird, frogs and other aquatic animals. There is no case or evidence to downgrade the classification of the streams on this land and a strong case for further investigation of ecological significance of these watercourses and riparian flora and fauna.

The technical report 'Appendix F – Ecological Constraints Assessment' in the PP for rezoning is of a crude and rudimentary nature and draws significantly incorrect conclusions labelling the land as having low ecological value and low likelihood of occurrence of threatened flora or fauna species without sufficient evidence or site inspections or field observations to back it up. It is definitely a situation of 'an opinion for a fee'.

LAND USE CONTEXT AND CONFLICTS

Land Use Context

The PP application for rezoning of 55 Wire Lane, Berry claims that rezoning from R1 Rural to R5 Rural Residential with lots as small as 1ha (approx 2 acres) is simply 'infill' between two existing rural residential developments.

In fact, the land to the west of the subject land on the corner of Wire Lane and Beach Road was approved for subdivision into three (3) 5 acre blocks in around 1985. No further subdivision has occurred in the land to the west of the subject agricultural land since 1985. In around 1985 land to the east of the subject land was subdivided into three (3) blocks of approximately 5 acres each on the corner of Sunnymede Lane and Beach Road. In 2000 the land now known as 'Campbells Run' further to the east than the original 3 blocks on Sunnymede Lane was approved for development into R5 Rural Residential with the creation of 28 lots ranging from approx 4-13 acres in size. Significantly a large portion of land in the 2000 development was transferred to public ownership as part of the agreement to contribute to the area managed as Coomonderry Swamp. Note that there is no such offer in the current rezoning proposal as the land is prime agricultural land and is not part of the Coomonderry Swamp catchment.

Importantly, there has been no further development of rural residential land further west of Campbells Run since 2000. Recently a rezoning proposal for 510 Beach Road Berry was approved and is progressing to a DA for a new rural residential subdivision. The recent review of the PP for 510 Beach Road Berry by the Joint Regional Planning Panel (JRPP) stated in its recommendations to the Minister that “There should not be any further consideration of rezoning proposals for rural residential subdivision until Council has developed a rural residential strategy”. On checking with staff from Shoalhaven City Council’s Strategic Planning Department it has been confirmed that to date there has been no ‘rural residential strategy’ developed by Council.

Rural Landscape

The landscape around Berry is one of rolling green hills and stands of native timber. At the core of the local Berry culture and identity is that it is essentially a rural area. Those who have chosen to purchase land in rural areas around Berry have done so because they wished to live in that environment and enjoy that lifestyle.

The continued ad-hoc approval for rezoning of rural land to residential by Shoalhaven City Council because it is just ‘infill’ will drastically change the overall landscape of this rural area.

The landscape and heritage values of Berry as a rural area and must be considered against this rezoning proposal. The impact of rezoning on the identity of Berry as a rural area, the aesthetics of the area, the loss of an area of natural scenic beauty all must be considered.

The subject land is not just ‘infill’ as the PP suggests...it is part of our rural landscape and it is a significant contributor to the rural identity of the Berry area.

Figure 4 (below) is a mock-up which demonstrates shows just what the potential landscape along Beach Road Berry might look like if the Planning Proposal to rezone 55 Wire Lane Berry is approved.



Figure 4: Mock up aerial image of Beach Road Berry and surrounds from Shoalhaven Maps Online overlaid with the proposed rural residential lot layouts taken from the planning proposals for rezoning at 55 Wire Lane, Berry and 510 Beach Road, Berry.

Land Use Conflicts

The technical report in the PP 'Appendix D – Agricultural Assessment' states that "The proximity of these residential uses, has the potential to cause land use conflict". It is important to note that there has never been any reported land use conflicts under the current zoning arrangement.

Strangely the PP refers to the NSW 'Right to Farm Policy' as an argument for the rezoning from R1 to R5. If anything there is potential for increased land use conflict by locating a new R5 development in close proximity to existing agricultural land uses to the north (Clery Brothers broadacre grazing) and to the south (R1 rural land). The PP bases its claim for rezoning due to potential land use conflicts purely in light of the alternative land use being intensive agriculture rather than the status quo of livestock grazing.

SOCIAL AND COMMUNITY ISSUES

The PP (rezoning) application in its 192 pages barely even touches on these issues. Rezoning the subject land would present a number of significant issues for the local neighbouring residents as well as issues for the broader community and public interest. The rezoning of the subject land at 55 Wire Lane, Berry from R1 to R5 in the context of already existing R5 and R4 developments and new proposed R5 rezoning at 510 Beach Road, Berry would in fact create a 'satellite village' to the east of Berry. This raises questions about the capacity of community services, public services and private services to cope with this village.

TRAFFIC AND ROAD SAFETY ISSUES

Beach Road, Berry is already a busy linking road for travel between Gerroa, Berry, Seven Mile Beach, Shoalhaven Heads and as access for property owners along the road.

Beach Road, Berry is a narrow, two-lane road with little or no road shoulder due to close roadside vegetation, large table drains running alongside it in some sections and little or no opportunity for overtaking. The road has a 90km per hour speed limit (speed limit reduced from 100km per hour a few years ago at the request of residents) and the road has a large number of concealed driveways and entrances, only one or two which have sufficient room for turning lanes or bus stops. Often school children are required to enter and exit buses where the bus has to stop in the middle of the road as there is no way for people or vehicles to pull off the road safely.

The PP will create increased traffic on Beach Road which is already a busy, narrow, closely vegetated and therefore potentially dangerous road. The PP would only add another driveway/intersection to the already large number of dangerous, concealed driveways and entrances to Beach Road. The PP does not address any issues around how the increased traffic and associated road safety issues would be dealt with.

IMPACT ON RURAL AMENITY AND LOSS OF ASTHETICS

This is significant as the PP (rezoning) application does not address the locality's landscape values including the loss of an area of natural scenic beauty, loss of an area of valued landscape character and loss of views for the surrounding landholders.

The landscape around Berry is one of rolling green hills and stands of native timber. At the core of the local Berry culture and identity is that it is essentially a rural area. Those who have chosen to purchase land in rural areas around Berry have done so because they wished to live in that environment and enjoy that lifestyle.

The landscape and heritage values of Berry as a rural area and must be considered against this rezoning proposal. The impact of rezoning on the identity of Berry as a rural area, the aesthetics of the area, the loss of an area of natural scenic beauty all must be considered.

SECTION 9.1 DIRECTIONS

The Department of Planning and Environment have issued a set of Planning Directions pursuant to section 9.1 of the Environmental Planning and Assessment Act which have to be followed when a Council is preparing any amendment to its LEP.

Four section 9.1 Directions are relevant to this planning proposal as follows:

- Direction 1.2 Rural Zones
- Direction 1.5 Rural Lands
- Direction 2.1 Environmental Protection Zones
- Direction 3.4 Integrating Land Use and Transport

The proposal is inconsistent with section 9.1 directions 1.2 and 1.5 (Rural Zones and Rural Lands) and there is no strategy relevant to rural zones or rural lands justifying the proposal.

Shoalhaven City Council has not strategically identified regionally important agricultural lands. The PP cannot proceed in the absence of a strategy to identify preferred locations for rural residential subdivisions in the Shoalhaven.

1.2 Rural Zones

The objectives of this direction is to protect the agricultural production value of rural land. This direction states that a Council must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone or increase the density of the land.

The PP IS inconsistent with the Direction in that the PP will result in a loss in rural zoned land through a rezoning, and reduction in the minimum lot size to 1 ha.

1.5 Rural Lands

The objectives of this direction are as follows:

- (a) protect the agricultural production value of rural land,
- (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,
- (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,

- (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land
- (f) support the delivery of the actions outlined in the New South Wales Right to Farm Policy.

This direction applies when a Council prepares a planning proposal that affects an existing or proposed rural or environmental protection zone or changes the existing minimum lot size of land in a rural or environmental protection zone.

The PP **IS** inconsistent with the objectives of this Direction in that the PP will result in a loss in rural lands through a rezoning, loss in production value, increase land fragmentation and land use conflicts and increase the risk of unsustainable land use practices due to the reduction in the minimum lot size to 1 ha if rezoning goes ahead.

Importantly, this planning proposal to change the minimum lot size, does NOT demonstrate that it is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses as contained in the Direction 1.5 and DOES NOT demonstrate in any way that it is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres.

In the technical report 'Appendix D – Agricultural Assessment' of the PP (rezoning) application, the justifications and comments provided against the inconsistencies which are evident with Direction 1.5 are all based on the premise that there would be land use conflicts between the subject land and surrounding rural residential areas WHERE the subject land is used for intensive agriculture (piggeries or poultry) NOT looking at the status quo of cattle grazing on the subject land which has NO land use conflict and there is therefore no justification for the planning proposals inconsistency with Direction 1.5.

2.1 Environmental Protection Zones

I have discussed previously how the technical report contained at Appendix F of the PP 'Ecological Constraints Assessment' is of a crude and rudimentary nature and draws significantly incorrect conclusions labelling the land as having low ecological value and low likelihood of occurrence of threatened flora or fauna species without sufficient evidence, site inspections or field observations to back it up. The claim in the PP application that the rezoning "will not impact on any critical habitat or threatened species, populations or ecological communities, or their habitats" and that therefore the PP is not inconsistent with the terms of this Direction is unfounded.

The PP **WILL** impact on critical habitat, threatened species, populations or ecological communities, and their habitats. An area of significant remnant native vegetation occurs on the central-western portion of the site as well as extensive areas of riparian vegetation and aquatic environments. It is my opinion that no claim can be made regarding Direction 2.1 until a detailed, systematic best-practice, multi-season survey of the ecological constraints is carried out. This information should be available to inform any rezoning application.

3.4 Integrating Land Use and Transport

This Direction applies as the PP seeks to create a residential zoning. There is no evidence presented in the PP of how the rezoning would improve access to housing, employment and services, walking, cycling and public transport. These issues are barely mentioned and not addressed in the PP at all. There are also issues around the road safety and traffic issues already existing on Beach Road, Berry and the PP does not address how the existing road and transport infrastructure will cope with the increased load of private vehicles and buses that will result from rezoning to R5.

CONCLUSION

I **OBJECT** to the September 2019 Planning Proposal by Indesco (on behalf of Mervielleux Pty Ltd) seeking the rezoning of Lot 1 DP1246435, 55 Wire Lane, Berry from R1 (rural) to R5 (rural residential).

I strongly urge the Shoalhaven City Council to **REJECT** the Proposal in its entirety.

I believe I have shown how the information, evidence and claims in the planning proposal (rezoning) application and the technical reports attached as appendices with regard to land capability, agricultural assessment, water quality and drainage and ecological constraints, to support the case for rezoning 55 Wire Lane, Berry, are incorrect and misleading. The information and analyses contained in the planning proposal (rezoning) application do not accurately reflect facts, are not based on sufficient evidence and do not accurately reflect the current and future situation and impacts of the proposal.

It is clear that the planning proposal (rezoning) for 55 Wire Lane, Berry, also goes against a number of Ministerial Directions (s.9.1 directions) regarding rural zones, rural lands and environmental protection zones. The proposal also runs the risk of setting a precedent for future applications for rezoning which without a strategic plan for rural residential development in the Shoalhaven, would result in continued ad hoc planning into the future.

Please do not hesitate to contact me if you have any questions about my submission.

Yours sincerely

16 October 2019

Mr Stephen Dunshea
Chief Executive Officer
Shoalhaven City Council

via email: council@shoalhaven.nsw.gov.au



Berry Landcare Inc.
PO Box 1510
Nowra 2541

Dear Sir,

Re Planning Proposal (50572E) seeking to rezone Lot 1 DP1246435, 55 Wire Lane, Berry to R5

Following review of the September 2019 Planning Proposal document by Indesco (on behalf of Mervielleux Pty Ltd) seeking the rezoning of Lot 1 DP1246435, 55 Wire Lane, Berry to R5, Berry Landcare Inc. strongly urge the Shoalhaven City Council ('the Council') to reject the Proposal based on its impact to the Berry Wildlife Corridor ('the Berry Corridor'), its contrary nature to existing regional planning strategies, its impact to the rural amenity of the region, and its limited analysis of economic and biodiversity values.

The following is an outline of Berry Landcare concerns regarding the Planning Proposal ('the Proposal').

The Berry Corridor

In 2015, the NSW Environment Trust awarded a grant of \$500,000 to the National Parks Association and Berry Landcare Inc. for the Berry Bush Links project. This is a ten year program with the objective to connect existing 'stepping-stone' patches of native vegetation across tenures in the Berry Corridor.

The Berry Corridor is part of the Illawarra Shoalhaven Great Eastern Ranges (GER) Regional landscape, which forms part of the nationally recognised GER Initiative.

The Corridor is identified and recognised as a focus area for active conservation and connectivity management in the following documents:

1. **South Coast Regional Conservation Plan 2010** State of NSW and Department of Environment, Climate Change and Water. Chapter 6 (Wildlife Corridor Analysis), Map

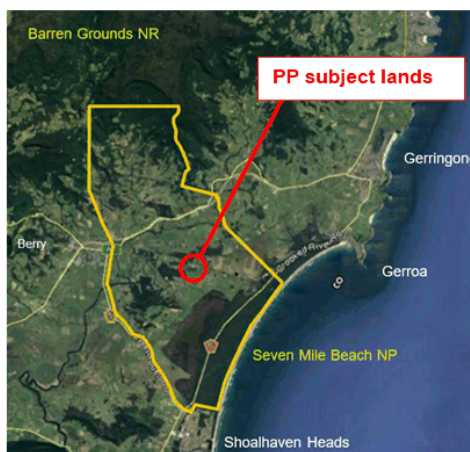


Figure 1 Location Planning Proposal subject lands relative to the Berry Corridor (yellow boundary)

15 & Chapter 7 (Priority Areas for Restoration or Enhancement).

2. **South East Catchment Action Plan 2014**

NSW Government, South East Local Land Services.

Pillar 1 (services that support Landcare & volunteer community) & Pillar 3 (Landscape Connectivity)

3. **Illawarra Shoalhaven GER Focus Corridors Summary 2013**

David Rush, Section 6 (Berry Corridor, Values, Threats, Ecological Communities, Plants and Animals)

4. **Shoalhaven City Council - State of the Environment Report 2008/12**

(Conserving and Managing Biodiversity)

5. **Illawarra-Shoalhaven Regional Plan 2015**

NSW Department of Planning, Industry and Environment

Goal 5 A region that protects and enhances the natural environment, p.52, and website

Environmental Values Map (Biodiversity Corridor lands indicated)

<https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/Illawarra-Shoalhaven/Illawarra-Shoalhaven-Regional-Plan/A-region-that-protects-and-enhances-the-natural-environment>

6. **South Coast Regional Strategy 2006-2031 (2007)**

NSW Department of Planning.

Natural Environment, Biodiversity and Coastal Assets, Map 2, Indicative Habitat corridors, p16.

The Corridor extends between Seven Mile Beach National Park, Coomonderry Swamp, and Barren Grounds Nature Reserve and serves to allow movement of flora and fauna, as required for population viability and in response to environmental changes, such as climate change (Figure 1). The project aims to restore and connect existing habitat within the Berry Corridor to support native wildlife including threatened species and endangered ecological communities. This is being achieved through training programs, fencing, weed and feral animal control, revegetation, wildlife surveys, and workshops. The project comprises a consortium of partners including Berry Landcare, over 50 private landholders, community, University and government organisations.

In-kind contributions to the Berry Bush Links project by land-owners and volunteers in the first three years of the program amounted to nearly \$600,000. This means that the total in-kind contributions will amount to over \$1.2 million making the true total project value more than \$1.7 million worth over 6 years.

The Proposal does not consider the Berry Corridor

The Proposal does not mention or otherwise identify the Berry Corridor, or recognise the subject land's strategic position or function within a regional wildlife corridor between Seven Mile Beach, Coomonderry Swamp and Barren Grounds Nature Reserve.

As a consequence of this omission, there is no recognition or analysis of the potential impacts the proposal may have on the function of the Berry Corridor, or proposed strategies to avoid or mitigate such impacts. The importance of connectivity between remnant native vegetation and wildlife corridors, especially to and from habitats situated outside of the subject land is not addressed in the Proposal.

The actions of Berry Landcare over the past two decades within the Berry Corridor, including the current Berry Bush Links project, is working towards funding agreements with local landholders to protect existing patches of native habitat and link them through tree corridor planting projects. The aim is to enable greater conservation connectivity between patches of Threatened Ecological Communities and other bushland remnants for threatened and other native species. This includes connectivity conservation for native species such as, (but not limited to) the Greater Glider. There is

an isolated population of Greater Gliders within the Seven Mile Beach National Park (located 2.7km east of the subject land) which was recently listed as an Endangered Population. It is critical for the long term survival of such populations that connectivity across potential habitats across the Berry Corridor is established. This imperative is applicable to the subject lands. The proposed rezoning of the site would effectively open the way for other rural subdivision that would at least, make connectivity conservation very difficult and at worst, make it impossible to achieve.

Impact to the viability of Beach Road vegetation as a wildlife corridor

The native roadside vegetation within the Beach Road easement is a critical remnant of connecting vegetation within the Berry Corridor. The subject land borders this road easement along its northern boundary and includes some fringing vegetation which contributes to this existing corridor.

The Proposal does not recognise the function of remnant native vegetation within the subject land as part of the Berry Corridor, nor outline how this function would be impacted, managed (and preferably augmented) in the context of the proposed rezoning.

Cumulative impact on Berry Corridor values and function

The proposed rezoning of the subject land would allow for closer subdivision of one of the last remaining portions of rural land fringing the southern side of Beach Road. The subject land is the last portion of zoned rural land which provides connectivity between the Coomonderry Swamp basin and the Beach Road easement (Figure 2) and which does not include (existing or planned) close rural-residential subdivision and the associated barriers to terrestrial wildlife movement such as multiple Lot fencing, domestic dogs and cats, human habitation and roads.



Figure 2 Looking east along Beach Road, adjacent to the subject lands (on right), showing the wildlife corridor formed by the mature tree growth within the road easement.

The potential impact of the rezoning on the wildlife corridor function of the Beach Road easement, its viability and connectivity is not addressed in the Proposal. Berry Landcare are concerned that the proposed rezoning would allow the closure (through rural-residential subdivision) of any effective native fauna access to the Beach Road corridor from the adjacent Coomonderry Swamp margins and outlying native vegetation.

Proposed riparian corridors have no or limited connectivity value

The Proposal includes the establishment of a number of riparian corridors which have the appearance of connecting remnant native vegetation with the Beach Road easement and other remnant vegetation to the south. Based on specifications provided in the Proposal, the conservation value of these zones appears to be close to nil. This is because:

- there is no specification as to how the corridors would be 'vegetated', and it is possible that they would be retained as grassland; and
- the corridors are transected by vehicle access tracks and would contain multiple lot fencing

South Coast Regional Strategy (2007) and Regional Plan (2015)

Both the South Coast Regional Strategy and Regional Plan variously recognise the biodiversity and habitat values of remnant vegetation within the Berry Corridor (refer reference descriptions above). The strategy requires local environmental plans to protect regionally significant corridors and states that development proposals in these areas will be required to maximise the retention of native vegetation and rehabilitate disturbed areas (p.14).

The Proposal does not address the issue of how rezoning may impact upon the subject land's function within the Berry Corridor, existing and potential habitat connectivity, and potential rehabilitation actions

South Coast Regional Conservation Plan (2010)

The South Coast Regional Conservation Plan identifies the following priority action for wildlife corridors:

'most existing vegetation and habitat within identified regional wildlife corridors, including riparian areas, should be protected and enhanced, but it will also be necessary to restore certain areas to improve connectivity and to enable movement and dispersal of flora and fauna populations' (p.43).

The Plan also outlines a tiered approach to planning for and managing the conservation and restoration of connectivity between remnant vegetation within wildlife corridors (Section 6.3). The Berry Corridor falls within the defined category of 'verified regional corridors that are additional areas identified by the DECCW analysis for the South Coast as the highest priority for maintaining or improving habitat connectivity' (p.38)

The Plan notes that:

'verified regional corridors [lands within the Berry Corridor are identified on Plan Map 15] need to be identified in LEPs by a regional corridor overlay and related protection clause and/or through a mixture of Environmental Zones (E1-E4)'.

'A clause should be inserted in the LEP directing those approving development to consider whether restoration activities will be compromised by the proposed development' (p.39).

The Proposal does not mention the South Coast Regional Conservation Plan, nor provide any analysis of how the potential rezoning may relate positively or negatively to the Plan's objectives and strategies, and in particular to maintaining and improving habitat connectivity as part of the Berry Corridor.

Rural amenity and landscape quality

The subject land forms part of a wider cultural landscape which has been recognized as a valued combination of agricultural grasslands, remnant woodlands and village-centered townships (Figure 3). These cultural and aesthetic values have been recognised by the following studies and classifications:

- the NSW National Trust listing of the "Berry District Landscape Conservation Area"
- the "Berry-Bolong Pastoral Landscape" (Shoalhaven City Council Heritage Study 1988)
- the "Southern Illawarra Coast Plain and Hinterland Cultural Landscape" (Foxground and Berry Bypass Princes Highway Upgrade Non-Aboriginal Heritage Assessment, NSW Roads and Maritime Services 2012); and by
- the Shoalhaven City Council's "Shoalhaven River Estuary Management Plan" which was adopted in March 2008.

The Proposal does not mention the cultural landscape values of the subject lands nor assess the potential impact of the proposed rezoning on these values.



Figure 3 A panoramic view of the subject lands (from the northern boundary), showing a rural agricultural patchwork of remnant forest and grasslands which is consistent with the variously defined cultural and aesthetic values of the cultural landscape surrounding Berry

Evaluation of Agricultural Economic Viability

The Proposal's analysis of the economic viability of the subject land as agricultural land (Appendix D), does not provide a reliable basis for evaluation due to the following limitations:

- the narrow scope of its analysis (limited to beef cattle, pigs, poultry and cropping)
- the limited review of agricultural options including the stated constraint based on the expertise and capital of the current owners (p.11),
- the previous owner's successful cattle enterprise is neither acknowledged or analysed; and
- the assumption that the current Lot area would be the maximum extent of any future enterprise.

Evaluation of Biodiversity Values

Absence of detailed and comprehensive field survey

In addition to the absence of any analysis of the Berry Corridor, the Proposal's review of biodiversity constraints is also unreliable because it relies primarily on a 'desktop assessment' using the existing (incomplete) dataset, without the conduct of a systematic or detailed site-specific flora and fauna survey, across varied seasons and conditions. The extent of field inspection upon which the Proposal evaluation is based was limited to one hour on the 9 February 2019 (Appendix E, p.2). A list of 14 different signs/traces were apparently assessed during this site inspection however it is not feasible to conduct an adequate search of native animal signs/traces in such a short period of time especially in the middle of summer. An appropriate assessment should include adequate time to properly assess the signs/elements of the presence of native fauna including spotlight surveys, bat surveys, diurnal bird surveys and surveys during spring and autumn.

It is Berry Landcare's contention that any evaluation of the potential for, or recorded presence of threatened Species or Endangered Ecological Communities, should only be based on detailed, and systematic best-practice, multi-season survey. It is too late to conduct such a study at the Development Application stage, this information should be available to inform any rezoning application.

Threatened species analysis

The absence of threatened species records for the subject lands in the existing dataset does not necessarily mean that threatened species are not present on the site or that they may frequent or use the site. Surveys of nearby forest areas conducted by Gaia Research in 2014 indicate that threatened species (including threatened micro bats, macro bats and other animals) have been found and as such, actually may exist on the site or at least may frequent or utilise the site. The absence of records may simply be a consequence of a lack of on-ground survey effort to specifically look for threatened species and in appropriate seasons and times more conducive to finding threatened species (for example: early morning, night surveys, spring surveys, motion camera surveys, etc.).



Figure 4 Extract from the Shoalhaven LEP (2014) Terrestrial Biodiversity Map Sheet BIO_019E, showing Biodiversity significant vegetation within the subject lands. Apart from a commitment to retain this vegetation, the Proposal does not address issues relating to conservation connectivity, rehabilitation, or its long term function within the Berry Corridor.

The Proposal states that there are 28 threatened species records within a 5 kilometre radius of the subject land but none were found in the desktop analysis or the one hour site inspection visit. This analysis, and the consequential conclusion that threatened species are not present, is both unreliable and contradictory. The surrounding records actually indicate a high probability that at least some of these threatened species would use or frequent the subject site at least from time to time. This strengthens a case for long term connectivity conservation and management across the site, as an additional strategy for the survival of these species. If rezoning and subsequent rural subdivision continues to occur in such portions of the Berry Corridor, then the surviving habitats of threatened species will also decline leading to a flow on reduction and eventual local extinction of those species.

Endangered Ecological Community analysis

Endangered Ecological Community (EEC) mapping obtained from Shoalhaven City Council and via the Sharing and Enabling Environmental Data website (SEED) indicates that remnants of Illawarra Subtropical Rainforest may have previously been recorded within the subject land. This recording has been overlooked in the Proposal's desk top review and is a serious omission (Figure 5).



Figure 5 Enlarged extract of Endangered Ecological Community (EEC) mapping from SCC showing the presence of Illawarra Subtropical Rainforest (Sydney Basin Bioregion) (black outline and pink infill) within the subject lands (original provided by Elizabeth Dixon (SCC) via email to David Rush 22 June 2017). This identification of EEC within the subject land is not acknowledged in the Proposal.

It also appears that no or little attention has been paid to the potential presence of significant native animals in the waterways and

dams especially to identify the presence of any amphibians (i.e. Green and Golden Bell Frogs which have been found on properties nearby), migrating water birds or other aquatic animals.

The importance of Blackbutt – Turpentine – Bangalay Forest is not sufficiently recognised

Gaia Research Pty Ltd was commissioned to conduct Fauna Surveys in the Berry Corridor Focus Area by the Illawarra Shoalhaven Great Eastern Ranges Partnership in 2014. The subsequent report highlighted a number of vegetation communities as important habitat for Greater Glider and other species. These including the Blackbutt – Turpentine – Bangalay moist open forest on sheltered slopes and gullies, southern Sydney Basin (SR516) vegetation community, which is present within the subject land (p.9). Given the recently listed status of the Seven Mile Beach National Park Greater Glider population as an Endangered Population, the presence of this forest type within the subject land has additional importance. There is considerable potential for this forest remnant to add to the available habitat of the nearby Greater Glider population if sufficient connectivity is established and habitat management (such as supplementation with nest boxes) is conducted.

The Gaia Research report noted that it takes many years for these forests to develop suitable breeding hollows required for hollow-dependant species such as the Greater Glider. This makes the nest box placement urgent work to provide homes in suitable habitat. If we are unable to establish adequate forest linkages to and install nest boxes in these forests, a stochastic event could wipe out the existing isolated endangered population of Gliders within Seven Mile Beach NP (G. Daly, 2014).

Microbats

The Gaia Research study also recorded three endangered species of micro bat in similar forests nearby to that of the subject land. There is no mention of assessments for micro or macro bats in the Proposal. This represents a significant omission in the biodiversity analysis.

Hydrological analysis

It is unclear why the deletion of first order streams, based on the absence of a discernable bank or bed, is considered appropriate for the Proposal evaluation (Appendix E, pgs.5&6). The topographic definition of these first order streams and their hydrological flow remains pertinent to their evaluation as potential revegetation and habitat zones. Indeed, prior to European settlement, many first and second order streams are likely to have been characterized by soaks and 'chain of ponds' morphologies, with the absence of bank definition a consequence of greater vegetation cover and the absence of hard hoofed stock animals.

The proposed removal of existing agricultural dams within the subject land is unsupported by any assessment of their current value as habitat, or their potential use by threatened species, especially given the proximity of Coomonderry Swamp.

Subdivision Lot sizes

The proposed Lot sizes of a future subdivision of the subject lands are considered by the Proposal to be similar to those of existing nearby subdivisions. This is inaccurate, as those proposed are in many cases, smaller than the existing subdivisions.

Greater Recognition of the Berry Corridor is needed in the Development Assessment Process

Berry Landcare would like to draw the attention of the Council to the need for greater recognition of the Berry Corridor, in early development planning and assessment processes. The current Proposal is the latest of many, where proposals and applications affecting Berry Corridor lands have not referenced the corridor, nor assessed potential impacts or impact mitigation. This is detrimental to the planning process where early identification of constraints and mitigation strategies can be of benefit to all involved.

Berry Landcare respectfully urge the Council to investigate and realise means by which the Berry Corridor, can be made more prominent and accounted for in the land planning and assessment process. Reference here is made to the *South Coast Regional Action Plan* (2010) which requires that verified regional [wildlife] corridors need to be identified in LEPs, together with protection clauses.

In conclusion, and based on the points outline above, Berry Landcare believe the Proposal should be rejected by Council and does not provide a reliable or properly researched analysis upon which a rezoning decision can be safely made.

Please do not hesitate to contact me if you have any questions or require further information relating to this response.

Yours Sincerely

Jim Jefferis

Chairperson
Berry Landcare Inc.

cc:

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Patricia White, Deputy Mayor SCC, Patricia.White@shoalhaven.nsw.gov.au

16th October 2019

General Manager

Shoalhaven City Council

Bridge Rd Nowra NSW 2541

Dear Sir/ Madam,

Re: Planning Proposal Rezoning 55 Wire Lane berry ref. 57738E

I wish to submit some comments, on behalf of my family having lived in this area on Sunnymede Lane for 33 years, toward **stopping** the Planning Proposal Rezoning of the above address, from RUI to RS Large Lot Residential, that has been issued to Shoalhaven City Council to consider.

The decision for Council in relation to this planning proposal rezoning comes down to whether the council officers and others in government want to change the look, feel and impact of the gateway to the Shoalhaven and Berry, with its agricultural roots, to an environment that is more like the urban areas to the north.

Firstly, it's interesting to note that the Joint Regional Planning Panel said back in 2016, regarding the subdivision at 510 Beach Road, that "there should **not** be any further consideration of rezoning proposals for rural residential subdivision until Council has developed a rural residential strategy." I understand Council is undertaking the review of the Shoalhaven Growth Management Strategy at this present time.

The collective reports tabled are slanted in their arguments, but obviously directly sponsor a "positive" message for the proponent and can be used by anyone wanting to believe that the best action is subdividing and stopping any chance of agricultural activity and removing the rural environment forever. The viable angle of the agricultural argument depends on how much return is required for what the agricultural pursuit is. The other view is that diversified agricultural activities could be undertaken on this land, as has been undertaken since the land was originally cleared for agricultural activities.

Quoting from the introduction of Indesco's proposal for rezoning, it is ironical that it is a "strategy" that primarily the proposed rural residential rezoning will facilitate the transfer of a large area of Coomonderry Swamp into public ownership. So it seems that this rezoning, then subdivision, bringing more people, cars, noise, pets, etc. into the area will provide a "domino effect" for other owners to rezone and give over part of their land around Coomanderry swamp for the environment.

In the land supply and demand analysis report the objectives from SEC LEP 2014 outlined on page 11, section 4. i. to vi, should be taken notice of especially objective iv. "Ensure small holding development does not prejudice the interests of agricultural producers in the vicinity and minimise the impact on the natural attractions and amenity enjoyed by permanent residents and visitors;" It is also noted that these objectives are not in evidence in the concept subdivision proposal.

The water management, that is stormwater and a sanitary drainage mix, from the proposed subdivision is said to "have a beneficial impact on water quality" in comparison to what is naturally happening now predevelopment, this is not plausible by simple common sense. The proposal states that "sewer is too far away" and a pump station system is not considered, so proposed would be 29 aerated wastewater treatment systems. Town water is available but no hydrant reticulating system

so each dwelling will have to harvest roof water to a minimum 20kl tank. This will mean a negative volume of overland flow stormwater, in predevelopment terms, flowing down to the table drain along Beach Road that drains eventually into Foys Swamp located in the Cleary Brothers property opposite on north side of Beach Road. The water report calls out and shows on its plans erroneously, the overland flow draining uphill across Beach Road.

The flooding map in the water management report is not representative of actual flood events i.e. flooding occurs on Beach Road from the east up to and including the Sunnymede Lane intersection with Beach Road.

The conceptual subdivision plans show 3 proposed blocks of land accessed via Sunnymede Lane and a total of 3 blocks accessed solely from Wire Lane, this plan would obviously increase traffic along these lanes and substantially change the amenity of the existing property owners in each case. Both Lanes have connections to 90 kmh traffic travelling along Beach Road, and contend with an existing awkward, not completely safe, (sight distance wise) intersections to Beach Road. The Sunnymede Lane intersection has vehicles travelling 90 kmh down the hill from the west sometimes overtaking between the top of the hill and Sunnymede Lane, therefore making it very dangerous when exiting left from the lane to travel west and also when entering Sunnymede Lane as a right turn. The same might be said for the proposed concept new subdivision entry road off Beach Road.

Sunnymede Lane is constructed from a shallow shale base course without any seal, has been built for very light existing traffic. A major upgrade of the lane pavement and intersection left and right turns would be required if the rezoning then subdivision were unfortunately approved. Further affecting existing property owners.

It is disturbing to read in the bush fire report, under the heading Measures to achieve compliance, that areas for building envelopes can be improved with additional vegetation management around the edges of the remnant vegetation on site." It sounds like part of the Blackbutt- Turpentine- Bangalay tree areas mentioned in the ecological Eco planning report might be adjusted to suit.

In conclusion, we believe the proposed rezoning and subsequent subdivision would be detrimental and unfortunate for the whole of the Berry district's character. It would impact negatively on one of the more scenic rural entries into the Shoalhaven.

Yours Faithfully,

2018-19 STATE OF THE ENVIRONMENT SUMMARY

Key:

Improving over time



Getting worse over time



Little change over time



Target was met



Target was not met



Corporate Indicators: Trend over time and performance to target

Energy Use:

Decrease in
GJ/capita/year



Fuel Use:

Decrease in
L/capita/year



Emissions:

Decrease in
GHG/capita/year



Water Use:

Decrease in
kL/capita/year



Community Indicators: Trend over time and performance to target

Aboriginal Heritage:

Workplace diversity



Air

Emissions per capita



Biodiversity

\$ spent on threatened species



Land Quality

Investments into BushCare



Land Use Planning

Managed Land (m2) per capita



Noise

Noise complaints per resident



Non-Aboriginal Heritage

No heritage items destroyed



Solid Waste

Waste collected per capita



Waste Water

Waste water recycled



Water Quality

Water quality at beaches



Water Use

Consumption per connection





ABOUT THIS REPORT

This report summarises the state of the environment of Shoalhaven City in a series of one-page 'report cards'. Each report card represents an environmental issue relevant to the community and Council activities. The issues are divided up into 'Community' themes and 'Corporate' themes.

Report inclusions

Each report card includes the following information:

Part A: State of the Environment Over Time

Presents information that shows the condition of the environment within the City over time, and against targets set by Council. The graphs in each card with the bold, italicised title are the indicators used to track progress over time and progress to target.

Part B: Council Response

Presents information about the main Council responses to alleviate pressures, or to improve the state of the environment.

Part C: How is the Shoalhaven Performing?

Provides a rating of performance in terms of:

1. ***Trend over time:*** The improvement or otherwise of the state of the issue, as shown in the trend over time of the leading indicator,
2. ***Performance against target:*** The achievement or otherwise of any target set for the issue, as shown in the leading state indicator,
3. ***Performance against other local government areas:*** Corporate performance has been benchmarked against other similar local governments. All Councils in the corporate comparisons own and operate their water and sewerage infrastructure. All comparisons are based on population size.

Indicators Used for Reporting

The environmental performance of the City is measured across a number of issues, each with its own set of primary indicators. An example of a primary indicator is energy consumption per capita. Using primary indicators to assess performance mean the City can be compared to other regions and progress can be tracked reliably.

This report for 2019 is the latest Shoalhaven City Council State of the Environment Report, and continues to build on valuable time-series data from previous reports.



ABOUT THIS REPORT

Environmental Issues

The environmental issues and were selected through a comprehensive research and consultation program. Council's environment team worked with Azility to develop the issues and indicators list, in consultation with key staff across Council. Processes for the ongoing capture of data to feed into each report card were also developed at this time.

The baseline year in each report card is 2010-2011. Council has implemented processes to ensure data for most indicators can be collected from 2010-2011 onwards.

Comparisons and Benchmarking with other Council areas

The indicators that have been selected for inclusion in these report cards were also identified as being the most universally acceptable to Australian local government. As a result, Council will be working with Azility to generate wider interest in this reporting process among other Councils with the objective of encouraging them to report their performance using the same set of indicators. This will bring all councils to a 'level playing field' in terms of data, enabling comparisons and benchmarking of performance to take place between local government areas.

In this report, only the Corporate themes have been compared to other local government areas.

Targets

Council is seeking to measure its performance against targets for each issue. An initial set of targets has been developed for the primary performance or response based indicator in each report. In the absence of a specific target being set for an issue, a 5 per cent improvement on previous year's performance has been set as the default target.

Ongoing Data Collection, Management & Reporting

Azility coordinates the ongoing collection and management of data and generates updated report cards for Council on a quarterly basis.

For more information

Call Shoalhaven City Council on 02 4429 3111 or visit azility.co



SHOALHAVEN COMMUNITY REPORT CARDS



Community Environmental Themes

- Aboriginal heritage
 - Air quality
 - Biodiversity
 - Land quality
 - Land use planning
 - Noise pollution
 - Non-Aboriginal heritage
 - Solid waste
 - Water quality
 - Water use
-

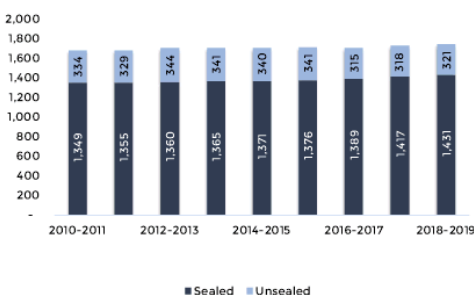


GENERAL INDICATORS

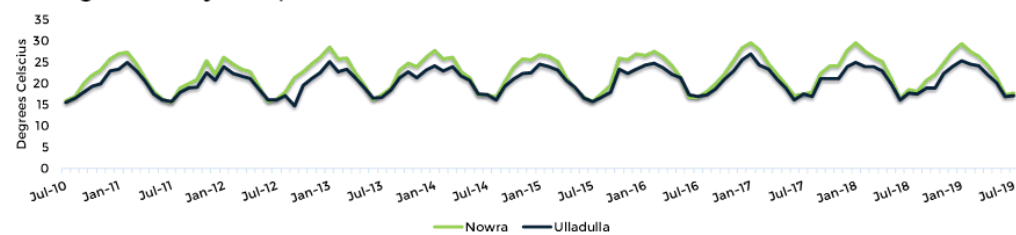
City Population:



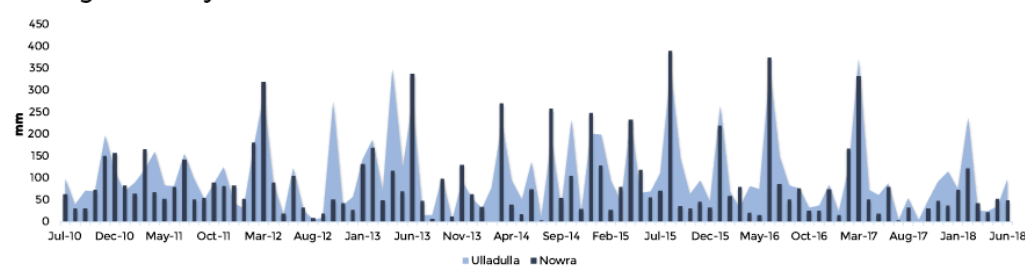
Kilometres of Road:



Average Monthly Temperature:



Average Monthly Rainfall:



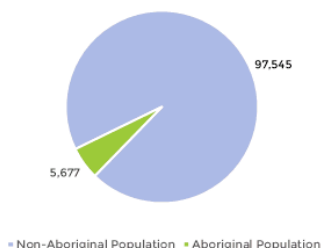
The Shoalhaven population triples during holiday periods. All Council's infrastructure and services have to be designed to cope with a transient population. The indicators used in the report are mostly based upon a per capita or per property comparison which does not account for the increase in population during the peak holiday periods. This will affect the overall performance of Council when compared to other Local Government Areas.

COMMUNITY

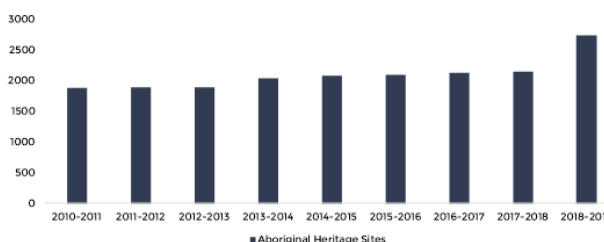
ABORIGINAL HERITAGE

PART A: STATE OF ENVIRONMENT

ABS Population Statistics–LGA Wide

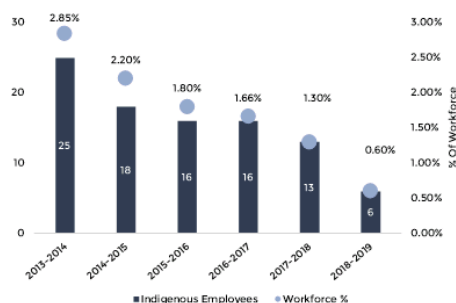


Aboriginal Heritage Sites within LGA

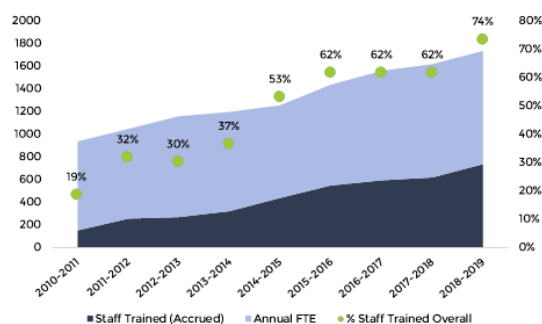


PART B: COUNCIL RESPONSE

Number of Aboriginal employees at Council



Proportion of staff trained in cultural awareness



PART C: PERFORMANCE SUMMARY

Trend over time:	Target:	Performance to Target:
	5.5% of the workforce are of Aboriginal heritage	

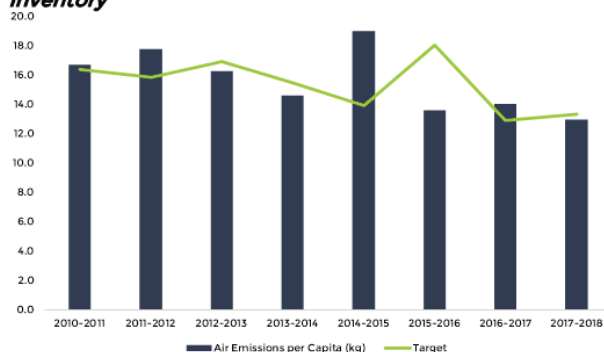
COMMENTS: Council did not meet its target. Population data and Aboriginal heritage sites are managed by the state and commonwealth government. Council aim to employ the same percentage of Aboriginal people as the population split between Aboriginal and non-Aboriginal people (5.5% v. 94.5%). The trend of Aboriginal employment is decreasing each year. However, as it is not mandatory for employees to disclose their heritage these numbers may not be a true representation.

COMMUNITY

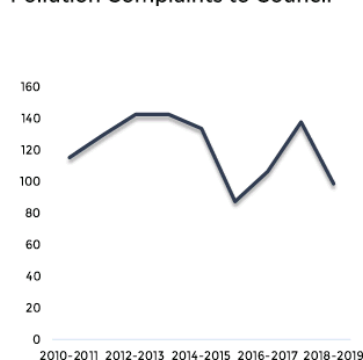
AIR QUALITY

PART A: STATE OF ENVIRONMENT

Substance emissions per capita: National Pollutant Inventory

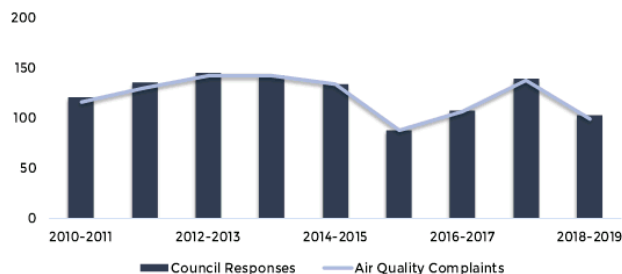


Pollution Complaints to Council

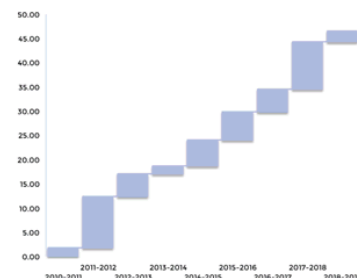


PART B: COUNCIL RESPONSE



Council Response to Air Quality Concerns



Cycleway & Footpath Length (km)



PART C: PERFORMANCE SUMMARY

Trend over time:	Target:	Performance to Target:
	5% reduction from last year	

COMMENTS: Council met it's target. Emissions from toxic substances were down 7% in 2018-2019. Council's response to air quality complaints matches the number of requests made in relation to odour, air quality & smoke. All complaints were actioned through notices, orders and/or fines. Emissions data used in calculations includes only emissions to air. Emissions data was sourced from **The National Pollution Inventory** (Department of Environment & Energy)

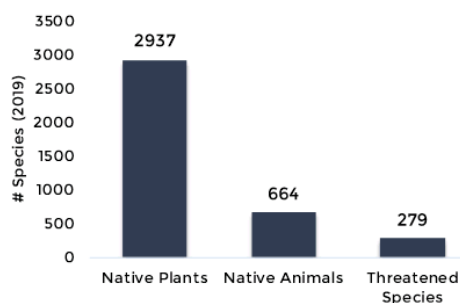


COMMUNITY

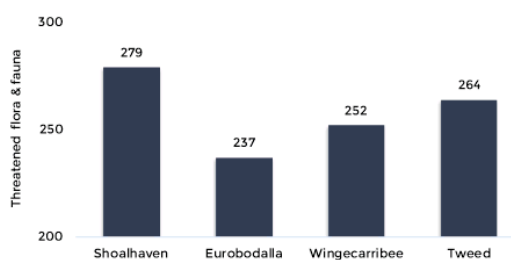
BIODIVERSITY

PART A: STATE OF ENVIRONMENT

Number of species in LGA (June 2019)



Regional Threatened Species (June 2019)



PART B: COUNCIL RESPONSE

Funds directed at threatened species recovery & protection



Funds invested in pest control & management



PART C: PERFORMANCE SUMMARY

Trend over time:

Target:

Performance to Target:



No target defined

Not applicable

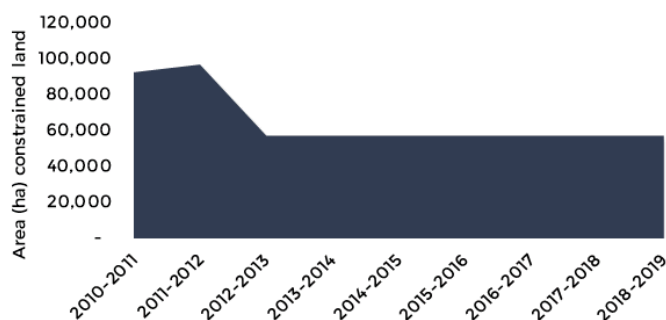
COMMENTS: The LGA is in two bioregions and there are a very high number of plant and animal species. Most of the threatened species are on the coastal fringe where there is the highest population density. Continued population growth will need to be planned carefully to minimise the impact on the region's native flora and fauna. Council funding for protection of native species increased significantly this financial year compared to last.

COMMUNITY

LAND QUALITY

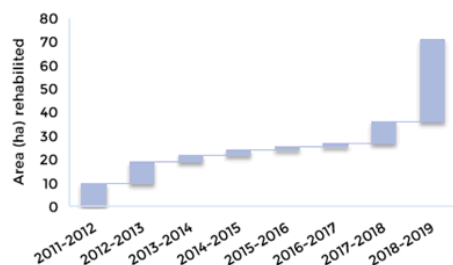
PART A: STATE OF ENVIRONMENT

Area of constrained land (acid sulphate, flooding, contamination, endangered ecological communities)

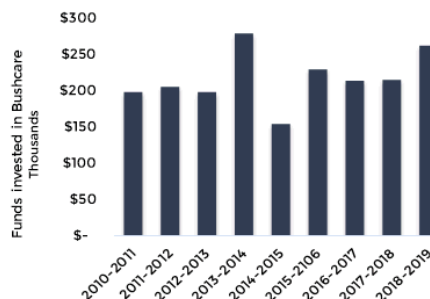


PART B: COUNCIL RESPONSE

Area of Bushcare rehabilitation



Investments into Bushcare projects



PART C: PERFORMANCE SUMMARY

Trend over time:



Target:

Funds invested to land
quality are equal to or
greater than previous year

Performance to Target:



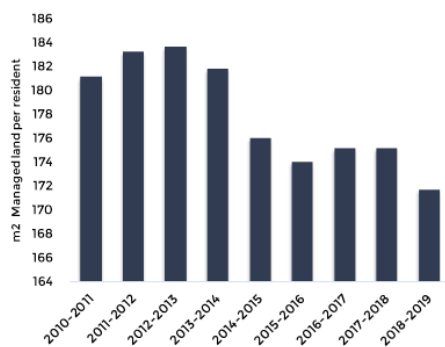
COMMENTS: Constrained land is land affected by one significant constraint meaning development cannot occur easily. Land contains in the LGA are acid sulphate, flooding, land contamination and the presence of endangered ecological communities. The decrease in constrained land in 2012/13 is a result of updated data on endangered ecological communities. Council has increased funding to Bushcare activities to rehabilitate degraded land to regenerate bush areas and aid biodiversity.

COMMUNITY

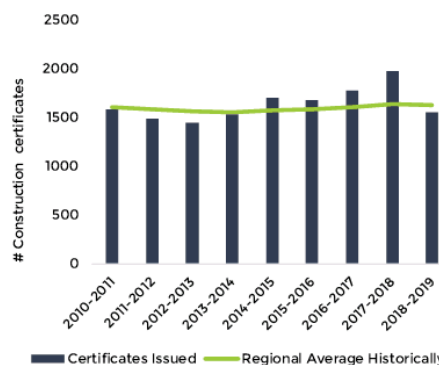
LAND USE PLANNING

PART A: STATE OF ENVIRONMENT

Council managed community land per resident (m2)

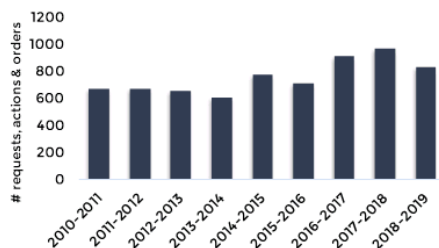


Certificates issued/complying development

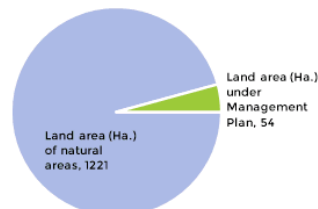


PART B: COUNCIL RESPONSE

Response to non-complying developments & unauthorised development



Natural areas vs. natural areas with site specific management plan (ha)



PART C: PERFORMANCE SUMMARY

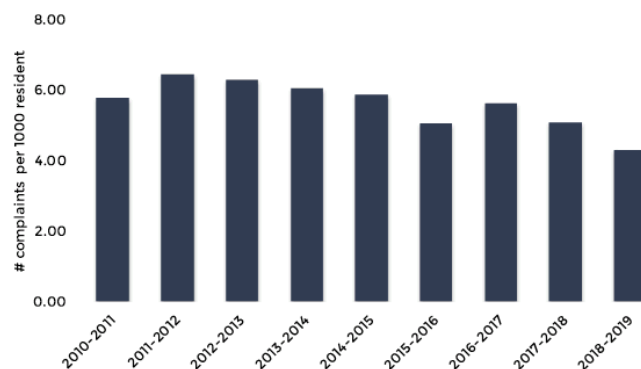
Trend over time:	Target:	Performance to Target
	<p>Council managed land area remains the same as previous year</p>	
<p>COMMENTS: Council did not meet it's target. Council responds to non-complying and unauthorised developments through the issue of notices/orders/fines and prosecution. The number of responses has increased since 2010-2011. However, during 2018-2019 compliance action decreased due to the complexity of issues being raised, resourcing issues (including staff turn over & training), increased presence at court, and the implementation of new procedures.</p>		

COMMUNITY

NOISE POLLUTION

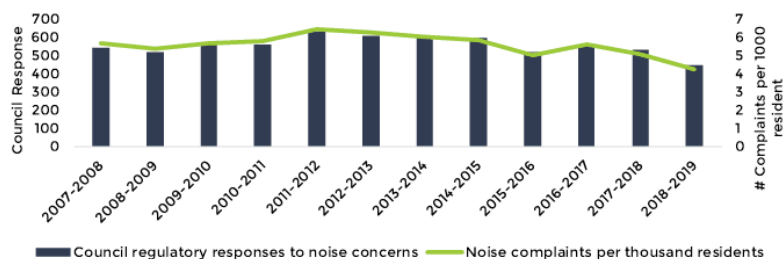
PART A: STATE OF ENVIRONMENT

Noise complaints to Council per thousand of residents





PART B: COUNCIL RESPONSE

Council regulatory responses to noise complaints (including investigations, notices, orders, fines & court action)



PART C: PERFORMANCE SUMMARY

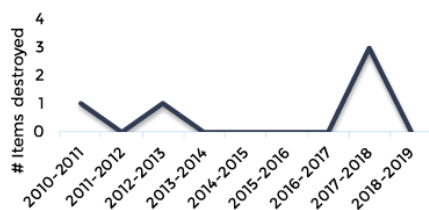
Trend over time:	Target:	Performance to Target:
	5% reduction on noise complaints from previous year	
COMMENTS: Council met its target this year with a 16% decline in noise complaints compared to last year. Noise complaints in relation to population have been declining since 2011-2012. The Council response to complaints were matched. Council's response covered investigations, notices, orders, fines and/or court action.		

COMMUNITY

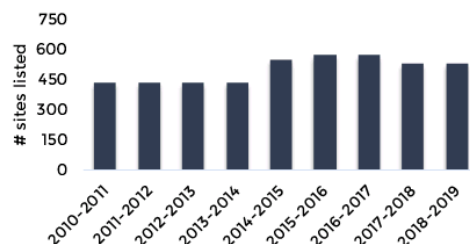
NON ABORIGINAL HERITAGE

PART A: STATE OF ENVIRONMENT

Non-Aboriginal listed heritage items destroyed

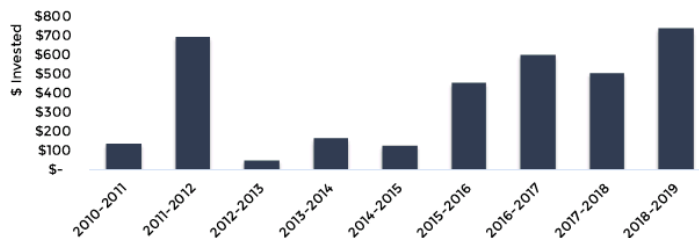


Non-Aboriginal heritage sites identified or listed for protection in LEP





PART B: COUNCIL RESPONSE

Council funds invested in protection, restoration or management of non-Aboriginal heritage sites



PART C: PERFORMANCE SUMMARY

Trend over time:	Target:	Performance to Target:
	Zero items destroyed	

COMMENTS: Council met it's target this year and no non-Aboriginal items of significance were damaged or destroyed. There were no new non-Aboriginal sites identified or listed for protection in the Shoalhaven LEP 2014, however funding invested into the protection, restoration and management of non-Aboriginal sites was at it highest this financial year.

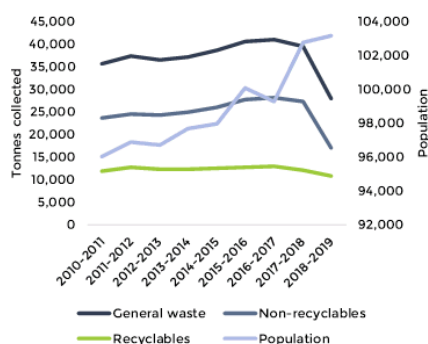


COMMUNITY

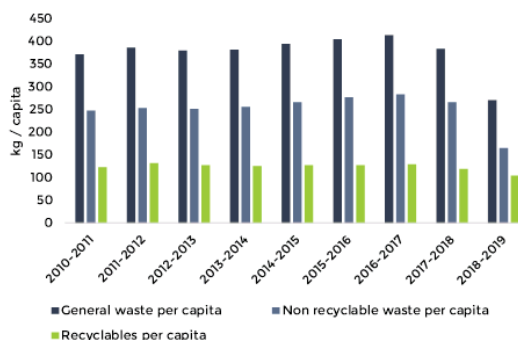
SOLID WASTE

PART A: STATE OF ENVIRONMENT

Waste Collected

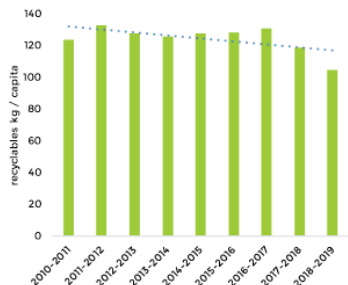


Waste Collected per capita

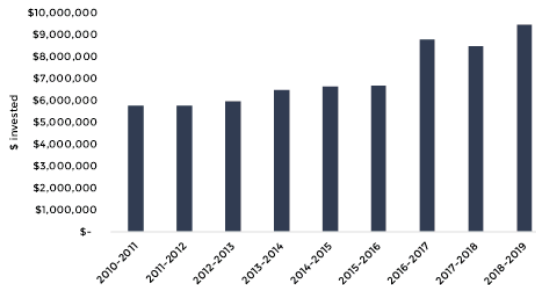


PART B: COUNCIL RESPONSE

Kerbside recycled material per capita



Funds invested into resource recovery



PART C: PERFORMANCE SUMMARY

Trend over time:



Target:

5% reduction in waste per capita compared to last year

Performance to Target:



COMMENTS: Council met it's target this year. General kerbside waste collection has decreased by 102 kg per capita since the 2010-2011 financial year. There has been an increase in waste reduction initiatives such as composting, worm farming and sustainable living workshops. Overall kerbside recycling has decreased and this is the result of the NSW EPA container buy-back program introduced in 2017. Overall waste to landfill has not increased during this time.

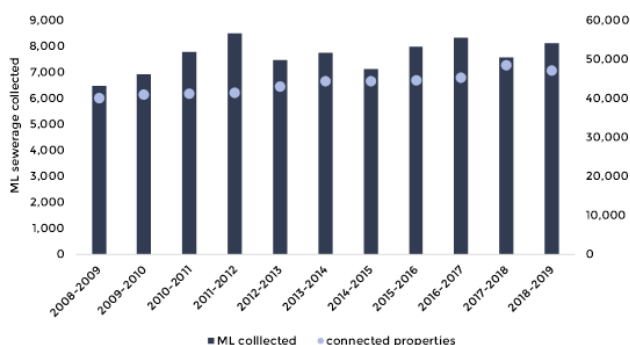


COMMUNITY

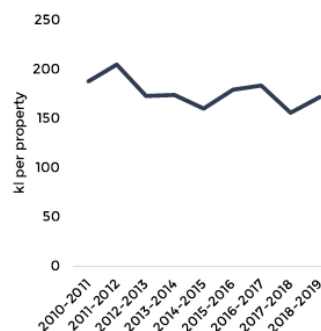
WASTE WATER

PART A: STATE OF ENVIRONMENT

Waste water collected and connected properties

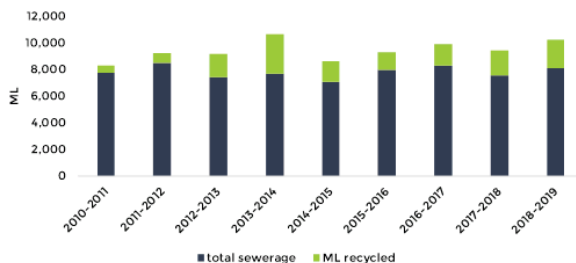


Waste water collected per property

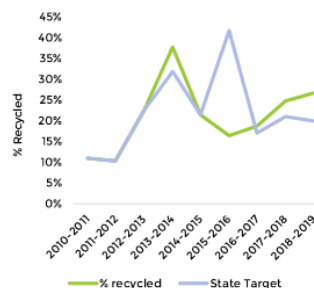


PART B: COUNCIL RESPONSE

Waste water collected and ML recycled onto land



Percentage recycled vs NSW state target



PART C: PERFORMANCE SUMMARY

Trend over time:



Target:

21% of waste water is recycled

Performance to Target:



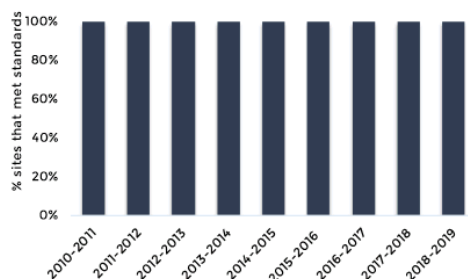
COMMENTS: Council met its target this year. Council also performed better than the state target for percentage of wastewater recycled. The number of connected properties has increased and subsequently the total waste water collected has also increased. For the past three years the amount recycled has been higher than the state average, which is 20% of wastewater recycled (Department of Planning, Industry & Environment).

COMMUNITY

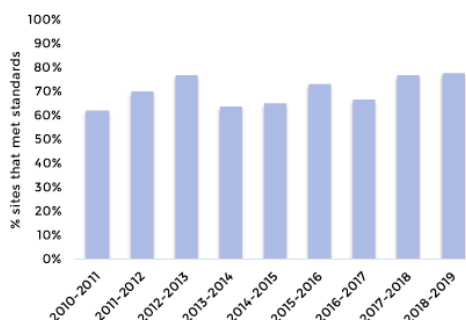
WATER QUALITY

PART A: STATE OF ENVIRONMENT

BeachWatch sites that meet Water Quality Guidelines

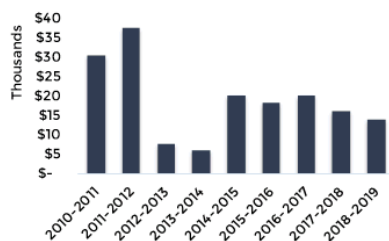


Freshwater sites that meet Water Quality Guidelines
(estuaries, lakes, rivers and creeks across 22 catchments)

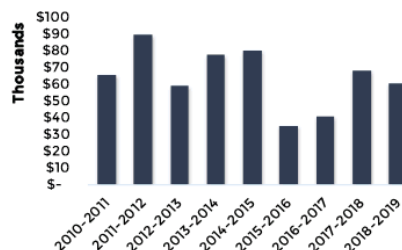


PART B: COUNCIL RESPONSE

Investments in aquatic weed control



Investments in surface water quality monitoring and education



PART C: PERFORMANCE SUMMARY

Trend over time:



Target:

*All beaches meet water
quality guidelines*

Performance to Target:



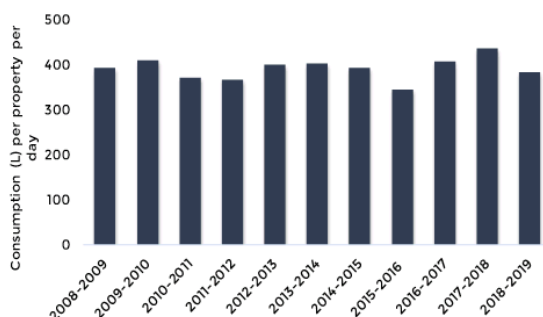
COMMENTS: Council has met its target this year. Selected beaches in the LGA are monitored weekly in summer. Other waterways that meet guidelines cover estuaries, lakes, rivers and creeks across 22 catchments. The number of sites that meet water quality standards has increased slightly this year. Council continues to invest in water quality control. To date the majority of funding is grant funded. More internal resources are required to continue improving water quality in the region.

COMMUNITY

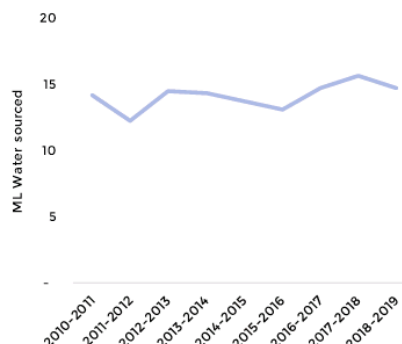
WATER USE

PART A: STATE OF ENVIRONMENT

Residential water consumption (L) per property per day

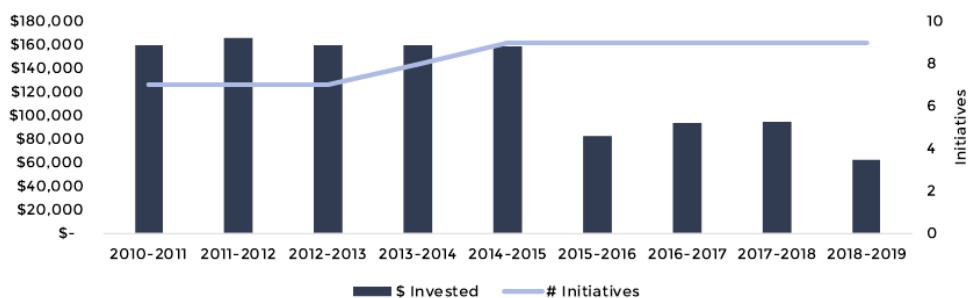


LGA water sourced (Megalitres)



PART B: COUNCIL RESPONSE

Investments into water reduction initiatives and number of integrated initiatives in place



PART C: PERFORMANCE SUMMARY

Trend over time:



Target:

5% improvement on water
consumption per property

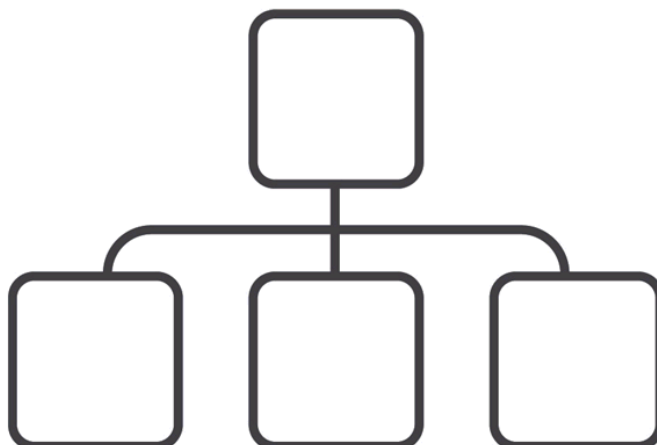
Performance to Target:



COMMENTS: Council met it's target this year. Water consumption per property has decreased compared to last year. Shoalhaven City Council is performing better than other councils for consumption per connected property. The state average for Local Water Utilities is 452 L per property per day. Council investments into reduction programs such as Tapstar, rebates, pricing and household audits has decreased significantly since 2014-2015.



SHOALHAVEN COUNCIL CORPORATE REPORT CARDS



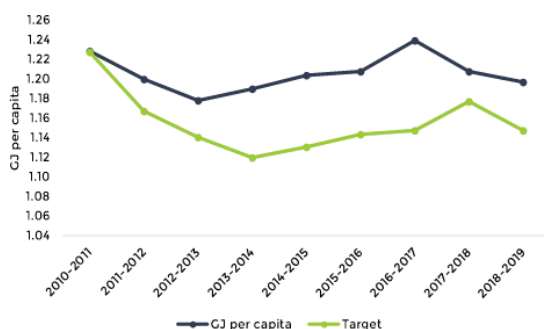
Corporate Environmental Themes

- Energy
 - Fleet
 - Water
 - Greenhouse Gas Emissions
-

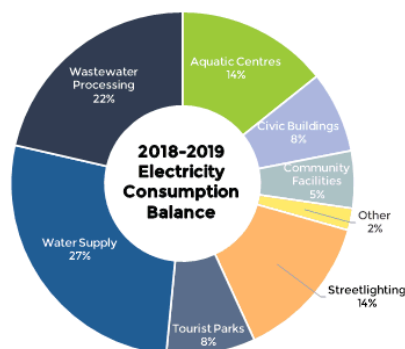
CORPORATE ENERGY

PART A: STATE OF ENVIRONMENT

Total electricity consumption per capita

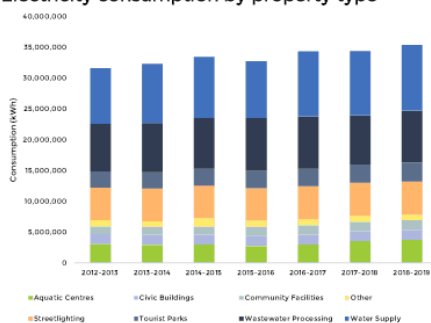


Electricity Consumption across different facilities

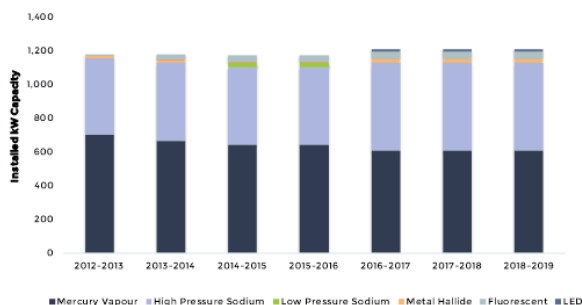


PART B: COUNCIL RESPONSE

Electricity consumption by property type



Total installed Kilo-wattage (kWh) by globe type



PART C: PERFORMANCE SUMMARY

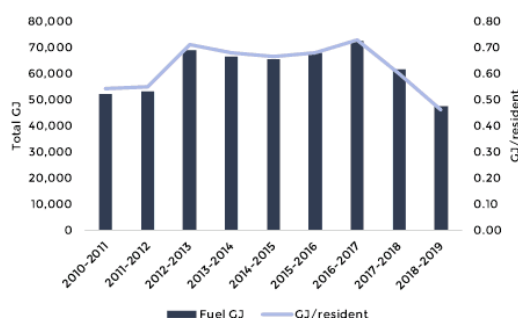
Trend :	Target:	Performance to Target:	Regional Comparison:
	5% reduction in GJ/ resident compared to last year		Higher than regional average Average: 1.05 GJ/person Shoalhaven: 1.20 GJ/person

COMMENTS: Council has not met its target this year, though energy consumption per capita has decreased compared to last financial year. In May 2019 Council adopted the Sustainable Energy Policy which sets targets of: Net zero GHG emissions by 2050 (interim targets are 25% by 2025 and 50% by 2030), energy efficiency management practices, renewable energy targets and upgrade streetlights to LED lighting by 2025. A Sustainable Energy Strategy will be launched in 2020.

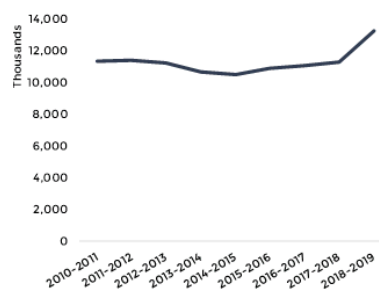
CORPORATE FUEL USE

PART A: STATE OF ENVIRONMENT

Total corporate fuel consumption per capita

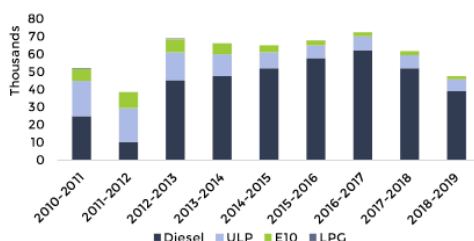


Kilometres travelled by Council fleet
(including private travel from leased vehicles)

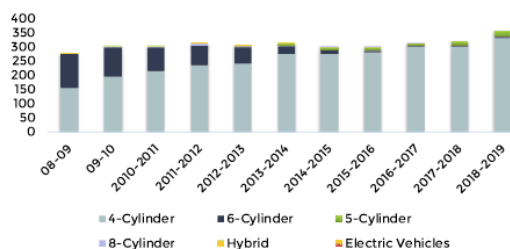


PART B: COUNCIL RESPONSE


Fuel consumption by fuel type



Number of Council fleet passenger vehicles



PART C: PERFORMANCE SUMMARY

Trend :	Target:	Performance to Target:	Regional Comparison:
	5% reduction in corporate fuel used per capita		Higher than regional average Average: 32L/person Shoalhaven: 157 L/person

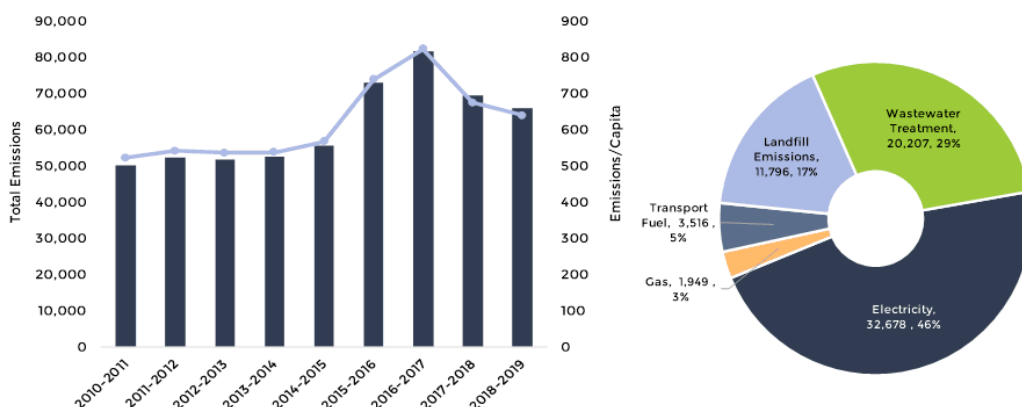
COMMENTS Council has met it's target this year. The Council's fuel consumption has decreased this year while the number of kilometres travelled has gone up. This is because of greater fuel efficiency in Council's fleet. Council's fuel consumption is significantly higher than other similar Council's because Shoalhaven Council operate the waste fleet services and it is the largest regional council/ city by land area in the comparison. This makes accurate benchmarking difficult.

CORPORATE GREENHOUSE GAS EMISSIONS

PART A: STATE OF ENVIRONMENT

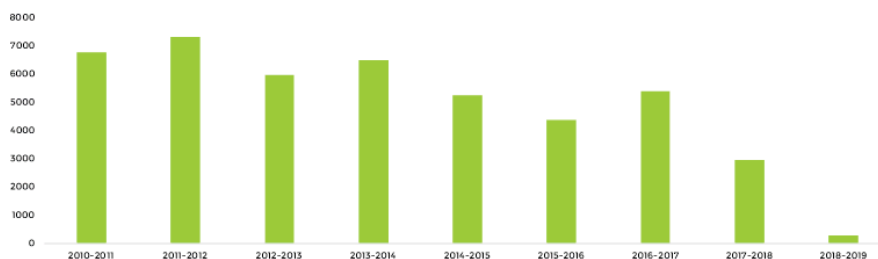
Annual Greenhouse Gas Emissions and Emissions per Capita
(tonnes of carbon dioxide equivalent)

Split of Emissions across activity type
(tonnes of carbon dioxide equivalent)



PART B: COUNCIL RESPONSE

Renewable energy capacity installed



PART C: PERFORMANCE SUMMARY

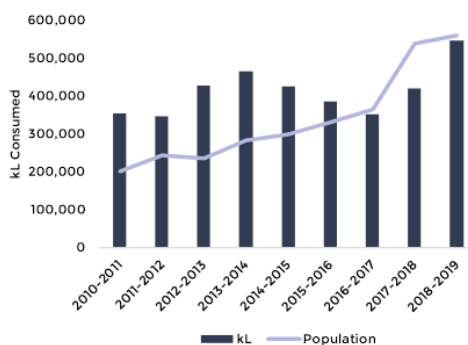
Trend :	Target:	Performance to Target:	Regional Comparison:
	5% reduction in emissions compared to last year		Higher than regional average Average: 350 KG co ₂ e/person Shoalhaven: 641 KG co ₂ e/person

COMMENTS: Council has met it's target this year. Greenhouse gas emissions have decreased by 5% this year compared to last, however, in 2015-2016 emissions increased significantly. This was primarily due to emissions from landfill, which increased in that year and continued to go up annually. Landfill Emissions are now coming back down to similar levels before the increase. Council had the lowest amount of renewable energy generation during 2018-2019 due to no electricity generation at West Nowra landfill gas abatement generation facility.

CORPORATE WATER USE

PART A: STATE OF ENVIRONMENT

Corporate water use & population

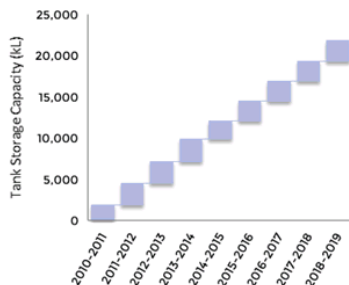


Corporate water use per capita

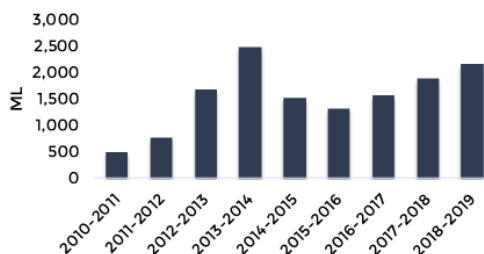


PART B: COUNCIL RESPONSE



Storage capacity of tanks on council assets



Recycled effluent user on fields & parks



PART C: PERFORMANCE SUMMARY

Trend :	Target:	Performance to Target:	Regional Comparison:
	5% reduction in water use compared to last year		Lower than regional average Average: 6 kL/person Shoalhaven: 5.3 kL/person

COMMENTS: Council did not meet its target this year. Corporate water consumption has increased significantly and the 2018/2019 has been the highest water using year historically. This is attributed to lower rainfalls and is a pattern among all local government tracked by Azility. Council has continued to increase the storage capacity of tanks on Council assets, with a total of 22,066 kL now installed. Council also continues to offset mains water through the use of recycled effluent on sports fields. Council uses less than the average water consumption per resident compared to the regional average.