



**STATE SIGNIFICANT
DEVELOPMENT
APPLICATION
SCOPING REPORT**

25 MOSS VALE ROAD, BOMADERRY
MARCH 2024

DISCLAIMER

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We acknowledge that there is more than 60,000 years of continuous Aboriginal connection to the land that makes up NSW.

We recognise that, as part of the world's oldest living culture, the Traditional Aboriginal and Torres Strait Islander Owners and Custodians of the Australian continent and adjacent islands share a unique bond to Country — a bond forged through thousands of years of travelling across lands and waterways for ceremony, religion, trading, and seasonal migration.

Aboriginal people maintain a strong belief that if we care for Country, it will care for us. The land areas surrounding this proposed development area is custodially cared for by the Tharawal People.

Country takes in everything within the physical, cultural and spiritual landscape - landforms, water, air, trees, rocks, plants, animals, foods, medicines, minerals, stories and special places. It includes cultural practice, kinship, knowledge, songs, stories and art, as well as spiritual beings and people: past, present and emerging.

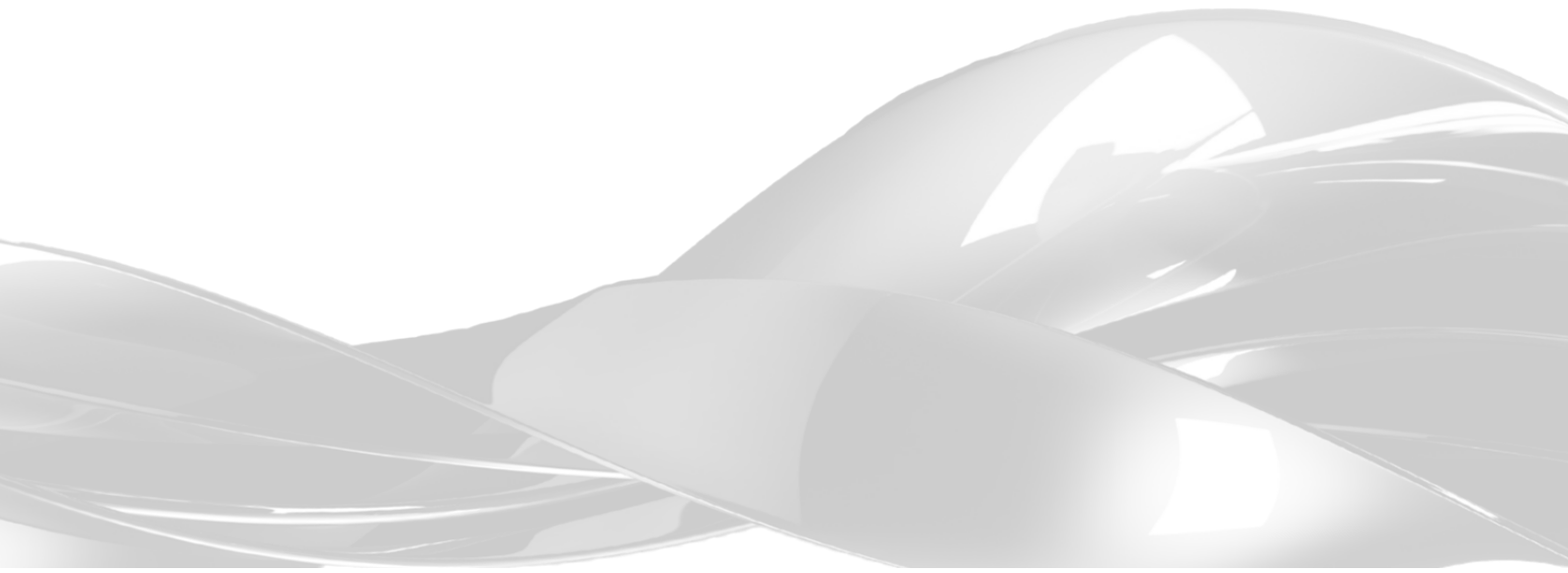




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1. INTRODUCTION

The Project

The Applicant:	Southern Cross Community Housing Limited. ABN 50 307 328 813 P.O Box 2351, Bomaderry, NSW 2541 Alex Pontello – CEO M. 0432 643 034 E. alex@scch.org.au
The Site:	25 Moss Vale Road, Bomaderry legally described as Lot 110 DP131219 & Lot 129 DP3060 & Lot 1 DP520502
The Development	The proposed development of a mixed-use development, including approximately 200 housing units, with a significant proportion of the units to be retained for social and affordable housing.
Construction Cost	\$125million
Applicants Representative:	EG Funds Management David Dove – Design Director M. 0410 025 892 E. ddove@eg.com.au
Planning Advisor	Anthony Blood Planning Anthony Blood – Principal M. 0409 861 842 E. ARBPlanning@outlook.com

Project Overview

The Yards, Bomaderry (“The Yards” or the “Project”) has the potential to be a nationally recognised leader in the provision of affordable and social housing for Australia.

Located in Bomaderry on the south coast of NSW, the proposed project covers 8.2 hectares of land, and is planned for upwards of approximately 200 dwellings. With Project Leadership by Southern Cross Community Housing (“SCCH”), the leading social and affordable housing provider in the region, with a proven track record of successful operation and delivery of housing throughout the Shoalhaven and far south coast.

It is intended for The Yards to be an equitable community, integrating market housing with social and affordable housing product, all within a cohesive and connected community. The heart of this community is the Village High Street, anchored by the SCCH head office and Customer Service Centre. Other key facilities of the Village High

Street are intended to be seniors living, medical centre, local retail and services, and the future Bowls Club or a similar facility.

Homes will be provided in several typologies, from attached dwellings and/or multi-dwelling housing, low rise residential flat buildings, and co-living / transitional social apartments (boarding house). Homes will be provided from small studio units through to four-bedroom family homes, providing for a broad cross section of the community and encouraging a demographically diverse set of residents that will call The Yards their community.

The Yards is set within a lush bushland setting, bound on three sides by established bushland conservation areas, including Bomaderry Creek defining the western boundary. The sloping topography provides the opportunity for district views to the escarpment to the west, while the proximity of the site to the amenities of Bomaderry and the Pacific Highway are only minutes away.

Providing affordable and social housing is a key objective of this project, and it is recognised that the successful sale of some homes within the development is focused on delivering increased quality housing for the social good of the community. The economic success of this project will be measured in the number of social and affordable units delivered, not in profit to the developers.

The Yards is intended to be a benchmark urban development, showcasing the integration of tenures within a thriving and loved community. It will be a home that is embraced by its residents, and be supportive of a diverse range of ages, skills, interests, incomes, and life stages. Together SCCH and EG will create the example of what a community-oriented housing project should be, not just for regional NSW, but for Australia.

Assessment as a state significant development application

The proposal has:

A Capital Investment Value greater than 30 million,

- is planned to have as significant proportion as of social and affordable residences to be owned and operated by Southern Cross Community Housing as a Tier One CHP,
- has a proportion of social and affordable units exceeding the minimum 15% required by the Infill Affordable Housing provisions; and,
- is permissible with development consent.

As a result, the proposal is declared to be SSD and Part 4, Division 4.7 of the EP&A Act will apply to a development application.

Sue's Story – Ready for A New Chapter

Sue has always loved her house in East Nowra. She moved into it with her husband Darryl 15 years ago started a family. The house is a modest four-bedroom house, with a large backyard and close to a park where the children would play. Sue had decorated it with care, filling it with photos of her family and her many paintings.

Sue's house is more than just a place to live; it is a home full of memories and love. She has seen her three children grow up here, from toddlers to teenagers, and then to young adults. Darryl and herself had celebrated their birthdays, graduations, and achievements with them. She had also comforted her children during the bad times.

As time moved on Sue and Darryl had watched them leave one by one, to pursue their careers in different places. She is proud of them, but she also missed them terribly.

Sue's house is also where she has spent the happiest and the hardest moments of her life with Darryl. They had laughed and cried together, shared their dreams and fears, supported and challenged each other. They had grown old together, until two years ago, when Darryl was diagnosed with pancreatic cancer. Sue had nursed him at home, hoping for a miracle, but he passed away holding her hand. Sue is still devastated by his loss, but she also feels grateful for the time they had together.

Sue knows that life has to go on, but she often feels lonely and lost in her big empty house. She has tried to keep herself busy with hobbies, and volunteers at the East Nowra community centre but she still feels a void in her life.

Sue feels like she could use a change of scenery, a fresh start. She heard about the Yards, a new housing development project in Nowra from a Community Development Officer at Southern Cross Housing. The Officer explained that the proposed development would comprise of modern apartments with smart features and green spaces with places to socialise with other people that were her age. Sue likes the idea of living in a vibrant community with access to facilities and services and feels that this is exactly what she is looking for in her life now.

Sue is very excited at the prospect of possibly moving to a more appropriately sized home and happy that her existing home might also possibly be provided to a new family who could move in and experience the joys that she had found raising her family in the house.

Sue is really looking forward to exploring the new housing estate, to meeting new people and having new neighbourhood. She feels ready for new adventures and new possibilities. She also feels that this is move that Darryl would approve of.

Debarah's Story: From Homelessness to Hope

Debarah's life was turned upside down when she came home one day and found out that her husband had locked her out of their house. He had moved on with another woman and wanted nothing to do with her. Debarah had no place to go and no one to turn to. She had been in a toxic marriage for years and had lost touch with her family and friends. She felt betrayed, abandoned, and hopeless.

A friend of hers offered her a tent that she set up on the banks of the Shoalhaven River and shared with her two teenage boys. The three of them lived there for a while, but it was not easy. They had to deal with the weather, the insects, the lack of privacy, and the stigma of being homeless. Deb felt like she had failed as a mother and as a person.

Eventually the boys moved out and Deb was left alone in the tent. She felt lonely and depressed. She wanted to end her misery. One day, a friend offered her an old caravan in the bush. She thought it would be better than the tent, so she accepted it. She moved into the caravan with her few belongings and hoped for a change.

But life in the caravan was not much better than life in the tent. The caravan was full of mould, and it leaked when it rained. Debarah had to carry water from a nearby creek to wash herself and to drink. The water was cold and dirty, and it made her sick. She had no electricity, no heating, no toilet, no fridge, no stove, no plates, no TV, no radio, nothing. She ate out of a pot over a fire if she wanted a warm meal. She wore the same clothes every day. She smelled bad and looked worse.

Debarah lived in the caravan for over four years, isolated from the world and from herself. She felt worthless and hopeless. She didn't think anyone cared about her or that anyone would ever help her. She didn't think she deserved any better. She didn't think she could ever escape from her situation. She just learned to adapt to that way of life.

But then something happened that changed everything.

One day, some staff from Southern Cross Housing (SCH) came to visit her in the caravan. They had heard about her from some other homeless people who used their services. They told her that they had a program called Together Home that could help her find a permanent house. They said that they would also provide her with furniture, appliances, counselling, support, and anything else she needed to start a new life.

Debarah couldn't believe what she was hearing. She thought it was too good to be true. She thought they were joking or lying or trying to trick her somehow. But they were serious. They showed her some pictures of houses that were available for rent through their program. They asked her if she wanted to apply for one of them.

Debarah hesitated at first. She was scared of leaving the caravan that had been her home for so long. She was scared of facing the world again after being away from it for so long. She was scared of trusting people again after being hurt by them so many times.

But she also felt a spark of hope in her heart. She decided to take a chance and said yes. Recalling the first days in the house Deb felt like she was in a dream, a real house with walls and windows and doors and locks. A house with electricity and water and heating and cooling. A house with a kitchen and a bathroom and a bedroom and a living room. A house with furniture and appliances. A house that was hers. Her home.

She was grateful to SCH for giving her this opportunity and for supporting her along the way. She was grateful to the staff who visited her regularly and who helped her with everything from paperwork to shopping to cleaning to gardening. She was grateful to the counsellor who listened to her problems and who helped her heal from her trauma. Over time, Deb has become proud of how she has become a positive and productive member of society, while admitting that she still has challenges and struggles to face.

Deb believes that more housing options are needed for people who are sleeping rough. She says that even one-bedroom properties would make a difference for those who have nowhere to go. She also suggests that SCH should build transitional houses that can help people adjust from the street to a permanent home. She thinks that this would be a compassionate way to support people and to restore their dignity. Deb also feels lucky that she was prioritised for housing as a woman, and she hopes that this policy will continue.

James' Story

In 2009, James was employed as a Regional Manager in the Northern Territory, where he lived with his wife and four children, aged 2, 4, 6 and 7. When their relationship broke down the couple decided to try and make it work and James remained in the home, sleeping in random places in the house for six months. Eventually the pair decided to split up and James decided that the best thing would be to provide a home for his children and leave his wife, his home, and his children.

James left with just one bag of clothes and no job. He moved to Victoria, hoping to find work, but ended up returning to Nowra, his hometown, where his mother lived. Soon after, his ex-wife called him and said she couldn't look after the children anymore. James agreed to take care of them and found a job at a local camping and fishing shop.

James and his children moved into a run-down property in South Nowra, owned by some of his relatives. When the family moved into the house, and for months afterwards, the house had no hot water, no toilet, no stove, and no shower. They showered with a garden hose and cooked on a \$20 camping stove. The house was surrounded by an industrial estate, where dust from trucks loading soil and other items caused allergies for his son. James slept in an annex with exposed asbestos and wiring for three years.

James had no choice but to live in this property for nine years, as he couldn't afford to rent in the private market. He applied for many rental properties that were out of his budget but was rejected because he was a single dad with four kids on a low income. He felt hopeless and depressed.

When he learned that the property was going to be sold, he applied for social housing with the help of his mother, who lived in a property managed by Southern Cross Housing. After overcoming some eligibility issues, he received a phone call from Southern Cross Housing, who offered him an affordable housing property in West Nowra.

James moved into his new house in February 2022. He said the difference was astronomical. The house had carpet, a beautiful kitchen, and ample hot water. The kids were no longer embarrassed to bring friends over and their self-esteem and confidence improved. They also had better internet access.

James's life has seen a remarkable turnaround since moving into his new home. The change has been nothing short of transformative, providing his family with a sense of pride and the confidence to invite friends over. The improved living conditions, including better internet, have allowed them to catch up on many aspects of modern life they previously missed out on.

Professionally, James has experienced rapid growth, earning two promotions in quick succession. His financial situation remains tight, but he's managing well and continues to prioritise his children's well-being above all else. Despite the demands on his time, James has no regrets about focusing solely on his family, even at the expense of his social life.

James's eldest daughter is thriving in Canberra, nearing the end of her first year studying law and business. His second daughter, Akasha is completing her high school education with aspirations to enter real estate. Akasha's ambition for the Duke family is for them to own their home and this ambition is something James feels most likely stems from their past struggles, driving a determination to secure a stable future.

His sons are equally ambitious, with one interested in forensic science and the other in a defence career. James now works at Joyce Maine in Nowra, where he encounters many customers facing financial hardships. He shares his journey with them, offering hope and understanding.

James is acutely aware of the hidden nature of homelessness in Shoalhaven and the stigma attached to intergenerational living due to economic necessity. He dreams of winning Powerball to fund housing for those in need through Southern Cross Housing.

Passionate about Southern Cross Housing's mission, James actively participates in the Nowra Tenant Advisory Committee and contributes to projects, especially those focused on energy efficiency. His business acumen and dedication to community service reflect his commitment to making a difference for others facing adversity.



James Duke at Home

2. THE PARTIES

The Yards project is large and complex. It is a different kind of project to that being delivered by community housing providers, and as such specialised skills are required. SCCH and EG Funds Management have agreed to work together to deliver the Project.

Southern Cross Community Housing

Southern Cross Community Housing Limited (“SCCH”) is a leading Tier One social and affordable housing provider working primarily in the coastal region from the Illawarra through to the Victorian boarder, and inland to the southern highlands and Jindabyne. They are a highly regulated Not-For-Profit Registered Charity owning and managing approximately 2,300 dwellings with a value of over \$1 billion.

The majority of SCCH dwellings provide social housing accommodation, however, SCCH also provide a whole range of affordable housing solutions including crisis, transitional, affordable rentals, and key worker accommodation.

SCCH have acquired the site for the proposed development.

EG Funds Management

EG Funds Management (“EG”) is an experienced funds manager and property developer with a specific interest in progressing community driven initiatives. EG has a proven track record of successfully delivering these kinds of projects across Australia to the satisfaction of local authorities, investors and the community that live in these developments. Roles that EG will specifically be leading are:

- Development Strategy
- Master Plan Design
- Project Management



Figure 3 – Nowra- Bomaderry Growth Area

Figure 3 – Nowra- Bomaderry Growth Area

3. STRATEGIC CONTEXT

Illawarra Shoalhaven Regional Plan 2041 (May 2021)

The legislative framework sets out a clear path from regional planning to local delivery. This framework allows different levels of government to coordinate and realise greater efficiencies through the implementation of regional plans. The following objectives are relevant to the proposal.

A Productive and Innovative Region

- Objective 2 – Grow the region's Regional Cities.
- Objective 4 – Activate regionally significant employment precincts to support new and innovative economic enterprises.
- Objective 5 – Create a diverse visitor economy.
- Objective 8 – Strengthen the economic self-determination of Aboriginal communities.

A Sustainable and Resilient Region

- Objective 11 – Protect important environmental assets.
- Objective 12 – Build resilient places and communities.
- Objectives 13 - Increase urban tree canopy cover.
- Objective 14 – Enhance and connect parks, open spaces and bushland with walking and cycling paths.
- Objective 15 - Plan for a Net Zero region by 2050.
- Objective 16 - Support the development of a circular economy.
- Objective 17 - Secure water resources.

A Region That Values Its People and Places

- Objective 18 - Provide housing supply in the right locations.
- Objective 19 - Deliver housing that is more diverse and affordable.
- Objective 21 - Respond to the changing needs of local neighbourhoods.
- Objective 22 - Embrace and respect the region's local character.

A Smart and Connect Region

- Objective 26 - Create faster rail connections between Greater Sydney, Wollongong, and Nowra.
- Objective 28: Create connected and accessible walking and cycling networks.
- Objective 29: Utilise smart infrastructure to drive resilience, prosperity, and vibrant places.
- Objective 30: Prepare for mobility changes that improve connectivity and sustainability.

The subject site is ideally located within close proximity to the Nowra Bomaderry Growth Area. Southern Cross Community Housing seek to deliver affordable housing and employment generating uses over the site. The proposal is consistent with Illawarra Shoalhaven Regional Plan 2041.

Local Strategic Planning Statement

Local strategic planning statements respond to each area's opportunities, changes, and trends, and must be consistent with the relevant regional plan and a council's Community Strategic Plan, prepared under the Local Government Act 1993. The proposal is consistent with the Shoalhaven Local Strategic Planning Statement.

4. THE BRIEF

Southern Cross Community Housing (SCCH) is a Tier 1 Community Housing Provider, a Registered Charity, and Public Benevolent Institution. SCCH's core business deliverable is to provide safe, secure, and affordable accommodation predominantly either Social or Affordable. SCCH also provides access and emergency assistance to Homeless Persons in the Shoalhaven LGA including Temporary Accommodation, Rent Choice Youth and Start Safely as well as other Private Rental Assistance products.

As at 31st August 2023, (the most recent data as at the time of drafting this report), the NSW Social Housing Waitlist exceeds 56,000 applicants including over 6,500 priority applicants. Nowra/Bomaderry area specifically has 667 social housing applicants on the waitlist plus an additional 200 on the priority list, as shortfall of 867 social housing homes. This represents the 7th highest shortfall of homes outside of the Sydney Metropolitan Area (after Newcastle 1940, Wyong 1744, Wollongong 1432, Gosford 1386, Tweed Heads 1158, and Maitland 916). Shortfalls in nearby areas (such as Kiama, Shellharbour, and the areas around Jervis Bay provide further pressure on housing within this catchment.

Notwithstanding the significant need for social housing, a recent report by Judith Stubbs and Associates (July 2023) has evidenced an affordable housing crisis within the region that sees 22,700 key worker households under housing rental (78%) or purchase (22%) stress. With the regional population projected to grow at 30% (faster than the rest of NSW), the report predicts the housing shortfall across the Shoalhaven LGA at 3,280 by 2041. Approximately 86% of these would be needed for renting households of which 90% would be for very low and low income renting households. Approximately 70% would need to be dwellings suited to singles and couples and the remaining 30% suitable for families with children.

SCCH is continually striving to develop solutions to address the critical issue of high housing need, increasing population, high rental stress, and the changing age profile of the Shoalhaven Region.

The brief for the site is to optimise the opportunity with a diverse mix of housing product. Within this overall goal there are several important considerations:

Funding & Development Costs

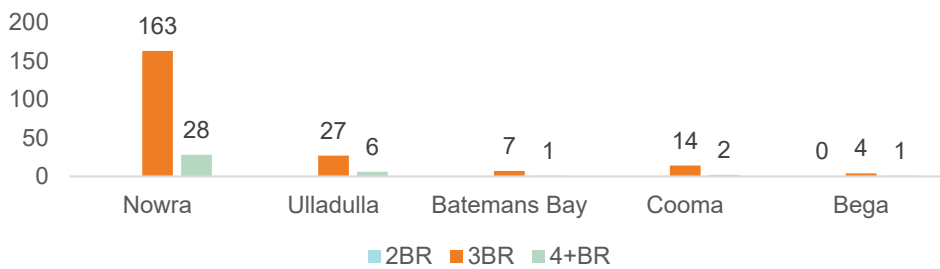
- It is recognised that funding for social and affordable housing projects is limited, and as part of this some of the proposed development is proposed to be market housing to assist in cross subsidising the delivery of affordable housing.
- The market for new apartment product in the area is limited and unproven.

- Construction costs for apartments in the area are very high driven by new compliance legislation (Class 2) and limited contractors and consultants operating in the area.

Family composition & aging demographic

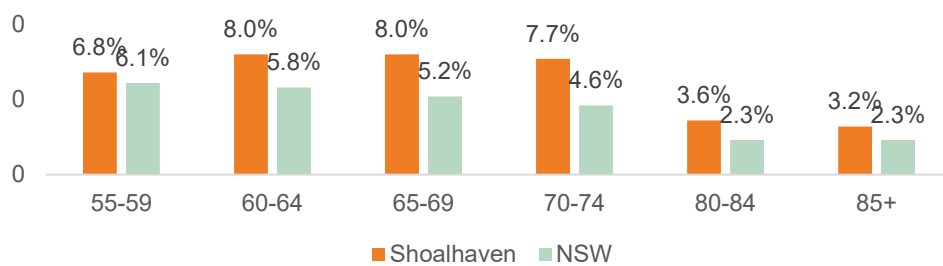
- The composition of SCCH tenant's households have changed – resulting in aging individuals or couples still occupying the 3 or 4-bedroom home long after their children have moved out. SCCH recognises the opportunity that a supply of more appropriately sized, well-located residences would offer for these Tenancies, whilst also freeing up larger properties for new families, making best use of the limited social and affordable housing to address the waitlists. Currently 191 social housing properties underoccupied.

Current Underutilised Properties



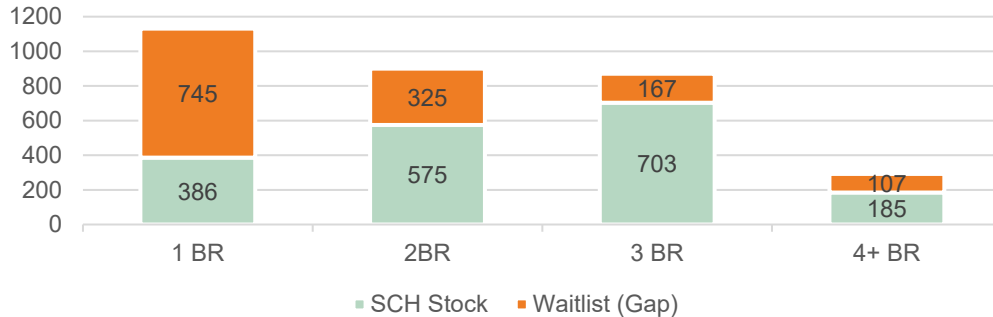
- Shoalhaven LGA has a higher proportion of Seniors, Empty Nesters, Retirees and Frail Aged Seniors compared to New South Wales State average.

Age Demographic



- This is already reflected in the current profile of Applicants consisting increasingly of singles and childless couples, predominantly within the 65+ age bracket, demanding 1 to 2 Bedroom Properties.

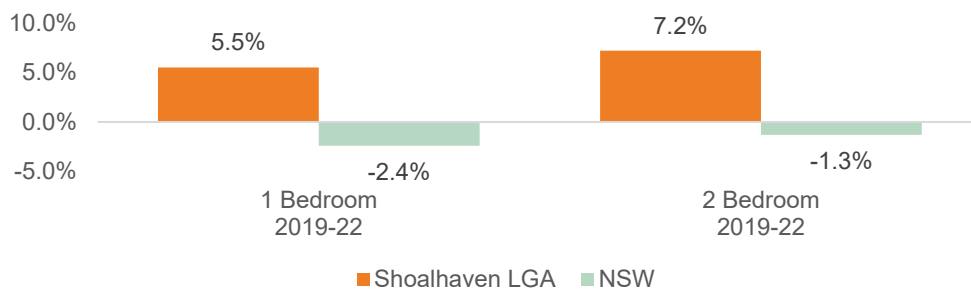
Shoalhaven



Affordable Housing for Key Workers

- Shoalhaven LGA has a significant number of ‘key workers’, being public or private sector workers fulfilling critical functions businesses who earn either very low, low or moderate incomes.
- The current percentage of very low income, low, and moderate income households in rental stress is amongst the highest in all LGA’s statewide at 78%. Key Workers presently constitute 49% of all households struggling with housing affordability.
- Additionally, Shoalhaven LGA has experienced extremely high growth in average annual rent for 1 and 2 bedroom properties over the past three years, this is in contrast to the decrease observed in the majority of NSW.

Changes in Median Rent Price



Crisis and Short-Term Accommodation

- SCCH currently allocate 80-100 applicants per month to temporary accommodation. This is above and beyond general social housing. There is a demand for transitional and shorter-term housing placements appropriate for a boarding house model as part of the product mix.
- Increasing demand for short term accommodation specifically for middle to older aged women. The largest growing demand cohort. This cohort will significantly benefit from the opportunity to transfer across the housing continuum due to the mixed tenure types offered in this project.

How proposed mixed tenure and typology will ease demand?

- The proposed project is a true mixed tenure community. It offers an opportunity for all cohorts to positively progress through the housing continuum from short-term rental, social, affordable, and home ownership.
- SCCH has a strategy to utilise shared equity opportunities to both assist households to achieve home ownership, and to increase available social and affordable housing stock. This project should provide opportunities for auxiliary dwellings (i.e. granny flats) with market housing where these may be leased back by SCCH for an extended period of time, and potentially dual key homes / apartments where the rental property can subsidise the owners purchase.
- Construction costs for Residential Flat Buildings have become prohibitive mainly due to recent legislative compliance changes to Class 2 and 3 Buildings limiting the availability of certified Class 2 builders and consultants. A much more economical method is to Build Class 1 buildings through a mix of 2, 3 and 4 bedroom houses, as either small lot / zero lot line / terrace and/or townhouse arrangements.
- SCCH has numerous tenancies where the family composition has changed – such as single elderly residents living in a 3 or 4-bedroom house where their family have moved out and relationship changes. There is the opportunity to create smaller residences where residents can move to a new, more appropriate house freeing up larger properties for new families, making best use of the limited social and affordable housing to address the waitlists.
- Where possible such housing is to include as an additional space a studio or 1 bedroom unit as an auxiliary dwelling unit to provide flexibility to either utilise two dwellings or one larger dwelling.
- One general Boarding House of a minimum of 15 studio units
- Potential for an additional boarding house facility exclusively for women with up to 12 studio units. This is to be separate to the general boarding house and allow for improved security of residents.
- Efficient apartment product appropriate for social and affordable rentals.
- Indicatively one apartment block targeted for market sales.
- One apartment block including dual key apartments.
- One apartment building, with primarily one bedroom units to accommodate the local area need to decant residents from larger underutilised units – particularly empty nesters.

Supporting the community are to be the following non-residential facilities:

- A head office building for Southern Cross Community Housing incorporating:
 - i. A customer service centre of approximately 250-300sqm with direct street frontage.
 - ii. Office space of approximately 1000sqm.
 - iii. Potential short term accommodation units for travelling staff / directors.
- A facilities management service centre (Grounds & Maintenance)
- A childcare centre
- A medical centre
- Supporting community retail space, including for social enterprise / job training opportunities to provide affordable services to tenants. We see the potential for hair & beauty, IT and internet services, café/food/food trucks, food coop, furniture restoration, etc.

It is recognised that Lot One of the super-lot subdivision is proposed to be a registered community sports club under separate ownership, and as such this is excluded from the approval being sought for the Master Plan.



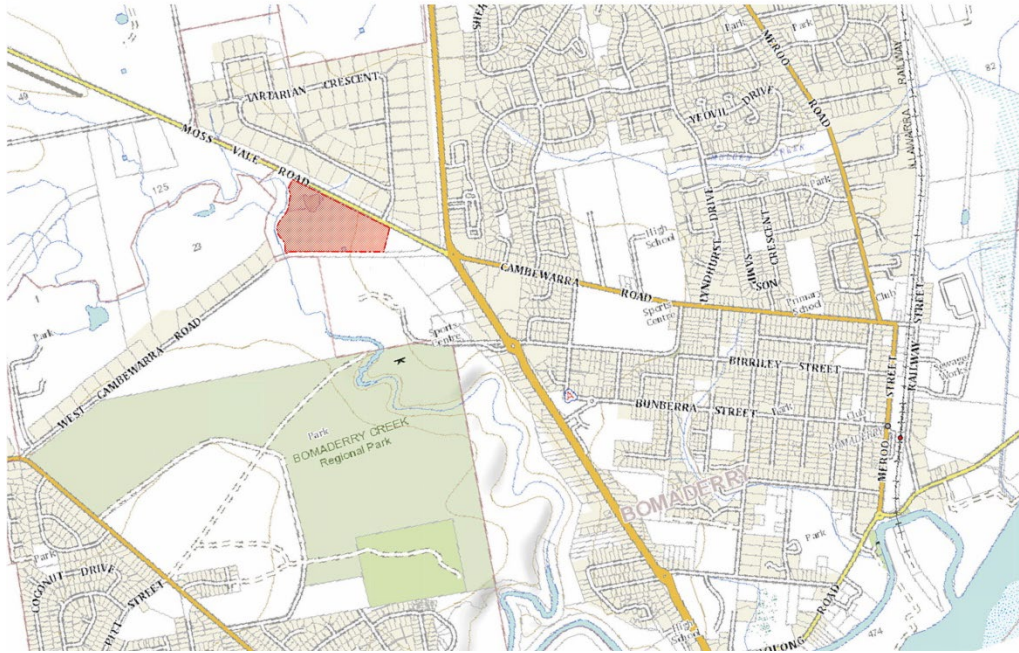
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CASUAL FOOD

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5. THE SITE

The Project Site is located at 25 Moss Vale Road, Bomaderry. The site has a total area of 8.2 hectares, and until recently has been utilised as a cattle sales yard. The cattle sales have moved to a new location and the site is no longer required to be used for this purpose.



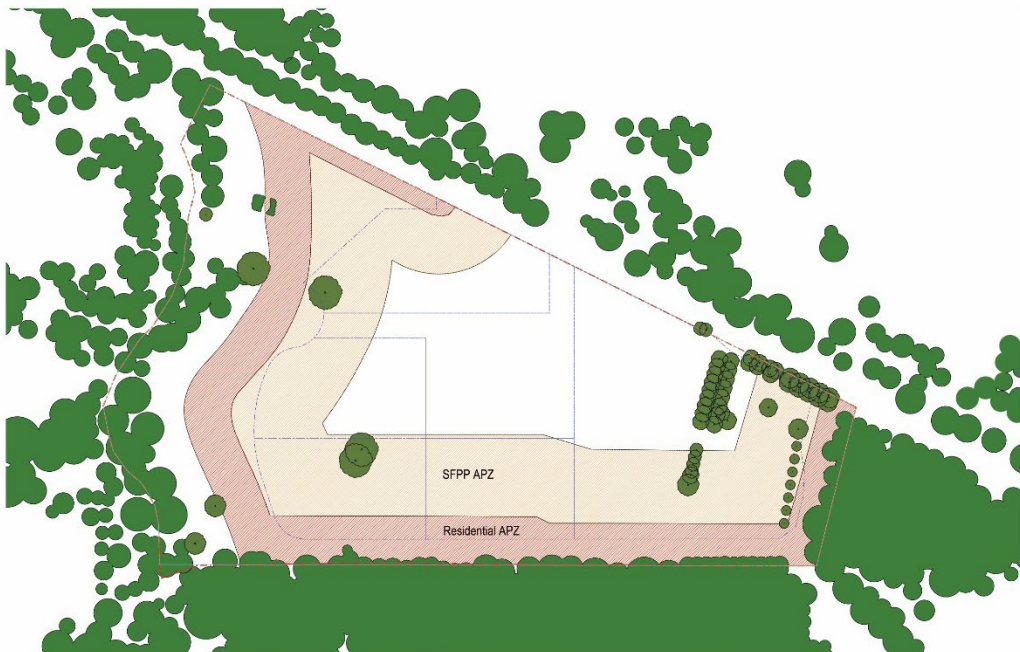
Location Plan



Site Aerial



Terrestrial Biodiversity



Bushfire Assessment

Physical Characteristics

The site is bound to the north by Moss Vale Road, to the south by the gazetted road corridor (unbuilt) for Cambewarra Road West. The eastern boundary fronts to an adjacent council owned landholding and the western edge is defined by Bomaderry Creek.

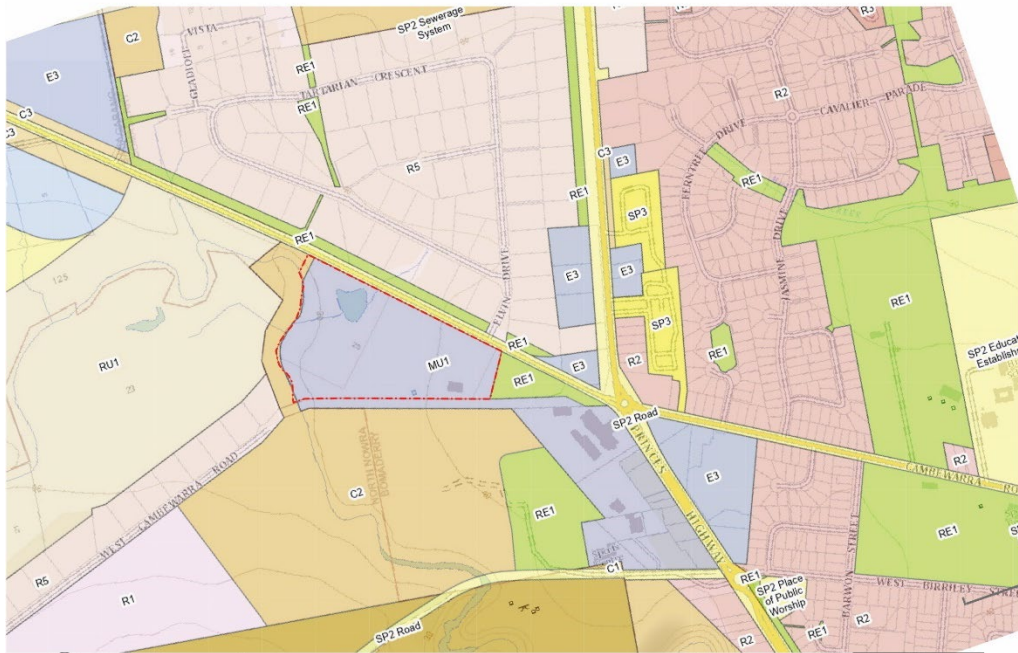
There is a slope from a high point in the east, sloping to Bomaderry Creek in the west. The topographical change results in an approximate 1:20 average fall across the site.

There is minimal existing vegetation on the site, and no vegetation that has been assessed as having importance for habitat or biological diversity outside of the Bomaderry Creek Corridor. The vegetation in the Bomaderry Creek corridor is proposed to be retained within the open space that has been approved as part of the subdivision development approval.

The land surrounding the site includes substantial stands of trees and bushland, giving rise to a risk from bushfire. Detailed studies have been undertaken during the subdivision process identifying the risks and exclusion zones as an overlay to the site. This includes special exclusion zones for defined uses including seniors living, childcare and potential club uses in accordance with AS3959. Setbacks are required to buildings fronting the new road along the southern boundary of the site, varying from 29 metres in the west to 24 metres in the east, with these setbacks including the road width and street verges.

An area of the site directly adjacent to Bomaderry Creek is subject to flooding, contained within an area designated in the subdivision plan as open space. There is an existing dam on the site that is planned for decommissioning, with the residual area used for detention and water quality management, located above the 1:100-year flood extent. This includes a stormwater route from existing development located to the north of the site.

Vehicular access to the site is from Moss Vale Road. Investigative work and negotiation with TransportNSW during the subdivision process has confirmed that an intersection is restricted to the eastern corner of the site. This intersection will be equipped with traffic signals, the design and documentation of which is in process.



Zoning Map



Height of buildings (no height defined)

Planning Context

The site is currently zoned MU1 Mixed Use. In accordance with the Shoalhaven LEP the accepted activities permitted within this zone are:

Permitted With Consent¹

Amusement centres; **Attached dwellings**; **Boarding houses**; Building identification signs; Business identification signs; **Car parks**; **Centre-based child care facilities**; **Commercial premises**; **Community facilities**; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; **Medical centres**; **Multi dwelling housing**; Oyster aquaculture; Passenger transport facilities; Places of public worship; **Recreation areas**; Recreation facilities (indoor); Registered clubs; **Residential flat buildings**; Respite day care centres; Restricted premises; **Shop top housing**; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations.

Prohibited

Agriculture; Air transport facilities; Airstrips; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Wharf or boating facilities.

There are no controls on the site for height or floor space ratios.

¹ Our emphasis on the likely uses on the proposed site

Indigenous and Colonial Heritage

Site investigations has identified potential indigenous artifacts, primarily stone fragments from pre-colonial settlement. These have been initially assessed during the development approval process of the approved subdivision. Pursuant to this initial investigation, a detailed archaeological investigation has occurred during 2023, whereby some 83m³ of earth was excavated in accordance with an approved AHIP by Apex Archaeology, in the locations identified to have potential for artifact collection. This process was carried out in consultation and participation with the local aboriginal community. The investigation showed that the potential for artifacts within the core development area is not such that it would prevent the development of the site. The Clearance Certificate and evidence of the archaeological investigations is documented within the appendix to this Scoping Report.

There is no identified European/colonial heritage on or near the site.



Archaeological Excavation Pits – works undertaken in accordance with the approved AHIP (Source Apex Archaeology)

The Approved Subdivision Plan

Shoalhaven City Council approved with the subdivision of the site into six (6) super-lots on the 20th of December 2022 (with deferred commencement), including supporting land area for roads and open spaces. The deferred commencement conditions were satisfied as of the 13th of July 2023, with the development approval active until the 13th of July 2028.

The approved subdivision plan includes for the construction of a new signalised intersection with Moss Vale Road, located at the northeastern corner of the site, opposite the existing intersection with Elvin Drive. The approved road follows the east and south boundaries of the site, then returns northward to a cul-de-sac head in the approximate alignment of the 1:100 flood extent of Bomaderry Creek. There is a planned emergency roadway from the cul-de-sac head to Moss Vale Road to allow access & egress for fire fighting vehicles in the case of bushfire, with this path having the potential to double as a pedestrian / cycle route.



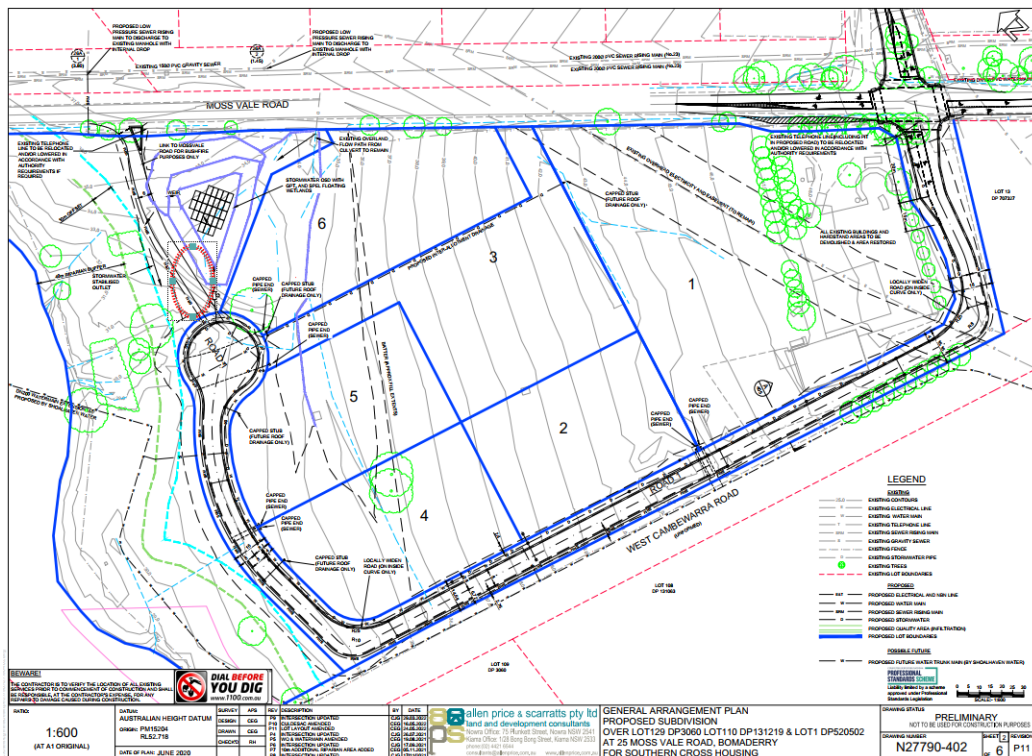
Illustrative Subdivision Plan

The approved levels of the roadway, driven by several factors including achieving the required drainage falls and alignments, results in the roadway being partially constructed on fill in the south-western corner of the site. This is the identified location of where there is the potential for indigenous artifacts, however the raising of the level of the road will significantly reduce the need for excavation in this location, allowing any artifacts to be retained in situ as is the preferred heritage approach.

The works approved include the provision of a bus stop on Moss Vale Road adjacent to the northern boundary of the site.

The plans anticipate the future widening of Moss Vale Road, with an area of varying width being affected along the northern boundary of the site, ranging from 14 metres to 20 metres.

The approved plans include a water management basin to the immediate north of the cul-de-sac head, which operates as a dry basin under general conditions and as a detention basin in storm events. This is located in the same approximate location as the existing dam and allows the disembugged stormwater from the north that reaches the site via pipes under Moss Vale Road to continue to Bomaderry Creek.



Approved Technical Subdivision Plan

6. DEVELOPMENT PRINCIPLES

The following development principles have been established for the development of The Yards – Bomaderry.

A Diverse Community

Providing a mix of housing typologies and tenures allows the creation of a diverse community. We want to make a good environment for families, singles, young, old – all within a quality environment that is not limited by income or wealth.

A Community Heart

The community needs to have a focus, a clearly identifiable place that provide the heart of that community. For The Yards, we see that as being a village high street, creating a place for commercial and social activity that will enliven the community. This village high street should feature open spaces, play opportunity, services and shops for the community, and be accessible, functional and beautiful.

A Valued Community

The community that will come to call The Yards home deserve an environment that shows they are valued. This should be reflected in the urban environment. Affordability should not restrict the ability to provide a safe environment, considered urban detailing, thoughtful planning and access to facilities and amenities.

A Connected Community

The urban setting needs to provide good connectivity throughout, featuring a road hierarchy that provides legibility, permeability, and personal security. The streets need to work as a network, avoiding dead ends and hidden spaces. While vehicle intersections may be restricted to Moss Vale Road, our pedestrian movements should provide options and opportunity for our residents and the surrounding community.

An Intergenerational Community

The development should provide opportunities to allow the integration of all community members, regardless of age. Facilities and spaces should encourage interaction, and support the old, the young, and all between to work, play, recreate and grow together.

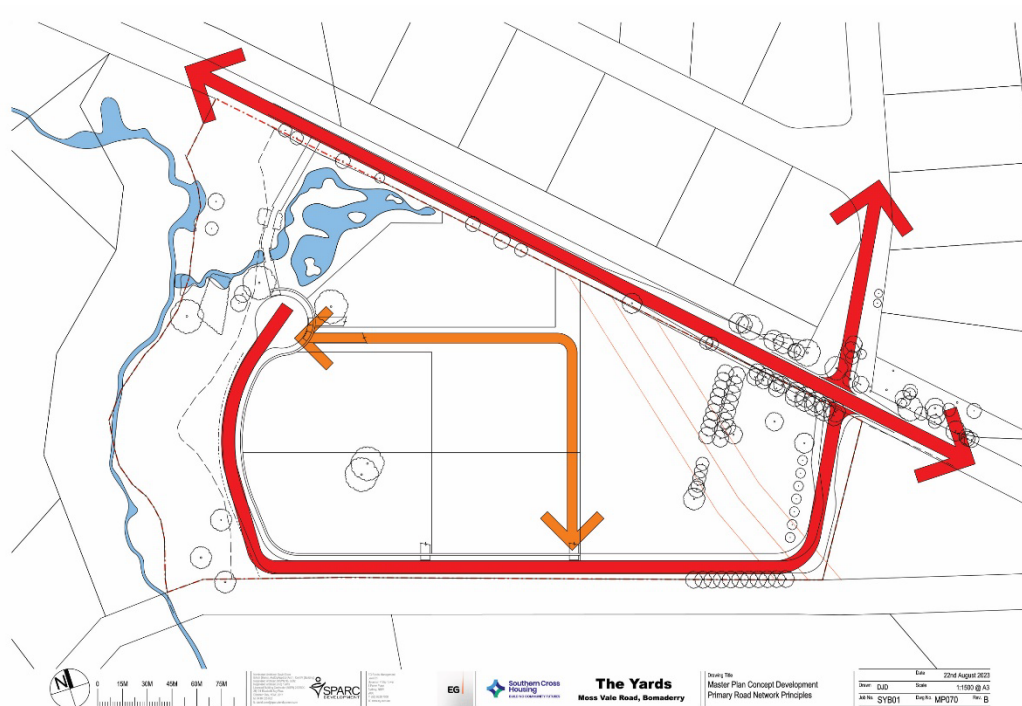


7. MASTER PLAN OPTIONS

Within the framework of the Brief, and given the site constraints and opportunities, some initial master plan proposals have been developed.

Establishing A Primary On-Site Road Network

It is recognised that the approved subdivision with a single road leading to a cul-de-sac head is not the ideal solution for a connected community. Within the developed master plan, it is proposed to resolve this with the introduction of a road loop that allows traffic to circulate within the site. A new north/south oriented road on the boundary between lots 1 and 2 of the approved subdivision, connecting to an east/west road on the boundary of lots 3 & 5 creates a loop that allows the cul-de-sac head to be redundant. This approach more than doubles the effective road frontage for the address of residences, giving the opportunity for residents to have a true street address.



Primary Road Network Principle Diagram

The proposed roadway on the boundary of Lots 1 & 2 has a very special role in the development of the community. The affected lots include proposed for locations for the commercial and community-oriented activities, including the SCCH Office and Service Centre, and the potential bowls club. Due to bushfire setbacks, this is also the area of the site that will accommodate the Seniors Living and Childcare activities. As such we are proposing that this road be positioned as the Village High Street.

The north/south orientation of the street provides optimal solar access, with the topographical change along the length of the street appropriate for easy access by all the community. The reinforcement of the street with the commercial elements of the project brief, such as the medical centre and retail activities provide the opportunity for this Village High Street to capture the spirit and love of the community.

Secondary roads and Lanes

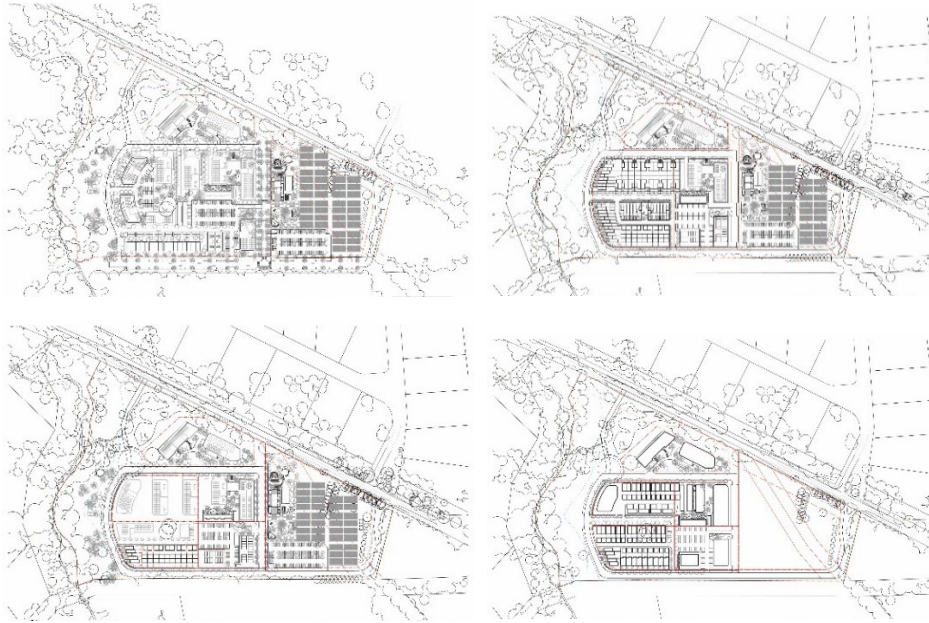
The primary road network still allows the development of secondary roads and tertiary laneways within the site. The secondary road network will by large be determined by the development density. The provision of increased single-family houses on their own lots has the requirement for more street frontage, providing street address points for these houses.

While there is the proposal to include single family houses within the proposed typologies, it is intended that these be undertaken as attached dwellings, with relatively narrow frontages. There will be the need and expectation that that there is appropriate car parking provided for residents, reflective of the regional location, and public transport restrictions.

To avoid the dominance of cars and garages on the streets, it is proposed to use laneways as part of the solution to achieving adequate parking while maintain a quality streetscape. It is also preferred to minimise driveway crossings on streets and footpaths, improving pedestrian amenity and safety, as well as increasing the potential for on street parking. We recognise that the cars need to go somewhere, and that the laneways provide the opportunity to increase parking availability accessed to the rear of housing lots.

Development Options

Within this proposed road network, we are exploring several options with varying building typologies and densities. Illustrations of these varying options are shown below.

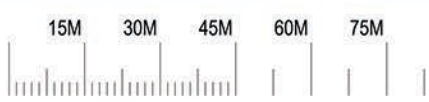


Density Investigative Studies

Within the design development process, as of the time of preparing this scoping report, the preferred master plan and development massing is as illustrated below:



Indicative Concept Master Plan



Nominated Architect: David Dove
 Bath (Hons), Assoc AP/SP/CA (Arch), Cert 39 (Building)
 Registered Architect (NSW) No. 8932
 Registered Architect (Vic) 19079
 Licensed Building Contractor (NSW) 253780C
 261/104 Elizabeth Bay Road
 Elizabeth Bay, NSW, 2011
 M: 0410 125 892
 E: david.dove@sparcdevelopment.com



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 Governor Phillip Tower
 1 Farrer Place
 Sydney, NSW
 2000
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 W: www.eg.com.au





The Yards

Moss Vale Road, Bomaderry

Drawing Title
Master Plan Concept Development
Roof Plan Concept Mod9

Date	5th November 2023		
Drawn	DJD	Scale	1:1500 @ A3
Job No.	SYB01	Dwg No.	MP161 Rev. D

The current preferred master plan strategy demonstrates a broad mix of housing typologies, including attached houses, apartments, and boarding house accommodation. We anticipate that there will be a mix of tenure types, across transitional, social affordable and market product.

We anticipate that a large proportion of the apartments will be retained by Southern Cross Community Housing as part of their social and affordable housing inventory. This is anticipated to include the boarding house, in addition to the other units.

It is proposed that much of the attached housing will be made available for sale to the public, with the option of Southern Cross managing some of the dwellings as part of the community housing stock to enable home purchasers to secure investment income from a reliable partner. Southern Cross also has a property management program where the primary residences can be made available for social or affordable housing clients; managed and maintained by SCCH.

The plan utilises laneways for some of the parking access for the housing, and utilises the natural slope of the land to create undercroft spaces for apartments where possible.

The Commercial activities including the SCCH offices and customer service centre, and proposed medical centre, and ancillary retail are all oriented to the proposed Main Street. The upper levels of northern block on the main street is designated for small (1 bed) social housing which is likely to house an older demographic cohort. This provides convenient access to services for these residents, and a level of reinforcement of the street edge and character.

The proposed childcare is located under and adjacent to northwestern apartment block on the Main Street, providing the opportunity for intergenerational connections and activities that have been demonstrated to improve the quality of life for both the old and young involved.

An on-grade parking lot is positioned to the rear of the commercial activity, providing convenient parking for these functions, and for the SCCH operational fleet.

The orientation of the street network, running from the high point of the site where the Village Main Street is located, down the slope to Bomaderry Creek provides legibility and a connection for all residents from their street address to the natural environment and open space of the creek corridor. This also assists in the efficient carriage of stormwater within the public domain.

We recognise that this is early in the development of the plan, and during the design process there may be changes. We do believe that the approach being taken works towards an optimal opportunity to create a cohesive community outcome.

Proposed Development Mix

Site	Units	Typology	Mix	Commercial	Proposed Ownership
A	6	Mixed Use	6x 1 Bed	1100sqm	CHP
B	19	Boarding House	18x Studios 1x Manager Unit		CHP
C1	3	Attached Dwellings	3x 5 Bedroom		Market
C2	3	Attached Dwellings	2x 5 Bedroom 1x 4 Bedroom		Market
D	12	Attached Dwellings	9x 3 Bedroom 3x 2 Bedroom		CHP
E1	4	Attached Dwellings	3x 4 Bedroom 1x 3 Bedroom		Market
E2	4	Attached Dwellings	3x 4 Bedroom 1x 3 Bedroom		Market
F	14	Dual Key Apartment	8x 2 Bedroom DK 4x 3 Bedroom DK 2x 3 Bedroom		Market
G	8	Attached Dwellings	8x 3 Bedroom		CHP
H1	4	Attached Dwellings	4x 4 Bedroom		Market
H2	4	Attached Dwellings	4x 4 Bedroom		Market
J	30	Residential Flat Building	15x 1 Bedroom 15x 2 Bedroom		CHP
K	28	Shop Top Apartments	28x 1 Bedroom	Medical, Retail, Childcare	CHP
L	0	CHP /Grounds Maintenance		230sqm	CHP
M	30	Residential Flat Building	12x 1 Bedroom 18x 2 Bedroom		CHP
N	27	Residential Flat Building	15x 1 Bedroom 12x 2 Bedroom		CHP
			Total Units 196		



8. STATUTORY CONTEXT

A summary of the relevant statutory requirements have been set out in accordance with the State Significant Guidelines – Preparing a scoping report for the following matters:

- Power to grant approval.
- Permissibility
- Other approvals
- Pre-conditions to exercising the power to grant approval.
- Mandatory matters for consideration.

Detailed consideration of relevant statutory requirements will be provided in the EIS.

Permissibility

The land is zoned MU1 Mixed Use under Shoalhaven Local Environmental Plan 2014. The following land uses are permissible with consent.

- Residential Flat Building
- Attached Dwellings.
- Multi Dwelling Housing.
- Boarding House.
- Centre-Based Child Care Facilities.
- Medical Centre.
- Commercial Premises.
- Community Facilities.
- Torrens Title and Strata Title Subdivision.

In accordance with Clause 15C of the SEPP (Housing) 2021, the proposed infill affordable housing is permissible for the following reasons:

- Permitted under SLEP 2014 and Chapter 3, Part 4 of the SEPP (Housing) 2021.
- Affordable housing meets the minimum 10% required under 15C(b).
- The site is zoned MU1 Mixed Use and meets sub clause 15C(1)(ii) and (2)(3)

Power to Grant Approval

Approval pathway

Part 4, Division 4.7 of the EP&A Act relates to the assessment of development deemed to be State Significant Development (SSD).

Section 2.6 of the Planning Systems SEPP provides: 2.6 Declaration of State significant development: section 4.36.

1. Development is declared to be State significant development for the purposes of the Act if—
 - a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and
 - b) the development is specified in Schedule 1 or 2.
2. Schedule 1 to the Planning Systems SEPP defines a range of general SSDs including infill affordable housing. Subclause 26(A) of Schedule 1 states:
 - a) the part of the development that is residential development has a capital investment value of—
 - i. for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City in the Six Cities Region—more than \$75 million, or
 - ii. for development on other land—more than \$30 million, and
 - b) the development does not involve development prohibited under an environmental planning instrument applying to the land.

Comment

The subject site is zoned MU1 Mixed Use Zone, and all land uses are permissible with development consent. The proposed infill affordable housing has a Capital Investment Value (CIV) greater than \$30 million and community facilities over \$5 million. The project is declared to be SSD under Part 4, Division 4.7 of the EP&A Act by these two triggers.

Consent Authority

The Minister for Planning and Public Spaces is the consent authority. However, Section 4.5(a) of the EP&A Act applies, if an objection is received from Shoalhaven City Council or 50 other objections are received during public exhibition of the EIS. If this occurs, the Independent Planning Commission (IPC) will be the consent authority for SSD. Southern Cross Community Housing has made no reportable political donations.

Mandatory Matters for Consideration

The mandatory considerations to be satisfied before the consent authority may grant approval are listed below. These conditions will be addressed in the EIS.

CONSIDERATIONS UNDER THE EP&A ACT AND REGULATION

Statutory document	Section	Mandatory consideration
Environmental Planning and Assessment Act 1979	Section 1.3	Relevant objects of the Act.
	Section 4.15(1)	The provisions of any relevant environmental planning instruments.
		The provisions of any proposed instrument(s).
		The provisions of voluntary planning agreement.
		The provisions of the regulations.
		The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.
		The suitability of the site for the development.
Part 4, Division 4.7	Relates to the assessment of development deemed to be State Significant Development.	
Section 4.36	State Significant Development is declared under this section.	

CONSIDERATIONS UNDER ENVIRONMENTAL PLANNING INSTRUMENTS

SEPP (Planning Systems) 2021	Section 2.6	Declaration of State Development under Section 4.36 EP&A Act. Schedule 1 to the Planning Systems SEPP defines a range of general SSDs including Infill affordable housing section 26A of Schedule 1.
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Schedule 1 State Significant Development – General

Section 26A(1)(a)(ii)	In-fill affordable housing with a Capital Investment Value (CIV) more than \$30 million
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Section 26A(b)	The proposal is not prohibited under any other environmental planning instruments.
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Section 26A(1)(b)	The site is zoned MU1 Mixed Use, each use is permitted with consent under Chapter 3, Part 4 SEPP (Housing) 2021..
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Section 26A(3)	Residential development is proposed.
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Schedule 6 - Regionally Significant development	The proposal has a CIV greater than 30m. Private infrastructure and community facilities over \$5 million section 5(b).
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SEPP (Housing) 2021	Divisions 1,2,5	Please refer to separate table below.
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SEPP No 65 – Design Quality of Residential Apartment Development.	Schedule 1	The design quality of the development when evaluated in accordance with the design quality principles.
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Part 3 & Part 4	The Apartment Design Guide
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SEPP (Exempt and Complying Development Codes) 2008	Part 3	The housing code.
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SEPP (Resilience and Hazards) 2021	Section 4.6(1)	Land contamination and remediation.
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SEPP (Transport and Infrastructure) 2021	Section 2.121(3)	Traffic generating development.
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Section 2.122	Traffic safety, road congestion, accessibility, or parking implications.
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Part 2.3, Division 10	Health services facilities.
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	Chapter 3	Educational establishments and child care facilities.
	Part 3.3	Early education and care facilities – specific development controls.
SEPP (Sustainable Buildings) 2022.	Chapter 2	Standards for residential development.
	Schedule 1	Standards that apply to BASIX Development.
	Schedule 3	Standards for energy and water use for large commercial development.
Shoalhaven LEP 2014	Land Use Table	Objectives and land uses for the MU1 zone
	Section 4.3	Maximum building height of 11m.
	Section 4.4	No floor space ratio is applicable.
	Section 5.10	The site is not identified as a heritage item.
	Section 5.21	Flood impact.
	Section 7.1	Class 5 acid sulphate soils.
	Section 7.2	Earthworks.
	Section 7.5	Terrestrial biodiversity.
	Section 7.6	Riparian land and watercourses.
	Section 7.8	Scenic protection.
	Section 7.11	Essential services.
Shoalhaven Development Control Plan 2014	Chapter G1	Site Analysis, Site Design and Building Materials.
	Chapter G2	Sustainable Stormwater Management and Erosion/Sediment Control.
	Chapter G3	Landscaping Design Guidelines.
	Chapter G4	Tree and Vegetation Management.
	Chapter G5	Biodiversity Impact Assessment.
	Chapter G7	Waste Minimisation and Management Controls.
	Chapter G9	Development on Flood Prone Land.

Chapter G12	Dwelling Houses and Other Low Density Residential Development.
Chapter G13	Medium Density and Other Residential Development.
Chapter G17	Business, Commercial and Retail Activities.
Chapter G21	Car Parking and Traffic.

Section 3.42 of Environmental Planning and Assessment Act 1979 (The Act) states that the DCP is only to provide guidance and is not a statutory document with which compliance must be demonstrated.

To this end, recent Land and Environment Court cases have made it clear that a DCP does not have the same status or weight as an LEP, and non-compliance with a provision of a DCP does not in itself prevent the granting of consent.

The Act goes further, in relation to strict numerical compliance to a DCP, attention is drawn to Section 4.15(3A) of The Act which grants discretion to a consent authority to apply flexibility in the application of the provisions of a DCP.

The proposal achieves compliance with Council's DCP controls and the applicable SEPP's.

CONSIDERATIONS UNDER OTHER LEGISLATION

Biodiversity Conservation Act 2016	Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report.
Rural Fires Act 1997 No. 65	Section 100B	Special fire protection purpose includes a child care centre. Referral to RFS is required.
Roads Act 1993 No. 33	Section 138	Works within the road reserve. Prior to CC Condition.
Local Government Act 1993 No. 30	Section 68	Carrying out water, sewerage and stormwater works.
Water Management Act 2000 No. 92	Section 91(2)	Riparian corridor. Referral to Water NSW.
National Parks and Wildlife Act 1974 No. 80	Section 90	Aboriginal heritage impact permit in accordance with the Development Consent for subdivision SF10851 as approved 20/12/2022 by Shoalhaven City Council.

SEPP (Housing) 2021

SEPP (Housing) 2021 commenced on 26 November 2021.

CHAPTER 2 AFFORDABLE HOUSING

Division 1 - In-fill Affordable Housing

Relevant Provision		Comment
15A Objective	Yes	The proposed development will facilitate the delivery of new in-fill affordable housing to meet the needs of low- and moderate-income households.
15B Definitions	Yes	The land is zoned MU1 Mixed Use under Shoalhaven Local Environmental Plan 2014. The following residential land uses are permissible with consent in that zone. Residential Flat Building. Attached Dwellings. Multi Dwelling Housing Boarding House. Torrens Title and Strata Title Subdivision.
15C Development to which division applies	Yes	Infill affordable housing is permissible with consent in the MU1 Mixed Use zone in accordance with 15C(c)(ii). The proposal is permitted under Chapter 3, Part 4 of the SEPP.
(1) 16 Affordable housing requirements for additional floor space ratio	Yes	The minimum affordable housing component is at least 10%.
17 Additional floor space ratio for relevant authorities and registered community housing providers	Yes	No Floor Space Ratio (FSR) applies to the site.
18 Affordable housing requirements for additional building height	Yes	The proposed development will not exceed 3 storeys or 11m.
19 Non-discretionary development standards—the Act, s 4.15	Yes	The proposed development seeks to vary the minimum lot size of 450m ² with proposed Lots below 200m ² via a Torrens title subdivision. The variation to the minimum lot size is deemed appropriate for the following reasons.

The attached dwellings will be separated by a 60/60/60 fire wall on lots 200m² or below.

The site is greenfield development zoned MU1 Mixed Use, where higher densities are anticipated.

The proposal can achieve compliance with all other non-discretionary development standards.

The proposed is 200m²

20 Design requirements	Yes	The proposed development has considered the Low Rise Housing Diversity Design. The proposal is consistent with the existing character and desired future character of the precinct.
21 Must be used for affordable housing for at least 15 years	Yes	Southern Cross Community Housing will manage the affordable housing for at least 15 years. Conditions of consent will apply.
22 Subdivision permitted with consent	Yes	Torrens title and strata title subdivision is proposed. Please refer to the subdivision plan.
Division 2 - Boarding Houses		
23 Boarding houses permitted with consent	Yes	The subject site is zoned MU1 Mixed Use. Boarding houses are permitted with consent under the SLEP 2014.
24 Non-discretionary development standards—the Act, s 4.15	Yes	The subject site is zoned MU1 Mixed Use. The proposed boarding house is permissible.
25 Standards for boarding houses	Yes	<p>The proposal achieves compliance for the following reasons.</p> <p>No boarding room will exceed 25m²</p> <p>No boarding room will be occupied by more than 2 adult residents.</p> <p>Adequate bathroom, kitchen and laundry facilities are proposed.</p> <p>The boarding house is on land zoned MU1 Mixed Use, not R2 Low Density Residential.</p> <p>No part of the boarding house fronts the street.</p> <p>Commercial uses will occupy the ground floor.</p> <p>At least six (6) boarding rooms are proposed.</p> <p>The minimum lot size is not less than 800m².</p>

All boardings rooms meet the minimum floor area.

Adequate bicycle and motorcycle parking spaces.

The building will comply with the minimum building separation distances specified in the Apartment Design Guide.

26	Must be used for affordable housing in perpetuity	Yes	Southern Cross Community Housing will manage the affordable housing for at least 15 years. Conditions of consent will apply.
27	Subdivision of boarding houses not permitted	Yes	No subdivision of the boarding house is proposed.
Division 5- Residential Flat Building—Social Housing Providers, Public Authorities and Joint Ventures			
36	Land to which Division applies	Yes	The site is zoned MU1 Mixed Use zone.
37	Development to which Division applies	Yes	The community housing provider is Southern Cross Community Housing.
38	Development may be carried out with consent	Yes	A site compatibility certificate is not required in this instance.
39	Site compatibility certificates	Yes	The site is zoned MU1. A Site Compatibility Certificate is not required.
40	Must be used for affordable housing for at least 15 years	Yes	SCCH will manage the affordable housing for at least 15 years. Conditions of consent will apply.
41	Continued application of SEPP 65	Yes	Please refer to ADG assessment.

Site History

Development Consent for subdivision SF10851 was approved 20/12/2022 by Shoalhaven City Council. Demolition of cattle yard and site remediation works, seven (7) Lot Torrens Title subdivision including six (6) Torrens Title lots and one public reserve, construction of new roads engineering and site works and dedication of land.

9. ENGAGEMENT

The engagement approach for the scoping report is informed by the NSW Undertaking Engagement Guidelines for State Significant Projects (2021). The Guidelines require proactive and ongoing engagement across all project phases to:

- Provide a better understanding of the Project and potential impacts and issues.
- Be able to consider responses to issues as part of design, development, and delivery of the Project.
- Help ensure engagement is undertaken at appropriate times throughout the life cycle of the Project.

The preparation and assessment of the currently approved super lot subdivision SF10851 has involved engagement and consultation with numerous agencies and authorities, and with the community as per the following record:

Stakeholder	Date Sent	Comment Received
INTERNAL REFERRAL		
Assess and Works	06/01/2021	15/03/2021
Biodiversity	06/01/2021	03/02/2021
	01/09/2021	21/09/2021
	10/08/2022	07/09/2022
Environmental Health	06/01/2021	08/01/2021
Coastal Management	06/01/2021	08/02/2021
	01/09/2021	23/09/2021
	10/08/2021	29/08/2022
Property Services	06/01/2021	19/01/2021
Community & Operations - Strategic Recreation	06/01/2021	03/02/2021
Shoalhaven Water: Development Unit	06/01/2021	10/08/2022
Subdivision engineer	06/01/2021	27/01/2021
	10/08/2022	23/09/2022

EXTERNAL REFERRAL

Endeavour Energy	06/01/2021	08/01/2021
Rural Fire Service	10/05/2021	14/07/2021
	01/09/2021	06/10/2021
	02/03/2023	24/03/2023
Office of Environment & Heritage Queanbeyan	09/07/2021	29/04/2022
NSW Heritage Office	07/04/2022	29/04/2022
Roads and Maritime Service – Roads	01/09/2021	19/10/2021
	07/04/2022	30/09/2022

NOTIFICATION – AFFECTED OWNERS

First Round	20/01/2021	18/02/2021
Second Round	22/09/2021	22/10/2021

The Subdivision development application was placed on public exhibition between the dates of 20th January 2021 and 18th February 2021, with a second round of public exhibition running from the 22nd September 2021 to the 22nd October 2021. From these exhibition processes only one submission was received, from the Nowra Aboriginal Land Council. This submission had no objections to the development proposal, and rather was to document the appropriate practices to reflect the traditional custodians of these lands.

**NOWRA LOCAL ABORIGINAL LAND COUNCIL**

ABN 73 721 213 191

59 Beinda Street | PO Box 2049 | Bomaderry NSW 2541

P 02 4423 3163 | F 02 4423 0083 | M 0455 053 300 | E nowralalc@bigpond.com

Wednesday 17th February 2021

Shoalhaven City Council

Via email development@shoalhaven.nsw.gov.au

**RE: Planning Proposal – Moss Vale Rd North URA; and
Subdivision Application SF10851**

Thank you for referring these matters to NLALC for comment and accommodating a late submission.

As you are aware we are currently under significant pressure to respond to requests for comment on planning and development issues, and we are operating in a resource constrained environment.

Obviously we are concerned with the protection of Aboriginal cultural heritage – indeed this is one of the core responsibilities of Land Councils – however please appreciate that a flow on effect of Council stimulating development in the City is an increased consultation burden on us.

We welcome and appreciate the importance of sustainable and appropriate development, however the protection of Aboriginal cultural heritage must be at the forefront. We support development which is sympathetic to the cultural landscape, and which celebrates rather than dismisses tens of thousands of years of custodianship of country.

We consider the URA for Moss Vale Rd both north and south (and related developments) an excellent opportunity for Council to incorporate that respect for culture into urban design, naming, public spaces, and planning decisions, and we look forward to continued opportunities to be involved.

We further note the opportunity to take a best practice (rather than statutory minimum) approach to protecting heritage – for example, we would not support reliance on Due Diligence assessments compared with requiring Aboriginal Cultural Heritage Assessments, particularly given the known significance in the area.

Nicole Moore

Chief Executive Officer

Indigenous History and Traditional Custodian reporting

As part of the investigations on the site, the local traditional custodians were consulted, and archaeological investigations undertaken. During the assessment period there has been six monthly updates with the local indigenous communities in accordance with heritage requirements.

During the past year (2023) detailed archaeological investigations have been carried out in accordance with the approved AHIP. This work has included the involvement of the local indigenous community and supervision by authorised indigenous representatives.

Consultation during the preparation of this State Significant Development Application

During the preparation of the EIS for this application we anticipate maintaining the open lines of communication with the appropriate stakeholders and authority entities. The approval of the super lot subdivision has established a strong foundation for more detailed discussions and appropriate discussions will occur as part of the progression of enabling works as already approved for the project.

We will continue to maintain the positive and constructive relationship with the local indigenous community, providing updates and appropriate opportunities for establishing a responsible project outcome that respects the connection to country and enables the project to be a positive contribution to the traditional custodians.

10. PROPOSED ASSESSMENT OF IMPACTS

This section provides a high-level assessment of the impacts associated with the proposal, which will inform the preparation of any additional requirements beyond the Industry Specific SEARs.

Traffic and Access

The EIS will be informed by a Traffic Impact Assessment, in respect to traffic generation, cumulative traffic impacts, intersection modelling, parking provision, site access, loading/servicing requirements, construction traffic, and public transportation access.

The proposed development is required to consider the relationship with surrounding transport infrastructure. Specifically, the capacity of the regional and local roads, and public transport to safely accommodate the new development.

Visual Impact

The existing visual amenity is compromised by surrounding development and future urban growth along Moss Vale Road. The natural slope of the site does contribute to minimising any visual impact on view lines towards Cambewarra Mountain.

The visual impact of the development when viewed from a public domain will be considered in the EIS. Measures to minimise any detrimental visual impact will be implemented throughout the design process.

The proposed development will be designed to comply the maximum height limit of 11m under SLEP2014. The proposal will consider:

- Review of Visual Impact Analysis prepared by Allen Price & Scarratts.
- Visual impacts on surrounding public domain and internal open space.
- Visual and view sharing impacts in relation to Cambewarra Mountain.
- Wind impacts and pedestrian comfort.
- Overshadowing impacts and internal solar access.

The following technical studies will be prepared to accompany the EIS:

- Overshadowing Diagrams.
- Visual Impact Assessment; and
- Pedestrian Wind Assessment.

Noise and Vibration

A Noise and Vibration Assessment will be undertaken to assess the generating noise sources during construction and their impacts upon any sensitive noise receivers. Specifically, the assessment will evaluate and outline measures to minimise and mitigate the potential noise impacts from surrounding uses located on the future BTR development and ancillary uses.

Aboriginal Cultural Heritage

The report prepared by Austral Archaeology identifies one (1) high value scattering within the riparian corridor. The proposed development will not impact upon this location. A peer review of this report will be undertaken. Further consultation with Aboriginal interest groups will form part of the EIS preparation.

Stormwater and flooding

The development site is located within the Bomaderry Creek stormwater catchment. Modelling of the flood impacts through this catchment has been undertaken by Council and recorded in the Floodplain Risk Management Study.

The site is partially flood prone which contains high hazard floodway, low hazard flood storage and flood fringe areas. The flooding impacts are isolated to the riparian corridor and the proposed building envelopes meet the minimum flood planning level.

The Integrated Water Cycle Management Strategy for the subdivision approval will be peer reviewed and stormwater impacts will be modelled and assessed by a civil engineer as part of the EIS submission.

Flora and Fauna

This flora and fauna assessment prepared by Ecological Australia found the subject land is heavily disturbed with generally low value habitats. There were no significant ecological constraints likely to affect the primary areas of the proposed development. Riparian constraints have been identified in the western portion of the subject land. In particular, enhancing the riparian buffer to Bomaderry Creek, would ensure the development is more compliant with the WM Act, BC Act and the SLEP.

Utilities

The site has access to reticulated water, sewer, telecommunications, stormwater, and electrical infrastructure. The proposed development is capable of being serviced and will not have a negative impact on existing services surrounding the site. The necessary connections to these services will be constructed at the developer's cost.

Bushfire Protection

The proposed subdivision complies with Planning for Bush Fire Protection 2019. A peer review of the report prepared by Ecological Australia will be undertaken by a Level 3 BPAD accredited consultant. The proposed development includes a special fire purpose, referral to RFS is required under section 100B Rural Fires Act.

Planning Agreement and Public Benefit

Southern Cross Community Housing have entered into a planning agreement with Council and satisfied the deferred commencement condition under subdivision approval SF10851. Please see attached Planning Agreement prepared by Lindsay Taylor Lawyers.



11. REFERENCES

- [NSW Planning Portal Spatial Viewer](#)
- [Request SEARs | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#)
- State Significant Development Guidelines – Preparing a Scoping Report – Appendix A October 2022.
- Illawarra Shoalhaven Regional Plan 2041 May 2021.
- [Home - NSW legislation](#)
- [Improving assessment guidance | Planning \(nsw.gov.au\)](#)
- [Undertaking Engagement Guidelines | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#)
- [Social Impact Assessment | Planning \(nsw.gov.au\)](#)
- [Social Impact Assessment Guideline \(nsw.gov.au\)](#)

12. SUPPORTING INFORMATION

As an attachment report to this document, we have incorporated Reports prepared for the approved subdivision of the site:

1. Subdivision Determination – Deferred Commencement (Shoalhaven City Council)
2. Confirmation of Operational Consent (Shoalhaven City Council)
3. Archaeological Salvage Works – Clearance Letter (Apex Archaeology)
4. Bushfire Protection Assessment (Ecological Australia)
5. Flood Impact Assessment (Allan Price & Scarratts)
6. Flora & Fauna Constraints Assessment (Ecological Australia)
7. Integrated Water Cycle Management Strategy (Allan Price & Scarratts)
8. Traffic & Parking Impact Assessment (McLaren Traffic Engineering)
9. Memorandum – Signalised Intersection Geometric Design (McLaren Traffic Engineering)
10. Visual Impact Assessment (Allan Price & Scarratts)

Drawing Attachments

11. 240320-SYB Initial Site Investigation
12. 240320-SYB Subdivision Strategy
13. 240320-SYB Initial Building Package

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