

Pre-lodgement Advice Meeting

PROPERTY:	Culburra Rd Culburra Beach – Lot 2 DP 1279350 9 Strathstone St Culburra Beach – Lot 1 DP 631825
FILE REFERENCE:	75459E/4
MEETING DATE:	20 June 2024
MINUTE DATE:	24 October 2024
COUNCIL OFFICER ATTENDEES:	Justin Lamerton – Senior Development Planner Scott Haylett – Development Engineering Andrew Solari – Shoalhaven Water Alex Aronsson – Floodplain Management Paul Donnelly – Open Space & Recreation Ben Coddington – Biodiversity Gordon Clark – Strategic Planning
EXTERNAL ATTENDEES:	Rebecca Lockart – Allen Price & Scarratts Pty Ltd Ryan Howes – Allen Price & Scarratts Pty Ltd Matt Philpott – Sealark Pty Ltd Andrew Norris - Martens
ADDRESS FOR MAILING:	rebecca@allenprice.com.au

Reference is made to your Pre-lodgement Meeting Request received on 14 May 2024 (Council Reference: D24/205660) in relation to the proposal located at the abovementioned address. Council Officers have carried out an initial review and the following information is provided on the basis of the supplied material and the meeting held on the abovementioned date.

Site Details

<i>Property Address</i>	Culburra Rd Culburra Beach 9 Strathstone St Culburra Beach
<i>Property Description</i>	Lot 1 DP 1305809 (redefinition/formerly Lot 2 DP 1279350) <i>Note: DP 1305809 was registered 21/06/2024</i> and Lot 1 DP 631825
<i>Existing Use</i>	Lot 1 DP 1305809 – Nil – vegetated site with no existing use. Lot 1 DP 631825 – Culburra Sewerage Treatment Works
<i>Relevant Site History</i>	Lot 1 DP 1305809 – Nil – vegetated site with no prior land use. Lot 1 DP 631825 – Use as Culburra Sewerage Treatment Works and classification as Operational Land under Council management since 29 th March 1994 Land Type: Public Land Owner: SHOALHAVEN CITY COUNCIL Crown Reserve: Common Name: CULBURRA TREATMENT WORKS File No: 80/2806 Council Reserve: Legal Doc: 10/4/2/57 Title: FREEHOLD

Prelodgement Advice Notes

	Classification	
	Classification	
	Operational Land	
	Method	Date
	94/620	29/03/1994

Planning Controls

Shoalhaven LEP 2014

Zone

- Lot 1 DP 631825 – C2: Environmental Conservation and SP2: Infrastructure
- Lot 1 DP 1305809 – Described as follows:
 - Eastern Part: C2: Environmental Conservation, SP2: Infrastructure, E1: Local Centre, and E4: General Industrial
 - Western Part: Deferred Matter
 - Where the site is deferred from the Shoalhaven LEP 2014, the Shoalhaven LEP 1985 remains applicable. In this regard, the western part is zoned as follows:
 - 2(c): Residential (Living Area)
 - 4(a): Industrial (General)
 - 7(a): Environmental Protection (Ecology)
 - Uncoloured

The zoning is further represented in Figures 1 to 3 below:



Figure 1: Lot 1 DP 631825 Zoning

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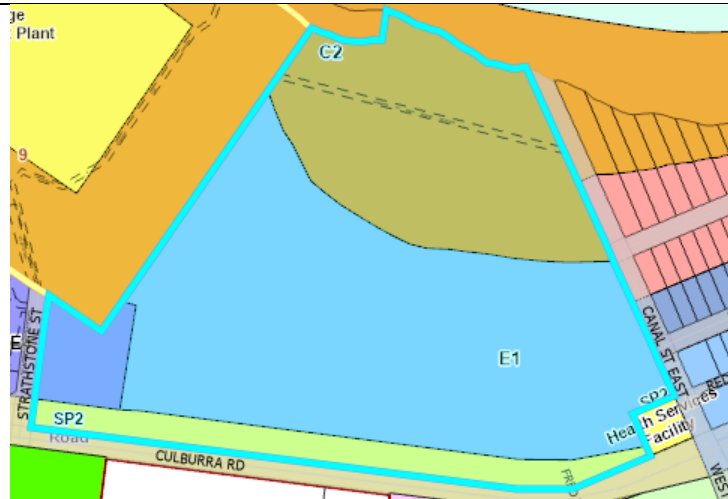


Figure 2: Lot 1 DP 1305809 – (Eastern Part) Zoning

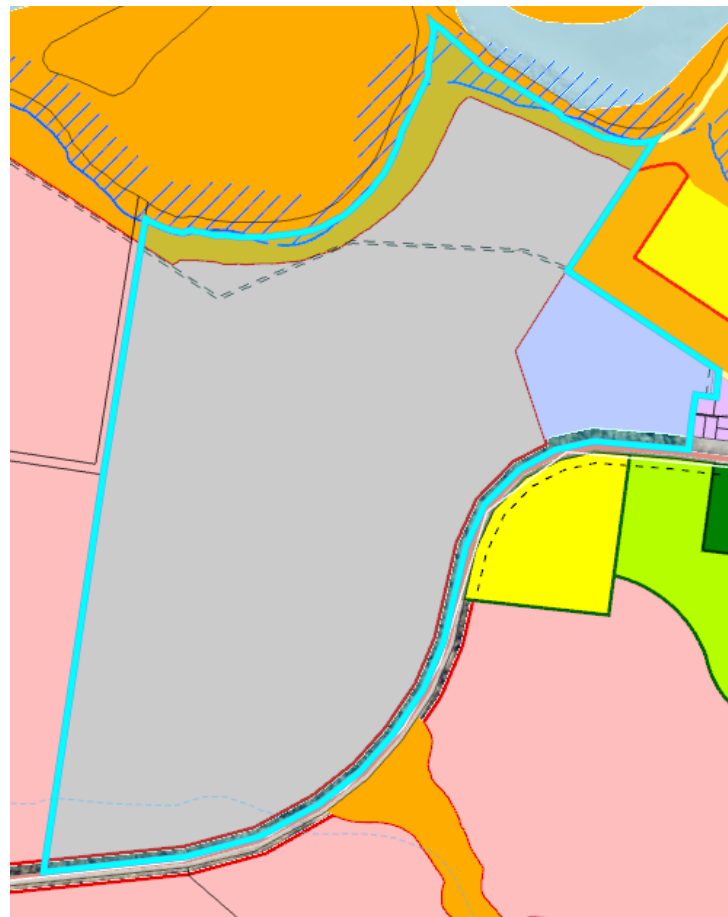


Figure 3: Lot 1 DP 1305809 – (Western Part) Zoning

Maximum Height Control

- 11m (as nil mapped building height limit)

Minimum Lot Size

- Lot 1 DP 631825 – AB4 – 40 Hectares (C2: Environmental Conservation Zone area only). No mapped minimum lot size applies to the part zoned SP2 Infrastructure

- Lot 1 DP 1305809 – Described as follows:

Prelodgement Advice Notes

	▪ AB4 – 40 Hectares (C2: Environmental Conservation Zone area only). No mapped minimum lot size applies to the part zoned SP2: Infrastructure, E1: Local Centre or E4: General Industrial ▪ Western Part: Deferred Matter – A review of the Shoalhaven LEP 1985 finds that there is no specified minimum lot size which applies to this land. Notwithstanding, subdivision is permissible on this part in accordance with the following: ○ <i>Clause 10 – Land to which this plan applies shall not be subdivided except with the consent of the Council.</i>
Other Development Standards	<i>Principal</i> Lot 1 DP 631825 and Lot 1 DP 1305809 (Eastern Part) - <i>Clause 4.1 – Minimum Lot Size</i> - <i>Clause 4.3 – Height of Buildings</i> Lot 1 DP 1305809 (Western Part) - <i>Clause 10 – Subdivision generally</i>
Miscellaneous & Additional Local Provisions	Lot 1 DP 631825 and Lot 1 DP 1305809 (Eastern Part) - <i>Clause 5.10 – Heritage Conservation</i> - <i>Clause 7.1 – Acid Sulfate Soils</i> - <i>Clause 7.2 – Earthworks</i> - <i>Clause 7.5 – Terrestrial Biodiversity</i> - <i>Clause 7.6 – Riparian Land & Resources</i> - <i>Clause 7.11 – Essential Services</i> - <i>Clause 7.15 – Development in the vicinity of extractive industries and sewage treatment plants</i> Lot 1 DP 1305809 (Western Part) - <i>Clause 20C-J – Heritage Conservation</i> - <i>Clause 21 – Land of Ecological Sensitivity</i> - <i>Clause 21A – Vegetation Linkage</i> - <i>Clause 26 – Soil, Water and Effluent Management</i> - <i>Clause 27 – Development on Acid Sulfate Soils</i> - <i>Clause 28 – Danger of Bushfire</i> - <i>Clause 33 – Height of Buildings</i> - <i>Clause 36 – Development of land shown uncoloured on the map</i>
State Environmental Planning Policies	
SEPP (Resilience & Hazards) 2021	- <i>Clause 2.7 – Development on certain land within coastal wetlands and littoral rainforests area</i> - <i>Clause 2.8 – Development on land in proximity to coastal wetlands or littoral rainforest</i> - <i>Clause 2.10 – Development on land within the coastal environment area.</i> - <i>Clause 2.11 – Development on land within the coastal use area</i> - <i>Clause 4.6 – Contamination & Remediation</i>
SEPP (Transport & Infrastructure) 2021	- <i>Clause 2.48 – Determination of development applications – other development.</i>
SEPP (Biodiversity & Conservation) 2021	- <i>Chapter 4 – Koala Habitat Protection 2021</i>

Prelodgement Advice Notes

SEPP (Planning Systems) 2021	- Schedule 6 – Regionally Significant Development
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Detailed Description of Proposal

Councils Understanding of the Proposal	<i>Concept Development Approval</i> SSD 3846 was approved as a Concept Development Approval (per s4.22 of the Environmental Planning & Assessment Act (EP&A Act) 1979) by the Land and Environment Court on 1 December 2021 (LEC No: 2019/78149). Assessment of future development applications must not be inconsistent with the conditions of the Concept Approval. <i>Proposed Modification to Concept Development Approval</i> A separate S4.56 modification application to amend SSD 3846 is being prepared for submission with the Department of Planning, Housing and Infrastructure (DPHI). The modification is required for: • A minor reorientation of the development footprint to align with a recent survey of the Mean High Water Mark (MHWM). • Amend the proposed stormwater drainage basins and other minor matters in response to Council's previous comments on the Staging Plan. • Seek to remove the individual lot layout details from the approved Concept Plan within the Residential Precinct, while keeping the internal road layout. • Seeking a condition of the consent limiting the low density residential minimum lot size to 500sqm and lot yield limit of 244 residential lots. The plans submitted with this prelodgement meeting request reflect the amended layout which will form part of the modification application to DPHI. The application to DPHI will be submitted prior to lodgement of the Stage 1 DA with Council. <i>Proposed Stage 1 DA</i> A prelodgement meeting is requested with Council in relation to the proposed Stage 1 development application insofar as it relates to a DA to be submitted with Council. Minor impacts on vegetation and trees within Lot 1 DP 631825, being the Culburra Treatment Plant lot, due to connection to services. Treatment works site may occur as part of the construction of road and drainage works within the development site, with associated disturbance and impacts to vegetation to permit the connection to take place. This is still subject to assessment and relevant reports and landowners consent from Shoalhaven Water would be submitted with a DA submission.
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Prelodgement Advice Notes

Characterisation SLEP 2014	under	Subdivision of Land (and associated site works including vegetation clearing, earthworks, construction of roads, parks, and services): subdivision of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected— (a) by conveyance, transfer or partition, or (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition. (2) Without limiting subsection (1), subdivision of land includes the procuring of the registration in the office of the Registrar-General of— (a) a plan of subdivision within the meaning of section 195 of the Conveyancing Act 1919, or (b) a strata plan or a strata plan of subdivision within the meaning of the Strata Schemes Development Act 2015.
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Supporting Information Lodged with the Enquiry

Plan/Report Title	Prepared By	Ref No.	Version/Date
Subdivision Layout Plan	Allen Price & Scarratts Pty Ltd	N25405-261 Sh 1 of 1	Rev. A, 15/03/2024
Preliminary Engineering Plans	Allen Price & Scarratts Pty Ltd	25405-100 to 135	Rev. P7, March 2020
Services Layout Plan	Allen Price & Scarratts Pty Ltd	N25405-SK18 Sh. 1 to 3	Rev. P0, April 2022
Bus Routes	Allen Price & Scarratts Pty Ltd	N25405-220 Sh. 1 to 1	Rev. 2, 11/04/2024
Shared Footpath Concept Plan	Allen Price & Scarratts Pty Ltd	N25405-221 Sh. 1 to 3	Rev. 2, 11/04/2024

Key Issues requested to be addressed by the Applicant

Item	Advice
Confirmation that the amended proposal now largely addresses Council's main concerns raised in previous feedback?	
1.	<u>Stormwater (previous comments):</u> <u>Previous comment</u> <i>Given that the consent requires that the stormwater treatment measures be established at the outset in each component of the development, the staging plan should consider how the stormwater treatment measures, such as water quality ponds and biofiltration areas, will be protected from erosion and sedimentation during the construction phase and other construction-related impacts.</i> - Regarding the staging plan, it is noted that the permanent stormwater quality devices are proposed to be installed at stage 1 of the residential, town centre and industrial lots respectively. - Clarification regarding when these devices are intended to go online after being constructed is required. - Normally, Council requires that 90% of the upstream catchment has been developed prior to devices coming online to ensure no damage occurs to the treatment devices from the construction activities. This needs to be considered in the staging plan. - It is noted that the ICWMS report includes a sediment basin and other erosion and sediment controls for each stage.

Prelodgement Advice Notes

- *How will these devices interact with the permanent stormwater quality devices and what measures will be taken to ensure both the ongoing water quality targets are met and that the devices are not damaged by the construction activity from sediment transportation?*
- *AP&S informed Council in a meeting held on Thursday 20 October 2022 that they have engaged SEEC to develop their Soil and Water Management Plan. Furthermore, AP&S suggested that they will ask SEEC and Martens to work collaboratively to develop the SWMP and IWCMS for the site which is supported by Council.*
- *Documentation is required outlining the interaction between the Soil and Water Management Plans for each stage and the permanent stormwater quality devices.*

Additional comment

- The revised staging plans indicate that the stormwater quality devices for each precinct of the development are now proposed to be provided within either the Early Works or Stage 1 of each precinct.
- This is considered acceptable. However, given the changes to the footprint of the devices, a revised IWCMS and accompanying DRAINS and MUSIC models would be required to support the changes to the concept approval.
- The water quality devices are now due to be provided upfront with Stage 1 or earlier. It is anticipated that this device will be kept offline as a construction sediment basin until an agreed stage of the development.

Roads/Traffic/Access (previous comments):

Previous comment

- *The applicant needs to demonstrate how bus servicing and bus stops will be provided for each stage and which routes will be available for use until the permanent arrangement can be utilised (refer Condition C27 and Statement of Commitments).*
- *It is noted that the first bus stop is not installed until Stage 3, and this is on a temporarily dead end road.*
- *Bus stop locations must be clearly identified on staged subdivision plans and consideration must be given to timing of bus stop locations to ensure that 85% of dwellings on future lots are within 500m walkable distance to a bus stop within all stages as the development progresses.*
- *A master plan must be submitted to identify the overall proposed public transport route which must be resolved up front prior to any individual stages being lodged, and appropriate turnaround facilities at each stage.*
- *Note: Within appropriate stages of the development bus stops are designed and located to:*
 - *Prevent vehicles from overtaking stationary buses; or*
 - *Vehicle speed is reduced to ensure safe pedestrian crossing.*
 - *Provide shelter, seats, adequate lighting and timetable information.*
 - *Be overlooked from nearby buildings (where they exist).*
 - *Minimise any adverse impacts on the amenity of nearby dwellings.*

Additional comment

- A bus route and bus stop plan has now been provided. Crossing points appear to also be provided at least conceptually on the footpath layout plan. Further assessment required to be undertaken of the DA for each stage.
- The first bus stop has now been provided within Stage 01 of the development. However, the bus will need to travel down a dead end until such time that Stage 4 is constructed. This will be addressed during the DA assessment for each stage.
- Bus stops have now been provided on Culburra Road for servicing the Town Centre in both directions. Crossing points appear to also be provided at least conceptually on the

Prelodgement Advice Notes

footpath layout plan. Further assessment required to be undertaken of the DA for each stage

- A footpath plan has now been provided for connection to all bus stops. Crossing points appear to also be provided at least conceptually on the footpath layout plan. Further assessment required to be undertaken of the DA for each stage.

Public Open Space):

Previous comment

- *Drawing N25405-233 illustrates Public Reserves 1 and 2 are to be delivered concurrently with stage 1 residential lots. However, the plans indicate Public Reserve 1 will be located least 150m isolated away from Stage 1 dwellings. The plans do not clearly illustrate how Public Reserve 1 will be connected to Road 1.*
- *There is therefore no way to adequately service Public Reserve 1 (or for that matter proposed bio-filtration areas and the proposed water quality pond).*
- *Passive surveillance to Public Reserve 1 (during Residential Stage 1) must be considered.*
- *The following updates are recommended:*
 - *Amended plans be developed clearly illustrating proposed pedestrian and service vehicle infrastructure to connect Reserve 1 with Road 1 during Residential Stage 1.*
 - *Alternatively, provide amended staging plans showing the provision of public road infrastructure (currently proposed in Residential Stage 2) within Residential Stage 1 to provide vehicular and pedestrian connectivity to Reserve 1 during Residential Stage 1.*

Additional comment

Amended Staging Plans show the location of road and vehicular access to both the park and pond within Stage 1.

Bushfire Management:

Previous comment

- *All APZs should be located on the Staging Plans (including widths and areas required).*

Additional comment

It is unclear based upon our review whether the APZs have been marked on the submitted plans. APZs should be provided on staging plans as part of the future DA submission.

Shoalhaven Water:

Previous comment

- *The developer needs to show they can service the lots with reticulated water and sewer as part of the proposed staging plan. This is particularly the case for sewer as the initial pressure may not be enough with the initial stages. I.e., only a few new dwellings discharging into a long sewer rising main can cause septicity in sewers, damage, hydrogen sulphide & foul odours.*

Additional comment

Preliminary Servicing Plan indicates the provision of a low pressure sewer main within the early stages as requested.

Standard Shoalhaven Water conditions to apply with previous confirmation/advice given to applicant that development is to be serviced by a pressure sewer system in place of conventional gravity sewer due to impositions of consent.

Prelodgement Advice Notes

	An REF will be required for works within Culburra Wastewater Treatment Plant. It is proposed for this to be done by Shoalhaven Water under the Transport and Infrastructure SEPP and funded by the developer.
DA lodgement requirements for the DA – expectations of Council for required documentation in accordance with the Concept Plan?	
2.	Refer Section 8 below for a list of required lodgement documents.
Feedback on the basin, road and preliminary lot layouts and design?	
3.	<u><i>Stormwater / Water Quality</i></u> It is noted that the proposed Integrated Water Cycle Management Strategy (IWCMS) has been updated in terms of the number, size and location of stormwater treatment devices proposed. For example, the approved IWCMS included a total of 13,390m² of bioretention filter area, while the updated engineering plans included a total of 8,509m² bioretention filter area. It is also noted that the proposed pond area has increased by approx. 2,000m² and that a new wetland has been introduced. As such, an updated IWCMS report is required to be submitted with the application, including a copy of the MUSIC model for Council review. The IWCMS should detail the proposed strategy, and these details should be clearly reflected on the engineering plans with sufficient details to ensure a functional design can be achieved. Council provided a response for further clarifications relating to the proposed Staging Plan on 23 November 2023. This response included a request for documentations outlining the interaction between the Soil and Water Management Plans (SWMP) for each stage and the IWCMS. It is expected that the updated IWCMS have considered and incorporated this feedback, as required. It is important that an adequate footprint is considered early on for the proposed stormwater treatment devices and their associated infrastructure, such as formal maintenance access to all inlets and outlets and a min. of 3m buffer (this can be vegetated) around assets for maintenance access. It is noted that most of the proposed assets have a significant surface area where a single maintenance access point has been provided. This may not be adequate. It is noted that the engineering plans provided are preliminary only. However, the proposed stormwater treatment devices currently look heavily engineered. It is recommended that aesthetic outcomes are considered early in the design of all stormwater treatment assets and that these assets are designed in collaboration with a landscape architect such that they can contribute to the public amenity for the benefit of future residents. <u><i>Road Layout</i></u> There are proposed changes to the road layout and the arrangement of the reserve and infrastructure within the western residential stages. The changes proposed to the road layout are minor in nature. There is loss of a footpath connection at the cul-de-sac which in my opinion is unnecessary and therefore does not need to be re-established. Waste collection servicing should be addressed on the staging plans and each relevant stage of the development with temporary dead ends, through provision of temporary cul-de-sacs as required by Council's DCP.

Prelodgement Advice Notes

Revised Footprint

- It is noted that the proponent will seek a modification to the 3A approval to vary the footprint.
- Changes respond to recent survey of MHWM & Council's previous comments on staging plan (see above). Changes seem reasonable and according to the information provided, the overall disturbance is slightly less.

Subdivision Layout

- The proposed subdivision layout includes several battle axe lots that would share a property boundary with up to 11 neighbouring lots. Aside from servicing issues, this is likely to create amenity and privacy impacts, inconsistent with performance criteria P43 in DCP Chapter 11.

Development Control Plan			
P43	A range of lot sizes are provided that have the appropriate area and dimensions for:	A43.1	Minimum lot shape, dimensions and splays shall comply with Table 2 below.
	• The siting of a dwelling/s and ancillary structures. • The provision of outdoor space. • Vehicle access and manoeuvring. • On-site parking.	A43.2	Where possible, an access way to a battle-axe lot should be located on the southern side of the allotment to minimise any potential overshadowing of existing/future adjoining dwellings, private open space and rooftop solar systems.

Page | 26

Shoalhaven Development Control Plan 2014

Chapter 11: Subdivision

Performance Criteria	Acceptable Solutions
• The provision of solar access. • The provision of appropriate site lines and visibility. • The minimisation of amenity or privacy impacts.	

- Compliance to be demonstrated with A44.4 as follows:

A44.4 Adequate space for bins on the road frontage (kerbside) shall be provided, especially in a standard battle-axe lot or dual occupancy battle-axe lot arrangement. The kerbside frontage required per bin is 1m, with 0.5m separation between bins and 1m behind each bin.

It is noted on the Subdivision Plan that there are some areas with access handles serving multiple lots. Sufficient space for kerbside bin placement must be demonstrated.

Reconfirm past Council feedback on the expectations for embellishment of public open space and reserves for the DA?

4. Bus Route (Dwg. 25405-220 Rev 02)

- With reference to Condition: C27 (b) approved concept plans do not illustrate location of proposed bus stops. It is noted that are illustrated in amended plans (drawing: 25405-220 Rev 02)

Prelodgement Advice Notes

- Bus Stop – East and West Bound – Culburra Road, adjacent to Intersection Road 08 and Culburra Road.
- Plans illustrate proposed bus stop location to Culburra Road, servicing proposed sporting amenities and medium density development in stage (?) – supported in principle.
 - Consider providing amended plans illustrating bus stop location to road 08 directly adjacent to sporting amenities and carparking facilities, (Recommendation: review the need for the bus stop east-bound stop adjacent to existing industrial area) OR
 - Provide amended plans clearly illustrating safe and convenient pedestrian crossing points to Culburra Road with further safe pedestrian connection and crossing points to Road 08 to connect proposed bus stops to the sporting amenities and carparking area.

Shared Footpath (Dwg. 25405-221 Rev 2)

With reference to APS Statement of Commitments – Infrastructure (Footpaths):

- Provide amended documentation (plans and sections) clearly illustrating:
 - Pedestrian footpaths to all verges with residential lot frontages (both sides to Road 01, Road 03, Road 04, Road 05, Road 06;)
 - Provide pedestrian footpaths on verges with lot frontages on Road 02.
- With reference to Condition B51, Table 2, ESD requirements, a shared user pathway should be provided to all verges, adjacent to open spaces to Road 02 and be connected to the Spine shared pathway to Road 01.
- Provide amended documentation (plans and sections) clearly illustrating:

Safe and convenient pedestrian crossing points to all internal road intersection, including locations for concrete ramp turn downs and any other requirements of Shoalhaven City Council.

Subdivision Layout Plan (Dwg. 24405-261 – Rev A)

- Plans identify pedestrian pathway connecting Road 02 to Road 03 adjacent to Lot 34, Lot 35, Lot 67, and Lot 68 – supported in principle.
 - Provide amended documentation (plans and sections) clearly illustrating:
 - Minimum dimension between lot boundaries at 5m.
- Consider providing amended documentation (plans and sections) clearly illustrating additional pedestrian connection between Road 06 and Road 02, adjacent to Lot 228, lot 229, Lot 209, Lot 210, Lot 231 with a minimum dimension of 5m – to provide pedestrian connectivity from Road 06 to proposed open space directly adjacent intersection of Road 05 and Road 02.

Additional points:

- Include Road names / numbers across all drawings.
- It is noted the conditions of consent and developer commitments are silent on street tree planting, adequate street tree planting should be provided to all roads in accordance with any requirements of Shoalhaven City Council to provide adequate streetscape amenity including shade to hardstand.
- Provide amended staging plan – the proposed staging plan does not appropriately illustrate intention for delivery of medium density and integrated housing allotments and public open space.
- Location and size of parks are supported in principle in line with SSD Development consent.

Draft VPA Heads of Agreement Letter

5.

Appendix B - Proposed Heads of Agreement for a Planning Agreement between Sealark Pty Limited and Shoalhaven City Council (Stage 1)

Stage	Public Benefits	
	Monetary Contributions	Land Contributions
Residential Precinct		
R1	Nil	Sealark Pty Limited will dedicate the Foreshore Reserve and Park 1 to the public being approximately 16.11Ha in area including areas of bushland, open space, water quality ponds, irrigation, other drainage structures.
R1	Nil	Sealark Pty Limited will dedicate the Woodland Reserve to the public being approximately 2.8Ha in area including bushland.
R1	Nil	Sealark Pty Limited will dedicate the shared path along Culburra Road to the public
R5	Nil	Sealark Pty Limited will dedicate a Park 2 to the public being approximately 1.8Ha in area including areas of bushland, open space, water quality ponds, a fire trail and other drainage structures.
All stages	Nil	Sealark Pty Limited will dedicate land as Road Reserve to the public including roads, footpaths cycleways, Asset Protection Zones, water quality features and other drainage structures.
Industrial Precinct		
All stages	Nil	Sealark Pty Limited will dedicate land as Road Reserve to the public including roads, footpaths, cycleways, Asset Protection Zones, water quality features and other drainage structures

The detail in the above will require more detailed consideration by technical staff within Council depending on the progress of this matter. Following this, the draft 'heads of agreement' will need to be settled and reported to Council for initial consideration.

Affordable housing should be a head of consideration (unless there is another mechanism to secure this required outcome). The affordable housing strategy prepared by the Halloran Trust commits to dedicating to a Community Housing Provider, at no charge, sufficient land for 40 affordable rental dwellings.

- *Appropriate legal agreements will be made between Council and Sealark that provide for certainty, transparency and accountability in the provision of affordable rental housing in perpetuity.*
- *The affordable rental housing will be distributed throughout the development, including on lots nominated as 'residential' and 'medium density' in the masterplan, from Stage 1 of the development (Strategy 12)*

Note: the above information is based on the supplied material and offered in the context of providing open comment from Council Officers in relation to the proposed development. Determination of any future application will be subject to a detailed assessment by Council.

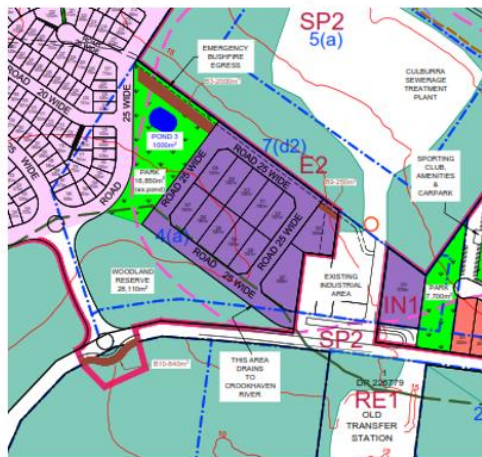
Prelodgement Advice Notes

Other Key Matters

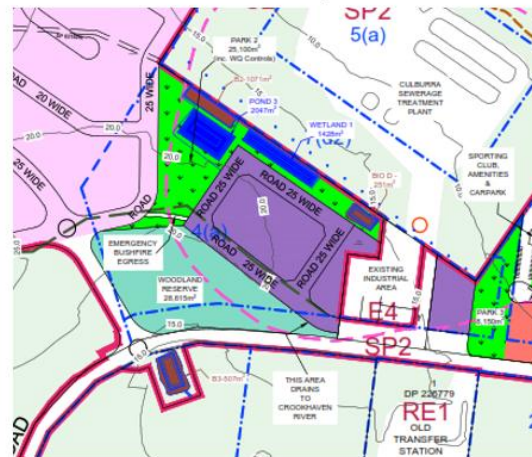
Item	Advice
Other Matters	
6.	<u>Flooding</u> The site contains High Hazard Flood Storage areas and has a 2100 scenario Flood Planning Level of 4.1m AHD. The proposed development is, however, located above this level. <u>Biodiversity</u> <u>Woodland Reserve area – Park 2 – habitat connectivity</u> Park 2 should be dedicated “woodland reserve” to ensure habitat connectivity between the south and north to the council land and waterway. This is of particular importance with the intention to future develop significant portions of native bushland and threatened species habitat in this area. Open space park and pond should be relocated to elsewhere in the R1 zone footprint.  <u>Pond 3 and new wetland</u> Within the footprint of Park 2, Pond 3 size has changed significantly and a new wetland is proposed with a shifted industrial footprint. Is the site appropriate for a wetland to be created? Continuous bushland would be preferred up to the 25m wide road and Asset Protection Zone.

Prelodgement Advice Notes

Approved Concept Plan



Modified Concept Plan



According to the provided Approved Concept Plan – SSD 3846, all land surrounding the subject land (for the proposed DA), including some land within the subject land, denotes “Woodland Reserve” however the 1985 LEP zoning varies throughout.

- What are the 1985 zoning definitions?
- What does Woodland Reserve mean here?

The provided Modification Plan – Amended Concept Plan changes the “Woodland Reserve” of the northern part of the development to “Foreshore Reserve”. Definitions of these lands and why the change occurred, is required for understanding the dedication of the land.

Retention of Native Trees

We would like to see the retention of remnant mature native trees within the residential footprint, within road reserves and proposed open space parkland as much as possible. Trees with significant hollows should be prioritised.

DCP Chapter G4 recognises that trees and other native vegetation are a highly valued asset to maintain the visual appeal and amenity of the local area.

DCP Chapter G3.1 outlines that the retention of mature native shade trees also assists in reducing the urban heat island effect.

There are several key threatening processes (threatens the survival of a native species or ecological community) recognised by state and federal governments that are directly linked to the removal of vegetation and habitat for development:

- Land clearing (Cth EPBC Act 1999)
- Clearing of native vegetation (NSW BC Act 2016)
- Alteration to the natural flow regimes of rivers and streams and their floodplains and wetlands (NSW BC Act 2016)
- Loss of Hollow-bearing Trees (NSW BC Act 2016)
- Removal of dead wood and dead trees (NSW BC Act 2016)
- Indirect KTPs caused by development such as weed incursion and predation by cats are also a factor.

Development consent must not be granted unless the consent authority is satisfied that the development is designed, sited, and will be managed to avoid any significant adverse environmental impact (s7.6(4) SLEP 2014) or if impact cannot be reasonably

Prelodgement Advice Notes

	avoided the impact is minimised, or if the impact cannot be minimised the impact is mitigated. Culburra Beach is surrounded by National Park, and the nationally important wetlands of Lake Wollumboola and the Shoalhaven-Crookhaven Estuary. Any retention of the natural area – including road reserves and open spaces within new residential development – should be a priority to maintain (insofar as greenfield development can) the local area amenity and support native species and the sensitive coastal environment within which this development is located. <u>Landscape Concept Plan (LCP)</u> Not submitted as part of this pre-lodgement application and therefore has not been reviewed as part of the reviewed as part of this PLM advice. <u>DCP Chapter N13</u> The entire forthcoming DCP Chapter N13 is dedicated to mostly natural bushland owned by Sealark Pty Ltd (in excess of 1,000 hectares). There is currently limited visibility on the intent for the entirety of this land. It is noted that there are several Biobanking agreements that would link up with the National Park Estate. It must be ensured that development occurring as part of future Applications is balanced carefully with the need to avoid and minimise impacts to vegetation, with a particular focus on maintaining habitat connectivity from the NPWS land in the south and Crookhaven River and foreshore in the north.
Shoalhaven DCP 2014 Relevant Chapters	
7.	• 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 G11 – Subdivision • Chapter G21 – Car Parking and Traffic • Chapter G26 – Acid Sulfate Soils and Geotechnical (Site Stability) Guidelines • Proposed Chapter N13 – Culburra Beach Expansion Area (not yet exhibited)
Lodgement Documents – The DA is to be accompanied with the following documents	
8.	• Owner's Consent • Statement of Environmental Effects Report • Plan of Subdivision and Section 88B Instrument • Staging Plan • Civil Engineering Plans (i.e. earthworks, roads, drainage, basin, cross-sections, etc). • Integrated Water Cycle Management Strategy • Waste Management Plan • Bushfire Assessment Report • APZ Plan

Prelodgement Advice Notes

	• Flood Impact Assessment • Acid Sulfate Soils Management Plan • Pedestrian, Cycle Routes, and Bus Routes Plan • Aboriginal Cultural Heritage Impact Assessment (subsurface testing for each stage as relevant) • Aboriginal Cultural Heritage Management Plan • Documentation advising how the outcomes of the Aboriginal Cultural Heritage Assessment have been implemented • Oyster Aquaculture Report addressing C18 as required by subsection (f) • Aquatic Ecology Report addressing C17 as required by subsection (g) • Water Quality Monitoring Program Report addressing C16 as required by subsection (g) • Detailed Landscape Plan incorporating street trees and embellishments of public areas. • Sewer and Water Servicing Concept Plans • Site Specific Emergency Response Plan for any new pumping stations. • Draft VPA • Built form and design requirements for each stage: ○ Ecologically sustainable development (ESD) requirements under B51 to be addressed ○ Outcomes from the affordable housing strategy (noting from Stage 1) • BDAR for each stage • Vegetation Management Plan for the foreshore and woodland reserves to guide future management of the land. Note: Ensure plans/documentation are updated with lot descriptions relevant at time of lodgement, noting DP 1305809 registered 21/06/2024.
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General Disclaimer/Notes - please read carefully:

Will I get an approval from Council?

These notes should not be construed as a guarantee that consent will be granted. The advice in these notes is not a comprehensive assessment. Additional issues may emerge as a result of a detailed assessment, which will only be made upon receipt of a development application. Council will take into account relevant statutory requirements and merit issues when assessing a proposal as required under the provisions of the Environmental Planning & Assessment Act 1979, as amended.

Policy departures, variations to development controls contained in Environmental Planning Instruments

Any departure from 'policy', eg Development Control Plans or a Development Standard must be identified by the applicant and supported in the form of a written statement. The statement must demonstrate that there will be no adverse impacts as a result of the departure. No guarantee is given that a departure from policy will be supported.

In the case of an Environmental Planning Instrument such as the Shoalhaven Local Environmental Plan 2014, a formal detailed written request specifically addressing clause 4.6 and the development standard (such as height) must be provided.

Prelodgement Advice Notes

How is your application assessed?

Please also be aware that legislation and Council's planning controls are periodically reviewed. A development application will be assessed under the planning controls as they apply at the time of lodgement. In this regard, it is important to check the currency of planning controls when preparing a development application and when lodging an application.

Any zoning advice should ideally be checked by viewing relevant maps and verified by obtaining a Section 10.7 Certificate.

For more complex proposals, it may be prudent to engage the services of a suitably qualified professional to prepare and lodge a development application.

Restrictions on Land Title

This advice is provided without the benefit of a site inspection or title search.

For further information refer to:

[*Environmental Planning & Assessment Act*](#)

[*Environmental Planning and Assessment Regulation*](#)

[*Shoalhaven Local Environmental Plan 2014*](#)

[*Shoalhaven Development Control Plan 2014*](#)

[*Shoalhaven Contributions Plan 2019*](#)

[*Development Application Information*](#)