

SHOALHAVEN CITY COUNCIL

**SUBMISSION TO THE NSW DEPARTMENT OF PLANNING, INDUSTRY AND
ENVIRONMENT**

**COUNCIL'S SUBMISSION TO AMENDED PLANS
EXHIBITED BY THE NSW LAND & ENVIRONMENT COURT
(CASE NUMBER 2019/00078149)**

MAJOR PROJECT APPLICATION CONCEPT PLAN SSD3846

PROPERTY: Land within the Shoalhaven local government area.
Part Lot 5, Part Lot 6 and Part Lot 7 in DP 1065111 and
Part Lot 1 DP 631825

APPLICANT: John Toon Pty Ltd for Sealark Pty Ltd

OWNER: Sealark Pty Ltd

DEPARTMENT REFERENCE: SSD3846

COUNCIL REFERENCE: 3A10/1003

INDEX

1. Introduction	2
2. Planning history	3
3. Engineering matters.....	6
4. Biodiversity	8
5. Affordable housing	9
6. Development Contributions.....	10
7. Community Recreation Facilities.....	10
8. Culburra Beach Swimming Pool	11
9. Shoalhaven Water	12
10. Future development applications – design.....	12
11. Retail Floor Space Demand.....	14
12. Landscape Plan	14
13. Odour impacts.....	15
14. Conclusion	15
Appendix 1. Recommended amendments to the statement of commitments ..	16
Appendix 2. Recommended conditions	17
Appendix 3. Development Engineering Issues Assessment against previous Council submissions	24

1. Introduction

The Department of Planning, Industry and Environment (Department) has received an Amendment Report for the West Culburra Mixed Use Subdivision (SSD 3846) as part of a merit appeal currently before the NSW Land and Environment Court (LEC) for determination (Case Number 2019/00078149).

The amended plans now relied upon by Sealark Pty Ltd (the Applicant) have been publicly exhibited by the Department and the Independent Planning Commission (IPC) as part of the merit appeal process. Council has been notified of the appeal and invited to comment and provide recommended conditions.

Council resolution

On 25 January 2021 the Council Resolved (MIN21.26):

That Shoalhaven City Council:

- 1. Reaffirm its support for the West Culburra Mixed Use Concept Plan.*
- 2. Submit a submission, supporting the amended West Culburra Proposed Mixed Use Concept Plan.*
- 3. Acknowledge the overwhelming community (Culburra Beach residents and ratepayers) support for the West Culburra Mixed Use Concept Plan.*
- 4. Acknowledge that the amended West Culburra Mixed Use Concept Plan will ensure no storm water runoff or impact on Lake Wollumboola.*
- 5. Acknowledge the additional water quality studies that have been undertaken to ensure minimum impact on the local environment.*
- 6. Approach the developer of the West Culburra Mixed Use Concept Plan to consider including an affordable housing strategy as part of the overall plan.*

As indicated in Council's previous submissions on this proposal, the Council supports an orderly expansion of the Culburra Beach urban area as has been foreshadowed under the applicable planning controls for the site (refer Section 2 of this report), and that the development should achieve an appropriate balance of development and conservation of environmental resources.

The application has been significantly refined and amended in response to the years of consultation and discussion the proposal. As outlined in this submission, there are still a number of outstanding matters of detail which need attention, and it is considered these issues are capable of being resolved via conditions of consent on the Concept Plan Approval should the LEC grant consent to the application. A full list of recommended amendments to the Statement of Commitments is included at Appendix 1, while recommended conditions which should form part of any development consent are included at Appendix 2.

This submission is made in accordance with the aforementioned Council resolution, noting that Shoalhaven City Council are in support of the proposal, and also noting the proposal is subject to detailed assessment and review by LEC, the Department and IPC.

2. Planning history

a) Strategic Planning Background

Culburra Beach has consistently been identified by the Council as an area that can accommodate future growth consistent with its five established Planning Areas and the current Shoalhaven Growth Management Strategy, which is also reflected in the NSW Government's current Illawarra-Shoalhaven Regional Plan.

Some of the relevant strategic planning documents that established the ongoing identification that Culburra Beach and specifically the area to which the application applies will accommodate additional future growth include:

- Five Centre Growth Strategy – Was adopted by Council in 1990 and details a growth strategy for the City of Shoalhaven focused on five main growth centres. The three major urban areas of Nowra-Bomaderry, Jervis Bay-St. Georges Basin and Milton-Ulladulla and the two secondary centres of Culburra Beach and Sussex Inlet.

In terms of the secondary centres the strategy noted that they “will be designed to have a significant level of services because of their particular locations and circumstances, although of a lesser order than that of the other towns”.

Consistent with this strategy the broader Culburra Expansion Area was rezoned to enable future development in 1992 following a detailed process.

- Jervis Bay Settlement Strategy – This endorsed Council and NSW Government Strategy was released in 2003. The Strategy provides a strategic framework to manage residential and rural residential growth in the region over a 15 to 20 year period.

Culburra Beach is identified as a ‘town’ under this Strategy and an area that can potentially accommodate future urban growth, acknowledging the outcomes of relevant NSW Government inquiries and decisions that focused future growth outside the catchment of Lake Wollumboola.

The Strategy includes an Action regarding Culburra Beach to: “Review the planning controls for the existing Culburra Urban Expansion Area in light of the Long Bow Point Commission of Inquiry and Minister for Planning’s decision in June 2000.

- South Coast Sensitive Urban Lands Review – The Review was chaired by Andrew Refshauge and undertaken for the NSW Government. The review that was completed in October 2006 considered the suitability of several urban development sites on the South Coast, including the zoned Culburra expansion area.

The review concluded that land within the Lake Wollumboola Catchment was unsuitable for urban development and the remaining land within the Crookhaven Catchment was considered suitable for limited urban development.

- South Coast Regional Plan – This Plan was released by the NSW Government in 2007. This Plan reflected the outcomes of the Sensitive Urban Lands Review and included an action that supported the urban areas identified in existing endorsed plans or strategies, including the Jervis Bay Settlement Strategy.
- Shoalhaven Growth Management Strategy – The current version of this Strategy was adopted by Council in 2012 and endorsed by the NSW Department of Planning in 2014. This is the current broad land use planning strategy for Shoalhaven in terms of managing future growth. This Strategy identifies Culburra Beach as a ‘coastal town’ and it draws on and reflects the content and adopted position of the earlier strategies and reviews, particularly the Jervis Bay Settlement Strategy.

Thus, Culburra Beach is identified strategically as an area within Shoalhaven that can accommodate additional urban growth, subject to relevant detailed site-specific considerations.

The Growth Management Strategy is formally recognised in the NSW Government’s current Illawarra-Shoalhaven Regional Plan that was released in 2015.

b) Existing land use zoning

The existing Residential 2(c) zoning over the subject land has been in place since 1992 when Amendment No. 41 to the then Shoalhaven LEP1985 was gazetted. This concluded a detailed rezoning process that considered additional residential development in this area and through the residential and associated zones established the Culburra Urban Expansion Area.

To support the future subdivision and development of this expansion area, Council adopted a specific detailed Contributions Plan amendment in 1995 and a Development Control Plan No. 67 in 1996. These supporting plans aimed to provide for a population in excess of 3,000 people in the expansion area.

Shortly after the completion of the LEP Amendment that zoned the area, a development application for an initial subdivision stage of 837 lots at Long Bow Point was lodged in March 1993. In 1995 the then NSW Minister for Urban Affairs & Planning called the development application in. In August 1996, a Commission of Inquiry into the proposed development commenced. The Inquiry Report was completed in March 2000 and the Minister subsequently refused the application in June 2000.

This process recognised the significance of the Lake Wollumboola catchment and indicated that development outside this catchment should first be considered.

Currently the land has a ‘deferred’ zoning under Shoalhaven LEP2014 and as such it retains its Residential 2(c) zoning under the previous LEP1985.

In the initial draft version of Shoalhaven LEP2014 the land owned by the Halloran Trust in this location outside the Lake Wollumboola catchment was proposed to be zoned R1 General Residential to reflect its existing and long held residential zoning. Following a

submission from the Halloran Trust the zoning of their overall landholding in the Culburra Beach, Kinghorn Point and Callala Bay areas was 'deferred' to enable a more detailed and holistic outcome to be considered that resolved the future of the Trust's land once and for all. This was done with an acknowledgement that the West Culburra development application was still separately under consideration by the NSW Government and this would potentially deliver an outcome for the relevant area.

Council is working through the Planning Proposal for the 'deferred' areas owned by the Halloran Trust. However, given the level of support work that needs to be undertaken and completed, the timing and ultimate outcome of this Planning Proposal is unknown and at this stage still uncertain.

c) Relationship to the Halloran Trust Planning Proposal at Culburra Beach (PP006)

The area that is the subject of the application covers part of the land that is the subject of the Halloran Trust Planning Proposal (PP006) being progressed by Council under Division 3.4 of the EP&A Act. The Planning Proposal subject land is shown in Figure 1 below.

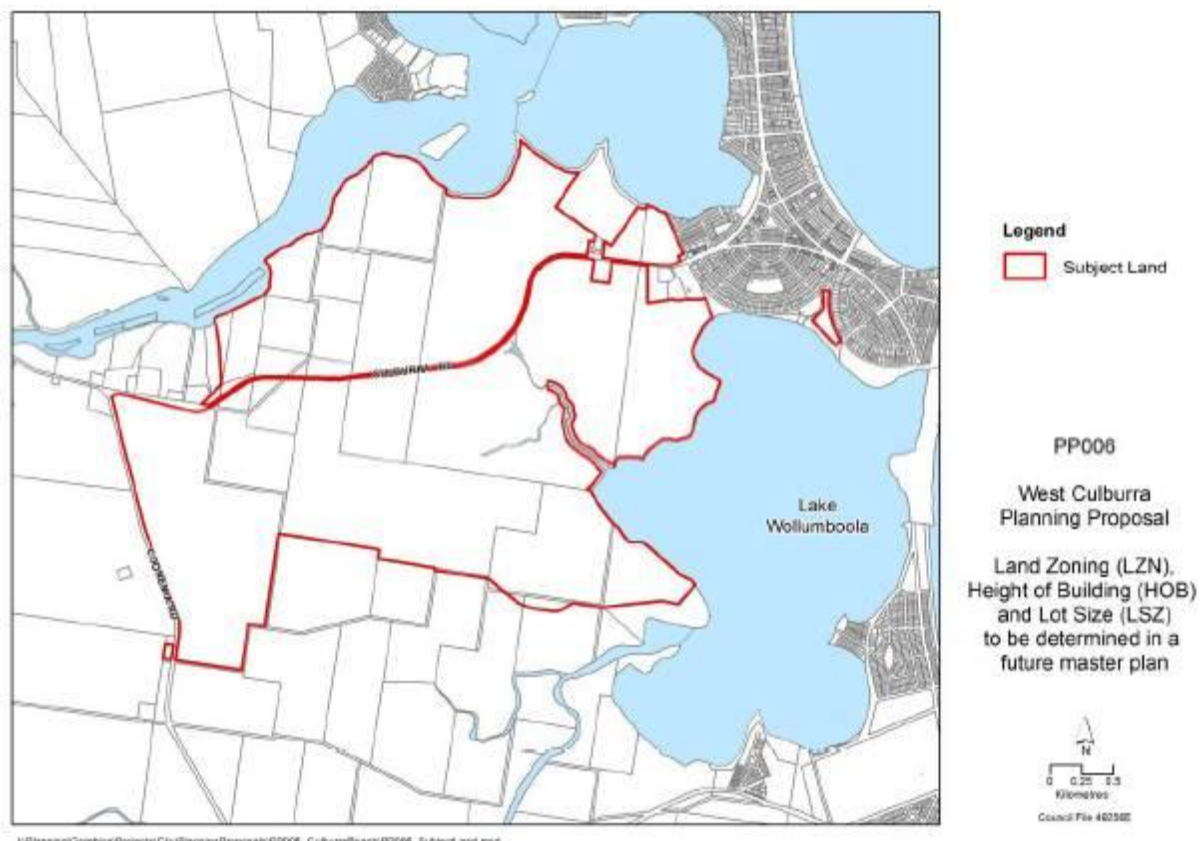


Figure 1. Planning Proposal PP006 Subject Land

The proponent's concept subdivision application was submitted in 2010 under Part 3A (Major Projects) of the EP&A Act, which was repealed in 2015 and transitioned to State Significant Development (SSD) under Division 4.7 of the EP&A Act. Most of the land covered by PP006 was deferred from Shoalhaven LEP 2014 (see Figure 2 below) and the provisions of Shoalhaven LEP 1985 remain effective.

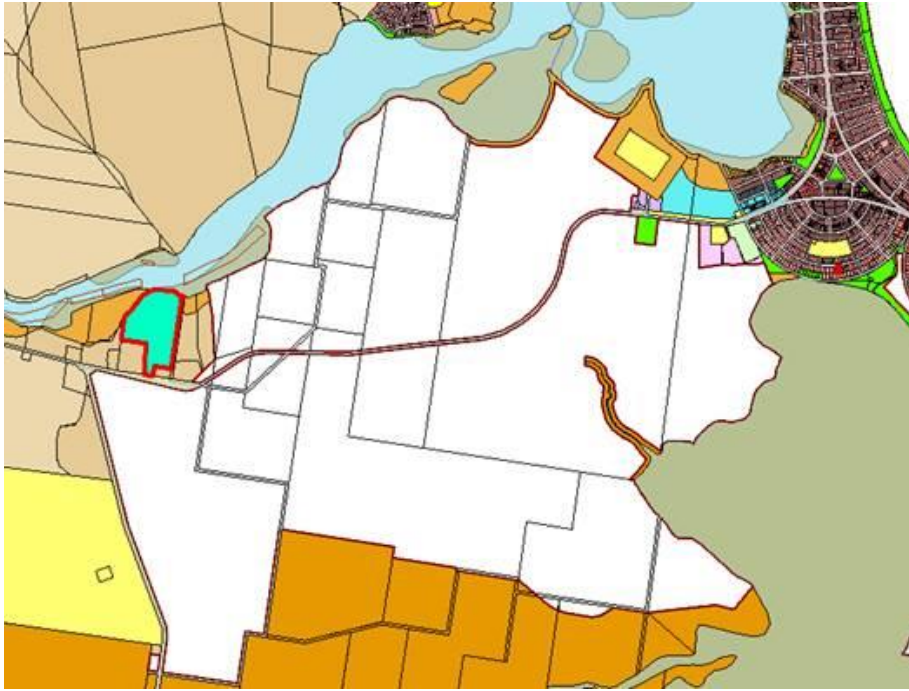


Figure 2. Current zoning under SLEP 2014 (white = deferred)

While PP006 is being progressed under a separate part of the EP&A Act, the outcome of the 3A/SSD concept subdivision application will help to inform the land use zoning (and other LEP provisions) over this part of the land.

d) Concluding Comment

Development of the area covered by this application is generally consistent with existing strategic planning for urban development in the region. It is acknowledged that relevant site-specific considerations (e.g., Water quality, Aboriginal heritage, traffic/access, broader infrastructure provision, funding mechanisms related to subdivision infrastructure etc.) will need to be appropriately assessed.

3. Engineering matters

a) Development Services – Development Engineering

Council's Development Services Unit has reviewed the subject proposal and undertaken an assessment against the previous Council submission to determine any outstanding issues with the amended proposal. A copy of this assessment is included at Appendix 3. An assessment of the current exhibited amended proposal is below.

Engineering Issues Raised by Council in Current Submission:

i. Roads and Access

The applicant has addressed most matters previously raised by Council however some do remain outstanding and have been attempted to be resolved through conditions.

There is concern with the laneway proposed on the latest set of plans for the integrated housing lots. Council's DCP only allows this type of arrangement for a limited number of lots and given that the applicant has proposed 45 rear loaded lots as well as a mixed use

lot to access from this laneway, this is unsatisfactory. The laneway is to be shortened in length to increase the passive surveillance and minimise the visual impact of the laneway. Conditions will be provided to ensure this is resolved with the amended concept plans.

Council is also concerned on the reliance of on-street parking and access to the public road in the vicinity of the medium density lots, sports fields, commercial area and integrated housing lots. For example, proposed Lots 606 and 607 will have limited frontage compliant to construct a driveway, particularly a wide driveway which would be required for 2-way access to a medium density lot. It would be Council's preference for some diversity of the development in this area and would encourage some integration of the medium density lots to within the western residential area to avoid the accumulative demand on on-street parking and impacts on access. Conditions and further discussion on this issue are included at Section 10.

Recommended conditions:

Preliminary Engineering Plans

The Preliminary Engineering Plans must be amended to address the laneway within the Integrated Housing Lots area. The laneway must be shortened with additional intersections to the adjacent public roads to increase passive surveillance and minimise the visual impact of the laneway.

Transport and Accessibility Impact Assessment

The Transport and Accessibility Impact Assessment must be amended to include the assessment of the existing and future parking needs within the Culburra Beach village area in accordance with RMS Guide to Traffic Generating Developments and Council's DCP Chapter G21.

ii. Stormwater Drainage and Treatment:

The applicant has engaged Martens to provide an Integrated Water Cycle Management Strategy for the development. This strategy is very detailed and generally addresses Council's DCP requirements, relevant best practice standards as well as the contentions previously raised.

Council has some concern over the amount of devices proposed as well as the use of proprietary GPT products which Council has previously outlined are not acceptable for Council's current maintenance capacity and therefore do not comply with DCP Chapter G2.

Conditions are recommended to ensure that all requirements of Shoalhaven DCP Chapter G2 are met with the subsequent applications.

Recommended conditions:

Integrated Water Cycle Management Strategy

The Integrated Water Cycle Management Strategy must be amended to address the following issues:

- a) The stormwater WSUD features and water quality devices must adhere to Shoalhaven DCP Chapter G2 and the Supporting Document 1 – "Sustainable Stormwater Technical Guidelines"*

- b) The amount of WSUD devices must be reduced as much as the site topography will allow. Centralised end-of pipe systems are to be implemented over independent sub-catchment solutions where possible.*
- c) Non-proprietary dry sedimentation forebay and graduated trash rack must be provided as a primary treatment device. These shall be co-located adjacent to secondary treatments. The use of proprietary primary treatment devices as specified within the IWCMS is to be avoided.*
- d) An assessment of the proposed asset lifecycle costs are to be provided for all stormwater/WSUD assets proposed to be dedicated to Council.*

Additional recommended conditions have been included in the Appendix 2. Recommended conditions from Council's Development Engineer relating to traffic, road, stormwater, geotechnical, bushfire, and soil management.

b) City Services

Council's City Services Directorate have reviewed the application and amended supporting documents. While no significant issues have been raised, conditions relating to traffic impacts, road design, stormwater, and asset protection zones and habitat modification, removal and management are recommended at Appendix 2.

c) Natural Resources and Flooding

Council raises no significant concerns from a flooding point of view, noting that only a small portion of the foreshore area is located within the High Hazard and Low Hazard flood storage zone and the entire developable portion of the site under the revised Concept Plan including access roads will be outside the extent of 1% AEP – 2100 flood level.

It is noted from the Flood Assessment Report (Allen Price & Scarratts Pty Ltd, 28 Oct 2020, Rev 0) that there would be minor earthworks at the intersection of Road 23 and Canal Street and batters of biofiltration swales and pond adjacent to Road 23. Any filling works within the flood planning area would need to be assessed as part of future development application.

1. The fill volume occupies less than 1% of the 2050 20%, 5% and 1% AEP flood volume on the development site.
2. The maximum depth of filling does not exceed 1 meter above natural ground level.
3. The filling does not exceed more than 250 m³.

Recommended conditions relating to flooding subdivision requirements are included at Appendix 2.

4. Biodiversity

a) Biocertification

The revised Concept Plan reduces the area of vegetation/habitat removal from 91.65ha to 46.27ha. The amended documents forming part of the revised SSD application, include an "Updated Biodiversity Offset obligations and strategy" letter prepared by EcoLogical Australia and dated 13 October 2020. The report draws on previous survey data completed in 2017 with offset calculations most recently provided in October 2020.

The report acknowledges discussions between the then OEH, Department of Planning (DoP) and Shoalhaven Council, and states that the SSD development area was to be included in a broader Culburra Beach Biocertification application. It is understood that the Biodiversity Certification Assessment for Culburra Beach, which includes the West Culburra SSD development, has also been completed and was submitted to the DPIE on 14 August 2019.

b) Reserves

The revised application proposes to dedicate various reserves to the public including a foreshore reserve and a woodland reserve. As the West Culburra SSD development is already included within the area covered by the Biodiversity Certification Assessment for Culburra Beach, it is preferred that the ongoing maintenance and protection of the foreshore and woodland reserves is achieved through the establishment of a Stewardship site over these areas.

Council understands that the land within these reserves is proposed to form part of a Stewardship site with 90% dedicated to conservation (Biodiversity Certification Assessment Report, EcoLogical, 2019). We also understand that the applicant intends to dedicate the land to Council to manage in accordance with a Plan of Management using the funds generated from the sale of credits generated by the on-site Stewardship site. Council supports this approach and the recommended conditions below have been based on the assumption that the foreshore and woodland reserves will form part of the on-site Stewardship site.

Recommended conditions are included at Appendix 2.

5. Affordable housing

In line with aforementioned Council Resolution, Council is committed to ensuring affordable housing forms part of the overall Concept Plan. Council's Local Strategic Planning Strategy adopted by Council 29 September 2020, identifies *"Providing homes to meet all needs and lifestyles"* as Planning Priority 1. It is imperative that conditions of consent for the proposed Concept DA require future DAs to deliver a minimum component of affordable housing and includes homes for very-low income households and those with complex needs.

It is noted that since the 25 January 2021 Council resolution, the applicant has had discussions with the Council and has expressed a commitment to investigate the need and opportunity to incorporate affordable housing into the development.

The proposed 45 integrated housing lots within the 'Town Centre Expansion' are supported (notwithstanding the engineering concerns at Section 3 of this submission) and recognised as a means to provide a more affordable housing choice for the market. However, the proposal fails to identify if any actual affordable housing proposed and it is considered appropriate for this to come with subsequent development applications submitted in accordance with any Concept Plan approval.

Recommended amendments to the statement of commitments:

The statement of commitments should be amended to provide a commitment to a minimum amount of affordable housing within the future development to be developed under SEPP (Affordable Rental Housing) 2009 or a binding local agreement/commitment.

Recommended condition:

Affordable Housing

- a) *The first development application for subdivision of residential land for the Concept Plan site must be submitted with an Affordable Housing Strategy to inform the future development of the site and ensure the proposed lot configuration is suitable to facilitate a balance of affordable housing within the development.*
- b) *The overall Concept Development site must include a minimum of X% affordable housing dwellings to be retained as affordable housing.*

6. Development Contributions

The Statement of Contributions states, *“The developer will pay Section 7.11 developer contributions in accordance with Shoalhaven City Council’s Contributions Plan and any other relevant policies on a “per ET” basis for each stage of subdivision”*.

It is noted that the contributions projects to occur on the subject as identified under the Shoalhaven Contributions Plan 2019 are specifically dependent on the rate of development/lot yield on land subject to this proposal, in addition to surrounding lands to the west of the site and south of Culburra Road. Council has also recently resolved to remove 01AREC0002, 02CFAC0004 and 02OREC0005 from the Shoalhaven City Council Contributions Plan 2019 given these projects related to the much larger overall Urban Expansion Area that is unlikely to proceed as previously planned.

It is considered appropriate that any developer contributions in relation to the future subdivision are calculated and imposed under future subdivision development applications, with no specific condition of consent necessary at this point of time. This is reflected in the Statement of Commitments and is supported. Council is also open to consider other mechanisms to address Section 7.11 such as a Planning Agreement or the like. Additional conditions in relation to proposed road infrastructure is addressed separately under the Engineering conditions at Appendix 2.

7. Community Recreation Facilities

Council’s City Lifestyles – Recreation Community & Culture Section have reviewed the subject application in relation to the proposed parks and community facilities proposed. Council is supportive of the Statement of Commitment that *“The developer will seek approval for the detailed landscape design and embellishment for all public reserves as part of future subdivision applications”*. The following comments are provided in relation to the future embellishment and design of the park, noting that the proposal is for the staged mixed-use subdivision only.

- **Park – 1,300m²**

To be retained as a natural area / foreshore protection and not for park use. The 10,000m² and 16,800m² parks provide more than enough open space than demanded by the number of new dwellings in the western area and within reasonable walking distance.

- **Park – 10,000m²**

The park should be embellished as per District Recreation Park (p.110) typology in Appendix E of the Shoalhaven City Council Community Infrastructure Strategic Plan (CISP). Adequate vehicular access will need to be accommodated to the adjacent water quality (pond 1 – 3,500m²) and public access restricted to it in order to address any potential for community safety issues.

- **Park – 16,800m²**

The park should be embellished as per District Recreation Park (p.110) typology in Appendix E of the CISP. Adequate vehicular access will need to be accommodated to the adjacent water quality (pond 1 – 3,500m²) and public access restricted to it in order to address any potential for community safety issues.

- **Park – 7,700m²**

The park should be embellished as per Linear passive – linear corridor between private residences (p.117) typology in Appendix E of the CISP and consist of shared paths, seatings and trees.

- **Sporting Fields**

The CISP notes the deficiency of sporting fields in this area of 0.56ha in 2036. It is noted that this deficiency is based on a 1,036-person growth in population based on the now refused SSD for 650+ dwellings. The scale of the proposal as part of the appeal process has reduced significantly. The proposed sports fields will move this deficit into a 2ha+ surplus.

Despite this, Council is willing to support provision of sporting fields which are required to comply with the relevant sporting codes for field dimensions, and the CISP and other Council policies such as the DCP in relation to amenities building, car parking, floodlighting, drainage, irrigation, etc.

The CISP should be referred to for design considerations (page 138). AFL and Cricket grounds should be accommodated here. Enabling cricket at this site will provide a superior field than what exists at Crookhaven Park including a turfed cricket pitch.

8. Culburra Beach Swimming Pool

The Council Strategy & Assets Committee meeting resolved on 9 February 2021:

1. That the CEO consult with the Culburra Community exploring the feasibility of establishing a community pool in Culburra Beach to be run by the local community.
2. ***The Halloran Trust be included in the consultation.***
3. As part of the consultation process, the CEO identify potential sites (including suitable Council owned sites) for development of such a facility with a report back to Council on the outcomes of the consultation, site investigations and feasibility. (***emphasis added***).

It is noted that a swimming pool does not form part of the concept application as presented under SSD3846. Given the short window for the exhibition of this SSD application, this consultation will need to be undertaken as a separate process at a later date. Any specific wording for proposed condition of consent relating to the proposed delivery of outdoor recreation spaces ought to ensure that, should this consultation identify that the site is an appropriate potential site for the swimming pool, that no inconsistencies with the Concept Development may arise.

9. Shoalhaven Water

Shoalhaven Water has reviewed the revised concept development and raise no significant concerns. In accordance with the requirements under the Water Management Act 2000, Shoalhaven Water have recommended a condition to be included within the development consent relating to Water Management Act requirements which is included at Appendix 2.

10. Future development applications – design

a) Design

The application has been modified through the assessment process to remove the built (building) form out of the proposed development and include Concept Plan Approval for the subdivision only. This amendment removes obligation for developer to ensure the future development of the site, which is facilitated by this proposed subdivision, is consistent with the existing and desired future character of Culburra Beach. The issue this raises is the potential for future residential development to be developed under applicable complying development codes in a manner that is inconsistent with the character of Culburra Beach and does not consider the coastal and natural environment of the locality.

In the absence of site specific design controls for the site and to ensure future development on the site is consistent with the desired future character of the Shoalhaven, Council requests that the applicant work with Council to ensure a quality design outcome is achieved. This should be reflected in the amended Statement of Commitments (9 October 2020 – AP&S Ref. N25405) under the heading 'Built form and urban design'.

b) Access

As discussed earlier in Section 3 of this submission, proposed Lots 601 – 612 and 503 (refer Figure 3 below) are positioned with dual frontage to Culburra Road and internal Roads 9 and 10. Culburra Road is a main road entering Culburra Beach, and multi dwelling housing will require wide driveways to allow for two way access. To limit access and traffic conflicts along this part of Culburra Road, access to these lots should be from Roads 9 and 10 and not from Culburra Road. No vehicular access for multi-dwelling housing lots from Culburra Road will be supported.

Further to this, access to lots 606 and 607 adjacent to two (2) proposed roundabouts (refer Figure 3) is an issue considering their position adjacent to the roundabout and Culburra Road. Any approval of these lots will be required to demonstrate compliant access can be achieved.

Due to access, traffic and intense concentration of dwellings and traffic movements in this area, the preferred position is that the multi dwelling lots are instead interspersed within the broader estate, rather than concentrating these lots in this location as touched on earlier in Section 3.

If they are to remain multi-dwelling housing, it is recommended that Lots 601-606 and 607 and 612 remain as 'super lots' (as noted at Figure 3 below), with the ultimate detail of the subdivision layout to be resolved in consultation with Council under the future Stage T3 and T4 subdivision development applications. Recommended conditions of consent to this effect are recommended below.



Figure 3. Multi dwelling housing facing Culburra Road - identifying lots 606 and 607 and suggested super lots

Recommended amendments to the statement of commitments:

The statement of commitments should be amended under the heading 'Built form and urban design' to include the following:

The developer will consult with Council to prepare design controls to be submitted with the first subdivision for low density residential development to ensure the colour pallets and designs for future residential dwellings are sympathetic to the natural and coastal village environment, to reduce the visual impact of the development and ensure it is consistent with the existing and desired future character of Culburra Beach.

Recommended conditions:

Multi-dwelling lots

- Lots 601 to 606 and 607 to 612 (refer Staging Plan dated 01.10.2020, dwg no. 25405-213, rev 01) are to remain two as 'super lots' with the final subdivision layout to be resolved under the future Stage T3 and T4 development applications for the site.
- A maximum of 12 residential multi-dwelling lots are to be created within the area noted as Lots 601 to 606 and 607 to 612 under the future subdivision layout.

- c) Residential lots facing Culburra Road are to have vehicular access from internal road networks, and not Culburra Road having consideration of traffic and transport safety.*

11. Retail Floor Space Demand

The submitted Economic Impact Assessment (EIA) (Atlas Urban Economics, Job No. J80, 29.09.2020) identifies that the existing Culburra Beach Town Centre has an oversupply of 3,100sqm of retail floor space, with historically high levels of vacancy, currently at around 20%.

The EIA report also states that new residents of the proposed development could demand an additional 930sqm, with the existing town centre well placed to accommodate new demand arising from the proposal. The EIA recommends that no more than 2500sqm of retail floor space would be warranted, which is recommended to be made up of complimentary and not competing uses not already delivered within the Town Centre, such as a tavern and other hospitality/lifestyle uses. How specific land uses can be prescribed at a subdivision stage is difficult given the existing zoning of the site, and the proposal is for subdivision only. It is also identified that in a mixed use zone, uses such as taverns have separate environmental impacts when delivered in a mixed use context, which would need to be assessed and as such are not appropriate to be considered at this stage.

It is highlighted that the submitted EIS (November 2020 – AP&S Ref. N25405) incorrectly correlates the recommendation of a maximum 2500sqm of floor space, to identify that the proposed residential development will demand an additional 2500sqm. Concern is raised that should further oversupply of retail be proposed within the subdivision, existing retail within the Culburra Beach Town Centre may be impacted.

Timing for delivery of this floorspace needs to be appropriately considered and planned for. It is supported that these mixed use lots are included at Stage 5 of the Town Centre subdivision. It is recommended that a condition be included on any consent limiting the maximum amount of retail floor space on the site and requiring further economic impact assessment to be undertaken. This maximum should not be considered a ‘target’ but an overall cap, with the economic impacts of the delivery of retail floorspace to be further assessed with each applicable future development application.

Recommended conditions:

Retail Floor Space

- a) The maximum retail floor space within the Town Centre is 2500sqm.*
- b) Future development applications for mixed use and retail/commercial development must be supported by an Economic Impact Statement which assesses the impact of proposed additional retail floor space and the uses proposed, on the existing Culburra Town Centre.*

12. Landscape Plan

The applicant has provided a revised Landscape Concept Plan (Taylor Brammer, 19-039A, 15.10.2020, Rev H), with Drawing No. 02 identifying that the first roundabout as you enter Culburra Beach will have an “entry feature in road reserve”. Any entry feature

along Culburra Road will form not only the entry point for the proposed estate but Culburra Beach as a whole. Further, Council are not supportive of being left with legacy signage of private subdivisions on public land to maintain.

Recommended conditions:

Entry Feature

The proposed “Entry feature in Road reserve” as identified on the Landscape Concept Plan (Taylor Brammer, 19-039A, 15.10.2020, Rev H), with Drawing No. 02 is not approved.

13. Odour impacts

Concern is raised regarding potential odour impacts of the Culburra Sewage Treatment Plant (STP) for downwind properties, even in consideration of the submitted addendum report (SLP. Dated 2 October, ref. 660.10123-L01-v1.2.docx). No complaints would be received in the area given the current heavily vegetated character of the area and low visitation to the immediate area around the site, particularly downwind from the site.

As Council / Shoalhaven Water will be the ultimate managing agency for receiving complaints in relation to the site, it is considered appropriate that future residential subdivision applications be submitted with updated odour impact assessments which consider the cleared nature of the site at each subsequent stage and the prevailing winds of the area.

Recommended conditions:

Odour report

Future residential subdivision development applications are to be accompanied by an Odour Impact Assessment that considers potential odour impacts from Culburra Sewage Treatment Plant.

14. Conclusion

Council supports the development and requests the above matters and conditions be considered by the Department, the IPC and LEC during the consideration of the application.

For further information it is requested that you contact Council’s Unit Manager, Rebecca Lockart on 4429 3111.

Phil Costello
Director, City Development
24 February 2021

Appendix 1. Recommended amendments to the statement of commitments

- The statement of commitments should be amended to provide a commitment to a minimum amount of affordable housing within the future development to be developed under SEPP (Affordable Rental Housing) 2009 or a binding local agreement/commitment.
- The developer will consult with Council to prepare design controls to be submitted with the first subdivision for low density residential development to ensure the colour pallets and designs for future residential dwellings are sympathetic to the natural and coastal village environment, to reduce the visual impact of the development and ensure it is consistent with the existing and desired future character of Culburra Beach.
- The developer will undertake further Economic Impact Assessment to identify suitable forms of retail and commercial development within the proposal to ensure proposed retail uses do not unduly impact the existing Culburra Beach Town Centre.

Appendix 2. Recommended conditions

The following conditions are based on the Standard SSD Conditions Template and exemplary SSD/Part 3A approvals. These conditions are a consolidated list of recommended conditions from the various departmental sections of Council based on discussions outlined in this submission. They are by no means exhaustive and it is considered that the relevant State Government Agencies will recommend relevant conditions.

PART A: ADMINISTRATIVE TERMS OF APPROVAL

To be drafted by the assessing authority.

PART B: MODIFICATIONS TO THE CONCEPT PLAN

B1) Transport and Accessibility Impact Assessment

The Transport and Accessibility Impact Assessment must be amended to include the assessment of the existing and future parking needs within the Culburra Beach village area in accordance with RMS Guide to Traffic Generating Developments and Council's DCP Chapter G21.

B2) Preliminary Engineering Plans

The Preliminary Engineering Plans must be amended to address the laneway within the Integrated Housing Lots area. The laneway must be shortened with additional intersections to the adjacent public roads to increase passive surveillance and minimise the visual impact of the laneway.

B3) Integrated Water Cycle Management Strategy

The Integrated Water Cycle Management Strategy must be amended to address the following issues:

1. The stormwater WSUD features and water quality devices must adhere to DCP Chapter G2 and the Supporting Document 1 – "Sustainable Stormwater Technical Guidelines"
2. The amount of WSUD devices must be reduced as much as the site topography will allow. Centralised end-of pipe systems are to be implemented over independent sub-catchment solutions where possible.
3. Non-proprietary dry sedimentation forebay and graduated trash rack must be provided as a primary treatment device. These shall be co-located adjacent to secondary treatments. The use of proprietary primary treatment devices as specified within the IWCMS is to be avoided.
4. An assessment of the proposed asset lifecycle costs are to be provided for all stormwater/WSUD assets proposed to be dedicated to Council.

B4) Modifications to the concept plan.

Any modifications to the concept plan must demonstrate that impacts to biodiversity and aquatic habitat are further reduced.

B5) Multi-dwelling lots

1. Proposed Lots 601 to 606 and 607 to 612 (refer Staging Plan dated 01.10.2020, dwg no. 25405-213, rev 01) are to remain two as 'super lots' with the final subdivision layout to be resolved under the future Stage T3 and T4 development applications for the site.

<ol style="list-style-type: none"> 2. A maximum of 12 residential multi-dwelling lots are to be created within the area noted as proposed Lots 601 to 606 and 607 to 612 under the future subdivision layout. 3. Residential lots facing Culburra Road are to have vehicular access from internal road networks (proposed Roads 9 and 10), and not Culburra Road having consideration of traffic and transport safety.
<p>B6) Entry Feature The proposed “Entry feature in Road reserve” as identified on the Landscape Concept Plan (Taylor Brammer, 19-039A, 15.10.2020, Rev H), with Drawing No. 02 is not approved.</p>
<p style="text-align: center;">PART C: FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS</p>
<p>C1) Staging Plan</p> <ol style="list-style-type: none"> 1. A detailed staging plan is to be submitted to the relevant consent authority with each Stage of the application for subdivision and infrastructure works. 2. The staging plan shall demonstrate with each application that the proposed stage or precinct represents the orderly and coordinated development such that: <ol style="list-style-type: none"> a) It may be serviced by existing infrastructure or is capable of being serviced. b) Access for vehicles and pedestrians is available and can be made available. c) Future stages and infrastructure required to support future stages..
<p>C2) Subdivision Layout Plan</p> <p>A revised subdivision layout plan is to be submitted to the relevant consent authority with each Stage of the application for subdivision and infrastructure works demonstrating that all road property boundary splays at road intersections and road bends comply with Council’s DCP.</p>
<p>C3) Traffic and Accessibility Impact Assessment</p> <p>A detailed traffic assessment for each Stage is to be submitted with the relevant application for subdivision and infrastructure works, with regard to:</p> <ol style="list-style-type: none"> a) Identification of the traffic generated by that particular stage of the development, having regard to the RMS Guide to Traffic Generating Developments and Council’s DCP Chapter G21. b) Existing capacity of surrounding road network and its ability to accommodate the development proposed within the Stage, including consideration of the existing road network to the Princes Highway. c) Assessment of modal splits and identification of upgrades required to the surrounding road network within Culburra and the surrounding localities to accommodate that stage. d) Identification of upgrades to the local parking facilities required to accommodate that stage. e) Assessment of relevant sight distances, criterion, queuing, saturation, and LOS impacts for proposed and existing roads associated with that stage. f) Assessment of the adequacy of parking provisions for community facilities associated with that stage with all parking for community facilities is to be contained on the facility site. g) Identification of LATM treatments as part of an LATM strategy for roads internal and external to the application in accordance with Council’s DCP and AUSTRROADS guidelines associated with that stage.

- h) Demonstrated safety in design principles are being incorporated into the design of that stage.
- i) Detailed design plans for the proposed road works to be undertaken as part of each Stage are to be submitted with the relevant application for subdivision and infrastructure works, including:
 - i. Plans for the upgrades to be undertaken as works in kind (if applicable) including details of proposed timing/staging for the completion of the works.
 - ii. Plans for proposed internal road and parking arrangements, including number of parking spaces, and details of bicycle and pedestrian facilities in accordance with Council's DCP, AUSTROADS and Australian Standards.
 - iii. Plans for proposed external pedestrian connectivity measures including details of bicycle and pedestrian facilities in accordance with Council's DCP, AUSTROADS and Australian Standards
 - iv. Design of LATM treatments as part of an LATM strategy for roads internal and external to the application in accordance with Council's DCP and AUSTROADS guidelines.
 - v. Incorporation and/or design considerations for future implementation of smart technologies where possible.

C4) Bus Services

The bus routes shall be determined in consultation with Transport for NSW, Shoalhaven City Council and bus service providers. Satisfactory evidence of consultation is to be provided with each Stage application for subdivision and infrastructure works. All bus routes to be on a public road with a minimum carriageway width of 9 metres with indented bus bays.

Road crossing points are to be provided to ensure pedestrian connectivity to the bus stops from the shared paths and comply with AUSTROADS requirements.

C5) Concept Road and Drainage Plans

Concept road and drainage plans are to be submitted to the relevant consent authority with each Stage of the application for subdivision and infrastructure works.

The plans shall demonstrate with each application that the proposed stage or precinct complies with the relevant chapters of Council's DCP and relevant AUSTROADS Standards.

C6) Concept Soil Water Management Plan

A concept Soil Water Management Plan is to be submitted to the relevant consent authority with each Stage of the application for subdivision and infrastructure works.

The plan shall demonstrate with each application that the proposed stage or precinct complies with the relevant chapters of Council's DCP and Landcom's *Managing Urban Stormwater: Soils and construction - Volume 1*.

C7) Initial Geotech Report

A Geotechnical Engineer's Report must be submitted to the consent authority with each Stage of the application for subdivision and infrastructure works.

The report must include:

- a) A comprehensive investigation of the site to ensure that the site is not impacted by areas of unsuitability or instability and the proposed works will not be affected by or cause any areas of instability

- b) An overall assessment of the engineering plans for the proposed development stage and their suitability in relation to the site's geotechnical constraints
- c) Advice on the appropriate soil classification for each lot to be created within that stage.

C8) Bushfire

The following matters are to be addressed for future applications for development on the site:

- a) High density development must be avoided on the bushland edge. Dual occupancy and multiple dwelling developments that cannot achieve asset protection zones required by Planning for Bush Fire Protection 2019 are not supported and must be removed from the layout.
- b) Asset protection zones are not to be located within areas that have identified threatened species and endangered ecological communities as management objectives will conflict.
- c) Demonstrate that the ongoing maintenance of asset protection zones can be maintained over the life of the development without significant enforcement action by authorities, through its design, location and complementary land use strategies. In this respect the RFS recommends asset protection zones being located within individual property boundaries or by infrastructure (roads, managed picnic areas, etc).
- d) Asset protection zones on the hazard side of all public roads must be avoided. Asset protection zones within road reserves are to commence from the back of the kerb on the hazard side of the road.
- e) Asset protection zones within drainage easements or unmaintained public reserves must be avoided.
- f) Vegetation corridors and remnant patches of bush land which provide a path for bush fire to proposed urban areas must be eliminated from the design (i.e. limit the potential for isolated 'pockets' of residential development within the site). Asset protection zones will be required from any riparian corridors and remnant vegetation.
- g) details of adequate water supply for fire fighting, with respect to the design of the reticulated water supply and the necessity for additional water supplies for fire fighting must be provided.
- h) Identify the servicing of the area by emergency services and the need for additional fire stations and emergency services infrastructure.
- i) Details of how access to and egress from bush fire prone areas will be achieved during a bush fire event. .

C9) Local Infrastructure Contributions

Other Road Works - the following road works are needed to directly access to site and are therefore not to be included in the S7.11 framework. These will be required as per conditions of approval and the timing will be determined as part of future subdivision approval.

- a) The construction of a roundabout at the intersection of Culburra Road and the access to the residential area of the development as shown on the Proposed Mixed Use Concept Plan by Allen Price & Scarratts, Revision 08, dated 28/09/2020, in accordance with AUSTROADS Standards.
- b) The construction of a roundabout at the intersection of Culburra Road and the access to the medium density / integrated housing / mixed residential and commercial area of the development as shown on the Proposed Mixed Use Concept Plan by Allen Price & Scarratts, Revision 08, dated 28/09/2020, in accordance with AUSTROADS Standards

- c) The construction of a roundabout at the intersection of Culburra Road, Canal Street East and West Crescent as shown on the Proposed Mixed Use Concept Plan by Allen Price & Scarratts, Revision 08, dated 28/09/2020.
- d) The relocation and construction of a priority controlled intersection at the proposed industrial area connection in accordance with AUSTROADS Standards.
- e) The construction of a Collector Road from each of the roundabouts above to the extremity of the site as shown on the Proposed Mixed Use Concept Plan by Allen Price & Scarratts, Revision 08, dated 28/09/2020.
- f) The construction of two connecting roads adjoining the existing road network within the Culburra Beach Village.

C10) Subdivision application – biodiversity report

Future development and subdivision applications under this Concept DA must be accompanied by a Biodiversity Certification Assessment Report or Biodiversity Development Assessment Report relevant to each stage of the development.

C11) Location of biofiltration beds and stormwater infrastructure

Stormwater control infrastructure and biofiltration beds are not to be located in the following locations as management objectives will conflict:

- a) Within areas of retained bushland, including but not limited to the foreshore reserve and woodland reserve identified on the Concept Plan (AP&S, drawing number 25405-210, Rev 8); or
- b) Below the mean high-water mark or within the 100m setback from mean high-water mark.

C12) Location of asset protection zones

Asset protection zones are not to be located within areas of retained bushland, including but not limited to the foreshore reserve and woodland reserve identified on the Concept Plan (AP&S, drawing number 25405-210, Rev 8) as management objectives will conflict.

C13) In-perpetuity conservation of residual bushland

To provide in-perpetuity protection of the Lake Wollumboola catchment and Crookhaven River foreshore, bushland located outside of the approved Concept Plan (AP&S, drawing number 25405-210, Rev 8), within Lot 6 DP 1065111 and Lot 5 DP 1065111, must be established as a Stewardship Site..

C14) Management of Foreshore and Woodland Reserves

- a) To ensure that the management regimes will be implemented and be ongoing, the bushland areas to be retained in the approved Concept Plan, including but not limited to the foreshore and woodland reserves (hereafter referred to as 'the reserves'), must also be protected through a Stewardship site with adequate funding for management secured prior to dedicating the land to Council.
- b) Future subdivision applications must be accompanied by a Plan of Management for the reserves to guide bush regeneration activities, maintenance, and general upkeep. The plan must be reviewed by Council's Environmental Services section prior to approval.
- c) Credit generated by the reserves must be purchased as a first priority when offsetting the impacts of the development to ensure that active management is secured.

C15) Subdivision application – staged retirement of credits

Future subdivision applications must identify the credit class and number proposed to be offset relative to each development stage. The credit obligation for each stage must correlate to the biodiversity impact of each stage, to ensure that the appropriate credits are retired prior to the impact occurring. The application must identify indicative timing for the commencement of each stage.

C16) Flooding – Subdivision Requirements

- a) Future development applications for subdivision must demonstrate the following:
- b) All roads will be constructed at or above the Projected 2100 scenario 1% Annual Exceedance Probability (AEP) event flood level as documented on a Flood Certificate obtained from Council that is based on the latest flooding information held.
- c) All new lots are constructed at or above the 1% AEP event flood level as documented on a Flood Certificate obtained from Council that is based on the latest flooding information held.
- d) Flood-free emergency vehicle access is provided to the subdivision for ambulance, SES, fire brigade, police and other emergency services during a AEP flood event.
- e) Flood-free pedestrian access is provided during a 1% AEP flood event

C17) Affordable Housing

- a) The first development application for subdivision of residential land for the Concept Plan site must be submitted with an Affordable Housing Strategy to inform the future development of the site and ensure the proposed lot configuration is suitable to facilitate a balance of affordable housing within the development.
- b) The overall Concept Development site must include a minimum of X% affordable housing dwellings to be retained as affordable housing.

C18) Shoalhaven Water

Each stage of the development is to apply under Section 305 of Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 for a separate Certificate of Compliance from Shoalhaven Water, that is, separate Compliance Certificates shall be obtained for each stage of the development.

Note: An application for a Certificate of Compliance can be made upon receipt of an operational consent. Relevant conditions/requirements, including monetary contributions (where applicable) under the Water Management Act 2000, can be provided under Section 306 of Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000. A Development Application Notice (pursuant to Section 306) issued by Shoalhaven Water will outline all conditions/requirements to be adhered to.

A Certificate of Compliance shall be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application Notice and prior to the issue of an Occupation Certificate, Subdivision Certificate, as the case may be.

C19) Odour report

Future residential subdivision development applications are to be accompanied by an Odour Impact Assessment that considers potential odour impacts from Culburra Sewage Treatment Plant.

C20) Retail Floor Space

- The maximum retail floor space within the Town Centre is 2500sqm.
- Future development applications for mixed use and retail/commercial development must be supported by an Economic Impact Statement which assesses the impact of proposed additional retail floor space and the uses proposed, on the existing Culburra Town Centre.

Appendix 3. Development Engineering Issues Assessment against previous Council submissions

<u>Issue</u>	<u>Response to Amended Proposal (Nov 2020)</u>
<u>Engineering Issues Previously Raised by Council in 1st Submission:</u>	
<i>1. Area 4 - Industrial area (Part Stage 5)</i>	
<p>The industrial lots are east and west of the existing industrial uses with access to Culburra Road from Strathstone Street and Regmoore Close. This existing road network should be used for all new industrial lots to access Culburra Road.</p> <p>Issues: The road design and layout is to be designed to cater for 19m semi-trailers (DCP 18).</p>	<p>Update: The latest design includes the relocation of the Strathstone Street access to Culburra Road to approximately 60m to the east of its current location. Conditions have been provided below to ensure that the road and intersection meets AUSTROAD and Council Specifications.</p>
<i>2. Area 5- The roundabout and Culburra Road</i>	
<p>The new roundabout at Culburra Road is described as creating a gateway to Culburra and the new development. A site distance assessment will confirm the suitability of the proposed roundabout location on Culburra Road and this section of road should be designed as a 100kph rural standard as currently applies. A process through the local traffic committee and Roads and Maritime Services (RMS) may determine the acceptability for a change to an urban road standard and lower speed limit as part of a later project application. It is understood that RMS has made a submission to DPI on this matter and does not support a reduction in the current 100kph speed limit.</p>	<p>Update: The applicant has provided an amended Traffic Impact Assessment for the development which aims to address these issues previously raised.</p>
<p>Issues:</p> <p>An area west of the industrial lots and between the new Collector Road is marked as "future development zone". Additional detail should be provided including how an appropriate "gateway" statement: and compatible land uses will be provided.</p>	<p>Update: The applicant has provided a revised Landscape Concept Plan which identifies an 'entry feature' in the first roundabout on Culburra Road. See comments at Section 11 of this report.</p>
<p>The EAR and plan indicates that new roundabout may serve as a connection for a proposed golf course development south of Culburra Road. Council supports this in principle subject to assessment at Project application stage. A Part 4 development application (DA11/1728) has been submitted to Council but has not been determined at the time of drafting the submission. The redirection of the internal access road for the golf course to meet</p>	<p>Update: This was briefly raised within the TIA and concludes that due to this development being refused, this matter will not be discussed or assessed further.</p>

the proposed roundabout will require an amendment to DA11/1728 and assessment.	
3. Area 5 - The collector road	
<p>Issues:</p> <p>The collector road is located along the boundary of the catchments north and south. It is unknown if there will be further residential development south of the collector road or an extension of the road to meet Culburra Road west of the development.</p>	<p>Update: The latest set of plans indicate a revised intersection location on Culburra Beach for the industrial area. Conditions have been applied.</p>
<p>There are many residential lots that are shown to have direct access and the EAR describes increased setbacks that enable vehicles to exit the site in a forward direction. This creates an issue in house lot development by future landowners and can lead to less safety surveillance of the street as owners use the increased setback as an opportunity for front yard parking for caravans, boats etc.</p>	<p>Update: Due to the reduction in the development footprint with the latest set of plans, and the associated reduction in length of this access road, it is no longer considered unreasonable that these lots would have direct access..</p>
<p>Council considers an option may be to provide a centre median with roundabouts at main intersections, enabling a left in - left out from the residential lots.</p>	<p>Update: Refer to point above.</p>
4. Area 8 - Stage 2 and The Circus	
<p>The residential layout has a number of design issues that include:</p> <p>(a) The poor residential amenity associated with the proximity of the 55+ small lots on the eastern side and the industrial uses where no buffer is provided, especially in the vicinity of industry lot 113.</p>	<p>Park has now been provided along this strip.</p>
<p>(b) The narrow strip of land west of the STP is designated as drainage but also provides the 25m APZ. The potential nature of those uses and Councils DCP 100 question the suitability of this land as open space.</p>	<p>This matter has now been addressed through provision of a perimeter road and APZ.</p>
<p>(c) The perimeter road is 20m while a 25m APZ is required. The impacts on either the foreshore land or the lots should be clarified. The location of APZs in other stages has similar impacts.</p>	<p>The proposed APZs are now acceptable from an engineering and maintenance perspective. Conditions have been applied to ensure they do not place an unacceptable maintenance burden on Council.</p>

<p>(d) The road serving the 5 lots adjacent to the "future development zone" is to be designed in accordance with DCP 100, including turning for a waste collection vehicle.</p>	<p>This matter now seems to be resolved with the latest plan. Conditions will be applied to ensure that all roads are in accordance with Council's DCP.</p>
<p>(e) The proposals for The Circus include a circular pattern of three storeys building with mixed use on the ground floor and a two storey apartment above. The EAR The statement in Appendix V - Design Controls states:</p>	<p>-</p>
<p>5. The Circus It is anticipated that The Circus will be constructed in stages. Stage 1 is likely to comprise 3 or 4 units designed to accommodate a sales office, a coffee shop and a convenience store. The carriageway, footpath and central green will be completed when the roads are formed. The site will be levelled. The lots have a depth of 20m with a 7.5m frontage to the Circus. The form envisaged is a two-storey residence over a ground floor business use; the ground floor includes a double garage and courtyard facing the First Circuit. The residence will have a maximum depth of 14m. The roof of the garage may be used as a terrace which may have a pergola roof.</p>	<p>-</p>
<p>Issues include: (a) The apparent lack of delivery vehicle parking for the mixed use I residential uses.</p>	<p>The revised plans indicate that this should be satisfactory. Further assessment will be undertaken once the separate development applications are lodged at a later stage.</p>
<p>(b) The potential congestion for car parking described in Appendix V - Figure 3 when combined with a through road system at the centre and two small landscaped parks that are disconnected from the commercial mixed use lots. Further detail is requested for The Circus to confirm sufficient parking is available for the proposed commercial development, including for delivery vehicles, and the extent of public road dedication</p>	<p>It is anticipated that the future use of these sites will be subject to further development applications and assessment. This will include assessment of the off-street parking and access as per Council's DCP and the relevant parts of AS2890.</p>

5.	<i>Area 9 - Stage 3 and 4 Residential</i>	Stages 3 and 4 no longer exist under the revised plan)
6.	<i>Bus Route</i>	
	<p>Appendix R includes reference to a bus route through the development with three bus stops on the collector road (Figure 5.1). The route relies on the collector road being extended to Culburra Road via other land not part of this application. The bus route requires a minimum 9m wide carriageway under DCP 100.</p> <p>The continuation of the collector road and further residential development may be the subject of future discussions between the department and proponent.</p> <p>Council requests consideration be given identifying an alternate layout that addresses the potential termination of the development as now proposed. This may provide for a bus route to serve the waterfront tourist accommodation T1 and T2 area more directly</p>	<p>Update: The applicant has revised the layout along with the subdivision layout and now proposes 3 bus stops within the western residential area including a stop at the waterfront as well as bus stops on Culburra Road adjacent to the industrial area and two stops (either side of Culburra Road) at the medium density / integrated housing / mixed residential and commercial. The applicant has also demonstrated that that all lots will be within the 400m radius as required by Council's DCP. It is also noted that the bus route plan contains crossing points from shared user paths to address connectivity to the bus stops. These will be conditioned.</p> <p>The bus route roads are only provided at 8m wide and must be widened to a minimum of 9m wide to comply with Council's DCP. Conditions will be provided.</p>
7.	<i>Subdivision Layout</i>	
	<p>Some plans in the document show a proposed layout but this is different to the proposed subdivision plan. Lot splays should be provided on all corner lots.</p>	<p>Update: Lot splays have been provided for most lots. Condition to be provided.</p>
8.	<i>Stormwater Drainage</i>	
	<p>The proposed swale drains are supported. Detailed design of this infrastructure should consider solutions (e.g. bollards,</p>	<p>Update: Council's City Services group as the</p>

<p>landscaping) for preventing vehicle access to the swales. Swale crossings to access properties should be provided at subdivision stage to ensure consistent and appropriately design infrastructure and to prevent damage to the swale during the house building phase.</p> <p>Wetlands and bio retention basins should be designed with consideration to maintenance and safety. Steep side batters are difficult to mow and may hinder egress.</p>	<p>asset custodian, prefer to avoid stormwater infrastructure within the road reserve and prefer to have centralised treatment and detention assets. Conditions will be provided to amend the Integrated Water Cycle Management Strategy to reduce the future asset maintenance burden on Council and facilitate ongoing efficient and effective stormwater management.</p>
<p>9. <i>Geotechnical</i></p>	
<p>The geotechnical report recommends further investigated of soft soils to determine the development potential of the area. Further investigations will be necessary to confirm the extent of the proposed development.</p>	<p>Update: It appears that this has still not been provided and will be conditioned to be submitted with each subsequent development application.</p>
<p>10. <i>Road Network and Access</i></p>	
<p>The EAR has not considered the wider impacts to the road network between the development and the Princes Highway. It is understood that RMS has advised of a significant impact for the intersection of Princes Highway and Kalandar Street and requested additional traffic modelling along the road network. Council's crash statistics indicates that a sustainable plan to ensure external roads are brought up to satisfactory condition to safely to accommodate a development of this scale is desirable</p>	<p>Update: This has been conditioned to be provided with each subsequent DA. Further advice should be sought from Council's Traffic Engineer.</p>
<p>No assessment has been made of road and car parking requirements in the Culburra town centre to accommodate the increased demands likely as consequence of the development.</p>	<p>Update: This has not been adequately addressed by the applicant. The impact that this development would have on existing parking facilities within the Culburra town centre must be taken into account. This has been conditioned at this stage but Council would prefer to see if resolved through an amendment</p>

	to the Traffic Impact Assessment.
Consistent with Council's integrated transport strategy a network of footpaths and cycle ways should be provided within the subdivision and must link to the proposed main pathway (linking the development to Culburra) and link to the sports fields and public transport facilities (bus stops/shelters which must be provided at satisfactory locations and satisfactory intervals).	Update: The proposed shared user path plan has addressed these issues. Conditions will be applied to ensure it is addressed with each subsequent application.
<u>Engineering Issues Previously Raised by Council in 2nd Submission:</u>	
1. The development will need to ensure connectivity by providing adequate linkages via the proposed cycle/footpath through the development to the existing Culburra Beach village.	This has been addressed through the revised plan and imposed conditions.
2. Access road to residential development is shown within the 5(a) zone. Details of future plans for the 5(a) zone will need to be conducive with the location of this road.	This appears to now be resolved with the latest plans. The proposal has been refined since these plans and the only portion of road within 5(a) zone now is part of the roundabout.
3. The applicant will need to demonstrate that drainage of development will be towards Crookhaven catchment and not impact on Lake Wollumboola	This has been demonstrated within the amended Integrated Water Cycle Management Study. Only 0.5 ha of the development footprint drains towards Lake Wollumboola comprising of part of the new collector road to the western residential land area and a new roundabout at the intersection between this proposed collector road and Culburra Road. Due to the site topography, this is considered unavoidable without implementing a method to negate the topography (filling, pumping, etc). However the author of this Integrated Water Cycle Management Study has demonstrated that the

	controls proposed will reduce the post-development water quality pollutant loads to less than the equivalent pre-development and therefore has adequately demonstrated neutral or beneficial effect (NorBE) in terms of water quality for the catchment draining towards Lake Wollumboola
4. More detail needs to be provided on the proposed reserve area. Is it intended to be a drainage reserve or dedicated to Council as public reserve?	The revised plans have not clarified this. Conditions will be applied that require drainage infrastructure such as basins and swales to either be within a drainage reserve or road reserve.
5. DCP Issues:	
a) Stage 1 – small lots - The use of the public land to provide the required APZ is not supported	The revised APZ layout indicates that this is now only an issue within the 2 parks just to the east of the STP. Further advice should be sought from the Recreational Planner but given that these areas would be maintained by Council to an acceptable level of service, I think this would not be considered an unreasonable outcome.
b) Stage 1 – small lots - A buffer that separated the main Culburra Road and the internal service road is required to avoid an apparent wide single road reserve.	This appears to now be resolved with the latest plans.
c) Industrial – a legal access is to be shown between the road and the electricity substation land. (the latest set of plans indicate that this lot has public road frontage). d) Industrial – the proposed expanded industrial subdivision and the existing access road with Culburra Road should be designed for a single safe intersection to Austroads standards. (this has been addressed in the latest Traffic Impact Assessment by GTA Consultants. A revised intersection layout and location is proposed with an Auxiliary Left Lane Treatment (AUL) and Basic Right	Due to the revised and reduced development footprint, this is no longer deemed applicable). Will be conditioned to comply with Council's DCP and AUSTROADS requirements.

Turn (BAR). Conditions will be applied to ensure this is satisfactory addressed with subsequent applications). Collector Road – no response to the issues raised by Council's EA submission. The appropriate width and design for the Collector will depend on the potential for additional development that will be adjacent to this road or contribute vehicle movements to the road. It is likely that a preferred design may arise with future Project applications will require intersections with roundabouts and a central median for improved traffic flow. There is no provisions made for this treatment in the concept application and Council requests this inclusion	
The mixed development – the concerns about a lack of delivery vehicle parking have not been adequately addressed	As discussed above – this will be addressed with subsequent applications. The mixed development lots all have public road frontage.
Stages 3 and 4 residential – a fire trail system is to be integrated with the road system	Stages 3 and 4 no longer exist.
Stages 3 and 4 residential – Council does not support the proposed irregular and triangle shaped lots, as they can be difficult to develop	Stages 3 and 4 no longer exist.
Small areas proposed as open space or drainage – Council's concerns have not been adequately addressed. The narrow strips may be considered as combined drainage and shared pathways subject to designs complying with DCP100.	The majority of these appear to be removed. One still exists within the western residential area to provide access to the waterfront. Planner to assess CPTED issues.
e) Small areas proposed as open space or drainage – small areas within the road reserve and unacceptable as open space as mentioned earlier and in the EA submission.	This appears to be addressed, further advice should be sought from Council's Recreational Planner.
6. Traffic and Transport Issues: a) Road network impacts – Council considers that some consideration of the accumulated traffic impacts at Kalandar Street, Nowra and the road network to the development should be included in traffic studies. This has been omitted and Council requests that this matter be considered	Addressed with latest TIA. Further assessment to be undertaken with subsequent applications. Further advice should be sought from Council's Traffic Engineer in this regard.
b) Intersection with Culburra Road – Culburra Road is a local road with Council as the road authority. Council supports a rural standard roundabout being designed	Conditions to be applied to ensure compliance with subsequent applications. Further

<p>for the intersection with Culburra Road. The comments of RMS are noted but Council does not support the RMS position. There are considerable benefits in providing a roundabout for safe traffic movements. The proposed residential development south of Culburra Road, the expanded industrial area as well as the proposed development north of Culburra Road will lead to greater urbanisation of this section of the road between the Collector Road and the current urban interface. The road west of a roundabout will be assessed for the transitions between the 100kph speed zone and appropriate speed reduction over time. The provision for a roundabout and a threshold for construction should be included in the concept approval. (the applicant now proposed 3 x roundabouts on Culburra Road to access the two new areas and one at the existing intersection within the existing Culburra village area as well as an upgraded intersection for the industrial area.</p> <p>c) The full list of Traffic Unit comments is outlined within Appendix 1.</p>	<p>advice should be sought from Council's Traffic Engineer in this regard.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------