

- the orderly use, development or conservation of those State significant sites for the benefit of the State;*
- (d) To facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for a public purpose;*
 - (e) To rationalise and clarify the provisions making the Minister the approval authority for development and sites of State significance, and to keep those provisions under review so that the approval process is devolved to councils when State planning objectives have been achieved;*

The second and forth aim are not applicable to the proposed development.

In respect of the first aim, the proposed development falls under Schedule 1 and Schedule 2 of the SEPP MP as follows:

Schedule 1 – Group 5 Construction Projects

The estimated capital investment value of the project is \$113 million. The minister has confirmed that the development is important in achieving State and regional planning objectives.

Schedule 2 – Coastal Areas

The site is identified within a coastal zone. As the concept plan involves subdivision of residential land into more than 25 lots, it is defined as State significant development. (Clause 1(I) of Schedule 2).

As the proposed development is identified in both Schedules 1 and 2, the project is of State significance and Part 3A of the Environmental Planning and Assessment Act 1979 (“the Act”) applies.

The site is of State significance due to its coastal location and its size, being one of the largest landholdings within the Burrill Lake/Dolphin Point area. The concept plan will allow for the subdivision of the land currently zoned Residential 2(c) in a manner that provides for an appropriate form of development, a cohesive access network and conservation of the scenic and ecological values of the site. It will also provide opportunities for appropriate development of the remaining land for future residential, commercial and recreational purposes. The development also fulfils the aims and objectives of all applicable planning instruments. The concept plan promotes and coordinates the orderly and economic use of the subject site.

In light of the State and regional significance of the project, it is desirable to have a consistent and comprehensive assessment and decision-making process for development approval as provided for in Part 3A of the Act, as amended in accordance with objective (b).

The proposed development is consistent with the aims of SEPP MP.

6.0 STATE ENVIRONMENTAL PLANNING POLICY NO. 71 - COASTAL PROTECTION

State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71) aims to ensure that development in the NSW coastal zone is appropriate and suitably located, that there is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone.

Clause 7 of SEPP 71 requires the consent authority to take into consideration the matters set out in Clause 8 when it prepares a draft local environmental plan or determines a development application. Although this application is for a concept plan, for the sake of completeness it is considered relevant to the matters to be considered. These matters are as follows:

- (a) *The aims of this Policy set out in clause 2* – The proposed development satisfies the aims of SEPP 71.
- (b) *Existing public access to and along the coastal foreshore for pedestrian or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved* – This is not relevant to the concept plan.
- (c) *Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability* – This is not relevant to the concept plan.
- (d) *The suitability of development given its type, location and design and its relationship with the surrounding area* – The proposed development is consistent with the zoning and the desired future character of the area. The subdivision layout provides for appropriate urban form and character. In our opinion, the site is suitable for the form of development proposed.
- (e) *Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore* – The development will not result in overshadowing of the coastal foreshore or any significant loss of views from a public place to the coastal foreshore. In our opinion the proposed development will not result in any detrimental impact to the coastal foreshore.

- (f) *The scenic qualities of the New South Wales coast, and means to protect and improve these qualities* – The future development of these sites is unlikely to detract from the scenic qualities of the NSW coast. The site is already devoid of significant vegetation and will not be readily visible from the coastal foreshore.
- (g) *Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats* – The site has previously been used as a dairy and has been cleared of all significant vegetation. The redevelopment of the site will not materially adversely affect any animals or plants (within the meaning of the Threatened Species Conservation Act 1995) or their habitats.
- (h) *Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats* – As the site is not located on the coastal foreshore, the proposed development will not affect any fish, marine vegetation or their habitat.
- (i) *Existing wildlife corridors and the impact of development on these corridors* – The subject site does not contain any wildlife corridors.
- (j) *The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards* – The subject site is located approximately 400 metres at its closest part from the coast. The site is not a sensitive coastal location and coastal processes and coastal hazards are unlikely to have a significant impact on the development. The development will not have any impact on the coastal processes and coastal hazards.
- (k) *Measures to reduce the potential for conflict between land-based and water-based coastal activities* – As the proposed development is physically separated from the coast by other development, there will be minimal potential for conflict between land-based and water-based coastal activities.
- (l) *Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals* – A detailed archaeological investigation of the site was undertaken by South East Archaeology. This report indicates that the site contains 4 locations where Aboriginal artefacts were found. These sites were however either moderate to low scientific significance within a local context and low scientific significance within a regional context. Given these findings and the conservation measures undertaken, the impact of the development on the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals is in our opinion acceptable. Lot layouts were selected to preserve and accommodate areas nominated by South East Archaeology.

- (m) *Likely impacts of development on the water quality of coastal waterbodies* – During the construction of the proposed development, appropriate sediment erosion control devices will be utilised. This will ensure that the development will not impact on the water quality of coastal waterbodies during construction. The proposed development will not discharge untreated stormwater into a coastal waterbody.
- (n) *The conservation and preservation of items of heritage, archaeological or historic significance* – The site has not been identified within any environmental planning instrument as being an item of heritage or historic significance. The site does contain Aboriginal artefacts and appropriate conservation measures have been undertaken.
- (o) *Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities* – This is not applicable to the proposed development.
- (p) *Only in cases in which a development application in relation to proposed development is determined:*
 - i) *The cumulative impacts of the proposed development on the environment, and*
 - ii) *Measures to ensure that water and energy usage by the proposed development is efficient.* – The proposed development will not result in cumulative impacts that would significantly adversely affect the environment. The development is consistent with the desired future character of the locality. The subdivision layout provides for sustainable development by providing appropriate orientation in terms of energy efficiency and will not adversely affect the biodiversity, habitat or ecosystems in the locality.

7.0 STATE ENVIRONMENTAL PLANNING POLICY No 55 REMEDiation OF LAND

The provisions of SEPP 55 require Council to consider, when assessing a development application, the potential for a site to be contaminated. The subject site has a history of use as a dairy. A preliminary contamination survey will be carried out in accordance with SEPP 55 and depending on the findings all works necessary to remediate the site will be carried out prior to development.

8.0 ILLAWARRA REGIONAL ENVIRONMENTAL PLAN No 1

Part 7 of Illawarra Regional Environmental Plan No 1 contains provisions relating to living areas. The objectives relating to living areas are:

- (a) *To ensure that urban expansion is orderly and efficient having regard to the constraints of the natural environment and that sufficient land is available to prevent price rises resulting from scarcity of land;*
- (b) *To ensure that new residential land or land for higher density development is only developed where there are adequate utility and community services available or there is a commitment from the relevant authorities or developer to provide those services;*
- (c) *To provide for a range of lot sizes, dwelling types and tenure forms to cater for varying households needs in all local government areas;*
- (d) *To ensure that residential development does not take place on hazard-prone lands; and*
- (e) *To minimise bush fire risks to urban development.*

In our opinion the concept plan is consistent with these objectives. The areas identified as Stages 2 and 3 are intended for future residential subdivision. These areas can be developed with adequate utility and community services. This report identifies the constraints that affect the site to ensure that the subdivision occurs in an orderly and efficient manner and gives adequate consideration to the natural environment and minimises bushfire risk.

9.0 SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 1985

9.1 Permissibility and Zone Objectives

The site is subject to a number of zonings pursuant to the Shoalhaven Local Environmental Plan 1985. These zonings include Residential 'C' (Living Areas) 2(c), Business 'G' (Development Area) 3(g), Open Space – Recreation B (Private) 6(b) and Environmental Protection A (Ecology) 7(a). Figure 6 identifies the zonings of the subject site.

That part of the site identified in Stage 2 of the concept plan is zoned entirely Residential 2(c). Clause 9 of the SLEP 1985 identifies that all development, other than development that is prohibited, is permissible with the consent of Council. The following uses are prohibited in the 2(c) zone:

Advertising structures; amusement parks; animal boarding establishments; bulk stores; bulky goods retailing; car repair stations; caravan parks; drive-in theatres; industries (other than those specified in Schedule 6); intensive animal husbandry; junk yards; liquid fuel depots; motor showrooms; retail plant nurseries; road transport depots; roadside stalls; sawmills; sexual services premises; timber yards; transport terminals; turf farming; warehouses.