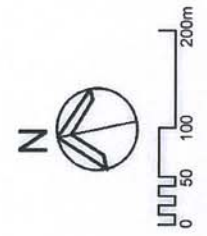




Extract from
shoalhaven LEP 1985

- 2c residential-living area
- 6b open space-recreation
- 7a environment protection -coastal area
- 3g business - development area



Subdivision is not identified as a prohibited use. Accordingly, the proposed development is permissible in the 2(c) zone with the consent of Council.

The objective of the 2(c) zone is contained in the SLEP 1985 as follows:

- *The objectives are to provide for new residential areas with a range of housing types with provision for urban facilities to serve the local community.*

The subdivision layout will provide for low-density development as well as medium density development should it be demanded by the market. The subdivision will incorporate an appropriate road network consisting of a collector road as well as a perimeter road and other services such as water and sewerage. In our opinion, each of the alternative subdivision layouts would satisfy the objective of the 2(c) zone.

The area identified as Stage 3 on the concept plan is currently zoned Open Space – Recreation B (Private) 6(b) (deferred Residential 2(c)). A rezoning application is currently being considered by Shoalhaven City Council to rezone this area to Residential 2(c). Annexure 1 contains correspondence received from the Council in respect of this rezoning. Council has advised that the rezoning is likely to be supported. Subdivision is permissible with the consent of the Council. It is intended that the subdivision layout will satisfy the objective for the residential 2(c) zone.

Stage 4 on the concept plan is zoned Business 'G' (Development Area) 3(g). 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 3(g) zone:

Abattoirs; bed and breakfast accommodation; bulky goods retailing; cluster housing; dual occupancy development; dwelling houses (except in accordance with, or as ancillary to uses referred to in, the objectives of the zone); intensive animal husbandry; junk yards; liquid fuel depots; mines; sexual services premises; turf farming.

The objective of the 3(g) zone as contained in the SLEP 1985 is as follows:

- *The objectives are to provide a strategic development area providing both for a variety of uses and for varying combinations of such uses including higher density*

residential, commercial and tourist combinations but not including ordinary retail uses that would compete with the local retail centre. The development is subject to a development control plan, which would give guidelines for the type and scale of development.

It is intended to redevelop Stage 4 in accordance with the permitted uses on the site and in accordance with the zone objective.

The area identified as Stage 5 on the concept plan is zoned Open Space – Recreation B (Private) 6(b) and Environmental Protection A (Ecology). In terms of the 6(b) zoned land the following uses are permissible with development consent:

Buildings for the purpose of landscaping, gardening or bush fire hazard reduction; caravan parks; clubs; community facilities; public utility installations (other than gas holders or generating works); roads; tourist facilities.

The objective of the 6(b) zone are recited below:

- *The objectives are to identify land where private recreation facilities are and may be developed.*

The following uses are permissible with development consent in the area of land zoned 7(a):

Agriculture; aquaculture (other than development above high water mark); bed and breakfast accommodation; dwelling house; roads; structures for educational and recreational purposes which assist in promoting and interpreting the area's ecological values; utility installations (other than gas holders or generating works).

The objectives of the 7(a) zone are:

- *To protect and conserve important elements of the natural environment, including wetland and rainforest environments;*
- *To maintain the intrinsic scientific, habitat and educational values of natural environments;*
- *To protect threatened species and habitats of endangered species;*
- *To protect areas of high biodiversity value; and*
- *To protect and enhance water quality in the catchment.*

It is intended that Stage 5 will be for some form of passive recreational use. The dam and wetland area would be the focal point of this precinct with these features providing a range of recreational settings as well as contributing to the scenic

qualities of the locality. Such uses are permitted in the zone and would satisfy the zone objectives.

9.2 Subdivision

Clause 10 of the SLEP 1985 specifies that land cannot be subdivided without the consent of the Council.

9.3 Soil, Water and Effluent Management

Clause 26 of the SLEP requires Council to be satisfied that a development has made adequate arrangements for the provision of a water supply, facilities for the removal of sewage and for the drainage of stormwater and other surface water from the land.

As part of any development it will be necessary to provide an adequate water supply. This will be undertaken in consultation with Shoalhaven Water.

Shoalhaven Water has prepared a draft sewerage strategy for the servicing of lands on the southern side of Princes Highway. All future development would need to be consistent with this strategy.

The method of stormwater disposal has been addressed in the Patterson Britton report that has been submitted under separate cover. This report demonstrates that future development will not discharge untreated stormwater into any coastal waterways.

9.4 Permanent Occupation of Tourist facilities

The 3(g) zoned land in Stage 4 of the concept plan has been identified in Schedule 14 of SLEP 1985. Accordingly, the provisions of clause 20B of the SLEP 1985 apply to the 3(g) zoned land. This clause states that despite any other provisions of the SLEP 1985, the Council may only consent to development for the purposes of:

- (a) A tourist facility, or
- (b) A use or activity that is an integral part of a tourist facility.

Subclause (2) requires that despite subclause (1), Council may grant consent to development for the purposes of permanent residential occupation if:

- (a) The development is part of development referred to in subclause (1), and

- (b) No more than 25% of units within the development referred to in subclause (1) are to be used for the purposes of permanent residential occupation.

This clause applies to the 3(g) zoned land. As indicated earlier in this report, a submission has been prepared requesting Shoalhaven Council to consider deleting the site from schedule 14. Until this matter has been finalised, it is not possible to provide further detail in relation to the future use of Stage 4.

9.5 Development of Certain Lands – Dolphin Point

Clause 40D of the SLEP 1985 requires that the council is not to consent to an application to subdivide land to which this clause applies unless plans and documentation have been submitted showing:

- (a) The intended staging of the proposed development, the relationship of that staging to the capacity of the sewerage system to adequately cope with the proposed development and the measures proposed to overcome any inadequacies;
- (b) The measures proposed for ongoing soil and water management, including sedimentation, erosion and pollution control, to ensure maintenance of water quality in the wetland and in Burrill Lake and including rehabilitation of existing drains to and through the wetland;
- (c) Designs of surface drainage works and proposals for isolation of potential contaminations and sedimentation during the construction phase;
- (d) Existing vegetation and proposed additional planting which will enhance the value of the wetland and any artificial wetlands proposed, assist in maintaining water quality and enhance the role of streams as habitats corridors.

These provisions have been addressed in the report prepared by Patterson Britton and submitted under separate cover.

10.0 DEVELOPMENT CONTROL PLAN No 100 - SUBDIVISION CODE

DCP 100 is applicable to the proposed subdivision in Stages 2 and 3.

The aims of this DCP are as follows:

- *To encourage high quality urban design and residential amenity;*
- *To set appropriate environmental criteria for subdivision development;*
- *To provide a comprehensive design approach for residential, rural, industrial and commercial subdivision;*
- *To provide a user friendly document with flexible performance-based criteria to guide development; and*