

Part 1 of the Guidelines outlines the relevant issues, opportunities, and desired future character which apply to each of the seven settlement types.

Part 2 of the Guidelines outlines the 5 Design Principles that should apply to each of the Settlements, providing a series of 'desirable' and 'undesirable' practices that are to be applied to coastal settlements. The 5 Design Principles relate to:

- defining the footprint and boundary of settlements;
- connecting open spaces;
- protecting the natural edges;
- reinforcing the street pattern;
- appropriate buildings in a coastal context.

Part 3 concludes the document and outlines how the Guidelines are to be implemented.

The following addresses the 5 Design Principles contained with the NSW Coastal Design Guidelines that are considered to have relevance to this proposal:

Principle 1 - Defining the Footprint and Boundary of Settlements

The project has been designed following extensive assessment of the relevant constraints and opportunities, along with the strategic assessment undertaken by SCC in the NBSP and Mundamia Masterplanning process.

Such has resulted in the identification of land which is considered suitable for urban development, and those lands which are constrained by topographical features, natural hazards, or are of ecological importance and therefore, are not considered suitable for more intensive development.

This process has determined the extent of development, and the footprint and boundaries of this New Living Area.

The proposal allows for the following:

- Retention of significant vegetation;
- Provision of a permeable subdivision pattern allowing for pedestrian and cycle movements both within and beyond the site to places of importance, such as the community facilities and future neighbourhood shopping site;
- Connection of all relevant services.

Principle 2 - Connecting Open Space Networks

The subdivision provides for the provision of open space along the eastern edge of the site identified in the Mundamia Masterplan, and which is to be linked by a wide road reserve which is to be appropriately landscaped. Furthermore, open space is proposed in the vicinity of the commercial and community precinct identified in the Mundamia Masterplan, which is to be owned by Shoalhaven Council

The open space network is guided by the Mundamia Masterplan and Planning Principles adopted by SCC.

The open space network provides passive recreation opportunities, as well as maintaining visual amenity through the provision of a large expanse of green space. Streets have been oriented such that bushland views are available to motorists and pedestrians as they travel the road network, thereby providing a distinct character to this Living Area.

In addition to the open space areas, a series of pathways providing cycling and walking opportunities is to be provided to link the network of open spaces, future potential commercial facilities and the identified desire lines.

Principle 3 - Protecting the Natural Edges

The subject site does not have direct frontage to the actual coastline or foreshore areas. At present, the site has no identifiable edge, however it is noted that the land does slope more steeply to the east away from the site. As such, the edge will be defined by this subdivision layout. In this regard, the subdivision has been the subject of assessment to determine constraints and opportunities, and this has formed the subdivision layout the subject of the major project.

The natural edges will be protected by the subdivision layout, which proposes either new roads, and in a small section a fire trail, to contain all of the proposed residential allotments. This is considered an appropriate manner in which to protect the natural edge and prevent incursions into natural or ecologically sensitive areas.

Principle 4 - Reinforcing the Street Pattern

As this is a new area, there is no established street pattern. The Masterplanning process and the guiding principles adopted by SCC have determined the street pattern.

The layout is generally of a grid pattern which is readily legible to the travelling public and also permeable thereby encouraging pedestrian and cycling movements to access local facilities and open space.

Further, the road pattern is orientated such that distant views are obtained of the Cambewarra Mountain Range or adjoining bushland to provide the desired character.

Finally, the street pattern is provided with appropriate street width to enable bus movements, emphasise more prominent streets and enable provision of suitable Asset Protection Zones.

Principle 5 - Appropriate Buildings for a Coastal Context

Although no buildings are proposed as part of this Major Project application, it is crucial that the allotments that are created allow for the development of appropriate buildings in accordance with that espoused in the Coastal Design Guidelines. In this regard, it is considered that the proposal allows for suitable residential development due to:

- suitably sized residential allotments;
- the proposed orientation of lots;
- suitable road pattern;
- due regard to natural hazards; and
- preservation of reasonable native vegetation within the site.

It is considered that the proposal is generally consistent with, and will result in development that will comply with, the requirements of the NSW Coastal Design Guidelines 2003.

4.3 DEEMED STATE ENVIRONMENTAL PLANNING POLICIES

4.3.1 Illawarra Regional Environmental Plan (IREP) 1986

The subject site is affected by the provisions of a deemed State Environmental Planning Policy namely the Illawarra Regional Environmental Plan No 1, 1986 (IREP).

The objectives of this former Regional Plan that apply to living areas are:

- *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,*
- *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,*
- *to provide for a range of lot sizes, dwelling types and tenure forms to cater for varying household needs in all local government areas,*
- *to ensure that residential development does not take place on hazard-prone lands, and*
- *to minimise bush fire risks to urban development.*

It is considered that the application is consistent with these objectives as follows:

- the land has been identified in the NBSP as an area suitable to provide for additional residential accommodation;
- the project appropriately considers the natural hazards applying to the site, principally restricted to bushfire risks;
- the site is well located to the township of Nowra and in the vicinity of an established educational complex;
- all relevant services are or will be available and can be connected to the proposed lots.

A series of maps are attached to the Plan, which identify localities where specific policy issues apply. In relation to these maps, the subject land is:

- NOT identified as containing rainforest vegetation.
- NOT identified as a wildlife corridor.
- NOT Identified as land with prime crop and pasture potential.
- NOT identified as containing extractive resources.
- identified as land with landscape or environmental attributes.

In addition, it is noted that the site is NOT identified in Schedule 1 of IREP as containing an item of environmental heritage.

Landscape and Environmental Attributes

The former Regional Plan does not provide provisions relating directly to the assessment of Major Project proposals.

The “*Illawarra Region Landscape and Environment Study*” supports the IREP and provides recommendations in terms of these attributes. The site is located within Unit 6 – Shoalhaven Delta as identified by this study. The subject land is affected by the VI policy recommendation area of the “*Illawarra Region Landscape and Environment Study*”. The relevant aspects of this policy recommendation stipulate:

VI Development Control

“Requires zoning to ensure preservation and continuation of existing relatively non polluting non-urban land uses.”

Clearly this policy recommendation has been superseded by subsequent planning studies and strategies which have largely identified the site as suitable for further residential growth. Further, as the region has grown, development has taken place in

the vicinity of the subject property as evidenced by the educational complex to the south of the site.

4.3.2 Drinking Water Catchments Regional Environmental Plan No. 1

The aims of this REP include:

- (a) *to create healthy water catchments that will deliver high quality water while sustaining diverse and prosperous communities, and*
- (b) *to provide the statutory components in Sustaining the Catchments that, together with the non-statutory components in Sustaining the Catchments, will achieve the aim set out in paragraph (a), and*
- (c) *to achieve the water quality management goals of:*
 - (i) *improving water quality in degraded areas and critical locations where water quality is not suitable for the relevant environmental values, and*
 - (ii) *maintaining or improving water quality where it is currently suitable for the relevant environmental values.*

The Drinking Water Catchments REP applies to some of the SCC LGA, however it does not apply to the area the subject of this major project which is well outside of its catchment. As such, it has no further consequence.

4.4 REGIONAL STRATEGIES

The provisions of the South Coast Regional Strategy have been addressed above in Section 3.4.3.

4.5 LOCAL PLANNING INSTRUMENTS

The site has been identified in local and regional planning instruments and strategy documents as one that is suitable for residential development, specifically via the NBSP, and this is further discussed in Section 3.4.3.

In addition, SCC, along with other Councils throughout the State, is in the process of implementing the Standard LEP Instrument. As part of this process, SCC has adopted a Draft LEP which is currently being considered by the Department of Planning.

The Draft LEP, which was recently exhibited, proposes to zone the site both R1 and E2. That part to be zoned R1 is consistent with that area included for residential subdivision in this project the subject of this EA.

4.5.1 Shoalhaven Local Environmental Plan 1985

As previously outlined, the site is currently zoned both Rural (General Rural) 1(d) and Environmental Protection (Scenic) 7(d1). The objectives of the Rural General 1(d) zone are:

- (a) *to conserve and maintain the productive potential of prime crop and pasture land,*
- (b) *to ensure that existing or potential agricultural land use is not jeopardised by non-agricultural land uses, and*
- (c) *to conserve cultural landscapes.*

The objectives of the Environmental Protection 7(d1) zone are:

- (a) *to conserve and enhance scenic quality,*
- (b) *to protect natural and cultural features of the landscape which contribute to scenic value, and*
- (c) *to ensure that development is integrated with the landscape values of the area.*

Figure 9 shows the siting of current zone boundaries.

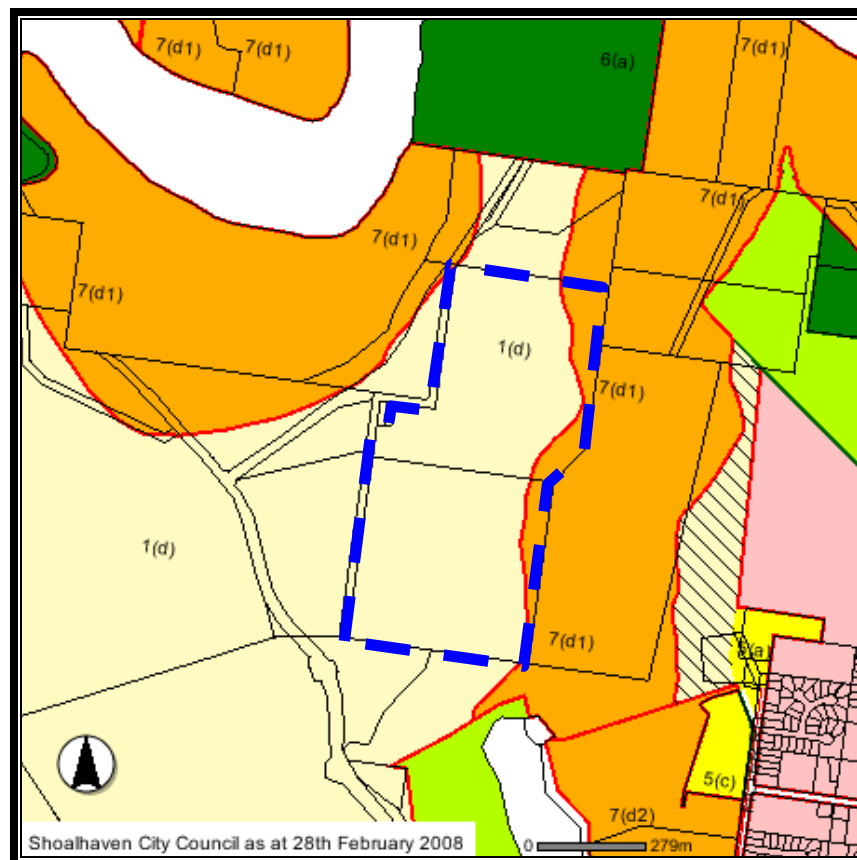


Figure 9: Shoalhaven LEP Zoning Plan (extract from SCC GIS)

The subdivision provisions of Shoalhaven LEP as applicable to rural and environmental protection zones are contained within Clause 11. In essence, these require a minimum lot size of 40 ha for each allotment to be created. This Major Project Part 3A application does not conform with this requirement, however as has been outlined above, the site is within an area that has been identified for urban growth in accordance with the NBSP and SCRS. In order to implement the NBSP, SCC has resolved to support Draft Shoalhaven LEP 2013 in order that alternative zones apply to the site which allows the subdivision as is currently proposed. Approval of this application will rely on the gazettal of the Draft Shoalhaven LEP 2013. This is further detailed in Section 4.5.2 below.

The provisions of Shoalhaven LEP 1985 include requirements that apply to certain lands dependent on site characteristics and features, natural hazards and constraints, and these are outlined in Division 5, which is addressed in **Table 4** below.

Table 4
Division 5 – Environmental Management of Land

LEP Clause	Comments on this proposal
Clause 21 – Land of Ecological Sensitivity	The subject land is not mapped as being of ecological sensitivity, therefore this clause does not apply to this development proposal.
Clause 21A – Vegetation Linkage	The land is not within an area mapped as being within a designated vegetation linkage area.
Clause 22 – Activities in Zone No. 1(c), 7(a), 7(c), 7(d2), 7(e), 7(f1), 7(f2) and 7(f3)	This clause relates to tree clearing in certain zones, none of which affect the proposal the subject of this EA.
Clause 23 – Protection of Streams – this clause applies to perennial watercourses in rural zoned lands, indicated by continuous blue lines on a topographic map.	The 1:25000 topographic map for 'Nowra' has been reviewed and this has revealed that the site does not contain a perennial water course, and as such, this clause has no effect. Impacts on water quality are addressed in Section 5.4.5.
Clause 24 – Water Catchment Areas	The subject land is not located within a drinking water catchment area.
Clause 24A – Hydrological Catchment	The subject land is not located within a hydrological catchment boundary as the site is not within the area affected by the Drinking Water Catchment REF.
Clause 25 – Steep lands	This clause applies to land with slopes in excess of 20%, there is no land which is proposed to be developed which has a slope in excess of 20%.
Clause 26 – Soil, Water and Effluent Management	Water, sewer, and drainage services will be available to the site.
Clause 27 – Acid Sulfate Soils	The land is not mapped by Council as having a high probability of containing acid sulfate soils. As such, this clause has no effect. Notwithstanding this, acid sulfate soils are addressed in Section 5.4.3.

Table 4 (continued)

<i>LEP Clause</i>	<i>Comments on this proposal</i>
Clause 28 – Danger of Bushfire	The subject land is mapped by SCC as being bushfire prone land. Bushfire safety has been addressed by Eco Logical Australia in Annexure 6 and this is further discussed in Section 5.4.4 of this report.
Clause 29 – Development on Flood Liable Land	The land is not mapped by Council or otherwise identified as being flood prone land, nor is it known to be such as the level of the site is relatively high, being RL 46 m AHD, well above known flood levels.

4.5.2 Draft Shoalhaven LEP 2013

As outlined above, the provisions of Draft LEP 2013 currently being exhibited by Council seek to rezone the site R1 and E2. **Figure 10** below is an extract from SCC showing the location of the various proposed zones. The siting of the R1 zone is identified on the subdivision sketch plan prepared by Allen Price & Associates and the siting of the residential lots is consistent with this location.

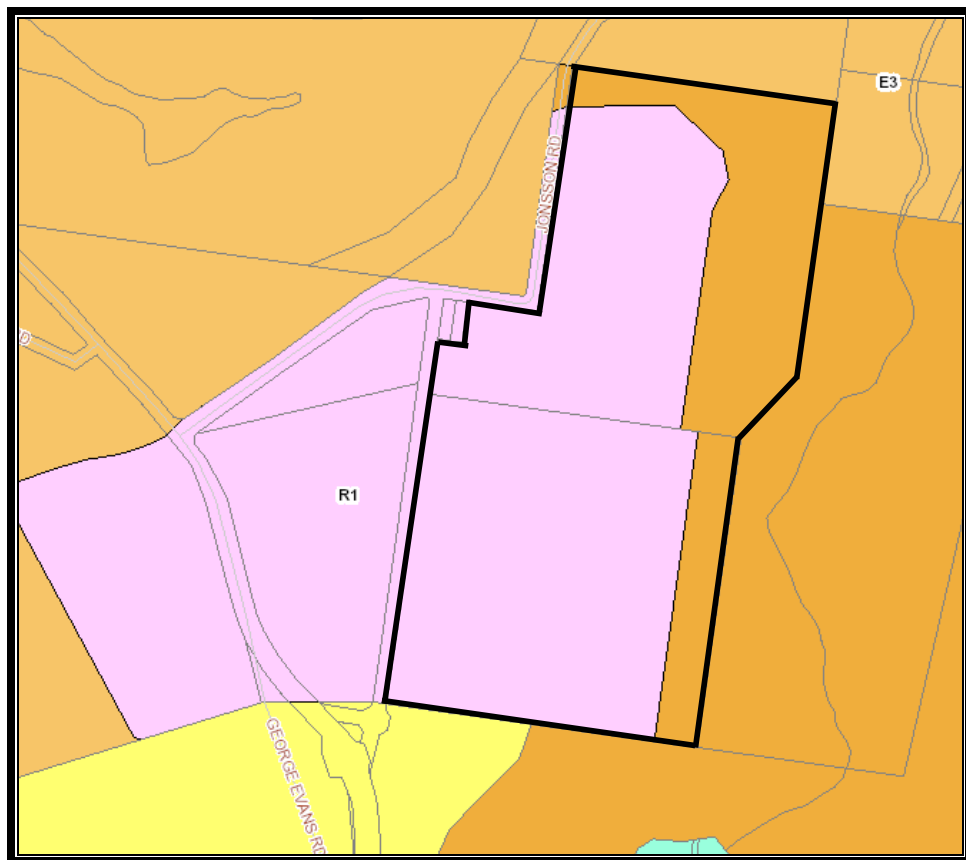


Figure 10: Draft Shoalhaven LEP 2013

The objectives of the R1 zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To identify land suitable for future urban expansion.*

The following summarises the zoning table as it is proposed to apply to the R1 zone:

2 Permitted without consent

Home occupations.

3 Permitted with consent

Attached dwellings; *Boarding houses; Boat launching ramps; Boat repair facilities; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services Facilities, Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Home-based child care; Home businesses; Home industries; Hostels; Jetties; Multi-dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Registered clubs; Residential care facility; Residential flat buildings; Roads; Seniors housing; Sewerage systems; Shop top housing; Signage; Telecommunication facilities; Tourist and visitor accommodation; Veterinary hospitals; Water supply systems.*

(Note: Authors' bolding to highlight development permitted at the site)

4 Prohibited

Farm stay accommodation; Serviced apartments; Any other development not specified in item 2 or 3.

The objectives of the E2 zone are:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To protect water quality and the ecological integrity of water supply catchments.*
- *To protect the scenic, ecological, educational and recreational values of wetlands, rainforests, escarpment areas and fauna habitat linkages.*
- *To conserve and, where appropriate, restore natural vegetation in order to protect the erosion and slippage of steep slopes.*

The following summarises the zoning table as it applies to the E2 zone:

○ ***Permitted without consent***

Nil.

3 *Permitted with consent*

Aquaculture; Bed and breakfast accommodation; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Home businesses; Home industries; Recreation areas; Research stations; Roads; Sewerage systems; Water recreation structures; Water supply systems

4 *Prohibited*

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

It should be noted that in relation to land zoned E2, these contain forested lands which are to be created as public reserves for dedication to SCC to ensure their conservation into the future. An exception is the proposed large allotment containing an existing rural dwelling and its curtilage, and this large lot residential allotment will be maintained into the future.

Part 4 of Draft Shoalhaven LEP deals with Principle Development Standards, and in relation to the subdivision of land, Clause 4.1 deals with minimum lot sizes. Clause 4.1 specifies the following:

- (1) *The objectives of this clause are as follows:*
 - (a) *to ensure that subdivision is compatible with and reinforces the predominant or historic subdivision pattern and character of an area,*
 - (b) *to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*
 - (c) *to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.*
- (2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*