

Revised Work Program – Shoalhaven DCP 2014 Housekeeping Amendments

The following table outlines the previously adopted staging in the works program, the proposed changes and the suggested new staging sequence - bold text indicates the Chapters to be included in the revised Stage 2:

Original staging	DCP Chapter	Comment	Outcome	New staging
2	G2: Sustainable Stormwater Management & Erosion/Sediment Control	Inclusion of a new provision for onsite detention for dwellings, dual occupancy and ancillary structures investigated. Determined that the current content of Chapter G2 already adequately covers this and can remain the same.	Remove from the Housekeeping Amendment works program.	N/A
2	N3: Berry Residential Subdivision	Investigated request from Bereavement Services re setbacks around the Berry Cemetery. It is not considered reasonable to now restrict future development when development already exists and similar development likely under Codes SEPP. Furthermore, any future Development Applications would need to consider the Heritage provisions of Clause 5.10 of Shoalhaven LEP 2014.	Remove from the Housekeeping Amendment work program.	N/A
2	N12: Culburra Beach – The Marina Area	Previously intended that the adopted maps in DCP48 should be transferred into Chapter N12. However, the supporting note to provision A2.1 in this Chapter states: “Plans detailing the building setbacks are	Remove from the Housekeeping Amendment work program.	N/A

		periodically reviewed and should be checked immediately prior to the preparation of a development application.” Therefore setbacks are adequately acknowledged and it is unnecessary to proceed with the change.		
2	G10: Caravan Parks in Flood Prone Areas	Council resolution 2 June 2015 (D15/159594)	Include as part of Stage 2.	2
2	NB1: Mundamia	Typographic errors to be resolved	Include as part of Stage 2	2
		Consider inclusion of an acceptable solution requiring APZs to be sited on the lots (not extend onto Council land)	Include as a later stage of Housekeeping Amendment work program.	3
2	N20: Jerberra Estate	Awaiting finalisation of State Government’s 10/50 Vegetation Clearing Code of Practice review.	Include in Stage 6 of Shoalhaven DCP 2014 Housekeeping Amendment works program.	6
N/A	G17: Business, Commercial and Retail Activities	Add reference to new Smoke Free Legislation	Include as part of Stage 2	2
		New issues concerning ‘markets’ were identified during internal consultation. Additional work required.	Include as a later stage of Housekeeping Amendment work program.	3
N/A	Dictionary	Transfer definitions within Chapters included in Stage 2 amendments to the overall Dictionary for consistency	Include as part of Stage 2	2
3	G6: Coastal Management Areas	State Government has released a draft SEPP for consultation that will affect this Chapter and possibly require a redraft of the Chapter in the future	Include as part of Stage 2.	2

		<p>In the short term minor amendments are required to the Chapter and these include:</p> <ol style="list-style-type: none"> 1. Removing content from Section 5.1.2 Areas of Cliff/Slope Instability to ensure consistency with the recommendations of the Douglas Partners Report that was adopted by Council 2. Resolve other minor anomalies 		
4	G9: Development on Flood Prone Land	<p>Council resolved on 15 December 2015 that Chapter G9 Part (D) to be varied to allow the subdivision of land and the creation of strata title lots within the Village of Greenwell Point subject to the lots whether strata or real property having access to flood free land, in compliance with Shoalhaven LEP 2014</p>	Include as part of Stage 2	2
4	G20: Industrial Development	<p>Content of POL 12/118 – Flinders Estate – Zincalume Roofs to be incorporated into the Chapter in accordance with 19 January 2015 Council resolution</p> <p>POL 12/118 will then be rescinded.</p>	Include as part of Stage 2	2
		<p>Detailed investigation into industrial setbacks, concessional zones and the implications of removing the cut and fill control on industrial sites.</p>	<p>Include as a later stage of the Housekeeping Amendment work program.</p>	3

4	G21: Car Parking and Traffic	No change.	Part of Stage 4	4
5	G11: Subdivision of Land	No change.	Part of Stage 5.	5
5	G12: Dwelling Houses, Rural Worker's Dwellings, Additions and Ancillary Structures	No change.	Part of Stage 5.	5
5	G13: Dual Occupancy Development	No change.	Part of Stage 5.	5
5	Chapter G14: Other Residential Development	No change.	Part of Stage 5.	5
6	V2: Building Lines	No change.	Part of Stage 6.	6
6	N18: Huskisson Town Centre	No change.	Part of Stage 6.	6
6	N19: Huskisson Mixed Use Zones	No change.	Part of Stage 6.	6
6	N22: Sanctuary Point Local Centre	No change.	Part of Stage 6.	6
6	N23: St Georges Basin, Village Centre	No change.	Part of Stage 6.	6

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Chapter G6: Coastal Management Areas**Table of Changes**

Section	Category	Recommended Change	Reason
5.1.2 Areas of cliff/slope instability	Consistency	Remove following text: “The areas identified as being affected by cliff/slope instability can be broken into two different levels of risk: - Precinct 1 High Risk – Foreshore building exclusion area (seaward of the 50 year 50% line), where no development within that part of an allotment of land is permitted. - Precinct 2 Moderate Risk – Restricted development area (landward of Precinct 1 50 year 50% line), where any development in this area requires a geotechnical report prepared by a professional geotechnical engineer.”	Content is inconsistent with the recommendations of the Douglas Partners Report that has been adopted by Council The Shoalhaven LEP 2014 Coastal Risk Planning Map identifies the two risk precincts and is directly referenced in Section 5.1.2
A2.1, last dot point	Editorial	Amend: ‘andBe’ to “and be”.	Correction of a typo. Change made in accordance with resolution D15/159594
6.2 Other legislation or policies you may need to check, Council Planning Studies, Policies & Guidelines	Consistency	Include following text: “Council’s adopted sea level rise position”	Council Minute

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Chapter G6: Coastal Management Areas

Section	Category	Recommended Change	Reason
6.2 Other legislation or policies you may need to check, External Policies & Guidelines	Consistency	Remove following text: "NSW Sea Level Rise Policy"	State government has rescinded this policy.

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Chapter G9: Development on Flood Prone Land**Table of Changes**

Section	Category	Recommended Change	Reason
1 Purpose	Editorial & Update	<ul style="list-style-type: none"> Minor edits Removed reference to LEP flood prone land map 	<ul style="list-style-type: none"> Improve sentence flow. The LEP map does not show all flood prone land. Given that the DCP applies to all flood prone land this is not the correct map to refer to
2 Application	Editorial	Minor edits	Shortening to use acronym, and only refer to flood prone land, no context change
3 Context	Editorial	Removed information on hazard	The hazard information that is part of the DCP 2014 is from the Floodplain Development Manual, and without context the intent of the information is not clear.
3 Context	Editorial	Remove Local Overland Flooding definition	To be placed in Dictionary.
3 Context	Editorial	Remove Annual Exceedance Probability (AEP) definition	AEP had not actually been referred to, therefore is not required in the text.
4 Objectives	Editorial	Minor edits	Correct the sentence structure, no context change.
5.1 General	Editorial	Minor edits	Correct the sentence structure, no context change.
5.1 General - performance criteria	Editorial	Existing dot point 2 split into two dot points	Was previously 2 dot points in DCP 106, this is a formatting error.
5.1 General – acceptable solutions	Editorial	Renumbered	Editorial change
5.1 General – acceptable solutions	Editorial	Remove Bearing Capacity definition	To be placed in Dictionary
5.1 General – acceptable solutions	Editorial	Remove Fluvial Geomorphology definition	To be placed in Dictionary
5.2 Fill or Excavation on the Floodplain – Acceptable Solutions	Editorial	A2.2 text changed to: The proposed fill volume is less than 1% of the 2050 20%, 5% and 1% AEP flood volume on the development site...	Intent not changed. Sentence rearranged to make the intent clear.

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Chapter G9: Development on Flood Prone Land

Section	Category	Recommended Change	Reason
5.3 Subdivision in the Floodplain – Performance Criteria	Update	P3.2 text changed to: Flood conditions for the year 2100, which include the respective sea level rise projection, are used.	Intent does not change. Reworded so that the sea level rise figure is not explicitly stated, this allows the current sea level rise figure to be used should it change.
5.3 Subdivision in the Floodplain – Acceptable Solutions	Update	Text changed to: A3.2 Flood conditions for the year 2110, which include sea level rise of 0.36m, are used.	Reflect Council's current position on sea level rise.
5.3 Subdivision in the Floodplain – Acceptable Solutions	Update	Remove P4, P5, P6, A4.1, A4.2, A5.1, A5.2, A6.1	These performance criteria and acceptable solutions appear to have been included erroneously as they were not in the consultation copy of the DCP. The content is inconsistent with other sections of the DCP and so needs to be removed.
6.1 Considerations when preparing a development application	Editorial	Change text to: These considerations are stated in sections 6.1.1 to 6.1.3.	Intent does not change. Text amended to refer to correct sections.
6.1.2 What type of flood information is available?	Editorial	Minor edits	No content change, to make intent clear and be consistent with Chapter G10
6.1.3 What sections of the Chapter apply to my application?	Editorial	Minor edits plus sentence reworded to: These controls apply to all flood prone land as identified in flood modelling data as well as in areas where the property is within 40m of a watercourse or within 10m of a major drainage system, overland flood path or drainage easement, or has a history of flooding	Changed to be consistent with previous DCP No. 106 and ensure intent is clear

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Chapter G9: Development on Flood Prone Land

Section	Category	Recommended Change	Reason
6.2 How to address the requirements of this chapter	Editorial	Minor edits	Changed to be consistent with previous DCP No. 106 and ensure intent is clear
6.3.3 NSW Floodplain Development Manual (2005)	Editorial	Remove Bypass Channels definition	To be placed in Dictionary
6.4.1 Flood Planning Area	Editorial	Added dot points	Formatting error when text transferred from DCP No. 106. Intent does not change, moved from another location in Chapter.
6.4.2 Flood Planning Levels and Freeboard	Editorial	Remove dot points Remove definition of Eddies	Formatting error when transferred from DCP No. 106. Intent does not change, moved from another location in Chapter. To be placed in Dictionary
6.4.3 Climate Change	Update	Dot point changed to: for new building applications, the impact of sea level rise for a 50 year period is to be assessed and included when determining the flood planning level; and for new subdivision applications, the impact of sea level rise in the next 100 years is to be assessed and considered in the design and calculation of the flood planning level	Intent does not change. Ensure the correct timeframe and sea level rise amount is used now and into the future. Allows changes to SLR to occur without requiring a change to the DCP.
6.5 Development application documents	Editorial	Remove note	Repeated later in section
6.5.1 Flood compliance report	Editorial	Note moved into main text	Provides more detail.
6.5.2 Additional	Editorial & transfer	Note moved into main text	Resolve formatting and text transfer errors from previous

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Chapter G9: Development on Flood Prone Land

Section	Category	Recommended Change	Reason
development application documents		Removed repetition Geotechnical Engineering Certificate and associated details added	DCP and provide additional detail.
7 Other legislation or policies you may need to check	Editorial	Wording changed to: site specific floodplain risk management plans	Continues terminology used throughout the chapter
Schedule 1 Land Use Categories	Editorial	Changed DCP to Chapter Changed terms in Land Use Type column	Updated for consistency
Schedule 1 Land Use Categories	Editorial	Change made to minor development, diagrams added and explanation elaborated. Clearly defining additions, alterations and change of use are to occur at the existing habitable floor level, not lower	The explanation and diagrams have been included to clarify the intent, it does not change the context, it is already stated in Schedule 7.
Schedule 2 Flood Information Enquiries and Flood Certificates	Editorial	Minor formatting changes and edits made	Clarify intent of section. Does not change requirements
Schedule 3 Technical Reporting Requirements	Editorial	Minor formatting changes and edits made	Clarify intent of section. Does not change requirements
Schedule 3 Technical Reporting Requirements	Editorial	Removed Roughness Coefficients description	To be placed in Dictionary
Schedule 5 Site specific flood related	Editorial	Heading change	Consistency with schedule context and to continue terminology used throughout the Chapter

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Chapter G9: Development on Flood Prone Land

Section	Category	Recommended Change	Reason
development controls			
Schedule 5 Site specific flood related development controls	Policy Change	Change Greenwell Point site specific recommendations to: Subdivision of land and the creation of strata title lots within the Village of Greenwell Point is permissible, subject to the lots having access to flood free land in accordance with Shoalhaven LEP 2014.	Council resolution: MIN15.813
Schedule 6 Flood Related Development Controls - Generic	Update	Changes made to matrix: <ul style="list-style-type: none"> • Events • Controls removed from the 'outside flood planning area' column 	Events added - they are a land use type Controls removed from the 'outside flood planning area' column – were for development below the flood planning area and therefore do not apply to this section
Schedule 6 Flood Related Development Controls - Generic	Editorial	Development control matrix legend – added: NOTE: For new building applications a 50 year life span is associated with this development, therefore SLR which includes the next 50 years needs to be used when calculating flood levels For applications for subdivision or changes of land use a 100 year life span is associated with this development therefore SLR which includes the next 100 years needs to be used Under management and design, 2 nd dot point split into two	Clarifies intent, controls have not changed. Resolves formatting error created in transfer from previous DCP

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Chapter G10: Caravan Parks in Flood Prone Areas**Table of Changes**

Section of DCP	Category	Recommended Change	Reason
1 Purpose	Editorial	Delete: 'outline controls for'	Make content clear
5.1 Considerations when preparing a development application	Editorial	Changes made so that table has the same information as G9.	Ensure information provided in Chapters G9 and G10 is consistent. No context change.
5.1 Considerations when preparing a development application	Editorial	Change prescriptive control to mandatory control.	Changed terminology so that it is consistent with all DCP chapters
5.1 Considerations when preparing a development application	Update	Update flow chart.	Flow chart updated to ensure no information was cut off and links are still current
5.2.3 What type of flood information is available	Update	Edit information.	Ensure information provided in Chapters G9 and G10 is consistent. No intent change
5.4 Flood Planning Concepts	Update	Edit information.	Ensure information provided in Chapters G9 and G10 is consistent. No intent change
5.4.6 Climate Change Implications	Update	Edit information.	Ensure Council's current sea level rise projections are being used, information is clear and consistent with Chapter G9. Intent does not change. Additional sea level rise information added to make clear it is to be included in flood level calculations
6 Definitions	Editorial	Remove and place in Dictionary.	Avoid duplication
7.1 Mandatory controls	Editorial	Added heading Mandatory Controls and note stating: Mandatory controls are specific, prescriptive measures required for	These were previously called Prescriptive Controls. However this heading was not transferred to Chapter G9. This is now included, using

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Chapter G10: Caravan Parks in Flood Prone Areas

Section of DCP	Category	Recommended Change	Reason
		achieving the desired objectives. Mandatory controls must be met prior to any further development being proposed.	terminology consistent throughout the entire DCP. The note has been added to clarify the intent of this section.
7.2 Performance Criteria and Acceptable Solutions	Editorial	Acceptable solutions numbering updated. A1.5 changed to include wording "within the effective warning time"	Clarifies the intent.
8.1 Existing Flood Information	Update	Change to be consistent with Chapter G9.	Ensure both Chapters G9 and G10 are the same. Intent does not change
8.2 Compliance Assessment	Editorial	Change prescriptive control to mandatory control.	Changed terminology so that it is consistent with all DCP chapters
8.7 Structural Engineering Certificate (Schedule 2)	Update	Add additional information.	Ensure both Chapters G9 and G10 are the same. Intent does not change
9. Advisory Information	Update	Added: Shoalhaven DCP 2014 Chapter G9	Chapter G9 may have additional information depending on the persons development type, therefore need to add as a reference
Schedule 1 Flood information enquiries and flood certificates	Update	Update information.	Update to ensure Chapters G9 and G10 are consistent with one another.
Schedule 2 Technical reporting requirements	Update	Update information.	Update to ensure Chapters G9 and G10 are consistent with one another. Intent does not change
Schedule 4 Installation/Activity Types	Update	Add safari tents to description of 'park owned moveable dwelling – short term'.	Previously left out. Therefore applicants unsure what installation/activity type they are assessed under.
Schedule 5 Development Control Matrix – Installations in	Editorial	Format matrix to fit on the one page	Ensure it fits on the one page

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Chapter G10: Caravan Parks in Flood Prone Areas

Section of DCP	Category	Recommended Change	Reason
new/existing complexes, and extensions to existing complexes			Note – depending on final formatting changes, the explanation at the bottom of the matrix will need to be updated with the correct page number.
Schedule 5 Development Control Matrix – Installations in new/existing complexes and extensions to existing complexes	Editorial	Change heading to: Development Control Matrix – Installations in existing/new complexes and extensions to existing complexes	Updated to make intent clear
All sections and schedules	Editorial	All references to section/schedule numbers updated to reflect updated numbers.	To ensure numbering is correct throughout the entire document.

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Chapter G17: Business, Commercial and Retail Activities**Table of Changes**

Section	Category	Recommended Change	Reason
A25.3	Editorial	Amend: 'providing' to "provided".	Fix typographic error
6.4 Smoke-free Laws	Update	<p>Add words: "The Smoke-free Environment Act 2000 bans smoking in enclosed public places and certain outdoor public areas. These bans protect people from harmful second hand tobacco smoke - the smoke which smokers exhale after inhaling from a lit cigarette. There is no safe level of exposure to second hand smoke.</p> <p>The Smoke-free Environment Act 2000, Smoke-free Environment Amendment Regulation 2009, and the Smoke-free Environment Regulation 2007 ban and regulate smoking in enclosed public places.</p> <p>The Smoke-free Environment Act 2000 also bans smoking in the following outdoor public places:</p> <ul style="list-style-type: none"> - Within 10 metres of children's play equipment in outdoor public places; - Public swimming pools; - Spectator areas at sports grounds or other recreational areas used for organised sporting events; - Public transport stops and platforms , including ferry wharves and taxi ranks; - Within 4 metres of a pedestrian access point to a public building. 	Include reference to the new Smoke-free Environment Act 2000.

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Chapter G17: Business, Commercial and Retail Activities

Section	Category	Recommended Change	Reason
		Under this Act, Local Health Districts and Statutory Health Corporations can make by-laws banning smoking on NSW Health grounds, such as hospitals, community health services and ambulance stations.	

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Chapter G20: Industrial Development**Table of Changes**

Section	Category	Recommended Change	Reason
5.3 Building and Site Design	Transfer	<p>Insert new acceptable solution: “A11.4 Council will not agree to the use of “zincalume” material on any industrial building if an adverse impact on amenity or traffic safety will result and/or if substantial glare nuisance occurs, the amenity of workers on the site is of primary importance.</p> <p>Council may consider the use of “zincalume” where it can be demonstrated that will not have substantial impact.”</p>	In accordance with resolution of 19 January 2015, the contents of POL 12/118 – Flinders Estate – Zincalume Roofs will be included in this Chapter and POL 12/118 will be rescinded.

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Chapter NB1: Mundamia Urban Release Area

Table of Changes

Section	Category	Recommended Change	Reason
1 - Advisory Note	Editorial	Change 'Palette' to Palette'.	Correct a typographic error
4.1 Neighbourhood design, A2.1	Editorial	Change: 'hum' to "hub".	Correct a typographic error
4.2 Neighbourhood Hub	Editorial	Remove words: ' <u>The neighbourhood hub</u> The neighbourhood hub will be the focal point for the URA and will provide for neighbourhood shopping, a community facility/child care centre, a medical centre, a central public reserve and shop top and medium density housing.'	Duplicated text needs to be removed.

Our Ref: STH15/00009
Contact: Melissa Steep 4221 2771



Transport
Roads & Maritime
Services

18 February 2015

Matthew Lennartz
mattlennartz@gmail.com

**LOT 393 DP 1144727, 5C CRESTON GROVE, BOMADERRY, PROPOSED REZONING,
BOAT SHOWROOM AND HEADQUARTERS**

Dear Sir

Roads and Maritime Services (RMS) refers to your email dated 28 January 2015 regarding the subject pre-development application.

RMS has reviewed the submitted information and wishes to advise that the proposal for rezoning the site is not supported. In this regard the following comments are provided for your consideration:

- RMS is currently planning the future upgrade of the Princes Highway between Berry and Bomaderry. The design of the upgrade will include a central median along the frontage of the subject site limiting access to left in/left out only with U-turn facilities provided at the existing Cambewarra Road roundabout to the south and a proposed U-turn/bus facility near Abernethy's Lane to the north. RMS recognises that there will be an increased demand for U-turn movements once the Berry to Bomaderry upgrade is constructed as turning movements are limited.
- RMS is concerned that increased commercial development along this section of the Highway will place further pressure on the proposed U-turn facilities, which may result in a reduction in efficiency and increased safety risk at these locations. On this basis RMS does not wish to encourage further ribbon development along the Highway and is concerned that the proposed rezoning and development of the subject site will have flow on effects to the surrounding residential areas.

In addition, RMS provides the following information as requested:

Advice regarding access design

- RMS does not support the rezoning of the subject location to allow for commercial development and as such does not support direct site access to the Princes Highway.

Advice regarding proposed road widening and future road works at this location

- RMS advises that part of the property is zoned Arterial Road Widening (SP2) on Shoalhaven Local Environment Plan 2014. The extent of the zoning is shown in pink colour on the attached copy of DP 1144727.
- A preferred option for the Berry to Bomaderry Upgrade was announced in June 2009.

Roads & Maritime Services

In November 2013, RMS displayed the review of environmental factors (REF) and the concept road design of the proposed upgrade for community feedback and comment. Since the display, RMS has carefully considered the feedback received and has determined the REF. RMS will continue to make changes to the road design as a result of feedback from the community and stakeholders. The detailed design is underway and is expected to be completed in early 2016.

Detailed project information, including the REF and submissions report, can be viewed on the RMS homepage at www.rms.nsw.gov.au/bbu

- The planning completed to date indicates that the subject property is unlikely to be required for the project. However, the proposal may change, as the detailed design has not yet been completed and it is not possible at this date to provide any more definite information as to the likely requirement for any part of the property.
- At this stage the timing of the construction of the Berry to Bomaderry Upgrade is unknown. As a result, development along the Highway such as that proposed is likely to require upgrades to the Highway to facilitate safe turning movements as an interim measure. This would be at cost to the developer.

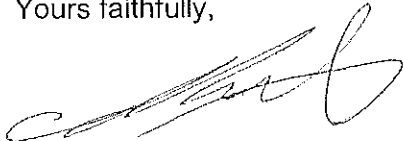
Advice regarding a future bypass of Bomaderry

- Whilst RMS has no current plans to provide a bypass of Bomaderry, detailed investigations are underway in order to identify future infrastructure needs of the Nowra-Bomaderry area.

Please note that the above is pre DA advice based on the information provided by the proponent. RMS position is subject to change, dependent on the information provided in any future development application.

If you have any questions please contact Melissa Steep on 4221 2771.

Yours faithfully,



Chris Millet
Manager Land Use
Southern Region

18/2/15

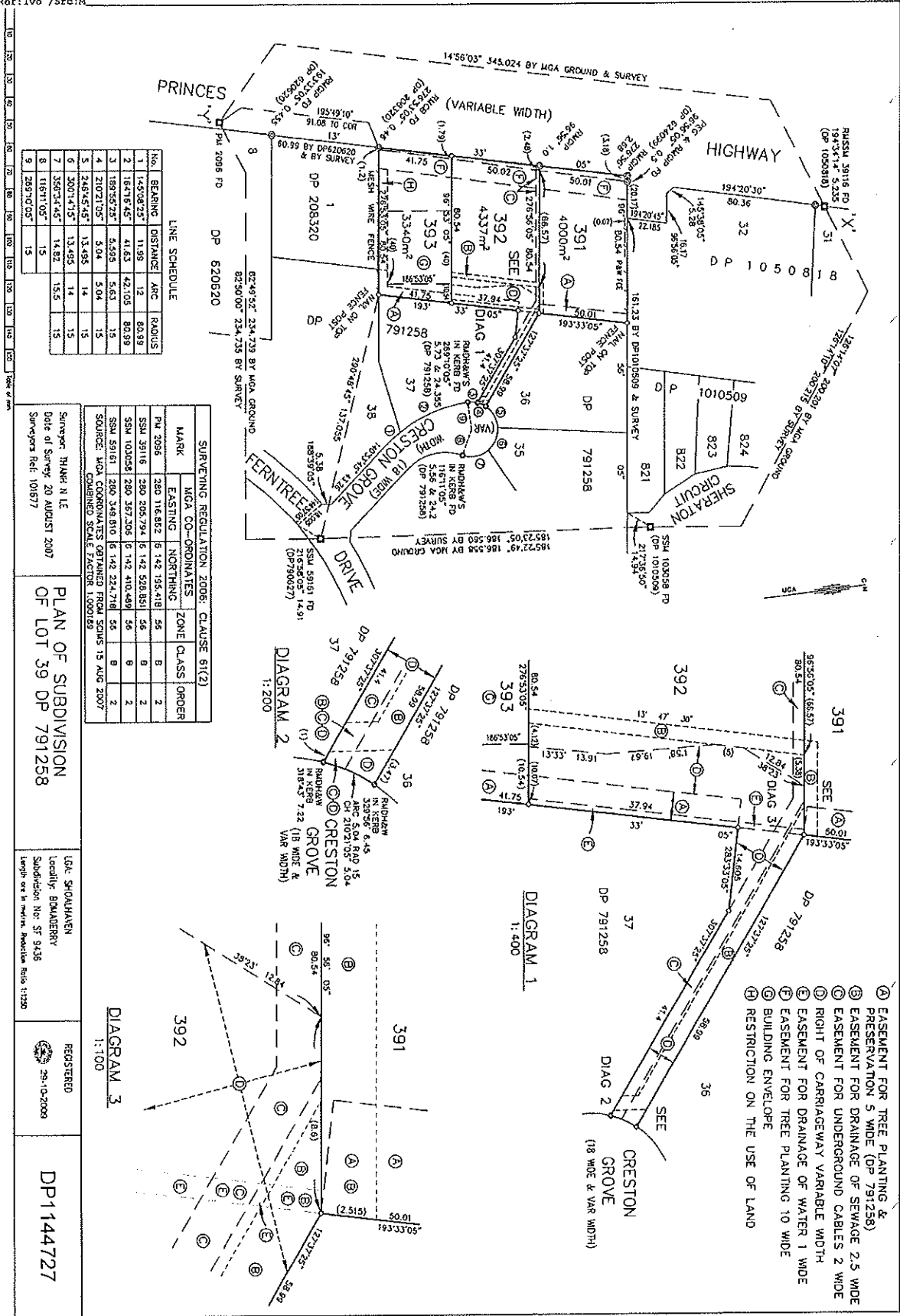
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 Ref:Ivo /Src:M

PLAN FORM 2

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

021144727

e-plan Sheet 1 of 1 sheets



LINE SCHEDULE

No.	BEARING	DISTANCE	ARC	RADIUS
1	145°08'22"	11.99	12	60.59
2	164°18'42"	41.63	42.03	60.39
3	188°52'28"	6.595	6.63	15
4	210°21'02"	3.04	3.04	15
5	248°45'45"	13.485	14	15
6	200°14'15"	13.485	14	15
7	350°14'45"	14.82	15.5	15
8	116°11'02"	13		
9	285°10'05"	13		

SUBDIVISION REGULATION 2006, CLAUSE 61(2)

MARK	MGA CO-ORDINATES	ZONE	CLASS	ORDER
PM 2095	280 116.882 6 142 195.618	B	B	2
SM 391B	280 295.794 6 142 520.851	B	B	2
SM 1030C4	280 387.206 6 142 410.481	B	B	2
SM 59161	280 348.810 6 142 224.718	B	B	2

SOURCE: MGA COORDINATES OBTAINED FROM SCAUS 13 AUG 2007
 COMBINED SCALE FACTOR: 1.000189

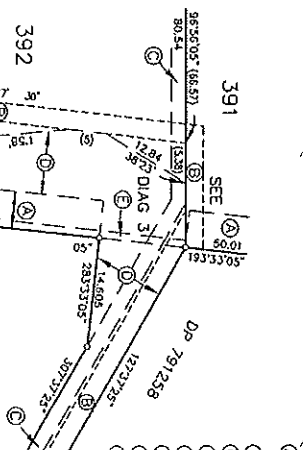
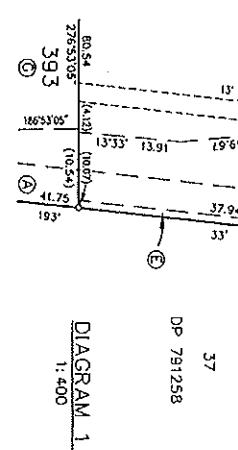
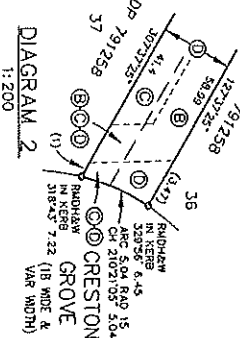
Surveyor: HANF N LE
 Date of Survey: 20 AUGUST 2007
 Surveyors Ref: 101677

PLAN OF SUBDIVISION
 OF LOT 39 DP 791258

LDL: SHOKHMAN
 Locality: BODABERRY
 Subdivision Ref: SF 9435
 Length over 4 meters, Australian Ratio 1:1250

REGISTERED
 29/10/2009

DP1144727



- Ⓐ EASEMENT FOR TREE PLANTING & PRESERVATION 5 WIDE (DP 791258)
- Ⓑ EASEMENT FOR DRAINAGE OF SEWAGE 2.5 WIDE
- Ⓒ EASEMENT FOR UNDERGROUND CABLES 2 WIDE
- Ⓓ RIGHT OF CARRIAGEWAY VARIABLE WIDTH
- Ⓔ EASEMENT FOR DRAINAGE OF WATER 1 WIDE
- Ⓕ EASEMENT FOR TREE PLANTING 10 WIDE
- Ⓖ BUILDING ENVELOPE
- Ⓗ RESTRICTION ON THE USE OF LAND

RMS notes that a number of issues raised in your submission relate to land use planning issues that would need to be considered by Council prior to endorsement of any planning proposal. Should Council be satisfied that a valid need to rezone the subject land exists, then further consultation with RMS should be undertaken.

Should you have any questions please contact Matt Adams on (02) 4221 2570.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Chris Millet', with a long horizontal flourish extending to the right.

for Chris Millet
Manager Land Use
Southern Region

Cc: Council@shoalhaven.nsw.gov.au

Our Ref: STH15/00009/02
Contact: Melissa Steep 4221 2771



Transport
Roads & Maritime
Services

9 June 2015

Mr Matthew Lennartz
mattlennartz@gmail.com

**LOT 393 DP 114427, 5C CRESTON GROVE, BOMADERRY, PROPOSED REZONING,
BOAT SHOWROOM AND HEADQUARTERS**

Dear Sir,

Roads and Maritime Services (RMS) refers to your emails dated 29 April and 19 May 2015 regarding the subject development application.

RMS has reviewed the submitted information and advises that a planning proposal would not be supported on access management principles as the rezoning of the subject land would necessitate creating a direct access to a classified (state) road. Under the current zoning, access to the site is available from the local road network and does not impact on the safety and efficiency of the classified road frontage.

The following comments are provided in response to the issues raised in your submission;

- RMS recognises that the proposal is to rezone a single parcel of land and is concerned about the precedent it a rezoning may set for incremental extensions of commercially zoned land to the north of Bomaderry and subsequent implications for traffic and access management along the Princes Highway. RMS will not support a rezoning with the potential to encourage further ribbon development along the highway in this location.
- It is understood that the current proposal to rezone the subject site is to facilitate the development of a commercial premise, which is proposed to result in minimal traffic generation. However, the proposed commercial zoning of the subject site would enable a range of permissible uses with the potential for more intensive forms of traffic generating development should the site change ownership in the future.
- The retention of the existing residential zoning and access to the local road network is considered consistent with the *State Environmental Planning Policy (Infrastructure) 2007* and the Minister for Planning's Section 117 Directions.
- Significant public investment is being directed towards an upgrade of the Princes Highway under the Berry to Bombaderry Upgrade Project. This investment is intended to optimise the future safety and efficiency of the Highway for regional traffic movements. The project seeks to rationalise access and improve travel times. Further information can be obtained online at:

<http://www.rms.nsw.gov.au/projects/south-coast/berry-to-bomaderry/index.html>

Roads & Maritime Services

Our Ref: STH15/00009/04
Contact: Chris Millet 4221 2570



Transport
Roads & Maritime
Services

12 April 2016

Mr Michael Park
Acting Team Coordinator – Strategy Planning North
Shoalhaven City Council
BY EMAIL: council@shoalhaven.nsw.gov.au

PLANNING PROPOSAL – 5C CRESTON GROVE, BOMADERRY

Dear Sir

Roads and Maritime Services (RMS) refers to your letter dated 21 March 2016 regarding the subject planning proposal.

RMS has reviewed the information and does not believe that the planning proposal addresses the concerns raised in previous correspondence dated 18 February 2015 and 9 June 2015.

The following comments are provided for your consideration:

Highway upgrade

- RMS highlights that significant public investment is being directed towards planning for an upgrade of the Princes Highway at this location, known as the Berry to Bomaderry Princes Highway Upgrade. This investment is intended to optimise the future safety and efficiency of the Highway for regional traffic movements.
- This project will rationalise access and improve travel times. At this location, a central median is proposed with a turnaround facility to the north. In order to optimise the future safety and efficiency at this location, it is vital that the traffic movements between the Highway and properties at this location are minimised as much as possible. In this regard, the current zoning and access arrangements for the land are considered appropriate. In response to the question raised in your letter, question (iii), the proposal is not consistent with RMS' plans.

Property

- RMS advises that part of the property is zoned Arterial Road Widening (SP2) on Shoalhaven Local Environmental Plan 2014. The extent of the zoning is shown by pink colour on the attached copy of DP 1144727 (**Attachment 1**).
- While the land affected by this zoning is unlikely to be required as part of the Berry to Bomaderry Upgrade Princes Highway Upgrade, RMS wishes to retain this zoning. This position will be reconsidered following the completion the project.

Roads & Maritime Services

History

- RMS does not share the applicant's view that the current zoning is an anomaly. RMS notes that this lot was registered on 29 October 2010 as a result of a three lot subdivision of the previous lot (lot 39 of DP791258). This subdivision created lots 391, 392 and 393 of DP1144727. The subject site is Lot 393. The consent for this subdivision was issued on 28 November 2004.
- RMS notes that the Statement of Environmental Effects for this three lot subdivision stated that no access to the highway was proposed and that access would be to Creston Grove, via a right of carriageway.
- RMS notes condition 16a) of the consent for the subdivision reinforced this access arrangement. RMS also notes condition 16i) of the consent includes a restriction relating to visual amenity and noise reduction between the site and the southern boundary (the service station).
- RMS notes the subdivision was not referred to RMS. Following a review of the process undertaken, RMS considers that both the developer and Council (at the time) applied sound planning principles from a road network perspective in proposing and allowing the subdivision to occur in the manner that it did. RMS considers it was appropriate for Council to make the determination of the subdivision without referring the matter to RMS.
- If the proposed subdivision had proposed direct access to the Princes Highway, a referral to RMS would have been required. In such a circumstance RMS would have objected to the subdivision on the basis that the subdivision was creating an unnecessary conflict point with the State road, inconsistent the Section 1.3.2 of the RTA Guide to Traffic Generating Developments, and if the referral was made after 1 January 2008, inconsistent with Clause 101(2)(a) of State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure).

Precedence

- RMS believes rezoning this land would create a precedent for incremental extensions of commercially zoned land to the north of Bomaderry. Such incremental extension would have significant implications for traffic and access management along the Princes Highway. Commercial development would generate significantly more traffic than the current low density residential development located to the north of this site, attracting local trips to this precinct and creating circulating movements. The resulting ribbon development environment would unnecessarily compromise RMS' plans to optimise the future safety and efficiency of the Highway for regional traffic movements.
- RMS considers the same precedent for incremental extensions of commercially zoned land to the north of Bomaderry could be facilitated by amendments to the provisions in the LEP (such as the discussed allowance clause) to allow a boat showroom within the current zoning.

Potential for a change of use

- RMS notes and accepts that the owner of the land intends to utilise the land for a boat show room and office.
- RMS recognises that once the land is rezoned there is no guarantee that the site would be occupied by the proposed boat show room and office. The proposed commercial zoning of the subject site would enable a range of permissible uses with the potential for more intensive forms of traffic generating development should the intended development not proceed, proceed but close down, change ownership etc. The intended use would compromise RMS' plans to optimise the future safety and efficiency of the Highway for regional traffic movements. Such future uses would further compromise these plans.

A boat showroom and office

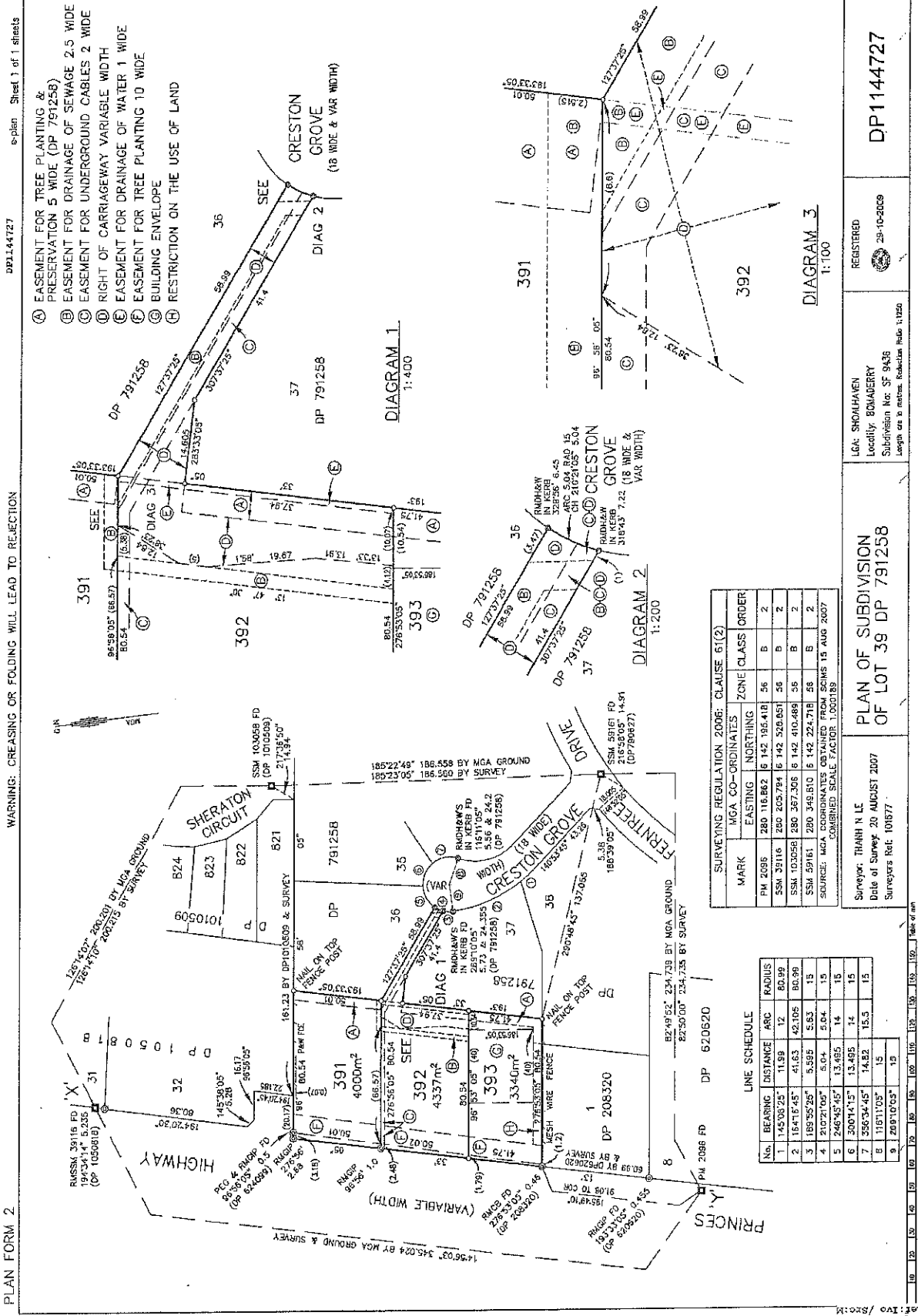
- Notwithstanding RMS' concerns relating to precedence and change of use, RMS does not consider it appropriate to rezone the land, or make amendments to the provisions in the LEP (such as the discussed allowance clause) to allow a boat showroom within the current zoning.
- Allowing direct access to the Princes Highway would create an unnecessary conflict point with the State road, inconsistent the Section 1.3.2 of the RTA Guide to Traffic Generating Developments and inconsistent with Clause 101(2)(a) of SEPP Infrastructure.
- The Traffic Statement submitted in support of the proposal correctly identifies that Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) is relevant to this matter. RMS does not believe the applicant has adequately addressed Clause 101(2)(a). The applicant's Traffic Statement (page14) states "Vehicular access to the proposed development can only be provided via a classified road".
- While RMS accepts that for such a business to operate it would not be practical (or viable) for the business to obtain access via Creston Grove, RMS in no way accepts that this addresses the intention of this clause. RMS is satisfied that practical vehicular access to the land is available via Creston Grove for the current zoning.
- RMS highlights it is common for residential properties to be located adjacent to service stations. While RMS accepts that it would not be desirable to be located next to a service station, it is inevitable this will occur where residential zones abut a zoning that allows a service station. In this regard, RMS undertook a quick desktop analysis which identified numerous residential developments adjacent to services stations. These are provided in **Attachment 2**.
- The applicant's Traffic Statement (page 13) states that "a future DA does not need to be referred to RMS for comment". While a referral to RMS for a boat show room and office would not be required under Schedule 3 of SEPP Infrastructure, RMS concurrence under Section 138 of the Roads Act, 1993 would be required for the driveway and associated works within road reserve.
- RMS notes that the Traffic Statement accompanying the proposal predicts that the boat showroom business would only generate approximately 2 peak hour movements. While RMS objects to the provision of the access itself, the following are comments on the traffic analysis. RMS notes the analysis is based on applying a 10% factor to predicted daily movements. RMS does not support this approach. RMS considers that the likely peak traffic generation rates should be based on the rate for motor showrooms contained in the RTA Guide to Traffic Generating Developments. If the applicant considers these are inappropriate, the traffic generation rates would ideally be supported by surveys of other similar sites and a first principles analysis to determine peak hour movements (not daily movements). For instance, how many staff are likely to arrive/depart in the peak hour, how many customers, how many service vehicles etc.

On the basis of the information set out above, RMS objects to this planning proposal. Should you have any questions please contact Chris Millet on (02) 4221 2570.

Yours faithfully,



Adam Berry
Manager Network & Safety
Southern Region



REG
 DP1144727

REGISTERED
 20-10-2009

LGA: SHOUHAIEN
 Locality: BOMABERRY
 Subdivision No: SF 9436
 Legn on to street: Induction Made 11/200

PLAN OF SUBDIVISION
 OF LOT 39 DP 791258

Surveyor: THANH N LE
 Date of Survey: 20 AUGUST 2007
 Surveyors Ref: 101877

SURVEYING REGULATION 2006: CLAUSE 61(2)

MARK	MGA CO-ORDINATES EASTING	NORTHING	ZONE	CLASS	ORDER
PM 2096	280 116.862	6 142 195.418	56	B	2
SSM 59116	280 205.794	6 142 526.051	56	B	2
SSM 103058	280 367.366	6 142 410.489	56	B	2
SSM 59161	280 348.610	6 142 224.718	56	B	2

SOURCE: MGA COORDINATES OBTAINED FROM SCIMS 15 AUG 2007
COMBINED SCALE FACTOR: 1.000189

LINE SCHEDULE

No.	BEARING	DISTANCE	ARC	RADIUS
1	145°03'25"	11.89	12	60.99
2	164°16'45"	41.63	42.105	60.99
3	189°55'29"	5.895	5.63	15
4	210°21'05"	6.04	6.04	15
5	246°43'45"	13.865	14	15
6	300°14'15"	13.495	14	15
7	356°34'45"	14.82	15.3	15
8	116°11'03"	15	15	15
9	289°10'03"	15	15	15

Location: Westside Petroleum, Parkes St, Helensburgh



Location: Caltex Star Mart, Shellharbour Road, Barrack Heights / Part 1 of 2



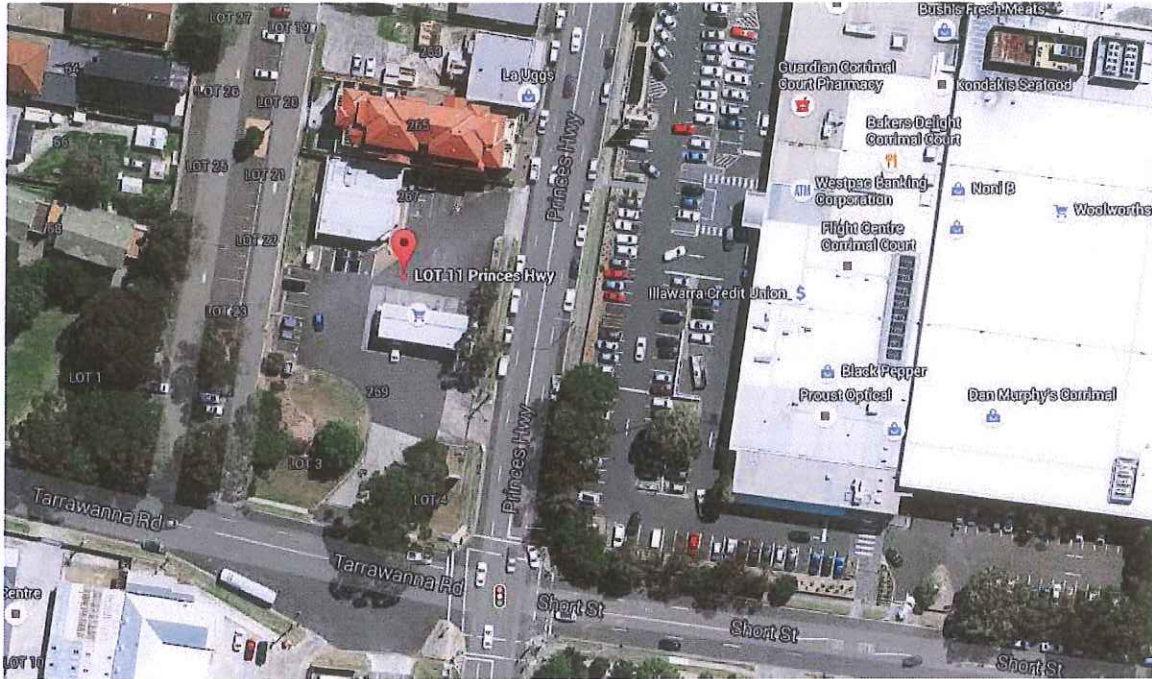
Location: Caltex Star Mart, Shellharbour Road, Barrack Heights / Part 2 of 2



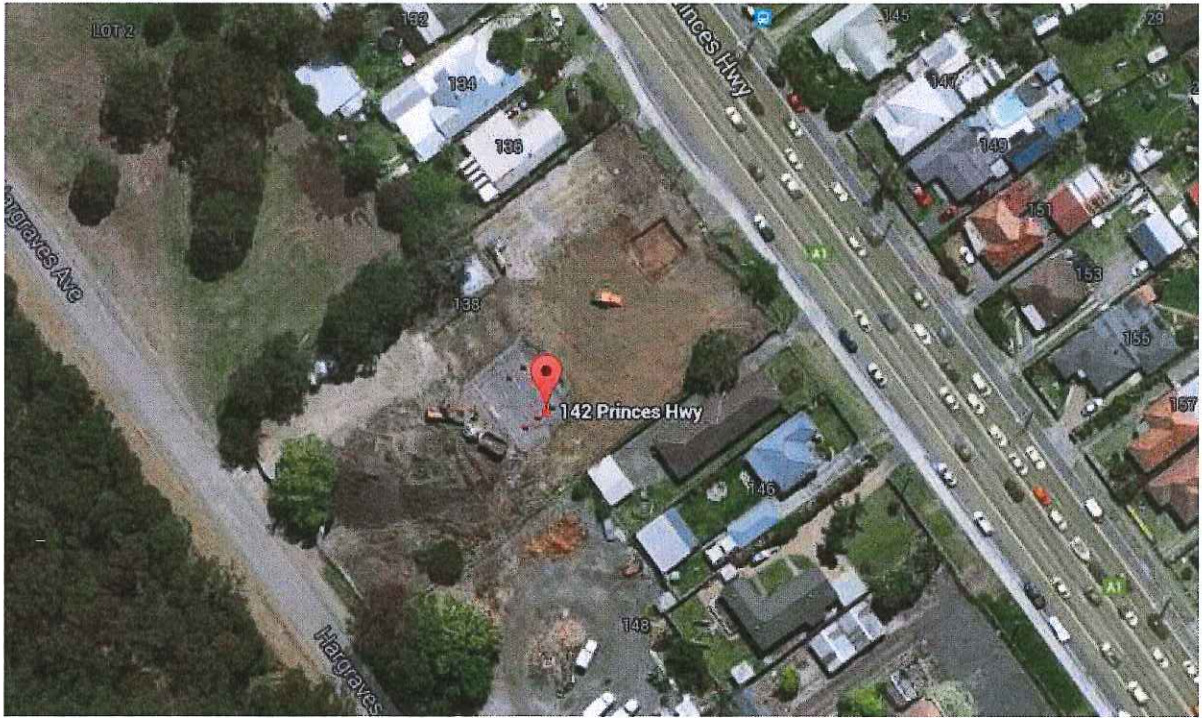
Location: Enhance Petrol Station, Princes Hwy, Albion Park Rail



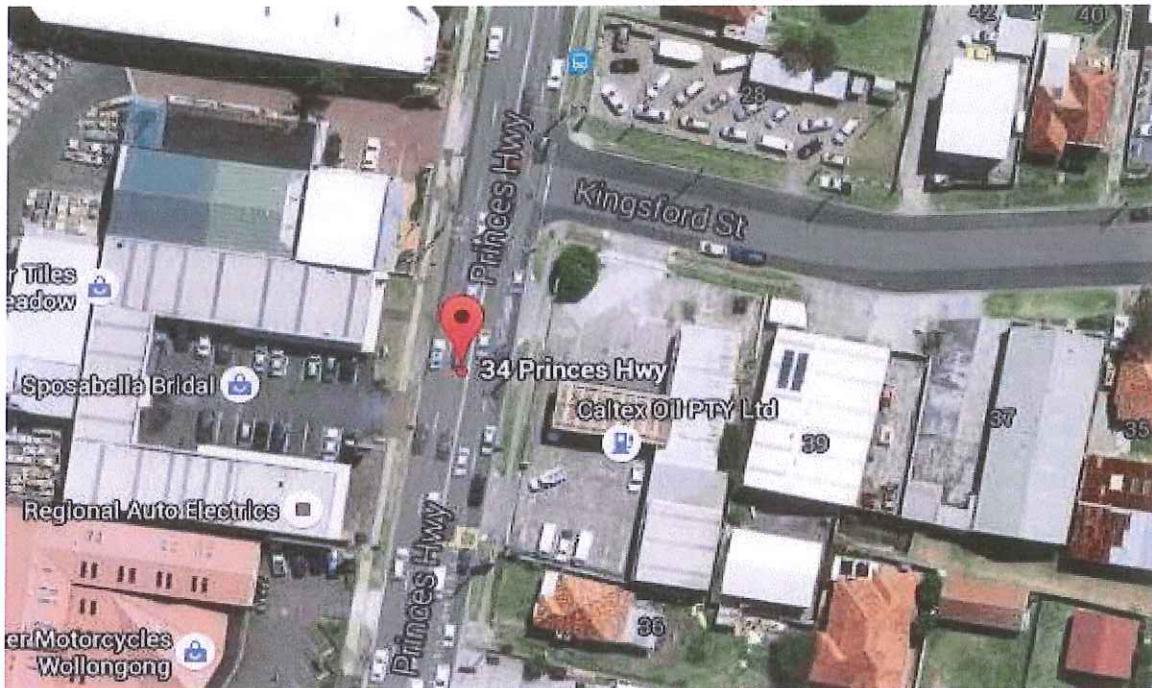
Location: Shell Petrol Station, Princes Hwy, Corrimal



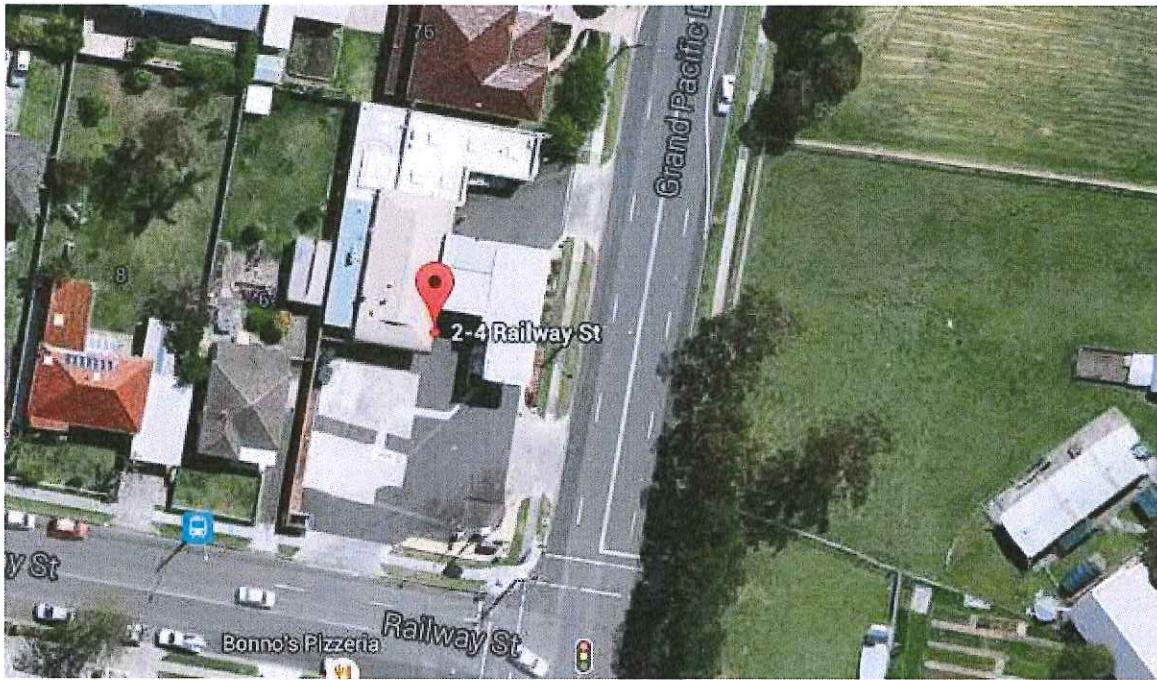
Location: 7-Eleven, Princes Hwy, Albion Park Rail



Location: Caltex Oil, Princes Hwy, Fairy Meadow



Location: Caltex, Railway St, East Corrimal



Location: Speedway Petrol Station, Hawkesbury Road, Westmead



Location: Fuel Power Plus, Cumberland Rd, Ingleburn

