

## Summary of consultation questions

### *1. Are these the right principles to guide retail and commercial development?*

The principles are broadly appropriate; however, they do not seem to be successfully carried through into the content of the draft policy; for example, there is little integration of sustainability throughout the policy. In relation to principle 2, this should be amended to include a reference to sound strategic plans to identify and support centres that are to grow and new centres, otherwise this may simply occur in an “ad-hoc” fashion which would not be sustainable and would impact on the viability of centres or undermine existing centres and infrastructure provision.

### *2. Is this the appropriate planning framework for corridors? What development should be permitted in corridors?*

As these are only used in the Metropolitan Strategy, this question is not relevant to Shoalhaven LGA.

### *3. Does the policy framework contain the right elements? Are there elements that should be added or removed?*

The policy framework should have a greater focus on strategic planning to reduce the need to undertake “one off” rezonings.

Comprehensive LEPs are identified as an element of the policy framework in that they set out zones, heights and floor space ratios (FSR) to ensure the supply of floorspace accommodates demand. However, in the Shoalhaven LGA, the detailed background information to support the setting of heights and FSRs is inadequate in many areas. In addition to the Department of Planning (DoP) assisting in setting floorspace supply and demand assessments (FSDAs), it would be appreciated if they also provided support and assistance via studies to determine appropriate heights and FSRs, particularly in the major regional centres and major towns, so that they are realistic and soundly based.

The framework should include a stronger focus on long term strategic planning, as in many cases regional Councils are implementing current strategic plans in major centres where commercial and retail centres have been extensively studied to determine appropriate zones (although not heights and floor space ratios) for their future viability. An example in Shoalhaven is the Nowra-Bomaderry Structure Plan and the supporting studies by Leyshon Consulting.

### *4. Does the centres typology contain too many centre types, not enough centre types or is about right?*

The typologies do not seem to match those in the South Coast Regional Strategy which references major regional centres, major towns and towns. The centre types should logically align with centre types that have already

been “adopted” by DoP. Neighbourhood centre seems to be a misleading term for regional areas; it appears to be tailored towards suburban shopping centres rather than coastal towns and villages in regional areas such as Eden. The ‘stand alone shopping centre’ definition also does not seem applicable for regional areas. Further, the importance of tourism orientated towns/villages such as Huskisson does not seem to be recognised.

5. *Are floorspace supply and demand assessments (FSDAs) the right approach to assessing retail and commercial floorspace demand? Who should be responsible for undertaking FSDAs and how often?*

The DoP should be responsible for undertaking FSDAs through close consultation with Councils, specifically to ensure any work already undertaken by Councils is integrated via this new process. They should fit into the current planning reform system and therefore be undertaken to inform the compulsory 5 year reviews of comprehensive LEPs to ensure that Council has a mechanism for maintaining an adequate supply of retail and commercial floorspace.

6. *Is the interim retail target set at the right level? Should councils be able to use existing information to set interim retail targets before an FSDA has been produced? Are interim commercial floorspace targets required? If so, at what level should they be set?*

The draft Policy acknowledges that regional areas have differing demand and supply factors; thus it may not be appropriate to use a generic, metro based equation for calculating targets for regional areas.

Using Nowra-Bomaderry (major regional centre) as an example, calculation of the interim retail target for 2020 gives a target that is significantly less than that forecast in the Nowra-Bomaderry Structure Plan which predicted that Nowra will be the site of a major department store and associated shops to serve the wider region. Therefore, where Councils have existing, accepted and current information, this should be used to help set targets. Where no information is available, the DoP should set general principles for the supply of retail and commercial floorspace in regional areas, rather than set numerical targets.

7. *Is the approach of identifying a large area of land supported? Are there other suitability criteria that should be included, or criteria that should be omitted?*

For regional areas, the focus is and should always be on retaining and enhancing the economic and social viability of the existing commercial and retail centres. This is a sound planning principle, based upon demographics such as population projections, age and employment factors; and traditional geographic and/or topographic layout of regional centres. There is no reason to revisit or change this planning principle for regional areas via this policy which is a response to the private sector, unless a justified planning and

community based reason can be identified, which has not occurred in this case.

The South Coast Regional Strategy states that 'Employment and residential growth will be concentrated around existing well serviced South Coast Commercial centres such as Nowra-Bomaderry, Batemans Bay and Bega'. Therefore, it is not considered appropriate for regional areas to identify large areas for new centres. In terms of identifying large areas adjacent to existing centres, consideration should be given to whether this encourages sprawling, car dependent centres, and whether heights and FSRs are a more important mechanism to match supply and demand to achieve more compact centres where likely population growth is well known.

*8. Should a more flexible approach to the policy framework be adopted in regional areas? Are there other areas, such as some parts of Western Sydney, where a similarly flexible approach might apply?*

Yes, there should be separate a Centres Policies or section of the current Policy that specifically relates to regional NSW. There are different demands in relation to commercial and retail centres in regional areas (than in cities), such as seasonal influx of visitors and the aging population, and this should be separately identified so that regional Councils are not forced, yet again, to attempt to implement policy that is "metro centric" and represents inappropriate planning in a regional area.

*9. Should the B1 (Neighbourhood Centre) zone be removed?*

No, it is an appropriate zone in regional areas to distinguish between a neighbourhood shopping centre and the business area of a small town or village zoned B2 which allows the flexibility required to service more than just the convenience needs of the residents.

It is accepted that this zone (B1) may be less important in NSW cities, however, it is considered appropriate in the Shoalhaven LGA and has already been utilised in draft Standard Local Environmental Plans that are nearing finalisation.

*10. Should the B5 (Business Development) zone be amended? What would be an appropriate name for the B5 zone?*

The name seems appropriate for the intended purpose, however, Council would welcome tightening of the objectives to make it clear that these areas should not compete with town centres.

*11. Should the name of the B6 (Enterprise Corridor) zone be changed so not to be confused with Economic, Renewal and Enterprise Corridors in the strategies?*

As this zone was not considered suitable for inclusion in the draft Shoalhaven Local Environmental Plan 2009, this question is not relevant to Shoalhaven LGA.

- 12. When should general retail be a permitted use in enterprise corridors? What forms of retail could be permitted in the zone? Should there be a floorspace limit for all or only certain shops and showrooms, or at all?*

As this zone was not considered suitable for inclusion in the draft Shoalhaven Local Environmental Plan 2009, this question is not relevant to Shoalhaven LGA.

- 13. Is this the appropriate planning framework for business parks and the B7 (Business Park) zone?*

The proposed planning framework appears to be appropriate.

- 14. Are these the appropriate exceptions to retail and commercial development in industrial zones? Are there others? Should retail generally be excluded?*

Council supports the exclusion of general retailing from industrial zones to protect valuable employment land and to avoid future land use conflict issues in relation to valid "industrial" land uses. However, Council would welcome revision of the definition of 'industrial retail outlet' to allow for sale of goods not manufactured on the site and to allow for sale of goods from wholesale or warehouse premises. Both the definition requiring the industrial retail outlet to be in conjunction with an industry, and clause 5.4 which sets out controls relating to the retail floorspace area, should prevent industrial retail outlets from becoming "pseudo-retail" premises.

- 15. What is the right approach to heights and floorspace ratios in different types of centres and settings?*

DoP should assist Councils to undertake soundly based studies to determine appropriate heights and floorspace ratios for the identified major centres and major towns. In smaller settlements, like the majority of the coastal villages in the Shoalhaven LGA, generic floorspace ratios are not necessary, given low demand; zonings have generally been an adequate approach.

- 16. Should multi-dwelling housing and residential flat buildings be mandated as permissible uses in the B4 (Mixed Use) and B2 (Local Centre) zones?*

Only in the B4 Mixed Use zone. Multi-dwelling housing and residential flat buildings are not necessarily appropriate in regional areas where the B2 zone has been used. Councils should retain the ability to determine this for their own LGA. These residential uses also compete with retail and commercial floorspace. Shoptop housing would be more suitable as a mandated use in this zone.

*17. Does the definition of 'retail premises' need refining to better define the range of land uses it includes and the hierarchy of those subordinate land uses?*

Yes, as it is a very confusing "group term" in the Standard LEP Instrument. It would be less confusing for the community for the subordinate land use terms to be used instead. For example, listing the land use term retail premise does not make it apparent that restaurants are a permissible use in a zone even after reading the definition of that term.

*18. What land uses should be included/excluded from the group terms 'shop' and 'retail premises'? Why?*

Remove the land use term "retail premises" as its meaning is too obscure and use the individual subordinate definitions instead to make it clear what is permissible, or not in each zone.

*19. Is the Net Community Benefit Test the right approach to rezoning? Are there other criteria that should be used to assess rezoning proposals? What guidance should be provided to stakeholders to enable them to assess proposals under the criteria identified?*

The inclusion of the 'Gateway' process and the Net Community Benefit Test in the draft policy encourages speculative land purchases, which in turn puts pressure on Councils to rezone often inappropriate land. This is sometimes land that has been the subject of a strategic plan where a rezoning was not supported and the community was part of that process. It also encourages reactionary planning rather than best practice strategic planning.

Rather than ask questions, the Net Community Benefit Test should set objectives that have to be met to make it clear that this is what needs to be achieved through the rezoning process. Externalities are often difficult to quantify (especially in relation to environmental values) and are subjective, so it will be difficult to determine whether net community benefit will result from the development. The draft policy does not make it clear who undertakes the test and how transparency is achieved – is there any level of community consultation?

*20. Is there support for ensuring the impact on individual businesses is not considered in the merit assessment process?*

Case law for economic development under S79(c) already requires that a broader perspective be adopted and the social and economic benefit to the community need to be considered. Impacts on individual businesses, especially in the same location, are seldom given weight as local businesses may not be able to compete with the entry of a national retailer who benefit from economies of scale into the local market.

Excluding competition as a consideration of assessments of development applications is likely to be to the detriment of Main Street programmes. It may

also encourage unsustainable development, particularly in fringe areas where the cost land of cheaper, resulting in empty shops that are difficult to lease.

*21. Is there more that can be done to prevent businesses using objections to delay, or increase the costs of the planning process for their competitors?*

Case law on this issue has defined the extent and degree of consideration that is likely to be supported by the courts. If the Land and Environment Court adopted a clear 'planning principle' on economic impact it could clarify the situation further and reduce representations by competing businesses.



## **DRAFT CENTRES POLICY—QUESTIONS AND ANSWERS**

April 2009

### **OVERVIEW**

The Department of Planning has released a draft Centres Policy to help guide planning for retail and commercial development in New South Wales.

Key features of the draft Policy include:

- The draft Centres Policy aims to ensure the supply of available retail and commercial land in new and existing centres always accommodates the market's demand, thereby promoting competition through allowing new entrants into the market.
- In doing so, it supports the retail and commercial sectors, which in 2007 contributed 41 per cent to the State's economic growth and almost half of all employment in New South Wales.
- It also forms an important response to studies by the Australian Competition and Consumer Commission (ACCC) and the Productivity Commission, which recommended that all levels of government consider ways in which planning and zoning laws can help promote competition.
- The draft Policy consolidates the Government's position into one document, providing a clear policy framework and outlines how this approach is to be implemented on the ground.
- By discouraging the uncontrolled sprawl of isolated and car-dependent retail facilities, it promotes the creation of vibrant centres.
- This approach will also avoid the massive costs associated with a more decentralised model.
- A continuation of robust assessment criteria for rezonings and new developments, including an assessment of environmental impacts, traffic impacts, and urban design issues.

### **QUESTIONS AND ANSWERS**

**Q. Why has the draft Centres Policy been written?**

A. The existing Policy is spread across a number of documents and has been incrementally amended over a number of years. The Government has consolidated the Policy into one document, within a clear policy framework that outlines how this approach is to be implemented on the ground.

Further, there has been a significant amount of debate about the Policy fuelled by reports from the Australian Competition and Consumer Commission and the Productivity Commission, which argued that all levels of Government should consider how planning and zoning laws impact upon competition.

**Q. Will it replace existing NSW Government policies in regard to centres? What are these existing policies?**

A. Yes. Once implemented, the draft Centres Policy will be the overriding policy with regard to retail and commercial development.

The current Centres Policy is set out across a number of documents, including:

- 'The Right Place for Business and Services'—the planning policy component of the Integrating Land Use and Transport policy package
- the Metropolitan Strategy *City of cities: a plan for Sydney's future*
- draft subregional strategies
- the Standard Instrument for local environmental plans.

**Q. What are some of the new tools/approaches introduced by the draft Policy which will be used to plan for new and existing centres?**

A. The draft Policy sets out a number of new tools/approaches:

- Regional and subregional floorspace supply and demand assessments (FSDAs) will be undertaken by the Department in partnership with local councils to determine the current supply and likely future demand for retail and commercial floorspace and provide a robust basis on which to plan for new development.
- These FSDAs, when complete, will be used for the development of minimum floorspace targets for each region or subregion and each council area.
- The Department and councils will continue to regularly monitor the supply of regional and subregional retail and commercial floorspace to ensure supply keeps pace with market demand.
- As part of a more flexible approach to zoning in centres to deliver greater choice and convenience for consumers, councils will need to identify areas of land in existing and new centres that can be zoned to allow for appropriately-located retail and commercial uses.
- In doing so, councils should ensure that the design of centres appropriately considers their public, civic and sustainability values, as well as their economic role. In particular, the design should consider:
  - **public amenity** – promoting high quality urban design with a dynamic mix of land uses and attractive public spaces
  - **public access** – providing direct pedestrian and cycling network access, close co-ordination with public transport and other infrastructure and ensuring safe and appropriate levels of traffic
  - **urban context** – considering local character, requiring design excellence and a suitable mix of building types
  - **sustainability** – requiring flexible and sustainable building design that incorporates efficient use and re-use of energy, water and natural light.
- Within this more flexible approach, a **Net Community Benefit Test** would need to be undertaken by the proponent and accepted by the Department of Planning before any approval could be given for a proposal that is inconsistent with the currently-permitted use in a zone. This test would include consideration of factors such as:
  - Will the proposal facilitate a permanent employment-generating activity?
  - Is the existing public infrastructure capable of servicing the proposed site?
  - Will the proposal result in changes to the car distances travelled by customers, employees and suppliers?
  - Will the proposal be compatible/complementary with surrounding land uses?

**Q. Should the exhibited document be used by councils or other public authorities when formulating new draft environmental planning instruments and in development assessment?**

A. Councils should not use the draft Centres Policy when formulating new draft environmental planning instruments and in development assessment. At this stage the Department of Planning wants to ensure that the policy is right and is therefore seeking feedback on the principles and policy framework. A decision on how to implement it (e.g. Directions, amendments to the Standard Instrument, a Planning

Circular, State environmental planning policy) will be taken as part of finalising the Policy.

The Department of Planning wants to ensure the planning system supports competition in NSW. Therefore, before the Centres Policy is finalised, Councils are encouraged to think how they can support competition as part of their strategic planning.

**Q. Does it retain the NSW Government's long-standing policy to encourage new retail development in centres?**

A. Yes. The draft Centres Policy sets out that retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres.

It also sets out that the planning system should be flexible to enable centres to grow and new centres to form.

**Q. How does the Policy ensure development of new centres is done in a sustainable way?**

A. The Policy sets out that expansion of existing centres and the identification of new centres should have the capacity to contribute to environmental outcomes. Further, in designing centres and buildings, the draft Policy states that sustainability issues such as energy and water efficiency should be considered.

As with any other developments, the Development Assessment process for retail and commercial developments will assess their ability to meet environmental objectives.

**Q. How will the Policy support existing centres?**

A. The draft Centres Policy encourages all centres to provide opportunities for a range of retail and commercial development to enable them to continue to prosper.

It sets out that all centres should be allowed to grow, and new centres form, and that opportunities should be provided in all centres to allow new businesses to open.

**Q. How has the Policy been developed, i.e. what stakeholders have been consulted?**

A. In developing the draft Policy, the Department has sought input and feedback from a range of stakeholders including: Property Council of Australia, Shopping Centre Council of Australia, Bulky Goods Retailers Association, Urban Taskforce NSW, Planning Institute of Australia (NSW), Local Government and Shires Associations, NSW Business Chamber, Woolworths, Coles, ALDI, Supabarn and Costco.

**Q. How will the Policy, if adopted, be implemented? Does it require supporting legislation or statutory instruments?**

A. At this stage the Department of Planning is keen to ensure that the policy is right and is therefore seeking feedback on the principles and policy framework. A decision on how to implement it (e.g. Directions, amendments to the Standard Instrument, a Planning Circular, State environmental planning policy) will be taken as part of finalising the Policy.

**Q. How do I comment on the draft Centres Policy? What are the specific consultation issues of interest to the NSW Government?**

A. You are invited to make comments on the draft Centres Policy, including the issues raised in the draft Policy and any other issues which could assist in providing a planning framework which would support a strong, adaptable retail and commercial sector for the benefit of NSW. Submissions are requested by 11 May 2009.

Submissions may be sent to:

Email: [innovation@planning.nsw.gov.au](mailto:innovation@planning.nsw.gov.au)

Fax: 02 9228 6311

Post: The Director, Policy, Planning Systems and Reform, Department of Planning,  
GPO Box 39, Sydney NSW 2001

**NSW** | The Hon **Kristina Keneally** MP  
Minister for Planning | Minister for Redfern Waterloo

Councillor Paul Green  
Mayor  
Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541

Shoalhaven City Council  
Received  
24 MAR 2009

D09/960

17 MAR 2008

Dear Councillor Green *Paul*

File No. \_\_\_\_\_  
Referred to: *M Holmes*  
*mcs*

I refer to your letter concerning the proposed rezoning and biodiversity issues of Jerberra Estate.

I have requested that the Department of Planning work with Shoalhaven City Council and the Department of Environment and Climate Change (DECC) to achieve the most appropriate outcomes for both residential development and the conservation of the environmentally significant areas within Jerberra Estate.

The Department has advised that it will not support Council's preferred option of one dwelling per lot while only protecting that area identified under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999. However, the Department is prepared to work with Council and DECC to investigate the "BES option 2" proposal involving the rezoning of about half of the Estate.

The loss of additional high conservation value land can only be considered if a substantial conservation offset could be agreed upon. Council's decision to investigate Coomonderry Swamp as a potential conservation offset will need to include a consideration of a range of matters. These include the circumstances under which Coomonderry Swamp came into Council's ownership, the level of protection currently afforded to the Swamp, which I note is a SEPP14 wetland, and the conservation value of the proposed offset when compared against land which would be cleared at Jerberra.

I am advised that the Department is awaiting Council's investigation of the "BES option 2" and the Coomonderry Swamp proposal before considering the rezoning for Jerberra Estate. I look forward to reviewing the outcomes of this investigation.

I encourage you to continue to work with Mr Neil McGaffin, of the Department of Planning, on this matter. Mr McGaffin can be contacted on telephone (02) 4224 9455.

Yours sincerely



The Hon Kristina Keneally MP



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**MAYORAL**

Our reference: MD09/598  
 Contact: Michael Hood, (02) 6229 7091

Shoalhaven City Council

Received

- 9 APR 2009

File No. 2653-04Referred to: m Holmes D  
mcc 25 @

1/4/09

Councillor Paul Green  
 Mayor  
 Shoalhaven City Council  
 PO Box 42  
 NOWRA NSW 2541

Dear Councillor

I refer to your letter of 13 February 2009 to the Minister for Climate Change and the Environment, the Hon Carmel Tebbutt MP, regarding the proposed rezoning of Jerberra Estate. Minister Tebbutt referred your correspondence to the Department of Environment and Climate Change (DECC) and I am responding on her behalf. I apologise for the delay.

I note Council's intention to continue to lobby and advocate for its preferred option to re-zone one building entitlement per lot at Jerberra Estate.

As detailed in Minister Tebbutt's letter of 29 January 2009, DECC's position on this matter has been formulated by its statutory responsibilities for protecting the environment, as well as adhering to the objectives of the South Coast Regional Strategy, which sets out a clear and certain land use plan for the South Coast.

DECC has attempted to engage constructively with Council in assessing the available options to progress and ultimately resolve the complex issues at Jerberra Estate, however Council's current position on the matter makes it difficult to achieve further progress towards a desirable outcome.

DECC officers are willing to secure a sustainable outcome for Jerberra Estate, which balances the demands for future growth with the need to protect and enhance environmental values, as outlined within the South Coast Regional Strategy.

Should Council wish to discuss this matter further and/or clarify DECC's position, Mr Gary Whytcross, Director South, Department of Environment and Climate Change is best placed to answer your queries and can be contacted on (02) 6229 7124.

Yours sincerely



**JOE WOODWARD**  
 Deputy Director General  
 Environment Protection and Regulation

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Department of Environment and Climate Change NSW







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**REPORT OF GENERAL MANAGER****DEVELOPMENT COMMITTEE****TUESDAY, 11 NOVEMBER 2008****STRATEGIC PLANNING****1. Section 94 Contribution Plan - Draft Amendment No.96 - St Georges Basin Village Centre and Anson Street Extension File 36569 PDR**

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**Purpose of the Report:**

The purpose of this report is to inform Council of the outcomes of the recent public exhibition of the following two draft Section 94 Contribution Plans:

- St Georges Basin Village Centre Development Contributions Plan; and,
- Contributions Plan 1993 Amendment No.96 – Anson Street Extension, St Georges Basin.

and to makes recommendations in relation to acquisition and adoption of the exhibited plan.

**Details/Issue:****Background**

Following a status report to Council's Development Committee in August 2007 in relation to the St Georges Basin development precinct, Council resolved (MIN07.1215 part c) to amend Council's Contributions Plan to reflect additional infrastructure needs for the area. During the preparation of the amendments, the NSW Government passed the EP&A Amendment Act 2008, which significantly affects the way Councils can levy development contributions under what is currently section 94 of the EP&A Act (but which will be covered by different parts of the Act when the Amendments come into force). Consequently, it was considered prudent to exhibit the St Georges Basin and Anson Street contributions plans separately in a form that is expected to be consistent with the new legislation.

**Draft St Georges Basin Village Centre Development Contributions Plan**

The purpose of this Plan is to assist fund the provision of community infrastructure in the vicinity of the St Georges Basin Village Centre, by way of Section 94 Contributions from future development of land within the Contribution Areas designated in the Plan.

The format of this Plan is the first of its kind to be used in Shoalhaven Local Government Area (LGA) as it contains a number of different types of works to address the community infrastructure needs of a town centre (in this case, St Georges Basin Village) in the one document.

The scope of works in the draft plan is based on Development Control Plan (DCP) No. 17 (Amendment No. 2) St Georges Basin CBD area, and includes:

- St Georges Basin Village Access Road and Traffic Facilities;
  - St Georges Basin Village Centre Service Lane;
  - St Georges Basin Village Centre Drainage;
  - St Georges Basin Village Green;
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- St Georges Basin Public Car Parking.

Whilst these capital works projects are identified separately for administrative purposes, the plan allows for contributions to be pooled and progressively applied to the projects of highest priority as development occurs, offering greater flexibility for Council to respond to the infrastructure demands of development.

### **Contributions Plan 1993 Draft Amendment No. 96 – Anson Street Extension, St Georges Basin**

This Plan provides for an extension of Anson Street to join the Village Access Road and complete the local road network. This was also reported to Council in August 2007.

Copies of both draft Plans as exhibited are located in the Councillor's room. They include maps identifying the location of all works, properties affected by the Plan, cost estimates and contribution rates.

Much of these works were the subject of Amendments 37 and 38 of Council's 1993 Contributions Plan, adopted by Council in 2005. Subsequent adoption of DCP 17 Amendment 2 has required a revision of the scope of works and a review of cost estimates and contribution rates. If Draft Amendment 96 is adopted, previous amendments 37 & 88 of the 1993 Contributions Plan will be repealed.

### **Public Exhibition of the Plan**

Both draft Plans were placed on public exhibition from 25 August 2008 – 24 September 2008. Notification of the exhibition was placed in the South Coast Register on Wednesday, 20 August 2008 and in the Shoalhaven Mail on 24 September 2008. Affected landowners were also notified of the exhibition by mail.

Three submissions in total were received by Council during the exhibition period. (Copies of individual submissions are also available for Councillors to view in the Councillors Room).

### **Public Submissions Received**

<b>Submission No.</b>	<b>Council Ref.</b>	<b>Organisation/ Individual/ Business</b>	<b>Summary of Comments</b>
1	D08/147023	Private individuals (affected landowners)	Do not support the exhibited plan for the following reasons: <ul style="list-style-type: none"> <li>• Feels that the dedication of land is "ridiculous" considering the building on 144 Island Point Road is approximately three metres from the boundary to the east;</li> <li>• Suggests that the shopping centre should be moved east into the bushland to leave the land owners alone;</li> <li>• Does not feel they will benefit from the plan as their land is already serviced and has car parking and was established 25 years ago; and</li> </ul> Argues that their business does not need the service lane to operate, so they ask why do they have to pay for it?
2	D08/134206	Private individuals	Support the Anson Street Extension for the following reasons: <ul style="list-style-type: none"> <li>• Knew the extension was going to take place when they bought their land seven years ago</li> <li>• The Wool Road will be very busy in the future and so the extension will be a safe and convenient road to the shopping centre which may expand in the</li> </ul>

Submission No.	Council Ref.	Organisation/ Individual/ Business	Summary of Comments
			<p>future; and, The extension will make it easy to walk or cycle to the shops, many residents already do this through the vacant land which is the proposed extension to the shops.</p>
3	D08/151373	Community Organisations	<ul style="list-style-type: none"> <li>• Reiterates concerns of members regarding the amount of traffic to be generated with the development of this area;</li> <li>• Specifically reiterates concerns of residents in Paradise Waters Estate and those along waterfront regarding the amount of traffic generated with the development of the area;</li> <li>• Requests that Council ensure there is a weight limit on motor vehicles using local roads leading to and from the St Georges Basin shopping area and that local roads are protected from high numbers of through traffic;</li> <li>• Regarding timing, again requests that Council seeks the required funding to complete the drainage works for the St Georges Basin shopping area;</li> <li>• Regarding stormwater drainage, requests that Council reassess the Concept Plan to ensure the pipelines receiving higher flows will cope and suggests that replacement of the 600mm pipes will be a necessity;</li> <li>• Raises concerns about problems of high volume water flows carrying sediment/pollutants at the end of Collett Place and requests that Council advise residents of the plan for Drainage Outlet at the end of Collett Place.</li> </ul> <p>The following is a summary of comments provided on the last page of the submission in relation to the exhibited contributions plans:</p> <ul style="list-style-type: none"> <li>• “Requests drainage plan to be implemented prior to commencement of developments;</li> <li>• Suggests seeking funding from other sources to ensure the plan is finalised prior to the commencement of developments;</li> <li>• Concerned that existing drainage is not adequate to cope with additional drainage and increased water flow velocity;</li> <li>• Approves of the village green concept but is concerned about some loss of recreational area due to provision of extra car parking spaces; and,</li> </ul> <p>Requests extra assessment of drainage outlet at the waters edge to ensure greater protection for the health of the lake of St Georges Basin”.</p>

### Comments on Submissions

#### Submission 1

##### *Shopping Centre Location and proposed Service Lane*

This submission raised the issue of dedication of land for the proposed service lane and the location of the shopping centre, suggesting that the shopping centre should be moved east into the bushland, to avoid landowners having to dedicate land. The location of the shopping centre is not the subject of the draft contributions plan; rather, the location has been determined via adopted DCP No. 17 and by way of Development Application for the proposed supermarket.

In regard to the proposed service lane, the land owner states that their business does not require the service lane to operate, and questions why they then have to pay for it. It is considered that the benefits of the service lane include the following:

- Provision of reasonable separation from car parking areas and pedestrian way of service vehicles, including heavy vehicles servicing larger retail premises;
- Better management and safety of the entry and exit of service vehicles with the objective of minimising service vehicle disruption to Island Point Road;
- The ability of the properties on Island Point Road to develop their full frontage and to create double frontages. In the absence of rear service vehicle access, further development of these properties would not be possible to the same extent.

Given that the proposed service lane is also designed to permit future servicing of properties fronting Island Point Road, it is reasonable to require contributions from all benefiting properties. The service lane does not require a monetary contribution from landowners; rather, that the land be dedicated to Council without compensation as a condition of consent at the time future development occurs.

#### *Land Owner Benefits*

The land owners do not feel they will benefit from the plan as their land is already serviced, has car parking and was established 25 years ago. As stated in the draft Plan, the Plan takes effect only when future development (or redevelopment of existing premises) occurs to generate demand for the facilities specified in the Plan.

#### Submission 2

This submission was written in support of the extension to Anson Street.

#### Submission 3

This submission raised concerns about traffic, drainage and car parking. An objective of these Plans is to better manage future traffic growth expected in the locality. The Plan will also allow for additional car parking, with the area for the Village Green, not yet in public ownership, indicated in the DCP. Comments on drainage follow.

#### **Drainage**

The matters raised about drainage will be taken into consideration during the detailed design process of the drainage system described in the Plan. Council's Works & Finance Committee meeting of 21 October 2008 considered a recommendation to commence some \$400,000 of drainage works, which is reported elsewhere to this meeting of Council. If Council resolves this way, it represents a significant commencement of the works described in the contributions plan.

#### **Representation from Salcorp Developments Pty Ltd**

DCP 17 provides for the creation of some public car parking spaces and a Village Green on part of Lot 2 DP785956 (132 Island Point Road) owned by Salcorp Developments Pty Ltd (Salcorp). The land has a history of overland stormwater flows, so the use of the land as open space and car parking is considered suitable. The development of these facilities has been included in the scope of works for the draft St Georges Basin Village Contributions Plan, the subject of this report.

For some time, Salcorp has made representations to Council requesting Council implement its intention and acquire part or all of this land, noting that the title of the land is burdened by this intention. Because the Contributions Plan, if adopted, provides for the recoupment of the costs of land acquisition and construction from future development in the contributions area of the plan, it will be recommended that Council enter negotiations with Salcorp for acquisition of that part of the affected land necessary to provide the facilities described in the draft Plan, noting that the remaining area remains of some potential for development. Access constraints to the balance of the land have recently been resolved by Council acquiring adjoining land for the purpose of a road.

**Economic, Social & Environmental (ESD) Consideration:**

The proposed Contributions Plans will assist in achieving the goals of Council's Guidelines for Integrating the Principles of ESD into Shoalhaven City Council's activities as follows:

Economic sustainability:

- The plans will ensure that the key community infrastructure and services are provided to meet the demands of future development of the St Georges Basin Village Centre. The future development of the centre will be beneficial to the local and regional economy.

Social sustainability:

- Social benefits associated with the provision of the service lane to relocate heavy vehicles off the main road include improved pedestrian safety and streetscape amenity; increased visual surveillance of the area with associated improvements to public safety; greater access to the car park area and will also improve the efficiency of the operation of the main road; and,
- The extension of Anson Street will provide a convenient link for residents to walk or cycle to the Village Centre providing associated health benefits.

Environmental sustainability:

- Drainage works are proposed to commence soon which will help improve the water quality of St Georges Basin by better managing stormwater run off and sediment being carried into the waters of St Georges Basin.
- The extension of Anson Street will provide a convenient link for residents to walk or cycle to the Village Centre providing environmental benefits as a result of fewer car trips.
- Where car trips are involved, better access to the Village Centre is provided.

**Financial Considerations:**

The table below outlines the costs of the community infrastructure contained in the St Georges Basin Village Centre Contributions Plan and the proportion of the costs attributed to Council and to Developers.

<b>Capital Works Projects Associated with the St Georges Basin Village Centre Development Contributions Plan</b>	<b>Total Cost</b>	<b>Proportion of Cost to Council</b>	<b>Proportion of cost to future development</b>
St Georges Basin Village Access Road and Traffic Facilities	\$2,054,700	Nil	100%

St Georges Basin Village Centre Service Lane		Nil	To be dedicated to Council as development occurs
St Georges Basin Village Centre Drainage	\$720,900	Nil	100%
St Georges Basin Village Green	\$277,468	Nil	100%
St Georges Basin Public Car Parking	\$162, 960	Nil	100%

### **Contributions Plan 1993 Amendment No. 96 – Anson Street Extension**

As much of this area is already developed, a major share of the total costs will be borne by Council and the remainder by future development. The total cost is \$938,720 with the Council share of the total cost being \$766,934 and the developer share being \$171,786.

#### **Options:**

Council can choose to:

- a) adopt the contributions plan as exhibited;
- b) adopt the plan with changes; or
- c) not adopt the plan.

It is recommended that Council adopt these plans as exhibited, for the following reasons:

- these Plans are an update of existing Plan amendments with an expanded scope of works to now include the Village Green and service lane, as proposed in DCP 17 Amendment 2 previously adopted by Council, and with updated cost estimates;
- the demand for the works is directly attributable to development, and this is reflected in the apportionment of costs;
- submissions in regard to the service lane by an affected landowner seems to focus on the present situation, whereas the Plan takes effect as future development occurs;
- much of the content of submissions can be addressed at the time of commencement of the various works;
- it is proposed to commence drainage works, and the Plan, if adopted, will enable some of this cost to be recouped over time;
- the submission made in relation to the extension of Anson Street was supportive.

#### **RECOMMENDED that**

- a) **St Georges Basin Village Centre Development Contributions Plan and Contributions Plan 1993, Amendment No. 96 – Anson Street Extension, St Georges Basin, be adopted as exhibited;**

- b) Council place a notice of adoption in local newspapers and on Council's website within 28 days of adoptions, pursuant to the requirements of the Environmental Planning and Assessment Regulation 2000, and advise affected landowners and community groups accordingly; and**
- c) Council enter negotiations with Salcorp Developments Pty Ltd for the acquisition of that part of Lot 2 DP785956 necessary to provide community infrastructure described in DCP 17 Amendment 2 St Georges Basin, and a further report be presented to Council.**

**Huskisson Tourist Town Centre Development Draft Control  
Plan (DDCP) 54 Draft Amendment No. 4 - Comments  
Received From Public Exhibition File 10132-05 PDR**

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**Purpose of Report:**

The purpose of this report is to summarise the comments received from the recently completed public exhibition of Draft Development Control Plan (DDCP) 54 Draft Amendment No. 4 and provide sufficient analysis and comment for Council to finalise the DCP review.

***Executive Summary***

This section provides an overview of the many issues and details contained in the body of the report.

The review of DCP 54 Huskisson Town Centre originally began in 1999 and has progressed to the most recent exhibition of amendment No 4 which is the subject of this report. Council had also resolved to form a Working Party and engage an independent facilitator to advise Council on the final recommended DCP. Attachments provided include the overview of the final Working Party, some diagrams in relation to shadow impacts and a summary of all submissions received during the exhibition period.

Copies of other information relevant to this process have been provided in the Councillor's Information Folder.

The major issues which emerged from the Working Party are:

- Economic
- Local Context Analysis/Architectural Design
- Design review
- Building heights and bonuses

Submissions detailing specific issues have also been received from Government agencies including the Department of Planning and individual Groups of Council. A graphic summary of issues is also contained within the body of the report. Specific issues which require consideration of Council include:

- Village versus Town character
- Height control and density
- Blocking of views and vistas
- Disregard of the community view
- Setbacks
- Traffic and parking
- Urban building form
- Specific development of the Huskisson Hotel site
- Failure to conform with State and Regional planning guidelines

While there are many options available to reconsider or progress the matter options A to D have been provided for Council's consideration with some common considerations relevant to options B, C and D.

- Option A – Adopt plan as exhibited
- Option B – Workshop No 3
- Option C – Two and three storey
- Option D – Three and four storey

It would appear that there is no clear acceptance of the controls put forward in the Draft Development Control plan Amendment No 4 and contentious issue of height, loss of character view sharing and potential pressure on public car parking resulting from future residential apartments remain unresolved.

It is important that Council facilitates the continued growth in Huskisson that commenced with the first DCP adopted in 1994 in a way that complements the existing character and provides the opportunity for competition with other tourist destinations and which has successfully driven growth in the past. The suggestions put forward as options in this report should be considered by Council as a way forward.

Due to the complexity of the process and range of issues identified through the process it would be in the interests of Council to hold a Councillor briefing which would provide the opportunity for Councillors to be fully conversant with all of the issues prior to any final decision on the matter.

**Detail/Issues:**

A revised draft DCP (Amendment No.2) was prepared and exhibited in January 2007. The exhibition met with considerable concern from the community and focus groups who considered that it had been developed without proper community consultation. DCP amendment no.2 had recommended heights of up to 5 storeys albeit the maximum height could only be achieved by exercising bonus provisions. In response, the Huskisson Woollamia Community Forum (HWCF) engaged a consultant to facilitate their own community workshop during the public exhibition and submitted a detailed submission based on the comments received at their "have a say day". The workshop particularly reinforced their justification for heights of 2 and 3 storeys and the retention of a "village character".

The results of the public exhibition registered 73% of letters urging Council to retain existing character/heritage of the area and only two letters supporting the proposed height controls. Copies of the reports ( Development Committee 16/4/07; 14/8/07 and Ordinary (plus Addendum) on 8/4/08) are available in the Councillor's Information Folder, or can be viewed on Council's Web site in the business paper section at

<http://shoalhaven.nsw.gov.au/council/pubdocs/papers/2007/2007Jan-Jun/20070416%20SP&P.pdf>

<http://shoalhaven.nsw.gov.au/council/pubdocs/papers/2007/2007%20July%20to%20Dec/20070814%20DEV.pdf>

<http://shoalhaven.nsw.gov.au/council/pubdocs/papers/2008/Ordinary/20080408%20Ordinary.pdf>

DCP 54 amendment No 2 was adopted on the 24<sup>th</sup> April 2007 (Min 07/539) with "Tourist Town" being retained in the wording of the DCP, bonus provisions being increased to allow 6 storeys albeit the maximum provisions could only be applied to 3000m<sup>2</sup> sites and buildings demonstrated high architectural merit and a high degree of articulation.. The resolution of Council also included a requirement to exhibit an amendment to the DCP (Amendment No. 3) to limit development on the Huskisson RSL vacant car park site to a floor space ratio of 1:1 and impose a 12 metre setback from the eastern boundary (the latter to assist with protecting the view to Currumbene Creek).

In response to ongoing community concerns a Mayoral minute was considered by Council on the 25<sup>th</sup> June 2007 to hold two facilitated workshops with an independent facilitator to review possible amendments to the adopted plan. The Department of Planning was invited to attend the facilitated workshops together with community business and tourist representatives and a local architect Mr Mark Jones.

Following the exhibition of Draft DCP 54 amendment No. 3, 43 written letters were received of which 4 supported the plan as exhibited. Community comments were similar to Draft DCP Amendment No 2. The report to Council is also included in Councillor's information folder. Amendment No 3 was adopted by Council and in doing so accepted the RSL's Clubs submission regarding setbacks (including a reduction of the setback on the eastern boundary from 12 m to 5 metres) and a 3 storey height limit. The amendment was adopted on the 28<sup>th</sup> August 2007 (Min 07/1213).

The facilitated workshops were subsequently held and although consensus on height, desired future character and Design Guidelines could not be reached, it was agreed that the plan should be reviewed by staff, submitted to a further Councillor briefing and a report submitted to Council on 25<sup>th</sup> March 2008 Min 08/350. The report for a possible review was submitted to Council on the 8<sup>th</sup> April 2008 (Min 454) where it was resolved to exhibit an amended Plan subject to a number of requirements for public comment The Plan would be amendment 4. The two overviews prepared by the independent facilitator Dr. Danny Wiggins are included in Councillors information folder together with the Council report on the possible review of the DCP.

***Public Exhibition DDCP amendment No.4***

The Draft Development Control Plan (DDCP) Amendment No.4 was exhibited for 4 weeks from 16th June 2008 to 11<sup>th</sup> July 2008, (inclusive), at the Nowra Administrative Centre and the Huskisson Post Office with maps only being available in the Community Notice Board. The document could also be viewed on Council's website during this time. Letters inviting comment on the plan were distributed to all land owners within the DDCP boundary as well as owners of all lots adjacent to the DDCP boundary. Comment was sought from relevant Government agencies and Council Group Directors. An additional

independently facilitated workshop (No. 3) was also held during the exhibition period.

***Workshop Overview***

# The 3rd workshop of the Huskisson Tourist Town DCP 54 Review working party was held on 9<sup>th</sup> July 2008 facilitated by independent facilitator Dr. Danny Wiggins. In attendance were the Mayor, Councillor Greg Watson, Councillor's Wilmott, Green and Kearney. Mark Parker and George Curtis from The Dept of Planning were also present. In accordance with the other workshops the facilitator prepared an overview (Attachment 'A').

- The workshop included amongst other things a presentation by staff addressing changes made to the DDCP from the last workshop and briefings to the Councillors and a video clip from the updated 3D model incorporating the most recent development applications received by Council.
- A Council report dealing with infrastructure requirements identified in the DDCP where Council resolved at that meeting to prepare and exhibit a draft contributions plan based on the principles recommended in the report. This included Council meeting infrastructure costs attributable to existing development.
- Following the staff presentation the facilitator invited participants to list the key issues of concern and documented. The following were discussed in more detail:
  - a) ***Economic***  
It was considered that the removal of the economic objective to protect the district centre as per the exhibited draft was appropriate.
  - b) ***Local Context Analysis/Architectural Design***  
Despite provisions in the document which describe height and density through setbacks and requirements of SEPP 65, it was felt that more qualitative information was required on the desired future character through a style guide and photographs that convey the desired building approach in keeping with the natural surroundings and being representative of a maritime leisure theme.
  - c) ***Design Review Panel/Expert Input***  
Further discussion occurred on the pros and cons of design panels their cost and overall benefit to the design process and why the previous recommendations of the working party had not been accepted. It was explained that such panels were not mandatory and were costly. Finding local experts was difficult and there was the potential for a conflict of interest.
  - d) ***Building Height and Bonuses***  
# Discussion focussed on the difficult area of perceived economic justification for the proposed heights and the issue of bonuses and

whether they applied only to Owen Street or the whole of the DCP. It was suggested that bonuses were only meant to apply to the main street and were required to encourage consolidation of the smaller lots. As with previous workshops debate focused on the number of storeys; 2 to 3 storeys with an additional bonus storey to three to four storeys with an additional bonus storey. Options for the bonus included restricting the additional floor to 50% or reducing the footprint to prevent overshadowing to civic areas whichever is the smaller. The workshop appeared to attain consensus on the 3 & 4 storeys plus 50% bonus on both sides of the street – the northern side being subject to a sunlight constraint. It was decided that diagrams be prepared by Council showing the sunlight constraint mentioned above (Attachment 'B'). Copies of the exhibited draft DCP Amendment No. 4 are provided in the Councillor's Room and individual copies can be obtained by contacting the Strategic Planning Group.

***Public Comments and Submissions arising from the exhibition of DCP 54 Amendment No 4***

# A summary of submissions received during the exhibition of the DCP is included as Attachment 'C'.

***a) Government/Agency /Council Group Submissions***

Government/agency submissions were received from the Department of Planning and Telstra and Council Group submissions were received from Development and Environmental Services, Strategic Planning – Infrastructure, City Services and Operations – Waste Management and Shoal Water.

- 1) The NSW Department of Planning's email (copy in Councillor's Information Folder) in summary states:
  - Huskisson should not have the same level of retailing as the Vincentia District centre and the DCP should state this as an objective.
  - An additional objective should be "to promote development in the commercial core above the surrounding area" ie. the town centre should be developed as a tourist commercial hub rather than just residential apartments. The surrounding area should be no higher than 11 metres.
  - Maximum heights should be capped at 10m North side and 13 metres south side.
  - One additional storey may be supported subject to there being clear economic, urban design and community benefits namely: Demonstrated economic benefits through lot consolidation and underground car parking; high architectural merit; setback articulation and shadow restrictions.

- An additional objective should be that the DCP controls should soften the impacts of Development when viewed from Jervis bay and Currambene Creek
- The Department is prepared to consider the Mayor's compromise proposal suggested at the working party (50% bonus on top floor subject to overshadowing issues) meeting provided:

*“Maximum heights include architectural roof features, the “coastal apartment” template is adopted, the inclusion of local design content showing natural, cultural and built form features and the plan includes examples of good practise building designs eg. sun angle diagrams developed after the working party meeting.”*

2) Telstra Comments in summary:

Network has sufficient capacity to deal with forecasted requirements of the plan.

3) Strategic Planning – Infrastructure Planning Comments in summary:

- 45 degree parking is possible in a 30 metre road reserve however detailed plans need to be developed to demonstrate whether there will be a net gain over the existing spaces.
- A definition is required for large space commercial users (the plan requires such developments to provide all their parking on site).
- Alignment has been provided for a future potential bypass of Huskisson to be exhibited with LEP2009.
- Relocation of service access from the existing Huskisson RSL appears to be foreshadowed but not made clear in the Plan.
- Streetscape plans need to be developed in order to determine future funding demands/opportunities

4) Development and Environmental Services Comments in summary:

- Objectives do not reflect higher density developments encouraged in the DCP
- Document is too prescriptive and needs to introduce more performance based controls.

- Additional definitions required for personal services and natural features.
  - Viewing points to Point perpendicular and to Currumbene Creek need to be shown on maps.
  - Retail commercial shopping link should be required on both sides of Currumbene Street below Owen Street
  - Other suggestions of an administrative nature
- 5) City Services and Operations Waste Management Comments in summary:
- DCP93 (Waste Minimisation Management) needs to be cited as a relevant policy for consideration
  - Waste management should be managed within the building footprint and provide access for trucks to such storage areas for collection. Trucks are getting larger and must provide services whilst moving in a forward direction and turning at the end of streets. Field Street is a good example where appropriate turning circles are inadequate.
  - Issues of litter bins size location and design particularly to accommodate issues of weekend visitors /residents using bins for domestic services.
- 6) Shoalhaven Water Group Comments:
- Suggested standard clauses to be included in the DCP (copy in Councillor's Information Folder).

***Director of Strategic Planning (DSP) Comment on Government/Agency /Council Group Submissions***

The comments calling for additional and/or revised objectives and definitions are relevant and can be added to the plan. The comments of the Department of Planning particularly on height are also relevant given the State governments authority to approve LEP 2009 including height controls This aspect of the plan will be discussed in more detail with the analysis of public submissions.

Waste Management concern with waste removal within larger developments is addressed in DCP 18 Car Parking Code which has design standards for service vehicles and guidelines for bin placements. Garbage management which takes into account tourism and day visitors should be considered through waste management policies for the whole city rather than this site specific DCP.

The capacity of existing infrastructure in Field Street has already been the subject of discussion in the working party and measures to acquire additional land have been foreshadowed in future infrastructure works and an adjoining development consent. The ability to acquire this land should be protected through setbacks provided on the plan.

***b) Public Submissions***

Three form style letters together with thirty three written submissions were received from the public during the exhibition.

**1) Form Letters**

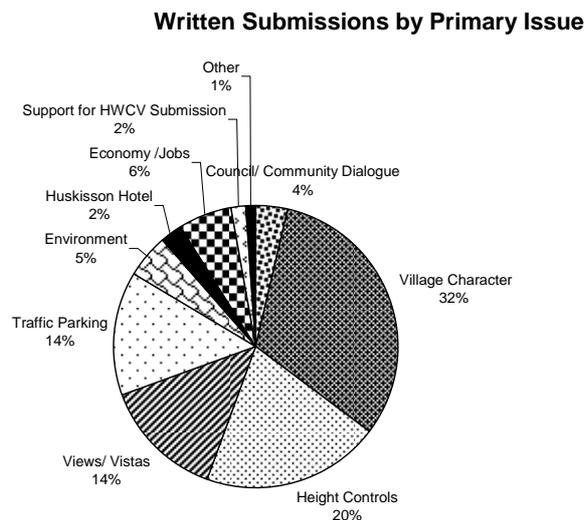
Copies of content of each form letter/petition are included in the Councillor's Information Folder. One of the form letters has twenty six signatories and the other has three signatories. Both object to the provisions of the plan. The 3<sup>rd</sup>, a petition of some four hundred and thirty four signatures endorse the proposed setbacks in the DDCP for the vacant RSL Land in Owen Street.

**2) Written Public Submissions**

32 written letters have been received of which three endorsed the plan as exhibited or components of the plan. Detailed submissions were received from the following community groups or business owners:

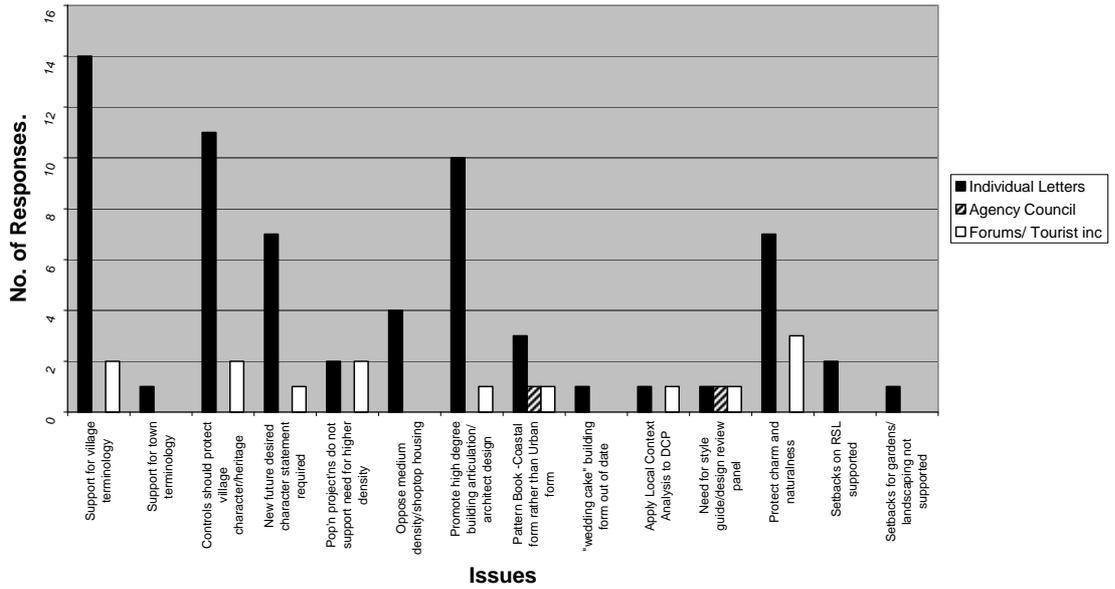
- The Huskisson and Woollamia Voice Incorporated (two submissions)
- Jervis Bay Tourism
- St Georges Basin Community Forum
- Huskisson Ex Serviceman's Club
- The Huskisson Hotel

# Copies of all submissions have been available for perusal in the Councillor's Room prior to the meeting. In summary, the main issues in these submissions are shown in the tables below and in more detail in Attachment C:

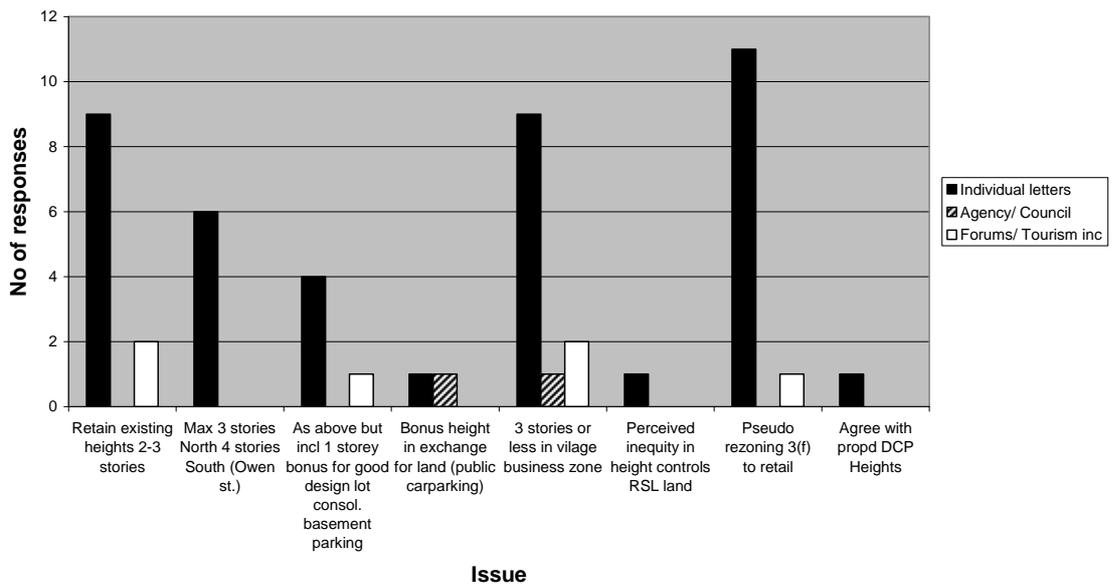


Graphs showing 4 most frequently commented upon Primary issue and sub-issues within each group

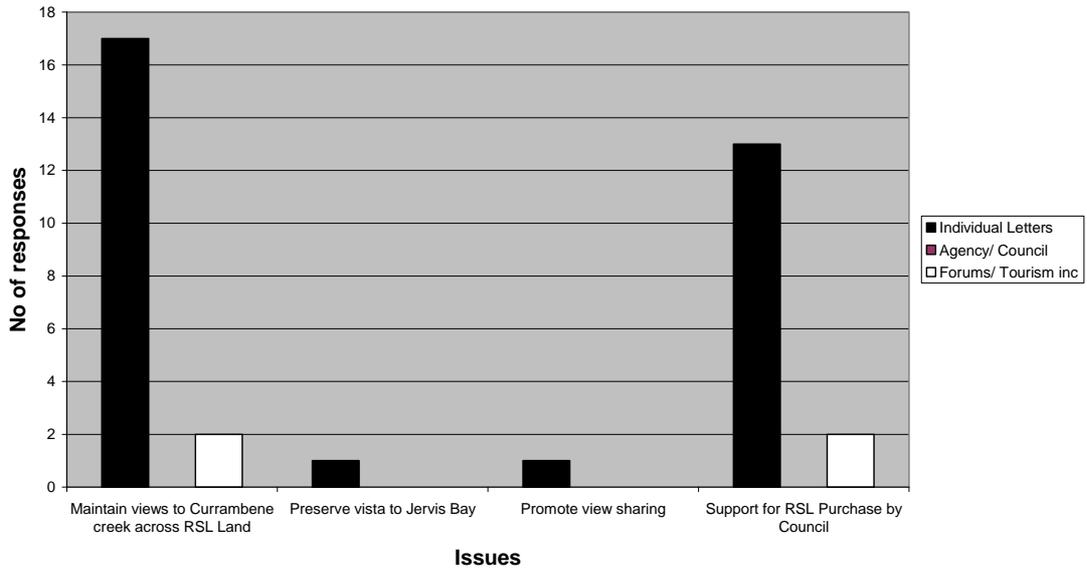
**Comment No2 Character,Design and Amenity Village V's Town**



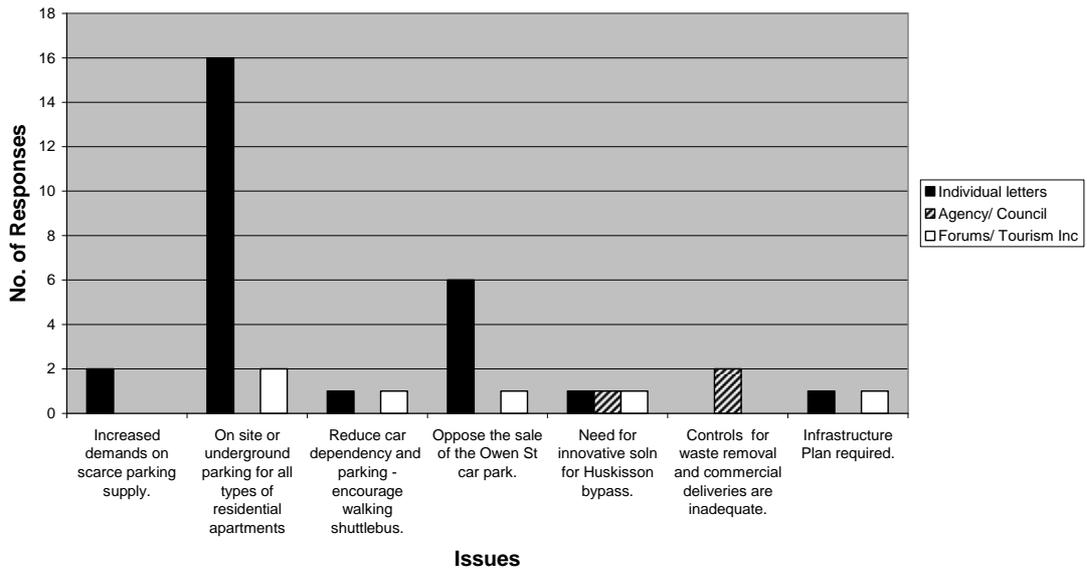
**COMMENT No. 3: Height Controls/Density/Village business Zones**



**COMMENT No.4: Views and Vistas**



**Comment No 5: Traffic and Parking Sale of Public Infrastructure**



**c) *Elected Representatives and Staff Disregard for Community Concerns/Planning Process***

This issue was brought up at the working party workshops and through individual letters. The following are extracts from various submissions:

- “extremely disappointed with the lack of attention paid to their concerns and with which Council has treated their many and comprehensive submissions over almost 2 years that the Plan had been under review.

- “Councillors and staff look down on many submissions from the community as being technically poor and thus can be dismissed as being irrelevant. This denies access by people with all levels of expression and understanding of Council’s consultation process”
- “from the eighty written submissions to Council in early 2007, seventy eight of these expressed opposition to some aspects of the plan and yet at both the committee level and at full Council these submissions were ignored by our elected representatives. A majority of councillors even ignored the recommendations of the Council’s planning staff...”

Other comments suggest that there shouldn’t be any variation to the DCP until a comprehensive social economic and environmental study is completed as well as an infrastructure plan.

**d) *Character and Amenity – Village v Town***

This issue was raised in a large number of letters received. Typical comments included:

- “the DCP has the potential to add to the destruction of the very character of Huskisson which attracts residents, tourists and businesses to the area the attraction being the village atmosphere the natural beauty of Huskisson is unique and the built environment should complement rather than destroy it with overcrowding and overshadowing. The small coastal village attracts thousands of tourists because of its laid back and unpretentious nature”.
- “The charm of Huskisson is its small buildings lack of 5 storey buildings and larger developments laid back lifestyles iconic views and friendly atmosphere and family orientated holidays”.
- Huskisson by definition (Coastal Design Guidelines for NSW) is a village with a population less than 800 and unlikely to reach 3,000.
- A survey of 600 persons revealed that tourists and locals like the small scale village character and little support for large scale/high rise.
- Council’s population projections show that there is no strategic basis to support over development of a number of tourism critical areas.

Other comments including the Department of Planning, suggest that the appearance of buildings should be based on coastal design rather than the template for urban based apartments in SEPP65.

Concern was expressed with the out of date statement of desired future character which it was felt did not represent community views. Jervis bay Tourism & HWCV have suggested that the vision statement below which arose from three separate community based workshops attended by representatives from tourism, business and residents in 2006 would be a more reflective statement. The statement states:

“Huskisson retains the scale and atmosphere of a laid back but progressive coastal village, renowned for its iconic views and position as the gateway to Jervis Bay’s outstanding environment.

Pride in its maritime heritage, a vibrant and cohesive community, thriving local economy and confidence in its future, make it an attractive place to live work and visit.

Developments throughout the village enhance these economic, social and environmental qualities and ensure we maintain our unique point of difference.”

Concern was also been expressed that the DDCP had not incorporated the requirements of State Environmental Planning Policy No. 65, which requires a local contextual review. Also the DDCP had ignored the need for a review of social, economic and environmental impacts, ignored the “majority view” to incorporate a style guide and a design review mechanism. It was suggested that there was a real risk “that the DCP will not be able to be defended in court proceedings thereby committing Council to concede defeat to aggressive developers”.

A letter in support of the exhibited draft plan offers an alternative view “that Huskisson is already a town”. “Jervis Bay is approximately 68% National Park and cannot be built out; hence the region is not at risk of losing its natural beauty. Increased building height and mass will not infringe on this space but will support the success of local business and the future employment of young families”

e) ***Height Controls/Density Fringe Zones***

The principle factor underlying the threat to character was suggested in submissions to be the increase in building heights for proposed mixed

use developments and the absence of clear building guidelines to protect the existing character. In many cases, comments on height also led to comments relating to loss of views.

With the exception of three letters which support the plan, other comments reinforce the lack of consensus on building height that occurred during the workshop debates. Some writers believe that buildings should not exceed 3 storeys in the retail core, others preferred a combination of 2-3 storeys and there were those who preferred 3-4 storeys. The lower height being suggested on the northern side of Owen Street and the higher height being on the southern side of Owen Street. Those who supported the higher heights believe that they may also include bonus provisions to encourage lot consolidation or on site basement car parking. Two to three storeys was the preferred height in the adjoining Village Business 3(f) zone. Note: Because of the requirement for rationalisation of all commercial zones in the Draft Shoalhaven LEP 2009 Business B3 (commercial core) and B4 (mixed use) zones have been provided in this process.

Similar to their comments on character, HWCV maintains “that the community does not accept that urban consolidation requires 93% of the village to be converted to medium or high density”....given the projected population over 30 years allows for an increase of 7,500 persons. Over development will simply drive land prices up even further and be a disincentive against growth in the number of permanent residents and the community”...itself vital for the well being of the business and tourist operators..”

The Department of Planning has also commented on building height (see previous).

*f) Loss of Views*

The loss of views to Currumbene Creek resulting from the ability to build on the majority of the vacant lot owned by the RSL, continue to be of concern to the community. Writers have requested that Council acquire the land particularly with the knowledge that purchase may be more affordable due to land values being less as a result of the current down turn in market conditions. The writers further suggest that once the land has been purchased it could allow for underground parking with a village green above.

*g) Setbacks*

The petition from the Huskisson RSL Club and Directors strongly endorses the setbacks proposed by the DCP over the vacant RSL land.

An objection was received to the 3m landscaped setback on the northern side of Owen Street on land zoned 3(f) Village Business (Jervis Bay Motel) on the basis that it relied on the property owner to maintain the landscaping and was an OHS issue. The matter of this particular setback was addressed by Council at its meeting on the 22<sup>nd</sup> July 2008 where it was resolved that:

*“Council agree to vary the 3 metre setback at Owen Street subject to that setback being added to the Field Street side at ground level (to enable on-site parking) and that the Field Street façade have additional articulation; and*

*Council also reflect the zero setback to Owen Street in part b) in the new Draft DCP 54.”*

***h) Traffic and Parking Sale of Public Infrastructure***

The issue of parking and the impact on existing car parking capacity from new residential apartments was raised in a number of submissions. It was suggested that:

- “It was paramount that all parking relating to residential/tourist apartments is contained on site”.
- “There can be no trade offs”.
- “The DDCP text should be strengthened rather than referring to requirements of the Medium Density Code (DCP 71)”
- “Car parking is a vital component of the financial viability of Huskisson’s commercial community.”
- “Parking (calculations) for mixed use developments should be based on all residents permanent or temporary not just permanent.”
- “Parking should not compromise the unique character of Huskisson. Walking must be encouraged together with the possibility of shuttle bus during peak holiday periods.”

A contrary view suggested that parking provisions should be more flexible where car dependency is shown to be less relied upon. The writer suggests that there is a need to decrease the number of cars in the town centre and utilise the investment Council has made in providing cycle ways and footpaths.

Comments regarding the need for a bypass around the town suggested:

- “A more innovative solution (rather than the Sydney Bowen Hawke relief route) and most likely a second bridge across Moona Moona Creek is required for through traffic avoiding the Owen Street parking area.”

Comment was received over the proposed sale of the public car park to Huscorp. It is believed that the land should be retained by the community and not sold. The view was expressed that the purchase of the RSL land could provide additional (underground) car parking.

There was concern over the lack of an infrastructure plan.

i) ***Urban Building Form/ SEPP 65 Pattern Book***

This issue was raised in conjunction with concerns over impacts to the existing character. It was suggested (including the Department of Planning) that the urban building style shown in the Residential Flat Design Pattern Book was not appropriate for a coastal maritime centre such as Huskisson and the coastal form should be adopted

HWCV notes approvals for recent residential apartments in Murdoch and Beach Streets as setting undesirable precedents where such approvals did not address the requirements of SEPP65 by addressing the need for a local contextual review (social, economic and environmental for the 3(g) zone) or take into account adopted DCP's for similarly zoned areas i.e. DCP 99. HWCV argued such approvals set a precedent and in reality a default DCP for considering development controls for this DDCP.

j) ***Huskisson Hotel***

A detailed submission was received from the owners of the Huskisson Hotel site. Copy in Councillor's Information Folder in summary:

- Concern is expressed over the relevance of the three consultants reports; Dain Simpson report into up market accommodation in the Shoalhaven, The Urban Design Advisory Report 2001 and the Assessment of Heritage Significance prepared by Graham Brooks and Associates P/L.
- It was generally felt that the DCP is too restrictive and limits future development options.
- Additional controls and approvals imposed after acquisition of the hotel appeared to be inconsistent with existing consents and controls over the hotel land. Eg: "The recently approved coastal patrol building in Voyager Park is of such a scale and bulk that a substantial part of the ground floor level of any new development has very limited value to the development."
- New DCP's have adopted controls limiting the height of future development to 14 metres.

The submission suggests that objectives to preserve the existing hotel in the DDCP should be revised to:

- Retain the hotel on site and retain the appearance of the original hotel except for the northern façade.
- Delete the objective to enhance tourism opportunities - the retention of the hotel and associated activities should be sufficient.
- The Dain Simpson Report is not relevant as
  - It does not account for the difficulty of whole of the year demand.

- The site is inadequate to provide for expected parking demand
- Such an up market facility is not economic.
- Retain the Hotel on site and provide for adaptive reuse having regard to the integrity of the structure of the building.
- Building envelopes are very restrictive and the DCP should allow minor variations based on architectural merit
- Requirement to provide underground parking for all car parking for the Hotel should be relaxed, given Councils requirements to provide for trees, communal open space etc.

The writer suggests that if the community feels so strongly about preserving and restoring the existing Hotel then it should pay the owner for such restoration and preservation and compensate the owner for the opportunities lost by the reduction in development potential.

***Director of Strategic Planning (DSP) Comment Relating to Issues Raised in Submissions***

***a) Community Consultation Concerns***

When the Department of Local Government recommended that Councils not make decisions on substantive issues after the 4<sup>th</sup> August 2008 during the caretaker mode for Councils came into effect, the exhibition period for comment was informally extended by retaining the plan on Council's website and the community noticeboard at Huskisson up to the end of August. This allowed the concerns of HWCV of having insufficient time to submit comments to be addressed but meant that any decisions made on the DDCP would be made by the new Council.

Additional public consultation to allow informed comment to be made on the Plan was provided through a third facilitated meeting of the working party and the DCP was advertised locally with letters being sent to all owners in and adjoining the DDCP.

Copies of all letters including form letters were placed in the Councillor's room prior to the meeting. It is therefore suggested that considerable opportunities were provided to make comments on the DDCP.

In relation to comments that previous correspondence has been ignored by Councillors and staff, it is suggested whilst it is the duty of Council staff to provide professional advice to Council in regards to community issues, Council's role is to adjudicate on those issues and make the final decisions.

***b) Character Height Setbacks View Corridors***

Concerns relating to the potential loss of character appear to be driven by the proposed height of buildings perceived, suggested urban design form, potential loss of views to Currumbene Creek and the removal of

its status from a village to a Town. This is major issue in the DDCP and will be analysed under the following headings:

***State and Regional Policies***

There are policies at both the Local and State level that encourage Council to consider the existing character of an area. The South Coast Regional Strategy sets out a land use plan which balances the demands for future growth with the need to protect and enhance environmental values. The strategy suggests that “One of the main attractions of the South Coast as a place to visit and live is the distinctive rural and coastal character of the towns and villages” The Jervis Bay Settlement Strategy (also included in the South Coast Regional Strategy) recommends that future demands for housing and accommodation are to be achieved without detrimental impacts on the regions natural attributes....and are designed to complement rather than detract from the regions character. The Strategy on Map 9 “Settlement Hierarchy” shows Huskisson (and Vincentia) as a town.

The South Coast Regional Strategy defines a town as being a small centre that varies in size with “small to medium concentrations of retail health and other services with lower density residential reliant on higher order centres for shopping and employment” eg. Berry and Milton, whereas a village is a “small centre with local retail and speciality tourism” eg. Kangaroo Valley. In contrast a major town includes amongst other things medium density residential eg. Ulladulla and Vincentia District Centre.

The Coastal Design Guidelines for NSW provides guidelines for coastal towns being centres with a population capacity of 3-20,000 people. The projected population for Area 3 (Jervis Bay/St Georges Basin) (SCC 13<sup>th</sup> May 2008) is 23,894. Thus in accordance with the Department of Planning’s NSW Coastal Design Guidelines, the district would qualify as a major town (area 3) and would have the following characteristics:

- The height of buildings should not exceed 4 storeys in the town centre – 2 storeys in the surrounding areas and be subject to place-specific urban design studies.
- New development should be appropriate to the predominant form and scale of surrounding development surrounding landforms, and the visual setting.
- Development should incorporate visual links and views of Creeks and Bay systems including views from streets and public areas
- Development should have a clear relationship to the landform foreshore and other unique natural features
- significant areas of vegetation should be protected and enhanced and managed to minimise bushfire risk

- Predominant building types should be small apartment buildings mixed use, shop top housing, townhouses etc
- Development should be predominantly low scale.
- Heritage buildings should be retained and revitalised.

### ***Demand Analysis***

The Jervis Bay Settlement Strategy indicates that an additional 1166 medium density dwellings can be provided within existing zoned areas in the District (area 3) including 166 in the Huskisson Urban area. The areas zoned for 2(b2) medium density and motels of approx 12.3 ha can comfortably accommodate the strategy requirements. Furthermore the strategy did not take into account dual occupancy considerations in 2(a1) zones or shop top housing and tourist accommodation in the 3(a) 3(f) and 3(g) zones. Such development will provide for increased densities over and above the requirements of the Jervis Bay Settlement Strategy and by default the South Coast Regional Strategy. Simply stated, there is sufficient land to accommodate increased densities required in existing strategies in the foreseeable future. The advantage of some increased density in Huskisson CBD is the activity and revitalisation opportunities in periods of current low demand ie. off peak and night hours.

Whilst the district may have the status of a major town, the disparate nature of the urban areas can allow some of these settlements to retain elements of their existing character, particularly in the shopping centres. Clearly the Vincentia District Centre is intended to provide for facilities relating to a major town. The same cannot be said for Huskisson, Sanctuary Point and Vincentia which will cater primarily to neighbourhood and tourist demand with significantly less retail floor space. The Department of Planning has requested that the DDCP reinforce this point in respect to the Huskisson Town Centre in the Plan objectives.

The current pressure to increase the height for residential apartments within the Huskisson shopping centre has, to a large extent, driven by the desire to capture and maximise the significant water views of Currumbene Creek and Jervis Bay and to allow a drive permanent park and walk type opportunity. There has been demand to increase heights in the various 3(g) Business Development Zones outside of the CBD but far lesser demand to increase the height of development within the flats and motels zone 2(b2) which are generally located away from the waterfront.

### ***Character Drivers***

An analysis of character drivers will assist in determining appropriate height for development in the shopping centre and the urban area as a whole.

The natural assets that articulate the character of the town include Currambene Creek, Point Perpendicular and Jervis Bay and the backdrop of trees primarily located on the Anglican Church land and White Sands Park. Furthermore, there are built elements which also contribute to the character. The Shoalhaven Heritage Study nominated the Lady Denman Ferry and Heritage Complex, Anglican Church, Huskisson Cinema, Huskisson Bakery, Huskisson Hotel and the timber and fibro workers and boat builders cottages in Currambene and Field Street as being significant and worthy of protection. Apart from the Huskisson Bakery, the Anglican Church group and the workers cottages, these items are now protected through the Shoalhaven Local Environmental Plan. Other character drivers are the spatial setting of the buildings, timber, corrugated iron and flat sheet materials (lightweight products), the natural vegetation and the white and aqua colours of the beachfront zone.

To protect these character elements, future development should not overwhelm or detract from either the natural or built assets. Natural landforms are relatively low key; the cliff below White Sands Park is only 10 m high and there is only an 8 metre change in level to Currambene Creek from Owen Street. Even the creek itself is only 130 m wide. More importantly the built environment should be contained within an appropriate treed setting and for Huskisson's urban context, future plantings are unlikely to exceed 15-20 metres in height given space limitations and risk management. The built environment should be considered in this context.

Similarly, the current streetscape façade consists of single to three storey buildings with variations in setback both at the front and to the side of existing buildings, to varying roof forms, awning treatments etc. There is a sense of informality which creates the laid back feeling that many residents identify as being one of the major attractors to the area and which is also echoed by tourists and visitors alike.

Whilst the shopping centre must change in response to changing land use requirements, it should be in response to complementing the essential character drivers that underpin the attractiveness and economic viability of the area.

Accordingly the following building guidelines are suggested. New developments should have well articulated facades with generous indentations particularly above the 1st floor. Building modulation should reinforce the rhythm of the streetscape and there should be building separation above the first floor. The pedestrian scale of the shopping street (Owen and Currambene Street) should ideally be no higher than two storeys and any additional height due to residential accommodation should be substantially set back from the street. Blank walls should be avoided. Open space should be provided at the ground level for outdoor dining and seating. The Bay and Creek views which

historically were available to most of the developments in the main street, should be incorporated into new development proposal.

When change is gradual impacts to the existing character are minimised. Where maximum development is proposed against existing single and two storey developments, it is desirable to achieve a transition in height and, where this is not possible provide for open space buffers at least above the podium level of the taller structures and existing development.

It is therefore recommended that in general the height of development should be capped at four storeys and 13 metres allowing for the existing backdrop of trees to prevail and ensuring that the bulk and scale of buildings do not dominate the relatively low scale natural features. To allow for view sharing height on the northern side of Owen Street should be restricted to 10m and 3 storeys. Bonus height provisions are not favoured. Any height bonus should be contained with the capped maximum heights.

The reduced scale in the main street would promote a laid back but vibrant tourist theme and increased height away from the shopping street could provide for living opportunities to activate the shopping centre after hours. Retail developments fronting the main street should be capped at 7.5 metres and 2 storeys to a depth of 10-12 metres with 7 metre wide shop modules. Apartments to the back of these shops should have a depth of 10-15 metres (recommended by the Residential Flat Design Code and a height of 10 or 14 metres depending on what side of the street they were located – the majority of the increased height being absorbed through the setback. It is considered that these building forms may also address the issues of overshadowing that was the topic of discussion in the working party workshops.

c) ***Huskisson Hotel***

Huskisson Hotel has been identified as an icon tourist site since the early 80's when its unique locational advantage was recognised in SLEP 1985. Council commissioned Dain Simpson to prepare a report into upmarket tourist accommodation within the Shoalhaven partly to diversify the industry base, but also to recognise and promote sites such as the Huskisson Hotel In 2007, the hotel was recognised as a heritage item due to its association with the development of Huskisson and its unique Art Deco style and intact interiors –particularly the staircase. The Hotel is also listed on the National Trust Register.

Comments from the current owner appear to be one of frustration in not being able to develop the site to a greater capacity and market (currently permanent residential accommodation) and frustration with the top end tourist market that does not appear to be ready to enter the South Coast at this point in time. The existing hotel is a vital player in Huskisson's tourist industry and is one of the important character driver. It is recommended that Council works with the owner to upgrade the existing facilities in keeping with acceptable conservation practises so that the building survives to maximise Huskisson's tourist potential in the next upturn in the growth cycle.

**Economic Social and Environmental (ESD) Considerations:**

Comments requesting further social and economic analysis be undertaken to support the exhibited controls have been requested by both HWCV and Jervis Bay Tourism and other writers. Council's own population projections, the Jervis Bay Settlement Strategy State government design guidelines and strategies are considered to be adequate to address these issues as shown in the analysis above. Despite the modest population projections which demonstrate increased housing densities can be accommodated in the existing zoned areas there is an argument to encourage increase height within the shopping centre to encourage the redevelopment of aging and unsustainable building stock. As suggested this should be capped at 4 storeys and any bonuses should be contained within this cap. Such bonuses should only be considered for small lots where efficient basement car parking cannot be provided and to reduce pressures on the over development of such small lots.

The economic studies carried out by Jones Lang Lasalle into the redevelopment potential for Ulladulla confirmed that in the short term the sale of residential apartments will be slow and holding costs for multiple unit developments will be expensive.

As Huskisson is promoted as the gateway to Jervis Bay controls in the DDCP should be focused on protecting the natural advantages the district has to offer as acknowledged by the Jervis Bay National Park and Marine Park and encourage development in the shopping centre that will be attractive to tourists that use these natural assets.

Buildings that offer a high level of sustainability through construction and use of materials, that maintain solar access, acoustic amenity and privacy and recycling where possible should be promoted in the DCP. Comments in some submissions lament the loss of character through inadequate protection of buildings having historical association with the district and therefore having heritage significance. Appropriate evaluation and assessment of these items is appropriate in the overall context of the character.

***Climate Change***

As Huskisson is bound by the provisions of SEPP 71 and its waterfront is in the sensitive coastal area it will be important to consider the impacts of Climate Change. SEPP71 already has controls on new development being setback from water bodies such as Currumbene Creek. Solar access, water reuse etc are issues for consideration.

**Financial Considerations/ Infrastructure Planning:**

Work has been completed on an infrastructure plan relating to the DCP and a section 94 contributions plan has been developed in accordance with the principles adopted by Council in preparing this plan.

**Options:**

Exhibited Draft controls for development within the town centre should be further reviewed in the light of the public exhibition and the significant community disapproval to the current plan. In this regard there are a number of options :

**Option A.** (Exhibited Plan)

Do nothing and approve the plan as exhibited.

**Option B.** (Workshop No 3)

Amend the plan as follows:

- a) The height of development in Owen Street be limited to 3 storeys and 10 metres on the north side and 4 storeys and 13 metres on the south
- b) A bonus of 1 storey being allowed to encourage:
  - Lot consolidation (2 or more lots with a minimum area of 1200 m<sup>2</sup>)
  - Basement car parking with two way turning movements in accordance with DCP 18;
  - A high degree of building articulation and architectural design merit; and
  - Minimise overshadowing to public areas or adjoining or adjacent residential buildings.

**Option C**

Amend the plan as follows:

- a) The height of development in Owen Street to be capped at 2 storeys and 8 metres on the north and 3 storey and 11 metres on the south with the frontage to Owen and Currambene.
- b) A bonus of 1 storey being allowed as to encourage:
  - Lot consolidation (2 or more lots with a minimum area of 1200 m<sup>2</sup>);
  - Basement car parking with two way turning movements in accordance with DCP 18;
  - A high degree of building articulation and architectural design merit; and
  - Minimise overshadowing to public areas or adjoining or adjacent residential buildings.

**Option D**

Amend the plan as follows:

- a) The height of development in Owen Street be capped at 3 storeys and 10 metres on the north and 4 storey and 13 metres on the south with the frontage to Owen and Currambene Streets adopting a tourist village

theme through 7.5m heights (two storeys) on both sides of the street for a depth of 12 metres.

- b) Basement car parking with two way turning movements to be in accordance with DCP 18; and

Development be required to provide a high degree of building articulation and architectural design merit; and

Minimise overshadowing to public areas or adjoining or adjacent residential buildings.

The following requirements apply to both options B C and D:

- The document be augmented with additional development guidelines based on the Residential Flat Design Code that relate to the local contextual analysis and to ESD principles.
- The objectives be strengthened to provide for a clear and concise vision for the town including a future desired character statement and retail hierarchy.
- Five metre Articulation zones be required to the residential apartment frontages above the 1<sup>st</sup> storey. Side boundary setbacks be required at 15 metre intervals in accordance with distances suggested in the Residential Flat Design Code to facilitate view corridors to the water bodies (enhance existing character). Development is stepped down when located adjoining 2 storey residential medium density /low density zones.
- Mixed use tourist precincts devoted to tourist accommodation with 25% of any development proposal being limited to permanent occupancy Residential
- Tourist accommodation such as serviced apartments and the like be added to the uses that will be required to comply with the Residential Flat Design Code
- Management guidelines be provided to allow for the appropriate evaluation/ management of heritage items listed in the SLEP
- SEPP 65 Coastal style templates be encouraged as a guide only and that increased weight be given to the requirement to prepare a contextual analysis report with any development proposed within the DCP boundary
- Further investigations be carried out into the impacts of climate change with the view to identifying building buffers and risk assessment criteria.

### ***Conclusion***

The review of DCP 54 Huskisson Town centre has involved 3 recent workshops with the working party, public meetings, and the preparation of a 3D model with the culmination of a public exhibition where letters were

distributed to every owner within and adjoining the DCP boundary. Some 38 written submissions and 3 form style letters have been received together with submissions from several Govt Departments including the Department of Planning, Group Directors, the Huskisson Woollamia Community Voice, Jervis Bay Tourism and St Georges Basin Community Forum.

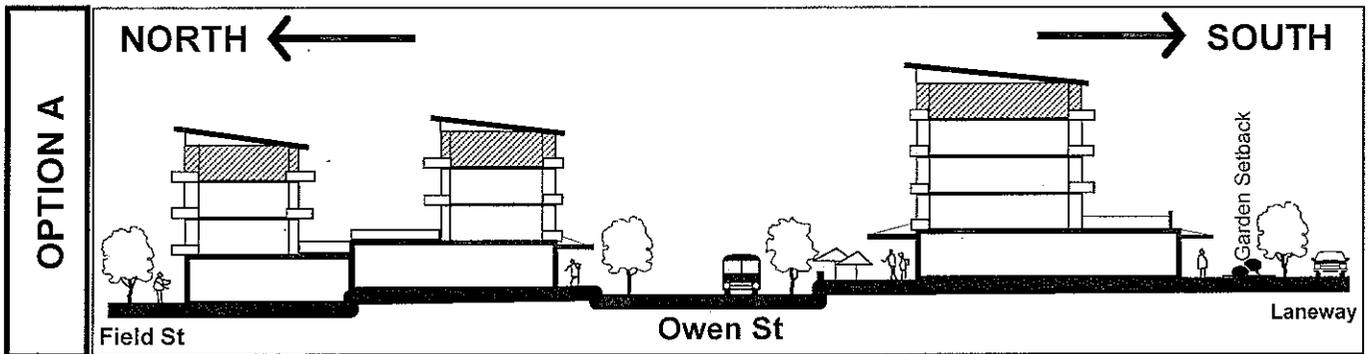
It would appear that there is no clear acceptance of the controls put forward in the Draft Development Control plan Amendment No 4 and contentious issue of height, loss of character view sharing and potential pressure on public car parking resulting from future residential apartments remain unresolved.

It is important that Council facilitates the continued growth in Huskisson that commenced with the first DCP adopted in 1994 in a way that complements the existing character and competitive advantage over other tourist destinations and which has successfully driven growth in the past. The suggestions put forward as options in this report should be considered by Council as a way forward.

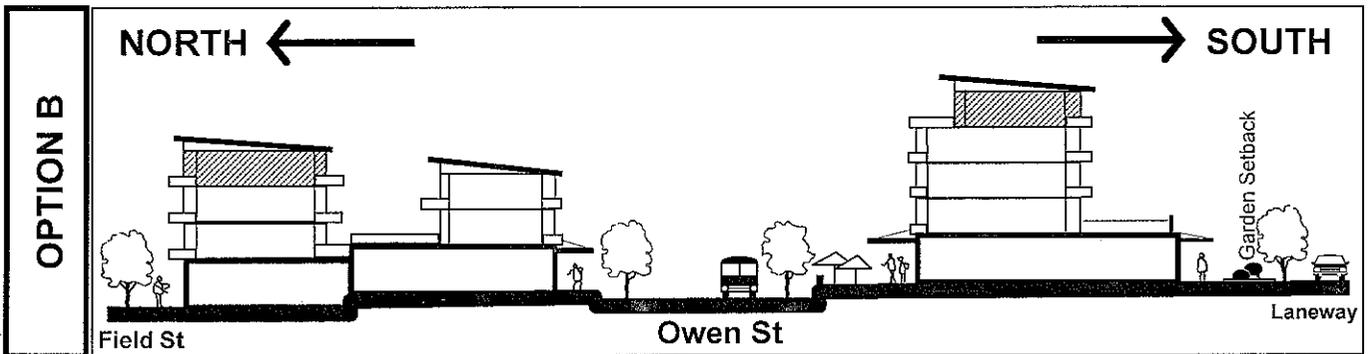
Because of the complexity and range of issues it may be appropriate for a Councillor briefing to further examine options in detail.

**RECOMMENDED that in regard to Huskisson Tourist Town Centre Development Control Plan 54, Draft Amendment No. 4, a Councillor briefing be arranged to further examine the options in detail.**

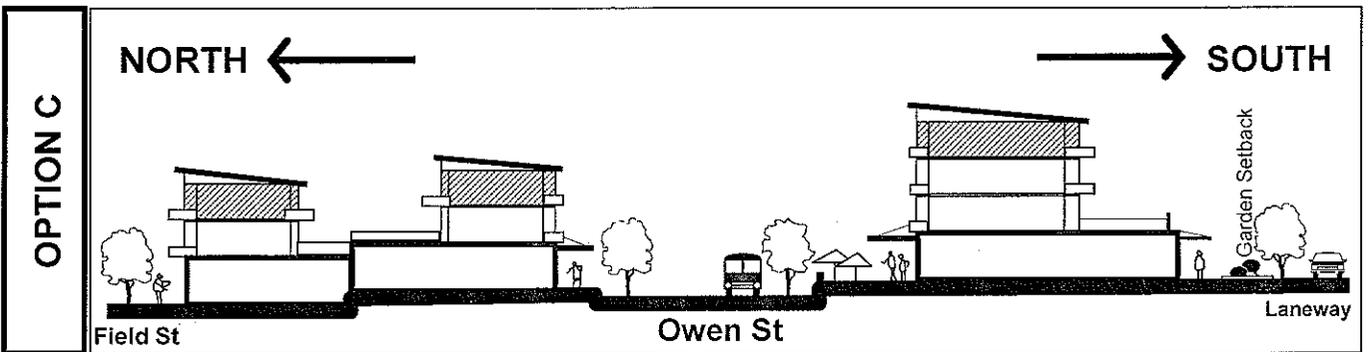
### HUSKISSON DCP NO. 54 DRAFT AMENDMENT NO. 4



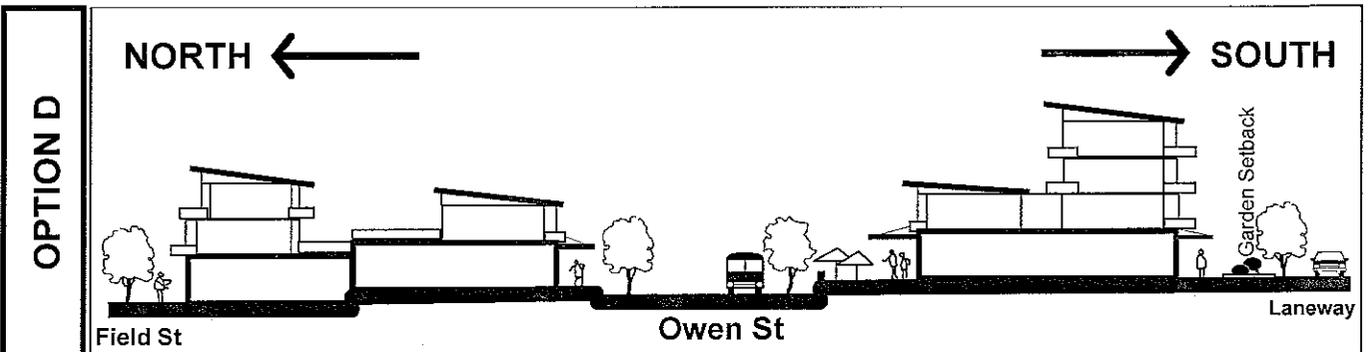
DCP 54 Amendment 3: 3 & 4 Storeys + 1 Bonus Storey



Workshop: 3 & 4 Storeys + 1 Bonus Storey (Max. 50% of Footprint)



2 & 3 Storeys + 1 Bonus Storey



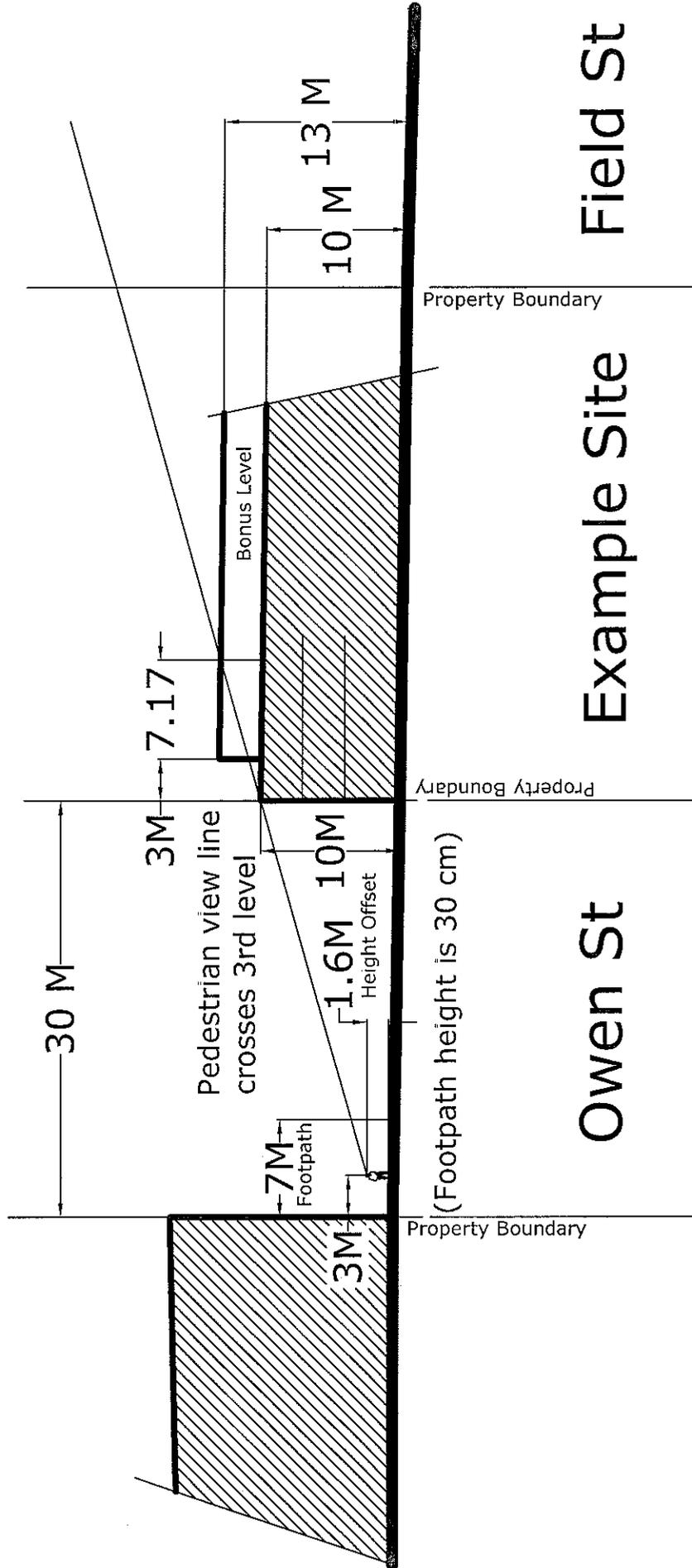
2, 3 & 4 Storeys (No Bonus & 2 Storey Limit along Owen St)

### BUILDING HEIGHT OPTION DIAGRAMS

(No Scale-CONCEPT Only) (Max. Building depth for residential is 18m.)

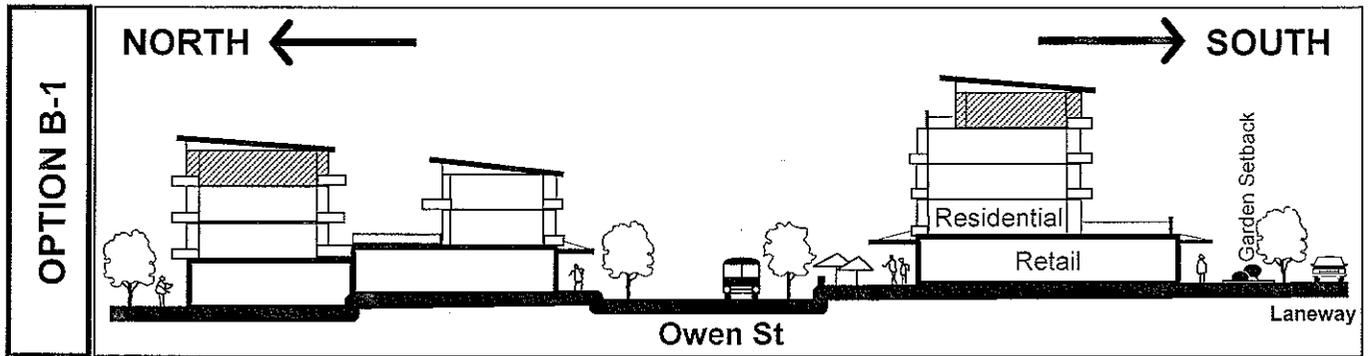


# BUILDING FACADE SCALE FROM PEDESTRIAN EYE LEVEL ON OWEN ST SOUTH FOOTPATH

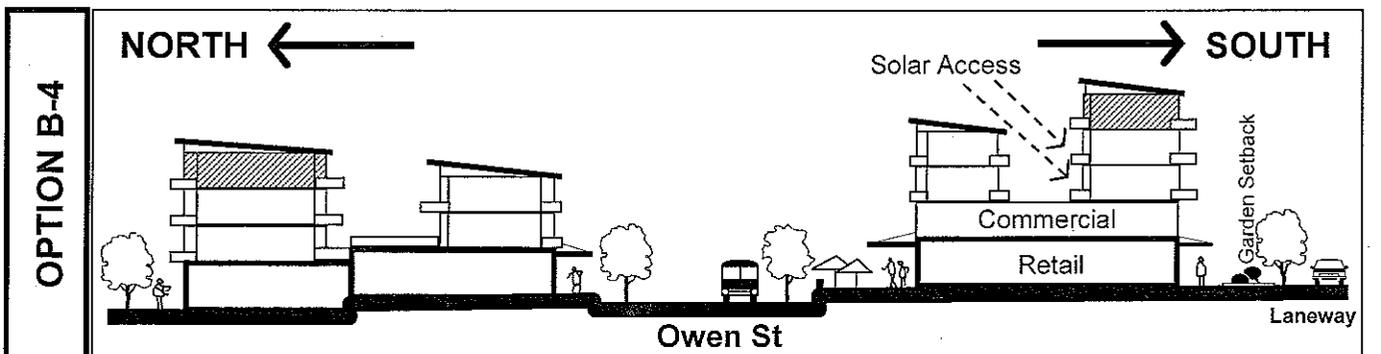
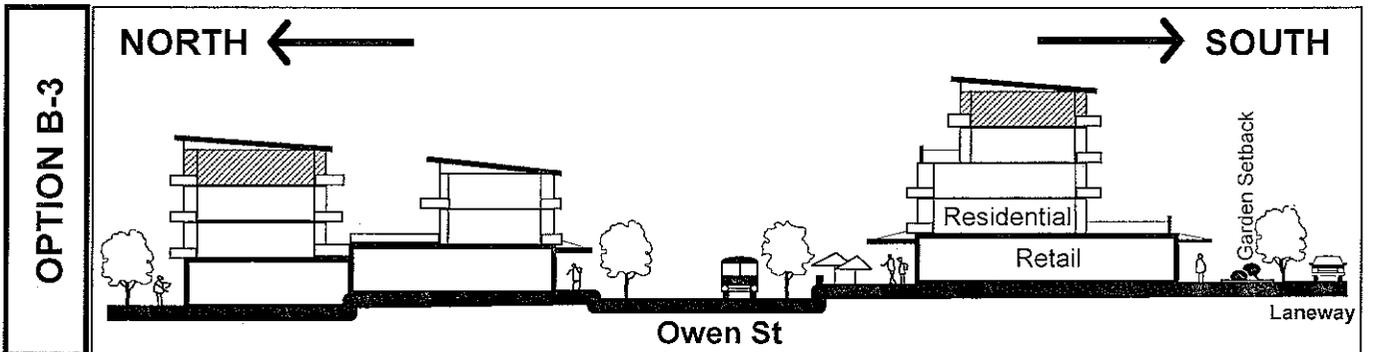
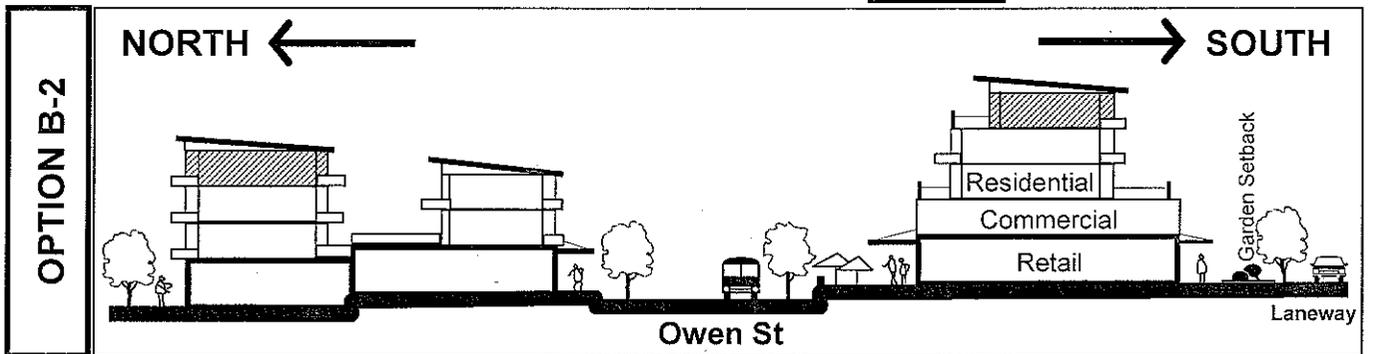


Note: Not articulated buildings which could be setback from 3rd level to achieve "Significant Articulation" for design purposes.

### HUSKISSON DCP NO. 54 DRAFT AMENDMENT NO. 4



Bonus Level



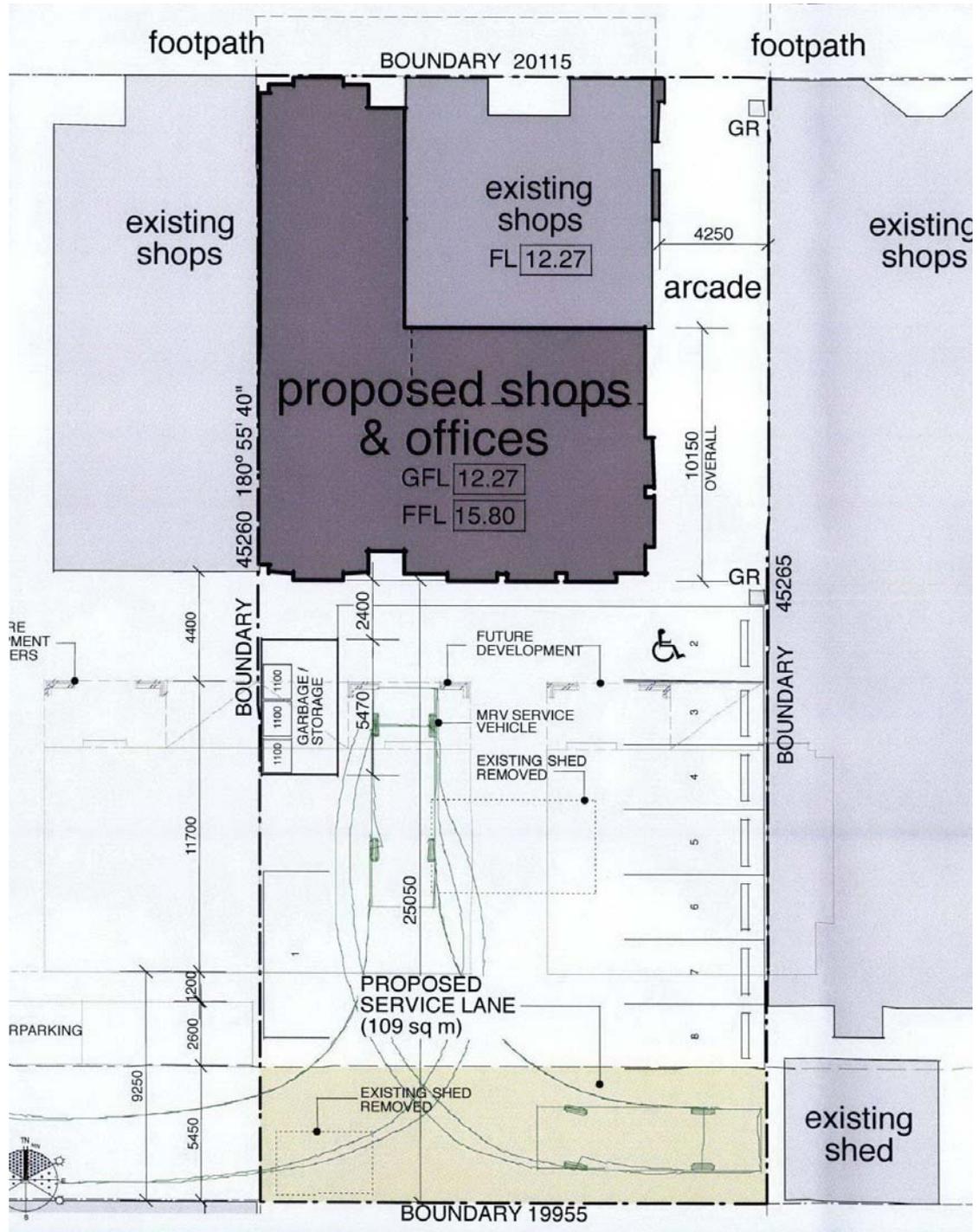
**OPTION B DEVELOPMENT SCENARIO DIAGRAMS**  
(No Scale- CONCEPT Only) (Max. Building depth for residential is 18m.)

**ATTACHMENT "A"**

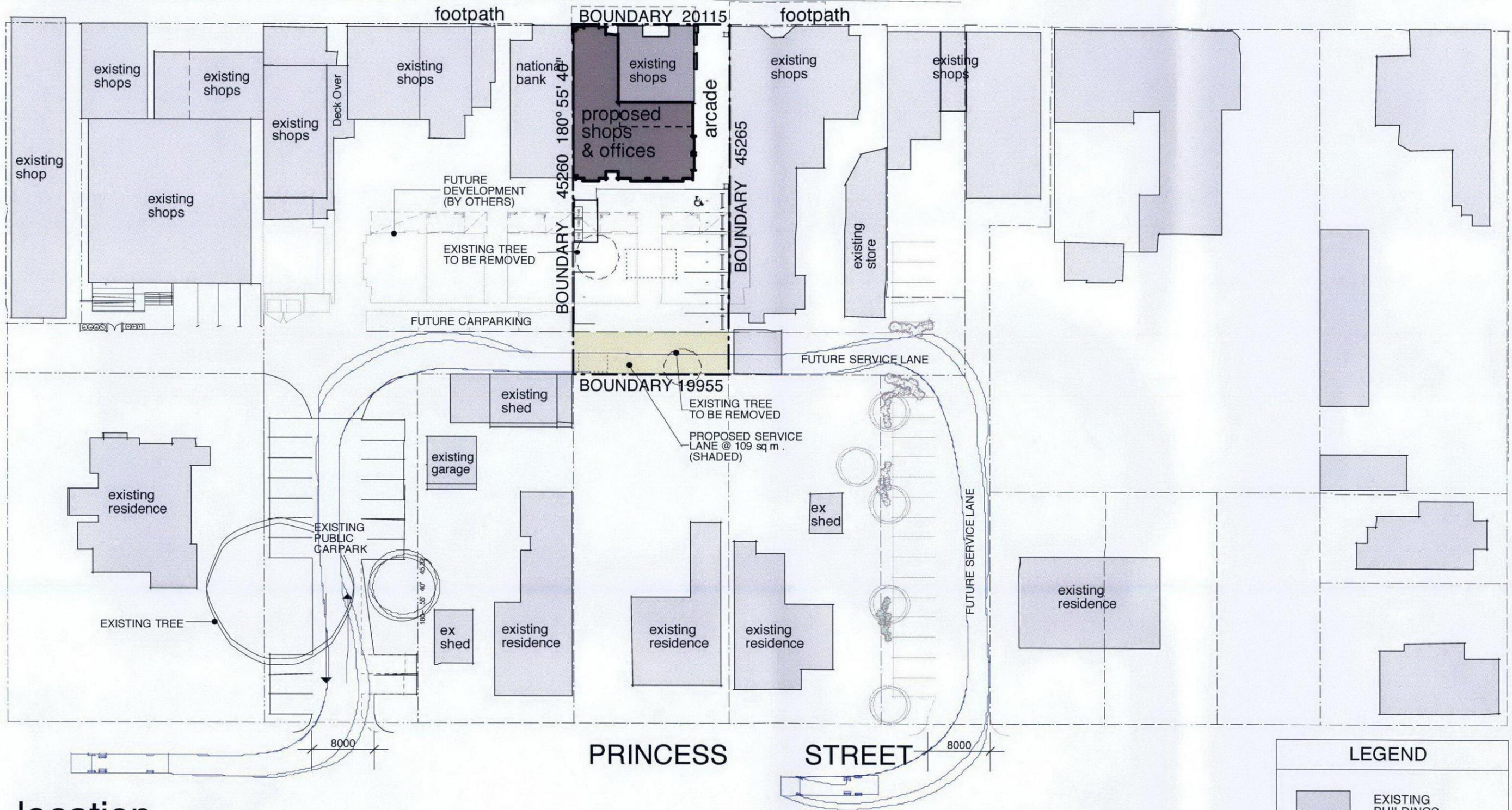


ATTACHMENT B: Submitted Site Plan

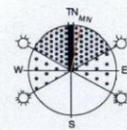
Queen Street



ALEXANDRA SIREEI



**location  
 PLAN**



**LEGEND**

- EXISTING BUILDINGS
- PROPOSED SHOPS

**Proposed Commercial Development  
 For R and S Corsaro  
 At Lot 1 DP 1038574, 108 Queen Street, Berry**

W [www.aej.com.au](http://www.aej.com.au)  
 E [aej@aej.com.au](mailto:aej@aej.com.au)

Nominated Architect  
 Steven Bayer Reg. No. 5880  
 Tilment Pty Ltd  
 ABN 67 003 163 451

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 T 02 44 216 822  
 F 02 44 221 963

**BATEMANS BAY**  
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 Batemans Bay  
 NSW 2536  
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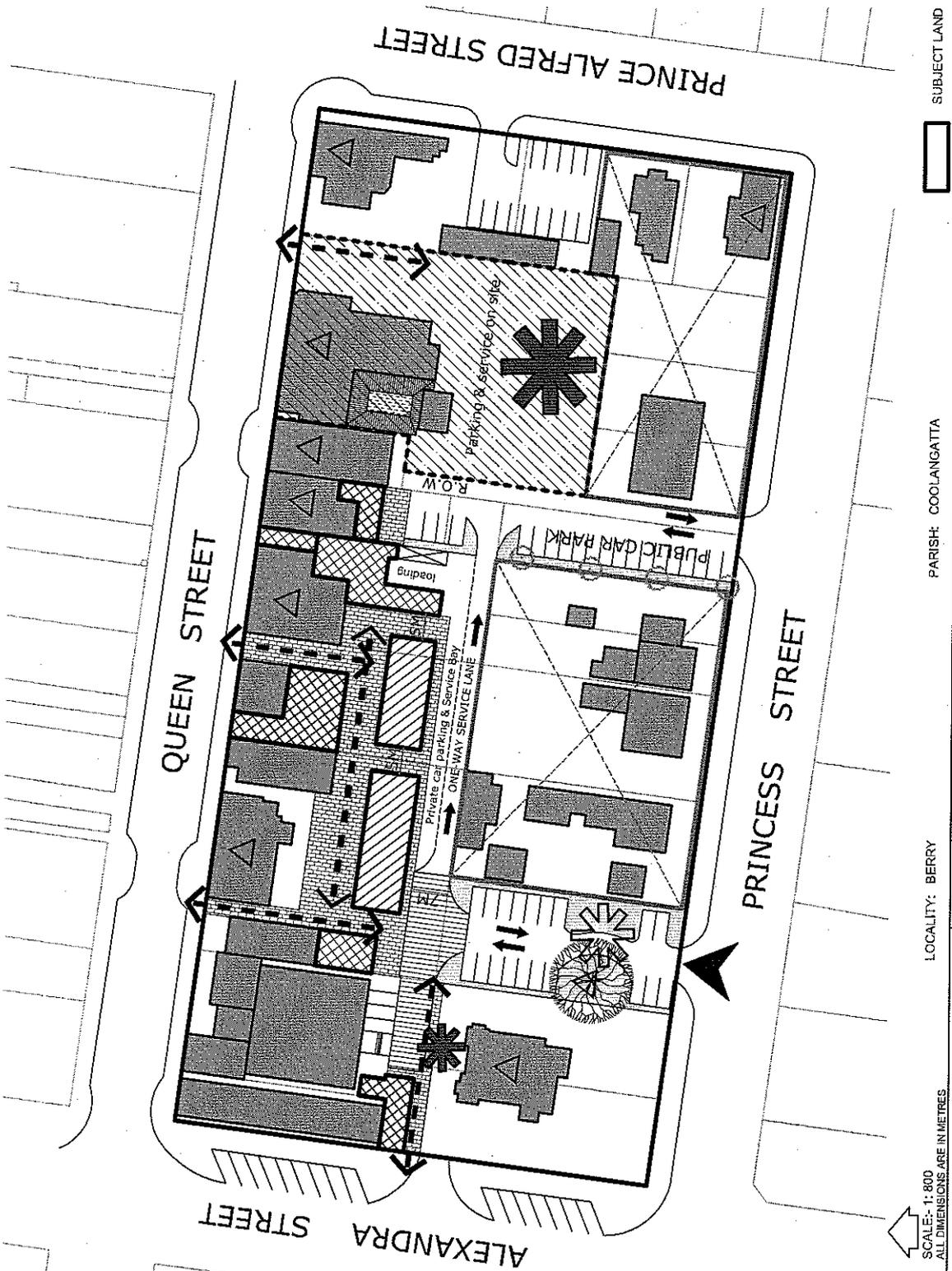
**WOLLONGONG**  
 10 Belmore Street  
 Wollongong  
 NSW 2500  
 T 02 42 261 387  
 F 02 42 286 405

PROJECT #: 06-0019.1  
 DWG DATE: July 2008  
 DRAWN: JM/FM  
 CHECKED: MJ  
 SCALES: 1:500 @ A3

**DA01**

- LEGEND**
-  Upgrade for service truck access more than 5 tons (Heritage Tree Protection)
  -  Existing building Envelope
  -  Heritage significance
  -  New Retail Shop
  -  Development opportunity for residence over retail shop (Shoptop Housing)
  -  Development opportunity subject to Heritage Assessment
  -  Pedestrian Link
  -  Paved Pedestrian Area
  -  Pedestrian/Vehicle Shared way
  -  Garbage truck/Service access
  -  Vehicular Access
  -  Tree Planting
  -  Berry Hotel Site
  -  Future Investigation Area

## BERRY TOWN CENTRE



SCALE: 1:300  
ALL DIMENSIONS ARE IN METRES  
COUNCIL FILE 16301-02

LOCALITY: BERRY  
PARISH: COOLANGAITA  
SUBJECT LAND

CITY OF SHOALHAVEN  
DEVELOPMENT CONTROL PLAN No.49  
AMENDMENT NO.5

( Under Sec.72 of the Environmental Planning and Assessment Act, 1979 )

AUTOCAD FILE Dep/DCP/Dep/Amendments
DRAWN BY: SIM LEE & S. GRAY
PLANNER: SIM LEE
EXHIBITION DATES: 2nd August 2006 to 13th September 2006
ADOPTED BY COUNCIL: 28/11/2006 EFFECTIVE: 13/12/2006
DATE: 6-12-06
GENERAL MANAGER

4 March 2009

Our ref: 06-0019.1 mj/tw

The General Manager  
Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541

Attention: Peter Marczuk  
Development Planner  
Development and Environmental Services

Dear Peter

**RE: DA08/2340**  
**PROPOSED COMMERCIAL DEVELOPMENT**  
**LOT 1 DP 1038574 (N° 108) QUEEN STREET, BERRY**

Thank you for your time at our recent meeting. We are keen to have outstanding issues in relation to this Application resolved and appreciate your assistance in bringing it to a conclusion.

From our discussion we understand that the two outstanding matters relate to the compliance with the Berry Streetscape Study (1988) and the staging of the development in relation to DCP 49.

**1. Compliance with Berry Streetscape Study**

As requested verandah posts have been added to the awning on the Queen Street elevation and the proposed signage has also been illustrated so that this structure complies with the recommendations of the Berry Streetscape Study.

**2. Staging of the Proposed Development**

The Application before Council is the first stage of an overall development which is in accordance with the Berry Town Centre Development Control Plan (DCP 49). As you are aware, the master plan for the site has been prepared in close consultation with Council and neighbouring land owners. This overall strategy for the development of the properties formed the basis of the Development Control Plan.

It was never contemplated that the development would occur in one stage as a number of factors had to be considered.

- The operation of existing businesses needed to be maintained,
- The financial investment in the development has to occur incrementally so that the income from the first stage establishes a financial base for the further stages of development,
- The introduction of additional retail and office spaces needs to be managed carefully so that there is not an over supply in the market and the viability of the existing businesses is maintained.

.../2

- 2 -

The proposed development is not in conflict with the DCP as the proposed buildings comply with the footprints suggested by the DCP and a car park is proposed in the area that future buildings will be constructed. Importantly, the proposed development includes the construction of the service lane which will begin to establish a key principle of the DCP.

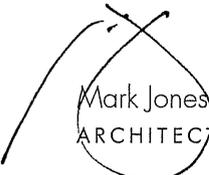
#### Amendments to the Application

The revised Development Application drawings also include minor alterations to the internal layout of the shops as noted on the drawings. The original drawings indicated the proposed lift and ground floor toilets located at the rear of shops 1 & 2, the existing Quest building. At that time, it was anticipated that existing tenants in the Quest building would be relocated to new shops allowing the alterations to occur. As time has moved on tenancies have changed and new leases established and this necessitated minimising the alterations to the existing building. The lift and toilets have been relocated as indicated on the attached drawings.

In our discussion, it was also noted that the previously proposed signage structure on the north east corner of the building had caused some confusion regarding the design of the awning. As noted in previous correspondence, the signage structure is to be deleted from this Application and the drawings have been amended accordingly.

Again, I appreciate your attention to this Application. We trust that the amended drawings and the additional information outlined above are to your satisfaction and that the Consent can be finalised at the earliest opportunity.

Yours faithfully

  
Mark Jones FRAIA  
ARCHITECTS EDMISTON JONES  
Copy: Clive Radburn  
R & S Corsaro