

PLANNING PROPOSAL - PP030

Proposed Amendments to Shoalhaven Local
Environmental Plan 2014 to:

- 1) Increase the maximum permissible building height in the southern part of Ulladulla CBD, and
- 2) Rezone 116-126 St Vincent Street and 37-41 Deering Street, Ulladulla (9 properties) from B5 Business Development to B4 Mixed Use.

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1. List of properties affected by this planning proposal
2. Gateway Determination(s) (under separate cover)
3. Consistency with Local Planning Directions
4. Consistency with State Environmental Planning Policies
5. Consistency with Council's Community Strategic Plan

Supporting Technical Studies

1. Ulladulla Building Height Review Report 2017
2. Economic Feasibility Assessment
3. Visual Impact Assessment
4. Preliminary Land Contamination Assessment

Other Documents

1. A Guide to Preparing Planning Proposals
2. A Guide to Preparing Local Environment Plans
3. Local Planning Directions
4. State Environmental Planning Policies
5. Shoalhaven Local Environmental Plan 2014
6. Shoalhaven Development Control Plan 2014

Introduction

This Planning Proposal recommends amendments to *Shoalhaven Local Environmental Plan 2014* (the LEP) to:

1. Increase the maximum permissible building height in the southern part of Ulladulla Town Centre, and
2. Rezone the 9 properties at 116-126 St Vincent Street and 37-41 Deering Street, Ulladulla from B5 Business Development to B4 Mixed Use.

These changes are intended to encourage the redevelopment of the southern part of Ulladulla Town Centre with mixed-use development including apartments, shops, and commercial premises. New development will contribute to economic activity in this location, helping to support local businesses. It also provides opportunities to activate local streets and improve the pedestrian environment.

This Proposal applies to the land identified with a red boundary in Figure 1. This land, consisting of about 90 properties, is in the southern part of the Town Centre and is generally bounded by St Vincent Street, Parson Street, Burrill Street South, Jubilee Avenue, Deering Street and the Princes Highway. Appendix 1 provides a full list of properties. This land is occupied by a broad range of commercial, industrial and residential development including steel fabrication, offices, vehicle mechanics, shops, and detached dwellings.

The smaller area proposed to be rezoned at 116-126 St Vincent Street and 37-41 Deering Street has been developed with a range of light industrial uses, including some storage premises. This land is highlighted in blue in Figure 1 and includes the following nine properties:

No.	Address	Property Description
1	116 St Vincent Street	Lot 1 DP 21597
2	118 St Vincent Street	Lot 2 DP 21597
3	120 St Vincent Street	Lot 3 DP 21597
4	122 St Vincent Street	Lot 4 DP 21597
5	124 St Vincent Street	Lot 5 DP 21597
6	126 St Vincent Street	Lot 6 DP 21597
7	37 Deering Street	Lot 7 DP 21597
8	39 Deering Street	Lot CP SP 42583
9	41 Deering Street	Lot 9 DP 21597

Table 1 – Land proposed to be rezoned

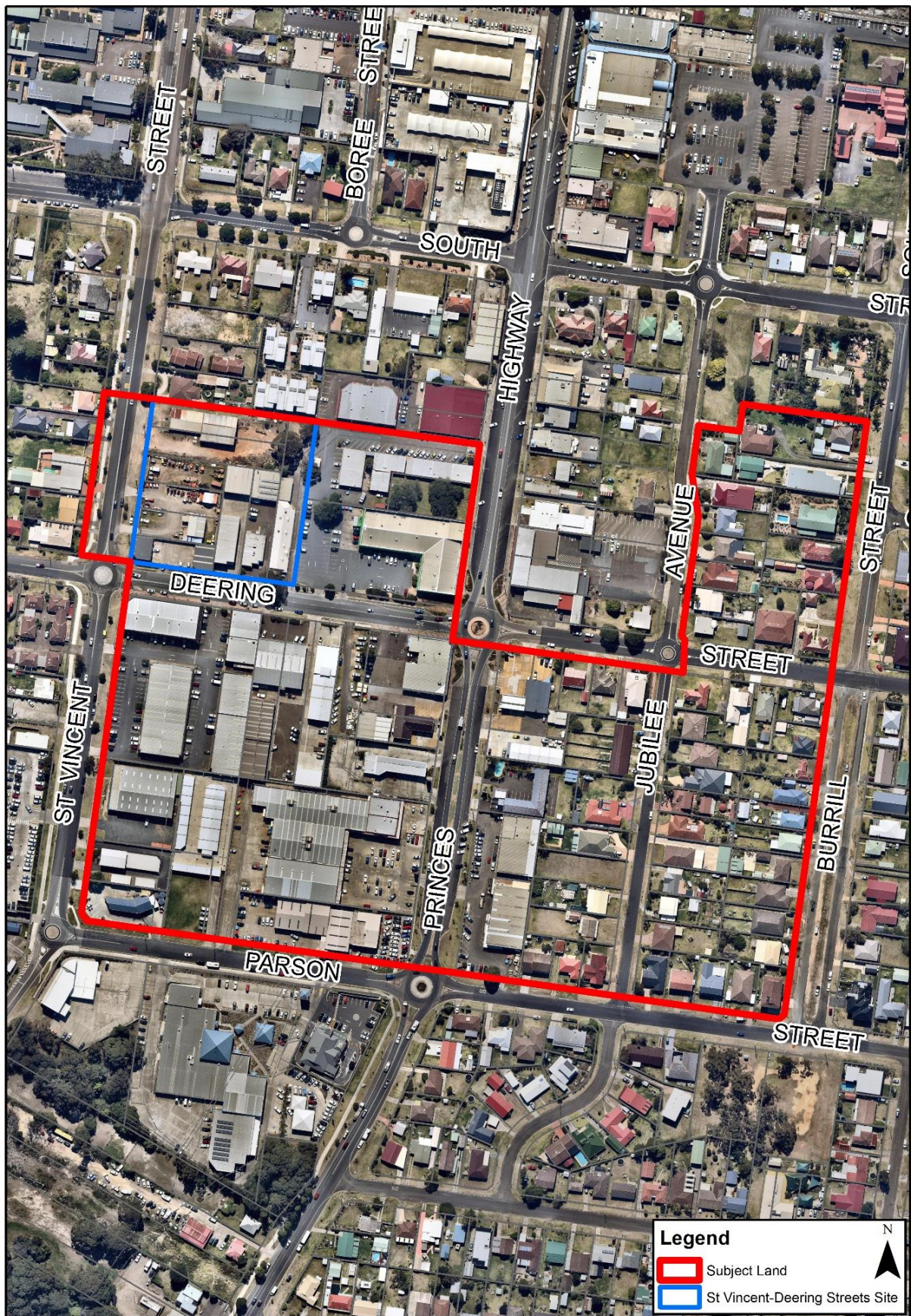


Figure 1 – Land affected by this planning proposal

A Planning Proposal is the key document in the process, known as the *Gateway Process*, for making and amending local environmental plans. It explains the intended effect of and sets out the justification for the proposed changes. The NSW Department of Planning and Environment has published detailed guidance on the Gateway Process. The Department's *Guide to Preparing Local Environmental plans* and *Guide to Preparing Planning Proposals* are available on its website.

The Gateway Process has several steps, set out in Table 2, that require this document to be updated as it progresses to the next step. This version of the proposal has been prepared for community consultation.

No.	Step	Explanation
1	Planning Proposal	Council prepares a document explaining the intended effect of and justification for amending a local environmental plan.
2	Gateway Determination	The Minister for Planning, acting as a checkpoint, determines whether a Planning Proposal should proceed.
3	Community Consultation	The Planning Proposal is publicly exhibited.
4	Assessment	Council considers the submissions received in response to the exhibition, varying the Planning Proposal as necessary. It can also determine not to proceed with the Proposal.
5	Drafting	The NSW Parliamentary Counsel Office prepares a draft local environmental plan.
6	Decision	The Minister for Planning approves the local environmental plan, making it law. In this instance, the Minister has delegated his decision-making powers to Council.

Table 2 – Gateway Process

The current Gateway Determination requires Council to exhibit the proposal for a minimum of 28 days and complete it by 1 May 2020. It also requires the following technical studies to be prepared to support the proposed rezoning of the St Vincent-Deering Street site:

- Economic feasibility analysis
- Visual impact assessment
- Preliminary land contamination assessment.

The remainder of this document is split into the following parts:

Part	Description
1	The objectives and intended outcome of the Planning Proposal
2	An explanation of the provisions (or clauses) to be included in the LEP
3	Justification for the objectives and intended outcomes
4	Maps identifying the changes to the planning controls
5	Details of the intended community consultation
6	Projected timeline

Table 3 – Parts of a Planning Proposal

Part 1 – Objectives and Intended Outcomes

The objective of this Planning Proposal is to encourage the redevelopment of the southern part of Ulladulla Town Centre with mixed-use development including apartments, upgraded shops, and commercial premises. New development will:

- Contribute to the Town Centre's role as a strategic centre in the Shoalhaven.
- Provide a range of housing with good access to the Town Centre and the jobs, shops and services it provides.
- Generate new jobs.
- Increase activity in this location, helping to support local businesses.
- Activate local streets and improve the pedestrian environment.
- Enhance the Town Centre's appearance.
- Serve as a catalyst for further investment and development in the Town Centre.

This objective can be achieved by:

1. Increasing the maximum permissible building height in the identified part of the Town Centre to provide an incentive for new development, and
2. Allowing a greater mix of development types or uses on the St Vincent-Deering Street site.

The current planning controls limit the height of buildings to 7.5 metres, or 2-storeys. The St Vincent-Deering Street site is currently zoned B5 Business Development, permitting its development with business and warehouse uses, and shops requiring a large floor area for bulky goods.

The intended outcome of this proposal is to amend the current planning controls to:

1. Increase the range of maximum heights to between 11 and 14 metres, or about 3-4-storeys, and
2. Rezone the St Vincent-Deering Street site to encourage its development with a compatible mix of businesses, offices, shops and residential apartments.

Part 2 – Explanation of Provisions

The intended outcome can be delivered by changing the planning controls applying to the site in *Shoalhaven Local Environmental Plan 2014*. This includes:

- Clause 4.3 *Height of Buildings*, and the *Height of Buildings Map*, and
- The *Land Zoning Map*.

Clause 4.3 *Height of buildings*, and the associated map, function by setting a limit, or development standard, for the height (in metres) of new buildings. The current development standard in the identified part of the Town Centre is set at 7.5 metres or 2 storeys.

The *Land Zoning Map* applies various land use zones to land within the Shoalhaven. Each zone has a set of objectives to guide future development outcomes and list of the permitted and prohibited types of development. The *Land Zoning Map* zones the St Vincent-Deering Street site *B5 Business Development*, which permits its development with business and warehouse uses, and shops requiring a large floor area for bulky goods.

To achieve the intended outcome, this Planning Proposal recommends:

1. Increasing the height of building development standard on the *Height of Buildings Map* to 11 metres (3-storeys) and, for some selected sites, 14 metres (4-storeys), and
2. Identifying the St Vincent-Deering Street site as *B4 Mixed Use* on the *Land Zoning Map*. This zone will encourage the development of the site with a mix of businesses, offices, shops and residential apartments.

Part 4 – Mapping of this Proposal identifies the changes to the *Height of Buildings Map* and *Land Zoning Map*.

All other planning controls applying to the identified sites will remain unchanged.

Part 3 – Justification

This part of the Planning Proposal is split into the following sections:

Section Title	
A	Need for the Planning Proposal
B	Consistency with the Strategic Planning Framework
C	Environmental, Social and Economic Impacts
D	State and Commonwealth Interests

Table 4 – Sections in Part 3 of the Planning Proposal

Section A – Need for the Planning Proposal

This Planning Proposal implements the recommendations of the *Ulladulla Building Height Review Report* commissioned by Council in June 2017. This report reviewed the built form permitted by current planning controls and identified the changes required to encourage new development consistent with the adopted:

- *Milton-Ulladulla Structure Plan 1998*, and
- *Chapter S8 Ulladulla Town Centre of Shoalhaven Development Control Plan 2014*.

These two strategic planning documents plan the continued development of the Town Centre as a vibrant, mixed-use centre with a diversity of shops and businesses and quality residential and holiday apartments. New development will:

- Deliver new homes, including more affordable options such as one- and two-bed apartments,
- Support and promote the use of existing public transport and other infrastructure by locating new homes and businesses in the Town Centre,
- Create new jobs, including construction jobs,
- Increase activity, spending and demand for new shops and services across the Town Centre because of the increased workforce and new residents, and
- Be better designed, activating local streets and improving the public domain.

The building height review report, provided as a supporting technical study, recommends increasing the height limit from 7.5 metres (2-storeys) to 11 metres (3-storeys) and, in a small area, 14 metres (4-storeys). These heights would encourage a transition, or step, in height from the core of the Town Centre to the surrounding

lower density residential development. Figure 2 indicates the recommended building heights.

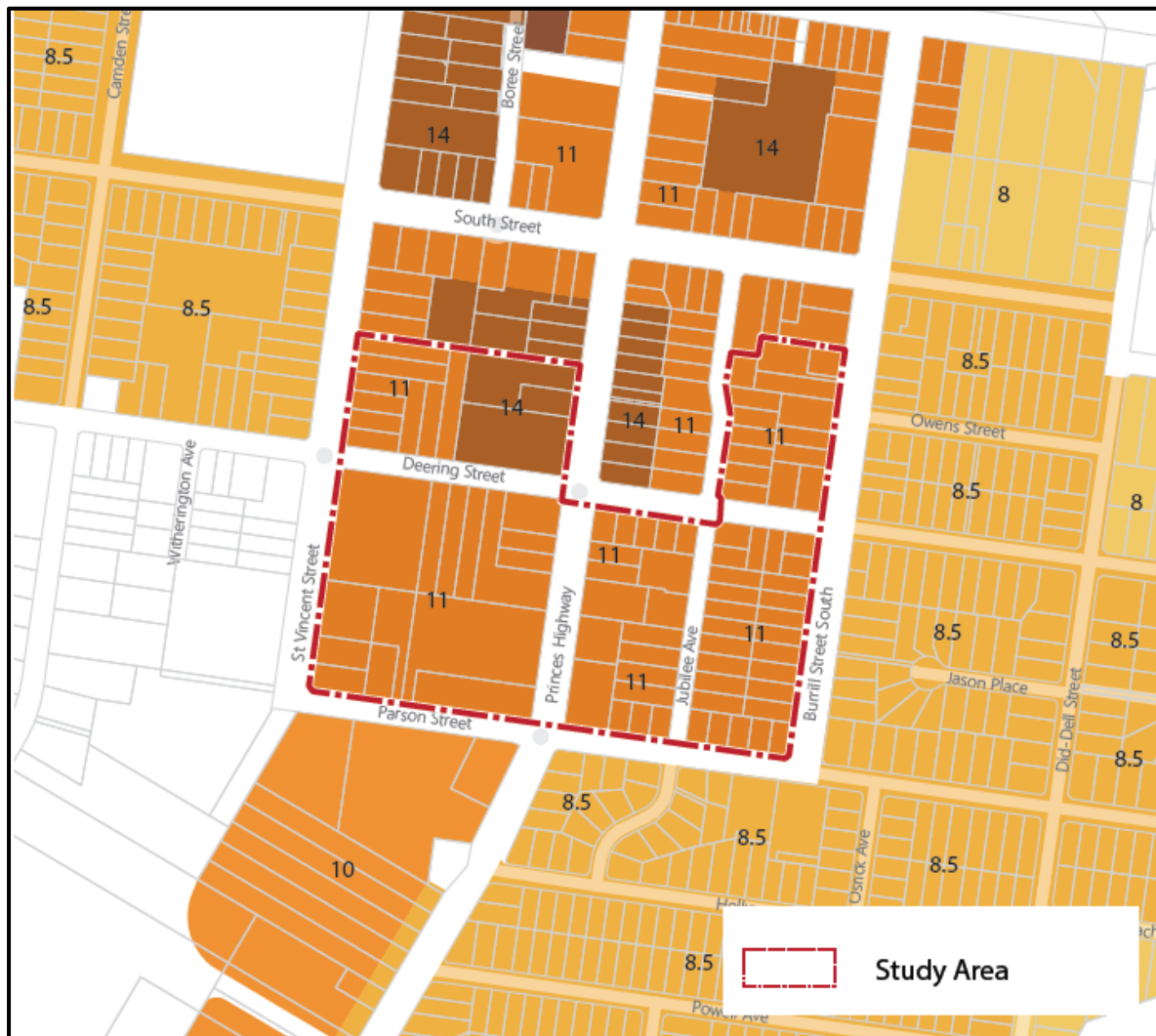


Figure 2 – Recommended building heights

This Proposal also responds to a request from the owners of the St Vincent-Deering Street site (via a rezoning application) to rezone the site from *B5 Business Development* to *B4 Mixed Use* and increase the maximum permissible building height from 7.5 metres to 14 metres. The owners are seeking these changes as they wish to take advantage of the site's proximity to the Town Centre and develop it with a mixed-use development providing space for shops and business on the ground floor with residential apartments above.

While the current *B5 Business Development* zone would permit this outcome, the *B4 Mixed Use* provides greater flexibility in the mix and type of compatible land-uses. The recommended zone would also allow the site to be developed solely for residential purposes, potentially reducing the impact of new development on existing residential development on the opposite side of St Vincent Street.

The requested building height control, at 14 metres, is 3 metres more than the height recommended in the *Ulladulla Building Height Review Report* (11 metres). An economic feasibility analysis and visual impact assessment support the recommended changes in zone and building height.

Section B – Relationship to the Strategic Planning Framework

Illawarra-Shoalhaven Regional Plan 2015

This Planning Proposal is consistent with the NSW Department of Planning & Environment's *Illawarra-Shoalhaven Regional Plan 2015*.

This Plan sets a vision of “[...] a sustainable future and a resilient community, capable of adapting to changing economic, social and environmental circumstances.” To achieve this, the Plan highlights the importance of:

- Strengthening the economic role of established centres, including the identified *Milton-Ulladulla Regional Centre*.
- Providing new homes close to existing jobs, shops, and services, and
- Contributing to greater housing affordability by providing a range of housing options to meet the needs of different households (singles, families, aged) and satisfy the demand for visitor accommodation.

The Plan implements the Vision through a set of Goals, Directions, and Actions. The Goals are centred around:

- A strong, resilient, and diversified economy,
- A variety of housing choices,
- Strong, healthy and well-connected communities,
- The appropriate use of agricultural and resource lands, and
- Protection and enhancement of the natural environment.

The Plan identifies Ulladulla as part of the *Milton-Ulladulla Regional Centre*, a major town centre servicing the local area and surrounding suburbs. The Plan recognises the Town Centre's role in providing a range of business, retail and entertainment uses, including supermarkets, health and other services, as well as opportunities for higher density residential development.

This Proposal responds to the Goals, Directions, and Actions of the Regional Plan and helps the Town Centre respond to its identified role by facilitating:

- Commercial and retail floor space to provide new employment opportunities.

- Residential development to help meet current demand and increase housing diversity with apartments.
- New housing close to existing services and jobs helping to reduce travel times and car dependency, whilst enabling more walking and cycling.
- Improved public domain, pedestrian amenity and street-level activity.
- Focussed growth in existing urban areas to avoid impacts on the natural environment and agricultural and resource lands.

Local Planning Directions

The NSW Minister for Planning has issued *Local Planning Directions* for Council to follow when preparing a Planning Proposal. These Directions cover:

- Employment and resources
- Environment and heritage
- Housing. Infrastructure and urban development
- Hazard and risk
- Regional planning
- Local plan making

This Planning Proposal is consistent with all applicable Local Planning Directions. The most important Directions for this proposal are considered below. Appendix 3 provides a summary of the consistency of this Proposal with all relevant Directions.

1.1 Business and Industrial zones

This Direction encourages employment growth in suitable locations, protects employment land in business zones, and supports the viability of identified centres. This Proposal needs to consider this Direction as it affects land in an existing business zone.

This Proposal is consistent with this direction as the recommended amendments:

- Encourage the development of existing urban land with employment generating uses by offering an incentive through increased building heights for new development,
- Retain the amount of land zoned for business purposes (the B4 and B5 zones are both business zones), and
- Support the viability of Ulladulla Town Centre.

2.2 Coastal Protection

This Direction protects and manages coastal areas of NSW. This Proposal needs to consider this Direction as a small area of the land affected by the Proposal (19 properties) is located within the identified *coastal use area*. The addresses of the 19 properties are:

- 6-16 Jubilee Ave (6 properties)
- 90-94 South Street (3 properties)
- 35-53 Burrill Street South (8 properties)
- 59-61 Deering Street (2 properties)

The recommended increase in building height is consistent with the various documents listed in this Direction as these documents were considered and addressed during the preparation of the *Shoalhaven Local Environmental Plan 2014*, *Shoalhaven Development Control Plan 2014*, and *Ulladulla Building Height Review Report 2017*. In addition, the recommended amendments do not affect land within a coastal vulnerability area or affected by a current or future coastal hazard.

3.1 Residential Zones

This Direction encourages housing variety, and the location of new residential development to make use of existing infrastructure and services and minimise impacts on environment and resource lands. This Proposal needs to consider this Direction as it affects land in an existing residential zone.

The recommended amendments are consistent as they will:

- Broaden the choice of housing within the Town Centre by facilitating smaller types of dwellings, including apartments,
- Encourage housing development within the Town Centre close to existing infrastructure, jobs, shops and services, and
- Focus development within the existing urban area, reducing the need to develop environmentally sensitive and resource land.

State Environmental Planning Policies

The NSW Government publishes State Environmental Planning Policies (SEPPs). These documents deal with matters of State or Regional planning significance. The most important SEPPs are considered below. Appendix 4 provides an assessment of the consistency of this Proposal with published SEPPs. This Planning Proposal is consistent with all applicable State Environmental Planning Policies.

State Environmental Planning Policy No. 55 – Remediation of Land

This SEPP addresses the management of contaminated land. The SEPP sets several considerations for rezoning potentially contaminated land, including:

- Identifying whether the land is contaminated,
- If the land is contaminated, it is suitable in its contaminated state (or will be suitable, after remediation) for the uses permitted by the proposed zone, and
- If the land requires remediation to be made suitable for any uses permitted by the proposed zone, the land can be remediated.

This Proposal needs to follow the instructions of this SEPP as it recommends changing the zone (from B5 Business Development to B4 Mixed Use) applying to the St Vincent-Deering Street site, a potentially contaminated site because of its current or previous use. Although residential development in the form of shop-top housing is currently permitted on this site, the recommended zone allows flat buildings with units on the ground floor. This requires further investigation to ensure there are no risks to any future residents.

This Proposal is supported by a preliminary investigation carried out in accordance with the *Managing Land Contamination Planning Guidelines 1998*. This investigation found the St Vincent-Deering Street site suitable for the range of uses allowed in the B4 Mixed Use zone.

The recommended increase in building heights across the larger area does not need a similar investigation as it does not change the zone or the permitted types of development. The issue of any land contamination and remediation will still be addressed, albeit during the consideration of development application(s) for the land.

State Environmental Planning Policy (Coastal Management) 2018

This SEPP addresses land use planning and development in the identified *coastal zone* and a range of subsequent *coastal areas*. This Proposal needs to consider the requirements of this SEPP as it applies to a small area (19 properties) located within the *coastal use area*.

The SEPP sets planning controls for development on land within the coastal use area that needs to be considered whenever a development application is lodged. These controls are supported by the *Shoalhaven Local Environmental Plan 2014* and *Shoalhaven Development Control Plan 2014*. They were also considered during the preparation of the *Ulladulla Building Height Review Report 2017*.

Council's Strategic Planning Framework

This Proposal is consistent with Council's *Integrated Strategic Plan* consisting of the Community Strategic Plan, Delivery Program, and Operational Plan. It is consistent with the adopted *Milton-Ulladulla Structure Plan 1998*, which sets principles to manage the appropriate growth and development of the Milton-Ulladulla area.

Integrated Strategic Plan

Council's Integrated Strategic Plan is based on the community's long-term aspirations for the Shoalhaven, as captured in the *Community Vision Statement*.

We will work together in Shoalhaven to foster a safe and attractive community for people to live, work, stay and play; where sustainable growth, development and environmental protection are managed to provide a unique and relaxed lifestyle.

These aspirations have been translated into the following 4 broad *Themes*, with each Theme supported by a set of *Priorities*, *Goals*, and *Actions* that deliver the vision statement:

1. Resilient, safe and inclusive communities
2. Sustainable, liveable environments
3. Prosperous communities
4. Responsible governance

The changes to the planning controls recommended by this Proposal will principally assist in achieving the outcomes of Themes 1-3.

The recommended changes will encourage investment and create new jobs in the Town Centre, primarily through new mixed-use development. New development will help stimulate the Town Centre, including the night-time economy, with new residents and the activity generated by commercial uses. New residents will support existing shops and services and create demand for new shops and services.

New residential development will assist in meeting the current demand for dwellings and the form of the housing, apartments, will provide increased housing diversity. Any new homes will also be close to existing services and jobs helping to reduce travel times and car dependency, whilst enabling more walking and cycling.

The future built form outcomes will be settled through the development consent process, which will ensure that development responds to the location and enhances the Town Centre's appearance.

Appendix 5 provides an assessment this Proposal's consistency with Council's Integrated Strategic Plan.

Milton-Ulladulla Structure Plan 1998

This Structure Plan underpins the current zoning of the land and establishes a set of principles to manage appropriate growth and development. This Plan identifies the Town Centre as a sub-regional retail core and the commercial hub of the southern part of the Shoalhaven Region. It identifies the desired outcome for the land to which

this Proposal applies – *tourist orientated retail* and *fringe commercial- industrial*. This Plan also outlines the demand for appropriate housing in the Milton-Ulladulla area, addressing both the amount and type of housing required to meet the community's needs.

The recommended increase in building height will provide flexibility in the planning controls to:

- Promote the development of shop-top housing and higher density residential development, generally providing smaller dwellings to meet the needs of smaller families and households, and
- Deliver contemporary floor-to-ceiling heights for each storey within a new development.

The proposed rezoning of the St Vincent-Deering Street site to B4 Mixed Use zone enables the provision of commercial, business and retail premises, meeting the tourist orientated retail aims.

Council's Local Planning Documents

Shoalhaven Local Environmental Plan 2014 (the LEP) implements the Milton-Ulladulla Structure Plan by setting the land use zones for the area affected by this Proposal. These zones include the B4 Mixed Use zone, B5 Business Development zone, and the R3 Medium Density Residential zone. Apart from the St Vincent-Deering Street site, no change is proposed to these zones.

The LEP also applies several other planning controls dealing with matters such as height of buildings and floor space ratio. This Proposal is only recommending the amendment of the height of building control. All other controls will remain unchanged.

Shoalhaven Development Control Plan 2014 (the DCP) applies to the area affected by this Proposal. *Chapter S8 Ulladulla Town Centre* of the DCP sets detailed development controls for:

- Bulk, scale and design of new buildings,
- Pedestrian amenity,
- Access, parking and services,
- Sustainable development.

No changes are proposed to the DCP.

Section C – Environmental, Social and Economic Considerations

This section reviews the challenges and opportunities presented by the land and how future development can be managed.

Biodiversity

It is unlikely this proposal will affect any critical habitat or threatened species, populations or ecological communities or their habitats as the land is developed and within an urban area.

Bulk and scale of development and overshadowing

The bulk and scale of new development and potential overshadowing were considered in the building heights report. These matters, along with urban design, visual connections, views and local character are managed by the development control plan.

The visual assessment supporting the proposed changes to zone and building height for the St Vincent-Deering Street site demonstrates the increase in permissible building height will have a minimal impact on views towards and in the Town Centre.

Contamination

The preliminary land contamination report identifies the site is suitable for the types of development and uses permitted in the proposed zone, providing detailed investigation and any necessary remediation is undertaken prior to any development.

Traffic and Transport

Any future development proposal will need to provide suitable car parking arrangements and demonstrate the existing road network can accommodate the traffic generated by the proposal.

Social Considerations

Urban renewal opportunities in the Town Centre have the potential to create considerable social and economic benefits. New mixed-use development will contribute to the overall liveability and productivity of the Town Centre by:

- Supporting the Town Centre's existing functions,
- Delivering housing close to services, jobs and transport,
- Diversifying the range of businesses and employment opportunities, and
- Increasing the activity and vibrancy of the Town Centre.

The pressure that new development places on existing community facilities is balanced with extra development contributions towards existing and planned facilities in accordance with Council's *Development Contribution Plan 2019*.

Additional housing, including a greater diversity of homes, will help provide more affordable homes.

Economics

The feasibility analysis confirms the proposed zone and controls will provide the financial stimulus for the redevelopment of the St Vincent-Deering Street site.

Section D – State and Commonwealth Interests

Infrastructure Provision

The site is within an urban area and should be adequately serviced by all required infrastructure and utilities, including public transport.

State and Commonwealth Public Authorities

The Gateway Determination confirms the consultation of public authorities is not required for this planning proposal.

Part 4 – Mapping

To achieve the intended outcome, this Planning Proposal recommends:

1. Increasing the height of building development standard on the *Height of Buildings Map* to 11 metres (3-storeys) and, for some selected sites, 14 metres (4-storeys), and
2. Identifying the St Vincent-Deering Street site as *B4 Mixed Use* on the *Land Zoning Map*.

This recommendation requires the amendment of the following map tiles in *Shoalhaven Local Environmental Plan 2014* (current and draft maps are provided in Appendix 7).

- Height of Buildings Map – Tile no. 16D, and
- Land use Zone Map – Tile no. 16D.

These changes are identified in Figures 3 and 4.

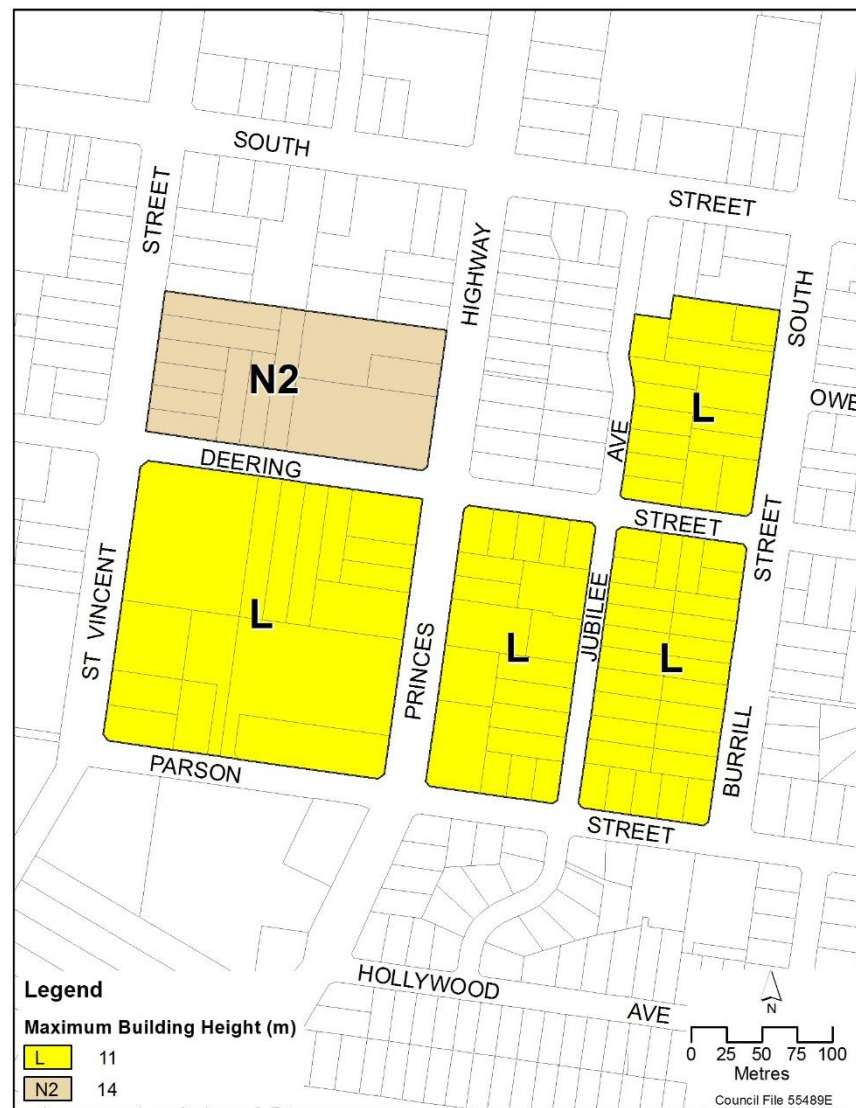
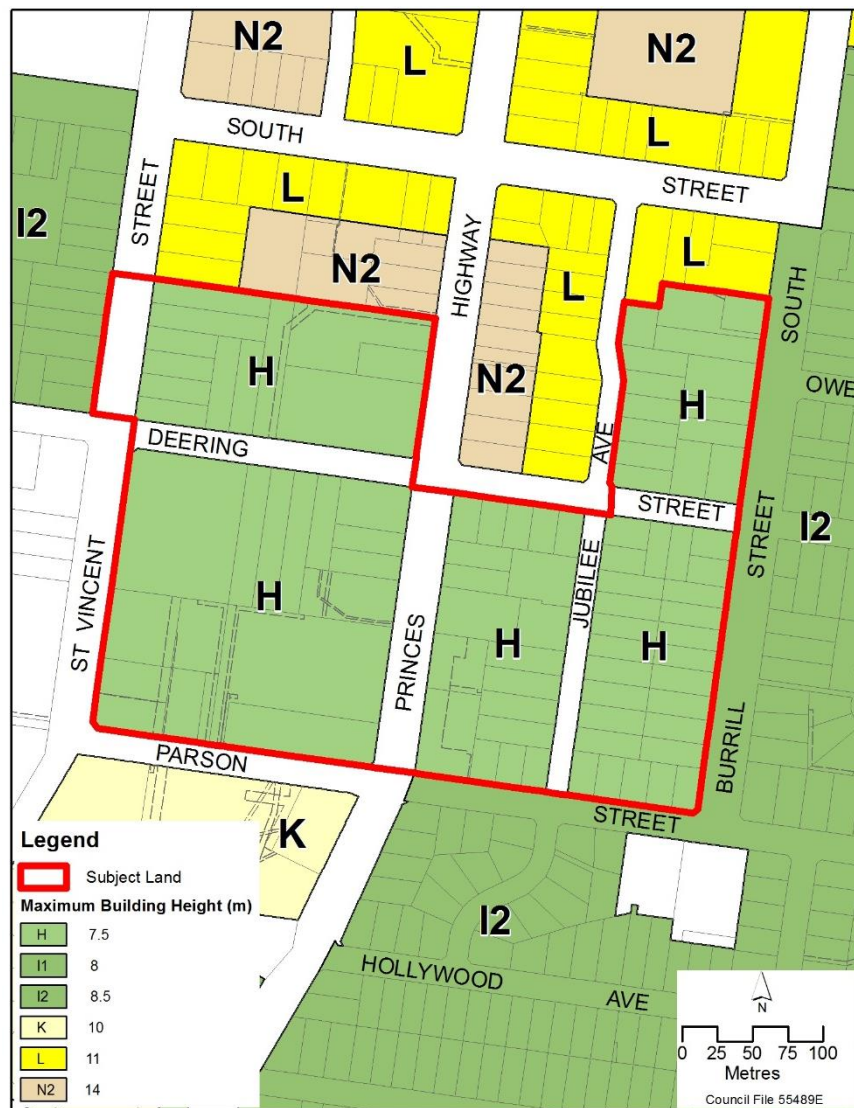


Figure 3 – Current and proposed height of buildings

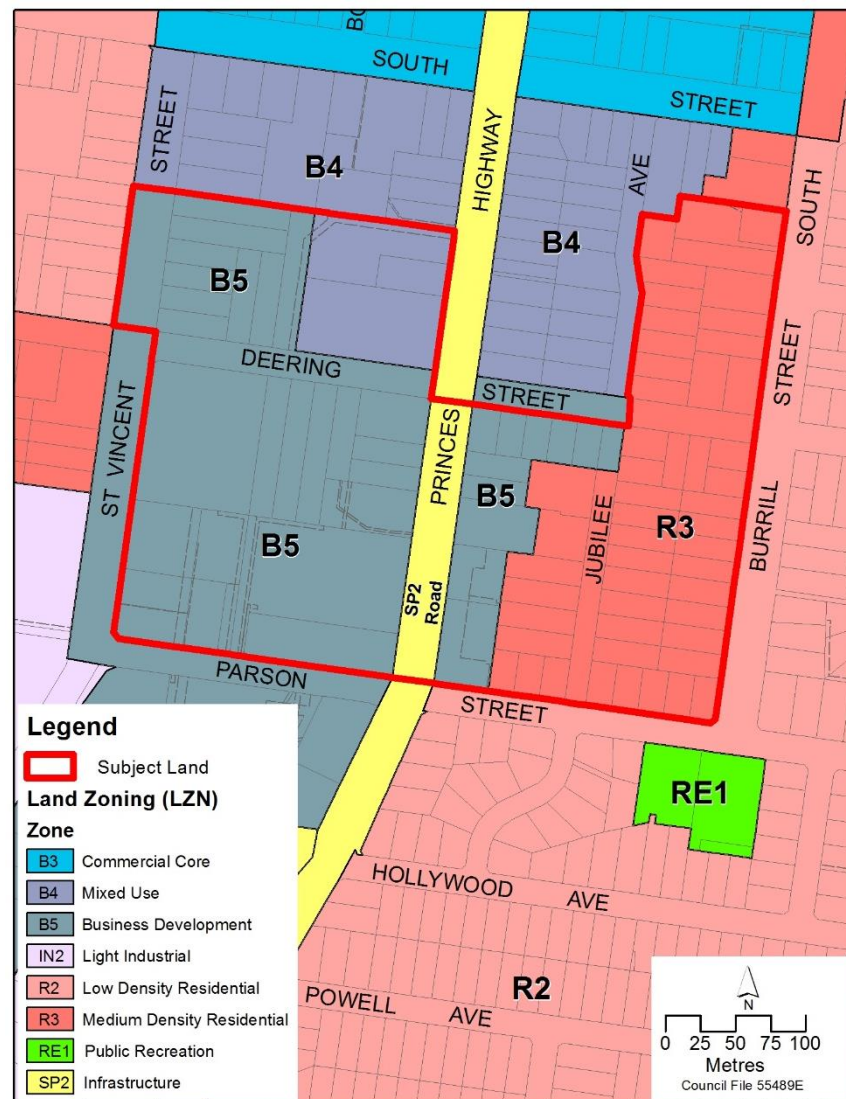


Figure 4 – Current and proposed land use zones

Part 5 – Community Consultation

The Gateway Determination requires this Planning Proposal to be publicly exhibited for a minimum of 28 days.

The exhibition venues will be Council's Nowra Administration Office and Ulladulla Service Centre. Copies of the exhibition material will also be available at Ulladulla Civic Centre.

All exhibition material will be available on Council's website.

Notice of the public exhibition will be given in local papers and on Council's website and social media outlets. A notification letter will also be sent to the owners and occupiers of the properties directly affected by this proposal.

Part 6 Project Timeline

Note: The project timeline may be updated as the Planning Proposal progresses through the Gateway Process.

No.	Action	Date
1	Council considers the planning proposal	<ul style="list-style-type: none"> • 27 February 2018 • 13 February 2018 • 14 November 2017 • 5 June 2017
3	Gateway Determination	<ul style="list-style-type: none"> • February 2019 • May 2018 • August 2017
4	Completion of conditions in Gateway Determination	August 2019
5	Public Exhibition	November 2019 – January 2020
6	Consideration of Submissions	February 2020
7	Finalisation of Planning Proposal	March 2020
8	Publication of recommended amendments to <i>Shoalhaven Local Environmental Plan 2014</i>	April 2020

Table 5 – Indicative Project Timeframe

Appendix 1 – List of Properties Affected by this Planning Proposal

Address	Lot & DP	Address	Lot & DP
41 Burrill Street South	Lot 21 DP 632881	56 Deering Street	Lot 7 DP 19708
43A Burrill Street South	Lot 22 DP 632881	58 Deering Street	Lot 8 DP 19708
45 Burrill Street South	Lot 2 DP 346168	59 Deering Street	Lot 16 DP 25900
47 Burrill Street South	Lot 20 DP 25900	60 Deering Street	Lot 382 DP 1231220
51 Burrill Street South	Lot 19 DP 25900	61 Deering Street	Lot 17 DP 25900
53 Burrill Street South	Lot 18 DP 25900	62 Deering Street	Lot 11 DP 228578
55 Burrill Street South	Lot 1 DP 204774	62A Deering Street	Lot 12 DP 228578
57 Burrill Street South	Lot 2 DP 204774	64 Deering Street	Lot 13 DP 228578
59 Burrill Street South	Lot 11 DP 26469	66 Deering Street	Lot 14 DP 228578
61 Burrill Street South	Lot 12 DP 26469	68 Deering Street	Lot 15 DP 228578
63 Burrill Street South	Lot 13 DP 26469	72 Deering Street	Lot 6 DP 592737
65 Burrill Street South	Lot 14 DP 26469	74 Deering Street	Lot 7 DP 26469
67 Burrill Street South	Lot 1 DP 240662	76 Deering Street	Lot 8 DP 26469
69 Burrill Street South	Lot 2 DP 240662	6 Jubilee Avenue	Lot 2 DP 551266
71 Burrill Street South	Lot 3 DP 240662	8 Jubilee Avenue	Lot 10 DP 25900
73 Burrill Street South	Lot 4 DP 240662	10 Jubilee Avenue	Lot 11 DP 25900
75 Burrill Street South	Lot 5 DP 240662	12 Jubilee Avenue	Lot 12 DP 25900
62 Princes Highway	Lot 70 DP 840916	14 Jubilee Avenue	Lot 13 DP 25900
137 Princes Highway	Lot 4 DP 524007	16 Jubilee Avenue	Lot 14 DP 25900
139 Princes Highway	Lot 3 DP 524007	18 Jubilee Avenue	Lot 15 DP 25900
141 Princes Highway	Lot 1 DP 509202	21 Jubilee Avenue	Lot 60 DP 623248
147 Princes Highway	Lot 110 DP 865998	22 Jubilee Avenue	Lot 5 DP 592737
151 Princes Highway	Lot 12 DP 19708	24 Jubilee Avenue	Lot 4 DP 26469
152 Princes Highway	Lot 10 DP 228578	26 Jubilee Avenue	Lot 3 DP 26469
153 Princes Highway	Lot 13 DP 19708	27 Jubilee Avenue	Lot 2 DP 717239
154 Princes Highway	Lot 9 DP 228578	28 Jubilee Avenue	Lot 2 DP 26469
155 Princes Highway	Lot 381 DP 1231220	30 Jubilee Avenue	Lot 1 DP 26469
156 Princes Highway	Lot 1 DP 717239	31 Jubilee Avenue	Lot 11 DP 239967
161 Princes Highway	Lot CP SP 74967	32 Jubilee Avenue	Lot 13 DP 240662
166 Princes Highway	Lot 71 DP 840916	33 Jubilee Avenue	Lot 10 DP 239967
169 Princes Highway	Lot 51 DP 1047471	34 Jubilee Avenue	Lot 12 DP 240662
Parson Street	Lot 5 DP 805221	35 Jubilee Avenue	Lot 9 DP 239967
Parson Street	Lot 6 DP 805221	36 Jubilee Avenue	Lot 11 DP 240662
5 Parson Street	Lot 5 DP 239967	37 Jubilee Avenue	Lot 8 DP 239967
7 Parson Street	Lot 6 DP 239967	38 Jubilee Avenue	Lot 10 DP 240662
9 Parson Street	Lot 7 DP 239967	116 St Vincent Street	Lot 1 DP 21597
11 Parson Street	Lot 9 DP 240662	118 St Vincent Street	Lot 2 DP 21597
15 Parson Street	Lot 7 DP 240662	120 St Vincent Street	Lot 3 DP 21597
13 Parson Street	Lot 8 DP 240662	122 St Vincent Street	Lot 4 DP 21597
17 Parson Street	Lot 6 DP 240662	124 St Vincent Street	Lot 5 DP 21597
37 Deering Street	Lot 7 DP 21597	126 St Vincent Street	Lot 6 DP 21597
39 Deering Street	Lot CP SP 42583	140 St Vincent Street	Lot 12 DP 834367
41 Deering Street	Lot 9 DP 21597	144 St Vincent Street	Lot 3 DP 746228
44 Deering Street	Lot 1 DP 844532	146 St Vincent Street	Lot 4 DP 805221
54 Deering Street	Lot 6 DP 19708	Part St Vincent Street Road Reserve	

Appendix 2 – Gateway Determinations (under separate cover)

Appendix 3 – Consistency with Local Planning Directions

Direction	Applicable	Consistent	Comment
1. Employment and Resources			
1.1 Business and Industrial Zones	Yes	Yes	This Proposal recommends amendments to the planning controls to encourage employment growth in a suitable location, protect land in an existing business zone, and support the viability of an identified centre.
1.2 Rural Zones	No	-	-
1.3 Mining, Petroleum Production and Extractive Industries	Yes	TBD	The Director-General of the Department of Primary Industries will be consulted on this Proposal.
1.4 Oyster Aquaculture	No	-	-
1.5 Rural Lands	No	-	-
2. Environment and Heritage			
2.1 Environment Protection Zones	Yes	Yes	This Proposal does not recommend amendments to the planning controls that protect and conserve environmentally sensitive areas, nor would the recommended amendments reduce the environmental protection standards that apply to the site.
2.2 Coastal Management	Yes	Yes	<p>This Proposal applies to 19 properties that are located within the <i>coastal use area</i>, as defined under the <i>Coastal Management Act 2016</i>, and as identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>. These properties include:</p> <ul style="list-style-type: none"> • 6-16 Jubilee Ave (6 properties) • 90-94 South Street (3 properties) • 35-53 Burrill Street South (8 properties) • 59-61 Deering Street (2 properties) <p>The recommended amendments to the planning controls applying to these properties (increase in building heights) are consistent with the:</p>

Appendix 3 – Consistency with Local Planning Directions

Direction	Applicable	Consistent	Comment
			<ul style="list-style-type: none"> • <i>Coastal Management Act 2016</i>, • NSW Coastal Management Manual, • NSW Coastal Design Guidelines 2003, and • Council's Coastal Zone Management Plan 2018. <p>The objectives of each of these documents were considered and addressed in detail during the preparation of the <i>Shoalhaven Local Environmental Plan 2014</i>, <i>Shoalhaven Development Control Plan 2014</i>, and <i>Ulladulla Building Height Review Report 2017</i>.</p> <p>In addition, the recommended amendments do not affect land within a coastal vulnerability area or affected by a current or future coastal hazard.</p>
2.3 Heritage Conservation	Yes	Yes	This Proposal does not recommend the deletion of any heritage items or places or the amendment of existing controls that facilitate the conservation of heritage items or places.
2.4 Recreation Vehicle Areas	Yes	Yes	This Proposal does not recommend amendments to the planning controls that would enable the site to be developed for a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPS	No	-	-
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Yes	This Proposal recommends amendments to the planning controls that encourage the provision of housing, broaden the choice of dwelling types and locations, make use of existing infrastructure and services, and help reduce development beyond existing urban areas.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to caravan parks and manufactured home estates.

Appendix 3 – Consistency with Local Planning Directions

Direction	Applicable	Consistent	Comment
3.3 Home Occupations	Yes	Yes	This Proposal does not recommend the amendment of planning controls that permit home occupations to be carried out in homes without the need for development consent.
3.4 Integrating Land Use and Transport	Yes	Yes	This Proposal recommends amendments that will enable the delivery of new dwellings close to jobs, shops, services and public transport, helping to increase transport choices, and reduce travel demand. An increased residential population also allows us to advocate for improved public transport to service the Town Centre.
3.5 Development Near Regulated Airports and Defence Airfields	No	-	-
3.6 Shooting Ranges	No	-	-
3.7 Reduction in non-hosted short-term rental accommodation period	No	-	-
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Yes	Yes	The land is identified as <i>Class 5 Acid Sulfate Soils</i> . This Proposal does not seek to introduce new planning controls to regulate works in acid sulfate soils, nor will the recommended amendments (increase in height) intensify the land uses.
4.2 Mine Subsidence and Unstable Land	No	-	-
4.3 Flood Prone Land	No	-	-
4.4 Planning for Bushfire Protection	Yes	TBD	The NSW Rural Fire Service will be consulted on this Proposal.
5. Regional Planning			
5.1 Implementation of Regional Strategies	No	-	-

Appendix 3 – Consistency with Local Planning Directions

Direction	Applicable	Consistent	Comment
5.2 Sydney Drinking Water Catchments	No	-	-
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	-	-
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	-	-
Directions 5.5-5.8 Revoked			
5.9 North West Rail Link Corridor Strategy	No	-	-
5.10 Implementation of Regional Plans	Yes	Yes	Refer to 3. <i>Justification</i> , B. <i>Relationship to the strategic planning framework</i> of this Proposal.
5.11 Development of Aboriginal Land Council Land	No	-	-
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	This Proposal does not recommend planning controls that require additional concurrence, consultation, or referral of development applications to a Minister or a public authority.
6.2 Reserving Land for Public Purposes	Yes	Yes	This Proposal does not recommend creating, altering, or reducing existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	Yes	Yes	This Proposal does not recommend additional, site-specific planning controls.
7. Metropolitan Planning – <i>Not applicable</i>			

Appendix 4 – Consistency with State Environmental Planning Policies

SEPP	Applicable	Consistent	Comment
State Environmental Planning Policy No 1 - Development Standards	No	-	-
State Environmental Planning Policy No 19 - Bushland in Urban Areas	No	-	-
State Environmental Planning Policy No 21 - Caravan Parks	Yes	NA	This Proposal does not relate to caravan parks.
State Environmental Planning Policy No 33 - Hazardous and Offensive Development	Yes	NA	This Proposal does not recommend the amendment of planning controls relating to hazardous and offensive development.
State Environmental Planning Policy No 36 - Manufactured Home Estates	No	-	-
State Environmental Planning Policy No 44 - Koala Habitat Protection	Yes	NA	This Proposal does not affect koala habitat.
State Environmental Planning Policy No 47 - Moore Park Showground	No	-	-
State Environmental Planning Policy No 50 - Canal Estate Development	Yes	Yes	This Proposal does not recommend making canal estate developments permissible.
State Environmental Planning Policy No 55 - Remediation of Land	Yes	Yes	This Proposal recommends changing the zone (from B5 Business Development to B4 Mixed Use) applying to the St Vincent-Deering Street site, a potentially contaminated site because of its current or previous use. Although residential development in the form of shop-top housing is currently permitted, the recommended zone allows flat buildings with units on the ground floor. This Proposal is supported by a preliminary investigation carried out in accordance with the <i>Managing Land Contamination Planning Guidelines 1998</i> . This

Appendix 4 – Consistency with State Environmental Planning Policies

SEPP	Applicable	Consistent	Comment
			investigation found the St Vincent-Deering Street site suitable for the range of uses allowed in the proposed zone.
State Environmental Planning Policy No 64 - Advertising and Signage	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to advertising and signage.
State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to the design quality of residential apartment development.
State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)	Yes	NA	An affordable housing development contribution scheme does not apply to the land.
State Environmental Planning Policy (Aboriginal Land) 2019	No	-	-
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to affordable rental housing.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to the building sustainability index.
State Environmental Planning Policy (Coastal Management) 2018	Yes	Yes	The aims and objectives of this SEPP were considered during the preparation of the <i>Ulladulla Building Height Review Report 2017</i> . The planning controls set by the SEPP are also supported by the <i>Shoalhaven Local Environmental Plan 2014</i> and <i>Shoalhaven Development Control Plan 2014</i> , which will continue to apply to the site.
State Environmental Planning Policy (Concurrences) 2018	No	-	-
State Environmental Planning Policy (Educational	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to educational establishment and child care facilities.

Appendix 4 – Consistency with State Environmental Planning Policies

SEPP	Applicable	Consistent	Comment
Establishments and Child Care Facilities) 2017			
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to exempt and complying development.
State Environmental Planning Policy (Gosford City Centre) 2018	No	-	-
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to housing for seniors or people with a disability.
State Environmental Planning Policy (Infrastructure) 2007	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to the delivery of infrastructure.
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	-	-
State Environmental Planning Policy (Kurnell Peninsula) 1989	No	-	-
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to mining, petroleum production or extractive industries.
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Yes	Yes	This Proposal does not recommend the amendment of planning controls relating to temporary structures.
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	-	-

Appendix 4 – Consistency with State Environmental Planning Policies

SEPP	Applicable	Consistent	Comment
State Environmental Planning Policy (Primary Production and Rural Development) 2019	Yes	NA	This Proposal does not affect rural land.
State Environmental Planning Policy (State and Regional Development) 2011	Yes	NA	This Proposal does not relate to State Significant development, State Significant infrastructure, or critical State Significant infrastructure.
State Environmental Planning Policy (State Significant Precincts) 2005	No	-	-
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	-	-
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	-	-
State Environmental Planning Policy (Three Ports) 2013	No	-	-
State Environmental Planning Policy (Urban Renewal) 2010	No	-	-
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes	NA	The land does not contain any significant vegetation that could assist with the aims of this policy; and this Proposal does not propose any clearing of vegetation.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	No	-	-
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	-	-

Appendix 5 – Consistency with Community Strategic Plan

Theme	Priority	Consistent
1. Resilient, safe and inclusive communities	1.1 Build inclusive, safe and connected communities	Yes: The changes recommend in this Proposal will facilitate the delivery of new residential development in the form of apartments (including shop-top housing). These forms of residential development will increase housing diversity in the Town Centre helping to meet the needs of smaller families and households.
	1.2 Activate communities through arts, culture and events	Not applicable
	1.3 Support active, healthy liveable communities	Yes: The changes recommended in this Proposal will facilitate the delivery of new residential development close to existing jobs, shops and services, enabling more walking and cycling trips and reducing travel times and car dependency.
2. Sustainable, liveable environments	2.1 Improve and maintain road and transport infrastructure	Not applicable
	2.2 Plan and manage appropriate and sustainable development	Yes: The changes recommended in this Proposal will facilitate the delivery of new residential development helping to meet demand from population growth. It will also help to activate the Town Centre with new pedestrian activity, support existing shops and services, and create demand for new shops and services.
	2.3 Protect and showcase the natural environment	Not applicable
3. Prosperous communities	3.1 Maintain and grow a robust economy with vibrant towns and villages	Yes: The changes recommended in this Proposal will encourage investment in the Town Centre, primarily the development of land with new mixed-use development. New development will generate new jobs and new residents will support existing shops and businesses, and potentially demand new shops and businesses.
4. Responsible governance	4.1 Deliver reliable services	Not applicable
	4.2 Provide advocacy and transparent leadership through effective government and administration	Not applicable
	4.3 Inform and engage with the community about the decisions that affect their lives	Yes: The proposed community consultation to be undertaken on this Proposal (see Part 5) will include a public exhibition and provide people the opportunity to make a submission and have their feedback considered prior to any decision to finalise the Proposal.