Statement of Environmental Effects

Submitted to Shoalhaven City Council

Two-lot Torrens Title subdivision

For

Cleary Bros Pty Ltd

Site address

365 Beach Road, Berry – Part Lot 2 DP1111012 and Lot A DP 185785

Date
8/01/2025

Project Reference: N28896

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Table of Revisions

Initial	Rev	Date	Details
RL	0	13/12/2024	Client Review
RL	A	17/12/2024	Issued for DA Approval.
RL	B	8/01/2025	Updated Council RFI for lodgement.

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APPENDICES – SUPPORTING DOCUMENTATION

1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared on behalf of Cleary Bros Pty Ltd in support of a development application (DA) to be submitted to Shoalhaven City Council (SCC) for Two-lot Torrens Title subdivision of 365 Beach Road, Berry – Part Lot 2 DP1111012 and Lot A DP 185785.

The subject site is located across the local government areas of Shoalhaven and Kiama, and as such this application is one of two DAs submitted for subdivision of the land.

The DA submitted to SCC seeks approval for:

- Subdivision of Part Lot 2 DP 1111012 and lot consolidation of Lot A DP 185785 to form two lots consisting of the following:
    - Proposed Lot 11 – 121ha with a dwelling entitlement.
    - Part Proposed Lot 12 – Lot 12 has a total of 301.8ha and sits across both SCC (76ha) and KMC (225.8ha) and consists of the existing and proposed future extended Cleary Bros operations.

The second application being concurrently submitted to Kiama Municipal Council (KMC) seeks approval for the Torrens Title Subdivision of:

- Part Lot 2 DP 1111012 and Lot 258 DP 751254 consisting of the following:
    - Proposed Lot 14 – 40.8ha with dwelling entitlement.
    - Proposed Lot 13 – 40.2ha with two existing dwellings, one of which approval will be sought via the DA to change the use from a 'dwelling' to 'farm stay accommodation' as part of this DA.
    - Part Proposed Lot 12 – Lot 12 has a total of 301.8ha and sits across both SCC (76ha) and KMC (225.8ha) and consists of the existing and proposed potential Cleary Bros operations and will not have a dwelling envelope.

The subdivision results the areas of the Cleary Bros sand mining operations being divided from surrounding rural land, and resulting in a total of four lots, or two additional lots.

Proposed Lot 10 (Existing Lot 1 DP 1111012) is also proposed to be included within the proposed plan of subdivision to obtain a new folio identifier (title). This lot will not change in size or dimensions, however is included within the proposal as due to the date of registration of the existing lot, the full dimensions and areas of the lot are not available from the title diagram.

The purpose of this Statement of Environmental Effects is to describe the site and the development proposal and review the proposal in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The report also provides an assessment of the potential environmental impacts of the proposal and where impacts are identified, outlines the measures to mitigate any harm on the environment.

This Statement of Environmental Effects is based on the plan of subdivision prepared by Allen Price (see **Appendix A**) and technical information submitted with this application (refer **Table of Contents**)

It is noted that the supporting documents in some instances refer to the proposed development occurring within KMC. Given the overlapping nature of the proposal this approach is the most consistent means to ensure that any development consent applies to the same scope and environmental assessments. Where possible it is requested that SCC and KMC coordinate their assessments to ensure any development consent applying to the subdivision land – particularly of existing Lot 2 DP 1111012 – is consistent and workable with regard to post-consent requirements.

The DA is Integrated Development for the purposes of Section 4.46 of the EP&A Act under the Rural Fires Act 1997.

2.0 SITE CHARACTERISTICS AND SURROUNDING LAND USES

2.1 KEY CHARACTERISTICS OF THE SITE

2.1.1 LEGAL DESCRIPTION

As shown by the accompanying site survey the development site (the site) comprises the following allotments in Table 1.

Table 1. Legal Description

Address	Lot and DP	Local Government Area (LGA)
365 Beach Road, Berry	Lot 1 DP 1111012	Shoalhaven
Beach Road, Berry	Lot 2 DP 1111012	Shoalhaven & Kiama
95 Dooley Road, Gerroa	Lot 258 DP 751254	Kiama
675 Beach Road, Berry	Lot A DP 185785	Shoalhaven

2.1.2 SITE DESCRIPTION

The site (Figure 1), is located on the southwest of the Illawarra Railway line, and west of Seven Mile Beach National Park and Gerroa Beach. All four lots are irregular in shape and have existing lot areas as shown at Table 2 below.

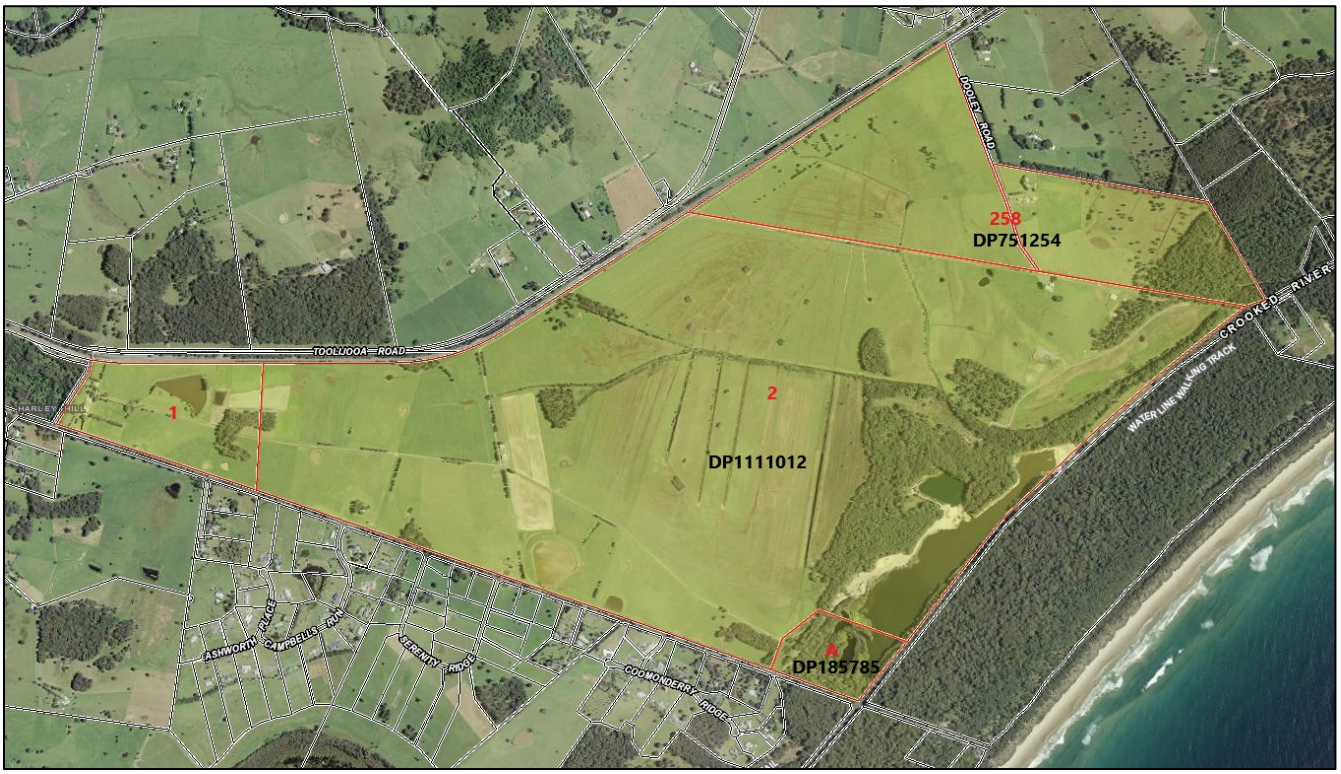

Figure 1. Site Image – Source: Six Maps

Table 2. Legal Description

Address	Lot and DP	Lot size
365 Beach Road, Berry	Lot 1 DP 1111012	28.64ha
Beach Road, Berry	Lot 2 DP 1111012	403.24ha
95 Dooley Road, Gerroa	Lot 258 DP 751254	93.10ha
675 Beach Road, Berry	Lot A DP 185785	11.33ha

2.1.3 SITE LOCATION

The site is located within the localities of Berry and Gerroa and approximately 5km east of the Berry Township and 2km from Gerroa Village.

2.1.4 EXISTING IMPROVEMENTS

The lot currently has an existing sand mine located within Lot 2 DP 1111012 (located across both KMC and SCC), which has its primary access off Beach Road via Lot A DP 185785 (as shown in Figure 1). The sand mine has been in operation for around 60 years with the most recent development approval for the continuation of the site issued by the Land and Environment Court (MP 05_0099 determined 2 September 2008), mostly recently modified by the Minister for Planning on 10 June 2022 (Modification 1).

Both Lots 2 DP 1111012 and Lot 258 DP 751254 have an existing dwelling respectively, both of which are accessed via Dooley Road. Lot 1 DP 111102 also has an existing dwelling and associated sheds and agricultural outbuildings accessed from Beach Road.

Figure 2. Site photos – farm operations on Lot 2 DP 1111012 – Source: AP

Figure 3. Site photos – Lot 2 DP 1111012– proposed Beach Road access for Lot 11– Source: AP

Figure 4. Site photos – Access to sand mine off Beach Road – Source: AP

Figure 5. Site photos – farmland on Lot 2 DP 1111012 – Source: AP

Figure 6. Site photos – farm sheds on Lot 2 DP 1111012 – Source: AP

2.1.5 TOPOGRAPHY AND VEGETATION

The site is relatively flat with the exception of the ridge / hill running along Dooley Road within Lot 258 DP751.254. Topography ranges from RL 30 m AHD at the existing dwelling in Lot 258 DP 751251 down to RL 5 m AHD long the site's eastern boundary.

The site consists of some heavily vegetated areas, open managed farm land and cleared areas within the areas of the existing sand mine.

Refer Site Locality plans at **Figure 7** and **Figure 8**.

Figure 7. Site Locality Plan – Source: Berry Topographic Map (9028-3N)

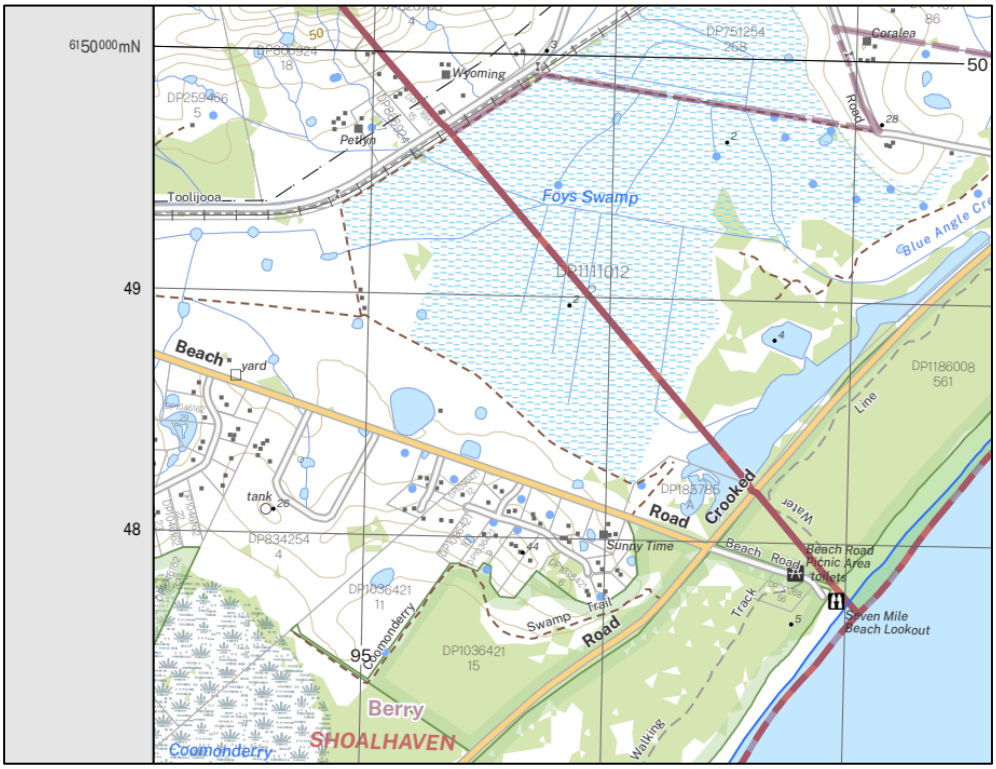

Figure 8. Site Locality Plan – Source: Gerroa Topographic Map (9028-2N)

2.2 SURROUNDING LAND USES

The site sits to the east of the Illawarra Railway and the west of Seven Mile Beach National Park and Seven Mile Beach.

To the south of the site, Beach Road occupies several rural residential lots of lot sizes ranging from 1ha. To the west is larger farming land with lots greater than 40ha in size. Figure 2 (below) shows the surrounding land uses to the site.

Figure 9. Aerial image of surrounding land uses - Source: Near Maps

Figures 3 to 4 show images of the site and nearby development.

Figure 10. Image of the site looking north from Beach Road – Source: AP

Figure 11. Image of the site looking south from Dooley Road – Source: Google Streetview

3.0 PROPOSED DEVELOPMENT

The proposed development within SCC consists of the subdivision of Part Lot 2 DP 1111012 and lot consolidation of Lot A DP 185785 to form two lots consisting of the following:

- Proposed Lot 11 – 121ha with a dwelling entitlement.
- Part Proposed Lot 12 – Lot 12 has a total of 301.8ha and sits across both SCC (76ha) and KMC (225.8ha) and consists of the existing and proposed future extended Cleary Bros operations.

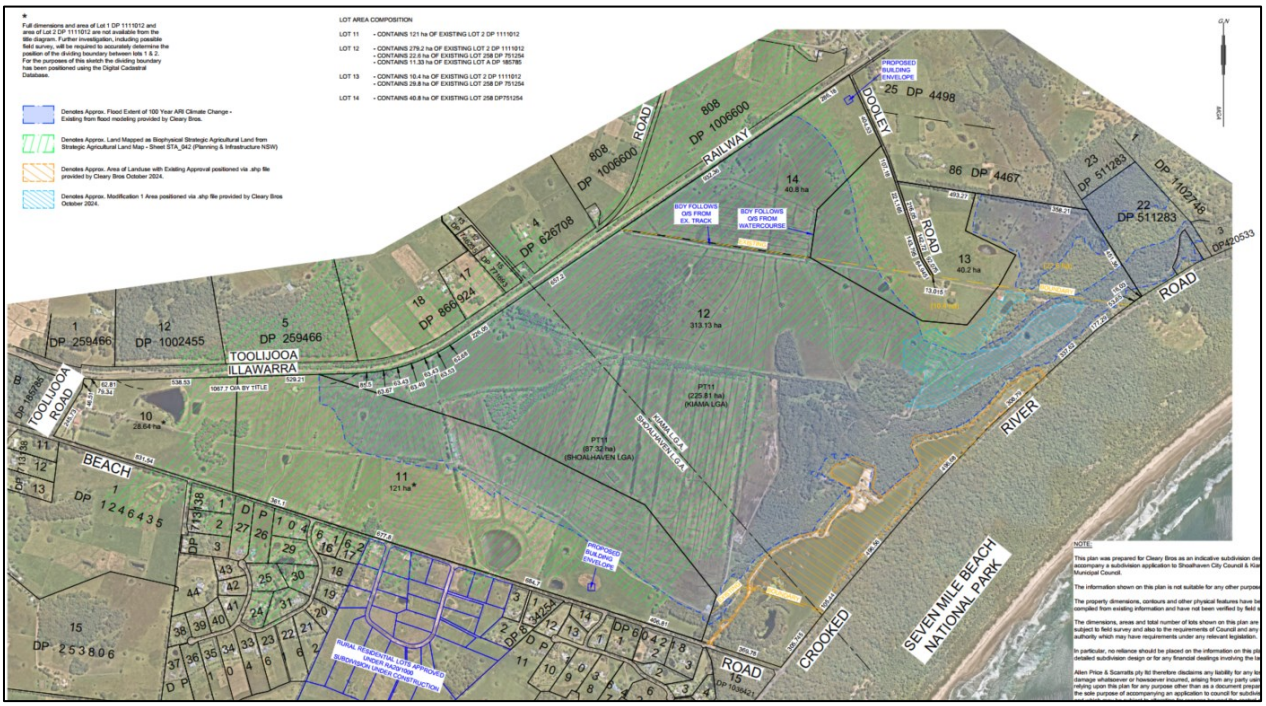

Figure 12. Proposed Plan of Subdivision (Dwg. N28896-03 , Rev C) - Source: AP

The plans in support of the application provide a new driveway, building envelope and bushfire asset protection zone for Proposed Lot 11 within the new lot encapsulated within the RU1 zoned part of the proposed lot. The building envelope is situated within existing cleared areas of the site and will not necessitate further clearing of native vegetation for the building envelope or APZs.

Further the siting of the boundary between proposed Lot 11 and 12 within the RU1 zone is situated within an existing cleared area and no clearing of native vegetation will be required for this section of boundary.

Under these circumstances no clearing of native vegetation will be required for the establishment of the proposed boundaries for the proposed subdivision (refer **Appendix H**).

Lot 11 is to be formed though the subdivision of existing Part Lot 2 DP 1111012, and essentially separates agricultural, non-sand mining land from the operational land which will be entirely within proposed Lot 12. It is proposed that vehicle access to Lot 11 will be via Beach Road opposite Banggarai Street from an existing access point which will be upgraded as part of the proposed subdivision (refer plans at **Appendix A** and **Appendix D**).

Proposed Part Lot 12, within SCC, will be formed though the subdivision of existing Part Lot 2 DP 1111012 and consolidation of Lot A DP 185785. This lot will contain the sand mining operations as approved under MP05-0099. This lot will be accessed from the existing access to the sand mine off Beach Road (shown at **Figure 4**). No proposed works are proposed to the existing access for proposed Lot 12, with the existing access suitable for the existing approved operations.

Proposed Lot 10

Lot 10 is included in the plan of subdivision, however no work or subdivision of this land is proposed. Allen Price's Registered Surveyors have advised that Lot 1 DP 1111012 is required to be included in the plan of subdivision as Deposited Plan DP 1111012 states, '*Full dimensions and/or area(s) are not available for all lots Any division of the lands herein may necessitate the lodgement of a plan of survey*' (see **Appendix M**). With Lot 2 in this plan proposed to be subdivided, this necessitates Lot 1 also being reflected in the plan.

No works, subdivision or any change to the existing title record of this lot is proposed, and accordingly no assessment of the proposed lot from a planning point of view is required, with it reflected on the plans only for administrative purposes.

Proposed Lots 13 and 14

Proposed Lots 13 and 14 are situated within KMC, being the subdivision of existing Lot 258 DP 751254 and part Lot 2 DP 1111012, and are not included in this assessment, as they fall outside the scope of SCC's evaluation.

4.0 PLANNING LEGISLATION, COUNCIL CODES AND POLICY

4.1 ENVIRONMENTAL PLANNING & ASSESSMENT ACT

There are a number of pertinent provisions of the EP&A Act relevant to this project, notwithstanding Section 4.15 (1).

4.1.1 SECTION 1.7: APPLICATION OF THE BIODIVERSITY CONSERVATION ACT 2016

The site is partially mapped with any known Biodiversity values (see Figure 13). The site has managed vegetation across the site in accordance with the approved sand mining operations. Accordingly, a Flora & Fauna Report accompanies this assessment (refer **Appendix H**). This report concludes that while there are possible threatened flora species on site or in the surroundings, and two endangered ecological communities, the proposed lot boundaries under the proposed subdivision would not disturb any areas of high biodiversity value. Furthermore, the assessment notes that should fence lines need to be installed on the boundaries the required clearing and soil disturbance would not cause irreparable damage to natural areas or biodiversity.

The subject DA includes no works or vegetation removal within the Biodiversity Values mapped area and does not involve clearing of native vegetation above the clearing threshold. New site boundaries are not located within any mapped areas.

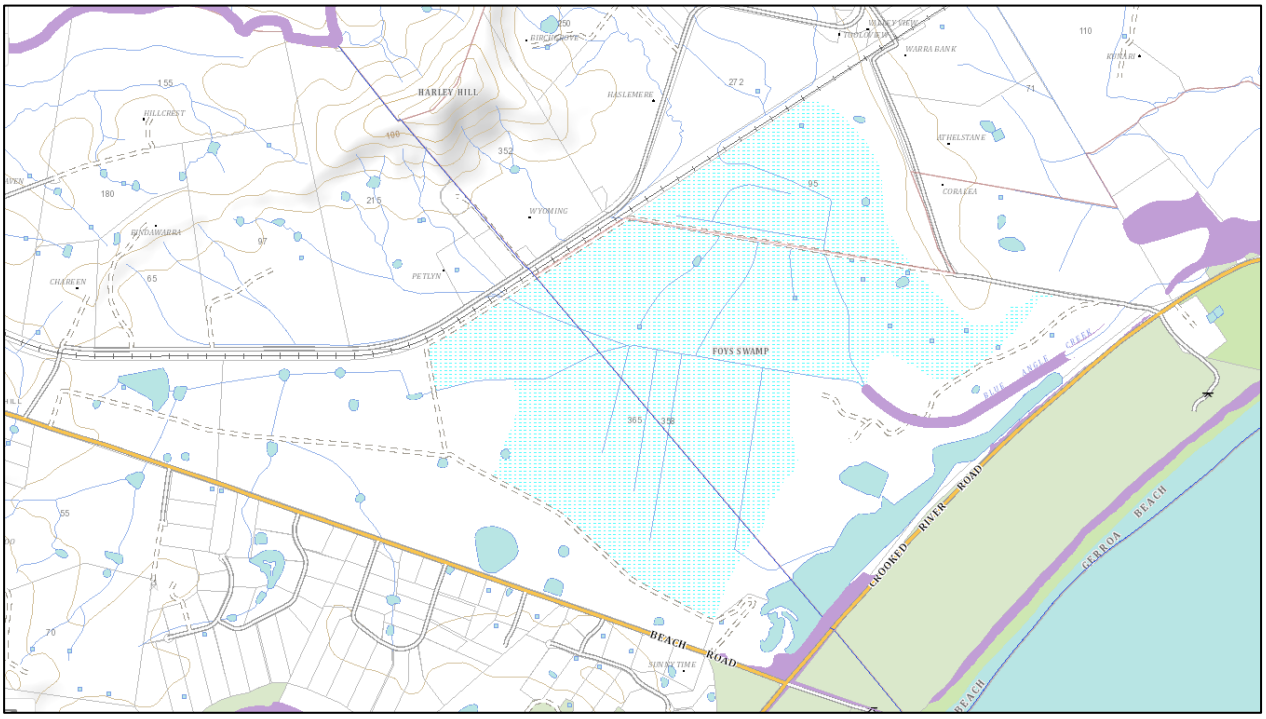

Figure 13. Biodiversity Mapping – Source – NSW Biodiversity Mapping

The Flora and Fauna Report prepared by Good Bush Pty Ltd (**Appendix H**) has assessed the proposal against the provisions of Section 7.3 of the *Biodiversity Conservation Act 2016*, to determine whether the proposal will have a significant impact on threatened species or ecological communities, or their habitats, and identify any significant biodiversity that may be impacted by the proposal.

If the development were to exceed the Biodiversity Offsets Scheme Threshold, a Biodiversity Development Assessment Report (BDAR) would be required. The attached BMAT Report (**Appendix N**) concludes that a BDAR is not required.

4.2 LOCAL LAND SERVICES ACT

The building envelope and bushfire asset protection zones within each of the new lots are encapsulated within the RU1 zoned parts of each proposed lot. The proposed new boundary of Lot 11 is situated entirely within the RU1 zoned land however a portion of Proposed Lot 12 is zoned C2 Environmental Conservation, though no new boundaries pass through the C2 zone.

Clearing and construction of fencing through the land zoned C2 that affect each of the proposed lots may be possible through the LLS Act, however as outlined in the Flora & Fauna Report accompanies this assessment (refer **Appendix H**), should fence lines need to be installed on the boundaries the required clearing and soil disturbance would not cause irreparable damage to natural areas or biodiversity.

4.1.2 SECTION 4.46: INTEGRATED DEVELOPMENT

Pursuant to Section 4.46 of the Act, Integrated Development is development that, in order for it to be carried out, requires development consent and one or more of the following approvals which may apply, subject to further review by the relevant supporting documentation. The subject DA is integrated development as outlined in Table 3

Table 3 – Section 4.46 Integrated Development Relevant Considerations

Act	Provision	Approval	Comment / Accompanying Report
National Parks and Wildlife Act 1974	s 90	Grant of Aboriginal heritage impact permit (AHIP)	An Aboriginal Cultural Heritage Report prepared by Biosis accompanies the DA (refer Appendix I). The site has several known Aboriginal sites recorded in or near the site. The report concludes that an archaeological survey was deemed unnecessary at this stage as no ground disturbing works are proposed at this stage, further archaeological investigation would be required if such works are intended to be carried out within the study area. No AHIP is required at this time.
Rural Fires Act 1997	s 100B	Authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	The site is bushfire prone and the proposed subdivision is a Special Fire Protection Purpose. A Bushfire Report prepared by Harris Environmental to assess the proposed subdivision accompanies this DA (refer Appendix E). The DA will be referred to RFS to issue General Terms of Approval under s100B of the Rural Fires Act.

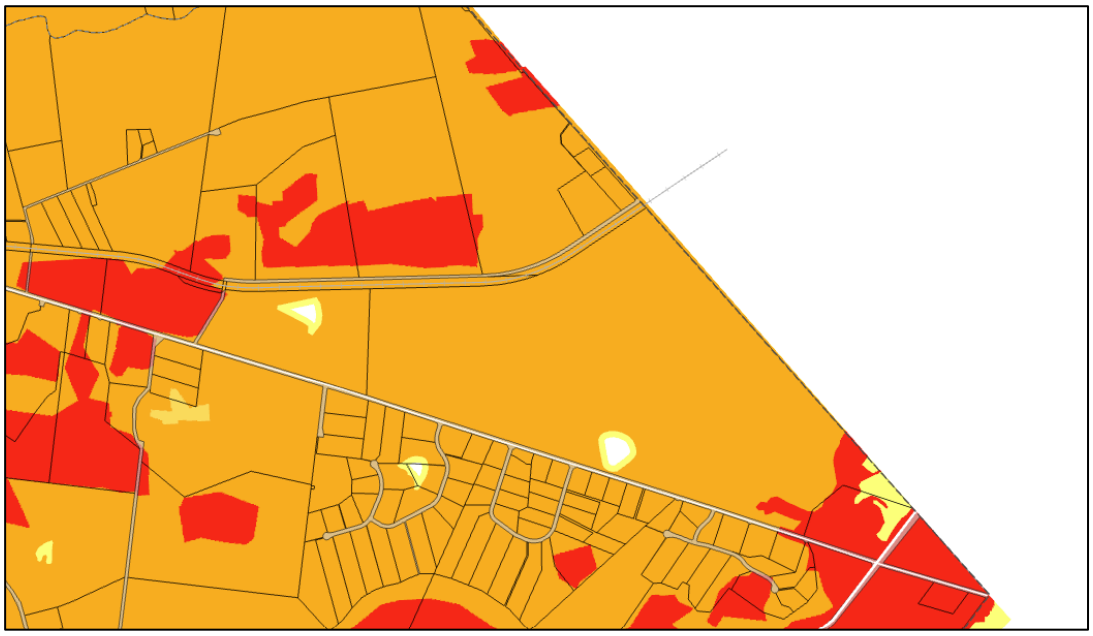

Figure 14 - Bushfire Prone Land - Source: SCC Mapping

4.2 STATE ENVIRONMENTAL PLANNING POLICY SUMMARY

A summary of State Policies (SEPPs) relevant to the subject site and proposal is summarised below.

Table 4 - SEPP Summary

State Policies Relevant to Subject Site	Relevant Chapters	Relevant to this Application
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	×	Addressed below.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 3: Koala Habitat Protection 2020 Chapter 4: Koala Habitat Protection 2021	Addressed below.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008: Land Application	×	×
State Environmental Planning Policy (Housing) 2021	×	×
State Environmental Planning Policy (Industry and Employment) 2021	×	×
State Environmental Planning Policy (Planning Systems) 2021	×	×
State Environmental Planning Policy (Precincts – Central River City) 2021	×	×
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	×	×
State Environmental Planning Policy (Precincts – Regional) 2021	×	×
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	×	×
State Environmental Planning Policy (Primary Production) 2021	×	×
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 2: Coastal Management Chapter 4: Remediation of Land	Addressed below.
State Environmental Planning Policy (Resources and Energy) 2021	×	×
State Environmental Planning Policy (Transport and Infrastructure) 2021	×	×

4.2.1 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX BASIX) 2004

BASIX applies to new houses and apartments, alterations and additions to residential developments with a construction cost of $50,000 or more or installing swimming pools of 40,000 litres or more. Future development applications for dwellings will be required to demonstrate that the dwellings are BASIX complaint.

No works under this proposed DA trigger the need for a BASIX assessment.

4.2.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 3: KOALA HABITAT 2020

This chapter applies to RU1 Primary Production, RU2 Rural Landscape and RU3 Forestry in a local government area specified in Schedule 2 of the SEPP. The site is zoned RU1 (Proposed lot 11 and 12) and accordingly, Chapter 3 Koala Habitat Protection 2020 applies.

Chapter 3 of the B&C SEPP applies to the development pursuant to clause 3.3 and aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. Table 5 assesses the applicable provisions.

Table 5 - Chapter Three: Koala Habitat Protection 2020 Assessment

Question	Development	Outcome
Clause 3.5 - Does the site have a site area greater than 1.0 Ha or does the site form part of a landholding greater than 1.0 Ha in area?	Yes	Assessment under B&C SEPP required (Clause 3.5).
Clause 3.5 – Step 1 – Is the land potential koala habitat? *Note: 'potential koala habitat' are areas of native vegetation where trees of the types listed in Schedule 2 of the SEPP* (now Schedule 1) *(feed tree species) constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.*	The Flora and Fauna Assessment will undertake an assessment against this.	If the site is potential koala habitat, continue assessment (Clause 3.6). There are records of koalas however the assessment under previous surveys undertaken for the sand mine indicated that the likelihood for impact as "*Moderate - not recorded from current surveys or from previous surveys within property and surrounds. Limited recent records. Foraging habitat limited but present*" (Niche Environmental and Heritage, 12/11/2018). The supporting Flora & Fauna Report states the following in this regard (see **Appendix H**): *Koalas were surveyed throughout this area in the 1980's however following bushfires of the same period (1980's) the Koalas were missing from the area. A sighting occurred at the nearby Seven Mile Beach in 2005 however the population has not returned to its previous abundance (Robinson, 2021). Verification of Koala sightings cannot be made for the site area as little to no scientific data has been recorded since the 1980s and records have been made from hearsay and citizen observation.*
Clause 3.6 – Step 2 – Is the land core koala habitat? *Note: 'core koala habitat' means an area of land with a resident population of koalas, evidenced by attributes such as breeding females, being females with young, and recent sightings of and historical records of a population.*	No	Previous study of the site indicated that "*The study area is not considered to be core Koala habitat where proof of breeding occurs, as the species has not been detected from the study area nor consistently from its surrounds despite various fauna surveys over a number of years*" (Niche Environmental and Heritage, 12/11/2018). This is confirmed at **Appendix H**.

Question	Development	Outcome
Clause 3.7 – Step 3 – Can development consent be granted in relation to core koala habitat? *Note: Has the development been supported by a plan of management prepared in accordance with Part 3 of the SEPP?*		N/A

4.2.3 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 4: KOALA HABITAT 2021

Chapter 4: Koala Habitat Protection 2021 applies as the site is also zoned C2 (proposed Lot 12). Chapter Four – Koala Habitat Protection 2021 of the B&C SEPP applies to the development pursuant to clause 4.4 and aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Table 6 - Chapter Four: Koala Habitat Protection 2021 Assessment

Control	Development	Outcome
Clause 4.8 - Does the site have a KPOM?	No	See 4.9 below.
Clause 4.9 - Does the site have a site area greater than 1.0 Ha or does the site form part of a landholding greater than 1.0 Ha in area?	Yes	Assessment under B&C SEPP required.
Clause 4.9 - Is the development likely to have any impact on koalas or koala habitat. Note: 'koala habitat' means koala habitat however described in a plan of management under this Chapter or a former Koala SEPP and includes core koala habitat.	No	No impact on koala habitat is proposed under this application. As further assessed in the Flora and Fauna assessment, no trees are proposed to be cleared under this application (**Appendix H**).
Clause 4.9 – if the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development, take into account a koala assessment report for the development.	TBC	The Flora and Fauna assessment by Good Bush Pty Ltd has assessed this matter. This report demonstrates that the land does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, is not core koala habitat.

4.2.4 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 2: COASTAL MANAGEMENT

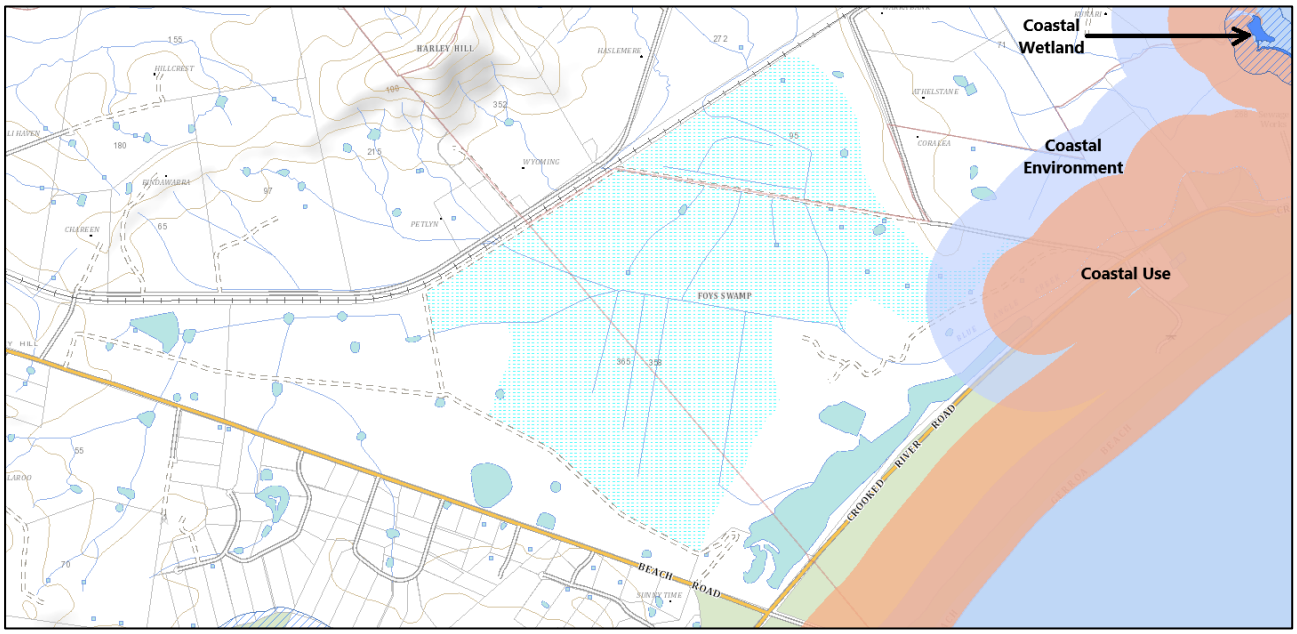

Figure 15: SEPP Coastal Mapping (source: DPIE Mapping).

Chapter 2 of State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP) applies to the development pursuant to clause 2.3 as the site is mapped as both a Coastal Environment Area (Clause 2.10) and Coastal Use Area (Clause 2.11) as shown in Figure 15. The SEPP aims to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016.

As outlined in Table 7and Table 8 the proposed subdivision would meet the requirements and objectives of the R&H SEPP.

Table 7 – Chapter 2: Coastal Management - Clause 2.1 0 SEPP (Resilience and Hazards) 2021

Provision (Clause 2.10)	Comment
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following— a. the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, b. coastal environmental values and natural coastal processes, c. the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of	The proposed development is capable of complying with the requirements of Clause 2.10. The proposal does not impact the integrity and resilience of the biophysical, hydrological, and ecological environment. The proposal does not impact coastal environmental values and natural coastal processes. The proposal does not impact on any of the sensitive coastal lakes identified in Schedule 1.

Provision (Clause 2.10)	Comment
the proposed development on any of the sensitive coastal lakes identified in Schedule 1, d. marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, e. existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, f. Aboriginal cultural heritage, practices and places, g. the use of the surf zone.	The proposal does not impact on marine vegetation, native vegetation and fauna and their habitats. The proposal does not impact existing public open space and safe access to and along the foreshore. The proposal does not impact Aboriginal cultural heritage, practices and places. The supporting Aboriginal Cultural Heritage Report will further review this. The proposal does not impact the surf zone.
(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— a. the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or b. if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or c. if that impact cannot be minimised—the development will be managed to mitigate that impact.	The proposal is sited within an existing rural residential and rural area and will not create adverse impact referred to in subclause (1). No associated impact is identified from this proposal. No associated impact is identified from this proposal.
(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.	Not applicable to this site.

Table 8 – Chapter 2: Coastal Management - Clause 2.11 SEPP (Resilience and Hazards) 2021

Provision (Clause 2.11)	Comment
(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority— a. has considered whether the proposed development is likely to cause an adverse impact on the following— i. existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, ii. overshadowing, wind funnelling and the loss of views from public places to foreshores, iii. the visual amenity and scenic qualities of the coast, including coastal headlands, iv. Aboriginal cultural heritage, practices and places, v. cultural and built environment heritage, and b. is satisfied that— i. the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or ii. if that impact cannot be reasonably avoided- the development is designed, sited and will be managed to minimise the impact, or iii. if that impact cannot be minimised- the development will be managed to mitigate that impact, and c. has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development	The proposed subdivision design has considered all sections of clause 2.11 (1). The proposal will not have any impacts on visual amenities, overshadowing, aboriginal cultural heritage practices and places, and built environmental heritage as will be further demonstrated in a DA submission. The proposed development will not create adverse impacts referred to in paragraph (a). No associated impact is identified from this proposal. No associated impact is identified from this proposal. The proposed development is consistent with the surrounding and built environment, including the bulk and scale of surrounding development.
(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.	Not applicable to this site.

4.2.5 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 4: REMEDIATION OF LAND

Chapter 4 of R&H SEPP provides a state-wide planning approach to the remediation of contaminated land. Under Chapter 4, Council is required to consider whether land is contaminated and whether the proposed remediation of any proposed contaminated site will satisfactorily render the land suitable for the intended use, when determining a Development Application.

The built environment surrounding the site is primarily rural in nature with clear documentation of ongoing operations of the site concentrating and limiting any sand mining activities within the approved areas. The areas proposed to be subdivided for rural purposes have been used continuously for rural / agricultural purposes historically and accordingly no change of use is proposed under this application that would warrant further assessment on this matter.

The information available to the applicant has not concluded that the site has previously been used for a purpose that would trigger or justify the need for remediation of the land.

4.2.6 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 - INFRASTRCUTURE

Clause 2.100 – Impact of rail noise or vibration on non-rail development

Clause 2.100 of the T&I SEPP applies to the development as it is a form of residential accommodation, which may be adversely affected by rail noise or vibration. Pursuant to clause 2.100(2), before determining the development, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary.

The DA is supported by a Noise Impact Assessment prepared by Harwood Acoustic (**Appendix I**) that assessment has considered the *Rail Infrastructure Noise Guideline and Development near rail corridors and busy roads -interim guideline* in addition to acoustic impacts from the sand mine operations on future dwellings resulting from the subject subdivision.

With regard to this subject DA, The Acoustic Report assesses potential noise impacts on future residential dwellings that may be constructed on the newly created Lot 11 under the subdivision. It considers noise from both current and future operations of the sand mine located at the south-eastern extent of the site, as well as rail traffic on the South Coast Rail Line to the north-west.

The report concludes that the noise emissions from the sand mine will comply with the noise limits specified in Consolidated Approval No. 10801 (2007) issued by the Land and Environment Court of NSW at each proposed residential building envelope, without requiring additional noise controls. Furthermore, the internal noise level requirements under Clause 2.100 of the T&I SEPP will be achieved for any residential development on the proposed lots using standard construction methods and materials outlined in Section 5 of the report, eliminating the need for additional acoustic treatment.

4.3 SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 2014

The subject land is zoned the following land use zones under the provisions of the Shoalhaven Local Environmental Plan, 2014:

Table 9. SLEP 2014 zoning

Address	Lot and DP	Zone
365 Beach Road, Berry	Lot 1 DP 1111012	RU1 – Primary Production
Beach Road, Berry	Part Lot 2 DP 1111012	RU1 – Primary Production C2 – Environmental Conservation
675 Beach Road, Berry	Lot A DP 185785	RU1 – Primary Production C2 – Environmental Conservation

The proposed development is best characterised as subdivision which is permissible with consent within the zone. The use of the land will continue to be for the approved sand mining purpose and rural/agriculture which is permissible within the zone.

As outlined in the table below, the proposal is compliant with the relevant standards and objectives of SLEP 2014.

The pertinent Shoalhaven Local Environmental Plan, 2014 provisions relating to this proposal are addressed at **Table 10**.

Table 10. SLEP 2014 Provisions

Clause	Clause requirement	Comments on this proposal
2.6 - Subdivision	Subdivision requires consent	The DA is for the purpose of subdivision under this clause.
4.1 - Minimum Lot Size	40ha	The proposal includes subdivision of land pursuant to clause 4.1. The lot sizes for this subdivision are more than the minimum area on the lot size map. The proposed lots within the Shoalhaven LGA are 121ha (Lot 11) and 313.13ha (Part Lot 12) and accordingly the proposed development complies with the provisions of 4.1(2).
5.10 - Heritage	No overlay mapping applies.	Neither the subject site, nor the adjoining land, contains an item under Schedule 5 of the LEP. An Aboriginal Archaeological Due Diligence Report accompanies this report reviewing potential impacts of the proposal on potential for aboriginal archaeology on site (**Appendix I**) which concludes that prior to any impacts occurring within the study area, further archaeological assessment is required prior to future ground disturbing works occurring. It is noted that no ground disturbing works are proposed under this DA application the proposal does seek approval for future disturbance of these areas in which case a survey will need to be undertaken before works proceed. This would be required in order to satisfy the Due Diligence Code and inform whether further assessment in the form of an ACHA is required. The proposal is considered satisfactory for the purposes of the proposed subdivision.

Clause	Clause requirement	Comments on this proposal
5.21 - Flood Planning Area	The subject site is flood prone and Clause 5.21 applies	Clause 5.21 has been considered. A Flood Impact Assessment has been prepared by AP as part of the DA submission (see **Appendix G**). The proposed dwelling envelope in Lot 11 is located outside of the flood prone land. The potential impact of flood affectation has been dealt with sufficiently to allow consent for the future dwellings to be constructed with regards to the flood planning level. The proposed subdivision does not exacerbate the flood impact on this land. This development is consistent with the objectives of this clause.
Part 6 Urban Release Area	No overlay mapping applies.	Not applicable.
7.1 - Acid Sulfate Soils	The site is mapped as having Acid Sulfate Soils – Class 1, 2, 3 and 5.	There are no works proposed under this application that are of relevance with proposed Lot 11 and the associated dwelling envelope located within the Class 5 land.
7.4 - Coastal Risk Planning	Not within a CRP area	Not applicable.
7.5 - Terrestrial Biodiversity	No overlay mapping applies.	Not applicable.
7.6 - Riparian Lands & Watercourses	Category 3 watercourses mapped	The mapped watercourses will all be within proposed Lot 12, and not affected by the proposed subdivision.
7.7 - Natural Resource Sensitivity – Land	No overlay mapping applies.	Not applicable.
7.8 - Scenic Protection Area	Part of the site, along Beach Road is mapped as having Scenic Protection.	The proposed scenic protection area will all be contained within Proposed Lot 11. The proposed building envelope is located outside this area. Historical Street View imaging indicates that at the time of the 2014 LEP, Beach Road was open with no dense vegetation along the road reserves. Now, 10 years later, Beach Road road verges have substantial casuarina and gum trees which largely block any historical outlook afforded from Beach Road. The proposed subdivision and building envelope does not exacerbate this or cause any impacts to the scenic properties of the area.
7.15 - Buffers	No overlay mapping applies.	Not applicable.

4.4 SHOALHAVEN DEVELOPMENT CONTROL PLAN 2014

A full assessment of Shoalhaven DCP 2014 is provided at **Appendix 1** of this report.
Table 11 provides a summary of the SDCP 2014 chapters. The proposal complies with the SDCP 2014 provisions for rural subdivision.

Table 11 - DCP Compliance Summary

DCP 2014 Chapter	Relevance to this application
Generic Chapters	
G1 Site Analysis, Site Design and Building Materials	Complies – Refer Section 7.1 - **Appendix 1.**
G2 Sustainable Stormwater Management and Erosion/Sediment Control	Complies – Refer Section 7.1 - **Appendix 1.**
G3 Landscaping Design Guidelines	*These chapters were considered and are not relevant to this application.*
G4 Tree & Vegetation Management	Complies – No tree removal is proposed. Building envelopes have been selected to minimise tree clearing, with driveway entrances and building envelopes in already cleared locations. Also refer Flora and Fauna Report at **Appendix H**.
G5 Biodiversity Impact Assessment	Complies – Refer Section 7.1 - **Appendix 1.**
G6 Coastal Management Areas	*These chapters were considered and are not relevant to this application.*
G7 Waste Minimisation and Management Controls	Complies – Refer attached Waste Management Plan
G8 Onsite Sewage Management	Complies – Refer Section 7.1 - **Appendix 1.**
G9 Development on Flood Prone Land	Complies – Refer Accompanying Flood Assessment Report
G10 Caravan Parks in Flood Prone Areas	*These chapters were considered and are not relevant to this application.*
G11 Subdivision of Land	Complies – Refer Section 7.1 - **Appendix 1.**
G12 Dwelling Houses and Other Low-Density Residential Development.	*These chapters were considered and are not relevant to this application.*
G13 Medium Density and Other Residential Development	*These chapters were considered and are not relevant to this application.*
G15 Tourist and Visitor Accommodation	
G16 Short Term Rental Accommodation	
G17 Business, Commercial and Retail Activities	
G18 Streetscape Design for Town Centres	
G19 Home Based Business Activities	
G20 Industrial Development	
G21 Car Parking and Traffic	Complies – Refer Section 7.1 - **Appendix 1.**
G22 Advertising Signs and Structures	

DCP 2014 Chapter	Relevance to this application
G23 Jetties, Wharf and Boating Facilities, Moorings, Mooring Pens and Boat Launching Ramps	*These chapters were considered and are not relevant to this application.*
G24 Restricted and Sex Services Premises	
G25 Stationary Food Vans/Vehicles on Service Station Sites and Food Stalls	
G26 Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines	Complies – Refer . Clause 7.1 - Acid Sulfate Soils of SLEP 2014 assessment. No buildings or structures are located on land with a slope more than 20% and are not in an area known or likely to be subject to site stability problems.
G27 Dog Breeding and Boarding Establishments (Including Catteries)	*These chapters were considered and are not relevant to this application.*
G28 Design Guidelines for Permanent Occupation in Caravan Parks	

5.0 OTHER MATTERS FOR CONSIDERATION

5.1 AMENITY

The existing streetscape will not be altered by this proposed development. The proposed Lot 11 can support a building envelope that is consistent with Council requirements and nearby developments. The development is in keeping with the established pattern of rural residential lots within the area.

5.2 SERVICES

The site is fully serviced in the context of rural residential development, it is not anticipated that the additional dwellings will place unrealistic or unreasonable demands upon the existing infrastructure network.

5.3 IMPACT ON LOCAL ROAD NETWORK

The RTA Traffic Generating Development Guidelines indicate that a dwelling house generates approximately 9 daily vehicle movements. The anticipated vehicle movement increase relating to proposed Lot 11 only, is within the environmental capacity of the existing road network. There should be no increased conflict between vehicular and pedestrian traffic in this locale as a result of this proposal.

5.4 HERITAGE

Neither the subject site, nor the adjoining land, contains an item under Schedule 5 of the LEP. An Aboriginal Archaeological Due Diligence Report accompanies this report reviewing potential impacts of the proposal on potential for aboriginal archaeology on site (**Appendix G**) which concludes that proposed subdivision is satisfactory, with further study required prior to undertaking works for future buildings.

5.5 NATURAL HAZARDS

Bushfire – The land is mapped by Shoalhaven Council as being bushfire prone land. An assessment has been undertaken by Harris Environmental to demonstrate this developments compliance with the provisions of Planning for Bushfire Protection (**Appendix E**).

Flood – The land is mapped by Shoalhaven Council as being flood affected. A Flood Certificate prepared by Shoalhaven City Council, and a Flood Assessment has been undertaken by Allen Price, which demonstrates how this application complies with the overall flooding provisions (see **Appendix G**).

5.6 ACID SULFATE SOILS

The site is mapped with class 1, 2, 3, and 5 Acid Sulfate Soils on the Shoalhaven Mapping. This will not be adversely impacted by the proposed development which does not propose any excavation of the land nor will the proposal affect the water table. The proposed building envelope is located within Class 5 lands.

5.7 SDCP 2014 ALTERNATIVE SOLUTIONS

No alternative performance based solutions to SDCP 2014 objectives, performance criteria or acceptable solutions are sought, with the proposal capable of complying with the provisions of SDCP 2014 for a rural subdivision.

5.8 SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is considered suitable for the Two-lot Torrens Title subdivision upon 365 Beach Road, Berry – Part Lot 2 DP1111012 and Lot A DP 185785.

The proposed development is considered suitable for this site as it will have no adverse impacts on the natural scenic qualities of the area; no material loss of views from any public place and has no significant impact on vegetation. Matters of flooding and bushfire are able to be appropriately managed, and the subdivision facilitates the existing sand mining use of the site.

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining land uses.

5.9 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

It is anticipated that the proposal will be advertised in accordance with Council's notification policy. We do not anticipate any submission being received when advertised however should a submission be received, this will be assessed by the council in consultation with the applicant.

5.10 THE PUBLIC INTEREST

The proposal complies with the relevant State and local planning controls. The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

6.0 CONCLUSION

It is our conclusion that the proposed development is consistent with the intent of Council's planning objectives for the zone, delivers a reasonable low-scale rural subdivision that has appropriately considered the site context and constraints.

The proposal will not have any unacceptable adverse impacts on either the built or natural environment and it is considered that the proposal is not contrary to public interest. It is generally in line with Council policies and regulations and we respectfully request that it be supported by Council.

Allen Price Pty Ltd

Rebecca Lockart
Principal Planner
BPlan(Hons) Grad. Cert. B Fire Prot. MPIA
for Allen Price.

7.0 APPENDICES

7.1 APPENDIX 1 – DCP ASSESSMENT TABLE

G1 Site Analysis, Site Design and Building Materials
4 Objectives
The objectives are to: i. Consider the constraints and opportunities of the site for the proposed development. ii. Ensure compatibility between the site and the proposal. iii. Maximise the potential for energy efficiency and conservation in building design. iv. Minimise overshadowing impacts of a development on adjoining dwellings. v. Preserve solar access to north facing solar collectors serving adjoining dwellings e.g. solar hot water panels, photovoltaic cells. vi. Ensure development is compatible with the natural landscape and any identified natural hazards. vii. Ensure buildings are constructed of such materials and finishes and are not intrusive upon the landscape. viii. Ensure that views from public roads, public places and private properties are protected from highly reflective building materials. **Comment:** The objectives of this chapter have been considered and the performance criteria and the suggested acceptable solutions relevant to this proposal have been met. The accompanying site plan and subdivision sketch plan have been prepared in accordance with the 'Development Application Requirements for Lodgement Checklist'.

G2 Sustainable Stormwater Management and Erosion/Sediment Control
4 Objectives
The objectives are to: i. Manage stormwater flow paths and systems to ensure the safety of people and property. ii. Protect and enhance natural watercourses and their associated ecosystems and ecological processes. ix. Maintain, protect and/or rehabilitate modified watercourses and their associated ecosystems and ecological processes towards a natural state. iii. Mitigate the impacts of development on water quality and quantity. iv. Encourage the reuse of stormwater. v. Integrate water cycle management measures into the landscape and urban design to maximise amenity. vi. Minimise soil erosion and sedimentation resulting from site disturbing activities. vii. Minimise the potential impacts of development and other associated activities on the aesthetic, recreational, cultural and ecological values of receiving water. viii. Ensure the principles of ecologically sustainable development are applied in consideration of economic, social and environmental values in water cycle management. ix. Ensure stormwater systems and infrastructure are designed, installed and maintained so as not to increase the risk to life or safety or people. x. Provide Green and Golden Bell Frog friendly stormwater detention ponds in areas where Green and Golden Bell Frog are present. xi. Ensure stormwater systems and infrastructure are appropriately designed and installed to minimise the ongoing maintenance costs as much as possible.

G2 Sustainable Stormwater Management and Erosion/Sediment Control
Comment: A sediment and erosion plan will be provided prior to issue of a subdivision works certificate and the applicant is supportive of a condition of consent enforcing this requirement. No works are proposed requiring a stormwater plan or assessment to be undertaken.

Checklist: G5 – Biodiversity Impact Assessment

4 Objectives

The objectives are to:

i. Protect threatened species, populations and TECs against direct and indirect impacts generated by development.
ii. Ensure that developments which have the potential to impact upon threatened species, populations or TECs are assessed in accordance with legislative requirements.

5 Controls

Performance Criteria	Acceptable Solutions	Comment
P1 Developments are responsive to the principles of ecologically sustainable development in relation to native vegetation and threatened species habitats.	**A.1.1** Native vegetation and threatened species habitats are retained in perpetuity on sites identified with high ecological value.	Complies. Refer to accompanying Flora and Fauna Report (Appendix H).
P2 A development application is supported by an appropriate level of analysis consistent with Council policy and other legislative requirements.	**A.2.1** Where possible avoid either directly or indirectly impacting threatened species, populations and TECs.	Complies. Refer to accompanying Flora and Fauna Report (Appendix H).

Checklist: G8 Onsite Sewage Management

4 Objectives

The objectives are to:

i. Minimise the risk to public health. Contact with effluent, particularly by children, the elderly and immune-compromised members of our community, is to be minimised or eliminated. The application of effluent and its by-products is to be managed carefully.
ii. Prevent the deterioration of land and decline in tree and vegetation quality through soil structure degradation, salinisation, waterlogging, chemical contamination or soil erosion.
iii. Protect surface waters from contamination from any flow from treatment systems and land application areas.
iv. Protect ground water from contamination from any flow from treatment systems and land application areas.
v. Conserve water resources and reuse domestic wastewater (including nutrients, organic matter and water) where possible and within the constraints of other performance objectives.
vi. Protect community amenity by not unreasonably interfering with quality of life and by giving consideration to aesthetics, odours, dust, vectors and excessive noise which may impact on the local amenity.

Checklist: G8 Onsite Sewage Management		
Comment: This assessment reviews the proposed building envelope for Proposed Lot 11. No building envelope is proposed for Lot 12, and the existing Lot 10 dwelling has no proposed amendments under this proposal.		
5 Controls **Performance Criteria**	**Acceptable Solutions**	**Proposed Development**
P1 The system is designed and located to: • Protect the quality of water bodies. • Provide adequate separation between effluent application areas and water bodies. *Note: A buffer distance is measured as a ground surface flow line and is not based on the closest measured distance.*	**A1.1** A minimum buffer distance of 100 metres is provided between effluent application areas (particularly land application areas) and any perennial watercourse or waterbody.	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (Appendix F).
	A1.2 A minimum buffer distance of 40 metres is provided between effluent application areas and any intermittent watercourse or waterbody. *Note: Refer to Table 1 and Section 6.2 for information and legislation relating to land in Sydney's Drinking Water Catchment.*	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (Appendix F).
P2 The system is designed and located to: Protect the quality of groundwater. • Provide adequate separation between effluent application areas and ground water.	**A2.1** The minimum depth to ground water is: • 1.2 metres for absorption trenches; or • 0.6 metres for application of secondary quality effluent with disinfection and from the base of a mound system.	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (Appendix F).
	A2.2 The minimum soil depth to bedrock (of low strength or harder) or other confining layer is: • 1.2 metres for absorption trenches; or • 0.5 metres for application of secondary quality effluent with	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (Appendix F).

Checklist: G8 Onsite Sewage Management		
	disinfection and from the base of a mound system. *Note: AS/NZS 1547:2012 provides a range of acceptable depths depending on a number of factors, including, but not limited to, soil type, quality of the effluent and application method*	
P3 The system is designed and located to ensure adequate separation between the application areas and property boundaries, pools, other buildings and other effluent application areas. *Note: A buffer distance is measured as a ground surface flow line and is not based on the closest measured distance*	**A3.1** A minimum horizontal setback distance from the perimeter of any application area is provided in accordance with Table 1.	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
	A3.2 In the case of allotments being created through subdivision, an additional horizontal setback distance applies where a plan has been submitted showing the proposed location of on-site systems. A minimum buffer distance between potential effluent application areas and proposed diversion drains on separate allotments is to be 40 metres.	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
P4 Wastewater treatment systems and application areas are not adversely affected during flood periods. *Note: Where the land identified for wastewater treatment or application is flood prone land, a flood certificate is required and the projected 2050 flood levels are to be adopted.*	**A4.1** All wastewater treatment systems and application areas shall be located above the 1 in 20 year flood level. Systems with electrical components shall be located above the 1 in 100 year flood level. *Note: Sealed submerged pumping facilities may be located below the 1 in 100 year flood levels with appropriate flood protection*	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental **(Appendix F**).

Checklist: G8 Onsite Sewage Management		
P5 Catchment-wide consideration is incorporated in the selection, design, siting, construction, operation and maintenance of wastewater management systems. *Note: Council encourages the use of subsurface application of effluent in lieu of surface spray irrigation due to the higher potential risk to the environment and public health associated with the latter.*	**A5.1** Irrigation areas shall be as level as possible, with a maximum slope of 12% in areas used for spray irrigation. Subsurface irrigation systems shall be utilised on steeper slopes where site stability is not compromised and surfacing of effluent will not occur.	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
	A5.2 Sites shall be contoured to direct surface water flow away from application areas.	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
	A5.3 The construction of a sewage management system shall be in accordance with AS/NZS 1546.1 – "OnSite Domestic Wastewater Treatment Units".	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
	A5.4 The minimum size of septic tanks and holding tanks shall be in accordance with AS/NZS 1547 and Water NSW's requirements, where the property is located within Sydney's Drinking Water Catchment.	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
	A5.5 Effluent application areas (in a location where they can meet the objectives) shall be designed and constructed in accordance with the provisions of AS/NZS 1547 and this policy. Textural classification of the soil profile is to be examined to determine the long-term acceptance rate and to assist in the design of the sewage management system.	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
	A5.6 Where soils exhibit a high permeability (greater than	Complies. Refer to accompanying Effluent Disposal Report prepared

Checklist: G8 Onsite Sewage Management		
	3.5 m/day), the application shall demonstrate through further investigation that pollution of groundwater will not occur.	by Harris Environmental (**Appendix F**).
	A5.7 A reserve (secondary) area of 100% of the design area is to be identified upon the site for expansion and contingencies. The reserve area is to be protected from any development that would prevent its use in the future. *Note:* • *Reserve area is based upon hydraulic calculations.* • *On small allotments it may not be possible to provide a reserve area. The designer, in consultation with Council, is to assess the options available for the site. The designer is to propose an appropriate design that provides security in the case of unsatisfactory performance.*	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
	A5.8 The application shall demonstrate that the proposed and future development of the allotment/s can be accommodated. Note: For example, a proposal may include a dwelling, outbuildings, driveways, sealed areas and primary recreation area in addition to the on-site sewage management area.	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
	A5.9 For subdivisions, more than one type of effluent application system can be achieved for each allotment.	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
	A5.10 The effluent application area is to be setback at least 1m from the dripline of trees	Complies. Refer to accompanying Effluent Disposal Report prepared

Checklist: G8 Onsite Sewage Management		
	and vegetation of biodiversity value identified for retention (such as hollow-bearing trees or vegetation).	by Harris Environmental (**Appendix F**).
P6 Sufficient area is provided for sub-surface absorption and irrigation of effluent so that effluent is not transported off the site.	**A6.1** To determine suitable application areas, a minimum available irrigation area shall be calculated utilising water balance and nutrient balances, as specified within the Environmental Health Protection Guidelines (1998) and AS/NZS 1547.	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
P7 Appropriate provision is made for wet weather storage of treated effluent during wet weather periods when it is inappropriate to spray irrigate. *Note: Assessment of the need for wet weather storage is based upon an accepted standard and criteria. Population, rainfall, evaporation, soil permeability, soil depth and effluent quality must be used.*	**A7.1** Wet weather storage is provided for surface irrigation systems in accordance with the recommendations of the Environment and Health Protection Guidelines (1998), for periods of wet weather and when soils in the application area will become saturated. *Note: Systems designed for wet weather storage may range from impervious storage either above or below ground, to subsurface storage/disposal systems. Details of the wet weather storage is to be submitted to Council for approval.*	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
P8 Effluent is wholly contained within the boundaries of the site and the application area is designed to ensure that ponding of effluent or waterlogging of the soil profile does not occur.	**A8.1** Irrigation areas are designed in accordance with this Chapter and/or AS/NZS 1547 and may be either surface or sub-surface systems. Note: Sub-surface systems are generally preferable.	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
	A8.2 In the case of allotments created through subdivision, the minimum size for an allotment is 2500m2 .	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).

Checklist: G8 Onsite Sewage Management		
	Note: ● *The minimum lot size has been determined after considering areas required for elements such as buildings, outbuildings, set-back distances and unimpeded open space for private recreation.* ● *Allotments located in Sydney's drinking water catchment area that are proposed to be subdivided, are to be referred to Water NSW.*	
P9 People, their pets or other objects to which people may be exposed are not to come into contact with non-disinfected wastewater, including grey water.	**A9.1** Land application and treatment systems shall be installed in accordance with the former NSW Health Advisory Note 4 Sewage Management Facility Accreditation Criteria Based on the Final Application of Treated Effluent and Risk of Disease Transmission (April 2008).	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
	A9.2 Wastewater, that has not been disinfected, shall not applied to the ground surface.	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
	A9.3 Effluent application areas are not used as the primary recreation areas for a property.	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).
P10 Areas used for spray irrigation are not used for recreation purposes or the growing of vegetables.	**A10.1** Where effluent is applied via spray irrigation, the application area is to be isolated so as not to be used for passive or active recreation purposes (fenced off, delineated garden etc.). Such areas are also to be stock proof, during and immediately after application.	Noted.
	A10.2	Noted.

Checklist: G8 Onsite Sewage Management		
	The application area shall not be used to grow vegetables for human consumption.	
	A10.3 The use of effluent for fruit trees shall comply with AS/NZS 1547. *Note: Effluent disposal under trees is not prohibited but must be in accordance with A5.10 and AS/NZS 1547.*	Noted.
P11 Surface application/reuse areas are adequately signposted.	**A11.1** Warning signs shall be erected within the effluent application area in accordance with the provisions of AS/NZS 1547 and AS 1319.	Noted.
P12 Designs that incorporate alternative technology demonstrate best practice.	**A12.1** System designs (new or existing) that incorporate alternative technology shall not prejudice the integrity of the system	Noted.
P13 Where permissible, each dual occupancy site includes a separate system that is designed to incorporate best practice and adequate separation between systems.	**A13.1** A separate on-site sewage management system (including treatment and application areas) is to be provided for each occupancy/dwelling.	Not applicable. Only one dwelling (building envelope) proposed.
P14 New development in the Sydney Drinking Water Catchment must have a neutral or beneficial effect on water quality. *Note: Refer to Section 6.2 for further information.*	**A14.1** All development must comply with the 'Neutral or Beneficial Effect on Water Quality Assessment Guidelines' and 'Neutral and Beneficial Effect on Water Quality Assessment Tool'.	Not applicable
	A14.2 All development in the Sydney Drinking Water Catchment must be accompanied by a Water Cycle Management Study.	Not applicable
P15.1 New subdivisions do not propose (or install) new pumpout systems. **P15.2**	**A15.1** A sufficient effluent disposal area, in accordance with the requirements of this Chapter, shall be maintained	Complies. Refer to accompanying Effluent Disposal Report prepared by Harris Environmental (**Appendix F**).

Checklist: G8 Onsite Sewage Management		
New multi dwelling housing development does not propose pumpout systems unless the land is designated for future reticulated services. **P15.3** Residential or business zoned land does not rely upon new pumpout systems unless the system was approved before the adoption of Council's former Effluent Pumpout Policy on 28 August 2007. *Note: Refer to Section 6.2 for further information.*	for effective effluent disposal, including required buffer distances. **A15.2** New pumpout services shall only be considered: • On lots within unsewered residential or business zoned land that was registered before the adoption of Council's former Effluent Pumpout Policy on 28 August 2007. • For multi dwelling housing development in villages designated for future reticulation services.	Not applicable.

G11 – Subdivision of Land 4 Objectives		
The objectives are to: i. Encourage high quality urban design and residential amenity. ii. Set appropriate environmental criteria for subdivision. iii. Provide a comprehensive design approach for residential, rural, industrial and commercial subdivision. iv. Provide for the ecologically sustainable subdivision of land.		
5 Controls **5.2.4 Rural Roads, Driveways and Accessways**		
Performance Criteria	**Acceptable Solutions**	**Comment**
P34 Coincidental legal and practical access is provided for each lot.	**A34.1** Each lot has coincidental practical and legal vehicular access via: • New roads to be constructed and dedicated. • Existing formed public roads (including Crown roads) to be	All lots have legal access from Beach Road. Access arrangements are detailed within Section 3.0 of this report and shown at **Appendix A.**

G11 – Subdivision of Land		
	constructed/upgraded and dedicated as required. • Existing public roads wholly within the road reserve, constructed and maintained by Council. • Right-of-way over adjoining private property or within the proposed subdivision, which provides access to no more than four allotments, existing or proposed, in the subdivision.	
P35 Rural roads and right of ways are well designed, durable and appropriate for the intended purpose.	**A35.1** Rural roads and right of ways are designed to comply with Section 3.5 in Supporting Document 1.	No rural rights of way are proposed.
P36 Existing road reserves are sufficiently wide to accommodate the development.	**A36.1** The development must demonstrate that the geometric standards and clear zone requirements of the existing road reserve will not be impacted by the development. Speed environment and environmental sensitivity may be considered by Council when assessing the impacts.	Complies. Refer **Appendix A.**
P37 Safe and appropriate driveway access is provided to rural and rural residential lots.	**A37.1** An indented rural access shall be provided in accordance with Council's Engineering Design Specifications and Figure 1 below.	Complies. Refer **Appendix A.**
5.3 Subdivision Layout & Design **5.3.1 Layout & Design – Topography, Natural Landform/Environment and Vegetation**		
Performance Criteria	**Acceptable Solutions**	**Comment**

G11 – Subdivision of Land		
P38.1 The subdivision and lot design takes into consideration the site's natural opportunities and constraints. **P38.2** The subdivision and lot design considers water sensitive urban design principles associated with infrastructure, riparian areas and watercourses relating to the drainage and open space network. **P38.3** Subdivisions located in flood prone land are designed to enable flood evacuation. **P38.4** The lot layout retains significant vegetation and natural areas and minimises soil erosion. **P38.5** The subdivision layout responds to site characteristics, setting, landmarks and views through street and open space areas. **P38.6** The subdivision design provides safe building conditions for development. **P38.7** The subdivision design has minimal geotechnical impact on adjoining properties **P38.8** The subdivision avoids high risk slip areas. **P38.9** Asset protection zones are: • Contained within the boundaries of the site of the development that they are designed to protect. • Designed in a way that ensures efficient and cost-effective maintenance in perpetuity.	**A38.1** The subdivision lot design positively responds to: • Slope and desirability of minimising earthworks/retaining walls associated with dwelling construction. • Natural or cultural features. • Soil erosion and bushfire risk. • Special features such as trees, including identification of mature stands of trees to be retained and supplementary planting and shade trees. • Views and visual impact. • Prevailing winds, including the retention of natural features that assist in providing wind protection.	The subdivision lot design of Proposed Lot 11 follows the natural and existing built/access road features of the site. The proposed dwelling envelope for Lot 11 is located in a logical, non-obstructive part of the site as to not impact on the public view or outlook from Beach Road. The building envelope is located in a non-food affected area of the site (refer **Appendix G**), with adequate APZs (refer **Appendix E**) and no vegetation clearing required (refer **Appendix H**).
	A38.2 The subdivision layout should be designed to facilitate flood evacuation in accordance with the Designing Safer Subdivisions – Guidance on Subdivision Design in Flood Prone Areas (Hawkesbury-Nepean Floodplain Management Steering Committee, 2006) guidelines or similar. All lots shall have a frontage onto a local road network with rising road linkages to flood free land above the Probable Maximum Flood	Complies. Flood evacuation via Beach Road and Gerroa Road is possible for all proposed lots (refer Appendix G).

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	(PMF) level or local evacuation routes.	
	A38.3 Any required asset protection zone must be: • Located wholly within the development site, and where necessary, extend into the road reserve to the outer edge of the formed road. • Low maintenance and non-vegetated at the outer extent (i.e., road, footpath).	Complies. Required asset protection zone are located wholly within the development site. (see Appendix E)
P39.1 The subdivision is geotechnically sound and suitable for the proposed development. **P39.2** The subdivision provides for controlled filling and free flow of surface water.	**A39.1** A geotechnical report supported by NATA approved laboratory testing shall be submitted demonstrating the suitability of the site for the proposed development. The geotechnical report must include identification of any geotechnical site constraints including but not limited to slope stability issues, presence of weak stratum, excessive groundwater or spring activity, and identification of remediation work required to facilitate the type of future development on the site.	Not applicable.

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	A39.2 The subdivision must ensure that: • All lots are above the projected 2100 1% AEP event flood level, but ideally above the projected 2100 flood planning level. • A minimum surface grade of 0.5% falling to the road or drainage system. • All approved fill material is placed, compacted and inspected in accordance with AS3798 – Earthworks for Residential and Commercial Development. • Where fill is greater than 300mm depth: - A lot classification report in accordance with AS2870 must be submitted. - An 88B restriction will be imposed on the affected lots requiring foundation design in accordance with the lot classification report.	Complies. Refer to accompanying engineering plans and Flood Report (Appendix G and Appendix A).
5.3.2 Residential Layout & Design – Aspect and Orientation		
P40.1 The significance of headlands and other prominent coastal features is not compromised. **P40.2** The subdivision considers active dune systems and other unstable areas.	**A40.1** Subdivisions will not be permitted on headlands or other prominent coastal features, other than those zoned for urban purposes.	Not applicable.
	A40.2 No further subdivision on active dune systems or other unstable areas will be permitted.	Not applicable.

G11 – Subdivision of Land 5.3.3 Residential Lot Size, Density & Design		
Performance Criteria	**Acceptable Solutions**	**Comment**
P41 The overall development is as energy efficient as possible with each lot: • Enjoying reasonable solar access. • Responding to the topography of the land. Note: The subdivision design should consider the variation in the sun path throughout the entire year.	**A41.1** To enable suitable solar access and private open space opportunities for future dwellings in greenfield subdivision, lots shall be of: • An orientation that promotes efficient solar access for future dwellings. • A suitable size and shape to allow the building envelope to enjoy suitable solar access, including efficient use of future rooftop solar systems.	Complies. Proposed Lot 11 has a generous lot size allowing for a dwelling with uninhibited solar access.
	A41.2 Lots with an area of between 350m2– 450m2 shall have a slope of less than 15% (1:9) across the frontage.	Not applicable.
This Section generally applies to lots with one dwelling house or vacant land. The section applies to dual occupancy development where the minimum lot size at Clause 4.1 of SLEP 2014 is met. The specific objectives are to: • Provide a range and mix of lot sizes to suit a variety of dwellings, household types and housing opportunities, with areas and dimensions to meet user requirements and the diverse and changing needs of the community. • Provide lots that are oriented to enable the application of energy conservation principles. • Provide lots of sufficient size to protect environmental features and consider site constraints. • Design lot density to minimise fuel consumption, reduce travel distances, maximise public transport effectiveness and encourage walking and cycling. • Provide smaller lots in locations adjacent to neighbourhood centres, public transport stops and adjacent to higher amenity areas. • Ensure integration of lot layout with the surrounding urban environment to promote shared use of public facilities by adjoining communities. • Enable and protect rooftop solar systems.		

G11 – Subdivision of Land 5.3.3 Residential Lot Size, Density & Design		
Performance Criteria	**Acceptable Solutions**	**Proposed Development**
P42 Higher densities are provided in areas that are consistent with the zone objectives and are close to the CBD, services, public transport and open space.	**A42.1** Development density is in accordance with Council's Growth Management Strategy, other relevant Structure Plans and Strategies and any relevant site specific chapters of this Development Control Plan.	Complies. The density of development proposed is considered reasonable and in accordance with all Council documentation
P43 A range of lot sizes are provided that have the appropriate area and dimensions for: • The siting of a dwelling/s and ancillary structures. • The provision of outdoor space. • Vehicle access and manoeuvring. • On-site parking. • The provision of solar access. • The provision of appropriate site lines and visibility. • The minimisation of amenity or privacy impacts	**A43.1** Minimum lot shape, dimensions and splays shall comply with **Table 2** below. **A43.2** Where possible, an access way to a battle-axe lot should be located on the southern side of the allotment to minimise any potential overshadowing of existing/future adjoining dwellings, private open space and rooftop solar systems.	Not applicable. Lots are in excess of 10,000m^2 and are not included within the table. Not applicable.
P44 The lot design: • Ensures the availability of a relatively flat and suitable building area with limited cut and fill. • Ensures the site and frontage can accommodate the future dwelling, ancillary structures, parking, access, services, landscaping, and the like. • Minimises overshadowing and privacy/amenity impacts on the future	**A44.1** The subdivision design demonstrates that following building envelopes are available for each relevant lot, behind the required front building line: • Lots up to 499m2 : A rectangular building envelope of a size able to accommodate a suitably sized dwelling house. • Lots greater than 500m2 : 10m x 15m.	Complies. Proposed Lot 11 demonstrates a minimum building envelope of 30m x 30m.

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residents and adjoining residents. • Promotes provision and protection of rooftop solar systems. • Takes into account relevant constraints including topography, significant trees and vegetation, easements or other restrictions/affectations relating to the land.	• Battle-axe lots: 15m x 15m. • Small infill subdivisions on flood prone land: approximately 15m wide x 21m deep, sited in accordance with the requirements of Chapter G9: Development on Flood Prone Land of this Development Control Plan.	
	A44.2 The building envelope shall comply with the relevant setbacks in Chapter G12: Dwelling Houses and Other Low Density Residential Development of this Development Control Plan.	Complies. Refer to Site and Subdivision Plans (**Appendix A**)**.**
	A44.3 For lots up to 499m2 in area, a detailed area plan is to be provided that shows the: • Minimum setbacks and maximum building height. • Building to boundary locations and wall heights. • Indicative parking and access arrangements, including vehicle access points. Parking must be accessed from a laneway where available. • Critical window locations and treatment (e.g. for solar access, shading, frontage outlook or to limit overlooking or noise intrusions). • Indicative private open space and landscaping areas.	Not applicable.

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	A44.4 Adequate space for bins on the road frontage (kerbside) shall be provided, especially in a standard battle-axe lot or dual occupancy battle-axe lot arrangement. The kerbside frontage required per bin is 1m, with 0.5m separation between bins and 1m behind each bin.	Complies.
5.3.5 Rural Subdivision **Performance Criteria**	**Acceptable Solutions**	**Comment**
P47 The arrangement of future buildings does not have a detrimental impact upon the quality of the rural environment.	**A47.1** Subdivision boundaries and lot layout shall be determined in response to: • Slope analysis to identify land steeper than 1 in 5 (20%). • Location and delineation of landscape for buffer areas and screening. • Identification of significant views from the coast and into the site from external viewing points. • Means of access.	**Complies**
5.3.10 Access **Performance Criteria**	**Acceptable Solutions**	**Comment**
P53 Coincidental legal and practical access is provided for each lot.	**A53.1** Each lot shall have coincidental legal and practical access.	Complies. Lots 10, 11, and 12 all have direct access to a public road.
P54 Lot design makes adequate provision for access to the property.	**A54.1** Single use access corridors for residential battle-axe lots shall be a minimum of 4m in width with a 3m pavement width.	Not applicable.
	A54.2 Multiple use access corridors for residential	Not applicable

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	battle-axe lots shall comply with the requirements in the table (see full DCP chapter).	
	A54.3 All residential/urban right of way pavement is to be designed to comply with Supporting Document 1.	Complies. Refer to accompanying engineering plans (**Appendix A**).
5.4 Utilities and Servicing		
The specific objectives are to: i. Ensure that each lot in a subdivision is adequately serviced (where available and required) with sewerage/effluent management, water, gas, firefighting, electricity, street lighting and telecommunications (including broadband). ii. Deliver services in a timely, cost effective, coordinated and efficient manner. iii. Deliver services using sustainable development practices.		
Performance Criteria	**Acceptable Solutions**	**Comment**
P55.1 The street network provides for the cost-effective provision of utilities that are designed and provided to: • Be cost effective over the life cycle. • Minimise short and long term adverse environmental, amenity and visual impacts. • Available and accessible. **P55.2** Each lot in a subdivision is adequately serviced.	**A55.1** Water, sewer, electricity, telecommunications and gas must be accommodated within the street network, with appropriate offsets to support Safety in Design principles.	Complies. Given the rural nature of the site, lots will only be provided electricity and telecommunications, which will be contained to the street network where practical.
	A55.2 Each stage of a subdivision must be fully serviced before a new area is released.	Not applicable.
	A55.3 The design and provision of utility services must conform to the requirements of the relevant service authorities.	Noted.
	A55.4 Water supply systems and sewerage networks/effluent management systems are accessible, easy to maintain and cost effective based on whole of life cycle costs.	Not applicable.

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	A55.5 Underground electricity supply is provided to residential areas.	Not applicable.
	A55.6 Adequate water for domestic and fire-fighting purposes is available.	Complies. Refer to accompanying Bushfire Assessment Report (**Appendix E**).
	A55.7 Services (except for water and sewer) shall be located in common trenching, where compatible and approved by the service provider.	Noted.
	A55.8 Adequate buffers between utility services and dwellings must be provided.	Noted.

5.5 Stormwater, Flooding and Water Sensitive Urban Design

The objectives are to:

i. Ensure stormwater management limits stormwater damage to property and adequately protects the natural and built environment at an acceptable level of risk.

ii. Provide stormwater management/systems that take into account the whole of life-cycle costs.

iii. Manage and control flooding to protect the community, minimise nuisance flooding, minimise potential for traffic accidents and maintain road access with accepted levels of service.

iv. Have regard to the principals of water sensitive urban design by:

- Ensuring that existing downstream systems are not adversely affected.
- Ensuring there is no increase in pollution levels discharging from the development.
- Intercepting and treating pollutants through the use of appropriate water quality control measures prior to discharge into receiving waters, including wetlands, lakes and ponds.
- Optimising drainage system control of silt accumulation and minimise debris blockages of inlet structures and pipes.

v. Water sensitive urban design measures are incorporated into the subdivision layout design in an attractive, efficient manner that also considers whole of life costs.

5.5.2 Minor Drainage Systems

Performance Criteria	Acceptable Solutions	Comment
P61 Local road networks located on flood prone land are designed to enable flood evacuation.	**A61.1** Local road networks shall be designed to ensure all lots have frontage to rising road linkages to flood free	Not applicable. No new roads. Beach Road is not flood affected (refer **Appendix G**).

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	land above the Probable Maximum Flood (PMF) level or local evacuation routes.	
P62 Systems are designed: • With the capacity to control stormwater flows under normal operating conditions for the relevant design storm. • To be accessible and easily maintained.	**A62.1** Design and construction of minor drainage systems is in accordance with the requirements of: • This Section. • The Engineering Design Specifications. • The requirements in Chapter G2: Sustainable Stormwater Management and Erosion / Sediment Control of this Development Control Plan. • The latest version of Australian Rainfall and Runoff – A Guide to Flood Estimation.	Not applicable. Proposed New Lot 11 will design appropriate stormwater disposal with future dwelling.
	A62.2 Drainage networks must be well defined to ensure there are no hidden flow paths that could reduce their capacity to convey design flows.	Not applicable
	A62.3 Design of minor systems must take full account of existing downstream systems.	Not applicable
	A62.4 Access for maintenance must be available where a portion of the minor system lies within a site.	Not applicable
	A62.5 Selection of materials shall be based on suitability, durability, maintainability and cost effectiveness.	Not applicable
5.5.4 Miscellaneous		

G11 – Subdivision of Land Performance Criteria	Acceptable Solutions	Comment
P64 Basement car parks are designed to minimise the likelihood of inundation from floodwater.	**A64.1** The entrance to all basement carparks must be located at a level which is above the projected 2050 flood planning level.	Not applicable.
P65 All bridges are designed for the 1% AEP storm event and consider effects of the Probable Maximum Flood (PMF) event.	**A65.1** The design must address the effects of the Probable Maximum Flood (PMF) event. Where the approach road, excluding the bridge approaches, is less than the 1% AEP flood level, a lower standard level may be considered.	Not applicable.
	A65.2 Designs are to be in accordance with: • Council's Engineering Design Specifications, and • Waterway design is to be in accordance with AUSTROADS - A guide to the Hydraulic Design of Bridges, Culverts and Floodways.	Capable of complying.
P66 Subdivision design and layout provides for adequate site drainage and incorporates water sensitive urban design measures.	**A66.1** The subdivision design is to prevent the need to use inter-allotment drainage by grading lots to road reserves, with a minor and major drainage system sized in accordance with Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control of this Development Control Plan.	Capable of complying.
	A66.2 Where site topography or proposed grading prevents the discharge of stormwater directly to the street gutter or a Council	Capable of complying.

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	controlled piped system, inter-allotment drainage and appropriate stormwater drainage measures must be provided to accept runoff from: • All existing or future impervious areas that are likely to be directly or indirectly connected. • Pervious areas to prevent flooding of downslope properties from local overland flooding. Inter-allotment drainage must be sized for the 5% AEP storm event, including predicted climate change impacts on design rainfall. This must be based on the maximum possible impervious percentage for the proposed development type in accordance with DCP Chapter G2. Where the downstream stormwater network does not have capacity for the 5% AEP flow, the stormwater network needs to be designed to either improve the downstream network capacity, provide additional storage or where appropriate surcharge onto the nearest road. Inter-allotment drainage must be sized for the unattenuated post-development flow regardless of whether OSD or rainwater tanks are installed. Inter-allotment drainage must comprise a minimum pipe diameter of 150mm for	

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	one lot and of 225mm for two or more lots. A shallow grassed swale or similar shall be constructed above the inter-allotment drainage to capture and convey stormwater runoff to the stormwater pit located in each lot.	
	A66.3 Easements favouring the benefiting allotments should be created over inter-allotment drainage.	Not applicable.
	A66.4 Stormwater discharge from a development site, including inter-allotment drainage, must be in accordance with Engineering Design Specifications and Acceptable Solution **A66.2**.	

Chapter G21: Car Parking and Traffic 4 Objectives
The objectives are to: i. Ensure that adequate off street parking is provided in conjunction with development throughout the City, including any overflow parking. ii. Discourage the use of on street parking for new development. iii. Ensure that car parking areas are visually attractive, functional, operate efficiently, are safe and meet the needs of users. iv. Ensure that all vehicles enter and leave a site in forward direction and that the manoeuvring of vehicles does not take place within the road reserve, but within the subject site. v. To encourage developments that contribute to the vitality and liveability within CBD areas. vi. Address the principles of ecologically sustainable development. vii. To ensure that the traffic and road safety implications of development are adequately assessed in accordance with current guidelines and standards. viii. To minimise any adverse traffic and road safety impacts of development.

5 Car Parking Controls 5.1 Car Parking Schedule Land Use Type	Standard	Comment
Dwelling house	2 spaces.	Capable of complying.

Chapter G21: Car Parking and Traffic 6 Traffic, Access, Manoeuvring and Construction 6.1 Traffic Performance Criteria	Acceptable Solutions	Comment
P9 To ensure new development: • Can be accommodated without adverse impact on the surrounding road network. • Does not jeopardise the provision of future network requirements.	**A9.1** A Traffic Study is provided as required by the relevant State Environmental Planning Policies (SEPPs), or in accordance with the Transport for NSW guidelines. **A9.2** A Traffic Statement is provided where the application falls outside SEPPs requirements, or where requested by Council. **A9.3** A Traffic Study or Statement must be prepared in accordance with the Transport for NSW, Australian Standards and AUSTROADS guidelines to the satisfaction of Council.	The proposal is a small scale subdivision with a net 1 dwelling increase within the SCC portion of the subdivision. No impact will result on the surrounding network and the subdivision will not jeopardise the provision of future network requirements. Accordingly a Traffic Study is not considered necessary for a development of this scale.
6.2 Vehicle and Pedestrian Access **Performance Criteria**	**Acceptable Solutions**	**Comment**
P10.1 To ensure that driveways relate to: • Type of land use. • Frontage road type. • Size of parking facility. **P10.2** Type of vehicle likely to enter the development. To ensure that traffic safety is preserved both onsite and within the local road network. **P10.3** To ensure that where any development has frontage to more than one road, access is provided to the lower order, lower traffic volume road, to protect the integrity and	**A10.1** The development must: • Satisfy the provisions of AS2890, and • Be designed so that vehicles enter and leave the premises in a forward direction (except for dwelling houses and dual occupancy development). **A10.2** Each site must minimise the number of ingress and egress points to any street frontage. **A10.3** Where car parking exceeds 100 spaces separate provision must be made for ingress and egress. **A10.4** Where more than one access point is proposed to a site, the	Complies. Refer to accompanying engineering plans (**Appendix A**). One access point for each lot proposed. Not applicable. Driveway for Lot 11 is the closest to the dwelling. Other access points are rural / informal access

Chapter G21: Car Parking and Traffic		
efficiency of the local and main road networks.	first driveway reached by traffic must be the entrance. **A10.5** For all development that has frontage to more than one road, access is to be provided to the lower order, lower traffic volume road. **A10.6** Vehicular access to parking areas will not be permitted in close proximity to traffic signals, major intersections or where sight distance is considered inadequate. Site distance requirements must comply with Figure 3.2 in AS2890.1. **A10.7** Driveways must be located a minimum of six (6) metres from the corner of a building located on corner lots and a minimum of 1m from the side boundary. *Note: Prohibited driveway locations and driveway orientation are indicated in Figure 3.* **A10.8** Buildings must be designed to ensure that there is adequate sight distance at intersections and driveways. In some instances this may require the provision of splay corners on buildings (e.g. where a driveway adjoins a building). **A10.9** The vehicular entrance to the development shall demonstrate satisfactory provisions for pedestrian safety, considering the anticipated volume of both vehicular and pedestrian traffic. **A10.10** Footpaths are to be continuous across driveways in accordance with AS2890.1. **A10.11** Ramps must not extend across the footpath. The development	points commensurate tot eh rural land use of the 121 ha site. No changes proposed to Lot 10 or 12. Complies. Access via Beach Road. Not applicable. Not applicable. Not applicable. Complies. Refer to accompanying engineering plans (**Appendix A**). Not applicable Not applicable.

Chapter G21: Car Parking and Traffic		
	must demonstrate satisfactory provisions for pedestrian safety.	
	A10.12 When new principal arterial roads (including sub-arterial roads , classified main roads roads) , and designated regional are provided, there shall be no direct access for new allotments where alternative access can be provided.	Not applicable.
	A10.13 Where direct access from allotments to arterial roads currently exist (including sub-arterial roads , classified main roads, and designated regional roads), partial access may be considered when feasible, except where the access provisions cannot requirements of satisfy the State Environmental Planning Policy (Transport and Infrastructure) 2021.	Not applicable.

6.3 Manoeuvrability Performance Criteria	Acceptable Solutions	Comment
P12 Adequate space is provided for the manoeuvring of vehicles, particularly rigid and articulated heavy vehicles.	**A12.1** The minimum turning paths in Table 2 are achieved. **A12.2** Turning paths for vehicles will be based upon the largest vehicles likely to utilise the premises. **A12.3** For bus routes in all new subdivisions, a practical bus route with a minimum 9m width is to be designated. The route must satisfy swept paths for a 14.5m rigid bus with satisfactory turnaround provided for each stage of the development.	Complies. Refer to accompanying engineering plans (**Appendix A**).
6.4 Service Areas Performance Criteria	**Acceptable Solutions**	**Comment**
P13 Suitable areas for safe and efficient loading/unloading of goods is provided.	**A13.1** Service areas should operate independently of other parking areas. **A13.2** The location of loading/servicing areas should be clearly indicated by the use of signs.	Not applicable.
P14 All servicing occurs on-site.	**A14.1** Internal roadways must be adequate in construction and design for the largest vehicle anticipated to utilise the site. **A14.2** Service docks are designed to cater for the largest vehicle anticipated to use the premises. **A14.3** Service areas are designed to avoid the need for service vehicles to reverse across the pedestrian desire lines.	Complies. Refer to accompanying engineering plans (**Appendix A**).

6.5 Design of Driveways Performance Criteria	Acceptable Solutions	Comment
P15 Driveways are designed to reflect the nature of development that they serve	**A15.1** Driveway design is consistent with AS2890.1 and/or AS2890.2 as applicable to the type of development. **A15.2** Driveway types 1 and 2 shall be constructed as single driveway access points to minimise the number of driveway conflicts on the network. *Note: Applications may be considered for multiple driveways only where sufficient justification can be provided to support the application to Council's satisfaction.*	Not applicable. Driveway design to occur with proposed future dwellings.
6.6 Construction Requirements **Performance Criteria**	**Acceptable Solutions**	**Comment**
P16 The construction of internal driveways, roads, car parks, service areas and works in the road reserve is of a suitable standard according to land use type.	**A16.1** The construction of internal driveways, roads, car parks, service areas and works in the road reserve comply with **Table 3.**	Complies. Refer to accompanying engineering plans (**Appendix A**).