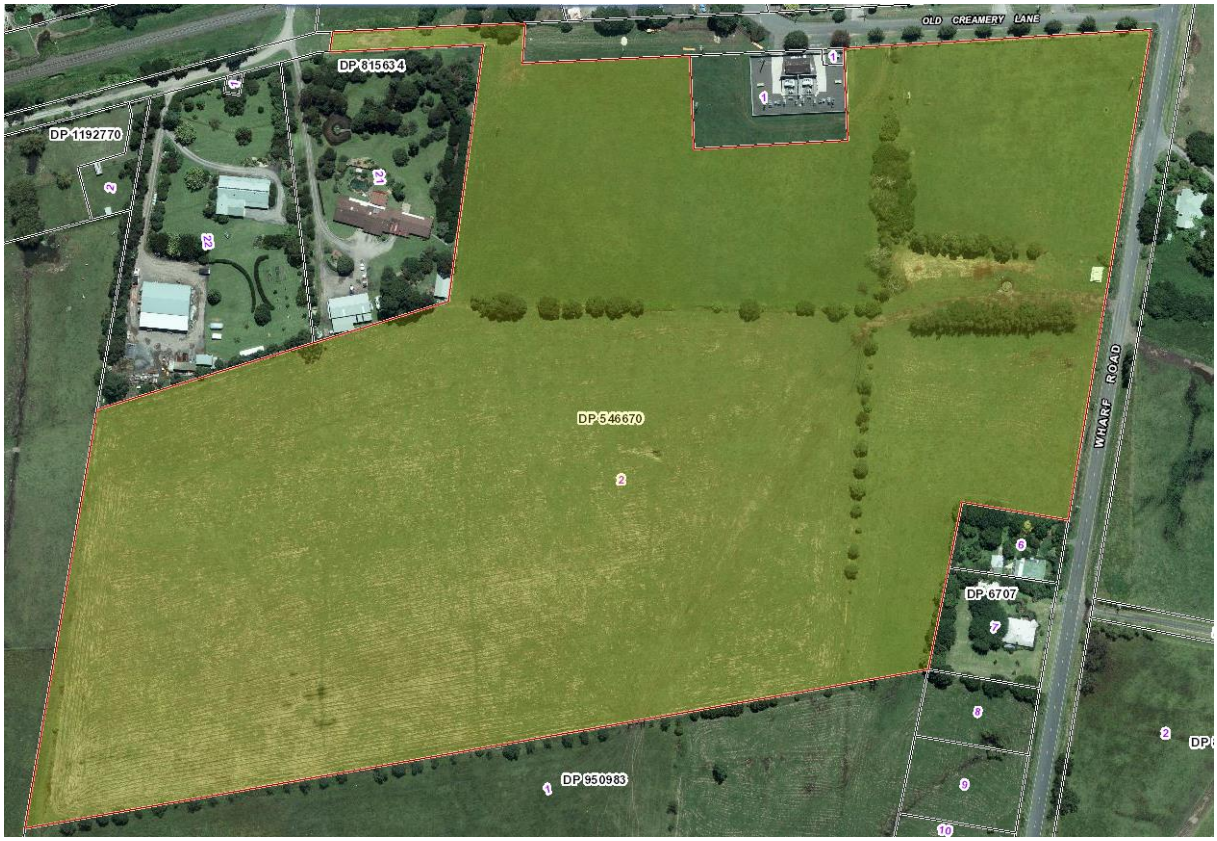
allen price & scarratts pty ltd
land and development consultants

STATEMENT
OF ENVIRONMENTAL EFFECTS

Proposed 15 Lot Torrens Title
Industrial Subdivision



Lot 2 DP 546670 – Old Creamery Lane, Berry
FOR
Broughton Mill Pty Ltd

AP&S Ref: 26518
February 2018

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Introduction

Our client seeks to subdivide Lot 2 DP 546670 into 15 lots of which 14 lots will provide general industrial use and the residue lot will continue providing for primary production.

Prior to submitting this proposal for development assessment, a Development Advisory Unit meeting was held with Shoalhaven City Council on 31 May 2016.

This development is permissible under the provisions of the Shoalhaven Local Environmental Plan 2014 and is in accordance with the provisions of Shoalhaven Development Control Plan 2014.

Other supporting documentation for this proposal include:

Site Analysis Plan prepared by Allen Price & Scarratts Pty Ltd
Subdivision Plan prepared by Allen Price & Scarratts Pty Ltd
Preliminary Environmental & Constraints Report prepared by Woodlands Environmental Management
Traffic Impact Assessment prepared by Auswide Consulting
Integrated Water Cycle Management Study prepared by Rienco Consulting
Heritage Impact Assessment prepared by Robin Graham
Flood Report prepared by Allen Price & Scarratts Pty Ltd
Preliminary Engineering Plans prepared by Allen Price & Scarratts Pty Ltd
Landscape Plan prepared by Peter Phillips Landscape Architecture

This statement of environmental effects addresses the principle legislative criteria which impacts upon this land use activity.

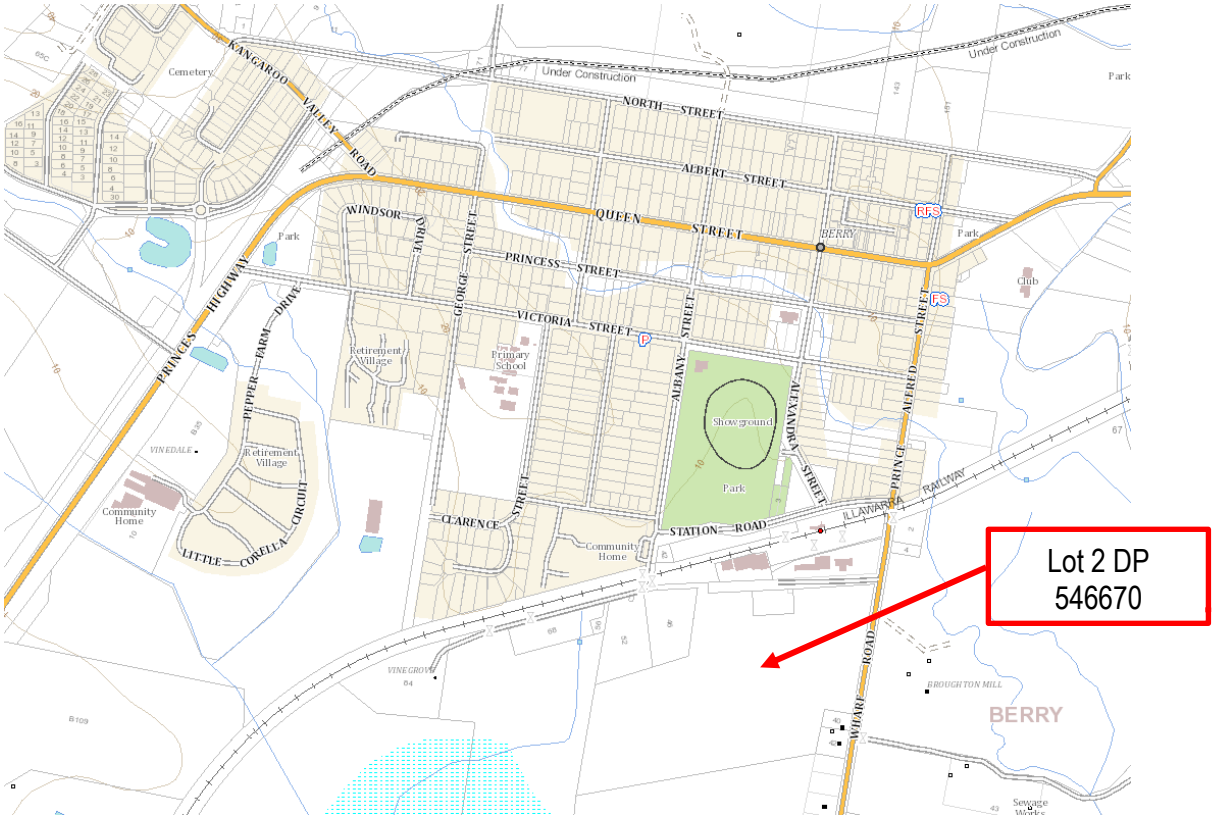
Site & Locality

The subject land (site) is Lot 2 DP 546670 which is located adjacent to Old Creamery Lane & Wharf Road, Berry and is 14.32ha in size (see locality and land zoning images below). The site is located at the southern edge of the Berry township and adjacent to land already developed for industrial use that is located on the northside of Old Creamery Lane (see site photos below).

Old Creamery Lane forms most of the northern boundary of the site which the proposed subdivision will gain access from and a small area of RU1 zoned land (forming part of the site) extending in the north west corner of the site. The site also surrounds an electricity substation on the southern side of the Old Creamery Lane (as shown in images below). The site on its southern and western boundaries is surrounded by land zoned RU1 - Primary Production and to the east it borders Wharf Road.

The supporting *Preliminary Environmental & Constraints Report* identifies that the site supports highly modified grassland dominated by exotic pasture species and weeds. Tree lines planted along existing internal paddock boundaries include exotic and native species. There are no significant fauna habitats within the subject site and habitat values are considered to be low.

The site is not identified as being bushfire prone land or having a biodiversity significance however, it is mapped in the Shoalhaven Local Environmental Plan (SLEP) 2014 as being partly flood prone land, adjacent to a general heritage item sites and affected by the Berry sewage treatment plant buffer as shown on the images below.



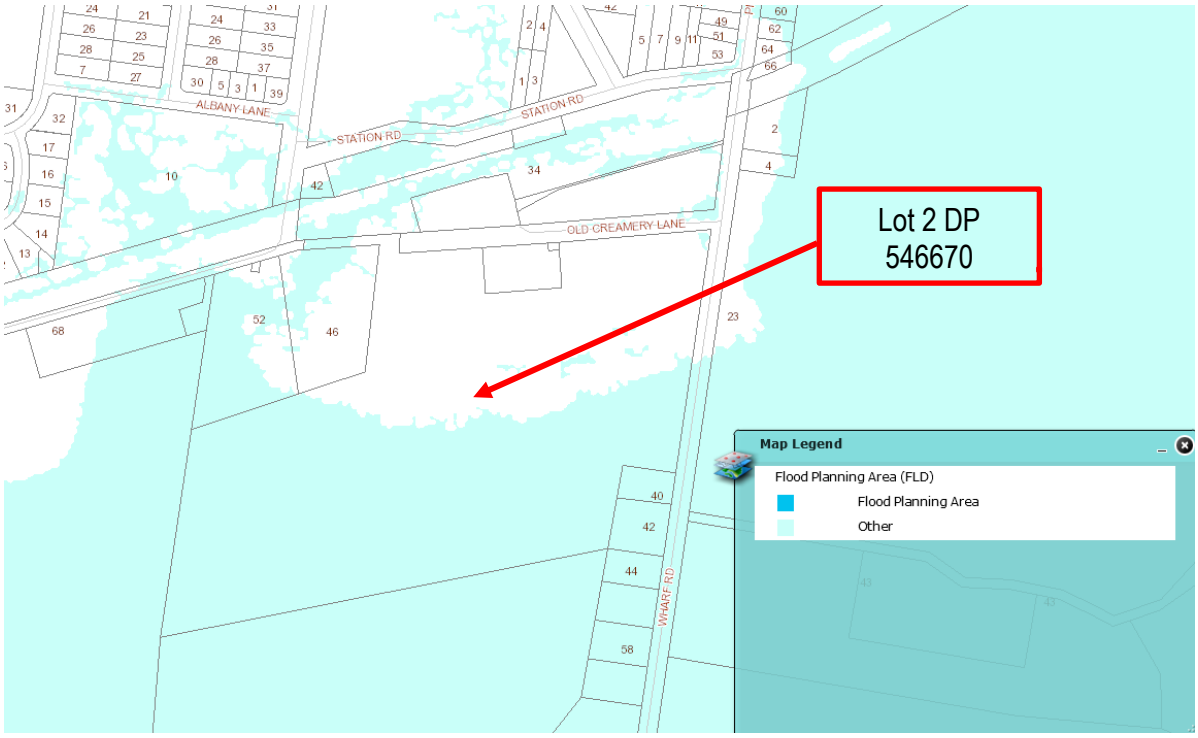
Locality Plan: Source SIXmaps

Aerial Image: Source SIXmaps *(shows tree lined internal paddock boundaries)*

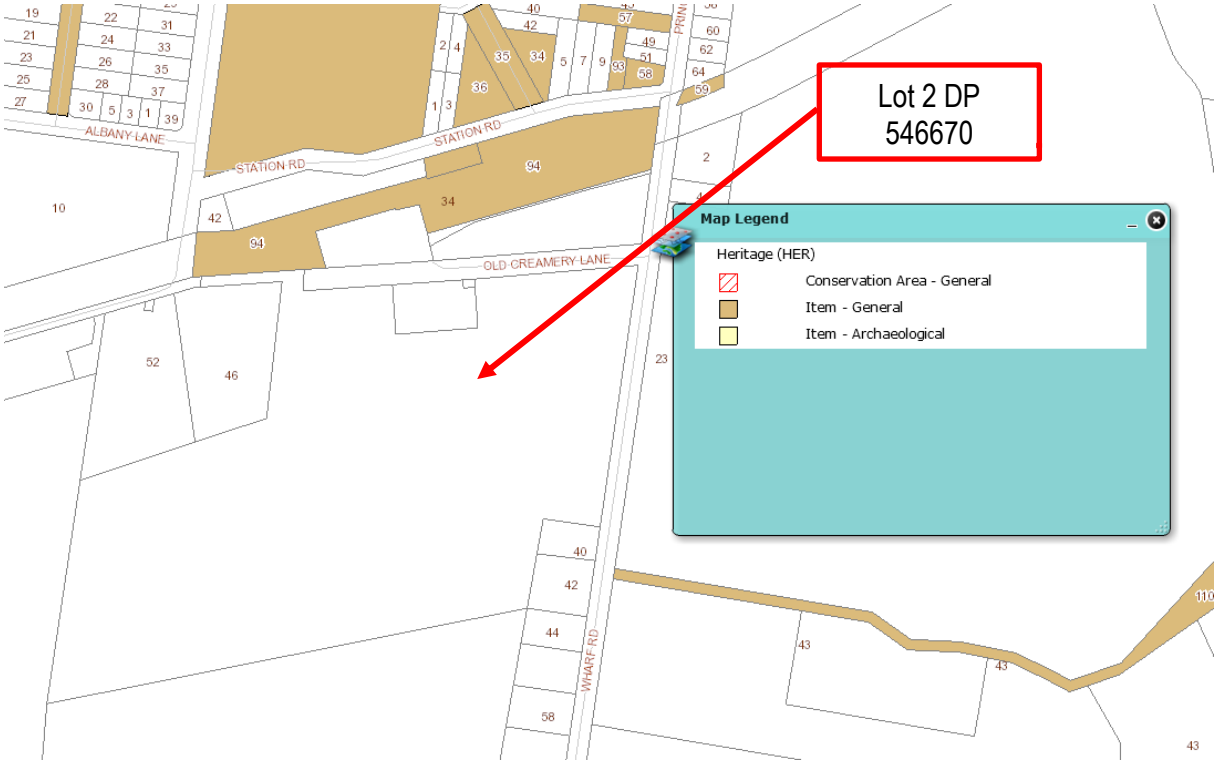
Industrial use located on the northside of Old Creamery Lane

Northern boundary of site (adjacent to Old Creamery Lane)

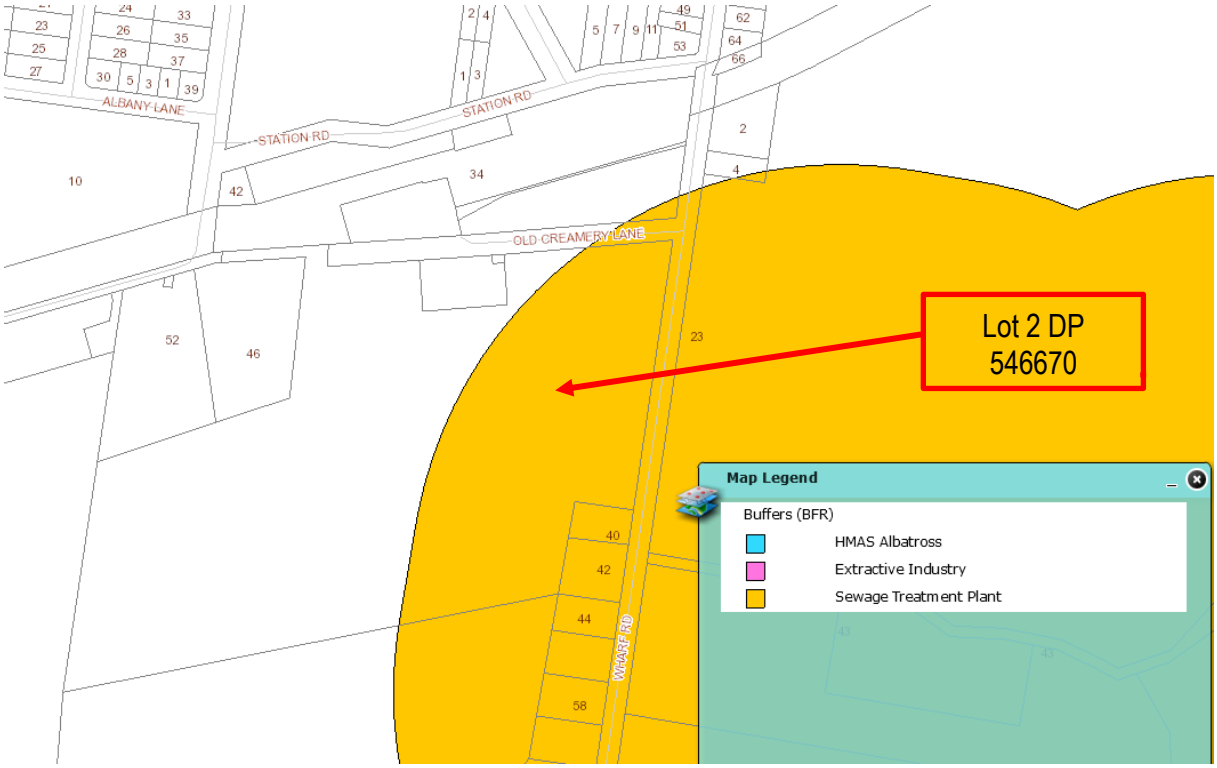
Eastern boundary of site (adjacent to Wharf Road)



Flood prone land mapping, Source: SLEP 2014 Maps



Heritage mapping, Source: SLEP 2014 Maps



Berry sewerage treatment plant buffer area: Source: SLEP 2014 Maps

Proposed Development

This proposed development seeks to subdivide Lot 2 DP 546670 into 15 lots of which 14 lots will provide general industrial use and the residue lot (i.e. land zoned RU1) will continue providing for primary production associated with Lot 2 DP 953729. The land zoning image below demonstrates the RU1 zoned land on the site.

The proposed 14 industrial lots will vary in size from 1,500m^2 to 6,462m^2 with the residual rural part lots being 9.06ha. No dwelling is currently on or proposed on the subject residue lot. To facilitate legal access to all these lots a new 350m road with cul-de-sac turning circle will be provided.

Acknowledging that part of proposed lot 4 and 7 have flood prone land, these sites are proposed to be partly filled and this is shown in the supporting engineering plans.

Lot 2 DP 953729 is located adjacent to the site (separated by Wharf Road) which provides for milking dairy cattle that currently graze on the site. Due to the current location of the cattle service gate to Lot 2 DP 546670 being on the land zoned part IN1 - General Industrial Use, this gate is proposed to be located approximately 70m south along Wharf Road.

Through undertaking this subdivision, it is also proposed that existing drainage easements on Lot 2 DP 546670, that become redundant as a result of the development be expunged. These easements are shown on the proposed subdivision plan.

This Statement of Environmental Effects is supported by a Preliminary Environmental & Constraints Assessment, Traffic Impact Assessment, Integrated Water Cycle Management Study, Heritage Report and Flood Report that have been prepared for the site.

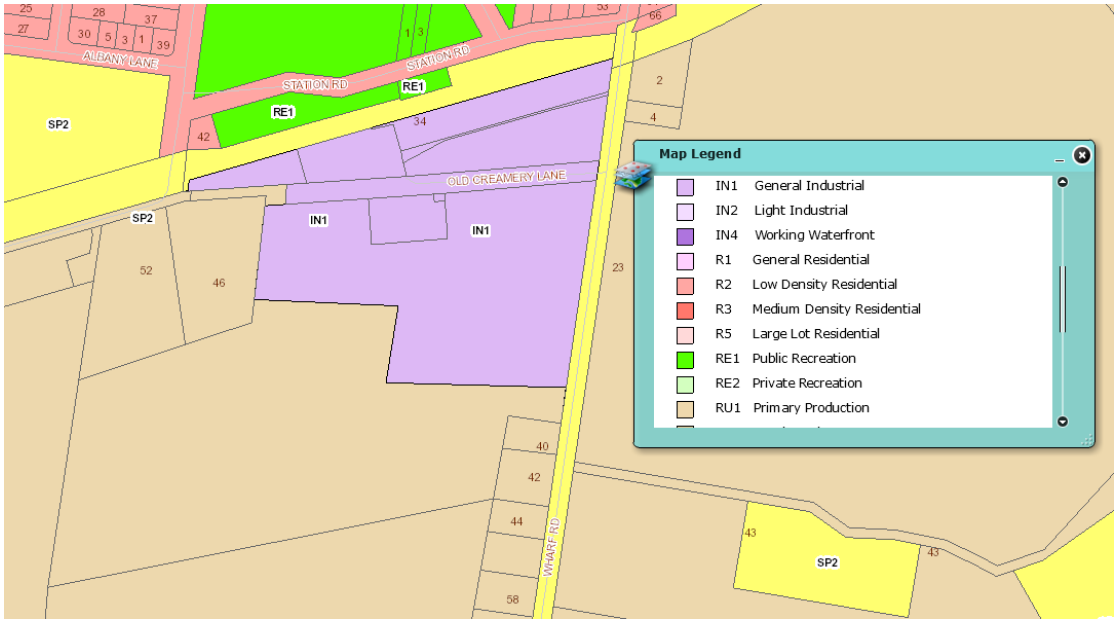
Planning Legislation, Council Codes and Policy

Environmental Planning & Assessment Act: There are a number of pertinent provisions of the EP&A Act relevant to this project, notwithstanding Section 79C(1). These are Section 5AA and Section 91.

With regard to Section 5AA: biodiversity conservation issues – no significant flora & fauna potential has been identified on the site after *Preliminary Environmental & Constraints Report* was undertaken by Woodlands Environmental Management. Therefore, a detailed flora and fauna report has not been prepared for the site.

With regards to Section 91: This proposed development is not integrated development as the land is not identified as being bushfire prone and therefore, a bushfire protection assessment has not been prepared.

Shoalhaven Local Environmental Plan (SLEP) 2014
Under the provisions of the SLEP 2014, the property is zoned part IN1 - General Industrial Use and part RU1 - Primary Production which is shown in the image below. In addition, the objectives of each of these zones follows.



Land Zoning: Source: SLEP 2014 Maps

Zone IN1 General Industrial

1 Objectives of zone

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To allow a diversity of activities that do not significantly conflict with the operation of existing or proposed development.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

2 Permitted without consent

Nil

3 Permitted with consent

Bulky goods premises; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Light industries; Markets; Neighbourhood shops; Places of public worship; Roads; Take away food and drink premises; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Centre-based child care facilities; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Moorings; Office premises; Open cut mining; Registered clubs; Residential accommodation;

Respite day care centres; Restricted premises; Retail premises; Sex services premises; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities.

Zone RU1 Primary Production

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To conserve and maintain productive prime crop and pasture land.*
- *To conserve and maintain the economic potential of the land within this zone for extractive industries.*

2 Permitted without consent

Extensive agriculture; Forestry; Home occupations

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Flood mitigation works; Food and drink premises; Group homes; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Marinas; Markets; Mooring pens; Moorings; Offensive industries; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Hotel or motel accommodation; Pubs; Serviced apartments; Any other development not specified in item 2 or 3

The following table identifies the relevant clauses in SLEP 2014 in relation to this proposed development.

Name	Attribute / Clause requirement	Comments on this proposal
Cl 2.6 – Subdivision – consent requirements	Subdivision requires consent.	This proposal is submitted to obtain this relevant consent.
Cl 4.1 - Minimum subdivision lot size	The objectives of this clause are as follows: *(a) to ensure that subdivision is compatible with, and reinforces the predominant or historic subdivision pattern and character of, an area,*	Land zoned part IN1 - General Industrial Use has no minimum lot size requirement and the land zoned part RU1 - Primary Production has a minimum lot size of 40ha

Name	Attribute / Clause requirement	Comments on this proposal
	(b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties, *(c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.*	The site (Lot 2 DP 546670) is 14.32ha in size and does not currently meet the minimum lot size of 40ha for the land zoned part RU1. The proposed subdivision of land zoned part RU1 results in no net decrease of this zoned land or further fragmentation of this land which supports a dairy on Lot 2 DP 953729 (adjacent to the site and is separated by Wharf Road). As mentioned above, the residual rural lot area is 9.06ha. Clause 4.1E (below) further addresses the minimum lot size for certain split zone lots.
4.1E - Minimum lot size for certain split zone lots	The objectives of this clause are as follows: (*a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1 or 4.1A,* *(b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.* In accordance with section 3, - *Despite clauses 4.1 and 4.1A, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if:* *(a) in relation to an original lot containing land in Zone E2 Environmental Conservation or Zone E3 Environmental Management, one of the resulting lots will contain:* *(i) land in an urban zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and* *(ii) all of the land in Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and* ***(b) in relation to an original lot containing less than 36 hectares of land in Zone RU1 Primary Production** or Zone RU2 Rural Landscape but no land in Zone E2 Environmental Conservation or Zone E3 Environmental Management, **one of the resulting lots will contain:*** *(i) land in an urban zone that has an area that is not less than the minimum size shown on the Lot*	The proposal results in the creation of a residual lot (Lot 15) which meets the requirements of this clause (shown in bold text) and incorporates all RU1 Primary Production zoned land. It should also be noted the associated urban land is N1 - General Industrial Use has which has no minimum lot size requirement.

Name	Attribute / Clause requirement	Comments on this proposal
	Size Map in relation to that land, and ***(ii) all of the land in Zone RU1 Primary Production or Zone RU2 Rural Landscape that was in the original lot, and***	
4.2 – Rural subdivision	The objective of this clause is as follows: *to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.*	Whilst the subject rural land will not decrease in size (as outlined in Clause 4.1E) or cause further fragmentation, the provisions of this clause apply and the proposal is seeking to create a lot size that is less than the minimum size and no dwelling can be erected on it.
Cl 4.3 - Maximum Building Height	The objectives of this clause are as follows: (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,* *(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,* *(c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance* The maximum building height on the N1 - General Industrial Use zoned land is 8.5m.	Not applicable - This proposal does not include buildings.
Cl 4.4 - Maximum Floor Space Ratio	No applicable controls.	Not applicable.
Cl 4.6 - Exceptions to development standards	The application of this clause is not proposed.	Not applicable.
Cl 5.1 & 5.1A - Land Reservation Acquisition	No applicable controls.	Not applicable.
Cl 5.5 – Coastal Areas	Site not mapped within the coastal zone	Not applicable.
Cl 5.10 - Heritage	The objectives of this clause are as follows: (a) *to conserve the environmental heritage of Shoalhaven,* *(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,* *(c) to conserve archaeological sites,* *(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.* Whist the site is not identified as being a heritage item it is adjacent (in the setting) to	In accordance with this clause, a Heritage Impact Assessment has assessed the adjacent heritage items and is provided as a supporting document. The Heritage Impact Statement, concludes that the proposed development will have negligible impact on the fabric or significance of the listed places within the vicinity of the site.

Name	Attribute / Clause requirement	Comments on this proposal
	sites noted as being of general heritage significance, being: • The Berry Estate Salt Wall (lot 100 568280) Wharf Road, Berry. • The Berry Railway Station Group or buildings, 34 Station Road, Berry • The former Station Masters Cottage 34 Station Street, Berry	
Part 6 - Urban Release Area	No applicable controls.	Not applicable.
Cl 7.1 - Acid Sulfate Soils	The objective of this clause is as follows: *to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.* The site is mapped as containing classes 4 – 5 acid sulfate soils. Class 4 soils are mapped on the part RU1 - Primary Production land which is not proposed to be disturbed. Class 5 soils are mapped on the part IN1 - General Industrial Use land where future earthworks are likely but unlikely to cause significant changes to these soils.	Subdivision drainage works is not proposed more than 2 metres below the natural ground surface. If deemed appropriate, development consent can be conditioned that future earthworks be required to undertake and provide an acid sulfate soils management plan in accordance with the Acid Sulfate Soils Manual and provided to the consent authority.
Cl 7.3 - Flood Planning Area	The objectives of this clause are as follows: (*a) to minimise the flood risk to life and property associated with the use of land,* *(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,* *(c) to avoid significant adverse impacts on flood behaviour and the environment* A small portion of the land zoned part IN1 - General Industrial Use is mapped within the Flood Planning Area and the majority of the land zoned part RU1 – Primary Production is mapped within the Flood Planning Area.	Supporting Flood Report, Integrated Water Cycle Management Study and Preliminary Engineering Plans demonstrate how the small portion of the land zoned part IN1 that is affected by flood can be developed and to be compatible with the flood hazard of the land and to minimise the flood risk to life and property.
Cl 7.4 - Coastal Risk Planning	Site not mapped within a coastal risk area.	Not applicable.
Cl 7.5 - Terrestrial Biodiversity	Site and immediate surrounds not mapped as having biodiversity significance.	Not applicable.
Cl 7.6 - Riparian Lands & Watercourses	Site and immediate surrounds not mapped as having Riparian Lands & Watercourses.	Not applicable.
Cl 7.7 - Natural Resource Sensitivity – Land	Site not mapped as Natural Resource Sensitivity – Land.	Not applicable.
Cl 7.8 - Scenic Protection Area	Site not mapped as scenic protection.	Not applicable.

Name	Attribute / Clause requirement	Comments on this proposal
Cl 7.11 – Essential Services	*Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:* *(a) the supply of water,* *(b) the supply of electricity,* *(c) the disposal and management of sewage.*	Essential services such as electricity, water, sewer and telephone services are located in close proximity to the site (i.e. within Old Creamery Lane). However, it is noted that upgrades and extension of existing infrastructure will be needed to service the proposed subdivision.
Cl 7.15 - Buffers	The objective of this clause is as follows: *to protect the operational environment of certain industries operating on the land to which this clause applies.* Part of the site is mapped within buffer area of the Berry sewerage treatment plant.	Prevailing winds from the treatment plant are unlikely to impact the use of the IN1 - General Industrial Use zoned land. If deemed appropriate, development consent can be conditioned to make future owners / development aware of this buffer area.

Shoalhaven Development Control Plan (SDCP)2014

The provisions of SDCP 2014 are addressed as follows:

SDCP 2014 Chapter	Relevance to this proposed development
Generic Chapters	
G1 Site Analysis, Sustainable Design and Building Materials in Rural and Coastal Areas;	**Relevant sections of the chapter are discussed below.**
G2 Sustainable Stormwater Management and Erosion/Sediment Control	**Relevant sections of the chapter are discussed below.**
G3 Landscaping Design Guidelines	**Relevant sections of the chapter are discussed below and supporting Landscape Plan.**
G4 Removal and Amenity of Trees	This chapter is not relevant to this proposal.
G5 Threatened Species Impact Assessment	**This chapter is addressed through the provision of a supporting Preliminary Environmental & Constraints Report.**
G6 Coastal Management Areas	This chapter is not relevant to this proposal.
G7 Waste Minimisation and Management Controls	**Relevant sections of the chapter are discussed below.**
G8 Onsite Sewage Management	This chapter is not relevant to this proposal.
G9 Development on Flood Prone Land	**This chapter is addressed through the provision of a supporting Flood Report.**
G10 Caravan Parks in Flood Prone Areas	This chapter is not relevant to this proposal.
G11 Subdivision of Land	**Relevant sections of the chapter are discussed below.**
G12 Dwelling Houses, Rural Worker's Dwellings, Additions and Ancillary Structures	This chapter is not relevant to this proposal.
G13 Dual Occupancy Development	This chapter is not relevant to this proposal.
G14 Other Residential Accommodation	This chapter is not relevant to this proposal.
G15 Tourist and Visitor Accommodation	This chapter is not relevant to this proposal.
G16 Short Term Rental Accommodation	This chapter is not relevant to this proposal.
G17 Business, Commercial and Retail Activities	This chapter is not relevant to this proposal.
G18 Streetscape Design for Town Centres	This chapter is not relevant to this proposal.
G19 Home Based Business Activities	This chapter is not relevant to this proposal.

SDCP 2014 Chapter	Relevance to this proposed development
G20 Industrial Development	**Relevant sections of the chapter are discussed below.**
G21 Car Parking and Traffic	**This chapter is discussed below and also addressed through the provision of a supporting Traffic Impact Assessment.**
G22 Advertising Signs and Structures	This chapter is not relevant to this proposal.
G23 Jetties, Wharf and Boating Facilities, Moorings, Mooring Pens and Boat Launching Ramps	This chapter is not relevant to this proposal.
G24 Restricted and Sex Services Premises	This chapter is not relevant to this proposal.
G25 Stationary Food Vans/Vehicles on Service Station Sites and Food Stalls	This chapter is not relevant to this proposal
G26 Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines	This chapter is not relevant to this proposal.
G27 Dog Breeding and Boarding Establishments (including Catteries)	This chapter is not relevant to this proposal.
G28 Design Guidelines for Permanent Occupation of Caravan Parks	This chapter is not relevant to this proposal.

Area Specific Chapters	
V2: Building Line	This chapter has been considered and the related building lines for Berry have been included on this site analysis and subdivision plans. It is noted in the controls that this DCP Chapter specifically relates to: "…an allotment of land which is within Zone RU1 Primary Production, RU2 Rural Landscape, E2 Environmental Conservation, E3 Environmental Management and which has a frontage to a road." Whilst the subdivision plan demonstrates this building line setback and 10m setback from the internal industrial road (as per DCP Chapter G20 – Industrial Development - **A4.1** A minimum front setback of 10m is required), a building footprint is achievable. This requirement and permissibility of this setback would need to be determined in subsequent building DAs. Furthermore, this building setback can be used for storage of materials and general yard use for a future industrial use of the site.

Relevant chapters for further consideration within SDCP 2014 are G1, G2, G7, G11, G20 & G21 which are addressed in the tables below. Supporting reports are provided to address Shoalhaven DCP 2014 chapter are G3, G5 & G9.

Chapter G1: Site Analysis, Sustainable Design and Building Materials in Rural, Coastal and Environmental Areas

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 road, 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 acceptable solutions have been met and demonstrated in the supporting information. The proposed development is compatible with the land zoning and adjacent land to the north that has been developed for IN1 - General Industrial Use and is generally consistent with surrounding development. Also refer to information in the above site analysis section of this report.

Remaining objectives related to building design / materials will be assesses at subsequent DA for use / buildings on the land zoned IN1 - General Industrial Use.

Chapter 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.
iii. Maintain, protect and/or rehabilitate modified watercourses and their associated ecosystems and ecological processes towards a natural state.
iv. Mitigate the impacts of development on water quality and quantity.
v. Encourage the reuse of stormwater.
vi. Integrate water cycle management measures into the landscape and urban design to maximise amenity.
vii. Minimise soil erosion and sedimentation resulting from site disturbing activities.
viii. Minimise the potential impacts of development and other associated activities on the aesthetic, recreational and ecological values of receiving water.
ix. Ensure the principles of ecologically sustainable development are applied in consideration of economic, social and environmental values in water cycle management.
x. Ensure stormwater systems and infrastructure are designed, installed and maintained so as not to increase the risk to life or safety or people.
xi. Provide Green and Golden Bell Frog (GGBF) friendly stormwater detention ponds in areas where GGBF are present.

Comment: As shown in the supporting Integrated Water Cycle Management Study and Preliminary Engineering Plans sustainable stormwater management and erosion management has been considered and applied to the proposal. This information demonstrates compliance with the objectives of this chapter. No GGBF have been identified on or surrounding the site.

Chapter G3: Landscaping Design Guidelines

4 Objectives
The objectives are to:
i. Blend new developments, where appropriate, into the existing streetscape and neighbourhood character.
ii. Enhance the appearance, amenity and energy efficiency of new developments for the users and for the community in general.
iii. Provide landscaping within a development that relates to the scale and type of existing elements in the neighbouring landscape.

Comment:

As shown in the supporting landscape plan, the proposal is consistent with the above objectives that have been applied to land zoned IN1 - General Industrial Use.		
5. Controls		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P1 To minimise site disturbance and preserve the existing landscape elements which make a positive contribution to the character of the area through appropriate site design	**A1.1** Existing trees and landscape elements which make a positive contribution to the character of the area should be retained and integrated into the redevelopment of the land. Proposals to remove exiting trees and landscape elements must propose suitable landscaping to retain streetscape character.	Due to the natural of the site, it is not possible to retain the existing trees. The supporting landscape propose suitable landscaping for the streetscape character.
P2 To undertake landscaping that is designed to meet user requirements taking into account maintenance, exercise opportunities, shade provision and aesthetic quality.	**A2.1** For development other than a new dwelling house, alterations and additions to a dwelling house or a dual occupancy, landscaping must be in accordance with an approved landscape plan for the site, prepared by a qualified landscape architect or designer. The plans should meet the performance criteria and show: • The street reserve, carriageway, parking bays, footpaths, cycleway systems, street lighting and driveways; • Existing vegetation and proposed general character of tree planting and landscape treatment (including proposed species); • Existing trees and significant vegetation on the site and identify those to be retained and those proposed to be removed; • General arrangement of hard landscaping elements and major earth cuts, fills and mounding; • Indicative treatment of any floodway and drainage lines; and • General information on fencing, access points furniture, pavement materials and on-going maintenance requirements.	The supporting landscape plan has been provided by a qualified landscape architect and considered and incorporate relevant acceptable solutions.
P3 To enhance the appearance and to integrate the development into the streetscape through the	**A3.1** A landscape plan must be submitted with the development	The supporting landscape plan illustrating the landscape principles in the acceptable solutions that are most suited to this site.

provision of substantial landscaping to the street frontage	application illustrating the following landscape principles: • The location, height and species of all existing and proposed vegetation; • Methods employed to minimise soil erosion; and • Cross section through entire site indicating major level changes, existing retained and proposed landscaping that demonstrates the proposed finished landscape (hard and soft).	
P4 To use landscape design that specifies the location and species of trees, shrubs and ground cover in a way that: • Uses vegetation types and landscaping styles that blend the development in with the streetscape; • Complements the functions of the street and reinforce desired traffic speed and behaviour; • Is an appropriate scale relative to both the street reserve width and the building bulk • Considers personal safety (safety by design) by ensuring good visibility and lighting at dwelling entries, along paths and driveways and avoids shrubby landscaping near thoroughfares; • Contributes to energy efficiency and amenity by providing substantial shade in summer especially to west facing windows and open car park areas and admitting winter sunlight to outdoor and indoor living areas; • Improves privacy and minimises overlooking between dwellings; • Minimises risk of damage to proposed buildings, overhead and underground power lines and other services; and	**A4.1** No recommended acceptable solution. Each situation requires an individual approach	The supporting landscape plan demonstrates the application of design appropriate for the site and subsequent future development.

• Minimises the risk of damage due to bushfire if the land is within a bushfire prone area as mapped by Council.		
P5.1 Where paving is provided to driveways, walkways and in the vicinity of garbage bin enclosures, letterboxes and clotheslines such paving should be: • In materials and colours which complement the development; • In nonslip finishes and suitable for use by people with disabilities. **P5.2** To minimise maintenance requirements where appropriate and practical, taking into account the ownership and proposed management of the landscaped area, particularly in bushfire prone areas	**A5.1** No recommended acceptable solution. Each situation requires an individual approach.	Not applicable as no paving is suggested at the subdivision plan stage and this will be considered in future DAs for future use of each proposed lot.

Chapter G7: Waste minimisation and management controls

4 Objectives
The objectives are to:
i. Reduce the amount of waste generated and the demand for landfill disposal.
ii. Maximise recovery, reuse and recycling of building/construction materials, household generated waste and industrial/commercial waste.
iii. Assist in achieving Federal and State Government recovery targets and directive outcomes.
iv. Provide guidelines on the preparation of waste minimisation and management plans, matters for assessment, and the reduction and handling of waste.
v. Minimise the overall environmental impacts and foster the principles of ecologically sustainable development.
vi. Achieve source separation and improve design and location standards, which complement waste collection and management services, offered by Council and/or private service providers.
vii. Encourage building designs and construction techniques which will maximise future resource recovery.
viii. Encourage the use of materials made from recycled products and materials that can be recycled and reused.
ix. Provide on-going management for waste handling and recovery on site (at the source).

Comment:
In general, and where applicable, the proposal meets the above objectives. A waste minimisation management plan does not support this proposal as no demolishing of structures or buildings are proposed.

Subsequent DA consent will require removal and re-orientation of existing fence lines and it is proposed that where possible all material will be re-used onsite and any fence posts not able to be reused will be used for onsite fires (i.e. heating). If wire fencing materials cannot be re-used it will be transported to the Berry Waste Depot for recycling.

5 Controls

Section Performance Criteria	Acceptable Solution	Comments
P1 To ensure that development appropriately accounts for waste generation in a way that meets the objectives of this Chapter.	**A.1.1** A waste minimisation and management plan is submitted with the development application in accordance with Council's	To the proposal anticipates to re-use all waste onsite and no waste minimisation and management plan is provided. As mentioned above, if wire fencing materials cannot be re-

	Waste Minimisation and Management Guidelines 2009.	used it will be transported to the Berry Waste Depot for recycling and the quantities are unable to be estimated at this time.

Chapter 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 development.
iii. Provide a comprehensive design approach for residential, rural, industrial and commercial subdivision.
iv. Provide for the ecologically sustainable subdivision of land.

Comment:
Where applicable, the proposal meets the above objectives which are applied to rural and industrial subdivision with the intention of ensuring ecologically sustainable subdivision of land.

Comments related to relevant sections of this chapter are detailed below.

5.14 Geotechnical
The specific objective is to:
i. Ensure efficient and economical subdivision design that will have minimal geotechnical impact on adjoining properties and provide safe building conditions for development.

Section Performance Criteria	Acceptable Solution	Comments
P91 Subdivision is prevented in high risk slip areas.	**A91.1** Subdivision designs exclude locating lots in areas with slope stability problems; or provide suitable advice from a practising certified geotechnical engineer.	Not applicable as subdivision does not involve land identified to has high risk slip areas.
P92 Subdivision is designed to provide for controlled filling and for the free flow of surface water.	**A92.1** Subdivisions are NATA Laboratory tested and subdivision design creates: • all lots above flood level; • minimum surface grade of 1% falling to the road or drainage system • approved fill material placed in 150mm consolidated layers; • minimum density 95% Standard Proctor Compaction Test AS1289; • Where depth of fill exceeds 300mm, an 88B Restriction is imposed on the requiring foundation design in accordance with AS2870 1986.	Where minor filling is proposed, development approval can be conditioned to require meeting relevant acceptable solutions.

5.16 Rural Subdivision - General
The specific objectives are to:
i. Provide an alternative living environment to that of urban and village settlements.
ii. Ensure that development maintains the rural character and lifestyle of the area by complementing and enhancing the existing landscape and settlement pattern.

iii. Ensure that development of the land will not lead to a decline in ground and surface water quality and does not lead to significant risk to life and property from natural hazards such as bushfire, flooding and land slip.
iv. Minimise the cost to the community by ensuring that development does not create unreasonable or uneconomic demands for the provision of services.
v. Provide rural living areas that have minimal impact on the rural environment and agricultural operations.
vi. Ensure the ecologically sustainable subdivision of land.

Section Performance Criteria	Acceptable Solution	Comments
P94 The arrangement of future buildings will not have a detrimental effect upon the quality of the rural environment.	**A94.1** Subdivision boundaries and lot layout are determined in response to the following information: • 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; and • Means of access	Proposed subdivision boundaries are primarily aligned with land zone boundaries identified in the SLEP 2014 and create the separation of land zoned part IN1 - General Industrial Use and part RU1 - Primary Production. No buildings on the RU1 land are proposed.
P95 Conserve ecological diversity and promote ecologically sustainable development.	**A95.1** Prevent extinction and promote recovery of threatened species populations and ecological communities. **A95.2** Protect critical habitat of endangered threatened species, populations and ecological communities; **A95.3** Eliminate or manage processes that threaten the survival or evolutionary development of threatened species, populations and ecological communities; **A95.4** Ensure proper assessment of the impact or potential impact of any action affecting threatened species, populations and ecological communities; **A95.5** Encourage the conservation of threatened species, populations and ecological communities by adoptions of measures involving cooperative management.	As identified in the supporting *Preliminary Environmental & Constraints Report,* the site supports highly modified grassland dominated by exotic pasture species and weeds. Trees planted along existing internal paddock boundaries include exotic and native species. The report does not identify any significant fauna habitats within the subject site and habitat values are considered to be low. These findings are related to the site having been used for many years to support grazing pastures for dairy cattle, etc.

5.17 Rural Road Network
The specific objectives are to:
i. Provide acceptable levels of access, safety and convenience for all users of the rural road network.
ii. Maintain road access in accordance with accepted levels of service.

Section Performance Criteria	Acceptable Solution	Comments
P96 Provide coincidental legal and practical access	**A96.1** Access is provided by: • New roads to be dedicated and constructed;	Not applicable as the proposal does not significantly change legal and practical access to the rural zoned land via Wharf

	• Presently formed public roads to be constructed; • Presently formed crown roads to be dedicated and constructed; • Presently formed public roads wholly within the road reserve constructed and maintained by Council; • Right-of-way over adjoining private property or within the proposed subdivision and providing access to no more than four allotments, existing or proposed in the subdivision. • Rural roads are to comply with Table 12 in Section 6.3.	Road. The access gate to the rural land is proposed to be moved appropriately 70m south of its current location.
P97 Existing road reserves are sufficiently wide to accommodate design speed.	**A97.1** Existing roads are widened to provide for a design speed of 80 km/h. **A97.2** A lower design speed may be negotiated for areas considered by Council to be environmentally sensitive.	Not applicable as existing roads (Wharf Road) provides for speeds of both 50km/h and 80 km/h (i.e. site is adjacent to two different speed zones).
P98 Safe and appropriate driveway access is provided to rural and rural residential lots.	**A98.1** Re-erect fences on new front boundary alignment. **A98.2** Provide indented rural access in accordance with Council's Engineering Design Specifications D1.2. **A98.3** Ensure that each lot has coincidental practical and legal vehicular access.	As mentioned above, the access gate to the rural land is proposed to be moved appropriately 70m south of its current location. This change is shown on the supporting preliminary engineering plans and DA consent can also be conditioned to meet these acceptable solutions.
5.18 Drainage *The specific objective is to:* *i. Minimise the risk of traffic accidents related to flooded roads in accordance with the accepted level of risk.*		
5.19 Natural Environment *The specific objectives are to:* *i. Minimise the impact of subdivision on the natural environment.* *ii. Enhance development by screening and providing colour, texture and spatial definition.* *iii. Provide linkages between natural and developed areas.*		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P99 Lot locations are to provide house sites that consider: • views and visual impact; • landscape potential and building suitability; and • Wind and fire protection.	**A99.1** Designation of building envelopes and landscaping where deemed necessary by Council. **A99.2** The use of Section 88B restrictions to define appropriate building materials, colours and regulate height of buildings in sensitive locations.	Not applicable as no house sites are proposed. Assessment of building colours on the land zoned part IN1 - General Industrial Use can be determined in subsequent DA assessments.

P100 The subdivision considers active dune systems and other unstable areas.	**A100.1** No further subdivision on active dune systems or other unstable areas will be permitted.	Not applicable as the proposal/site is not affected by dune systems.
5.20 Rural Services *The specific objective is to:* *i. Provide public utilities to each allotment in an efficient and cost effective manner.*		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P101 Design and provide utility services that are cost effective over their life cycle and incorporate provisions to minimise adverse environmental impact in the short and long term.	**A101.1** The design and provision of utility services conforms to the requirements of the relevant service provider and Council's Engineering Design Specifications Chapter D1.	Not applicable as no services on the part rural land are anticipated to increase or change as a result of this proposed subdivision.
5.21 Industrial Subdivision *The specific objectives are to provide for a:* *i. Site layout that meets the requirements for an efficient industrial operation for access, services and works and services undertaken onsite.* *ii. Wide range of general industrial development within Shoalhaven for the creation of employment.*		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P102 Lots have the appropriate area and dimensions for the siting of buildings, vehicle manoeuvring and on-site parking.	**A102.1** Provide a range of lot sizes with the following minimum: • frontage 25m; • ideal ratio to depth 2:1 to 3:1; • Area >950m^2. **A101.2** Battle-axe lots are not favoured unless the access strip is at least 8m wide and constructed to a width of 6m.	**Variation requested** The proposal provides a range of lot sizes to encourage a variety of industrial uses and small business needs to suit the surrounding local community needs (i.e. as permissible in the zone). Therefore, a variation to this acceptable solution is requested for frontage less than 25m as the ideal ratio to depth and area requirements are met. A variation statement follows. The proposal provides one (1) battle-axe lot which is more than 8m wide and has possible construction width of 6m.
P103 Lots are dimensioned to take into account, where possible, existing vegetation or groups of trees which can be incorporated into the landscape design.	**A103.1** Building setbacks provide for landscaping and adequate on-site parking. **A103.2** Building lines for Flinders Industrial Estate are 15 metres in Flinders Road, 10 metres for other roads.	Refer to landscape plan as it is not possible to retain existing vegetation. The proposal allows for building lines 10 metres from the access road.
P104 Plan the street system with a definite hierarchy that is capable of conveying heavy transport traffic. See Table..Street Classification – Industrial.	**A104.1** Street design is to enable the movement of all vehicles including B-doubles (Cul-de-sacs are highly undesirable). **A104.2** Road pavements must be designed for heavy traffic loading requirements in accordance with and Council's Engineering Design Specification, Chapter D2. **A104.3** On any road, all vehicles can complete their turning	**Variation requested** Street design enables movement of most vehicles however B-doubles have been assessed as not able to access the site from the surrounding road network. Therefore, a variation to this acceptable solution is requested. The Cul-de-sacs is designed to have a 13m turning area and therefore meets the movement requirement for vehicles that can access this location, including 19m long

	manoeuvres without crossing the road centre line.	semitrailer trucks. A variation statement follows. Road pavements can be conditioned to meet design for heavy traffic loading requirements in accordance with and Council's Engineering Design Specification, Chapter D2. Supporting engineering plans demonstrated that all vehicles can complete their turning manoeuvres without crossing the road centre line.
P105 Under normal operating conditions, major and minor stormwater drainage systems have the capacity to safely convey stormwater flows resulting from the relevant design storm.	**A105.1** The design and construction of the minor storm drainage system is capable of accommodating the 5% AEP flow and meet the requirements of Council's Engineering Design Specifications and Other Considerations.	A supporting Integrated Water Cycle Management Study demonstrates design and construction of the minor storm drainage system is capable of accommodating anticipated stormwater conditions.
P106 Design and provision of utility services including water, sewerage, electricity, street lighting and communication services, are cost effective over their life cycle and incorporate provision to minimise adverse environmental impact in the short and long term.	**A106.1** The design and provision of utility services conforms to the requirements of the relevant service provider and Council's Engineering Design Specification.	DA consent can incorporate future design and provision of utility services to conform with requirements of the relevant service provider and Council's Engineering Design Specification that have not been addressed in the proposal.
P107 Adequate provision must be made on-site for parking, manoeuvring, loading and unloading of vehicles.	**A107.1** On-site parking is to be in accordance with Chapter G21: Car Parking and Traffic. **A107.2** One on-site truck parking space for each vehicle present at any one time, excluding vehicles in loading docks. Under no circumstances are trucks to be parked on contiguous public streets. **A107.3** For internal roads that do not allow parking, minimum carriageway widths of 6.5m for two-way operation and 4.5m for one way operations are recommended	All proposed lots are greater than the suggested minimum lot size of 950m2 and therefore provide adequate additional area for future onsite parking. The proposed lots have adequate space for onsite truck parking spaces which will need to be determined in future DAs that consider specific site use. Internal roads allow parking, minimum carriageway widths of 6.5m for two-way operation and is 10m across from curb invert to curb invert.

Variation Statement – Lot sizes

A variation is sought with regards to ***A102.1 -*** *lot sizes and the minimum frontage of 25m*.

a) *The control being varied*;
P102 - *Lots have the appropriate area and dimensions for the siting of buildings, vehicle manoeuvring and on-site parking*

b) *The extent of the proposed variation and the unique circumstances as to why the variation is being sought;*
The road frontage of proposed lots in the subdivision vary from 10m to 80m and therefore 3 out of the 14 industrial lots are below the 25m minimum. The proposed variation provides range of lot sizes to encourage a variety of industrial uses and small business needs to suited the surrounding local community needs of Berry. Large scaled industrial development would strategically be better placed in Bomaderry/Nowra which is approximately 15km south west of the site.

c) *Demonstrate how the relevant objectives and performance criteria are being met with the proposed variations; and*;
The above objectives and performance criteria related to efficient industrial operation and wide range of general industrial development within Shoalhaven for the creation of employment are not compromised by this requested variation. The proposed subdivision plan builds on the surrounding industrial development and in the context of Berry provides for a wide range of related development for the creation of employment and is not compromised by this requested variation.

d) *Demonstrate that the development will not have any additional adverse impacts as a result of the variation.*
Assessment of this proposed subdivision has not identified any additional adverse impacts as a result of the variation or impacts on the adjacent development.

***Variation Statement* - B-doubles movements**

A variation is sought with regards to ***A104.1*** *Street design is to enable the movement of all vehicles including B-d*oubles.

a) *The control being varied*;
P104 Plan the street system with a definite hierarchy that is capable of conveying heavy transport traffic.

b) *The extent of the proposed variation and the unique circumstances as to why the variation is being sought;*
This variation is being sought as the surrounding street design is facilitate movement most vehicles however B-doubles have been assessed as not being able to access the site from the surrounding road network. Therefore, a variation to this acceptable solution is requested. The Cul-de-sacs is designed to have a 13m turning area radius and therefore meets the movement requirement for vehicles that can access this location including 19m long semitrailers.

c) *Demonstrate how the relevant objectives and performance criteria are being met with the proposed variations; and*;
The above objectives and performance criteria related to efficient industrial operation and wide range of general industrial development within Shoalhaven for the creation of employment are not compromised by this requested variation. The proposed subdivision plan builds on the surrounding industrial development and in the context of Berry provides for a wide range of related development for the creation of employment and is not compromised by this requested variation.

d) *Demonstrate that the development will not have any additional adverse impacts as a result of the variation.*
Assessment of this proposed subdivision has not identified any additional adverse impacts as a result of the variation or impacts on the adjacent development.

Chapter G20: Industrial Development

4 Objectives
The objectives are to:
i. Foster economic growth and employment generation through the promotion of industrial land that is well serviced or able to be well serviced.
ii. Encourage innovative, well-designed, quality industrial development.
iii. Protect the amenity and privacy of adjoining premises and occupiers.

iv. Recognise the risk of natural hazard and ensure that development is designed and located to minimise this risk.
v. Ensure there is adequate vehicular access and on-site manoeuvring for the scale of the proposed development.

Comment:
The proposal is consistent with the above objectives and is not significantly impacted by natural hazards. As indicated below, in the context of the location, adequate vehicular access and on-site manoeuvring is provided.

5 Controls

5.1 Site Suitability

Section Performance Criteria	Acceptable Solution	Comments
P1 The development is compatible with the character of the site.	**A1.1** Cut and fill on the site does not exceed 1.0m. **A1.2** A site plan and site analysis plan is submitted with the development application.	**Variation requested** The proposal requires fill on one relatively small section of the site to 1.5m which exceeds the 1.0m requirement. A variation statement follows. The proposal provides a site plan and site analysis plan.
P2 The site has sufficient area and dimensions to accommodate all areas necessary for the proposed industrial development.	**A2.1** A site plan showing location and dimensions of buildings, parking area, service vehicle areas, storage and landscaping is submitted with the development application.	Not applicable as the proposal is for subdivision only and no buildings are proposed.
P3 Adjoining sites are not be negatively impacted by the proposed development and drainage works.	**A3.1** Adequate drainage is designed and provided to ensure stormwater is discharged to an approved discharge point, easement or road drainage system. **A3.2** A drainage plan is submitted with the development application.	An Integrated Water Cycle Management Study supports the proposal and provides details of drainage design stormwater discharge. A drainage plan forms part of the Integrated Water Cycle Management Study.

Variation Statement – Cut and fill

A variation is sought with regards to **A1.1** Cut and fill on the site does not exceed 1.0m.

a) *The control being varied*;
P1 The development is compatible with the character of the site.

b) The extent of the proposed variation and the unique circumstances as to why the variation is being sought;
This variation is being sought to achieve drainage and flood free land use on proposed lots 5,6 & 7. As shown in the supporting plans, these lots will need fill up to 1.5m above the current site level. Without this fill requirement, the proposed lots are unable to facilitate industrial development. A supporting flood assessment report supports this filling of the site.

c) *Demonstrate how the relevant objectives and performance criteria are being met with the proposed variations; and*;
The above objectives and performance criteria related to industrial land that is well serviced, protect the amenity and privacy of adjoining premises and to ensure that development is designed and located to minimise this risk. The proposed subdivision plan builds on the surrounding industrial development is not compromised by this requested variation.

d) Demonstrate that the development will not have any additional adverse impacts as a result of the variation.
Assessment of this proposed subdivision has not identified any additional adverse impacts as a result of the variation or impacts on the adjacent development.

5.2 Building Setbacks		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P4 The building setbacks are consistent with adjoining development and enable: the efficient use of the site; • vehicle manoeuvring areas where vehicles can enter and exit the site in a forward direction; • visible staff and visitor parking; • an attractive streetscape character; • the location of utility services, storage and drainage paths; and • Unimpeded development of adjacent sites.	**A4.1** A minimum front setback of 10m is provided. **A4.2** A minimum secondary setback of 5m is provided. **A4.3** The side and rear setbacks satisfy: • The fire safety construction requirements of the Building Code of Australia for the proposed building, and • Site development requirements for drainage, landscaping, vehicle access and manoeuvring.	Not applicable as the proposal is for subdivision only and no buildings are proposed.
Additional Area Specific Controls		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P5-P7	Not applicable.	Not applicable as Berry is not identified as a site specific location.
5.3 Building and Site Design		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P8 The building has a height and bulk consistent with the streetscape. .	**A8.1** The building complies with the height limits in the Shoalhaven LEP 2014. **A8.2** If Shoalhaven LEP 2014 does not specify a height limit, the building does not exceed 11m above the natural ground level	Not applicable as the proposal is for subdivision only and no buildings are proposed.
P9 Visual elements are introduced to reduce the bulk, height and scale of the building.	**A9.1** The elevation closest to the road includes additional design relief or a lower scale building form.	Not applicable as the proposal is for subdivision only and no buildings are proposed.
P10 The front of the building addresses the road frontage.	**A10.1** The main entry to the building is easily identifiable from the street and directly accessible through the front of the building. **A10.2** Street numbering that is at least 300mm high and easily visible for pedestrians and motorists in identifying the premises is provided. **A10.3** Showroom display areas and other low scale building elements are located at the front of the building and face the road frontage.	Not applicable as the proposal is for subdivision only and no buildings are proposed.
P11 The design incorporates the use of materials appropriate to the emerging character of the locality,	**A11.1** The building surfaces, texture, colours or material arrangement are sympathetic to	Not applicable as the proposal is for subdivision only and no buildings are proposed.

with innovation being encouraged. .	the emerging character of the area. **A11.2** Building materials provide interest and variation to complement the streetscape. **A11.3** Building design does not include large unbroken expanses of wall or building mass	
P12 The development recognises and implements energy and water conservation principles. .	**A12.1** The industrial development is designed to reduce reliance on energy consumption and water usage	Not applicable as the proposal is for subdivision only and no buildings are proposed.
P13 The roof/wall design and materials avoid glare hazard to traffic users in the adjacent road system.	**A13.1** Roof and wall materials (especially uncoloured or light-coloured metal cladding) do not cause excessive glare to traffic using the adjacent roads.	Not applicable as the proposal is for subdivision only and no buildings are proposed.
P14 Car parking is located to avoid conflict and promote safety.	**A14.1** Visitor and customer car parking is separated from delivery and operational vehicle movements.	Not applicable as the proposal is for subdivision only and no buildings are proposed.
5.4 Provisions for Fences and Screen Walls		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P15 The development provides fences and walls which: • are attractive and blend with landscaping on the premises; • consider location, height, materials and colours to provide compatibility with and compliment or enhance the streetscape; • Do not impede the sight lines of vehicles using the driveway. • provide effective screening of external storage areas or incompatible uses on the site, and • Assist in highlighting entrances and paths.	**A15.1** Fencing forward of the front building line is of an open form and a maximum of 2.4m in height above the natural ground level. **A15.2** Fence materials do not conceal the area between the road frontage and the building. **A15.3** Fences do not obstruct sight distances for traffic, the entry and exit of vehicles or pedestrian safety. **A15.4** Gates that are on or close to the road frontage do not open in the direction of the footpath and must be fixed open within the site. **A15.5** Where a site has direct frontage to the Princes Highway or other major road, gates are located away from the front boundary to allow the largest vehicle to normally use the premises to park onsite while the gate is opened. **A15.6** Solid fences or screen walls are located along the side and rear site boundary (and around external storage areas)	Not applicable as the proposal is for subdivisi only and no buildings are proposed.

	as long as they are behind the front building line. **A15.7** Fence materials do not cause excessive glare to traffic using the adjacent roads. **A15.8** The location of fencing does not interfere with utilities, services, operational requirements or other sites.	
5.5 Landscaping		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P16 Landscaping softens the building/site when viewed from public roads and provides a landscaping buffer where an industrial area is adjacent to residential areas	**A16.1** Landscaping is provided between the front boundary and the building line. **A16.2** Defined landscaping beds are a minimum of 1m in width not including kerbs or borders. **A16.3** Deep soil plantings, low maintenance planting and low water use species are provided where appropriate. **A16.4** Landscaping does not interfere with the sight lines required for pedestrian and vehicles both internal and external to the site.	Not applicable as the proposal is for subdivision only and no buildings are proposed.

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.
ii. Discourage the use of streets for parking vehicles associated with traffic generated by new development.
iii. Ensure that car parking areas are functional and operate efficiently.
iv. Ensure that car parking areas visually attractive.
v. Ensure that car parking facilities are safe and meet the needs of users.
vi. 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.
vii. To encourage developments, that through their operations, contribute to the vitality and liveability within CBD areas.
viii.Address the principles of ecologically sustainable development.
ix. To ensure the traffic and road safety implications of development are adequately assessed in accordance with current guidelines and standards.
x. To ensure that measures are put in place to offset any adverse traffic and road safety impacts of development.

Comment:

Where applicable, the proposal is consistent with the above objectives and a supporting Traffic Impact Statement provides additional information.

As the exact use of each proposed lot has not yet been determined, specific site requirements will need to be assessed in future DAs that consider specific site use.

5 Controls

5.1 Car Parking Schedule – Refer chapter G21- 5.1- for applicable requirement related to DA
5.2 Traffic- relates to traffic studies

5.3 Parking Layout and Dimensions		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P2 To provide safe and efficient circulation, manoeuvring and parking of vehicles.	**A2.1** Car parking spaces are provided on-site and are readily accessible from the road frontage of the development. **A2.2** Applications are to state whether the proposed parking layout has been designed in accordance with Chapter G21: Car Parking and Traffic or AS2890. Where AS2890 is proposed, adequate justification is required. **A2.3** Parking spaces must be clearly marked with line marking and signage (if restrictions are required to regulate, or improve safety and/or efficiency) and must be installed in accordance with relevant standards. Where signs and lines are required on a public road or road related area to make safe and efficient the development, approval of the Shoalhaven Traffic Committee must first be obtained.	Safe and efficient circulation, manoeuvring and parking of vehicles is demonstrated in the supporting Traffic Impact Statement As the exact use of each proposed lot has not yet been determined, specific site requirements will need to be assessed in future DAs that consider specific site use.
P3 To minimise potential for pedestrian conflict. .	**A3.1** Entrance to parking areas must not be accessed through buildings or carports	Not applicable and to be assessed in future DAs that consider specific site use.
P4 To ensure that a vehicle can enter and leave the parking space in no more than two manoeuvres.	**A4.1** Parking spaces located adjacent to an obstruction shall be of a larger dimension as indicated in Figure 2. **A4.2** Dead-end parking aisles longer than 15m are not permitted, unless used in situations of low vehicle turnover, such as employee parking and are to be sign posted accordingly. **A4.3** The minimum car space and aisle dimensions are shown in Figure 2. Where an applicant submits a proposal for off street parking based on AS2890 and can submit supporting justification, the proposal can be assessed against that standard in lieu of the provisions of this Chapter. **A4.4** Stack parking of vehicles in not supported by Council unless part of a mixed use, commercial,	Not applicable and to be assessed in future DAs that consider specific site use.

	managed residential development or a mix of these uses with a management plan in place. (see also note re stack parking in chapter G21)	
5.4 Access		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P5.1 To ensure that driveways relate to: i) Type of land use ii) Frontage road type iii) Size of parking facility iv) Type of vehicle likely to enter the development **P5.2** To ensure that traffic safety is preserved both on-site and within the local road network.	**A5.1** Development must be designed so that vehicles enter and leave the premises in a forward direction. **A5.2** Where more than one access point is proposed to a site, the first driveway reached by traffic must be the entrance. **A5.3** Each site must minimise the number of ingress and egress points to any street frontage. **A5.4** 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. **A5.5** Driveways must be located a minimum of six (6) metres from the corner of a building located on corner lots. See Figure 3. **A5.6** 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. **A5.7** A building splay will be required where a driveway adjoins. **A5.8** Turning paths for vehicles will be based upon the largest vehicles likely to utilise the premises. **A5.9** Driveways must be a minimum of 1m from the side boundary. **A5.10** Where car parking exceeds 50 spaces separate provision must be made for ingress and egress. **A5.11** Treatments such as threshold treatment or the	Safe and efficient circulation, manoeuvring and parking of vehicles is demonstrated in the supporting Traffic Impact Statement. As the exact use of each proposed lot has not yet been determined, specific site requirements will need to be assessed in future DAs that consider specific site use.

	provision of speed humps should be provided where a driveway crosses a footpath to ensure the safety of pedestrians. **A5.12** Prohibited driveway locations and driveway orientation are indicated in Figure 3. **A5.13** Ramps must not extend across the footpath. **A5.14** When new principal arterial roads are provided, there shall be no direct access for new allotments. **A5.15** Where direct access from allotments to arterial roads currently exist, shared access will be required when feasible.	
5.5 Manoeuvrability		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P6 To ensure adequate space is provided for the manoeuvring of vehicles, particularly rigid and articulated heavy vehicles.	**A6.1** The following minimum turning paths are achieved: **Industrial development** • Less than 500m^2 GFA -Turning circle required to accommodate small rigid truck. • Greater than 500m^2 GFA - Large Rigid Truck. - 19.0m semi-trailer.	Safe and efficient circulation, manoeuvring and parking of vehicles is demonstrated in the supporting Traffic Impact Statement. As the exact use of each proposed lot has not yet been determined, specific site requirements will need to be assessed in future DAs that consider specific site use.
5.6 Service Areas		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P7 To provide suitable areas for safe and efficient loading/unloading of goods. .	**A7.1** Service areas should operate independently of other parking areas	Not applicable as the exact use of each proposed lot has not yet been determined, specific site requirements will need to be assessed in future DAs that consider specific site use.
P8 To ensure all servicing occurs on-site.	**A8.1** All vehicles must enter and leave the site in a forward direction. **A8.2** Internal roadways must be adequate in construction and design for the largest vehicle anticipated to utilise the site. **A8.3** Service docks are designed to cater for the largest vehicle anticipated to use the premises. **A8.4** Service areas are designed to avoid the need for service vehicles to reverse across the pedestrian desire lines.	Not applicable as the exact use of each proposed lot has not yet been determined, specific site requirements will need to be assessed in future DAs that consider specific onsite use.
5.7 Landscape and Design		
Section Performance Criteria	**Acceptable Solution**	**Comments**

P9.1 To lessen the visual impact of car park areas. **P9.2** Provide shade areas for cars and pedestrians. **P9.3** Ensure that the landscaping is an integral part of the car park design.	**A9.1** The application must include detailed landscape plans indicating dimensions, levels and drainage, existing vegetation as well as location, type and character of proposed plantings.	Not applicable as the exact use of each proposed lot has not yet been determined, specific site requirements will need to be assessed in future DAs that consider specific onsite use.
P10 To ensure that landscaping does not interfere with the proper functioning of car park areas.	**A10.1** Perimeter planting to screen the proposed car park is to be defined in your landscape plan. The minimum width of perimeter planting is 3m and 1m for driveways. **A10.2** Internal plantings of car parking areas are to be of a nature to shade cars and soften the impact of hard paved surfaces without obscuring visibility. **A10.3** Consideration should also be given to the types of trees planted within car parks. Plants which have a short life, tend to drop branches, gum or fruit or plants which interfere with underground pipes are not suitable for car parks. **A10.4** Car parks should be located to complement existing streetscape qualities. Consideration should be given to the streetscape qualities of the locality and the possibility of locating a car park to the rear of a site, or the provision of suitable landscaping to minimise any visual intrusion. **A10.5** Consideration should be given to incorporating stormwater control measures in the design of landscaped areas, to control and reduce the level of stormwater which enters Council's stormwater drainage systems.	Not applicable as the exact use of each proposed lot has not yet been determined, specific site requirements will need to be assessed in future DAs that consider specific onsite use.
P11 To ensure tree plantings and associated structures are not in locations that may be prejudicial to road safety.	**A11.1** Planting is to be designed appropriately so as not to impact upon minimum sight distance requirements (at access points, intersections, and around curves), clearance requirements (horizontal and vertical), and clear zone requirements.	Refer to supporting landscape plan that identifies proposed tree planting in the road reserve.
5.8 Drivers with a Disability		

Section Performance Criteria	Acceptable Solution	Comments
P12 To ensure adequate provision of car parking is available for disabled drivers	**A12.1** Where buildings and car parks are required to be accessible, the development will comply with Part D3 of the Building Code of Australia **A12.2** Where access for the disabled is expected, a minimum of one (1) space for the disabled is required and thereafter one additional space per 100 spaces or part thereof. **A12.3** For *Class 6 and 9b buildings: Up to 1000 car parking spaces =1 space for every 50 car parking spaces or part thereof. For each additional 100 car parking spaces or part thereof in excess of 1000 car parking spaces = 1 space. **A12.4** Spaces should have a minimum dimension of 3.6m width and length of 5.5m (see Figure 9). **A12.5** Spaces should be located close to the entry of the building to minimise travel distances and maximise accessibility. Spaces should be located on ground level. **A12.6** Car parking spaces for disabled people must comply with AS2890.6. **A12.7** Parking spaces for the disabled are identified through the use of signs, logos and colouring. **A12.8** Where total car parking spaces do not exceed five, disabled car parking spaces do not need to be restricted to only allow the space to be used by disabled drivers.	Not applicable as the exact use of each proposed lot has not yet been determined, specific site requirements will need to be assessed in future DAs that consider specific onsite use.
5.9 Construction Requirements		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P13 To ensure the construction of internal driveways, roads, car parks and service areas are of a suitable standard according to land use type.	**A13.5** ***Industrial:*** **a**. Heavy duty concrete, or **b**. Industrial hotmix AC10 with minimum pavement thickness of 200mm subject to pavement	Not applicable as the exact use of each proposed lot has not yet been determined, specific site requirements will need to be assessed in future DAs that consider specific onsite use.

	testing for a design load of 6 x 104 ESA. **c**. All with associated stormwater drainage designed in accordance with the relevant Australian Standards.	
P14 To ensure the construction of driveways are of a suitable standard in road reserves or classified main road	**A14.1** ***Ground level car parks***: **a.** Compliance with requirements of the Roads and Maritime Services. **b.** Driveways must be relatively level within 6m of the site boundary or any pedestrian way - maximum grade of 1 in 20. **c.** Car parking bays must be suitably line marked and pavement arrows must be provided to clearly indicate direction of circulation. **d.** Wheel stops should be provided to protect areas from vehicle encroachment, particularly walls, landscaping and pedestrian areas. **A14.2** To ensure that ground level car parks are constructed to an acceptable standard, the following steps must be taken – **a.** Site investigation and soils testing of sub-grade to ascertain minimum cover requirements as detailed in the development consent. **b**. Submission of proposed pavement material grading tests to be carried out by an approved soil laboratory and results to be approved by Council prior to construction. **c**. Compact approved pavement material to depth **d.** Approved in layers not exceeding 150mm compacted, 225mm loose. **e.** Field density tests of pavement area to ensure adequate compaction to RTA standard, ie. 100% standard proctor. **f.** Visual inspection of finished surface by Council's Development Engineer prior to bitumen sealing.	Refer to preliminary engineering plans that demonstrate construction of driveways are of a suitable standard in the road reserve.

5.10 Design of Driveways		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P15 To ensure that driveways are designed to reflect the nature of development that they serve	**A15.1** Driveway design is consistent with: a. Table 2 (Driveways Types Based on Parking Spaces); and b. Table 3 (Recommended Driveway Dimensions). **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. Applications may be considered for multiple driveways only where sufficient justification can be provided to support the application to Council's satisfaction.	Refer to preliminary engineering plans that demonstrate construction of driveways are of a suitable standard in road reserves or classified main road and relevant to meeting subdivision approval.
5.11 Miscellaneous		
Section Performance Criteria	**Acceptable Solution**	**Comments**
P16 To ensure efficient operation and safety of parking areas through appropriate signage.	**A16.1** Vehicle entry and exit points to the site should be clearly marked with pavement arrows and signage. **A16.2** The location and availability of parking and loading facilities should be clearly indicated by the use of signs. **A16.3** Desired traffic movement should be indicated through the use of arrows painted on the pavement, preferably in a highly visible colour such as white or yellow.	Not applicable as the exact use of each proposed lot has not yet been determined, specific site requirements will need to be assessed in future DAs that consider specific onsite use.
P17 To ensure effective and safe use of speed humps within car parking areas. .	**A17.1** Speed humps in car parks should comply with AS2890.1 - 1993	Not applicable as the exact use of each proposed lot has not yet been determined, specific site requirements will need to be assessed in future DAs that consider specific onsite use.
P18 To ensure the safety of persons using, and security of vehicles parked within car park areas through provision of lighting where appropriate.	**A18.1** Lighting must be incorporated into your car park areas where required. Lighting may be wall mounted, free standing poles or bollard lights. In some instances, all three forms of lighting may be incorporated to provide effective illumination and should comply with AS1158.1 – 1997.	Not applicable as the exact use of each proposed lot has not yet been determined, specific site requirements will need to be assessed in future DAs that consider specific onsite use.
P19 To encourage the use of bicycles.	**A19.1** New developments, particularly educational establishments, recreational	Safe and efficient circulation, manoeuvring and parking of vehicles is

	facilities, shops and civic buildings should provide appropriate bicycle parking/storage facilities in accordance with current AUSTROADS Guidelines and or Australian Standards. **A19.2** The design and installation of bicycle parking facilities should also comply with AS2890.3 Parking Facilities - Part 3: Bicycle Parking Facilities (1993). **A19.3** Larger developments should provide showers and associated amenities to encourage and cater for bicycle use.	demonstrated in the supporting Traffic Impact Statement. As the exact use of each proposed lot has not yet been determined, specific site requirements will need to be assessed in future DAs that consider specific site use.
P20 To cater for pedestrian access and accessibility	**A20.1** Ensure pedestrians and cyclists can safely access the development and that passing pedestrians and cyclists safety is not compromised by the development. **A20.2** Ensure the development considers Council's Pedestrian Access and Mobility Plan (PAMP) and Bike Plan Strategies including provision of logical and practical extensions of the existing and proposed PAMP pathway network to provide safe and efficient connections between the development and the surrounding community.	Safe and efficient circulation, manoeuvring and parking of vehicles is demonstrated in the supporting Traffic Impact Statement. As the exact use of each proposed lot has not yet been determined, specific site requirements will need to be assessed in future DAs that consider specific site use.

5.12- 5.22
Comment:
These points have not been deemed relevant to respond to as they primarily related to specific site uses which will need to be assessed in future DAs that consider specific site use. Additional information can be provided if Council believes additional information is needed to address the following related subheadings:
5.12 Contributions
5.13 On-Site Car Parking for Patrons/ Clients
5.14 Loss of On-Street Car Parking – Major Developments/ Redevelopments
5.15 Parking Credits
5.16 Shared or Co-Use of On-Site Car Parking Facilities
5.17 Nowra CBD – Development Incentive
5.18 Rounding off Car Parking
5.19 Works in Kind
5.20 Conservation Incentives
5.21 Motor Cycle Parking
5.22 Nose in Parking

Other Matters for Consideration

Amenity

The proposed subdivision is compatible with existing surrounding development / land use, that is permissible on land zoned IN1 - General Industrial Use and RU1 - Primary Production. The proposed subdivision will not exacerbate any existing amenity, character or rural landscape issues.

Services

Electricity, water, sewer and telephone services are located in close proximity to the site (i.e. within Old Creamery Lane). However, it is noted that upgrades and extension of existing infrastructure will be needed to service the proposed subdivision.

Heritage

The site is adjacent to heritage items and a supporting document Heritage Impact Statement concludes that the proposed development will have negligible impact on the fabric or significance of the listed places within the vicinity of the site.

Natural Hazards

SLEP 2014 identifies the site to being partly flood prone land, and a supporting flood assessment supports the proposed development. Acid sulfate soils are mapped on the site and subdivision works is not proposed more than 2 metres below the natural ground surface to minimise any associated impacts.
The site is not identified as being bushfire prone land.

Technological Hazards

The subject land is not known to be or have been contaminated or subject to other technological hazards which would otherwise render it incapable for subdivision.

SDCP 2014 Variations

SDCP 2014 variations are sought, and justification provided above, as part of this proposal in relation to:

Chapter G11 Subdivision

A102.1 - lot sizes and the minimum frontage of 25m.
A variation is sought with regards to *A104.1 Street design is to enable the movement of all vehicles including B-do*ubles.

Conclusion

The proposed development is to subdivide Lot 2 DP 546670 into 15 lots of which 14 lots will provide general industrial use and the residue lot (i.e. land zoned RU1) will continue providing for primary production associated with Lot 2 DP 953729. The proposal complies with the provisions of the SLEP 2014 and is largely consistent with adopted codes and policies.

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 and we respectfully request that it be supported by Council.

Allen, Price & Scarratts
February 2018