

THE TURNBULL GROUP PTY LIMITED

**DRAFT
ENVIRONMENTAL ASSESSMENT**

**Proposed Mixed Use Development
Over Car Parking**

**68-70 SOUTH STREET AND
116-118 ST VINCENT STREET
ULLADULLA**



TOWN PLANNERS

draft environmental assessment

DEMOLITION OF EXISTING STRUCTURES AND
ERECTION OF A MIXED USE DEVELOPMENT OVER CAR
PARK

68-70 SOUTH STREET AND 116-118 ST VINCENT STREET,
ULLADULLA

prepared in association with

MARCHESE + PARTNERS ARCHITECTS
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1.0 INTRODUCTION

This draft statement has been prepared in order to provide information and a planning assessment in relation to a development application, which proposes the demolition of all existing structures and erection of a mixed use development containing commercial/retail, tourist and high density residential. The development proposes a total of two home offices for commercial or retail uses, 8 serviced apartments for tourist accommodation and 86 apartments for permanent residential accommodation over basement parking.

In preparation of this submission, consideration has been given to the following planning documents:

State Environmental Planning Policy (Major Projects) 2005 (SEPP MP)

The proposed development is State significant development under the provisions of the above planning policy and the Minister for Infrastructure and Planning is the consent authority.

State Environmental Planning Policy No. 71 (SEPP 71)

As the development site is located in the coastal zone, the provisions of SEPP 71 apply.

State Environmental Planning Policy No. 65 (SEPP 65)

The provisions of SEPP 65 apply to the erection of a residential flat building on the site.

State Environmental Planning Policy No. 55 (SEPP 55)

The site has previously been used for commercial/retail purposes and as such is not likely to have any on-site contamination.

Illawarra Regional Environmental Plan No. 1 (IREP)

This planning instrument contains provisions in respect of recreation and tourism as well as high rise buildings.

Shoalhaven Local Environmental Plan 1985 (SLEP 1985)

Pursuant to SLEP, the local planning instrument applying to the site, the site is zoned Business 'G' (Development Area) 3(g) and the erection of a mixed-use development is permissible with the consent of Council.

Development Control Plan No. 56 – Ulladulla Town Centre Strategy (DCP 56)

The site is located within the Ulladulla CDB. The provisions of this DCP apply to the proposed development.

Development Control Plan No. 18 Car Parking Guidelines and Development Control Plan 71 Medium Density Housing

DCP 18 and DCP 71 are the applicable instruments in respect of determining the appropriate number of car parking spaces.

The architectural plans that have been assessed in this application are those prepared by Marchese and Partners Architects.

In the preparation of this development application, pre-lodgement meetings are to be held with the Department of Infrastructure, Planning and Natural Resources and Shoalhaven Council.

In our opinion the proposal is environmentally acceptable and consistent with the objectives of the relevant planning instruments. The proposal succeeds when assessed against the Heads of Consideration pursuant to Section 79C the Environmental Planning and Assessment Act, 1979 as amended. As a consequence of the above considerations, it is my opinion that the application should be granted development consent subject to appropriate conditions.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The Site

The site, the subject of this development application comprises five separate but contiguous parcels of land. The site is located on the southern side of South Street to the west of the intersection of South Street and St Vincent Street. The site extends to part of the eastern side of St Vincent Street to the south of the intersection of South Street and St Vincent Street. The site is in close proximity to the Princes Highway and the Ulladulla town centre. (See Location Plan at Annexure 1). A list of the allotments and their relevant street address is provided in Table 1 below.

Property	Lot	DP	Area
68 South Street	4	19751	1012m ²
70 South Street	1	513718	1005m ²
	5	130607	2434m ²
116-118 St Vincent Street	1	21597	1404m ²
	2	21597	1404m ²

All of the allotments are rectangular. Lots 1 and 4 forms the northern portion of the site. These lots have a total frontage to South Street of 48.005 metres. The lengths of the eastern and western side boundaries are 44.196 and 40.24 metres respectively. Each of these lots contain a single storey dwelling. This part of the site slopes upwards from South Street to the rear, with a rise of approximately 6 metres. No significant vegetation is located on this part of the site.

A right of carriageway from South Street over part of lot 4 exists to access lot 5. This lot has a width of 40.54 metres and a depth of 60.165 metres. This lot contains a single storey dwelling house and a large shed. The site contains no significant vegetation

The southern portion of the site consists of lots 1 and 2 in DP21597. This part of the site has a frontage to St Vincent Street of 33.528 metres. The lengths of the northern and southern side boundaries are 83.02 metres and the rear eastern boundary is 33.528 metres. The site contains an industrial building used by Babington Pty Limited, Engineering and

Welding and contains scattered heavy steel sections and beams etc. No significant vegetation is located on the site. The site is relatively flat. There are no prominent visual or landscape features on this part of the site.

Photographs of the site are contained in Annexure 4.

The total area of the site is approximately 7259m².

2.2 The Locality

The site is located within the Ulladulla town centre. The uses in the immediate locality consist of commercial, retail, bulky goods, residential and tourist uses.

Adjoining the site to the east, is 72 South Street and 133-137 Princes Highway. Currently a motel complex exists on 72 South Street. Development consent has recently been granted for the erection of a mixed-use development containing tourist accommodation and high density residential development on this site. The development on 133-137 Princes Highway consists of a retail and commercial complex. The Department of Infrastructure, Planning and Natural Resources are currently assessing a development application for a mixed-use development containing retail, tourist and high density residential on this property.

Low density residential dwellings are located to the west of the site in South Street and St Vincent Street.

To the south of the site is an area used for commercial purposes consisting of uses such as bedding, carpet, toys, a small department store, mechanical repair centres and a hire premise.

3.0 DEVELOPMENT PROPOSAL

It is proposed to demolish all existing structures upon the site and erect a mixed-use development. The mixed use development will consist of 2 home office apartments suitable for either commercial or retail spaces, 8 serviced apartments for tourist accommodation and 86 residential apartments (13 x studio, 14 x 1 bedroom, 52 x 2 bedroom and 7 x 3 bedroom apartments) with parking for 138 vehicles in the basement level. The development is to be erected as 8 separate buildings within a landscaped setting. The development is described in detail following:

Basement: Vehicular access to the basement car park is to be provided from South Street and St Vincent Street. A total of 138 car parking spaces are proposed within this basement. The basement has been setback from the side boundaries to provide areas for deep soil planting. The layout of the basement has been designed to provide car parking beneath each building as well as accommodating the garbage storage

areas and storage areas for the majority of residential apartments.

- Building F:** Building F is located on the South Street frontage closest to the eastern boundary. This building is 2 storeys and will contain a total of 4 apartments. All of these apartments will contain 3 bedrooms. The apartments are orientated north/south and have a balcony or courtyard on the northern and southern elevation. The building will be serviced by a lift.
- Building G:** Building G is located on the South Street frontage closest to the western boundary. The building is 2 storeys and will contain 1 x 2-bedroom apartment on each level. The building has a north/south orientation. The ground floor apartment has access to a courtyard on the northern and southern elevations and the first floor apartment has access to a private balcony on the northern and southern elevation.
- Building H:** Building H is located immediately behind building F. The building is 3 storeys and will contain a total of 6 apartments comprising 3 x 2 bedroom and 3 x 3 bedroom apartments. The apartments on the first and second floor have access to a private balcony while the ground floor apartments have access to a courtyard. The building is orientated in a north/south direction. A lift will service the building.
- Building J:** Building J is located immediately behind building G and will be 3 storeys in height. The building will contain a total of 6 x 2 bedroom apartments. The apartments on the first and second floor have access to a private balcony while the ground floor apartments have access to a courtyard. The building is orientated in a north/south direction. A lift will service the building.
- Building K:** Building K is located in the middle of the site. This building has an east/west orientation and be 4 storeys in height. The building will contain a total of 16 apartments comprising 2 x studio, 4 x 1 bedroom and 10 x 2 bedroom apartments. The studio apartment located on the ground floor is proposed as the caretakers apartment for the tourist accommodation. The other 7 ground floor apartments will be used for tourist accommodation. All dwellings have access to a private balcony or courtyard located on the eastern elevation of the building. The building will be serviced by a lift.
- Building L** Building L is located in the middle of the site. This building has a north/south orientation and will be 4 storeys in height. The building will contain a total of 20 apartments comprising 4 x studio, 4 x 1 bedroom and 12 x 2 bedroom apartments. All dwellings have access to a north facing private balcony or courtyard. The building will be serviced by a lift.

Building M Building M is located in the south of the site and has a north/south orientation. This building is attached to building N by a staircase. The building is 4 storeys in height and will contain a total of 40 apartments comprising 8 x studio, 8 x 1 bedroom and 24 x 2 bedroom apartments. All dwellings have access to a north facing private balcony or courtyard. The building will be serviced by a lift.

Building N Building N is located on the St Vincent Street frontage. This building is 2 storeys and will contain a total of 2 home office apartments. The home office apartment provides a work place for either a commercial or retail use and forms part of the dwelling. These apartments will contain a total of 2 bedrooms. The apartments are orientated with a westerly street frontage. Both apartments have a balcony on the western elevation of the building.

The following table provides a summary of the floor space mix within the proposed development.

**TABLE 1
FLOOR SPACE MIX**

Building	Home Office	Studio	1 Bedroom	2 Bedroom	3 Bedroom
F					4
G				2	
H				3	3
J				6	
K		2	4	10	
L		4	4	12	
M		8	8	24	
N	2				
Total	2	14	16	57	7

The home office apartments have been designed to provide a work place, which forms part of the dwelling. The work place is located on the ground floor while the residential apartment is located on the first floor. An internal staircase connects the two levels. These home office apartments will provide for flexibility in terms of the types of commercial or retail uses possible. They will contribute to the mixed uses within this precinct without impacting upon the residential amenity or generating significant traffic or parking implications. The home offices have been designed with larger windows and a more robust facade treatment including their own individual entrance to the street. This provides them with a clearer presentation to the street.

The performance criteria for the home offices is as follows:

- The home offices will not conduct businesses which involves the registration of the building under the *Factories, Shops and Industries Act 1962*;
- The home offices will not have a significant traffic or parking implications on the neighbourhood;
- The work activity within the home offices will not interfere with the amenity of the neighbourhood by reason of emission of noise, vibration, fumes, dust, waste products or otherwise;
- The home offices will not display any goods in a window or otherwise; and
- The only notice, advertisements or signs exhibited on the building will be those that indicate the name and occupation of the resident.

Pedestrian access to the residential and tourist component of the development is via either South Street or St Vincent Street and the common landscaped area surrounding the buildings. Pedestrian access can also be obtained directly to each building via the basement car park.

The development has proposed a 2.73 metre setback to South Street. This setback is consistent with the front setback of the recently approved development at 72 South Street. The home office apartments will be setback 6 metres from St Vincent Street. Reasonable side setbacks that maintain the amenity of the adjoining properties have been proposed for all side and rear boundaries. The buildings within the development have been separated to ensure that visual and acoustic privacy is maintained and the development reflects the appropriate massing and scale.

The proposed development will provide a minimum of 50% of the site as landscaped area. Extensive landscaping is proposed in accordance with the plan prepared by 360 Degrees Architects Pty Ltd.

The buildings will be constructed primarily of painted masonry and exposed brickwork. The doors and windows are to be powder-coated aluminium framed. All balconies have timber decking. The buildings at the front and middle of the site have timber louver screening for additional shade and privacy. The roofing will be of timber framed with metal roof cladding.

4.0 STATUTORY PLANNING FRAMEWORK

The provisions of Section 79C of the Environmental Planning and Assessment Act, 1979 (as amended) determine the matters for consideration in assessing a development application as stated below:

- (a) *the provisions of:*
- (i) *any environmental planning instrument, and*
 - (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - (iii) *any development control plan, and*
 - (iv) *any matters prescribed by the regulations,*
- that apply to the land to which the development application relates,*

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

Therefore the relevant instruments for consideration in assessment of the application are as follows:

1. State Environmental Planning Policy (Major Projects) 2005
2. State Environmental Planning Policy No 71
3. State Environmental Planning Policy No 65
4. State Environmental Planning Policy No 55
5. Illawarra Regional Environmental Plan No 1
6. Shoalhaven Local Environmental Plan 1985
7. Development Control Plan No 56 – Ulladulla Town Centre Strategy
8. Development Control Plan No 18 – Car Parking Guidelines
9. Development Control Plan No 71 – Medium Density Housing.

The relevant matters identified above are addressed following in the Assessment, however submissions cannot be assessed at this time and there are no prescribed matters relevant to this application.

5.0 STATE ENVIRONMENTAL PLANNING POLICY (MAJOR PROJECTS) 2005

The proposed development has been identified in Clause 1(g)(ii) of Schedule 2 in SEPP MP. In such a context certain parts of the buildings K, L and M have a height greater than 13 metres. For the purposes of this clause, height of a building or structure means the greatest height measured from any point on the building or structure to the natural ground level (being the ground level of the site as if the land comprising the site were undeveloped) immediately below that point.

Clause 2(a) of Schedule 2 in SEPP MP provides that if a development requires the concurrence of the Minister or Director General, the provisions of Clause 1(g)(ii) (referred to above) do not apply and on such a basis the Council would be the consent authority.

In this case, under Clause 139 of IREP No 1, concurrence is required for a proposal where the development is more than 11 metres in height measured to ceiling of the top most floor. This development does not exceed 11 metres in height as defined in IREP No 1.

The outcome is that Clause 1(g)(ii) of Schedule 2 in SEPP MP applies and Clause 2(a) of Schedule 2 in SEPP MP provides no relief in this case.

Under SEPP MP, the development is a project to which Part 3A of the Act applies. Pursuant to Section 75D(1) of the Environmental Planning and

Assessment Act, 1979 the Minister for Infrastructure and Planning is the consent authority in respect of the development application.

6.0 STATE ENVIRONMENTAL PLANNING POLICY NO. 71 - COASTAL PROTECTION

State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71) aims to ensure that development in the NSW coastal zone is appropriate and suitably located, that there is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone.

6.1 Matters for Consideration

Clause 7 of SEPP 71 requires the consent authority to take into consideration the matters set out in Clause 8 when it determines a development application. These matters are as follows:

- (a) *The aims of this Policy set out in clause 2 – As demonstrated throughout this report, the proposed development satisfies the aims of SEPP 71.*
- (b) *Existing public access to and along the coastal foreshore for pedestrian or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved – The site of the proposed development is located within the Ulladulla town centre approximately 150 metres from the coastal foreshore. The development will not affect the existing public access along the coastal foreshore. The existing footpath at the front of the site will be either retained or reconstructed. This will ensure public access for pedestrians or persons with a disability will be maintained.*
- (c) *Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability – As the site does not have a foreshore location, it does not present any opportunities to provide new public access along the coastal foreshore for pedestrians or persons with a disability.*
- (d) *The suitability of development given its type, location and design and its relationship with the surrounding area – SLEP 1985 has zoned the site as Business G (Development Area) and Business B (Transitional). The proposed development is consistent with the zoning and the desired future character of the area. The design is contemporary providing an attractive streetscape and minimal impacts to the adjoining properties. This matter has been further addressed under the section of this report referring to SEPP 65. In our opinion, the site is suitable for the form of development proposed.*
- (e) *Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore – The development will not result in overshadowing of the coastal foreshore*

or any significant loss of views from a public place to the coastal foreshore. The design of the proposed development is consistent with all of the objectives of the environmental planning instruments that affect the site. In our opinion the proposed development will not result in any detrimental impact to the coastal foreshore.

- (f) *The scenic qualities of the New South Wales coast, and means to protect and improve these qualities* – The proposed development has been designed to carefully step with the topography of the site while providing a modest scale to South Street and St Vincent Street. In our opinion the design is attractive and contemporary and will not detract from the scenic qualities of the NSW coast.
- (g) *Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats* – The site has previously been developed for commercial and residential uses. The redevelopment of the site will not affect any animals or plants (within the meaning of the Threatened Species Conservation Act 1995) or their habitats.
- (h) *Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats* – As the site is located within the Ulladulla Town Centre, the proposed development will not affect any fish, marine vegetation or their habitat.
- (i) *Existing wildlife corridors and the impact of development on these corridors* – The subject site is not located within an existing wildlife corridor.
- (j) *The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards* – The subject site is located approximately 150 metres from the coast. Coastal processes and coastal hazards are unlikely to have a significant impact on the development. The development will not have any impact on the coastal processes and coastal hazards.
- (k) *Measures to reduce the potential for conflict between land-based and water-based coastal activities* – As the proposed development is located approximately 150 metres from coast, there will be minimal potential for conflict between land-based and water-based coastal activities.
- (l) *Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals* – The proposed development will not adversely impact on the cultural places, values, customs, beliefs or traditional knowledge of Aboriginals.
- (m) *Likely impacts of development on the water quality of coastal waterbodies* – During the construction of the proposed development, appropriate sediment erosion control devices will be utilised. This will ensure that the development will not impact on the water quality of coastal

waterbodies during construction. The proposed development will not discharge untreated stormwater into a coastal waterbody.

- (n) *The conservation and preservation of items of heritage, archaeological or historic significance* – The site has not been identified within any environmental planning instrument as being an item of heritage, archaeological or historic significance.
- (o) *Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities* – This is not applicable to the development as the site is already located the Ulladulla Town Centre. The development of the site for a mixed-use development is consistent with SLEP 1985 and DCP 56.
- (p) *Only in cases in which a development application in relation to proposed development is determined:*
- i) *The cumulative impacts of the proposed development on the environment, and*
 - ii) *Measures to ensure that water and energy usage by the proposed development is efficient.* –
- The proposed development will not result in cumulative impacts that would adversely affect the environment. The development is consistent with the desired future character of the locality. The design of the development provides for sustainable development, utilising passive solar design principles, thermal massing and achieves a good level of cross ventilation.

6.2 Development Control

Part 4 of SEPP 71 applies to all development on land to which the policy applies. This part requires the consent authority to consider the flexible zone provisions, public access, effluent disposal and stormwater. In our opinion, the proposed development satisfies all of the criteria in respect to these issues as demonstrated below:

6.2.1 Flexible Zone Provisions

Clause 13 of SEPP 71 specifies that flexible zone provisions that may be contained with an environmental planning instrument have no effect. The proposed development is a permitted use with the 3(g) zone of the Shoalhaven Local Environmental Plan, 1985 and does not rely on flexible zone provisions.

6.2.2 Public Access

The proposed site is located within the Ulladulla town centre and will not result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.

6.2.3 Effluent Disposal

Effluent from the proposed development will be disposed of by means of a reticulated system. A recycling greywater system will also be installed to enable recycled water to be used for irrigation purposes on site.

6.2.4 Stormwater

Stormwater from the proposed development will be in accordance with the stormwater plans prepared by Paul Bekker Engineering Design Pty Ltd. The proposed development will not discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.

A rainwater tank adjacent to the OSD tank below the basement will be provided. This will collect rainwater to minimise run-off so that it may be used for irrigation purposes.

7.0 STATE ENVIRONMENTAL PLANNING POLICY NO 65 - DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development aims to improve the design quality of residential flat developments to provide sustainable housing in social and environmental terms that is a long-term asset to the community and presents a better built form within the streetscape. It also aims to better provide for a range of residents, provide safety, amenity and satisfy ecologically sustainable development principles.

In order to satisfy these aims the plan sets design principles in relation to context, scale, built form, density, resources, energy and water efficiency, landscaping, amenity, safety and security, social dimensions and aesthetics. In our opinion, the proposed development satisfies the design principles of the plan as detailed below. Furthermore, the proposed development is consistent with the provisions and aims of the Residential Flat Design Code.

7.1 Context

The design responds to and contributes to its context, with the design carefully stepping with the topography of the site and providing a modest scale to both South Street and St Vincent Street. This has ensured that the proposed buildings will not visually dominate the ridgetop. The buildings in the immediate vicinity of the site are older style development. As such, the proposed development has not sought to respond to the architectural context of these adjoining buildings. The development will however respond to the architectural context of the recent development consent on 72 South Street, Ulladulla and the redevelopment proposed at 133-137 Princes Highway, Ulladulla that is currently being assessed by the Department of Infrastructure, Planning and Natural Resources. The design of the development has incorporated seven separate blocks on the site with each block being adequately separated to ensure satisfactory

amenity for the future occupants and the adjoining properties. Articulation has been provided to each block through the use of balconies and indented setbacks for the access to the buildings. In our opinion, the design is attractive and contemporary and is consistent with the desired future character of the area.

7.2 Scale

The design provides for an appropriately scaled development, which is compliant with the desired future context of the locality. The design has minimised the bulk of the proposed development by the use of facade fenestration, stepping of the building and landscape setbacks. The scale of the development will also ensure adequate amenity for building occupants in terms of sun access and natural ventilation.

7.3 Built Form

The proposal provides a modern built form, which does not detract from its setting and is compatible with the recent development consent granted for a tourist and residential development at 72 South Street as well as the development proposed for 133-137 Princes Highway, Ulladulla.

The development has provided appropriate setbacks and streetscape character to South Street as well as St Vincent Street. The development has been setback 2.73 metres to South Street. This setback is consistent with the future redevelopment of 72 South Street as well as reflecting the 13 metre wide verge. The development has been setback 6 metres to St Vincent Street. The setback as proposed is consistent with the likely future character of the locality as well as being consistent with the residential part of the streetscape. The side and rear setbacks will ensure the amenity of neighbouring sites will be maintained as well as providing deep soil zones.

The facades of the building are well articulated.

7.4 Density

The proposal provides for an appropriate density for the site, utilising the existing infrastructure of the area and maximising the benefits of providing a higher density of permanent and tourist accommodation within close proximity to the harbour and the town centre. In our opinion, the density is consistent with the stated desired future density for the locality.

7.5 Resources, Energy and Water Efficiency

The design of the proposal provides for sustainable development, utilising passive solar design principles, thermal massing and achieves a good level of cross ventilation.

7.6 Landscaping

The proposal provides for a suitable level of landscaping. Private and communal areas of open space areas will add to the amenity of the residents and adjoining properties. The landscape design has ensured accessible routes through the space and between buildings as well as providing appropriate shade from trees. The design of the basement carpark has ensured that deep soil zones are provided along the side boundaries of the site.

7.7 Amenity

All of the proposed dwellings will benefit from a high level of amenity, good levels of solar access to living areas and balconies, a good level of ventilation, excellent privacy and with pleasant views and outlooks from all apartments. All of the residential apartments are either north or east facing. The layouts of the dwellings have separated noise sensitive rooms (such as bedrooms) from adjoining noise generating rooms (such as living areas), ensuring an appropriate level of acoustic privacy. The spatial arrangement of the apartments is functional and well organised. To ensure ease of access for all age groups and degrees of mobility, the development has incorporated a lift into the residential flat buildings as well as graded pathways complying with disability standards.

7.8 Safety and Security

The design allows for casual surveillance of the communal property and street and avoids providing areas where safety may become an issue. The development has clearly distinguished the commercial and residential entries to prevent any security issues especially for the residential component. The commercial service requirements such as car parking have been isolated from the residential accesses.

The provision of the home offices will assist in promoting an active and safe neighbourhood. These spaces will be used during other hours than the residential dwellings and will thereby increase casual surveillance of St Vincent Street.

7.9 Social Dimensions

The design provides a choice of housing of differing sizes, designs and bedroom numbers within the building to provide for a range of lifestyle needs.

7.10 Aesthetics

The building will positively contribute to the public domain and streetscape by providing the retail uses onto the street level and avoiding the use of blank walls at the ground level. The development is well designed being modern and using appropriate facade treatments to ensure

an interesting and attractive addition to the streetscape and adjoining properties.

7.11 Verification Statement

Clause 50 of the Environmental Planning and Assessment Regulations 2000 requires a qualified designer to direct the design of a residential flat building for the purpose of SEPP 65. A Verification Statement has been provided under separate cover from Marchese + Partners Architects. The documentation provided from the Architects has also included reference to all requirements pursuant to Clause 50(5) of the Environmental Planning and Assessment Regulation 2000.

8.0 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 REMEDiation OF LAND

The provisions of SEPP 55 require Council to consider, when assessing a development application, the potential for a site to be contaminated. The subject site has a history of commercial and residential uses and as such does not warrant further investigation in relation to the potential for on-site contamination.

9.0 ILLAWARRA REGIONAL ENVIRONMENTAL PLAN NO. 1

Part 14 of Illawarra Regional Environmental Plan No 1 contains provisions relating to recreation and tourism. The objectives relating to recreation and tourism are:

- (a) *To promote a wide range of leisure opportunities;*
- (b) *To conserve and promote the region's natural, historical and cultural features which are the bases of the tourist industry, and*
- (c) *To preserve access to natural resources and public lands which have recreational value*

The proposed development is not inconsistent with the above objectives. The development has been designed in accordance with the applicable controls contained in the relevant planning instruments as well as ensuring a suitable level of amenity to occupants and adjoining properties.

Part 17 of the planning instrument contains provisions relating to high rise development. The applicable objective in respect to high rise development is:

- (b) *To preserve the landscape quality of coastal and foreshore land by encouraging the erection of buildings which are designed in harmony with that landscape*

Height in relation to a building means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point. Pursuant to this definition of height, the proposed development will not exceed a maximum height of 11 metres. The design of the development responds to the topography of the site as well as the desired future context of the locality. The built form will result in minimal impacts to the streetscape, coastal zone or amenity of the adjoining properties. In our opinion the development is consistent with the objective.

10.0 SHOALHAVEN LOCAL ENVIRONMENTAL PLAN 1985

10.1 Permissibility

The subject site is currently zoned Business 'G' (Development Area) 3(g) and Business 'B' (Transitional) 3(b) under the provisions of Shoalhaven Local Environmental Plan 1985.

Clause 9 of the SLEP 1985 identifies that all development, other than development that is identified as prohibited, is permissible with the consent of Council.

The following uses are prohibited in the 3(g):

Abattoirs; bed and breakfast accommodation; bulky goods retailing; cluster housing; dual occupancy development; dwelling houses (except in accordance with, or as ancillary to uses referred to in, the objectives of the zone); intensive animal husbandry; junk yards; liquid fuel depots; mines; sexual services premises; turf farming

The proposed development is not identified as a prohibited use. Accordingly, the proposed development is permissible in the 3(g) zone with the consent of Council.

The following uses are prohibited in the 3(b) zone:

Bed and breakfast accommodation; boarding houses; bulk stores; cluster housing; dual occupancy development; dwelling houses or dwellings (other than those attached to shops or commercial premises); gas holders; generating works; industries referred to in Schedule 5; intensive animal husbandry; junk yards; liquid fuel depots; roadside stalls; sexual services premises; timber yards; transport terminals (other than bus depots or bus stations); turf farming; warehouses.

Dwellings that are attached to shops or commercial premises are not prohibited in the 3(b) zone. The development proposed on 116-118 St Vincent Street consists of one building that contains a commercial or retail element (ie the home offices) as well as a residential component. As the residential component is attached to the commercial element, the proposed development is permissible in the 3(g) zone with the consent of Council.

10.2 Objectives of the Zone

The objectives of the 3(g) zone are contained in the SLEP 1985 as follows:

- The objectives are to provide a strategic development area providing both for a variety of uses and for varying combinations of such uses including higher density residential, commercial and tourist combinations but not including ordinary retail uses that would compete with the local retail centre. The development is subject to*

a development control plan, which will give guidelines for the type and scale of development.

The objective of the 3(b) zone as contained in the SLEP 1985 is as follows:

- *The objectives are to provide for forms of business activities normally located on the fringe of the central business district which require large sites, including bulky goods retailing*

The proposal provides for commercial, higher density residential and tourist accommodation uses on the site. The higher density residential and tourist accommodation has been designed to provide a variety in the sizes of the dwellings as well as ensuring a suitable level of amenity and parking. This combination of uses is consistent with the objectives of the 3(g) zoned land.

The development located on the 3(b) zoned land has proposed a commercial element that is attached to a residential component. These uses are consistent with the permissible uses in the zoning. The home offices will provide for an opportunity for uses to be located on the fringe of the central business district.

It is therefore, our opinion that the proposal is consistent with the objectives of the zone.

10.3 Soil, Water and Effluent Management

Clause 26 of the SLEP requires Council to be satisfied that a development has made adequate arrangements for the provision of a water supply, facilities for the removal of sewage and for the drainage of stormwater and other surface water from the land.

The site is located within the town centre of Ulladulla with access to an existing water supply system.

Effluent from the proposed development will be disposed of by means of a reticulated system.

Stormwater from the proposed development will be in accordance with the stormwater plans prepared by Paul Bekker Engineering Design Pty Ltd. The proposed development will not discharge untreated stormwater into a coastal waterway.

11.0 DEVELOPMENT CONTROL PLAN NO. 56 - ULLADULLA TOWN CENTRE STRATEGY

The provisions of Ulladulla Town Centre Strategy Development Control Plan No 56 apply to the proposed development.

11.1 Objectives

Clause 4 provides the objectives of the plan, which are listed following and are addressed in relation to the proposal:

- *A compact and accessible retail core through –*
 - (i) *The provision of car parking within 150-200 metres walking distance of the retail/business area;*
 - (ii) *The provision of future public transport facilities close to the retail core;*
 - (iii) *Ensure a high level of pedestrian accessibility and open space within the centre; and*
 - (iv) *Discourage major retail developments outside the main retail core.*

The proposed development is located outside of the main retail core. Two home offices are proposed that would provide an opportunity for a commercial or retail use subject to them satisfying certain performance criteria. In our opinion, these uses will not impact on the main retail core of Ulladulla and the development is consistent with this objective.

- *To safeguard areas already identified for tourist accommodation within the business centre by maintaining, where possible, views of the harbour, ocean and distant hills, and allowing retail or commercial uses which are ancillary to such tourist uses.*

The proposal has incorporated tourist accommodation. A total of 8 apartments will be provided for tourist uses. These apartments are located in the middle of the site in building K.

- *Minimise pedestrian vehicular conflict by –*
 - (i) *Ensuring traffic volumes are limited to two through lanes of traffic on any street;*
 - (ii) *Identifying a route for a highway by-pass away from the business centre;*
 - (iii) *Maintain and improve off-street service access to commercial and retail premises.*

The proposed development will provide adequate off-street car parking for the future occupants of the site, which will ensure that conflict between pedestrians and vehicles is minimised.

- *Maintain and promote Ulladulla's role as a second order centre in the hierarchy of business centres in Shoalhaven.*

The proposal will enhance Ulladulla's role as a second order centre in the hierarchy of business centres in the Shoalhaven. The residential component will enliven the town centre providing additional demand for the existing shops and services in the town centre, ensuring their ongoing operation.

- *Maintain a high standard of urban design through –*
 - (i) *The development of linkages between the town and the harbour;*
 - (ii) *Establishing an appropriate scale of development which is in keeping with the surrounding natural features and preserving views of such assets from tourist orientated zones;*
 - (iii) *Controlling overshadowing of public places; and*

(iv) *Improvements to streetscapes, including future guidelines on advertising and footpath café displays etc*

The proposed development has provided appropriately scaled buildings, which are consistent with the desired future character of Ulladulla's town centre as well as improving the streetscape by appropriate bulk and articulation. The development will not result in a material increase of overshadowing to public places. In our opinion the proposed development provides a high standard of urban design.

11.2 Height Restrictions

Building heights are not to exceed 8 metres (2 storeys) as measured from natural surface level. The DCP allows exceptions to this building height in the following areas:

- Building heights within the rear section ie over lots not having frontage to South Street of the tourist orientated zone south of South Street are not to exceed 11 metres above natural surface level; and
- Provision of non-habitable architectural elements in all areas may be permitted to extend above the height restriction.

The DCP measures height from the natural surface level to the ceiling. Non-habitable architectural elements may be permitted to extend above the nominated height.

The map accompanying the DCP identifies those areas where the 11-metre building height restriction is applicable. Buildings K and L are located within this area. These buildings will not exceed 11 metres in height as measured from the natural surface level to the ceiling of the buildings. The roof of these buildings will exceed the 11 metre control. As the roof does not contain habitable floor space and is an architectural element of the building, this is permitted by the control. A maximum number of storeys for development within the 11 metre building height area have not been specified by the DCP.

Buildings F, G, H and J all comply with the 8 metre control. Buildings F and G adjacent to South Street, also comply with the 2 storeys requirement. Building H however, is three storeys. Despite exceeding the number of storeys, the development complies with the maximum height of 8 metres. The bulk and scale of the building is consistent with the desired future character of the locality as well as a building that complied with the 2-storey control. Due to the building that is adjacent to South Street, this building will not be readily visible from South Street or other parts of Ulladulla. In our opinion the development is consistent with the objectives of the height control.

Building M and N is sited on 116-118 St Vincent Street, adjacent to the area identified with an 11 metre height control. Building N will not exceed 8 metres or 2 storeys at the St Vincent Street elevation. Building M at the rear of building N will however exceed the 8 metre control. This part of the building will not exceed a maximum height of 11 metres

measured from the ceiling to natural ground level and will be 4 storeys rather than two storeys as permitted by the control. The objectives of the height restrictions are to maintain:

- (a) An appropriate scale of urban development which is in keeping with the surrounding natural features; and*
- (b) Protect views of such assets from the nominated tourist accommodation areas.*

The overall bulk and scale of this building is consistent with the specified height of development to the north of the site. By maintaining 2 storeys to St Vincent Street, this ensures compatibility with future development to the south of the site and the residential zoned properties to the west of St Vincent Street. As demonstrated further in this Assessment of Environmental Effects, this building will not adversely impact on the amenity of the adjoining properties.

The development will not detract from any surrounding natural features or be visually dominant from surrounding areas. As the site is located to the south the 3(g) zoned land, it will not detract from the views from the tourist accommodation areas. In our opinion, the development complies with the second objectives of the height control.

In our opinion, despite building M not complying with the 8 metre height control, it is still consistent with the objectives of the clause as well as the desired future character of the locality.

11.3 Retail Core

Retailing and personal services are to be located within the area bounded by Green Street, St Vincent Street, South Street, Burrill Street South and the foreshores of Ulladulla Harbour. No major retail facilities are permitted outside of the retail core.

The site is not located within the above retail core. No major retailing activities are proposed as part of the development. Accordingly, the development complies with this requirement.

11.4 Car Parking

The subject site is located in excess of 150 metres from the retail focal point being the intersection of Wason Street and the Princes Highway. For such sites, the DCP requires the provision of on site car parking.

The proposed development has provided car parking on site for 138 cars. The number and the design of the car parking spaces is consistent with the objectives of Development Control Plan No. 18 – Car Parking as well as Development Control Plan No 71 – Medium Density Housing.

11.5 Traffic/Pedestrian Movement

To ensure that traffic movement to, and from and around the business centre is both convenient and safe for both pedestrians and vehicles, the DCP contains numerous measures to be implemented. These measures however, do not affect the proposed development.

11.6 Service Access

All development outside of the retail core is required to provide off-street servicing within the confines of the site that service vehicles enter and leave the site in a forward direction.

The proposed development will not generate the need for service vehicles. This clause is not applicable to the proposed development.

11.7 Utility Services

This section of the DCP specifies requirements for utility services to improve the future streetscape design and visual appearance of the retail core. As the site is not located within the retail core, these provisions are not applicable.

11.8 Ulladulla Harbour Walkway/Town Focal Point

The subject site is not located in proximity of the Harbour Walkway or town focal point.

11.9 Community – Cultural – Tourist and Bus Facilities

The proposed development is not within the area identified to be set aside for future community and cultural facilities.

11.10 Open Space

The DCP aims to increase the amount of open space on the northern foreshores of Millard Creek to reinforce the open space feel around Ulladulla Harbour. In addition rooftops of multi level car parks have been identified as future opportunities for providing open space within the retail heart of the centre.

The proposed development is not inconsistent with these planning policies.

11.11 Streetscaping

The DCP provides guidelines for the built form of the centre to ensure that the streetscape is improved. The DCP requires:

- ❑ Built form should be designed to relate to the natural setting and pick up on the vernacular design style that relates to traditional buildings in the area;

- ❑ Building materials should be masonry of beige, cream or ochre colours, or reflect the typical South Coast weatherboards; and
- ❑ Roofing materials should be colourbond metal with light greens and soft blue tones where buildings are associated with the Harbour, and muted rusted brown, red, blue, green and grey where buildings relate to the retail centre.

The proposed development reflects these requirements. The development will be constructed of masonry, metal roofing and balustrades. The doors and windows are to be of aluminium and louvres would be of timber and glass construction. The roofing will be of metal construction. The finished colours will be consistent with the above requirements.

11.12 Tourist Uses

Part of the site is located within the 3(g) zoned area. This zoning has been established to encourage tourist uses that can take advantage of both the northerly aspect and views to the harbour and hinterland. Buildings within the 3(g) zoned areas on lots not having a frontage to South Street will be permitted to be 11 metres in height or three storeys.

The proposal has incorporated tourist accommodation in building A.

Buildings K and L are located within the area that is permitted to be 11 metres in height. Both of these buildings comply with the 11 metre height control. However, these buildings are 4 storeys rather than the 3 storeys as permitted by the control. Although these buildings exceed the permitted number of storeys, they are consistent with the bulk and scale that has been envisaged by the DCP. Whether the proposed development is 3 or 4 storeys in height, the bulk and scale would be the same in the context that the development complies with the 11-metre height control. The development will not result in a loss of amenity to the adjoining properties due to overshadowing, view loss or overlooking. These buildings will not be viewed as a four-storey building from any of the surrounding streets, the Harbour or other areas within Ulladulla having regard to the interposing structures fronting these streets.

In our opinion, the proposal is consistent with the planning policy applicable for the tourist use zone.

12.0 DEVELOPMENT CONTROL PLAN NO. 18 – CAR PARKING GUIDELINES AND DEVELOPMENT CONTROL PLAN NO. 71 – MEDIUM DENSITY HOUSING

The above development control plans specify the on site car parking requirements for the proposed development.

The serviced tourist accommodation requires the provision of 1 car parking space per accommodation unit comprising 1 or 2 bedrooms, 1.5 car parking spaces per accommodation unit comprising 3 or more bedrooms and 1 car parking space for

the site manager. This would result in the development being required to provide 8 spaces for the tourist accommodation.

The permanent residential apartments require the provision of 1 car parking space per small dwelling, 1.5 spaces per medium dwelling and 2 spaces per large dwelling. This parking rate includes visitor spaces. At least 1 car parking space per apartment is to be provided for the sole benefit of each apartment with the parking in excess of this provided as visitor parking. The development has proposed 27 small and 52 medium and 9 large apartments (these figures have included the two home offices as large apartments) resulting in the need for 123 car parking spaces.

The total car parking required by the two DCPs is 131 spaces. The development is consistent with the control, providing 138 car parking spaces.

13.0 IMPACT OF DEVELOPMENT

13.1 Privacy

The proposed development will achieve an appropriate level of visual privacy for residents as well as adjoining properties.

Direct overlooking of main internal living areas of apartments has been minimised by building layout and location.

The development will retain privacy to the approved development at 72 South Street and the proposed development at 133-137 Princes Highway by building design and adequate building separation.

Residential dwellings adjoin the site to the west at 66 South Street and St Vincent Street. Buildings G, J and K adjoin 66 South Street. No windows are proposed in the western elevation of buildings G and J and suitable privacy screens will be provided along the western elevation of the balconies closest to this dwelling. The northern elevation of building K will be setback a minimum of 2.35 metres and a maximum of 4.5 metres from the rear boundary of 66 South Street. No windows are proposed in the northern elevation of Building K. These measures will ensure an acceptable level of privacy to 68 South Street.

Buildings K and L adjoin the residential dwellings that front St Vincent Street. Both buildings are setback 3.12 metres from the rear boundary. No windows are proposed in the western elevation of Building L. Some overlooking could occur from Building K. In our opinion, this overlooking would not materially affect the amenity of these properties. This is due to the windows all being bedroom windows and the houses being sited close to St Vincent Street, which provides adequate separation.

The other adjoining sites to the south contain commercial uses. The amenity of these properties will not be adversely affected due to

overlooking from the development. Similarly, these adjoining properties will not affect the privacy of the future occupants of the development.

13.2 View Affection

In our opinion the proposal will not result in any significant loss of views to adjoining properties.

From the site, it is possible to enjoy views towards the north and northeast of Ulladulla Harbour, the ocean and the distant hills. The adjoining development to the south of the site consists of commercial uses. These developments have not been designed to take advantage of any views currently available over the subject site. This property is unlikely to be materially affected due to loss of views.

13.3 Overshadowing

The shadow diagrams for winter show that the development will have minimal impact upon the adjacent properties.

The minimum of 3 hours of sun during winter to 100% of the units within the development has been achieved.

13.4 Setbacks

The proposal has incorporated a 2.73 metre setback to South Street and a 6 metre setback to St Vincent Street. Both of these setbacks are consistent with the locality.

The setbacks to the adjoining properties will ensure that adequate amenity is maintained.

14.0 SUITABILITY OF THE SITE

The site is considered to be suitable for the form of development proposed, providing an appropriate design stepping with the slope of the land and a suitable addition to the streetscape. The development proposed will also result in minimal detrimental impacts upon adjoining properties through good design.

15.0 THE PUBLIC INTEREST

The proposal will not result in any detrimental impacts in relation to the public interest.

16.0 CONCLUSION

The proposed mixed use development is an excellent example of design in relation to minimising impacts on the environment and adjoining properties, whilst providing for maximum amenity to future residents. The form and urban design of the development will set a high standard for future redevelopments in

this area and in our opinion is consistent with the desired future character of the locality.

The proposed development complies with all of the numeric requirements except for height and number of storeys. Despite the variations proposed the development is consistent with the objectives of the height requirement, will result in minimal impact to the surrounding developments and are consistent with the desired future character of the locality.

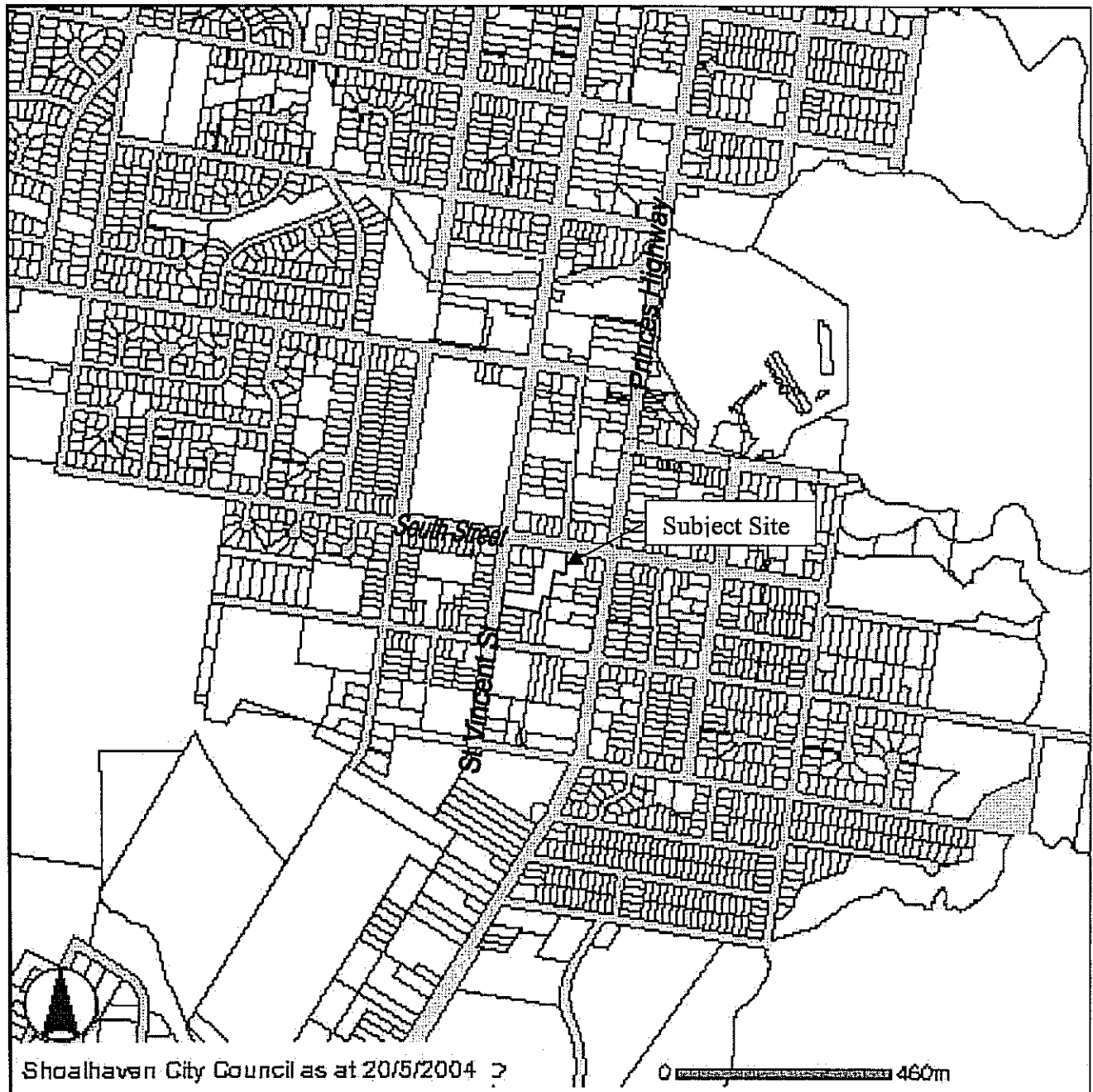
The level of amenity for future residents is assured by the provision of private and useable balconies, by the excellent provision for cross ventilation and the level of privacy permitted by the design. The dwellings will also receive excellent solar access.

The development gives effect to the objects of Clause 5(a)(ii) of the Environmental Planning and Assessment Act, 1979 in promoting and coordinating the orderly and economic use and development of land and the public interest would be best served by the consent authority using its discretionary power to grant consent to the development application, as proposed.

In our view the application should succeed.

ANNEXURE 1

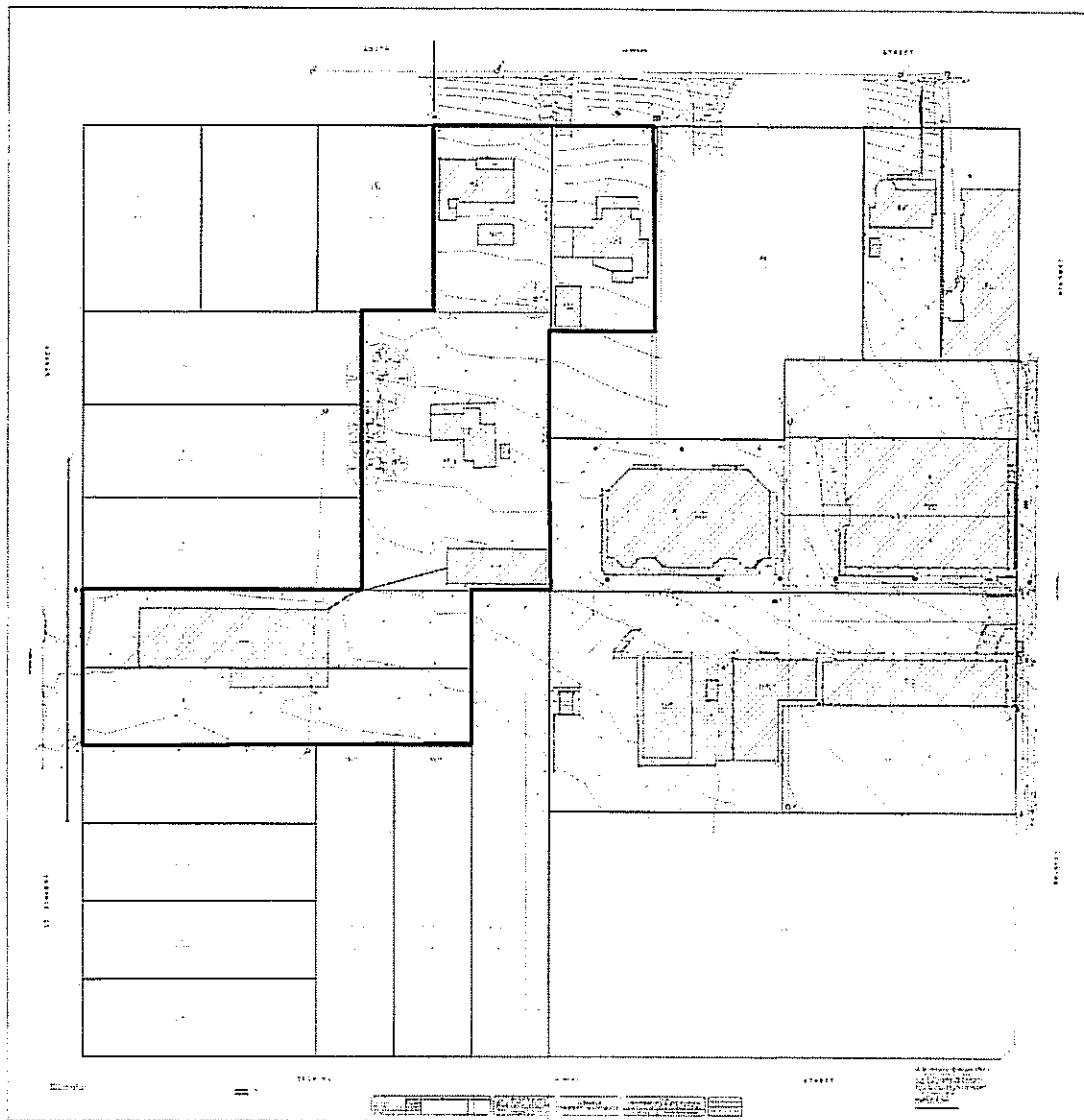
Location Plan



Location Plan

ANNEXURE 2

Subject Site Plan



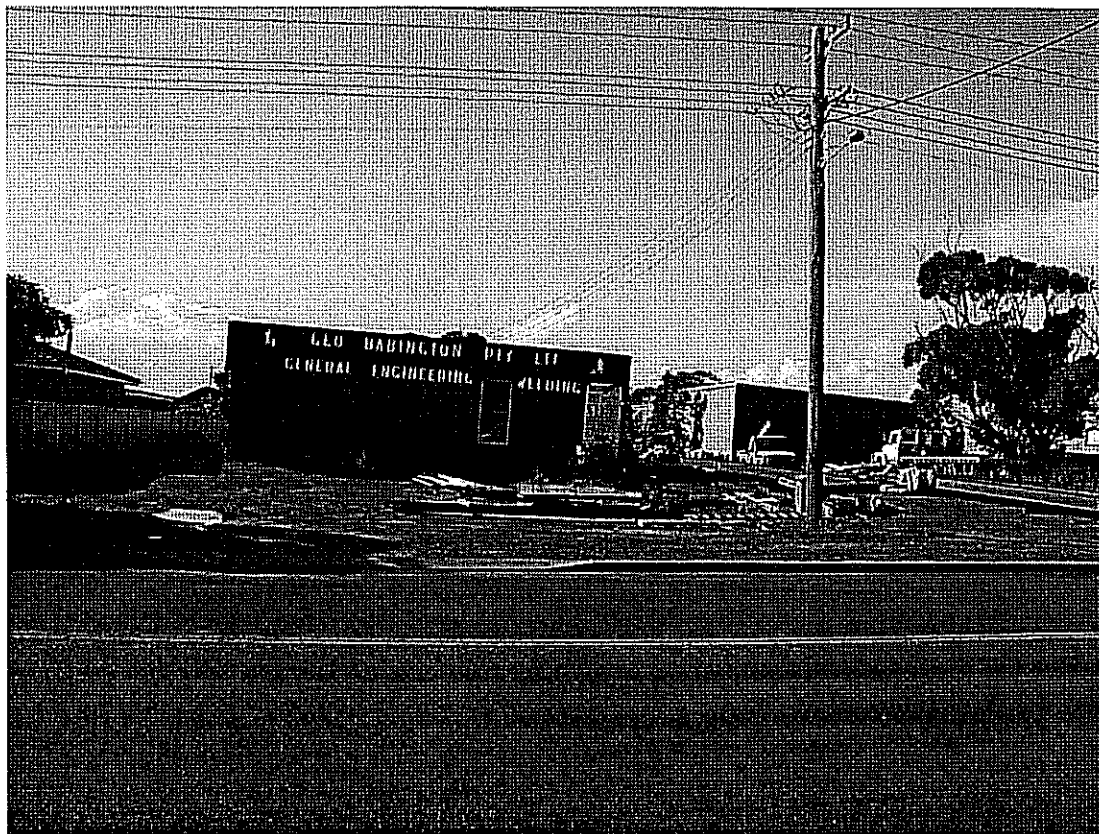
Subject Site

ANNEXURE 3

Photographs of the Site



This photograph illustrates the existing wide verge in South Street. The proposed development will be located closer to South Street than the adjoining dwellings, however this setback is consistent with 72 South Street.



116-118 St Vincent Street. The existing use on this site may benefit from existing use rights. The proposed development is compatible with the zoning of the site and the desired future character of the locality.